

10. Zakon o ratifikaciji Konvencije o omejitvi odgovornosti za pomorske terjatve, 1976 in Protokola iz leta 1996, ki spreminja Konvencijo o omejitvi odgovornosti za pomorske terjatve, 1976 (MKOOPT)

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 omejitvi odgovornosti za pomorske terjatve, 1976 in Protokola iz leta 1996, ki spreminja Konvencijo o omejitvi odgovornosti za pomorske terjatve, 1976 (MKOOPT)

Razlašam Zakon o ratifikaciji Konvencije o omejitvi odgovornosti za pomorske terjatve, 1976 in Protokola iz leta 1996, ki spreminja Konvencijo o omejitvi odgovornosti za pomorske terjatve, 1976 (MKOOPT), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 30. januarja 2015.

Št. 003-02-1/2015-6
Ljubljana, dne 9. februarja 2015

Borut Pahor l.r.
Predsednik
Republike Slovenije

Z A K O N

O RATIFIKACIJI KONVENCIJE O OMEJITVI ODGOVORNOSTI ZA POMORSKE TERJATVE, 1976 IN PROTOKOLA IZ LETA 1996, KI SPREMINJA KONVENCIJO O OMEJITVI ODGOVORNOSTI ZA POMORSKE TERJATVE, 1976 (MKOOPT)

1. člen

Ratificira se Konvencija o omejitvi odgovornosti za pomorske terjatve, 1976, sklenjena v Londonu 19. novembra 1976, in Protokol iz leta 1996, ki spreminja Konvencijo o omejitvi odgovornosti za pomorske terjatve, 1976, sklenjen v Londonu 2. maja 1996.

2. člen

Besedili konvencije in protokola se v izvirniku v angleškem in prevodu v slovenskem jeziku glasita:

CONVENTION ON LIMITATION OF LIABILITY FOR MARITIME CLAIMS, 1976

THE STATES PARTIES TO THIS CONVENTION,
HAVING RECOGNIZED the desirability of determining
by agreement certain uniform rules relating to the limitation of
liability for maritime claims,

HAVE DECIDED to conclude a Convention for this purpose and have thereto agreed as follows:

CHAPTER I: THE RIGHT OF LIMITATION

Article 1

Persons entitled to limit liability

1. Shipowners and salvors, as hereinafter defined, may limit their liability in accordance with the rules of this Convention for claims set out in Article 2.

2. The term "shipowner" shall mean the owner, charterer, manager and operator of a seagoing ship.

KONVENCIJA O OMEJITVI ODGOVORNOSTI ZA POMORSKE TERJATVE, 1976

DRŽAVE POGODBENICE TE KONVENCIJE SO SE
OB SPOZNANJU, da želijo sporazumno določiti neka-
tera enotna pravila za omejitev odgovornosti za pomorske
terjatve,

ODLOČILE, da bodo sklenile konvencijo in so se spora-
zumele o naslednjem:

I. POGLAVJE: PRAVICA DO OMEJITVE

1. člen

Osebe, upravičene do omejitve odgovornosti

1. Ladjarji in reševalci lahko omejijo svojo odgovornost po pravilih te konvencije za zahtevke, določene v 2. členu.

2. Izraz »ladjar« pomeni lastnika, zakupnika, upravnika in upravljavca morske ladje.

3. Salvor shall mean any person rendering services in direct connexion with salvage operations. Salvage operations shall also include operations referred to in Article 2, paragraph 1(d), (e) and (f).

4. If any claims set out in Article 2 are made against any person for whose act, neglect or default the shipowner or salvor is responsible, such person shall be entitled to avail himself of the limitation of liability provided for in this Convention.

5. In this Convention the liability of a shipowner shall include liability in an action brought against the vessel itself.

6. An insurer of liability for claims subject to limitation in accordance with the rules of this Convention shall be entitled to the benefits of this Convention to the same extent as the assured himself.

7. The act of invoking limitation of liability shall not constitute an admission of liability.

Article 2

Claims subject to limitation

1. Subject to Articles 3 and 4 the following claims, whatever the basis of liability may be, shall be subject to limitation of liability:

(a) claims in respect of loss of life or personal injury or loss of or damage to property (including damage to harbour works, basins and waterways and aids to navigation), occurring on board or in direct connexion with the operation of the ship or with salvage operations, and consequential loss resulting therefrom;

(b) claims in respect of loss resulting from delay in the carriage by sea of cargo, passengers or their luggage;

(c) claims in respect of other loss resulting from infringement of rights other than contractual rights, occurring in direct connexion with the operation of the ship or salvage operations;

(d) claims in respect of the raising, removal, destruction or the rendering harmless of a ship which is sunk, wrecked, stranded or abandoned, including anything that is or has been on board such ship;

(e) claims in respect of the removal, destruction or the rendering harmless of the cargo of the ship;

(f) claims of a person other than the person liable in respect of measures taken in order to avert or minimize loss for which the person liable may limit his liability in accordance with this Convention, and further loss caused by such measures.

2. Claims set out in paragraph 1 shall be subject to limitation of liability even if brought by way of recourse or for indemnity under a contract or otherwise. However, claims set out under paragraph 1(d), (e) and (f) shall not be subject to limitation of liability to the extent that they relate to remuneration under a contract with the person liable.

Article 3

Claims excepted from limitation

The rules of this Convention shall not apply to:

(a) claims for salvage or contribution in general average;

(b) claims for oil pollution damage within the meaning of the International Convention on Civil Liability for Oil Pollution Damage, dated 29 November 1969 or of any amendment or Protocol thereto which is in force;

(c) claims subject to any international convention or national legislation governing or prohibiting limitation of liability for nuclear damage;

(d) claims against the shipowner of a nuclear ship for nuclear damage;

(e) claims by servants of the shipowner or salvor whose duties are connected with the ship or the salvage operations, including claims of their heirs, dependants or other persons entitled to make such claims, if under the law governing the contract of service between the shipowner or salvor and such servants the shipowner or salvor is not entitled to limit his liability in respect of such claims, or if he is by such law only permitted to limit his liability to an amount greater than that provided for in Article 6.

3. Reševalec je oseba, ki opravlja storitve, neposredno povezane z reševanjem. Reševanje vključuje tudi dejavnosti iz pododstavkov d, e in f prvega odstavka 2. člena.

4. Po konvenciji lahko oseba omeji svojo odgovornost za ravnanje, malomarnost ali neizpolnitev obveznosti, za katero je odgovoren ladjar.

5. Odgovornost ladjarja vključuje odgovornost za ladjo.

6. Zavarovalec odgovornosti, za katero velja omejitev, je upravičen do ugodnosti v enakem obsegu kot zavarovanec.

7. Uveljavljanje omejitve odgovornosti ne pomeni priznanja odgovornosti.

2. člen

Zahtevki, za katere velja omejitev

1. Omejitev odgovornosti ob upoštevanju 3. in 4. člena velja ne glede na temelj odgovornosti za:

(a) zahtevke zaradi smrti, telesnih poškodb ali izgube ali premoženjske škode (vključno s škodo na pristaniških napravah, bazenih, plovnih poteh in označbah za plovbo), ki nastane na ladji ali v neposredni povezavi z upravljanjem ladje ali reševanjem, in škode, ki pri tem nastane;

(b) zahtevke zaradi zamude pri prevozu blaga, potnikov ali njihove prtljage po morju;

(c) zahtevke zaradi druge škode, ki je posledica kršitve pravic v zvezi z upravljanjem ladje ali reševanjem, razen za kršitve pogodbenih obveznosti;

(d) zahtevke zaradi dvigovanja, odstranitve ali uničenja ladje, ki se je potopila, bila razbita, je nasedla ali je bila zapuščena, vključno z vsem na njej, ali zaradi predelave ladje v neškodljivo obliko;

(e) zahtevke zaradi odstranitve in uničenja tovara na ladji ali njegove predelave v neškodljivo obliko;

(f) zahtevke oseb za nadaljnjo škodo, ki nastane zaradi reševanja in za katero je odgovorna oseba omejila svojo odgovornost po tej konvenciji; to ne velja za osebe, odgovorne za ukrepe za zmanjšanje škode.

2. Za zahtevke iz prvega odstavka velja omejitev odgovornosti tudi, ko se uveljavlja regresni zahtevki ali povrnitev škode po pogodbi ali na drugačen način. Za zahtevke iz pododstavkov d, e in f prvega odstavka ne velja omejitev odgovornosti, če se nanašajo na povračilo po pogodbi z odgovorno osebo.

3. člen

Zahtevki, za katere ne velja omejitev

Pravila konvencije ne veljajo za:

(a) zahtevke zaradi reševanja ali skupne havarije;

(b) zahtevke zaradi onesnaževanja z nafto po Mednarodni konvenciji o civilni odgovornosti za škodo, povzročeno z onesnaženjem z nafto, z dne 29. novembra 1969 z veljavnimi spremembami;

(c) zahtevke po mednarodnih konvencijah ali notranji zakonodaji, ki ureja omejitev odgovornosti za jedrsko škodo;

(d) zahtevke zoper ladjarja jedrske ladje zaradi jedrske škode;

(e) zahtevke uslužbencev ladjarja ali reševalca, ki opravljajo naloge v zvezi z ladjo ali reševanjem, vključno z zahtevki njihovih dedičev, vzdrževanih ali drugih oseb, upravičenih do uveljavitve teh zahtevkov, če ladjar ali reševalec po pogodbi o storitvah med njim in uslužbenci ni upravičen do omejitve svoje odgovornosti ali če lahko omeji odgovornost za znesek, višji od določenega v 6. členu.

Article 4**Conduct barring limitation**

A person liable shall not be entitled to limit his liability if it is proved that the loss resulted from his personal act or omission, committed with the intent to cause such loss, or recklessly and with knowledge that such loss would probably result.

Article 5**Counterclaims**

Where a person entitled to limitation of liability under the rules of this Convention has a claim against the claimant arising out of the same occurrence, their respective claims shall be set off against each other and the provisions of this Convention shall only apply to the balance, if any.

CHAPTER II: LIMITS OF LIABILITY**Article 6****The general limits**

1. The limits of liability for claims other than those mentioned in Article 7, arising on any distinct occasion, shall be calculated as follows:

- (a) in respect of claims for loss of life or personal injury,
 - (i) 333,000 Units of Account for a ship with a tonnage not exceeding 500 tons,
 - (ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i):
 - for each ton from 501 to 3,000 tons, 500 Units of Account;
 - for each ton from 3,001 to 30,000 tons, 333 Units of Account;
 - for each ton from 30,001 to 70,000 tons, 250 Units of Account; and
 - for each ton in excess of 70,000 tons, 167 Units of Account,
- (b) in respect of any other claims,
 - (i) 167,000 Units of Account for a ship with a tonnage not exceeding 500 tons,
 - (ii) for a ship with a tonnage in excess thereof the following amount in addition to that mentioned in (i):
 - for each ton from 501 to 30,000 tons, 167 Units of Account;
 - for each ton from 30,001 to 70,000 tons, 125 Units of Account; and
 - for each ton in excess of 70,000 tons, 83 Units of Account.

2. Where the amount calculated in accordance with paragraph 1(a) is insufficient to pay the claims mentioned therein in full, the amount calculated in accordance with paragraph 1(b) shall be available for payment of the unpaid balance of claims under paragraph 1(a) and such unpaid balance shall rank rateably with claims mentioned under paragraph 1(b).

3. However, without prejudice to the right of claims for loss of life or personal injury according to paragraph 2, a State Party may provide in its national law that claims in respect of damage to harbour works, basins and waterways and aids to navigation shall have such priority over other claims under paragraph 1(b) as is provided by that law.

4. The limits of liability for any salvor not operating from any ship or for any salvor operating solely on the ship to, or in respect of which he is rendering salvage services, shall be calculated according to a tonnage of 1,500 tons.

5. For the purpose of this Convention the ship's tonnage shall be the gross tonnage calculated in accordance with the tonnage measurement rules contained in Annex I of the International Convention on Tonnage Measurement of Ships, 1969.

4. člen**Prepoved omejitve**

Odgovorna oseba ne more omejiti svoje odgovornosti, če se dokaže, da je škoda posledica njenega naklepnega ravnanja ali opustitve ali zavestne malomarnosti.

5. člen**Pobot terjatev**

Če oseba, ki je upravičena do omejitve odgovornosti po pravih konvencije, uveljavlja terjatve proti vlagatelju zahtevka, ki izhaja iz istega dogodka, se njuni upoštevni terjatvi medsebojno pobotata, določbe te konvencije pa se uporabljajo samo za razliko terjatev.

II. POGLAVJE: OMEJITVE ODGOVORNOSTI**6. člen****Splošne omejitve**

1. Višina omejitev zahtevkov, razen tistih iz 7. člena, se izračuna tako:

- (a) za zahtevke zaradi smrti ali telesne poškodbe:
 - (i) 333.000 obračunskih enot za ladjo, katere tonaža ne presega 500 ton;
 - (ii) za ladjo, katere tonaža presega 500 ton, se vsoti iz točke i doda:
 - za vsako tono od 501 do 3000 ton 500 obračunskih enot,
 - za vsako tono od 3001 do 30.000 ton 333 obračunskih enot,
 - za vsako tono od 30.001 do 70.000 ton 250 obračunskih enot in
 - za vsako tono, ki presega 70.000 ton, 167 obračunskih enot;
- (b) za vse druge zahtevke:
 - (i) 167.000 obračunskih enot za ladjo, katere tonaža ne presega 500 ton;
 - (ii) za ladjo, katere tonaža presega 500 ton, se vsoti iz točke i doda:
 - za vsako tono od 501 do 30.000 ton 167 obračunskih enot,
 - za vsako tono od 30.001 do 70.000 ton 125 obračunskih enot in
 - za vsako tono, ki presega 70.000 ton, 83 obračunskih enot.

2. Če znesek, izračunan v skladu s pododstavkom a prvega odstavka, ne zadostuje za celotno poplačilo teh zahtevkov, se neizplačani del uvrsti med terjatve pod pododstavkom b istega odstavka.

3. Država pogodbenica lahko brez poseganja v pravico do zahtevkov zaradi smrti ali telesne poškodbe po drugem odstavku v svoji notranji zakonodaji zagotovi, da imajo zahtevki za škodo na pristaniških zgradbah, bazenih, plovnih poteh in označbah za plovo prednost pred drugimi zahtevki po pododstavku b prvega odstavka.

4. Omejitve višine odgovornosti reševalca, ki ne rešuje z ladje, ali reševalca, ki rešuje izključno na ladji, za katero ali v zvezi s katero se izvaja reševanje, se izračunajo po tonaži 1500 ton.

5. Tonaža ladje pomeni bruto tonažo, ki se izračuna skladno s pravili o izmeri tonaže iz priloge I k Mednarodni konvenciji o izmeritvi ladij, 1969.

Article 7**The limit for passenger claims**

1. In respect of claims arising on any distinct occasion for loss of life or personal injury to passengers of a ship, the limit of liability of the shipowner thereof shall be an amount of 46,666 Units of Account multiplied by the number of passengers which the ship is authorized to carry according to the ship's certificate, but not exceeding 25 million Units of Account.

2. For the purpose of this Article "claims for loss of life or personal injury to passengers of a ship" shall mean any such claims brought by or on behalf of any person carried in that ship:

- (a) under a contract of passenger carriage, or
- (b) who, with the consent of the carrier, is accompanying a vehicle or live animals which are covered by a contract for the carriage of goods.

Article 8**Unit of Account**

1. The Unit of Account referred to in Articles 6 and 7 is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in Articles 6 and 7 shall be converted into the national currency of the State in which limitation is sought, according to the value of that currency at the date the limitation fund shall have been constituted, payment is made, or security is given which under the law of that State is equivalent to such payment. The value of a national currency in terms of the Special Drawing Right, of a State Party which is a member of the International Monetary Fund, shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect at the date in question for its operations and transactions. The value of a national currency in terms of the Special Drawing Right, of a State Party which is not a member of the International Monetary Fund, shall be calculated in a manner determined by that State Party.

