

Spanish Municipal Legislation Concerning Matters of Public International Law, 2001 and 2002

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This survey covers aspects of Spanish municipal legislation related to Public International Law. Only relevant articles will be quoted or mentioned and an unofficial translation or a reference to the *Boletín Oficial del Estado* (Official State Journal) will be given.

I. INTERNATIONAL LAW IN GENERAL

II. SOURCES OF INTERNATIONAL LAW

– Resolution of 23 January 2001, passed by the Spanish Technical Secretariat-General for Foreign Affairs, on third States actions regarding multilateral treaties to which Spain is a party (*BOE* 29, 29.2.01).

Note: This Resolution provides for publication, in the public interest, of communications regarding multilateral treaties received by the Spanish Ministry of Foreign Affairs from 31 August 2000 to 31 December 2000.

– Resolution of 11 June 2001, passed by the Spanish Technical Secretariat-General for Foreign Affairs, on third States actions regarding multilateral treaties to which Spain is a party (*BOE* 149, 22.6.01 and 166, 12.7.01).

Note: This Resolution provides for publication, in the public interest, of communications regarding multilateral treaties received by the Spanish Ministry of Foreign Affairs from 1 January 2001 to 30 April 2001.

– Resolution of 27 September 2001, passed by the Spanish Technical Secretariat-General for Foreign Affairs, on third States actions regarding multilateral treaties to which Spain is a party (*BOE* 251, 19.10.01).

Note: This Resolution provides for publication, in the public interest, of communications regarding multilateral treaties received by the Spanish Ministry of Foreign Affairs from 1 May 2001 to 31 August 2001.

– Resolution of 17 January 2002, passed by the Spanish Technical Secretariat-General for Foreign Affairs, on third States actions regarding multilateral treaties to which Spain is a party (*BOE* 28, 1.2.02 and 45, 21.2.02).

Note: This Resolution provides for publication, in the public interest, of communications regarding multilateral treaties received by the Spanish Ministry of Foreign Affairs from 1 September 2001 to 31 December 2001.

– Resolution of 11 June 2002, passed by the Spanish Technical Secretariat-General for Foreign Affairs, on third States actions regarding multilateral treaties to which Spain is a party (*BOE* 139, 11.6.02).

Note: This Resolution provides for publication, in the public interest, of communications regarding multilateral treaties received by the Spanish Ministry of Foreign Affairs from 1 January 2002 to 30 April 2002.

– Resolution of 4 October 2002, passed by the Spanish Technical Secretariat-General for Foreign Affairs, on third States actions regarding multilateral treaties to which Spain is a party (*BOE* 248, 16.10.02).

Note: This Resolution provides for publication, in the public interest, of communications regarding multilateral treaties received by the Spanish Ministry of Foreign Affairs from 1 May 2001 to 31 August 2001.

III. THE RELATION BETWEEN INTERNATIONAL AND MUNICIPAL LAW

IV. SUBJECTS OF INTERNATIONAL LAW

V. THE INDIVIDUAL IN INTERNATIONAL LAW

1. Nationality

– Act 36/2002, of 8 October, amending the Civil Code in nationality matters (*BOE* 242, 9.10.02).

2. European Citizenship

– Royal Decree 543/2001, of 18 May, on access to public employment in the General State Administration and public bodies belonging thereto for nationals of other States qualifying for the right to free movement of workers (*BOE* 130, 31.5.01 and 237, 3.10.01).

Note: This Royal Decree enacts the principle that nationals of other States should have access to public employment in the same conditions as Spanish nationals, establishing the objective and subjective scope of application of Community norms and it approves the list of Corps and Levels to which nationals of other States cannot accede; these are set forth in the annex, classified in accordance with the ministerial departments or public bodies to which they are affiliated. The Royal Decree likewise

regulates the reservation of certain posts to Spaniards, criteria for access to public employment and the requirements that must be met by nationals of other States, and establishes knowledge of Spanish as a mandatory requirement in any selection process.

3. Aliens

– Royal Decree 865/2001, of 20 July, approves the Regulation of recognition of the condition of statelessness (*BOE* 174, 21.7.01 and 276, 17.11.01).

– Royal Decree 142/2001, of 16 January, lays down the procedure for regularization of aliens as provided in the fourth transitional provision of Organic Act 8/2000, of 22 December, amending Organic Act 4/2000, of 11 January, on Rights and Freedoms of Aliens in Spain and their Social Integration (*BOE* 44, 20.2.01).

– Royal Decree 864/2001, of 20 July, lays down the procedure for regularization of aliens as provided in Organic Act 4/2000, of 11 January, on Rights and Freedoms of Aliens in Spain and their Social Integration, amended by Organic Act 8/2000, of 22 December (*BOE* 174, 21.7.01 and 240, 6.10.01).

– Order PRE/1700/2002, of 5 July, creating Immigration Bureaux (*Oficinas de Extranjería*) in Albacete, Ávila, Badajoz, Burgos, Cáceres, Cádiz, Córdoba, Guadalajara, Huelva, Huesca, Jaén, Logroño, Lugo, Málaga, Ourense, Oviedo, Palencia, Pontevedra, Santander, Toledo, Valladolid and Zaragoza (*BOE* 161, 6.7.02), and Order PRE/2277/2002, of 16 September, in La Coruña (*BOE* 224, 18.9.02).

– Act 32/2002, of 5 July, modifying Act 17/1999, of 18 May, on Armed Forces Personnel Regulations, is intended to allow aliens to enter the military profession as soldiers and sailors (*BOE* 161, 6.7.02).

