I. General provisions

THE HEAD OF STATE

22437 LAW 53/2007 of 28 December on control of external trade in defence and dual-use material.

JUAN CARLOS I
KING OF SPAIN

Make known to all those who may have knowledge of the present: that the Cortes have passed and I have ratified the following Law:

PREAMBLE

Spain, a country fully committed to backing an International Arms Trade Treaty and which has been a staunch United Nations supporter of the proposal to draw up the said Treaty, has decided to adapt its legislation regarding external trade in defence material and dual-use items and technologies. The growing complexity of international trade in defence material and dual-use items and technologies impels public authorities to take decided action in offering an effective response to the different facets of this problem and to the varied commitments Spain has undertaken in this area.

From the national and international security perspective, the aim is to prevent the unlawful trafficking in and proliferation of arms and sensitive technologies which could benefit States or other parties liable to violate peace and security or take part in terrorist activities. This text also seeks to respond to a major political and social demand to control trade in defence material and dual-use items and technologies. This is all without prejudice to the legitimate demands of the legal arms trade which is intimately linked to national defence and legitimate law enforcement activities and governments’ fight against crime.

The proliferation and uncontrolled export of conventional arms takes a huge toll on human life. An alarming number of people die each day from the use of conventional arms. It is Spain’s duty to ensure that its exports are consistent with commitments currently in force in accordance with international law so as to guarantee that these exports do not foster human rights violations, do not heighten armed conflicts or significantly contribute to poverty. In its external affairs, especially within the European Union, the Spanish Government must also take an active stance in favour of the international regulation of the arms trade.

The arms trade is becoming increasingly globalised, i.e. final assembly using components produced in other countries, company migration in terms of final production, the emergence of non-traditional export countries subject to less stringent control and the delivery of arms to countries where human rights are not respected and which are subject to arms embargoes on the part of the European Union and the United Nations, therefore making it necessary for the international community to make an effort to effectively control the arms trade by adapting measures to this new reality and establishing regulations under international law.

For all of the above, it is both advisable and appropriate to review and strengthen the legal provisions applicable to these issues. The Agreement reached by the Congress of Deputies on 13 December 2005 urges the Government to submit, within a period of one year, a Draft Law on Arms Trade assuring control of Spanish transfers of military, law enforcement and security material as well as dual-use items and technologies to other countries and to guarantee
transparency in the official information furnished regarding the said transfers.

The Anti-smuggling Act, Organic Law 12/1995 of 12 December, defines what should be considered defence and dual-use material and provides for Government approval of the Lists of Defence and Dual-use Material and Organic Law 3/1992 of 30 April defining smuggling in connection with the export of defence and dual-use material sets forth the requirements, conditions and procedures governing authorisations. National legislation implementing the foregoing is embodied in Royal Decree 1782/2004 of 30 July approving the control Regulation governing external trade in defence material, other material and dual-use items and technologies. Control of the export/dispatch of dual-use items and technologies is regulated in the European Union through Council Regulation (EC) No 1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual-use items and technology, all elements of which are compulsory and directly applicable in each Member State.

II

The obligations arising from the Treaty on the Non-Proliferation of Nuclear Weapons, the 13 January 1993 Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on their Destruction and the 10 April 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, call for the mandatory establishment of control measures on the transfer of nuclear items, chemical agents, biological and toxin agents and related equipment and technology. The provisions of this act are without prejudice to the Convention on Prohibition or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects, the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction of 18 September 1997 and Law 33/1998 of 5 October on the total ban on anti-personnel mines and similar weapons.

Moreover, Resolution 1540 of the United Nations Security Council on prevention of the proliferation of weapons of mass destruction and especially preventing and thwarting the acquisition and use of these weapons by terrorists; United Nations General Assembly Resolution 55/255 approving the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime; the Programme of Action of the United Nations to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects and the Instrument on the marking and tracing of weapons, as well as Council Common Position 2003/468/CFSP of 23 June 2003 on the Control of Arms Brokering and the Council Joint Action of 22 June 2000 concerning the control of technical assistance related to certain military end-uses, all call for control of the transfer of related material, items and technologies in Spanish territory.

