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U K A Z

O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA MED DRŽAVAMI POGODBENICAMI SEVERNOATLANTSKEGA PAKTA IN DRUGIMI DRŽAVAMI, KI SO DELUJEJO V PARTNERSTVU ZA MIR, GLEDE STATUSA NJIHOVIH SIL IN DODATNEGA PROTOKOLA K SPORAZUMU MED DRŽAVAMI POGODBENICAMI SEVERNOATLANTSKEGA PAKTA IN DRUGIMI DRŽAVAMI, KI SO DELUJEJO V PARTNERSTVU ZA MIR, GLEDE STATUSA NJIHOVIH SIL (MSAPPM)

Razgllašam Zakon o ratifikaciji Sporazuma med državami pogodbenicami Severnoatlantskega pakta in drugimi državami, ki sodelujejo v partnerstvu za mir, glede statusa njihovih sil in Dodatnega protokola k Sporazumu med državami pogodbenicami Severnoatlantskega pakta in drugimi državami, ki sodelujejo v partnerstvu za mir, glede statusa njihovih sil (MSAPPM), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 18. decembra 1995.

Št. 012-01/95-118

Ljubljana, dne 22. decembra 1995

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N

O RATIFIKACIJI SPORAZUMA MED DRŽAVAMI POGODBENICAMI SEVERNOATLANTSKEGA PAKTA IN DRUGIMI DRŽAVAMI, KI SO DELUJEJO V PARTNERSTVU ZA MIR, GLEDE STATUSA NJIHOVIH SIL IN DODATNEGA PROTOKOLA K SPORAZUMU MED DRŽAVAMI POGODBENICAMI SEVERNOATLANTSKEGA PAKTA IN DRUGIMI DRŽAVAMI, KI SO DELUJEJO V PARTNERSTVU ZA MIR, GLEDE STATUSA NJIHOVIH SIL (MSAPPM)

1. člen

Ratificirata se Sporazum med državami pogodbenicami Severnoatlantskega pakta in drugimi državami, ki sodelujejo v Partnerstvu za mir, glede statusa njihovih sil ter Dodatni protokol k Sporazumu med državami pogodbenicami Severnoatlantskega pakta in drugimi državami, ki sodelujejo v Partnerstvu za mir, glede statusa njihovih sil, podpisana v Bruslju 19. junija 1995 v angleškem in francoskem jeziku.

2. člen

Besedili sporazuma in dodatnega protokola se v angleškem izvorniku in slovenskem prevodu glasita:

A G R E E M E N T

AMONG THE STATES PARTIES TO THE NORTH ATLANTIC TREATY AND THE OTHER STATES PARTICIPATING IN THE PARTNERSHIP FOR PEACE REGARDING THE STATUS OF THEIR FORCES

The States Parties to the North Atlantic Treaty done in Washington on 4 April 1949 and the States which accept the invitation to Partnership for Peace issued and signed by the Heads of State and Government of the Member States of the North Atlantic Treaty Organisation in Brussels on 10 January 1994 and which subscribe to the Partnership for Peace Framework Document;

Constituting together the States participating in the Partnership for Peace;

Considering that the forces of one State Party to the present Agreement may be sent and received, by arrangement, into the territory of another State Party;

Bearing in mind that the decisions to send and to receive forces will continue to be the subject of separate arrangements between the States Parties concerned;

S P O R A Z U M

MED DRŽAVAMI POGODBENICAMI SEVERNOATLANTSKEGA PAKTA IN DRUGIMI DRŽAVAMI, KI SO DELUJEJO V PARTNERSTVU ZA MIR, GLEDE STATUSA NJIHOVIH SIL

Države pogodbenice Severnoatlantskega pakta, sklenjene v Washingtonu 4. aprila 1949, in države, ki sprejemajo povabilo k Partnerstvu za mir, ki so ga izdali in podpisali šefi držav in vlad držav članic Organizacije Severnoatlantskega pakta v Bruslju 10. januarja 1994 in pristajajo na Okvirni dokument Partnerstva za mir,

predstavljajo države, ki sodelujejo v Partnerstvu za mir,

menijo, da se sile ene države pogodbenice tega sporazuma po dogovoru lahko pošljejo na ozemlje druge države pogodbenice in jih ta lahko sprejme,

se zavedajo, da se bodo odločitve o pošiljanju in sprejemanju sil še naprej sprejemale z ločenimi dogovori med zadevnimi državami pogodbenicami,

Desiring, however, to define the status of such forces while in the territory of another State Party;

Recalling the Agreement between the States Parties to the North Atlantic Treaty Regarding the Status of their Forces done at London on 19 June 1951;

Have agreed as follows:

Article I

Except as otherwise provided for in the present Agreement and any additional protocol in respect to its own Parties, all States Parties to the present Agreement shall apply the provisions of the Agreement between Parties to the North Atlantic Treaty Regarding the Status of their Forces, done at London on 19 June 1951, hereinafter referred to as the NATO SOFA, as if all State Parties to the present Agreement were Parties to the NATO SOFA.

Article II

1) In addition to the area to which the NATO SOFA applies the present Agreement shall apply to the territory of all States Parties to the present Agreement which are not Parties to the NATO SOFA.

2) For the purposes of the present Agreement, references in the NATO SOFA to the North Atlantic Treaty area shall be deemed also to include the territories referred to in paragraph 1 of the present Article, and references to the North Atlantic Treaty shall be deemed to include the Partnership for Peace.

Article III

For purposes of implementing the present Agreement with respect to matters involving Parties that are not Parties to the NATO SOFA, provisions of the NATO SOFA that provide for requests to be submitted, or differences to be referred to the North Atlantic Council, the Chairman of the North Atlantic Council deputies or an arbitrator shall be construed to require the Parties concerned to negotiate between or among themselves without recourse to any outside jurisdiction.

Article IV

The present Agreement may be supplemented or otherwise modified in accordance with international law.

Article V

1) The present Agreement shall be open for signature by any State that is either a Contracting Party to the NATO SOFA, or that accepts the invitation to the Partnership for Peace and subscribes to the Partnership for Peace Framework Document.

2) The present Agreement shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of the United States of America, which shall notify all signatory States of each such deposit.

3) Thirty days after three signatory States, at least one of which is a Party to the NATO SOFA and one of which has accepted the invitation to the Partnership for Peace and subscribed to the Partnership for Peace Framework Document, have deposited their instruments of ratification, acceptance or approval, the present Agreement shall enter into force in respect of those States. It shall enter into force in respect of each other signatory State thirty days after the date of deposit of its instrument.

Article VI

The present Agreement may be denounced by any Party to this Agreement by giving written notification of denunciation to the Government of the United States of America, which will notify all signatory States of each such notification. The denunciation shall take effect one year after receipt of the notification by the Government of the United States of America. After the expiration of this period of one year, the

želijo opredeliti status takih sil, kadar so na ozemlju druge države pogodbenice,

se sklicujejo na Sporazum med državami pogodbenicami Severnoatlantskega pakta glede statusa njihovih sil, ki je bil sklenjen v Londonu 19. junija 1951,

in so se dogovorile, kot sledi:

1. člen

Razen če ni drugače določeno v tem sporazumu ali kakem dodatnem protokolu glede njegovih pogodbenc, vse države pogodbenice tega sporazuma uporabljajo določbe Sporazuma med pogodbenicami Severnoatlantskega pakta glede statusa njihovih sil, sklenjenega v Londonu 19. junija 1951, v nadaljevanju besedila NATO SOFA, kot če bi bile vse države pogodbenice tega sporazuma pogodbenice NATO SOFA.

2. člen

1. Poleg območja, na katero se nanaša NATO SOFA, se ta sporazum uporablja za ozemlje vseh držav pogodbenc tega sporazuma, ki niso pogodbenice NATO SOFA.

2. Za namene tega sporazuma se šteje, da sklicevanje na območje Severnoatlantskega pakta v NATO SOFA vključuje tudi ozemlja iz prvega odstavka tega člena; za sklicevanje na Severnoatlantski pakt pa se šteje, da vključuje tudi Partnerstvo za mir.

3. člen

Za namene izvajanja tega sporazuma v zvezi z zadevami, ki se nanašajo na pogodbenice, ki niso pogodbenice NATO SOFA, se določbe NATO SOFA, na podlagi katerih je treba zahteve ali spore predložiti Severnoatlantskemu svetu, predsedujočemu predstavnikov Severnoatlantskega sveta ali arbitru, razlaga tako, da zahtevajo od zadevnih pogodbenc, da se med seboj pogajajo brez uporabe zunanje jurisdikcije.

4. člen

Ta sporazum se lahko dopolni ali kako drugače spremeni v skladu z mednarodnim pravom.

5. člen

1. Ta sporazum je na voljo za podpis vsaki državi, ki je ali pogodbenica NATO SOFA ali sprejme povabilo k Partnerstvu za mir in pristaja na Okvirni dokument Partnerstva za mir.

2. Ta sporazum se ratificira, sprejme ali odobri. Listine o ratifikaciji, sprejemu ali odobritvi se deponirajo pri Vladi Združenih držav Amerike, ki o vsakem takem deponiranju uradno obvesti vse države podpisnice.

3. Po tridesetih dneh, ko so tri države podpisnice, od katerih je vsaj ena pogodbenica NATO SOFA in od katerih je ena sprejela povabilo k Partnerstvu za mir in pristala na Okvirni dokument Partnerstva za mir, deponirale svoje listine o ratifikaciji, sprejemu ali odobritvi, začne ta sporazum za te države veljati. Za vsako drugo državo podpisnico začne veljati trideset dni po datumu deponiranja njene listine.

6. člen

Vsaka pogodbenica tega sporazuma lahko sporazum odpove s pisno notifikacijo o odpovedi vladi Združenih držav Amerike, ki bo o vsaki taki notifikaciji uradno obvestila vse države podpisnice. Odpoved začne veljati eno leto potem, ko Vlada Združenih držav Amerike prejme notifikacijo. Po izteku enega leta sporazum za pogodbenico, ki ga odpove, preneha veljati, razen kar zadeva poravnavo odprtih terjatev, do

present Agreement shall cease to be in force as regards the Party that denounces it, except for the settlement of outstanding claims that arose before the day on which the denunciation takes effect, but shall continue to be in force for the remaining Parties.

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective Governments, have signed this Agreement.

DONE in Brussels, this nineteenth day of June, 1995 in the English and French languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the signatory States.

**ADDITIONAL PROTOCOL
TO THE AGREEMENT AMONG THE STATES
PARTIES TO THE NORTH ATLANTIC TREATY
AND THE OTHER STATES PARTICIPATING IN
THE PARTNERSHIP FOR PEACE REGARDING
THE STATUS OF THEIR FORCES**

The State Parties to the present Additional Protocol to the Agreement among the State Parties to the North Atlantic Treaty and the other States Participating in the Partnership for Peace Regarding the Status of their Forces, hereinafter referred to as the Agreement;

Considering that the death penalty is not provided for under the domestic legislation of some parties to the Agreement;

Have agreed as follows:

Article I

Insofar as it has jurisdiction according to the provisions of the Agreement, each State Party to the present Additional Protocol shall not carry out a death sentence with regard to any member of a force and its civilian component, and their dependents from any other State Party to the present Additional Protocol.

