

N° 3110.

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## ESPAGNE ET FRANCE

Convention pour le fonctionnement de la gare internationale de Canfranc et de la voie de jonction de cette gare avec la station française des Forges-d'Abel. Signée à Paris, le 16 juillet 1928.

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## SPAIN AND FRANCE

Convention for the Operation of the International Station of Canfranc and of the Line connecting that Station with the French Station of "Les Forges-d'Abel". Signed at Paris, July 16, 1928.

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 3110. — CONVENTION <sup>2</sup> BETWEEN SPAIN AND FRANCE FOR THE OPERATION OF THE INTERNATIONAL STATION OF CANFRANC AND OF THE LINE CONNECTING THAT STATION WITH THE FRENCH STATION OF "LES FORCES-D'ABEL". SIGNED AT PARIS, JULY 16, 1928.

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*French official text communicated by the President of the Council, Minister for Foreign Affairs of the French Republic. The registration of this Convention took place December 16, 1932.*

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CHAPTER I.

PROVISIONS RELATING TO THE INITIAL CHARGES INCURRED FOR ADDITIONAL WORK AND HOUSING ACCOMMODATION.

SECTION OF THE LINE FROM OLORON TO ZUERA BETWEEN THE FRENCH EXIT FROM THE STATION OF "LES FORGES-D'ABEL" AND THE ENTRY TO THE INTERNATIONAL STATION OF CANFRANC.

*Article 1.*

The section of the line from Oloron to Zuera between the exit from the last French station, called "Les Forges-d'Abel", and the entry to the international station of Canfranc at the place called "Los Arañones", in Spanish territory, shall be regarded as a Customs zone.

French passenger and goods trains shall travel freely on that section by night and by day, on holidays and on working days, subject to observance of the rules agreed upon.

INTERNATIONAL STATION OF CANFRANC.

*Article 2.*

The international station of Canfranc shall be provided with the necessary plant for the services of the two nations from the point of view both of the railway and of the other administrations concerned.

This plant shall conform to the provisions of the scheme drawn up by common agreement by the two Governments.

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<sup>1</sup> Traduit par le Secrétariat de la Société des Nations, à titre d'information.

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

<sup>2</sup> The exchange of ratifications took place at Paris, November 10, 1932.

The uses of the various premises and plant of the international station shall be indicated by notices in both languages.

Each Government may also require that premises used for all or part of its railway for administrative services be indicated by the arms of its country.

#### FURNISHING AND EQUIPMENT.

##### *Article 3.*

Each of the two States shall ensure the supply of furnishings, accessories, and equipment necessary for the services carried out by the agents of its railway and other administrations.

The furnishings, accessories and equipment needed by the common services for the working of the section from Canfranc to the frontier and of the station of Canfranc shall be supplied by the Spanish State.

#### DWELLINGS IN THE " PUEBLO ".

##### *Article 4.*

In order to make good the shortage of housing accommodation in the premises of the international station and of the traction service and in the neighbourhood of the international station, the Spanish Government has had a number of buildings erected called the " Pueblo ".

The Spanish Government shall place at the disposal of the French State, for its various railway and administrative services, any premises which may be needed by the latter for housing those agents whom it has not been possible to house either in the main passengers' building or in the building used for traction.

The Spanish Government shall receive a rent to be calculated on the basis of the actual initial expenditure on the buildings actually occupied by the French agents, at a rate of simple interest equal to the rate at which the Spanish 4 % Foreign Stock is quoted in Madrid on the day on which the international station of Canfranc is opened to traffic.

As the work has been carried out during periods when the rate of the peseta has varied, the initial expenditure shall be reduced to a common monetary unit, and the amount of the rent shall be established on the basis of that unit, in accordance with the provisions of the present paragraph.

In addition, a sum shall also be paid equal to 15 % of that specified in the preceding paragraph, in order to take account of the normal charges incurred by the Spanish Government in its capacity of owner of the said buildings, and in particular the supply of power for lighting the staircases and corridors. On payment of this rent by the French Government, the French railway and administrative services shall be exempt from all national or local taxes.

The rent thus calculated shall cover :

- (1) Free supply of drinking-water and water for other purposes.
- (2) The right of the French agents to use the common buildings of the Pueblo, such as the chapel, hospital, etc., on the same footing as the Spanish agents.
- (3) The use of all common plant such as roads, gardens, and public lighting, plant for the draining-off of rain-water and sullage-water, etc.
- (4) The enjoyment of all public safety and health services (police, fire, sweeping and scavenging, watering, etc.).

The rent shall not include repairs to premises which, in accordance with the laws and regulations and Customs in force in Spain, are, or may hereafter be, a charge upon the tenants.

Nor shall it include the cost of electric power for the use of agents, which shall be supplied by the Spanish Government or the public service acting for the Government at rates to be fixed by common agreement with the French Government, the Spanish Government being responsible for

establishing the external and internal distribution systems at its own expense and keeping them in good order.

If, for any reason, the number of French agents at Canfranc station should subsequently be increased, the Spanish Government shall provide such agents with all the necessary housing accommodation, and the above rules shall apply to the rent charged therefor.

