

Spanish Municipal Legislation Concerning Matters of Public International Law, 1998

This section was prepared by members of the Department of Public International Law at the University of Málaga, including Elena del Mar García Rico, Magdalena M. Martín Martínez, Lecturers in Public International Law, and Alejandro J. Rodríguez Carrión, Professor of Public International Law, and Eloy Ruiloba García, Ana María Salinas de Frías and María Isabel Torres Cazorla, Research Associates in Public International Law.

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 Gazette) will be given.

I. INTERNATIONAL LAW IN GENERAL

II. SOURCES OF INTERNATIONAL LAW

– Resolution issued on 26 January 1998 by the Technical General Secretariat of the Ministry of Foreign Affairs on third states' actions in respect of multilateral treaties to which Spain is a party (*BOE* 37, 12.2.98).

Note: This resolution provides for the publication, for public knowledge, of the communications related to international treaties received by the Ministry of Foreign Affairs from 1 September to 31 December 1997.

– Resolution issued on 28 May 1998 by the Technical General Secretariat of the Ministry of Foreign Affairs on third states' actions in respect of multilateral treaties to which Spain is a party (*BOE* 139, 11.6.98).

Note: This resolution provides for the publication, for public knowledge, of the communications related to international treaties received by the Ministry of Foreign Affairs from 1 January 1998 to 30 April 1998.

– Resolution issued on 6 October 1998, by the Technical General Secretariat of the Ministry of Foreign Affairs, on third states' actions in respect of multilateral treaties to which Spain is a party (*BOE* 253, 22.10.98).

Note: This Resolution provides for the publication, for public knowledge of the communiqués related to international treaties received by the Ministry of Foreign Affairs from 1 May 1998 to 31 August 1998.

III. THE RELATIONSHIP BETWEEN INTERNATIONAL AND MUNICIPAL LAW

– Law 27/1998, 13 July, establishing the sanctions applicable to infringements of the rules laid down under Council Regulation (EC) 2271/96, 22 November, relative to protection against the extraterritorial application of a third country's legislation (*BOE* 167, 14.7.98).

IV. SUBJECTS OF INTERNATIONAL LAW

– Organic Law 5/1998, 7 July, amending Organic Law 3/1983, 25 February, on the Statute of Autonomy of the Autonomous Region of Madrid (*BOE* 162, 8.7.98).

Note: The current article 33 of the Statute of Autonomy becomes article 32, with the following wording:

“1. The Community of Madrid may request the Government of Spain to conclude international treaties or conventions regarding matters of interest for Madrid.

2. The Community of Madrid shall be informed about the drawing up of international treaties and conventions and the negotiations for accession to them, as well as draft customs legislation, whenever they affect matters of specific interest to it. On receiving this information, the Community Government shall, when applicable, make known its opinion thereon.

3. The Community of Madrid shall take the necessary steps for the implementation, within its territory, of international treaties and conventions and the regulatory action of the international organizations, in so far as they affect matters within the jurisdiction of the Community of Madrid.”

V. THE INDIVIDUAL AND INTERNATIONAL LAW

1. Nationals

– Royal Decree 2022/1997, 26 December, by the Ministry of the Presidency, amending Royal Decree 1339/1987, 30 October, on the channels for institutional participation of Spaniards resident abroad (*BOE* 14, 16.1.98).

- Order issued on 30 December 1997, by the Ministry of Labour and Social Affairs, which establishes and regulates action programmes on behalf of Spanish emigrants (*BOE* 25, 29.1.98).

2. Aliens

- Resolution issued on 12 January 1998, by the Directorate-General for Migration Planning approving the model for the application for exemption from work and residence permits or verification of legal stay (*BOE*, 33, 7.2.98).
- Resolution issued on 4 June 1998, by the Under-Secretariat of the Ministry of the Presidency publishing the Agreement between the Ministry of Foreign Affairs and the Ministry of the Interior on the order to process the issuing of visas at borders (*BOE* 139, 11.6.98).
- Order issued on 23 December 1998, by the Ministry of the Economy and Finance on rules and technical instructions for the drawing up of the census, for the municipal elections, of foreigners resident in Spain (*BOE* 313, 31.12.98).

