

28 May 1998

SPANISH AND ENGLISH ONLY

ORIGINAL: SPANISH

## LAWS AND REGULATIONS

### PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

*In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.*

#### SPAIN

#### Communicated by the Government of Spain

##### NOTE BY THE SECRETARIAT

- (a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.
- (b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

#### INSTRUCTION OF THE MINISTER OF THE INTERIOR REGULATING THE COORDINATION OF MINISTERIAL SERVICES IN THE CONTROL OF ILLICIT DRUG TRAFFICKING

The Narcotic Drugs Act, Law No. 17 of 8 April 1967, establishes, in its articles 4, 5 and 6, the administrative organs entrusted with responsibility for controlling the licit and illicit manufacture, distribution and consumption of such substances. Those organs are the Narcotics Control Service in the Health Department and the Special Narcotics Investigation Unit in the Security Department.

Since the year of promulgation of the aforementioned law, illicit drug trafficking and abuse have increased considerably by reason of Spain's geographical position, which makes it a major centre of drug trafficking and a suitable distribution base, as well as a potentially fertile area for the spread of drug abuse. During that period, in addition to the effective efforts deployed by the services of the aforementioned government departments, notable work has been carried out in this sphere by the Civil Guard, both in the performance of its normal policing and fiscal security duties and also through the activities of its specific anti-drug squads.

While a spirit of mutual cooperation has, as a well-established rule, figured prominently in the relations between the different executive bodies of the Ministry of the Interior, particularly among the Public Security Forces, the foreseeable increase in illicit drug trafficking and abuse in Spain calls for the adoption of appropriate

measures to ensure, in addition to that laudable spirit of cooperation, the effective coordination of all State services concerned with information dissemination, prevention and law enforcement with regard to such activities.

Accordingly, I hereby rule as follows:

*One*

A Study, Information and Coordination Office shall be established within the Special Narcotics Investigation Unit, in the Security Department.

*Two*

The functions of this Office shall be:

1. To collect, process and transmit, using the prescribed channels, to internal and external services involved, data and information of all kinds connected with illicit trafficking in harmful drugs;
2. To programme and coordinate preventive and law enforcement action in this sphere, ensuring the effective cooperation of all national and foreign services, both public and private, concerned with such trafficking;
3. To promote and undertake studies and statistical surveys and to prepare joint training programmes for specialist personnel, including programmes arranged on the basis of exchanges with entities abroad or at the international level.

*Three*

The Office shall be composed of the Chief of the Special Narcotics Investigation Unit, who shall serve as the Director of the Office, one Civil Guard chief, who shall serve as its Assistant Director, two officers of the General Police Force, one officer of the Civil Guard, two representatives of the Health Department, and one welfare officer from the Social Welfare Department, all of whom shall be designated by the heads of the respective ministerial departments.

The aforementioned representatives of the different ministerial departments shall be appointed in such a way that the Office has a balanced composition of experts in the fields of law, medicine, pharmacy or chemistry, criminology and sociology or other disciplines suited to the purposes pursued, and they shall hold permanent posts.

The Office shall also have such administrative, auxiliary and subordinate personnel as may be necessary, who shall be assigned by the relevant ministerial departments on a similarly permanent basis, and, in the appointment of administrative personnel, account shall be taken of the need to provide foreign-language interpretation.

*Four*

1. The different services of the Security Department and of the Civil Guard shall, by the most rapid and direct means, report to the Office any cases of illicit trafficking which come to their knowledge and any involvement which may call for coordinated action, but without prejudice to the adoption of the necessary measures for the arrest of the alleged offenders, the seizure of drugs forming the subject of the offence, and the safeguarding of evidence.

2. Independently of the communications referred to in the previous paragraph, these services shall send to the Office copies of all case documents forwarded by them to the different authorities in connection with such matters.

3. The Health Department shall notify the Office of:
  - (a) Punitive decisions pronounced in cases handled by it;
  - (b) Evidence of diversion from the licit drug trade;
  - (c) Applications for crop cultivation, for both industrial and experimental purposes.

*Five*

The functions assigned to the Study, Information and Coordination Office shall be understood to be without prejudice to the functional autonomy which each relevant ministerial department shall retain in regard to its corresponding operational services, within the scope of the powers conferred by its specific laws and regulations.

The foregoing is communicated for your information and compliance.

May God be with you.

Madrid, 16 June 1975  
JOSE GARCIA HERNANDEZ

To the Heads of the Security, Civil Guard, Health and Social Welfare Departments