

No. 19671

**SPAIN
and
HOLY SEE**

**Concordat (with final protocol). Signed at Vatican City on
27 August 1953**

Authentic texts: Spanish and Italian.

Registered by Spain on 27 March 1981.

**ESPAGNE
et
SAINT-SIÈGE**

**Concordat (avec protocole final). Signé à la Cité du Vatican
le 27 août 1953**

Textes authentiques : espagnol et italien.

Enregistré par l'Espagne le 27 mars 1981.

[TRANSLATION — TRADUCTION]

CONCORDAT¹ BETWEEN THE HOLY SEE AND SPAIN

In the name of the Most Holy Trinity

The Holy Apostolic See and the Spanish State, desiring to ensure fruitful collaboration for the greatest good of the religious and civil life of the Spanish nation, have decided to conclude a Concordat which, recapitulating and completing the earlier Agreements, shall constitute the rule which is to govern the reciprocal relations of the High Contracting Parties in accordance with the Law of God and the Catholic tradition of the Spanish nation.

To this end, His Holiness Pope Pius XII has appointed as his plenipotentiary: His Excellency the Very Reverend Monsignor Domenico Tardini, Pro-Secretary of State for Extraordinary Ecclesiastical Affairs;

And His Excellency the Head of the Spanish State, Francisco Franco Bahamonde, has appointed as his plenipotentiaries:

His Excellency Alberto Martín Artajo, Minister for Foreign Affairs, and His Excellency Fernando María Castiella y Maiz, Ambassador of Spain to the Holy See,

who, having exchanged their full powers, found in good and due form, have agreed as follows:

Article I. The Roman Apostolic Catholic Religion continues to be the sole religion of the Spanish nation and shall enjoy the rights and prerogatives which belong to it in accordance with divine law and canon law.

Article II. 1. The Spanish State recognizes the Catholic Church as having the character of a perfect society and guarantees it the free and full exercise of its spiritual power and its jurisdiction and the free and public exercise of worship.

2. In particular, the Holy See shall have the right freely to promulgate and publish in Spain any provision concerning the government of the Church and to communicate without hindrance with the country's prelates, clergy and faithful, who shall have the right to communicate in like manner with the Holy See.

Ordinaries and other ecclesiastical authorities shall enjoy the same rights with respect to the clergy and the faithful.

Article III. 1. The Spanish State recognizes the status of international body corporate of the Holy See and Vatican City State.

2. To maintain, in the traditional manner, the friendly relations between the Holy See and the Spanish State, an ambassador of Spain to the Holy See and a papal nuncio to Madrid shall continue to be accredited at all times. The latter shall be the dean of the diplomatic corps, according to customary law.

Article IV. 1. The Spanish State recognizes the status of bodies corporate, as well as the full capacity to acquire, own and administer every kind of property,

¹ Came into force on 27 October 1953 by the exchange of the instruments of ratification, which took place at Vatican City, in accordance with article XXXVI (1).

of all religious institutions and associations existing in Spain on the entry into force of the present Concordat and established in accordance with canon law, in particular the dioceses with their annexed institutions, the parishes, religious congregations and orders, societies of communal life and canonically recognized secular institutes of Christian perfection, whether formed under pontifical or diocesan law, and their provinces and houses.

2. Such recognition shall likewise be enjoyed by entities of the same nature as above which are subsequently founded or approved in Spain by the competent ecclesiastical authorities, on the sole condition that the foundation decree or approbation decree must be officially communicated in writing to the competent authorities of the State.

3. The ordinary and extraordinary management of property belonging to ecclesiastical entities or religious associations and the supervision and inspection of such management shall belong to the competent authorities of the Church.

Article V. The State shall recognize as holidays the days established as such by the Church in the Code of Canon Law or in other special regulations concerning local feasts and shall provide, in its legislation, the necessary facilities to enable the faithful to fulfil their religious duties on such days.

The civil authorities, both national and local, shall see to it that holiday rest is duly observed.

Article VI. In accordance with the concessions of the Supreme Pontiffs Saint Pius V and Gregory XIII, the Spanish priests shall daily offer up prayers for Spain and for the Head of the State, in conformity with the traditional formula and the prescriptions of the sacred liturgy.

