

No. 13393

FRANCE
and
SPAIN

Convention concerning the construction of an international bridge over the Garonne, at the French-Spanish frontier at the place called "Puente Del Rey" (with annexed protocol). Signed at Madrid on 8 February 1973

Authentic texts: French and Spanish.

Registered by France on 18 June 1974.

FRANCE
et
ESPAGNE

Convention concernant la construction d'un pont international sur la Garonne, à la frontière franco-espagnole au lieu-dit « Pont du Roy » (avec protocole annexé). Signée à Madrid le 8 février 1973

Textes authentiques : français et espagnol.

Enregistrée par la France le 18 juin 1974.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE GOVERNMENTS OF THE FRENCH REPUBLIC AND THE SPANISH STATE CONCERNING THE CONSTRUCTION OF AN INTERNATIONAL BRIDGE OVER THE GARONNE, AT THE FRENCH-SPANISH FRONTIER AT THE PLACE CALLED “PUENTE DEL REY”

The Government of the French Republic and the Government of the Spanish State,

Desiring to continue the improvement of the road links between the two countries,

Considering the recommendations of the International Pyrenees Commission at its session in Madrid from 5 to 9 October 1970,

Have agreed as follows:

Article 1. An international bridge shall be built over the Garonne across the frontier line to replace the existing bridge, known as “Puente del Rey”, which is situated entirely in Spanish territory.

The construction of the international bridge and of the approaches thereto shall be referred to in this Convention as the “Operation”.

Article 2. Provisions applicable to this “Operation” are laid down in this Convention, which hereby establishes how rights and obligations shall be shared as between the two Governments.

Special provisions concerning the technical characteristics of the new bridge shall be laid down in an annexed Protocol.

Article 3. The construction of the bridge and of the approaches thereto is hereby entrusted to the Spanish Government, which shall be the Government-in-charge. The Spanish Government shall, acting in agreement with the Government of the other country, be responsible for carrying out the studies for the project and for the allocation and over-all control of the work.

The two Governments may by mutual agreement delegate their authority to the Joint Technical Commission provided for in article 8 of this Convention.

Article 4. The cost of the Operation shall be apportioned as follows:

- (a) Approaches to the bridge situated in Spanish territory: 100 per cent to be paid by the Spanish Government;
- (b) Approaches to the bridge situated in French territory: 100 per cent to be paid by the French Government;

¹ Came into force on 8 February 1973 by signature, in so far as concerns the annexed Protocol, in accordance with article 4 of the latter, and on 18 April 1974 in so far as concerns the Convention itself, i.e. on the date agreed upon by the two Governments after the completion of the required constitutional procedures of the two States, in accordance with article 14 of the Convention.

- (c) Actual bridge, including abutments, and maintenance of the works during the period of guarantee: each Government concerned shall pay 50 per cent of these costs.

Article 5. Reimbursement of expenditure by the Government which is not in charge to the Government-in-charge responsible for the execution of the work shall be made by means of:

- (a) A quarterly payment of the amounts corresponding to the cost of the work carried out during the previous quarter; and
(b) The payment of the balance upon the general and final completion of work.

The quarterly statement on the progress of work, as well as the final accounts, shall be prepared by the technical services of the Government-in-charge and approved by the Joint Technical Commission provided for in article 8.

Article 6. In the allocation of work for the Operation, contractors from the two countries shall be on an equal footing.

There shall be no discrimination in the choice of personnel, equipment, materials or accessories.

Article 7. The applicable labour and social security legislation and regulations shall be those in force in the State of the Government-in-charge. The contractors whose bids are accepted must elect to be domiciled in the territory of that State.

Article 8. In order to ensure that the work is carried out as efficiently as possible and to establish permanent contact between the responsible services in the two countries, a French-Spanish Joint Technical Commission shall be established for this Operation.

In addition to its technical functions, the Commission shall be responsible for establishing the amount of the payments to be made to the Government-in-charge by the other Government in accordance with article 4 above, for which purpose it shall take account of possible fluctuations in exchange rates and of any changes in prices.

The Commission shall be composed of an equal number of French and Spanish delegates, assisted by any experts whom they may consider necessary. The head of each delegation shall be the chief of the service in whose district the Operation is being carried out.

The membership of the Commission shall be communicated by the diplomatic channel.

Article 9. The two Governments shall arrange for any land needed for the conduct of the Operation which is situated in their respective territories to be put at the disposal of the Government-in-charge during the execution of the work.

Article 10. For the work, the Government-in-charge shall, acting in agreement with the other Government, arrange to have provisional taking-over formalities completed, which shall be followed subsequently by the permanent taking-over. On the occasion of the permanent taking-over, the Government-in-charge shall transfer to the other Government responsibility for the part of the bridge and the approaches situated in the latter's territory.

Until that transfer, the Government-in-charge shall be responsible for the entire structure, including its maintenance.

After the transfer, each Government shall maintain the part of the structure situated in its territory, except in the event that, if technical reasons should so require, special provisions are adopted whereby all or part of the maintenance operations are entrusted to one Government only.

Such provisions shall be agreed in an annexed Protocol or, subsequently, through the diplomatic channel.

Article 11. Each of the two contracting Governments undertakes:

- (a) Notwithstanding the provisions of article 12 of this Convention, to allow building materials, raw materials, installation equipment, tools and any other items, excluding energy, for the conduct of the Operation originating in or coming from either one of the two States to be brought onto the site free of all duty and tax, where such items are to be fully used during the work or incorporated in the structure;
- (b) To allow the temporary duty-free and tax-free entry of equipment needed for the conduct of operations;
- (c) To exempt from import or export bans and any other economic restrictions all building materials, raw materials, installation equipment, tools and other items, including energy, for the conduct of the Operation originating in or coming from either one of the two States, where such items are to be fully used during the work or incorporated in the structure.

