

1540 COMMITTEE MATRIX OF SPAIN

The information in the matrices originates primarily from national reports and is complemented by official government information, including that made available to inter-governmental organizations. The matrices are prepared under the direction of the 1540 Committee.

The 1540 Committee intends to use the matrices as a reference tool for facilitating technical assistance and to enable the Committee to continue to enhance its dialogue with States on their implementation of Security Council Resolution 1540.

The matrices are not a tool for measuring compliance of States in their non-proliferation obligations but for facilitating the implementation of Security Council Resolutions 1540 (2004), 1673 (2006), 1810 (2008) and 1977 (2011). They do not reflect or prejudice any ongoing discussions outside of the Committee, in the Security Council or any of its organs, of a State's compliance with its non-proliferation or any other obligations. Information on voluntary commitments is for reporting purpose only and does not constitute in any way a legal obligation arising from resolution 1540 or its successive resolutions.

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

State: Spain
Date of First Report: 26 October 2004
Additional Reports: 22 March 2006
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Legally binding instruments, organizations, codes of conduct, arrangements, statements and other issues.		YES	If YES, relevant information (i.e. signing, accession, ratification, etc.)	Remarks (information refers to the page of the English version of the national report or an official web site)
1	Nuclear Non-Proliferation Treaty (NPT)	X	Deposit 05 November 1987	
2	Nuclear Weapons Free Zone/ Protocol(s)			
3	Convention for the Suppression of Acts of Nuclear Terrorism	X	Deposit 22 February 2007	
4	Convention on Physical Protection of Nuclear Material (CPPNM)	X	Deposit 06 October 1991	
5	2005 Amendment to the CPPNM	X	Deposit 11 September 2011	

6	Comprehensive Nuclear-Test-Ban Treaty (CTBT) (not in force)	X	Deposit 31 July 1998	
7	Chemical Weapons Convention (CWC)	X	Deposit 03 August 1994	
8	Biological Weapons Convention (BWC)	X	Deposit 20 June 1979	
9	Geneva Protocol of 1925		Deposit 22 August 1929	
10	Other Conventions/Treaties	X	<p>State Party to 16 of the 19 universal legal instruments against terrorism, including the following relevant to resolution 1540 (2004):</p> <p>a. International Convention for the Suppression of Terrorist Bombings (30/04/1999), International Convention for the Suppression of the Financing of Terrorism (09/04/2002)</p> <p>b. Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation,</p> <p>c. Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (16/04/2008), and</p> <p>d. 2010 Convention on the Suppression of Unlawful Acts relating to International Civil Aviation (11/12/14)</p> <p>EURATOM Treaty</p>	
11	International Atomic Energy Agency (IAEA)	X	Member since 1957	
12	Hague Code of Conduct (HCOC)	X	Subscribed 25 November 2002	
13	Other Arrangements	X	<p>Nuclear Suppliers Group (NSG)</p> <p>Zangger Committee (ZC)</p> <p>Australia Group (AG)</p> <p>Missile Technology Control Regime (MTCR)</p> <p>Wassenaar Arrangement (WA)</p> <p>Proliferation Security Initiative (PSI)</p> <p>Container Security Initiative (CSI)</p> <p>Global Initiative to combat Nuclear Terrorism (GICNT)</p> <p>Global Partnership</p>	
14	General statement on non-possession of WMD	X	The State reports that it does not possess weapons of mass destruction	
15	General statement on commitment to disarmament and non-proliferation	X	State that it supports the European Union Strategy against the Proliferation of WMD	

16	General statement on non-provision of WMD and related materials to non-State actors	X	State reports that it “fully assumes its responsibilities and commitments in the struggle against the proliferation of weapons of mass destruction and neither supports nor collaborates in any way with non-State actors participating in [attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery].”	
17	Other ¹	X	Member of: European Union Financial Action Task Force against Money Laundering (FATF) International Civil Aviation Authority International Maritime Organization (IMO) International Monetary Fund (IMF) Inter-Parliamentary Union (IPU) INTERPOL Organization for Security and Cooperation in Europe (OSCE) World Bank Group World Customs Organization (WCO) World Health Organization (WHO) World Organisation for Animal Health (OIE)	

1. Including, as appropriate, information with regard to membership in relevant international, regional or sub-regional organizations.