3. Refugees

- Resolution issued on 6 July 1998, by the Directorate-General of the Migration and Social Services Institute, approving the Basic Statutes of the Refugee Reception Centres of the Migration and Social Services Institute (*IMSERSO*) (*BOE* 188, 7.8.98).

4. Human Rights

- Royal Decree 2011/1997, 26 December, issued by the Ministry of Foreign Affairs, setting up the Spanish National Committee for the Fiftieth Anniversary of the United Nations Universal Declaration of Human Rights (*BOE* 17, 20.1.98).
- Resolution issued on 28 October 1998, by the Technical General Secretariat of the Ministry of Labour and Social Affairs, publishing the Council of Ministers Agreement dated 2 October 1998 that sets up the Spanish Committee for the Coordination of Action for the International Year of Older People, 1999, promoted by the United Nations (*BOE* 278, 20.11.98).

VI. STATE ORGANS

1. Central organs

– Royal Decree 931/1998, 14 May, establishing the General Secretariat for Foreign Trade (*BOE* 119, 19.5.98).

– Order issued on 23 July 1998, by the Ministry of Foreign Affairs, setting up the Ministry of Foreign Affairs Projects Supervision Office (*BOE* 182, 31.7.98).

– Royal Decree 1660/1998, 24 July, setting up the bodies of the Spanish Agency for International Cooperation Abroad (*BOE* 191, 11.8.98).

– Royal Decree 1870/1998, 4 September, amending Royal Decree 1141/1996, 24 May, restructuring the Spanish Agency for International Cooperation (*BOE* 217, 10.9.98).

– Resolution issued on 4 September 1998, by the Under-Secretariat of the Ministry of Economy and Finance delegating powers of the Under-Secretariat to the Secretary-General for Foreign Trade (*BOE* 228, 23.9.98).

– Resolution issued on 9 September 1998, by the Secretariat of State for International Cooperation and Latin America and the Presidency of the Spanish Agency for International Cooperation, amending the Resolution dated 21 November 1997 on the delegation of powers to the Secretariat General of the Spanish Agency for International Cooperation and other authorities and civil servants (*BOE* 227, 22.9.98).

– Order issued on 22 October 1998 broadening the delegation of functions to the government delegates in the cities of Ceuta and Melilla, effected by Order dated 6 June 1996 (*BOE* 263, 3.11.98).

Note: “It is considered necessary to complete the delegations effected on behalf of the Government Delegates in the cities of Ceuta and Melilla, extending them to cover different aspects of Law 5/1984, 26 March, amended by Law 9/1994, 19 May, regulating the Right to Asylum and the Status of Refugees in article 18.2 thereof, which foresees the possibility of adoption by the Minister of the Interior, for reasons duly motivated by State security, of the precautionary measure of keeping refugees at a distance from population centres, exceptionally decided on a temporary basis.

The same thing can be said with regard to Organic Law 7/1985, 1 July, on the Rights and Freedoms of Foreigners in Spain, which in article 6 provides, likewise by the Minister of the Interior, on an individual basis and for reasons of public security, a calculated series of measures limiting the right of foreigners who are legally in Spanish territory to move freely in it and to choose their residence freely.

The Government Delegates in the Autonomous Cities of Ceuta and Melilla shall exercise in their respective spheres, by delegation of the Minister of the Interior, the power conferred on him by article 6.b) of Organic Law 7/1985, 1 July, on the Rights and Freedoms of Foreigners in Spain, and may avail themselves, for duly motivated reasons of public security, of the measure consisting of keeping at a distance from said Autonomous Cities foreigners:

a) who are in Ceuta and Melilla and are going to be transferred to other places in Spanish territory, when that transfer has been authorised on the basis of the acceptance for processing of their application for asylum or in order to provide them with documentation in the form of a residence permit on account of exceptional circumstances;

b) who having moved from Ceuta and Melilla to other places in Spanish territory, under the authorisation granted in the terms of the preceding paragraph, are nevertheless in one of these two cities”.

– Royal Decree 2601/1998, 4 December, amending Royal Decree 1881/1996, 2 August, on the basic structure of the Ministry of Foreign Affairs (*BOE* 296, 11.12.98).