All the items referred to in paragraphs (a) and (c) above which have not been incorporated in the structure must be returned to the country whence they came on the completion of operations.

Article 12. The contractors shall pay in each State whatever tax is due in respect of the work for which that country is responsible.

Notwithstanding the provisions of article 4 of the French-Spanish Convention of 8 January 1963 for the avoidance of double taxation with respect to taxes on income and fortune, the construction site established by the contractor of one of the States on the territory of the other shall not be considered as a permanent establishment within the meaning of that Convention.

In addition, notwithstanding the provisions of article 18, paragraph 1, of that Convention, wages shall be taxable only in the State of which the recipient is a resident within the meaning of that Convention.

Article 13. The contracts governing the Operation shall be subject to the rules of public law in force in the country of the Government-in-charge.

Disputes, if any, between the technical services and the contractor shall come within the sole jurisdiction of the authorities of the country-in-charge.

Article 14. This Convention shall enter into force on a date set by agreement between the two Governments after the completion of the constitutional procedures required in each of the two countries.

DONE at Madrid, on 8 February 1973, in duplicate in French and Spanish, both texts being equally authentic.

For the Government of the French Republic:
[Signed]
ROBERT GILLET

For the Government of the Spanish State:
[Signed]
LÓPEZ BRAVO

PROTOCOL

ANNEXED TO THE CONVENTION SIGNED BETWEEN THE GOVERNMENTS OF THE FRENCH REPUBLIC AND THE SPANISH STATE CONCERNING THE CONSTRUCTION OF AN INTERNATIONAL BRIDGE OVER THE GARONNE, AT THE FRENCH-SPANISH FRONTIER AT THE PLACE CALLED PUENTE DEL REY

The Government of the French Republic and the Government of the Spanish State, pursuant to the second paragraph of article 2 of the Convention signed at Madrid on 8 February 1973 concerning the construction of the international bridge over the Garonne, have agreed as follows:

Article 1. The technical characteristics of the international bridge to be constructed at the place called "Puente del Rey" shall, subject to the elaboration of the final project, be as follows:

(a) *Plan*

The bridge shall be built downstream from the existing bridge. Its axis shall, if possible, form an angle of skew with the axis of the river of 36°5' on the Spanish side (left bank) and 29° on the French side (right bank).

The axis of the left bank abutment shall be 24.80 metres downstream from the axis of the left bank abutment of the existing bridge. The axis of the right bank abutment shall be 70 metres downstream from the axis of the right bank abutment of the existing bridge.

The total length of the structure shall be 540.48 metres comprising, starting from the Spanish side:

| | |
|---|--------------|
| — A curve with a radius of 200 metres and progressive connexion . . . | (1 = 130.94) |
| — A straight line | (1 = 44.23) |
| — A curve with a radius of 230 metres and progressive connexion . . . | (1 = 121.82) |
| — A straight line terminating on the bridge | (1 = 50.40) |
| — A curve with a radius of 90.24 metres and progressive connexion . . | (1 = 110.89) |
| — A straight line | (1 = 82.20) |

(b) *Transverse profile*

The platform shall have a standard width of 9 metres with a 7-metres roadway and two 1-metre verges. The roadway shall be wider at the curve. A ditch 0.80 metre wide shall be provided on the excavation side.

(c) *Longitudinal profile*

The original elevation of the project on the Spanish side is 582.74 metres above sea level at the sea of Alicante and the elevation of the end of the project on the French side is 578.11 metres. The difference between the elevations above sea level at the sea of Alicante and the elevations of the same point above the zero of the *nivellement général de la France* (NGF) is -2.27 at Puente del Rey.

Elevation above zero at the sea of Alicante minus elevation above zero of NGF = -2.27 .

The axis which descends regularly from the Spanish side towards the French side shall have the following gradients, between which parabolic connexions shall be placed:

— approach on Spanish side:

— gradient:

0.01425 metres per metre for a distance of 108.06 metres;

0.001672 metres per metre for a distance of 191.37 metres.

— on the bridge on both sides:

— gradient:

0.00772 metres per metre for a distance of 115.45 metres.

— approach on French side:

— gradient:

0.01796 metres per metre for a distance of 100.75 metres;

0.00281 metres per metre for a distance of 24.85 metres.

(d) *Waterways:*

The bridge shall have an opening of 24.59 metres between the alignments of the abutments and the underside of the roadway shall be at the minimum elevation of 578.05 (above sea level at the sea of Alicante).

(e) *Live loads and technical requirements:*

The Joint Technical Commission shall propose whatever measures are necessary to ensure compliance with the technical regulations and standards in force in the two countries.

Article 2. The French-Spanish Joint Technical Commission provided for in article 8 of the Convention shall be competent to take decisions on the location and extent of the land to be put at the disposal of the contractor.

Article 3. Each State shall pay the taxes and dues relating to the parts of the structure situated in its territory (the *impuesto general sobre el tráfico de empresas* in Spain and the *taxe à la valeur ajoutée* in France). The Joint Technical Commission provided for in article 8 of the Convention shall determine the arrangements for payments and reimbursements in connexion with the operation.

Article 4. This Protocol shall enter into force on the date of its signature and shall be considered as an annex to the Convention concerning the construction of the bridge over the Garonne at the place called “Puente del Rey”.

DONE at Madrid, on 8 February 1973, in duplicate in French and Spanish, both texts being equally authentic.

For the Government of the French Republic:

[*Signed*]

ROBERT GILLET

For the Government of the Spanish State:

[*Signed*]

LÓPEZ BRAVO