2. Nevertheless, those States which are not members of the International Monetary Fund and whose law does not permit the application of the provisions of paragraph 1 may, at the time of signature without reservation as to ratification, acceptance or approval or at the time of ratification, acceptance, approval or accession or at any time thereafter, declare that the limits of liability provided for in this Convention to be applied in their territories shall be fixed as follows:

(a) in respect of Article 6, paragraph 1(a) at an amount of:

(i) 5 million monetary units for a ship with a tonnage not exceeding 500 tons,

(ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i):

for each ton from 501 to 3,000 tons, 7,500 monetary units;

for each ton from 3,001 to 30,000 tons, 5,000 monetary units;

for each ton from 30,001 to 70,000 tons, 3,750 monetary units; and

for each ton in excess of 70,000 tons, 2,500 monetary units; and

(b) in respect of Article 6, paragraph 1(b), at an amount of:

(i) 2.5 million monetary units for a ship with a tonnage not exceeding 500 tons,

(ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i):

for each ton from 501 to 30,000 tons, 2,500 monetary units;

for each ton from 30,001 to 70,000 tons, 1,850 monetary units; and

for each ton in excess of 70,000 tons, 1,250 monetary units; and

7. člen**Omejitve za zahteve potnikov**

1. Odgovornost ladjarja za zahteve zaradi smrti ali telesne poškodbe potnikov ladje je omejena na 46.666 obračunskih enot, pomnoženih s številom potnikov, ki jih ladja lahko prevaža v skladu z ladijskim spričevalom, vendar ne sme presegati 25 milijonov obračunskih enot.

2. V tem členu so »zahtevki zaradi smrti ali telesne poškodbe potnikov ladje« vsi zahtevki, ki se uveljavljajo v imenu osebe, ki potuje z ladjo:

- (a) po pogodbi o prevozu potnikov ali
- (b) s soglasjem prevoznika spremlja vozilo ali žive živali, zajete v pogodbi o prevozu blaga.

8. člen**Obračunska enota**

1. Obračunska enota iz 6. in 7. člena je posebna pravica črpanja, kakor jo je opredelil Mednarodni denarni sklad. Zneski iz 6. in 7. člena se pretvorijo v valuto države, v kateri se zahteva omejitev, v skladu z vrednostjo te valute na dan, ko se ustanovi sklad omejene odgovornosti, izvede plačilo ali položi varščina, ki je po zakonodaji te države enaka takemu plačilu. Vrednost nacionalne valute se za državo pogodbenico, ki je članica Mednarodnega denarnega sklada, izračuna po metodi vrednotenja, ki jo Mednarodni denarni sklad uporablja za svoje operacije in transakcije na navedeni datum. Vrednost nacionalne valute se za državo pogodbenico, ki ni članica Mednarodnega denarnega sklada, izračuna po metodi, ki jo opredeli ta država.

2. Ne glede na to pa lahko države, ki niso članice Mednarodnega denarnega sklada in katerih pravo ne dovoljuje uporabe prvega odstavka, s podpisom brez pridržka glede ratifikacije, sprejetja ali odobritve ali ob ratifikaciji, sprejetju, odobritvi ali pristopu ali pozneje izjavijo, da so omejitve odgovornosti iz te konvencije določene tako:

(a) v zvezi s pododstavkom a prvega odstavka 6. člena v znesku:

(i) 5 milijonov denarnih enot za ladjo, katere tonaža ne presega 500 ton;

(ii) za ladjo, katere tonaža presega 500 ton, se vsoti iz točke i doda:

za vsako tono od 501 do 3000 ton 7500 denarnih enot,

za vsako tono od 3001 do 30.000 ton 5000 denarnih enot,

za vsako tono od 30.001 do 70.000 ton 3750 denarnih enot in

za vsako tono, ki presega 70.000 ton, 2500 denarnih enot ter

(b) v zvezi s pododstavkom b prvega odstavka 6. člena v znesku:

(i) 2,5 milijona denarnih enot za ladjo, katere tonaža ne presega 500 ton;

(ii) za ladjo, katere tonaža presega 500 ton, se vsoti iz točke i doda:

za vsako tono od 501 do 30.000 ton 2500 denarnih enot,

za vsako tono od 30.001 do 70.000 ton 1850 denarnih enot in

za vsako tono, ki presega 70.000 ton, 1250 denarnih enot ter

(c) in respect of Article 7, paragraph 1, at an amount of 700,000 monetary units multiplied by the number of passengers which the ship is authorized to carry according to its certificate, but not exceeding 375 million monetary units.

Paragraphs 2 and 3 of Article 6 apply correspondingly to sub-paragraphs (a) and (b) of this paragraph.

3. The monetary unit referred to in paragraph 2 corresponds to sixty-five and a half milligrammes of gold of millesimal fineness nine hundred. The conversion of the amounts referred to in paragraph 2 into the national currency shall be made according to the law of the State concerned.

4. The calculation mentioned in the last sentence of paragraph 1 and the conversion mentioned in paragraph 3 shall be made in such a manner as to express in the national currency of the State Party as far as possible the same real value for the amounts in Articles 6 and 7 as is expressed there in units of account. States Parties shall communicate to the depositary the manner of calculation pursuant to paragraph 1, or the result of the conversion in paragraph 3, as the case may be, at the time of the signature without reservation as to ratification, acceptance or approval, or when depositing an instrument referred to in Article 16 and whenever there is a change in either.

Article 9

Aggregation of claims

1. The limits of liability determined in accordance with Article 6 shall apply to the aggregate of all claims which arise on any distinct occasion:

(a) against the person or persons mentioned in paragraph 2 of Article 1 and any person for whose act, neglect or default he or they are responsible; or

(b) against the shipowner of a ship rendering salvage services from that ship and the salvor or salvors operating from such ship and any person for whose act, neglect or default he or they are responsible; or

(c) against the salvor or salvors who are not operating from a ship or who are operating solely on the ship to, or in respect of which, the salvage services are rendered and any person for whose act, neglect or default he or they are responsible.

2. The limits of liability determined in accordance with Article 7 shall apply to the aggregate of all claims subject thereto which may arise on any distinct occasion against the person or persons mentioned in paragraph 2 of Article 1 in respect of the ship referred to in Article 7 and any person for whose act, neglect or default he or they are responsible.

Article 10

Limitation of liability without constitution of a limitation fund

1. Limitation of liability may be invoked notwithstanding that a limitation fund as mentioned in Article 11 has not been constituted. However, a State Party may provide in its national law that, where an action is brought in its Courts to enforce a claim subject to limitation, a person liable may only invoke the right to limit liability if a limitation fund has been constituted in accordance with the provisions of this Convention or is constituted when the right to limit liability is invoked.

2. If limitation of liability is invoked without the constitution of a limitation fund, the provisions of Article 12 shall apply correspondingly.

3. Questions of procedure arising under the rules of this Article shall be decided in accordance with the national law of the State Party in which action is brought.

(c) v zvezi s prvim odstavkom 7. člena v znesku 700.000 denarnih enot, pomnoženih s številom potnikov, ki jih lahko ladja prevaža v skladu s svojim spričevalom, vendar znesek ne sme presegati 375 milijonov denarnih enot.

Drugi in tretji odstavek 6. člena se smiselno uporabljata za pododstavka a in b tega odstavka.

3. Denarna enota iz drugega odstavka ustreza teži petinšestdeset in pol miligrama zlata na tisočino prečiščene kakovosti zlata devetsto. Zneski iz drugega odstavka se pretvorijo v nacionalno valuto v skladu z zakonodajo posamezne države.

4. Izračun in pretvorba iz prejšnjega odstavka se izvedeta na način, po katerem se v valuti države pogodbenice izrazi čim bližja dejanska vrednost zneskov iz 6. in 7. člena, izražena v obračunskih enotah. Države pogodbenice obvestijo depozitarja o načinu izračuna po prvem odstavku oziroma o rezultatu pretvorbe iz tretjega odstavka s podpisom brez pridržka glede ratifikacije, sprejetja ali odobritve ali ob deponiranju listine iz 16. člena in morebitnih spremembah.

9. člen

Seštevanje zahtevkov

1. Omejitve odgovornosti po 6. členu veljajo za vsoto vseh zahtevkov:

(a) proti osebam iz drugega odstavka 1. člena in osebam za ravnanje, malomarnost ali neizpolnitev obveznosti katerih so osebe iz drugega odstavka 1. člena odgovorne, ali

(b) proti ladjarju, ki rešuje s svoje ladje, in reševalcu, ki rešuje z ladje, ter osebam za ravnanje, malomarnost ali neizpolnitev obveznosti katerih je odgovoren ladjar ali reševalec, ali

(c) proti reševalcu, ki ne rešuje z ladje ali rešuje izključno na ladji, za katero ali v zvezi s katero se izvaja reševanje, in osebam za ravnanje, malomarnost ali neizpolnitev obveznosti, za katere je odgovoren reševalec.

2. Omejitve odgovornosti po 7. členu veljajo za vsoto vseh zahtevkov proti osebam iz drugega odstavka 1. člena v zvezi z ladjo iz 7. člena in proti osebam za ravnanje, malomarnost ali neizpolnitev obveznosti katerih so osebe iz drugega odstavka 1. člena so odgovorne.

10. člen

Omejitev odgovornosti brez ustanovitve sklada omejene odgovornosti

1. Omejitev odgovornosti se lahko uveljavlja ne glede na to, da sklad omejene odgovornosti iz 11. člena še ni ustanovljen. Država pogodbenica lahko v svoji notranji zakonodaji določi, da odgovorna oseba uveljavlja pravico do omejitve odgovornosti, če je bil sklad omejene odgovornosti ustanovljen po tej konvenciji ali se ustanovi, če se uveljavlja pravica do omejitve odgovornosti, kadar je vložena tožba za uveljavitev zahtevka, za katerega velja omejitev.

2. Če se uveljavlja omejitev odgovornosti brez ustanovitve sklada omejene odgovornosti, se ustrezno uporablja 12. člen.

3. Pravila postopka so urejena z notranjo zakonodajo države pogodbenice, v kateri je vložena tožba.

CHAPTER III: THE LIMITATION FUND

Article 11

Constitution of the fund

1. Any person alleged to be liable may constitute a fund with the Court or other competent authority in any State Party in which legal proceedings are instituted in respect of claims subject to limitation. The fund shall be constituted in the sum of such of the amounts set out in Articles 6 and 7 as are applicable to claims for which that person may be liable, together with interest thereon from the date of the occurrence giving rise to the liability until the date of the constitution of the fund. Any fund thus constituted shall be available only for the payment of claims in respect of which limitation of liability can be invoked.

2. A fund may be constituted, either by depositing the sum, or by producing a guarantee acceptable under the legislation of the State Party where the fund is constituted and considered to be adequate by the Court or other competent authority.

3. A fund constituted by one of the persons mentioned in paragraph 1(a), (b) or (c) or paragraph 2 of Article 9 or his insurer shall be deemed constituted by all persons mentioned in paragraph 1(a), (b) or (c) or paragraph 2, respectively.

Article 12

Distribution of the fund

1. Subject to the provisions of paragraphs 1, 2 and 3 of Article 6 and of Article 7, the fund shall be distributed among the claimants in proportion to their established claims against the fund.

2. If, before the fund is distributed, the person liable, or his insurer, has settled a claim against the fund such person shall, up to the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.

3. The right of subrogation provided for in paragraph 2 may also be exercised by persons other than those therein mentioned in respect of any amount of compensation which they may have paid, but only to the extent that such subrogation is permitted under the applicable national law.

4. Where the person liable or any other person establishes that he may be compelled to pay, at a later date, in whole or in part any such amount of compensation with regard to which such person would have enjoyed a right of subrogation pursuant to paragraphs 2 and 3 had the compensation been paid before the fund was distributed, the Court or other competent authority of the State where the fund has been constituted may order that a sufficient sum shall be provisionally set aside to enable such person at such later date to enforce his claim against the fund.

Article 13

Bar to other actions

1. Where a limitation fund has been constituted in accordance with Article 11, any person having made a claim against the fund shall be barred from exercising any right in respect of such claim against any other assets of a person by or on behalf of whom the fund has been constituted.

2. After a limitation fund has been constituted in accordance with Article 11, any ship or other property, belonging to a person on behalf of whom the fund has been constituted, which has been arrested or attached within the jurisdiction of a State Party for a claim which may be raised against the fund, or any security given, may be released by order of the Court or other competent authority of such State. However, such release shall always be ordered if the limitation fund has been constituted:

(a) at the port where the occurrence took place, or, if it took place out of port, at the first port of call thereafter; or

III. POGLAVJE: SKLAD OMEJENE ODGOVORNOSTI

11. člen

Ustanovitev sklada

1. Vsaka oseba lahko ustanovi sklad pri sodišču ali drugem pristojnem organu v državi pogodbenici, v kateri so sproženi sodni postopki v zvezi z zahtevki, za katere velja omejitev odgovornosti. Sklad se ustanovi za zneske iz 6. in 7. člena skupaj s pripadajočimi obrestmi od dneva nastanka odgovornosti do dneva ustanovitve sklada. Tak sklad je namenjen za plačilo zahtevkov, za katere se lahko uveljavlja omejitev odgovornosti.

2. Sklad se lahko ustanovi s pologom vsote ali ob predložitvi jamstva po zakonodaji države pogodbenice, v kateri se sklad ustanovi, in za katero sodišče ali drug pristojni organ meni, da je ustrezno.

3. Šteje se, da so sklad ustanovile vse osebe iz pododstavka a, b ali c prvega odstavka ali iz drugega odstavka 9. člena, če ga je ustanovila oseba iz pododstavka a, b ali c prvega odstavka ali drugega odstavka istega člena ali njen zavarovalec.

12. člen

Delitev sredstev

1. Ob upoštevanju prvega, drugega in tretjega odstavka 6. člena in 7. člena se sredstva sklada razdelijo med upravičence sorazmerno z njihovimi potrjenimi zahtevki.

2. Če je pred razdelitvijo sredstev sklada odgovorna oseba ali njen zavarovalec poravnal terjatev, ta oseba pridobi do višine te terjatve pravice po tej konvenciji (subrogacija).

3. Pravico do subrogacije iz drugega odstavka imajo tudi druge osebe, ki so poravnale terjatev po veljavni notranji zakonodaji.

4. Sodišče ali drug pristojni organ lahko odredi začasno zadržanje sredstev sklada za osebe, ki bi lahko pozneje uveljavljale zahtevek in imajo pravico do subrogacije po drugem in tretjem odstavku, če bi bila sredstva sklada razdeljena pred poplačilom zahtevkov teh oseb.

13. člen

Omejitev ukrepov

1. Če je ustanovljen sklad omejene odgovornosti po 11. členu, oseba, ki uveljavlja zahtevek proti skladu, nima pravice uveljavljati zahtevka proti premoženju osebe, ki je sklad ustanovila ali v imenu katere je bil ustanovljen.

2. Sodišče ali drug pristojni organ v državi pogodbenici lahko dovoli izplutje ladje ali vrnitev drugega premoženja ali varščine pod jurisdikcijo države podpisnice, če je bila ladja zaustavljena, premoženje zarubljeno pod jurisdikcijo države pogodbenice, za terjatev, ki se lahko poplača iz sklada, če je lastnik ustanovil sklad ali je bil ustanovljen v njegovem imenu po 11. členu. Sodišče ali drug pristojni organ vedno sprejme tako odločitev, če je sklad omejene odgovornosti ustanovljen:

(a) v pristanišču, v katerem je bil dogodek, če pa je bil zunaj pristanišča, v prvem naslednjem pristanišču postanka ali

(b) at the port of disembarkation in respect of claims for loss of life or personal injury; or

(c) at the port of discharge in respect of damage to cargo; or
(d) in the State where the arrest is made.

3. The rules of paragraphs 1 and 2 shall apply only if the claimant may bring a claim against the limitation fund before the Court administering that fund and the fund is actually available and freely transferable in respect of that claim.

