

TREATIES TO WHICH SPAIN IS A PARTY INVOLVING QUESTIONS OF PUBLIC INTERNATIONAL LAW, 1991

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This survey includes the treaties covered by article 2.1.a) of the Vienna Convention on the Law on Treaties, published in the *Boletín Oficial del Estado* (Official Journal of the State). Its purpose is to record the legal effects of these instruments, such as ratification or accession, municipal entry into force, provisional application, reservations or declarations, territorial application, termination and abrogation. In a few instances some relevant articles or references will be reproduced in an unofficial translation.

I. INTERNATIONAL LAW IN GENERAL

II. SOURCES OF INTERNATIONAL LAW

III. RELATIONSHIP BETWEEN INTERNATIONAL AND MUNICIPAL LAW

IV. SUBJECTS OF INTERNATIONAL LAW

— Protocol on the Privileges and Immunities of the *Organización Internacional de Telecomunicaciones Marítimas* (INMARSAT), signed in London, 1 December 1981.

Instrument of accession: 16 January 1991.

Entry into force: 15 February 1991.

(BOE n. 55, 5.3.91 and n. 85, 9.4.91).

— Exchange of Letters on 17 and 25 April 1991, constituting an Agreement between Spain and the United Nations Organization on the Sixth European Regional Seminar on the Palestine Question, meeting to be held in Madrid from May 27 to 30, 1991.

Provisional application: 25 April 1991.

(BOE n. 126, 27.5.91).

Note: To apply the General Conventions on the Privileges and Immunities of the United Nations, 13 February 1946, and on the Privileges and Immunities of the Specialized Agencies, 21 November 1947.

— Exchange of Letters on 15 and 27 May 1991, constituting an Agreement between the United Nations Environmental Programme and the Kingdom of Spain concerning the Third Period of Sessions of the Working Group of Experts and Technicians on Biological Diversity to be held in Madrid from June 24 to July 3, 1991.

Provisional application: 27 May 1991.

(BOE n. 149, 22.5.91).

Note: To apply the General Conventions on the Privileges and Immunities of the United Nations, 13 February 1946, and on the Privileges and Immunities of the Specialized Agencies, 21 November 1947.

— International Agreement between the Inter-American Agreement for Agricultural Cooperation and the Kingdom of Spain on the Sixth Ordinary Session of the Inter-American Board of Agriculture and the X Inter-American Conference of Ministers of Agriculture, and annexes, signed in Madrid, 20 May 1991.

Provisional application: 20 May 1991.

(BOE n. 181, 30.7.91).

Note: To apply the privileges and immunities established in article IV of the General Convention on the Privileges of the United Nations, 13 February 1946.

— Headquarters Agreement between the Kingdom of Spain and the International Petroleum Council, Madrid, 13 July 1989.

Instrument of ratification: 17 July 1991.

Definitive entry into force: 17 July 1991.

(BOE n. 258, 28.10.91 and n. 300, 16.12.91).

— Agreement between the Kingdom of Spain and the Latin American and Caribbean Institute of Economic and Social Planning, on the meeting of the VIII Conference of Ministers and Directors of Planning, and annexes, Madrid, 6 July 1991.

Provisional application: 26 July 1991.

(BOE n. 258, 28.10.91 and n. 300, 16.12.91).

V. THE INDIVIDUAL AND INTERNATIONAL LAW

1. Aliens

— Exchange of Notes constituting an Agreement between the Kingdom of Spain and the Kingdom of Norway concerning Norwegian citizens' right to vote in Spanish municipal elections and Spanish citizens' right to vote in Norwegian municipal elections, and annex, Madrid, 6 February 1990.

Entry into force: 1 April 1991.

(BOE n. 153, 27.6.91).

Note: This right to vote is only applicable to municipal elections and the conditions are that persons wishing to vote must have a residency permit in Spain, must have maintained such residency for an uninterrupted period of more than three years, must reside in the municipality in which they wish to vote and must be registered with the local census bureau. In order to register to vote, an interested person must present a written request to be included on the voting lists for each municipal election in which he/she wishes to vote.

— Exchange of Notes constituting an Agreement between the Kingdom of Spain and the Kingdom of Sweden concerning Swedish citizens' right to vote in Spanish municipal elections and Spanish citizens' reciprocal right in Sweden, Madrid, 6 February 1990.

Entry into force: 1 April 1991.

(BOE n. 153, 27.6.91).

Note: This right to vote is only applicable to municipal elections and the conditions are that persons wishing to vote must have a residency permit in Spain, must have maintained such residency for an uninterrupted period of more than three years, must reside in the municipality in which they wish to vote and must be registered with the local census bureau. In order to register to vote, an interested party must present a written request to be included on the voting lists for each municipal election in which he/she wishes to vote.

— Exchange of Letters on 9 August and 31 October constituting an Agreement between the Kingdom of Spain and Switzerland on the administrative treatment to be applied to their respective citizens after a regular and uninterrupted period of residency of five years in the territory of the other State.

Definitive entry into force: 26 November 1990.

(BOE n. 3, 3.1.91).

— Exchange of Notes constituting an Agreement on free visas between the Kingdom of Spain and Morocco, Rabat, 15 July 1991.

Provisional application: 15 July 1991.

(BOE n. 220, 13.9.91 and n. 250, 18.10.91).

2. Human Rights

— Additional Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms, Paris, 20 March 1952.

Spain made the following reservation and declaration:

“Reservation: Spain, pursuant to article 64 of the Convention on the Protection of Human Rights and Fundamental Freedoms, and wishing to avoid any uncertainty about the application of article 1 of the Protocol, formulates the following reservation under article 33 of the Spanish Constitution, establishing that:

1. The right to private property and inheritance is recognized.
2. The social function of these rights will limit their content in accordance with the law.
3. No one will be denied their goods or rights without just cause such as public utility or social benefit and then only upon payment of an appropriate compensation in accordance with the provisions of the law.

Declaration: Spain, in accordance with article 5 of the Additional Protocol, reiterates the declarations it formulated in relation to articles 25 and 46 of the European Convention on Human Rights and the jurisdiction of the European Court on Human Rights as regards the suits arising from cases based on events taking place after the date of deposit of the instrument of ratification of the Additional Protocol, and specifically as regards expropriation proceedings initiated internally after said date”.

Instrument of ratification: 27 November 1990.

Entry into force: 27 November 1990.

(BOE n. 11, 12.1.91).

— Second Optional Protocol to the International Covenant on Civil and Political Rights aimed at the Abolition of the Death Penalty, adopted by the General Assembly of the United Nations on 15 December 1989.

The following reservation is included:

“In accordance with article 2, Spain reserves the right to apply the death penalty in exceptional and extremely serious cases as provided for in *Ley Orgánica* (Organic Law) 13 /1985, dated 9 December, of the *Código Penal Militar* (Military Criminal Code), in times of war, as it is defined in article 25 of the said Organic Law”.

Instrument of ratification: 11 April 1991.