2. Diplomatic Relations

– Order issued on 15 June 1998, by the Ministry of Economy and Finance setting up the Spanish Tourism Offices in Moscow and Singapore (*BOE* 152, 26.6.98).

– Royal Decree 1248/1998, 19 June, issued by the Ministry of Public Administrations setting up a Permanent Diplomatic Mission of Spain to the Republic of Slovenia (*BOE* 152, 26.6.98).

– Royal Decree 1249/1998, 19 June, issued by the Ministry of Public Administrations, suppressing the Permanent Diplomatic Mission of Spain to the Republic of Malta (*BOE* 152, 26.6.98; corr. err. *BOE* 182, 31.7.98).

– Royal Decree 2527/1998, 27 November, establishing the Economic and Trade Council at the Permanent Diplomatic Mission of Spain to Croatia (*BOE* 297, 12.12.98).

– Royal Decree 2528/1998, 27 November, establishing the Economic and Trade Council at the Permanent Diplomatic Mission of Spain to Lebanon (*BOE* 297, 12.12.98).

– Royal Decree 2529/1998, 27 November, establishing the Economic and Trade Council at the Permanent Diplomatic Mission of Spain to Pakistan (*BOE* 297, 12.12.98).

- Royal Decree 2530/1998, 27 November, establishing the Office of the Economic and Trade Attaché at the Permanent Diplomatic Mission of Spain to Morocco (*BOE* 297, 12.12.98).
- Royal Decree 2531/1998, 27 November, establishing the Office of the Economic and Trade Attaché to the Permanent Diplomatic Mission of Spain to Brazil, with headquarters in Sao Paulo (*BOE* 297, 12.12.98).
- Royal Decree 2536/1998, 27 November, establishing the Permanent Diplomatic Mission of Spain to Kazakhstan (*BOE* 297, 12.12.98).

3. Relations with International Organisations

- Resolution issued on 24 March 1998, by the Under-Secretariat of the Ministry of the Presidency publishing the Agreement of 11 December, 1997, on Social Security and Health Care for people who work at the Delegations and Offices of the Autonomous Regions in Brussels (*BOE* 79, 2.4.98).

4. Consular Relations

- Order issued on 19 January 1998, by the Ministry of Foreign Affairs, establishing an Honorary Consular Office in Tiflis (Georgia), (*BOE* 25, 29.1.98).
- Order issued on 26 March 1998, by the Ministry of Foreign Affairs, establishing an Honorary Consular Office in Anchorage (United States of America), (*BOE* 84, 8.4.98).
- Order issued on 26 March 1998, by the Ministry of Foreign Affairs, establishing an Honorary Consular Office in Castelo Branco (Portugal), (*BOE* 84, 8.4.98).
- Order issued on 26 March 1998, by the Ministry of Foreign Affairs, establishing an Honorary Consular Office in Leiria (Portugal), (*BOE* 84, 8.4.98).
- Order issued on 27 March 1998, by the Ministry of Foreign Affairs, establishing an Honorary Consular Office in Luderitz (Namibia), (*BOE* 86, 10.4.98).
- Order issued on 14 May 1998, by the Ministry of Foreign Affairs, establishing an Honorary Consular Office in Santa Marta, Colombia (*BOE* 128, 29.5.98).
- Order issued on 14 May 1998, by the Ministry of Foreign Affairs, establishing an Honorary Consular Office in Vilnius, Lithuania (*BOE* 128, 29.5.98).
- Order issued on 17 September 1998, establishing a Consular Office, with the category of General Consulate, in Shanghai (*BOE* 249, 17.10.98).

- Order issued on 17 September 1998, suppressing the Consulates General of Spain in Lille (France) and Elvas (Portugal) (*BOE* 249, 17.10.98).
- Order issued on 16 November 1998, by the Ministry of Foreign Affairs, establishing an Honorary Consular Office in Khartoum (Sudan) (*BOE* 290, 4.12.98).
- Order issued on 16 November 1998, by the Ministry of Foreign Affairs, establishing an Honorary Consular Office in Boise, Idaho (USA) (*BOE* 290, 4.12.98).
- Order issued on 1 December 1998, by the Ministry of Foreign Affairs, establishing an Honorary Consular Office in Santa Fe (New Mexico) (*BOE* 302, 18.12.98).

