

No. 17931



**FRANCE
and
SPAIN**

Agreement modifying articles 4 and 5 of annex IV to the Convention of 28 December 1858 supplementary to the Treaty between France and Spain delimiting the frontier from the mouth of the Bidassoa to the point where the Department of Basses-Pyrenees adjoins Aragon and Navarra, signed at Bayonne on 2 December 1856. Signed at Paris on 15 March 1968

Exchange of notes constituting an agreement modifying the above-mentioned Convention of 28 December 1858, as amended. Madrid, 4 and 13 March 1975

Authentic texts: French and Spanish.

Registered by France on 31 July 1979.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ MODIFYING ARTICLES 4 AND 5 OF ANNEX IV TO THE CONVENTION OF 28 DECEMBER 1858, SUPPLEMENTARY TO THE TREATY BETWEEN FRANCE AND SPAIN DELIMITING THE FRONTIER ON 2 DECEMBER 1856²

The Government of the French Republic and the Spanish Government,

Considering it necessary to change the amounts of the fines envisaged in articles 4 and 5 of annex IV to the Convention of 28 December 1858 supplementary to the Treaty of 2 December 1856, delimiting the frontier between France and Spain,²

Considering the proposals made to this effect by the Sub-Commission for agricultural and economic questions and approved by the International Commission of the Pyrenees at its meeting at Madrid in June 1966,

Have agreed on the following provisions:

I. Article 4 of annex IV shall be amended to read as follows:

“The owners of herds or flocks which have violated the regulations in force in respect of pastureland shall be subject to fines established or to be established by mutual agreement between neighbouring frontier municipalities.

“In the absence of such agreement, offenders shall pay, according to whether the offence was committed in France or in Spain:

—0.20 francs or 2 pesetas per head of small livestock, except goats;

—0.50 francs or 5 pesetas per goat;

—1.20 francs or 112 pesetas per head of large livestock; under no circumstances shall young animals following their mothers be taken into account in determining the amount of the fine.

If the offence takes place at night, the amount of the fine shall be doubled, unless it takes place in common pastureland during the period when grazing is permitted in the daytime, in which case the single fine shall be paid.

The amount of the fines may be changed by a simple exchange of notes between the two Governments, at the proposal of the International Commission of the Pyrenees which shall review this question every five years at least.

II. Article 5 of annex IV shall be amended to read as follows:

In each herd or flock, whether of large or small livestock brought illegally from one of the two States into pastureland situated in the territory of the other, 1 animal in 10 shall be confiscated to cover the fine and costs.

¹ Came into force on 1 March 1970, i.e., the first day of the second month following the date of the last of the notifications (effected on 5 and 29 January 1970) by which the Contracting Parties notified each other of the completion of the required constitutional procedures, in accordance with article III.

² See p. 317 of this volume.

No animal shall be confiscated, however, if the fine is paid immediately to the agent empowered to institute proceedings, provided that the herd or flock leaves the unlawfully used pastureland at once.

III. Each of the Contracting Parties shall notify the other of completion of the constitutional procedures required for the entry into force of this Agreement. The Agreement shall take effect on the first day of the second month following the date of the later of the two notifications.

DONE at Paris, on 15 March 1968.

For the Government
of the French Republic:

[Illegible]

For the Spanish Government:

[Illegible]

[TRANSLATION — TRADUCTION]

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN FRANCE AND SPAIN MODIFYING THE CONVENTION SUPPLEMENTARY TO THE TREATY OF 2 DECEMBER 1856 BETWEEN FRANCE AND SPAIN DELIMITING THE FRONTIER,² SIGNED AT BAYONNE ON 28 DECEMBER 1858²

I

EMBASSY OF FRANCE IN SPAIN
MADRID

4 March 1975

No. 96 NV

The Embassy of France presents its compliments to the Ministry of Foreign Affairs and has the honour to inform it that the Sub-Commission on problems concerning agriculture, the environment and the protection of nature of the International Commission of the Pyrenees proposed at its 29 November 1972 meeting that, in accordance with the eighth paragraph of article I of the Agreement of 15 March 1968,³ providing for a five-year review, the amount of the fines payable by the owners of herds or flocks under articles 4 and 5 of annex IV to the Convention of 28 December 1858² supplementary to the French-Spanish Treaty of 2 December 1856² should be doubled.

Accordingly, article 4 of annex IV would be amended to read as follows:

The owners of herds or flocks which have violated the regulations in force in respect of pastureland shall be subject to fines established or to be established by mutual agreement between neighbouring frontier municipalities.

In the absence of such agreement, offenders shall pay, according to whether the offence was committed in France or in Spain:

—0.40 francs or 4 pesetas per head of small livestock, except goats;

—One franc or 10 pesetas per goats;

—2.40 francs or 24 pesetas per head of large livestock; under no circumstances shall young animals following their mothers be taken into account in determining the amount of the fine.

If the offence takes place at night, the amount of the fine shall be doubled, unless it takes place in common pastureland during the period when grazing is permitted in the daytime, in which case the single fine shall be paid.

¹ Came into force on 13 March 1975 by the exchange of the said notes, with retroactive effect from 1 January 1975, in accordance with the provisions of the said notes.

² See p. 317 of this volume.

³ See p. 208 of this volume.

The amount of the fines may be changed by a simple exchange of notes between the two Governments, at the proposal of the International Commission of the Pyrenees which shall review this question every five years at least.

If the Ministry of Foreign Affairs is able to agree to the foregoing on behalf of the Spanish Government, this Note and the reply thereto shall constitute, for the two Governments, the substance of the amendment to be made to the regulations in force. The Embassy of France proposes to the Ministry of Foreign Affairs that the new scale of fines should enter into force on 1 January 1975.

The Embassy of France, etc.

Ministry of Foreign Affairs
Madrid

II

MINISTRY OF FOREIGN AFFAIRS
MADRID

13 March 1975

No. 107

The Ministry of Foreign Affairs presents its compliments to the Embassy of France and has the honour to acknowledge receipt of its note verbale No. 96 of 4 March 1975, which reads as follows:

[See note I]

The Ministry of Foreign Affairs is pleased to inform the Embassy of France that the Spanish Government approves the new scale of fines referred to in the Embassy's note and that, accordingly, that note and this reply constitute confirmation by the two Governments of the aforesaid amendment. The Ministry also agrees that the amendment should enter into force on 1 January 1975, the date proposed by the Embassy.

The Ministry of Foreign Affairs, etc.

To the French Embassy