

# COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

COUNCIL DECISION

concerning the conclusion of the Agreement between the  
European Economic Community and the Republic of Slovenia  
in the field of transport

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(presented by the Commission)

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EXPLANATORY MEMORANDUM

1. On 26 October 1992, the Council authorized the Commission to open negotiations with Slovenia with a view to concluding an Agreement in the field of transport.
2. On the basis of the negotiating directives adopted by the Council, a draft Agreement was initialled by the Heads of delegations on 6 January 1993.
3. The Agreement with Slovenia on transport will be similar in content to the Agreement proposed in 1991 with the Socialist Federal Republic of Yugoslavia, with the exception of provisions concerning routes, taxation and free transit. The main content of the Agreement with Slovenia is to provide for free transit from the entry into force of the Agreement and therefore it has to be based on Article 113 EEC. On the contrary, in the Yugoslavia Agreement the main content was a transitional arrangement for transit authorizations and therefore the same reasoning could not apply.
4. The Agreement in the field of transport will be accompanied by a financial protocol. Both texts have to be seen in context with the Cooperation Agreement between the Community and Slovenia.
5. 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 conclusions of an Agreement between the Community and the Republic of Slovenia in the field of transport.

Proposal for a  
COUNCIL DECISION

concerning the conclusion of the Agreement between the  
European Economic Community and the Republic of Slovenia  
in the field of transport

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,  
and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas the Agreement between the European Economic Community and the  
Republic of Slovenia in the field of transport provides an appropriate  
means for the permanent removal of various major obstacles to Community  
transit traffic through Slovenian territory;

Whereas the Agreement contributes to the completion of the internal market  
because it guarantees free transit through Slovenia for land transport  
between Greece and the other Member States and thereby enables  
international trade to be conducted at the least possible cost to the  
public at large and to reduce to a minimum the administrative and technical  
obstacles which affect it;

Whereas, furthermore, it would seem necessary to ensure the coordinated  
development of transport flows between and through the territories of the  
Contracting Parties, particularly by setting the priorities for the  
development of an appropriate infrastructure in Slovenia with financial  
help from the Community and by promoting carriage by rail and by combined  
transport, with a view to protecting the environment;

**Proposal for a Council Decision concerning the conclusion of the Agreement between the European Economic Community and the Republic of Slovenia in the field of transport**

(93/C 93/04)

COM(93) 57 final

(Submitted by the Commission on 25 February 1993)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas the Agreement between the European Economic Community and the Republic of Slovenia in the field of transport provides an appropriate means for the permanent removal of various major obstacles to Community transit traffic through Slovenian territory;

Whereas the Agreement contributes to the completion of the internal market because it guarantees free transit through Slovenia for land transport between Greece and the other Member States and thereby enables international trade to be conducted at the least possible cost to the public at large and to reduce to a minimum the administrative and technical obstacles which affect it;

Whereas, furthermore, it would seem necessary to ensure the coordinated development of transport flows between and through the territories of the Contracting Parties, particularly by setting the priorities for the development of an appropriate infrastructure in Slovenia with financial help from the Community and by promoting carriage by rail and by combined transport, with a view to protecting the environment;

Whereas, therefore, the Agreement includes provisions intended to simplify customs formalities;

Whereas the objectives and the content of the Agreement fall within the scope of the common commercial policy and consequently the conclusion of the Agreement has to be based on Article 113 of the EEC Treaty;

Whereas consequently it is necessary to approve the Agreement on behalf of the European Economic Community,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Agreement between the European Economic Community and the Republic of Slovenia in the field of transport is hereby approved on behalf of the Community.

The text of the Agreement and the Protocols and Declarations annexed to that Agreement are attached to this Decision.

*Article 2*

The President of the Council shall give the notification provided for in Article 26 of the Agreement.



