

Send to: PUREVDORJ, MUNKHSELENGE
WAKE FOREST UNIVERSITY SCHOOL OF LAW
1834 WAKE FOREST DR
WINSTON SALEM, NC 27109-8758

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Doing Business in Spain

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CHAPTER 3 Exchange Controls and Work Permits *

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§ 3.01 Exchange Control

[1] Introduction

Exchange control legislation regulates operations of an economic nature that cause or may cause the purchase and sale of currency between residents and non-residents or its transfer from abroad or overseas. The technique of exchange control arises in response to specific situations, more for reasons of economic policy than for legal reasons.

Article 149.1.11 of the Spanish Constitution grants the State exclusive authority over the monetary system, foreign currency, exchange control, and convertibility. This material is not subject to the jurisdiction of the Autonomous Communities. Apart from EU regulations, this material is basically regulated by:

- (a) Law 19/2003 of July 4, regulating the legal regime of movements of capital and economic transactions abroad and certain measures to prevent money laundering, that repeals Law 40/1979 of December 10, on the legal regime for exchange control. n1
- (b) Royal Decree 1816/1991, of December 20.
- (c) Other rules of lesser rank:
 - Order of May 3, 2006, concerning declarations of capital movements, Order of December 18, 1992, concerning issues of securities by non-residents and Order of December 23, 1992, concerning transfers to non-residents of securities with coupons.
 - Circular 6/2000 of October 31 and Circular 3/2006 of July 28, concerning residents with accounts abroad.
 - Resolution of July 9, 1996 of the General Directorate of Foreign Transactions concerning the physical movement of bank notes and bearer checks across frontiers.

[2] Law 19/2003 of July 4, Regulating the Legal Regime of Movements of Capital and Economic Transactions Abroad and Certain Measures to Prevent Money Laundering

Law 40/1979 gave the Spanish Government the instrument to regulate money operations in the manner it considered best for the domestic economy and its interests. For that purpose, Royal Decree 2402/1980 of October 10, established an exchange control regime based on administrative interventionism through prohibitions, prior authorizations, verifications, and declarations.

The European Union's principle of freedom of movement of capital and Spain's entry into the EU required a liberalization process that culminated with Royal Decree 1816/1991 of December 20, modified by Royal Decree 42/1993 of January 15, by Royal Decree 1778/1994 of August 5, by Royal Decree 1638/1996 of July 5, and by Royal Decree 2660/1998 of December 14. However, the broad authority granted to the government under Law 40/1979 had to be limited, in order to implement definitively the principle of freedom of movement of capital that, incorporated by the Treaty establishing the European Community (EC), was put on the same level as the rest of the basic freedoms of the EC.

The main purpose of Law 19/2003 is to implement into Spanish legislation the provisions of the EC Treaty. Additionally, Law 40/1979 did not work well. It contained important contradictions and loopholes, and the wording of the law was not always clear. On the other hand, the sanctioning procedure lacked coherence and was not fully responsive to the principle of freedom of movement of capital. Consequently, all the abovementioned circumstances justified the adoption of a new law governing this matter.

Law 19/2003 is divided into two chapters. Chapter I, Articles 1 to 7, both inclusive, regulate the general regime of movements of capital and external economic transactions. Chapter II establishes the sanctioning procedure relating to movement of capital, according to the principles of legality, criminality and proportionality.

[3] General Regime of Capital Movements and Economic Transactions Abroad

The object of Law 19/2003 is to establish the legal regime of movement of capital and of economic transactions abroad, as well as the establishment of certain rules to prevent money laundering subject to the scope of the EC Treaty and the principle of freedom of movement of capital.

The Law establishes that all acts, business, transactions, and operations of all types that involve, or from the performance of which there is or may be derived collections and payments between residents and non-residents, or transfers to or from abroad and variations in accounts or financial creditor or debtor positions abroad, are free, without further limitations than those set forth in Law 19/2003 and specific sectorial legislation. n2 Therefore, Order of May 3, 2006 concerning declarations of capital movements, has been recently passed to control movements in Spain of cash, bank notes, or bank checks to bearer equal or higher than 100,000 euros which has to be declared by means of form S-1.