Article 14 Governing law

Subject to the provisions of this Chapter the rules relating to the constitution and distribution of a limitation fund, and all rules of procedure in connexion therewith, shall be governed by the law of the State Party in which the fund is constituted.

CHAPTER IV: SCOPE OF APPLICATION

Article 15

1. This Convention shall apply whenever any person referred to in Article 1 seeks to limit his liability before the Court of a State Party or seeks to procure the release of a ship or other property or the discharge of any security given within the jurisdiction of any such State. Nevertheless, each State Party may exclude wholly or partially from the application of this Convention any person referred to in Article 1 who at the time when the rules of this Convention are invoked before the Courts of that State does not have his habitual residence in a State Party or does not have his principal place of business in a State Party or any ship in relation to which the right of limitation is invoked or whose release is sought and which does not at the time specified above fly the flag of a State Party.

2. A State Party may regulate by specific provisions of national law the system of limitation of liability to be applied to vessels which are:

- (a) according to the law of that State, ships intended for navigation on inland waterways
- (b) ships of less than 300 tons.

A State Party which makes use of the option provided for in this paragraph shall inform the depositary of the limits of liability adopted in its national legislation or of the fact that there are none.

3. A State Party may regulate by specific provisions of national law the system of limitation of liability to be applied to claims arising in cases in which interests of persons who are nationals of other States Parties are in no way involved.

4. The Courts of a State Party shall not apply this Convention to ships constructed for, or adapted to, and engaged in, drilling:

(a) when that State has established under its national legislation a higher limit of liability than that otherwise provided for in Article 6; or

(b) when that State has become party to an international convention regulating the system of liability in respect of such ships.

In a case to which sub-paragraph (a) applies that State Party shall inform the depositary accordingly.

5. This Convention shall not apply to:

- (a) air-cushion vehicles;
- (b) floating platforms constructed for the purpose of exploring or exploiting the natural resources of the sea-bed or the subsoil thereof.

(b) v pristanišču izkrcaanja za zahtevke zaradi smrti ali telesnih poškodb ali

(c) v pristanišču izkrcaanja zaradi poškodbe tovora ali
(d) v državi, v kateri je plovilo zadržano.

3. Pravila iz prvega in drugega odstavka se uporabljajo le, če lahko upnik uveljavlja zahtevek do sklada omejene odgovornosti pred sodiščem, ki sklad upravlja, in so sredstva sklada dejansko na voljo in prosto prenosljiva.

14. člen Veljavno pravo

Pravila o ustanovitvi in delitvi sredstev sklada omejene odgovornosti in pravila postopka ureja zakonodaja države pogodbenice, v kateri je sklad ustanovljen.

IV. POGlavJE: PODROČJE UPORABE

15. člen

1. Konvencija se uporablja, če oseba iz 1. člena zahteva omejitev svoje odgovornosti pred sodiščem države pogodbenice ali dovolitev izplutja ladje, vrnitev drugega premoženja ali varščine. Država pogodbenica lahko v celoti ali delno izključi uporabo te konvencije za osebo iz 1. člena, ki nima svojega običajnega prebivališča ali sedeža v državi pogodbenici, ali ladjo, v zvezi s katero se uveljavlja pravica do omejitve odgovornosti ali se zahteva dovoljenje za izplutje in ne pluje pod zastavo države pogodbenice.

2. Država pogodbenica lahko s posebnimi predpisi notranje zakonodaje ureja sistem omejitve odgovornosti za plovila:

- (a) namenjena za plovbo po celinskih plovnih poteh po notranjem pravu države pogodbenice;
- (b) z manj kot 300 tonami.

Država pogodbenica, ki to možnost uporabi, obvesti depozitarja o sprejetih omejitvah odgovornosti v svoji notranji zakonodaji ali da ni nobenih omejitev.

3. Država pogodbenica lahko s posebnimi predpisi notranje zakonodaje uredi sistem omejitve odgovornosti za zahtevke, pri katerih niso vključeni interesi državljanov drugih držav pogodbenic.

4. Sodišča države pogodbenice ne uporabljajo te konvencije za ladje za vrtnanje:

(a) če je ta država v svoji notranji zakonodaji določila višjo omejitev odgovornosti, kot je predvidena v 6. členu, ali

(b) če je država postala pogodbenica mednarodne konvencije, ki ureja sistem odgovornosti za take ladje.

Če se uporabi pododstavek a država pogodbenica obvesti depozitarja.

5. Konvencija se ne uporablja za:

- (a) vozila na zračni blazini;
- (b) plavajoče ploščadi za raziskovanje ali izkoriščanje naravnih virov morskega dna ali njegovega podzemlja.

CHAPTER V: FINAL CLAUSES

Article 16

Signature, ratification and accession

1. This Convention shall be open for signature by all States at the Headquarters of the Inter-Governmental Maritime Consultative Organization (hereinafter referred to as "the Organization") from 1 February 1977 until 31 December 1977 and shall thereafter remain open for accession.

2. All States may become parties to this Convention by:

- (a) signature without reservation as to ratification, acceptance or approval; or
- (b) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or
- (c) accession.

3. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization (hereinafter referred to as "the Secretary-General").

Article 17

Entry into force

1. This Convention shall enter into force on the first day of the month following one year after the date on which twelve States have either signed it without reservation as to ratification, acceptance or approval or have deposited the requisite instruments of ratification, acceptance, approval or accession.

2. For a State which deposits an instrument of ratification, acceptance, approval or accession, or signs without reservation as to ratification, acceptance or approval, in respect of this Convention after the requirements for entry into force have been met but prior to the date of entry into force, the ratification, acceptance, approval or accession or the signature without reservation as to ratification, acceptance or approval, shall take effect on the date of entry into force of the Convention or on the first day of the month following the ninetieth day after the date of the signature or the deposit of the instrument, whichever is the later date.

3. For any State which subsequently becomes a Party to this Convention, the Convention shall enter into force on the first day of the month following the expiration of ninety days after the date when such State deposited its instrument.

4. In respect of the relations between States which ratify, accept, or approve this Convention or accede to it, this Convention shall replace and abrogate the International Convention relating to the Limitation of the Liability of Owners of Sea-going Ships, done at Brussels on 10 October 1957, and the International Convention for the Unification of certain Rules relating to the Limitation of Liability of the Owners of Sea-going Vessels, signed at Brussels on 25 August 1924.

Article 18

Reservations

1. Any State may, at the time of signature, ratification, acceptance, approval or accession, reserve the right to exclude the application of Article 2 paragraph 1(d) and (e). No other reservations shall be admissible to the substantive provisions of this Convention.

2. Reservations made at the time of signature are subject to confirmation upon ratification, acceptance or approval.

3. Any State which has made a reservation to this Convention may withdraw it at any time by means of a notification addressed to the Secretary-General. Such withdrawal shall take effect on the date the notification is received. If the notification states that the withdrawal of a reservation is to take effect on a date specified therein, and such date is later than the date the notification is received by the Secretary-General, the withdrawal shall take effect on such later date.

V. POGLAVJE: KONČNE DOLOČBE

16. člen

Podpis, ratifikacija in pristop

1. Konvencija je na voljo za podpis vsem državam na sedežu Medvladne pomorske posvetovalne organizacije (v nadaljevanju »organizacija«) od 1. februarja 1977 do 31. decembra 1977, nato pa je na voljo za pristop.

2. Vse države lahko postanejo pogodbenice te konvencije:

- (a) s podpisom brez pridržka glede ratifikacije, sprejetja ali odobritve ali
- (b) s podpisom s pridržkom glede ratifikacije, sprejetja ali odobritve, ki mu sledi ratifikacija, sprejetje ali odobritev, ali
- (c) s pristopom.

3. Listine o ratifikaciji, sprejetju, odobritvi ali pristopu se deponirajo pri generalnem sekretarju organizacije (v nadaljevanju »generalni sekretar«).

17. člen

Začetek veljavnosti

1. Konvencija začne veljati prvi dan v mesecu po enem letu od dneva, ko je dvanajst držav podpisalo konvencijo brez pridržka glede ratifikacije, sprejetja ali odobritve ali deponiralo potrebne listine o ratifikaciji, sprejetju, odobritvi ali pristopu.

2. Za državo, ki deponira listino o ratifikaciji, sprejetju, odobritvi ali pristopu ali jo podpiše brez pridržka glede ratifikacije, sprejetja ali odobritve, ko so izpolnjene zahteve za začetek veljavnosti, a pred dnevom začetka veljavnosti, začne ratifikacija, sprejetje, odobritev ali pristop ali podpis brez pridržka glede ratifikacije, sprejetja ali odobritve veljati z dnem začetka veljavnosti konvencije ali prvi dan v mesecu, ki sledi devetdesetemu dnevu po podpisu ali deponiranju listine, kar je pozneje.

3. Za državo, ki pozneje postane pogodbenica te konvencije, začne konvencija veljati prvi dan v mesecu po poteku devetdesetih dni od deponiranja listine.

4. Za države, ki ratificirajo, sprejmejo ali odobrijo to konvencijo ali pristopijo k njej, konvencija nadomesti in razveljavi Mednarodno konvencijo o omejitvi odgovornosti lastnikov morskih ladij, sestavljeno v Bruslju 10. oktobra 1957, in Mednarodno konvencijo za izenačitev nekaterih pravil o omejitvi odgovornosti lastnikov morskih ladij, podpisano v Bruslju 25. avgusta 1924.

18. člen

Pridržki

1. Država si lahko ob podpisu, ratifikaciji, sprejetju, odobritvi ali pristopu pridrži pravico do neuporabe pododstavkov d in e prvega odstavka 2. člena. Drugi pridržki glede vsebinskih določb te konvencije niso dovoljeni.

2. Pridržki, izraženi ob podpisu, morajo biti potrjeni ob ratifikaciji, sprejetju ali odobritvi.

3. Vsaka država, ki je izrazila pridržek glede konvencije, ga lahko kadar koli umakne z uradnim obvestilom, naslovljenim na generalnega sekretarja. Tak umik pridržka začne veljati z dnem prejema uradnega obvestila. Če je v uradnem obvestilu navedeno, da mora umik pridržka začeti veljati z dnem, določenim v obvestilu, in je ta dan poznejši od dneva, ko je generalni sekretar prejel uradno obvestilo, začne umik pridržka veljati ta poznejši dan.

Article 19
Denunciation

1. This Convention may be denounced by a State Party at any time one year from the date on which the Convention entered into force for that Party.

2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General.

3. Denunciation shall take effect on the first day of the month following the expiration of one year after the date of deposit of the instrument, or after such longer period as may be specified in the instrument.

Article 20
Revision and amendment

1. A Conference for the purpose of revising or amending this Convention may be convened by the Organization.

2. The Organization shall convene a Conference of the States Parties to this Convention for revising or amending it at the request of not less than one-third of the Parties.

3. After the date of the entry into force of an amendment to this Convention, any instrument of ratification, acceptance, approval or accession deposited shall be deemed to apply to the Convention as amended, unless a contrary intention is expressed in the instrument.

Article 21
**Revision of the limitation amounts
and of Unit of Account or monetary unit**

1. Notwithstanding the provisions of Article 20, a Conference only for the purposes of altering the amounts specified in Articles 6 and 7 and in Article 8, paragraph 2, or of substituting either or both of the Units defined in Article 8, paragraphs 1 and 2, by other units shall be convened by the Organization in accordance with paragraphs 2 and 3 of this Article. An alteration of the amounts shall be made only because of a significant change in their real value.

2. The Organization shall convene such a Conference at the request of not less than one fourth of the States Parties.

3. A decision to alter the amounts or to substitute the Units by other units of account shall be taken by a two-thirds majority of the States Parties present and voting in such Conference.

4. Any State depositing its instrument of ratification, acceptance, approval or accession to the Convention, after entry into force of an amendment, shall apply the Convention as amended.

Article 22
Depositary

1. This Convention shall be deposited with the Secretary-General.

2. The Secretary-General shall:

(a) transmit certified true copies of this Convention to all States which were invited to attend the Conference on Limitation of Liability for Maritime Claims and to any other States which accede to this Convention;

(b) inform all States which have signed or acceded to this Convention of:

(i) each new signature and each deposit of an instrument and any reservation thereto together with the date thereof;

(ii) the date of entry into force of this Convention or any amendment thereto;

(iii) any denunciation of this Convention and the date on which it takes effect;

(iv) any amendment adopted in conformity with Articles 20 or 21;

(v) any communication called for by any Article of this Convention.

19. člen
Odpoved

1. Država pogodbenica lahko odpove konvencijo po enem letu od dneva, ko je začela veljati zanjo.

2. Odpoved začne veljati z deponiranjem listine pri generalnem sekretarju.

3. Odpoved začne veljati prvi dan v mesecu po enem letu od deponiranja listine ali po daljšem obdobju, če je to opredeljeno v listini.

20. člen
Presoja in sprememba

1. Organizacija lahko skliče konferenco za presajo ali spremembo konvencije.

2. Organizacija skliče konferenco držav pogodbenic za presajo ali spremembo konvencije na zahtevo vsaj ene tretjine pogodbenic.

3. Po uveljavitvi spremembe konvencije se šteje, da je listina o ratifikaciji, sprejetju, odobritvi ali pristopu veljavna za spremenjeno konvencijo, razen če v listini ni izražen nasprotni namen.

21. člen
**Presoja višine omejitve zahtevkov in obračunske
ali denarne enote**

1. Ne glede na 20. člen organizacija skliče konferenco po drugem in tretjem odstavku tega člena samo zaradi spremembe zneskov iz 6. in 7. člena ter drugega odstavka 8. člena ali nadomestitve enot iz prvega in drugega odstavka 8. člena. Zneski se spremenijo samo zaradi večje spremembe njihove dejanske vrednosti.

2. Organizacija skliče tako konferenco na zahtevo vsaj ene četrtine držav pogodbenic.

3. Odločitev za spremembo zneskov ali nadomestitev enot z drugimi obračunskimi enotami se sprejme z dvetretjinsko večino držav pogodbenic, ki so prisotne in glasujejo na konferenci.

4. Vsaka država, ki deponira listino o ratifikaciji, sprejetju, odobritvi ali pristopu h konvenciji po začetku veljavnosti spremembe, uporablja spremenjeno konvencijo.

22. člen
Depozitar

1. Konvencija se deponira pri generalnem sekretarju.

2. Generalni sekretar:

(a) pošlje overjene kopije konvencije vsem državam, ki so bile vabljeni, da se udeležijo konference o omejitvi odgovornosti za pomorske terjatve, in vsem drugim državam, ki bodo pristopile k tej konvenciji;

(b) obvesti vse države, ki so podpisale konvencijo ali pristopile k njej, o:

(i) vsakem novem podpisu, deponiranju listine ter pridržku k njej skupaj z datumom,

(ii) datumu začetka veljavnosti konvencije ali njene spremembe;

(iii) odpovedi konvencije in začetku njene veljavnosti;

(iv) spremembi, sprejeti v skladu z 20. ali 21. členom;

(v) sporočilu, ki se zahteva po tej konvenciji.

3. Upon entry into force of this Convention, a certified true copy thereof shall be transmitted by the Secretary-General to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article 23
Languages

This Convention is established in a single original in the English, French, Russian and Spanish languages, each text being equally authentic.

DONE AT LONDON this nineteenth day of November one thousand nine hundred and seventy-six.

IN WITNESS WHEREOF the undersigned being duly authorized for that purpose have signed this Convention.

**PROTOCOL OF 1996 TO AMEND
THE CONVENTION ON LIMITATION
OF LIABILITY FOR MARITIME CLAIMS, 1976**

THE PARTIES TO THE PRESENT PROTOCOL, CONSIDERING that it is desirable to amend the Convention on Limitation of Liability for Maritime Claims, done at London on 19 November 1976, to provide for enhanced compensation and to establish a simplified procedure for updating the limitation amounts,

HAVE AGREED as follows:

Article 1

For the purposes of this Protocol:

1. "Convention" means the Convention on Limitation of Liability for Maritime Claims, 1976.
2. "Organization" means the International Maritime Organization.
3. "Secretary-General" means the Secretary-General of the Organization.