## AGREEMENT

**between the European Economic Community and the Republic of Slovenia in the field of transport**

THE COUNCIL OF THE EUROPEAN COMMUNITIES, hereinafter called 'the Community',

of the one part,

and THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA, hereinafter called 'Slovenia',

of the other part,

hereinafter called 'the Contracting Parties',

Having regard to the Cooperation Agreement by the European Economic Community and Slovenia, signed at . . . on . . ., and in particular Article 7 thereof,

Considering that it is essential for the Community in the context of the completion of the internal market and the implementation of the common transport policy, to ensure that Community goods in transit through certain third countries, and in particular Slovenia, can flow as quickly and efficiently as possible without hindrance or discrimination;

Considering that Slovenia is willing to continue in its role as a transit country on the basis of the existing mutual rights and obligations regarding access to the market and transit, which must be further developed;

Considering that the Contracting Parties recognize that an essential part of an agreement must be the creation of transport infrastructure suited to their mutual requirements and equitable rules governing market access for their carriers;

Considering that an overall solution to the problems in question may be provided by close cooperation between the Contracting Parties, in particular in introducing and developing a package of coordinated measures on transport so as to ensure reciprocal access to the Community and Slovenian markets and to facilitate road and rail traffic by appropriate means on a competitive basis;

Considering that this package of measures must also aim to protect the environment;

Considering that an appropriate transitional period will allow time for adjustment to any new provisions which may prove necessary,

HAVE AGREED AS FOLLOWS:

### TITLE I

### *Article 2*

#### AIM, SCOPE AND DEFINITIONS

#### Scope

#### *Article 1*

##### Aim

The aim of this Agreement between the European Economic Community and the Republic of Slovenia is to promote cooperation between the Parties on transport, and in particular transit traffic, and to ensure for this purpose that transport between and through the territories of the Contracting Parties is developed in a coordinated manner by means of the complete and interdependent application of all the provisions of this Agreement.

1. Cooperation shall cover transport, and in particular road, rail and combined transport, and shall include the relevant infrastructure.

2. In this connection, the scope of this Agreement shall cover in particular:

- transport infrastructure in the territory of one or other Party to the extent necessary to achieve the objective of this Agreement,
- market access, on a reciprocal basis, in the field of road transport,

- essential legal and administrative supporting measures including commercial, taxation, social and technical measures.
  - cooperation in developing a transport system which meets environmental needs,
  - a regular exchange of information on the development of the transport policies of both Parties, with particular regard to transport infrastructure.
3. Sea and air transport are governed by the particular provisions of the declaration in Annex V.

### Article 3

#### Definitions

For the purposes of this Agreement, the following definitions shall apply:

- (a) *Community transit traffic*: the carriage, by a carrier established in the Community of goods in transit through Slovenian territory en route to or from a Member State of the Community;
- (b) *Slovenian transit traffic*: the carriage, by a carrier established in Slovenia, of goods in transit from Slovenia through Community territory and destined for a third country or of goods from a third country destined for Slovenia;
- (c) *combined transport*: the carriage of goods by road vehicles or loading units which, without unloading of the goods, travel by road for part of the journey between the point of departure and the point of arrival and by rail for another part of that journey.

## TITLE II

### INFRASTRUCTURE

#### Article 4

##### General provision

The Contracting Parties hereby agree to adopt mutually coordinated measures to develop transport infrastructure as a vital means of solving the problems affecting the carriage of goods through Slovenia, in particular on the south-west/north-east route and on the north-west/south-east route.

