

- 42.** Zakon o ratifikaciji Konvencije o varstvu človekovih pravic in dostojanstva človeškega bitja v zvezi z uporabo biologije in medicine (Konvencija o človekovih pravicah v zvezi z biomedicino) in Dodatnega protokola o prepovedi kloniranja človeških bitij h Konvenciji o varstvu človekovih pravic in dostojanstva človeškega bitja v zvezi z uporabo biologije in medicine (MVCPB)

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

U K A Z

O RAZGLASITVI ZAKONA O RATIFIKACIJI KONVENCIJE O VARSTVU ČLOVEKOVIH PRAVIC IN DOSTOJANSTVA ČLOVEŠKEGA BITJA V ZVEZI Z UPORABO BIOLOGIJE IN MEDICINE (KONVENCIJA O ČLOVEKOVIH PRAVICAH V ZVEZI Z BIOMEDICINO) IN DODATNEGA PROTOKOLA O PREPOVEDI KLONIRANJA ČLOVEŠKIH BITIJ H KONVENCIJI O VARSTVU ČLOVEKOVIH PRAVIC IN DOSTOJANSTVA ČLOVEŠKEGA BITJA V ZVEZI Z UPORABO BIOLOGIJE IN MEDICINE (MVCPB)

Razlašam Zakon o ratifikaciji Konvencije o varstvu človekovih pravic in dostojanstva človeškega bitja v zvezi z uporabo biologije in medicine (Konvencija o človekovih pravicah v zvezi z biomedicino) in Dodatnega protokola o prepovedi kloniranja človeških bitij h Konvenciji o varstvu človekovih pravic in dostojanstva človeškega bitja v zvezi z uporabo biologije in medicine (MVCPB), ki ga je sprejel Državni zbor Republike Slovenije na seji 24. septembra 1998.

Št. 001-22-90/98

Ljubljana, dne 2. oktobra 1998

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N

O RATIFIKACIJI KONVENCIJE O VARSTVU ČLOVEKOVIH PRAVIC IN DOSTOJANSTVA ČLOVEŠKEGA BITJA V ZVEZI Z UPORABO BIOLOGIJE IN MEDICINE (KONVENCIJA O ČLOVEKOVIH PRAVICAH V ZVEZI Z BIOMEDICINO) IN DODATNEGA PROTOKOLA O PREPOVEDI KLONIRANJA ČLOVEŠKIH BITIJ H KONVENCIJI O VARSTVU ČLOVEKOVIH PRAVIC IN DOSTOJANSTVA ČLOVEŠKEGA BITJA V ZVEZI Z UPORABO BIOLOGIJE IN MEDICINE (MVCPB)

1. člen

Ratificirata se Konvencija o varstvu človekovih pravic in dostojanstva človeškega bitja v zvezi z uporabo biologije in medicine (Konvencija o človekovih pravicah v zvezi z biomedicino), sklenjena v Oviedu (Asturija) 4. aprila 1997 in Dodatni protokol o prepovedi kloniranja človeških bitij h Konvenciji o varstvu človekovih pravic in dostojanstva človeškega bitja v zvezi z uporabo biologije in medicine, sklenjen v Parizu 12. januarja 1998.

2. člen

Konvencija in dodatni protokol se v angleškem izvirniku in v slovenskem prevodu glasita:

C O N V E N T I O N
FOR THE PROTECTION OF HUMAN RIGHTS AND
DIGNITY OF THE HUMAN BEING WITH REGARD
TO THE APPLICATION OF BIOLOGY AND
MEDICINE:

CONVENTION ON HUMAN RIGHTS AND
BIOMEDICINE

Oviedo, 4. IV. 1997

Preamble

The Member States of the Council of Europe, the other States and the European Community signatories hereto,

Bearing in mind the Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations on 10 December 1948;

Bearing in mind the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950;

Bearing in mind the European Social Charter of 18 October 1961;

Bearing in mind the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 16 December 1966;

Bearing in mind the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 28 January 1981;

Bearing also in mind the Convention on the Rights of the Child of 20 November 1989;

Considering that the aim of the Council of Europe is the achievement of a greater unity between its members and that one of the methods by which that aim is to be pursued is the maintenance and further realisation of human rights and fundamental freedoms;

Conscious of the accelerating developments in biology and medicine;

Convinced of the need to respect the human being both as an individual and as a member of the human species and recognising the importance of ensuring the dignity of the human being;

Conscious that the misuse of biology and medicine may lead to acts endangering human dignity;

Affirming that progress in biology and medicine should be used for the benefit of present and future generations;

Stressing the need for international co-operation so that all humanity may enjoy the benefits of biology and medicine;

Recognising the importance of promoting a public debate on the questions posed by the application of biology and medicine and the responses to be given thereto;

Wishing to remind all members of society of their rights and responsibilities;

Taking account of the work of the Parliamentary Assembly in this field, including Recommendation 1160 (1991) on the preparation of a Convention on bioethics;

Resolving to take such measures as are necessary to safeguard human dignity and the fundamental rights and freedoms of the individual with regard to the application of biology and medicine;

Have agreed as follows:

K O N V E N C I J A
O VARSTVU ČLOVEKOVIH PRAVIC
IN DOSTOJANSTVA ČLOVEŠKEGA BITJA
V ZVEZI Z UPORABO BIOLOGIJE
IN MEDICINE:

KONVENCIJA O ČLOVEKOVIH PRAVICAH V ZVEZI
Z BIOMEDICINO

Oviedo, 4. IV. 1997

Preambula

Države članice Sveta Evrope, druge države in Evropska skupnost, podpisnice te konvencije, so se

ob upoštevanju Splošne deklaracije o človekovih pravicah, ki jo je 10. decembra 1948 razglasila Generalna skupščina Združenih narodov;

ob upoštevanju Konvencije o varstvu človekovih pravic in temeljnih svoboščin z dne 4. novembra 1950;

ob upoštevanju Evropske socialne listine z dne 18. oktobra 1961;

ob upoštevanju Mednarodnega pakta o državljskih in političnih pravicah ter Mednarodnega pakta o ekonomskih, socialnih in kulturnih pravicah z dne 16. decembra 1966;

ob upoštevanju Konvencije o varstvu posameznikov glede na avtomatsko obdelavo osebnih podatkov z dne 28. januarja 1981;

tudi ob upoštevanju Konvencije o otrokovih pravicah z dne 20. novembra 1989;

glede na to, da ima Svet Evrope za cilj ustvariti tesnejšo povezanost med svojimi članicami in da je eden od načinov za doseganje tega cilja ohranjanje in nadaljnje uresničevanje človekovih pravic in temeljnih svoboščin;

ker se zavedajo vse hitrejšega razvoja v biologiji in medicini;

prepričane, da je treba spoštovati človeka kot posameznika in kot pripadnika človeške vrste, in ker priznavajo pomen zagotavljanja dostojanstva človeškega bitja;

ker se zavedajo, da bi neustrezna uporaba biologije in medicine lahko privedla do dejanj, ki bi ogrozila človekovo dostojanstvo;

ker trdijo, da je treba napredek v biologiji in medicini uporabiti v korist sedanjih in prihodnjih generacij;

ker poudarjajo potrebo po mednarodnem sodelovanju, zato da bo vse človeštvo lahko imelo koristi od biologije in medicine;

ker se zavedajo pomena spodbujanja javne razprave o vprašanih, ki se zastavljajo v zvezi z uporabo biologije in medicine, in o odgovorih, ki jih je treba dati nanje;

v želji, da vse pripadnike družbe spomnijo na njihove pravice in odgovornosti;

ob upoštevanju dela Parlamentarne skupščine na tem področju, vključno s Priporočilom št. 1160 (1991) o pripravi konvencije o bioetiki;

odločene, da v zvezi z uporabo biologije in medicine sprejmejo ukrepe, potrebne za zaščito dostojanstva človeka ter temeljnih pravic in svoboščin posameznika,

sporazumele o naslednjem:

Chapter I - General provisions

Article 1 - Purpose and object

Parties to this Convention shall protect the dignity and identity of all human beings and guarantee everyone, without discrimination, respect for their integrity and other rights and fundamental freedoms with regard to the application of biology and medicine.

Each Party shall take in its internal law the necessary measures to give effect to the provisions of this Convention.

Article 2 - Primacy of the human being

The interests and welfare of the human being shall prevail over the sole interest of society or science.

Article 3 - Equitable access to health care

Parties, taking into account health needs and available resources, shall take appropriate measures with a view to providing, within their jurisdiction, equitable access to health care of appropriate quality.

Article 4 - Professional standards

Any intervention in the health field, including research, must be carried out in accordance with relevant professional obligations and standards.

Chapter II - Consent

Article 5 - General rule

An intervention in the health field may only be carried out after the person concerned has given free and informed consent to it.

This person shall beforehand be given appropriate information as to the purpose and nature of the intervention as well as on its consequences and risks.

The person concerned may freely withdraw consent at any time.

Article 6 - Protection of persons not able to consent

1. Subject to Articles 17 and 20 below, an intervention may only be carried out on a person who does not have the capacity to consent, for his or her direct benefit.

2. Where, according to law, a minor does not have the capacity to consent to an intervention, the intervention may only be carried out with the authorisation of his or her representative or an authority or a person or body provided for by law.

The opinion of the minor shall be taken into consideration as an increasingly determining factor in proportion to his or her age and degree of maturity.

3. Where, according to law, an adult does not have the capacity to consent to an intervention because of a mental disability, a disease or for similar reasons, the intervention may only be carried out with the authorisation of his or her representative or an authority or a person or body provided for by law.

The individual concerned shall as far as possible take part in the authorisation procedure.

4. The representative, the authority, the person or the body mentioned in paragraphs 2 and 3 above shall be given, under the same conditions, the information referred to in Article 5.

I. poglavje – splošne določbe

1. člen – namen in predmet

Pogodbenice te konvencije varujejo dostojanstvo in identiteto vseh človeških bitij in vsakomur brez razlikovanja jamčijo spoštovanje njegove duševne in telesne nedotakljivosti in drugih pravic in temeljnih svoboščin v zvezi z uporabo biologije in medicine.

Vsaka pogodbenica sprejme v svojo notranjo zakonodajo ukrepe, potrebne za uresničitev določb te konvencije.

2. člen – prvenstvo človeškega bitja

Koristi in skrb za človeka morajo prevladovati nad izključno koristjo družbe ali znanosti.

3. člen – pravična dostopnost zdravstvenega varstva

Pogodbenice ob upoštevanju zdravstvenih potreb in razpoložljivih virov sprejmejo ustrezne ukrepe, da v okviru svoje jurisdikcije zagotovijo pravično dostopnost zdravstvenega varstva ustrezne kakovosti.

4. člen – poklicne norme

Vsak zdravstveni poseg, vključno z raziskavami, se mora opraviti v skladu s poklicnimi dolžnostmi in normami.

II. poglavje – privolitev

5. člen – splošno pravilo

Zdravstveni poseg se sme opraviti šele potem, ko je bila oseba, ki jo to zadeva, o njem poučena in je vanj prostovoljno privolila.

To osebo je treba predhodno ustrezno poučiti o namenu in naravi posega kot tudi o njegovih posledicah in tveganjih.

Oseba, ki jo to zadeva, lahko privolitev kadar koli svobodno prekliče.

6. člen – varstvo oseb, ki niso sposobne privoliti

1. Ob upoštevanju 17. in 20. člena se sme poseg opraviti na osebi, ki ni sposobna privoliti, le v njeno neposredno korist.

2. Kadar mladoletna oseba po zakonu ni sposobna privoliti v poseg, se sme poseg opraviti samo z dovoljenjem njenega zastopnika ali zavoda ali osebe ali organa, kot je določeno z zakonom.

Mnenje mladoletne osebe se sorazmerno z njeno starostjo in stopnjo zrelosti upošteva kot vedno bolj odločilni dejavnik.

3. Kadar odrasla oseba zaradi duševne nesposobnosti, bolezni ali podobnih razlogov po zakonu ni sposobna privoliti v poseg, se sme poseg opraviti le z dovoljenjem njenega zastopnika ali zavoda ali osebe ali organa, kot je določeno z zakonom.

Posameznika, ki ga to zadeva, je treba v največji možni meri pritegniti v postopek pridobitve dovoljenja.

4. Zastopnika, zavod, osebo ali organ, ki so omenjeni v 2. in 3. odstavku tega člena, je treba poučiti pod enakimi pogoji, kot je navedeno v 5. členu.

5. The authorisation referred to in paragraphs 2 and 3 above may be withdrawn at any time in the best interests of the person concerned.

Article 7 - Protection of persons who have mental disorder

Subject to protective conditions prescribed by law, including supervisory, control and appeal procedures, a person who has a mental disorder of a serious nature may be subjected, without his or her consent, to an intervention aimed at treating his or her mental disorder only where, without such treatment, serious harm is likely to result to his or her health.

Article 8 - Emergency situation

When because of an emergency situation the appropriate consent cannot be obtained, any medically necessary intervention may be carried out immediately for the benefit of the health of the individual concerned.

Article 9 - Previously expressed wishes

The previously expressed wishes relating to a medical intervention by a patient who is not, at the time of the intervention, in a state to express his or her wishes shall be taken into account.

Chapter III - Private life and right to information

Article 10 - Private life and right to information

1. Everyone has the right to respect for private life in relation to information about his or her health.

2. Everyone is entitled to know any information collected about his or her health. However, the wishes of individuals not to be so informed shall be observed.

3. In exceptional cases, restrictions may be placed by law on the exercise of the rights contained in paragraph 2 in the interests of the patient.

Chapter IV - Human genome

Article 11 - Non-discrimination

Any form of discrimination against a person on grounds of his or her genetic heritage is prohibited.

Article 12 - Predictive genetic tests

Tests which are predictive of genetic diseases or which serve either to identify the subject as a carrier of a gene responsible for a disease or to detect a genetic predisposition or susceptibility to a disease may be performed only for health purposes or for scientific research linked to health purposes, and subject to appropriate genetic counselling.

Article 13 - Interventions on the human genome

An intervention seeking to modify the human genome may only be undertaken for preventive, diagnostic or therapeutic purposes and only if its aim is not to introduce any modification in the genome of any descendants.

Article 14 - Non-selection of sex

The use of techniques of medically assisted procreation shall not be allowed for the purpose of choosing a future child's sex, except where serious hereditary sex-related disease is to be avoided.

5. Dovoljenje, predvideno v 2. in 3. odstavku tega člena, je mogoče v korist osebe, ki jo to zadeva, kadar koli preklicati.

7. člen – varstvo oseb z duševnimi motnjami

Osebi s hudo duševno motnjo se sme brez njene privolitve opraviti poseg z namenom zdravljenja te motnje le, kadar bi opustitev takšnega zdravljenja verjetno znatno škodovala njenemu zdravju; pri tem je treba upoštevati varovalne pogoje, ki jih predpisuje zakon, vključno s postopki za nadzor, kontrolo in pritožbo.

8. člen – nujna stanja

Kadar zaradi nujnega stanja ni mogoče dobiti ustrezne privolitve, se sme takoj opraviti vsak medicinsko potreben poseg v korist zdravja posameznika, ki ga to zadeva.

9. člen – predhodno izražene želje

Upoštevajo se želje, ki jih je glede zdravniškega posega predhodno izrazil bolnik, ki ob posegu ni sposoben izraziti svoje volje.

III. poglavje – zasebnost in pravica do obveščenosti

10. člen – zasebnost in pravica do obveščenosti

1. Vsakdo ima pravico do spoštovanja zasebnosti, ko gre za podatke o njegovem zdravju.

2. Vsakdo ima pravico zvedeti za vsak podatek, pridobljen o njegovem zdravju. Spoštovati pa je treba tudi željo posameznika, da se mu ti podatki ne povedo.

3. Izjemoma se lahko uresničevanje pravic iz 2. odstavka tega člena zaradi koristi bolnika zakonsko omeji.

IV. poglavje – človeški genom

11. člen – nerazlikovanje

Prepovedana je vsaka oblika zapostavljanja posameznika na podlagi njegove genetske dediščine.

12. člen – napovedne genetske preiskave

Preiskave, ki lahko napovedo dedne bolezni ali omogočajo določiti nosilstvo gena, odgovornega za bolezen, ali odkriti genetsko nagnjenost ali dovzetnost za bolezen, se smejo opravljati le za zdravstvene namene ali za znanstvene raziskave v zdravstvene namene in samo ob ustreznem genetskem svetovanju.

13. člen – posegi na človeškem genomu

Poseg, katerega namen je spremeniti človeški genom, se sme opraviti le za preventivne, diagnostične ali terapevtske namene, in to samo, če njegov cilj ni uvesti kakršne koli spremembe v genom potomcev.

