

# *Treaties to which Spain is a Party Concerning Matters of Private International Law, 1999 and 2000*

This section was prepared by Dr. Núria Bouza i Vidal, Professor of Private International Law at the Pompeu Fabra University (Barcelona).

This survey covers the treaties and other international agreements published in the *Boletín Oficial del Estado* (Official Journal of the State) during 1999 and 2000. 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

– Convention between Spain and Portugal on judicial cooperation in civil and criminal matters, done at Madrid on 19 November 1997 (*BOE* 18, 21.01.99)

*Entry into force:* 19 December 1998

*Note:*<sup>1</sup>

### Article 1

Requests and documents relating to international judicial assistance in criminal and civil matters, transmitted between the Ministries of Foreign Affairs

---

<sup>1</sup> Council Regulation (EC) No 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extra judicial documents in civil or commercial matters (*OJ L 160*, 30.6.00) and Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of Member States in the taking of evidence in civil or commercial matters (*OJ L 174*, 27.6.01). According to articles 20 of the former and 21 of the second, these Regulations shall not preclude Member States from maintaining or concluding agreements or arrangements to expedite further or simplify the transmission of documents or to further facilitate the taking of evidence provided that they are compatible with these Regulations. Furthermore Member States shall send the Commission a copy of these agreements or arrangements as well as any documentation on them.

and Justice, and between judicial authorities. They may be drawn up in the language of the requesting State, and both Parties renounce the use of any reservations they may have formulated in this connection in the multilateral Treaties to which they are Party

(...)

#### Article 3

1) The judicial authorities of the border Courts shall directly transmit requests for judicial assistance in civil or criminal matters, without prejudice, if necessary, to the use of the channels established in the Conventions in force between both Parties "Border courts" are defined as Courts and Tribunals of both States whose jurisdictional territory corresponds to contiguous or neighbouring geographical areas.

(...)

#### Article 4

1) The present Agreement shall remain in force for five years and shall be renewed tacitly for periods of five years, unless it is denounced by either of the Parties in writing and through diplomatic channels one year before the expiry date"

– Convention on judicial assistance in civil and commercial matters between Spain and Thailand, done at Madrid on 15 June 1998 (*BOE* 109, 7.05.99 and 130, 1.06.99 (corrigendum)

*Ratified by Instrument:* 26 March 1999

*Entry into force:* 2 April 1999

*Note:*

### CHAPTER I. *General Provisions*

#### Article 1. *Scope of assistance*

The Parties agree to cooperate with each other in the service of judicial documents and the furnishing of evidence in civil and commercial matters

#### Article 2. *Legal protection*

1) The nationals of a Party shall enjoy the same legal protection that the other Party grants to its nationals and shall have free access to the Courts and Tribunals within the territory of the other Party and may appear before them in the same conditions as nationals of the other Party

2) Neither of the Parties shall oblige nationals of the other Party to furnish bonds or deposits for court expenses on the grounds they are foreign nationals

3) The provisions of the present Convention which relate to the nationals of either of the Parties shall also be applicable to legal persons incorporated pursuant to the legislation of either of the Parties and with registered office on their territory

#### Article 3. *Central authorities*

1) Each Party shall designate an Authority which will be responsible for sending and receiving requests for service of judicial documents or letters

rogatory for the procurement of evidence, and for abiding by the provisions of the present Convention

2) The Authority of the Kingdom of Spain is the Ministry of Justice and the Authority of the Kingdom of Thailand is the Ministry of Justice

(...)

#### CHAPTER IV. *Final provisions*

(...)

#### Article 20. *More favourable provision*

1) The provisions of the present Convention shall neither affect nor limit the provisions contained in other bilateral or multilateral Conventions concluded by the Parties on the same matters

2) The provisions of the present Convention shall neither affect nor limit any other more favourable practices which Parties may observe in respect of the same matters under their national legislation.

– Convention between Spain and Romania supplementing The Hague Convention of 1 March 1954 on civil procedure, done at Bucharest on 17 November 1997 (*BOE* 109, 7.05.99).

*Entry into force:* 10 February 1999

– Convention on judicial cooperation in civil, commercial and administrative matters between the Kingdom of Spain and the Kingdom of Morocco. Madrid, 30 May 1997.

*Definitive entry into force:* 1 July 1999 (*BOE* 151, 25.06.99).

