

Treaties to Which Spain is a Party Concerning Matters of Public International Law, 2004

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This survey includes the treaties covered by art. 2.1a) of the Vienna Convention on the Law of Treaties, published in the *Boletín Oficial del Estado* (Official Journal of the State). Its purpose is to record the legal effects of these instruments, such as ratification or accession, municipal entry into force, provisional application, reservations or declarations, territorial application, termination and abrogation. In a few instances some relevant articles or references will be reproduced in an unofficial translation.

I. INTERNATIONAL LAW IN GENERAL

II. SOURCES OF INTERNATIONAL LAW

III. RELATIONSHIP BETWEEN INTERNATIONAL AND MUNICIPAL LAW

IV. SUBJECTS OF INTERNATIONAL LAW

V. THE INDIVIDUAL AND INTERNATIONAL LAW

1. Aliens

– Protocol between the Government of Spain and the Government of People's Democratic Republic of Algeria on free movement of persons, done *ad referendum* at Algiers on 31 July 2002.

Entry into force: 18 February 2004 (*BOE* 37, 12.02.04).

Exchange of Notes between the Ministries of Foreign Affairs of the Kingdom of Spain and the Republic of Bosnia-Herzegovina establishing the succession to bilateral treaties concluded between the former Yugoslavian Federative Socialist Republic and the Kingdom of Spain (*BOE* 68, 19.03.04 and 97, 21.04.04).

Note: Both States undertake to readmit their nationals who are in an irregular situation in the territory of the other without any formalities, provided that it is proved or may be validly established that they are nationals of the requested State. All costs incurred shall be borne by the requesting State.

– Agreement between the Kingdom of Spain and the Republic of Poland on the readmission of persons in an irregular situation, done at Warsaw on 21 May 2002.

Entry into force: 23 June 2004 (BOE 176, 22.07.04).

– Guidelines for the work of the bilateral committees provided under Decision 123 of the Governing Council of the United Nations Compensation Commission, done in Geneva on 15 March 2001.

Entry into force: 7 July 2003 (BOE 150, 22.06.04 and 224, 16.09.04).

– Exchange of Notes constituting an Agreement between Spain and Portugal on the establishment of an Arbitration Commission to assess compensation for Spaniards whose assets were seized in the 1974 Revolution, done at Lisbon on 8 and 9 October 2002.

Entry into force: 22 July 2004 (BOE 198, 17.08.04).

VI. ORGANS OF THE STATE

1. Diplomatic Relations

– Agreement between the Kingdom of Spain and the Republic of Ecuador on exemption of visas for diplomatic and official service passport holders, done at Quito on 20 November 2003.

Provisional application: 20 December 2003 (BOE 32, 6.02.04).

– Agreement between the Kingdom of Spain and the Republic of Costa Rica on the free exercise of remunerated employment for dependants of diplomatic, consular, administrative and technical personnel of Diplomatic and Consular Missions, done at Madrid on 7 March 2000.

Entry into force: 23 August 2004 (BOE 225, 17.09.04).

– Agreement between the Kingdom of Spain and the Republic of Bolivia on the free exercise of remunerated employment for dependants of diplomatic, consular, administrative and technical personnel of diplomatic and consular missions, done at Madrid, on 26 June 2002.

Entry into force: 8 November 2004 (BOE 248, 14.10.04).

2. Relations with International Organizations

– Agreement between Spain and the United Nations Organization concerning the meeting of States Parties to the Convention on the Protection and Use of Cross-Border Waterways and International Lakes, to be held on Madrid on 26 to 28 November

2003, done at Geneva on 18 November 2003.

Provisional application: 18 November 2004 (BOE 8, 9.01.04).

– Annexes XV, XVI and XVII to the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations, done at New York on 21 November 1947.

Instrument of acceptance: 27 November 2003 (BOE 35, 10.02.04).

– Exchange of Notes constituting an Agreement between the Kingdom of Spain and the Kingdom of the Netherlands, regulating the privileges and immunities of Europol liaison officers, done at Madrid on 27 January 1999.

Definitive entry into force: 1 August 1999 (BOE 46, 23.02.04).

Note: It was in provisional application as from 11 February 1999 (BOE 49, 26.02.99).

– Convention on the responsibilities to be assumed by the Kingdom of Spain and the United Nations Food and Agricultural Organization in respect of the third meeting of the intergovernmental group on bananas and tropical fruit, done at Rome on 9 February 2004.

Provisional application: 9 February 2004 (BOE 134, 3.06.04).

