

No. 30218

**SPAIN
and
PORTUGAL**

**Protocol on technical cooperation and mutual assistance in
the field of civil defence. Signed at Evora on 9 March
1992**

Authentic texts: Spanish and Portuguese.

Registered by Spain on 23 August 1993.

**ESPAGNE
et
PORTUGAL**

**Protocole de coopération technique et d'assistance mutuelle
en matière de protection civile. Signé à Evora le 9 mars
1992**

Textes authentiques : espagnol et portugais.

Enregistré par l'Espagne le 23 août 1993.

[TRANSLATION — TRADUCTION]

PROTOCOL¹ BETWEEN THE KINGDOM OF SPAIN AND THE PORTUGUESE REPUBLIC ON TECHNICAL COOPERATION AND MUTUAL ASSISTANCE IN THE FIELD OF CIVIL DEFENCE

The Governments of the Kingdom of Spain and of the Portuguese Republic, prompted by the desire to strengthen the traditional relations of friendship between the two nations,

In keeping with the spirit and in the framework of the Treaty of friendship and co-operation between Spain and Portugal of 22 November 1977² and the proposals of the International Commission on Boundaries,

Considering that it is of mutual interest to stimulate and further scientific and technical research and mutual assistance, including the dispatch of relief in the event of serious accidents, emergencies or disasters,

Convinced that close cooperation and exchange are factors which contribute to the best use of the resources of the two nations,

Conclude this Protocol, which is governed by the following provisions:

Article 1

PURPOSE AND SCOPE OF APPLICATION

1. The Contracting Parties shall prepare and carry out, by mutual agreement, joint or coordinated activities in the framework of scientific and technical cooperation programmes and projects in the field of civil defence.

2. For the purposes of this Protocol, scientific and technical cooperation between the two countries may include the following:

(a) The joint preparation and implementation of specific programmes and projects;

(b) The dispatch of technicians to provide advisory and consulting services;

(c) The acceptance of scholarship students at the institutions of either Party for the purpose of occupational and technical training;

(d) The planning and implementation of joint activities;

(e) The organization of conferences, meetings, courses and seminars;

(f) The exchange of information, documentation, publications and teaching materials;

(g) Any other type of scientific or technical cooperation agreed upon by the Parties.

¹ Came into force on 2 July 1993, i.e., 30 days after the date of the last of the notifications (of 23 April and 2 June 1993) by which the Parties had informed each other of the completion of the necessary constitutional formalities, in accordance with article 9 (1).

² United Nations, *Treaty Series*, vol. 1090, p. 23.

3. In the scientific or technical cooperation programmes and projects referred to in this Protocol, the objectives, duration and obligations of the two Parties and the type of joint financing which is considered appropriate, *inter alia*, must be specified.

4. The Parties must define, in each specific case, the methods of financing the cooperation activities on a bilateral basis and may, by mutual agreement, request and encourage the participation of international institutions and organizations in the implementation of joint programmes and projects in any of their forms.

5. The dissemination of the information referred to in paragraph 2 of this article may be excluded, restricted or limited at the express request of the other Party.

6. Each Party undertakes to provide the other with all the necessary facilities for carrying out the activities resulting from this Protocol, particularly in regard to the transfer and stay of the persons referred to in paragraph 2 of this article, and of their immediate families, who are carrying out their functions in the framework of the Protocol, with the understanding that they shall obey the pertinent laws of the two countries.

Article 2

ECONOMIC ASPECTS OF THE JOINT TECHNICAL COOPERATION ACTIVITIES

The economic obligations incurred under this Protocol in connection with joint technical cooperation activities must be financed by the regular budgets of each country's institutions participating in programmes and projects, and there shall be no recourse to special appropriations.

Article 3

REQUESTS FOR HELP, ASSISTANCE AND DISASTER RELIEF

1. The competent authorities of each country may, on a reciprocal basis, request help from the other Party in the event of, or in anticipation of, an emergency or disaster.

2. The areas of assistance and relief shall comprise the continental territory of the two countries.

3. Both Parties, recognizing that the effectiveness of relief operations depends on the speed with which they are carried out, shall consider the transit of resources from the donor country to the recipient country to be harmless, for all intents and purposes, and undertake to reduce frontier crossing formalities to the absolute minimum.

4. The competent authorities of the two countries shall ensure the rapid opening of their respective frontiers when deemed necessary for the urgent meeting of requests for assistance or relief. They also undertake to seek practical solutions for the transit of shipments of requested aid through temporary border crossing-points or in areas without customs facilities.

