

September 2012

## SPAIN

**1. Which are the procedures for the incorporation of Security Council resolutions imposing sanctions into the internal legal order of your State? Are they incorporated through legislation, regulations or in any other way? Has the implementation given rise to any constitutional or other legal problems at national level? Is there any relevant case law?**

Spain complies with EU regulations as any other member State. Some secondary rules have been issued to implement those regulations or deal with specific issues.

According to the Council of State, UN Security Council Resolutions imposing sanctions will be part of Spanish Law once they have been published in the official journal (BOE), according to article 96 1. of the Spanish Constitution. If the resolution is not self-executing the Government must take the corresponding administrative or legislative measures to implement it, according to article 91 1. of the Constitution.

**2. Does the choice depend on the content of the Security Council resolution?**

See answer above.

**3. When sanctions are imposed for a fixed period which is not renewed, are they tacitly repealed within your domestic legal order or is any normative action required?**

Spanish Law does not require repealing explicitly a rule if it has already been established for a specific period.

Royal Decree 597/1992, of 5th June on financial transactions (BOE 136, of 6th June 1992), was repealed by Royal Decree 691/1996, of 26 April (BOE 126, of 24th May 1996) because the former said that it had to be repealed once UN Security Council resolutions made it unnecessary.

**4. When a Security Council resolution imposing an export embargo provides for exceptions while not establishing a committee to authorise such exceptions, does the incorporating act appoint a national authority which is competent to authorise export?**

No such committees or national authorities have been established as yet.

**5. Are Sanctions Committee decisions specifying Security Council sanctions or setting conditions for their activation incorporated into domestic law?**

Several rules have implemented sanctions and EU Law: order, of 6<sup>th</sup> August 1990 about financial transactions (BOE 188, 7<sup>th</sup> August 1990); order of 10<sup>th</sup> August 1990, about trade (BOE 197, 17<sup>th</sup> August 1990); administrative decision of 11<sup>th</sup> March 1991 (BOE 64, 15<sup>th</sup> March 1991) on food trade; order of 31<sup>st</sup> May 1991 on trade (BOE 133, 4<sup>th</sup> June 1991); Royal Decree 1816/1991, of 20<sup>th</sup> December on financial transactions, article 3 (BOE 310, 27<sup>th</sup> December 1991); Royal Decree 597/1992, of 5<sup>th</sup> June on financial transactions (BOE 136, of 6<sup>th</sup> June 1992), later derogated by Royal Decree 691/1996, of 26 April (BOE 126, of 24<sup>th</sup> May 1996); and order of 6<sup>th</sup> March 1997 on

trade (BOE 62, 13<sup>th</sup> March 1997).

Related rules concerning the Spanish authorities which implement sanctions are the Organic Law 4/2000, of 11<sup>th</sup> January, on rights and liberties and on social integration of foreigners living in Spain (BOE of 10th January 2000) and its Royal Decree 557/2011 of 20<sup>th</sup> April (BOE 103, of 30<sup>th</sup> April 2011) and Law 19/2003, of 4<sup>th</sup> July, on foreign financial and economic transactions (BOE 160, of 5<sup>th</sup> July 2003).

**6. Have there been cases where the act incorporating sanctions in the domestic legal order was challenged in court for being in violation of human rights? For example, have national courts assumed jurisdiction in cases where sanctions are challenged by individuals affected by sanctions?**

No records found.

**7. Are there decisions of national courts or state practice concerning the relationship between sanctions directed towards individuals and the human rights of these individuals?**

No records found.