

Treaties to which Spain is a Party Concerning Matters of Private International Law, 2001 and 2002

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This survey covers the treaties and other international agreements published in the *Boletín Oficial del Estado* (Official Journal of the State) during 2001 and 2002. Its purpose is to record the legal consequences of such agreements and instruments for Spain, such as signature, ratification or accession, entry into force, provisional application, reservations or declarations, territorial application, personal sphere of application, material scope, termination, abrogation and relationship with other treaties or agreements.

I. SOURCES OF PRIVATE INTERNATIONAL LAW

II. INTERNATIONAL JURISDICTION

Note: See below section IV

III. PROCEDURE AND JUDICIAL ASSISTANCE

– Agreement on Adoption matters between Spain and Bolivia done at Madrid on 29 October 2001 (*BOE* 304, 20.12.01, *BOE* 177, 25.7.02 and *BOE* 195, 15.8.02 (*corrigendum*)).

Provisional applications: from 29 October 2001.

Entry into force: 1 August 2002.

Note: This Agreement is intended to introduce a system of cooperation, channelled through the competent authorities of the two countries, to ensure the prevention and where applicable the total elimination of kidnapping, traffic and sale of children and adolescents in adoption processes.

“Article 1. Scope of application

(...)

This Agreement is applicable in the event that a child or adolescent having his/her habitual place of residence in the Republic of Bolivia or in Spain is eligible for full adoption by nationals of either State, subject to the constitutional and legal provisions in force in either country.

(...)

First final provision.

Once Bolivia has ratified the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, there being agreement being the contracting Parties, the principles and precepts of the said Convention shall be observed for the better application of this Agreement”.

IV. RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGMENTS AND DECISIONS

– Treaty between Spain and El Salvador on the international jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, done at Madrid on 7 November 2001 (BOE 256, 25.10.01).

Ratified by instrument: 28 June 2001.

Entry into force: 1 September 2001.

Note:

“Chapter I. *Scope of application*

Article 1.

“1. This Treaty shall be applicable in civil and commercial matters irrespective of the nature or name of the jurisdictional body concerned

2. This Treaty does not apply to:

Fiscal, customs or administrative matters.

The situation and capacity of natural persons, matrimonial regimes, wills or successions.

Bankruptcies, and meetings and agreements between the debtor and creditors.

Social Security.

Arbitration.

Chapter II. *Jurisdiction*

Article 2. General jurisdiction

“Natural or legal persons domiciled in the territory of one of the Parties shall be subject to the jurisdiction of that Party and may not be prosecuted in the courts of the other Party, irrespective of their nationality unless any of the jurisdictions referred to in the following articles apply:” art. 3: exclusive jurisdiction; art. 4: special jurisdiction and art. 5: Submission.

(. . .)

Chapter III. *Recognition*

(. . .)

Article 10. Recognition

“Judgments delivered in one Contracting State shall be recognized in the other Contracting State without the need of any procedure.

In the event of challenge, any interested Party seeking recognition as a princi-

pal may apply for recognition of the decision by means of the procedure set forth in chapter IV.

If recognition is sought as an incidental issue before a court of one of the Parties, that court shall be competent to deal with it".

Article II. Causes of denial of recognition

"1. If recognition would be manifestly in breach of the public policy of the requested Party.

2. When judgments are delivered in default of the defendant, if the writ of summons or other equivalent document was not delivered or notified to the defendant in due form and with sufficient time to allow a defence.

3. If the decision is irreconcilable with a decision delivered in litigation between the same parties in the courts of the requested Party.

4. If in delivering judgment the court of the Party of origin, in deciding on an issue regarding the status or capacity of natural persons, marital regimes, wills or successions, ignored a rule of Private International Law of the requested Party, unless the same outcome would have been reached by application of the Private International Law of the requested Party.

5. If the decision is irreconcilable with a decision previously delivered in a State that is not a signatory of the Agreement between the Parties in litigation having the same object and the same cause, when the latter decision qualifies for recognition in the courts of the requested Party.

