

# *Spanish Municipal Legislation Concerning Matters of Public International Law, 2003*

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This survey includes the treaties covered by Article 2.1 a) of the Vienna Convention on the Law of Treaties, published in the *Boletín Oficial del Estado-BOE* (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**

– Resolution of 15 January 2003, passed by the Technical Secretariat-General of the Foreign Office, on third States' actions regarding multilateral treaties to which Spain is party (*BOE* 25, 29.1.03).

*Note:* This Resolution provides for publication, in the public interest, of communications regarding international treaties received by the Foreign Office from 31 August to 31 December 2002.

– Resolution of 4 June 2003, passed by the Technical Secretariat-General of the Foreign Office, on third States' actions regarding multilateral treaties to which Spain is party (*BOE* 158, 3.7.03; *BOE* 185, 4.8.03 and *BOE* 224, 18.9.03).

*Note:* This Resolution provides for publication, in the public interest, of communications regarding international treaties received by the Foreign Office from 1 January to 30 April 2003.

– Resolution of 3 October 2003, passed by the Technical Secretariat-General of the Foreign Office, on third States' actions regarding multilateral treaties to which Spain is party (*BOE* 253, 22.10.03).

*Note:* This Resolution provides for publication, in the public interest, of communications regarding international treaties received by the Foreign Office from 1 May to 31 August 2003.

### **III. THE RELATIONSHIP BETWEEN INTERNATIONAL LAW AND MUNICIPAL LAW**

### **IV. SUBJECTS OF INTERNATIONAL LAW**

### **V. THE INDIVIDUAL AND INTERNATIONAL LAW**

#### **1. European Union citizenship**

– Royal Decree 178/2003, of 14 February 2003, on entrance and stay in Spain of nationals from member States of the European Union and other States party to the Agreement on the European Economic Area (*BOE* 46, 22.2.03).

*Note:* Taking into account Organic Act 8/2000, of 22 December, on Rights, Freedoms and Social Integration of Aliens in Spain, this Royal Decree establishes the particular conditions and special regulation of European Union citizens and those coming from EEA. It also repeals Royal Decree 766/1992, 737/1995 and 1710/1997.

– Royal Decree 896/2003, of 11 July 2003, which regulates the issue of ordinary passports and determines their characteristics (*BOE* 166, 12.7.03).

#### **2. Aliens**

– Royal Decree 996/2003, of 25 July, approving the Regulation on Free Legal Assistance (*BOE* 188, 7.8.03).

*Note:* Pursuant to Additional Disposition, this Royal Decree shall be applicable in alien and asylum administrative proceedings.

– Organic Act 11/2003, of 29 September, on specific measures regarding citizen security, domestic violence and the social integration of foreign nationals (*BOE* 234, 30.9.03).

– Organic Act 14/2003, of 20 November, amending Organic Act 4/2000, of 11 January, on the Rights, Freedoms and Social Integration of Aliens in Spain, amended by Organic Act 8/2000, of 22 December (*BOE* 279, 21.11.03).

– Organic Act 19/2003, of 23 December, reforming the Organic Act 6/1985, of 1 July, on the Judiciary (*BOE* 309, 23.12.03).

*Note:* Additional Provision 17 refers to communication of the judicial bodies with governmental authorities, in cases involving aliens: “Judicial bodies shall communicate to the governing authority the conclusion of judicial proceedings concerning administrative infractions of regulations on alien affairs in order that government authorities can resume, initiate or shelve administrative disciplinary proceedings

depending on the case at hand. They shall also communicate such sentences imposed on aliens for deliberate crimes punished with prison sentence of over one year in order to open the corresponding penal file.

Moreover, they shall communicate those judgements in which an agreement is reached to substitute prison sentences or security measures applicable to non-resident aliens legally present in Spain for expulsion from national territory. In these cases, the judgement by which the substitution is agreed to shall have the authority to enforce the prison sentence or security measure originally imposed until which time the governing authority actually carries out the expulsion. The government authority should, therefore, carry out the expulsion as expediently as possible and, in any case, within the subsequent thirty days unless this is not possible for some justifiable reason in which case the judicial authority should be duly informed”.

