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35. **Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Slovaške republike o sodelovanju v kombiniranem prevozu (BSKSKP)**

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

U K A Z
O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO SLOVAŠKE REPUBLIKE O SODELOVANJU V KOMBINIRANEM PREVOZU (BSKSKP)

Razglašam Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Slovaške republike o sodelovanju v kombiniranem prevozu (BSKSKP), ki ga je sprejel Državni zbor Republike Slovenije na seji 29. februarja 2000.

Št. 001-22-40/00
Ljubljana, dne 8. marca 2000

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N
O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO SLOVAŠKE REPUBLIKE O SODELOVANJU V KOMBINIRANEM PREVOZU (BSKSKP)

1. člen

Ratificira se Sporazum med Vlado Republike Slovenije in Vlado Slovaške republike o sodelovanju v kombiniranem prevozu, podpisan v Ljubljani dne 9. februarja 1999.

2. člen

Sporazum se v izvirniku v slovenskem jeziku glasi:*

S P O R A Z U M
MED VLADO REPUBLIKE SLOVENIJE IN VLADO SLOVAŠKE REPUBLIKE O SODELOVANJU V KOMBINIRANEM PREVOZU

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

zavedajoč se, da je nenadomestljiv del blagovne menjave učinkovit mednarodni prevoz blaga,

ob spoznanju, da je treba zaradi okoljevarstvenih razlogov in omejenih zmogljivosti cestnega prevoza z uporabo prednosti železniškega in vodnega prevoza izoblikovati sodoben prevozni sistem zaradi ustvarjanja sprejemljivih alternativ cestnemu prevozu s stališča zaščite prebivalstva in z ekonomskega stališča,

v prepričanju, da razvijanje kombiniranega prevoza pomeni možnost reševanja težav mednarodnega prometa,

ob upoštevanju smotrne uporabe oblik kombiniranega prevoza pri premagovanju morebitnih omejitev v prometni infrastrukturi

in s ciljem vzajemnega sodelovanja

sporazumeli o naslednjem:

1. člen

Splošna določba

Ta sporazum se nanaša na mednarodni kombinirani prevoz blaga v intermodalnih prevoznih enotah kombiniranega prevoza, ki se opravlja deloma z železniškim ali vodnim in deloma s cestnim prevozom s prevoznimi sredstvi, registriranimi pri pristojnih organih držav pogodbenic, in sicer med ozemljema držav pogodbenic ali kot tranzit čez ozemlji držav obeh pogodbenic ali ene od njiju.

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

2. člen
Izrazi

V tem sporazumu uporabljeni izrazi pomenijo:

a) "mednarodni kombinirani prevoz" je takšen način prevoza, pri katerem se prazna ali naložena intermodalna prevozna enota kombiniranega prevoza prevaža z železniškim ali vodnim prevozom od terminala za kombinirani prevoz oziroma pristanišča RO-RO na ozemlju države ene pogodbenice do terminala za kombinirani prevoz oziroma pristanišča RO-RO na ozemlju države druge pogodbenice, pri čemer se dovoz in odvoz intermodalnih prevoznih enot kombiniranega prevoza z nakladališč ali razkladališč do najbližjega terminala za kombinirani prevoz oziroma pristanišča RO-RO opravita s cestnim prevozom,

b) "intermodalna prevozna enota kombiniranega prevoza" je zabojnik dolžine najmanj 6 m, zamenljivo tovorišče, tovorna prikolica, sedlasti polpriklopnik in cestno tovorno motorno vozilo, če je uporabljen drug način prevoza (železniški, vodni prevoz),

c) "dovoz in odvoz po cestnem omrežju" je prevoz intermodalnih prevoznih enot kombiniranega prevoza s cestnimi tovornimi motornimi vozili med nakladališčem oziroma razkladališčem in najbližjim terminalom za kombinirani prevoz oziroma pristaniščem RO-RO, pri čemer razdalja, merjena po zračni črti, ne sme preseči meje, ki je določena s pravnimi predpisi države pogodbenice,

d) "terminal za kombinirani prevoz ali pristanišče RO-RO" je kraj nakladanja in razkladanja intermodalnih prevoznih enot kombiniranega prevoza, kjer prihaja do spremembe načina prevoza,

e) "spremljani kombinirani prevoz" je prevoz cestnega tovornega motornega vozila z železniškim ali vodnim prevozom s posadko cestnega tovornega motornega vozila,

f) "nespremljani kombinirani prevoz" je prevoz intermodalnih prevoznih enot kombiniranega prevoza z železniškim ali vodnim prevozom brez posadke cestnega tovornega motornega vozila,

g) "RO-LA" (potujoča avtocesta) je prevoz cestnih tovornih motornih vozil na posebnih železniških vagonih,

h) "RO-RO" je prevoz cestnih tovornih motornih vozil s posebnim plovilom,

i) "pristojno ministrstvo" pomeni: za slovensko stran Ministrstvo za promet in zveze Republike Slovenije in slovaško stran Ministrstvo za promet, pošte in telekomunikacije Slovaške republike.

3. člen
Nespremljani kombinirani prevoz

(1) Pogodbenici se dogovorita, da dovoz in odvoz po cestnem omrežju v nespremljanem kombiniranem prevozu na ozemlju države ene pogodbenice s cestnimi tovornimi motornimi vozili, registriranimi v državi druge pogodbenice, lahko opravlja prevoznik samo na podlagi posebnega dovoljenja pristojnega organa države pogodbenice, na ozemlju katere se morata opraviti dovoz in odvoz po cestnem omrežju.

(2) Prevoznik lahko opravlja dovoz in odvoz po cestnem omrežju v nespremljanem kombiniranem prevozu, če je sam pošiljatelj ali če ga za prevoz tovora pooblasti izvajalec kombiniranega prevoza.

(3) Pogodbenici si vzajemno zagotavljata, da sta dovoz in odvoz po cestnem omrežju v nespremljanem kombiniranem prevozu oproščena cestne pristojbine za slovaška vozila v Republiki Sloveniji in davka na motorna vozila v Slovaški republiki za slovenska vozila na razdalji, določeni v skladu s točko c) 2. člena tega sporazuma.

(4) Pogodbenici se v okviru mešane komisije za kombinirani prevoz medsebojno obvestita o terminalih kombiniranega prevoza in se dogovorita o razdaljah, na katerih se lahko opravljata dovoz in odvoz po cestnem omrežju v nespremljanem kombiniranem prevozu.

(5) Cestno tovorno motorno vozilo za opravljanje dovoza in odvoza po cestnem omrežju v nespremljanem kombiniranem prevozu lahko parkira na območju terminala za kombinirani prevoz oziroma pristanišča RO-RO ali na parkiriščih v njuni neposredni bližini kot tudi na zasebnih površinah na podlagi dovoljenja pristojnih organov in v skladu s pravnimi predpisi države, na ozemlju katere je terminal za kombinirani prevoz.

(6) Dovoz in odvoz po cestnem omrežju v nespremljanem kombiniranem prevozu med nakladališčem oziroma razkladališčem ter terminalom za kombinirani prevoz je treba opraviti po najkrajši običajni poti.

(7) Pogodbenici si bosta prizadevali zagotoviti takšne pogoje, ki bodo izvajalce kombiniranega prevoza spodbujali in jim omogočali doseganje dogovorov o medsebojnem sodelovanju tako, da bo izvajalec kombiniranega prevoza v državi ene pogodbenice za dovoz in odvoz po cestnem omrežju v nespremljanem kombiniranem prevozu na ozemlju države druge pogodbenice pridobil prevoznika iz te države.

4. člen
Spremljani kombinirani prevoz

(1) Pogodbenici se obvezujeta, da bosta ustvarjali primerne pogoje za izvajanje spremljanega kombiniranega prevoza z ozemlja države ene pogodbenice na ozemlje države druge pogodbenice ali za tranzit čez ozemlji držav obeh pogodbenic ali ene od njiju.

(2) Pogodbenici se obvezujeta, da bosta vprašanja, povezana z obratovanjem RO-LA, urejali v skladu z možnostmi in potrebami svojih držav.

(3) Pristojni organi držav pogodbenic bodo zagotovili, da čas postanka vlakov, ki obratujejo v sistemu RO-LA, na mejnih postajah ne bo daljši od 30 minut.

(4) Pogodbenici si na podlagi tega sporazuma vzajemno zagotavljata, da za prevozna sredstva pri dovozu in odvozu v cestnem omrežju, ki je vezan na uporabo RO-LA ali RO-RO, prevozne dovolilnice niso potrebne.

(5) Pogodbenici se v okviru mešane komisije za kombinirani prevoz medsebojno obvestita o terminalih kombiniranega prevoza in se dogovorita o razdaljah, na katerih se lahko opravljata dovoz in odvoz po cestnem omrežju v spremljanem kombiniranem prevozu.

5. člen
Dokumenti

Dokumenti, s katerimi se potrjuje uporaba kombiniranega prevoza, morajo biti pri vsakem prevozu po ozemlju države pogodbenice shranjeni v cestnem tovornem motornem vozilu in jih je treba na zahtevo pristojnih organov držav pogodbenic predložiti zaradi kontrole.

6. člen
Podpora kombiniranemu prevozu

(1) Pogodbenici se obvezujeta, da bosta vplivali na izvajalce železniškega in vodnega prevoza in na družbe, ki se ukvarjajo s kombiniranim prevozom, na uskladitev ukrepov za podporo predvsem nespremljanemu kombiniranemu prevozu, v upravičenih primerih pa tudi spremljanemu kombiniranemu prevozu.

(2) Pogodbenici se obvezujeta, da bosta podpirali posodobitev infrastrukture, potrebne za uspešno odvijanje kombiniranega prevoza.

(3) Pogodbenici bosta dovoz in odvoz po cestnem omrežju oprostili prepovedi vožnje, ki velja za cestna tovorna motorna vozila.

(4) Pogodbenici bosta omogočili dovoz in odvoz po cestnem omrežju cestnim tovornim motornim vozilom, ki prevažajo ISO kontejnerje (40 čevljev) v kombiniranem prevozu s skupno maso do 44 ton.

(5) Pogodbenici si bosta prizadevali za prenos carinskih postopkov, ki se nanašajo na intermodalne prevozne enote kombiniranega prevoza, na terminale za kombinirani prevoz.

(6) Pogodbenici si bosta prizadevali, da bodo železniška infrastruktura in mejni postopki v železniškem prometu usklajeni s predpisi in normativi sporazuma AGTC (Evropski sporazum o pomembnih progah mednarodnega kombiniranega prevoza in pripadajočih napravah).

(7) Če bodo RO-LA ali RO-RO uporabljala cestna tovorna motorna vozila, registrirana na ozemlju države ene od pogodbenic, za vožnje z ozemlja ali na ozemlje države druge pogodbenice ali kot tranzit čez ozemlji držav obeh pogodbenic ali ene od njiju, se bo mešana komisija za kombinirani prevoz na svojem zasedanju dogovorila o vzajemnem številu dovolilnic kot nagradnih dovolilnic.

(8) Pri uporabi sistemov RO-LA in RO-RO je možno izdati nagradne dovolilnice po vnaprej določenih merilih, dogovorjenih v mešani komisiji za kombinirani prevoz.

(9) Število nagradnih dovolilnic bodo pristojni organi držav pogodbenic izmenjali enkrat letno.

7. člen

Sodelovanje

(1) Pogodbenici se obvezujeta, da bosta spodbujali izvajalce železniškega in vodnega prevoza, da v sodelovanju z družbami, ki se ukvarjajo s kombiniranim prevozom, pripravijo konkurenčne ponudbe za kombinirani prevoz s posebnim poudarkom na kakovosti prevoza, skrajšanju časa prevoza in izpolnjevanju rokov. Prav tako si bosta prizadevali za izdelavo ekonomsko utemeljenih tarif.

(2) Pogodbenici si bosta prizadevali, da bi cestni tovorni prevoz čim bolj uporabljal prednosti kombiniranega prevoza.

(3) Pogodbenici se obvezujeta, da se bosta medsebojno obveščali o vseh ukrepih, ki bi lahko vplivali na nadaljnji razvoj kombiniranega prevoza. S ciljem razvoja kombiniranega prevoza in razreševanja morebitnih težav lahko katerakoli pogodbenica predlaga sklic mešane komisije za kombinirani prevoz iz 11. člena sporazuma.

8. člen

Kršitev določb

(1) Prevozniki, vključno s svojimi uslužbenci, morajo upoštevati pravne predpise države druge pogodbenice.

(2) Če prevozniki, vključno s svojimi uslužbenci, prekršijo določbe tega sporazuma bodo pristojni organi sprejeli ukrepe v skladu s 15. členom Sporazuma med Vlado Republike Slovenije in Vlado Slovaške republike o mednarodnem cestnem prevozu, ki je bil podpisan 21. julija 1994 v Bratislavi.

(3) Pristojni organi se bodo medsebojno obveščali o sprejetih ukrepih.

9. člen

Varstvo podatkov

(1) Pogodbenici se obvezujeta, da podatkov ali informacij druge pogodbenice, ki so povezani z uresničevanjem tega sporazuma, ne bosta izkoristili ali uporabili proti njenim interesom in jih ne bosta posredovali tretji osebi brez predhodnega pisnega soglasja druge pogodbenice.

(2) Varstvo in posredovanje podatkov se bosta izvajali v skladu s pravnimi predpisi pristojne države pogodbenice.

10. člen

Izredni dogodki

Pogodbenici bosta ob prekinitvi prometa v trajanju nad dvanajst ur sprejeli posebne ukrepe, da bi zagotovili odvijanje mednarodnega kombiniranega prevoza.

11. člen

Mešana komisija za kombinirani prevoz

(1) Z namenom izvajanja določb tega sporazuma bosta pogodbenici ustanovili mešano komisijo za kombinirani prevoz. Vsaka pogodbenica imenuje v to komisijo 5 članov, ki jih vodi predstavnik pristojnega ministrstva.

(2) Delovanje mešane komisije za kombinirani prevoz bo določeno s poslovnikom te komisije. Seje mešane komisije za kombinirani prevoz se bodo sklicevale najmanj enkrat letno izmenoma na ozemlju držav pogodbenic.

(3) Mešana komisija za kombinirani prevoz ima pravico predlagati spremembe in dopolnitve tega sporazuma.

(4) Odločitve mešane komisije za kombinirani prevoz so obvezujoče za pristojne organe držav obeh pogodbenic.

12. člen

Veljavnost in odpoved sporazuma

(1) Ta sporazum je treba odobriti v skladu s pravnimi predpisi držav pogodbenic in začne veljati s prvim dnem meseca, ki sledi prejemu zadnjega pisnega obvestila o tej odobritvi.

(2) Ta sporazum se sklepa za nedoločen čas. Vsaka od pogodbenic ga lahko pisno odpove. Sporazum preneha veljati šest mesecev od dne prejema obvestila o odpovedi druge pogodbenice.

(3) Ta sporazum se lahko spreminja in dopolnjuje na podlagi vzajemnega dogovora pogodbenic. Spremembe in dopolnitve morajo biti sprejete po enakem postopku kot ta sporazum.

(4) Določbe tega sporazuma se ne nanašajo na tiste pravice ali obveznosti, ki izhajajo iz drugih, za državi obeh pogodbenic veljavnih sporazumov ali dogovorov.

Sestavljeno v Ljubljani dne 9. februarja 1999 v dveh izvirnikih, vsak v slovenskem in slovaškem jeziku, pri čemer sta besedili enako veljavni.

Za Vlado Republike Slovenije **mag. Anton Bergauer** l. r.	Za Vlado Slovaške republike **Eduard Kukan** l. r.

3. člen

Za izvajanje tega sporazuma skrbi Ministrstvo za promet in zveze.

4. člen

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

Št. 326-03/99-11/1
Ljubljana, dne 29. februarja 2000

Predsednik
Državnega zbora
Republike Slovenije
Janez Podobnik, dr. med.
za
Eda Okretič Salmič l. r.

36. **Zakon o spremembi zakona o ratifikaciji Sporazuma med Republiko Slovenijo in Republiko Portugalsko o zračnem prometu (BPOMZP-A)**

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

U K A Z
O RAZGLASITVI ZAKONA O SPREMEMBI ZAKONA O RATIFIKACIJI SPORAZUMA MED REPUBLIKO SLOVENIJO IN REPUBLIKO PORTUGALSKO O ZRAČNEM PROMETU (BPOMZP-A)

Razglašam Zakon o spremembi zakona o ratifikaciji Sporazuma med Republiko Slovenijo in Republiko Portugalsko o zračnem prometu (BPOMZP-A), ki ga je sprejel Državni zbor Republike Slovenije na seji 29. februarja 2000.

Št. 001-22-41/00
Ljubljana, dne 8. marca 2000

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N
O SPREMEMBI ZAKONA O RATIFIKACIJI SPORAZUMA MED REPUBLIKO SLOVENIJO IN REPUBLIKO PORTUGALSKO O ZRAČNEM PROMETU (BPOMZP-A)

1. člen

2. člen zakona o ratifikaciji Sporazuma med Republiko Slovenijo in Republiko Portugalsko o zračnem prometu (Uradni list Republike Slovenije – Mednarodne pogodbe, št. 7/97) se spremeni tako, da se besedilo sporazuma v angleškem jeziku nadomesti z besedilom, ki se glasi, kot sledi:

AIR TRANSPORT AGREEMENT BETWEEN THE REPUBLIC OF SLOVENIA AND THE REPUBLIC OF PORTUGAL

The REPUBLIC OF SLOVENIA and the REPUBLIC OF PORTUGAL, hereinafter called "the Contracting Parties", being Parties to the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December, 1944;

desiring to develop co-operation in the field of air transport, and desiring to establish the necessary basis for the operation of scheduled air services have agreed as follows:

Article 1
DEFINITIONS

1. For the purpose of the present Agreement, unless the context otherwise requires:

a) the term "aeronautical authorities" shall mean, in the case of the Republic of Slovenia, the Ministry of Transport and Communications, Civil Aviation Authority, and in the case of the Republic of Portugal, the Directorate General of Civil Aviation or, in both cases, any person or body authorized to perform any functions at present exercised by the said authorities or similar functions;

b) the term "the Convention" shall mean the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December, 1944, and include any Annex adopted under Article 90 of that Convention and any amendment of the Annexes or Convention under Articles 90 and 94 thereof, so far as those Annexes and amendments have been adopted by both Contracting Parties;

c) the term "designated airline" shall mean any airline which has been designated and authorized in accordance with Article 3 of the present Agreement;

d) the term "territory" in relation to a State shall mean the land areas and territorial waters adjacent thereto under the sovereignty of that State;

e) the terms "air service", "international air service", "airline" and "stop for non-traffic purposes" shall have the meanings assigned to them in Article 96 of the Convention;

f) the term "tariff" shall mean the prices to be paid for the carriage of passengers, baggage and freight and the conditions under which those prices apply, including prices and conditions for agency and other auxiliary services, but excluding remuneration or conditions for the carriage of mail; and

g) the term "Annex" shall mean the Route Schedules attached to the present Agreement and any Clauses or Notes appearing in such Annex.

