

**No. 14053**

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**FRANCE  
and  
SPAIN**

**Convention on the protection of appellations of origin,  
indications of source and designations of certain prod-  
ucts (with annexes and protocol). Signed at Madrid on  
27 June 1973**

*Authentic texts: French and Spanish.*

*Registered by France on 27 May 1975.*

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**FRANCE  
et  
ESPAGNE**

**Convention sur la protection des appellations d'origine, des  
indications de provenance et des dénominations de  
certains produits (avec annexes et protocole). Signée à  
Madrid le 27 juin 1973**

*Textes authentiques : française et espagnol.*

*Enregistrée par la France le 27 mai 1975.*



[TRANSLATION — TRADUCTION]

CONVENTION<sup>1</sup> BETWEEN THE FRENCH REPUBLIC AND THE SPANISH STATE ON THE PROTECTION OF APPELLATIONS OF ORIGIN, INDICATIONS OF SOURCE AND DESIGNATIONS OF CERTAIN PRODUCTS

The President of the French Republic, and the Head of the Spanish State,

Recognizing that it is in the interests of each Contracting State to ensure protection against unfair competition in natural or manufactured products and in particular the protection of appellations of origin, indications of source and other designations reserved for certain specified products and goods;

Have agreed to conclude a Convention to that end and have accordingly appointed as their Plenipotentiaries:

The President of the French Republic: His Excellency Mr. Robert Gillet, Ambassador Extraordinary and Plenipotentiary of the French Republic in Spain,

The Head of the Spanish State: His Excellency Mr. Laureano López Rodo, Minister for Foreign Affairs,

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

*Article 1.* Each Contracting State shall take any necessary measures to ensure effective protection of natural and manufactured products originating in the territory of the other State against unfair competition in trade and to ensure effective protection for the designations specified in annexes A and B to this Convention, in accordance with the provisions of articles 2 to 7 hereof.

*Article 2.* The designations specified in annex A to this Convention shall, in the territory of the Spanish State, be reserved exclusively to French products or goods and shall be used there only in accordance with the conditions laid down in the legislation of the French Republic. Nevertheless, certain provisions of that legislation may, if necessary, be declared inapplicable by protocols which shall be deemed to be an integral part of this Convention.

*Article 3.* The designations specified in annex B to this Convention shall, in the territory of the French Republic, be reserved exclusively to Spanish products or goods and shall be used there only in accordance with the conditions laid down in the legislation of the Spanish State. Nevertheless, certain provisions of the legislation of the Spanish State may, if necessary, be declared inapplicable by protocols which shall be deemed to be an integral part of this Convention.

*Article 4.* 1. The inclusion in the lists contained in annexes A and B to this Convention of designations applicable to products or goods shall not affect the provisions governing the import of those products or goods in each Contracting State.

<sup>1</sup> Came into force on 5 March 1975, one month after the exchange at Paris of the instruments of ratification, in accordance with article 13, paragraphs 1 and 2.



2. Products or goods originating in the territory of one of the Contracting States and intended for export to the other State shall satisfy the requirements laid down in the legislation and regulations governing the sale of such products or goods in the country of origin.

*Article 5.* 1. The use or employment in trade, in contravention of the provisions of articles 2 and 3, of any of the designations specified in annexes A and B to this Convention for any products or goods, in their display, on their inner or outer packaging, in invoices, way-bills or other commercial documents, or in advertising shall be subject to all the legal or administrative penalties provided in the legislation of each Contracting State, including seizure when the legislation in question so allows.

2. The provisions of the preceding paragraph shall apply even when the designations specified in annexes A and B to this Convention are used in translation, or with an indication of the true source or the addition of such term as "style", "kind", "type", "imitation" or similar terms.

3. When, however, the legislation of one of the Contracting States permits the use of the term "method" to indicate a characteristic production process in the case of products or goods originating in regions or places other than those with which is associated an appellation of origin based on geographical position, this term may be used in the other State on the same conditions applied under the legislation of the first State.

4. The provisions of this article shall not apply to products or goods in transit.

*Article 6.* The provisions of article 5 of this Convention shall likewise apply when the following are used on products or goods, in their display, on their inner or outer packaging, in invoices, way-bills or other commercial documents or in advertising:

- (a) False or misleading appellations or origin;
- (b) False or misleading indications or other indications to which those products or goods are not entitled under the legislation of the country of origin and which are liable to mislead the buyer or consumer as to their true origin, their true source, their nature or their essential qualities.

*Article 7.* 1. Either Contracting State may notify the other State that the import into the latter State of products or goods covered by one of the designations specified in annexes A and B to this Convention should be permitted only if those products or goods are accompanied by a document proving that they are entitled to the said designation. In such cases, products or goods which are not accompanied by such a document shall be refused entry.

2. The Contracting State which exercises the right mentioned in paragraph 1 shall advise the other State which authorities are competent to issue the document in question. A specimen of the document shall accompany such notifications.

*Article 8.* 1. Products or goods originating in the territory of one of the Contracting States, and their packaging, labels, invoices, way-bills and other commercial documents, which, at the time of the entry into force of this Convention, customarily bear or make reference to indications the use of which is prohibited by the said Convention may be sold or used for a period of five years after the entry into force of the Convention.

