

Translated from Spanish

Permanent Mission of Spain to the United Nations

No. 059 VGR-ach

The Permanent Mission of Spain to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to reply to the request for additional information, in accordance with paragraph 7 of Security Council resolution 1977 (2011), as contained in note verbale S/AC.44/2013/OC.5. Attached hereto is the matrix providing updated information on measures taken by the Government of Spain in compliance with Security Council resolution 1540 (2004).

The Permanent Mission of Spain takes this opportunity to convey to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) the renewed assurances of its highest consideration.

New York, 11 March 2014

Chairman of the Security Council Committee
established pursuant to resolution 1540 (2004)
United Nations
New York

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

State: Spain
Date of report: 26 October 2004
Update: 3 March 2014

14-28441

<i>Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements?</i>	<i>YES</i>	<i>If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc.)</i>	<i>Remarks (information refers to the page of the English version of the report or an official website)</i>
1. General statement on non-possession of WMD		Spain does not possess WMD	
2. General statement on commitment to disarmament and non-proliferation	X	European Union Strategy against proliferation of weapons of mass destruction	
3. General statement on non-provision of WMD and related materials to non-State actors	X	Does not support or provide any collaboration with non-State agents	
4. Biological Weapons Convention (BWC)	X	Instrument of ratification deposited on 20 June 1979	
5. Chemical Weapons Convention (CWC)	X	Instrument of ratification deposited on 3 August 1994	
6. Nuclear Non-Proliferation Treaty (NPT)	X	Instrument of ratification deposited on 5 November 1987	
7. Comprehensive Nuclear-Test-Ban Treaty (CTBT)	X	Instrument of ratification deposited on 31 July 1998	
8. Convention on Physical Protection of Nuclear Material (CPPNM)	X	Entry into force on 6 October 1991	
9. Hague Code of Conduct (HCOC)	X	State was original signatory on 25 November 2002	
10. Geneva Protocol of 1925	X	Instrument of ratification deposited on 22 August 1929	
11. International Atomic Energy Agency (IAEA)	X	Safeguards agreement: accession on 5 April 1989 Additional Protocol: Entry into force on 30 April 2004	

Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements?

YES If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc.)

Remarks (information refers to the page of the English version of the report or an official website)

12. Nuclear-Weapons-Free
Zone/Protocol(s)

13. Other conventions/treaties

- X
1. EURATOM Treaty
 2. 2005 Amendment to the Convention on Physical Protection of Nuclear Material
 3. Convention on Nuclear Safety
 4. Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management
 5. International Convention for the Suppression of Acts of Nuclear Terrorism (signed on 14/09/2005)
 6. International Convention for the Suppression of Terrorist Bombings (ratified on 30/04/1999)
 7. 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (signed on 12/02/2007)
 8. 2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (signed on 12/2/2007)
 9. 2010 Convention on the Suppression of Unlawful Acts relating to the Safety of International Civil Aviation (signed on 10/09/2010 but not yet ratified by Spain)
 10. International Convention for the Suppression of the Financing of Terrorism (signed on 08/01/2001)

Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements?

YES If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc.)

Remarks (information refers to the page of the English version of the report or an official website)

14. Other arrangements

- X 1. Nuclear Suppliers Group (NSG)
2. Zangger Committee
3. Australia Group
4. Missile Technology Control Regime
5. Wassenaar Arrangement
6. Proliferation Security Initiative (PSI)
7. Container Security Initiative (CSI)
8. Global Initiative to Combat Nuclear Terrorism (GICNT)
9. Nuclear Security Summit process

15. Other

- X Initiative for inclusion of a non-proliferation clause in agreements between the European Union and third countries
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OP 2 — Biological Weapons (BW)

State: Spain
Date of report: 26 October 2004

14-28441

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	If YES, indicate source document of national implementation law	YES	If YES, indicate source document	
1. Manufacture/produce			X	Articles 566 and 567 of Penal Code (latest modification: Organic Law 5/2010): <u>manufacture and development</u>	
2. Acquire			X	Articles 566 and 567 of Penal Code (latest modification: Organic Law 5/2010): <u>acquisition and sale</u>	
3. Possess			X	Articles 566 and 567 of Penal Code (latest modification: Organic Law 5/2010): <u>possession</u> or <u>storage</u>	
4. Stockpile/store			X	Articles 566 and 567 of Penal Code (latest modification: Organic Law 5/2010): <u>possession</u> or <u>storage</u>	
5. Develop			X	Articles 566 and 567 of Penal Code (latest modification: Organic Law 5/2010): <u>development</u> of biological weapons (research or scientific or technical studies for their creation, or modification of a pre-existing weapon, cf. Art. 567.2)	

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	If YES, indicate source document of national implementation law	YES	If YES, indicate source document	
6. Transport			X	Articles 566 and 567 of Penal Code (latest modification: Organic Law 5/2010): no express mention of transport, but of <u>possession</u> and <u>trafficking</u> (i.e., an assumption of transport would also include an assumption of possession and trafficking)	
7. Transfer			X	Articles 566 and 567 of Penal Code (latest modification: Organic Law 5/2010): <u>trafficking</u> or <u>marketing</u> (acquisition or sale)	
8. Use			X	Articles 566 and 567 of Penal Code (latest modification: Organic Law 5/2010): <u>use</u>	
9. Participate as an accomplice in a.m. activities			X	Articles 566 and 567 of Penal Code (latest modification: Organic Law 5/2010): Penal Code also provides for, in general, criminal prosecution for <u>complicity</u>	
10. Assist in a.m. activities			X	Articles 566 and 567 of Penal Code (latest modification: Organic Law 5/2010): Penal Code also provides for, in general, criminal prosecution for <u>aiding and abetting</u>	
11. Finance a.m. activities			X	Articles 566 and 567 of Penal Code (latest modification: Organic Law 5/2010): Penal Code also covers, in general, criminal prosecution for <u>providing financial assistance</u>	

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	If YES, indicate source document of national implementation law	YES	If YES, indicate source document	
12. A.m. activities related to means of delivery					
13. Involvement of non-State actors in a.m. activities			X	Penal Code does not differentiate commission of this type of crime by State or non-State actors; both types of actors are included	
14. Other			X	<p>Article 561 of Penal Code (promulgated by Organic Laws 2/2000, of 7 January 2000, and 15/2003, of 25 November 2003): <u>threat of use</u></p> <p>Articles 566 and 567 of Penal Code (latest modification: Organic Law 5/2010): <u>activities preparatory to the use of biological weapons</u></p>	