Article II

(1) The present Protocol shall be open for signature by any signatory of the Agreement.

(2) The present Protocol shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of the United States of America, which shall notify all signatory States of each such deposit.

(3) The present Protocol shall enter into force 30 days after the date of deposit of the instrument of ratification, acceptance or approval by three signatory States, at least one of which is a Party to the NATO SOFA and one of which is a State having accepted the invitation to join the Partnership for Peace and having subscribed to the Partnership for Peace Framework Document.

(4) The present Protocol shall come into force in respect of each other signatory State on the date of the deposit of its instrument of ratification, acceptance or approval with the Government of the United States of America.

DONE in Brussels, this nineteenth day of June, 1995 in the English and French languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all signatory States.

katerih je prišlo pred dnev, s katerim začne odpoved veljati, medtem ko za druge pogodbenice sporazum ostaja še naprej veljaven.

V potrditev tega so podpisani, ki so jih za to pravilno pooblastile njihove vlade, podpisali ta sporazum.

Sestavljeno v Bruslju dne devetnajstega junija 1995 v angleškem in francoskem jeziku, pri čemer sta besedili enako veljavni, v enem samem izvorniku, ki se hrani v arhivih vlade Združenih držav Amerike. Vlada Združenih držav Amerike pošlje overjene kopije tega sporazuma vsem državam podpisnicam.

**DODATNI PROTOKOL
K SPORAZUMU MED DRŽAVAMI
POGODBENICAMI SEVERNOATLANTSKEGA
PAKTA IN DRUGIMI DRŽAVAMI, KI SO DELUJEJO
V PARTNERSTVU ZA MIR, GLEDE STATUSA
NJIHOVIH SIL**

Države pogodbenice tega Dodatnega protokola k Sporazumu med državami pogodbenicami Severnoatlantskega pakta in drugimi državami, ki sodelujejo v Partnerstvu za mir, glede statusa njihovih sil (v nadaljevanju besedila sporazum) so se

glede na to, da smrtna kazen ni predvidena po domači zakonodaji nekaterih pogodbenic tega sporazuma,

dogovorile, kot sledi:

1. člen

Četudi ima jurisdikcijo v skladu z določbami tega sporazuma, država pogodbenica tega dodatnega protokola ne sme izvesti smrtne obsodbe nad katerim koli pripadnikom oboroženih sil ali nad pripadnikom njihove civilne sestave ter njihovih vzdrževanih družinskih članov iz katere koli druge države pogodbenice tega dodatnega protokola.

2. člen

1. Ta protokol je na voljo za podpis vsaki podpisnici sporazuma.

2. Ta sporazum se ratificira, sprejme ali odobri. Listine o ratifikaciji, sprejemu ali odobritvi se deponirajo pri vladi Združenih držav Amerike, ki o vsakem takem deponiranju uradno obvesti vse države podpisnice.

3. Ta protokol začne veljati trideset dni po datumu, ko so tri države podpisnice, od katerih je vsaj ena pogodbenica NATO SOFA in od katerih je ena sprejela povabilo k Partnerstvu za mir in priznala Okvirni dokument Partnerstva za mir, deponirale svoje listine o ratifikaciji, sprejemu ali odobritvi.

4. Za vsako drugo državo podpisnico začne ta protokol veljati z datumom, ko je deponirala svojo listino o ratifikaciji, sprejemu ali odobritvi pri vladi Združenih držav Amerike.

Sestavljeno v Bruslju dne devetnajstega junija 1995 v angleškem in francoskem jeziku, pri čemer sta besedili enako veljavni, v enem samem izvorniku, ki se hrani v arhivih vlade Združenih držav Amerike. Vlada Združenih držav Amerike pošlje overjene kopije tega sporazuma vsem državam podpisnicam.

3. člen

Za izvajanje sporazuma in dodatnega protokola skrbi Ministrstvo za obrambo.

4. člen

Hkrati s tem zakonom se v Uradnem listu Republike Slovenije – Mednarodne pogodbe v izvorniku v angleškem jeziku ter v slovenskem prevodu objavi tudi Sporazum med državami pogodbenicami Severnoatlantskega pakta glede statusa njihovih sil, sklenjen v Londonu 19. junija 1951, na katerega se navezuje sporazum iz 2. člena.

5. člen

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

Št. 200-10/95-5/1

Ljubljana, dne 18. decembra 1995

Predsednik
Državnega zbora
Republike Slovenije
Jožef Školč l. r.

**AGREEMENT
BETWEEN THE PARTIES TO THE NORTH
ATLANTIC TREATY REGARDING THE STATUS
OF THEIR FORCES**

London, 19 June, 1951

The Parties to the North Atlantic Treaty signed in Washington on 4 April, 1949,

Considering that the forces of one Party may be sent, by arrangement, to serve in the territory of another Party;

Bearing in mind that the decision to send them and the conditions under which they will be sent, in so far as such conditions are not laid down by the present Agreement, will continue to be the subject of separate arrangements between the Parties concerned;

Desiring, however, to define the status of such forces while in the territory of another Party;

Have agreed as follows:

Article I

1. In this Agreement the expression-

a. "force" means the personnel belonging to the land, sea or air armed services of one Contracting Party when in the territory of another Contracting Party in the North Atlantic Treaty area in connexion with their official duties, provided that the two Contracting Parties concerned may agree that certain individuals, units or formations shall not be regarded as constituting or included in a "force" for the purposes of the present Agreement;

b. "civilian component" means the civilian personnel accompanying a force of a Contracting Party who are in the employ of an armed service of that Contracting Party, and who are not stateless persons, nor nationals of any State which is not a Party to the North Atlantic Treaty, nor nationals of, nor ordinarily resident in, the State in which the force is located;

c. "dependent" means the spouse of a member of a force or of a civilian component, or a child of such member depending on him or her for support;

d. "sending State" means the Contracting Party to which the force belongs;

e. "receiving State" means the Contracting Party in the territory of which the force or civilian component is located, whether it be stationed there or passing in transit;

f. "military authorities of the sending State" means those authorities of a sending State who are empowered by its law to enforce the military law of that State with respect to members of its forces or civilian components;

g. "North Atlantic Council" means the Council established by Article 9 of the North Atlantic Treaty or any of its subsidiary bodies authorised to act on its behalf.

**SPORAZUM
MED POGODBENICAMI SEVERNOATLANTSKEGA
PAKTA O STATUSU NJIHOVIH SIL**

Pogodbenice Severnoatlantskega pakta, ki je bil podpisan v Washingtonu 4. aprila 1949,

ob upoštevanju, da se sile ene od pogodbenic lahko po dogovoru pošljejo na ozemlje druge pogodbenice,

ob upoštevanju, da o pošiljanju sil in pogojih pošiljanja, če ti pogoji niso navedeni v tem sporazumu, odločata pogodbenici z ločenimi dogovori,

v želji, da se določi status takšnih sil, ko so na ozemlju druge pogodbenice,

so se sporazumele o naslednjem:

I. člen

1. V tem sporazumu izraz:

a) "sila" pomeni osebje kopenskih, mornariških ali letalskih oboroženih sil ene od pogodbenic, ko je na ozemlju druge pogodbenice na območju Severnoatlantskega pakta v zvezi s svojimi uradnimi dolžnostmi, pri čemer pa se zadevni pogodbenici lahko sporazumeta, da določeni posamezniki, enote ali formacije ne sestavljajo ali niso vključeni v "silo" za namene tega Sporazuma;

b) "civilni del" pomeni civilno osebje, ki spremlja silo pogodbenice, je zaposleno pri oboroženih silah te pogodbenice, ni brez državljanstva niti nima državljanstva katere koli države, ki ni pogodbenica Severnoatlantskega pakta, niti nima državljanstva ali običajnega bivališča v državi, v kateri je sila;

c) "vzdrževani družinski član" pomeni zakonca pripadnika sile ali civilnega dela ali otroka tega pripadnika, ki je od njega odvisen;

d) "država pošiljateljica" pomeni pogodbenico, ki ji sila pripada;

e) "država gostiteljica" pomeni pogodbenico, na ozemlju katere je sila ali civilni del, in sicer če je tam stacionirana ali v tranzitu;

f) "vojaški organi države pošiljateljice" pomeni tiste organe države pošiljateljice, ki so z zakonom pooblašteni za izvajanje vojaškega zakona te države, kar zadeva pripadnike njenih sil ali civilnih delov;

g) "Severnoatlantski svet" pomeni Svet, ki je bil ustanovljen z 9. členom Severnoatlantskega pakta, ali katero koli njegovo pomožno telo, pooblaščen za delovanje v njegovem imenu.

2. This Agreement shall apply to the authorities of political sub-divisions of the Contracting Parties, within their territories to which the Agreement applies or extends in accordance with Article XX, as it applies to the central authorities of those Contracting Parties, provided, however, that property owned by political sub-divisions shall not be considered to be property owned by a Contracting Party within the meaning of Article VIII.

Article II

It is the duty of a force and its civilian component and the members thereof as well as their dependents to respect the law of the receiving State, and to abstain from any activity inconsistent with the spirit of the present Agreement, and, in particular, from any political activity in the receiving State. It is also the duty of the sending State to take necessary measures to that end.

Article III

1. On the conditions specified in paragraph 2 of this Article and subject to compliance with the formalities established by the receiving State relating to entry and departure of a force or the members thereof, such members shall be exempt from passport and visa regulations and immigration inspection on entering or leaving the territory of a receiving State. They shall also be exempt from the regulations of the receiving State on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territories of the receiving State.

2. The following documents only will be required in respect of members of a force. They must be presented on demand:

a. personal identity card issued by the sending State showing names, date of birth, rank and number (if any), service, and photograph;

b. individual or collective movement order, in the language of the sending State and in the English and French languages, issued by an appropriate agency of the sending State or of the North Atlantic Treaty Organization and certifying to the status of the individual or group as a member or members of a force and to the movement ordered. The receiving State may require a movement order to be countersigned by its appropriate representative.

3. Members of a civilian component and dependents shall be so described in their passports.

4. If a member of a force or of a civilian component leaves the employ of the sending State and is not repatriated, the authorities of the sending State shall immediately inform the authorities of the receiving State, giving such particulars as may be required. The authorities of the sending State shall similarly inform the authorities of the receiving State of any member who has absented himself for more than twenty-one days.

5. If the receiving State has requested the removal from its territory of a member of a force or civilian component or has made an expulsion order against an ex-member of a force or of a civilian component or against a dependent of a member or ex-member, the authorities of the sending State shall be responsible for receiving the person concerned within their own territory or otherwise disposing of him outside the receiving State. This paragraph shall apply only to persons who are not nationals of the receiving State and have entered the receiving State as members of a force or civilian component or for the purpose of becoming such members, and to the dependents of such persons.

