


Uradni list

Republike Slovenije



Mednarodne pogodbe

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

e-mail: info@uradni-list.si

Št. **25** (Uradni list RS, št. 84)

Ljubljana, petek **15. 10. 1999**

ISSN 1318-0932

Leto IX

77. Zakon o ratifikaciji Pogodbe Svetovne organizacije za intelektualno lastnino o avtorski pravici (MSOILAP)

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

U K A Z

O RAZGLASITVI ZAKONA O RATIFIKACIJI POGODBE SVETOVNE ORGANIZACIJE ZA INTELKTUALNO LASTNINO O AVTORSKI PRAVICI (MSOILAP)

Razglašam Zakon o ratifikaciji Pogodbe Svetovne organizacije za intelektualno lastnino o avtorski pravici (MSOILAP), ki ga je sprejel Državni zbor Republike Slovenije na seji 22. septembra 1999.

Št. 001-22-142/99
Ljubljana, dne 30. septembra 1999

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N

O RATIFIKACIJI POGODBE SVETOVNE ORGANIZACIJE ZA INTELKTUALNO LASTNINO O AVTORSKI PRAVICI (MSOILAP)

1. člen

Ratificira se Pogodba Svetovne organizacije za intelektualno lastnino o avtorski pravici, sprejeta v Ženevi 20. decembra 1996.

2. člen

Pogodba se v izvorniku v angleškem in prevodu v slovenskem jeziku glasi:

W I P O COPYRIGHT TREATY

*adopted by the Diplomatic Conference on
December 20, 1996*

Preamble

The Contracting Parties

Desiring to develop and maintain the protection of the rights of authors in their literary and artistic works in a manner as effective and uniform as possible,

Recognizing the need to introduce new international rules and clarify the interpretation of certain existing rules in order to provide adequate solutions to the questions raised

P O G O D B A SVETOVNE ORGANIZACIJE ZA INTELKTUALNO LASTNINO O AVTORSKI PRAVICI

*sprejeta na diplomatski konferenci
20. decembra 1996*

Uvod

Pogodbenice

želijo čim učinkoviteje in enotneje razvijati in ohranjati varstvo pravic avtorjev na njihovih književnih in umetniških delih,

priznavajo potrebo po uvedbi novih mednarodnih pravil in pojasnitvi razlage določenih obstoječih pravil zaradi ustrezne rešitve vprašanj, ki se postavljajo v zvezi z novim

by new economic, social, cultural and technological developments,

Recognizing the profound impact of the development and convergence of information and communication technologies on the creation and use of literary and artistic works,

Emphasizing the outstanding significance of copyright protection as an incentive for literary and artistic creation,

Recognizing the need to maintain a balance between the rights of authors and the larger public interest, particularly education, research and access to information, as reflected in the Berne Convention,

Have agreed as follows:

Article 1

Relation to the Berne Convention

(1) This Treaty is a special agreement within the meaning of Article 20 of the Berne Convention for the Protection of Literary and Artistic Works, as regards Contracting Parties that are countries of the Union established by that Convention. This Treaty shall not have any connection with treaties other than the Berne Convention, nor shall it prejudice any rights and obligations under any other treaties.

(2) Nothing in this Treaty shall derogate from existing obligations that Contracting Parties have to each other under the Berne Convention for the Protection of Literary and Artistic Works.

(3) Hereinafter, "Berne Convention" shall refer to the Paris Act of July 24, 1971 of the Berne Convention for the Protection of Literary and Artistic Works.

(4) Contracting Parties shall comply with Articles 1 to 21 and the Appendix of the Berne Convention.

Article 2

Scope of Copyright Protection

Copyright protection extends to expressions and not to ideas, procedures, methods of operation or mathematical concepts as such.

Article 3

Application of Articles 2 to 6 of the Berne Convention

Contracting Parties shall apply *mutatis mutandis* the provisions of Articles 2 to 6 of the Berne Convention in respect of the protection provided for in this Treaty.

Article 4

Computer Programs

Computer programs are protected as literary works within the meaning of Article 2 of the Berne Convention. Such protection applies to computer programs, whatever may be the mode or form of their expression.

Article 5

Compilations of Data (Databases)

Compilations of data or other material, in any form, which by reason of the selection or arrangement of their contents constitute intellectual creations, are protected as such. This protection does not extend to the data or the material itself and is without prejudice to any copyright subsisting in the data or material contained in the compilation.

Article 6

Right of Distribution

(1) Authors of literary and artistic works shall enjoy the exclusive right of authorizing the making available to the public of the original and copies of their works through sale or other transfer of ownership.

gospodarskim, družbenim, kulturnim in tehnološkim razvojem,

priznavajo velik vpliv razvoja in zblíževanja informacijskih ter komunikacijskih tehnologij na ustvarjanje in uporabo književnih in umetniških del,

poudarjajo izreden pomen varstva avtorske pravice kot spodbude za književno in umetniško ustvarjanje,

priznavajo potrebo po ohranitvi ravnotežja med pravicami avtorjev in širšim javnim interesom predvsem na področju izobraževanja, raziskovanja in dostopa do informacij, kot se to kaže v Bernski konvenciji,

zato so sklenile, kot sledi:

1. člen

Razmerje do Bernske konvencije

(1) Za pogodbenice, ki so države Unije, ustanovljene z Bernsko konvencijo za varstvo književnih in umetniških del, pomeni ta pogodba poseben sporazum v smislu 20. člena te konvencije. Pogodba nima nobene povezave z drugimi pogodbami razen z Bernsko konvencijo ter ne vpliva na pravice in obveznosti iz katere koli druge pogodbe.

(2) Nič v tej pogodbi ne ukinja obstoječih obveznosti, ki jih imajo pogodbenice druga do druge po Bernski konvenciji za varstvo književnih in umetniških del.

(3) V nadaljevanju se "Bernska konvencija" nanaša na Pariški akt Bernske konvencije za varstvo književnih in umetniških del z dne 24. julija 1971.

(4) Pogodbenice upoštevajo 1. do 21. člen Bernske konvencije in njeno prilogo.

2. člen

Obseg varstva avtorske pravice

Varstvo avtorske pravice obsega izraze, ne pa idej, postopkov, metod dela ali matematičnih pojmov kot takšnih.

3. člen

Uporaba 2. do 6. člena Bernske konvencije

Pogodbenice smiselno uporabljajo določbe 2. do 6. člena Bernske konvencije glede varstva, predvidenega s to pogodbo,

4. člen

Računalniški programi

Računalniški programi so varovani kot književna dela v smislu 2. člena Bernske konvencije. To varstvo se uporablja za računalniške programe ne glede na način ali obliko, v kateri so izraženi.

5. člen

Zbirke podatkov (baze podatkov)

Zbirke podatkov ali drugega gradiva v kakršni koli obliki, ki po izbiri ali razporeditvi vsebine pomenijo intelektualne stvaritve, so varovane kot takšne. To varstvo ne obsega samih podatkov ali samega gradiva in ne posega v katero koli avtorsko pravico na podatkih ali gradivu, vsebovanem v zbirki.

6. člen

Pravica do distribuiranja

(1) Avtorji književnih in umetniških del uživajo izključno pravico dovoljevati, da izvirnik in primerki njihovih del postanejo dostopni javnosti s prodajo ali drugačnim prenosom lastninske pravice.

(2) Nothing in this Treaty shall affect the freedom of Contracting Parties to determine the conditions, if any, under which the exhaustion of the right in paragraph (1) applies after the first sale or other transfer of ownership of the original or a copy of the work with the authorization of the author.

Article 7

Right of Rental

(1) Authors of
(i) computer programs;
(ii) cinematographic works; and
(iii) works embodied in phonograms, as determined in the national law of Contracting Parties, shall enjoy the exclusive right of authorizing commercial rental to the public of the originals or copies of their works.

(2) Paragraph (1) shall not apply

(i) in the case of computer programs, where the program itself is not the essential object of the rental; and

(ii) in the case of cinematographic works, unless such commercial rental has led to widespread copying of such works materially impairing the exclusive right of reproduction.

(3) Notwithstanding the provisions of paragraph (1), a Contracting Party that, on April 15, 1994, had and continues to have in force a system of equitable remuneration of authors for the rental of copies of their works embodied in phonograms may maintain that system provided that the commercial rental of works embodied in phonograms is not giving rise to the material impairment of the exclusive right of reproduction of authors.

Article 8

Right of Communication to the Public

Without prejudice to the provisions of Articles 11(1)(ii), 11*bis*(1)(i) and (ii), 11*ter*(1)(ii), 14(1)(ii) and 14*bis*(1) of the Berne Convention, authors of literary and artistic works shall enjoy the exclusive right of authorizing any communication to the public of their works, by wire or wireless means, including the making available to the public of their works in such a way that members of the public may access these works from a place and at a time individually chosen by them.

Article 9

Duration of the Protection of Photographic Works

In respect of photographic works, the Contracting Parties shall not apply the provisions of Article 7(4) of the Berne Convention.

Article 10

Limitations and Exceptions

(1) Contracting Parties may, in their national legislation, provide for limitations of or exceptions to the rights granted to authors of literary and artistic works under this Treaty in certain special cases that do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author.

(2) Contracting Parties shall, when applying the Berne Convention, confine any limitations of or exceptions to rights provided for therein to certain special cases that do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author.

Article 11

Obligations concerning Technological Measures

Contracting Parties shall provide adequate legal protection and effective legal remedies against the circumven-

(2) Nič v tej pogodbi ne vpliva na svobodo pogodbenic, da določijo morebitne pogoje, pod katerimi se šteje, da je po prvi prodaji ali drugačnem prenosu lastninske pravice izvirnika ali primerka dela z dovoljenjem avtorja pravica iz prvega odstavka izčrpana.

7. člen

Pravica do dajanja v najem

(1) Avtorji

(i) računalniških programov,

(ii) kinematografskih del in

(iii) del, vsebovanih na fonogramih, kot to določa domače pravo pogodbenic,

uživajo izključno pravico dovoljevati, da se izvirniki ali primerki njihovih del dajejo v komercialni najem javnosti.

(2) Prvi odstavek se ne uporablja

(i) za računalniške programe, če sam program ni bistven predmet najema, in

(ii) za kinematografska dela, razen če je posledica takšnega dajanja v komercialni najem obsežno kopiranje teh del, ki bistveno prizadene izključno pravico do reproduciranja.

(3) Ne glede na določbe prvega odstavka lahko pogodbenica, ki je imela na dan 15. aprila 1994 v veljavi sistem pravičnega nadomestila avtorjem za dajanje primerkov njihovih del, vsebovanih na fonogramih, v najem in ga še vedno ima, obdrži ta sistem pod pogojem, da komercialno dajanje del, vsebovanih na fonogramih, v najem bistveno ne prizadene izključne pravice avtorjev do reproduciranja.

8. člen

Pravica do javne priobčitve

Brez vpliva na določbe točke (ii) prvega odstavka 11. člena, točk (i) in (ii) prvega odstavka 11. *bis* člena, točke (ii) prvega odstavka 11. *ter* člena, točke (ii) prvega odstavka 14. člena in prvega odstavka 14. *bis* člena Bernske konvencije avtorji književnih in umetniških del uživajo izključno pravico dovoljevati vsako javno priobčitev svojih del po žici ali brezžično, vključno s tem, da postanejo njihova dela dostopna javnosti na način, ki omogoča posameznikom dostop do njih s kraja in v času, ki ju sami izberejo.

9. člen

Trajanje varstva fotografskih del

Glede fotografskih del pogodbenice ne uporabljajo določb četrtega odstavka 7. člena Bernske konvencije.

10. člen

Omejitve in izjeme

(1) Pogodbenice lahko v svoji domači zakonodaji predvidijo omejitve ali izjeme glede pravic, ki jih avtorjem književnih in umetniških del daje ta pogodba, v nekaterih posebnih primerih, ki niso v nasprotju z običajno uporabo dela in pretirano ne posegajo v zakonite interese avtorja.

(2) Pogodbenice morajo pri uporabi Bernske konvencije skrbeti vse omejitve ali izjeme od pravic, ki so določene v njej, na nekatere posebne primere, ki niso v nasprotju z običajno uporabo dela in pretirano ne posegajo v zakonite interese avtorja.

11. člen

Obveznosti glede tehničnih ukrepov

Pogodbenice zagotovijo ustrezno pravno varstvo in učinkovita pravna sredstva zoper izognitev dejanskim teh-

tion of effective technological measures that are used by authors in connection with the exercise of their rights under this Treaty or the Berne Convention and that restrict acts, in respect of their works, which are not authorized by the authors concerned or permitted by law.

Article 12

Obligations concerning Rights Management Information

(1) Contracting Parties shall provide adequate and effective legal remedies against any person knowingly performing any of the following acts knowingly, or with respect to civil remedies having reasonable grounds to know, that it will induce, enable, facilitate or conceal an infringement of any right covered by this Treaty or the Berne Convention:

(i) to remove or alter any electronic rights management information without authority;

(ii) to distribute, import for distribution, broadcast or communicate to the public, without authority, works or copies of works knowing that electronic rights management information has been removed or altered without authority.

(2) As used in this Article, "rights management information" means information which identifies the work, the author of the work, the owner of any right in the work, or information about the terms and conditions of use of the work, and any numbers or codes that represent such information, when any of these items of information is attached to a copy of a work or appears in connection with the communication of a work to the public.

Article 13

Application in Time

Contracting Parties shall apply the provisions of Article 18 of the Berne Convention to all protection provided for in this Treaty.

Article 14

Provisions on Enforcement of Rights

(1) Contracting Parties undertake to adopt, in accordance with their legal systems, the measures necessary to ensure the application of this Treaty.

(2) Contracting Parties shall ensure that enforcement procedures are available under their law so as to permit effective action against any act of infringement of rights covered by this Treaty, including expeditious remedies to prevent infringements and remedies which constitute a deterrent to further infringements.

Article 15

Assembly

(1) (a) The Contracting Parties shall have an Assembly.

(b) Each Contracting Party shall be represented by one delegate who may be assisted by alternate delegates, advisors and experts.

(c) The expenses of each delegation shall be borne by the Contracting Party that has appointed the delegation. The Assembly may ask the World Intellectual Property Organization (hereinafter referred to as "WIPO") to grant financial assistance to facilitate the participation of delegations of Contracting Parties that are regarded as developing countries in conformity with the established practice of the General Assembly of the United Nations or that are countries in transition to a market economy.

(2) (a) The Assembly shall deal with matters concerning the maintenance and development of this Treaty and the application and operation of this Treaty.

ničnim ukrepom, ki jih uporabljajo avtorji v zvezi z uresničevanjem svojih pravic po tej pogodbi ali Bernski konvenciji in ki omejujejo dejanja v zvezi z njihovimi deli, ki jih niso dovolili ali ki po zakonu niso dovoljena.

12. člen

Obveznosti v zvezi s podatki za upravljanje pravic

(1) Pogodbenice zagotovijo ustrezna in učinkovita pravna sredstva zoper vse osebe, ki zavestno storijo katere koli od naslednjih dejanj in vedo ali bi v primeru civilno-pravnih sredstev iz utemeljenih razlogov lahko vedele, da bo to povzročilo, omogočilo, olajšalo ali prikrilo kršitev katere koli pravice, urejene s to pogodbo ali z Bernsko konvencijo:

(i) odstranitev ali sprememba katerega koli elektronskega podatka za upravljanje pravic brez dovoljenja;

(ii) distribuiranje, uvoz zaradi distribuiranja, radiodifuzno oddajanje ali javna priobčitev del ali primerkov del brez dovoljenja, vedoč, da so bili elektronski podatki za upravljanje pravic odstranjeni ali spremenjeni brez dovoljenja.

(2) Pojem "podatki za upravljanje pravic", kot je uporabljen v tem členu, pomeni podatke, ki identificirajo delo, avtorja dela, imetnika katere koli pravice na delu, ali podatke o pogojih uporabe dela oziroma katere koli številke ali kode, ki pomenijo takšne podatke, če je kateri izmed njih dodan primerku dela ali se pojavlja v zvezi z njegovo javno priobčitvijo.

13. člen

Časovna uporaba

Za vse oblike varstva, predvidenega s to pogodbo, pogodbenice uporabljajo določbe 18. člena Bernske konvencije.

14. člen

Določbe o uveljavljanju pravic

(1) Pogodbenice se zavežejo, da bodo v skladu s svojimi pravnimi sistemi sprejele potrebne ukrepe za zagotovitev uporabe te pogodbe.

(2) Pogodbenice zagotovijo, da so po njihovem pravu na razpolago postopki za uveljavitev pravic, ki omogočajo učinkovito ukrepanje zoper vsako dejanje kršitve pravic, zajetih v tej pogodbi, vključno s hitrimi sredstvi za preprečitev kršitev in sredstvi, ki odvrtačajo od nadaljnjih kršitev.

15. člen

Skupščina

(1) (a) Pogodbenice imajo skupščino.

(b) Vsako pogodbenico predstavlja en delegat, ki mu lahko pomagajo namestniki, svetovalci in strokovnjaki.

(c) Stroške vsake delegacije krije pogodbenica, ki jo je imenovala. Skupščina lahko zaprosi Svetovno organizacijo za intelektualno lastnino (v nadaljevanju "WIPO") za finančno pomoč, da bi olajšala sodelovanje delegacij tistih pogodbenic, ki glede na ustaljeno prakso Generalne skupščine Združenih narodov veljajo za države v razvoju ali so države v prehodu k tržnemu gospodarstvu.

(2) (a) Skupščina obravnava zadeve v zvezi z ohranjanjem in razvojem te pogodbe ter z njeno uporabo in delovanjem.

(b) The Assembly shall perform the function allocated to it under Article 17(2) in respect of the admission of certain inter-governmental organizations to become party to this Treaty.

(c) The Assembly shall decide the convocation of any diplomatic conference for the revision of this Treaty and give the necessary instructions to the Director General of WIPO for the preparation of such diplomatic conference.

(3) (a) Each Contracting Party that is a State shall have one vote and shall vote only in its own name.

(b) Any Contracting Party that is an intergovernmental organization may participate in the vote, in place of its Member States, with a number of votes equal to the number of its Member States which are party to this Treaty. No such intergovernmental organization shall participate in the vote if any one of its Member States exercises its right to vote and *vice versa*.

(4) The Assembly shall meet in ordinary session once every two years upon convocation by the Director General of WIPO.

(5) The Assembly shall establish its own rules of procedure, including the convocation of extraordinary sessions, the requirements of a quorum and, subject to the provisions of this Treaty, the required majority for various kinds of decisions.

Article 16

International Bureau

The International Bureau of WIPO shall perform the administrative tasks concerning the Treaty.

Article 17

Eligibility for Becoming Party to the Treaty

(1) Any Member State of WIPO may become party to this Treaty.

(2) The Assembly may decide to admit any intergovernmental organization to become party to this Treaty which declares that it is competent in respect of, and has its own legislation binding on all its Member States on, matters covered by this Treaty and that it has been duly authorized, in accordance with its internal procedures, to become party to this Treaty.