OP 2 — Chemical Weapons (CW)

State: Spain
Date of report: 26 October 2004

14-28441

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	If YES, indicate source document of national implementation law	YES	If YES, indicate source document	
1. Manufacture/produce			X	Articles 566 and 567 of Penal Code (latest modification: Organic Law 5/2010): <u>manufacture</u>	
2. Acquire			X	Articles 566 and 567 of Penal Code (latest modification: Organic Law 5/2010): <u>acquisition and sale</u>	
3. Possess			X	Articles 566 and 567 of Penal Code (latest modification: Organic Law 5/2010): <u>possession</u> or <u>storage</u>	
4. Stockpile/store			X	Articles 566 and 567 of Penal Code (latest modification: Organic Law 5/2010): <u>possession</u> or <u>storage</u>	
5. Develop			X	Articles 566 and 567 of Penal Code (latest modification: Organic Law 5/2010): <u>development</u> of chemical weapons (research or scientific or technical studies for their creation, or modification of a pre-existing weapon)	

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?	National legal framework	Enforcement: civil/criminal penalties and others	Remarks
	YES If YES, indicate source document of national implementation law	YES If YES, indicate source document	
6. Transport		X Articles 566 and 567 of Penal Code (latest modification: Organic Law 5/2010): no express mention of transport, but of <u>possession</u> and <u>trafficking</u> (i.e., an assumption of transport would also include an assumption of possession and trafficking)	
7. Transfer		X Articles 566 and 567 of Penal Code (latest modification: Organic Law 5/2010): <u>trafficking</u> or <u>marketing</u> (<u>acquisition</u> or <u>sale</u>)	
8. Use		X Article 566 of Penal Code (latest modification: Organic Law 5/2010): <u>use</u>	
9. Participate as an accomplice in a.m. activities		X Article 566 of Penal Code (latest modification: Organic Law 5/2010): Penal Code also provides for, in general, criminal prosecution for <u>complicity</u>	
10. Assist in a.m. activities		X Article 566 of Penal Code (latest modification: Organic Law 5/2010): Penal Code also provides for, in general, criminal prosecution for <u>aiding and abetting</u>	
11. Finance a.m. activities		X Article 566 of Penal Code (latest modification: Organic Law 5/2010): Penal Code also provides for, in general, criminal prosecution for <u>providing financial assistance</u>	
12. A.m. activities related to means of delivery			

<i>Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?</i>	<i>National legal framework</i>	<i>Enforcement: civil/criminal penalties and others</i>	<i>Remarks</i>
	<i>If YES, indicate source document of national implementation law</i>	<i>YES If YES, indicate source document</i>	
13. Involvement of non-State actors in a.m. activities		X Penal Code does not differentiate commission of this type of crime by State or non-State actors; both types of actors are included	
14. Other		X Article 561 of Penal Code (promulgated by Organic Laws 2/2000, of 7 January 2000, and 15/2003, of 25 November 2003): <u>threat of use</u> Articles 566 and 567 of Penal Code (latest modification: Organic Law 5/2010): <u>activities preparatory to the use of chemical weapons</u>	

OP 2 — Nuclear Weapons (NW)

State: Spain
Date of report: 26 October 2004

14-28441

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?	National legal framework	Enforcement: civil/criminal penalties and others	Remarks
	If YES, indicate source document of national implementation law YES	If YES, indicate source document YES	
1. Manufacture/produce		X Article 345 of Penal Code (cf. Organic Law 5/2010 of 22 June): 4. Anyone who, without due authorization, produces such material or substances shall be subject to the most severe penalty	
2. Acquire		X Article 345 of Penal Code (cf. Organic Law 5/2010 of 22 June): 1. Anyone who <u>acquires</u> nuclear materials or radioactive elements, even if not motivated by financial gain, shall be subject to imprisonment of one to five years (...)	
3. Possess		Article 345 of Penal Code (cf. Organic Law 5/2010 of 22 June): 1. Anyone who <u>acquires</u> nuclear materials or radioactive elements, even if not motivated by financial gain, shall be subject to imprisonment of one to five years. The same penalty shall be imposed on anyone who, without due authorization, <u>possesses or processes</u> (...) nuclear materials or other dangerous radioactive substances that cause or may cause death or serious harm to persons, or substantial damage to the quality of the air, soil or water or to animals or plants.	

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Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?	National legal framework	Enforcement: civil/criminal penalties and others	Remarks
	If YES, indicate source document of national implementation law YES	If YES, indicate source document YES	
4. Stockpile/store		<p>X Article 345 of Penal Code (cf. Organic Law 5/2010 of 22 June): 1. (...) The same penalty [of one to five years' imprisonment] shall be imposed on anyone who, without due authorization (...) <u>stores</u> (...) nuclear materials or other dangerous radioactive substances that cause or may cause death or serious harm to persons, or substantial damage to the quality of air, soil or water, or to animals or plants</p>	
5. Develop		<p>X Article 345 of Penal Code (cf. Organic Law 5/2010 of 22 June): 1. Anyone who <u>acquires</u> nuclear materials or radioactive elements, even if not motivated by financial gain, shall be subject to imprisonment of one to five years. The same penalty shall be imposed on anyone who, without due authorization, <u>provides, transforms, utilizes</u> (...) nuclear materials or other dangerous radioactive substances that cause or may cause death or serious harm to persons, or substantial damage to the quality of the air, soil or water, or to animals or plants. 4. Anyone who, since due authorization, produces such materials or substances shall be subject to the most severe penalty.</p>	

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?	National legal framework	Enforcement: civil/criminal penalties and others	Remarks
	If YES, indicate source document of national implementation law YES	If YES, indicate source document YES	
6. Transport		<p>X Article 345 of Penal Code (cf. Organic Law 5/2010 of 22 June): 1. (...) The same penalty [of one to five years' imprisonment] shall be imposed on anyone who, without due authorization (...) <u>transports</u> (...) nuclear materials or other dangerous radioactive substances that cause or may cause death or serious harm to persons, or substantial damage to the quality of air, soil or water, or to animals or plants</p>	
7. Transfer		<p>X Article 345 of Penal Code (cf. Organic Law 5/2010 of 22 June) 1. (...) The same penalty [of one to five years' imprisonment] shall be imposed on anyone who, without due authorization, <u>traffics, provides, transports</u> or <u>eliminates</u> (...) nuclear materials or other dangerous radioactive substances that cause or may cause death or serious harm to persons, or substantial damage to the quality of air, soil or water, or to animals or plants</p>	
8. Use		<p>X Article 345 of Penal Code (cf. Organic Law 5/2010 of 22 June): 1. Anyone who <u>acquires</u> nuclear materials or radioactive elements, even if not motivated by financial gain, shall be subject to imprisonment of one to five years. The same penalty shall be imposed on anyone who, without due authorization, <u>uses</u> nuclear materials or other dangerous radioactive</p>	