2. The Annex to this Agreement is considered an inseparable part thereof.

Article 2
OPERATING RIGHTS

1. Each Contracting Party grants to the designated airlines of the other Contracting Party the following rights in respect of its scheduled international air services and non-scheduled services:

a) the right to fly across its territory without landing;

b) the right to make stops in its territory for non-traffic purposes.

2. Each Contracting Party grants to the designated airlines of the other Contracting Party the rights hereinafter

specified in this Agreement for the purpose of operating scheduled international air services on the routes specified in the appropriate Section of the Schedule annexed to this Agreement. Such services and routes are hereinafter called "the agreed services" and "the specified routes" respectively. While operating an agreed service on a specified route the airlines designated by each Contracting Party shall enjoy in addition to the rights specified in paragraph (1) of this Article and subject to the provisions of this Agreement, the right to make stops in the territory of the other Contracting Party at the points specified for that route in the Schedule to this Agreement for the purpose of taking on board and discharging passengers, baggage and cargo including mail.

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

4. If because of armed conflict, political disturbances or developments, or special and unusual circumstances, designated airline of one Contracting Party is unable to operate a service on its normal routing, the other Contracting Party shall use its best efforts to facilitate the continued operation of such service through appropriate rearrangements of such routes, including the grant of rights for such time as may be necessary to facilitate viable operations. The provisions of this paragraph shall be applied without discrimination between the designated airlines of the Contracting Parties.

Article 3
DESIGNATION OF AIRLINES

1. Each Contracting Party shall have the right to designate one or more airlines for the purpose of operating the agreed services on the specified routes. The notification of such designation shall be made, in writing, by the aeronautical authorities of the Contracting Party having designated the airline to the aeronautical authorities of the other Contracting Party.

2. On receipt of such notification, the aeronautical authorities of the other Contracting Party, subject to the provisions of paragraphs 3 and 4 of this Article shall grant without delay the appropriate operating authorization to the designated airlines.

3. The aeronautical authorities of one Contracting Party may require the airlines designated by the other Contracting Party to satisfy them that they are qualified to fulfil the conditions prescribed under the laws and regulations normally and reasonably applied to the operation of international air services by such authorities in conformity with the provisions of the Convention.

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

5. When an airline has been so designated and authorized, it may begin at any time to operate the agreed services, provided that flight-schedules have been approved and tariffs are in force in respect of those services, as required respectively under Article 14 and Article 16 of this Agreement.

6. Each Contracting Party shall have the right to withdraw, by written notification to the other Contracting Party, the designation of any of its airline and to substitute it by the designation of another airline.

Article 4
REVOCATION, SUSPENSION AND LIMITATION OF RIGHTS

1. The aeronautical authorities of each Contracting Party shall have the right to revoke an operating authorization or to suspend the exercise of the rights specified in Article 2 of the present Agreement by an airline designated by the other Contracting Party, or to impose such conditions as it may deem necessary on the exercise of these rights:

a) in any case where it is not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or in nationals of such Contracting Party, or

b) in the case of failure by that airline to comply with the laws or regulations of the Contracting Party granting these rights, or

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

2. Unless immediate revocation, suspension or imposition of the conditions mentioned in paragraph 1 of this Article is essential to prevent further infringements of laws or regulations, such right shall be exercised only after consultation with the other Contracting Party. Such consultation shall take place within a period of thirty (30) days from the date of the proposal to hold it if not otherwise agreed.

Article 5
ENTRY AND CLEARENCE LAWS AND REGULATIONS

1. The laws, regulations and procedures of a Contracting Party relating to the admission to, sojourn in, or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of both Contracting Parties upon entering into or departing from or while within the territory of that Party.

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

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

Article 6
CUSTOM DUTIES AND OTHER CHARGES

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

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

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

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

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

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

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

5. The exemptions provided for by this Article shall also be available in situations where the designated airlines of either Contracting Party have entered into arrangements with another airline or airlines for the loan or transfer in the territory of the other Contracting Party of the items specified in paragraphs 1 and 2 of this Article, provided such other airline or airlines similarly enjoy such exemptions from such other Contracting Party.

Article 7
USER CHARGES

Charges for the use of airport and air navigation facilities and services offered by one Contracting Party to the designated airlines of the other Contracting Party shall not be higher than those which have to be paid by national aircraft operating on similar scheduled international services. Such charges shall be just and reasonable and shall be based on sound economic principles.

Article 8
PASSENGERS AND CARGO IN DIRECT TRANSIT

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

Article 9
RECOGNITION OF CERTIFICATES AND LICENCES

1. Certificates of airworthiness, certificates of competency and licences issued, or validated, by one Contracting Party and unexpired shall be recognized as valid by the other Contracting Party for the purpose of operating the agreed services on the specified routes, provided always that such certificates or licences were issued, or validated, in conformity with the standards established under the Convention.

2. Each Contracting Party, however, reserves the right to refuse to recognize, for flights above its own territory, certificates of competency and licences granted to its own nationals by the other Contracting Party.

Article 10
SECURITY

1. Consistent with their rights and obligations under international law, the Contracting Parties reaffirm that their obligation to each other to protect the security of civil aviation against acts of unlawful interference forms an integral part of this Agreement. Without limiting the generality of their rights and obligations under international law, the Contracting Parties shall in particular act in conformity with the provisions of the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970 and the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971 and its Supplementary Protocol for the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation, signed at Montreal on 24 February 1988, when it will become binding on both Contracting Parties.

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

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

4. Each Contracting Party agrees that such operators of aircraft may be required to observe the aviation security provisions referred to in paragraph 3 above required by the other Contracting Party for entry into, departure from, or while within, the territory of that other Contracting Party. Each Contracting Party shall ensure that adequate measures are effectively applied within its territory to protect the aircraft and to inspect passengers, crew, carry-on items, baggage, cargo and aircraft stores prior to and during boarding or loading. Each Contracting Party shall also give sympathetic consideration to any request from the other Contracting Party for reasonable special security measures to meet a particular threat.

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

Article 11

REPRESENTATION AND COMMERCIAL ACTIVITIES

1. The designated airlines of each Contracting Party shall be allowed:

a) to establish in the territory of the other Contracting Party offices for the promotion of air transportation and sale of air tickets as well as other facilities required for the provision of air transportation:

b) to bring in and maintain in the territory of the other Contracting Party – in accordance with the laws and regulations of that other Contracting Party relating to entry, residence and employment – managerial, sales, technical, operacional and other specialist staff required for the provision of air transportation, and

c) in the territory of the other Contracting Party to engage directly and, at that airlines' discretion, through its agents in the sale of air transportation.

2. Each airline shall have the right to sell such transportation, and any person shall be free to purchase such transportation, in the currency of that territory or in freely convertible currencies of other countries in accordance with the foreign exchange regulations in force.

3. For the commercial activities the same principles shall apply to the designated airlines of both Contracting Parties. The competent authorities of each Contracting Party will take all necessary steps to ensure that the representations of the airlines designated by the other Contracting Party may exercise their activities in an orderly manner.

Article 12

CONVERSION AND TRANSFER OF REVENUES

Each Contracting Party grants to the designated airlines of the other Contracting Party the right of free transfer at the official rate of exchange, of the excess of receipts over expenditures achieved in connection with the carriage of passengers, cargo and mail. In the absence of the appropriate provisions of a payments agreement, the above mentioned transfer shall be made in convertible currencies and in accordance with the national laws and foreign exchange regulations applicable.

Article 13

CAPACITY

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

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

3. The agreed services provided by the designated airlines of the Contracting Parties shall bear a close relationship to the requirements of the public for transportation on the specified routes and shall have as their primary objective the provision, at a reasonable load factor, of capacity adequate to carry the current and reasonably anticipated traffic requirements, including seasonal variations for the carriage of passengers, baggage, cargo and mail, both taken up and put down at points on the specified routes in the territory of the Contracting Party which has designated the airlines.

4. Any provision for the carriage of passengers, baggage, cargo and mail both taken up and discharged at points on the specified routes in the territories of States other than that designating the airlines shall be made in accordance with the general principles that capacity shall be related to:

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

b) traffic requirements of the area through which the agreed services pass, after taking account of other air transport services established by airlines of the States comprising the area; and

c) the requirements of through airline operation.

5. The designated airlines shall endeavour to agree on the total capacity to be provided on such services.

6. Each designated airline shall submit to the aeronautical authorities of both Contracting Parties, for approval, the capacity to be provided by it on the agreed services.

7. The total capacity to be provided on the agreed services by the designated airlines of the Contracting Parties shall be approved by the aeronautical authorities of the Contracting Parties before commencement of operations, and thereafter according to anticipated traffic requirements. Such approval shall take into consideration any written submissions as to capacity made by the designated airlines.

8. In the event that the aeronautical authorities of one Contracting Party does not approve the capacity submitted, it shall request consultation in accordance with Article 17 of this Agreement.

9. If, on review, the Contracting Parties fail to agree on the capacity to be provided on the agreed services, the capacity that may be provided by the designated airlines of the Contracting Parties shall not exceed the total capacity, including seasonal variations, previously agreed to be provided.

Article 14

APPROVAL OF CONDITIONS OF OPERATION

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

2. For minor ad hoc modifications or in case of ad hoc supplementary flights, the designated airlines of one Contracting Party shall request prior permission to the aeronautical authorities of the other Contracting Party, at least fourworking days before their intended operation. In special cases, this time limit may be reduced subject to agreement of the said authorities.

Article 15

PROVISION OF STATISTICS

The aeronautical authorities of one Contracting Party shall supply the aeronautical authorities of the other Contracting Party, at their request, with such statistics as may be reasonably required for the purpose of reviewing the capacity provided on the agreed services.

Article 16

TARIFFS

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

including cost of operation, reasonable profit and the tariffs of other airlines operating the whole or part of the same route.

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

3. The tariffs so agreed shall be submitted for the approval of the aeronautical authorities of both Contracting Parties at least forty five (45) days before the proposed date of their introduction. In special cases, this period may be reduced, subject to the agreement of the said authorities.

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

5. If a tariff cannot be agreed in accordance with paragraph 2 of this Article, or if, during the period applicable in accordance with paragraph 4 of this Article, one aeronautical authority gives the other aeronautical authority notice of its disapproval of any tariff agreed in accordance with the provisions of paragraph 2, the aeronautical authorities of the two Contracting Parties shall endeavour to determine the tariff by mutual agreement.

6. If the aeronautical authorities cannot agree on any tariff submitted to them under paragraph 3 of this Article, or on the determination of any tariff under paragraph 5 of this Article, the dispute shall be settled in accordance with the provisions of Article 20 of this Agreement for the settlement of disputes.

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

8. The aeronautical authorities of each Contracting Party shall exercise their best efforts to ensure that the designated airlines conform to the agreed tariffs filed with the aeronautical authorities of the Contracting Parties, and that no airline illegally rebates any portion of such tariffs by any means directly or indirectly.

Article 17

CONSULTATIONS

1. In order to ensure close co-operation concerning all the issues related to the implementation and application of this Agreement, the aeronautical authorities of each Contracting Party shall consult each other whenever it becomes necessary, on request of either Contracting Party.

2. Such consultations shall begin within a period of sixty (60) days from the date of written request by one Contracting Party, unless otherwise agreed by both Contracting Parties.

Article 18

MODIFICATION OF AGREEMENT

1. If either of the Contracting Parties considers it desirable to modify any provision of this Agreement, it may at any time request consultation to the other Contracting Party. Such consultation shall begin within a period of sixty (60) days from the date of the request, unless otherwise agreed.

2. Any amendment or modification of this Agreement shall be settled between the Contracting Parties according to their own constitutional procedures and shall come into effect when it has been confirmed by an Exchange of Notes through diplomatic channels.

3. Modification to the Annex may be effected by direct agreement between the aeronautical authorities of the Contracting Parties and shall come into force by an Exchange of Notes through diplomatic channels.

Article 19

CONFORMITY WITH MULTILATERAL CONVENTION

The present Agreement and its Annex shall be deemed to be amended without further agreement as may be necessary to conform with any multilateral Convention or Agreement which may become binding on both Contracting Parties.

Article 20

SETTLEMENT OF DISPUTES

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

2. If the Contracting Parties fail to reach a settlement by negotiation, they may agree to refer the dispute for decision to some person or body, or the dispute may at the request of either Contracting Party be submitted for decision to an arbitral tribunal of three arbitrators, one to be nominated by each Contracting Party and the third to be appointed by the two so nominated. Each of the Contracting Parties shall nominate an arbitrator within a period of sixty (60) days from the date of receipt by either Contracting Party from the other of a notice through diplomatic channels requesting arbitration of the dispute, and the third arbitrator shall be appointed within a further period of sixty (60) days. If either of the Contracting Parties fails to nominate an arbitrator within the period specified or the third arbitrator is not appointed, the President of the Council of the International Civil Aviation Organization may be requested by either Contracting Party to appoint an arbitrator or arbitrators as the case requires. In such case, the third arbitrator shall be a national of a third State and shall act as president of the arbitral body.

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

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

Article 21

TERMINATION

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

ceived fourteen (14) days after the receipt of the notice by the International Civil Aviation Organization.

2. In case any of the designated airlines is operating the agreed services, the validity of the Agreement shall be extended until the end of the period of the approved timetable.

Article 22
REGISTRATION

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

Article 23
ENTRY INTO FORCE

This Agreement shall come into force when the Contracting Parties, by an exchange of Diplomatic Notes, notify each other of the completion of their constitutional requirements.

In witness whereof the undersigned, duly authorized thereto by the respective Governments, have signed this Agreement.

Done at this day of 23 May 1995 in Ljubljana in two originals in the Slovenian, the Portuguese and English languages, all texts being equally authentic. In case of any divergence of implementation, interpretation or application, the English text shall prevail.

For the Republic of Slovenia	For the Republic of Portugal
Zoran Thaler, (s)	**Vitor Martins,** (s)

ANNEX

SECTION I

1. Route to be operated in both directions by the airlines designated by the Government of the REPUBLIC OF PORTUGAL:

Points in Portugal – intermediate point – Ljubljana – point beyond

2. Route to be operated in both directions by the airlines designated by the Government of the REPUBLIC OF SLOVENIA:

Points in Slovenia – intermediate point – Lisbon – point beyond

3. To operate services on the route referred to in paragraph 1 of this Section, the airlines designated by the Government of the REPUBLIC OF PORTUGAL shall have the right:

a) To put down in Ljubljana international traffic in passengers, cargo and mail taken on in Portugal;

b) To take on in Ljubljana international traffic in passengers, cargo and mail destined for Portugal.

4. To operate services on the route referred to in paragraph 2 of this Section the airlines designated by the Government of the REPUBLIC OF SLOVENIA shall have the right:

a) To put down in Lisbon international traffic in passengers, cargo and mail taken on in Slovenia;

b) To take on in Lisbon international traffic in passengers, cargo and mail destined for Slovenia.

5. The designated airlines of both Contracting Parties may omit calling at any of the above- mentioned points provided that Ljubljana and Lisbon are not so omitted. Inclusion or omission of such points shall be announced to the public in due time.

SECTION II

The designated airlines of either Contracting Party may use one intermediate point and/or one point beyond on the above specified routes – such points to be established between the aeronautical authorities of the Contracting Parties – and shall have the right to carry traffic in passengers, cargo and mail between that Contracting Party's own territory and such points.

SECTION III

The designated airlines of either Contracting Party may have the right to take on or put down in the territory of the other Contracting Party international traffic in passengers, cargo and mail destined for or originated at the intermediate point and/or the point beyond referred to in Section II on the routes specified in Section I, subject to an agreement to be established between the aeronautical authorities of the two Contracting Parties.

2. člen

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

Št. 326-06/96-18/2
Ljubljana, dne 29. februarja 2000

Predsednik
Državnega zbora
Republike Slovenije
Janez Podobnik, dr. med.
za
Eda Okretič Salmič l. r.

37. **Zakon o ratifikaciji Sporazuma med Republiko Slovenijo in Kraljevino Španijo o zračnem prometu (BESZP)**

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

U K A Z
O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA MED REPUBLIKO SLOVENIJO IN KRALJEVINO ŠPANIJO O ZRAČNEM PROMETU (BESZP)

Razglašam Zakon o ratifikaciji Sporazuma med Republiko Slovenijo in Kraljevino Španijo o zračnem prometu (BESZP), ki ga je sprejel Državni zbor Republike Slovenije na seji 29. februarja 2000.

Št. 001-22-42/00
Ljubljana, dne 8. marca 2000

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N
O RATIFIKACIJI SPORAZUMA MED REPUBLIKO SLOVENIJO IN KRALJEVINO ŠPANIJO O ZRAČNEM PROMETU (BESZP)

1. člen

Ratificira se Sporazum med Republiko Slovenijo in Kraljevino Španijo o zračnem prometu, podpisan dne 15. julija 1998 v Madridu.

2. člen

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

SPORAZUM
MED REPUBLIKO SLOVENIJO IN KRALJEVINO ŠPANIJO O ZRAČNEM PROMETU

Republika Slovenija in Kraljevina Španija, v nadaljevanju imenovani pogodbenici,

kot pogodbenici Konvencije o mednarodnem civilnem letalstvu, odprte za podpis v Chicagu 7. decembra 1944,

sta se v želji, da bi pospešili razvoj zračnega prometa med državama in da bi čim bolj pospešili mednarodno sodelovanje na tem področju,

dogovorili o naslednjem:

I. člen
DEFINICIJE

1. Za namen razlage in uporabe tega sporazuma imajo posamezni izrazi, razen če ni drugače dogovorjeno, tale pomen:

a) izraz konvencija pomeni Konvencijo o mednarodnem civilnem letalstvu, ki je bila odprta za podpis v Chicagu 7. decembra 1944, ter vključuje vsako prilogo, sprejeto v skladu z 90. členom omenjene konvencije, in vsako spremembo prilog in konvencije v skladu z njenim 90. in 94. členom v tisti meri, v kateri so te priloge in spremembe veljavne za obe pogodbenici ali sta jih pogodbenici ratificirali;

AIR TRANSPORT AGREEMENT
BETWEEN THE REPUBLIC OF SLOVENIA AND THE KINGDOM OF SPAIN

The Republic of Slovenia and the Kingdom of Spain, hereinafter referred to as the Contracting Parties,

Being Parties to the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December, 1944;

Desiring to promote the development of air transport between both Countries and to advance to the fullest extent the international co-operation in this field;

Have agreed as follows:

Article I
DEFINITIONS

1. For the purposes of the interpretation and application of this Agreement, except as otherwise provided herein:

a) the term Convention means the Convention on International Civil Aviation, opened for signature at Chicago on the seventh day of December 1944, and includes any Annex adopted under Article 90 of that Convention and any amendment of the Annexes or the Convention adopted under Articles 90 and 94 thereof, so far as those Annexes and amendments have become effective for or have been ratified by both Contracting Parties;

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

b) izraz pristojna organa pomeni za Republiko Slovenijo Ministrstvo za promet in zveze, Upravo Republike Slovenije za zračno plovbo in za Kraljevino Španijo Ministrstvo za razvoj (Generalna direkcija za civilno letalstvo) ali v obeh primerih katerokoli osebo ali organ, ki ju omenjeni Ministrstvi pooblastita za opravljanje nalog v zvezi s tem sporazumom;

c) izraz določeni prevoznik pomeni prevoznika, ki ga vsaka pogodbenica določi za opravljanje dogovorjenega prometa na določenih progah, ki so v skladu s III. členom tega sporazuma navedene v njegovi prilogi;

d) izrazi ozemlje, zračni promet, mednarodni zračni promet in pristanek v nekomercialne namene imajo pomen, kot ga določata 2. in 96. člen konvencije;

e) izraz sporazum pomeni ta sporazum, njegovo prilogo in vsako spremembo sporazuma ali priloge;

f) izraz določene proge pomeni proge, ki so ali bodo določene v prilogi tega sporazuma;

g) izraz dogovorjeni promet pomeni mednarodni zračni promet, ki se v skladu z določili tega sporazuma lahko opravlja na določenih progah;

h) izraz tarifa pomeni vsak znesek, ki ga ali ga bodo prevozniki zaračunavali neposredno ali po svojih agentih za prevoz potnikov, njihove prtljage in tovora (razen pošte), vključno z vsako bistveno dodatno ugodnostjo, dano ali zagotovljeno v zvezi z omenjenim prevozom, kakor tudi provizijo, ki se plačuje za prodajo vozovnic in za pripadajoče storitve za prevoz blaga. Vključuje tudi pogoje, ki vplivajo na veljavnost cene prevoza in plačilo provizije;

i) izraz zmogljivost pomeni v zvezi z zrakoplovom razpoložljivost sedežev in/ali tovora tega zrakoplova; v zvezi z dogovorjenim prometom pa pomeni zmogljivost zrakoplova, ki se uporablja v tem prometu, pomnoženo s številom frekvenc, ki jih ta zrakoplov opravi v vsaki sezoni na eni progi ali na delu te proge.

