

## 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 [...].

#### **ROYAL DECREE No. 364, OF 14 MARCH 1997, AMENDING THE STRUCTURE AND FUNCTIONS OF CERTAIN COLLEGIATE ORGANS OF THE MINISTRY OF THE INTERIOR IN THE AREA OF ILLICIT DRUG-TRAFFICKING CONTROL**

Under Royal Decree No. 495, of 17 March 1994,<sup>1</sup> the structure of the Government Commission for the National Drug Plan, attached to the Ministry of the Interior following promulgation of Royal Decree No. 2314, of 29 December 1993,<sup>2</sup> was extended through the establishment of the Drug-Trafficking and Money-Laundering Control Board and the Advisory and Assistance Unit for Drug-Trafficking Control Operations.

In addition, Royal Decree No. 1885, of 2 August 1996,<sup>3</sup> concerning the basic organizational structure of the Ministry of the Interior, established in its article 6 paragraph 9 that those two bodies should be attached to the Ministry, through the Government Commission for the National Drug Plan, the title of the second of the two bodies being changed to Drug-Trafficking and Money-Laundering Advisory Board and their composition and functions being as laid down in their respective organizational regulations.

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<sup>1</sup>E/NL.1998/35.

<sup>2</sup>E/NL.1998/33.

<sup>3</sup>E/NL.1998/47.

The two consultative organs were established in response to the need to provide the Government Commission with the necessary mechanisms to play a coordinating role in efforts to control drug trafficking and money-laundering.

The experience gathered in recent years, however, has highlighted the need to amend their regulatory framework with a view to improving their efficiency and at the same time expediting their activities.

To that end, the present Royal Decree restructures their composition through the inclusion on the Control Board, as ad hoc members, of other authorities and officials that may have an involvement, at lower functional levels, with problems of illicit drug trafficking and money-laundering; and, through the inclusion on the Advisory Board of the Director of the Customs Surveillance Service and the Deputy Director of the Special Drug-Trafficking Prevention and Control Office. The secretariats of the aforesaid collegiate organs shall be provided by the Director of the Evaluation Office of the Government Commission for the National Drug Plan, in the former case, and by the Director of the Coordination Office of that Commission in the latter case, in accordance with article 6, paragraphs 6 and 7, of Royal Decree No. 1885, of 2 August 1996.

The functions of the Advisory Board are also hereby reorganized with a view to directing its activities more specifically towards lending support and assistance to the Government Commissioner for the National Drug Plan in the implementation of specific strategies and programmes adopted by the Control Board in relation to the activities of the State Security Forces and Bodies.

Accordingly, at the proposal of the Minister of the Interior, with the approval of the Ministry of Public Authorities and following deliberations by the Council of Ministers at its meeting of 14 March 1997,

## **I HEREBY DECREE:**

### **Sole article**

Articles 3 and 4 of Royal Decree No. 495 of 17 March 1994 are amended to read as follows:

#### *Article 3. Drug-Trafficking and Money-Laundering Control Board*

1. The Drug-Trafficking and Money-Laundering Control Board shall be composed of:
  - (a) A chairman: the Minister of the Interior, who may be substituted by the Secretary of State for Security;
  - (b) Permanent members:
    1. The Secretary of State for Security;
    2. The Government Commissioner for the National Drug Plan;
    3. The Head of the Police Department;
    4. The Head of the Civil Guard Department;
    5. The Head of the State Revenue Agency;
    6. The Director of the Special Drug-Trafficking Prevention and Control Office.

Whenever the nature or circumstances of the cases to be dealt with so require, other authorities or officials that the Minister of the Interior deems it appropriate to designate may also participate as ad hoc members in the meetings of the Control Board, at the proposal of the Government Commissioner for the National Drug Plan. Inclusion of such

authorities or officials shall be subject to prior authorization by their respective hierarchical superior, where applicable, if they are not under the authority of the Ministry of the Interior.

2. The Director of the Evaluation Office of the Government Commission for the National Drug Plan shall serve as Secretary without the right to vote.

3. The functions of the Drug-Trafficking and Money-Laundering Control Board shall be:

(a) To design general policy guidelines and strategies for combating drug trafficking and money-laundering, in liaison, for issues concerning the latter, with the Commission for the Prevention of Money-Laundering and Financial Offences, governed by chapter III of Law No. 19 of 28 December 1993,<sup>4</sup> and to establish priorities in the control of these types of crime;

(b) To report on such topics as the Minister of the Interior or the Government Commissioner for the National Drug Plan may deem appropriate to entrust to it in connection with the matters referred to in the previous paragraph.

Article 4. *Drug-Trafficking and Money-Laundering Advisory Board*

1. The Drug-Trafficking and Money-Laundering Advisory Board shall be composed of:

(a) A chairman: the Government Commissioner for the National Drug Plan;

(b) Permanent members:

1. The Head of the Operations Division of the Police Department, who may be substituted by the Criminal Investigation Superintendent;
2. The Head of the Operations Division of the Civil Guard Department, who may be substituted by the Chief of the Central Office of Intelligence and Investigation;
3. The Director of the Customs Surveillance Service;
4. The Deputy Director of the Special Drug-Trafficking Prevention and Control Office.

The aforementioned members may be accompanied by officials belonging to their respective organizational units.

Whenever the nature of the cases to be dealt with so requires, the authorities or officials that the Government Commissioner for the National Drug Plan deems it appropriate to designate may also participate as ad hoc members in the meetings of the Advisory Board, subject to prior authorization by their respective hierarchical superiors.

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<sup>4</sup>E/NL.1994/33.

2. The Director of the Coordination Office of the Government Commission for the National Drug Plan shall serve as Secretary without the right to vote.

3. The Drug-Trafficking and Money-Laundering Advisory Board shall have the functions of lending support and assistance to the Government Commissioner for the National Drug Plan in the discharge of his responsibilities, especially those relating to the activities of the State Security Forces and Bodies in the implementation of the specific strategies or programmes agreed by the Control Board.

**Sole final provision**

The present Royal Decree shall enter force on the day following the date of its publication in the *Official State Gazette*.

Done at Madrid, on 14 March 1997.