Similarly, decisions shall not be recognized if they ignore the provisions of article 3.

Decisions shall likewise not be recognized if the court of origin lacked jurisdiction in the terms of this Treaty.

Without prejudice to the provisions of the first paragraph, the jurisdiction of the court of the Party of origin may not be the object of control; public policy as contemplated in article 11 point 1 shall not affect the rules regarding jurisdiction".

Article 12. Bar on review of the facts

The factual basis of the foreign decision may not be the subject of review.

V. INTERNATIONAL COMMERCIAL ARBITRATION

VI. CHOICE OF LAW: SOME GENERAL PROBLEMS

VII. ALIENS, REFUGEES AND CITIZENS OF THE EUROPEAN COMMUNITY

– Agreement between Spain and Uruguay on the free exercise of remunerated employment by dependent relatives of diplomatic, consular, administrative and technical per-

sonnel of diplomatic missions and consular offices, done at Madrid on 7 February 2000 (BOE 83, 6.4.01).

Entry into force: 21 December 2000.

– Additional Protocol between Spain and Argentina modifying the Convention on Nationality of 14 April 1969, done at Buenos Aires on 6 March 2001 (BOE 88, 12.4.01 and BOE 248, 16.10.02).

Provisional application: from 6 March 2001.

Entry into force: 1 October 2002.

Note:

Article 2. “Spanish and Argentine nationals who have availed themselves of the terms of the Convention or do so in the future shall be subject to the jurisdiction and the laws of the country granting the new nationality in respect of all acts that may have direct legal consequences there. In all matters not compatible with this provision, such persons shall also be subject to the laws of their nationality of origin”.

– Second Additional Protocol to the Convention on Nationality between Spain and Guatemala of 28 July 1961, modified by Protocol of 10 February 1995, done *ad referendum* on 19 November 1999 (BOE 88, 12.4.01).

Entry into force: 7 February 2001.

Note:

Article 2. Article 1 of the Convention shall read as follows:

“Persons of Guatemalan or Spanish origin may acquire Guatemalan or Spanish nationality without loss of their original nationality, simply by establishing their place of residence in Spain or in Guatemala, as the case may be, in accordance with the internal laws of either Party, declaring their desire to acquire such nationality before the competent authority and effecting the requisite entries in the registers designated by the laws or government regulations of the country concerned. Within its own territory, each party shall recognize only its own nationality, although persons availing themselves of the benefits of this Convention may be subject to the laws of their country of origin in matters not compatible with the laws of the other Party.

Furthermore, persons referred to in the foregoing paragraph may obtain and renew their passports and identity documents in either one of the Contracting Countries or in both at the same time”.

(. . .)

Article 4. “This Protocol shall apply to persons of Guatemalan or Spanish origin who acquired Spanish or Guatemalan nationality prior to its entry into force, provided that they expressly state their desire to avail themselves of its terms before the competent authority, which authority must immediately inform the other Party of such a statement”.

– Additional Protocol between Spain and Paraguay modifying the Convention on dual Nationality of 25 June 1959, done at Asuncion on 26 June 1999 (BOE 89, 13.4.01).
Entry into force: 1 March 2001.

Note: The terms are similar to those of the Additional Protocol with Argentina mentioned above.

– Exchange of Notes between Spain and Italy on Italian Universities admission of Spanish students at the Lyceum Cervantes in Rome, done at Rome on 23 May 2001 (BOE 161, 6.7.01).

Entry into force: 23 May 2001.

– Agreement between Spain and Ecuador on the free exercise of remunerated employment by dependant relatives of diplomatic, consular, administrative and technical personnel of diplomatic missions and consular offices, done at Madrid on 7 March 2000 (BOE 281, 23.11.01).

Entry into force: 23 July 2001.

– Additional Protocol between Spain and Peru modifying the Convention on Dual Nationality of 16 May 1959, done at Madrid on 8 November 2000 (BOE 282, 24.11.01).
Entry into force: 1 December 2001.

Note: Simply introduces the right of beneficiaries of the Convention to obtain and renew passports in either of the two States.