14. člen – prepoved izbire spola

Metode oploditve z medicinsko pomočjo se ne smejo uporabiti za izbiro spola bodočega otroka, razen če naj bi se s tem izognili hudi dedni bolezni, vezani na spol.

Chapter V - Scientific research**Article 15 - General rule**

Scientific research in the field of biology and medicine shall be carried out freely, subject to the provisions of this Convention and the other legal provisions ensuring the protection of the human being.

Article 16 - Protection of persons undergoing research

Research on a person may only be undertaken if all the following conditions are met:

- i) there is no alternative of comparable effectiveness to research on humans,
- ii) the risks which may be incurred by that person are not disproportionate to the potential benefits of the research,
- iii) the research project has been approved by the competent body after independent examination of its scientific merit, including assessment of the importance of the aim of the research, and multidisciplinary review of its ethical acceptability,
- iv) the persons undergoing research have been informed of their rights and the safeguards prescribed by law for their protection,
- v) the necessary consent as provided for under Article 5 has been given expressly, specifically and is documented. Such consent may be freely withdrawn at any time.

Article 17 - Protection of persons not able to consent to research

1. Research on a person without the capacity to consent as stipulated in Article 5 may be undertaken only if all the following conditions are met:

- i) the conditions laid down in Article 16, sub-paragraphs i to iv, are fulfilled;
- ii) the results of the research have the potential to produce real and direct benefit to his or her health;
- iii) research of comparable effectiveness cannot be carried out on individuals capable of giving consent;
- iv) the necessary authorisation provided for under Article 6 has been given specifically and in writing, and
- v) the person concerned does not object.

2. Exceptionally and under the protective conditions prescribed by law, where the research has not the potential to produce results of direct benefit to the health of the person concerned, such research may be authorised subject to the conditions laid down in paragraph 1, sub-paragraphs i, iii, iv and v above, and to the following additional conditions:

- i) the research has the aim of contributing, through significant improvement in the scientific understanding of the individual's condition, disease or disorder, to the ultimate attainment of results capable of conferring benefit to the person concerned or to other persons in the same age category or afflicted with the same disease or disorder or having the same condition.
- ii) the research entails only minimal risk and minimal burden for the individual concerned.

Article 18 - Research on embryos *in vitro*

1. Where the law allows research on embryos *in vitro*, it shall ensure adequate protection of the embryo.

2. The creation of human embryos for research purposes is prohibited.

V. poglavje – znanstveno raziskovanje**15. člen – splošno pravilo**

Znanstveno raziskovanje na področju biologije in medicine je svobodno ob upoštevanju določb te konvencije in drugih pravnih določb, ki zagotavljajo varstvo človeka.

16. člen – varstvo oseb, na katerih se opravljajo raziskave

Raziskave na ljudeh se smejo opravljati le, če so izpolnjeni vsi naslednji pogoji:

- i) da raziskave na ljudeh ni mogoče nadomestiti z drugo, podobno uspešno raziskavo,
- ii) da nevarnosti, ki jim utegne biti izpostavljena oseba, niso v nesorazmerju z možnimi koristmi raziskave,
- iii) da je načrt raziskave odobril pristojni organ, potem ko je neodvisno proučil njeno znanstveno vrednost, pretehtal pomembnost cilja raziskave in z vidika več različnih strok ocenil njeno etično sprejemljivost,
- iv) da je oseba, na kateri se bo opravljala raziskava, seznanjena s svojimi pravicami in jamstvi, ki jih predvideva zakon za njeno varstvo,
- v) da je bila privolitev, določena s 5. členom, dana izrecno, posebej v ta namen in je dokumentirana. Ta privolitev se lahko kadar koli svobodno prekliče.

17. člen – varstvo oseb, ki niso sposobne privoliti v raziskavo

1. Raziskava na osebi, ki ni sposobna privoliti v skladu s 5. členom, se sme opravljati le, če so izpolnjeni vsi naslednji pogoji:

- i) da so izpolnjeni pogoji, navedeni v pododstavkih i) do iv) 16. člena,
- ii) da je od izsledkov raziskave mogoče pričakovati resnično in neposredno korist za njeno zdravje,
- iii) da primerljivo uspešne raziskave ni mogoče opraviti na osebah, ki so sposobne privoliti,
- iv) da je bilo dovoljenje, določeno s 6. členom, dano posebej v ta namen in pisno in
- v) da oseba, ki jo to zadeva, ne nasprotuje.

2. Izjemoma in pod varovalnimi pogoji, ki jih predpisuje zakon, se lahko dovoli raziskava, od izsledkov katere ni mogoče pričakovati neposredne koristi za zdravje osebe, ki jo to zadeva, če so izpolnjeni pogoji, navedeni v pododstavkih i), iii), iv) in v) prvega odstavka tega člena, in naslednji dodatni pogoji:

- i) da je cilj raziskave z znatno boljšim znanstvenim razumevanjem stanja, bolezni ali motnje posameznika prispevati k izsledkom, ki bodo naposled lahko koristili osebi, ki jo to zadeva, ali drugim osebam enake starostne skupine ali osebam, ki imajo enako bolezen ali motnjo ali so v enakem stanju,
- ii) da raziskava pomeni minimalno nevarnost in minimalno obremenitev za osebo, ki jo to zadeva.

18. člen – raziskave na zarodkih *in vitro*

1. Kadar zakon dopušča raziskave na zarodkih zunaj materinega telesa (*in vitro*), mora zagotoviti ustrezno varstvo zarodka.

2. Ustvarjanje človeških zarodkov v raziskovalne namene je prepovedano.

Chapter VI - Organ and tissue removal from living donors for transplantation purposes

Article 19 - General rule

1. Removal of organs or tissue from a living person for transplantation purposes may be carried out solely for the therapeutic benefit of the recipient and where there is no suitable organ or tissue available from a deceased person and no other alternative therapeutic method of comparable effectiveness.

2. The necessary consent as provided for under Article 5 must have been given expressly and specifically either in written form or before an official body.

Article 20 - Protection of persons not able to consent to organ removal

1. No organ or tissue removal may be carried out on a person who does not have the capacity to consent under Article 5.

2. Exceptionally and under the protective conditions prescribed by law, the removal of regenerative tissue from a person who does not have the capacity to consent may be authorised provided the following conditions are met:

- i) there is no compatible donor available who has the capacity to consent,
- ii) the recipient is a brother or sister of the donor,
- iii) the donation must have the potential to be life-saving for the recipient,
- iv) the authorisation provided for under paragraphs 2 and 3 of Article 6 has been given specifically and in writing, in accordance with the law and with the approval of the competent body,
- v) the potential donor concerned does not object.

Chapter VII - Prohibition of financial gain and disposal of a part of the human body

Article 21 - Prohibition of financial gain

The human body and its parts shall not, as such, give rise to financial gain.

Article 22 - Disposal of a removed part of the human body

When in the course of an intervention any part of a human body is removed, it may be stored and used for a purpose other than that for which it was removed, only if this is done in conformity with appropriate information and consent procedures.

Chapter VIII - Infringements of the provisions of the Convention

Article 23 - Infringement of the rights or principles

The Parties shall provide appropriate judicial protection to prevent or to put a stop to an unlawful infringement of the rights and principles set forth in this Convention at short notice.

VI. poglavje – odvzem organov in živih tkiv darovalcem zaradi presaditve

19. člen – splošno pravilo

1. Organi ali tkiva se smejo živemu darovalcu odvzeti zaradi presaditve samo za zdravljenje prejemnika in kadar ni na voljo primerne organa ali tkiva umrle osebe niti nobenega drugega možnega načina zdravljenja, ki bi bil primerljivo uspešen.

2. Potrebna privolitev, določena s 5. členom, mora biti dana izrecno in posebej v ta namen bodisi pisno ali pred uradnim organom.

20. člen – varstvo oseb, ki niso sposobne privoliti v odvzem organa

1. Organ ali tkivo se ne sme odvzeti osebi, ki ni sposobna privoliti v skladu s 5. členom.

2. Izjemoma in pod varovalnimi pogoji, ki jih predpisuje zakon, se sme dovoliti odvzem obnovljivega tkiva osebi, ki ni sposobna privoliti, če so izpolnjeni naslednji pogoji:

- i) da ni na voljo nobenega biološko primerne darovalca, ki je sposoben privoliti,
- ii) da je prejemnik brat ali sestra darovalca,
- iii) da gre za darovanje, ki lahko reši življenje prejemnika,
- iv) da je bilo dovoljenje, določeno v 2. in 3. odstavku 6. člena, dano posebej v ta namen in pisno v skladu z zakonom in z odobritvijo pristojnega organa in
- v) da možni darovalec ne nasprotuje.

VII. poglavje – prepoved pridobivanja premoženjske koristi in razpolaganje z deli človeškega telesa

21. člen – prepoved pridobivanja premoženjske koristi

Človeško telo in njegovi deli sami po sebi ne smejo biti predmet pridobivanja premoženjske koristi.

22. člen – razpolaganje z odvzetim delom človeškega telesa

Kadar je bil pri nekem posegu odvzet kak del človeškega telesa, se lahko shrani in uporabi za kak drug namen, kot je bil odvzet, samo če je to storjeno skladno z ustreznimi postopki poučitve in privolitve.

VIII. poglavje – kršenje določb konvencije

23. člen – kršenje pravic ali načel

Pogodbenice zagotavljajo primerno sodno varstvo za takojšnjo preprečitev ali ustavitve nezakonitega kršenja pravic in načel, opredeljenih v tej konvenciji.

Article 24 - Compensation for undue damage

The person who has suffered undue damage resulting from an intervention is entitled to fair compensation according to the conditions and procedures prescribed by law.

Article 25 - Sanctions

Parties shall provide for appropriate sanctions to be applied in the event of infringement of the provisions contained in this Convention.

Chapter IX - Relation between this Convention and other provisions**Article 26 - Restrictions on the exercise of the rights**

1. No restrictions shall be placed on the exercise of the rights and protective provisions contained in this Convention other than such as are prescribed by law and are necessary in a democratic society in the interest of public safety, for the prevention of crime, for the protection of public health or for the protection of the rights and freedoms of others.

2. The restrictions contemplated in the preceding paragraph may not be placed on Articles 11, 13, 14, 16, 17, 19, 20 and 21.

Article 27 - Wider protection

None of the provisions of this Convention shall be interpreted as limiting or otherwise affecting the possibility for a Party to grant a wider measure of protection with regard to the application of biology and medicine than is stipulated in this Convention.

Chapter X - Public debate**Article 28 - Public debate**

Parties to this Convention shall see to it that the fundamental questions raised by the developments of biology and medicine are the subject of appropriate public discussion in the light, in particular, of relevant medical, social, economic, ethical and legal implications, and that their possible application is made the subject of appropriate consultation.

Chapter XI - Interpretation and follow-up of the Convention**Article 29 - Interpretation of the Convention**

The European Court of Human Rights may give, without direct reference to any specific proceedings pending in a court, advisory opinions on legal questions concerning the interpretation of the present Convention at the request of:

- the Government of a Party, after having informed the other Parties,
- the Committee set up by Article 32, with membership restricted to the Representatives of the Parties to this Convention, by a decision adopted by a two-third majority of votes cast.

Article 30 - Reports on the application of the Convention

On receipt of a request from the Secretary General of the Council of Europe any Party shall furnish an explanation of the manner in which its internal law ensures the effective implementation of any of the provisions of the Convention.

24. člen – odškodnina za neupravičeno škodo

Oseba, ki je zaradi posega utrpela neupravičeno škodo, ima pod pogoji in na način, ki ga določa zakon, pravico do pravične odškodnine.

25. člen – sankcije

Pogodbenice zagotovijo ustrezne sankcije, ki jih je treba uporabiti, če se kršijo določbe te konvencije.

IX. poglavje – razmerje med to konvencijo in drugimi predpisi**26. člen – omejitve pri uresničevanju pravic**

1. Uresničevanje pravic in zaščitnih določb, ki jih vsebuje ta konvencija, se sme omejevati samo s takimi omejitvami, ki so predpisane z zakonom in so v demokratični družbi potrebne za javno varnost, preprečevanje kaznivih dejanj, za varovanje zdravja ljudi ali za varstvo pravic in svoboščin drugih.

2. Omejitve iz prejšnjega odstavka tega člena se ne smejo uveljavljati za 11., 13., 14., 16., 17., 19., 20. in 21. člen.

27. člen – širše varstvo

Nobena določba konvencije se ne sme razlagati tako, kot da omejuje ali drugače prizadene možnost kake pogodbenice, da zagotovi širše varstvo glede uporabe biologije in medicine, kot ga predpisuje ta konvencija.

X. poglavje – javna razprava**28. člen – javna razprava**

Pogodbenice konvencije poskrbijo za primerno javno razpravo o temeljnih vprašanjih, ki jih porajajo razvojni dosežki biologije in medicine, še zlasti z medicinskega, družbenega, gospodarskega, etičnega in pravnega vidika in tudi za ustrezno posvetovanje o njihovi možni uporabi.

XI. poglavje – razlaga in spremljanje izvajanja konvencije**29. člen – razlaga konvencije**

Evropsko sodišče za človekove pravice lahko – brez neposrednega sklicevanja na konkreten postopek, ki teče pred kakim sodiščem – da svetovalna mnenja o pravnih vprašanjih, ki se nanašajo na razlago konvencije, in sicer na zaprosilo:

- vlade pogodbenice, potem ko je o tem obvestilo druge pogodbenice,
- odbora, ustanovljenega na podlagi 32. člena, ki ga sestavljajo samo predstavniki pogodbenic konvencije, na podlagi sklepa, ki je bil sprejet z dvetretjinsko večino oddanih glasov.

30. člen – poročila o izvajanju konvencije

Vsaka pogodbenica mora na zahtevo generalnega sekretarja Sveta Evrope pojasniti, kako s svojo notranjo zakonodajo zagotavlja učinkovito uresničevanje katere koli določbe konvencije.

Chapter XII - Protocols**Article 31 - Protocols**

Protocols may be concluded in pursuance of Article 32, with a view to developing, in specific fields, the principles contained in this Convention.

The Protocols shall be open for signature by Signatories of the Convention. They shall be subject to ratification, acceptance or approval. A signatory may not ratify, accept or approve Protocols without previously or simultaneously ratifying accepting or approving the Convention.

Chapter XIII – Amendments to the Convention**Article 32 – Amendments to the Convention**

1. The tasks assigned to "the Committee" in the present article and in Article 29 shall be carried out by the Steering Committee on Bioethics (CDBI), or by any other committee designated to do so by the Committee of Ministers.

2. Without prejudice to the specific provisions of Article 29, each member State of the Council of Europe, as well as each Party to the present Convention which is not a member of the Council of Europe, may be represented and have one vote in the Committee when the Committee carries out the tasks assigned to it by the present Convention.

3. Any State referred to in Article 33 or invited to accede to the Convention in accordance with the provisions of Article 34 which is not Party to this Convention may be represented on the Committee by an observer. If the European Community is not a Party it may be represented on the Committee by an observer.

4. In order to monitor scientific developments, the present Convention shall be examined within the Committee no later than five years from its entry into force and thereafter at such intervals as the Committee may determine.

5. Any proposal for an amendment to this Convention, and any proposal for a Protocol or for an amendment to a Protocol, presented by a Party, the Committee or the Committee of Ministers shall be communicated to the Secretary General of the Council of Europe and forwarded by him to the member States of the Council of Europe, to the European Community, to any Signatory, to any Party, to any State invited to sign this Convention in accordance with the provisions of Article 33 and to any State invited to accede to it in accordance with the provisions of Article 34.

6. The Committee shall examine the proposal not earlier than two months after it has been forwarded by the Secretary General in accordance with paragraph 5. The Committee shall submit the text adopted by a two-thirds majority of the votes cast to the Committee of Ministers for approval. After its approval, this text shall be forwarded to the Parties for ratification, acceptance or approval.

7. Any amendment shall enter into force, in respect of those Parties which have accepted it, on the first day of the month following the expiration of a period of one month after the date on which five Parties, including at least four member States of the Council of Europe, have informed the Secretary General that they have accepted it.

In respect of any Party which subsequently accepts it, the amendment shall enter into force on the first day of the month following the expiration of a period of one month after the date on which that Party has informed the Secretary General of its acceptance.

XII. poglavje – protokoli**31. člen – protokoli**

V skladu z določbami 32. člena je mogoče sprejemati protokole, katerih cilj je, da na posameznih področjih razvijajo načela, ki jih vsebuje konvencija.

Protokoli bodo na voljo za podpis podpisnicam konvencije. Treba jih je ratificirati, sprejeti ali odobriti. Podpisnica ne sme ratificirati, sprejeti ali odobriti protokolov, če ni pred tem ali sočasno ratificirala, sprejela ali odobrila konvencije.

