

No. 16533

**FRANCE
and
SPAIN**

**Convention concerning fishing in the Bidassoa river and in
the Bay of Higer. Signed at Madrid on 14 July 1959**

Authentic texts: French and Spanish.

Registered by France on 17 April 1978.

**FRANCE
et
ESPAGNE**

**Convention relative à la pêche en Bidassoa et Baie du
Figuier. Signée à Madrid le 14 juillet 1959**

Textes authentiques : français et espagnol.

Enregistrée par la France le 17 avril 1978.

[TRANSLATION — TRADUCTION]

CONVENTION¹ CONCERNING FISHING IN THE BIDASSOA RIVER
AND THE BAY OF HIGUER

The Government of the French Republic and the Spanish Government, in accordance with the proposals made by the Sub-Commission to the “problems of the Bidassoa River” and approved by the International Commission for the Pyrenees, meeting at Paris in December 1958, have decided to sign this Convention, which incorporates provisions of the Declaration of 30 March 1879 delimiting the jurisdiction of France and Spain in the Bidassoa River and the Bay of Higer; the Convention of 18 February 1886, as amended on 19 January 1888, 4 October 1894, 6 April 1908, 2 June 1924 and 24 September 1952, and additional instrument of 31 May 1957; and the Recommendations of the International Commission for the Pyrenees (meeting in June 1957 at Madrid).

*Title I. DELIMITATION OF WATERS**Article 1**Area covered by the Convention*

This Convention shall apply to the main course of the Bidassoa River and its estuary, from Chapitelaco-Arria (or Chapiteco-Erreca) to the line joining Cabo Higer (Punta Erdico) in Spain and Pointe du Tombeau in France.

*Article 2**Main divisions*

The area specified in article 1 above is divided into two parts:

- the first part comprises the main course of the Bidassoa River from Chapitelaco-Arria (or Chapiteco-Erreca) to the hypothetical line joining the inside edges of the seaward heads of the French and Spanish breakwaters in the estuary;
- the second part extends from this hypothetical line to the line joining Cabo Higer (Punta Erdico) and Pointe du Tombeau in France. This part is known as the Bay of Higer.

These two parts are defined in article 3 below.

*Article 3**Secondary divisions*

a) *First part.* The main course of the Bidassoa River, as defined in article 2 above, is itself divided into three zones:

- the first zone lies between Chapitelaco-Arria or Chapiteco-Erreca and Alunda;
- the second zone extends from Alunda to the downstream side of the Hendaye-Irún railway bridge;

¹ Came into force on 1 January 1965, i.e., the first day of January following the date of the exchange of the instruments of ratification, which took place at Paris on 17 and 23 December 1964, in accordance with article 42.

- the third zone extends from the downstream side of the Hendaye-Irún railway bridge to the hypothetical line joining the inside edges of the seaward heads of the French and Spanish breakwaters in the estuary.

b) Second part. The Bay of Higer is divided jurisdictionally into three zones (Declaration of 30 March 1879 and annexed plan):

- the first zone comprises the waters coming under the exclusive jurisdiction of Spain;
- the second zone comprises the waters coming under the exclusive jurisdiction of France;
- the third zone comprises the waters common to the two countries.

Article 4

Outer boundaries

The second part referred to in the foregoing article is bounded by a transverse line ABCD (Punta Erdico-Punta Tumbas) north of which the Convention no longer applies.

North of that line, the meridian passing through the mid-point M of the line AB divides the territorial waters of the two countries.

Article 5

The transverse line ABCD, which is 3,055 metres long and marks the boundary of the Bay, is divided into three equal parts, AB, BC and CD.

Article 6

Spanish waters

A line running from points F' and F'' (pyramids standing on land in Spain near Punta Socorro) extends parallel with the coast of Spain until it meets at point I another line RB.

This line RB is formed by the alignment of two pyramids standing on land in Spain near the harbour of refuge and point B situated on the line ABCD, at a distance of 1,018 metres from Cabo Higer, which is equal to one third of the length of that line.