Note: The definition of professional military personnel includes aliens employed by the Armed Forces as soldiers and sailors on a temporary basis. It allows aliens to receive the necessary military training for induction as professional soldiers and sailors on a temporary basis. It contains an additional article, 68 bis, on induction of aliens as professional soldiers and sailors:

“1. Aliens who are nationals of countries identified in the regulations as among those having special and traditional historical, cultural and linguistic ties with Spain, may join the military profession as soldiers or sailors in the terms provided in the following sections of this Article, always without prejudice to the second paragraph of Article 68 of this Act, provided that, by virtue of the laws of their country of origin or the terms of international conventions, they do not lose their original nationality upon joining the Spanish Armed Forces and there is no bar on their so joining.

2. The special public-law relationship established by the signing of an undertaking is governed exclusively by this Law and the regulations in implementation hereof. A relationship with the Armed Forces as provider of professional services

shall be established upon signature of a single undertaking, which shall have a duration of three years as from the person's appointment as a pupil of the appropriate military training centre and shall, as of the date of signing, be effective for the purposes of residence and work permit. Notwithstanding the provisions of the foregoing paragraph, persons having acquired Spanish nationality by the end of the contracted period and wishing to continue serving in the Armed Forces as professional soldiers or sailors may renew their contracts subject to the terms of Article 95 of this Law.

3. The requirements for entry of aliens in military training centres, in addition to those set forth in Article 63 section 2 but excluding that of Spanish nationality, shall be as follows: a) that they be legally resident in Spain; b) that they not be disqualified within the territories of countries with which Spain has signed a convention to such effect; c) that they be legally of age under their national laws; and d) that they have no criminal record in Spain or in countries where they have previously resided, in respect of offences considered as such in Spanish law.

4. Regulations shall be issued to determine the number of vacancies open to aliens, indicating specialities, unit or units, and where applicable the percentage of vacancies in such units. Regulations shall also be issued to determine the specific aspects of military training that aliens must complete for induction as time-serving professional soldiers and sailors; in any case, one of the ends of such training shall be to provide appropriate instruction in constitutional principles and values, in institutions and in basic knowledge of the history and culture of Spain.

5. In the event of termination or expiration of their contract, if such persons have not yet acquired Spanish nationality, they shall be subject to the general rules governing the rights and obligations of aliens but not to the provisions of Article 169 of this Law.

6. Persons having applied for Spanish nationality may, if applicable and subject to the regulations, have their contracts extended until such time as such application is resolved".

– Royal Decree 645/2002, of 5 July, modifying Royal Decree 1946/2000, of 1 December, regulating the composition and functioning of the Interministerial Commission on Aliens (*BOE* 160, 5.7.02).

Note: The Interministerial Commission on Aliens is an interministerial collegiate body affiliated to the Ministry of the Interior. Its functions are to analyse, debate and inform any proposals from ministerial departments that have a bearing on aliens, immigration and asylum. This Commission must include the Under-Secretary of the Ministry of the Interior and the Secretary General for Employment.

– Resolution of 12 September 2002 of the Directorate General for regulation of Migrations, establishing rules for the appointment of members to the General Council for Emigration (*BOE* 239, 5.10.02).

– Royal Decree 1244/2002, of 29 November, approving the Regulation on induction of aliens as professional soldiers and sailors (*BOE* 287, 30.11.02).

Note: This implements Act 32/2002, of 5 July, in amendment of Act 17/1999, of 18 May, on Regulation of Armed Forces Personnel, listing the countries whose nationals are acceptable: a) Argentina. b) Bolivia. c) Costa Rica. d) Colombia. e) Cuba. f) Chile. g) Ecuador. h) El Salvador. i) Equatorial Guinea. j) Guatemala. k) Honduras. l) Mexico. m) Nicaragua. n) Panama. ñ) Paraguay. o) Peru. p) Dominican Republic. q) Uruguay. r) Venezuela.

VI. ORGANS OF STATE

1. Central Organs

– Law 11/2002, of 6 May, regulating the National Intelligence Centre (*BOE* 109, 7.5.02).

Note: This replaces the National Defence Information Centre with a National Intelligence Centre, which is defined as a special public organization in the terms of the tenth additional provision of Act 6/1997, of 14 April, on the Organization and Functioning of the Central State Administration. Its principal remit will be to furnish the Government with the information and intelligence that it needs in order to prevent and avoid any risk or threat to the independence and integrity of Spain, to national interests and to the stability of the State and its institutions under the Rule of Law. It is affiliated to the Ministry of Defence.

– Royal Decree 463/2002, of 24 May, partially amending Royal Decree 1473/2000, of 4 August, sets out the basic organic structure of the Ministry of Foreign Affairs (*BOE* 125, 25.5.02).

Note: On 26 July 2001, it was agreed in London to relaunch the so-called “Brussels Process”, initiated in 1984 to resolve the dispute over Gibraltar. This led to a further meeting of ministers in Barcelona on 20 November last between the Foreign Ministers of Spain and the United Kingdom of Great Britain and Northern Ireland. At that meeting, both Ministers agreed on the summer of 2002 as a target date for a global agreement that will address all the major issues arising from the question of Gibraltar, including cooperation and sovereignty; this agreement is to be implemented and further extended over a period of time that cannot be exactly calculated for the moment but will almost certainly be lengthy. In view of the intrinsic complexity of this dispute and of the circumstances as described, it is essential that the Ministry of Foreign Affairs create a specific unit, with the rank of Subdirector General, called the “Office for Gibraltar”, affiliated to the Directorate General of External Policy for Europe, with sufficient personnel to deal with an issue of great political importance to Spain – namely the defence of Spain’s position in this dispute.

