Uradni list Republike Slovenije Mednarodne pogodbe
Internet: http://www.uradni-list.si e-mail: info@uradni-list.si
Št. 11 (Uradni list RS, št. 46) Ljubljana, petek 19. 6. 1998 ISSN 1318-0932 Leto VIII

29. **Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Češke republike o rednem zračnem prometu (BCZRZP)**

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

U K A Z
O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO ČEŠKE REPUBLIKE O REDNEM ZRAČNEM PROMETU (BCZRZP)

Razglašam Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Češke republike o rednem zračnem prometu (BCZRZP), ki ga je sprejel Državni zbor Republike Slovenije na seji 22. maja 1998.

Št. 001-22-51/98
Ljubljana, dne 1. junija 1998

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N
O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO ČEŠKE REPUBLIKE O REDNEM ZRAČNEM PROMETU (BCZRZP)

1. člen

Ratificira se Sporazum med Vlado Republike Slovenije in Vlado Češke republike o rednem zračnem prometu, podpisan v Helsinkih dne 24. junija 1997.

2. člen

Sporazum se v izvirniku v angleškem in prevodu v slovenskem jeziku glasi:

A G R E E M E N T
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA AND THE GOVERNMENT OF THE CZECH REPUBLIC RELATING TO SCHEDULED AIR SERVICES

The Government of the Republic of Slovenia and the Government of the Czech Republic,
hereinafter referred to as Contracting Parties;
Being Parties to the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December 1944, and
Desiring to conclude an agreement for the purpose of developing air services between their respective territories,
Have agreed as follows:

Article 1
(Definitions)

For the purpose of this Agreement, unless the context otherwise requires:
(a) the term "Convention" means the Convention on International Civil Aviation opened for signature at Chicago

S P O R A Z U M
MED VLADO REPUBLIKE SLOVENIJE IN VLADO ČEŠKE REPUBLIKE O REDNEM ZRAČNEM PROMETU

Vlada Republike Slovenije in Vlada Češke republike, v nadaljevanju imenovani pogodbenici,

ki sta pogodbenici Konvencije o mednarodnem civilnem letalstvu, ki je bila odprta za podpis v Chicagu 7. decembra 1944,
v želji, da skleneta sporazum, katerega cilj je razvoj zračnega prometa med njunima ozemljema,
sta se dogovorili o naslednjem:

1. člen
(Definicije)

Posamezni izrazi v tem sporazumu, razen če sobesedilo ne zahteva drugače, imajo naslednji pomen:
a) izraz "konvencija" pomeni Konvencijo o mednarodnem civilnem letalstvu, ki je bila odprta za podpis v Chicagu

on the seventh day of December 1944, and includes any Annex adopted under Article 90 of that Convention and any amendment of the Annexes or of the Convention under Article 90 and 94 so far as those Annexes and amendments have been adopted by both Contracting Parties;

(b) the term "aeronautical authorities" means in the case of the Republic of Slovenia, the Ministry of Transport and Communications, Civil Aviation Authority, and in the case of the Czech Republic, the Ministry of Transport and Communications, or, in both cases, any other authority legally empowered to perform the functions exercised by the said aeronautical authorities;

(c) the term "designated airline" means an airline which one Contracting Party has designated in accordance with Article 3 of this Agreement for the operation of the agreed air services;

(d) the terms "territory", "air service", "international air service", "airline" and "stop for non-traffic purposes" have the meaning respectively assigned to them in Articles 2 and 96 of the Convention;

(e) the term "capacity" in relation to agreed services means the capacity of the aircraft used on such services, multiplied by the frequency operated by such aircraft over a given period on a route or section of a route;

(f) the term "tariff" means the prices or charges to be paid for the carriage of passengers, baggage and cargo (excluding remunerations and conditions for the carriage of mail) and the conditions under which those prices and charges apply, including commissions to be paid on the carriage for agency services, charges and conditions for any services ancillary to such carriage which are offered by airlines;

(g) the term "Annex" means the Annex to this Agreement or as amended in accordance with the provisions of Article 18 of this Agreement. The Annex forms an integral part of this Agreement and all references to the Agreement shall include the Annex except where explicitly agreed otherwise.

Article 2

(Traffic Rights)

(1) Each Contracting Party grants to the other Contracting Party the rights specified in this Agreement for the purpose of establishing and operating international air services by a designated airline or airlines over the routes specified in the appropriate section of the Annex. Such services and routes are hereinafter called "agreed services" and "specified routes" respectively.

(2) Subject to the provisions of this Agreement the designated airline or airlines of each Contracting Party shall enjoy, while operating the agreed services on the specified routes, the following rights:

(a) to fly without landing across the territory of the other Contracting Party;

(b) to make stops in the territory of the other Contracting Party for non-traffic purposes;

(c) to embark and disembark in the territory of the other Contracting Party at points specified in the Annex passengers, baggage and cargo including mail, separately or in combination, destined for or coming from point(s) in the territory of the first Contracting Party; and

(d) to embark and disembark in the territory of the third countries at the points specified in the Annex passengers, baggage and cargo including mail, separately or in combination, destined for or coming from points in the territory of the other Contracting Party, specified in the Annex.

7. decembra 1944, ter vključuje vsako prilogo, sprejeto v skladu z 90. členom omenjene konvencije, in vsako spremembo prilog ali konvencije v skladu z njenim 90. in 94. členom v tisti meri, v kateri sta obe pogodbenici te priloge in spremembe sprejeli;

b) izraz "pristojna organa" pomeni za Republiko Slovenijo Ministrstvo za promet in zveze, Upravo Republike Slovenije za zračno plovbo in za Češko republiko Ministrstvo za promet ali v obeh primerih kateri koli drug organ, pooblaščen za opravljanje nalog, ki jih opravljata omenjena organa;

c) izraz "določeni letalski prevoznik" pomeni prevoznika v zračnem prometu, ki ga je pogodbenica določila v skladu s 3. členom tega sporazuma za opravljanje dogovorjenega prometa;

d) izrazi "ozemlje", "zračni promet", "mednarodni zračni promet", "prevoznik" in "pristanek v nekomercialne namene" imajo pomen, ki je določen v 2. in 96. členu konvencije;

e) izraz "zmogljivost" v zvezi z dogovorjenim prometom pomeni zmogljivost letala, uporabljenega v tem prometu, pomnožena s frekvenco tega letala v določenem časovnem obdobju na progi ali delu proge;

f) izraz "tarifa" pomeni cene ali pristojbine, ki jih je treba plačati za prevoz potnikov, prtljage in tovora (izvzeti so plačila in pogoji za prevoz pošte), ter pogoje, na podlagi katerih se te cene ali pristojbine uporabljajo, vključno s provizijo na prevoz za agencijske storitve, cenami in pogoji za kakršne koli dopolnilne storitve, ki jih prevoznik opravlja ob takem prevozu;

g) izraz "priloga" pomeni prilogo k temu sporazumu ali vsako drugo prilogo, ki je bila spremenjena v skladu z določbami 18. člena tega sporazuma. Priloga je sestavni del tega sporazuma in vsako sklicevanje na sporazum zajema tudi prilogo, razen če ni izrecno določeno drugače.

2. člen

(Prometne pravice)

1. Vsaka pogodbenica prizna drugi pogodbenici v tem sporazumu določene pravice, da uvede in opravlja mednarodni zračni promet z enim ali več določenimi letalskimi prevozniki na progah, določenih v ustreznem delu priloge. Ta promet in te proge se v nadaljnjem besedilu imenujejo "dogovorjeni promet" in "določene proge".

2. V skladu z določbami tega sporazuma ima določeni prevoznik ali prevozniki vsake pogodbenice pri opravljanju dogovorjenega prometa na določenih progah naslednje pravice:

a) pravico do preleta ozemlja druge pogodbenice brez pristanka;

b) pravico do pristanka na ozemlju druge pogodbenice v nekomercialne namene;

c) pravico na ozemlju druge pogodbenice v krajih, določenih v prilogi, vkrcati in izkrcati potnike, prtljago in tovor vključno s pošto, vsakega posebej ali skupaj, ki so namenjeni v kraj(e) ali prihajajo iz kraja (krajev) na ozemlju prve pogodbenice; ter

d) pravico na ozemlju tretjih držav v krajih, določenih v prilogi, vkrcati in izkrcati potnike, prtljago in tovor vključno s pošto, vsakega posebej ali skupaj, ki so namenjeni v kraj(e) ali prihajajo iz kraja (krajev) na ozemlju druge pogodbenice ter so določeni v prilogi.

(3) Nothing in paragraph (2) of this Article shall be deemed to confer on the designated airline(s) of one Contracting Party the right of taking up, in the territory of the other Contracting Party, passengers, baggage and cargo including mail carried for remuneration or hire and destined for another point in the territory of that other Contracting Party.

Article 3

(Designation and Operating Authorization)

(1) Each Contracting Party shall have the right to designate one or more airlines for the purpose of operating the agreed services and to withdraw the designation of any airline or to substitute with another airline the one previously designated. Such designation shall be effected by virtue of written notification between the aeronautical authorities of both Contracting Parties.

(2) The aeronautical authorities which have received the notification of designation shall, subject to the provisions of paragraph (3) and (4) of this Article, grant without delay to the designated airline of the other Contracting Party the necessary operating authorizations.

(3) The aeronautical authorities of one Contracting Party may require the airline designated by the other Contracting Party to prove that it is qualified to fulfill the conditions prescribed under the laws and regulations applied to the operation of international air services by the said authorities in conformity with the provisions of the Convention.

(4) Aeronautical authorities of each Contracting Party shall have the right to refuse to accept the designation of an airline and to refuse to grant the operating authorization referred to in paragraph (2) of this Article, or to impose such conditions as it may deem necessary for the exercise of the ritghts specified in Article 2 of this Agreement, whenever the Contracting Party has no proof that a substantial ownership and effective control of that airline are vested in the other Contracting Party or its nationals.

(5) When an airline has been designated and authorized in accordance with this Article, it may start to operate in whole or in part the agreed services for which it is designated, provided that tariffs and timetables established in accordance with the provisions of Articles 13 and 15 of this Agreement are in force in respect of these services.

Article 4

(Revocation and Suspension of Rights)

(1) Aeronautical authorities of each Contracting Party shall have the right to revoke an operating authorization or to suspend the exercise of the rights specified in Article 2 of this Agreement of the designated airline of the other Contracting Party or to impose such conditions, temporary or permanent, as it may deem necessary on the exercise of such rights, if the said airline:

(a) cannot prove that a substantial ownership and effective control are vested in the Contracting Party designating the airline or its nationals; or

(b) fails to comply with or has infringed the laws and regulations of the Contracting Party granting these rights; or

(c) fails to operate the agreed services in accordance with the conditions prescribed by this Agreement.

(2) Unless immediate action is essential to prevent further infringement of the laws and regulations referred to above, the rights enumerated in paragraph (1) of this Article shall be exercised only after consultations with the aeronautical authorities of the other Contracting Party. Unless otherwise agreed by the aeronautical authorities, such consultations between the aeronautical authorities of both Contracting Parties shall begin within a period of thirty (30) days from the date of request made by either aeronautical authorities.

3. Nobene določbe 2. odstavka tega člena ni možno razumeti tako, da ima(jo) določeni prevoznik(i) ene pogodbenice na ozemlju druge pogodbenice pravico za plačilo ali najemnino vkrcati potnike, prtljago, tovor vključno s pošto, namenjene v kakšen drug kraj na njenem ozemlju.

3. člen

(Določitev in dovoljenje za opravljanje prometa)

1. Vsaka pogodbenica ima pravico določiti enega ali več letalskih prevoznikov za opravljanje dogovorjenega prometa, preklicati določitev katerega koli letalskega prevoznika ter zamenjati prej določenega letalskega prevoznika z drugim letalskim prevoznikom. Pristojna organa pogodbenic pisno obvestita drug drugega o določitvi prevoznikov.

2. Po prejemu obvestila o določitvi pristojni organ v skladu s 3. in 4. odstavkom tega člena nemudoma izda letalskemu prevozniku, ki ga je določila druga pogodbenica, vsa potrebna dovoljenja za opravljanje prometa.

3. Pristojni organ ene pogodbenice lahko zahteva, da določeni letalski prevoznik druge pogodbenice dokaže, da izpolnjuje pogoje, določene v zakonih in predpisih, ki jih ta organ v skladu z določbami konvencije uporablja za opravljanje mednarodnega zračnega prometa.

4. Pristojni organ vsake pogodbenice ima pravico, da odkloni določitev letalskega prevoznika in da odkloni izdajo dovoljenja iz 2. odstavka tega člena ali da naloži pogoje, ki so po njegovem mnenju potrebni za uresničevanje pravic iz 2. člena tega sporazuma, če pogodbenica nima dokazov, da sta lastništvo in dejanski nadzor nad tem letalskim prevoznikom v rokah druge pogodbenice ali njenih državljanov.

5. Ko je letalski prevoznik v skladu s tem členom določen in dobi dovoljenje za opravljanje prometa, sme začeti opravljati dogovorjeni promet v celoti ali delno, če za ta promet veljajo tarife in redi letenja, določeni v skladu z določbami 13. in 15. člena tega sporazuma.

4. člen

(Preklic in začasna razveljavitev pravic)

1. Pristojni organ vsake pogodbenice ima pravico preklicati dovoljenje za opravljanje prometa ali začasno razveljaviti uresničevanje pravic iz 2. člena tega sporazuma določenemu letalskemu prevozniku druge pogodbenice ali določiti take stalne ali začasne pogoje, ki so po njegovem mnenju potrebni za uresničevanje teh pravic, če ta letalski prevoznik:

a) ne more dokazati, da sta lastništvo in dejanski nadzor nad tem prevoznikom v rokah pogodbenice, ki ga je določila, ali njenih državljanov; ali

b) ne spoštuje zakonov in predpisov pogodbenice, ki daje te pravice, ali jih krši; ali

c) ne opravlja dogovorjenega prometa pod pogoji, ki so določeni v tem sporazumu.

2. Pravica iz 1. odstavka tega člena se uporablja le po posvetovanju s pristojnim organom druge pogodbenice, razen če je takojšnje ukrepanje nujno za preprečitev nadaljnjega kršenja zakonov in predpisov, navedenih v 1. odstavku tega člena. Posvetovanja med pristojnima organoma obeh pogodbenic se morajo začeti v tridesetih (30) dneh od dneva, ko eden od pristojnih organov to zahteva, razen če se ne dogovorita drugače.

Article 5

(Application of Laws, Regulations and Procedures)

(1) The laws, regulations and procedures of one Contracting Party governing entry into and departure from its territory of aircraft engaged in international air navigation or flights of such aircraft over that territory, shall apply to the designated airlines of the other Contracting Party.

(2) The laws, regulations and procedures of one Contracting Party relating to admission to, stay in, transit through, or departure from its territory of passengers, crews, baggage, and cargo including mail, such as laws, regulations and procedures relating to entry, exit, immigratioin, travel documents, customs, currency and health or sanitary measures, shall apply to passengers, crew, baggage, cargo and mail carried by the aircraft of the designated airline of the other Contracting Party upon entry into or departure from or while within the territory of the said Contracting Party.

(3) Neither Contracting Party may grant any preference to its own airline with regard to the designated airlines of the other Contracting Party in the application of the laws, regulations and procedures provided for in this Article.

Article 6

(Aviation security)

(1) Consistent with their rights and obligations under international law, the Contracting Parties reaffirm that their obligation to each other to protect the security of civil aviation against acts of unlawful interference forms an integral part of this Agreement.

(2) The Contracting Parties shall in particular act in conformity with the provisions of the Convention on Offenses and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on September 14, 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague on December 16, 1970, the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, signed at Montreal on September 23, 1971 and its supplementary Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, signed at Montreal on February 24, 1988 and any other multilateral agreement governing aviation security binding upon both Contracting Parties.

(3) The Contracting Parties shall provide upon request all necessary assistance to each other to prevent acts of unlawful seizure of civil aircraft and other unlawful acts against the safety of such aircraft, their passengers and crew, airports and air navigation facilities, and any other threat to the security of civil aviation.

(4) The Contracting Parties shall, in their mutual relations, act in conformity with the aviation security provisions established by the International Civil Aviation Organization and designated as annexes to the Convention to the extent that such security provisions are applicable to the Contracting Parties; they shall require that operators of aircraft of their registry or operators of aircraft who have their principal place of business or permanent residence in their territory and the operators of airports in their territory act in conformity with such aviation security provisions.

(5) Each Contracting Party agrees that such operators of aircraft may be required to observe the aviation security provisions referred to in paragraph (4) above required by the other Contracting Party for entry into, departure from or while within the territory of that other Contracting Party.

(6) Each Contracting Party shall ensure that adequate measures are effectively applied within its territory to protect the aircraft and to inspect passengers, crew, carry-on items,

5. člen

(Uporaba zakonov, predpisov in postopkov)

1. Zakoni, predpisi in postopki ene pogodbenice, s katerimi so urejeni vstop na njeno ozemlje in odhod z njenega ozemlja za letala, ki opravljajo mednarodni zračni promet, ali leti teh letal čez to ozemlje, veljajo za določene letalske prevoznike druge pogodbenice.

