

**17. Zakon o ratifikaciji Dopolnilnega protokola iz Nagoje in Kuala Lumpurja o odgovornosti in nadomestilih h Kartagenskemu protokolu o biološki varnosti (MDPKPBV)**

Na podlagi druge alineje prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

## U K A Z

### **o razglasitvi Zakona o ratifikaciji Dopolnilnega protokola iz Nagoje in Kuala Lumpurja o odgovornosti in nadomestilih h Kartagenskemu protokolu o biološki varnosti (MDPKPBV)**

Razglašam Zakon o ratifikaciji Dopolnilnega protokola iz Nagoje in Kuala Lumpurja o odgovornosti in nadomestilih h Kartagenskemu protokolu o biološki varnosti (MDPKPBV), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 6. marca 2014.

Št. 003-02-3/2014-10

Ljubljana, dne 14. marca 2014

**Borut Pahor** l.r.  
Predsednik  
Republike Slovenije

## Z A K O N

### **O RATIFIKACIJI DOPOLNILNEGA PROTOKOLA IZ NAGOJE IN KUALA LUMPURJA O ODGOVORNOSTI IN NADOMESTILIH H KARTAGENSKEMU PROTOKOLU O BIOLOŠKI VARNOSTI (MDPKPBV)**

#### 1. člen

Ratificira se Dopolnilni protokol iz Nagoje in Kuala Lumpurja o odgovornosti in nadomestilih h Kartagenskemu protokolu o biološki varnosti, sklenjen v Nagoji 15. oktobra 2010.

#### 2. člen

Besedilo protokola se v izvorniku v angleškem in prevodu v slovenskem jeziku glasi:

#### **NAGOYA – KUALA LUMPUR SUPPLEMENTARY PROTOCOL ON LIABILITY AND REDRESS TO THE CARTAGENA PROTOCOL ON BIOSAFETY**

*The Parties to this Supplementary Protocol,  
Being Parties to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity, hereinafter referred to as "the Protocol",*

*Taking into account Principle 13 of the Rio Declaration on Environment and Development,*

*Reaffirming the precautionary approach contained in Principle 15 of the Rio Declaration on Environment and Development,*

*Recognizing the need to provide for appropriate response measures where there is damage or sufficient likelihood of damage, consistent with the Protocol,*

*Recalling Article 27 of the Protocol,*

*Have agreed as follows:*

#### **DOPOLNILNI PROTOKOL IZ NAGOJE IN KUALA LUMPURJA O ODGOVORNOSTI IN NADOMESTILIH H KARTAGENSKEMU PROTOKOLU O BIOLOŠKI VARNOSTI**

*Pogodbenice tega dopolnilnega protokola, ki so pogodbenice Kartagenskega protokola o biološki varnosti h Konvenciji o biološki raznovrstnosti, v nadaljevanju "protokol",*

*upoštevajo 13. načelo Deklaracije o okolju in razvoju iz Ria,*

*ponovno potrjujejo previdnostni pristop iz 15. načela Deklaracije o okolju in razvoju iz Ria,*

*priznavajo potrebo po zagotavljanju ustreznih odzivnih ukrepov, skladnih s protokolom, kadar je nastala škoda ali obstaja zadostna verjetnost nastanka škode,*

*se sklicujejo na 27. člen protokola,*

*so se sporazumele:*

Article 1  
**OBJECTIVE**

The objective of this Supplementary Protocol is to contribute to the conservation and sustainable use of biological diversity, taking also into account risks to human health, by providing international rules and procedures in the field of liability and redress relating to living modified organisms.

Article 2  
**USE OF TERMS**

1. The terms used in Article 2 of the Convention on Biological Diversity, hereinafter referred to as "the Convention", and Article 3 of the Protocol shall apply to this Supplementary Protocol.

2. In addition, for the purposes of this Supplementary Protocol:

(a) "Conference of the Parties serving as the meeting of the Parties to the Protocol" means the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol;

(b) "Damage" means an adverse effect on the conservation and sustainable use of biological diversity, taking also into account risks to human health, that:

(i) Is measurable or otherwise observable taking into account, wherever available, scientifically-established baselines recognized by a competent authority that takes into account any other human induced variation and natural variation; and

(ii) Is significant as set out in paragraph 3 below;

(c) "Operator" means any person in direct or indirect control of the living modified organism which could, as appropriate and as determined by domestic law, include, *inter alia*, the permit holder, person who placed the living modified organism on the market, developer, producer, notifier, exporter, importer, carrier or supplier;

(d) "Response measures" means reasonable actions to:

(i) Prevent, minimize, contain, mitigate, or otherwise avoid damage, as appropriate;

(ii) Restore biological diversity through actions to be undertaken in the following order of preference:

a. Restoration of biological diversity to the condition that existed before the damage occurred, or its nearest equivalent; and where the competent authority determines this is not possible;

b. Restoration by, *inter alia*, replacing the loss of biological diversity with other components of biological diversity for the same, or for another type of use either at the same or, as appropriate, at an alternative location.

3. A "significant" adverse effect is to be determined on the basis of factors, such as:

(a) The long-term or permanent change, to be understood as change that will not be redressed through natural recovery within a reasonable period of time;

(b) The extent of the qualitative or quantitative changes that adversely affect the components of biological diversity;

(c) The reduction of the ability of components of biological diversity to provide goods and services;

(d) The extent of any adverse effects on human health in the context of the Protocol.

Article 3  
**SCOPE**

1. This Supplementary Protocol applies to damage resulting from living modified organisms which find their origin in a transboundary movement. The living modified organisms referred to are those:

(a) Intended for direct use as food or feed, or for processing;

1. člen  
**CILJ**

Cilj tega dopolnilnega protokola je prispevati k ohranjanju in trajnostni uporabi biološke raznovrstnosti ob upoštevanju tveganja za zdravje ljudi z uvedbo mednarodnih pravil in postopkov na področju odgovornosti in nadomestil v zvezi z živimi spremenjenimi organizmi.

2. člen  
**UPORABLJENI IZRAZI**

1. V tem dopolnilnem protokolu se uporabljajo izrazi iz 2. člena Konvencije o biološki raznovrstnosti, v nadaljevanju "konvencija", in 3. člena protokola.

2. Poleg tega v tem dopolnilnem protokolu:

(a) "konferenca pogodbenic kot zasedanje pogodbenic protokola" pomeni konferenco pogodbenic konvencije kot zasedanje pogodbenic protokola;

(b) "škoda" pomeni škodljiv vpliv na ohranjanje in trajnostno uporabo biološke raznovrstnosti ob upoštevanju tveganja za zdravje ljudi, ki:

(i) je merljiv ali ga je mogoče drugače ugotoviti ob upoštevanju znanstveno vzpostavljenih izhodiščnih stanj, če so ta na voljo in jih priznava pristojni organ, tako da upošteva vsako drugo odstopanje, ki ga povzroči človek, in naravno odstopanje, ter

(ii) je znaten, kot je to določeno v tretjem odstavku;

(c) "upravljavalec" pomeni osebo, ki posredno ali neposredno nadzira živi spremenjeni organizem in bi lahko, če je to primerno in to določa notranja zakonodaja, *med drugim* vključevala imetnika dovoljenja, osebo, ki je dala na trg živi spremenjeni organizem, razvijalca, proizvajalca, prijavitelja, izvoznika, uvoznika, prevoznika ali dobavitelja;

(d) "odzivni ukrepi" pomenijo razumna dejanja za:

(i) preprečevanje, zmanjšanje na najnižjo mogočo raven, zadrževanje, blaženje nastanka škode ali drugačno izogibanje nastanku škode, kot je primerno;

(ii) obnovitev biološke raznovrstnosti z dejanji, izvedenimi po naslednjem prednostnem vrstnem redu:

a. obnovitev biološke raznovrstnosti na stanje, kot je bilo pred nastankom škode, ali čim enakovrednejše stanje, in, kadar pristojni organ določi, da to ni mogoče,

b. obnovitev *med drugim* z nadomestitvijo izgube biološke raznovrstnosti z drugimi sestavinami biološke raznovrstnosti za isto ali drugo vrsto uporabe na istem, ali kot je primerno, na nadomestnem kraju.

3. "Znaten" škodljiv vpliv se določi na podlagi dejavnikov, kot so:

(a) dolgoročnost ali stalnost spremembe, ki se razume kot sprememba, ki se z naravno obnovo ne bo odpravila v razumnem časovnem obdobju;

(b) obsežnost sprememb kakovosti ali količine, ki škodljivo vplivajo na sestavine biološke raznovrstnosti;

(c) zmanjšanje sposobnosti sestavin biološke raznovrstnosti za zagotavljanje blaga in storitev;

(d) obseg škodljivih vplivov na zdravje ljudi v smislu protokola.

3. člen  
**PODROČJE UPORABE**

1. Dopolnilni protokol se uporablja za škodo, ki je nastala zaradi čezmejnega gibanja živih spremenjenih organizmov. Živi spremenjeni organizmi so tisti, ki so namenjeni za:

(a) neposredno uporabo kot hrana ali krma ali pa za predelavo;

(b) Destined for contained use;  
(c) Intended for intentional introduction into the environment.

2. With respect to intentional transboundary movements, this Supplementary Protocol applies to damage resulting from any authorized use of the living modified organisms referred to in paragraph 1 above.

3. This Supplementary Protocol also applies to damage resulting from unintentional transboundary movements as referred to in Article 17 of the Protocol as well as damage resulting from illegal transboundary movements as referred to in Article 25 of the Protocol.

4. This Supplementary Protocol applies to damage resulting from a transboundary movement of living modified organisms that started after the entry into force of this Supplementary Protocol for the Party into whose jurisdiction the transboundary movement was made.

5. This Supplementary Protocol applies to damage that occurred in areas within the limits of the national jurisdiction of Parties.

6. Parties may use criteria set out in their domestic law to address damage that occurs within the limits of their national jurisdiction.

7. Domestic law implementing this Supplementary Protocol shall also apply to damage resulting from transboundary movements of living modified organisms from non-Parties.

#### Article 4 CAUSATION

A causal link shall be established between the damage and the living modified organism in question in accordance with domestic law.

#### Article 5 RESPONSE MEASURES

1. Parties shall require the appropriate operator or operators, in the event of damage, subject to any requirements of the competent authority, to:

- (a) Immediately inform the competent authority;
- (b) Evaluate the damage; and
- (c) Take appropriate response measures.

2. The competent authority shall:

- (a) Identify the operator which has caused the damage;
- (b) Evaluate the damage; and
- (c) Determine which response measures should be taken by the operator.

3. Where relevant information, including available scientific information or information available in the Biosafety Clearing-House, indicates that there is a sufficient likelihood that damage will result if timely response measures are not taken, the operator shall be required to take appropriate response measures so as to avoid such damage.

4. The competent authority may implement appropriate response measures, including, in particular, when the operator has failed to do so.

5. The competent authority has the right to recover from the operator the costs and expenses of, and incidental to, the evaluation of the damage and the implementation of any such appropriate response measures. Parties may provide, in their domestic law, for other situations in which the operator may not be required to bear the costs and expenses.

6. Decisions of the competent authority requiring the operator to take response measures should be reasoned. Such decisions should be notified to the operator. Domestic law shall provide for remedies, including the opportunity for administrative or judicial review of such decisions. The competent authority shall, in accordance with domestic law, also inform the operator of the available remedies. Recourse to such remedies shall not impede the competent authority from taking response measures in appropriate circumstances, unless otherwise provided by domestic law.

(b) uporabo v zaprtih sistemih;  
(c) nameren vnos v okolje.

2. Pri namernem čezmejnem gibanju se dopolnilni protokol uporablja za škodo, nastalo zaradi dovoljene uporabe živih spremenjenih organizmov iz prvega odstavka.

3. Dopolnilni protokol se uporablja tudi za škodo, nastalo zaradi nenamernih čezmejnih gibanj iz 17. člena protokola, in škodo, nastalo zaradi nezakonitih čezmejnih gibanj iz 25. člena protokola.

4. Dopolnilni protokol se uporablja za škodo, nastalo zaradi čezmejnega gibanja živih spremenjenih organizmov, ki se je začelo po začetku veljavnosti dopolnilnega protokola za pogodbenico, v pristojnost katere je bilo to čezmejno gibanje izvedeno.

5. Dopolnilni protokol se uporablja za škodo, nastalo na območjih, ki so v okviru omejitev državne pristojnosti pogodbenic.

6. Pogodbenice lahko uporabljajo merila, določena v njihovi notranji zakonodaji za obravnavo škode, nastale v okviru omejitev njihove državne pristojnosti.

7. Notranja zakonodaja za izvajanje dopolnilnega protokola se uporablja tudi za škodo, nastalo zaradi čezmejnih gibanj živih spremenjenih organizmov iz nepogodbenic.

#### 4. člen POVZROČITEV ŠKODE

Vzročna zveza med škodo in živim spremenjenim organizmom se ugotavlja skladno z notranjo zakonodajo.

#### 5. člen ODZIVNI UKREPI

1. Pogodbenice zahtevajo, da v primeru nastanka škode ustrezen upravljavec ali upravljavci ob upoštevanju zahtev pristojnega organa:

- (a) nemudoma obvestijo pristojni organ;
- (b) ocenijo škodo in
- (c) sprejmejo ustrezne odzivne ukrepe.

2. Pristojni organ:

- (a) ugotovi, kateri upravljavec je povzročil škodo;
- (b) oceni škodo in
- (c) določi, katere odzivne ukrepe naj upravljavec sprejme.

3. Kadar ustrezne informacije, vključno z razpoložljivimi znanstvenimi informacijami ali razpoložljivimi informacijami v Uradu za izmenjavo informacij, kažejo, da obstaja zadostna verjetnost, da bo nastala škoda, če ne bodo sprejeti pravočasni odzivni ukrepi za njeno preprečitev, se od upravljavca zahteva, da sprejme ustrezne odzivne ukrepe, da jo prepreči.

4. Ustrezne odzivne ukrepe lahko izvede tudi pristojni organ, še zlasti kadar tega ne naredi upravljavec.

5. Pristojni organ lahko od upravljavca zahteva povrnitev stroškov in izdatkov ter v zvezi s tem ocenitev škode in izvedbo ustreznih odzivnih ukrepov. Pogodbenice pa lahko v svoji notranji zakonodaji določijo primere, ko od upravljavca ni treba zahtevati povrnitve stroškov in izdatkov.

6. Odločitve pristojnega organa, da mora upravljavec sprejeti odzivne ukrepe, morajo biti utemeljene. Upravljavec je o njih uradno obveščen. Notranja zakonodaja zagotovi pravna sredstva, vključno z možnostjo upravne ali sodne presoje takih odločitev. Pristojni organ v skladu z notranjo zakonodajo upravljavca obvesti tudi o razpoložljivih pravnih sredstvih. Uporaba takih pravnih sredstev pristojnemu organu ne preprečuje, da v ustreznih okoliščinah sprejema odzivne ukrepe, razen če notranja zakonodaja ne določa drugače.

7. In implementing this Article and with a view to defining the specific response measures to be required or taken by the competent authority, Parties may, as appropriate, assess whether response measures are already addressed by their domestic law on civil liability.

8. Response measures shall be implemented in accordance with domestic law.

#### Article 6

##### EXEMPTIONS

1. Parties may provide, in their domestic law, for the following exemptions:

- (a) Act of God or *force majeure*; and
- (b) Act of war or civil unrest.

2. Parties may provide, in their domestic law, for any other exemptions or mitigations as they may deem fit.

#### Article 7

##### TIME LIMITS

Parties may provide, in their domestic law, for:

- (a) Relative and/or absolute time limits including for actions related to response measures; and
- (b) The commencement of the period to which a time limit applies.

#### Article 8

##### FINANCIAL LIMITS

Parties may provide, in their domestic law, for financial limits for the recovery of costs and expenses related to response measures.

#### Article 9

##### RIGHT OF RECOURSE

This Supplementary Protocol shall not limit or restrict any right of recourse or indemnity that an operator may have against any other person.

#### Article 10

##### FINANCIAL SECURITY

1. Parties retain the right to provide, in their domestic law, for financial security.

2. Parties shall exercise the right referred to in paragraph 1 above in a manner consistent with their rights and obligations under international law, taking into account the final three preambular paragraphs of the Protocol.

3. The first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol after the entry into force of the Supplementary Protocol shall request the Secretariat to undertake a comprehensive study which shall address, *inter alia*:

- (a) The modalities of financial security mechanisms;
- (b) An assessment of the environmental, economic and social impacts of such mechanisms, in particular on developing countries; and
- (c) An identification of the appropriate entities to provide financial security.

#### Article 11

##### RESPONSIBILITY OF STATES FOR INTERNATIONALLY WRONGFUL ACTS

This Supplementary Protocol shall not affect the rights and obligations of States under the rules of general international law with respect to the responsibility of States for internationally wrongful acts.

7. Pri izvajanju tega člena lahko pogodbenice zaradi opredelitve posebnih odzivnih ukrepov, ki jih zahteva ali sprejme pristojni organ, po potrebi ocenijo, ali so odzivni ukrepi že obravnavani v notranji zakonodaji o civilni odgovornosti.

8. Odzivni ukrepi se izvajajo v skladu z notranjo zakonodajo.

#### 6. člen

##### IZJEME

1. Pogodbenice lahko v notranji zakonodaji določijo naslednje izjeme:

- (a) naravna nesreča ali *višja sila* in
- (b) vojna ali civilni nemiri.

2. Pogodbenice lahko v notranji zakonodaji določijo izjeme ali ublažitve, ki se jim zdijo primerne.

#### 7. člen

##### ROKI

Pogodbenice lahko v notranji zakonodaji določijo:

- (a) relativne in/ali absolutne roke, vključno za dejanja, povezana z odzivnimi ukrepi;
- (b) začetek obdobja, na katero se rok nanaša.

#### 8. člen

##### FINANČNE OMEJITVE

Pogodbenice lahko v notranji zakonodaji določijo finančne omejitve za povrnitev stroškov in izdatkov, ki so povezani z odzivnimi ukrepi.

#### 9. člen

##### PRAVICA DO POVRNITVE STROŠKOV

Dopolnilni protokol ne omejuje pravice upravljavca, da od druge osebe zahteva povrnitev stroškov ali nadomestilo za škodo.

#### 10. člen

##### FINANČNO JAMSTVO

1. Pogodbenice obdržijo pravico, da v notranji zakonodaji določijo finančno jamstvo.

2. Pogodbenice uveljavljajo pravico iz prvega odstavka v skladu s svojimi pravicami in obveznostmi po mednarodnem pravu ob upoštevanju zadnjih treh odstavkov uvodnih določb protokola.

3. Prvo zasedanje Konference pogodbenic kot zasedanje pogodbenic protokola po začetku veljavnosti dopolnilnega protokola zahteva, da sekretariat pripravi celovito študijo, ki *med drugim* obravnava:

- (a) popravke finančnih jamstvenih mehanizmov;
- (b) presojo okoljskih, gospodarskih in družbenih vplivov takih mehanizmov, še zlasti na države v razvoju, in

(c) določitev ustreznih subjektov za zagotovitev finančnega jamstva.

#### 11. člen

##### ODGOVORNOST DRŽAV ZA MEDNARODNO NEDOPUSTNA RAVNANJA

Dopolnilni protokol ne vpliva na pravice in obveznosti držav po pravilih splošnega mednarodnega prava glede odgovornosti držav za mednarodno nedopustna ravnanja.

## Article 12

**IMPLEMENTATION AND RELATION  
TO CIVIL LIABILITY**

1. Parties shall provide, in their domestic law, for rules and procedures that address damage. To implement this obligation, Parties shall provide for response measures in accordance with this Supplementary Protocol and may, as appropriate:

(a) Apply their existing domestic law, including, where applicable, general rules and procedures on civil liability;

(b) Apply or develop civil liability rules and procedures specifically for this purpose; or

(c) Apply or develop a combination of both.

2. Parties shall, with the aim of providing adequate rules and procedures in their domestic law on civil liability for material or personal damage associated with the damage as defined in Article 2, paragraph 2 (b):

(a) Continue to apply their existing general law on civil liability;

(b) Develop and apply or continue to apply civil liability law specifically for that purpose; or

(c) Develop and apply or continue to apply a combination of both.

3. When developing civil liability law as referred to in subparagraphs (b) or (c) of paragraphs 1 or 2 above, Parties shall, as appropriate, address, *inter alia*, the following elements:

(a) Damage;

(b) Standard of liability including strict or fault-based liability;

(c) Channelling of liability, where appropriate;

(d) Right to bring claims.

## Article 13

**ASSESSMENT AND REVIEW**

The Conference of the Parties serving as the meeting of the Parties to the Protocol shall undertake a review of the effectiveness of this Supplementary Protocol five years after its entry into force and every five years thereafter, provided information requiring such a review has been made available by Parties. The review shall be undertaken in the context of the assessment and review of the Protocol as specified in Article 35 of the Protocol, unless otherwise decided by the Parties to this Supplementary Protocol. The first review shall include a review of the effectiveness of Articles 10 and 12.

## Article 14

**CONFERENCE OF THE PARTIES SERVING AS THE  
MEETING OF THE PARTIES TO THE PROTOCOL**

1. Subject to paragraph 2 of Article 32 of the Convention, the Conference of the Parties serving as the meeting of the Parties to the Protocol shall serve as the meeting of the Parties to this Supplementary Protocol.

2. The Conference of the Parties serving as the meeting of the Parties to the Protocol shall keep under regular review the implementation of this Supplementary Protocol and shall make, within its mandate, the decisions necessary to promote its effective implementation. It shall perform the functions assigned to it by this Supplementary Protocol and, *mutatis mutandis*, the functions assigned to it by paragraphs 4 (a) and (f) of Article 29 of the Protocol.

## Article 15

**SEKRETARIAT**

The Secretariat established by Article 24 of the Convention shall serve as the secretariat to this Supplementary Protocol.

## 12. člen

**IZVAJANJE CIVILNE ODGOVORNOSTI  
IN RAZMERJE DO NJE**

1. Pogodbenice v notranji zakonodaji določijo pravila in postopke za obravnavo škode. Za izpolnitev te obveznosti pogodbenice določijo odzivne ukrepe v skladu z dopolnilnim protokolom, in če je to primerno, lahko:

(a) uporabijo obstoječo notranjo zakonodajo, vključno s splošnimi pravili in postopki o civilni odgovornosti, kadar je to primerno;

(b) uporabijo ali razvijejo pravila in postopke o civilni odgovornosti posebej za ta namen ali

(c) uporabijo ali razvijejo kombinacijo obeh.

2. Da bi pogodbenice zagotovile ustrezna pravila in postopke v notranji zakonodaji o civilni odgovornosti za materialno ali osebno škodo, povezano s škodo iz točke b drugega odstavka 2. člena:

(a) še naprej uporabljajo svoje obstoječe splošne predpise o civilni odgovornosti;

(b) razvijajo in uporabljajo ali še naprej uporabljajo predpise o civilni odgovornosti posebej za ta namen;

(c) razvijajo in uporabljajo ali še naprej uporabljajo kombinacijo obeh.

3. Pri razvijanju zakonodaje o civilni odgovornosti iz točke b ali c prvega ali drugega odstavka tega člena pogodbenice, kadar je to primerno, med drugim obravnavajo naslednje elemente:

(a) škodo;

(b) standard odgovornosti, vključno z objektivno ali krivdno odgovornostjo;

(c) usmerjanje odgovornosti, če je to primerno;

(d) pravico do uveljavljanja zahtevkov.

## 13. člen

**OCENA IN PREGLED**

Konferenca pogodbenic kot zasedanje pogodbenic protokola opravi pregled učinkovitosti dopolnilnega protokola pet let po začetku njegove veljavnosti in potem vsakih pet let pod pogojem, da pogodbenice dajo na voljo informacije, potrebne za pregled. Pregled se opravi v smislu ocene in pregleda iz 35. člena protokola, razen če pogodbenice dopolnilnega protokola ne odločijo drugače. Prvi pregled zajema pregled učinkovitosti 10. in 12. člena.

## 14. člen

**KONFERENCA POGODBENIC KOT ZASEDANJE  
POGODBENIC PROTOKOLA**

1. Ob upoštevanju drugega odstavka 32. člena konvencije je konferenca pogodbenic kot zasedanje pogodbenic protokola hkrati tudi zasedanje pogodbenic dopolnilnega protokola.

2. Konferenca pogodbenic kot zasedanje pogodbenic protokola redno pregleduje izvajanje dopolnilnega protokola in v skladu s svojimi pooblastili sprejema odločitve, potrebne za njegovo učinkovito izvajanje. Opravlja naloge, ki jih ima v skladu z dopolnilnim protokolom, *smiselno* pa tudi naloge iz točk a in f četrtega odstavka 29. člena protokola.

## 15. člen

**SEKRETARIAT**

Sekretariat iz 24. člena konvencije je tudi sekretariat dopolnilnega protokola.

## Article 16

**RELATIONSHIP WITH THE CONVENTION  
AND THE PROTOCOL**

1. This Supplementary Protocol shall supplement the Protocol and shall neither modify nor amend the Protocol.

2. This Supplementary Protocol shall not affect the rights and obligations of the Parties to this Supplementary Protocol under the Convention and the Protocol.

3. Except as otherwise provided in this Supplementary Protocol, the provisions of the Convention and the Protocol shall apply, *mutatis mutandis*, to this Supplementary Protocol.

4. Without prejudice to paragraph 3 above, this Supplementary Protocol shall not affect the rights and obligations of a Party under international law.

## Article 17

**SIGNATURE**

This Supplementary Protocol shall be open for signature by Parties to the Protocol at the United Nations Headquarters in New York from 7 March 2011 to 6 March 2012.

## Article 18

**ENTRY INTO FORCE**

1. This Supplementary Protocol shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession by States or regional economic integration organizations that are Parties to the Protocol.

2. This Supplementary Protocol shall enter into force for a State or regional economic integration organization that ratifies, accepts or approves it or accedes thereto after the deposit of the fortieth instrument as referred to in paragraph 1 above, on the ninetieth day after the date on which that State or regional economic integration organization deposits its instrument of ratification, acceptance, approval, or accession, or on the date on which the Protocol enters into force for that State or regional economic integration organization, whichever shall be the later.

3. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

## Article 19

**RESERVATIONS**

No reservations may be made to this Supplementary Protocol.

## Article 20

**WITHDRAWAL**

1. At any time after two years from the date on which this Supplementary Protocol has entered into force for a Party, that Party may withdraw from this Supplementary Protocol by giving written notification to the Depositary.

2. Any such withdrawal shall take place upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

3. Any Party which withdraws from the Protocol in accordance with Article 39 of the Protocol shall be considered as also having withdrawn from this Supplementary Protocol.

## 16. člen

**RAZMERJE MED KONVENCIJO  
IN PROTOKOLOM**

1. Dopolnilni protokol dopolnjuje protokol in ga ne spreminja.

2. Dopolnilni protokol ne vpliva na pravice in obveznosti pogodbenic dopolnilnega protokola iz konvencije in protokola.

3. Razen če dopolnilni protokol ne določa drugače, se določbe konvencije in protokola *smiselno* uporabljajo tudi za dopolnilni protokol.

4. Ne glede na tretji odstavek dopolnilni protokol ne vpliva na pravice in obveznosti pogodbenice po mednarodnem pravu.

## 17. člen

**PODPIS**

Dopolnilni protokol je pogodbenicam protokola na voljo za podpis na sedežu Združenih narodov v New Yorku od 7. marca 2011 do 6. marca 2012.

## 18. člen

**ZAČETEK VELJAVNOSTI**

1. Dopolnilni protokol začne veljati devetdeseti dan po dnevu deponiranja štiridesete listine o ratifikaciji, sprejetju, odobritvi ali pristopu držav ali regionalnih organizacij za gospodarsko povezovanje, ki so pogodbenice protokola.

2. Dopolnilni protokol začne za državo ali regionalno organizacijo za gospodarsko povezovanje, ki ga ratificira, sprejme ali odobri ali pristopi k njemu po deponiranju štiridesete listine iz prvega odstavka, veljati devetdeseti dan po dnevu, ko ta država ali regionalna organizacija za gospodarsko povezovanje deponira svojo listino o ratifikaciji, sprejetju, odobritvi ali pristopu, ali na dan začetka veljavnosti protokola za to državo ali regionalno organizacijo za gospodarsko povezovanje, kar je pozneje.

3. Za namene prvega in drugega odstavka se listina, ki jo deponira regionalna organizacija za gospodarsko povezovanje, ne šteje za dodatno listino k tistim, ki jih deponirajo države članice te organizacije.

## 19. člen

**PRIDRŽKI**

Pridržki k dopolnilnemu protokolu niso mogoči.

## 20. člen

**ODSTOP**

1. Pogodbenica lahko odstopi od dopolnilnega protokola kadar koli dve leti po dnevu, ko zanjo začne dopolnilni protokol veljati, tako da o tem pisno uradno obvesti depozitarja.

2. Odstop začne veljati eno leto po tem, ko je depozitar prejel uradno obvestilo o odstopu, ali pozneje z dnem, ki se lahko določi v uradnem obvestilu o odstopu.

3. Za pogodbenico, ki odstopi od protokola skladno z 39. členom protokola, se šteje, da je odstopila tudi od dopolnilnega protokola.

Article 21

**AUTHENTIC TEXTS**

The original of this Supplementary Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Supplementary Protocol.