(3) The European Community, having made the declaration referred to in the preceding paragraph in the Diplomatic Conference that has adopted this Treaty, may become party to this Treaty.

Article 18

Rights and Obligations under the Treaty

Subject to any specific provisions to the contrary in this Treaty, each Contracting Party shall enjoy all of the rights and assume all of the obligations under this Treaty.

Article 19

Signature of the Treaty

This Treaty shall be open for signature until December 31, 1997, by any Member State of WIPO and by the European Community.

Article 20

Entry into Force of the Treaty

This Treaty shall enter into force three months after 30 instruments of ratification or accession by States have been deposited with the Director General of WIPO.

Article 21

Effective Date of Becoming Party to the Treaty

This Treaty shall bind

(i) the 30 States referred to in Article 20, from the date on which this Treaty has entered into force;

(b) Skupščina opravlja nalogo, ki ji je dodeljena po drugem odstavku 17. člena v zvezi z dopustitvijo pristopa določenih medvladnih organizacij k tej pogodbi.

(c) Skupščina določa sklic diplomatske konference za revizijo te pogodbe in daje generalnemu direktorju WIPO potrebna navodila za njeno pripravo.

(3) (a) Vsaka pogodbenica, ki je država, ima en glas in lahko glasuje le v svojem imenu.

(b) Pogodbenica, ki je medvladna organizacija, lahko sodeluje pri glasovanju namesto svojih držav članic z enakim številom glasov, kot je število držav članic, ki so stranke te pogodbe. Nobena medvladna organizacija ne more sodelovati pri glasovanju, če katera koli od njenih držav članic uresniči svojo pravico do glasovanja, in obratno.

(4) Skupščina se sestaja na rednem zasedanju vsaki dve leti, sklicuje pa jo generalni direktor WIPO.

(5) Skupščina določi svoj poslovnik, vključno s sklicevanjem izrednih zasedanj, pogoji za sklepčnost in ob upoštevanju določb te pogodbe zahtevano večino za sprejem različnih vrst odločitev.

16. člen

Mednarodni urad

Mednarodni urad WIPO opravlja upravne naloge v zvezi s to pogodbo.

17. člen

Sposobnost postati stranka te pogodbe

(1) Vsaka država članica WIPO lahko postane stranka te pogodbe.

(2) Skupščina lahko odloči, da dovoli pristop kateri koli medvladni organizaciji, ki izjavi, da ima glede zadev, ki jih ureja ta pogodba, pristojnosti ter svojo lastno zakonodajo, obvezujočo za vse njene države članice, in da je upravičena po svojih notranjih postopkih, da postane stranka te pogodbe.

(3) Evropska skupnost, ki je na diplomatski konferenci, na kateri je bila sprejeta ta pogodba, dala izjavo iz prejšnjega odstavka, lahko postane stranka te pogodbe.

18. člen

Pravice in obveznosti po pogodbi

Razen če ni v tej pogodbi izrecno določeno drugače, vsaka pogodbenica uživa vse pravice in prevzame vse obveznosti po tej pogodbi.

19. člen

Podpis pogodbe

Ta pogodba je do 31. decembra 1997 na voljo za podpis vsaki državi članici WIPO in Evropski skupnosti.

20. člen

Začetek veljavnosti pogodbe

Ta pogodba začne veljati tri mesece po tem, ko je pri generalnem direktorju WIPO 30 držav deponiralo svoje listine o ratifikaciji ali pristopu.

21. člen

Začetek učinkovanja pogodbe za stranke pogodbe

Ta pogodba obvezuje

(i) 30 držav, omenjenih v 20. členu, od dneva, ko je ta pogodba začela veljati;

(ii) each other State from the expiration of three months from the date on which the State has deposited its instrument with the Director General of WIPO;

(iii) the European Community, from the expiration of three months after the deposit of its instrument of ratification or accession if such instrument has been deposited after the entry into force of this Treaty according to Article 20, or, three months after the entry into force of this Treaty if such instrument has been deposited before the entry into force of this Treaty;

(iv) any other intergovernmental organization that is admitted to become party to this Treaty, from the expiration of three months after the deposit of its instrument of accession.

Article 22

No Reservations to the Treaty

No reservation to this Treaty shall be admitted.

Article 23

Denunciation of the Treaty

This Treaty may be denounced by any Contracting Party by notification addressed to the Director General of WIPO. Any denunciation shall take effect one year from the date on which the Director General of WIPO received the notification.

Article 24

Languages of the Treaty

(1) This Treaty is signed in a single original in English, Arabic, Chinese, French, Russian and Spanish languages, the versions in all these languages being equally authentic.

(2) An official text in any language other than those referred to in paragraph (1) shall be established by the Director General of WIPO on the request of an interested party, after consultation with all the interested parties. For the purposes of this paragraph, "interested party" means any Member State of WIPO whose official language, or one of whose official languages, is involved and the European Community, and any other intergovernmental organization that may become party to this Treaty, if one of its official languages is involved.

Article 25

Depositary

The Director General of WIPO is the depositary of this Treaty.

(ii) vsako drugo državo po poteku treh mesecev od dneva, ko je država deponirala svojo listino pri generalnem direktorju WIPO;

(iii) Evropsko skupnost po poteku treh mesecev od deponiranja njene listine o ratifikaciji ali pristopu, če je bila takšna listina deponirana po začetku veljavnosti te pogodbe v skladu z 20. členom, oziroma po poteku treh mesecev od začetka veljavnosti te pogodbe, če je bila takšna listina deponirana pred začetkom veljavnosti te pogodbe;

(iv) vsako drugo medvladno organizacijo, ki postane stranka te pogodbe, po poteku treh mesecev od deponiranja njene listine o pristopu.

22. člen

Nedopustnost pridržkov

K tej pogodbi niso dopustni pridržki.

23. člen

Odpoved pogodbe

Vsaka pogodbenica lahko odpove to pogodbo z uradnim obvestilom, naslovljenim na generalnega direktorja WIPO. Odpoved začne učinkovati eno leto po dnevu, ko generalni direktor WIPO prejme uradno obvestilo.

24. člen

Pogodbeni jeziki

(1) Ta pogodba je podpisana v enem izvorniku v angleškem, arabskem, francoskem, kitajskem, ruskem in španskem jeziku, pri čemer so besedila v vseh teh jezikih enako verodostojna.

(2) Uradno besedilo v jeziku, ki ni eden od navedenih v prvem odstavku, določi generalni direktor WIPO na zahtevo zainteresirane stranke in po posvetovanju z vsemi zainteresiranimi strankami. Za namene tega odstavka pomeni "zainteresirana stranka" vsako državo članico WIPO, za katere uradni jezik ali enega od uradnih jezikov gre, in Evropsko skupnost ter katero koli drugo medvladno organizacijo, ki lahko postane stranka te pogodbe, če gre za enega od njenih uradnih jezikov.

25. člen

Depozitar

Depozitar te pogodbe je generalni direktor WIPO.

3. člen

Za izvajanje pogodbe skrbi Ministrstvo za znanost in tehnologijo, Urad Republike Slovenije za intelektualno lastnino.

4. člen

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

Št. 120-01/99-5/1

Ljubljana, dne 22. septembra 1999

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

78. Zakon o ratifikaciji Pogodbe Svetovne organizacije za intelektualno lastnino o izvedbah in fonogramih (MSOILIF)

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

U K A Z**O RAZGLASITVI ZAKONA O RATIFIKACIJI POGODBE SVETOVNE ORGANIZACIJE ZA INTELEKTUALNO LASTNINO O IZVEDBAH IN FONOGRAMIH (MSOILIF)**

Razlašam Zakon o ratifikaciji Pogodbe Svetovne organizacije za intelektualno lastnino o izvedbah in fonogramih (MSOILIF), ki ga je sprejel Državni zbor Republike Slovenije na seji 22. septembra 1999.

Št. 001-22-141/99

Ljubljana, dne 30. septembra 1999

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N**O RATIFIKACIJI POGODBE SVETOVNE ORGANIZACIJE ZA INTELEKTUALNO LASTNINO O IZVEDBAH IN FONOGRAMIH (MSOILIF)**

1. člen

Ratificira se Pogodba Svetovne organizacije za intelektualno lastnino o izvedbah in fonogramih, sprejeta v Ženevi dne 20. decembra 1996.

2. člen

Pogodba se v izvorniku v angleškem jeziku in v prevodu v slovenskem jeziku glasi:

**W I P O
PERFORMANCES AND PHONOGRAMS
TREATY**

*adopted by the Diplomatic Conference on
December 20, 1996*

Preamble

The Contracting Parties,

Desiring to develop and maintain the protection of the rights of performers and producers of phonograms in a manner as effective and uniform as possible,

Recognizing the need to introduce new international rules in order to provide adequate solutions to the questions raised by economic, social, cultural and technological developments,

Recognizing the profound impact of the development and convergence of information and communication technologies on the production and use of performances and phonograms,

Recognizing the need to maintain a balance between the rights of performers and producers of phonograms and the larger public interest, particularly education, research and access to information,

Have agreed as follows:

**CHAPTER I
GENERAL PROVISIONS**

Article 1

Relation to Other Conventions

(1) Nothing in this Treaty shall derogate from existing obligations that Contracting Parties have to each other un-

**P O G O D B A
SVETOVNE ORGANIZACIJE ZA
INTELEKTUALNO LASTNINO
O IZVEDBAH IN FONOGRAMIH**

*sprejeta na diplomatski konferenci
dne 20. decembra 1996*

Uvod

Pogodbenice,

želijo čim učinkoviteje in enotneje razvijati in ohraniti varstvo pravic izvajalcev in proizvajalcev fonogramov,

priznavajo potrebo po uvedbi novih mednarodnih pravil, da bi ustrezno reševale vprašanja, ki se postavljajo v zvezi z gospodarskim, družbenim, kulturnim in tehnološkim razvojem,

priznavajo velik vpliv razvoja in zblíževanja informacijskih ter komunikacijskih tehnologij na produkcijo in uporabo izvedb ter fonogramov,

priznavajo potrebo po ohranitvi ravnotežja med pravicami izvajalcev in proizvajalcev fonogramov ter širšim javnim interesom predvsem na področju izobraževanja, raziskovanja in dostopa do informacij,

zato so sklenile, kot sledi:

**I. poglavje
SPLOŠNE DOLOČBE**

1. člen

Razmerje do drugih konvencij

(1) Nič v tej pogodbi ne ukinja obstoječih obveznosti, ki jih imajo pogodbenice druga do druge po Mednarodni kon-

der the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations done in Rome, October 26, 1961 (hereinafter the "Rome Convention").

(2) Protection granted under this Treaty shall leave intact and shall in no way affect the protection of copyright in literary and artistic works. Consequently, no provision of this Treaty may be interpreted as prejudicing such protection.

(3) This Treaty shall not have any connection with, nor shall it prejudice any rights and obligations under, any other treaties.

Article 2

Definitions

For the purposes of this Treaty:

(a) "performers" are actors, singers, musicians, dancers, and other persons who act, sing, deliver, declaim, play in, interpret, or otherwise perform literary or artistic works or expressions of folklore;

(b) "phonogram" means the fixation of the sounds of a performance or of other sounds, or of a representation of sounds, other than in the form of a fixation incorporated in a cinematographic or other audiovisual work;

(c) "fixation" means the embodiment of sounds, or of the representations thereof, from which they can be perceived, reproduced or communicated through a device;

(d) "producer of a phonogram" means the person, or the legal entity, who or which takes the initiative and has the responsibility for the first fixation of the sounds of a performance or other sounds, or the representations of sounds;

(e) "publication" of a fixed performance or a phonogram means the offering of copies of the fixed performance or the phonogram to the public, with the consent of the rightholder, and provided that copies are offered to the public in reasonable quantity;

(f) "broadcasting" means the transmission by wireless means for public reception of sounds or of images and sounds or of the representations thereof; such transmission by satellite is also "broadcasting"; transmission of encrypted signals is "broadcasting" where the means for decrypting are provided to the public by the broadcasting organization or with its consent;

(g) "communication to the public" of a performance or a phonogram means the transmission to the public by any medium, otherwise than by broadcasting, of sounds of a performance or the sounds or the representations of sounds fixed in a phonogram. For the purposes of Article 15, "communication to the public" includes making the sounds or representations of sounds fixed in a phonogram audible to the public.

Article 3

Beneficiaries of Protection under this Treaty

(1) Contracting Parties shall accord the protection provided under this Treaty to the performers and producers of phonograms who are nationals of other Contracting Parties.

(2) The nationals of other Contracting Parties shall be understood to be those performers or producers of phonograms who would meet the criteria for eligibility for protection provided under the Rome Convention, were all the Contracting Parties to this Treaty Contracting States of that Convention. In respect of these criteria of eligibility, Contracting Parties shall apply the relevant definitions in Article 2 of this Treaty.

(3) Any Contracting Party availing itself of the possibilities provided in Article 5(3) of the Rome Convention or, for the purposes of Article 5 of the same Convention, Article 17 thereof shall make a notification as foreseen in those provi-

venciji za varstvo izvajalcev, proizvajalcev fonogramov in radiodifuznih organizacij, sestavljeni v Rimu dne 26. oktobra 1961 (v nadaljevanju "Rimska konvencija").

(2) Varstvo, ki ga zagotavlja ta pogodba, ne posega v varstvo avtorske pravice na književnih in umetniških delih ter nanj na noben način ne vpliva. Glede na to se nobena določba te pogodbe ne sme razlagati v škodo tega varstva.

(3) Ta pogodba nima nobene povezave z drugimi pogodbami in ne vpliva na pravice in obveznosti iz katere koli druge pogodbe.

2. člen

Opredelevanje pojmov

Za namene te pogodbe:

(a) "izvajalci" pomenijo igralce, pevce, glasbenike, plešalce in druge osebe, ki igrajo, pojejo, podajajo, deklamirajo, nastopajo, interpretirajo ali drugače izvajajo književna, umetniška ali folklorna dela;

(b) "fonogram" pomeni posnetek zvokov izvedbe ali drugih zvokov oziroma njihovih nadomestkov, razen če je v obliki posnetka, ki je vključen v kinematografskem ali drugem avdiovizualnem delu;

(c) "posnetek" pomeni vključitev zvokov ali njihovih zapisov na nosilec, s katerega se ti lahko zaznajo, reproducirajo ali priobčujejo s pomočjo naprave;

(d) "proizvajalec fonograma" pomeni fizično ali pravno osebo, ki prevzame pobudo in odgovornost, da prva posnamena zvoke neke izvedbe ali druge zvoke oziroma nadomestke teh zvokov;

(e) "izdaja" posnete izvedbe ali fonograma pomeni ponujanje primerkov posnete izvedbe ali fonograma javnosti s soglasjem imetnika pravic pod pogojem, da so ti primerki ponujeni javnosti v razumni količini;

(f) "radiodifuzno oddajanje" pomeni brezžično prenašanje zvoka ali slike in zvoka oziroma njihovih nadomestkov, namenjeno javnosti; za "radiodifuzno oddajanje" se šteje tudi takšno prenašanje po satelitu; prenašanje kodiranih signalov je "radiodifuzno oddajanje", če radiodifuzne organizacije javnosti zagotovijo sredstva za dekodiranje ali so zagotovljena z njenim soglasjem;

(g) "javna priobčitev" izvedbe ali fonograma pomeni prenašanje zvokov izvedbe ali zvokov oziroma nadomestkov zvokov, posnetih na fonogramih, javnosti na kateri koli način, razen z radiodifuznim oddajanjem. Za namene 15. člena "javna priobčitev" vključuje tudi to, da zvoki ali nadomestki zvokov, posneti na fonogramih, postanejo slišni javnosti.

3. člen

Upravičenci do varstva po tej pogodbi

(1) Pogodbenice dajejo varstvo, zagotovljeno s to pogodbo, izvajalcem in proizvajalcem fonogramov, ki so državljani druge pogodbenice.

(2) Za državljane druge pogodbenice se štejejo tisti izvajalci ali proizvajalci fonogramov, ki bi izpolnili merila za upravičenost do varstva, zagotovljenega z Rimsko konvencijo, če bi bile vse pogodbenice te pogodbe tudi države pogodbenice navedene konvencije. Glede teh meril za upravičenost do varstva uporabljajo pogodbenice ustrezne opredelilne pojmov iz 2. člena te pogodbe.

(3) Vsaka pogodbenica, ki izkoristi možnosti, zagotovljene s tretjim odstavkom 5. člena Rimske konvencije, ali ki za namene 5. člena omenjene konvencije izkoristi njen 17. člen, uradno obvesti generalnega direktorja Svetovne orga-

sions to the Director General of the World Intellectual Property Organization (WIPO).

Article 4

National Treatment

(1) Each Contracting Party shall accord to nationals of other Contracting Parties, as defined in Article 3(2), the treatment it accords to its own nationals with regard to the exclusive rights specifically granted in this Treaty, and to the right to equitable remuneration provided for in Article 15 of this Treaty.

(2) The obligation provided for in paragraph (1) does not apply to the extent that another Contracting Party makes use of the reservations permitted by Article 15(3) of this Treaty.

CHAPTER II RIGHTS OF PERFORMERS

Article 5

Moral Rights of Performers

(1) Independently of a performer's economic rights, and even after the transfer of those rights, the performer shall, as regards his live aural performances or performances fixed in phonograms, have the right to claim to be identified as the performer of his performances, except where omission is dictated by the manner of the use of the performance, and to object to any distortion, mutilation or other modification of his performances that would be prejudicial to his reputation.

(2) The rights granted to a performer in accordance with paragraph (1) shall, after his death, be maintained, at least until the expiry of the economic rights, and shall be exercisable by the persons or institutions authorized by the legislation of the Contracting Party where protection is claimed. However, those Contracting Parties whose legislation, at the moment of their ratification of or accession to this Treaty, does not provide for protection after the death of the performer of all rights set out in the preceding paragraph may provide that some of these rights will, after his death, cease to be maintained.

(3) The means of redress for safeguarding the rights granted under this Article shall be governed by the legislation of the Contracting Party where protection is claimed.

Article 6

Economic Rights of Performers in their Unfixed Performances

Performers shall enjoy the exclusive right of authorizing, as regards their performances:

- (i) the broadcasting and communication to the public of their unfixed performances except where the performance is already a broadcast performance; and
- (ii) the fixation of their unfixed performances.

Article 7

Right of Reproduction

Performers shall enjoy the exclusive right of authorizing the direct or indirect reproduction of their performances fixed in phonograms, in any manner or form.

Article 8

Right of Distribution

(1) Performers shall enjoy the exclusive right of authorizing the making available to the public of the original and copies of their performances fixed in phonograms through sale or other transfer of ownership.

nizacije za intelektualno lastnino (WIPO), kot je to predvideno v teh določbah.

