



URADNI LIST REPUBLIKE SLOVENIJE

MEDNARODNE POGODBE

Številka 12 (Uradni list RS, št. 42)

17. julij 1997

ISSN 1318-0932

Leto VII

50.

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

U K A Z

O RAZGLASITVI ZAKONA O RATIFIKACIJI POGODBE O ENERGETSKI LISTINI, PROTOKOLA K ENERGETSKI LISTINI O ENERGETSKI UČINKOVITOSTI IN S TEM POVEZANIMI OKOLJSKIMI VIDIKI IN SKLEPOV V ZVEZI S POGODBO O ENERGETSKI LISTINI (MPOEL)

Razgllašam Zakon o ratifikaciji Pogodbe o energetske listini, Protokola k energetske listini o energetske učinkovitosti in s tem povezanimi okoljskimi vidiki in sklepov v zvezi s pogodbo o energetske listini (MPOEL), ki ga je sprejel Državni zbor Republike Slovenije na seji 26. junija 1997.

Št. 001-22-65/97

Ljubljana, dne 4. julija 1997

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N

O RATIFIKACIJI POGODBE O ENERGETSKI LISTINI, PROTOKOLA K ENERGETSKI LISTINI O ENERGETSKI UČINKOVITOSTI IN S TEM POVEZANIMI OKOLJSKIMI VIDIKI IN SKLEPOV V ZVEZI S POGODBO O ENERGETSKI LISTINI (MPOEL)

1. člen

Ratificirajo se Pogodba o energetske listini, Protokol k energetske listini o energetske učinkovitosti in s tem povezanimi okoljskimi vidiki in Sklepi v zvezi s pogodbo o energetske listini, podpisani 17. decembra 1994 v Lizboni.

2. člen

Besedilo pogodbe, protokola in sklepov se v angleškem izvorniku in slovenskem prevodu glasi:

THE ENERGY CHARTER TREATY

PREAMBLE

The Contracting Parties to this Treaty,

Having regard to the Charter of Paris for a New Europe signed on 21 November 1990;

Having regard to the European Energy Charter adopted in the Concluding Document of the Hague Conference on the European Energy Charter signed at The Hague on 17 December 1991;

Recalling that all signatories to the Concluding Document of the Hague Conference undertook to pursue the objectives and principles of the European Energy Charter and implement and broaden their cooperation as soon as possible by negotiating in good faith an Energy Charter Treaty and Protocols, and desiring to place the commitments contained in that Charter on a secure and binding international legal basis;

Desiring also to establish the structural framework required to implement the principles enunciated in the European Energy Charter;

Wishing to implement the basic concept of the European Energy Charter initiative which is to catalyse economic growth by means of measures to liberalize investment and trade in energy;

POGODBA O ENERGETSKI LISTINI

UVOD

Pogodbenice te pogodbe upoštevajo Pariško listino za novo Evropo, ki je bila podpisana 21. novembra 1990;

upoštevajo Evropsko energetske listino, ki je bila sprejeta v Sklepem dokumentu haaške konference o Evropski energetske listini, podpisanem v Haagu 17. decembra 1991;

se sklicujejo na to, da so se vse podpisnice Sklepnega dokumenta haaške konference zavezale, da bodo uveljavljale cilje in načela Evropske energetske listine in čim prej vzpostavile in razširile sodelovanje, tako da se bodo v dobri veri sporazumele o Pogodbi o energetske listini in protokolih, v želji, da uveljavijo vse obveze iz te listine kot mednarodnopravno zagotovljene in zavezujoče;

želijo tudi oblikovati strukturni okvir, potreben za ureničevanje načel iz Evropske energetske listine;

želijo izvajati temeljno zamisel pobude Evropske energetske listine, to je pospešiti gospodarsko rast z ukrepi za liberalizacijo naložb v energetiko in trgovine z energijo;

Affirming that Contracting Parties attach the utmost importance to the effective implementation of full national treatment and most favoured nation treatment, and that these commitments will be applied to the Making of Investments pursuant to a supplementary treaty;

Having regard to the objective of progressive liberalization of international trade and to the principle of avoidance of discrimination in international trade as enunciated in the General Agreement on Tariffs and Trade and its Related Instruments and as otherwise provided for in this Treaty;

Determined progressively to remove technical, administrative and other barriers to trade in Energy Materials and Products and related equipment, technologies and services;

Looking to the eventual membership in the General Agreement on Tariffs and Trade of those Contracting Parties which are not currently parties thereto and concerned to provide interim trade arrangements which will assist those Contracting Parties and not impede their preparation for such membership;

Mindful of the rights and obligations of certain Contracting Parties which are also parties to the General Agreement on Tariffs and Trade and its Related Instruments;

Having regard to competition rules concerning mergers, monopolies, anti-competitive practices and abuse of dominant position;

Having regard also to the Treaty on the Non-Proliferation of Nuclear Weapons, the Nuclear Suppliers Guidelines and other international nuclear non-proliferation obligations or understandings;

Recognizing the necessity for the most efficient exploration, production, conversion, storage, transport, distribution and use of energy;

Recalling the United Nations Framework Convention on Climate Change, the Convention on Long-Range Transboundary Air Pollution and its protocols, and other international environmental agreements with energy-related aspects; and

Recognizing the increasingly urgent need for measures to protect the environment, including the decommissioning of energy installations and waste disposal, and for internationally-agreed objectives and criteria for these purposes,

HAVE AGREED AS FOLLOWS:

PART I

DEFINITIONS AND PURPOSE

ARTICLE 1 DEFINITIONS

As used in this Treaty:

(1) "Charter" means the European Energy Charter adopted in the Concluding Document of the Hague Conference on the European Energy Charter signed at The Hague on 17 December 1991; signature of the Concluding Document is considered to be signature of the Charter.

(2) "Contracting Party" means a state or Regional Economic Integration Organization which has consented to be bound by this Treaty and for which the Treaty is in force.

(3) "Regional Economic Integration Organization" means an organization constituted by states to which they have transferred competence over certain matters a number of which are governed by this Treaty, including the authority to take decisions binding on them in respect of those matters.

potrjujejo, da pogodbenice posvečajo največjo pozornost učinkovitemu izvajanju popolne nacionalne obravnave in obravnave na podlagi največjih ugodnosti in da bodo te obveze veljale za uresničevanje naložb v skladu z dodatno pogodbo;

upoštevajo cilj vedno večje liberalizacije mednarodne trgovine in načelo odprave diskriminacije v mednarodni trgovini, kot sta sprejeta v Splošnem sporazumu o carinah in trgovini in z njim povezanih dokumentih in kot je tudi sicer predvideno v tej pogodbi;

so odločene, da bodo postopoma odpravile tehnične, upravne in druge ovire v trgovini z energetskimi materiali in izdelki ter z njimi povezanimi opremo, tehnologijami in storitvami;

pričakujejo, da bodo tiste pogodbenice, ki še niso članice Splošnega sporazuma o carinah in trgovini, to verjetno postale, in se zavzemajo za pripravo začasnih trgovinskih dogovorov, ki bodo takim pogodbenicam v pomoč in jih ne bodo ovirale pri pripravi na to članstvo;

se zavedajo pravic in obveznosti tistih pogodbenic, ki so tudi pogodbenice Splošnega sporazuma o carinah in trgovini ter z njim povezanih dokumentov;

upoštevajo pravila konkuriranja v zvezi z združitvami, monopoli, protikonkurenčnim ravnanjem in zlorabo prevladujočega položaja;

upoštevajo tudi Sporazum o neširjenju jedrskega orožja, navodila dobaviteljem jedrskih snovi in druge mednarodne obveznosti ali dogovore o neširjenju jedrskih snovi;

priznavajo potrebo po najučinkovitejšem raziskovanju, pridobivanju, pretvarjanju, skladiščenju, prenosu, distribuciji in uporabi energije;

se sklicujejo na Okvirno konvencijo Združenih narodov o spremembi podnebja, Konvencijo o onesnaževanju zraka na velike razdalje preko meja in njene protokole ter druge mednarodne sporazume o okolju, ki se nanašajo tudi na vprašanja energije;

priznavajo vse nujnejšo potrebo po ukrepih za varovanje okolja, vključno z zapiranjem energetskih obratov in odstranjevanjem odpadkov, in potrebo po mednarodno dogovorjenih ciljih in merilih za te namene,

SO SE ZATO DOGOVORILE O NASLEDNJEM:

I. DEL

OPREDELITEV POJMOV IN NAMEN

1. člen

OPREDELITEV POJMOV

V tej pogodbi

(1) "Listina" pomeni Evropsko energetske listino, ki je bila sprejeta v Sklepem dokumentu haaške konference o Evropski energetske listini, podpisanem v Haagu 17. decembra 1991; podpis sklepnega dokumenta se šteje za podpis Listine.

(2) "Pogodbenica" pomeni državo ali regionalno organizacijo za gospodarsko povezovanje, ki je privolila, da jo ta pogodba zavezuje in za katero ta pogodba velja.

(3) "Regionalna organizacija za gospodarsko povezovanje" pomeni organizacijo, ki so jo ustanovile države in nanjo prenesle pristojnosti v zvezi z določenimi zadevami, od katerih nekatere obravnava ta pogodba, vključno s pooblastilom, da sprejema zanje zavezujoče odločitve v zvezi s temi zadevami.

(4) "Energy Materials and Products", based on the Harmonized System of the Customs Cooperation Council and the Combined Nomenclature of the European Communities, means the items included in Annex EM.

(5) "Economic Activity in the Energy Sector" means an economic activity concerning the exploration, extraction, refining, production, storage, land transport, transmission, distribution, trade, marketing, or sale of Energy Materials and Products except those included in Annex NI, or concerning the distribution of heat to multiple premises.

(6) "Investment" means every kind of asset, owned or controlled directly or indirectly by an Investor and includes:

(a) tangible and intangible, and movable and immovable, property, and any property rights such as leases, mortgages, liens, and pledges;

(b) a company or business enterprise, or shares, stock, or other forms of equity participation in a company or business enterprise, and bonds and other debt of a company or business enterprise;

(c) claims to money and claims to performance pursuant to contract having an economic value and associated with an Investment;

(d) Intellectual Property;

(e) Returns;

(f) any right conferred by law or contract or by virtue of any licences and permits granted pursuant to law to undertake any Economic Activity in the Energy Sector.

A change in the form in which assets are invested does not affect their character as investments and the term "Investment" includes all investments, whether existing at or made after the later of the date of entry into force of this Treaty for the Contracting Party of the Investor making the investment and that for the Contracting Party in the Area of which the investment is made (hereinafter referred to as the "Effective Date") provided that the Treaty shall only apply to matters affecting such investments after the Effective Date.

"Investment" refers to any investment associated with an Economic Activity in the Energy Sector and to investments or classes of investments designated by a Contracting Party in its Area as "Charter efficiency projects" and so notified to the Secretariat.

(7) "Investor" means:

(a) with respect to a Contracting Party:

(i) a natural person having the citizenship or nationality of or who is permanently residing in that Contracting Party in accordance with its applicable law;

(ii) a company or other organization organized in accordance with the law applicable in that Contracting Party;

(b) with respect to a "third state", a natural person, company or other organization which fulfils, *mutatis mutandis*, the conditions specified in subparagraph (a) for a Contracting Party.

(8) "Make Investments" or "Making of Investments" means establishing new Investments, acquiring all or part of existing Investments or moving into different fields of Investment activity.

(9) "Returns" means the amounts derived from or associated with an Investment, irrespective of the form in which they are paid, including profits, dividends, interest, capital gains, royalty payments, management, technical assistance or other fees and payments in kind.

(10) "Area" means with respect to a state that is a Contracting Party:

(4) "Energetski materiali in izdelki", ki temeljijo na harmoniziranem sistemu Sveta za carinsko sodelovanje in kombinirani nomenklaturi Evropskih skupnosti, pomenijo postavke, navedene v Prilogi EM.

(5) "Gospodarska dejavnost v energetiki" pomeni gospodarsko dejavnost v zvezi z raziskovanjem, pridobivanjem, predelavo, proizvodnjo, skladiščenjem, kopenskim prevozom, prenosom, distribucijo, trgovino, trženjem ali prodajo energetskih materialov in izdelkov, razen tistih, ki so navedeni v Prilogi NI, ali gospodarsko dejavnost v zvezi z distribucijo toplote v več objektov skupaj.

(6) "Naložba" pomeni vsako vrsto sredstev, ki jih ima neposredno ali posredno v lasti ali pod nadzorom kak investitor, in vključuje:

(a) opredmetena in neopredmetena sredstva, premoženje in nepremičnine, lastnino in vse lastninske pravice, kot so zakupi, hipoteke, pravice do zaseda in zastave;

(b) družbo ali poslovno podjetje ali delnice, deleže ali druge oblike kapitalskih udeležb v družbi ali poslovnem podjetju ter obveznice in druge zadolžitve družbe ali poslovnega podjetja;

(c) denarne terjatve in zahtevke za izvajanje pogodbenih storitev, ki imajo gospodarsko vrednost in so povezane z naložbo;

(d) intelektualno lastnino;

(e) donose;

(f) vsako pravico, zagotovljeno z zakonom ali pogodbo, iz naslova vseh na podlagi zakona dodeljenih koncesij in dovoljenj za izvajanje gospodarske dejavnosti v energetiki.

Sprememba oblike, v kateri so sredstva vložena, ne vpliva na naravo naložbe in izraz "naložba" vključuje vse naložbe, bodisi obstoječe ali uresničene po datumu začetka veljavnosti te pogodbe za pogodbenico investitorja, ki uresničuje naložbo, oziroma za pogodbenico, na katere območju se naložba uresničuje (v nadaljevanju "datum začetka veljavnosti"), in sicer po kasnejšem od teh dveh datumov pod pogojem, da se ta pogodba uporablja samo za zadeve, ki vplivajo na take naložbe po datumu začetka veljavnosti.

"Naložba" se nanaša na vsako naložbo, ki je povezana z gospodarsko dejavnostjo v energetiki, in na naložbe ali vrste naložb, ki jih je pogodbenica na svojem območju označila kot "projekte za učinkovito izvajanje Listine" in o tem obvestila Sekretariat.

(7) "Investitor" pomeni:

(a) za pogodbenico

(i) fizično osebo, ki ima državljanstvo ali je po narodnosti pripadnica te pogodbenice ali pa ima stalno prebivališče v tej državi pogodbenici v skladu z njeno ustrežno zakonodajo;

(ii) družbo ali drugo organizacijo, organizirano v skladu z njeno ustrežno zakonodajo v tej pogodbenici;

(b) za "tretjo državo", fizično osebo, družbo ali drugo organizacijo, ki *mutatis mutandis* izpolnjuje pogoje iz pododstavka (a) za pogodbenico.

(8) "Uresničiti naložbe" ali "uresničevanje naložb" pomeni začetek izvajanja nove naložbe, pridobitev vseh ali dela obstoječih naložb ali prehod na druga področja naložbene dejavnosti.

(9) "Donosi" pomenijo zneske, ki izvirajo iz naložbe ali so z njo povezani, ne glede na obliko izplačila, vključno z dobički, dividendami, obrestmi, kapitalnimi dobički, licenčinami, upravljanjem, tehnično pomočjo ali drugimi nadomestili in plačili v naravi.

(10) "Območje" pomeni za državo pogodbenico:

(a) the territory under its sovereignty, it being understood that territory includes land, internal waters and the territorial sea; and

(b) subject to and in accordance with the international law of the sea: the sea, sea-bed and its subsoil with regard to which that Contracting Party exercises sovereign rights and jurisdiction.

With respect to a Regional Economic Integration Organization which is a Contracting Party, Area means the Areas of the member states of such Organization, under the provisions contained in the agreement establishing that Organization.

(11) (a) "GATT" means "GATT 1947" or "GATT 1994", or both of them where both are applicable.

(b) "GATT 1947" means the General Agreement on Tariffs and Trade, dated 30 October 1947, annexed to the Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment, as subsequently rectified, amended or modified.

(c) "GATT 1994" means the General Agreement on Tariffs and Trade as specified in Annex 1A of the Agreement Establishing the World Trade Organization, as subsequently rectified, amended or modified.

A party to the Agreement Establishing the World Trade Organization is considered to be a party to GATT 1994.

(d) "Related Instruments" means, as appropriate:

(i) agreements, arrangements or other legal instruments, including decisions, declarations and understandings, concluded under the auspices of GATT 1947 as subsequently rectified, amended or modified; or

(ii) the Agreement Establishing the World Trade Organization including its Annex 1 (except GATT 1994), its Annexes 2, 3 and 4, and the decisions, declarations and understandings related thereto, as subsequently rectified, amended or modified.

(12) "Intellectual Property" includes copyrights and related rights, trademarks, geographical indications, industrial designs, patents, layout designs of integrated circuits and the protection of undisclosed information.

(13) (a) "Energy Charter Protocol" or "Protocol" means a treaty, the negotiation of which is authorized and the text of which is adopted by the Charter Conference, which is entered into by two or more Contracting Parties in order to complement, supplement, extend or amplify the provisions of this Treaty with respect to any specific sector or category of activity within the scope of this Treaty, or to areas of cooperation pursuant to Title III of the Charter.

(b) "Energy Charter Declaration" or "Declaration" means a non-binding instrument, the negotiation of which is authorized and the text of which is approved by the Charter Conference, which is entered into by two or more Contracting Parties to complement or supplement the provisions of this Treaty.

(14) "Freely Convertible Currency" means a currency which is widely traded in international foreign exchange markets and widely used in international transactions.

(a) ozemlje pod njeno suverenostjo, pri čemer se razume, da to ozemlje vključuje kopno, notranje vode in teritorialno morje, in

(b) pod pogoji mednarodnega pomorskega prava in v skladu z njim morje, morsko dno in njegovo podzemlje, na katerih pogodbenica uresničuje suverene pravice in so pod njeno jurisdikcijo.

Za regionalno organizacijo za gospodarsko povezovanje, ki je pogodbenica, območje pomeni območja držav članic te organizacije po določbah, vsebovanih v sporazumu o ustanovitvi te organizacije.

(11) (a) "GATT" pomeni "GATT 1947" ali "GATT 1994" ali oba, kjer se uporabljata oba.

(b) "GATT 1947" pomeni Splošni sporazum o carinah in trgovini z dne 30. oktobra 1947, ki je bil dodan sklepnemu dokumentu, sprejetemu ob koncu druge seje pripravljalnega odbora Konference Združenih narodov o trgovini in zaposlovanju, v naknadno popravljeni, dopolnjeni ali spremenjeni obliki.

(c) "GATT 1994" pomeni Splošni sporazum o carinah in trgovini, naveden v Aneksu 1A Sporazuma o ustanovitvi Svetovne trgovinske organizacije, v naknadno popravljeni, dopolnjeni ali spremenjeni obliki.

Pogodbenica Sporazuma o ustanovitvi Svetovne trgovinske organizacije se šteje za pogodbenico GATT-a 1994.

(d) "Z njim povezani dokumenti" ustrezno pomenijo:

(i) sporazume, dogovore ali druge pravne dokumente, vključno s sklepi, deklaracijami in dogovori, sklenjenimi pod pokroviteljstvom GATT-a 1947, v naknadno popravljeni, dopolnjeni ali spremenjeni obliki; oziroma

(ii) Sporazum o ustanovitvi Svetovne trgovinske organizacije, vključno z Aneksom 1 (razen GATT 1994), Aneksi 2, 3 in 4 ter z njimi povezanimi sklepi, izjavami in dogovori v naknadno popravljeni, dopolnjeni ali spremenjeni obliki.

(12) "Intelektualna lastnina" vključuje avtorske in sorodne pravice, blagovne znamke, geografske označbe, industrijske vzorce in modele, patente, topografije integriranih vezij in varstvo nerazkritih informacij.

(13) (a) "Protokol k Energetski listini" ali "protokol" pomeni pogodbo, o kateri so se pogajali po pooblastilu Konference podpisnic Listine, in katerega besedilo je ta konferenca tudi sprejela, sklenile pa so ga dve ali več pogodbenic, da bi z njim dopolnile, razširile ali spremenile določbe te pogodbe za posamezno posebno področje ali vrsto dejavnosti v okviru pogodbe ali za področja sodelovanja iz III. poglavja Listine.

(b) "Deklaracija k Energetski listini" ali "deklaracija" pomeni neobvezujoč dokument, o katerem so se pogajali po pooblastilu Konference podpisnic Listine in katere besedilo je ta konferenca tudi sprejela, sprejele pa so jo dve ali več pogodbenic, da bi dopolnile določbe te pogodbe.

(14) "Prosto zamenljiva valuta" pomeni valuto, ki se široko trži na mednarodnih deviznih trgih in uporablja pri mednarodnih poslih.

ARTICLE 2

PURPOSE OF THE TREATY

This Treaty establishes a legal framework in order to promote long-term cooperation in the energy field, based on complementarities and mutual benefits, in accordance with the objectives and principles of the Charter.

2. člen

NAMEN POGODBE

Ta pogodba oblikuje pravni okvir za pospeševanje dolgoročnega sodelovanja v energetiki na temelju medsebojnega dopolnjevanja in skupnih koristi v skladu s cilji in načeli Listine.

PART II

II. DEL

COMMERCE

TRGOVINA

ARTICLE 3

3. člen

INTERNATIONAL MARKETS

MEDNARODNI TRGI

The Contracting Parties shall work to promote access to international markets on commercial terms, and generally to develop an open and competitive market, for Energy Materials and Products.

Pogodbenice ravnajo tako, da pospešujejo dostop do mednarodnih trgov po tržnih načelih in na splošno razvijajo odprt in konkurenčen trg za energetske materiale in izdelke.

ARTICLE 4

4. člen

*NON-DEROGATION FROM GATT AND RELATED INSTRUMENTS**NEOMEJEVANJE DOLOČB GATT-a IN Z NJIM POVEZANIH DOKUMENTOV*

Nothing in this Treaty shall derogate, as between particular Contracting Parties which are parties to the GATT, from the provisions of the GATT and Related Instruments as they are applied between those Contracting Parties.

Nič v tej pogodbi ne omejuje posameznih pogodbenic, ki so članice GATT-a, pri izvajanju določb GATT-a in z njim povezanih dokumentov, kot se uporabljajo med temi pogodbenicami.

ARTICLE 5

5. člen

*TRADE-RELATED INVESTMENT MEASURES**NALOŽBENI UKREPI V ZVEZI S TRGOVINO*

(1) A Contracting Party shall not apply any trade-related investment measure that is inconsistent with the provisions of article III or XI of the GATT; this shall be without prejudice to the Contracting Party's rights and obligations under the GATT and Related Instruments and Article 29.

(1) Pogodbenica ne uporablja nobenega naložbenega ukrepa v zvezi s trgovino, ki ni v skladu z določbami III. člena ali XI. člena GATT-a; to pa ne posega v pravice in obveznosti pogodbenice po GATT-u in z njim povezanih dokumentih ter 29. členu.

(2) Such measures include any investment measure which is mandatory or enforceable under domestic law or under any administrative ruling, or compliance with which is necessary to obtain an advantage, and which requires:

(2) Taki ukrepi vključujejo vsak naložben ukrep, ki je obvezen ali izvršljiv po domačem pravu ali kaki upravni odločbi ali pa ga je treba izvajati za pridobitev določene ugodnosti in zahteva:

(a) the purchase or use by an enterprise of products of domestic origin or from any domestic source, whether specified in terms of particular products, in terms of volume or value of products, or in terms of a proportion of volume or value of its local production; or

(a) da podjetje kupuje ali uporablja izdelke domačega porekla ali iz domačega vira ne glede na to, ali se ta zahteva nanaša na določene izdelke, na količino ali vrednost izdelkov ali na delež obsega ali vrednosti domače proizvodnje; ali

(b) that an enterprise's purchase or use of imported products be limited to an amount related to the volume or value of local products that it exports;

(b) da podjetje kupuje ali uporablja uvožene izdelke v omejeni količini glede na obseg ali vrednost domačih izdelkov, ki jih izvažajo;

or which restricts:

ali omejuje:

(c) the importation by an enterprise of products used in or related to its local production, generally or to an amount related to the volume or value of local production that it exports;

(c) da podjetje uvažajo izdelke, ki jih uporablja pri domači proizvodnji ali v zvezi z njo, in to na splošno ali v določeni omejeni količini glede na obseg ali vrednost domače proizvodnje, ki jo izvažajo;

(d) the importation by an enterprise of products used in or related to its local production by restricting its access to foreign exchange to an amount related to the foreign exchange inflows attributable to the enterprise; or

(d) da podjetje uvažajo izdelke, ki jih uporablja v domači proizvodnji ali v zvezi z njo, in to tako, da omejuje dostop do tuje valute na določen znesek glede na prilive tuje valute, ki mu pripadajo; ali

(e) the exportation or sale for export by an enterprise of products, whether specified in terms of particular products, in terms of volume or value of products, or in terms of a proportion of volume or value of its local production.

(e) da podjetje izvažajo ali prodaja izdelke za izvoz ne glede na to, ali se ta omejitev nanaša na določene izdelke, na količino ali vrednosti izdelkov ali na delež obsega ali vrednosti njegove domače proizvodnje.

(3) Nothing in paragraph (1) shall be construed to prevent a Contracting Party from applying the trade-related investment measures described in subparagraphs (2)(a) and (c) as a condition of eligibility for export promotion, foreign aid, government procurement or preferential tariff or quota programmes.

(3) Nič iz odstavka (1) se ne sme razlagati tako, da preprečuje pogodbenici uporabljati naložbene ukrepe v zvezi s trgovino, opisane v pododstavkih (a) in (c) odstavka (2), kot pogoj za vključevanje v pospeševanje izvoza, tujo pomoč, javne nabave ali programe preferenčnih carin ali kontingentov.

(4) Notwithstanding paragraph (1), a Contracting Party may temporarily continue to maintain trade-related investment measures which were in effect more than 180 days before its signature of this Treaty, subject to the notification and phase-out provisions set out in Annex TRM.

(4) Ne glede na odstavek (1) lahko pogodbenica pod pogojem določb o obvestilu in postopnem opuščanju iz Priloge TRM začasno ohrani naložbene ukrepe v zvezi s trgovino, ki so veljali več kot 180 dni pred podpisom te pogodbe.

ARTICLE 6
COMPETITION

(1) Each Contracting Party shall work to alleviate market distortions and barriers to competition in Economic Activity in the Energy Sector.

(2) Each Contracting Party shall ensure that within its jurisdiction it has and enforces such laws as are necessary and appropriate to address unilateral and concerted anti-competitive conduct in Economic Activity in the Energy Sector.

(3) Contracting Parties with experience in applying competition rules shall give full consideration to providing, upon request and within available resources, technical assistance on the development and implementation of competition rules to other Contracting Parties.

(4) Contracting Parties may cooperate in the enforcement of their competition rules by consulting and exchanging information.

(5) If a Contracting Party considers, that any specified anti-competitive conduct carried out within the Area of another Contracting Party is adversely affecting an important interest relevant to the purposes identified in this Article, the Contracting Party may notify the other Contracting Party and may request that its competition authorities initiate appropriate enforcement action. The notifying Contracting Party shall include in such notification sufficient information to permit the notified Contracting Party to identify the anti-competitive conduct that is the subject of the notification and shall include an offer of such further information and cooperation as the notifying Contracting Party is able to provide. The notified Contracting Party or, as the case may be, the relevant competition authorities may consult with the competition authorities of the notifying Contracting Party and shall accord full consideration to the request of the notifying Contracting Party in deciding whether or not to initiate enforcement action with respect to the alleged anti-competitive conduct identified in the notification. The notified Contracting Party shall inform the notifying Contracting Party of its decision or the decision of the relevant competition authorities and may if it wishes inform the notifying Contracting Party of the grounds for the decision. If enforcement action is initiated, the notified Contracting Party shall advise the notifying Contracting Party of its outcome and, to the extent possible, of any significant interim development.

(6) Nothing in this Article shall require the provision of information by a Contracting Party contrary to its laws regarding disclosure of information, confidentiality or business secrecy.

(7) The procedures set forth in paragraph (5) and Article 27(1) shall be the exclusive means within this Treaty of resolving any disputes that may arise over the implementation or interpretation of this Article.

ARTICLE 7
TRANSIT

(1) Each Contracting Party shall take the necessary measures to facilitate the Transit of Energy Materials and Products consistent with the principle of freedom of transit and without distinction as to the origin, destination or ownership of such Energy Materials and Products or discrimination as to pricing on the basis of such distinctions, and without imposing any unreasonable delays, restrictions or charges.

(2) Contracting Parties shall encourage relevant entities to cooperate in:

(a) modernizing Energy Transport Facilities necessary to the Transit of Energy Materials and Products;

6. člen
KONKURENCA

(1) Vsaka pogodbenica si prizadeva za ublažitev neenakih pogojev trženja in odpravo oviranja konkurence pri gospodarski dejavnosti v energetiki.

(2) Vsaka pogodbenica mora zagotoviti, da v okviru svoje jurisdikcije ima in uveljavi take zakone, kot so potrebni in ustrezni za reševanje problema enostranskega ali dogovorjenega protikonkurenčnega ravnanja na področju gospodarske dejavnosti v energetiki.

(3) Pogodbenice z izkušnjami pri uporabi pravil konkuriranja po svojih najboljših močeh proučijo možnost, da na zahtevo in v okviru razpoložljivih virov zagotovijo drugim pogodbenicam tehnično pomoč pri razvoju in izvajanju pravil konkuriranja.

(4) Pogodbenice lahko sodelujejo pri uveljavljanju svojih pravil konkuriranja s posvetovanji in izmenjavo informacij.

(5) Če pogodbenica meni, da določeno protikonkurenčno ravnanje na območju druge pogodbenice negativno vpliva na pomemben interes v zvezi z nameni, navedenimi v tem členu, lahko obvesti drugo pogodbenico in od nje zahteva, da njeni organi za varstvo konkurence sprožijo ustrezen postopek. Pogodbenica, ki pošilja obvestilo, mora v njem navesti dovolj informacij, ki omogočijo obveščeni pogodbenici ugotoviti protikonkurenčno ravnanje, o katerem govori obvestilo; obvestilo naj vsebuje tudi ponudbo za nadaljnje informacije in sodelovanje, ki jih lahko zagotovi pogodbenica, ki pošilja obvestilo. Obveščena pogodbenica oziroma organi za varstvo konkurence se lahko posvetujejo z organi za varstvo konkurence pogodbenice, ki je poslala obvestilo, in pri odločanju o tem, ali naj sprožijo postopek v zvezi z domnevnim protikonkurenčnim ravnanjem, navedenim v obvestilu, kar najskrbneje proučijo zahtevo pogodbenice, ki je poslala obvestilo. Obveščena pogodbenica sporoči pogodbenici, ki je obvestilo poslala, svojo odločitev ali odločitev organov za varstvo konkurence in jo lahko, če želi, tudi obvesti o razlogih za tako odločitev. Če je sprožen postopek, bo pogodbenica, ki je prejela obvestilo, obvestila drugo pogodbenico o izidu, in če je to mogoče, o pomembnejšem vmesnem razvoju dogodkov.

(6) Nič v tem členu ne zahteva od pogodbenice, da daje informacije, ki so v nasprotju z njenimi zakoni v zvezi z razkritjem informacij, zaupnostjo ali poslovno tajnostjo.

(7) Postopki, navedeni v odstavku (5) in odstavku (1) 27. člena, so v okviru te pogodbe izključno sredstvo za reševanje vseh sporov, ki bi nastali v zvezi z izvajanjem ali razlago tega člena.

7. člen
TRANZIT

(1) Vsaka pogodbenica sprejme potrebne ukrepe za lažji tranzit energetskih materialov in izdelkov v skladu z načelom prostega tranzita in brez razlik glede porekla, namembnega kraja ali lastništva teh energetskih materialov in izdelkov ter brez neenakopravnega razlikovanja glede oblikovanja cen na podlagi omenjenih razlik in brez povzročenja neutemeljenih zamud, omejitev ali dajatev.

(2) Pogodbenice spodbujajo ustrezne subjekte, da sodelujejo pri:

(a) posodabljanju objektov in naprav za prenos energije, ki so potrebni za tranzit energetskih materialov in izdelkov;

(b) the development and operation of Energy Transport Facilities serving the Areas of more than one Contracting Party;

(c) measures to mitigate the effects of interruptions in the supply of Energy Materials and Products;

(d) facilitating the interconnection of Energy Transport Facilities.

(3) Each Contracting Party undertakes that its provisions relating to transport of Energy Materials and Products and the use of Energy Transport Facilities shall treat Energy Materials and Products in Transit in no less favourable a manner than its provisions treat such materials and products originating in or destined for its own Area, unless an existing international agreement provides otherwise.

(4) In the event that Transit of Energy Materials and Products cannot be achieved on commercial terms by means of Energy Transport Facilities the Contracting Parties shall not place obstacles in the way of new capacity being established, except as may be otherwise provided in applicable legislation which is consistent with paragraph (1).

(5) A Contracting Party through whose Area Energy Materials and Products may transit shall not be obliged to

(a) permit the construction or modification of Energy Transport Facilities; or

(b) permit new or additional Transit through existing Energy Transport Facilities,

which it demonstrates to the other Contracting Parties concerned would endanger the security or efficiency of its energy systems, including the security of supply.

Contracting Parties shall, subject to paragraphs (6) and (7), secure established flows of Energy Materials and Products to, from or between the Areas of other Contracting Parties.

(6) A Contracting Party through whose Area Energy Materials and Products transit shall not, in the event of a dispute over any matter arising from that Transit, interrupt or reduce, permit any entity subject to its control to interrupt or reduce, or require any entity subject to its jurisdiction to interrupt or reduce the existing flow of Energy Materials and Products prior to the conclusion of the dispute resolution procedures set out in paragraph (7), except where this is specifically provided for in a contract or other agreement governing such Transit or permitted in accordance with the conciliator's decision.

(7) The following provisions shall apply to a dispute described in paragraph (6), but only following the exhaustion of all relevant contractual or other dispute resolution remedies previously agreed between the Contracting Parties party to the dispute or between any entity referred to in paragraph (6) and an entity of another Contracting Party party to the dispute:

(a) A Contracting Party party to the dispute may refer it to the Secretary-General by a notification summarizing the matters in dispute. The Secretary-General shall notify all Contracting Parties of any such referral.

(b) Within 30 days of receipt of such a notification, the Secretary-General, in consultation with the parties to the dispute and the other Contracting Parties concerned, shall appoint a conciliator. Such a conciliator shall have experience in the matters, subject to dispute and shall not be a national or citizen of or permanently resident in a party to the dispute or one of the other Contracting Parties concerned.

(c) The conciliator shall seek the agreement of the parties to the dispute to a resolution thereof or upon a procedure to achieve such resolution. If within 90 days of his appointment he has failed to secure such agreement, he shall recommend a

(b) razvoju in delovanju objektov in naprav za prenos energije, ki se uporabljajo za območja več kot ene pogodbenice;

(c) ukrepov za omilitev učinkov prekinitve v dobavi energetskih materialov in izdelkov;

(d) lažji medsebojni povezavi objektov in naprav za prenos energije.

(3) Vsaka pogodbenica se zavezuje, da v svojih določbah za prenos energetskih materialov in izdelkov in uporabo objektov in naprav za prenos ne bo obravnavala energetskih materialov in izdelkov v tranzitu nič manj ugodno, kot so v njenih določbah obravnavani taki materiali in izdelki, ki izvirajo z njenega lastnega območja ali so namenjeni tja, razen če ni drugače določeno v obstoječem mednarodnem sporazumu.

(4) Če tranzit energetskih materialov in izdelkov ni gospodarno izvedljiv z obstoječimi objekti in napravami za prenos energije, pogodbenice ne bodo ovirale postavitve novih zmogljivosti, razen če ne bo drugače določeno v ustreznih zakonodaji, ki je v skladu z odstavkom (1).

(5) Pogodbenica, po katere območju morda poteka tranzit energetskih materialov in izdelkov, ni zavezana

(a) dovoliti gradnje ali spremembe objektov in naprav za prenos energije; ali

(b) dovoliti novega ali dodatnega tranzita po obstoječih objektih in napravah za prenos energije,

če dokaže drugim zainteresiranim pogodbenicam, da bi to ogrozilo varnost ali učinkovitost njenih energetskih sistemov, vključno z varnostjo dobav.

S pridržkom odstavkov (6) in (7) morajo pogodbenice zagotoviti dogovorjene pretoke energetskih materialov in izdelkov na območja, z območij in med območji drugih pogodbenic.

(6) Pogodbenica, po katere območju poteka tranzit energetskih materialov in izdelkov, v primeru spora glede kakršne koli zadeve v zvezi s tranzitom pred dokončanjem postopkov za rešitev spora iz odstavka (7) ne prekine ali zmanjša obstoječega pretoka energetskih materialov in izdelkov, niti ne dovoli nobenemu organu pod svojim nadzorom, da prekine ali zmanjša ta pretok, niti ne zahteva od nobenega organa pod svojo jurisdikcijo, da ga prekine ali zmanjša, razen če to ni posebej določeno v pogodbi ali v drugem sporazumu, ki ureja ta tranzit, ali če je to dovoljeno v skladu z odločitvijo pravnega posredovalca.

(7) Za spor, opisan v odstavku (6), veljajo v nadaljevanju navedene določbe, vendar šele potem, ko so izčrpana vsa ustrezna pogodbeno sredstva ali druga pravna sredstva za reševanje sporov, o katerih sta se predhodno dogovorili pogodbenici, ki sta stranki v sporu, ali kateri koli organ iz odstavka (6) in subjekt druge pogodbenice, ki sta stranki v sporu.

(a) Pogodbenica v sporu se lahko z obvestilom, v katerem so povzete sporne zadeve, obrne na generalnega sekretarja. Generalni sekretar pa o tem obvesti vse pogodbenice.

(b) V 30 dneh po prejemu takega obvestila generalni sekretar po posvetovanju s strankama v sporu in drugimi prizadetimi pogodbenicami imenuje pravnega posredovalca. Ta posredovalec mora imeti izkušnje v zadevah, o katerih teče spor, in ne sme imeti državljanstva ali biti po narodnosti pripadnik stranke v sporu ali ene od drugih prizadetih pogodbenic ali imeti tam stalnega prebivališča.

(c) Spravni posredovalec si prizadeva za sporazumno rešitev spora ali za dogovor med strankama v sporu o postopku za njegovo rešitev. Če v 90 dneh po imenovanju posredovalcu ni uspelo doseči takega dogovora, predlaga

resolution to the dispute or a procedure to achieve such resolution and shall decide the interim tariffs and other terms and conditions to be observed for Transit from a date which he shall specify until the dispute is resolved.

(d) The Contracting Parties undertake to observe and ensure that the entities under their control or jurisdiction observe any interim decision under subparagraph (c) on tariffs, terms and conditions for 12 months following the conciliator's decision or until resolution of the dispute, whichever is earlier.

(e) Notwithstanding subparagraph (b) the Secretary-General may elect not to appoint a conciliator if in his judgement the dispute concerns Transit that is or has been the subject of the dispute resolution procedures set out in subparagraphs (a) to (d) and those proceedings have not resulted in a resolution of the dispute.

(f) The Charter Conference shall adopt standard provisions concerning the conduct of conciliation and the compensation of conciliators.

(8) Nothing in this Article shall derogate from a Contracting Party's rights and obligations under international law including customary international law, existing bilateral or multilateral agreements, including rules concerning submarine cables and pipelines.

(9) This Article shall not be so interpreted as to oblige any Contracting Party which does not have a certain type of Energy Transport Facilities used for Transit to take any measure under this Article with respect to that type of Energy Transport Facilities. Such a Contracting Party is, however, obliged to comply with paragraph (4).

(10) For the purposes of this Article:

(a) "Transit" means

(i) the carriage through the Area of a Contracting Party, or to or from port facilities in its Area for loading or unloading, of Energy Materials and Products originating in the Area of another state and destined for the Area of a third state, so long as either the other state or the third state is a Contracting Party; or

(ii) the carriage through the Area of a Contracting Party of Energy Materials and Products originating in the Area of another Contracting Party and destined for the Area of that other Contracting Party, unless the two Contracting Parties concerned decide otherwise and record their decision by a joint entry in Annex N. The two Contracting Parties may delete their listing in Annex N by delivering a joint written notification of their intentions to the Secretariat, which shall transmit that notification to all other Contracting Parties. The deletion shall take effect four weeks after such former notification.

(b) "Energy Transport Facilities" consist of high-pressure gas transmission pipelines, high-voltage electricity transmission grids and lines, crude oil transmission pipelines, coal slurry pipelines, oil product pipelines, and other fixed facilities specifically for handling Energy Materials and Products.

ARTICLE 8

TRANSFER OF TECHNOLOGY

(1) The Contracting Parties agree to promote access to and transfer of energy technology on a commercial and non-discriminatory basis to assist effective trade in Energy Materials and Products and Investment and to implement the objectives of the Charter subject to their laws and regulations, and to the protection of Intellectual Property rights.

(2) Accordingly, to the extent necessary to give effect to paragraph (1) the Contracting Parties shall eliminate existing and create no new obstacles to the transfer of technology

rešitev spora ali postopek za njegovo rešitev ter določi začasne tarife in druge pogoje, ki jih je treba upoštevati za tranzit od dne, ki ga določi, do rešitve spora.

(d) Pogodbenice se zavezujejo, da bodo upoštevale in zagotovile, da bodo pravne in fizične osebe pod njihovim nadzorom ali pod njihovo sodno pristojnostjo upoštevale vse začasne odločitve iz pododstavka (c) o tarifah in pogojih 12 mesecev po odločitvi spravnega posredovalca ali do rešitve spora, kar koli je prej.

(e) Ne glede na pododstavek (b) se lahko generalni sekretar odloči, da ne imenuje posredovalca, če se po njegovi presoji spor nanaša na tranzit, za katerega so ali so bili določeni postopki za rešitev spora v pododstavkih (a) do (d) in taki postopki niso pripeljali do rešitve spora.

(f) Konferenca podpisnic Listine sprejme pravila o vodenju sprave in nagradi za posredovalce.

(8) Nič v tem členu ne pomeni odstopanja od pravic in obveznosti pogodbenice po mednarodnem pravu, vključno z običajnim mednarodnim pravom, in po obstoječih dvostranskih ali večstranskih sporazumih, vključno s pravili o podmorskih kablji in cevovodih.

(9) Tega člena ni mogoče razlagati tako, kot da zavezuje pogodbenico, ki za tranzit nima določene vrste naprav za prenos energije, da za tako vrsto naprav za prenos energije sprejme kakršne koli ukrepe po tem členu. Vendar pa je taka pogodbenica zavezana, da ravna v skladu z odstavkom (4).

(10) Za namene tega člena:

(a) "Tranzit" pomeni:

(i) prenos energetskih materialov in izdelkov s poreklom z območja druge države in namenjenih na območje tretje države čez območje pogodbenice ali do oziroma od pristaniških nakladalnih ali razkladalnih naprav na njenem območju, če je omenjena druga ali tretja država tudi pogodbenica; ali

(ii) prevoz energetskih materialov in izdelkov s poreklom z območja druge pogodbenice in namenjenih na območje te druge pogodbenice čez območje pogodbenice, razen če se taki pogodbenici ne odločita drugače in skupno ne vpišeta svoje odločitve v Prilogo N. Pogodbenici se lahko izbršeta iz seznama v Prilogi N tako, da skupaj pisno obvestita Sekretariat o svojem namenu, ta pa o tem obvesti vse druge pogodbenice. Izbris začne veljati štiri tedne po takem predhodnem obvestilu.

(b) "Naprave za prenos energije" so: visokotlačni plinovodi, visokonapetostne mreže in daljnovodi za prenos električne energije, naftovodi, premogovodi, cevovodi za naftne derivate in druge nepremične naprave, ki se posebej uporabljajo za energetske materiale in izdelke.

8. člen

PRENOS TEHNOLOGIJE

(1) Pogodbenice soglašajo, da bodo pospeševale dostop do energetske tehnologije in njen prenos na tržni in enakopravni podlagi in tako pripomogle k učinkoviti trgovini z energetskimi materiali in izdelki in k naložbam ter uresničevale cilje Listine v skladu s svojimi zakoni in predpisi ter k varstvu pravic intelektualne lastnine.

(2) Zato bodo pogodbenice v obsegu, ki je potreben za uresničevanje odstavka (1), odpravile obstoječe ovire in ne bodo ustvarjale novih za prenos tehnologije na področju

in the field of Energy Materials and Products and related equipment and services, subject to non-proliferation and other international obligations.

ARTICLE 9

ACCESS TO CAPITAL

(1) The Contracting Parties acknowledge the importance of open capital markets in encouraging the flow of capital to finance trade in Energy Materials and Products and for the making of and assisting with regard to Investments in Economic Activity in the Energy Sector in the Areas of other Contracting Parties, particularly those with economies in transition. Each Contracting Party shall accordingly endeavour to promote conditions for access to its capital market by companies and nationals of other Contracting Parties, for the purpose of financing trade in Energy Materials and Products and for the purpose of Investment in Economic Activity in the Energy Sector in the Areas of those other Contracting Parties, on a basis no less favourable than that which it accords in like circumstances to its own companies and nationals or companies and nationals of any other Contracting Party or any third state, whichever is the most favourable.

(2) A Contracting Party may adopt and maintain programmes providing for access to public loans, grants, guarantees or insurance for facilitating trade or Investment abroad. It shall make such facilities available, consistent with the objectives, constraints and criteria of such programmes (including any objectives, constraints or criteria relating to the place of business of an applicant for any such facility or the place of delivery of goods or services supplied with the support of any such facility) for Investments in the Economic Activity in the Energy Sector of other Contracting Parties or for financing trade in Energy Materials and Products with other Contracting Parties.