2. Zakoni, predpisi in postopki ene pogodbenice, ki se nanašajo na prihod, prisotnost na njenem ozemlju, tranzit in odhod z njenega ozemlja potnikov, posadk, prtljage in tovora vključno s pošto, kot so zakoni, predpisi in postopki, ki se nanašajo na prihod, odhod, priseljevanje, potne dokumente, carino, valuto in zdravstvene ali sanitarne ukrepe, se uporabljajo za potnike, posadko, prtljago, tovor in pošto v letalih določenega letalskega prevoznika druge pogodbenice med njihovim prihodom, odhodom ali prisotnostjo na ozemlju te pogodbenice.

3. Nobena pogodbenica nima pravice svojemu letalskemu prevozniku v primerjavi z določenimi letalskimi prevozniki druge pogodbenice dajati kakršne koli prednosti pri uporabi zakonov, predpisov in postopkov, omenjenih v tem členu.

6. člen

(Varnost zračne plovbe)

1. V skladu s svojimi pravicami in obveznostmi po mednarodnem pravu pogodbenici potrjujeta, da je medsebojna obveznost varovanja civilnega zračnega prometa pred dejanji nezakonitega vmešavanja sestavni del tega sporazuma.

2. Pogodbenici še posebej ravnata v skladu z določbami Konvencije o kaznivih dejanjih in nekaterih drugih dejanjih, storjenih na letalih, podpisane v Tokiu 14. septembra 1963, Konvencije o zatiranju nezakonite ugrabitve zrakoplovov, sprejete v Haagu 16. decembra 1970, Konvencije o zatiranju nezakonitih dejanj zoper varnost civilnega letalstva, podpisane v Montrealu 23. septembra 1971, in njenega dopolnilnega Protokola o zatiranju nezakonitih nasilnih dejanj na letališčih za mednarodno civilno zrakoplovstvo, podpisanega v Montrealu 24. februarja 1988, ter določbami vseh drugih večstranskih sporazumov o varnosti zračne plovbe, ki veljajo za obe pogodbenici.

3. Pogodbenici bosta na zahtevo druga drugi dajali vso potrebno pomoč, da bi preprečili nezakonite ugrabitve civilnih letal in druga nezakonita dejanja proti varnosti teh letal, njihovih potnikov in posadke, letališč in letalskih navigacijskih naprav ter vsako drugo grožnjo varnosti civilne zračne plovbe.

4. Pogodbenici v medsebojnih odnosih ravnata v skladu z določili Mednarodne organizacije civilnega letalstva o varnosti zračne plovbe, ki so opredeljena v prilogah konvencije, v tisti meri, v kateri ta določila veljajo za obe pogodbenici; od letalskih družb, ki so vpisane v njunih registrih ali opravljajo pretežni del svojih dejavnosti ali imajo sedež na njunih ozemljih, ter od letaliških podjetij na svojih ozemljih zahtevata, da delujejo v skladu s takimi letalskimi varnostnimi predpisi.

5. Pogodbenici soglašata, da morajo te letalske družbe spoštovati letalske varnostne predpise, navedene v 4. odstavku, ki jih zahteva druga pogodbenica za vstop, odhod ali med navzočnostjo na ozemlju druge pogodbenice.

6. Vsaka pogodbenica zagotavlja, da se na njenem ozemlju učinkovito izvajajo ustrezni ukrepi za zavarovanje letal in za pregled potnikov, posadke, ročne prtljage, prtlja-

baggage, cargo and aircraft stores prior to and during boarding or loading.

(7) Each Contracting Party shall also give a sympathetic consideration to any request from the other Contracting Party for reasonable security measures to meet a particular threat.

(8) When an incident or threat of an incident of unlawful seizure of civil aircraft or other unlawful acts against the safety of such aircraft, their passengers and crew, airports or air navigation facilities occurs, the Contracting Parties shall assist each other by facilitating communications and other appropriate measures intended to terminate rapidly and safely such incident or threat thereof.

(9) When a Contracting Party has reasonable grounds to believe that the other Contracting Party has departed from the aviation security provisions of this Article, the competent authorities of the Contracting Parties shall consult with each other.

Article 7

(Recognition of Certificates and Licenses)

(1) Certificates of airworthiness, certificate of competency and licenses, issued or rendered valid by one Contracting Party and still in force, shall be recognized as valid by the other Contracting Party for the purpose of operating the agreed services, provided that such certificates and licenses are at least equal to or above the minimum standards which are established pursuant to the Convention.

(2) Each Contracting Party reserves the right, however, to refuse to recognize, for the purpose of flights above its own territory, certificates of competency and licenses granted to its own nationals by the other Contracting Party or by the other State.

Article 8

(Exemption from duties and taxes)

(1) Each Contracting Party shall on the basis of reciprocity exempt the designated airline of the other Contracting Party from import restrictions, customs duties, inspection fees and other national and local duties and taxes on aircraft, fuel, lubricants, consumable technical supplies, spare parts including engines, regular aircraft equipment, aircraft stores and food (including liquor, tobacco, beverages and other products destined for sale to pasengers in limited quantities during the flight) and other items intended for use solely in connection with the operation or servicing of aircraft of the designated airline of such Contracting Party operating the agreed services, as well as printed tickets stock, air way bills, any printed material which bears the insignia of the company printed thereon and usual publicity material distributed free of charge by that designated airline.

(2) Exempt from the same duties and taxes, with exception of charges corresponding to the services rendered, shall also be:

(a) aircraft stores taken on board in the territory of one Contracting Party, within the limits fixed by the authorities of the said Contracting Party, and intended for use on board an aircraft operated in an international service by a designated airline of the other Contracting Party;

(b) spare parts and regular board equipment imported into the territory of one Contracting Party for the maintenance or repair of aircraft operated in international services;

(c) fuel and lubricants destined for a designated airline of one Contracting Party to supply aircraft operated in international services, even when these supplies are to be used on any part of a journey performed over the territory of the Contracting Party in which they have been taken on board.

ge, tovora in zalog na letalu pred in med vkrcavanjem ali natovarjanjem.

7. Pogodbenici bosta tudi z naklonjenostjo obravnavali vsako zahtevo druge pogodbenice za uvedbo razumnih varnostnih ukrepov zaradi neposredne grožnje.

8. Ob ugrabitvi ali grožnji z ugrabitvijo letala ali drugih nezakonitih dejanjih proti varnosti letal, njihovih potnikov in posadke, letališč ter navigacijskih naprav bosta pogodbenici pomagali druga drugi, s tem da bosta poskrbeli za komunikacije in druge ustrezne ukrepe, da bi se čim hitreje varno končal tak incident ali grožnja.

9. Če pogodbenica upravičeno meni, da druga pogodbenica ne ravna v skladu z letalskimi varnostnimi predpisi iz tega člena, se morajo o tem posvetovati pristojne oblasti obeh pogodbenic.

7. člen

(Priznavanje spričeval in dovoljenj)

1. Spričevala o plovnosti, spričevala o sposobnosti in dovoljenja, ki jih izda ali potrdi ena pogodbenica in so veljavna, druga pogodbenica prizna za potrebe opravljanja dogovorjenega prometa pod pogojem, da so ta spričevala in dovoljenja enaka ali strožja od minimalnih standardov, ki jih predpisuje konvencija.

2. Vsaka pogodbenica si pridržuje pravico, da za lete nad svojim ozemljem ne prizna veljavnosti spričeval o sposobnosti in dovoljenj, ki jih je njenim državljanom izdala druga pogodbenica ali druga država.

8. člen

(Oprostitev carin in taks)

1. Vsaka pogodbenica po načelu vzajemnosti oprosti določenega prevoznika druge pogodbenice vseh uvoznih omejitev, carin, inšpekcijskih taks in drugih državnih in lokalnih davščin in taks za letala, gorivo, maziva, tehnični potrošni material, nadomestne dele vključno z motorji, običajno letalsko opremo, zaloge na letalu in hrano (ki vključuje alkoholne pijače, tobak, nealkoholne pijače in druge izdelke, namenjene za prodajo potnikom v omejenih količinah med poletom) ter za druge predmete, ki se uporabljajo izključno za upravljanje ali vzdrževanje letal določenega prevoznika te pogodbenice, ki opravlja dogovorjeni promet, ter za zaloge tiskanih letalskih vozovnic, letalskih tovornih listov, vse tiskovine, na katerih je vtisnjen znak letalske družbe, in za običajno reklamno gradivo, ki ga določeni prevoznik brezplačno razdeljuje.

2. Omenjenih carin in taks, razen stroškov za opravljene storitve, so oproščeni tudi:

a) zaloge, natovorjene na ozemlju ene pogodbenice, v količinah, ki jih določijo oblasti te pogodbenice in so namenjene za uporabo na letalu, ki ga za opravljanje dogovorjenega prometa uporablja določeni letalski prevoznik druge pogodbenice;

b) rezervni deli in običajna oprema letal, uvoženi na ozemlje ene pogodbenice in so namenjeni za vzdrževanje ali popravilo letal, ki opravljajo mednarodni promet;

c) goriva in maziva za letala, ki jih v mednarodnem zračnem prometu uporablja določeni letalski prevoznik ene pogodbenice, tudi kadar so te zaloge porabljene na delu poti nad ozemljem pogodbenice, v katerem so bila vkrcana.

(3) The regular airborne equipment, as well as the materials, supplies and stores normally retained on board the aircraft of a designated airline of either Contracting Party may be unloaded in the territory of the other Contracting Party only with the approval of the customs authorities of that territory. In such case, they may be placed under the supervision of the said authorities up to such time as they are re-exported or otherwise disposed of in accordance with customs regulations.

(4) The exemptions provided for by this Article shall also be available in situations where a designated airline of either Contracting Party has entered into arrangements with another airline or airlines for the loan or transfer in the territory of the other Contracting Party in respect of aircraft, its spare parts, fuel and lubricants and consumable technical supplies, provided such other airline or airlines similarly enjoy such exemptions from the other Contracting Party.

Article 9

(Use of Airports and Aviation Facilities)

(1) The charges imposed in the territory of one Contracting Party on a designated airline of the other Contracting Party for the use of airports, air navigation and other facilities shall not be higher than those that would be paid by its national aircraft of the same class engaged in similar international air services.

(2) In the use of airports, airways, air traffic services and associated facilities under its control, neither Contracting Party shall give preference to its own or any other airline over an airline of the other Contracting Party engaged in similar international air services.

Article 10

(Direct Transit)

Passengers in direct transit across the territory of a Contracting Party, not leaving the area of the airport reserved for such purpose shall be subject, except in respect of security provisions referred to in Article 7 of this Agreement and prevention of trafficking of narcotic drugs and substances, to no more than a simplified control. Baggage and freight in direct transit shall be exempt from customs duties and other charges.

Article 11

(Commercial Activities)

(1) The designated airlines of one Contracting Party shall be permitted to maintain adequate representations in the territory of the other Contracting Party. These representations may include commercial, operational and technical staff, which may consist of transferred or locally engaged personnel. The above mentioned staff shall be subject to the laws and regulations in force in the territory of the other Contracting Party.

(2) In accordance with the respective national laws and regulations the designated airline of one Contracting Party shall be free to sell air transport services in the territory of the other Contracting Party; either directly or at its discretion through its agents, and any person shall be free to purchase such transportation in the local currency or in any freely convertible currency authorized by foreign exchange regulations in force in that territory.

Article 12

(Conversion and Transfer of Revenues)

Each designated airline shall have the right to convert and remit to its country, in accordance with the foreign

3. Običajna oprema v letalu kakor tudi predmeti in zaloge, ki so navadno v letalih določenega letalskega prevoznika ene ali druge pogodbenice, so lahko raztovorjeni na ozemlju druge pogodbenice le z odobritvijo carinskih organov tega ozemlja. V takem primeru se lahko dajo pod nadzor omenjenih organov, dokler niso ponovno izvoženi ali drugače porabljeni v skladu s carinskimi predpisi.

4. Oprostitve, predvidene v tem členu, se bodo uporabljale tudi v primerih, kadar določeni letalski prevoznik ene ali druge pogodbenice sklene pogodbo z drugim prevoznikom ali prevozniki za dajanje v najem ali transfer letal, njihovih rezervnih delov, goriva in maziv ter tehničnega potrošnega materiala na ozemlju druge pogodbenice pod pogojem, da drugi prevoznik ali prevozniki uživa(jo) enake oprostitve pri drugi pogodbenici.

9. člen

(Uporaba letališč in navigacijskih naprav)

1. Pristojbine, ki se na ozemlju ene pogodbenice zaračunavajo določenemu letalskemu prevozniku druge pogodbenice za uporabo letališč, navigacijskih in drugih naprav, ne smejo biti višje kot tiste, ki bi jih zaračunali letalu enakega razreda te iste pogodbenice, ki opravlja podoben mednarodni zračni promet.

2. Pri uporabi letališč, zračnih poti, storitev kontrole letenja in z njimi povezanih naprav, ki so pod njenim nadzorom, ne sme nobena od pogodbenic dajati prednosti svojemu ali kateremu koli drugemu prevozniku pred prevoznikom druge pogodbenice, ki opravlja podoben mednarodni zračni promet.

10. člen

(Direktni tranzit)

Za potnike v direktnem tranzitu čez ozemlje ene pogodbenice, ki ne zapuste območja, ki je na letališču določeno v ta namen, velja samo poenostavljeni nadzor, razen glede izvajanja varnostnih določb iz 7. člena tega sporazuma in preprečevanja trgovine z narkotiki in psihotropnimi snovmi. Prtljaga in tovor v direktnem tranzitu sta oproščena carine in drugih taks.

11. člen

(Komercialne dejavnosti)

1. Določeni letalski prevoznik ene pogodbenice ima pravico imeti na ozemlju druge pogodbenice ustrezna predstavništva. V teh predstavništvih sme imeti komercialno, operativno in tehnično osebje, ki je lahko premeščeno ali najeto lokalno. Za omenjeno osebje se uporabljajo zakoni in predpisi, ki veljajo na ozemlju druge pogodbenice.

2. V skladu z ustrezno nacionalno zakonodajo in predpisi ima določeni letalski prevoznik ene pogodbenice pravico, da na ozemlju druge pogodbenice prosto prodaja svoje prevozne storitve neposredno ali po lastni presoji po agentih; vsakdo lahko kupuje te prevozne storitve v lokalni valuti ali v kateri koli prosto konvertibilni valuti v skladu z deviznimi predpisi, ki veljajo na tem ozemlju.

12. člen

(Zamenjava in prenos prihodkov)

Vsak določen letalski prevoznik ima v skladu z veljavnimi deviznimi predpisi pravico zamenjati in transferirati v svo-

exchange regulations in force receipts in excess of sums locally disbursed in due proportion to the carriage of passengers, baggage, cargo and mail. The transfer shall be made at actual foreign exchange market rate applicable on the day the transfer is made. The transfer shall not be subject to any charges except normal service charges collected by banks for such transactions.

Article 13
(Tariffs)

(1) The tariffs to be applied by the designated airline to any transportation to and from the territory of the other Contracting Party shall be established at reasonable levels, due regard being paid to all relevant factors, including interests of users, cost of operation, characteristics of service (such as standards of speed and accommodation), reasonable profit, tariffs of other airlines and other commercial consideration in the market place. The Contracting Parties shall consider unacceptable tariffs that are unreasonably discriminatory, undly high or restrictive because of the abuse of a dominant position, or artificially low because of direct or indirect subsidy or support, or are unjustified or of dumping character.

(2) The tariffs referred to in paragraph (1) of this Article shall, if possible, be established by mutual agreement by the designated airlines of both Contracting Parties and after consultation with the other airlines operating over the whole or part of the same route. The designated airlines shall, whenever possible, reach such agreement through the rate fixing procedure established by the international body which formulates proposals in this matter.

(3) The tariffs so agreed shall be submitted for approval to the aeronautical authorities of the Contracting Parties at least forty five (45) days before the proposed date of their introduction. In special cases, this time limit may be reduced subject to the agreement of the said authorities. If within thirty (30) days after the submission of the tariffs neither of the aeronautical authorities notifies to the other aeronautical authorities its disapproval, these tariffs shall be considered approved.

(4) Pending a decision by the aeronautical authorities of the Contracting Parties, designated airlines may undertake marketing, advertising and sales at the proposed tariffs for carriage to be commenced on or after the proposed date of effectiveness, provided that they are qualified as being »subject to government approval«. Under no circumstances are advertising or sales to be undertaken prior to filing the proposed tariffs with aeronautical authorities of both Contracting Parties.

(5) If the designated airlines cannot agree or if a tariff is not approved by the aeronautical authorities of one Contracting Party, the aeronautical authorities of both Contracting Parties shall endeavor to determine the tariff by mutual agreement. Such negotiations shall begin within thirty (30) days from the date when it becomes obvious that the designated airlines cannot agree upon a tariff or the aeronautical authorities of one Contracting Party have notified to the aeronautical authorities of the other Contracting Party their disapproval of a tariff.

(6) In default of agreement the dispute shall be submitted to the procedure provided for in Article 19 hereinafter.