II. člen
PROMETNE PRAVICE

1. Razen če ni v prilogi drugače določeno, prizna vsaka pogodbenica drugi pogodbenici, z namenom da bi njenim določenim prevoznikom omogočila opravljanje rednega mednarodnega zračnega prometa, naslednje pravice:

a) pravico do preleta ozemlja druge pogodbenice brez pristanka;

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

c) pravico do pristanka na ozemlju druge pogodbenice v krajih, ki so navedeni v pregledu prog v prilogi tega sporazuma, z namenom da tam vkrcajo ali izkrcajo potnike, tovor in pošto – skupaj ali posamično – v mednarodnem prometu, ki je namenjen na ozemlje druge pogodbenice ali izhaja z njega.

2. Tudi drugi prevozniki pogodbenic, razen tistih, ki so določeni v 3. členu, bodo imeli pravice, ki so navedene v odstavkih 1a) in 1b) tega člena.

3. Nobeno določilo tega sporazuma ne daje pravice določenim prevoznikom ene pogodbenice, da na ozemlju druge pogodbenice opravljajo kabotažo.

III. člen
DOLOČITEV PREVOZNIKOV

1. Vsaka pogodbenica ima pravico, da za opravljanje dogovorjenega prometa na progah, določenih v prilogi, določi enega ali več prevoznikov in da o tem pisno obvesti

b) the term Aeronautical Authorities means in the case of the Republic of Slovenia, the Ministry of Transport and Communications, Civil Aviation Authority, and in the case of the Kingdom of Spain, the Ministry of Development (General Directorate of Civil Aviation) or, in either case, any person or body duly authorized by the said Ministries to perform any function related with this Agreement;

c) the term designated airline means the airline that each Contracting Party has designated to operate the agreed services on the specified routes as established in the Annex to this Agreement, in accordance with Article III of this Agreement;

d) the terms territory, air service, international air service, and stop for non - traffic purposes, have the meanings specified in Articles 2 and 96 of the Convention;

e) the term Agreement means this Agreement, its Annex and any amendments to the Agreement or to the Annex;

f) the term specified routes means the routes established or to be established in the Annex to this Agreement;

g) the term agreed services means the international air services which can be operated, according to the provisions of this Agreement, on the specified routes;

h) the term tariff means any amount charged or to be charged by airlines, directly or through their agents, for the carriage of passengers, their baggage, and freight (except mail), including any significant additional benefit granted or provided together with the said transport, as well as the commission to be paid in connection with the sale of tickets and with the corresponding transactions for the carriage of goods. It also includes the conditions that regulate the application of the transport price and the payment of the commission;

i) the term capacity means, in relation to an aircraft, the availability of seats and/or cargo of the said aircraft and, in relation to the agreed services, it means the capacity of the aircraft used on the said services, multiplied by the number of frequencies operated by the said aircraft during each season on one route or on a section of a route.

Article II
OPERATING RIGHTS

1. Each Contracting Party grants to the other Contracting Party, except as otherwise specified in the Annex, the following rights to enable the designated airlines of the other Contracting Party to operate scheduled international air services:

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

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

c) to make stops in the territory of the other Contracting Party, at points specified in the Route Schedule in the Annex to this Agreement, for the purpose of taking on and putting down, on international traffic, passengers, cargo and mail, jointly or separately, to or from territory of the other Contracting Party.

2. The airlines of each of the Contracting Parties, other than those designated under Article 3, shall also enjoy the rights specified at indents 1 a) and 1 b) of this Article.

3. Nothing expressed in this Agreement shall be deemed to confer on the designated airlines of one Contracting Party rights of cabotage in the territory of the other Contracting Party.

Article III
DESIGNATION OF AIRLINES

1. Each Contracting Party shall have the right to designate and notify in writing to the other Contracting Party one or more airlines for the purpose of operating the agreed air

drugo pogodbenico kakor tudi da z drugim prevoznikom nadomesti prvotno določenega.

2. Po prejemu takega obvestila bo druga pogodbenica v skladu z določili 3. in 4. odstavka tega člena brez odlašanja izdala določenim prevoznikom ustrezno dovoljenje za opravljanje prometa.

3. Pristojni organ ene pogodbenice lahko od prevoznikov, ki jih je določila druga pogodbenica, zahteva, naj dokažejo, da izpolnjujejo pogoje, določene v zakonih in predpisih, ki jih pristojni organ v skladu s konvencijo običajno in razumno uporablja pri opravljanju mednarodnega zračnega prometa.

4. Vsaka pogodbenica ima pravico odkloniti izdajo dovoljenja za opravljanje prometa iz 2. odstavka tega člena ali določiti pogoje, ki so po njenem mnenju potrebni, da jih določeni prevoznik izpolnjuje pri uresničevanju pravic iz II. člena tega sporazuma, če nima dokazov, da sta pretežno lastništvo in dejanski nadzor nad prevoznikom v rokah pogodbenice, ki je določila prevoznika, ali njenih državljanov.

5. Ko je prevoznik tako določen in dobi dovoljenje, sme kadarkoli začeti opravljati dogovorjeni promet, če za ta promet veljajo tarife, določene v skladu z določilom VII. člena tega sporazuma.

IV. člen

PREKLIC IN ZAČASNA RAZVELJAVITEV DOVOLJENJA ZA OPRAVLJANJE PROMETA

1. Vsaka pogodbenica ima pravico preklicati dovoljenje za opravljanje prometa ali začasno ustaviti uresničevanje pravic, določenih v II. členu tega sporazuma, prevozniku, ki ga je določila druga pogodbenica, ali mu določiti take pogoje, ki se ji zdijo za izvrševanje teh pravic potrebni, če:

a) nima zadostnih dokazov, da sta pretežno lastništvo in dejanski nadzor nad tem prevoznikom v rokah pogodbenice, ki je prevoznika določila, ali njenih državljanov, ali

b) prevoznik ne spoštuje zakonov in predpisov pogodbenice, ki te pravice daje, ali

c) prevoznik sicer ne opravlja dogovorjenega prometa pod pogoji, določenimi v tem sporazumu.

2. Razen če so takojšen preklic, začasna razveljavitev ali določitev pogojev iz 1. odstavka tega člena nujni za preprečitev nadaljnjih kršitev zakonov in predpisov, se bo ta pravica uporabila šele po posvetovanju z drugo pogodbenico.

V. člen

OPROSTITVE DAJATEV IN TAKS

1. Zrakoplovi, ki jih določeni prevozniki katerekoli pogodbenice uporabljajo v mednarodnem zračnem prometu, kakor tudi njihova običajna oprema, zaloge goriva in maziva ter druge zaloge (vključno s hrano, pijačo in tobakom), ki so na njih, so po prihodu na ozemlje druge pogodbenice oproščeni vseh carinskih in drugih dajatev ali taks, če taka oprema in zaloge ostanejo na zrakoplovu, dokler niso ponovno izvožene.

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

a) zaloge na zrakoplovu, vkrcane na ozemlju katerekoli pogodbenice, v količinah, ki jih določijo organi te pogodbe-

services on the routes specified in the Annex as well as to substitute another airline for a previously designated one.

2. On receipt of such designation, the other Contracting Party shall, subject to the provisions of paragraphs 3 and 4 of this Article, without delay grant to the designated airlines the appropriate operating authorizations.

3. The Aeronautical Authorities of one Contracting Party may require the airlines designated by the other Contracting Party to satisfy them that they are qualified to fulfil the conditions prescribed under the laws and regulations normally and reasonably applied to the operation of international air services by such Authorities, in conformity with the provisions of the Convention.

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

5. When an airline has been so designated and authorized, it may begin at any time to operate the agreed services, provided that the tariffs established in accordance with the provisions of Article VII of this Agreement are in force in respect of those services.

Article IV

REVOCATION AND SUSPENSION OF OPERATING AUTHORIZATION

1. Each Contracting Party shall have the right to revoke an operating authorization or to suspend the exercise of the rights specified in Article II of this Agreement that were granted to an airline designated by the other Contracting Party, or to impose such conditions as it may deem necessary for the exercise of these rights:

a) if it is not satisfied that substantial ownership and effective control of the airline are vested in the Contracting Party designating the airline or in the nationals of such Contracting Party, or

b) if the airline fails to comply with the laws and regulations of the Contracting Party granting these rights, or

c) if the airline otherwise fails to operate the agreed services in accordance with the conditions prescribed under this Agreement.

2. Unless immediate revocation, suspension or imposition of the conditions mentioned in paragraph 1) of this Article are essential to prevent further infringements of the laws and regulations, such a right shall be exercised only after consultation with the other Contracting Party.

Article V

EXEMPTIONS FROM DUTIES AND TAXES

1. Aircraft operated in international air services by the designated airlines of either Contracting Party, as well as their regular equipment, supplies of fuels and lubricants, and aircraft stores (including food, beverages and tobacco) which are on board of such aircraft, shall be exempted from all customs duties and other duties or taxes on arrival in the territory of the other Contracting Party, provided that such equipment and supplies remain on board the aircraft until they are re-exported.

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

a) the supplies taken on board in the territory of either Contracting Party, within the limits fixed by the Authorities

nice in so namenjene za uporabo v mednarodnem zračnem prometu v zrakoplovih druge pogodbenice;

b) rezervni deli, pripeljani na ozemlje ene pogodbenice, za vzdrževanje ali popravilo zrakoplovov, ki jih v mednarodnem zračnem prometu uporabljajo določeni prevozniki druge pogodbenice;

c) gorivo in maziva, ki jih v mednarodnem zračnem prometu uporabljajo določeni prevozniki druge pogodbenice, tudi če bodo te zaloge uporabljene na delu poti nad ozemljem pogodbenice, kjer so bile vkrcane;

d) zaloge tiskanih vozovnic, letalski tovorni listi, vse tiskovine z znakom družbe in običajno reklamno gradivo, ki ga določeni prevozniki brezplačno delijo;

e) prtljaga in tovor v direktnem tranzitu.

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

3. Običajna oprema v zrakoplovu kakor tudi predmeti in zaloge, ki so v zrakoplovu katerekoli pogodbenice, so lahko izkrcani na ozemlju druge pogodbenice le z odobritvijo carinskih organov na ozemlju te pogodbenice. V takem primeru so lahko pod nadzorom teh organov, dokler niso ponovno izvoženi ali drugače porabljeni v skladu s carinskimi predpisi.

4. Oprostitve iz tega člena se uporabljajo pod enakimi pogoji iz 2. odstavka tega člena v primeru, da določeni prevozniki ene ali druge pogodbenice sklenejo dogovor z drugim prevoznikom ali prevozniki za najem ali prevoz predmetov, naštetih v 1. in 2. odstavku tega člena, na ozemlju druge pogodbenice, če ta druga pogodbenica daje prevozniku ali prevoznikom podobne pravice.

VI. člen
LETALIŠKE TAKSE

Vsaka pogodbenica lahko uvede ali dovoli, da se za prevoznike druge pogodbenice uvedejo upravičene in razumne takse za uporabo javnih letališč, naprav in navigacijskih sredstev, ki so pod njenim nadzorom, če omenjene takse ne presegajo taks za uporabo letališč in storitev, ki veljajo za domača letala v podobnem mednarodnem prometu.

VII. člen
TARIFE

1. Tarife, ki jih bodo zaračunavali določeni prevozniki ene pogodbenice za prevoz na ozemlje in z ozemlja druge pogodbenice, bodo določene na primernih ravneh, pri čemer bo zadostna pozornost posvečena vsem pomembnim dejavnikom, vključno s poslovnimi stroški, zahtevami uporabnikov, razumnim dobičkom in tarifami drugih prevoznikov.

2. O tarifah iz 1. odstavka tega člena se bodo, če je mogoče, določeni prevozniki obeh pogodbenic dogovorili po posvetovanju z drugimi prevozniki, ki opravljajo promet na tej progi ali na njenem delu. Ta sporazum se bo, kadarkoli bo mogoče, dosegel po postopku za določanje tarif Mednarodnega združenja letalskih prevoznikov.

3. Tako dogovorjene tarife je treba predložiti v odobritev pristojnim organom obeh pogodbenic najmanj petinštiri-

of the said Contracting Party, and for use on board the aircraft engaged in international air services of the other Contracting Party;

b) the spare parts, brought into the territory of either Contracting Party for the maintenance or repair of aircraft used on international air services by the designated airlines of the other Contracting Party, and

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

d) the printed ticket stock, airway bills, any printed material which bears the insignia of the company printed thereon and usual publicity material distributed without charge by the designated airlines.

e) the baggage and cargo in direct transit.

Items referred to in the above sub-paragraphs a), b), c), d) and e) may be required to be kept under Customs supervision or control.

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

4. The exemptions provided for by this Article shall also be available under the same conditions of paragraph 2) of this Article in situations where the designated airlines of either Contracting Party have entered into arrangements with another airline or airlines for the loan or transfer in the territory of the other Contracting Party of the items specified in paragraphs 1) and 2) of this Article, provided such other airline or airlines similarly enjoy such exemptions from such other Contracting Party.

Article VI
AIRPORT CHARGES

Each of the Contracting Parties shall impose or allow to be imposed to the airlines of the other Contracting Party, fair and reasonable charges or fees for the use of public airports, facilities and navigational aids under its control, provided that the said fees may no exceed the fees imposed on its own national aircraft used on similar international services for the use of the airports and services.

Article VII
TARIFFS

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

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

3. The tariffs so agreed shall be submitted for the approval of the Aeronautical Authorities of both Contracting

deset (45) dni pred predlaganim dnem njihove uveljavitve. V posebnih primerih se ta rok lahko skrajša v sporazumu s pristojnimi organi.

4. Odobritev je lahko izrecna. Če nobeden od pristojnih organov ne izrazi svojega nestrinjanja v tridesetih (30) dneh od dneva, ko so bile tarife predložene v skladu s 3. odstavkom tega člena, se bo štelo, da so tarife odobrene. Če bi bil rok za njihovo predložitev skrajšan, kot je to predvideno v 3. odstavku tega člena, se lahko pristojna organa dogovorita, da je rok, v katerem je treba sporočiti nestrinjanje, ustrezno krajši.

5. Če se o tarifi ni mogoče dogovoriti v skladu z določilom 2. odstavka tega člena ali če je v roku iz 4. odstavka tega člena pristojni organ sporočil svoje nestrinjanje s katerokoli tarifo, o kateri je bilo dogovorjeno v skladu z 2. odstavkom, si bosta pristojna organa obeh pogodbenic prizadevala za sporazumno določitev tarife.

6. Če se pristojna organa ne moreta dogovoriti o tarifi, ki jima je bila predložena v skladu s 3. odstavkom tega člena, ali o določitvi tarife v skladu s 5. odstavkom tega člena, bo spor razrešen v skladu z določili XIX. člena tega sporazuma.

7. Tarifa, določena v skladu z določili tega člena, velja, dokler ne bo določena nova tarifa. V nobenem primeru pa ne bo veljavnost tarife podaljšana za dlje kot dvanajst (12) mesecev od prvotno določenega datuma prenehanja njene veljavnosti.

8. Pristojna organa obeh pogodbenic si bosta po najboljših močeh prizadevala, da bi zagotovila, da bodo določeni prevozniki spoštovali dogovorjene tarife, registrirane pri pristojnih organih obeh pogodbenic, in da noben prevoznik ne bo na noben način neposredno ali posredno neupravičeno zmanjševal nobenega deleža teh tarif.

VIII. člen
TEHNIČNO IN TRGOVSKO OSEBJE
TER PODRUŽNICE

1. Določeni prevozniki obeh pogodbenic bodo imeli pravico, da imajo po načelu reciprocitete na ozemlju druge pogodbenice svoje podružnice in predstavništva kakor tudi trgovsko, operativno in tehnično osebje, ki jih potrebujejo za opravljanje dogovorjenega prometa.

2. Zahteve po osebju lahko določeni prevozniki po svoji izbiri zadovoljijo s svojim osebjem ali s storitvami kakšne druge organizacije, družbe ali prevoznika, ki delujejo na ozemlju druge pogodbenice in so pooblaščeni za opravljanje teh storitev na njenem ozemlju.

3. Za omenjena predstavništva in osebje bodo veljali zakoni in predpisi, ki veljajo na ozemlju te druge pogodbenice. V skladu s temi zakoni in predpisi jim bo vsaka pogodbenica po načelu reciprocitete in brez odlašanja izdala potrebna delovna dovoljenja, vstopne vizume ali druge podobne dokumente.

4. Če bi posebne okoliščine zahtevale nujen in začasen vstop ali bivanje osebja, mu bo pogodbenica dovoljenja, vizume in dokumente, ki so potrebni v skladu z njenimi zakoni in predpisi, nemudoma izdala, da ne bi zavlačevala vstopa takega osebja v zadevno državo.

Parties at least forty five (45) days before the proposed date of their introduction. In special cases, this period may be reduced, subject to the agreement of the said Authorities.

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

5. If a tariff cannot be agreed in accordance with the provisions of paragraph 2) of this Article or, if during the period applicable in accordance with paragraph 4) of this Article one Aeronautical Authority gives notice of its disapproval of any tariff agreed in accordance with the provisions of paragraph 2), the Aeronautical Authorities of the two Contracting Parties shall endeavour to determine the tariff by mutual agreement.