– Headquarters Agreement between the Kingdom of Spain and the High Council of European Schools, done on 13 August 2002.

Definitive entry into force: 12 January 2004 (BOE 20, 23.01.04).

Note: It was in provisional application as from 13 August 2002 (BOE 251, 19.10.02).

– Site Agreement between the Kingdom of Spain and the Organization of Ibero-American States for Education, Science and Culture (OIEA), done at Madrid on 24 June 2004.

Provisional application: 24 June 2004 (BOE 198, 17.08.04).

VII. TERRITORY

VIII. SEAS, WATERWAYS AND SHIPS

1. Fisheries

– Amendments to the Schedule to the International Convention for the Regulation of Whaling, adopted at the 55 Session of the International Whaling Commission, held at Berlin on 19 June 2003.

Entry into force: 30 September 2003 (BOE 41, 17.02.04).

– Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, done at New York on 4 August 1995.

Instrument of ratification: 24 November 2003.

Entry into force: 18 January 2004 (BOE 175, 21.07.04).

Note: The Spanish ratification contains the following Declaration:

Spain, as a member of the European Community, points out that it has transferred competence to the Community with regard to a number of matters regulated by the Fish Stocks Convention. Spain hereby reaffirms the declarations made by the European Community upon ratifying the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

Interpretative declarations:

1. Spain understands that the terms “geographical particularities”, “specific characteristics of the subregion or region”, “socio-economic, geographical and environmental factors”, “natural characteristics of that sea” or any other similar terms employed in reference to a geographical region do not prejudice the rights and duties of States under international law.
2. Spain understands that no provision of this Agreement may be interpreted in such a way as to conflict with the principle of freedom of the high seas, recognized by international law.
3. Spain understand that the term “States whose nationals fish on the high seas” shall not provide any new grounds for jurisdiction based on the nationality of persons involved in fishing on the high seas rather than on the principle of flag State jurisdiction.
4. The Agreement does not grant any State the right to maintain or apply unilateral measures during the transitional period as referred to in article 21, paragraph 3. Thereafter, if no agreement has been reached, States shall act only in accordance with the provisions provided for in articles 21 and 22 of the Agreement.
5. Regarding the application of article 21, Spain understands that, when a flag State declares that it intends to exercise its authority, in accordance with the provisions of article 19, over a fishing vessel flying its flag, the authorities of the inspecting State shall not purport to exercise any further authority under the provisions of article 21 over such a vessel.
Any dispute related to this issue shall be settled in accordance with the procedures provided for in part VIII of the Agreement. No State may invoke this type of dispute to remain in control of a vessel which does not fly its flag.
In addition, Spain considers that the word “unlawful” in article 21, paragraph 18 of the Agreement should be interpreted in the light of the whole Agreement, particularly, articles 4 and 35 thereof.
6. Spain reiterates that all States shall refrain in their relations from the threat or use of force in accordance with general principles of international law, the United Nations Charter and the United Nations Convention on the Law of the Sea.

In addition, Spain underlines that the use of force as referred to in article 22 constitutes an exceptional measure which must be based upon the strictest compliance with the principle of proportionality and that any abuse thereof shall imply the international liability of the inspecting State. Any case of non-compliance shall be resolved by peaceful means and in accordance with the applicable dispute-settlement procedures.

Furthermore, Spain considers that the relevant terms and conditions for boarding and inspection should be further elaborated in accordance with the relevant principles of international law in the framework of the appropriate regional and sub-regional fisheries management organizations and arrangements.

7. Spain understands that in the application of the provisions of article 21, paragraphs 6, 7 and 8, the flag State may rely on the requirements of its legal system under which the prosecuting authorities enjoy a discretion to decide whether or not to prosecute in the light of all the facts of a case. Decisions of the flag State based on such requirements shall not be interpreted as failure to respond or to take action.

8. Spain is of the view that the constituent conventions of regional fisheries management organizations such as the Northwest Atlantic Fisheries Organization, the North-East Atlantic Fisheries Commission and the International Commission for the Conservation of Atlantic Tunas, given their status as special international agreements, have legal precedence over the New York Agreement, which sets forth general rules on the conservation and management of straddling fish stocks and highly migratory fish stocks. Part VI of the Agreement, "Compliance and enforcement", laying down boarding and inspection procedures, is therefore to be regarded as a regulation subordinate to alternative mechanisms established by subregional or regional fisheries management organizations which effectively discharge the obligations under the New York Agreement of their members or participants to ensure compliance with the conservation and management measures established by such organizations or arrangements.