## CHAPTER II.

### PROVISIONS RELATING TO THE OPERATION OF THE SERVICE.

- a) *Service between the French station of "Les Forges-d'Abel" and the international station of Canfranc and vice versa.*

#### OPERATION OF THE SECTION BETWEEN THE FRENCH STATION OF "LES FORGES-D'ABEL" AND THE INTERNATIONAL STATION OF CANFRANC.

##### *Article 5.*

The French railway administration shall operate the whole section between the French station of "Les Forges-d'Abel" and the international station of Canfranc. It shall be required to convey any passengers and goods it may have taken up at Canfranc station for destinations in France, whatever their place of origin, and, reciprocally, to convey to Canfranc station any passengers and goods it may have taken up at its own stations, whatever their final destination beyond the frontier, at its own expense as regards the part situated in French territory, and at the expense of the Spanish railway administration as regards the part situated in Spanish territory.

The expenditure incurred by the French railway administration in respect of this latter section of the line shall be charged to the Spanish railway administration, which shall receive the corresponding revenue.

Traffic shall be worked on that section in accordance with the rules in force on the French system.

- b) *Operation of the international station of Canfranc.*

#### ADMINISTRATION OF CANFRANC STATION.

##### *Article 6.*

The service at Canfranc station shall be carried out by the Spanish railway administration.

This administration shall have at its disposal a staff supplied by the French railway administration, which shall, under the authority of the Spanish Stationmaster and, if necessary, with the help of labour furnished by the Spanish administration, operate, in accordance with the rules and customs in force on the French system, traffic of all kinds from Canfranc to France or *vice versa* and carry out all formalities at the French Customs.

The rest of the service shall be carried out by the staff of the Spanish administration, which shall in particular carry out the internal shunting work of splitting up and marshalling trains, without distinction of nationality.

The French railway administration shall keep an agent, assisted by the necessary staff, at Canfranc station to provide for its internal services and to represent its interests in relation both to the public and to the Stationmaster representing the Spanish railway administration.

The time used shall be Spanish legal time.

## COSTS OF UPKEEP.

*Article 7.*

The provisions of the Convention<sup>1</sup> of August 18, 1904, concerning the cost of upkeep of constructional work carried out by the two Governments at their joint expense, shall be applied.

Questions relating to the entry of charges in the various accounts of the railway and administrative services shall be reserved for the internal decisions of each Government as regards its own country.

## WORKING EXPENSES.

*Article 8.*

Generally speaking, and without prejudice to the expenditure mentioned in Article 7 above and Article 9 below :

The French railway administration shall bear the working expenses of Canfranc station for the operations mentioned in Article 6 as having to be carried out by its staff and for the shunting and upkeep of its material.

The Spanish administration shall bear the corresponding expenses relating to the traffic with Spain and to its material.

The expenses relating to common transit operations shall be borne equally by the two administrations.

Each administration shall present invoices either to the other administration or to the community in respect of any services which it may render to the other administration or to the common service.

The receipts, including accessory expenditure, derived from operations at Canfranc station shall be divided between the administrations according to agreements to be arrived at between them.

## EXPENSES OF ADMINISTRATIVE SERVICES AND OFFICIALS OR AGENTS HOUSED IN THE STATION.

*Article 9.*

The cost of upkeep of internal fittings, lighting, heating, and cleaning of plant and premises of the administrative services, and all the working expenses of those services, shall be paid by the administrations responsible for them, account being taken of agreements concluded or hereafter to be concluded on this subject between those services and the railway administrations of each of the two States.

Officials and agents housed in the principal station building shall be responsible for the cost of repairs to the buildings which they occupy and the heating and lighting of their apartments.

The Spanish railway administration shall be required to arrange for the heating, lighting, and cleaning of the stairs and corridors giving access to those dwellings, and the cost of those services shall be divided by it between the French and Spanish railway and administrative services in proportion to the area of the accommodation occupied ; in consequence of this division, a balance shall be periodically struck, which, after verification, shall serve as a basis for the reimbursement to be made to the Spanish railway administration by each of the railway and administrative services, which shall, at their discretion, distribute such expenditure among those of their agents who are concerned.

<sup>1</sup> *British and Foreign State Papers*, Vol. 98, page 632.

RESPECTIVE OBLIGATIONS OF THE TWO ADMINISTRATIONS AS BETWEEN THEMSELVES  
AND WITH REGARD TO THE PUBLIC.

*Article 10.*

The administrations of the French and Spanish railways shall extend the organisation of their service at Canfranc station as the traffic may demand, and shall accord to the public, at that station, for the traffic with each territory, all the facilities provided for in the specifications and in the regulations in force in that territory. They shall communicate to each other, in this connection, all necessary information, and shall as far as possible come to an agreement to adapt their respective proposals to traffic needs.

REFORWARDING OF PARCELS WHICH HAVE ARRIVED IN SPAIN OR BEEN HANDED OVER TO THE FRENCH  
CUSTOMS IN ERROR.

*Article 11.*

*Grande* or *petite vitesse* parcels not consigned to Spain, which have arrived at Canfranc through an error, shall be reforwarded free of all charges by the first convenient train. In the meantime, the Customs authorities of the two countries shall be advised, and the parcels shall be kept in premises to which the two Customs services shall have free access and over which they shall have control.