OP 2 - Nuclear Weapons (NW), Chemical Weapons (CW) and Biological Weapons (BW)

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/Penal penalties and others				Remarks
		YES			if YES, source document of national implementation law	YES			if YES, source document	
		N W	C W	B W		N W	C W	B W		
1	Manufacture/produce	X	X	X	NW: Decree n. 801 of 24 March 1972 on the activity of the State Administration related to International treaties, article 16 NPT ratification law CW: Decree n. 801 of 24 March 1972 on the activity of the State Administration related to International treaties, article 16 CWC ratification law in force since 29 April 1997 BW: Decree n. 801 of 24 March 1972 on the activity of the State Administration related to International treaties, article 16 BTWC ratification law of 1 June 1979	?	X	X	NW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), article 345 CW/BW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), articles 566 and 567: production	
2	acquire	X	X	X	NW: Decree n. 801 of 24 March 1972 on the activity of the State Administration related to International treaties, article 16 NPT ratification law CW: Decree n. 801 of 24 March 1972 on the activity of the State Administration related to International treaties, article 16 CWC ratification law in force since 29 April 1997	X	X	X	NW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), article 345 CW/BW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), articles 566 and 567: acquisition and sale	

					BW: Decree n. 801 of 24 March 1972 on the activity of the State Administration related to International treaties, article 16 BTWC ratification law of 1 June 1979					
3	possess	X	X	X	NW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), article 345 CW/BW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), articles 566 and 567: possession or storage ::	X	X	X	NW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), article 345 CW/BW: Penal Code, articles 566 and 567: possession or storage	
4	stockpile/store	X	X	X	NW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), article 345 CW: Decree n. 801 of 24 March 1972 on the activity of the State Administration related to International treaties, article 16 CWC ratification law in force since 29 April 1997 BW: Decree n. 801 of 24 March 1972 on the activity of the State Administration related to International treaties, article 16 BTWC ratification law of 1 June 1979	X	X	X	NW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), article 345 CW/BW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), articles 566 and 567: possession or storage	
5	develop		X	X	CW: Decree n. 801 of 24 March 1972 on the activity of the State Administration related to International treaties, article 16 CWC ratification law in force since 29 April 1997		X	X	CW/BW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), articles 566 and 567: development	

					BW: Decree n. 801 of 24 March 1972 on the activity of the State Administration related to International treaties, article 16 BTWC ratification law of 1 June 1979					
6	Transport	X	X	X	NW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), article 345 CW/BW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), article 568: transport ::	X	X		NW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), article 345 CW/BW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), article 568: transport	
7	transfer	X	X	X	NW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), article 345 CW/BW: Decree n. 801 of 24 March 1972 on the activity of the State Administration related to International treaties, article 16 BTWC ratification law of 1 June 1979	X	X	X	NW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), article 345 CW/BW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), articles 566, 567 and 568: trade and trafficking	
8	use	X	X	X	NW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), articles 341, 343 and 345 CW: Decree n. 801 of 24 March 1972 on the activity of the State Administration related to International treaties, article 16 CWC ratification law of 3 August 1994. BW: Decree n. 801 of 24 March 1972 on the activity of the State Administration related to International treaties, article 16 BTWC ratification law of 1 June 1979	X	X	X	NW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), articles 341, 343 and 345 CW/BW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), article 566: use	

9	participate as an accomplice in abovementioned activities	X	X	X	NW/CW/BW: Penal Code, articles 27-29	X	X	X	NW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), articles 341, 343 and 345 CW/BW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), articles 573, 576, 577 and 578	
10	assist in abovementioned activities	X	X	X	NW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), articles 27-29 CW: Decree n. 801 of 24 March 1972 on the activity of the State Administration related to International treaties, article 16 CWC ratification law in force since 29 April 1997 BW: Decree n. 801 of 24 March 1972 on the activity of the State Administration related to International treaties, article 16 BTWC ratification law of 1 June 1979	X	X	X	NW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), articles 27-29 Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), articles 576 and 577 CW/BW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), articles 576 and 577	
11	finance abovementioned activities	X	X	X	NW/CW/BW: Law 12/2003, dated 21 May, on prevention and freezing of terrorist financing, as amended by the Law n. 10 of 28 April 2010	X	X	X	NW/CW/BW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), articles 575, 576 and 577	
12	abovementioned activities related to means of delivery ²		X	X	CW: Decree n. 801 of 24 March 1972 on the activity of the State Administration related to International treaties, article 16 CWC ratification law in force since 29 April 1997 BW: Decree n. 801 of 24 March 1972 on the activity of the State Administration related to International treaties, article 16		X	X	CW/BW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), articles 573, 575, 576 and 577	

					BTWC ratification law of 1 June 1979					
13	involvement of non-State actors in abovementioned activities	X	X	X	NW/CW/BW: Penal Code covers both State and non-State actors	X	X	X	NW/CW/BW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), articles 566, 567, 568, 573, 576, 577 and 578	
14	Other	X	X	X	NW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), article 342 (enacted by Organic Law 10/1995 of 23 November 1995): crimes related to nuclear power CW: Royal Decree n. 663/1997 of 12 May 1997 establishing the National Authority for the prohibition of Chemical Weapons. : CW/BW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), article 561: threatening to use	X	X	X	NW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), article 342 (enacted by Organic Law 10/1995 of 23 November 1995): crimes related to nuclear power CW/BW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), article 561: threatening to use	

2. Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons, that are specially designed for such use.

