

No. 15154

**SPAIN
and
HOLY SEE**

**Agreement concerning mutual relations. Signed at Vatican
City on 28 July 1976**

Authentic texts: Spanish and Italian.

Registered by Spain on 3 December 1976.

**ESPAGNE
et
SAINT-SIÈGE**

**Accord relatif aux relations réciproques. Signé à la Cité du
Vatican le 28 juillet 1976**

Textes authentiques : espagnol et italien.

Enregistré par l'Espagne le 3 décembre 1976.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE HOLY SEE
AND THE SPANISH STATE

The Holy See and the Spanish Government:

In view of the profound changes which Spanish society has undergone in recent years, especially as regards the relations between the political community and the religious confessions and between the Catholic Church and the State;

Considering that the Second Vatican Council, in turn, has established, as fundamental principles, on which relations between the political community and the Church should be based, the mutual independence of the two Parties in their respective spheres, and the need for sound co-operation between them; has confirmed the freedom of religion as a human right, a right which must be recognized in the legal order of society; and has taught that the freedom of the Church is a fundamental principle of relations between the Church and the public authorities and the civil power as a whole;

Considering that the Spanish State has incorporated in its laws the right to religious freedom, based on the dignity of the human person (Act of 1 July 1967), and has recognized, in accordance with its legal order, that suitable legislation should take account of the fact that the majority of the Spanish people profess the Catholic religion;

Deem it necessary to regulate, through specific agreements, matters of common concern which, under the new circumstances that have arisen since the signing of the Concordat of 27 August 1953, require new regulations;

Therefore agree to undertake, by mutual consent, the study of these various matters with a view to concluding, as soon as possible, agreements which will gradually replace the relevant provisions of the present Concordat.

Taking into account the fact that the freedom to nominate bishops and the equality of all citizens before the law are matters of priority and particular urgency in the revision of the provisions of the present Concordat, the Contracting Parties conclude, as a first step in that revision, the following:

AGREEMENT

Article I. 1) The appointment of archbishops and bishops shall fall within the exclusive competence of the Holy See.

2) Before appointing archbishops and residential bishops or coadjutors having the right of succession, the Holy See shall communicate to the Spanish Government the name of the appointee in order to ascertain whether there is any possible concrete objection to him of a general political nature, the assessment whereof shall be left to the prudent consideration of the Holy See.

No objections shall be deemed to exist if the Government fails to state them within a period of 15 days.

¹ Came into force on 20 August 1976 by the exchange of the instruments of ratification, in accordance with its provisions.

All the relevant procedures shall be conducted in secret by both parties.

3) The appointment of the Military Vicar General shall take place on the basis of a proposed list of three names drawn up by mutual agreement between the Office of the Apostolic Nuncio and the Ministry of Foreign Affairs, and submitted for the approval of the Holy See. Within a period of 15 days, the King shall submit one of the names for appointment by the Supreme Pontiff.

4) Article VII and paragraph 2 of article VIII of the present Concordat, together with the Agreement between the Holy See and the Spanish Government of 7 June 1941, are hereby abrogated.

Article II. 1) Article XVI of the present Concordat is hereby abrogated.

2) Should a member of the clergy or of a religious order be charged with a criminal offence, the competent authority shall notify his respective ordinary of that fact. Should the accused be a bishop, or a person of equivalent status under Canon Law, the notification shall be made to the Holy See.

3) In no case may members of the clergy or of religious orders be required by judges or other authorities to provide information on persons or matters obtained in the course of their ministry.

4) The Spanish State shall recognize and respect the exclusive competence of the Church courts in offences which exclusively violate an ecclesiastical law in accordance with Canon Law. There shall be no appeal of any kind to the civil authorities against the sentences of such courts.

This Agreement, the texts of which, in the Spanish and Italian languages respectively, are equally authentic, shall enter into force upon exchange of the instruments of ratification.

DONE in duplicate.

Vatican City, 28 July 1976.

[Signed]

G. Cardinal VILLOT
Secretary of State

[Signed]

MARCELINO OREJA AGUIRRE
Minister for Foreign Affairs