– Denouncement by Colombia of Exchange of Notes on abolition of visas of 26 May 1961, done at Bogotá on 2 November 2001 (BOE 282, 24.11.01).

Denouncement effects: from 2 January 2002.

– Additional Protocol signed by Spain and Colombia modifying the Convention on Nationality of 27 June 1979, done *ad referendum* at Santa Fe de Bogotá on 14 September 1998 (BOE 264, 4.11.02).

Entry into force: 1 July 2002.

Note:

Article 1. Rights and guarantees

“No person of Spanish origin or Colombian birth shall, by virtue of acquiring the nationality of the other party and residing in the territory of that party, lose the faculty to exercise in the territory of the adoptive State those rights deriving from the exercise of his/her nationality of origin.

Persons who are Spanish citizens by origin and Colombians by birth and have obtained the nationality of the other country prior to the entry into force of this Protocol may, in accordance with the provisions of the Convention on Nationality signed on 27 June 1979, recover their civil and political rights through a written representation to the consul or other competent authority designated for that purpose. This situation shall be intimated to the other Party through diplomatic channels.

(...)

Article 3. Relationship with the Convention on Nationality

“Those principles contained in the Convention on Nationality that conflict with the intent of the present Amending Protocol shall be deemed to be repealed; in all other respects, the said Convention shall stand”.

– Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons, done at Luxembourg on 21 June 1999 (*BOE* 148, 21.6.02).

Deposit of Instrument of Ratification: 19 February 2001.

Entry into force: 1 June 2002.

– Additional Protocol modifying the Convention on Dual Nationality between Spain and Bolivia of 12 October 1961, done *ad referendum* at Madrid on 18 October 2000 (*BOE* 46, 22.2.02 and *BOE* 70, 22.3.02 (*corrigendum*)).

Entry into force: 1 February 2002.

Note:

Article 2. “Spanish and Bolivian nationals having availed themselves of the Convention on Dual Nationality concluded between Spain and Bolivia on 12 October 1961 may at any time register their desire to be dissociated from the terms of that Convention, provided that they do so before the competent judicial authority corresponding to their place of residence. A statement of dissociation does not imply renunciation of the last nationality acquired”.

– Agreement between Spain and Argentina on the free exercise of remunerated employment by dependent relatives of diplomatic, consular, administrative and technical personnel of diplomatic missions and consular offices, done at Madrid on 9 May 2001 (*BOE* 53, 2.3.02).

Entry into force: 21 January 2002.

– Exchange of Notes between Spain and Colombia for gratuitous visas, done at Bogotá on 27 December 2001 (*BOE* 73, 26.3.02 and *BOE* 289, 3.12.02).

Provisional application: from 2 January 2002.

Entry into force: 11 November 2002.

Note: The termination of the Exchange of Notes between Spain and Colombia of 26 May 1961 on the suppression of visas does not affect section 4 of the said Exchange of Notes, which provides that visas shall be gratuitous for Spaniards and Colombians respectively entering Colombian and Spanish territory for a stay of over three months or with the intention of establishing their residence there or undertaking professional activities whether remunerated or otherwise.

– Additional Protocol between Spain and the Dominican Republic modifying the Convention on Dual Nationality of 15 March 1968, done at Santo Domingo de Guzmán on 2 October 2002 (*BOE* 273, 14.11.02).

Provisional application: from 2 October 2002.

Note: The terms are similar to those of the Additional Protocol with Argentina mentioned above.

VIII. NATURAL PERSONS: LEGAL INDIVIDUALITY, CAPACITY AND NAME

IX. FAMILY LAW

X. SUCCESSION

XI. CONTRACTS

XII. TORTS

XIII. PROPERTY

– UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, done at Rome on 24 June 1995 (*BOE* 248, 16.10.03).

Deposit of Instrument of Adhesion: 21 May 2002.

Entry into force: 1 November 2002.

Note: Spain has formulated the following reservations and declarations:

In accordance with Articles 3 (5) and 6 of the Convention:

“There shall be no limitation on actions for the restitution of a cultural object included in the Spanish Historical Heritage, as provided in Spanish law”.