OP 3 (a) and (b) - Account for/Secure/Physically protect NW, CW and BW, including Related Materials³

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW/ CW, BW and Related Materials? Can violators be penalized?		National legal framework				Enforcement: civil/Penal penalties and others				Remarks
		YES			if YES, source document	YES			if YES, source document	
		N W	C W	B W*		N W	C W	B W		
1	Measures to account for production	X	X		NW: Law 25/1964 on nuclear energy Royal Decree 1836/1999 which approves the regulations on nuclear and radioactive installations INFCIRC/193 and INFCIRC/540 CW: Law 49/1999 on measures for controlling chemical substances that could be diverted for the production of CW	X	X		NW: Law 25/1964 on nuclear energy, Chapters XIII and XIV CW: Law 49/1999 on measures for controlling chemical substances that could be diverted for the production of CW, Title IV, Chapter I	
2	Measures to account for use	X	X		NW: Law 25/1964 on nuclear energy Royal Decree 1836/1999 which approves the regulations on nuclear and radioactive installations INFCIRC/193 and INFCIRC/540 CW: Law 49/1999 on measures for controlling chemical substances that could be diverted for the production of CW	X	X		NW: Law 25/1964 on nuclear energy, Chapters XIII and XIV CW: Law 49/1999 on measures for controlling chemical substances that could be diverted for the production of CW, Title IV, Chapter I	
3	Measures to account for storage	X	X		NW: Law 25/1964 on nuclear energy Royal Decree 1836/1999 which approves the regulations on nuclear and radioactive installations INFCIRC/193 and INFCIRC/540 CW:	X	X		NW: Law 25/1964 on nuclear energy, Chapters XIII and XIV CW: Law 49/1999 on measures for controlling chemical substances that could be diverted for	

					Law 49/1999 on measures for controlling chemical substances that could be diverted for the production of CW				the production of CW, Title IV, Chapter I	
4	Measures to account for transport	X	X	X	NW: Law 25/1964 on nuclear energy Royal Decree 1836/1999 which approves the Regulations on nuclear and radioactive installations INFCIRC/193 and INFCIRC/540 CW: Council Directive 2008/68/EC Law 49/1999 BW: Council Directive 2008/68/EC	X	X	X	NW: Law 25/1964 on nuclear energy, Chapters XIII and XIV CW: Law 49/1999 on measures for controlling chemical substances that could be diverted for the production of CW, Title IV, Chapter I Party to ADR and RID agreements BW: Party to ADR and RID agreements	
5	Other measures for accounting	X			NW: Directive 96/29/EURATOM	X			NW: Directive 96/29/EURATOM	
6	Measures to secure production	X	X	X	NW: Law 25/1964 on nuclear energy, Article 84 as amended by Article 16 of Act 24/2005 Royal Decree 158/1995 Royal Decree 1836/1999 which approves the Regulations on nuclear and radioactive installations Royal decree 738/2001 which approves the Regulations to protect the health of workers against ionizing radiation CW: Directive 98/24/EC [health and safety at work] BW: Law 15/1994 on Biosecurity Royal Decree 951/1997 which approves the General Regulations for the implementation of the Law 15/1994 [GMO] Law 31/1995 on the prevention of professional risks Royal Decree 664/1997 on the protection of workers against the risks of biologic agents	X	X	?	NW: Law 25/1964 on nuclear energy, Chapters XIII and XIV CW: Law 49/1999 on measures for controlling chemical substances that could be diverted for the production of CW, Title IV, Chapter I BW: Law 15/1994 on Biosecurity, Chapter VI: offences and sanctions [GMO] [registration, authorisation and marketing of biocides]	

