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Royal Decree-Law 10/2025, of September 23, adopting urgent measures against genocide in Gaza and in support of the Palestinian population.

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ORIGINAL TEXT

I

Israel's response to the horrific attacks perpetrated by the Hamas terrorist group on October 7, 2023, has devolved into an indiscriminate assault on the Palestinian population. The United Nations Special Rapporteur on the situation of human rights and the majority of experts have described it as genocide, and illegal occupations are also taking place in the West Bank.

Since then, more than 65,000 people have died as a result of military operations; the number of wounded exceeds 165,000, and nearly two million people have been displaced from their homes. In addition, more than 250,000 people are at risk of acute malnutrition as a consequence of famine caused by the deliberate blocking of humanitarian corridors and the disruption of essential basic supplies.

International organizations have reacted to this situation. The International Criminal Court has issued arrest warrants for several Israeli leaders for alleged war crimes and crimes against humanity. The International Court of Justice has also initiated proceedings against Israel based on the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

On September 10, 2025, the President of the European Commission announced the intention to suspend the application of the trade component of the Association Agreement between the European Union and Israel, requiring a qualified majority vote in the Council. This measure would entail withdrawing trade preferences for Israeli products entering the EU market. Just one

day later, the European Parliament adopted a resolution to partially suspend the aforementioned trade Association Agreement with Israel.

Meanwhile, Spain has reacted by promoting several essential political processes, such as the international recognition of the State of Palestine by the Government on May 28, 2024, the creation of a Global Alliance for the two-state solution, and the holding of a Conference in New York to protect and implement the two-state solution.

Furthermore, pioneering steps have been taken in favor of peace, human rights and international law by promoting several UN resolutions to demand a permanent and unconditional ceasefire, the unconditional release of all hostages and an end to the humanitarian blockade of the Gaza Strip.

It has also participated in cases before the International Court of Justice, supported the work of the International Criminal Court; sent humanitarian aid to Gaza whenever possible; restricted arms trade with Israel; and increased funding to the United Nations Relief and Works Agency for Palestine Refugees (UNRWA).

Finally, by Agreement of the Council of Ministers of September 9, 2025, measures were adopted against the genocide in Gaza and in support of the Palestinian population. Specifically, these measures include, among others, the approval of the corresponding legislation to consolidate the arms embargo on Israel implemented since October 2023; the extension of the denial of transit authorization through Spanish ports to ships transporting fuels used by the Israeli armed forces (primarily JP8, JP4, and JP5); and the prohibition of imports of products originating from illegal settlements in the occupied Palestinian territories.

It is therefore necessary to comply with this agreement and to further the approval of measures that contribute to alleviating the suffering of the population in the territories attacked by Israel, promoting a path towards peace through the control of the introduction and marketing in our territory of products whose origin is the territories occupied by Israel since 1967 and the denial of applications for authorization of defense and dual-use materials.

II

To this end, the arms embargo stands as a measure within the set of diplomatic and coercive tools available to the States that make up the international community, aimed at preserving global peace and security, protecting human rights and preventing the illicit arms trade.

Generally speaking, an arms embargo is a measure imposed by one or more States or international organizations, which basically consists of prohibiting the export, import, transfer, trade or supply of weapons and related material to a given State.

This measure always aims to prevent the escalation of armed conflicts, protect populations that are victims of human rights violations, guarantee international peace and security, and ensure compliance with International Humanitarian Law. At the international level, the United Nations, through the Security Council, has the authority to impose arms embargoes under Chapter VII of

the UN Charter, which deals with "Action in the Event of Threats to the Peace, Breaches of the Peace or Acts of Aggression."

The international regulatory framework is based on the Arms Trade Treaty (ATT), which was approved by the United Nations General Assembly on April 2, 2013, and entered into force on December 24, 2014. Since its adoption, the ATT has also been used to strengthen existing arms embargoes imposed by the United Nations Security Council.

