

No. 23014

**SPAIN
and
FEDERAL REPUBLIC OF GERMANY**

**Agreement on the establishment and operation of a base
measurement station in the Canary Islands. Signed at
Madrid on 6 December 1983**

Authentic texts: Spanish and German.

Registered by Spain on 23 July 1984.

**ESPAGNE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord relatif à l'établissement et au fonctionnement d'une
« station-base d'observation » dans les îles Canaries.
Signé à Madrid le 6 décembre 1983**

Textes authentiques : espagnol et allemand.

Enregistré par l'Espagne le 23 juillet 1984.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF SPAIN AND
THE GOVERNMENT OF THE FEDERAL REPUBLIC OF
GERMANY ON THE ESTABLISHMENT AND OPERATION OF
A BASE MEASUREMENT STATION IN THE CANARY
ISLANDS

The Government of Spain and the Government of the Federal Republic of Germany,

In accordance with the Basic Agreement of 23 April 1970, on Co-operation in the Field of Scientific Research and Technological Development,² conclude the following special agreement:

Article I. 1. The Contracting Parties agree on the joint establishment of a German-Spanish measurement station in the Canary Islands, in order to monitor air pollution and climatic factors. Such station shall be established and operated in accordance with the recommendations of the World Meteorological Organization (WMO) as a base measurement station within the Global Environmental Monitoring System (GEMS) of the United Nations Environment Programme (UNEP). The results of the measurements are to help to improve international knowledge in the field of climatic fluctuations, the drift of air pollution over great distances and temporal alterations in air pollution.

2. The Contracting Parties propose to establish the base measurement station at Izaña, on the island of Tenerife. The existing installations of the observatory there can rapidly be adapted to the purposes of the base measurement base.

Article II. The Contracting Parties agree to proceed, in the establishment, operation and maintenance of the measurement station, as follows:

(a) Once the final location has been jointly determined, the measuring equipment necessary for the operation of the station in accordance with the recommendations of WMO in co-operation with the Government of Spain, shall be acquired, at the expense of the Federal Republic of Germany, where it shall be assembled and tested through actual use. Measuring equipment to obtain meteorological data which is provided by the Government of Spain shall be excluded from such requirement. The Spanish personnel envisaged for the base measurement station in the Canary Islands shall also participate on a temporary basis in the assembly and testing of the equipment in the Federal Republic of Germany.

(b) Once the tests have been completed in the Federal Republic of Germany, the equipment, including the necessary spare parts, shall be transferred to the Canary Islands at the expense of the Federal Republic of Germany. The Government of Spain undertakes to take, at its own expense, and sufficiently in advance of the transfer and assembly of the measuring equipment, all the necessary

¹ Came into force on 18 May 1984, the date on which the Parties notified each other of the completion of the required internal procedures, in accordance with article X.

² United Nations, *Treaty Series*, vol. 1224, p. 205.

measures relating to construction and infrastructure. Such measures shall include, *inter alia*, all the necessary measures relating to development and supply, including new construction, structural alterations and extensions which are required (buildings for laboratories, residences, lodgings, stores, etc.). The Contracting Parties agree that the necessary equipment for the laboratories shall initially be supplied at the expense of the Federal Republic of Germany and that the basic furnishing of the premises for laboratories, residences and lodging shall be carried out at the expense of the Government of Spain.

(c) The operating costs of the base measurement station which arise when the station is actually put into operation shall be defrayed by the Federal Republic of Germany for a period of 12 months, while the costs of the Spanish personnel and the upkeep and maintenance of the infrastructure installations shall be borne by the Government of Spain.

(d) The establishment and operation of the base measurement station shall be the joint responsibility of German and Spanish personnel. For this purpose two assistants shall be provided by the Federal Republic of Germany. One of them shall be the director of the station during the establishment phase and the 12 months of initiation of operations. In such capacity, assuming the corresponding responsibility, he shall give the necessary technical instructions for the establishment and operation of the station, acting in administrative and personnel questions in agreement with the director of the meteorological observatory of Izaña.