DONE at Nagoya on this fifteenth day of October two thousand and ten.

21. člen

**VERODOSTOJNA BESEDILA**

Izvirnik dopolnilnega protokola, katerega besedila v angleškem, arabskem, francoskem, kitajskem, ruskem in španskem jeziku so enako verodostojna, se deponira pri generalnem sekretarju Združenih narodov.

V POTRDITEV TEGA so podpisani, ki so bili za to pravilno pooblaščen, podpisali dopolnilni protokol.

SKLENJENO v Nagoji petnajstega oktobra dva tisoč deset.

3. člen

Za izvajanje protokola skrbi ministrstvo, pristojno za okolje.

4. člen

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 322-01/11-18/13  
Ljubljana, dne 6. marca 2014  
EPA 1812-V

Državni zbor  
Republike Slovenije  
**Janko Veber** l.r.  
Predsednik

**18. Zakon o ratifikaciji Konvencije o pomoči pri preskrbi s hrano (MKPPH)**

Na podlagi druge alineje prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

**U K A Z****o razglasitvi Zakona o ratifikaciji Konvencije o pomoči pri preskrbi s hrano (MKPPH)**

Razglašam Zakon o ratifikaciji Konvencije o pomoči pri preskrbi s hrano (MKPPH), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 6. marca 2014.

Št. 003-02-3/2014-13

Ljubljana, dne 14. marca 2014

**Borut Pahor** l.r.  
Predsednik  
Republike Slovenije

**Z A K O N****O RATIFIKACIJI KONVENCIJE O POMOČI PRI PRESKRBI S HRANO (MKPPH)**

## 1. člen

Ratificira se Konvencija o pomoči pri preskrbi s hrano, sklenjena v Londonu 25. aprila 2012.

## 2. člen

Besedilo konvencije se v izvirniku v angleškem in prevodu v slovenskem jeziku glasi:

**FOOD ASSISTANCE  
CONVENTION****PREAMBLE**

*The Parties to this Convention,*

*Confirming* their continued commitment to the still valid objectives of the *Food Aid Convention*, 1999, to contribute to world food security, and to improve the ability of the international community to respond to emergency food situations and other food needs of developing countries;

*Seeking* to improve the effectiveness, efficiency, and quality of food assistance in preserving the lives and alleviating the suffering of the most vulnerable populations, especially in emergency situations, by strengthening international cooperation and coordination, in particular among the Parties and stakeholders;

*Recognising* that vulnerable populations have particular food and nutritional needs;

*Affirming* that States have the primary responsibility for their own national food security, and therefore for the progressive realisation of the right to adequate food as set out in the Food and Agriculture Organization (FAO) *Voluntary Guidelines to support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security* adopted by the FAO Council in November 2004;

*Encouraging* governments of food insecure countries to develop and implement country-owned strategies that address the root causes of food insecurity through long-term measures, and that ensure proper linkages between relief, recovery and development activities;

*Referring* to international humanitarian law and the fundamental humanitarian principles of humanity, impartiality, neutrality and independence;

*Referring* to the Principles and Good Practice of Humanitarian Donorship, endorsed in Stockholm on 17 June 2003;

*Recognising* that the Parties have their own policies related to providing food assistance in emergency and non-emergency situations;

*Considering* the *World Food Summit Plan of Action* adopted in Rome in 1996, as well as the Five Rome Principles for Sustainable Global Food Security identified in the *Declaration of the World Summit on Food Security* of 2009, in particular the commitment to achieve food security in all countries and the ongoing effort to reduce poverty and eradicate hunger that was reaffirmed by the United Nations General Assembly in the *United Nations Millennium Declaration*;

**KONVENCIJA O POMOČI  
PRI PRESKRBI S HRANO****UVOD**

*Pogodbenice te konvencije so se*

*ob potrditvi*, da bodo še naprej zavezane k uresničevanju še vedno veljavnih ciljev *Konvencije o pomoči v hrani iz leta 1999*, da bodo prispevale k prehranski varnosti v svetu ter izboljšale zmožnost mednarodne skupnosti za odzivanje na izredne razmere in druge potrebe v zvezi s hrano v državah v razvoju;

*ob prizadevanju* za večjo uspešnost, učinkovitost in kakovost pomoči pri preskrbi s hrano za ohranitev življenj in lajšanje trpljenja najranljivejših skupin prebivalstva, zlasti v izrednih razmerah, s krepitvijo mednarodnega sodelovanja in usklajevanja, zlasti med pogodbenicami in zainteresiranimi stranmi;

*ob zavedanju*, da imajo ranljive skupine prebivalstva posebne potrebe po hrani in hranilih;

*ob potrditvi*, da so države v prvi vrsti odgovorne za zagotavljanje lastne prehranske varnosti in s tem za postopno uresničevanje pravice do ustrezne hrane, kakor jo določa Organizacija združenih narodov za prehrano in kmetijstvo (FAO) v *Prostovoljnih smericah v podporo postopnemu uresničevanju pravice do ustrezne hrane v okviru zagotavljanja nacionalne prehranske varnosti*, ki jih je Svet FAO sprejel novembra 2004;

*ob spodbujanju* vlad držav z neustrezno prehransko varnostjo, da razvijejo in izvajajo nacionalne strategije, ki opredeljujejo dolgoročne ukrepe za spoprijemanje s temeljnimi vzroki neustrezne prehranske varnosti ter zagotavljajo ustrezne povezave med nujno pomočjo, obnovo in razvojnimi dejavnostmi;

*ob sklicevanju* na mednarodno humanitarno pravo ter temeljna humanitarna načela človečnosti, nepristranskosti, nevtalnosti in neodvisnosti;

*ob sklicevanju* na Načela in dobro prakso človekoljubnega donatorstva, sprejeta v Stockholmu 17. junija 2003;

*ob zavedanju*, da imajo pogodbenice svoje politike, ki se nanašajo na zagotavljanje pomoči pri preskrbi s hrano v izrednih in drugih razmerah;

*ob upoštevanju Akcijskega načrta svetovnega vrha o hrani*, sprejetega v Rimu leta 1996, in petih rimskih načel za trajnostno svetovno prehransko varnost, opredeljenih v *Deklaraciji o prehranski varnosti s svetovnega vrha o hrani iz leta 2009*, zlasti zaveze za doseganje prehranske varnosti v vseh državah ter stalnega prizadevanja za zmanjšanje revščine in izkoreninjenje lakote, ki ga je ponovno potrdila Generalna skupščina Združenih narodov v *Deklaraciji tisočletja Združenih narodov*;



Considering the commitments made by donor and recipient countries to improve development aid effectiveness by applying the principles of the Organisation for Economic Cooperation and Development's (OECD) *Paris Declaration on Aid Effectiveness* adopted in 2005;

Determined to act in accordance with their World Trade Organization (WTO) obligations, in particular any WTO disciplines on food aid;

Have agreed as follows:

## ARTICLE 1 OBJECTIVES

The objectives of this Convention are to save lives, reduce hunger, improve food security, and improve the nutritional status of the most vulnerable populations by:

(a) addressing the food and nutritional needs of the most vulnerable populations through commitments made by the Parties to provide food assistance that improves access to, and consumption of, adequate, safe and nutritious food;

(b) ensuring that food assistance provided to the most vulnerable populations is appropriate, timely, effective, efficient, and based on needs and shared principles; and

(c) facilitating information-sharing, cooperation, and coordination, and providing a forum for discussion in order to improve the effective, efficient, and coherent use of the Parties' resources to respond to needs.

## ARTICLE 2 PRINCIPLES OF FOOD ASSISTANCE

The Parties, in providing and delivering food assistance to the most vulnerable populations, should always adhere to the following principles:

(a) General principles of food assistance:

(i) provide food assistance only when it is the most effective and appropriate means of addressing the food or nutrition needs of the most vulnerable populations;

(ii) provide food assistance, taking into account the long-term rehabilitation and development objectives of the recipient countries, while supporting the broader goal of achieving food security, whenever appropriate;

(iii) provide food assistance in a manner that protects livelihoods and strengthens the self-reliance and resilience of vulnerable populations, and local communities, and that prevents, prepares for, mitigates and responds to food security crises;

(iv) provide food assistance in such a way as to avoid dependency and minimise direct and indirect negative impacts on beneficiaries and others;

(v) provide food assistance in a way that does not adversely affect local production, market conditions, marketing structures and commercial trade or the price of essential goods for vulnerable populations;

(vi) provide food aid in fully grant form, whenever possible;

(b) Principles of food assistance effectiveness:

(i) in order to increase the amount available to spend on food assistance for vulnerable populations and to promote efficiency, minimise associated costs as much as possible;

(ii) actively seek to cooperate, coordinate and share information to improve the effectiveness and efficiency of food assistance programs, and the coherence between food assistance and related policy areas and instruments;

(iii) purchase food and other components of food assistance locally or regionally, whenever possible and appropriate;

(iv) increasingly provide untied cash-based food assistance, whenever possible and based on needs;

(v) only monetise food aid where there is an identified need to do so, and to improve the food security of vulnerable populations; base monetisation on transparent and objective market analysis and avoid commercial displacement;

ob upoštevanju zaveze držav donatoric in držav prejemnic za izboljšanje učinkovitosti razvojne pomoči z uporabo načel iz *Pariške deklaracije o učinkovitosti pomoči*, ki jo je leta 2005 sprejela Organizacija za gospodarsko sodelovanje in razvoj (OECD);

odločene, da bodo ukrepale v skladu s svojimi obveznostmi v okviru Svetovne trgovinske organizacije (WTO), zlasti s pravili WTO o pomoči v hrani,

dogovorile:

## 1. ČLEN CILJI

Cilji te konvencije so reševati življenja, zmanjšati lakoto, izboljšati prehransko varnost in prehranjenost najranljivejših skupin prebivalstva z:

(a) zadovoljevanjem potreb po hrani in hranilih najranljivejših skupin prebivalstva na podlagi zavez pogodbenic, da bodo zagotavljale pomoč pri preskrbi s hrano, ki izboljšuje dostop do ustrezne, varne in hranljive hrane ter njeno uživanje;

(b) zagotavljanjem, da je pomoč pri preskrbi s hrano za najranljivejše skupine prebivalstva primerna, pravočasna, uspešna, učinkovita in da temelji na potrebah in skupnih načelih, ter

(c) omogočanjem izmenjave informacij, sodelovanja in usklajevanja ter zagotovitvijo foruma za razprave, da se pri odzivanju na potrebe izboljšajo uspešnost, učinkovitost in usklajenost porabe virov pogodbenic.

## 2. ČLEN NAČELA POMOČI PRI PRESKRBI S HRANO

Pogodbenice morajo pri zagotavljanju in uresničevanju pomoči pri preskrbi s hrano za najranljivejše skupine prebivalstva vedno upoštevati ta načela:

(a) splošna načela pomoči pri preskrbi s hrano:

(i) zagotoviti pomoč pri preskrbi s hrano samo, kadar je to najučinkovitejše in najprimernejše sredstvo za obravnavo potreb po hrani in hranilih skupin prebivalstva;

(ii) zagotoviti pomoč pri preskrbi s hrano ob upoštevanju dolgoročnih ciljev obnove in razvojnih ciljev v državah prejemnicah, po potrebi pa podpirati širši cilj doseganja prehranske varnosti;

(iii) zagotoviti pomoč pri preskrbi s hrano tako, da se ohranjajo možnosti za preživljanje ter krepita samostojnost in odpornost ranljivih skupin prebivalstva ter lokalnih skupnosti in preprečuje nastanek kriz, povezanih s prehransko varnostjo, omogočijo priprave nanje, da se ublažijo ali zagotovi ukrepanje;

(iv) zagotoviti pomoč pri preskrbi s hrano tako, da se prepreči odvisnost ter čim bolj zmanjšajo neposredni in posredni negativni učinki na upravičence in druge;

(v) zagotoviti pomoč pri preskrbi s hrano, tako da ne prizadene lokalne proizvodnje, tržnih razmer, tržnih struktur in trgovine ali cen osnovnih dobrin za ranljive skupine prebivalstva;

(vi) zagotoviti pomoč v hrani po možnosti v celoti v obliki donacij;

(b) načela učinkovitosti pomoči pri preskrbi s hrano:

(i) čim bolj zmanjšati stroške, povezane z zagotavljanjem pomoči, da se povečata znesek, ki je na razpolago za pomoč pri preskrbi s hrano za ranljive skupine prebivalstva, in njena učinkovitost;

(ii) prizadevati si za sodelovanje, usklajevanje in izmenjavo informacij, da se izboljšajo uspešnost in učinkovitost programov pomoči pri preskrbi s hrano ter usklajenost med pomočjo pri preskrbi s hrano in z njo povezanimi področji politik in dokumenti;

(iii) kadar je mogoče in primerno, nabavljati hrano in druge dele pomoči pri preskrbi s hrano na lokalni ali regionalni ravni;

(iv) kadar je mogoče in v skladu s potrebami povečevati zagotavljanje nevezanih denarnih sredstev za pomoč pri preskrbi s hrano;

(v) dati pomoč za hrano v denarju, samo če se ugotovi taka potreba in se s tem izboljša prehranska varnost ranljivih skupin prebivalstva; pomoč v denarju mora temeljiti na pregledni in nepristranski tržni analizi ter ne sme povzročati motenj na trgu;

(vi) ensure food assistance is not used to promote the market development objectives of the Parties;

(vii) avoid re-exportation of food aid to the maximum extent possible except to prevent or respond to an emergency situation; only re-export food aid in a manner that avoids commercial displacement;

(viii) acknowledge, where appropriate, that relevant authorities or relevant stakeholders have the primary role and responsibility for the organisation, coordination and implementation of food assistance operations;

(c) Principles on the provision of food assistance:

(i) target food assistance according to the food and nutrition needs of the most vulnerable populations;

(ii) involve beneficiaries in the assessment of their needs and in the design, implementation, monitoring and evaluation of food assistance, as well as other relevant stakeholders, where appropriate;

(iii) provide food assistance that meets applicable safety and quality standards, and that respects cultural and local dietary habits and the nutritional needs of the beneficiaries;

(iv) uphold the dignity of beneficiaries of food assistance;

(d) Principles of food assistance accountability:

(i) take specific and appropriate measures to strengthen the accountability and transparency of food assistance policies, programs, and operations;

(ii) monitor, evaluate, and communicate, on a regular and transparent basis, the outcomes and the impact of food assistance activities in order to further develop best practices and maximise their effectiveness.

### ARTICLE 3

#### RELATIONSHIP WITH WTO AGREEMENTS

Nothing in this Convention shall derogate from any existing or future WTO obligations applicable between Parties. In case of conflict between such obligations and this Convention, the former shall prevail. Nothing in this Convention will prejudice the positions that a Party may adopt in any negotiations in the WTO.

### ARTICLE 4

#### ELIGIBLE COUNTRY, ELIGIBLE VULNERABLE POPULATIONS, ELIGIBLE PRODUCTS, ELIGIBLE ACTIVITIES, AND ASSOCIATED COSTS

1. "Eligible Country" means any country on the OECD's Development Assistance Committee (DAC) list of Official Development Assistance Recipients, or any other country identified in the Rules of Procedure and Implementation.

2. "Eligible Vulnerable Populations" means vulnerable populations in any Eligible Country.

3. "Eligible Products" means products for human consumption that comply with relevant national policies and legislation of the country of operation, including, as appropriate, applicable international food safety and quality standards as well as products that contribute to meeting food needs and protecting livelihoods in emergency and early recovery situations. The list of Eligible Products is provided in the Rules of Procedure and Implementation.

4. Eligible Activities for the fulfilment of a Party's minimum annual commitment in accordance with Article 5 shall be consistent with Article 1, and shall include at least the following activities:

- (a) the provision and distribution of Eligible Products;
- (b) the provision of cash and vouchers; and
- (c) nutritional interventions.

These Eligible Activities are further elaborated in the Rules of Procedure and Implementation.

5. Associated Costs eligible for the fulfilment of a Party's minimum annual commitment according to Article 5 shall be consistent with Article 1, and shall be limited to costs directly linked to the provision of Eligible Activities, as further elaborated in the Rules of Procedure and Implementation.

(vi) zagotoviti, da pomoč pri preskrbi s hrano ne postane sredstvo pogodbenic za uresničevanje lastnih ciljev glede razvoja trga;

(vii) čim bolj se izogibati ponovnemu izvozu pomoči v hrani, razen kadar se s tem preprečijo izredne razmere ali zagotovi odziv nanje; ponovno izvoziti pomoč v hrani samo tako, da se ne povzročajo motnje na trgu;

(viii) po potrebi priznati pristojnim organom ali zainteresiranim stranem glavno vlogo in odgovornost za organizacijo, usklajevanje in izvajanje pomoči pri preskrbi s hrano;

(c) načela zagotavljanja pomoči pri preskrbi s hrano:

(i) usmeriti pomoč pri preskrbi s hrano na potrebe po hrani in hranilih najranljivejših skupin prebivalstva;

(ii) vključiti upravičence v ocenjevanje svojih potreb ter opredelitev, izvajanje, spremljanje in vrednotenje pomoči pri preskrbi s hrano, po potrebi pa tudi druge ustrezne zainteresirane strani;

(iii) zagotoviti pomoč pri preskrbi s hrano, ki ustreza veljavnim standardom varnosti in kakovosti ter spoštuje kulturne in lokalne prehranjevalne navade ter prehranske potrebe upravičencev;

(iv) spoštovati dostojanstvo upravičencev do pomoči pri preskrbi s hrano;

(d) načela odgovornosti pri pomoči pri preskrbi s hrano:

(i) sprejeti posebne in ustrezne ukrepe za večjo odgovornost in preglednost politik, programov in dejavnosti v zvezi s pomočjo pri preskrbi s hrano;

(ii) redno in pregledno spremljati in sporočati rezultate in učinek dejavnosti pri pomoči pri preskrbi s hrano, da se dodatno razvijejo dobre prakse in čim bolj poveča njihova učinkovitost.

### 3. ČLEN

#### RAZMERJE DO SPORAZUMOV WTO

Nič v tej konvenciji ne vpliva na obstoječe ali prihodnje obveznosti, ki veljajo za pogodbenice WTO. Ob razlikah med temi obveznostmi in to konvencijo prevladajo prve. Nič v tej konvenciji ne vpliva na stališča, ki jih posamezna pogodbenica lahko sprejme pri pogajanjih WTO.

### 4. ČLEN

#### UPRAVIČENA DRŽAVA, UPRAVIČENE RANLJIVE SKUPINE PREBIVALSTVA, UPRAVIČENI PROIZVODI, UPRAVIČENE DEJAVNOSTI IN POVEZANI STROŠKI

1. „Upravičena država“ je katera koli država na seznamu prejemnic uradne razvojne pomoči Odbora za razvojno pomoč (DAC) pri OECD ali katera koli druga država, navedena v Pravidniku o postopkih in izvajanju.

2. „Upravičene ranljive skupine prebivalstva“ so ranljive skupine prebivalstva v kateri koli upravičeni državi.

3. „Upravičeni proizvodi“ so proizvodi za prehrano ljudi, ki so ustrezni glede na nacionalne politike in zakonodajo namembne države, po potrebi tudi glede na mednarodnoveljavne standarde kakovosti in varnosti hrane, ter proizvodi, ki pripomorejo k zadovoljevanju potreb po hrani ter ohranjanju možnosti za preživljanje v izrednih razmerah in v razmerah zgodnje obnove. Seznam upravičenih proizvodov je naveden v Pravidniku o postopkih in izvajanju.

4. Upravičene dejavnosti za izpolnitev minimalne letne zaveze pogodbenice po 5. členu so skladne s 1. členom in vključujejo vsaj eno od teh dejavnosti:

- (a) zagotavljanje in razdeljevanje upravičenih proizvodov;
- (b) zagotavljanje gotovine in kuponov ter
- (c) prehranske intervencije.

Navedene upravičene dejavnosti so podrobneje opisane v Pravidniku o postopkih in izvajanju.

5. Povezani stroški, upravičeni za izpolnjevanje minimalne letne zaveze pogodbenice po 5. členu, so skladni s 1. členom in so omejeni na stroške, neposredno povezane z izvajanjem upravičenih dejavnosti, ki so podrobneje razložene v Pravidniku o postopkih in izvajanju.

## ARTICLE 5 COMMITMENT

1. To meet the objectives of this Convention, each Party agrees to make an annual commitment of food assistance, set in accordance with its laws and regulations. Each Party's commitment is referred to as its "minimum annual commitment".

2. The minimum annual commitment shall be expressed in terms of value or quantity as further elaborated in the Rules of Procedure and Implementation. A Party may choose to express either a minimum value or a minimum quantity, or a combination of both for its commitment.

3. Minimum annual commitments in terms of value can be expressed in the currency chosen by the Party. Minimum annual commitments in terms of quantity can be expressed in tonnes of grain equivalent or other units of measure provided under the Rules of Procedure and Implementation.

4. Each Party shall notify the Secretariat of its initial minimum annual commitment as soon as possible and no later than six months following the entry into force of this Convention, or within three months of its accession to this Convention.

5. Each Party shall notify the Secretariat of any change to its minimum annual commitment for subsequent years no later than the fifteenth day of December of the year preceding the change.

6. The Secretariat shall communicate the updated minimum annual commitments to all of the Parties as soon as possible and no later than the first day of January of each year.

7. Contributions made to meet minimum annual commitments should be made in fully grant form whenever possible. With respect to food assistance counted towards a Party's commitment, not less than 80 per cent provided to Eligible Countries and Eligible Vulnerable Populations, as further elaborated in the Rules of Procedure and Implementation, shall be in fully grant form. To the extent possible, the Parties shall seek progressively to exceed this percentage. Contributions that are not made in fully grant form should be accounted for in each Party's annual report.

8. The Parties shall undertake to conduct all food assistance transactions under this Convention in such a way as to avoid harmful interference with normal patterns of production and international commercial trade.

9. The Parties shall ensure that the provision of food assistance is not tied directly or indirectly, formally or informally, explicitly or implicitly, to commercial exports of agricultural products or other goods and services to recipient countries.

10. To meet its minimum annual commitment, whether expressed in value or quantity, a Party shall make contributions that are consistent with this Convention and that consist of funding for Eligible Products and Activities, and Associated Costs, as set forth in Article 4, and as further elaborated in the Rules of Procedure and Implementation.

11. Contributions provided to meet the minimum annual commitment under this Convention may only be directed at Eligible Countries or Eligible Vulnerable Populations, as set forth in Article 4 and as further elaborated in the Rules of Procedure and Implementation.

12. The Parties' contributions may be provided bilaterally, through intergovernmental or other international organisations, or through other food assistance partners, but not through other Parties.

13. Each Party shall make every effort to meet its minimum annual commitment. If a Party is unable to meet its minimum annual commitment for a particular year, it shall describe the circumstances of its failure to do so in its annual report for that year. The unfulfilled amount shall be added to the Party's minimum annual commitment for the following year unless the Committee established under Article 7 decides otherwise, or unless extraordinary circumstances justify not doing so.

14. If a Party's contribution exceeds its minimum annual commitment, the amount of the excess, but not more than five per cent of its minimum annual commitment, may be counted as part of the Party's contribution for the following year.

## ARTICLE 6 ANNUAL REPORTING AND INFORMATION SHARING

1. Within ninety days after the end of the calendar year, each Party shall provide an annual report, in accordance with the Rules of Procedure and Implementation, to the Secretariat, detailing how it met its minimum annual commitment under this Convention.

## 5. ČLEN OBVEZNOST

1. Vsaka pogodbenica se strinja, da bo za izpolnitev ciljev te konvencije prevzela letno obveznost glede pomoči pri preskrbi s hrano, ki jo določi v skladu s svojimi zakoni in predpisi. Obveznost vsake pogodbenice je njena „najmanjša letna obveznost“.

2. Najmanjša letna obveznost je izražena v vrednosti ali količini, kakor je podrobneje določeno v Pravidniku o postopkih in izvajanju. Pogodbenica se lahko odloči, da bo njena obveznost izražena v najmanjši vrednosti ali najmanjši količini ali pa kot kombinacija obojega.

3. Najmanjše letne obveznosti v vrednosti so lahko izražene v valuti, ki jo izbere pogodbenica. Najmanjše letne obveznosti v količini so lahko izražene v denarni protivrednosti ton žita ali v drugih merskih enotah, navedenih v Pravidniku o postopkih in izvajanju.

4. Vsaka pogodbenica uradno obvesti sekretariat o svoji začetni najmanjši letni obveznosti čim prej, vendar ne pozneje kot šest mesecev po začetku veljavnosti te konvencije ali tri mesece po pristopu k njej.

5. Vsaka pogodbenica uradno obvesti sekretariat o vsaki spremembi svoje najmanjše letne obveznosti za naslednja leta najpozneje do 15. decembra v letu pred spremembo.

6. Sekretariat čim prej, vendar ne pozneje kot 1. januarja vsako leto vse pogodbenice obvesti o spremembah najmanjših letnih obveznosti.

7. Prispevki za izpolnitev najmanjših letnih obveznosti bi se morali, če je le mogoče, v celoti zagotoviti kot donacije. Pri pomoči pri preskrbi s hrano, ki se šteje za obveznost pogodbenice, se najmanj 80 odstotkov te pomoči za upravičene države in upravičene ranljive skupine prebivalstva, kakor je podrobneje opredeljeno v Pravidniku o postopkih in izvajanju, zagotovi kot donacija. Pogodbenice si čim bolj prizadevajo, da ta odstotek postopoma povečujejo. Vsaka pogodbenica prispevke, ki niso v celoti zagotovljeni kot donacija, navede v svojem letnem poročilu.

8. Pogodbenice se zavežejo, da bodo vso pomoč pri preskrbi s hrano na podlagi te konvencije izvedle tako, da se preprečijo škodljive motnje običajnih načinov proizvodnje in mednarodne trgovine.

9. Pogodbenice zagotovijo, da pomoč pri preskrbi s hrano neposredno ali posredno, formalno ali neformalno, izrecno ali neizrecno ni povezana s komercialnim izvozom kmetijskih ali drugih proizvodov in storitev v države prejemnice.

10. Pogodbenica za izpolnitev svoje najmanjše letne obveznosti, ki je lahko v vrednosti ali količini, zagotovi prispevke, ki so v skladu s konvencijo in so namenjeni financiranju upravičenih proizvodov, dejavnosti in povezanih stroškov iz 4. člena te konvencije, kot je podrobneje opredeljeno v Pravidniku o postopkih in izvajanju.

11. Prispevki za izpolnitev najmanjše letne obveznosti iz te konvencije se lahko namenijo samo upravičenim državam ali upravičenim ranljivim skupinam prebivalstva iz 4. člena, kot je podrobneje opredeljeno v Pravidniku o postopkih in izvajanju.

12. Prispevki pogodbenic se lahko zagotovijo dvostransko, prek medvladnih ali drugih mednarodnih organizacij ali drugih partnerjev za pomoč pri preskrbi s hrano, vendar ne prek drugih pogodbenic.

13. Vsaka pogodbenica si čim bolj prizadeva izpolniti svojo najmanjšo letno obveznost. Če pogodbenica v posameznem letu ne more izpolniti svoje najmanjše letne obveznosti, v letnem poročilu za to leto opiše okoliščine, zaradi katerih izpolnitev ni bila mogoča. Nerealizirani znesek se prišteje k najmanjši letni obveznosti pogodbenice za naslednje leto, razen če odbor, ustanovljen po 7. členu, ne določi drugače ali če to upravičujejo izredne okoliščine.

14. Če prispevek pogodbenice presega njeno najmanjšo letno obveznost, se lahko presežek, vendar največ pet odstotkov najmanjše letne obveznosti, šteje kot del prispevka pogodbenice za naslednje leto.

## 6. ČLEN LETNO POROČANJE IN IZMENJAVA INFORMACIJ

1. Vsaka pogodbenica v devetdesetih dneh po koncu koledarskega leta sekretariatu predloži letno poročilo v skladu s Pravidnikom o postopkih in izvajanju ter v njem podrobno razloži, kako je izpolnila svojo najmanjšo letno obveznost po tej konvenciji.

2. This annual report shall contain a narrative component that may include information on how the Party's food assistance policies, programs and operations contribute to the objectives and principles of this Convention.

3. The Parties should, on an ongoing basis, exchange information on their food assistance policies and programs and the results of their evaluations of these policies and programs.

#### ARTICLE 7 FOOD ASSISTANCE COMMITTEE

1. A Food Assistance Committee (the "Committee"), consisting of all of the Parties to this Convention, is hereby established.

2. The Committee shall make the decisions at its formal sessions and perform the functions that are required to carry out the provisions of this Convention in accordance with the principles and objectives of the Convention.

3. The Committee shall adopt rules governing its proceedings; it may also adopt rules elaborating further the provisions of this Convention to ensure that they are properly implemented. Document FAC(11/12)1 – 25 April 2012 of the Food Aid Committee of the *Food Aid Convention*, 1999 shall serve as the initial Rules of Procedure and Implementation for this Convention. The Committee may subsequently decide to modify those Rules of Procedure and Implementation.

4. The Committee shall make decisions by consensus, meaning that no Party formally opposes the proposed decision of the Committee on a matter under discussion at a formal session. Formal opposition may occur either at the formal session or within thirty days after the circulation of the minutes of a formal session recording the proposed decisions concerned.

5. For each year, the Secretariat shall prepare a summary report for the Committee, to be drafted, adopted and published, in accordance with the Rules of Procedure and Implementation.