5. With a view to facilitating the rapid intervention of aircraft participating in emergency relief operations, each Party shall grant to the aircraft of the other Party

permanent authorization to fly over its territory for as long as necessary while rendering emergency assistance.

6. 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 operations occasioned by the emergency or disaster; if they are not returned without valid reason, they shall be subject to the customs regulations laid down by the domestic legislation of each country.

7. The overall management of operations shall, in all cases, be the responsibility of the authorities of the territory in which the disaster occurs. Nevertheless, the units of the donor country shall act through their own national leaders, whom the head of the expedition shall apprise of the objectives and missions to be accomplished.

8. The two Parties shall exchange information regarding possibilities and means of helping and providing assistance which could, if necessary, be mobilized.

Article 4

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 other equipment.

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

3. Should any emergency personnel be injured or killed, the Party from which such personnel come shall waive any claim against the other Party.

4. If, as a result of relief 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 was caused by incorrect handling or a technical error, except in the case of premeditation or recklessness.

5. 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 5

APPLICATION AND IMPLEMENTATION OF THE PROTOCOL

1. The two Parties agree that matters relating to the application and implementation of this Protocol, and the facilities to be granted to the persons referred to in article 1, shall be established through the diplomatic channel.

2. The respective national agencies responsible for international technical cooperation shall oversee and coordinate the implementation of the programmes and projects referred to in article 1 of this Protocol; these functions shall be the respon-

sibility of the Ministry of Foreign Affairs of Portugal and the Ministry of Foreign Affairs of Spain.

3. Intervention plans for providing mutual disaster assistance, which must be followed to ensure the effectiveness of the relief operations, and any subsequent change in those plans, shall be submitted for consideration to the International Commission on Boundaries between Spain and Portugal through the respective national delegations of the two countries.

Article 6

EXECUTING AGENCIES

The executing agencies of this Protocol shall be the National Civil Defence Service of Portugal and the Civil Defence Authority of Spain.

Article 7

JOINT COMMISSION

In order to ensure the fulfilment of the requirements of this Protocol, a Joint Civil Defence Commission shall be established, composed of representatives of the executing agencies who, at periodic meetings, shall discuss the programming of scheduled activities, follow up and supervise them and propose changes and adaptations as they deem appropriate.

Article 8

ADDITIONAL PROTOCOL

1. The Joint Commission referred to in article 7 shall consider and propose to the government civil defence authorities of the two countries an Additional Protocol to this Protocol, which will cover, *inter alia*, matters relating to procedures for requesting assistance or relief, frontier crossing formalities, detailed requirements for intervention, coordination and leadership guidelines, planning, information and communications systems.

2. The two Parties shall include the Portuguese Red Cross and the Spanish Red Cross in their assistance or relief activities and in the relevant intervention plans.

Article 9

ENTRY INTO FORCE AND TERM OF VALIDITY

1. Each Party, by its signature, undertakes to notify the other Party of the completion of the constitutional formalities necessary for the entry into force of this Protocol, which shall take place 30 days after the latter notification.

2. This Protocol shall remain in force for a period of four years and shall be automatically renewable for periods of four years unless one of the Parties notifies the other, at least three months in advance, that it has decided not to renew it.

3. This Protocol may be denounced by either Party by notifying the other Party through the diplomatic channel and shall cease to have effect six months after the date of such denunciation. The denunciation shall not affect programmes and projects already in progress unless there is an express decision to the contrary.

Article 10

INTERPRETATION OF THE PROTOCOL

Any controversy between the Contracting Parties concerning the interpretation or effects of this Protocol shall be resolved through negotiation on the basis of the fundamental principles of international law.

Article 11

FINAL PROVISIONS

From the date of entry into force of this Protocol, the Agreement on mutual assistance between Portuguese and Spanish fire and emergency services, signed in Lisbon on 31 March 1980,¹ shall cease to have effect.

DONE at Evora, on 9 March 1992, in two original copies, one in Spanish and the other in Portuguese. Both texts are equally authentic.

For the Government
of the Kingdom of Spain:

[*Signed*]

JOSÉ LUIS CORCUERA CUESTA
Minister of the Interior

For the Government
of the Portuguese Republic:

[*Signed*]

MANUEL DIAS LOUREIRO
Minister of Internal Administration

¹United Nations, *Treaty Series*, vol. 1177, p. 229.