*Grande* or *petite vitesse* parcels not consigned to France, which have arrived in the premises of the French Customs through an error, shall be handed over to the Spanish Customs services without any formality, on a simple written request.

*c) Clauses applicable to the section of line from "Les Forges-d'Abel" to Canfranc Station, and to the international station of Canfranc.*

SUPPLY OF POWER.

*Article 12.*

The French railway administration shall supply, under the conditions laid down in Articles 5 and 8 above, the necessary electric power for the traction of trains between the station of "Les Forges-d'Abel" and Canfranc station, both for traffic between the two stations and for shunting operations on the electrified tracks at the international station of Canfranc.

TARIFICATION.

*Article 13.*

The traffic of Canfranc station with France shall be subject to the French internal regulations and to the conditions laid down for the application of the French tariffs.

Transport shall be charged for at the rates approved by the French Government for the section in French territory as far as the Spanish frontier. The section between the frontier and the international station of Canfranc shall be charged for at the rates approved by the Spanish Government.

Each railway administration shall collect at Canfranc station any additional charges (station charges, handling charges, warehousing charges, demurrage, weighing charges, etc.) according to its own tariffs.

During the period of validity of the transitional provisions of the Berne Convention, Spanish charges in pesetas may only be collected at the international station of Canfranc or at any other Spanish station of despatch or destination, and French charges in francs may only be collected at the international station of Canfranc or at any other French station of despatch or destination.

When, in accordance with regulations, conventions, or custom, the French administration gives traffic facilities to any persons or bodies on the section of track from Les Forges-d'Abel to the frontier and *vice versa*, the Spanish railway administration shall also give such facilities on the section of track from the frontier to Canfranc station and *vice versa*.

EXPERT OPINION IN THE EVENT OF DISAGREEMENT AS TO THE ESTIMATION OR DISTRIBUTION  
OF WORKING EXPENSES.

*Article 14.*

If the railway administrations cannot agree on the estimating of expenses and receipts for the section of track from Canfranc to the French frontier or for Canfranc station, or on the division of such expenses and receipts between them, they shall request the President of the International Railway Union to appoint an expert to apportion them, unless the President is of French or Spanish nationality, in which case such request shall be addressed to the President of the Central Office for International Transport at Bern.

CHAPTER III.

PROVISIONS RELATING TO THE CUSTOMS SERVICES.

CUSTOMS REGULATIONS TO BE APPLIED.

*Article 15.*

The French and Spanish Customs regulations shall be simultaneously in force on the section of track between the frontier and the international station of Canfranc and in that station itself, it being understood that the French Customs administration may exercise, both on that section of track and in the station, such control and supervision as may be necessary to protect its interests.

APPLICATION OF THE FRENCH CUSTOMS REGULATIONS.

*Article 16.*

The French regulations shall apply :

(1) On importation into France : for goods, from the moment when they have been declared at the French Customs or from the moment when an attempt is made to evade the French Customs ; for passengers, from the moment when the French Customs inspection begins, or from the moment when a passenger endeavours to evade such inspection,

(2) On exportation from France : for goods, up to the moment when their leaving French territory is established ; and for passengers up to the moment when the Customs inspection is finished.

In the case of passengers, the inspection on departure shall as far as possible be held in the Custom house of the importing country, in conformity with regulations to be drawn up jointly by the heads of the two Customs services at Canfranc station.

The two services shall operate successively, the Customs of the country of departure carrying out their inspection first.

Goods which have come from France and are sent back to France before the French Customs regulations have ceased to be applicable to them shall not be liable to any Spanish import or export duty or subject to any Spanish prohibition relating to their entering or leaving the country.

When the application of the Customs laws of the two parties necessitates the detention or seizure of goods, priority shall be accorded to the Customs authority of the exporting country, which must, however, allow the importing country to exercise its rights.

#### EXTENSION OF THE RIGHTS OF THE CUSTOMS AUTHORITIES TO ALL THEIR FUNCTIONS.

##### *Article 17.*

The provisions relating to export, import or transit prohibitions and restrictions, to the collecting of all taxes and indirect charges, and to the statistics of the movement of goods, the application of which, in virtue of French legislation, is or may hereafter be entrusted to the Customs authorities, shall be assimilated, in respect of their application in the international station of Canfranc, to the Customs regulations properly so called.

#### EXERCISE OF THE RIGHT OF SUPERVISION OF THE CUSTOMS ADMINISTRATIONS OVER WAREHOUSES, DEPÔTS, AND STORES.

##### *Article 18.*

Each of the Customs administrations shall exercise supervision over warehouses, depôts, or stores for goods coming under its regulations, the details of application of which shall be determined by it alone.

When the goods are under the simultaneous supervision of both administrations, that of the exporting country shall alone be deemed the responsible depositary for fiscal purposes.

The higher Customs officials of each country at Canfranc station, or their representatives, chosen from among the employees of the highest rank, shall have the right of access to the warehouses, depôts, or stores of that country in the presence of an official of the latter, who shall, when possible, be of equal rank.

The exercise of supervision by the Customs administrations shall in no way relieve the railway administrations of their responsibility towards the owners or consignees in respect of the safekeeping of goods.