(3) Contracting Parties shall, in implementing programmes in Economic Activity in the Energy Sector to improve the economic stability and investment climates of the Contracting Parties, seek as appropriate to encourage the operations and take advantage of the expertise of relevant international financial institutions.

(4) Nothing in this Article shall prevent:

(a) financial institutions from applying their own lending or underwriting practices based on market principles and prudential considerations; or

(b) a Contracting Party from taking measures:

(i) for prudential reasons, including the protection of Investors, consumers, depositors, policy-holders, or persons to whom a fiduciary duty is owed by a financial service supplier; or

(ii) to ensure the integrity and stability of its financial system and capital markets.

PART III

INVESTMENT PROMOTION AND PROTECTION

ARTICLE 10

PROMOTION, PROTECTION AND TREATMENT OF INVESTMENTS

(1) Each Contracting Party shall, in accordance with the provisions of this Treaty, encourage and create stable, equitable, favourable and transparent conditions for Investors of other Contracting Parties to Make Investments in its Area. Such conditions shall include a commitment to accord at all times to Investments of Investors of other Contracting Par-

energetskih materialov in izdelkov ter sorodne opreme in storitev s pridržkom obveznosti glede neširjenja in drugih mednarodnih obveznosti.

9. člen

DOSTOP DO KAPITALA

(1) Pogodbenice priznavajo pomen odprtih trgov kapitala za pospeševanje pretoka kapitala za financiranje trgovine z energetskimi materiali in izdelki ter za naložbe in pomoč pri naložbah v gospodarsko dejavnost v energetiki na območjih drugih pogodbenic, zlasti tistih z gospodarstvom v prehodu. Zato si vsaka pogodbenica prizadeva izboljšati razmere za dostop družb in državljanov drugih pogodbenic do njenega trga kapitala za financiranje trgovine z energetskimi materiali in izdelki in za naložbe v gospodarsko dejavnost v energetiki na območjih drugih pogodbenic, in sicer po pogojih, ki niso manj ugodni od pogojev, ki veljajo v podobnih okoliščinah za njene lastne družbe in državljanke ali za družbe in državljanke vsake druge pogodbenice ali katere koli tretje države, kar je pač najugodnejše.

(2) Pogodbenica lahko zaradi lažjega trgovanja ali naložb v tujini sprejme in izvaja programe, ki omogočajo dostop do javnih posojil, subvencij, poroštev ali zavarovanja. V skladu s cilji, omejitvami in merili v teh programih (vključno s cilji, omejitvami ali merili glede sedeža poslovanja prosilca za taka sredstva ali glede kraja dobave blaga ali opravljenih storitev s pomočjo teh sredstev) daje pogodbenica taka sredstva na voljo za naložbe v gospodarsko dejavnost v energetiki drugih pogodbenic ali za financiranje trgovine z energetskimi materiali in izdelki z drugimi pogodbenicami.

(3) Pogodbenice si pri izvajanju programov gospodarske dejavnosti v energetiki ustrezno prizadevajo spodbujati delovanje in izkoriščati strokovno znanje in izkušnje ustreznih mednarodnih finančnih ustanov, da bi izboljšale gospodarsko stabilnost in naložbeno ozračje pogodbenic.

(4) Nič v tem členu ne preprečuje:

(a) da ne bi finančne ustanove uporabljale svojih lastnih običajnih postopkov za posojila in jamstva na podlagi tržnih načel in preudarnih razmislekov; ali

(b) da pogodbenica ne bi ukrepala:

(i) iz previdnosti, vključno z varstvom investorjev, porabnikov, vlagateljev, imetnikov zavarovalne police ali oseb, ki jim je izvajalec finančne storitve dolžan najbolje svetovati; ali

(ii) tako, da zagotovi celovitost in trdnost svojega finančnega sistema in trgov kapitala.

III. DEL

POSPEŠEVANJE IN VARSTVO NALOŽB

10. člen

POSPEŠEVANJE, VARSTVO IN OBRAVNAVANJE NALOŽB

(1) Vsaka pogodbenica v skladu z določbami te pogodbe spodbuja in ustvarja ustaljene, nepristranske, ugodne in pregledne razmere za investitorje drugih pogodbenic za uredničenje naložb na svojem območju. Pri tem se tudi zavezuje, da za naložbe investitorjev drugih pogodbenic vedno zagotovi pošteno in nepristransko obravnavanje. Take na-

ties fair and equitable treatment. Such Investments shall also enjoy the most constant protection and security and no Contracting Party shall in any way impair by unreasonable or discriminatory measures their management, maintenance, use, enjoyment or disposal. In no case shall such Investments be accorded treatment less favourable than that required by international law, including treaty obligations. Each Contracting Party shall observe any obligations it has entered into with an Investor or an Investment of an Investor of any other Contracting Party.

(2) Each Contracting Party shall endeavour to accord to Investors of other Contracting Parties, as regards the Making of Investments in its Area, the Treatment described in paragraph (3).

(3) For the purposes of this Article, "Treatment" means treatment accorded by a Contracting Party which is no less favourable than that which it accords to its own Investors, or to Investors of any other Contracting Party or any third state, whichever is the most favourable.

(4) A supplementary treaty shall, subject to conditions to be laid down therein, oblige each party thereto to accord to Investors, of other parties, as regards the Making of Investments in its Area, the Treatment described in paragraph (3). That treaty shall be open for signature by the states and Regional Economic Integration Organizations which have signed or acceded to this Treaty. Negotiations towards the supplementary treaty shall commence not later than 1 January 1995, with a view to concluding it by 1 January 1998.

(5) Each Contracting Party shall, as regards the Making of Investments in its Area, endeavour to:

(a) limit to the minimum the exceptions to the Treatment described in paragraph (3);

(b) progressively remove existing restrictions affecting Investors of other Contracting Parties.

(6) (a) A Contracting Party may, as regards the Making of Investments in its Area, at any time declare voluntarily to the Charter Conference, through the Secretariat, its intention not to introduce new exceptions to the Treatment described in paragraph (3).

(b) A Contracting Party may, furthermore, at any time make a voluntary commitment to accord to Investors, of other Contracting Parties, as regards the Making of Investments in some or all Economic Activities in the Energy Sector in its Area, the Treatment described in paragraph (3). Such commitments shall be notified to the Secretariat and listed in Annex VC and shall be binding under this Treaty.

(7) Each Contracting Party shall accord to Investments in its Area of Investors of other Contracting Parties, and their related activities including management, maintenance, use, enjoyment or disposal, treatment no less favourable than that which it accords to Investments of its own Investors, or of the Investors of any other Contracting Party or any third state and their related activities including management, maintenance, use, enjoyment or disposal, whichever is the most favourable.

(8) The modalities of application of paragraph (7) in relation to programmes under which a Contracting Party provides grants or other financial assistance, or enters into contracts, for energy technology research and development, shall be reserved for the supplementary treaty described in paragraph (4). Each Contracting Party shall through the Secretariat keep the Charter Conference informed of the modalities it applies to the programmes described in this paragraph.

(9) Each state or Regional Economic Integration Organization which signs or accedes to this Treaty shall, on the date it signs the Treaty or deposits its instrument of accession, submit to the Secretariat a report summarizing all laws, regulations or other measures relevant to:

ložbe uživajo tudi najtrajnejše varstvo in varnost in nobena pogodbenica na noben način ne sme z nerazumnimi ali diskriminacijskimi ukrepi ovirati njihovega upravljanja, ohranjanja, uporabe, izkoriščanja ali razpolaganja z njimi. V nobenem primeru te naložbe ne smejo biti obravnavane manj ugodno, kot to zahteva mednarodno pravo, vključno z obveznostmi iz te pogodbe. Vsaka pogodbenica spoštuje vse obveznosti, ki jih je pogodbeno prevzela do investitorja ali do naložbe investitorja kake druge pogodbenice.

(2) Vsaka pogodbenica si prizadeva obravnavati investitorje drugih pogodbenic pri uresničevanju naložb na svojem območju tako, kot je opisano v odstavku (3).

(3) Za namene tega člena "obravnavanje" pomeni obravnavanje, ki ga zagotavlja pogodbenica in ki ni nič manj ugodno od tistega, ki velja za njene lastne investitorje ali investitorje kake druge pogodbenice ali katere koli tretje države, kar je pač najugodnejše.

(4) Z dodatno pogodbo, sklenjeno po tu določenih pogojih, se vsaka njena pogodbenica zavezuje obravnavati investitorje drugih pogodbenic pri uresničevanju naložb na svojem območju enako, kot je opisano v odstavku (3). Ta dodatna pogodba bo na voljo za podpis državam in regionalnim organizacijam za gospodarsko povezovanje, ki so podpisale to pogodbo ali k njej pristopile. Pogajanja za sklenitev dopolnilne pogodbe se začno najkasneje 1. januarja 1995 z namenom, da se pogodba sklene do 1. januarja 1998.

(5) Vsaka pogodbenica si v zvezi z uresničevanjem naložb na svojem območju prizadeva:

(a) kar najbolj omejiti izjeme pri obravnavanju, opisanem v odstavku (3);

(b) postopno odpravljati obstoječe omejitve, ki vplivajo na investitorje drugih pogodbenic.

(6) (a) Pogodbenica lahko v zvezi z uresničevanjem naložb na svojem območju kadar koli po Sekretariatu prostovoljno izjavi Konferenci podpisnic Listine svoj namen, da ne bo uvajala novih izjem pri obravnavanju, opisanem v odstavku (3).

(b) Nadalje se lahko pogodbenica kadar koli prostovoljno zaveže, da bo investitorje drugih pogodbenic pri uresničevanju naložb v nekatere ali vse gospodarske dejavnosti v energetiki na svojem območju obravnavala tako, kot je opisano v odstavku (3). Take obveze je treba sporočiti Sekretariatu in jih vnesti v Prilogo VC in so zavezujoče po tej pogodbi.

(7) Vsaka pogodbenica na svojem območju naložb investitorjev drugih pogodbenic in z njimi povezanih dejavnosti, vključno z upravljanjem, ohranjanjem, uporabo, izkoriščanjem ali razpolaganjem z njimi, ne obravnava manj ugodno kot naložbe in z njimi povezanih dejavnosti svojih lastnih investitorjev ali investitorjev kake druge pogodbenice ali katere koli tretje države, vključno z upravljanjem, ohranjanjem, uporabo, izkoriščanjem ali razpolaganjem z njimi.

(8) Pogoji in načini uporabe odstavka (7) v zvezi s programi za raziskave in razvoj energetske tehnologije, po katerih pogodbenica daje dotacije ali drugo finančno pomoč ali sklepa pogodbe, bodo določeni v dodatni pogodbi iz odstavka (4). Vsaka pogodbenica po Sekretariatu stalno obvešča Konferenco podpisnic Listine o pogojih in načinih, ki jih uporablja za programe iz tega odstavka.

(9) Vsaka država ali regionalna organizacija za gospodarsko povezovanje, ki podpiše to pogodbo ali k njej pristopi, bo na dan podpisa pogodbe ali deponiranja svoje listine o pristopu predložila Sekretariatu poročilo, v katerem bodo povzeti vsi zakoni, predpisi ali drugi ukrepi, ki se nanašajo na:

- (a) exceptions to paragraph (2); or
- (b) the programmes referred to in paragraph (8).

A Contracting Party shall keep its report up to date by promptly submitting amendments to the Secretariat. The Charter Conference shall review these reports periodically.

In respect of subparagraph (a) the report may designate parts of the energy sector in which a Contracting Party accords to Investors of other Contracting Parties the Treatment described in paragraph (3).

In respect of subparagraph (b) the review by the Charter Conference may consider the effects of such programmes on competition and Investments.

(10) Notwithstanding any other provision of this Article, the treatment described in paragraphs (3) and (7) shall not apply to the protection of Intellectual Property; instead, the treatment shall be as specified in the corresponding provisions of the applicable international agreements for the protection of Intellectual Property rights to which the respective Contracting Parties are parties.

(11) For the purposes of Article 26, the application by a Contracting Party of a trade-related investment measure as described in Article 5(1) and (2) to an Investment of an Investor of another Contracting Party existing at the time of such application shall, subject to Article 5(3) and (4), be considered a breach of an obligation of the former Contracting Party under this Part.

(12) Each Contracting Party shall ensure that its domestic law provides effective means for the assertion of claims and the enforcement of rights with respect to Investments, investment agreements, and investment authorizations.

ARTICLE 11 KEY PERSONNEL

(1) A Contracting Party shall, subject to its laws and regulations relating to the entry, stay and work of natural persons, examine in good faith requests by Investors of another Contracting Party, and key personnel who are employed by such Investors, or by Investments of such Investors, to enter and remain temporarily in its Area to engage in activities connected with the making or the development, management, maintenance, use, enjoyment or disposal of relevant Investments, including the provision of advice or key technical services.

(2) A Contracting Party shall permit Investors of another Contracting Party which have Investments in its Area, and Investments of such Investors, to employ any key person of the Investor's or the Investment's choice regardless of nationality and citizenship provided that such key person has been permitted to enter, stay and work in the Area of the former Contracting Party and that the employment concerned conforms to the terms, conditions and time limits of the permission granted to such key person.

ARTICLE 12 COMPENSATION FOR LOSSES

(1) Except where Article 13 applies, an Investor of any Contracting Party which suffers a loss with respect to any Investment in the Area of another Contracting Party owing to war or other armed conflict, state of national emergency, civil disturbance, or other similar event in that Area, shall be accorded by the latter Contracting Party, as regards restitution, indemnification, compensation or other settlement, treatment which is the most favourable of that which that Contracting Party accords to any other Investor, whether its own Investor, the Investor of any other Contracting Party, or the Investor of any third state.

- (a) izjeme v zvezi z odstavkom (2); ali
- (b) programe, omenjene v odstavku (8).

Pogodbenica dopolnjuje svoje poročilo z najnovejšimi podatki tako, da Sekretariatu takoj pošlje spremembe in dopolnitve. Konferenca podpisnic Listine ta poročila občasno pregleda.

Glede pododstavka (a) lahko poročilo določa dele energetske, v katerih pogodbenica investitorje drugih pogodbenic obravnava tako, kot je opisano v odstavku (3).

Glede pododstavka (b) lahko Konferenca podpisnic Listine pri pregledu prouči učinke takih programov na konkurenco in naložbe.

(10) Ne glede na druge določbe tega člena se obravnavanje, opisano v odstavkih (3) in (7), ne uporablja za varstvo intelektualne lastnine. Namesto tega je obravnavanje tako, kot ga določajo ustrezne določbe veljavnih mednarodnih sporazumov za varstvo pravic intelektualne lastnine, podpisnice katerih so prizadete pogodbenice.

(11) Za namene 26. člena se naložbeni ukrep pogodbenice v zvezi s trgovino, kot je opisan v odstavkih (1) in (2) 5. člena, ki ga pogodbenica sprejme za naložbo investitorja druge pogodbenice, ki je takrat že obstajala – vendar pa ob upoštevanju odstavkov (3) in (4) 5. člena – šteje za kršitev obveznosti prve pogodbenice iz tega dela pogodbe.

(12) Vsaka pogodbenica zagotovi, da njeno domače pravo zagotavlja učinkovita pravna sredstva za uveljavljanje zahtevkov in pravic v zvezi z naložbami, naložbenimi pogodbami in naložbenimi pooblastili.

11. člen KLJUČNO OSEBJE

(1) Pogodbenica v skladu s svojimi zakoni in predpisi v zvezi z vstopom, bivanjem in delom fizičnih oseb v dobri veri prouči zahteve investitorjev druge pogodbenice in ključnega osebja, ki je zaposleno pri teh investitorjih ali pri naložbah teh investitorjev, za njihov začasen prihod in bivanje na tem območju zaradi dejavnosti v zvezi z uresničevanjem, razvojem, upravljanjem, ohranjanjem, uporabo, izkoriščanjem naložb ali razpolaganjem z njimi, vključno z opravljanjem svetovalnih ali ključnih tehničnih storitev.

(2) Pogodbenica dovoli investitorjem druge pogodbenice, ki imajo naložbe na njenem območju, in za naložbe teh investitorjev, da zaposlijo katero koli ključno osebo investitorja ali po izbiri subjekta naložbe ne glede na narodnost in državljanstvo pod pogojem, da so bili tej ključni osebi dovoljeni vstop, bivanje in delo na območju prve pogodbenice in da je taka zaposlitev v skladu s pogoji in časovnimi omejitvami iz dovoljenja, ki je bilo izdano tej ključni osebi.

12. člen NADOMESTILO ZA IZGUBE

(1) Razen v primeru, ko velja 13. člen, investitorja pogodbenice, ki ga prizadene izguba v zvezi z naložbo na območju druge pogodbenice zaradi vojne ali drugega oboroženega spopada, izrednega stanja, državljanskih nemirov ali drugega podobnega dogodka na tem območju, ta pogodbenica glede povrnitve v prejšnje stanje, nadomestila ali druge poravnave obravnava na način, ki je najugodnejši od načinov, po katerih ta pogodbenica obravnava katerega koli drugega investitorja, ne glede na to, ali je to njen lastni investitor, investitor kake druge pogodbenice ali pa investitor katere koli tretje države.

(2) Without prejudice to paragraph (1), an Investor of a Contracting Party which, in any of the situations referred to in that paragraph, suffers a loss in the Area of another Contracting Party resulting from

(a) requisitioning of its Investment or part thereof by the latter's forces or authorities; or

(b) destruction of its Investment or part thereof by the latter's forces or authorities, which was not required by the necessity of the situation,

shall be accorded restitution or compensation which in either case shall be prompt, adequate and effective.

ARTICLE 13 EXPROPRIATION

(1) Investments of Investors of a Contracting Party in the Area of any other Contracting Party shall not be nationalized, expropriated or subjected to a measure or measures having effect equivalent to nationalization or expropriation (hereinafter referred to as "Expropriation") except where such Expropriation is:

(a) for a purpose which is in the public interest;

(b) not discriminatory;

(c) carried out under due process of law; and

(d) accompanied by the payment of prompt, adequate and effective compensation.

Such compensation shall amount to the fair market value of the Investment expropriated at the time immediately before the Expropriation or impending Expropriation became known in such a way as to affect the value of the Investment (hereinafter referred to as the "Valuation Date").

Such fair market value shall at the request of the Investor be expressed in a Freely Convertible Currency on the basis of the market rate of exchange existing for that currency on the Valuation Date. Compensation shall also include interest at a commercial rate established on a market basis from the date of Expropriation until the date of payment.

(2) The Investor affected shall have a right to prompt review, under the law of the Contracting Party making the Expropriation, by a judicial or other competent and independent authority of that Contracting Party, of its case, of the valuation of its Investment, and of the payment of compensation, in accordance with the principles set out in paragraph (1).

(3) For the avoidance of doubt, Expropriation shall include situations where a Contracting Party expropriates the assets of a company or enterprise in its Area in which an Investor of any other Contracting Party has an Investment, including through the ownership of shares.

ARTICLE 14

TRANSFERS RELATED TO INVESTMENTS

(1) Each Contracting Party shall with respect to Investments in its Area of Investors of any other Contracting Party guarantee the freedom of transfer into and out of its Area, including the transfer of:

(a) the initial capital plus any additional capital for the maintenance and development of an Investment;

(b) Returns;

(c) payments under a contract, including amortization of principal and accrued interest payments pursuant to a loan agreement;

(d) unspent earnings and other remuneration of personnel engaged from abroad in connection with that Investment;

(e) proceeds from the sale or liquidation of all or any part of an Investment;

(f) payments arising out of the settlement of a dispute;

(g) payments of compensation pursuant to Articles 12 and 13.

(2) S pridržkom odstavka (1) je treba investitorju pogodbenice, ki ga v kateri koli od zgoraj navedenih okoliščin prizadene izguba na območju druge pogodbenice zato, ker so:

(a) sile ali organi te druge pogodbenice zasegli njeno naložbo ali del le-te; ali

(b) sile ali organi te druge pogodbenice uničili njeno naložbo ali del le-te, čeprav to ni bilo potrebno glede na dane okoliščine,

odobriti povrnitev v prejšnje stanje ali nadmestilo, ki mora biti v obeh primerih takojšnje, ustrezno in učinkovito.

13. člen

RAZLASTITEV

(1) Naložbe investitorjev pogodbenice na območju katere koli druge pogodbenice ne smejo biti nacionalizirane, razlašene ali predmet ukrepa ali ukrepov z enakim učinkom kot nacionalizacija ali razlastitev (v nadaljevanju "razlastitev"), razen kadar je taka razlastitev:

(a) za namen, ki je v javnem interesu;

(b) nediskriminacijska;

(c) izvedena po pravilnem zakonodajnem postopku; in

(d) jo spremlja plačilo takojšnjega, ustreznega in učinkovitega nadomestila.

Tako nadomestilo je v višini poštene tržne vrednosti razlašene naložbe tik pred razlastitvijo ali preden je preteča razlastitev postala znana na tak način, da to vpliva na vrednost naložbe (v nadaljevanju "dan ovrednotenja").

Tako pošteno tržno vrednost je treba na zahtevo investitorja izraziti v prosto zamenljivi valuti na podlagi tržnega menjalnega tečaja za to valuto na dan ovrednotenja. Nadomestilo vključuje tudi obresti, določene po tržni obrestni meri, od dneva razlastitve do dneva plačila.

(2) Prizadeti investitor ima v skladu s pravom pogodbenice, ki razlašča, pravico, da sodni ali drugi pristojni ali neodvisni organ te pogodbenice v skladu z načeli iz odstavka (1) nemudoma pregleda njegov primer, ovrednotenje njegove naložbe in plačilo nadomestila.

(3) Da bi se izognili vsakemu dvomu, velja, da razlastitev zajema tudi take primere, ko pogodbenica na svojem območju razlasti sredstva družbe ali podjetja, v katerem je investitor druge pogodbenice kapitalsko udeležen, kar vključuje tudi lastništvo delnic.

14. člen

PRENOSI V ZVEZI Z NALOŽBAMI

(1) Vsaka pogodbenica v zvezi z naložbami investitorjem katere koli druge pogodbenice na svojem območju jamči prost prenos sredstev na svoje območje in z njega, vključno s prenosom:

(a) začetnega kapitala in kakršnega koli dodatnega kapitala za ohranjanje in razvoj naložbe;

(b) donosov;

(c) plačil po pogodbi, vključno z odplačilom glavnice in s plačili zapadlih obresti v skladu s posojilno pogodbo;

(d) neporabljenih zaslužkov in drugih nadomestil osebju, ki so ga iz tujine zaposlili v zvezi s naložbo;

(e) prihodkov od prodaje ali likvidacije celotne naložbe ali njenega dela;

(f) plačil iz poravnave spora;

(g) plačil nadomestila v skladu z 12. in 13. členom.

(2) Transfers under paragraph (1) shall be effected without delay and (except in case of a Return in kind) in a Freely Convertible Currency.

(3) Transfers shall be made at the market rate of exchange existing on the date of transfer with respect to spot transactions in the currency to be transferred. In the absence of a market for foreign exchange, the rate to be used will be the most recent rate applied to inward investments or the most recent exchange rate for conversion of currencies into Special Drawing Rights, whichever is more favourable to the Investor.

(4) Notwithstanding paragraphs (1) to (3), a Contracting Party may protect the rights of creditors, or ensure compliance with laws on the issuing, trading and dealing in securities and the satisfaction of judgements in civil, administrative and criminal adjudicatory proceedings, through the equitable, non-discriminatory, and good faith application of its laws and regulations.

(5) Notwithstanding paragraph (2), Contracting Parties which are states that were constituent parts of the former Union of Soviet Socialist Republics may provide in agreements concluded between them that transfers of payments shall be made in the currencies of such Contracting Parties, provided that such agreements do not treat Investments in their Areas of Investors of other Contracting Parties less favourably than either Investments of Investors of the Contracting Parties which have entered into such agreements or Investments of Investors of any third state.

(6) Notwithstanding subparagraph (1)(b), a Contracting Party may restrict the transfer of a Return in kind in circumstances where the Contracting Party is permitted under Article 29(2)(a) or the GATT and Related Instruments to restrict or prohibit the exportation or the sale for export of the product constituting the Return in kind; provided that a Contracting Party shall permit transfers of Returns in kind to be effected as authorized or specified in an investment agreement, investment authorization, or other written agreement between the Contracting Party and either an Investor of another Contracting Party or its Investment.

ARTICLE 15 SUBROGATION

(1) If a Contracting Party or its designated agency (hereinafter referred to as the "Indemnifying Party") makes a payment under an indemnity or guarantee given in respect of an Investment of an Investor (hereinafter referred to as the "Party Indemnified") in the Area of another Contracting Party (hereinafter referred to as the "Host Party"), the Host Party shall recognize:

(a) the assignment to the Indemnifying Party of all the rights and claims in respect of such Investment; and

(b) the right of the Indemnifying Party to exercise all such rights and enforce such claims by virtue of subrogation.

(2) The Indemnifying Party shall be entitled in all circumstances to:

(a) the same treatment in respect of the rights and claims acquired by it by virtue of the assignment referred to in paragraph (1); and

(b) the same payments due pursuant to those rights and claims, as the Party Indemnified was entitled to receive by virtue of this Treaty in respect of the Investment concerned.

(3) In any proceeding under Article 26, a Contracting Party shall not assert as a defence, counterclaim, right of set-off or for any other reason, that indemnification or other compensation for all or part of the alleged damages has been

(2) Prenosi iz odstavka (1) se izvedejo brez odlašanja in (razen pri donosu v naravi) v prosto zamenljivi valuti.

(3) Prenosi se izvedejo po tržnem menjalnem tečaju, ki velja na dan prenosa za gotovinske posle v valuti prenosa. Če ni deviznega trga, se uporabi zadnji veljavni tečaj za naložbe v državo ali zadnji tečaj za menjavo valut v posebne pravice črpanja, kar od tega je pač ugodnejše za investitorja.

(4) Ne glede na odstavka (1) do (3) lahko pogodbenica zaščiti pravice upnikov ali zagotovi skladnost z zakoni o izdaji vrednostnih papirjev ter o poslovanju in trgovanju z njimi ter izvršitev sodb v civilnih, upravnih in kazenskih sodnih postopkih, tako da pravično, nerazlikovalno in v dobri veri uporabi svoje zakone in predpise.

(5) Ne glede na odstavek (2) lahko države pogodbenice, ki so bile sestavni del nekdanje Zveze sovjetskih socialističnih republik, v medsebojnih sporazumih določijo, da prenosi plačil potekajo v valutah teh pogodbenih strank, pod pogojem, da ti sporazumi ne obravnavajo naložb investitorjev drugih pogodbenic na njihovih območjih manj ugodno od naložb investitorjev pogodbenic, ki so sklenile take sporazume, ali naložb investitorjev iz tretjih držav.

(6) Ne glede na pododstavek (b) odstavka (1) lahko pogodbenica omeji prenos donosa v naravi v okoliščinah, ko sme pogodbenica v skladu s pododstavkom (a) odstavka (2) 29. člena ali v skladu z GATT-om in z njim povezanimi dokumenti omejiti ali prepovedati izvoz ali prodajo za izvoz izdelkov, ki pomenijo donose v naravi; vendar pod pogojem, da pogodbenica dovoli, da se donosi v naravi prenesejo, kot je dovoljeno ali določeno v naložbenem sporazumu, naložbenem pooblastilu ali drugem pisnem dogovoru med pogodbenico in investitorjem druge pogodbenice ali subjektom njene naložbe.

15. člen

VSTOP V PRAVICE IN OBVEZNOSTI (SUBROGACIJA)

(1) Če pogodbenica ali njena pooblaščenca agencija (v nadaljevanju "odškodovalec") izvede plačilo v okviru odškodnine ali poročila, danega za naložbo investitorja (v nadaljevanju "odškodovanec"), na območju druge pogodbenice (v nadaljevanju "gostiteljica"), prizna gostiteljica:

(a) odstop vseh pravic in zahtevkov v zvezi s tako naložbo odškodovalcu; in

(b) pravico odškodovalca, da uresničuje vse take pravice in uveljavlja take terjatve na podlagi vstopa v pravice in obveznosti.

(2) Odškodovalec ima v vseh okoliščinah pravico do:

(a) enakega obravnavanja pravic in zahtevkov, ki jih je pridobil na podlagi odstopa iz odstavka (1); in

(b) enakih dolgovanj izplačil iz teh pravic in zahtevkov, do katerih bi bil upravičen odškodovanec na podlagi te pogodbe v zvezi z zadevno naložbo.

(3) V nobenem postopku iz 26. člena se pogodbenica ne sme pri svoji obrambi, postavljanju protizahtevkov, uveljavljanju pravic do pobota ali iz kakršnega koli drugega razloga sklicevati na to, da je bila ali bo odškodnina ali drugo

received or will be received pursuant to an insurance or guarantee contract.

ARTICLE 16

RELATION TO OTHER AGREEMENTS

Where two or more Contracting Parties have entered into a prior international agreement, or enter into a subsequent international agreement, whose terms in either case concern the subject matter of Part III or V of this Treaty,

(1) nothing in Part III or V of this Treaty shall be construed to derogate from any provision of such terms of the other agreement or from any right to dispute resolution with respect thereto under that agreement; and

(2) nothing in such terms of the other agreement shall be construed to derogate from any provision of Part III or V of this Treaty or from any right to dispute resolution with respect thereto under this Treaty,

where any such provision is more favourable to the Investor or Investment.

ARTICLE 17

NON-APPLICATION OF PART III IN CERTAIN CIRCUMSTANCES

Each Contracting Party reserves the right to deny the advantages of this Part to:

(1) a legal entity if citizens or nationals of a third state own or control such entity and if that entity has no substantial business activities in the Area of the Contracting Party in which it is organized; or

(2) an Investment, if the denying Contracting Party establishes that such Investment is an Investment of an Investor of a third state with or as to which the denying Contracting Party:

- (a) does not maintain a diplomatic relationship; or
- (b) adopts or maintains measures that:

(i) prohibit transactions with Investors of that state; or

(ii) would be violated or circumvented if the benefits of this Part were accorded to Investors of that state or to their Investments.

PART IV

MISCELLANEOUS PROVISIONS

ARTICLE 18

SOVEREIGNTY OVER ENERGY RESOURCES

(1) The Contracting Parties recognize state sovereignty and sovereign rights over energy resources. They reaffirm that these must be exercised in accordance with and subject to the rules of international law.

(2) Without affecting the objectives of promoting access to energy resources, and exploration and development thereof on a commercial basis, the Treaty shall in no way prejudice the rules in Contracting Parties governing the system of property ownership of energy resources.

(3) Each state continues to hold in particular the rights to decide the geographical areas within its Area to be made available for exploration and development of its energy resources, the optimization of their recovery and the rate at which they may be depleted or otherwise exploited, to specify and enjoy any taxes, royalties or other financial payments payable by virtue of such exploration and exploitation, and to regulate the environmental and safety aspects of such

nadomestilo za vso domnevno škodo ali del le-te prejeta v skladu s kako pogodbo o zavarovanju ali o poroštvi.

16. člen

RAZMERJE DO DRUGIH SPORAZUMOV

Če sta dve ali več pogodbenic predhodno ali pozneje sklenili mednarodni sporazum, katerega pogoji se v obeh primerih nanašajo na zadeve iz III. ali V. dela te pogodbe,

(1) se nič v III. ali V. delu te pogodbe ne sme razlagati kot odstopanje od določbe v zvezi s takimi pogoji drugega sporazuma ali pravice za izpodbijanje sklepov v zvezi s to pogodbo na podlagi takega sporazuma; in

(2) se nič v takih pogojih iz drugega sporazuma ne sme razlagati kot odstopanje od katere koli določbe iz III. ali V. dela te pogodbe ali pravice za izpodbijanje sklepov v zvezi s takim sporazumom na podlagi te pogodbe,

kadar koli je kaka taka določba ugodnejša za investitorja ali naložbo.

17. člen

NEUPORABA III. DELA V DOLOČENIH OKOLIŠČINAH

Vsaka pogodbenica si pridržuje pravico, da odreče ugodnosti iz tega dela:

(1) pravni osebi, če imajo tako pravno osebo v lasti ali pod nadzorom državljeni tretje države ali njeni pripadniki po narodnosti, če taka pravna oseba ne opravlja večjih poslovnih dejavnosti na območju pogodbenice, na katerem je organizirana; ali

(2) naložbi, če pogodbenica, ki take ugodnosti odreka, ugotovi, da je to naložba investitorja tretje države, s katero pogodbenica, ki odreka ugodnosti:

(a) nima diplomatskih odnosov; ali

(b) proti njej sprejme ali izvaja ukrepe:

(i) ki prepovedujejo posle z investitorji te države; ali

(ii) ki bi bili kršeni ali bi se jim izognili, če bi bile koristi iz tega dela pogodbe priznane investitorjem take države ali njihovim naložbam.

IV. DEL

DRUGE DOLOČBE

18. člen

SUVERENOST NAD ENERGETSKIMI VIRI

(1) Pogodbenice priznavajo državno suverenost in suverene pravice nad energetskimi viri. Ponovno potrjujejo, da se te pravice morajo uresničevati v skladu s pravili mednarodnega prava.

(2) Ne da bi vplivala na cilje pospeševanja dostopa do energetskih virov in njihovega gospodarskega izkoriščanja in razvoja, pogodba na noben način ne sme v državah pogodbenicah vplivati na predpise, ki urejajo lastništvo energetskih virov.

(3) Vsaka država ima zlasti še vedno pravico določiti zemljepisna območja na svojem ozemlju, ki jih da na voljo za izkoriščanje in razvoj svojih energetskih virov, njihovo optimalno sanacijo in stopnjo, po kateri jih je mogoče izrabljati ali drugače izkoriščati, pravico določati in uporabljati davke, licenčnine ali druga denarna plačila, plačljiva na podlagi raziskav in izkoriščanja, in s predpisi urejati okoljevarstvene in varnostne vidike raziskav, razvoja in izkoriščanja na

exploration, development and reclamation within its Area, and to participate in such exploration and exploitation, *inter alia*, through direct participation by the government or through state enterprises.

(4) The Contracting Parties undertake to facilitate access to energy resources, *inter alia*, by allocating in a non-discriminatory manner on the basis of published criteria authorizations, licences, concessions and contracts to prospect and explore for or to exploit or extract energy resources.

ARTICLE 19

ENVIRONMENTAL ASPECTS

(1) In pursuit of sustainable development and taking into account its obligations under those international agreements concerning the environment to which it is party, each Contracting Party shall strive to minimize in an economically efficient manner harmful Environmental Impacts occurring either within or outside its Area from all operations within the Energy Cycle in its Area, taking proper account of safety. In doing so each Contracting Party shall act in a Cost-Effective manner. In its policies and actions each Contracting Party shall strive to take precautionary measures to prevent or minimize environmental degradation. The Contracting Parties agree that the polluter in the Areas of Contracting Parties, should, in principle, bear the cost of pollution, including transboundary pollution, with due regard to the public interest and without distorting Investment in the Energy Cycle or international trade. Contracting Parties shall accordingly:

(a) take account of environmental considerations throughout the formulation and implementation of their energy policies;

(b) promote market-oriented price formation and a fuller reflection of environmental costs and benefits throughout the Energy Cycle;

(c) having regard to Article 34(4), encourage cooperation in the attainment of the environmental objectives of the Charter and cooperation in the field of international environmental standards for the Energy Cycle, taking into account differences in adverse effects and abatement costs between Contracting Parties;

(d) have particular regard to Improving Energy Efficiency, to developing and using renewable energy sources, to promoting the use of cleaner fuels and to employing technologies and technological means that reduce pollution;

(e) promote the collection and sharing among Contracting Parties of information on environmentally sound and economically efficient energy policies and Cost-Effective practices and technologies;

(f) promote public awareness of the Environmental Impacts of energy systems, of the scope for the prevention or abatement of their adverse Environmental Impacts, and of the costs associated with various prevention or abatement measures;

(g) promote and cooperate in the research, development and application of energy efficient and environmentally sound technologies, practices and processes which will minimize harmful Environmental Impacts of all aspects of the Energy Cycle in an economically efficient manner;

(h) encourage favourable conditions for the transfer and dissemination of such technologies consistent with the adequate and effective protection of Intellectual Property rights;

(i) promote the transparent assessment at an early stage and prior to decision, and subsequent monitoring, of Environmental Impacts of environmentally significant energy investment projects;

svojem ozemlju ter sodelovati pri raziskavah in izkoriščanju, med drugim v obliki neposrednega sodelovanja vlade ali z vključevanjem državnih podjetjih.

(4) Pogodbenice se zavezujejo, da bodo olajšale dostop do energetskih virov med drugim z dajanjem pooblastil, dovoljenj, koncesij in pogodb za iskanje in raziskovanje oziroma za izkoriščanje ali črpanje energetskih virov na nepristranski način na podlagi objavljenih meril.

19. člen

OKOLJEVARSTVENI VIDIKI

(1) V prizadevanjih za trajno uravnotežen razvoj in ob upoštevanju obveznosti iz mednarodnih sporazumov o okolju, katerih pogodbenica je, si vsaka pogodbenica prizadeva na gospodarsko učinkovit način čim bolj zmanjšati škodljive vplive na okolje znotraj ali zunaj svojega območja zaradi vseh dejavnosti v zvezi z energetskim ciklusom na svojem območju in pri tem primerno upošteva varnost. Pri tem naj vsaka pogodbenica gospodarno ravna. V svoji politiki in dejanjih si vsaka pogodbenica prizadeva preventivno ukrepati tako, da prepreči ali na najmanjšo možno mero zmanjša poslabšanje okolja. Pogodbenice soglašajo, da bi moral onesnaževalec na območjih pogodbenic praviloma kriti stroške onesnaženja, vključno s čezmejnimi onesnaženjem, in sicer ob upoštevanju javnih koristi in brez negativnih vplivov na naložbo v energetskem ciklusu ali na mednarodno trgovino. Zato pogodbenice:

(a) upoštevajo okoljevarstvene vidike ves čas oblikovanja in izvajanja svoje energetske politike;

(b) pospešujejo tržno usmerjeno oblikovanje cen v celotnem energetskem ciklusu in skrbijo, da se bolje odražajo okoljevarstveni stroški in koristi varstva okolja v celotnem energetskem ciklusu;

(c) ob upoštevanju odstavka (4) 34. člena pospešujejo sodelovanje pri doseganju okoljevarstvenih ciljev Listine in sodelovanje na področju mednarodnih okoljevarstvenih standardov za energetski ciklus, pri čemer upoštevajo razlike med negativnimi učinki in stroški za njihovo zmanjševanje med pogodbenicami;

(d) si posebej prizadevajo za izboljšanje energetske učinkovitosti, za razvoj in uporabo obnovljivih energetskih virov, za pospeševanje uporabe čistejših goriv in za uporabo tehnologij in tehnoloških sredstev, ki zmanjšujejo onesnaževanje;

(e) pospešujejo zbiranje informacij o okoljsko primernih in gospodarsko učinkovitih energetskih politikah ter o učinkovitih postopkih in tehnologijah glede na stroške ter skupno razpolaganje s temi informacijami;

(f) pospešujejo ozaveščenost javnosti o vplivih energetskih sistemov na okolje, preprečevanju ali zmanjševanju njihovih negativnih vplivov na okolje in o stroških, povezanih z različnimi ukrepi za preprečevanje ali zmanjševanje takih vplivov;

(g) pospešujejo in sodelujejo pri raziskavah, razvoju in uporabi energetske učinkovitih in okolju primernih tehnologij, postopkov in procesov, ki na gospodarsko učinkovit način kar najbolj zmanjšujejo škodljive vplive na okolje v vseh delih energetskega ciklusa;

(h) ob upoštevanju primerne in učinkovite varstva pravic intelektualne lastnine spodbujajo ugodne razmere za prenos in razširjanje teh tehnologij;

(i) pri energetskih naložbenih projektih v zgodnji fazi in pred sprejemom odločitve pospešujejo pregledno presojo vplivov na okolje, kasneje pa njihovo spremljanje za okoljsko pomembne naložbene projekte v energetiki;

(j) promote international awareness and information exchange on Contracting Parties' relevant environmental programmes and standards and on the implementation of those programmes and standards;

(k) participate, upon request, and within their available resources, in the development and implementation of appropriate environmental programmes in the Contracting Parties.

(2) At the request of one or more Contracting Parties, disputes concerning the application or interpretation of provisions of this Article shall, to the extent that arrangements for the consideration of such disputes do not exist in other appropriate international fora, be reviewed by the Charter Conference aiming at a solution.

(3) For the purposes of this Article:

(a) "Energy Cycle" means the entire energy chain, including activities related to prospecting for, exploration, production, conversion, storage, transport, distribution and consumption of the various forms of energy, and the treatment and disposal of wastes, as well as the decommissioning, cessation or closure of these activities, minimizing harmful Environmental Impacts;

(b) "Environmental Impact" means any effect caused by a given activity on the environment, including human health and safety, flora, fauna, soil, air, water, climate, landscape and historical monuments or other physical structures or the interactions among these factors; it also includes effects on cultural heritage or socio-economic conditions resulting from alterations to those factors;

(c) "Improving Energy Efficiency" means acting to maintain the same unit of output (of a good or service) without reducing the quality or performance of the output, while reducing the amount of energy required to produce that output;

(d) "Cost-Effective" means to achieve a defined objective at the lowest cost or to achieve the greatest benefit at a given cost.

ARTICLE 20 TRANSPARENCY

(1) Laws, regulations, judicial decisions and administrative rulings of general application which affect trade in Energy Materials and Products are, in accordance with Article 29(2)(a), among the measures subject to the transparency disciplines of the GATT and relevant Related Instruments.

(2) Laws, regulations, judicial decisions and administrative rulings of general application made effective by any Contracting Party, and agreements in force between Contracting Parties, which affect other matters covered by this Treaty shall also be published promptly in such a manner as to enable Contracting Parties and Investors to become acquainted with them. The provisions of this paragraph shall not require any Contracting Party to disclose confidential information which would impede law enforcement or otherwise be contrary to the public interest or would prejudice the legitimate commercial interests of any Investor.

(3) Each Contracting Party shall designate one or more enquiry points to which requests for information about the above mentioned laws, regulations, judicial decisions and administrative rulings may be addressed and shall communicate promptly such designation to the Secretariat which shall make it available on request.

ARTICLE 21 TAXATION

(1) Except as otherwise provided in this Article, nothing in this Treaty shall create rights or impose obligations with respect to Taxation Measures of the Contracting Par-

(j) pospešujejo mednarodno ozaveščenost in izmenjavo informacij o pomembnih okoljevarstvenih programih in standardih pogodbenic in o izvajanju teh programov in standardov;

(k) na zahtevo in v okviru svojih razpoložljivih sredstev sodelujejo pri razvoju in izvajanju ustreznih okoljevarstvenih programov pri pogodbenicah.

(2) Na zahtevo ene ali več pogodbenic spore v zvezi z uporabo ali razlago določb tega člena – če v drugih ustreznih mednarodnih telesih ni dogovorov za obravnavanje takih sporov – pregleda Konferenca podpisnic Listine, ki si bo prizadevala najti rešitev.

(3) Za namene tega člena:

(a) "energetski cikel" pomeni celotno energetsko verigo, vključno z dejavnostmi v zvezi z iskanjem, raziskovanjem, pridobivanjem, pretvarjanjem, skladiščenjem, prenosom, distribucijo in porabo različnih oblik energije ter obdelavo in odstranjevanjem odpadkov kakor tudi zaprtjem, prenehanjem ali opustitvijo teh dejavnosti, s čimer se škodljivi vplivi na okolje znižajo na najmanjšo možno mero;

(b) "vpliv na okolje" pomeni vsak učinek, ki ga ima določena dejavnost na okolje, vključno na zdravje in varnost človeka, na rastlinstvo, živalstvo, tla, zrak, vodo, podnebje, krajino in zgodovinske spomenike ali druge prostorske zgradbe ali medsebojno delovanje teh dejavnikov; vključuje tudi učinke na kulturno dediščino ali na družbenogospodarske razmere, ki nastajajo s spremembo teh dejavnikov;

(c) "izboljšanje energetske učinkovitosti" pomeni tako ravnanje, s katerim se zadrži enak obseg proizvodnje (blaga ali storitve) brez zmanjšanja kakovosti ali učinkovitosti tega obsega, hkrati pa se zmanjša količina energije, potrebne za proizvodnjo takega obsega;

(d) "učinkovit glede na stroške" pomeni doseči določen cilj z najnižjimi stroški ali doseči največjo korist ob določenih stroških.

20. člen PREGLEDNOST

(1) V skladu s pododstavkom (a) odstavka (2) 29. člena so ukrepi po načelih preglednosti GATT-a in z njim povezanih dokumentov tudi zakoni, predpisi, sodne in upravne odločbe v splošni uporabi, ki vplivajo na trgovino z energetskimi materiali in izdelki.

(2) Zakoni, predpisi, sodne in upravne odločbe v splošni uporabi, ki jih uveljavlja katera koli pogodbenica, ter veljavni sporazumi med pogodbenicami, ki vplivajo na druge zadeve, ki jih ureja ta pogodba, se ravno tako nemudoma objavijo na tak način, da se pogodbenice in investitorji lahko z njimi seznanijo. Določbe tega odstavka pa od nobene pogodbenice ne zahtevajo, da razkrije zaupne informacije, ki bi ogrožale uveljavljanje zakona ali bi bile drugače v nasprotju z javnim interesom ali pa bi škodovale zakonitim poslovnim interesom kakega investitorja.