4. člen

Nacionalna obravnava

(1) Glede izključnih pravic, danih posebej po tej pogodbi, in glede pravice do pravičnega nadomestila iz 15. člena te pogodbe vsaka pogodbenica obravnava državljane drugih pogodbenic, kot so opredeljeni v drugem odstavku 3. člena, enako kot svoje lastne državljane.

(2) Obveznost iz prvega odstavka ne velja, če druga pogodbenica izkoristi pridržke, dovoljene v tretjem odstavku 15. člena te pogodbe.

II. poglavje PRAVICE IZVAJALCEV

5. člen

Moralne pravice izvajalcev

(1) Neodvisno od materialnih pravic izvajalca in celo po njihovem prenosu obdrži izvajalec glede slušnih izvedb v živo ali izvedb, posnetih na fonogramih, pravico do priznanja, da je izvajalec svoje izvedbe, razen če način uporabe izvedbe narekuje opustitev tega priznanja, in pravico, da nasprotuje vsakemu popačenju, skazitvi ali drugi spremembi svoje izvedbe, ki bi lahko škodovala njegovemu ugledu.

(2) Pravice, ki jih zagotavlja izvajalcu prvi odstavek, trajajo po njegovi smrti vsaj do poteka materialnih pravic in jih lahko uresničujejo osebe ali institucije, ki so za to pooblaščenice po zakonodaji pogodbenice, v kateri se zahteva varstvo. Vendar pa tiste pogodbenice, katerih zakonodaje v času ratifikacije te pogodbe ali pristopa k njej ne predvidevajo varstva vseh pravic, navedenih v prejšnjem odstavku, po smrti izvajalca lahko določijo, da nekatere od teh pravic po njegovi smrti prenehajo veljati.

(3) Pravna sredstva za varovanje pravic, zagotovljenih s tem členom, ureja zakonodaja pogodbenice, v kateri se zahteva varstvo.

6. člen

Materialne pravice izvajalcev na njihovih neposnetih izvedbah

Izvajalci uživajo glede svojih izvedb izključno pravico dovoljevati:

- (i) radiodifuzno oddajanje in javno priobčitev svojih neposnetih izvedb, razen če je izvedba sama po sebi radiodifuzna, in
- (ii) snemanje svojih neposnetih izvedb.

7. člen

Pravica do reproduciranja

Izvajalci uživajo izključno pravico dovoljevati neposredno ali posredno reproduciranje svojih izvedb, posnetih na fonogramih, na kakršen koli način ali v kateri koli obliki.

8. člen

Pravica do distribuiranja

(1) Izvajalci uživajo izključno pravico dovoljevati, da izvornik in primerki njihovih izvedb, posnetih na fonogramih, postanejo dostopni javnosti s prodajo ali drugačnim prenosom lastninske pravice.

(2) Nothing in this Treaty shall affect the freedom of Contracting Parties to determine the conditions, if any, under which the exhaustion of the right in paragraph (1) applies after the first sale or other transfer of ownership of the original or a copy of the fixed performance with the authorization of the performer.

Article 9

Right of Rental

(1) Performers shall enjoy the exclusive right of authorizing the commercial rental to the public of the original and copies of their performances fixed in phonograms as determined in the national law of Contracting Parties, even after distribution of them by, or pursuant to, authorization by the performer.

(2) Notwithstanding the provisions of paragraph (1), a Contracting Party that, on April 15, 1994, had and continues to have in force a system of equitable remuneration of performers for the rental of copies of their performances fixed in phonograms, may maintain that system provided that the commercial rental of phonograms is not giving rise to the material impairment of the exclusive right of reproduction of performers.

Article 10

Right of Making Available of Fixed Performances

Performers shall enjoy the exclusive right of authorizing the making available to the public of their performances fixed in phonograms, by wire or wireless means, in such a way that members of the public may access them from a place and at a time individually chosen by them.

CHAPTER III

RIGHTS OF PRODUCERS OF PHONOGRAMS

Article 11

Right of Reproduction

Producers of phonograms shall enjoy the exclusive right of authorizing the direct or indirect reproduction of their phonograms, in any manner or form.

Article 12

Right of Distribution

(1) Producers of phonograms shall enjoy the exclusive right of authorizing the making available to the public of the original and copies of their phonograms through sale or other transfer of ownership.

(2) Nothing in this Treaty shall affect the freedom of Contracting Parties to determine the conditions, if any, under which the exhaustion of the right in paragraph (1) applies after the first sale or other transfer of ownership of the original or a copy of the phonogram with the authorization of the producer of the phonogram.

Article 13

Right of Rental

(1) Producers of phonograms shall enjoy the exclusive right of authorizing the commercial rental to the public of the original and copies of their phonograms, even after distribution of them by or pursuant to authorization by the producer.

(2) Notwithstanding the provisions of paragraph (1), a Contracting Party that, on April 15, 1994, had and continues to have in force a system of equitable remuneration of producers of phonograms for the rental of copies of their phonograms, may maintain that system provided that the commercial rental of phonograms is not giving rise to the

(2) Nič v tej pogodbi ne vpliva na svobodo pogodbenic, da določijo morebitne pogoje, pod katerimi je po prvi prodaji ali drugačnem prenosu lastninske pravice izvirnika ali primerka posnete izvedbe z dovoljenjem izvajalca pravica iz prvega odstavka izčrpana.

9. člen

Pravica do dajanja v najem

(1) Izvajalci uživajo izključno pravico dovoljevati, da se izvirnik in primerki njihovih izvedb, posnetih na fonogramih, kot to določa domače pravo pogodbenice, dajejo v komercialni najem javnosti tudi po tem, ko so distribuirani z dovoljenjem izvajalca oziroma v skladu z njim.

(2) Ne glede na določbe prvega odstavka lahko pogodbenica, ki je imela na dan 15. aprila 1994 v veljavi sistem pravičnega nadomestila izvajalcem za dajanje primerkov njihovih izvedb, posnetih na fonogramih, v najem in ga še vedno ima, obdrži ta sistem pod pogojem, da komercialno dajanje fonogramov v najem bistveno ne prizadene izvajalčeve izključne pravice reproduciranja.

10. člen

Pravica, da se posnete izvedbe dajo na voljo javnosti

Izvajalci uživajo izključno pravico dovoljevati, da postanejo njihove izvedbe, posnete na fonogramih, dostopne javnosti po žici ali brezžično na tak način, da imajo posamezniki lahko dostop do njih s kraja in v času, ki ju sami izberejo.

III. poglavje

PRAVICE PROIZVAJALCEV FONOGRAMOV

11. člen

Pravica do reproduciranja

Proizvajalci fonogramov uživajo izključno pravico dovoljevati neposredno ali posredno reproduciranje svojih fonogramov na kakršen koli način ali v kateri koli obliki.

12. člen

Pravica do distribuiranja

(1) Proizvajalci fonogramov uživajo izključno pravico dovoljevati, da izvirnik in primerki njihovih fonogramov postanejo dostopni javnosti s prodajo ali drugačnim prenosom lastninske pravice.

(2) Nič v tej pogodbi ne vpliva na svobodo pogodbenic, da določijo morebitne pogoje, pod katerimi je po prvi prodaji ali drugačnem prenosu lastninske pravice izvirnika ali primerka fonograma z dovoljenjem proizvajalca fonograma pravica iz prvega odstavka izčrpana.

13. člen

Pravica do dajanja v najem

(1) Proizvajalci fonogramov uživajo izključno pravico dovoljevati, da se izvirnik in primerki njihovih fonogramov dajejo v komercialni najem javnosti tudi po tem, ko so že bili distribuirani z dovoljenjem proizvajalca oziroma v skladu z njim.

(2) Ne glede na določbe prvega odstavka lahko pogodbenica, ki je imela na dan 15. aprila 1994 v veljavi sistem pravičnega nadomestila proizvajalcem fonogramov za dajanje primerkov njihovih fonogramov v najem in ga še vedno ima, obdrži ta sistem pod pogojem, da komercialno dajanje

material impairment of the exclusive rights of reproduction of producers of phonograms.

Article 14

Right of Making Available of Phonograms

Producers of phonograms shall enjoy the exclusive right of authorizing the making available to the public of their phonograms, by wire or wireless means, in such a way that members of the public may access them from a place and at a time individually chosen by them.

CHAPTER IV
COMMON PROVISIONS

Article 15

Right to Remuneration for Broadcasting and Communication to the Public

(1) Performers and producers of phonograms shall enjoy the right to a single equitable remuneration for the direct or indirect use of phonograms published for commercial purposes for broadcasting or for any communication to the public.

(2) Contracting Parties may establish in their national legislation that the single equitable remuneration shall be claimed from the user by the performer or by the producer of a phonogram or by both. Contracting Parties may enact national legislation that, in the absence of an agreement between the performer and the producer of a phonogram, sets the terms according to which performers and producers of phonograms shall share the single equitable remuneration.

(3) Any Contracting Party may in a notification deposited with the Director General of WIPO, declare that it will apply the provisions of paragraph (1) only in respect of certain uses, or that it will limit their application in some other way, or that it will not apply these provisions at all.

(4) For the purposes of this Article, phonograms made available to the public by wire or wireless means in such a way that members of the public may access them from a place and at a time individually chosen by them shall be considered as if they had been published for commercial purposes.

Article 16

Limitations and Exceptions

(1) Contracting Parties may, in their national legislation, provide for the same kinds of limitations or exceptions with regard to the protection of performers and producers of phonograms as they provide for, in their national legislation, in connection with the protection of copyright in literary and artistic works.

(2) Contracting Parties shall confine any limitations of or exceptions to rights provided for in this Treaty to certain special cases which do not conflict with a normal exploitation of the performance or phonogram and do not unreasonably prejudice the legitimate interests of the performer or of the producer of the phonogram.

Article 17

Term of Protection

(1) The term of protection to be granted to performers under this Treaty shall last, at least, until the end of a period of 50 years computed from the end of the year in which the performance was fixed in a phonogram.

(2) The term of protection to be granted to producers of phonograms under this Treaty shall last, at least, until

fonogramov v najem bistveno ne prizadene proizvajalčeve izključne pravice do reproduciranja.

14. člen

Pravica, da se fonogrami dajo na voljo javnosti

Proizvajalci fonogramov uživajo izključno pravico dovoljevati, da postanejo njihovi fonogrami dostopni javnosti po žici ali brezžično na tak način, da imajo posamezniki lahko dostop do njih s kraja in v času, ki ju sami izberejo.

IV. poglavje
SKUPNE DOLOČBE

15. člen

Pravica do nadomestila za radiodifuzno oddajanje in javno priobčitev

(1) Izvajalci in proizvajalci fonogramov uživajo pravico do enkratnega pravičnega nadomestila za neposredno ali posredno uporabo fonogramov, izdanih za komercialne namene, za radiodifuzno oddajanje ali kakšno drugo javno priobčitev.

(2) Pogodbenice lahko v svoji domači zakonodaji določijo, da izvajalec ali proizvajalec fonograma ali oba zahtevata od uporabnika enkratno pravično nadomestilo. Pogodbenice lahko sprejmejo zakonodajo, ki določi pogoje, pod katerimi se enkratno pravično nadomestilo deli med izvajalci in proizvajalci fonogramov, če se ti o tem ne sporazumejo.

(3) Vsaka pogodbenica lahko z uradnim obvestilom, deponiranim pri generalnem direktorju WIPO, izjavi, da bo uporabljala določbe prvega odstavka samo glede nekaterih vrst uporabe, da bo omejevala njihovo uporabo na drug način ali da teh določb sploh ne bo uporabljala.

(4) Za namene tega člena se fonogrami, dostopni javnosti po žici ali brezžično na tak način, da imajo posamezniki lahko dostop do njih s kraja in v času, ki ju sami izberejo, štejejo kot fonogrami, ki so bili izdani za komercialne namene.

16. člen

Omejitve in izjeme

(1) Pogodbenice lahko v domači zakonodaji predvidijo enake vrste omejitev ali izjem v zvezi z varstvom izvajalcev in proizvajalcev fonogramov, kot je to predvideno v njihovi domači zakonodaji v zvezi z varstvom avtorske pravice na književnih in umetniških delih.

(2) Pogodbenice morajo skržiti vse omejitve ali izjeme od pravic, predvidenih v tej pogodbi, na nekatere določene posebne primere, ki niso v nasprotju z običajnim izkoriščanjem izvedbe ali fonograma in pretirano ne posegajo v zakonite interese izvajalca ali proizvajalca fonograma.

17. člen

Trajanje varstva

(1) Varstvo, ki ga zagotavlja ta pogodba izvajalcem, traja najmanj do konca obdobja 50 let, šteto od konca leta, ko je bila izvedba posneta na fonogram.

(2) Varstvo, ki ga zagotavlja ta pogodba proizvajalcem fonogramov, traja najmanj do konca obdobja 50 let,

the end of a period of 50 years computed from the end of the year in which the phonogram was published, or failing such publication within 50 years from fixation of the phonogram, 50 years from the end of the year in which the fixation was made.

Article 18

Obligations concerning Technological Measures

Contracting Parties shall provide adequate legal protection and effective legal remedies against the circumvention of effective technological measures that are used by performers or producers of phonograms in connection with the exercise of their rights under this Treaty and that restrict acts, in respect of their performances or phonograms, which are not authorized by the performers or the producers of phonograms concerned or permitted by law.

Article 19

Obligations concerning Rights Management Information

(1) Contracting Parties shall provide adequate and effective legal remedies against any person knowingly performing any of the following acts knowing, or with respect to civil remedies having reasonable grounds to know, that it will induce, enable, facilitate or conceal an infringement of any right covered by this Treaty:

(i) to remove or alter any electronic rights management information without authority;

(ii) to distribute, import for distribution, broadcast, communicate or make available to the public, without authority, performances, copies of fixed performances or phonograms knowing that electronic rights management information has been removed or altered without authority.

(2) As used in this Article, "rights management information" means information which identifies the performer, the performance of the performer, the producer of the phonogram, the phonogram, the owner of any right in the performance or phonogram, or information about the terms and conditions of use of the performance or phonogram, and any numbers or codes that represent such information, when any of these items of information is attached to a copy of a fixed performance or a phonogram or appears in connection with the communication or making available of a fixed performance or a phonogram to the public.

Article 20

Formalities

The enjoyment and exercise of the rights provided for in this Treaty shall not be subject to any formality.

Article 21

Reservations

Subject to the provisions of Article 15(3), no reservations to this Treaty shall be permitted.

Article 22

Application in Time

(1) Contracting Parties shall apply the provisions of Article 18 of the Berne Convention, *mutatis mutandis*, to the rights of performers and producers of phonograms provided for in this Treaty.

(2) Notwithstanding paragraph (1), a Contracting Party may limit the application of Article 5 of this Treaty to performances which occurred after the entry into force of this Treaty for that Party.

šteto od konca leta, v katerem je bil fonogram izdan, oziroma če fonogram ni bil izdan v 50 letih po tistem, ko je bil posnet, 50 let od konca leta, v katerem je bil posnetek narejen.

18. člen

Obveznosti glede tehničnih ukrepov

Pogodbenice zagotovijo ustrezno pravno varstvo in učinkovita pravna sredstva zoper izognitev dejanskim tehničnim ukrepom, ki jih uporabljajo izvajalci ali proizvajalci fonogramov v zvezi z uresničevanjem svojih pravic po tej pogodbi in ki omejujejo dejanja v zvezi z njihovimi izvedbami ali fonogrami, ki jih izvajalci oziroma proizvajalci fonogramov niso dovolili ali ki po zakonu niso dovoljena.

19. člen

Obveznosti v zvezi s podatki za upravljanje pravic

(1) Pogodbenice zagotovijo ustrezna in učinkovita pravna sredstva zoper vse osebe, ki zavestno storijo katero koli od naslednjih dejanj in vedo oziroma bi v primeru civilno-pravnih sredstev iz utemeljenih razlogov lahko vedele, da bo to povzročilo, omogočilo, olajšalo ali prikrilo kršitev katere koli pravice, urejene s to pogodbo:

(i) odstranitev ali sprememba katerega koli elektronskega podatka za upravljanje pravic brez dovoljenja;

(ii) distribuiranje, uvoz zaradi distribuiranja, radiodifuzno oddajanje ali javna priobčitev izvedb, primerkov posnetih izvedb ali fonogramov ali njihovo dajanje na voljo javnosti brez dovoljenja, vedoč, da so bili elektronski podatki za upravljanje pravic odstranjeni ali spremenjeni brez dovoljenja.

(2) Pojem "podatki za upravljanje pravic", kot je uporabljen v tem členu, pomeni podatke, ki identificirajo izvajalca, izvajalčevo izvedbo, proizvajalca fonograma, fonogram, imetnika katere koli pravice na izvedbi ali fonogramu, ali podatke o pogojih uporabe izvedbe ali fonograma oziroma katere koli številke ali kode, ki pomenijo takšne podatke, če je kateri izmed njih dodan primerku posnete izvedbe ali fonograma ali se pojavlja v zvezi z javno priobčitvijo posnete izvedbe ali fonograma ali z njunim dajanjem na voljo javnosti.

20. člen

Formalnosti

Za uživanje in uresničevanje pravic, predvidenih s to pogodbo, ne veljajo nobene formalnosti.

21. člen

Pridržki

Ob upoštevanju določb tretjega odstavka 15. člena k tej pogodbi niso dopustni pridržki.

22. člen

Časovna uporaba

(1) Za pravice izvajalcev in proizvajalcev fonogramov, predvidene s to pogodbo, pogodbenice smiselno uporabljajo določbe 18. člena Bernske konvencije.

(2) Ne glede na prvi odstavek lahko pogodbenica omeji uporabo 5. člena te pogodbe na izvedbe, do katerih je prišlo po tem, ko je pogodba začela veljati za to pogodbenico.

Article 23

Provisions on Enforcement of Rights

(1) Contracting Parties undertake to adopt, in accordance with their legal systems, the measures necessary to ensure the application of this Treaty.

(2) Contracting Parties shall ensure that enforcement procedures are available under their law so as to permit effective action against any act of infringement of rights covered by this Treaty, including expeditious remedies to prevent infringements and remedies which constitute a deterrent to further infringements.

CHAPTER V

ADMINISTRATIVE AND FINAL CLAUSES

Article 24

Assembly

(1)(a) The Contracting Parties shall have an Assembly.

(b) Each Contracting Party shall be represented by one delegate who may be assisted by alternate delegates, advisors and experts.

(c) The expenses of each delegation shall be borne by the Contracting Party that has appointed the delegation. The Assembly may ask WIPO to grant financial assistance to facilitate the participation of delegations of Contracting Parties that are regarded as developing countries in conformity with the established practice of the General Assembly of the United Nations or that are countries in transition to a market economy.

(2)(a) The Assembly shall deal with matters concerning the maintenance and development of this Treaty and the application and operation of this Treaty.

(b) The Assembly shall perform the function allocated to it under Article 26(2) in respect of the admission of certain intergovernmental organizations to become party to this Treaty.