VII. TERRITORY

VIII. SEAS, WATERWAYS, SHIPS

1. Fisheries

- Royal Decree 1915/1997, 19 December, issued by the Ministry of Agriculture, Fisheries and Food, drawing up the rules and guidelines for Law 23/1997, 15 July, on the regulation of the deep-sea fisheries sector that operates within the geographical limits of the North Atlantic Fisheries Commission (*BOE* 14, 16.1.98).
 - Order issued on 17 February 1998, by the Ministry of Agriculture, Fisheries and Food, regulating sea fishing of tuna in the Atlantic Ocean north of 36° north (*BOE* 49, 26.2.98).
 - Order issued on 13 April 1998, by the Ministry of Agriculture, Fisheries and Food, on the recording of catches of red tuna in the Mediterranean sea during the 1998 season (*BOE* 96, 22.4.98)
- Note:* The European Community, as a contracting party to the International Commission for the Conservation of Atlantic Tuna (ICCAT) has approved Council Regulation (EC) 65/98, 19 December 1997, establishing the total admissible catches for 1998 of certain populations of highly migratory fish, their distribution by quotas for each Member State and specific conditions under which they may be caught.

- Resolution issued on 4 May 1998, by the General Secretariat for Maritime

Fisheries updating to January 1998 the special census of surface trawl-lining vessels from international fishing grounds (*BOE* 128, 29.5.98).

– Law 14/1998, 1 June, establishing the control system for the protection of fisheries resources (*BOE* 131, 2.6.98; corr. err. *BOE* 134, 5.6.98).

– Order issued on 17 June 1998, by the Ministry of Agriculture, Fisheries and Food, establishing a specific fisheries plan using so-called the art of “voracera” (artisanal longline) fishery in certain areas of the Strait of Gibraltar (*BOE* 157, 2.7.98).

– Resolution issued on 20 July 1998, by the General Secretariat for Maritime Fisheries, approving the annual review of the cod fleet, pursuant to the Order of 8 June, 1981 regulating its activities (*BOE* 188, 7.8.98).

– Order issued on 8 September 1998, establishing a marine reserve and a fisheries reserve surrounding the island of Alborán and regulating the practice of fishing in the adjacent grounds (*BOE* 233, 29.9.98).

Note: Abolishes Orders issued on 13 June and 31 July 1997.

– Order issued on 1 October 1998, establishing a plan of fisheries activity in specific areas of the Cantabrian coastline (*BOE* 246, 14.10.98).

– Order issued on 7 October 1998, imposing a temporary close season for bottom-trawling along the Murcia coastline (*BOE* 242, 9.10.98).

– Order issued on 7 October 1998, imposing a temporary close season for seining along the Catalanian coastline (*BOE* 246, 14.10.98).

– Order issued on 25 November 1998, by the Ministry of Agriculture, Fisheries and Food regulating the activities of the Spanish fishing fleet operating in maritime waters under the jurisdiction or sovereignty of the Kingdom of Morocco (*BOE* 291, 5.12.98).

– Resolution issued on 1 December 1998, by the General Secretariat for Maritime Fisheries, publishing the census of the fleet of trawl-liners of less than 100 gross registered tonnage (GRT), entitled to fish in areas VII a, b, and d, of the International Council for the Exploration of the Sea (ICES) (*BOE* 310, 28.12.98).

Entry into force: 1 January 1998.

IX. INTERNATIONAL SPACES

X. ENVIRONMENT

1. General

– Order issued on 26 August 1998, by the Ministry of Industry and Energy, amending the Order dated 20 September 1985, on rules concerning the building, approval of type, trial and inspection of the road and rail transport of hazardous wastes (*BOE* 213, 5.9.98).

2. Fauna and flora

– Resolution issued on 5 May 1998, by the Directorate-General of Foreign Trade designating the Centres and Units of Technical Assistance and Inspection of Foreign Trade (*SOIVRE*), authorised to issue the permits and certificates provided under Council Regulation (EC) 338/1997, 9 December 1996, relating to the protection of species of wild flora and fauna through controlling trade thereof, and establishing the model of “inspection document of protected species” (*BOE* 125, 26.5.98).