(7) A tariff already established shall remain in force until a new tariff has been established in accordance with the provisions of this Article or Article 19 of the present Agreement, but not longer than twelve (12) months from the day of the disapproval of the aeronautical authorities of one of the Contracting Parties.

jo državo presežek prihodkov nad lokalnimi odhodki v skladu z obsegom opravljenih prevozov potnikov, prtljage, tovora in pošte. Prenos se opravi po tržnem menjalnem tečaju, ki velja na dan, ko se opravi prenos. Za prenos veljajo izključno običajne pristojbine za stroške poslovanja, ki jih za take transakcije pobirajo banke.

13. člen
(Tarife)

1. Tarife, ki jih določeni letalski prevoznik zaračunava za prevoz na ozemlje ali z ozemlja druge pogodbenice, morajo biti določene v primernih zneskih; pri tem naj se upoštevajo vsi odločilni dejavniki, kar vključuje potrebe uporabnikov, stroške poslovanja, značilnosti prometa (kot so standardi glede hitrosti in namestitve), primeren dobiček, tarife drugih prevoznikov in drugi poslovni dejavniki na trgu. Za pogodbenici so nesprejemljive tarife, ki so nerazumno diskriminacijske, neprimerno visoke ali omejevalne zaradi izkoriščanja dominantnega položaja ali umetno nizke zaradi posrednih ali neposrednih subvencij ali podpore ali pa so neupravičene ali dumpinške.

2. O tarifah iz prvega odstavka tega člena se, če je mogoče, dogovorita določena letalska prevoznika obeh pogodbenic po posvetovanju z drugimi prevozniki, ki delujejo na celotni progi ali njenem delu. Določena letalska prevoznika dosežeta ta dogovor, kadar je to mogoče, po postopku za določanje tarif, uveljavljenem v mednarodnem telesu, ki oblikuje predloge na tem področju.

3. Tako določene tarife je treba predložiti v odobritev pristojnima organoma obeh pogodbenic najmanj petinštirideset (45) dni pred dnem, ki je predlagan za njihovo uveljavitev. V posebnih primerih je ta rok lahko krajši, če to odobrita pristojna organa. Če v tridesetih dneh po predložitvi teh tarif noben pristojen organ ne sporoči drugemu pristojnemu organu svojega nestrinjanja, se šteje, da so tarife potrjene.

4. Dokler pristojni organi pogodbenic ne sprejmejo odločitve, smejo določeni letalski prevozniki tržiti, oglaševati in prodajati po predlaganih tarifah za prevoz, ki se začne na predlagani dan začetka veljavnosti tarif ali po njem, pod pogojem, da označijo, da "še niso uradno potrjene". V nobenem primeru pa se oglaševanje ali prodaja ne smeta začeti, dokler predlagane tarife niso predložene pristojnim organom obeh pogodbenic.

5. Če se določena letalska prevoznika ne moreta dogovoriti ali če tarif ne potrdi pristojni organ ene od pogodbenic, poskusijo pristojni organi obeh pogodbenic določiti tarifo z medsebojnim dogovorom. Ta pogajanja se morajo začeti v tridesetih (30) dneh po datumu, ko postane očitno, da se določena letalska prevoznika ne moreta dogovoriti o tarifi, ali ko je pristojni organ ene pogodbenice sporočil pristojnemu organu druge pogodbenice svoje nestrinjanje s tarifo.

6. Če sporazum ni dosežen, se spor rešuje v skladu s postopkom, predvidenim v 19. členu tega sporazuma.

7. Določena tarifa velja vse do takrat, dokler se ne določijo nove tarife v skladu z določbami tega člena ali 19. člena tega sporazuma, vendar pa ne velja dlje kot dvanajst (12) mesecev od dneva, ko je pristojni organ ene od pogodbenic izrazil svoje nestrinjanje.

(8) The aeronautical authorities of each Contracting Party shall have the right to investigate violations of tariffs and sales conditions commited by any airline.

Article 14
(Capacity)

(1) The capacity to be provided on the agreed services by the designated airlines shall be approved by the aeronautical authorities of both Contracting Parties on the basis of the principle of fair and equal opportunity.

(2) In operating the agreed services the designated airlines of each Contracting Party shall take into account the interests of the designated airlines of the other Contracting Party so as not to affect unduly the services which the latter provide on the whole or part of the same routes.

(3) The agreed services provided by the designated airlines of the Contracting Parties shall bear a close relationship to the requirements of the public for transportation on the specified routes and shall have as their primary objective the provision, at a reasonable load factor, of capacity adequate to carry the current and reasonably anticipated requirements for the carriage of passengers and/or cargo, including mail, coming from or destined for the territory of the Contracting Party designating the airline. Provision of the carriage of passengers and/or cargo, including mail, both taken on board and discharged at points on the specified routes in the territories of States, other than that designating the airline shall be made in accordance with the general principles that capacity shall be related to:

(a) traffic requirements to and from the territory of the Contracting Party which has designated the airline;

(b) traffic requirements of the area through which the agreed service passes, after taking account of other transport services established by airlines of the states comprising the area; and

(c) the requirements of through airline operation.

(4) Neither Contracting Party shall unilaterally restrict the operations of the designated airlines of the other Contracting Party, except according to the terms of this Agreement or by such uniform conditions as may be contemplated by the Convention.

Article 15
(Timetables)

(1) An airline designated by one Contracting Party shall file to the aeronautical authorities of the other Contracting Party for approval at least forty-five (45) days in advance the timetable of its intended services, specifying the frequency, type of aircraft, times, configuration and number of seats to be made available to the public and period of timetable validity. The same procedure shall apply for any modification thereof.

(2) For supplementary flights which a designated airline of one Contracting Party wishes to operate on the agreed services outside the approved timetable it has to request prior permission from the aeronautical authorities of the other Contracting Party. Such request shall usually be submitted at least two working days before operating such flights.

Article 16
(Provision of Statistics)

The aeronautical authorities of both Contracting Parties shall supply each other, on request, with periodic statistics or other similar information relating to the traffic carried on the agreed services.

8. Pristojna organa obeh pogodbenic imata pravico preiskovati kršitve tarifnih in prodajnih pogojev, ki jih stori kateri koli prevoznik.

14. člen
(Zmogljivost)

1. Zmogljivosti, ki jih zagotavljajo določeni letalski prevoznik v dogovorjenem prometu, potrdita pristojna organa obeh pogodbenic po načelu pravičnih in enakih možnosti.

2. Pri opravljanju dogovorjenega prometa morajo določeni letalski prevozniki vsake pogodbenice upoštevati interese določenih letalskih prevoznikov druge pogodbenice, tako da po nepotrebnem ne prizadenejo prometa, ki ga drugi prevoznik opravlja na istih progah ali na delu teh prog.

3. Dogovorjeni promet, ki ga opravljajo določeni letalski prevozniki pogodbenic, mora biti tesno povezan z javnimi potrebami po prevozu na dogovorjenih progah in njegov glavni cilj mora biti na temelju razumnega faktorja zasedenosti zagotavljanje ustreznih zmogljivosti za zadovoljevanje sprotnih in razumno predvidljivih zahtev po prevozu potnikov in/ali tovora, vključno s pošto, ki prihajajo ali zapuščajo ozemlje pogodbenice, ki je določila prevoznika. Zagotavljanje prevoza potnikov in/ali tovora, vključno s pošto, ki se vkrcajo ali izkrcajo na krajih na dogovorjenih progah na ozemlju držav, ki niso država, ki je določila letalskega prevoznika, se izvajajo v skladu s splošnimi načeli, po katerih se zmogljivost veže na:

a) potrebe po prometu na ozemlje pogodbenice, ki je določila letalskega prevoznika, in s tega ozemlja;

b) prometne potrebe na območju, na katerem se opravlja dogovorjeni promet, ob upoštevanju drugih transportnih možnosti, ki jih zagotavljajo letalske družbe držav na tem območju; ter

c) potrebe celotne operacije prevoznika.

4. Nobena pogodbenica ne sme enostransko omejiti delovanja določenih letalskih prevoznikov druge pogodbenice, razen kadar ravna v skladu z določbami tega sporazuma ali po enotnih pogojih, ki jih predpisuje konvencija.

15. člen
(Redi letenja)

1. Določeni letalski prevoznik ene pogodbenice mora predložiti predvidene rede letenja v potrditev pristojnemu organu druge pogodbenice najmanj petinštirideset (45) dni, preden začne opravljati dogovorjeni promet, ter navesti frekvenco, vrste letal, čase, konfiguracijo in število sedežev, ki so na razpolago javnosti, ter rok veljavnosti reda letenja. Enak postopek velja za vsako spremembo redov letenja.

2. Za dodatne polete, ki jih določeni letalski prevoznik ene pogodbenice želi opravljati v dogovorjenem prometu zunaj potrjenega reda letenja, mora predhodno vložiti zahtevo pri pristojnem organu druge pogodbenice. Praviloma mora tako zahtevo vložiti najmanj dva delovna dneva pred začetkom takih poletov.

16. člen
(Zagotavljanje statističnih podatkov)

Pristojna organa pogodbenic na zahtevo dajeta drug drugemu občasne statistične podatke ali druge podobne informacije, ki se nanašajo na prevoz, opravljen v dogovorjenem prometu.

Article 17
(Consultations)

(1) In the spirit of close co-operation, the aeronautical authorities of the Contracting Parties shall have from time to time communication, which may be through discussion or by correspondence, to ensure close collaboration in all matters affecting the implementation of this Agreement.

(2) Either Contracting Party may at any time request consultations on the implementation, interpretation, application or amendment related to this Agreement. Such consultations shall begin within a period of sixty (60) days from the date of the delivery of the request by the other Contracting Party, unless otherwise agreed by the Contracting Parties.

Article 18
(Amendments)

(1) If either of the Contracting Parties consider it desirable to amend any provision of this Agreement, such amendment, if agreed between the Contracting Parties, shall be applied provisionally from the date of its signature and shall come into force when confirmed by an exchange of diplomatic notes. The date of exchange of notes will be the date of delivery of the latter of these two notes.

(2) Amendments to the Annex of this Agreement may be agreed directly between the aeronautical authorities of the Contracting Parties. They shall be applied provisionally from the date they have been agreed upon by the said authorities and enter into force when confirmed by an exchange of diplomatic notes.

(3) In an event a general multilateral convention related to international air transport and affecting the relations between the two Contracting Parties enters into force, this Agreement shall be amended to conform with the provisions of such multilateral convention in so far as those provisions have been accepted by both Contracting Parties.

Article 19
(Settlement of Disputes)

(1) In case of a dispute arising from the interpretation or application of this Agreement, the aeronautical authorities of the Contracting Parties shall in the first place endeavor to settle it by negotiation.

(2) If the aeronautical authorities fail to reach an agreement, the dispute shall be settled by negotiations between the Contracting Parties.

(3) If the dispute cannot be settled in accordance with paragraph (2) above, each Contracting Party may submit the dispute to an arbitral tribunal.

(4) Such arbitral tribunal shall be constituted as follows: each Contracting Party shall appoint one member, and these two members shall agree upon and appoint a national of a third State as the chairman. Such members shall be appointed within two months, and such chairman within three months from the date on which either Contracting Party has informed the other Contracting Party of its intention to submit the dispute to an arbitral tribunal.

(5) If the periods specified in paragraph (4) above have not been observed, either Contracting Party may, in the absence of any other relevant arrangment, invite the President of the Council of the International Civil Aviation Organization (ICAO) to make the necessary appointments. If the President is a national of either Contracting Party or if he is otherwise prevented from discharging this function, the Vice-president deputizing for him may be requested to make the necessary appointments.

17. člen
(Posvetovanja)

1. V duhu tesnega sodelovanja imata pristojna organa pogodbenic občasne stike v obliki pogovorov ali dopisovanja, da zagotovita tesno sodelovanje na vseh področjih, ki se nanašajo na izvajanje tega sporazuma.

2. Vsaka pogodbenica lahko kadar koli zahteva posvetovanje glede uresničevanja, razlage, uporabe ali spremembe tega sporazuma. Taka posvetovanja se morajo začeti v šestdesetih (60) dneh po prejemu zahteve druge pogodbenice, razen če se pogodbenici ne dogovorita drugače.

18. člen
(Spremembe)

1. Če pogodbenica meni, da bi bilo dobro spremeniti katero določilo tega sporazuma, taka sprememba, če se zanjo dogovorita obe pogodbenici, velja začasno od dneva podpisa in začne veljati, ko je potrjena z izmenjavo diplomatskih not. Datum izmenjave diplomatskih not je datum, ko je bila predana zadnja nota.

2. O spremembah priloge tega sporazuma se lahko dogovorita neposredno pristojna organa pogodbenic. Spremembe veljajo začasno od dneva, ko sta se o njih dogovorila ta dva organa, in začnejo veljati, ko so potrjene z izmenjavo diplomatskih not.

3. Če začne veljati kakršna koli večstranska konvencija o mednarodnem zračnem prometu, ki bi posegala v odnose med pogodbenicama, se ta sporazum spremeni, tako da bo ustrezal določbam te večstranske konvencije v tisti meri, v kateri te določbe sprejemata obe pogodbenici.

19. člen
(Reševanje sporov)

1. Vse spore, ki bi nastali med pogodbenicama zaradi razlage ali izvajanja tega sporazuma, bosta pristojna organa pogodbenic poskušala najprej rešiti s pogajanji.

2. Če pristojna organa spora ne moreta rešiti s pogajanji, se spor rešuje s pogajanji med pogodbenicama.

3. Če spora ni mogoče rešiti v skladu z drugim odstavkom tega člena, lahko pogodbenici predložita spor arbitražnemu sodišču.

4. Arbitražno sodišče se sestavi takole: vsaka pogodbenica določi enega člana in ta dva člana se dogovorita in imenujeta predsednika, ki je državljan tretje države. Člani so imenovani v dveh mesecih in predsednik je imenovan v treh mesecih od dneva, ko ena od pogodbenic obvesti drugo o svoji nameri, da predloži spor arbitražnemu sodišču.

5. Če roki iz 4. odstavka niso spoštovani in če ni dosežen drugačen dogovor, lahko katera koli pogodbenica prosi predsednika sveta Mednarodne organizacije civilnega letalstva (ICAO), da opravi potrebna imenovanja. Če je predsednik državljan ene od pogodbenic ali če iz katerega koli razloga ne more opraviti te naloge, opravi potrebna imenovanja podpredsednik, ki ga nadomešča.

(6) The arbitral tribunal shall reach its decisions by a majority of votes. Such decisions shall be binding on the Contracting Parties. Each Contracting Party shall bear the cost of its own member as well as of its representation in the arbitral proceedings; the cost of the chairman and any other costs shall be borne in equal parts by the Contracting Parties. In all other respects the arbitral tribunal shall determine its own procedure.

Article 20
(Registration)

This Agreement and any subsequent amendments thereto shall be registered with the International Civil Aviation Organization.

Article 21
(Termination)

(1) Each Contracting Party may at any time give notice in writing through diplomatic channels to the other Contracting Party of its decision to terminate this Agreement. Such notice shall be simultaneously communicated to the International Civil Aviation Organization.

(2) This Agreement shall terminate at the end of a timetable period during which twelve (12) months after the date of the date of the delivery of the notice have elapsed, unless the notice is withdrawn by mutual agreement before the expiry of this period.

(3) In absence of acknowledgement of delivery by the other Contracting Party, the notice shall be deemed to have been delivered fourteen (14) days after the date on which the International Civil Aviation Organization has received communication thereof.

Article 22
(Entry into force)

(1) This agreement shall be applied provisionally from the date of its signature. Each Contracting Party shall notify the other Contracting Party by diplomatic note that the formalities constitutionally required in their respective country for entry into force of this Agreement have been complied with. This Agreement shall then enter into force on the date of delivery of the latter of these two notifications.

(2) As soon as this Agreement comes into force, the Air Transport Agreement between the Federal People's Republic of Yugoslavia and the Czechoslovak Republic, signed in Belgrade on February 28, 1956 and Agreement between the Federal Secretariat for Transport and Communications of the Socialist Federal Republic of Yugoslavia and Civil Aviation Administration of the Ministry of Transport of the Czechoslovak Socialist Republic, signed in Belgrade on June 29, 1963 shall be terminated in respect of the Republic of Slovenia and the Czech Republic.

Done at Helsinki this 24th day of June, 1997 in two originals in the English language.

For the Government
of the Republic of Slovenia
Anton Bergauer (s)

For the Government
of the Czech Republic
Martin Řiman (s)

6. Arbitražno sodišče odloča z večino glasov. Njegove odločitve so za obe pogodbenici zavezujoče. Vsaka pogodbenica krije stroške za svojega člana in za svojo udeležbo v arbitražnem postopku; stroške za predsednika in vse druge stroške krijeta pogodbenici v enakih deležih. V vseh drugih pogledih arbitraža sama določi svoj poslovnik.

20. člen
(Registracija)

Ta sporazum in vse njegove kasnejše spremembe se registrirajo pri Mednarodni organizaciji civilnega letalstva.