The waters bounded by the lines F' I B and the coast of Spain come under the exclusive jurisdiction of Spain.

Article 7

French waters

A line passing through the pyramids G and G' intersects the line ABCD at a point C at a distance of 1,018 metres from Pointe du Tombeau which is equal to one third of the length of that line. The waters of the Bay of Higer lying between this line GC and the coast of France come under the exclusive jurisdiction of France.

Article 8

Common waters

The waters lying between the line BC and the French and Spanish waters specified in articles 6 and 7 above form the zone of common waters.

The vessels of both countries shall have common anchoring rights in this zone.

Article 9

Maintenance of beacons

The competent services of each country shall be responsible, on a continuing basis, in their own territory for the installation, maintenance and repair of the marks and beacons required to indicate the boundaries provided for in the foregoing articles.

Title II. FISHING RIGHTS

Article 10

Authorized persons

(1) The right to fish in the area covered by the Convention shall belong exclusively and without distinction to the inhabitants of Irún and Fuenterrabía in Spain, and to the inhabitants of Biriattou, Urrugne and Hendaye in France.

(2) The aforesaid inhabitants shall without having to provide proof of inclusion in the maritime register of their respective country, continue to exercise identical rights to fish and to gather all types of marine fertilizer and shall not be subject to any provisions or restrictions other than those arising from this Convention.

(3) Riparians shall have exclusive fishing rights in their beacons channels.

Fishing permits

(4) The right to fish with net or line shall be recognized by a permit issued to applicants by the commanding officers of the naval stations. Such commanding officers shall be responsible for the preparation of and the procedure for issuing and renewing the permits.

Exemption from import duty

(5) In accordance with existing usage, all products of fishing may be imported into each of the two countries free of duty and charges.

Only riparians shall be subject to such exemption in their country of residence in respect of the products of their own fishing.

Craft marks

(6) Riparians of the two countries may use any kind of craft for fishing. However, craft used for either net or line fishing must bear the following distinctive marks painted on the craft itself:

- (a) a band extending from end to end and on both sides, yellow for the Spanish crafts and blue or white for French crafts;
- (b) the name of the commune to which the craft belongs;
- (c) the registration number of the craft.

The two latter marks shall be placed on both sides of the bow.

All such marks shall be at least 10 centimetres high.

Article 11

Hauling of nets onto land

Riparians of the two countries may haul in and dry their nets on either the French shore or the Spanish shore, at any point they choose between Alunda and the hypothetical line joining the inside edges of the seaward heads of the French and Spanish breakwaters in the estuary, but in no circumstances on private property without permission from the owner.

Beyond the hypothetical line joining the inside edges of the seaward heads of the French and Spanish breakwaters in the estuary, French nationals shall be prohibited from fishing and hauling in or drying their fishing gear on the Spanish shore, and the

same prohibition shall apply to Spanish nationals on the French shore (the term "shore" being understood to mean that part of the coast extending to the point of lowest tide).

The only exception permitted is the exception deriving from article 18, paragraph 5, below, namely that fishermen of the two nations shall be entitled on the days provided for in that article, to haul in their nets between the north-west corner of Hendaye Casino and the north-west side of the easternmost of the Jumeaux rocks.

Article 12

Various types of fishing and closed season

(1) Fishing for eel, lamprey, plaice and mullet shall be permitted at any time.

(2) Fishing shall be prohibited:

- for salmon and sea trout (or Reo trout): from 31 July to 15 February;
- for trout: from 20 October to 15 February;
- for shad: from 31 March to 1 June;
- for tuna: at any time unless an exception is made by agreement between the commanding officers of the naval stations;
- for fish not specifically mentioned from 20 March to 20 May;
- for lobster and crawfish: from 1 August to 1 March;
- for prawn (excluding shrimp): from 1 March to 1 June.

As an exception, however, during the closed season fishing for prawn shall be permitted if it is used as fishing bait and is caught with a "*pandereta*" (uncovered net basket).