Article IV

The receiving State shall either

a. accept as valid, without a driving test or fee, the driving permit or licence or military driving permit issued by the sending State or a sub-division thereof to a member of a force or of a civilian component; or

b. issue its own driving permit or licence to any member of a force or civilian component who holds a driving permit

2. Ta sporazum velja za organe političnih podenot pogodbenic na njihovih ozemljih, na katera se Sporazum nanaša ali je razširjen v skladu z XX. členom, enako kot se uporablja za osrednje organe teh pogodbenic, pri čemer se lastnina političnih podenot ne šteje za lastnino pogodbenice v pomenu VIII. člena.

II. člen

Sila in njen civilni del, njuni pripadniki in njihovi vzdrževani družinski člani morajo spoštovati zakon države gostiteljice in se vzdržati kakršne koli dejavnosti, ki ni v skladu z duhom tega sporazuma, in predvsem kakršne koli politične dejavnosti v državi gostiteljici. Država pošiljateljica mora v ta namen ukrepati.

III. člen

1. Pod pogoji, določenimi v drugem odstavku tega člena, in če je to v skladu s formalnostmi, ki jih uvede država gostiteljica glede prihoda in odhoda sil ali njenih pripadnikov, za takšne pripadnike ne veljajo predpisi o potnih listih in vizumih ter pregledu za priseljence ob vstopu na ali odhodu z ozemlja države gostiteljice. Zanje ne veljajo tudi predpisi države gostiteljice glede prijave in nadzora tujcev, vendar ne pridobijo pravice do stalnega prebivališča ali domicila na ozemljih države gostiteljice.

2. Za pripadnike sile se zahtevajo le navedeni dokumenti. Na zahtevo jih je treba pokazati:

a) osebna izkaznica, ki jo je izdala država pošiljateljica in na kateri je fotografija in so navedeni imena, datum rojstva, čin, številka (če obstaja) in vrsta oborožene sile;

b) ukaz za premik posameznika ali skupine v jeziku države pošiljateljice, v angleškem in francoskem jeziku, ki ga je izdala ustrežna ustanova države pošiljateljice ali organizacije NATO in priča o statusu posameznika ali skupine kot pripadnika ali pripadnikov sile ter o ukaznem premiku. Država gostiteljica lahko zahteva, da ukaz za premik podpisajo tudi njeni ustrezni predstavniki.

3. Pripadniki civilnega dela in vzdrževani družinski člani so enako opisani v svojih potnih listih.

4. Če pripadnik sile ali civilnega dela prekine delovno razmerje z državo pošiljateljico in se ne vrne v domovino, organi države pošiljateljice o tem takoj obvestijo organe države gostiteljice in navedejo vse zahtevane podrobnosti. Organi države pošiljateljice podobno obvestijo organe države gostiteljice o vsakem pripadniku, ki je odsoten več kot enaindvajset dni.

5. Če je država gostiteljica zahtevala odstranitev pripadnika sile ali civilnega dela s svojega ozemlja ali je izdala ukaz o izgonu nekdanjega pripadnika sile ali civilnega dela ali vzdrževanega družinskega člana pripadnika ali nekdanjega pripadnika, so organi države pošiljateljice odgovorni za sprejem te osebe na svojem ozemlju ali za kakršno koli drugačno obravnavanje te osebe zunaj države gostiteljice. Ta odstavek se nanaša le na osebe, ki niso državljani države gostiteljice in so vanjo vstopili kot pripadniki sile ali civilnega dela ali z namenom postati takšni pripadniki, in na vzdrževane družinske člane takih oseb.

IV. člen

Država gostiteljica:

a) sprejme kot veljavno brez vozniškega izpita ali plačila vozniško dovoljenje ali vojaško vozniško dovoljenje, ki ga je izdala država pošiljateljica ali njena podenota pripadniku sile ali civilnega dela, ali

b) izda svoje vozniško dovoljenje kateremu koli pripadniku sile ali civilnega dela z vozniškim dovoljenjem ali vo-

or licence or military driving permit issued by the sending State or a sub-division thereof, provided that no driving test shall be required.

Article V

1. Members of a force shall normally wear uniform. Subject to any arrangement to the contrary between the authorities of the sending and receiving States, the wearing of civilian dress shall be on the same conditions as for members of the forces of the receiving State. Regularly constituted units or formations of a force shall be in uniform when crossing a frontier.

2. Service vehicles of a force or civilian component shall carry, in addition to their registration number, a distinctive nationality mark.

Article VI

Members of a force may possess and carry arms, on condition that they are authorized to do so by their orders. The authorities of the sending State shall give sympathetic consideration to requests from the receiving State concerning this matter.

Article VII

1. Subject to the provisions of this Article,

a. the military authorities of the sending State shall have the right to exercise within the receiving State all criminal and disciplinary jurisdiction conferred on them by the law of the sending State over all persons subject to the military law of that State;

b. the authorities of the receiving State shall have jurisdiction over the members of a force or civilian component and their dependents with respect to offences committed within the territory of the receiving State and punishable by the law of that State.

2. a. The military authorities of the sending State shall have the right to exercise exclusive jurisdiction over persons subject to the military law of that State with respect to offences, including offences relating to its security, punishable by the law of the sending State, but not by the law of the receiving State.

b. The authorities of the receiving State shall have the right to exercise exclusive jurisdiction over members of a force or civilian component and their dependents with respect to offences, including offences relating to the security of that State, punishable by its law but not by the law of the sending State.

c. For the purposes of this paragraph and of paragraph 3 of this Article a security offence against a State shall include:

(i) treason against the State;

(ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defence of that State.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

a. The military authorities of the sending State shall have the primary right to exercise jurisdiction over a member of a force or of a civilian component in relation to

(i) offences solely against the property or security of that State, or offences solely against the person or property of another member of the force or civilian component of that State or of a dependent;

(ii) offences arising out of any act or omission done in the performance of official duty.

b. In the case of any other offence the authorities of the receiving State shall have the primary right to exercise jurisdiction.

c. If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consi-

jaškim vozniskim dovoljenjem, ki ga je izdala država pošiljateljica ali njena podenota, pri čemer mu ni treba opravljati vozniškega izpita.

V. člen

1. Pripadniki sile običajno nosijo uniformo. Če se organi države pošiljateljice in gostiteljice ne dogovorijo drugače, veljajo za nošenje civilnih oblačil isti pogoji, kot veljajo za pripadnike sil države gostiteljice. Enote v redni sestavi ali formacije sile nosijo uniformo ob prečkanju državne meje.

2. Službena vozila sile ali civilnega dela imajo poleg registrske številke tudi jasno oznako državne pripadnosti.

VI. člen

Pripadniki sile lahko imajo ali nosijo orožje pod pogojem, da so za to pooblaščen z ukazom. Organi države pošiljateljice z razumevanjem obravnavajo zahteve države gostiteljice v zvezi s tem.

VII. člen

1. V skladu z določbami tega člena:

a) imajo vojaški organi države pošiljateljice pravico uveljaviti v državi gostiteljici vso kazensko in disciplinsko jurisdikcijo, ki jim jo nalaga zakon države pošiljateljice, nad vsemi osebami, za katere velja vojaški zakon države pošiljateljice;

b) velja jurisdikcija organov države gostiteljice za pripadnike sile ali civilnega dela in njihove vzdrževane družinske člane v zvezi s kaznivimi dejanji, ki so storjena na ozemlju države gostiteljice in so kazniva po zakonu države gostiteljice.

2. a) Vojaški organi države pošiljateljice imajo pravico uveljavljati izključno jurisdikcijo nad osebami, za katere velja vojaški zakon države pošiljateljice, v zvezi s kaznivimi dejanji, vključno s kaznivimi dejanji, povezanimi z njeno varnostjo, ki so kazniva po zakonu države pošiljateljice in ne po zakonu države gostiteljice.

b) Organi države gostiteljice imajo pravico uveljavljati izključno jurisdikcijo nad pripadniki sile ali civilnega dela in njihovimi vzdrževanci glede kaznivih dejanj, vključno s kaznivimi dejanji, povezanimi z varnostjo države, ki so kazniva po njenem zakonu in ne po zakonu države pošiljateljice.

c) Za namene tega odstavka in tretjega odstavka tega člena kaznivo dejanje zoper varnost države vključuje:

(i) veleizdajo države;

(ii) sabotažo, vohunstvo ali kršitev katerega koli zakona v zvezi z uradnimi tajnostmi te države ali tajnostmi v zvezi z nacionalno obrambo te države.

3. Ob koliziji jurisdikcij veljajo ta pravila:

a) Vojaški organi države pošiljateljice imajo prednostno pravico uveljavljanja jurisdikcije nad pripadnikom sile ali civilnega dela v zvezi s:

(i) kaznivimi dejanji samo zoper lastnino ali varnost te države ali kaznivimi dejanji samo zoper osebo ali lastnino drugega pripadnika sile ali civilnega dela te države ali vzdrževanega družinskega člana;

(ii) kaznivimi dejanji, ki izhajajo iz kakršne koli storitve ali opustitve pri opravljanju uradne dolžnosti.

b) V primeru vseh drugih kaznivih dejanj imajo organi države gostiteljice prednostno pravico pri uveljavljanju jurisdikcije.

c) Če se država, ki ima prednostno pravico, odloči, da ne bo uveljavljala svoje jurisdikcije, o tem čim prej obvesti organe druge države. Organi države, ki ima prednostno pravico, z razumevanjem obravnavajo zahteve organov druge

deration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

4. The foregoing provisions of this Article shall not imply any right for the military authorities of the sending State to exercise jurisdiction over persons who are nationals of or ordinarily resident in the receiving State, unless they are members of the force of the sending State.

5. a. The authorities of the receiving and sending States shall assist each other in the arrest of members of a force or civilian component or their dependents in the territory of the receiving State and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

b. The authorities of the receiving State shall notify promptly the military authorities of the sending State of the arrest of any member of a force or civilian component or a dependent.

c. The custody of an accused member of a force or civilian component over whom the receiving State is to exercise jurisdiction shall, if he is in the hands of the sending State, remain with that State until he is charged by the receiving State.

6. a. The authorities of the receiving and sending States shall assist each other in the carrying out of all necessary investigations into offences, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offence. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

b. The authorities of the Contracting Parties shall notify one another of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7. a. A death sentence shall not be carried out in the receiving State by the authorities of the sending State if the legislation of the receiving State does not provide for such punishment in a similar case.

b. The authorities of the receiving State shall give sympathetic consideration to a request from the authorities of the sending State for assistance in carrying out a sentence of imprisonment pronounced by the authorities of the sending State under the provision of this Article within the territory of the receiving State.

8. Where an accused has been tried in accordance with the provisions of this Article by the authorities of one Contracting Party and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried again for the same offence within the same territory by the authorities of another Contracting Party. However, nothing in this paragraph shall prevent the military authorities of the sending State from trying a member of its force for any violation of rules of discipline arising from an act or omission which constituted an offence for which he was tried by the authorities of another Contracting Party.