In accordance with Article 13 (3) of the Convention:

“As a Member of the European Union, Spain expressly declares that, in relations with Contracting States that are also Members of the European Union, it will apply the internal rules of the EU and will therefore not apply as between these States the provisions of this Convention the scope of application of which coincides with that of those rules”.

In accordance with Article 16 of the Convention:

“Claims for the restitution or requests for the return of cultural objects brought by a State under Article 8 may be submitted to it under the procedure provided in article 16 section b) of the Convention.

The competent authority for these purposes is the Ministry of Education, Culture and Sport (Directorate General of Fine Arts and Cultural Objects)”.

XIV. COMPETITION LAW

XV. INVESTMENTS AND FOREIGN EXCHANGE

Note: See Treaties Involving Questions of Public International Law, Section XI.5 Economic Cooperation.

XVI. FOREIGN TRADE LAW

– OECD Convention on Combating Bribery of Foreign Public officials in International Business Transactions, done at Paris on 17 December 1997 (*BOE* 46, 22.2.02).

Deposit of Instrument of Ratification: 4 January 2000.

Entry into Force: 4 March 2000.

XVII. BUSINESS ASSOCIATION/CORPORATION

XVIII. BANKRUPTCY

XIX. TRANSPORT LAW

Note: See also Treaties involving questions of Public International Law, Section XI. 11, 12, 13 and 14.

XX. LABOUR LAW AND SOCIAL SECURITY

– Administrative Agreement of 24 July 2000 for the application of the Social Security Convention between Spain and Uruguay, done at Madrid on 1 December 1997 (*BOE* 80, 3.4.01 and *BOE* 146, 19.6.01 (*corrigendum*)).

Entry into force: from 1 April 2000, the same date that the Convention entered into force.

– Administrative Agreement for the application of the Social Security Convention between Spain and Ukraine of 7 October 1996, done at Madrid on 17 January 2001 (*BOE* 84, 7.4.01).

Entry into force: 17 January 2001.

– ILO Convention No.182 on Worst Forms of Child Labour and immediate action to secure its elimination, done at Geneva on 17 July 1999 (*BOE* 118, 17.5.01).

Ratified by instrument: 14 March 2001.

Entry into force: 2 April 2002.

– Agreement between Spain and Colombia on the regulation and arrangement of labour migration flows, done at Madrid on 21 May 2001 (*BOE* 159, 4.7.01 and *BOE* 112, 10.5.02).

Provisional application: from 21 May 2001.

Entry into force: 11 March 2002.

- Agreement between Spain and Ecuador on the regulation and arrangement of labour migration flows, done at Madrid on 29 May 2001 (BOE 164, 10.7.01).

Provisional application: from 28 June 2001.

- Agreement on manual labour between Spain and Morocco, done at Madrid on 25 July 2001 (BOE 226, 20.9.01).

Provisional application: from 24 August 2001.

- Complementary Protocol to the Convention between Spain and Morocco modifying the General Social Security Convention of 8 November 1979, done at Rabat on 27 January 1998 (BOE 282, 24.11.01).

Entry into force: 1 December 2001.

- Social Security Convention between Spain and Tunisia, done at Tunis on 26 February 2001 (BOE 309, 26.12.01 and BOE 32, 6.2.02 (*corrigendum*)).

Entry into force: 1 January 2002.

- Social Security Convention between Spain and Andorra and Administrative Agreement for its implementation, done at Andorra on 9 September 2001 (BOE 290, 4.12.02).

Ratified by Instrument: 19 November 2002.

Entry into force: 1 January 2003.

- Agreement between Spain and the Dominican Republic on the regulation and arrangement of labour migration flows, done at Madrid on 17 December 2001 (BOE 31, 5.2.02 and BOE 70, 22.3.02).

Provisional Application: from 16 January 2002.

- Social Security Convention between Spain and Australia, done at Madrid on 31 January 2002 (BOE 303, 19.12.02).

Entry into force: 1 January 2003.