Article 2

Article 3, subparagraph (a) of the Convention is replaced by the following text:

(a) claims for salvage, including, if applicable, any claim for special compensation under article 14 of the International Convention on Salvage 1989, as amended, or contribution in general average;

Article 3

Article 6, paragraph 1 of the Convention is replaced by the following text:

1. The limits of liability for claims other than those mentioned in article 7, arising on any distinct occasion, shall be calculated as follows:

- (a) in respect of claims for loss of life or personal injury,
 - (i) 2 million Units of Account for a ship with a tonnage not exceeding 2,000 tons,
 - (ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i):
 - for each ton from 2,001 to 30,000 tons, 800 Units of Account;
 - for each ton from 30,001 to 70,000 tons, 600 Units of Account; and
 - for each ton in excess of 70,000 tons, 400 Units of Account,

3. Ko začne konvencija veljati, generalni sekretar pošlje njeno overjeno kopijo sekretariatu Združenih narodov za vpis v register in objavo po 102. členu Ustanovne listine Združenih narodov.

23. člen
Jeziki

Konvencija je sestavljena v enem izvorniku v angleškem, francoskem, ruskem in španskem jeziku, pri čemer so vsa besedila enako verodostojna.

SKLENJENO V LONDONU devetnajstega novembra tisoč devetsto šestinsedemdeset.

V POTRDITEV TEGA so podpisani, ki so bili za to pravilno pooblašteni, podpisali konvencijo.

**PROTOKOL IZ LETA 1996,
KI SPREMINJA KONVENCIJO
O OMEJITVI ODGOVORNOSTI
ZA POMORSKE TERJATVE, 1976**

POGODBENICE TEGA PROTOKOLA SO SE OB UPOŠTEVANJU želje po spremembi Konvencije o omejitvi odgovornosti za pomorske terjatve, sestavljene v Londonu 19. novembra 1976, zaradi zagotovitve večje varnosti in poenostavljenega postopka za spremembo omejitvenih zneskov

SPORAZUMELE:

1. člen

V tem protokolu je:

1. »konvencija« Konvencija o omejitvi odgovornosti za pomorske terjatve iz leta 1976;
2. »organizacija« Mednarodna pomorska organizacija;
3. »generalni sekretar« generalni sekretar organizacije.

2. člen

Pododstavek a 3. člena konvencije se nadomesti z naslednjim besedilom:

(a) zahtevke iz reševanja, vključno z zahtevki za posebno nadomestilo po 14. členu spremenjene Mednarodne konvencije o reševanju na morju, 1989, ali skupne havarije;

3. člen

Prvi odstavek 6. člena konvencije se nadomesti z naslednjim besedilom:

1. Omejitve odgovornosti za zahtevke, razen tistih iz 7. člena, se izračunajo tako:

- (a) za zahtevke zaradi smrti ali telesne poškodbe:
 - (i) 2 milijona obračunskih enot za ladjo, katere tonaža ne presega 2000 ton;
 - (ii) za ladjo, katere tonaža presega 2000 ton, se vsoti iz točke i doda:
 - za vsako tono od 2001 do 30.000 ton 800 obračunskih enot,
 - za vsako tono od 30.001 do 70.000 ton 600 obračunskih enot in
 - za vsako tono, ki presega 70.000 ton, 400 obračunskih enot;

(b) in respect of any other claims,

(i) 1 million Units of Account for a ship with a tonnage not exceeding 2,000 tons,

(ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i):

for each ton from 2,001 to 30,000 tons, 400 Units of Account;

for each ton from 30,001 to 70,000 tons, 300 Units of Account, and

for each ton in excess of 70,000 tons, 200 Units of Account.

Article 4

Article 7, paragraph 1 of the Convention is replaced by the following text:

1. In respect of claims arising on any distinct occasion for loss of life or personal injury to passengers of a ship, the limit of liability of the shipowner thereof shall be an amount of 175,000 Units of Account multiplied by the number of passengers which the ship is authorized to carry according to the ship's certificate.

Article 5

Article 8, paragraph 2 of the Convention is replaced by the following text:

2. Nevertheless, those States which are not members of the International Monetary Fund and whose law does not permit the application of the provisions of paragraph 1 may, at the time of signature without reservation as to ratification, acceptance or approval or at the time of ratification, acceptance, approval or accession or at any time thereafter, declare that the limits of liability provided for in this Convention to be applied in their territories shall be fixed as follows:

(a) in respect of article 6, paragraph 1(a), at an amount of:

(i) 30 million monetary units for a ship with a tonnage not exceeding 2,000 tons;

(ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i):

for each ton from 2,001 to 30,000 tons, 12,000 monetary units;

for each ton from 30,001 to 70,000 tons, 9,000 monetary units, and

for each ton in excess of 70,000 tons, 6,000 monetary units, and

(b) in respect of article 6, paragraph 1(b), at an amount of:

(i) 15 million monetary units for a ship with a tonnage not exceeding 2,000 tons;

(ii) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (i):

for each ton from 2,001 to 30,000 tons, 6,000 monetary units;

for each ton from 30,001 to 70,000 tons, 4,500 monetary units, and

for each ton in excess of 70,000 tons, 3,000 monetary units; and

(c) in respect of article 7, paragraph 1, at an amount of 2,625,000 monetary units multiplied by the number of passengers which the ship is authorized to carry according to its certificate.

Paragraphs 2 and 3 of article 6 apply correspondingly to subparagraphs (a) and (b) of this paragraph.

(b) za vse druge zahteve:

(i) 1 milijon obračunskih enot za ladjo, katere tonaža ne presega 2000 ton;

(ii) za ladjo, katere tonaža presega 2000 ton, se vsoti iz točke i doda:

za vsako tono od 2001 do 30.000 ton 400 obračunskih enot;

za vsako tono od 30.001 do 70.000 ton 300 obračunskih enot in

za vsako tono, ki presega 70.000 ton, 200 obračunskih enot;

4. člen

Prvi odstavek 7. člena konvencije se nadomesti z naslednjim besedilom:

1. Pri zahtevkih zaradi smrti ali telesne poškodbe potnikov ladje znaša omejitev odgovornosti ladjarja 175.000 obračunskih enot, pomnoženih s številom potnikov, ki jih ladja lahko prevaža v skladu z ladijskim spričevalom.

5. člen

Drugi odstavek 8. člena konvencije se nadomesti z naslednjim besedilom:

2. Ne glede na to pa lahko države, ki niso članice Mednarodnega denarnega sklada in katerih pravo ne dovoljuje uporabe prvega odstavka, s podpisom brez pridržka glede ratifikacije, sprejetja ali odobritve ali ob ratifikaciji, sprejetju, odobritvi ali pristopu ali pozneje izjavijo, da so omejitve odgovornosti iz te konvencije določene tako:

(a) v zvezi s pododstavkom a prvega odstavka 6. člena v znesku:

(i) 30 milijonov denarnih enot za ladjo, katere tonaža ne presega 2000 ton;

(ii) za ladjo, katere tonaža presega 2000 ton, se vsoti iz točke i doda:

za vsako tono od 2001 do 30.000 ton 12.000 denarnih enot,

za vsako tono od 30.001 do 70.000 ton 9000 denarnih enot in

za vsako tono, ki presega 70.000 ton, 6000 denarnih enot ter

(b) v zvezi s pododstavkom b prvega odstavka 6. člena v znesku:

(i) 15 milijonov denarnih enot za ladjo, katere tonaža ne presega 2000 ton;

(ii) za ladjo, katere tonaža presega 2000 ton, se vsoti iz točke i doda:

za vsako tono od 2001 do 30.000 ton 6000 denarnih enot,

za vsako tono od 30.001 do 70.000 ton 4500 denarnih enot in

za vsako tono, ki presega 70.000 ton, 3000 denarnih enot, ter

(c) v zvezi s prvim odstavkom 7. člena v znesku 2.625.000 denarnih enot, pomnoženih s številom potnikov, ki jih ladja lahko prevaža v skladu s svojim spričevalom.

Drugi in tretji odstavek 6. člena se smiselno uporabljata za pododstavka a in b tega odstavka.

Article 6

The following text is added as paragraph 3bis in article 15 of the Convention:

3bis Notwithstanding the limit of liability prescribed in paragraph 1 of article 7, a State Party may regulate by specific provisions of national law the system of liability to be applied to claims for loss of life or personal injury to passengers of a ship, provided that the limit of liability is not lower than that prescribed in paragraph 1 of article 7 A State Party which makes use of the option provided for in this paragraph shall inform the Secretary-General of the limits of liability adopted or of the fact that there are none.

Article 7

Article 18, paragraph 1 of the Convention is replaced by the following text:

1. Any State may, at the time of signature, ratification, acceptance, approval or accession, or at any time thereafter, reserve the right:

(a) to exclude the application of article 2, paragraphs 1 (d) and (e);

(b) to exclude claims for damage within the meaning of the International Convention on Liability and Compensation for Damage in Connection with the Carnage of Hazardous and Noxious Substances by Sea, 1996 or of any amendment or protocol thereto.

No other reservations shall be admissible to the substantive provisions of this Convention.

Article 8**Amendment of limits**

1. Upon the request of at least one half, but in no case less than six, of the States Parties to this Protocol, any proposal to amend the limits specified in article 6, paragraph 1, article 7, paragraph 1 and article 8, paragraph 2 of the Convention as amended by this Protocol shall be circulated by the Secretary-General to all Members of the Organization and to all Contracting States.

2. Any amendment proposed and circulated as above shall be submitted to the Legal Committee of the Organization (the Legal Committee) for consideration at a date at least six months after the date of its circulation.

3. All Contracting States to the Convention as amended by this Protocol, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Legal Committee for the consideration and adoption of amendments.

4. Amendments shall be adopted by a two-thirds majority of the Contracting States to the Convention as amended by this Protocol present and voting in the Legal Committee expanded as provided for in paragraph 3, on condition that at least one half of the Contracting States to the Convention as amended by this Protocol shall be present at the time of voting.

5. When acting on a proposal to amend the limits, the Legal Committee shall take into account the experience of incidents and, in particular, the amount of damage resulting therefrom, changes in the monetary values and the effect of the proposed amendment on the cost of insurance.

6. (a) No amendment of the limits under this article may be considered less than five years from the date on which this Protocol was opened for signature nor less than five years from the date of entry into force of a previous amendment under this article.

(b) No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the Convention as amended by this Protocol increased by six per cent per year calculated on a compound basis from the date on which this Protocol was opened for signature.

(c) No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the Convention as amended by this Protocol multiplied by three.

6. člen

15. členu konvencije se doda tretji bis odstavek:

3.bis Ne glede na omejitev odgovornosti, ki je predpisana v prvem odstavku 7. člena, lahko država pogodbenica posebej uredi sistem odgovornosti za zahtevke zaradi smrti ali telesnih poškodb potnikov ladje, če omejitev odgovornosti ni manjša od predpisane v prvem odstavku 7. člena. Država pogodbenica, ki uporabi to možnost, obvesti generalnega sekretarja o sprejetih omejitvah odgovornosti ali da ni omejitev.

7. člen

Prvi odstavek 18. člena konvencije se nadomesti z naslednjim besedilom:

1. Država si lahko ob podpisu, ratifikaciji, sprejetju, odobritvi ali pristopu ali pozneje pridrži pravico:

(a) da ne upošteva pododstavkov d in e prvega odstavka drugega člena;

(b) da ne upošteva odškodninskih terjatev po Mednarodni konvenciji o odgovornosti in nadomestilu škode v zvezi s prevozom nevarnih in zdravju škodljivih snovi po morju, 1996, ali spremembi te konvencije ali njenem protokolu.

Drugi pridržki k vsebinskim določbam te konvencije niso dovoljeni.

8. člen**Spremembe omejitev odgovornosti**

1. Na zahtevo najmanj polovice držav pogodbenic tega protokola, vendar vsaj šestih, generalni sekretar razpošlje okrožnico o predlogu spremembe omejitev odgovornosti iz prvega odstavka 6. člena, prvega odstavka 7. člena in drugega odstavka 8. člena spremenjene konvencije vsem članicam organizacije in vsem državam pogodbenicam.

2. Predlagana sprememba, za katero je bila razposlana okrožnica po prejšnjem odstavku, se predloži v obravnavo Pravnemu odboru organizacije (pravni odbor) najmanj šest mesecev po dnevu, ko je bila okrožnica razposlana.

3. Države pogodbenice konvencije, spremenjene s tem protokolom, imajo ne glede na to, ali so članice organizacije, pravico sodelovati pri postopkih pravnega odbora pri obravnavi in sprejetju sprememb.

4. Spremembe se sprejmejo z dvetretjinsko večino držav pogodbenic spremenjene konvencije, ki glasujejo v pravnem odboru, če je prisotna najmanj polovica držav pogodbenic spremenjene konvencije.

5. Pri odločanju o predlogu za spremembo omejitev odgovornosti pravni odbor upošteva izkušnje in zlasti višino nastale škode, spremembe denarnih vrednosti ter učinek predlagane spremembe na stroške zavarovanja.

6. (a) Sprememba omejitev odgovornosti po tem členu se ne sme obravnavati pred potekom petih let od dneva, ko je bil protokol na voljo za podpis, in ne pred potekom petih let od dneva začetka veljavnosti prejšnje spremembe po tem členu.

(b) Omejitev odgovornosti se ne sme zvišati tako, da preseže znesek, ki ustreza omejitvi iz spremenjene konvencije, povečan za 6 odstotkov letno ob uporabi obrestno obrestnega izračuna od dne, ko je bil protokol na voljo za podpis.

(c) Omejitev odgovornosti se ne sme zvišati, da preseže znesek, ki ustreza omejitvi, določeni v spremenjeni konvenciji, pomnožen s tri.

7. Any amendment adopted in accordance with paragraph 4 shall be notified by the Organization to all Contracting States. The amendment shall be deemed to have been accepted at the end of a period of eighteen months after the date of notification, unless within that period not less than one-fourth of the States that were Contracting States at the time of the adoption of the amendment have communicated to the Secretary-General that they do not accept the amendment, in which case the amendment is rejected and shall have no effect.

8. An amendment deemed to have been accepted in accordance with paragraph 7 shall enter into force eighteen months after its acceptance.

9. All Contracting States shall be bound by the amendment, unless they denounce this Protocol in accordance with paragraphs 1 and 2 of article 12 at least six months before the amendment enters into force. Such denunciation shall take effect when the amendment enters into force.

10. When an amendment has been adopted but the eighteen-month period for its acceptance has not yet expired, a State which becomes a Contracting State during that period shall be bound by the amendment if it enters into force. A State which becomes a Contracting State after that period shall be bound by an amendment which has been accepted in accordance with paragraph 7. In the cases referred to in this paragraph, a State becomes bound by an amendment when that amendment enters into force, or when this Protocol enters into force for that State, if later.

Article 9

1. The Convention and this Protocol shall, as between the Parties to this Protocol, be read and interpreted together as one single instrument.

2. A State which is Party to this Protocol but not a Party to the Convention shall be bound by the provisions of the Convention as amended by this Protocol in relation to other States Parties hereto, but shall not be bound by the provisions of the Convention in relation to States Parties only to the Convention.

3. The Convention as amended by this Protocol shall apply only to claims arising out of occurrences which take place after the entry into force for each State of this Protocol.

4. Nothing in this Protocol shall affect the obligations of a State which is a Party both to the Convention and to this Protocol with respect to a State which is a Party to the Convention but not a Party to this Protocol.

FINAL CLAUSES

Article 10

Signature, ratification, acceptance, approval and accession

1. This Protocol shall be open for signature at the Headquarters of the Organization from 1 October 1996 to 30 September 1997 by all States.

2. Any State may express its consent to be bound by this Protocol by:

- (a) signature without reservation as to ratification, acceptance or approval; or
- (b) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or
- (c) accession.

3. Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

4. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the Convention as amended by this Protocol shall be deemed to apply to the Convention so amended, as modified by such amendment.