6. If the Aeronautical Authorities cannot agree on any tariff submitted to them in accordance with paragraph 3) of this Article, or on the determination of any tariff as specified in paragraph 5) of this Article, the dispute shall be settled in accordance with the provisions of Article XIX of this Agreement.

7. A tariff established in accordance with the provisions of this Article shall remain in force until a new tariff has been established. However, a tariff may be prolonged after its original date of expiration for a period not exceeding twelve (12) months.

8. The Aeronautical Authorities of each Contracting Party shall exercise their best efforts to ensure that the designated airlines conform to the agreed tariffs filed with the aeronautical authorities of the Contracting Parties, and that no airline unduly rebates any portion of such tariffs by any means, directly or indirectly.

Article VIII
TECHNICAL AND COMMERCIAL PERSONNEL
AND OFFICES

1. The designated airlines of each Contracting Party shall be allowed, on the basis of reciprocity, to maintain in the territory of the other Contracting Party, offices and representatives, as well as their commercial, operational and technical staff, as required in connection with the operation of the agreed services.

2. The request for staff may, at the option of the designated airlines, be satisfied either by their own personnel or by using the services of any other organisation, company or airline operating in the territory of the other Contracting Party, and authorized to perform such services in the territory of that Contracting Party.

3. The above mentioned representatives and staff shall be subject to the laws and regulations in force of the other Contracting Party and, according to such laws and regulations, each Contracting Party shall, on the basis of reciprocity and with the minimum delay, grant them the necessary employment authorizations, visitor visas or other similar documents.

4. Should special circumstances require the entry or stay of staff on an emergency and temporary basis, the permits, visas and documents required by the laws and regulations of each Contracting Party shall be issued promptly so as not to delay the entry of such personnel into the State concerned.

5. Določeni prevozniki vsake pogodbenice smejo na ozemlju druge pogodbenice, če je to v skladu z zakoni in s pogojem reciprocitete, sami zagotavljati storitve zemeljske oskrbe letal in potnikov.

IX. člen
ZAKONI IN PREDPISI

1. Zakoni in predpisi pogodbenice, ki urejajo prihod zrakoplovov, ki opravljajo mednarodni zračni promet, na njeno ozemlje, odhod z njenega ozemlja ali ki se nanašajo na uporabo zrakoplovov dokler so na njenem ozemlju, se bodo uporabljali tudi za zrakoplove določenih prevoznikov druge pogodbenice.

2. Zakoni in predpisi pogodbenice, ki se nanašajo na prihod potnikov, posadke, prtljage, pošte in tovora na njeno ozemlje, zadrževanje na njem ali odhod z njega, kakor tudi predpisi, ki urejajo pogoje za vstop in odhod iz države, priseljevanje, carinske in sanitarne postopke bodo na tem ozemlju veljali tudi za določene prevoznike druge pogodbenice.

3. Če ne bo zaradi razlogov varnosti drugače zahtevano, bo za potnike, prtljago in tovor v direktnem tranzitu čez ozemlje pogodbenice in ki ne zapustijo za to določenega območja letališča, veljal le enostavni nadzor.

4. Nobena pogodbenica nima pravice svojim prevoznikom v primerjavi z določenimi prevozniki druge pogodbenice dajati kakršnekoli prednosti pri uporabi zakonov in predpisov iz tega člena.

X. člen
PREPOVEDANA OBMOČJA

Zaradi vojaških razlogov ali razlogov javne varnosti ima pogodbenica pravico, da omeji ali prepove zrakoplovom določenih prevoznikov druge pogodbenice lete nad določenimi območji svojega ozemlja, če iste omejitve ali prepovedi veljajo tudi za zrakoplove določenih prevoznikov prve pogodbenice in za zrakoplove prevoznikov drugih držav, ki opravljajo redni mednarodni zračni promet.

XI. člen
SPRIČEVALA IN DOVOLJENJA

1. Spričevala o plovnosti, spričevala o sposobnosti in dovoljenja, ki jih izda ali potrdi ena pogodbenica, bo, dokler so veljavna, pri opravljanju dogovorjenega prometa na progah, določenih v prilogi tega sporazuma, priznavala tudi druga pogodbenica, če so bila ta spričevala in dovoljenja izdana ali potrjena v skladu z enakimi ali višjimi standardi, kot jih določa konvencija.

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

XII. člen
VARNOST

1. V skladu s pravicami in obveznostmi po mednarodnem pravu pogodbenici ponovno potrjujeta, da je medsebojna obveznost varovanja civilnega zračnega prometa pred nezakonitimi dejanji sestavni del tega sporazuma. Brez omejevanja svojih pravic in obveznosti po mednarodnem pravu

5. The designated airlines of each Contracting Party may, if applicable by law and subject to the condition of reciprocity, provide their own ground handling services in the territory of the other Contracting Party.

Article IX
LAWS AND REGULATIONS

1. The laws and regulations of each Contracting Party controlling the admission to or departure from its own territory of the aircraft engaged in international air services or related to the operation of aircraft while within its territory, shall be applied to the aircraft of the designated airlines of the other Contracting Party.

2. The laws and regulations controlling the entry, stay and departure of passengers, crew, baggage, mail and cargo, over the territory of each Contracting Party, as well as the regulations related to the requirements of entry and departure from the country, immigration, customs and sanitary rules, shall be also applied to the operations, in that territory, of the designated airlines of the other Contracting Party.

3. Unless otherwise required for security reasons, passengers, baggage and cargo in direct transit across the territory of either Contracting Party, and not leaving the area of the airport reserved for such purposes, shall be subject to no more than a simple control.

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

Article X
PROHIBITED AREAS

For military reasons or reasons of public security, a Contracting Party shall have the right to restrain or forbid the flights of the aircraft belonging to the airlines designated by the other Contracting Party above certain zones of its territory, provided that such restrictions and prohibitions are applied equally to the aircraft of the airlines designated by the first Contracting Party and to the airlines of the other States which operate on international scheduled air services.

Article XI
CERTIFICATES AND LICENCES

1. Certificates of airworthiness, certificates of competence and licences issued or rendered valid by one Contracting Party and still in force shall be recognized as valid by the other Contracting Party for the purpose of operating the agreed services on the specified routes in the Annex to this Agreement, provided that the requirements under which such certificates and licences were issued or rendered valid are equal to or above the minimum standards which may be established pursuant to the Convention.

2. Each Contracting Party reserves the right, however, of refusing to recognize the validity of the certificates of competence and the licences granted to its own nationals by the other Contracting Party, for the purpose of overflying its own territory.

Article XII
SECURITY

1. Consistent with their rights and obligations under international law, the Contracting Parties reaffirm that their obligation to each other to protect the security of civil aviation against acts of unlawful interference forms an integral part of this Agreement. Without limiting the generality of their

bosta pogodbenici še posebej ravnali v skladu z določili Konvencije o kaznivih dejanjih in določenih drugih dejanjih, storjenih na letalih, podpisane v Tokiu 14. septembra 1963, Konvencije o zatiranju nezakonite ugrabitve zrakoplovov, podpisane v Haagu 16. decembra 1970, Konvencije o zatiranju nezakonitih dejanj zoper varnost civilnega letalstva, podpisane v Montrealu 23. septembra 1971, in njenega dopolnilnega Protokola o zatiranju nezakonitih nasilnih dejanj na letališčih za mednarodno civilno zrakoplovstvo, podpisanega v Montrealu 24. februarja 1988.

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

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

4. Pogodbenici se strinjata, da morajo navedene letalske družbe spoštovati letalske varnostne predpise, navedene v 3. odstavku tega člena, ki jih zahteva druga pogodbenica za vstop, odhod oziroma dokler so letala na ozemlju te druge pogodbenice. Vsaka pogodbenica zagotavlja, da se bodo na njenem ozemlju učinkovito izvajali primerni ukrepi za zavarovanje letal in za pregled potnikov, posadke, ročne prtljage, prtljage, tovora in zalog na letalu pred in med vkrcavanjem ali natovarjanjem. Pogodbenici bosta z naklonjenostjo obravnavali vsako zahtevo druge pogodbenice za uvedbo razumnih varnostnih ukrepov zaradi neposredne grožnje.

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

XIII. člen
KONVERZIJA IN TRANSFER DOBIČKA

1. Na vzajemni podlagi in brez razlikovanja prevoznikov, ki opravljajo mednarodni promet, bodo določeni prevozniki pogodbenice imeli pravico prodajati svoje prevozne storitve na ozemlju obeh pogodbenic, in sicer neposredno ali po agentih, ter v katerikoli valuti v skladu z zakoni, ki veljajo na ozemlju pogodbenice.

2. Določeni prevozniki pogodbenice bodo imeli pravico, da z ozemlja prodaje na domače ozemlje prosto transferirajo na ozemlju prodaje ustvarjene presežke prejemkov nad izdatki. V tak neto transfer bodo vključeni prihodki od prodaje storitev zračnega prevoza, doseženi neposredno ali po agentih, in od spremljajočih ali dodatnih storitev kakor tudi običajne komercialne obresti na take prihodke za čas, ko naloženi v bankah čakajo na transfer.

rights and obligations under international law, the Contracting Parties shall in particular act in conformity with the provisions of the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14th September 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16th December 1970, and the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, signed at Montreal on 23th September 1971, and the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, signed at Montreal on 24th February 1988 which is supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23th September 1971.

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

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

4. Each Contracting Party agrees that such operators of aircraft may be required to observe the aviation security provisions referred to in paragraph 3) above required by the other Contracting Party for entry into, departure from, or while within, the territory of that other Contracting Party. Each Contracting Party shall ensure that adequate measures are effectively applied within its territory to protect the aircraft and to inspect passengers, crew, carry-on items, baggage, cargo and aircraft stores prior to and during boarding or loading. Each Contracting Party shall also give sympathetic consideration to any request from the other Contracting Party for reasonable special security measures to meet a particular threat.

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

Article XIII
CONVERSION AND TRANSFER OF EXCESS OF RECEIPTS

1. On a reciprocity and non discriminatory basis with respect to any other airline operating in international traffic, the airlines designated by the Contracting Parties shall be free to sell air transport services in the territories of both Contracting Parties, either directly or through an agent, and in any currency, in accordance with the laws in force in each Contracting Party.

2. The designated airlines of each Contracting Party shall be free to transfer from the territory of sale to their home territory the excess, in the territory of sale, of receipts over expenditure. Included in such net transfer shall be revenues from sales, made directly or through an agent of air transport services, and ancillary or supplementary services, and normal commercial interests earned on such revenues while on deposit awaiting transfer.

3. Taka nakazila se ne bodo opravljala na škodo kakršnihkoli finančnih obveznosti, ki veljajo na ozemlju pogodbenic.

4. Prevozniki, ki jih je določila pogodbenica, bodo brez odlašanja dobili ustrezno dovoljenje, da pravočasno opravijo nakazila v prosto konvertibilnih valutah po uradnem menjalnem tečaju na dan zahteve.

5. Če bo sklenjen sporazum med pogodbenicama, ki bo urejal to področje, bodo veljale njegove ustrezne določbe.

XIV. člen
IZOGIBANJE DVOJNEMU OBDAVČEVANJU

1. Vsaka pogodbenica na vzajemni podlagi oprosti določene prevoznike druge pogodbenice vseh davkov in prispevkov na dobiček in zaslužek, pridobljena pri opravljanju zračnega prometa, če pri tem niso kršene formalne obveznosti, ki jih predpiše vsaka pogodbenica.

2. Ko bo pričel veljati sporazum o izogibanju dvojnemu obdavčevanju, se bodo upoštevale njegove določbe.

XV. člen
ZMOGLJIVOST

1. Določeni prevozniki pogodbenic bodo imeli primerne in enake možnosti za opravljanje dogovorjenega prometa na določenih progah.

2. Cilj dogovorjenega prometa na vsaki progi, določeni v prilogi tega sporazuma, bo zagotavljanje zmogljivosti, primerne za opravljanje prometa, ki izhaja ali je namenjen na ozemlje pogodbenice, ki je določila prevoznike.

3. Pri opravljanju dogovorjenega prometa bodo določeni prevozniki pogodbenic upoštevali interese določenih prevoznikov druge pogodbenice, da ne bi neupravičeno ogrožali prometa, ki ga slednji opravljajo na celotni ali delu istih prog.

4. Nobena pogodbenica ne bo enostransko omejila poslovanja določenih prevoznikov druge pogodbenice, razen v skladu z določili tega sporazuma ali z enotnimi pogoji, ki bi bili določeni s konvencijo.

XVI. člen
STATISTIČNI PODATKI

Pristojni organ vsake pogodbenice bo pristojnemu organu druge pogodbenice na njegovo zahtevo dal informacije in statistične podatke o prometu, ki ga določeni prevozniki pogodbenice opravijo v dogovorjenem prometu na ozemlje ali z ozemlja druge pogodbenice. Podatki in informacije bodo dani v obliki, v kateri so jih določeni prevozniki pripravili in predložili svojemu nacionalnemu pristojnemu organu. O kakršnihkoli dodatnih statističnih podatkih, ki se nanašajo na promet in ki bi jih pristojni organ zahteval od drugega, se bosta pristojna organa na zahtevo katerekoli pogodbenice dogovorila.

XVII. člen
POSVETOVANJA

Vsaka pogodbenica lahko kadarkoli zahteva posvetovanja o uresničevanju, razlagi ali uporabi tega sporazuma. Taka posvetovanja med pristojnima organoma se bodo pričela v šestdesetih dneh, potem ko druga pogodbenica prej-

3. Such remittances shall be made without prejudice of any fiscal obligations in force in the territory of either Contracting Party.

4. The airlines designated by the Contracting Parties shall be granted the appropriate authorization to make such remittances without any delays, on the due dates, in freely convertible currency, at the official rate of exchange in force at the time of the request.

5. If any Agreement regulating those matters between the two Contracting Parties is concluded, its relevant provisions will be observed.

Article XIV
DOUBLE TAXATION AVOIDANCE

1. Each Contracting Party exempts the designated airlines of the other Contracting Party, on a mutual basis, from all taxes and charges on profits and earnings obtained from air service operations, without prejudice to compliance with the formal obligations legally laid down by each Contracting Party.

2. When the Agreement on Avoidance of Double-Taxation enters into force, its provisions will be observed.

Article XV
CAPACITY

1. There shall be a fair and equal opportunity for the designated airlines of the Contracting Parties to operate the agreed services on the specified routes.

2. The agreed services on any of the routes specified in the Annex to this Agreement shall have as their objective the provision of capacity adequate for transportation of traffic originating in or destined for the territory of the Contracting Party which has designated the airlines.

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

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

Article XVI
STATISTICS

The Aeronautical Authorities of either Contracting Party shall supply to the Aeronautical Authorities of the other Contracting Party, at their request, the information and statistics related to the traffic carried by the airlines designated by one Contracting Party on the agreed services to or from the territory of the other Contracting Party in the same form as they have been prepared and submitted by the designated airlines to their national Aeronautical Authorities. Any additional statistical data related to traffic which the Aeronautical Authorities of one Contracting Party may request from the Aeronautical Authorities of the other Contracting Party shall be subject to discussions between the Aeronautical Authorities of both Contracting Parties, at the request of either Party.

Article XVII
CONSULTATIONS

Either Contracting Party may at any time request consultations on the implementation, interpretation and application of the present Agreement. Such consultations between the Aeronautical Authorities, shall begin within a period of

me pisno zahtevo, razen če se pogodbenici ne sporazumeta drugače.

XVIII. člen
SPREMEMBE

1. Če katerakoli pogodbenica želi spremeniti kakšno izmed določil tega sporazuma, lahko drugi pogodbenici predlaga posvetovanja. Taka posvetovanja med pristojnima organoma, ki so lahko v obliki razgovorov ali dopisovanja, se bodo začela v šestdesetih (60) dneh po prejemu zahteve.

Vsaka tako dogovorjena sprememba bo pričela veljati šele, ko bo potrjena z izmenjavo diplomatskih not.

2. O spremembah priloge k temu sporazumu se lahko pristojna organa pogodbenic dogovorita neposredno in jih potrdita z izmenjavo diplomatskih not.

3. Če bo sklenjena splošna mednarodna konvencija o zračnem prometu, ki bi zavezovala obe pogodbenici, bo ta sporazum ustrezno spremenjen, da bo v skladu z določili take konvencije.

XIX. člen
REŠEVANJE SPOROV

1. Če pride med pogodbenicama do spora pri razlagi ali uresničevanju tega sporazuma, si bosta zlasti prizadevali, da bi ga rešili z neposrednimi medsebojnimi pogajanji.

2. Če pogodbenici ne moreta doseči sporazuma s pogajanji, lahko spor na zahtevo katerekoli pogodbenice predložita v odločitev arbitražnemu sodišču treh razsodnikov, od katerih vsaka pogodbenica imenuje enega, tretjega razsodnika pa tako imenovana. Vsaka pogodbenica bo svojega razsodnika imenovala v šestdesetih (60) dneh, potem ko od druge pogodbenice prejme diplomatsko noto z zahtevo po arbitražnem reševanju spora. Tretji razsodnik bo imenovan v naslednjih šestdesetih (60) dneh po imenovanju drugega razsodnika. Tretji razsodnik bo državljan tretje države in bo deloval kot predsednik razsodišča. Določil bo, kje bo razsodišče zasedalo. Če katera od pogodbenic v za to določenem roku ne imenuje svojega razsodnika, lahko katerakoli pogodbenica zahteva od predsednika sveta Mednarodne organizacije civilnega letalstva, da določi razsodnika ali razsodnike, kot bo primer narekoval. V takem primeru bo tretji razsodnik državljan tretje države in bo deloval kot predsednik razsodišča.

3. Razsodišče določi svoj postopek. Vsaka pogodbenica bo krila stroške svojega razsodnika. Preostale stroške arbitražnega sodišča krijeta pogodbenici v enakih deležih.

4. Pogodbenici se obvezujeta, da bosta spoštovali vsako odločitev, ki jo bo na podlagi 2. odstavka tega člena sprejel predsednik razsodišča.

XX. člen
REGISTRACIJA

Ta sporazum, vključno z njegovimi spremembami, bo registriran pri Mednarodni organizaciji civilnega letalstva.

sixty days from the date the other Contracting Party receives the written request, unless otherwise agreed by the Contracting Parties.

Article XVIII
MODIFICATIONS

1. If either Contracting Party considers it desirable to modify any of the provisions of this Agreement, it may request to hold consultations with the other Contracting Party. Such consultations between the Aeronautical Authorities may be conducted by discussion or by correspondence, and shall begin within a period of sixty (60) days from the date of the request.

Any modifications so agreed shall only come into force when they have been confirmed by an exchange of Diplomatic Notes.

2. Modifications to the Annex to this Agreement may be made by direct agreement between the Aeronautical Authorities of the Contracting Parties and confirmed by exchange of Diplomatic Notes.

3. In the event of the conclusion of any general multilateral convention concerning air transport by which both Contracting Parties become bound, the present Agreement shall be modified so as to conform with the provisions of such convention.