Entry into force: 11 July 1991.

(BOE n. 164, 10.7.91).

— European Social Charter, Turin, 18 October 1961.

Denunciation of article 8 (4) (b)

Effects: 5 June 1991.

(BOE n. 112, 10.5.91).

VI. ORGANS OF THE STATE

1. Diplomatic Relations

— Exchange of Letters, constituting an Agreement for the abolition of visas between the Kingdom of Spain and the United States of Mexico, Madrid, 17 April 1989.

Definitive entry into force: 31 December 1990.

(BOE n. 16, 18.1.91).

— Exchange of Notes constituting an Agreement for the abolition of visas between the Kingdom of Spain and the Czech and Slovak Federal Republic, Madrid, 12 December 1990.

Provisional application: 15 December 1990.

(BOE n. 36, 11.2.91).

Note: Individuals in possession of currently valid diplomatic passports, be they service or ordinary, are exempt from the requirement to obtain a visa.

— Agreement for the abolition of visas in diplomatic passports between the Government of the Kingdom of Spain and the Government of the People's Republic of China, Madrid, 26 February 1991.

Provisional application: 8 March 1991.

(BOE n. 121, 21.5.91).

Note: Only for diplomatic personnel accredited in the other State or as part of International Organizations with offices in the other State.

— Exchange of Letters constituting an Agreement for the abolition of visas between the Kingdom of Spain and the Republic of Hungary, Madrid, 12 July 1990.

Definitive entry into force: 31 August 1991.

(BOE n. 215, 7.9.91).

Note: Individuals in possession of valid diplomatic passports, be they service or ordinary, are exempt from the requirement to obtain a visa.

— Exchange of Notes in Madrid on 16 and 17 September 1991, constituting an Agreement to amend the Agreement between the government of the Kingdom of Spain and the United States of America, 21 January 21 1952, on the abolition of visas.

Provisional application: 1 October 1991.

(BOE n. 257, 26.10.91).

Note: Individuals in possession of valid diplomatic passports, be they service or ordinary, are exempt from the requirement to obtain a visa.

— Agreement between the Kingdom of Spain and the United States of America concerning the employment of dependents of employees at diplomatic missions, consular offices and as permanent representatives accredited at international organizations, Madrid, 25 June 1990.

Definitive entry into force: 1 April 1991.

(BOE n. 112, 10.5.91).

2. Special Missions

— Exchange of Notes between the government of the Kingdom of Spain and each of the Governments of the participating countries in the Middle-East Peace Conference for the application to all participating delegations of the benefits, privileges and immunities provided for in the Agreement on Special Missions, attached to United Nations General Assembly Resolution 2530.

Provisional application: As of the time each response to the Spanish note was received, the dates of which are not indicated in the BOE.

(BOE n. 257, 26.10.91).

Note: The Note was sent to the accredited Ambassadors in Madrid of the following countries: The Arab Republic of Egypt, the United States of America, Israel, the Hashemite Kingdom of Jordan, Lebanon, the Netherlands as President of the Council of the European Community and its Member States, the Arab Republic of Syria and the Union of Soviet Socialist Republics.

VII. TERRITORY

1. Frontiers

— Exchange of Notes on 9 February and 19 March 1990, constituting Agreements between the Kingdom of Spain and the Republic of France which modify the Agreements of 25 August 1969 and 12 March 1985 concerning the creation of Complementary National Border Control Offices in Cerbere and Port-Bou.

Entry into force: 19 March 1990.

(BOE n. 99, 25.4.91 and n. 142, 14.6.91).

— Protocol of Accession of the Government of the Kingdom of Spain to the Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the Republic of France concerning the gradual abolition of control points at their common border, signed at Schengen, 14 July 1985, as it was amended by the Protocol of Accession of the Government of the Republic of Italy, signed in Paris on 27 November 1990, Bonn on 25 June 1991.

Provisional application: 26 June 1991.

(BOE n. 181, 2.2.91).

VIII. SEAS, WATERWAYS, SHIPS

1. Straits

— Additional Agreement between the Kingdom of Spain and the Kingdom of Morocco concerning a permanent link between Spain and Africa in the Strait of Gibraltar, Madrid, 27 September 1987.

Definitive entry into force: 26 December 1990.

(BOE n. 29, 2.2.91).

2. Fisheries

— International Convention on the Protection of Atlantic Tuna, Rio de Janeiro, 14 May 1966. Regulations recommended by ICCAT to protect the swordfish stocks in the Atlantic Ocean and to regulate red tuna fishing in the Atlantic Ocean (1990-1991).

(BOE n. 48, 25.2.91).

3. Navigation

— Agreement between the government of the Kingdom of Spain and the government of the Union of Soviet Socialist Republics on the prevention of incidents at sea in extraterritorial waters and annexes, Madrid, 26 October 1990.

Entry into force: 10 October 1991.

(BOE n. 264, 4.11.91 and n. 296, 11.12.91).

Note: [This agreement] prohibits dangerous acts between military ships and aircraft pertaining to both States in order to guarantee the safety and security of maritime and air navigation of their respective armed forces. The prohibition is also applicable to civil ships.

IX. INTERNATIONAL SPACES

X. ENVIRONMENT

1. Seas

— Resolution MEPC.36 (28), 17 March 1989, amending the Annex of the Protocol of 1978 related to the International Convention for the Prevention of Pollution from Ships.

Entry into force: 18 February 1991.

(BOE n. 18, 21.1.91).

— Annexes III, IV and V of the International Convention for the Prevention of Pollution from Ships, 1973, as it was modified by the corresponding Protocol of 1978.

Instrument of acceptance: 21 January 1991.

Entry into force: 21 April 1991.

(*BOE* n. 56, 6.3.91).

2. Air

— Adjustments to the Montreal Protocol on Substances that Deplete the Ozone Layer, Montreal, 16 September 1987.

(*BOE* n. 29, 2.2.91).

— Protocol to the 1979 Convention on long range transboundary air pollution and the reduction of emissions of nitrogen oxides or other transboundary fluxes, Sofia, 31 October 1988, and open for signature on 1 November 1988.

Instrument of ratification: 4 December 1990.

Entry into force: 4 March 1991.

(*BOE* n. 62, 13.3.91).

3. Fauna and flora

— Annexes I, II and III to the Convention on the International Trade in Endangered Species of Wild Fauna and Flora, Washington, 3 March 1973.

Entry into force: 18 January 1990.

(*BOE* n. 15, 18.1.91).

— Annex III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Washington, 3 March 1973.

Entry into force: 18 September 1991.

(*BOE* n. 191, 10.8.91).

4. Nuclear Energy

— Convention on the physical protection of nuclear materials, Vienna and New York, 3 March 1980.

With the following reservation:

“The Kingdom of Spain declares that in accordance with paragraph 3 of article 17 of the Convention, it will not consider itself obligated to

follow the procedure outlined in paragraph 2 of article 17 for the solution of disputes”.

Instrument of ratification: 6 September 1991.