[a] Concept of Residents and Non-Residents

For the purposes of the scope of the Law, the terms "resident" n3 and "non-resident" n4 are fundamental, as they serve as basis for the exchange control rules. Unlike prior exchange control legislation, Law 19/2003 approaches the definition contained in tax legislation in order to facilitate the identification and the demonstration of the condition of resident and/or of non-resident; habitual residence shall be understood as an accredited residence of 183 days in the same country.

[b] Accreditation of Residents

There is a presumption under Royal Decree 1816/1991 that physical and legal Spanish nationals reside in Spain, unless there is evidence to the contrary. However, both Spaniards and foreigners must accredit their condition as resident or non-resident in the terms provided by the relevant regulation.

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According to the abovementioned Royal Decree the condition of a resident in Spain must be accredited in the following manner:

- Physical persons of foreign nationality must have the individual card which authorizes residency or any other public document which proves that the residency has been authorized by the Ministry of the Interior. Nothing may obviate the condition of resident of the foreign physical persons, while the authorization to reside in Spain is in force, even if the resident also has a domicile abroad. An exception to the above rule would be if the card authorizing residency has been returned.
- Establishments and branches in Spanish territory of foreign legal persons or physical persons resident abroad by way of any public document containing the data corresponding to its incorporation according to Spanish legislation or certificate of registration with the corresponding Mercantile Registry.
- Physical persons of Spanish nationality and legal persons domiciled in Spain shall be presumed to be resident in Spain unless proved otherwise.

[c] Accreditation of Non-Residents

The condition of non-resident may be accredited in the following manners:

- Spanish physical persons by way of certificate of the Spanish consular authority issued no more than two months beforehand which accredits registration in the registry of the consulate or the consular section of the corresponding embassy.
- Foreign physical persons by way of negative certificate of residency issued by the Ministry of Interior no more than two months beforehand.
- Legal persons, domiciled abroad by way of a valid document which accredits its nature and domicile.
- Branches and establishments abroad which belong to Spanish legal or physical persons resident in Spain by way of certificate of the Spanish consul corresponding to the country where they are constituted.
- Spanish diplomatic personnel accredited abroad and Spanish persons who are not considered diplomatic personnel, but who provide services to Spanish embassies and consulates as well as international organizations via diplomatic passport or certificate from the mission chief, consul, or the corresponding competent authority or organization which records such situations.
- Foreign diplomats accredited in Spain or foreign personnel who provide services in foreign embassies and consulates or international organizations in Spain by way of an identity card issued by the Ministry of Foreign Affairs.

[4] Obligation to Provide Information

Article 3 of Law 19/2003 identifies the persons who are obliged to notify the movement of capital and the economic transactions abroad, for the purposes of administrative information and statistics, in compliance with the provisions of Article 58.1.b) of the EC Treaty. Physical and legal persons either resident or non-resident in Spain are obliged to communicate the operations indicated by Article 1 of the Law and provide the information requested by the Ministry of Economy and the *Banco de Espana* (Bank of Spain).

Furthermore, credit institutions, investment firms, and other financial intermediaries that intervene in performance of the abovementioned operations on behalf of their clients shall be obliged to provide the Ministry of Economy and the *Banco de Espana* with the information relating to their clients' transactions.

[5] Safeguard and Exceptional Measures

Articles 4 and 5 of Law 19/2003 contain the safeguard clauses and exceptional measures of Title III, Chapter IV of the EC Treaty. As a consequence, an agile mechanism is established, by means of a resolution of the Spanish Council of Ministers, permitting the application of measures adopted not only by the EC, but also by other international organisms.