9. Spain understands that in article 8, paragraph 3, of the Agreement the term "a real interest" used with reference to States which may be members of a regional fisheries management organization shall be regarded as meaning that a regional fisheries management organization must in all circumstances be open to any State whose fleet fishes or has fished in the area covered by the constituent convention of such organization, in respect of which fleet the flag State has the authority to ensure compliance and enforcement. Participation in such organizations by the States in question shall indicate their real interest in the fisheries.

IX. INTERNATIONAL SPACES

X. ENVIRONMENT

1. General

- Stockholm Convention on Persistent Organic Pollutants, done at Stockholm on 22 May 2001.

Instrument of ratification: 18 May 2004.

Entry into force: 26 August 2004 (BOE 151, 23.06.04).

Note: The ratification was made with the following declaration:

“Any amendment to Annex A, B, or C shall enter into force for Spain only after it has deposited its instrument of ratification, acceptance, approval or accession with respect thereto”.

However, in the Status of Multilateral Treaties Deposited with the Secretary-General of the United Nations there is no notice of the Spanish Declaration.

- Exchange of Notes extending the application of the Agreement between the Kingdom of Spain and the Principality of Andorra on the movement and management of waste, done at Madrid on 27 January 2000.

Extension until 10 July 2006 (BOE 221, 13.09.04).

2. Seas

- Amendments to the Convention for the protection of the Mediterranean Sea against pollution, done at Barcelona on 10 June 1995.

Entry into force: 9 July 2004 (BOE 173, 19.07.04).

- Protocol of 1997, amending the International Convention for the Prevention of Pollution from Ships, 1973, modified by the 1978 Protocol, done at London on 26 September 1997.

Instrument of accession: 24 July 2003.

Entry into force: 19 May 2005 (BOE 251, 18.10.04).

3. Fauna and Flora

- Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade, done at Rotterdam on 10 September 1998.

Instrument of ratification: 18 February 2004.

Entry into force: 31 May 2004 (BOE 73, 25.03.04).

XI. LEGAL ASPECTS OF INTERNATIONAL COOPERATION

1. General treaties

- General Treaty of Co-operation and Friendship between the Kingdom of Spain and the Republic of Ecuador, done *ad referendum* at San Francisco de Quito on 33 June 1999.

Entry into force: 23 March 2004 (BOE 97, 21.04.04).

2. Military and Defence Cooperation

– Exchange of Notes 13 and 14 April 2003 between the Kingdom of Spain and the State of Kuwait constituting an Agreement on the statute of the Spanish Armed Forces in Kuwait. *Definitive entry into force*: 16 February 2004 (BOE 67, 18.03.04).

Note: It was in provisional application as from 15 April 2003 (BOE 140, 12.06.03).

3. Scientific and Technical Cooperation

– International Agreement agreeing to the establishment of an Iberian Electrical Energy Market between the Kingdom of Spain and the Portuguese Republic, done in Lisbon on 20 January 2004.

Provisional application: 22 April 2004 (BOE 132, 1.06.04).

– Agreement relating to the construction and use of a European Synchrotron Radiation facility, done in Paris on 16 December 1988.

Definitive entry into force: 26 July 2004 (BOE 195, 13.08.04).

Note: Applied provisionally since 1 January 1989 (BOE 86, 11.04.89 and 132, 3.06.89).

– Framework Agreement on Technical, Cultural and Scientific Cooperation between the Kingdom of Spain and the Republic of Trinidad and Tobago, done *ad referendum* at Port Spain on 3 July 1999.

Entry into force: 20 July 2004 (BOE 223, 15.09.04).

4. Cultural Cooperation

– Agreement between the Kingdom of Spain and the Republic of Turkey relating to the creation and operation of cultural centres, done in Ankara on 26 April 2002.

Entry into force: 12 December 2003 (BOE 28, 2.02.04).

– Agreement on Cinematography Co-Production between the Kingdom of Spain and the United States of Mexico, done at Madrid on 8 April 2003.

Entry into force: 30 January 2004 (BOE 60, 10.03.04).

– Convention between the Kingdom of Spain and the Principality of Andorra on Educational Matters, done at Madrid on 22 December 2003.

Provisional application: 22 December 2003 (BOE 132, 1.06.04 and 151, 23.06.04).

– Exchange of Notes on 20 January and 2 February 2004, constituting an Agreement extending the Agreement between the Kingdom of Spain and the United States of America on Educational, Cultural and Scientific Cooperation, done on 27 October 1994.

Provisional application: 2 September 2003 (BOE 134, 3.06.04 and 159, 2.07.04).

