

No. 18837

**SPAIN
and
PORTUGAL**

Agreement on mutual assistance between Portuguese and Spanish fire and emergency services. Signed at Lisbon on 31 March 1980

Authentic texts: Spanish and Portuguese.

Registered by Spain on 30 May 1980.

**ESPAGNE
et
PORTUGAL**

Convention d'assistance mutuelle entre les services d'incendie et de secours portugais et espagnols. Signé à Lisbonne le 31 mars 1980

Textes authentiques : espagnol et portugais.

Enregistré par l'Espagne le 30 mai 1980.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ ON MUTUAL ASSISTANCE BETWEEN PORTUGUESE AND SPANISH FIRE AND EMERGENCY SERVICES

The Governments of the Kingdom of Spain and of the Republic of Portugal, considering the proposals made by the International Commission on Boundaries at the meeting held at Lisbon in November 1979, have concluded this Agreement, the purpose of which is to facilitate mutual assistance and the speedy dispatch of emergency aid in the event of serious accidents or major disasters occurring in areas close to the frontier, with the exception of emergency aid in respect of aircraft accidents, which is governed by specific rules.

This Agreement shall apply not only to the personnel and equipment of fire services but also to all the personnel and equipment that may be used in the two countries under their respective emergency operation plans.

Article 1. (MUTUAL OBLIGATIONS)

1. The Spanish authorities and the Portuguese authorities may, on a reciprocal basis, request assistance from the competent authorities of the other Party in the event of serious accidents or major disasters occurring close to the frontier.

2. Such assistance shall be rendered when one of the Parties needs it, provided that the other Party is not already engaged in an emergency or fire-fighting operation. In the latter case, the Spanish and Portuguese authorities shall agree to take the measures necessary to deal with this exceptional situation.

3. Assistance may be rendered by any means, including by aircraft and, in particular, helicopter.

4. The areas of operation on each side of the frontier shall comprise, on the Portuguese side, the territory of bordering municipalities and, on the Spanish side, the territory of bordering judicial districts.

5. However, in the event of a particularly serious disaster affecting areas situated close to the limits established in the preceding paragraph, as soon as an express request for assistance is made, the Party receiving the request shall make available to the other Party such means of emergency aid as are at its disposal.

6. Where nationals of one of the two contracting countries suffer accidents in the territory of the other country, close to the frontier, members of the emergency services of their country of nationality shall be authorized, subject to prior agreement between the local authorities of the two countries, to proceed to the scene of the accident.

Article 2. (CROSSING OF THE FRONTIER)

1. Recognizing that the effectiveness of emergency operations depends on the speed with which they are carried out, the two Contracting Parties undertake to reduce frontier crossing formalities to the absolute minimum and to provide exemption from any tax or duty.

¹ Came into force on 31 March 1980 by signature.

2. The above minimum shall include the presentation by the leader of the emergency team of a document attesting to his status.

3. The team leader shall assume responsibility for his team, as regards both its personnel and its equipment, and shall present a list of the vehicles and other equipment crossing the frontier to the customs authorities of the other Party.

4. With a view to facilitating the rapid action of aircraft participating in emergency operations, each Party shall grant to the aircraft of the other Party permanent authorization to fly over its territory in the service of the corresponding State.

5. Presentation of the flight plan or flight notification shall constitute prior notice of the operation. However, the competent authorities of the State over whose territory the operation has been carried out may request written information concerning the operation from the competent authorities of the other State.

Article 3. (DIRECTION OF EMERGENCY OPERATIONS)

1. The overall direction of emergency operations shall, in all cases, be the responsibility of the authorities of the territory in which the accident or disaster occurs.

2. The person or entity responsible for directing such operations shall, however, confine himself or itself to indicating clearly the tasks to be entrusted to the reinforcement teams, without going into the details of the operations. For the latter purpose, contacts between the two Parties shall take place between the team leaders.