XI. LEGAL ASPECTS OF INTERNATIONAL COOPERATION

1. Military and Defence Cooperation

– Order issued on 30 June 1998, by the Ministry of Economy and Finance, on procedures and processing of export of defence and dual-use materials (*BOE* 163, 9.7.98).

2. Cultural Cooperation

– Law 18/1998, 15 June, modifying Law 36/1994, 23 December, relative to the restitution of cultural assets that have left the territory of a Member State of the European Union illegally (*BOE* 143, 16.6.98).

– Royal Decree 1660/1998, 24 July, establishing the Technical Cooperation Offices, Training Centres and Cultural Centres of the Spanish Agency for International Cooperation Abroad (*BOE* 191, 11.8.98).

– Order issued on 9 October 1998, amending the Order issued on 11 November 1994 regulating the complementary teaching of Spanish language and culture for Spanish students resident abroad. (*BOE* 247, 15.10.98).

3. Economic Cooperation

– Resolution issued on 19 December 1997, by the Spanish Agency for International Cooperation on the system of open and permanent special invitations to tender for co-operation and development aid activities in 1998 (*BOE* 12, 14.1.98).

– Resolution issued on 29 January 1998, by the Spanish Agency for International Cooperation for the granting of aids and subsidies for international cooperation projects undertaken by non-governmental organizations and non-profit institutions in 1998 (*BOE* 30, 4.2.98).

– Royal-Decree 249/1998, 20 February, relative to the special rules on aids and subsidies for international cooperation (*BOE* 45, 21.2.98).

– Resolution issued on 8 May 1998, by the Spanish Agency for International Cooperation on the granting of aids and subsidies arising from the allocation of taxes from Income Tax to projects of non-governmental organizations and non-profit institutions in the field of development co-operation in 1998 (*BOE* 116, 15.5.98).

– Law 23/1998, 7 July, on International Development Cooperation (*BOE* 162, 8.7.98).

Note: In accordance with its stated purpose:

“This Law on International Development Cooperation is organised round six basic focal points, which constitute the six chapters in which its articles are contained. Chapter I, dealing with Spanish development aid policy, establishes the legal regime in section 1, while in article 1, the purpose of the Law and its sphere of application are defined. In section 2, the principles, objectives and priorities of Spanish development cooperation policy are laid down. Chapter II refers to planning, including the instruments and methods of Spanish public cooperation, includes technical and economic-financial cooperation with them, and distinguishes between the latter by specifying whether they are channelled bilaterally or multilaterally.

Chapter III is devoted to the conferring of powers on the operational bodies in the definition, formulation and implementation of Spanish development cooperation policy, listing the governing bodies in section 1 (Congress of Deputies, Government, Ministry of Foreign Affairs, other Ministries and the Secretariat of State for International Cooperation and Latin America). Section 3 shows the consultative and coordinating bodies (Development Cooperation Council, Interministerial Commission for International Cooperation and the Inter-territorial Cooperation Commission, the last of which was set up by the Law itself and which, in the same way as the other two bodies and in accordance with the provisions of article 21, will subsequently be subject to the drawing up

of regulations). Section 4, devoted to the executive bodies, concerns the Spanish Agency for International Cooperation, whose organization, goals and powers are regulated by its own specific rules, and the Technical Cooperation Offices. Chapter IV lists the material resources allocated to the implementation of Spanish cooperation policy, making a distinction between those channelled multilaterally and those channelled bilaterally. The first additional provision includes the possibility of establishing multi-annual budgetary programmes. Chapter V deals with the personnel in the service of the State Administration in the sphere of official development cooperation, distinguishing between personnel in Spain and those posted abroad.

Finally, in Chapter VI, the Law touches on the social context of cooperation, and section 1 is devoted to non-governmental cooperation, including the formulation of the principle of state promotion of non-governmental cooperation, the definition of private development cooperation organizations and their public registration, the systems of aids and subsidies, regulated through their own specific regulations, and the establishment of tax incentives”.