Note: This Convention revises and replaces the Convention on Social Security between Spain and Australia of 10 February 1990.

- Complementary Agreement to the Social Security Administrative Agreement between Spain and Chile of 28 May 1966, done at Valencia on 14 May 2002 (BOE 225, 19.9.02).

Provisional application: from 1 June 2002.

Note: The object of this Complementary Agreement is to avoid a situation where, in the event of voluntary contribution periods coinciding with obligatory contribution periods, the application of article 5 section b) of the Convention on Social Security between Spain and Argentina could prevent this being taken into account to raise the amount of the benefit.

– Complementary Agreement to the Social Security Administrative Agreement between Spain and Peru of 24 November 1978, done at Valencia on 14 May 2002 (*BOE* 225, 19.9.02).

Provisional application: from 1 June 2002.

Note: The purpose of the Agreement is the same as the previous one.

– Agreement between Spain and Poland on the regulation and arrangement of migration flows, done at Warsaw on 21 May 2002 (*BOE* 226, 19.9.02).

Provisional application: from 20 June 2002.

– Agreement between Spain and Romania on the regulation and arrangement of labour migration flows, done at Madrid on 23 January 2002 (*BOE* 289, 3.12.02).

Entry into force: 11 December 2002.

XXI. CRIMINAL LAW

Note: See also section II and Treaties concerning matters of Public International Law 2001 and 2002, section XI.17.

– Treaty between Spain and Portugal to punish illicit maritime traffic of Narcotic Drugs, done at Lisbon on 2 March 1998 (*BOE* 18, 20.1.01).

Entry into force: 21 January 2001.

– Agreement between the United Nations and the Kingdom of Spain on enforcement of sentences of the International Criminal Tribunal for the former Yugoslavia, done at The Hague on 28 March 2000 (*BOE* 54, 3.3.01).

Entry into force: 16 January 2001.

Note:

(...)

Article 2. Procedures

1. A request to Spain to enforce a sentence shall be made by the Registrar of the International Tribunal (hereinafter: “the Registrar”), with the approval of the President of the International Tribunal.

2. When making the request, the Registrar shall furnish Spain with the following documents:

- a) a certified copy of the judgment;
- b) a statement indicating how much of the sentence has already been served, including information on any pre-trial detention;
- c) where appropriate, any medical or psychological reports on the convicted person, any recommendation for his or her further treatment in Spain and any other factor relevant to the enforcement of the sentence.

3. The central authority in Spain competent to receive the requests of the Registrar referred to in paragraph 1 of the Article is the Ministry of Justice (*Secretaría*

General Técnica, c/San Bernardo 62, Madrid). The Ministry of Justice shall promptly inform the Registrar of the decision adopted regarding the request, in accordance with Spanish national law.

Article 3. Enforcement

1. In enforcing the sentence pronounced by the International Tribunal, the competent national authorities of Spain shall be bound by the duration of the sentence.

2. Spain will only consider the enforcement of sentences pronounced by the International Tribunal where the duration of the sentence imposed by the International Tribunal does not exceed the highest maximum sentence for any crime under Spanish law.

3. The conditions of imprisonment shall be governed by Spanish law, subject to the supervision of the International Tribunal, as provided for herein.

4. If, pursuant to the applicable Spanish national law, the convicted person is eligible for early release, Spain shall notify the Registrar accordingly.

5. The President of the International Tribunal shall determine, in consultation with the Judges of the International Tribunal, whether any early release is appropriate. The Registrar shall inform Spain of the President's determination. If the President determines that an early release is not appropriate, further enforcement of the sentence in Spain will not be possible, and the Registrar will have to make the appropriate arrangements for the transfer of the convicted person in accordance with Article 10.

6. The conditions of imprisonment shall be compatible with the Standard Minimum Rules for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment, and the Basic Principles for the Treatment of Prisoners.

(. . .)

Article 5. Transfer of the convicted person

The Registrar shall make appropriate arrangements for the transfer of the convicted person from the International Tribunal to the competent authorities of Spain. Prior to his or her transfer, the convicted person will be informed by the Registrar of the contents of this Agreement.