Article VII. The nomination of residential archbishops and bishops and coadjutors with the right of succession shall continue to be governed by the provisions of the Agreement concluded between the Holy See and the Spanish Government on 7 June 1941.¹

Article VIII. The priorate *nullius* of the Military Orders shall continue to exist in Ciudad Real.

For the nomination of the bishop prior, the provisions referred to in the previous article shall apply.

Article IX. 1. With a view to preventing, in so far as possible, dioceses from including territories belonging to different civil provinces, the High Contracting Parties shall undertake by agreement a revision of the diocesan circumscriptions.

Similarly, the Holy See, in agreement with the Spanish Government, shall take the necessary measures to eliminate enclaves.

No part of Spanish territory or of the territory under Spanish sovereignty shall be under a bishop whose see is situated in territory subject to the sovereignty of another State, and no Spanish diocese shall include areas of territory subject to foreign sovereignty, with the exception of the Principality of Andorra, which shall continue to belong to the diocese of Urgel.

2. For the establishment of a new diocese or ecclesiastical province and for other changes in diocesan circumscriptions that might be deemed necessary,

¹ United Nations, *Treaty Series*, vol. 1222, No. 11-875.

the Holy See shall previously come to an understanding with the Spanish Government, except in the case of minimal territorial rectifications required for the good of souls.

3. The Spanish State pledges to provide for the economic needs of such dioceses as may be created in the future, appropriately increasing the endowment specified in article XIX.

The State shall further contribute, either itself or through the local corporations concerned, by means of an extraordinary subsidy, to the initial costs of organization of new dioceses; in particular, it shall subsidize the construction of new cathedrals and the buildings to serve as the residence of the prelate, offices of the curia and diocesan seminaries.

Article X. For provision to non-consistorial benefices, the provisions of the Agreement concluded on 16 July 1946¹ shall continue to apply.

Article XI. 1. The ecclesiastical authority may freely establish new parishes and modify the boundaries of existing ones.

Where such measures entail an increase in the economic contribution of the State, the ecclesiastical authority must come to an agreement with the competent authority of the State regarding such contribution.

2. If the ecclesiastical authority deems it advisable temporarily or definitively to group several parishes, either by entrusting them to a single parish priest assisted by one or more coadjutors or by uniting a number of priests in a single presbytery, the State shall maintain unchanged the endowments assigned to those parishes. The endowments for vacant parishes shall not be different from the endowments for parishes occupied by an incumbent.

Article XII. The Holy See and the Spanish Government shall, as soon as possible, regulate by a separate agreement all matters pertaining to the system of chaplaincies and pious foundations in Spain.

Article XIII. 1. In consideration of the bonds of piety and devotion that have united the Spanish nation to the Patriarchal Basilica of Santa Maria Maggiore, the Holy See confirms the traditional honorary privileges and other dispositions in favour of Spain contained in the Bull "*Hispaniarum fidelitas*" of 5 August 1953.

2. The Holy See grants that Spanish shall be considered one of the languages admitted for the discussion of causes of beatification and canonization in the Sacred Congregation of Rites.

Article XIV. Clergy and religious shall not be obliged to assume public offices or functions which, according to the rules of canon law, are incompatible with their condition.

To occupy public posts or charges, they shall require the *nihil obstat* of their own Ordinary and of the Ordinary of the place where they are to carry on their activity. Upon the revocation of the *nihil obstat*, they may no longer continue to occupy such posts or charges.

Article XV. Clergy and religious, whether professed or novices, shall be exempt from military service in accordance with canons 121 and 614 of the Code of Canon Law.

¹ See p. 3 of this volume.

In this connection, what is covenanted between the High Contracting Parties in the Agreement of 5 August 1950 concerning military jurisdiction¹ shall continue in force.

Article XVI. 1. The prelates referred to in paragraph 2 of canon 120 of the Code of Canon Law shall not be cited before a lay judge unless the necessary licence has previously been obtained from the Holy See.

2. The Holy See consents that contentious cases concerning temporal property or rights in which clergy or religious are impleaded may be tried before the courts of the State, following notification of the Ordinary of the place where the proceedings are to be conducted, to whom any related subsequent judgments or decisions must also be communicated.