21. člen
(Prenehanje)

1. Vsaka pogodbenica lahko kadar koli pisno po diplomatski poti sporoči drugi pogodbenici, da odpoveduje ta sporazum. Hkrati mora to sporočilo poslati Mednarodni organizaciji civilnega letalstva.

2. Sporazum preneha veljati ob koncu sezone letenja, v kateri preteče dvanajst (12) mesecev od prejema sporočila, razen če se sporočilo soglasno umakne pred potekom tega roka.

3. Če druga pogodbenica ne potrdi prejema sporočila o odpovedi, se šteje, da ga je prejela štirinajst (14) dni po dnevu, ko ga je prejela Mednarodna organizacija civilnega letalstva.

22. člen
(Začetek veljavnosti)

1. Ta sporazum se začasno uporablja od dneva podpisa. Vsaka pogodbenica mora z diplomatsko noto obvestiti drugo pogodbenico, da so izpolnjeni notranjepravni pogoji, ki so v tej državi zahtevani za uveljavitev tega sporazuma. Sporazum začne veljati na dan prejema zadnjega obvestila.

2. Z dnem, ko začne veljati ta sporazum, prenehata veljati za Republiko Slovenijo in za Češko republiko Sporazum o zračnem prometu med Federativno ljudsko republiko Jugoslavijo in Češkoslovaško republiko, podpisan v Beogradu 28. februarja 1956, in Sporazum med Zveznim sekretariatom za promet in zveze Socialistične federativne republike Jugoslavije in Upravo za zračno plovbo Ministrstva za promet Češkoslovaške socialistične republike, podpisan v Beogradu 29. junija 1963.

Sestavljeno v Helsinkih dne 24. junija 1997 v dveh izvodih v angleškem jeziku.

Za Vlado
Republike Slovenije
Anton Bergauer l. r.

Za Vlado
Češke republike
Martin Řiman l. r.

Annex

S e c t i o n I

Routes to be operated by the designated airlines of the Republic of Slovenia:

Points of origin in the Republic of Slovenia:
all international airports

Points of destination in the Czech Republic:
all international airports

The intermediate points and points beyond are to be specified later by agreement between the aeronautical authorities of both Contracting Parties.

S e c t i o n II

Routes to be operated by the designated airlines of the Czech Republic:

Points of origin in the Czech Republic:
all international airports

Points of destination in the Republic of Slovenia:
all international airports

The intermediate points and points beyond are to be specified later by agreement between the aeronautical authorities of both Contracting Parties.

Notes:

1. Intermediate points and points beyond on any of the specified routes may, at the option of the designated airlines, be omitted on any or all flights.
2. Each designated airline may terminate any of its agreed services in the territory of the other Contracting Party.
3. Each designated airline may serve intermediate points and points beyond, not specified in the Annex of the present Agreement, on condition that no traffic rights are exercised between these points and the territory of the other Contracting Party.
4. The exercise of the fifth freedom traffic rights is subject to agreement between the aeronautical authorities of both Contracting Parties.

Priloga

I. o d d e l e k

Proge, na katerih lahko opravljajo zračni promet določeni letalski prevozniki Republike Slovenije:

Kraji vzletanja v Republiki Sloveniji:
vsa mednarodna letališča

Kraji pristajanja v Češki republiki:
vsa mednarodna letališča

Kraji vmesnega postajanja in naslednji kraji bodo določeni kasneje s sporazumom med pristojnima organoma pogodbenic.

II. o d d e l e k

Proge, na katerih lahko opravljajo zračni promet določeni letalski prevozniki Češke republike:

Kraji vzletanja v Češki republiki:
vsa mednarodna letališča

Kraji pristajanja v Republiki Sloveniji:
vsa mednarodna letališča

Kraji vmesnega postajanja in naslednji kraji bodo določeni kasneje s sporazumom med pristojnima organoma pogodbenic.

Opombe:

1. Kraje vmesnega pristajanja in naslednje kraje na vseh določenih progah lahko določeni letalski prevoznik, če to želi, izpusti na posameznem letu ali na vseh letih.
2. Vsak določen letalski prevoznik lahko konča kateri koli polet v okviru dogovorjenega poleta na ozemlju druge pogodbenice.
3. Vsak določen letalski prevoznik lahko leti v kraje vmesnega postajanja in naslednje kraje, ki niso navedeni v prilogi tega sporazuma, pod pogojem, da se med temi kraji in ozemljem druge pogodbenice ne izvajajo prometne pravice.
4. Za izvajanje prometnih pravic pete svobode se sklene sporazum med pristojnima organoma obeh pogodbenic.

3. člen

Za izvajanje tega sporazuma skrbi Ministrstvo za promet in zveze Republike Slovenije.

4. člen

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

Št. 326-06/98-24/1
Ljubljana, dne 22. maja 1998

Predsednik
Državnega zbora
Republike Slovenije
Janez Podobnik, dr. med. l. r.

30. **Zakon o ratifikaciji Konvencije o presoji čezmejnih vplivov na okolje (MPCVO)**

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

U K A Z
O RAZGLASITVI ZAKONA O RATIFIKACIJI KONVENCIJE O PRESOJI ČEZMEJNIH VPLIVOV NA OKOLJE (MPCVO)

Razglašam Zakon o ratifikaciji Konvencije o presoji čezmejnih vplivov na okolje (MPCVO), ki ga je sprejel Državni zbor Republike Slovenije na seji 26. maja 1998.

Št. 001-22-55/98
Ljubljana, dne 3. junija 1998

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N
O RATIFIKACIJI KONVENCIJE O PRESOJI ČEZMEJNIH VPLIVOV NA OKOLJE (MPCVO)

1. člen

Ratificira se Konvencija o presoji čezmejnih vplivov na okolje, sprejeta 25. februarja 1991 v Espooju.

2. člen

Konvencija se v izvirniku v angleškem jeziku in prevodu v slovenskem jeziku glasi:

C O N V E N T I O N
ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT

The Parties to this Convention,

Aware of the interrelationship between economic activities and their environmental consequences,

Affirming the need to ensure environmentally sound and sustainable development,

Determined to enhance international co-operation in assessing environmental impact in particular in a transboundary context,

Mindful of the need and importance to develop anticipatory policies and of preventing, mitigating and monitoring significant adverse environmental impact in general and more specifically in a transboundary context,

Recalling the relevant provisions of the Charter of the United Nations, the Declaration of the Stockholm Conference on the Human Environment, the Final Act of the Conference on Security and Co-operation in Europe (CSCE) and the Concluding Documents of the Madrid and Vienna Meetings of Representatives of the Participating States of the CSCE,

Commending the ongoing activities of States to ensure that, through their national legal and administrative provisions and their national policies, environmental impact assessment is carried out,

Conscious of the need to give explicit consideration to environmental factors at an early stage in the decision-making process by applying environmental impact assessment, at all appropriate administrative levels, as a necessary tool to improve the quality of information presented to decision makers so that environmentally sound decisions can be made paying careful attention to minimizing significant adverse impact, particularly in a transboundary context,

K O N V E N C I J A
O PRESOJI ČEZMEJNIH VPLIVOV NA OKOLJE

Pogodbenice te konvencije, ki

se zavedajo medsebojne povezanosti gospodarskih dejavnosti in njihovih posledic na okolje,

potrjujejo potrebo po zagotovitvi okolju ustreznega in trajnostnega razvoja,

so odločene povečati mednarodno sodelovanje za presojo vplivov na okolje, posebej tistih, ki segajo čez državne meje,

se zavedajo potrebe in pomembnosti priprave vnaprejšnjih politik ter preprečevanja, lajšanja in spremljanja škodljivih vplivov na okolje na splošno ter še posebej, kadar segajo čez državne meje,

se sklicujejo na ustrezne določbe Ustanovne listine Združenih narodov, Deklaracije Stockholmske konference o človekovem okolju, Sklepne listine Konference o varnosti in sodelovanju v Evropi (KVSE) ter Sklepnih dokumentov Madridskega in Dunajskega srečanja predstavnikov sodelujočih držav KVSE,

priporočajo neprestane dejavnosti držav za zagotovitev izvajanja presoje vplivov na okolje s pomočjo nacionalnih pravnih in upravnih določb in nacionalnih politik,

se zavedajo potrebe po namenjanju izrecne pozornosti okoljskim dejavnikom z uporabo presoje vplivov na okolje v zgodnji fazi procesa odločanja na vseh ustreznih upravnih ravneh kot nujno orodje za izboljšanje kakovosti informacij, predloženih tistim, ki sprejemajo odločitve, da bi lahko sprejeli okolju ustrezne odločitve ob posebni skrbi za zmanjšanje znatnih škodljivih vplivov, še posebej kadar segajo čez državne meje,

Mindful of the efforts of international organizations to promote the use of environmental impact assessment both at the national and international levels, and taking into account work on environmental impact assessment carried out under the auspices of the United Nations Economic Commission for Europe, in particular results achieved by the Seminar on Environmental Impact Assessment (September 1987, Warsaw, Poland) as well as noting the Goals and Principles on environmental impact assessment adopted by the Governing Council of the United Nations Environment Programme, and the Ministerial Declaration on Sustainable Development (May 1990, Bergen, Norway),

Have agreed as follows:

Article 1

Definitions

For the purposes of this Convention,

(i) "Parties" means, unless the text otherwise indicates, the Contracting Parties to this Convention;

(ii) "Party of origin" means the Contracting Party or Parties to this Convention under whose jurisdiction a proposed activity is envisaged to take place;

(iii) "Affected Party" means the Contracting Party or Parties to this Convention likely to be affected by the transboundary impact of a proposed activity;

(iv) "Concerned Parties" means the Party of origin and the affected Party of an environmental impact assessment pursuant to this Convention;

(v) "Proposed activity" means any activity or any major change to an activity subject to a decision of a competent authority in accordance with an applicable national procedure;

(vi) "Environmental impact assessment" means a national procedure for evaluating the likely impact of a proposed activity on the environment;

(vii) "Impact" means any effect caused by a proposed 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 interaction among these factors; it also includes effects on cultural heritage or socio-economic conditions resulting from alterations to those factors;

(viii) "Transboundary impact" means any impact, not exclusively of a global nature, within an area under the jurisdiction of a Party caused by a proposed activity the physical origin of which is situated wholly or in part within the area under the jurisdiction of another Party;

(ix) "Competent authority" means the national authority or authorities designated by a Party as responsible for performing the tasks covered by this Convention and/or the authority or authorities entrusted by a Party with decision-making powers regarding a proposed activity;

(x) "The Public" means one or more natural or legal persons.

Article 2

General provisions

1. The Parties shall, either individually or jointly, take all appropriate and effective measures to prevent, reduce and control significant adverse transboundary environmental impact from proposed activities.

2. Each Party shall take the necessary legal, administrative or other measures to implement the provisions of this Convention, including, with respect to proposed activities listed in Appendix I that are likely to cause significant adverse transboundary impact, the establishment of an envi-

upoštevajo prizadevanja mednarodnih organizacij za spodbujanje uporabe presoje vplivov na okolje na državni in mednarodni ravni in ob upoštevanju prispevka Ekonomske komisije Združenih narodov za Evropo v zvezi s presojo vplivov na okolje ter zlasti izidov Seminarja o presoji vplivov na okolje (september 1987, Varšava, Poljska) kakor tudi Ciljev in načel presoje vplivov na okolje, ki jih je sprejel Upravni svet Programa Združenih narodov za okolje, ter Ministrske deklaracije o trajnostnem razvoju (maj 1990, Bergen, Norveška),

so se sporazumele o naslednjem:

1. člen

Opredelitve pojmov

Za namene te konvencije

(i) "pogodbenice" pomenijo pogodbenice te konvencije, če ni v besedilu drugače določeno;

(ii) "pogodbenica izvora" pomeni pogodbenico ali pogodbenice te konvencije, pod jurisdikcijo katere ali katerih je izvajanje predlagane dejavnosti predvideno;

(iii) "prizadeta pogodbenica" pomeni pogodbenico ali pogodbenice te konvencije, ki jo ali jih lahko prizadenejo čezmejni vplivi predlagane dejavnosti;

(iv) "udeleženi pogodbenici" pomeni pogodbenico izvora in prizadeto pogodbenico pri presoji vplivov na okolje v skladu s to konvencijo;

(v) "predlagana dejavnost" pomeni vsako dejavnost ali vsako večjo spremembo dejavnosti, o kateri odloča pristojni organ v skladu z veljavnim notranjim postopkom;

(vi) "presoja vplivov na okolje" pomeni notranji postopek za vrednotenje možnih vplivov predlagane dejavnosti na okolje;

(vii) "vpliv" pomeni vsako posledico v okolju, ki jo povzroči predlagana dejavnost, vključno s človekovim zdravjem in varnostjo, rastlinstvom, živalstvom, zemljo, zrakom, vodo, podnebjem, krajino in zgodovinskimi spomeniki ali drugimi objekti ali medsebojnim delovanjem teh dejavnikov; vključuje tudi posledice na kulturno dediščino ali družbeno-gospodarske razmere, ki nastopijo zaradi sprememb teh dejavnikov;

(viii) "čezmejni vpliv" pomeni vsak vpliv ne izključno globalne narave na območju jurisdikcije pogodbenice, ki ga je povzročila predlagana dejavnost s fizičnim izvorom v celoti ali deloma na območju jurisdikcije druge pogodbenice;

(ix) "pristojni organ" pomeni državni organ ali organe, ki jih je pogodbenica določila kot odgovorne za opravljanje nalog, ki so zajete v tej konvenciji, in/ali organ ali organe, ki jih je pogodbenica pooblastila za odločanje v zvezi s predlagano dejavnostjo;

(x) "javnost" pomeni eno ali več fizičnih ali pravnih oseb.

2. člen

Splošne določbe

1. Pogodbenice posamezno ali skupno sprejmejo vse ustrezne in učinkovite ukrepe za preprečevanje, zmanjšanje in nadzorovanje znatnih škodljivih čezmejnih vplivov na okolje in jih povzročajo predlagane dejavnosti.

2. Vsaka pogodbenica sprejme potrebne pravne, upravne ali druge ukrepe za uresničevanje določb te konvencije, vključno – glede na predlagane dejavnosti, navedene v Dodatku I, ki lahko povzročijo znatne škodljive čezmejne vplive – z uvedbo postopka presoje vplivov na okolje, ki

ronmental impact assessment procedure that permits public participation and preparation of the environmental impact assessment documentation described in Appendix II.

3. The Party of origin shall ensure that in accordance with the provisions of this Convention an environmental impact assessment is undertaken prior to a decision to authorize or undertake a proposed activity listed in Appendix I that is likely to cause a significant adverse transboundary impact.

4. The Party of origin shall, consistent with the provisions of this Convention, ensure that affected Parties are notified of a proposed activity listed in Appendix I that is likely to cause a significant adverse transboundary impact.

5. Concerned Parties shall, at the initiative of any such Party, enter into discussions on whether one or more proposed activities not listed in Appendix I is or are likely to cause a significant adverse transboundary impact and thus should be treated as if it or they were so listed. Where those Parties so agree, the activity or activities shall be thus treated. General guidance for identifying criteria to determine significant adverse impact is set forth in Appendix III.

6. The Party of origin shall provide, in accordance with the provisions of this Convention, an opportunity to the public in the areas likely to be affected to participate in relevant environmental impact assessment procedures regarding proposed activities and shall ensure that the opportunity provided to the public of the affected Party is equivalent to that provided to the public of the Party of origin.

7. Environmental impact assessments as required by this Convention shall, as a minimum requirement, be undertaken at the project level of the proposed activity. To the extent appropriate, the Parties shall endeavour to apply the principles of environmental impact assessment to policies, plans and programmes.

8. The provisions of this Convention shall not affect the right of Parties to implement national laws, regulations, administrative provisions or accepted legal practices protecting information the supply of which would be prejudicial to industrial and commercial secrecy or national security.

9. The provisions of this Convention shall not affect the right of particular Parties to implement, by bilateral or multilateral agreement where appropriate, more stringent measures than those of this Convention.

10. The provisions of this Convention shall not prejudice any obligations of the Parties under international law with regard to activities having or likely to have a transboundary impact.

Article 3

Notification

1. For a proposed activity listed in Appendix I that is likely to cause a significant adverse transboundary impact, the Party of origin shall, for the purposes of ensuring adequate and effective consultations under Article 5, notify any Party which it considers may be an affected Party as early as possible and no later than when informing its own public about that proposed activity.

2. This notification shall contain, *inter alia*:

(a) Information on the proposed activity, including any available information on its possible transboundary impact;

(b) The nature of the possible decision; and

(c) An indication of a reasonable time within which a response under paragraph 3 of this Article is required, taking into account the nature of the proposed activity;

and may include the information set out in paragraph 5 of this Article.

dopušča sodelovanje javnosti in pripravo dokumentacije za presojo vplivov na okolje, opisane v Dodatku II.

3. Pogodbenica izvora v skladu z določbami te konvencije zagotovi izvedbo presoje vplivov na okolje pred odločitvijo o odobritvi ali začetku predlagane dejavnosti, navedene v Dodatku I, ki lahko povzroči znatne škodljive čezmejne vplive na okolje.