Article 13

Size of fish

It shall be unlawful to catch fish whose length, measured from the tip of the snout to the end of the tail fin, is less than:

- salmon: 45 centimetres;
- Reo trout or sea trout: 45 centimetres;
- common trout: 20 centimetres;
- shad: 30 centimetres;
- turbot: 30 centimetres;
- eel and any other fish which never grow to a length of 20 centimetres may be caught at any time regardless of their length.

Fishermen shall be required to release any fish which have not reached the prescribed length.

Article 14

Roe and eggs

Fish roe, whether natural (fresh or tinned, or mixed into a composite bait) or artificial roe and crustacean eggs, may not be used as bait or lures.

Article 15

Shellfish

(1) For all species of shellfish, fishing shall be prohibited from 1 May to 1 October and, for hygienic reasons, at any other time stipulated by the authorities mentioned in article 24.

(2) Shellfishing shall be permanently prohibited, however, in the following areas:

- (a) the maritime coastal area bounded on the north by the line between Cabo Higuer and Pointe du Tombeau and on the West by a line connecting the Hendaye-Playe sanatorium with a point on the first line 700 metres from Pointe du Tombeau;
- (b) the Bidassoa River, downstream from the Hendaye-Irún railway bridge to the line joining the inside edges of the seaward heads of the French and Spanish breakwaters in the estuary.

Individual waivers may be granted in exceptional cases by any of the commanding officers of each naval station, when those authorities are certain that the shellfish harvested are intended for cultivation, for consumption after cooking or for bait.

(3) The harvesting of oysters less than 5 centimetres in diameter at their widest point and mussels less than 4 centimetres long shall also be prohibited.

(4) Oyster fishing may be temporarily prohibited, for at least one year, if this measure is advisable in the interests of stock conservation. All other shellfish may be fished, regardless of size.

(5) Fishermen shall be required to release oysters and mussels that are not of the prescribed size at the place where they were harvested.

Article 16

Sand, marine fertilizer and seaweed

(1) In accordance with existing usage, all riparians without distinction shall continue to gather at all points along the course of the Bidassoa River washed by high tides, any seaweed, except that adhering to ditches on cultivated land, which belongs exclusively to the owners of such land.

(2) They shall continue to gather conchiferous sand and other types of marine fertilizers all along the aforesaid points that are uncovered at low tide, but they may not extract them at a distance closer than 10 metres from the ditches, breakwaters and embankments, or 8 metres from any of the oyster and mussel beds, the various shellfish beds or the fish-ponds referred to in any of the following articles.

(3) The harvesting of seaweed shall normally be prohibited along the French and Spanish breakwaters in the estuary.

(4) These provisions extend in particular to the entire perimeter of the île des Faisans (Isla de los Faisanes) or île de la Conférence (Isla de la Conferencia), situated in the centre of the river in international waters.

The commanding officers of the naval stations responsible for the guarding and surveillance of the Island during the six-month period in which each nation enjoys such rights in accordance with the treaties in force shall be responsible for reporting violations during the periods in which the Island is under their jurisdiction.

Article 17

Line fishing

(1) Float line fishing shall, as an exception, continue to be unrestricted for all as in the past, except during spawning season. Each fisherman may use no more than three lines at a time, with no more than two hooks on each line.

(2) Casting shall be permitted. Such fishing shall always be done from the shore without the use of a boat, except below Behovia Bridge, where it may be done from a motorless boat. Casting may not be done by fishermen who have already set up floated lines.

Article 18

Use of nets: Salmonidae

(1) Fishing with any kind of net for salmon, sea trout (or Reo trout) and shad shall be prohibited, to permit the restocking of these species in the river.

The use of nets may be authorized in accordance with the procedure provided for in article 24 whenever the circumstances so warrant and then only in the maritime zone specified at the time.

In such cases the net to be used shall be the simple net currently in use, with centre meshes at least 52 mm square and side meshes at least 60 mm square and a maximum length of 160 metres.