It is likewise important to highlight the Community Regulation on trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment laid down in Council Regulation (EC) 1236/2005 of 27 June 2005. This Regulation has been suitably embodied in the 20 July 2006 Resolution by the Secretariat of State for Tourism and Trade.

Among the various international commitments undertaken by Spain, there are those arising from Spain’s participation in a series of international non-proliferation fora such as the
Wassenaar Arrangement, the Missile Technology Control Regime, the Nuclear Suppliers Group, the Zangger Committee and the Australia Group. These fora compile lists of military material and dual-use items and technologies subject to export control including delivery systems of weapons of mass destruction, nuclear, chemical and biological items and technologies and those relating to conventional arms.

Approval of the bodies of legislation alluded to in the foregoing, international commitments and the aforementioned Plenary-session agreement taken at the Congress of Deputies on 13 December 2005, in addition to the ongoing evolution of the guidelines and control lists at the different international non-proliferation fora, all point to the need to update domestic law. For all of these reasons, the purpose of this Law is to update the regulation of external trade transfers of defence material, other material and dual-use items and technologies, completing and implementing those set out in the framework established by Community regulations.

III

Article 296 of the Treaty establishing the European Union enables Member States to adopt the measures deemed necessary for the protection of essential security interests and which are related with the production or sale of arms, ammunition and war material.

The main contributions of this Law are described in the following paragraphs.

Spanish legislation in this connection has the status of Law, meaning that it will be accompanied by an instrument allowing for more effective use of controls.

The Law embraces the eight criteria of the European Union Code of Conduct on Arms Exports, with special mention of the second criterion regarding respect for human rights as well as those adopted by the OSCE in its 24 November 2000 Document on Small Arms and Light Weapons.

This Law represents a significant step forward in a series of international initiatives related to arms trade and proliferation, especially the bolstering of the European Union Code of Conduct on Arms Exports of 8 June 1998 and the negotiation and drafting of an International Arms Trade Treaty. These initiatives have received staunch support from Spain and the European Union, Spain being a co-sponsor of the International Treaty at the 61st Session of the United Nations General Assembly. The Law must therefore allow for sufficient flexibility so that its implementing measures are able to evolve in accordance with these international commitments. To this end, the Law provides for instruments allowing for proper coordination with European institutions and international fora, harmonisation of legal systems and exchange of information as well as international cooperation and technical assistance for third countries.

For the first time, the Government’s commitment to present Parliament with complete and detailed information regarding the export of these items, including the half-yearly submission of statistics and an annual appearance before the Congress of Deputies, has been embodied in a law. In addition to other data, the Government will furnish Parliament with annual information concerning the end use of exported items and the nature of the end user.

Having regard to import/introduction, control of the chemical substances figuriing on lists 1, 2 and 3 of the 13 January 1993 Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on their Destruction remains in force as does collaboration with other nations including the issuing of certificates in
compliance with international commitments.

Furthermore, to fully comply with the aforementioned United Nations Resolution 55/255, control has been extended to all firearms and their parts, components and ammunition, without prejudice to the provisions of Royal Decree 137/1993 of 29 January establishing the Weapons Regulation and of Royal Decree 230/1998 of 16 February establishing the Explosives Regulation.

It must not be forgotten that with regard to the punitive and sanction system, in addition to the provisions laid down in the Criminal Code currently in force, the Arms Trafficking Act, Organic Law 10/1995 of 23 November and the Anti-Smuggling Act, Organic Law 12/1995 of 12 December shall apply. This Law defines the unauthorised export of defence or dual-use items or export with authorisation obtained by fraudulent means as a criminal offence or administrative infraction.