<i>Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?</i>	<i>National legal framework</i>	<i>Enforcement: civil/criminal penalties and others</i>	<i>Remarks</i>
	<i>If YES, indicate source document of national implementation law</i>	<i>YES If YES, indicate source document</i>	
		substances that cause or may cause death or serious harm to persons, or substantial damage to the quality of the air, soil or water, or to animals or plants	
9. Participate as an accomplice in a.m. activities		X The Penal Code provides for, in general, criminal prosecution for <u>complicity</u>	
10. Assist in a.m. activities		X The Penal Code provides for, in general, criminal prosecution for <u>aiding and abetting</u>	
11. Finance a.m. activities		X The Penal Code provides for, in general, criminal prosecution for providing <u>financial assistance</u>	
12. A.m. activities related to means of delivery			
13. Involvement of non-State actors in a.m. activities		X Penal Code does not differentiate commission of this type of crime by State or non-State actors; both types of actors are included	

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?	National legal framework	Enforcement: civil/criminal penalties and others	Remarks
	If YES, indicate source document of national implementation law YES	If YES, indicate source document YES	
14. Other		<p>X Article 341 of Penal Code (cf. Organic Law 10/1995 of 23 November): Anyone who <u>releases</u> nuclear energy or radioactive elements that endanger the life or health of persons or their property, even if an explosion does not occur, shall be subject to a penalty of 15 to 20 years in prison and special disqualification from public employment or posts for 10 to 20 years.</p> <p>Article 342 of Penal Code (cf. Organic Law 10/1995 of 23 November): Anyone who, not being covered by the previous article, disturbs the operation of a nuclear or radioactive installation, or interferes with activities in which materials or equipment producing ionizing radiation are used, creating a serious risk to the life or health of persons, shall be subject to a penalty of 4 to 10 years in prison and special disqualification from public employment or posts for 6 to 10 years.</p> <p>Article 343 of Penal Code (cf. Organic Law 5/2010, of 22 June): 1. Anyone who, by releasing, <u>emitting</u> or <u>introducing</u> into the air, soil or water a quantity of ionizing materials or radiations, or by <u>creating exposure</u> by any other means to such radiations, endangers the life, integrity, health or property of one or more persons shall be subject to six to twelve years' imprisonment and special disqualification from public employment or posts, profession or trade for a period of six to ten years.</p>	

OP 3 (a) and (b) — Account for/Secure/Physically protect BW including Related Materials

State: Spain
Date of report: 26 October 2004

14-28441

<i>Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?</i>	<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties, and others</i>		<i>Remarks</i>
	<i>YES</i>	<i>If YES, indicate source document</i>	<i>YES</i>	<i>If YES, indicate source document</i>	
1. Measures to account for production	X	Act 9/2003 on Biosafety Royal Decree 178/2004 Royal Decree 664/1997 Royal Decree 664/1997 Directive 2000/54/EC of the European Parliament and Council			
2. Measures to account for use	X	Act 9/2003 on Biosafety Royal Decree 178/2004 Royal Decree 664/1997 Royal Decree 664/1997 Directive 2000/54/EC of the European Parliament and Council			
3. Measures to account for storage	X	Act 9/2003 on Biosafety Royal Decree 178/2004 Royal Decree 664/1997 Royal Decree 664/1997 Directive 2000/54/EC of the European Parliament and Council			
4. Measures to account for transport	X	Act 9/2003 on Biosafety Royal Decree 178/2004 Royal Decree 664/1997			
5. Other measures for accounting					

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<i>Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?</i>	<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties, and others</i>		<i>Remarks</i>
	<i>YES</i>	<i>If YES, indicate source document</i>	<i>YES</i>	<i>If YES, indicate source document</i>	
6. Measures to secure production	X	Act 9/2003 on Biosafety Royal Decree 178/2004 Royal Decree 664/1997 Directive 2000/54/EC			
7. Measures to secure use	X	Act 9/2003 on Biosafety Royal Decree 178/2004 Royal Decree 664/1997 Directive 2000/54/EC			
8. Measures to secure storage	X	Act 9/2003 on Biosafety Royal Decree 178/2004 Royal Decree 664/1997 Directive 2000/54/EC			
9. Measures to secure transport	X	Council Directives 94/55/EC and 2008/68/EC on transport of dangerous goods by road Royal Decree 97/2014	X	Party to agreements on international transport of dangerous goods by road (ADR) and by rail (RID)	
10. Other measures for securing					
11. Regulations for physical protection of facilities/ materials/ transports	X	Act 9/2003 on Biosafety Royal Decree 178/2004 Royal Decree 664/1997 Directive 2000/54/EC			
12. Licensing/registration of facilities/ persons handling biological materials	X	Act 9/2003 on Biosafety Royal Decree 178/2004 Royal Decree 664/1997 Directive 2000/54/EC			
13. Reliability check of personnel	X				

<i>Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?</i>	<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties, and others</i>		<i>Remarks</i>
	<i>YES</i>	<i>If YES, indicate source document</i>	<i>YES</i>	<i>If YES, indicate source document</i>	
14. Measures to account for/secure/physically protect means of delivery					
15. Regulations for genetic engineering work	X	Act 9/2003 creating the National Biosafety Commission, a collegial consultative body to report on requests for authorization for limited use, voluntary release and marketing submitted to the General State Administration and the Autonomous Communities on genetically modified organisms			
16. Other legislation/regulations related to safety and security of biological materials					
17. Other					

OP 3 (a) and (b) — Account for/Secure/Physically protect CW including Related Materials