XIII. poglavje – spremembe konvencije**32. člen – spremembe konvencije**

1. Naloge, ki so po tem členu in po 29. členu dodeljene "odboru", izvaja Usmerjevalni odbor za bioetiko (CDBI) ali kateri koli drug odbor, ki ga za to določi Odbor ministrov.

2. Ob upoštevanju posebnih določb 29. člena ima lahko vsaka država članica Sveta Evrope kot tudi vsaka pogodbenica konvencije, ki ni članica Sveta Evrope, svojega zastopnika in en glas v odboru, če ta odbor opravlja naloge, ki so mu bile zaupane s konvencijo.

3. Vsako državo iz 33. člena ali državo, ki je bila povabljen, da pristopi h konvenciji v skladu z določbami 34. člena, in ki ni pogodbenica konvencije, v odboru lahko zastopa opazovalec. Če Evropska skupnost ni pogodbenica, jo v odboru lahko zastopa opazovalec.

4. Da bi sledili razvoju znanosti, bo odbor ponovno presodil ustreznost konvencije najpozneje pet let po začetku njene veljavnosti, nato pa v takih presledkih, kot jih določi odbor.

5. Vsak predlog za spremembo konvencije kot tudi vsak predlog za protokol ali za spremembo protokola, ki ga predložijo pogodbenica, odbor ali Odbor ministrov, se sporoči generalnemu sekretarju Sveta Evrope, ta pa ga pošlje državam članicam Sveta Evrope, Evropski skupnosti, vsaki podpisnici, vsaki pogodbenici, vsaki državi, ki je bila povabljen, da pristopi h konvenciji v skladu z določbami 33. člena, in vsaki državi, ki je bila povabljen, da pristopi h konvenciji v skladu z določbami 34. člena.

6. Odbor prouči predlog po preteku najmanj dveh mesecev potem, ko ga je prejel od generalnega sekretarja v skladu s 5. odstavkom tega člena. Odbor predloži besedilo, sprejeto z dvetretjinsko večino oddanih glasov, v odobritev Odboru ministrov. Po njegovi odobritvi se besedilo pošlje pogodbenicam v ratifikacijo, sprejetje ali odobritev.

7. Za tiste pogodbenice, ki so spremembo sprejele, začne ta veljati prvi dan meseca, ki sledi izteku enomesečnega obdobja po dnevu, ko je pet pogodbenic, od katerih so najmanj štiri države članice Sveta Evrope, obvestilo generalnega sekretarja, da so jo sprejele.

Za vsako pogodbenico, ki spremembo sprejme pozneje, začne ta veljati prvi dan meseca, ki sledi izteku enomesečnega obdobja po dnevu, ko je ta pogodbenica obvestila generalnega sekretarja, da jo je sprejela.

Chapter XIV – Final clauses**Article 33 – Signature, ratification and entry into force**

1. This Convention shall be open for signature by the member States of the Council of Europe, the non-member States which have participated in its elaboration and by the European Community.

2. This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

3. This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which five States, including at least four member States of the Council of Europe, have expressed their consent to be bound by the Convention in accordance with the provisions of paragraph 2 of the present article.

4. In respect of any Signatory which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of its instrument of ratification, acceptance or approval.

Article 34 - Non-member States

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may, after consultation of the Parties, invite any non-member State of the Council of Europe to accede to this Convention by a decision taken by the majority provided for in Article 20, subparagraph d, of the Statute of the Council of Europe, and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee of Ministers.

2. In respect of any acceding State, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 35 - Territories

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

2. Any Party may, at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings. In respect of such territory the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.

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

Article 36 - Reservations

1. Any State and the European Community may, when signing this Convention or when depositing the instrument of ratification, acceptance, approval or accession, make a reservation in respect of any particular provision of the Con-

XIV. poglavje – končne določbe**33. člen – podpis, ratifikacija in začetek veljavnosti**

1. Konvencija je na voljo za podpis državam članicam Sveta Evrope, državam nečlanicam, ki so sodelovale pri njeni pripravi, in Evropski skupnosti.

2. Konvencijo je treba ratificirati, sprejeti ali odobriti. Listine o ratifikaciji, sprejetju ali odobritvi se hranijo pri generalnem sekretarju Sveta Evrope.

3. Konvencija začne veljati prvi dan meseca, ki sledi izteku trimesečnega obdobja po dnevu, ko je pet držav, od katerih so najmanj štiri države članice Sveta Evrope, privolilo, da jih konvencija zavezuje v skladu z določbami 2. odstavka tega člena.

4. Za vsako podpisnico, ki pozneje privoli, da jo konvencija zavezuje, začne ta veljati prvi dan meseca, ki sledi izteku trimesečnega obdobja po dnevu deponiranja njene listine o ratifikaciji, sprejetju ali odobritvi.

34. člen – države nečlanice

1. Po začetku veljavnosti konvencije lahko Odbor ministrov Sveta Evrope po posvetovanju s pogodbenicami povabi katero koli državo nečlanico Sveta Evrope, da pristopi k tej konvenciji, in sicer na podlagi sklepa, ki ga sprejme večina, določena v odstavku d) 20. člena Statuta Sveta Evrope, in soglasnega sklepa predstavnikov držav pogodbenic, ki imajo pravico biti zastopane v Odboru ministrov.

2. Za vsako državo, ki h konvenciji pristopi, začne ta veljati prvi dan meseca, ki sledi izteku trimesečnega obdobja po dnevu deponiranja listine o pristopu pri generalnem sekretarju Sveta Evrope.

35. člen – ozemlja uporabe

1. Vsaka podpisnica lahko ob podpisu ali ob deponiranju svoje listine o ratifikaciji, sprejetju ali odobritvi določi ozemlje ali ozemlja, na katerih se ta konvencija uporablja. Vsaka druga država lahko da enako izjavo ob deponiranju svoje listine o pristopu.

2. Vsaka pogodbenica lahko kadar koli pozneje z izjavo, naslovljeno na generalnega sekretarja Sveta Evrope, razširi uporabo konvencije na katero koli drugo ozemlje, ki je določeno v izjavi in za katerega mednarodne odnose je odgovorna ali v imenu katerega je pooblaščen prevzemati obveznosti. Za tako ozemlje začne konvencija veljati prvi dan meseca, ki sledi izteku trimesečnega obdobja po dnevu, ko je generalni sekretar prejel tako izjavo.

3. Z notifikacijo, naslovljeno na generalnega sekretarja, je mogoče umakniti vsako izjavo, dano po prejšnjih dveh odstavkih za katero koli ozemlje, določeno v taki izjavi. Umik začne veljati prvi dan meseca, ki sledi izteku trimesečnega obdobja po dnevu, ko je generalni sekretar prejel tako notifikacijo.

36. člen – pridržki

1. Vsaka država in Evropska skupnost lahko ob podpisu konvencije ali deponiranju listine o ratifikaciji, sprejetju, odobritvi ali pristopu izrazi pridržek glede katere koli določbe konvencije, kolikor kak zakon, ki takrat velja na njenem

vention to the extent that any law then in force in its territory is not in conformity with the provision. Reservations of a general character shall not be permitted under this article.

2. Any reservation made under this article shall contain a brief statement of the relevant law.

3. Any Party which extends the application of this Convention to a territory mentioned in the declaration referred to in Article 35, paragraph 2, may, in respect of the territory concerned, make a reservation in accordance with the provisions of the preceding paragraphs.

4. Any Party which has made the reservation mentioned in this Article may withdraw it by means of a declaration addressed to the Secretary General of the Council of Europe. The withdrawal shall become effective on the first day of the month following the expiration of a period of one month after the date of its receipt by the Secretary General.

Article 37 - Denunciation

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

2. Such denunciation shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of the notification by the Secretary General.

Article 38 - Notifications

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

- a) any signature;
- b) the deposit of any instrument of ratification, acceptance, approval or accession;
- c) any date of entry into force of this Convention in accordance with Articles 33 or 34;
- d) any amendment or Protocol adopted in accordance with Article 32, and the date on which such an amendment or Protocol enters into force;
- e) any declaration made under the provisions of Article 35;
- f) any reservation and withdrawal of reservation made in pursuance of the provisions of Article 36;
- g) any other act, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Oviedo (Asturias), this 4th day of April 1997, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the European Community, to the non-member States which have participated in the elaboration of this Convention, and to any State invited to accede to this Convention.

ozemlju, ni skladen s to določbo. Splošni pridržki po tem členu niso dovoljeni.

2. Vsak pridržek, izražen v skladu s tem členom, mora vsebovati kratek izveček ustreznega zakona.

3. Vsaka pogodbenica, ki razširi uporabo konvencije na ozemlje, navedeno v izjavi iz 2. odstavka 35. člena, lahko za to ozemlje izrazi pridržek v skladu z določbami prejšnjih odstavkov.

4. Vsaka pogodbenica, ki je izrazila pridržek v skladu s tem členom, ga lahko umakne z izjavo, naslovljeno na generalnega sekretarja Sveta Evrope. Umik začne veljati prvi dan meseca, ki sledi izteku enomesečnega obdobja po dnevu, ko je generalni sekretar prejel tako izjavo.

37. člen – odpoved

1. Vsaka pogodbenica lahko konvencijo kadar koli odpove z notifikacijo, naslovljeno na generalnega sekretarja Sveta Evrope.

2. Taka odpoved začne veljati prvi dan meseca, ki sledi izteku trimesečnega obdobja po dnevu, ko je generalni sekretar prejel notifikacijo.

38. člen – notifikacije

Generalni sekretar Sveta Evrope uradno obvesti države članice Sveta, Evropsko skupnost, vsako podpisnico, vsako pogodbenico in vsako drugo državo, ki je bila povabljen, da pristopi h konvenciji, o:

- a) vsakem podpisu,
- b) deponiranju vsake listine o ratifikaciji, sprejetju, odobritvi ali pristopu,
- c) vsakem datumu začetka veljavnosti konvencije v skladu s 33. ali 34. členom,
- d) vsaki spremembi ali protokolu, sprejetem v skladu z 32. členom, in datumu začetka veljavnosti te spremembe ali protokola,
- e) vsaki izjavi, dani na podlagi določb 35. člena,
- f) vsakem izraženem pridržku in umiku pridržka na podlagi določb 36. člena,
- g) vsakem drugem dejanju, notifikaciji ali sporočilu v zvezi s to konvencijo.

V potrditev tega so podpisani, ki so bili za to pravilno pooblašteni, podpisali to konvencijo.

Sklenjeno v Oviedu (Asturija) 4. aprila 1997 v angleščini in francoščini, pri čemer sta obe besedili enako verodostojni, v enem samem izvodu, ki se hrani v arhivu Sveta Evrope. Generalni sekretar Sveta Evrope pošlje overjeno kopijo vsaki državi članici Sveta Evrope, Evropski skupnosti, državam nečlanicam, ki so sodelovale pri pripravi konvencije, in vsaki državi, ki je povabljen, da pristopi k tej konvenciji.

ADDITIONAL PROTOCOL
to the Convention for the Protection of Human
Rights and Dignity of the Human Being with regard
to the Application of Biology and Medicine, on the
Prohibition of Cloning Human Beings

Paris, 12. 1. 1998

The member States of the Council of Europe, the other States and the European Community Signatories to this Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine,

Noting scientific developments in the field of mammal cloning, particularly through embryo splitting and nuclear transfer;

Mindful of the progress that some cloning techniques themselves may bring to scientific knowledge and its medical application;

Considering that the cloning of human beings may become a technical possibility;

Having noted that embryo splitting may occur naturally and sometimes result in the birth of genetically identical twins;

Considering however that the instrumentalisation of human beings through the deliberate creation of genetically identical human beings is contrary to human dignity and thus constitutes a misuse of biology and medicine;

Considering also the serious difficulties of a medical, psychological and social nature that such a deliberate biomedical practice might imply for all the individuals involved;

Considering the purpose of the Convention on Human Rights and Biomedicine, in particular the principle mentioned in Article 1 aiming to protect the dignity and identity of all human beings,

Have agreed as follows:

Article 1

1 Any intervention seeking to create a human being genetically identical to another human being, whether living or dead, is prohibited.

2 For the purpose of this article, the term human being "genetically identical" to another human being means a human being sharing with another the same nuclear gene set.

Article 2

No derogation from the provisions of this Protocol shall be made under Article 26, paragraph 1, of the Convention.

Article 3

As between the Parties, the provisions of Articles 1 and 2 of this Protocol shall be regarded as additional articles to the Convention and all the provisions of the Convention shall apply accordingly.

Article 4

This Protocol shall be open for signature by Signatories to the Convention. It is subject to ratification, acceptance or approval. A Signatory may not ratify, accept or approve this Protocol unless it has previously or simultaneously ratified, accepted or approved the Convention. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 5

1 This Protocol shall enter into force on the first day of the month following the expiration of a period of three months

DODATNI PROTOKOL
o prepovedi kloniranja človeških bitij
h Konvenciji o varstvu človekovih pravic in
dostojanstva človeškega bitja v zvezi z uporabo
biologije in medicine

Paris, 12. 1. 1998

Države članice Sveta Evrope, druge države in Evropska skupnost, podpisnice tega dodatnega protokola h Konvenciji o varstvu človekovih pravic in dostojanstva človeškega bitja v zvezi z uporabo biologije in medicine,

opažajo znanstveni razvoj na področju kloniranja sesalcev, zlasti s cepitvijo zarodka in s prenosom jedra,

se zavedajo napredka, ki ga nekatere tehnike kloniranja same po sebi lahko prispevajo k znanstvenim spoznanjem in njihovi uporabi v medicini,

upoštevajo, da kloniranje ljudi utegne postati tehnično možno,

so ugotovile, da se cepitev zarodka lahko zgodi naravno in ima včasih za posledico rojstvo genetsko istovetnih dvojčkov,

vendar pa upoštevajo, da je izrabljanje človeških bitij z namernim ustvarjanjem genetsko istovetnih ljudi v nasprotju z dostojanstvom človeka in zato pomeni zlorabo biologije in medicine,

upoštevajo tudi resne medicinske, psihološke in socialne težave, ki bi jih takšna namerna biomedicinska praksa lahko povzročila vsem posameznikom, ki jih to zadeva,

upoštevajo namen Konvencije o človekovih pravicah v zvezi z biomedicino, zlasti načelo iz 1. člena, katerega cilj je varovati dostojanstvo in identiteto vseh človeških bitij, zato

so se dogovorile o naslednjem:

1. člen

1. Prepovedan je vsak poseg, katerega namen je ustvariti človeško bitje, ki je genetsko istovetno z drugim človeškim bitjem, živim ali mrtvim.

2. Izraz človeško bitje, "genetsko istovetno" z drugim človeškim bitjem, za namene tega člena pomeni to, da imata obe isti jedrni genom.

2. člen

Omejitve določb tega protokola v skladu s 1. odstavkom 26. člena konvencije niso dovoljene.

3. člen

Pogodbenice upoštevajo določbe 1. in 2. člena tega protokola kot dodatna člena h konvenciji in zato se uporabljajo vse določbe konvencije.

4. člen

Protokol je na voljo za podpis državam podpisnicam konvencije. Treba ga je ratificirati, sprejeti ali odobriti. Podpisnica ne sme ratificirati, sprejeti ali odobriti tega protokola, če prej ali sočasno ni ratificirala, sprejela ali odobrila konvencije. Listine o ratifikaciji, sprejetju ali odobritvi se hranijo pri generalnem sekretarju Sveta Evrope.

5. člen

1. Protokol začne veljati prvi dan meseca, ki sledi izteku trimesečnega obdobja po dnevu, ko je pet držav, od

after the date on which five States, including at least four member States of the Council of Europe, have expressed their consent to be bound by the Protocol in accordance with the provisions of Article 4.

2 In respect of any Signatory which subsequently expresses its consent to be bound by it, the Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 6

1 After the entry into force of this Protocol, any State which has acceded to the Convention may also accede to this Protocol.

2 Accession shall be effected by the deposit with the Secretary General of the Council of Europe of an instrument of accession which shall take effect on the first day of the month following the expiration of a period of three months after the date of its deposit.

Article 7

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

2 Such denunciation shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

Article 8

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

- a) any signature;
- b) the deposit of any instrument of ratification, acceptance, approval or accession;
- c) any date of entry into force of this Protocol in accordance with Articles 5 and 6;
- d) any other act, notification or communication relating to this Protocol.

In witness whereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Paris, this twelfth day of January 1998, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the non-member States which have participated in the elaboration of this Protocol, to any State invited to accede to the Convention and to the European Community.

3. člen

Za izvajanje konvencije in dodatnega protokola skrbi Ministrstvo za zdravstvo.

4. člen

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

Št. 500-01/98-8/1

Ljubljana, dne 24. septembra 1998

katerih so najmanj štiri države članice Sveta Evrope, privolilo, da jih ta protokol zavezuje v skladu z določbami 4. člena.