– Convention between the Kingdom of Spain and the Kingdom of Morocco on judicial assistance, recognition and enforcement of judicial resolutions with regard to custody and visitation rights and return of minors. Madrid, 30 May 1997.

*Definitive entry into force:* 1 July 1999 (*BOE* 151, 25.06.99).

## IV. RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGEMENTS AND DECISIONS

– Convention on the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters and to the Protocol on its interpretation by the Court of Justice, with the adjustments made to them by the Convention on the accession of the Kingdom of Denmark, of Ireland and of the United Kingdom of Great Britain and Northern Ireland, by the Convention on the accession of the Hellenic Republic and by the Convention on the accession of the Kingdom of Spain and the Portuguese Republic, done at Brussels on 29 November 1996 (*BOE* 77, 31.03.99)

*Deposit of Instrument of ratification:* 22 January 1999.

*Entry into force:* for Spain, Germany, Austria, Denmark, Finland, the Netherlands and Sweden on 1 April 1999

– Convention between Spain and Romania on jurisdiction and the recognition and enforcement of decisions in civil and commercial matters, done at Bucharest on 17 November 1997 (*BOE* 134, 5.06.99 and 158, 3.07.99 (corrigendum))

*Entry into force:* 13 June 1999

*Note:*

#### CHAPTER I. *Scope of application*

(...)

##### Article 2. *Matters excluded*

The following are excluded from the scope of application of this Convention:

- a) Revenue, customs and administrative matters
- b) The status and legal capacity of natural persons, matrimonial property regimes, wills and succession.
- c) Bankruptcy, proceedings relating to the winding-up of insolvent companies or other legal persons.
- d) Social Security
- e) Insurance subject to private law
- f) Civil navigation
- g) Arbitration

#### CHAPTER II. *Jurisdiction*

##### Article 3. *General provisions*

Natural or legal persons, whatever their nationality, domiciled or with registered office in the territory of one of the Contracting States, shall be governed by the jurisdiction of the said contracting State and may only be sued in the courts of the other contracting State by virtue of the rules of jurisdiction established in the present Convention.

Natural or legal persons who are not nationals of the Contracting State where they are domiciled or have their registered office shall be governed by the rules of jurisdiction applicable to the nationals of the said Contracting State”

– Convention between Spain and Romania on jurisdiction and the recognition and enforcement of decisions in civil and commercial matters, signed “ad referendum” in Bucharest on 17 November 1997.

*Entry into force:* 13 June 1999 (*BOE* 134, 05.06.99)

– Convention between the Kingdom of Spain and the Republic of Cuba on the enforcement of criminal sentences, signed “ad referendum” in Madrid, 23 July 1998.

*Entry into force:* 16 June 2000 (*BOE* 240, 06.10.00).

## V. INTERNATIONAL COMMERCIAL ARBITRATION

## VI. CHOICE OF LAW: SOME GENERAL PROBLEMS

## VII. ALIENS, REFUGEES AND CITIZENS OF THE EUROPEAN COMMUNITY

– Additional Protocol signed by Spain and Nicaragua modifying the Convention on Dual Nationality of 25 July 1961, done at Managua on 12 November 1997 (*BOE* 24, 28.01.99)

*Entry into force:* 18 March 1999

*Note*<sup>2</sup>

### Article 2

Nicaraguan and Spanish nationals who have exercised the rights established in the Convention on Dual Nationality of 25 July 1961 between Nicaragua and Spain may express at any time their wish to disassociate themselves from application of the said Convention, provided they submit a declaration to the competent authority corresponding to their place of residence. A statement of disassociation does not entail renunciation of most recently acquired nationality

– Agreement between the Kingdom of Spain and the Republic of Lithuania concerning the abolition of visas, signed in Madrid, 9 March 1999 (*BOE* 92, 17.04.99 and 132, 3.06.99 (corrigendum)

*Provisional application:* 8 April 1999

*Entry into force:* 30 April 2000 (*BOE* 132, 2.06.00)

*Note:*

1. Nationals of one of the Contracting Parties who hold a valid diplomatic, service or ordinary passport may enter the territory of the other Contracting Party without a visa for maximum stays of three months within a six-month period, for either tourist or business trips and for official missions, except for the first entry for accreditation purposes.