Article XIX
SETTLEMENT OF DISPUTES

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

2. If the Contracting Parties fail to reach a settlement by negotiation, the dispute, at the request of either Contracting Party, may be submitted for decision to a tribunal of three arbitrators, one to be nominated by each Contracting Party and a third to be appointed by the two so nominated. Each Contracting Party shall nominate an arbitrator within a period of sixty (60) days from the date of receipt from the other Contracting Party of a notice through diplomatic channels requesting arbitration on the dispute. The third arbitrator shall be appointed within a further period of sixty (60) days as from the designation of the second arbitrator. This third arbitrator shall be a national of another State, shall act as the president of the Tribunal and shall determine the venue where the arbitration shall be held. If either of the Contracting Parties fails to nominate an arbitrator within the period specified, the President of the Council of the International Civil Aviation Organization may be requested by either Contracting Party to appoint an arbitrator or arbitrators, as the case requires. In such a case, the third arbitrator shall be a national of a third State and shall act as the president of the Tribunal.

3. The arbitral tribunal shall determine its own procedure. Each Contracting Party shall pay the expenses of its arbitrator. The remaining expenses of the arbitral Tribunal shall be shared equally by the Contracting Parties.

4. The Contracting Parties undertake to comply with any decision made by the President of the Tribunal under paragraph 2) of this Article.

Article XX
REGISTRATION

The Agreement, including any amendments thereto, shall be registered with the International Civil Aviation Organization.

XXI. člen
UVELJAVITEV IN ODPOVED

1. Ta sporazum bo pričel veljati, ko bosta pogodbenici druga drugo z izmenjavo diplomatskih not obvestili, da so izpolnjene njune ustavne zahteve za njegovo uveljavitev.

2. Vsaka pogodbenica lahko kadarkoli po diplomatski poti sporoči drugi pogodbenici svojo odločitev, da odpoveduje ta sporazum. Tako sporočilo bo hkrati poslano Mednarodni organizaciji civilnega letalstva. V takem primeru bo sporazum prenehal veljati dvanajst (12) mesecev po dnevu, ko druga pogodbenica prejme sporočilo o odpovedi, razen če je sporočilo sporazumno umaknjeno pred potekom tega roka. Če druga pogodbenica ne potrdi prejema sporočila o odpovedi, se šteje, da ga je prejela štirinajst (14) dni po dnevu, ko ga je prejela Mednarodna organizacija civilnega letalstva.

V potrditev dogovorjenega sta podpisana, ki sta imela za to ustrezno pooblastilo svojih vlad, podpisala ta sporazum.

Sestavljeno v dveh izvirnikih v Madridu dne 15.7. leta 1998 v slovenskem, španskem in angleškem jeziku, pri čemer so vsa besedila enako verodostojna. Ob morebitnem neskladju pri razlagi bo odločilno besedilo v angleškem jeziku.

Za Republiko Slovenijo
mag. Anton Bergauer l. r.

Za Kraljevino Španijo
Ramon de Miguel y Egea l.r.

Article XXI
ENTRY INTO FORCE AND TERMINATION

1. This Agreement shall enter into force as soon as both Contracting Parties give written notification to each other by exchange of Diplomatic Notes that their respective constitutional requirements for entry into force have been fulfilled.

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

In witness whereof, the undersigned, being duly authorized thereto by their respective Governments, have signed the present Agreement.

Done in two originals at Madrid, this 15th day of July 1998, each in the Slovenian, Spanish and English languages; each text being equally authentic. In case of divergence of interpretation the English text shall prevail.

For the Republic of Slovenia
Anton Bergauer (s)

For the Kingdom of Spain
Ramon de Miguel y Egea (s)

P R I L O G A

PREGLED PROG

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

Kraji v Sloveniji – Madrid ali Barcelona in v.v.

Proge, na katerih lahko opravljajo zračni promet določeni prevozniki Kraljevine Španije:

Kraji v Španiji – Ljubljana in v.v.

2. Najkasneje 30 dni pred začetkom opravljanja dogovorjenega prometa morajo določeni prevozniki predložiti predvidene rede letenja in število frekvenc v odobritev pristojnemu organu druge pogodbenice.

A N N E X

ROUTE SCHEDULES

1. Routes on which air services may be operated by the designated airlines of the Republic of Slovenia:

Points in Slovenia - Madrid or Barcelona and v.v.

Routes on which air services may be operated by the designated airlines of the Kingdom of Spain:

Points in Spain - Ljubljana and v.v.

2. Not later than thirty days prior to the operation of the agreed services the designated airlines shall submit the envisaged time-tables and frequencies for approval to the Aeronautical Authorities of the other Contracting Party.

3. člen

Za izvajanje tega sporazuma skrbi Ministrstvo za promet in zveze.

4. člen

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

Št. 326-06/99-28/1
Ljubljana, dne 29. februarja 2000

Predsednik
Državnega zbora
Republike Slovenije
Janez Podobnik, dr. med.
za
Eda Okretič Salmič l. r.

38. Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Kraljevine Danske o ureditvi obveznosti iz dvostranskih sporazumov o konsolidaciji dolgov, sklenjenih v obdobju od 1984 do 1988 med nekdanjo Socialistično federativno republiko Jugoslavijo in Kraljevino Dansko (BDKKD)

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

U K A Z
O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO KRALJEVINE DANSKE O UREDITVI OBVEZNOSTI IZ DVOSTRANSKIH SPORAZUMOV O KONSOLIDACIJI DOLGOV, SKLENJENIH V OBDOBJU OD 1984 DO 1988 MED NEKDANJO SOCIALISTIČNO FEDERATIVNO REPUBLIKO JUGOSLAVIJO IN KRALJEVINO DANSKO (BDKKD)

Razglašam Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Kraljevine Danske o ureditvi obveznosti iz dvostranskih sporazumov o konsolidaciji dolgov, sklenjenih v obdobju od 1984 do 1988 med nekdanjo Socialistično federativno republiko Jugoslavijo in Kraljevino Dansko (BDKKD), ki ga je sprejel Državni zbor Republike Slovenije na seji 29. februarja 2000.

Št. 001-22-43/00
Ljubljana, dne 8. marca 2000

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N
O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO KRALJEVINE DANSKE O UREDITVI OBVEZNOSTI IZ DVOSTRANSKIH SPORAZUMOV O KONSOLIDACIJI DOLGOV, SKLENJENIH V OBDOBJU OD 1984 DO 1988 MED NEKDANJO SOCIALISTIČNO FEDERATIVNO REPUBLIKO JUGOSLAVIJO IN KRALJEVINO DANSKO (BDKKD)

1. člen

Ratificira se Sporazum med Vlado Republike Slovenije in Vlado Kraljevine Danske o ureditvi obveznosti iz dvostranskih sporazumov o konsolidaciji dolgov, sklenjenih v obdobju od 1984 do 1988 med nekdanjo Socialistično federativno republiko Jugoslavijo in Kraljevino Dansko, sklenjen z izmenjavo not 31. marca 1999.

2. člen

Sporazum se v izvirniku v angleškem jeziku in prevodu glasi:

S.2.file No. 73.B.209

NOTE VERBALE

The Ministry of Foreign Affairs of the Kingdom of Denmark presents its compliments to the Ministry of Foreign Affairs of the Republic of Slovenia, and has the honour to inform the latter, that the Government of the Kingdom of Denmark declares that there are no debts owed by Slovenia to Denmark deriving from bilateral consolidation agreements based on Agreed Minutes of the Paris Club and signed in the period 1984 to 1988 between the Kingdom of Denmark and the former Socialist Federal Republic of Yugoslavia (SFRY).

Tha Ministry of Foreign Affairs of the Kingdom of Denmark recognizes, that the SFRY has ceased to exist and that the Republic of Slovenia is one of its successor states.

If the foregoing is acceptable to the Ministry of Foreign Affairs of the Republic of Slovenia, this note and the note in reply shall regulate, with effect as from a date to be notified by the Government of the Republic of Slovenia, the relations between the Government of the Kingdom of Denmark and the Government of the Republic of Slovenia, with regard to debt that has been rescheduled in accordance with Agreed Minutes of the Paris Club.

S.2.datoteka št. 73.B.209

VERBALNA NOTA

Ministrstvo za zunanje zadeve Kraljevine Danske izraža spoštovanje Ministrstvu za zunanje zadeve Republike Slovenije in ga ima čast obvestiti, da Vlada Kraljevine Danske izjavlja, da ni nobenih dolgov, ki bi jih Slovenija dolgovala Danski in bi izhajali iz dvostranskih sporazumov o konsolidaciji, temelječih na usklajenih zapisnikih Pariškega kluba in podpisanih v obdobju od 1984 do 1988 med Kraljevino Dansko in nekdanjo Socialistično federativno republiko Jugoslavijo (SFRJ).

Ministrstvo za zunanje zadeve Kraljevine Danske priznava, da je SFRJ prenehala obstajati in da je Republika Slovenija ena njenih držav naslednic.

Če je zgornje sprejemljivo za Ministrstvo za zunanje zadeve Republike Slovenije, bosta ta nota in nota, ki je odgovor nanjo, z začetkom veljavnosti na dan, ki ga sporoči Vlada Republike Slovenije, urejali odnose med Vlado Kraljevine Danske in Vlado Republike Slovenije glede dolga, ki je bil reprogramiran v skladu z usklajenimi zapisniki Pariškega kluba.

The Ministry of Foreign Affairs of the Kingdom of Denmark avails itself of this opportunity to renew the assurances of its highest consideration.

Copenhagen, March 15, 1999

Ministry of Foreign Affairs
Ljubljana

REPUBLIC OF SLOVENIA
MINISTRY FOR FOREIGN AFFAIRS

No. 2117/98-7813

The Ministry for Foreign Affairs of the Republic of Slovenia presents its compliments to the Ministry of Foreign Affairs of the Kingdom of Denmark, and has the honour to agree with the text of the letter's note n. 73.B.209 dated March 15, 1999, which reads as follows:

"The Ministry of Foreign Affairs of the Kingdom of Denmark presents its compliments to the Ministry of Foreign Affairs of the Republic of Slovenia, and has the honour to inform the latter, that the Government of the Kingdom of Denmark declares that there are no debts owed by Slovenia to Denmark deriving from bilateral consolidation agreements based on Agreed Minutes of the Paris Club and signed in the period 1984 to 1988 between the Kingdom of Denmark and the former Socialist Federal Republic of Yugoslavia (SFRY).

Tha Ministry of Foreign Affairs of the Kingdom of Denmark recognizes, that the SFRY has ceased to exist and that the Republic of Slovenia is one of its successor states.

If the foregoing is acceptable to the Ministry of Foreign Affairs of the Republic of Slovenia, this note and the note in reply shall regulate, with effect as from a date to be notified by the Government of the Republic of Slovenia, the relations between the Government of the Kingdom of Denmark and the Government of the Republic of Slovenia, with regard to debt that has been rescheduled in accordance with Agreed Minutes of the Paris Club.

The Ministry of Foreign Affairs of the Kingdom of Denmark avails itself of this opportunity to renew the assurances of its highest consideration.

Copenhagen, March 15, 1999"

The Ministry for Foreign Affairs of the Republic of Slovenia avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Kingdom of Denmark the assurances of its highest consideration.

Ljubljana, March 31, 1999

Ministry of Foreign Affairs
COPENHAGEN

Ministrstvo za zunanje zadeve Kraljevine Danske ob tej priložnosti ponovno izraža svoje globoko spoštovanje.

Koebenhavn, 15. marca 1999

Ministrstvo za zunanje zadeve
Ljubljana

REPUBLIKA SLOVENIJA
MINISTRSTVO ZA ZUNANJE ZADEVE

Št. 2117/98-7813

Ministrstvo za zunanje zadeve Republike Slovenije izraža spoštovanje Ministrstvu za zunanje zadeve Kraljevine Danske in ga ima čast obvestiti, da se strinja z vsebino verbalne note št. 73.B.209 z dne 15. marca 1999, ki se glasi:

"Ministrstvo za zunanje zadeve Kraljevine Danske izraža spoštovanje Ministrstvu za zunanje zadeve Republike Slovenije in ga ima čast obvestiti, da Vlada Kraljevine Danske izjavlja, da ni nobenih dolgov, ki bi jih Slovenija dolgovala Danski in bi izhajali iz dvostranskih sporazumov o konsolidaciji, temelječih na usklajenih zapisnikih Pariškega kluba in podpisanih v obdobju od 1984 do 1988 med Kraljevino Dansko in nekdanjo Socialistično federativno republiko Jugoslavijo (SFRJ).

Ministrstvo za zunanje zadeve Kraljevine Danske priznava, da je SFRJ prenehala obstajati in da je Republika Slovenija ena njenih držav naslednic.

Če je zgornje sprejemljivo za Ministrstvo za zunanje zadeve Republike Slovenije, bosta ta nota in nota, ki je odgovor nanjo, z začetkom veljavnosti na dan, ki ga sporoči Vlada Republike Slovenije, urejali odnose med Vlado Kraljevine Danske in Vlado Republike Slovenije glede dolga, ki je bil reprogramiran v skladu z usklajenimi zapisniki Pariškega kluba.

Ministrstvo za zunanje zadeve Kraljevine Danske ob tej priložnosti ponovno izraža svoje globoko spoštovanje.

Koebenhavn, 15. marca 1999"

Ministrstvo za zunanje zadeve Republike Slovenije ob tej priložnosti ponovno izraža svoje globoko spoštovanje Ministrstvu za zunanje zadeve Kraljevine Danske.

Ljubljana, 31. marca 1999

Ministrstvo za zunanje zadeve
KOEBENHAVN

3. člen

Za izvajanje tega sporazuma skrbi Ministrstvo za finance.

4. člen

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

Št. 450-07/99-23/1
Ljubljana, dne 29. februarja 2000

Predsednik
Državnega zbora
Republike Slovenije
Janez Podobnik, dr. med.
za
Eda Okretič Salmič l. r.

39. **Zakon o ratifikaciji Kazenskopravne konvencije o korupciji (MKKK)**

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

U K A Z
O RAZGLASITVI ZAKONA O RATIFIKACIJI KAZENSKOPRAVNE KONVENCIJE O KORUPCIJI (MKKK)

Razglašam Zakon o ratifikaciji Kazenskopravne konvencije o korupciji (MKKK), ki ga je sprejel Državni zbor Republike Slovenije na seji 29. februarja 2000.

Št. 001-22-44/00
Ljubljana, dne 8. marca 2000

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N
O RATIFIKACIJI KAZENSKOPRAVNE KONVENCIJE O KORUPCIJI (MKKK)

1. člen

Ratificira se Kazenskopravna konvencija o korupciji, sestavljena v Strasbourgu 27. januarja 1999.

2. člen

Kazenskopravna konvencija se v angleškem jeziku in v prevodu v slovenskem jeziku glasi:

CRIMINAL LAW CONVENTION ON CORRUPTION

Preamble

The member States of the Council of Europe and the other States signatory hereto,

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

Recognising the value of fostering co-operation with the other States signatories to this Convention;

Convinced of the need to pursue, as a matter of priority, a common criminal policy aimed at the protection of society against corruption, including the adoption of appropriate legislation and preventive measures;

Emphasising that corruption threatens the rule of law, democracy and human rights, undermines good governance, fairness and social justice, distorts competition, hinders economic development and endangers the stability of democratic institutions and the moral foundations of society;

Believing that an effective fight against corruption requires increased, rapid and well-functioning international co-operation in criminal matters;

Welcoming recent developments which further advance international understanding and co-operation in combating corruption, including actions of the United Nations, the World Bank, the International Monetary Fund, the World Trade Organisation, the Organisation of American States, the OECD and the European Union;

Having regard to the Programme of Action against Corruption adopted by the Committee of Ministers of the Council of Europe in November 1996 following the recommendations of the 19th Conference of European Ministers of Justice (Valletta, 1994);

KAZENSKOPRAVNA KONVENCIJA O KORUPCIJI

Uvod

Države članice Sveta Evrope ter druge države, ki so podpisnice te konvencije, so se

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

ob priznavanju pomembnosti razvijanja sodelovanja z drugimi državami podpisnicami te konvencije;

prepričane o nujnosti izvajanja splošne kazenske politike kot prednostne zadeve za zaščito družbe pred korupcijo, vključno s sprejetjem ustrezne zakonodaje in preventivnih ukrepov;

ob poudarjanju dejstva, da korupcija ogroža načelo pravne države, demokracijo in človekove pravice, spodkopava dobro upravljanje, poštenost in socialne pravice, izkrivlja konkurenco, ovira gospodarski razvoj in ogroža stabilnost demokratičnih ustanov in moralnih temeljev družbe;

prepričane, da učinkovit boj proti korupciji zahteva povečano, hitro in dobro delujoče mednarodno sodelovanje pri kazenskih zadevah;

ob odobravanju razvoja v zadnjem času, ki nadalje pospešuje mednarodno razumevanje in sodelovanje v boju s korupcijo, vključno z dejavnostmi Združenih narodov, Svetovne banke, Mednarodnega denarnega sklada, Svetovne trgovinske organizacije, Organizacije ameriških držav, OECD in Evropske unije;

ob upoštevanju Akcijskega programa proti korupciji, ki ga je Odbor ministrov Sveta Evrope sprejel novembra 1996 po priporočilih 19. konference evropskih ministrov za pravosodje (La Valetta, 1994);

Recalling in this respect the importance of the participation of non-member States in the Council of Europe's activities against corruption and welcoming their valuable contribution to the implementation of the Programme of Action against Corruption;

Further recalling that Resolution No. 1 adopted by the European Ministers of Justice at their 21st Conference (Prague, 1997) recommended the speedy implementation of the Programme of Action against Corruption, and called, in particular, for the early adoption of a criminal law convention providing for the co-ordinated incrimination of corruption offences, enhanced co-operation for the prosecution of such offences as well as an effective follow-up mechanism open to member States and non-member States on an equal footing;

Bearing in mind that the Heads of State and Government of the Council of Europe decided, on the occasion of their Second Summit held in Strasbourg on 10 and 11 October 1997, to seek common responses to the challenges posed by the growth in corruption and adopted an Action Plan which, in order to promote co-operation in the fight against corruption, including its links with organised crime and money laundering, instructed the Committee of Ministers, *inter alia*, to secure the rapid completion of international legal instruments pursuant to the Programme of Action against Corruption;

Considering moreover that Resolution (97) 24 on the 20 Guiding Principles for the Fight against Corruption, adopted on 6 November 1997 by the Committee of Ministers at its 101st Session, stresses the need rapidly to complete the elaboration of international legal instruments pursuant to the Programme of Action against Corruption;

In view of the adoption by the Committee of Ministers, at its 102nd Session on 4 May 1998, of Resolution (98) 7 authorising the partial and enlarged agreement establishing the "Group of States against Corruption – GRECO", which aims at improving the capacity of its members to fight corruption by following up compliance with their undertakings in this field,

Have agreed as follows:

Chapter I – Use of terms

Article 1 – Use of terms

For the purposes of this Convention:

a "**public official**" shall be understood by reference to the definition of "**official**", "**public officer**", "**mayor**", "**minister**" or "**judge**" in the national law of the State in which the person in question performs that function and as applied in its criminal law;

b the term "**judge**" referred to in sub-paragraph a above shall include prosecutors and holders of judicial offices;

c in the case of proceedings involving a public official of another State, the prosecuting State may apply the definition of public official only insofar as that definition is compatible with its national law;

d "**legal person**" shall mean any entity having such status under the applicable national law, except for States or other public bodies in the exercise of State authority and for public international organisations.