– Agreement on Cultural, Educational and Scientific Cooperation between the Kingdom of Spain and the Republic of Serbia and Montenegro, done at Madrid on 24 September 2003.

Entry into force: 6 May 2004 (BOE 146, 17.06.04).

– Exchange of Notes constituting an Agreement between the Kingdom of Spain and the French Republic on the tax regime of educational and cultural institutions amending the Agreement of 28 February 1974 currently in force, done in Malaga on 26 November 2002.

Entry into force: 16 July 2004 (BOE 196, 14.08.04).

5. Economic Cooperation

– Agreement between the Kingdom of Spain and the Republic of Equatorial Guinea for the Promotion and Protection of Investments, done at Malabo on 22 November 2003.

Provisional application: 22 November 2003 (BOE 10, 12.01.04).

– Agreement between the Kingdom of Spain and the Republic of Albania for the Promotion and Protection of Investments, done at Madrid on 5 June 2003.

Entry into force: 14 January 2004 (BOE 38, 13.02.04 and 83, 6.04.04).

– Agreement between the Kingdom of Spain and the Republic of Colombia on cooperation in the prevention of the consumption of, and trafficking in narcotic drugs and psychotropic substances, done *ad referendum* at Bogota on 14 September 1998.

Entry into force: 5 March 2004 (BOE 40, 16.02.04).

– Agreement for the Promotion and Protection of Investments, between the Kingdom of Spain and the Republic of Uzbekistan, done at Madrid on 28 January 2003.

Entry into force: 3 December 2003 (BOE 78, 31.03.04).

– Agreement between the Kingdom of Spain and the Federal Republic of Yugoslavia for the Promotion and Protection of Investments, done *ad referendum* at Madrid on 25 June 2002.

Entry into force: 31 March 2004 (BOE 135, 4.06.04).

– Agreement between the Kingdom of Spain and the Republic of Guatemala for the Promotion and Protection of Investments, done at Guatemala on 9 December 2002.

Entry into force: 21 May 2004 (BOE 146, 17.06.04).

– Agreement for the Promotion and Protection of Investments between the Kingdom of Spain and the Islamic Republic of Iran, done at Madrid on 29 October 2002.

Entry into force: 13 July 2004 (BOE 192, 10.08.04).

– Agreement between the Kingdom of Spain and the Republic of Namibia for the Promotion and Protection of Investments, done at Windhoek on 21 February 2003.

Entry into force: 28 June 2004 (BOE 199, 18.08.04).

– Agreement for the Promotion and Protection of Investments between the Kingdom of Spain and the Republic of Trinidad and Tobago, done *ad referendum* at Port Spain on 3 July 1999.

Entry into force: 17 September 2004 (BOE 252, 19.10.04).

6. Financial and Tax Cooperation

– Convention between the Kingdom of Spain and the Republic of Turkey for the avoidance of double taxation and the prevention of tax evasion and fraud in relation to taxes on income, done at Madrid on 5 July 2002.

Entry into force: 18 December 2004 (BOE 16, 19.01.04, 60, 10.03.04 and 85, 8.04.04).

– Convention between the Kingdom of Spain and the Republic of Chile for the avoidance of double taxation and the prevention of tax evasion and fraud in relation to taxes on income and capital, and Protocol, done at Madrid on 7 July 2003.

Entry into force: 23 December 2003 (BOE 28, 2.02.04).

– Convention between the Kingdom of Spain and the Republic of Latvia for the avoidance of double taxation and the prevention of tax evasion and fraud in relation to taxes on income and capital, and Protocol, done at Madrid on 22 July 2003.

Entry into force: 26 December 2003 (BOE 28, 2.02.04 and 76, 29.03.04).

– Convention between the Kingdom of Spain and the Bolivarian Republic of Venezuela for the avoidance of double taxation and the prevention of tax evasion and fraud in relation to taxes on income and capital, done at Madrid on 8 April 2003.

Entry into force: 29 April 2004 (BOE 144, 15.06.04).

7. Radio and Telecommunications Cooperation

– Final Acts of the World Radio Communications Conference (WRC-97), done at Geneva on 21 November 1997.

Entry into force: 10 February 2004 (BOE 90, 14.04.04).

– Final Acts of the World Radio Communications Conference (WRC-2000), done at Istanbul on 2 June 2000.

Entry into force: 10 February 2004 (BOE 91, 15.04.04).

8. Road Traffic and Transport

– Exchange of Notes constituting an Agreement between the Kingdom of Spain and the Republic of Colombia on the mutual recognition and exchange of national driving licences, done at Madrid on 30 and 31 July 2003.