Safeguard clauses (Article 4 of Law 19/2003 and Article 59 of the EC Treaty) forbid or limit certain movements of capital and operations to be carried out with third countries, when the Council of the European Union has adopted such safeguard measures.

Exceptional measures (Article 5 of Law 19/2003 and Article 57.2 of the EC Treaty) and urgent measures (Article 60.1 of the EC Treaty) forbid or limit certain movements of capital and operations within the terms and conditions established by the rules of the EC.

Additionally, and according to Article 60.2 of the EC Treaty, by means of a Resolution of the Council of Ministers on a proposal of the Ministry of Economy and until the measures established in Article 60.1 of the EC Treaty are not adopted, the Government may adopt unilateral measures against a third country as regards movement of capital and payments, provided that there are serious political reasons and motives requiring urgency.

[6] Administrative Authorizations

According to the provisions of Article 6, the execution of acts and business affected by safeguard clauses or exceptional measures may be performed, if expressly provided for, after obtaining an administrative authorization and in compliance with the terms and conditions contained therein. Such authorization shall be granted by the authorities and by the procedure to be determined by the relevant regulation.

[7] Suspension of the Liberalization Regime

Law 19/2003 grants to the Government the authority to control granted to the member States by Article 58.1.b of the EC Treaty. Consequently, the Government may suspend the liberalization regime in the event that whatever acts, businesses, transactions, or operations that affect or may affect, even occasionally, activities related to the exercise of public power, or to activities directly related to national defense, or to activities affecting or that may affect public policy, public security, and public health, because of their nature, structure, or conditions of execution.

The suspension of the liberalization regime will determine the subjection of all subsequent operations to the regime of authorizations, as established in Article 6 of Law 19/2003.

[8] Monetary Offenses and Administrative Breaches

[a] Monetary Offenses

Law 19/2003 of July 4 repeals Law 40/1979 of December 10, except its Chapter II, as amended by Organic Law 10/1983, which refers to monetary offenses. If the infraction exceeds 12,020.02 euros, it shall be considered as a monetary offense. Offenses are classified by Article 6, and the corresponding penalties are established in Article 7 of Organic Law 10/1983.

[b] Entry Into Spanish Territory

[i] Administrative Breaches

Chapter II of Law 19/2003 refers to the administrative breaches regime. Breaches are classified as very serious, serious, and minor infractions that entail the sanctions established in Article 9. Sanctions may consist of the imposition of fines and, simultaneously, a public or a private warning, depending on the seriousness of the infraction. Very serious breaches are the:

- execution of acts, business, transactions, or operations forbidden by means of the adoption of the measures that Articles 4, 5, and 7 refer to.
- execution of acts, business, transactions or operations without the application for the compulsory authorization where appropriate in accordance with Articles 6 and 7, or the execution prior to its granting or breaching the conditions of the authorization.
- lack of veracity in the applications for the authorizations filed before the competent authorities, provided that the lack of veracity may be deemed as particularly relevant.

The abovementioned breaches shall be subject to a fine of up to the economic content of the executed operation (but never under 30,000 euros) and a public or a private warning.

The failure to notify the execution of operations over 6,000,000 euros is qualified as a serious infraction, as is the lack of veracity, the omission or inaccuracy of the data contained in the declarations relating to operations over such amount. The failure to comply with the express and written requests from the competent authorities exercising their functions is also qualified as a serious infraction. This type of infraction is subject to a fine up to 50% of the economic content of the operation (but never under 6,000 euros) and a public or a private warning.

Finally, minor infractions involve the failure to notify the operations within the regulatory terms or the failure to notify any operation under 6,000,000 euros. Such infractions shall be subject to a fine of up to 25% of the economic content of the operation (but never under 3,000 euros) and a private warning.