Arms embargoes serve a dual purpose: On the one hand, to ensure the end of the supply of weapons to a State that could use them to commit serious human rights violations; and on the other hand, a coercive purpose that aims, through measures that do not involve the use of force, to pressure a State to respect International Humanitarian Law, International Human Rights Law or the resolutions of international bodies.

Concrete examples of how the Arms Trade Treaty (ATT) has influenced the imposition of arms embargoes include the European Union's response to the crises in Syria and Yemen. The EU has used the risk assessments stipulated by the ATT to justify and strengthen its arms embargoes on these countries. For instance, in the case of Syria, it imposed an arms embargo in 2011, which has been reinforced and justified by the provisions of the ATT. The EU argued that arms exports to the Syrian regime could facilitate serious human rights violations and war crimes, in line with the criteria of the ATT.

Similarly, the conflict in Yemen has seen a similar application of the Arms Trade Treaty (ATT) by European Union member states. The arms embargo on Yemen has been largely justified by the risk that weapons supplied to the parties to the conflict would be used to commit violations of international humanitarian law. Risk assessments conducted under the ATT have been crucial in enabling EU member states to determine that continuing arms exports would be inconsistent with their obligations under the treaty.

In this regard, the European Union also has a specific regulatory framework for controlling arms exports, established in Common Position 2008/944/CFSP, which defines common rules for controlling exports of military technology and equipment. Based on the powers conferred upon the Union in the Common Foreign and Security Policy (Title V, Chapter II, of the Treaty on European Union), the EU has imposed arms embargoes in specific situations, such as the embargoes on Syria (Decision 2013/255/CFSP) and Venezuela (Decision (CFSP) 2017/2074).

As has been shown, arms trade embargoes against certain countries are not only a tool legitimized by International Law, but also allow States individually to comply with their non-assistance obligations, reducing the violence perpetrated by the embargoed States and preventing them from continuing to commit crimes against humanity.

In Spain, Law 53/2007, of December 28, on the control of foreign trade in defense and dual-use goods, and Royal Decree 679/2014, of August 1, which approves the Regulation on the control of foreign trade in defense, other materials and dual-use products and technologies, provide the necessary instruments for Spain to have a robust export control system, and to be able to comply with its international obligations and commitments, especially those acquired in the TC.

However, Spanish legislation does not provide for the declaration of a national arms embargo. While the effects sought by a national arms embargo have been achieved through the application of existing export control regulations and the case-by-case analysis of license applications, using the criteria established in current legislation, the Arms Trade Treaty (ATT), and Common Position 2008/944/CFSP, the formal declaration of a national arms embargo in exceptional situations facilitates the effective application of existing regulations and reinforces Spain's political commitment to international peace and security.

Therefore, given the exceptional nature of the situation described, the Government considers it urgent and necessary to adopt extraordinary measures to prohibit the transfer of defense and dual-use materials that Israel is using against the civilian population.

Furthermore, it is also necessary to address the problem posed by the exclusion of certain types of aircraft fuel from the list of defense materials included in Annex I of the Regulation on the Control of Foreign Trade in Defense Material, Other Material, and Dual-Use Products and Technologies, approved by Royal Decree 679/2014 of August 1. This list, which uses the European Union's Common Military List of Council Common Position 2008/944/CFSP as a reference, establishes that the classification of specially formulated aircraft fuels for military purposes as defense material does not apply to JP-4, JP-5, and JP-8 aircraft fuels. This means that their transit through Spain is not subject to the prior authorization stipulated in the aforementioned regulation. This royal decree-law excludes the application of this exception for the transit of these types of military fuel destined for Israel, establishing, moreover, the obligation to deny it and extending it to any type of fuel that may have a final military use, when it is destined for Israel.