3. The State recognizes and respects the exclusive competence of the courts of the Church in those offences which constitute violations solely of an ecclesiastical law, in accordance with canon 2198 of the Code of Canon Law.

No appeal lodged before the civil authorities against the judgments of such courts will lie.

4. The Holy See consents that criminal cases against clergy or religious for other offences provided for by the criminal laws of the State shall be judged by the courts of the State.

Before proceeding, however, the judicial authority must, notwithstanding any appropriate precautionary measures and with due reserve, request the consent of the Ordinary of the place where the proceedings are to be conducted.

Should the Ordinary, for grave reasons, consider it his duty to deny such consent, he must communicate this in writing to the competent authority.

The process shall be surrounded by the necessary precautions for avoiding all publicity.

The findings of the judicial inquiry and the final judgment in the process, both in the first and in the last instance, must be diligently communicated to the Ordinary of the place mentioned above.

5. In the case of detention or arrest, clergy and religious shall be treated with the consideration due to their condition and their hierarchical rank.

Sentences of deprivation of liberty shall be served in an ecclesiastical or religious house which, in the opinion of the Ordinary of the place and the judicial authority of the State, offers suitable guarantees, or, at least, in places different from those intended for seculars, unless the competent ecclesiastical authority has reduced the convicted person to the condition of a layman.

The benefits of conditional liberty and other benefits established in the legislation of the State shall be applicable to such clergy and religious.

6. In the event that a judicial attachment is levied on property, ecclesiastics shall be left what is necessary for their reasonable support and the decorum of their condition, notwithstanding the obligation to satisfy their creditors as soon as possible.

7. Clergy and religious may be summoned to appear as witnesses before the courts of the State; nevertheless, in the case of criminal proceedings for

¹ See p. 35 of this volume.

offences for which the law provides serious penalties, the permission of the Ordinary of the place where the proceedings are conducted must be requested. In no case, however, may they be required by magistrates or other authorities to give information concerning persons or matters of which they have gained knowledge by reason of their sacred ministry.

Article XVII. The use of the ecclesiastical or religious habit by seculars or by clergy or religious who have been forbidden to do so by a firm decision of the competent ecclesiastical authority is prohibited and punishable, on being officially communicated to the Government, by the same sanctions and penalties as apply to persons who improperly wear a military uniform.

Article XVIII. The Church may freely request from the faithful the contributions authorized by canon law, organize collections and receive sums and property, both movable and immovable, for the achievement of its ends.

Article XIX. 1. The Church and the State shall study by agreement the creation of an adequate ecclesiastical patrimony to ensure a fitting endowment of cult and clergy.

2. In the mean time, the State, by way of indemnification for past alienations of ecclesiastical property and as a contribution to the work of the Church in favour of the nation, shall assign to the Church an adequate annual endowment. Such endowment shall include, in particular, the allowances payable to archbishops and diocesan bishops, coadjutors, auxiliaries, vicars-general, the clergy of cathedral chapters and collegiate churches and parochial clergy, as well as contributions for ecclesiastical universities and seminaries and for the exercise of worship.

As relates to the endowment of non-consistorial benefices and contributions for ecclesiastical universities and seminaries, the precepts established in the relative Agreements of 16 July and 8 December 1946¹ shall continue in force.

If in the future any appreciable change occurs in the general economic situation, such endowments shall be appropriately adapted to the new circumstances, so as to ensure at all times the maintenance of worship and a fitting livelihood for the clergy.

3. The State, faithful to the national tradition, shall annually grant subventions for the building and preservation of parochial and rectorial churches and of seminaries, the promotion of the orders, congregations or ecclesiastical institutions devoted to missionary activities and the upkeep of monasteries of outstanding historical value in Spain, as well as to help support the Colegio Español de San José (Spanish College of Saint Joseph) and the Spanish church and residence of Montserrat, in Rome.

4. The State shall collaborate with the Church to create and finance welfare institutions for elderly, sick or disabled clergy, and shall award an adequate pension to residential prelates who, for reasons of age or health, retire from their office.

Article XX. 1. Exemption from State and local taxes and contributions shall be enjoyed by:

¹ See pp. 3 and 15 of this volume.