Definitive entry into force: 28 November 2004 (BOE 17, 20.01.04).

Note: It was in provisional application as from 31 July 2004 (BOE 240, 7.10.03).

– M-136 Multilateral Agreement under paragraph 1.5.1 of the ADR, relating to the transport of red fuming nitric acid (UN 2032) in packaging consisting of a plastic container inside a plastic drum (6HH1), done in Madrid on 5 June 2003 (BOE 42, 18.02.04).

- M-133 Multilateral Agreement under paragraph 1.5.1 of the ADR, relating to derogations regarding the name and description of refrigerating devices (UN2857), done in Madrid on 5 June 2003 (*BOE* 43, 19.02.04).
- M-135 Multilateral Agreement under paragraph 1.5.1 of the ADR, relating to transport of liquid ammonium nitrate (ONU2426) in dedicated tanks, done in Madrid on 5 June 2003 (*BOE* 43, 19.02.04).
- Exchange of Notes on 8 March 2003, constituting an Agreement between the Kingdom of Spain and the Kingdom of Morocco on the mutual recognition and exchange of national driving licences.
Provisional application: 8 June 2004 (*BOE* 133, 2.06.04 and 167, 12.07.04).
- Exchange of Notes on 22 December 2003, constituting an Agreement between the Kingdom of Spain and the Republic of Peru on the mutual recognition and exchange of national driving licences.
Provisional application: 28 January 2004 (*BOE* 133, 2.06.04).
- Agreement between the Kingdom of Spain and the Islamic Republic of Iran concerning international carriage by road, done at Teheran on 7 February 1999.
Entry into force: 12 April 2004 (*BOE* 147, 18.06.04).
- Agreement between the Kingdom of Spain and the Democratic and Popular Republic of Algeria on international transports by road and transit of passengers and cargo, done *ad referendum* at Madrid on 7 October 2002.
Entry into force: 18 June 2004 (*BOE* 159, 2.07.04).
- Multilateral Agreement M-143 according to Section 1.5.1 of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), on carriage of diagnostic specimens, done at Madrid on 1 March 2004 (*BOE* 170, 15.07.04).
- M-150 Multilateral Agreement under Section 1.5.1 of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) relating to the classification of water pollutants, their solutions and mixtures (such as preparations and waste) that cannot be assigned to entries under classes 1 to 8 or others under class 9, done in Madrid on 26 April 2004 (*BOE* 171, 16.07.04).
- Customs Convention on the international transport of goods under cover of TIR carnets (TIR Convention), done at Geneva on 14 November 1975, Amendments to paragraph 1 of Article 26 of the TIR Convention, adopted by the Administrative Committee on 26 October 2001, circulated by the Secretary-General of the United Nations on 19 June 2003.
Entry into force: 19 September 2004 (*BOE* 179, 26.07.04).
- Customs Convention on the international transport of goods under cover of TIR carnets (TIR Convention), done at Geneva on 14 November 1975, Amendments to Annex 6 relating to Article 38, paragraph 1 of the TIR Convention, adopted by the Administrative Committee on 25 October 2002, circulated by the Secretary-General

of the United Nations on 20 June 2003.

Entry into force: 7 November 2003 (BOE 180, 27.07.04).

– Customs Convention on the international transport of goods under cover of TIR carnets (TIR Convention), done at Geneva on 14 November 1975, Amendments to Annex 6 relating to Article 2, paragraph 1(B) if Annex 2 of the TIR Convention, adopted by the Administrative Committee on 7 February 2003, and circulated by the Secretary-General of the United Nations on 23 June 2003.

Entry into force: 7 November 2003 (BOE 181, 28.07.04).

– Agreement between the Government of the Kingdom of Spain and the Government of the Republic of Albania on international transport of passengers and cargo by road, done at Tirana on 10 April 2003.

Entry into force: 25 June 2004 (BOE 193, 11.08.04).

– Exchange of Notes constituting an Agreement between the Kingdom of Spain and Republic of Uruguay on the mutual recognition and exchange of national driving licences, done at Madrid on 5 November 2003.

Definitive entry into force: 5 August 2004 (BOE 231, 24.09.04).

Note: Provisionally applied since 5 November 2003 (BOE 300, 16.12.03).

– Amendments to Annexes 1 and 3 to the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP), done at Geneva on 1 September 1970, entered into circulation by the Secretary General of the United Nations on 12 March 2003.

Entry into force: 12 December 2004 (BOE 239, 4.10.04 and 276, 4.10.04).