#### GOODS AND LUGGAGE PLACED UNDER CUSTOMS SEAL.

##### *Article 19.*

Customs sealing formalities shall be carried out with all the despatch and facilities of international usage and, so far as differences in circumstances allow, in accordance with the provisions at present in force for the stations of Cerbère—Port-Bou Hendaye—Irun.



AGREEMENTS TO BE CONCLUDED WITH REGARD TO THE EXERCISE OF THE POWERS OF THE TWO  
CUSTOMS ADMINISTRATIONS.

*Article 20.*

The two Customs administrations shall extend the powers of the offices at the international station of Canfranc to all formalities connected with Customs clearance on entry or exit to which traffic requirements may give rise.

They shall in particular ensure that the powers agree as far as possible, and that the clearance formalities carried out by the two Customs offices are effected successively without loss of time.

The Customs administrations shall endeavour to accelerate the Customs inspection of goods as much as possible, so as to reduce to a minimum the period during which rolling-stock is held up and premises occupied.

Except in cases where there is suspicion of malpractice, goods for international transit shall be released immediately.

MUTUAL ASSISTANCE BY THE TWO CUSTOMS ADMINISTRATIONS IN PUTTING DOWN FRAUDS.

*Article 21.*

Each Customs administration is required to enforce the Customs regulations of the State to which it belongs ; nevertheless, the two authorities shall cooperate as far as possible in preventing frauds in traffic liable to duties and bringing to light infringements of the laws and regulations.

For this purpose, the higher officials or receivers of the Customs offices at Canfranc station shall supply one another with any information asked for.

PUNISHMENT OF INFRINGEMENTS.

*Article 22.*

Within the precincts of Canfranc station and of the section of track between the French frontier and that station, the Customs administrations of the two countries shall have the right to enquire into any infringement involving a breach of the regulations, Customs or other, which it may be their duty to enforce, subject to the conditions laid down in the present Convention.

They may establish such infringements according to the provisions of their respective laws, and bring them before their courts.

The French administration may detain as security, or if necessary confiscate, any article in connection with which such infringements occur. It shall also have the right either to send to France the articles detained as security or confiscated and seized in Spanish territory, or to cause them to be sold on the spot subject to the conditions laid down in the French regulations, unless they have already been confiscated by the Spanish Customs service.

With a view to the punishment of infringements of the French laws and regulations applied by the Customs administration, the competent Spanish authorities shall, at the request of the French authorities :

(1) Carry out any interrogations, hear witnesses and experts, establish any facts, carry out any official enquiries or searches or obtain any official information ;

(2) Give notice of any summons, decision, documents, or acts of procedure.

Any expenses to which such formalities may give rise shall be a charge upon the State making application.

IMPORT AND RE-EXPORT OF ARTICLES COMING FROM FRANCE FOR THE NEEDS  
OF THE FRENCH SERVICES.

*Article 23.*

Subject to the customary verification, no obstacle shall be placed in the way of the importation into Spain or the re-exportation from Spain of articles, objects, or materials which come or have come from France for the needs of the French railway and administrative services at Canfranc station and on the part of the line from Oloron to Zuera between the frontier and Canfranc station.

Such importation or re-exportation shall be effected free of all Customs duties and other charges.

GOODS TEMPORARILY IMPORTED OR EXPORTED.

*Article 24.*

The Customs offices of the two States shall jointly carry out formalities of verification or any measures to be taken with a view to establishing the identity of goods temporarily imported or exported from one country to the other.

MEASURE TO BE TAKEN BY THE RAILWAY ADMINISTRATIONS IN APPLICATION  
OF THE CUSTOMS REGULATIONS.

*Article 25.*

(a) In the case of all trains arriving at the international station of Canfranc with goods for the other State, the railway administrations shall hand over the entry papers habitually presented on the arrival of trains at the stations of Hendaye, Cerbère, Irun, and Port-Bou, within three hours of the time when the Customs office of departure shall advise the Customs office of entry that it has completed its formalities.

(b) The railway administrations shall be required to take all necessary precautions to prevent goods, passengers, and luggage subject to Customs formalities from entering or leaving the international station except by the passages arranged therefor in the Customs interests of the two States.

(c) If goods or luggage subject to the formalities of either Customs office at the international station of Canfranc are delivered without such formalities having been complied with, the railway administrations shall be responsible within the limits laid down by the laws of each of the two States.

The railway administrations shall be required to make themselves responsible for ensuring that goods deposited in the special premises for a particular destination are not withdrawn from those premises in order to be sent to any other destination without the express consent of the Customs office concerned.

(d) The railway administrations must take the requirements of the Customs service into account when drawing up their time-tables; they shall advise the Customs offices of the two States, in good time, of any ordinary or exceptional change made in the time-table of passenger or goods trains and of the despatch of any special train.

(e) The necessary steps shall be taken jointly by the railway and Customs administrations to ensure that passengers and luggage arriving by a train are sent on by the connecting train shown in the time-table; this shall be compulsory when there is at least one hour's wait between the arrival of the importing train and the departure of the connecting train.

(f) With a view to the prevention of frauds, each Customs administration shall exercise over the railway administration of its nationality, in the matter of the verification of the books, any rights which have been or may hereafter be conferred upon it by the laws of its country.