#### Article 5

##### Planning

1. The development of the following main road and rail routes is of particular interest to the Community and/or Slovenia. The respective priorities shall determine the application of Slovenia's own resources and co-financing from the European Community to projects on these routes:

- the south-west/north-east motorway which runs from the Italian border to Sentilj (at the Austrian border) passing via Postojna, Ljubljana, Celje and Maribor and to Lendava (at the Hungarian border) passing via Slovenska Bistrica, Ptuj, Ormoz and Ljutmer,
- the north-west/south-east railway line which runs from Jesenice (at the Austrian border) to Dobova with a branch to Sezana (at the Italian border). The modernization of this railway line shall be such as to make it suitable for the introduction of combined transport technology,
- the railway line from Ljubljana to Maribor via Zidani Most and Celje,
- the north-west/south-east motorway which runs from the Karavanken tunnel (at the Austrian border) to Bregana (at the Slovenian-Croatian border) passing via Ljubljana and Novo Mesto,
- the motorway from Maribor to Ptuj and Macelj.

2. The Parties have agreed that their common aim shall be to complete construction of the major transport routes referred to in paragraph 1 as soon as possible.

#### Article 6

##### Financial aspects

1. The European Economic Community shall contribute financially to the necessary infrastructure work referred to in Article 5. This financial contribution shall take the form of credit from the European Investment Bank and any other form of financing which can provide further resources.

2. In order to speed up the work the Commission will endeavour, as far as possible, to encourage the use of additional resources such as investment by certain Member States on a bilateral basis or from public or private funds.

#### Article 7

In order to achieve the objectives set out in Article 5, the Community shall make finances available to Slovenia under the Protocol on financial cooperation between the Community and Slovenia for the period 1 January 1993 to 31 December 1997.

## TITLE III

### RAIL AND COMBINED TRANSPORT

#### Article 8

##### General provision

The Contracting Parties shall adopt the mutually coordinated measures necessary for the development and



promotion of rail and combined transport as a future means of ensuring a large proportion of their bilateral and transit transport through Slovenia is performed under more environment-friendly conditions.

#### Article 9

##### Particular aspects relating to infrastructure

As part of the modernization of the Slovenian railways, the necessary steps shall be taken to adapt the system for combined transport, with particular regard to the development or building of terminals, and to tunnel gauges and to capacity, which require substantial investment.

#### Article 10

##### Supporting measures

Both Parties shall take all the steps necessary to encourage the development of combined transport.

The purpose of such measures shall be:

- to encourage users and consignors to use combined transport,
- to make combined transport competitive with road transport, in particular by financial support by the Community or Slovenia in the context of their respective legislations,
- to encourage the use of combined transport over long distances and to promote, in particular the use of swap bodies, containers and unaccompanied transport in general,
- to improve the speed and reliability of combined transport and in particular:
  - to increase the frequency of convoys in accordance with the needs of consignors and users,
  - to reduce the waiting time at terminals and increase their productivity,
- to remove all obstacles from the approach routes so as to improve access to combined transport,
- to harmonize, where necessary, the weights, dimensions and technical characteristics of specialized equipment, in particular so as to ensure the necessary compatibility of gauges, and to take coordinated action to order and to put into service such equipment as is required by the level of traffic, and
- in general to take any other appropriate action.

#### Article 11

##### The role of the railways

In connection with the respective powers of the States and the railways, the Contracting Parties shall, in respect of both passenger and goods transport, recommend that their railways:

- step up cooperation, whether bilateral, multilateral or within international railway organizations, in all fields, with particular regard to the improvement of the quality of transport services,
- try to establish in common a system of organizing the railways so as to encourage consignors to send freight by rail rather than road, in particular for transit purposes, within the framework of healthy competition and while leaving the user freedom of choice in the matter,
- agree on measures to integrate the Slovenian railways in traffic management by using the Docimel electronic consignment note system and the Hermes computerized system for passenger reservations as well as other purposes,
- harmonize their arrangements for railway staff training.

#### TITLE IV

##### ROAD TRANSPORT

#### Article 12

##### General provisions

1. With regard to mutual access to transport markets, both Contracting Parties agree, initially and without prejudice to paragraph 2, to maintain all the existing rights arising from bilateral agreements or other existing international bilateral instruments concluded between each Member State of the Community and Slovenia or, where there are no such agreements or instruments, arising from the *de facto* situation in 1991.