Prawn

(2) Nets for catching prawn or shrimp shall have a maximum mouth width of three brasses. They may not be used above the Behovia Bridge.

“Bolinche” nets

(3) The use of sardine nets known as “bolinches” shall be authorized in the Bay of Higer from sunrise to sunset during the sardine season, when sardines have been sighted in the Bay.

Flat nets

(4) The use of flat nets known as “*carrelets*” with a mesh no finer than 14 mm shall be authorized exclusively for smelt fishing in the main course of the Bidassoa River above the line joining the inside edges of the seaward heads of the breakwaters in the estuary.

Mesh size

(5) For catching fish other than salmon, sea trout (or Reo trout), shad, sardines and anchovies, nets having a mesh of at least 20 mm, a prescribed maximum length of 160 metres and hauling ends of no more than 60 metres, may be used only in the part of the Bay of Higer specified in article 11, paragraph 3.

The use of such nets shall be authorized on Mondays and Thursdays in the case of the inhabitants of Spanish riparian municipalities and on Wednesdays and Saturdays in the case of the inhabitants of French riparian communes.

(6) The mesh of the authorized nets shall have the dimensions specified for each species under wet conditions.

Article 19

Traps

The lobster or crawfish pots or traps customarily used in each country shall be authorized for use in the Bay of Higer.

Article 20

Prohibited fishing gear and practices

The following shall be expressly prohibited:

(1) Fishing with set lines or ground lines.

Rod and line

(2) Fishing throughout the entire international zone by the “whip” method (a type of fishing done by means of a rod and a line fitted with large simple branched hooks, set above the sinker, with hooking by shoulder action or by casting). To facilitate enforcement and surveillance, the following measures shall therefore be applied:

Hooks

(a) It shall be unlawful to use simple hooks with a gap of more than 9 mm perpendicular from point to shank, and double, treble or quadruple hooks with a distance of more than 10 mm between points.

(b) The double, treble or quadruple hooks authorized on floated lines must be mounted below the sinker and regularly baited. Only ground lines bearing simple hooks may have the casting sinker set beyond the hooks.

Nets

(3) The use of any type of net to close off any parts of the river covered at high tide and the use of any device intended to divert the natural course of the waters, prevent the passage of fish or interfere with the restocking of the river.

(4) Enclosing in any circumstances more than two thirds of the width of the waters of the river in a single cast of the net.

(5) Extending the length of the nets referred to in article 18, by any device whatsoever, such as fastening nets end to end, using boats as links or fishing in groups, etc. This restriction shall apply to the course of the Bidassoa River as well as to the Bay of Higer.

(6) Fishing with nets in the bar of the Bidassoa River and in the area between the bar and Roca Punta Point.

(7) Using in the Bidassoa River and the Bay of Higer any nets and fishing gear or fishing methods other than those mentioned in articles 17 and 18, particularly trawl nets known as "*chaluts*" in French and "*redes de arrastre*" in Spanish, or trammel nets or fish traps (*berteaux; botrinos*).

(8) Using the aforesaid nets or pots (if they do not bear the seal or the mark approved by the respective authorities) and using them for types of fishing other than those for which their use is permitted.

(9) Selling fish and shellfish which are not the dimensions specified in articles 13 and 15 or which have been fished during closed seasons.

Harmful substances

(10) Dumping into the river or the Bay of Higer any drugs, explosives or bait which could intoxicate or destroy fish. In particular, factories discharging waste water at any point whatsoever along either the Spanish or the international course of the Bidassoa River must install a filtering system to render such wastes harmless for the various species of fish.

Chasing fish by either beating the water or frightening them in any way.

Luring them by means of flood lights trained on nets or fishing gear. A portable light, however, shall be authorized for elver fishing.

Night fishing

(11) Fishing of any kind at night, that is, from 45 minutes after sunset until 45 minutes before sunrise, throughout the entire main course of the Bidassoa River.