					during work					
7	Measures to secure use	X	X	X	<p>NW: Law 25/1964 on nuclear energy, Article 84 as amended by Article 16 of Act 24/2005 Royal Decree 158/1995 Royal Decree 1836/1999 which approves the Regulations on nuclear and radioactive installations Royal decree 738/2001 which approves the Regulations to protect the health of workers against ionizing radiation</p> <p>CW: Directive 98/24/EC</p> <p>BW: Law 15/1994 on Biosecurity Royal Decree 951/1997 which approves the General Regulations for the implementation of the Law 15/1994 Law 31/1995 on the prevention of professional risks Royal Decree 664/1997 on the protection of workers against the risks of biologic agents during work</p>	X	X	?	<p>NW: Law 25/1964 on nuclear energy, Chapters XIII and XIV</p> <p>CW: Law 49/1999 on measures for controlling chemical substances that could be diverted for the production of CW, Title IV, Chapter I</p> <p>BW: Law 15/1994 on Biosecurity, Chapter VI: offences and sanctions</p>	
8	Measures to secure storage	X	X	X	<p>NW: Law 25/1964 on nuclear energy, Article 84 as amended by Article 16 of Act 24/2005 Royal Decree 158/1995 Royal Decree 1836/1999 which approves the Regulations on nuclear and radioactive installations Royal decree 738/2001 which approves the Regulations to protect the health of workers against ionizing radiation</p> <p>CW: Directive 98/24/EC</p> <p>BW: Law 15/1994 on Biosecurity Royal Decree 951/1997 which approves the General Regulations for the implementation of</p>	X	X	?	<p>NW: Law 25/1964 on nuclear energy, Chapters XIII and XIV</p> <p>CW: Law 49/1999 on measures for controlling chemical substances that could be diverted for the production of CW, Title IV, Chapter I</p> <p>BW: Law 15/1994 on Biosecurity, Chapter VI: offences and sanctions</p>	

					the Law 15/1994 Law 31/1995 on the prevention of professional risks Royal Decree 664/1997 on the protection of workers against the risks of biologic agents during work					
9	Measures to secure transport	X	X	X	NW/CW/BW: Royal Decree 2115/1998 Royal Decree 1566/1999 Council Directive 2008/68/EC Royal Decree 1749/1984 [National Regulation on the Transport without Risk of Hazardous Goods by Air] updated by the Ministerial Order of 28 December 1990 and Order FOM/808/2006 Royal Decree 412/2001 [transport of hazardous good by rail] updated by Order ITC/254/2007 CW: Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending	X	X	X	NW: Directive 92/3/EURATOM: prior notification of shipments CW: Party to ADR and RID agreements BW: Party to ADR and RID agreements	
10	Other measures for securing									
11	Regulations for physical protection of facilities/ materials/ transports	X	X	X	NW: Royal Decree 158/1995 approves the regulations on physical protection of nuclear materials CW: Law 49/1999 Royal Decree 2115/1998 Royal Decree 1566/1999 BW: Law 15/1994 on Biosecurity	X	X	X	NW: Royal Decree 158/1995 approves the regulations on physical protection of nuclear materials, Chapter IV CW: Law 49/1999 Royal Decree 2115/1998 Royal Decree 1566/1999 BW: Law 15/1994 on Biosecurity	
12	Licensing/registration of installations/facilities/ persons/entities/use/ handling of materials	X	X	X	NW: Law 25/1964 on Nuclear Energy Royal Decree 158/1995 Directive 96/29/EURATOM	X	X	X	NW: Law 25/1964 on Nuclear Energy, Chapters XIII and XIV Royal Decree 158/1995, Chapter IV	

					CW: Law 49/1999 BW: Royal Decree n. 1054 of 11 October 2002 Royal Decree 951/1997 Law 31/1995 Royal Decree 664/1997 Directive 2000/54/EC Law 15/1994 on Biosecurity				CW: Law 49/1999 on measures for controlling chemical substances that could be diverted for the production of CW, Title IV, Chapter I BW: Royal Decree n. 1054 of 11 October 2002 Law 15/1994 on Biosecurity, Chapter VI: offences and sanctions	
13	Reliability check of personnel									
14	Measures to account for/secure/ physically protect means of delivery									

3. Related materials: materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.

* Information required in this section may also be available in the State's Confidence Building Measures report, if submitted to the BWC Implementation Support Unit (online at: [http://www.unog.ch/80256EE600585943/\(httpPages\)/4FA4DA37A55C7966C12575780055D9E8?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/4FA4DA37A55C7966C12575780055D9E8?OpenDocument))