The abovementioned penalties shall be determined taking into account the criteria established in Article 131, first paragraph of Law 30/1992 of November 26, regulating the Legal Regime of Public Administrations and the Administrative Common Proceeding, and the following circumstances:

- (a) The nature and importance of the infraction.
- (b) The degree of responsibility and intentionality.
- (c) The time elapsed from the infraction to the date of undertaking of the activities tending to remedy it.
- (d) The economic capacity.
- (e) Previous behavior regarding the legislation governing movements of capital and payments abroad, taking into account the definitive sanctions imposed during the last five years.

[ii] Money Laundering

This activity is regulated by Law 19/1993 of December 28 n5 and its Regulation. n6

The regulation governs the obligations, the measures and procedures designed to prevent and impede the use of the

financial system and other sectors of the economy to launder proceeds from criminal activities subject to a prison sentence over three years.

The regulation affects the following persons: Credit entities, insurance entities authorized to operate in the life sector, securities companies and agencies, collective investment institutions, management companies of collective investment institutions, and pensions funds, portfolio managers, credit card issuers, and legal or physical persons who exercise the activity of exchanging currencies. Physical or legal persons who exercise business activities apt to be used for money laundering, such as: Casinos; real estate promoters, agents, commissioners or intermediaries in the purchase and sale of real estate; physical or legal persons exercising their business activity as auditors, external accountants or tax consultants, notaries public, lawyers, and barristers, and n7 any other determined by the Regulation are also subject to obligations, taking into account the use of bank notes or any non-nominative means of collection, the high unit value of the offered goods or services, the location of the establishments or any other relevant circumstances.

[c] Prescription of Offenses and Penalties

The right to take the decision to initiate a sanctioning proceeding expires five years after a very serious breach occurs, three years if it is a serious breach, and a year if it is a minor breach.

The penalties imposed pursuant to Law 19/2003 by means of a resolution that cannot be appealed will expire in the case of:

- very serious penalties after five years;
- serious penalties after four years; and
- minor penalties after three years.

[d] Sanctioning Procedure

Article 12 of Law 19/2003 establishes the sanctioning procedure, governed by the general rules establishing the exercise of the sanctioning authority by the public administration. n8

The competent authorities, as well as those depending on the Commission for the Prevention of Money Laundering and Monetary Infractions shall carry out, at the request of the instituting authority or on their own initiative, the appropriate investigative activities to clarify the facts deemed to constitute a breach, as provided for in Law 19/2003.

The competence to institute the sanctioning proceedings is the General Directorate of the Treasury and Financial Policy (*Dirección General del Tesoro y Política Financiera*). n9

The imposition of sanctions relating to very serious breaches is subject to the competence of the Council of Ministers, on a proposal from the Minister of Economy. The imposition of sanctions relating to serious infractions is within the competence of the Minister of Economy, and the imposition of sanctions relating to minor breaches is within the competence of the State Secretary of Economy.

The procedure to penalize the offenses pursuant to Law 19/2003 is the one established for the exercise of the sanctioning authority granted to the public administration, as adapted by the relevant regulation.

[9] Administrative Organization

According to the transitory disposition first of Law 19/2003, until the rules developing have been published, and

provided they do not contravene the provisions of the law, the rules of development of Law 40/1979, shall remain in force. n10

The system n11 which must authorize and supervise all transactions, payments, and collections made between residents and non-residents is divided between the Ministry of Economy and Finance and the *Banco de Espana* (Bank of Spain).

The Office of the Director-General of Foreign Transactions of the Ministry of Economy and Finance is entrusted with the functions involving authorization or refusal for Spanish residents to carry out overseas transactions concerning collections or payments in euros or in foreign currency. These functions include credits linked to importation and exportation. With regard to other types of credit transactions, review is provided by the *Banco de Espana*. The Bank also exercises those administrative functions assigned to it by the legislation on matters of authorization and control of foreign investments in Spain and Spanish investments abroad.

The *Banco de Espana* is in charge of the centralization of cash and foreign currency reserves, as well as the movement of overseas payments and authorizations for financial credits. It exclusively oversees the purchase and sale of foreign currency in Spain.

