

Royal Decree - 240-2007 - dated 16th February 2007

CHAPTER I - General provisions

Article 1 - Objective

1. This Royal Decree lays down the conditions for exercising the rights to enter and leave Spain and the rights of free movement, stay, residence, permanent residence and work in Spain of nationals of other European Union Member States and of other states party to the Agreement on the European Economic Area (EEA), as well as the limitations on these rights on the grounds of public policy, public security or public health.
2. This Royal Decree shall be without prejudice to the provisions of special laws and of the international treaties to which Spain is a party.

Article 2 - Application to family members of a citizen of a European Union Member State or of another state party to the Agreement on the European Economic Area Member State.

This Royal Decree shall also apply, subject to the terms laid down herein, to the following family members, irrespective of their nationality, of a citizen of another European Union Member State or of another state party to the Agreement on the European Economic Area accompanying or joining this national:

- a) The spouse, except in the event of an agreement to annul or a declaration of annulment of the marriage or in the event of divorce or legal separation.
- b) The spousal equivalent registered in a public register established for that purpose in a European Union Member State or another state party to the Agreement on the European Economic Area which prevents the possibility of there being two simultaneous registers in that State, provided that evidence can be provided that the registration has not been cancelled. Marriage status and status as a registered partner shall in all cases be deemed to be mutually incompatible.
- c) The direct descendants or those of the spouse or registered partner, except in the event of an agreement to annul or a declaration of annulment of the marriage or in the event of divorce or legal separation, or cancellation of the registration of the partnership; minors under the age of 21; dependant children over that age; or handicapped children.
- d) The dependant ascendants in the direct line and those of the spouse or registered partner, except in the event of an agreement to annul or a declaration of annulment of the marriage or in the event of divorce or legal separation, or cancellation of the registration of the partnership.

Article 3 - Rights

1. The persons to whom this Royal Decree applies shall have the right to enter, leave, move and reside freely in Spanish territory subject to compliance with the procedural requirements and without prejudice to the limitations laid down in this Decree.
2. The persons included in the scope of this Royal Decree, with the exception of dependent descendants over the age of 21 and the dependent ascendants provided for in Article 2(d) of this Decree, have the right to engage in any activity, either as employed or self-employed workers, to provide services or to study under the same conditions as Spanish nationals, subject to the limitation laid down in Article 39(4) of the EC Treaty.
Dependant family members who take up employment shall not lose their status as such in the following cases: if they can provide evidence that the revenues obtained are not necessary for their maintenance; in cases of full-time contracts not exceeding three months in any one year and which do not constitute continued occupation in the labour market; or in cases of part-time employment the revenues from which are not necessary for maintenance. Should the relative cease to be dependant or cease to be a relative of the EU citizen, Article 96(5) of the implementing regulations of Organic Law 4/2000 shall apply.
3. Holders of the rights referred to in the preceding paragraphs who intend to remain or to take up residence in Spain for more than three months must apply for a certificate of registration or a residence permit for a relative of an EU citizen in accordance with the procedure laid down in this Decree.
4. All EU citizens residing in Spain pursuant to the provisions of this Decree shall have equal treatment with respect to Spanish citizens within the scope of application of the EC Treaty. This right shall also extend to family members who are not nationals of a European Union Member State or of another state party to the Agreement on the European Economic Area and who have the right of residence or of permanent residence.

CHAPTER II - Entering and leaving the country

Article 4 - Entering the country

1. EU citizens entering Spanish territory must be in possession of a valid passport or identity document stating the holder's nationality.

2. Family members entering the country who are not nationals of a European Union Member State or of another state party to the Agreement on the European Economic Area must have a valid passport and, in addition, the relevant entry visa where required by Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of a visa when crossing the external borders and those whose nationals are exempt from that requirement. These visas shall be issued free of charge and preference shall be given to processing visas for family members who are accompanying or joining the EU citizen.

Family members of an EU citizen who produce a valid residence permit issued by one of the States implementing in full the Schengen agreement of 14 June 1985 concerning the gradual abolition of controls at common borders and its implementing rules shall be exempt from the requirement to obtain the entry visa and shall not be required to have their passports stamped when entering or leaving the country.

3. Decisions to refuse applications for a visa or for entry into the country by persons included in the scope of this Royal Decree must be duly supported. Such decisions must indicate the reasons for refusal (either failure to support the application as required by this Royal Decree or reasons of public policy, public security or public health). The reasons must be made known to the applicant except where this would be contrary to State security.