When the nationals of the Republic of Lithuania enter the territory of the Kingdom of Spain after crossing the territory of one or more of the States Parties to the Convention Applying the Schengen Agreement of 19 June 1990, the three-

---

<sup>2</sup> This Protocol pursues the same aim as the Additional Protocol between Spain and Costa Rica of 23 October 1997 ( *Vid:* "Treaties and other International Agreements involving questions of Private international Law to which Spain is Party, 1998" *Spanish Yearbook of International Law*, VI), namely to prevent Spanish citizens wishing to "revive" their "latent" Spanish nationality under these Conventions from receiving less favourable treatment than other Spanish nationals wishing to recover their lost Spanish nationality

month period shall be effective from the date they crossed the external border delimiting the area of free movement established by the said States

(...)

– Agreement between Spain and Estonia on the abolition of visas, done at Madrid on 9 March 1999. (BOE 92, 17.04.99 and 132, 3.06.99 (corrigendum)

*Provisional application:* from 8 April 1999

*Entry into force:* 31 January 2000 (BOE 10, 13.01.00)

*Note:* Drawn up in the same terms as the previous Agreement

– Agreement between Spain and Latvia on the abolition of visas, done at Madrid on 9 March 1999. (BOE 92, 17.04.99 and 132, 3.06.99 (corrigendum)

*Provisional application:* from 8 April 1999

*Entry into force:* 31 January 2000 (BOE 94, 19.04.2000)

*Note:* Drawn up in the same terms as the two previous Agreements.

– Agreement between Spain and Slovakia on the readmission of persons in an irregular situation, done at Bratislava on 3 March 1999 (BOE 94, 20.04.99).

*Provisional application:* from 2 April 1999

*Entry into force:* 11 December 1999 (BOE 310, 28.12.99)

*Note:* The purpose of this agreement is to foster cooperation between the Contracting Parties, in the framework of the international efforts to prevent clandestine migration, on the basis of reciprocity and in the context of common European interests

#### *“CHAPTER 1. Readmission*

##### *Article 1*

1) Each Contracting Party, at the request of the other Contracting Party and without formalities, shall readmit persons who do not, or no longer, comply with the current entry or residence requirements of the requesting Contracting Party, provided that the person in question is proven or presumed, in a plausible manner, to be a national of the requested Contracting Party

2) The requesting Contracting Party shall readmit persons referred to in paragraph 1 without any type of formalities provided it is proven that they were not nationals of the requested Contracting Party at the time of leaving the territory of the requesting Contracting Party.

(...)

#### *CHAPTER II. Readmission of nationals of third States*

##### *Article 5*

1) Each Contracting Party shall readmit, at the request of the other Contracting Party and without formalities, nationals of a third country who do not, or no longer, comply with the current entry or residence requirements of the requesting Contracting Party, provided they are proven or presumed to have entered the territory of this Party after staying, residing in or crossing the territory of the requested Contracting Party

2) The obligation to readmit set forth in the previous paragraph shall not be applicable to nationals of third States who, upon entering the territory of the requesting Contracting Party, possess a visa or valid residence permit issued by the said Contracting Party or are issued with a visa or residence permit by the said Party after entry.

3) The Contracting Parties shall endeavour to ensure that the nationals of third States return to their country of origin

Article 6

1) When the national of a third State who has entered the territory of the requesting contracting Party does not comply or no longer complies with the current entry or residence requirements and possesses a visa or authorization to remain in the territory issued by the requested Contracting Party, the latter shall admit this foreign national without formalities of any kind at the request of the requesting Contracting Party

2) In the event that both Contracting Parties have issued a visa or authorization to remain within their territory, the previous paragraph shall only be applicable if the visa or authorization issued by the requested Contracting Party is the last to expire

3) Paragraphs 1 and 2 of this article shall not be applicable where a transit visa has been issued

Article 7

The obligation to readmit laid down in articles 5 and 6 shall not exist in the case of nationals of third States

a) To whom the requesting Contracting Party has recognized refugee status through application of the Geneva Convention of 28 July 1951

b) Who have been expelled by the requested Contracting Party to their country of origin or to a third country

c) Who have remained on the territory of the contracting Party for more than a year

(...)

CHAPTER VI. *General and final provisions*

(...)

Article 17

1) The provisions of the present Agreement shall not affect the obligations to readmit nationals of third states deriving from other international agreements signed by the Contracting Parties

2) The provisions of the present Agreement shall not prevent the application of the Geneva Convention of 28 July 1951 on the status of refugees, version modified by the Protocol of 31 January 1967 on the status of refugees

3) The provisions of the present Agreement shall not prevent the application of any agreements signed by the Contracting Parties concerning the protection of human rights

Article 18

(...)

