

No. 13576

**FRANCE
and
SPAIN**

Convention on mutual assistance between French and Spanish fire and emergency services. Signed at Madrid on 14 July 1959

Additional Agreement to the above-mentioned Convention. Signed at Madrid on 8 February 1973

Authentic texts: French and Spanish.

Registered by France on 10 October 1974.

**FRANCE
et
ESPAGNE**

Convention d'assistance mutuelle entre les services d'incendie et de secours français et espagnols. Signée à Madrid le 14 juillet 1959

Avenant à la Convention susmentionnée. Signé à Madrid le 8 février 1973

Textes authentiques : français et espagnol.

Enregistrés par la France le 10 octobre 1974.

[TRANSLATION — TRADUCTION]

CONVENTION¹ ON MUTUAL ASSISTANCE BETWEEN FRENCH AND SPANISH FIRE AND EMERGENCY SERVICES

The Government of the French Republic and the Spanish Government, considering that the proposals made by the Sub-Commission on the Demarcation and Policing of Frontier and approved by the International Pyrenees Commission at the meeting held in Paris in December 1958 are beneficial to their citizens living in the frontier zone, have decided to conclude this Agreement, the purpose of which is to facilitate mutual assistance and the speedy dispatch of emergency aid in the event of any serious accidents or major disasters that may occur in the regions adjacent to the frontier. This Agreement shall not cover emergency aid in respect of accidents to aircraft which shall be the subject of a special protocol.

This Agreement shall apply not only to personnel and equipment of the fire services, but also to all personnel and items of equipment that may be employed in the two countries under their respective emergency operation plans.

Article I. MUTUAL OBLIGATIONS

1. The Spanish authorities and the French authorities respectively may, on a reciprocal basis, request assistance from the competent authorities of the other Party in the event of any serious accidents or major disasters occurring in the vicinity of the frontier.

2. Such assistance shall be furnished if either Party is in need of it, provided that the other Party is not already engaged in an emergency or fire-fighting operation.

In the latter case, the French and Spanish authorities shall consult together with a view to taking all necessary measures to deal with this exceptional situation.

3. Where nationals of one of the contracting countries suffer accidents in the other country, in the vicinity of the frontier, members of the emergency services of their country of nationality shall be entitled, subject to prior agreement between the local authorities of the two countries, to proceed to the scene of the accident.

Article II. CROSSING OF THE FRONTIER

Inasmuch as the effectiveness of emergency operations depends upon the speed with which they are initiated, the two Contracting Parties undertake to reduce frontier crossing formalities to the absolute minimum.

Such minimum shall include the handing over by the leader of the emergency team, of a document certifying his status. He shall assume responsibility for his team, as regards both its personnel and its equipment.

The said team leader shall present a list of his personnel to the frontier authorities of the other Party.

In addition, in order that the customs authorities may, so far as possible, carry out the necessary checks, he shall present to them a list of the vehicles and equipment crossing the frontier.

¹ Came into force on 8 March 1960 by the exchange of the instruments of ratification, in accordance with article VIII.

Article III. OVER-ALL DIRECTION OF EMERGENCY OPERATIONS

The over-all direction of emergency operations shall in all cases be the responsibility of the authorities of the territory in which the accident or disaster occurs.

The director of such operations should, however, confine himself to specifying the tasks which he intends to entrust to the assisting teams, without going into details as to the performance thereof. For the latter purpose, contacts between the two Parties shall be maintained by team leaders.

The two Parties shall, so far as possible, establish appropriate permanent emergency teams in their respective frontier zones and shall inform each other of the composition of such teams.

The competent authorities of each of the co-signatory Parties undertake to submit to the local authorities of the other Party, as soon as possible, a list of the vehicles and equipment that could be dispatched, in case of need, from one country to the other.

Article IV. CONDITIONS RELATING
TO THE PROVISION OF EQUIPMENT

Emergency vehicles and equipment which leave one country in order to render assistance in the other country shall return to their country of origin upon completion of the work occasioned by accidents or disasters.

Any emergency equipment that fails to return to the country of origin without valid reason, as determined at their discretion by the customs authorities of the two countries, shall be subject to the rules laid down by the domestic legislation of each country. In that event, the leader of the emergency team of the country which provided the equipment shall be held responsible.

Article V. REIMBURSEMENT OF THE COSTS OF ASSISTANCE

No payment shall be made by one Party to the other Party in reimbursement of the costs of assistance or of any equipment that is lost, damaged or destroyed.

However, the costs incurred in provisioning the emergency teams and in furnishing supplies necessary for the functioning of the equipment shall be borne, throughout the operations, by the Party receiving assistance.

Article VI. PAYMENT OF DAMAGES
AND COMPENSATION CONSEQUENT UPON ACCIDENTS

1. In the event of the death of or injury to emergency personnel, the Party to which the personnel in question belong shall waive any claim against the other Party.