#### FORWARDING AGENTS.

##### *Article 26.*

The Custom-house agents and commission agents of each nationality may practice their profession in conjunction with the various services of the other country, provided they comply with the laws and regulations of that country and with any other provisions relating to their profession.

The Spanish Customs administration shall fix the number of French forwarding agents, Custom-house agents, and commission agents, to be admitted as recognised forwarding agents at Canfranc station. The proportion shall not be less than four to seven.

Subject to the application of the preceding paragraphs and of any other international agreements which now exist or may hereafter be introduced, Spanish and French forwarding agents shall be treated on a footing of complete equality — particularly from a fiscal point of view — by the two Governments and by the various departments of the two States.

The French forwarding agents and their staff shall be given every facility for proceeding to Canfranc ; for this purpose, a permanent visa valid for one year shall be affixed to their national passports free of charge. If a special frontier régime is set up, such régime shall be *ipso facto* applicable to them.

The same French forwarding agents may employ French or Spanish specialised staff (clerks, packers, etc.) at their discretion, notwithstanding any special provisions which have been issued or may in future be issued for the protection of national labour.

#### CHAPTER IV.

##### PROVISIONS RELATING TO THE CRIMINAL INVESTIGATION SERVICES AND TO GENERAL POLICE MEASURES.

##### RIGHTS OF THE FRENCH CRIMINAL INVESTIGATION SERVICES IN THE INTERNATIONAL STATION OF CANFRANC.

##### *Article 27.*

1. General police and criminal investigation duties in the railway premises and dependencies (platforms, tracks, six-foot way, signals, points, level-crossings, loading-platforms, etc.) from the Spanish frontier, along the whole length of the line on Spanish territory, up to the international station of Canfranc and in that station, shall be carried out by Spanish police officers.

These officers, when required to do so by senior officers of the French Customs or police, shall assist the French Customs and police officers in carrying out the decisions taken by them within the limits of the powers conferred upon them by the present Convention. The employment of this armed force shall not involve the refund of any expenses by the French Government.

No French officers of any kind may effect arrests. They shall, however, have the right to keep order within the service premises allotted exclusively to them, and to eject disorderly persons, who shall be handed over to the Spanish police for suitable action.

2. On the arrival of trains coming from the station of "Les Forges-d'Abel", the officers of the Spanish police shall take steps to prevent passengers from leaving Canfranc station without the permission of the French police, who shall have the right to carry out with regard to those passengers all the formalities laid down in the French laws and regulations for passengers leaving France.

They shall have the right to turn back into French territory any passenger coming from France who is wanted for any reason or who has infringed either the French Customs laws and regulations or the traffic and passport instructions. At the request of the senior French police officer, the Spanish police must take steps to ensure that a person to be sent back to France cannot leave Canfranc station until he can be actually sent back. If supervision is necessary in the train for this purpose, it shall be carried out by the Spanish police in Spanish territory and by the French police in French territory.

The provisions of the present Article shall not be applicable to persons of Spanish nationality. By persons of Spanish nationality within the meaning of the present Article are understood those possessing Spanish nationality in accordance with the provisions of Spanish law, which is the Constitution in force under the Monarchy of June 30, 1876, irrespective of any other law.

French police officers may, in the case of such persons, carry out the formalities laid down by the French laws and regulations relating to passengers leaving the country, but shall not have the right to turn them back. They may, however, inform the Spanish police of the reasons why they would have been turned back had they been of another nationality.

3. The French police shall have the right to carry out all formalities laid down by the French laws and regulations for the entry of passengers into France, and to forbid the entry into French territory of all persons, without distinction of nationality, who fail to produce the passports or other papers required by the French regulations (such as a labour contract bearing the stamp of the competent authorities), or who may be unable to prove their identity in spite of the possession of such papers, and those to whom access to French territory is forbidden by administrative or judicial decision. At the request of the senior French police officer, the Spanish police must take all necessary measures to prevent persons forbidden to enter French territory from entering trains going to the station of "Les Forges-d'Abel".

4. The French criminal investigation and Customs officers shall have the right, at Canfranc station, to request passengers going to France to produce any tracts, periodicals, or books of which they may be in possession, in order to ascertain whether they include any literature forbidden to be introduced into France. Should a passenger refuse to comply with such request or to hand over such prohibited tracts, periodicals, or books, the French officials may draw his attention to the consequences which the introduction of such literature into France might entail for him.

#### RECIPROCAL RIGHTS AND OBLIGATIONS OF THE CRIMINAL INVESTIGATION SERVICES.

##### *Article 28.*

The official at the head of the French police may delegate officers to Canfranc whenever he thinks fit (or even permanently), or may proceed thither himself, with a view to the performance of any mission with which his Government may entrust him with the knowledge of the Spanish Government.

The French and Spanish officials entrusted with supervisory duties in Canfranc station and on the international section of the railway shall communicate to one another any information calculated to facilitate the performance of their missions, both as regards the punishment of crimes and offences against ordinary law and the maintenance of the peace and tranquillity of the two States, and also with a view to the arrest of criminals whose extradition may be requested by either country.