4. If a citizen of a European Union Member State or of another state party to the Agreement on the European Economic Area or a family member of that citizen does not have the travel documents or visa (if applicable) required to enter Spanish territory, the Spanish border control authorities must, before returning these persons, give them maximum facilities enabling them to obtain or receive the necessary documents within a reasonable time limit or to confirm or prove by other means that they come under the scope of application of this Royal Decree, provided that the lack of the travel document is the only reason preventing them from entering Spanish territory.

Article 5 - Leaving the country

Citizens of a European Union Member State or of another state party to the Agreement on the European Economic Area and their family members, irrespective of their nationality, shall have the right to leave Spain for another Member State irrespective of the requirement to produce a valid passport or identity document to the border control officials if they leave via a border control post where presentation of these documents is mandatory, and subject to any prohibitions on leaving the country imposed on the grounds of national security or public health or pursuant to the Criminal Code.

CHAPTER II - Stays and residence

Article 6 - Stays of under three months

1. A citizen of a European Union Member State or of another state party to the Agreement on the European Economic Area staying in Spain, for whatever purpose, for under three months shall merely be required to hold the valid passport or identity document used to enter Spanish territory, and such a stay shall not be taken into account for the purposes of residence status.

2. The provisions of the preceding paragraph shall apply to family members of citizens of a European Union Member State or of another state party to the Agreement on the European Economic Area who are not nationals of one of those states and who are accompanying or joining that citizen, hold a valid passport and have complied with the entry requirements laid down in Article 4 of this Royal Decree.

Article 7 - Residence of over three months of citizens of a European Union Member State or of another state party to the Agreement on the European Economic Area.

1. Citizens of a European Union Member State or of another state party to the Agreement on the European Economic Area have the right to reside in Spanish territory for over three months. Interested parties must apply personally to the Foreign Residents Office in the province in which they intend to remain or take up residence or, failing that, the local police station, for registration in the Central Foreign Residents Register. Application for registration must be made within three months of the date of entry into Spain and applicants shall be issued immediately with a registration certificate stating the registered person's name, nationality, address and foreign resident identification number.

2. Together with the application for registration, the applicant must present a valid passport and national identity document. If the document in question has expired, the applicant must submit a copy of the document and of the request for renewal.

Article 8 - Residence of over three months with a residence permit for family members of an EU citizen.

1. The family members specified in Article 2 of this Royal Decree of a citizen of a European Union Member State or of another state party to the Agreement on the European Economic Area who are not nationals of one of those states and are accompanying or joining that citizen have the right to reside in Spain for over three months provided they obtain a "residence permit for a family member of an EU citizen".

2. The family members must apply for this residence permit, within three months of the date of entry into Spain, to the Foreign Residents Office in the province in which they wish to remain or take up residence or, failing that, to their local police station. In all cases the applicant shall immediately receive a receipt of submission of the application for a permit, which shall be sufficient evidence that the applicant is legally allowed to stay in the country until the permit is issued. The receipt cannot be required as a condition for exercising other rights or carrying out administrative procedures if the rightholder can provide other supporting evidence for his right to stay in the country.

3. The applicant must submit the following documents together with the application for a residence permit for family member of an EU citizen using the official application form for that purpose:

a) The applicant's valid passport. If the passport has expired, the applicant must submit a copy of the passport and of the request for renewal.

b) Supporting documentation, if necessary duly translated and apostilled or legalised, evidencing the family relationship, marriage or registered partnership giving entitlement to the permit.

c) Certificate of registration of the family member (citizen of a European Union Member State or of another state party to the Agreement on the European Economic Area) whom they are accompanying or whom they are going to join.

d) Supporting documentation, if required by Article 2 of this Royal Decree, providing evidence that the applicant is a dependant family member of the citizen of a European Union Member State or of another state party to the Agreement on the European Economic Area .

e) Three recent passport-sized colour photographs on a white background.

4. The residence permit for family members of EU citizens shall be issued within three months of submission of the application. Decisions to grant permits shall be retroactive and the applicant shall be deemed to have been granted residence from the date of application.

5. Residence permits for family members of EU citizens shall be valid for five years from the issue date, or for the period of residence granted to the citizen of the EU or of another state party to the Agreement on the European Economic Area should that period be less than five years.