2. Za vsako podpisnico, ki pozneje privoli, da jo protokol zavezuje, začne ta veljati prvi dan meseca, ki sledi izteku trimesečnega obdobja po dnevu deponiranja listine o ratifikaciji, sprejetju ali odobritvi.

6. člen

1. Po začetku veljavnosti tega protokola sme vsaka država, ki je pristopila h konvenciji, pristopiti tudi k protokolu.

2. Pristopi se tako, da se pri generalnem sekretarju Sveta Evrope deponira listina o pristopu, ki začne veljati prvi dan meseca, ki sledi izteku trimesečnega obdobja po dnevu deponiranja take listine.

7. člen

1. Vsaka podpisnica lahko kadar koli odpove ta protokol z notifikacijo, naslovljeno na generalnega sekretarja Sveta Evrope.

2. Taka odpoved začne veljati prvi dan meseca, ki sledi izteku trimesečnega obdobja po dnevu, ko je generalni sekretar prejel tako notifikacijo.

8. člen

Generalni sekretar Sveta Evrope uradno obvesti države članice Sveta Evrope, Evropsko skupnost, vsako podpisnico, vsako pogodbenico in vsako drugo državo, ki je bila povabljen, da pristopi h konvenciji, o:

- a) vsakem podpisu,
- b) deponiranju vsake listine o ratifikaciji, sprejetju, odobritvi ali pristopu,
- c) vsakem datumu začetka veljavnosti protokola v skladu s 5. in 6. členom,
- d) vsakem drugem dejanju, notifikaciji ali sporočilu v zvezi s tem protokolom.

V potrditev tega so podpisani, ki so bili za to pravilno pooblaščen, podpisali ta protokol.

Sklenjeno v Parizu 12. januarja 1998 v angleščini in francoščini, pri čemer sta obe besedili enako verodostojni, v enem samem izvodu, ki se hrani v arhivu Sveta Evrope. Generalni sekretar Sveta Evrope pošlje overjeno kopijo vsaki državi članici Sveta Evrope, državam nečlanicam, ki so sodelovale pri pripravi tega protokola, vsaki državi, ki je bila povabljen, da pristopi h konvenciji, in Evropski skupnosti.

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

43. Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Republike Turčije o zračnem prometu (BTUZP)

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

U K A Z**O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO REPUBLIKE TURČIJE O ZRAČNEM PROMETU (BTUZP)**

Razglašam Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Republike Turčije o zračnem prometu (BTUZP), ki ga je sprejel Državni zbor Republike Slovenije na seji 24. septembra 1998.

Št. 001-22-83/98

Ljubljana, dne 2. oktobra 1998.

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N**O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO REPUBLIKE TURČIJE O ZRAČNEM PROMETU (BTUZP)**

1. člen

Ratificira se Sporazum med Vlado Republike Slovenije in Vlado Republike Turčije o zračnem prometu, podpisan v Ljubljani dne 3. aprila 1997.

2. člen

Sporazum se v izvorniku v slovenskem in angleškem jeziku glasi:*

**S P O R A Z U M
MED VLADO REPUBLIKE SLOVENIJE
IN VLADO REPUBLIKE TURČIJE O ZRAČNEM
PROMETU**

Glede na to da sta Vlada Republike Slovenije in Vlada Republike Turčije pogodbenici Konvencije o mednarodnem civilnem letalstvu in Sporazuma o tranzitu v mednarodnem zračnem prometu, ki sta bila odprta za podpis v Chicagu 7. decembra 1944, sta se

v želji, da skleneta sporazum zaradi vzpostavitve zračnega prometa med svojima ozemljema in zunaj svojih ozemelj,

dogovorili o naslednjem:

1. člen

Definicije

Posamezni izrazi v tem sporazumu pomenijo, razen če iz besedila ni razvidno drugače, naslednje:

a) izraz "konvencija" pomeni Konvencijo o mednarodnem civilnem letalstvu, ki je bila odprta za podpis v Chicagu 7. decembra 1944 in vključuje vsako prilogo, sprejeto na podlagi 90. člena omenjene konvencije, ter vsako spremembo priloge ali konvencije v skladu z njenim 90. in 94. členom, če veljajo za obe pogodbenici;

b) izraz "pristojna organa" pomeni za Republiko Slovenijo Ministrstvo za promet in zveze, Upravo Republike Slovenije za zračno plovbo, ali katero koli drugo osebo ali organ,

**AIR TRANSPORT AGREEMENT
BETWEEN THE GOVERNMENT OF THE
REPUBLIC OF SLOVENIA AND THE
GOVERNMENT OF THE REPUBLIC OF TURKEY**

The Government of the Republic of Slovenia and the Government of the Republic of Turkey Being Parties to the Convention on International Civil Aviation and the International Air Services Transit Agreement, both opened for signature at Chicago on the seventh day of December, 1944

Desiring to conclude an Agreement for the purpose of establishing air services between and beyond their respective territories

Have agreed as follows:

Article I

Definitions

For the purpose of this Agreement, unless the context otherwise requires:

a) The term "The Convention" means the Convention on International Civil Aviation opened for signature at Chicago 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 Convention under Articles 90 and 94 thereof, which 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 any per-

* Besedilo izvornika v turškem jeziku je na vpogled v Sektorju za mednarodne pravne zadeve Ministrstva za zunanje zadeve.

pooblaščen za opravljanje nalog, ki jih opravlja omenjena ustanova, in za Republiko Turčijo ministra za promet in zveze ali katero koli drugo osebo ali organ, pooblaščen za opravljanje nalog, ki jih opravlja omenjeni minister;

c) izraz "določeni prevozniki" pomeni prevoznike, ki so bili določeni in so dobili dovoljenja v skladu s 3. členom tega sporazuma;

d) izraz "ozemlje" ima pomen, kot ga določa 2. člen konvencije;

e) izrazi "zračni promet", "mednarodni zračni promet", "prevoznik" in "pristanek v nekomercialne namene" imajo pomen, določen v 96. členu konvencije;

f) izraz "zmogljivost" pomeni;

– v zvezi z letalom koristni tovor, ki ga to letalo lahko prepelje na tej progi ali delu proge,

– v zvezi z določenim zračnim prometom zmogljivost letala, ki se uporablja v tem prometu, pomnožena s frekvenco letov takega letala v določenem časovnem obdobju na progi ali delu proge;

g) izraz "promet" pomeni potnike, prtljago, tovor in pošto;

h) izraz "tarifa" pomeni cene za prevoz potnikov, prtljage ali tovora (razen pošte), vključno z značilnimi dodatnimi ugodnostmi, ki se nudijo ali dajo na razpolago v povezavi s takim prevozom, ter provizijo za prodajo vozovnic za prevoz oseb ali za ustrezne storitve za prevoz tovora. Vključuje tudi pogoje, ki vplivajo na veljavnost cen za prevoz ali na plačilo provizije.

2. člen

Prometne pravice

1. Vsaka pogodbenica prizna drugi pogodbenici pri opravljanju rednega zračnega prometa na progah, ki so določene v prilogi I tega sporazuma, pravice, določene v tem sporazumu. Ta promet in te proge se v nadaljnjem besedilu imenujejo "dogovorjeni promet" in "določene proge". Prevozniki, ki jih določi vsaka pogodbenica, imajo 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 in

c) pravico do pristanka na ozemlju druge pogodbenice v krajih, ki so za to progo določeni v prilogi I tega sporazuma, z namenom izkrcati in vkrcati mednarodni promet.

2. Nobeno določilo 1. odstavka tega člena ne daje prevoznikom ene pogodbenice pravice, da na ozemlju druge pogodbenice za plačilo ali najemnino vkrcajo potnike, prtljago, tovor ali pošto, namenjene v kakšen drug kraj na ozemlju te pogodbenice.

3. člen

Dovoljenja za opravljanje prometa

1. Vsaka pogodbenica ima pravico pisno določiti in sporočiti drugi pogodbenici enega ali več prevoznikov za opravljanje dogovorjenega prometa na določenih progah.

2. Po prejemu takega pisnega obvestila pogodbenica v skladu z določili 5. odstavka tega člena nemudoma izda določenemu prevozniku druge pogodbenice ustrezno dovoljenje za opravljanje prometa.

son or body authorised to perform any functions exercised by the said authorities, and in the case of the Republic of Turkey, the Minister of Transportation and Communications and any person or body authorised to perform any functions exercised by the said Minister;

c) The term "designated airlines" means airlines which have been designated and authorised in accordance with Article 3 of this Agreement;

d) The term "territory" has the meaning specified in Article 2 of the Convention;

e) The term "air services", "international air services", "airline" and "stop for non-traffic purposes" have the meanings specified in Article 96 of the Convention;

f) The term "capacity" means;

– In relation to an aircraft, the payload of that aircraft available on the route or section of a route,

– In relation to a specified air service, the capacity of the aircraft used on such service multiplied by the frequency operated by such aircraft over a given period on a route or section of a route;

g) The term "traffic" means, passenger, baggage, cargo and mail;

h) The term "tariff" means the prices to be charged for the carriage of passengers, baggage or cargo (excluding mail), including any significant additional benefits to be furnished or made available in conjunction with such carriage, and the commission to be paid on the sales of tickets for the carriage of persons, or on corresponding transaction for the carriage of cargo. It includes also the conditions that govern the applicability of the price for carriage or the payment of commission.

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 scheduled international air services on the routes specified in Annex I to this Agreement. Such services and routes are hereafter called "the agreed services" and "the specified routes" respectively. The airlines designated by each Contracting Party shall enjoy, while operating an agreed service on a specified route, the following rights:

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

b) to make stops in the said territory for non-traffic purposes; and

c) to make stops in the territory at the points specified for that route in Annex I to this Agreement for the purpose of putting down and taking up international traffic.

2. Nothing in paragraph (1) of this Article shall be deemed to confer on the airlines of one Contracting Party the privilege of taking up, in the territory of the other Contracting Party, traffic carried for remuneration or hire and destined for another point in the territory of that other Contracting Party.

Article 3

Operating Authorisations

1. Each Contracting Party shall have the right to designate in writing to the other Contracting Party an airline or airlines for the purpose of operating agreed services on the specified routes.

2. On receipt of such designation, the other Contracting Party shall, subject to the provisions of paragraph (5) of this Article, without delay grant to the airline designated the appropriate operating authorisations.

3. Pristojni organ ene pogodbenice lahko od določenega prevoznika druge pogodbenice zahteva, naj dokaže, da izpolnjuje pogoje, določene v zakonih in predpisih, ki jih običajno uporablja omenjeni organ za opravljanje mednarodnega zračnega prometa.

4. Vsaka pogodbenica ima pravico odkloniti izdajo dovoljenja za opravljanje prometa iz 3. odstavka tega člena ali drugi pogodbenici določiti pogoje, ki so po njenem mnenju potrebni pri uresničevanju pravic iz 2. člena tega sporazuma, če nima dokazov, da so druga pogodbenica ali njeni državljani večinski lastnik in imajo dejanski nadzor nad določenim prevoznikom.

5. Ko je prevoznik tako določen in dobi dovoljenje za opravljanje prometa, ga lahko kadar koli začne opravljati, če glede tega prometa veljajo dogovorjene zmogljivosti, tarife in redi letenja, določeni v skladu z določili 10. in 13. člena in prilogo II tega sporazuma.

4. člen

Preklic in začasna razveljavitev dovoljenja za opravljanje prometa

1. Vsaka pogodbenica ima pravico določenemu prevozniku druge pogodbenice preklicati ali začasno razveljaviti dovoljenje za opravljanje prometa, izdano zaradi izvrševanja pravic, navedenih v 2. členu tega sporazuma, ali mu glede izvrševanja teh pravic določiti pogoje, ki se ji zdijo potrebni, če:

a) ta prevoznik ne more dokazati, da ima druga pogodbenica ali njeni državljani večinski lastninski delež in dejanski nadzor nad prevoznikom; ali

b) ta prevoznik ne spoštuje zakonov ali predpisov pogodbenice, ki daje te pravice, ali če jih huje krši; ali

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

2. Ta pravica bo uporabljena le po posvetovanju z drugo pogodbenico, razen če so takojšen preklic, razveljavitev dovoljenja ali določitev pogojev v skladu s 1. odstavkom tega člena nujni za preprečitev nadaljnega kršenja zakonov in predpisov.

5. člen

Uporaba zakonov in predpisov o vstopu in carinjenju

1. Zakoni in predpisi ene pogodbenice, s katerimi so urejeni prihod, muditev ali odhod letal v mednarodnem prometu z njenega ozemlja ali opravljanje prometa in plovba takih letal čez njeno ozemlje, veljajo za letala obeh pogodbenic ne glede na nacionalnost; spoštovati jih morajo tako pri prihodu in odhodu, kakor tudi dokler so na ozemlju te pogodbenice.

2. Zakoni in predpisi pogodbenice, ki na njenem ozemlju urejajo prihod, bivanje in odhod potnikov, posadke, tovara, prtljage in pošte na teh letalih, kot so predpisi, ki se nanašajo na vstop, carinski postopek, priseljevanje, potne listine, carinski in sanitarni nadzor, veljajo za potnike, posadko, tovor, prtljago in pošto pri prihodu, odhodu in dokler so na ozemlju te pogodbenice.

3. The aeronautical authorities of one Contracting Party may require an airline designated by the other Contracting Party to satisfy them that it is qualified to fulfil the conditions prescribed under the laws and regulations normally and reasonably applied to the operation of international air services by such authorities.

4. Each Contracting Party shall have the right to refuse to grant the operating authorisations referred to in paragraph (3) of this Article, or to impose such conditions as it may deem necessary on the exercise by a designated airline of the rights specified in Article 2 of this Agreement, in any case where the said Contracting Party is not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or in its nationals.

5. When an airline has been so designated and authorised it may begin at any time to operate the agreed services, provided that a capacity agreed upon and tariffs and flight schedules established in accordance with the provisions of Article 10 and Article 13 and Annex II of this Agreement are in force in respect of that service.

Article 4

Revocation and Suspension of Operating Authorisations

1. Each Contracting Party shall have the right to revoke or suspend an operating authorisation for the exercise of the rights specified in Article 2 of the present Agreement by the designated airline of the other Contracting Party or to impose such conditions as it may deem necessary on the exercise of such rights, if:

a) the said airline can not prove that a preponderant part of its ownership and effective control are vested in the Contracting Party designating the airline or in its nationals, or

b) the said airline fails to comply with or has seriously infringed the laws or regulations of the Contracting Party granting these rights, or

c) the said airline fails to operate the agreed services in accordance with the conditions prescribed under the present Agreement.

2. Such a right shall be exercised only after consultation with the other Contracting Party, unless immediate revocation, suspension or imposition of the conditions provided for under paragraph 1 of this Article is essential to prevent further infringements of laws and regulations.

Article 5

Entry and Clearance Laws and Regulations

1. The laws and regulations of a Contracting Party in relation to the admission to, stay in, or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of both Contracting Parties without distinction as to nationality, and shall be complied with by such aircraft upon entering or departing from or while within the territory of that Contracting Party.

2. The laws and regulations of a Contracting Party relating to the admission to, stay in, or departure from its territory of passengers, crew, cargo, baggage and mail transported on board the aircraft, such as regulations relating to entry, clearance, immigration, passports, customs and sanitary control shall be complied with by or on behalf of such passengers, crew, cargo, baggage and mail upon entrance into or departure from or while within the territory of that Contracting Party.

3. Nobena pogodbenica nima pravice svojemu prevozniku v primerjavi z določenim prevoznikom druge pogodbenice dajati kakršnih koli prednosti pri uporabi zakonov iz tega člena.

4. Takse in drugi stroški za uporabo vsakega letališča, vključno z njegovimi tehničnimi in drugimi napravami in službami, kakor tudi stroški za uporabo navigacijskih in komunikacijskih naprav in služb ne smejo biti višji od tistih, ki jih plačujejo določeni prevozniki drugih držav, udeleženi v podobnem mednarodnem zračnem prometu.

6. člen

Oprostitev carin in drugih davščin in taks

1. Letala, ki jih uporablja v mednarodnem zračnem prometu določeni prevoznik ene pogodbenice, kakor tudi njihova običajna oprema, zaloge goriva in maziv ter druge zaloge na letalu (vključno s hrano, pijačo in tobakom) so po prihodu na ozemlje druge pogodbenice oproščeni vseh carin, inšpekcijskih taks in drugih dajatev in taks, če ostanejo na letalu, dokler niso porabljeni na delu poti nad tem ozemljem.