(3) Vsaka pogodbenica določi eno ali več informacij-skih mest, kamor se lahko naslovijo zahtevki za informacije v zvezi z zgoraj omenjenimi zakoni, predpisi, sodnimi in upravnimi odločbami, take naslove pa mora nemudoma sporočiti Sekretariatu, ki jih na zahtevo da na voljo.

21. člen OBDAVČENJE

(1) Če v tem členu ni drugače določeno, nič v tej pogodbi ne ustvarja pravic ali nalaga obveznosti v zvezi z davčnimi ukrepi pogodbenic. Pri neskladju med tem členom

ties. In the event of any inconsistency between this Article and any other provision of the Treaty, this Article shall prevail to the extent of the inconsistency.

(2) Article 7(3) shall apply to Taxation Measures other than those on income or on capital, except that such provision shall not apply to:

(a) an advantage accorded by a Contracting Party pursuant to the tax provisions of any convention, agreement or arrangement described in subparagraph (7)(a)(ii); or

(b) any Taxation Measure aimed at ensuring the effective collection of taxes, except where the measure of a Contracting Party arbitrarily discriminates against Energy Materials and Products originating in, or destined for the Area of another Contracting Party or arbitrarily restricts benefits accorded under Article 7(3).

(3) Article 10(2) and (7) shall apply to Taxation Measures of the Contracting Parties other than those on income or on capital, except that such provisions shall not apply to:

(a) impose most favoured nation obligations with respect to advantages accorded by a Contracting Party pursuant to the tax provisions of any convention, agreement or arrangement described in subparagraph (7)(a)(ii) or resulting from membership of any Regional Economic Integration Organization; or

(b) any Taxation Measure aimed at ensuring the effective collection of taxes, except where the measure arbitrarily discriminates against an Investor of another Contracting Party or arbitrarily restricts benefits accorded under the Investment provisions of this Treaty.

(4) Article 29(2) to (6) shall apply to Taxation Measures other than those on income or on capital.

(5) (a) Article 13 shall apply to taxes.

(b) Whenever an issue arises under Article 13, to the extent it pertains to whether a tax constitutes an expropriation or whether a tax alleged to constitute an expropriation is discriminatory, the following provisions shall apply:

(i) The Investor or the Contracting Party alleging expropriation shall refer the issue of whether the tax is an expropriation or whether the tax is discriminatory to the relevant Competent Tax Authority. Failing such referral by the Investor or the Contracting Party, bodies called upon to settle disputes pursuant to Article 26(2)(c) or 27(2) shall make a referral to the relevant Competent Tax Authorities;

(ii) The Competent Tax Authorities shall, within a period of six months of such referral, strive to resolve the issues so referred. Where non-discrimination issues are concerned, the Competent Tax Authorities shall apply the non-discrimination provisions of the relevant tax convention or, if there is no non-discrimination provision in the relevant tax convention applicable to the tax or no such tax convention is in force between the Contracting Parties concerned, they shall apply the non-discrimination principles under the Model Tax Convention on Income and Capital of the Organisation for Economic Cooperation and Development;

(iii) Bodies called upon to settle disputes pursuant to Article 26(2)(c) or 27(2) may take into account any conclusions arrived at by the Competent Tax Authorities regarding whether the tax is an expropriation. Such bodies shall take into account any conclusions arrived at within the six-month period prescribed in subparagraph (b)(ii) by the Competent Tax Authorities regarding whether the tax is discriminatory. Such bodies may also take into account any conclusions arrived at by the Competent Tax Authorities after the expiry of the six-month period;

in kako drugo določbo te pogodbe se za tako neskladje uporablja ta člen.

(2) Odstavek (3) 7. člena se uporablja za davčne ukrepe, razen za ukrepe v zvezi z obdavčenjem dohodka ali kapitala, vendar se ta določba ne uporablja za:

(a) ugodnost, ki jo priznava pogodbenica v skladu z davčnimi določbami iz vsake konvencije, sporazuma ali dogovora, navedenega v točki (ii) pododstavka (a) odstavka (7); ali

(b) davčni ukrep, katerega namen je zagotoviti učinkovito pobiranje davkov, razen če tak ukrep pogodbenice ni samovoljno diskriminacijsko usmerjen proti energetskim materialom in izdelkom s poreklom z območja druge pogodbenice ali namenjenih na območje druge pogodbenice, ali pa samovoljno ne omejuje ugodnosti, danih po odstavku (3) 7. člena.

(3) Odstavka (2) in (7) 10. člena se uporabljata za davčne ukrepe pogodbenic, razen za ukrepe v zvezi z obdavčenjem dohodka ali kapitala, vendar pa se take določbe ne uporabljajo za:

(a) sprejete obveznosti obravnavanja po načelu največjih ugodnosti glede ugodnosti, ki jih je priznala pogodbenica v skladu z davčnimi določbami kake konvencije, sporazuma ali dogovora iz točke (ii) pododstavka (a) odstavka (7) ali na podlagi članstva v kaki regionalni organizaciji za gospodarsko povezovanje; ali

(b) davčne ukrepe, katerih namen je zagotoviti učinkovito pobiranje davkov, razen kadar je tak ukrep samovoljno diskriminacijski do investitorja druge pogodbenice ali samovoljno omejuje ugodnosti, priznane v skladu z naložbenimi določbami te pogodbe.

(4) Odstavki (2) do (6) 29. člena veljajo za davčne ukrepe, razen za ukrepe v zvezi z obdavčenjem dohodka ali kapitala.

(5) (a) 13. člen se uporablja za davke.

(b) Kadar koli se pojavi vprašanje po 13. členu, ali davek predstavlja razlastitev oziroma ali je davek, ki naj bi predstavljal razlastitev, diskriminacijski, se uporabljajo naslednje določbe:

(i) Investitor ali pogodbenica, ki trdi, da gre za razlastitev, predloži zadevo v zvezi z vprašanjem, ali je davek razlastitev oziroma ali je davek diskriminacijski, pristojnemu davčnemu organu. Če investitor ali pogodbenica tega ne stori, bodo organi za reševanje sporov v skladu s pododstavkom (c) odstavka (2) 26. člena ali odstavkom (2) 27. člena to vprašanje predložili pristojnim davčnim organom.

(ii) Pristojni davčni organi si bodo tako vprašanje prizadevali rešiti v šestih mesecih po predložitvi zadeve. Kadar gre za vprašanje nepristranskosti, uporabijo pristojni davčni organi določbe o nepristranskosti iz ustrezne davčne konvencije, če pa v ustrezni davčni konvenciji, ki velja za ta davek, ni določb o nepristranskosti ali če med prizadetima pogodbenicama ni v veljavi nobene take davčne konvencije, uporabijo organi načela nepristranskosti iz vzorčne konvencije o davku na dohodek in kapital Organizacije za gospodarsko sodelovanje in razvoj.

(iii) Organi za reševanje sporov iz pododstavka (c) odstavka (2) 26. člena ali odstavka (2) 27. člena lahko upoštevajo vse ugotovitve pristojnih davčnih organov v zvezi z vprašanjem, ali je davek razlastitev. Ti organi upoštevajo vse ugotovitve, do katerih so prišli pristojni davčni organi v šestmesečnem obdobju, kot je predpisan v točki (ii) pododstavka (b), v zvezi z vprašanjem, ali je davek diskriminacijski. Ti organi lahko upoštevajo tudi vse ugotovitve, do katerih so prišli pristojni davčni organi po izteku šestmesečnega obdobja.

(iv) Under no circumstances shall involvement of the Competent Tax Authorities, beyond the end of the six-month period referred to in subparagraph (b)(ii), lead to a delay of proceedings under Articles 26 and 27.

(6) For the avoidance of doubt, Article 14 shall not limit the right of a Contracting Party to impose or collect a tax by withholding or other means.

(7) For the purposes of this Article:

(a) The term "Taxation Measure" includes:

(i) any provision relating to taxes of the domestic law of the Contracting Party or of a political subdivision thereof or a local authority therein; and

(ii) any provision relating to taxes of any convention for the avoidance of double taxation or of any other international agreement or arrangement by which the Contracting Party is bound.

(b) There shall be regarded as taxes on income or on capital all taxes imposed on total income, on total capital or on elements of income or of capital, including taxes on gains from the alienation of property, taxes on estates, inheritances and gifts, or substantially similar taxes, taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation.

(c) A "Competent Tax Authority" means the competent authority pursuant to a double taxation agreement in force between the Contracting Parties or, when no such agreement is in force, the minister or ministry responsible for taxes or their authorized representatives.

(d) For the avoidance of doubt, the terms "tax provisions" and "taxes" do not include customs duties.

ARTICLE 22

STATE AND PRIVILEGED ENTERPRISES

(1) Each Contracting Party shall ensure that any state enterprise which it maintains or establishes shall conduct its activities in relation to the sale or provision of goods and services in its Area in a manner consistent with the Contracting Party's obligations under Part III of this Treaty.

(2) No Contracting Party shall encourage or require such a state enterprise to conduct its activities in its Area in a manner inconsistent with the Contracting Party's obligations under other provisions of this Treaty.

(3) Each Contracting Party shall ensure that if it establishes or maintains an entity and entrusts the entity with regulatory, administrative or other governmental authority, such entity shall exercise that authority in a manner consistent with the Contracting Party's obligations under this Treaty.

(4) No Contracting Party shall encourage or require any entity to which it grants exclusive or special privileges to conduct its activities in its Area in a manner inconsistent with the Contracting Party's obligations under this Treaty.

(5) For the purposes of this Article, "entity" includes any enterprise, agency or other organization or individual.

ARTICLE 23

OBSERVANCE BY SUB-NATIONAL AUTHORITIES

(1) Each Contracting Party is fully responsible under this Treaty for the observance of all provisions of the Treaty, and shall take such reasonable measures as may be available to it to ensure such observance by regional and local governments and authorities within its Area.

(2) The dispute settlement provisions in Parts II, IV and V of this Treaty may be invoked in respect of measures affecting the observance of the Treaty by a Contracting Party which have been taken by regional or local governments or authorities within the Area of the Contracting Party.

(iv) V nobenih okoliščinah vključitev pristojnih davčnih organov po preteku šestmesečnega obdobja, omenjenega v točki (ii) pododstavka (b), ne sme povzročiti zavlačevanja postopkov iz 26. in 27. člena.

(6) Da bi se izognili vsakemu dvomu, velja, da 14. člen ne omejuje pravice pogodbenice, da naloži davek ali ga pobira na izvoru ali kako drugače.

(7) Za namene tega člena:

(a) Izraz "davčni ukrep" vključuje:

(i) vsako določbo v zvezi z davki po domačem pravu pogodbenice ali njene političnoupravne enote ali lokalne skupnosti; in

(ii) vsako določbo v zvezi z davki po kateri koli konvenciji o izogibanju dvojnemu obdavčenju ali po drugem mednarodnem sporazumu ali dogovoru, ki zavezuje pogodbenico.

(b) Kot davek na dohodek ali na kapital se štejejo vsi davki, predpisani na celoten dohodek ali celoten kapital ali na sestavne dele dohodka ali kapitala, vključno z davki na dobiček iz odtujitve premoženja, davki na nepremičnine, dediščine in darila ali vsebinsko podobni davki, davki na celoten znesek plač, ki jih izplačajo podjetja, ter davki na povečano vrednost kapitala.

(c) "Pristojni davčni organ" pomeni pristojni organ iz sporazuma o dvojnem obdavčenju, ki velja med pogodbenicami, če pa takega sporazuma ni v veljavi, ministra ali ministrstvo, pristojno za davke, ali njegove pooblaščenec predstavnike.

(d) Da bi se izognili vsakemu dvomu, velja, da izraza "davčne določbe" in "davki" ne vključujeta carinskih dajatev.

22. člen

DRŽAVNA IN PRIVILEGIRANA PODJETJA

(1) Vsaka pogodbenica zagotovi, da državno podjetje, ki ga ima ali ustanovi, posluje v zvezi s prodajo blaga ter opravljanjem storitev na njenem območju na način, ki je v skladu z obveznostmi pogodbenice po III. delu te pogodbe.

(2) Nobena pogodbenica ne sme spodbujati državnega podjetja ali zahtevati od njega, da opravlja dejavnosti na njenem območju na način, ki ni v skladu z obveznostmi pogodbenice po drugih določbah te pogodbe.

(3) Če pogodbenica ustanovi ali ima fizično ali pravno osebo in jo pooblasti za izdajanje predpisov in ji da druga upravna in vladna pooblastila, zagotovi, da taka oseba izvaja svoja pooblastila na način, ki je v skladu z obveznostmi pogodbenice po tej pogodbi.

(4) Nobena pogodbenica ne spodbuja nobene fizične ali pravne osebe, ki ji podeli izključne ali posebne privilegije, da opravlja svoje dejavnosti na njenem območju na način, ki ni v skladu z obveznostmi pogodbenice po tej pogodbi, niti tega od nje ne zahteva.

(5) Za namene tega člena izraz "fizična ali pravna oseba" vključuje vsako podjetje, agencijo ali drugo organizacijo ali posameznika.

23. člen

USTREZNO RAVNANJE POLITIČNOUPRAVNIH OBLASTI

(1) Vsaka pogodbenica je po tej pogodbi v celoti odgovorna za upoštevanje vseh določb pogodbe in sprejme take smotne ukrepe, ki so ji na voljo, s katerimi zagotovi, da regionalne in lokalne vlade in organi na njenem območju upoštevajo te določbe.

(2) Določbe v zvezi z reševanjem sporov iz II., IV. in V. dela te pogodbe se lahko uporabijo tudi za ukrepe, ki jih sprejmejo regionalne ali lokalne vlade ali organi na območju pogodbenice in ki vplivajo na ustrezno ravnanje pogodbenice v skladu s pogodbo.

ARTICLE 24
EXCEPTIONS

- (1) This Article shall not apply to Articles 12, 13 and 29.
(2) The provisions of this Treaty other than
(a) those referred to in paragraph (1); and
(b) with respect to subparagraph (i), Part III of the

Treaty

shall not preclude any Contracting Party from adopting or enforcing any measure

(i) necessary to protect human, animal or plant life or health;

(ii) essential to the acquisition or distribution of Energy Materials and Products in conditions of short supply arising from causes outside the control of that Contracting Party, provided that any such measure shall be consistent with the principles that

(A) all other Contracting Parties are entitled to an equitable share of the international supply of such Energy Materials and Products; and

(B) any such measure that is inconsistent with this Treaty shall be discontinued as soon as the conditions giving rise to it have ceased to exist; or

(iii) designed to benefit Investors who are aboriginal people or socially or economically disadvantaged individuals or groups or their Investments and notified to the Secretariat as such, provided that such measure

(A) has no significant impact on that Contracting Party's economy; and

(B) does not discriminate between Investors, of any other Contracting Party and Investors of that Contracting Party not included among those for whom the measure is intended,

provided that no such measure shall constitute a disguised restriction on Economic Activity in the Energy Sector, or arbitrary or unjustifiable discrimination between Contracting Parties or between Investors or other interested persons of Contracting Parties. Such measures shall be duly motivated and shall not nullify or impair any benefit one or more other Contracting Parties may reasonably expect under this Treaty to an extent greater than is strictly necessary to the stated end.

(3) The provisions of this Treaty other than those referred to in paragraph (1) shall not be construed to prevent any Contracting Party from taking any measure which it considers necessary:

(a) for the protection of its essential security interests including those

(i) relating to the supply of Energy Materials and Products to a military establishment; or

(ii) taken in time of war, armed conflict or other emergency in international relations;

(b) relating to the implementation of national policies respecting the non-proliferation of nuclear weapons or other nuclear explosive devices or needed to fulfil its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, the Nuclear Suppliers Guidelines, and other international nuclear non-proliferation obligations or understandings; or

(c) for the maintenance of public order.

Such measure shall not constitute a disguised restriction on Transit.

(4) The provisions of this Treaty which accord most favoured nation treatment shall not oblige any Contracting Party to extend to the Investors of any other Contracting Party any preferential treatment:

(a) resulting from its membership of a free-trade area or customs union; or

24. člen
IZJEME

- (1) Ta člen se ne uporablja za 12., 13. in 29. člen.
(2) Določbe te pogodbe, razen
(a) določb, navedenih v odstavku (1); in
(b) v zvezi s točko (i) III. dela te pogodbe,

ne preprečujejo nobeni pogodbenici, da sprejme ali uveljavi ukrep,

(i) potreben za zaščito življenja ali zdravja ljudi, živali ali rastlin, ali

(ii) ki je bistvenega pomena za pridobivanje ali distribucijo energetskih materialov in izdelkov v razmerah pomanjkanja zaradi vzrokov, na katere pogodbenica ne more vplivati, vendar pod pogojem, da je tak ukrep skladen z načeli, da

(A) imajo vse druge pogodbenice pravico do pravično razdeljenega deleža mednarodnih dobav teh energetskih materialov in izdelkov; in

(B) vsak tak ukrep, ki ni v skladu s to pogodbo, preneha veljati takoj, ko prenehajo obstajati okoliščine, zaradi katerih je bil sprejet, ali

(iii) ki je namenjen v podporo investitorjem, ki so prvotni naseljenci, socialno ali ekonomsko ogroženi posamezniki ali skupine, ali pa njihovim naložbam, o čemer je bil obveščen Sekretariat, vendar pod pogojem, da tak ukrep

(A) bistveno ne vpliva na gospodarstvo te pogodbenice; in

(B) ne pomeni neenakopravnega razlikovanja med investitorji katere koli druge pogodbenice in investitorji te pogodbenice, ki ne spadajo v skupino tistih, ki jim je bil ukrep namenjen,

pod pogojem, da tak ukrep ne pomeni prikritega omejevanja gospodarske dejavnosti v energetiki ali samovoljnega ali neopravičljivega neenakopravnega razlikovanja med pogodbenicami ali med investitorji ali med drugimi zainteresiranimi osebami pogodbenic. Taki ukrepi morajo biti primerne utemeljeni in ne smejo koristiti, ki jih ena ali več drugih pogodbenic lahko upravičeno pričakuje na podlagi te pogodbe, izničiti ali prizadeti bolj, kot je to nujno potrebno za doseg opredeljenega cilja.

(3) Določbe te pogodbe, razen tistih iz odstavka (1), se ne smejo razlagati, kot da preprečujejo kaki pogodbenici sprejeti ukrep, ki je po njenem mnenju potreben:

(a) za zaščito njenih bistvenih varnostnih interesov, vključno

(i) z ukrepi v zvezi z dobavo energetskih materialov in izdelkov vojski; ali

(ii) z ukrepi, sprejetimi v vojni, oboroženem spopadu ali drugih izrednih razmerah v mednarodnih odnosih;

(b) za izvajanje nacionalne politike v zvezi z neširjenjem jedrskega orožja ali drugih jedrskih eksplozivnih sredstev ali za izpolnjevanje njenih obveznosti po Sporazumu o neširjenju jedrskega orožja, iz navodil dobaviteljem jedrskih snovi in iz drugih mednarodnih obveznosti in dogovorov o neširjenju jedrskega orožja; ali

(c) za vzdrževanje javnega reda.

Tak ukrep ne sme predstavljati prikritega omejevanja tranzita.

(4) Določbe te pogodbe, ki zagotavljajo obravnavanje po načelu največjih ugodnosti, ne zavezujejo nobene pogodbenice, da ugodneje obravnava investitorje druge pogodbenice na podlagi:

(a) njenega članstva v območju proste trgovine ali v carinski uniji; ali

(b) which is accorded by a bilateral or multilateral agreement concerning economic cooperation between states that were constituent parts of the former Union of Soviet Socialist Republics pending the establishment of their mutual economic relations on a definitive basis.

ARTICLE 25

ECONOMIC INTEGRATION AGREEMENTS

(1) The provisions of this Treaty shall not be so construed as to oblige a Contracting Party which is party to an Economic Integration Agreement (hereinafter referred to as "EIA") to extend, by means of most favoured nation treatment, to another Contracting Party which is not a party to that EIA, any preferential treatment applicable between the parties to that EIA as a result of their being parties thereto.

(2) For the purposes of paragraph (1), "EIA" means an agreement substantially liberalizing, inter alia, trade and investment, by providing for the absence or elimination of substantially all discrimination between or among parties thereto through the elimination of existing discriminatory measures and/or the prohibition of new or more discriminatory measures, either at the entry into force of that agreement or on the basis of a reasonable time frame.

(3) This Article shall not affect the application of the GATT and Related Instruments according to Article 29.

PART V

DISPUTE SETTLEMENT

ARTICLE 26

SETTLEMENT OF DISPUTES BETWEEN AN INVESTOR AND A CONTRACTING PARTY

(1) Disputes between a Contracting Party and an Investor of another Contracting Party relating to an Investment of the latter in the Area of the former, which concern an alleged breach of an obligation of the former under Part III shall, if possible, be settled amicably.

(2) If such disputes can not be settled according to the provisions of paragraph (1) within a period of three months from the date on which either party to the dispute requested amicable settlement, the Investor party to the dispute may choose to submit it for resolution:

(a) to the courts or administrative tribunals of the Contracting Party party to the dispute;

(b) in accordance with any applicable, previously agreed dispute settlement procedure; or

(c) in accordance with the following paragraphs of this Article.

(3) (a) Subject only to subparagraphs (b) and (c), each Contracting Party hereby gives its unconditional consent to the submission of a dispute to international arbitration or conciliation in accordance with the provisions of this Article.

(b) (i) The Contracting Parties listed in Annex ID do not give such unconditional consent where the Investor has previously submitted the dispute under subparagraph (2)(a) or (b).

(ii) For the sake of transparency, each Contracting Party that is listed in Annex ID shall provide a written statement of its policies, practices and conditions in this regard to the Secretariat no later than the date of the deposit of its instrument of ratification, acceptance or approval in accordance with Article 39 or the deposit of its instrument of accession in accordance with Article 41.

(b) dvostranskega ali večstranskega sporazuma o gospodarskem sodelovanju med državami, ki so sestavljale nekdanjo Zvezo sovjetskih socialističnih republik, dokler dokončno ne oblikujejo svojih medsebojnih gospodarskih odnosov.

25. člen

SPORAZUMI O GOSPODARSKEM POVEZOVANJU

(1) Določb te pogodbe ni mogoče razlagati, kot da zahtevajo od pogodbenice, ki je podpisnica sporazuma o gospodarskem povezovanju (v nadaljevanju SGP), da na podlagi obravnavanja po načelu največjih ugodnosti drugo pogodbenico, ki ni podpisnica takega SGP, ugodneje obravnava v skladu z določbami SGP, ki veljajo med podpisnicami le-tega.

(2) Za namene odstavka (1) pomeni "SGP" sporazum, ki med drugim znatno liberalizira trgovino in naložbe, in sicer tako, da ob začetku veljavnosti tega sporazuma ali v doglednem roku z odpravo praktično vsega neenakopravnega razlikovanja med članicami takega sporazuma odpravi obstoječe diskriminacijske ukrepe in/ali prepove nove ali dodatne diskriminacijske ukrepe.

(3) Ta člen ne vpliva na uporabo sporazuma GATT in njim povezanih dokumentov v skladu z 29. členom.

V. DEL

REŠEVANJE SPOROV

26. člen

REŠEVANJE SPOROV MED INVESTITORJEM IN POGODBENICO

(1) Spori med pogodbenico in investitorjem druge pogodbenice v zvezi z naložbo druge pogodbenice na območju prve pogodbenice, ki zadevajo domnevno kršitev obveznosti prve pogodbenice iz III. dela, se, če je mogoče, rešujejo po mirni poti.

(2) Če spora v treh mesecih od datuma, ko je ena od strank v sporu zahtevala mirno rešitev spora, ne bi bilo mogoče rešiti v skladu z določbami iz odstavka (1), lahko investitor, ki je stranka v sporu, po svoji izbiri preda spor v reševanje:

(a) rednim sodiščem ali upravnim sodiščem pogodbenice v sporu;

(b) v skladu s kakršnim koli ustreznim in vnaprej dogovorjenim postopkom za reševanje spora; ali

(c) v skladu z odstavki v nadaljevanju tega člena.

(3) (a) Z izjemo pododstavkov (b) in (c) vsaka pogodbenica s tem brezpogojno soglaša, da se spor rešuje po postopku mednarodne arbitraže ali sprave v skladu z določbami tega člena.

(b) (i) Pogodbenice, naštete v Prilogi ID, ne dajejo takega brezpogojnega soglasja, kadar je investitor spor že predtem predal v reševanje v skladu s pododstavkom (a) ali (b) odstavka (2).

(ii) Zaradi preglednosti vsaka pogodbenica, ki je našteta v Prilogi ID, preda Sekretariatu pisno izjavo o svoji politiki, običajnih postopkih in pogojih v zvezi s tem najkasneje na dan deponiranja svoje listine o ratifikaciji, sprejemu ali odobritvi v skladu z 39. členom ali na dan deponiranja svoje listine o pristopu v skladu z 41. členom.

(c) A Contracting Party listed in Annex IA does not give such unconditional consent with respect to a dispute arising under the last sentence of Article 10(1).

(4) In the event that an Investor chooses to submit the dispute for resolution under subparagraph (2)(c), the Investor shall further provide its consent in writing for the dispute to be submitted to:

(a) (i) The International Centre for Settlement of Investment Disputes, established pursuant to the Convention on the Settlement of Investment Disputes between States and Nationals of other States opened for signature at Washington, 18 March 1965 (hereinafter referred to as the "ICSID Convention"), if the Contracting Party of the Investor and the Contracting Party party to the dispute are both parties to the ICSID Convention; or

(ii) The International Centre for Settlement of Investment Disputes, established pursuant to the Convention referred to in subparagraph (a)(i), under the rules governing the Additional Facility for the Administration of Proceedings by the Secretariat of the Centre (hereinafter referred to as the "Additional Facility Rules"), if the Contracting Party of the Investor or the Contracting Party party to the dispute, but not both, is a party to the ICSID Convention;

(b) a sole arbitrator or ad hoc arbitration tribunal established under the Arbitration Rules of the United Nations Commission on International Trade Law (hereinafter referred to as "UNCITRAL"); or

(c) an arbitral proceeding under the Arbitration Institute of the Stockholm Chamber of Commerce.

(5) (a) The consent given in paragraph (3) together with the written consent of the Investor given pursuant to paragraph (4) shall be considered to satisfy the requirement for:

(i) written consent of the parties to a dispute for purposes of Chapter II of the ICSID Convention and for purposes of the Additional Facility Rules;

(ii) an "agreement in writing" for purposes of article II of the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York, 10 June 1958 (hereinafter referred to as the "New York Convention"); and

(iii) "the parties to a contract [to] have agreed in writing" for the purposes of article 1 of the UNCITRAL Arbitration Rules.

(b) Any arbitration under this Article shall at the request of any party to the dispute be held in a state that is a party to the New York Convention. Claims submitted to arbitration hereunder shall be considered to arise out of a commercial relationship or transaction for the purposes of article I of that Convention.

(6) A tribunal established under paragraph (4) shall decide the issues in dispute in accordance with this Treaty and applicable rules and principles of international law.

(7) An Investor other than a natural person which has the nationality of a Contracting Party party to the dispute on the date of the consent in writing referred to in paragraph (4) and which, before a dispute between it and that Contracting Party arises, is controlled by Investors of another Contracting Party, shall for the purpose of article 25(2)(b) of the ICSID Convention be treated as a "national of another Contracting State" and shall for the purpose of article 1(6) of the Additional Facility Rules be treated as a "national of another State".

(8) The awards of arbitration, which may include an award of interest, shall be final and binding upon the parties to the dispute. An award of arbitration concerning a measure of a sub-national government or authority of the disputing Contracting Party shall provide that the Contracting Party

(c) Pogodbenica, našeta v Prilogi IA, ne daje takega brezpogojnega soglasja za spor, ki nastane na podlagi zadnjega stavka odstavka (1) 10. člena.

(4) Če se investitor odloči, da bo predal spor v reševanje v skladu s pododstavkom (c) odstavka (2), mora razen tega investitor dati svoj pisni pristanek, da se spor predloži v reševanje:

(a) (i) Mednarodnemu centru za reševanje investicijskih sporov, ki je bil ustanovljen v skladu s Konvencijo o reševanju investicijskih sporov med državami in državljani drugih držav, dano na voljo za podpis 18. marca 1965 v Washingtonu (konvencija ICSID), če sta pogodbenica investitorja in pogodbenica, ki je stranka v sporu, obe pogodbenici konvencije ICSID; ali

(ii) Mednarodnemu centru za reševanje investicijskih sporov, ki je bil ustanovljen na podlagi konvencije iz točke (i) pododstavka (a) v skladu s pravili, ki veljajo za dodatna pravna sredstva pri urejanju postopkov sekretariata Centra (v nadaljevanju "pravila za dodatna pravna sredstva"), če je pogodbenica investitorja ali pogodbenica, ki je stranka v sporu, pogodbenica konvencije ICSID, vendar obe to nista;

(b) enemu samemu razsodniku ali ad hoc razsodišču, ustanovljenemu po arbitražnih pravilih komisije Združenih narodov za mednarodno trgovinsko pravo (v nadaljevanju UNCITRAL);

(c) po arbitražnem postopku v skladu z arbitražnim institutom Stockholmske trgovinske zbornice.

(5) (a) Za soglasje iz odstavka (3) skupaj s pisnim soglasjem investitorja iz odstavka (4) velja, da izpolnjuje zahtevo:

(i) po pisnem soglasju strank v sporu za namene iz II. poglavja konvencije ICSID in za namene pravil za dodatna pravna sredstva;

(ii) po "pisnem sporazumu" za namene II. člena Konvencije Združenih narodov o priznavanju in izvrševanju tujih arbitražnih odločb, ki je bila podpisana 10. junija 1958 v New Yorku (v nadaljevanju "Newyorška konvencija"), in

(iii) "da so se pogodbenice pisno sporazumele" za namene 1. člena arbitražnih pravil UNCITRAL-a.

(b) Vsaka arbitraža po tem členu mora na zahtevo kate-re koli stranke v sporu potekati v državi, ki je pogodbenica Newyorške konvencije. Šteje se, da zahtevki, predani arbitraži v skladu s to pogodbo, izhajajo iz poslovnega razmerja ali posla za namene 1. člena omenjene konvencije.

(6) Razsodišče, ustanovljeno po odstavku (4), odloča o spornih zadevah v skladu s to pogodbo in veljavnimi pravili in načeli mednarodnega prava.

(7) Investitor, ki ni fizična oseba in ima na dan pisnega soglasja iz odstavka (4) državljanstvo pogodbenice stranke v sporu, ki pa je bil pod nadzorom investitorjev druge pogodbenice, preden je nastal spor med njim in pogodbenico, se za namene pododstavka (b) odstavka (2) 25. člena konvencije ICSID obravnava kot "državljan druge države pogodbenice" in ga je treba za namen odstavka (6) 1. člena pravil za dodatna pravna sredstva obravnavati kot "državljan druge države".

(8) Arbitražne odločbe, med katerimi je lahko tudi odločba o materialni pravici, so za stranke v sporu dokončne in zavezujoče. Arbitražna odločba v zvezi z ukrepom lokalne vlade ali organa oblasti pogodbenice stranke v sporu določa, da pogodbenica lahko plača denarno odškodnino

may pay monetary damages in lieu of any other remedy granted. Each Contracting Party shall carry out without delay any such award and shall make provision for the effective enforcement in its Area of such awards.

ARTICLE 27

SETTLEMENT OF DISPUTES BETWEEN CONTRACTING PARTIES

(1) Contracting Parties shall endeavour to settle disputes concerning the application or interpretation of this Treaty through diplomatic channels.

(2) If a dispute has not been settled in accordance with paragraph (1) within a reasonable period of time, either party thereto may, except as otherwise provided in this Treaty or agreed in writing by the Contracting Parties, and except as concerns the application or interpretation of Article 6 or Article 19 or, for Contracting Parties listed in Annex IA, the last sentence of Article 10(1), upon written notice to the other party to the dispute submit the matter to an ad hoc tribunal under this Article.

(3) Such an ad hoc arbitral tribunal shall be constituted as follows:

(a) The Contracting Party instituting the proceedings shall appoint one member of the tribunal and inform the other Contracting Party to the dispute of its appointment within 30 days of receipt of the notice referred to in paragraph (2) by the other Contracting Party;

(b) Within 60 days of the receipt of the written notice referred to in paragraph (2), the other Contracting Party party to the dispute shall appoint one member. If the appointment is not made within the time limit prescribed, the Contracting Party having instituted the proceedings may, within 90 days of the receipt of the written notice referred to in paragraph (2), request that the appointment be made in accordance with subparagraph (d);

(c) A third member, who may not be a national or citizen of a Contracting Party party to the dispute, shall be appointed by the Contracting Parties parties to the dispute. That member shall be the President of the tribunal. If, within 150 days of the receipt of the notice referred to in paragraph (2), the Contracting Parties are unable to agree on the appointment of a third member, that appointment shall be made, in accordance with subparagraph (d), at the request of either Contracting Party submitted within 180 days of the receipt of that notice;

(d) Appointments requested to be made in accordance with this paragraph shall be made by the Secretary-General of the Permanent Court of International Arbitration within 30 days of the receipt of a request to do so. If the Secretary-General is prevented from discharging this task, the appointments shall be made by the First Secretary of the Bureau. If the latter, in turn, is prevented from discharging this task, the appointments shall be made by the most senior Deputy;

(e) Appointments made in accordance with subparagraphs (a) to (d) shall be made with regard to the qualifications and experience, particularly in matters covered by this Treaty, of the members to be appointed;

(f) In the absence of an agreement to the contrary between the Contracting Parties, the Arbitration Rules of UNCITRAL shall govern, except to the extent modified by the Contracting Parties parties to the dispute or by the arbitrators. The tribunal shall take its decisions by a majority vote of its members;

(g) The tribunal shall decide the dispute in accordance with this Treaty and applicable rules and principles of international law;

(h) The arbitral award shall be final and binding upon the Contracting Parties parties to the dispute;

namesto kakršne koli druge odobrene odškodnine. Vsaka pogodbenica brez odlašanja izvrši vsako tako odločbo in zagotovi učinkovito izvršitev takih odločb na svojem območju.

27. člen

REŠEVANJE SPOROV MED POGODBENICAMI

(1) Pogodbenice si prizadevajo rešiti spore v zvezi z uporabo ali razlago te pogodbe po diplomatski poti.

(2) Če spor v razumnem roku ni rešen v skladu z odstavkom (1), lahko vsaka stranka v sporu s pisnim obvestilom drugi stranki v sporu preda zadevo ad hoc razsodišču v skladu s tem členom, razen če ni drugače določeno v tej pogodbi ali pisno dogovorjeno med pogodbenicami in razen če se spor nanaša na uporabo ali razlago 6. ali 19. člena ali za pogodbenice, navedene v zadnjem stavku odstavka (1) 10. člena Priloge IA.

(3) Tako ad hoc razsodišče se oblikuje takole:

(a) Pogodbenica, ki sproži postopek, imenuje enega člana razsodišča in obvesti drugo pogodbenico v sporu o svojem imenovanju v 30 dneh, potem ko je od druge pogodbenice prejela obvestilo, omenjeno v odstavku (2).

(b) V 60 dneh po prejemu pisnega obvestila iz odstavka (2) druga pogodbenica stranka v sporu imenuje svojega člana. Če do tega imenovanja ne pride v predpisanem roku, lahko pogodbenica, ki je sprožila postopek, v 90 dneh po prejemu pisnega obvestila iz odstavka (2) zahteva imenovanje v skladu s pododstavkom (d).

(c) Pogodbenici stranki v sporu imenujeta tretjega člana, ki pa ne sme biti po narodnosti pripadnik ali državlján pogodbenice stranke v sporu. Ta član je predsednik razsodišča. Če se v 150 dneh po prejemu obvestila iz odstavka (2) pogodbenici ne moreta sporazumeti o imenovanju tretjega člana, se to imenovanje opravi v skladu s pododstavkom (d) na zahtevo ene ali druge pogodbenice, predloženo v 180 dneh po prejemu takega obvestila.

(d) Imenovanja, zahtevana v skladu s tem odstavkom, opravi generalni sekretar Stalnega mednarodnega arbitražnega sodišča v 30 dneh po prejemu zahtevka. Če generalni sekretar ne more izpolniti te naloge, opravi imenovanja prvi sekretar urada. Če tudi ta ne more izpolniti te naloge, opravi imenovanja najvišji namestnik.

(e) Imenovanja v skladu s pododstavki (a) do (d) je treba opraviti ob upoštevanju usposobljenosti in izkušenj članov, ki jih je treba imenovati, zlasti na področju zadev, ki jih pokriva ta pogodba.

(f) Če se pogodbenici ne dogovorita drugače, se uporabljajo arbitražna pravila UNCITRAL, razen kolikor jih pogodbenici stranki v sporu ali razsodniki ne spremenijo. Razsodišče odloča z večino glasov svojih članov.

(g) Razsodišče razsodi spor v skladu s to pogodbo in veljavnimi pravili in načeli mednarodnega prava.

(h) Arbitražna odločba je za pogodbenici stranki v sporu dokončna in zavezujoča.

(i) Where, in making an award, a tribunal finds that a measure of a regional or local government or authority within the Area of a Contracting Party listed in Part I of Annex P is not in conformity with this Treaty, either party to the dispute may invoke the provisions of Part II of Annex P;

(j) The expenses of the tribunal, including the remuneration of its members, shall be borne in equal shares by the Contracting Parties parties to the dispute. The tribunal may, however, at its discretion direct that a higher proportion of the costs be paid by one of the Contracting Parties parties to the dispute;

(k) Unless the Contracting Parties parties to the dispute agree otherwise, the tribunal shall sit in The Hague, and use the premises and facilities of the Permanent Court of Arbitration;

(l) A copy of the award shall be deposited with the Secretariat which shall make it generally available.

ARTICLE 28

NON-APPLICATION OF ARTICLE 27 TO CERTAIN DISPUTES

A dispute between Contracting Parties with respect to the application or interpretation of Article 5 or 29 shall not be settled under Article 27 unless the Contracting Parties parties to the dispute so agree.

PART VI

TRANSITIONAL PROVISIONS

ARTICLE 29

INTERIM PROVISIONS ON TRADE-RELATED MATTERS

(1) The provisions of this Article shall apply to trade in Energy Materials and Products while any Contracting Party is not a party to the GATT and Related Instruments.

(2) (a) Trade in Energy Materials and Products between Contracting Parties at least one of which is not a party to the GATT or a relevant Related Instrument shall be governed, subject to subparagraphs (b) and (c) and to the exceptions and rules provided for in Annex G, by the provisions of GATT 1947 and Related Instruments, as applied on 1 March 1994 and practised with regard to Energy Materials and Products by parties to GATT 1947 among themselves, as if all Contracting Parties were parties to GATT 1947 and Related Instruments.

(b) Such trade of a Contracting Party which is a state that was a constituent part of the former Union of Soviet Socialist Republics may instead be governed, subject to the provisions of Annex TFU, by an agreement between two or more such states, until 1 December 1999 or the admission of that Contracting Party to the GATT, whichever is the earlier.

(c) As concerns trade between any two parties to the GATT, subparagraph (a) shall not apply if either of those parties is not a party to GATT 1947.

(3) Each signatory to this Treaty, and each state or Regional Economic Integration Organization acceding to this Treaty, shall on the date of its signature or of its deposit of its instrument of accession provide to the Secretariat a list of all tariff rates and other charges levied on Energy Materials and Products at the time of importation or exportation, notifying the level of such rates and charges applied on such date of signature or deposit. Any changes to such rates or other charges shall be notified to the Secretariat, which shall inform the Contracting Parties of such changes.

(i) Če pri sprejemanju odločbe razsodišče ugotovi, da ukrep regionalne ali lokalne vlade ali organa na območju pogodbenice, navedene v I. delu Priloge P, ni v skladu s to pogodbo, se lahko vsaka stranka v sporu sklicuje na določbe iz II. dela Priloge P.

(j) Stroške razsodišča, vključno z nagrado njegovim članom, krijeta v enakih deležih pogodbenici stranki v sporu. Vendar pa lahko razsodišče po svoji presoji odredi, da ena od pogodbenic strank v sporu plača večji delež stroškov.

(k) Če se pogodbenici stranki v sporu ne dogovorita drugače, razsodišče zaseda v Haagu in uporablja prostore in opremo Stalne arbitražnega sodišča.

(l) Kopijo odločbe je treba shraniti pri Sekretariatu, ki poskrbi, da je vsem na voljo.

28. člen

NEUPORABA 27. ČLENA ZA DOLOČENE SPORE

Spor med pogodbenicami glede uporabe ali razlage 5. ali 29. člena se ne rešuje v skladu s 27. členom, razen če se tako ne dogovorita pogodbenici stranki v sporu.

VI. DEL

PREHODNE DOLOČBE

29. člen

ZAČASNE DOLOČBE O ZADEVAH V ZVEZIS TRGOVINO

(1) Dokler katera od pogodbenic ni pogodbenica GATT-a in z njim povezanih dokumentov, se uporabljajo za trgovanje z energetskimi materiali in izdelki določbe tega člena:

(2) (a) Trgovino z energetskimi materiali in izdelki med pogodbenicami, od katerih vsaj ena ni pogodbenica GATT-a ali ustreznega z njim povezanega dokumenta, urejajo – ob upoštevanju pododstavkov (b) in (c) in z izjemami in pravili, predvidenimi v Prilogi G – določbe GATT-a 1947 in z njim povezani dokumenti, kot so se uporabljali 1. marca 1994 in so jih pogodbenice GATT-a 1947 med seboj uporabljale za energetske materiale in izdelke, in sicer tako, kot če bi bile vse pogodbenice tudi pogodbenice GATT-a 1947 in z njim povezanih dokumentov.

(b) Za državo pogodbenico, ki je bila sestavni del nekdanje Zveze sovjetskih socialističnih republik, lahko namesto tega tako trgovino ureja – ob upoštevanju določb iz Priloge TFU – sporazum med dvema državama ali več takimi državami do 1. decembra 1999 ali do sprejetja take pogodbenice v GATT, kar koli bo pač prej.

(c) Glede trgovine med katerimi koli pogodbenicami GATT-a se ne uporablja pododstavek (a), če ena ali druga od takih pogodbenic ni pogodbenica GATT-a 1947.

(3) Vsaka podpisnica te pogodbe in vsaka država ali regionalna organizacija za gospodarsko povezovanje, ki pristopi k tej pogodbi, predloži na dan svojega podpisa ali deponiranja svoje listine o pristopu Sekretariatu seznam vseh carinskih stopenj in drugih dajatev za energetske materiale in izdelke ob uvozu ali izvozu in obvesti o višini takih carinskih stopenj in dajatev, ki se uporabljajo na dan podpisa ali deponiranja listine o pristopu. O vseh spremembah teh stopenj ali drugih dajatev je treba obvestiti Sekretariat, ki te spremembe sporoči pogodbenicam.

(4) Each Contracting Party shall endeavour not to increase any tariff rate or other charge levied at the time of importation or exportation:

(a) in the case of the importation of Energy Materials and Products described in Part I of the Schedule relating to the Contracting Party referred to in article II of the GATT, above the level set forth in that Schedule, if the Contracting Party is a party to the GATT;

(b) in the case of the exportation of Energy Materials and Products, and that of their importation if the Contracting Party is not a party to the GATT, above the level most recently notified to the Secretariat, except as permitted by the provisions made applicable by subparagraph (2)(a).

(5) A Contracting Party may increase such tariff rate or other charge above the level referred to in paragraph (4) only if:

(a) in the case of a rate or other charge levied at the time of importation, such action is not inconsistent with the applicable provisions of the GATT other than those provisions of GATT 1947 and Related Instruments listed in Annex G and the corresponding provisions of GATT 1994 and Related Instruments; or

(b) it has, to the fullest extent practicable under its legislative procedures, notified the Secretariat of its proposal for such an increase, given other interested Contracting Parties reasonable opportunity for consultation with respect to its proposal, and accorded consideration to any representations from such Contracting Parties.

(6) Signatories undertake to commence negotiations not later than 1 January 1995 with a view to concluding by 1 January 1998, as appropriate in the light of any developments in the world trading system, a text of an amendment to this Treaty which shall, subject to conditions to be laid down therein, commit each Contracting Party not to increase such tariffs or charges beyond the level prescribed under that amendment.

(7) Annex D shall apply to disputes regarding compliance with provisions applicable to trade under this Article and, unless both Contracting Parties agree otherwise, to disputes regarding compliance with Article 5 between Contracting Parties at least one of which is not a party to the GATT, except that Annex D shall not apply to any dispute between Contracting Parties, the substance of which arises under an agreement that:

(a) has been notified in accordance with and meets the other requirements of subparagraph (2)(b) and Annex TFU; or

(b) establishes a free-trade area or a customs union as described in article XXIV of the GATT.

ARTICLE 30

DEVELOPMENTS IN INTERNATIONAL TRADING ARRANGEMENTS

Contracting Parties undertake that in the light of the results of the Uruguay Round of Multilateral Trade Negotiations embodied principally in the Final Act thereof done at Marrakesh, 15 April 1994, they will commence consideration not later than 1 July 1995 or the entry into force of this Treaty, whichever is the later, of appropriate amendments to this Treaty with a view to the adoption of any such amendments by the Charter Conference.

ARTICLE 31

ENERGY-RELATED EQUIPMENT

The provisional Charter Conference shall at its first meeting commence examination of the inclusion of energy-related equipment in the trade provisions of this Treaty.