- (a) Churches and chapels intended for worship and buildings and annexed premises for the service thereof or for use as headquarters of Catholic associations;
- (b) The residence of bishops, canons and priests having cure of souls, provided that the property belongs to the Church;
- (c) Premises for use as offices of the diocesan curia and parochial offices;
- (d) Ecclesiastical universities and seminaries for the training of the clergy;
- (e) The houses of religious and secular orders, congregations and institutions canonically established in Spain;
- (f) Colleges or other institutes of learning subordinate to the ecclesiastical hierarchy which have the character of beneficent-teaching (*benefico-docenti*) establishments.

The exemption shall include gardens, small orchards and outbuildings of the property mentioned above, provided that they are not used for industry or any other lucrative purpose.

2. The benefit of total tax exemption shall also apply to objects intended for Catholic worship and the publication and posting in the customary places of instructions, orders, pastoral letters, diocesan bulletins and any other document of the competent ecclesiastical authorities relating to the spiritual government of the faithful.

3. The endowments of cult and clergy referred to in article XIX and the exercise of the priestly ministry shall likewise be exempt from all taxes and contributions.

4. All other property of ecclesiastical entities or persons and the income thereof not derived from the exercise of religious activities proper to their apostolic mission shall be subject to taxation in accordance with the general laws of the State under the same conditions as other institutions or persons.

5. Endowments, bequests or inheritances intended for the construction of buildings of Catholic worship or religious houses or, in general, for purposes of worship and religion, shall be treated the same, for all tax purposes, as those intended for charitable or beneficent-teaching purposes.

Article XXI. 1. In every diocese a commission shall be formed which, under the chairmanship of the Ordinary, shall oversee the preservation, repair and any alteration of churches, chapels and ecclesiastical buildings declared national, historic or artistic monuments and of antiquities or works of art belonging to the Church or committed to it in usufruct or in trust which have been declared of outstanding merit or of national historical importance.

2. Such commissions shall be appointed by the Ministry of National Education and shall be composed half of members chosen by the bishop and approved by the Government and half of members designated by the Government with the approval of the bishop.

3. Such commission shall also be competent in respect of excavations relating to sacred archaeology and shall see to it with the Ordinary that the reconstruction and repair of the ecclesiastical buildings mentioned above are in keeping with the technical and artistic standards of the general legislation, the prescriptions of the liturgy and the requirements of sacred art.

They shall also watch over compliance with the conditions established by the laws, both civil and canonical, concerning the alienation and export of objects of historical merit or outstanding artistic value owned by the Church or held by it in usufruct or in trust.

4. The Holy See consents that, in the event of the sale of such objects by public auction in accordance with the precepts of canon law, a preferential option to buy shall be granted, all other conditions being equal, to the State.

5. The ecclesiastical authorities shall provide facilities for the study of documents kept in the public ecclesiastical archives which are under their exclusive care. The State, for its part, shall provide suitable technical and economic aid for the installation, cataloguing and preservation of such archives.

Article XXII. 1. The inviolability of churches, chapels, cemeteries and other sacred places shall be guaranteed as prescribed by canon 1160 of the Code of Canon Law.

2. The inviolability of episcopal palaces and curiae, seminaries, parochial and rectorial houses and offices and canonically established religious houses shall also be guaranteed.

3. Save in cases of urgent necessity, the police shall not enter the said buildings, for the purpose of exercising their functions, without the consent of the competent ecclesiastical authority.

4. If, owing to grave public necessity, particularly in time of war, it is necessary temporarily to occupy any such building, an agreement must previously be reached with the competent Ordinary.

Where reasons of absolute urgency render it impossible to do so, the authority effecting such occupation shall immediately inform the competent Ordinary.

5. Such buildings shall not be demolished except by agreement with the competent Ordinary, save in the case of absolute urgency, as by reason of war, fire or flood.

6. In the event of expropriation for public purposes, the competent ecclesiastical authority shall in all cases first be heard, including in respect of the amount of compensation. Where the property to be expropriated is of a sacred character, no act of expropriation shall be carried out without its having been divested of that character.

7. Diocesan Ordinaries and religious superiors shall be obliged, in accordance with their respective competencies, to see to it that the ordinary laws in force concerning safety and public health are observed in such buildings.

Article XXIII. The Spanish State recognizes marriage celebrated in accordance with the rules of canon law as having full civil effects.