## DEPORTED, ESCORTED, OR REPATRIATED PERSONS.

*Article 29.*

Persons deported, escorted, or repatriated by the French authorities shall be handed over to the Spanish authorities at the international station of Canfranc, and the handing-over of persons deported, escorted, or repatriated by the Spanish authorities shall take place at "Les Forges-d'Abel". The State taking over a person deported, escorted, or repatriated shall not incur any expense.

Persons who are expelled from Spain as French nationals, but are not recognised as such, shall be returned to the Spanish authorities, who shall be bound to take charge of them.

Conversely, persons who are expelled from France as Spaniards, but are not recognised as such, shall be returned to the French authorities, who shall be bound to take charge of them.

## COMPETENCE OF THE SPANISH COURTS.

*Article 30.*

The competence of the ordinary Spanish courts is expressly reserved, even in the case of all French nationals or officials, as regards offences and crimes committed in the station or on the line and coming under Spanish laws and ordinances, without prejudice to the provisions of paragraph 2 of Article 22 above.

The Spanish judicial authorities shall inform the French Government of any proceedings taken against its nationals, and of their result.

## FRENCH POLICING OF IMMIGRATION.

*Article 31.*

The French Government reserves the right to organise an immigration or labour service at its own expense, permanently or temporarily, at Canfranc station.

## CHAPTER V.

## PROVISIONS RELATING TO THE POSTAL, TELEGRAPH, AND TELEPHONE SERVICES.

## POSTAL SERVICE.

*Article 32.*

The French and Spanish postal administrations shall be entitled to incorporate in international trains, subject to the conditions in force in each of the two countries, mail-vans for postal traffic, with the necessary staff.

The exchange of mail-bags shall be effected at the station of Canfranc by transshipment.

So far as may be compatible with the requirements of the operation of the railway and the general arrangements of the station, the railway administrations shall, as far as possible, facilitate the transshipment of mail-bags and postal packets from one train to another.

Official correspondence between the French administrations and their services at Canfranc station may be handed in direct to the French offices or the French mail-vans arriving at that station or leaving it.

Mail-bags and correspondence exchanged by the postal administrations shall be exempt from every kind of Customs formality.

The officials of the Customs administrations shall supervise the unloading and loading of mail-bags and postal packets, and shall accompany them from the arrival van to the departure van, but may not open or examine them.

If there is reason to suspect infringements of the Customs laws and regulations, the above-mentioned officials must accompany the boxes, bags, and packages containing correspondence to the post offices, so as to be present when they are opened, that being always done by the post-office staff.

#### TELEGRAPH AND TELEPHONE EQUIPMENT.

##### *Article 33.*

The Spanish telegraph administration shall open the international station of Canfranc for private telegraph traffic, and shall request the National Telephone Company of Spain to open that station for private telephone traffic.

If telegraph or telephone wires or cables are laid in the Somport tunnel for the public service, the specifications shall be determined in each case by agreement between the Spanish and French administrations.

The supply, laying and upkeep of, major repairs to, and the renewal of, these lines, shall be effected, as regards underground work, entirely by the French administration, to which the Spanish administration undertakes to reimburse the initial expenditure and cost of upkeep, including overhead charges, proportionately to the length of wiring laid in Spanish territory.

Except in cases of emergency, major repairs and renewals shall be carried out only after agreement between the two administrations.

#### TELEGRAPH AND TELEPHONE SERVICES.

##### *Article 34.*

The telegraph and telephone services shall be governed by the international or national regulations to which they are respectively subject.

The railway administrations may, on the lines operated by them, use the telegraph and telephone free of charge for their service requirements.

The French railway administration may also, on the lines operated by it, use the telegraph and telephone for transmitting and receiving official communications for the French services at Canfranc station, without paying any fee to the Spanish Government.

In exceptional cases, the telegraph and telephone offices of the railway administrations shall be authorised to exchange private telegrams direct by the lines belonging to those administrations when such telegrams cannot arrive in time by the wires belonging to the State systems ; but this provision shall apply only to communications relating :

- (a) To enquiries into lost or mislaid luggage ;
- (b) To traffic delays or to passengers who have taken the wrong train ;
- (c) To enquiries for lost railway-tickets ;
- (d) To orders for special tickets or the reservation of seats ;
- (e) To serious cases of illness or accident.

These private telegrams must be addressed to one of the services set up within the precincts of Canfranc station or of a French station in direct touch with that station ; no private telegrams shall be delivered outside those stations.

## CHAPTER VI.

## PROVISIONS RELATING TO THE SANITARY POLICE SERVICES.

## SANITARY MEASURES.

*Article 35.*

The French sanitary service shall have jurisdiction over passengers, luggage, and goods leaving for France, both in the station premises and in the coaches and waggons, from the time when the French Customs formalities are finished.

Subject to this reservation, the Spanish sanitary service shall have general jurisdiction, in the international station of Canfranc, in the matter of the protection of public health, both over persons and goods and over the premises, dwellings, warehouses, etc.

The French officials of the services of the international station of Canfranc and their families may be assisted and attended by the French medical staff and receive medicaments, sanitary appliances, etc., from France.

Formalities connected with sanitary inspections ordered by either State in the event of an epidemic shall be carried out in the premises designed for the purpose in the international station and its dependencies.