3. The two Parties shall, as far as possible, establish permanent emergency teams in their respective frontier regions and shall inform each other of the composition of such teams.

4. The competent authorities of each signatory Party undertake to submit to the local authorities of the other Party, as soon as possible, a list of the vehicles and equipment that could be dispatched, in case of need, from one country to the other.

Article 4. (CONDITIONS RELATING TO THE MOVEMENT AND USE OF EMERGENCY VEHICLES AND EQUIPMENT)

1. Emergency vehicles and equipment leaving one country in order to render assistance in the other shall be returned to their country of origin upon completion of the work occasioned by accidents or disasters.

2. Any emergency vehicles or equipment that are not returned to the country of origin without valid reason, as determined at their discretion by the customs authorities of the two countries, shall be subject to the rules laid down by the domestic legislation of each country, at the responsibility of the leader of the emergency team of the country providing such vehicles and equipment.

Article 5. (REIMBURSEMENT OF THE COSTS OF ASSISTANCE)

1. No payment shall be required from one Party to the other Party as reimbursement for the costs of assistance or for lost, damaged or destroyed vehicles or equipment.

2. In the course of operations, the costs incurred in provisioning emergency teams and furnishing supplies necessary for the functioning of vehicles or other equipment shall be borne by the Party receiving assistance.

Article 6. (PAYMENT OF DAMAGES AND COMPENSATION
CONSEQUENT UPON ACCIDENTS)

1. Should any members of emergency personnel be victimized, the Party from which such personnel come shall waive any claim against the other Party.

2. If, as a result of emergency operations, damage is caused to third persons at the place where the operations are carried out, payment of the corresponding compensation shall be the responsibility of the Party which requested assistance, even if the damage resulted from incorrect handling or technical error.

3. If the emergency personnel or equipment called in to assist cause damage to third persons while on the way to or from the place where they are used, the payment of compensation for such damage shall be the responsibility of the authorities of the territory in which it was caused.

Article 7. (SPECIAL AGREEMENTS REGARDING MUTUAL ASSISTANCE
AND PLANS OF OPERATION)

1. Within the framework of and pursuant to this Agreement, supplementary agreements on the plans of operation to be followed in the provision of emergency aid shall be drawn up between the corresponding competent Spanish and Portuguese local authorities.

2. These plans shall be submitted for consideration to the International Commission on Boundaries between Spain and Portugal and shall specify, in particular:

- (a) The nature, number and location of the means of emergency aid that can be provided by each Party at the request of the other;
- (b) The official capacity of persons with the power to request assistance;
- (c) The official capacity of the person to whom the leader of the emergency team must report on his arrival at the scene of the disaster;
- (d) Other non-secret information that may facilitate the conduct of emergency operations, in particular existing or possible future telephone links between the authorities mentioned in paragraph 1.

3. Any change in the plans approved shall be communicated immediately to the International Commission on Boundaries between Spain and Portugal, through corresponding national delegation.

Article 8. (SPECIAL PROVISIONS FOR EMERGENCY AIR OPERATIONS)

1. The competent services of both Parties shall, by mutual agreement, draw up the technical rules necessary for emergency air operations.

2. The provisions of articles 4 and 6 of this Agreement shall also apply in the event of emergency air operations.

Article 9. (TERM OF THE AGREEMENT)

1. This Agreement shall remain in force for a period of four years. It may be amended, at the request of one of the Parties, after having obtained the consent of the other Party.

2. It shall be considered renewed by tacit agreement for further successive one-year periods, unless 90 days' notice of termination is given by one of the Parties.

DONE at Lisbon, on 31 March 1980, in two copies, one in Spanish and the other in Portuguese, both texts being equally authentic.

Lisbon, 31 March 1980

For the Government
of Spain:

[Signed]

MARCELINO OREJA AGUIRRE
Minister of Foreign Affairs

For the Government
of Portugal:

[Signed]

DIEGO FREITAS DO AMARAL
Minister of Foreign Affairs