(c) The Assembly shall decide the convocation of any diplomatic conference for the revision of this Treaty and give the necessary instructions to the Director General of WIPO for the preparation of such diplomatic conference.

(3)(a) Each Contracting Party that is a State shall have one vote and shall vote only in its own name.

(b) Any Contracting Party that is an intergovernmental organization may participate in the vote, in place of its Member States, with a number of votes equal to the number of its Member States which are party to this Treaty. No such intergovernmental organization shall participate in the vote if any one of its Member States exercises its right to vote and *vice versa*.

(4) The Assembly shall meet in ordinary session once every two years upon convocation by the Director General of WIPO.

(5) The Assembly shall establish its own rules of procedure, including the convocation of extraordinary sessions, the requirements of a quorum and, subject to the provisions of this Treaty, the required majority for various kinds of decisions.

Article 25

International Bureau

The International Bureau of WIPO shall perform the administrative tasks concerning the Treaty.

Article 26

Eligibility for Becoming Party to the Treaty

(1) Any Member State of WIPO may become party to this Treaty.

23. člen

Določbe o uveljavljanju pravic

(1) Pogodbenice se zavežejo, da bodo v skladu s svojimi pravnimi sistemi sprejele potrebne ukrepe za zagotovitev uporabe te pogodbe.

(2) Pogodbenice zagotovijo, da so po njihovem pravu na razpolago postopki za uveljavitev pravic, ki omogočajo učinkovito ukrepanje zoper vsako dejanje kršitve pravic, zajetih v tej pogodbi, vključno s hitrimi sredstvi za preprečitev kršitev in sredstvi, ki odvrtaajo od nadaljnjih kršitev.

V. poglavje

UPRAVNE IN KONČNE DOLOČBE

24. člen

Skupščina

(1) (a) Pogodbenice imajo skupščino.

(b) Vsako pogodbenico predstavlja en delegat, ki mu lahko pomagajo namestniki, svetovalci in strokovnjaki.

(c) Stroške vsake delegacije krije pogodbenica, ki jo je imenovala. Skupščina lahko zaprosi WIPO za finančno pomoč, da bi olajšala sodelovanje delegacij tistih pogodbenic, ki glede na ustaljeno prakso Generalne skupščine Združenih narodov veljajo za države v razvoju ali so države v prehodu k tržnemu gospodarstvu.

(2) (a) Skupščina obravnava zadeve v zvezi z ohranjanjem in razvojem te pogodbe ter z njeno uporabo in delovanjem.

(b) Skupščina opravlja nalogo, ki ji je dodeljena po drugem odstavku 26. člena v zvezi z dopustitvijo pristopa določenih medvladnih organizacij k tej pogodbi.

(c) Skupščina določa sklic diplomatske konference za revizijo te pogodbe in daje generalnemu direktorju WIPO potrebna navodila za njeno pripravo.

(3)(a) Vsaka pogodbenica, ki je država, ima en glas in lahko glasuje le v svojem imenu.

(b) Pogodbenica, ki je medvladna organizacija, lahko sodeluje pri glasovanju namesto svojih držav članic z enakim številom glasov, kot je število držav članic, ki so stranke te pogodbe. Nobena medvladna organizacija ne more sodelovati pri glasovanju, če katera koli od njenih držav članic uresniči svojo pravico do glasovanja, in obratno.

(4) Skupščina se sestaja na rednem zasedanju vsaki dve leti, sklicuje pa jo generalni direktor WIPO.

(5) Skupščina določi svoj poslovnik, vključno s sklicevanjem izrednih zasedanj, pogoji za sklepčnost in ob upoštevanju določb te pogodbe zahtevano večino za sprejem različnih vrst odločitev.

25. člen

Mednarodni urad

Mednarodni urad WIPO opravlja upravne naloge v zvezi s to pogodbo.

26. člen

Sposobnost postati stranka te pogodbe

(1) Vsaka država članica WIPO lahko postane stranka te pogodbe.

(2) The Assembly may decide to admit any intergovernmental organization to become party to this Treaty which declares that it is competent in respect of, and has its own legislation binding on all its Member States on, matters covered by this Treaty and that it has been duly authorized, in accordance with its internal procedures, to become party to this Treaty.

(3) The European Community, having made the declaration referred to in the preceding paragraph in the Diplomatic Conference that has adopted this Treaty, may become party to this Treaty.

Article 27

Rights and Obligations under the Treaty

Subject to any specific provisions to the contrary in this Treaty, each Contracting Party shall enjoy all of the rights and assume all of the obligations under this Treaty.

Article 28

Signature of the Treaty

This Treaty shall be open for signature until December 31, 1997, by any Member State of WIPO and by the European Community.

Article 29

Entry into Force of the Treaty

This Treaty shall enter into force three months after 30 instruments of ratification or accession by States have been deposited with the Director General of WIPO.

Article 30

Effective Date of Becoming Party to the Treaty

This Treaty shall bind

(i) the 30 States referred to in Article 29, from the date on which this Treaty has entered into force;

(ii) each other State from the expiration of three months from the date on which the State has deposited its instrument with the Director General of WIPO;

(iii) the European Community, from the expiration of three months after the deposit of its instrument of ratification or accession if such instrument has been deposited after the entry into force of this Treaty according to Article 29, or, three months after the entry into force of this Treaty if such instrument has been deposited before the entry into force of this Treaty;

(iv) any other intergovernmental organization that is admitted to become party to this Treaty, from the expiration of three months after the deposit of its instrument of accession.

Article 31

Denunciation of the Treaty

This Treaty may be denounced by any Contracting Party by notification addressed to the Director General of WIPO. Any denunciation shall take effect one year from the date on which the Director General of WIPO received the notification.

Article 32

Languages of the Treaty

(1) This Treaty is signed in a single original in English, Arabic, Chinese, French, Russian and Spanish languages, the versions in all these languages being equally authentic.

(2) An official text in any language other than those referred to in paragraph (1) shall be established by the Director General of WIPO on the request of an interested

(2) Skupščina lahko odloči, da dovoli pristop kateri koli medvladni organizaciji, ki izjavi, da ima glede zadev, ki jih ureja ta pogodba, pristojnosti ter svojo lastno zakonodajo, obvezujočo za vse njene države članice, in da je upravičena po svojih notranjih postopkih, da postane stranka te pogodbe.

(3) Evropska skupnost, ki je na diplomatski konferenci, na kateri je bila sprejeta ta pogodba, dala izjavo iz prejšnjega odstavka, lahko postane stranka te pogodbe.

27. člen

Pravice in obveznosti po pogodbi

Razen če ni v tej pogodbi izrecno določeno drugače, vsaka pogodbenica uživa vse pravice in prevzame vse obveznosti po tej pogodbi.

28. člen

Podpis pogodbe

Ta pogodba je do 31. decembra 1997 na voljo za podpis vsaki državi članici WIPO in Evropski skupnosti.

29. člen

Začetek veljavnosti pogodbe

Ta pogodba začne veljati tri mesece po tem, ko je pri generalnem direktorju WIPO 30 držav deponiralo svoje listine o ratifikaciji ali pristopu.

30. člen

Začetek učinkovanja pogodbe za stranke pogodbe

Ta pogodba obvezuje

(i) 30 držav, omenjenih v 29. členu, od dneva, ko je ta pogodba začela veljati;

(ii) vsako drugo državo po poteku treh mesecev od dneva, ko je država deponirala svojo listino pri generalnem direktorju WIPO;

(iii) Evropsko skupnost po poteku treh mesecev od deponiranja njene listine o ratifikaciji ali pristopu, če je bila takšna listina deponirana po začetku veljavnosti te pogodbe v skladu z 29. členom, oziroma po poteku treh mesecev od začetka veljavnosti te pogodbe, če je bila takšna listina deponirana pred začetkom veljavnosti te pogodbe;

(iv) vsako drugo medvladno organizacijo, ki postane stranka te pogodbe, po poteku treh mesecev od deponiranja njene listine o pristopu.

31. člen

Odpoved pogodbe

Vsaka pogodbenica lahko odpove to pogodbo z uradnim obvestilom, naslovljenim na generalnega direktorja WIPO. Odpoved začne učinkovati eno leto po dnevu, ko generalni direktor WIPO prejme uradno obvestilo.

32. člen

Pogodbeni jeziki

(1) Ta pogodba je podpisana v enem izvorniku v angleškem, arabskem, francoskem, kitajskem, ruskem in španskem jeziku, pri čemer so besedila v vseh teh jezikih enako verodostojna.

(2) Uradno besedilo v jeziku, ki ni eden od navedenih v prvem odstavku, določi generalni direktor WIPO na zahtevo

party, after consultation with all the interested parties. For the purposes of this paragraph, "interested party" means any Member State of WIPO whose official language, or one of whose official languages, is involved and the European Community, and any other intergovernmental organization that may become party to this Treaty, if one of its official languages is involved.

zainteresirane stranke in po posvetovanju z vsemi zainteresiranimi strankami. Za namene tega odstavka pomeni "zainteresirana stranka" vsako državo članico WIPO, za katere uradni jezik ali enega od uradnih jezikov gre, inr Evropsko skupnost ter katero koli drugo medvladno organizacijo, ki lahko postane stranka te pogodbe, če gre za enega od njenih uradnih jezikov.

Article 33

Depositary

The Director General of WIPO is the depositary of this Treaty.

33. člen

Depozitar

Depozitar te pogodbe je generalni direktor WIPO.

3. člen

Za izvajanje pogodbe skrbi Ministrstvo za znanost in tehnologijo, Urad Republike Slovenije za intelektualno lastnino.

4. člen

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

Št. 120-01/99-4/1

Ljubljana, dne 22. septembra 1999

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

79. Zakon o ratifikaciji Evropske konvencije o medsebojni pravni pomoči v kazenskih zadevah in Dodatnega protokola k Evropski konvenciji o medsebojni pravni pomoči v kazenskih zadevah (MEKPPKZ)

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 EVROPSKE KONVENCIJE O MEDSEBOJNI PRAVNI POMOČI V KAZENSKIH ZADEVAH IN DODATNEGA PROTOKOLA K EVROPSKI KONVENCIJI O MEDSEBOJNI PRAVNI POMOČI V KAZENSKIH ZADEVAH (MEKPPKZ)

Razlašam Zakon o ratifikaciji Evropske konvencije o medsebojni pravni pomoči v kazenskih zadevah in Dodatnega protokola k Evropski konvenciji o medsebojni pravni pomoči v kazenskih zadevah (MEKPPKZ), ki ga je sprejel Državni zbor Republike Slovenije na seji 22. septembra 1999.

Št. 001-22-145/99

Ljubljana, dne 30. septembra 1999

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N

O RATIFIKACIJI EVROPSKE KONVENCIJE O MEDSEBOJNI PRAVNI POMOČI V KAZENSKIH ZADEVAH IN DODATNEGA PROTOKOLA K EVROPSKI KONVENCIJI O MEDSEBOJNI PRAVNI POMOČI V KAZENSKIH ZADEVAH (MEKPPKZ)

1. člen

Ratificirata se Evropska konvencija o medsebojni pravni pomoči v kazenskih zadevah, sestavljena v Strasbourgu dne 20. aprila 1959, in Dodatni protokol k Evropski konvenciji o medsebojni pravni pomoči v kazenskih zadevah, sestavljen v Strasbourgu dne 17. marca 1978.

2. člen

Konvencija in dodatni protokol h konvenciji se v angleškem izvorniku in v slovenskem prevodu glasita:

EUROPEAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS

Preamble

The governments signatory hereto, being members of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve greater unity among its members;

Believing that the adoption of common rules in the field of mutual assistance in criminal matters will contribute to the attainment of this aim;

Considering that such mutual assistance is related to the question of extradition, which has already formed the subject of a Convention signed on 13th December 1957,

Have agreed as follows:

Chapter I

General provisions

Article 1

1. The Contracting Parties undertake to afford each other, in accordance with the provisions of this Convention, the widest measure of mutual assistance in proceedings in respect of offences the punishment of which, at the time of the request for assistance, falls within the jurisdiction of the judicial authorities of the requesting Party.

2. This Convention does not apply to arrests, the enforcement of verdicts or offences under military law which are not offences under ordinary criminal law.

Article 2

Assistance may be refused:

a if the request concerns an offence which the requested Party considers a political offence, an offence connected with a political offence, or a fiscal offence;

b if the requested Party considers that execution of the request is likely to prejudice the sovereignty, security, *ordre public* or other essential interests of its country.

Chapter II

Letters rogatory

Article 3

1. The requested Party shall execute in the manner provided for by its law any letters rogatory relating to a criminal matter and addressed to it by the judicial authorities of the requesting Party for the purpose of procuring evidence or transmitting articles to be produced in evidence, records or documents.

2. If the requesting Party desires witnesses or experts to give evidence on oath, it shall expressly so request, and the requested Party shall comply with the request if the law of its country does not prohibit it.

3. The requested Party may transmit certified copies or certified photostat copies of records or documents requested, unless the requesting Party expressly requests the transmission of originals, in which case the requested Party shall make every effort to comply with the request.

Article 4

On the express request of the requesting Party the requested Party shall state the date and place of execution

EVROPSKA KONVENCIJA O MEDSEBOJNI PRAVNI POMOČI V KAZENSKIH ZADEVAH

Uvod

Vlade podpisnice, članice Sveta Evrope, so se

ob upoštevanju, da je cilj Sveta Evrope doseči večjo enotnost med njegovimi članicami;

prepričane, da bo sprejem skupnih pravil pri medsebojni pravni pomoči v kazenskih zadevah prispeval k doseganju tega cilja;

ob upoštevanju, da je medsebojna pravna pomoč povezana z vprašanjem izročitve, ki je že urejeno s konvencijo z dne 13. decembra 1957,

dogovorile o naslednjem:

I. poglavje

Splošne določbe

1. člen

1. Pogodbenice se zavezujejo, da si bodo v skladu z določbami te konvencije čim bolj medsebojno pomagale v postopkih v zvezi s kaznivimi dejanji, za katera je kaznovanje v trenutku zaprosila za pravno pomoč v pristojnosti pravosodnih organov pogodbenice prosilke.

2. Ta konvencija ne velja za odvzeme prostosti, izvršitev sodnih odločb niti za vojaška kazniva dejanja, ki niso kazniva dejanja po občem kazenskem pravu.

2. člen

Pravna pomoč se lahko zavrne:

a) če se zaprosilo nanaša na kaznivo dejanje, ki ga zaprosena pogodbenica šteje za politično kaznivo dejanje, kaznivo dejanje, ki je povezano s političnim kaznivim dejanjem, ali za kršitev fiskalnih predpisov;

b) če zaprosena pogodbenica meni, da ugoditev zaprosilu lahko škodi suverenosti, varnosti, javnemu redu ali drugim bistvenim interesom države.

II. poglavje

Zaprosila za pravno pomoč

3. člen

1. Zaprosena pogodbenica v skladu s svojo zakonodajo ugotovi vsakemu zaprosilu za pravno pomoč v zvezi s kazensko zadevo, ki ji ga pošljejo pravosodni organi pogodbenice prosilke, da priskrbi ali pošlje materialne dokaze, spise ali listine.

2. Če pogodbenica prosilka želi, da priče ali izvedenci dajo izjave pod prisego, to v zaprosilu izrecno navede, zaprosena pogodbenica pa temu ugotovi, če to ni prepovedano po njeni zakonodaji.

3. Zaprosena pogodbenica lahko pošlje overjene kopije ali overjene fotokopije zaprosenih spisov ali listin; če pa pogodbenica prosilka izrecno zaprosi za izvornike, takemu zaprosilu zaprosena pogodbenica po svojih najboljših močeh ugotovi.

4. člen

Če pogodbenica prosilka to izrecno zahteva, jo zaprosena pogodbenica obvesti o datumu in kraju ugoditve zapro-

of the letters rogatory. Officials and interested persons may be present if the requested Party consents.

Article 5

1. Any Contracting Party may, by a declaration addressed to the Secretary General of the Council of Europe, when signing this Convention or depositing its instrument of ratification or accession, reserve the right to make the execution of letters rogatory for search or seizure of property dependent on one or more of the following conditions:

a that the offence motivating the letters rogatory is punishable under both the law of the requesting Party and the law of the requested Party;

b that the offence motivating the letters rogatory is an extraditable offence in the requested country;

c that execution of the letters rogatory is consistent with the law of the requested Party.

2. Where a Contracting Party makes a declaration in accordance with paragraph 1 of this article, any other Party may apply reciprocity.

Article 6

1. The requested Party may delay the handing over of any property, records or documents requested, if it requires the said property, records or documents in connection with pending criminal proceedings.

2. Any property, as well as original records or documents, handed over in execution of letters rogatory shall be returned by the requesting Party to the requested Party as soon as possible unless the latter Party waives the return thereof.

Chapter III

Service of writs and records of judicial verdicts – Appearance of witnesses, experts and prosecuted persons

Article 7

1. The requested Party shall effect service of writs and records of judicial verdicts which are transmitted to it for this purpose by the requesting Party.

Service may be effected by simple transmission of the writ or record to the person to be served. If the requesting Party expressly so requests, service shall be effected by the requested Party in the manner provided for the service of analogous documents under its own law or in a special manner consistent with such law.

2. Proof of service shall be given by means of a receipt dated and signed by the person served or by means of a declaration made by the requested Party that service has been effected and stating the form and date of such service. One or other of these documents shall be sent immediately to the requesting Party. The requested Party shall, if the requesting Party so requests, state whether service has been effected in accordance with the law of the requested Party. If service cannot be effected, the reasons shall be communicated immediately by the requested Party to the requesting Party.

3. Any Contracting Party may, by a declaration addressed to the Secretary General of the Council of Europe, when signing this Convention or depositing its instrument of ratification or accession, request that service of a summons on an accused person who is in its territory be transmitted to its authorities by a certain time before the date set for appearance. This time shall be specified in the aforesaid declaration and shall not exceed 50 days.

silu. Predstavniki organov in zainteresirane osebe so pri tem lahko navzoči, če se zaprosena pogodbenica s tem strinja.

5. člen

1. Vsaka pogodbenica si ob podpisu te konvencije ali deponiranju svoje listine o ratifikaciji ali pristopu lahko z izjavo, naslovljeno na generalnega sekretarja Sveta Evrope, pridrži pravico, da je ugoditev zaprosilu za preiskavo ali zaseg predmetov odvisna od enega ali več naslednjih pogojev:

a) da je kaznivo dejanje, ki je razlog za zaprosilo, kaznivo tako po zakonodaji pogodbenice prosilke kot tudi po zakonodaji zaprosene pogodbenice;

b) da je za kaznivo dejanje, ki je razlog za zaprosilo, v zaproseni pogodbenici dovoljena izročitev;

c) da je ugoditev zaprosilu v skladu z zakonodajo zaprosene pogodbenice.

2. Če pogodbenica da izjavo v skladu s prvim odstavkom tega člena, se lahko vsaka druga pogodbenica ravna po načelu vzajemnosti.