6. The Committee should provide a forum for discussion among the Parties with respect to food assistance matters, such as the need to mobilise appropriate and timely resource commitments to address the food and nutritional needs, especially in specific emergency and crisis situations. It should facilitate information-sharing with and dissemination to other stakeholders, and should consult with and receive information from them to support its discussions.

7. Each Party shall designate a representative to receive notices and other communications from the Secretariat.

#### ARTICLE 8 CHAIRPERSON AND VICE-CHAIRPERSON OF THE COMMITTEE

1. At the last formal session held in each year, the Committee shall decide on a Chairperson and a Vice-Chairperson for the following year.

2. The Chairperson shall have the following duties:

(a) to approve the draft agenda for each formal session or informal meeting;

(b) to preside at formal sessions or informal meetings;

(c) to open and close each formal session or informal meeting;

(d) to submit the draft agenda to the Committee for adoption at the beginning of each formal session or informal meeting;

(e) to direct discussions and ensure that the procedures specified in the Rules of Procedure and Implementation are observed;

(f) to invite the Parties to speak;

(g) to rule on points of order in accordance with the relevant Rules of Procedure and Implementation; and

(h) to ask questions and announce decisions.

3. If the Chairperson is absent from all or part of a formal session or an informal meeting, or is temporarily unable to fill the office of Chairperson, the Vice-Chairperson shall act as Chairperson. In the absence of the Chairperson and the Vice-Chairperson, the Committee shall appoint a temporary Chairperson.

2. Navedeno letno poročilo ima vsebinski del, ki lahko vsebuje informacije o tem, kako so politike, programi in dejavnosti pogodbenice na področju pomoči pri preskrbi s hrano prispevali k uresničitvi ciljev in načel iz te konvencije.

3. Pogodbenice morajo stalno izmenjavati informacije o svojih politikah in programih na področju pomoči pri preskrbi s hrano ter ugotovitve vrednotenja teh politik in programov.

#### 7. ČLEN ODBOR ZA POMOČ PRI PRESKRBI S HRANO

1. Ustanovi se Odbor za pomoč pri preskrbi s hrano (v nadaljnjem besedilu: odbor), ki ga sestavljajo vse pogodbenice te konvencije.

2. Odbor sprejema sklepe na uradnih zasedanjih in opravlja naloge, potrebne za izvajanje določb te konvencije v skladu z njenimi načeli in cilji.

3. Odbor sprejme pravila, ki urejajo njegovo delo; sprejme lahko tudi pravila, ki podrobneje razlagajo določbe te konvencije, da se zagotovi njihovo ustrezno izvajanje. Dokument FAC(11/12)1 z dne 25. aprila 2012, ki ga je pripravil Odbor za pomoč v hrani, iz *Konvencije o pomoči v hrani, 1999*, se na začetku uporabi kot pravilnik o postopkih in izvajanju za to konvencijo. Odbor lahko pozneje sprejme sklep o spremembi tega pravilnika o postopkih in izvajanju.

4. Odbor sprejema sklepe s soglasjem, kar pomeni, da nobena pogodbenica uradno ne nasprotuje predlaganemu sklepu odbora v zvezi z zadevo, obravnavano na uradnem zasedanju. Uradno nasprotovanje se lahko izrazi na uradnem zasedanju ali v tridesetih dneh po tistem, ko je bil razposlan zapisnik uradnega zasedanja, v katerem so zapisani ti predlagani sklepi.

5. Sekretariat za odbor vsako leto pripravi zbirno poročilo, ki je sestavljeno, sprejeto in objavljeno v skladu s Pravilnikom o postopkih in izvajanju.

6. Odbor mora zagotoviti forum za razpravo pogodbenic o pomoči pri preskrbi s hrano kot je na primer potreba, da se spodbudi pravočasno in ustrezno izpolnjevanje obveznosti glede virov za zadovoljitev potreb po hrani in hranilih, zlasti v posebnih izrednih in kriznih razmerah. Omogočati mora izmenjavo informacij z drugimi zainteresiranimi stranmi in jim dati informacije, mora pa se z njimi tudi posvetovati in od njih prejemati informacije za pomoč pri razpravah.

7. Vsaka pogodbenica imenuje predstavnika, ki od sekretariata prejema obvestila in druga sporočila.

#### 8. ČLEN PREDSEDNIK IN PODPREDSEDNIK ODBORA

1. Odbor vsako leto na svojem zadnjem uradnem zasedanju imenuje predsednika in podpredsednika za naslednje leto.

2. Predsednik ima te naloge:

(a) odobri osnutek dnevnega reda posameznega uradnega zasedanja ali neuradnega sestanka;

(b) predseduje uradnim zasedanjem ali neuradnim sestankom;

(c) odpre in sklene posamezno uradno zasedanje ali neuradni sestanki;

(d) na začetku posameznega uradnega zasedanja ali neuradnega sestanka predloži odboru osnutek dnevnega reda v sprejetje;

(e) vodi razprave in zagotavlja spoštovanje postopkov, določenih v Pravilniku o postopkih in izvajanju;

(f) daje besedo pogodbenicam;

(g) odloča o vprašanjih, povezanih z dnevnim redom, v skladu z ustreznimi določbami Pravilnika o postopkih in izvajanju ter

(h) zastavlja vprašanja in razglša sklepe.

3. Če predsednik na uradnem zasedanju ali neuradnem sestanku oziroma na delu uradnega zasedanja ali neuradnega sestanka ni navzoč ali začasno ne more opravljati nalog predsednika, ga nadomešča podpredsednik. Če sta predsednik in podpredsednik odsotna, odbor imenuje začasnega predsednika.

4. If, for any reason, the Chairperson is unable to continue to fill the office of Chairperson, the Vice-Chairperson shall become Chairperson until the end of the year.

#### ARTICLE 9

##### FORMAL SESSIONS AND INFORMAL MEETINGS

1. The Committee shall hold formal sessions and informal meetings according to the Rules of Procedure and Implementation.

2. The Committee shall hold at least one formal session a year.

3. The Committee shall hold additional formal sessions and informal meetings at the request of the Chairperson or at the request of at least three of the Parties.

4. The Committee may invite observers and relevant stakeholders who wish to discuss particular food assistance related matters to attend its formal sessions or informal meetings in accordance with the Rules of Procedure and Implementation.

5. The Committee shall meet at a location determined in accordance with the Rules of Procedure and Implementation.

6. The agenda for formal sessions and informal meetings shall be developed in accordance with the Rules of Procedure and Implementation.

7. The minutes of a formal session, which shall include any proposed decisions of the Committee, shall be circulated within thirty days after the formal session.

#### ARTICLE 10

##### SECRETARIAT

1. The Committee shall designate a Secretariat and request its services, in accordance with the Rules of Procedure and Implementation. The Committee shall request of the International Grains Council (IGC) that its Secretariat act as the initial Secretariat of the Committee.

2. The Secretariat shall perform the duties that are set out in this Convention and the Rules of Procedure and Implementation perform any administrative duties, including the processing and distribution of documents and reports, and carry out other functions identified by the Committee.

#### ARTICLE 11

##### RESOLUTION OF DISPUTES

The Committee shall seek to resolve any dispute among the Parties concerning the interpretation or implementation of this Convention or the Rules of Procedure and Implementation, including any claim of failure to perform the obligations set out in this Convention.

#### ARTICLE 12

##### SIGNATURE AND RATIFICATION, ACCEPTANCE, OR APPROVAL

This Convention shall be open for signature by Argentina, Australia, the Republic of Austria, the Kingdom of Belgium, the Republic of Bulgaria, Canada, the Republic of Croatia, the Republic of Cyprus, the Czech Republic, the Kingdom of Denmark, the European Union, the Republic of Estonia, the Republic of Finland, the French Republic, the Federal Republic of Germany, the Hellenic Republic, Hungary, Ireland, the Italian Republic, Japan, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Malta, the Kingdom of the Netherlands, the Kingdom of Norway, the Republic of Poland, the Portuguese Republic, Romania, the Slovak Republic, the Republic of Slovenia, the Kingdom of Spain, the Kingdom of Sweden, the Swiss Confederation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, at United Nations Headquarters in New York from 11 June 2012 until 31 December 2012. This Convention shall be subject to ratification, acceptance or approval by each Signatory. Instruments of ratification, acceptance or approval shall be deposited with the Depositary.

4. Če predsednik zaradi katerega koli razloga ne more več opravljati svojih nalog, ga do konca leta nadomešča podpredsednik.

#### 9. ČLEN

##### URADNA ZASEDANJA IN NEURADNI SESTANKI

1. Uradna zasedanja in neuradni sestanki odbora potekajo v skladu s Pravilnikom o postopkih in izvajanju.

2. Uradno zasedanje odbora je najmanj enkrat letno.

3. Dodatna uradna zasedanja in neuradni sestanki odbora se skličejo na zahtevo predsednika ali najmanj treh pogodbenic.

4. Odbor lahko v skladu s Pravilnikom o postopkih in izvajanju povabi opazovalce in zainteresirane strani, ki želijo razpravljati o posebnih vprašanih, povezanih s pomočjo pri preskrbi s hrano, da se udeležijo njegovih uradnih zasedanj ali neuradnih sestankov.

5. Odbor se sestaja na lokaciji, določeni v skladu s Pravilnikom o postopkih in izvajanju.

6. Dnevni red uradnih zasedanj in neuradnih sestankov se pripravi v skladu s Pravilnikom o postopkih in izvajanju.

7. Zapisnik uradnega zasedanja, ki vključuje vse predlagane sklepe odbora, se razpošlje v tridesetih dneh po uradnem zasedanju.

#### 10. ČLEN

##### SEKRETARIAT

1. Odbor imenuje sekretariat in uporablja njegove storitve v skladu s Pravilnikom o postopkih in izvajanju. Odbor zaprosi Mednarodni svet za žito (IGC), da njegov sekretariat na začetku opravlja naloge sekretariata odbora.

2. Sekretariat opravlja naloge, opredeljene v tej konvenciji in Pravilniku o postopkih in izvajanju, ter morebitne administrativne naloge, vključno s pripravo in pošiljanjem dokumentov in poročil, opravlja pa tudi druge naloge, ki jih določi odbor.

#### 11. ČLEN

##### REŠEVANJE SPOROV

Odbor si prizadeva reševati spore med pogodbenicami zaradi razlage ali izvajanja te konvencije ali Pravilnika o postopkih in izvajanju, vključno s pritožbami o neizpolnjevanju obveznosti iz te konvencije.

#### 12. ČLEN

##### PODPIS IN RATIFIKACIJA, SPREJETJE ALI ODOBRITEV

Ta konvencija je na voljo za podpis Argentini, Avstraliji, Republiki Avstriji, Kraljevini Belgiji, Republiki Bolgariji, Republiki Cipru, Češki republiki, Kraljevini Danski, Republiki Estoniji, Evropski uniji, Francoski republiki, Republiki Finski, Helenski republiki, Republiki Hrvaški, Irski, Italijanski republiki, Japonski, Kanadi, Republiki Latviji, Republiki Litvi, Velikemu vojvodstvu Luksemburgu, Madžarski, Republiki Malti, Zvezni republiki Nemčiji, Kraljevini Nizozemski, Kraljevini Norveški, Republiki Poljski, Portugalski republiki, Romuniji, Slovaški republiki, Republiki Sloveniji, Kraljevini Španiji, Kraljevini Švedski, Švicarski konfederaciji, Združenemu kraljestvu Velika Britanija in Severna Irsko in Združenim državam Amerike od 11. junija 2012 do 31. decembra 2012 na sedežu Združenih narodov v New Yorku. Vsaka podpisnica to konvencijo ratificira, sprejme ali odobri. Listine o ratifikaciji, sprejetju ali odobritvi se deponirajo pri depozitarju.

**ARTICLE 13  
ACCESSION**

1. Any State listed in Article 12 that has not signed this Convention by the end of the signature period, or the European Union if it has not signed by that time, may accede to it at any time after that period. Instruments of accession shall be deposited with the Depositary.

2. Once this Convention has entered into force in accordance with Article 15, it shall be open for accession by any State other than those referred to in Article 12 or by a Separate Customs Territory possessing full autonomy in the conduct of its external commercial relations that is deemed eligible by a decision of the Committee. Instruments of accession shall be deposited with the Depositary.

**ARTICLE 14  
NOTIFICATION OF PROVISIONAL APPLICATION**

Any State referred to in Article 12, or the European Union, that intends to ratify, accept, or approve this Convention or accede thereto, or any State or Separate Customs Territory deemed eligible under Article 13(2) for accession by a decision of the Committee but has not yet deposited its instrument, may at any time deposit a notification of provisional application of this Convention with the Depositary. The Convention shall apply provisionally for that State, Separate Customs Territory, or the European Union from the date of deposit of its notification.

**ARTICLE 15  
ENTRY INTO FORCE**

1. This Convention shall enter into force on 1 January 2013 if by 30 November 2012 five Signatories have deposited instruments of ratification, acceptance, or approval.

2. If this Convention does not enter into force in accordance with paragraph 1, the Signatories to this Convention that have deposited instruments of ratification, acceptance, or approval and States or the European Union that have deposited instruments of accession pursuant to Article 13(1) may decide by unanimous consent that it shall enter into force among themselves.

3. For any State or Separate Customs Territory, or the European Union, that ratifies, accepts, approves, or accedes to the Convention after the Convention enters into force, this Convention shall enter into force on the date of the deposit of its instrument of ratification, approval, acceptance, or accession.

**ARTICLE 16  
ASSESSMENT AND AMENDMENT PROCEDURE**

1. At any time after the entry into force of this Convention, a Party may propose an assessment of the relevance of this Convention or propose amendments to it. Any proposed amendments shall be circulated by the Secretariat to all of the Parties at least six months in advance and discussed at the next formal session of the Committee following the end of the notice period.

2. Proposals for amendment to this Convention shall be adopted by decision of the Committee. The Secretariat shall communicate to all of the Parties, and to the Depositary, any proposals for amendment adopted by the Committee. The Depositary shall circulate any adopted amendment to all Parties.

3. Notification of acceptance of an amendment shall be sent to the Depositary. An adopted amendment shall enter into force for those Parties having sent that notification, ninety days after the date on which the Depositary has received such notifications from not less than four fifths of the number of Parties to this Convention on the date of adoption of the proposed amendment by the Committee. Such an amendment shall enter into force for any other Party ninety days after that Party deposits its notification with the Depositary. The Committee may decide that a different threshold be used for the number of notifications required to trigger the entry into force of a specific amendment. The Secretariat shall communicate such a decision to all Parties and the Depositary.

**13. ČLEN  
PRISTOP**

1. Država iz 12. člena, ki ni podpisala te konvencije do poteka obdobja za podpis, ali Evropska unija, če konvencije do takrat ni podpisala, lahko k njej pristopi kadar koli po poteku tega obdobja. Listine o pristopu se deponirajo pri depozitarju.

2. Ko konvencija začne veljati v skladu s 15. členom, je na voljo za pristop vsem državam, ki niso navedene v 12. členu, ali ločenim carinskim območjem, ki so v celoti samostojna pri urejanju zunanjetrgovinskih odnosov in se štejejo za upravičena v skladu s sklepom odbora. Listine o pristopu se deponirajo pri depozitarju.

**14. ČLEN  
URADNO OBVESTILO O ZAČASNI UPORABI**

Vse države, ki so navedene v 12. členu, ali Evropska unija, ki namerava to konvencijo ratificirati, sprejeti ali odobriti ali k njej pristopiti, ali vse države ali ločena carinska območja, ki se v skladu z drugim odstavkom 13. člena štejejo za upravičene do pristopa na podlagi sklepa odbora, vendar še niso deponirale svoje listine, lahko pri depozitarju kadar koli deponirajo uradno obvestilo o začasni uporabi te konvencije. Konvencija se za te države, ločena carinska območja ali Evropsko unijo začasno uporablja od dneva deponiranja uradnega obvestila.

**15. ČLEN  
ZAČETEK VELJAVNOSTI**

1. Ta konvencija začne veljati 1. januarja 2013, če do 30. novembra 2012 pet podpisnic deponira listino o ratifikaciji, sprejetju ali odobritvi.

2. Če ta konvencija ne začne veljati skladno s prvim odstavkom, lahko podpisnice te konvencije, ki so deponirale listino o ratifikaciji, sprejetju ali odobritvi, in države ali Evropska unija, ki so deponirale listino o pristopu v skladu s prvim odstavkom 13. člena, soglasno sklenejo, da zanje konvencija začne veljati.

3. Če država, ločeno carinsko območje ali Evropska unija konvencijo ratificira, sprejme, odobri ali k njej pristopi po začetku njene veljavnosti, začne zanjo veljati z dnem deponiranja njene listine o ratifikaciji, sprejetju, odobritvi ali pristopu.

**16. ČLEN  
POSTOPEK ZA PRESOJO IN SPREMEMBE**

1. Pogodbenica lahko da predlog za presojo ustreznosti ali spremembo te konvencije kadar koli po njenem začetku veljavnosti. Sekretariat razpošlje vse predloge za spremembo vsem pogodbenicam najmanj šest mesecev pred razpravo na uradnem zasedanju odbora po poteku obdobja za obveščanje.

2. Predlogi za spremembo te konvencije se sprejmejo s sklepom odbora. Sekretariat vse pogodbenice in depozitarja obvesti o vseh predlogih za spremembo, ki jih je sprejel odbor. Depozitar razpošlje vse sprejete spremembe vsem pogodbenicam.

3. Uradno obvestilo o sprejetju spremembe se pošlje depozitarju. Za pogodbenice, ki so poslale tako uradno obvestilo, začne sprejeta sprememba veljati devetdeset dni po dnevu, ko je depozitar prejel uradna obvestila najmanj štirih petin vseh pogodbenic, ki so bile pogodbenice konvencije tisti dan, ko je odbor sprejel predlagano spremembo. Za vse druge pogodbenice začne sprememba veljati devetdeset dni po dnevu deponiranja uradnega obvestila pri depozitarju. Odbor lahko sprejme sklep o spremembi najmanjšega števila uradnih obvestil, ki jih je treba zbrati, da začne veljati posamezna sprememba. Sekretariat sporoči tak sklep vsem pogodbenicam in depozitarju.

**ARTICLE 17****WITHDRAWAL AND TERMINATION**

1. Any Party may withdraw from this Convention at the end of any year by giving written notice of withdrawal to the Depositary and the Committee at least ninety days prior to the end of that year. That Party shall not be released from its minimum annual commitment or reporting obligations incurred under this Convention, while it was a Party, that have not been discharged by the end of that year.

2. At any time after the entry into force of this Convention, a Party may propose the termination of this Convention. Such a proposal shall be communicated in writing to the Secretariat and shall be circulated by it to all of the Parties at least six months in advance of its consideration by the Committee.

**ARTICLE 18****DEPOSITARY**

1. The Secretary-General of the United Nations is designated as the Depositary of this Convention.

2. The Depositary shall receive notice of any signature, ratification, acceptance, approval, notification of provisional application of, and accession to, this Convention, and notify all Parties and Signatories of these notices.

**ARTICLE 19****AUTHENTIC TEXTS**

The originals of this Convention, of which the English and French texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS THEREOF the undersigned, being duly authorised, have signed this Convention.

DONE at London, 25 April 2012.

## 3. člen

Za izvajanje konvencije skrbita ministrstvo, pristojno za zunanje zadeve in ministrstvo, pristojno za kmetijstvo.

## 4. člen

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 322-01/14-4/10  
Ljubljana, dne 6. marca 2014  
EPA 1746-VI

**17. ČLEN****ODPOVED IN PRENEHANJE**

1. Vsaka pogodbenica lahko ob koncu leta odpove konvencijo tako, da najmanj 90 dni pred koncem leta depozitarju in odboru pošlje pisno obvestilo o odpovedi. Za tako pogodbenico še vedno velja najmanjša letna obveznost ali obveznosti poročanja, ki jih je sprejela kot pogodbenica te konvencije in jih ni izpolnila do konca tega leta.

2. Pogodbenica lahko kadar koli po začetku veljavnosti te konvencije da predlog za njeno prenehanje. Tak predlog se v pisni obliki predloži sekretariatu, ki ga razpošlje vsem pogodbenicam najmanj šest mesecev pred obravnavo na odboru.

**18. ČLEN****DEPOZITAR**

1. Generalni sekretar Združenih narodov je imenovan za depozitarja te konvencije.

2. Depozitar je obveščen o vsakem podpisu, ratifikaciji, sprejetju, odobritvi, obvestilu o začasni uporabi te konvencije in pristopu k njej ter o tem uradno obvesti vse pogodbenice in podpisnice.

**19. ČLEN****VERODOSTOJNI BESEDILI**

Izvirnika te konvencije, katere besedilo v angleškem in francoskem jeziku je enako verodostojno, se deponirata pri generalnem sekretarju Združenih narodov.

V POTRDIŠTEV NAVEDENEGA so spodaj podpisani, ki so bili za to pravilno pooblaščen, podpisali to konvencijo.

SKLENJENO v Londonu 25. aprila 2012.

Državni zbor  
Republike Slovenije  
**Janko Veber** l.r.  
Predsednik

**19. Zakon o ratifikaciji Evropske konvencije o zaščiti živali v mednarodnem prevozu (revidirane) (MEKZZMP)**

Na podlagi druge alineje prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

**U K A Z****o razglasitvi Zakona o ratifikaciji Evropske konvencije o zaščiti živali v mednarodnem prevozu (revidirane) (MEKZZMP)**

Razglašam Zakon o ratifikaciji Evropske konvencije o zaščiti živali v mednarodnem prevozu (revidirane) (MEKZZMP), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 6. marca 2014.

Št. 003-02-3/2014-11  
Ljubljana, dne 14. marca 2014

**Borut Pahor** l.r.  
Predsednik  
Republike Slovenije

**Z A K O N****O RATIFIKACIJI EVROPSKE KONVENCIJE O ZAŠČITI ŽIVALI V MEDNARODNEM PREVOZU (REVIDIRANE) (MEKZZMP)**

## 1. člen

Ratificira se Evropska konvencija o zaščiti živali v mednarodnem prevozu (revidirana), sklenjena v Kišinjevu 6. novembra 2003.

## 2. člen

Besedilo konvencije se v izvorniku v angleškem jeziku in prevodu v slovenski jezik glasi:

**EUROPEAN CONVENTION  
FOR THE PROTECTION OF ANIMALS DURING  
INTERNATIONAL TRANSPORT (REVISED)**

The member States of the Council of Europe, signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage;

Aware that every person has a moral obligation to respect all animals and to have due consideration for their capacity for suffering;

Motivated by the desire to safeguard the welfare of animals during transport;

Convinced that international transport is compatible with the welfare of the animals, provided that the requirements of animal welfare are met;

Considering, therefore, that where the welfare requirements of the animals cannot be met an alternative to the transport of live animals shall be implemented;

Considering, however, that in general, for reasons of animal welfare the period during which animals, including animals for slaughter, are transported should be reduced as far as possible;

Considering that loading and unloading are activities during which injuries and stress are most likely to occur;

Considering that progress in this respect may be achieved through the adoption of common provisions regarding the international transport of animals,

Have agreed as follows:

**General principles****Article 1 – Definitions**

1 "International transport" means any movement from one country to another, but excludes, however, journeys of less than 50 km and movements between member States of the European Community.

**EVROPSKA KONVENCIJA  
O ZAŠČITI ŽIVALI  
V MEDNARODNEM PREVOZU (REVIDIRANA)**

Države članice Sveta Evrope, podpisnice te konvencije, so se

ob upoštevanju, da je cilj Sveta Evrope doseči večjo enotnost med članicami, da se zaščitijo in uresničujejo ideali in načela, ki so njihova skupna dediščina,

ob zavedanju moralne obveznosti vsakogar, da spoštuje vse živali in upošteva njihovo zmožnost, da občutijo trpljenje,

v želji poskrbeti za dobrobit živali med prevozom,

ob prepričanju, da se mednarodni prevoz in dobrobit živali ne izključujeta, če so izpolnjene zahteve za zaščito živali,

ob upoštevanju, da je v primerih, kadar zahtev za zaščito živali ni mogoče izpolniti, torej treba najti druge možnosti,

ob upoštevanju, da je že na splošno zaradi dobrobiti živali treba čim bolj skrajšati čas prevoza živali, tudi živali za zakol,

ob upoštevanju, da do poškodb in stresa največkrat lahko pride pri natovarjanju in raztovarjanju,

ob upoštevanju, da je napredek na tem področju mogoče doseči s sprejetjem skupnih določb o mednarodnem prevozu živali,

dogovorile:

**Splošna načela****1. člen – Pomen izrazov**

1. »Mednarodni prevoz« pomeni vsako gibanje iz ene države v drugo, vendar izključuje poti, krajše od 50 km, ter premike med državami članicami Evropske skupnosti.



2 An "authorised veterinarian" means a veterinarian nominated by the competent authority.

3 "Person responsible for the transport of the animals" means the person with overall control over the organisation, carrying out and completion of the whole journey, regardless of whether duties are subcontracted to other parties during transport. Such a person is usually the person who plans, makes arrangements for and defines the conditions to be met by other parties.

4 "Person in charge of the welfare of the animals" means the person who has direct physical responsibility for the care of the animals during transport. Such a person may be the attendant or the driver of a vehicle if fulfilling the same role.

5 "Container" means any crate, box, receptacle or other rigid container used for the transport of animals which is not self-propelled and is not a part (whether detachable or not) of a means of transport.

6 "Transporter", means a natural or legal person transporting animals, either on his own account or for a third party.

### Article 2 – Species

1 This Convention applies to the international transport of all vertebrate animals.

2 With the exception of Article 4, paragraph 1, and Article 9, paragraphs 1 and 2.a. and c., the provisions of this Convention do not apply:

- a where a single animal is accompanied by the person who is responsible for it during transport;
- b to the transport of pet animals accompanying their owner if not for commercial purposes.

### Article 3 – Application of the Convention

1 Each Party shall apply the provisions governing the international transport of animals contained in this Convention and be responsible for effective control and supervision.

2 Each Party shall take the necessary steps to ensure an effective system of training taking into account the provisions of the present Convention.

3 Each Party shall endeavour to apply the relevant provisions in this Convention to animals being transported within its territory.

4 The Parties shall provide mutual assistance in applying the provisions of the Convention, in particular by exchanging information, discussing interpretation and notifying problems.

### Article 4 – Main principles of the Convention

1 Animals shall be transported in a way which safeguards their welfare, including health.

2 As far as possible, animals shall be transported without delay to their place of destination.

3 At control points, priority shall be given to consignments of animals.

4 Animals shall only be detained where this is strictly necessary for their welfare or for disease control purposes. If animals are detained, appropriate arrangements shall be made for their care and, where necessary, their unloading and accommodation.

5 Each Party shall take the necessary measures to avoid or reduce to a minimum the suffering of animals in cases where strikes or other unforeseeable circumstances impede the strict application of the provisions of this Convention in its territory. It will be guided for this purpose by the principles set out in this Convention.

6 Nothing in this Convention shall affect the implementation of other instruments concerning sanitary and veterinary control.

7 Nothing in this Convention shall affect the liberty of the Parties to adopt stricter measures for the protection of animals during international transport.

2. »Pooblaščeni veterinar« pomeni veterinarja, ki ga imenuje pristojni organ.

3. »Oseba, odgovorna za prevoz živali« pomeni osebo, ki ima nadzor nad organizacijo in izvedbo poti, ne glede na to, ali se posamezne naloge med prevozom dodelijo podizvajalcem. Taka oseba običajno načrtuje, se dogovarja z drugimi izvajalci in določa pogoje, ki jih morajo ti izpolnjevati.

4. »Oseba, odgovorna za dobrobit živali« pomeni osebo, ki je neposredno odgovorna za fizično oskrbo živali med prevozom. Taka oseba je lahko spremljevalec ali voznik prevoznega sredstva, če opravlja tudi to vlogo.

5. »Zabojnik« pomeni kakršen koli zaboj, kletko, posodo ali drug trden vsebnik, namenjen prevozu živali, brez lastnega pogona, ki ni (niti ločljiv niti neločljiv) del prevoznega sredstva.

6. »Prevoznik« pomeni fizično ali pravno osebo, ki prevaža živali zase ali za tretjo osebo.

### 2. člen – Živalske vrste

1. Konvencija se uporablja za mednarodni prevoz vretenčarjev.

2. Razen prvega odstavka 4. člena ter prvega odstavka in točk a) in c) drugega odstavka 9. člena določbe konvencije ne veljajo:

- a) kadar eno samo žival spremlja oseba, odgovorna zanjo med prevozom,
- b) za prevoz hišnih živali v spremstvu lastnika, če se ta ne izvaja v komercialne namene.

### 3. člen – Uporaba konvencije

1. Vsaka pogodbenica uporablja določbe o mednarodnem prevozu živali iz te konvencije in je odgovorna za učinkovito preverjanje in nadzor.

2. Vsaka pogodbenica stori vse potrebno za zagotovitev učinkovitega sistema usposabljanja ob upoštevanju določb konvencije.

3. Vsaka pogodbenica si prizadeva uporabljati ustrezne določbe konvencije za živali, ki se prevažajo znotraj njenega ozemlja.

4. Pogodbenice si zagotavljajo medsebojno pomoč pri uporabi določb konvencije, zlasti z izmenjavo informacij, z razpravljanjem o razlagi in obveščanjem o težavah.