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

a) zaloge na letalu, natovorjene na ozemlju ene pogodbenice v količinah, ki jih določijo organi te pogodbenice, namenjene za uporabo na letalih, ki jih uporablja v mednarodnem prometu določeni prevoznik druge pogodbenice,

b) rezervni deli in običajna oprema, pripeljani na ozemlje ene pogodbenice za vzdrževanje ali popravilo letal, ki jih v mednarodnem prometu uporablja določeni prevoznik druge pogodbenice,

c) gorivo in maziva za letala, ki jih v mednarodnem prometu uporablja določeni prevoznik druge pogodbenice, tudi če bodo te zaloge porabljene na delu poti nad ozemljem pogodbenice, na katerem so bile natovorjene.

Za predmete, o katerih je govor v točkah a), b) in c), se lahko zahteva, da so pod carinskim varstvom ali nadzorom.

7. člen

Uskladiščenje letalske opreme in zalog

Običajna letalska oprema kakor tudi material in zaloge, ki so na letalih določenih prevoznikov ene pogodbenice, smejo biti raztovorjeni na ozemlju druge pogodbenice le z dovoljenjem njenih carinskih organov. V takem primeru so lahko pod njihovim nadzorom, dokler niso ponovno izvoženi ali drugače porabljeni v skladu s carinskimi predpisi.

8. člen

Direktni tranzitni promet

Za potnike, prtljago in tovor v direktnem tranzitu čez ozemlje pogodbenice, ki ne zapustijo območja na letališču, namenjenega tranzitu, bo razen glede varnostnih ukrepov proti nasilju, zračnemu piratstvu in tihotapljenju nadzorovanih drog veljal samo enostavni nadzor. Prtljaga in tovor v direktnem tranzitu bosta oproščena carin in drugih dajatev.

3. Neither Contracting Party may grant any preference to its own airline with regard to the designated airline of the other Contracting Party in the application of the laws provided for in this Article.

4. Fees and other charges for the use of each airport including its installations, technical and other facilities and services, as well as, any charges for the use of air navigation facilities, communication facilities and services, shall not be higher than paid by the designated airlines of the other states engaged in similar international air services.

Article 6

Exemption from Customs and other Duties and Taxes

1. Aircraft operated on international air services by the designated airline of either Contracting Party, as well as their regular equipment, supplies of fuels and lubricants, and aircraft stores (including food, beverages and tobacco) on board such aircraft shall be exempt from all customs duties, inspection fees and other duties or taxes on arriving in the territory of the other Contracting Party, provided such equipment and supplies remain on board the aircraft up to such time as they are used on board of the aircraft on the part of journey performed over that territory.

2. There shall also be exempt from the same duties and taxes, with the exception of charges corresponding to the service performed:

a) aircraft stores taken on board in the territory of either Contracting Party, within limits fixed by the authorities of said Contracting Party, and for use on board aircraft engaged in an international service of the other Contracting Party,

b) spare parts and regular equipment entered into the territory of either Contracting Party for the maintenance or repair of aircraft used on international services by the designated airline of the other Contracting Party,

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

Materials referred to in sub-paragraphs (a), (b) and (c) above may be required to be under customs supervision or control.

Article 7

Storage of Airborne Equipment and Supplies

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

Article 8

Direct Transit Traffic

Passengers, baggage and cargo in direct transit across the territory of one Contracting Party and not leaving the area of the airport reserved for such purpose shall be subject to no more than a simplified control except in respect of security measures against violence, air piracy and smuggling of controlled drugs. Baggage and cargo in direct transit shall be exempt from customs duties and other charges.

9. člen

Finančna določila

1. Vsak določen prevoznik ima pravico, da na ozemlju druge pogodbenice prodaja in izdaja svoje prevozne dokumente, in sicer neposredno ali, če želi, po agentih. Prevozniki imajo pravico prodajati transportne storitve in vsak jih lahko prosto kupuje v kateri koli konvertibilni in/ali lokalni valuti.

2. Vsak določen prevoznik ima pravico po uradnem tečaju konvertirati in na zahtevo nakazati v svojo državo presežek prihodkov nad izdatki, dosežen s prevozom potnikov, prtljage, tovara in pošte. Če ni s posebnimi določili plačilnega sporazuma med pogodbenicama drugače določeno, se omenjeno nakazilo opravi v konvertibilnih valutah v skladu z notranjo zakonodajo in veljavnimi deviznimi predpisi. Vsak določen prevoznik ima pravico, da na ozemlju druge pogodbenice prodaja v konvertibilni in/ali lokalni valuti.

10. člen

Določila o zmogljivosti

1. Določeni prevozniki pogodbenic imajo pravične in enake možnosti za opravljanje dogovorjenega prometa na določenih progah med njunima ozemljema.

2. Pri opravljanju dogovorjenega prometa določeni prevozniki obeh pogodbenic upoštevajo interese prevoznikov, ki jih je določila druga pogodbenica, da ne bi neupravičeno ogrožali prometa, ki ga ti prevozniki opravljajo na celi ali na delu istih prog.

3. Dogovorjeni promet, ki ga zagotavljajo določeni prevozniki pogodbenic, je tesno povezan s potrebami po javnem prevozu na določenih progah in njegov temeljni cilj je zagotavljanje zmogljivosti, ki ob primernem faktorju obremenitve ustreza trenutnim in razumno predvidenim prometnim potrebam z ozemlja in na ozemlje pogodbenice, ki je določila prevoznika.

4. Ko določeni prevozniki pogodbenic opravljajo dogovorjeni promet, se morajo sporazumeti o frekvenci in zmogljivosti prometa, ki ga bodo opravljali na določenih progah. Frekvence in zmogljivost se predložijo v odobritev pristojnim organom obeh pogodbenic. Zmogljivost se občasno prilagodi pod pogojem, da pristojna organa obeh pogodbenic s tem soglašata.

5. Z namenom da zadostijo nepričakovanim prometnim zahtevam začasne narave, se lahko določeni prevozniki kljub določilom tega člena dogovorijo o začasnem povečanju, ki je potrebno, da se zadosti tem prometnim zahtevam. Vsako tako povečanje zmogljivosti se mora nemudoma predložiti v odobritev pristojnim organom pogodbenic.

6. Če določeni prevozniki pogodbenice na določenih progah opravljajo promet na ozemlja tretjih držav, se mora dodatna zmogljivost poleg tiste, določene v skladu s 3. in 4. odstavkom, določiti s sporazumom med pristojnima organoma pogodbenic.

Article 9

Financial Provisions

1. Each designated airline shall have the right to sell and issue its own transportation documents in the territory of the other Contracting Party directly and, at its discretion, through its agents. Such airlines shall have the right to sell such transportation, and any person shall be free to purchase such transportation in any convertible and/or local currency.

2. Each designated airline shall have the right to convert and remit to its country on demand, at the official rate of exchange, the excess of receipts over expenditures achieved in connection with the carriage of traffic. In the absence of the appropriate provisions of a payment agreement between the Contracting Parties, the above mentioned transfer shall be made in convertible currencies and in accordance with the national laws and foreign exchange regulations applicable, and also each designated airline shall have the right to sell in the convertible and/or local currency within the territory of the other Contracting Party.

Article 10

Capacity Provision

1. There shall be fair and equal opportunity for the designated airlines of both Contracting Parties to operate the agreed services on the specified routes between their respective territories.

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 unduly affect 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 traffic originating in or destined for the territory of the Contracting Party which has designated the airlines.

4. Provided that the designated airlines of both Contracting Parties are operating the hereunder agreed services, they shall agree on the frequency and capacity of the services to be offered on the specified routes. The frequency and capacity shall be subject to the approval of the aeronautical authorities of both Contracting Parties. Such capacity shall be adjusted from time to time subject to the approval of the aeronautical authorities of both Contracting Parties.

5. In order to meet unexpected traffic demands of a temporary character, the designated airlines may, notwithstanding the provisions of this Article, agree between them to such temporary increases as are necessary to meet the traffic demand. Every such increase of capacity shall be notified without delay to the aeronautical authorities of the Contracting Parties for approval.

6. In the case where the designated airlines of one Contracting Party operate points in third countries along the specified route, a capacity additional to that established in accordance with paragraphs 3 and 4 above may be operated by those airlines subject to agreement between the aeronautical authorities of the Contracting Parties.

11. člen
Predstavnštva

Vsaka pogodbenica zagotovi določenim prevoznikom druge pogodbenice pravico, da za opravljanje dogovorjenega prometa pripeljejo in vzdržujejo na njenem ozemlju tehnično in komercialno osebje, kot ga zahteva obseg tega prometa, če druga pogodbenica zagotavlja podobne pravice določenim prevoznikom prve pogodbenice. Za to osebje veljajo predpisi te pogodbenice, ki urejajo vstop in bivanje na njenem ozemlju.

12. člen
Varnost zračne plovbe

1. V skladu s pravicami in obveznostmi po mednarodnem pravu pogodbenici ponovno potrjujeta, da je medsebojna obveznost varovanja civilnega zračnega prometa pred nezakonitimi dejanji sestavni del tega sporazuma. Brez omejevanja svojih pravic in obveznosti po mednarodnem pravu pogodbenici še posebej ravnata v skladu z določili Konvencije o kaznivih dejanjih in nekih drugih dejanjih, storjenih na letalih, sprejeti v Tokiu 14. septembra 1963, Konvencije o zatiranju nezakonite ugrabitve zrakoplovov, sprejete v Haagu 16. decembra 1970, Konvencije o zatiranju nezakonitih aktov zoper varnost civilnega letalstva, sprejete 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.

2. Pogodbenici si na zahtevo medsebojno pomagata, da bi preprečili nezakonite ugrabitve civilnih letal in druga nezakonita dejanja proti varnosti takih letal, njihovih potnikov in posadk, letališč in navigacijskih naprav ter vsako drugo ogrožanje varnosti civilne zračne plovbe.

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

4. Pogodbenici se strinjata, da morajo navedene letalske družbe spoštovati predpise o varnosti zračne plovbe, navedene v 3. odstavku tega člena, ki jih zahteva druga pogodbenica za vstop, odhod oziroma dokler so letala na ozemlju te druge pogodbenice.

Vsaka pogodbenica zagotavlja, da se bodo na njenem ozemlju učinkovito izvajali primerni ukrepi za zavarovanje letal in za pregled potnikov, posadke, ročne prtljage, prtljage, tovora in zalog pred in med vkrcavanjem ali natovarjanjem. Pogodbenici bosta z naklonjenostjo obravnavali vsako zahtevo druge pogodbenice za uvedbo razumnih dodatnih varnostnih ukrepov zaradi določene grožnje.

5. Ob nezakoniti ugrabitvi ali grožnji z ugrabitvijo oziroma drugih nezakonitih dejanjih proti varnosti letal, potnikov in posadke, letališč ali navigacijskih naprav pogodbenici pomagata druga drugi, s tem da poskrbita za komunikacije

Article 11
Representation

Each Contracting Party shall grant the designated airlines of the other Contracting Party the right to bring and maintain on its territory, for the performance of the agreed services, the technical and commercial personnel as may be required by the extent of such services, provided that the other Contracting Party grants similar rights to the designated airlines of the first Contracting Party. The above personnel shall be subject to the regulations of that Contracting Party for admission to and stay in the territory of that Contracting Party.

Article 12
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. Without limiting the generality of their rights and obligations under international law, the Contracting Parties shall in particular act in conformity with the provisions of the Convention on Offences and Certain Other Acts Committed on board Aircraft, signed at Tokyo on 14 September 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague on 16 December 1970 and the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, signed at Montreal on 23 September 1971 and its supplementary Protocol for the Suppression of the Unlawful Acts of Violence at Airports serving International Civil Aviation, signed at Montreal on 24 February 1988.

2. 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.

3. The Contracting Parties shall, in their mutual relations, act in conformity with the aviation security provisions established by the International Civil Aviation Organisation and designated as Annexes to the Convention on International Civil Aviation, 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.

4. Each Contracting Party agrees that such operators of aircraft may be required to observe the aviation security provisions referred to in paragraph 3 above, required by the other Contracting Party for entry into, departure from, or while within, the territory of that other Contracting Party.

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, baggage, cargo and aircraft stores prior to and during boarding or loading. Each Contracting Party shall also give positive consideration to any request from the other Contracting Party for reasonable special security measures to meet a particular threat.

5. 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

in druge ustrezne ukrepe, da bi se čim hitreje in varno končal tak incident ali grožnja.

6. Če bi imela pogodbenica težave v zvezi z določili tega člena o varnosti zračne plovbe, lahko pristojni organ katere koli pogodbenice zahteva takojšnje posvetovanje s pristojnim organom druge pogodbenice.

13. člen *Določitev tarif*

1. Tarife, ki jih določeni prevozniki ene pogodbenice zaračunavajo za prevoz na ozemlje ali z ozemlja druge pogodbenice, morajo biti določene na primerni ravni, pri čemer naj se upoštevajo vsi pomembni dejavniki, vključno s stroški prevoza, primernim dobičkom in prometom drugih prevoznikov.

2. O tarifah iz 1. člena tega sporazuma in 1. odstavka tega člena se, če je le mogoče, dogovorijo določeni prevozniki obeh pogodbenic po posvetovanju z drugimi prevozniki, ki opravljajo zračni promet na isti progi ali njenem delu; tak dogovor naj določeni prevozniki, kadar je mogoče, sklenejo po postopku za določanje tarif, uveljavljenem v Mednarodnem združenju letalskih prevoznikov.

3. Tako določene tarife je treba predložiti pristojnima organoma obeh pogodbenic v odobritev, najmanj šestdeset (60) dni pred dnem, ki je predlagan za njihovo uveljavitev. V posebnih primerih se lahko pristojna organa dogovorita za krajši rok.

4. Odobritev se lahko da izrecno. Če nobeden od pristojnih organov ne izrazi svojega nestrinjanja v tridesetih (30) dneh od prejema predloga v skladu s 3. odstavkom tega člena, se tarife štejejo za odobrene. Kadar je rok za predložitev tarif v odobritev v skladu s 3. odstavkom skrajšan, se pristojna organa lahko sporazumeta, da je rok za sporočitev nestrinjanja krajši od trideset (30) dni.

5. Če o tarifi ni dosežen sporazum v skladu z 2. odstavkom tega člena ali če glede katere koli tarife, o kateri je dogovorjeno v skladu z 2. odstavkom tega člena, pristojni organ sporoči drugemu svoje nestrinjanje, si bosta pristojna organa pogodbenic po posvetovanju s pristojnimi organi katerih koli drugih držav, za katere menita, da je to potrebno, prizadevala določiti tarife sporazumno.

6. Če se pristojna organa ne moreta sporazumeti o tarifi, predloženi v skladu s 3. odstavkom tega člena, ali o določitvi tarife v skladu s 5. odstavkom tega člena, se spor rešuje v skladu z določili 19. člena tega sporazuma.

7. Tarifa, določena v skladu z določili tega člena, velja, dokler ni določena nova tarifa. Vendar pa veljavnost tarife ne sme biti podaljšana po tem členu za dlje kot dvanajst (12) mesecev od datuma, ko bi sicer potekla.

14. člen *Informacije in statistika*

Pristojni organ vsake pogodbenice na zahtevo predloži pristojnemu organu druge pogodbenice take periodične in druge statistične podatke, ki jih je razumno zahtevati, da bi se ponovno preverila zmožljivost, ki jo določeni prevozniki prve pogodbenice zagotavljajo v dogovorjenem prometu. Taki podatki morajo vsebovati vse zahtevane informacije, da

shall assist each other by facilitating communications and other appropriate measures intended to terminate rapidly and safely such incident or threat thereof.

6. Should one Contracting Party have problems with regard to the aviation security provisions of this Article, the aeronautical authorities of either Contracting Party may request immediate consultation with the aeronautical authorities of the other Contracting Party.

Article 13 *Establishment of Tariffs*

1. The tariffs to be charged by the designated airlines of one Contracting Party for carriage to or from the territory of the other Contracting Party shall be established at reasonable levels, due regard being paid to all relevant factors including cost of operation, reasonable profit and the traffic of other airlines.

2. The tariffs referred to in Article 1 of this Agreement and in paragraph (1) of this Article shall, if possible, be agreed by the designated airlines of both Contracting Parties after consultation with the other airlines operating over the whole or part of the route, and such agreement shall wherever possible, be reached by the use of the procedures of the International Air Transport Association for working out of the tariffs.

3. The tariffs so agreed shall be submitted for the approval of the aeronautical authorities of both Contracting Parties at least sixty (60) days before the proposed date of their introduction. In special cases, this period may be reduced, subject to the agreement of the said authorities.

4. This approval may be given expressly. If neither of the aeronautical authorities has expressed disapproval within thirty (30) days from the date of submission, in accordance with paragraph (3) of this Article, these tariffs shall be considered as approved. In the event of the period for submission being reduced, as provided for in paragraph (3), the aeronautical authorities may agree that the period within which any disapproval must be notified shall be less than thirty (30) days.