4. Cooperation in Tariffs and Trade

– Royal Decree 1649/1998, 24 July, which develops the rules and guidelines of Title II of Organic Law 12/1995, 12 December, on the suppression of smuggling, relative to administrative infringements in respect thereof (*BOE* 214, 7.9.98).

Note: Abolishes Royal Decree 971/1983, 16 February; develops Title II of Organic Law 12/1995, 12 December, on the Suppression of Smuggling through the regulation of different matters relative to administrative infringements connected with smuggling, in particular the determination of sanctions, the application of criteria for graduating them, and the establishment of a general procedure for the imposition of these sanctions. It likewise determines the ways in which the customs administration bodies of the State Tax Administration Agency are to exercise the powers conferred on them under article 13 of this same Organic Law in respect of smuggling offences.

“Article 2. Definition of infringements

1. Considered as having committed the administrative offence of smuggling as long as the value of the goods, merchandise, stocks or effects is less than ptas 3,000,000, or in the case of cigarette smuggling, less than ptas. 1,000,000, and as long as this is not accompanied by any of the circumstances provided under sections 2 and 3, a) of article 2 of Organic Law 12/1995, 12 December, on the Suppression of Smuggling, those who:

a) import or export merchandise that can be traded legally without submitting it for clearance at the customs offices or such places as have been authorised by the customs authorities for that purpose;

b) carry out commercial transactions in, be in possession of or transport non-Community merchandise that can be traded legally without completing the legally-established formalities to prove that it has been imported legally;

c) assign merchandise in transit for consumption while failing to comply with the regulations of the customs regime laid down in articles 91 to 97 and 163 to 165 of Council Regulation (EEC) number 2913/92, 12 October, and its applicable provisions, as well as in the TIR Convention of 14 November, 1975.

To these ends, it shall be understood that any merchandise in transit for which the regulations contained in the TIR were not complied with, since it was not taken through customs for the carrying out of the transport formalities, is the object of an act of commerce, including self-consumption.

d) carry out import or export transactions or engage in production, commerce, possession, transport or recovery of goods held up in customs or prohibited, without complying with the requirements laid down by the law;

e) take out of Spanish territory assets forming part of the Spanish Historic Heritage without the authorisation of the State Administration when the latter is necessary.

This offence shall be deemed to have been committed even if the destination is another Member State of the European Union.

Assets forming part of the Spanish Historic Heritage are those thus defined in the specific regulations.

f) carry out, without complying with the legally established requirements, import or export transactions, engage in commerce, possession or transport of specimens of woodland fauna and flora and parts and products thereof, of species listed in the Washington Convention of 3 March, 1973, and in Council Regulation (EC) number 338/97, 9 December, 1996 ;

g) obtain, by false statements or by any other illicit means, customs clearance for detained or prohibited goods or merchandise that can be traded legally, or authorisation for the actions to which the foregoing sections refer...;

h) transport in a smaller-sized vessel than that allowed by the regulations, except with authorisation therefor, non-Community merchandise or detained or prohibited goods to any port or place on the coast not authorised for customs clearance or to any point of Spanish internal waters or its territorial seas;

i) unload or tranship clandestinely from a vessel any kind of merchandise, goods or effects inside Spanish internal waters or territorial seas or in the circumstances provided under article 23 of the Geneva Convention on the High Seas, 29 April, 1958;.

j) export defence or dual-use materials without authorisation or with authorisation obtained by means of false or incomplete statements in respect of their nature or ultimate destination or in any other illicit manner (...)"

The Royal Decree refers to the 1958 Geneva Convention, although Spain was already a Party to the 1982 Convention on the Law of the Sea. At the same time, the executive missed an opportunity to implement the concept of adjacent areas, which in Spain has still not been subject to the development of rules and guidelines.

– Circular issued on 27 November 1998, by the General Secretariat for Foreign

Trade laying down the procedure and processing for imports and introduction of merchandise and their commercial regimes (*BOE* 290, 4.12.98).

5. Radio and Telecommunications Cooperation

– Royal Decree 1736/1998, 31 July, approving the Regulations on the implementation of Title III of the General Telecommunications Act relative to the universal telecommunications service, to other public obligations in the offering of services, and to the operation of the telecommunications networks (*BOE* 213, 5.9.98).