4) Either of the Contracting Parties may suspend totally or partially the application of the present agreement for an established period, except Article 1, for reasons of state security, public policy or public health. The adoption or withdrawal of such a measure shall be notified as soon as possible through diplomatic channels. Suspension of the application of the present agreement shall be effective from the transmittal of the notification to the other Contracting Party.

– Exchange of Notes constituting an Agreement with Brunei Darussalam on the abolition of visas, done at Kuala Lumpur on 8 and 13 June 1999. (BOE 223, 17.09.99)

*Provisional application:* from 13 July 1999

*Entry into force:* 19 February 2001 (BOE 74, 27.03.01)

*Note:* The period of time nationals of Brunei may remain in Spain without a visa is the same as established in the aforementioned agreements with Lithuania, Estonia and Latvia.

“On the part of Brunei Darussalam:

1) Holders of Spanish passports may enter Brunei Darussalam without a visa for a maximum period of fourteen days from date of entry. For stays of more than fourteen days, they shall require: a visa;

2) Sufficient financial means during their stay in Brunei;

3) Valid travel documents and a confirmed ticket for the return journey;

4) Permission to re-enter their country of origin or to enter a different country other than Brunei no later than fourteen days after the date of arrival (...)

– Agreement between Spain and Latvia on the readmission of persons in an irregular situation, done at Madrid on 30 March 1999. (BOE 93, 18.04.00)

*Entry into force:* 1 February 2000

*Note:* The content of this Agreement is the same as the Agreement between Spain and Slovakia on the readmission of persons in an irregular situation of 3 March 1999. (*vid. supra*)

– Agreement between Spain and Lithuania on the readmission of persons in an irregular situation, done at Madrid on 18 November 1998. (BOE 94, 19.04.00)

*Entry into force:* 1 March 2000

*Note:* Same content as the aforementioned Agreements on the readmission of persons in an irregular situation, though the provision on readmission of nationals of third States expressly includes stateless persons

– Agreement between Spain and Estonia on the readmission of persons, done at Tallin on 28 June 1999 (BOE 113, 11.05.00)

*Entry into force:* 6 February 2000

*Note:* Same content as the aforementioned Agreements on the readmission of persons in an irregular situation



- Protocol between Spain and Ecuador amending the Convention on Dual Nationality of 4 March 1964, done at Quito on 25 August 1995. (BOE 196, 16.8.00)

*Entry into force:* 5 July 2000

*Note:* Article 8 has been reworded in order to foster a uniform interpretation and application of the Convention on Dual Nationality

“Article eight

Spaniards in Ecuador and Ecuadorians in Spain who have not exercised their right to the benefits granted by this Convention shall continue to enjoy the rights and advantages granted to them by Ecuadorian and Spanish legislation respectively.

Subject to their legislation and pursuant to international law, having granted the necessary residence or work permits, each Party shall grant the other Party's nationals facilities for engaging in profit-making, employment or professional activities as employees or self-employed persons, on an equal footing with the nationals of the State of residence. Work permits will be issued free of charge.

The respective authorities shall guarantee the effective enjoyment of the aforementioned facilities, subject to the criterion of reciprocity”.

- Agreement concerning the entry and short stay of Australian nationals in Spain and Spanish nationals in Australia, done at Madrid on 19 November 1998. (BOE 220, 13.09.00)

*Entry into force:* 28 July 2000.

*Note:* The maximum limit for stays not requiring visas is the usual three months within a six-month period

- Exchange of Notes between Spain and Italy for the mutual recognition of qualifications in secondary, higher and university studies, done at Rome on 14 July 1999. (BOE 277, 18.11.00)

*Entry into force:* 14 July 1999

- Agreement between Spain and Peru on the abolition of visas in diplomatic, service and special passports, done at Madrid on 8 November 2000. (BOE 309, 26.12.00)

*Provisional application from:* 8 December 2000

*Entry into force:* 30 June 2001 (BOE 161, 6.07.01)

- Agreement between Spain and Peru on the free exercise of remunerated employment for dependants of diplomatic, consular, administrative and technical personnel of diplomatic and consular missions, done at Madrid on 7 March 2000. (BOE 309, 26.12.00)