4. Pogodbenica izvora v skladu z določbami te konvencije zagotovi, da so prizadete pogodbenice obveščene o predlagani dejavnosti, navedeni v Dodatku I, ki lahko povzroči znatne škodljive čezmejne vplive na okolje.

5. Udeležene pogodbenice na pobudo katere koli od teh pogodbenic začnejo razgovore o tem, ali bo ena ali več predlaganih dejavnosti, ki niso navedene v Dodatku I, povzročila znaten škodljiv vpliv na okolje in naj bi jih obravnavali tako, kot da je ali da so navedene. Če se te pogodbenice o tem sporazumejo, je treba dejavnost ali dejavnosti na tak način obravnavati. Splošni napotek za oblikovanje meril za določitev znatnih škodljivih vplivov je predstavljen v Dodatku III.

6. Pogodbenica izvora v skladu z določbami te konvencije na območjih, ki bi lahko bila prizadeta, da javnosti možnost sodelovanja v ustreznih postopkih presoje vplivov na okolje v zvezi s predlaganimi dejavnostmi in zagotovi, da so možnosti, ki so zagotovljene javnosti prizadete pogodbenice, enakovredne možnostim, ki so zagotovljene javnosti pogodbenice izvora.

7. Presoje vplivov na okolje se v skladu s to konvencijo začnejo – kot je minimalna zahteva – na stopnji načrtovanja predlagane dejavnosti. Pogodbenice si v ustreznem obsegu prizadevajo uporabljati načela presoje vplivov na okolje v svojih politikah, planih in programih.

8. Določbe te konvencije ne vplivajo na pravico pogodbenic, da izvajajo svojo zakonodajo, predpise, upravne določbe ali sprejeto pravno prakso, da bi varovale podatke, zagotovitev katerih bi škodovala industrijski ali poslovni tajnosti ali državni varnosti.

9. Določbe te konvencije ne vplivajo na pravico posameznih pogodbenic, da z dvostranskim ali mnogostranskim sporazumom izvajajo strožje ukrepe, kot so ukrepi po tej konvenciji, če je to primerno.

10. Določbe te konvencije ne vplivajo na kakršne koli obveznosti pogodbenic po mednarodnem pravu v zvezi z dejavnostmi, ki imajo ali bi lahko imele čezmejne vplive.

3. člen

Obveščanje

1. Za zagotovitev primernih in učinkovitih posvetovanj v skladu s 5. členom pogodbenica izvora o predlagani dejavnosti, navedeni v Dodatku I, ki lahko povzroči znatne škodljive čezmejne vplive na okolje, obvesti vsako pogodbenico, za katero meni, da bi lahko bila prizadeta pogodbenica, kakor hitro je mogoče in najkasneje takrat, ko o tej dejavnosti obvesti svojo javnost.

2. To obvestilo med drugim vsebuje:

(a) podatke o predlagani dejavnosti, vključno z vsakim razpoložljivim podatkom o možnih čezmejnih vplivih;

(b) vrsto možne odločitve in

(c) navedbo razumnega roka, v katerem je zaželen odgovor v skladu s tretjim odstavkom tega člena, ob upoštevanju vrste predlagane dejavnosti

ter lahko vključuje podatke, določene v petem odstavku tega člena.

3. The affected Party shall respond to the Party of origin within the time specified in the notification, acknowledging receipt of the notification, and shall indicate whether it intends to participate in the environmental impact assessment procedure.

4. If the affected Party indicates that it does not intend to participate in the environmental impact assessment procedure, or if it does not respond within the time specified in the notification, the provisions in paragraphs 5, 6, 7 and 8 of this Article and in Articles 4 to 7 will not apply. In such circumstances the right of a Party of origin to determine whether to carry out an environmental impact assessment on the basis of its national law and practice is not prejudiced.

5. Upon receipt of a response from the affected Party indicating its desire to participate in the environmental impact assessment procedure, the Party of origin shall, if it has not already done so, provide to the affected Party:

(a) Relevant information regarding the environmental impact assessment procedure, including an indication of the time schedule for transmittal of comments; and

(b) Relevant information on the proposed activity and its possible significant adverse transboundary impact.

6. An affected Party shall, at the request of the Party of origin, provide the latter with reasonably obtainable information relating to the potentially affected environment under the jurisdiction of the affected Party, where such information is necessary for the preparation of the environmental impact assessment documentation. The information shall be furnished promptly and, as appropriate, through a joint body where one exists.

7. When a Party considers that it would be affected by a significant adverse transboundary impact of a proposed activity listed in Appendix I, and when no notification has taken place in accordance with paragraph 1 of this Article, the concerned Parties shall, at the request of the affected Party, exchange sufficient information for the purposes of holding discussions on whether there is likely to be a significant adverse transboundary impact. If those Parties agree that there is likely to be a significant adverse transboundary impact, the provisions of this Convention shall apply accordingly. If those Parties cannot agree whether there is likely to be a significant adverse transboundary impact, any such Party may submit that question to an inquiry commission in accordance with the provisions of Appendix IV to advise on the likelihood of significant adverse transboundary impact, unless they agree on another method of settling this question.

8. The concerned Parties shall ensure that the public of the affected Party in the areas likely to be affected be informed of, and be provided with possibilities for making comments or objections on, the proposed activity, and for the transmittal of these comments or objections to the competent authority of the Party of origin, either directly to this authority or, where appropriate, through the Party of origin.

Article 4

Preparation of the environmental impact assessment documentation

1. The environmental impact assessment documentation to be submitted to the competent authority of the Party of origin shall contain, as a minimum, the information described in Appendix II.

2. The Party of origin shall furnish the affected Party, as appropriate through a joint body where one exists, with the environmental impact assessment documentation. The concerned Parties shall arrange for distribution of the docu-

3. Prizadeta pogodbenica odgovori pogodbenici izvora v roku, določenem v obvestilu, in potrdi prejem obvestila ter navede, ali namerava sodelovati v postopku presoje vplivov na okolje.

4. Če prizadeta pogodbenica navede, da v postopku presoje vplivov na okolje ne namerava sodelovati, ali če ne odgovori v roku, navedenem v obvestilu, se določbe petega, šestega, sedmega in osmega odstavka tega člena in 4. do 7. člena ne bodo uporabljale. V takih okoliščinah se ne posega v pravico pogodbenice izvora, da določi, ali naj izvede presojo vplivov na okolje na podlagi svoje notranje zakonodaje in prakse.

5. Po prejemu odgovora prizadete pogodbenice, ki navaja svojo željo po sodelovanju v postopku presoje vplivov na okolje, pogodbenica izvora, če tega že ni naredila, prizadeti pogodbenici priskrbi:

(a) ustrezne podatke v zvezi s postopkom presoje vplivov na okolje, vključno z navedbo rokov za dajanje pripomb, in

(b) ustrezne podatke o predlagani dejavnosti in njenih možnih škodljivih čezmejnih vplivih.

6. Prizadeta pogodbenica na zahtevo pogodbenice izvora tej priskrbi razumno dosegljive podatke v zvezi z okoljem, ki bi lahko bilo prizadeto in je pod jurisdikcijo prizadete pogodbenice, če so taki podatki potrebni za pripravo dokumentacije o presoji vplivov na okolje. Podatke je treba priskrbeti takoj in po skupnem telesu, če to obstaja.

7. Kadar pogodbenica meni, da bi jo zaradi predlagane dejavnosti, navedene v Dodatku I, lahko prizadel škodljiv čezmejni vpliv in kadar o tem ni bila obveščena v skladu s prvim odstavkom tega člena, udeležene pogodbenice na zahtevo prizadete pogodbenice izmenjajo dovolj podatkov za razpravo o tem, ali lahko pride do znatnih škodljivih čezmejnih vplivov. Če se te pogodbenice strinjajo, da bo do znatnih škodljivih čezmejnih vplivov verjetno prišlo, se ustrezno uporabijo določbe te konvencije. Če se te pogodbenice ne morejo sporazumeti o tem, da bo verjetno prišlo do znatnih škodljivih čezmejnih vplivov, lahko v skladu z določbami Dodatka IV vsaka od pogodbenic zaprosi preiskovalno komisijo za mnenje o verjetnosti škodljivih čezmejnih vplivov, razen če se dogovorijo o drugačnem načinu reševanja tega vprašanja.

8. Udeležene pogodbenice zagotovijo, da je javnost prizadete pogodbenice na območjih, ki bi lahko bila prizadeta, obveščena ter da dobi možnost dati pripombe ali nasprotovati predlagani dejavnosti in da pripombe ali pomisleke sporoči pristojnemu organu pogodbenice izvora neposredno, ali če to ustreza, po pogodbenici izvora.

4. člen

Priprava dokumentacije o presoji vplivov na okolje

1. Dokumentacija o presoji vplivov na okolje, ki jo je treba predložiti pristojnemu organu pogodbenice izvora, vsebuje najmanj podatke, opisane v Dodatku II.

2. Pogodbenica izvora prizadeti pogodbenici po skupnem telesu, če to obstaja, priskrbi dokumentacijo o presoji vplivov na okolje. Udeležene pogodbenice pripravijo dokumentacijo za razdeljevanje organom in javnosti prizadete

mentation to the authorities and the public of the affected Party in the areas likely to be affected and for the submission of comments to the competent authority of the Party of origin, either directly to this authority or, where appropriate, through the Party of origin within a reasonable time before the final decision is taken on the proposed activity.

Article 5

Consultations on the basis of the environmental impact assessment documentation

The Party of origin shall, after completion of the environmental impact assessment documentation, without undue delay enter into consultations with the affected Party concerning, *inter alia*, the potential transboundary impact of the proposed activity and measures to reduce or eliminate its impact. Consultations may relate to:

(a) Possible alternatives to the proposed activity, including the no-action alternative and possible measures to mitigate significant adverse transboundary impact and to monitor the effects of such measures at the expense of the Party of origin;

(b) Other forms of possible mutual assistance in reducing any significant adverse transboundary impact of the proposed activity; and

(c) Any other appropriate matters relating to the proposed activity.

The Parties shall agree, at the commencement of such consultations, on a reasonable time-frame for the duration of the consultation period. Any such consultations may be conducted through an appropriate joint body, where one exists.

Article 6

Final decision

1. The Parties shall ensure that, in the final decision on the proposed activity, due account is taken of the outcome of the environmental impact assessment, including the environmental impact assessment documentation, as well as the comments thereon received pursuant to Article 3, paragraph 8 and Article 4, paragraph 2, and the outcome of the consultations as referred to in Article 5.

2. The Party of origin shall provide to the affected Party the final decision on the proposed activity along with the reasons and considerations on which it was based.

3. If additional information on the significant transboundary impact of a proposed activity, which was not available at the time a decision was made with respect to that activity and which could have materially affected the decision, becomes available to a concerned Party before work on that activity commences, that Party shall immediately inform the other concerned Party or Parties. If one of the concerned Parties so requests, consultations shall be held as to whether the decision needs to be revised.

Article 7

Post-project analysis

1. The concerned Parties, at the request of any such Party, shall determine whether, and if so to what extent, a post-project analysis shall be carried out, taking into account the likely significant adverse transboundary impact of the activity for which an environmental impact assessment has been undertaken pursuant to this Convention. Any post-project analysis undertaken shall include, in particular, the surveillance of the activity and the determination of any adverse transboundary impact. Such surveillance and determination may be undertaken with a view to achieving the objectives listed in Appendix V.

pogodbenice na območjih, ki bodo verjetno prizadeta, ter dajo pripombe pristojnemu organu pogodbenice izvora neposredno, ali če je to primerno po pogodbenici izvora v razumnem roku pred sprejetjem končne odločitve o predlagani dejavnosti.

5. člen

Posvetovanja na podlagi dokumentacije o presoji vplivov na okolje

Pogodbenica izvora po končani pripravi dokumentacije o presoji vplivov na okolje brez nepotrebnega odlašanja začne posvetovanja s prizadeto pogodbenico – med drugim – v zvezi z možnimi čezmejnimi vplivi predlagane dejavnosti in ukrepi za zmanjšanje ali odpravo teh vplivov. Posvetovanja se lahko nanašajo na:

(a) možne spremembe predlagane dejavnosti, vključno z možnostjo opustitve dejavnosti in možnimi ukrepi za zmanjšanje znatnih škodljivih čezmejnih vplivov, ter spremljanjem posledic teh ukrepov na stroške pogodbenice izvora;

(b) druge oblike možne medsebojne pomoči pri zmanjševanju vseh znatnih škodljivih čezmejnih vplivov predlagane dejavnosti in

(c) vse druge ustrezne zadeve, ki se nanašajo na predlagano dejavnost.

Pogodbenice se na začetku teh posvetovanj dogovorijo o sprejemljivem časovnem okviru posvetovalnega obdobja. Vsako tako posvetovanje lahko poteka po ustreznem skupnem telesu, če to obstaja.

6. člen

Končna odločitev

1. Pogodbenice zagotovijo, da se v končni odločitvi o predlagani dejavnosti primerno upoštevajo izid presoje vplivov na okolje, vključno z dokumentacijo o presoji vplivov na okolje in pripombami, prejetimi v skladu z osmim odstavkom 3. člena in drugim odstavkom 4. člena, ter izidi posvetovanj v skladu s 5. členom.

2. Pogodbenica izvora prizadeti pogodbenici dostavi končno odločitev o predlagani dejavnosti skupaj z razlogi in ocenami, na katerih temelji.

3. Če katera od udeleženih pogodbenic pred začetkom obravnave določene dejavnosti dobi dodatne podatke o znatnih čezmejnih vplivih predlagane dejavnosti, ki ob sprejemanju odločitve v zvezi s to dejavnostjo niso bili na voljo in bi lahko na odločitev bistveno vplivali, ta pogodbenica o tem takoj obvesti drugo udeleženo pogodbenico ali pogodbenice. Če ena od udeleženih pogodbenic tako zahteva, se posvetujejo o tem, ali je treba odločitev ponovno proučiti.

7. člen

Analiza po izvedeni dejavnosti

1. Udeležene pogodbenice na zahtevo katere koli teh pogodbenic določijo, ali in v kakšnem obsegu je treba po izvedeni dejavnosti opraviti analizo ob upoštevanju možnih znatnih škodljivih čezmejnih vplivov te dejavnosti, za katero je bila opravljena presoja vplivov na okolje v skladu s to konvencijo. Vsaka takšna analiza še posebej vsebuje nadzorovanje dejavnosti in določitev kakršnih koli škodljivih čezmejnih vplivov. Namen takega nadzorovanja in določitve je doseči cilje, navedene v Dodatku V.

2. When, as a result of post-project analysis, the Party of origin or the affected Party has reasonable grounds for concluding that there is a significant adverse transboundary impact or factors have been discovered which may result in such an impact, it shall immediately inform the other Party. The concerned Parties shall then consult on necessary measures to reduce or eliminate the impact.

Article 8

Bilateral and multilateral co-operation

The Parties may continue existing or enter into new bilateral or multilateral agreements or other arrangements in order to implement their obligations under this Convention. Such agreements or other arrangements may be based on the elements listed in Appendix VI.

Article 9

Research programmes

The Parties shall give special consideration to the setting up, or intensification of, specific research programmes aimed at:

(a) Improving existing qualitative and quantitative methods for assessing the impacts of proposed activities;

(b) Achieving a better understanding of cause-effect relationships and their role in integrated environmental management;

(c) Analysing and monitoring the efficient implementation of decisions on proposed activities with the intention of minimizing or preventing impacts;

(d) Developing methods to stimulate creative approaches in the search for environmentally sound alternatives to proposed activities, production and consumption patterns;

(e) Developing methodologies for the application of the principles of environmental impact assessment at the macro-economic level.

The results of the programmes listed above shall be exchanged by the Parties.

Article 10

Status of the Appendices

The Appendices attached to this Convention form an integral part of the Convention.

Article 11

Meeting of Parties

1. The Parties shall meet, so far as possible, in connection with the annual sessions of the Senior Advisers to ECE Governments on Environmental and Water Problems. The first meeting of the Parties shall be convened not later than one year after the date of the entry into force of this Convention. Thereafter, meetings of the Parties shall be held at such other times as may be deemed necessary by a meeting of the Parties, or at the written request of any Party, provided that, within six months of the request being communicated to them by the secretariat, it is supported by at least one third of the Parties.

2. The Parties shall keep under continuous review the implementation of this Convention, and, with this purpose in mind, shall:

(a) Review the policies and methodological approaches to environmental impact assessment by the Parties with a view to further improving environmental impact assessment procedures in a transboundary context;

(b) Exchange information regarding experience gained in concluding and implementing bilateral and multilateral agreements or other arrangements regarding the use of environmental impact assessment in a transboundary context to which one or more of the Parties are party;

2. Kadar ima pogodbenica izvora ali prizadeta pogodbenica glede na izide analize po izvedeni dejavnosti utemeljene razloge za ugotovitev, da gre za znatne škodljive čezmejne vplive ali pa so bili odkriti dejavniki, ki lahko povzročijo take vplive, o tem takoj obvesti drugo pogodbenico. Udeležene pogodbenice se po tem posvetujejo o potrebnih ukrepih za zmanjšanje ali odpravo vplivov.