(4) Vsaka pogodbenica si bo prizadevala, da ne bo povišala teh carinskih stopenj ali drugih dajatev ob uvozu ali izvozu:

(a) v primeru uvoza energetskih materialov in izdelkov, opisanih v I. delu seznama, ki velja za pogodbenico iz II. člena GATT-a, nad višino, določeno v tem seznamu, če je pogodbenica tudi pogodbenica GATT-a;

(b) če pa pogodbenica ni pogodbenica GATT-a v primeru izvoza ali uvoza energetskih materialov in izdelkov nad višino, ki je bila navedena v najnovejšem obvestilu Sekretariatu, razen kot je dovoljeno v določbah, ki se uporabljajo po pododstavku (a) odstavka (2).

(5) Pogodbenica lahko zviša tako carinsko stopnjo ali druge dajatve nad višino iz odstavka (4), samo:

(a) če za carinske stopnje ali drugo dajatev ob uvozu tako dejanje ni v nasprotju z veljavnimi določbami GATT-a, razen določb GATT-a 1947 in z njim povezanih dokumentov, ki so navedeni v Prilogi G, ter ustreznih določb GATT-a 1994 in z njim povezanih dokumentov; ali

(b) če je v največji možni meri, ki jo omogočajo njeni zakonodajni postopki, obvestila Sekretariat o svojem predlogu za tako povišanje in dala drugim zainteresiranim pogodbenicam primerno možnost, da se posvetujejo glede njenega predloga, ter obravnavala vse njihove pripombe.

(6) Podpisnice se zavezujejo, da bodo v skladu z razvojem svetovnega trgovinskega sistema najkasneje 1. januarja 1995 začele s pogajanjem o besedilu sprememb in dopolnitev pogodbe, ki bo po tam določenih pogojih zavezovala vsako pogodbenico, da ne poveča carin ali dajatev nad raven, ki bo predpisana v takih spremembah in dopolnitvah; pogajanja naj bi se končala do 1. januarja 1998.

(7) Priloga D se uporablja za spore glede skladnosti z določbami, ki veljajo za trgovanje po tem členu, in razen če se pogodbenici v sporu ne dogovorita drugače, za spore glede skladnosti s 5. členom med pogodbenicami, od katerih vsaj ena ni pogodbenica GATT-a; Priloga D pa se ne uporablja za spor med pogodbenicami, katerega vsebina izhaja iz sporazuma:

(a) ki je bil sporočen v skladu s pododstavkom (b) odstavka (2) in Prilogo TFU in izpolnjuje druge zahteve iz le-teh; ali

(b) s katerim se vzpostavlja območje proste trgovine ali carinska unija, kot je opisano v XXIV. členu GATT-a.

30. člen

RAZVOJ V MEDNARODNIH TRGOVINSKIH DOGOVORIH

Pogodbenice se zavezujejo, da bodo v smislu rezultatov Urugvajskega kroga o večstranskih trgovinskih pogajanjih, ki so v glavnem navedeni v njegovem sklepem dokumentu, podpisanim 15. aprila 1994 v Marakešu, najkasneje 1. julija 1995 ali ob začetku veljavnosti te pogodbe, kar bo pač kasneje, začele razmišljati o ustreznih spremembah in dopolnitvah pogodbe z namenom, da vse take spremembe in dopolnitve sprejme Konferenca podpisnic Listine.

31. člen

ENERGETSKA OPREMA

Začasna konferenca podpisnic Listine bo na svojem prvem sestanku začela proučevati vključitev energetske opreme v trgovinske določbe te pogodbe.

ARTICLE 32

TRANSITIONAL ARRANGEMENTS

(1) In recognition of the need for time to adapt to the requirements of a market economy, a Contracting Party listed in Annex T may temporarily suspend full compliance with its obligations under one or more of the following provisions of this Treaty, subject to the conditions in paragraphs (3) to (6):

Article 6(2) and (5)

Article 7(4)

Article 9(1)

Article 10(7) – specific measures

Article 14(1)(d) – related only to transfer of unspent earnings

Article 20(3)

Article 22(1) and (3)

(2) Other Contracting Parties shall assist any Contracting Party which has suspended full compliance under paragraph (1) to achieve the conditions under which such suspension can be terminated. This assistance may be given in whatever form the other Contracting Parties consider most effective to respond to the needs notified under subparagraph (4)(c) including, where appropriate, through bilateral or multilateral arrangements.

(3) The applicable provisions, the stages towards full implementation of each, the measures to be taken and the date or, exceptionally, contingent event, by which each stage shall be completed and measure taken are listed in Annex T for each Contracting Party claiming transitional arrangements. Each such Contracting Party shall take the measure listed by the date indicated for the relevant provision and stage as set out in Annex T. Contracting Parties which have temporarily suspended full compliance under paragraph (1) undertake to comply fully with the relevant obligations by 1 July 2001. Should a Contracting Party find it necessary, due to exceptional circumstances, to request that the period of such temporary suspension be extended or that any further temporary suspension not previously listed in Annex T be introduced, the decision on a request to amend Annex T shall be made by the Charter Conference.

(4) A Contracting Party which has invoked transitional arrangements shall notify the Secretariat no less often than once every 12 months:

(a) of the implementation of any measures listed in its Annex T and of its general progress to full compliance;

(b) of the progress it expects to make during the next 12 months towards full compliance with its obligations, of any problem it foresees and of its proposals for dealing with that problem;

(c) of the need for technical assistance to facilitate completion of the stages set out in Annex T as necessary for the full implementation of this Treaty, or to deal with any problem notified pursuant to subparagraph (b) as well as to promote other necessary market-oriented reforms and modernization of its energy sector;

(d) of any possible need to make a request of the kind referred to in paragraph (3).

(5) The Secretariat shall:

(a) circulate to all Contracting Parties the notifications referred to in paragraph (4);

(b) circulate and actively promote, relying where appropriate on arrangements existing within other international organizations, the matching of needs for and offers of technical assistance referred to in paragraph (2) and subparagraph (4)(c);

(c) circulate to all Contracting Parties at the end of each six month period a summary of any notifications made under subparagraph (4)(a) or (d).

32. člen

PREHODNI DOGOVORI

(1) Ob upoštevanju, da je potreben čas za prilagoditev zahtevam tržnega gospodarstva, lahko v Prilogi T navedena pogodbenica začasno v celoti preneha izpolnjevati svoje obveznosti iz ene ali več spodaj naštetih določb te pogodbe, in sicer v skladu s pogoji iz odstavkov (3) do (6):

odstavka (2) in (5) 6. člena

odstavek (4) 7. člena

odstavek (1) 9. člena

odstavek (7) 10. člena – posebni ukrepi

pododstavek (d) odstavka (1) 14. člena – samo v zvezi s prenosom neporabljenega zaslužka

odstavek (3) 20. člena

odstavka (1) in (3) 22. člena

(2) Druge pogodbenice pomagajo vsaki pogodbenici, ki je v celoti prenehala izpolnjevati obveznosti iz odstavka (1), da doseže razmere, v katerih bo tako začasno prenehanje izpolnjevanja obveznosti preklicala. Ta pomoč je lahko v kakršni koli obliki, ki se zdi drugim pogodbenicam najučinkovitejša glede na potrebe, sporočene na podlagi pododstavka (c) odstavka (4), vključno z dvostranskimi ali večstranskimi dogovori, kjer je to primerno.

(3) Veljavne določbe, faze do njihove polne uresničitve, ukrepi, ki jih je treba sprejeti, in datum ali izjemoma naključen dogodek, na podlagi katerega je vsaka faza končana in ukrep sprejet, so za vsako pogodbenico, ki zahteva prehodne dogovore, naštet v Prilogi T. Vsaka taka pogodbenica sprejme naštete ukrepe do datuma, ki je v Prilogi T naveden za ustrezno določbo in fazo. Pogodbenice, ki so začasno v celoti prenehale izpolnjevati obveznosti iz odstavka (1), se zavezujejo, da jih bodo v celoti izpolnile do 1. julija 2001. Če bi se kaki pogodbenici zaradi izrednih okoliščin zdelo potrebno zahtevati podaljšanje roka takega začasnega neizpolnjevanja obveznosti ali vključitev kakega dodatnega začasnega neizpolnjevanja obveznosti, ki ni bilo že predhodno naštet v Prilogi T, mora odločitev o zahtevi po spremembi Priloge T sprejeti Konferenca podpisnic Listine.

(4) Pogodbenica, ki je zahtevala prehodne dogovore, mora obveščati Sekretariat najmanj enkrat letno:

(a) o izvajanju vseh ukrepov, naštetih v njeni Prilogi T, in o splošnem napredku do polne izpolnitve obveznosti;

(b) o pričakovanem napredku v naslednjih 12 mesecih za polno izpolnjevanje svojih obveznosti, o problemih, ki jih predvideva, in o svojih predlogih za obvladovanje teh problemov;

(c) o potrebi po tehnični pomoči za lažje dokončanje faz, določenih v Prilogi T, ki je potrebna za polno uresničevanje te pogodbe, ali za reševanje katerega koli problema, sporočenega na podlagi pododstavka (b), kakor tudi za pospeševanje drugih potrebnih tržno usmerjenih reform in posodobitve njene energetike;

(d) o vsaki morebitni potrebi po zahtevi iz odstavka (3).

(5) Sekretariat:

(a) pošilja vsem pogodbenicam obvestila iz odstavka (4);

(b) vse obvešča o potrebah in ponudbah za tehnično pomoč iz odstavka (2) in pododstavka (c) odstavka (4) ter se pri tem, kjer je to primerno, naslanja na dogovore, ki obstajajo v drugih mednarodnih organizacijah, in dejavno pospešuje njihovo usklajevanje;

(c) ob izteku vsakih šest mesecev pošilja vsem pogodbenicam povzetek vseh obvestil iz pododstavka (a) ali (d) odstavka (4).

(6) The Charter Conference shall annually review the progress by Contracting Parties towards implementation of the provisions of this Article and the matching of needs and offers of technical assistance referred to in paragraph (2) and subparagraph (4)(c). In the course of that review it may decide to take appropriate action.

PART VII

STRUCTURE AND INSTITUTIONS

ARTICLE 33

ENERGY CHARTER PROTOCOLS AND DECLARATIONS

(1) The Charter Conference may authorize the negotiation of a number of Energy Charter Protocols or Declarations in order to pursue the objectives and principles of the Charter.

(2) Any signatory to the Charter may participate in such negotiation.

(3) A state or Regional Economic Integration Organization shall not become a party to a Protocol or Declaration unless it is, or becomes at the same time, a signatory to the Charter and a Contracting Party to this Treaty.

(4) Subject to paragraph (3) and subparagraph (6)(a), final provisions applying to a Protocol shall be defined in that Protocol.

(5) A Protocol shall apply only to the Contracting Parties which consent to be bound by it, and shall not derogate from the rights and obligations of those Contracting Parties not party to the Protocol.

(6) (a) A Protocol may assign duties to the Charter Conference and functions to the Secretariat, provided that no such assignment may be made by an amendment to a Protocol unless that amendment is approved by the Charter Conference, whose approval shall not be subject to any provisions of the Protocol which are authorized by subparagraph (b).

(b) A Protocol which provides for decisions thereunder to be taken by the Charter Conference may, subject to subparagraph (a), provide with respect to such decisions:

(i) for voting rules other than those contained in Article 36;

(ii) that only parties to the Protocol shall be considered to be Contracting Parties for the purposes of Article 36 or eligible to vote under the rules provided for in the Protocol.

ARTICLE 34

ENERGY CHARTER CONFERENCE

(1) The Contracting Parties shall meet periodically in the Energy Charter Conference (referred to herein as the "Charter Conference") at which each Contracting Party shall be entitled to have one representative. Ordinary meetings shall be held at intervals determined by the Charter Conference.

(2) Extraordinary meetings of the Charter Conference may be held at such times as may be determined by the Charter Conference, or at the written request of any Contracting Party, provided that, within six weeks of the request being communicated to the Contracting Parties by the Secretariat, it is supported by at least one-third of the Contracting Parties.

(3) The functions of the Charter Conference shall be to:

(a) carry out the duties assigned to it by this Treaty and any Protocols;

(6) Konferenca podpisnic Listine vsako leto pregleda napredek pogodbenic pri uresničevanju določb tega člena in usklajevanju potreb in ponudb za tehnično pomoč, omejeno v odstavku (2) in pododstavku (c) odstavka (4). Med tem pregledom se lahko odloči o sprejemu ustreznih ukrepov.

VII. DEL

ORGANIZIRANOST IN INSTITUCIJE

33. člen

PROTOKOLI IN DEKLARACIJE V ZVEZI Z ENERGETSKO LISTINO

(1) Konferenca podpisnic Listine lahko za dosegajo ciljev in načel Listine izda pooblastilo za pogajanja o številnih protokolih in deklaracijah v zvezi z energetske listino.

(2) Vsaka podpisnica Listine lahko sodeluje pri takih pogajanjih.

(3) Država ali regionalna organizacija za gospodarsko povezovanje ne more postati podpisnica protokola ali deklaracije, razen če ni ali ne postane hkrati podpisnica Listine in pogodbenica te pogodbe.

(4) Ob upoštevanju odstavka (3) in pododstavka (a) odstavka (6) se končne določbe, ki veljajo za protokol, določijo v tem protokolu.

(5) Protokol se uporablja samo za pogodbenice, ki soglašajo, da jih ta protokol zavezuje, in ne omejuje pravic in obveznosti tistih pogodbenic, ki niso pogodbenice protokola.

(6) (a) Protokol lahko naloži obveznosti Konferenci podpisnic Listine in naloge Sekretariatu, vendar se take obveznosti in naloge ne smejo naložiti z dopolnilom protokola, razen če je tako dopolnilo odobrila Konferenca podpisnic Listine; za njeno odobritev pa ne veljajo nobene določbe protokola, za katere je izdano pooblastilo po pododstavku (b).

(b) Protokol, ki ureja, kateri sklepi morajo biti sprejeti na Konferenci podpisnic Listine, lahko – ob upoštevanju pododstavka (a) – ureja zadeve v zvezi s sklepi:

(i) za pravila za glasovanje, razen tistih, ki so vsebovana v 36. členu;

(ii) da se samo podpisnice protokola štejejo za pogodbenice za namene 36. člena ali imajo pravico glasovati po pravilih, predpisanih v protokolu.

34. člen

KONFERENCA PODPISNIC ENERGETSKE LISTINE

(1) Pogodbenice se občasno sestajajo na Konferenci podpisnic energetske listine (v nadaljevanju imenovana "Konferenca podpisnic Listine"), na kateri sme imeti vsaka pogodbenica po enega predstavnika. Redna zasedanja bodo v časovnih presledkih, ki jih določi Konferenca podpisnic Listine.

(2) Izredna zasedanja Konference podpisnic Listine so lahko, kadar to določi Konferenca podpisnic Listine, ali na pisno zahtevo katere koli pogodbenice pod pogojem, da jo v šestih tednih, potem ko je Sekretariat obvestil pogodbenice o tej zahtevi, podpre najmanj ena tretjina pogodbenic.

(3) Naloge Konference podpisnic Listine so:

(a) izvajanje nalog, določenih v tej pogodbi in v protokolih;

(b) keep under review and facilitate the implementation of the principles of the Charter and of the provisions of this Treaty and the Protocols;

(c) facilitate in accordance with this Treaty and the Protocols the coordination of appropriate general measures to carry out the principles of the Charter;

(d) consider and adopt programmes of work to be carried out by the Secretariat;

(e) consider and approve the annual accounts and budget of the Secretariat;

(f) consider and approve or adopt the terms of any headquarters or other agreement, including privileges and immunities considered necessary for the Charter Conference and the Secretariat;

(g) encourage cooperative efforts aimed at facilitating and promoting market-oriented reforms and modernization of energy sectors in those countries of Central and Eastern Europe and the former Union of Soviet Socialist Republics undergoing economic transition;

(h) authorize and approve the terms of reference for the negotiation of Protocols, and consider and adopt the texts thereof and of amendments thereto;

(i) authorize the negotiation of Declarations, and approve their issuance;

(j) decide on accessions to this Treaty;

(k) authorize the negotiation of and consider and approve or adopt association agreements;

(l) consider and adopt texts of amendments to this Treaty;

(m) consider and approve modifications of and technical changes to the Annexes to this Treaty;

(n) appoint the Secretary-General and take all decisions necessary for the establishment and functioning of the Secretariat including the structure, staff levels and standard terms of employment of officials and employees.

(4) In the performance of its duties, the Charter Conference, through the Secretariat, shall cooperate with and make as full a use as possible, consistently with economy and efficiency, of the services and programmes of other institutions and organizations with established competence in matters related to the objectives of this Treaty.

(5) The Charter Conference may establish such subsidiary bodies as it considers appropriate for the performance of its duties.

(6) The Charter Conference shall consider and adopt rules of procedure and financial rules.

(7) In 1999 and thereafter at intervals (of not more than five years) to be determined by the Charter Conference, the Charter Conference shall thoroughly review the functions provided for in this Treaty in the light of the extent to which the provisions of the Treaty and Protocols have been implemented. At the conclusion of each review the Charter Conference may amend or abolish the functions specified in paragraph (3) and may discharge the Secretariat.

ARTICLE 35 SECRETARIAT

(1) In carrying out its duties, the Charter Conference shall have a Secretariat which shall be composed of a Secretary-General and such staff as are the minimum consistent with efficient performance.

(2) The Secretary-General shall be appointed by the Charter Conference. The first such appointment shall be for a maximum period of five years.

(3) In the performance of its duties the Secretariat shall be responsible to and report to the Charter Conference.

(4) The Secretariat shall provide the Charter Conference with all necessary assistance for the performance of its

(b) nadzor in pomoč pri uresničevanju načel Listine in določb te pogodbe in protokolov;

(c) pomoč pri usklajevanju ustreznih splošnih ukrepov za uresničevanje načel Listine v skladu s to pogodbo in protokoli;

(d) obravnavanje in sprejetje programov dela, ki jih mora izvesti Sekretariat;

(e) obravnavanje in odobritev letnih računovodskih izkazov in proračuna Sekretariata;

(f) obravnavanje in odobritev ali sprejetje pogojev pogodbe o poslovnih prostorih ali drugih pogodb, vključno s privilegiji in imunitetami, ki bi bili potrebni za Konferenco podpisnic Listine in za Sekretariat;

(g) spodbujanje skupnih prizadevanj, ki so usmerjena v pospeševanje tržno naravnanih reform in posodobitev energitike v tistih državah Srednje in Vzhodne Evrope ter nekdanje Zveze sovjetskih socialističnih republik, katerih gospodarstva so v prehodu;

(h) pooblastilo in odobritev mandata za pogajanje o protokolih ter obravnavanje in sprejetje besedila protokolov in njihovih dopolnil;

(i) pooblastilo za pogajanje o deklaracijah in odobritev izdaje le-teh;

(j) odločanje o pristopu k tej pogodbi;

(k) pooblastilo za pogajanja in obravnavanje ter odobritev ali sprejetje pridružitvenih sporazumov;

(l) obravnavanje in sprejetje besedil sprememb in dopolnitev te pogodbe;

(m) obravnavanje in odobritev prilagoditev in tehničnih sprememb prilog k tej pogodbi;

(n) imenovanje generalnega sekretarja in sprejetje vseh sklepov, potrebnih za ustanovitev in delovanje Sekretariata, vključno z organiziranostjo, osebjem in splošnimi pogoji zaposlovanja uradnikov in uslužbencev.

(4) Pri opravljanju svojih nalog Konferenca podpisnic Listine preko Sekretariata sodeluje z drugimi ustanovami in organizacijami, ki so že uveljavljene na področju zadev v zvezi s cilji te pogodbe, in skladno z gospodarnostjo in učinkovitostjo čim bolj uporablja njihove storitve in programe.

(5) Konferenca podpisnic Listine lahko ustanovi pomožna telesa, za katere meni, da so potrebna pri opravljanju nalog Konference.

(6) Konferenca podpisnic Listine obravnava in sprejme poslovnik in finančna pravila.

(7) Leta 1999 in kasneje v določenih presledkih (vendar ne daljših od 5 let), ki jih določi Konferenca podpisnic Listine, Konferenca podpisnic Listine temeljito pregleda naloge, določene v tej pogodbi, glede na to, v kolikšnem obsegu so bile izpolnjene določbe te pogodbe in protokolov. Ob koncu vsakega pregleda lahko Konferenca podpisnic Listine dopolni, spremeni ali odpravi naloge, določene v odstavku (3), in lahko razreši Sekretariat.

35. člen SEKRETARIAT

(1) Za izvajanje svojih nalog ima Konferenca podpisnic Listine Sekretariat, ki ga sestavljata generalni sekretar in osebje, nujno potrebno za uspešno izvajanje nalog.

(2) Generalnega sekretarja imenuje Konferenca podpisnic Listine. Prvo tako imenovanje traja največ 5 let.

(3) Pri izvajanju svojih nalog je Sekretariat odgovoren in poroča Konferenci podpisnic Listine.

(4) Sekretariat zagotavlja Konferenci podpisnic Listine vso potrebno pomoč za opravljanje njenih nalog ter izvaja

duties and shall carry out the functions assigned to it in this Treaty or in any Protocol and any other functions assigned to it by the Charter Conference.

(5) The Secretariat may enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions.

ARTICLE 36

VOTING

(1) Unanimity of the Contracting Parties Present and Voting at the meeting of the Charter Conference where such matters fall to be decided shall be required for decisions by the Charter Conference to:

(a) adopt amendments to this Treaty other than amendments to Articles 34 and 35 and Annex T;

(b) approve accessions to this Treaty under Article 41 by states or Regional Economic Integration Organizations which were not signatories to the Charter as of 16 June 1995;

(c) authorize the negotiation of and approve or adopt the text of association agreements;

(d) approve modifications to Annexes EM, NI, G and B;

(e) approve technical changes to the Annexes to this Treaty; and

(f) approve the Secretary-General's nominations of panelists under Annex D, paragraph (7).

The Contracting Parties shall make every effort to reach agreement by consensus on any other matter requiring their decision under this Treaty. If agreement cannot be reached by consensus, paragraphs (2) to (5) shall apply.

(2) Decisions on budgetary matters referred to in Article 34(3)(e) shall be taken by a qualified majority of Contracting Parties whose assessed contributions as specified in Annex B represent, in combination, at least three-fourths of the total assessed contributions specified therein.

(3) Decisions on matters referred to in Article 34(7) shall be taken by a three-fourths majority of the Contracting Parties.

(4) Except in cases specified in subparagraphs (1)(a) to (f), paragraphs (2) and (3), and subject to paragraph (6), decisions provided for in this Treaty shall be taken by a three-fourths majority of the Contracting Parties Present and Voting at the meeting of the Charter Conference at which such matters fall to be decided.

(5) For purposes of this Article, "Contracting Parties Present and Voting" means Contracting Parties present and casting affirmative or negative votes, provided that the Charter Conference may decide upon rules of procedure to enable such decisions to be taken by Contracting Parties by correspondence.

(6) Except as provided in paragraph (2), no decision referred to in this Article shall be valid unless it has the support of a simple majority of the Contracting Parties.

(7) A Regional Economic Integration Organization shall, when voting, have a number of votes equal to the number of its member states which are Contracting Parties to this Treaty; provided that such an Organization shall not exercise its right to vote if its member states exercise theirs, and *vice versa*.

(8) In the event of persistent arrears in a Contracting Party's discharge of financial obligations under this Treaty, the Charter Conference may suspend that Contracting Party's voting rights in whole or in part.

ARTICLE 37

FUNDING PRINCIPLES

(1) Each Contracting Party shall bear its own costs of representation at meetings of the Charter Conference and any subsidiary bodies.

naloge, ki so mu naložene po tej pogodbi ali katerem koli protokolu, ter vse druge naloge, ki mu jih naloži Konferenca podpisnic Listine.

(5) Sekretariat lahko sklepa upravne in pogodbene dogovore, potrebne za uspešno opravljanje njegovih nalog.

36. člen

GLASOVANJE

(1) Soglasnost vseh pogodbenic, ki so prisotne in glasujejo na zasedanju Konference podpisnic Listine, kjer se odloča o teh zadevah, je potrebna za naslednje sklepe:

(a) sprejetje sprememb in dopolnitev te pogodbe, razen sprememb in dopolnitev 34. in 35. člena ter Priloge T;

(b) odobritev pristopa držav ali regionalnih organizacij za gospodarsko povezovanje, ki niso podpisnice Listine na dan 16. junija 1995, k tej pogodbi v skladu z 41. členom;

(c) pooblastilo za pogajanja in odobritev ali sprejetje besedila pridružitvenih sporazumov;

(d) odobritev sprememb Priloge EM, NI, G in B;

(e) odobritev tehničnih sprememb prilog k tej pogodbi; in

(f) odobritev imenovanj kandidatov, ki jih predlaga generalni sekretar za člane sosveta v skladu z odstavkom (7) Priloge D.

Pogodbenice si po najboljših močeh prizadevajo doseči dogovor s konsenzom o vsaki drugi zadevi, o kateri morajo odločati po tej pogodbi. Če dogovor ne more biti dosežen s konsenzom, se uporabljajo odstavki (2) do (5).

(2) Sklepe o proračunskih zadevah v zvezi s pododstavkom (e) odstavka (3) 34. člena je treba sprejemati s kvalificirano večino pogodbenic, katerih ocenjeni prispevki iz Priloge B predstavljajo skupaj najmanj tri četrtine vseh ocenjenih prispevkov, ki so določeni v tej prilogi.

(3) Sklepi o zadevah iz odstavka (7) 34. člena se sprejemajo s tričetrtinsko večino pogodbenic.

(4) Razen v primerih, določenih v pododstavkih (a) do (f) odstavka (1), odstavkih (2) in (3), in ob upoštevanju odstavka (6) se sklepi iz te pogodbe sprejemajo s tričetrtinsko večino pogodbenic, ki so prisotne in glasujejo na zasedanju Konference podpisnic Listine, na katerem se odloča o teh zadevah.

(5) Za namene tega člena izraz "pogodbenice, ki so prisotne in glasujejo" pomeni pogodbenice, ki so prisotne in glasujejo za ali proti, vendar ob upoštevanju, da Konferenca podpisnic Listine lahko sprejme tak poslovnik, ki tudi omogoča, da pogodbenice sprejemajo take sklepe korespondenčno.

(6) Razen kot je določeno v odstavku (2), ni veljaven noben sklep iz tega člena, če ga ne podpre enostavna večina pogodbenic.

(7) Regionalna organizacija za gospodarsko povezovanje ima pri glasovanju število glasov, ki ustreza številu njenih držav članic, ki so pogodbenice te pogodbe, pod pogojem, da ta organizacija ne uveljavlja svoje pravice do glasovanja, če njene države članice same uveljavljajo to pravico, in obratno.

(8) Če pogodbenica stalno zamuja pri poravnavi finančnih obveznosti po tej pogodbi, ji lahko Konferenca podpisnic Listine v celoti ali delno začasno odvzame glasovalne pravice.

37. člen

NAČELA FINANCIJANJA

(1) Vsaka pogodbenica krije svoje stroške za zastopnost na zasedanjih Konference podpisnic Listine in sestankih pomožnih teles.

(2) The cost of meetings of the Charter Conference and any subsidiary bodies shall be regarded as a cost of the Secretariat.

(3) The costs of the Secretariat shall be met by the Contracting Parties assessed according to their capacity to pay, determined as specified in Annex B, the provisions of which may be modified in accordance with Article 36(1)(d).

(4) A Protocol shall contain provisions to assure that any costs of the Secretariat arising from that Protocol are borne by the parties thereto.

(5) The Charter Conference may in addition accept voluntary contributions from one or more Contracting Parties or from other sources. Costs met from such contributions shall not be considered costs of the Secretariat for the purposes of paragraph (3).

(2) Stroški zasedanj Konference podpisnic Listine in sestankov pomožnih teles so stroški Sekretariata.

(3) Stroške Sekretariata krijejo pogodbenice glede na oceno svojih plačilnih zmožnosti, kot je določeno v Prilogi B, njene določbe pa se lahko spreminjajo v skladu s pododstavkom (d) odstavka (1) 36. člena.

(4) Protokol vsebuje določbe, ki zagotavljajo, da vse stroške Sekretariata, ki izhajajo iz tega protokola, krijejo pogodbenice protokola.

(5) Dodatno k temu lahko Konferenca podpisnic Listine od ene ali več pogodbenic ali iz drugih virov sprejme prostovoljne prispevke. Stroški, kriti iz takih prispevkov, se ne štejejo za stroške Sekretariata za namene odstavka (3).

PART VIII

VIII. DEL

FINAL PROVISIONS

KONČNE DOLOČBE

ARTICLE 38
*SIGNATURE*38. člen
PODPIS

This Treaty shall be open for signature at Lisbon from 17 December 1994 to 16 June 1995 by the states and Regional Economic Integration Organizations which have signed the Charter.

Ta pogodba je na voljo za podpis državam in regionalnim organizacijam za gospodarsko povezovanje, ki so podpisale Listino, od 17. decembra 1994 do 16. junija 1995 v Lizboni.

ARTICLE 39
*RATIFICATION, ACCEPTANCE OR APPROVAL*39. člen
RATIFIKACIJA, SPREJETJE ALI ODOBRITEV

This Treaty shall be subject to ratification, acceptance or approval by signatories. Instruments of ratification, acceptance or approval shall be deposited with the Depositary.

To pogodbo morajo podpisnice ratificirati, sprejeti ali odobriti. Listine o ratifikaciji, sprejetju ali odobritvi se hranijo pri depozitarju.

ARTICLE 40
*APPLICATION TO TERRITORIES*40. člen
VELJAVNOST ZA OBMOČJA

(1) Any state or Regional Economic Integration Organization may at the time of signature, ratification, acceptance, approval or accession, by a declaration deposited with the Depositary, declare that the Treaty shall be binding upon it with respect to all the territories for the international relations of which it is responsible, or to one or more of them. Such declaration shall take effect at the time the Treaty enters into force for that Contracting Party.

(1) Vsaka država ali regionalna organizacija za gospodarsko povezovanje lahko ob podpisu, ratifikaciji, sprejetju, odobritvi ali pristopu z izjavo, ki jo deponira pri depozitarju, izjavi, da jo ta pogodba zavezuje za vsa ozemlja, za katerih mednarodne odnose je pristojna, ali pa le za eno ali več takih ozemelj. Ta izjava začne veljati hkrati z začetkom veljavnosti pogodbe za to pogodbenico.

(2) Any Contracting Party may at a later date, by a declaration deposited with the Depositary, bind itself under this Treaty with respect to other territory specified in the declaration. In respect of such territory the Treaty shall enter into force on the ninetieth day following the receipt by the Depositary of such declaration.

(2) Vsaka pogodbenica se lahko kasneje z izjavo, ki jo deponira pri depozitarju, zaveže po tej pogodbi za drugo ozemlje, kot je določeno v izjavi. Za tako ozemlje začne pogodba veljati devetdeseti dan potem, ko je depozitar prejel tako izjavo.

(3) Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification to the Depositary. The withdrawal shall, subject to the applicability of Article 47(3), become effective upon the expiry of one year after the date of receipt of such notification by the Depositary.

(3) Vsako izjavo, dano v skladu s predhodnima odstavkoma v zvezi z ozemljem, navedenim v izjavi, je mogoče umakniti z notifikacijo depozitarju. S pridržkom, da je mogoče uporabiti odstavek (3) 47. člena, začne umik veljati po izteku enega leta po dnevu, ko je depozitar prejel tako notifikacijo.

(4) The definition of "Area" in Article 1(10) shall be construed having regard to any declaration deposited under this Article.

(4) Opredelitev pojma "območje" v odstavku (10) 1. člena se razlaga z upoštevanjem vsake izjave, ki je bila deponirana po tem členu.

ARTICLE 41
*ACCESSION*41. člen
PRISTOP

This Treaty shall be open for accession, from the date on which the Treaty is closed for signature, by states and Regional Economic Integration Organizations which have

Pogodba je na voljo za pristop državam in regionalnim organizacijam za gospodarsko povezovanje, ki so podpisale Listino, po pogojih, ki jih mora sprejeti Konferenca podpis-

signed the Charter, on terms to be approved by the Charter Conference. The instruments of accession shall be deposited with the Depositary.

ARTICLE 42
AMENDMENTS

(1) Any Contracting Party may propose amendments to this Treaty.

(2) The text of any proposed amendment to this Treaty shall be communicated to the Contracting Parties by the Secretariat at least three months before the date on which it is proposed for adoption by the Charter Conference.

(3) Amendments to this Treaty, texts of which have been adopted by the Charter Conference, shall be communicated by the Secretariat to the Depositary which shall submit them to all Contracting Parties for ratification, acceptance or approval.

(4) Instruments of ratification, acceptance or approval of amendments to this Treaty shall be deposited with the Depositary. Amendments shall enter into force between Contracting Parties having ratified, accepted or approved them on the ninetieth day after deposit with the Depositary of instruments of ratification, acceptance or approval by at least three-fourths of the Contracting Parties. Thereafter the amendments shall enter into force for any other Contracting Party on the ninetieth day after that Contracting Party deposits its instrument of ratification, acceptance or approval of the amendments.

ARTICLE 43
ASSOCIATION AGREEMENTS

(1) The Charter Conference may authorize the negotiation of association agreements with states or Regional Economic Integration Organizations, or with international organizations, in order to pursue the objectives and principles of the Charter and the provisions of this Treaty or one or more Protocols.

(2) The relationship established with and the rights enjoyed and obligations incurred by an associating state, Regional Economic Integration Organization, or international organization shall be appropriate to the particular circumstances of the association, and in each case shall be set out in the association agreement.

ARTICLE 44
ENTRY INTO FORCE

(1) This Treaty shall enter into force on the ninetieth day after the date of deposit of the thirtieth instrument of ratification, acceptance or approval thereof, or of accession thereto, by a state or Regional Economic Integration Organization which is a signatory to the Charter as of 16 June 1995.

(2) For each state or Regional Economic Integration Organization which ratifies, accepts or approves this Treaty or accedes thereto after the deposit of the thirtieth instrument of ratification, acceptance or approval, it shall enter into force on the ninetieth day after the date of deposit by such state or Regional Economic Integration Organization of its instrument of ratification, acceptance, approval or accession.

(3) For the purposes of paragraph (1), any instrument deposited by a Regional Economic Integration Organization shall not be counted as additional to those deposited by member states of such Organization.

ARTICLE 45
PROVISIONAL APPLICATION

(1) Each signatory agrees to apply this Treaty provisionally pending its entry into force for such signatory in

nic Listine, od dneva dalje, ko pogodba ni več na voljo za podpis. Listine o pristopu se hranijo pri depozitarju.

42. člen
SPREMEMBE IN DOPOLNITVE

(1) Vsaka pogodbenica lahko predlaga spremembe in dopolnitve te pogodbe.

(2) Besedilo vsake predlagane spremembe in dopolnitve te pogodbe Sekretariat sporoči pogodbenicam najmanj tri mesece pred datumom, ko je predlagano, da jih sprejme Konferenca podpisnic Listine.

(3) Spremembe in dopolnitve te pogodbe, katerih besedilo je sprejela Konferenca podpisnic Listine, Sekretariat sporoči depozitarju, ta pa jih predloži vsem pogodbenicam v ratifikacijo, sprejetje ali odobritev.

(4) Listine o ratifikaciji, sprejetju ali odobritvi sprememb in dopolnitev te pogodbe se hranijo pri depozitarju. Spremembe in dopolnitve začnejo veljati med pogodbenicami, ki so jih ratificirale, sprejele ali odobrile, devetdeseti dan potem, ko je najmanj tri četrtine pogodbenc pri depozitarju deponiralo listine o ratifikaciji, sprejetju ali odobritvi. Za vsako drugo pogodbenico začnejo spremembe in dopolnitve veljati devetdeseti dan potem, ko je ta pogodbenica deponirala svojo listino o ratifikaciji, sprejetju ali odobritvi sprememb in dopolnitev.

43. člen
PRIDRUŽITVENI SPORAZUM

(1) Konferenca podpisnic Listine lahko izda pooblastilo za pogajanja o pridružitvenih sporazumih z državami ali regionalnimi organizacijami za gospodarsko povezovanje ali z mednarodnimi organizacijami z namenom, da se uresničijo cilji in načela Listine ter določbe te pogodbe ali enega ali več protokolov.

(2) Nastalo razmerje ter pravice in obveznosti, ki jih ima pridružena država, regionalna organizacija za gospodarsko povezovanje ali mednarodna organizacija, morajo ustrezati posebnim okoliščinam pridružitve in se v vsakem primeru posebej določijo v pridružitvenem sporazumu.

44. člen
ZAČETEK VELJAVNOSTI

(1) Ta pogodba začne veljati devetdeseti dan potem, ko je trideseta država ali regionalna organizacija za gospodarsko povezovanje, ki je podpisnica Listine na dan 16. junija 1995, deponirala svojo listino o ratifikaciji, sprejetju ali odobritvi te pogodbe ali pristopu k njej.

(2) Za vsako državo ali regionalno organizacijo za gospodarsko povezovanje, ki ratificira, sprejme ali odobri te pogodbo ali k njej pristopi po deponiranju tridesete listine o ratifikaciji, sprejetju ali odobritvi, začne pogodba veljati devetdeseti dan po datumu, ko je ta država ali regionalna organizacija za gospodarsko povezovanje deponirala svojo listino o ratifikaciji, sprejetju, odobritvi ali pristopu.

(3) Za namene odstavka (1) se listina, ki jo deponira regionalna organizacija za gospodarsko povezovanje, ne šteje kot dodatna listina k listinam, ki so jih deponirale države članice te organizacije.

45. člen
ZAČASNA UPORABA

(1) Vsaka podpisnica soglašaja, da bo to pogodbo uporabljala začasno do začetka veljavnosti za to podpisnico v

accordance with Article 44, to the extent that such provisional application is not inconsistent with its constitution, laws or regulations.

(2) (a) Notwithstanding paragraph (1) any signatory may, when signing, deliver to the Depositary a declaration that it is not able to accept provisional application. The obligation contained in paragraph (1) shall not apply to a signatory making such a declaration. Any such signatory may at any time withdraw that declaration by written notification to the Depositary.

(b) Neither a signatory which makes a declaration in accordance with subparagraph (a) nor Investors of that signatory may claim the benefits of provisional application under paragraph (1).

(c) Notwithstanding subparagraph (a), any signatory making a declaration referred to in subparagraph (a) shall apply Part VII provisionally pending the entry into force of the Treaty for such signatory in accordance with Article 44, to the extent that such provisional application is not inconsistent with its laws or regulations.

(3) (a) Any signatory may terminate its provisional application of this Treaty by written notification to the Depositary of its intention not to become a Contracting Party to the Treaty. Termination of provisional application for any signatory shall take effect upon the expiration of 60 days from the date on which such signatory's written notification is received by the Depositary.

(b) In the event that a signatory terminates provisional application under subparagraph (a), the obligation of the signatory under paragraph (1) to apply Parts III and V with respect to any Investments made in its Area during such provisional application by Investors of other signatories shall nevertheless remain in effect with respect to those Investments for twenty years following the effective date of termination, except as otherwise provided in subparagraph (c).

(c) Subparagraph (b) shall not apply to any signatory listed in Annex PA. A signatory shall be removed from the list in Annex PA effective upon delivery to the Depositary of its request therefor.

(4) Pending the entry into force of this Treaty the signatories shall meet periodically in the provisional Charter Conference, the first meeting of which shall be convened by the provisional Secretariat referred to in paragraph (5) not later than 180 days after the opening date for signature of the Treaty as specified in Article 38.

(5) The functions of the Secretariat shall be carried out on an interim basis by a provisional Secretariat until the entry into force of this Treaty pursuant to Article 44 and the establishment of a Secretariat.

(6) The signatories shall, in accordance with and subject to the provisions of paragraph (1) or subparagraph (2)(c) as appropriate, contribute to the costs of the provisional Secretariat as if the signatories were Contracting Parties under Article 37(3). Any modifications made to Annex B by the signatories shall terminate upon the entry into force of this Treaty.

(7) A state or Regional Economic Integration Organization which, prior to this Treaty's entry into force, accedes to the Treaty in accordance with Article 41 shall, pending the Treaty's entry into force, have the rights and assume the obligations of a signatory under this Article.

ARTICLE 46 RESERVATIONS

No reservations may be made to this Treaty.

skladu s 44. členom pod pogojem, da ta začasna uporaba ni v nasprotju z njeno ustavo, zakoni in predpisi.

(2) (a) Ne glede na odstavek (1) lahko vsaka podpisnica ob podpisu izjavi depozitarju, da ne more sprejetičasne uporabe. Obveznost iz odstavka (1) ne velja za podpisnico, ki da tako izjavo. Vsaka taka podpisnica lahko kadar koli s pisno notifikacijo depozitarju umakne svojo izjavo.

(b) Niti podpisnica, ki da izjavo v skladu s pododstavkom (a), niti investitorji te podpisnice ne smejo zahtevati koristi iz časne uporabe v skladu z odstavkom (1).

(c) Ne glede na pododstavek (a) vsaka podpisnica, ki da izjavo iz podstavka (a) do začetka veljavnosti pogodbe za tako podpisnico v skladu s 44. členom, začasno uporablja VII. del, kolikor taka začasna uporaba ni v nasprotju z njenimi zakoni ali predpisi.

(3) (a) Vsaka podpisnica lahko preneha začasno uporabljati to pogodbo s pisno notifikacijo depozitarju o svojem namenu, da ne bo postala pogodbenica te pogodbe. Prenehanje časne uporabe za katero koli podpisnico začne veljati po izteku 60 dni po datumu, ko je depozitar prejel pisno notifikacijo te podpisnice.

(b) V primeru, da podpisnica preneha začasno uporabljati pogodbo na podlagi podstavka (a), ostane obveznost podpisnice iz odstavka (1) glede uporabe III. in V. dela v zvezi z vsemi naložbami investitorjev drugih podpisnic, ki so bile izvedene na njenem območju med tako začasno uporabo, še naprej v veljavi, in sicer dvajset let po začetku veljavnosti prenehanja, razen če v pododstavku (c) ni drugače določeno.

(c) Pododstavek (b) ne velja za nobeno podpisnico, naštetu v Prilogi PA. Podpisnica se črta s seznama v Prilogi PA z veljavnostjo od dneva predložitve ustrezne zahteve depozitarju.

(4) Podpisnice se bodo do začetka veljavnosti te pogodbe občasno sestajale na časni Konferenci podpisnic Listine; njeno prvo zasedanje skliče časni Sekretariat iz odstavka (5) najkasneje 180 dni po dnevu, ko je bila pogodba dana na voljo za podpis, kot je določeno v 38. členu.

(5) Sekretariat opravlja svoje naloge začasno kot časni Sekretariat vse do začetka veljavnosti te pogodbe v skladu s 44. členom in ustanovitvijo Sekretariata.

(6) Podpisnice v skladu in po pogojih določb odstavka (1) oziroma podstavka (c) odstavka (2) prispevajo k pokrivanju stroškov časnega Sekretariata, kot da bi bile podpisnice pogodbenice iz odstavka (3) 37. člena. Vse spremembe, ki jih podpisnice vnesajo v Prilogo B, prenehajo veljati z začetkom veljavnosti te pogodbe.

(7) Država ali regionalna organizacija za gospodarsko povezovanje, ki pred začetkom veljavnosti te pogodbe po 41. členu pristopi k tej pogodbi, v skladu s tem členom pridobi pravice in prevzame obveznosti podpisnice do začetka veljavnosti pogodbe.

46. člen PRIDRŽKI

Pridržki k tej pogodbi niso mogoči.

ARTICLE 47
WITHDRAWAL

(1) At any time after five years from the date on which this Treaty has entered into force for a Contracting Party, that Contracting Party may give written notification to the Depositary of its withdrawal from the Treaty.

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

(3) The provisions of this Treaty shall continue to apply to Investments made in the Area of a Contracting Party by Investors of other Contracting Parties or in the Area of other Contracting Parties by Investors of that Contracting Party as of the date when that Contracting Party's withdrawal from the Treaty takes effect for a period of 20 years from such date.

(4) All Protocols to which a Contracting Party is party shall cease to be in force for that Contracting Party on the effective date of its withdrawal from this Treaty.

ARTICLE 48
STATUS OF ANNEXES AND DECISIONS

The Annexes to this Treaty and the Decisions set out in Annex 2 to the Final Act of the European Energy Charter Conference signed at Lisbon on 17 December 1994 are integral parts of the Treaty.

ARTICLE 49
DEPOSITARY

The Government of the Portuguese Republic shall be the Depositary of this Treaty.

ARTICLE 50
AUTHENTIC TEXTS

In witness whereof the undersigned, being duly authorized to that effect, have signed this Treaty in English, French, German, Italian, Russian and Spanish, of which every text is equally authentic, in one original, which will be deposited with the Government of the Portuguese Republic.

Done at Lisbon on the seventeenth day of December in the year one thousand nine hundred and ninety-four.

ANNEXES
TO THE ENERGY CHARTER TREATY

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(In accordance with Article 1(5))
3. ANNEX TRM
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(In accordance with Article 5(4))

47. člen
ODSTOP

(1) Pogodbenica lahko po petih letih od datuma, ko je ta pogodba začela zanjo veljati, kadar koli pisno obvesti depozitarja, da odstopa od pogodbe.

(2) Vsak tak odstop začne veljati po izteku enega leta potem, ko je depozitar prejel notifikacijo, ali pa na tak kasnejši datum, kot je morda naveden v notifikaciji o odstopu.