Those premises and plant shall be common to the sanitary services of the two countries. The cost of upkeep, cleaning, lighting, and heating shall be borne equally by the two States.

Notwithstanding this common use of premises and plant, each country shall organise its service with its own staff and according to its own sanitary regulations.

Nevertheless, an agreement may be concluded for the common use of all or part of the services of the managing or executive staff, in which case the agreement concluded shall determine the conditions for the sharing of the expenditure incurred in respect of such staff between the two States.

If it is necessary to use the common sanitary premises and plant simultaneously for the requirements of both countries, the officials in charge of those services shall come to an agreement as to the sharing of those premises and plant and of the hours during which they are to be used in such a way as to minimise inconvenience to either party, ensure the most rapid possible operation of the service, and avoid delays in the train-service.

The expenditure incurred for disinfection and for the functioning of apparatus shall be borne by the importing State.

The French sanitary services may ask the Spanish Government for permission to set up at their own expense any additional plant which may subsequently be thought necessary.

## INFIRMARY.

*Article 36.*

An infirmary shall be set aside, for the event of cases involving danger to health, to receive and isolate, temporarily, passengers whom either of the two doctors, acting within the limits of his powers, shall find to be suffering from or suspected to be suffering from an epidemic infectious disease, and whom he shall deem it necessary to detain; isolated passengers shall be attended by the staff of the country whose doctor has prescribed their isolation.

The expenditure incurred for the isolation in the infirmary of passengers who are sick or suspected of being sick, when such isolation has been temporarily ordered subject to the conditions laid down in the first paragraph of the present Article, shall be a charge upon the State whose doctor has ordered these steps in the interests of his own country.

## MEDICAL EXAMINATION OF IMMIGRANTS.

*Article 37.*

Each of the two countries shall lay down its own rules for the medical examination of immigrants for which the premises and plant referred to in Article 35 may be used by agreement.

## CHAPTER VII.

## PROVISIONS RELATING TO THE VETERINARY POLICE SERVICES.

## SANITARY OPERATIONS AT CANFRANC.

*Article 38.*

The sanitary operations of the veterinary police at the frontier, applicable to livestock, meat, and animal products transported from France to Spain or from Spain to France by the line from Oloron to Zuera and from Zuera to "Les Forges-d'Abel" (first French station), shall be effected on the platforms and in the buildings assigned to that purpose in the international station of Canfranc, which is common to both nations.

Either of the Contracting Governments may appoint, at its expense, in that station, one or more veterinary officials entrusted with the arrangements for this service in accordance with the laws and provisions governing the matter in the country to which they belong.

## STEPS TO BE TAKEN IN THE CASE OF INFECTIOUS AND CONTAGIOUS DISEASES.

*Article 39.*

In the case of an infectious or contagious disease of cattle observed or suspected at the time of the veterinary inspection, a report shall be drawn up by the veterinary official who has observed the disease, stating the disease observed or suspected, the place of origin of the animals, their description, the names and surnames of the sender and of the conductor, the numbers of the certificates of origin, and any other noteworthy particulars.

The veterinary official who has drawn up the report shall submit a copy of it the same day to the veterinary official of the other State.

Sick or suspected animals, as also those animals which have travelled in the same waggon, or which, in the opinion of the Spanish veterinary official on duty, present a danger of infection, shall, if they come from France, be immediately sent back to the station of "Les Forges-d'Abel" unless the consignor or the consignee decides to slaughter the animals regarded as contaminated in accordance with the local regulations. If they come from Spain, the French veterinary official shall forbid their transport in French territory, and the Spanish veterinary official shall take all necessary precautions to prevent the spread of the disease.

In the case of unloading, the waggon or waggons which have contained these animals must at the same time be brought to the part of the station set aside for disinfections, and there be thoroughly disinfected. The following shall also be disinfected: loading-platforms, places where the animals have been kept during the inspection, the route which they have covered in the station, gangways, tackle, and any other objects which have been used for transport or loading; the staff engaged in this work shall likewise be properly disinfected, as shall their clothes and utensils.



The operations of disinfection and the other measures mentioned in the preceding paragraph shall be carried out under the direction and on the responsibility of the French or Spanish veterinary official, according as the animals come from France or Spain, and the expense involved shall be a charge upon the State from which the consignments sent back have come.

## CHAPTER VIII.

### PROVISIONS RELATING TO THE STAFF OF THE VARIOUS FRENCH AND SPANISH RAILWAY AND ADMINISTRATIVE SERVICES.

#### STATUS OF FRENCH STAFF IN SPANISH TERRITORY.

##### *Article 40.*

Officials, agents, and employees of the French railway and administrative services residing in Spanish territory or entering that territory for reasons connected with their service shall be subject to Spanish laws and Spanish jurisdiction.

Nevertheless, for purposes of service and discipline, they shall be exclusively subordinate to the authorities of their own country, except as otherwise provided in this Convention.

Should proceedings be taken against one of these officials, agents, or employees, the authority to which he is subordinate shall be immediately advised.

Simultaneously with the legal proceedings taken against the accused, an administrative enquiry shall be opened, on the termination of which the French Government may order him to be replaced, either on its own initiative or at the request of the Spanish Government, should the circumstances justify such rigorous measure.