Chapter II – Measures to be taken at national level

Article 2 – Active bribery of domestic public officials

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the

ob sklicevanju na pomen sodelovanja držav nečlanic pri dejavnostih Sveta Evrope proti korupciji in ob odobravanju njihovega dragocenega prispevka k izvajanju Akcijskega programa proti korupciji;

ob nadaljnjem sklicevanju na Resolucijo št. 1, sprejeto na 21. konferenci evropskih pravosodnih ministrov (Praga, 1997), ki je priporočila pospešeno izvajanje Akcijskega programa proti korupciji in je zlasti zahtevala, naj se sprejme kazenskopravna konvencija, ki bi zagotavljala usklajeno inkriminacijo korupcijskih kaznivih dejanj, povečano sodelovanje pri preganjanju takih kaznivih dejanj kakor tudi učinkovit mehanizem za njihovo nadaljnjo obravnavo, ki je enakopravno na razpolago državam članicam in nečlanicam;

ob upoštevanju dejstva, da so se predsedniki držav in vlad Sveta Evrope na svojem drugem vrhu, ki je bil 10. in 11. oktobra 1997 v Strasbourgu, odločili, da poiščejo skupne odgovore na izzive, ki jih postavlja naraščanje korupcije, in sprejeli Akcijski načrt, ki je za pospešitev sodelovanja v boju proti korupciji, vključno s povezavami z organiziranim kriminalom in pranjem denarja, Odboru ministrov med drugim svetoval, da zagotovi hitro dokončanje mednarodnopravnih dokumentov v skladu z Akcijskim programom proti korupciji;

nadalje, ob upoštevanju dejstva, da Resolucija (97) 24 o 20 vodilnih načelih boja proti korupciji, ki jo je Odbor ministrov sprejel 6. novembra 1997 na svoji 101. seji, poudarja nujnost hitrega dokončanja priprave mednarodnopravnih dokumentov v skladu z Akcijskim programom proti korupciji;

glede na sprejem Resolucije (98) 7, ki jo je sprejel Odbor ministrov na svoji 102. seji 4. maja 1998, ki dovoljuje delni in razširjeni sporazum o ustanovitvi "Skupine držav proti korupciji GRECO", ki želi izboljšati sposobnost svojih članic za boj proti korupciji ob upoštevanju skladnosti z njihovimi prizadevanji na tem področju,

sporazumele, kot sledi:

I. poglavje – Uporaba izrazov

1. člen – Uporaba izrazov

Za namene te konvencije:

a) se "javni uslužbenec" razume, kot so izrazi "funkcionar", "uradnik", "župan", "minister" ali "sodnik" opredeljeni v notranjem pravu države, v kateri ta oseba opravlja določeno funkcijo, in kot se uporablja v njenem kazenskem pravu;

b) izraz "sodnik", naveden v pododstavku a) zgoraj, vključuje tožilce in nosilce sodnih funkcij;

c) pri postopkih, ki vključujejo javne uslužbence druge države, lahko država tožnica uporabi izraz javni uslužbenec samo, če je tak izraz v skladu z njenim notranjim pravom;

d) "pravna oseba" pomeni subjekt, ki ima tak status po veljavnem notranjem pravu, razen držav ali drugih teles, ki imajo javna pooblastila, in javnih mednarodnih organizacij.

II. poglavje – Ukrepi, ki jih je treba sprejeti na državni ravni

2. člen – Aktivno podkupovanje domačih javnih uslužbencev

Pogodbenica sprejme takšne zakonske in druge ukrepe, kot so potrebni, da v svojem notranjem pravu opredeli kot kaznivo dejanje, če je storjeno naklepno, neposredno ali

promising, offering or giving by any person, directly or indirectly, of any undue advantage to any of its public officials, for himself or herself or for anyone else, for him or her to act or refrain from acting in the exercise of his or her functions.

Article 3 – Passive bribery of domestic public officials

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the request or receipt by any of its public officials, directly or indirectly, of any undue advantage, for himself or herself or for anyone else, or the acceptance of an offer or a promise of such an advantage, to act or refrain from acting in the exercise of his or her functions.

Article 4 – Bribery of members of domestic public assemblies

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the conduct referred to in Articles 2 and 3, when involving any person who is a member of any domestic public assembly exercising legislative or administrative powers.

Article 5 – Bribery of foreign public officials

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the conduct referred to in Articles 2 and 3, when involving a public official of any other State.

Article 6 – Bribery of members of foreign public assemblies

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the conduct referred to in Articles 2 and 3, when involving any person who is a member of any public assembly exercising legislative or administrative powers in any other State.

Article 7 – Active bribery in the private sector

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally in the course of business activity, the promising, offering or giving, directly or indirectly, of any undue advantage to any persons who direct or work for, in any capacity, private sector entities, for themselves or for anyone else, for them to act, or refrain from acting, in breach of their duties.

Article 8 – Passive bribery in the private sector

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, in the course of business activity, the request or receipt, directly or indirectly, by any persons who direct or work for, in any capacity, private sector entities, of any undue advantage or the promise thereof for themselves or for anyone else, or the acceptance of an offer or a promise of such an advantage, to act or refrain from acting in breach of their duties.

posredno obljubljanje, ponujanje ali dajanje nedovoljenih koristi njenim javnim uslužbencem s strani katere koli osebe, zanje ali za kogar koli drugega, da bi opravili uradno dejanje ali da ga ne bi opravili.

3. člen – Pasivno podkupovanje domačih javnih uslužbencev

Pogodbenica sprejme takšne zakonske in druge ukrepe, kot so potrebni, da v svojem notranjem pravu opredeli kot kaznivo dejanje, če je storjeno naklepno, neposredno ali posredno terjanje ali sprejemanje kakršnih koli nedovoljenih koristi za katere koli javne uslužbence, zanje ali za kogar koli drugega, ali sprejemanje ponudbe ali obljube takšnih koristi zato, da bi opravili uradno dejanje ali da ga ne bi opravili.

4. člen – Podkupovanje članov domačih skupščinskih teles

Pogodbenica sprejme takšne zakonske in druge ukrepe, kot so potrebni, da v svojem notranjem pravu opredeli kot kaznivo dejanje ravnanje, navedeno v 2. in 3. členu, kadar vključuje osebo, ki je članica katerega koli domačega skupščinskega telesa, ki izvaja zakonodajna ali upravna pooblastila.

5. člen – Podkupovanje tujih javnih uslužbencev

Pogodbenica sprejme takšne zakonske in druge ukrepe, kot so potrebni, da v svojem notranjem pravu opredeli kot kaznivo dejanje ravnanje, navedeno v 2. in 3. členu, če vključuje javnega uslužbenca iz druge države.

6. člen – Podkupovanje članov tujih skupščinskih teles

Pogodbenica sprejme takšne zakonske in druge ukrepe, kot so potrebni, da v svojem notranjem pravu opredeli kot kaznivo dejanje ravnanje, navedeno v 2. in 3. členu, če vključuje osebo, ki je članica katerega koli skupščinskega telesa, ki izvaja zakonska in upravna pooblastila v drugi državi.

7. člen – Aktivno podkupovanje v zasebnem sektorju

Pogodbenica sprejme takšne zakonske in druge ukrepe, kot so potrebni, da v svojem notranjem pravu opredeli kot kaznivo dejanje neposredno ali posredno obljubljanje, ponujanje ali dajanje kakršnih koli nedovoljenih koristi, če je to storjeno naklepno med opravljanjem poslovnih dejavnosti, katerim koli osebam, ki vodijo ali delajo na kakršnem koli položaju v zasebnem sektorju, za te osebe ali za kogar koli drugega, da bi opravile dejanje ali da ga ne bi opravile in s tem kršile svoje obveznosti.

8. člen – Pasivno podkupovanje v zasebnem sektorju

Pogodbenica sprejme takšne zakonske in druge ukrepe, kot so potrebni, da v svojem notranjem pravu opredeli kot kaznivo dejanje neposredno ali posredno terjanje ali sprejemanje, če je to storjeno naklepno med opravljanjem poslovnih dejavnosti, s strani oseb, ki vodijo ali delajo na kakršnem koli položaju v zasebnem sektorju, kakršnih koli nedovoljenih koristi ali obljub koristi za te osebe ali za kogar koli drugega ali sprejemanje ponudbe ali obljube takšnih koristi, da bi opravile dejanje ali da ga ne bi opravile in s tem kršile svoje obveznosti.

Article 9 – Bribery of officials of international organisations

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the conduct referred to in Articles 2 and 3, when involving any official or other contracted employee, within the meaning of the staff regulations, of any public international or supranational organisation or body of which the Party is a member, and any person, whether seconded or not, carrying out functions corresponding to those performed by such officials or agents.

Article 10 – Bribery of members of international parliamentary assemblies

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the conduct referred to in Article 4 when involving any members of parliamentary assemblies of international or supranational organisations of which the Party is a member.

Article 11 – Bribery of judges and officials of international courts

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the conduct referred to in Articles 2 and 3 involving any holders of judicial office or officials of any international court whose jurisdiction is accepted by the Party.

Article 12 – Trading in influence

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the promising, giving or offering, directly or indirectly, of any undue advantage to anyone who asserts or confirms that he or she is able to exert an improper influence over the decision-making of any person referred to in Articles 2, 4 to 6 and 9 to 11 in consideration thereof, whether the undue advantage is for himself or herself or for anyone else, as well as the request, receipt or the acceptance of the offer or the promise of such an advantage, in consideration of that influence, whether or not the influence is exerted or whether or not the supposed influence leads to the intended result.

Article 13 – Money laundering of proceeds from corruption offences

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the conduct referred to in the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Products from Crime (ETS No. 141), Article 6, paragraphs 1 and 2, under the conditions referred to therein, when the predicate offence consists of any of the criminal offences established in accordance with Articles 2 to 12 of this Convention, to the extent that the Party has not made a reservation or a declaration with respect to these offences or does not consider such offences as serious ones for the purpose of their money laundering legislation.

Article 14 – Account offences

Each Party shall adopt such legislative and other measures as may be necessary to establish as offences liable to criminal or other sanctions under its domestic law the following acts or omissions, when committed intentionally, in order to commit, conceal or disguise the offences referred

9. člen – Podkupovanje funkcionarjev mednarodnih organizacij

Pogodbenica sprejme takšne zakonske in druge ukrepe, kot so potrebni, da v svojem notranjem pravu opredeli kot kaznivo dejanje ravnanje, navedeno v 2. in 3. členu, kadar vključuje katerega koli funkcionarja ali drugega pogodbeno zaposlenega v okviru predpisov o uslužbencih katere koli mednarodne ali nadnacionalne organizacije ali telesa, v kateri je ta pogodbenica članica, in osebe, ki je bila ali ni bila detaširana in opravlja naloge, ustrezne tistim, ki jih opravljajo takšni funkcionarji ali zastopniki.

10. člen – Podkupovanje članov mednarodnih parlamentarnih skupščin

Država sprejme takšne zakonske in druge ukrepe, kot so potrebni, da v svojem notranjem pravu opredeli kot kaznivo dejanje ravnanje, navedeno v 4. členu, če se nanaša na člane parlamentarnih skupščin mednarodnih ali nadnacionalnih organizacij, katerih članica je pogodbenica.

11. člen – Podkupovanje sodnikov in uslužbencev mednarodnih sodišč

Pogodbenica sprejme takšne zakonske in druge ukrepe, kot so potrebni, da v svojem notranjem pravu opredeli kot kaznivo dejanje ravnanje, navedeno v 2. in 3. členu, ki se nanaša na nosilce sodnih funkcij ali uslužbence katerega koli mednarodnega sodišča, katerega jurisdikcijo pogodbenica sprejema.

12. člen – Nezakonito posredovanje

Pogodbenica sprejme takšne zakonske in druge ukrepe, kot so potrebni, da v svojem notranjem pravu opredeli kot kaznivo dejanje neposredno ali posredno obljubljanje, dajanje ali ponujanje, če je to storjeno naklepno, kakršnih koli nedovoljenih koristi komur koli, ki trdi ali potrjuje, da je sposoben neprimerno vplivati na odločanje katere koli osebe, navedene v 2., 4. do 6. ter 9. do 11. členu, če je nedovoljena korist namenjena njemu ali komur koli drugemu, kakor tudi terjanje, prejemanje ali sprejem ponudbe ali obljube takšnih koristi ob upoštevanju takšnega vpliva, ne glede na to, ali je prišlo do vplivanja in ne glede na to, ali je domnevni vpliv pripeljal do nameravanega rezultata.

13. člen – Pranje denarja iz korupcijskih kaznivih dejanj

Pogodbenica sprejme takšne zakonske in druge ukrepe, kot so potrebni, da v svojem notranjem pravu opredeli kot kaznivo dejanje ravnanje, navedeno v prvem in drugem odstavku 6. člena Konvencije o pranju, odkrivanju, zasegu in zaplembi premoženjske koristi, pridobljene s kaznivim dejanjem (ETS št.141), in pod pogoji, navedenimi v njej, kadar je predhodno kaznivo dejanje kaznivo dejanje, opredeljeno v skladu z 2. do 12. členom te konvencije, če pogodbenica ne izrazi pridržka ali ne da izjave v zvezi s temi kaznivimi dejanji ali jih ne šteje za težja kazniva dejanja v skladu s svojo zakonodajo o pranju denarja.

14. člen – Računovodska kazniva dejanja

Pogodbenica sprejme takšne zakonske in druge ukrepe v okviru notranjega prava, kot so potrebni, da opredeli kot dejanja, za katera so po njeni notranji zakonodaji zagrožene kazenske ali druge sankcije, naslednje storitve ali opustitve, storjene naklepno, da bi storili, prikrili ali zakrili deja-

to in Articles 2 to 12, to the extent the Party has not made a reservation or a declaration:

a creating or using an invoice or any other accounting document or record containing false or incomplete information;

b unlawfully omitting to make a record of a payment.

Article 15 – Participatory acts

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law aiding or abetting the commission of any of the criminal offences established in accordance with this Convention.

Article 16 – Immunity

The provisions of this Convention shall be without prejudice to the provisions of any Treaty, Protocol or Statute, as well as their implementing texts, as regards the withdrawal of immunity.

Article 17 – Jurisdiction

1 Each Party shall adopt such legislative and other measures as may be necessary to establish jurisdiction over a criminal offence established in accordance with Articles 2 to 14 of this Convention where:

a the offence is committed in whole or in part in its territory;

b the offender is one of its nationals, one of its public officials, or a member of one of its domestic public assemblies;

c the offence involves one of its public officials or members of its domestic public assemblies or any person referred to in Articles 9 to 11 who is at the same time one of its nationals.

2 Each State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, declare that it reserves the right not to apply or to apply only in specific cases or conditions the jurisdiction rules laid down in paragraphs 1 b and c of this article or any part thereof.

3 If a Party has made use of the reservation possibility provided for in paragraph 2 of this article, it shall adopt such measures as may be necessary to establish jurisdiction over a criminal offence established in accordance with this Convention, in cases where an alleged offender is present in its territory and it does not extradite him to another Party, solely on the basis of his nationality, after a request for extradition.

4 This Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with national law.

Article 18 – Corporate liability

1 Each Party shall adopt such legislative and other measures as may be necessary to ensure that legal persons can be held liable for the criminal offences of active bribery, trading in influence and money laundering established in accordance with this Convention, committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person, based on:

– a power of representation of the legal person; or

– an authority to take decisions on behalf of the legal person; or

– an authority to exercise control within the legal person;

as well as for involvement of such a natural person as accessory or instigator in the above-mentioned offences.

nja, navedena v 2. do 12. členu, če pogodbenica ni izrazila pridržka ali ni dala izjave:

a) izdelava ali uporaba računa ali druge računovodske listine ali zapisa, ki vsebuje lažne ali nepopolne informacije;

b) nezakonita opustitev vpisa plačila.

15. člen – Dejanja udeležbe

Pogodbenica sprejme takšne zakonske in druge ukrepe, kot so potrebni, da v svojem notranjem pravu opredeli kot kaznivo dejanje udeležbo pri izvršitvi kaznivega dejanja, določenega v skladu s to konvencijo.

16. člen – Imuniteta

Določbe te konvencije ne vplivajo na določbe katere koli pogodbe, protokola ali statuta kot tudi na določbe njihovih izvedbenih besedil glede odvzema imunitete.

17. člen – Jurisdikcija

1. Pogodbenica sprejme takšne zakonske in druge ukrepe, kot so potrebni za določitev jurisdikcije za kaznivo dejanje, opredeljeno v skladu z 2. do 14. členom te konvencije, če:

a) je kaznivo dejanje storjeno v celoti ali delno na njenem ozemlju;

b) je storilec njen državljan, javni uslužbenec ali član enega od domačih skupščinskih teles;

c) kaznivo dejanje vključuje javnega uslužbenca ali člana domačih skupščinskih teles ali osebo, navedeno v 9. do 11. členu, ki je hkrati tudi njen državljan.

2. Pogodbenica lahko ob podpisu ali ob deponiranju listine o ratifikaciji, sprejetju, odobritvi ali pristopu z izjavo, naslovljeno na generalnega sekretarja Sveta Evrope, izjavi, da si pridržuje pravico, da ne uporablja ali da samo v posebnih primerih uporablja pravila o jurisdikciji, določena v pododstavkih b) in c) prvega odstavka tega člena ali katerem koli njunem delu.

3. Če pogodbenica uporabi možnost pridržka iz drugega odstavka tega člena, sprejme takšne ukrepe, kot so potrebni za določitev jurisdikcije za kaznivo dejanje, opredeljeno v skladu s to konvencijo, kadar je domnevni storilec na njenem ozemlju in ga izključno zaradi njegovega državljanstva ne izroči drugi pogodbenici po zaprosilu za izročitev.

4. Ta konvencija ne izključuje kazenske jurisdikcije, ki jo pogodbenica izvaja v skladu z notranjim pravom.

18. člen – Odgovornost pravnih oseb

1. Pogodbenica sprejme takšne zakonske in druge ukrepe, kot so potrebni, da se pravne osebe štejejo za odgovorne za kazniva dejanja aktivnega podkupovanja, nezakonitega posredovanja in pranja denarja, opredeljena v skladu s to konvencijo, ki jih v njihovo korist stori fizična oseba, ki deluje kot posameznik ali kot član organa pravne osebe z vodilnim položajem v pravni osebi, ki temelji na:

– pooblastilu za zastopanje pravne osebe ali

– pristojnosti za sprejemanje odločitev v imenu pravne osebe ali

– pristojnosti za izvajanje nadzora v pravni osebi,

kot tudi za vpletenost takšne fizične osebe kot soudeleženca ali napeljevalca k omenjenim kaznivim dejanjem.