2. However, glass, stoneware or chinaware containers which bear a stamped, embossed or otherwise indelible designation prohibited under this Convention may be used for a period of eight years after the entry into force of this Convention, on the understanding that the other provisions of paragraph 1 shall be observed.



*Article 9.* With respect to the use for advertising of indications prohibited by this Convention, the period of five years provided for in article 8, paragraph 1, shall be increased to eight years from the entry into force of this Convention, chiefly in order to permit the gradual adaptation of advertising to the new designations.

*Article 10.* 1. The lists contained in annexes A and B to this Convention may be modified or extended by means of a communication in writing from the Contracting State concerned to the other Party. Such modification or extension shall not be refused by the other Contracting State without a valid and substantiated reason.

2. However, either Contracting State shall be free to make deletions from the list of designations covering products or goods originating in its territory provided that it notifies the other Party of such deletions in writing.

3. In the case of the modification or extension of the list of designations concerning products or goods originating in the territory of one of the Contracting States, the provisions of articles 8 and 9 shall apply and the periods provided for in the said articles shall begin on the date of the publication of the modification or extension by the other Party.

*Article 11.* The provisions of this Convention shall be without prejudice to the protection which is or may be accorded in one Contracting State, under its internal legislation or under other international conventions, to the designations of the other State specified in annexes A and B to this Convention.

*Article 12.* 1. In order to facilitate the application of this Convention, a Joint Commission composed of representatives of the Governments of both Contracting States shall be established.

2. Its tasks shall include:

- (a) Consideration of possible improvements in the legislation and regulations of the two States concerning appellations of origin, indications of origin and protection against unfair competition;
- (b) Consideration of the most effective means of jointly protecting French and Spanish appellations of origin in third States;
- (c) Review of proposals to modify or extend the lists contained in annexes A and B, in accordance with the provisions of article 10;
- (d) Consideration of any questions connected with the application of this Convention and, in particular, all the possible consequences of amendments to the internal legislation of either Contracting State.

3. Either Contracting State may request a meeting of the Joint Commission.

*Article 13.* 1. This Convention shall be ratified; the instruments of ratification shall be exchanged at Paris at the earliest possible date.

2. This Convention shall enter into force one month after the exchange of the instruments of ratification and shall remain in force indefinitely.

3. Either Contracting State may denounce this Convention by giving one year's notice in writing to the other State.

IN WITNESS WHEREOF the above-mentioned Plenipotentiaries have signed this Convention.



DONE at Madrid, on 27 June 1973 in duplicate in the French and Spanish languages, both texts being equally authentic.

For the Government  
of the French Republic:

[Signed]

ROBERT GILLET

Ambassador Extraordinary  
and Plenipotentiary  
of the French Republic  
in Spain

For the Government  
of the Spanish State:

[Signed]

LAUREANO LÓPEZ RODÓ

Minister for Foreign Affairs

*[See p. 328 for the translation of the annexes which has been incorporated, in foot-note form, into the authentic text.]*

### PROTOCOL

The Contracting States, desiring to regulate in greater detail the application of certain provisions of the Convention of today's date on the protection of appellations of origin, indications of source and designations of certain products,

Have agreed on the following provisions, which shall be an integral part of the said Convention.

1. Articles 2 and 3 of the Convention shall not oblige the Contracting States, when products or goods bearing designations protected by those articles are marketed in either of their territories, to apply the legal and administrative provisions applicable in the other Contracting State to those products and goods, such as provisions concerning the keeping of registers of receipt and dispatch and concerning the movement of such products or goods.

2. The name "España", the designations "Hispania", "Spania" and "Iberia" and the names of Spanish provinces and regions shall be reserved exclusively for Spanish products and goods in the territory of the French Republic.

3. The name "France" and the names of former provinces and of regions of France shall be reserved exclusively for French products and goods in the territory of the Spanish State.

4. Indications concerning essential qualities within the meaning of article 6, paragraph (b) of the Convention, include the following:

(a) In the case of French and Spanish wines:

- A reference to the year and the harvest vintage;
- The name of one or several varieties of grape;

(b) in the case of Spanish wines:

Amontillado, generoso, de mesa, noble, noble de mesa, oloroso, solera, vinos especiales, vino enverado, chacolí, vinos dulces naturales, licorosos-generosos, licorosos, aromatizados, espumosos and con aguja.

(c) In the case of French wines:

Blanc de blanc, rosé sec, doux zwicker, edelzwicker, haut, grand cru, cru classé, premier cru, grand vin, pétillant, méthode champenoise, mousseux, brut, appellation contrôlée, appellation d'origine, appellation réglementée, vin doux naturel, vin délimité de qualité supérieure (VDQS), mise en bouteille au château, mise en bouteille à la propriété.



DONE at Madrid on 27 June 1973, in duplicate in the French and Spanish languages, both texts being equally authentic.

For the Government  
of the French Republic:

[Signed]

ROBERT GILLET  
Ambassador Extraordinary  
and Plenipotentiary  
of the French Republic  
in Spain

For the Government  
of the Spanish State:

[Signed]

LAUREANO LÓPEZ RODÓ  
Minister for Foreign Affairs

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