(e) After the aforementioned 12-month period, the management of the base measurement station shall pass, on a previously established date, to the Spanish side exclusively. From such time onwards, the Spanish side shall provide all the personnel for the station and shall take responsibility for all its operating costs. At such time, ownership of the measuring equipment and fittings supplied by the Federal Republic of Germany shall pass to Spain.

(f) The parties agree that, also after the transfer of the management of the base measurement station to Spain, the Federal Republic of Germany shall have the right to carry out research work at the station with its own personnel. The Government of Spain undertakes, on a permanent basis, to make available all the results of measurements of the station at all times to the Federal Department of the Environment (Umweltbundesamt) or to any other State body designated by the Federal Minister of the Interior in the Federal Republic of Germany, when it is so desired.

Article III. 1. The Contracting Parties agree that, on the German side, in addition to the Federal Ministry of the Interior, the Federal Department of the Environment and the German Meteorological Service (Deutscher Wetterdienst) shall have the right to make statements and carry out legal transactions which are binding on the Federal Republic of Germany.

2. The Government of Spain undertakes, where necessary, to assist German bodies and individuals participating in the joint project, and to provide all the appropriate facilities required under law. The Government of Spain shall, in good time, grant all the necessary authorization and permits for the establishment and operation of the base measurement station.

3. The Government of Spain shall provide in full and in good time, all information which is required in connection with the establishment and operation

of the measurement station and is requested by the Federal Department of the Environment or the German Meteorological Service.

Article IV. The Government of Spain, in accordance with its applicable domestic legislation in each case and the agreements between the Government of Spain and the Federal Republic of Germany which are in force, shall grant all permanent and temporary staff of the base measurement station who are not of Spanish nationality all the facilities and authorizations necessary for their work, for their stay in, entry into and exit from the country, and for the transfer of currency. The same rule shall apply to family members of staff who live with them.

Article V. 1. In all matters pertaining to the establishment and operation of the base measurement station, the Federal Department of the Environment and the German Meteorological Service shall be exempt in Spain from all direct State and municipal taxes, duties and special charges. Such exemptions shall not extend to Spanish and German personnel associated with the station.

2. The property transfers and legal instruments necessary for the establishment and operation of the base measurement station shall be exempt from the tax on property transfers and legal instruments.

Article VI. 1. Spain shall authorize the import or export, free of customs duties and other duties which may be levied, of the equipment, materials and merchandise, including accessories, spare parts and tools, whatever their origin or country of manufacture, deemed necessary for the establishment and operation of the base measurement station.

2. It shall also authorize the temporary import, free of customs duties and other duties which may be levied on imports, without any deposit or guarantee, of the furniture and personal effects (including one motor car per family) of scientists and technicians and their family members who are not of Spanish nationality and who transfer to Spanish territory in order to carry out the work provided for in this Agreement.

3. For these purposes, the requirements regarding procedures and formalities under the Spanish legislation in force shall be observed and shall be fulfilled as expeditiously as possible.

Article VII. The Contracting Parties shall guarantee, each in respect of its own area of sovereignty and in accordance with its applicable domestic legislation, the unimpeded movement of capital and payments in national and foreign currency, as well as the corresponding possession of currency by the Federal Department of the Environment, the German Meteorological Service and their staff within the framework of the establishment and operation of the base measurement station.

Article VIII. If third States indicate that they wish to participate in the base measurement station, the Contracting Parties shall consider such a possibility, taking account of the spirit of international scientific co-operation, and shall reach a joint decision on the matter.

Article IX. This Agreement shall also apply to *Land Berlin*, unless the Government of the Federal Republic of Germany makes a declaration to the contrary to the Spanish Government within three months following the entry into force of this Agreement.

Article X. This Agreement shall enter into force as soon as the two Governments have notified each other that the internal requirements for its entry into force have been fulfilled.

DONE at Madrid on 6 December 1983, in duplicate in the Spanish and German languages, both texts being equally authentic.

For the Government
of Spain:

[*Signed*]

FERNANDO MORÁN
Minister for Foreign Affairs

For the Government
of the Federal Republic of Germany:

[*Signed*]

GUIDO BRUNNER
Ambassador
of the Federal Republic of Germany