– Royal Decree 776/2002, of 26 July, modifies the organic structure of the Ministry of the Presidency (*BOE* 179, 27.7.02).

Note: According to Article 3, the following functions, among others, appertain to the Secretary of State for Communications, subject to the supervision of the Ministry of

the Presidency: the preparation and diffusion of communiqués from the Government and the President of the Government, and the direction of information services of the General State Administration in Spain and abroad.

– Royal Decree 1428/2002, of 27 December, partially amending Royal Decree 1473/2000, of 4 August, sets out the basic organic structure of the Ministry of Foreign Affairs (*BOE* 311, 28.12.02).

Note: The Directorate General responsible for matters of international security and disarmament acquires functions relating to the international combating of terrorism. The Office of the Secretary of State for Foreign Affairs now includes a Directorate General for Security, Disarmament and International Terrorism.

2. Diplomatic Relations

– Royal Decree 3450/2000, of 22 December, amends Royal Decree 6/1995, of 13 January, on remuneration of civil servants posted abroad (*BOE* 10, 11.1.01).

– Order of 20 March 2001, made by the Ministry of Finance, establishes limits on excesses and exemptions in respect of diplomatic and consular rules or International Organizations, as referred to in the first final provision of Royal Decree 3485/2000, 29 December (*BOE* 126, 26.5.01).

– Royal Decree 1124/2001, of 19 October, includes unemployment benefit in the protective action provided in Royal Decree 2234/1981, of 20 August, whereby Spanish contract personnel working for the Spanish Administration abroad are included in the general Social Security scheme (*BOE* 260, 30.10.01).

– Royal Decree 1442/2001, of 21 December, creates Tourist Offices at the Spanish Permanent Diplomatic Missions in the People's Republic of China and the Republic of Poland (*BOE* 15, 17.1.02).

Note: Spain needs to expand its network of Tourist Offices in order to address the diversification of markets and the growing presence of Spanish tourist firms abroad.

– Royal Decree 6/2002, of 11 January, creates the Spanish Permanent Diplomatic Mission in the Republic of Cyprus (*BOE* 11, 12.1.02).

Note: According to the Royal Decree, because of its geographical situation in the Eastern Mediterranean, an area of vital interest to Europe, Cyprus is of crucial importance to European and international politics. Therefore, given that Cyprus will soon be a member of the European Union and that its political and economic relations with Spain are excellent, it would be desirable for Spain to open a Permanent Diplomatic Mission there.

– Order DEF/264/2002, of 5 February, creates five Economic-Administrative Sections abroad (*BOE* 39, 14.2.02 and 58, 8.3.02).

Note: With full integration in NATO structures and growing Spanish participation in international defence bodies and programmes, there has been a significant increase in the number of overseas bodies for which funds must be administered, and in the numbers of Defence Ministry personnel allocated to them. Sections have therefore been created in Brussels, Naples Washington, Lisbon and Strasbourg.

- Royal Decree 510/2002, of 10 June, creates the post of Information Attaché at the Spanish Permanent Diplomatic Mission in the People's Republic of China (*BOE* 149, 22.6.02).
- Royal Decree 916/2002, of 6 September, regulates Defence Attachés (*BOE* 215, 9.9.02).
- Royal Decree 1138/2002, of 31 October, regulates the administration of the Ministry of Education, Culture and Sport abroad (*BOE* 262, 1.11.02).

3. Consular Relations

- Royal Decree 3425/2000, of 15 December, on Matriculations of Spanish nationals with Consular Offices abroad (*BOE* 3, 3:1.01).

- Orders creating the following Honorary Offices:

Argentina:

- Viedma (Rio Negro Province) and suppressing the Honorary Consular Offices at San Fernando, Balcarce, Santa Cruz, Zapala and San Antonio Oeste (Argentina) (*BOE* 185, 3.8.01).

Austria:

- St. Pölten (*BOE* 237, 3.10.02).

Belgium:

- Liège and suppresses the Honorary Viceconsulate at Charleroi (*BOE* 277, 19.11.02).

Brasil:

- Joao Pessoa (*BOE* 31, 5.2.02, 58, 8.3.02, and 128, 29.5.02).

Egypt:

- Suppresses the Honorary Consular Offices at Suez (Egypt) (*BOE* 185, 3.8.01).

Latvia:

- Riga (*BOE* 84, 7.4.01).

Moldova:

- Chisinau (*BOE* 31, 5.2.02 and 127, 28.5.02).

Mongolia:

- Ulan-Bator (*BOE* 181, 30.7.02).

Norway:

- Tromsø (*BOE* 113, 11.5.01 and 123, 23.5.01).

Paraguay:

- Encarnacion and Ciudad del Este (Paraguay) and suppresses the Honorary Consular Office at Concepcion (*BOE* 71, 23.3.01).

Philippines:

- Davao and Zamboanga (Republic of Philippines) (*BOE* 302, 18.12.01).

Poland:

- Cracow and Gdansk (Poland) (*BOE* 219, 12.9.01).

Slovak Republic:

- Kosice (Slovak Republic) (*BOE* 31, 5.2.02 and 129, 30.5.02).

USA:

- Durham (North Carolina) (*BOE* 146, 19.6.01).

– Order of 15 October 2001, made by the Ministry of Foreign Affairs, creates a Consular Office at Lagos (Federal Republic of Nigeria) as a General Consulate (*BOE* 261, 31.10.01).