The aforesaid officials, agents, and employees, unless of Spanish nationality, shall not be required to perform any military service, or any personal service for the Spanish State or other bodies, regional or local, or be subjected to any imposts whatsoever other or higher than those to which Spanish nationals are liable.

#### IDENTITY-PAPERS, UNIFORMS, INSIGNIA, AND WEAPONS.

##### *Article 41.*

Officials, agents, and employees of the French railway and administrative services residing in Spanish territory or entering that territory for reasons connected with their service shall receive from their respective administrations identity-papers, a specimen of which must be submitted to the Spanish authorities.

They must always carry such papers on them when on duty.

These papers shall serve as travel-permits between Canfranc station and "Les Forges-d'Abel", and the holders shall need no passport or frontier-card.

The said officials, agents, and employees and their families residing in Spanish territory shall, if necessary, be provided by the local Spanish authorities with residence-permits and other papers free of charge.

When on duty, the above-mentioned officials, agents, and employees shall wear the distinctive uniforms and insignia prescribed by the regulations of the French administrations to which they are subordinate; they may carry such arms as form part of their regular equipment, under the same conditions and circumstances as those in which they would carry them in French territory.

## SPECIAL EXEMPTION FROM CUSTOMS DUTIES.

*Article 42.*

Officials, agents, and employees of the French railway and administrative services residing in Spain shall be exempt from all Customs duties in respect of articles coming from France and intended for their personal consumption or use ; they shall also enjoy a similar privilege in respect of the redespach of the same articles to France.

Import and export prohibitions, other than those of a public and sanitary nature, shall not be applicable to the said articles.

The exemptions mentioned in the preceding paragraph shall, after the usual production and verification, be accorded by the Spanish Customs on the production of a certificate from the French authority to which the applicant is subordinate, but without prejudice to any additional supervisory measures that may be necessary in cases of abuse.

## PROTECTION BY THE LOCAL AUTHORITIES.

*Article 43.*

The officials, agents and employees of the French services and their families shall enjoy constant and complete protection for their persons and property in Spanish territory.

They shall also enjoy all the rights accorded to persons of the same nationality residing in Spain.

## SAFE-CONDUCTS IN THE EVENT OF THE SUSPENSION OF THE SERVICES.

*Article 44.*

In the event of the French services established at Canfranc suspending operations owing to the closing of the frontier or for any other reason, the French officials, agents, and employees on duty there shall be provided by the Spanish authorities, free of charge, with safe-conducts enabling them to return freely to France with their families and property.

## CHAPTER IX.

MEASURES FOR THE APPLICATION OF THE CONVENTION.  
DURATION OF VALIDITY AND RATIFICATION.

## DIRECT AGREEMENTS RELATING TO MEASURES FOR THE APPLICATION OF THE CONVENTION.

*Article 45.*

Direct agreements between the French and Spanish administrations shall, if necessary, settle the details of the working of the various services and of the common use of plant in Canfranc station, within the limits of the present Convention.

Agreements of the same kind to be concluded between the railway services shall lay down the conditions for the operation of the section of track and of the common station of Canfranc dealt with in the present Convention ; these agreements shall be subject to ratification by the competent authorities in accordance with the regulations in force in the two countries.

## ARBITRATION IN THE EVENT OF DISPUTES.

*Article 46.*

Subject to the special provision in Article 14 above, any disputes which may arise between the Contracting Parties with regard to the interpretation and application of the present Convention, and which it may not have been possible to settle by friendly agreement, shall be submitted to a court of arbitration composed as follows :

Each of the Contracting Parties shall nominate an arbitrator, the two Parties shall designate by common agreement a third arbitrator who shall be a national of a third Power, and, failing agreement between the Parties, the President of the Swiss Confederation shall be requested to make the appointment.

Unless otherwise stipulated, the court shall adopt the procedure laid down in the Hague Convention<sup>1</sup> of October 18, 1907, for the Pacific Settlement of International Disputes, on the understanding that each of the Parties shall give it the assistance provided for in Articles 23 and 75 of the said Convention.

## AMENDMENTS TO THE CONVENTION.

*Article 47.*

The two Contracting Parties reserve the right to introduce into the present Convention any amendments that experience may have shown to be desirable, by common agreement, through the ordinary diplomatic channel.

## DURATION OF VALIDITY.

*Article 48.*

The present Convention is concluded for a period of seven years.

If it is not denounced one year before the expiration of this period, it shall continue to be valid as long as one of the Contracting Parties has not notified the other, one year in advance, of its intention of rendering it inoperative.

The same shall apply, except as otherwise provided, to any agreements and arrangements which may be concluded, in application of the present Convention, between the French and Spanish administrations.

## RATIFICATION.

*Article 49.*

The present Convention shall be ratified, and the ratifications shall be exchanged at Paris as soon as possible.

It shall come into force one month after the exchange of ratifications.

PARIS, July 16, 1928.

(L. S.) (Signed) A. BRIAND.

(L. S.) (Signed) QUIÑONES DE LEÓN.

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<sup>1</sup> *British and Foreign State Papers*, Vol. 100, page 298.