

**No. 23649**

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**SPAIN  
and  
PORTUGAL**

**Agreement on the construction of an international bridge  
over the Miño River. Signed at Lisbon on 12 November  
1983**

*Authentic texts: Spanish and Portuguese.*

*Registered by Spain on 4 December 1985.*

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**ESPAGNE  
et  
PORTUGAL**

**Accord relatif à la construction d'un pont international sur  
le Miño. Signé à Lisbonne le 12 novembre 1983**

*Textes authentiques : espagnol et portugais.*

*Enregistré par l'Espagne le 4 décembre 1985.*

[TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENTS OF SPAIN AND  
PORTUGAL ON THE CONSTRUCTION OF AN INTERNA-  
TIONAL BRIDGE OVER THE MIÑO RIVER

*Article 1.* A bridge shall be built over the Miño River linking Portugal with Spain and shall be connected to an international highway forming part of route E-01, Larne-Dublin-La Coruña-Pontevedra-Lisbon-Huelva-Seville.

*Article 2.* Provisions applicable to the construction of the international bridge are laid down in this Agreement, which hereby establishes how rights and obligations shall be shared as between the two Governments.

The Joint Technical Commission provided for in article 10 of this Agreement shall, in pursuance of the Agreement, draw up a Protocol containing provisions on the siting and technical specifications of the new bridge to be used for automobile traffic, bearing in mind the need to avoid any adverse impact on conditions affecting navigability of the river upstream from the bridge. The agreement of the two Governments to the Protocol shall be confirmed through the diplomatic channel.

*Article 3.* The design work for the project, both as regards the bridge and its direct approaches on the Portuguese and Spanish sides, shall be the responsibility of the Spanish Government. The boundaries of the bridge and its approaches, and the technical specifications for the project, shall be laid down in the Protocol referred to in article 2.

The costs incurred for the project shall be borne equally by the Governments of Spain and Portugal.

*Article 4.* Each Government hereby undertakes, at its own expense, to plan and build any alterations to its road network that may be required, from the limits of the direct approaches to the bridge onward into their respective national territories.

*Article 5.* The two Governments shall provide all necessary facilities for the preparation of the project design and the execution of the work in their respective territories.

To that end, they shall take appropriate and timely action to facilitate the granting of licences, authorizations and land required for the work in question.

*Article 6.* After the project design referred to in article 3 has been approved and the execution of the relevant work has been authorized by both Governments, the work shall be allocated on the basis of competitive bidding.

The Joint Commission established in accordance with article 10 of this Agreement shall prepare the list of conditions governing the bidding, which shall be submitted for the approval of the competent Spanish and Portuguese ministries.

<sup>1</sup> Came into force on 1 October 1985, the date of the last of the notifications (effected on 29 June and 1 October 1985) by which the Parties informed each other of the completion of the required constitutional procedures, in accordance with article 18.

The Joint Commission shall announce the bidding, open the bids, inform the Spanish and Portuguese ministries of the proposals received and recommend to them that the work be allocated to the contractor or group of contractors whose proposal it considers most suitable.

Spanish or Portuguese contractors or mixed firms from the two countries may take part in the bidding, and all shall be on an equal footing in the bidding process.

The Government of the country where the contractor or group of contractors engaged to perform the work has its legal domicile shall as a rule be responsible for supervision, inspections, financial control and other functions relating to the execution of the work.

The costs pertaining to the new bridge shall be borne equally by each of the two States.

The cost of each of the direct approaches to the new bridge shall be borne by the State in whose territory it is situated.

*Article 7.* In accordance with article 3, the Portuguese Government shall reimburse the Spanish Government for half the costs incurred for the preparation of the project design once the design has been approved by both Governments.

Reimbursement of expenditure for the execution of the work by the Government which is not in charge to the Government in charge of the work shall be made by means of payments corresponding to the cost of the work carried out during the previous quarter and payment of the balance remaining at the time of the general and final settlement of accounts for the work.

The quarterly statements on the progress of work, as well as the final accounts, shall be prepared by the technical services of the Government-in-charge and approved by the Joint Technical Commission referred to in article 10.

*Article 8.* The provisions of the foregoing articles notwithstanding, the two Governments may agree on terms and conditions which may apply to any special contracts concluded in the future for the purpose of regulating the use of the international bridge and the approaches thereto.