– Exchange of Notes constituting an Agreement between the Kingdom of Spain and the Republic of Peru on the mutual recognition and exchange of national driving licences, done at Madrid on 22 December 2003.

Definitive entry into force: 3 September 2004 (BOE 248, 14.10.04).

– M-159 Multilateral Agreement under Section 1.5.1 of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) relating to technical provisions regarding lateral stability of tank vehicles, done in Madrid on 22 July 2004 (BOE 260, 28.10.04).

– Exchange of Notes on 25 September 2003 constituting an Agreement between the Kingdom of Spain and the Republic of Ecuador on the mutual recognition and exchange of national driving licences.

Definitive entry into force: 8 September 2004 (BOE 261, 29.10.04).

– Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be used for such Carriage (ATP), done at Geneva on 1 September 1970, with modifications included on 7 November 2003 (BOE 285, 24.11.04).

9. Rail Traffic and Transport

- Amendments of the Statutes of “EUROFIMA”, European Company for the financing of railway equipment. Admission of the Hungarian State Railways Ltd. (MAV) as shareholders of Eurofima. Transformation of the Slovenske Zeleznice d.o.o. (SZ) Holding Company and modification of Article 5 of the Statutes, adopted in Bern on 12 December 2003. (*BOE* 61, 11.03.04).
- Multilateral Agreement RID 9/2003 according to Section 1.5.1 of the Regulation concerning the international carriage of dangerous goods by rail (RID) relating to the classification of water pollutants and their solutions and mixtures (such as preparations and waste), which cannot be assigned to entries in classes 1 to 8 or others in class 9, done in Madrid on 7 April 2004 (*BOE* 162, 6.07.04).
- Multilateral Agreement RID 2/2004 according to Section 1.5.1 of the Regulation concerning the international carriage of dangerous goods by rail (RID) and Article 6.12 of Directive 96/49 CE, relating to transport of hydrogen peroxide in stabilized water solution containing over 60 % hydrogen peroxide (UN 2015) in portable tanks whose characteristics follow the T9 transport instruction, done in Madrid on 7 April 2004.
Applicability until 31 December 2006 (*BOE* 240, 5.10.04).
- Modification of the Statutes of “EUROFIMA,” the European Company for the Financing of Railroad Rolling Stock (published in the *BOE* of 30 November 1984). Enlargement of the Czech Railways JSC (CD) stake in the share capital of Eurofima, and modification of Article 5 of the Statutes, adopted in Vienna on 18 June 2004 (*BOE* 241, 6.10.04).

10. Sea Traffic and Transport

- 2002 Amendments to the Annex to the International Convention for the Safety of Life at Sea, 1974, adopted on 12 December 2002 by Resolution 1 of the Conference of States Parties to the International Convention for the Safety of Life at Sea, 1974.
Entry into force: 1 July 2004 (*BOE* 98, 22.04.04).
- International Convention on Maritime Liens and Mortgages, 1993, done at Geneva on 6 May 1993.
Instrument of accession: 31 May 2004.
Entry into force: 5 September 2004 (*BOE* 99, 23.04.04).
- International Ship and Port Facility Security Code (ISPS Code), adopted on 12 December 2002 by means of Resolution 2 of the Conference of contracting Governments of the International Convention for the Safety of Life at Sea, 1974.
Entry into force: 1 July 2004 (*BOE* 202, 21.08.04).
- 2001 Amendments to the International Convention for the Safety of Life at Sea,

1974, to the 1994 HSC Code [Resolution 36(63)], adopted on 6 June 2001 by Resolution MSC. 119(74).

Entry into force: 1 January 2003 (BOE 224, 16.09.04).

– 2002 Amendments to the International Convention for the Safety of Life at Sea, 1974, amended, adopted on 24 May 2002, by Resolution MSC 123 (75).

Entry into force: 1 January 2004 (BOE 227, 20.09.04).

– 2001 Amendments to the International Convention for the Safety of Life at Sea, 1974, amended, adopted on 6 June 2001 by Resolution MSC 117(74).

Entry into force: 1 January 2003 (BOE 229, 22.09.04).

– International Convention on Maritime Liens and Mortgages, done at Brussels on 10 April 1926.

Denounce: 27 May 2005 (BOE 242, 7.10.04).

11. Air Traffic and Transport

– Convention for the unification of certain rules for international carriage by air, done at Montreal on 28 May 1999.

Instrument of ratification: 4 June 2002.

Entry into force: 28 June 2004 (BOE 122, 20.05.04).