*Entry into force:* 4 December 2000

- Agreement between Spain and Venezuela on the free exercise of remunerated

employment for dependants of diplomatic, consular, administrative and technical personnel of diplomatic and consular missions, done at Madrid on 7 March 2000. (BOE 309, 26.12.00)

*Entry into force:* 4 December 2000

## VIII. NATURAL PERSONS: LEGAL INDIVIDUALITY, CAPACITY AND NAME

## IX. FAMILY LAW

## X. SUCCESSION

## XI. CONTRACTS

– Convention on the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the Convention on the Law applicable to Contractual Obligations, opened for signature in Rome on 19 June 1980, and to the first and second Protocols on its interpretation by the Court of Justice, done at Brussels on 29 November 1996. (BOE 82, 6.04.99)

*Deposit of Instrument of Ratification:* 22 January 1999.

*Entry into force:* for Spain, Germany, Austria, Finland, the Netherlands and Sweden on 1 April 1999

## XII. TORTS

## XIII. PROPERTY

### 1. Industrial and Intellectual property

– Trademark Law Treaty and Regulations, done at Geneva on 27 October 1994. (BOE, 41, 17.02.99)

*Ratified by Instrument:* 27 October 1994.

*Entry into force:* 17 March 1999

*Note:* Spain has formulated the following reservations and declarations

“*Reservation:* In accordance with Article 21.1 of the Trademark Law Treaty (TDM) and notwithstanding Article 11 “derivative marks or applications for derivative marks may not be transferred independently but with the principal mark, the transfer or licensing of which shall include that of any derivative marks”

“*Declarations:*

1. In accordance with Article 22.1 a) TDM, and notwithstanding Article 3(5), an application may be filed with the Office only in respect of goods or services which belong to one class of the Nice Classification”

2. In accordance with Article 22.i c) TDM, and notwithstanding Article 7.1) of the TLT, “no application may be divided”

3. In accordance with Article 22.2)TDM, and notwithstanding Article 4(3)(b), “a power of attorney may only relate to one application or one registration”

4. In accordance with Article 22.5 TDM, and notwithstanding Article 13(4)(iii), “the furnishing of a declaration and/or of evidence concerning use of the mark may be required on the occasion of renewal”.

– Agreement between the European Patent Organization, the Spanish Patent and Trademark Office and the Swedish Patent and Registration Office on the establishment of cooperation in international searches, done at Madrid on 10 February 1999. (BOE 101, 28.04.99).

*Provisional application:* of titles I to III from 10 February 1999

*Entry into force:* 9 March 2000 (BOE 79, 1.04.00)

– Amendments to the Patent Cooperation Treaty (PCT), adopted by the Patent Cooperation Union (PCT Union) Assembly at the 24th (11th ordinary) session, 1 October 1997.

*Entry into force:* 1 July 1998 (BOE 28, 02.02.00 and 67, 13.07.00).

## 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

## 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

– ILO Convention 176 on safety and health in Mines, done at Geneva on 22 July 1995 (BOE 24, 28.1.99)

*Ratified by Instrument:* 25 April 1997

*Entry into force:* 5 June 1998

– ILO Convention 181 on private employment agencies, done at Geneva on 19 June 1997. (BOE 219, 13.09.99)

*Deposit of Instrument of Ratification:* 15 June 1999.

*Entry into force:* 15 June 2000

– Convention on Social Security between Spain and the Republic of Uruguay, done at Montevideo on 1 December 1997. (BOE 47, 24.02.00)

*Ratified by Instrument:* 2 July 1999.

*Entry into force:* 1 April 2000

*Note:* This Convention repeals the Administrative Agreement of 21 June 1979, respecting the rights established therein (Article 31)

#### TITLE I. *General provisions*

(...)

#### Article 2. *Material scope of application*

1. The present Convention shall be applicable

A) In Spain: to legislation relative to the benefits provided by the Spanish Social Security system with respect to:

a) Financial benefits for maternity

b) Disability, old-age, death and survivorship benefits.

c) Family allowances.

d) Financial benefits deriving from occupational accidents and illnesses

B) In Uruguay: to legislation relative to Social Security benefits with respect to:

a) Retirement and pension schemes based on the individual allocation and capitalisation system.

b) The maternity benefit system

c) The industrial accident and occupational illness system.