The specific body which is charged with the supervision of breaches of exchange controls is the Supervisory Commission for Exchange Control Infractions. The Commission is overseen by the *Banco de Espana*. It has several sections, two of which are involved with supervision of exchange controls. They are the Permanent Committee and the Executive Service.

Within the functional organization of the exchange control system, mention must be made of the delegate entities. Transactions of collections and payments overseas are of such volume and complexity that it is impossible for the government to assume responsibility for them all. For this reason, functions have been delegated to the banks, and other credit institutions operating in Spain, so that they may take part in transactions which are regulated by the legislation on exchange control. Such authorization may be revoked and depends upon the meeting of its conditions. The delegate entities are bound to collaborate with the abovementioned bodies, which are charged with exchange control and the monitoring of monetary offenses. Such delegation of functions is made by means of a resolution of the *Banco de Espana*.

As a result of the large number of currency exchange operations for small amounts made at establishments open to the public, particularly in areas with heavy flows of tourists, the *Banco de Espana* issued the Circular 3/1993 of March 26. The circular permits currency exchange operations of up to 180.30 euros without the need for the client to provide documentation. It permits the establishment to register the operations in a summary manner rather than individually as previously required.

[10] Resident Accounts

[a] Liberalization

According to Article 6 of Royal Decree 1816/1991, as developed by the Orders of December 27, 1991, and November 16, 2000, the opening and maintenance by residents in Spain of on-sight, savings and fixed-term accounts in euros or foreign currency in offices operating abroad, whether "registered entities" or other banking entities or credit entities is free.

[b] Duty to Communicate

Residents who open one of the accounts referred to above are obliged to communicate it to the *Banco de Espana* within the 30 days following their opening. The communication must state the name, domicile and fiscal identity number of the

owner or owners of the account, type and number of the account, currency of the same and data identifying the office where it has been opened.

[c] Foreign Currency Accounts

The Order of December 27, 1991, n12 allows residents of Spain to open and maintain on-sight accounts, saving accounts, or term accounts in foreign currency in offices operating in Spain of "registered entities," without any obligation to report.

[11] Non-Resident Accounts

According to Circular 1/1994 of February 25, registered entities may open on-site, savings or fixed-term accounts in euros or foreign currency in the name of non-resident legal or physical persons. They may be used as long as the condition of non resident is accredited. Use of these accounts by third parties requires a notarial power of attorney unless the authorized person is the spouse or kin to the first degree and they reside in Spain.

[12] Movement of Foreign Currency and Euros Across International Borders

[a] Entry Into Spanish Territory

A traveler, resident or non-resident may freely bring cash, bank notes, or bank checks to bearer (in euros, foreign currency, or gold in currency or bars) into Spain. Non-resident travelers and residents carrying coins, bank notes, or bearer bank checks whether in euros or foreign currency for amounts over 6,010.12 euros n13 will need to declare their importation into Spain when they intend to carry out an operation that according to rules concerning transactions abroad or foreign investments in Spain requires proof of origin of said means of payment. The B1 import declaration must supply the following data:

- (i) Name, domicile, and fiscal identity number of the resident, or name, domicile, and passport or the equivalent of the non-resident.
- (ii) The total amount intended to be brought into Spanish territory, specifying the type of payment and its corresponding amount. If there are several payments, each one must be detailed.
- (iii) The purpose or purposes for which said means of payment are being imported.

Moreover, according to the Order of May 3, 2006 concerning declarations of capital movements, the entry into Spain of cash, bank notes, or bank checks to bearer equal or higher than 10,000 euros has to be declared by means of the form S-1.