State: Spain
Date of report: 26 October 2004

14-28441

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
	YES	If YES, indicate source document	YES	If YES, indicate source document	
1. Measures to account for production	X	Act 49/1999 on measures to control chemical substances that could be diverted for the manufacture of chemical weapons			
2. Measures to account for use	X	Act 49/1999 on measures to control chemical substances that could be diverted for the manufacture of chemical weapons			
3. Measures to account for storage	X	Act 49/1999 on measures to control chemical substances that could be diverted for the manufacture of chemical weapons			
4. Measures to account for transport	X	Act 49/1999 on measures to control chemical substances that could be diverted for the manufacture of chemical weapons			
5. Other measures for accounting					
6. Measures to secure production	X	Act 49/1999 on measures to control chemical substances that could be diverted for the manufacture of chemical weapons			
7. Measures to secure use	X				
8. Measures to secure storage	X	Directive 98/24/EC			
9. Measures to secure transport	X	Council Directives 94/55/EC, 2008/68/EC and 2012/45/EU on transport of dangerous goods by road Royal Decree 97/2014	X	Party to agreements on international transport of dangerous goods by road (ADR) and by rail (RID)	

<i>Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized?</i>	<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties, and others</i>		<i>Remarks</i>
	<i>YES</i>	<i>If YES, indicate source document</i>	<i>YES</i>	<i>If YES, indicate source document</i>	
10. Other measures for securing					
11. Regulations for physical protection of facilities/ materials/transport	X	Act 49/1999 on measures to control chemical substances that could be diverted for the manufacture of chemical weapons Directive 98/24/EC			
12. Licensing of chemical installations/entities/use of materials	X	Act 49/1999 on measures to control chemical substances that could be diverted for the manufacture of chemical weapons Directive 98/24/EC			
13. Reliability check of personnel	X				Standard practice in State security forces
14. Measures to account for/secure/ physically protect means of delivery					
15. National CWC authority	X	National Authority for the Prohibition of Chemical Weapons (Royal Decree 663/1997)			
16. Reporting Schedule I, II and III chemicals to OPCW	X	Spain's ratification of Chemical Weapons Convention (BOE 300 of 13 December 1996)			
17. Account for, secure or physically protect old chemical weapons		Not applicable		Not applicable	
18. Other legislation/regulations controlling chemical materials					
19. Other	X	National Security Strategy, adopted by Council of Ministers, June 2013			

OP 3 (a) and (b) — Account for/Secure/Physically protect NW including Related Materials

State: Spain
Date of report: 26 October 2004

14-28441

<i>Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?</i>	<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties, and others</i>		<i>Remarks</i>
	<i>YES</i>	<i>If YES, indicate source document</i>	<i>YES</i>	<i>If YES, indicate source document</i>	
1. Measures to account for production	X	Act 25/1964 of 29 April 1964, on Nuclear Energy Royal Decree 1836/1999, adopting Regulations on Nuclear and Radioactive Installations Royal Decree 1308/2011, of 26 September, on physical protection of nuclear installations and materials, and radioactive sources Royal Decree 783/2001, adopting Regulations on Protection against Ionizing Radiation INFCIRC/193/Add.8		Administrative sanctions contained in chapter XIV of Act 25/1964, of 29 April, on Nuclear Energy	
2. Measures to account for use	X	Act 25/1964 of 29 April 1964, on Nuclear Energy Royal Decree 1836/1999, adopting Regulations on Nuclear and Radioactive Installations Royal Decree 1308/2011 of 26 September, on physical protection of nuclear installations and materials, and radioactive sources Royal Decree 783/2001, adopting Regulations on Protection against Ionizing Radiation INFCIRC/193/Add.8		Administrative sanctions contained in chapter XIV of Act 25/1964, of 29 April, on Nuclear Energy	

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<i>Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?</i>	<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties, and others</i>		<i>Remarks</i>
	<i>YES</i>	<i>If YES, indicate source document</i>	<i>YES</i>	<i>If YES, indicate source document</i>	
3. Measures to account for storage	X	Act 25/1964 of 29 April 1964, on Nuclear Energy Royal Decree 1836/1999, adopting Regulations on Nuclear and Radioactive Installations Royal Decree 1308/2011, of 26 September, on physical protection of nuclear installations and materials, and radioactive sources Royal Decree 783/2001, adopting Regulations on Protection against Ionizing Radiation INFCIRC/193/Add.8		Administrative sanctions contained in chapter XIV of Act 25/1964, of 29 April, on Nuclear Energy	
4. Measures to account for transport	X	Act 25/1964 of 29 April 1964, on Nuclear Energy Royal Decree 1836/1999, adopting Regulations on Nuclear and Radioactive Installations Royal Decree 783/2001, adopting Regulations on Protection against Ionizing Radiation Royal Decree 243/2009, regulating the supervision and control of shipments of radioactive waste and spent fuel between member States and into and out of the Community Royal Decree 1308/2011, of 26 September, on physical protection of nuclear installations and materials, and radioactive sources INFCIRC/193/Add.8		Administrative sanctions contained in chapter XIV of Act 25/1964, of 29 April, on Nuclear Energy	

<i>Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?</i>	<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties, and others</i>		<i>Remarks</i>
	<i>YES</i>	<i>If YES, indicate source document</i>	<i>YES</i>	<i>If YES, indicate source document</i>	
5. Other measures for accounting	X	Directive 2006/117/EURATOM Directive 2013/59/EURATOM		Administrative sanctions contained in chapter XIV of Act 25/1964, of 29 April, on Nuclear Energy	
6. Measures to secure production	X	Act 25/1964 of 29 April 1964, on Nuclear Energy Royal Decree 1836/1999, adopting Regulations on Nuclear and Radioactive Installations Royal Decree 1308/2011, of 26 September, on physical protection of nuclear installations and materials, and radioactive sources Royal Decree 783/2001, adopting Regulations on Protection against Ionizing Radiation INFCIRC/193/Add.8		Administrative sanctions contained in chapter XIV of Act 25/1964, of 29 April, on Nuclear Energy	
7. Measures to secure use	X	Act 25/1964 of 29 April 1964, on Nuclear Energy Royal Decree 1836/1999, adopting Regulations on Nuclear and Radioactive Installations Royal Decree 1308/2011, of 26 September, on physical protection of nuclear installations and materials, and radioactive sources Royal Decree 783/2001, adopting Regulations on Protection against Ionizing Radiation INFCIRC/193/Add.8		Administrative sanctions contained in chapter XIV of Act 25/1964, of 29 April, on Nuclear Energy	

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?