Entry into force: 6 October 1991.

(BOE n. 256, 25.10.91).

— Protocol modifying the Convention of 31 January 1963, supplementary to the Paris Convention of 29 July 1960, amended by the Additional Protocol of 28 January 1964, on civil responsibility for nuclear energy, Paris, 15 November 1982.

Instrument of ratification: 29 September 1988.

Entry into force: 1 August 1991.

(BOE n. 257, 26.10.91).

XI. LEGAL ASPECTS OF INTERNATIONAL COOPERATION

1. General Treaties

— General Treaty of Cooperation and Friendship between the Kingdom of Spain and the United States of Mexico, and an Economic Agreement, signed in Mexico City, 11 January 1991.

Entry into force: 8 April 1991.

(BOE n. 169, 16.7.91 and n. 193, 13.8.91).

Note: According to article 2 of the Treaty:

“In matters of political cooperation, the Parties agree to:

a) Increase the number of reciprocal visits made by the Heads of State and by the Government in order to strengthen the political dialogue between the two nations.

b) Establish high level political consultations in order to harmonize the positions of both countries in the defense and promotion of their legitimate self interests, and to increase their knowledge of each other's international activities, to which end meetings will be held between the agencies and officials responsible for foreign relations within the framework of bilateral, multilateral and regional forums.

c) Work within the framework of the Political Sub-Commission established by the Binational Commission through consultations and the coordination of political actions. This sub-commission will meet at least once a year.

d) Analyze the main bilateral and international questions that are of mutual interest within the Political Sub-Commission, giving special attention to, among other topics, the political dialogue between the European Community and Latin America, the problem of its foreign debt and the search for negotiated and lasting solutions to the regional disputes of particular interest to both Parties”.

According to the Economic Agreement, it is hoped that for the 1990-1994 period, approximately 4 billion U.S. dollars, 2.5 of which would come from the private sector, would be allocated as Spanish credits and investments in Mexico.

— General Treaty of Cooperation and Friendship between the Kingdom of Spain and the Republic of Chile, and the Economic Treaty attached to it, Santiago, Chile, 19 October 1990.

Entry into force: 22 August 1991.

(BOE n. 223, 17.9.91).

Note: According to article 1 of the General Treaty the Parties pledge to coordinate their efforts, both domestically and internationally, to promote the full effectiveness of the following principles and objectives:

“a) Free self determination for the people, non-intervention, peaceful resolution of disputes, legal equality in both States, international cooperation in the areas of development and the struggle for international peace and security.

b) Defense of and respect for human rights within the framework of a state of law guaranteeing the dignity and safety of all citizens.

c) Support for initiatives aimed at reaching a just and lasting peace in all of Latin America as an absolutely necessary factor for the consolidation of democracy and the advancement of the process of integration.

d) Firm condemnation of all forms of violence, authoritarianism, and intolerance.

e) The promotion of economic and social development, an essential condition for the correct functioning of a democratic system of freedoms.

f) Participation in the various current and future activities inspired by the importance of the 500th Anniversary of the Discovery of America -- The Encounter between Two Worlds -- an historic opportunity for reflection and contemplation on an Ibero-American Community of Nations in the future.

g) The strengthening of the ties between the European Community and Ibero-America.

- h) Support for international actions to eradicate terrorism and drug trafficking.
- i) Support for initiatives and programmes that would combat the very serious problems created by Latin America's elevated foreign debt.
- j) Protection and defense of the environment as a right and an obligation of all men".

According to the Economic Agreement, it is hoped that for the 1990-1994 period approximately 2 billion U.S. dollars, 1.2 of which would come from the private sector, would be allocated as Spanish credits and investments in Chile.

2. Military and Defense Cooperation

— Cooperation Pact in the area of Defense between the Kingdom of Spain and the Kingdom of Morocco, Madrid, 27 September 1989.

Entry into force: 20 December 1990.

(BOE n. 17, 19.1.91).

Note: The encouragement of cooperation and defense exchanges involving the organization of visits, exchange of delegations and points of view, combined military exercises, the invitation of observers to national exercises, attendance at schools and academies in the other country and at port calls of ships and aircraft.

3. Scientific and Technical Cooperation

— General Cooperation Agreement supplementing the Basic Convention on Scientific and Technical Cooperation between the government of the Kingdom of Spain and the Republic of Uruguay, Montevideo, 4 November 1987.

Entry into force: 4 March 1991.

(BOE n. 99, 25.4.91).

— Special Agreement on the development of technology for solar radiation accumulators within the framework of the General Convention on Scientific and Technological Cooperation between the Republic of Argentina and the Spanish State, Buenos Aires, 16 April 1986.

Entry into force: 8 April 1991.

(BOE n. 129, 30.5.91).

— General Cooperation Agreement complementary to the Basic Convention on Technical Cooperation, signed between the Government of

the Kingdom of Spain and the Government of the Republic of Venezuela, signed at Caracas, 11 March 1988.

Entry into force: 30 May 1989.

(BOE n. 168, 15.7.91).

— General Cooperation Agreement complementary to the Basic Convention on Scientific and Technical Cooperation, Guatemala, 10 March 1988.

Entry into force: 27 March 1991.

(BOE n. 169, 16.7.91).

— Basic Convention on Scientific and Technical Cooperation between the Kingdom of Spain and the State of Israel, Madrid, 23 October 1989.

Entry into force: 12 May 1991.

(BOE n. 216, 9.9.91).

— General Cooperation Agreement, done at Quito, 31 October 1988, complementary to the Basic Convention on Scientific and Technical Cooperation between the Kingdom of Spain and the Republic of Ecuador, done on 7 July 1971.

Entry into force: 8 July 1991.

(BOE n. 217, 10.9.91).

— General Cooperation Agreement complementary to the Basic Convention on Scientific and Technical Cooperation between the Kingdom of Spain and the Dominican Republic, Santo Domingo, 8 March 1988.

Entry into force: 1 March 1991.

(BOE n. 229, 24.9.91).

— Basic Convention on Scientific and Technical Cooperation between the Kingdom of Spain and the Islamic Republic of Mauritania, Madrid, 22 May 1990.

Entry into force: 4 September 1991.

(BOE n. 244, 11.10.91).

4. Cultural Cooperation

— Agreement on Cultural, Educational and Scientific Cooperation between the Kingdom of Spain and Australia, Madrid, 18 January 1991.

Entry into force: 15 April 1991.

(BOE n. 102, 29.4.91).

— Exchange of Notes constituting an Agreement between the Government of the Kingdom of Spain and the Government of the Republic of France concerning the importation of pedagogic material, Paris, 7 July 1977.

Entry into force: 18 March 1991.

(BOE n. 80, 3.4.91).

— Cooperation Pact between the Government of the Kingdom of Spain and the Government of the Federal Republic of Brazil for the development of projects related to the revitalization of the historical sections of Joao Pessoa, capital of the State of Paraiba, Brasilia, 26 April 1988.