Finally, with regard to products originating from Israeli settlements in the occupied Palestinian territory, it is important to consider the Advisory Opinion of the International Court of Justice of 19 July 2024, entitled "Legal Consequences of Israel's Policies and Practices in the Occupied Palestinian Territory, Including East Jerusalem." The Court concluded, in paragraphs 273 to 279, that violations committed by Israel in the occupied Palestinian territory have legal consequences for the rest of the States in the international community. Specifically, the Court established that Israel had violated its obligation to respect the Palestinian people's right to self-determination and the obligation arising from the prohibition on the use of force to acquire territory, as well as obligations under international humanitarian law and human rights law, obligations expressly set forth in UN General Assembly resolutions 2625 (XXV), 74/11, 77/126 and 32/161 and UN Security Council resolutions 465 (1980) and 2334 (2016), among others. The Court concluded that, as a consequence of these resolutions, States have, among other obligations, to "take measures to prevent trade or investment relations that contribute to the maintenance of the illegal situation created by Israel in the occupied Palestinian territory."

Under Article 25 of the Charter of the United Nations, Members of the United Nations are obligated to accept and comply with the decisions of the Security Council in accordance with the Charter. Furthermore, Article 103 of the Charter stipulates that, in the event of a conflict between the obligations of Members of the United Nations under the Charter and their obligations under any other international agreement, the obligations imposed by the Charter shall prevail.

It is also important to take into account the provisional measures issued by the International Court of Justice in the case concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), by Order dated 26 January 2024, reaffirmed and extended by Order of 28 March 2024 and by Order of 24 May 2024, which establish, among others, the obligation for Israel to prevent the commission of the crime of genocide in Gaza, to take measures to prevent and punish incitement to commit it, or to adopt effective measures to allow the provision of basic services and humanitarian aid. Spain, as a State party to the Convention on the Prevention and Punishment of the Crime of Genocide, has undertaken to "adopt, in accordance with their respective Constitutions, the legislative measures necessary to ensure the application of the provisions of this Convention, and in particular to establish effective criminal sanctions to punish persons guilty of genocide or any other of the acts listed in Article III" (Article V).

III

This royal decree-law consists of an explanatory part and a dispositive part, made up of four articles, two additional provisions, one transitional provision and four final provisions.

Article 1 regulates the prohibition of transfers of defense equipment, other materials, and dual-use goods and technologies. To this end, exports to Israel and imports originating in Israel of the materials listed in the annexes of the Regulation on the Control of Foreign Trade in Defense Equipment, Other Materials, and Dual-Use Goods and Technologies, approved by Royal Decree 679/2014 of August 1, are prohibited. Furthermore, applications for transit authorization of such materials will be denied.

Article 2 addresses measures concerning military fuels destined for Israel. Specifically, applications for transit authorization to Israel for fuels that may have a final military use will be denied.

Article 3 contemplates measures aimed at prohibiting the customs import of products originating from Israeli settlements in the Occupied Palestinian Territory.

Article 4 states that advertising the marketing of goods originating from Israeli settlements in the Occupied Palestinian Territory and services provided in said settlements will be considered illegal advertising.

The royal decree-law concludes with a series of additional, transitional and final provisions.

The first additional provision contemplates the exceptional authorization by the Council of Ministers of the transfers contemplated in article 1 of the royal decree-law.

The second additional provision refers to the Government's appearance before the corresponding Committee of the Congress of Deputies, on a quarterly basis, to give an account of the application of the measures contemplated in this royal decree-law.

The sole transitional provision provides for the retroactive application of the measures provided for in the regulation in cases of authorizations requested or already in force.

The first final provision contains the legal titles that empower the State to approve this regulation.

For its part, the second final provision legally guarantees that the determinations included in regulatory rules provided for in this royal decree-law may be modified by rules of the regulatory rank.

The third final provision empowers the Council of Ministers to agree to the termination of the measures provided for in this royal decree-law.

Final provision four establishes that the rule will come into force the day after its publication in the "Official State Gazette".