5. If a tariff cannot be agreed in accordance with paragraph (2) of this Article, or if one aeronautical authority gives the other aeronautical authority notice of its disapproval of any tariff agreed in accordance with the provisions of paragraph (2), the aeronautical authorities of the Contracting Parties shall, after consultation with the aeronautical authorities of any State whose advice they consider useful, endeavour to determine the tariff by mutual agreement.

6. If the aeronautical authorities cannot agree on any tariff submitted to them under paragraph (3) of this Article, or on the determination of any tariff under paragraph (5) of this Article, the dispute shall be settled in accordance with the provisions of Article 19 of this Agreement.

7. A tariff established in accordance with the provisions of this Article shall remain in force until a new tariff has been established. Nevertheless, a tariff shall not be prolonged by virtue of this paragraph for more than twelve (12) months after the date on which it would otherwise have expired.

Article 14 *Information and Statistics*

The aeronautical authorities of either Contracting Party shall supply to the aeronautical authorities of the other Contracting Party, at their request, such periodic or other statements of statistics as may be reasonably required for the purpose of reviewing the capacity provided on the agreed services by the designated airlines of the first Contracting

bi se lahko določili obseg prometa teh prevoznikov na določenih progah, njegov izvor ter namembni kraj.

15. člen
Posvetovanja

V duhu tesnega sodelovanja se pristojna organa pogodbenic občasno posvetujeta, z namenom, da zagotovita izvajanje in potrebno spoštovanje določil tega sporazuma in njegovih prilog.

16. člen
Spremembe

1. Če ena pogodbenica meni, da bi bilo zaželeno spremeniti katero koli določilo tega sporazuma, lahko zahteva posvetovanja z drugo pogodbenico. Taka posvetovanja, ki lahko potekajo med pristojnima organoma v obliki razgovorov ali dopisovanja, se začnejo v šestdesetih (60) dneh od dneva zahteve. Tako dogovorjene spremembe začno veljati, ko so potrjene z izmenjavo diplomatskih not.

2. O spremembah prilog se lahko neposredno sporazumeta pristojna organa pogodbenic.

17. člen
Usklajenost z večstransko konvencijo

Ta sporazum in njegove priloge se spremenijo, tako da bodo usklajeni z vsako večstransko konvencijo, ki zavezuje obe pogodbenici.

18. člen
Odpoved

Vsaka pogodbenica lahko kadar koli sporoči drugi pogodbenici svojo odločitev, da odpoveduje ta sporazum; tako obvestilo je treba hkrati poslati Mednarodni organizaciji civilnega letalstva. V tem primeru sporazum preneha veljati dvanajst (12) mesecev od dneva, ko druga pogodbenica prejme obvestilo, razen če je pred potekom tega roka obvestilo o odpovedi sporazumno umaknjeno. Če druga pogodbenica ne potrdi prejema obvestila o odpovedi, se šteje, da ga je prejela štirinajst (14) dni po dnevu, ko ga je prejela Mednarodna organizacija civilnega letalstva.

19. člen
Reševanje sporov

1. Če med pogodbenicama nastane spor zaradi razlage ali uporabe tega sporazuma in njegovih prilog, si pogodbenici v prvi vrsti prizadevata, da ga rešita s pogajanjem.

2. Če pogodbenici spora ne moreta rešiti s pogajanjem, se lahko dogovorita, da odločitev o sporu prepustita neki osebi ali organu, na zahtevo katere koli pogodbenice pa tudi arbitražnemu sodišču treh razsodnikov, od katerih vsaka pogodbenica imenuje po enega, ta dva pa skupaj določita tretjega razsodnika. Vsaka pogodbenica bo imenovala svojega razsodnika v šestdesetih (60) dneh od dneva, ko je po

Party. Such statements shall include all information required to determine the amount of traffic carried by those airlines on the agreed services and the origins and destinations of such traffic.

Article 15
Consultation

In a spirit of close co-operation, the aeronautical authorities of the Contracting Parties shall consult each other from time to time with a view to ensuring the implementation of, and satisfactory compliance with, the provisions of this Agreement and the Annexes thereto.

Article 16
Modifications

1. If either of the Contracting Parties considers it desirable to modify any provision of this Agreement, it may request consultation with the other Contracting Party; such consultation, which may be between the aeronautical authorities and which may be through discussion or by correspondence, shall begin within a period of sixty (60) days from the date of the request. Any modifications so agreed shall come into force when they have been confirmed by an exchange of diplomatic notes.

2. Modifications to Annexes may be made by direct agreement between the aeronautical authorities of the Contracting Parties.

Article 17
Conformity with Multilateral Convention

This Agreement and its Annexes will be amended so as to conform with any multilateral convention which may become binding on both Contracting Parties.

Article 18
Termination

Either Contracting Party may at any time give notice to the other Contracting Party of its decision to terminate this Agreement; such notice shall be simultaneously communicated to the International Civil Aviation Organisation. In such case the Agreement shall terminate twelve (12) months after the date of receipt of the notice by the other Contracting Party, unless the notice to terminate is withdrawn by agreement before the expiry of this period. In the absence of acknowledgement of receipt by the other Contracting Party, the notice shall be deemed to have been received fourteen (14) days after the receipt of the notice by the International Civil Aviation Organisation.

Article 19
Settlement of Disputes

1. If any dispute arises between the Contracting Parties relating to the interpretation or application of this Agreement and the Annexes thereto, the Contracting Parties shall, in the first place, endeavour to settle it by negotiation.

2. If the Contracting Parties fail to reach a settlement by negotiation, they may agree to refer the dispute for decision to some person or body or the dispute may, at the request of either Contracting Party, be submitted for decision to a tribunal of three arbitrators, one to be nominated by each Contracting Party and the third to be appointed by the two so nominated. Each of the Contracting Parties shall

diplomatski poti prejela zahtevo druge pogodbenice za razrešitev spora pred arbitražnim sodiščem. Tretji razi sodnik mora biti imenovan v nadaljnjih šestdesetih (60) dneh. Če katera koli pogodbenica ne imenuje razi sodnika v določenem roku ali če tretji razi sodnik ni v roku imenovan, lahko vsaka pogodbenica zaprosi predsednika Mednarodne organizacije civilnega letalstva, da določi razi sodnika ali razi sodnike, ki so potrebni v posameznem primeru.

V takem primeru je tretji razi sodnik državljan tretje države in deluje kot predsednik arbitražnega sodišča.

3. Pogodbenici se zavezuje ta, da bosta sprejela vsako odločitev, sprejeto v skladu z 2. odstavkom tega člena, in se po njej ravnali.

4. Če katera koli pogodbenica ali določeni prevoznik pogodbenice ne spoštuje odločitev arbitražnega sodišča, sprejetih v skladu z 2. odstavkom tega člena, lahko druga pogodbenica, dokler to traja, omeji, začasno razveljavi ali prekliče vsako pravico ali ugodnost, ki jo je v skladu s tem sporazumom odobrila pogodbenici, ki teh odločitev ne spoštuje.

5. Vsaka pogodbenica krije stroške za razi sodnika, ki ga je imenovala. Druge stroške arbitražnega sodišča si pogodbenici delita v enakih deležih.

20. člen

Naslovi

Naslovi so v tem sporazumu uvrščeni v vsak člen zaradi napotila in primernosti, nikakor pa ne določajo, omejujejo ali opisujejo okvira ali namena tega sporazuma.

21. člen

Registracija

Ta sporazum in njegovi prilogi se registrirajo pri Mednarodni organizaciji civilnega letalstva.

22. člen

Uveljavitev

Ta sporazum in njegovi prilogi, ki sta sestavni del tega sporazuma, začnejo veljati z dnem izmenjave diplomatskih not, s katerimi se potrjuje, da so izpolnjeni notranjepravni postopki pogodbenic.

Da bi to potrdila, sta podpisana, ki sta ju njuni vladi pravilno pooblastili, podpisala ta sporazum.

Sestavljeno v Ljubljani dne 3. aprila leta 1997 v dveh izvornikih v slovenskem, turškem in angleškem jeziku, pri čemer so vsa besedila enako verodostojna. Ob morebitnem sporu je odločilno besedilo v angleškem jeziku.

Za Vlado Republike
Slovenije
Anton Bergauer l.r.

Za Vlado Republike
Turčije
Ömer Barutçu l.r.

nominate an arbitrator within a period of sixty (60) days from the date of receipt by either Contracting Party from the other of a notice through diplomatic channels requesting arbitration of the dispute and the third arbitrator shall be appointed within a further period of sixty (60) days. If either of the Contracting Parties fails to nominate an arbitrator within the period specified, or if the third arbitrator is not appointed within the period specified, the President of the International Civil Aviation Organisation may be requested by either Contracting Party to appoint an arbitrator or arbitrators as the case requires.

In such case, the third arbitrator shall be a national of third State and shall act as president of the arbitral tribunal.

3. The Contracting Parties undertake to comply with any decision given under paragraph (2) of this Article.

4. If and so long as either Contracting Party or the designated airlines of either Contracting Party fail to comply with the decision given under paragraph 2 of this Article, the other Contracting Party may limit, suspend or revoke any rights or privileges which it has granted by virtue of this Agreement to the Contracting Party in default.

5. Each Contracting Party shall pay expenses of the arbitrator it has nominated. The remaining expenses of the arbitral tribunal shall be shared equally by the Contracting Parties.

Article 20

Titles

Titles are inserted in this Agreement at the head of each Article for the purpose of reference and convenience and in no way define, limit, or describe the scope or intent of this Agreement.

Article 21

Registration

This Agreement and its Annexes shall be registered with the International Civil Aviation Organisation.

Article 22

Entry into Force

This Agreement and its Annexes, which constitute the integral part of this Agreement, shall enter into force after fulfilment of the constitutional requirements by Contracting Parties, on the date of exchange of diplomatic notes to this effect.

In witness whereof, the undersigned, being duly authorised by their respective Government, have signed this Agreement.

Done in Ljubljana this 3rd day of April of the year 1997 in duplicate, in Slovenian, Turkish and English languages, all the texts being equally authentic. However, in case of dispute the English text shall prevail.

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

For the Government of
the Republic of Turkey
Ömer Barutçu (s)

Priloga I

PROGE

Oddelek I

1. Proge, na katerih ima določeni prevoznik Republike Slovenije pravico opravljati promet v obe smeri:

Kraji vzletanja	Kraji vmesnega pristajanja	Namembni kraji	Naslednji kraji
katero koli letališče v Sloveniji	(bodo pozneje določeni)	Carigrad	(bodo pozneje določeni)

2. Določeni prevozniki vsake pogodbenice lahko na katerem koli ali na vseh letih izpustijo pristanek v katerem koli izmed naštetih krajev, če se dogovorjeni promet na tej progi začne in konča na ozemlju te pogodbenice.

Oddelek II

1. Proge, na katerih ima določeni prevoznik Republike Turčije pravico opravljati promet v obe smeri:

Kraji vzletanja	Kraji vmesnega pristajanja	Namembni kraji	Naslednji kraji
katero koli letališče v Turčiji	(bodo pozneje določeni)	Ljubljana	(bodo pozneje določeni)

2. Določeni prevozniki vsake pogodbenice lahko na katerem koli ali na vseh letih izpustijo pristanek v katerem koli izmed naštetih krajev, če se dogovorjeni promet na tej progi začne in konča na ozemlju te pogodbenice.

Dodatni kraji

Vsaka pogodbenica lahko zaprosi, da se v zračni promet, ki ga opravlja, vključijo drugi naslednji kraji za državo druge pogodbenice ali med ozemljema pogodbenic. Prošnjo je treba predložiti v soglasje pristojnemu organu druge pogodbenice.

Priloga II

Rede letenja v dogovorjenem prometu in na splošno pogoje njegovega opravljanja mora določeni prevoznik pogodbenice predložiti v odobritev pristojnemu organu druge pogodbenice najmanj trideset (30) dni pred predvidenim dnem njihove uveljavitve. Vsako spremembo reda letenja ali pogojev opravljanja prometa je prav tako treba predložiti v odobritev pristojnim organom. V posebnih primerih se navedeni roki lahko skrajšajo s soglasjem pristojnih organov.

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za promet in zveze.

4. člen

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

Št. 326-06/98-26/1

Ljubljana, dne 24. septembra 1998

Annex I

ROUTES

Section I

1. Routes to be served by the designated airline of the Republic of Slovenia in both directions:

Points of Departure	Intermediate Points	Points of Destination	Points Beyond
Any airport in Slovenia	(to be agreed upon)	Istanbul	(to be agreed upon)

2. The designated airlines of either Contracting Party may, on any or all flights, omit calling at any of the above points, provided that the agreed services on this route start and terminate in the territory of that Contracting Party.

Section II

1. Routes to be served by the designated airline of the Republic of Turkey in both directions:

Points of Departure	Intermediate Points	Points of Destination	Points Beyond
Any airport in Turkey	(to be agreed upon)	Ljubljana	(to be agreed upon)

2. The designated airlines of either Contracting Party may, on any or all flights, omit calling at any of the above points, provided that the agreed services on this route start and terminate in the territory of that Contracting Party.

Additional Points

Either of the Contracting Parties may request the inclusion in their services of additional points beyond the country of the other Contracting Party and between the territories of the Contracting Parties. This request is subject to the approval of the aeronautical authority of the other Contracting Party.

Annex II

The flight schedules of the agreed services and in general the conditions of their operation shall be submitted by the designated airline of one Contracting Party to the approval of the aeronautical authorities of the other Contracting Party at least thirty (30) days before the intended date of their implementation. Any modification to such flight schedules or conditions of their operation shall also be submitted to the aeronautical authorities for approval. In special cases, the above set time limit may be reduced subject to the agreement of the said authorities.

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

44. Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Republike Makedonije o ponovnem sprejemu oseb, katerih vstop v državo in/ali bivanje v njej sta v nasprotju z notranjim pravom (BMKPSO)

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

U K A Z

O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO REPUBLIKE MAKEDONIJE O PONOVNEM SPREJEMU OSEB, KATERIH VSTOP V DRŽAVO IN/ALI BIVANJE V NJEJ STA V NASPROTJU Z NOTRANJIM PRAVOM (BMKPSO)

Razgllašam Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Republike Makedonije o ponovnem sprejemu oseb, katerih vstop v državo in/ali bivanje v njej sta v nasprotju z notranjim pravom (BMKPSO), ki ga je sprejel Državni zbor Republike Slovenije na seji 24. septembra 1998.

Št. 001-22-85/98

Ljubljana, dne 2. oktobra 1998

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N

O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO REPUBLIKE MAKEDONIJE O PONOVNEM SPREJEMU OSEB, KATERIH VSTOP V DRŽAVO IN/ALI BIVANJE V NJEJ STA V NASPROTJU Z NOTRANJIM PRAVOM (BMKPSO)

1. člen

Ratificira se Sporazum med Vlado Republike Slovenije in Vlado Republike Makedonije o ponovnem sprejemu oseb, katerih vstop v državo in/ali bivanje v njej sta v nasprotju z notranjim pravom, podpisan v Ljubljani dne 27. januarja 1998.

2. člen

Besedili sporazuma v slovenskem in angleškem jeziku se glasita:*

S P O R A Z U M
MED VLADO REPUBLIKE SLOVENIJE IN
VLADO REPUBLIKE MAKEDONIJE
O PONOVNEM SPREJEMU OSEB, KATERIH
VSTOP V DRŽAVO IN/ALI BIVANJE
V NJEJ STA V NASPROTJU Z NOTRANJIM
PRAVOM

Vlada Republike Slovenije in Vlada Republike Makedonije (v nadaljevanju: pogodbenici) sta se

z željo, da v duhu dobrega sodelovanja in na medsebojni podlagi olajšata ponoven sprejem oseb, katerih vstop v državo in/ali bivanje v njej sta v nasprotju z notranjim pravom,
dogovorili naslednje:

I. PONOVEN SPREJEM DRŽAVLJANOV
POGODBENIC

1. člen

(1) Vsaka pogodbenica mora na zahtevo druge pogodbenice ponovno sprejeti na svoje ozemlje vsako osebo, ki ne izpolnjuje ali ne izpolnjuje več pogojev za vstop ali biva-

A G R E E M E N T
BETWEEN THE GOVERNMENT OF THE
REPUBLIC OF SLOVENIA AND THE
GOVERNMENT OF THE REPUBLIC OF
MACEDONIA ON READMISSION OF PERSONS
WHOSE ENTRY INTO AND/OR RESIDENCE IS
CONTRARY TO THE NATIONAL LAW

The Government of the Republic of Slovenia and the Government of the Republic of Macedonia (hereinafter referred to as the Contracting Parties),

with the desire to facilitate, in the spirit of good cooperation and on the mutual basis, the readmission of persons whose entry into and/or residence in a country is contrary to the national law,
have agreed as follows:

I. READMISSION OF THE NATIONALS OF THE
CONTRACTING PARTIES

Article 1

(1) Each Contracting Party shall, upon request of the other Contracting Party, readmit to its territory any person, who does not or does not any longer, comply with the

* Besedilo sporazuma v makedonskem jeziku je na vpogled v Sektorju za mednarodne pravne zadeve Ministrstva za zunanje zadeve Republike Slovenije.

nje, ki veljajo na ozemlju pogodbenice prosilke, če se ugotovi ali utemeljeno domneva, da ima ta oseba državljanstvo zaprosene pogodbenice.