6. Road Traffic and Transport

– Resolution issued on 3 March 1995, by the Ministry of Foreign Affairs on customs matters affecting transport within the framework of the Customs Convention of 14 November 1975 on the International Transport of Goods under cover of TIR carnets (*BOE* 26, 30.1.98).

– Royal Decree 2115/1998, 2 October 1998, on Carriage of Dangerous Goods by Road (*BOE* 248, 16.10.98).

7. Rail Traffic and Transport

– Royal Decree 2225/1998, 19 October, extending the norms contained in the Regulations regarding the International Carriage of Dangerous Goods by Rail (RID) to the domestic transport (*BOE* 262, 2.11.98).

Note: Abolishes the annex to Royal Decree 879/1989, 2 June.

8. Air Traffic and Transport

– Order issued on 30 December 1997, by the Ministry of Promotion amending the interest rate for default, replacing Annex 1 and suppressing Annex 2 of the Decree of 16 June 1972 relative to the rates for use of the Aids Network (*BOE* 16, 19.1.98).

Note: Pursuant to the provisions of the Multilateral Agreement relative to the Rates for Aids to Air Navigation, done at Brussels on 12 February 1981 and ratified by Spain in an instrument of 14 April 1987, in implementation of Decisions numbers 43, 44 and 45 adopted by the Enlarged Eurocontrol Commission on 9 December 1997.

– Order issued on 16 January 1998, by the Ministry of the Presidency, introducing technical amendments to the Regulations on Operational Air Traffic, adopted by Royal Decree 1489/1994, 1 July (*BOE* 19, 22.1.98).

- Order issued on 7 May 1998, introducing technical amendments to the Regulations on Air Traffic, adopted by Royal Decree 73/1992, 31 January (*BOE* 115, 14.5.98).
- Order issued on 18 September 1998, replacing Annex I of Royal Decree 1675/1972, 26 June, relative to the rates for use of the Network of Aids to Air Navigation (Eurocontrol 98) (*BOE* 230, 25.9.98).
- Royal Decree 1981/1998, 18 September, establishing the Aerodrome Flight Information Service (AFIS) and amending the Air Traffic Regulations, approved by Royal Decree 73/1992, 31 January (*BOE* 239, 6.10.98).
- Royal Decree 2098/1998, 25 September, establishing air rights at the air base at Torrejón de Ardoz, as well as rights to its radio-electrical and aeronautical facilities and to aircraft operations (*BOE* 243, 10.10.98).

9. Health and Relief Cooperation

- Order issued on 22 May 1998, by the Ministry of Agriculture, Fisheries and Food amending certain annexes of Royal Decree 2071/1993, 26 November, on measures of protection against the introduction and dissemination in Spanish territory and that of the European Community of organisms harmful to vegetables or vegetable products, as well as their export and transit to third countries (*BOE* 126, 27.5.98).
- Royal Decree 1118/1998, 5 June, issued by the Ministry of the Presidency laying down the procedure for cooperation with the European Commission in the matter of scientific examination of the issues related to food products (*BOE* 145, 18.6.98).
- Order issued on 24 September 1998, prohibiting as a precautionary measure the introduction of cattle from Portugal (*BOE* 230, 25.9.98).
Note: These measures shall be without effect from the time that the Portuguese health authorities certify that the disease affecting these cattle is under control in their territory, and that the European Commission adopts measures offering sufficient health guarantees for Community trade in cattle originating in or coming from this country.
- Order issued on 24 September 1998, taking precautionary measures concerning imports of bovine products from Portugal (*BOE* 230, 25.9.98).
- Royal Decree 2400/1998, 6 November, updating the taxes on health controls abroad conducted on meat products of animal origin from non-Community countries (*BOE* 281, 24.11.98).

- Order issued on 10 December 1998, by the Ministry of the Presidency laying down the necessary conditions for the conducting of phytosanitary controls at the Border Inspection Posts, applicable to vegetables, vegetable products and other products from third countries (*BOE* 297, 12.12.98).