IV

Article 86 of the Spanish Constitution allows the Government to issue decree-laws "in case of extraordinary and urgent need", provided that they do not affect the organization of the basic institutions of the State, the rights, duties and freedoms of citizens regulated in Title I of the Constitution, the regime of the autonomous communities or the general electoral law.

The extraordinary and urgent need to approve this royal decree-law falls within the political or expediency judgment that corresponds to the Government (SSTC 61/2018, of June 7, FJ 4; 142/2014, of September 11, FJ 3) and this decision, without a doubt, implies an ordering of political priorities for action (STC, of January 30, 2019), focused on contributing to alleviate as much as possible the situation of indiscriminate attacks, the suffering and the violation of human rights that the Palestinian population has been suffering.

The reasons of opportunity that have just been set out demonstrate that, in no case, does this royal decree-law constitute a case of abusive or arbitrary use of this constitutional instrument (SSTC 61/2018, of June 7, FJ 4; 100/2012, of May 8, FJ 8; 237/2012, of December 13, FJ 4; 39/2013, of February 14, FJ 5).

On the contrary, all the reasons set out fully and reasonably justify the adoption of this rule (SSTC 29/1982, of May 31, FJ 3; 111/1983, of December 2, FJ 5; 182/1997, of October 20, FJ 3) which address this political priority of defending the lives and human rights of the Palestinian population, in order to hinder the continuation of the invasion of the Gaza Strip by Israel and thus prevent them from obtaining more military resources.

This rule is therefore configured as an instrument with well-defined contours in which the political judgment of opportunity and necessity is more than justified, oriented towards a specific result and in a context of extraordinary and urgent need that cannot be postponed and is unavoidable.

Likewise, only the royal decree-law tool can guarantee immediate regulatory action and implementation in a shorter time than that required for the ordinary processing of a law or by the urgent procedure for the prior and subsequent parliamentary administrative processing of laws.

Therefore, it is established that "there is a necessary connection between the defined emergency situation and the specific measure adopted to address it (SSTC 29/1982, of May 31, FJ 3; 182/1997, of October 20, FJ 3, and 137/2003, of July 3, FJ 4)" judgment ECLI:ES:TC: 2023:18, under the following terms:

«a) The concept of extraordinary and urgent need contained in the Constitution is not, in any way, “a clause or expression empty of meaning within which the logical margin of political appreciation of the Government moves freely without any restriction, but, on the contrary, the finding of a legal limit to action by means of decree-laws” (SSTC 11/2002, of January 17, FJ 4, and 137/2003, of July 3, FJ 3).

(b) The definition by political bodies of a situation of “extraordinary and urgent need” must be explicit and reasoned, and there must be a meaningful connection or relationship of suitability between the defined situation that constitutes the enabling condition and the measures adopted in the decree-law (Constitutional Court Judgment 29/1982, of May 31, Legal Ground 3), such that the latter bear a direct or congruent relationship with the situation being addressed (Constitutional Court Judgment 182/1997, of October 28, Legal Ground 3). However, the express definition of the extraordinary and urgent need does not always have to be contained in the royal decree-law itself; rather, such a condition may also be deduced from a plurality of elements. Thus, the examination of the existence of the aforementioned enabling condition of “extraordinary and urgent need” must always be carried out through the joint assessment of all those factors that determined the Government to issue the exceptional legal provision, which are, basically, “those reflected in the statement of reasons for the rule, throughout the parliamentary debate of validation, and in the file of its preparation” (SSTC 29/1982, of May 31, FJ 4; 182/1997, of October 28, FJ 4; 11/2002, of January 17, FJ 4, and 137/2003, of July 3, FJ 3), always bearing in mind “the specific situations and the governmental objectives that have given rise to the approval of each of the decree-laws judged” (SSTC 6/1983, of February 4, FJ 5; 182/1997, of October 28, FJ 3; 11/2002, of January 17, FJ 4, and 137/2003, of July 3, FJ 3).»