(2) Državljanstvo se lahko ugotavlja ali utemeljeno domneva na podlagi dokumentov, navedenih v prilogi k temu sporazumu. Državljanstvo se lahko utemeljeno domneva tudi na podlagi drugih podatkov. Če se državljanstvo utemeljeno domneva, se le-to ugotavlja v sodelovanju z najbližjim diplomatsko-konzularnim predstavništvom zaprosene pogodbenice.

(3) Pogodbenica prosilka mora osebo pod istimi pogoji ponovno sprejeti, če se z nadaljnjim preverjanjem ugotovi, da oseba v trenutku, ko je zapustila ozemlje pogodbenice prosilke, ni imela državljanstva zaprosene pogodbenice.

(4) Določbe tega člena se uporabljajo tudi za vsako osebo, ki se sklicuje na svojo prošnjo za odpust iz državljanstva, če se pristojni organi o njej še niso dokončno odločili.

II. PONOVEN SPREJEM DRŽAVLJANOV TRETJIH DRŽAV IN OSEB BREZ DRŽAVLJANSTVA

2. člen

(1) Vsaka pogodbenica mora na zahtevo druge pogodbenice ponovno sprejeti na svoje ozemlje državljana tretje države ali osebo brez državljanstva, ki ne izpolnjuje ali ne izpolnjuje več pogojev za vstop ali bivanje, ki veljajo na ozemlju pogodbenice prosilke, če se ugotovi, da je taka oseba vstopila na ozemlje pogodbenice prosilke po bivanju na ozemlju zaprosene pogodbenice ali potovanju čezenj.

(2) Vsaka pogodbenica mora na zahtevo druge pogodbenice ponovno sprejeti državljana tretje države ali osebo brez državljanstva, ki ne izpolnjuje ali ne izpolnjuje več pogojev za vstop ali bivanje, ki veljajo na ozemlju pogodbenice prosilke, če ima taka oseba veljaven vizum ali kako drugo veljavno dovoljenje za bivanje, ki ga je izdala zaprosena pogodbenica.

3. člen

Obveznost ponovnega sprejema, določena v 2. členu, ne velja, kadar gre za:

a) državljane tretjih držav, ki imajo skupno državno mejo s pogodbenico prosilko;

b) državljane tretjih držav ali osebe brez državljanstva, ki so po zapustitvi ozemlja zaprosene pogodbenice ali po vstopu na ozemlje pogodbenice prosilke od slednje dobili vizum ali dovoljenje za bivanje;

c) državljane tretjih držav ali osebe brez državljanstva, ki so zadnjih šest mesecev bivali na ozemlju pogodbenice prosilke;

d) državljane tretjih držav ali osebe brez državljanstva, ki jim je pogodbenica prosilka priznala bodisi status begunca na podlagi določb Ženevske konvencije o statusu beguncev z dne 28. julija 1951 in določb Newyorškega protokola o statusu beguncev z dne 31. januarja 1967 ali status

conditions for entry or stay, applicable on the territory of the requesting Contracting Party, if it is ascertained or validly presumed, that such person has the nationality of the requested Contracting Party.

(2) The nationality may be ascertained or validly presumed on the basis of the documents, mentioned in Annex to the present Agreement. The nationality may also be validly presumed on the basis of other data. In the case of validly presumed nationality the latter shall be ascertained in collaboration with the nearest diplomatic-consular mission of the requested Contracting Party.

(3) The requesting Contracting Party shall, under the same conditions, accept back a readmitted person, if it has been ascertained through further verification that at the moment of leaving the territory of the requesting Contracting Party, the said person did not have the nationality of the requested Contracting Party.

(4) The provisions of this Article shall also apply in case of persons who call upon the existence of his/her requests for renunciation of his/her nationality if the competent authorities have not reached definite decision about them.

II. READMISSION OF THE NATIONALS OF THIRD STATES AND STATELESS PERSONS

Article 2

(1) Each Contracting Party shall readmit to its territory, upon request of the other Contracting Party, a national of a third state or a stateless person who does not, or does not any longer comply with the conditions for entry or stay applicable on the territory of the requesting Contracting Party, if it has been ascertained that such person entered the territory of the Contracting Party after having sojourned in or travelled through the territory of the requested Contracting Party.

(2) Each Contracting Party shall, upon request of the other Contracting Party, readmit a national of a third state or a stateless person who does not, or does not any longer comply with the conditions for entry or stay applicable on the territory of the requesting Contracting Party, if such a person has a valid visa or any other valid residence permit, issued by the requested Contracting Party.

Article 3

The obligation of readmission as provided in Article 2 shall not apply in case of:

a) nationals of third states that have a common state border with the requesting Contracting Party;

b) nationals of third states or stateless persons who, after they left the territory of the requested Contracting Party or after they entered the territory of the requesting Contracting Party, obtained a visa or residence permit from the latter;

c) nationals of third states or stateless persons who have resided for the last six months on the territory of the requesting Contracting Party;

d) nationals of third states or stateless persons who were recognised by the requesting Contracting Party as having either the status of refugee on the basis of the provisions of the Geneva Convention relating to the Status of Refugees of 28 July 1951 and the provisions of the New

osebe brez državljanstva na podlagi Newyorške konvencije o statusu oseb brez državljanstva z dne 28. septembra 1954;

e) državljane tretjih držav ali osebe brez državljanstva, ki jih je zaprosena pogodbenica dejansko vrnila v njihovo matično državo ali v kako drugo tretjo državo.

4. člen

Pogodbenica prosilka soglaša s ponovnim sprejemom na svoje ozemlje tistih državljanov tretjih držav ali oseb brez državljanstva, za katere bi zaprosena pogodbenica po ustreznem preverjanju ugotovila, da v času odhoda z ozemlja pogodbenice prosilke ne ustrezajo določbam 2. in 3. člena tega sporazuma.

III. POSTOPEK PONOVNEGA SPREJEMA

5. člen

(1) Zaprošena pogodbenica je dolžna brez odlašanja odgovoriti na prošnjo za ponoven sprejem, v vsakem primeru pa najkasneje v petnajstih dneh. Vsako zavrnitev ponovnega sprejema je treba utemeljiti.

(2) Zaprošena pogodbenica mora najpozneje v enem mesecu ponovno sprejeti osebo, za katero je bil potrjen ponoven sprejem. To obdobje se lahko podaljša na zahtevo pogodbenice prosilke.

6. člen

Zaprošena pogodbenica mora pogodbenici prosilki izdati potrdilo o ponovnem sprejemu, vključno z identifikacijskimi podatki in morebitnimi dokumenti osebe, za katero se zahteva ponoven sprejem. Kadar se ponoven sprejem izvede brez spremstva, mora biti pogodbenica prosilka o tem pisno obveščena.

7. člen

Pogodbenica prosilka krije stroške prevoza oseb, ki jih je treba ponovno sprejeti, do meje zaprosene pogodbenice. Pogodbenica prosilka po potrebi krije vse stroške ponovnega sprejema oseb.

IV. TRANZIT V PRIMERU ZAVRNITVE

8. člen

(1) Vsaka pogodbenica na zahtevo druge pogodbenice dovoli vstop na svoje ozemlje in tranzit čezenj državljanom tretjih držav ali osebam brez državljanstva, ki jih je pogodbenica prosilka zavrnila, če je takšen tranzit potreben in najgospodarnejši. Tranzit se lahko opravi po cesti, železnici ali z letalom.

(2) Pogodbenica prosilka prevzame polno odgovornost za nadaljevanje potovanja take osebe v namembno državo in bo tako osebo ponovno sprejela, če se ukrep zavrnitve iz kateregakoli razloga ne bi mogel izvesti.

York Protocol relating to the Status of Refugees of 31 January 1967, or the status of stateless person on the basis of the New York Convention relating to the Status of Stateless Persons of 28 September 1954;

e) nationals of third states or stateless persons, actually returned by the requested Contracting Party to their state of origin or to any other third state.

Article 4

The requesting Contracting Party agrees to accept back to its territory those nationals of third states or stateless persons for whom it may be ascertained, after adequate verification carried out by the requested Contracting Party, that they do not comply with the clauses under Articles 2 and 3 of the present Agreement at the time of their departure from the territory of the requesting Contracting Party.

III. READMISSION PROCEDURE

Article 5

(1) The requested Contracting Party is obliged to answer the request for readmission in writing without delay, and in any case within a maximum of fifteen days. Any refusal of readmission must be founded.

(2) The requested Contracting Party shall, within one month at the latest, readmit a person whose readmission was confirmed. The said period may be extended upon request by the requesting Contracting Party.

Article 6

The requested Contracting Party shall issue a confirmation of readmission to the requesting Contracting Party, including the identity data and any possible documents of the person whose readmission was requested, and, where the readmission is carried out without an escort, the requesting Contracting Party should be informed in writing.

Article 7

The requesting Contracting Party shall cover the expenses of transportation of persons to be readmitted to the border of the requested Contracting Party. The requesting Contracting Party shall also, if necessary, bear all the expenses in the case of readmission of persons.

IV. TRANSIT IN CASE OF REJECTION

Article 8

(1) Each Contracting Party shall allow, upon request of the other Contracting Party, entry into and transit through its territory to nationals of third states or stateless persons who were rejected by the requesting Contracting Party, provided that such transit is necessary and the most cost-effective. The transit may be carried out by road, rail or air transport.

(2) The requesting Contracting Party shall take full responsibility for the continuation of the travel of such person to the country of final destination and shall readmit such person, if the measure of rejection cannot be carried out for any reason.

(3) Pogodbenica prosilka zaprošeni pogodbenici potrdi, da ima oseba, za katero je bil odobren tranzit, veljaven dokument za prevoz v namembno državo.

9. člen

Pogodbenica prosilka mora obvestiti zaprošeno pogodbenico, ali zavrnjena oseba potrebuje spremstvo. Spremistvo zagotovi pogodbenica prosilka, ki tudi krije vse potrebne stroške tranzita v namembno državo in vse stroške, ki bi nastali pri vračanju.

10. člen

Zahtevo za tranzit si neposredno izmenjata pristojna organa pogodbenic. Zahteva mora vsebovati vse podatke o istovetnosti in državljanstvu osebe, datum potovanja, čas in kraj prihoda v državo tranzita ter čas in kraj odhoda iz nje v namembno državo, vključno z vsemi podatki o uradnih osebah, če le-te spremljajo tako osebo. Zaprošena pogodbenica mora pogodbenici prosilki na zahtevo za tranzit odgovoriti v osemindesetih urah po prejemu take zahteve.

11. člen

Tranzit se lahko zavrne, če osebi v njeni namembni državi grozi kazenski pregon ali obsodba zaradi njene rase, veroizpovedi, etnične pripadnosti ali članstva v določeni družbeni skupini ali zaradi njenega političnega prepričanja.

V. SPLOŠNE DOLOČBE

12. člen

Pogodbenici po diplomatski poti določita:

- državne organe, odgovorne za obravnavo prošenj za ponoven sprejem ali tranzit;
- mednarodne mejne prehode, ki se lahko uporabijo za ponoven sprejem ali za vstop oseb, ki so v tranzitu.

13. člen

Če je treba za izvajanje tega sporazuma sporočiti osebne podatke, naj taka informacija vsebuje le:

- a) podatke o osebi, ki bo premeščena, in če je to potrebno, še o njenih družinskih članih, kot so: priimek, ime, vsako prejšnje ime, vzdevek ali psevdonim, alias, datum in kraj rojstva, spol, sedanje in vsa prejšnja državljanstva;
- b) potni list, potni dokument, prepustnica ali kakršenkoli drug identifikacijski dokument (številka, datum izdaje, organ, ki ga je izdal, kraj izdaje, čas veljavnosti);
- c) druge podatke, potrebne za identifikacijo osebe, ki bo premeščena;
- d) načrt potovanja;

(3) The requesting Contracting Party shall confirm to the requested Contracting Party, that the person for whom the transit was approved, has a valid document for the transportation to the country of final destination.

Article 9

The requesting Contracting Party shall inform the requested Contracting Party in case the rejected person needs an escort. The escort shall be provided by the requesting Contracting Party bearing all necessary costs for transit to the country of final destination as well as any costs that may occur in case of return.

Article 10

The request for transit shall be exchanged directly between the competent authorities of the Contracting Parties. The request should contain all data pertaining to the identity and nationality of the person, the date of travel, the time and place of the arrival to the transit state as well as the time and place of the departure from it to the country of final destination and including all data of the officials, if they accompany such a person. The requested Contracting Party shall answer the request for transit submitted by the requesting Contracting Party within the period of forty-eight hours from the day of receipt of such request.

Article 11

The transit may be rejected if the person is threatened to be prosecuted or sentenced in the country of final destination because of his/her race, religion, ethnicity or membership of a certain social group or because of his/her political opinion.

V. GENERAL PROVISIONS

Article 12

The Contracting Parties shall define through the diplomatic channels:

- the state authorities responsible for dealing with applications for readmission or transit;
- international border crossings that may be used for the readmission or entrance of persons in transit.

Article 13

Insofar as personal data have to be communicated in order to implement this Agreement, such information should contain only the following:

- a) the particulars of the person to be transferred and, when necessary, of the members of the person's family, such as: surname, given name, any previous names, nicknames or pseudonyms, aliases, date and place of birth, sex, current and any previous nationality;
- b) passport, travel document, laissez-passer or any other identity document (number, date of issue, issuing authority, place of issue, period of validity);
- c) other details needed to identify the person to be transferred;
- d) itineraries;

e) dovoljenja za vstop v državo, ki jih je izdala ena od pogodbenic ali tretja država, njihove opise;

f) obvestilo o posebni pomoči starejšim ali bolnim osebam, če je ta potrebna.

14. člen

(1) Določbe tega sporazuma ne posegajo v obveznosti ponovnega sprejemanja ali vračanja oseb, ki izhajajo iz drugih mednarodnih sporazumov, veljavnih za pogodbenici.

(2) Določbe tega sporazuma ne preprečujejo uporabe določb Ženevske konvencije o statusu beguncev z dne 28. julija 1951, dopolnjene z Newyorškim protokolom o statusu beguncev z dne 31. januarja 1967, in Newyorške konvencije o statusu oseb brez državljanstva z dne 28. septembra 1954.

(3) Določbe tega sporazuma ne preprečujejo uporabe določb Evropske konvencije o varstvu človekovih pravic in temeljnih svoboščin z dne 4. novembra 1950.

15. člen

Morebitna nesoglasja v zvezi z razlago ali uporabo tega sporazuma se rešujejo po diplomatski poti.

16. člen

(1) Ta sporazum se začasno uporablja od dneva podpisa in začne veljati z dnem prejema kasnejše od not, s katerima se pogodbenici uradno obvestita o izpolnitvi vseh notranjepravnih postopkov, potrebnih za začetek njegove veljavnosti.

(2) Vsaka pogodbenica lahko začasno v celoti ali delno preneha izvajati sporazum, z izjemo 2. člena tega sporazuma, zaradi razlogov državne varnosti, javnega reda ali zdravja ljudi z uradnim obvestilom drugi pogodbenici. Prenehanje izvajanja sporazuma začne veljati takoj.

(3) Ta sporazum je sklenjen za nedoločen čas. Vsaka od pogodbenic lahko odpove ta sporazum z uradnim obvestilom drugi pogodbenici. Odpoved začne veljati prvi dan drugega meseca po mesecu, v katerem je druga pogodbenica prejela uradno obvestilo.

Da bi to potrdila, sta predstavnika pogodbenic, pravilno pooblaščenca v ta namen, podpisala ta sporazum.

Sestavljeno v Ljubljani dne 27. januarja 1998 v dveh izvornikih v slovenskem, makedonskem in angleškem jeziku, pri čemer so vsa tri besedila enako verodostojna. Ob sporu ali razlikah v razlagi tega sporazuma prevlada angleško besedilo.

Za Vlado
Republike Slovenije
Mirko Bandelj l. r.

Za Vlado
Republike Makedonije
Tomislav Čokrevski l. r.

e) entry permits issued by one of the Contracting Parties or a third state, their descriptions;

f) if necessary, the need for special assistance to elderly or sick persons should be notified.