Article 6. Non-bis-in-idem

The convicted person shall not be tried before a court of Spain for acts constituting serious violations of international humanitarian law under the Statute of the International Tribunal, for which he or she has already been tried by the International Tribunal.

Article 7. Information

1. Spain shall immediately notify the Registrar:

- a) two months prior to the completion of the sentence;
- b) if the convicted person has escaped from custody before the sentence has been completed;
- c) if the convicted person has deceased

2. Notwithstanding the previous paragraph, the Registrar and Spain shall consult each other on all matters relating to the enforcement of the sentence upon the request of either party.

Article 8. Pardon and commutation of sentences

1. If, pursuant to the applicable Spanish national law, the convicted person is eligible for pardon or commutation of the sentence, Spain shall notify the Registrar accordingly.

2. The President of the International Tribunal shall determine, in consultation with the Judges of the International Tribunal, whether pardon or commutation of the sentence is appropriate. The Registrar shall inform Spain of the President's determination. If the President determines that a pardon or commutation of the sentence is not appropriate, further enforcement of the sentence in Spain will not be possible, and the Registrar will have to make the appropriate arrangements for the transfer of the convicted person in accordance with Article 10.

Article 9. Termination of enforcement

1. The enforcement of the sentence shall cease:

- a) when the sentence has been completed;
- b) upon the demise of the convicted;
- c) upon the pardon of the convicted;
- d) following a decision of the International Tribunal as referred to in paragraph 2.

2. The International Tribunal may at any time decide to request the termination of the enforcement in Spain and transfer the convicted person to another State or to the International Tribunal.

3. The competent authorities of Spain shall terminate the enforcement of the sentence as soon as it is informed by the Registrar of any decision or measure as a result of which the sentence ceases to be enforceable.

Article 10. Impossibility to enforce sentence

If, at any time after the decision has been taken to enforce the sentence, for any legal or practical reasons, further enforcement has become impossible, Spain shall promptly inform the Registrar. The Registrar shall make the appropriate arrangements for the transfer of the convicted person. The competent authorities of Spain shall allow a maximum of ninety days following the notification of the Registrar before taking other measures on the matter.

(. . .)

– Second Protocol modifying the Treaty on extradition and mutual assistance in criminal matters between Spain and Mexico of 21 November 1978, done *ad referendum* at Mexico City on 16 February 2001 (BOE 80, 3.4.01).

Ratified by instrument: 16 February 2001.

Entry into force: 1 April 2001.

– Treaty on extradition between Spain and Paraguay, done at Asuncion on 27 July 1998 (BOE 89, 13.4.01 y BOE 119, 18.5.01 (*corrigendum*)).

Entry into force: 23 February 2001.

– Convention on legal assistance in criminal matters between Spain and Paraguay done *ad referendum* at Asunción on 26 June 1999 (BOE 99, 25.4.01).

Ratified by instrument: 16 February 2001.

Entry into force: 1 May 2001.

– Agreement to extend to the Isle of Man the Agreement between Spain and the United Kingdom and Northern Ireland to prevent and punish the illicit traffic and unlawful use of narcotic drugs of 26 June 1989, done at London on 16 April 2001 (BOE 100, 26.4.01).

Effects: from 23 March 2001.

– Treaty between Spain and Honduras on transfer of convicted persons, done at Tegucigalpa on 13 November 1990 (BOE 112, 10.5.01).

Ratified by instrument: 9 February 2001.

Entry into force: 30 April 2001.

– UN International Convention for the suppression of terrorist bombings, done at New York on 15 December 1997 (BOE 140, 12.6.01).

Deposit of Instrument of Ratification: 30 April 1999.

Entry into force: 23 May 2001.

Note: Spain has formulated the following declaration:

“According to article 23 of Organic Law 6/1985, 1 July, on the Judiciary (BOE 157, 2/7/85), terrorism is a universally prosecutable crime in respect of which the Spanish courts possess international jurisdiction under any circumstances; therefore, the provision set forth in article 6 section 2 of the Convention is deemed to be fulfilled and hence there is no need of a special jurisdiction following ratification of the Convention”.