	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
	YES	If YES, indicate source document	YES	If YES, indicate source document	
8. Measures to secure storage	X	Act 25/1964 of 29 April 1964, on Nuclear Energy Royal Decree 1836/1999, adopting Regulations on Nuclear and Radioactive Installations Royal Decree 1308/2011, of 26 September, on physical protection of nuclear installations and materials, and radioactive sources Royal Decree 783/2001, adopting Regulations on Protection against Ionizing Radiation INFCIRC/193/Add.8		Administrative sanctions contained in chapter XIV of Act 25/1964, of 29 April, on Nuclear Energy	
9. Measures to secure transport	X	Act 25/1964 of 29 April 1964, on Nuclear Energy Royal Decree 1836/1999, adopting Regulations on Nuclear and Radioactive Installations Royal Decree 1308/2011 of 26 September, on physical protection of nuclear installations and materials, and radioactive sources Royal Decree 783/2001, adopting Regulations on Protection against Ionizing Radiation INFCIRC/193/Add.8 In addition: Council Directive 2006/117/EURATOM, of 20 November 2006, on supervision and control of shipments of radioactive waste and spent fuel	X	Administrative sanctions contained in chapter XIV of Act 25/1964, of 29 April, on Nuclear Energy	

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?

National legal framework

Enforcement: civil/criminal penalties, and others

YES If YES, indicate source document

YES If YES, indicate source document

Remarks

Royal Decree 243/2009, of 27 February, regulating supervision and control of shipments of radioactive waste and spent fuel

Directive 94/55/EC, of 21 November, on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road

Directive 2012/45/EU on the inland transport of dangerous goods

Royal Decree 97/2014, of 14 February, regulating operations for the transport of dangerous goods by road in Spanish territory

European Agreement for the Transport of dangerous Goods by Road (ADR) (BOE 14/03/2013)

Royal Decree 412/2001, of 20 April (BOE 8/5/2011), regulating various aspects related to the transport of dangerous goods by rail

Regulations concerning the international carriage of dangerous goods by rail (RID) (BOE 16/04/2013)

Royal Decree 7149/1984, of 1 August, adopting the National Regulations on Transport of Dangerous Goods by Air, modified by Ministerial Order of 28/12/1990 (BOE 23/01/1991)

Order FOM/808/2006, of 7 March, updating technical instructions for

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
	YES	If YES, indicate source document	YES	If YES, indicate source document	
		safe transport of dangerous goods by air Order FOM/3553/2011, of 5 December, modifying annex II of RD 7149/1984 International Maritime Dangerous Goods (IMDG) Code, issued by the International Maritime Organization (IMO). Amendments 32-04 (BOE 21/12/2005) and BOE 108/2013			
10. Other measures for securing		Royal Decree 229/2006			Guarantees the traceability of high-activity radioactive sources
11. Regulations for physical protection of facilities/materials/transports	X	Royal Decree 1308/2011, of 26 September, on physical protection of nuclear installations and materials, and radioactive sources		Administrative sanctions contained in chapter XIV of Act 25/1964, of 29 April, on Nuclear Energy	
12. Licensing of nuclear installations/entities/use of materials	X	Council Directive 2013/59/EURATOM, of 5 December 2013, laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation Act 25/1964, of 29 April, on Nuclear Energy Royal Decree 1836/1999, adopting Regulations on Nuclear and Radioactive Installations		Administrative sanctions contained in chapter XIV of Act 25/1964, of 29 April, on Nuclear Energy	
13. Reliability check of personnel					Standard practice in State security forces

<i>Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?</i>	<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties, and others</i>		<i>Remarks</i>
	<i>YES</i>	<i>If YES, indicate source document</i>	<i>YES</i>	<i>If YES, indicate source document</i>	
14. Measures to account for/secure/ physically protect means of delivery	X	Royal Decree 1308/2011, of 26 September, on physical protection of nuclear installations and materials, and radioactive sources			
15. National regulatory authority	X	Ministry of the Interior: responsible for the physical security of nuclear and radioactive installations and materials (cf. Royal Decree 1308/2011 on physical protection of nuclear installations and materials, and radioactive sources) Ministry of Industry, Energy and Tourism: competent authority for implementing legislative initiatives in the nuclear and radioactive sphere (cf. Act 15/1964, on Nuclear Energy) Council on Nuclear Security (cf. Act 15/1980, of 22 April, creating the Council on Nuclear Security)			
16. IAEA Safeguards Agreements	X	Safeguards Agreement (INFCIRC/193 and INFCIRC/540) Protocol Additional to Safeguards Agreements, in force from 30 April 2004 Royal Decree 1206/2003, of 19 September, on the implementation of commitments agreed by the Spanish State in the Protocol Additional to Safeguards Agreements			

<i>Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?</i>	<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties, and others</i>		<i>Remarks</i>
	<i>YES</i>	<i>If YES, indicate source document</i>	<i>YES</i>	<i>If YES, indicate source document</i>	
17. IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	Signed in April 2004			
18. IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	X	Spain participates in the IAEA Database (cf. Royal Decree 1308/2011, of 26 September, on physical protection of nuclear installations and materials, and radioactive sources)			
19. Other agreements related to IAEA					
20. Additional national legislation/regulations related to nuclear materials including CPPNM	X	Instructions of Council on Nuclear Security			
21. Other					

OP 3 (c) and (d) and related matters from OP 6 and OP 10 — Controls of BW including Related Materials

State: Spain
Date of report: 26 October 2004

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Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials? Can violators be penalized?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc.		Remarks
	YES	If YES, indicate source document	YES	If YES, indicate source document	
1. Border control	X	Council Regulation No. 2913/1992 (Community Customs Code) Regulation (EU) 952/2013 of 9 October (laying down the Union Customs Code) (<i>see remarks</i>) Commission Regulation No. 2454/1993 (on provisions for the implementation of the Community Customs Code) Organic Law 12/1995, of 12 December 1995, on Repression of Smuggling, modified by Organic Law 6/2011, of 30 June	X	Organic Law 12/1995, of 12 September 1995, on Repression of Smuggling, modified by Organic Law 6/2011, of 30 June	Regulation (EU) 952/2013 of 9 October 2013, laying down the Union Customs Code, repealing Regulation (EC) 450/2008 and Regulation 2913/1992, but in this case with effect <u>from 1 June 2016</u>
2. Technical support of border control measures		Protocol of action in case of detection of inadvertent movement or illicit trafficking of radioactive materials in ports of general interest (agreed in June 2010)			
3. Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology		Act 53/2007, of 28 December, on control of foreign trade in defence and dual-use materials Royal Decree 2061/2008, of 12 December, adopting regulations for control of foreign trade in defence material and other dual-use materials, items and technologies, modified by Royal Decree 844/2011, of 17 June			