Article 9 - Retention of personal entitlement to residence by family members in the event of the rightholder's death or departure from Spain or in the event of annulment of the marriage, divorce, legal separation or cancellation of registration as registered partner.

1. The death or departure from Spain of a citizen of a European Union Member State or of another state party to the Agreement on the European Economic Area or the annulment of marriage, divorce, legal separation or cancellation of registration as registered partner, shall not affect the right of residence of the family members who are EU/EEA citizens.

2. The death of a citizen of a European Union Member State or of another state party to the Agreement on the European Economic Area shall not affect the right of residence of the family members who are not EU/EEA citizens provided that they were resident in Spain as family members before the death of the rightholder. Family members must notify the competent authorities of the death.

Six months after the death, unless the family members have acquired the right to permanent residence, they must apply for a residence authorisation pursuant to Article 96(5) of the implementing regulations of Organic Law 4/2000 of 11 January 2000 on the rights, freedoms and social integration of foreigners in Spain. In order to obtain the new authorisation, family members must prove that they are registered in the appropriate social security system as employed or self-employed workers, or that they have sufficient resources for themselves and the members of their family, or that they are members of the family, already formed in the host Member State, of a person fulfilling these requirements.

The departure from Spain or death of a citizen of a European Union Member State or of another state party to the Agreement on the European Economic Area shall not cause the loss of the right of residence of his children or of the parent who has effective custody of them, irrespective of nationality, provided that these children are resident in Spain and registered as studying at an educational centre, until completion of their studies.

CHAPTER IV - Permanent residence

Article 10 - Right of permanent residence

1. Citizens of a European Union Member State or of another state party to the Agreement on the European Economic Area and their family members who are not EU/EEA citizens and who have been legally resident in Spain for a continuous period of five years have the right of permanent residence. This right shall not be subject to the conditions laid down in Chapter III of this Royal Decree.

At the request of the interested party, the Foreign Residents Office in the province in which he is resident, or, failing that, the local police station, shall, as soon as possible after checking the length of residence, issue a certificate of the right to permanent residence.

2. In addition, workers shall have the right to permanent residence before the expiry of the five-year period referred to above under the following circumstances:

a) Self-employed or employed workers who, at the time they stop working, have reached pensionable age under Spanish law, and employed workers who take early retirement, provided they have been working in Spain for at least the last twelve months and have been resident continuously in Spain for over three years.

The requirement relating to period of residence in Spain shall not apply if the worker's spouse or registered partner is a Spanish national or lost Spanish nationality as a result of marriage with or registration as the partner of the worker.

b) Self-employed or employed workers who have been continuously resident in Spain for over two years and have stopped working as a result of permanent disability. The worker shall not be required to provide evidence of any period of residence in Spain if the disability is the result of an accident at work or an occupational illness giving entitlement to a pension paid in full or in part by a Spanish public body.

The requirement relating to period of residence in Spain shall not apply if the worker's spouse or registered partner is a Spanish national or lost Spanish nationality as a result of marriage with or registration as the partner of the worker.

c) Self-employed or employed workers who, after three consecutive years of continuous employment and residence in Spanish territory are working (as either self-employed or employed workers) in another Member State while remaining resident in Spain and returning there daily or at least once a week. Solely for the purposes of the right of residence, periods of employment in another EU Member State shall be deemed to have been spent in Spain.

3. Family members of self-employed or employed workers residing with the worker in Spain shall, irrespective of their nationality, have the right of permanent residence if the worker has himself acquired the right of permanent residence because he is one of the circumstances listed in paragraph 2 above. If necessary, such family members shall be issued with a permanent residence permit for relatives of EU citizens or have their permit renewed.

4. For the purposes set out in paragraph 2 above, periods of involuntary unemployment, duly attested by the competent State department of employment, periods of suspension of employment for reasons beyond the worker's control and absences from work or leave owing to illness or accident shall be treated as periods of employment.

5. If a citizen with the right of residence in Spain dies before retirement age and before gaining the right of permanent residence in Spain, the family members who were living with him in Spain shall have the right of permanent residence provided one of the following conditions is met:

a) The holder of the right of residence in Spain had been living continuously in Spain for at least two years at the date of death.

b) The cause of death was an accident at work or an occupational illness.

c) The surviving spouse was a Spanish national who lost Spanish nationality as a result of marriage with the deceased person.

6. For the purpose of this Article, continuous residence shall be defined as provided for in this Royal Decree.

7. The right to permanent residence shall be lost in the event of absence from Spanish territory for more than two consecutive years.

