

## FINAL ACT

The plenipotentiaries of:

THE KINGDOM OF BELGIUM,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE GRAND DUCHY OF LUXEMBOURG,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting parties to the Treaty establishing the European Community, the Treaty establishing the European Coal and Steel Community, the Treaty establishing the European Atomic Energy Community, and the Treaty on European Union,

hereinafter referred to as 'the Member States', and of

the EUROPEAN COMMUNITY, the EUROPEAN COAL AND STEEL COMMUNITY and the EUROPEAN ATOMIC ENERGY COMMUNITY,

hereinafter referred to as 'the Community',

of the one part, and

the plenipotentiaries of the REPUBLIC OF SLOVENIA,

hereinafter referred to as 'Slovenia',

of the other part,

meeting in Brussels this in the year for the signature of the Europe Agreement establishing an association between the European Communities and their Member States, acting within the framework of the European Union, of the one part, and the Republic of Slovenia of the other part, hereinafter referred to as 'the Agreement', have adopted the following texts:

the Agreement, and the following Protocols:

Protocol 1 on textile and clothing products

Protocol 2 on products covered by the Treaty establishing the European Coal and Steel Community (ECSC)

- Protocol 3 on trade between Slovenia and the Community in processed agricultural products
- Protocol 4 concerning the definition of the concept of 'originating products' and methods of administrative cooperation
- Protocol 5 on mutual assistance between administrative authorities in customs matters
- Protocol 6 on concessions with annual limits.

The plenipotentiaries of the Member States and of the Community and the plenipotentiaries of Slovenia have adopted the texts of the joint declarations listed below and annexed to this Final Act:

Joint Declaration on Article 11, Article 14 in conjunction with Annex XII, Article 2(3) of Protocol 1 in conjunction with Annexes II(a) and II(b) thereof, and Article 2(2) of Protocol 2

Joint Declaration concerning Article 26(3) of the Agreement

Joint Declaration concerning Article 35 of the Agreement

Joint Declaration concerning Article 38 of the Agreement

Joint Declaration concerning Article 39 of the Agreement

Joint Declaration concerning Article 40 of the Agreement

Joint Declaration concerning Article 47(d)(i) of the Agreement

Joint Declaration concerning transport issues, Article 55 of the Agreement

Joint Declaration concerning Article 55(1) of the Agreement

Joint Declaration concerning Article 55(3)(c) of the Agreement

Joint Declaration concerning Article 57 of the Agreement

Joint Declaration concerning Article 57(1) of the Agreement

Joint Declaration concerning Article 68 of the Agreement

Joint Declaration concerning Article 81 of the Agreement

Joint Declaration concerning Article 94 of the Agreement

Joint Declaration concerning Article 101 of the Agreement

Joint Declaration concerning Article 115 of the Agreement

Joint Declaration concerning Article 123 of the Agreement

Joint Declaration concerning Protocol 4

Joint Declaration on a transitional period concerning the acceptance of documents relating to the proof of origin

Joint Declaration on the Wine Agreement

The plenipotentiaries of Slovenia have taken note of the Declaration listed below and annexed to this Final Act:

Unilateral declaration by the French Government

The plenipotentiaries of the Member States and of the Community have taken note of the declaration listed below and annexed to this Final Act:

Unilateral declaration by Slovenia

Hecho en Luxemburgo, el diez de junio de mil novecientos noventa y seis.

Udfærdiget i Luxembourg den tiende juni nitten hundrede og seksoghalvfems.

Geschehen zu Luxemburg am zehnten Juni neunzehnhundertsechsdneunzig.

Έγινε στο Λουξεμβούργο, στις δέκα Ιουνίου χίλια εννιακόσια ενενήντα έξι.

Done at Luxembourg on the tenth day of June in the year one thousand nine hundred and ninety-six.

Fait à Luxembourg, le dix juin mil neuf cent quatre-vingt-seize.

Fatto a Lussemburgo, addì dieci giugno millenovecentonovantasei.

Gedaan te Luxemburg, de tiende juni negentienhonderd zesennegentig.

Feito no Luxemburgo, em dez de Junho de mil novecentos e noventa e seis.