### **3. Refugees**

- Royal Decree 1325/2003, of 24 October, approving the Regulation on the temporary protection regime in the event of massive influx of displaced persons (*BOE* 256, 25.10.03).

## **VI. STATE ORGANS**

### **1. Central organs**

- Royal Decree 462/2003, of 25 April, setting up the Governmental Commissioner for Spain’s participation in the reconstruction of Iraq (*BOE* 100, 26.4.03).

- Royal Decree 1000/2003, of 25 July, amending Royal Decree 1415/2000, of 21 July, developing the basic organic structure of the Ministry of Environment (*BOE* 178, 26.7.03).

*Note:* This royal decree provides for the creation of the Spanish Office on Climate Change, for the application of the “aquis” derived from the Kyoto Protocol by the European Union and their member States.

### **2. Diplomatic Relations**

- Order AEX/3454/2002, of 30 October, setting up Cultural Centres of the Spanish International Cooperation Agency (*Agencia Española de Cooperación Internacional, AECI*) at Spain’s Permanent Diplomatic Missions in the Republic of Chile, the Republic of Equatorial Guinea, in the Republic of El Salvador and in the Oriental Republic of Uruguay, and also in the Spanish General Consulate in Bata (*BOE* 16, 18.1.03).

- Order AEX/523/2003, of 19 February, setting up Technical Cooperation Offices of the Spanish International Cooperation Agency (*Agencia Española de Cooperación*

*Internacional, AEI*) at Spain's Permanent Diplomatic Missions to the Algeria People's Democratic Republic, Arab Republic of Egypt, Republic of Senegal and the Socialist Republic of Vietnam (*BOE* 61, 12.3.03).

– Royal Decree 501/2003, of 2 May, setting up the Sections of Economy and Trade of the Spanish Permanent Diplomatic Mission in Mexico (Monterrey) (*BOE* 120, 20.5.03).

– Royal Decree 502/2003, of 2 May, setting up the Sections of Economy and Trade of the Spanish Permanent Diplomatic Mission in the Republic of Bolivia (La Paz) (*BOE* 120, 20.5.03).

– Royal Decree 503/2003, of 2 May, setting up the Economic and Trade Council at the Spanish Permanent Diplomatic Mission in the Republic of Senegal (Dakar) (*BOE* 120, 20.5.03).

– Royal Decree 651/2003, of 30 May, setting up the Sections of Economy and Trade of the Spanish Permanent Diplomatic Mission to the Republic of Ukraine (Kiev) (*BOE* 140, 12.6.03).

– Royal Decree 652/2003, of 30 May, setting up the Sections of Economy and Trade of the Spanish Permanent Diplomatic Mission to the Republic of Slovakia (Bratislava) (*BOE* 140, 12.6.03).

– Order AEX/2458/2003, of 27 August, setting up the Technical Section on Cooperation of the Spanish International Cooperation Agency at the Permanent Diplomatic Mission of Spain to the Republic of Iraq (*BOE* 217, 10.9.03).

– Order AEX/3132/2003, of 10 October, broadening the territorial competence of the Technical Sections on Cooperation of the Spanish International Cooperation Agency in some permanent diplomatic missions of Spain (*BOE* 271, 12.11.03).

*Note:* As concerns the Technical Cooperation Sections, it repeals, the territorial competence of the section of Sarajevo (Bosnia and Herzegovina) and Beijing (People's Republic of China), Order of 7 March 2000, amended by Order of 30 March 2000, and Order AEX/523/2003, of 19 February.

– Royal Decree 1327/2003, of 24 October, setting up the Information Council at the Permanent Diplomatic Mission of Spain to the Federative Republic of Brazil (*BOE* 266, 6.11.03).

– Royal Decree 1396/2003, of 17 November, regulating the organization, functioning and posts of the Councils for Food, Agriculture, and Fisheries at the Spanish Diplomatic Missions (*BOE* 283, 26.11.03).