Definitive entry into force: 2 October 1990.

(BOE n. 123, 23.5.91).

— Convention on Ibero-American Cinematographic Integration, Caracas, 11 November 1991.

Entry into force: 8 May 1991.

(BOE n. 139, 11.6.91).

— Exchange of Letters on 17 November 1990 and 12 April 1991, and annex, constituting an Agreement between the Kingdom of Spain and Canada, modifying the Convention on Spanish-Canadian Cinematographic Relations of 14 January 1985.

Entry into force: 12 April 1991.

(BOE n. 165, 11.7.91).

— Agreement on Cinematographic Relations between the Kingdom of Spain and the Union of Soviet Socialist Republics, Madrid, 26 October 1990.

Definitive entry into force: 8 October 1991.

(BOE n. 266, 6.11.91).

— Agreement between the government of the Kingdom of Spain and the government of the Union of Soviet Socialist Republics on cooperation in the area of tourism. Cooperation, 26 October 1990.

Entry into force: 24 June 1991.

(BOE n. 169, 16.7.91).

5. Economic Cooperation

— Agreement on Economic and Industrial Cooperation between the Kingdom of Spain and Rumania, Madrid, 18 April 1990.

Entry into force: 3 October 1991.
(BOE n. 264, 4.11.91 and n. 25, 29.1.92).

6. Tariffs and Trade Cooperation

— Convention on mutual administrative assistance between the Kingdom of Spain and the Kingdom of Morocco, for the prevention, investigation and sanction of custom infractions, Rabat, 18 March 1985.

Entry into force: 26 December 1990.
(BOE n. 34, 8.2.91).

— Annexes A1, A2, B1, B2, C1, D1, D2, E1, E4, E6, E8, F1, F2, F3 and F6 to the Kyoto International Convention on the simplification and harmonization of custom procedures, done at Kyoto, 18 May 1973.

With the following declarations and reservations:

“1. Annex A1, relative to the customs formalities which precede the declaration of merchandise, with reservations to rules 11 and 21.

Rule 11: Community regulations require that summarized declarations also indicate where the merchandise is loaded onto the means of transport. This regulation allows member States to require the summarized version to include elements other than those provided for in said guidelines.

Rule 21: Total or partial exemption from duties based on weight can only be granted for damaged merchandise intended for consumption.

2. Annex A2, regarding the temporary storage of merchandise, with one general consideration and reservations relating to recommended practices 10, 13 and 21.

General consideration: Community regulations allow member States to decide whether or not to create temporary depositories for merchandise in their territory, leaving it clear that the member States which establish such depositories should follow community regulations in this regard. Temporary storage does not exist in the Netherlands.

Recommended Practice 10: Community regulations allow the competent authorities of each member State to freely establish their own terms and conditions.

Recommended Practice 13: In cases of temporary storage only, community regulations allow for the manipulation and handling of merchandise for purposes of conservation. The handling permitted in recommended practice 13 goes beyond the mere conservation of the

original state of the goods and approximates the normal operations carried out in a customs depository.

Recommended Practice 21: Regulations allow the competent authorities of the member States the freedom to determine the final destination of unclaimed merchandise stored in temporary depositories.

3. Annex B1, relative to clearance for consumption with a general reservation and reservations regarding rule 28 and recommended practices 19 and 52.

General Reservation: Community legislation only covers one part of the provisions of this annex. As regards the areas not included in community legislation, the member States will formulate their own reservations when necessary. It is also worth mentioning that the Community has only harmonized the procedures for the free practice clearance of merchandise within the community itself. Clearance for consumption in a strict sense depends essentially upon the national legislation of each member State. (Free practice clearance only refers to the payment of customs duties. Clearance for consumption also requires the application of national regulations, especially those having to do with taxes).

Recommended Practice 19: Community regulations in this matter state that:

a) Rectifications should be requested before the merchandise is cleared for free practice.

b) Rectification cannot be granted when it is requested after the customs service has informed the declarant of its intention to proceed with an examination of the merchandise or has registered the errors in the data it is concerned with.

c) Rectification should not be carried out in such a way as to allow the declaration to apply to merchandise not covered in the original document.

Rule 28: The Community will apply the provisions of this rule. However, it will only accept a declaration after the merchandise has been presented in the appropriate customs office.

Recommended Practice 52: This recommended practice will not be applied when customs processing is carried out in customs offices located in different member States in the Community.

4. Annex B2, regarding the waiver of import duties on merchandise given clearance for consumption, with a general reservation and reservations regarding rules 3, 21, 28 and 34, and recommended practices 10, 16, 18, 19, 20, 23, 27, 29, 33 and 35.

General Reservation (general observation): Community legislation generally covers the provisions of this annex. However, where applicable, member States can express reservations given that community regulations allow them to uphold domestic provisions in certain cases.

Rule 3: Community legislation allows import duties to be waived on merchandise cleared for free practice if it has already been subject to another customs system. This provision can only be applied in cases of clearance for free practice of shipments whose value is minimal.

Recommended practice 10: In certain cases the waiver can be granted if the interested party agrees to respect specific conditions (for example, establishing himself within a certain period of time in the Community or providing certain documentation in support of the application for exemption from the duties). The application must be accompanied by a guarantee, the terms of which will be determined by the appropriate authorities.

Recommended practice 16: All commercial operations dealing with the importation of affected substances are excluded from the waiver.

Recommended practice 18: According to community legislation, the following are excluded from the waiver:

- a) Alcoholic products
- b) Tobacco and tobacco products
- c) Items for professional use other than portable instruments used in mechanical or liberal professions.

Recommended practice 19: The period of time which the beneficiary must retain ownership or possession of goods after importation is 12 months.

Recommended practice 20: Community legislation does not provide for the exemption from value added tax of merchandise that is to be part of a second residence and is imported from a non-European Community country.

Rule 21: The exemption from the value added tax will be applied to gifts whose unit value does not surpass 200 ECUs. However, member States can grant exemption for items that surpass 200 ECUs as long as the value of each gift exempted does not exceed 1.000 ECUs. The waiver of import duties will be applied to gifts when the value of each gift does not exceed 1.000 ECUs. (See the reservation made to recommended practice 23).

Recommended Practice 23: According to community legislation, alcoholic beverages, tobacco and tobacco products are exempt from the waiver.

Only in exceptional circumstances will the waiver be granted to merchandise cleared for free practice.

- At the earliest, two months before the date set for the wedding. In these cases, the waiver can be subordinated to the presentation of the appropriate guarantee, whose form and import will be determined by the competent authorities.

- At the latest, four months after the date of the wedding.

Recommended practice 27: According to community legislation, the following are excluded from the waiver:

- a) Alcoholic products
- b) Tobacco and tobacco products
- c) Means of transport that are utilitarian in nature.
- d) Professional tools or instruments other than portable instruments used in mechanical professions that were necessary for the exercise of the profession of the deceased.
- e) Raw materials or manufactured or semi-manufactured goods.
- f) Livestock and agricultural products that exceed the quantities needed by a normal family.

