

during that meeting since the procedure for signing the protocol by the Community had not yet been completed."⁶¹

Indeed, the Commission's proposal for a Council decision on the signature of the Transport Protocol only dates back to 16 January 2001⁶². In the attached *Explanatory Memorandum*, the Commission states the following:

"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. [...] 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."⁶³

It turned out to be impossible to realise the idea of a simultaneous ratification of the Transport Protocol by all the contracting parties. Moreover, it was not the Community which gave an example of speedy treatment of the subject, not to mention setting "important political signal to all parties"⁶⁴. The Council decided on 18 September 2001 to authorise the President of the Council to designate the person empowered to sign the Transport Protocol on behalf of the Community⁶⁵. After more than 18 months, no such person has been designated, consequently the Protocol has still not been signed by the Community⁶⁶.

This is astonishing because even Commissioner Loyola de Palacio, responsible for transport, expressed publicly that she expected the Council to complete the procedure till the end of the year 2001⁶⁷. On the other hand, this reflects the European Community's general attitude, observed these last years, of increasingly distancing itself

⁶¹ Answer given by Commissioner Margot Wallström on 26 January 2001 regarding the written parliamentary question E-3599/00 submitted by Luciano Caveri on 22 November 2000, OJ C 187 E, 3 July 2001, p.20.

⁶² Commission Proposal of 16 January 2001 for a Council decision on the signature of the Transport Protocol, COM(2001)18.

⁶³ See *supra*, note 62, p.3.

⁶⁴ See *supra*, note 62, p.3.

⁶⁵ Council Decision of 18 September 2001 on the signature of the Transport Protocol on behalf of the European Community, Document Number 11595/01, Inter-institutional File 2001/0017 (ACC).

⁶⁶ On 11 September 2002, the Commissioner Margot Wallström described the Commission proposal to the Council to sign the Transport Protocol as "still pending": Answer given by Mrs Wallström on behalf of the Commission on 11 September 2002 regarding the written parliamentary question E-1818/02 submitted by Michl Ebner on 17 June 2002 (not yet reported).

⁶⁷ Answer given by Commissioner Loyola de Palacio on 1 October 2001 regarding the written parliamentary question P-2470/01 submitted by Luciano Caveri on 3 September 2001, OJ C 81 E, 4 April 2002, p.182.