Elver

This prohibition, however, shall be waived exclusively in the case of elver fishing done at night, but specialized fishermen must obtain a special permit bearing an identifying photograph and issued by the commanding officers of the respective naval stations.

(12) Hooking or lifting nets or other fishing gear belonging to another person, for any reason whatsoever.

Article 21

Ponds and beds

(a) Subject to the reservations in article 15 above, riparians may fish, in any part of the main course of the Bidassoa River covered by high tide, for any species of shellfish, but they may not set up any permanent or temporary fishing installations, any oyster, mussel or other shellfish forms or beds without the authorization of the municipality within whose jurisdiction they would be constructed or without complying with any conditions that are prescribed.

Authorization

An authorization given may be revoked and may never be considered a concession. If it is withdrawn for failure to comply with the conditions set, the installation shall always be demolished at the expense of the offender.

Such forms and beds shall in no circumstances obstruct navigation or be used for fishing and must be at least 100 metres apart.

(b) In order to restock the waters of the Bidassoa River, French and Spanish fishermen may, but only on the basis of mutual agreement and at joint expense, set up fish ponds on either bank of the river which may serve only for the propagation of fish and shall in no circumstances obstruct navigation.

Article 22

Salmon fishing

(1) All salmon fishermen shall be required to inform their respective naval stations, at the request of the commanding officers, of the number of salmon caught, their weight and the place where they were caught, as well as the method of fishing used.

Competence of mayors

(2) (a) With a view to the possible authorization of net fishing for salmon, alluded to in article 18, paragraph 1, the mayors or their delegates shall draw up a list of the names of fishermen in each commune who own the types of net provided for in that article. Once the list of names has been established, it shall be sent to all persons responsible for monitoring and implementing these regulations, as designated in article 23 below. An unlimited number of nets may be laid out provided that they meet the mesh requirements.

(b) Where net fishing for salmon is authorized in accordance with the provisions of article 18, paragraph 1, the two riparian nations shall alternately exercise the exclusive right to such fishing for a 24-hour period, from midnight to midnight, reckoned by the church clock at Irún, each nation thus enjoying exclusive fishing rights on successive days.

(c) Two weeks before 1 February, the mayors of the riparian communes or their delegates shall meet to draw lots to determine which nation shall have first turn. Each nation shall subsequently regulate the exercise of its right in the following manner, as it deems appropriate. One week later, the mayors or their delegates, in both France and Spain, shall meet separately by national group to plan the 24 hours of fishing allotted to each nation.

(d) The delegates shall decide freely whether they wish the fishing to be done by each commune in turn or by all the communes together on the same day or according to some other arrangement they deem appropriate.

(e) Once the matter has been decided, the delegates shall be required to communicate the results of their deliberations to the respective commanding officers and

any failure to comply with fishing arrangements thus agreed upon shall constitute a violation.

(f) If the mayors fail to communicate the results of their deliberations in due time, each commanding officer of the Bidassoa naval stations, acting on behalf of the Chairman of his country's delegation to the International Commission for the Pyrenees, shall take the initiative in determining the arrangement for the exercise of fishing rights by nationals. Such determination shall be made at the beginning of February.

Title III. POLICING AND MONITORING OF FISHING

Article 23

Authorities and officers responsible for enforcement

(A) To ensure the maintenance of order and the implementation of the provisions of this Convention, monitoring shall be performed and violations reported in the manner prescribed in article 26 below, by the following persons:

Naval stations

(1) The commanding officers of the naval stations of each State or their delegates or the officers in command of craft attached to station vessels.

Fishing wardens

(2) Four fishing wardens, including two appointed by the municipalities of Urrugne, Hendaye and Biriadou, and two by the municipalities of Irún and Fuenterrabía. These wardens, whose salaries shall be paid by the municipalities which appointed them, shall be sworn in and provided with a shoulder belt with a badge indicating their status. They shall be under the direct supervision of the commanding officer of their respective naval station and must follow his instructions in all matters concerning the policing of fishing. They shall submit reports to the commanding officer of their naval station.