Rule 28: Community legislation provides for the waiver of duties on merchandise whose overall value does not exceed 45 ECU's and which is part of small packages that are not commercial in nature and are carried free of charge from a non-Community country by a private party and is given to another private party who is currently in Community territory.

In addition to the quantitative restriction on tobacco, alcohol and alcoholic beverages, Community legislation stipulates the following maximum quantities for the waiver of import duties on coffee, tea, perfumes and colognes:

- a) Coffee: 500 grams, or extracts and essences of coffee: 200 grams
- b) Tea: 100 grams, or extracts and essences of tea: 40 grams
- c) Perfumes: 50 grams, or colognes 0.25 liters.

Recommended practice 29: The merchandise mentioned in this recommended practice will be free from import duties as long as this waiver does not give rise to major abuses or distortions in competition. According to community provisions, the following merchandise is excluded from the waiver of import duties and taxes:

- a) Alcoholic products
- b) Tobacco and tobacco products
- c) Coffee and tea
- d) Motor vehicles other than ambulances.

Recommended practice 32: For the operations mentioned in letters a) and b), Community legislation states that the waiver is applicable to documents sent or distributed free of charge.

Community legislation does not contemplate the operations mentioned in letters g) and k) of said recommended practice.

As regards the importations mentioned in letters i and j, Community legislation allows for them as long as the waiver does not give rise to significant abuse or distortion of competition and as long as the merchandise in question is used to transmit information free of charge to its users.

Recommended practice 33: The waiver mentioned in said recommended practice is not contemplated in Community legislation.

Rule 34: The merchandise mentioned in said rule will be free of duties with the condition that the exams, analyses or trials do not in and of themselves constitute commercial promotions.

Recommended practice 35: Community legislation provides for the waiver mentioned in said recommended practice as long as the materials in question cannot normally be reused and with the condition that their value be included in the tax base of the transported merchandise.

5. Annex B3, related to the reimportation of unimproved merchandise, one general observation and reservations to recommended practices 8, 11 and 24.

General Observation: Community legislation only covers one part of the provisions of this annex. Member states will formulate their own reservations to the areas not covered by Community legislation when necessary.

Recommended practice 8: In accordance with Community regulations applicable to matters of trade policy, in certain exceptional circumstances prohibitions or restrictions of an economic nature can be applied to cases of reimportation into the Community of merchandise originating in third party countries that have been exported from the Community after having been put into free circulation within the Community.

Recommended practice 11: In general, the period of time fixed by Community regulations in this matter is three years. However, for agricultural products that, as a result of their exportation outside of the Community, have given rise to the granting of restitution or of other payments established for exports within the framework of common agricultural policy, as well as for certain products that are subject to an export tax, community regulations establish a period of six months.

Recommended Practice 24: Current regulations that form part of common agricultural policy do not allow for the waiver of export taxes for certain agricultural products -- in the exceptional cases in which they exist -- even when these products are exported reserving the right to reimport them.

6. Annex C1, related to final exportation, with a general reservation and reservations related to rule 21 and to recommended practice 10.

General reservation: Community legislation only covers one part of the provisions of this annex. Member States will formulate their own reservations to the areas not included in Community legislation when necessary.

Recommended Practice 10: In cases in which an export declaration is required, Community regulations do not allow the use of a commercial document as a substitute.

Rule 21: Community regulations can require that the proof of clearance for consumption for certain merchandise be presented in a third country.

7. Annex D1, related to the rules of origin, with the exception of rules 7 and 8 and of recommended practice 10.

Rule 7: Community provisions in this matter are based on the principle that the place of origin of accessories, replacement parts, etc. is not determined by considering the accessories, replacement parts, etc. in an isolated manner, but rather as part of the whole piece of equipment, machine, etc. From this it follows that when applying the percentage method, the non- original pieces (among them accessories, third pieces incorporated into them,) will be calculated in a global sense and it will not be possible for the total of the parts to exceed a certain percentage of the whole.

Rule 8: The preferential agreements completed by the Community include the following provision:

“When, upon the request of the customs declarant, a disassembled or unassembled item listed in chapters 84 and 85 of the CCA Nomenclature is imported piece by piece, according to the conditions set by the competent authorities, the item will be considered as one single item and its merchandise circulation permit can be presented at the time of importation of the first piece”.

The autonomous regulations of the Community do not include provisions of this nature.

Recommended practice 10: There exists no provision of this nature in Community legislation.

8. Annex D2, regarding documentary proof of origin, with exceptions to Recommended Practices 3, 10 and 12.

Recommended practice 3: Community legislation within the framework of preferential status systems only contemplates exemptions from the need for documentary proof for merchandise sent in small packages to individual parties or that is part of the personal baggage of travelers, as this merchandise would then be considered to be imports devoid of any and all commercial purpose. A declaration must be made stating that the merchandise fulfills the conditions required for it to be considered original and there must be no doubt as to the veracity of such a declaration.

Imports are considered devoid of any or all commercial nature or purpose if they are occasional and are meant for personal use or for the use of a family member of the addressee or traveler, or when due to its nature and quantity, the merchandise being imported is not of any commercial interest. Also, the overall value of the merchandise must not exceed 60 ECUs for small packages or 200 (300 in the case of the AELC countries) for the contents of a traveler's personal baggage.

In non-preferential exchanges with third countries, community legislation does not include any provision of this kind.

Recommended practice 10: Within the framework of preferential status systems, certificates of origin (or of the movement of merchandise) must be issued in the country of origin of the merchandise. A certificate can only be issued in another country if the conditions established within the framework of certain systems of cumulative origin are met, such as those that exist in exchanges with the countries of the AELC or with certain regional groupings of countries that are beneficiaries of generalized most favored nation status.

Recommended Practice 12: Community legislation, within the framework of preferential status systems does not provide for the acceptance of any declaration of origin unless it is presented on a pre-approved form type EUR.2 or APR (generalized preferences) and only when the declaration refers to products that are sent by mail (including postal packages) and only if the packages contain original products whose value does not exceed 1,000 (1,500 in AELC) units ("unidades de cuenta de envío").

In non-preferential exchanges with third countries, no provision of this type is established.

9. Annex E1, regarding customs transit. (No reservations).

10. Annex E4, regarding the “drawback” with one general reservation and one reservation to Rule 5.

General reservation (general observation): Community legislation generally covers the provisions of this annex. However, in areas not contemplated by community legislation, the member States will issue their own reservations, if they so wish.

Rule 5: The declaration of free practice clearance must include certain indications as to the utilization of the system of active improvement and the withdrawal system. Additionally, recourse to this system requires the issuance of an authorization of active improvement or, in certain cases, that said authorization be requested prior to free practice clearance.

11. Annex E6, regarding temporary admission for purposes of active improvement, with exceptions to Rules 19 and 34, and to Recommended Practices 5, 16, 18 and 27.