However, whilst awaiting the conclusion of an agreement between the Community and Slovenia on access to the road transport market, as foreseen in Article 13, the Member States of the Community and Slovenia shall incorporate into these bilateral agreements such amendments as may possibly be necessary to adapt them to the present Agreement.

2. The Contracting Parties hereby agree to grant unrestricted access to Community transit traffic through Slovenia and to Slovenian transit traffic through the Community with effect from the date on which the present Agreement enters into force.

3. If, as a result of the rights granted under paragraph 2, transit traffic by Community hauliers increases to such a degree as to cause or threaten to cause

serious harm to road infrastructure and/or traffic fluidity on the axes mentioned in Article 5, Slovenia may call an emergency meeting of the Joint Committee at which it may propose such temporary measures as are necessary to limit or mitigate such harm. The Joint Committee shall meet within 30 days in order to assess the situation and recommend without delay appropriate remedial action. If no agreement is reached within 60 days from the day of the call to an emergency meeting, Slovenia may introduce temporary measures for a duration of up to three months. Under the same circumstances, if problems arise on the Community territory next to the Slovenian border, the competent authorities, including those of the boundary region, may adopt the appropriate necessary measures. At the same time, the matter shall be submitted to the Cooperation Council provided for in Article 38 of the Cooperation Agreement which shall take a final decision. Any measure to be taken shall be implemented immediately, shall be proportional and of non-discriminatory nature. This clause ceases to apply once the aims set out in Article 5 are achieved and, at the latest, at the end of 1999.

4. The contracting Parties shall refrain from taking any unilateral action which might lead to discrimination between Community and Slovenian carriers or vehicles. Each Party shall take all steps necessary to facilitate road transport to or through the territory of the other Party.

#### Article 13

##### Access to the market

Both Parties shall, as matter of priority, undertake to work together to seek, each of them subject to their internal rules,

- courses of action likely to favour the development of a transport system which meets the needs of both Parties, which is compatible, on the one hand, with the completion of the internal Community market and the implementation of the common transport policy and, on the other hand, with Slovenia's economic and transport policy,
- a definitive system for regulating future road transport market access between the two Parties on the basis of reciprocity.

#### Article 14

##### Taxation, tolls and other charges

1. The Contracting Parties accept that the taxation of road vehicles, tolls and other charges on either side must be non-discriminatory.
2. The Contracting Parties shall enter into negotiations with a view to reaching an agreement on road taxation as

soon as rules on this matter have been adopted by the Community. The purpose of this agreement shall be, in particular, to ensure the free flow of trans-frontier traffic, to reduce differences between the road taxation systems applied by the two Parties and to eliminate distortions of competition arising from such differences.

3. Pending the conclusion of the negotiations mentioned in paragraph 2 and Article 13, Slovenia will negotiate bilateral agreements with individual Member States of the Community on a mutual exemption from taxes and charges levied on the circulation and/or possession of heavy goods vehicles as well as from all special taxes or charges levied on transport operations in the territory of the Parties on a reciprocal basis. This provision does not necessarily include taxes and similar charges on motor fuel, VAT on transport services and tolls or similar charges levied on the use of parts of the respective transport network.

4. Until the conclusion of the agreements mentioned in paragraph 2 and in Article 13 any change proposed after the entry into force of this Agreement to fiscal charges, tolls or other charges which may be applied to Community traffic in transit through Slovenia will be subject to a prior consultation procedure in the Joint Committee.

#### Article 15

##### Weights and dimensions

Slovenia accepts that road vehicles complying with Community standards on weights and dimensions may circulate freely and without hindrance in this respect on the routes mentioned in Article 5. Until 31 December 1999 at the latest, road vehicles which do not comply with existing Slovenian standards will be subject to a special non-discriminatory charge which reflects the damage caused by additional axle weight. Six months after the entry into force of this Agreement, vehicles equipped with air suspension or equivalent suspension systems as defined in Council Directive 92/7/EEC<sup>(1)</sup> shall be subject to a reduced rate of these special charges.