- Royal Decree 1512/2003, of 28 November, setting up the Permanent Diplomatic Mission of Spain to the Republic of Latvia (Riga) (*BOE* 296, 11.12.03).
- Royal Decree 1397/2003, of 27 November, setting up the Sections of Economy and Trade of the Spanish Permanent Diplomatic Mission to the Republic of El Salvador (San Salvador) (*BOE* 283, 26.11.03).
- Royal Decree 1513/2003, of 28 November, setting up the Permanent Diplomatic Mission of Spain to the Republic of Lithuania (Vilnius) (*BOE* 296, 11.12.03).
- Royal Decree 1514/2003, of 28 November, setting up the Permanent Diplomatic Mission of Spain to the Republic of Malta (La Valetta) (*BOE* 296, 11.12.03).
- Royal Decree 1515/2003, of 28 November, setting up the Permanent Diplomatic Mission of Spain to the Sultanate of Oman (Masqat) (*BOE* 296, 11.12.03).
- Royal Decree 1516/2003, of 28 November, setting up the Permanent Diplomatic Mission of Spain to the Republic of Estonia (Tallinn) (*BOE* 296, 11.12.03).
- Royal Decree 1542/2003, of 5 December, setting up the Sections of Economy and Trade of Spain's Permanent Diplomatic Mission to the Republic of Honduras, in Tegucigalpa (*BOE* 303, 19.12.03).

### **3. Consular Relations**

- Order AEX/791/2003, of 31 March, creating an Honorary Consular Office in Sligo (Ireland) (*BOE* 84, 8.4.03).
- Order AEX/1288/2003, of 12 May, creating an Honorary Consular Office in Bursa (Turkey) (*BOE* 125, 26.5.03).
- Order AEX/3054/2003, of 21 October, creating an Honorary Consular Office in Arusha (Tanzania) (*BOE* 265, 5.11.03).
- Order AEX/3208/2003, of 28 October, changing the category of the Consular Section in Lima (Peru) to General Consulate (*BOE* 277, 19.11.03).

### **4. Relations with International Organizations**

- Royal Decree 1170/2003, of 12 September, setting up the Organisation Commission of the Donor Conference for the Reconstruction of Iraq (*BOE* 221, 15.9.03).

### **5. Other Organs of the State**

– Royal Decree 997/2003, of 25 July, setting up the Regulation of the State Legal Service (*BOE* 188, 7.8.03 and *BOE* 270, 11.11.03).

*Note:* This repeals Royal Decree 2604/1985, of 4 December, on the Representation of Spain before the Commission and the European Court of Human Rights and Royal Decree 1654/1980, of 11 July, regulating Dispute Service abroad.

Pursuant to Article 1, par. 3, the functions of the State Legal Service on the international level are as follows:

- j) Legal assistance with regard to European Community law as well as the representation and defence of the Kingdom of Spain before European Union legal bodies.
- k) Everything related to the representation and defence of the State, autonomous bodies, other bodies and public entities, public state companies or foundations with state participation, when called for by law or convention, and constitutional bodies before any jurisdiction or preliminary or para-judicial proceedings abroad.
- l) Management and coordination of the dispute service abroad.
- m) Legal representation and defence of the Kingdom of Spain before the European Court of Human Rights taking responsibility for the study and preparation of reports, observations and final reports that must be presented to that Court in compliance with the European Convention on Human Rights and Fundamental Freedoms and its protocols. It is also responsible for the same functions before all international bodies with jurisdiction in the safeguarding of human rights in compliance with international treaties in force in Spain.
- n) Legal assistance of the Kingdom of Spain before other international organisations:

Article 6: State Attorney functions before the European Court of Human Rights and other international bodies with jurisdiction in the safeguarding of human rights.