The Inter-Ministerial Regulatory Board on External Trade in Defence and Dual-use Material (Spanish acronym JIMDDU) created by virtue of Royal Decree 824/1993 of 28 May and the Special Register of External Trade Operators in Defence and Dual-use Material created by virtue of Royal Decree 1782/2004 of 30 July, shall remain intact. The Law was favourably informed by the JIMDDU at the latter’s 2 March 2006 meeting.

As a emergency measure, an additional provision has been incorporated into this Law amending Article 29(4) of the Trademark Act, Law 17/2001 of 17 December given that its current text was considered by the Commission of the European Communities in reasoned opinion 2002/4972 received on 25 July 2006 by the Permanent Representation of Spain to the European Union, and later reiterated, to be in conflict with Article 49 of the Treaty Establishing the European Community because it was deemed to subordinate the effective exercise of the rights conferred by registered trademarks in Spain to the obligation on owners of such trademarks to establish legal domicile in Spain or select such domicile in Spanish territory.

This Law is enacted in accordance with the State’s competence in matters relating to external trade and defence (Article 149(1) 10 and 4 of the Spanish Constitution) and to industrial property matters as concerns the amendment of the Trademark Act (Article 149(1) 9 of the Spanish Constitution).

This Law is divided into three chapters and seventeen articles. Chapter I contains three articles referring to general provisions, Chapter II lays down the authorisation procedure in three sections and eleven articles and Chapter III contains three articles on control and transparency measures.

CHAPTER I

General provisions

Article 1. Aim and purpose of the Law.

1. The purpose of this Law is to contribute to better regulation of external trade in defence material, other material and dual-use items and technologies, to prevent these from being diverted to the illegal market and to combat their proliferation while complying with the international commitments undertaken by Spain in this regard and guaranteeing general national defence and foreign policy interests.

2. With these aims in mind, it regulates the control procedures on the transfer of defence material, other material and dual-use items and technologies, including those conducted in free zones and free warehouses and the link to the Customs warehouse procedure as well as brokering, licensed
production agreements and technical assistance.

**Article 2. Parties subject.**

The provisions of this Law apply to any natural or legal person who habitually or occasionally engages in the activities described herein in Spanish territory as concerns the transfer of materials, items or technologies subject to control.

**Article 3. Definitions.**

For the purposes of this Law, the definitions laid down in the aforementioned Anti-Smuggling Act, Organic Law 12/1995 of 12 December, Council Regulation (EC) No 1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual-use items and technology, Council Common Position 2003/468/CFSP of 23 June 2003 on the control of arms brokering and Council Joint Action of 22 June 2000 concerning the control of technical assistance related to certain military end-uses or provisions replacing these shall apply. Moreover, international commitments undertaken by Spain call for the control of so-called other material, i.e. certain firearms referred to in Resolution 55/255 passed by the United Nations General Assembly, the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime or those to which the conditions laid down in Article 8 apply. These definitions are reproduced below.


2. “Technical assistance”: any technical support in connection with repair, development, production, assembly, testing, maintenance or any other technical service; the technical support can take the form of instruction, training, transfer of practical knowledge or abilities, or the form of consultation, including assistance provided orally.

3. “Brokering”: activities of persons and entities that:
   a) negotiate or arrange transactions that may involve the transfer of items on the EU Common List of military equipment from a third country to any other third country; or
   b) buy, sell or arrange the transfer of such items that are in their ownership from a third country to any other third country.

4. “Export declaration”: act whereby a person indicates in the prescribed form and manner the wish to place dual-use items under an export procedure.

5. “Exporter”: any natural or legal person on whose behalf an export declaration is made, that is to say the person who, at the time when the declaration is accepted, holds the contract with the consignee in the third country and has the power for determining the sending of the item out of the customs territory of the Community.

If no export contract has been concluded or if the holder of the contract does not act on its own behalf, the power for determining the sending of the item out of the customs territory of the Community shall be decisive.

“Exporter” shall also mean any natural or legal person who decides to transmit software or technology by electronic media, fax or telephone to a destination outside the Community.
Where the benefit of a right to dispose of the dual-use item belongs to a person established outside the Community pursuant to the contract on which the export is based, the exporter shall be considered to be the Contracting Party established in the Community.