<i>Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials? Can violators be penalized?</i>	<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties, and measures of implementation, etc.</i>		<i>Remarks</i>
	<i>YES</i>	<i>If YES, indicate source document</i>	<i>YES</i>	<i>If YES, indicate source document</i>	
		Council Regulation (EC) No. 428/2009, of 5 May 2009, setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items			
4. Enforcement agencies/authorities	X	Ministry of Finance and Public Administrations Ministry of Economic Affairs and Competitiveness Ministry of Industry, Energy and Tourism	X	The Customs Administration investigates and punishes prohibited activities or refers accused persons to the courts, where appropriate	
5. Export control legislation in place	X	Council Regulation (EC) No. 428/2009, of 5 May 2009, setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	X	Penal Code Organic Law 12/1995, of 12 December 1995, on Repression of Smuggling, modified by Organic Law 6/2011, of 30 June	
6. Licensing provisions	X	Act 53/2007, of 28 December, on control of foreign trade in defence and dual-use materials Royal Decree 2061/2008, of 12 December, adopting regulations for control of foreign trade in defence material and other dual- use materials, items and technologies, modified by Royal Decree 844/2011, of 17 June			
7. Individual licensing	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011	X	Penal Code Organic Law 12/1995, of 12 December 1995, on Repression of Smuggling, modified by Organic Law 6/2011, of 30 June	

<i>Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials? Can violators be penalized?</i>	<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties, and measures of implementation, etc.</i>		<i>Remarks</i>
	<i>YES</i>	<i>If YES, indicate source document</i>	<i>YES</i>	<i>If YES, indicate source document</i>	
8. General licensing	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011	X	Penal Code Organic Law 12/1995, of 12 December 1995, on Repression of Smuggling, modified by Organic Law 6/2011, of 30 June	
9. Exceptions from licensing	X	Free circulation of items within the Community. Exceptions are listed in Annex IV to Regulation (EC) No. 428/2009			
10. Licensing of deemed export/visa	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011	X	Penal Code Organic Law 12/1995, of 12 December 1995, on Repression of Smuggling, modified by Organic Law 6/2011, of 30 June	
11. National licensing authority	X	State Secretariat for Trade (as set out in Royal Decree 2061/2008, modified by Royal Decree 844/2011)			
12. Interagency review for licences	X	Interministerial Board for Defence and Dual-Use Material (Royal Decree 2061/2008, modified by Royal Decree 844/2011)			
13. Control lists	X	Regulation (EC) No. 428/2009 Regulation (EC) No. 388/2012, of 19 April, modifying the previous regulation Royal Decree 2061/2008, modified by Royal Decree 844/2011 Order ECC/705/2013, of 26 April			

<i>Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials? Can violators be penalized?</i>	<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties, and measures of implementation, etc.</i>		<i>Remarks</i>
	<i>YES</i>	<i>If YES, indicate source document</i>	<i>YES</i>	<i>If YES, indicate source document</i>	
14. Updating of lists	X	Periodic update			
15. Inclusion of technologies	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011			
16. Inclusion of means of delivery	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011			
17. End-user controls	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011	X	Penal Code Organic Law 12/1995, of 12 December 1995, on Repression of Smuggling, modified by Organic Law 6/2011, of 30 June	
18. Catch all clause	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011			
19. Intangible transfers	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011			
20. Transit control	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011			The Spanish export control system includes operations for the transit of defence material but not of dual-use items
21. Trans-shipment control	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011			The Spanish export control system includes operations for the trans-shipment of defence material but not of dual-use items

<i>Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials? Can violators be penalized?</i>	<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties, and measures of implementation, etc.</i>		<i>Remarks</i>
	<i>YES</i>	<i>If YES, indicate source document</i>	<i>YES</i>	<i>If YES, indicate source document</i>	
22. Re-export control	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011			The Spanish export control system includes operations for the re-export of defence material but not of dual-use items
23. Control of providing funds					
24. Control of providing transport services					
25. Control of importation	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011 Order ECC/705/2013, of 26 April			The Spanish control system includes aspects of the control of imports of defence and dual-use materials
26. Extraterritorial applicability	X				
27. Other	X	Registration in a special register of foreign trade operators (Royal Decree 2061/2008, modified by Royal Decree 844/2011) National Security Strategy, adopted by Council of Ministers in June 2013			

OP 3 (c) and (d) and related matters from OP 6 and OP 10 — Controls of CW including Related Materials

State: Spain
Date of report: 26 October 2004

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Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc.		Remarks
	YES	If YES, indicate source document	YES	If YES, indicate source document	
1. Border control	X	Council Regulation No. 2913/1992 (Community Customs Code) Regulation (EU) 952/2013 of 9 October (laying down the Union Customs Code) (<i>see remarks</i>) Commission Regulation No. 2454/1993 (on provisions for the implementation of the Community Customs Code) Organic Law 12/1995, of 12 December 1995, on Repression of Smuggling, modified by Organic Law 6/2011, of 30 June	X	Organic Law 12/1995, of 12 September 1995, on Repression of Smuggling, modified by Organic Law 6/2011, of 30 June	Regulation (EU) No 952/2013 of 9 October, laying down the Union Customs Code and repealing Regulation (EC) 450/2008 and Regulation 2913/1992, but in this case with effect <u>from 1 June 2016</u>
2. Technical support of border control measures					
3. Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	Act 53/2007, of 28 December, on control of foreign trade in defence and dual-use materials Royal Decree 2061/2008, of 12 December, adopting regulations for control of foreign trade in defence material and other dual-use materials, items and technologies, modified by Royal Decree 844/2011, of 17 June Council Regulation (EC) No. 428/2009, of 5 May 2009, setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items			