Note: The instrument of ratification by Spain contains the following declarations: “The Kingdom of Spain, Member State of the European Community, declares that in accordance with the Treaty establishing the European Community, the Community has competence to take actions in certain matters governed by the Convention.” “In accordance with the pro-visions of Article 57, the Convention shall not apply to:

- a) international carriage by air performed and operated directly by Spain for non-commercial purposes in respect to its functions and duties as a sovereign State;
- b) the carriage of persons, cargo and baggage for its military authorities on aircraft registered in or leased by Spain, the whole capacity of which has been reserved by or on behalf of such authorities.”

– Agreement between the Governments of the French Republic, the Federal Republic of Germany, the United Kingdom of Great Britain and Northern Ireland, the Kingdom of Spain and the Belgian Kingdom regarding Airbus A330/ A340, done at Madrid on 26 July 1995.

Entry into force: 2 July 2004 (BOE 220, 11.09.04).

12. Labour, Social Security and Immigration

– ILO Convention concerning Seafarers’ Hours of Work and the Manning of Ships, done at Geneva on 22 October 1996.

Instrument of ratification: 27 November 2003.

Entry into force: 7 July 2004 (BOE 31, 5.02.04).

– Complementary Convention to the Social Security Convention between the Kingdom of Spain and the United States of Mexico, of 25 April 1994, done *ad referendum* at Madrid on 8 April 2003.

Definitive entry into force: 1 April 2004 (BOE 56, 5.03.04).

Note: It was in provisional application as from 6 June 2003 (BOE 168, 15.07.03).

– Administrative Agreement for the implementation of the Convention on Social Security between the Kingdom of Spain and the Republic of Bulgaria, done at Madrid on 28 October 2003.

Entry into force: 1 November 2003 (BOE 72, 24.03.04).

Note: The entry into force of the Administrative Agreement is the same as the entry into force of the Convention on Social Security, signed on 13 May 2002. (BOE 266, 6.11.03).

– Complementary Agreement to the Spanish-Peruvian Administrative Agreement on Social Security of 24 November 1978, done at Valencia on 14 May 2002.

Instrument of ratification: 3 October 2003.

Entry into force: 24 February 2004 (BOE 79, 1.04.04).

– Agreement between the Kingdom of Spain and the Republic of Poland on the regulation and planning of migratory labour flows, done at Warsaw on 21 May 2002.

Definitive entry into force: 13 February 2004 (BOE 85, 8.04.04).

Note: It was in provisional application as from 20 June 2002 (BOE 226, 20.09.02).

– Convention on Social Security between the Kingdom of Spain and the Czech Republic, done at Valencia on 13 May 2002.

Instrument of ratification: 15 September 2003.

Entry into force: 1 May 2004 (BOE 107, 3.05.04).

– Agreement between the Kingdom of Spain and the Republic of Peru on cooperation on immigration, done at Madrid on 6 July 2004.

Provisional application: 5 August 2004 (BOE 237, 1.10.04).

– Convention on Social Security between the Kingdom of Spain and the Republic of Argentina, done at Madrid on 28 January 1997 Administrative Agreement for the implementation of the Convention, done at Buenos Aires on 3 December 1997.

Instrument of ratification: 8 September 2004.

Entry into force: 1 December 2004 (BOE 297, 10.12.04).

13. Industrial and Intellectual Property

– International Treaty on Plant Genetic Resources for Food and Agriculture, done at Rome on 3 November 2001.

Instrument of ratification: 17 March 2004.

Entry into force: 29 June 2004 (BOE 109, 5.05.04).

- Changes in the Implementation Regulation of the Patent Cooperation Treaty (PCT), adopted at the 27 session of the Assembly of the International Patent Cooperation Union, on 29 September.

Entry into force: 1 January 2000 (BOE 167, 12.07.04).

- Changes in the Implementation Regulation of the Patent Cooperation Treaty (PCT), adopted at the 28 session of the Assembly of the International Patent Cooperation Union, on 17 March 2000.

Entry into force: 1 March 2001 (BOE 168, 13.07.04).

- Changes in article 22 of the Patent Cooperation Treaty (PCT), Changes in the Implementation Regulation of the PCT, Decisions regarding enter into force, transitional arrangements and changes of the schedule of fees annexes to the Implementation Regulation of the PCT, adopted at the 30 session of the Assembly of the International Patent Cooperation Union, on 3 October 2001.

Entry into force: 1 April 2002 (BOE 169, 14.07.04).

14. Narcotics

- Agreement between the Kingdom of Spain and the Federative Republic of Brazil on cooperation in the prevention of the consumption of, and trafficking in narcotic drugs and psychotropic substances, done *ad referendum* at Madrid on 11 November 1999.