Article 11 - Permanent residence permit for family members who are not citizens of a European Union Member State or of another state party to the Agreement on the European Economic Area

1. The competent authorities shall issue a permanent residence permit to family members who are not nationals of another European Union Member State or of a state party to the Agreement on the European Economic Area with the right to permanent residence within three months of the date on which the application has been entered in the register of the agency processing it.

The application must be submitted using the official form provided for this purpose during the month prior to expiry of the residence permit. It may also be submitted during the three months following this expiry date, although a fine may be payable. This permit will be automatically renewable every ten years.

2. The following documentation must be submitted together with the application for the aforementioned permanent residence permit:

a) The applicant's valid passport. If the document in question has expired, the applicant must submit a copy of the document and of the request for renewal.

b) Supporting documentation evidencing the applicant's eligibility for the permit.

e) Three recent passport-sized colour photographs on a white background.

3. Interruptions of residence not longer than two consecutive years shall not affect the validity of the permanent residence permit.

CHAPTER V - Common provisions concerning procedures for application for and processing, issuing and renewal of registration certificates and residence permits.

Article 12 - Processing of and decisions concerning applications

1. Applications for the registration certificates and residence permits provided for in this Royal Decree must be submitted in person using the official forms for that purpose. Preference shall be given to processing these applications and decisions to grant or refuse them shall be in accordance with Articles 7, 8 and 11 of this Royal Decree.

2. Application for and processing of registration certificates or residence permits shall in no way hinder applicants from remaining provisionally in Spain or from carrying out their activities.

3. The authorities responsible for processing and deciding on the applications for registration certificates or residence permits provided for in this Royal Decree may, in exceptional circumstances, obtain information on the applicant's criminal record, if any, from the authorities of the State of origin or from other States.

4. In addition, the applicant may, on the grounds of public health and in accordance with Article 15 of this Royal Decree, be required to produce a medical certificate attesting to his state of health.

Article 13 - Renewal of residence permits

If the residence permit must be renewed before the applicant obtains the right of permanent residence, the permit shall be renewed in accordance with this Royal Decree. However, in respect of ascendants and descendants, no supporting documentation evidencing the family relationship giving entitlement to the permit will be required.

Article 14 - Issuance and period of validity of the registration certificate and residence permit

1. Registration certificates and residence permits shall be issued using the official forms specified by the competent authorities on payment of the charge stipulated in the relevant current legislation. This charge shall be the equivalent of that made for obtaining and renewing Spanish national identity documents.

2. The registration certificates and residence permits referred to in this Royal Decree, and their replacement by a document certifying permanent residence or by a permanent residence permit, respectively, shall continue to be valid only as long as the holder continues to be in one of the circumstances giving entitlement to these documents. Holders must notify the Foreign Residents Office of the province in which they are resident or, failing that, their local police station, of any changes in their circumstances relating to their nationality, civil status or address.

3. Residence permits of family members of EU citizens shall expire in the event of absences of more than six months from Spain in any one year unless the permit holder can prove that the absences were owing to military obligations or (in the case of absences of not more than 12 consecutive months) that they were owing to pregnancy, childbirth, post-childbirth, serious illness, studies, occupational training, or travel for professional reasons to another Member State or to a third country.

However, this provision concerning the expiry of permits granted to family members of an EU citizen owing to absence shall not apply to permit holders working for non-governmental organisations, foundations or associations registered in the corresponding general register and officially recognised as being in the public interest, for which the permit holders undertake research projects, development cooperation or humanitarian aid abroad. Also, the provision concerning expiry of permits shall not apply to permit holders who remain in the territory of another EU Member State in order to undertake temporary EU study programmes.

CHAPTER VI - Limitations on the grounds of public policy, public security and public health

Article 15 - Measures on the grounds of public policy, public security and public health

1. Any of the following measures may be adopted on the grounds of public policy, public security or public health in respect of a citizen of a European Union Member State or of another state party to the Agreement on the European Economic Area or of that citizen's family members:

a) Prevention from entering Spain even if the persons concerned produce the documentation required in Article 4 of this Royal Decree.

b) Refusal to register in the Central Foreign Residents Register or to issue or renew the residence permits provided for in this Royal Decree.

c) Deportation or return order.