– Order of 8 November 2001, made by the Ministry of Foreign Affairs, suppresses the Spanish General Consulate in Berlin (Federal Republic of Germany) (*BOE* 285, 27.11.01).

– Order of 23 January 2001, made by the Ministry of Foreign Affairs, modifies the jurisdiction of the Spanish General Consulates in Miami and Washington (*BOE* 29, 2.2.01).

– Order of 7 December 2001, made by the Ministry of Foreign Affairs, modifies the jurisdiction of the Honorary Consular Office at Duala (Cameroon) (*BOE* 303, 19.12.01).

– Order AEX/1679/2002, of 14 June, suppresses the Spanish Honorary Viceconsulate at Port-Said (Egypt) (*BOE* 159, 4.7.02).

– Order AEX/2487/2002, of 10 September, creates a Consular Office, with the category of Consulate, at Quito (Republic of Ecuador) (*BOE* 243, 10.10.02).

VII. TERRITORY

1. Frontiers

– Order of 5 February 2001, of the Ministry of the Interior, suppresses various border posts in the provinces of Navarra, Huesca, Ourense, Zamora, Cáceres and Badajoz (*BOE* 41, 16.2.01).

Note: Formal suppression of border posts: Vera de Bidasoa, Errazu and Echalar in the province of Navarra; Sallent de Gállego and Bielsa in the province of Huesca; Feces de Abajo and Puentes Barjas in the province of Ourense; Fermoselle, Calabor and Torregamones in the province of Zamora; Piedras Albas in the province of Cáceres; and Villanueva del Fresno in the province of Badajoz.

2. Air

– Royal Decree 57/2002, of 18 January, implements the Air Traffic regulations (*BOE* 17, 19.1.02).

Note: Amends the Regulations on Air Traffic adopted by Royal Decree 73/1992, of 31 January, according to Act 48/1960, of 21 June, on Air Traffic.

– Order PRE/1671/2002, of 1 July, partially amends the Order of 18 January 1993 on prohibited and restricted flight zones (*BOE* 159, 4.7.02).

Note: As a consequence of 11 September 2001, changes were made in the structure of airspace as defined in the Order of 18 January 1993 on prohibited and restricted flight zones, in order to augment the protection of certain buildings and zones close to Madrid.

VIII. SEAS, WATERWAYS, SHIPS

1. Sea

– Legislative Royal Decree 6/2002, of 4 October, authorizes the Finance Ministry to enter into transactional agreements between the Spanish State, the International Oil Pollution Compensation Fund of 1971 and the parties damaged by the “Aegean Sea” oil spillage, granting an extraordinary credit of 63,625,721.36 euros (*BOE* 239, 5.10.02).

– This was recognized as Act by decision of Congress on 17 October 2002 (*BOE* 257, 26.10.02).

Note: The vessel “Aegean Sea”, operating under the Greek flag, ran aground at La Coruña on 3 December 1992, spilling some 80,000 tonnes of oil. The injured parties instituted criminal proceedings as a result of which, Number 2 Criminal Court of A Coruña (on 30 April 1996) and the Provincial High Court of A Coruña (18 June 1997) delivered judgments ordering the Master of the vessel “Aegean Sea” and the Pilot of the port of La Coruña, as directly and jointly responsible for the spillage, to compensate the injured parties. They further declared that the United Kingdom Mutual Steamship Assurance Association and the International Oil Pollution Compensation Fund of 1971 (IOPCF) were liable for the damages caused by the shipwreck, and that their liability was joint and several. Finally, they convicted the owner of the “Aegean Sea” (“Aegean Sea Traders Corporation”) and the Spanish State, as subsidiaries in the third-party liability of the ship’s master and the port pilot. The judgment

sets specific amounts of compensation for certain complainants, but in most cases it defers the determination of third-party liability in respect of the offence to the enforcement procedure. Also, other injured parties opted to seek compensation through the civil courts upon conclusion of the criminal proceedings. The fact is that at the present moment, ten years after the event, not only have third-party liabilities not been quantified, but it is impossible to predict the outcome of the proceedings. The Royal Decree-Law authorizes the Government, through the Finance Ministry, to take action to compensate claims currently pending in the civil courts or pending enforcement by the criminal courts.

2. Fisheries

– Act 3/2001 of 26 March, State Sea Fisheries Act (*BOE* 75, 28.3.01 and 174, 21.7.01). *Note:* Fisheries are subject to regulation by four different legal systems: Public International Law, European Community Law, State Law and Autonomous Community Law.

Article 2 of the Act, constrained to some extent by the distribution of competences between the State laws and Autonomous Community laws, makes a distinction between, on the one hand external waters – i.e., maritime waters under Spanish jurisdiction or sovereignty beyond the base lines, as provided in Act 20/1967, of 8 April, on extension of jurisdictional waters to twelve miles for fishery purposes; and in Royal Decree 2510/1977, of 5 August, on jurisdictional waters and straight base lines for the delimitation thereof – and on the other hand internal waters, that is maritime waters under Spanish jurisdiction or sovereignty situated within the base lines.