Article XXIV. 1. The Spanish State recognizes the exclusive competence of the ecclesiastical courts and ministries in cases relating to nullity of canonical marriage and separation of spouses, in dispensation from solemnized but unconsummated marriage, and in the procedure pertaining to the Pauline privilege.

2. Where a petition for separation or annulment has been filed before the ecclesiastical court and granted, it shall be the duty of the civil court to pronounce,

at the request of the interested party, the rules and precautionary measures which are to govern the civil effects connected with the pending procedure.

3. Such judgments and decisions, when they have become final and enforceable, shall be communicated by the ecclesiastical court to the competent civil court, which shall issue the necessary decrees for their enforcement as relates to civil effects and shall order—in the case of annulment, dispensation from solemnized but unconsummated marriage or the application of the Pauline privilege—that they shall be annotated in the registers of births, marriages and deaths (registers of civil status) in the margin of the marriage certificate.

4. In general, all judgments, administrative decisions and decrees emanating from ecclesiastical authorities in respect of any matter within their jurisdiction shall have effects also under civil law when they have been communicated to the competent State authorities, which, moreover, shall give the necessary support for their enforcement.

Article XXV. 1. The Holy See confirms the privilege conceded to Spain that certain causes shall be heard and decided before the tribunal of the Rota of the Apostolic Nunciature in accordance with the papal *motu proprio* of 7 April 1947 re-establishing the said tribunal.

2. Two auditors of Spanish nationality shall at all times form part of the tribunal of the Sacred Roman Rota, occupying the traditional seats of Aragon and Castile.

Article XXVI. In all State or non-State centres of learning of any order or degree, teaching shall be in accordance with the principles of the dogma and morality of the Catholic Church.

Ordinaries shall freely exercise their mission of watchfulness over such centres of learning with respect to the purity of the faith, morals and religious education.

Ordinaries may demand that books, publications and teaching materials contrary to Catholic dogma and morality should not be permitted or should be withdrawn.

Article XXVII. 1. The Spanish State guarantees the teaching of the Catholic religion as a regular and compulsory subject in all State and non-State centres of learning of any order or degree.

Children of non-Catholics shall be excused from such teaching if their parents or the persons acting in their parents' stead so request.

2. In State primary schools the teaching of religion shall be provided by the teachers themselves, unless an objection on the part of the Ordinary is raised against any of them on the grounds stated in canon 1381, paragraph 3, of the Code of Canon Law. It shall also be provided periodically by the parish priest or his delegate by means of catechismal lessons.

3. In State centres of intermediate education, the teaching of religion shall be provided by professors who are priests or religious and, subsidiarily, be secular professors appointed by the competent civil authority on the proposal of the diocesan Ordinary.

In the case of military schools or centres, the proposal shall be made by the Military Vicar-General.

4. The civil and ecclesiastical authorities shall organize by agreement, for the entire national territory, special tests of pedagogic competency for those to whom the teaching of religion in the universities and State centres of intermediate education is to be entrusted.

Candidates for teaching in the last-mentioned centres who are not in possession of higher academic degrees in the sacred sciences (i.e., are not doctors or licenciates or, in the case of religious, the equivalent in their order) shall likewise undergo special tests of scientific competency.

The examining boards for both tests shall be composed of five members, three of them being ecclesiastics, one of whom shall be chairman.

5. The teaching of religion in universities and centres treated as universities shall be provided by ecclesiastics having the academic degree of doctor, obtained in an ecclesiastical university, or, in the case of religious, the equivalent in their order. Once the tests of pedagogic capacity have been completed, their appointment shall take place on the proposal of the diocesan Ordinary.

6. Professors of religion appointed in accordance with the provisions of paragraphs 3, 4 and 5 of this article shall enjoy the same rights as other professors and shall be part of the teaching staff of the centre in question.

They shall be removed if the diocesan Ordinary so requests for any of the reasons contained in canon 1381, paragraph 3, of the Code of Canon Law.

The diocesan Ordinary shall previously be heard if the removal of a professor of religion is considered necessary by the competent academic authority for pedagogic or disciplinary reasons.

7. Professors of religion in non-State schools must hold a special certificate of fitness issued by the appropriate Ordinary.