A decision to deport a citizen of a European Union Member State or of another state party to the Agreement on the European Economic Area, or that citizen's family members, irrespective of nationality, who have acquired the right of permanent residence in Spain may only be adopted for serious reasons of public policy or public security. In addition, before taking such a decision, regard shall be had to the length of residence and degree of social and cultural integration in Spain, age, state of health, family and economic situation and ties with the country of origin.

2. Persons who have been refused entry into Spain may, not less than two years from the date of refusal, submit a request for the prohibition to be lifted provided they can put forward reasons why there has been a material change in the circumstances that caused the refusal to grant entry into Spain.

The competent authority which refused entry must decide on this request within three months from the date of submission.

The applicant may not enter Spain while the application is being considered.

3. Continued residence as defined in this Royal Decree is deemed to be interrupted by any validly enforced deportation decision.

4. Where a deportation decision is to be enforced over two years after it was issued, the competent authorities must verify and consider any changes in circumstance that may have occurred since the decision was taken, as well as the actual threat that the person represents for public policy or public security.

5. Adoption of any of the measures listed in paragraphs 1 to 4 above shall be subject to the following conditions:

a) They must be adopted in accordance with valid legislation and regulations on public policy and public security.

b) They may be revoked ex officio or at the request of the person concerned if the reasons for which they were adopted cease to exist.

c) They may not be adopted for economic ends.

9. The only ailments or diseases that can justify adoption of any of the measures listed in paragraph 1 of this article are potentially epidemic illnesses as defined by the World Health Organisation, or other infectious or contagious parasitic diseases, in accordance with Spanish law.

Illnesses starting after the first three months following the date of arrival in Spain shall not constitute grounds for deportation.

In individual cases where there are serious indications justifying such action, persons included in the scope of this Royal Decree may, in the three months following their arrival in Spain, be required to undergo a free medical examination in order to certify that they are not suffering from any of the illnesses referred to in this section. Such medical examinations shall not be required systematically.

Article 16 - Report by the State Legal Service

1. Except in cases of emergency, for which due reasons must be given, the authorities may not decide to deport a permit or certificate holder until a prior report has been issued by the State Counsel in the province in question.

2. Without prejudice to any administrative or judicial appeals that may be legally lodged, decisions by the competent authority to deport applicants for residence permits or registration certificates shall, if so requested by the applicant, be examined by the State Legal Service or State Counsel in the province concerned. The applicant may submit his defence in person to the advisory body unless there are reasons of State security opposing this. The State Counsel's report shall be submitted to the competent authority so that it can confirm or revoke its decision.

Article 17 - Procedural safeguards

1. If the administrative or judicial appeal against the deportation decision is submitted together with a request for a precautionary measure suspending enforcement of this decision, the deportation itself cannot take place until the decision on the precautionary measure has been taken, except in one of the following circumstances:

a) If the deportation decision is based on a previous court decision.

b) If the persons concerned had previous access to judicial review.

c) If the deportation decision is taken for urgent public policy reasons as indicated in Article 15(5)(a) and (d) of this Royal Decree.

2. During the appeal procedure, the applicant may not remain in Spain except for the hearing, where he can present his defence in person except where there are serious public policy or public security grounds against this or where the appeal relates to a refusal to grant permission to enter Spain.

Article 18 - Decision

1. Deportation decisions shall be issued by the Government sub-delegates (or delegates in the single-province autonomous communities).

2. Deportation decisions shall specify the time limit for the person concerned to leave Spain. Except in duly justified cases of emergency, where the decision shall be enforced immediately, the person shall be granted a time limit for leaving the country of not less than one month from the date of notification of the decision. Decisions must be duly substantiated and information provided on how to appeal against them, the time limit for appeal and the authority with which appeals must be lodged.

First additional provision - Assignment of responsibilities

Responsibilities for receiving communications or deciding on applications within the scope of this Royal Decree which are not expressly assigned shall be exercised by the Head of the Foreign Residents Office in the province in which the applicant resides.

Second additional provision - Legislation applicable to the procedures

For procedural matters not provided for in this Royal Decree, the applicable legislation is Organic Law 4/2000 of 11 January 2000 on the rights, freedoms and social integration of foreigners in Spain, its implementing regulations approved by Royal Decree 2393/2004 of 30 December 2004, Law 30/1992 of 26 November 1992 on the legal framework of public administrations and the common administrative procedure and its implementing regulations. The aforementioned legislation is supplementary to this Royal Decree and applies only if it is in accordance with the provisions of the Treaties establishing the European Communities and the secondary legislation deriving there from.