8. člen

Dvostransko in mnogostransko sodelovanje

Pogodbenice lahko nadaljujejo obstoječe ali vstopajo v nove dvostranske ali mnogostranske sporazume ali druge dogovore za uresničitev obveznosti po tej konvenciji. Taki sporazumi ali drugi dogovori lahko temeljijo na osnovah, navedenih v Dodatku VI.

9. člen

Raziskovalni programi

Pogodbenice še posebej proučijo vzpostavitev ali stopnjevanje posebnih raziskovalnih programov, namenjenih:

(a) izboljšanju obstoječih kakovostnih ali količinskih metod za presojo vplivov predlaganih dejavnosti;

(b) doseganju boljšega razumevanja vzročno-posledičnih odnosov in njihove vloge pri celovitem upravljanju okolja;

(c) analizi in spremljanju učinkovitega uresničevanja odločitev o predlaganih dejavnostih z namenom kar najbolj zmanjšati ali preprečiti vplive;

(d) razvoju metod za spodbujanje ustvarjalnih pristopov pri iskanju okolju ustreznih različic predlaganih dejavnosti, proizvodnih in potrošniških vzorcev;

(e) razvoju metodologij za uporabo načel presoje vplivov na okolje na makroekonomski ravni.

Pogodbenice izmenjajo izide zgoraj navedenih programov.

10. člen

Status dodatkov

Dodatki, priloženi tej konvenciji, so njen sestavni del.

11. člen

Sestanki pogodbenic

1. Pogodbenice se sestanejo, če je mogoče, v povezavi z letnimi zasedanji višjih svetovalcev vlad Ekonomske komisije za Evropo o problemih okolja in voda. Prvi sestanek pogodbenic je sklican najkasneje eno leto po začetku veljavnosti te konvencije. Potem se pogodbenice sestajajo po potrebi, kot je določeno na sestanku pogodbenic, ali na pisno zahtevo katere koli pogodbenice pod pogojem, da to zahtevo v šestih mesecih potem, ko jim jo je sporočil sekretariat, podpre vsaj ena tretjina pogodbenic.

2. Pogodbenice nenehno spremljajo izvajanje te konvencije ter zavedajoč se tega:

(a) pregledujejo politike in metodološke pristope pogodbenic k presoji vplivov na okolje z namenom izboljševanja postopkov presoje čezmejnih vplivov na okolje;

(b) izmenjujejo podatke glede pridobljenih izkušenj pri sklepanju in izvajanju dvostranskih in mnogostranskih sporazumov ali drugih dogovorov glede uporabe presoje čezmejnih vplivov na okolje, pri katerih so stranke ena ali več pogodbenic;

(c) Seek, where appropriate, the services of competent international bodies and scientific committees in methodological and technical aspects pertinent to the achievement of the purposes of this Convention;

(d) At their first meeting, consider and by consensus adopt rules of procedure for their meetings;

(e) Consider and, where necessary, adopt proposals for amendments to this Convention;

(f) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention.

Article 12

Right to vote

1. Each Party to this Convention shall have one vote.

2. Except as provided for in paragraph 1 of this Article, regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties to this Convention. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Article 13

Secretariat

The Executive Secretary of the Economic Commission for Europe shall carry out the following secretariat functions:

(a) The convening and preparing of meetings of the Parties;

(b) The transmission of reports and other information received in accordance with the provisions of this Convention to the Parties; and

(c) The performance of other functions as may be provided for in this Convention or as may be determined by the Parties.

Article 14

Amendments to the Convention

1. Any Party may propose amendments to this Convention.

2. Proposed amendments shall be submitted in writing to the secretariat, which shall communicate them to all Parties. The proposed amendments shall be discussed at the next meeting of the Parties, provided these proposals have been circulated by the secretariat to the Parties at least ninety days in advance.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting.

4. Amendments to this Convention adopted in accordance with paragraph 3 of this Article shall be submitted by the Depositary to all Parties for ratification, approval or acceptance. They shall enter into force for Parties having ratified, approved or accepted them on the ninetieth day after the receipt by the Depositary of notification of their ratification, approval or acceptance by at least three fourths of these Parties. Thereafter they shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, approval or acceptance of the amendments.

5. For the purpose of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

(c) iščejo, če je to primerno, pomoč pristojnih mednarodnih teles in znanstvenih odborov pri metodoloških in tehničnih vidikih za doseganje namenov te konvencije;

(d) na svojem prvem sestanku proučijo in s konsenzom sprejmejo poslovnik za svoje sestanke;

(e) proučijo in po potrebi sprejmejo predloge za spremembe te konvencije;

(f) proučijo in sprejmejo kakršne koli ukrepe, ki bi lahko bili potrebni za doseganje namenov te konvencije.

12. člen

Pravica do glasovanja

1. Vsaka pogodbenica te konvencije ima en glas.

2. Regionalne organizacije za gospodarsko povezovanje v zadevah, ki so v njihovi pristojnosti, uresničujejo pravico do glasovanja s številom glasov, ki je enako številu njihovih držav članic, ki so pogodbenice te konvencije, razen kot je predvideno v prvem odstavku tega člena. Te organizacije svoje pravice do glasovanja ne uporabijo, če jo uporabijo njihove države članice, in obratno.

13. člen

Sekretariat

Izvršilni sekretar Ekonomske komisije za Evropo opravlja te naloge sekretariata:

(a) sklicevanje in priprava sestankov pogodbenic;

(b) pošiljanje poročil in drugih prejetih podatkov v skladu z določbami te konvencije pogodbenicam in

(c) opravljanje drugih nalog, kot so lahko predvidene v tej konvenciji ali kot jih lahko določijo pogodbenice.

14. člen

Spremembe konvencije

1. Vsaka pogodbenica lahko predlaga spremembe te konvencije.

2. Predlagane spremembe se pisno predložijo sekretariatu, ki jih pošlje vsem pogodbenicam. O predlaganih spremembah pogodbenice razpravljajo na naslednjem sestanku, če jih je sekretariat razposlal pogodbenicam vsaj devetdeset dni vnaprej.

3. Pogodbenice si na vse načine prizadevajo, da s konsenzom dosežejo dogovor o kateri koli predlagani spremembi te konvencije. Če so bila izčrpana vsa prizadevanja za konsenz, dogovor pa ni bil dosežen, spremembo v skrajni sili sprejmejo s tričetrtinsko večino glasov pogodbenic, ki so na sestanku prisotne in glasujejo.

4. Depozitar pošlje pogodbenicam spremembe te konvencije, sprejete v skladu s tretjim odstavkom tega člena v ratifikacijo, odobritev ali sprejetje. Za pogodbenice, ki so jih ratificirale, odobrile ali sprejele, začnejo spremembe veljati devetdeseti dan, potem ko je depozitar najmanj od treh četrtin pogodbenic prejel obvestilo o njihovi ratifikaciji, odobritvi ali sprejetju. Zatem začnejo veljati za vsako drugo pogodbenico devetdeset dni, potem ko je ta pogodbenica deponirala svojo listino o ratifikaciji, odobritvi ali sprejetju.

5. Za namene tega člena pomeni "pogodbenice, ki so prisotne in glasujejo" pogodbenice, ki so prisotne in glasujejo za ali proti.

6. The voting procedure set forth in paragraph 3 of this Article is not intended to constitute a precedent for future agreements negotiated within the Economic Commission for Europe.

Article 15

Settlement of disputes

1. If a dispute arises between two or more Parties about the interpretation or application of this Convention, they shall seek a solution by negotiation or by any other method of dispute settlement acceptable to the parties to the dispute.

2. When signing, ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a Party may declare in writing to the Depositary that for a dispute not resolved in accordance with paragraph 1 of this Article, it accepts one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation:

(a) Submission of the dispute to the International Court of Justice;

(b) Arbitration in accordance with the procedure set out in Appendix VII.

3. If the parties to the dispute have accepted both means of dispute settlement referred to in paragraph 2 of this Article, the dispute may be submitted only to the International Court of Justice, unless the parties agree otherwise.

Article 16

Signature

This Convention shall be open for signature at Espoo (Finland) from 25 February to 1 March 1991 and thereafter at United Nations Headquarters in New York until 2 September 1991 by States members of the Economic Commission for Europe as well as States having consultative status with the Economic Commission for Europe pursuant to paragraph 8 of the Economic and Social Council resolution 36 (IV) of 28 March 1947, and by regional economic integration organizations constituted by sovereign States members of the Economic Commission for Europe to which their member States have transferred competence in respect of matters governed by this Convention, including the competence to enter into treaties in respect of these matters.

Article 17

Ratification, acceptance, approval and accession

1. This Convention shall be subject to ratification, acceptance or approval by signatory States and regional economic integration organizations.

2. This Convention shall be open for accession as from 3 September 1991 by the States and organizations referred to in Article 16.

3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General of the United Nations, who shall perform the functions of Depositary.

4. Any organization referred to in Article 16 which becomes a Party to this Convention without any of its member States being a Party shall be bound by all the obligations under this Convention. In the case of such organizations, one or more of whose member States is a Party to this Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under this Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under this Convention concurrently.

6. Postopek glasovanja iz tretjega odstavka tega člena ni precedens za prihodnje sporazume, sklenjene v Ekonomski komisiji za Evropo.

15. člen

Reševanje sporov

1. Če med dvema ali več pogodbenicami pride do spora glede razlage ali uporabe te konvencije, ga poskušajo rešiti s pogajanji ali s kakršnim koli drugim načinom reševanja sporov, sprejemljivim za stranke v sporu.

2. Ob podpisu, ratifikaciji, sprejetju, odobritvi ali pristopu k tej konvenciji ali kadar koli potem lahko pogodbenica depozitarju pisno izjavi, da v sporu, ki ni razrešen v skladu s prvim odstavkom tega člena, sprejme enega naslednjih načinov reševanja sporov, ki jo obvezuje v odnosu do druge pogodbenice, ki sprejema isto obveznost:

(a) predložitev spora Meddržavnemu sodišču;

(b) arbitraža v skladu s postopkom, določenim v Dodatku VII.

3. Če so stranke v sporu sprejele oba načina reševanja sporov, omenjena v drugem odstavku tega člena, se spor lahko predloži le Meddržavnemu sodišču, razen če se stranke ne dogovorijo drugače.

16. člen

Podpis

Ta konvencija je na voljo za podpis od 25. februarja do 1. marca 1991 v Espooju (Finska), potem pa do 2. septembra 1991 na sedežu Združenih narodov v New Yorku za države članice Ekonomske komisije za Evropo kot tudi države, ki imajo v Ekonomski komisiji za Evropo posvetovalni status v skladu z osmim odstavkom resolucije Ekonomsko-socialnega sveta št. 36 (IV) z dne 28. marca 1947 ter za regionalne organizacije za gospodarsko povezovanje, ki so jih ustanovile suverene države članice Ekonomske komisije za Evropo in na katere so njihove države članice prenesle pristojnosti v zvezi z zadevami, ki jih ureja ta konvencija, vključno s pristojnostjo, da sklepajo pogodbe v zvezi s temi zadevami.

17. člen

Ratifikacija, sprejetje, odobritev in pristop

1. To konvencijo ratificirajo, sprejmejo ali odobrijo države podpisnice ter regionalne organizacije za gospodarsko povezovanje.

2. K tej konvenciji lahko pristopijo države in organizacije, omenjene v 16. členu, od 3. septembra 1991.

3. Listine o ratifikaciji, sprejetju, odobritvi ali pristopu se deponirajo pri generalnem sekretarju Združenih narodov, ki opravlja naloge depozitarja.

4. Vsako organizacijo, omenjeno v 16. členu, ki postane pogodbenica te konvencije, ne da bi bila katera od njenih držav članic pogodbenica, obvezujejo vse obveznosti iz te konvencije. Ko je ena ali več držav članic organizacije pogodbenica te konvencije, organizacija in njene države članice odločajo o delitvi svojih odgovornostih za izpolnjevanje obveznosti iz te konvencije. V takih primerih organizacija in njene države članice ne morejo hkrati uresničevati pravic iz te konvencije.

5. In their instruments of ratification, acceptance, approval or accession, the regional economic integration organizations referred to in Article 16 shall declare the extent of their competence with respect to the matters governed by this Convention. These organizations shall also inform the Depositary of any relevant modification to the extent of their competence.

Article 18
Entry into force

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the sixteenth instrument of ratification, acceptance, approval or accession.

2. For the purposes of paragraph 1 of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States members of such an organization.

3. For each State or organization referred to in Article 16 which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the sixteenth instrument of ratification, acceptance, approval or accession, this Convention shall enter into force on the ninetieth day after the date of deposit by such State or organization of its instrument of ratification, acceptance, approval or accession.

Article 19
Withdrawal

At any time after four years from the date on which this Convention has come into force with respect to a Party, that Party may withdraw from this Convention by giving written notification to the Depositary. Any such withdrawal shall take effect on the ninetieth day after the date of its receipt by the Depositary. Any such withdrawal shall not affect the application of Articles 3 to 6 of this Convention to a proposed activity in respect of which a notification has been made pursuant to Article 3, paragraph 1, or a request has been made pursuant to Article 3, paragraph 7, before such withdrawal took effect.

Article 20
Authentic texts

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

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Espoo (Finland), this twenty-fifth day of February one thousand nine hundred and ninety-one.

APPENDIX I
List of activities

1. Crude oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day.

2. Thermal power stations and other combustion installations with a heat output of 300 megawatts or more and nuclear power stations and other nuclear reactors (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).

3. Installations solely designed for the production or enrichment of nuclear fuels, for the reprocessing of irradiated nuclear fuels or for the storage, disposal and processing of radioactive waste.

5. V svojih listinah o ratifikaciji, sprejetju, odobritvi ali pristopu regionalne organizacije za gospodarsko povezovanje, omenjene v 16. členu, navedejo obseg svoje pristojnosti glede na zadeve, ki jih ta konvencija ureja. Te organizacije depozitarja tudi obvestijo o vsaki znatni spremembi obsega svoje pristojnosti.

18. člen
Začetek veljavnosti

1. Ta konvencija začne veljati devetdeseti dan po datumu deponiranja šestnajste listine o ratifikaciji, sprejetju, odobritvi ali pristopu.

2. Za namene prvega odstavka tega člena se listina, ki jo deponirajo regionalne organizacije za gospodarsko povezovanje, ne šteje kot dodatna listina k tistim, ki jih deponirajo države članice te organizacije.

3. Za vsako državo ali organizacijo, omenjeno v 16. členu, ki ratificira, sprejme ali odobri to konvencijo ali k njej pristopi po deponiranju šestnajste listine o ratifikaciji, sprejetju, odobritvi ali pristopu, ta konvencija začne veljati devetdeseti dan po dnevu, ko ta država ali organizacija deponira svojo listino o ratifikaciji, sprejetju, odobritvi ali pristopu.

19. člen
Odpoved

Pogodbenica lahko odpove to konvencijo kadar koli po štirih letih od dneva, ko je konvencija za to pogodbenico začela veljati s pisnim uradnim obvestilom depozitarju. Vsaka taka odpoved začne veljati devetdeseti dan, potem ko ga depozitar prejme. Nobena odpoved ne vpliva na uporabo 3. do 6. člena te konvencije za predlagano dejavnost, v zvezi s katero je bilo dano obvestilo v skladu s prvim odstavkom 3. člena ali zahteva v skladu s sedmim odstavkom 3. člena, preden je taka odpoved začela veljati.

20. člen
Verodostojna besedila

Izvirnik te konvencije, katere besedila v angleškem, francoskem in ruskem besedilu so enako verodostojna, je deponiran pri generalnem sekretarju Združenih narodov.

Da bi to potrdili, so podpisani, ki so bili za to pravilno pooblaščeni, podpisali to konvencijo.

SESTAVLJENO v Espooju (Finska) petindvajsetega februarja tisoč devetsto enaindevetdesetega leta.

DODATEK I
Seznam dejavnosti

1. Naftne rafinerije (brez obratov, ki proizvajajo le maziva iz surove nafte) ter obrati za plinifikacijo in utekočinjenje 500 ali več ton premoga ali bitumiziranega skrilavca dnevno.

2. Termoelektrarne in drugi obrati na izgorevanje s toplotno močjo 300 megavatov ali več ter jedrske elektrarne in drugi jedrski reaktorji (razen raziskovalnih naprav za proizvodnjo in pretvorbo fisijskega in obogatenega materiala, katerih največja moč ne presega 1 kilovata neprekinjene toplotne obremenitve).

3. Obrati, namenjeni izključno proizvodnji ali obogatitvi jedrskega goriva, ponovni obdelavi ožarčenega jedrskega goriva ali skladiščenju, odstranjevanju in predelavi radioaktivnih odpadkov.

4. Major installations for the initial smelting of cast-iron and steel and for the production of non-ferrous metals.

5. Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos: for asbestos-cement products, with an annual production of more than 20,000 tonnes finished product; for friction material, with an annual production of more than 50 tonnes finished product; and for other asbestos utilization of more than 200 tonnes per year.

6. Integrated chemical installations.

7. Construction of motorways, express roads* and lines for long-distance railway traffic and of airports with a basic runway length of 2,100 metres or more.