(3) Določbe te pogodbe se še naprej uporabljajo za naložbe, ki so jih na območju ene pogodbenice uresničili investitorji druge pogodbenice ali pa na območju druge pogodbenice investitorji te pogodbenice, in to še 20 let potem, ko začne veljati odstop te pogodbenice od pogodbe.

(4) Vsi protokoli, katerih podpisnica je pogodbenica, za to pogodbenico prenehajo veljati na dan začetka veljavnosti njenega odstopa od te pogodbe.

48. člen
PRAVNI POLOŽAJ PRILOG IN SKLEPOV

Priloge k tej pogodbi in sklepi iz Aneksa 2 k Sklepni listini Konference o Evropski energetske listini, podpisani 17. decembra 1994 v Lizboni, so sestavni del te pogodbe.

49. člen
DEPOZITAR

Depozitar te pogodbe je Vlada Republike Portugalske.

50. člen
VERODOSTOJNA BESEDILA

V potrditev tega so podpisani, ki so v ta namen pravilno pooblaščen, podpisali to pogodbo v angleškem, francoskem, nemškem, italijanskem, ruskem in španskem jeziku, katere vsako besedilo je enako verodostojno, v enem izvorniku, ki bo deponiran pri Vladi Republike Portugalske.

Sestavljeno v Lizboni sedemnajstega decembra leta tisoč devetsto štiriindevetdeset.

PRILOGE
K POGODBI O ENERGETSKI LISTINI

VSEBINA

1. PRILOGA EM
ENERGETSKI MATERIALI IN IZDELKI
(v skladu z odstavkom (4) 1. člena)
2. PRILOGA NI
ENERGETSKI MATERIALI IN IZDELKI, KI NISO UPORABNI ZA DOLOČANJE "GOSPODARSKIH DEJAVNOSTI V ENERGETIKI"
(v skladu z odstavkom (5) 1. člena)
3. PRILOGA TRM
OBVESTILO IN POSTOPNO OPUŠČANJE
(v skladu z odstavkom (4) 5. člena)

4. ANNEX N
LIST OF CONTRACTING PARTIES REQUIRING AT
LEAST 3 SEPARATE AREAS TO BE INVOLVED IN A
TRANSIT

(In accordance with Article 7(10)(a))

5. ANNEX VC

LIST OF CONTRACTING PARTIES WHICH HAVE
MADE VOLUNTARY BINDING COMMITMENTS IN RE-
SPECT OF ARTICLE 10(3)

(In accordance with Article 10(6))

6. ANNEX ID

LIST OF CONTRACTING PARTIES NOT ALLOW-
ING AN INVESTOR TO RESUBMIT THE SAME DIS-
PUTE TO INTERNATIONAL ARBITRATION AT A
LATER STAGE UNDER ARTICLE 26

(In accordance with Article 26(3)(b)(i))

7. ANNEX IA

LIST OF CONTRACTING PARTIES NOT ALLOW-
ING AN INVESTOR OR CONTRACTING PARTY TO
SUBMIT A DISPUTE CONCERNING THE LAST SEN-
TENCE OF ARTICLE 10(1) TO INTERNATIONAL ARBI-
TRATION

(In accordance with Articles 26(3)(c) and 27(2))

8. ANNEX P

SPECIAL SUB-NATIONAL DISPUTE PROCEDURE

(In accordance with Article 27(3)(i))

9. ANNEX G

EXCEPTIONS AND RULES GOVERNING THE AP-
PLICATION OF THE PROVISIONS OF THE GATT AND
RELATED INSTRUMENTS

(In accordance with Article 29(2)(a))

10. ANNEX TFU

PROVISIONS REGARDING TRADE AGREEMENTS
BETWEEN STATES WHICH WERE CONSTITUENT
PARTS OF THE FORMER UNION OF SOVIET SOCIAL-
IST REPUBLICS

(In accordance with Article 29(2)(b))

11. ANNEX D

INTERIM PROVISIONS FOR TRADE DISPUTE
SETTLEMENT

(In accordance with Article 29(7))

12. ANNEX B

FORMULA FOR ALLOCATING CHARTER COSTS

(In accordance with Article 37(3))

13. ANNEX PA

LIST OF SIGNATORIES WHICH DO NOT ACCEPT
THE PROVISIONAL APPLICATION OBLIGATION OF
ARTICLE 45(3)(b)

(In accordance with Article 45(3)(c))

14. ANNEX T

CONTRACTING PARTIES' TRANSITIONAL MEA-
SURES

(In accordance with Article 32(1))

4. PRILOGA N

SEZNAM POGODEBNIC, KI ZAHTEVAJO, DA SO
PRI TRANZITU VKLJUČENA VSAJ TRI LOČENA OB-
MOČJA

(v skladu s pododstavkom (a) odstavka (10) 7. člena)

5. PRILOGA VC

SEZNAM POGODBENIC, KI SO SE PROŠTO-
VOLJNO ZAVEZALE GLEDE ODSTAVKA (3) 10. ČLE-
NA

(v skladu z odstavkom (6) 10. člena)

6. PRILOGA ID

SEZNAM POGODBENIC, KI NE DOVOLJUJEJO
INVESTITORJU, DA BI V SKLADU S 26. ČLENOM ISTI
SPOR KASNEJE PONOVRNO PREDLOŽIL MEDNAROD-
NI ARBITRAŽI

(v skladu s točko (i) pododstavka (b) odstavka (3)
26. člena)

7. PRILOGA IA

SEZNAM POGODBENIC, KI NE DOVOLJUJEJO
INVESTITORJU ALI POGODBENICI, DA MEDNAROD-
NI ARBITRAŽI PREDLOŽI SPOR GLEDE ZADNJEGA
STAVKA ODSTAVKA (1) 10. ČLENA

(v skladu s pododstavkom (c) odstavka (3) 26. člena in
odstavkom (2) 27. člena)

8. PRILOGA P

POSEBEN POSTOPEK ZA REGIONALNE SPORE

(v skladu s pododstavkom (i) odstavka (3) 27. člena)

9. PRILOGA G

IZJEME IN PRAVILA, KI UREJAJO UPORABO
DOLOČB GATT-a IN Z NJIM POVEZANIH DOKU-
MENTOV

(v skladu s pododstavkom (a) odstavka (2) 29. člena)

10. PRILOGA TFU

DOLOČBE GLEDE TRGOVINSKIH SPORAZUMOV
MED DRŽAVAMI, KI SO BILE SESTAVNI DEL NEK-
DANJE ZVEZE SOVJETSKIH SOCIALISTIČNIH RE-
PUBLIK

(v skladu s pododstavkom (b) odstavka (2) 29. člena)

11. PRILOGA D

ZAČASNE DOLOČBE ZA REŠEVANJE TRGOVIN-
SKIH SPOROV

(v skladu z odstavkom (7) 29. člena)

12. PRILOGA B

OBRAZEC ZA DELITEV STROŠKOV LISTINE

(v skladu z odstavkom (3) 37. člena)

13. PRILOGA PA

SEZNAM PODPISNIC, KI NE SPREJEMAJO
OBVEZNOSTI ZAČASNE UPORABE IZ PODODSTAV-
KA (b) ODSTAVKA (3) 45. ČLENA

(v skladu s pododstavkom (c) odstavka (3) 45. člena)

14. PRILOGA T

PREHODNI UKREPI POGODBENIC

(v skladu z odstavkom (1) 32. člena)

1. ANNEX EM**ENERGY MATERIALS AND PRODUCTS**

(In accordance with Article 1(4))

Nuclear energy

26.12 Uranium or thorium ores and concentrates.

26.12.10 Uranium ores and concentrates.

26.12.20 Thorium ores and concentrates.

28.44 Radioactive chemical elements and radioactive isotopes (including the fissile or fertile chemical elements and isotopes) and their compounds; mixtures and residues containing these products.

28.44.10 Natural uranium and its compounds.

28.44.20 Uranium enriched in U235 and its compounds; plutonium and its compounds.

28.44.30 Uranium depleted in U235 and its compounds; thorium and its compounds.

28.44.40 Radioactive elements and isotopes and radioactive compounds other than 28.44.10, 28.44.20 or 28.44.30.

28.44.50 Spent (irradiated) fuel elements (cartridges) of nuclear reactors.

28.45.10 Heavy water (deuterium oxide).

Coal, Natural Gas, Petroleum and Petroleum Products, Electrical Energy

27.01 Coal, briquettes, ovoids and similar solid fuels manufactured from coal.

27.02 Lignite, whether or not agglomerated excluding jet.

27.03 Peat (including peat litter), whether or not agglomerated.

27.04 Coke and semi-coke of coal, of lignite or of peat, whether or not agglomerated; retort carbon.

27.05 Coal gas, water gas, producer gas and similar gases, other than petroleum gases and other gaseous hydrocarbons.

27.06 Tar distilled from coal, from lignite or from peat, and other mineral tars, whether or not dehydrated or partially distilled, including reconstituted tars.

27.07 Oils and other products of the distillation of high temperature coal tar; similar products in which the weight of the aromatic constituents exceeds that of the non-aromatic constituents (e.g., benzole, toluole, xylol, naphtalene, other aromatic hydrocarbon mixtures, phenols, creosote oils and others).

27.08 Pitch and pitch coke, obtained from coal tar or from other mineral tars.

27.09 Petroleum oils and oils obtained from bituminous minerals, crude.

27.10 Petroleum oils and oils obtained from bituminous minerals, other than crude.

27.11 Petroleum gases and other gaseous hydrocarbons

Liquified:

– natural gas

– propane

– butanes

– ethylene, propylene, butylene and butadiene (27.11.14)

– other

In gaseous state:

– natural gas

– other

1. PRILOGA EM**ENERGETSKI MATERIALI IN IZDELKI**

(v skladu z odstavkom (4) 1. člena)

Jedrska energija

26.12 Uranove ali torijeve rude in koncentradi

26.12.10 Uranove rude in koncentradi

26.12.20 Torijeve rude in koncentradi

28.44 Radioaktivni kemični elementi in radioaktivni izotopi (vključno fisijski in oploditveni kemični elementi in izotopi) in njihove spojine; mešanice in ostanki, ki vsebujejo te proizvode

28.44.10 Uran, naravni in njegove spojine

28.44.20 Uran, obogaten z U235, in njegove spojine; plutonij in njegove spojine

28.44.30 Uran, osiromašen z U235, in njegove spojine; torij in njegove spojine

28.44.40 Radioaktivni elementi in izotopi ter radioaktivne spojine, razen tistih iz tar. podšt. 28.44.10, 28.44.20 ali 28.44.30

28.44.50 Izrabljeni (izsevani) gorivni elementi (polnjenja) jedrskih reaktorjev

28.45.10 Težka voda (devterijev oksid)

Premog, zemeljski plin, nafta in naftni derivati, električna energija

27.01 Črni premog, tudi briketi raznih oblik iz črnega premoga

27.02 Rjavi premog (lignit), aglomeriran ali neaglomeriran razen gagata

27.03 Šota (vključno šotna slama), neaglomerirana ali aglomerirana

27.04 Koks in polkoks iz črnega premoga, rjavega premoga, lignita ali šote, neaglomeriran ali aglomeriran; retortno oglje

27.05 Plin iz črnega premoga, vodni plin, generatorski plin in podobni plini, razen naftnih plinov in drugih ogljikovodikov

27.06 Katran, dobljen z destilacijo črnega premoga, rjavega premoga, lignita in šote, in drugi mineralni katrani, dehidrirani ali nedehidrirani ali deloma destilirani ali ne, vključno rekonstituirani katrani

27.07 Olja in drugi proizvodi, dobljeni z destilacijo katrana iz črnega premoga pri visoki temperaturi; podobni proizvodi, pri katerih masa aromatskih sestavin presega maso nearomatskih sestavin (npr. benzen, toluen, ksilen, naftalen, mešanice drugih aromatskih ogljikovodikov, fenoli, kreo-zotna olja in drugi)

27.08 Smola in smolni koks, dobljena iz katrana črnega premoga ali iz drugih mineralnih katranov

27.09 Nafta in olja, dobljena iz bituminoznih mineralov, surovi

27.10 Nafta in olja, dobljena iz bituminoznih mineralov, razen surovih

27.11 Naftni plini in drugi plinasti ogljikovodiki

Utekočinjeni:

– zemeljski plin

– propan

– butani

– etilen, propilen, butilen in butadien (27.11.14)

– drugi

V plinastem stanju:

– zemeljski plin

– drugi

27.13 Petroleum coke, petroleum bitumen and other residues of petroleum oils or of oils obtained from bituminous minerals.

27.14 Bitumen and asphalt, natural; bituminous or oil shale and tar sands; asphaltites and asphaltic rocks.

27.15 Bituminous mixtures based on natural asphalt, on natural bitumen, on petroleum bitumen, on mineral tar or on mineral tar pitch (e.g., bituminous mastics, cut-backs).

27.16 Electrical energy.

Other Energy

44.01.10 Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms.

44.02 Charcoal (including charcoal from shells or nuts), whether or not agglomerated.

2. ANNEX NI

NON-APPLICABLE ENERGY MATERIALS AND PRODUCTS FOR DEFINITION OF "ECONOMIC ACTIVITY IN THE ENERGY SECTOR"

(In accordance with Article 1(5))

27.07 Oils and other products of the distillation of high temperature coal tar; similar products in which the weight of the aromatic constituents exceeds that of the non-aromatic constituents (e.g., benzole, toluole, xylole, naphthalene, other aromatic hydrocarbon mixtures, phenols, creosote oils and others).

44.01.10 Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms.

44.02 Charcoal (including charcoal from shells or nuts), whether or not agglomerated.

3. ANNEX TRM

NOTIFICATION AND PHASE-OUT (TRIMs)

(In accordance with Article 5(4))

(1) Each Contracting Party shall notify to the Secretariat all trade-related investment measures which it applies that are not in conformity with the provisions of Article 5, within:

(a) 90 days after the entry into force of this Treaty if the Contracting Party is a party to the GATT; or

(b) 12 months after the entry into force of this Treaty if the Contracting Party is not a party to the GATT.

Such trade-related investment measures of general or specific application shall be notified along with their principal features.

(2) In the case of trade-related investment measures applied under discretionary authority, each specific application shall be notified. Information that would prejudice the legitimate commercial interests of particular enterprises need not be disclosed.

(3) Each Contracting Party shall eliminate all trade-related investment measures which are notified under paragraph (1) within:

(a) two years from the date of entry into force of this Treaty if the Contracting Party is a party to the GATT; or

(b) three years from the date of entry into force of this Treaty if the Contracting Party is not a party to the GATT.

(4) During the applicable period referred to in paragraph (3) a Contracting Party shall not modify the terms of any trade-related investment measure which it notifies under paragraph (1) from those prevailing at the date of entry into force of this Treaty so as to increase the degree of inconsistency with the provisions of Article 5 of this Treaty.

27.13 Petrol koks, bitumen in drugi ostanki iz nafte ali olj iz bituminoznih materialov

27.14 Bitumen in asfalt, naravni; bituminozni in oljni skrilavci in terpesek; asfaltiti in asfaltne kamnine

27.15 Bitumenske mešanice na osnovi naravnega asfalta, naravnega bitumna, bitumna iz nafte, mineralnega katra na ali mineralne katranske smole (npr. bituminozni kit, "cut-back")

27.16 Električna energija

Druga energija

44.01.10 Les za ogrevanje v okroglicah, cepanicah, vejah, butarah ali v podobnih oblikah

44.02 Lesno oglje (vključno oglje iz lusk), aglomerirano ali neaglomerirano

2. PRILOGA NI

ENERGETSKI MATERIALI IN IZDELKI, KI NISO UPORABNI ZA DOLOČANJE "GOSPODARSKIH DEJAVNOSTI V ENERGETIKI"

(v skladu z odstavkom (5) 1. člena)

27.07 Olja in drugi proizvodi, dobljeni z destilacijo katrana iz črnega premoga pri visoki temperaturi; podobni proizvodi pri katerih masa aromatskih sestavin presega maso nearomatskih sestavin (npr. benzen, toluen, ksilen, naftalen, mešanice drugih aromatskih ogljikovodikov, fenoli, kreozotna olja in drugi)

44.01.10 Les za ogrevanje v okroglicah, cepanicah, vejah, butarah ali podobnih oblikah

44.02 Lesno oglje (vključno z ogljem iz lusk), aglomerirano ali neaglomerirano

3. PRILOGA TRM

OBVESTILO IN POSTOPNO OPUŠČANJE

(v skladu z odstavkom (4) 5. člena)

(1) Vsaka pogodbenica obvesti Sekretariat o vseh naložbenih ukrepih v zvezi s trgovino, ki jih uporablja in niso v skladu z določbami 5. člena:

(a) v 90 dneh, ko začne veljati ta pogodba, če je pogodbenica tudi pogodbenica GATT-a; ali

(b) v 12 mesecih, ko začne veljati ta pogodba, če pogodbenica ni pogodbenica GAAT-a.

Tako splošno ali posebno uporabo naložbenih ukrepov v zvezi s trgovino je treba sporočiti skupaj z njihovimi osnovnimi podatki.

(2) Če se naložbene ukrepe v zvezi s trgovino uporablja po diskrecijski pravici, je treba sporočiti vsako uporabo posebej. Podatkov, ki bi ogrozili zakonite poslovne interese določenih podjetij, ni treba razkriti.

(3) Vsaka pogodbenica odpravi vse naložbene ukrepe v zvezi s trgovino, navedene v odstavku (1):

(a) v dveh letih od dneva, ko ta pogodba začne veljati, če je pogodbenica tudi pogodbenica GATT-a; ali

(b) v treh letih od dneva, ko začne veljati ta pogodba, če pogodbenica ni pogodbenica GATT-a.

(4) V obdobju iz odstavka (3), ko je ukrepe še mogoče uporabljati, pogodbenica ne bo spreminjala pogojev nobenega naložbenega ukrepa v zvezi s trgovino, ki veljajo na dan, ko začne veljati ta pogodba in o katerih je obvestila Sekretariat v skladu z odstavkom (1) na tak način, da bi povečala njihovo neskladnost z določbami 5. člena te pogodbe.

(5) Notwithstanding the provisions of paragraph (4), a Contracting Party, in order not to disadvantage established enterprises which are subject to a trade-related investment measure notified under paragraph (1), may apply during the phase-out period the same trade-related investment measure to a new Investment where:

(a) the products of such Investment are like products to those of the established enterprises; and

(b) such application is necessary to avoid distorting the conditions of competition between the new Investment and the established enterprises.

Any trade-related investment measure so applied to a new Investment shall be notified to the Secretariat. The terms of such a trade-related investment measure shall be equivalent in their competitive effect to those applicable to the established enterprises, and it shall be terminated at the same time.

(6) Where a state or Regional Economic Integration Organization accedes to this Treaty after the Treaty has entered into force:

(a) the notification referred to in paragraphs (1) and (2) shall be made by the later of the applicable date in paragraph (1) or the date of deposit of the instrument of accession; and

(b) the end of the phase-out period shall be the later of the applicable date in paragraph (3) or the date on which the Treaty enters into force for that state or Regional Economic Integration Organization.

4. ANNEX N

LIST OF CONTRACTING PARTIES REQUIRING AT LEAST 3 SEPARATE AREAS TO BE INVOLVED IN A TRANSIT

(In accordance with Article 7(10)(a))

1. Canada and United States of America

5. ANNEX VC

LIST OF CONTRACTING PARTIES WHICH HAVE MADE VOLUNTARY BINDING COMMITMENTS IN RESPECT OF ARTICLE 10(3)

(In accordance with Article 10(6))

6. ANNEX ID

LIST OF CONTRACTING PARTIES NOT ALLOWING AN INVESTOR TO RESUBMIT THE SAME DISPUTE TO INTERNATIONAL ARBITRATION AT A LATER STAGE UNDER ARTICLE 26

(In accordance with Article 26(3)(b)(i))

- | | |
|-------------------------|------------------------------|
| 1. Australia | 13. Italy |
| 2. Azerbaijan | 14. Japan |
| 3. Bulgaria | 15. Kazakhstan |
| 4. Canada | 16. Norway |
| 5. Croatia | 17. Poland |
| 6. Cyprus | 18. Portugal |
| 7. The Czech Republic | 19. Romania |
| 8. European Communities | 20. The Russian Federation |
| 9. Finland | 21. Slovenia |
| 10. Greece | 22. Spain |
| 11. Hungary | 23. Sweden |
| 12. Ireland | 24. United States of America |

(5) Kljub določbam odstavka (4) lahko pogodbenica, da ne bi zapostavljala obstoječih podjetij, za katera veljajo naložbeni ukrepi v zvezi s trgovino, sporočeni v skladu z odstavkom (1), v predhodnem obdobju uporabi enak naložbeni ukrep v zvezi s trgovino tudi za nove naložbe, če:

(a) so izdelki take naložbe podobni izdelkom obstoječih podjetij; in

(b) je uporaba nujna, da bi preprečili izkrivljanje pogojev konkurence med novo naložbo in obstoječimi podjetji.

Vsak naložben ukrep v zvezi s trgovino, ki bo tako uporabljen za nove naložbe, je treba sporočiti Sekretariatu. Pogoji takega naložbenega ukrepa v zvezi s trgovino so po svojem konkurenčnem učinku enakovredni tistim, ki veljajo za obstoječa podjetja in se končajo ob istem času.

(6) Če država ali regionalna organizacija za gospodarsko povezovanje pristopi k pogodbi, potem ko je že začela veljati:

(a) je treba obvestilo iz odstavkov (1) in (2) opraviti do datuma iz odstavka (1) ali datuma deponiranja listine o pristopu, kar od tega je kasnejše;

(b) je konec obdobja postopnega opuščanja ukrepov datum iz odstavka (3) ali datum, ko pogodba za to državo ali regionalno organizacijo za gospodarsko povezovanje začne veljati, kar od tega je kasnejše.

4. PRILOGA N

SEZNAM POGODBENIC, KI ZAHTEVAJO, DA SO PRI TRANZITU VKLJUČENA VSAJ TRI LOČENA OBMOČJA

(v skladu s pododstavkom (a) odstavka (10) 7. člena)

1. Kanada in Združene države Amerike

5. PRILOGA VC

SEZNAM POGODBENIC, KI SO SE PROSTOVOLJNO ZAVEZALE GLEDE ODSTAVKA (3) 10. ČLENA

(v skladu z odstavkom (6) 10. člena)

6. PRILOGA ID

SEZNAM POGODBENIC, KI NE DOVOLJUJEJO INVESTITORJU, DA BI V SKLADU S 26. ČLENOM ISTI SPOR KASNEJE PONOVRNO PREDLOŽIL MEDNARODNI ARBITRAŽI

(v skladu s točko (i) pododstavka (b) odstavka (3) 26. člena)

- | | |
|-----------------------|-----------------------------|
| 1. Avstralija | 13. Italija |
| 2. Azerbajdžan | 14. Japonska |
| 3. Bolgarija | 15. Kazahstan |
| 4. Kanada | 16. Norveška |
| 5. Hrvaška | 17. Poljska |
| 6. Čiper | 18. Portugalska |
| 7. Češka | 19. Romunija |
| 8. Evropske skupnosti | 20. Ruska federacija |
| 9. Finska | 21. Slovenija |
| 10. Grčija | 22. Španija |
| 11. Madžarska | 23. Švedska |
| 12. Irska | 24. Združene države Amerike |

7. ANNEX IA**LIST OF CONTRACTING PARTIES NOT ALLOWING AN INVESTOR OR CONTRACTING PARTY TO SUBMIT A DISPUTE CONCERNING THE LAST SENTENCE OF ARTICLE 10(1) TO INTERNATIONAL ARBITRATION**

(In accordance with Articles 26(3)(c) and 27(2))

1. Australia
2. Canada
3. Hungary
4. Norway

8. ANNEX P**SPECIAL SUB-NATIONAL DISPUTE PROCEDURE**

(In accordance with Article 27(3)(i))

PART I

1. Canada
2. Australia

PART II

(1) Where, in making an award, the tribunal finds that a measure of a regional or local government or authority of a Contracting Party (hereinafter referred to as the "Responsible Party") is not in conformity with a provision of this Treaty, the Responsible Party shall take such reasonable measures as may be available to it to ensure observance of the Treaty in respect of the measure.

(2) The Responsible Party shall, within 30 days from the date the award is made, provide to the Secretariat written notice of its intentions as to ensuring observance of the Treaty in respect of the measure. The Secretariat shall present the notification to the Charter Conference at the earliest practicable opportunity, and no later than the meeting of the Charter Conference following receipt of the notice. If it is impracticable to ensure observance immediately, the Responsible Party shall have a reasonable period of time in which to do so. The reasonable period of time shall be agreed by both parties to the dispute. In the event that such agreement is not reached, the Responsible Party shall propose a reasonable period for approval by the Charter Conference.

(3) Where the Responsible Party fails, within the reasonable period of time, to ensure observance in respect of the measure, it shall at the request of the other Contracting Party party to the dispute (hereinafter referred to as the "Injured Party") endeavour to agree with the Injured Party on appropriate compensation as a mutually satisfactory resolution of the dispute.

(4) If no satisfactory compensation has been agreed within 20 days of the request of the Injured Party, the Injured Party may with the authorization of the Charter Conference suspend such of its obligations to the Responsible Party under the Treaty as it considers equivalent to those denied by the measure in question, until such time as the Contracting Parties have reached agreement on a resolution of their dispute or the non-conforming measure has been brought into conformity with the Treaty.

(5) In considering what obligations to suspend, the Injured Party shall apply the following principles and procedures:

(a) The Injured Party should first seek to suspend obligations with respect to the same Part of the Treaty as that in which the tribunal has found a violation.

(b) If the Injured Party considers that it is not practicable or effective to suspend obligations with respect to the

7. PRILOGA IA**SEZNAM POGODBENIC, KI NE DOVOLJUJEJO INVESTITORJU ALI POGODBENICI, DA MEDNARODNI ARBITRAŽI PREDLOŽI SPOR GLEDE ZADNJEGA STAVKA ODSTAVKA (1) 10. ČLENA**

(v skladu s pododstavkom (c) odstavka (3) 26. člena in odstavkom (2) 27. člena)

1. Avstralija
2. Kanada
3. Madžarska
4. Norveška

8. PRILOGA P**POSEBEN POSTOPEK ZA REGIONALNE SPORE**

(v skladu s pododstavkom (i) odstavka (3) 27. člena)

1. DEL

1. Kanada
2. Avstralija

2. DEL

(1) Če pri odločanju razsodišče ugotovi, da ukrep regionalne ali lokalne vlade ali organa oblasti pogodbenice (v nadaljevanju "odgovorne stranke") ni v skladu s kako določbo te pogodbe, sprejme odgovorna stranka take primerne ukrepe, ki jih ima na voljo, da zagotovi spoštovanje pogodbe glede takega ukrepa.

(2) Odgovorna stranka v 30 dneh po izdaji arbitražne odločbe Sekretariatu pošlje pisno obvestilo o svojih namelih, kako zagotoviti spoštovanje pogodbe glede spornega ukrepa. Sekretariat predloži obvestilo Konferenci podpisnic Listine ob prvi primerni priložnosti, vendar najkasneje na zasedanju Konference, ki sledi prejemu obvestila. Če je praktično nemogoče takoj zagotoviti spoštovanje pogodbe, se odgovorni stranki določi primeren rok, da to stori. O takem primernem roku se dogovorita stranki v sporu. Če se ne dogovorita, odgovorna stranka predlaga primeren rok v potrditev Konferenci podpisnic Listine.

(3) Kadar odgovorni stranki v primernem roku ne uspe zagotoviti spoštovanja pogodbe glede spornega ukrepa, si na zahtevo druge pogodbenice stranke v sporu (v nadaljevanju "oškodovane stranke") prizadeva z oškodovano stranko doseči soglasje glede ustrezne odškodnine kot obojestransko zadovoljive rešitve spora.

(4) Če se v 20 dneh po zahtevi oškodovane stranke strankama ni uspelo sporazumeti o zadovoljivi odškodnini, lahko oškodovana stranka s pooblastilom Konference podpisnic Listine začasno opusti tiste svoje pogodbene obveznosti do odgovorne stranke, za katere meni, da so enakovredne tistim obveznostim, ki jih omejuje sporni ukrep, in sicer za toliko časa, dokler se pogodbenici ne sporazumeta o rešitvi spora oziroma sporni ukrep ni usklajen s to pogodbo.

(5) Pri odločanju o tem, katere obveznosti naj začasno opusti, oškodovana stranka upošteva naslednja načela in postopke:

(a) Oškodovana stranka naj najprej poskuša opustiti obveznosti iz tistega dela pogodbe, za katerega je razsodišče ugotovilo kršitev.

(b) Če oškodovana stranka meni, da opustitev obveznosti iz istega dela pogodbe ni izvedljiva ali učinkovita, lahko

same Part of the Treaty, it may seek to suspend obligations in other Parts of the Treaty. If the Injured Party decides to request authorization to suspend obligations under this subparagraph, it shall state the reasons therefor in its request to the Charter Conference for authorization.

(6) On written request of the Responsible Party, delivered to the Injured Party and to the President of the tribunal that rendered the award, the tribunal shall determine whether the level of obligations suspended by the Injured Party is excessive, and if so, to what extent. If the tribunal cannot be reconstituted, such determination shall be made by one or more arbitrators appointed by the Secretary-General. Determinations pursuant to this paragraph shall be completed within 60 days of the request to the tribunal or the appointment by the Secretary-General. Obligations shall not be suspended pending the determination, which shall be final and binding.

(7) In suspending any obligations to a Responsible Party, an Injured Party shall make every effort not to affect adversely the rights under the Treaty of any other Contracting Party.

9. ANNEX G

EXCEPTIONS AND RULES GOVERNING THE APPLICATION OF THE PROVISIONS OF THE GATT AND RELATED INSTRUMENTS

(In accordance with Article 29(2)(a))

(1) The following provisions of GATT 1947 and Related Instruments shall not be applicable under Article 29(2)(a):

(a) General Agreement on Tariffs and Trade	
II Schedules of Concessions (and the Schedules to the General Agreement on Tariffs and Trade)	
IV Special Provisions relating to Cinematographic Films	
XV Exchange Arrangements	
XXVIII Governmental Assistance to Economic Development	
XXII Consultation	
XXIII Nullification or Impairment	
XXV Joint Action by the Contracting Parties	
XXVI Acceptance. Entry into Force and Registration	
XXVII Withholding or Withdrawal of Concessions	
XXVIII Modification of Schedules	
XXVIIIbis Tariff Negotiations	
XXIX The relation of this Agreement to the Havana Charter	
XXX Amendments	
XXXI Withdrawal	
XXXII Contracting Parties	
XXXIII Accession	
XXXV Non-application of the Agreement between particular Contracting Parties	
XXXVI Principles and Objectives	
XXXVII Commitments	
XXXVIII Joint Action	
Annex H Relating to Article XXVI	
Annex I Notes and Supplementary Provisions (related to above GATT articles)	
Safeguard Action for Development Purposes	
Understanding Regarding Notification, Consultation, Dispute Settlement and Surveillance.	

poišče začasno opustitev obveznosti iz drugih delov pogodbe. Če se oškodovana stranka odloči zaprositi za dovoljenje za opustitev obveznosti po tem odstavku, mora v prošnji za dovoljenje, ki jo preda Konferenci podpisnic Listine, navesti razloge za to.

(6) Na pisno zahtevo odgovorne stranke, dostavljeno oškodovani stranki in predsedniku razsodišča, ki je izdalo odločbo, razsodišče odloči, ali je oškodovana stranka opustila preveč obveznosti, in če, koliko. Če razsodišča ni mogoče ponovno sestaviti, o tem odloči en ali več razsodnikov, ki jih imenuje generalni sekretar. Odločitve v skladu s tem odstavkom je treba sprejeti v 60 dneh od zahteve razsodišča ali imenovanja razsodnikov. Obveznosti se ne smejo začasno opustiti, dokler ni sprejeta odločitev, ki je dokončna in obvezujoča.

(7) Med začasno opustitvijo obveznosti do odgovorne stranke si oškodovana stranka po najboljših močeh prizadeva, da ne škoduje pravicam kake druge pogodbenice iz te pogodbe.

9. PRILOGA G

IZJEME IN PRAVILA, KI UREJAJO UPORABO DOLOČB GATT-a IN Z NJIM POVEZANIH DOKUMENTOV

(v skladu s pododstavkom (a) odstavka (2) 29. člena)

(1) V skladu s pododstavkom (a) odstavka (2) 29. člena se ne uporabljajo spodaj našete določbe GATT-a iz leta 1947 in z njim povezanih dokumentov:

(a) Splošni sporazum o carinah in trgovini	
II Sezname ugodnosti (in sezname k Splošnemu sporazumu o carinah in trgovini)	
IV Posebne določbe za kinematografske filme	
XV Dogovori o izmenjavi	
XXVIII Vladna pomoč pri gospodarskem razvoju	
XXII Posvetovanja	
XXIII Razveljavitev ali zmanjšanje ugodnosti	
XXV Skupno delovanje pogodbenic	
XXVI Sprejetje. Začetek veljavnosti in registracija	
XXVII Zadrževanje ali umik ugodnosti	
XXVIII Spremembe seznamov	
XXVIIIbis Pogajanja o carinah	
XXIX Odnos sporazuma do Havanske listine	
XXX Spremembe in dopolnitve	
XXXI Izstop	
XXXII Pogodbenice	
XXXIII Pristop	
XXXV Neuporaba sporazuma med določenimi pogodbenicami	
XXXVI Načela in cilji	
XXXVII Obveznosti	
XXXVIII Skupno delovanje	
Priloga H V zvezi s XXVI. členom	
Priloga I Opombe in dodatne določbe (v zvezi z zgoraj naštetimi členi GATT-a)	
Zaščitni ukrepi za razvoj	
Dogovor o obveščanju, posvetovanju, reševanju sporov in nadzoru.	

(b) Related Instruments	(b) Z GATT-om povezani dokumenti
(i) Agreement on Technical Barriers to Trade (Standards Code)	(i) Sporazum o tehničnih ovirah v trgovini (Standardi)
Preamble (paragraphs 1, 8, 9)	Preambula (1., 8. in 9. odstavek)
1.3 General provisions	1.3 Splošne določbe
2.6.4 Preparation, adoption and application of technical regulations and standards by central government bodies	2.6.4 Priprava, sprejetje in uporaba tehničnih predpisov in standardov pri centralnih vladnih organih
10.6 Information about technical regulations, standards and certification systems	10.6 Informacija o tehničnih predpisih, standardih in sistemih atestiranja
11 Technical assistance to other Parties	11 Tehnična pomoč drugim pogodbenicam
12 Special and differential treatment of developing countries	12 Posebne ugodnosti držav v razvoju
13 The Committee on Technical Barriers to Trade	13 Komite za odpravo tehničnih ovir v trgovini
14 Consultation and dispute settlement	14 Posvetovanja in reševanje sporov
15 Final provisions (other than 15.5 and 15.13)	15 Končne določbe (razen 15.5 in 15.13)
Annex 2 Technical Expert Groups	Priloga 2 Skupine tehničnih izvedencev
Annex 3 Panels	Priloga 3 Paneli
(ii) Agreement on Government Procurement	(ii) Sporazum o javnih nabavah
(iii) Agreement on Interpretation and Application of Articles VI, XVI and XXIII (Subsidies and Countervailing Measures)	(iii) Sporazum o razlagi in uporabi VI., XVI. in XXIII. člena (Subvencije in kompenzacijski ukrepi)
10 Export subsidies on certain primary products	10 Izvozne subvencije za določene primarne proizvode
12 Consultations	12 Konzultacije
13 Conciliation, dispute settlement and authorized counter measures	13 Poravnava, reševanje sporov in dopustni nasprotni ukrepi
14 Developing countries	14 Države v razvoju
16 Committee on Subsidies and Countervailing Measures	16 Komite za subvencije in kompenzacijske ukrepe
17 Conciliation	17 Poravnava
18 Dispute settlement	18 Reševanje sporov
19.2 Acceptance and accession	19.2 Sprejetje in pristop
19.4 Entry into force	19.4 Uveljavitev
19.5(a) National legislation	19.5(a) Nacionalna zakonodaja
19.6 Review	19.6 Spremljanje uporabe
19.7 Amendments	19.7 Spremembe in dopolnitve
19.8 Withdrawal	19.8 Izstop
19.9 Non-application of this Agreement between particular signatories	19.9 Podpisnice, ki ne uporabljajo tega sporazuma
19.11 Secretariat	19.11 Sekretariat
19.12 Deposit	19.12 Deponiranje
19.13 Registration	19.13 Registracija
(iv) Agreement on Implementation of Article VII (Customs Valuation)	(iv) Sporazum o uporabi VII. člena (Carinsko vrednotenje)
1.2(b)(iv) Transaction value	1.2(b)(iv) Transakcijska vrednost blaga
11.1 Determination of customs value	11.1 Ugotavljanje carinske vrednosti
14 Application of Annexes (second sentence)	14 Uporaba Prilog (drugi stavek)
18 Institutions (Committee on Customs Valuation)	18 Institucije (komite za carinsko vrednotenje)
19 Consultation	19 Posvetovanja
20 Dispute settlement	20 Reševanje sporov
21 Special and differential treatment of developing countries	21 Posebno in različno obravnavanje držav v razvoju
22 Acceptance and accession	22 Sprejetje in pristop
24 Entry into force	24 Uveljavitev
25.1 National legislation	25.1 Nacionalna zakonodaja
26 Review	26 Spremljanje uporabe
27 Amendments	27 Spremembe in dopolnitve
28 Withdrawal	28 Izstop
29 Secretariat	29 Sekretariat
30 Deposit	30 Deponiranje
31 Registration	31 Vpis

Annex II Technical Committee on Customs Valuation
Annex III Ad Hoc Panels
Protocol to the Agreement on Implementation of Article VII (except I.7 and I.8; with necessary conforming introductory language)

- (v) Agreement on Import Licensing Procedures
 - 1.4 General provisions (last sentence)
 - 2.2 Automatic import licensing (footnote 2)
- 4 Institutions, consultation and dispute settlement
- 5 Final provisions (except paragraph 2)

(vi) Agreement on Implementation of Article VI (Anti-dumping Code)

- 13 Developing Countries
- 14 Committee on Anti-Dumping Practices
- 15 Consultation, Conciliation and Dispute Settlement
- 16 Final Provisions (except paragraphs 1 and 3)

(vii) Arrangement Regarding Bovine Meat

(viii) International Dairy Arrangement

(ix) Agreement on Trade in Civil Aircraft

(x) Declaration on Trade Measures Taken for Balance-of-Payments Purposes.

(c) All other provisions in the GATT or Related Instruments which relate to:

(i) governmental assistance to economic development and the treatment of developing countries, except for paragraphs (1) to (4) of the Decision of 28 November 1979 (L/4903) on Differential and more Favourable Treatment, Reciprocity and Fuller Participation of Developing Countries;

(ii) the establishment or operation of specialist committees and other subsidiary institutions;

(iii) signature, accession, entry into force, withdrawal, deposit and registration.

(d) All agreements, arrangements, decisions, understandings or other joint action pursuant to the provisions listed in subparagraphs (a) to (c).

(2) Contracting Parties shall apply the provisions of the "Declaration on Trade Measures Taken for Balance-of-Payments Purposes" to measures taken by those Contracting Parties which are not parties to the GATT, to the extent practicable in the context of the other provisions of this Treaty.

(3) With respect to notifications required by the provisions made applicable by Article 29(2)(a):

(a) Contracting Parties which are not parties to the GATT or a Related Instrument shall make their notifications to the Secretariat. The Secretariat shall circulate copies of the notifications to all Contracting Parties. Notifications to the Secretariat shall be in one of the authentic languages of this Treaty. The accompanying documents may be solely in the language of the Contracting Party;

(b) such requirements shall not apply to Contracting Parties to this Treaty which are also parties to the GATT and Related Instruments, which contain their own notification requirements.

(4) Trade in nuclear materials may be governed by agreements referred to in the Declarations related to this paragraph contained in the Final Act of the European Energy Charter Conference.

Priloga II Tehnični komite za carinsko vrednotenje
Priloga III Ad hoc paneli
Protokol k sporazumu o uporabi VII. člena Splošnega sporazuma o carinah in trgovini (razen I.7 in I.8.; z ustreznim uvodom)

- (v) Sporazum o postopkih za izdajanje uvoznih dovoljenj
 - 1.4 Splošne določbe
 - 2.2 Avtomatično izdajanje uvoznih dovoljenj (opomba 2)
- 4 Institucije, konzultacije in reševanje sporov
- 5 Končne določbe (razen 2. odstavka)

(vi) Sporazum o uporabi VI. člena (Antidumping)

- 13 Države v razvoju
- 14 Komite za antidumpinško prakso
- 15 Konzultacije, poravnava in reševanje sporov
- 16 Končne določbe (razen 1. in 3. odstavka)

(vii) Sporazum o govejem mesu

(viii) Mednarodni dogovor o mlekarstvu

(ix) Dogovor o trgovini s civilnimi letali

(x) Deklaracija o trgovinskih ukrepih, sprejetih za namene plačilne bilance

(c) Vse druge določbe v GATT-u ali z njim povezanih dokumentih, ki se nanašajo na:

(i) vladno pomoč pri gospodarskem razvoju in obravnavanju držav v razvoju, razen za odstavke (1) do (4) Sklepa z dne 28. novembra 1979 (L/4903) o različnem in ugodnejšem obravnavanju, vzajemnosti in večjem sodelovanju držav v razvoju;

(ii) ustanavljanje in delovanje odborov strokovnjakov in drugih pomožnih organov;

(iii) podpis, pristop, začetek veljavnosti, odstop, depeniranje in registracijo.

(d) Vse sporazume, dogovore, odločitve, pogodbe in druge skupne dejavnosti v skladu z določbami, naštetimi v pododstavkih (a) do (c).

(2) Pogodbenice uporabljajo določbe "Deklaracije o trgovinskih ukrepih, sprejetih za namene plačilne bilance" za ukrepe tistih pogodbenic, ki niso pogodbenice GATT-a, kolikor je to izvedljivo v povezavi z drugimi določbami te pogodbe.

(3) Glede obvestil, ki jih zahtevajo določbe, veljavne v skladu s pododstavkom (a) odstavka (2) 29. člena:

(a) pogodbenice, ki niso članice GATT-a ali z njim povezanega dokumenta, pošiljajo obvestila Sekretariatu. Sekretariat razpošlje kopije teh obvestil vsem pogodbenicam. Obvestila Sekretariatu morajo biti v enem od jezikov te pogodbe. Priloženi dokumenti so lahko samo v jeziku pogodbenice;

(b) te zahteve ne veljajo za pogodbenice te pogodbe, ki so tudi pogodbenice GATT-a in z njim povezanih dokumentov, ki sami vsebujejo zahteve o obveščanju.

(4) Trgovino z jedrskimi materiali lahko urejajo dogovori, navedeni v deklaracijah v zvezi s tem odstavkom, ki so vsebovani v Sklepni listini Konference o Evropski energetski listini.

10. ANNEX TFU**PROVISIONS REGARDING TRADE AGREEMENTS
BETWEEN STATES WHICH WERE CONSTITUENT
PARTS OF THE FORMER UNION OF SOVIET SOCIAL-
IST REPUBLICS**

(In accordance with Article 29(2)(b))

(1) Any agreement referred to in Article 29(2)(b) shall be notified in writing to the Secretariat by or on behalf of all of the parties to such agreement which sign or accede to this Treaty:

(a) in respect of an agreement in force as of a date three months after the date on which the first of such parties signs or deposits its instrument of accession to the Treaty, no later than six months after such date of signature or deposit; and

(b) in respect of an agreement which enters into force on a date subsequent to the date referred to in subparagraph (a), sufficiently in advance of its entry into force for other states or Regional Economic Integration Organizations which have signed or acceded to the Treaty (hereinafter referred to as the "Interested Parties") to have a reasonable opportunity to review the agreement and make representations concerning it to the parties thereto and to the Charter Conference prior to such entry into force.

(2) The notification shall include:

(a) copies of the original texts of the agreement in all languages in which it has been signed;

(b) a description, by reference to the items included in Annex EM, of the specific Energy Materials and Products to which it applies;

(c) an explanation, separately for each relevant provision of the GATT and Related Instruments made applicable by Article 29(2)(a), of the circumstances which make it impossible or impracticable for the parties to the agreement to conform fully with that provision;

(d) the specific measures to be adopted by each party to the agreement to address the circumstances referred to in subparagraph (c); and

(e) a description of the parties' programmes for achieving a progressive reduction and ultimate elimination of the agreement's non-conforming provisions.

(3) Parties to an agreement notified in accordance with paragraph (1) shall afford to the Interested Parties a reasonable opportunity to consult with them with respect to such agreement, and shall accord consideration to their representations. Upon the request of any of the Interested Parties, the agreement shall be considered by the Charter Conference, which may adopt recommendations with respect thereto.

(4) The Charter Conference shall periodically review the implementation of agreements notified pursuant to paragraph (1) and the progress having been made towards the elimination of provisions thereof that do not conform with provisions of the GATT and Related Instruments made applicable by Article 29(2)(a). Upon the request of any of the Interested Parties, the Charter Conference may adopt recommendations with respect to such an agreement.

(5) An agreement described in Article 29(2)(b) may in case of exceptional urgency be allowed to enter into force without the notification and consultation provided for in subparagraph (1)(b), paragraphs (2) and (3), provided that such notification takes place and the opportunity for such consultation is afforded promptly. In such a case the parties to the agreement shall nevertheless notify its text in accordance with subparagraph (2)(a) promptly upon its entry into force.