In summary, the present royal decree-law meets the enabling condition of extraordinary and urgent need required in article 86.1 of the Spanish Constitution.

On the other hand, it should also be noted that this royal decree-law does not affect the organization of the basic institutions of the State, the rights, duties and freedoms of citizens regulated in Title I of the Constitution, the regime of the autonomous communities or the general electoral law.

V

Furthermore, this royal decree-law is consistent with the principles of good regulation established in article 129 of Law 39/2015, of October 1, on the Common Administrative Procedure of Public Administrations.

Firstly, it adheres to the principles of necessity and effectiveness, since its measures aim to safeguard a general interest, which is to contribute to alleviating the suffering of the Palestinian population, and this regulatory instrument is the most immediate way to guarantee its achievement.

The regulation also respects the principle of proportionality, as it contains only the provisions essential for achieving the aforementioned objectives. Furthermore, the regulation is consistent with the current legal system and its hierarchy of sources, thus adhering to the principle of legal certainty.

Regarding the principle of transparency, this regulation clearly defines its objectives, as reflected both in its preamble and in the accompanying explanatory memorandum. Likewise, its publication in the Official State Gazette and its subsequent ratification debate in Congress fully guarantee this principle of good regulation.

Finally, in relation to the principle of efficiency, this royal decree-law does not generate additional administrative burdens for citizens as a whole.

This royal decree-law is issued under the provisions of rules 3, 4, 10, 27 and 29 of article 149.1 of the Spanish Constitution, which attribute to the State exclusive competence in matters of international relations; defense and armed forces; customs and tariff regime; foreign trade; basic rules of the press, radio and television regime and, in general, of all social media, without prejudice to the powers that in their development and execution correspond to the autonomous communities, and public security, respectively.

Therefore, by virtue of the authorization contained in Article 86 of the Spanish Constitution, at the proposal of the Minister of Economy, Trade and Business; the Minister of Foreign Affairs, European Union and Cooperation; the Minister of Defense; the Minister of Finance; and the Minister of the Interior, and after deliberation by the Council of Ministers at its meeting of 23 September 2025,

I HAVE AVAILABLE:

Article 1. Prohibition of transfers of defense material, other material and dual-use products and technologies and denial of applications for transit authorization of such material.

1. Exports to Israel and imports originating in Israel of the material included in the annexes of the Regulation on the control of foreign trade in defense material, other material and dual-use products and technologies, approved by Royal Decree 679/2014, of August 1, are prohibited.

For these purposes, export and import shall be understood as provided in numbers 7 and 8, respectively, of article 3 of Law 53/2007, of December 28, on the control of foreign trade in defense and dual-use material.

2. The prohibition established in the previous section shall be made effective in each case in accordance with the procedure provided for in Chapter II of Law 53/2007, of December 28.

3. Likewise, the Ministry of Foreign Affairs, European Union and Cooperation and the Ministry of Economy, Trade and Business will deny applications for transit authorization of the material included in paragraph 1 of this article, within the scope of their respective competences, in accordance with the provisions of the Regulation on the control of foreign trade in defense material, other material and dual-use products and technologies.

Article 2. Measures concerning fuels for military use destined for Israel.

1. Applications for transit authorization to Israel for fuels that may have a final military use will be denied, in accordance with the provisions of Article 10 of the Regulation on the control of foreign trade in defense material, other material and dual-use products and technologies.

2. Note 1 of category ML8, technical note 2.c).1 of Annex I.1 of the Regulation on the control of foreign trade in defense material, other material and dual-use products and technologies, approved by Royal Decree 679/2014, of August 1, referring to JP-4, JP-5 and JP-8 "aircraft" fuels, shall not apply to transit authorization applications regulated in the previous section.

Article 3. Customs import of products originating from Israeli settlements in the Occupied Palestinian Territory.

1. The importation into Spain of products originating from Israeli settlements in the Occupied Palestinian Territory is prohibited, in accordance with the advisory opinion of the International Court of Justice of 19 July 2024.