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<i>Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?</i>	<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties, and measures of implementation, etc.</i>		<i>Remarks</i>
	<i>YES</i>	<i>If YES, indicate source document</i>	<i>YES</i>	<i>If YES, indicate source document</i>	
4. Enforcement agencies/authorities	X	Ministry of Finance and Public Administrations Ministry of Economic Affairs and Competitiveness Ministry of Industry, Energy and Tourism	X	The Customs Administration investigates and punishes prohibited activities or refers accused persons to the courts, where appropriate	
5. Export control legislation in place	X	Council Regulation (EC) No. 428/2009, of 5 May 2009, setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items	X	Penal Code Organic Law 12/1995, of 12 September 1995, on Repression of Smuggling, modified by Organic Law 6/2011, of 30 June	
6. Licensing provisions	X	Act 53/2007, of 28 December, on control of foreign trade in defence and dual-use materials Royal Decree 2061/2008, of 12 December, adopting regulations for control of foreign trade in defence material and other dual-use materials, items and technologies, modified by Royal Decree 844/2011, of 17 June			
7. Individual licensing	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011	X	Penal Code Organic Law 12/1995, of 12 December 1995, on Repression of Smuggling, modified by Organic Law 6/2011, of 30 June	
8. General licensing	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011	X	Penal Code Organic Law 12/1995, of 12 December 1995, on Repression of Smuggling, modified by Organic Law 6/2011, of 30 June	

<i>Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?</i>	<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties, and measures of implementation, etc.</i>		<i>Remarks</i>
	<i>YES</i>	<i>If YES, indicate source document</i>	<i>YES</i>	<i>If YES, indicate source document</i>	
9. Exceptions from licensing	X	Free circulation of items within the Community. Exceptions are listed in Annex IV to Regulation (EC) No. 428/2009			
10. Licensing of deemed export/visa	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011	X	Penal Code Organic Law 12/1995, of 12 December 1995, on Repression of Smuggling, modified by Organic Law 6/2011, of 30 June	
11. National licensing authority	X	State Secretariat for Trade (as set out in Royal Decree 2061/2008, modified by Royal Decree 844/2011)			
12. Interagency review for licences	X	Interministerial Board for Defence and Dual-Use Material (Royal Decree 2061/2008, modified by Royal Decree 844/2011)			
13. Control lists	X	Regulation (EC) No. 428/2009 Regulation (EC) No. 388/2012 Royal Decree 2061/2008, modified by Royal Decree 844/2011 Order ECC/705/2013, of 26 April			
14. Updating of lists	X	Periodic update			
15. Inclusion of technologies	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011			
16. Inclusion of means of delivery	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011			

<i>Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?</i>	<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties, and measures of implementation, etc.</i>		<i>Remarks</i>
	<i>YES</i>	<i>If YES, indicate source document</i>	<i>YES</i>	<i>If YES, indicate source document</i>	
17. End-user controls	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011		Penal Code Organic Law 12/1995, of 12 December 1995, on Repression of Smuggling, modified by Organic Law 6/2011, of 30 June	
18. Catch all clause	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011			
19. Intangible transfers	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011			
20. Transit control	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011			The Spanish export control system includes operations for the transit of defence material but not of dual-use items
21. Trans-shipment control	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011			The Spanish export control system includes operations for the trans-shipment of defence material but not of dual-use items
22. Re-export control	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011			The Spanish export control system includes operations for the re-export of defence material but not of dual-use items
23. Control of providing funds					
24. Control of providing transport services					

<i>Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?</i>	<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties, and measures of implementation, etc.</i>		<i>Remarks</i>
	<i>YES</i>	<i>If YES, indicate source document</i>	<i>YES</i>	<i>If YES, indicate source document</i>	
25. Control of importation	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011 Order ECC/705/2013, of 26 April			The Spanish control system includes aspects of the control of imports of defence and dual-use materials
26. Extraterritorial applicability	X				
27. Other	X	Registration in a special register of foreign trade operators (Royal Decree 2061/2008 National Security Strategy, adopted by Council of Ministers in June 2013			

OP 3 (c) and (d) and related matters from OP 6 and OP 10 — Controls of NW including Related Materials

State: Spain
Date of report: 26 October 2004

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	<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties, and measures of implementation, etc.</i>		<i>Remarks</i>
	<i>YES</i>	<i>If YES, indicate source document</i>	<i>YES</i>	<i>If YES, indicate source document</i>	
1. Border control	X	Council Regulation No. 2913/1992 (Community Customs Code) Regulation (EU) 952/2013 of 9 October (laying down the Union Customs Code) <i>(see remarks)</i> Commission Regulation No. 2454/1993 (on provisions for the implementation of the Community Customs Code) Organic Law 12/1995, of 12 December 1995, on Repression of Smuggling, modified by Organic Law 6/2011, of 30 June	X	Organic Law 12/1995, of 12 September 1995, on Repression of Smuggling, modified by Organic Law 6/2011, of 30 June	Regulation (EU) 952/2013 of 9 October 2013, laying down the Union Customs Code, repealing Regulation (EC) 450/2008 and Regulation 2913/1992, but in this case with effect <u>from 1 June 2016</u>
2. Technical support of border control measures					
3. Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	Act 53/2007, of 28 December, on control of foreign trade in defence and dual-use materials Royal Decree 2061/2008, of 12 December, adopting regulations for control of in defence material and dual-use items and technologies, modified by Royal Decree 844/2011, of 17 June Council Regulation (EC) No. 428/2009, of 5 May 2009, setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items			

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<i>Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials? Can violators be penalized?</i>	<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties, and measures of implementation, etc.</i>		<i>Remarks</i>
	<i>YES</i>	<i>If YES, indicate source document</i>	<i>YES</i>	<i>If YES, indicate source document</i>	
4. Enforcement agencies/authorities	X	Ministry of Finance and Public Administrations Ministry of Economic Affairs and Competitiveness Ministry of Industry, Energy and Tourism (only in relation to export control, with regard to the quarterly report to EURATOM on exports of the equipment and materials listed in Annex II of the Additional Protocol)	X	The Customs Administration investigates and punishes prohibited activities or refers accused persons to the courts, where appropriate	
5. Export control legislation in place	X	Council Regulation (EC) No. 428/2009, of 5 May 2009, setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items, and Regulation (EC) No. 1232/2011, of 16 November, modifying that regulation	X	Penal Code Organic Law 12/1995, of 12 December 1995, on Repression of Smuggling, modified by Organic Law 6/2011, of 30 June	
6. Licensing provisions	X	Act 53/2007, of 28 December, on control of foreign trade in defence and dual-use materials Royal Decree 2061/2008, ¹ of 12 December, adopting regulations for control of foreign trade in defence material and other dual-use materials, items and technologies, modified by Royal Decree 844/2011, of 17 June INFCIRC/193/Add.8 Royal Decree 1206/2003 Order ITC/2637/2004			

¹ Royal Decree 2061/2008, of 12 December, adopting regulations for control of foreign trade in defence material and other dual-use materials, items and technologies, modified by Royal Decree 844/2011, of 17 June.