7. Organizacija obvesti vse države pogodbenice o spremembi po četrtem odstavku. Sprememba je sprejeta po 18 mesecih od dneva uradnega obvestila, razen če v tem obdobju ena četrtnina držav, ki so bile države pogodbenice ob sprejetju spremembe, obvesti generalnega sekretarja, da spremembe ne sprejmejo; v tem primeru je zavrnjena in brez učinka.

8. Sprememba, ki je sprejeta po sedmem odstavku, začne veljati 18 mesecev po sprejetju.

9. Sprememba je zavezujoča za vse države pogodbenice, razen če odpovejo ta protokol po prvem in drugem odstavku 12. člena najpozneje šest mesecev pred začetkom njene veljavnosti. Ta odpoved začne veljati z začetkom veljavnosti spremembe.

10. Ko je sprememba sprejeta, 18-mesečno obdobje za njeno sprejetje pa še ni poteklo, državo, ki postane država pogodbenica v tem obdobju, sprememba zavezuje, če začne veljati. Državo, ki postane država pogodbenica po tem obdobju, sprememba po sedmem odstavku zavezuje. V primerih iz tega odstavka sprememba zavezuje državo, ko začne veljati ali ko začne za državo veljati protokol, če je to pozneje.

9. člen

1. Pogodbenice protokola uporabljajo konvencijo in protokol kot enoten dokument.

2. Državo pogodbenico tega protokola, ki ni pogodbenica konvencije, zavezuje spremenjena konvencija v razmerjih do drugih držav pogodbenic protokola, ne zavezuje pa je konvencija v razmerjih do držav, ki so samo pogodbenice konvencije.

3. Spremenjena konvencija se uporablja samo za zahtevke za dogodke po začetku veljavnosti tega protokola za vsako državo.

4. Na obveznosti države pogodbenice konvencije in protokola v razmerju do države pogodbenice konvencije ne vplivajo določbe tega protokola.

KONČNE DOLOČBE

10. člen

Podpis, ratifikacija, sprejetje, odobritev in pristop

1. Ta protokol je na voljo za podpis vsem državam na sedežu organizacije od 1. oktobra 1996 do 30. septembra 1997.

2. Država lahko izrazi svojo soglasje, da jo ta protokol zavezuje:

- a) s podpisom brez pridržka glede ratifikacije, sprejetja ali odobritve ali
- b) s podpisom s pridržkom glede ratifikacije, sprejetja ali odobritve, ki mu sledi ratifikacija, sprejetje ali odobritev, ali
- c) s pristopom.

3. Listine o ratifikaciji, sprejetju, odobritvi ali pristopu se deponirajo pri generalnem sekretarju organizacije.

4. Po uveljavitvi spremembe konvencije se šteje, da je listina o ratifikaciji, sprejetju, odobritvi ali pristopu veljavna za spremenjeno konvencijo,

Article 11**Entry into force**

1. This Protocol shall enter into force ninety days following the date on which ten States have expressed their consent to be bound by it.

2. For any State which expresses its consent to be bound by this Protocol after the conditions in paragraph 1 for entry into force have been met, this Protocol shall enter into force ninety days following the date of expression of such consent.

Article 12**Denunciation**

1. This Protocol may be denounced by any State Party at any time after the date on which it enters into force for that State Party.

2. Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General.

3. A denunciation shall take effect twelve months, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General.

4. As between the States Parties to this Protocol, denunciation by any of them of the Convention in accordance with article 19 thereof shall not be construed in any way as a denunciation of the Convention as amended by this Protocol.

Article 13**Revision and amendment**

1. A conference for the purpose of revising or amending this Protocol may be convened by the Organization.

2. The Organization shall convene a conference of Contracting States to this Protocol for revising or amending it at the request of not less than one-third of the Contracting States.

Article 14**Depositary**

1. This Protocol and any amendments adopted under article 8 shall be deposited with the Secretary-General.

2. The Secretary-General shall:

(a) inform all States which have signed or acceded to this Protocol of:

(i) each new signature or deposit of an instrument together with the date thereof;

(ii) each declaration and communication under article 8, paragraph 2 of the Convention as amended by this Protocol, and article 8, paragraph 4 of the Convention;

(iii) the date of entry into force of this Protocol;

(iv) any proposal to amend limits which has been made in accordance with article 8, paragraph 1;

(v) any amendment which has been adopted in accordance with article 8, paragraph 4;

(vi) any amendment deemed to have been accepted under article 8, paragraph 7, together with the date on which that amendment shall enter into force in accordance with paragraphs 8 and 9 of that article;

(vii) the deposit of any instrument of denunciation of this Protocol together with the date of the deposit and the date on which it takes effect;

(b) transmit certified true copies of this Protocol to all Signatory States and to all States which accede to this Protocol.

3. As soon as this Protocol enters into force, the text shall be transmitted by the Secretary-General to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

11. člen**Začetek veljavnosti**

1. Protokol začne veljati devetdeset dni po dnevu, ko države izrazijo svoje soglasje, da jih zavezuje.

2. Protokol začne veljati devetdeset dni po dnevu, ko država izrazi soglasje, da jo zavezuje, in ko je izpolnjen pogoj za začetek veljavnosti iz prejšnjega odstavka.

12. člen**Odpoved**

1. Država pogodbenica lahko odpove protokol po dnevu, ko začne veljati zanjo.

2. Odpoved začne veljati z deponiranjem listine pri generalnem sekretarju.

3. Odpoved začne veljati 12 mesecev po deponiranju listine o odpovedi pri generalnem sekretarju ali po daljšem obdobju, če je to opredeljeno v listini.

4. Če država pogodbenica protokola odpove konvencijo po njenem 19. členu, se ta odpoved ne šteje za odpoved spremenjene konvencije.

13. člen**Presoja in sprememba**

1. Organizacija lahko skliče konferenco za presajo ali spremembo protokola.

2. Organizacija skliče konferenco držav pogodbenic za presajo ali spremembo protokola na zahtevo vsaj ene tretjine pogodbenic.

14. člen**Depozitar**

1. Ta protokol in spremembe po 8. členu se deponirajo pri generalnem sekretarju.

2. Generalni sekretar:

(a) obvesti vse države, ki so podpisale ta protokol ali pristopile k njemu, o:

(i) novem podpisu ali deponiranju listine skupaj z datumom;

(ii) izjavi in sporočilu po drugem odstavku 8. člena spremenjene konvencije in četrtem odstavku 8. člena konvencije;

(iii) datumu začetka veljavnosti tega protokola;

(iv) predlogu za spremembo omejitev po prvem odstavku 8. člena;

(v) spremembi po četrtem odstavku 8. člena;

(vi) spremembi po sedmem odstavku 8. člena skupaj z datumom začetka veljavnosti spremembe po osmem in devetem odstavku 8. člena;

(vii) deponiranju listine o odpovedi tega protokola skupaj z datumom deponiranja ter datumom začetka veljavnosti odpovedi;

(b) pošlje overjene kopije tega protokola državam podpisnicam in državam, ki so k njemu pristopile.

3. Ko začne protokol veljati, generalni sekretar pošlje njegovo besedilo sekretariatu Združenih narodov za vpis v register in objavo po 102. členu Ustanovne listine Združenih narodov.

Article 15
Languages

This Protocol is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

DONE AT LONDON this second day of May one thousand nine hundred and ninety-six

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments for that purpose, have signed this Protocol.

15. člen
Jeziki

Ta protokol je sestavljen v enem izvorniku v angleškem, arabskem, francoskem, kitajskem, ruskem in španskem jeziku, pri čemer so vsa besedila enako verodostojna.

SKLENJENO V LONDONU drugega maja tisoč devetsto šestindevetdeset.

V POTRDITEV TEGA so spodaj podpisani, ki so jih za to primerno pooblastile njihove vlade, podpisali ta protokol.

3. člen

Za izvajanje konvencije in protokola skrbijo ministrstvo, pristojno za promet, ministrstvo, pristojno za pravosodje, in ministrstvo, pristojno za finance.

4. člen

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

Št. 326-04/15-1/9
Ljubljana, dne 30. januarja 2015
EPA 304-VII

Državni zbor
Republike Slovenije
dr. Milan Brglez l.r.
Predsednik

11. Zakon o ratifikaciji Sporazuma med Republiko Slovenijo in Združenimi državami Amerike o sodelovanju na obrambnem in vojaškem področju (BUSSOVP)

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 Združenimi državami Amerike o sodelovanju na obrambnem in vojaškem področju (BUSSOVP)**

Razglašam Zakon o ratifikaciji Sporazuma med Republiko Slovenijo in Združenimi državami Amerike o sodelovanju na obrambnem in vojaškem področju (BUSSOVP), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 30. januarja 2015.

Št. 003-02-1/2015-2

Ljubljana, dne 9. februarja 2015

Borut Pahor l.r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI SPORAZUMA MED REPUBLIKO SLOVENIJO IN ZDRUŽENIMI DRŽAVAMI AMERIKE
O SODELOVANJU NA OBRAMBEM
IN VOJAŠKEM PODROČJU (BUSSOVP)****1. člen**

Ratificira se Sporazum med Republiko Slovenijo in Združenimi državami Amerike o sodelovanju na obrambnem in vojaškem področju, sklenjen z izmenjavo not 14. avgusta 2013 in 26. marca 2014.

2. člen

Besedilo sporazuma se v izvirniku v slovenskem in angleškem jeziku ter v prevodu glasi:

Št. 19/2013

No. 19/2013

»Veleposlaništvo Združenih držav Amerike izraža svoje spoštovanje Ministrstvu za zunanje zadeve Republike Slovenije in se ima čast sklicevati na Memorandum o sodelovanju na obrambnem in vojaškem področju med Ministrstvom za obrambo Združenih držav Amerike in Ministrstvom za obrambo Republike Slovenije, podpisan v Washingtonu 10. marca 1995. Veleposlaništvo se ima poleg tega čast sklicevati na Severnoatlantsko pogodbo, podpisano v Washingtonu 4. aprila 1949, in na Sporazum med pogodbenicami Severnoatlantske pogodbe o statusu njihovih sil, sklenjen v Londonu 19. junija 1951, katerih pogodbenici sta Združene države Amerike in Republika Slovenija.

Ob upoštevanju razširjenega in okrepljenega sodelovanja med Ministrstvom za obrambo Republike Slovenije in Ministrstvom za obrambo Združenih držav Amerike ima veleposlaništvo čast predlagati, da je navedeni memorandum še naprej osnova za krovni dokument o dvostranskem sodelovanju na obrambnem in vojaškem področju med Republiko Slovenijo in Združenimi državami Amerike. Memorandum se glasi:

'Na podlagi krepitve obrambnih in vojaških odnosov, ki so se uradno začeli maja 1994 z ustanovno sejo slovensko-ameriške dvostranske delovne skupine za obrambne in vojaške odnose,

ob potrditvi ciljev in načel Ustanovne listine Organizacije združenih narodov ter načel, ki urejajo odnose med državami, opredeljenih v sklepnih listini Konference o varnosti in sodelovanju v Evropi iz leta 1975, zlasti o nedotakljivosti meja, ozemeljski celovitosti, nevmešavanju v notranje zadeve in mirnem reševanju sporov,

ob podpiranju ciljev demokratične odgovornosti, preglednosti obrambnega načrtovanja, razporejanja proračunskih sredstev in porabe ter zakonitega civilnega nadzora nad vojaškimi strukturami,

"The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Slovenia and has the honor to refer to the Memorandum on Cooperation in the Field of Defense and Military Relations Between the Department of Defense of the United States of America and the Ministry of Defense of the Republic of Slovenia, signed in Washington on March 10, 1995. The Embassy has the further honor to refer to the North Atlantic Treaty, signed in Washington, D.C., on April 4, 1949, and to the Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces, done at London on June 19, 1951, to which the United States of America and the Republic of Slovenia are Parties.

Considering the expanding scope and level of cooperation between the Ministry of Defense of the Republic of Slovenia and the Department of Defense of the United States of America, the Embassy has the honor to propose that the above-referenced Memorandum continue to represent a basis for a framework document on bilateral cooperation in the field of defense and military relations between the Republic of Slovenia and the United States of America. The above-referenced Memorandum reads as follows:

'Building on the expanding defense and military relationship formally initiated during the inaugural May 1994 meeting of the Slovenian-U.S. bilateral Working Group on Defense and Military Relations;

Reaffirming the purposes and principles of the United Nations Charter, as well as the principles guiding relations between states as set forth in the Final Act of the Conference on Security and Cooperation in Europe (1975), particularly the inviolability of frontiers, territorial integrity, non-interference in internal affairs, and peaceful resolution of disputes;

Endorsing the objectives of democratic accountability, transparency in defense planning, programming and budgeting, and legitimate civilian control of military establishments;

ob poudarjanju potrebe po širših in tesnejših stikih ter posvetovanjih med Ministrstvom za obrambo Združenih držav Amerike in Ministrstvom za obrambo Republike Slovenije ter med oboroženimi silami Združenih držav Amerike in Republike Slovenije na področju obrambe in varnosti,

ob priznavanju, da okrepljeni odnosi in sodelovanje v obrambnih zadevah in zadevah nacionalne varnosti omogočajo Ministrstvu za obrambo Združenih držav Amerike in Ministrstvu za obrambo Republike Slovenije boljše razumevanje, izogibanje nesporazumom in izmenjavo znanja,

ob priznavanju skupnega interesa za spodbujanje sodelovanja med Organizacijo Severnoatlantske pogodbe in Republiko Slovenijo ter v želji okrepiti in dopolniti sodelovanje v okviru Partnerstva za mir Organizacije Severnoatlantske pogodbe,

ob poudarjanju, da je takšno sodelovanje pomembno za spodbujanje miru, stabilnosti in varnosti v Evropi in ni v nasprotju z interesi katere koli druge države,

ob priznavanju pomena dialoga o vprašanih ohranjanja miru, mednarodne varnosti in stabilnosti ter obrambno-varnostne politike, vojaške strategije in razvojnih programov

Ministrstvo za obrambo Združenih držav Amerike in Ministrstvo za obrambo Republike Slovenije potrujeta pripravljenost za nadaljnjo krepitev obrambnih in vojaških odnosov med Združenimi državami Amerike in Republiko Slovenijo na temelju načel enakosti, partnerstva ter medsebojne koristi in razumevanja. Enakostne oblike sodelovanja, za katere je treba skleniti nove izvedbene sporazume in ki lahko vodijo k novim predlogom v zvezi s tem, so:

I. okrepljeni stiki na obrambnem področju ob podpori ministra za obrambo Združenih držav Amerike in ministra za obrambo Republike Slovenije, med drugim:

– nadaljnja zasedanja slovensko-ameriške delovne skupine za obrambne in vojaške odnose vsaj enkrat letno za pospeševanje razvoja obrambnih in vojaških odnosov ter razpravo o regionalnih varnostnih vprašanjih,

– redna srečanja višjih in visokih uradnikov Ministrstva za obrambo Združenih držav Amerike in Ministrstva za obrambo Republike Slovenije za medsebojno seznanjanje z mednarodnim varnostnim okoljem in krepitev dvostranskega sodelovanja,

– imenovanje obrambnega atašeja Združenih držav Amerike, akreditiranega v Republici Sloveniji, in obrambnega atašeja Republike Slovenije, akreditiranega v Združenih državah Amerike,

– izmenjava predstavnikov, ki se udeležujejo konferenc, simpozijev, seminarjev in tečajev o obrambnih in vojaških vprašanjih, ter uporaba programov, sredstev in zmogljivosti izobraževalnih ustanov,

– vključitev Republike Slovenije v ustrezne programe ameriške pomoči in usposabljanja,

– izmenjava civilnega in vojaškega osebja za izmenjavo izkušenj in mnenj o demokratičnih načelih, organizacijah in dejavnostih civilnega nadzora v zvezi z obrambnimi strukturami;

II. okrepljeni stiki in sodelovanje na vojaškem področju pod pristojnostjo načelnika Združenega štaba Združenih držav Amerike in načelnika Generalštaba Republike Slovenije, med drugim:

– obiski in izmenjava osebja oboroženih sil Združenih držav Amerike in Republike Slovenije, ki lahko vključujejo področja, kot so vojaška doktrina, pravo, logistika, medicina in vojaške vede, da bi omogočili boljše sodelovanje in medsebojno poznavanje,

Underscoring the need to broaden and deepen interaction and consultations between the Department of Defense of the United States of America and the Ministry of Defense of the Republic of Slovenia and the Armed Forces of the United States of America and the Slovenian Army in the areas of defense and security;

Recognizing that enhanced relations and cooperation in defense and national security matters offer an opportunity for the Department of Defense of the United States of America and the Ministry of Defense of the Republic of Slovenia to increase understanding, avoid misperceptions, and learn from each other;

Recognizing our common interest in fostering greater cooperation between the North Atlantic Treaty Organization and the Republic of Slovenia and desiring to reinforce and complement fullest possible participation within the framework of the North Atlantic Treaty Organization's Partnership for Peace;

Emphasizing that such cooperation is important in the promotion of peace, stability, and security in Europe and is not directed against the interest of any other country; and

Recognizing the importance of dialogue on issues concerning peacekeeping and international security and stability, and of understanding national security policy, military strategy, and programs of military development;

The Department of Defense of the United States of America and the Ministry of Defense of the Republic of Slovenia affirm their readiness to broaden and expand defense and military relations between the United States of America and the Republic of Slovenia based upon the principles of equality, partnership and mutual benefit and understanding. Among the steps which may be taken, subject to the conclusion of necessary implementing agreements, where appropriate, and which may generate additional proposals in this area:

I. Expansion of defense contacts under the auspices of the Secretary of Defense of the United States of America and the Minister of Defense of the Republic of Slovenia, including:

– Continued meetings of the U.S.-Slovenian Bilateral Working Group on Defense and Military Relations at least annually for the purposes of, among other things, expediting expanded defense and military relations and discussing regional security issues.