[b] Exit from Spanish Territory

The export of means of payment (such as cash, bank notes, or bank checks to bearer) whether in euros or foreign currency is free. When the amount is greater than 6,010.12 euros per person and per voyage, a B1 declaration must be made. The bearer of the means of payment referred to previously may make the declaration prior to making the trip to customs or directly to the *Banco de Espana*. The B1 export declaration must contain the following data:

- (i) Name, domicile, and fiscal identity number of the resident, or name, domicile, and passport or the equivalent of the non-resident.
- (ii) The total amount to be brought into Spanish territory, specifying the type of payment and its corresponding amount. If there are several payments, each one must be detailed.

(iii) The purpose or purposes for which said means of payment are being imported.

Moreover, according to Order of May 3, 2006 concerning declarations of capital movements, the exit from Spain of cash, bank notes, or bank checks to bearer equal or higher than 10,000 euros has to be declared by means of form S-1.

[c] Collections and Payments Through Registered Entities

Generally, collections and payments between residents and non-residents as well as transfers to and from abroad made through registered entities are subject to the obligation of declaration by the resident that makes the collection, payment or transfer. The declaration needs to be made prior to the payment or transfer except when payment is made through a check against the account of the resident payer that a non-resident pretends for collection, through acquisition by residents of bank checks to be paid in accounts of non-residents or commercial drafts charged to residents presented for collection by non-residents and liquidated by a specific compensation chamber. In these cases, the declaration may be made within the 15 days subsequent to the debit of the account. A declaration is not required for collections, payments or transfers of no more than 3,005.06 euros as long as they do not constitute the varied payments.

[d] Collections and Payments in Cash, Bank Notes, or Bank Checks to Bearer

Article 7 of Royal Decree 1816/1991 and Article 7 of the Order of December 27, 1991, n14 provide that when a resident makes a payment to a non-resident or receives payment from a non-resident for an amount in excess of 6,010.12 euros in cash, bank notes, or bank checks to bearer in euros or currency whether carried on in or outside of Spanish territory, the resident is obliged to declare said payment or collection through a "registered entity" using a B3 declaration within 30 days following execution of the operation. n15

The Order of February 6, 1995 n16 regulates procedures for payment orders and payments in foreign currencies of those obligations contracted in euros or foreign currency by the State Administration and its autonomous organisms.

Said order distinguishes among the following cases:

- Procedures for payment in foreign currency of obligations contracted in national or foreign currency.
- Exceptional payments by way of check.
- Reimbursements to the Public Treasury.

The opening, maintenance, and supervision of foreign currency accounts and national currency accounts, both in the *Banco de Espana* and with a resident registered credit entity or a credit entity of another State are subject to Law 47/2003, of November 26, adopting the text of the General Budget Law.

Spain has adopted the European Union Council Directive of February 22, 1990 concerning transparency of operations and protection of clients through *Banco de Espana* Circular 13/1993, of December 21. The advertising and information concerning variable interest rates and credit contracts, is also regulated in greater detail due to the increased use of this type of operation.

FOOTNOTES:

(n1)Footnote 1. Except its chapter II, as amended by the Organic Law 10/1983 of August 16, regarding the legal regime of exchange control: monetary offences.

(n2)Footnote 2. Circular 1/1994 of February 25, provides that the purchase and sale of foreign bank notes and

bearer bank checks in foreign currency by registered entities with residents is free. The resident is to be identified and the type of operation declared.

Transactions subject to exchange controls:

-- The sale of Spanish or foreign bank notes and bearer bank checks made by registered entities to non-residents on checks drawn against accounts owned by residents, if less the 3,005.06 euros may be freely done. If they are greater than said amount the resident must make a declaration.

-- The sale of Spanish or foreign bank notes and bearer bank checks made by registered entities to non resident persons against checks, money orders, or any other instrument in euros or foreign currency against the account of residents open abroad is free whatever the amount of the operation. The same rule applies to accounts owned by non-residents in Spain or abroad.

-- The sale of Spanish or foreign banknotes by registered entities to non-resident persons against other bank notes is free whatever the amount.