#### Article 16

##### The environment

1. In order to protect the environment, the Contracting Parties shall endeavour to introduce standards on gaseous and particulate emissions and noise levels for heavy goods vehicles which ensure a high level of protection.
2. In order to provide the industry with clear information and to encourage coordinated research, programming and production, exceptional national standards in this field shall be avoided.

<sup>(1)</sup> OJ No L 57, 2. 3. 1992, p. 29.

Vehicles which comply with standards laid down by international agreements also relating to the environment may operate without further restrictions in the territory of the Contracting Parties.

3. For the purpose of introducing new standards, the Contracting Parties shall work together to achieve the abovementioned objectives.

#### *Article 17*

##### **Social aspects**

1. The Contracting Parties shall harmonize their legislation on the training of road haulage personnel, particularly with respect to the carriage of dangerous goods.

2. Slovenia undertakes to seek to become a signatory to the European Agreement on international road transport crews (AETR). Until such time as the effects of such admission are felt the Contracting Parties shall endeavour to harmonize their legislation on driving time and drivers' rest periods and crew composition.

3. Pending harmonization in this field, the Contracting Parties shall recognize each others' recording methods used to monitor implementation of their respective social legislation in the field of road transport.

4. The Contracting Parties shall ensure the equivalence of their respective laws on the admission to the occupation of road haulage operator, with a view to their mutual recognition.

#### *Article 18*

##### **Provisions relating to traffic**

1. The Contracting Parties shall pool their experience and endeavour to harmonize their legislation so as to improve the flow of traffic during peak periods (weekends, public holidays, the tourist season).

2. In general, the Contracting Parties shall encourage the introduction, development and coordination of a road traffic information system.

3. They shall endeavour to harmonize their legislation on the carriage of perishable goods, live animals and dangerous substances.

4. The Contracting Parties shall also endeavour to harmonize the technical assistance to be provided to drivers, the dissemination of essential information on traffic and other matters of concern to tourists, and emergency services including ambulance services.

#### TITLE V

##### **SIMPLIFICATION OF FORMALITIES**

#### *Article 19*

##### **Simplification of formalities**

1. The Contracting Parties agree to simplify the flow of goods by rail and road, whether bilateral or in transit.

2. The Contracting Parties agree to begin negotiations with a view to concluding an agreement on the facilitation of controls and formalities relating to the carriage of goods.

3. The Contracting Parties agree, to the extent necessary, to take joint action on, and to encourage, the adoption of further simplification measures.

#### *Article 20*

##### **Customs cooperation**

1. The Contracting Parties shall cooperate so as to bring Slovenian Customs legislation into line with that of the Community.

2. Cooperation shall, in particular, include the following:

- the exchange of information,
- the introduction of a single administrative document,
- the interconnection between Community and Slovenian transit systems,
- the organization of seminars and training courses.

The Community shall supply such technical assistance as is necessary.

#### TITLE VI

##### **FINAL PROVISIONS**

#### *Article 21*

##### **Widening of the scope**

If one of the Contracting Parties concludes, on the basis of experience in the application of this Agreement, that other measures which do not fall within the scope of this Agreement are in the interest of a coordinated European transport policy and, in particular, may help to solve the problem of transit traffic, it shall make suggestions in this respect to the other Contracting Party.