<i>Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials? Can violators be penalized?</i>	<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties, and measures of implementation, etc.</i>		<i>Remarks</i>
	<i>YES</i>	<i>If YES, indicate source document</i>	<i>YES</i>	<i>If YES, indicate source document</i>	
7. Individual licensing	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011	X	Penal Code Organic Law 12/1995, of 12 December 1995, on Repression of Smuggling, modified by Organic Law 6/2011, of 30 June	
8. General licensing	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011	X	Penal Code Organic Law 12/1995, of 12 December 1995, on Repression of Smuggling, modified by Organic Law 6/2011, of 30 June	
9. Exceptions from licensing	X	Free circulation of items within the Community. Exceptions are listed in Annex IV to Regulation (EC) No. 428/2009, modified by Regulations (EC) 1232/2011 and (EC) No. 388/2012			
10. Licensing of deemed export/visa	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011	X	Penal Code Organic Law 12/1995, of 12 December 1995, on Repression of Smuggling, modified by Organic Law 6/2011, of 30 June	
11. National licensing authority		State Secretariat for Trade of the Ministry of Economic Affairs and Competitiveness (as set out in Royal Decree 2061/2008, modified by Royal Decree 844/2011)			
12. Interagency review for licences		Interministerial Board for Defence and Dual-Use Material (Royal Decree 2061/2008, modified by Royal Decree 844/2011)			

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials? Can violators be penalized?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc.		Remarks
	YES	If YES, indicate source document	YES	If YES, indicate source document	
13. Control lists	X	Regulation (EC) No. 428/2009, modified by Regulations (EC) 1232/2011 and (EC) No. 388/2012 Royal Decree 2061/2008, modified by Royal Decree 844/2011 4. Order ECC/705/2013, of 26 April			
14. Updating of lists	X	Periodic update			
15. Inclusion of technologies	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011			
16. Inclusion of means of delivery	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011			
17. End-user controls	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011	X	Penal Code Organic Law 12/1995, of 12 December 1995, on Repression of Smuggling, modified by Organic Law 6/2011, of 30 June	
18. Catch all clause	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011			
19. Intangible transfers	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011			
20. Transit control	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011			The Spanish export control system includes operations for the transit of defence material but not of dual-use items

<i>Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials? Can violators be penalized?</i>	<i>National legal framework</i>		<i>Enforcement: civil/criminal penalties, and measures of implementation, etc.</i>		<i>Remarks</i>
	<i>YES</i>	<i>If YES, indicate source document</i>	<i>YES</i>	<i>If YES, indicate source document</i>	
21. Trans-shipment control	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011			The Spanish export control system includes operations for the trans-shipment of defence material but not of dual-use items
22. Re-export control	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011			The Spanish export control system includes operations for the re-export of defence material but not of dual-use items
23. Control of providing funds					
24. Control of providing transport services					
25. Control of importation	X	Royal Decree 2061/2008, modified by Royal Decree 844/2011 Order ECC/705/2013, of 26 April			The Spanish control system includes aspects of the control of imports of defence and dual-use materials
26. Extraterritorial applicability	X				
27. Other	X	Registration in a special register of foreign trade operators (Royal Decree 2061/2008, modified by Royal Decree 844/2011) National Security Strategy, adopted by Council of Ministers in June 2013			

OP 6, 7 and 8 (d) — Control lists, Assistance, Information

State: Spain
Date of report: 26 October 2004

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Can information be provided on the following issues?	YES	Remarks
1 Control lists — items (goods/equipment/materials/ technologies)	X	In the framework of GSN, the Zangger Committee, the Australia Group, the Missile Technology Control Regime, the Wassenaar Arrangement and the various procedures of the European Union, control lists and information exchange protocols have been developed and maintained. The lists contained in the annexes to Regulation (EC) No. 428/2009, Regulation (EC) No. 388/2012 and Royal Decree 2061/2008, modified by Royal Decree 844/2011, and Order ECC 715/2013, of 26 April, are an essential instrument in this activity.
2 Control lists — other		
3 Assistance offered	X	Spain regularly provides bilateral technical assistance, especially to Spanish-speaking countries, on export controls and legislative implementation of international instruments.
4 Assistance requested		
5 Assistance in place (bilateral/ plurilateral/multilateral)	X	<p>On 6-9 February 2012, Spain held a seminar in Madrid on operational control of transfers of weapons and sensitive technologies, with 12 Latin American experts.</p> <p>On 27-31 January 2014, a Spanish-Mexican seminar was held in Madrid in the context of United Nations Security Council resolution 1540 (2004). Participants included 10 Mexican experts and observers from the Dominican Republic, Panama, Colombia, Trinidad and Tobago and Grenada.</p> <p>Spain has provided assistance (legal, technical or financial), especially in the framework of IAEA and OPCW, to States in complying with their international obligations. Spain contributes to the IAEA Technical Cooperation Fund and Nuclear Security Fund, <u>meeting its target in full</u>.</p> <p>Contribution from the European Union to the G-8 Global Partnership on enhancement of nuclear security, destruction of chemical weapons, re-employment of scientists, control of exports and border security</p>

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	<p>Spain actively contributes to the European Union's Centres of Excellence on CBRN risk mitigation, an initiative that provides a platform of cooperation with third States for the strengthening of their CBRN capacities. Spain funds the activities of the Centres through the regular EU budget and has provided experts for 7 projects currently being implemented in some of the 45 countries associated with the Centres.</p>
6 Information for industry	<p>X Objectives are met through dissemination of laws and agreements. Collaboration with industry and the public includes: awareness-raising campaigns and information on security risks stemming from the proliferation of weapons of mass destruction, and on the Council on Nuclear Security and the National Authority for the Prohibition of Chemical Weapons; and the holding of meetings and seminars with industries in the sector.</p>
7 Information for the public	<p>X Objectives are met through dissemination of laws and agreements. Collaboration with industry and the public includes awareness-raising campaigns and information on security risks stemming from the proliferation of weapons of mass destruction.</p>