

No. 16490

**SPAIN
and
ZAIRE**

**Agreement concerning trade and economic co-operation
(with annexes). Signed at Kinshasa on 3 December
1974**

Authentic texts: Spanish and French.

Registered by Spain on 24 February 1978.

**ESPAGNE
et
ZAÏRE**

**Accord commercial et de coopération économique (avec
annexes). Signé à Kinshasa le 3 décembre 1974**

Textes authentiques : espagnol et français.

Enregistré par l'Espagne le 24 février 1978.

[TRANSLATION—TRADUCTION]

AGREEMENT¹ CONCERNING TRADE AND ECONOMIC CO-OPERATION BETWEEN THE SPANISH STATE AND THE REPUBLIC OF ZAIRE

The Spanish State and the Republic of Zaire, desiring to promote trade between the two countries as far as possible, on the basis of equality and mutual benefit, have agreed as follows:

Article I. For the purpose of this Agreement, the products originating in both countries listed in schedules A and B annexed hereto shall be considered as goods which are to be traded.

These schedules are of an indicative rather than a restrictive nature; accordingly, any other goods not included in them may also be traded within the framework of this Agreement.

Article II. Products and goods shall be traded during the period in which this Agreement is in effect, in accordance with the laws and regulations in force in each country.

Article III. Goods produced or manufactured, or subjected to a final processing resulting in a fundamental change in their nature, in the territory of either Party, shall be considered as originating in that Contracting Party.

Products originating in and coming from either Contracting Party may be re-exported only with the authorization of the original exporting country.

Article IV. The two Parties shall accord each other most-favoured-nation treatment with regard to trade between the two countries.

The provisions of this article shall not apply to:

- (a) Advantages accorded or which may be accorded by one Contracting Party to contiguous countries in order to facilitate frontier traffic;
- (b) Advantages stemming from a customs union or free-trade area in which one of the Contracting Parties participates or in which it may participate.

Article V. With a view to promoting trade between the two countries, either Contracting Party may organize, in the territory of the other Party, trade fairs and exhibitions in accordance with the laws and regulations in effect in that country.

Article VI. The two Parties shall admit the following free of import and export duties, within the framework of the laws and regulations in force:

- (a) Samples of goods and promotional material necessary for obtaining orders and for advertising;

¹ Came into force on 27 April 1977, upon notification by each of the Parties of the completion of their respective legislative formalities, in accordance with article XII.

(b) Articles and goods for display at exhibitions and fairs, provided that such articles are not sold.

Article VII. The two Contracting Parties shall guarantee right of transit through their respective territories to goods coming from or destined for either of the two Parties within the limits and according to the regulations concerning transit trade.

Article VIII. Merchant vessels of either Contracting Party shall, when entering, staying in or leaving the ports of the other Party, open to international trade, be accorded the same facilities as those accorded to the merchant vessels of third countries.

Article IX. Payments arising out of trade carried on under this Agreement and any other payment accepted in accordance with the provisions in force in each contracting country shall be made in freely convertible currency.

Article X. A Joint Commission, consisting of representatives of the Parties which are signatories to this Agreement, shall meet at the request of either Contracting Party, alternately in Madrid and Kinshasa, to consider any difficulties that may arise concerning the implementation of this Agreement.

This Joint Commission shall also be empowered to submit to the Contracting Parties any proposal likely to encourage the development of trade between them.

Article XI. The provisions of this Agreement shall apply to all contracts relating to trade concluded while it is in force, including those executed by the date of its expiry.

Article XII. This Agreement shall replace the Trade Agreement signed at Madrid on 7 June 1965. It shall be concluded for three years and shall enter into force on the date of the last of the communications exchanged between the Parties giving notice of the fulfilment of all the internal conditions required for the entry into force of the Agreement. The Agreement shall be extended automatically from year to year unless either Contracting Party denounces it on three months' prior notice.

IN WITNESS WHEREOF, the plenipotentiaries, being duly authorized thereto by their respective States, have signed this Agreement.

DONE at Kinshasa, in duplicate, in the Spanish and French languages, both texts being equally authentic.

Kinshasa, 3 December 1974.

For the Spanish State:
The Minister of Trade,

[Signed]

NEMESIO FERNÁNDEZ-CUESTA

For the Republic of Zaire:
State Commissioner
for Foreign Affairs
and International Co-operation,

[Signed]

UMBA DI LUTETE
Political Commissioner

SCHEDULE A

ZAIRIAN GOODS THAT MAY BE EXPORTED TO SPAIN

1. Sawlogs and veneer logs.
2. Coffee.
3. Tea.
4. Cotton.
5. Corn.
6. Oilcakes.
7. Rubber.
8. Copal.
9. Textile fibres for making ropes and sacks, etc.
10. Palm oil, crude or refined.
11. Palm kernel oil.
12. Hides and skins.
13. Tin.
14. Copper.
15. Zinc.
16. Manganese ores.
17. Diamonds.
18. Miscellaneous.

SCHEDULE B

SPANISH GOODS THAT MAY BE EXPORTED TO ZAIRE

1. Salt.
2. Fish, salted and dried.
3. Canned fish, vegetables and meat.
4. Beverages and wines.
5. Rubber manufactured articles.
6. Woolen and cotton fabrics and fabrics of synthetic fibres.
7. Knitted fabrics.
8. Ready-made textile goods.
9. Footwear.
10. Domestic appliances.
11. Mechanical and electrical appliances.
12. Fertilizers.
13. Chemical and pharmaceutical products.
14. Transport material.
15. Vehicles.

16. Textile and agricultural machinery, machine tools, metal manufactured articles and miscellaneous machinery.
 17. Hand-held tools.
 18. Razor blades.
 19. Ceramic goods and building materials.
 20. Petroleum products.
 21. Industrial capital goods.
 22. Spare parts of all kinds.
 23. Miscellaneous.
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