2 Apart from the cases already provided for in paragraph 1, each Party shall take the necessary measures to ensure that a legal person can be held liable where the lack of supervision or control by a natural person referred to in paragraph 1 has made possible the commission of the criminal offences mentioned in paragraph 1 for the benefit of that legal person by a natural person under its authority.

3 Liability of a legal person under paragraphs 1 and 2 shall not exclude criminal proceedings against natural persons who are perpetrators, instigators of, or accessories to, the criminal offences mentioned in paragraph 1.

Article 19 – Sanctions and measures

1 Having regard to the serious nature of the criminal offences established in accordance with this Convention, each Party shall provide, in respect of those criminal offences established in accordance with Articles 2 to 14, effective, proportionate and dissuasive sanctions and measures, including, when committed by natural persons, penalties involving deprivation of liberty which can give rise to extradition.

2 Each Party shall ensure that legal persons held liable in accordance with Article 18, paragraphs 1 and 2, shall be subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions.

3 Each Party shall adopt such legislative and other measures as may be necessary to enable it to confiscate or otherwise deprive the instrumentalities and proceeds of criminal offences established in accordance with this Convention, or property the value of which corresponds to such proceeds.

Article 20 – Specialised authorities

Each Party shall adopt such measures as may be necessary to ensure that persons or entities are specialised in the fight against corruption. They shall have the necessary independence in accordance with the fundamental principles of the legal system of the Party, in order for them to be able to carry out their functions effectively and free from any undue pressure. The Party shall ensure that the staff of such entities has adequate training and financial resources for their tasks.

Article 21 – Co-operation with and between national authorities

Each Party shall adopt such measures as may be necessary to ensure that public authorities, as well as any public official, co-operate, in accordance with national law, with those of its authorities responsible for investigating and prosecuting criminal offences:

a by informing the latter authorities, on their own initiative, where there are reasonable grounds to believe that any of the criminal offences established in accordance with Articles 2 to 14 has been committed, or

b by providing, upon request, to the latter authorities all necessary information.

Article 22 – Protection of collaborators of justice and witnesses

Each Party shall adopt such measures as may be necessary to provide effective and appropriate protection for:

a those who report the criminal offences established in accordance with Articles 2 to 14 or otherwise co-operate with the investigating or prosecuting authorities;

b witnesses who give testimony concerning these offences.

2. Poleg primerov, navedenih v prvem odstavku, mora pogodbenica sprejeti potrebne ukrepe, da bi zagotovila, da se lahko pravna oseba šteje za odgovorno, kadar je pomanjkanje nadzora ali kontrole s strani fizične osebe, navedene v prvem odstavku, omogočilo, da je fizična oseba v korist pravne osebe storila kazniva dejanja, navedena v prvem odstavku.

3. Odgovornost pravne osebe, navedene v prvem in drugem odstavku, ne izključuje kazenskih postopkov zoper fizične osebe, ki so storilci, napeljevalci ali soudeleženci kaznivih dejanj, navedenih v prvem odstavku.

19. člen – Sankcije in ukrepi

1. Ob upoštevanju teže kaznivih dejanj, določenih v skladu s to konvencijo, pogodbenica za kazniva dejanja, določena v 2. do 14. členu, zagotovi učinkovite, sorazmerne in odvračilne sankcije in ukrepe, vključno s kaznimi odvzema prostosti, ki lahko imajo za posledico izročitev, če so bili storilci fizične osebe.

2. Pogodbenica zagotovi, da so pravne osebe, odgovorne v skladu s prvim in drugim odstavkom 18. člena, podvržene učinkovitim, sorazmernim in odvračilnim kazenskim ali nekazenskim sankcijam, vključno z denarnimi sankcijami.

3. Pogodbenica sprejme takšne zakonske in druge ukrepe, kot so potrebni, da ji omogočijo zaplembo ali drugačen odvzem predmetov in premoženjske koristi iz kaznivih dejanj, določenih v skladu s to konvencijo, ali premoženja, ki po vrednosti ustreza tej premoženjski koristi.

20. člen – Specializirani organi

Pogodbenica sprejme takšne ukrepe, kot so potrebni, da bi zagotovili specializacijo oseb ali enot za boj proti korupciji. Neodvisne morajo biti v skladu s temeljnimi načeli pravnega sistema pogodbenice, da se zagotovi učinkovito opravljanje njihovih nalog brez kakršnih koli nedovoljenih pritiskov. Pogodbenica zagotovi osebju takšnih enot ustrezno usposabljanje in finančne vire za njihove naloge.

21. člen – Sodelovanje med državnimi organi

Pogodbenica sprejme takšne ukrepe, kot so potrebni, da bi zagotovili, da bodo državni organi kakor tudi kateri koli javni uslužbenec v skladu z notranjim pravom sodelovali s tistimi njenimi organi, ki so odgovorni za preiskovanje in pregon kaznivih dejanj:

a) tako da obveščajo navedene organe na lastno pobudo, če obstajajo razlogi za sum, da je bilo storjeno kaznivo dejanje, navedeno v 2. do 14. členu, ali

b) tako da omenjenim organom na zaprosilo priskrbijo vse potrebne informacije.

22. člen – Zaščita sodelavcev pravosodnih organov in prič

Pogodbenica sprejme takšne ukrepe, kot so potrebni za zagotovitev učinkovite in ustrezne zaščite za:

a) osebe, ki prijavijo kazniva dejanja, opredeljena v skladu z 2. do 14. členom, ali drugače sodelujejo s preiskovalnimi organi ali organi pregona;

b) priče, ki pričajo o teh kaznivih dejanjih.

Article 23 – Measures to facilitate the gathering of evidence and the confiscation of proceeds

1 Each Party shall adopt such legislative and other measures as may be necessary, including those permitting the use of special investigative techniques, in accordance with national law, to enable it to facilitate the gathering of evidence related to criminal offences established in accordance with Article 2 to 14 of this Convention and to identify, trace, freeze and seize instrumentalities and proceeds of corruption, or property the value of which corresponds to such proceeds, liable to measures set out in accordance with paragraph 3 of Article 19 of this Convention.

2 Each Party shall adopt such legislative and other measures as may be necessary to empower its courts or other competent authorities to order that bank, financial or commercial records be made available or be seized in order to carry out the actions referred to in paragraph 1 of this article.

3 Bank secrecy shall not be an obstacle to measures provided for in paragraphs 1 and 2 of this article.

Chapter III – Monitoring of implementation

Article 24 – Monitoring

The Group of States against Corruption (GRECO) shall monitor the implementation of this Convention by the Parties.

Chapter IV – International co-operation

Article 25 – General principles and measures for international co-operation

1 The Parties shall co-operate with each other, in accordance with the provisions of relevant international instruments on international co-operation in criminal matters, or arrangements agreed on the basis of uniform or reciprocal legislation, and in accordance with their national law, to the widest extent possible for the purposes of investigations and proceedings concerning criminal offences established in accordance with this Convention.

2 Where no international instrument or arrangement referred to in paragraph 1 is in force between Parties, Articles 26 to 31 of this chapter shall apply.

3 Articles 26 to 31 of this chapter shall also apply where they are more favourable than those of the international instruments or arrangements referred to in paragraph 1.

Article 26 – Mutual assistance

1 The Parties shall afford one another the widest measure of mutual assistance by promptly processing requests from authorities that, in conformity with their domestic laws, have the power to investigate or prosecute criminal offences established in accordance with this Convention.

2 Mutual legal assistance under paragraph 1 of this article may be refused if the requested Party believes that compliance with the request would undermine its fundamental interests, national sovereignty, national security or *ordre public*.

3 Parties shall not invoke bank secrecy as a ground to refuse any co-operation under this chapter. Where its domestic law so requires, a Party may require that a request for co-operation which would involve the lifting of bank secrecy be authorised by either a judge or another judicial authority, including public prosecutors, any of these authorities acting in relation to criminal offences.

23. člen – Ukrepi za lajšanje zbiranja dokazov in zaplembe premoženjske koristi

1. Pogodbenica sprejme takšne zakonske in druge ukrepe, kot so potrebni, vključno s tistimi, ki v skladu z njenim notranjim pravom dovoljujejo uporabo posebnih preiskovalnih metod, ki omogočajo lažje zbiranje dokazov v zvezi s kaznivimi dejanji, opredeljenimi v skladu z 2. do 14. členom te konvencije, ter za prepoznavanje, sledenje, zamrznitev in zaseg predmetov in premoženjske koristi iz korupcije ali premoženja, ki po vrednosti ustreza tej premoženjski koristi, za katero veljajo ukrepi, določeni v skladu s tretjim odstavkom 19. člena te konvencije.

2. Pogodbenica sprejme takšne zakonske in druge ukrepe, kot so potrebni za pooblastitev njenih sodišč ali drugih pristojnih organov, da odredijo, da se bančni, finančni ali komercialni zapisi dajo na razpolago ali se zasežejo, da bi izpolnila naloge, določene v prvem odstavku tega člena.

3. Bančna tajnost ne sme biti ovira za ukrepe, navedene v prvem in drugem odstavku tega člena.

III. poglavje – Spremljanje in nadziranje izvajanja

24. člen – Spremljanje in nadziranje

Skupina držav proti korupciji (GRECO) spremlja in nadzira izvajanje te konvencije v pogodbenicah.

IV. poglavje – Mednarodno sodelovanje

25. člen – Splošna načela in ukrepi za mednarodno sodelovanje

1. Pogodbenice med seboj sodelujejo v največji možni meri v skladu z določbami ustreznih mednarodnih dokumentov o mednarodnem sodelovanju pri kazenskih zadevah ali z dogovori, ki temeljijo na enotni ali vzajemni zakonodaji, ter v skladu z notranjim pravom pri preiskavah in postopkih v zvezi s kaznivimi dejanji, določenimi v skladu s to konvencijo.

2. Če med pogodbenicami ne velja noben mednarodni dokument ali dogovor, naveden v prvem odstavku, se uporabljajo določbe 26. do 31. člena tega poglavja.

3. Določbe 26. do 31. člena se uporabljajo, tudi če so ugodnejše kot določbe mednarodnih dokumentov ali dogovorov, navedenih v prvem odstavku.

26. člen – Medsebojna pomoč

1. Pogodbenice si med seboj pomagajo v največji možni meri s sprotnim obravnavanjem zaprosil organov, ki imajo v skladu z njihovim notranjim pravom pooblastila za preiskovanje ali pregon kaznivih dejanj, določenih v skladu s to konvencijo.

2. Medsebojna pravna pomoč iz prvega odstavka tega člena se lahko zavrne, če zaprošena pogodbenica meni, da bi lahko ugoditev zaprosilu ogrozila njene temeljne interese, državno suverenost, državno varnost ali javni red.

3. Pogodbenice se ne sklicujejo na bančno tajnost kot podlago za zavrnitev kakršnega koli sodelovanja iz tega poglavja. Če je tako določeno v notranjem pravu, pogodbenica lahko zahteva, da mora zaprosilo za sodelovanje, ki bi vsebovalo tudi razkritje bančne tajnosti, odobriti bodisi sodnik ali drug sodni organ, vključno z državnim tožilcem, torej organi pregona kaznivih dejanj.

Article 27 – Extradition

1 The criminal offences established in accordance with this Convention shall be deemed to be included as extraditable offences in any extradition treaty existing between or among the Parties. The Parties undertake to include such offences as extraditable offences in any extradition treaty to be concluded between or among them.

2 If a Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it does not have an extradition treaty, it may consider this Convention as the legal basis for extradition with respect to any criminal offence established in accordance with this Convention.

3 Parties that do not make extradition conditional on the existence of a treaty shall recognise criminal offences established in accordance with this Convention as extraditable offences between themselves.

4 Extradition shall be subject to the conditions provided for by the law of the requested Party or by applicable extradition treaties, including the grounds on which the requested Party may refuse extradition.

5 If extradition for a criminal offence established in accordance with this Convention is refused solely on the basis of the nationality of the person sought, or because the requested Party deems that it has jurisdiction over the offence, the requested Party shall submit the case to its competent authorities for the purpose of prosecution unless otherwise agreed with the requesting Party, and shall report the final outcome to the requesting Party in due course.

Article 28 – Spontaneous information

Without prejudice to its own investigations or proceedings, a Party may without prior request forward to another Party information on facts when it considers that the disclosure of such information might assist the receiving Party in initiating or carrying out investigations or proceedings concerning criminal offences established in accordance with this Convention or might lead to a request by that Party under this chapter.

Article 29 – Central authority

1 The Parties shall designate a central authority or, if appropriate, several central authorities, which shall be responsible for sending and answering requests made under this chapter, the execution of such requests or the transmission of them to the authorities competent for their execution.

2 Each Party shall, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, communicate to the Secretary General of the Council of Europe the names and addresses of the authorities designated in pursuance of paragraph 1 of this article.

Article 30 – Direct communication

1 The central authorities shall communicate directly with one another.

2 In the event of urgency, requests for mutual assistance or communications related thereto may be sent directly by the judicial authorities, including public prosecutors, of the requesting Party to such authorities of the requested Party. In such cases a copy shall be sent at the same time to the central authority of the requested Party through the central authority of the requesting Party.

3 Any request or communication under paragraphs 1 and 2 of this article may be made through the International Criminal Police Organisation (Interpol).

27. člen – Izročitev

1. Kazniva dejanja, določena v skladu s to konvencijo, se štejejo, da so v sporazum o izročitvi, ki obstaja med dvema ali več pogodbenicami, vključena kot kazniva dejanja, za katera je predvidena izročitev. Pogodbenice soglašajo, da bodo vključile takšna kazniva dejanja kot kazniva dejanja, za katera je predvidena izročitev, v sporazum o izročitvi, ki bo sklenjen med dvema ali več pogodbenicami.

2. Če pogodbenica, ki pogojuje izročitev z obstojem sporazuma, prejme zaprosilo za izročitev od druge pogodbenice, s katero nima sporazuma o izročitvi, lahko šteje to konvencijo kot pravno podlago za izročitev pri kaznivem dejanju, določenem v skladu s to konvencijo.

3. Pogodbenice, ki izročitve ne pogojujejo z obstojem sporazuma, medsebojno priznavajo kazniva dejanja, določena v skladu s to konvencijo, kot kazniva dejanja, za katera je predvidena izročitev.

4. Za izročitev veljajo pogoji, določeni s pravom zaprošene države ali z veljavnimi sporazumi o izročitvi, vključno z razlogi, na podlagi katerih lahko zaprošena država zavrne izročitev.

5. Če je izročitev za kaznivo dejanje, določeno v skladu s to konvencijo, zavrnjena samo na podlagi državljanstva osebe iz zaprosila ali zato, ker zaprošena pogodbenica meni, da ima jurisdikcijo nad kaznivim dejanjem, zaprošena pogodbenica predloži primer svojim pristojnim organom zaradi pregona, razen če ni drugače dogovorjeno s pogodbenico prosilko, končno rešitev pa mora čim prej sporočiti pogodbenici prosilki.

28. člen – Samodejno pošiljanje informacij

Brez vpliva na lastne preiskave ali postopke lahko pogodbenica brez predhodnega zaprosila drugi pogodbenici da informacije o dejstvih, kadar meni, da bi razkritje takšnih informacij lahko pomagalo drugi pogodbenici pri uvedbi ali vodenju preiskav ali postopkov v zvezi s kaznivimi dejanji, določenimi v skladu s to konvencijo, ali da bi lahko drugo pogodbenico spodbudilo k vložitvi zaprosila po tem poglavju.

29. člen – Osrednji organ

1. Pogodbenice določijo osrednji organ ali po potrebi več osrednjih organov, odgovornih za pošiljanje zaprosil po tem poglavju in odgovarjanje nanje, za ugoditev takšnim zaprosilom ali za njihovo pošiljanje organom, ki so pristojni za njihovo ugoditev.

2. Pogodbenica ob podpisu ali deponiranju listine o ratifikaciji, sprejetju, odobritvi ali pristopu generalnemu sekretarju Sveta Evrope sporoči imena in naslove organov, določenih na podlagi prvega odstavka tega člena.

30. člen – Neposredno sporazumevanje

1. Osrednji organi se med seboj sporazumevajo neposredno.

2. V nujnih primerih lahko pravosodni organi pogodbenice prosilke vključno z javnim tožilstvom zaprosila za vzajemno pomoč ali s tem povezana sporočila pošiljajo neposredno ustreznim organom zaprošene pogodbenice. V takšnih primerih je treba kopijo hkrati poslati osrednjemu organu zaprošene pogodbenice preko osrednjega organa pogodbenice prosilke.

3. Zaprosilo ali sporočilo iz prvega in drugega odstavka tega člena se lahko pošlje preko Mednarodne organizacije kriminalistične policije (Interpol).

4 Where a request is made pursuant to paragraph 2 of this article and the authority is not competent to deal with the request, it shall refer the request to the competent national authority and inform directly the requesting Party that it has done so.

5 Requests or communications under paragraph 2 of this article, which do not involve coercive action, may be directly transmitted by the competent authorities of the requesting Party to the competent authorities of the requested Party.

6 Each State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, inform the Secretary General of the Council of Europe that, for reasons of efficiency, requests made under this chapter are to be addressed to its central authority.

Article 31 – Information

The requested Party shall promptly inform the requesting Party of the action taken on a request under this chapter and the final result of that action. The requested Party shall also promptly inform the requesting Party of any circumstances which render impossible the carrying out of the action sought or are likely to delay it significantly.

Chapter V – Final provisions

Article 32 – Signature and entry into force

1 This Convention shall be open for signature by the member States of the Council of Europe and by non-member States which have participated in its elaboration. Such States may express their consent to be bound by:

a signature without reservation as to ratification, acceptance or approval; or

b signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.

2 Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

3 This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which fourteenth States have expressed their consent to be bound by the Convention in accordance with the provisions of paragraph 1. Any such State, which is not a member of the Group of States against Corruption (GRECO) at the time of ratification, shall automatically become a member on the date the Convention enters into force.

4 In respect of any signatory State which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the expression of their consent to be bound by the Convention in accordance with the provisions of paragraph 1. Any signatory State, which is not a member of the Group of States against Corruption (GRECO) at the time of ratification, shall automatically become a member on the date the Convention enters into force in its respect.

Article 33 – Accession to the Convention

1 After the entry into force of this Convention, the Committee of Ministers of the Council of Europe, after consulting the Contracting States to the Convention, may invite the European Community as well as any State not a member of the Council and not having participated in its elaboration to accede to this Convention, by a decision taken by the majority provided for in Article 20d of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee of Ministers.

4. Če je zaprosilo iz drugega odstavka tega člena naslovljeno na organ, ki ni pristojen za njegovo obravnavanje, ga ta odstopi pristojnemu državnemu organu in o tem neposredno obvesti pogodbenico prosilko.

5. Zaprosila ali sporočila po drugem odstavku tega člena, ki ne vključujejo prisilnih ukrepov, lahko pristojni organi pogodbenice prosilke pošljejo neposredno pristojnim organom zaprošene pogodbenice.

6. Pogodbenica lahko ob podpisu ali deponiranju svoje listine o ratifikaciji, sprejetju, odobritvi ali pristopu obvesti generalnega sekretarja Sveta Evrope, da morajo biti zaprosila po tem poglavju zaradi večje učinkovitosti poslana njenemu osrednjemu organu.