Article 14

(1) The provisions of the present Agreement shall not interfere with any obligations for the readmission or return of persons which derive from other international agreements in force for the Contracting Parties.

(2) The provisions of the present Agreement shall not prevent the application of the provisions of the Geneva Convention relating to the Status of Refugees of 28 July 1951, complemented by the New York Protocol relating to the Status of Refugees of 31 January 1967 and the New York Convention relating to the Status of Stateless Persons of 28 September 1954.

(3) The provisions of the present Agreement shall not prevent the application of the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950.

Article 15

Any dispute concerning the interpretation or application of this Agreement shall be settled through diplomatic channels.

Article 16

(1) This Agreement shall apply provisionally from the date of its signature and shall enter into force on the date of the receipt of the latter note by which the Contracting Parties notify each other of the fulfilment of all internal legal requirements necessary for its entry into force.

(2) Each Contracting Party may temporarily suspend the implementation, in whole or in part, with the exception of Article 2 of this Agreement for reasons of state security, public order or public health by notification to the other Contracting Party. The suspension shall become effective immediately.

(3) This Agreement is concluded for an indefinite period. Each Contracting Party may terminate this Agreement by notification to the other Contracting Party. The termination shall become effective on the first day of the second month following the month in which notification was received by the other Contracting Party.

In confirmation of the above, the representatives of both Contracting Parties, duly authorised for this purpose, have signed the present Agreement.

Done at Ljubljana on the 27 January 1998 in two originals in Slovenian, Macedonian and English languages, all three texts being equally authentic. In case of any dispute or difference in the interpretation of the present Agreement, the English text shall prevail.

For the Government of
the Republic of Slovenia
Mirko Bandelj (s)

For the Government of
the Republic of Macedonia
Tomislav Čokrevski (s)

PRILOGA

*K SPORAZUMU MED VLADO REPUBLIKE SLOVENIJE IN
VLADO REPUBLIKE MAKEDONIJE O PONOVNEM
SPREJEMU OSEB, KATERIH VSTOP V DRŽAVO IN/ALI
BIVANJE V NJEJ STA V NASPROTJU Z NOTRANJIM
PRAVOM*

Kadar gre za Republiko Slovenijo, se državljanstvo lahko ugotavlja ali utemeljeno domneva na podlagi teh dokumentov Republike Slovenije:

- potrdilo o državljanstvu;
- potni list;
- osebna izkaznica;

tudi če so bili ti dokumenti izdani nepravilno ali je njihova veljavnost potekla pred manj kot tremi leti.

Kadar gre za Republiko Makedonijo, se državljanstvo lahko ugotavlja ali utemeljeno domneva na podlagi teh dokumentov Republike Makedonije:

- potrdilo o državljanstvu;
- potni list;
- osebna izkaznica;

tudi če so bili ti dokumenti izdani nepravilno ali je njihova veljavnost potekla pred manj kot tremi leti.

ANNEX

*TO THE AGREEMENT BETWEEN THE GOVERNMENT OF
THE REPUBLIC OF SLOVENIA AND THE GOVERNMENT
OF THE REPUBLIC OF MACEDONIA ON READMISSION
OF PERSONS WHOSE ENTRY INTO AND/OR
RESIDENCE IS CONTRARY TO THE NATIONAL LAW*

In the case of the Republic of Slovenia the nationality may be ascertained or validly presumed on the basis of the following documents of the Republic of Slovenia:

- citizenship certificate;
- passport;
- identity card;

even if such documents were issued incorrectly or if they expired not more than three years previously.

In the case of the Republic of Macedonia the nationality may be ascertained or validly presumed on the basis of the following documents of the Republic of Macedonia:

- citizenship certificate;
- passport;
- identity card;

even if such documents were issued incorrectly or if they expired not more than three years previously.

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za notranje zadeve Republike Slovenije.

4. člen

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

Št. 213-04/98-23/1

Ljubljana, dne 24. septembra 1998

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

45. Zakon o ratifikaciji Protokola med Vlado Republike Slovenije in Vlado Republike Portugalske o spremembi 3. člena Sporazuma med Vlado Socialistične federativne republike Jugoslavije in Vlado Republike Portugalske o sodelovanju v pomorskem prometu (BPOPPP)

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

U K A Z

O RAZGLASITVI ZAKONA O RATIFIKACIJI PROTOKOLA MED VLADO REPUBLIKE SLOVENIJE IN VLADO REPUBLIKE PORTUGALSKE O SPREMEMBI 3. ČLENA SPORAZUMA MED VLADO SOCIALISTIČNE FEDERATIVNE REPUBLIKE JUGOSLAVIJE IN VLADO REPUBLIKE PORTUGALSKE O SODELOVANJU V POMORSKEM PROMETU (BPOPPP)

Razlašam Zakon o ratifikaciji Protokola med Vlado Republike Slovenije in Vlado Republike Portugalske o spremembi 3. člena Sporazuma med Vlado Socialistične federativne republike Jugoslavije in Vlado Republike Portugalske o sodelovanju v pomorskem prometu (BPOPPP), ki ga je sprejel Državni zbor Republike Slovenije na seji 24. septembra 1998.

Št. 001-22-87/98

Ljubljana, dne 2. oktobra 1998

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N

O RATIFIKACIJI PROTOKOLA MED VLADO REPUBLIKE SLOVENIJE IN VLADO REPUBLIKE PORTUGALSKE O SPREMEMBI 3. ČLENA SPORAZUMA MED VLADO SOCIALISTIČNE FEDERATIVNE REPUBLIKE JUGOSLAVIJE IN VLADO REPUBLIKE PORTUGALSKE O SODELOVANJU V POMORSKEM PROMETU (BPOPPP)

1. člen

Ratificira se Protokol med Vlado Republike Slovenije in Vlado Republike Portugalske o spremembi 3. člena Sporazuma med Vlado Socialistične federativne republike Jugoslavije in Vlado Republike Portugalske o sodelovanju v pomorskem prometu z dne 28.6.1979, sklenjen z izmenjavo pisem 23.7. in 22.8.1997.

2. člen

Protokol se v izvorniku v angleškem jeziku ter v prevodu v slovenskem jeziku glasi:

Ljubljana, 23 July 1997

Ljubljana, 23. julij 1997

Minister,

I have the honour to submit to the consideration of your Excellency the proposal of the Portuguese Government to modify the Agreement concerning Cooperation in Maritime Transports which was concluded between Portugal and the former Socialist Federal Republic of Yugoslavia.

The present proposal of modification has the purpose of conforming the Agreement with the new political reality which emerged from the constitution of the new States who succeeded to the former Socialist Federal Republic of Yugoslavia, from which originated, amongst others, the Republic of Slovenia, and also with the fundamental principles which rule over the European Union of whom Portugal is a Member-State, namely the provisions laid down in Regulation EEC n° 4055/86, of the 22 of December 1986, which stipulate the principle of free movement of services in maritime transports between Member States and third countries.

In terms of the present proposal, article 3° of the Agreement concluded between the Portuguese Republic and the former Socialist Federal Republic of Yugoslavia would have the following wording:

Minister,

Čast imam Vaši Ekscelenci predložiti v razmislek predlog portugalske vlade o spremembi Sporazuma o sodelovanju v pomorskem prometu, sklenjenega med Portugalsko in nekdanjo Socialistično federativno republiko Jugoslavijo.

Namen tega predloga za spremembo je prilagoditi sporazum novi politični stvarnosti, ki je nastala z nastankom novih držav, ki so naslednice nekdanje Socialistične federativne republike Jugoslavije, iz katere so nastale, med drugimi tudi Republike Slovenije in tudi osnovnim načelom, ki vladajo v Evropski uniji, katere država članica je Portugalska, in sicer določbam Uredbe Evropske gospodarske skupnosti št. 4055/86 z dne 22.12.1986, ki določa načelo prostega pretoka storitev v pomorskem prometu med državami članicami in tretjimi državami.

V skladu s tem predlogom bi se 3. člen Sporazuma, sklenjen med Republiko Portugalsko in nekdanjo Socialistično federativno republiko Jugoslavijo, glasil, kot sledi:

Article 3°

1.

2. The provisions laid down in this article shall not affect the application of the principle of free movement of services to maritime transports which are carried out between ports of Contracting States or between their ports and those of third countries.

I have the further honour to propose that, if acceptable to your Excellency, this note together with your Excellency's confirming reply, shall constitute a Protocol modifying the Agreement concluded between the Government of the Portuguese Republic and the Government of the former Socialist Federal Republic of Yugoslavia, concerning Cooperation in Maritime Transports, which shall enter into force as soon as essential procedures are fulfilled in both countries.

Accept, Excellency, the assurances of my highest consideration.

Álvaro Mendonça e Moura, (s)
Ambassador

Ljubljana, 22 August 1997

Excellency,

I have the honour to acknowledge receipt of your Note dated 23 July 1997, which reads as follows:

"Minister,

I have the honour to submit to the consideration of your Excellency the proposal of the Portuguese Government to modify the Agreement concerning Cooperation in Maritime Transports which was concluded between Portugal and the former Socialist Federal Republic of Yugoslavia.

The present proposal of modification has the purpose of conforming the Agreement with the new political reality which emerged from the constitution of the new States who succeeded to the former Socialist Federal Republic of Yugoslavia, from which originated, amongst others, the Republic of Slovenia, and also with the fundamental principles which rule over the European Union of whom Portugal is a Member-State, namely the provisions laid down in Regulation EEC n° 4055/86, of the 22 of December 1986, which stipulate the principle of free movement of services in maritime transports between Member States and third countries.

In terms of the present proposal, article 3° of the Agreement concluded between the Portuguese Republic and the former Socialist Federal Republic of Yugoslavia would have the following wording:

Article 3°

1.

2. The provisions laid down in this article shall not affect the application of the principle of free movement of services to maritime transports which are carried out between ports of Contracting States or between their ports and those of third countries.

I have the further honour to propose that, if acceptable to your Excellency, this note together with your Excellency's confirming reply, shall constitute a Protocol modifying the Agreement concluded between the Government of the Portuguese Republic and the Government of the former Socialist Federal Republic of Yugoslavia, concerning Cooperation in Maritime Transports, which shall enter into force as soon as essential procedures are fulfilled in both countries.

3. člen

1.

2. Določbe tega člena ne vplivajo na uporabo načela prostega pretoka storitev v pomorskem prometu, ki se opravljajo med pristanišči držav pogodbenic ali med njihovimi pristanišči in pristanišči tretjih držav.

Nadalje imam čast predlagati, da če je za Vašo Ekscelenco sprejemljiva, ta nota skupaj s pritrdilnim odgovorom Vaše Ekscelence tvori protokol, ki spreminja Sporazum, sklenjen med Vlado Republike Portugalske in Vlado nekdanje Socialistične federativne republike Jugoslavije o sodelovanju v pomorskem prometu, ki bo začel veljati, ko bodo izpolnjeni nujni postopki v obeh državah.

Prejmite, Ekscelenca, izraze mojega najglobljega spoštovanja.

Álvaro Mendonça e Moura l.r.
veleposlanik

Ljubljana, 22. avgust 1997

Ekscelenca,

čast imam potrditi prejem vaše note z dne 23. julija 1997, ki se glasi:

"Minister,

Čast imam Vaši Ekscelenци predložiti v razmislek predlog portugalske vlade o spremembi Sporazuma o sodelovanju v pomorskem prometu, sklenjenega med Portugalsko in nekdanjo Socialistično federativno republiko Jugoslavijo.

Namen tega predloga za spremembo je prilagoditi sporazum novi politični stvarnosti, ki je nastala z nastankom novih držav, ki so naslednice nekdanje Socialistične federativne republike Jugoslavije, iz katere so nastale, med drugimi tudi Republike Slovenije in tudi osnovnim načelom, ki vladajo v Evropski uniji, katere država članica je Portugalska, in sicer določbam Uredbe Evropske gospodarske skupnosti št. 4055/86 z dne 22.12.1986, ki določa načelo prostega pretoka storitev v pomorskem prometu med državami članicami in tretjimi državami.

V skladu s tem predlogom bi se 3. člen Sporazuma, sklenjen med Republiko Portugalsko in nekdanjo Socialistično federativno republiko Jugoslavijo, glasil, kot sledi:

3. člen

1.

2. Določbe tega člena ne vplivajo na uporabo načela prostega pretoka storitev v pomorskem prometu, ki se opravljajo med pristanišči držav pogodbenic ali med njihovimi pristanišči in pristanišči tretjih držav.

Nadalje imam čast predlagati, da če je za Vašo Ekscelenco sprejemljiva, ta nota skupaj s pritrdilnim odgovorom Vaše Ekscelence tvori protokol, ki spreminja Sporazum, sklenjen med Vlado Republike Portugalske in Vlado nekdanje Socialistične federativne republike Jugoslavije o sodelovanju v pomorskem prometu, ki bo začel veljati, ko bodo izpolnjeni nujni postopki v obeh državah.

Accept, Excellency, the assurances of my highest consideration.”

In reply I have the honour to inform your Excellency that your proposal is acceptable to the Government of the Republic of Slovenia and that your Note, together with this reply, shall constitute Protocol modifying the Agreement between the Government of the Socialist Federal Republic of Yugoslavia and the Government of the Portuguese Republic on Cooperation in Maritime Transports, signed in Belgrade on 28 June 1979.

I avail myself of this opportunity to renew to your Excellency the assurances of my highest consideration.

Ivo Vajgl, (s)

His Excellency
Mr Álvaro Mendonça e Moura
Ambassador of the Portuguese Republic
VIENNA

Prejmite, Ekscelenca, izraze mojega najglobljega spoštovanja.”

V odgovor imam čast obvestiti Vašo Ekscelenco, da je vaš predlog sprejemljiv za Vlado Republike Slovenije in da vaša nota skupaj s tem odgovorom tvori protokol, ki spreminja Sporazum med Vlado Socialistične federativne republike Jugoslavije in Vlado Republike Portugalske o sodelovanju v pomorskem prometu, podpisan v Beogradu, 28. junija 1979.

Tudi ob tej priložnosti izražam Vaši Ekscelenci svoje najgloblje spoštovanje.

Ivo Vajgl l. r.

Njegova Ekscelenca
Gospod Álvaro Mendonça e Moura
Veleposlanik Republike Portugalske
DUNAJ

3. člen

Za izvajanje protokola 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. 326-04/98-8/1

Ljubljana, dne 24. septembra 1998

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

VSEBINA

Stran

42. Zakon o ratifikaciji Konvencije o varstvu človekovih pravic in dostojanstva človeškega bitja v zvezi z uporabo biologije in medicine (Konvencija o človekovih pravicah v zvezi z biomedicino) in Dodatnega protokola o prepovedi kloniranja človeških bitij h Konvenciji o varstvu človekovih pravic in dostojanstva človeškega bitja v zvezi z uporabo biologije in medicine (MVCPB)	277
43. Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Republike Turčije o zračnem prometu (BTUZP)	289
44. Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Republike Makedonije o ponovnem sprejemu oseb, katerih vstop v državo in/ali bivanje v njej sta v nasprotju z notranjim pravom (BMKPSO)	299
45. Zakon o ratifikaciji Protokola med Vlado Republike Slovenije in Vlado Republike Portugalske o spremembi 3. člena Sporazuma med Vlado Socialistične federativne republike Jugoslavije in Vlado Republike Portugalske o sodelovanju v pomorskem prometu (BPOPPP)	305

Pravkar izšlo

ZAKON O IZVRŠBI IN ZAVAROVANJU

Z UVODNIMI POJASNILI DIDE VOLK

Dolžnikom se po 15. oktobru, ko bo začel veljati nov zakon o izvršbi in zavarovanju, obetajo težji časi. Če se bodo preveč izogibali poravnavi svojih obveznosti, jih bodo sodniki lahko poslali tudi v zapor. To pa je le ena novost v zakonu, ki je nastajal več let.

Okrožna sodnica Dida Volk v uvodnih pojasnilih predvsem razlaga razlike med doslej veljavnim zakonom o izvršilnem postopku in novimi rešitvami prvega slovenskega zakona na tem področju. S klicaji in vprašaji opozarja na pasti, ki se skrivajo v novih zakonskih določbah, utemelji pa tudi, zakaj bodo nekateri členi zakona bolj zapletli kot poenostavili izvršilni postopek.

Cena 2646

10465

ISSN 1318-0932



Izdajatelj Služba Vlade RS za zakonodajo – Direktor Lojze Janko – Založnik
Časopisni zavod Uradni list Republike Slovenije – Direktor Marko Polutnik – Urednica
Marija Petrovič-Kurt – Priprava ČZ Uradni list, Tisk Tiskarna SET, d.o.o., Vevče
– Internet <http://www.uradni-list.si> – e-mail: info@uradni-list.si