Shore policing

(B) The Bay of Higer and the international course of the Bidassoa River shall be policed and monitored exclusively by Spanish officers on the Spanish shore and by French officers on the French shore.

Article 24

Powers of the commanding officers of naval stations

The commanding officers of the naval stations of each State in the Bidassoa River may, by mutual agreement and subject to the reservation mentioned below, order any measure not provided for in this Convention which they see fit to take in the Bidassoa River and the Bay of Higer.

Each commanding officer shall report on any such measure without delay to the Chairman of his country's delegation to the International Commission for the Pyrenees. The measure shall not take effect until it has been approved by the two chairmen. The International Commission for the Pyrenees shall take a decision on the measure in question at its next meeting.

Article 25

Customs and municipal police officers

Officers of the customs services and municipal police forces shall be empowered to draw up reports of violations under the same conditions as the fishing wardens referred to in article 23 above.

Article 26

Establishment of violations

Violations of this Convention shall be substantiated either by witnesses or by means of reports drawn up and signed by the authorities designated in articles 23 and 25.

The commanding officers of the French and Spanish naval stations in the Bidassoa River shall be authorized to confiscate prohibited nets and fishing gear as well as any fish caught unlawfully. They may also order the immediate confiscation of nets, even if they are not prohibited, belonging to offenders of their nationality when the nature of the violation makes such a measure necessary.

Fishing wardens shall be entitled to call directly upon the police force to deal with violations of this Convention and to confiscate prohibited fishing gear and any fish and shellfish caught unlawfully.

Police officers

Violations relating to the sale of fish, shellfish and fish fry caught during closed seasons or measuring less than the prescribed dimensions may also be established by any officers of the Criminal Police in France and any members of the Civil Guard in Spain, who may report to the commanding officer of the naval station concerned, and the latter shall decide on the action to be taken.

Article 27

Official negligence

Fishing wardens who are found by the commanding officer of the naval station under whose direct supervision they come to have been negligent in the performance of their duties shall be immediately dismissed. If such wardens have accepted promises or bribes for shirking their duties, they shall be prosecuted in the manner prescribed in such cases by the law of their country.

Title IV. PUNISHMENT OF VIOLATIONS

Article 28

Reciprocal powers of officers

The officials responsible for implementing these regulations, as specified in article 23, may establish violations by any riparians regardless of their nationality, but offenders may be tried only by the competent court of their own country.

Article 29

The offences referred to in the second paragraph of article 11 of this Convention shall, however, come within the jurisdiction of the courts of the State in whose territory they have been committed.

Article 30

Action to be taken on reports

All reports submitted to the commanding officer of the naval station who has jurisdiction over the offender shall be acted upon in the manner provided for in the following paragraph and in article 32.

Settlement procedures

In the case of all violations of the provisions of this Convention, the commanding officer of the French naval station shall be empowered to declare offenders eligible

for settlement procedures, and the commanding officer of the Spanish naval station shall apply the provisions in force in his country.

Article 31

Authenticity of reports

Reports drawn up by the officers referred to in article 23 shall be considered authentic until proved false.

Article 32

Competent courts

Unless subject to the settlement procedure referred to in article 30, cases of violations of this Convention shall be adjudicated in France, under the jurisdiction of the competent Court¹ of Bayonne. In Spain, offenders may appeal decisions of the commanding officer of the naval station to the competent court of San Sebastián.

The authority which prepared the report shall be notified of the decision taken or judgement rendered.

Article 33

Civil action

Without prejudice to the rights of the Attorney-General's office (*Ministère public*), proceedings resulting from damage or loss sustained by fishermen as a result of actions by other fishermen shall be instituted by the mayors or at the instance of the plaintiff.

In such cases the courts shall, where appropriate, order and determine the amount of damages to be paid to the party entitled to them, in addition to the penalty imposed for the violation.

Article 34

Time-limit for proceedings

No public prosecution proceedings or civil proceedings arising from a violation of the provisions of this Convention may be initiated after 60 days have elapsed from the date on which the violation was committed.