2. The present Convention shall likewise be applicable to any future legislation supplementing or modifying the legislation listed in the previous paragraph

3. The Convention shall be applicable to legislation establishing a new subsidized or special Social Security system if the Parties so agree.

#### Article 3. *Personal scope of application*

The present Convention shall be applicable to workers who are or have been subject to the Social Security legislation of either or both of the Contracting Parties, and to their relatives and survivors.

#### Article 4. *Principle of equal treatment*

Workers of one of the Contracting Parties who are self-employed or employed within the territory of the other Party shall be subject to, and benefit from, the legislation of the said Party in Social Security matters in the same conditions as nationals thereof.

**Article 5. *Preservation of acquired rights and payment of allowances abroad***

1. Unless the present Convention states otherwise, pensions and other financial benefits included in Article 2, except for temporary incapacity in cases of occupational illness or industrial accidents, shall not be subject to reduction, modification, suspension or withholding on the grounds that the beneficiary is located or resides in the territory of the other Party, and shall be paid to him in that territory.

2. The benefits recognised on the basis of this Convention to beneficiaries residing in a third State shall be paid under the same conditions and to the same extent as to beneficiaries residing in this third country.

3. The provisions laid down in the previous paragraphs shall not be applicable to non-contributory benefits in either country.

– Additional Protocol to the European Social Charter, done at Strasbourg on 5 May 1988 (*BOE* 99, 25.04.00 and *BOE* 220, 13.09.00 (corrigendum))

*Deposit of Instrument of Ratification:* 24 January 2000.

*Entry into force:* for Spain 23 February 2000

– Denouncement by Panama of the Agreement signed with Spain on Social Security on 8 March 1978. (*BOE* 126, 26.05.00)

*Denouncement effective:* from 25 May 2000.

## XXI. CRIMINAL LAW

*Note:* See, also, section II and Treaties concerning matters of Public International Law 1999 and 2000, section XI.17.

– Convention between Spain and Bulgaria for cooperation in the fight against crime, done at Sofia on 21 July 1998. (*BOE* 65, 17.03.99)

*Provisional application:* from 5 February 1999

*Entry into force:* 9 August 1999 (*BOE* 153, 27.06.01)

– Convention, drawn up on the basis of Article K.3 of the Treaty on European Union, on simplified extradition procedure between the Member States of the European Union, done at Brussels on 10 March 1995. (*BOE* 89, 14.04.99).

*Deposit of Instrument of Ratification:* 22 January 1999.

*Provisional application:* between Spain, Denmark, Germany and Sweden from 22 April 1999

*Note:* Declaration by Spain

“On Article 9:

Pursuant to Article 9 Spain declares that the rules laid down in Article 14 of the European Convention on Extradition to not apply to the cases envisaged in Article 9

On Article 12:

Pursuant to Article 12.3, Spain declares that it intends to apply paragraph 1, second indent, and paragraph 2 under its own conditions

On Article 15

Pursuant to Article 15, Spain declares that the Ministry of Justice is the “competent authority” within the meaning of Article 14

On Article 16:

Pursuant to Article 16 paragraph 3, Spain declares that the Convention shall apply to it in its relations with Member States that have made the same declaration 90 days after the date of deposit of Spain’s Instrument of Ratification”.

– Convention between Spain and Panama on legal assistance and judicial cooperation in criminal matters, done at Madrid on 19 October 1998 (*BOE* 42 , 18.02.00)

*Ratified by Instrument:* 17 September 1999

*Entry into force:* 1 March 2000

– Treaty on mutual legal assistance in criminal matters between Spain and the Republic of Uruguay, done at Montevideo on 19 November 1991. (*BOE* 47, 24.02.00 and *BOE* 66, 17.03.00 (corrigendum)

*Ratified by Instrument:* 30 November 1999.

*Entry into force:* 7 February 2000.

*Note:*

#### “CHAPTER 1. *General provisions*

##### Article 1. *Scope of the Treaty*

1. The Parties shall grant each other assistance, pursuant to the present Treaty, in the investigation and prosecution of crimes, and in judicial proceedings relating to criminal matters

(...)

##### Article 3. *Central authorities*

1. In each of the Parties there will be a central authority responsible for submitting and receiving the requests referred to in the present Treaty

2. The central authority for the Kingdom of Spain will be the Ministry of Justice. The central authority for the Republic of Uruguay will be the Ministry of Education and Culture

3. The central authorities will communicate with each other directly for all the purposes established in the present Treaty

(...)