8. Large-diameter oil and gas pipelines.

9. Trading ports and also inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 tonnes.

10. Waste-disposal installations for the incineration, chemical treatment or landfill of toxic and dangerous wastes.

11. Large dams and reservoirs.

12. Groundwater abstraction activities in cases where the annual volume of water to be abstracted amounts to 10 million cubic metres or more.

13. Pulp and paper manufacturing of 200 air-dried metric tonnes or more per day.

14. Major mining, on-site extraction and processing of metal ores or coal.

15. Offshore hydrocarbon production.

16. Major storage facilities for petroleum, petrochemical and chemical products.

17. Deforestation of large areas.

APPENDIX II

Content of the environmental impact assessment documentation

Information to be included in the environmental impact assessment documentation shall, as a minimum, contain, in accordance with Article 4:

(a) A description of the proposed activity and its purpose;

(b) A description, where appropriate, of reasonable alternatives (for example, locational or technological) to the proposed activity and also the no-action alternative;

(c) A description of the environment likely to be significantly affected by the proposed activity and its alternatives;

(d) A description of the potential environmental impact of the proposed activity and its alternatives and an estimation of its significance;

(e) A description of mitigation measures to keep adverse environmental impact to a minimum;

(f) An explicit indication of predictive methods and underlying assumptions as well as the relevant environmental data used;

* For the purposes of this Convention:

– "Motorway" means a road specially designed and built for motor traffic, which does not serve properties bordering on it, and which:

(a) Is provided, except at special points or temporarily, with separate carriageways for the two directions of traffic, separated from each other by a dividing strip not intended for traffic or, exceptionally, by other means;

(b) Does not cross at level with any road, railway or tramway track, or footpath; and

(c) Is specially sign-posted as a motorway.

– "Express road" means a road reserved for motor traffic accessible only from interchanges or controlled junctions and on which, in particular, stopping and parking are prohibited on the running carriageway(s).

4. Večji obrati za začetno taljenje litega železa in jekla ter za proizvodnjo neželeznih kovin.

5. Obrati za pridobivanje azbesta ter za predelavo in preoblikovanje azbesta in izdelkov, ki vsebujejo azbest; za azbestno-cementne izdelke z letno proizvodnjo več kot 20.000 ton končnih izdelkov, za torni material z letno proizvodnjo več kot 50 ton končnih izdelkov ter za več kot 200 ton letne uporabe azbesta.

6. Integrirani kemijski obrati.

7. Gradnja avtocest, hitrih cest* ter prog za železniški promet na velikih razdaljah in letališč z osnovno dolžino vzletne steze 2.100 metrov ali več.

8. Naftovodi in plinovodi velikega premera.

9. Trgovska pristanišča ter notranje vodne poti in pristanišča za promet po notranjih vodnih poteh, ki dovoljujejo prehod ladij z več kot 1.350 tonami.

10. Obrati za odstranjevanje odpadkov s sežigom, kemično obdelavo ali zakopom strupenih in nevarnih odpadkov.

11. Veliki jezovi in zbiralniki.

12. Črpanje podtalnice v primerih, ko letna količina izčrpane vode doseže 10 milijonov kubičnih metrov ali več.

13. Proizvodnja več kot 200 ton na zraku sušene celuloze ali papirja dnevno.

14. Večji rudarski obrat, pridobivanje in predelovanje kovinskih rud ali premoga.

15. Pridobivanje ogljikovodikov na morju.

16. Večji objekti za skladiščenje nafte, petrokemičnih in kemičnih izdelkov.

17. Krčenje gozdov na velikih površinah.

DODATEK II

Vsebina dokumentacije o presoji vplivov na okolje

Podatki, ki naj bodo vključeni v dokumentacijo o presoji vplivov na okolje, morajo v skladu s 4. členom vsebovati najmanj:

(a) opis predlagane dejavnosti ter njen namen;

(b) opis, če to ustreza, sprejemljivih možnosti (npr. lokacijskih ali tehnoloških) predlagane dejavnosti ter tudi ničelne možnosti;

(c) opis okolja, ki bo verjetno znatno prizadeto s predlagano dejavnostjo ter z drugimi možnostmi;

(d) opis vplivov, ki bi jih predlagana dejavnost ter druge možnosti lahko imele na okolje, in ocena njihovega obsega;

(e) opis ukrepov za ublažitev, da bi škodljive vplive na okolje zadržali na najnižji točki;

(f) jasna navedba metod napovedovanja in predpostavk, na katerih temeljijo, kakor tudi ustreznih uporabljenih podatkov o okolju;

* Za namene te konvencije:

– "avtocesta" pomeni cesto, posebej namenjeno in zgrajeno za motorni promet, ki ne služi posesti, ki meji nanjo, in ki:

a) je opremljena, razen na posebnih točkah ali začasno, z ločenimi cestišči za dvosmerni promet, ločenimi z vmesnim pasom, ki ni namenjen prometu, ali izjemoma drugače,

b) se nivojsko ne križa z nobeno cesto, železniško ali tramvajsko progo ali pešpotjo in

c) je posebej opremljena z označbami kot avtocesta.

– "hitra cesta" pomeni cesto, rezervirano za motorni promet, ki je dostopna le na priključkih ali nadzorovanih križiščih, ter na kateri je še posebej prepovedano ustavljanje in parkiranje na cestišču(-ih).

(g) An identification of gaps in knowledge and uncertainties encountered in compiling the required information;

(h) Where appropriate, an outline for monitoring and management programmes and any plans for post-project analysis; and

(i) A non-technical summary including a visual presentation as appropriate (maps, graphs, etc.).

APPENDIX III

General criteria to assist in the determination of the environmental significance of activities not listed in Appendix I

1. In considering proposed activities to which Article 2, paragraph 5, applies, the concerned Parties may consider whether the activity is likely to have a significant adverse transboundary impact in particular by virtue of one or more of the following criteria:

(a) Size: proposed activities which are large for the type of the activity;

(b) Location: proposed activities which are located in or close to an area of special environmental sensitivity or importance (such as wetlands designated under the Ramsar Convention, national parks, nature reserves, sites of special scientific interest, or sites of archaeological, cultural or historical importance); also, proposed activities in locations where the characteristics of proposed development would be likely to have significant effects on the population;

(c) Effects: proposed activities with particularly complex and potentially adverse effects, including those giving rise to serious effects on humans or on valued species or organisms, those which threaten the existing or potential use of an affected area and those causing additional loading which cannot be sustained by the carrying capacity of the environment.

2. The concerned Parties shall consider for this purpose proposed activities which are located close to an international frontier as well as more remote proposed activities which could give rise to significant transboundary effects far removed from the site of development.

APPENDIX IV

Inquiry procedure

1. The requesting Party or Parties shall notify the secretariat that it or they submit(s) the question of whether a proposed activity listed in Appendix I is likely to have a significant adverse transboundary impact to an inquiry commission established in accordance with the provisions of this Appendix. This notification shall state the subject-matter of the inquiry. The secretariat shall notify immediately all Parties to this Convention of this submission.

2. The inquiry commission shall consist of three members. Both the requesting party and the other party to the inquiry procedure shall appoint a scientific or technical expert, and the two experts so appointed shall designate by common agreement the third expert, who shall be the president of the inquiry commission. The latter shall not be a national of one of the parties to the inquiry procedure, nor have his or her usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the matter in any other capacity.

3. If the president of the inquiry commission has not been designated within two months of the appointment of the second expert, the Executive Secretary of the Economic Commission for Europe shall, at the request of either party, designate the president within a further two-month period.

(g) ugotovitev vrzeli v znanju in negotovosti, do katerih je prišlo pri zbiranju zahtevanih podatkov;

(h) če ustreza, osnutek programov za spremljanje in upravljanje ter kakršnih koli načrtov za analizo po izvedeni dejavnosti in

(i) netehnični povzetek, vključno z ustreznim vizualnim prikazom (zemljevidi, grafikoni itd.).

DODATEK III

Splošna merila za pomoč pri določitvi okoljske pomembnosti dejavnosti, ki niso navedene v Dodatku I

1. Pri proučevanju predlaganih dejavnosti, za katere se uporablja peti odstavek 2. člena, lahko udeležene pogodbenice proučijo, ali bo imela dejavnost znatne škodljive čezmejne vplive, še zlasti na podlagi enega ali več naslednjih meril:

(a) Velikost: predlagane dejavnosti, ki so po vrsti dejavnosti obsežne;

(b) Lokacija: predlagane dejavnosti, ki so locirane na območju ali v njegovi bližini, ki je še posebej okoljsko občutljivo ali pomembno (kot močvirja, določena po Ramsarski konvenciji, narodni parki, naravni rezervati, kraji posebnega znanstvenega pomena ali arheološko, kulturno ali zgodovinsko pomembni kraji); tudi predlagane dejavnosti na lokacijah, kjer bi značilnosti predlaganega razvoja verjetno imele znatne škodljive vplive na populacijo;

(c) Učinki: predlagane dejavnosti s posebej kompleksnimi in možno škodljivimi učinki, vključno s takimi, ki povzročajo resne posledice na ljudeh ali na pomembnih vrstah ali organizmih, tiste, ki ogrožajo obstoječo ali možno uporabo prizadetega območja, in tiste, ki povzročajo dodatno obremenitev, ki je nosilna zmogljivost okolja ne more prenesti.

2. Udeležene pogodbenice v ta namen proučijo predlagane dejavnosti v bližini mednarodne meje kakor tudi bolj oddaljene predlagane dejavnosti, ki bi lahko povzročile znatne čezmejne učinke na velike razdalje.

DODATEK IV

Preiskovalni postopek

1. Pogodbenica ali pogodbenice prosilke preiskovalni komisiji, ustanovljeni v skladu z določbami tega dodatka, zastavijo vprašanje glede tega, ali bo predlagana dejavnost, navedena v Dodatku I, imela znatne škodljive čezmejne vplive in o tem obvestijo sekretariat. V tem obvestilu mora biti naveden predmet preiskave. Sekretariat o tem nemudoma obvesti vse pogodbenice te konvencije.

2. Preiskovalno komisijo sestavljajo trije člani. Prosilka in druga udeleženka v preiskovalnem postopku imenujeta znanstvenega ali tehničnega strokovnjaka, na ta način imenovana strokovnjaka pa morata sporazumno določiti tretjega strokovnjaka, ki bo predsednik preiskovalne komisije. Ta ne sme biti državljan ene od udeleženk v preiskovalnem postopku, niti ne sme imeti običajnega prebivališča na ozemlju katere od udeleženk, niti ne biti zaposlen pri njih, niti se ne sme z zadevo ukvarjati v kakšni drugi vlogi.

3. Če predsednik preiskovalne komisije ni imenovan v dveh mesecih od imenovanja drugega strokovnjaka, izvršilni sekretar Ekonomske komisije za Evropo na zahtevo katere koli udeležene imenuje predsednika v naslednjih dveh mesecih.

4. If one of the parties to the inquiry procedure does not appoint an expert within one month of its receipt of the notification by the secretariat, the other party may inform the Executive Secretary of the Economic Commission for Europe, who shall designate the president of the inquiry commission within a further two-month period. Upon designation, the president of the inquiry commission shall request the party which has not appointed an expert to do so within one month. After such a period, the president shall inform the Executive Secretary of the Economic Commission for Europe, who shall make this appointment within a further two-month period.

5. The inquiry commission shall adopt its own rules of procedure.

6. The inquiry commission may take all appropriate measures in order to carry out its functions.

7. The parties to the inquiry procedure shall facilitate the work of the inquiry commission and, in particular, using all means at their disposal, shall:

(a) Provide it with all relevant documents, facilities and information; and

(b) Enable it, where necessary, to call witnesses or experts and receive their evidence.

8. The parties and the experts shall protect the confidentiality of any information they receive in confidence during the work of the inquiry commission.

9. If one of the parties to the inquiry procedure does not appear before the inquiry commission or fails to present its case, the other party may request the inquiry commission to continue the proceedings and to complete its work. Absence of a party or failure of a party to present its case shall not constitute a bar to the continuation and completion of the work of the inquiry commission.

10. Unless the inquiry commission determines otherwise because of the particular circumstances of the matter, the expenses of the inquiry commission, including the remuneration of its members, shall be borne by the parties to the inquiry procedure in equal shares. The inquiry commission shall keep a record of all its expenses, and shall furnish a final statement thereof to the parties.

11. Any Party having an interest of a factual nature in the subject-matter of the inquiry procedure, and which may be affected by an opinion in the matter, may intervene in the proceedings with the consent of the inquiry commission.

12. The decisions of the inquiry commission on matters of procedure shall be taken by majority vote of its members. The final opinion of the inquiry commission shall reflect the view of the majority of its members and shall include any dissenting view.

13. The inquiry commission shall present its final opinion within two months of the date on which it was established unless it finds it necessary to extend this time limit for a period which should not exceed two months.

14. The final opinion of the inquiry commission shall be based on accepted scientific principles. The final opinion shall be transmitted by the inquiry commission to the parties to the inquiry procedure and to the secretariat.

4. Če katera udeleženka v preiskovalnem postopku ne imenuje strokovnjaka v enem mesecu od prejema obvestila sekretariata, lahko druga udeleženka obvesti izvršilnega sekretarja Ekonomske komisije za Evropo, ki imenuje predsednika preiskovalne komisije v nadaljnjem dvomesečnem obdobju. Po imenovanju predsednik preiskovalne komisije zahteva od udeleženke, ki strokovnjaka ni imenovala, da to stori v enem mesecu. Po tem roku predsednik obvesti izvršilnega sekretarja Ekonomske komisije za Evropo, ki to imenovanje opravi v naslednjih dveh mesecih.

5. Preiskovalna komisija sprejme svoj poslovnik.

6. Preiskovalna komisija lahko sprejme vse ustrezne ukrepe za opravljanje svojih nalog.

7. Udeleženke v preiskovalnem postopku olajšujejo delo preiskovalne komisije, še zlasti pa ji ob uporabi vseh sredstev, ki so jim na voljo:

(a) zagotovijo vse pomembne dokumente, zmogljivosti in podatke in

(b) omogočijo, če je to potrebno, sklic prič ali strokovnjakov in pridobitev njihovih pričevanj.

8. Udeleženke in strokovnjaki zavarujejo zaupnost vsakega podatka, ki ga prejmejo kot zaupnega med svojim delom v preiskovalni komisiji.

9. Če ena od udeleženk v preiskovalnem postopku ne nastopi pred preiskovalno komisijo ali svojega primera ne predstavi, lahko druga udeleženka od preiskovalne komisije zahteva, da s postopkom nadaljuje in svoje delo dokonča. Odsotnost udeleženke ali nepredstavljen primer ne ovira nadaljevanja ali dokončanja dela preiskovalne komisije.

10. Če preiskovalna komisija zaradi posebnih okoliščin zadeve ne odloči drugače, krijejo stroške preiskovalne komisije, vključno s honorarjem za njene člane, udeleženke v preiskovalnem postopku v enakih deležih. Preiskovalna komisija vodi evidenco vseh svojih izdatkov ter udeleženkam o tem pošlje zaključno poročilo.

11. Vsaka pogodbenica, ki ima dejanski interes za predmet preiskovalnega postopka in ki jo lahko prizadene mnenje o zadevi, lahko poseže v postopek s soglasjem preiskovalne komisije.

12. Preiskovalna komisija odloča o zadevah, ki se nanašajo na postopek, z večino glasov svojih članov. Končno mnenje preiskovalne komisije izraža stališče večine njenih članov in vključuje vsako drugačno mnenje.

13. Preiskovalna komisija da svoje končno mnenje v dveh mesecih od dneva, ko je bila ustanovljena, razen če ugotovi, da je treba ta rok podaljšati za obdobje, ki ne bi smelo biti daljše od dveh mesecev.

14. Končno mnenje preiskovalne komisije temelji na priznanih znanstvenih načelih. Preiskovalna komisija sporoči končno mnenje udeleženkam v preiskovalnem postopku in sekretariatu.

APPENDIX V
Post-project analysis

Objectives include:

(a) Monitoring compliance with the conditions as set out in the authorization or approval of the activity and the effectiveness of mitigation measures;

(b) Review of an impact for proper management and in order to cope with uncertainties;

DODATEK V
Analiza po izvedeni dejavnosti

Cilji vključujejo:

(a) monitoring usklajenosti s pogoji, kot so določeni v dovoljenju ali odobritvi dejavnosti, in učinkovitosti ukrepov za ublažitev;

(b) pregled vplivov za zagotovitev ustreznega vodenja in obvladovanje negotovosti;

(c) Verification of past predictions in order to transfer experience to future activities of the same type.

APPENDIX VI
Elements for bilateral and multilateral co-operation

1. Concerned Parties may set up, where appropriate, institutional arrangements or enlarge the mandate of existing institutional arrangements within the framework of bilateral and multilateral agreements in order to give full effect to this Convention.