Recommended Practice 5: The Community reserves the right to refuse to apply this recommended practice when it contradicts or seems to contradict the implementation of its trade policies.

Recommended Practices 16 and 18: Community regulations in this matter state that “the competent authorities can require a guarantee and determine its form and amount” (article 3, section 3 of Directive 69/73). This provision allows member States to apply recommended practices without preventing these States from asking for guarantees whose form and amounts differ from those established in the recommended practice here referred to.

Therefore, the Community does not currently find itself able to guarantee the application of these recommended practices throughout its territory.

Rule 19: There is no provision of this type in Community legislation. The right to offer an overall guarantee of conformity with this rule, due to the existence of a common customs territory, could give rise to practical difficulties at the time of collection of a customs fee when free practice clearance of merchandise takes place in a member State other than the one in which customs formalities were carried out related to its temporary clearance.

Recommended Practice 27: There is no provision of this type in Community legislation.

Rule 34: This rule does not require the subsequent recovery of compensatory products brought into a free port or into duty free areas, unlike article 13 of the Directive on active improvement in which it

states that “the system of active improvement will be considered terminated when, under the conditions established by the authorization, the compensatory products are either exported from the customs territory of the Community or deposited with customs agencies in duty free zones or introduced into a system of community transit with export expected at a later date”.

Therefore, this rule could give rise to a disruption of tariff protection, for example, in the case of those compensatory products subject to a lower rate of taxation than those which would correspond to the raw material used.

12. Annex E8, regarding the temporary exportation for passive improvement with exceptions to Rule 20 and Recommended Practices 3, 9 and 10.

Recommended Practice 3: The Community reserves the right to refuse to apply this recommended practice when it contradicts or seems to contradict its trade policies.

Recommended Practices 9 and 10: The current state of harmonization of Community legislation in the area of customs precludes the acceptance of these rules.

Rule 20: The Community reserves the right to refuse to apply this rule when it contradicts or seems to contradict its agricultural policies.

13. Annex F1, regarding free zones, with one general consideration and reservation to Rule 21.

General Consideration: Community regulations allow member States to decide whether or not to create duty free zones in their territory with the condition that if they do create such zones, they must comply with community resolutions on this matter. There are no such zones in Belgium, France, Luxembourg or the United Kingdom.

Rule 21: This rule does not contemplate the possibility of limiting the length of time merchandise can remain in a given location.

On the other hand, Community regulations do allow for this type of limitations.

14. Annex F2, regarding the transformation of merchandise designated for clearance for consumption with a general reservation and a specific reservation regarding recommended practice 7.

General reservation (general observation): Community legislation only covers one part of the resolutions in this annex. As regards the areas not covered by community legislation, member States will formulate their own reservations.

Recommended Practice 7: Normally the Community applies the resolutions of this recommended practice. However, authorization will only be granted if the appeal to this system does not seriously change the effects of the rules regarding matters of origin or quantitative restrictions applicable to imported merchandise.

15. Annex F3, regarding the customs services applicable to travelers, with a general reservation and reservations to Rules 21, 38 and 44 and to Recommended Practice 45.

Global Reservation (general observation): Community legislation generally covers the resolutions included in this annex. However, member States will formulate their own restrictions, when necessary, and community rules allow them to maintain their own resolutions in certain cases.

Rules 21 and 38: Community legislation provides for the granting of duty waivers for merchandise when its total value does not exceed 45 ECUs for travelers coming from a State outside the European Community.

In addition to the quantitative restrictions included in Rules 22 and 39, Community legislation sets the following maximum quantities of coffee and tea that will be admitted duty free:

- a) Coffee: 500 grams, or extracts and essences of coffee 200 grams
- b) Tea: 100 grams, or extracts and essences of tea, 40 grams.

Rule 44 and Recommended Practice 45: These resolutions will not be applied in all cases, especially when a procedure involves customs offices situated in different member States. For the application of these resolutions, the territory that comprises the Benelux Economic Union is considered one single member State.

16. Annex F6, regarding the return of duty and export taxes, with a general order reservation and a reservation to Rule 7.

General Reservation: Community legislation only covers one part of the resolutions of this annex. As regards the areas not included in Community legislation, member States will formulate their own reservations, when necessary.

Rule 7: Community legislation does not provide for the waiver of duties and import taxes in these cases. There can be no waiver of these fees because, according to Community legislation, these concrete cases do not give rise to any customs debt”.

Instrument of ratification deposited: 21 June 1991.

Entry into force: 21 September 1991.

(BOE n. 187, 6.8.91).

7. Commodities Cooperation

— International Convention on jute and jute products, Geneva, 3 November 1981.

Entry into force: 12 April 1991.

(*BOE* n. 139, 11.6.91).

— International Coffee Convention extended, with the modifications established in Resolution 347 passed by the International Coffee Council in its 53rd Session, 3 July 1989.

Entry into force: 20 December 1990.

(*BOE* n. 240, 7.10.91).

8. Financial and Tax Cooperation

Note: See XVI. Investments and Foreign Exchange and XXIII. Tax Law, in Section on Private International Law.

9. Radio and Telecommunications Cooperation

— Partial revision of the Regulations on Radio Communications and the annexes to these regulations, Geneva, 17 October 1987.

Entry into force: 3 October 1989, except for certain provisions that became effective 1 July 1991.

(*BOE* n. 93, 18.4.91).

— International Telecommunications Regulations, adopted at Melbourne, 9 December 1988.

Entry into force: 1 July 1990.

(*BOE* n. 153, 27.6.91).

— Exchange of Letters on 10 December 1990 and 18 April 1991, constituting an agreement between the Kingdom of Spain and Canada for the reciprocal granting of licenses for amateur radio operators.

Entry into force: 17 June 1991.

(*BOE* n. 169, 16.7.91).

— Regional agreement regarding the use of the 87.5-108 MHz wavelength by sound broadcasting in frequency modulation (Region 1 and part of Region 3) Geneva, 7 December 1984.

Entry into force: 1 July 1987.

(*BOE* n. 192, 12.8.91).

10. Road Traffic and Transportation

— Agreement between the Kingdom of Spain and the Kingdom of Morocco concerning the transport of goods on international roads, Rabat on 31 March 1988.

Entry into force: 26 September 1990.

(BOE n. 21, 24.1.91).

— Agreement between the Kingdom of Spain and the Republic of Ireland concerning the transport of goods on international roads, and attached protocol, Dublin, 28 July 1990.

Definitive entry into force: 10 January 1991.

(BOE n. 31, 5.2.91).

— Revision 2, which includes the 03 series of amendments to Regulation number 24 regarding prescriptions for the harmonization of vehicles equipped with diesel engines in reference to the emission of pollutants, annex to the Geneva Accord of 20 March 1958 on the adoption of terms and conditions for the harmonization of equipment and motor vehicle parts.

Entry into force: 20 April 1986.

(BOE n. 97, 23.4.91).