1. Acting as State Attorney before the European Court of Human Rights and other international bodies with jurisdiction in the safeguarding of human rights means taking on the responsibilities of legal representation and defence of the Kingdom of Spain before the European Court of Human Rights and preparing reports, observations and final reports to be presented before that Court in compliance with the European Convention on Human Rights and Fundamental Freedoms and its protocols. It is also responsible for the same functions before all international bodies with jurisdiction in the safeguarding of human rights in compliance with international treaties in force in Spain.

2. The State Attorney to the European Court of Human Rights and other international bodies with jurisdiction in the safeguarding of human rights shall act as the Agent of the Kingdom of Spain as concerns the European Convention on Human Rights and shall be named by Royal Decree upon the joint proposal of the Ministers of Foreign Affairs and Justice.

3. In carrying out the function incumbent upon him, the State Attorney shall exercise the following competences:

- a) Collect relevant information from the State's judicial bodies, departments and authorities, the Autonomous Communities and government administrations in general and set up necessary collaboration; report on the adequacy of the powers of attorney and other documents justifying the legal personality or representation that must be recognised by the central bodies of the respective ministry or its autonomous organisations and other public organisations and entities with jurisdiction throughout all national territory by virtue of a duly registered agreement.

4. Whenever State Attorneys are part of the technical support bodies of the authorities envisioned in Articles 2 and 3.1 of Act 50/1997 of 27 November of the Government, they shall have the same rank and functions described in the preceding section for the ministerial departments.

5. Before naming State Attorneys and Heads of State Attorney Offices at the ministerial departments, an opinion shall be solicited from the ministries where such State Attorneys are to be located with a view to achieving proper representation in affairs that affect the Kingdom of Spain before the European Court of Human Rights and other human rights bodies of the Council of Europe or before any other bodies responsible for the international protection of human rights.

- b) Upon request, provide advisory support to the representation of the Kingdom of Spain before the Council of Europe and the United Nations on human rights affairs and procedures.
- c) Provide advisory support to state authorities concerning all legal issues affecting the European Convention on Human Rights and its protocols and any other international treaties pertaining to this same topic.

Article 35.2: In the case of judicial acts or resolutions delivered by foreign judges or courts, the Spanish State shall acknowledge notification:

- a) When the notification takes place by means of channels provided for in international conventions or agreements in force between Spain and the state in question.
- b) In the absence of a conventional regulation, when the notification takes place according to the procedure envisioned by the legislation of the country in question provided that such legislation specifically provides for notification of a foreign state in compliance with international practice.
- c) In the absence of the above, when the judicial act or resolution is officially communicated to the ambassador of Spain or through diplomatic channels to the Spanish Minister of Foreign Affairs.
- d) In the absence of the above, when the State Attorney's Office of the Ministry of Foreign Affairs specifically states that requirements have been sufficiently met for acceptance of notification.

Only the Ambassador of Spain in the country in question or other competent persons by virtue of international treaties or conventions as well as the State Attorney's Office at the Ministry of Foreign Affairs may acknowledge receipt of judicial complaints, acts or resolutions sent by foreign judges or courts.

Article 45. Action before international courts.

When State Attorneys act in representation and defence of the Kingdom of Spain before international or supra-national courts, bodies and organisations to which Spain is party, their action shall be limited to the provisions of this regulation unless special regulations are applicable to the proceeding in question.