10. PRILOGA TFU**DOLOČBE GLEDE TRGOVINSKIH SPORAZUMOV
MED DRŽAVAMI, KI SO BILE SESTAVNI DEL
NEKDANJE ZVEZE SOVJETSKIH SOCIALISTIČNIH
REPUBLIK**

(v skladu s pododstavkom (b) odstavka (2) 29. člena)

(1) O vsakem sporazumu, omenjenem v pododstavku (b) odstavka (2) 29. člena, vse članice takega sporazuma, ki so podpisale to pogodbo ali k njej pristopile, same ali kdo drug v njihovem imenu pisno obvestijo Sekretariat:

(a) za sporazum, ki velja na dan tri mesece po datumu, ko je prva od takih pogodbenic podpisala ali deponirala svojo listino o pristopu k pogodbi, najkasneje šest mesecev po datumu podpisa ali deponiranja listine o pristopu; in

(b) za sporazum, ki začne veljati na kasnejši dan od dneva, navedenega v pododstavku (a), dovolj zgodaj pred njegovim začetkom veljavnosti, da bodo imele druge države ali regionalne organizacije za gospodarsko povezovanje, ki so podpisale to pogodbo ali k njej pristopile (v nadaljevanju "zainteresirane stranke"), primerno možnost pregledati sporazum in izraziti svoja stališča do njega njegovim članicam in Konferenci podpisnic Listine, še preden bo sporazum začel veljati.

(2) Obvestilo naj vsebuje:

(a) kopije izvornih besedil sporazuma v vseh jezikih, v katerih je bil podpisan;

(b) opis posebnih energetskih materialov in izdelkov, za katere se uporablja, z navedbo postavk, vključenih v Prilogo EM;

(c) posebej za vsako določbo GATT-a in z njim povezanih dokumentov, veljavno v skladu s pododstavkom (a) odstavka (2) 29. člena, razlago razmer, zaradi katerih je za članice sporazuma nemogoče ali v praksi neizvedljivo, da bi v celoti izpolnjevale tako določbo;

(d) posebne ukrepe, ki jih mora sprejeti vsaka pogodbenica sporazuma za ureditev razmer, omenjenih v pododstavku (c); in

(e) opis programov, ki jih imajo pogodbenice, za postopno zmanjševanje števila in končno ukinitve določb sporazuma, ki niso v skladu z določbami GATT-a in z njim povezanih dokumentov.

(3) Pogodbenice sporazuma, sporočenega v skladu z odstavkom (1), bodo zainteresiranim strankam dale primerno možnost, da se o takem sporazumu z njimi posvetujejo in bodo upoštevale njihova stališča. Na zahtevo katere koli zainteresirane stranke bo sporazum pregledala Konferenca podpisnic Listine, ki lahko v zvezi s tem sprejme priporočila.

(4) Konferenca podpisnic Listine bo občasno pregledovala izvajanje sporazumov, sporočenih v skladu z odstavkom (1), in doseženi napredek glede ukinitve njihovih določb, da niso v skladu z določbami GATT-a in z njim povezanih dokumentov, veljavnimi v skladu s pododstavkom (a) odstavka (2) 29. člena. Na zahtevo katere koli zainteresirane stranke lahko Konferenca podpisnic Listine sprejme priporočila glede takega sporazuma.

(5) Za sporazum, opisan v pododstavku (b) odstavka (2) 29. člena, je mogoče v primeru izredne nujnosti dopustiti, da začne veljati brez obvestila in posvetovanj, določenih v pododstavku (b) odstavka (1) in v odstavkih (2) in (3), pod pogojem, da je tako obvestilo poslano in je takoj dana možnost za posvetovanje. V takem primeru morajo pogodbenice sporazuma vseeno takoj, ko sporazum začne veljati, sporočiti njegovo besedilo v skladu s pododstavkom (a) odstavka (2).

(6) Contracting Parties which are or become parties to an agreement described in Article 29(2)(b) undertake to limit the non-conformities thereof with the provisions of the GATT and Related Instruments made applicable by Article 29(2)(a) to those necessary to address the particular circumstances and to implement such an agreement so as least to deviate from those provisions. They shall make every effort to take remedial action in light of representations from the Interested Parties and of any recommendations of the Charter Conference.

11. ANNEX D

INTERIM PROVISIONS FOR TRADE DISPUTE SETTLEMENT

(In accordance with Article 29(7))

(1) (a) In their relations with one another, Contracting Parties shall make every effort through cooperation and consultations to arrive at a mutually satisfactory resolution of any dispute about existing measures that might materially affect compliance with the provisions applicable to trade under Article 5 or 29.

(b) A Contracting Party may make a written request to any other Contracting Party for consultations regarding any existing measure of the other Contracting Party that it considers might affect materially compliance with provisions applicable to trade under Article 5 or 29. A Contracting Party which requests consultations shall to the fullest extent possible indicate the measure complained of and specify the provisions of Article 5 or 29 and of the GATT and Related Instruments that it considers relevant. Requests to consult pursuant to this paragraph shall be notified to the Secretariat, which shall periodically inform the Contracting Parties of pending consultations that have been notified.

(c) A Contracting Party shall treat any confidential or proprietary information identified as such and contained in or received in response to a written request, or received in the course of consultations, in the same manner in which it is treated by the Contracting Party providing the information.

(d) In seeking to resolve matters considered by a Contracting Party to affect compliance with provisions applicable to trade under Article 5 or 29 as between itself and another Contracting Party, the Contracting Parties participating in consultations or other dispute settlement shall make every effort to avoid a resolution that adversely affects the trade of any other Contracting Party.

(2) (a) If, within 60 days from the receipt of the request for consultation referred to in subparagraph (1)(b), the Contracting Parties have not resolved their dispute or agreed to resolve it by conciliation, mediation, arbitration or other method, either Contracting Party may deliver to the Secretariat a written request for the establishment of a panel in accordance with subparagraphs (b) to (f). In its request the requesting Contracting Party shall state the substance of the dispute and indicate which provisions of Article 5 or 29 and of the GATT and Related Instruments are considered relevant. The Secretariat shall promptly deliver copies of the request to all Contracting Parties.

(b) The interests of other Contracting Parties shall be taken into account during the resolution of a dispute. Any other Contracting Party having a substantial interest in a matter shall have the right to be heard by the panel and to make written submissions to it, provided that both the disputing Contracting Parties and the Secretariat have received written notice of its interest no later than the date of establishment of the panel, as determined in accordance with subparagraph (c).

(6) Pogodbenice, ki so ali postanejo pogodbenice sporazuma, opisanega v pododstavku (b) odstavka (2) 29. člena, se obvežejo, da bodo njegove neskladnosti z določbami GATT-a in z njim povezanih dokumentov omejile na tiste, ki so nujne za reševanje določenih razmer, in da bodo tak sporazum izvajale tako, da bodo čim manj odstopale od teh določb. Po najboljših močeh si morajo prizadevati izboljšati svoje ravnanje v skladu s stališči zainteresiranih pogodbenic in priporočil Konference podpisnic Listine.

11. PRILOGA D

ZAČASNE DOLOČBE ZA REŠEVANJE TRGOVINSKIH SPOROV

(v skladu z odstavkom (7) 29. člena)

(1) (a) V medsebojnih odnosih si pogodbenice kar najbolj prizadevajo, da s sodelovanjem in posvetovanji najdejo vsestransko zadovoljivo rešitev katerega koli spora o obstoječih ukrepih, ki bi lahko pomembno vplival na skladnost z določbami, ki veljajo za trgovino po 5. ali 29. členu.

(b) Pogodbenica lahko od druge pogodbenice pisno zahteva posvetovanja o katerem koli obstoječem ukrepu te druge pogodbenice, za katerega meni, da bi lahko pomembno vplival na skladnost z določbami, ki se uporabljajo za trgovino po 5. ali 29. členu. Pogodbenica, ki zahteva posvetovanja, čim natančneje označi ukrep, na katerega se njene pritožbe nanašajo, in navede določbe 5. ali 29. člena ter GATT-a in z njim povezanih dokumentov, ki so po njenem mnenju ustrezne. Zahtevo po posvetovanjih v skladu s tem odstavkom je treba sporočiti Sekretariatu, ki občasno obvesti pogodbenice o posvetovanjih, ki še niso končana.

(c) Pogodbenica obravnava vse zaupne informacije ali informacije o lastništvu, ki so tako označene in so vsebovane ali jih je prejela v odgovoru na pisno zahtevo ali jih je dobila med posvetovanji, na enak način, kot jih obravnava pogodbenica, ki take informacije daje.

(d) Pri reševanju zadev, za katere pogodbenica meni, da vplivajo na skladnost z določbami, ki se uporabljajo za trgovino po 5. ali 29. členu med njo in drugo pogodbenico, si pogodbenice, ki sodelujejo na posvetovanjih ali pri drugačnem reševanju spora, kar najbolj prizadevajo, da rešitev ne bo škodljivo vplivala na trgovino katere koli druge pogodbenice.

(2) (a) Če v 60 dneh po prejemu zahteve za posvetovanja, navedene v pododstavku (b) odstavka (1), pogodbenice niso rešile spora ali se dogovorile, da ga rešijo s pravo, posredovanjem, z arbitražo ali drugače, lahko ena ali druga pogodbenica Sekretariatu pošlje pisno zahtevo za ustanovitev sosveta v skladu s pododstavki (b) do (f). V svoji zahtevi mora pogodbenica, ki zahtevo vlogo, navesti bistvo spora in določbe 5. ali 29. člena oziroma GATT-a in z njim povezanih dokumentov, za katere meni, da so pomembne. Sekretariat mora kopije zahteve nemudoma dostaviti vsem pogodbenicam.

(b) Pri reševanju spora je treba upoštevati tudi interese drugih pogodbenic. Vsaka druga pogodbenica, ki je za to zadevo pomembno zainteresirana, naj ima pravico do zaslišanja pred sosvetom in predložitve pisnega stališča pod pogojem, da so pogodbenice v sporu in Sekretariat prejeli pisno obvestilo o njenem interesu najkasneje na dan ustanovitve sosveta v skladu s pododstavkom (c).

(c) A panel shall be deemed to be established 45 days after the receipt of the written request of a Contracting Party by the Secretariat pursuant to subparagraph (a).

(d) A panel shall be composed of three members who shall be chosen by the Secretary-General from the roster described in paragraph (7). Except where the disputing Contracting Parties agree otherwise, the members of a panel shall not be citizens of Contracting Parties which either are party to the dispute or have notified their interest in accordance with subparagraph (b), or citizens of states members of a Regional Economic Integration Organization which either is party to the dispute or has notified its interest in accordance with subparagraph (b).

(e) The disputing Contracting Parties shall respond within ten working days to the nominations of panel members and shall not oppose nominations except for compelling reasons.

(f) Panel members shall serve in their individual capacities and shall neither seek nor take instruction from any government or other body. Each Contracting Party undertakes to respect these principles and not to seek to influence panel members in the performance of their tasks. Panel members shall be selected with a view to ensuring their independence, and that a sufficient diversity of backgrounds and breadth of experience are reflected in a panel.

(g) The Secretariat shall promptly notify all Contracting Parties that a panel has been constituted.

(3) (a) The Charter Conference shall adopt rules of procedure for panel proceedings consistent with this Annex. Rules of procedure shall be as close as possible to those of the GATT and Related Instruments. A panel shall also have the right to adopt additional rules of procedure not inconsistent with the rules of procedure adopted by the Charter Conference or with this Annex. In a proceeding before a panel each disputing Contracting Party and any other Contracting Party which has notified its interest in accordance with subparagraph (2)(b), shall have the right to at least one hearing before the panel and to provide a written submission. Disputing Contracting Parties shall also have the right to provide a written rebuttal. A panel may grant a request by any other Contracting Party which has notified its interest in accordance with subparagraph (2)(b) for access to any written submission made to the panel, with the consent of the Contracting Party which has made it.

The proceedings of a panel shall be confidential. A panel shall make an objective assessment of the matters before it, including the facts of the dispute and the compliance of measures with the provisions applicable to trade under Article 5 or 29. In exercising its functions, a panel shall consult with the disputing Contracting Parties and give them adequate opportunity to arrive at a mutually satisfactory solution. Unless otherwise agreed by the disputing Contracting Parties, a panel shall base its decision on the arguments and submissions of the disputing Contracting Parties. Panels shall be guided by the interpretations given to the GATT and Related Instruments within the framework of the GATT, and shall not question the compatibility with Article 5 or 29 of practices applied by any Contracting Party which is a party to the GATT to other parties to the GATT to which it applies the GATT and which have not been taken by those other parties to dispute resolution under the GATT.

Unless otherwise agreed by the disputing Contracting Parties, all procedures involving a panel, including the issuance of its final report, should be completed within 180 days of the date of establishment of the panel; however, a failure to complete all procedures within this period shall not affect the validity of a final report.

(c) Za sosvet se šteje, da je ustanovljen 45 dni po dnevu, ko Sekretariat prejme pisno zahtevo pogodbenice v skladu s pododstavkom (a).

(d) Sosvet sestavljajo trije člani, ki jih generalni sekretar izbere s seznama, opisanega v odstavku (7). Če se pogodbenice v sporu niso dogovorile drugače, člani sosveta ne smejo biti državljani pogodbenic, ki so ali stranke v sporu ali so sporočile svoj interes v skladu s pododstavkom (b) ali pa so državljani držav članic regionalne organizacije za gospodarsko povezovanje, ki je ali stranka v sporu ali je sporočila svoj interes v skladu s pododstavkom (b).

(e) Pogodbenice, ki so v sporu, v desetih delovnih dneh odgovorijo na imenovanja članov sosveta in ne smejo nasprotovati imenovanju, razen če imajo za to nujne razloge.

(f) Člani sosveta opravljajo svojo funkcijo kot posamezniki in ne smejo iskati oziroma prejemati navodil od katere koli vlade ali drugega telesa. Vsaka pogodbenica se zavezuje, da bo spoštovala ta načela in ne bo skušala vplivati na člane sosveta pri opravljanju njihovih nalog. Člane sosveta je treba izbrati tako, da se zagotovi njihova neodvisnost in da sestava sosveta odraža dovolj raznovrstne in bogate izkušnje.

(g) Sekretariat o ustanovitvi sosveta takoj obvesti vse pogodbenice.

(3) (a) Konferenca podpisnic Listine sprejme poslovnik za postopke sosveta skladno s to prilogo. Poslovnik naj bo čim bolj podoben poslovnikom GATT-a in z njim povezanih dokumentov. Sosvet ima tudi pravico sprejemati dodatna pravila postopka, ki pa niso neskladna s poslovnikom, ki ga je sprejela Konferenca podpisnic Listine, ali s to prilogo. V postopku pred sosvetom ima vsaka pogodbenica v sporu in vsaka druga pogodbenica, ki je sporočila svoj interes v skladu s pododstavkom (b) odstavka (2), pravico do najmanj enega zaslišanja pred sosvetom in do predložitve pisnega stališča. Pogodbenice v sporu imajo tudi pravico do predložitve pisne zavrnitve. Sosvet lahko ob privolitvi pogodbenice, ki mu je predložila pisno stališče, ugotovi zahtevo katere koli pogodbenice, ki je sporočila svoj interes v skladu s pododstavkom (b) odstavka (2).

Postopki sosveta so tajni. Sosvet objektivno oceni predložene zadeve, vključno z dejstvi o sporu in skladnostjo ukrepov z določbami, ki veljajo za trgovino po 5. in 29. členu. Pri opravljanju svojih nalog se sosvet posvetuje s pogodbenicami v sporu in jim da ustrezno možnost najti vsestransko zadovoljivo rešitev. Če se pogodbenice v sporu ne dogovorijo drugače, sosvet odloči na podlagi argumentov in stališč pogodbenic v sporu. Sosvet naj se ravna po razlagah GATT-a in z njim povezanih dokumentov in naj se ne spušča v združljivost 5. ali 29. člena s postopki, ki jih uporablja katera koli pogodbenica, ki je pogodbenica GATT-a, v svojem odnosu do drugih pogodbenic GATT-a in ki jih druge pogodbenice, udeležene pri reševanju spora v okviru GATT-a, ne uporabljajo.

Če se pogodbenice v sporu ne dogovorijo drugače, morajo biti vsi postopki, ki vključujejo sosvet, vključno z izdajo njegovega končnega poročila, končani v 180 dneh od ustanovitve sosveta; če sosvet ne zaključi vseh postopkov v tem času, to ne vpliva na veljavnost končnega poročila.

(b) A panel shall determine its jurisdiction; such determination shall be final and binding. Any objection by a disputing Contracting Party that a dispute is not within the jurisdiction of the panel shall be considered by the panel, which shall decide whether to deal with the objection as a preliminary question or to join it to the merits of the dispute.

(c) In the event of two or more requests for establishment of a panel in relation to disputes that are substantively similar, the Secretary-General may with the consent of all the disputing Contracting Parties appoint a single panel.

(4) (a) After having considered rebuttal arguments, a panel shall submit to the disputing Contracting Parties the descriptive sections of its draft written report, including a statement of the facts and a summary of the arguments made by the disputing Contracting Parties. The disputing Contracting Parties shall be afforded an opportunity to submit written comments on the descriptive sections within a period set by the panel.

Following the date set for receipt of comments from the Contracting Parties, the panel shall issue to the disputing Contracting Parties an interim written report, including both the descriptive sections and the panel's proposed findings and conclusions. Within a period set by the panel a disputing Contracting Party may submit to the panel a written request that the panel review specific aspects of the interim report before issuing a final report. Before issuing a final report the panel may, in its discretion, meet with the disputing Contracting Parties to consider the issues raised in such a request.

The final report shall include descriptive sections (including a statement of the facts and a summary of the arguments made by the disputing Contracting Parties), the panel's findings and conclusions, and a discussion of arguments made on specific aspects of the interim report at the stage of its review. The final report shall deal with every substantial issue raised before the panel and necessary to the resolution of the dispute and shall state the reasons for the panel's conclusions.

A panel shall issue its final report by providing it promptly to the Secretariat and to the disputing Contracting Parties. The Secretariat shall at the earliest practicable opportunity distribute the final report, together with any written views that a disputing Contracting Party desires to have appended, to all Contracting Parties.

(b) Where a panel concludes that a measure introduced or maintained by a Contracting Party does not comply with a provision of Article 5 or 29 or with a provision of the GATT or a Related Instrument that applies under Article 29, the panel may recommend in its final report that the Contracting Party alter or abandon the measure or conduct so as to be in compliance with that provision.

(c) Panel reports shall be adopted by the Charter Conference. In order to provide sufficient time for the Charter Conference to consider panel reports, a report shall not be adopted by the Charter Conference until at least 30 days after it has been provided to all Contracting Parties by the Secretariat. Contracting Parties having objections to a panel report shall give written reasons for their objections to the Secretariat at least 10 days prior to the date on which the report is to be considered for adoption by the Charter Conference, and the Secretariat shall promptly provide them to all Contracting Parties. The disputing Contracting Parties and Contracting Parties which notified their interest in accordance with subparagraph (2)(b) shall have the right to participate fully in the consideration of the panel report on that dispute by the Charter Conference, and their views shall be fully recorded.

(d) In order to ensure effective resolution of disputes to the benefit of all Contracting Parties, prompt compliance with rulings and recommendations of a final panel report that

(b) Sosvet določi področje svoje pristojnosti; ta določitev je dokončna in obvezujoča. Sosvet prouči vsak ugovor pogodbenice v sporu, da spor ni v njegovi pristojnosti, in odloči, ali bo ugovor obravnaval kot predhodno vprašanje ali ga bo dodal glavnim vprašanjem spora.

(c) V primeru dveh ali več zahtev za ustanovitev sosveta za zelo podobne spore lahko generalni sekretar s soglasjem vseh pogodbenic v sporu imenuje en sam sosvet.

(4) (a) Potem ko je sosvet proučil vse argumente za zavrnitev, predloži pogodbenicam v sporu opisna poglavja osnutka pisnega poročila, vključno z navedbo dejstev in povzetkom argumentov pogodbenic v sporu. Pogodbenice v sporu imajo možnost predložiti pisne pripombe k opisnim poglavjem v roku, ki ga določi sosvet.

Po datumu, določenem za sprejem pripomb pogodbenic, izda sosvet pogodbenicam v sporu vmesno pisno poročilo, ki vsebuje tako opisna poglavja kot tudi predlagane ugotovitve in sklepe sosveta. V roku, ki ga določi sosvet, lahko pogodbenica v sporu sosvetu predloži pisno zahtevo, da sosvet ponovno pregleda določene vidike vmesnega poročila, preden izda končno poročilo. Preden sosvet izda končno poročilo, se lahko po lastni presoji sestane s pogodbenicami v sporu, da prouči zadeve, na katere je opozorila ta zahteva.

Končno poročilo vsebuje opisna poglavja (vključno z navedbo dejstev in povzetkom argumentov pogodbenic v sporu), ugotovitve in sklepe sosveta in razpravo o tistih argumentih glede določenih vidikov vmesnega poročila, ki so bili navedeni ob ponovni proučitvi. Končno poročilo obdela vsako bistveno vprašanje, ki se je pojavilo pred sosvetom in je potrebno za razrešitev spora, ter pojasni razloge za sklepe sosveta.

Sosvet izda končno poročilo tako, da ga nemudoma pošlje Sekretariatu in pogodbenicam v sporu. Sekretariat ob prvi primerni priložnosti končno poročilo skupaj s pisnimi mnenji, za katera pogodbenica v sporu želi, da so priložena, razdeli vsem pogodbenicam.

(b) Kadar sosvet sklene, da ukrep, ki ga je uvedla ali ga uporablja pogodbenica, ni skladen z določbami 5. ali 29. člena ali kako določbo GATT-a ali z njim povezanega dokumenta, ki se uporablja po 29. členu, lahko v svojem končnem poročilu priporoči, da pogodbenica spremeni ali opusti ukrep ali svoje ravnanje tako, da bo skladno s tako določbo.

(c) Poročila sosveta sprejme Konferenca podpisnic Listine. Da bi zagotovili Konferenci dovolj časa za proučitev poročil sosveta, Konferenca poročila ne sprejme, dokler ne preteče vsaj 30 dni od dneva, ko ga je Sekretariat poslal vsem pogodbenicam. Pogodbenice, ki imajo ugovore glede poročila sosveta, morajo razloge za svoje ugovore v pisni obliki dostaviti Sekretariatu vsaj 10 dni pred datumom, ko naj bi Konferenca razpravljala o sprejemu poročila. Sekretariat s temi razlogi takoj seznani vse pogodbenice. Pogodbenice v sporu in pogodbenice, ki so sporočile svoj interes v skladu s pododstavkom (b) odstavka (2), imajo pravico polno sodelovati v razpravi Konference o poročilu sosveta o tem sporu, njihova mnenja pa je treba v celoti zapisati.

(d) Da bi zagotovili učinkovito reševanje sporov v korist vseh pogodbenic, je nujno takojšnje upoštevanje odločitev in priporočil končnega poročila sosveta, ki ga je sprejela

has been adopted by the Charter Conference is essential. A Contracting Party which is subject to a ruling or recommendation of a final panel report that has been adopted by the Charter Conference shall inform the Charter Conference of its intentions regarding compliance with such ruling or recommendation. In the event that immediate compliance is impracticable, the Contracting Party concerned shall explain its reasons for non-compliance to the Charter Conference and, in light of this explanation, shall have a reasonable period of time to effect compliance. The aim of dispute resolution is the modification or removal of inconsistent measures.

(5) (a) Where a Contracting Party has failed within a reasonable period of time to comply with a ruling or recommendation of a final panel report that has been adopted by the Charter Conference, a Contracting Party to the dispute injured by such non-compliance may deliver to the non-complying Contracting Party a written request that the non-complying Contracting Party enter into negotiations with a view to agreeing upon mutually acceptable compensation. If so requested the non-complying Contracting Party shall promptly enter into such negotiations.

(b) If the non-complying Contracting Party refuses to negotiate, or if the Contracting Parties have not reached agreement within 30 days after delivery of the request for negotiations, the injured Contracting Party may make a written request for authorization of the Charter Conference to suspend obligations owed by it to the non-complying Contracting Party under Article 5 or 29.

(c) The Charter Conference may authorize the injured Contracting Party to suspend such of its obligations to the non-complying Contracting Party, under provisions of Article 5 or 29 or under provisions of the GATT or Related Instruments that apply under Article 29, as the injured Contracting Party considers equivalent in the circumstances.

(d) The suspension of obligations shall be temporary and shall be applied only until such time as the measure found to be inconsistent with Article 5 or 29 has been removed, or until a mutually satisfactory solution is reached.

(6) (a) Before suspending such obligations the injured Contracting Party shall inform the non-complying Contracting Party of the nature and level of its proposed suspension. If the non-complying Contracting Party delivers to the Secretary-General a written objection to the level of suspension of obligations proposed by the injured Contracting Party, the objection shall be referred to arbitration as provided below. The proposed suspension of obligations shall be stayed until the arbitration has been completed and the determination of the arbitral panel has become final and binding in accordance with subparagraph (e).

(b) The Secretary-General shall establish an arbitral panel in accordance with subparagraphs (2)(d) to (f), which if practicable shall be the same panel which made the ruling or recommendation referred to in subparagraph (4)(d), to examine the level of obligations that the injured Contracting Party proposes to suspend. Unless the Charter Conference decides otherwise the rules of procedure for panel proceedings shall be adopted in accordance with subparagraph (3)(a).

(c) The arbitral panel shall determine whether the level of obligations proposed to be suspended by the injured Contracting Party is excessive in relation to the injury it experienced, and if so, to what extent. It shall not review the nature of the obligations suspended, except insofar as this is inseparable from the determination of the level of suspended obligations.

(d) The arbitral panel shall deliver its written determination to the injured and the non-complying Contracting Parties and to the Secretariat within 60 days of the establish-

Konferenca podpisnic Listine. Pogodbenica, za katero velja odločitev ali priporočilo končnega poročila sosveta, ki ga je sprejela Konferenca, obvesti Konferenco o svojih namelih v zvezi z uskladitvijo svojega ravnanja s tako odločitvijo ali priporočilom. Če takojšnje upoštevanje odločitve ali priporočila v praksi ni izvedljivo, prizadeta pogodbenica pojasni svoje razloge za to Konferenci in naj dobi v smislu take razlage primeren čas, da uskladi svoje delovanje s takimi odločitvami ali priporočili. Cilj reševanja sporov je sprememba ali ukinitvev neskladnih ukrepov.

(5) (a) Kadar pogodbenici v primernem roku ni uspelo uskladiti njenega delovanja z odločitvijo ali priporočilom končnega poročila sosveta, ki ga je sprejela Konferenca podpisnic Listine, lahko pogodbenica v sporu, ki je zaradi tega prizadeta, od pogodbenice, ki odločitve ali priporočila ne upošteva, pisno zahteva, da začneta pogajanja, s katerimi bi določili obojestransko sprejemljivo nadomestilo. Če se to od nje zahteva, mora pogodbenica, ki odločitve ali priporočila ne upošteva, takoj začeti s pogajanjmi.

(b) Če pogodbenica, ki odločitve ali priporočila ne upošteva, pogajanja odkloni, ali če se pogodbenici nista sporazumeli v 30 dneh po dani zahtevi za pogajanja, lahko oškodovana pogodbenica pisno zahteva dovoljenje Konference podpisnic Listine, da začasno ukine obveznosti, ki jih ima po 5. ali 29. členu do pogodbenice, ki odločitve ali priporočila ne upošteva.

(c) Konferenca podpisnic Listine lahko dovoli oškodovani pogodbenici začasno ukiniti tiste njene obveznosti do pogodbenice, ki ne upošteva odločitve ali priporočila, ki jih ima do nje po določbah 5. ali 29. člena ali po določbah GATT-a ali z njim povezanih dokumentov, ki veljajo skladno z 29. členom, in so po mnenju oškodovane pogodbenice v danih okoliščinah ustrezne.

(d) Ukinitvev obveznosti naj bo začasna in velja samo, dokler ukrep, ki ni v skladu s 5. ali 29. členom, ne bo odstranjen oziroma ne bo dosežena obojestransko zadovoljiva rešitev.

(6) (a) Pred začasno ukinitvijo takih obveznosti mora oškodovana pogodbenica pogodbenico, ki ne upošteva odločitve ali priporočila, obvestiti o naravi in ravni predlagane začasne ukinitve. Če pogodbenica, ki ne upošteva odločitve ali priporočila, generalnemu sekretarju pošlje pisni ugovor glede ravni ukinitve obveznosti, ki jo predlaga oškodovana pogodbenica, je treba zadevo predložiti v arbitražo, kot je predvideno v nadaljevanju. Predlagana začasna ukinitvev obveznosti se zadrži, dokler arbitražna ni končana in odločitev arbitražnega senata ni dokončna in zavezujoča v skladu s pododstavkom (e).

(b) Generalni sekretar ustanovi arbitražni senat v skladu s pododstavki (d) do (f) odstavka (2), ki naj bo, če je to izvedljivo, isti sosvet, ki je sprejel odločitev ali priporočilo, omenjeno v pododstavku (d) odstavka (4), da preveri raven obveznosti, ki jih oškodovana pogodbenica predlaga za začasno ukinitvev. Če Konferenca podpisnic Listine ne odloči drugače, je treba poslovnik za postopke sosveta sprejeti v skladu s pododstavkom (a) odstavka (3).

(c) Arbitražni senat določi, ali raven obveznosti, ki jih oškodovana pogodbenica predlaga za ukinitvev, presega raven prizadete škode, in če, za koliko. Ne spušta pa naj se v pregled narave začasno ukinjenih obveznosti, razen kolikor je to neločljivo povezano z določanjem ravni začasno ukinjenih obveznosti.

(d) Arbitražni senat dostavi svojo pisno odločitev oškodovani pogodbenici, pogodbenici, ki ne upošteva odločitve ali priporočila, in Sekretariatu v 60 dneh od ustanovitve

ment of the panel or within such other period as may be agreed by the injured and the non-complying Contracting Parties. The Secretariat shall present the determination to the Charter Conference at the earliest practicable opportunity, and no later than the meeting of the Charter Conference following receipt of the determination.

(e) The determination of the arbitral panel shall become final and binding 30 days after the date of its presentation to the Charter Conference, and any level of suspension of benefits allowed thereby may thereupon be put into effect by the injured Contracting Party in such manner as that Contracting Party considers equivalent in the circumstances, unless prior to the expiration of the 30 days period the Charter Conference decides otherwise.

(f) In suspending any obligations to a non-complying Contracting Party, an injured Contracting Party shall make every effort not to affect adversely the trade of any other Contracting Party.

(7) Each Contracting Party may designate two individuals who shall, in the case of Contracting Parties which are also party to the GATT, if they are willing and able to serve as panellists under this Annex, be panellists currently nominated for the purpose of GATT dispute panels. The Secretary-General may also designate, with the approval of the Charter Conference, not more than ten individuals, who are willing and able to serve as panellists for purposes of dispute resolution in accordance with paragraphs (2) to (4). The Charter Conference may in addition decide to designate for the same purposes up to 20 individuals, who serve on dispute settlement rosters of other international bodies, who are willing and able to serve as panellists. The names of all of the individuals so designated shall constitute the dispute settlement roster. Individuals shall be designated strictly on the basis of objectivity, reliability and sound judgement and, to the greatest extent possible, shall have expertise in international trade and energy matters, in particular as relates to provisions applicable under Article 29. In fulfilling any function under this Annex, designees shall not be affiliated with or take instructions from any Contracting Party. Designees shall serve for renewable terms of five years and until their successors have been designated. A designee whose term expires shall continue to fulfil any function for which that individual has been chosen under this Annex. In the case of death, resignation or incapacity of a designee, the Contracting Party or the Secretary-General, whichever designated said designee, shall have the right to designate another individual to serve for the remainder of that designee's term, the designation by the Secretary-General being subject to approval of the Charter Conference.

(8) Notwithstanding the provisions contained in this Annex, Contracting Parties are encouraged to consult throughout the dispute resolution proceeding with a view to settling their dispute.

(9) The Charter Conference may appoint or designate other bodies or fora to perform any of the functions delegated in this Annex to the Secretariat and the Secretary-General.

12. ANNEX B

FORMULA FOR ALLOCATING CHARTER COSTS (In accordance with Article 37(3))

(1) Contributions payable by Contracting Parties shall be determined by the Secretariat annually on the basis of their percentage contributions required under the latest available United Nations Regular Budget Scale of Assessment (supplemented by information on theoretical contributions for any Contracting Parties which are not UN members).

senata oziroma v roku, za katerega se dogovorita zadevni pogodbenici. Sekretariat predstavi odločitev senata Konferenci podpisnic Listine ob prvi primerni priložnosti, vendar najkasneje na prvem zasedanju Konferenca po prejemu odločitve.

(e) Odločitev arbitražnega senata postane dokončna in zavezujoča 30 dni po tem, ko je bila predstavljena Konferenci podpisnic Listine, tako da lahko oškodovana pogodbenica uvede katero koli raven začasne ukinitve ugodnosti, ki jo dovoljuje odločitev, na način, kot je po njenem mnenju v danih okoliščinah ustrezen, razen če Konferenca podpisnic Listine ne odloči drugače pred iztekom prej omenjenega 30-dnevnega roka.

(f) Pri začasni ukinitvi obveznosti do pogodbenice, ki ne upošteva odločitve ali priporočila, si oškodovana pogodbenica po najboljših močeh prizadeva, da to ne vpliva škodljivo na trgovino katere koli druge pogodbenice.

(7) Vsaka pogodbenica lahko določi dva posameznika, ki sta za pogodbenice, ki so tudi pogodbenice GATT-a, če sta pripravljena in sposobna sodelovati kot člana sosveta v skladu s to prilogo, hkrati tudi imenovana v arbitražne senate za namene GATT-a. Generalni sekretar lahko z odobritvijo Konferenca podpisnic Listine določi največ deset posameznikov, ki so pripravljene in sposobni sodelovati kot člani sosvetov za reševanje sporov v skladu z odstavki (2) do (4). Konferenca podpisnic Listine lahko poleg tega z istim namenom določi do 20 posameznikov, ki so na seznamih za reševanje sporov pri drugih mednarodnih organizacijah in pripravljene in sposobni sodelovati kot člani sosvetov. Imena vseh tako določenih posameznikov sestavljajo seznam razsodnikov za reševanje sporov. Posamezniki morajo biti določeni strogo na podlagi objektivnosti, zanesljivosti in trezne presoje ter naj imajo čim več izkušenj v mednarodni trgovini in energetiki, zlasti v zvezi z določbami, ki se lahko uporabljajo po 29. členu. Pri opravljanju katere koli naloge po tej prilogi imenovani ne smejo biti povezani s katero koli pogodbenico ali od nje prejemanj navodil. Mandat imenovanih je obnovljiv in traja pet let oziroma dokler niso imenovani njihovi nasledniki. Imenovani, čigar mandat se izteče, nadaljuje z opravljanjem svoje naloge, za katero je bil tak posameznik izbran v skladu s to prilogo. Če imenovani umre, odstopi ali ni več zmožen opravljati svoje naloge, ima pogodbenica ali generalni sekretar, kdor od njiju ga je pač imenoval, pravico imenovati drugega posameznika za ostanek mandata imenovanega, ob tem da mora izbrati generalnega sekretarja potrditi Konferenca podpisnic Listine.

(8) Ne glede na določbe te priloge je zaželeno, da se pogodbenice ves čas postopka reševanja spora posvetujejo, da bi rešile svoj spor.

(9) Konferenca podpisnic Listine lahko imenuje ali določi druge organe ali forume za opravljanje katere koli naloge, ki je v tej prilogi prenesena na Sekretariat in na generalnega sekretarja.

12. PRILOGA B

OBRAZEC ZA DELITEV STROŠKOV LISTINE (v skladu z odstavkom (3) 37. člena)

(1) Prispevke pogodbenic določi Sekretariat letno na podlagi odstotnih prispevkov, potrebnih po zadnjem razpoložljivem delilniku za redni proračun Združenih narodov (dopolnjenem s podatki o teoretičnem izračunu prispevkov za vse pogodbenice, ki niso članice ZN).

(2) The contributions shall be adjusted as necessary to ensure that the total of all Contracting Parties' contributions is 100%.

13. ANNEX PA

LIST OF SIGNATORIES WHICH DO NOT ACCEPT THE PROVISIONAL APPLICATION OBLIGATION OF ARTICLE 45(3)(b)

(In accordance with Article 45(3)(c))

1. The Czech Republic
2. Germany
3. Hungary
4. Lithuania
5. Poland
6. Slovakia

14. ANNEX T

CONTRACTING PARTIES' TRANSITIONAL MEASURES

(In accordance with Article 32(1))

List of Contracting Parties entitled to transitional arrangements

Albania	Latvia
Armenia	Lithuania
Azerbaijan	Moldova
Belarus	Poland
Bulgaria	Romania
Croatia	The Russian Federation
The Czech Republic	Slovakia
Estonia	Slovenia
Georgia	Tajikistan
Hungary	Turkmenistan
Kazakhstan	Ukraine
Kyrgyzstan	Uzbekistan

List of provisions subject to transitional arrangements

Provision	Provision
Article 6(2)	Article 10(7)
Article 6(5)	Article 14(1)(d)
Article 7(4)	Article 20(3)
Article 9(1)	Article 22(3)

ARTICLE 6(2)

“Each Contracting Party shall ensure that within its jurisdiction it has and enforces such laws as are necessary and appropriate to address unilateral and concerted anti-competitive conduct in Economic Activity in the Energy Sector.”

COUNTRY: ALBANIA

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

There is no law on protection of competition in Albania. The law No 7746 of 28 July 1993 on Hydrocarbons and the

(2) Prispevki morajo biti prilagojeni tako, da je vsota prispevkov vseh pogodbenic 100 %.

13. PRILOGA PA

SEZNAM PODPISNIC, KI NE SPREJEMAJO OBVEZNOSTI ZAČASNE UPORABE IZ PODODSTAVKA (b) ODSTAVKA (3) 45. ČLENA (v skladu s pododstavkom (c) odstavka (3) 45. člena)

1. Češka
2. Nemčija
3. Madžarska
4. Litva
5. Poljska
6. Slovaška

14. PRILOGA T

PREHODNI UKREPI POGODBENIC

(v skladu z odstavkom (1) 32. člena)

Seznam pogodbenc, ki imajo pravico do prehodnih ureditev

Albanija	Latvija
Armenija	Litva
Azerbajdžan	Moldavija
Belorusija	Poljska
Bolgarija	Romunija
Hrvaška	Ruska federacija
Češka	Slovaška
Estonija	Slovenija
Gruzija	Tadžikistan
Madžarska	Turkmenija
Kazahstan	Ukrajina
Kirgizija	Uzbekistan

Seznam določb, za katere so možne prehodne ureditve

Določba
odstavek (2) 6. člena
odstavek (5) 6. člena
odstavek (4) 7. člena
odstavek (1) 9. člena
odstavek (7) 10. člena
pododstavek (d) odstavka (1) 14. člena
odstavek (3) 20. člena
odstavek (3) 22. člena

ODSTAVEK (2) 6. ČLENA

“Vsaka pogodbenica mora zagotoviti, da v okviru svoje jurisdikcije ima in uveljavi take zakone, kot so potrebni in ustrezni za reševanje problema enostranskega ali dogovorjenega protikonkurenčnega ravnanja na področju gospodarske dejavnosti v energetiki.”

DRŽAVA: ALBANIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Albanija nima zakona o varstvu konkurence. Zakon št. 7746 z dne 28. julija 1993 o ogljikovodikih in zakon št. 7796

law No 7796 of 17 February 1994 on Minerals do not include such provisions. There is no law on electricity which is in the stage of preparation. This law is planned to be submitted to the Parliament by the end of 1996. In these laws Albania intends to include provisions on anti-competitive conduct.

PHASE-OUT
1 January 1998.

COUNTRY: ARMENIA

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

At present a state monopoly exists in Armenia in most energy sectors. There is no law on protection of competition, thus the rules of competition are not yet being implemented. There are no laws on energy. The draft laws on energy are planned to be submitted to the Parliament in 1994. The laws are envisaged to include provisions on anti-competitive behaviour, which would be harmonized with the EC legislation on competition.

PHASE-OUT
31 December 1997.

COUNTRY: AZERBAIJAN

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

The anti-monopoly legislation is at the stage of elaboration .

PHASE OUT
1 January 2000.

COUNTRY: BELARUS

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

Anti-monopoly legislation is at the stage of elaboration.

PHASE-OUT
1 January 2000.

COUNTRY: GEORGIA

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

Laws on demonopolization are at present at the stage of elaboration in Georgia and that is why the State has so far the monopoly for practically all energy sources and energy resources, which restricts the possibility of competition in the energy and fuel complex.

PHASE-OUT
1 January 1999.

COUNTRY: KAZAKHSTAN

SECTOR

All energy sectors.

z dne 17. februarja 1994 o mineralih ne vsebujeta takih določb. Zakon o električni energiji je v pripravi. Načrtujejo, da bo zakon predložen parlamentu do konca leta 1996. V te zakone namerava Albanija vključiti določbe o protikonkurenčnem ravnanju.

KONEC PREHODNEGA OBDOBJA
1. januar 1998.

DRŽAVA: ARMENIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Trenutno ima v Armeniji država monopol na večini področij energetike. Zakona o varstvu konkurence ni, tako da pravil o prosti konkurenci še ne izvajajo. Zakonov o energiji ni. Načrtujejo, da bodo osnutki zakonov o energiji predloženi parlamentu v letu 1994. V zakone naj bi predvidoma vključili določbe o protikonkurenčnem vedenju, ki bodo usklajene z zakonodajo Evropskih skupnosti o konkurenci.

KONEC PREHODNEGA OBDOBJA
31. december 1997.

DRŽAVA: AZERBAJDŽAN

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Protimonopolna zakonodaja je v pripravi.

KONEC PREHODNEGA OBDOBJA
1. januar 2000.

DRŽAVA: BELORUSIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Protimonopolna zakonodaja je v pripravi.

KONEC PREHODNEGA OBDOBJA
1. januar 2000.

DRŽAVA: GRUZIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

V Gruziji so zakoni o demonopolizaciji trenutno v pripravi, zato ima država za zdaj monopol nad praktično vsemi viri in nosilci energije, kar omejuje možnosti konkuriranja na področju energije in goriv.

KONEC PREHODNEGA OBDOBJA
1. januar 1999.

DRŽAVA: KAZAHSTAN

PODROČJE

Vsa področja energetike.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

The law on Development of Competition and Restriction of Monopolistic Activities (No 656 of 11 June 1991) has been adopted, but is of a general nature. It is necessary to develop the legislation further, in particular by means of adopting relevant amendments or adopting a new law.

PHASE-OUT

1 January 1998.

COUNTRY: KYRGYZSTAN

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

The law on Anti-monopoly Policies has already been adopted. The transitional period is needed to adapt provisions of this law to the energy sector which is now strictly regulated by the state.

PHASE-OUT

1 July 2001.

COUNTRY: MOLDOVA

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

The law on Restriction of Monopolistic Activities and Development of Competition of 29 January 1992 provides an organizational and legal basis for the development of competition, and of measures to prevent, limit and restrict monopolistic activities; it is oriented towards implementing market economy conditions. This law, however, does not provide for concrete measures of anti-competitive conduct in the energy sector, nor does it cover completely the requirements of Article 6.

In 1995 drafts of a law on Competition and a State Programme of Demonopolization of the Economy will be submitted to the Parliament. The draft law on Energy which will be also submitted to the Parliament in 1995 will cover issues on demonopolization and development of competition in the energy sector.

PHASE-OUT

1 January 1998.

COUNTRY: ROMANIA

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

The rules of competition are not yet implemented in Romania. The draft law on Protection of Competition has been submitted to the Parliament and is scheduled to be adopted during 1994.

The draft contains provisions with respect to anti-competitive behaviour, harmonized with the EC's law on Competition.

PHASE OUT

31 December 1996.

RAVEN OBLASTI

Državna.

OPIS

Sprejet je bil zakon o razvoju konkurence in omejevanju monopolnih dejavnosti (št. 656 z dne 11. junija 1991), vendar je splošen. Zakonodajo je treba še naprej razvijati, zlasti s sprejemanjem ustreznih sprememb in dopolnitev ali sprejemom novega zakona.

KONEC PREHODNEGA OBDOBJA

1. januar 1998.

DRŽAVA: KIRGIZIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

zakon o protimonopolni politiki je bil že sprejet. Prehodno obdobje je potrebno, da bi prilagodili določbe tega zakona energetiki, ki jo zdaj strogo ureja država.

KONEC PREHODNEGA OBDOBJA

1. julij 2001.

DRŽAVA: MOLDAVIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

zakon o omejevanju monopolnih dejavnosti in razvoju konkurence z dne 29. januarja 1992 zagotavlja organizacijsko in pravno podlago za razvoj konkurence in ukrepe za preprečevanje in omejevanje monopolnih dejavnosti; usmerjen je k uvajanju razmer tržnega gospodarstva. Vendar zakon ne predvideva konkretnih ukrepov za protikonkurenčno ravnanje v energetiki in prav tako ne pokriva v celoti zahtev 6. člena.

V letu 1995 bo parlamentu predložen osnutek zakona o konkurenci in državnem programu za demonopolizacijo gospodarstva. Osnutek zakona o energiji, ki bo tudi predložen parlamentu v letu 1995, se bo nanašal na vprašanja demonopolizacije in razvoja konkurence v energetiki.

KONEC PREHODNEGA OBDOBJA

1. januar 1998.