According to Article 4, the provisions of the Act apply, in external waters as above defined, to:

- a) Spanish vessels in the following waters: 1.1 Waters coming under Spanish sovereignty or jurisdiction, including territorial waters, the exclusive economic zone and the Mediterranean fishery protection zone, with the exception of interior waters as regulated by Act 10/1977, of 4 January, on territorial waters; by Act 15/1978, of 20 February, on the exclusive economic zone, and by Royal Decree 1315, of 1 August, establishing a fishery protection zone in the Mediterranean Sea. 2.1 Waters coming under the sovereignty or jurisdiction of the European Union Member States, as provided in the Community regulations. 3.1 Waters coming under the sovereignty or jurisdiction of third countries, without prejudice to the national laws of such countries and the provisions of International Treaties, Agreements or Conventions. 4.1 The High Seas, as currently established in International Law and in the applicable provisions of International Treaties, Agreements or Conventions.
- b) Community vessels in waters coming under Spanish sovereignty or jurisdiction, as provided in European Union regulations.
- c) Vessels of third countries in waters coming under Spanish sovereignty or jurisdiction, as provided in European Union regulations and in rules applicable under International Treaties, Agreements or Conventions.

Pursuant to Article 5, policy on sea fishing in external waters shall be implemented in the form of:

- a) Measures for the conservation of fishery resources, through regulation of fishing tackle, regulation of fishing intensity, seasonal or zonal moratoria, or any other measure deemed appropriate in the light of existing resources;
- b) Measures for the protection and regeneration of fishery resources, through the establishment of protected areas and measures to prevent activities that may be harmful to fishery resources;
- c) Measures for improved fishery management, as a means of developing the industry through rationalization of fishing activity;
- d) Regulation of non-professional fishing inasmuch as it affects resources;
- e) Establishment of appropriate systems for control and inspection of fishing activities.

– Royal Decree 941/2001, of 3 August, establishes rules for the protection of fishery resources in the Cabrera Archipelago Sea/Land National Park (*BOE* 214, 6.9.01).

Note: When a National Park includes external waters – that is, maritime waters under Spanish jurisdiction or sovereignty lying outside the base lines – the Government will establish rules for the protection of fishery resources as appropriate for these waters alone, subject to the criteria set forth in the Master Plan for the National Parks network. This Royal Decree establishes rules for the protection of fishery resources in the Cabrera Archipelago Sea/Land National Park.

– Royal Decree 1134/2002, of 31 October, on application of sanctions in matters of sea fishing to Spaniards employed in vessels flying flags of convenience (*BOE* 262, 1.11.02).

Note: The relevant part of the Royal Decree is Article 2: Liability for breach of International Law.

1. Failure to comply with obligations in respect of sea fishing, and in particular those established in the 1982 United Nations Convention on the Law of the Sea or the conservation and management measures adopted by regional fishery organizations of which the European Union or Spain is a contracting or cooperating party, by any natural or legal person having Spanish nationality who has a legal tie with a vessel coming under the terms of Act 3/2001 Title V, when the flag State fails to sanction in exercise of its jurisdiction over such breach.

2. The flag State shall be deemed not to have exercised its sanctioning powers if upon the elapse of three months as of authenticated official notification of the breach, it fails to reply or else has not taken the steps necessary to produce such a sanction.

According to Article 3, on classification of countries and territories as flags of convenience: 1. Countries and territories shall be classified as operating flags of convenience if they are considered by regional fishery organizations to be non-cooperative within the areas regulated by them, according to the criteria established by these organizations. 2. Stateless vessels shall in any event be considered to be operating under flags of convenience.

3. Ships

– Order FOM/3056/2002, of 29 November, lays down the full procedure for stopovers of vessels in ports of general interest (*BOE* 291, 5.12.02).

– Royal Decree-Law 9/2002, of 13 December, introduces measures for tankers carrying hazardous or pollutant goods (*BOE* 299, 14.12.02).

Note: In response to the serious accident caused by the vessel “Prestige” in Spanish waters close to the coast of Galicia, Article 1 prohibits entry in Spanish ports, terminals or anchorages of single-hull oil-tankers, under whatever flag, carrying heavy fuel oil, tar, asphaltic bitumen or heavy crude oil.

IX. INTERNATIONAL SPACES

X. ENVIRONMENT

1. Fauna and Flora

– Royal Decree 942/2001, of 3 August, establishes a programme for the monitoring and verification of tuna caught in the Area of the Agreement on the International Dolphin Conservation Programme (AIDCP) (*BOE* 188, 7.8.01 and 243, 10.10.01).

XI. LEGAL ASPECTS OF INTERNATIONAL COOPERATION

1. Cultural Cooperation

– Royal Decree 3424/2000, of 15 December, approving the Statute of the Spanish International Cooperation Agency (*AECI*), brought the Directorate General of Cultural and Scientific Relations under the aegis of the *AECI*; as a result, the planning and management of dissemination of Spanish culture in countries not coming within the scope of the *AECI* is the direct responsibility of the office of the Secretary of State for International Cooperation and Iberoamerica, as amended accordingly in Article 13 section 6 of Royal Decree 1473/2000, of 4 August.

– Royal Decree 813/2001, of 13 July, approves the Regulations of the Spanish Academy in Rome (*BOE* 168, 14.7.01 and 183, 1.8.01).

Note: Since its creation in 1873, the Spanish Academy in Rome has played a fundamental role in the training of several generations of Spanish artists and intellectuals. Today, the Spanish Academy in Rome is still an important instrument of Spanish overseas cultural policy.

– Royal Decree 1137/2002, of 31 October, regulates diplomas in Spanish as a foreign language (*BOE*, 268, 8.11.02).

2. Economic Cooperation

– Legislative Royal Decree 1/2001, of 19 January, approves the grant of a guarantee to the Argentine Republic and raises the limit on approval by the Cabinet of transactions chargeable to the Development Assistance Fund (*BOE* 18, 20.1.01).

Approved by the Congress, 8 February 2001 (*BOE* 39, 14.2.01).

