

Article 35 (EA 67)

With regard to public undertakings, and undertakings to which special or exclusive rights have been granted, the Cooperation Council shall ensure that as from the third year following the date of entry into force of this Agreement, the principles of the Treaty establishing the European Community, in particular Article 90 thereof, and the principles of the concluding document of the April 1990 Bonn meeting of the Conference on Security and Cooperation in Europe, in particular entrepreneurs' freedom of decision, are upheld.

Article 36 (EA 68)

1. Pursuant to the provisions of this Article and Annex X, the Parties confirm the importance that they attach to ensure adequate and effective protection and enforcement of intellectual, industrial and commercial property rights.

2. By the end of the third year after the entry into force of this agreement, and in any case from the entry into force of the Europe Agreement, Slovenia shall protect intellectual, industrial and commercial property rights at a level of protection similar to that provided in the Community by Community acts, in particular the ones referred to in Annex X, including effective means of enforcing such rights.

Article 37 (EA 94,2)

Mutual assistance between administrative authorities in customs matters of the Parties shall take place in accordance with the provisions of Protocol 5.

TITLE IV

Institutional, General and Final Provisions

Article 38

The Cooperation Council set up by the Cooperation Agreement signed between the European Economic Community and Slovenia on 5 April 1993 shall perform the duties assigned to it by this Agreement.

Article 39 (EA 112)

The Cooperation Council shall, for the purpose of attaining the objectives of this Agreement, have the power to take decisions in the cases provided for therein. The decisions taken shall be binding on the Parties, which shall take the measures necessary to implement the decisions taken. The Cooperation Council may also make appropriate recommendations.

It shall draw up its decisions and recommendations by agreement between the two Parties.

1. The Cooperation Council shall be assisted in the performance of its duties by a Joint Committee composed of representatives of the Community, on the one hand, and of representatives of the Government of Slovenia, on the other, normally at senior civil servant level.

The duties of the Joint Committee shall include the preparation of meetings of the Cooperation Council.

2. The Cooperation Council may delegate to the Joint Committee any of its powers. In this event

the Joint Committee shall take its decisions in accordance with the conditions laid down in paragraph 1 of this Article.

3. The Joint Committee shall, as necessary, adopt its own rules of procedure. The Joint Committee shall meet for the first time within 3 months after the entry into force of the Agreement, thereafter the Committee will meet once a year. Special meetings may be convened by mutual agreement, at the request of either Party. The Joint Committee shall be chaired alternatively by each of the Parties. Wherever possible, the agenda for meetings of the Joint Committee shall be agreed beforehand.

Article 40 (EA 113)

1. Each of the two Parties may refer to the Cooperation Council any dispute relating to the application or interpretation of this Agreement.

2. The Cooperation Council may settle the dispute by means of a decision.

3. Each Party shall be bound to take the measures involved in carrying out the decision referred to in paragraph 2.

4. In the event of it not being possible to settle the dispute in accordance with paragraph 2, either Party may notify the other of the appointment of an arbitrator; the other Party must then appoint a second arbitrator within two months. For the application of this procedure, the Community and the Member States shall be deemed to be one party to the dispute.

The Cooperation Council shall appoint a third arbitrator.

The arbitrators' decisions shall be taken by majority vote.

Each Party to the dispute must take the steps required to implement the decision of the arbitrators.

Article 41 (EA 119)

Within the scope of this Agreement, each Party undertakes to ensure that natural and legal persons of the other Party have access free of discrimination in relation to its own nationals to the competent courts and administrative organs of the Parties to defend their individual rights and their property rights, including those concerning intellectual, industrial and commercial property.

Article 42 (EA 120)

Nothing in this Agreement shall prevent a Party from taking any measures:

- (a) which it considers necessary to prevent the disclosure of information contrary to its essential security interests;
- (b) which relate to the production of, or trade in, arms, munitions or war materials or to research, development or production indispensable for defence purposes, provided that such measures do not impair the conditions of competition in respect of products not intended for specifically military purposes;
- (c) which it considers essential to its own security in the event of serious internal

disturbances affecting the maintenance of law and order, in time of war or serious international tension constituting threat of war or in order to carry out obligations it has accepted for the purpose of maintaining peace and international security.

Article 43 (EA 121)

1. In the fields covered by this Agreement and without prejudice to any special provisions contained therein:

- the arrangements applied by Slovenia in respect of the Community shall not give rise to any discrimination between the Member States, their nationals, or their companies or firms;
- the arrangements applied by the Community in respect of Slovenia shall not give rise to any discrimination between Slovenian nationals or its companies or firms.

2. The provisions of paragraph 1 shall be without prejudice to the right of the Parties to apply the relevant provisions of their fiscal legislation to taxpayers who are not in identical situations as regards their place of residence.

Article 44 (EA 122)

Products originating in Slovenia shall not receive more favourable treatment when imported into the Community than that applied by Member States among themselves.

Article 45 (EA 123)

1. The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement. They shall see to it that the objectives set out in this Agreement are attained.

2. If either Party considers that the other Party has failed to fulfil an obligation under this Agreement, it may take appropriate measures. Before so doing, except in cases of special urgency, it shall supply the Cooperation Council with all relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Parties.

In the selection of measures, priority must be given to those which least disturb the functioning of this Agreement. These measures shall be notified immediately to the Cooperation Council and shall be the subject of consultations within the Cooperation Council if the other Party so requests.

Article 46 (EA 126)

Protocols 1, 2, 3, 4, 5 and 6 and Annexes I to VIIIb, X et XII shall form an integral part of this Agreement.

Article 47 (EA 127)

This Agreement shall be applicable until the entry into force of the Europe Agreement signed in Luxembourg on 10 June 1996.

Either Party may denounce this Agreement by notifying the other Party. This Agreement shall cease to apply six months after the date of such notification.

Article 48 (EA 129)

This Agreement shall apply, on the one hand, to the territories in which the Treaties

establishing the European Community, the European Atomic Energy Community, and the European Coal and Steel Community are applied and under the conditions laid down in those Treaties, and to the territory of Slovenia on the other.

Article 49 (EA 130)

This Agreement is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Slovenian languages, each of these texts being equally authentic.

Article 50 (EA 131)

This Agreement shall be approved by the Parties in accordance with their own procedures.

This Agreement shall enter into force on the first day of the second month following the date on which the Parties notify each other that the procedures referred to have been completed.

Upon its entry into force, Articles 14 to 34 of the Cooperation Agreement between the European Economic Community and the Republic of Slovenia signed in Luxembourg on 5 April 1993 shall be suspended.

Article 51 (EA 132)

1. In the event that this Agreement enters into force on or after 1 January 1997, for the purposes of Title III and Protocols 1 to 6 of this Agreement, the term "date of entry into force of this Agreement" shall mean:

- the date of entry into force of the Interim Agreement in relation to obligations taking effect on that date, and
- 1 January of the year of entry into force in relation to obligations taking effect after the date of entry into force by reference to the date of entry into force.

2. In the case of entry into force after 1 January in any year, the provisions of Protocol 6 shall apply.