

No. 33129

**SPAIN
and
PORTUGAL**

**Agreement on the construction of an international bridge
over the Mino River between Arbo (Spain) and Melgaço
(Portugal). Signed at Madrid on 12 June 1995**

Authentic texts: Spanish and Portuguese.

Registered by Spain on 30 August 1996.

**ESPAGNE
et
PORTUGAL**

**Accord relatif à la construction d'un pont international sur la
rivière Mino entre Arbo (Espagne) et Melgaço (Portu-
gal). Signé à Madrid le 12 juin 1995**

Textes authentiques : espagnol et portugais.

Enregistré par l'Espagne le 30 août 1996.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE KINGDOM OF SPAIN AND THE REPUBLIC OF PORTUGAL ON THE CONSTRUCTION OF AN INTERNATIONAL BRIDGE OVER THE MINO RIVER BETWEEN ARBO (SPAIN) AND MELGAÇO (PORTUGAL)

The Kingdom of Spain and the Republic of Portugal, desiring to improve conditions for the movement of vehicles and persons in their two countries, prompted by the spirit of friendly cooperation which governs their mutual relations, and determined to cooperate in the development of the autonomous community of Galicia in Spain and the Norte region of Portugal, have agreed as follows:

Article 1

An international bridge shall be built between Arbo and Melgaço, over the Mino River, linking Spain with Portugal.

Article 2

This bridge shall be used for road traffic, and its specifications shall be established by the Technical Commission referred to in article 5 of this Agreement. The Commission shall bear in mind the need to avoid impeding navigation on this section of the river and shall draw up a Protocol to be adopted by the two Governments by means of an Exchange of Notes.

Article 3

The Spanish Government, through whatever State body which it decides to designate, shall be responsible for preparing the project design for the bridge, awarding the work contract, executing and directing the work and financing it in full.

Where appropriate, each Government shall plan and construct at its own expense the approaches to the bridge which are situated in its own national territory.

Article 4

The Portuguese Government shall provide the necessary facilities in its territory for the preparation of the project design and the execution of the work.

To that end, the two Governments shall take appropriate and timely action to facilitate the granting of licences and authorizations and the taking possession of the land required to perform the work in question.

Article 5

In application of article 2 of this Agreement and in order to ensure coordination in the preparation of the project design and the execution of the work, to provide for permanent contact between the services concerned in the two countries and to perform the tasks assigned under this Agreement, a Spanish-Portuguese Joint Technical Commission shall be established.

¹ Came into force on 9 July 1996 by notification, in accordance with article 16.

The Commission shall be composed of an equal number of Spanish and Portuguese delegates, to be determined by means of an Exchange of Notes.

The head of the Spanish delegation shall be the Director-General of Highways in the Spanish ministerial department responsible. The head of the Portuguese delegation shall be the Chairman of the Independent Highways Board.

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.

The heads of the two delegations may delegate all or some of their functions to whatever persons they deem appropriate. The Commission as well may delegate specific functions or assign certain matters to small working groups set up by it.

The Governments shall establish the Commission by means of an Exchange of Notes and it shall meet as deemed necessary, at the request of either Party.

Article 6

Once the project design referred to in article 3 has been prepared, it shall be considered by the Joint Technical Commission established under article 5 of this Agreement, which shall transmit its report to the Portuguese Government for approval or criticism.

Once the approval of the Portuguese Government has been received or its objections resolved, the State body designated by Spain shall proceed to approve the project design and authorize and execute the work in accordance with the Spanish legislation applicable in the matter, after having notified the Joint Technical Commission.

Article 7

During the course of the work, the Joint Technical Commission or a small working group thereof shall meet quarterly in order to enable the director of the work to inform the Portuguese Party of its progress and to discuss or resolve any problems or developments that have occurred.

Article 8

The provisions of the foregoing articles notwithstanding, the two Governments may agree on a special regime for the maintenance and use of the international bridge, drawing up a specific Protocol for the purpose.

Article 9

The legislation applicable to the execution of the work and to working conditions and safety shall be that of Spain, since the Spanish Government is responsible for the work.

Article 10

Each of the signatory Governments undertakes:

(a) To authorize building materials, raw materials, installation equipment, machinery, tools and other items needed for the preparation of the project design and the execution of the work to be brought onto the site, in accordance with the terms of articles 9 and 10 of the Treaty of Rome;¹

(b) To allow the entry of building materials and raw materials which are to be incorporated into the structure, in accordance with the terms of articles 9 and 10 of the Treaty of Rome, exempting them from any import or export regulations that might be applicable;

(c) To return all items referred to in paragraphs (a) and (b) of this article which have not been incorporated into the structure to the country from which they came upon completion of the work.

Article 11

Each State shall have the right to impose and levy such taxes as may be due under its domestic legislation in respect of the preparation of the project design or the execution of the work.

The two Governments undertake to settle by mutual agreement any tax problems arising from the execution of the work.

Should cases of double taxation arise, this shall be avoided through the application of the procedure set out in article 24 of the Convention between Spain and Portugal for the avoidance of double taxation with respect to taxes on income, signed on 29 May 1968.²

Article 12

Once the work has been completed, the Spanish Government shall, with the agreement of the Portuguese Government, arrange for provisional acceptance of the structure. One year later, it shall similarly arrange for its final acceptance.

Following final acceptance, the Spanish Government shall transfer to the Portuguese Government responsibility for the part of the bridge situated in its territory. Until such time, the Spanish Government shall be responsible for the structure and its maintenance. After the transfer, each Government shall be responsible for maintaining the part of the structure situated in its territory.

If technical considerations so dictate, special provisions may be adopted for the maintenance of each part of the structure or for the assignment of the entire maintenance work to a single Government.

Such provisions may be set out in the relevant Protocol or in an Exchange of Notes.

Article 13

Contracts for the preparation of the project design or for the execution of the work shall be subject to the norms of public law in force in Spain.

Spanish Government authorities shall have the sole jurisdiction to resolve any disputes arising between the Spanish administration and the contractors responsible for the work.

¹ United Nations, *Treaty Series*, vol. 294, p. 3.

² *Ibid.*, vol. 1650, No. I-28374.

Article 14

Each country shall own the part of the bridge and the approaches thereto situated in its own territory.

In each country ownership shall be determined by the respective national laws, without prejudice to any relevant international obligations.

Article 15

The line demarcating the frontier between the two States shall be marked on the bridge by the International Spanish-Portuguese Boundary Commission, in accordance with the international agreements in force between the two countries.

Article 16

This Agreement shall enter into force on the date on which the Parties notify each other of the completion of their respective internal formalities for the adoption of international treaties.

IN WITNESS WHEREOF the duly authorized representatives of the Governments of Spain and Portugal have signed this Agreement.

DONE at Madrid on 12 June 1995.

For the Kingdom
of Spain:

JOSÉ ALBERTO ZARAGOZA RAMEAU
Secretary of State
for Territorial Development
and Civil Engineering

For the Republic
of Portugal:

LEONARDO MATHIAS
Ambassador of Portugal
in Spain