Tehty Luxemburgissa kymmenentenä päivänä kesäkuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäkuusi.

Som skedde i Luxemburg den tionde juni nittonhundra nittiosex.

V Luksemburgu, desetega junija tisočdevetstošestindevetdeset.

Pour le Royaume de Belgique

Voor het Koninkrijk België

Für das Königreich Belgien



Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brusselse Hoofdstedelijke Gewest.

Diese Unterschrift verbindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

For Kongeriget Danmark




Für die Bundesrepublik Deutschland



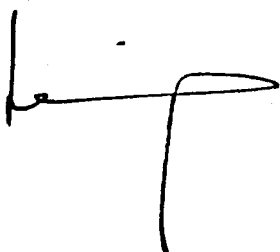
Για την Ελληνική Δημοκρατία



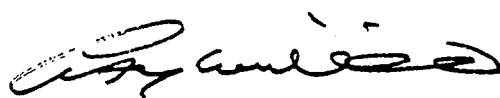
Por el Reino de España



Pour la République française



Thar ceann na hÉireann  
For Ireland



Per la Repubblica italiana



Pour le Grand-Duché de Luxembourg



Voor het Koninkrijk der Nederlanden



Für die Republik Österreich



Pela República Portuguesa



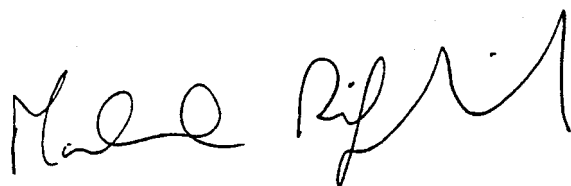
Suomen tasavallan puolesta  
För Republiken Finland



För Konungariket Sverige



For the United Kingdom of Great Britain and Northern Ireland



Por las Comunidades Europeas

For De Europæiske Fællesskaber

Für die Europäischen Gemeinschaften

Για τις Ευρωπαϊκές Κοινότητες

For the European Communities

Pour les Communautés européennes

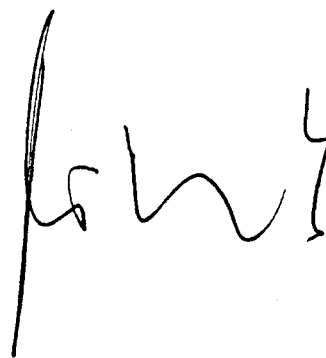
Per le Comunità europee

Voor de Europese Gemeenschappen

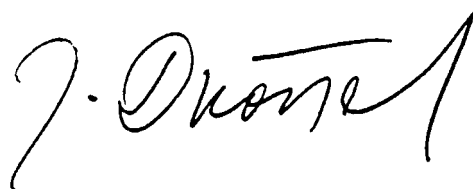
Pelas Comunidades Europeias

Euroopan yhteisöjen puolesta

För Europeiska gemenskaperna



Za Republiko Slovenijo



## JOINT DECLARATIONS

### **Joint Declaration on Article 11, Article 14 in conjunction with Annex XII, Article 2(3) of Protocol 1 in conjunction with Annexes II(a) and II(b) thereof and Article 2(2) of Protocol 2**

The Agreement was drafted in the expectation that certain provisions, in particular those relating to goods, would be brought into force with effect from 1 January 1996 by means of an interim agreement.

The parties note that the entry into force of those provisions is no longer possible on 1 January 1996.

The parties agree that the timetables for tariff and tax reductions laid down in Article 11, Article 14 in conjunction with Annex XII, Article 2(3) of Protocol 1 in conjunction with Annexes II(a) and II(b) thereof and Article 2(2) of Protocol 2 should be respected as originally foreseen but should not be interpreted as requiring any reduction of tariffs or taxes to take effect before the date of entry into force of the interim agreement.

### **Joint Declaration concerning Article 26(3)**

The conditions for the application of Article 26(3) of the Agreement, and the corresponding provisions of the other Europe Agreements will be discussed between the Community and the Countries of Central and Eastern Europe which have signed Europe Agreements. Slovenia will participate in these discussions.

Once these conditions have been agreed, they will be incorporated into the Agreement in an appropriate manner.