9. Whenever a member of a force or civilian component of a dependent is prosecuted under the jurisdiction of a receiving State he shall be entitled:

- a. to a prompt and speedy trial;
- b. to be informed, in advance of trial, of the specific charge or charges made against him;
- c. to be confronted with the witnesses against him;
- d. to have compulsory process for obtaining witnesses in his favour, if they are within the jurisdiction of the receiving State;
- e. to have legal representation of his own choice for his defence or to have free or assisted legal representation under the conditions prevailing for the time being in the receiving State;
- f. if he considers it necessary, to have the services of a competent interpreter; and
- g. to communicate with a representative of the Government of the sending State and, when the rules of the court permit, to have such a representative present at his trial.

države, da prepusti svojo pravico v primerih, ko ta druga država meni, da je takšna prepustitev posebno pomembna.

4. Zgoraj navedene določbe tega člena vojaškim organom države pošiljateljice ne dajejo nobene pravice uveljavljanja jurisdikcije nad osebami, ki imajo državljanstvo ali običajno bivališče v državi gostiteljici, razen če so pripadniki sile države pošiljateljice.

5. a) Organi države gostiteljice in države pošiljateljice si medsebojno pomagajo pri prijemu pripadnikov sile ali civilnega dela ali njihovih vzdrževanih družinskih članov na ozemlju države gostiteljice in pri izročitvi le-teh organu, ki naj bi uveljavljal jurisdikcijo v skladu z zgoraj navedenimi določbami.

b) Organi države gostiteljice takoj obvestijo vojaške organe države pošiljateljice o prijemu katerega koli pripadnika sile ali civilnega dela ali vzdrževanega družinskega člana.

c) Obdolženi pripadnik sile ali civilnega dela, nad katerim uveljavlja jurisdikcijo država gostiteljica, ostane pod nadzorom države pošiljateljice, če je v rokah te države, dokler država gostiteljica zoper njega ne vloži obtožnice.

6. a) Organi države gostiteljice in države pošiljateljice si medsebojno pomagajo pri preiskovanju kaznivih dejanj in pri zbiranju in izvedbi dokazov, vključno z zasegom in izročitvijo predmetov, ki so predmet kaznivega dejanja ali kakor koli drugače povezana s kaznivim dejanjem. Organ, ki je predmete izročil, lahko določi čas, v katerem je izročene predmete treba vrniti.

b) Organi pogodbenic obvestijo drug drugega o sodbi v vseh primerih kolizije jurisdikcij.

7. a) Smrtne kazni, ki je zakonodaja države gostiteljice za primere, v katerih je bila izrečena, ne predpisuje, organi države pošiljateljice na ozemlju države gostiteljice ne morejo izvršiti.

b) Organi države gostiteljice z razumevanjem obravnavajo zahtevo organov države pošiljateljice za pomoč pri izvrševanju kazni zapora, ki jo izrečejo organi države pošiljateljice v skladu z določbami tega člena na ozemlju države gostiteljice.

8. Če so organi ene države pogodbenice sodili obdolžencu v skladu z določbami tega člena in je bil le-ta oproščen ali spoznan za krivega in prestaja ali je prestal svojo kazen ali je bil pomiloščen, mu organi druge države pogodbenice ne smejo ponovno soditi zaradi istega kaznivega dejanja na istem ozemlju. Vendar pa nič iz tega odstavka ne more preprečiti vojaškim organom države pošiljateljice, da obravnavajo pripadnika svoje sile zaradi kakršne koli kršitve pravil discipline, ki izhajajo iz storitve ali opustitve dejanja, ki je sestavljalo kaznivo dejanje, zaradi katerega so mu sodili organi druge države pogodbenice.

9. Če je pripadnik sile ali civilnega dela ali vzdrževani družinski član v kazenskem postopku v pristojnosti države gostiteljice, ima pravico do:

- a) takojšnjega in hitrega sojenja,
- b) da je pred obravnavo seznanjen z obtožnico zoper njega,
- c) soočanja s pričami, ki pričajo zoper njega,
- d) prisilne privedbe prič, ki pričajo v njegovo korist, če je to v pristojnosti države gostiteljice,
- e) zagovornika po lastni izbiri ali brezplačnega zagovornika ali pomoči pri zagotavljanju zagovornika pod pogoji, ki prevladujejo v tistem času v državi gostiteljici,
- f) če se mu zdi potrebno, pomoči usposobljenega prevajalca in
- g) stikov s predstavnikom vlade države pošiljateljice in, če pravila sodišča dovoljujejo, da je ta predstavnik prisoten na sojenju.

10. a. Regularly constituted military units or formations of a force shall have the right to police any camps, establishments or other premises which they occupy as the result of an agreement with the receiving State. The military police of the force may take all appropriate measures to ensure the maintenance of order and security on such premises.

b. Outside these premises, such military police shall be employed only subject to arrangements with the authorities of the receiving State and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of the force.

11. Each Contracting Party shall seek such legislation as it deems necessary to ensure the adequate security and protection within its territory of installations, equipment, property, records and official information of other Contracting Parties, and the punishment of persons who may contravene laws enacted for that purpose.

Article VIII

1. Each Contracting Party waives all its claims against any other Contracting Party for damage to any property owned by it and used by its land, sea or air armed services, if such damage:

(i) was caused by a member or an employee of the armed services of the other Contracting Party in the execution of his duties in connection with the operation of the North Atlantic Treaty: or

(ii) arose from the use of any vehicle, vessel or aircraft owned by the other Contracting Party and used by its armed services provided either that the vehicle, vessel or aircraft causing the damage was being used in connection with the operation of the North Atlantic Treaty, or that the damage was caused to property being so used.

Claims for maritime salvage by one Contracting Party against any other Contracting Party shall be waived, provided that the vessel or cargo salvaged was owned by a Contracting Party and being used by its armed services in connection with the operation of the North Atlantic Treaty.

2. a. In the case of damage caused or arising as stated in paragraph 1 to other property owned by a Contracting Party and located in its territory, the issue of the liability of any other Contracting Party shall be determined and the amount of damage shall be assessed, unless the Contracting Parties concerned agree otherwise, by a sole arbitrator selected in accordance with sub-paragraph b. of this paragraph. The arbitrator shall also decide any counter-claims arising out of the same incident.

b. The arbitrator referred to in sub-paragraph a. above shall be selected by agreement between the Contracting Parties concerned from amongst the nationals of the receiving State who hold or have held high judicial office. If the Contracting Parties concerned are unable, within two months, to agree upon the arbitrator, either may request the Chairman of the North Atlantic Council Deputies to select a person with the aforesaid qualifications.

c. Any decision taken by the arbitrator shall be binding and conclusive upon the Contracting Parties.

d. The amount of any compensation awarded by the arbitrator shall be distributed in accordance with the provisions of paragraph 5 e. (i), (ii) and (iii) of this Article.

e. The compensation of the arbitrator shall be fixed by agreement between the Contracting Parties concerned and shall, together with the necessary expenses incidental to the performance of his duties, be defrayed in equal proportions by them.

f. Nevertheless, each Contracting Party waives its claim in any such case where the damage is less than:

Belgium:	B. fr. 70,000.	Luxembourg:	L. fr. 70,000.
Canada:	\$ 1,460.	Netherlands:	Fl. 5,320.
Denmark:	Kr. 9,670.	Norway:	Kr. 10,000.
France:	F. fr. 490,000.	Portugal:	Es. 40,250.
Iceland:	Kr. 22,800.	United Kingdom:	£ 500.
Italy:	Li. 850,000.	United States:	\$ 1,400.

10. a) Vojaške enote v redni sestavi ali formacije sile imajo pravico policijsko nadzorovati vse tabore, ustanove ali druge prostore sile, ki jih zasedajo po dogovoru z državo gostiteljico. Vojaška policija sile lahko ustrezno ukrepa za ohranitev reda in miru v takšnih prostorih.

b) Zunaj teh prostorov se takšna vojaška policija lahko uporabi le, če je tako dogovorjeno z organi države gostiteljice in v povezavi s temi organi ter če je njena uporaba nujno potrebna za ohranitev discipline in reda med pripadniki sile.

11. Vsaka pogodbenica si prizadeva za takšno zakonodajo, kot se ji zdi potrebna za zagotovitev zadovoljive varnosti in zaščite objektov, opreme, lastnine, dokumentacije in uradnih informacij drugih pogodbenic na svojem ozemlju ter za kaznovanje oseb, ki kršijo zakone, sprejete v ta namen.

VIII. člen

1. Vsaka pogodbenica se odreka vsem zahtevkom zoper katero koli pogodbenico zaradi škode na svoji lastnini, katere uporabnik so njene kopenske, mornariške ali letalske sile, če:

(i) je takšno škodo povzročil pripadnik ali delavec oboroženih sil druge pogodbenice pri opravljanju svojih dejavnosti v zvezi z operacijo Severnoatlantskega pakta ali

(ii) takšna škoda izvira iz uporabe kakršnega koli vozila, plovila ali letala v lasti druge pogodbenice in v uporabi njenih oboroženih sil pod pogojem, da je bilo vozilo, plovilo ali letalo, ki je povzročilo škodo, uporabljeno v zvezi z operacijo Severnoatlantskega pakta, ali da je bila poškodovana tako uporabljena lastnina.

Zahtevkom ene pogodbenice zoper drugo pogodbenico za nadomestilo osebam, s pomočjo katerih je bilo rešeno plovilo, se odpove pod pogojem, da je bilo rešeno plovilo ali tovor v lasti pogodbenice in v uporabi njenih oboroženih sil v zvezi z operacijo Severnoatlantskega pakta.

2. a) Ob morebitni škodi na drugi lastnini pogodbenice na njenem ozemlju, ki je bila povzročena ali izvira iz navedene v prvem odstavku, določi odškodninsko odgovornost katere koli druge pogodbenice in oceni škodo, razen če se pogodbenici ne dogovorita drugače, en arbirer, ki se izbere v skladu s točko b) tega odstavka. Arbitrer tudi odloči o protizahtevkih, ki izvirajo iz istega dogodka.

b) Arbitra, omenjenega v točki a) zgoraj, sporazumno izbereta zadevni pogodbenici med državljanji države gostiteljice, ki opravljajo ali so opravljali visoko sodno funkcijo. Če se zadevni pogodbenici v dveh mesecih ne moreta sporazumeti glede arbitra, lahko zahtevata, da predsedujoči predstavnikov Severnoatlantskega sveta izbere osebo z zgoraj navedenimi kvalifikacijami.

c) Kakršna koli odločitev arbitra je za pogodbenice obvezujoča in dokončna.

d) Znesek plačila, ki ga določi arbitrer, se razdeli v skladu z določbami v alineah (i), (ii), (iii) točke e) petega odstavka tega člena.

e) Znesek plačila arbitru za njegove storitve s sporazumom določita zadevni pogodbenici in ga skupaj s potrebnimi stroški, ki so povezani z opravljanjem njegovih dolžnosti, plačata pogodbenici v enakovrednih deležih.

f) Kljub temu se vsaka pogodbenica odpove zahtevku v vsakem primeru, če škoda znaša manj kot:

Belgija:	70 000 B.fr.	Luksemburg:	70 000 L.fr.
Kanada:	1 460 \$	Nizozemska:	5 320 Fl.
Danska:	9 670 Kr.	Norveška:	10 000 Kr.
Francija:	490 000 F.fr.	Porugalska:	40 250 Es.
Islandija	22 800 Kr.	Združeno kraljestvo:	500 £
Italija:	850 000 Li.	Združene države:	1 400 \$

Any other Contracting Party whose property has been damaged in the same incident shall also waive its claim up to the above amount. In the case of considerable variation in the rates of exchange between these currencies the Contracting Parties shall agree on the appropriate adjustments of these amounts.