Third additional provision - Special regime applying to citizens of certain States that are not members of the European Union or party to the Agreement on the European Economic Area.

1. This Royal Decree shall apply to Swiss citizens and their family members under the Agreement between the European Community and the Swiss Confederation on the free movement of persons signed in Luxembourg on 21 June 1999.

2. Under the agreements entered into by the Community and its Member States with States that are not members of the European Union or party to the Agreement on the European Economic Area, the provisions of this Royal Decree shall apply to citizens of these third countries and their family members as regards exercise of the rights to enter and leave the country and the rights of free movement, stay, residence and work in Spain provided that they are in accordance with the provisions of those agreements.

First transitional provision - Applications submitted prior to the entry into force of this Royal Decree

The procedures for processing and deciding on applications submitted prior to the entry into force of this Royal Decree shall be those laid down in this Decree, unless the applicant asks for the legislation in force at the time of his application to be applied and provided that that legislation is compatible with the provisions of this Royal Decree.

Second transitional provision - Transitional assignment of responsibilities

In provinces in which a Foreign Residents Office has not yet been set up, responsibilities provided for in this Royal Decree not expressly assigned shall be exercised by the Governmental Sub-Delegate (or Delegate in the single-province autonomous communities).

Third transitional provision - Special regime for employed workers from EU Member States to whom transitional measures are applied in order to regulate their access to the Spanish labour market.

Access to the Spanish labour market by employed workers from countries joining the EU may be subject to certain limitations under the Acts of Accession with these countries and the decisions adopted by the Government in each case concerning application of a transitional period in this connection.

Under the transitional measures regulating their situation as employed workers, which shall in no case detract from their other rights as EU citizens, these citizens shall be required to obtain an authorisation in order to work as employed workers. The procedures for obtaining these authorisations are laid down in Organic Law 4/2000 of 11 January 2000 on the rights, freedoms and social integration of foreigners in Spain and its implementing regulations, having regard to the Acts of Accession referred to above and to the applicable Community *acquis*.

Single repeal provision - Repeal

Royal Decree 178/2003 of 14 February 2003 on the entry into and residence in Spain of nationals of European Union Member States and of other States party to the Agreement on the European Economic Area, and laws of the same or lower rank which contradict the provisions of this Royal Decree are hereby repealed.
First final provision. Incorporation of EU law

This Royal Decree incorporates into Spanish law Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC.

Second final provision - Implementation powers

1. The Minister for the Office of the Prime Minister, at the proposal of the Ministry of Labour and Social Affairs, once a report has been issued by the Ministry of the Interior, may adopt the necessary implementation arrangements for implementation and enforcement of this Royal Decree which require approval by a ministerial order, and of the necessary implementation arrangements for implementation and enforcement of this Royal Decree corresponding to the competent management centres of the Ministry of labour and Social Affairs, the Ministry of the Interior, and the Ministry of Public Administrations in their respective areas of competence.

2. In addition, the Minister for Foreign Affairs and Cooperation may adopt the necessary implementation arrangements for implementation and enforcement of this Royal Decree which require approval by a ministerial order, independently of the competence of the Ministry of Labour and Social Affairs to implement Government policy on foreigners and immigration and independently of the necessary implementation arrangements for implementation and enforcement of this Royal Decree corresponding to the competent management centres of the Ministry of Foreign Affairs and Cooperation in their respective areas of competence.

Third final provision - . Amendment of Organic Law 4/2000 of 11 January 2000 on the rights, freedoms and social integration of foreigners in Spain, approved by Royal Decree 2393/2004 of 30 December 2004.

The implementing regulations of Organic Law 4/2000 of 11 January 2000 on the rights, freedoms and social integration of foreigners in Spain, approved by Royal Decree 2393/2004 of 30 December 2004, is amended as follows:

Note - An addition nineteenth provision is inserted as follows:

Additional nineteenth provision - Facilitation of entry and residence by the family members of a citizen of a European Union Member State or of another state party to the Agreement on the European Economic Area not included in the scope of Royal Decree 240/2007 of 16 February 2007 on the entry, free movement and residence, in Spain of nationals of European Union Member States and of other states party to the Agreement on the European Economic Area.