*Article 9.* The contractors responsible for executing the work may employ Spanish or Portuguese workers residing in Spain or Portugal.

The labour and social security legislation and regulations applicable in matters relating to the preparation of the project design shall be those in force in Spain and in matters relating to the execution of the work, those in force in the State whose Government is responsible for execution of the work.

*Article 10.* In order to ensure the preparation of the project design and the most efficient execution of the work and to provide for permanent contact between the services concerned in the two countries, a Spanish-Portuguese Joint Technical Commission shall be established.

The Commission shall be composed of an equal number of Spanish and Portuguese delegates, assisted by such experts as they may deem necessary.

The chairmanship of the Commission shall be held for alternating six-month periods by the head of each delegation. The decisions of the Commission shall be taken by mutual agreement of its members.

The heads of the two delegations may delegate their authority to individuals whom they consider appropriate.

The membership of the Commission shall be communicated through the diplomatic channel.

The Commission shall meet as necessary, at the request of either Party.

*Article 11.* Each of the Contracting Governments undertakes:

- (a) To allow building materials, raw materials, installation equipment, energy and any other items for the preparation of the project plans and the execution of the work originating in or coming from either one of the two States to be brought onto the site free of all import duty and tax, where such items are to be incorporated into the structure;
- (b) To allow the temporary duty-free and tax-free importation of machinery, equipment and tools and other items needed for the work;
- (c) To exempt from import or export bans and any other economic restrictions all building materials, raw materials, installation equipment, machinery, tools, energy and any other items needed for the preparation of the project design or the conduct of the work originating in or coming from one of the two States, where such items are to be used up during the work or incorporated into the structure.

All the items referred to in paragraphs (a), (b) and (c) of this article which have not been incorporated into the structure must be returned to the country whence they came upon completion of the work.

*Article 12.* The Government in charge of construction shall, once the work has been completed, and acting in agreement with the other Government, arrange for provisional acceptance of the structure, which shall be followed one year later by final acceptance in both cases on the basis of the report of the Joint Technical Commission.

Following final acceptance, the Government in charge of the work shall transfer to the other Government responsibility for the part of the bridge and its direct approaches situated in the latter's territory.

Until that transfer, the Government in charge of the work shall be responsible for the entire structure, including its maintenance.

After the transfer, each Government shall maintain the part of the structure situated in its territory.

If technical reasons so require, special provisions may be adopted for each part of the work, or all of the maintenance operations may be entrusted to one Government only.

Such provisions may be agreed in the Protocol concerning the work, or through the diplomatic channel.

*Article 13.* The contractor responsible for the project design and the contractor or group of contractors responsible for performing the work shall pay in each country whatever tax is due in respect of the work carried out.

Where double taxation might arise, it shall be avoided through the application of the procedure set out in article 24 of the Agreement between the two States for the avoidance of double taxation signed on 29 May 1968.

*Article 14.* The contracts for the preparation of the project design for the bridge and its direct approaches shall be subject to the rules of public law in force in Spain.

The contracts for the performance of work shall be subject to the rules of public law in force in the country of the Government in charge of the work.

Any disputes between the Administration and the contractors responsible for performing the work shall come within the sole jurisdiction of the authorities of the country in charge of the work.

*Article 15.* Each State shall own the part of the bridge and the approaches situated in its territory.

*Article 16.* The marking of the frontier on the bridge shall be carried out by the Spanish-Portuguese International Boundary Commission, in accordance with the international agreements in force.

*Article 17.* Police and customs inspection posts shall be situated so as to ensure optimum operating conditions.

Any additional agreements which may be necessary to attain that objective shall be worked out through the diplomatic channel.

*Article 18.* This Agreement shall enter into force on the date of the exchange of instruments of ratification or an equivalent procedure.

DONE at Lisbon, on 12 November 1983, in duplicate in the Spanish and Portuguese languages, both texts being equally authentic.

For Spain:

[Signed]

JULIÁN CAMPOS SAINZ de ROZAS  
Minister for Public Works  
and Urban Development

For Portugal:

[Signed]

JOÃO ROSADO CORREIA  
Minister for Public Works

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