The mere revocation of such certificate shall deprive them of the capacity for religious teaching.

8. Religion programmes for both State and non-State schools shall be established by agreement with the competent ecclesiastical authority.

For the teaching of religion, only those textbooks approved by the ecclesiastical authority may be adopted.

Article XXVIII. 1. State universities may, in agreement with the competent ecclesiastical authority, organize systematic courses, especially in scholastic philosophy, sacred theology and canon law, with programmes and textbooks approved by that ecclesiastical authority.

Such courses may be taught by professors who are priests or religious, as well as secular professors, who possess higher academic degrees obtained from an ecclesiastical university or, in the case of religious, equivalent degrees obtained in their order, and who are in possession of the *nihil obstat* of the diocesan Ordinary.

2. The ecclesiastical authorities shall, in some of the universities subordinate to them, permit secular students to enroll in the higher faculties of sacred theology, philosophy, canon law, ecclesiastical history, etc., attend the courses thereof—except those which are by their nature reserved exclusively for ecclesiastical students—and attain therein the respective academic degrees.

Article XXIX. The State shall take care that in the institutions and services which form public opinion, in particular radio and television programmes, suitable place is given to the exposition and defence of religious truth by priests and religious designated by agreement with the appropriate Ordinary.

Article XXX. 1. Ecclesiastical universities, seminaries and other Catholic institutions for the training and culture of clergy and religious shall continue to be exclusively under the ecclesiastical authority and shall enjoy the recognition and guarantee of the State.

The provisions of the Agreement of 8 December 1946 shall continue in force in respect of all matters relating to seminaries and universities of ecclesiastical studies.

The State shall endeavour to assist economically, in so far as possible, the houses of training of orders and religious congregations, especially those having a missionary character.

2. Higher academic degrees in ecclesiastical sciences awarded to clergy or laymen by faculties approved by the Holy See shall be recognized, for all purposes, by the Spanish State.

3. Such higher degrees in ecclesiastical sciences shall be considered sufficient qualification for the teaching, as regular professor, of the disciplines of the letters section in centres of intermediate-level learning run by the ecclesiastical authority.

Article XXXI. 1. The Church may freely exercise the right belonging to it, according to canon 1375 of the Code of Canon Law, to organize and direct public schools of any order and degree, including schools for the laity.

In respect of civil regulations relating to recognition, for civil purposes, of studies completed in such schools, the State shall proceed in agreement with the competent ecclesiastical authority.

2. The Church may found major colleges or houses of residence, attached to the respective university districts, which shall enjoy the benefits provided by law for such institutions.

Article XXXII. 1. Religious assistance to the Armed Forces shall continue to be governed in accordance with the Agreement of 5 August 1950.

2. The diocesan Ordinaries, conscious of the need to ensure adequate spiritual assistance to all those serving in the Armed Forces, shall consider it part of their pastoral duty to provide the military vicariate with a sufficient number of zealous priests well prepared for the worthy performance of their important and delicate mission.

Article XXXIII. The State, in agreement with the competent ecclesiastical authority, shall take the necessary steps to ensure proper religious assistance to persons in hospitals, sanatoriums, penitentiary establishments, orphanages and similar centres and the religious training of the personnel of such institutions.

The State shall also endeavour to ensure that the same is done in analogous private establishments.

Article XXXIV. The associations of Spanish Catholic Action (Asociaciones de la Acción Católica Española) shall have the right freely to carry on their mission, in immediate subordination to the ecclesiastical hierarchy, keeping, in respect of

activities of other natures, within the bounds of the general legislation of the State.

Article XXXV. 1. The Holy See and the Spanish Government shall proceed by mutual consent in resolving any doubts or difficulties that may arise concerning the interpretation or application of any provision of this Concordat, and, for that purpose, shall be guided by the principles underlying the Concordat.

2. Matters relating to persons and things ecclesiastical not dealt with in the preceding articles shall be governed in accordance with existing canon law.

Article XXXVI. 1. This Concordat, the texts of which, in the Spanish and Italian languages respectively, are equally authentic, shall enter into force upon the exchange of the instruments of ratification, which shall take place within a period of two months from the date of signature.

2. It is understood that, upon the entry into force of this Concordat, all provisions contained in laws, decrees, orders and regulations which are in any way opposed to what is established in this Concordat are abrogated.