6. člen

1. Zaprošena pogodbenica lahko odloži izročitev zahtevanih predmetov, spisov ali listin, če jih potrebuje v zvezi z že začeti kazenskimi postopki.

2. Predmete in spise ali listine v izvorniku, ki so bili izročeni pri ugoditvi zaprosilu, pogodbenica prosilka čim prej vrne zaproseni pogodbenici, razen če se ta odpove njihovemu vračilu.

III. poglavje

Vročanje vabil in sodnih odločb, prihod prič, izvedencev in obdolžencev

7. člen

1. Zaprošena pogodbenica poskrbi za vročanje vabil in sodnih odločb, ki ji jih je v ta namen poslala pogodbenica prosilka.

Vročitev se lahko opravi z običajno predajo vabila ali odločbe naslovniku. Če pogodbenica prosilka izrecno zahteva, zaprošena pogodbenica opravi vročitev na način, ki ga njena zakonodaja predvideva za vročanje podobnih dokumentov, ali na poseben način, ki je v skladu s to zakonodajo.

2. Vročitev se dokazuje s potrdilom, ki ima datum in podpis naslovnika, ali z izjavo zaprosene pogodbenice, da je bila vročitev opravljena, z navedbo načina in datuma vročitve. Ena ali druga listina o vročitvi se takoj pošlje pogodbenici prosilki. Na zahtevo slednje zaprošena pogodbenica navede, ali je bila vročitev opravljena v skladu z njeno zakonodajo. Če se vročitev ne more opraviti, zaprošena pogodbenica takoj seznaniti pogodbenico prosilko z razlogi.

3. Vsaka pogodbenica ob podpisu te konvencije ali deponiranju svoje listine o ratifikaciji ali pristopu lahko z izjavo, naslovljeno na generalnega sekretarja Sveta Evrope, zahteva, da se vabilo za obtoženca, ki je na njenem ozemlju, pošlje njenim organom v določenem roku pred datumom, določenim za prihod na sodišče. Ta rok se določi v omenjeni izjavi in ne sme preseči 50 dni.

This time shall be taken into account when the date of appearance is being fixed and when the summons is being transmitted.

Article 8

A witness or expert who has failed to answer a summons to appear, service of which has been requested, shall not, even if the summons contains a notice of penalty, be subjected to any punishment or measure of restraint, unless subsequently he voluntarily enters the territory of the requesting Party and is there again duly summoned.

Article 9

The allowances, including subsistence, to be paid and the travelling expenses to be refunded to a witness or expert by the requesting Party shall be calculated as from his place of residence and shall be at rates at least equal to those provided for in the scales and rules in force in the country where the hearing is intended to take place.

Article 10

1. If the requesting Party considers the personal appearance of a witness or expert before its judicial authorities especially necessary, it shall so mention in its request for service of the summons and the requested Party shall invite the witness or expert to appear.

The requested Party shall inform the requesting Party of the reply of the witness or expert.

2. In the case provided for under paragraph 1 of this article the request or the summons shall indicate the approximate allowances payable and the travelling and subsistence expenses refundable.

3. If a specific request is made, the requested Party may grant the witness or expert an advance. The amount of the advance shall be endorsed on the summons and shall be refunded by the requesting Party.

Article 11

1. A person in custody whose personal appearance as a witness or for purposes of confrontation is applied for by the requesting Party shall be temporarily transferred to the territory where the hearing is intended to take place, provided that he shall be sent back within the period stipulated by the requested Party and subject to the provisions of Article 12 in so far as these are applicable.

Transfer may be refused:

- a if the person in custody does not consent,
- b if his presence is necessary at criminal proceedings pending in the territory of the requested Party,
- c if transfer is liable to prolong his detention, or
- d if there are other overriding grounds for not transferring him to the territory of the requesting Party.

2. Subject to the provisions of Article 2, in a case coming within the immediately preceding paragraph, transit of the person in custody through the territory of a third State, Party to this Convention, shall be granted on application, accompanied by all necessary documents, addressed by the Ministry of Justice of the requesting Party to the Ministry of Justice of the Party through whose territory transit is requested.

A Contracting Party may refuse to grant transit to its own nationals.

3. The transferred person shall remain in custody in the territory of the requesting Party and, where applicable, in the territory of the Party through which transit is requested, unless the Party from whom transfer is requested applies for his release.

Ta rok se upošteva pri določitvi datuma za prihod na sodišče in pri pošiljanju vabil.

8. člen

Priča ali izvedenec, ki se ni odzval vabilu za prihod na sodišče, katerega vročitev je bila zaprosena, se ne sme kakorkoli kaznovati ali prisilno privedi, tudi če je v vabilu zagrožena kazen, razen če kasneje prostovoljno vstopi na ozemlje pogodbenice prosilke in je tam ponovno pravilno povabljen na sodišče.

9. člen

Nadomestila, vključno z dnevnici, ki jih je treba plačati, in potnimi stroški, ki jih mora pogodbenica prosilka povrniti priči ali izvedencu, se obračunajo od kraja njegovega prebivališča v višini, ki je vsaj enaka tisti, ki je predvidena v tarifah in pravilih, veljavnih v državi, v kateri se opravi zaslišanje.

10. člen

1. Če pogodbenica prosilka meni, da je osebni prihod priče ali izvedenca pred njene pravosodne organe posebej potreben, to navede v svojem zaprosilu za vročitev vabila, zaprosena pogodbenica pa to pričo ali tega izvedenca povabi, da pride na sodišče.

Zaprosena pogodbenica obvesti pogodbenico prosilko o odgovoru priče ali izvedenca.

2. V primeru iz prvega odstavka tega člena mora zaprosilo ali vabilo vsebovati navedbo o približnem znesku nadomestil, dnevnic in potnih stroškov, ki se povrnejo.

3. Če je to posebej zaproseno, lahko zaprosena pogodbenica priči ali izvedencu odobri predujem. Višina predujma se navede na vabilu in ga pogodbenica prosilka povrne.

11. člen

1. Oseba, ki ji je odvzeta prostost in za katere osebni prihod na sodišče zaprosi pogodbenica prosilka zaradi pričanja ali soočenja, se pod pogojem, da bo poslana nazaj v roku, ki ga določi zaprosena pogodbenica, in ob upoštevanju določb 12. člena, če se te določbe lahko uporabijo, začasno preda na ozemlje, kjer je predvideno zaslišanje.

Predaja se lahko zavrne:

- a) če se oseba, ki ji je odvzeta prostost, s tem ne strinja,
- b) če mora biti navzoča v kazenskem postopku, ki teče na ozemlju zaprosene pogodbenice,
- c) če bi se zaradi predaje lahko podaljšal njen pripor ali
- d) če njeni predaji na ozemlju pogodbenice prosilke nasprotujejo drugi nujni razlogi.

2. V primeru iz prejšnjega odstavka in ob upoštevanju določb 2. člena se prevoz osebe, ki ji je odvzeta prostost, čez ozemlje tretje države pogodbenice te konvencije odobri na podlagi vloge, ki ima v prilogi vso potrebno dokumentacijo in jo ministrstvo za pravosodje pogodbenice prosilke naslovi na ministrstvo za pravosodje pogodbenice, čez katere ozemlje je treba osebo prepeljati.

Pogodbenica lahko zavrne vlogo za prevoz svojih državljanov.

3. Predana oseba mora ostati zaprta na ozemlju pogodbenice prosilke in v danem primeru na ozemlju pogodbenice, čez ozemlje katere se opravi prevoz, razen če pogodbenica, ki je bila zaprosena za predajo, ne zahteva njene izpustitve na prostost.

Article 12

1. A witness or expert, whatever his nationality, appearing on a summons before the judicial authorities of the requesting Party shall not be prosecuted or detained or subjected to any other restriction of his personal liberty in the territory of that Party in respect of acts or convictions anterior to his departure from the territory of the requested Party.

2. A person, whatever his nationality, summoned before the judicial authorities of the requesting Party to answer for acts forming the subject of proceedings against him, shall not be prosecuted or detained or subjected to any other restriction of his personal liberty for acts or convictions anterior to his departure from the territory of the requested Party and not specified in the summons.

3. The immunity provided for in this article shall cease when the witness or expert or prosecuted person, having had for a period of fifteen consecutive days from the date when his presence is no longer required by the judicial authorities an opportunity of leaving, has nevertheless remained in the territory, or having left it, has returned.

Chapter IV

Judicial records

Article 13

1. A requested Party shall communicate extracts from and information relating to judicial records, requested from it by the judicial authorities of a Contracting Party and needed in a criminal matter, to the same extent that these may be made available to its own judicial authorities in like case.

2. In any case other than that provided for in paragraph 1 of this article the request shall be complied with in accordance with the conditions provided for by the law, regulations or practice of the requested Party.

Chapter V

Procedure

Article 14

1. Requests for mutual assistance shall indicate as follows:

- a the authority making the request,
- b the object of and the reason for the request,
- c where possible, the identity and the nationality of the person concerned, and
- d where necessary, the name and address of the person to be served.

2. Letters rogatory referred to in Articles 3, 4 and 5 shall, in addition, state the offence and contain a summary of the facts.

Article 15

1. Letters rogatory referred to in Articles 3, 4 and 5 as well as the applications referred to in Article 11 shall be addressed by the Ministry of Justice of the requesting Party to the Ministry of Justice of the requested Party and shall be returned through the same channels.

2. In case of urgency, letters rogatory may be addressed directly by the judicial authorities of the requesting Party to the judicial authorities of the requested Party. They shall be returned together with the relevant documents through the channels stipulated in paragraph 1 of this article.

12. člen

1. Priča ali izvedenec, ki se odzove vabilu pravosodnih organov pogodbenice prosilke, se ne glede na državljanstvo ne sme na ozemlju te pogodbenice kazensko preganjati ali pripreti niti se mu ne sme kakorkoli drugače omejiti osebna svoboda zaradi dejanj ali obsodb pred njegovim odhodom z ozemlja zaprosene pogodbenice.

2. Oseba, ki je povabljena pred pravosodne organe pogodbenice prosilke, da bi odgovarjala za dejanja, zaradi katerih proti njej teče postopek, se ne glede na državljanstvo ne sme kazensko preganjati ali pripreti niti se ji ne sme kakorkoli drugače omejiti osebna svoboda zaradi dejanj ali obsodb pred njenih odhodom z ozemlja zaprosene pogodbenice, ki niso navedene v vabilu.

3. Imuniteta, predvidena v tem členu, preneha, če je priča, izvedenec ali kazensko preganjana oseba, potem ko pravosodni organi njene navzočnosti niso več zahtevali, imela petnajst zaporednih dni možnost, da zapusti ozemlje pogodbenice prosilke, pa je kljub temu ostala na tem ozemlju oziroma se nanj vrnila potem, ko ga je že zapustila.

IV. poglavje

Kazenska evidenca

13. člen

1. Zaprošena pogodbenica pošlje izpise in podatke iz kazenske evidence, za katere so jo pravosodni organi pogodbenice zaprosili in so potrebni v kazenski zadevi, v enakem obsegu, kot bi bili ti izpisi in podatki v podobni kazenski zadevi na voljo njenim pravosodnim organom.

2. V vseh drugih primerih, ki jih prvi odstavek tega člena ne predvideva, pa bo zaprosilu ugodeno v skladu s pogoji, ki jih predvidevajo zakonodaja, predpisi ali praksa zaprosene pogodbenice.

V. poglavje

Postopek

14. člen

1. Zaposila za medsebojno pravno pomoč morajo vsebovati naslednje:

- a) ime organa, ki zaprosi za pomoč,
- b) predmet zaprosila in razlog zanj,
- c) če je mogoče, osebne podatke in državljanstvo zadevne osebe, in
- d) če je potrebno, ime naslovnika in njegov naslov.

2. Zaposila iz 3., 4. in 5. člena morajo poleg tega vsebovati navedbo kaznivega dejanja in povzetek dejstev.

15. člen

1. Ministrstvo za pravosodje pogodbenice prosilke pošlje zaprosila iz 3., 4. in 5. člena ter vloge iz 11. člena ministrstvu za pravosodje zaprosene pogodbenice, ki jih vrne po isti poti.

2. Kadar je nujno, lahko zaprosila pošljejo pravosodni organi pogodbenice prosilke neposredno pravosodnim organom zaprosene pogodbenice. Skupaj z ustrežno dokumentacijo se pošljejo nazaj po poti, določeni v 1. odstavku tega člena.

3. Requests provided for in paragraph 1 of Article 13 may be addressed directly by the judicial authorities concerned to the appropriate authorities of the requested Party, and the replies may be returned directly by those authorities. Requests provided for in paragraph 2 of Article 13 shall be addressed by the Ministry of Justice of the requesting Party to the Ministry of Justice of the requested Party.

4. Requests for mutual assistance, other than those provided for in paragraphs 1 and 3 of this article and, in particular, requests for investigation preliminary to prosecution, may be communicated directly between the judicial authorities.

5. In cases where direct transmission is permitted under this Convention, it may take place through the International Criminal Police Organisation (Interpol).

6. A Contracting Party may, when signing this Convention or depositing its instrument of ratification or accession, by a declaration addressed to the Secretary General of the Council of Europe, give notice that some or all requests for assistance shall be sent to it through channels other than those provided for in this article, or require that, in a case provided for in paragraph 2 of this article, a copy of the letters rogatory shall be transmitted at the same time to its Ministry of Justice.

7. The provisions of this article are without prejudice to those of bilateral agreements or arrangements in force between Contracting Parties which provide for the direct transmission of requests for assistance between their respective authorities.

Article 16

1. Subject to paragraph 2 of this article, translations of requests and annexed documents shall not be required.

2. Each Contracting Party may, when signing or depositing its instrument of ratification or accession, by means of a declaration addressed to the Secretary General of the Council of Europe, reserve the right to stipulate that requests and annexed documents shall be addressed to it accompanied by a translation into its own language or into either of the official languages of the Council of Europe or into one of the latter languages, specified by it. The other Contracting Parties may apply reciprocity.

3. This article is without prejudice to the provisions concerning the translation of requests or annexed documents contained in the agreements or arrangements in force or to be made between two or more Contracting Parties.

Article 17

Evidence or documents transmitted pursuant to this Convention shall not require any form of authentication.

Article 18

Where the authority which receives a request for mutual assistance has no jurisdiction to comply therewith, it shall, *ex officio*, transmit the request to the competent authority of its country and shall so inform the requesting Party through the direct channels, if the request has been addressed through such channels.

Article 19

Reasons shall be given for any refusal of mutual assistance.

Article 20

Subject to the provisions of Article 10, paragraph 3, execution of requests for mutual assistance shall not entail refunding of expenses except those incurred by the at-

3. Zaposila, predvidena v prvem odstavku 13. člena, lahko pravosodni organi pošljejo neposredno pristojnim organom zaprosene pogodbenice in ti organi lahko tudi odgovore vrnejo neposredno. Zaposila, predvidena v drugem odstavku 13. člena, ministrstvo za pravosodje pogodbenice prosilke pošlje ministrstvu za pravosodje zaprosene pogodbenice.

4. Zaposila za medsebojno pravno pomoč, ki niso predvidena v prvem in tretjem odstavku tega člena, in zlasti zaposila za preiskavo pred kazenskim pregonom se lahko pošiljajo neposredno med pravosodnimi organi.

5. V primerih, ko ta konvencija dopušča neposredno pošiljanje, se to lahko opravi s posredovanjem Mednarodne organizacije kriminalistične policije (INTERPOL).

6. Pogodbenica lahko ob podpisu te konvencije ali deponiranju svoje listine o ratifikaciji ali pristopu z izjavo, naslovljeno na generalnega sekretarja Sveta Evrope, obvesti, naj se ji nekatera ali vsa zaposila za pravno pomoč pošiljajo po drugi poti, kot je predvidena v tem členu, ali zahteva, da se v primeru, predvidenem v drugem odstavku tega člena, en izvod zaposila hkrati pošlje tudi njenemu ministrstvu za pravosodje.

7. Določbe tega člena ne posegajo v določbe dvostranskih sporazumov ali dogovorov, veljavnih med pogodbenicami, po katerih je predvideno neposredno pošiljanje zaporil za pravno pomoč med njihovimi pristojnimi organi.

16. člen

1. Razen v primerih iz drugega odstavka tega člena se ne sme zahtevati prevod zaporil in priložene dokumentacije.

2. Vsaka pogodbenica si ob podpisu ali deponiranju svoje listine o ratifikaciji ali pristopu z izjavo, naslovljeno na generalnega sekretarja Sveta Evrope, lahko pridrži pravico zahtevati, da se ji zaposila in priložena dokumentacija pošiljajo skupaj s prevodom v njen jezik ali kateregakoli od uradnih jezikov Sveta Evrope ali v enega od teh jezikov, ki ga določi. Druge pogodbenice se lahko ravnajo po načelu vzajemnosti.

3. Ta člen ne posega v določbe, ki se nanašajo na prevod zaporil ali priložene dokumentacije, vsebovane v sporazumih ali dogovorih, ki veljajo ali bodo sklenjeni med dvema ali več pogodbenicami.

17. člen

Dokaznega gradiva ali dokumentacije, poslane na podlagi te konvencije, ni treba overjati.

18. člen

Če organ, ki prejme zaposilo za medsebojno pravno pomoč, ni pristojen za ugoditev, ga po uradni dolžnosti pošlje pristojnemu organu v svoji državi in o tem pogodbenico prosilko neposredno obvesti, če je bilo zaposilo poslano neposredno.

19. člen

Vsako zavrnitev medsebojne pravne pomoči je treba utemeljiti.

20. člen

Razen v primerih iz tretjega odstavka 10. člena ugoditev zaporilu za medsebojno pravno pomoč nima za posledico povračila stroškov, razen stroškov, nastalih z udeležbo

tendance of experts in the territory of the requested Party or the transfer of a person in custody carried out under Article 11.

Chapter VI

Laying of information in connection with proceedings

Article 21

1. Information laid by one Contracting Party with a view to proceedings in the courts of another Party shall be transmitted between the Ministries of Justice concerned unless a Contracting Party avails itself of the option provided for in paragraph 6 of Article 15.

2. The requested Party shall notify the requesting Party of any action taken on such information and shall forward a copy of the record of any verdict pronounced.

3. The provisions of Article 16 shall apply to information laid under paragraph 1 of this article.

Chapter VII

Exchange of information from judicial records

Article 22

Each Contracting Party shall inform any other Party of all criminal convictions and subsequent measures in respect of nationals of the latter Party, entered in the judicial records. Ministries of Justice shall communicate such information to one another at least once a year. Where the person concerned is considered a national of two or more other Contracting Parties, the information shall be given to each of these Parties, unless the person is a national of the Party in the territory of which he was convicted.

Chapter VIII

Final provisions

Article 23

1. Any Contracting Party may, when signing this Convention or when depositing its instrument of ratification or accession, make a reservation in respect of any provision or provisions of the Convention.

