



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 16.1.2001
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2001/0017 (ACC)

Proposal for a

COUNCIL DECISION

**on the signature, on behalf of the European Community, of the Protocol on the
Implementation of the Alpine Convention in the field of Transport
(Transport Protocol)**

(presented by the Commission)

EXPLANATORY MEMORANDUM

On 14 May 1991 the Council authorised the Commission to participate, on behalf of the Community, in the negotiations on the Alpine Convention (framework Convention) and the protocols thereto, in consultation with the Member States. This included a Protocol on the Implementation of the Alpine Convention in the field of Transport (Transport Protocol).

Promoting measures at international level to deal with regional and European problems hindering sustainable mobility in transport and resulting in risks to the environment is one of the objectives of the Community's policy on transport. In fact transport policy measures have a decisive impact on economic growth, the social well-being of populations and on the environment.

By Decision 96/191/EC¹, the Community concluded the Convention on the Protection of the Alps (Alpine Convention). Pursuant to Article 2 (2) and (3) of the Alpine Convention, the contracting parties established in 1993 a negotiation process to establish the modalities of a protocol on transport. Following the negotiation process, the Transport Protocol was adopted by consensus in Switzerland on 24-26 May 2000 during the 16th Meeting of the Standing Committee of the Alpine Convention.

The contracting parties are the Federal Republic of Germany, the French Republic, the Italian Republic, the Principality of Liechtenstein, the Principality of Monaco, the Republic of Austria, the Swiss Confederation, the Republic of Slovenia, and the European Community.

The Transport Protocol provides a framework, based on the precautionary principle, the preventive principle and the polluter-pays principle, for ensuring sustainable mobility and protection of the environment, for all modes of transport, in the Alpine region in the light of article 2 of the Alpine Convention.

The Protocol is constituted by a set of principles and measures aiming at achieving sustainable transport by regulating alpine traffic, whilst ensuring high safety and environmental protection standards. The decision to sign the Protocol should therefore be based on article 71 of the Treaty, in conjunction with the first sentence of the first subparagraph of article 300 (2).

The objectives of the Transport Protocol are, in general terms: to reduce the volume of and dangers posed by intra-Alpine and trans-Alpine traffic, in particular by transferring more traffic, especially freight traffic, to the railways, especially by providing appropriate infrastructure and incentives complying with market principles; to ensure intra-Alpine and trans-Alpine traffic at economically bearable costs by increasing the effectiveness of the transport systems and promoting the modes of transport which are most environmentally-friendly and most economic in terms of natural resources; and to ensure fair competition between the modes of transport.

The Protocol was open for signature of the contracting parties on the occasion of the Ministerial meeting of the Alpine Convention, which took place in Lucerne on 30 and 31 October 2000, and in the Republic of Austria, as the depository, thereafter.

¹ OJ L 61 of 12.03.1996, p. 31.

The Commission considers that by signing the Protocol on the Implementation of the Alpine Convention in the field of Transport, the European Community would give an important political signal to all parties that signature and ratification of the Protocol should be an absolute priority.

Community competence is preponderant. Linked with the principle of unity in the international representation of the Community this militates in favour of simultaneous signature and eventual deposit of the respective instruments of ratification or approval, if possible, by the Community and its Member States.

The Commission therefore requests that the Council authorise the President of the Council to designate the persons empowered to sign the Protocol on the Implementation of the Alpine Convention in the field of Transport on behalf of the Community and to confer on them the necessary powers.

In view of the above, the Community intends to sign the Protocol on the Implementation of the Alpine Convention in the field of Transport (Transport Protocol).

Proposal for a

COUNCIL DECISION

**on the signature, on behalf of the European Community, of the Protocol on the
Implementation of the Alpine Convention in the field of Transport
(Transport Protocol)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71 in conjunction with Article 300 paragraph 2, first sentence of the first subparagraph thereof,

Having regard to the proposal of the Commission²,

Whereas:

- (1) Promoting measures at international level to deal with regional and European problems hindering sustainable mobility in transport and resulting in risks to the environment is one of the objectives of the Community's policy on transport.
- (2) The Council authorised the Commission on 14 May 1991 to participate, on behalf of the Community, in the negotiations on the Alpine Convention and the protocols thereto, in consultation with the Member States.
- (3) By Council Decision 96/191/EC³, the Community concluded the Convention on the Protection of the Alps (Alpine Convention).
- (4) A Transport Protocol, based on Article 2 (2) and (3) of the Alpine Convention, was adopted in Switzerland on 24-26 May 2000 on the occasion of the 16th Meeting of the Standing Committee of the Alpine Convention.
- (5) The Transport Protocol provides a framework, based on the precautionary principle, the preventive principle and the polluter-pays principle, for ensuring sustainable mobility and protection of the environment, for all modes of transport, in the Alpine region.
- (6) The Transport Protocol, pursuant to Article 24 thereof, was open for signature by the Contracting Parties at the Ministerial meeting of the Alpine Convention held in Lucerne on 30 and 31 October 2000, and in the Republic of Austria, as the depository, thereafter.

² OJ L ...

³ OJ L 61 of 12.03.1996, p. 31.

- (7) Preponderant Community competence linked with the principle of unity in the international representation of the Community militate in favour of simultaneous signature and eventual deposit of the respective instruments of ratification or approval, if possible, by the Community and its Member States.
- (8) It is convenient that the Protocol on the Implementation of the Alpine Convention in the field of Transport (Transport Protocol) be signed, on behalf of the Community, subject to subsequent conclusion,

HAS DECIDED AS FOLLOWS:

Sole Article

The President of the Council is hereby authorised to designate the person or persons empowered to sign on behalf of the Community, subject to subsequent conclusion, the Protocol on the Implementation of the Alpine Convention in the field of Transport (Transport Protocol) and to confer upon them the powers necessary for that purpose.

Done at Brussels,

*For the Council
The President*