— Agreement between the Kingdom of Spain and the Republic of France concerning the transport of goods and passengers on international roads, signed in Madrid, 17 July 1987, and Exchange of Notes on 27 October and 27 December 1989, which correct the Spanish language version of article 15.2.

Entry into force: 1 May 1991.

(BOE n. 103, 30.4.91).

— Amendment proposed by the United Kingdom of Great Britain and Northern Ireland to Annex 2 of the Agreement on the International Transport of Perishable Foodstuffs and on the special equipment used for such transport (ATP) signed in Geneva, 1 September 1970, and entered into circulation by the Secretary General of the United Nations on 27 June 1989.

Entry into force: 28 March 1991.

(BOE n. 169, 16.7.91 and n. 208, 30.8.91).

— Amendments proposed by Sweden to Annex 1 of the Agreement on the International Transport of Perishable Foodstuffs and on the special equipment used for such transport (ATP), signed in Geneva, 1 September

1970, put into circulation by the Secretary General of the United Nations on 14 August 1989, Geneva, 1 September 1970.

Entry into force: 15 May 1991.

(BOE n. 186, 5.8.91).

— Amendment proposed by the Administrative Board for the TIR Convention, at the 13th Session, held in Geneva on 1 and 2 November 1990, to the Customs Convention on the international transport of goods covered by TIR cards, put into circulation by the Secretary General of the United Nations on 15 February 1991, Geneva, 14 November 1975.

Entry into force: 1 August 1991.

(BOE n. 186, 5.8.91).

— Amendments to Annexes 2, 6 and 7, to the Customs Convention on the international transport of goods covered by TIR carnets, put into circulation by the Secretary General of the United Nations on 26 March 1990, Geneva, 14 November 1975.

Entry into force: 1 August 1991.

(BOE n. 186, 5.8.91).

— Bilateral agreements to which Spain is a party and which temporarily abolish certain provision of the annexes to the European Agreement concerning the international transport of dangerous goods by road (ADR) Geneva, 30 September 1957, and a multilateral agreement that temporarily abolishes certain provisions of the annexes of the Agreement.

(BOE n. 189, 8.8.91, n. 214, 6.9.91 and n. 230, 25.9.91).

— Regulation number 12 on uniform prescriptions for the harmonization of vehicles in matters regarding protection from injury caused by the steering column in the case of an accident, annex to the Geneva Accord of 20 March 1958, regarding compliance with uniform harmonization conditions and reciprocal recognition of the harmonization of equipment and motor vehicle parts.

Entry into force: 13 May 1991.

(BOE n. 191, 10.8.91).

11. Sea Traffic and Transportation

— Amendment adopted on 19 October 1989, to the Convention on the International Regulations for preventing collisions at sea, London, 20 October 1972.

Entry into force: 19 April 1991.

(BOE n. 18, 21.1.91 and n. 132, 3.6.91).

— Amendments to the International Convention for the safety of life at sea, 1974, passed 28 October 1988 by the Committee for Maritime Safety of the International Maritime Organization in its 56th Session.

(BOE n. 58, 8.3.91).

12. Air Traffic and Transportation

— Exchange of notes between the Kingdom of Spain and the United States of Mexico, on 21 March and 22 November 1990, respectively, establishing a four year extension of the Convention on air transport between the government of Spain and the government of the United States of Mexico dated 20 November 1978.

Entry into force: 21 November 1990.

(BOE n. 26, 30.1.91).

— Exchange of Notes on 21 June 1990, confirming the amendment to the annex to the Agreement between the Kingdom of Spain and Japan concerning air transport, 18 March 1980.

Entry into force: 21 June 1990.

(BOE n. 26, 30.1.91).

— Exchange of Notes on 15 June and 16 August 1989, giving notice of the amendment to the Air Agreement between the Kingdom of Spain and Finland, 30 May 1973.

Entry into force: 16 August 1989.

(BOE n. 33, 7.2.91).

— Exchange of Notes on 29 March and 8 May 1990, between the Kingdom of Spain and the Union of Soviet Socialist Republics, for the modification of the Spanish-Soviet Convention on air transport, 12 May 1976.

Entry into force: 8 May 1990.

(BOE n. 35, 9.2.91).

— Air Convention between the Kingdom of Spain and the Republic of Korea, and annex, Seoul, 21 June 1989.

Entry into force: 14 January 1991.

(BOE n. 37, 12.2.91 and n. 106, 3.5.91).

— Protocol amending the Agreement concerning air transport between the government of the Kingdom of Spain and the government of the United States of America, signed in Madrid, 20 February 1973, and Washington, 31 May 1989.

Entry into force: 26 September 1990.

(BOE n. 37, 12.2.91).

— Modifications made in Brussels on 26 September 1990 to the Multilateral Accord on fees for assistance to air navigation, Brussels, 12 February 1981.

(BOE n. 121, 21.5.91).

— International Agreement on the distribution of regular air transport services within Europe, Paris, 16 June 1987.

Entry into force: 17 April 1991.

(BOE n. 147, 20.6.91 and n. 203, 24.8.91).

— Convention on air transport between the Kingdom of Spain and the Kingdom of Saudi Arabia, and annex, done at Jeddah, 19 September 1987.

Entry into force: 8 January 1991.

(BOE n. 181, 30.7.91 and n. 239, 5.10.91).

— Exchange of Notes on 8 May and 2 October 1989, constituting an Agreement modifying the Convention on air transport between the Kingdom of Spain and the Federative Republic of Brazil, 26 November 1949.

Entry into force: 11 June 1991.

(BOE n. 181, 30.7.91).

— Convention between the Spanish Government and the Government of the Republic of Tunisia on air transport, signed at Tunisia, 11 January 1977.

Definitive entry into force: 11 July 1977.

(BOE n. 215, 7.9.91).

— Exchange of Notes on 14 June 1988 and 3 July 1990, constituting an Agreement between the Kingdom of Spain and Thailand modifying the annex to the Agreement on air transport, Madrid, 6 September 1979.

(BOE n. 216, 9.9.91).

— Convention between the Republic of Panama and the Kingdom of Spain on air transport, and annex, Panama, 21 July 1967.

Entry into force: 15 October 1970.

(BOE n. 251, 19.10.91).

— Agreement on air transport between the government of the Kingdom of Spain and the government of Canada, Ottawa, 15 September 1988.

Entry into force: 15 August 1991.

(BOE n. 310, 27.12.91).

13. Labour, Social Security and Emigration

Note: See also XXI. Labour Law and Social Security in the Section of Private International Law.

— ILO Convention number 164 of the General Conference of the I.L.O. (International Labour Organization) on preventative health measures and medical assistance to seamen, dated 8 October 1987.

Instrument of ratification: 3 July 1990.

Entry into force: 3 July 1990.

(BOE n. 18, 21.1.91).

— ILO Convention number 166 of the General Conference of the I.L.O. on the repatriation of seamen (revised), dated 9 October 1987.

Instrument of ratification: 3 July 1990.

Entry into force: 3 July 1990.

(BOE n. 18, 21.1.91).