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

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/Penal penalties and others		Remarks
		YES	if YES, source document	YES	if YES, source document	
1	National regulatory authority	X	Nuclear Safety Council (Act 15/1980 of 22 April 1980)	X	Nuclear Safety Council (Act 15/1980 of 22 April 1980)	
2	IAEA Safeguards Agreements	X	INFCIRC/193 (5 April 1989) Additional Protocol (30 April 2004 -Royal Decree 1206/2003)	X	INFCIRC/193 (5 April 1989) Additional Protocol in force 30 April 2004 (Royal Decree 1206/2003)	
3	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	Notification pursuant to GC(47)/RES/7.B	X	Point of Contact for Import and Export: ENRESA, Empresa Nacional de Residuos Radiactivos SA	
4	Supplementary Guidance on the Import and Export of Radioactive Sources of the Code of Conduct on the Safety and Security of Radioactive Sources					
5	IAEA Incident and Trafficking Database	X	Participates in IAEA database	X	Participates in IAEA database	
6	Other Agreements related to IAEA	X	Convention on Early Notification of a Nuclear Accident (1989-09-13) Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency 1989-09-13) Convention on Nuclear Safety (1995-07-04) Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (1999-05-11)	X	Convention on Early Notification of a Nuclear Accident (1989-09-13) Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency 1989-09-13) Convention on Nuclear Safety (1995-07-04) Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (1999-05-11)	

7	Additional national legislation/regulations related to nuclear materials including CPPNM					
8	Other					

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

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/Penal penalties and others		Remarks
		YES	if YES, source document	YES	if YES, source document	
1	National CWC authority	X	Royal Decree n. 633 of 12 May 1997	X	National Authority for the Prohibition of Chemical Weapons - ANPAQ Laboratorio de Verificación de Armas Químicas, Fábrica Nacional la Marañosá designated on 16 Aug 2004 (Annex 8 of the OPCW 2009 Annual Report on Implementation)	
2	Reporting Schedule I, II and III chemicals to OPCW	X	Made declarations	X	Made declarations	
3	Account for, secure or physically protect old chemical weapons					
4	Other legislation/ regulations controlling chemical materials					
5	Other					

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

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?		National legal framework		Enforcement: civil/Penal penalties and others		Remarks
		YES	if YES, source document	YES	if YES, source document	
1	Regulations for genetic engineering work	X	Law 15/1994 on Biosecurity (GMO)	X	Law 15/1994 on Biosecurity (GMO)	
2	Other legislation/ regulations related to safety and security of biological materials	X	Royal Decree n. 1114/2006 of 29 of September amending the Royal Decree n. 1406/1989 limiting the trade and use of dangerous substances and preparations	X	Royal Decree n. 1114/2006 of 29 of September amending the Royal Decree n. 1406/1989 limiting the trade and use of dangerous substances and preparations	
3	Other					

OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of NW, CW and BW, including Related Materials

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW/ CW, BW and Related Materials? Can violators be penalized?		National legal framework				Enforcement: civil/Penal penalties, and measures of implementation, etc.				Remarks
		YES			if YES, source document	YES			if YES, source document	
		N W	C W	B W		N W	C W	B W		
1	Border control	X	X	X	NW/CW/BW: Council Regulation no. 2913/1992 (Community Customs Code) Commission Regulation no. 2454/1993 (Implementing Provisions to the Community Customs Code) EU Regulation no. 648 of 13 April 2005 (Security Amendment) Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community Organic Law 12/1995 of 12 December 1995 on Suppression of Smuggling, as amended by Organic Law 6/2011 of 30 June Royal Decree 1649/1998	X	X	X	NW/CW/BW: Organic Law 12/1995 of 12 September 1995 on Suppression of Smuggling, as amended by Organic Law 6/2011 of 30 June 2011 Royal Decree 1649/1998	
2	Technical support of border control measures	X	?	?	NW/CW/BW: EU Regulation no. 648 of 13 April 2005 (Security Amendment) Spanish Customs cooperates with various programs of Customs development, reform and modernization	X	?	?	NW: Scanners and X-ray.	
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	X	X	NW/CW/BW: 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	X	?	NW/CW/BW: Council Regulation (EC) No 428/2009 of 5 May 2009, Art, 24 (Each Member State shall take appropriate measures to ensure proper enforcement of all the provisions of this	