## VII. TERRITORY

## VIII. SEAS, WATERWAYS, SHIPS

- Royal Decree 1/2003, of 3 January, creating the Governmental Commissioner for the actions derived from the catastrophe of the vessel “Prestige” (*BOE* 4, 4.1.03 and *BOE* 9, 10.1.03).
- Royal Decree 4/2003, of 3 January, amending Royal Decree 1220/2002, of 22 November, which creates the Interministerial Commission to monitor the damage caused by the vessel “Prestige” (*BOE* 4, 4.1.03 and *BOE* 9, 10.1.03).
- Order HAC/72/2003, of 22 January, which develops Articles 3 and 4 of Royal Decree 7/2002, of 22 November, on reparation measures regarding the accident of the vessel “Prestige” (*BOE* 22, 25.1.03).
- Royal Decree 101/2003, of 24 January, setting up the Commission of the Ministries of Defence and Environment and the Coordinator at the Defence Ministry for actions taken by the two ministries in response to the catastrophe of the vessel “Prestige” (*BOE* 24, 28.1.03).
- Royal Decree 102/2003, of 24 January, laying down the complementary provisions for the operation of the Intergovernmental Commission charged with monitoring the damage caused by the vessel “Prestige” (*BOE* 24, 28.1.03).
- Royal Decree 90/2003, of 24 January, on rules and common standards applicable to organizations for the control and supervision of vessels and for activities regarding maritime Administration (*BOE* 30, 4.2.03).
- Royal Decree 91/2003, of 24 January, adopting the Regulation concerning the supervision of foreign vessels in Spanish ports (*BOE* 30, 4.2.03).

– Royal Decree 115/2003, of 31 January, establishing the purposes, functions, composition and operation of the Interministerial Commission of International Maritime Policy (*BOE* 44, 20.2.03).

*Note:* This Commission conforms to the Montego Bay Convention on the Law of the Sea, and replaces Royal Decree 175/1990, of 9 February, under which a similar Commission was established.

– Royal Decree 176/2003, of 14 February, regulating the control and supervisory functions of maritime fishing activities (*BOE* 50, 27.2.03).

– Order HAC/407/2003, of 26 February, developing Articles 3 and 4 of Royal Decree 7/2002, of 22 November, on reparation measures regarding the accident of the vessel “Prestige”, and Royal-Decree 8/2002, of 13 December, amending the former in relation with the provinces of Lugo and the Autonomous Communities of Cantabria and the Principality of Asturias (*BOE* 52, 1.3.03).

– Royal Decree 4/2003, of 20 June, on action taken for the payment of compensation related to damages produced by the accident of the vessel “Prestige” (*BOE* 148, 21.6.03).

– Resolution of 8 July 2003, passed by Parliament setting up the publication of the confirming agreement of Royal Decree 4/2003, of 20 June, on action taken for the payment of compensation related to damages produced by the accident of the vessel “Prestige” (*BOE* 169, 16.7.03).

– Royal Decree 1053/2003, of 1 August, developing Royal Decree 4/2003, of 20 June, related to damages produced by the accident of the vessel “Prestige” (*BOE* 184, 2.8.03).

– Royal Decree 1204/2003, of 19 September, creating the Interministerial Commission on Fisheries Research (*BOE* 234, 30.9.03).

– Royal Decree 1249/2003, of 3 October, on information formalities required of merchant vessels upon arrival to and departure from Spanish ports (*BOE* 238, 4.10.03).

– Royal Decree 1341/2003, of 31 October, amending Royal Decree 1/2003, of 3 January, creating the Governmental Commissioner for the actions derived from the catastrophe of the vessel “Prestige” (*BOE* 262, 1.11.03).

– Royal Decree 1699/2003, of 12 December, amending Royal Decree 1053/2003, of 1 August, developing Royal Decree 4/2003, of 20 June, on damages produced by the accident of the vessel “Prestige” (*BOE* 298, 13.12.03).

## IX. INTERNATIONAL SPACES

– Order AEX/1289/2003, of 16 May, setting up the Executive Secretary for the XXVI Consultative Meeting of the Antarctic Treaty (*BOE* 125, 26.5.03).

*Note:* This Meeting was held in Madrid (9–20 June 2003).

– Royal Decree 1342/2003, of 31 October, setting up the objectives, functions, composition and operation of the Interministerial Commission of international aerospace policy (*BOE* 273, 14.11.03).

## X. ENVIRONMENT

### 1. Fauna and Flora

– Resolution of 18 December 2002, of the Directorate-General for Nature Conservation calling for the publication of the Agreement of the Council of Ministers of 15 November 2002, authorizing the inclusion of the following Spanish wetlands, especially as Waterfowl Habitats, into the list of the Ramsar Convention of 2 February 1971, on Wetlands of International Importance: *Lago de Banyoles*, *Laguna de El Hito*, *Lagunas de Puebla de Beleña* and the *Complejo lagunar de La Albuera* (*BOE* 14, 16.1.03).

