

No. 14110

**FRANCE
and
SPAIN**

**Agreement relating to the demarcation and maintenance of
the frontier. Signed at Madrid on 8 February 1973**

Authentic texts: French and Spanish.

Registered by France on 16 July 1975.

**FRANCE
et
ESPAGNE**

**Accord relatif à l'abornement et à l'entretien de la frontière.
Signé à Madrid le 8 février 1973**

Textes authentiques : français et espagnol.

Enregistré par la France le 16 juillet 1975.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN FRANCE AND SPAIN RELATING TO THE
DEMARCATIION AND MAINTENANCE OF THE FRONTIER

The Government of the French Republic and the Government of the Spanish State, desiring to establish, pursuant to a proposal of the International Pyrénées Commission, rational regulations relating to the demarcation, maintenance and identification of the frontier between the territories of the two States, have agreed on the following provisions:

CHAPTER I. GENERAL PROVISIONS

Article 1. The demarcation of the frontier, as defined by the international agreements in force between the two States, shall be established and maintained so that the frontier line is well defined and can be easily located along its entire length.

Article 2. The Contracting Parties shall, within the framework of their laws, regulations and administrative provisions, take the necessary measures to ensure the maintenance of the demarcation of the frontier and to prevent and punish the destruction, dilapidation or improper use of frontier marks, markers and other demarcation signs.

Article 3. Frontier marks situated on the frontier line shall be the joint property of the two States. Other demarcation signs shall be the property of the State in whose territory they are situated.

Article 4. Where the frontier crosses woodland, brushwood or scrub, a strip of ground four metres wide (two metres on each side of the frontier) shall be kept clear of vegetation at all times, if the Mixed Commission referred to in article 10 deems it necessary.

Each State shall bear the cost of clearing ground in its territory pursuant to the preceding paragraph.

Article 5. No structure shall be built less than 10 metres from the frontier on either side. Where watercourses or paths form the frontier, the distance shall be measured from their edges.

The competent authorities of the two States may, by mutual agreement, allow exceptions to the provisions of the first paragraph of this article in order to accommodate special situations existing at the frontier — in particular, to facilitate farming and to permit fishing and navigation — on the condition that the structures permitted in no way hamper the surveillance of the frontier.

The provisions of the first paragraph of the present article shall not apply to structures intended for the official services of either Contracting Party or to public works authorized by it.

In respect for acquired rights, existing structures built in compliance with the applicable regulations of each State shall be tolerated. In case of demolition or

¹ Came into force on 1 April 1975, i.e., the first day of the second month that followed the date of the last of the notifications (25 February 1975) by which each Contracting Party informed the other of the completion of the procedures required under its Constitution, in accordance with article 14.

transformation, their reconstruction or transformation shall be permitted only if it complies with the provisions of the present article; the same shall apply to structure in ruins.

An exception is hereby made with respect to the provisions of agreements between the two States concerning the construction of roads, bridges, electric or hydroelectric installations and other works serving the public interest.

Each State shall be entitled to apply provisions more strict than those laid down in the first paragraph.

CHAPTER II. PERMANENT DEMARCATION AGENTS

Article 6. The demarcation and maintenance of the frontier shall be entrusted to permanent demarcation agents whose duties shall be as follows:

- (a) to be responsible in the surveillance and inspection of frontier marks and other frontier demarcation signs. It is understood, however, that each State shall be entitled to arrange for administrative services or bodies other than the permanent agents to be responsible for the surveillance and inspection of frontier and other demarcation signs;
- (b) to ascertain and communicate to their authorities all circumstances contrary to the provisions of articles 1, 4 and 5 of the present Agreement;
- (c) to draw up by mutual agreement an annual statement of work required for the maintenance or replacement of frontier marks and other demarcation signs; this statement shall include cost estimates for that work;
- (d) upon approval by the authorities referred to in article 10, to order the performance of work for which their State is responsible or which their State is to perform for the account of the other State. When the work is urgent, however, the permanent demarcation agents may directly take the measures they deem appropriate;
- (e) to draw up an annual report on the execution of the work involved in maintaining or replacing frontier marks and other demarcation signs; this report shall indicate the costs of the work executed.

The operations provided for in the present article shall be recorded in a report to be drawn up in duplicate, in French and in Spanish, signed by the competent agents of the two States; the report shall be addressed to the competent Prefects and Governors and a copy thereof shall be transmitted to the Mixed Commission referred to in article 10.