*Article 22***Joint Committee**

The body responsible for cooperation shall be a Joint Committee to be known as the 'Community/Slovenia Transport Committee'. The Committee:

- shall be made up of representatives appointed by the European Economic Community and the Republic of Slovenia,
- shall meet alternately in the Community or in Slovenia at least once a year and more frequently where necessary at the request of one of the Contracting Parties,
- shall establish its own rules of procedure,
- shall ensure the proper implementation of the Agreement and, in particular:
  - (a) shall draw up plans for cooperation on rail and combined transport, transport research and the environment;
  - (b) shall analyse the application of the decisions contained in the present Agreement and shall recommend appropriate measures for any possible problems, in particular in accordance with Article 12 (3);
  - (c) shall, in 1995, undertake an assessment of the situation as regards infrastructure improvement and the implications of free transit;
  - (d) shall organize work on transport infrastructure, including the planning and implementation of investments and, where appropriate, their development, if necessary by setting up an *ad hoc* group of experts specifically responsible for this task;
  - (e) shall resolve any disputes which may arise over the application and interpretation of this Agreement;

(f) shall coordinate the monitoring, forecasting and other statistical work relating to international transport and in particular transit traffic;

(g) shall coordinate transport research activities.

*Article 23***Termination**

This Agreement is concluded for a period of 10 years. If neither of the Contracting Parties denounces it, with 12 months notice effective from the end of the following year, then the Agreement is automatically renewed for a period of one year.

*Article 24***Annexes**

The Annexes shall be an integral part of this Agreement.

*Article 25***Languages**

This Agreement is prepared in two copies in each of the Danish, Dutch, English, French, German, Greek, Italian, Portuguese, Spanish and Slovenian languages, each text having equal validity.

*Article 26***Entry into force**

This Agreement 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.

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*ANNEX I***DECLARATION BY THE SLOVENIAN DELEGATION ON THE RESOURCES NEEDED FOR  
INFRASTRUCTURE OF COMMON INTEREST**

During negotiations on the Agreement between the Republic of Slovenia and the European Community in the field of transport, the Slovenian delegation expressed the opinion that, in order to complete the construction of the transport infrastructure referred to in Article 5 (1) of the Agreement, an estimated sum of US \$ 3,9 billion would have to be provided.

The Republic of Slovenia intends to put up 50 % of abovementioned sum and expects that the remaining part will be provided by international financial institutions, private investors and the European Community.

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*ANNEX II***DECLARATION OF THE REPUBLIC OF SLOVENIA CONCERNING ARTICLE 15**

Slovenia will endeavour to harmonize its existing norms and standards for road construction with the legislation prevailing in the European Community before the end of 1993 and shall undertake its best efforts to upgrade existing routes mentioned in Article 5 to these new norms and standards in time foreseeable in accordance with its financial possibility.

When such upgrading is in place, the special charge mentioned in Article 15 will be abolished.

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## ANNEX III

## JOINT DECLARATION

1. The European Economic Community and Slovenia take note that the levels of gaseous emissions and noise currently accepted in the Community for the purposes of heavy goods vehicle type approval are as follows:

CO	HC	NO <sub>x</sub>	Particles
4,9 g/kWh	1,23 g/kWh 0,4 g/kWh	9,0 g/kWh	0,7 g/kWh < 85 kWh

2. Council Directive 91/542/EEC <sup>(1)</sup> sets the following levels, with effect from 1 October 1996, within the Community:

CO	HC	NO <sub>x</sub>	Particles
4,0 g/kWh	1,1 g/kWh	7,0 g/kWh	0,3/0,15 g/kWh

3. The European Economic Community and Slovenia shall endeavour to reduce the COP values of emissions in future relying in doing so on the latest state of the art in environment-friendly motor vehicle and fuel composition technology.

<sup>(1)</sup> OJ No L 295, 25. 10. 1991, p. 1.

## ANNEX IV

## CONCERNING ARTICLE 20

The Republic of Slovenia has expressed its wish to enter as soon as possible into discussions in the framework of Article 20 on the situation of the port of Koper.

The Community delegation took careful note of the interest expressed by the Slovenian delegation.

## ANNEX V

The Republic of Slovenia expressed its interest to start as soon as possible negotiations on future cooperation in the fields of air and maritime transport.

The Community delegation took careful note of the interest expressed by the Slovenian delegation.

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