### 4. člen – Glavna načela konvencije

1. Živali se prevažajo tako, da je poskrbljeno za njihovo dobrobit in tudi zdravje.

2. Če je le mogoče, se živali v namembni kraj prepeljejo nemudoma.

3. Pošiljke živali imajo na kontrolnih točkah prednost.

4. Živali je dovoljeno zadržati samo, kadar je to nujno potrebno za njihovo dobrobit ali za nadzor bolezni. Če se živali zadržijo, je treba poskrbeti za njihovo oskrbo ter po potrebi za njihovo raztovarjanje in namestitvev.

5. Vsaka pogodbenica sprejme potrebne ukrepe, da se prepreči ali čim bolj zmanjša trpljenje živali, kadar stavke ali druge nepredvidljive okoliščine ovirajo dosledno uporabo določb konvencije na njenem ozemlju. Pri tem upošteva načela te konvencije.

6. Nič v tej konvenciji ne vpliva na izvajanje drugih predpisov o zdravstvenem in veterinarskem nadzoru.

7. Nič v tej konvenciji ne vpliva na pravico pogodbenic, da sprejmejo strožje ukrepe za zaščito živali v mednarodnem prevozu.

**Article 5 – Authorisation of transporters**

1 Each Party shall ensure that transporters transporting animals for commercial purposes are:

a) registered in a manner enabling the competent authority to identify them rapidly in the event of failure to comply with the requirements of this Convention;

b) covered by an authorisation valid for international transport granted by the competent authority of the Party in which the transporters are established.

2 Each Party shall ensure that the authorisation is granted to transporters who entrust the transport of animals only to personnel who have received proper training on the provisions of this Convention.

3 Each Party shall ensure that the above-mentioned authorisation may be suspended or withdrawn where the competent authorities that granted the authorisation are informed that the transporter has repeatedly or seriously violated the provisions of this Convention.

4 Where a Party has observed an infringement of this Convention by a transporter registered in another Party to this Convention, the former Party shall communicate details of the infringement observed to the latter.

**Design and construction****Article 6 – Design and construction**

1 Means of transport, containers and their fittings shall be constructed, maintained and operated so as to avoid injury and suffering and to ensure the safety of the animals during transport.

2 The means of transport or container shall be designed and constructed so as to provide animals with adequate space to stand in their natural position, except for poultry other than day-old chicks.

3 The means of transport or container shall be designed and constructed so as to ensure:

a) a sufficient clear space above the animals in their natural standing position for effective air circulation;

b) air quality and quantity appropriate to the species transported can be maintained, in particular where animals are carried in a fully enclosed space.

4 Means of transport, containers, fittings, etc., shall be strong enough to contain the animals' weight, to prevent them escaping or falling out, to withstand stress due to movement and, where necessary, to contain partitions to protect animals from the motion of the means of transport. Fittings shall be designed for quick and easy operation.

5 Partitions shall be of rigid construction, strong enough to withstand the weight of animals being pushed against them and designed so that they do not impede air circulation.

6 The means of transport or containers shall be constructed and operated so as to protect animals against inclement weather and adverse changes in weather conditions. In particular, the external roof directly above the animals shall minimise absorption and conduction of solar heat.

7 The floor of the means of transport or container shall be anti-slip. Floors shall be designed, constructed and maintained to avoid discomfort, distress and injury to the animals and minimise leakage of urine and faeces. Materials used for floor construction shall be selected so as to minimise corrosion.

8 The means of transport or container shall be so designed and constructed as to provide access to the animals to allow them to be inspected, and if necessary watered, fed and cared for.

9 When animals need to be tied, appropriate equipment shall be provided in the means of transport.

10 Containers in which animals are transported shall be clearly and visibly marked to indicate the presence of live animals, with a sign indicating the top of the container.

**5. člen – Dovoljenja za prevoznike**

1. Vsaka pogodbenica v zvezi s prevozniki, ki prevažajo živali v komercialne namene, zagotovi, da:

a) so registrirani tako, da pristojni organ ob neizpolnjevanju zahtev te konvencije lahko hitro identificira prevoznika,

b) imajo veljavno dovoljenje za mednarodni prevoz, ki ga izda pristojni organ pogodbenice, v kateri je sedež prevoznika.

2. Vsaka pogodbenica zagotovi, da se dovoljenje izda samo prevoznikom, ki zagotavljajo, da prevoz živali zaupajo le osebjem, ki je opravilo ustrezno usposabljanje o določbah konvencije.

3. Vsaka pogodbenica zagotovi, da se lahko tako dovoljenje začasno ali trajno odvzame, kadar je pristojni organ, ki ga je izdal, obveščen o tem, da je prevoznik večkrat ali hudo kršil določbe konvencije.

4. Kadar pogodbenica ugotovi, da konvencijo krši prevoznik, registriran v drugi pogodbenici, tej pogodbenici sporoči podrobnosti o ugotovljeni kršitvi.

**Zasnova in izdelava****6. člen – Zasnova in izdelava**

1. Prevozna sredstva, zabojniki in njihova oprema morajo biti izdelani, vzdrževani in uporabljeni tako, da se preprečijo poškodbe in trpljenje živali ter zagotovi njihova varnost med prevozom.

2. Prevozna sredstva ali zabojniki morajo biti zasnovani in izdelani tako, da imajo živali ustrezen prostor, da lahko stojijo v naravni drži, razen perutnine z izjemo enodnevnih piščancev.

3. Prevozna sredstva ali zabojniki morajo biti zasnovani in izdelani tako, da je:

a) nad živalmi v njihovi naravni stoječi drži dovolj praznega prostora za učinkovito prezračevanje,

b) mogoče vzdrževati primerno kakovost in količino zraka glede na živalsko vrsto, ki se prevažata, zlasti če se živali prevažajo v popolnoma zaprtem prostoru.

4. Prevozna sredstva, zabojniki, oprema in drugo morajo biti dovolj trdni, da prenesejo težo živali, preprečujejo pobeg ali padec živali iz njih, prenesejo obremenitve zaradi vožnje ter po potrebi vsebujejo pregrade za zaščito živali pred sunki prevoznega sredstva. Oprema mora biti zasnovana tako, da omogoča hitro in preprosto uporabo.

5. Pregrade morajo biti trdne in dovolj močne, da prenesejo težo živali ob naletu nanje, in zasnovane tako, da ne ovirajo prezračevanja.

6. Prevozna sredstva ali zabojniki morajo biti zasnovani in uporabljeni tako, da varujejo živali pred neugodnimi vremenskimi vplivi in poslabšanjem vremena. Zlasti streha neposredno nad živalmi mora čim manj vpijati in prevajati sončno toploto.

7. Podi v prevoznem sredstvu ali zabojniku morajo biti iz protizdrsne materiala. Zasnovani, izdelani in vzdrževani morajo biti tako, da ne povzročajo neudobja, stiske in poškodb živali ter da čim manj prepuščajo urin in iztrebke. Izdelani morajo biti iz čim manj korozivnih materialov.

8. Prevozna sredstva ali zabojniki morajo biti zasnovani in izdelani tako, da je zagotovljen dostop do živali, tako da jih je mogoče pregledati in po potrebi napajati, krmiti in oskrbeti.

9. Kadar je živali treba privezati, se v prevoznih sredstvih zagotovi ustrezna oprema.

10. Na zabojnikih, v katerih se prevažajo živali, morajo biti jasne in vidne oznake, da so v njih žive živali, in znak, ki označuje vrh zabojnika.

11 Means of transport, containers and their fittings shall be designed and constructed to allow easy cleaning and disinfection.

### Preparation for transport

#### Article 7 – Planning

1 For each journey, the person responsible for the transport of the animals shall be identified so that information on the organisation, carrying out and completion of the transport can be obtained at any time during the journey.

2 Where the intended journey time exceeds eight hours for the transport of domestic solipeds, bovine, ovine, caprine and porcine animals, the person responsible for the transport shall draw up a document specifying the arrangements foreseen for the journey and in particular the following details:

- a identification of the transporter and means of transport;
- b identification of the consignment and accompanying documents (animal species, number of animals, veterinary certificates);
- c the place and country of departure, places of transfer, places where animals are to be unloaded and rested and the place and country of destination.

3 The person responsible for the transport shall ensure that the intended journey complies with the respective rules of the countries of departure, transit and destination.

4 The person in charge of the welfare of the animals shall immediately record in the document mentioned in paragraph 2 the times and places at which the animals transported have been fed, watered and rested during the journey. This document shall be made available to the competent authority upon request.

5 No animal shall be transported unless suitable provisions are made in advance by the person responsible for the transport to safeguard its welfare throughout the journey. Where appropriate, arrangements shall be made to provide water, feed and rest, and any necessary care during the journey and on arrival at the place of destination, and to that end, appropriate notification shall be given in advance.

6 To avoid any delay, consignments of animals shall be accompanied by appropriate documentation and, at posts where importation and transit formalities have to be completed, an appropriate person shall be notified as early as possible.

7 The person responsible for the transport shall ensure that responsibility for the welfare of the animals during transport is clearly defined, from the time of departure to arrival at the point of destination, including loading and unloading.

#### Article 8 – Attendants

1 In order to ensure the necessary care of the animals throughout the journey, consignments shall be accompanied by an attendant who is in charge of the welfare of the animals. The driver can perform the functions of attendant.

2 The attendant shall have received specific and appropriate training or have equivalent practical experience qualifying him/her to handle, transport and take care of animals, including in cases of emergency.

3 Exceptions to the provisions of paragraph 1 may be made in the following cases:

- a where the person responsible for the transport of animals has appointed an agent to care for the animals at appropriate rest, water and feed points;
- b where animals are transported in containers which are securely fastened, adequately ventilated and, where necessary, containing enough water and feed, in dispensers which cannot be tipped over, for a journey of twice the anticipated time.

11. Prevozna sredstva, zabojniki in njihova oprema morajo biti zasnovani in izdelani tako, da omogočajo preprosto čiščenje in razkuževanje.

### Priprava na prevoz

#### 7. člen – Načrtovanje

1. Za vsako pot se določi oseba, odgovorna za prevoz živali, od katere je mogoče kadar koli med potjo pridobiti podatke o organizaciji in izvedbi prevoza.

2. Kadar pri prevozu domačih kopitarjev in domačega goveda, ovac, koz in prašičev čas predvidene poti presega osem ur, oseba, odgovorna za prevoz, pripravi dokument, v katerem podrobno opredeli vse podrobnosti glede poti, zlasti:

- a) podatke o prevozniku in prevoznem sredstvu,
- b) podatke o pošiljki in spremnih dokumentih (živalski vrsti, številu živali, veterinarskih spričevalih),
- c) kraj in državo odhoda, kraje pretovarjanja, kraje raztovarjanja in počitka živali ter namembni kraj in državo.

3. Oseba, odgovorna za prevoz, zagotovi, da predvidena pot poteka po predpisih države odhoda, države tranzita in namembne države.

4. Oseba, odgovorna za dobrobit živali, v dokument iz drugega odstavka takoj vpiše čas in kraj krmljenja, napajanja in počitka živali med potjo. Ta dokument se na zahtevo predloži pristojnemu organu.

5. Živali se ne smejo prevažati, če oseba, odgovorna za prevoz, vnaprej ne zagotovi vsega potrebnega za dobrobit živali med potjo. Po potrebi se vnaprej dogovori, da se med potjo in po prispetju v namembni kraj zagotovijo voda, krma in počitek živali ter vsa potrebna oskrba.

6. Da bi se izognili zastojem, morajo imeti pošiljke živali ustrezno dokumentacijo in mora biti o njih čim prej obveščena pristojna oseba v kraju, kjer se opravljajo uvozne in tranzitne dejavnosti.

7. Oseba, odgovorna za prevoz, poskrbi, da je odgovornost za dobrobit živali med prevozom jasno določena ves čas od odhoda do prispetja v namembni kraj, tudi med natovarjanjem in raztovarjanjem.

#### 8. člen – Spremljevalec živali

1. Da se zagotovi potrebna oskrba živali med celotno potjo, pošiljke spremlja spremljevalec živali, ki je odgovoren za njihovo dobrobit. Naloge spremljevalca lahko opravlja voznik.

2. Spremljevalec opravi ustrezno strokovno usposabljanje ali ima enakovredne praktične izkušnje, na podlagi katerih je sposoben z živalmi ravnati, jih prevažati in oskrbovati tudi v nujnih primerih.

3. Izjeme od prvega odstavka so mogoče v teh primerih:

- a) kadar oseba, odgovorna za prevoz živali, imenuje drugega izvajalca za oskrbo živali na ustreznih krajih za počitek, napajanje in krmljenje,
- b) kadar se živali prevažajo v trdno pritrjenih in ustrezno prezračevanih zabojnikih, v katerih je po potrebi v napajalnikih in krmlilnikih, ki jih ni mogoče prevrniti, dovolj vode in krme za dvakrat daljšo pot od predvidene.

**Article 9 – Fitness for transport**

1 No animal shall be transported unless it is fit for the intended journey.

2 Ill or injured animals shall not be considered fit for transport. However, this provision shall not apply to:

a slightly injured or ill animals whose transport would not cause additional suffering;

b animals transported for experimental or other scientific purposes approved by the relevant competent authority, if the illness or injury is part of the research programme;

c the transport of animals under veterinary supervision for or following emergency treatment.

3 Special care shall be taken with the transport of animals in advanced stages of pregnancy, those having recently given birth and very young animals:

– pregnant female mammals shall not be transported during a period at least equal to 10% of the length of gestation before giving birth, nor during at least one week after giving birth;

– very young mammals shall not be transported before the navel is completely healed.

If all necessary precautions have been taken, under veterinary advice and on a case-by-case basis, exception can be made by the competent authority for registered mares with a foal at foot going to the stallion after foaling.

4 Sedatives shall not be used unless strictly necessary to ensure the welfare of the animals and shall only be used following veterinary advice, in accordance with national legislation.

**Article 10 – Inspection/Certificate**

1 Before animals are loaded for international transport they shall be inspected by an authorised veterinarian of the country where the journey starts, who shall ensure that they are fit for the journey.

2 The authorised veterinarian shall issue a certificate which identifies the animals, states that they are fit for the intended journey and, where possible, records the registration number or, where appropriate, the name or other means of identifying the means of transport and the type of transport used.

3 In certain cases determined by agreement between the Parties concerned, the provisions of this article need not apply.

**Article 11 – Rest, water and feed prior to loading**

1 Animals shall be prepared for the intended journey, be accustomed to the feed to be provided and be able to use the delivery systems for water and feed. They shall be provided with water, feed and a rest period as appropriate.

2 In order to reduce the stress of transport, due regard shall be paid to the need of certain categories of animals, such as wild animals, to become acclimatised to the mode of transport prior to the proposed journey.

3 Mixing of animals that have not been raised together or are not accustomed to one another shall be avoided as far as possible.

**Loading and unloading****Article 12 – Principles**

1 Animals shall be loaded and unloaded in such a way as to ensure that they are not caused injury or suffering.

2 Animals shall be loaded so as to ensure that space allowances (floor area and height) and separation requirements are met in accordance with Article 17.

3 Animals shall be loaded as close as possible to the time of departure from the place of dispatch.

4 On arrival at their destination, the animals shall be unloaded as soon as possible, offered an adequate quantity of water and, if necessary, be fed and allowed to rest.

**9. člen – Primernost za prevoz**

1. Živali se ne prevažajo, če niso primerne za načrtovani prevoz.

2. Za bolne ali poškodovane živali velja, da niso primerne za prevoz. Vendar ta določba ne velja za:

a) lažje poškodovane ali bolne živali, ki jim prevoz ne povzroča dodatnega trpljenja,

b) živali, ki se prevažajo za poskusne ali druge znanstvene namene, ki jih odobri ustrezní pristojni organ, če je bolezen ali poškodba povezana z raziskovalnim programom,

c) prevoz živali pod veterinarskim nadzorom v povezavi z nujnim zdravljenjem.

3. Posebno skrb je treba nameniti prevozu samic v visoki brejosti, samic, ki so nedavno povrgle, ter zelo mladim živalim:

– breje samice sesalcev se ne prevažajo, če je do kotitve najmanj deset odstotkov obdobja brejosti, prav tako ne najmanj en teden po kotitvi,

– zelo mladi sesalci se ne prevažajo, dokler se jim popek popolnoma ne zaceli.

Če so izvedeni vsi previdnostni ukrepi, lahko pristojni organ po nasvetu veterinarja in za vsak posamezni primer posebej določi izjemo za registrirane kobile z žrebetom, ki gredo po žrebitvi v pripust.

4. Pomirjevala se ne uporabljajo, razen če niso nujno potrebna za dobrobit živali, uporabijo pa se samo po nasvetu veterinarja v skladu z notranjo zakonodajo.

**10. člen – Pregled/spričevalo**

1. Pred natovarjanjem za mednarodni prevoz živali pregleda pooblaščení veterinar države odhoda, ki zagotovi, da so primerne za prevoz.

2. Pooblaščení veterinar izda spričevalo, s katerim potrdi istovetnost živali in njihovo primernost za načrtovano pot ter po možnosti zapiše registrsko številko ali po potrebi ime ali drugo oznako prevoznega sredstva in vrsto uporabljenega prevoza.

3. V posameznih primerih, ki jih zainteresirane pogodbenice določijo sporazumno, ni treba uporabiti določb tega člena.

**11. člen – Počitek, napajanje in krmljenje pred natovarjanjem**

1. Živali je treba pripraviti za načrtovano pot, navaditi se morajo na krmo, ki jim bo na voljo, in se naučiti uporabljati napajalnike in krmlilnike. Na primeren način jim je treba zagotoviti vodo, krmo in čas za počitek.

2. Za zmanjšanje stresa med prevozom je treba upoštevati potrebe posameznih vrst živali, na primer divjih živali, da se pred načrtovano potjo navadijo na način prevoza.

3. Kolikor je mogoče, je treba preprečiti mešanje živali, ki niso bile vzrejene skupaj ali ki druga druge niso navajene.

**Natovarjanje in raztovarjanje****12. člen – Načela**

1. Živali je treba natovarjati in raztovarjati tako, da ne prihaja do poškodb ali da pri tem ne trpijo.

2. Živali je treba natovarjati tako, da so izpolnjene zahteve 17. člena glede dodeljenega prostora zanje (talna površina in višina) in pregrad med njimi.

3. Živali je treba natovoriti čim pozneje pred odpremo iz kraja odhoda.

4. Po prispetju v namembni kraj je treba živali čim prej raztovoriti, jim priskrbeti zadostno količino vode ter jih po potrebi nakrmiti in jim omogočiti počitek.

**Article 13 – Equipment and procedures**

1 Loading and unloading shall take place using a properly designed and constructed ramp, lift or loading bay except where animals are to be loaded and unloaded in purpose-built containers. Manual lifting is permissible if the animals are small enough, and even desirable in the case of young animals which might have difficulty in negotiating a ramp. All loading and unloading facilities shall be suitable for their purpose, stable and maintained in a good state of repair.

2 All ramps and walking surfaces shall be designed and maintained so as to prevent slipping and their slope shall be minimised as far as possible. Where their slope is steeper than 10°, they shall be fitted with a system, such as provided by foot battens, which ensures that the animals climb or go down without risks or difficulties. The equipment shall be provided with side barriers if necessary.

3 The interior of the transport unit shall be well-lit at loading so that the animals can see where they are going, depending upon the specific requirements of the species.

4 Animals shall be loaded only into a means of transport which has been thoroughly cleaned and, where appropriate, disinfected.

5 Goods which are being transported in the same means of transport as animals shall be positioned so that they do not cause injury, suffering or distress to the animals.

6 When containers loaded with animals are placed one on top of the other on the means of transport, the necessary precautions shall be taken to avoid urine and faeces falling on the animals placed underneath.

**Article 14 – Handling**

1 Animals shall be handled calmly and gently in order to reduce unrest and agitation to a minimum, and in order to protect the animals from avoidable pain, distress and injury.

2 Noise, harassment and the use of excessive force during loading and unloading shall be avoided. Animals shall not be struck, nor shall pressure be applied to any particularly sensitive part of the body. In particular, animals' tails shall not be crushed, twisted or broken and their eyes shall not be grasped. Animals shall not be punched or kicked.

3 Animals themselves shall not be suspended by mechanical means, lifted or dragged by the head, ears, horns, antlers, legs, tail or fleece, or in any other painful way.

4 Instruments intended for guiding animals shall be used on animals solely for that purpose. The use of instruments which administer electric shocks shall be avoided as far as possible. In any case, these instruments shall only be used for adult bovine animals and adult pigs which refuse to move, and only when they have room ahead of them in which to move. Shocks shall last no longer than one second, be adequately spaced, and shall only be applied to the muscles of the hindquarters. Shocks shall not be used repeatedly if the animal fails to respond.

5 Persons handling animals shall not use prods or other implements with pointed ends. Sticks or other implements intended for guiding animals shall only be used provided they can be applied to the body of an animal without causing it injury or suffering.

**Article 15 – Separation**

1 Animals shall be separated during transport where injury or suffering is likely to occur if they are mixed. This shall apply in particular to:

- a animals of different species;
- b animals hostile to each other;
- c animals of significantly different sizes or ages;
- d uncastrated adult males;
- e tied and untied animals.

**13. člen – Oprema in postopki**

1. Za natovarjanje in raztovarjanje je treba uporabiti ustrezno zasnovano in izdelano rampo z naklonom, dvigalo ali nakladalno rampo, razen kadar živali ni treba natovoriti ali raztovoriti v zabojnikih, izdelanih v ta namen. Ročno dvigovanje živali je dovoljeno, če so dovolj majhne, in celo zaželeno pri mladih živalih, ki bi lahko imele težave pri hoji po rampi. Vse priprave za natovarjanje in raztovarjanje morajo ustrezati svojemu namenu, biti morajo stabilne in dobro vzdrževane.

2. Vse rampe in pohodne površine morajo biti zasnovane in vzdrževane tako, da se preprečijo zdrsi in da imajo čim manjši naklon. Kadar ta presega 10°, morajo imeti posebna pomagala, kot so prečne letve, ki omogočajo hojo živali navzgor in navzdol brez nevarnosti ali težav. Po potrebi ima oprema stranske ograje.

3. Glede na potrebe živalske vrste mora biti notranjost prevoznega sredstva med natovarjanjem dobro osvetljena, da živali vidijo, kam gredo.

4. Živali se natovarjajo samo v temeljito očiščeno in po potrebi razkuženo prevozno sredstvo.

5. Tovor, ki se skupaj z živalmi prevaža v istem prevoznem sredstvu, mora biti naložen tako, da živali ne poškoduje in jim ne povzroča trpljenja ali stiske.

6. Kadar so v prevoznem sredstvu zabojniki z živalmi naloženi drug na drugega, je treba preprečiti padanje urina in iztrebkov na živali v spodnjih zabojnikih.

**14. člen – Ravnanje z živalmi**

1. Z živalmi je treba ravnati mirno in obzirno, da se čim manj vznemirijo in razburijo ter da se jim ne povzročajo nepotrebne bolečine, stiska in poškodbe.

2. Med natovarjanjem in raztovarjanjem se je treba izogibati hrupu, vznemirjanju živali in uporabi pretirane sile. Živali ni dovoljeno udarjati niti ni dovoljeno pritiskati na posebej občutljive dele telesa. Zlasti jim ni dovoljeno stiskati, zvijati ali lomiti repa niti jim prijemat oči. Živali ni dovoljeno suvati ali brcati.

3. Živali ni dovoljeno obešati z mehanskimi pripomočki, dvigati ali vleči za glavo, ušesa, rogove, rogovje, noge, rep, runo ali na kakršen koli drug boleč način.

4. Priprave za usmerjanje živali se uporabljajo samo za ta namen. Čim bolj se je treba izogibati uporabi priprav, ki oddajajo električne sunke. Vsekakor se te priprave uporabljajo samo za odraslo govedo ali odrasle prašiče, ki se nočejo premakniti, in samo kadar imajo pred seboj dovolj prostora, kamor se lahko premaknejo. Sunki ne smejo trajati dlje od ene sekunde, med njimi morajo biti ustrezni presledki, uporabiti se smejo samo na mišicah zadnjih okončin. Električnih sunkov ni dovoljeno ponavljati, če se žival nanje ne odzove.

5. Osebe, ki ravnajo z živalmi, ne smejo uporabljati koničastih palic ali drugih zašiljenih pripomočkov. Palice ali druge pripomočke za usmerjanje živali je dovoljeno uporabiti samo, če jih je mogoče uporabiti na živali brez povzročitve poškodbe ali trpljenja.

**15. člen – Ločevanje živali**

1. Živali je treba prevažati ločeno, če v mešanih skupinah obstaja verjetnost poškodb ali povzročitve trpljenja. To velja zlasti za:

- a) živali različnih živalskih vrst,
- b) živali, ki so si sovražne,
- c) živali bistveno različnih velikosti ali starosti,
- d) nekastrirane odrasle samce,
- e) privezane in neprivezane živali.

2 The provisions of paragraph 1 shall not apply where the animals have been raised in compatible groups, are accustomed to each other, where separation will cause distress or where females are accompanied by dependent young.

### Transport practices

#### Article 16 – Floors and bedding

The floor surfaces of means of transport or containers shall be maintained so as to minimise the risk of slipping and leakage of urine and faeces. An appropriate bedding which absorbs urine and faeces and which provides an adequate resting material shall cover the floor of the means of transport or containers, unless an alternative method is used that provides at least the same advantages to the animals.

#### Article 17 – Space allowances (floor area and height)

1 Animals shall be provided with adequate space to stand in their natural position in the means of transport or container. Space to lie down at the same time shall be provided unless the technical protocol or special conditions for the protection of animals require otherwise.

A technical protocol, drawn up in accordance with Article 34 of this Convention, shall determine the minimum space allowances for animals.

2 To prevent injury by excessive movement, partitions shall be used to sub-divide large groups of animals or sub-divide a pen which contains fewer animals than its normal capacity, which otherwise would have too much space.

3 Partitions shall be appropriate to the size and species of the animals, and shall be positioned, secured and maintained so as to prevent injury or suffering to the animals.

#### Article 18 – Tying of animals

When animals are tied, the ropes, the tethers or other means used shall be strong enough not to break during normal transport conditions, and long enough to allow the animals, if necessary, to lie down and to eat and drink. They shall be designed in such a way as to eliminate any danger of strangulation or injury. Animals shall not be tied by the horns, antlers, legs, nose-rings nor be transported having their legs tied together. Animals shall be tied only with devices allowing them to be quickly released.

#### Article 19 – Ventilation and temperature

1 Sufficient ventilation shall be provided to ensure that the needs of the animals are fully met, taking into account in particular the number and type of the animals to be transported and the expected weather conditions during the journey.

2 Containers shall be stowed in a way which does not impede their ventilation.

3 Where animals are to be transported in adverse conditions of temperature and humidity, suitable arrangements shall be taken to safeguard their welfare.

#### Article 20 – Water, feed and rest

1 During transport, animals shall be offered water, feed and the opportunity to rest as appropriate to their species and age, at suitable intervals.

2 A technical protocol, drawn up in accordance with Article 34 of this Convention, will determine the maximum travelling times and minimum watering and feeding intervals and resting periods.

3 Water and feed shall be of good quality and presented to the animals in a way which minimises contamination.

2. Določbe iz prvega odstavka ne veljajo za živali, ki so bile vzrejene skupaj v združljivih skupinah, so navajene druga druge in bi jim ločitev povzročila stisko, ali kadar samice spremljajo od njih odvisni mladiči.

### Običajni pogoji prevoza

#### 16. člen – Podi in stelja

Podi prevoznega sredstva ali zabojnikov se vzdržujejo tako, da se čim bolj zmanjšata nevarnost zdrsov ter prepuščanje urina in iztrebkov. Pode prevoznih sredstev ali zabojnikov mora prekrivati primerna stelja, ki vpija urin in iztrebke ter je primerna za počitek, razen če se živalim ne zagotovijo vsaj enaki pogoji na drugačen način.

#### 17. člen – Dodeljeni prostor (talna površina in višina)

1. Živalim je treba zagotoviti dovolj prostora, da v prevoznem sredstvu ali zabojniku lahko stojijo v svoji naravni drži. Zagotoviti jim je treba tudi dovolj prostora, da lahko vse hkrati ležijo, razen če tehnični protokol ali posebni pogoji za zaščito živali ne določajo drugače.

Najmanjše prostorske zahteve se določijo s tehničnim protokolom iz 34. člena.

2. Da se preprečijo poškodbe zaradi sunkovitih premikov živali, je treba uporabiti dodatne pregrade za razdelitev velikih skupin živali v manjše ali za predelitev staj, v katerih je manj živali od predvidenega števila, ker bi drugače imele preveč prostora.

3. Pregrade morajo ustrezati velikosti živali in živalski vrsti ter biti nameščene, pritrjene in vzdrževane tako, da preprečujejo poškodbe ali trpljenje živali.

#### 18. člen – Privezovanje živali

Kadar so živali privezane, morajo biti vrvi, jermeni ali druga sredstva za privezovanje dovolj trdni, da se ob običajnih pogojih prevoza ne strgajo, in dovolj dolgi, da živalim po potrebi omogočajo ležanje ter krmljenje in napajanje. Oblikovani morajo biti tako, da ni nevarnosti davljenja ali poškodbe. Živali ni dovoljeno privezati za rogove, rogovje, noge ali nosne obročke niti jih ni dovoljeno prevažati zvezanih nog. Privezane smejo biti samo s pripomočki, ki jih je mogoče hitro odvezati.