– Resolution of 8 July 2003, passed by the Technical Secretariat-General of the Foreign Office regarding Annex I and II of the Convention on the Conservation of Migratory Species of Wild Animals done at Bonn on 23 June 1979 (*BOE* of 29 October and 11 December 1985), adopted in its amended form by the Conference of State Parties in 1985, 1988, 1991, 1994, 1997, 1999 and 2000) (*BOE* 175, 23.7.03).

– Act 31/2003, of 27 October, on conservation of wild species in zoological parks (*BOE* 258, 28.10.03).

### 2. Air

– Resolution of 11 September 2003, issued by the Secretariat-General of the Environment, establishing the publication of the Council of Ministers Agreement of 25 July 2003, adopting the National Program for the progressive reduction of national emissions of sulphur dioxide, nitrous oxides, volatile organic compounds and ammonia (*BOE* 228, 23.9.03).

## **XI. LEGAL ASPECTS OF INTERNATIONAL COOPERATION**

### **1. General Provisions**

- Act 12/2003, of 21 May, on prevention and blockage of financing terrorism (*BOE* 122, 22.5.03).

*Note:* This Act is based on several Resolutions of the United Nations Security Council such as number 1373 (2001), setting up internal measures.

### **2. Military and Defence Cooperation**

- Royal Decree 1206/2003, of 19 September, on application of the obligations contracted by Spain in the Additional Protocol to the Safeguards Agreement derived from the Treaty on the Non-Proliferation of Nuclear Weapons (*BOE* 241, 8.10.03).

- Order DEF/3537/2003, of 10 December, issued by the Spanish Ministry of Defence which develops the basic organization of the Armed Forces (*BOE* 303, 19.12.03).

*Note:* This Order provides for the modernization of the organization of the Spanish Armed Forces to also participate in multinational operations.

### **3. Economic Cooperation**

- Order ECO/180/2003, of 22 January, on the State's coverage of risks derived from foreign trade, foreign investment and foreign economic transactions (*BOE* 33, 7.2.03).

- Royal Decree 291/2003, of 7 March, amending Royal Decree 810/1999, of 14 May, issued by the Spanish Ministry of the Presidency creating an Inter-ministerial Commission to coordinate overseas humanitarian aid plans (*BOE* 58, 8.3.03).

- Royal Decree 741/2003, of 23 June, regarding the Fund for the concession of micro credits for foreign projects of basic social development (*BOE* 170, 17.7.03).

- Act 19/2003, of 4 July, on the legal regime of capital movements and foreign economic transactions and the adoption of measures to prevent money-laundering activities (*BOE* 160, 5.7.03).

### **4. Cultural Cooperation**

- Royal Decree 61/2003, of 17 January, creating the National Commission for the candidacy of Zaragoza as the headquarters of an international exposition in the year 2008 (*BOE* 21, 24.1.03).

- Royal Decree 1044/2003, of 1 August, setting up the proceedings for the University issue of the European Diploma (*BOE* 218, 11.9.03).
- Royal Decree 1125/2003, of 5 September, establishing the European credit and grading system as regards official university diplomas valid throughout the entire national territory (*BOE* 224, 18.9.03).

## **5. Road Traffic and Transport**

- Royal Decree 1256/2003, of 3 October, setting up the competent authorities within Spanish General Administration regarding carriage of dangerous goods and regulating the coordination Commission for such transport (*BOE* 243, 10.10.03).
- Act 29/2003, of 8 October, on the improvement of jurisdiction and safety in the road transport market, partially amending Act 16/1987, of 13 July, regulating road transport (*BOE* 242, 9.10.03).

## **6. Rail Traffic and Transport**

- Act 39/2003, of 17 November, of the Railway sector (*BOE* 276, 18.11.03).