Article 7. For the purposes of the application of article 6 of the present Agreement, the frontier shall be divided into six sectors, namely:

1. the frontier between the province of Guipúzcoa and the department of Pyrénées-Atlantiques;
2. the frontier between the province of Navarre and the department of Pyrénées-Atlantiques;
3. the frontier between the province of Huesca and the department of Pyrénées-Atlantiques;
4. the frontier between the province of Huesca and the departments of Hautes-Pyrénées and Haute-Garonne;
5. the frontier between the province of Lérida and the departments of Haute-Garonne and Ariège;

6. the frontier between the province of Gerona and the department of Pyrénées-Orientales.

A single permanent demarcation agent of either State may have jurisdiction over several sectors.

Article 8. The two Governments shall communicate to each other the names of their permanent demarcation agents and the sectors assigned to them. They shall also notify each other of any changes in that regard.

Article 9. The permanent demarcation agents may freely cross the frontier for the purpose of applying the present Agreement, provided they carry a bilingual document indicating their identity and status, which shall be issued by the competent authorities of the two States.

The demarcation agents shall, on their own responsibility, issue the necessary passes to persons assigned to perform frontier maintenance work in their sectors.

The persons referred to in the two preceding paragraphs may carry with them free of all customs duties and taxes the tools and materials necessary for their activity and may use appropriate means of transport on either side of the frontier, provided that the tools, unused materials and transport are returned to the State whence they came on the completion of operations.

CHAPTER III. RULES OF PROCEDURE

Article 10. A Mixed Commission shall be established as soon as the present Agreement enters into force. It shall be composed of four French delegates and four Spanish delegates. It shall elect its chairman alternately from among the French and Spanish delegates.

Each delegation may be accompanied by any experts it may consider necessary.

The members of the Mixed Commission, duly authorized by it, may communicate directly among themselves for the purpose of applying the present Agreement, in order to ensure its proper functioning and to co-ordinate the activities of the permanent agents.

The Mixed Commission shall meet alternately in France and in Spain at the request of either Government, at least once each year in order to:

(a) draw up, by mutual agreement, on the basis of the reports prepared by the permanent agents pursuant to article 6 (c), a plan for the allocation of the work to be performed by the agents;

The allocation shall be effected in such a manner that the works for which each State is responsible shall, in so far as possible, entail equal expenditures. However, such works may be combined and executed by one State for the account of the other where such combination is more economical;

(b) take decisions concerning the reports prepared by the permanent agents on work executed, pursuant to article 6 (e) and take the necessary measures to defray costs, as appropriate;

(c) take all necessary measures to ensure that the files and maps constituting the documentation relating to the description and delimitation of the frontier line are drawn up without delay and kept up to date in a rational manner.

The Mixed Commission shall also examine all difficulties that may arise and result of the application of the provisions of the present Agreement. It shall propose measures to solve them to the competent authorities of the two States.

Minutes of the meetings of the Mixed Commission shall be drawn up in duplicate in French and in Spanish, for the two Governments, a copy of the minutes shall be transmitted to the International Pyrénées Commission.

Article 11. Each Government shall bear the cost of remuneration of its permanent demarcation agents. The other costs arising out of the application of the present Agreement shall be borne by both Governments in equal parts. However, when demarcation work is made necessary by works being performed under a concession, the costs arising from such demarcation mark shall be borne by the concessionary company.

CHAPTER IV. FINAL PROVISIONS

Article 12. An express reservation is hereby made as regards measures that either Contracting Party may be obliged to adopt for reasons of national security, due to a state of war or to the proclamation of a state of siege, a state of alert or a state of emergency, or in connexion with a mobilization in either State.

Article 13. The present Agreement is concluded for an indefinite period. Either Contracting Party may denounce it at any time and the denunciation shall take effect six months after the date of receipt of the notification of denunciation by the other Contracting Party.

Article 14. Each Contracting Party shall notify the other of the completion of the procedures required under its Constitution for the entry into force of the present Agreement. This Agreement shall take effect on the first day of the second month following the date of the latter of these notifications.

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

For the Government
of the Spanish State:

[Signed]

LÓPEZ BRAVO

For the Government
of the French Republic:

[Signed]

ROBERT GILLET