DRŽAVA: ROMUNIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Pravil konkuriranja v Romuniji še ne izvajajo. Osnutek zakona o varstvu konkurence je predložen parlamentu in naj bi ga predvidoma sprejeli v letu 1994.

Osnutek vsebuje določbe o protikonkurenčnem ravnanju, ki so usklajene z zakonodajo Evropskih skupnosti o konkurenci.

KONEC PREHODNEGA OBDOBJA

31. december 1996.

COUNTRY: THE RUSSIAN FEDERATION

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

The Federation.

DESCRIPTION

A comprehensive framework of anti-monopoly legislation has been created in the Russian Federation but other legal and organizational measures to prevent, limit or suppress monopolistic activities and unfair competition will have to be adopted and in particular in the energy sector.

PHASE-OUT

1 July 2001.

COUNTRY: SLOVENIA

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

Law on Protection of Competition adopted in 1993 and published in Official Journal No 18/93 treats anti-competitive conduct generally. The existing law also provides for conditions for the establishment of competition authorities. At present the main competition authority is the Office of Protection of Competition in the Ministry of Economic Relations and Development. With regard to importance of energy sector a separate law in this respect is foreseen and thus more time for full compliance is needed.

PHASE-OUT

1 January 1998.

COUNTRY: TAJIKISTAN

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

In 1993 Tajikistan passed the law on Demonopolization and Competition. However, due to the difficult economic situation in Tajikistan, the jurisdiction of the law has been temporarily suspended.

PHASE-OUT

31 December 1997.

COUNTRY: TURKMENISTAN

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

Under the Ruling of the President of Turkmenistan No 1532 of 21 October 1993 the Committee on Restricting Monopolistic Activities has been established and is acting now, the function of which is to protect enterprises and other entities from monopoly conduct and practices and to promote the formation of market principles on the basis of the development of competition and entrepreneurship.

Further development of legislation and regulations is needed which would regulate anti-monopoly conduct of enterprises in the Economic Activity in the Energy Sector.

PHASE-OUT

1 July 2001.

DRŽAVA: RUSKA FEDERACIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Federacija.

OPIS

V Ruski federaciji je bil ustvarjen splošen okvir protimonopolne zakonodaje, druge pravne in organizacijske ukrepe za preprečevanje in omejevanje monopolnih dejavnosti in nelojalne konkurence pa bo treba še sprejeti, zlasti v energetiki.

KONEC PREHODNEGA OBDOBJA

1. julij 2001.

DRŽAVA: SLOVENIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Zakon o varstvu konkurence, sprejet leta 1993 in objavljen v Uradnem listu št. 18/93, obravnava protikonkurenčno ravnanje na splošno. Obstoječi zakon tudi zagotavlja pogoje za ustanavljanje organov za varstvo konkurence. Trenutno je glavni tak organ Urad za varstvo konkurence pri Ministrstvu za ekonomske odnose in razvoj. Zaradi pomena energetike je predviden poseben zakon za to področje, zaradi česar je potreben daljši čas za popolno uskladitev.

KONEC PREHODNEGA OBDOBJA

1. januar 1998.

DRŽAVA: TADŽIKISTAN

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Leta 1993 je Tadžikistan sprejel zakon o demonopolizaciji in konkurenci. Vendar je bilo zaradi težkega gospodarskega položaja v Tadžikistanu uvajanje zakona začasno odloženo.

KONEC PREHODNEGA OBDOBJA

31. december 1997.

DRŽAVA: TURKMENIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Po odloku predsednika Turkemenije št. 1532 z dne 21. oktobra 1993 je bil ustanovljen Odbor za omejevanje monopolnih dejavnosti, katerega naloga je varovati podjetja in druge pravne osebe pred monopolnim vedenjem in postopki ter pospeševanje uveljavljanja tržnih načel na podlagi razvoja konkurence in podjetništva.

Še naprej je treba razvijati zakonodajo in predpise, ki bi urejali protimonopolno vedenje podjetij pri gospodarskih dejavnostih v energetiki.

KONEC PREHODNEGA OBDOBJA

1. julij 2001.

COUNTRY: UZBEKISTAN

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

The law on Restricting Monopoly Activities has been adopted in Uzbekistan and has been in force since July 1992. However, the law (as is specified in article 1, paragraph 3) does not extend to the activities of enterprises in the energy sector.

PHASE-OUT

1 July 2001.

ARTICLE 6(5)

“If a Contracting Party considers that any specified anti-competitive conduct carried out within the Area of another Contracting Party is adversely affecting an important interest relevant to the purposes identified in this Article, the Contracting Party may notify the other Contracting Party and may request that its competition authorities initiate appropriate enforcement action. The notifying Contracting Party shall include in such notification sufficient information to permit the notified Contracting Party to identify the anti-competitive conduct that is the subject of the notification and shall include an offer of such further information and cooperation as that Contracting Party is able to provide. The notified Contracting Party or, as the case may be, the relevant competition authorities may consult with the competition authorities of the notifying Contracting Party and shall accord full consideration to the request of the notifying Contracting Party in deciding whether or not to initiate enforcement action with respect to the alleged anti-competitive conduct identified in the notification. The notified Contracting Party shall inform the notifying Contracting Party of its decision or the decision of the relevant competition authorities and may if it wishes inform the notifying Contracting Party of the grounds for the decision. If enforcement action is initiated, the notified Contracting Party shall advise the notifying Contracting Party of its outcome and, to the extent possible, of any significant interim development.”

COUNTRY: ALBANIA

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

In Albania there are no established institutions to enforce the competition rules. Such institutions will be provided for in the law on the Protection of Competition which is planned to be finalized in 1996.

PHASE-OUT

1 January 1999.

COUNTRY: ARMENIA

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

Institutions to enforce the provisions of this paragraph have not been established in Armenia.

DRŽAVA: UZBEKISTAN

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Zakon o omejevanju monopolnih dejavnosti je bil v Uzbekistanu že sprejet in velja od julija 1992. Vendar zakon ne velja za dejavnosti podjetij v energetiki (kot je to določeno v odstavku (3) 1. člena).

KONEC PREHODNEGA OBDOBJA

1. julij 2001.

ODSTAVEK (5) 6. ČLENA

“Če pogodbenica meni, da določeno protikonkurenčno ravnanje na območju druge pogodbenice negativno vpliva na pomemben interes v zvezi z nameni, navedenimi v tem členu, lahko obvesti drugo pogodbenico in od nje zahteva, da njeni organi za varstvo konkurence sprožijo ustrezen postopek. Pogodbenica, ki pošilja obvestilo, mora v njem navesti dovolj informacij, ki omogočijo obveščeni pogodbenici ugotoviti protikonkurenčno ravnanje, o katerem govori obvestilo; obvestilo naj vsebuje tudi ponudbo za nadaljnje informacije in sodelovanje, ki jih lahko zagotovi pogodbenica, ki pošilja obvestilo. Obveščena pogodbenica oziroma organi za varstvo konkurence se lahko posvetujejo z organi za varstvo konkurence pogodbenice, ki je poslala obvestilo, in pri odločanju o tem, ali naj sprožijo postopek v zvezi z domnevnim protikonkurenčnim ravnanjem, navedenim v obvestilu, kar najskrbneje proučijo zahtevo pogodbenice, ki je poslala obvestilo. Obveščena pogodbenica sporoči pogodbenici, ki je obvestilo poslala, svojo odločitev ali odločitev organov za varstvo konkurence in jo lahko, če želi, tudi obvesti o razlogih za tako odločitev. Če je sprožen postopek, bo pogodbenica, ki je prejela obvestilo, obvestila drugo pogodbenico o izidu, in če je to mogoče, o pomembnejšem vmesnem razvoju dogodkov.”

DRŽAVA: ALBANIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

V Albaniji ni nobenih inštitucij za uveljavljanje pravil konkuriranja. Predvidel jih bo zakon o varstvu konkurence, ki naj bi bil dokončan v letu 1996.

KONEC PREHODNEGA OBDOBJA

1. januar 1999.

DRŽAVA: ARMENIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

V Armeniji do zdaj ni institucij za uveljavljanje določb tega odstavka.

The laws on Energy and Protection of Competition are planned to include provisions to establish such institutions.

PHASE-OUT
31 December 1997.

COUNTRY: AZERBAIJAN

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

Anti-monopoly authorities shall be established after the adoption of anti-monopoly legislation.

PHASE-OUT
1 January 2000.

COUNTRY: BELARUS

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

Anti-monopoly authorities shall be established after the adoption of anti-monopoly legislation.

PHASE-OUT
1 January 2000.

COUNTRY: GEORGIA

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

Laws on demonopolization are at present at the stage of elaboration in Georgia and that is why there are no competition authorities established yet.

PHASE-OUT
1 January 1999.

COUNTRY: KAZAKHSTAN

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

An Anti-monopoly Committee has been established in Kazakhstan, but its activity needs improvement, both from legislative and organizational points of view, in order to elaborate an effective mechanism handling the complaints on anti-competitive conduct.

PHASE-OUT
1 January 1998.

COUNTRY: KYRGYZSTAN

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

There is no mechanism in Kyrgyzstan to control the anti-competitive conduct and the relevant legislation. It is necessary to establish relevant anti-monopoly authorities.

Zakona o energiji in varstvu konkurence naj bi vsebovala tudi določbe za ustanovitev takih institucij.

KONEC PREHODNEGA OBDOBJA
31. december 1997.

DRŽAVA: AZERBAJDŽAN

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Protimonopolni organi bodo ustanovljeni po sprejetju protimonopolne zakonodaje.

KONEC PREHODNEGA OBDOBJA
1. januar 2000.

DRŽAVA: BELORUSIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Protimonopolni organi bodo ustanovljeni po sprejetju protimonopolne zakonodaje.

KONEC PREHODNEGA OBDOBJA
1. januar 2000.

DRŽAVA: GRUZIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

V Gruziji so zakoni o demonopolizaciji v pripravi, zato tam še ni organov, pristojnih za konkurenco.

KONEC PREHODNEGA OBDOBJA
1. januar 1999.

DRŽAVA: KAZAHSTAN

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

V Kazahstanu je bil ustanovljen Protimonopolni odbor, katerega delovanje pa bi bilo treba izboljšati tako z zakonskega kot organizacijskega vidika, da bi dobili učinkovit mehanizem za obravnavanje pritožb zaradi protikonkurenčnega ravnanja.

KONEC PREHODNEGA OBDOBJA
1. januar 1998.

DRŽAVA: KIRGIZIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

V Kirgiziji ni mehanizma za nadzor nad protikonkurenčnim ravnanjem in ustrezne zakonodaje. Treba je ustanoviti ustrezne protimonopolne organe.

PHASE-OUT
1 July 2001.

COUNTRY: MOLDOVA

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

The Ministry of Economy is responsible for the control of competitive conduct in Moldova. Relevant amendments have been made to the law on Breach of Administrative Rules, which envisage some penalties for violating rules of competition by monopoly enterprises.

The draft law on Competition which is now at the stage of elaboration will have provisions on the enforcement of competition rules.

PHASE-OUT

1 January 1998.

COUNTRY: ROMANIA

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

Institutions to enforce the provisions of this paragraph have not been established in Romania.

The Institutions charged with the enforcement of competition rules are provided for in the draft law on Protection of Competition which is scheduled to be adopted during 1994.

The draft also provides a period of nine months for enforcement, starting with the date of its publication.

According to the Europe Agreement establishing an association between Romania and the European Communities, Romania was granted a period of five years to implement competition rules.

PHASE OUT

1 January 1998.

COUNTRY: TAJIKISTAN

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

Tajikistan has adopted laws on Demonopolization and Competition, but institutions to enforce competition rules are in the stage of development.

PHASE-OUT

31 December 1997.

COUNTRY: UZBEKISTAN

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

The law on Restricting Monopoly Activities has been adopted in Uzbekistan and has been in force since July 1992. However, the law (as is specified in article 1, paragraph 3) does not extend to the activities of the enterprises in the energy sector.

PHASE-OUT

1 July 2001.

KONEC PREHODNEGA OBDOBJA
1. julij 2001.

DRŽAVA: MOLDAVIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

V Moldaviji je za nadzor nad konkurenco odgovorno Ministrstvo za gospodarstvo. Zakon o kršitvi upravnih pravil je bil ustrezno dopolnjen, tako da predvideva za monopolna podjetja nekatere kazni za kršitve pravil konkuriranja.

Osnutek zakona o konkurenci, ki je zdaj v pripravi, bo vseboval določbe o uveljavljanju pravil konkuriranja.

KONEC PREHODNEGA OBDOBJA

1. januar 1998.

DRŽAVA: ROMUNIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

V Romuniji ni inštitucij, ki bi uveljavljale določbe tega odstavka.

Osnutek zakona o varstvu konkurence, ki naj bi bil sprejet v letu 1994, predvideva inštitucije, ki jim bo naložena uveljavitev pravil konkuriranja.

Osnutek predvideva tudi devetmesečno obdobje za uveljavitev, ki se začne z dnem njegove objave.

V skladu z Evropskim sporazumom o pridružitvi, sklenjenim med Romunijo in Evropskimi skupnostmi, je dobila Romunija pet let časa, da uvede pravila konkuriranja.

KONEC PREHODNEGA OBDOBJA

1. januar 1998.

DRŽAVA: TADŽIKISTAN

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Tadžikistan je sprejel zakone o demonopolizaciji in konkurenci, inštitucije za uveljavljanje pravil konkuriranja pa so še v razvoju.

KONEC PREHODNEGA OBDOBJA

31. december 1997.

DRŽAVA: UZBEKISTAN

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Uzbekistan je sprejel zakon o omejevanju monopolnih dejavnosti, ki velja od julija 1992. Vendar zakon (kot je določeno v odstavku (3) 1. člena) ne zajema dejavnosti podjetij v energetiki.

KONEC PREHODNEGA OBDOBJA

1. julij 2001.

ARTICLE 7(4)

“In the event that Transit of Energy Materials and Products cannot be achieved on commercial terms by means of Energy Transport Facilities the Contracting Parties shall not place obstacles in the way of new capacity being established, except as may be otherwise provided in applicable legislation which is consistent with paragraph (1).”

COUNTRY: AZERBAIJAN

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

It is necessary to adopt a set of laws on energy, including licensing procedures regulating transit. During a transition period it is envisaged to build and modernize power transmission lines, as well as generating capacities with the aim of bringing their technical level to the world requirements and adjusting to conditions of a market economy.

PHASE OUT

31 December 1999.

COUNTRY: BELARUS

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

Laws on energy, land and other subjects are being worked out at present, and until their final adoption, uncertainty remains as to the conditions for establishing new transport capacities for energy carriers in the territory of Belarus.

PHASE-OUT

31 December 1998.

COUNTRY: BULGARIA

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

Bulgaria has no laws regulating Transit of Energy Materials and Products. An overall restructuring is ongoing in the energy sector, including development of institutional framework, legislation and regulation.

PHASE-OUT

The transitional period of 7 years is necessary to bring the legislation concerning the Transit of Energy Materials and Products in full compliance with this provision.

1 July 2001.

COUNTRY: GEORGIA

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

It is necessary to prepare a set of laws on the matter. At present there are substantially different conditions for the transport and transit of various energy sources in Georgia (electric power, natural gas, oil products, coal).

PHASE-OUT

1 January 1999.

ODSTAVEK (4) 7. ČLENA

“Če tranzit energetskih materialov in izdelkov ni gospodarno izvedljiv z obstoječimi objekti in napravami za prenos energije, pogodbenice ne bodo ovirale postavitve novih zmogljivosti, razen če ne bo drugače določeno v ustrezni zakonodaji, ki je v skladu z odstavkom (1).”

DRŽAVA: AZERBAJDŽAN

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Treba je sprejeti sveženj zakonov o energiji, vključno s postopki podeljevanja koncesij za tranzit. V prehodnem obdobju sta predvideni gradnja in posodobitev daljnovidov ter proizvodnih zmogljivosti, da bi tako dvignili njihovo tehnično raven na svetovne zahteve in jih prilagodili pogojem tržnega gospodarstva.

KONEC PREHODNEGA OBDOBJA

31. december 1999.

DRŽAVA: BELORUSIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Zakoni o energiji, zemljiščih in drugih področjih so v pripravi in dokler ne bodo sprejeti, ostajajo pogoji za ureditev novih prenosnih zmogljivosti za nosilce energije na območju Belorusije še naprej negotovi.

KONEC PREHODNEGA OBDOBJA

31. december 1998.

DRŽAVA: BOLGARIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Bolgarija nima zakonov, ki bi urejali tranzit energetskih materialov in izdelkov. Energetika je v fazi popolnega prestrukturiranja, vključno z razvojem institucionalnega okvira, zakonodaje in ureditve.

KONEC PREHODNEGA OBDOBJA

Da bi popolnoma uskladili zakonodajo o tranzitu energetskih materialov in izdelkov s to določbo, je potrebno prehodno obdobje 7 let.

1. julij 2001.

DRŽAVA: GRUZIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

O tej zadevi je treba pripraviti sveženj zakonov. Trenutno so v Gruziji bistveno različni pogoji za prenos ali tranzit različnih energetskih virov (električna energija, zemeljski plin, naftni derivati, premog).

KONEC PREHODNEGA OBDOBJA

1. januar 1999.

COUNTRY: HUNGARY

SECTOR

Electricity industry.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

According to the current legislation establishment and operation of high-voltage transmission lines is a state monopoly.

The creation of the new legal and regulatory framework for establishment, operation and ownership of high-voltage transmission lines is under preparation.

The Ministry of Industry and Trade has already taken the initiative to put forward a new Act on Electricity Power, that will have its impact also on the Civil Code and on the Act on Concession. Compliance can be achieved after entering in force of the new law on Electricity and related regulatory decrees.

PHASE-OUT

31 December 1996.

COUNTRY: POLAND

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

Polish law on Energy, being in the final stage of coordination, stipulates for creating new legal regulations similar to those applied by free market countries (licenses to generate, transmit, distribute and trade in energy carriers). Until it is adopted by the Parliament a temporary suspension of obligations under this paragraph is required.

PHASE-OUT

31 December 1995.

ARTICLE 9(1)

“The Contracting Parties acknowledge the importance of open capital markets in encouraging the flow of capital to finance trade in Energy Materials and Products and for the making of and assisting with regard to Investments in Economic Activity in the Energy Sector in the Areas of other Contracting Parties, particularly those with economies in transition. Each Contracting Party shall accordingly endeavour to promote conditions for access to its capital market by companies and nationals of other Contracting Parties, for the purpose of financing trade in Energy Materials and Products and for the purpose of Investment in Economic Activity in the Energy Sector in the Areas of those other Contracting Parties, on a basis no less favourable than that which it accords in like circumstances to its own companies and nationals or companies and nationals of any other Contracting Party or any third state, whichever is the most favourable.”

COUNTRY: AZERBAIJAN

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

Relevant legislation is at the stage of elaboration.

PHASE-OUT

1 January 2000.

DRŽAVA: MADŽARSKA

PODROČJE

Elektrogospodarstvo.

RAVEN OBLASTI

Državna.

OPIS

V skladu z veljavno zakonodajo sta postavitve in obratovanje visokonapetostnih daljnovodov državni monopol.

V pripravi je nova zakonska in podzakonska podlaga za postavljanje in obratovanje visokonapetostnih daljnovodov ter lastništvo nad njimi.

Ministrstvo za industrijo in trgovino je že dalo pobudo za sprejem novega zakona o električni energiji, ki bo vplival tudi na civilni zakonik in zakon o koncesijah. Skladnost bo mogoče doseči potem, ko bodo začeli veljati nov zakon o električni energiji in z njim povezani podzakonski akti.

KONEC PREHODNEGA OBDOBJA

31. december 1996.

DRŽAVA: POLJSKA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Poljski zakon o energiji, ki je v končni fazi usklajevanja, določa nove zakonske določbe, podobne tistim, ki jih uporabljajo države s tržnim gospodarstvom (koncesije za pridobivanje, prenos, distribucijo in trgovanje z energijo). Dokler zakona ne sprejme parlament, je potrebnačasna odložitve obveznosti iz tega odstavka.

KONEC PREHODNEGA OBDOBJA

31. december 1995.

ODSTAVEK (1) 9. ČLENA

“Pogodbence priznavajo pomen odprtih trgov kapitala za pospeševanje pretoka kapitala za financiranje trgovine z energetskimi materiali in izdelki ter za naložbe in pomoč pri naložbah v gospodarsko dejavnost v energetiki na območju drugih pogodbenic, zlasti tistih z gospodarstvi v prehodu. Zato si vsaka pogodbenica prizadeva izboljšati razmere za dostop družb in državljanov drugih pogodbenic do njenega trga kapitala za financiranje trgovine z energetskimi materiali in izdelki in za naložbe v gospodarsko dejavnost v energetiki na območjih drugih pogodbenic, in sicer po pogojih, ki niso manj ugodni od pogojev, ki veljajo v podobnih okoliščinah za njene lastne družbe in državljanke ali za družbe in državljanke vsake druge pogodbenice ali katere koli tretje države, kar je pač najugodnejše.”

DRŽAVA: AZERBAJDŽAN

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Ustrezna zakonodaja je v pripravi.

KONEC PREHODNEGA OBDOBJA

1. januar 2001.

COUNTRY: BELARUS

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

Relevant legislation is at the stage of elaboration.

PHASE-OUT

1 January 2000.

DRŽAVA: BELORUSIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Ustrezna zakonodaja je v pripravi.

KONEC PREHODNEGA OBDOBJA

1. januar 2000.

COUNTRY: GEORGIA

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

Relevant legislation is at the stage of preparation.

PHASE-OUT

1 January 1997.

DRŽAVA: GRUZIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Ustrezna zakonodaja je v pripravi.

KONEC PREHODNEGA OBDOBJA

1. januar 1997.

COUNTRY: KAZAKHSTAN

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

The bill on Foreign Investments is at the stage of authorization approval with the aim to adopt it by the Parliament in autumn 1994.

PHASE-OUT

1 July 2001.

DRŽAVA: KAZAHSTAN

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Predlog zakona o tujih vlaganjih je v postopku odobritve z namenom, da ga sprejme parlament jeseni 1994.

KONEC PREHODNEGA OBDOBJA

1. januar 2001.

COUNTRY: KYRGYZSTAN

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

Relevant legislation is currently under preparation.

PHASE-OUT

1 July 2001.

DRŽAVA: KIRGIZIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Ustrezna zakonodaja je v pripravi.

KONEC PREHODNEGA OBDOBJA

1. januar 2001.

ARTICLE 10(7) – SPECIFIC MEASURES

“Each Contracting Party shall accord to Investments in its Area of Investors of another Contracting Party, and their related activities including management, maintenance, use, enjoyment or disposal, treatment no less favourable than that which it accords to Investments of its own Investors or of the Investors of any other Contracting Party or any third state and their related activities including management, maintenance, use, enjoyment or disposal, whichever is the most favourable.”

ODSTAVEK (7) 10. ČLENA – POSEBNI UKREPI

“Vsaka pogodbenica na svojem območju naložb investitorjev drugih pogodbenic in z njimi povezanih dejavnosti, vključno z upravljanjem, ohranjanjem, uporabo, izkoriščanjem ali razpolaganjem z njimi, ne obravnava manj ugodno kot naložbe in z njimi povezane dejavnosti svojih lastnih investitorjev ali investitorjev kake druge pogodbenice ali katere koli tretje države, vključno z upravljanjem, ohranjanjem, uporabo, izkoriščanjem ali razpolaganjem z njimi.”

COUNTRY: BULGARIA

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

Foreign persons may not acquire property rights over land. A company with more than fifty per cent of foreign person's share may not acquire property right over agricultural land;

DRŽAVA: BOLGARIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Tuje osebe ne morejo pridobiti lastninske pravice na zemljiščih. Družba, v kateri ima več kot petdesetodstotni delež tuja oseba, ne more pridobiti lastninske pravice na kmetijskem zemljišču.

Foreigners and foreign legal persons may not acquire property rights over land except by way of inheritance according to the law. In this case they have to make it over;

A foreign person may acquire property rights over buildings, but without property rights over the land;

Foreign persons or companies with foreign controlling participation must obtain a permit before performing the following activities:

– exploration, development and extraction of natural resources from the territorial sea, continental shelf or exclusive economic zone;

– acquisition of real estate in geographic regions designated by the Council of Ministers.

– The permits are issued by the Council of Ministers or by a body authorized by the Council of Ministers.

PHASE-OUT

1 July 2001.

ARTICLE 14(1)(d)

“Each Contracting Party shall with respect to Investments in its Area of Investors of any other Contracting Party guarantee the freedom of transfer into and out of its Area, including the transfer of:

unspent earnings and other remuneration of personnel engaged from abroad in connection with that Investment;”

COUNTRY: BULGARIA

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

Foreign nationals employed by companies with more than 50 per cent of foreign participation, or by a foreign person registered as sole trader or a branch or a representative office of a foreign company in Bulgaria, receiving their salary in Bulgarian leva, may purchase foreign currency not exceeding 70 per cent of their salary, including social security payments.

PHASE-OUT

1 July 2001.

COUNTRY: HUNGARY

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

According to the Act on Investments of Foreigners in Hungary, article 33, foreign top managers, executive managers, members of the Supervisory Board and foreign employees may transfer their income up to 50 per cent of their aftertax earnings derived from the company of their employment through the bank of their company.

PHASE-OUT

The phase out of this particular restriction depends on the progress Hungary is able to make in the implementation of the foreign exchange liberalization programme whose final target is the full convertibility of the Forint. This restriction does not create barriers to foreign investors. Phase-out is based on stipulations of Article 32.

1 July 2001.

Tujci in tuje pravne osebe ne morejo pridobiti lastninske pravice na zemljiščih razen z dedovanjem v skladu z zakonom. V tem primeru jih morajo prepustiti komu drugemu.

Tuja oseba lahko pridobi lastninsko pravico na stavbah, vendar brez lastninske pravice na zemljiščih.

Tuje osebe ali družbe s kontrolno tujo udeležbo morajo pridobiti dovoljenje, preden začnejo izvajati te dejavnosti:

– raziskovanje, razvoj in izkoriščanje naravnih virov iz teritorialnega morja, epikontinentalnega pasu in izključnih ekonomskih con;

– pridobivanje nepremičnin na zemljepisnih območjih, ki jih določi Svet ministrov;

– dovoljenja izdaja Svet ministrov ali organ, ki ga ta pooblasti.

KONEC PREHODNEGA OBDOBJA

1. julij 2001.

PODODSTAVEK (d) ODSTAVKA (1) 14. ČLENA

“Vsaka pogodbenica v zvezi z naložbami investorjev katere koli druge pogodbenice na svojem območju jamči za prost prenos sredstev na svoje območje in z njega, vključno s prenosom:

– neporabljenih zaslužkov in drugih nadomestil osebju, ki so ga iz tujine zaposlili v zvezi s to naložbo;”

DRŽAVA: BOLGARIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Tuji državljani, zaposleni pri družbah z več kot petdesetodstotno tujo udeležbo ali pri tuji osebi, registrirani kot samostojni trgovec, ali pri podružnici ali predstavništvu tuje družbe v Bolgariji, ki prejemajo svojo plačo v bolgarskih levih, lahko kupijo tujo valuto za največ 70 odstotkov svoje plače, vključno s prispevki za socialno zavarovanje.

KONEC PREHODNEGA OBDOBJA

1. julij 2001.

DRŽAVA: MADŽARSKA

PODROČJE

Vsa področja eneretike.

RAVEN OBLASTI

Državna.

OPIS

V skladu s 33. členom zakona o vlaganjih tujcev na Madžarskem lahko tuji generalni direktorji, izvršilni direktorji, člani nadzornega odbora in tuji zaposleni prenesejo do 50 odstotkov svojega neto zaslužka, ki ga prejemajo od družbe, kjer so zaposleni, preko banke te družbe.

KONEC PREHODNEGA OBDOBJA

Konec predhodnega obdobja za to omejitev je odvisen od napredka, ki ga Madžarska lahko doseže pri izvajanju programa sprostitev deviznega poslovanja, katerega končni cilj je popolna konvertibilnost forinta. Ta omejitev ne ustvarja ovir za tuje vlagatelje. Predhodno obdobje temelji na določbah 32. člena.

1. julij 2001.

ARTICLE 20(3)

“Each Contracting Party shall designate one or more enquiry points to which requests for information about the above mentioned laws, regulations, judicial decisions and administrative rulings may be addressed and shall communicate promptly such designation to the Secretariat which shall make it available on request.”

COUNTRY: ARMENIA

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

In Armenia there are no official enquiry points yet to which requests for information about the relevant laws and other regulations could be addressed. There is no information centre either. There is a plan to establish such a centre in 1994-1995. Technical assistance is required.

PHASE-OUT

31 December 1996.

COUNTRY: AZERBAIJAN

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

There are no official enquiry points so far in Azerbaijan to which requests for information about relevant laws and regulations could be addressed. At present such information is concentrated in various organizations.

PHASE OUT

31 December 1997.

COUNTRY: BELARUS

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

Official enquiry offices which could give information on laws, regulations, judicial decisions and administrative rulings do not exist yet in Belarus. As far as the judicial decisions and administrative rulings are concerned there is no practice of their publishing.

PHASE-OUT

31 December 1998.

COUNTRY: KAZAKHSTAN

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

The process of establishing enquiry points has begun. As far as the judicial decisions and administrative rulings are concerned they are not published in Kazakhstan (except for some decisions made by the Supreme Court), because they are not considered to be sources of law. To change the existing practice will require a long transitional period.

PHASE-OUT

1 July 2001.

ODSTAVEK (3) 20. ČLENA

“Vsaka pogodbenica določi eno ali več informacijskih mest, kamor se lahko naslovijo zahteve za informacije v zvezi z zgoraj omenjenimi zakoni, predpisi, sodnimi in upravnimi odločbami, take naslove pa mora nemudoma sporočiti Sekretariatu, ki jih na zahtevo da na voljo.”

DRŽAVA: ARMENIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

V Armeniji še ni uradnih informacijskih mest, kamor bi bilo mogoče nasloviti prošnje za informacije v zvezi z ustreznimi zakoni in drugimi predpisi. Tudi informacijskega centra ni. V načrtu je, da bi tak center ustanovili v letih 1994-1995. Potrebna je tehnična pomoč.

KONEC PREHODNEGA OBDOBJA

31. december 1996.

DRŽAVA: AZERBAJDŽAN

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Do zdaj v Azerbajdžanu še ni uradnih informacijskih mest, kamor bi bilo mogoče nasloviti prošnje za informacije v zvezi z zadevnimi zakoni in predpisi. Zdaj so take informacije zbrane v različnih organizacijah.

KONEC PREHODNEGA OBDOBJA

31. december 1997.

DRŽAVA: BELORUSIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

V Belorusiji še ni uradnih informacijskih uradov, ki bi lahko dajali informacije o zakonih, predpisih, sodnih odločbah in upravnih odločitvah. Razen tega ni v navadi, da bi javno objavljali sodne odločbe in upravne odločitve.

KONEC PREHODNEGA OBDOBJA

31. december 1998.

DRŽAVA: KAZAHSTAN

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Postopek za ustanovitev informacijskih mest se je začel. V Kazahstanu ne objavljajo sodnih odločb in upravnih odločitev (razen nekaterih odločb Vrhovnega sodišča), ker jih ne štejejo za pravne vire. Za spremembo sedanje prakse bo potrebno dolgo prehodno obdobje.

KONEC PREHODNEGA OBDOBJA

1. julij 2001.

COUNTRY: MOLDOVA

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

It is necessary to establish enquiry points.

PHASE-OUT

31 December 1995.

DRŽAVA: MOLDAVIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Treba je ustanoviti informacijska mesta.

KONEC PREHODNEGA OBDOBJA

31. december 1995.

COUNTRY: THE RUSSIAN FEDERATION

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

The Federation and the Republics constituting Federation.

DESCRIPTION

No official enquiry points exist in the Russian Federation as of now to which requests for information about relevant laws and other regulation acts could be addressed. As far as the judicial decisions and administrative rulings are concerned they are not considered to be sources of law.

PHASE-OUT

31 December 2000.

DRŽAVA: RUSKA FEDERACIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Federacija in republike, ki jo sestavljajo.

OPIS

Trenutno v Ruski federaciji ni uradnih informacijskih mest, kamor bi bilo mogoče nasloviti prošnje za informacije o ustreznih zakonih in drugih podzakonskih aktih. Sodne odločbe in upravne odločitve se ne štejejo za pravne vire.

KONEC PREHODNEGA OBDOBJA

31. december 2000.

COUNTRY: SLOVENIA

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

In Slovenia there are no official enquiry points yet to which requests for information about relevant laws and other regulatory acts could be addressed. At present such information is available in various ministries. The Law on Foreign Investments which is under preparation foresees establishment of such an enquiry point.

PHASE-OUT

1 January 1998.

DRŽAVA: SLOVENIJA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

V Sloveniji še ni uradnih informacijskih mest, kamor bi bilo mogoče nasloviti prošnje za informacije o ustreznih zakonih in drugih podzakonskih aktih. Zdaj so take informacije na voljo na različnih ministrstvih. Zakon o tujih vlaganjih, ki je v pripravi, predvideva ustanovitev takih informacijskih mest.

KONEC PREHODNEGA OBDOBJA

1. januar 1998.

COUNTRY: TAJIKISTAN

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

There are no enquiry points yet in Tajikistan to which requests for information about relevant laws and other regulations could be addressed. It is only a question of having available funding.

PHASE-OUT

31 December 1997.

DRŽAVA: TADŽIKISTAN

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Zdaj v Tadžikistanu še ni informacijskih mest, kamor bi bilo mogoče nasloviti prošnje za informacije o ustreznih zakonih in drugih predpisih. Vprašanje so le razpoložljiva finančna sredstva.

KONEC PREHODNEGA OBDOBJA

31. december 1997.

COUNTRY: UKRAINE

SECTOR

All energy sectors.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

Improvement of the present transparency of laws up to the level of international practice is required. Ukraine will have to establish enquiry points providing information about laws, regulations, judicial decisions and administrative rulings and standards of general application.

PHASE-OUT

1 January 1998.

DRŽAVA: UKRAJINA

PODROČJE

Vsa področja energetike.

RAVEN OBLASTI

Državna.

OPIS

Treba je izboljšati sedanjo preglednost zakonov na raven mednarodne prakse. Ukrajina bo morala ustanoviti informacijska mesta, kjer bodo na voljo informacije o zakonih, predpisih, sodnih odločbah in upravnih odločitvah ter splošno veljavnih standardih.

KONEC PREHODNEGA OBDOBJA

1. januar 1998.

ARTICLE 22(3)

“Each Contracting Party shall ensure that if it establishes or maintains a state entity and entrusts the entity with regulatory, administrative or other governmental authority, such entity shall exercise that authority in a manner consistent with the Contracting Party’s obligations under this Treaty”.

COUNTRY: THE CZECH REPUBLIC

SECTOR

Uranium and nuclear industries.

LEVEL OF GOVERNMENT

National.

DESCRIPTION

In order to deplete uranium ore reserves that are stocked by Administration of State Material Reserves, no imports of uranium ore and concentrates, including uranium fuel bundles containing uranium of non-Czech origin, will be licensed.

PHASE-OUT

1 July 2001.

DECISIONS

WITH RESPECT TO THE ENERGY CHARTER TREATY

The European Energy Charter Conference has adopted the following Decisions:

1. With respect to the Treaty as a whole

In the event of a conflict between the treaty concerning Spitsbergen of 9 February 1920 (the Svalbard Treaty) and the Energy Charter Treaty, the treaty concerning Spitsbergen shall prevail to the extent of the conflict, without prejudice to the positions of the Contracting Parties in respect of the Svalbard Treaty. In the event of such conflict or a dispute as to whether there is such conflict or as to its extent, Article 16 and Part V of the Energy Charter Treaty shall not apply.

2. With respect to Article 10(7)

The Russian Federation may require that companies with foreign participation obtain legislative approval for the leasing of federally-owned property, provided that the Russian Federation shall ensure without exception that this process is not applied in a manner which discriminates among Investments of Investors of other Contracting Parties.

3. With respect to Article 14

(1) The term “freedom of transfer” in Article 14(1) does not preclude a Contracting Party (hereinafter referred to as the “Limiting Party”) from applying restrictions on movement of capital by its own Investors, provided that:

(a) such restrictions shall not impair the rights granted under Article 14(1) to Investors of other Contracting Parties with respect to their Investments;

(b) such restrictions do not affect Current Transactions; and

(c) the Contracting Party ensures that Investments in its Area of the Investors of all other Contracting Parties are accorded, with respect to transfers, treatment no less favourable than that which it accords to Investments of Investors of any other Contracting Party or of any third state, whichever is the most favourable.

ODSTAVEK (3) 22. ČLENA

“Če pogodbenica ustanovi ali ima fizično ali pravno osebo in jo pooblasti za izdajanje predpisov in ji da druga upravna in vladna pooblastila, zagotovi, da taka oseba izvaja svoja pooblastila na način, ki je v skladu z obveznostmi pogodbenice po tej pogodbi.”

DRŽAVA: ČEŠKA

PODROČJE

Uran in jedrska energija.

RAVEN OBLASTI

Državna.

OPIS

Da bi porabili zaloge uranove rude, ki jih ima Državni urad za zaloge materiala, ne bo dovoljen uvoz uranove rude in koncentratov, vključno z uranovimi gorivnimi palicami, ki vsebujejo uran, ki ni češkega izvora.

KONEC PREHODNEGA OBDOBJA

1. julij 2001.

SKLEPI

V ZVEZI S POGODBO O ENERGETSKI LISTINI

Konferenca podpisnic Evropske energetske listine je sprejela naslednje sklepe:

1. V zvezi s pogodbo kot celoto

Ob neskladju med pogodbo o Spitsbergih z dne 9. februarja 1920 (Svalbardska pogodba) in Pogodbo o energetske listini, prevlada pogodba o Spitsbergih, kolikor to zadeva omenjeno neskladje, kar pa ne vpliva na stališča pogodbenic v zvezi s Svalbardsko pogodbo. Ob takem neskladju ali sporu o tem, ali tako neskladje res obstaja ali v kolikšnem obsegu obstaja, se ne uporabljata 16. člen in V. del Pogodbe o energetske listini.

2. V zvezi z odstavkom (7) 10. člena

Ruska federacija lahko zahteva, da dobijo družbe s tujo udeležbo zakonsko odobritev za zakup lastnine federacije, vendar pod pogojem, da Ruska federacija brez izjeme zagotovi, da se ta postopek ne uporablja na način, ki bi razlikoval med naložbami investitorjev drugih pogodbenic.

3. V zvezi s 14. členom

(1) Izraz “prost prenos” v odstavku (1) 14. člena pogodbenici (v nadaljevanju “omejevalna pogodbenica”) ne preprečuje, da bi uporabljala omejitve za pretok kapitala svojih lastnih investitorjev, vendar pod pogojem, da:

(a) take omejitve ne škodijo pravicam, podeljenim po odstavku (1) 14. člena investitorjem drugih pogodbenic v zvezi z njihovimi naložbami;

(b) take omejitve ne vplivajo na tekoče transakcije in

(c) pogodbenica zagotovi, da naložb investitorjev vseh drugih pogodbenic na svojem območju, glede prenosov, ne bo obravnavala manj ugodno, kot obravnava naložbe investitorjev katere koli druge pogodbenice ali katere koli druge države, kar je pač najugodnejše.

(2) This Decision shall be subject to examination by the Charter Conference five years after entry into force of the Treaty, but not later than the date envisaged in Article 32(3).

(3) No Contracting Party shall be eligible to apply such restrictions unless it is a Contracting Party which is a state that was a constituent part of the former Union of Soviet Socialist Republics, which has notified the provisional Secretariat in writing no later than 1 July 1995 that it elects to be eligible to apply restrictions in accordance with this Decision.

(4) For the avoidance of doubt, nothing in this Decision shall derogate, as concerns Article 16, from the rights hereunder of a Contracting Party, its Investors or their Investments, or from the obligations of a Contracting Party.

(5) For the purposes of this Decision:

“Current Transactions” are current payments connected with the movement of goods, services or persons that are made in accordance with normal international practice, and do not include arrangements which materially constitute a combination of a current payment and a capital transaction, such as deferrals of payments and advances which is meant to circumvent respective legislation of the Limiting Party in the field.

4. With respect to Article 14(2)

Without prejudice to the requirements of Article 14 and its other international obligations, Romania shall endeavour during the transition to full convertibility of its national currency to take appropriate steps to improve the efficiency of its procedures for the transfers of Investment Returns and shall in any case guarantee such transfers in a Freely Convertible Currency without restriction or a delay exceeding six months. Romania shall ensure that Investments in its Area of the Investors of all other Contracting Parties are accorded, with respect to transfers, treatment no less favourable than that which it accords to Investments of Investors of any other Contracting Party or of any third state, whichever is the most favourable.

5. With respect to Articles 24(4)(a) and 25

An Investment of an Investor referred to in Article 1(7)(a)(ii), of a Contracting Party which is not party to an EIA or a member of a free-trade area or a customs union, shall be entitled to treatment accorded under such EIA, free-trade area or customs union, provided that the Investment:

(a) has its registered office, central administration or principal place of business in the Area of a party to that EIA or member of that free-trade area or customs union; or

(b) in case it only has its registered office in that Area, has an effective and continuous link with the economy of one of the parties to that EIA or member of that free-trade area or customs union.

ENERGY CHARTER PROTOCOL ON ENERGY EFFICIENCY AND RELATED ENVIRONMENTAL ASPECTS

PREAMBLE

THE CONTRACTING PARTIES to this Protocol,
Having regard to the European Energy Charter adopted in the Concluding Document of the Hague Conference on

(2) Ta sklep mora pregledati Konferenca podpisnic Listine pet let po začetku veljavnosti te pogodbe, vendar najkasneje do datuma, ki je predviden v odstavku (3) 32. člena.

(3) Nobena pogodbenica ni upravičena uporabljati takih omejitev, razen če je taka pogodbenica država, ki je bila del nekdanje Zveze sovjetskih socialističnih republik in je začasni sekretariat najkasneje do 1. julija 1995 pisno obvestila o svoji odločitvi, da je upravičena do uporabe omejitev v skladu s tem sklepom.

(4) Vendar pa nedvomno velja, da v zvezi s 16. členom, nič v tem sklepu ne krati pravic pogodbenice, njenih investitorjev ali njihovih naložb po tej pogodbi, kakor tudi ne zmanjšuje obveznosti pogodbenice.

(5) Za namene tega sklepa:

“tekoče transakcije” so tekoča plačila, povezana s pretokom blaga, storitev ali oseb, izvedena v skladu z običajno mednarodno prakso in ne vključujejo dogovorov, ki stvarno pomenijo kombinacijo tekočega plačila in kapitalske transakcije, kot so odložitve plačil ali vnaprejšnja plačila z namenom, da se zaobide ustrezna zakonodaja omejevalne pogodbenice na tem področju.

4. V zvezi z odstavkom (2) 14. člena

Romunija si prizadeva med prehodom na popolno konvertibilnost svoje valute ustrezno ukrepati, da izboljša učinkovitost svojih postopkov za prenose dohodkov iz naložb in v vsakem primeru jamči za te prenose v prosto zamenljivi valuti brez omejitev ali več kot šestmesečne zakasnitve, kar pa ne vpliva na zahteve 14. člena in njene druge mednarodne obveznosti. Romunija zagotovi, da naložb investitorjev vseh drugih pogodbenic na svojem območju, glede prenosov, ne bo obravnavala manj ugodno, kot obravnava naložbe investitorjev katere koli druge pogodbenice ali katere koli druge države, kar je pač najugodnejše.

5. V zvezi s pododstavkom (a) odstavka (4) 24. člena in 25. členom

Naložba investitorja, v skladu s točko (ii) pododstavka (a) odstavka (7) 1. člena pogodbenice, ki ni pogodbenica sporazuma o gospodarskem povezovanju (SGP) ali članica območja proste trgovine ali carinske unije, je upravičena do obravnavanja, ki velja za pogodbenice takega SGP ali članice območja proste trgovine ali carinske unije pod pogojem, da:

(a) ima taka naložba svoj registrirani sedež, osrednjo upravo ali glavno mesto dejavnosti na območju pogodbenice takega SGP ali članice območja proste trgovine ali carinske unije; ali

(b) je – če ima na takem območju samo svoj registrirani sedež – dejavno in nenehno povezana z gospodarstvom ene od pogodbenic takega SGP ali članice območja proste trgovine ali carinske unije.