– Regular meetings between senior and mid-level officials of the Department of Defense of the United States of America and the Ministry of Defense of the Republic of Slovenia to deepen mutual understanding of the international security environment and to seek enlargement of bilateral cooperation.

– Maintenance of a Defense Attaché of the United States of America accredited to the Republic of Slovenia and a Defense Attaché of the Republic of Slovenia accredited to the United States of America.

– Exchange of delegations to participate in the conferences, symposia, seminars and courses on defense and military issues and use of programs, resources and facilities of respective educational institutions.

– Implementation of related United States assistance and training programs for the Republic of Slovenia.

– Exchange of civilian and military officials for the purpose of sharing experiences and ideas regarding civilian controlled and democratically established principles, organizations, and activities relevant to defense establishments.

II. Expansion of military contacts and cooperation under the auspices of the Chairman of the Joint Chiefs of Staff of the United States of America and the Chief of General Staff of the Republic of Slovenia, including:

– Visits and exchanges of officials of the Armed Forces of the United States of America and the Slovenian Army, to facilitate greater cooperation and understanding between the Armed Forces of the United States of America and the Slovenian Army, to possibly include discussions on such issues as military doctrine, law, logistics, medicine, and military science.

– nadaljnji obiski obrambnih in vojaških delegacij na podlagi Skupnega programa Skupine za vojaške stike, ki je nastal na pobudo načelnika Združenega štaba in ga izvaja Evropsko poveljstvo Združenih držav Amerike, prilagojeni posameznim in splošnim potrebam Združenih držav Amerike in Republike Slovenije,

– prizadevanja obeh generalštabov, posameznih vojaških vrst in poveljstev ter organov Ministrstva za obrambo Združenih držav Amerike in Ministrstva za obrambo Republike Slovenije za oblikovanje novih pobud za okrepljene dvostranske stike med oboroženimi silami.

Ministrstvo za obrambo Združenih držav Amerike in Ministrstvo za obrambo Republike Slovenije nameravata varovati podatke, ki jih prejmeta v okviru sodelovanja, in spoštujeta dogovorjeno stopnjo tajnosti. Take podatke je mogoče posredovati tretji strani samo, če je stran, ki jih je ustvarila, seznanjena in s tem soglaša. Zato nameravata Ministrstvo za obrambo Združenih držav Amerike in Ministrstvo za obrambo Republike Slovenije skupaj preučiti možnost sklenitve sporazuma o varovanju takih podatkov.

Ministrstvo za obrambo Združenih držav Amerike in Ministrstvo za obrambo Republike Slovenije priznavata potrebo po pogovorih o statusu vojaškega in civilnega osebja, povezanega z obrambnim področjem.

Ministrstvo za obrambo Republike Slovenije in Ministrstvo za obrambo Združenih držav Amerike bosta po potrebi proučili prilagoditev dvostranskih programov in dejavnosti za pomoč pri preoblikovanju in posodobitvi Slovenske vojske ter vzpostavitvi civilnega nadzora nad njo ter za okrepitev in dopolnitev sodelovanja v okviru Organizacije Severnoatlantske pogodbe in njenega programa Partnerstva za mir.

Seznam področij obrambnega in vojaškega sodelovanja ni dokončen. Ministrstvo za obrambo Republike Slovenije in Ministrstvo za obrambo Združenih držav Amerike si bosta prizadevali za nova področja sodelovanja. V okviru slovensko-ameriške delovne skupine za obrambne in vojaške odnose nameravata vsaj enkrat letno obravnavati oblike sodelovanja, časovni okvir in načine izvajanja ter si bosta do dogovorjenega roka prizadevali pripraviti program stikov in dejavnosti. Morebitne ovire ob okrepljenih obrambnih in vojaških odnosih nameravata čim prej obravnavati v okviru slovensko-ameriške delovne skupine za obrambne in vojaške odnose.'

Če je navedeno sprejemljivo za Republiko Slovenijo, ima veleposlaništvo čast potrditi, da je Memorandum o sodelovanju na obrambnem in vojaškem področju med Ministrstvom za obrambo Združenih držav Amerike in Ministrstvom za obrambo Republike Slovenije veljaven in je osnova za prihodnje dvostransko sodelovanje, potrjena z izmenjavo not med veleposlaništvom in Ministrstvom za zunanje zadeve Republike Slovenije.

Veleposlaništvo Združenih držav Amerike tudi ob tej priložnosti izraža Ministrstvu za zunanje zadeve Republike Slovenije svoje odlično spoštovanje.«

Veleposlaništvo Združenih držav Amerike
Ljubljana, 14. avgust 2013

– Continuation of visits of both defense and military delegations, building on the Joint Military Contact Team Program, initiated by the Chairman of the Joint Chiefs of Staff and implemented by the United States European Command, and tailoring of such visits to the specific and evolving needs of the United States of America and the Republic of Slovenia.

– Efforts by respective General Staffs, individual military services and commands, and organizations of the Department of Defense of the United States of America and the Ministry of Defense of the Republic of Slovenia to develop further initiatives for expanded bilateral military-to-military contacts.

The Department of Defense of the United States of America and the Ministry of Defense of the Republic of Slovenia intend to ensure the protection of information received in the course of cooperation and to observe any agreed-on level of its confidentiality. The transfer of such information to a third party is intended to be carried out only with knowledge and consent of the generating side. Towards this end, the Department of Defense of the United States of America and the Ministry of Defense of the Republic of Slovenia intend to jointly consider an agreement governing protection of such information.

The Department of Defense of the United States of America and the Ministry of Defense of the Republic of Slovenia also recognize the need for discussions related to the status of military and Defense related civilian personnel.

Where appropriate, the Ministry of Defense of the Republic of Slovenia and the Department of Defense of the United States of America will consider tailoring of bilateral programs and activities to assist in reform, modernization and establishment of civilian control over the Slovenian Army and to reinforce and complement fullest possible cooperation undertaken within the framework of the North Atlantic Treaty Organization and its Partnership for Peace program.

The above areas of defense and military cooperation are not exhaustive. The Ministry of Defense of the Republic of Slovenia and the Department of Defense of the United States of America will strive to reach new areas of cooperation. Under the auspices of the Slovenian-U.S. Bilateral Working Group on Defense and Military Relations, the Ministry of Defense of the Republic of Slovenia and the Department of Defense of the United States of America intend to discuss specific cooperative activities, schedules, and procedural arrangements at least annually and will seek to formulate a plan for contacts and activities by an agreed date. The Ministry of Defense of the Republic of Slovenia and the Department of Defense of the United States of America also intend to address expeditiously through the Slovenian-U.S. Bilateral Working Group on Defense and Military Relations any impediments which may arise to such expanded defense and military relations.'

If the foregoing is still acceptable to the Republic of Slovenia, the Embassy has the honor to confirm that the Memorandum on Cooperation in the Field of Defense and Military Relations between the Department of Defense of the United States of America and the Ministry of Defense of the Republic of Slovenia is valid, and a foundation for future bilateral cooperation, confirmed with the exchange of notes between the Embassy and the Ministry of Foreign Affairs of the Republic of Slovenia.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Slovenia the assurances of its highest consideration."

The Embassy of the United States of America
Ljubljana, August 14, 2013

Št. 5611-216/2012/9

Ministrstvo za zunanje zadeve Republike Slovenije izraža svoje spoštovanje Veleposlaništvu Združenih držav Amerike in se ima čast sklicevati na noto veleposlaništva št. 19/2013 z dne 14. avgusta 2013, ki se glasi:

»Veleposlaništvo Združenih držav Amerike izraža svoje spoštovanje Ministrstvu za zunanje zadeve Republike Slovenije in se ima čast sklicevati na Memorandum o sodelovanju na obrambnem in vojaškem področju med Ministrstvom za obrambo Združenih držav Amerike in Ministrstvom za obrambo Republike Slovenije, podpisan v Washingtonu 10. marca 1995. Veleposlaništvo se ima poleg tega čast sklicevati na Severnoatlantsko pogodbo, podpisano v Washingtonu 4. aprila 1949, in na Sporazum med pogodbenicami Severnoatlantske pogodbe o statusu njihovih sil, sklenjen v Londonu 19. junija 1951, katerih pogodbenici sta Združene države Amerike in Republika Slovenija.

Ob upoštevanju razširjenega in okrepljenega sodelovanja med Ministrstvom za obrambo Republike Slovenije in Ministrstvom za obrambo Združenih držav Amerike ima veleposlaništvo čast predlagati, da je navedeni memorandum še naprej osnova za krovni dokument o dvostranskem sodelovanju na obrambnem in vojaškem področju med Republiko Slovenijo in Združenimi državami Amerike. Memorandum se glasi:

'Na podlagi krepitve obrambnih in vojaških odnosov, ki so se uradno začeli maja 1994 z ustanovno sejo slovensko-ameriške dvostranske delovne skupine za obrambne in vojaške odnose,

ob potrditvi ciljev in načel Ustanovne listine Organizacije združenih narodov ter načel, ki urejajo odnose med državami, opredeljenih v sklepni listini Konference o varnosti in sodelovanju v Evropi iz leta 1975, zlasti o nedotakljivosti meja, ozemeljski celovitosti, nevmešavanju v notranje zadeve in mirnem reševanju sporov,

ob podpiranju ciljev demokratične odgovornosti, preglednosti obrambnega načrtovanja, razporejanja proračunskih sredstev in porabe ter zakonitega civilnega nadzora nad vojaškimi strukturami,

ob poudarjanju potrebe po širših in tesnejših stikih ter posvetovanjih med Ministrstvom za obrambo Združenih držav Amerike in Ministrstvom za obrambo Republike Slovenije ter med oboroženimi silami Združenih držav Amerike in Republike Slovenije na področju obrambe in varnosti,

ob priznavanju, da okrepljeni odnosi in sodelovanje v obrambnih zadevah in zadevah nacionalne varnosti omogočajo Ministrstvu za obrambo Združenih držav Amerike in Ministrstvu za obrambo Republike Slovenije boljše razumevanje, izogibanje nesporazumom in izmenjavo znanja,

VELEPOSLANIŠTVO ZDRUŽENIH DRŽAV AMERIKE LJUBLJANA

ob priznavanju skupnega interesa za spodbujanje sodelovanja med Organizacijo Severnoatlantske pogodbe in Republiko Slovenijo ter v želji okrepiti in dopolniti sodelovanje v okviru Partnerstva za mir Organizacije Severnoatlantske pogodbe,

ob poudarjanju, da je takšno sodelovanje pomembno za spodbujanje miru, stabilnosti in varnosti v Evropi in ni v nasprotju z interesi katere koli druge države,

ob priznavanju pomena dialoga o vprašanih ohranjanja miru, mednarodne varnosti in stabilnosti ter obrambno-varnostne politike, vojaške strategije in razvojnih programov

No. 5611-216/2012/9

The Ministry of Foreign Affairs of the Republic of Slovenia presents its compliments to the Embassy of the United States of America and has the honor to refer to the Embassy's Note No. 19/2013 dated August 14, 2013, which reads as follows:

"The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Slovenia and has the honor to refer to the Memorandum on Cooperation in the Field of Defense and Military Relations Between the Department of Defense of the United States of America and the Ministry of Defense of the Republic of Slovenia, signed in Washington on March 10, 1995. The Embassy has the further honor to refer to the North Atlantic Treaty, signed in Washington, D.C., on April 4, 1949, and to the Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces, done at London on June 19, 1951, to which the United States of America and the Republic of Slovenia are Parties.

Considering the expanding scope and level of cooperation between the Ministry of Defense of the Republic of Slovenia and the Department of Defense of the United States of America, the Embassy has the honor to propose that the above-referenced Memorandum continue to represent a basis for a framework document on bilateral cooperation in the field of defense and military relations between the Republic of Slovenia and the United States of America. The above-referenced Memorandum reads as follows:

'Building on the expanding defense and military relationship formally initiated during the inaugural May 1994 meeting of the Slovenian-U.S. bilateral Working Group on Defense and Military Relations;

Reaffirming the purposes and principles of the United Nations Charter, as well as the principles guiding relations between states as set forth in the Final Act of the Conference on Security and Cooperation in Europe (1975), particularly the inviolability of frontiers, territorial integrity, non-interference in internal affairs, and peaceful resolution of disputes;

Endorsing the objectives of democratic accountability, transparency in defense planning, programming and budgeting, and legitimate civilian control of military establishments;

Underscoring the need to broaden and deepen interaction and consultations between the Department of Defense of the United States of America and the Ministry of Defense of the Republic of Slovenia and the Armed Forces of the United States of America and the Slovenian Army in the areas of defense and security;

Recognizing that enhanced relations and cooperation in defense and national security matters offer an opportunity for the Department of Defense of the United States of America and the Ministry of Defense of the Republic of Slovenia to increase understanding, avoid misperceptions, and learn from each other;

EMBASSY OF THE UNITED STATES OF AMERICA LJUBLJANA

Recognizing our common interest in fostering greater cooperation between the North Atlantic Treaty Organization and the Republic of Slovenia and desiring to reinforce and complement fullest possible participation within the framework of the North Atlantic Treaty Organization's Partnership for Peace;

Emphasizing that such cooperation is important in the promotion of peace, stability, and security in Europe and is not directed against the interest of any other country; and

Recognizing the importance of dialogue on issues concerning peacekeeping and international security and stability, and of understanding national security policy, military strategy, and programs of military development;

Ministrstvo za obrambo Združenih držav Amerike in Ministrstvo za obrambo Republike Slovenije potrjujeta pripravljenost za nadaljnjo krepitev obrambnih in vojaških odnosov med Združenimi državami Amerike in Republiko Slovenijo na temelju načel enakosti, partnerstva ter medsebojne koristi in razumevanja. Možne oblike sodelovanja, za katere je treba skleniti nove izvedbene sporazume in ki lahko vodijo k novim predlogom v zvezi s tem, so:

I. okrepljeni stiki na obrambnem področju ob podpori ministra za obrambo Združenih držav Amerike in ministra za obrambo Republike Slovenije, med drugim:

- nadaljnja zasedanja slovensko-ameriške delovne skupine za obrambne in vojaške odnose vsaj enkrat letno za pospeševanje razvoja obrambnih in vojaških odnosov ter razpravo o regionalnih varnostnih vprašanjih,

- redna srečanja višjih in visokih uradnikov Ministrstva za obrambo Združenih držav Amerike in Ministrstva za obrambo Republike Slovenije za medsebojno seznanjanje z mednarodnim varnostnim okoljem in krepitev dvostranskega sodelovanja,

- imenovanje obrambnega atašeeja Združenih držav Amerike, akreditiranega v Republici Sloveniji, in obrambnega atašeeja Republike Slovenije, akreditiranega v Združenih državah Amerike,

- izmenjava predstavnikov, ki se udeležujejo konferenc, simpozijev, seminarjev in tečajev o obrambnih in vojaških vprašanjih, ter uporaba programov, sredstev in zmogljivosti izobraževalnih ustanov,

- vključitev Republike Slovenije v ustrezne programe ameriške pomoči in usposabljanja,

- izmenjava civilnega in vojaškega osebja za izmenjavo izkušenj in mnenj o demokratičnih načelih, organizacijah in dejavnostih civilnega nadzora v zvezi z obrambnimi strukturami;

II. okrepljeni stiki in sodelovanje na vojaškem področju pod pristojnostjo načelnika Združenega štaba Združenih držav Amerike in načelnika Generalštaba Republike Slovenije, med drugim:

- obiski in izmenjava osebja oboroženih sil Združenih držav Amerike in Republike Slovenije, ki lahko vključujejo področja, kot so vojaška doktrina, pravo, logistika, medicina in vojaške vede, da bi omogočili boljše sodelovanje in medsebojno poznavanje,

- nadaljnji obiski obrambnih in vojaških delegacij na podlagi Skupnega programa Skupine za vojaške stike, ki je nastal na pobudo načelnika Združenega štaba in ga izvaja Evropsko poveljstvo Združenih držav Amerike, prilagojeni posameznim in sprotnim potrebam Združenih držav Amerike in Republike Slovenije,

- prizadevanja obeh generalštabov, posameznih vojaških zvrsti in poveljstev ter organov Ministrstva za obrambo Združenih držav Amerike in Ministrstva za obrambo Republike Slovenije za oblikovanje novih pobud za okrepljene dvostranske stike med oboroženimi silami.