– Additional Cooperation Agreement between Spain and Costa Rica to cooperate to prevent consumption of and control Illicit traffic in Narcotic Drugs and Psychotropic substances, done *ad referendum* at San José on 24 November 1999 (BOE 178, 26.7.01).

Entry into force: 31 August 2001.

– Agreement between Spain and the United Kingdom and Northern Ireland to extend to the Isle of Man the European Convention on legal assistance in criminal matters of 20 April 1959, done by exchange of notes at Madrid on 5 May 2000 and 5 February 2001 (BOE 196, 16.8.01).

Entry into force: 5 February 2001.

– Agreement between Spain and the Dominican Republic to cooperate to prevent consumption of and control Illicit traffic in Narcotic Drugs and Psychotropic substances, done at Santo Domingo de Guzmán on 15 November 2002 (*BOE* 309, 26.12.01).

Entry into force: 1 January 2002.

– European Convention on the Compensation of Victims of Violent Crimes, done at Strasbourg on 24 November 1983 (*BOE* 312, 29.12.01).

Deposit of the instrument of ratification: 31 October 2001.

Entry into force: 1 February 2002.

– Agreement between Spain and Uruguay to cooperate to prevent improper use of and control Illicit traffic in Narcotic Drugs and Psychotropic substances, done at Montevideo on 18 March 1998 (*BOE* 73, 26.3.02).

Entry into force: 25 January 2002.

– Statute of the International Criminal Court, done at Rome on 17 July 1998 (*BOE* 126, 27 May 2002 and *BOE* 180, 29 July 2002 (*corrigendum*)).

Ratified by Instrument: 19 October 2000.

Entry into force: 1 July 2002.

Note: Spain has formulated the following declarations. In accordance with Article 103.1 b):

“Spain declares that, in due time, it will be willing to receive persons convicted by the International Criminal Court on condition that the sentence does not exceed the highest maximum penalty for any crime under Spanish law”.

Having regard to article 87 paragraph 1 of the Statute, the Kingdom of Spain declares that, without prejudice to the competences of the Ministry of Foreign Affairs, the Ministry of Justice will be the competent authority in respect of requests for cooperation made by and to the Court”.

Having regard to article 87 paragraph 2 of the Statute, the Kingdom of Spain declares that any requests for cooperation addressed to the Court and any documents in support thereof must be either drafted in Spanish or accompanied by a Spanish translation”.

– Agreement between Spain and Guatemala to cooperate to prevent consumption of and control Illicit traffic in Narcotic Drugs and Psychotropic substances, done at Guatemala on 9 July 1999 (*BOE* 43, 19.2.02 and *BOE* 81, 4.4.02 (*corrigendum*)).

Entry into force: 7 November 2001.

– Agreement between Spain and the Republic of Honduras to cooperate to prevent consumption of and control Illicit traffic in Narcotic Drugs and Psychotropic substances, done at Tegucigalpa on 13 November 1999 (*BOE* 31.1.02).

Entry into force: 24 January 2002.

– Treaty on extradition between Spain and Honduras, done *ad referendum* at Tegucigalpa on 13 November 1999 (BOE 129, 30.5.02).

Entry into force: 24 May 2002.

– International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999 (BOE 123, 23.5.02 and BOE 141, 13.6.02 (*corrigendum*)).

Deposit of Instrument of Ratification: 9 April 2002.

Entry into force: 9 May 2002.

Note: Spain has formulated the following declaration:

“In accordance with article 7 paragraph 3, the Kingdom of Spain represents that its courts possess international jurisdiction in respect of cases coming under paragraphs 1 and 2, in pursuance of article 23 of Organic Law 6/1985, 1 July, on the Judiciary (BOE 157, 2.7.85 and BOE 264, 4.11.85 (*corrigendum*)).”