3. For the purposes of paragraphs 1 and 2 of this Article the expression "owned by a Contracting Party" in the case of a vessel includes a vessel on bare boat charter to that Contracting Party or requisitioned by it on bare boat terms or seized by it in prize (except to the extent that the risk of loss or liability is borne by some person other than such Contracting Party).

4. Each Contracting Party waives all its claims against any other Contracting Party for injury or death suffered by any member of its armed services while such member was engaged in the performance of his official duties.

5. Claims (other than contractual claims and those to which paragraphs 6 or 7 of this Article apply) arising out of acts or omissions of members of a force or civilian component done in the performance of official duty, or out of any other act, omission or occurrence for which a force or civilian component is legally responsible, and causing damage in the territory of the receiving State to third parties, other than any of the Contracting Parties, shall be dealt with by the receiving State in accordance with the following provisions:

a. Claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of the receiving State with respect to claims arising from the activities of its own armed forces.

b. The receiving State may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by the receiving State in its currency.

c. Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of the receiving State, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive upon the Contracting Parties.

d. Every claim paid by the receiving State shall be communicated to the sending States concerned together with full particulars and a proposed distribution in conformity with sub-paragraphs e. (i), (ii) and (iii) below. In default of a reply within two months, the proposed distribution shall be regarded as accepted.

e. The cost incurred in satisfying claims pursuant to the preceding sub-paragraphs and para. 2 of this Article shall be distributed between the Contracting Parties, as follows:

(i) Where one sending State alone is responsible, the amount awarded or adjudged shall be distributed in the proportion of 25 per cent. chargeable to the receiving State and 75 per cent. chargeable to the sending State.

(ii) Where more than one State is responsible for the damage, the amount awarded or adjudged shall be distributed equally among them: however, if the receiving State is not one of the States responsible, its contribution shall be half that of each of the sending States.

(iii) Where the damage was caused by the armed services of the Contracting Parties and it is not possible to attribute it specifically to one or more of those armed services, the amount awarded or adjudged shall be distributed equally among the Contracting Parties concerned: however, if the receiving State is not one of the States by whose armed services the damage was caused, its contribution shall be half that of each of the sending States concerned.

(iv) Every half-year, a statement of the sums paid by the receiving State in the course of the half-yearly period in respect of every case regarding which the proposed distribution on a percentage basis has been accepted, shall be sent to the sending States concerned, together with a request for reimbursement. Such reimbursement shall be made within the shortest possible time, in the currency of the receiving State.

Katera koli druga pogodbenica, katere lastnina je bila poškodovana v istem dogodku, se tudi odpove zahtevku v višini zgornjega zneska. Če so tečajne razlike med temi valutami znatne, se pogodbenice sporazumejo o ustreznem popravku teh zneskov.

3. Za namene prvega in drugega odstavka tega člena izraz "v lasti pogodbenice", če gre za plovilo, vključuje plovilo, ki ga ima pogodbenica v podjetju ali ga je zasegla v skladu s pogoji podjetja ali je bilo zaplenjeno v vojni (razen če tveganja za izgubo ali odgovornost ne nosi pogodbenica, temveč neka druga oseba).

4. Vsaka pogodbenica se odpove vsem svojim zahtevkom zoper katero koli drugo pogodbenico zaradi poškodbe ali smrti katerega koli pripadnika njenih oboroženih sil med pripadnikovim opravljanjem njegovih uradnih dolžnosti.

5. Zahtevke (razen pogodbenih zahtevkov in tistih, za katere veljata šesti in sedmi odstavek tega člena), ki izvirajo iz storitve ali opustitve dejanja pripadnika sile ali civilnega dela med opravljanjem uradne dolžnosti ali iz katere koli druge storitve ali opustitve dejanja ali dogodka, za katere je pravno odgovorna sila ali civilni del in so na ozemlju države gostiteljice povzročili škodo tretji strani, ki ni pogodbenica, obravnava država gostiteljica v skladu s temi določbami:

a) Zahtevki se vložijo, obravnavajo in rešijo ali razsodi v skladu z zakoni in predpisi države gostiteljice o zahtevkih, ki izhajajo iz dejavnosti njenih oboroženih sil.

b) Država gostiteljica lahko rešuje tovrstne zahtevke; znesek, ki je dogovorjen ali določen z razsodbo, plača država gostiteljica v svoji valuti.

c) Takšno plačilo, ki je posledica primera, ki ga reši ali o njem razsodi pristojno sodišče države gostiteljice, ali dokončna razsodba takšnega sodišča, s katero se zavrne plačilo, je za pogodbenice obvezujoča in dokončna.

d) Vsak zahtevek, ki ga plača država gostiteljica, se pošlje zadevnim državam pošiljateljicam skupaj z vsemi podrobnostmi in predlogom razdelitve v skladu s spodnjimi alineami (i), (ii), (iii) točke e. Če v dveh mesecih ni odgovora, se šteje, da je predlog razdelitve sprejet.

e) Strošek, ki je nastal pri izpolnjevanju zahtevkov v skladu z zgornjimi točkami in drugim odstavkom tega člena, si razdelijo pogodbenice, in sicer:

(i) če je odgovorna le ena država pošiljateljica, se dodeljeni ali razsojeni znesek razdeli, tako da 25% plača država gostiteljica in 75% država pošiljateljica,

(ii) če je za škodo odgovorna več kot ena država, se dodeljeni ali razsojeni znesek enakovredno razdeli med njeni; če pa država gostiteljica ni ena od odgovornih držav, njen delež znaša polovico deleža vsake države pošiljateljice,

(iii) če so škodo povzročile oborožene sile pogodbenic in je ni mogoče pripisati eni ali več teh oboroženih sil, se dodeljeni ali razsojeni znesek razdeli enakovredno med zadevnimi pogodbenicami; če pa država gostiteljica ni ena od držav, katerih oborožene sile so povzročile škodo, njen delež znaša polovico vsake zadevne države pošiljateljice.

(iv) Vsakega pol leta se izkaz o zneskih, ki jih je država gostiteljica v šestmesečnem obdobju plačala v zvezi z vsakim primerom, za katerega je bila sprejeta predlagana razdelitev na podlagi odstotkov, pošlje zadevni državi pošiljateljici skupaj z zahtevo za povračilo. Takšni zneski se povrnejo v najkrajšem možnem času v valuti države gostiteljice.

f. In cases where the application of the provisions of sub-paragraphs b. and e. of this paragraph would cause a Contracting Party serious hardship, it may request the North Atlantic Council to arrange a settlement of a different nature.

g. A member of a force or civilian component shall not be subject to any proceedings for the enforcement of any judgment given against him in the receiving State in a matter arising from the performance of his official duties.

h. Except in so far as sub-paragraph e. of this paragraph applies to claims covered by paragraph 2 of this Article, the provisions of this paragraph shall not apply to any claim arising out of or in connexion with the navigation or operation of a ship or the loading, carriage, or discharge of a cargo, other than claims for death or personal injury to which paragraph 4 of this Article does not apply.

6. Claims against members of a force or civilian component arising out of tortious acts or omissions in the receiving State not done in the performance of official duty shall be dealt with in the following manner:

a. The authorities of the receiving State shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.

b. The report shall be delivered to the authorities of the sending State, who shall then decide without delay whether they will offer an *ex gratia* payment, and if so, of what amount.

c. If an offer of *ex gratia* payment is made, and accepted by the claimant in full satisfaction of his claim, the authorities of the sending State shall make the payment themselves and inform the authorities of the receiving State of their decision and of the sum paid.

d. Nothing in this paragraph shall affect the jurisdiction of the courts of the receiving State to entertain an action against a member of a force or of a civilian component unless and until there has been payment in full satisfaction of the claim.

7. Claims arising out of the unauthorized use of any vehicle of the armed services of a sending State shall be dealt with in accordance with paragraph 6 of this Article, except in so far as the force or civilian component is legally responsible.

8. If a dispute arises as to whether a tortious act or omission of a member of a force or civilian component was done in the performance of official duty or as to whether the use of any vehicle of the armed services of a sending State was unauthorized, the question shall be submitted to an arbitrator appointed in accordance with paragraph 2 b. of this Article, whose decision on this point shall be final and conclusive.

9. The sending State shall not claim immunity from the jurisdiction of the courts of the receiving State for members of a force or civilian component in respect of the civil jurisdiction of the courts of the receiving State except to the extent provided in paragraph 5 g. of this Article.

10. The authorities of the sending State and of the receiving State shall co-operate in the procurement of evidence for a fair hearing and disposal of claims in regard to which the Contracting Parties are concerned.

Article IX

1. Members of a force or of a civilian component and their dependents may purchase locally goods necessary for their own consumption, and such services as they need, under the same conditions as the nationals of the receiving State.

2. Goods which are required from local sources for the subsistence of a force or civilian component shall normally be purchased through the authorities which purchase such goods for the armed services of the receiving State. In order to avoid such purchases having any adverse effect on the economy of the receiving State, the competent authorities of that State shall indicate, when necessary, any articles the purchase of which should be restricted or forbidden.

f) Če bi uveljavljanje določb iz točk b) in e) tega odstavka povzročilo pogodbenici hude težave, lahko prosi Severnoatlantski svet, da se dogovori za poravnavo drugačne vrste.

g) Za pripadnika sile ali civilnega dela ne velja noben postopek za izvršitev kakršne koli sodbe, izrečene zoper njega v državni gostiteljici v zadevi, ki izhaja iz opravljanja njegovih uradnih dolžnosti.

h) Če točka e) tega odstavka velja za zahteve, ki jih pokriva drugi odstavek tega člena, določbe tega odstavka ne veljajo za kakršen koli zahtev, ki izhaja iz ali je v povezavi s plovbo ali upravljanjem ladje ali natovarjanjem, prevozom ali raztovarjanjem tovora, z izjemo zahtevkov v primeru smrti ali osebne poškodbe, za katere četrti odstavek tega člena ne velja.