### **Joint Declaration concerning Article 35**

Declaration of intent by the Contracting parties on the trade arrangements between the States that emerged from the former Socialist Federal Republic of Yugoslavia:

1. The European Community and Slovenia consider it essential for economic and trade cooperation between the States that emerged from the former Socialist Federal Republic of Yugoslavia to be re-established as quickly as possible, as soon as political and economic circumstances permit.
2. The Community is prepared to grant cumulation of origin to the States that emerged from the former Socialist Federal Republic of Yugoslavia which have restored normal economic and trade cooperation as soon as the administrative cooperation needed for cumulation to work properly has been established.
3. With this in mind, Slovenia declares its readiness to enter into negotiations as soon as possible in order to establish cooperation with other States that emerged from the former Socialist Federal Republic of Yugoslavia.

### **Joint Declaration concerning Article 38**

It is understood that the notion 'children' is defined in accordance with national legislation of the host country concerned.

#### Joint Declaration concerning Article 39

It is understood that the notion 'members of their family' is defined in accordance with national legislation of the host country concerned.

#### Joint Declaration concerning Article 40

Subject to the provisions of Title IV of the Agreement, the Member States of the Community and Slovenia, acting on the basis of the exchange of letters on cooperation in the field of labour, annexed to the Cooperation Agreement of 1993, express their commitment to decide, in the framework of the Association Council, on the modalities of implementation of the principles referred to in that exchange of letters.

#### Joint Declaration concerning Article 47(d)(i)

Without prejudice to Article 47, the parties agree that no provision under the Agreement can be interpreted as denying the right of the parties to control and regulate in order to ensure that natural persons benefiting from the right of establishment effectively pursue an activity as self-employed persons.

#### Joint Declaration on transport issues (Article 55)

##### I. Regarding the EC/Slovenia Transport Agreement:

Taking into account the concerns raised by the Slovenian delegation regarding the implications of the enlargement of the Community by the accession of Austria, Finland and Sweden, the parties agree to seek the earliest possible implementation of Articles 13 and 14 of the EC/Slovenia Transport Agreement, through the negotiation of an additional agreement regarding bilateral market access for road freight services and road taxes and charges. Negotiations on these issues will be opened if possible before 1 January 1996.

##### II. Regarding cooperation on port development:

The parties confirm their desire to encourage transborder cooperation through the development of the ports of Koper and Trieste as a joint cooperative venture between the authorities and entities responsible for these ports. In this context, attention should also be given to common customs procedures for traffic transiting through all these ports.

#### Joint Declaration concerning Article 55(1)

The parties state that an Additional Protocol to the Transport Agreement will be negotiated as soon as possible with a view to adapting Slovenian transit traffic through Austrian territory to the conditions laid down in the Act of Accession of Austria to the European Union.



#### Joint Declaration concerning Article 55(3)(c)

The parties confirm their understanding that Article 55(3)(c) requires *inter alia* that each party shall grant no less favourable treatment than that accorded to its own ships for the ships operated by nationals or companies of, or flying the flag of another party, with regard to access to ports, the use of infrastructure and auxiliary maritime services of the ports, as well as related fees and charges, customs facilities and the assignment of berths and facilities for loading and unloading.

#### Joint Declaration concerning Article 57

The sole fact of requiring a visa for natural persons of certain Member States and not for those of other Member States by Slovenia or of requiring a visa for natural persons of Slovenia by certain Member States and not by others shall not be regarded as nullifying or impairing benefits under a specific commitment.

#### Joint Declaration concerning Article 57(1)

Without prejudice to Article 53, the parties agreed that Article 50 is the only provision in Chapters II, III and IV of Title IV that shall be interpreted as giving the right to:

- Community subsidiaries or branches of Slovenian companies to employ or have employed in the territory of the Community nationals of Slovenia,
- Slovenian subsidiaries or branches of Community companies to employ or have employed in the territory of Slovenia Community nationals.