Art. 23 of the LOPJ:

“1. In criminal cases, the Spanish Courts shall have jurisdiction over actions arising from offences committed in Spanish territory or aboard Spanish ships or aircraft, without prejudice to the provisions of international treaties to which Spain is a signatory

2. They shall also have jurisdiction in respect of acts defined as offences in Spanish criminal law, including those committed outside Spanish national territory, where the persons incurring criminal liability are Spaniards or aliens having acquired Spanish nationality subsequent to the commission of the offence, and where the following requirements are met:

- a) That the act be punishable in the place of enforcement
- b) That the victim or the Public Prosecutor raises an action in the Spanish courts
- c) That the offender have not been acquitted, pardoned or sentenced in another country, or in the latter case have not served the sentence. If he has only served part of the sentence, that part will be taken into account.

3 (. . .)”.

– Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, done at New York on 25 May 2000 (BOE 27, 31.1.02).

Deposit of Instrument of Ratification: 18 December 2001.

Entry into force: 18 January 2002.

– Convention on Cooperation to combat organized crime between Spain and the People's Republic of China, done at Beijing on 25 June 2002 (BOE 135, 6.6.02).

Entry into force: 6 June 2002.

Note:

Article 1

“The Parties, in accordance with their national laws and International Conventions, agree to cooperate to contain and combat the following criminal activities:

1. Acts of international terrorism
 2. Illegal trafficking in arms, munitions, explosives and radioactive materials
 3. Illegal trafficking in narcotics, psychotropic substances and chemical precursors
 4. Money laundering
 5. Contraband
 6. Forging of currencies, documents and securities
 7. Illegal trafficking in cultural objects and objects of historical value
 8. Economic crimes
 9. International traffic in human beings
 10. Illegal immigration
 11. Other kinds of international organized crime
- (...)

Article 8

Either of the Parties may refuse, entirely or in part, or may place conditions on, a request for assistance or cooperation if such a request is prejudicial to its national sovereignty or constitutes a threat to its security or public interests.

(...)

Article 11

This Convention does not affect compliance with obligations arising out of other International Treaties entered into by the Parties separately.

– Convention on judicial assistance in criminal matters between the Kingdom of Spain and the Republic of Peru, done *ad referendum* at Madrid on 8 November 2000 (BOE 53, 2.3.02).

Entry into force: 12 December 2001.

XXII. TAX LAW

– Convention and Protocol between Spain and Norway for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and on capital, done at Madrid on 6 October 1999 (BOE 9, 10.1.01).

Ratified by instrument: 11 December 2000.

Entry into force: 18 December 2000.

– Convention and Protocol between Spain and Israel for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and on capital, done at Jerusalem on 30 November 1999 (BOE 9, 10.1.01).

Entry into force: 20 November 2000.

– Convention and Protocol between Spain and Cuba for the avoidance of double taxation and the prevention of tax evasion in relation to tax on income and capital, done at Madrid on 3 February 1996, modified by Exchange of Notes of 9 November and 30 December 1999 (*BOE* 9, 10.1.01 and *BOE* 122, 22.5.01 (*corrigendum*)).

Entry into force: 31 December 2000.

– Convention between the Kingdom of Spain and the Hellenic Republic for the avoidance of double taxation and the prevention of tax evasion in relation to taxes on income and capital, done at Madrid on 4 December 2000 (*BOE* 236, 2.10.02).

Entry into force: 21 August 2002.

– Agreement for cooperation and mutual assistance on customs matters between Spain and Turkey, done at Madrid on 3 May 2001 (*BOE* 46, 22.2.02 and *BOE* 73, 16.3.02 (*corrigendum*)).

Entry into force: 13 February 2002.

– Convention between Spain and Slovenia for the evidence of double taxation and the prevention of tax evasion in relation to taxes on income and capital, done at Ljubljana on 23 May 2001 (*BOE* 154, 28.6.02).

Entry into force: 19 March 2002.

– Convention and Protocol between Spain and Iceland for the evidence of double taxation and the prevention of tax evasion in relation to taxes on income and capital, done at Madrid on 22 January 2001 (*BOE* 250, 18.10.02).

Entry into force: 2 August 2002.