2. Any Contracting Party which has made a reservation shall withdraw it as soon as circumstances permit. Such withdrawal shall be made by notification to the Secretary General of the Council of Europe.

3. A Contracting Party which has made a reservation in respect of a provision of the Convention may not claim application of the said provision by another Party save in so far as it has itself accepted the provision.

Article 24

A Contracting Party may, when signing the Convention or depositing its instrument of ratification or accession, by a declaration addressed to the Secretary General of the Council of Europe, define what authorities it will, for the purpose of the Convention, deem judicial authorities.

Article 25

1. This Convention shall apply to the metropolitan territories of the Contracting Parties.

2. In respect of France, it shall also apply to Algeria and to the overseas Departments, and, in respect of Italy, it shall also apply to the territory of Somaliland under Italian administration.

izvedencev na ozemlju zaprosene pogodbenice ali predajo osebe, ki ji je odvzeta prostost, opravljeno na podlagi 11. člena.

VI. poglavje

Dajanje informacij v zvezi s postopki

21. člen

1. Informacije, ki jih ena pogodbenica da v zvezi s postopki pred sodišči druge pogodbenice, se pošiljajo med ministrstvom za pravosodje, razen če se pogodbenica odloči za možnost, ki jo predvideva šesti odstavek 15. člena.

2. Zaprošena pogodbenica obvesti pogodbenico pro-silko o vsakem dejanju, ki ga je opravila na podlagi takšne informacije, in ji pošlje izvod sodne odločbe.

3. Določbe 16. člena veljajo tudi za informacije, dane po prvem odstavku tega člena.

VII. poglavje

Izmenjava podatkov iz kazenske evidence

22. člen

Vsaka pogodbenica obvesti drugo pogodbenico o vseh kazenskih obsodbah in poznejših ukrepih, ki se nanašajo na državljane slednje in so vpisani v kazenski evidenci. Ministrstva za pravosodje si take podatke medsebojno sporočajo vsaj enkrat na leto. Če se zadevna oseba šteje za državljana dveh ali več pogodbenic, se podatki dajo vsaki od teh pogodbenic, razen če je oseba državljan pogodbenice, na katere ozemlju je bila obsojena.

VIII. poglavje

Končne določbe

23. člen

1. Vsaka pogodbenica lahko ob podpisu te konvencije ali deponiranju svoje listine o ratifikaciji ali pristopu izrazi pridržek glede ene ali več določb konvencije.

2. Vsaka pogodbenica, ki je pridržek izrazila, ga umakne takoj, ko okoliščine to dopuščajo. Pridržki se umaknejo z notifikacijo generalnemu sekretarju Sveta Evrope.

3. Pogodbenica, ki je izrazila pridržek glede kake določbe konvencije, ne sme zahtevati, da to določbo uporablja druga pogodbenica, razen če jo je sama sprejela.

24. člen

Pogodbenica lahko ob podpisu te konvencije ali deponiranju svoje listine o ratifikaciji ali pristopu z izjavo, naslovljeno na generalnega sekretarja Sveta Evrope, natančno določi, katere organe bo za namene te konvencije štela za pravosodne organe.

25. člen

1. Ta konvencija se uporablja na matičnih ozemljih pogodbenic.

2. Za Francijo se uporablja tudi v Alžiriji in v čezmorskih departmajih in za Italijo tudi na ozemlju Somalije pod italijansko upravo.

3. The Federal Republic of Germany may extend the application of this Convention to the *Land* of Berlin by notice addressed to the Secretary General of the Council of Europe.

4. In respect of the Kingdom of the Netherlands, the Convention shall apply to its European territory. The Netherlands may extend the application of this Convention to the Netherlands Antilles, Surinam and Netherlands New Guinea by notice addressed to the Secretary General of the Council of Europe.

5. By direct arrangement between two or more Contracting Parties and subject to the conditions laid down in the arrangement, the application of this Convention may be extended to any territory, other than the territories mentioned in paragraphs 1, 2, 3 and 4 of this article, of one of these Parties, for the international relations of which any such Party is responsible.

Article 26

1. Subject to the provisions of Article 15, paragraph 7, and Article 16, paragraph 3, this Convention shall, in respect of those countries to which it applies, supersede the provisions of any treaties, conventions or bilateral agreements governing mutual assistance in criminal matters between any two Contracting Parties.

2. This Convention shall not affect obligations incurred under the terms of any other bilateral or multilateral international convention which contains or may contain clauses governing specific aspects of mutual assistance in a given field.

3. The Contracting Parties may conclude between themselves bilateral or multilateral agreements on mutual assistance in criminal matters only in order to supplement the provisions of this Convention or to facilitate the application of the principles contained therein.

4. Where, as between two or more Contracting Parties, mutual assistance in criminal matters is practised on the basis of uniform legislation or of a special system providing for the reciprocal application in their respective territories of measures of mutual assistance, these Parties shall, notwithstanding the provisions of this Convention, be free to regulate their mutual relations in this field exclusively in accordance with such legislation or system. Contracting Parties which, in accordance with this paragraph, exclude as between themselves the application of this Convention shall notify the Secretary General of the Council of Europe accordingly.

Article 27

1. This Convention shall be open to signature by the members of the Council of Europe. It shall be ratified. The instruments of ratification shall be deposited with the Secretary General of the Council.

2. The Convention shall come into force 90 days after the date of deposit of the third instrument of ratification.

3. As regards any signatory ratifying subsequently the Convention shall come into force 90 days after the date of the deposit of its instrument of ratification.

Article 28

1. The Committee of Ministers of the Council of Europe may invite any State not a member of the Council to accede to this Convention, provided that the resolution containing such invitation obtains the unanimous agreement of the members of the Council who have ratified the Convention.

2. Accession shall be by deposit with the Secretary General of the Council of an instrument of accession which shall take effect 90 days after the date of its deposit.

3. Zvezna republika Nemčija lahko uporabo te konvencije z obvestilom, naslovljenim na generalnega sekretarja Sveta Evrope, razširi na Deželo Berlin.

4. Za Kraljevino Nizozemsko se ta konvencija uporablja na njenem evropskem ozemlju. Nizozemska lahko uporabo te konvencije z obvestilom, naslovljenim na generalnega sekretarja Sveta Evrope, razširi na Nizozemske Antile, Surinam in Nizozemsko Novo Gvinejo.

5. Na podlagi neposrednega dogovora med dvema ali več pogodbenicami in v skladu s pogoji, določenimi v takem dogovoru, se uporaba te konvencije lahko razširi na katerokoli ozemlje ene od teh pogodbenic, ki ni navedeno v prvem, drugem, tretjem in četrtem odstavku tega člena, za katerega mednarodne odnose je taka pogodbenica odgovorna.

26. člen

1. Ob upoštevanju določb sedmega odstavka 15. člena in tretjega odstavka 16. člena ta konvencija za države, za katere se uporablja, nadomesti določbe katerikoli pogodb, konvencij ali dvostranskih sporazumov, ki urejajo medsebojno pravno pomoč v kazenskih zadevah med katerimkoli pogodbenicama.

2. Ta konvencija ne vpliva na obveznosti po katerikoli drugi dvostranski ali večstranski mednarodni konvenciji, ki vsebuje ali utegne vsebovati določbe, ki urejajo posebne vidike medsebojne pravne pomoči na določenem področju.

3. Pogodbenice lahko med seboj sklepajo dvostranske ali večstranske sporazume o medsebojni pravni pomoči v kazenskih zadevah zaradi dopolnjevanja določb te konvencije ali za lažjo uporabo načel te konvencije.

4. Kadar medsebojna pravna pomoč v kazenskih zadevah med dvema ali več pogodbenicami poteka na podlagi usklajene zakonodaje ali posebnega sistema, ki predvideva vzajemno uporabo ukrepov medsebojne pravne pomoči na njihovih ozemljih, te pogodbenice ne glede na določbe konvencije lahko svoje medsebojne odnose na tem področju svobodno urejajo izključno v skladu s tako zakonodajo ali sistemom. Pogodbenice, ki v skladu s tem odstavkom uporabijo te konvencije izključijo ali nameravajo izključiti iz medsebojnih odnosov, morajo o tem uradno obvestiti generalnega sekretarja Sveta Evrope.

27. člen

1. Ta konvencija je na voljo za podpis članicam Sveta Evrope. Treba jo je ratificirati. Listine o ratifikaciji se hranijo pri generalnem sekretarju Sveta.

2. Konvencija začne veljati 90 dni po datumu deponiranja tretje listine o ratifikaciji.

3. Za podpisnico, ki konvencijo ratificira pozneje, začne ta veljati 90 dni po datumu deponiranja njene listine o ratifikaciji.

28. člen

1. Odbor ministrov Sveta Evrope lahko katerikoli državo, ki ni članica Sveta, povabi, da pristopi k tej konvenciji. Odločitev o tem povabilu morajo soglasno podpreti vse članice Sveta, ki so konvencijo ratificirale.

2. H konvenciji se pristopi z deponiranjem listine o pristopu pri generalnem sekretarju Sveta; pristop začne veljati 90 dni po datumu deponiranja listine o pristopu.

Article 29

Any Contracting Party may denounce this Convention in so far as it is concerned by giving notice to the Secretary General of the Council of Europe. Denunciation shall take effect six months after the date when the Secretary General of the Council received such notification.

Article 30

The Secretary General of the Council of Europe shall notify the members of the Council and the government of any State which has acceded to this Convention of:

- a the names of the signatories and the deposit of any instrument of ratification or accession;
- b the date of entry into force of this Convention;
- c any notification received in accordance with the provisions of Article 5 – paragraph 1, Article 7 – paragraph 3, Article 15 – paragraph 6, Article 16 – paragraph 2, Article 24, Article 25 – paragraphs 3 and 4, Article 26 – paragraph 4;
- d any reservation made in accordance with Article 23, paragraph 1;
- e the withdrawal of any reservation in accordance with Article 23, paragraph 2;
- f any notification of denunciation received in accordance with the provisions of Article 29 and the date on which such denunciation will take effect.

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

Done at Strasbourg, this 20th day of April 1959, in English and French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to the signatory and acceding governments.

ADDITIONAL PROTOCOL TO THE EUROPEAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS

The member States of the Council of Europe, signatory to this Protocol,

Desirous of facilitating the application of the European Convention on Mutual Assistance in Criminal Matters opened for signature in Strasbourg on 20th April 1959 (hereinafter referred to as "the Convention") in the field of fiscal offences;

Considering it also desirable to supplement the Convention in certain other respects,

Have agreed as follows:

Chapter I

Article 1

The Contracting Parties shall not exercise the right provided for in Article 2.a of the Convention to refuse assistance solely on the ground that the request concerns an offence which the requested Party considers a fiscal offence.

Article 2

1. In the case where a Contracting Party has made the execution of letters rogatory for search or seizure of property dependent on the condition that the offence motivating

29. člen

Vsaka pogodbenica lahko zase odpove konvencijo z obvestilom generalnemu sekretarju Sveta Evrope. Odpoved začne veljati 6 mesecev po datumu, ko je generalni sekretar Sveta prejel tako notifikacijo.

30. člen

Generalni sekretar Sveta Evrope članice Sveta in vlado vsake države, ki je pristopila k tej konvenciji, uradno obvesti o:

- a) imenih podpisnic in deponiranju vsake listine o ratifikaciji ali pristopu;
- b) datumu začetka veljavnosti te konvencije;
- c) vsaki notifikaciji, ki jo je prejel v skladu z določbami prvega odstavka 5. člena, tretjega odstavka 7. člena, šestega odstavka 15. člena, drugega odstavka 16. člena, 24. člena, tretjega in četrtega odstavka 25. člena in četrtega odstavka 26. člena;
- d) vsakem pridržku, izraženem v skladu s prvim odstavkom 23. člena;
- e) umiku vsakega pridržka, izraženega v skladu z drugim odstavkom 23. člena;
- f) vsaki notifikaciji o odpovedi, ki jo je prejel v skladu z določbo 29. člena, in o datumu, ko bo taka odpoved začela veljati.

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

Sestavljeno v Strasbourgu 20. aprila 1959 v angleščini in francoščini, pri čemer sta obe besedili enako verodostojni, v enem samem izvodu, ki ostane shranjen v arhivu Sveta Evrope. Generalni sekretar Sveta Evrope pošlje overjene kopije vladam držav, ki so jo podpisale ali k njej pristopile.

DODATNI PROTOKOL K EVROPSKI KONVENCIJI O MEDSEBOJNI PRAVNI POMOČI V KAZENSKIH ZADEVAH

Države članice Sveta Evrope, podpisnice tega protokola, so se

v želji, da bi olajšale uporabo Evropske konvencije o medsebojni pravni pomoči v kazenskih zadevah, ki je bila dana na voljo za podpis v Strasbourgu 20. aprila 1959 (v nadaljnjem besedilu konvencija), tudi za področje kršitev fiskalnih predpisov;

ob upoštevanju, da je zaželeno konvencijo dopolniti še v določenih drugih pogledih,

dogovorile o naslednjem:

I. poglavje

1. člen

Pogodbenice ne smejo uresničevati pravice iz točke a) 2. člena konvencije, da lahko zavrnejo pravno pomoč samo zato, ker se zaprosilo nanaša na dejanje, ki ga zaprosena pogodbenica šteje za kršitev fiskalnih predpisov.

2. člen

1. Kadar je pogodbenica pripravljena ugoditi zaprosilu za preiskavo ali zaseg premoženja pod pogojem, da je dejanje, ki je razlog za zaprosilo, kaznivo tako po zakonodaji

the letters rogatory is punishable under both the law of the requesting Party and the law of the requested Party, this condition shall be fulfilled, as regards fiscal offences, if the offence is punishable under the law of the requesting Party and corresponds to an offence of the same nature under the law of the requested Party.

2. The request may not be refused on the ground that the law of the requested Party does not impose the same kind of tax or duty or does not contain a tax, duty, customs and exchange regulation of the same kind as the law of the requesting Party.

Chapter II

Article 3

The Convention shall also apply to:

a the service of documents concerning the enforcement of a sentence, the recovery of a fine or the payment of costs of proceedings;

b measures relating to the suspension of pronouncement of a sentence or of its enforcement, to conditional release, to deferment of the commencement of the enforcement of a sentence or to the interruption of such enforcement.

Chapter III

Article 4

Article 22 of the Convention shall be supplemented by the following text, the original Article 22 of the Convention becoming paragraph 1 and the below-mentioned provisions becoming paragraph 2:

“2. Furthermore, any Contracting Party which has supplied the above-mentioned information shall communicate to the Party concerned, on the latter’s request in individual cases, a copy of the convictions and measures in question as well as any other information relevant thereto in order to enable it to consider whether they necessitate any measures at national level. This communication shall take place between the Ministries of Justice concerned.”

Chapter IV

Article 5

1. This Protocol shall be open to signature by the member States of the Council of Europe which have signed the Convention. It shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

2. The Protocol shall enter into force 90 days after the date of the deposit of the third instrument of ratification, acceptance or approval.

3. In respect of a signatory State ratifying, accepting or approving subsequently, the Protocol shall enter into force 90 days after the date of the deposit of its instrument of ratification, acceptance or approval.

4. A member State of the Council of Europe may not ratify, accept or approve this Protocol without having, simultaneously or previously, ratified the Convention.

Article 6

1. Any State which has acceded to the Convention may accede to this Protocol after the Protocol has entered into force.

2. Such accession shall be effected by depositing with the Secretary General of the Council of Europe an instrument of accession which shall take effect 90 days after the date of its deposit.

pogodbenice prosilke kot tudi po zakonodaji zaprosene pogodbenice, se šteje, da je ta pogoj za kršitev fiskalnih predpisov izpolnjen tudi, če je dejanje kaznivo po zakonodaji pogodbenice prosilke in ustreza kaznivemu dejanju enake narave po zakonodaji zaprosene pogodbenice.

2. Zaprošilo se ne sme zavrniti z utemeljitvijo, da zakonodaja zaprosene pogodbenice ne nalaga enake vrste davka ali datavte ali da ne vsebuje enake vrste davčnih, carinskih in deviznih predpisov kot zakonodaja pogodbenice prosilke.

II. poglavje

3. člen

Konvencija se uporablja tudi za:

a) vročitev listin, ki se nanašajo na izvršitev sodbe, povračilo denarne kazni ali plačilo stroškov postopka;

b) ukrepe v zvezi z odložitvijo izreka kazni ali njene izvršitve, pogojnim odpustom, preložitvijo začetka izvrševanja kazni ali prekinitvijo izvrševanja kazni.

III. poglavje

4. člen

22. člen konvencije se dopolni z naslednjim besedilom, tako da prvotni 22. člen konvencije postane prvi odstavek, spodaj navedene določbe pa postanejo drugi odstavek:

“2. Poleg tega pogodbenica, ki je priskrbela prej omenjene podatke, drugi pogodbenici v posameznih primerih na njeno zaprosilo pošlje izvod obsodb in obvestil o zadevnih ukrepih kot tudi druge s tem povezane podatke, da bi slednja na njihovi podlagi lahko presodila, ali so zaradi njih potrebni kaki notranjepravni ukrepi. O tem se dogovorita pristojni ministrstva za pravosodje.”

IV. poglavje

5. člen

1. Ta protokol je na voljo za podpis državam članicam Sveta Evrope, ki so podpisale konvencijo. Treba ga je ratificirati, sprejeti ali odobriti. Listine o ratifikaciji, sprejetju ali odobritvi se hranijo pri generalnem sekretarju Sveta Evrope.

2. Protokol začne veljati 90 dni po datumu deponiranja tretje listine o ratifikaciji, sprejetju ali odobritvi.

3. Za državo podpisnico, ki ga ratificira, sprejme ali odobri pozneje, začne protokol veljati 90 dni po datumu deponiranja njene listine o ratifikaciji, sprejetju ali odobritvi.

4. Država članica Sveta Evrope ne more ratificirati, sprejeti ali odobriti tega protokola, če ni hkrati ali prej ratificirala konvencije.

6. člen

1. Vsaka država, ki je pristopila h konvenciji, lahko pristopi k temu protokolu, potem ko je ta začel veljati.

2. K protokolu se pristopi z deponiranjem listine o pristopu pri generalnem sekretarju Sveta Evrope; pristop začne veljati 90 dni po datumu deponiranja listine o pristopu.

Article 7

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

2. Any State may, when depositing its instrument of ratification, acceptance, approval or accession or at any later date, by declaration addressed to the Secretary General of the Council of Europe, extend this Protocol to any other territory or territories specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings.

3. Any declaration made in pursuance of the preceding paragraph may, in respect of any territory mentioned in such declaration, be withdrawn by means of a notification addressed to the Secretary General of the Council of Europe. Such withdrawal shall take effect six months after the date of receipt by the Secretary General of the Council of Europe of the notification.