Ministrstvo za obrambo Združenih držav Amerike in Ministrstvo za obrambo Republike Slovenije nameravata varovati podatke, ki jih prejmeta v okviru sodelovanja, in spoštujeta dogovorjeno stopnjo tajnosti. Take podatke je mogoče posredovati tretji strani samo, če je stran, ki jih je ustvarila, seznanjena in s tem soglaša. Zato nameravata Ministrstvo za obrambo Združenih držav Amerike in Ministrstvo za obrambo Republike Slovenije skupaj preučiti možnost sklenitve sporazuma o varovanju takih podatkov.

Ministrstvo za obrambo Združenih držav Amerike in Ministrstvo za obrambo Republike Slovenije priznavata potrebo po pogovorih o statusu vojaškega in civilnega osebja, povezanega z obrambnim področjem.

The Department of Defense of the United States of America and the Ministry of Defense of the Republic of Slovenia affirm their readiness to broaden and expand defense and military relations between the United States of America and the Republic of Slovenia based upon the principles of equality, partnership and mutual benefit and understanding. Among the steps which may be taken, subject to the conclusion of necessary implementing agreements, where appropriate, and which may generate additional proposals in this are:

I. Expansion of defense contacts under the auspices of the Secretary of Defense of the United States of America and the Minister of Defense of the Republic of Slovenia, including:

- Continued meetings of the U.S.-Slovenian Bilateral Working Group on Defense and Military Relations at least annually for the purposes of, among other things, expediting expanded defense and military relations and discussing regional security issues.

- Regular meetings between senior and mid-level officials of the Department of Defense of the United States of America and the Ministry of Defense of the Republic of Slovenia to deepen mutual understanding of the international security environment and to seek enlargement of bilateral cooperation.

- Maintenance of a Defense Attaché of the United States of America accredited to the Republic of Slovenia and a Defense Attaché of the Republic of Slovenia accredited to the United States of America.

- Exchange of delegations to participate in the conferences, symposia, seminars and courses on defense and military issues and use of programs, resources and facilities of respective educational institutions.

- Implementation of related United States assistance and training programs for the Republic of Slovenia.

- Exchange of civilian and military officials for the purpose of sharing experiences and ideas regarding civilian controlled and democratically established principles, organizations, and activities relevant to defense establishments.

II. Expansion of military contacts and cooperation under the auspices of the Chairman of the Joint Chiefs of Staff of the United States of America and the Chief of General Staff of the Republic of Slovenia, including:

- Visits and exchanges of officials of the Armed Forces of the United States of America and the Slovenian Army, to facilitate greater cooperation and understanding between the Armed Forces of the United States of America and the Slovenian Army, to possibly include discussions on such issues as military doctrine, law, logistics, medicine, and military science.

- Continuation of visits of both defense and military delegations, building on the Joint Military Contact Team Program, initiated by the Chairman of the Joint Chiefs of Staff and implemented by the United States European Command, and tailoring of such visits to the specific and evolving needs of the United States of America and the Republic of Slovenia.

- Efforts by respective General Staffs, individual military services and commands, and organizations of the Department of Defense of the United States of America and the Ministry of Defense of the Republic of Slovenia to develop further initiatives for expanded bilateral military-to-military contacts.

The Department of Defense of the United States of America and the Ministry of Defense of the Republic of Slovenia intend to ensure the protection of information received in the course of cooperation and to observe any agreed-on level of its confidentiality. The transfer of such information to a third party is intended to be carried out only with knowledge and consent of the generating side. Towards this end, the Department of Defense of the United States of America and the Ministry of Defense of the Republic of Slovenia intend to jointly consider an agreement governing protection of such information.

The Department of Defense of the United States of America and the Ministry of Defense of the Republic of Slovenia also recognize the need for discussions related to the status of military and Defense related civilian personnel.

Ministrstvo za obrambo Republike Slovenije in Ministrstvo za obrambo Združenih držav Amerike bosta po potrebi proučili prilagoditev dvostranskih programov in dejavnosti za pomoč pri preoblikovanju in posodobitvi Slovenske vojske ter vzpostavitvi civilnega nadzora nad njo ter za okrepitev in dopolnitev sodelovanja v okviru Organizacije Severnoatlantske pogodbe in njenega programa Partnerstva za mir.

Seznam področij obrambnega in vojaškega sodelovanja ni dokončen. Ministrstvo za obrambo Republike Slovenije in Ministrstvo za obrambo Združenih držav Amerike si bosta prizadevali za nova področja sodelovanja. V okviru slovensko-ameriške delovne skupine za obrambne in vojaške odnose nameravata vsaj enkrat letno obravnavati oblike sodelovanja, časovni okvir in načine izvajanja ter si bosta do dogovorjenega roka prizadevali pripraviti program stikov in dejavnosti. Morebitne ovire ob okrepljenih obrambnih in vojaških odnosih nameravata čim prej obravnavati v okviru slovensko-ameriške delovne skupine za obrambne in vojaške odnose.'

Če je navedeno sprejemljivo za Republiko Slovenijo, ima veleposlaništvo čast potrditi, da je Memorandum o sodelovanju na obrambnem in vojaškem področju med Ministrstvom za obrambo Združenih držav Amerike in Ministrstvom za obrambo Republike Slovenije veljaven in je osnova za prihodnje dvostransko sodelovanje, potrjena z izmenjavo not med veleposlaništvom in Ministrstvom za zunanje zadeve Republike Slovenije.

Veleposlaništvo Združenih držav Amerike tudi ob tej priložnosti izraža Ministrstvu za zunanje zadeve Republike Slovenije svoje odlično spoštovanje.«

Ministrstvo za zunanje zadeve Republike Slovenije ima čast sporočiti, da je navedeno sprejemljivo za Republiko Slovenijo in je nota Veleposlaništva Združenih držav Amerike št. 19/2013 skupaj s to noto krovni dokument o dvostranskem sodelovanju na obrambnem in vojaškem področju med Republiko Slovenijo in Združenimi državami Amerike, ki začne veljati z dnem prejema uradnega obvestila, s katerim slovenska stran obvesti ameriško stran o izpolnitvi vseh notranjepravnih postopkov, potrebnih za začetek njegove veljavnosti.

Ministrstvo za zunanje zadeve Republike Slovenije tudi ob tej priložnosti izraža Veleposlaništvu Združenih držav Amerike svoje odlično spoštovanje.

Ljubljana, 26. marca 2014

Ljubljana, 26 March 2014

3. člen

Za izvajanje sporazuma skrbi ministrstvo, pristojno za obrambo.

4. člen

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

Št. 200-10/13-13/12
Ljubljana, dne 30. januarja 2015
EPA 1596-VI

Where appropriate, the Ministry of Defense of the Republic of Slovenia and the Department of Defense of the United States of America will consider tailoring of bilateral programs and activities to assist in reform, modernization and establishment of civilian control over the Slovenian Army and to reinforce and complement fullest possible cooperation undertaken within the framework of the North Atlantic Treaty Organization and its Partnership for Peace program.

The above areas of defense and military cooperation are not exhaustive. The Ministry of Defense of the Republic of Slovenia and the Department of Defense of the United States of America will strive to reach new areas of cooperation. Under the auspices of the Slovenian-U.S. Bilateral Working Group on Defense and Military Relations, the Ministry of Defense of the Republic of Slovenia and the Department of Defense of the United States of America intend to discuss specific cooperative activities, schedules, and procedural arrangements at least annually and will seek to formulate a plan for contacts and activities by an agreed date. The Ministry of Defense of the Republic of Slovenia and the Department of Defense of the United States of America also intend to address expeditiously through the Slovenian-U.S. Bilateral Working Group on Defense and Military Relations any impediments which may arise to such expanded defense and military relations.'

If the foregoing is still acceptable to the Republic of Slovenia, the Embassy has the honor to confirm that the Memorandum on Cooperation in the Field of Defense and Military Relations between the Department of Defense of the United States of America and the Ministry of Defense of the Republic of Slovenia is valid, and a foundation for future bilateral cooperation, confirmed with the exchange of notes between the Embassy and the Ministry of Foreign Affairs of the Republic of Slovenia.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Slovenia the assurances of its highest consideration."

The Ministry of Foreign Affairs of the Republic of Slovenia has the honor to confirm that the above mentioned is acceptable to the Republic of Slovenia and the Note of the Embassy of the United States of America No. 19/2013 and this Note in reply constitute a framework document on bilateral cooperation in the field of defense and military relations between the Republic of Slovenia and the United States of America, which shall enter into force on the date of the receipt of the notification, with which the Slovenian side informs the American side that all the internal procedures necessary for its entry into force have been met.

The Ministry of Foreign Affairs of the Republic of Slovenia avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Državni zbor
Republike Slovenije
dr. Milan Brglez i.r.
Predsednik

12. Zakon o ratifikaciji Sporazuma med Ministrstvom za obrambo Republike Slovenije in Ministrstvom za narodno obrambo Republike Litve o sodelovanju na obrambnem področju (BLISOP-1)

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 Ministrstvom za obrambo Republike Slovenije in Ministrstvom za narodno obrambo Republike Litve o sodelovanju na obrambnem področju (BLISOP-1)**

Razglašam Zakon o ratifikaciji Sporazuma med Ministrstvom za obrambo Republike Slovenije in Ministrstvom za narodno obrambo Republike Litve o sodelovanju na obrambnem področju (BLISOP-1), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 30. januarja 2015.

Št. 003-02-1/2015-3

Ljubljana, dne 9. februarja 2015

Borut Pahor l.r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI SPORAZUMA MED MINISTRSTVOM ZA OBRAMBO REPUBLIKE SLOVENIJE IN MINISTRSTVOM ZA NARODNO OBRAMBO REPUBLIKE LITVE O SODELOVANJU NA OBRAMBEM PODROČJU (BLISOP-1)**

1. člen

Ratificira se Sporazum med Ministrstvom za obrambo Republike Slovenije in Ministrstvom za narodno obrambo Republike Litve o sodelovanju na obrambnem področju, podpisan 3. aprila 2014 v Vilni.

2. člen

Sporazum se v izvorniku v slovenskem in angleškem jeziku glasi¹:

SPORAZUM**MED MINISTRSTVOM ZA OBRAMBO REPUBLIKE SLOVENIJE IN MINISTRSTVOM ZA NARODNO OBRAMBO REPUBLIKE LITVE O SODELOVANJU NA OBRAMBEM PODROČJU**

Ministrstvo za obrambo Republike Slovenije in Ministrstvo za nacionalno obrambo Republike Litve, v nadaljevanju pogodbenika, sta se

ob upoštevanju svoje zavezanosti normam in načelom mednarodnega prava,

glede mednarodnega sodelovanja na obrambnem področju kot pomembne sestavine varnosti in stabilnosti na evroatlantskem območju,

ob priznavanju temeljne vloge Organizacije Severnoatlantske pogodbe, v nadaljevanju Nato, pri zagotavljanju mednarodnega miru in varnosti,

ob upoštevanju določb Severnoatlantske pogodbe, podpisane v Washingtonu 4. aprila 1949,

ob upoštevanju Sporazuma med pogodbenicami Severnoatlantske pogodbe o statusu njihovih sil, podpisanega v Londonu 19. junija 1951, v nadaljevanju NATO SOFA,

ob prizadevanju za razvoj medsebojnega sodelovanja na obrambnem področju, sporazumeli:

AGREEMENT**BETWEEN THE MINISTRY OF DEFENCE OF THE REPUBLIC OF SLOVENIA AND THE MINISTRY OF NATIONAL DEFENCE OF THE REPUBLIC OF LITHUANIA CONCERNING CO-OPERATION IN THE FIELD OF DEFENCE**

The Ministry of Defence of the Republic of Slovenia and the Ministry of National Defence of the Republic of Lithuania, hereinafter referred to as the Parties,

considering their commitment to norms and principles of international law,

regarding international co-operation in the field of defence as an important element of security and stability in the Euro-Atlantic area,

acknowledging the fundamental role of the North Atlantic Treaty Organisation, hereinafter referred to as the "NATO", in ensuring international peace and security;

taking into consideration the provisions of the North Atlantic Treaty, signed in Washington on the 4th of April, 1949;

noting the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed in London on the 19th of June, 1951, hereinafter referred to as the "NATO SOFA";

seeking to develop co-operation in the field of defence between the Republic of Slovenia and the Republic of Lithuania, have agreed as follows:

¹ Besedilo sporazuma v litovskem jeziku je na vpogled v Sektorju za mednarodno pravo Ministrstva za zunanje zadeve.

1. ČLEN**Namen in obseg**

1. Namen tega sporazuma je zagotoviti okvir za sodelovanje na obrambnem področju med ministrstvom za (narodno) obrambo in oboroženimi silami v skladu z njihovimi pristojnostmi in po načelu medsebojne koristi.

2. Določbe tega sporazuma niso v nasprotju z mednarodnim pravom ter zakoni in drugimi predpisi, ki veljajo v Republiki Sloveniji in Republiki Litvi. V primeru nasprotij prevladajo mednarodno pravo ter zakoni in drugi predpisi, ki veljajo v Republiki Sloveniji in Republiki Litvi. O morebitnih nasprotjih se pogodbenika uradno obvestita.

2. ČLEN**Področja sodelovanja**

1. Pogodbenika sodelujeta na teh področjih:

- 1) obrambna in varnostna politika;
- 2) obrambna in vojaška zakonodaja;
- 3) obrambno načrtovanje in načrtovanje proračuna;
- 4) demokratični nadzor in organiziranost oboroženih sil;
- 5) krizno upravljanje, podpora mednarodnemu miru in humanitarne operacije;
- 6) vojaške vaje;
- 7) izobraževanje in usposabljanje vojaškega in civilnega osebja;
- 8) nadzor nad oboroževanjem in razoroževanje;
- 9) logistika;
- 10) obrambne nabave;
- 11) upravljanje in posodabljanje oborožitve in vojaške infrastrukture;
- 12) okoljska vprašanja in nadzor nad kontaminacijo;
- 13) razvoj komunikacijskih in informacijskih sistemov;
- 14) znanstvene raziskave na obrambnem področju;
- 15) vojaška geografija;
- 16) celostna skrb za pripadnike, duhovna oskrba, rehabilitacija in počitek, družabne, kulturne in športne dejavnosti;
- 17) obrambna industrija;
- 18) vojaška zgodovina, publicistika in muzeji;
- 19) vojaško zdravstvo;
- 20) odnosi z javnostjo;
- 21) obrambna standardizacija, kodifikacija in vladno zagotavljanje kakovosti;
- 22) druga področja skupnega interesa.