Entry into force: 13 July 2004 (BOE 182, 29.07.04).

15. Civil and Criminal Cooperation

- Agreement between the Kingdom of Spain and the Republic of Latvia on cooperation in the fight against terrorism, organized crime, the illicit trafficking in narcotic drugs and psychotropic substances and precursors, and other crimes, done at Madrid on 24 November 2003.

Provisional application: 24 December 2003 (BOE 32, 6.02.04).

- Convention on the issue of a life certificate (n. 27 of the ICCS), done at Paris on 10 September 1998.

Instrument of ratification: 2 February 2001.

Entry into force: 1 September 2004 (BOE 194, 12.08.04).

Note: “With the following declaration:

In accordance with Article 4.1 of the this Convention, the Competent Authorities to issue the life certificate are:

- a) Notary Publics
- b) Judges or Consuls in charge of the Civil Registry in the interested party’s place of residence”.

XII. INTERNATIONAL ORGANIZATIONS

– Agreement for the conversion of the International Vine and Wine Office into the International Organisation of Vine and Wine, done at Paris on 3 April 2001.

Instrument of ratification: 2 August 2002.

Entry into force: 1 January 2004 (BOE 31, 5.02.04).

– Protocols of Accession to the North Atlantic Treaty by the Republic of Bulgaria, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Romania, the Republic of Slovakia and the Republic of Slovenia, done at Brussels on 26 March 2003.

Entry into force: 27 February 2004 (BOE 76, 29.03.04 and 122, 20.05.04).

XIII. EUROPEAN UNION

– Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, done at Luxembourg on 9 April 2001.

Entry into force: 1 April 2004 (BOE 88, 12.04.04).

– Treaty between the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland (Member States of the European Union) and the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union, done at Athens on 16 April 2003.

Instrument of ratification: 10 November 2003.

Entry into force: 1 May 2004 (BOE 106, 1.05.04).

– Protocol to the Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino consequent upon the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union, done at Brussels on 30 October 1997.

Entry into force: 1 April 2004 (BOE 108, 4.05.04)

– Convention defining the Statute of the European Schools, signed at Luxemburg on 21 June 1994.

Entry into force: 1 March 2004 (BOE 110, 6.05.04).

– Euro-Mediterranean Agreement creating an Association between the European Communities and its Member States, on the one hand, and the Hashemite Kingdom of Jordan on the other, done in Brussels on 24 November 1997.

Entry into force: 25 March 2004 (BOE 111, 7.05.04).

– Euro-Mediterranean Agreement creating an Association between the European Communities and its Member States, on the one hand, and the Arab Republic of Egypt on the other, done in Brussels on 26 January 2001.

Entry into force: 1 June 2004 (BOE 141, 11.06.04).

XIV. INTERNATIONAL RESPONSIBILITY

XV. PACIFIC SETTLEMENT OF DISPUTES

XVI. COERCION AND USE OF FORCE SHORT OF WAR

XVII. WAR AND NEUTRALITY

– Agreement between Spain and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO Preparatory Commission) on performance of activities relating to facilities pertaining to the international system of surveillance of the Comprehensive Nuclear-Test Ban Treaty, including activities subsequent to homologation, and Protocol, done in Vienna on 14 September 2000.

Definitive entry into force: 12 December 2003 (BOE 1, 1.01.04).

Note: It was in provisional application as from the signature date (BOE 286, 29.12.00).

– Amendment to article 1 of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects. Geneva, 10 October 1980, done at Geneva on 21 December 2001.

Instrument of ratification: 2 February 2004.

Entry into force: 9 August 2004 (BOE 65, 16.03.04 and 99, 23.04.04).

– Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, done at The Hague on 26 March 1999.

Instrument of ratification: 21 June 2001.

Entry into force: 9 March 2004 (BOE 77, 30.03.04).

– Additional Protocol to the Agreement between the Republic of Austria, the Kingdom of Belgium, the Kingdom of Denmark, the Republic of Finland, the Federal Republic of Germany, the Hellenic Republic, Ireland, The Italian Republic, the Grand Duchy

of Luxembourg, the Kingdom of the Netherlands, the Portuguese Republic, the Kingdom of Spain, the Kingdom of Sweden, the European Atomic Energy Community and the International Atomic Energy Organization in application of paragraphs 1) and 4) of Article III of the Nuclear Non-Proliferation Treaty (Safeguards), done in Vienna on 22 September 1998 (*BOE* 104, 29.04.04).

Entry into force: 30 April 2004 (*BOE* 195, 13.08.04).