6. “Dispatch”: the forwarding of goods originating in the European Community to a destination within the European Community or those which, having originated in a third country, have been released for free circulation in Community territory.

7. “Export”: 
   (i) an export procedure within Article 161 of the Community Customs Code;
   (ii) a re-export within Article 182 of that Code, and
   (iii) transmission of software or technology by electronic media, fax or telephone to a destination outside the Community; this applies to oral transmission of technology by telephone only where the technology is contained in a document the relevant part of which is read out over the telephone, or is described over the telephone in such a way as to achieve substantially the same result.

8. “Import”: the arrival of non-Community goods to Spanish territory within the confines of the European Union customs area and likewise the arrival of goods, regardless of their country of origin, to Ceuta and Melilla. The arrival of goods from exempt areas are also considered as imports.

9. “Introduction”: the arrival of Community goods to the Spanish mainland, the Balearic Islands and the Canary Islands or, if originating in a third country, have previously been released for free circulation within the customs territory of the Community.

10. “Defence Material”: weapons and all other products and technologies specifically designed or modified for military use as instruments of force, information or protection in armed conflicts and likewise those whose purpose is the development, production or use of those included on the list for regulatory implementation approved by the Government.

11. “Operator”: any natural or legal person on whose behalf a transfer declaration is made, that is to say the person who, at the time when the declaration is accepted, holds the contract with the foreign consignee and has the power for determining the transfer of the item. If no transfer contract has been concluded or if the holder of the contract does not act on its own behalf, the power for determining the transfer of the item shall be decisive. “Operator” shall also mean any natural or legal person who decides to transmit software or technology by electronic media, fax or telephone to a destination outside the Community. Where the benefit of a right to dispose of the dual-use item belongs to a person established outside the Community pursuant to the contract on which the export is based, the exporter shall be considered to be the Contracting Party established in the Community.

12. “Other Material”: Law enforcement and security material, not included on the list of defence material, concerning which control of transfer is compulsory by virtue of the international commitments undertaken by Spain or those to which the conditions laid down in Article 8 apply.

13. “Dual-use items”: items including software and technology which can be used for both civilian and military
purposes, and all items which can be used for non-explosive purposes and to aid in the manufacture of nuclear weapons or other explosive nuclear devices.

14. “Transfers”: “export”, “dispatch”, “import”, “introduction” (including arrivals and departures to and from exempt areas), “brokering” and “technical assistance”. Transfers include operations such as donations, concessions and leasing.

15. “Intra-Community Transfers”: “dispatch” and “introduction”.

16. “Licensed production”: licensed production agreements, licensed manufacturing agreements, co-production agreements are processes whereby a company in one country authorises a company in another country to manufacture its products abroad; these arrangements usually include the transfer of components, technology and production techniques.

CHAPTER II
Authorisation procedure

SECTION 1.

Article 4. Authorisation requirement.

1. Transfers of defence material, other material and dual-use items and technologies referred to in Article 1 shall require administrative authorisation.

2. Authorisation requests must be accompanied by control documents and the compulsory inclusion of regulatory non-re-export clauses with a view to sufficiently guaranteeing that the destination and end use of the materials, items and technologies adhere to the limits of the requisite authorisation. Also, authorisation requests shall include information regarding transit countries and means of transport used. In the case of brokering operations, this information shall also include the financing used.

3. For each authorisation, an assessment must be made of the desirability of setting up mechanisms for verification, follow-up and collaboration between Governments.

Article 5. Authorisation exemption.

No administrative authorisation shall be required for the transfer of defence material, other material or dual-use items and technologies which accompany or are to be used by the Spanish Armed Forces or the State Police and Security Forces on manoeuvres or missions outside of Spain for the purpose of humanitarian operations, peace-keeping or other international commitments. The same applies to material accompanying or to be used by armies of other countries on combined or joint manoeuvres with the Spanish Armed Forces in national territory, including temporary leasing arrangements, for the operations mentioned in the foregoing, of the aforementioned materials, items or technologies and the use of consumables. In these cases, if it is decided to sell or donate the aforementioned materials, items or technologies when they are outside of the territory of the country of the exporter/consignor, the requisite administrative transfer authorisation must be requested and the delivery of the materials may be made from or at the place where they are located.