				Law n. 53 of 28 December 2007 on control of foreign trade in defence material and dual-use items. Royal Decree 679/2014 of 1 August 2014 Order of the Ministry of Industry, tourism and Trade ITC n. 713 of 15 march 2007			Regulation. In particular, it shall lay down the penalties applicable to infringements of the provisions of this Regulation or of those adopted for its implementation. Those penalties must be effective, proportionate and dissuasive)	
4	Enforcement agencies/authorities	X	X	X NW/CW/BW: Resolution 20 July 1992 of the State Agency of fiscal Administration on the organization and functions of customs inspectors	X	X	X NW/CW/BW: Customs administration Ministry of Economy	
5	Export control legislation in place	X	X	X NW/CW/BW: 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 Law n. 53 of 28 December 2007 on control of foreign trade in defence material and dual-use items Royal Decree 679/2014 of 1 August 2014 Order of the Ministry of Industry, tourism and Trade ITC n. 713 of 15 March 2007 Royal Decree 2061/2008 of 12 December, approving the Regulation on control of foreign trade of defense material, other material and products and dual-use technologies.	X	X	X NW/CW/BW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), Organic Law 12/1995 of 12 December 1995 on Suppression of Smuggling, as amended by Organic Law 6/2011 of 30 June 2011	
6	Licensing provisions	X	X	X NW/CW/BW: 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 Law n. 53 of 28 December 2007 on control of foreign trade in defence material and dual-use items Royal Decree 679/2014 of 1 August 2014 Order of the Ministry of Industry, tourism and Trade ITC n. 713 of 15 march 2007 Royal Decree 2061/2008 of 12 December, approving the Regulation on control of foreign trade of defense material, other material and products and dual-use	X	X	X NW/CW/BW: 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 Law n. 53 of 28 December 2007 on control of foreign trade in defence material and dual-use items Royal Decree 679/2014 of 1 August 2014 Order of the Ministry of Industry, tourism and Trade ITC n. 713 of 15 march 2007 Royal Decree 2061/2008 of 12 December, approving the Regulation on control of foreign trade of defense material, other material and products and dual-use technologies.	

					technologies. NW: Royal Decree 158/1995					
7	Individual licensing	X	X	X	NW/CW/BW: 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 Law n. 53 of 28 December 2007 on control of foreign trade in defence material and dual-use items Royal Decree 679/2014 of 1 August 2014 Order of the Ministry of Industry, tourism and Trade ITC n. 713 of 15 march 2007 Royal Decree 2061/2008 of 12 December, approving the Regulation on control of foreign trade of defense material, other material and products and dual-use technologies. NW: Royal Decree 158/1995	X	X	X	NW/CW/BW: Organic Law 12/1995, as amended by Organic Law 6/2011 of 30 June 2011	
8	General licensing	X	X	X	NW/CW/BW: 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 Law n. 53 of 28 December 2007 on control of foreign trade in defence material and dual-use items Royal Decree 679/2014 of 1 August 2014 Order of the Ministry of Industry, tourism and Trade ITC n. 713 of 15 march 2007 Royal Decree 2061/2008 of 12 December, approving the Regulation on control of foreign trade of defense material, other material and products and dual-use technologies.	X	X	X	NW/CW/BW: Organic Law 12/1995, as amended by Organic Law 6/2011 of 30 June 2011	
9	Exceptions from licensing	X	X	X	NW/CW/BW: Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the	X	X	X	NW/CW/BW: An authorisation shall be required for intra-Community transfers of dual-use items listed	

				control of exports, transfer, brokering and transit of dual-use items Law n. 53 of 28 December 2007 on control of foreign trade in defence material and dual-use items, Art. 5 Royal Decree 679/2014 of 1 August 2014			in Annex IV. Items listed in Part2 of Annex IV shall not be covered by a general authorisation	
10	Licensing of deemed export/visa	X	X	X NW/CW/BW: Council Joint Action of 22 June 2000 concerning the control of technical assistance related to certain military end-uses	X	X	X NW/CW/BW: Organic Law 12/1995 of 12 September 1995 on suppression of smuggling , as amended by Organic Law 6/2011 of 30 June Royal Decree 1649/1998 Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010),	
11	National licensing authority	X	X	X NW/CW/BW: Ministry of Industry, Trade and Tourism	X	X	X NW/CW/BW: Ministry of Industry, Trade and Tourism Ministry of Economy and Finance Ministry of Foreign Affairs and Cooperation Directorate General for Energy Policy and Mines	
12	Interagency review for licenses	X	X	X NW/CW/BW: Interministerial Council for Defence and Dual-Use Material (JIMDU)	X	X	X NW/CW/BW: Interministerial Council for Defence and Dual-Use Material (JIMDU)	
13	Control lists	X	X	X NW/CW/BW: 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 Law n. 53 of 28 December 2007 on control of foreign trade in defence material and dual-use items Royal Decree 679/2014 of 1 August 2014 Order ITC/713/2007 of 15 March 2007	X	X	X NW/CW/BW: 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 Law n. 53 of 28 December 2007 on control of foreign trade in defence material and dual-use items Royal Decree 679/2014 of 1 August 2014 Order ITC/713/2007 of 15 March 2007	
14	Updating of lists	X	X	X NW/CW/BW: Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items Royal Decree 679/2014 of 1 August 2014	X	X	X NW/CW/BW: The lists of dual-use items set out in Annex I and Annex IV shall be updated in conformity with the relevant obligations and commitments, and any modification thereof, that each Member State has accepted as a member of the international non-proliferation	