Note: In order to help stabilize its international financial position, in cooperation with international financial institutions, the Government was authorized during the 2001 financial year to issue a guarantee of up to one billion US dollars, plus the relevant financial charges, for a period not exceeding five years, to secure the line of financing to be set up by Spain for the Argentine Republic, within the framework of the programme of economic adjustment and financial assistance agreed between the latter and the International Monetary Fund.

– Royal Decree 281/2001, of 19 March, on competences, functions, composition and organization of the Development Cooperation Council (*BOE* 68, 20.3.01).

Note: The Development Cooperation Council was created and regulated by Royal Decree 795/1995, of 19 May, in implementation of the twenty-ninth additional provision of Act 42/1994, of 30 December, on Fiscal, Administrative and Social Measures. According to Article 22 of Act 23/1998, of 7 July, on International Development Cooperation, the Development Cooperation Council is a consultative body for the General State Administration and participates in the definition of international development cooperation policy; it is affiliated to the Ministry of Foreign Affairs through the office of the Secretary of State for International Cooperation and Iberoamerica.

3. Tariffs and Trade Cooperation

– Resolution of 28 December 2000, passed by the Spanish Customs and Special Taxes Department of the State Agency for Tax Administration, updates the Applicable Integrated Tariff (TARIC) (*BOE* 5, 5.1.01).

– Resolution of 26 January 2001, passed by the Spanish Customs and Special Taxes Department of the State Agency for Tax Administration, updates the Applicable Integrated Tariff (TARIC) (*BOE* 36, 10.2.01).

– Resolution of 27 February 2001, passed by the Spanish Customs and Special Taxes Department of the State Agency for Tax Administration, updates the Applicable Integrated Tariff (TARIC) (*BOE* 64, 15.3.01).

– Resolution of 25 April 2001, passed by the Spanish Customs and Special Taxes Department of the State Agency for Tax Administration, updates the Applicable Integrated Tariff (TARIC) (*BOE* 107, 4.5.01).

– Resolution of 25 June 2001, passed by the Spanish Customs and Special Taxes Department of the State Agency for Tax Administration, updates the Applicable Integrated Tariff (TARIC) (*BOE* 156, 30.6.01).

- Resolution of 25 September 2001, passed by the Spanish Customs and Special Taxes Department of the State Agency for Tax Administration, updates the Applicable Integrated Tariff (TARIC) (*BOE* 236, 2.10.01).
- Resolution of 29 October 2001, passed by the Spanish Customs and Special Taxes Department of the State Agency for Tax Administration, updates the Applicable Integrated Tariff (TARIC) (*BOE* 275, 16.11.01).
- Resolution of 10 December 2001, passed by the Spanish Customs and Special Taxes Department of the State Agency for Tax Administration, updates the Applicable Integrated Tariff (TARIC) (*BOE* 307, 24.12.01).
- Resolution of 17 January 2002, passed by the Spanish Customs and Special Taxes Department of the State Agency for Tax Administration, updates the Applicable Integrated Tariff (TARIC) (*BOE* 22, 25.1.02).
- Resolution of 22 March 2002, passed by the Spanish Customs and Special Taxes Department of the State Agency for Tax Administration, updates the Applicable Integrated Tariff (TARIC) (*BOE* 82, 5.4.02).
- Resolution of 25 April 2002, passed by the Spanish Customs and Special Taxes Department of the State Agency for Tax Administration, updates the Applicable Integrated Tariff (TARIC) (*BOE* 115, 14.5.02).
- Resolution of 31 May 2002, passed by the Spanish Customs and Special Taxes Department of the State Agency for Tax Administration, updates the Applicable Integrated Tariff (TARIC) (*BOE* 142, 14.6.02).
- Resolution of 25 June 2002, passed by the Spanish Customs and Special Taxes Department of the State Agency for Tax Administration, updates the Applicable Integrated Tariff (TARIC) (*BOE* 155, 29.6.02).
- Resolution of 29 July 2002, passed by the Spanish Customs and Special Taxes Department of the State Agency for Tax Administration, updates the Applicable Integrated Tariff (TARIC) (*BOE* 185, 3.8.02).
- Resolution of 25 September 2002, passed by the Spanish Customs and Special Taxes Department of the State Agency for Tax Administration, updates the Applicable Integrated Tariff (TARIC) (*BOE* 241, 8.10.02).
- Resolution of 25 October 2002, passed by the Spanish Customs and Special Taxes Department of the State Agency for Tax Administration, updates the Applicable Integrated Tariff (TARIC) (*BOE* 266, 6.11.02).

- Resolution of 5 December 2002, passed by the Spanish Customs and Special Taxes Department of the State Agency for Tax Administration, updates the Applicable Integrated Tariff (TARIC) (*BOE* 307, 24.12.02).

4. Financial and Tax Cooperation

- Order of 20 March 2001, issued by the Ministry of Finance, clarifies the inclusion of the Tax on Buildings, Installations and Works in section 1 point B) of Article IV of the Agreement on Economic Affairs between the Spanish State and the Holy See, of 3 January 1979 (*BOE* 144, 16.6.01).

5. Air Traffic and Transport

- Legislative Royal Decree 14/2001, of 28 September, establishes State-backed reinsurance of risks relating to war and terrorism that may affect air navigation (*BOE* 234, 29.9.01).

Approved by the Congress on 31 October 2001 (*BOE* 269, 9.11.01).