#### 19. člen – Prezračevanje in temperatura

1. Zagotovljeno mora biti zadovoljivo prezračevanje, ki popolnoma zadošča potrebam živali, ki se prevažajo, zlasti ob upoštevanju njihovega števila in vrste ter pričakovanih vremenskih razmer med potjo.

2. Zabojniki morajo biti naloženi tako, da prezračevanje ni ovirano.

3. Kadar se živali prevažajo ob neugodnih temperaturah in vlažnosti, je treba z ustreznimi ukrepi poskrbeti za njihovo dobrobit.

#### 20. člen – Voda, krma in počitek

1. Med prevozom je treba živali napojiti, nakrmiti in jim v primernih intervalih omogočiti počitek glede na njihovo vrsto in starost.

2. Najdaljši čas poti in najkrajše trajanje postankov za napajanje in krmljenje ter za počitek se določijo v tehničnem protokolu iz 34. člena.

3. Voda in krma morata biti kakovostni in se živalim dajeta tako, da se čim bolj omeji možnost kontaminacije.

**Article 21 – Females in lactation**

Lactating females not accompanied by their offspring shall not be transported for long periods. However, where this is unavoidable, they shall be milked shortly before loading and at intervals of not more than twelve hours during the course of a journey.

**Article 22 – Lighting**

The means of transport shall be equipped with a means of lighting, fixed or portable, sufficient for general inspection of the animals and where this is necessary during transport and for watering and feeding.

**Article 23 – Containers**

1 During transport and handling, containers shall always be kept upright and severe jolts or shaking shall be minimised.

2 Containers shall be secured so as to prevent their displacement by the motion of the means of transport.

**Article 24 – Care during transport**

The person in charge of the welfare of the animals shall take every opportunity to check them and to administer, if necessary, the appropriate care.

**Article 25 – Emergency and casualty care during transport**

Animals that fall ill or are injured during transport shall receive first-aid care as soon as possible; if necessary, they shall be given appropriate veterinary treatment or be killed in a way which does not cause them any additional suffering.

**Special provisions****Article 26 – Special provisions for transport by rail**

1 Any railway wagon used in the transport of animals shall be marked to indicate the presence of live animals. Unless the animals are transported in containers, the inside walls of the railway wagon shall be of suitable material, completely smooth and fitted with rings or bars, at a suitable height, to which the animals may be attached.

2 Where they are not transported in individual boxes, solipeds shall be tied in such a way that they are all facing the same side of the railway wagon or tied facing each other. However, foals and unbroken animals shall not be tied.

3 Large animals shall be loaded in such a way as to allow an attendant to move between them.

4 When assembling trains and during all other movement of railway wagons every precaution shall be taken to avoid jolting a wagon containing animals.

5 Every opportunity shall be taken to check the animals, as provided for in Article 24 of this Convention, whenever the railway wagons stop or weather conditions change.

**Article 27 – Special provisions for transport by road**

1 Vehicles in which animals are transported shall be clearly and visibly marked to indicate the presence of live animals.

2 Vehicles shall be driven in a way which ensures smooth acceleration, deceleration and turning.

3 Vehicles shall carry suitable equipment for loading and unloading in compliance with Article 13 of this Convention.

4 Every opportunity shall be taken to check the animals in the vehicle, as provided for in Article 24 of this Convention, whenever the vehicle stops or weather conditions change.

**21. člen – Doječe samice**

Doječe samice brez mladičev se ne prevažajo dolgo časa. Kadar je to neizogibno, jih je treba pomolsti tik pred natovarjanjem in vsaj vsakih dvanajst ur med potjo.

**22. člen – Razsvetljava**

Prevozna sredstva morajo biti opremljena s fiksnimi ali prenosnimi viri svetlobe, ki zadostujejo za splošni pregled živali, po potrebi tudi med prevozom, ter za napajanje in krmljenje.

**23. člen – Zabojniki**

1. Med prevozom in ravnanjem morajo biti zabojniki z živalmi vedno v pokončnem položaju, močnih sunkov ali treslajev pa mora biti čim manj.

2. Zabojnike je treba pritrditi tako, da se prepreči njihovo premikanje zaradi gibanja prevoznega sredstva.

**24. člen – Oskrba med prevozom**

Oseba, odgovorna za dobrobit živali, mora ob vsaki priložnosti preveriti živali in jim po potrebi zagotoviti ustrezno oskrbo.

**25. člen – Nujna oskrba bolnih in poškodovanih živali med prevozom**

Živalim, ki med prevozom zbolijo ali se poškodujejo, je treba čim prej zagotoviti nujno pomoč in oskrbo. Po potrebi jim je treba zagotoviti ustrezno veterinarsko zdravljenje ali jih usmrtiti na način, ki jim ne povzroči dodatnega trpljenja.

**Posebne določbe****26. člen – Posebne določbe za železniški prevoz**

1. Na vsakem vagonu, ki se uporablja za prevoz živali, morajo biti oznake, da so v njem žive živali. Kadar se živali ne prevažajo v zabojnikih, morajo biti notranje stene vagona iz ustreznega materiala, ki je popolnoma gladek, na primerni višini pa morajo biti nameščeni obroči ali drogovi za privez živali.

2. Kadar se kopitarji ne prevažajo v posamičnih boksih, morajo biti privezani tako, da so vsi obrnjeni na isto stran vagona ali pa drug proti drugemu. Vsekakor pa žrebet in neukročenih konj ni dovoljeno privezovati.

3. Velike živali je treba natovoriti tako, da se spremljevalec lahko giblje med njimi.

4. Med združevanjem vlakovnih kompozicij in med vsemi drugimi premiki vagonov je treba storiti vse potrebno, da bi se preprečili močnejši sunki vagonov z živalmi.

5. V skladu s 24. členom je treba živali preveriti ob vsaki priložnosti, kadar koli se vagoni ustavijo ali se vremenske razmere spremenijo.

**27. člen – Posebne določbe za cestni prevoz**

1. Na vozilu za prevoz živali morajo biti jasne in vidne oznake, da so v njem žive živali.

2. Vozila je treba voziti z enakomernim pospeševanjem, zaviranjem in zavijanjem.

3. V skladu s 13. členom morajo imeti vozila ustrezno opremo za natovarjanje in raztovarjanje.

4. V skladu s 24. členom je treba živali preveriti ob vsaki priložnosti, kadar koli se vozilo ustavi ali se vremenske razmere spremenijo.

**Article 28 – Special provisions for transport by water (except roll-on/roll-off vessels)**

1 So as to ensure that the welfare requirements of the animals transported are met, the competent authority of the country where loading takes place shall inspect before loading is allowed:

- a purpose-built or converted livestock vessels;
- b arrangements on other vessels where the animals are to be transported.

2 An alarm shall be fitted to detect any power failure in the forced ventilation system.

An adequate secondary source of power, clearly separated from the primary source, shall be provided to ensure that appropriate forced ventilation is maintained.

3 Animals shall not be transported on open decks unless in containers or other structures, giving adequate protection from sea water.

4 Where animals are walked on and off the vessel, suitable gangways, ramps and walkways shall be provided between the quayside and the vessel's livestock decks.

5 Loading and unloading of animals onto or off livestock vessels shall be supervised by an authorised veterinarian.

6 Animal accommodation, ramps and passageways shall be adequately lit at loading and unloading so that the animals can see where they are going, depending upon the specific requirements of the species.

7 All pens, stalls and containers shall be directly accessible for both the animals and attendants.

8 Passageways for animals shall be appropriate for the species to be transported, in particular they shall not have sharp edges, and sharp corners and protrusions shall be minimised.

9 All parts of the vessel where animals are accommodated shall be provided with facilities which ensure effective drainage and shall be kept in a good sanitary condition.

10 Supplies of clean fresh water, wholesome feed and appropriate bedding, sufficient for the animals' needs and considering the length of the sea journey, shall be carried on the vessel.

11 Reserve supplies of water, and in the case of long journeys, feed and bedding for the animals shall be carried in case of unforeseen delays.

12 Supplies of feed and bedding shall be stored so as to ensure that they are kept in a dry state, and protected from the weather and the sea. The storage of feed and bedding shall not interfere with ventilation, lighting and drainage systems, or passageways.

13 Drinking and feeding equipment appropriate to the number, size and species of the animals shall be provided.

14 Provisions shall be made for isolating animals which become ill or injured during the journey.

15 In case of emergency, it shall be possible to kill an animal in accordance with the provisions laid down in Article 25 of this Convention. To that end, a means of killing suitable to the species shall be available.

**Article 29 – Special provisions for transport in road vehicles or rail wagons on roll-on/roll-off vessels**

1 Where animals are transported in road vehicles or rail wagons on board roll-on/roll-off vessels, especially in the enclosed decks, special care shall be taken to ensure that sufficient ventilation is provided for the animals throughout the journey. Road vehicles and rail wagons shall be stowed so that the animals obtain maximum benefit from fresh air inlets.

2 The person in charge of the welfare of the animals shall have access to them so that they can be inspected and, if necessary, cared for, watered and fed during the journey.

**28. člen – Posebne določbe za prevoz po vodi (razen za prevoz s plovili RO-RO)**

1. Preden pristojni organ države natovarjanja dovoli natovarjanje, zagotovi, da so izpolnjene zahteve glede dobrobiti živali med prevozom, tako da pregleda:

- a) plovila, ki so izdelana ali predelana za prevoz živine,
- b) opremo drugih plovil, s katerimi se prevažajo živali.

2. Plovilo mora biti opremljeno z alarmno napravo za zaznavanje izpadov električnega toka v sistemu umetnega prezračevanja.

Za nemoteno delovanje ustreznega sistema umetnega prezračevanja se zagotovi ustrezen dodatni vir električnega napajanja, ki je popolnoma ločen od osnovnega.

3. Živali ni dovoljeno prevažati na odprti palubi, razen kadar niso v zabojnikih ali drugih boksih, ki jih ščitijo pred morskoro vodo.

4. Kadar se živali ženejo na plovilo in z njega, morajo biti na voljo ustrezno ograjeni mostički, rampe in prehodi med nabrežjem in palubo za živino.

5. Natovarjanje živali na plovilo za prevoz živine in raztovarjanje živali z njega nadzoruje pooblaščen veterinar.

6. Glede na potrebe živalske vrste morajo biti med natovarjanjem in raztovarjanjem namestitveni prostori za živali, rampe in prehodi ustrezno osvetljeni, da živali vidijo, kam gredo.

7. Vse staje, boksi in zabojniki morajo biti neposredno dostopni živalim in spremljevalcem.

8. Prehodi morajo ustrezati živalski vrsti, ki se prevažajo, zlasti ne smejo imeti ostrih robov ter morajo imeti čim manj ostrih vogalov in štrlečih delov.

9. Vsi deli plovila, v katerih so nameščene živali, morajo biti opremljeni z učinkovitim sistemom odtokov, v katerem je treba vzdrževati čistočo.

10. Plovilo mora imeti zalogo čiste sladke vode, zdrave krme in ustrezne stelje, ki zadostuje potrebam živali ob upoštevanju dolžine plovbe.

11. Za primer nepredvidene zamude mora imeti plovilo dodatno zalogo vode in pri dolgih plovbah tudi krme in stelje za živali.

12. Zaloga krme in stelje mora biti uskladiščena tako, da ostane suha in zaščitena pred vremenskimi vplivi in morskoro vodo. Uskladiščena krma in stelja ne smeta ovirati prezračevanja, osvetlitve, odtoka ali prehoda.

13. Na voljo morajo biti napajalniki in krmilniki, ustrezni številu in velikosti živali ter živalski vrsti.

14. Zagotoviti je treba izolacijo živali, ki med plovbo zbolijo ali se poškodujejo.

15. V nujnem primeru je mogoče žival usmrtiti v skladu z določbami iz 25. člena. V ta namen morajo biti na voljo sredstva za usmrnitev, primerna živalski vrsti.

**29. člen – Posebne določbe za prevoz s cestnimi vozili ali vagoni na plovilih RO-RO**

1. Kadar se živali prevažajo s cestnimi vozili ali vagoni na plovilih RO-RO, zlasti v podpalubju, je treba posebej poskrbeti za zadovoljivo prezračevanje za živali med celotno plovbo. Cestna vozila in vagoni morajo biti natovorjeni tako, da lahko živali čim boljše izkoristijo dotok svežega zraka.

2. Oseba, odgovorna za dobrobit živali, mora imeti nenehno dostop do živali, da jih lahko med potjo pregleda in po potrebi oskrbi, napoji in nakrmi.



3 Road vehicles, rail wagons and containers shall be equipped with a sufficient number of adequately designed, positioned and maintained securing points enabling them to be securely fastened to the vessel. Road vehicles, rail wagons and containers shall be secured to the ship before the start of the sea journey to prevent them being displaced by the motion of the vessel.

4 Road vehicles and rail wagons containing animals shall only be transported on the open deck of a vessel in a position that provides adequate protection from sea water, taking account of the protection which the road vehicle or rail wagon itself provides.

5 An alarm shall be fitted to detect any power failure in the forced ventilation system of the vessel. An adequate secondary source of power shall be provided to ensure that appropriate forced ventilation is maintained.

6 Arrangements shall be made to supply the animals with fresh water and feed in case of unforeseen delays or if otherwise necessary.

7 In case of emergency, if transport lasts more than two hours, it shall be possible to kill an animal in accordance with the provisions laid down in Article 25 of this Convention. To that end, a means of killing suitable to the species shall be available.

#### Article 30 – Special provisions for transport by air

1 No animals shall be transported in conditions where air quality, temperature and pressure cannot be maintained within an appropriate range during the entire journey.

2 The commander shall be advised of the species, location and quantity of all live animals aboard the aircraft, together with any action required. For animals in accessible cargo compartments, the commander shall be notified of any irregularity relating to the animals as soon as possible.

3 Animals shall be loaded in the aircraft as close as possible to the aircraft's planned time of departure.

4 Drugs shall only be used when a specific problem exists and shall be administered by a veterinarian or by another competent person who has been instructed in their use. The commander shall be informed as soon as possible of any drugs administered in flight.

5 In the case of emergency and where an attendant has access to the animals, in accordance with Article 25 of this Convention, a means of sedation and/or euthanasia, suitable to the species, shall be available and only used with the agreement of the commander.

6 The attendant shall be briefed on the in-flight communication procedure prior to flight departure and be able to effectively communicate with the crew.

#### Multilateral consultations

##### Article 31 – Multilateral consultations

1 The Parties shall, within five years from the entry into force of this Convention and every five years thereafter, or more frequently if a majority of the Parties should so request, hold multilateral consultations within the Council of Europe.

2 These consultations shall take place at meetings convened by the Secretary General of the Council of Europe.

3 Each Party shall have the right to appoint one or more representatives to participate in these consultations. The Parties shall communicate the name(s) of their representative(s) to the Secretary General of the Council of Europe at least one month before each meeting. Each Party shall have the right to vote. Each State which is Party to the Convention shall have one vote.

3. Cestna vozila, vagoni in zabojniki morajo biti opremljeni z zadostnim številom ustrezno oblikovanih, nameščenih in vzdrževanih pritrdilnih mest za varno privezovanje na plovilo. Cestna vozila, vagoni in zabojnike je treba varno privezati na ladjo še pred začetkom poti, da se med plovbo ne premikajo.

4. Cestna vozila in vagoni, v katerih so živali, se prevažajo na palubi plovila samo, če so nameščeni tako, da je zagotovljena ustrezna zaščita pred morskimi vodo, pri čemer se upošteva tudi zaščita, ki jo daje že samo cestno vozilo ali vagon.

5. Plovilo mora biti opremljeno z alarmno napravo za zaznavanje izpadov električnega toka v sistemu umetnega prezračevanja plovila. Za nemoteno delovanje ustreznega sistema umetnega prezračevanja mora biti na voljo dodatni vir električnega napajanja.

6. Za primer nepredvidene zamude ali drugih potreb je treba zagotoviti nemoteno oskrbo živali s sladko vodo in krmo.

7. V nujnem primeru, če prevoz traja več kakor dve uri, je mogoče žival usmrtiti v skladu z določbami 25. člena. V ta namen morajo biti na voljo sredstva za usmrnitev, primerna živalski vrsti.

#### 30. člen – Posebne določbe za prevoz po zraku

1. Živali ni dovoljeno prevažati v razmerah, v katerih ni mogoče ohraniti kakovosti in temperature zraka ter ustreznega razpona zračnega tlaka med celotno potjo.

2. Poveljnik mora biti seznanjen z živalsko vrsto, številom vseh živih živali in njihovim mestom na krovu ter z vsemi potrebnimi ukrepi. Če so živali nameščene v dostopnem tovornem delu zrakoplova, je treba kapitana čim prej obvestiti o vsakršni nepravilnosti v zvezi z njimi.

3. Živali je treba natovoriti na zrakoplov čim bližje načrtovanemu odhodu.

4. Zdravila se smejo uporabiti samo v primeru posebnih težav in jih sme dajati samo veterinar ali druga oseba, ki je poučena o njihovi uporabi. Poveljnika je treba o uporabi zdravil med letom obvestiti čim prej.

5. V nujnih primerih, in če ima spremljevalec dostop do živali, morajo biti v skladu s 25. členom na voljo pomirjevala in sredstva za evtanazijo, primerna za živalsko vrsto, uporabijo pa se samo s soglasjem poveljnika.

6. Spremljevalec mora biti pred odhodom seznanjen s postopki sporazumevanja med letom in biti sposoben učinkovito sporazumevati se s posadko.

#### Večstranska posvetovanja

##### 31. člen – Večstranska posvetovanja

1. Pogodbenice se v petih letih po začetku veljavnosti konvencije, potem pa vsakih pet let ali na zahtevo večine pogodbenic tudi pogosteje, sestanejo na večstranskih posvetovanjih v okviru Sveta Evrope.

2. Posvetovanja potekajo na sestankih, ki jih skliče generalni sekretar Sveta Evrope.

3. Vsaka pogodbenica ima pravico imenovati enega ali več predstavnikov za sodelovanje na teh posvetovanjih. Pogodbenice generalnemu sekretarju Sveta Evrope najmanj mesec dni pred vsakim sestankom sporočijo imena svojih predstavnikov. Vsaka pogodbenica ima pravico glasovati. Vsaka država, ki je pogodbenica konvencije, ima en glas.

4 Within the areas of its competence, the European Community, on becoming Party to the Convention, shall exercise its right to vote with a number of votes equal to the number of its member States which are Parties to this Convention; the European Community shall not exercise its right to vote in cases where the member States concerned exercise theirs, and conversely.

5 The Parties may seek the advice of experts. They may, on their own initiative or at the request of the body concerned, invite any international or national, governmental or non-governmental body technically qualified in the fields covered by this Convention to be represented by an observer at one or part of one of its consultations. The decision to invite such experts or bodies shall be taken by a majority of two-third of the votes cast.

6 After each consultation, the Parties shall submit to the Committee of Ministers of the Council of Europe a report on the consultation and the functioning of the Convention.

7 Subject to the provisions of this Convention, the Parties shall draw up the rules of procedure for the consultations.

#### Article 32 – Functions of multilateral consultations

Within the framework of multilateral consultations, the Parties shall be responsible for following the application of this Convention. They may in particular:

- a prepare technical protocols to this Convention in accordance with the provisions of Article 34;
- b suggest any necessary modifications to this Convention and examine those proposed in accordance with the provisions of Article 35;
- c examine, at the request of one or more Parties, questions concerning the interpretation of this Convention;
- d make recommendations to the Committee of Ministers concerning States to be invited to accede to this Convention.

#### Technical protocols

##### Article 33 – Object

The Parties shall adopt technical protocols to this Convention concerning space allowances (Article 17) and water, feed and rest (Article 20). They may also adopt other technical protocols with a view to establishing technical norms for the implementation of the provisions contained in this Convention.

##### Article 34 – Adoption and entry into force

1 A technical protocol shall be adopted by a two-thirds majority of the votes cast, and then forwarded to the Committee of Ministers for approval. After its approval, this text shall be forwarded to the Parties for acceptance.

2 A technical protocol shall enter into force, in respect of those Parties which have accepted it, on the first day of the month following the expiration of a period of one month after the date on which three Parties, including at least two member States of the Council of Europe, have informed the Secretary General that they have accepted it. In respect of any Party which subsequently accepts it, the protocol shall enter into force on the first day of the month following the expiration of a period of one month after the date on which that Party has informed the Secretary General of its acceptance.

3 For the purpose of preparing technical protocols, the Parties shall follow developments in scientific research and new methods in animal transport.

#### Article 35 – Amendments

1 Any amendment to a technical protocol to this Convention, proposed by a Party or by the Committee of Ministers, shall be communicated to the Secretary General of the Council of Europe and forwarded by him or her to the member States of the Council of Europe, to the European Community and to any non-member State which has acceded to, or has been invited to accede to this Convention in accordance with the provisions of Article 38.

4. Ko Evropska skupnost postane pogodbenica konvencije, glasuje na področjih, ki so v njeni pristojnosti, s številom glasov, ki ustreza številu držav članic, pogodbenic konvencije; Evropska skupnost ne glasuje, kadar glasujejo države članice, in obratno.

5. Pogodbenice lahko zaprosijo za nasvet strokovnjake. Na lastno pobudo ali na zahtevo zainteresiranega organa lahko povabijo kateri koli mednarodni ali državni, vladni ali nevladni organ, strokovno usposobljen na področjih konvencije, ki ga na posvetovanju ali delu posvetovanja zastopa opazovalec. Odločitev za povabilo takšnih strokovnjakov ali organov se sprejme z dvotretjinsko večino oddanih glasov.

6. Pogodbenice Odboru ministrov Sveta Evrope po vsakem posvetovanju pošljejo poročilo o posvetovanju in učinkovitosti konvencije.

7. Pogodbenice v skladu s konvencijo pripravijo poslovnik posvetovanj.

#### 32. člen – Vloga večstranskih posvetovanj

V okviru večstranskih posvetovanj je naloga pogodbenic, da spremljajo uporabo konvencije. Zlasti lahko:

- a) pripravljajo tehnične protokole h konvenciji v skladu s 34. členom;
- b) predlagajo potrebne spremembe konvencije in preučujejo predlagane spremembe v skladu s 35. členom;
- c) na zahtevo ene ali več pogodbenic preučujejo vprašanja v zvezi z razlago konvencije;
- d) Odboru ministrov predlagajo države, ki naj bodo povabljene k pristopu h konvenciji.

#### Tehnični protokoli

##### 33. člen – Predmet

Pogodbenice sprejmejo tehnična protokola h konvenciji glede gostote namestitve (17. člen) ter vode, krme in počitka (20. člen). Z namenom vzpostavitve tehničnih standardov za izvajanje določb konvencije lahko sprejmejo tudi druge tehnične protokole.

##### 34. člen – Sprejetje in začetek veljavnosti

1. Tehnični protokol se sprejme z dvotretjinsko večino oddanih glasov, nato pa se pošlje Odboru ministrov v odobritev. Po odobritvi se besedilo pošlje v sprejem pogodbenicam.

2. Tehnični protokol začne za pogodbenice, ki so ga sprejele, veljati prvi dan meseca, ki sledi preteku enega meseca od dne, ko tri pogodbenice, med njimi vsaj dve članici Sveta Evrope, obvestijo generalnega sekretarja, da so ga sprejele. Za vsako pogodbenico, ki protokol sprejme pozneje, začne ta veljati prvi dan meseca, ki sledi preteku enega meseca od dne, ko ta pogodbenica obvesti generalnega sekretarja o sprejemu protokola.

3. Za pripravo tehničnih protokolov pogodbenice spremljajo napredek v znanosti in nove načine prevoza živali.

#### 35. člen – Spremembe

1. O vsaki spremembi tehničnega protokola h konvenciji, ki jo predlaga pogodbenica ali Odbor ministrov, se obvesti generalni sekretar Sveta Evrope, ta pa to sporoči državam članicam Sveta Evrope, Evropski skupnosti in vsem državam nečlanicam, ki so v skladu z 38. členom pristopile ali bile povabljene, da pristopijo h konvenciji.

2 Any amendment proposed in accordance with the provisions of the preceding paragraph shall be examined not less than six months after the date of forwarding by the Secretary General at a multilateral consultation, where it may be adopted by a two-thirds majority of the Parties. The text adopted shall be forwarded to the Parties.

3 On the first day of the month following the expiration of a period of eighteen months after its adoption by the multilateral consultation, unless more than one-third of the Parties have notified objections, any amendment shall enter into force for those Parties which have not notified objections.

### Settlement of disputes

#### Article 36 – Settlement of disputes

1 In case of a dispute regarding the interpretation or the application of the provisions of this Convention, the competent authorities of the Parties concerned shall consult with each other. Each Party shall communicate to the Secretary General of the Council of Europe the names and addresses of their competent authorities.

2 If the dispute has not been settled by this means, it shall, at the request of one or other of the parties to the dispute, be referred to arbitration. Each party shall nominate an arbitrator and the two arbitrators shall nominate a referee. If one of the two parties to the dispute has not nominated its arbitrator within the three months following the request for arbitration, he shall be nominated at the request of the other party to the dispute by the President of the European Court of Human Rights. If the latter is a national of one of the parties to the dispute, this duty shall be carried out by the Vice-President of the Court or, if the Vice-President is a national of one of the parties to the dispute, by the most senior judge of the Court not being a national of one of the parties to the dispute. The same procedure shall be observed if the arbitrators cannot agree on the choice of referee.

In the event of a dispute between two Parties, one of which is a member State of the European Community, the latter itself being a Party, the other Party shall address the request for arbitration both to the member State and to the Community, which jointly shall notify it, within three months of receipt of the request, whether the member State or the Community, or the member State and the Community jointly, shall be party to the dispute. In the absence of such notification within the said time limit, the member State and the Community shall be considered as being one and the same party to the dispute for the purposes of the application of the provisions governing the constitution and procedure of the arbitration tribunal. The same shall apply when the member State and the Community jointly present themselves as party to the dispute.

3 The arbitration tribunal shall lay down its own procedure. Its decisions shall be taken by majority vote. Its award, which shall be based on this Convention, shall be final.

4 The procedure for the settlement of disputes shall not apply to disputes relating to questions within the competence of the European Community or to the definition of the scope of that competence between Parties which are members of the European Community or between such members and the Community.

### Final clauses

#### Article 37 – Signature, ratification, acceptance, approval

1 This Convention shall be open for signature by the member States of the Council of Europe and the European Community. It is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

2. Vsaka sprememba, predlagana v skladu s prejšnjim odstavkom, se vsaj v šestih mesecih od dne, ko jo generalni sekretar sporoči, preuči na večstranskem posvetovanju, kjer se lahko sprejme z dvotretjinsko večino pogodbenic. Sprejeto besedilo se pošlje pogodbenicam.

3. Sprememba začne za tiste pogodbenice, ki niso dale ugovora, veljati prvi dan meseca, ki sledi preteku osemnajstmesečnega obdobja od sprejetja na večstranskem posvetovanju, razen če ugovora ni dalo več kakor dve tretjini pogodbenic.

### Reševanje sporov

#### 36. člen – Reševanje sporov

1. Pri sporih glede razlage ali uporabe določb konvencije se pristojni organi vpletenih pogodbenic med seboj posvetujejo. Vsaka pogodbenica sporoči generalnemu sekretarju Sveta Evrope imena in naslove svojih pristojnih organov.

2. Če na ta način spora ni mogoče rešiti, se na zahtevo ene ali druge strani v sporu zadeva predloži v arbitražo. Vsaka stran imenuje razsodnika in ta dva razsodnika imenujeta razsodnika poročevalca. Če ena od obeh strani v sporu ne imenuje razsodnika v treh mesecih po zahtevi za arbitražo, ga imenuje na zahtevo druge strani predsednik Evropskega sodišča za človekove pravice. Če je ta državljan ene od držav v sporu, to dolžnost opravi podpredsednik, ali če je tudi ta državljan ene od držav v sporu, najstarejši sodnik, ki ni državljan nobene od držav v sporu. Postopek je enak, če se razsodnika ne moreta sporazumeti o izbiri razsodnika poročevalca.

V sporu med dvema stranema, od katerih je ena država članica Evropske skupnosti, ki je tudi sama pogodbenica, druga stran naslovi zahtevo za arbitražo na to državo članico in hkrati na Evropsko skupnost, ki jo v treh mesecih od prejema zahteve skupaj uradno obvestita o tem, ali bo stran v sporu bodisi država članica, bodisi Evropska skupnost, bodisi obe skupaj. Če v navedenem roku takega uradnega obvestila ni, se za namen uporabe določb o ustanovitvi in postopku razsodišča šteje, da sta država članica in Evropska skupnost ena stran v sporu. Enako velja, kadar se država članica in Evropska skupnost odločita, da bosta ena stran v sporu.

3. Razsodišče določi svoj postopek. Odloča z večino glasov. Njegova razsodba, ki temelji na konvenciji, je dokončna.

4. Postopek reševanja sporov se ne uporablja za spore o vprašanih, ki so v pristojnosti Evropske skupnosti ali se nanašajo na določitev obsega pristojnosti med pogodbenicami, ki so članice Evropske skupnosti, ali med njimi in Evropsko skupnostjo.