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The competent authorities, in accordance with Organic Law 4/2000 of 11 January 2000 on the rights, freedoms and social integration of foreigners in Spain and with these regulations, will facilitate obtainment of a residence visa or, if applicable, of the residence authorisation granted in exceptional circumstances, by family members not covered by Article 2 of Royal Decree 240/2007 of 16 February 2007 on the entry, free movement and residence, in Spain of nationals of European Union Member States and of other states party to the Agreement on the European Economic Area who are accompanying or joining an EU citizen and to whom one of the following circumstances applies:

a) The person concerned is another family member up to the second degree, in direct or collateral line, related either by blood or by marriage, who, in the country of origin or the country whence the person comes, is a dependant of or lives with the citizen of another European Union Member States or of another state party to the Agreement on the European Economic Area, or where for serious reasons of health or disability it is strictly necessary for the citizen to take responsibility for the personal care of the family member;

b) the partner is a citizen of a state that is not a member of the European Union or party to the Agreement on the European Economic Area with whom the EU citizen can provide proof of a stable relationship. The authorities may request documentation, from the competent authority of the country of origin or the country whence the person comes, certifying that the person is a dependant of the EU citizen or lived with him in that country, or proof of the existence of serious reasons of health or disability making it strictly necessary for the citizen to take responsibility for the personal care of the family member. The authorities shall also request sufficient proof of the existence of a stable relationship with the EU citizen.

The competent authorities shall examine carefully the personal circumstances in the applications for entry, visa or residence authorisations produced, and shall duly substantiate any refusals of these.

Two - An addition twentieth provision is inserted as follows:

Additional twentieth provision - Legislation applicable to family members of a Spanish citizen who are not nationals of a European Union Member State or of state party to the Agreement on the European Economic Area.

1. Royal Decree 240/2007 of 16 February 2007 on the entry, free movement and residence in Spain of nationals of European Union Member States and of other states party to the Agreement on the European Economic Area shall apply, subject to the terms laid down herein, to the following family members of a Spanish citizen, irrespective of their nationality, who are accompanying or joining that citizen:

a) The spouse, except in the event of an agreement to annul or a declaration of annulment of the marriage or in the event of divorce or legal separation.

b) The spousal equivalent registered in a public register established for that purpose in a European Union Member State or a state party to the European Economic Area which prevents the possibility of there being two simultaneous registers in that State, provided that evidence can be produced that the registration has not been cancelled. Marriage status and status as a registered partner shall in all cases be deemed to be mutually incompatible.

c) The direct descendants or those of the spouse or registered partner, except in the event of an agreement to annul or a declaration of annulment of the marriage or in the event of divorce or legal separation, or cancellation of the registration of the partnership; minors under the age of 21; dependant children over that age; or handicapped children.

d) The dependant ascendants or those of the spouse, except in the event of an agreement to annul or a declaration of annulment of the marriage or in the event of divorce or legal separation, provided that at the date of entry into force of Royal Decree 240/2007 of 16 February 2007 on the entry, free movement and residence, in Spain of nationals of European Union Member States and of other states party to the Agreement on the European Economic Area, they held a valid or renewable permit for a family member of a Community resident obtained under Royal Decree 178/2003 of 14 February 2003 on the entry into and residence in Spain of nationals of European Union Member States and of other States party to the Agreement on the European Economic Area.

2. Family reunification of direct ascendants of the Spanish citizen or of his spouse shall be governed by the provisions of Section 2, Chapter I, Title IV of this Law.

Fourth final provision -. Subsidiary and supplementary legislation

1. In cases in which evidence is not produced of compliance with the requirements laid down in this Royal Decree, the entry, residence and work in Spain of family members of citizens of European Union Member States and of other states party to the Agreement on the European Economic Area included in the scope of this Royal Decree shall be governed by Organic Law 4/2000 of 11 January 2000 on the rights, freedoms and social integration of foreigners in Spain.

2. The general provisions contained in the aforementioned Organic Law 4/2000 of 11 January 2000 on the rights, freedoms and social integration of foreigners in Spain and the related regulations shall apply to the cases included in the scope of this Royal Decree. These provisions shall be supplementary to this Royal Decree and shall apply only if they are more favourable and do not contravene the provisions of the Treaties establishing the European Communities or the secondary legislation deriving therefrom.

Fifth final provision - Entry into force.

This Royal Decree shall enter into force in the month of its publication in the Official State Gazette.
Done in Madrid on 16 February 2007.

H.M. KING JUAN CARLOS

The Deputy Prime Minister and Minister for the Office of the Prime Minister,
MARÍA TERESA FERNÁNDEZ DE LA VEGA SANZ