Article 6. Resolution.

The Ministry of Industry, Tourism and Trade is responsible for granting or denying requests for authorisations regulated by this Law except for those corresponding to materials, items or technologies introduced in free zones and free warehouses, and materials, items or technologies linked to customs warehouse, inward processing, outward
processing, temporary import, transformation and temporary intra-Community transfer regimes which are the responsibility of the Ministry of Economy and Finance.

**Article 7. Resolution deadlines and effects.**

1. The maximum period within which decisions are taken and applicants are expressly notified under this Law is six months. If this deadline has elapsed without any notification from the competent body, applicants may assume that their request has been denied.

2. For all circumstances not envisaged by this Law and the regulatory provisions implementing it, the procedure for the granting of authorisations shall be governed by the Public Administrations and Common Administrative Procedure (Legal Regime) Act, Law 30/1992 of 26 November and its implementing regulations.

**Article 8. Denial of authorisation requests and suspension and nullification of authorisations.**

1. Authorisation requests shall be denied and the authorisations referred to in Article 4 shall be suspended or revoked under the following circumstances:
   a) When there are reasonable suspicion that the defence material, other material or dual-use items and technologies may be used for actions which could disturb the peace, stability or security on a global or regional scale, could heighten tensions or latent conflicts, could be used in such a way as to disrespect the inherent dignity of human beings, which could be used for domestic repression or in situations of human rights violations or are destined to countries with a track record of diverting transferred material or which could violate international commitments undertaken by Spain. In determining reasonable suspicion, due consideration shall be given to the reports on transfers of defence material and the final destination of these operations issued by international organisations in which Spain participates, reports issued by human rights bodies and other United Nations organisations, information furnished by organisations and research centres of acknowledged prestige in the areas of development, disarmament and human rights and the most up to date best practices described in the User’s Guide of the European Union Code of Conduct on Arms Exports.
   b) When they contravene the State’s general interests in terms of national defence and external policy.
   c) When they violate the European Union agreed guidelines, especially the criteria laid down in the 8 June 1998 Code of Conduct regarding arms export, the criteria adopted by the OSCE in the 24 November 2000 Small Arms and Light Weapons document and other relevant international provisions of which Spain is a signatory state. The most up to date best practices described in the User’s Guide shall be used in applying the criteria of the Code of Conduct.
   d) When they contravene the limits arising from international law such as, inter alia, the need to respect embargoes ordered by the United Nations and the European Union.

2. In any case, the said authorisations must be revoked if the conditions to which they are subject and on the basis of which they were awarded are not respected or if the applicant provides false or omits information.
3. The nullification or suspension of authorisations requires the appropriate administrative enquiry whereby the interested party will have the benefit of a hearing which shall adhere to the provisions of the Public Administrations and Common Administrative Procedure (Legal Regime) Act, Law 30/1992 of 26 November and regulations of a lesser rank implementing the former as regards these matters.

Article 9. Administrative appeals.

Rulings handed down within the framework of this Law may be appealed to a higher court in accordance with Article 114 of the Public Administrations and Common Administrative Procedure (Legal Regime) Act, Law 30/1992 of 26 November and its implementing regulations.

Article 10. Punitive procedure.

Infringements of this Law constituting a crime, misdemeanour or administrative infraction shall be governed, as the case may be, by the provisions of the Criminal Code or special anti-smuggling legislation.

Article 11. Material in transit.

1. The General State Administration is authorised to proceed to the immediate withholding of defence material, other material or dual-use items and technologies in transit through its territory or sea or air space under Spanish jurisdiction when the situations envisaged in Article 8 of this Law arise without prejudice to the controls established by special provisions.