PROTOKOL K ENERGETSKI LISTINI O ENERGETSKI UČINKOVITOSTI IN S TEM POVEZANIMI OKOLJSKIMI VIDIKI

PREAMBULA

POGODBENICE tega protokola
upoštevajo Evropsko energetsko listino, ki je bila sprejeta v Sklepnem dokumentu haaške konference o Evropski

the European Energy Charter, signed at The Hague on 17 December 1991; and in particular to the declarations therein that cooperation is necessary in the field of energy efficiency and related environmental protection;

Having regard also to the Energy Charter Treaty, opened for signature from 17 December 1994 to 16 June 1995;

Mindful of the work undertaken by international organizations and fora in the field of energy efficiency and environmental aspects of the energy cycle;

Aware of the improvements in supply security, and of the significant economic and environmental gains, which result from the implementation of cost-effective energy efficiency measures; and aware of their importance for restructuring economies and improving living standards;

Recognizing that improvements in energy efficiency reduce negative environmental consequences of the energy cycle including global warming and acidification;

Convinced that energy prices should reflect as far as possible a competitive market, ensuring market-oriented price formation, including fuller reflection of environmental costs and benefits, and recognizing that such price formation is vital to progress in energy efficiency and associated environmental protection;

Appreciating the vital role of the private sector including small and medium-sized enterprises in promoting and implementing energy efficiency measures, and intent on ensuring a favourable institutional framework for economically viable investment in energy efficiency;

Recognizing that commercial forms of cooperation may need to be complemented by intergovernmental cooperation, particularly in the area of energy policy formulation and analysis as well as in other areas which are essential to the enhancement of energy efficiency but not suitable for private funding; and

Desiring to undertake cooperative and coordinated action in the field of energy efficiency and related environmental protection and to adopt a Protocol providing a framework for using energy as economically and efficiently as possible:

HAVE AGREED AS FOLLOWS:

PART I

INTRODUCTION

ARTICLE 1

SCOPE AND OBJECTIVES OF THE PROTOCOL

(1) This Protocol defines policy principles for the promotion of energy efficiency as a considerable source of energy and for consequently reducing adverse Environmental Impacts of energy systems. It furthermore provides guidance on the development of energy efficiency programmes, indicates areas of cooperation and provides a framework for the development of cooperative and coordinated action. Such action may include the prospecting for, exploration, production, conversion, storage, transport, distribution, and consumption of energy, and may relate to any economic sector.

(2) The objectives of this Protocol are:

(a) the promotion of energy efficiency policies consistent with sustainable development;

(b) the creation of framework conditions which induce producers and consumers to use energy as economically, efficiently and environmentally soundly as possible, particularly through the organization of efficient energy markets and a fuller reflection of environmental costs and benefits; and

energetski listini, podpisanim v Haagu 17. decembra 1991, in še posebej izjave v tej Listini, da je potrebno sodelovanje na področju energetske učinkovitosti in s tem povezanim varstvom okolja;

upoštevajo Pogodbo o energetske listini, ki je na voljo za podpis od 17. decembra 1994 do 16. junija 1995;

zavedajo se dela, ki so ga prevzeli mednarodne organizacije in forumi na področju energetske učinkovitosti in okoljskih vidikov energetskega ciklusa;

zavedajo se izboljšav pri varnosti oskrbe ter pomembnih gospodarskih in okoljskih koristi, ki so posledica izvajanja gospodarnih ukrepov za doseganje energetske učinkovitosti; zavedajo se tudi pomena teh ukrepov za prestrukturiranje gospodarstva in izboljšanje življenjskega standarda;

priznavajo, da izboljšanje energetske učinkovitosti zmanjšuje negativne posledice energetskega ciklusa na okolje, vključno z globalnim segrevanjem in zakisljevanjem;

prepričane so, da bi morale cene energije čim bolj odražati konkurenčnost trga, zagotavljati tržno oblikovanje cen, vključno z večjim upoštevanjem okoljskih stroškov in koristi, in priznavajo, da je tako oblikovanje cen bistveno za napredek pri energetske učinkovitosti in s tem povezanim varstvom okolja;

cenijo izredno pomembno vlogo zasebnega sektorja, ki vključuje mala in srednja podjetja, pri pospeševanju in izvajanju ukrepov za energetske učinkovitost in namen, da se zagotovi ugoden institucionalen okvir za gospodarsko izvedljiva vlaganja v energetske učinkovitost;

priznavajo, da je morda treba poslovne oblike sodelovanja dopolniti z meddržavnim sodelovanjem, predvsem pri oblikovanju in analizi energetske politike kot tudi na drugih področjih, ki so bistvena za povečevanje energetske učinkovitosti, vendar niso primerna za zasebno financiranje; in

želijo ukrepati usklajeno in medsebojno sodelovati na področju energetske učinkovitosti in s tem povezanim varstvom okolja ter sprejeti protokol kot okvir za čim gospodarnjejšo in učinkovitejšo rabo energije,

SO SE ZATO DOGOVORILE O NASLEDNJEM:

I. DEL

UVOD

1. člen

PODROČJE IN CILJI PROTOKOLA

(1) V tem protokolu so določena načela politike za pospeševanje energetske učinkovitosti kot znatnega vira energije in torej za zmanjšanje negativnih vplivov energetskih sistemov na okolje. Protokol daje tudi smernice za razvoj programov za doseganje energetske učinkovitosti, opredeljuje področja sodelovanja in pomeni okvir za razvijanje sodelovanja in usklajenega delovanja. Med tako delovanje lahko spadajo iskanje, raziskovanje, pridobivanje, pretvarjanje, skladiščenje, prenos, distribucija in poraba energije ter je lahko povezano s katerim koli gospodarskim sektorjem.

(2) Cilji tega protokola so:

(a) podpiranje politik za doseg energetske učinkovitosti, ki so skladne s trajno uravnoveženim razvojem;

(b) ustvarjanje okvirnih pogojev, ki proizvajalce in uporabnike navajajo k čim gospodarnjejši, učinkovitejši in okolju primernejši rabi energije, zlasti z organiziranjem učinkovitih trgov energije in polnim upoštevanjem okoljskih stroškov in koristi; ter

(c) the fostering of cooperation in the field of energy efficiency.

ARTICLE 2 DEFINITIONS

As used in this Protocol:

(1) "Charter" means the European Energy Charter adopted in the Concluding Document of the Hague Conference on the European Energy Charter signed at The Hague on 17 December 1991; signature of the Concluding Document is considered to be signature of the Charter.

(2) "Contracting Party" means a state or Regional Economic Integration Organization which has consented to be bound by this Protocol and for which the Protocol is in force.

(3) "Regional Economic Integration Organization" means an organization constituted by states to which they have transferred competence over certain matters a number of which are governed by this Protocol, including the authority to take decisions binding on them in respect of those matters.

(4) "Energy Cycle" means the entire energy chain, including activities related to prospecting for, exploration, production, conversion, storage, transport, distribution and consumption of the various forms of energy, and the treatment and disposal of wastes, as well as the decommissioning, cessation or closure of these activities, minimizing harmful Environmental Impacts.

(5) "Cost-Effectiveness" means to achieve a defined objective at the lowest cost or to achieve the greatest benefit at a given cost.

(6) "Improving Energy Efficiency" means acting to maintain the same unit of output (of a good or service) without reducing the quality or performance of the output, while reducing the amount of energy required to produce that output.

(7) "Environmental Impact" means any effect caused by a given activity on the environment, including human health and safety, flora, fauna, soil, air, water, climate, landscape and historical monuments or other physical structures or the interactions among these factors; it also includes effects on cultural heritage or socio-economic conditions resulting from alterations to those factors.

PART II

POLICY PRINCIPLES

ARTICLE 3 BASIC PRINCIPLES

Contracting Parties shall be guided by the following principles:

(1) Contracting Parties shall cooperate and, as appropriate, assist each other in developing and implementing energy efficiency policies, laws and regulations.

(2) Contracting Parties shall establish energy efficiency policies and appropriate legal and regulatory frameworks which promote, *inter alia*:

(a) efficient functioning of market mechanisms including market-oriented price formation and a fuller reflection of environmental costs and benefits;

(b) reduction of barriers to energy efficiency, thus stimulating investments;

(c) mechanisms for financing energy efficiency initiatives;

(c) pospeševanje sodelovanja pri doseganju energetske učinkovitosti.

2. člen

OPREDELITEV POJMOV

V tem protokolu pomenijo navedeni izrazi:

(1) "Listina" pomeni Evropsko energetske listino, ki je bila sprejeta v Sklepnem dokumentu haaške konference o Evropski energetske listini, podpisanem v Haagu 17. decembra 1991; podpis sklepnega dokumenta se šteje za podpis Listine.

(2) "Pogodbenica" pomeni državo ali regionalno organizacijo za gospodarsko povezovanje, ki je privolila, da jo ta protokol zavezuje, in za katero ta protokol velja.

(3) "Regionalna organizacija za gospodarsko povezovanje" pomeni organizacijo, ki so jo ustanovile države in nanjo prenesle pristojnosti v zvezi z določenimi zadevami, od katerih nekatere obravnava ta protokol, vključno s pooblastilom da sprejema zanje zavezujoče odločitve v zvezi s temi zadevami.

(4) "Energetski cikel" pomeni celotno energetske verigo, vključno z dejavnostmi v zvezi z iskanjem, raziskovanjem, pridobivanjem, pretvarjanjem, skladiščenjem, prenosom, distribucijo in porabo različnih oblik energije ter obdelavo in odstranjevanjem odpadkov kakor tudi zaprtjem, prenehanjem ali opustitvijo teh dejavnosti, s čimer se škodljivi vplivi na okolje znižajo na najmanjšo možno mero.

(5) "Učinkovit glede na stroške" pomeni doseči določen cilj z najnižjimi stroški ali doseči največjo korist ob določenih stroških.

(6) "Izboljšanje energetske učinkovitosti" pomeni tako ravnanje, s katerim se zadrži enak obseg proizvodnje (blaga ali storitev) brez zmanjšanja kakovosti ali učinkovitosti tega obsega, hkrati pa se zmanjša količina energije, potrebne za proizvodnjo takega obsega.

(7) "Vpliv na okolje" pomeni vsak učinek, ki ga ima določena dejavnost na okolje, vključno na zdravje in varnost človeka, na rastlinstvo, živalstvo, tla, zrak, vodo, podnebje, krajino in zgodovinske spomenike ali druge prostorske zgradbe, ali medsebojno delovanje teh dejavnikov; vključuje tudi učinke na kulturno dediščino ali na družbenogospodarske razmere, ki nastajajo s spremembo teh dejavnikov.

II. DEL

NAČELA POLITIKE

3. člen

TEMELJNA NAČELA

Pogodbenice morajo voditi tale načela:

(1) Pogodbenice sodelujejo in si medsebojno primerno pomagajo pri razvijanju in izvajanju politik, zakonov in predpisov za energetske učinkovitost.

(2) Pogodbenice oblikujejo politike za energetske učinkovitost in ustrezen zakonski in ureditveni okvir, ki naj med drugim pospešuje:

(a) učinkovito delovanje tržnih mehanizmov, vključno s tržnim oblikovanjem cen in polnim upoštevanjem okoljskih stroškov in koristi;

(b) zmanjšanje ovir za doseganje energetske učinkovitosti, da bi tako spodbujali vlaganja;

(c) mehanizme za financiranje pobud za energetske učinkovitost;

- (d) education and awareness;
- (e) dissemination and transfer of technologies;
- (f) transparency of legal and regulatory frameworks.

(3) Contracting Parties shall strive to achieve the full benefit of energy efficiency throughout the Energy Cycle. To this end they shall, to the best of their competence, formulate and implement energy efficiency policies and co-operative or coordinated actions based on Cost-Effectiveness and economic efficiency, taking due account of environmental aspects.

(4) Energy efficiency policies shall include both short-term measures for the adjustment of previous practices and long-term measures to improve energy efficiency throughout the Energy Cycle.

(5) When cooperating to achieve the objectives of this Protocol, Contracting Parties shall take into account the differences in adverse effects and abatement costs between Contracting Parties.

(6) Contracting Parties recognize the vital role of the private sector. They shall encourage action by energy utilities, responsible authorities and specialised agencies, and close cooperation between industry and administrations.

(7) Cooperative or coordinated action shall take into account relevant principles adopted in international agreements, aimed at protection and improvement of the environment, to which Contracting Parties are parties.

(8) Contracting Parties shall take full advantage of the work and expertise of competent international or other bodies and shall take care to avoid duplication.

ARTICLE 4

DIVISION OF RESPONSIBILITY AND COORDINATION

Each Contracting Party shall strive to ensure that energy efficiency policies are coordinated among all of its responsible authorities.

ARTICLE 5

STRATEGIES AND POLICY AIMS

Contracting Parties shall formulate strategies and policy aims for Improving Energy Efficiency and thereby reducing Environmental Impacts of the Energy Cycle as appropriate in relation to their own specific energy conditions. These strategies and policy aims shall be transparent to all interested parties.

ARTICLE 6

FINANCING AND FINANCIAL INCENTIVES

(1) Contracting Parties shall encourage the implementation of new approaches and methods for financing energy efficiency and energy-related environmental protection investments, such as joint venture arrangements between energy users and external investors (hereinafter referred to as "Third Party Financing").

(2) Contracting Parties shall endeavour to take advantage of and promote access to private capital markets and existing international financing institutions in order to facilitate investments in Improving Energy Efficiency and in environmental protection related to energy efficiency.

(3) Contracting Parties may, subject to the provisions of the Energy Charter Treaty and to their other international legal obligations, provide fiscal or financial incentives to energy users in order to facilitate market penetration of energy efficiency technologies, products and services. They shall strive to do so in a manner that both ensures transparency and minimizes the distortion of international markets.

- (d) izobraževanje in ozaveščanje;
- (e) razširjanje in prenos tehnologij;
- (f) preglednost pravnih in ureditvenih okvirov.

(3) Pogodbenice si prizadevajo doseči polno korist energetske učinkovitosti v vsem energetskega ciklusu. V ta namen po svojih najboljših močeh oblikujejo in izvajajo politike za energetske učinkovitost ter sodelovanje ali usklajene dejavnosti na podlagi učinkovitosti glede na stroške in gospodarnosti ob primernem upoštevanju okoljskih vidikov.

(4) Politike za energetske učinkovitost vsebujejo tako kratkoročne ukrepe za postopno spreminjanje prejšnjih navad kot tudi dolgoročne ukrepe za izboljšanje energetske učinkovitosti v vsem energetskega ciklusu.

(5) Pri sodelovanju za doseganje ciljev tega protokola pogodbenice upoštevajo razlike in nasprotujoče si učinke ter zmanjšanje stroškov med njimi.

(6) Pogodbenice priznavajo izredno pomembno vlogo zasebnega sektorja. Spodbujajo naj delovanje javnih energetske služb, odgovornih organov in specializiranih agencij ter tesno sodelovanje med gospodarstvom in upravo.

(7) Pri sodelovanju in usklajenem delovanju je treba upoštevati ustrezna načela, sprejeta v mednarodnih sporazumih za varstvo in izboljšanje okolja, katerih pogodbenice so pogodbenice tega protokola.

(8) Pogodbenice naj v celoti izkoristijo delo in izkušnje usposobljenih pristojnih mednarodnih ali drugih teles in naj pri tem pazijo, da se izogibajo podvajanju dela.

4. člen

DELITEV ODGOVORNOSTI IN USKLAJEVANJE

Vsaka pogodbenica si prizadeva zagotoviti, da bodo politike energetske učinkovitosti usklajene med vsemi njenimi za to odgovornimi organi.

5. člen

STRATEGIJE IN CILJI POLITIKE

Pogodbenice oblikujejo strategije in cilje politike za izboljšanje energetske učinkovitosti in s tem zmanjšanje učinkov energetskega ciklusa na okolje, kot je to primerno glede na njihove posebne energetske razmere. Strategije in cilji politike morajo biti pregledni za vse zainteresirane.

6. člen

FINANCIRANJE IN FINANČNE SPODBUDE

(1) Pogodbenice si prizadevajo za uvajanje novih pristopov in metod za financiranje naložb v energetske učinkovitost in varstvo okolja, ki je povezano z energetiko, kot so dogovori o skupnih vlaganjih med uporabniki energije in zunanji investitorji (v nadaljevanju "financiranje s strani tretjih").

(2) Pogodbenice si prizadevajo izkoristiti trge zasebnega kapitala in obstoječe mednarodne finančne ustanove in pospeševati dostop do njih, da bi tako olajšale naložbe v izboljšanje energetske učinkovitosti in v varstvo okolja, ki je povezano z energetske učinkovitostjo.

(3) Pogodbenice lahko ob upoštevanju določb Pogodbe o energetske listini in drugih svojih mednarodnopravnih obveznosti zagotavljajo davčne ali finančne spodbude uporabnikom energije, da bi tako olajšali prodiranje energetske učinkovitih tehnologij, izdelkov in storitev na trg. To si prizadevajo storiti na način, ki zagotavlja preglednost in ob tem povzroči čim manj izkrivljanja razmer na mednarodnih trgih.

ARTICLE 7

PROMOTION OF ENERGY EFFICIENT TECHNOLOGY

(1) Consistent with the provisions of the Energy Charter Treaty, Contracting Parties shall encourage commercial trade and cooperation in energy efficient and environmentally sound technologies, energy-related services and management practices.

(2) Contracting Parties shall promote the use of these technologies, services and management practices throughout the Energy Cycle.

ARTICLE 8

DOMESTIC PROGRAMMES

(1) In order to achieve the policy aims formulated according to Article 5, each Contracting Party shall develop, implement and regularly update energy efficiency programmes best suited to its circumstances.

(2) These programmes may include activities such as the:

(a) development of long-term energy demand and supply scenarios to guide decision-making;

(b) assessment of the energy, environmental and economic impact of actions taken;

(c) definition of standards designed to improve the efficiency of energy using equipment, and efforts to harmonize these internationally to avoid trade distortions;

(d) development and encouragement of private initiative and industrial cooperation, including joint ventures;

(e) promotion of the use of the most energy efficient technologies that are economically viable and environmentally sound;

(f) encouragement of innovative approaches for investments in energy efficiency improvements, such as Third Party Financing and co-financing;

(g) development of appropriate energy balances and data bases, for example with data on energy demand at a sufficiently detailed level and on technologies for Improving Energy Efficiency;

(h) promotion of the creation of advisory and consultancy services which may be operated by public or private industry or utilities and which provide information about energy efficiency programmes and technologies, and assist consumers and enterprises;

(i) support and promotion of cogeneration and of measures to increase the efficiency of district heat production and distribution systems to buildings and industry;

(j) establishment of specialized energy efficiency bodies at appropriate levels, that are sufficiently funded and staffed to develop and implement policies.

(3) In implementing their energy efficiency programmes, Contracting Parties shall ensure that adequate institutional and legal infrastructures exist.

PART III

INTERNATIONAL COOPERATION

ARTICLE 9

AREAS OF COOPERATION

The cooperation between Contracting Parties may take any appropriate form. Areas of possible cooperation are listed in the Annex.

7. člen

POSPEŠEVANJE UPORABE ENERGETSKO UČINKOVITE TEHNOLOGIJE

(1) V skladu z določbami Pogodbe o energetski listini pogodbenice spodbujajo trgovinsko menjavo in sodelovanje pri energetsko učinkovitih in okolju primernih tehnologijah, storitvah z energetskega področja in načinih upravljanja.

(2) Pogodbenice pospešujejo uporabo teh tehnologij, storitev in načinov upravljanja skozi ves energetski cikel.

8. člen

DOMAČI PROGRAMI

(1) Da bi zagotovili uresničevanje ciljev politike, oblikovanih v skladu s 5. členom, naj vsaka pogodbenica razvija, izvaja in redno posodablja programe za doseganje energetske učinkovitosti, ki so najprimernejši za njene razmere.

(2) Takšni programi lahko vključujejo dejavnosti, kot so:

(a) razvoj dolgoročnih scenarijev energetskega potreb in dobav za usmerjanje odločanja;

(b) ocena energetskega, okoljskega in gospodarskega vpliva sprejetih ukrepov;

(c) opredelitev standardov za večjo učinkovitost opreme, ki uporablja energijo, in prizadevanja, da bi te standarde mednarodno uskladili in se tako izognili izkrivljanju razmer na trgu;

(d) razvoj in spodbujanje zasebne pobude in gospodarskega sodelovanja, vključno s skupnimi vlaganji;

(e) prizadevanje za uporabo energetsko najučinkovitejših tehnologij, ki so gospodarno izvedljive in okolju primerne;

(f) spodbujanje inovativnih pristopov pri vlaganjih in izboljšavah energetske učinkovitosti, kot sta financiranje s strani tretjih in sofinanciranje;

(g) razvoj ustreznih energetskega bilanc in podatkovnih baz, na primer z dovolj natančnimi podatki o energetskih potrebah in tehnologijah, za boljšo energetsko učinkovitost;

(h) pospeševanje razvoja svetovalnih služb, ki jih lahko vodijo javna ali zasebna podjetja ali gospodarske javne službe, ki dajejo informacije o energetsko učinkovitih programih in tehnologijah ter pomagajo porabnikom in podjetjem;

(i) podpiranje in spodbujanje hkratne proizvodnje elektrike in toplote in ukrepov za povečanje učinkovitosti sistemov proizvodnje distribucije daljinske toplote za stavbe in gospodarske objekte;

(j) ustanavljanje specializiranih organov za energetsko učinkovitost na ustreznih ravneh, ki imajo dovolj denarja in ljudi za oblikovanje in izvajanje politike.

(3) Pri izvajanju programov za doseganje energetske učinkovitosti pogodbenice zagotavljajo ustrezne ustanove in pravne okvire.

III. DEL

MEDNARODNO SODELOVANJE

9. člen

PODROČJA SODELOVANJA

Sodelovanje med pogodbenicami lahko poteka v kakršni koli primerni obliki. Področja možnega sodelovanja so navedena v prilogi.

PART IV

IV. DEL

ADMINISTRATIVE AND LEGAL ARRANGEMENTS

UPRAVNE IN PRAVNE UREDITVE

ARTICLE 10

10. člen

*ROLE OF THE CHARTER CONFERENCE**VLOGA KONFERENCE PODPISNIC LISTINE*

(1) All decisions made by the Charter Conference in accordance with this Protocol shall be made by only those Contracting Parties to the Energy Charter Treaty who are Contracting Parties to this Protocol.

(1) Vse odločitve, ki jih v skladu s tem protokolom sprejme Konferenca podpisnic Listine, lahko sprejmejo le tiste pogodbenice Pogodbe o energetski listini, ki so pogodbenice tega protokola.

(2) The Charter Conference shall endeavour to adopt, within 180 days after the entry into force of this Protocol, procedures for keeping under review and facilitating the implementation of its provisions, including reporting requirements, as well as for identifying areas of cooperation in accordance with Article 9.

(2) Konferenca podpisnic Listine si prizadeva v 180 dneh po začetku veljavnosti tega protokola sprejeti postopke za spremljanje in lažje uresničevanje določb protokola, vključno z zahtevami za poročanje, kakor tudi postopke za opredelitev področij sodelovanja v skladu z 9. členom.

ARTICLE 11

11. člen

*SECRETARIAT AND FINANCING**SEKRETARIAT IN FINANCIRANJE*

(1) The Secretariat established under Article 35 of the Energy Charter Treaty shall provide the Charter Conference with all necessary assistance for the performance of its duties under this Protocol and provide such other services in support of the Protocol as may be required from time to time, subject to approval by the Charter Conference.

(1) Sekretariat, ustanovljen na podlagi 35. člena Pogodbe o energetski listini, daje Konferenci podpisnic Listine vso potrebno pomoč pri izpolnjevanju njenih obveznosti po tem protokolu in opravlja take druge storitve v podporo protokolu, kot so morda občasno potrebne in če jih odobri Konferenca podpisnic Listine.

(2) The costs of the Secretariat and Charter Conference arising from this Protocol shall be met by the Contracting Parties to this Protocol according to their capacity to pay, determined according to the formula specified in Annex B to the Energy Charter Treaty.

(2) Stroške Sekretariata in Konference podpisnic Listine krijejo pogodbenice tega protokola v skladu s svojimi plačilnimi zmoglostmi, kot so določene po formuli, navedeni v Prilogi B k Pogodbi o energetski listini.

ARTICLE 12

12. člen

*VOTING**GLASOVANJE*

(1) Unanimity of Contracting Parties Present and Voting at the meeting of the Charter Conference where such matters fall to be decided shall be required for decisions to:

(1) Soglasnost vseh pogodbenic, ki so prisotne in glasujejo na zasedanju Konference podpisnic Listine, kjer se odloča o takih zadevah, je potrebna za sklepe o:

(a) adopt amendments to this Protocol; and

(a) sprejetju sprememb in dopolnitev tega protokola; in

(b) approve accessions to this Protocol under Article 16.

(b) odobritvi pristopov k temu protokolu v skladu s 16. členom.

Contracting Parties shall make every effort to reach agreement by consensus on any other matter requiring their decision under this Protocol. If agreement cannot be reached by consensus, decisions on non-budgetary matters shall be taken by a three-fourths majority of Contracting Parties Present and Voting at the meeting of the Charter Conference at which such matters fall to be decided.

Pogodbenice si po najboljših močeh prizadevajo doseči dogovor s konsenzom o vsaki drugi zadevi, o kateri morajo odločati po tem protokolu. Če dogovor ne more biti dosežen s konsenzom, se sklepi o neproračunskih zadevah sprejemajo s tričetrtinsko večino vseh pogodbenic, ki so prisotne in glasujejo o teh vprašanjih na zasedanju Konference podpisnic Listine.

Decisions on budgetary matters shall be taken by a qualified majority of Contracting Parties whose assessed contributions under Article 11(2) represent, in combination, at least three-fourths of the total assessed contributions.

Sklepi o proračunskih zadevah se sprejmejo s kvalificirano večino pogodbenic, katerih ocenjeni prispevki v skladu z odstavkom (2) 11. člena skupaj predstavljajo najmanj tri četrtine skupnih ocenjenih prispevkov.

(2) For purposes of this Article, "Contracting Parties Present and Voting" means Contracting Parties to this Protocol present and casting affirmative or negative votes, provided that the Charter Conference may decide upon rules of procedure to enable such decisions to be taken by Contracting Parties by correspondence.

(2) Za namene tega člena pomeni izraz "pogodbenice, ki so prisotne in glasujejo" tiste pogodbenice tega protokola, ki so prisotne in glasujejo za ali proti, vendar ob upoštevanju dejstva, da Konferenca podpisnic Listine lahko sprejme poslovnik, ki tudi omogoča, da pogodbenice take sklepe sprejemajo korespondenčno.

(3) Except as provided in paragraph (1) in relation to budgetary matters, no decision referred to in this Article shall be valid unless it has the support of a simple majority of Contracting Parties.

(3) Razen kot je določeno v odstavku (1) v zvezi s proračunskimi zadevami, ni veljaven noben sklep iz tega člena, če ga ne podpre navadna večina pogodbenic.

(4) A Regional Economic Integration Organization shall, when voting, have a number of votes equal to the number of its member states which are Contracting Parties to this Protocol; provided that such an Organization shall not exercise its right to vote if its member states exercise theirs, and *vice versa*.

(4) Regionalna organizacija za gospodarsko povezovanje ima pri glasovanju število glasov, ki ustreza številu njenih držav članic, ki so pogodbenice tega protokola, pod pogojem, da taka organizacija ne uveljavlja svoje pravice do glasovanja, če njene države članice same uveljavljajo to pravico, in obratno.

(5) In the event of persistent arrears in a Contracting Party's discharge of financial obligations under this Protocol, the Charter Conference may suspend that Contracting Party's voting rights in whole or in part.

ARTICLE 13

RELATION TO THE ENERGY CHARTER TREATY

(1) In the event of inconsistency between the provisions of this Protocol and the provisions of the Energy Charter Treaty, the provisions of the Energy Charter Treaty shall, to the extent of the inconsistency, prevail.

(2) Article 10(1) and Article 12(1) to (3) shall not apply to votes in the Charter Conference on amendments to this Protocol which assign duties or functions to the Charter Conference or the Secretariat, the establishment of which is provided for in the Energy Charter Treaty.

PART V

FINAL PROVISIONS

ARTICLE 14

SIGNATURE

This Protocol shall be open for signature at Lisbon from 17 December 1994 to 16 June 1995 by the states and Regional Economic Integration Organizations whose representatives have signed the Charter and the Energy Charter Treaty.

ARTICLE 15

RATIFICATION, ACCEPTANCE OR APPROVAL

This Protocol shall be subject to ratification, acceptance or approval by signatories. Instruments of ratification, acceptance or approval shall be deposited with the Depositary.

ARTICLE 16

ACCESSION

This Protocol shall be open for accession, from the date on which the Protocol is closed for signature, by states and Regional Economic Integration Organizations which have signed the Charter and are Contracting Parties to the Energy Charter Treaty, on terms to be approved by the Charter Conference. The instruments of accession shall be deposited with the Depositary.

ARTICLE 17

AMENDMENTS

(1) Any Contracting Party may propose amendments to this Protocol.

(2) The text of any proposed amendment to this Protocol shall be communicated to Contracting Parties by the Secretariat at least three months before the date on which it is proposed for adoption by the Charter Conference.

(3) Amendments to this Protocol, texts of which have been adopted by the Charter Conference, shall be communicated by the Secretariat to the Depositary which shall submit them to all Contracting Parties for ratification, acceptance or approval.

(4) Instruments of ratification, acceptance or approval of amendments to this Protocol shall be deposited with the Depositary. Amendments shall enter into force between Contracting Parties having ratified, accepted or approved them on the thirtieth day after deposit with the Depositary of

(5) Če pogodbenica stalno zamuja pri poravnavi finančnih obveznosti po tem protokolu, ji lahko Konferenca podpisnic Listine v celoti ali delno začasno odvzame glasovalne pravice.

13. člen

RAZMERJE DO POGODBE O ENERGETSKI LISTINI

(1) Pri neskladju med določbami tega protokola in določbami Pogodbe o energetski listini prevladajo za taka neskladja določbe Pogodbe o energetski listini.

(2) Odstavek (1) 10. člena in odstavki (1) do (3) 12. člena se ne uporabljajo za glasovanje Konference podpisnic Listine o spremembah in dopolnitvah tega protokola, ki nalagajo obveznosti ali naloge Konferenci podpisnic Listine ali Sekretariatu, ki je ustanovljen na podlagi Pogodbe o energetski listini.

V. DEL

KONČNE DOLOČBE

14. člen

PODPIS

Ta protokol je na voljo za podpis v Lizboni od 17. decembra 1994 do 16. junija 1995 za države in regionalne organizacije za gospodarsko povezovanje, katerih predstavniki so podpisali Listino in Pogodbo o energetski listini.

15. člen

RATIFIKACIJA, SPREJETJE ALI ODOBRITEV

Ta protokol morajo podpisnice ratificirati, sprejeti ali odobriti. Listine o ratifikaciji, sprejetju ali odobritvi se hranijo pri depozitarju.

16. člen

PRISTOP

Ta protokol je na voljo za pristop državam in regionalnim organizacijam za gospodarsko povezovanje, ki so podpisale Listino in so pogodbenice Pogodbe o energetski listini, pod pogoji, ki jih mora določiti Konferenca podpisnic Listine, in sicer od tistega dneva dalje, ko protokol ni več na voljo za podpis. Listine o pristopu se hranijo pri depozitarju.

17. člen

SPREMEMBE IN DOPOLNITVE

(1) Vsaka pogodbenica lahko predlaga spremembe in dopolnitve k temu protokolu.

(2) Besedilo vsake predlagane spremembe in dopolnitve tega protokola Sekretariat sporoči pogodbenicam najmanj tri mesece pred datumom, ko je predlagano, da jih sprejme Konferenca podpisnic Listine.

(3) Spremembe in dopolnitve tega protokola, katerih besedilo je sprejela Konferenca podpisnic Listine, Sekretariat sporoči depozitarju, ta pa jih predloži vsem pogodbenicam v ratifikacijo, sprejetje ali odobritev.

(4) Listine o ratifikaciji, sprejetju ali odobritvi sprememb in dopolnitev tega protokola se hranijo pri depozitarju. Spremembe in dopolnitve začnejo veljati med pogodbenicami, ki so jih ratificirale, sprejele ali odobrile, trideseti dan potem, ko je najmanj tri četrtine pogodbenic pri depozi-

instruments of ratification, acceptance or approval by at least three-fourths of the Contracting Parties. Thereafter the amendments shall enter into force for any other Contracting Party on the thirtieth day after that Contracting Party deposits its instrument of ratification, acceptance or approval of the amendments.

ARTICLE 18
ENTRY INTO FORCE

(1) This Protocol shall enter into force on the thirtieth day after the date of deposit of the fifteenth instrument of ratification, acceptance or approval thereof, or of accession thereto, by a state or Regional Economic Integration Organization which is a signatory to the Charter and a Contracting Party to the Energy Charter Treaty or on the same date as the Energy Charter Treaty enters into force, whichever is later.

(2) For each state or Regional Economic Integration Organization for which the Energy Charter Treaty has entered into force and which ratifies, accepts, or approves this Protocol or accedes thereto after the Protocol has entered into force in accordance with paragraph (1), the Protocol shall enter into force on the thirtieth day after the date of deposit by such state or Regional Economic Integration Organization of its instrument of ratification, acceptance, approval or accession.

(3) For the purposes of paragraph (1), any instrument deposited by a Regional Economic Integration Organization shall not be counted as additional to those deposited by member states of such Organization.

ARTICLE 19
RESERVATIONS

No reservations may be made to this Protocol.

ARTICLE 20
WITHDRAWAL

(1) At any time after this Protocol has entered into force for a Contracting Party, that Contracting Party may give written notification to the Depositary of its withdrawal from the Protocol.

(2) Any Contracting Party which withdraws from the Energy Charter Treaty shall be considered as also having withdrawn from this Protocol.

(3) The effective date of withdrawal under paragraph (1) shall be ninety days after receipt of notification by the Depositary. The effective date of withdrawal under paragraph (2) shall be the same as the effective date of withdrawal from the Energy Charter Treaty.

ARTICLE 21
DEPOSITARY

The Government of the Portuguese Republic shall be the Depositary of this Protocol.

ARTICLE 22
AUTHENTIC TEXTS

In witness whereof the undersigned, being duly authorized to that effect, have signed this Protocol in English, French, German, Italian, Russian and Spanish, of which every text is equally authentic, in one original, which will be deposited with the Government of the Portuguese Republic.

Done at Lisbon on the seventeenth day of December in the year one thousand nine hundred and ninety-four.

tarju deponiralo listine o ratifikaciji, sprejetju ali odobritvi. Za vsako drugo pogodbenico začnejo spremembe in dopolnitve veljati trideseti dan potem, ko je ta pogodbenica deponirala svojo listino o ratifikaciji, sprejetju ali odobritvi sprememb in dopolnitev.

18. člen
ZAČETEK VELJAVNOSTI

(1) Ta protokol začne veljati trideseti dan po datumu, ko je petnajsta država ali regionalna organizacija za gospodarsko povezovanje, ki je podpisnica Listine in pogodbenica Pogodbe o energetski listini, deponirala svojo listino o ratifikaciji, sprejetju ali odobritvi protokola ali o pristopu k protokolu, ali pa na datum, ko začne veljati Pogodba o energetski listini, kateri koli od teh dveh datumov je kasnejši.

(2) Za vsako državo ali regionalno organizacijo za gospodarsko povezovanje, za katero je začela veljati Pogodba o energetski listini in ki ratificira, sprejme ali odobri ta protokol ali k njemu pristopi po začetku veljavnosti protokola v skladu z odstavkom (1), začne ta protokol veljati trideseti dan po datumu, ko taka država ali regionalna organizacija za gospodarsko povezovanje deponira svojo listino o ratifikaciji, sprejetju, odobritvi ali pristopu.

(3) Za namene odstavka (1) se listina, ki jo deponira regionalna organizacija za gospodarsko povezovanje, ne šteje za dodatno listino k listinam, ki so jih deponirale države članice te organizacije.

19. člen
PRIDRŽKI

Pridržki k temu protokolu niso mogoči.

20. člen
ODSTOP

(1) Pogodbenica lahko kadar koli po začetku veljavnosti tega protokola pisno obvesti depozitarja, da odstopa od protokola.

(2) Šteje se, da je vsaka pogodbenica, ki je odstopila od Pogodbe o energetski listini, odstopila tudi od tega protokola.

(3) Datum začetka veljavnosti odstopa v skladu z odstavkom (1) je devetdeset dni potem, ko je depozitar prejel notifikacijo o odstopu. Datum začetka veljavnosti odstopa v skladu z odstavkom (2) je enak kot datum začetka veljavnosti odstopa od Pogodbe o energetski listini.

21. člen
DEPOZITAR

Vlada Republike Portugalske je depozitar tega protokola.

22. člen
VERODOSTOJNOST BESEDIL

V potrditev tega so podpisani, ki so v ta namen pravilno pooblašteni, podpisali ta protokol v angleškem, francoskem, nemškem, italijanskem, ruskem in španskem jeziku, katerega vsako besedilo je enako verodostojno, v enem izvorniku, ki bo deponiran pri Vladi Republike Portugalske.

Sestavljeno v Lizboni sedemnajstega decembra leta tisoč devetsto štiriindevetdeset.

ANNEX

PRILOGA

ILLUSTRATIVE AND NON-EXHAUSTIVE LIST
OF POSSIBLE AREAS OF COOPERATION PURSUANT
TO ARTICLE 9

Development of energy efficiency programmes, including identifying energy efficiency barriers and potentials, and the development of energy labelling and efficiency standards;

Assessment of the Environmental Impacts of the Energy Cycle;

Development of economic, legislative and regulatory measures;

Technology transfer, technical assistance and industrial joint ventures subject to international property rights regimes and other applicable international agreements;

Research and development;

Education, training, information and statistics;

Identification and assessment of measures such as fiscal or other market-based instruments, including tradeable permits to take account of external, notably environmental, costs and benefits.

Energy analysis and policy formulation:

- assessment of energy efficiency potentials;
- energy demand analysis and statistics;
- development of legislative and regulatory measures;
- integrated resource planning and demand side management;

– Environmental Impact assessment, including major energy projects.

Evaluation of economic instruments for Improving Energy Efficiency and environmental objectives.

Energy efficiency analysis in refining, conversion, transport and distribution of hydro-carbons.

Improving Energy Efficiency in power generation and transmission:

- cogeneration;
- plant component (boilers, turbines, generators, etc);
- network integration.

Improving Energy Efficiency in the building sector:

– thermal insulation standards, passive solar and ventilation;

- space heating and air conditioning systems;
- high efficiency low NOx burners;

– metering technologies and individual metering;

– domestic appliances and lighting.

Municipalities and local community services:

- district heating systems;
- efficient gas distribution systems;
- energy planning technologies;

– twinning of towns or of other relevant territorial entities;

– energy management in cities and in public buildings;

– waste management and energy recovery of waste.

Improving Energy Efficiency in the industrial sector:

- joint ventures;
- energy cascading, cogeneration and waste heat recovery;

– energy audits.

Improving Energy Efficiency in the transport sector:

- motor vehicle performance standards;
- development of efficient transport infrastructures.

Information:

- awareness creation;

PONAZORITVEN IN NEPOPOLN SEZNAM MOŽNIH
PODROČIJ SODELOVANJA V SKLADU
Z 9. ČLENOM

Razvoj programov energetske učinkovitosti, vključno z ugotavljanjem ovir in možnosti za energetske učinkovitost, ter razvoj označevanja z energetskimi nalepkami in standardov za učinkovitost;

Presoja vplivov energetskega ciklusa na okolje;

Razvoj gospodarskih, zakonodajnih in ureditvenih ukrepov;

Prenos tehnologije, tehnična pomoč in gospodarska skupna vlaganja v skladu z mednarodnimi ureditvami premoženjskih pravic in drugimi ustreznimi sporazumi;

Raziskovanje in razvoj;

Izobraževanje, usposabljanje, obveščanje in statistika;

Opredelevanje in vrednotenje ukrepov, kot so davčni ali drugi tržni instrumenti, vključno s tržljivimi dovoljenji, tako da se upoštevajo zunanji, zlasti okoljski stroški in koristi.

Energetska analiza in oblikovanje politike:

- presoja možnosti za energetske učinkovitost;
- analiza in statistika potreb po energiji;
- razvoj zakonodajnih in ureditvenih ukrepov;

– celostno načrtovanje virov in upravljanje na strani potreb;

– presoja vplivov na okolje, vključno s pomembnejšimi energetskimi projekti.

Vrednotenje instrumentov gospodarske politike za boljše energetske učinkovitost in varstvo okolja.

Analiza energetske učinkovitosti pri predelavi, pretvarjanju, prenosu in distribuciji ogljikovodikov.

Izboljšanje energetske učinkovitosti pri proizvodnji in prenosu električne energije:

- hkratna proizvodnja elektrike in toplote;
- sestavni deli elektrarn (kotli, turbine, generatorji itd.);
- povezava omrežij.

Izboljšanje energetske učinkovitosti v gradbeništvu:

– standardi za toplotno zaščito zgradb, pasivna uporaba sončne energije in prezračevanje;

- sistemi za ogrevanje in prezračevanje prostorov;
- visoko učinkoviti gorilniki z nizko emisijo dušikovih oksidov (NOx);

– metode merjenja in individualne meritve;

– gospodinjski aparati in razsvetljava.

Storitve v občinah in lokalnih skupnostih:

- sistemi za daljinsko ogrevanje;
- sistemi za učinkovito distribucijo plina;
- tehnologije za energetske načrtovanje;

– sodelovanje in povezovanje mest in drugih pomembnih ozemeljskih enot;

– gospodarno ravnanje z energijo v mestih in javnih zgradbah;

– ravnanje z odpadki in ponovno pridobivanje energije iz odpadkov.

Izboljšanje energetske učinkovitosti v industriji:

- skupna vlaganja;
- stopenjska izraba energije, hkratna proizvodnja elektrike in toplote in ponovna uporaba odpadne toplote;

– energetski pregledi.

Izboljšanje energetske učinkovitosti v prometu:

- standardi porabe goriva motornih vozil;
- razvoj učinkovite prometne infrastrukture.

Obveščanje:

- ozaveščanje;

- data bases: access, technical specifications, information systems;
- dissemination, collection and collation of technical information;
- behavioural studies.

Training and education:

- exchanges of energy managers, officials, engineers and students;
- organization of international training courses.

Financing:

- development of legal framework;
- Third Party Financing;
- joint ventures;
- co-financing.

- podatkovne baze: dostopnost, zahtevane tehnične lastnosti, informacijski sistemi;
- razširjanje, zbiranje in primerjanje tehničnih informacij;
- vedenjske študije.

Usposabljanje in izobraževanje:

- izmenjava vodilnega osebja, visokih uradnikov, inženirjev in študentov s področja energetike;
- organizacija mednarodnih tečajev in seminarjev.

Financiranje:

- razvoj pravnega okvira;
- financiranje s strani tretjih;
- skupna vlaganja;
- sofinanciranje.

3. člen

Za izvajanje te pogodbe, protokola in sklepov skrbi Ministrstvo za gospodarske dejavnosti.

4. člen

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

Št. 320-01/97-6/1

Ljubljana, dne 26. junija 1997

Predsednik
Državnega zbora
Republike Slovenije
Janez Podobnik, dr. med. l. r.

VSEBINA

	Stran
50. Zakon o ratifikaciji Pogodbe o energetske listini, Protokola k energetske listini o energetske učinkovitosti in s tem povezanimi okoljskimi vidiki in sklepov v zvezi s pogodbo o energetske listini (MPOEL)	697

dr. ANDREJ ANŽIČ

VARNOSTNI SISTEM REPUBLIKE SLOVENIJE

Visoka policijsko-varnostna šola sodi med mlajše slovenske visokošolske ustanove, tako da je izdaja učbenika učitelja te šole velik dogodek. Še posebej, ker z njim na varnostnem področju zapolnjuje vrzel pomanjkanja študijske literature v slovenskem jeziku.

Knjiga pa ni namenjena le slušateljem te šole. Doc. dr. Andrej Anžič s tem delom želi prispevati k oblikovanju slovenskega nacionalnega varnostnega sistema. Vsaka država se, kakor je zapisal, sooča z vrsto varnostnih izzivov, paleta varnostnih dilem in varnostnimi tveganji. Ti so po obliki in vsebini zelo različni: nekateri se že izražajo, drugi le nakazujejo, tretji slutijo, četrtih pa ni mogoče niti zaznati. Poglavitni varnostni cilj nacionalne države je, da svojim državljanom in tujcem na svojem ozemlju zagotovi varnost. Pri tem pa morajo biti posegi v človekove pravice le izjemni, in sicer po strogo določenih pravnih osnovah.

Prva poglavja knjige so namenjena opredelitvi temeljnih pojmov, zgodovinskemu pregledu in sistemu zagotavljanja varnosti, obrambe, zaščite in reševanja. Posebni poglavji pa avtor namenja varstvu človekovih pravic in evropskim varnostnim in obrambnim integracijam.

4620 SIT

(10418)

Pravkar izšlo!

PREDPISI O DRŽAVLJANIH IN TUJCIH

z uvodnimi pojasnili Alenke Mesojedec Pervinšek

Denacionalizacijo pogosto prepletajo postopki o ugotavljanju državljanstva. Včasih je treba izvor slovenskega državljanstva poiskati v predpisih izpred mnogih desetletij. Na slovenskem ozemlju jih je veljalo kar 45. Med drugim so naštetih v novi knjižici, ki je izšla v zbirki predpisov.

Uvodna pojasnila k zakonu o državljanstvu je napisala svetovalka ministra za notranje zadeve Alenka Mesojedec Pervinšek, ki skozi dolgoletno prakso dobro pozna problematiko na tem področju. Posebno pozornost namenja specifikam ureditve državljanstva po osamosvojitvi Slovenije. Dodanih je tudi ducat primerov iz upravne in sodne prakse.

Za zakonom o državljanstvu so objavljene odločbe slovenskega ustavnega sodišča, namenjene oceni ustavnosti tega zakona. Nadalje je natisnjena uredba o merilih za ugotavljanje in izpolnjevanje določenih pogojev za pridobitev slovenskega državljanstva z naturalizacijo, sledijo pa zakoni o: potnih listinah, nadzoru državne meje, tujcih in začasnem zatočišču.

Cena 2457 SIT

(10419)

Naročila sprejema **ČZ URADNI LIST REPUBLIKE SLOVENIJE**, 1000 LJUBLJANA, SLOVENSKA 9, p.p. 379/VII. Pošljete jih lahko po telefaksu 125 14 18.

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