Note: The events of 11 September 2001 in the USA produced a drastic reduction in the capacity of the aviation insurance market, which led to changes of criterion in the coverage offered by reinsurers as the ultimate guarantors of such risks. This produced a sharp retraction of cover tranches, as a result of which airline and infrastructure management companies were unable to cover their potential risks and hence to operate normally. Given this world-wide context, the ECOFIN has opted to authorize the European Union States to provide such coverage temporarily in situations of force majeure.

- Order FOM/3316/2002, of 20 December, replaces annex 1 of Decree 1675/1972, of 26 June, on air navigation assistance tariffs (Eurocontrol) and modifies the late payment interest rate on payment of such tariffs (*BOE* 313, 31.12.02).

6. Labour, Social Security and Immigration

- Royal Decree 367/2001, of 4 April, regulates the composition, powers and rules of functioning of the Forum for Social Integration of Immigrants (*BOE* 83, 6.4.01).

Note: By Resolution of 2 December 1994, the Cabinet approved a Plan for Social Integration of Immigrants, which provided for the creation of a Forum for Social Integration of Immigrants. Royal Decree 490/1995, of 7 April, later amended by Royal Decree 2816/1998, of 23 December, established the Forum as a body affiliated to what was then the Ministry of Social Affairs. Organic Act 4/2000, of 11 January, on Rights and Freedoms in Spain and their social integration, as amended by Organic Act 8/2000, of 22 December, regulates the Forum for Social Integration of Immigrants and states the need of implementation as regards its composition, powers, rules of functioning and administrative affiliation. Article 70 of the cited Organic Act defines the Forum as a consultative body to furnish information and advice on matters of

immigrant integration; it is to be a tripartite body containing a balanced mix of representatives of public authorities, immigrants' associations and supporting social organizations, the latter including trade unions and employers' organizations having representation and interest in the immigrant community.

– Royal Decree 344/2001, of 4 April, creates the National Council for Immigration Policy (*BOE* 83, 6.4.01), amended by Royal Decree 143/2002, of 10 of June (*BOE* 143, 15.6.02).

Note: The purpose of the National Council for Immigration Policy is to coordinate actions by public authorities having competences or other means of intervening in immigrant integration policy. It is a collegiate body for coordination and cooperation between the General State Administration, Autonomous Communities and Local Authorities, affiliated to the Ministry of the Interior.

– Royal Decree 345/2001, of 4 April, regulates the Permanent Immigration Observatory (*BOE* 83, 6.4.01).

Note: The Permanent Immigration Observatory is a collegiate body whose task is to gather, analyse and examine the reality of immigration in quantitative and qualitative terms, and to publicize that information. Its ultimate object is to ascertain trends and evolution of immigration and to draw up proposals for the channelling of migratory flows and the integration of alien residents. It is affiliated to the Ministry of the Interior through the Government Delegation for Aliens and Immigration.

7. Health and Relief Cooperation

– Royal Decree 775/2002, of 26 July, creates a Spanish Committee for the European Year of Disabled People (*BOE* 206, 28.8.02).

8. Recognition of Qualifications

– Order of 20 March 2001, issued by the Ministry of Education, Culture and Sports, regulates the system of recognition of basic and secondary studies undertaken in countries signatory to the “Andrés Bello” Convention as equivalent to Spanish Compulsory Secondary Education and Baccalaureate as established by Organic Act 1/1990, of 3 October, on General Regulation of the Education System (*BOE* 86, 10.4.01).

– Order of 20 March 2001, issued by the Ministry of Education, Culture and Sports, regulates the system of recognition of studies undertaken in Switzerland as equivalent to Spanish Compulsory Secondary Education and Baccalaureate as established by Organic Act 1/1990, of 3 October, on General Regulation of the Education System (*BOE* 86, 10.4.01).

– Order of 20 March 2001, issued by the Ministry of Education, Culture and Sports, regulates the system of recognition of studies undertaken in Germany as equivalent

to Spanish Compulsory Secondary Education and Baccalaureate as established by Organic Act 1/1990, of 3 October, on General Regulation of the Education System (*BOE* 262, 1.11.01).

– Order of 20 March 2001, issued by the Ministry of Education, Culture and Sports, regulates the system of recognition of studies undertaken in Belgium as equivalent to Spanish Compulsory Secondary Education and Baccalaureate as established by Organic Act 1/1990, of 3 October, on General Regulation of the Education System (*BOE* 262, 1.11.01).

– Order of 20 March 2001, issued by the Ministry of Education, Culture and Sports, regulates the system of recognition of studies undertaken in the Netherlands as equivalent to Spanish Compulsory Secondary Education and Baccalaureate as established by Organic Act 1/1990, of 3 October, on General Regulation of the Education System (*BOE* 262, 1.11.01).

– Royal Decree 411/2001, of 20 April, excludes the profession of general nurse with speciality from the annexes in Royal Decree 1665/1991, of 25 October, on recognition of higher education qualifications issued in European Union States and other States that are Parties to the Agreement on the European Economic Area, which require at least three years of training at higher level (*BOE* 96, 21.4.01).

– Order ECD/272/2002, of 11 November, applies the provisions of Royal Decree 86/1987, of 16 January, regulating the conditions for recognition of foreign higher qualifications (*BOE* 40, 15.2.02).

– Order ECD/3305/2002, of 16 December, modifies the Orders of 14 March 1988 and 30 April 1996 for the application of the provisions Royal Decree 104/1988, of 29 January, on recognition and equivalence of foreign non-university qualifications and studies (*BOE* 311, 28.12.02).

XII. INTERNATIONAL ORGANIZATIONS

– Royal Decree 92/2001, of 2 January, regulates the Interministerial Commission to Negotiate in the World Trade Organisation (*CIOMC*) (*BOE* 40, 15.2.01 and 228, 22.9.01).