2. Bilateral and multilateral agreements or other arrangements may include:

(a) Any additional requirements for the implementation of this Convention, taking into account the specific conditions of the subregion concerned;

(b) Institutional, administrative and other arrangements, to be made on a reciprocal and equivalent basis;

(c) Harmonization of their policies and measures for the protection of the environment in order to attain the greatest possible similarity in standards and methods related to the implementation of environmental impact assessment;

(d) Developing, improving, and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post-project analysis;

(e) Developing and/or improving methods and programmes for the collection, analysis, storage and timely dissemination of comparable data regarding environmental quality in order to provide input into environmental impact assessment;

(f) The establishment of threshold levels and more specified criteria for defining the significance of transboundary impacts related to the location, nature or size of proposed activities, for which environmental impact assessment in accordance with the provisions of this Convention shall be applied; and the establishment of critical loads of transboundary pollution;

(g) Undertaking, where appropriate, joint environmental impact assessment, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies with a view to rendering the data and information obtained compatible.

APPENDIX VII
Arbitration

1. The claimant Party or Parties shall notify the secretariat that the Parties have agreed to submit the dispute to arbitration pursuant to Article 15, paragraph 2, of this Convention. The notification shall state the subject-matter of arbitration and include, in particular, the Articles of this Convention, the interpretation or application of which are at issue. The secretariat shall forward the information received to all Parties to this Convention.

2. The arbitral tribunal shall consist of three members. Both the claimant Party or Parties and the other Party or Parties to the dispute shall appoint an arbitrator, and the two arbitrators so appointed shall designate by common agreement the third arbitrator, who shall be the president of the arbitral tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his or her usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

3. If the president of the arbitral tribunal has not been designated within two months of the appointment of the

(c) preverjanje preteklih napovedi, da bi izkušnje prenesli na prihodnje dejavnosti iste vrste.

DODATEK VI
Osnove za dvostransko in mnogostransko sodelovanje

1. Udeležene pogodbenice lahko vzpostavijo, če to ustreza, institucionalne dogovore ali razširijo pooblastila obstoječih institucionalnih dogovorov v okviru dvostranskih in mnogostranskih sporazumov, da bi dosegle popolno učinkovitost te konvencije.

2. Dvostranski in mnogostranski sporazumi ali drugi dogovori lahko vsebujejo:

(a) vsakršne dodatne zahteve za izvajanje te konvencije ob upoštevanju posebnih pogojev določene podregije;

(b) institucionalne, upravne ali druge dogovore, sklenjene na vzajemni in enakopravni podlagi;

(c) usklajevanje politik in ukrepov za varstvo okolja, da bi dosegli največjo možno podobnost standardov in metod, povezanih z uresničevanjem presoje vplivov na okolje;

(d) razvoj, izboljševanje in/ali usklajevanje metod za določitev, merjenje, napovedovanje in presojo vplivov ter za analizo po izvedeni dejavnosti;

(e) razvoj in/ali izboljšavo metod in programov za zbiranje, analizo, hranjenje in pravočasno širjenje primerljivih podatkov v zvezi s kakovostjo okolja za zagotovitev vhodnih podatkov za presojo vplivov na okolje;

(f) določitev mejnih ravni ter podrobnejših meril za določitev pomena čezmejnih vplivov, povezanih z lokacijo, vrsto in velikostjo predlaganih dejavnosti, za katere se bo uporabila presoja vplivov na okolje v skladu z določbami te konvencije, ter določitev kritičnih obremenitev čezmejnega onesnaževanja;

(g) izvajanje, če to ustreza, skupne presoje vplivov na okolje, razvoj skupnih programov monitoringa, medsebojno umerjanje naprav za izvajanje monitoringa in uskladitev metodologij z namenom, da bi dobljeni podatki in informacije postali združljivi.

DODATEK VII
Arbitraža

1. Pogodbenica ali pogodbenice, ki vlagajo zahtevek, obvestijo sekretariat, da so se dogovorile o predložitvi spora arbitraži v skladu z drugim odstavkom 15. člena te konvencije. Obvestilo vsebuje predmet arbitraže in še posebej tiste člene konvencije, katerih razlaga ali uporaba je sporna. Sekretariat prejete informacije razpošlje vsem pogodbenicam te konvencije.

2. Arbitražno sodišče sestavljajo trije člani. Tako pogodbenica ali pogodbenice, ki vlagajo zahtevek, kot tudi druge stranke ali stranka v sporu imenujejo arbitra; dva na ta način imenovana arbitra sporazumno imenujeta tretjega arbitra, ki bo predsednik arbitražnega sodišča. Ta ne sme biti državljan katere od strank v sporu, ne sme imeti običajnega bivališča na ozemlju katere od strank v sporu, niti ne sme biti zaposlen pri njih ali se z zadevo ukvarjati v kakršni koli drugi vlogi.

3. Če predsednik arbitražnega sodišča ni imenovan v dveh mesecih od imenovanja drugega arbitra, izvršilni se-

second arbitrator, the Executive Secretary of the Economic Commission for Europe shall, at the request of either party to the dispute, designate the president within a further two-month period.

4. If one of the parties to the dispute does not appoint an arbitrator within two months of the receipt of the request, the other party may inform the Executive Secretary of the Economic Commission for Europe, who shall designate the president of the arbitral tribunal within a further two-month period. Upon designation, the president of the arbitral tribunal shall request the party which has not appointed an arbitrator to do so within two months. After such a period, the president shall inform the Executive Secretary of the Economic Commission for Europe, who shall make this appointment within a further two-month period.

5. The arbitral tribunal shall render its decision in accordance with international law and in accordance with the provisions of this Convention.

6. Any arbitral tribunal constituted under the provisions set out herein shall draw up its own rules of procedure.

7. The decisions of the arbitral tribunal, both on procedure and on substance, shall be taken by majority vote of its members.

8. The tribunal may take all appropriate measures in order to establish the facts.

9. The parties to the dispute shall facilitate the work of the arbitral tribunal and, in particular, using all means at their disposal, shall:

(a) Provide it with all relevant documents, facilities and information; and

(b) Enable it, where necessary, to call witnesses or experts and receive their evidence.

10. The parties and the arbitrators shall protect the confidentiality of any information they receive in confidence during the proceedings of the arbitral tribunal.

11. The arbitral tribunal may, at the request of one of the parties, recommend interim measures of protection.

12. If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal to continue the proceedings and to render its final decision. Absence of a party or failure of a party to defend its case shall not constitute a bar to the proceedings. Before rendering its final decision, the arbitral tribunal must satisfy itself that the claim is well founded in fact and law.

13. The arbitral tribunal may hear and determine counter-claims arising directly out of the subject-matter of the dispute.

14. Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its expenses, and shall furnish a final statement thereof to the parties.

15. Any Party to this Convention having an interest of a legal nature in the subject-matter of the dispute, and which may be affected by a decision in the case, may intervene in the proceedings with the consent of the tribunal.

16. The arbitral tribunal shall render its award within five months of the date on which it is established unless it finds it necessary to extend the time limit for a period which should not exceed five months.

17. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon all parties to the dispute. The award will be transmitted by the arbitral tribunal to the parties to the dispute and to the secretariat. The secretariat will forward the information received to all Parties to this Convention.

kretar Ekonomske komisije za Evropo na zahtevo ene od strank v sporu imenuje predsednika v nadaljnjem dvomesečnem obdobju.

4. Če ena od strank v sporu v dveh mesecih od prejema zahteve arbitra ne imenuje, lahko druga stranka obvesti izvršilnega sekretarja Ekonomske komisije za Evropo, ki predsednika arbitražnega sodišča imenuje v naslednjih dveh mesecih. Po imenovanju predsednik arbitražnega sodišča od stranke v sporu, ki arbitra ni imenovala, zahteva, da to stori v dveh mesecih. Po tem roku predsednik obvesti izvršilnega sekretarja Ekonomske komisije za Evropo, ki to imenovanje opravi v nadaljnjem dvomesečnem obdodbju.

5. Arbitražno sodišče odloča v skladu z mednarodnim pravom in določbami te konvencije.

6. Arbitražno sodišče, sestavljeno po teh določbah, sprejme svoj poslovnik.

7. Arbitražno sodišče sprejema odločitve o postopku in o vsebini z večino glasov svojih članov.

8. Sodišče lahko sprejme vse ustrezne ukrepe za ugotovitev dejstev.

9. Stranke v sporu ob uporabi vseh sredstev, ki so jim na voljo, olajšajo delo arbitražnega sodišča, še posebej pa mu:

(a) zagotovijo vse pomembne dokumente, olajšave in podatke in

(b) omogočijo, če je to potrebno, sklic prič ali strokovnjakov in dobijo njihova pričevanja.

10. Stranke in arbitri varujejo zaupnost vseh podatkov, ki so jih prejele kot zaupne med arbitražnim postopkom.

11. Arbitražno sodišče lahko na zahtevo ene od strank priporoči začasne ukrepe zaščite.

12. Če ena stranka v sporu pred arbitražnim sodiščem ne nastopi ali ji svojega primera ne uspe obraniti, lahko druga stranka od arbitražnega sodišča zahteva, da nadaljuje s postopki in sprejme razsodbo. Odsotnost stranke ali njena neuspešna obramba ne ovira nadaljnjega postopka. Pred sprejemom razsodbe se mora arbitražno sodišče prepričati, da je zahtevek dejansko in pravno dovolj utemeljen.

13. Arbitražno sodišče lahko prouči in določi protizahtevke, ki izhajajo neposredno iz predmeta spora.

14. Če zaradi posebnih okoliščin v zadevi arbitražno sodišče ne odloči drugače, krijejo stroške senata, vključno s honorarjem za njegove člane, stranke v sporu v enakih deležih. Sodišče vodi evidenco vseh svojih izdatkov in strankam o tem pošlje zaključno poročilo.

15. Vsaka pogodbenica te konvencije, ki ima pravni interes za predmet spora in jo lahko prizadene odločitev v zadevi, lahko poseže v postopek s soglasjem sodišča.

16. Arbitražno sodišče izreče razsodbo v petih mesecih od dneva svoje ustanovitve, če ne ugotovi, da je treba rok podaljšati za obdobje, ki ne bi smelo biti daljše od petih mesecev.

17. Razsodbo arbitražnega sodišča spremlja utemeljitev. Razsodba je dokončna in obvezujoča za vse stranke v sporu. Arbitražno sodišče pošlje razsodbo strankam v sporu in sekretariatu. Sekretariat bo prejete informacije poslal vsem pogodbenicam te konvencije.

18. Any dispute which may arise between the parties concerning the interpretation or execution of the award may be submitted by either party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another tribunal constituted for this purpose in the same manner as the first.

18. Kateri koli spor, ki se lahko pojavi med pogodbenicami glede razlage ali izvršitve razsodbe, lahko katera koli stranka preda arbitražnemu sodišču, ki je razsodbo sprejelo, ali če mu ga ni mogoče predložiti, drugemu sodišču, ustanovljenemu v ta namen na enak način, kot je bilo prvo.

3. člen

Za izvajanje konvencije skrbi Ministrstvo za okolje in prostor.

4. člen

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

Št. 801-01/98-6/1
Ljubljana, dne 26. maja 1998

Predsednik
Državnega zbora
Republike Slovenije
Janez Podobnik, dr. med. l. r.

VSEBINA

Pravkar izšlo

Letnik ’97 na CD-ROMu

Zgoščenka (CD-ROM) vsebuje celotno vsebino (več kot 14.000 strani) uradnega lista letnika 1997. Oblika je enaka kot pri prvih dveh izdajah (letnik 1995 in 1996), ki sta imeli med uporabniki zelo lep uspeh, predvsem zaradi izredne prijaznosti pri uporabi v okolju Windows.
Na zaslonu se posamezne številke uradnega lista pojavljajo prav v takšni obliki kot na papirju! Letno kazalo predpisov (register) je v celoti povezano s posameznimi številkami, tako da s klikom miške takoj dobimo tisto stran, kjer je predpis objavljen. Znotraj ene številke je možno iskanje po polnem besedilu, kopiranje besedil in tiskanje posameznih strani. Od letnika 1996 je uvedena tudi možnost hitrega iskanja po polnem besedilu vseh številk skupaj (obstaja le nekaj posebnosti pri iskanju besed, ki vsebujejo šumnike, za kar so pripravljena posebna navodila).
Velika prednost tega novega medija pred klasičnim (papir) je tudi v veliko manjšem fizičnem obsegu. Če je arhiviranje nekaj letnikov uradnega lista doslej zahtevalo celotno omaro, bo odslej zadostoval manjši predal. Zgoščenka je za arhiviranje idealna tudi zaradi popolne trajnosti in nespremenljivosti laserskega zapisa na njej.
Glede na to, da ČZ Uradni list RS od 1. 1. 1997 izdaja uradne liste tudi na sprotni način po Internetu, priporočamo kombinacijo uporabe obeh oblik. Praviloma bo zgoščenka namenjena za arhiviranje in uporabo za nazaj (izhaja enkrat letno), Internet pa za sprotno uporabo med letom.

Ob nakupu vseh treh letnikov hkrati vam nudimo **15%** popust

Število uporabnikov	Cena v SIT
1	14.000
2–5	17.500
6–10	21.800
11–25	29.000
26–50	45.000

V ceni ni upoštevan prometni davek

N A R O Č I L N I C A

Uradni list
Republike Slovenije

Naročite po faksu: **125 14 18**

S tem nepreklicno naročam

❑Letnik '95 na CD-ROM-u	kosov	število licenc za	uporabnikov
❑Letnik '96 na CD-ROM-u	kosov	število licenc za	uporabnikov
❑Letnik '97 na CD-ROM-u	kosov	število licenc za	uporabnikov

Naročene zgoščenke mi pošljite na naslov

Firma – ime naročnika Sektor – oddelek

Ulica in številka Kraj

Datum Podpis pooblaščene osebe

Žig

Internet http://www.uradni-list.si/

Uradni list On-line

Ob vse pogostejših predlogih in željah številnih uporabnikov uradnega lista je Časopisni zavod Uradni list RS s 1. januarjem 1997 pričel izdajati uradne liste tudi v elektronski obliki.

Uradni listi so v enaki obliki, kot so bili izdani tudi na zgoščenki: PDF format. To pomeni, da jih je možno uporabljati in pregledovati s pomočjo programa Acrobat Reader (družbe Adobe Systems), in sicer lokalno, po prenosu celotne datoteke v lastni računalnik. Potrebno je imeti lokalno program Acrobat Reader (ki je na voljo za brezplačen sprejem – download) in pa seveda ustrezen Internetov brkljalnik.

Glede na to, da ČZ Uradni list RS izdaja tudi celotne letnike uradnih listov na zgoščenki, se bosta obe elektronski obliki medsebojno dopolnjevali. Praviloma bo zgoščenka namenjena za arhiviranje (izhajala bo enkrat letno), Internet pa za sprotno distribucijo. Cenovna politika bo omogočala in spodbujala kombinacijo uporabe vseh treh oblik (Internet, zgoščenka in tiskana izdaja). Zato so na Internetu dostopni samo uradni listi tekočega leta.

Ker so PDF datoteke z uradnimi listi lahko precej velike (do nekaj MB), kar pomeni daljši čas prenosa, so informativno dostopna tudi kazala v spletni (HTML) obliki. To omogoča, da se seznanimo z vsebino posamezne številke, preden se odločimo za prenos celotne številke uradnega lista oziroma PDF datoteke. Po kazalih je možno tudi iskati. Iskalni mehanizmi omogočajo pregled po želenih kriterijih in iskanje po poljubnem besedilu. Kazala vsebujejo tudi podatke starejših letnikov, ki pa niso dostopna prek Interneta.

V pripravi je sistem "byteserving", ki bo omogočal delni prenos posamezne številke uradnega lista. To pomeni, da ne bo več potrebno prenašati celotnih PDF datotek, temveč samo želeno stran. To bo med drugim tudi omogočalo kvalitetno citiranje predpisov (kot povezave - linki) v katerihkoli zunanjih elektronskih dokumentih (strokovni članki, judikati, sodne vloge, čistopisi, registri itd.). Poleg tega bomo s pomočjo elektronske pošte obveščali uporabnike ob izidu novih številk uradnih listov ter jih seznanjali z novostmi.

Financiranje zahtevne strojne, programske in komunikacijske opreme seveda ne omogoča, da bi ČZ Uradni list lahko brezplačno kvalitetno pripravil, obdelal, distribuiral in servisiral elektronske oblike uradnih listov. Tako kot za tiskane izdaje tudi za uradni list na Internetu uvajamo naročnino. Njena višina je enaka naročnini na tiskano izdajo. Naročniki obeh izdaj pa imajo pri elektronski obliki znaten popust. Zelo ugodna je tudi cena večuporabniške naročnine, še posebej za večje sisteme, ki bodo lahko na podlagi izdanega certifikata uradne liste uporabljali tudi v internih omrežjih (Intranet).

Na sistem *uradni listi online* se lahko naročite tako, da izpolnite naročilnico na naših spletnih straneh.

Število gesel	Cena/geslo tudi tiskani UL	Cena/geslo brez tiskanega UL
1	7.020	14.600
2–5	5.840	11.680
6–10	5.120	10.220
11–25	4.380	8.760
26–50	3.660	7.300

V ceni ni upoštevan prometni davek

ISSN 1318-0932

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