6. Zahtevki zoper pripadnike sile ali civilnega dela, ki izhajajo iz storitve nedovoljenih dejanj ali opustitve dejanj izven opravljanja uradne dolžnosti v državni gostiteljici, se obravnavajo na tak način:

a) Organi države gostiteljice obravnavajo zahtev, določijo odškodnino vlagatelju zahtevka pošteno in pravično ob upoštevanju vseh okoliščin primera, vključno z obnašanjem poškodovane osebe, in o tej zadevi pripravijo poročilo.

b) Poročilo se dostavi oblastem države pošiljateljice, ki nato brez odloga odločijo, ali bodo ponudile plačilo *ex gratia* in, če ga bodo, v kolikšnem znesku.

c) Če ponujeno plačilo *ex gratia* vlagatelj zahtevka sprejme ter tako v celoti zadovolji svojemu zahtevku, organi države pošiljateljice sami plačajo znesek in obvestijo organe države gostiteljice o svoji odločitvi in plačanem znesku.

d) Nič iz tega odstavka ne vpliva na jurisdikcijo sodišč države gostiteljice, da ukrepajo zoper pripadnika sile ali civilnega dela, razen in dokler ni plačan znesek, ki v celoti izpolnjuje zahtev.

7. Zahtevki, ki izhajajo iz nedovoljene uporabe vozila oboroženih sil države pošiljateljice, se obravnavajo v skladu s šestim odstavkom tega člena, razen če ni sila ali civilni del pravno odgovorna.

8. Ob sporu, ali je pripadnik sile ali civilnega dela storil nedovoljeno dejanje ali opustil dejanje pri opravljanju uradne dolžnosti ali je bila kakršna koli uporaba vozila oboroženih sil države pošiljateljice nedovoljena, se vprašanje predloži arbitru, ki se imenuje v skladu s točko b) drugega odstavka tega člena in katerega odločitev glede te zadeve je dokončna.

9. Država pošiljateljica se ne sklicuje na imuniteto pred pristojnostjo sodišč države gostiteljice nad pripadniki sile ali civilnega dela v zvezi s civilno pristojnostjo sodišč države gostiteljice, razen v obsegu, določenem s točko g) petega odstavka tega člena.

10. Organi države pošiljateljice in države gostiteljice sodelujejo pri zbiranju dokazov za pravično zaslišanje in rešitev zahtevkov, ki zadevajo pogodbenice.

IX. člen

1. Pripadniki sile ali civilnega dela in njihovi vzdrževalni družinski člani lahko lokalno kupujejo blago, ki ga potrebujejo za lastno porabo, in takšne storitve, kot jih potrebujejo, pod enakimi pogoji kot državljani države gostiteljice.

2. Blago, ki ga je treba priskrbeti pri lokalnih virih za preživetje sile ali civilnega dela, se običajno kupi prek organov, ki kupujejo takšno blago za oborožene sile države gostiteljice. Da takšni nakupi ne bi slabo vplivali na gospodarstvo države gostiteljice, pristojni organi te države navedejo, če je potrebno, vse izdelke, katerih nakup naj bi bil omejen ali prepovedan.

3. Subject to agreements already in force or which may hereafter be made between the authorized representatives of the sending and receiving States, the authorities of the receiving State shall assume sole responsibility for making suitable arrangements to make available to a force or a civilian component the buildings and grounds which it requires, as well as facilities and services connected therewith. These agreements and arrangements shall be, as far as possible, in accordance with the regulations governing the accommodation and billeting of similar personnel of the receiving State. In the absence of a specific contract to the contrary, the laws of the receiving State shall determine the rights and obligations arising out of the occupation or use of the buildings, grounds, facilities or services.

4. Local civilian labour requirements of a force or civilian component shall be satisfied in the same way as the comparable requirements of the receiving State and with the assistance of the authorities of the receiving State through the employment exchanges. The conditions of employment and work, in particular wages, supplementary payments and conditions for the protection of workers, shall be those laid down by the legislation of the receiving State. Such civilian workers employed by a force or civilian component shall not be regarded for any purpose as being members of that force or civilian component.

5. When a force or a civilian component has at the place where it is stationed inadequate medical or dental facilities, its members and their dependents may receive medical and dental care, including hospitalization, under the same conditions as comparable personnel of the receiving State.

6. The receiving State shall give the most favourable consideration to requests for the grant to members of a force or of a civilian component of travelling facilities and concessions with regard to fares. These facilities and concessions will be the subject of special arrangements to be made between the Governments concerned.

7. Subject to any general or particular financial arrangements between the Contracting Parties, payment in local currency for goods, accommodation and services furnished under paragraphs 2, 3, 4 and, if necessary, 5 and 6, of this Article shall be made promptly by the authorities of the force.

8. Neither a force, nor a civilian component, nor the members thereof, nor their dependents, shall by reason of this Article enjoy and exemption from taxes or duties relating to purchases and services chargeable under the fiscal regulations of the receiving State.

Article X

1. Where the legal incidence of any form of taxation in the receiving State depends upon residence or domicile, periods during which a member of a force or civilian components is in the territory of that State by reason solely of his being a member of such force or civilian component shall not be considered as periods of residence therein, or as creating a change of residence or domicile, for the purposes of such taxation. Members of a force or civilian component shall be exempt from taxation in the receiving State on the salary and emoluments paid to them as such members by the sending State or on any tangible movable property the presence of which in the receiving State is due solely to their temporary presence there.

2. Nothing in this Article shall prevent taxation of a member of a force or civilian component with respect to any profitable enterprise, other than his employment as such member, in which he may engage in the receiving State, and, except as regards his salary and emoluments and the tangible movable property referred to in paragraph 1, nothing in this Article shall prevent taxation to which, even if regarded as having his residence or domicile outside the territory of the receiving State, such a member is liable under the law of that State.

3. V skladu s sporazumi, ki že veljajo ali jih bodo sklenili pooblaščen predstavniki države pošiljateljice in države gostiteljice, organi države gostiteljice sami prevzamejo odgovornost za sprejem ustreznih ukrepov, s katerimi bodo sili ali civilnemu delu zagotovljeni objekti in zemljišča, ki jih potrebuje, in s tem povezane zmogljivosti in storitve. Ti sporazumi in organiziranje so v največji možni meri usklajeni s predpisi, ki urejajo civilno in vojaško nastanitev podobnega osebja države gostiteljice. Če ni drugače določeno s pogodbo, zakoni države gostiteljice določajo pravice in obveznosti, ki izhajajo iz nastanitve ali uporabe objektov, zemljišč, zmogljivosti ali storitev.

4. Potrebe sile ali civilnega dela po lokalni civilni delovni sili se zadovoljijo enako kot primerljive zahteve države gostiteljice in s pomočjo organov države gostiteljice na podlagi izmenjave zaposlenih. Pogoji zaposlovanja in dela, predvsem plač in dodatnih prejemkov, ter pogoji za zaščito delavcev so določeni z zakonodajo države gostiteljice. Takšni civilni delavci, ki so zaposleni pri sili ali civilnem delu, se za noben namen ne štejejo za pripadnike te sile ali civilnega dela.

5. Če kraj, kjer sta sila ali civilni del, nima zadovoljivih zdravstvenih in zobozdravstvenih zmogljivosti, so njeni pripadniki in njihovi vzdrževani družinski člani upravičeni do zdravstvene in zobozdravstvene oskrbe, vključno z bivanjem v bolnici, pod enakimi pogoji kot primerljivo osebje države gostiteljice.

6. Država gostiteljica z največjo naklonjenostjo obravnava zahteve za odobritev prevoznih zmogljivosti pripadnikom sile ali civilnega dela ter znižane cene vozovnic. Takšne zmogljivosti in znižanja urejajo posebni dogovori med zadevnima vladama.

7. Organi sile v skladu s kakršnimi koli splošnimi ali posebnimi finančnimi dogovori med pogodbenicama takoj v lokalni valuti plačajo blago, nastanitev in storitve, preskrbljene z drugim, tretjim in četrtim odstavkom in, če je potrebno, petim in šestim odstavkom tega člena.

8. Niti sila niti civilni del niti njuni pripadniki ali njihovi vzdrževani družinski člani v skladu s tem členom ne morejo biti oproščeni plačila davka ali drugih dajatev v zvezi z nakupom blaga ali storitev, ki se plačujejo v skladu z davčnimi predpisi države gostiteljice.

X. člen

1. Če je kakršna koli oblika obdavčitve v državi gostiteljici pravno odvisna od prebivališča ali domicila, se obdobja, v katerih je pripadnik sile ali civilnega dela na ozemlju te države izključno zato, ker je pripadnik te sile ali civilnega dela, ne štejejo kot obdobja prebivanja v tej državi ali kot sprememba prebivališča ali domicila za namene takšne obdavčitve. Pripadniki sile ali civilnega dela so v državi gostiteljici oproščeni plačila davkov na plače in zaslužek, ki so ju prejeli kot takšni pripadniki od države pošiljateljice, ali na premičnine, ki so v državi gostiteljici, kar je izključno posledica njihovečasne prisotnosti v tej državi.

2. Nič iz tega člena ne prepreči obdavčitve pripadnika sile ali civilnega dela v zvezi s kakršnim koli dobičkonosnim poslom, pri katerem je udeležen v državi gostiteljici in ni del njegove zaposlitve kot pripadnika; z izjemo njegove plače, zaslužka in premičnin, navedenih v prvem odstavku, nič iz tega člena ne prepreči obdavčitve, ki za takšnega pripadnika velja po zakonu države gostiteljice, tudi če se šteje, da ima prebivališče ali domicil zunaj ozemlja te države.

3. Nothing in this Article shall apply to "duty" as defined in paragraph 12 of Article XI.

4. For the purposes of this Article the term "member of a force" shall not include any person who is a national of the receiving State.

Article XI

1. Save as provided expressly to the contrary in this Agreement, members of a force and of a civilian component as well as their dependents shall be subject to the laws and regulations administered by the customs authorities of the receiving State. In particular the customs authorities of the receiving State shall have the right, under the general conditions laid down by the laws and regulations of the receiving State, to search members of a force or civilian component and their dependents and to examine their luggage and vehicles, and to seize articles pursuant to such laws and regulations.

2. a. The temporary importation and the re-exportation of service vehicles of a force or civilian component under their own power shall be authorized free of duty on presentation of a triptyque in the form shown in the Appendix to this Agreement.

b. The temporary importation of such vehicles not under their own power shall be governed by paragraph 4 of this Article and the re-exportation thereof by paragraph 8.

c. Service vehicles of a force or civilian component shall be exempt from any tax payable in respect of the use of vehicles on the roads.

3. Official documents under official seal shall not be subject to customs inspection. Couriers, whatever their status, carrying these documents must be in possession of an individual movement order, issued in accordance with paragraph 2 b. of Article III. This movement order shall show the number of despatches carried and certify that they contain only official documents.

4. A force may import free of duty the equipment for the force and reasonable quantities of provisions, supplies and other goods for the exclusive use of the force and, in cases where such use is permitted by the receiving State, its civilian component and dependents. This duty-free importation shall be subject to the deposit, at the customs office for the place of entry, together with such customs documents as shall be agreed, of a certificate in a form agreed between the receiving State and the sending State signed by a person authorized by the sending State for that purpose. The designation of the person authorized to sign the certificates as well as specimens of the signatures and stamps to be used, shall be sent to the customs administration of the receiving State.

5. A member of a force or civilian component may, at the time of his first arrival to take up service in the receiving State or at the time of the first arrival of any dependent to join him, import his personal effects and furniture free of duty for the term of such service.