Article 8

1. Reservations made by a Contracting Party to a provision of the Convention shall be applicable also to this Protocol, unless that Party otherwise declares at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession. The same shall apply to the declarations made by virtue of Article 24 of the Convention.

2. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, declare that it reserves the right:

a not to accept Chapter I, or to accept it only in respect of certain offences or certain categories of the offences referred to in Article I, or not to comply with letters rogatory for search or seizure of property in respect of fiscal offences;

b not to accept Chapter II;

c not to accept Chapter III.

3. Any Contracting Party may withdraw a declaration it has made in accordance with the foregoing paragraph by means of a declaration addressed to the Secretary General of the Council of Europe which shall become effective as from the date of its receipt.

4. A Contracting Party which has applied to this Protocol a reservation made in respect of a provision of the Convention or which has made a reservation in respect of a provision of this Protocol may not claim the application of that provision by another Contracting Party; it may, however, if its reservation is partial or conditional claim the application of that provision in so far as it has itself accepted it.

5. No other reservation may be made to the provisions of this Protocol.

Article 9

The provisions of this Protocol are without prejudice to more extensive regulations in bilateral or multilateral agreements concluded between Contracting Parties in application of Article 26, paragraph 3, of the Convention.

Article 10

The European Committee on Crime Problems of the Council of Europe shall be kept informed regarding the application of this Protocol and shall do whatever is needful to facilitate a friendly settlement of any difficulty which may arise out of its execution.

7. člen

1. Vsaka država lahko ob podpisu ali deponiranju listine o ratifikaciji, sprejetju, odobritvi ali pristopu navede ozemlje ali ozemlja, za katera se uporablja ta protokol.

2. Vsaka država lahko ob deponiranju svoje listine o ratifikaciji, sprejetju, odobritvi ali pristopu ali kadarkoli pozneje z izjavo, naslovljeno na generalnega sekretarja Sveta Evrope, ta protokol razširi na katerokoli drugo ozemlje ali ozemlja, navedena v izjavi, za katerih mednarodne odnose je odgovorna ali v imenu katerih je pooblaščen za prevzemati obveznosti.

3. Vsaka izjava, dana na podlagi prejšnjega odstavka, se lahko za vsako ozemlje, ki je v njej omenjeno, umakne z notifikacijo, naslovljeno na generalnega sekretarja Sveta Evrope. Umik začne veljati šest mesecev potem, ko je generalni sekretar Sveta Evrope prejel notifikacijo.

8. člen

1. Pridržki pogodbenice v zvezi s kako določbo konvencije se lahko uporabljajo tudi za ta protokol, razen če pogodbenica ob podpisu ali deponiranju svoje listine o ratifikaciji, sprejetju, odobritvi ali pristopu ne izjavi drugače. To velja tudi za izjave, dane na podlagi 24. člena konvencije.

2. Vsaka država lahko ob podpisu ali deponiranju svoje listine o ratifikaciji, sprejetju, odobritvi ali pristopu izjavi, da si pridržuje pravico, da:

a) ne sprejme I. poglavja ali ga sprejme le za določena kazniva dejanja ali določene vrste kaznivih dejanj, navedenih v 1. členu, ali ne ugotovi zaprosilom za preiskavo ali zaseg premoženja zaradi kršitev fiskalnih predpisov;

b) ne sprejme II. poglavja;

c) ne sprejme III. poglavja.

3. Vsaka pogodbenica lahko z izjavo, naslovljeno na generalnega sekretarja Sveta Evrope, umakne izjavo, ki jo je dala v skladu s prejšnjim odstavkom; umik začne veljati od dne, ko je generalni sekretar prejel tako izjavo.

4. Pogodbenica, ki je po tem protokolu izrazila pridržek glede kake določbe konvencije ali pridržek glede kake določbe tega protokola, ne more od druge pogodbenice zahtevati uporabe take določbe; če je njen pridržek delen ali pogojen, pa uporabo take določbe lahko zahteva v obsegu, kot jo je sama sprejela.

5. Drugi pridržki glede določb tega protokola niso dopustni.

9. člen

Določbe tega protokola ne posegajo v podrobnejšo ureditev v dvostranskih in večstranskih sporazumih, ki so jih pogodbenice sklenile v skladu s tretjim odstavkom 26. člena konvencije.

10. člen

Evropski odbor za kazenske zadeve Sveta Evrope mora biti obveščen o izvajanju tega protokola in stori vse, kar je potrebno za lažje prijateljsko reševanje vsake težave, ki utegne nastati pri izvajanju tega protokola.

Article 11

1. Any Contracting Party may, in so far as it is concerned, denounce this Protocol by means of a notification addressed to the Secretary General of the Council of Europe.

2. Such denunciation shall take effect six months after the date of receipt by the Secretary General of such notification.

3. Denunciation of the Convention entails automatically denunciation of this Protocol.

Article 12

The Secretary General of the Council of Europe shall notify the member States of the Council and any State which has acceded to the Convention of:

a any signature of this Protocol;

b any deposit of an 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 declaration received in pursuance of the provisions of paragraphs 2 and 3 of Article 7;

e any declaration received in pursuance of the provisions of paragraph 1 of Article 8;

f any reservation made in pursuance of the provisions of paragraph 2 of Article 8;

g the withdrawal of any reservation carried out in pursuance of the provisions of paragraph 3 of Article 8;

h any notification received in pursuance of the provisions of Article 11 and the date on which denunciation takes effect.

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

Done at Strasbourg, this 17th day of March 1978, in English and in French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each of the signatory and acceding States.

11. člen

1. Vsaka pogodbenica lahko zase odpove protokol z notifikacijo, naslovljeno na generalnega sekretarja Sveta Evrope.

2. Odpoved začne veljati šest mesecev po datumu, ko je generalni sekretar prejel tako notifikacijo.

3. Odpoved konvencije pomeni hkrati tudi odpoved tega protokola.

12. člen

Generalni sekretar Sveta Evrope države članice Sveta in vse države, ki so pristopile h konvenciji, uradno obvesti o:

a) vsakem podpisu tega protokola;

b) vsakem deponiranju listine o ratifikaciji, sprejetju, odobritvi ali pristopu;

c) vsakem datumu začetka veljavnosti tega protokola v skladu s 5. in 6. členom;

d) vsaki izjavi, sprejeti na podlagi določb drugega in tretjega odstavka 7. člena;

e) vsaki izjavi, sprejeti na podlagi določb prvega odstavka 8. člena;

f) vsakem pridržku, danem na podlagi določb drugega odstavka 8. člena;

g) umiku vsakega pridržka na podlagi določb tretjega odstavka 8. člena;

h) vsaki notifikaciji, prejeti na podlagi določb 11. člena, in datumu, ko odpoved začne veljati.

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

Sestavljeno v Strasbourgu 17. marca 1978 v angleščini in francoščini, pri čemer sta obe besedili enako verodostojni, v enem samem izvodu, ki ostane shranjen v arhivu Sveta Evrope. Generalni sekretar Sveta Evrope pošlje overjeno kopijo vsaki državi, ki je protokol podpisala ali k njemu pristopila.

3. člen

Za izvajanje konvencije in dodatnega protokola h konvenciji skrbi Ministrstvo za pravosodje.

4. člen

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

Št. 740-01/99-6/1

Ljubljana, dne 22. septembra 1999

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

- 80.** Uredba o ratifikaciji Sporazuma o uporabi poligona NAMFI za Slovensko vojsko za izstrelitev raket MANPAD IGLA 1 (SA 16 - oznaka pri NATO, 9K 310-1 - ruska oznaka), MANPAD STRELA 2M (SA 7 - oznaka pri NATO, 9K 32 M - ruska oznaka), SAM STRELA 1M (SA 9-oznaka pri NATO, 9K 31 M - ruska oznaka, samovozni SAM) in za streljanje s samovoznim topom AAA 20/3 mm (samovozni trojni 20- milimetrski protiletalski top, BOV 3 - nekdanja jugoslovanska oznaka)

Na podlagi tretjega odstavka 63. člena Zakona o zunanjih zadevah (Uradni list RS, št. 1/91-I) izdaja Vlada Republike Slovenije

U R E D B O

O RATIFIKACIJI SPORAZUMA O UPORABI POLIGONA NAMFI ZA SLOVENSKO VOJSKO ZA IZSTRELITEV RAKET MANPAD IGLA 1 (SA 16 - oznaka pri NATO, 9K 310-1 - ruska oznaka), MANPAD STRELA 2M (SA 7 - oznaka pri NATO, 9K 32 M - ruska oznaka), SAM STRELA 1M (SA 9-oznaka pri NATO, 9K 31 M - ruska oznaka, samovozni SAM) in za streljanje s samovoznim topom AAA 20/3 mm (samovozni trojni 20- milimetrski protiletalski top, BOV 3 - nekdanja jugoslovanska oznaka)

1. člen

Ratificira se Sporazum o uporabi poligona NAMFI za Slovensko vojsko za izstrelitev raket MANPAD IGLA 1 (SA 16 - oznaka pri NATO, 9K 310-1 - ruska oznaka), MANPAD STRELA 2M (SA 7 - oznaka pri NATO, 9K 32 M - ruska oznaka), SAM STRELA 1M (SA 9-oznaka pri NATO, 9K 31 M - ruska oznaka, samovozni SAM) in za streljanje s samovoznim topom AAA 20/3 mm (samovozni trojni 20- milimetrski protiletalski top, BOV 3- nekdanja jugoslovanska oznaka), podpisan v Atenah 26. marca 1999 in v Ljubljani 26. julija 1999.

2. člen

Sporazum se v izvorniku v angleškem jeziku ter v prevodu v slovenskem jeziku glasi: *

M U T U A L A G R E E M E N T

FOR THE USE OF NAMFI BY SLOVENIA ARMED FORCES FOR CONDUCTING MANPAD IGLA 1 (SA 16 - NATO label, 9K 310-1 - Russian label), MANPAD STRELA 2M (SA 7 - NATO label, 9K 32M - Russian label), SAM STRELA 1M (SA 9 - NATO label, 9K 31M - Russian label, self-propelled SAM) and Self-propelled AAA 20/3 mm (self-propelled triple 20 mm anti aircraft gun, BOV 3 - ex. Yugoslav label) FIRINGS

The Ministry of National Defense of the Hellenic Republic, and the Ministry of Defense of Slovenia, acting in the name of their States, having the approval of all NATO Missile Firing Installation (NAMFI) User Nations, and after consultation with SHAPE, agree upon the following:

Article 1 INTRODUCTION

Pursuant to the approval given by Host Nation, User Nations and SHAPE, the MANPAD IGLA (SA 16 - NATO label, 9K 310-1 - Russian label), MANPAD STRELA 2M (SA 7 - NATO label, 9K 32M - Russian label), SAM STRELA 1M (SA 9 - NATO label, 9K 31M - Russian label, self-propelled SAM) and Self-propelled AAA 20/3 mm (self-propelled triple 20 mm anti aircraft gun, BOV 3 - ex. Yugoslav label) firings by Slovenian units will be conducted in accordance with the relevant articles of the Multilateral Agreement (M.A.) for the use of NAMFI where applicable, and this Agreement.

Article 2 PURPOSE OF THE AGREEMENT

The purpose of this Agreement is to define the terms and conditions under which NAMFI will be used by the Slovenian Armed Forces for the conduct of the firings as mentioned in Article 1.

Article 3 FIRING SCHEDULE

The Slovenian firings will be incorporated into the NAMFI 1999 firing schedule in week 37 (13 to 17 September 1999).

S P O R A Z U M

O UPORABI POLIGONA NAMFI ZA SLOVENSKO VOJSKO ZA IZSTRELITEV RAKET MANPAD IGLA 1 (SA 16 - oznaka pri NATO, 9K 310-1 - ruska oznaka), MANPAD STRELA 2M (SA 7 - oznaka pri NATO, 9K 32 M - ruska oznaka), SAM STRELA 1M (SA 9 - oznaka pri NATO, 9K 31 M - ruska oznaka, samovozni SAM) in za streljanje s samovoznim topom AAA 20/3 mm (samovozni trojni 20- milimetrski protiletalski top, BOV 3 - nekdanja jugoslovanska oznaka)

Ministrstvo za nacionalno obrambo Helenske republike in Ministrstvo za obrambo Republike Slovenije, ki delujeta v ime-nu svojih držav, se z odobritvijo vseh držav uporabnic Natovih sistemov za izstrelitev raket (NAMFI) in po posvetovanju s poveljstvom SHAPE dogovorita o naslednjem:

1. člen UVOD

V skladu z odobritvijo države gostiteljice, držav uporabnic in poveljstva SHAPE enote Slovenske vojske izstrelijo rakete MANPAD IGLA 1 (SA 16 - oznaka pri NATO, 9K 310-1 - ruska oznaka), MANPAD STRELA 2M (SA 7 - oznaka pri NATO, 9K 32 M - ruska oznaka), SAM STRELA 1M (SA 9- oznaka pri NATO, 9K 31 M - ruska oznaka, samovozni SAM) in streljajo s samovoznim topom AAA 20/3 mm (samovozni trojni 20- milimetrski protiletalski top, BOV 3- nekdanja jugoslovanska oznaka) v skladu z ustreznimi členi večstranskega sporazuma za uporabo poligona NAMFI, kjer je to primerno, in tega sporazuma.

2. člen CILJ SPORAZUMA

Cilj sporazuma je opredelitev določil in pogojev, ki veljajo za Slovensko vojsko pri uporabi poligona NAMFI za izvedbo izstrelitev, omenjenih v 1. členu.

3. člen ČASOVNI RAZPORED STRELJANJA

Streljanje, ki ga opravi Slovenska vojska, je vključeno v razpored streljanja na poligonu NAMFI za leto 1999 v 37. tednu (od 13. do 17. septembra 1999).

* Dodataka A in B k Sporazumu o uporabi poligona NAMFI sta na vpogled v Sektorju za mednarodne pravne zadeve Ministrstva za zunanje zadeve.

Article 4
PREPARATION AND USE OF STANDING OPERATING PROCEDURES

Authorized representatives of NAMFI and Slovenian Armed Forces will jointly prepare Standing Operating Procedures (SOP) which will determine in details the conduct procedures of the firings. These SOPs will be attached to this Agreement as Annex A prior to the commencement of firings.

In case of a difference between the SOP and this Agreement the provision of this Agreement will prevail.

Article 5
RESPONSIBILITIES FOR SAFETY AND CONDUCT OF FIRINGS

NAMFI Command is responsible for air and sea surveillance within and around the sector designated for conduct of firings as mentioned in Article 1, by detection of ships and aircraft located in the above area.

The above surveillance and detection will be accomplished prior to and during the course of firings in such a manner as to insure that ships and aircraft exist within safety sector used for firings.

NAMFI Command is the only authority which has the right:

1. To order the take off the targets following request by the Slovenian Unit, provided that safety conditions of the Range permit this.

2. To permit the commencement of firings by the Slovenian Unit by giving the command CLEAR TO FIRE provided that Range safety conditions permit this.

3. To manage the conduct of firings.

4. To order interruption of firings by the Slovenian Unit by giving the command HOLD FIRE if safety conditions impose to do so.

5. To order the interruption of the flight and recovery of the teleguided targets, if safety conditions impose to do so.

The Unit Safety Officer will be responsible for observation of all safety measures and provisions to be taken by the Slovenian personnel participating

The Unit Safety Officer will be responsible for observation of all safety measures and provisions to be taken by the Slovenian personnel participating in the firings. He must be fully informed on the SOPs as well as on all the provisions and procedures applicable to the execution of the firings.

All safety measures and procedures during the conduct of firings at the IGLA 1, STRELA 2M, STRELA 1M and AAA BOV 3 areas will be enforced by the Unit Safety Officer, through the Unit Liaison Officer, in accordance with the orders and instructions given by NAMFI's Range Safety Officer.

All target launches and flights, as well as the missile and gun firings, will only be executed within NAMFI Range. The Slovenian Unit will be responsible for conducting missile and gun firings in such a way that missiles and bullets and their fragments are kept in the above specified sector.

Provided that any relevant observation is made by the Slovenian Unit, the Unit Safety Officer will immediately stop the firing-procedures and report, throughout the Unit Liaison Officer, to the Range Safety Officer.

Article 6
LIABILITY CLAIMS

All claims are to be settled in accordance with Article VIII of NATO SOFA and the provisions of the Multilateral Agreement for the use of NAMFI Claims by third parties, other than the contracting parties against the Slovenian Armed Forces, are to be settled in accordance with the Hellenic legislation.

Claims arising from death or personal injury or property damage sustained outside the safety sector are the sole responsibility of the Slovenian Armed Forces.

If death or personal injury or property damage are due to erratic missile, the Slovenian Armed Forces will have the sole responsibility, if it due to the waiver from determined safety arrangements.

4. člen
PRIPRAVE IN UPORABA OBIČAJNIH OPERATIVNIH POSTOPKOV

Pooblaščenici predstavnik poligona NAMFI in Slovenska vojska skupaj pripravijo običajne operativne postopke, ki podrobno določajo postopke izvedbe teh streljanj. Ti postopki so priloženi k temu sporazumu kot Dodatek A k temu sporazumu pred začetkom streljanja.

Če pride do razhajanj med postopki in tem sporazumom, veljajo določbe tega sporazuma.

5. člen
ODGOVORNOST ZA VARNOST IN IZVEDBA STRELJANJA

Poveljstvo poligona NAMFI je odgovorno za zračni in pomorski promet znotraj in okoli območja, ki je določeno za izvedbo streljanja iz 1. člena tako, da poišče ladje in letala, ki so na omenjenem območju.

Ta nadzor in odkrivanje se opravi pred in med izvajanjem streljanja na način, ki zagotavlja, da so ladje in letala na varnostnem območju, ki je na voljo med streljanjem.

Poveljstvo poligona NAMFI je edini organ, ki ima pravico:

1. ukazati vzlet maket na zahtevo slovenske enote, če varnostni pogoji poligona to dovoljujejo;

2. dovoliti slovenski enoti, da na povelje za odpiranje ognja začne streljati, če varnostni pogoji poligona to dovoljujejo;

3. upravljati izvajanje streljanja;

4. ukazati slovenski enoti, da na povelje za ustavitev ognja preneha streljati, če varnostni pogoji to zahtevajo;

5. ukazati prekinitve leta in vrnitev radijsko vodenih maket, če varnostni pogoji to zahtevajo.

Častnik za varnost enote je odgovoren za upoštevanje vseh varnostnih ukrepov in priprav, ki jih sprejme slovensko osebje, udeleženo pri streljanju. V celoti mora biti seznanjen z običajnimi operativnimi postopki kot tudi z vsemi pripravami in postopki, ki veljajo za izvedbo streljanja.

Častnik za varnost enote mora uveljavljati vse varnostne ukrepe in postopke med streljanjem na območjih, določenih za rakete IGLA 1, STRELA 2M, STRELA 1M in top AAA BOV 3 s pomočjo častnika za zvezo in v skladu z ukazi in napotki častnika za varnost poligona NAMFI.