### Končne določbe

#### 37. člen – Podpis, ratifikacija, sprejetje, odobritev

1. Konvencija je na voljo za podpis državam članicam Sveta Evrope in Evropski skupnosti. Konvencijo je treba ratificirati, sprejeti ali odobriti. Listine o ratifikaciji, sprejetju ali odobritvi se deponirajo pri generalnem sekretarju Sveta Evrope.

2 No State Party to the European Convention on the Protection of Animals during International Transport, opened for signature in Paris on 13 December 1968, may deposit its instrument of ratification, acceptance or approval unless it has already denounced the said Convention or denounces it simultaneously.

3 This Convention shall enter into force six months after the date on which four States have expressed their consent to be bound by this Convention in accordance with the provisions of the preceding paragraphs.

4 Whenever, in application of the preceding two paragraphs, the denunciation of the Convention of 13 December 1968 would not become effective simultaneously with the entry into force of this Convention, a Contracting State or the European Community may, when depositing its instrument of ratification, acceptance or approval, declare that it will continue to apply the Convention of 13 December 1968 until the entry into force of this Convention.

5 In respect of any signatory State or the European Community which subsequently expresses its consent to be bound by it, this Convention shall enter into force six months after the date of the deposit of the instrument of ratification, acceptance or approval.

#### Article 38 – Accession of non-member States

1 After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may invite any other State not a member of the Council to accede to this Convention by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee.

2 In respect of any acceding State this Convention shall enter into force six months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

#### Article 39 – Territorial clause

1 Any State or the European Community may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.

2 Any State or the European Community may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory this Convention shall enter into force six months after the date of receipt of such declaration by the Secretary General.

3 Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective six months after the date of receipt of such notification by the Secretary General.

#### Article 40 – Denunciation

1 Any Party may at any time denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

2 Such denunciation shall become effective six months following the date of receipt of such notification by the Secretary General.

#### Article 41 – Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the European Community and any State which has acceded or has been invited to accede to this Convention of:

- a any signature;
- b the deposit of any instrument of ratification, acceptance, approval or accession;

2. Država pogodbenica Evropske konvencije o zaščiti živali med trajanjem mednarodnega prevoza, ki je bila dana na voljo za podpis v Parizu 13. decembra 1968, ne more deponirati listine o ratifikaciji, sprejetju ali odobritvi, če navedene konvencije ni odpovedala že prej ali je ne odpove hkrati.

3. Konvencija začne veljati šest mesecev po dnevu, ko so štiri države v skladu s prejšnjima odstavkoma izrazile privolitev, da jih konvencija zavezuje.

4. Kadar na podlagi prejšnjih dveh odstavkov odpoved konvencije z dne 13. decembra 1968 ne začne veljati hkrati z začetkom veljavnosti te konvencije, lahko država pogodbenica ali Evropska skupnost ob deponiranju listine o ratifikaciji, sprejetju ali odobritvi izjavi, da bo do začetka veljavnosti te konvencije še naprej uporabljala konvencijo z dne 13. decembra 1968.

5. Za državo podpisnico ali Evropsko skupnost, ki privolitev, da jo konvencija zavezuje, izrazi pozneje, začne konvencija veljati šest mesecev od dneva deponiranja listine o ratifikaciji, sprejetju ali odobritvi.

#### 38. člen – Pristop držav nečlanic

1. Po začetku veljavnosti te konvencije lahko Odbor ministrov Sveta Evrope katero koli državo, ki ni njegova članica, s sklepom, sprejetim z večino glasov, kot to določa odstavek d) 20. člena statuta Sveta Evrope, in s soglasjem predstavnikov držav pogodbenic, upravičenih do članstva v odboru, povabi, da pristopi h konvenciji.

2. Za vsako državo, ki pristopi h konvenciji, začne ta veljati šest mesecev od dneva, ko listino o pristopu deponira pri generalnem sekretarju Sveta Evrope.

#### 39. člen – Ozemeljska določba

1. Vsaka država ali Evropska skupnost lahko ob podpisu ali deponiranju listine o ratifikaciji, sprejetju, odobritvi ali pristopu navede ozemlje ali ozemlja, za katera se konvencija uporablja.

2. Vsaka država ali Evropska skupnost lahko kadar koli pozneje z izjavo, naslovljeno na generalnega sekretarja Sveta Evrope, razširi uporabo te konvencije na katero koli ozemlje, navedeno v izjavi. Za to ozemlje začne konvencija veljati šest mesecev po dnevu, ko generalni sekretar prejme izjavo.

3. Izjave iz prejšnjih dveh odstavkov se lahko v zvezi s katerim koli v njih navedenim ozemljem umaknejo z uradnim obvestilom generalnemu sekretarju. Umik začne veljati šest mesecev od dneva, ko generalni sekretar prejme uradno obvestilo.

#### 40. člen – Odpoved

1. Vsaka pogodbenica lahko konvencijo kadar koli odpove z uradnim obvestilom generalnemu sekretarju Sveta Evrope.

2. Odpoved začne veljati šest mesecev od dneva, ko generalni sekretar prejme uradno obvestilo.

#### 41. člen – Uradna obvestila

Generalni sekretar Sveta Evrope obvesti države članice Sveta Evrope, Evropsko skupnost in vsako državo, ki je pristopila ali je bila objavljena, da pristopi h konvenciji, o:

- a) vsakem podpisu,
- b) deponiranju vsake listine o ratifikaciji, sprejetju, odobritvi ali pristopu,

c any date of entry into force of this Convention in accordance with Articles 37 and 38;

d any other act, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Chişinău, this 6th day of November 2003, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the European Community and to any State invited to accede to this Convention.

c) vsakem datumu začetka veljavnosti konvencije v skladu s 37. in 38. členom,

d) vsakem drugem dejanju, uradnem obvestilu ali sporočilu v zvezi s konvencijo.

V potrditev tega so podpisani, ki so bili za to pravilno pooblašteni, podpisali konvencijo.

Sklenjeno v Kişinjevu 6. novembra 2003 v angleškem in francoskem jeziku, pri čemer sta besedili enako verodostojni, v enem izvodu, ki se hrani v arhivu Sveta Evrope. Generalni sekretar Sveta Evrope pošlje overjeno kopijo vsaki državi članici Sveta Evrope, Evropski skupnosti in vsaki državi, povabljeni, da pristopi h konvenciji.

3. člen

Za izvajanje konvencije skrbi ministrstvo, pristojno za kmetijstvo.

4. člen

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 510-05/11-3/13

Ljubljana, dne 6. marca 2014

EPA 2174-V

Državni zbor  
Republike Slovenije  
**Janko Veber** i.r.  
Predsednik

**20. Zakon o ratifikaciji Sporazuma med Republiko Slovenijo in Islamsko republiko Iran o izogibanju dvojnega obdavčevanja in preprečevanju davčnih utaj v zvezi z davki od dohodka in premoženja, s protokolom (BIRIDO)**

Na podlagi druge alineje prvega odstavka 107. člena in prvega odstavka 91. člena Ustave Republike Slovenije izdajam

**U K A Z**

**o razglasitvi Zakona o ratifikaciji Sporazuma med Republiko Slovenijo in Islamsko republiko Iran o izogibanju dvojnega obdavčevanja in preprečevanju davčnih utaj v zvezi z davki od dohodka in premoženja, s protokolom (BIRIDO)**

Razglašam Zakon o ratifikaciji Sporazuma med Republiko Slovenijo in Islamsko republiko Iran o izogibanju dvojnega obdavčevanja in preprečevanju davčnih utaj v zvezi z davki od dohodka in premoženja, s protokolom (BIRIDO), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 6. marca 2014.

Št. 003-02-3/2014-14

Ljubljana, dne 14. marca 2014

**Borut Pahor** l.r.  
Predsednik  
Republike Slovenije

**Z A K O N**

**O RATIFIKACIJI SPORAZUMA MED REPUBLIKO SLOVENIJO IN ISLAMSKO REPUBLIKO IRAN O IZOGIBANJU DVOJNEGA OBDAVČEVANJA IN PREPREČEVANJU DAVČNIH UTAJ V ZVEZI Z DAVKI OD DOHODKA IN PREMOŽENJA, S PROTOKOLOM (BIRIDO)**

1. člen

Ratificira se Sporazum med Republiko Slovenijo in Islamsko republiko Iran o izogibanju dvojnega obdavčevanja in preprečevanju davčnih utaj v zvezi z davki od dohodka in premoženja, s protokolom, podpisan v Teheranu 20. septembra 2011.

2. člen

Sporazum s protokolom se v izvorniku v slovenskem in angleškem jeziku glasi<sup>1</sup>:

**S P O R A Z U M**

**MED REPUBLIKO SLOVENIJO  
IN ISLAMSKO REPUBLIKO IRAN  
O IZOGIBANJU DVOJNEGA OBDAVČEVANJA  
IN PREPREČEVANJU DAVČNIH UTAJ  
V ZVEZI Z DAVKI OD DOHODKA  
IN PREMOŽENJA**

REPUBLIKA SLOVENIJA  
IN  
ISLAMSKA REPUBLIKA IRAN

sta se v želji, da bi sklenili sporazum o izogibanju dvojnega obdavčevanja in preprečevanju davčnih utaj v zvezi z davki od dohodka in premoženja, sporazumeli:

1. člen

**OSEBE, ZA KATERE SE UPORABLJA SPORAZUM**

Ta sporazum se uporablja za osebe, ki so rezidenti ene ali obeh držav pogodbenic.

2. člen

**DAVKI, ZA KATERE SE UPORABLJA SPORAZUM**

1. Ta sporazum se uporablja za davke od dohodka in premoženja, ki se uvedejo v imenu države pogodbenice ali njenih političnih enot ali lokalnih oblasti, ne glede na način njihove uvedbe.

**A G R E E M E N T**

**BETWEEN THE REPUBLIC OF SLOVENIA  
AND THE ISLAMIC REPUBLIC OF IRAN  
FOR THE AVOIDANCE OF DOUBLE TAXATION  
AND THE PREVENTION OF FISCAL EVASION  
WITH RESPECT TO TAXES ON INCOME  
AND ON CAPITAL**

THE REPUBLIC OF SLOVENIA  
AND  
THE ISLAMIC REPUBLIC OF IRAN

Desiring to conclude an Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and on Capital  
HAVE AGREED AS FOLLOWS:

Article 1

**PERSONS COVERED**

This Agreement shall apply to persons who are residents of one or both of the Contracting States.

Article 2

**TAXES COVERED**

1. This Agreement shall apply to taxes on income and on capital imposed on behalf of a Contracting State or of its political subdivisions or local authorities, irrespective of the manner in which they are levied.

<sup>1</sup> Besedilo sporazuma s protokolom v perzijskem jeziku je na vpogled v Sektorju za mednarodno pravo Ministrstva za zunanje zadeve.

2. Za davke od dohodka in premoženja se štejejo vsi davki, uvedeni na celoten dohodek, celotno premoženje ali sestavine dohodka ali premoženja, vključno z davki od dobička iz odtujitve premičnin ali nepremičnin, davki na skupne zneske mezd ali plač, ki jih plačujejo podjetja, ter davki na zvišanje vrednosti kapitala.

3. Obstoječi davki, za katere se uporablja sporazum, so zlasti:

- a) v Islamski republiki Iran:
  - (i) davek od dohodka in
  - (ii) davek na premoženje,
- b) v Republiki Sloveniji:
  - (i) davek od dohodkov pravnih oseb,
  - (ii) dohodnina in
  - (iii) davek od premoženja.

4. Sporazum se uporablja tudi za enake ali vsebinsko podobne davke, ki se po dnevu podpisa sporazuma uvedejo poleg obstoječih davkov ali namesto njih. Pristojna organa držav pogodbenic v razumnem roku drug drugega uradno obvestita o vseh bistvenih spremembah njunih davčnih zakonodaj.

### 3. člen

#### SPLOŠEN POMEN IZRAZOV

1. V tem sporazumu, razen če sobesedilo ne zahteva drugače:

- a)
  - (i) izraz »Islamska republika Iran« pomeni ozemlje pod suverenostjo in/ali jurisdikcijo Islamske republike Iran;
  - (ii) izraz »Slovenija« pomeni Republiko Slovenijo, in kadar se uporablja v geografskem pomenu, ozemlje Slovenije ter tista morska območja, na katerih lahko Slovenija izvaja svoje suverene pravice ali jurisdikcijo skladno s svojo notranjo zakonodajo in mednarodnim pravom;
- b) izraza »država pogodbenica« in »druga država pogodbenica« pomenita Islamsko republiko Iran ali Slovenijo, kakor zahteva sobesedilo;
- c) izraz »oseba« vključuje:
  - (i) posameznika;
  - (ii) družbo in katero koli drugo telo, ki združuje več oseb;
- d) izraz »družba« pomeni katero koli korporacijo ali kateri koli subjekt, ki se za davčne namene obravnava kot korporacija;
- e) izraza »podjetje države pogodbenice« in »podjetje druge države pogodbenice« pomenita podjetje, ki ga upravlja rezident države pogodbenice, in podjetje, ki ga upravlja rezident druge države pogodbenice;
- f) izraz »mednarodni promet« pomeni prevoz z ladjo, zrakoplovom ali cestnim vozilom, ki ga opravlja podjetje države pogodbenice, razen če se z ladjo, zrakoplovom ali cestnim vozilom ne opravljajo prevozi samo med kraji v drugi državi pogodbenici;
- g) izraz »pristojni organ« pomeni:
  - (i) v Islamski republiki Iran: ministra za gospodarske zadeve in finance ali njegovega pooblaščenega predstavnika;
  - (ii) v Sloveniji: Ministrstvo za finance Republike Slovenije ali njegovega pooblaščenega predstavnika;
- h) izraz »državljan« v zvezi z državo pogodbenico pomeni:
  - (i) posameznika, ki ima državljanstvo države pogodbenice;
  - (ii) pravno osebo, partnerstvo ali združenje, katerega status izhaja iz veljavne zakonodaje v tej državi pogodbenici.

2. Kadar država pogodbenica uporabi sporazum, ima izraz, ki v njem ni opredeljen, razen če sobesedilo ne zahteva drugače, pomen, ki ga ima takrat po pravu te države za namene davkov, za katere se sporazum uporablja, pri čemer pomen po veljavni davčni zakonodaji te države prevlada nad pomenom izraza po drugi zakonodaji te države.

2. There shall be regarded as taxes on income and on capital all taxes imposed on total income, on total capital or on elements of income or of capital, including taxes on gains from the alienation of movable or immovable property, taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation.

3. The existing taxes to which the Agreement shall apply are in particular:

- a) in the case of the Islamic Republic of Iran:
  - (i) the income tax; and
  - (ii) the property tax;
- b) in the case of the Republic of Slovenia:
  - (i) the tax on income of legal persons;
  - (ii) the tax on income of individuals; and
  - (iii) the tax on property.

4. The Agreement shall apply also to any identical or substantially similar taxes that are imposed after the date of signature of the Agreement in addition to, or in place of, the existing taxes. The competent authorities of the Contracting States shall notify each other within a reasonable period of any significant changes that have been made in their respective taxation laws.

### Article 3

#### GENERAL DEFINITIONS

1. For the purposes of this Agreement, unless the context otherwise requires:

- a)
  - (i) the term "Islamic Republic of Iran" means the territory under the sovereignty and/or jurisdiction of the Islamic Republic of Iran;
  - (ii) the term "Slovenia" means the Republic of Slovenia and, when used in a geographical sense, means the territory of Slovenia as well as those maritime areas over which Slovenia may exercise sovereign or jurisdictional rights in accordance with its internal legislation and international law;
- b) the terms "a Contracting State" and "the other Contracting State" mean Islamic Republic of Iran or Slovenia, as the context requires;
- c) the term "person" includes:
  - (i) an individual,
  - (ii) a company or any other body of persons;
- d) the term "company" means any body corporate or any entity that is treated as a body corporate for tax purposes;
- e) the terms "enterprise of a Contracting State" and "enterprise of the other Contracting State" mean respectively an enterprise carried on by a resident of a Contracting State and an enterprise carried on by a resident of the other Contracting State;
- f) the term "international traffic" means any transport by a ship, aircraft or road vehicle operated by an enterprise of a Contracting State, except when the ship, aircraft or road vehicle is operated solely between places in the other Contracting State;
- g) the term "competent authority" means:
  - (i) in the case of the Islamic Republic of Iran: the Minister of Economic Affairs and Finance or his authorized representative;
  - (ii) in the case of Slovenia: the Ministry of Finance of the Republic of Slovenia or its authorized representative;
- h) the term "national", in relation to a Contracting State, means:

- (i) any individual possessing the nationality of that Contracting State;
- (ii) any legal person, partnership or association deriving its status as such from the laws in force in that Contracting State.

2. As regards the application of the Agreement at any time by a Contracting State, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that State for the purposes of the taxes to which the Agreement applies, any meaning under the applicable tax laws of that State prevailing over a meaning given to the term under other laws of that State.

#### 4. člen REZIDENT

1. V tem sporazumu izraz »rezident države pogodbenice« pomeni osebo, ki mora po zakonodaji te države plačevati davke zaradi svojega prebivališča, stalnega prebivališča, kraja registracije, sedeža uprave ali katerega koli drugega podobnega merila, in vključuje tudi to državo in katero koli njeno politično enoto ali lokalno oblast. Ta izraz pa ne vključuje osebe, ki mora plačevati davke v tej državi samo v zvezi z dohodki iz virov v tej državi ali od premoženja v njej.

2. Kadar je zaradi določb prvega odstavka posameznik rezident obeh držav pogodbenic, se njegov status določi tako:

a) šteje se samo za rezidenta države, v kateri ima na voljo stalni dom. Če ima stalni dom na voljo v obeh državah, se šteje samo za rezidenta države, s katero ima tesnejše osebne in ekonomske stike (središče življenjskih interesov);

b) če ni mogoče opredeliti države, v kateri ima središče življenjskih interesov, ali če nima v nobeni od obeh držav na voljo stalnega doma, se šteje samo za rezidenta države, v kateri ima običajno bivališče;

c) če ima običajno bivališče v obeh državah ali v nobeni od njiju, se šteje samo za rezidenta države, katere državljan je;

d) če njegovega statusa ni mogoče določiti po določbah pododstavka c, pristojna organa držav pogodbenic vprašanje rešita s skupnim dogovorom.

3. Kadar je zaradi določb prvega odstavka oseba, ki ni posameznik, rezident obeh držav pogodbenic, pristojna organa držav pogodbenic vprašanje rešita s skupnim dogovorom in določita način uporabe sporazuma za to osebo.

#### 5. člen STALNA POSLOVNA ENOTA

1. V tem sporazumu izraz »stalna poslovna enota« pomeni stalno mesto poslovanja, prek katerega v celoti ali delno potekajo posli podjetja.

2. Izraz »stalna poslovna enota« vključuje zlasti:

- a) sedež uprave,
- b) podružnico,
- c) pisarno,
- d) tovarno,
- e) delavnico in

f) rudnik, nahajališče nafte ali plina, kamnolom ali kateri koli drug kraj raziskovanja, izkoriščanja in/ali pridobivanja naravnih virov.

3. Gradbišče, projekt gradnje, montaže ali postavitve ali dejavnosti nadzora v zvezi z njimi je stalna poslovna enota samo, če tako gradbišče, projekt ali dejavnosti trajajo na ozemlju države pogodbenice več kakor devet mesecev.

4. Ne glede na prejšnje določbe tega člena se šteje, da izraz »stalna poslovna enota« ne vključuje:

a) uporabe prostorov samo za skladiščenje ali razstavljanje dobrin ali blaga, ki pripada podjetju;

b) vzdrževanja zaloge dobrin ali blaga, ki pripada podjetju, samo za skladiščenje ali razstavljanje;

c) vzdrževanja zaloge dobrin ali blaga, ki pripada podjetju, samo za predelavo, ki jo opravi drugo podjetje;

d) vzdrževanja stalnega mesta poslovanja samo za nakup dobrin ali blaga za podjetje ali zbiranje informacij za podjetje;

e) vzdrževanja stalnega mesta poslovanja samo za opravljanje kakršne koli druge pripravljalne ali pomožne dejavnosti za podjetje;

#### Article 4 RESIDENT

1. For the purposes of this Agreement, the term "resident of a Contracting State" means any person who under the laws of that State is liable to tax therein by reason of his residence, domicile, place of registration, place of management, or any other criterion of a similar nature, and also includes that State and any political subdivision or local authority thereof. This term, however, does not include any person who is liable to tax in that State in respect only of income from sources in that State or capital situated therein.

2. Where by reason of the provisions of paragraph 1, an individual is a resident of both Contracting States, then his status shall be determined as follows:

a) he shall be deemed to be a resident only of the State in which he has a permanent home available to him. If he has a permanent home available to him in both States, he shall be deemed to be a resident only of the State with which his personal and economic relations are closer (center of vital interests);

b) if the State in which he has his center of vital interests cannot be determined, or if he has not a permanent home available to him in either State, he shall be deemed to be a resident only of the State in which he has an habitual abode;

c) if he has an habitual abode in both States or in neither of them, he shall be deemed to be a resident only of the State of which he is a national;

d) if his status can not be determined under the provisions of subparagraph c), the competent authorities of the Contracting States shall settle the question by mutual agreement.

3. Where by reason of the provisions of paragraph 1 a person other than an individual is a resident of both Contracting States, then the competent authorities of the Contracting States shall settle the question by mutual agreement and determine the mode of application of the Agreement to such person.

#### Article 5 PERMANENT ESTABLISHMENT

1. For the purposes of this Agreement, the term "permanent establishment" means a fixed place of business through which the business of an enterprise is wholly or partly carried on.

2. The term "permanent establishment" includes especially:

- a) place of management;
- b) a branch;
- c) an office;
- d) a factory;
- e) a workshop; and

f) a mine, an oil or gas well, a quarry or any other place of exploration, exploitation and/or extraction of natural resources.

3. A building site, a construction, assembly or installation project or supervisory activities connected therewith, constitutes a permanent establishment only if such site, project or activities last in the territory of a Contracting State for a period of more than 9 months.

4. Notwithstanding the preceding provisions of this Article, the term "permanent establishment" shall be deemed not to include:

a) the use of facilities solely for the purpose of storage or display of goods or merchandise belonging to the enterprise;

b) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage or display;

c) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;

d) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise or of collecting information, for the enterprise;

e) the maintenance of a fixed place of business solely for the purpose of carrying on, for the enterprise, any other activity of a preparatory or auxiliary character;



f) vzdrževanja stalnega mesta poslovanja samo za kakršno koli kombinacijo dejavnosti, omenjenih v pododstavkih od a do e, če je celotna dejavnost stalnega mesta poslovanja, ki je posledica te kombinacije, pripravljala ali pomožna.

5. Ne glede na določbe prvega in drugega odstavka se, kadar oseba (ki ni zastopnik z neodvisnim statusom, za katerega se uporablja šesti odstavek) deluje v imenu podjetja ter ima in običajno uporablja v državi pogodbenici pooblastilo za sklepanje pogodb v imenu podjetja, za to podjetje šteje, da ima stalno poslovno enoto v tej državi v zvezi z dejavnostmi, ki jih ta oseba prevzame za podjetje, razen če dejavnosti te osebe niso omejene na tiste iz četrtega odstavka, zaradi katerih se to stalno mesto poslovanja po določbah tega odstavka ne bi štelo za stalno poslovno enoto, če bi se opravljale prek stalnega mesta poslovanja.

6. Ne šteje se, da ima podjetje stalno poslovno enoto v državi pogodbenici samo zato, ker posluje v tej državi prek posrednika, splošnega komisionarja ali katerega koli drugega zastopnika z neodvisnim statusom, če te osebe delujejo v okviru svojega rednega poslovanja. Kadar pa so dejavnosti takega zastopnika v celoti ali skoraj v celoti namenjene temu podjetju ter se med podjetjem in zastopnikom v njihovih komercialnih ali finančnih odnosih vzpostavijo ali določijo pogoji, drugačni od tistih, ki bi se vzpostavili med neodvisnimi podjetji, se ta ne šteje za zastopnika z neodvisnim statusom v smislu tega odstavka.

7. Dejstvo, da družba, ki je rezidentka države pogodbenice, nadzoruje družbo ali je pod nadzorom družbe, ki je rezidentka druge države pogodbenice ali posluje v tej drugi državi (prek stalne poslovne enote ali drugače), še ne pomeni, da je ena od družb stalna poslovna enota druge.

## 6. člen

### DOHODEK IZ NEPREMIČNIN

1. Dohodek rezidenta države pogodbenice iz nepremičnin (vključno z dohodkom iz kmetijstva ali gozdarstva), ki so v drugi državi pogodbenici, se lahko obdavči v tej drugi državi.

2. Izraz »nepremičnine« pomeni enako kakor po pravu države pogodbenice, v kateri so te nepremičnine. Izraz vedno vključuje premoženje, ki je sestavni del nepremičnin, živino in opremo, ki se uporablja v kmetijstvu in gozdarstvu, pravice, za katere se uporabljajo določbe splošnega prava v zvezi z zemljiško lastnino, užitek na nepremičninah in pravice do spremenljivih ali stalnih plačil kot nadomestilo za izkoriščanje ali pravico do izkoriščanja nahajališč rude, virov ter drugega naravnega bogastva, vključno z nafto, plinom in kamnolomi. Ladje, čolni, zrakoplovi ali cestna in železniška vozila se ne štejejo za nepremičnine.

3. Določbe prvega odstavka se uporabljajo za dohodek, ki se ustvari z neposredno uporabo, dajanjem v najem ali katero koli drugo obliko uporabe nepremičnine.

4. Določbe prvega in tretjega odstavka se uporabljajo tudi za dohodek iz nepremičnin podjetja in za dohodek iz nepremičnin, ki se uporabljajo za opravljanje samostojnih osebnih storitev.

## 7. člen

### POSLOVNI DOBIČEK

1. Dobiček podjetja države pogodbenice se obdavči samo v tej državi, razen če podjetje ne posluje v drugi državi pogodbenici prek stalne poslovne enote v njej. Če podjetje posluje tako, kakor je omenjeno, se lahko dobiček podjetja obdavči v drugi državi, vendar samo toliko dobička, kolikor se pripiše tej stalni poslovni enoti.

f) the maintenance of a fixed place of business solely for any combination of activities mentioned in subparagraphs a) to e), provided that the overall activity of the fixed place of business resulting from this combination is of a preparatory or auxiliary character.

5. Notwithstanding the provisions of paragraphs 1 and 2, where a person (other than an agent of an independent status to whom paragraph 6 applies) is acting on behalf of an enterprise and has, and habitually exercises, in a Contracting State an authority to conclude contracts in the name of the enterprise, that enterprise shall be deemed to have a permanent establishment in that State in respect of any activities which that person undertakes for the enterprise unless the activities of such person are limited to those mentioned in paragraph 4 which, if exercised through a fixed place of business would not make this fixed place of business a permanent establishment under the provisions of that paragraph.

6. An enterprise shall not be deemed to have a permanent establishment in a Contracting State merely because it carries on business in that State through a broker, general commission agent or any other agent of an independent status, provided that such persons are acting in the ordinary course of their business. However, when the activities of such an agent are devoted wholly or almost wholly on behalf of that enterprise, and conditions are made or imposed between that enterprise and the agent in their commercial and financial relations which differ from those which would have been made between independent enterprises, he will not be considered an agent of an independent status within the meaning of this paragraph.

7. The fact that a company which is a resident of a Contracting State controls or is controlled by a company which is a resident of the other Contracting State, or which carries on business in that other State (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.

## Article 6

### INCOME FROM IMMOVABLE PROPERTY

1. Income derived by a resident of a Contracting State from immovable property (including income from agriculture or forestry) situated in the other Contracting State may be taxed in that other State.

2. The term "immovable property" shall have the meaning which it has under the law of the Contracting State in which the property in question is situated. The term shall in any case include property accessory to immovable property, livestock and equipment used in agriculture and forestry, rights to which the provisions of general law respecting landed property apply, usufruct of immovable property and rights to variable or fixed payments as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources including oil, gas and quarries. Ships, boats, aircraft, or road and railway vehicles shall not be regarded as immovable property.

3. The provisions of paragraph 1 shall apply to income derived from the direct use, letting, or use in any other form of immovable property.

4. The provisions of paragraphs 1 and 3 shall also apply to the income from immovable property of an enterprise and to the income from immovable property used for the performance of independent personal services.

## Article 7

### BUSINESS PROFITS

1. The profits of an enterprise of a Contracting State shall be taxable only in that State unless the enterprise carries on business in the other Contracting State through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, the profits of the enterprise may be taxed in the other State but only so much of them as is attributable to that permanent establishment.

2. Kadar podjetje države pogodbenice posluje v drugi državi pogodbenici prek stalne poslovne enote v njej, se ob upoštevanju določb tretjega odstavka v vsaki državi pogodbenici tej stalni poslovni enoti pripiše dobiček, za katerega bi se lahko pričakovalo, da bi ga imela, če bi bila različno in ločeno podjetje, ki opravlja enake ali podobne dejavnosti pod enakimi ali podobnimi pogoji ter povsem neodvisno posluje s podjetjem, katerega stalna poslovna enota je.

3. Pri ugotavljanju dobička stalne poslovne enote je dovoljeno odšteti stroške, ki nastanejo za namene stalne poslovne enote, vključno s poslovnimi in splošnimi upravnimi stroški, ki so nastali v državi, v kateri je stalna poslovna enota, ali drugje.