— Administrative Agreement for the implementation of the Convention on Social Security between the Kingdom of Spain and Switzerland, 13 October 1969, and Additional Protocol, 11 June 1982, Berne, 19 April 1990, and Exchange of Notes on 19 June and 4 July 1990.

Entry into force: 1 August 1990.

(BOE n. 25, 29.1.91).

— Cooperation Agreement between the government of the Kingdom of Spain and the government of the French Republic regarding employment, training and safety and hygiene in the workplace, Auxerre, 4 February 1989.

Entry into force: 6 March 1991.

(BOE n. 99, 25.4.91).

— Special Agreement for the development of programmes of cooperation in socio-labour matters between the Kingdom of Spain and the Argentine Republic, Buenos Aires, 29 October 1987.

Definitive entry into force: 8 April 1991.

(BOE n. 129, 30.5.91).

— Convention between the Kingdom of Spain and Australia concerning Social Security and an Administrative Agreement for its implementation, done at Canberra on 10 February 1990.

Entry into force: 3 June 1991.

(BOE n. 139, 11.6.91).

— Complementary Agreement for International Technical Cooperation in Socio-Labour Matters between the Kingdom of Spain and the Republic of Cuba, Havana, 26 January 1987.

Entry into force: 19 June 1989.

(BOE n. 170, 17.7.91).

— Complementary Agreement for International Technical Cooperation in Socio-Labour Matters between the Kingdom of Spain and the Republic of Venezuela, Caracas, 22 June 1986, and an Exchange of Notes on 2 May 1988 modifying article II, paragraph b), of said agreement.

Entry into force: 14 June 1991.

(BOE n. 182, 31.7.91).

— Complementary Agreement in Socio-Labour Matters signed *ad referendum* in Panama, 3 June 1986, attached to the Basic Convention on Scientific and Technical Cooperation between the Government of the Republic of Venezuela and the Government of the Kingdom of Spain, signed in Panama, 3 June 1983.

Entry into force: 12 July 1991.

(BOE n. 264, 4.11.91).

14. Health and Relief Cooperation

— Convention on Health and Hygiene Protection between the governments of the Kingdom of Spain and the Republic of Brazil, Madrid, 12 April 1984.

Entry into force: 12 December 1990.

(BOE n. 11, 12.1.91).

Note: This agreement establishes a framework for the establishment of conditions for technical cooperation projects in matters related to agro-forestral sanitation and for the import and export of vegetables and vegetable by-products.

— Revised text that incorporates the amendments adopted in November of 1976 and November of 1979 to the Agreement on Health and Hygiene Protection, Rome, 6 December 1951.

Entry into force: 4 April 1991.

(BOE n. 248, 16.10.91).

— Agreement for technical and administrative cooperation between Switzerland and the Kingdom of Spain on the monitoring of sanitary conditions of shipments of Spanish fruit to Switzerland, Berne, 19 June 1989.

Entry into force: 12 February 1991.

(BOE n. 69, 21.3.91 and n. 83, 6.4.91).

— Agreement for Cooperation between the Kingdom of Spain and the Republic of Argentina for the prediction, prevention and mutual assistance in cases of disasters, signed *ad referendum* in Madrid, 3 June 1988.

Provisional application: 3 June 1988.

(BOE n. 181, 30.7.91).

15. Narcotics

— Agreement for cooperation in the fight against drugs in the Kingdom of Spain and the Kingdom of Morocco, Rabat, 21 January 1987.

Definitive entry into force: 24 February 1991.

(BOE n. 26, 30.1.91).

— Agreement for Cooperation between the Kingdom of Spain and the Republic of Italy in the fight against drugs, signed in Rome, June 1986, and complementary Exchange of Notes on 30 April 1987 and 3 January 1989.

Entry into force: 5 February 1991.

(BOE n. 56, 6.3.91).

Note: This constitutes a bilateral commission for cooperation in the fight against drugs: prevention, repression and rehabilitation.

— Agreement for cooperation in the fight against the undue use and illicit trafficking of narcotics and psychotropic drugs between the Kingdom of Spain and the Union of Soviet Socialist Republics, Madrid, 26 October 1990.

Entry into force: 28 June 1991.

(BOE n. 140, 12.6.91).

— Agreement between the Kingdom of Spain and the Republic of Turkey for cooperation in the fight against the illicit trafficking of narcotic drugs and psychotropic substances, Ankara, 9 May 1990.

Entry into force: 14 December 1991.

(BOE n. 288, 2.12.91).

Note: Establishes biannual meetings between the responsible parties from each country in order to share experiences and information and the regular exchange of data on Turkish or Spanish citizens arrested for drug trafficking and the methods used in this area.

16. Recognition of Qualifications

— Agreement between the Kingdom of Spain and the Republic of Hungary regarding the mutual recognition of academic certificates and degrees, Budapest, 9 November 1990.

Entry into force: 3 September 1991.

(BOE n. 240, 7.10.91).

— Agreement in matters of recognition and validation of certificates of study, degrees, diplomas and academic standing between the Kingdom of Spain and the United States of Mexico, Madrid, 10 June 1985.

Entry into force: 7 October 1991.

(BOE n. 264, 4.11.91).

17. Industrial and Intellectual Property

Note: See XIV. Property in the Section on Private International Law.

18. Civil and Criminal Cooperation

Note: See II. International Jurisdiction, III. Procedure and Judicial Assistance, IV. Recognition and Enforcement of Foreign Judgments and Decisions and XXII. Criminal Law in Section on Private International Law.

XII. INTERNATIONAL ORGANIZATIONS

— Agreement establishing the European Bank for Reconstruction and Development, Paris, 29 May 1990.

Instrument of ratification: 26 March 1991.

Entry into force: 28 March 1991.
(BOE n. 109, 7.5.91).

XIII. EUROPEAN COMMUNITIES

— Agreement for the Administration of Programmes between the European Economic Community and the Kingdom of Spain regarding Project no. ALA/89/9 “Aid to Small and Medium Sized Industries in Central America. Phase II” and annexes, signed *ad referendum* in Madrid, 10 December 1990.

Provisional application: 10 December 1990.
(BOE n. 62, 13.3.91, and n. 110, 8.5.91).

— Agreement between the Kingdom of Spain and the EEC regarding the cofinancing of Project ALA/87/14, and financing annex between the EEC and Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama regarding a regional programme for the promotion of cooperatives in the Central American isthmus, Madrid, 30 June 1989.

Provisional application: 30 June 1989.
(BOE n. 258, 28.10.91 and n. 297, 12.12.91).

— Fourth ACP-EEC Convention, Rome, 15 December 1989.

Instrument of ratification: 30 May 1991.

Entry into force: 1 September 1991.
(BOE n. 295, 10.12.91).

XIV. RESPONSIBILITY

XV. PACIFIC SETTLEMENT OF DISPUTES

XVI. COERCION AND USE OF FORCE SHORT OF WAR

XVII. WAR AND NEUTRALITY