#### Joint Declaration concerning Article 68

The parties agree that for the purpose of the Agreement, intellectual, industrial and commercial property includes in particular copyright, including the copyright in computer programmes, and neighbouring rights, the rights relating to patents, industrial designs, geographical indications, including appellations of origin, trademarks and service marks, topographies of integrated circuits as well as protection against unfair competition as referred to in Article 10 bis of the Paris Convention for the Protection of Industrial Property and protection of undisclosed information on know-how.

#### Joint Declaration concerning Article 81

The Community and Slovenia agree between themselves to establish the methods and means necessary for the establishment of an efficient system for the exchange of information in the case of a radiological emergency.

#### **Joint Declaration concerning Article 94**

In accordance with international commitments the parties will take the necessary steps to implement, before 1 July 1998, the recommendation adopted by the Customs Cooperation Council on 16 June 1960.

#### **Joint Declaration concerning Article 101**

The European Union and Slovenia agree to examine jointly the possibility of continuing Community support, after entry into force of the Agreement, for the financing of transport infrastructures of mutual interest in Slovenia.

They agree to carry out this examination in January 1996 in accordance with the Contracting Parties Joint Declaration No 2 in the minutes of the negotiations for the 1993 EEC-Slovenia Cooperation Agreement.

#### **Joint Declaration concerning Article 115**

The parties agree that the Association Council, in accordance with Article 115 of the Agreement, will examine the creation of a consultative mechanism composed of members of the Economic and Social Committee of the European Union and the correspondent partners of Slovenia.

#### **Joint Declaration concerning Article 123**

(a) For the purposes of the interpretation and practical application of the Agreement, the parties agree that the cases of special urgency referred to in Article 123 of the Agreement mean cases of material breach of the Agreement by one of the two parties. A material breach of the Agreement consists in:

- repudiation of the Agreement not sanctioned by the general rules of international law;
- violation of the essential elements of the Agreement set out in Article 2.

(b) The parties agree that the 'appropriate measures' referred to in Article 123 are measures taken in accordance with international law. If a party takes a measure in a case of special urgency pursuant to Article 123, the other party may avail itself of the dispute settlement procedure.

#### **Joint Declaration concerning Protocol 4**

Slovenia fully supports the European Union's strategy to unify rules of origin in preferential trade between the Community, the Central and East European countries and the EFTA countries, set out in the conclusions of the European Council's Summit at Essen in December 1994.

The Community and Slovenia are of the opinion that the successful implementation of a system of diagonal cumulation between the Community and all associated countries in Central and Eastern Europe would be dependent on the associated countries all agreeing on one system and on concluding an agreement between themselves. The parties will seek the addition of Slovenia to the system once these basic conditions have been fulfilled.

#### **Joint Declaration on a transitional period concerning the acceptance of documents relating to the proof of origin**

1. The competent customs authorities of the Community and of Slovenia shall accept as valid proof of origin within the meaning of Protocol 4:
  - (a) movement certificates EUR.1, endorsed beforehand with the stamp of the competent customs office of the exporting state, issued within the context of the Cooperation Agreement between the European Economic Community and the Republic of Slovenia for up to four months after the entry into force of the Agreement;
  - (b) long-term certificates, endorsed beforehand with the stamp of the competent customs office of the exporting state, issued within the context of the Cooperation Agreement between the European Economic Community and the Republic of Slovenia until 31 December 1995.
2. Requests for subsequent verification of documents referred to above shall be accepted by the competent customs authorities of the Community and of Slovenia for a period of two years after the issuing and making out of the proof of origin concerned. These verifications shall be carried out in accordance with Title V of Protocol 4 to the Agreement.

#### **Joint Declaration on the Wine Agreement**

The parties agree that a separate reciprocal Wine Agreement will be negotiated, and concluded in time so as to enter into force at the same time as the Agreement (Interim Agreement). In these negotiations, the parties will take into account the preferential conditions resulting from the Cooperation Agreement.

### **UNILATERAL DECLARATIONS**

#### **Declaration by the French Government**

France notes that the Agreement with the Republic of Slovenia does not apply to the overseas countries and territories associated with the European Community pursuant to the Treaty establishing the European Community.

#### **Declaration by Slovenia**

Slovenia expresses its intention to utilise all appropriate instruments to foster the development of the port of Koper.

---