2. The Ministry of Foreign Affairs and Cooperation shall regularly inform the Inter-Ministerial Regulatory Board on External Trade in Defence and Dual-use Material regarding the transits of defence material through national territory which it has authorised.

SECTION 2. SPECIAL REGISTER OF EXTERNAL TRADE OPERATORS IN DEFENCE AND DUAL-USE MATERIAL

Article 12. Registration requirement.

1. Inscription in the Special Register of External Trade Operators in Defence and Dual-use Material is a prerequisite for the issuing of any administrative authorisation for the transfers referred to in Article 4 of this Law. Inscriptions in the former Special Export Register shall continue to be considered valid and shall remain effective in terms of the category of transactions indicated therein which originally led the holder to register. Registry inscription is limited to those natural or legal persons who are residents in Spain; no exception will be made in the case of businesses with their legal domicile in tax havens. Operation of the Register shall be governed by a regulation.

2. The inscription requirement referred to in the preceding paragraph shall not apply to administrative bodies of the Armed Forces, State Police and Security Forces or Autonomous Community or Local Government Police Forces. However, their operation shall be made subject to the provisions of this Law regarding the authorisation requirement and compulsory report from the Inter-Ministerial Regulatory Board on External Trade in Defence and Dual-use Material referred to in Articles 4 and 14 of this Law.

3. This same inscription exemption shall apply to natural persons when a transfer transaction is undertaken regarding regulated arms not arising from economic or commercial activity.
SECTION 3. INTER-MINISTERIAL REGULATORY BOARD ON EXTERNAL TRADE IN DEFENCE AND DUAL-USE MATERIAL


1. The Inter-Ministerial Regulatory Board on External Trade in Defence and Dual-use Material (JIMDDU) is administratively attached to the Ministry of Industry, Tourism and Trade and shall be composed of representatives at the Director-General level or higher from the Ministries of Industry, Tourism and Trade; Foreign Affairs and Cooperation; Defence; Economy and Finance and the Interior.


Article 14. Functions.

1. The Inter-Ministerial Regulatory Board on External Trade in Defence and Dual-use Material is required to report, on a compulsory and binding basis, on the administrative authorisations referred to in Article 4 and on inscriptions in the Special Register of External Trade Operators in Defence and Dual-use Material and likewise on the rectification, suspension or nullification of these. It is likewise required to report, on a compulsory basis, on the amendments it deems appropriate as regards regulations concerning external trade in defence material, other material and dual-use items and technologies.

2. The Inter-Ministerial Regulatory Board on External Trade in Defence and Dual-use Material must bear in mind the criteria laid down in Article 8 of this Law when issuing the reports referred to in the preceding paragraph. Having regard to the reports concerning the Special Register of External Trade Operators in Defence and Dual-use Material, a check must be run to determine whether any document exists showing involvement of the applicant or operator in unlawful activities or whether the capacity of such applicant or operator to effectively control the transfers of the materials, items or technologies included in the inscription application is guaranteed.

3. Those administrative authorisations which do not contravene the precepts determined by regulation laid down in Article 8 of this Law may be exempt from the preliminary report and from the submission of control documents. In any case, these exemptions must not diminish the degree of control exercised over the said authorisations or requirement of the requisite guarantees. The Government shall issue a report, based on the model described in Article 16(1), of the type of operations exempted and the criteria applied in this connection.

CHAPTER III
Control measures and transparency

Article 15. Control measures.

1. The holders of the attendant authorisations shall be subject to the inspections established by Law conducted by the services of the Ministry of Industry, Tourism and Trade and the National Tax Administration Agency and must keep all of the documentation related to the respective transactions which is no longer in the possession of the General State Administration on file and at the disposal of the said inspection services for a period of four years.
Article 16. Information and Parliamentary control.

1. On a half-yearly basis the Government shall forward pertinent information to the Congress of Deputies on the export of defence and dual-use material corresponding to the last reference period with at least an indication of the value of the exports per country of destination, descriptive categories of the items, technical assistance, end-use of the items, the public or private nature of the end user and refusals issued.