2. If the emergency services called in to assist cause damage to third parties at the place where they are employed, such damage being attributable to the emergency operations, the damage shall be the responsibility of the Party which requested the assistance, even if it results from a faulty action or technical error.

3. If the emergency services called in to assist cause damage to third parties while on the way to or from the place where they are employed, such damage shall be the responsibility of the authorities in whose territory it was caused.

Article VII. SPECIAL AGREEMENTS
REGARDING MUTUAL ASSISTANCE AND PLANS OF ACTION

Within the framework and pursuant to the provisions of this Convention, special agreements including a plan of action shall be drawn up in consultation be-

tween the prefects of the *départements* concerned and the corresponding Spanish authorities.

The plan of action, which shall be kept up to date at all times, shall be submitted in due course to the International Pyrenees Commission; it shall specify, in particular:

- (a) the nature, number and location of the means of emergency aid that can be provided by each Party at the request of the other;
- (b) the officials empowered to request assistance;
- (c) the official to whom the leader of the emergency detachment is to report on his arrival at the scene of the disaster;
- (d) all non-secret information that may facilitate the initiation of emergency aid, particularly existing or planned telephone connexions between the designated authorities.

Article VIII. TERM OF THE CONVENTION

1. This Convention shall remain in effect for a term of five years, during which it may be amended at the request of one of the Parties concerned after the agreement of the Party has been obtained.

2. It shall be renewed by tacit agreement unless 90 days' notice of termination is given by one of the Parties.

This Convention shall be ratified. It shall enter into force on the date of the exchange of instruments of ratification.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention.

DONE at Madrid, on 14 July 1959.

For the Government
of the French Republic:

[GUY DE LA TOURNELLE]

For the Spanish
Government:

[FERNANDO CASTIELLA]

[TRANSLATION — TRADUCTION]

ADDITIONAL AGREEMENT¹ TO THE CONVENTION ON MUTUAL ASSISTANCE BETWEEN FRENCH AND SPANISH FIRE AND EMERGENCY SERVICES, SIGNED AT MADRID ON 14 JULY 1959²

The Government of the French Republic and the Government of the Spanish State, considering that it is necessary to supplement the provisions of articles 1, 2, 3 and 7 of the Convention on mutual assistance between French and Spanish fire and emergency services, signed at Madrid on 14 July 1959² (hereinafter referred to as "the Convention"), regard being had to the proposals of the International Pyrenees Commission which were considered at its meeting of 5 October 1970, have agreed on the following provisions:

1. Article 1, paragraph 1, of the Convention shall be supplemented as follows:

The action zone on either side of the frontier shall comprise, on the French side, the territory of the bordering cantons, and, on the Spanish side, the territory of the bordering judicial districts. However, if, in the event of a particularly serious disaster affecting zones situated beyond the limits indicated above, an express request for action is made, the requested Party shall make available to the other Party such means of emergency aid as it may have at its disposal.

2. Article 1, paragraph 2, of the Convention shall be supplemented as follows: Assistance may be provided by aircraft, and in particular by helicopter.

3. Article 2 of the Convention shall be supplemented as follows:

In order to enable any actions by air to be taken as speedily as possible, the two Parties shall grant permanent overflight permits, for flights over France in the case of aircraft of the Spanish State and for flights over Spain in the case of aircraft of the French State. Such permits shall apply only to French and Spanish aircraft participating in emergency actions as aforementioned.

The filing of a flight plan, or a notification of flight, shall constitute notice of the impending action.

The competent authorities of the State over whose territory the action is taken may request a written report on the action from the competent authorities of the other State.

4. Article 3 of the Convention shall be supplemented as follows:

With a view to the employment and co-ordination of means of emergency aid by air, a request may be made for the Search And Rescue Services (SAR) provided for in the technical agreement between Spain, France and Italy of 10 March 1949, as amended in 1957 and 1972, on the co-ordination of search and rescue operations in the western Mediterranean and contiguous land areas.

¹ Came into force on 1 March 1974, the first day of the second month following the date of the last of the notifications by which each Contracting Party informed the other of the completion of the required procedures, in accordance with article 7.

² See p. 146 of this volume.

5. Article 7 of the Convention shall be supplemented as follows:

The competent services of the two Parties shall draw up by agreement the necessary technical provisions for the employment of means of emergency aid by air.

6. The provisions of articles 4, 5 and 6 of the Convention shall also apply in the event of action by air.

7. Each Contracting Party shall notify the other Party of the completion of the procedures required for the entry into force of this Agreement. It shall take effect on the first day of the second month following the date of the last notification.

DONE at Madrid, on 8 February 1973, in two copies, one in French and the other in 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