Title V. PENALTIES

Article 35

Penalties

To ensure that all riparians effectively enjoy identical rights, the penalties must be identical for nationals of both countries who violate the regulations governing the joint use of the Bidassoa River, in accordance with the treaties in force.

In the two countries, the competent courts shall thus, in ruling on violations of this Convention committed by fishermen under their jurisdiction, impose the following penalties:

- (1) confiscation of the products of fishing;
- (2) confiscation and destruction of prohibited nets or other fishing gear;
- (3) fines ranging from 2,000 francs (240 pesetas) to 12,000 francs (1,440 pesetas) or imprisonment for not less than six days or more than one month;

¹ By an exchange of letters dated at Madrid on 14 and 20 November 1959, the Contracting Parties agreed to amend the text of the Convention by replacing the term "correctional Court" with the term "competent Court".

(4) in all cases provided for in this Convention, the competent courts of the two countries shall, if there seem to be attenuating circumstances, have the authority to reduce the term of imprisonment to even less than six days and the fine to even less than 2,000 francs (240 pesetas). They may also impose either one of these penalties, provided that in no circumstances may the fine be less than 250 francs (30 pesetas) or the term of imprisonment for less than 24 hours.

In the event of fluctuations in the exchange rate between the two currencies, the rate of the fines provided for in the foregoing subparagraphs may be revised at the request of either of the High Contracting Parties and the new rate may be established by a simple exchange of letters between the High Contracting Parties.

Article 36

Recidivism

In all cases of recidivism, the offender shall be sentenced to double the amount of the fine or term of imprisonment already imposed on him, but such double penalty may never exceed the maximum prescribed in article 35, subparagraph 3. A case of recidivism shall be deemed to exist if, during the previous 12 months, the offender has already been convicted of any offence against the provisions of this Convention.

If, during the previous 12 months, the offender has been convicted twice of an offence against the regulations, the fine or term of imprisonment may be increased to double the amount of the maximum stipulated in the foregoing article.

Article 37

Special provisions for salmon

Any riparian who fishes for salmon when it is not his turn to fish, under the provisions of article 22, paragraph 2, without the permission of the party whose turn it is, shall incur the fine or term of imprisonment specified in article 35, subparagraph 3.

He shall also return any fish taken unlawfully or its value to the fisherman whose turn he took. If he repeats the offence he may be sentenced to a fine or term of imprisonment and also be liable to the possible confiscation of his nets.

Article 38

Disposal of confiscated fish

Any fish confiscated on account of a violation of the provisions of this Convention shall be immediately distributed to the poor of the riparian commune in which confiscation took place.

Article 39

Disposal of funds collected

Funds collected in the form of fines or as a result of settlements decreed in pursuance of this Convention shall be deposited in both countries in the municipal treasury, and half the amount shall be awarded to the fishing warden, municipal police officer or customs officer who established the violation.

Article 40

Civil responsibility

Parents, husbands and employers may be declared liable for the fines imposed for violations committed by their minor children, wives or servants.

*Article 41**Offensive behaviour towards officers*

Any riparian who behaves offensively towards an official of the kind referred to in articles 23 and 25 who is acting in the course of duty, or any Criminal Police or Civil Guard officer taking proceedings of the kind provided for in the last paragraph of article 26 or who resists such an official with force or assault and battery shall be subject to the penalties prescribed in such cases under the law of his country.

*Article 42**Miscellaneous provisions*

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

Upon the entry into force of the Convention, the Franco-Spanish Declaration of 30 March of 1879 and the Convention of 18 February 1886, as amended, shall cease to have effect.

*Article 43**Consultation of communes*

No substantial amendment to this Convention shall be made without prior consultation of the riparian communes by the commanding officers of the naval stations.

IN WITNESS WHEREOF the undersigned, being duly authorized for this purpose 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 TONNELLE]

For the Spanish Government:

[FERNANDO CASTIELLA]