4. Če se v državi pogodbenici dobiček, ki se pripiše stalni poslovni enoti, običajno ugotavlja na podlagi porazdelitve vsega dobička podjetja na njegove dele, nič v drugem odstavku tej državi pogodbenici ne preprečuje ugotavljanja obdavčljivega dobička s tako običajno porazdelitvijo. Sprejeta metoda porazdelitve pa mora biti taka, da je rezultat v skladu z načeli tega člena.

5. Stalni poslovni enoti se ne pripiše dobiček samo zato, ker nakupuje dobrine ali blago za podjetje.

6. Za namene prejšnjih odstavkov se dobiček, ki se pripiše stalni poslovni enoti, vsako leto ugotavlja po enaki metodi, razen če ni upravičenega in zadostnega razloga za nasprotno.

7. Kadar dobiček vključuje dohodkovne postavke, ki so posebej obravnavane v drugih členih tega sporazuma, določbe tega člena ne vplivajo na določbe tistih členov.

#### 8. člen

##### MEDNARODNI PROMET

1. Dobiček podjetja države pogodbenice, dosežen z opravljanjem ladijskih, zračnih ali cestnih prevozov v mednarodnem prometu, se obdavči samo v tej državi.

2. Določbe prvega odstavka se uporabljajo tudi za dobiček podjetja države pogodbenice, dosežen z udeležbo v interesnem združenju, mešanem podjetju ali mednarodni prevoznici, vendar samo za toliko dobička, kolikor se pripiše udeležencu sorazmerno z njegovim deležem v skupnem poslovanju.

#### 9. člen

##### POVEZANA PODJETJA

1. Kadar:

a) je podjetje države pogodbenice neposredno ali posredno udeleženo pri upravljanju, nadzoru ali v kapitalu podjetja druge države pogodbenice ali

b) so iste osebe neposredno ali posredno udeležene pri upravljanju, nadzoru ali v kapitalu podjetja države pogodbenice in podjetja druge države pogodbenice

in se v obeh primerih med podjetjema v njunih komercialnih ali finančnih odnosih vzpostavijo ali določijo pogoji, drugačni od tistih, ki bi se vzpostavili med neodvisnimi podjetji, se lahko kakršen koli dobiček, ki bi prirastel enemu od podjetij, če takih pogojev ne bi bilo, vendar prav zaradi takih pogojev ni prirastel, vključi v dobiček tega podjetja in ustrezno obdavči.

2. Subject to the provisions of paragraph 3, where an enterprise of a Contracting State carries on business in the other Contracting State through a permanent establishment situated therein, there shall in each Contracting State be attributed to that permanent establishment the profits which it might be expected to make if it were a distinct and separate enterprise engaged in the same or similar activities, under the same or similar conditions and dealing wholly independently with the enterprise of which it is a permanent establishment.

3. In determining the profits of a permanent establishment, there shall be allowed as deductions expenses which are incurred for the purposes of the permanent establishment, including executive and general administrative expenses so incurred, whether in the State in which the permanent establishment is situated or elsewhere.

4. Insofar as it has been customary in a Contracting State to determine the profits to be attributed to a permanent establishment on the basis of an apportionment of the total profits of the enterprise to its various parts, nothing in paragraph 2 shall preclude that Contracting State from determining the profits to be taxed by such an apportionment as may be customary. The method of apportionment adopted shall, however, be such that the result shall be in accordance with the principles contained in this Article.

5. No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.

6. For the purposes of the preceding paragraphs, the profits to be attributed to the permanent establishment shall be determined by the same method year by year unless there is good and sufficient reason to the contrary.

7. Where profits include items of income which are dealt with separately in other Articles of this Agreement, then the provisions of those Articles shall not be affected by the provisions of this Article.

#### Article 8

##### INTERNATIONAL TRAFFIC

1. Profits derived by an enterprise of a Contracting State from the operation of ships, aircraft or road vehicles in international traffic shall be taxable only in that Contracting State.

2. The provisions of paragraph 1 shall also apply to profits derived by an enterprise of a Contracting State from the participation in a pool, a joint business or an international operating agency, but only to so much of the profits so derived as is attributable to the participant in proportion to its share in the joint operation.

#### Article 9

##### ASSOCIATED ENTERPRISES

1. Where

a) an enterprise of a Contracting State participates directly or indirectly in the management, control or capital of an enterprise of the other Contracting State, or

b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of a Contracting State and an enterprise of the other Contracting State,

and in either case conditions are made or imposed between the two enterprises in their commercial or financial relations which differ from those which would be made between independent enterprises, then any profits which would, but for those conditions, have accrued to one of the enterprises, but, by reason of those conditions, have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

2. Kadar država pogodbenica v dobiček podjetja te države vključi – in ustrezno obdavči – dobiček, za katerega je bilo že obdavčeno podjetje druge države pogodbenice v tej drugi državi, in je tako vključen dobiček dobiček, ki bi prirasel podjetju prve omenjene države, če bi bili pogoji, ki se vzpostavijo med podjetjema, taki, kot če bi jih vzpostavili neodvisni podjetji, lahko ta druga država ustrezno prilagodi znesek davka, ki se v tej državi obračuna od tega dobička. Pri določanju take prilagoditve je treba upoštevati druge določbe tega sporazuma, pristojna organa držav pogodbenic pa se po potrebi med seboj posvetujeta.

#### 10. člen DIVIDENDE

1. Dividende, ki jih družba, ki je rezidentka države pogodbenice, plača rezidentu druge države pogodbenice, se lahko obdavčijo v tej drugi državi.

2. Take dividende pa se lahko obdavčijo tudi v državi pogodbenici, katere rezidentka je družba, ki dividende plačuje, in v skladu z zakonodajo te države, če pa je upravičeni lastnik dividend rezident druge države pogodbenice, tako obračunani davek ne sme presegati 7 odstotkov bruto zneska dividend.

Ta odstavek ne vpliva na obdavčenje družbe v zvezi z dobičkom, iz katerega se izplačajo dividende.

3. Izraz »dividende«, kakor je uporabljen v tem členu, pomeni dohodek iz delnic, delnic »jouissance« ali pravic »jouissance«, ustanoviteljskih delnic ali drugih pravic do udeležbe pri dobičku, ki niso terjatve, in tudi dohodek iz drugih korporacijskih pravic, ki se davčno obravnava enako kot dohodek iz delnic po zakonodaji države, katere rezidentka je družba, ki dividende deli.

4. Določbe prvega in drugega odstavka se ne uporabljajo, če upravičeni lastnik dividend, ki je rezident države pogodbenice, posluje v drugi državi pogodbenici, katere rezidentka je družba, ki dividende plačuje, prek stalne poslovne enote v njej ali opravlja v tej drugi državi pogodbenici samostojne osebne storitve iz stalne baze v njej in je delež, v zvezi s katerim se dividende plačajo, dejansko povezan s tako stalno poslovno enoto ali stalno bazo. V tem primeru se uporabljajo določbe 7. ali 14. člena, odvisno od primera.

5. Kadar dobiček ali dohodek družbe, ki je rezidentka države pogodbenice, izhaja iz druge države pogodbenice, ta druga država ne sme uvesti nobenega davka na dividende, ki jih plača družba, razen če se te dividende plačajo rezidentu te druge države ali če je delež, v zvezi s katerim se take dividende plačajo, dejansko povezan s stalno poslovno enoto ali stalno bazo v tej drugi državi, niti ne sme uvesti davka od nerazdeljenega dobička na nerazdeljeni dobiček družbe, tudi če so plačane dividende ali nerazdeljeni dobiček v celoti ali delno sestavljeni iz dobička ali dohodka, ki nastane v tej drugi državi.

#### 11. člen OBRESTI

1. Obresti, ki nastanejo v državi pogodbenici in se plačajo rezidentu druge države pogodbenice, se lahko obdavčijo v tej drugi državi.

2. Take obresti pa se lahko obdavčijo tudi v državi pogodbenici, v kateri nastanejo, in v skladu z zakonodajo te države, če pa je upravičeni lastnik obresti rezident druge države pogodbenice, tako obračunani davek ne sme presegati 5 odstotkov bruto zneska obresti.

3. Ne glede na določbe drugega odstavka se obresti, ki nastanejo v državi pogodbenici in se plačajo rezidentu druge države pogodbenice, ki je njihov upravičeni lastnik, obdavčijo le v tej drugi državi, če so obresti plačane:

a) vladi druge države pogodbenice ali njeni politični enoti ali lokalni oblasti ali centralni banki druge države pogodbenice;

2. Where a Contracting State includes in the profits of an enterprise of that State – and taxes accordingly – profits on which an enterprise of the other Contracting State has been charged to tax in that other State and the profits so included are profits which would have accrued to the enterprise of the first-mentioned State if the conditions made between the two enterprises had been those which would have been made between independent enterprises, then that other State may make an appropriate adjustment to the amount of the tax charged therein on those profits. In determining such adjustment, due regard shall be had to the other provisions of this Agreement and the competent authorities of the Contracting States shall if necessary consult each other.

#### Article 10 DIVIDENDS

1. Dividends paid by a company which is a resident of a Contracting State to a resident of the other Contracting State may be taxed in that other State.

2. However, such dividends may also be taxed in the Contracting State of which the company paying the dividends is a resident and according to the laws of that State, but if the beneficial owner of the dividends is a resident of the other Contracting State the tax so charged shall not exceed 7 percent of the gross amount of the dividends.

This paragraph shall not affect the taxation of the company in respect of the profits out of which the dividends are paid.

3. The term "dividends" as used in this Article means income from shares, "jouissance" shares or "jouissance" rights, founders' shares or other rights, not being debt-claims, participating in profits, as well as income from other corporate rights which is subjected to the same taxation treatment as income from shares by the laws of the State of which the company making the distribution is a resident.

4. The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the dividends, being a resident of a Contracting State, carries on business in the other Contracting State of which the company paying the dividends is a resident, through a permanent establishment situated therein, or performs in that other Contracting State independent personal services from a fixed base situated therein, and the holding in respect of which the dividends are paid is effectively connected with such permanent establishment or fixed base. In such case, the provisions of Article 7 or Article 14, as the case may be, shall apply.

5. Where a company which is a resident of a Contracting State derives profits or income from the other Contracting State, that other State may not impose any tax on the dividends paid by the company, except insofar as such dividends are paid to a resident of that other State or insofar as the holding in respect of which the dividends are paid is effectively connected with a permanent establishment or a fixed base situated in that other State, nor subject the company's undistributed profits to a tax on the company's undistributed profits, even if the dividends paid or the undistributed profits consist wholly or partly of profits or income arising in such other State.

#### Article 11 INTEREST

1. Interest arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.

2. However, such interest may also be taxed in the Contracting State in which it arises and according to the laws of that State, but if the beneficial owner of the interest is a resident of the other Contracting State, the tax so charged shall not exceed 5 percent of the gross amount of the interest.

3. Notwithstanding the provisions of paragraph 2, interest arising in the Contracting State and paid to a resident of the other Contracting State who is the beneficial owner thereof shall be taxable only in that other State to the extent that such interest is paid:

a) to the Government of the other Contracting State, a political subdivision or a local authority thereof, or to the Central Bank of the other Contracting State;

b) v zvezi s prodajo industrijske, komercialne ali znanstvene opreme na kredit;

c) v zvezi s prodajo blaga na kredit enega podjetja drugemu podjetju.

4. Izraz »obresti«, kakor je uporabljen v tem členu, pomeni dohodek iz vseh vrst terjatev ne glede na to, ali so zavarovane s hipoteko, in ne glede na to, ali dajejo pravico do udeležbe pri dolžnikovem dobičku, ter zlasti dohodek iz državnih vrednostnih papirjev in dohodek iz obveznic ali zadolžnic, vključno s premijami in nagradami od takih vrednostnih papirjev, obveznic ali zadolžnic. Kazni zaradi zamude pri plačilu se za namen tega člena ne štejejo za obresti.

5. Določbe prvega, drugega in tretjega odstavka se ne uporabljajo, če upravičeni lastnik obresti, ki je rezident države pogodbenice, posluje v drugi državi pogodbenici, v kateri obresti nastanejo, prek stalne poslovne enote v njej ali opravlja v tej drugi državi samostojne osebne storitve iz stalne baze v njej in je terjatev, v zvezi s katero se obresti plačajo, dejansko povezano s tako stalno poslovno enoto ali stalno bazo. V tem primeru se uporabljajo določbe 7. ali 14. člena, odvisno od primera.

6. Šteje se, da obresti nastanejo v državi pogodbenici, kadar je plačnik rezident te države. Kadar pa ima oseba, ki plačuje obresti, ne glede na to, ali je rezident države pogodbenice, v državi pogodbenici stalno poslovno enoto ali stalno bazo, v zvezi s katero je nastala zadolženost, za katero se plačajo obresti, ter take obresti krije stalna poslovna enota ali stalna baza, se šteje, da take obresti nastanejo v državi, v kateri je stalna poslovna enota ali stalna baza.

7. Kadar zaradi posebnega odnosa med plačnikom in upravičenim lastnikom ali med njima in drugo osebo znesek obresti glede na terjatve, za katere se plačajo, presega znesek, za katerega bi se sporazumela plačnik in upravičeni lastnik, če takega odnosa ne bi bilo, se določbe tega člena uporabljajo samo za nazadnje omenjeni znesek. V tem primeru se presežni del plačil še naprej obdavičuje v skladu z zakonodajo vsake države pogodbenice, pri čemer je treba upoštevati druge določbe tega sporazuma.

## 12. člen

### LICENČNINE IN AVTORSKI HONORARJI

1. Licenčnine in avtorski honorarji, ki nastanejo v državi pogodbenici in se plačajo rezidentu druge države pogodbenice, se lahko obdavičijo v tej drugi državi.

2. Take licenčnine in avtorski honorarji pa se lahko obdavičijo tudi v državi pogodbenici, v kateri nastanejo, in v skladu z zakonodajo te države, če pa je upravičeni lastnik licenčnin in avtorskih honorarjev rezident druge države pogodbenice, tako obračunani davek ne sme presegati 5 odstotkov bruto zneska licenčnin in avtorskih honorarjev.

3. Izraz »licenčnine in avtorski honorarji«, kakor je uporabljen v tem členu, pomeni vse vrste plačil, prejetih kot povračilo za uporabo ali pravico do uporabe kakršnih koli avtorskih pravic za literarno, umetniško ali znanstveno delo, vključno s kinematografskimi filmi ter radijskimi in televizijskimi posnetki, katerega koli patenta, blagovne znamke, vzorca ali modela, načrta, tajne formule ali postopka ali za uporabo ali pravico do uporabe industrijske, komercialne ali znanstvene opreme ali za informacije o industrijskih, komercialnih ali znanstvenih izkušnjah.

4. Določbe prvega in drugega odstavka se ne uporabljajo, če upravičeni lastnik licenčnin in avtorskih honorarjev, ki je rezident države pogodbenice, posluje v drugi državi pogodbenici, v kateri licenčnine in avtorski honorarji nastanejo, prek stalne poslovne enote v njej ali opravlja v tej drugi državi samostojne osebne storitve iz stalne baze v njej in je pravica ali premoženje, v zvezi s katerim se licenčnine in avtorski honorarji plačajo, dejansko povezano s tako stalno poslovno enoto ali stalno bazo. V tem primeru se uporabljajo določbe 7. ali 14. člena, odvisno od primera.

b) in connection with the sale on credit of any industrial, commercial or scientific equipment;

c) in connection with the sale on credit of any merchandise by one enterprise to another enterprise.

4. The term "interest" as used in this Article means income from debt-claims of every kind, whether or not secured by mortgage and whether or not carrying a right to participate in the debtor's profits, and in particular, income from government securities and income from bonds or debentures, including premiums and prizes attaching to such securities, bonds or debentures. Penalty charges for late payment shall not be regarded as interest for the purpose of this Article.

5. The provisions of paragraphs 1, 2 and 3 shall not apply if the beneficial owner of the interest, being a resident of a Contracting State, carries on business in the other Contracting State in which the interest arises, through a permanent establishment situated therein, or performs in that other Contracting State independent personal services from a fixed base situated therein, and the debt-claim in respect of which the interest is paid is effectively connected with such permanent establishment or fixed base. In such case, the provisions of Article 7 or Article 14, as the case may be, shall apply.

6. Interest shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the interest, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment or a fixed base in connection with which the indebtedness on which the interest is paid was incurred, and such interest is borne by such permanent establishment or fixed base, then such interest shall be deemed to arise in the State in which the permanent establishment or fixed base is situated.

7. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the interest, having regard to the debt-claim for which it is paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Agreement.

## Article 12

### ROYALTIES

1. Royalties arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.

2. However, such royalties may also be taxed in the Contracting State in which they arise, and according to the laws of that State, but if the beneficial owner of the royalties is a resident of the other Contracting State the tax so charged shall not exceed 5 percent of the gross amount of the royalties.

3. The term "royalties" as used in this Article means payments of any kind received as a consideration for the use of, or the right to use, any copyright of literary, artistic or scientific work including cinematographic films and recordings for radio and television, any patent, trade mark, design or model, plan, secret formula or process, or for the use of, or the right to use, industrial, commercial or scientific equipment or for information concerning industrial, commercial or scientific experience.

4. The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the royalties, being a resident of a Contracting State, carries on business in the other Contracting State in which the royalties arise through a permanent establishment situated therein, or performs in that other Contracting State independent personal services from a fixed base, and the right or property in respect of which the royalties are paid is effectively connected with such permanent establishment or fixed base. In such case, the provisions of Article 7 or Article 14, as the case may be, shall apply.

5. Šteje se, da licenčnine in avtorski honorarji nastanejo v državi pogodbenici, kadar je plačnik rezident te države. Kadar pa ima oseba, ki plačuje licenčnine in avtorske honorarje, ne glede na to, ali je rezident države pogodbenice, v državi pogodbenici stalno poslovno enoto ali stalno bazo, v zvezi s katero je nastala obveznost za plačilo licenčnih in avtorskih honorarjev, ter take licenčnine in avtorske honorarje krije taka stalna poslovna enota ali stalna baza, se šteje, da so take licenčnine in avtorski honorarji nastali v državi, v kateri je stalna poslovna enota ali stalna baza.

6. Kadar zaradi posebnega odnosa med plačnikom in upravičenim lastnikom ali med njima in drugo osebo znesek licenčnih in avtorskih honorarjev glede na uporabo, pravico ali informacijo, za katero se plačujejo, presega znesek, za katerega bi se sporazumela plačnik in upravičeni lastnik, če takega odnosa ne bi bilo, se določbe tega člena uporabljajo samo za nazadnje omenjeni znesek. V tem primeru se presežni del plačil še naprej obdavljuje v skladu z zakonodajo vsake države pogodbenice, pri čemer je treba upoštevati druge določbe tega sporazuma.

### 13. člen

#### KAPITALSKI DOBIČKI

1. Dobiček, ki ga rezident države pogodbenice doseže z odtujitvijo nepremičnin, ki so navedene v 6. členu in so v drugi državi pogodbenici, se lahko obdavlji v tej drugi državi.

2. Dobiček iz odtujitve premičnin, ki so del poslovnega premoženja stalne poslovne enote, ki jo ima podjetje države pogodbenice v drugi državi pogodbenici, ali premičnin, ki so povezane s stalno bazo, ki je na voljo rezidentu države pogodbenice v drugi državi pogodbenici zaradi opravljanja samostojnih osebnih storitev, vključno z dobičkom iz odtujitve take stalne poslovne enote (same ali s celotnim podjetjem) ali take stalne baze, se lahko obdavlji v tej drugi državi.

3. Dobiček, ki ga podjetje države pogodbenice doseže z odtujitvijo ladij, zrakoplovov ali cestnih vozil, s katerimi se opravljajo prevozi v mednarodnem prometu, ali premičnin, ki se nanašajo na opravljanje prevozov s takimi ladjami, zrakoplovi ali cestnimi vozili, se obdavlji samo v tej državi.

4. Dobiček, ki ga rezident države pogodbenice doseže z odtujitvijo deležev, katerih več kakor 50 odstotkov vrednosti izhaja neposredno ali posredno iz nepremičnin, ki so v drugi državi pogodbenici, se lahko obdavlji v tej drugi državi.

5. Dobiček iz odtujitve premoženja, ki ni navedeno v prvem, drugem, tretjem in četrtem odstavku, se obdavlji samo v državi pogodbenici, katere rezident je oseba, ki odtuji premoženje.

### 14. člen

#### SAMOSTOJNE OSEBNE STORITVE

1. Dohodek, ki ga rezident države pogodbenice pridobi s poklicnimi storitvami ali drugimi samostojnimi dejavnostmi, se obdavlji samo v tej državi, razen če nima stalne baze, ki mu je redno na voljo v drugi državi pogodbenici za opravljanje njegovih dejavnosti. Če ima tako stalno bazo, se dohodek lahko obdavlji v drugi državi pogodbenici, vendar samo toliko dohodka, kolikor se pripíše tej stalni bazi.

2. Izraz »poklicne storitve« še zlasti vključuje samostojne znanstvene, literarne, umetniške, vzgojne ali izobraževalne dejavnosti in tudi samostojne dejavnosti zdravnikov, inženirjev, odvetnikov, arhitektov, zobozdravnikov in računovodij.

### 15. člen

#### ODVISNE OSEBNE STORITVE

1. Ob upoštevanju določb 16., 18., 19. in 20. člena se plače, mezde in drugi podobni prejemki, ki jih dobi rezident države pogodbenice iz zaposlitve, obdavlji samo v tej državi, razen če se zaposlitev ne izvaja v drugi državi pogodbenici. Če se zaposlitev izvaja tako, se lahko tako dobljeni prejemki obdavlji v tej drugi državi.

5. Royalties shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the royalties, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment or a fixed base in connection with which the liability to pay the royalties was incurred, and such royalties are borne by such permanent establishment or fixed base, then such royalties shall be deemed to arise in the State in which the permanent establishment or fixed base is situated.

6. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the royalties, having regard to the use, right or information for which they are paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Agreement.

### Article 13

#### CAPITAL GAINS

1. Gains derived by a resident of a Contracting State from the alienation of immovable property referred to in Article 6 and situated in the other Contracting State may be taxed in that other State.

2. Gains from the alienation of movable property forming part of the business property of a permanent establishment which an enterprise of a Contracting State has in the other Contracting State or of movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing independent personal services, including such gains from the alienation of such a permanent establishment (alone or with the whole enterprise) or of such fixed base, may be taxed in that other State.

3. Gains derived by an enterprise of a Contracting State from the alienation of ships, aircraft or road vehicles operated in international traffic or movable property pertaining to the operation of such ships, aircraft or road vehicles shall be taxable only in that State.

4. Gains derived by a resident of a Contracting State from the alienation of shares deriving more than 50 per cent of their value directly or indirectly from immovable property situated in the other Contracting State may be taxed in that other State.

5. Gains from the alienation of any property other than that referred to in paragraphs 1, 2, 3 and 4 shall be taxable only in the Contracting State of which the alienator is a resident.

### Article 14

#### INDEPENDENT PERSONAL SERVICES

1. Income derived by a resident of a Contracting State in respect of professional services or other activities of an independent character shall be taxable only in that State unless he has a fixed base regularly available to him in the other Contracting State for the purpose of performing his activities. If he has such a fixed base, the income may be taxed in the other Contracting State but only so much of it as is attributable to that fixed base.

2. The term "professional services" includes especially independent scientific, literary, artistic, educational or teaching activities as well as the independent activities of physicians, engineers, lawyers, architects, dentists and accountants.

### Article 15

#### DEPENDENT PERSONAL SERVICES

1. Subject to the provisions of Articles 16, 18, 19 and 20, salaries, wages and other similar remuneration derived by a resident of a Contracting State in respect of an employment shall be taxable only in that State unless the employment is exercised in the other Contracting State. If the employment is so exercised, such remuneration as is derived therefrom may be taxed in that other State.

2. Ne glede na določbe prvega odstavka se prejemek, ki ga dobi rezident države pogodbenice iz zaposlitve, ki se izvaja v drugi državi pogodbenici, obdavči samo v prvi omenjeni državi, če:

a) je prejemnik navzoč v drugi državi v obdobju ali obdobjih, ki skupno ne presegajo 183 dni v katerem koli dvanajst-mesečnem obdobju, ki se začne ali konča v posameznem davčnem letu, in

b) prejemek plača delodajalec, ki ni rezident druge države, ali se plača v njegovem imenu ter

c) prejemka ne krije stalna poslovna enota ali stalna baza, ki jo ima delodajalec v drugi državi.

3. Ne glede na prejšnje določbe tega člena se prejemek, ki izhaja iz zaposlitve na ladji, zrakoplovu ali cestnih vozilih, s katerimi podjetje države pogodbenice opravlja prevoze v mednarodnem prometu, obdavči samo v tej državi pogodbenici. Če prejemek dobi rezident druge države pogodbenice, pa se lahko obdavči tudi v tej drugi državi.

#### 16. člen

##### PREJEMKI DIREKTORJEV

Prejemki direktorjev in druga podobna plačila, ki jih dobi rezident države pogodbenice kot član upravnega odbora ali podobnega organa družbe, ki je rezident druge države pogodbenice, se lahko obdavčijo v tej drugi državi.

#### 17. člen

##### UMETNIKI IN ŠPORTNIKI

1. Ne glede na določbe 14. in 15. člena se lahko dohodek, ki ga dobi rezident države pogodbenice kot nastopajoči izvajalec, kakor je gledališki, filmski, radijski ali televizijski umetnik ali glasbenik, ali kot športnik iz takih osebnih dejavnosti, ki jih opravlja v drugi državi pogodbenici, obdavči v tej drugi državi.

2. Kadar dohodek iz osebnih dejavnosti, ki jih opravlja nastopajoči izvajalec ali športnik kot tak, ne priraste nastopajočemu izvajalcu ali športniku, temveč drugi osebi, se ta dohodek kljub določbam 7., 14. in 15. člena lahko obdavči v državi pogodbenici, v kateri je nastopil izvajalec ali športnik.

3. Določbe prvega in drugega odstavka se ne uporabljajo za dohodek nastopajočega izvajalca ali športnika iz dejavnosti, ki jih je opravljal v okviru kulturnega sporazuma, sklenjenega med državama pogodbenicama.

#### 18. člen

##### POKOJNINE

Ob upoštevanju določb drugega odstavka 19. člena se pokojnine in drugi podobni prejemki, ki se izplačujejo rezidentu države pogodbenice za preteklo zaposlitev, obdavčijo samo v tej državi.

#### 19. člen

##### DRŽAVNA SLUŽBA

1. a) Plače, mezde in drugi podobni prejemki, razen pokojnin, ki jih država pogodbenica ali njena politična enota ali lokalna oblast plačuje posamezniku za storitve, ki jih opravi za to državo ali enoto ali lokalno oblast, se obdavčijo samo v tej državi.

b) Take plače, mezde in drugi podobni prejemki se obdavčijo samo v drugi državi pogodbenici, če se storitve opravljajo v tej državi in je posameznik rezident te države, ki:

(i) je državljan te države ali

(ii) ni postal rezident te države samo zaradi opravljanja storitev.

2. Notwithstanding the provisions of paragraph 1, remuneration derived by a resident of a Contracting State in respect of an employment exercised in the other Contracting State shall be taxable only in the first-mentioned State if:

a) the recipient is present in the other State for a period or periods not exceeding in the aggregate 183 days in any twelve month period commencing or ending in the fiscal year concerned, and

b) the remuneration is paid by, or on behalf of, an employer who is not a resident of the other State, and

c) the remuneration is not borne by a permanent establishment or a fixed base, which the employer has in the other State.

3. Notwithstanding the preceding provisions of this Article, remuneration derived in respect of an employment exercised aboard a ship, aircraft or road vehicles operated in international traffic by an enterprise of a Contracting State, shall be taxable only in that Contracting State. However, if the remuneration is derived by a resident of the other Contracting State, it may also be taxed in that other State.

#### Article 16

##### DIRECTORS' FEES

Directors' fees and other similar payments derived by a resident of a Contracting State in his capacity as a member of the board of directors or of a similar organ of a company which is a resident of the other Contracting State may be taxed in that other State.

#### Article 17

##### ARTISTES AND SPORTSMEN

1. Notwithstanding the provisions of Articles 14 and 15, income derived by a resident of a Contracting State as an entertainer, such as a theater, motion picture, radio or television artiste, or a musician, or as a sportsman from his personal activities as such exercised in the other Contracting State, may be taxed in that other State.

2. Where income in respect of personal activities exercised by an entertainer or a sportsman in his capacity as such accrues not to the entertainer or sportsman himself but to another person, that income may notwithstanding the provisions of Articles 7, 14 and 15, be taxed in the Contracting State in which the activities of the entertainer or sportsman are exercised.

3. The provisions of paragraphs 1 and 2 shall not apply to the income derived by an entertainer or a sportsman from the activities performed within the framework of the cultural agreement concluded between the Contracting States.

#### Article 18

##### PENSIONS

Subject to the provisions of paragraph 2 of Article 19, pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State.

#### Article 19

##### GOVERNMENT SERVICE

1. a) Salaries, wages and other similar remuneration, other than a pension, paid by a Contracting State or a political subdivision or a local authority thereof to an individual in respect of services rendered to that State or subdivision or local authority shall be taxable only in that State.

b) However, such salaries, wages and other similar remuneration shall be taxable only in the other Contracting State if the services are rendered in that State and the individual is a resident of that State who:

(i) is a national of that State, or

(ii) did not become a resident of that State solely for the purpose of rendering the services.