6. Members of a force or civilian component may import temporarily free of duty their private motor vehicles for the personal use of themselves and their dependents. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

7. Imports made by the authorities of a force other than for the exclusive use of that force and its civilian component, and imports, other than those dealt with in paragraphs 5 and 6 of this Article, effected by members of a force or civilian component are not, by reason of this Article, entitled to any exemption from duty or other conditions.

8. Goods which have been imported duty-free under paragraphs 2 b., 4, 5 or 6 above:

a. may be re-exported freely, provided that, in the case of goods imported under paragraph 4, a certificate, issued in

3. Ta člen se ne uporablja za "carinsko dajatev", kot je določena v dvanajstem odstavku XI. člena.

4. Za namene tega člena izraz "pripadnik sile" ne vključuje oseb, ki so državljani države gostiteljice.

XI. člen

1. Če ni izrecno drugače določeno s tem sporazumom, za pripadnike sile, civilnega dela in njihove vzdrževane družinske člane veljajo zakoni in predpisi, ki jih izvajajo carinski organi države gostiteljice. Predvsem imajo carinski organi države gostiteljice pravico v skladu s splošnimi pogoji iz zakonov in predpisov države gostiteljice preiskati pripadnike sile ali civilnega dela in njihove vzdrževane družinske člane, pregledati njihovo prtljago in vozila ter zaseči stvari v skladu s takšnimi zakoni in predpisi.

2.a) Službena vozila sile ali civilnega dela iz njihove pristojnosti so pri začasnem uvozu in ponovnem izvozu oproščena plačila carine, če se zanje predloži "triptyque" v obliki, ki je prikazana v dodatku k temu sporazumu.

b) Začasen uvoz takšnih vozil, ki niso v njihovi pristojnosti, ureja četrti odstavek tega člena in ponoven izvoz le-teh osmi odstavek.

c) Službena vozila sile ali civilnega dela so oproščena plačila kakršnih koli pristojbin v zvezi z uporabo vozil na cestah.

3. Uradni dokumenti, ki so uradno zapečateni, se carinsko ne pregledajo. Kurirji, ki prenašajo takšne dokumente, morajo ne glede na svoj status imeti ukaz za premik posameznika, ki se izda v skladu s točko b) drugega odstavka III. člena. Na tem ukazu za premik je navedeno število pošiljk, ki jih nosi, in ukaz potrjuje, da pošiljke vsebujejo le uradne dokumente.

4. Sila lahko uvozi brez plačila carinskih dajatev opremo za silo in zmerne količine hrane, zalog in drugega blaga, ki jih uporablja samo sila, in v primerih, kjer takšno uporabo dovoljuje država gostiteljica, tudi njen civilni del in vzdrževani družinski člani. Za oprostitev plačila carine je treba pri vstopnem carinskem organu poleg dogovorjenih carinskih dokumentov predložiti tudi potrdilo v obliki, za katero sta se dogovorili država gostiteljica in država pošiljateljica, in s podpisom osebe, ki jo je država pošiljateljica v ta namen pooblastila. Imenovanje osebe, ki je pooblaščenca za podpisovanje potrdil, in primerki podpisov in žigov se pošljejo carinski upravi države gostiteljice.

5. Pripadnik sile ali civilnega dela sme ob svojem prvem prihodu na prevzem dolžnosti v državi gostiteljici ali ob prvem prihodu vzdrževanega družinskega člana, ki se mu bo pridružil, uvoziti predmete za osebno uporabo in pohištvo brez plačila carinskih dajatev za obdobje tovrstne zaposlitve.

6. Pripadniki sile ali civilnega dela lahko začasno uvozijo brez plačila carinskih dajatev svoja zasebna motorna vozila, ki jih imajo oni in njihovi vzdrževani družinski člani za osebno uporabo. Ta člen ne obvezuje k oprostitvi plačila pristojbin za zasebna vozila v zvezi z uporabo cest.

7. Blago, ki ga uvozijo organi sile in ni izrecno namenjeno sili ali njenemu civilnemu delu, in blago, ki ni navedeno v petem in šestem odstavku tega člena in ga uvozijo pripadniki sile ali civilnega dela, s tem členom ni oproščeno carinskih dajatev ali drugih pogojev.

8. Blago, ki je bilo ob uvozu oproščeno plačila carine v skladu s točko b) drugega odstavka, četrtim, petim ali šestim odstavkom tega člena:

a) se lahko prosto ponovno izvozi, če se, če je bilo blago uvoženo v skladu s četrtim odstavkom tega člena, carinske-

accordance with that paragraph, is presented to the customs office; the customs authorities, however, may verify that goods re-exported are as described in the certificate, if any, and have in fact been imported under the conditions of paragraphs 2 b., 4, 5 or 6 as the case may be;

b. shall not normally be disposed of in the receiving State by way of either sale or gift; however, in particular cases such disposal may be authorized on conditions imposed by the authorities concerned of the receiving State (for instance, on payment of duty and tax and compliance with the requirements of the controls of trade and exchange).

9. Goods purchased in the receiving State shall be exported therefrom only in accordance with the regulations in force in the receiving State.

10. Special arrangements for crossing frontiers shall be granted by the customs authorities to regularly constituted units or formations, provided that the customs authorities concerned have been duly notified in advance.

11. Special arrangements shall be made by the receiving State so that fuel, oil and lubricants for use in service vehicles, aircraft and vessels of a force or civilian component, may be delivered free of all duties and taxes.

12. In paragraphs 1–10 of this Article:

“duty” means customs duties and all other duties and taxes payable on importation or exportation, as the case may be, except dues and taxes which are no more than charges for services rendered;

“importation” includes withdrawal from customs warehouses or continuous customs custody, provided that the goods concerned have not been grown, produced or manufactured in the receiving State.

13. The provisions of this Article shall apply to the goods concerned not only when they are imported into or exported from the receiving State but also when they are in transit through the territory of a Contracting Party, and for this purpose the expression “receiving State” in this Article shall be regarded as including any Contracting Party through whose territory the goods are passing in transit.

Article XII

1. The customs or fiscal authorities of the receiving State may, as a condition of the grant of any customs or fiscal exemption or concession provided for in this Agreement, require such conditions to be observed as they may deem necessary to prevent abuse.

2. These authorities may refuse any exemption provided for by this Agreement in respect of the importation into the receiving State of articles grown, produced or manufactured in that State which have been exported therefrom without payment of, or upon repayment of, taxes or duties which would have been chargeable but for such exportation. Goods removed from a customs warehouse shall be deemed to be imported if they were regarded as having been exported by reason of being deposited in the warehouse.

Article XIII

1. In order to prevent offences against customs and fiscal laws regulations, the authorities of the receiving and of the sending States shall assist each other in the conduct of enquiries and the collection of evidence.

2. The authorities of a force shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the customs or fiscal authorities of the receiving State are handed to those authorities.

3. The authorities of a force shall render all assistance within their power to ensure the payment of duties, taxes and penalties payable by members of the force or civilian component or their dependents.

mu organu predloži potrdilo, izdano v skladu s tem odstavkom; carinski organi pa lahko preverijo, da ponovno izvoženo blago ustreza opisu na potrdilu, če ta obstaja, in da je bilo dejansko uvoženo pod pogoji, navedenimi glede na okoliščine posameznega primera, v točki b) drugega odstavka, četrtem, petem ali šestem odstavku;

b) se praviloma v državi gostiteljici ne sme odtujiti s prodajo ali kot darilo; vendar se v posebnih primerih to lahko odobri pod pogoji, ki so jih postavili zadevni organi države gostiteljice (na primer glede plačila carinskih dajatev in davkov ter glede skladnosti z zahtevami nadzora trgovine in izmenjave).

9. Blago, kupljeno v državi gostiteljici, se iz te države lahko izvozi le v skladu s predpisi, ki veljajo v državi gostiteljici.

10. Carinski organi posebej uredijo prečkanje državnih mej za enote v redni sestavi in formacije pod pogojem, da so bili zadevni carinski organi predhodno pravilno obveščeni.

11. Država gostiteljica sprejme posebne ukrepe, da bodo gorivo, olja in maziva za uporabo v službenih vozilih, letalih in plovilih sile ali civilnega dela lahko dobavljeni brez plačila carinskih dajatev in davkov.

12. V prvem do desetem odstavku tega člena:

“carinska dajatev” pomeni carino in vse druge pristojbine in dajatve, ki se plačajo ob uvozu ali izvozu, kot velja v določenem primeru, razen plačil in taks, ki niso več kot plačila za opravljene storitve;

“uvoz” vključuje tudi iznos blaga iz carinskega skladišča ali sprostitev izpod neposredne carinske kontrole, če zadevno blago ni zraslo ali bilo proizvedeno ali izdelano v državi gostiteljici.

13. Določbe tega člena ne veljajo za zadevno blago le ob uvozu v ali izvozu iz države gostiteljice, temveč ko je v tranzitu čez ozemlje pogodbenice, zaradi česar izraz “država gostiteljica” v tem členu vključuje katero koli pogodbenico, čez katere ozemlje blago potuje v tranzitu.

XII. člen

1. Carinski ali davčni organi države gostiteljice lahko kot pogoj za oprostitev carinskih in davčnih dajatev ali znižanj, ki jih zagotavlja ta sporazum, zahtevajo, da se spoštujejo pogoji, ki se njim zdijo potrebni za preprečitev zlorabe.

2. Ti organi lahko zavrnejo kakršno koli oprostitev, ki jo zagotavlja ta sporazum v zvezi z uvozom v državo gostiteljico stvari, ki so zrasle ali bile proizvedene ali izdelane v tej državi in so bile izvožene iz nje brez plačila ali ob povračilu carinskih dajatev in davkov, ki bi jih sicer plačali, če ne bi bilo takšnega izvoza. Blago, ki je bilo izneseno iz carinskega skladišča, se šteje kot uvoženo, če se zaradi vnosa v carinsko skladišče šteje kot izvoženo.

XIII. člen

1. Da bi preprečili kršitve predpisov iz carinskih in davčnih zakonov, si organi države gostiteljice in države pošiljateljice medsebojno pomagajo pri poizvedovanju in zbiranju dokazov.

2. Organi sile dajejo vso podporo, ki je v njihovi moči, da bi zagotovili izročitev stvari, za katere velja, da jih carinski ali davčni organi države gostiteljice ali kdo drug v njihovem imenu lahko zaseže.

3. Organi sile dajejo vso podporo, ki je v njihovi moči, da zagotovijo, da pripadniki sile ali civilnega dela ali njihovi vzdrževani družinski člani plačajo carinske dajatve, davke in kazni.

4. Service vehicles and articles belonging to a force or to its civilian component, and not to a member of such force or civilian component, seized by the authorities of the receiving State in connection with an offence against its customs or fiscal laws or regulations shall be handed over to the appropriate authorities of the force concerned.

Article XIV

1. A force, a civilian component and the members thereof, as well as their dependents, shall remain subject to the foreign exchange regulations of the sending State and shall also be subject to the regulations of the receiving State.