2. The Government, through its Secretary of State for Tourism and Trade, shall appear annually before the Defence Committee of the Congress of Deputies to report on the statistics of the last reference period.

3. The Defence Committee shall issue an opinion on the information received with recommendations for the following year. In his annual appearance, the Secretary of State for Tourism and Trade shall report on the actions implemented in response to the said opinion.

Article 17. Other transparency measures.

Compliance with the international commitments undertaken by Spain referred to in Article 1 includes the exchange of information and transparency measures arising from the commitments undertaken by Spain within the scope of the United Nations, the Organisation for Security and Co-operation in Europe and the European Union as well as different multilateral fora such as the Nuclear Suppliers Group, the Australia Group, the Wassenaar Arrangement, the Missile Technology Control Regime and the Zangger Committee.

Sole Transitional Provision. Duration of the current regulation.

Until the regulations envisaged in this Law are enacted, the provisions of Royal Decree 1782/2004 of 30 July approving the control Regulation governing external trade in defence material, other material and dual-use items and technologies which do not conflict with this Law shall remain in force.

Sole repeal provision.

All regulations of equal or inferior rank which conflict with the terms of this Law, specifically Law 3/1992 defining cases of smuggling in connection with the export of defence and dual-use material, are hereby repealed.

First final provision. Implementing legislation.

1. By virtue of a Royal Decree, the Government will enact the necessary regulation for the implementation of this Law.

2. The Ministries of Industry, Tourism and Trade, Foreign Affairs and Cooperation, Defence, Economy and Finance and Interior, in the sphere of their respective competences, shall enact the provisions necessary for their enforcement and implementation.

Second final provision. Reception of regulations.

Within a period of one year the Government shall submit an updated
version of the Anti-Smuggling Act, Organic Law 12/1995 of 12 December in compliance with the international commitments referred to in the preamble of this Law.

**Third final provision. Updates.**

The Ministry of Industry, Tourism and Trade, duly informed by the Inter-Ministerial Regulatory Board on External Trade in Defence and Dual-use Material, shall update the lists of materials, items and technologies included in the Annexes of the Regulation approved by Royal Decree implementing this Law and in accordance with the changes approved in the respective international regimes (United Nations, European Union, Non-Proliferation Treaty, Chemical Weapons Convention, Biological and Toxin Weapons Convention, Wassenaar Arrangement, Missile Technology Control Regime, Nuclear Suppliers Group and the Australia Group).

**Fourth final provision. International Arms Trade Treaty.**

In terms of its external activities within the sphere of the United Nations and the European Union, the Government will remain actively in favour of the drafting of an effective and legally binding International Arms Trade Treaty for the establishment of global regulations concerning the transfer of weapons.

**Fifth final provision. Cluster bombs.**

The Government will promote and support both national and international efforts, within the scope of the United Nations and other competent multilateral organisations, to limit and, as the case may be, to prohibit cluster bombs which pose a particular danger to civilian populations.

**Sixth final provision. Amendment of the Trademark Act, Law 17/2001 of 17 December.**

Article 29(4) of the Trademark Act, Law 17/2001 of 17 December shall read as follows:

“Those party to a proceeding before the Spanish Patent and Trademark Office where they are acting on their own behalf and do not have legal domicile or a corporate office in Spain must, for notification purposes, designate a postal address in Spain or, failing that, may request that notifications be sent to them by electronic mail or by any other technical means of communication at the disposal of the Office. This is without prejudice to the provisions of Article 155(2) of the Patent Act, Law 11/1986 of 20 March.

**Seventh final provision. Entry into force**

This Law shall enter into force one month after its publication in the Official State Gazette.

Wherefore, I order all Spaniards, whether individuals or authorities, to abide by this Law and ensure that it is observed.


JUAN CARLOS R.

The President of the Government

JOSÉ LUIS RODRÍGUEZ ZAPATERO