31. člen – Obveščanje

Zaprošena pogodbenica takoj obvesti pogodbenico prosilko o ukrepih, ki jih je sprejela na podlagi zaprosila po tem poglavju, in o končnih rezultatih njenega ukrepanja. Zaprošena pogodbenica prav tako nemudoma obvesti pogodbenico prosilko o vseh okoliščinah, ki onemogočajo zaprošeno ukrepanje ali ga utegnejo znatno zakasniti.

V. poglavje – Končne določbe

32. člen – Podpis in začetek veljavnosti

1. Konvencija bo na voljo za podpis državam članicam Sveta Evrope in državam nečlanicam, ki so sodelovale pri njeni pripravi. Te države lahko izrazijo svoje soglasje, da jih zavezuje:

a) podpis brez pridržka glede ratifikacije, sprejetja ali odobritve ali

b) podpis s pridržkom glede ratifikacije, sprejetja ali odobritve, ki mu sledi ratifikacija, sprejetje ali odobritev.

2. Listine o ratifikaciji, sprejetju ali odobritvi se hranijo pri generalnem sekretarju Sveta Evrope.

3. Konvencija začne veljati prvi dan meseca po poteku treh mesecev po datumu, ko je štirinajst držav izrazilo svoje soglasje, da jih ta konvencija zavezuje v skladu z določbami prvega odstavka. Država, ki ni članica Skupine držav proti korupciji (GRECO), ob ratifikaciji samodejno postane članica tisti dan, ko začne veljati konvencija.

4. Za državo podpisnico, ki kasneje izrazi svojo soglasje, da jo konvencija zavezuje, začne ta veljati prvi dan meseca po poteku treh mesecev po datumu, ko je izrazila svoje soglasje, da jo konvencija zavezuje v skladu z določbami prvega odstavka. Država podpisnica, ki ob ratifikaciji ni članica Skupine držav proti korupciji (GRECO), samodejno postane članica tisti dan, ko začne konvencija veljati zanjo.

33. člen – Pristop h konvenciji

1. Po začetku veljavnosti konvencije lahko Odbor ministrov Sveta Evrope po posvetu z državami pogodbenicami konvencije povabi Evropsko skupnost kakor tudi državo, ki ni članica Sveta in ni sodelovala pri njeni pripravi, da pristopi h konvenciji, in sicer na podlagi odločitve, sprejete z večino glasov, kot je določeno v pododstavku d) 20. člena statuta Sveta Evrope, ter ob soglasno sprejetem sklepu predstavnikov držav pogodbenic, ki imajo pravico sodelovati v Odboru ministrov.

2 In respect of the European Community and any State acceding to it under paragraph 1 above, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe. The European Community and any State acceding to this Convention shall automatically become a member of GRECO, if it is not already a member at the time of accession, on the date the Convention enters into force in its respect.

Article 34 – Territorial application

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 Convention shall apply.

2 Any Party may, at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.

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

Article 35 – Relationship to other conventions and agreements

1 This Convention does not affect the rights and undertakings derived from international multilateral conventions concerning special matters.

2 The Parties to the Convention may conclude bilateral or multilateral agreements with one another on the matters dealt with in this Convention, for purposes of supplementing or strengthening its provisions or facilitating the application of the principles embodied in it.

3 If two or more Parties have already concluded an agreement or treaty in respect of a subject which is dealt with in this Convention or otherwise have established their relations in respect of that subject, they shall be entitled to apply that agreement or treaty or to regulate those relations accordingly, in lieu of the present Convention, if it facilitates international co-operation.

Article 36 – Declarations

Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, declare that it will establish as criminal offences the active and passive bribery of foreign public officials under Article 5, of officials of international organisations under Article 9 or of judges and officials of international courts under Article 11, only to the extent that the public official or judge acts or refrains from acting in breach of his duties.

Article 37 – Reservations

1 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, reserve its right not to establish as a criminal offence under its domestic law, in part or in whole, the conduct referred to in Articles 4, 6 to 8, 10 and 12 or the passive bribery offences defined in Article 5.

2. Za Evropsko skupnost in državo, ki k njej pristopi po prvem odstavku, začne ta konvencija veljati prvi dan meseca po poteku treh mesecev po datumu deponiranja listine o pristopu pri generalnem sekretarju Sveta Evrope. Evropska skupnost in država, ki pristopi h konvenciji, samodejno postane članica GRECO tisti dan, ko začne zanjo veljati ta konvencija, če že ni bila članica ob pristopu.

34. člen – Ozemlja uporabe

1. Država lahko ob podpisu ali deponiranju listine o ratifikaciji, sprejetju, odobritvi ali pristopu določi ozemlje ali ozemlja, za katera se ta konvencija uporablja.

2. Država lahko kadar koli kasneje z izjavo, naslovljeno na generalnega sekretarja Sveta Evrope, razširi uporabo konvencije na katero koli drugo ozemlje, navedeno v izjavi. Konvencija začne veljati za to ozemlje prvi dan meseca po poteku treh mesecev po datumu, ko je generalni sekretar prejel takšno izjavo.

3. Izjavo na podlagi prejšnjih odstavkov, ki se nanaša na ozemlje, posebej navedeno v taki izjavi, je mogoče preklicati z uradnim obvestilom, naslovljenim na generalnega sekretarja. Preklic začne veljati prvi dan meseca po poteku treh mesecev po dnevu, ko generalni sekretar prejme uradno obvestilo.

35. člen – Razmerje do drugih konvencij in sporazumov

1. Konvencija ne vpliva na pravice in obveznosti, ki izhajajo iz mednarodnih večstranskih konvencij in se nanašajo na posebne zadeve.

2. Pogodbenice konvencije lahko med seboj sklepajo dvostranske ali večstranske sporazume o zadevah, ki jih obravnava ta konvencija, da dopolnijo in utrdijo njene določbe ali omogočijo lažjo uporabo v njej vsebovanih načel.

3. Če sta dve ali več pogodbenic že sklenili sporazum ali pogodbo v zvezi s področjem, ki ga obravnava ta konvencija, ali kako drugače uredili svoje odnose v zvezi s tem področjem, imata pravico, da namesto te konvencije uporabljata tak sporazum ali pogodbo ali da ustrezno uredita takšne odnose, če to olajšuje mednarodno sodelovanje.

36. člen – Izjave

Država lahko ob podpisu ali deponiranju listine o ratifikaciji, sprejetju, odobritvi ali pristopu izjavi, da bo kot kaznivo dejanje opredelila aktivno in pasivno podkupovanje tujih javnih uslužbencev po 5. členu, funkcionarjev mednarodnih organizacij po 9. členu ali sodnikov in uslužbencev mednarodnih sodišč po 11. členu, vendar le v obsegu, ko javni uslužbenec ali sodnik opravi uradno dejanje ali ga ne opravi in s tem krši svoje obveznosti.

37. člen – Pridržki

1. Država si lahko ob podpisu ali ob deponiranju svoje listine o ratifikaciji, sprejetju, odobritvi ali pristopu pridrži pravico, da v svojem notranjem pravu delno ali v celoti ne bo določila kot kaznivo ravnanje, navedeno v 4., 6. do 8., 10. in 12. členu, ali dejanje pasivnega podkupovanja, določeno v 5. členu.

2 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession declare that it avails itself of the reservation provided for in Article 17, paragraph 2.

3 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession declare that it may refuse mutual legal assistance under Article 26, paragraph 1, if the request concerns an offence which the requested Party considers a political offence.

4 No State may, by application of paragraphs 1, 2 and 3 of this article, enter reservations to more than five of the provisions mentioned thereon. No other reservation may be made. Reservations of the same nature with respect to Articles 4, 6 and 10 shall be considered as one reservation.

Article 38 – Validity and review of declarations and reservations

1 Declarations referred to in Article 36 and reservations referred to in Article 37 shall be valid for a period of three years from the day of the entry into force of this Convention in respect of the State concerned. However, such declarations and reservations may be renewed for periods of the same duration.

2 Twelve months before the date of expiry of the declaration or reservation, the Secretariat General of the Council of Europe shall give notice of that expiry to the State concerned. No latter than three months before the expiry, the State shall notify the Secretary General that it is upholding, amending or withdrawing its declaration or reservation. In the absence of a notification by the State concerned, the Secretariat General shall inform that State that its declaration or reservation is considered to have been extended automatically for a period of six months. Failure by the State concerned to notify its intention to uphold or modify its declaration or reservation before the expiry of that period shall cause the declaration or reservation to lapse.

3 If a Party makes a declaration or a reservation in conformity with Articles 36 and 37, it shall provide, before its renewal or upon request, an explanation to GRECO, on the grounds justifying its continuance.

Article 39 – Amendments

1 Amendments to this Convention may be proposed by any Party, and shall be communicated by the Secretary General of the Council of Europe to the member States of the Council of Europe and to every non-member State which has acceded to, or has been invited to accede to, this Convention in accordance with the provisions of Article 33.

2 Any amendment proposed by a Party shall be communicated to the European Committee on Crime Problems (CDPC), which shall submit to the Committee of Ministers its opinion on that proposed amendment.

3 The Committee of Ministers shall consider the proposed amendment and the opinion submitted by the CDPC and, following consultation of the non-member States Parties to this Convention, may adopt the amendment.

4 The text of any amendment adopted by the Committee of Ministers in accordance with paragraph 3 of this article shall be forwarded to the Parties for acceptance.

2. Država lahko ob podpisu ali deponiranju listine o ratifikaciji, sprejetju, odobritvi ali pristopu izjavi, da bo izkoristila pridržek, naveden v drugem odstavku 17. člena.

3. Država lahko ob podpisu ali deponiranju listine o ratifikaciji, sprejetju, odobritvi ali pristopu izjavi, da lahko zavrne medsebojno pravno pomoč po prvem odstavku 25. člena, če se zaprosilo nanaša na kaznivo dejanje, za katero zaprošena pogodbenica meni, da je politično kaznivo dejanje.

4. Nobena država ne more ob uporabi prvega, drugega in tretjega odstavka tega člena izraziti pridržkov glede več kot petih navedenih določb. Drugi pridržki niso mogoči. Istovrstni pridržki glede 4., 6. in 10. člena se štejejo kot en pridržek.

38. člen – Veljavnost in pregled izjav in pridržkov

1. Izjave, navedene v 36. členu, in pridržki, navedeni v 37. členu, veljajo za obdobje treh let od dneva začetka veljavnosti te konvencije za določeno državo. Vendar pa je mogoče te izjave in pridržke obnoviti za enako dolgo obdobje.

2. Dvanajst mesecev pred potekom veljavnosti izjave ali pridržka generalni sekretar Sveta Evrope obvesti določeno državo o tem poteku. Najkasneje tri mesece pred potekom država obvesti generalnega sekretarja, da potrjuje, dopolnjuje ali preklicuje svojo izjavo ali pridržek. Če določena država ne pošlje uradnega obvestila, generalni sekretar obvesti to državo, da se šteje, da je bila njena izjava ali pridržek samodejno podaljšana za šest mesecev. Če država ne sporoči svojega namena za potrditev ali spremembo svoje izjave ali pridržka pred potekom tega roka, to povzroči prenehanje veljavnosti izjave ali pridržka.

3. Če pogodbenica da izjavo ali pridržek v skladu s 36. in 37. členom, mora pred obnovitvijo ali na zaprosilo skupini GRECO pojasniti razloge, ki utemeljujejo podaljšanje izjave ali pridržka.

39. člen – Spremembe

1. Spremembe te konvencije lahko predlaga katera koli pogodbenica, generalni sekretar Sveta Evrope pa jih sporoči državam članicam Sveta Evrope ter državi nečlanici, ki je pristopila ali je bila povabljena, da pristopi k tej konvenciji v skladu z določbami 33. člena.

2. Vse spremembe, ki jih predlaga pogodbenica, se sporočijo Evropskemu odboru za problematiko kriminalitete (CDPC), ki sporoči svoje mnenje o predlagani spremembi Odboru ministrov.

3. Odbor ministrov prouči predlagano spremembo ter mnenje, ki ga je poslal CDPC, in lahko po posvetu z državami nečlanicami, pogodbenicami te konvencije, sprejme spremembo.

4. Besedilo katere koli spremembe, ki jo je v skladu s tretjim odstavkom tega člena sprejel Odbor ministrov, se pošlje pogodbenicam v sprejem.

5 Any amendment adopted in accordance with paragraph 3 of this article shall come into force on the thirtieth day after all Parties have informed the Secretary General of their acceptance thereof.

Article 40 – Settlement of disputes

1 The European Committee on Crime Problems of the Council of Europe shall be kept informed regarding the interpretation and application of this Convention.

2 In case of a dispute between Parties as to the interpretation or application of this Convention, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their choice, including submission of the dispute to the European Committee on Crime Problems, to an arbitral tribunal whose decisions shall be binding upon the Parties, or to the International Court of Justice, as agreed upon by the Parties concerned.

Article 41 – Denunciation

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

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

Article 42 – Notification

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

a any signature;

b the deposit of any instrument of ratification, acceptance, approval or accession;

c any date of entry into force of this Convention in accordance with Articles 32 and 33;

d any declaration or reservation made under Article 36 or Article 37;

e any other act, notification or communication relating to this Convention.

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

Done at Strasbourg, this 27th of January 1999, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the non-member States which have participated in the elaboration of this Convention, and to any State invited to accede to it.

5. Sprememba in dopolnitev, sprejeta v skladu s tretjim odstavkom tega člena, začne veljati trideseti dan po tem, ko so vse pogodbenice obvestile generalnega sekretarja, da so jo sprejele.

40. člen – Reševanje sporov

1. Evropski odbor za problematiko kriminalitete Sveta Evrope mora biti obveščen o razlagi in uporabi te konvencije.

2. Morebiten spor med pogodbenicami pri razlagi in uporabi te konvencije skušajo pogodbenice razrešiti s pogajanji ali na drug miren način po svoji izbiri, vključno s predložitvijo spora Evropskemu odboru za problematiko kriminalitete, arbitražnemu sodišču, katerega odločitve so obvezujoče za pogodbenice, ali Meddržavnemu sodišču, kot se dogovorijo pogodbenice.

41. člen – Odpoved

1. Pogodbenica lahko kadar koli odpove to konvencijo z uradnim obvestilom, naslovljenim na generalnega sekretarja Sveta Evrope.

2. Takšna odpoved začne veljati prvi dan meseca po poteku treh mesecev od dneva, ko je generalni sekretar prejel uradno obvestilo.

42. člen – Uradno obveščanje

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

a) podpisu;

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

f) datumu začetka veljavnosti te konvencije v skladu z 32. in 33. členom;

f) izjavi ali pridržku na podlagi določb 36. ali 37. člena;

e) drugem dejanju, uradnem obvestilu ali sporočilu v zvezi s to konvencijo.

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

Sestavljeno v Strasbourgu, 27. januarja 1999, v enem izvodu, ki se hrani v arhivu Sveta Evrope, v angleškem in francoskem jeziku, pri čemer sta besedili enako verodostojni. Generalni sekretar Sveta Evrope pošlje overjene kopije državam članicam Sveta Evrope, državam nečlanicam, ki so sodelovale pri pripravi te konvencije, ter vsem državam, povabljenim, da k njej pristopijo.

3. člen

Republika Slovenija si pridržuje pravico, da ne bo določila kot kaznivo dejanje tisto ravnanje, ki je opredeljeno v 6. členu konvencije, v kolikor vključuje osebo, ki je članica lokalnega ali regionalnega skupščinskega telesa, ki izvaja zakonska in upravna pooblastila v drugi državi.

Republika Slovenija si pridržuje pravico, da ne bo določila kot kaznivo dejanje tisto ravnanje, ki je opredeljeno v 8. členu konvencije, v delu, ki se nanaša na sprejemanje ponudbe ali obljube nedovoljenih koristi.

Republika Slovenija si pridržuje pravico, da ne bo določila kot kaznivo dejanje tisto ravnanje, ki je opredeljeno v 12. členu konvencije, v delu, ki se nanaša na neposredno ali posredno obljubljanje, dajanje ali ponujanje, če je to storjeno naklepno, kakršnih koli nedovoljenih koristi komur koli, ki trdi ali potrjuje, da je sposoben neprimerno vplivati na odločanje katere koli osebe, navedene v 2., 4. do 6. ter 9. do 11. členu, in v delu, ki se nanaša na terjanje, prejemanje ali sprejem ponudbe ali obljube takšnih koristi.

4. člen

Za izvajanje konvencije skrbi Ministrstvo za pravosodje v sodelovanju z Ministrstvom za notranje zadeve in Ministrstvom za finance – Uradom za preprečevanje pranja denarja.

5. člen

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

Št. 212-05/00-13/1
Ljubljana, dne 29. februarja 2000

Predsednik
Državnega zbora
Republike Slovenije
Janez Podobnik, dr. med.
za
Eda Okretič Salmič l. r.

Pravkar izšlo

PREDPISI O TUJCIH, AZILU IN ZAČASNEM ZATOČIŠČU

s komentarjem mag. Slobodana Rakočeviča

Na dan osamosvojitve Republike Slovenije - 25. junija 1991 je parlament sprejel štiri ključne zakone: o državljanstvu, tujcih, potnih listinah in nadzoru državne meje. Zakon o tujcih je prenehal veljati zadnje dni julija 1999, ko pogoje in način vstopa, zapustitve in bivanja tujcev v Republiki Sloveniji ureja nov zakon z enakim naslovom: ZAKON O TUJCIH (ZTuj-1).

Kakor je uvodoma zapisal avtor komentarja mag. Rakočevič, povečani pritiski priseljevanja, značilni za države Zahodne Evrope, niso obšli Slovenije. Oblikovanje sodobne migracijske politike in sprejetje ustrezne zakonodaje na tem področju zahtevata tako nacionalni interes Slovenije kot tudi njeno vključevanje v evropske integracije. Pomen zakonskih določb avtor razlaga v obširnem komentarju k posameznim členom zakona.

ZAKON O AZILU (ZAzil) je novost v slovenski pravni ureditvi. Z njim država zapolnjuje pravne vrzeli na področju azila in begunske problematike nasploh. Zakon je usklajen z zakonodajo držav članic Evropske unije. Komentar k posameznim členom zakona med drugim posebej opozarja na mednarodne akte, ki so krojili vsebino določb prvega slovenskega zakona na tem področju. Na koncu knjige je objavljen ZAKON O ZAČASNEM ZATOČIŠČU (ZZZat), ki ga je državni zbor sprejel aprila leta 1997.

Cena 3348 SIT z DDV 10512

N A R O Č I L N I C A

Naročite po faksu: **061/125 14 18**

S tem nepreklicno naročam

❑ **PREDPISI O TUJCIH, AZILU IN ZAČASNEM ZATOČIŠČU** Štev. izvodov

Naročeno knjigo mi pošljite na naslov

Davčna številka naročnika

Davčni zavezanec ☐ DA ☐ NE

Firma – ime naročnika Sektor – oddelek

Ulica in številka Kraj

Datum Podpis pooblaščene osebe

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