10. Recognition of Qualifications

- Royal Decree 2170/1998, 9 October, which extends to nationals of the signatory States to the Agreement on the European Economic Area, the sphere of application of the Royal Decrees regulating recognition of diplomas, certificates and other qualifications for Nurse responsible for general care, Odontologist, Veterinarian, Nurse specialised in Obstetrical and Gynaecological Nursing (Midwife) and Pharmacist of the European Union States (*BOE* 255, 24.10.98).

XII. INTERNATIONAL ORGANISATIONS

- Law 15/1998, 15 June, authorizing the participation of Spain in the sixth increase of the Asian Development Fund (*BOE* 143, 16.6.98).
- Royal Decree-Law 14/1998, 9 October, on the accession of Spain to several International Monetary Fund agreements (*BOE* 243, 10.10.98 and 258, 28.10.98).
- Resolution issued on 28 October 1998, by the Speaker's Office of the Congress of Deputies validating Royal Decree-Law 14/1998, 9 October, on the accession of Spain to several International Monetary Fund agreements (*BOE* 264, 4.11.98).

XIII. EUROPEAN UNION

- Resolution issued on 24 March 1998, by the Under-Secretariat of the Ministry of the Presidency publishing the Agreement of 11 December, 1997, relative to the participation of the Autonomous Regions in proceedings before the European Court of Justice (*BOE* 79, 2.4.98).
 - Organic Law 9/1998, 17 December, authorizing the ratification of the Treaty of Amsterdam, which amends the Treaty on European Union, the Treaties that established the European Communities and certain connected documents signed in Amsterdam on 2 October 1997.
- Note:* The Organic Law also covers the Schengen “acquis”, and its aim is to comply with the provisions of article 93 of the Spanish Constitution. The Amsterdam Treaty is annexed to the Organic Law, which had been published provisionally in

the *BOE*, as well as to the Protocols annexed to the Treaties and Declarations approved by the Conference of Plenipotentiaries (*BOE* 301, 17.12.98).

– Organic Law 10/1998, 17 December, complementary to the Law on the Introduction of the Euro (*BOE* 302, 18.12.98).

Entry into force: 1 January 1999.

– Organic Law 46/1998, 17 December, on the introduction of the euro (*BOE* 302, 18.12.98).

Note: This Law is the result of a general process of adjustment of the internal legal codes of the majority of European Union Members to the introduction of the euro as the single currency and is aimed not at developing the legal status of said currency, which should be done by European Union law, but rather to avoid interpretations that could undermine the operation of the new monetary system.

Entry into force: 1 January 1999.

XIV. RESPONSIBILITY

– Organic Law 4/1998, 1 July, on Cooperation with the International (Criminal) Court for Rwanda (*BOE* 157, 2.7.98).

Note: Stated Purpose:

“United Nations Security Council Resolution 955, 8 November, 1994, set up an international court for the trial of those guilty of genocide and other serious violations of International Humanitarian Law committed in the territory of Rwanda, as well as citizens of Rwanda guilty of violations of the same nature committed in the territory of neighbouring states. The Statute that regulates the operation and jurisdiction of the Court for Rwanda is adopted in this Resolution as an annex.

The Resolution, adopted under Chapter VII of the United Nations Charter, is directly obligatory for the Member States, and therefore for Spain, by virtue of the provisions of article 25 of the Charter. This Resolution has been incorporated into our domestic law, given that it was published in the *Boletín Oficial del Estado* (Official State Gazette) of 24 May, 1995, and bearing in mind that the Security Council Resolution was assimilated into the Treaty ratified by Spain, on the basis of which it was issued.

Notwithstanding the foregoing, compliance with the Resolution within Spanish domestic law would require the drawing up of rules and guidelines containing provisions that would enable it to be implemented in matters reserved by our Constitution to Organic Law.

The current Organic Law was immediately preceded by Organic Law 15/1994, 1 June, for cooperation with the International Court for the prosecution of those allegedly guilty of serious violations of international humanitarian law committed in the territory of the former Yugoslavia and contains, *mutatis mutandis*, the same legal provisions”.

XV. PACIFIC SETTLEMENT OF DISPUTES

XVI. COERCION AND USE OF FORCE SHORT OF WAR

XVII. WAR AND NEUTRALITY

- Law 33/1998, 5 October, on total prohibition of anti-personnel mines and weapons of similar effect (*BOE* 239, 6.10.98).