								regimes and export control arrangements, or by ratification of relevant international treaties. Royal Decree 679/2014 of 1 August 2014		
15	Inclusion of technologies	X	X	X	NW: CW/BW: Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items Law n. 53 of 28 December 2007 on control of foreign trade in defence material and dual-use items Royal Decree 2061/2008 of 12 December 2008	X	X	X	NW: CW/BW: Council Regulation (EC) No 428/2009 of 5 May 2009, Art, 24 (Each Member State shall take appropriate measures to ensure proper enforcement of all the provisions of this Regulation. In particular, it shall lay down the penalties applicable to infringements of the provisions of this Regulation or of those adopted for its implementation. Those penalties must be effective, proportionate and dissuasive) Royal Decree 679/2014 of 1 August 2014	
16	Inclusion of means of delivery	X	X	X	NW/CW/BW: Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items Law n. 53 of 28 December 2007 on control of foreign trade in defence material and dual-use items Royal Decree 679/2014 of 1 August 2014 Royal Decree 2061/2008 of 12 December 2008	X	X	X	NW/CW/BW: Council Regulation (EC) No 428/2009 of 5 May 2009, Art, 24 (Each Member State shall take appropriate measures to ensure proper enforcement of all the provisions of this Regulation. In particular, it shall lay down the penalties applicable to infringements of the provisions of this Regulation or of those adopted for its implementation. Those penalties must be effective, proportionate and dissuasive) Royal Decree 679/2014 of 1 August 2014	
17	End-user controls	X	X	X	NW/CW/BW: Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items Law n. 53 of 28 December 2007 on control of foreign trade in defence material and dual-use items Royal Decree 2061/2008 of 12 December 2008	X	X	X	NW/CW/BW: Organic Law 12/1995 of 12 September 1995 on suppression of smuggling, as amended by Organic Law 6/2011 of 30 June 2011 Royal Decree 1649/1998 Penal Code Royal Decree 679/2014 of 1 August 2014	

18	Catch all clause	X	X	X	NW/CW/BW: Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items Law n. 53 of 28 December 2007 on control of foreign trade in defence material and dual-use items Royal Decree 2061/2008 of 12 December 2008	X	X	X	NW/CW/BW: Council Regulation (EC) No 428/2009 of 5 May 2009, Art, 24 (Each Member State shall take appropriate measures to ensure proper enforcement of all the provisions of this Regulation. In particular, it shall lay down the penalties applicable to infringements of the provisions of this Regulation or of those adopted for its implementation. Those penalties must be effective, proportionate and a deterrent.) Royal Decree 679/2014 of 1 August 2014	
19	Intangible transfers	X	X	X	NW/CW/BW: Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items Law n. 53 of 28 December 2007 on control of foreign trade in defence material and dual-use items Royal Decree 2061/2008 of 12 December 2008	X	X	X	NW/CW/BW: Council Regulation (EC) No 428/2009 of 5 May 2009, Art, 24 (Each Member State shall take appropriate measures to ensure proper enforcement of all the provisions of this Regulation. In particular, it shall lay down the penalties applicable to infringements of the provisions of this Regulation or of those adopted for its implementation. Those penalties must be effective, proportionate and dissuasive) Royal Decree 679/2014 of 1 August 2014 Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), Articles 282 bis, 576, 577,	
20	Transit control	X	X	X	NW/CW/BW: Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items Law n. 53 of 28 December 2007 on control of foreign trade in defence material and dual-use items	X	X	X	NW/CW/BW: Council Regulation (EC) No 428/2009 of 5 May 2009, Art, 24 (Each Member State shall take appropriate measures to ensure proper enforcement of all the provisions of this Regulation. In particular, it shall lay down the penalties applicable to infringements of the provisions of this Regulation or of those adopted for its implementation. Those penalties must be effective, proportionate and dissuasive) Organic Law 12/1995 of 12 September 1995 on suppression of smuggling, as amended by Organic Law 6/2011 of 30 June	