Note: Royal Decree 295/1995, of 24 February, created the Interministerial Commission to negotiate in the World Trade Organisation (*CIOMC*), whose task is to coordinate the viewpoints of the various Ministries involved in aspects relating to their respective competences and so facilitate the definition of a Spanish position in WTO negotiations.

– Act 1/2001, of 13 March, authorizes the Kingdom of Spain to participate in the eighth increase in the resources of the African Development Fund (*BOE* 64, 15.3.01).

Note: The Spanish contribution amounts to 53,022,242.76 euros, according to Resolution F/BG/99/09, adopted on 30 of June 1999.

– Order PRE/513/2002, of 5 March, authorizes NATO International Military Headquarters in Spain to register their official vehicles and issue registration documents for them, and amends annex XVIII of the General Vehicle Regulations, approved by Royal Decree 2822/1998, of 23 December (*BOE* 59, 9.3.02).

– Royal Decree 1289/2002, of 5 December, creates the Unit for Coordination of Spanish Participation in the United Nations Security Council (*BOE* 292, 6.12.02).

Note: This Decree creates, a specific Unit, only for the duration of Spain's seat on the Security Council, with the necessary human and material resources, whose task, under the direction of the Ministry of Foreign Affairs, is to plan and coordinate all activities necessitated by Spain's presence on the Security Council.

XIII. EUROPEAN UNION

– Royal Decree 779/2001, of 5 July, creates a Council for the debate on the Future of the European Union (*BOE* 167, 13.7.01).

Note: The essential purpose of the Council for the Debate on the Future of the European Union, which reports to the General Secretariat of the Presidency of Government, is to promote, organize and develop, at a national level, debate on the process of reform of the European Union, which will culminate in a Declaration on the Future of the Union, annexed to the Treaty of Nice at an Intergovernmental Conference scheduled for 2004. The Council will operate independently from the Government, but it may at any time require the cooperation of the various organs of the General State Administration and, as necessary, of other public administrations and institutions, as currently provided in law, for the discharge of its functions. These functions are: a) to promote and organize general and sectorial debates at a national level on the future of the European Union; b) to adopt such strategies as will lead to the best possible conduct of debates, and for that purpose to make the appropriate contacts with public institutions, universities and research centres, and private entities; c) to act as a conduit between such institutions and society at large, with a view to identifying states of opinion that can be used as input for the debates; d) to gather the information necessary for the organization of the debates, and to that end to make contacts and hold such meetings as may be necessary with Institutions and Organs of the European Union, with the Congress and the Senate and with the Institutions of the Autonomous Communities; e) to compile reports on the progress and the results of the debate and to bring these to the notice of State institutions and the general public.

– Organic Act 3/2001, of 6 November, authorizes the ratification by Spain of the Treaty of Nice amending the Treaty on European Union, the Treaties establishing the European Communities and certain related Acts, done at Nice on 26 February 2001 (*BOE* 267, 7.11.01).

– Royal Decree 911/2002, of 6 September, partially modifies the structure of the Support Unit for the Organizing Committee of the Spanish Presidency of the European Union (*BOE* 215, 7.9.02).

XIV. RESPONSIBILITY

XV. PEACEFUL SETTLEMENT OF DISPUTES

XVI. COERCION AND THE USE OF FORCE SHORT OF WAR

– Act 8/2002, of 24 April, grants an extraordinary credit of 66,055,348.82 euros for the payment of obligations to the United Nations Organization in respect of peace-keeping operations outstanding from previous years (*BOE* 99, 25.4.02).

Note: United Nations Resolution 55/235, of 22 December 2000, laid down a new scale of assessments for a period of nine years, replacing the previous scale which had been in existence for twenty-seven years. Under this new scale, Spain will contribute in exactly the same proportion as it does to the general UN budget. Thus, according to Resolution 55/5, of 22 December 2000, Spain's obligatory contribution to the general UN budget and the budget for peacekeeping operations will amount to 2.534 per cent of the total in 2001, 2.539 per cent in 2002, and 2.519 per cent in 2003. For the year 2000, Spain's contribution was 2.591 per cent, as stipulated in Resolution 52/215, of 22 December 1997.

XVII. WAR AND NEUTRALITY

– Royal Decree 1315/2001, of 30 November, regulates authorizations for the importation and introduction of chemicals referred to in Lists 1 and 2 of the Convention of 13 January 1993 on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (*BOE* 303, 19.12.01).

Note: Royal Decree 491/1998, of 27 March, approving the regulations on foreign trade in defence and dual use equipment, updated the regulation of exportation/despatch and importation/introduction of defence material and completed and implemented the regulations on exportation/despatch of dual-use products within the framework of the new Community legislation. Because these regulations only provided for control of exportation and importation/introduction of weapons of war, in compliance with the first additional provision of Act 49/999, of 20 December, on measures for the control of chemicals susceptible of diversion for use in the manufacture of chemical weapons, controls had to be introduced for importation and introduction in respect of chemicals included in Lists 1 and 2 of the annex on chemicals of the Convention of 13 January 1993 and not included in the said List of Weapons of War.

– Order DEF/610/2002, of 8 March, creates an International Demining Centre (*BOE* 69, 21.3.02).

Note: This is a specific Centre having sufficient capability to provide basic instruction on self-protection against mines, munitions and home-made devices, and sufficient training to enable any volunteer citizens to undertake demining tasks, within the framework of peace initiatives and humanitarian aid in the service of the international community.