



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 31.10.1996  
COM(96) 544 final

96/0261 (CNS)

Proposal for a

**COUNCIL DECISION**

**concerning the conclusion of an Additional Protocol to the Agreement between the European Community and the Republic of Slovenia in the field of Transport**

(presented by the Commission)



## EXPLANATORY MEMORANDUM

1. On 29 June 1995, the Council authorised the Commission to open negotiations with Slovenia with a view to concluding an Additional Protocol to the Transport Agreement with the aim of ensuring, as from Austrian accession to the European Union, non-discriminatory treatment between Community and Slovenian heavy goods vehicles in transit through Austria.
2. On the basis of these negotiating directives, negotiations started on 19 July 1995 and concluded on 18 December 1995 in Brussels. Due to long internal requirements in initialling procedures, Slovenia was ready to initial the Additional Protocol on 9 July 1996 only.
3. After a transitional period, terminating on 31 December 1996, the Additional Protocol provides for the application to Slovenian transit traffic through Austria of a system of ecopoints equivalent to that laid down in Protocol No. 9 to the Act of Accession of Austria, Finland and Sweden to the European Union.

It includes the adoption of appropriate measures if any discriminatory effects of the regime applicable during the transitional period were identified by 31 July 1996.

The Protocol will be concluded for a period ending on 31 December 2003.

4. The Commission invites the Council to approve the results of the negotiations and to initiate the conclusion procedure. Accordingly, it hereby submits to the Council this proposal for a Council decision on the conclusion of an Additional Protocol to the Agreement between the European Community and the Republic of Slovenia in the field of Transport.

## PROPOSAL FOR A COUNCIL DECISION

concerning the conclusion of an Additional Protocol to the Agreement between the European Community and the Republic of Slovenia in the field of Transport

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 75 in conjunction with the first sentence of Article 228 (2) and the first subparagraph of Article 228 (3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas the Agreement between the European Community and the Republic of Slovenia in the field of Transport, signed on 5 April 1993, and in particular Article 12.2 thereof, gives unrestricted access for Slovenian heavy goods vehicles for transit through the Community,

Whereas Protocol No. 9 on road, rail and combined transport in Austria to the Act of Accession of Austria, Finland and Sweden to the European Union, and in particular Articles 11 and 14 thereof, establishes a special regime for Community heavy goods vehicles in transit through Austria,

Whereas it is necessary to ensure non-discriminatory treatment between Community and Slovenian heavy goods vehicles in transit through Austria as from 1 January 1995,

Whereas the Additional Protocol to the Agreement between the European Community and the Republic of Slovenia in the field of Transport, signed in Brussels on ..... 1996, should be approved,

HAS DECIDED AS FOLLOWS:

### Article 1

The Additional Protocol to the Agreement between the European Community and the Republic of Slovenia in the field of Transport is hereby approved on behalf of the Community. The text of the Protocol is annexed to this Decision.

### Article 2

The President of the Council shall, on behalf of the Community, give the notification provided for in Article 3 of the Protocol.

Done at Brussels,

For the Council

The President

**ADDITIONAL PROTOCOL TO THE AGREEMENT BETWEEN THE  
EUROPEAN COMMUNITY AND THE REPUBLIC OF SLOVENIA IN THE  
FIELD OF TRANSPORT**

THE EUROPEAN COMMUNITY on the one part,  
and THE REPUBLIC OF SLOVENIA on the other part,

HAVING REGARD to the Agreement between the European Community and the Republic of Slovenia in the field of Transport, signed on 5 April 1993, and in particular Article 12.2 thereof,

HAVING REGARD to Protocol No. 9 to the Act of Accession of Austria to the European Union, and in particular Articles 11 and 14 thereof,

CONSIDERING that it is necessary to ensure non-discriminatory treatment between Community and Slovenian heavy goods vehicles in transit through Austria as from 1 January 1995,

CONSIDERING that an appropriate transitional period will allow time for adjustment to new provisions which prove necessary.

HAVE AGREED AS FOLLOWS:

Article 1

With regard to Slovenian transit traffic through the Community, the provisions of Article 12 shall be completed by the addition of a new paragraph 2bis to read as follows:

"2bis. By derogation to paragraph 2, the following provisions will apply to Slovenian transit traffic through Austria:

1. For a period from 1 January 1995 to 31 December 1996, a régime for Slovenian transit identical to that resulting from the bilateral agreement between Austria and Slovenia, signed on 4 December 1993, will be maintained.
2. Notwithstanding paragraph 1, and not later than 31 July 1996, if the Joint Community/Slovenia Transport Committee provided for in Article 22 recognises that the régime resulting from paragraph 1 leads to discrimination between Slovenian heavy goods vehicles and EC heavy goods vehicles in transit through Austria, appropriate measures will be taken.
3. With effect from 1 January 1997, a system of ecopoints equivalent to that laid down by Article 11 of Protocol No. 9 to the Act of Accession of Austria to the EU will apply. The method of calculation and the detailed rules and procedures for the management and control of the ecopoints will be agreed in good time by means of an exchange of letters between the Contracting Parties and will be in line with the provisions of Articles 11 and 14.2 of the above-mentioned Protocol No. 9."

## Article 2

1. This Protocol shall apply until 31 December 2003.
2. If the Council of the European Union takes a decision on the basis of paragraphs 3 or 4 of Article 11 of the above-mentioned Protocol No. 9, the Joint Community/Slovenia Transport Committee shall decide on the modalities of applying the régime resulting from this decision to Slovenian transit traffic through Austria.

## Article 3

1. This Protocol is drawn up in two copies in each of the following languages: Danish, Dutch, English, French, Finnish, German, Greek, Italian, Portuguese, Spanish, Swedish and Slovenian, each text being equally authentic.
2. This Protocol shall be concluded in accordance with the Contracting Parties' own procedures. It shall enter into force as soon as the Contracting Parties have notified one another of the completion of the procedures necessary for that purpose.
3. This Protocol shall apply with effect from 1 January 1995.

### DECLARATION ON ARTICLE 1, PARAGRAPH 3

The Community delegation undertook to associate Slovenia closely with the work being undertaken in the Community, in accordance with Article 11 of Protocol No. 9 to the Act of Accession of Austria, to implement an electronic control system for the ecopoints system.

Both delegations agreed that, in calculating Slovenia's ecopoints, while 1991 shall be the base year, due account will be taken of the particular circumstances which affected Slovenian transit traffic in that year. Technical meetings between the parties will be held as early as possible in 1996 in order to begin work on this issue.

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# DOCUMENTS

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