21	Trans-shipment control	X	X	X	NW/CW/BW: Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items Law n. 53 of 28 December 2007 on control of foreign trade in defence material and dual-use items	X	X	X	NW/CW/BW: Council Regulation (EC) No 428/2009 of 5 May 2009, Art, 24 (Each Member State shall take appropriate measures to ensure proper enforcement of all the provisions of this Regulation. In particular, it shall lay down the penalties applicable to infringements of the provisions of this Regulation or of those adopted for its implementation. Those penalties must be effective, proportionate and dissuasive) Organic Law 12/1995 of 12 September 1995 on suppression of smuggling, as amended by Organic Law 6/2011 of 30 June	
22	Re-export control	X	X	X	NW/CW/BW: Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items Law n. 53 of 28 December 2007 on control of foreign trade in defence material and dual-use items NW: Royal Decree 158/1995	X	X	X	NW/CW/BW: Council Regulation (EC) No 428/2009 of 5 May 2009, Art, 24 (Each Member State shall take appropriate measures to ensure proper enforcement of all the provisions of this Regulation. In particular, it shall lay down the penalties applicable to infringements of the provisions of this Regulation or of those adopted for its implementation. Those penalties must be effective, proportionate and dissuasive) Organic Law 12/1995 of 12 September 1995 on suppression of smuggling, as amended by Organic Law 6/2011 of 30 June	
23	Control of providing funds	X	X	X	NW/CW/BW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), Articles 282 bis, and 576 bis	X	X	X	NW/CW/BW: Penal Code, as amended through 2010 (Organic Law 5/2010 22 June 2010), Articles 282 bis, and 576bis	
24	Control of providing transport services	X	X	X	NW/CW/BW: Organic Law 12/1995 of 12 September 1995 on suppression of smuggling, as amended by Organic Law 6/2011 of 30 June 2011	X	X	X	NW/CW/BW: Organic Law 12/1995 of 12 September 1995 on suppression of smuggling, as amended by Organic Law 6/2011 of 30 June 2011	
25	Control of importation	X	X	X	NW/CW/BW: Law n. 53 of 28 December 2007 on control of foreign trade in defence material and dual-use items Order ITC/713/2007 of 15 March 2007 3 .Royal Decree 2061/2008 of 12 December, approving the Regulation on control of	X	X	X	NW/CW/BW: Organic Law 12/1995 of 12 September 1995 on suppression of smuggling, as amended by Organic Law 6/2011 of 30 June 2011	

					foreign trade of defense material, other material and products and dual-use technologies. NW: Royal Decree 158/1995					
26	Extraterritorial applicability	X	X	X	NW/CW/BW: Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items Law n. 53 of 28 December 2007 on control of foreign trade in defence material and dual-use items [end-use certificates]	X	X	X	NW/CW/BW: Council regulation (EC) n. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items Law n. 53 of 28 December 2007 on control of foreign trade in defence material and dual-use items [end-use certificates]	
27	Other	X	X	X	NW/CW/BW: Special Registration of Foreign Trade Operators (REOCE)	X	X	X	NW/CW/BW: Special Registration of Foreign Trade Operators (REOCE)	

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

Can information be provided on the following issues?		YES		Remarks
1	Control lists - items (goods/ equipment/ materials/ technologies)			
2	Control lists - other			
3	Assistance offered	X	Provides regularly bilateral technical assistance in the field of export control and legal implementation of the international instruments, in particular to Spanish speaking countries	
4	Assistance requested			
5	Point of Contact for assistance	X	Mr. Fernando Borredá Juste (Chief, Chemical and Biological Disarmament Section, Directorate-General for Foreign Policy and Security, Ministry of Foreign Affairs and Cooperation of Spain) Email: fernando.borreda@maec.es	
6	Assistance in place (bilateral/multilateral)	X	Has provided legal, technical and financial assistance in the framework of the IAEA and the OPCW to States in order to fulfil their international obligations; contributes to the IAEA's Technical Cooperation and Security Funds	
7	Work with and inform industry	X	Objectives are achieved through public information on laws and commitments. Aspects of collaboration with Industry and public are: for instance, awareness-raising and information on the security risks posed by the proliferation of WMD. Nuclear Safety Council, ANPAQ, etc. and industry hold meetings and seminars	
8	Work with and inform the public	X	Objectives are achieved through public information on laws and commitments. Aspects of collaboration with Industry and public are: for instance, awareness-raising and information on the security risks posed by the proliferation of WMD.	
9	Point of Contact	X	Mr. Fernando Borredá Juste (Chief, Chemical and Biological Disarmament Section, Directorate-General for Foreign Policy and Security, Ministry of Foreign Affairs and Cooperation of Spain) Email: fernando.borreda@maec.es	
10	Other ⁴			

4. Information may include references to voluntary implementation national action plan and visits to States, at their invitation, by the 1540 Committee.