For the purposes of this article, importation means release for free circulation as set out in Article 201 of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code.

All customs declarations for goods originating in Israel must include the postal code and the corresponding locality of the place of origin.

2. At the proposal of the Ministry of Foreign Affairs, European Union and Cooperation, the Presidency of the State Tax Administration Agency will approve the list of localities and postal codes corresponding to the Israeli settlements in the Occupied Palestinian Territory so that said Agency can comply with the provisions of this article.

3. In application of Article 24.2(a) of Regulation (EU) 2015/478 of the European Parliament and of the Council of 11 March 2015 on the common arrangements for imports, the State Tax Administration Agency will refuse the import of products originating from Israeli settlements in the Occupied Palestinian Territory.

4. The provisions of Organic Law 12/1995, of December 12, on the Repression of Smuggling, shall apply to non-compliance with the provisions of this article.

Article 4. Advertising of the marketing of goods originating from Israeli settlements in the Occupied Palestinian Territory and of services provided in said settlements.

Advertising the sale of goods originating from Israeli settlements in the Occupied Palestinian Territory and services provided in those settlements shall be considered unlawful advertising for the purposes of Article 3(d) of Law 34/1988 of 11 November, the General Advertising Law. For these purposes, Israeli settlements in the Occupied Palestinian Territory shall be those listed in paragraph 2 of the preceding article.

Additional provision one. Defense of the general interests.

The Council of Ministers may, exceptionally, authorize the transfers of defense material, other material and dual-use products and technologies referred to in Article 1 of this Royal Decree-Law when the application of the prohibition provided for in said article would imply a detriment to the general national interests, after a report from the Interministerial Board Regulating Foreign Trade in Defense and Dual-Use Material.

Second Additional Provision. Government accountability to the Congress of Deputies.

The Government will appear before the relevant Committee of the Congress of Deputies, on a quarterly basis, in order to give an account of the application of the measures contemplated in this royal decree-law and, in particular, of the authorizations that, where appropriate, the Council of Ministers may have agreed upon in application of the provisions of the first additional provision.

Single transitional provision. Current applications and authorizations.

1. Without prejudice to the provisions of the first additional provision of this Royal Decree-Law, applications pending resolution at the time of its entry into force, made under Article 4 of Law 53/2007, of December 28, on the control of foreign trade in defense and dual-use material, and which are within the scope of application of Article 1 of this Royal Decree-Law, shall be processed in accordance with the aforementioned Article 4.
2. Without prejudice to the provisions of the first additional provision of this Royal Decree-Law, the authorizations that are in force at the time of its entry into force by virtue of the provisions of Article 4 of Law 53/2007, of December 28, and that are within the scope of application of Article 1 of this Royal Decree-Law, shall be revoked in accordance with Article 8 of Law 53/2007, of December 28.

Final provision one. Competency titles.

This royal decree-law is issued under the provisions of rules 3, 4, 10, 27 and 29 of article 149.1 of the Spanish Constitution, which attribute to the State exclusive competence in matters of international relations; defense and armed forces; customs and tariff regime; foreign trade; basic rules of the press, radio and television regime and, in general, of all social media, without

prejudice to the powers that in their development and execution correspond to the autonomous communities, and public security, respectively.

Final provision two. Safeguarding the status of regulatory provisions.

The determinations included in regulatory rules provided for in this royal decree-law may be modified by rules of the regulatory rank corresponding to the rule in which they appear.

Final provision three. Termination of the measures contemplated in this royal decree-law.

By Agreement of the Council of Ministers, the termination of the measures contemplated in this royal decree-law may be agreed in whole or in part.

Final provision four. Entry into force.

This royal decree-law shall enter into force on the day following its publication in the "Official State Gazette".

Given on September 23, 2025.

FELIPE R.

The President of the Government,

PEDRO SÁNCHEZ PÉREZ-CASTEJÓN