Vse izstrelitve in leti maket kot tudi izstrelitve raket in topovsko streljanje se izvedejo le znotraj poligona NAMFI. Slovenska enota je odgovorna, da izstrelki rakete in strelja s topom tako, da izstrelki, kroglice in njihovi delci ostanejo znotraj določenega območja.

Če slovenska enota karkoli pomembnega opazi, mora častnik za varnost enote takoj ustaviti postopke za streljanje in po častniku za zvezo poročati častniku za varnost poligona.

6. člen
ZAHTEVKI ZA ODŠKODNINO

Vsi zahtevki se rešujejo v skladu z VIII. členom v NATO SOFA in določbami Večstranskega sporazuma za uporabo poligona NAMFI. Zahtevki tretjih strank, ki niso pogodbenice, do Slovenske vojske, se poravnajo v skladu z zakonodajo Hellenic republike.

Zahtevke v zvezi s smrtjo ali osebno poškodbo ali škodo na lastnini, ki nastane izven varnostnega območja, v celoti odgovarja Slovenska vojska.

Za smrt ali osebno poškodbo ali škodo na lastnini zaradi izstrelka, ki je zašel, je odgovorna izključno Slovenska vojska, če se je to zgodilo zaradi opustitve opredeljenih varnostnih ukrepov.

Article 7
FINANCE

For the payment of the Slovenian firings, the calculation method of the costs to be charged to NON-NATO/PfP members for the use of NAMFI by non-basic weapon units, shall be followed, as reflected in Annex "B" of this Agreement, to be completed with the applicable costs for berthing, for transportation and messing.

The payment will constitute an income to the NAMFI budget and will offset user related expenses. Invoices for meals will be settled directly with the catering company, operating NAMFI restaurants.

NAMFI shall forward the respective bills operational costs and specific expenses to:

MOD of the Republic of Slovenian
GENERAL STAFF OF THE SLOVENIAN
ARMED FORCES
Kardeljeva pl. 25
1000 LJUBLJANA
SLOVENIAN

not later than 60 days after the completion of the firings. These bills should be paid, by Slovenian Army, within 45 days after receipt.

Article 8
TECHNICAL AND LOGISTICS SUPPORT

NAMFI will provide to the Slovenian units the same degree of Technical and Logistics Support, provided to NAMFI User Nations for their firings. Moreover NAMFI will make available all relevant existing infrastructure and equipment for these firings.

Article 9
DISPUTES

Any disputes arising from the implementation of this Agreement should be settled exclusively by negotiations between the contracting parties.

Article 10
ENTRY INTO FORCE AND DURATION

This Agreement will enter into force on the date that the Hellenic Ministry of National Defense notifies the Ministry of Defense of Slovenian that the internal procedures for its ratification will have been fulfilled.

If will remain in force until the 31st of December 1999. If after this date there are financial issues which are still open, this Agreement will be considered to be in force until all issues are definitely settled.

Ljubljana, 26 July 1999

Athens, 26 March 1999

Bogdan Koprivnikar, (s)
STATE SECRETARY
For the Slovenian MOD

**Vice Admiral
Christos Kazassis HN**, (s)
DEPUTY CHIEF HNDGS
For the Hellenic MOND

7. člen
PLAČILO

Pri plačilu streljanja, ki ga opravi Slovenska vojska, se uporabi metoda za izračun stroškov, kot se zaračunavajo državam nečlanicam Nata/ članicam PzM, kadar poligon NAMFI uporabljajo enote z nestandardnim orožjem, kot to določa Dodatek B k temu sporazumu, s tem da se dopolni z ustreznimi stroški za nastanitev, prevoz in prehrano.

Plačilo je dohodek v proračunu poligona NAMFI, ki pokriva stroške v zvezi z uporabniki. Računi za obroke se poravnava neposredno pri dobavitelju pripravljene hrane, ki upravlja restavracije za poligon NAMFI.

Račune za ustrezne operativne in posebne stroške bo poligon NAMFI poslal na:

Ministrstvo za obrambo Republike Slovenije
GENERALŠTAB SLOVENSKE VOJSKE
Kardeljeva pl. 25
1000 LJUBLJANA
SLOVENIJA

najkasneje v 60 dneh po koncu streljanja. Te račune mora Slovenska vojska plačati v 45 dneh po prejemu.

8. člen
TEHNIČNA IN LOGISTIČNA PODPORA

Poligon NAMFI zagotavlja slovenski enoti enako stopnjo tehnične in logistične podpore, kot jo imajo pri streljanju države uporabnice poligona NAMFI. Poleg tega poligon NAMFI daje na voljo tudi ustrezno obstoječo infrastrukturo in opremo za streljanje.

9. člen
SPORI

Vsi spori, ki nastanejo med izvajanjem tega sporazuma, se rešujejo izključno s pogajanjem med pogodbenicama.

10. člen
ZAČETEK VELJAVNOSTI IN TRAJANJE

Ta sporazum začne veljati na dan, ko Ministrstvo za obrambo Helenske republike obvesti Ministrstvo za obrambo Republike Slovenije, da so končani vsi notranji postopki za njegovo ratifikacijo.

Sporazum velja do 31. decembra 1999. Če po tem datumu ostanejo odprta še kakšna finančna vprašanja, sporazum velja še toliko časa, da se vsa vprašanja dokončno rešijo.

Ljubljana, 26. julij 1999

Atene, 26. marec 1999

Bogdan Koprivnikar l.r.
DRŽAVNI SEKRETAR
Za slovensko MO

Christos Kazassis l.r.
NAMESTNIK NAČELNIKA
GŠHNO
Za MO Helenske republike

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za obrambo Republike Slovenije.

4. člen

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

Št. 801-17/99-4 (T1)

Ljubljana, dne 30. septembra 1999

Vlada Republike Slovenije

Marjan Podobnik l. r.
Podpredsednik

81. Uredba o ratifikaciji Memoranduma o soglasju o sodelovanju med Ministrstvom za delo, družino in socialne zadeve Republike Slovenije in Ministrstvom za socialne zadeve in zaposlovanje Nizozemske

Na podlagi tretjega odstavka 63. člena Zakona o zunanjih zadevah (Uradni list RS, št. 1/91-I) izdaja Vlada Republike Slovenije

U R E D B O

O RATIFIKACIJI MEMORANDUMA O SOGLASJU O SODELOVANJU MED MINISTRSTVOM ZA DELO, DRUŽINO IN SOCIALNE ZADEVE REPUBLIKE SLOVENIJE IN MINISTRSTVOM ZA SOCIALNE ZADEVE IN ZAPOSLOVANJE NIZOZEMSKÉ

1. člen

Ratificira se Memorandum o soglasju o sodelovanju med Ministrstvom za delo, družino in socialne zadeve Republike Slovenije in Ministrstvom za socialne zadeve in zaposlovanje Nizozemske, podpisan dne 9. junija 1999 v Ženevi.

2. člen

Memorandum se v izvorniku v angleškem jeziku in v prevodu v slovenskem jeziku glasi:

**MEMORANDUM OF UNDERSTANDING
ON THE CO-OPERATION BETWEEN THE
MINISTRY OF LABOUR, FAMILY AND SOCIAL
AFFAIRS OF THE REPUBLIC OF SLOVENIA AND
THE MINISTRY OF SOCIAL AFFAIRS AND
EMPLOYMENT OF THE NETHERLANDS**

here after called the Parties

– acknowledging mutual interest in developing friendly relations and co-operation in the field of labour and social policy;

– considering it important to promote economic and social development in both countries through that co-operation;

– acknowledging that this co-operation should be narrowly linked to developments within the European Union bearing in mind the expected enlargement of the European Union and taking into account the future accession of the Republic of Slovenia;

Came to the understanding to:

Art. 1.

1. facilitate the establishment of links as well as the promotion of mutual co-operation on exchanging knowledge, experiences and expertise between the parties and where appropriate between other relevant institutions involved in labour and social policy;

2. exchange information and advice on policies, legislation, infrastructure, services and management practices in these fields in their respective countries at national, regional and local level;

3. develop co-operation between Parties, within the broader framework of mutual co-operation, in the following specific areas:

labour market policy

and more in particular in key areas like

– national employment policies in relation to European policies;

– institutions in the labour market;

– the re-entry into the labour market of specific groups;

– statistical methods.

Social protection

and more in particular in the key area reforms of the social insurance system.

**MEMORANDUM O SOGLASJU
O SODELOVANJU MED MINISTRSTVOM ZA
DELO, DRUŽINO IN SOCIALNE ZADEVE
REPUBLIKE SLOVENIJE IN MINISTRSTVOM ZA
SOCIALNE ZADEVE IN ZAPOSLOVANJE
NIZOZEMSKÉ**

v nadaljevanju podpisnika, sta se

– ob priznavanju vzajemnega interesa za razvijanje prijateljskih odnosov in sodelovanja na področju dela in socialne politike;

– glede na to, da je pomembno s takim sodelovanjem spodbujati gospodarski in socialni razvoj v obeh državah;

– ob priznavanju, da naj bi bilo to sodelovanje tesno povezano s spremembami v Evropski uniji, pri čemer je treba upoštevati pričakovano širitev Evropske unije in pristop Republike Slovenije v prihodnosti;

sporazumela, kot sledi,

1. člen

1. da omogočita vzpostavljanje vezi in spodbujanje medsebojnega sodelovanja pri izmenjavi znanja, izkušenj in strokovnega znanja med podpisnikoma in, kjer je to primerno, med drugimi ustreznimi institucijami na področju dela in socialne politike;

2. da izmenjata informacije in nasvete o politikah, zakonodaji, sistemu, storitvah in praksi upravljanja na teh področjih v svojih državah na državni, regionalni in lokalni ravni;

3. da razvijata sodelovanje med podpisnikoma v širšem okviru medsebojnega sodelovanja na teh določenih področjih:

politika trga dela,

in še zlasti na ključnih področjih, kot so:

– državne politike zaposlovanja v odnosu do evropskih politik,

– institucije na trgu dela,

– ponovni vstop določenih skupin na trg dela,

– statistične metode;

socialna zaščita,

in še zlasti na ključnih področjih reform sistema socialnega zavarovanja;

Health and Safety at Work

and more in particular in areas like

- developments in subsidies, tax facilities
- implementation of EU directives

4. This co-operation will include exchange of information in the form of:

- written documentation
- seminars and workshops
- reciprocal experts' consultations
- participation in conferences organised in the territory of both Parties

- training programmes for employees of the respective public institutions.

5. In the framework of the exchange programme for officials of respective ministries, for practical reasons, a preference will be given to officials with a sufficient command of the English language.

Art. II.

This Memorandum will be realised through jointly prepared and agreed two-year work plans, according to the financial and organisational possibilities of both administrations concerned. Both Parties agreed to meet at least once a year or more as the need occurs at the relevant level, alternately in either country, to exchange information and to determine specific policy areas and issues to be included in the next work plan.

Art. III.

The specific financial conditions concerning the organisation of the above agreed co-operation will be determined in the jointly agreed two-year work plans mentioned under II above.

General condition in this framework will be that all expenses shall always be borne by the visiting Party, unless agreed otherwise on an *ad hoc* basis. Financial resources for realisation of the co-operation will be allocated by both Parties in accordance with the valid procedures as laid down in the national legislation in both countries.

Art. IV.

Any official participating in this programme will be subject to the relevant standard procedures regulating the entry to the respective labour markets.

Art. V.

Both Parties come to the understanding that this Memorandum of understanding shall apply for a period of four years from the date of its signing, but expiring at the end of that calendar year. Upon the expiration of this period its validity should be tacitly prolonged for periods of one year unless both Parties agree otherwise.

This memorandum will enter into force on the day that both Parties have fulfilled the conditions necessary under national legislation for its entry into force.

Art. VI.

In case this Memorandum of understanding or the resulting arrangements from the joint work plans mentioned under Art. II., cannot be fulfilled for reasons beyond the control of either Party, this Memorandum of understanding or the arrangements within its framework - as a whole or part - may be terminated or cancelled by one Party upon notification in writing to the other Party.

zdravje in varnost pri delu

in še zlasti na področjih, kot sta:

- spremembe pri subvencijah, davčni organi,
- izvajanje direktiv EU.

4. To sodelovanje bo obsegalo izmenjavo informacij v obliki:

- pisne dokumentacije,
- seminarjev in delavnic,
- vzajemnih posvetovanj strokovnjakov,
- udeležbe na konferencah, organiziranih na ozemlju obeh podpisnikov,
- programov usposabljanja za uslužbence javnih institucij.

5. V okviru programa izmenjav uslužbencev ministrstev bodo iz praktičnih razlogov imeli prednost uslužbenci, ki zadovoljivo obvladajo angleški jezik.

2. člen

Ta memorandum se bo uresničeval s skupaj pripravljenimi in dogovorjenimi dvoletnimi delovnimi načrti v skladu s finančnimi in organizacijskimi možnostmi obeh podpisnikov. Podpisnika sta se sporazumela, da se bosta sestala vsaj enkrat letno ali po potrebi večkrat na ustrezni ravni izmenično v eni in drugi državi, da bi izmenjala informacije in določila posebna področja in vprašanja politik, ki bi se vključila v naslednji delovni načrt.

3. člen

Posebni finančni pogoji glede organizacije zgoraj dogovorjenega sodelovanja bodo določeni v skupaj dogovorjenih dveletnih delovnih načrtih iz 2. člena zgoraj.

Splošni pogoj v tem okviru bo, da vse stroške vedno krije gostujoči podpisnik, razen če ni dogovorjeno drugače na *ad hoc* podlagi. Podpisnika bosta dodelila finančna sredstva v skladu z veljavnimi postopki, določenimi v notranji zakonodaji obeh držav.

4. člen

Za vsakega uslužbenca, ki sodeluje v tem programu, veljajo ustrezni standardni postopki, ki urejajo vstop na en oziroma drug trg dela.

5. člen

Podpisnika se sporazumeta, da se bo ta memorandum o soglasju uporabljal štiri leta od dneva podpisa, vendar pa preneha veljati ob koncu tistega koledarskega leta. Ob izteku tega roka se njegova veljavnost molče podaljšuje za enoletna obdobja, če se podpisnika ne dogovorita drugače.

Ta memorandum začne veljati z dnem, ko oba podpisnika izpolnita potrebne notranjepravne pogoje za začetek njegove veljavnosti.

6. člen

Če tega memoranduma o soglasju ali dogovorov, ki izhajajo iz skupnih delovnih načrtov, navedenih v 2. členu, ni mogoče izpolniti iz razlogov, na katere podpisnika ne moreta vplivati, lahko podpisnik ta memorandum o soglasju ali dogovore v njegovem okviru v celoti ali delno razveljavi ali odpove, na podlagi pisnega uradnega obvestila, poslanega drugemu podpisniku.

Done and signed in Geneva in two originals in the English language on June 9th 1999, both texts being equally authentic.

Sestavljeno in podpisano v Ženevi v dveh izvornikih v angleškem jeziku dne 9. junija 1999, pri čemer sta obe besedili enako verodostojni.

The Minister of Labour,
Family and Social
Affairs of the
Republic of Slovenia
Anton Rop (s)

The Minister
of Social Affairs and
Employment of the
Netherlands
Klaas G. de Vries (s)

Minister za delo, družino
in socialne zadeve
Republike Slovenije
Anton Rop l. r.

Minister za socialne zadeve
in zaposlovanje
Nizozemske
Klaas G. de Vries l. r.

3. člen

Za izvajanje tega memoranduma skrbi Ministrstvo za delo, družino in socialne zadeve.

4. člen

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

Št. 101-02/99-2 (T1).

Ljubljana, dne 30. septembra 1999

Vlada Republike Slovenije

Marjan Podobnik l. r.
Podpredsednik

– **Obvestilo o začetku veljavnosti mednarodnih pogodb**

OBVESTILO
o začetku veljavnosti mednarodnih pogodb

Od 23. 6. 1997 velja Sporazum med Vlado Republike Slovenije in Vlado Združenih držav Amerike o zaščiti in ohranjanju nekaterih kulturnih predmetov in dobrin, podpisan v Washingtonu dne 8. maja 1996, objavljen v Uradnem listu RS – Mednarodne pogodbe, št. 15/96 (Uradni list Republike Slovenije, št. 57/96).

Od 1. 8. 1997 velja Sporazum med Republiko Slovenijo in Mednarodno agencijo za atomsko energijo o varovanju v zvezi s Pogodbo o neširjenju jedrskega orožja, podpisan v Ljubljani dne 29. septembra 1995, objavljen v Uradnem listu RS – Mednarodne pogodbe, št. 11/97 (Uradni list Republike Slovenije, št. 41/97).

Dne 1. 12. 1997 je začela veljati Konvencija med Vlado Republike Slovenije in Zveznim svetom Švicarske konfederacije o izogibanju dvojnega obdavčevanja v zvezi z davki na dohodek in premoženje, podpisana dne 12. junija 1996 v Ljubljani in objavljena v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 15/97 (Uradni list Republike Slovenije, št. 50/97).

Dne 21. septembra 1999 je začel veljati Sporazum med Republiko Slovenijo in Republiko Makedonijo o vzajemni zaščiti in spodbujanju investicij, podpisan dne 5. junija 1996 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 9/99 (Uradni list Republike Slovenije, št. 27/99).

Ministrstvo za zunanje zadeve
Republike Slovenije

VSEBINA

77.	Zakon o ratifikaciji Pogodbe Svetovne organizacije za intelektualno lastnino o avtorski pravici (MSOILAP)	1077
78.	Zakon o ratifikaciji Pogodbe Svetovne organizacije za intelektualno lastnino o izvedbah in fonogramih (MSOILIF)	1083
79.	Zakon o ratifikaciji Evropske konvencije o medsebojni pravni pomoči v kazenskih zadevah in Dodatnega protokola k Evropski konvenciji o medsebojni pravni pomoči v kazenskih zadevah (MEKPPKZ)	1091
80.	Uredba o ratifikaciji Sporazuma o uporabi poligona NAMFI za Slovensko vojsko za izstrelitev raket MANPAD IGLA 1 (SA 16 - oznaka pri NATO, 9K 310-1 - ruska oznaka), MANPAD STRELA 2M (SA 7 - oznaka pri NATO, 9K 32 M - ruska oznaka), SAM STRELA 1M (SA 9-oznaka pri NATO, 9K 31 M - ruska oznaka, samovozni SAM) in za streljanje s samovoznim topom AAA 20/3 mm (samovozni trojni 20- milimetrski protiletalski top, BOV 3 - nekdanja jugoslovanska oznaka)	1103
81.	Uredba o ratifikaciji Memoranduma o soglasju o sodelovanju med Ministrstvom za delo, družino in socialne zadeve Republike Slovenije in Ministrstvom za socialne zadeve in zaposlovanje Nizozemske	1106
–	Obvestilo o začetku veljavnosti mednarodnih pogodb	1108

ISSN 1318-0932



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