2. Pokojnina, ki jo plačuje država pogodbenica ali njena politična enota ali lokalna oblast ali se posamezniku plačuje iz njihovih skladov za storitve, opravljene za to državo ali enoto ali lokalno oblast, se obdavči samo v tej državi.

3. Za plače, mezde in druge podobne prejemke ter pokojnine za storitve, opravljene v zvezi s poslovanjem države pogodbenice ali njene politične enote ali lokalne oblasti, se uporabljajo določbe 15., 16., 17. in 18. člena.

#### 20. člen

##### ŠTUDENTI, UČITELJI IN RAZISKOVALCI

1. Plačila, ki jih za svoje preživljanje, izobraževanje ali usposabljanje prejme študent ali oseba na praksi, ki je ali je bila tik pred obiskom države pogodbenice rezidentka druge države pogodbenice in je v prvi omenjeni državi navzoča samo zaradi svojega izobraževanja ali usposabljanja, se ne obdavčijo v tej državi, če taka plačila izhajajo iz virov zunaj te države.

2. Posameznik, ki je rezident države pogodbenice tik pred obiskom druge države pogodbenice in je na povabilo univerze, višje ali visoke šole, šole ali druge podobne izobraževalne ustanove, ustanovljene v skladu z zakonodajo druge države pogodbenice, na obisku v drugi državi pogodbenici za največ dve leti samo zaradi poučevanja ali raziskovanja ali obojega v taki izobraževalni ustanovi, je oproščen davka v drugi državi pogodbenici za prejemke za tako poučevanje ali raziskovanje.

3. Določbe drugega odstavka se ne uporabljajo za dohodek od poučevanja in raziskovanja, če se tako poučevanje ali raziskovanje ne izvaja v javno korist, ampak predvsem v zasebno korist določene osebe ali oseb.

#### 21. člen

##### DRUGI DOHODKI

1. Deli dohodka rezidenta države pogodbenice, ki nastanejo kjer koli in niso obravnavani v prejšnjih členih tega sporazuma, se obdavčijo samo v tej državi.

2. Določbe prvega odstavka se ne uporabljajo za dohodek, ki ni dohodek iz nepremičnin, kakor so opredeljene v drugem odstavku 6. člena, če prejemnik takega dohodka, ki je rezident države pogodbenice, posluje v drugi državi pogodbenici prek stalne poslovne enote v njej ali opravlja v tej drugi državi samostojne osebne storitve prek stalne baze v njej in je pravica ali premoženje, v zvezi s katerim se plača dohodek, dejansko povezano s tako stalno poslovno enoto ali stalno bazo. V tem primeru se uporabljajo določbe 7. ali 14. člena, odvisno od primera.

#### 22. člen

##### PREMOŽENJE

1. Premoženje v obliki nepremičnin iz 6. člena, ki so v lasti rezidenta države pogodbenice in je v drugi državi pogodbenici, se lahko obdavči v tej drugi državi.

2. Premoženje v obliki premičnin, ki so del poslovnega premoženja stalne poslovne enote, ki jo ima podjetje države pogodbenice v drugi državi pogodbenici, ali premičnine v zvezi s stalno bazo, ki je na voljo rezidentu države pogodbenice v drugi državi pogodbenici za opravljanje samostojnih osebnih storitev, se lahko obdavči v tej drugi državi pogodbenici.

3. Premoženje v obliki ladij, zrakoplovov ali cestnih vozil, s katerimi podjetje države pogodbenice opravlja prevoze v mednarodnem prometu, ali premičnin v zvezi z opravljanjem prevozov s takimi ladjami, zrakoplovi ali cestnimi vozili se obdavči samo v tej državi pogodbenici.

4. Vse drugo premoženje rezidenta države pogodbenice se obdavči samo v tej državi.

2. Any pension paid by, or out of funds created by, a Contracting State or a political subdivision or a local authority thereof to an individual in respect of services rendered to that State or subdivision or local authority shall be taxable only in that State.

3. The provisions of Articles 15, 16, 17 and 18 shall apply to salaries, wages and other similar remuneration and pensions in respect of services rendered in connection with a business carried on by a Contracting State or a political subdivision or a local authority thereof.

#### Article 20

##### STUDENTS, TEACHERS AND RESEARCHERS

1. Payments which a student or business apprentice who is or was immediately before visiting a Contracting State a resident of the other Contracting State and who is present in the first-mentioned State solely for the purpose of his education or training receives for the purpose of his maintenance, education or training shall not be taxed in that State, provided that such payments arise from sources outside that State.

2. An individual who is a resident of a Contracting State immediately before making a visit to the other Contracting State, and who, at the invitation of any university, college, school or other similar educational institution, which is established in accordance with the laws of the other Contracting State, visits the other Contracting State for a period not exceeding two years solely for the purpose of teaching or research or both at such educational institution shall be exempt from tax in the other Contracting State on his remuneration for such teaching or research.

3. The provisions of paragraph 2 shall not apply to income from teaching or research if such teaching or research is undertaken not in the public interest but primarily for the private benefit of a specific person or persons.

#### Article 21

##### OTHER INCOME

1. Items of income of a resident of a Contracting State, wherever arising, not dealt with in the forgoing Articles of this Agreement shall be taxable only in that State.

2. The provisions of paragraph 1 shall not apply to income, other than income from immovable property as defined in paragraph 2 of Article 6, if the recipient of such income, being a resident of a Contracting State, carries on business in the other Contracting State through a permanent establishment situated therein, or performs independent personal services from a fixed base situated therein and the right or property in respect of which the income is paid is effectively connected with such permanent establishment or fixed base. In such case, the provisions of Article 7 or Article 14, as the case may be, shall apply.

#### Article 22

##### CAPITAL

1. Capital represented by immovable property referred to in Article 6, owned by a resident of a Contracting State and situated in the other Contracting State, may be taxed in that other State.

2. Capital represented by movable property forming part of the business property of a permanent establishment which an enterprise of a Contracting State has in the other Contracting State or by movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing independent personal services, may be taxed in that other Contracting State.

3. Capital represented by ships, aircraft and road vehicles operated in international traffic by an enterprise of a Contracting State, and by movable property pertaining to the operation of such ships, aircraft and road vehicles, shall be taxable only in that Contracting State.

4. All other elements of capital of a resident of a Contracting State shall be taxable only in that State.

**23. člen****ODPRAVA DVOJNEGA OBDAVČEVANJA**

1. Kadar rezident države pogodbenice doseže dohodek ali ima v lasti premoženje, ki se v skladu z določbami tega sporazuma lahko obdavči v drugi državi pogodbenici, prva omenjena država dovoli:

a) kot odbitek od davka od dohodka tega rezidenta znesek, ki je enak davku od dohodka, plačanemu v tej drugi državi;

b) kot odbitek od davka od premoženja tega rezidenta znesek, ki je enak davku od premoženja, plačanemu v tej drugi državi pogodbenici.

Tak odbitek pa v nobenem primeru ne sme presežati tistega dela pred odbitkom izračunanega davka od dohodka ali premoženja, ki se nanaša, odvisno od primera, na dohodek ali premoženje, ki se lahko obdavči v tej drugi državi.

2. Kadar je v skladu s katero koli določbo sporazuma dohodek, ki ga doseže rezident države pogodbenice, ali premoženje, ki ga ima v lasti, oproščeno davka v tej državi, lahko ta država pri izračunu davka od preostalega dohodka ali premoženja tega rezidenta kljub temu upošteva oproščeni dohodek ali premoženje.

**24. člen****ENAKO OBRAVNAVANJE**

1. Državljeni države pogodbenice ne smejo biti v drugi državi pogodbenici zavezani kakršnemu koli obdavčevanju ali kakršni koli zahtevi v zvezi s tem, ki je drugačna ali bolj obremenjujoča, kakor so ali so lahko obdavčevanje in s tem povezane zahteve za državljane te druge države v enakih okoliščinah, še zlasti glede rezidentstva. Ta določba se ne glede na določbe 1. člena uporablja tudi za osebe, ki niso rezidenti ene ali obeh držav pogodbenic.

2. Obdavčevanje stalne poslovne enote, ki jo ima podjetje države pogodbenice v drugi državi pogodbenici, v tej drugi državi ne sme biti manj ugodno, kakor je obdavčevanje podjetij te druge države, ki opravljajo enake dejavnosti. Ta določba se ne razlaga kot zavezujoča za državo pogodbenico, da prizna rezidentom druge države pogodbenice kakršne koli osebne olajšave, druge olajšave in znižanja za davčne namene zaradi osebnega stanja ali družinskih obveznosti, ki jih priznava svojim rezidentom.

3. Podjetja države pogodbenice, katerih kapital je v celoti ali delno, neposredno ali posredno v lasti ali pod nadzorom enega ali več rezidentov druge države pogodbenice, ne smejo biti v prvi omenjeni državi zavezana kakršnemu koli obdavčevanju ali kakršni koli zahtevi v zvezi s tem, ki je drugačna ali bolj obremenjujoča, kakor so ali so lahko obdavčevanje in s tem povezane zahteve do podobnih podjetij prve omenjene države.

4. Razen kadar se uporabljajo določbe prvega odstavka 9. člena, sedmega odstavka 11. člena ali šestega odstavka 12. člena, se obresti, licenčnine in avtorski honorarji ter druga izplačila, ki jih plača podjetje države pogodbenice rezidentu druge države pogodbenice, pri ugotavljanju obdavčljivega dobička takega podjetja odbijejo pod enakimi pogoji, kakor če bi bili plačani rezidentu prve omenjene države. Podobno se tudi kakršni koli dolgovi podjetja države pogodbenice rezidentu druge države pogodbenice pri ugotavljanju obdavčljivega premoženja takega podjetja odbijejo pod enakimi pogoji, kakor če bi bili pogodbeno dogovorjeni z rezidentom prve omenjene države.

5. Določbe tega člena se uporabljajo za davke iz tega sporazuma.

**Article 23****ELIMINATION OF DOUBLE TAXATION**

1. Where a resident of a Contracting State derives income or owns capital which, in accordance with the provisions of this Agreement, may be taxed in the other Contracting State, the first-mentioned State shall allow:

a) as a deduction from the tax on the income of that resident, an amount equal to the income tax paid in that other Contracting State;

b) as a deduction from the tax on the capital of that resident, an amount equal to the capital tax paid in that other Contracting State.

Such deduction in either case shall not, however, exceed that part of the income tax or capital tax as computed before the deduction is given, which is attributable, as the case may be, to the income or the capital which may be taxed in that other State.

2. Where in accordance with any provision of the Agreement income derived or capital owned by a resident of a Contracting State is exempt from tax in that State, such State may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital.

**Article 24****NON-DISCRIMINATION**

1. Nationals of a Contracting State shall not be subjected in the other Contracting State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which nationals of that other State in the same circumstances in particular with respect to residence, are or maybe subjected. This provision shall, notwithstanding the provisions of Article 1, also apply to persons who are not residents of one or both of the Contracting States.

2. The taxation on a permanent establishment, which an enterprise of a Contracting State has in the other Contracting State, shall not be less favorably levied in that other State than the taxation levied on enterprises of that other State carrying on the same activities. This provision shall not be construed as obliging a Contracting State to grant to residents of the other Contracting State any personal allowances, reliefs and reductions for taxation purposes on account of personal status or family responsibilities which it grants to its own residents.

3. Enterprises of a Contracting State, the capital of which is wholly or partly owned or controlled, directly or indirectly, by one or more residents of the other Contracting State, shall not be subjected in the first-mentioned State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which other similar enterprises of the first-mentioned State are or may be subjected.

4. Except where the provisions of paragraph 1 of Article 9, paragraph 7 of Article 11, or paragraph 6 of Article 12 apply, interest, royalties and other disbursements paid by an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable profits of such enterprise, be deductible under the same conditions as if they had been paid to a resident of the first-mentioned State. Similarly, any debts of an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State.

5. The provisions of this Article shall apply to taxes covered by this Agreement.



**25. člen****POSTOPEK SKUPNEGA DOGOVORA**

1. Kadar oseba meni, da imajo ali bodo imela dejanja ene ali obeh držav pogodbenic zanjo za posledico obdavčenje, ki ni v skladu z določbami tega sporazuma, lahko ne glede na pravna sredstva, ki ji jih omogoča domače pravo teh držav, predloži zadevo pristojnemu organu države pogodbenice, katere rezident je, ali če se njen primer nanaša na prvi odstavek 24. člena, tiste države pogodbenice, katere državljan je. Zadeva mora biti predložena v treh letih od prvega uradnega obvestila o dejanju, ki je imelo za posledico obdavčenje, ki ni v skladu z določbami sporazuma.

2. Če se pristojnemu organu zdi pritožba upravičena in če sam ne najde zadovoljive rešitve, si prizadeva rešiti primer s skupnim dogovorom s pristojnim organom druge države pogodbenice, da bi se izognili obdavčenju, ki ni v skladu s sporazumom. Vsak dosežen dogovor se izvaja ne glede na roke v domačem pravu držav pogodbenic.

3. Pristojna organa držav pogodbenic si prizadevata s skupnim dogovorom rešiti kakršne koli težave ali dvome, ki nastanejo pri razlagi ali uporabi sporazuma. Prav tako se lahko posvetujeta o odpravi dvojnega obdavčevanja v primerih, ki jih sporazum ne predvideva.

4. Da bi pristojna organa držav pogodbenic dosegla dogovor v skladu s prejšnjimi odstavki, se lahko dogovarjata neposredno. Pristojna organa lahko s posvetovanji vzpostavita ustrezne postopke, pogoje, metode ali načine za izvajanje postopka skupnega dogovora, določenega v tem členu.

**26. člen****IZMENJAVA INFORMACIJ**

1. Pristojna organa držav pogodbenic si izmenjavata informacije, ki so potrebne za izvajanje določb tega sporazuma ali za izvajanje ali uveljavljanje domače zakonodaje glede davkov vseh vrst in opisov, ki se uvedejo v imenu držav pogodbenic ali njihovih političnih enot ali lokalnih oblasti, če obdavčevanje na njeni podlagi ni v nasprotju s tem sporazumom. Izmenjava informacij ni omejena s 1. in 2. členom. Vsaka informacija, ki jo prejme država pogodbenica, se obravnava kot tajnost enako kakor informacije, pridobljene po domači zakonodaji te države, in se razkrije samo osebam ali organom (vključno s sodišči in upravnimi organi), udeleženim pri odmeri ali pobiranju davkov, izterjavi ali pregonu ali odločanju o pritožbah glede davkov iz prvega odstavka ali nadzoru nad omenjenim. Te osebe ali organi uporabljajo informacije samo v te namene. Informacije lahko razkrijejo v javnih sodnih postopkih ali sodnih odločbah.

2. Določbe prvega odstavka se v nobenem primeru ne razlagajo, kakor da nalagajo državi pogodbenici obveznost, da:

- izvaja upravne ukrepe, ki niso v skladu z zakonodajo in upravno prakso te ali druge države pogodbenice;

- predloži informacije, ki jih ni mogoče dobiti na podlagi zakonodaje ali po običajni upravni poti te ali druge države pogodbenice;

- predloži informacije, ki bi razkrile kakršno koli trgovinsko, poslovno, industrijsko, komercialno ali poklicno skrivnost ali trgovinski postopek, ali informacije, katerih razkritje bi bilo v nasprotju z javnim redom.

**Article 25****MUTUAL AGREEMENT PROCEDURE**

1. Where a person considers that the actions of one or both of the Contracting States result or will result for him in taxation not in accordance with the provisions of this Agreement, he may, irrespective of the remedies provided by the domestic law of those States, present his case to the competent authority of the Contracting State of which he is a resident or, if his case comes under paragraph 1 of Article 24 to that of the Contracting State of which he is a national. The case must be presented within three years from the first notification of the action resulting in taxation not in accordance with the provisions of the Agreement.

2. The competent authority shall endeavor, if the objection appears to it to be justified and if it is not itself able to arrive at a satisfactory solution, to resolve the case by mutual agreement with the competent authority of the other Contracting State, with a view to the avoidance of taxation which is not in accordance with the Agreement. Any agreement reached shall be implemented notwithstanding any time limits in the domestic law of the Contracting States.

3. The competent authorities of the Contracting States shall endeavor to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of the Agreement. They may also consult together for the elimination of double taxation in cases not provided for in the Agreement.

4. The competent authorities of the Contracting States may communicate with each other directly for the purpose of reaching an agreement in the sense of the preceding paragraphs. The competent authorities, through consultations, shall develop appropriate procedures, conditions, methods and techniques for the implementation of the mutual agreement procedure provided for in this Article.

**Article 26****EXCHANGE OF INFORMATION**

1. The competent authorities of the Contracting States shall exchange such information as is necessary for carrying out the provisions of this Agreement or to the administration or enforcement of the domestic laws concerning taxes of every kind and description imposed on behalf of the Contracting States, or of their political subdivisions or local authorities, insofar as the taxation thereunder is not contrary to the Agreement. The exchange of information is not restricted by Articles 1 and 2. Any information received by a Contracting State shall be treated as secret in the same manner as information obtained under the domestic laws of that Contracting State and shall be disclosed only to persons or authorities (including courts and administrative bodies) concerned with the assessment or collection of, the enforcement or prosecution in respect of, or the determination of appeals in relation to the taxes referred to in this paragraph, or the oversight of the above. Such persons or authorities shall use the information only for such purposes. They may disclose the information in public court proceedings or in judicial decisions.

2. In no case shall the provisions of paragraph 1 be construed so as to impose on a Contracting State the obligation:

- to carry out administrative measures at variance with the laws and administrative practice of that or of the other Contracting State;

- to supply information which is not obtainable under the laws or in the normal course of the administration of that or of the other Contracting State;

- to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information the disclosure of which would be contrary to public policy (ordre public).

**27. člen****ČLANI DIPLOMATSKIH PREDSTAVNIŠTEV  
IN KONZULATOV**

Nič v tem sporazumu ne vpliva na davčne ugodnosti članov diplomatskih predstavništav ali konzulatov po splošnih pravilih mednarodnega prava ali določbah posebnih sporazumov.

**28. člen****ZAČETEK VELJAVNOSTI**

1. Ta sporazum se v skladu z zakoni in drugimi prepisi podpiše v obeh državah pogodbenicah. Državi pogodbenici se po diplomatski poti pisno obvestita, da so končani postopki, ki se po njuni zakonodaji zahtevajo za začetek veljavnosti tega sporazuma. Sporazum začne veljati z dnem prejema zadnjega uradnega obvestila.

2. Ta sporazum se uporablja:

a) v zvezi z davki, odtegnjenimi pri viru:

(i) v Islamski republiki Iran za zneske, dosežene prvega dne farvardina sončne hidžre, kar ustreza 21. marcu, ali po njem v koledarskem letu po letu, v katerem začne veljati sporazum;

(ii) v Sloveniji za zneske, dosežene 1. januarja, kar ustreza enajstemu dnevni sončne hidžre, ali po njem v koledarskem letu po letu, v katerem začne veljati sporazum;

b) v zvezi z drugimi davki od dohodka in premoženja:

(i) v Islamski republiki Iran za davke, obračunane za katero koli davčno obdobje, ki se začne prvega dne farvardina sončne hidžre, kar ustreza 21. marcu, ali po njem v koledarskem letu po letu, v katerem začne veljati sporazum;

(ii) v Sloveniji za davke, obračunane za katero koli davčno obdobje, ki se začne 1. januarja, kar ustreza enajstemu dnevni sončne hidžre, ali po njem v koledarskem letu po letu, v katerem začne veljati sporazum.

**29. člen****PRENEHANJE VELJAVNOSTI**

Ta sporazum velja, dokler ga država pogodbenica ne odpove. Vsaka država pogodbenica lahko odpove sporazum po diplomatski poti s pisnim obvestilom o odpovedi najmanj šest mesecev pred koncem koledarskega leta po petih letih od dneva začetka veljavnosti sporazuma. V tem primeru se sporazum preneha uporabljati:

a) v zvezi z davki odtegnjenimi pri viru:

(i) v Islamski republiki Iran za zneske, dosežene prvega dne farvardina sončne hidžre, kar ustreza 21. marcu, ali po njem v koledarskem letu po letu, v katerem je dano obvestilo o odpovedi;

(ii) v Sloveniji za zneske, dosežene 1. januarja, kar ustreza enajstemu dnevni sončne hidžre, ali po njem v koledarskem letu po letu, v katerem je dano obvestilo o odpovedi;

b) v zvezi z drugimi davki od dohodka in premoženja:

(i) v Islamski republiki Iran za davke, obračunane za katero koli davčno obdobje, ki se začne prvega dne farvardina sončne hidžre, kar ustreza 21. marcu, ali po njem v koledarskem letu po letu, v katerem je dano obvestilo o odpovedi;

(ii) v Republiki Sloveniji za davke, obračunane za katero koli davčno obdobje, ki se začne 1. januarja, kar ustreza enajstemu dnevni sončne hidžre, ali po njem v koledarskem letu po letu, v katerem je dano obvestilo o odpovedi.

**Article 27****MEMBERS OF DIPLOMATIC MISSIONS  
AND CONSULAR POSTS**

Nothing in this Agreement shall affect the fiscal privileges of members of diplomatic missions or consular posts under the general rules of international law or under the provisions of special agreements.

**Article 28****ENTRY INTO FORCE**

1. This Agreement shall be ratified in either of the Contracting States in accordance with their laws and regulations. The Contracting States shall notify each other in writing, through diplomatic channels, that the procedures required by its law for the entry into force of this Agreement have been satisfied. The Agreement shall enter into force on the date of receipt of the last notification.

2. This Agreement shall be applicable:

a) In respect to taxes withheld at source:

(i) in the Islamic Republic of Iran, to amounts derived on or after 1<sup>st</sup> Farvardin Solar Hijra, corresponding to 21<sup>st</sup> March, in the calendar year next following the year in which the Agreement enters into force;

(ii) in Slovenia, to amounts derived on or after 1<sup>st</sup> January, corresponding to 11<sup>th</sup> Day Solar Hijra, in the calendar year next following the year in which the Agreement enters into force.

b) In respect to other taxes on income and on capital:

(i) in the Islamic Republic of Iran, to taxes chargeable for any taxable period beginning on or after 1<sup>st</sup> Farvardin Solar Hijra, corresponding to 21<sup>st</sup> March, in the calendar year next following the year in which the Agreement enters into force;

(ii) in Slovenia, to taxes chargeable for any taxable period beginning on or after 1<sup>st</sup> January, corresponding to 11<sup>th</sup> Day Solar Hijra, in the calendar year next following the year in which the Agreement enters into force.

**Article 29****TERMINATION**

This Agreement shall remain in force until terminated by a Contracting State. Either Contracting State may terminate the Agreement, through diplomatic channels, by giving written notice of termination at least six months before the end of any calendar year following the period of five years from the date on which the Agreement enters into force. In such event, the Agreement shall cease to have effect:

a) In respect to taxes withheld at source:

(i) in the Islamic Republic of Iran, to amounts derived on or after 1<sup>st</sup> Farvardin Solar Hijra, corresponding to 21<sup>st</sup> March, in the calendar year next following the year in which the notice is given;

(ii) in Slovenia, to amounts derived on or after 1<sup>st</sup> January, corresponding to 11<sup>th</sup> Day Solar Hijra, in the calendar year next following the year in which the notice is given.

b) In respect to other taxes on income and on capital:

(i) in the Islamic Republic of Iran, to taxes chargeable for any taxable period beginning on or after 1<sup>st</sup> Farvardin Solar Hijra, corresponding to 21<sup>st</sup> March, in the calendar year next following the year in which the notice is given;

(ii) in Slovenia, to taxes chargeable for any taxable period beginning on or after 1<sup>st</sup> January, corresponding to 11<sup>th</sup> Day Solar Hijra, in the calendar year next following the year in which the notice is given.

V potrditev tega sta podpisana, ki sta ju za to pravilno pooblastili njuni vladi, podpisala ta sporazum.

In witness whereof the undersigned, duly authorized thereto, by their respective Governments, have signed this Agreement.

Sestavljeno v dveh izvornikih v Teheranu 20. septembra 2011, kar ustreza 29. 6. 1390 sončne hidžre, v slovenskem, perzijskem in angleškem jeziku, pri čemer so vsa besedila enako verodostojna. Pri razlikah med besedili prevlada angleško besedilo.

Done in duplicate in Tehran on 20 September 2011 corresponding to 29/6/1390 Solar Hijra in the Slovenian, Persian and English languages, all texts being equally authentic. In case of any divergence between any of the texts, the English text shall prevail.

Za  
Republiko Slovenijo:  
**Vladimir Gasparič** l.r.

Za  
Islamsko republiko Iran:  
**Ali Askari** l.r.

For the  
Republic of Slovenia:  
**Vladimir Gasparič** (s)

For the  
Islamic Republic of Iran:  
**Ali Askari** (s)

**PROTOKOL K SPORAZUMU  
MED REPUBLIKO SLOVENIJO  
IN ISLAMSKO REPUBLIKO  
IRAN O IZOGIBANJU DVOJNEGA  
OBDAVČEVANJA IN PREPREČEVANJU  
DAVČNIH UTAJ V ZVEZI Z DAVKI  
OD DOHODKA IN PREMOŽENJA**

**PROTOCOL TO THE AGREEMENT  
BETWEEN THE  
REPUBLIC OF SLOVENIA AND THE ISLAMIC  
REPUBLIC OF IRAN FOR THE AVOIDANCE  
OF DOUBLE TAXATION AND THE PREVENTION  
OF FISCAL EVASION WITH RESPECT TO TAXES  
ON INCOME AND ON CAPITAL**

Ob podpisu sporazuma o izogibanju dvojnega obdavčevanja in preprečevanju davčnih utaj v zvezi z davki od dohodka in premoženja, ki je bil danes podpisan med Republiko Slovenijo in Islamsko republiko Iran, sta se podpisana, ki sta bila za to pravilno pooblaščenca, sporazumela o teh določbah, ki so sestavni del sporazuma:

At the moment of signing the Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and on Capital, this day concluded between the Republic of Slovenia and the Islamic Republic of Iran, the undersigned, being duly authorized thereto, have agreed upon the following provisions which shall be an integral part of the Agreement.

1. v zvezi s tretjim odstavkom 2. člena:  
Izraza »davek na premoženje« in »davek od premoženja« ne vključujeta davka na dediščino.
2. v zvezi s tretjim odstavkom 11. člena:  
razume se, da izraz »vlada druge države pogodbenice« v Islamski republiko Iran vključuje ministrstva in druge vladne institucije. Izraz »lokalna oblast« pomeni »občine«.

1. With respect to paragraph 3 of Article 2:  
The terms "property tax" and "tax on property" shall not include inheritance tax.
2. With respect to paragraph 3 of Article 11:  
It is understood that the term "Government of the other Contracting State" in the case of the Islamic Republic of Iran includes ministries and other Governmental institutions. Furthermore, the term "local authority" means "municipalities".

V potrditev tega sta podpisana, ki sta ju za to pravilno pooblastili njuni vladi, podpisala ta protokol.

In witness whereof the undersigned, duly authorized thereto, by their respective Governments, have signed this Protocol.

Sestavljeno v dveh izvornikih v Teheranu 20. septembra 2011, kar ustreza 29. 6. 1390 sončne hidžre, v slovenskem, perzijskem in angleškem jeziku, pri čemer so vsa besedila enako verodostojna. Pri razlikah med besedili prevlada angleško besedilo.

Done in duplicate in Tehran on 20 September 2011 corresponding to 29/6/1390 Solar Hijra in the Slovenian, Persian and English languages, all texts being equally authentic. In case of any divergence between any of the texts, the English text shall prevail.

Za  
Republiko Slovenijo:  
**Vladimir Gasparič** l.r.

Za  
Islamsko republiko Iran:  
**Ali Askari** l.r.

For the  
Republic of Slovenia:  
**Vladimir Gasparič** (s)

For the  
Islamic Republic of Iran:  
**Ali Askari** (s)

3. člen

Za izvajanje sporazuma s protokolom skrbi ministrstvo, pristojno za finance.

4. člen

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 432-01/14-2/9  
Ljubljana, dne 6. marca 2014  
EPA 1786-VI

Državni zbor  
Republike Slovenije  
**Janko Veber** l.r.  
Predsednik

## Obvestila o začetku oziroma prenehanju veljavnosti mednarodnih pogodb

### 21. Obvestilo o začetku veljavnosti Sporazuma med Vlado Republike Slovenije in Vlado Indije o rednem zračnem prometu in Protokola o spremembi Sporazuma med Vlado Republike Slovenije in Vlado Indije o rednem zračnem prometu

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 – ZNOMCMO, 76/08, 108/09 in 80/10 – ZUTD) Ministrstvo za zunanje zadeve

s p o r o č a,

da sta 19. februarja 2014 začela veljati Sporazum med Vlado Republike Slovenije in Vlado Indije o rednem zračnem prometu, sklenjen 16. februarja 2004 v New Delhiju, in Protokol o spremembi Sporazuma med Vlado Republike Slovenije in Vlado Indije o rednem zračnem prometu, sklenjen 9. novembra 2012 v Ljubljani, objavljena v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 8/13 (Uradni list Republike Slovenije, št. 37/13).

Ljubljana, dne 14. marca 2014

Ministrstvo za zunanje zadeve  
Republike Slovenije

## VSEBINA

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