2. The foreign exchange authorities of the sending and the receiving States may issue special regulations applicable to a force or civilian component or the members thereof as well as to their dependents.

Article XV

1. Subject to paragraph 2 of this Article, this Agreement shall remain in force in the event of hostilities to which the North Atlantic Treaty applies, except that the provisions for settling claims in paragraphs 2 and 5 of Article VIII shall not apply to war damage, and that the provisions of the Agreement, and, in particular of Articles III and VII, shall immediately be reviewed by the Contracting Parties concerned, who may agree to such modifications as they may consider desirable regarding the application of the Agreement between them.

2. In the event of such hostilities, each of the Contracting Parties shall have the right, by giving 60 days' notice to the other Contracting Parties, to suspend the application of any of the provisions of this Agreement so far as it is concerned. If this right is exercised, the Contracting Parties shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

Article XVI

All differences between the Contracting Parties relating to the interpretation or application of this Agreement shall be settled by negotiation between them without recourse to any outside jurisdiction. Except where express provision is made to the contrary in this Agreement, differences which cannot be settled by direct negotiation shall be referred to the North Atlantic Council.

Article XVII

Any Contracting Party may at any time request the revision of any Article of this Agreement. The request shall be addressed to the North Atlantic Council.

Article XVIII

1. The present Agreement shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which shall notify each signatory State of the date of deposit thereof.

2. Thirty days after four signatory States have deposited their instruments of ratification the present Agreement shall come into force between them. It shall come into force for each other signatory State thirty days after the deposit of its instrument of ratification.

3. After it has come into force, the present Agreement shall, subject to the approval of the North Atlantic Council and to such conditions as it may decide, be open to accession

4. Službena vozila in stvari, ki pripadajo sili ali njenemu civilnemu delu in ne pripadniku te sile ali civilnega dela in so jih organi države gostiteljice zasegli v zvezi s kršitvijo njenih carinskih in davčnih zakonov ali predpisov, se izročijo ustrezni organom zadevne sile.

XIV. člen

1. Za silo, civilni del in njune pripadnike in njihove vzdrževane družinske člane še nadalje veljajo devizni predpisi države pošiljateljice kot tudi predpisi države gostiteljice.

2. Organi države pošiljateljice in države gostiteljice, odgovorni za tuje valute, lahko izdajo posebne predpise, ki veljajo za silo ali civilni del ali njune pripadnike in njihove vzdrževane družinske člane.

XV. člen

1. V skladu z drugim odstavkom tega člena ta sporazum ostane veljaven ob sovražnosti, na katero se nanaša Severnoatlantski pakt, razen če določbe za reševanje zahtevkov iz drugega in petega odstavka VIII. člena ne veljajo za vojno škodo in če določbe tega sporazuma in predvsem določbe iz III. in VII. člena takoj pregledata zadevni pogodbenici, ki lahko soglašata s tistimi spremembami, ki se jima zdijo zaželeni pri medsebojnem izvajanju tega sporazuma.

2. Ob takšni sovražnosti ima vsaka pogodbenica pravico začasno prekiniti izvajanje katere koli določbe tega sporazuma, tako da 60 dni prej o tem obvesti druge pogodbenice. Če uveljavlja to pravico, se pogodbenice takoj posvetujejo z namenom doseči soglasje glede primernih določb, ki bodo takoj zamenjale začasno razveljavljene določbe.

XVI. člen

Vsa neskladja med pogodbenicami v zvezi z razlaganjem ali izvajanjem tega sporazuma se rešijo s pogajanjem med njimi brez uporabe kakršne koli zunanje jurisdikcije. Razen če sporazum z izrecno določbo ne ureja drugače, se neskladja, ki jih ni mogoče rešiti z neposrednim pogajanjem, predložijo Severnoatlantskemu svetu.

XVII. člen

Katera koli pogodbenica lahko kadar koli zahteva spremembo katerega koli člena tega sporazuma. Zahteva se naloži na Severnoatlantski svet.

XVIII. člen

1. Ta sporazum se, kakor hitro je mogoče, ratificira in ratifikacijske listine se deponirajo pri Vladi Združenih držav Amerike, ki o datumu deponiranja listin obvesti vsako državo podpisnico.

2. Po tridesetih dneh, ko so štiri države podpisnice deponirale svoje ratifikacijske listine, med njimi začne veljati ta sporazum. Za vsako drugo državo podpisnico pa začne veljati trideset dni po deponiranju njenih ratifikacijskih listin.

3. Potem ko začne veljati, k temu sporazumu ob odobritvi Severnoatlantskega sveta in izpolnjevanju takšnih pogojev, kot jih ta določi, lahko pristopi katera koli država, ki je

on behalf of any State which accedes to the North Atlantic Treaty. Accession shall be effected by the deposit of an instrument of accession with the Government of the United States of America, which shall notify each signatory and acceding State of the date of deposit thereof. In respect of any State on behalf of which an instrument of accession is deposited, the present Agreement shall come into force thirty days after the date of the deposit of such instrument.

Article XIX

1. The present Agreement may be denounced by any Contracting Party after the expiration of a period of four years from the date on which the Agreement comes into force.

2. The denunciation of the Agreement by any Contracting Party shall be effected by a written notification addressed by that Contracting Party to the Government of the United States of America which shall notify all the other Contracting Parties of each such notification and the date of receipt thereof.

3. The denunciation shall take effect one year after the receipt of the notification by the Government of the United States of America. After the expiration of this period of one year, the Agreement shall cease to be in force as regards the Contracting Party which denounces it, but shall continue in force for the remaining Contracting Parties.

Article XX

1. Subject to the provisions of paragraphs 2 and 3 of this Article, the present Agreement shall apply only to the metropolitan territory of a Contracting Party.

2. Any State may, however, at the time of the deposit of its instrument of ratification or accession or at any time thereafter, declare by notification given to the Government of the United States of America that the present Agreement shall extend (subject, if the State making the declaration considers it to be necessary, to the conclusion of a special agreement between that State and each of the sending States concerned), to all or any of the territories for whose international relations it is responsible in the North Atlantic Treaty area. The present Agreement shall then extend to the territory or territories named therein thirty days after the receipt by the Government of the United States of America of the notification, or thirty days after the conclusion of the special agreements if required, or when it has come into force under Article XVIII, whichever is the later.

3. A State which has made a declaration under paragraph 2 of this Article extending the present Agreement to any territory for whose international relations it is responsible may denounce the Agreement separately in respect of that territory in accordance with the provisions of Article XIX.

In witness whereof the undersigned Plenipotentiaries have signed the present Agreement.

Done in London this nineteenth day of June, 1951, in the English and French languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the signatory and acceding States.

že pristopila k Severnoatlantskemu paktu. Pristop se izvede z deponiranjem listine o pristopu pri Vladi Združenih držav Amerike, ki o datumu deponiranja listine obvesti vsako državo podpisnico in državo, ki pristopa. Za vsako državo, v katere imenu se deponira listina o pristopu, začne ta sporazum veljati trideset dni po deponiranju te listine.

XIX. člen

1. Ta sporazum lahko odpove katera koli pogodbenica po preteku štirih let od datuma, ko začne veljati sporazum.

2. Katera koli pogodbenica odpove sporazum s pisno notifikacijo, ki jo ta pogodbenica naslovi na Vlado Združenih držav Amerike, ta pa seznani druge pogodbenice s takšno notifikacijo in datumom njenega prejema.

3. Odpoved začne veljati eno leto po tem, ko je obvestilo prejela vlada Združenih držav Amerike. Po izteku tega enoletnega obdobja sporazum preneha veljati za pogodbenico, ki ga je odpovedala, vendar pa ostane veljaven za preostale pogodbenice.

XX. člen

1. V skladu z določbami drugega odstavka in tretjega odstavka tega člena ta sporazum velja le na matičnem ozemlju pogodbenice.

2. Vsaka država lahko ob deponiranju svoje ratifikacijske listine ali listine o pristopu ali kadar koli kasneje razglasi z notifikacijo, ki jo pošlje vladi Združenih držav Amerike, da se ta sporazum razširi (če se državi, ki to razglašča, zdi potrebno, država in vsaka od zadevnih držav pošiljateljic sklenejo poseben sporazum) na vse ali katero koli od ozemelj, za katerih mednarodne odnose je odgovorna na območju Severnoatlantskega pakta. Ta sporazum se nato razširi na ozemlje ali ozemlja, ki so imenovana v tej notifikaciji, trideset dni po tem, ko je vlada Združenih držav Amerike prejela notifikacijo, ali trideset dni po sklenitvi posebnih sporazumov, če so potrebni, ali ko je začel veljati ta sporazum v skladu z XVIII. členom, kar je kasneje.

3. Država, ki je dala izjavo iz drugega odstavka tega člena, s katero se razširi ta sporazum na ozemlje, za katerega mednarodne odnose je odgovorna, lahko odpove sporazum ločeno za to ozemlje v skladu z določbami XIX. člena.

Da bi to potrdili, so pooblaščenca podpisali ta sporazum.

Sestavljeno v Londonu devetnajstega junija 1951 v angleškem in francoskem jeziku, besedili sta enako verodostojni, v enem izvorniku, ki se deponira v arhivih vlade Združenih držav Amerike. Vlada Združenih držav Amerike pošlje overjene kopije sporazuma vsem državam podpisnicam in državam, ki pristopajo k sporazumom.

Appendix

Dodatek

Country	Ministry or Service	Država	Ministrstvo ali služba
	TRIPTYQUE*		TRIPTIK*
Valid from	To	Veljaven od	Do
for temporary importation to		za začasen uvoz v	
of the following service vehicle –		naslednjega službenega vozila:	
Type		Tip	
Registration Number	Engine Number	Registracijska številka	Številka motorja
Spare tyres		Rezervne gume	
Fixed Communication Equipment		Pritrjena komunikacijska oprema	
Name and signature of the holder of the triptyque		Ime in podpis imetnika triptika	
Date of issue	By order of	Datum izdaje	Po naročilu

TEMPORARY EXITS AND ENTRIES

ZAČASNI IZSTOPI IN VSTOPI

Name of Port or Customs Station	Date	Signature and Stamp of Customs Officer
Exit		
Entry		
Exit		
Entry		
Exit		
Entry		
Exit		
Entry		

Ime pristanišča ali carinarnice	Datum	Podpis in žig carinika
Izstop		
Vstop		
Izstop		
Vstop		
Izstop		
Vstop		
Izstop		
Vstop		

*This document shall be in the language of the sending State and in the English and French languages.

*Ta dokument je v jeziku države pošiljateljice ter v angleškem in francoskem jeziku

VSEBINA

Stran

MEDNARODNE POGODBE

77. Zakon o ratifikaciji Sporazuma med državami pogodbenicami Severnoatlantskega pakta in drugimi državami, ki sodelujejo v Partnerstvu za mir, glede statusa njihovih sil ter Dodatnega protokola k Sporazumu med državami pogodbenicami Severnoatlantskega pakta in drugimi državami, ki sodelujejo v Partnerstvu za mir, glede statusa njihovih sil (MSAPPM)

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