2. Posebna vprašanja sodelovanja ali druga medsebojno dogovorjena področja se urejajo v posebnih dogovorih.

3. ČLEN**Oblike sodelovanja**

Sodelovanje med pogodbenikoma poteka v teh oblikah:

- 1) uradni in delovni obiski ter strokovna srečanja;
- 2) dvostranski pogovori in posveti, seminarji in konference;
- 3) izmenjava informacij in drugega gradiva;
- 4) študije in udeležba na tečajih, vključno z izmenjavo predavateljev in udeležencev usposabljanj na različnih področjih;
- 5) izvajanje vaj;
- 6) stiki med primerljivimi vojaškimi ustanovami;
- 7) druge oblike sodelovanja, ki jih opredelita pogodbenika.

ARTICLE 1**Purpose and scope**

1. The purpose of this Agreement is to provide a framework for co-operation in the field of defence between the Ministries of (National) Defence and the Armed Forces within the scope of their competencies and on the principle of mutual benefit.

2. The provisions of this Agreement are not intended to conflict with the international law and laws and regulations in force in the Republic of Slovenia and the Republic of Lithuania. Should there be a conflict, the international law and laws and regulations in force in the Republic of Slovenia and the Republic of Lithuania will prevail. The Parties will notify each other in the event of any conflict arising.

ARTICLE 2**Areas of Co-operation**

1. Co-operation between the Parties will include the following areas:

- 1) defence and security policy;
 - 2) defence and military legislation;
 - 3) defence planning and budgeting;
 - 4) democratic control and organisation of armed forces;
 - 5) crises management, international peace support and humanitarian operations;
 - 6) military exercises;
 - 7) training and education of military and civilian personnel;
 - 8) arms control and disarmament;
 - 9) logistics;
 - 10) defence procurement;
 - 11) management and modernisation of armament and military infrastructure;
 - 12) environmental issues and contamination control;
 - 13) development of communication and information systems;
 - 14) science and research in the field of defence;
 - 15) military geography;
 - 16) military welfare, pastoral care, rehabilitation and rest, social, cultural and sport activities;
 - 17) defence industry;
 - 18) military history, publications and museums;
 - 19) military medicine;
 - 20) public relations;
 - 21) defence standardization, codification and government quality assurance;
 - 22) other areas which are considered to be of mutual interest.
2. Specific issues of co-operation or other mutually agreed areas may be settled through separate arrangements.

ARTICLE 3**Forms of Co-operation**

Co-operation between the Parties will be carried out in the following forms:

- 1) official visits, working and expert meetings;
- 2) bilateral talks and consultations, seminars and conferences;
- 3) exchange of information and other materials;
- 4) studies and participation in courses including exchange of lecturers and trainees in different fields;
- 5) conduct of exercises;
- 6) contacts between equivalent military institutions;
- 7) other forms of co-operation as may be determined by the Parties.

4. ČLEN**Pravni status**

Pravni status civilnega ali vojaškega osebja pogodbenika med bivanjem na ozemlju države drugega pogodbenika urejajo določbe NATO SOFA.

5. ČLEN**Delitev stroškov**

Pogodbenika se dogovorita, da bosta v celoti krila lastne stroške, povezane z izvajanjem tega sporazuma, razen če ni drugače dogovorjeno.

6. ČLEN**Varovanje tajnih podatkov**

1. Pogodbenika se dogovorita, da so naslednje oznake enakovredne in da ustrezajo oznakam določenim v veljavnih zakonih in drugih predpisih v njihovih državah:

Za Republiko Slovenijo	Za Republiko Litvo	Angleška ustreznica
STROGO TAJNO	VISIŠKAI SLAPTAI	TOP SECRET
TAJNO	SLAPTAI	SECRET
ZAUPNO	KONFIDENCIALIAI	CONFIDENTIAL
INTERNO	RIBOTO NAUDOJIMO	RESTRICTED

2. Tajni podatki, prejeti skladno s tem sporazumom, se označijo z enakovredno oznako, ki ustreza oznaki pogodbenika izvora. Pogodbenika zagotavljata enako raven varovanja takih tajnih podatkov, kot je zagotovljena za nacionalne tajne podatke z enakovrednimi oznakami.

3. Pogodbenika se dogovorita, da tajnih podatkov, ki jih prejmeta po tem sporazumu, ne bosta uporabila v škodo interesov drugega pogodbenika in jih ne bosta predložila tretji strani brez predhodnega pisnega soglasja drugega pogodbenika.

4. Po sklenitvi dvostranskega sporazuma o medsebojnem varovanju tajnih podatkov se njegove določbe uporabljajo za varovanje tajnih podatkov, prejetih po tem sporazumu.

7. ČLEN**Spori**

Vsi spori v zvezi z razlago ali izvajanjem tega sporazuma se rešujejo s pogajanjem med pogodbenikoma.

8. ČLEN**Končne določbe**

1. Sporazum začne veljati z dnem, ko litovska stran prejme od slovenske strani uradno obvestilo, da so končani notranjepravni postopki, potrebni za začetek njegove veljavnosti.

2. Sporazum se lahko spremeni s pisnim soglasjem obeh pogodbenikov. Spremembe so sestavni del tega sporazuma in začnejo veljati v skladu s prvim odstavkom tega člena.

3. Pogodbenika lahko Sporazum odpovesta z medsebojnim pisnim soglasjem ali pisnim uradnim obvestilom o odpovedi, ki ga pošljeta šest mesecev vnaprej drugemu pogodbeniku. Ob odpovedi pogodbenika sodelujeta, da bi dosegla najboljšo rešitev odprtih zadev.

ARTICLE 4**Legal Status**

The legal status of the civilian or military personnel of one Party for the duration of their stay in the territory of the state of the other Party will be governed in accordance with the provisions of the NATO SOFA.

ARTICLE 5**Cost Sharing**

The Parties agree to cover fully their own expenditures related to the implementation of this Agreement, unless otherwise agreed.

ARTICLE 6**Protection of classified information**

1. The Parties agree that the following classification markings are equivalent and correspond to the classification markings specified in laws and regulations in force in their states:

For the Republic of Slovenia	For the Republic of Lithuania	Equivalent in English
STROGO TAJNO	VISIŠKAI SLAPTAI	TOP SECRET
TAJNO	SLAPTAI	SECRET
ZAUPNO	KONFIDENCIALIAI	CONFIDENTIAL
INTERNO	RIBOTO NAUDOJIMO	RESTRICTED

2. The classified information received according to this Agreement will be marked with an equivalent classification marking, corresponding to the classification marking specified by the originating Party. The Parties will ensure the same level of protection for such classified information as it is provided for the national classified information of the equivalent classification marking.

3. The Parties agree not to use the classified information they receive according to this Agreement to the detriment of the interests of the other Party and will not submit such information to third parties without prior written consent from the other Party.

4. Once a bilateral agreement on mutual protection of classified information is concluded, the provisions of that agreement will be applicable for the protection of classified information received according to this Agreement.

ARTICLE 7**Disputes**

Any dispute regarding the interpretation or application of this Agreement will be resolved by negotiation between the Parties.

ARTICLE 8**Final provisions**

1. This Agreement will come into force on the date when the Lithuanian Party receives the notification of the Slovenian Party on fulfilment of internal legal procedures necessary for it to come into force.

2. This Agreement may be amended by written consent of both Parties. Such amendments shall constitute the integral part of this Agreement and enter into effect in accordance with the paragraph 1 of this Article.

3. The Parties can terminate this Agreement by mutual written consent or by giving a six months prior written notification of termination to the other Party. In case of termination, the Parties will co-operate in order to reach the best solution for the pending matters.

4. Z dnem začetka veljavnosti ta sporazum nadomesti Sporazum med Ministrstvom za obrambo Republike Slovenije in Ministrstvom za nacionalno obrambo Republike Litve o sodelovanju na obrambnem področju z dne 10. februarja 2005, ki preneha veljati.

Podpisano v Vilni dne 3. aprila 2014 v dveh izvodih v slovenskem, litovskem in angleškem jeziku, pri čemer so vsa besedila enako verodostojna. Ob razlikah pri razlagi prevlada različica v angleškem jeziku.

Za Ministrstvo
za obrambo
Republike Slovenije
Roman Jakič l.r.

Za Ministrstvo
za narodno obrambo
Republike Litve
Juozas Olekas l.r.

4. As of the date of its entry into force this Agreement will replace the Agreement between the Ministry of Defence of the Republic of Slovenia and the Ministry of National Defence of the Republic of Lithuania on co-operation in the field of defence, dated 10 February 2005, which shall cease to apply.

Signed in Vilnius on the 3rd of April 2014 in two copies in the Slovenian, Lithuanian and English languages, all texts being equally valid. In case of divergence of interpretation, the English version shall prevail.

For the Ministry
of Defence
of the Republic of Slovenia
Roman Jakič (s)

For the Ministry
of National Defence
of the Republic of Lithuania
Juozas Olekas (s)

3. člen

Za izvajanje sporazuma skrbi ministrstvo, pristojno za obrambo.

4. člen

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

Št. 200-10/13-14/12
Ljubljana, dne 30. januarja 2015
EPA 1597-VI

Državni zbor
Republike Slovenije
dr. Milan Brglez l.r.
Predsednik

13. Zakon o ratifikaciji Memoranduma o spremembah Memoranduma o soglasju med Vlado Republike Slovenije in Vlado Združenih držav Amerike o Fulbrightovem programu izmenjav (BUSFPI-1A)

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 Memoranduma o spremembah Memoranduma o soglasju med Vlado Republike Slovenije in Vlado Združenih držav Amerike o Fulbrightovem programu izmenjav (BUSFPI-1A)**

Razglašam Zakon o ratifikaciji Memoranduma o spremembah Memoranduma o soglasju med Vlado Republike Slovenije in Vlado Združenih držav Amerike o Fulbrightovem programu izmenjav (BUSFPI-1A), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 30. januarja 2015.

Št. 003-02-1/2015-4
Ljubljana, dne 9. februarja 2015

Borut Pahor l.r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI MEMORANDUMA O SPREMENBAH MEMORANDUMA O SOGLASJU MED VLADO REPUBLIKE SLOVENIJE IN VLADO ZDRUŽENIH DRŽAV AMERIKE O FULBRIGHTOVEM PROGRAMU IZMENJAV (BUSFPI-1A)**

1. člen

Ratificira se Memorandum o spremembah Memoranduma o soglasju med Vlado Republike Slovenije in Vlado Združenih držav Amerike o Fulbrightovem programu izmenjav, podpisan v Ljubljani 4. septembra 2014.

2. člen

Besedilo memoranduma se v izvirniku v slovenskem in angleškem jeziku glasi:

**Memorandum o spremembah
Memoranduma o soglasju med Vlado Republike
Slovenije in Vlado Združenih držav Amerike
o Fulbrightovem programu izmenjav**

Vlada Republike Slovenije in Vlada Združenih držav Amerike (v nadaljnjem besedilu: pogodbenici) se sporazumeta o Memorandumu o spremembah Memoranduma o soglasju med Vlado Republike Slovenije in Vlado Združenih držav Amerike o Fulbrightovem programu izmenjav, podpisanega v Ljubljani 6. oktobra 2011.

1. člen

V Memorandumu o soglasju med Vlado Republike Slovenije in Vlado Združenih držav Amerike o Fulbrightovem programu izmenjav se v 5. členu za točko 2 doda nova točka 2.a, ki se glasi:

»2.a Za Republiko Slovenijo:

– Fulbrightove štipendije se dejansko ne obravnavajo ne kot plačilo za opravljeno delo ali storitve in ne kot nadomestilo za izgubljeni dohodek.

– Pri obdavčevanju dohodkov stroški, kot so najemnine, potni stroški, dodatno zdravstveno zavarovanje, študijska literatura, prispevki ustanovi gostiteljici in vsi drugi izdatki, neposredno povezani s sodelovanjem v programu izmenjave, zmanjšujejo davčno osnovo od vseh dohodkov, ki jih prejme štipendist po tem programu, če so ustrezno izkazani in uveljavljani pri davčnem organu.

**Memorandum Amending
The Memorandum of Understanding between
the Government of the Republic of Slovenia and
the Government of the United States of America
Concerning the Fulbright Exchange Program**

The Government of the Republic of Slovenia and the Government of the United States of America (hereinafter "the Parties") hereby agree on the Memorandum Amending the Memorandum of Understanding between the Government of the Republic of Slovenia and the Government of the United States of America Concerning the Fulbright Exchange Program signed on 6 October 2011 in Ljubljana.

Article 1

New point 2a, shall be added after Point 2 of Article 5 of the Memorandum of Understanding between the Government of the Republic of Slovenia and the Government of the United States of America Concerning the Fulbright Exchange Program, to read as follows:

"2a. For the Republic of Slovenia:

– In fact, the Fulbright stipends are neither considered as payment for work/services performed nor as compensation for lost income.

– For the purposes of income taxation, certain costs, such as rents, travel expenses, additional medical insurance, literature, contributions to host institutions and all other expenses directly related to participation in the exchange program, reduce the taxable base of total income received by grantee under such program, if properly documented and claimed with the tax authority.

– Pri obdavčevanju dohodkov tudi dnevnice, ki jih prejme štipendist po tem programu, zmanjšujejo davčno osnovo od vseh dohodkov, prejetih po tem programu.«.

2. člen

Memorandum začne veljati z dnem prejema zadnjega pisnega uradnega obvestila po diplomatski poti, da so izpolnjeni vsi notranjepravni pogoji, potrebni za začetek njegove veljavnosti.

Podpisano v Ljubljani 4. septembra 2014 v dveh izvornikih v slovenskem in angleškem jeziku, pri čemer sta besedili enako verodostojni.

ZA VLADO
REPUBLIKE SLOVENIJE

Jernej Pikalo l.r.

ZA VLADO
ZDRUŽENIH DRŽAV
AMERIKE

Joseph A. Mussomeli l.r.

FOR THE GOVERNMENT
OF THE REPUBLIC
OF SLOVENIA

Jernej Pikalo (s)

FOR THE GOVERNMENT
OF THE UNITED STATES
OF AMERICA

Joseph A. Mussomeli (s)

– For the purposes of income taxation per-diems received by grantee under such program also reduce the taxable base of total income received under such program."

Article 2

This Memorandum shall enter into force on the day of receipt, through diplomatic channels, of the last written notification of compliance by the Parties with their respective national legislations required for the entry into force of this Memorandum.

Signed in Ljubljana, this 4th day of September 2014, in two original copies, in Slovene and English languages, each text being equally authentic.

3. člen

Za izvajanje memoranduma skrbi ministrstvo, pristojno za izobraževanje, znanost in šport.

4. člen

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

Št. 603-08/14-2/11
Ljubljana, dne 30. januarja 2015
EPA 1999-VI

Državni zbor
Republike Slovenije
dr. Milan Brglez l.r.
Predsednik

Obvestila o začetku oziroma prenehanju veljavnosti mednarodnih pogodb

14. Obvestilo o začetku veljavnosti Tretjega dodatnega protokola k Evropski konvenciji o izročitvi za Republiko Slovenijo

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 je 1. avgusta 2014 za Republiko Slovenijo začel veljati Tretji dodatni protokol k Evropski konvenciji o izročitvi, sklenjen v Strasbourgu 10. novembra 2010 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 3/14 (Uradni list Republike Slovenije, št. 19/14).

Ljubljana, dne 26. januarja 2015

Ministrstvo za zunanje zadeve
Republike Slovenije

VSEBINA

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