## **7. Air Traffic and Transport**

- Order PRE/248/2003, of 6 February, setting up the Spanish Committee for the Fostering of Air Transport and establishing its composition and functions (*BOE* 39, 14.2.03).

*Note:* This Order introduces the changes recommended by ICAO into Spanish legislation.

- Resolution of 7 March 2003, issued by the Directorate-General for Civil Aviation determining the equipment, services, entry and departure proceedings and facilities that airports should have to be rated as apt for night vision flight operations (*BOE* 74, 27.3.03).

- Order FOM/2083/2003, of 18 July, partially amending Annex I of Decree 1675/1972, of 26 June, regarding air navigation assistance rates (Eurocontrol) (*BOE* 176, 24.7.03).

*Note:* In accordance with the Multilateral Agreement on this topic done in Brussels (1981), this Order establishes new rates for Albania and the Czech Republic.

- Order FOM/2225/2003, of 28 July, partially amending the Order of 14 November 1988, setting up airworthiness requirements for motorised ultra-light aircraft (*BOE* 187, 6.8.03).

- Order FOM/3416/2003, of 27 November, updating the Technical Instructions for the risk-free air transport of dangerous goods (*BOE* 294, 9.12.03).

*Note:* This Order updates the air transport of dangerous goods taking into account the latest amendments introduced by ICAO on this subject.

- Royal Decree 1541/2003, of 5 December, amending Decree 584/1972, of 24 February, on aeronautical easements and Decree 1844/1975, of 10 July, on aeronautical easements at heliports for the regulation of exceptions to the limitations established by limiting surfaces and obstacles in the vicinity of airports and heliports (*BOE* 303, 19.12.03).

## **8. Health and Relief Cooperation**

- Order ECO/1449/2003, of 21 May, on the management of radioactive solid waste material generated at category 2 and 3 radioactive facilities at which non-encapsulated radioactive isotopes are handled or stored (*BOE* 134, 5.6.03).
- Order ECO/1496/2003, of 4 June, completing the provisions of the National Epidemiological Monitoring Network with regard to the compulsory and urgent declaration of the Severe Acute Respiratory Syndrome (*BOE* 136, 7.6.03).
- Royal Decree 1131/2003, of 5 September, setting up the National Executive Committee for the prevention, control and supervision of the epidemiological evolution of the flu virus (*BOE* 214, 6.9.03).

## **9. Narcotic Drugs**

- Act 17/2003, of 29 May, creating a pool of confiscated goods from trafficking in narcotic drugs and other related crimes (*BOE* 129, 30.5.03).

## **10. Civil and Criminal Cooperation**

- Organic Act 2/2003, of 14 March, additional to the Act on the European Arrest Warrant (*BOE* 65, 17.3.03).

*Note:* This Organic Act amends Article 65, paragraph 4 of Organic Act 6/1985, on the Judiciary with the following content:

“[. . .]

4.) On the procedure for the enforcement of European arrest warrants and judicial procedures for passive extradition regardless of the place of residency or where the arrest is made . . .”

- Act 3/2003, of 14 March, complementary to the European Arrest Warrant (*BOE* 65, 17.3.03).

*Note:* This law is the result of a general process of adjustment of the internal law of the European Union Members to Council Framework Decision 2002/584/JHA, of 13 June, on the European arrest warrant and surrender procedures between Member States.

- Organic Act 3/2003, of 21 May, additional to the Act regulating joint investigation teams in the European Union and establishing the criminal responsibility regime of the members appointed to those teams when activities are carried out in Spain (*BOE* 122, 22.5.03).
- Act 11/2003, of 21 May, regulating joint investigation teams in the European Union (*BOE* 122, 22.5.03).
- Agreement 5/2003, of 28 May, of the Plenary of the General Council of the Judiciary amending Regulation 5/1995, of 7 June, on accessory aspects of judicial action regarding international jurisdictional cooperation (*BOE* 133, 4.6.03).
- Royal Decree 998/2003, of 25 July, amending Royal Decree 1449/2000, of 28 July, modifying and developing the basic organic structure of the Ministry of the Interior setting up the Advisory Council of the Monitoring Observatory for the use of new technologies by criminal organizations for illicit traffic in narcotic drugs, the laundering of money from illicit traffic and other related crimes (*BOE* 189, 8.8.03).
- Organic Act 18/2003, of 10 December, on Cooperation with the International Criminal Court (*BOE* 296, 11.12.03).