The Spanish State shall, within a period of one year, promulgate such provisions of national law as are necessary for the execution of this Concordat.

IN WITNESS WHEREOF the plenipotentiaries have signed the present Concordat.

DONE in duplicate.

Vatican City, 27 August 1953

For the Holy See:

[Signed]

DOMENICO TARDINI
Pro-Secretary of State

for Extraordinary Ecclesiastical Affairs

For the Spanish Government:

[Signed]

ALBERTO MARTÍN ARTAJO
Minister for Foreign Affairs

[Signed]

FERNANDO MARÍA CASTIELLA Y MAIZ
Ambassador of Spain to the Holy See

FINAL PROTOCOL

At the time of signing the Concordat concluded today between the Holy See and Spain, the undersigned plenipotentiaries made, by mutual consent, the following declarations, which form an integral part of the said Concordat:

Concerning article I:

In national territory, the provisions of article 6 of the *Fuero de los Españoles* shall continue in force.

As relates to the tolerance of non-Catholic cults, in the territories under Spanish sovereignty in Africa, the *status quo* shall be maintained.

Concerning article II:

The ecclesiastical authorities shall enjoy the support of the State in carrying out their activity, and, in this respect, the provisions of article 3 of the Concordat of 1851¹ shall continue to govern.

Concerning article XXIII:

A. For the purposes of recognition by the State of the civil effects of canonical marriage, it will suffice for the marriage certificate to be transcribed in the appropriate register of births, marriages and deaths.

Such transcription shall continue to be made as at present. The following points, however, are agreed on:

1. In no case shall the presence of the State official at the celebration of a canonical marriage be considered a necessary condition for the recognition of its civil effects;
2. The inscription of a canonical marriage which was not entered in the register immediately after its celebration may be effected at any time at the request of either of the parties or of any person having a legitimate interest therein.

It will suffice for that purpose to present to the registry of births, marriages and deaths (registry of civil status) a certified copy of the marriage certificate issued by the parish priest in whose parish the marriage was celebrated.

The inscription shall be communicated to the competent parish priest by the registrar of births, marriages and deaths;

3. The death of either or both of the spouses shall not be an obstacle to such inscription;
4. It is understood that the civil effects of a duly transcribed marriage shall exist as from the date of the canonical celebration of that marriage. Nevertheless, where the inscription of the marriage is requested after a lapse of five days from its celebration, such inscription shall not prejudice rights legitimately acquired by third persons.

B. The civil regulations concerning the marriage of sons and daughters, both minor and major, shall be brought into harmony with the provisions of canons 1034 and 1035 of the Code of Canon Law.

C. In respect of recognition of mixed marriage between Catholic and non-Catholic persons, the State shall bring its legislation into harmony with canon law.

D. In the juridical regulation of marriage for unbaptized persons, no impediments opposed to natural law shall be established.

Concerning article XXV:

The concession referred to in paragraph 2 of this article is understood to be conditional on the undertaking of the Spanish Government to provide for the support of the two auditors of the Sacred Roman Rota.

Concerning article XXXII:

Article VII of the Agreement of 5 August 1950 concerning military jurisdiction and religious assistance to the Armed Forces is amended as follows:

The jurisdiction of the Military Vicar-General and the chaplains is personal; it includes all military persons of land, sea and air in active service (i.e., under arms), their wives and children, when they live in their company, students in military schools and academies and all faithful of both sexes, whether secular or religious, who stably serve, in any capacity, in the army, provided that they ordinarily reside in the barracks or in places reserved for soldiers.

¹ United Nations, *Treaty Series*, vol. 1221, No. II-874.

The said jurisdiction shall also include members of the Civil Guard and Armed Police Corps and their family members in accordance with the same terms as stated in the preceding paragraph.

Vatican City, 27 August 1953

For the Holy See:

[Signed]

DOMENICO TARDINI
Pro-Secretary of State
for Extraordinary Ecclesiastical Affairs

For the Spanish Government:

[Signed]

ALBERTO MARTÍN ARTAJO
Minister for Foreign Affairs

[Signed]

FERNANDO MARÍA CASTIELLA Y MAIZ
Ambassador of Spain to the Holy See