#### CHAPTER IV. *Final provisions*

##### Article 24. *Compatibility with other treaties, agreements or conventions*

The assistance and procedure established in the present Treaty shall not prevent either of the Parties from granting assistance to the other in accordance with or pursuant to other more favourable international treaties to which they are Party. The Parties may also grant assistance in accordance

with any more favourable bilateral convention, agreement or practice that may be applicable”

– Convention between Spain and Bolivia on judicial assistance in criminal matters, done at La Paz on 16 March 1998. (BOE 53, 2.03.00)

*Ratified by Instrument:* 14 April 1999.

*Entry into force:* 1 April 2000.

*Note:* The obligation to provide judicial assistance established in the Convention is not applicable to the enforcement of judgements relating to detentions and arrests or convictions (Article 1). These matters are covered by the Treaties between Spain and Bolivia of 24 April 1990 on the transfer of convicted persons and on Extradition.

– Agreement on mutual cooperation between Spain and Mexico for the exchange of information on financial operations carried out through financial institutions to prevent and combat unlawful or money-laundering operations, done at Madrid on 24 April 1999 (BOE 221, 14.09.00)

*Entry into force:* 1 September 2000

*Note:*

“Article 1. *Purpose and scope*

1. The purpose of the present Agreement is to allow and facilitate, mutually, the exchange of information on financial operations between the competent authorities of the Parties in order to detect and freeze financial operations (placement, concealment, exchange or transfer of assets) suspected of being carried out with the proceeds from unlawful activities.

(...)

– Convention on judicial cooperation in criminal matters between Spain and Colombia, done at Bogotá on 29 May 1997. (BOE 276, 17.11.00)

*Ratified by Instrument:* 4 July 2000.

*Entry into force:* 1 December 2000.

*Note:*

CHAPTER I. *General provisions*

“Article 1. *Scope of application*

(...)

4. This Convention shall not be applicable to:

a) The detention of persons for the purpose of extradition or to extradition requests

b) The enforcement of criminal judgements, including the transfer of convicted persons in order that they may serve a criminal conviction; assistance to individuals or to third States”

– Convention on judicial assistance in criminal matters between the Kingdom of Spain and the Kingdom of Morocco. Madrid, 30 May 1997.

*Instrument of ratification:* 31 May 1999 (BOE 167, 13.07.00).

*Note:* Convention published in BOE 150, 24.06.97.

## XXII. TAX LAW

– Convention on the accession by Austria, Finland and Sweden to the Convention on the Elimination of Double Taxation in connection with the adjustment of profits of associated enterprises, done at Brussels on 21 December 1995. (BOE 282, 25.11.99)

*Deposit of Instrument of Ratification:* 8 October 1999.

*Entry into force:* 1 January 2000

– Convention between the Kingdom of Spain and the Republic of Indonesia for the evidence of double taxation and the prevention of tax evasion in relation to taxes on income and capital, done at Jakarta on 30 May 1995. (BOE 12, 14.01.00).

*Ratified by Instrument:* 17 September 1999.

*Entry into force:* 20 December 1999

– Protocol amending the Convention of 23 July 1990 on the Elimination of Double Taxation in connection with the adjustment of profits of associated enterprises, done at Brussels on 25 May 1999 (BOE 22, 26.01.00)

*General provisional application and for Spain* from 1 January 2000

– Protocol modifying the Convention between the Kingdom of Spain and Denmark for the evidence of double taxation and the prevention of tax evasion in relation to taxes on income and capital of 2 July 1972, done at Copenhagen on 17 March 1999. (BOE 118, 17.05.00 and BOE 163, 8.07.00 (corrigendum))

*Entry into force:* 7 April 2000

– Convention and Protocol between the Kingdom of Spain and the Russian Federation for the evidence of double taxation and the prevention of tax evasion in relation to taxes on income and capital, done at Madrid on 16 December 1998. (BOE 161, 6.07.00)

*Entry into force:* 13 June 2000.

*Note:* On the date this Convention comes into force, the Convention between Spain and the USSR for the avoidance of double taxation in relation to taxes on income and capital signed at Madrid on 1 March 1995 shall cease to be applicable.

*Note:* See also Treaties concerning matters of Public International Law 1999 and 2000, section XI.8.