*Note:* This act provides for a relatively complete implementation of cooperation mechanisms and procedures with the International Criminal Court but takes advantage of this occasion to curb the tendency that Spanish courts have of attributing, in accordance with Article 23 of the Organic Act of the Judiciary, universal criminal jurisdiction. Article 7.2 of Organic Act 18/2003 states that:

“When a complaint or suit is filed before a judicial body or the Public Prosecutor’s Office or a request is made to a ministerial department in relation to events occurring in other States, the alleged perpetrators of which are not Spanish subjects and which could be heard by the Court, such bodies shall abstain from all proceedings and their function shall be limited to informing the claimant or person filing the request of the possibility of calling directly upon the Court’s Public Prosecutor who may initiate an investigation without prejudice to adopting, if deemed necessary, the first urgent steps for which such Court has jurisdiction. Under these same circumstances, the judicial bodies and the Public Prosecutor shall abstain from proceeding of their own motion”.

## **XII. INTERNATIONAL ORGANIZATIONS**

### **XIII. EUROPEAN UNION**

– Organic Act 12/2003, of 24 October, authorizing the ratification of the Treaty of Accession to the European Union 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 (*BOE* 257, 27.10.03).

– Organic Act 16/2003, of 18 November, amending the Organic Act on the General Elections Regime (*BOE* 286, 29.11.03).

*Note:* Taking into account the change in the number of the members of the European Parliament, Spain amends the Organic Act on the General Elections Regime (Articles 215 and 220), which must be adapted to the changes introduced at the European level.

– Organic Act 17/2003, of 18 November, on measures for the simultaneous holding of elections to the European Parliament and the referendum regarding the Draft of the European Constitution (*BOE* 286, 29.11.03).

### **XIV. RESPONSIBILITY**

### **XV. PEACEFUL SETTLEMENT OF DISPUTES**

– Declarations on the Admission of the Jurisdiction of the International Tribunal for the Law of the Sea (United Nations Convention on the Law of the Sea, done at Montego Bay, 10 December 1982, published in *BOE* 39, 14 February 1997), (*BOE* 170, 17.7.03).

*Note:* Spain has modified the declarations made by the instrument of ratification of the United Nations Convention on the Law of the Sea, in accordance with its Article 287.1, with the following declaration:

“In accordance with paragraph 1 Article 287, the Government of Spain hereby declares that it chooses the International Tribunal for the Law of the Sea and the International Court of Justice as the means for the resolution of controversies related to the interpretation or the application of the Convention”.

Declaration that Spain is going formulate the United Nations Convention on the Law of the Sea in accordance with its Article 298.1.a): “The Government of Spain declares that, in accordance with paragraph 1.a) of Article 298 of the Convention, it does not accept the proceedings set out in Section 2, Part XV for conflict resolution regarding the interpretation or the application of Articles 15, 74 and 83 on the limiting of maritime zones or those relative to bays or historic claims”. This declaration comes into force on 19 July 2002, the date of its deposit before the Secretary-General of the United Nations.

– Act 60/2003, of 23 December, on Arbitration (*BOE* 309, 26.12.03).

*Note:* This Act is based on the Model Act adopted on 21 June 1985 by UNCITRAL, recommended by the General Assembly of the United Nations in Resolution 42/72, of 11 December 1985, mindful of the needs of the practice of arbitration in international trade. This Act annuls former Act 36/1988, of 5 December, on Arbitration.

## **XVI. COERCION AND THE USE OF FORCE SHORT OF WAR**

## **XVII. WAR AND NEUTRALITY**