-- The sale of Spanish or foreign banknotes, bank checks, payment orders, or other instruments in euros or foreign currency made by registered entities to non-residents against bearer bank checks drawn against resident or non resident entities may be carried out freely, and when the amount is greater than 6,010.12 euros after the non resident accredits the origin of the means of payment. The same rule applies to the sale of bearer bank checks, payment orders, or other instruments in euros or foreign currency made by registered entities to non-residents against Spanish or foreign banknotes.

-- In any case the non resident must be identified by the registered entity when the amount of the operation is greater than 3,005.06 euros. The data concerning identification must be registered by the registered entity.

(n3)Footnote 3. Residents are physical persons who habitually reside in Spain--except foreign diplomatic corps--Spanish diplomatic corps and their personnel abroad, legal persons domiciled in Spain, branches and permanent establishments in Spanish territory, and any other similar cases determined by regulation.

(n4)Footnote 4. Non-residents are physical persons who habitually reside abroad--except Spanish diplomatic corps and their personnel abroad--foreign diplomatic corps and their personnel in Spain, legal persons domiciled abroad, branches and permanent establishments abroad.

(n5)Footnote 5. As amended by Law 44/2002 of November 2002, Law 12/2003 of May 21, Law 19/2003 of July 4, and Law 36/2006 of November 29.

(n6)Footnote 6. Adopted by Royal Decree 925/1995 of June 9.

(n7)Footnote 7. Provided that they intervene, on behalf of their clients, in transactions relating to real estate or commercial entities; management of funds, securities or other equities; opening and management of bank accounts; the organization of the necessary contributions to the creation, performance or management of trusts.

(n8)Footnote 8. Royal Decree 1398/1993 of August 4, approving the Regulation of the Procedure for the Exercise of the Sanctioning Authority.

(n9)Footnote 9. Article 6 of Royal Decree 1371/2000 of July 19, that modifies and develops the organic basic structure of the Ministry of Economy.

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(n10)Footnote 10. References made to the Ministry of Economy and Finance must be understood as made to the Ministry of Economy, and references made to the General Directorate of Foreign Transactions of the Ministry of Economy and Finance should be understood made to the General Directorate of the Treasury and Financial Policy of the Ministry of Economy.

(n11)Footnote 11. The authority in exchange control matters governed by Royal Decree 1816/1991 of December 20, corresponding to the Ministry of Economy and Finance and will be exercised through the General Directorate of Foreign Transactions and the Bank of Spain.

(n12)Footnote 12. Modified by the Orders of July 9, 1996, and 1439/2006 of May 3.

(n13)Footnote 13. Royal Decree 1638/1996 eliminates the requirement of prior authorization for physical exportation of amounts over 30,050.61 euros in view of the Sentences of the ECJ of February 23, 1975, C-358/93 and C-416/93 and December 14, 1995, C-169/79 and C-250/94. Also *see* Order of July 9, 1996 and Resolution of July 9, 1996.

(n14)Footnote 14. *See* Resolution of July 9, 1996, as modified by Resolution of October 31, 2000.

(n15)Footnote 15. In accordance with Instruction no. 7 of the Resolution of July 9, 1996, the following data will be reflected in the B1 and B3 declaration:

- (i) Name, domicile, fiscal identity number of the resident as well as the name, domicile and fiscal identity number, passport or equivalent document of the non-resident.
- (ii) Total amount of the collection or payment specifying the means of payment used, currency, and the corresponding amount.
- (iii) Concept which the corresponding collection or payment must be applied to.
- (iv) Indication, if appropriate, that the means of payment referred to has been previously imported or exported.

(n16)Footnote 16. Order of February 6, 1995 has been partially modified by Order of December 27, 1995.

* According to the sole additional disposition of all the references made to the term "permit" by Organic Law 4/2000, as amended by Organic Law 8/2000 will be substituted by the term "authorization." According to the first additional disposition of Organic Law 2/2009, all the references made to "permanent residency" in Organic Law 4/2000, will be substituted by "long term residency."