


# Uradni list

## Republike Slovenije



# Mednarodne pogodbe

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Leto X

### 78. Zakon o ratifikaciji Šestega protokola k Splošnemu sporazumu o privilegijih in imunitetah Sveta Evrope (MGPPI)

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

#### U K A Z

### O RAZGLASITVI ZAKONA O RATIFIKACIJI ŠESTEGA PROTOKOLA K SPLOŠNEMU SPORAZUMU O PRIVILEGIJAH IN IMUNITETAH SVETA EVROPE (MGPPI)

Razglašam Zakon o ratifikaciji Šestega protokola k Splošnemu sporazumu o privilegijih in imunitetah Sveta Evrope (MGPPI), ki ga je sprejel Državni zbor Republike Slovenije na seji 31. maja 2000.

Št. 001-22-98/00  
Ljubljana, 8. junija 2000

Predsednik  
Republike Slovenije  
**Milan Kučan** l. r.

#### Z A K O N

### O RATIFIKACIJI ŠESTEGA PROTOKOLA K SPLOŠNEMU SPORAZUMU O PRIVILEGIJAH IN IMUNITETAH SVETA EVROPE (MGPPI)

#### 1. člen

Ratificira se Šesti protokol k Splošnemu sporazumu o privilegijih in imunitetah Sveta Evrope, sestavljen v Strasbourgu 5. marca 1996.

#### 2. člen

Protokol se v angleškem izvorniku in v slovenskem prevodu glasi:

#### SIXTH PROTOCOL TO THE GENERAL AGREEMENT ON PRIVILEGES AND IMMUNITIES OF THE COUNCIL OF EUROPE

The member States of the Council of Europe, signatories hereto,

Having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950 (hereinafter referred to as "the Convention");

Having regard to Protocol No. 11 to the Convention, restructuring the control machinery established thereby, signed at Strasbourg on 11 May 1994 (hereinafter referred to as "Protocol No. 11 to the Convention"), which establishes a permanent European Court of Human Rights (hereinafter referred to as "the Court") to replace the European Commission and Court of Human Rights;

#### ŠESTI PROTOKOL K SPLOŠNEMU SPORAZUMU O PRIVILEGIJAH IN IMUNITETAH SVETA EVROPE

Države članice Sveta Evrope, podpisnice tega protokola, so se

ob upoštevanju Konvencije o varstvu človekovih pravic in temeljnih svoboščin, podpisane v Rimu 4. novembra 1950, (v nadaljevanju "konvencija"),

ob upoštevanju Protokola št. 11 h konvenciji, ki preoblikuje nadzorne mehanizme, vzpostavljene s konvencijo, podpisanega v Strasbourgu 11. maja 1994, (v nadaljevanju "Protokol št. 11 h konvenciji"), s katerim se ustanavlja stalno Evropsko sodišče za človekove pravice (v nadaljevanju "sodišče"), ki nadomešča Evropsko komisijo in Sodišče za človekove pravice,

Also having regard to Article 51 of the Convention which specifies that judges are entitled, during the discharge of their functions, to the privileges and immunities provided for in Article 40 of the Statute of the Council of Europe and in the agreements made thereunder;

Recalling the General Agreement on Privileges and Immunities of the Council of Europe, signed at Paris on 2 September 1949, (hereinafter referred to as "the General Agreement"), and its Second, Fourth and Fifth Protocols;

Considering that a new Protocol to the General Agreement is advisable to accord privileges and immunities to the judges of the Court;

Have agreed as follows:

#### Article 1

In addition to the privileges and immunities specified in Article 18 of the General Agreement, judges shall be accorded in respect of themselves, their spouses and minor children the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law.

#### Article 2

For the purposes of this Protocol, the term "judges" means judges elected in accordance with Article 22 of the Convention as well as any ad hoc judge appointed by a State Party concerned in pursuance of Article 27, paragraph 2, of the Convention.

#### Article 3

In order to secure for the judges complete freedom of speech and complete independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

#### Article 4

Privileges and immunities are accorded to judges not for the personal benefit of the individuals themselves but in order to safeguard the independent exercise of their functions. The plenary Court alone shall be competent to waive the immunity of judges; it has not only the right, but is under a duty, to waive the immunity of a judge in any case where, in its opinion, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose for which the immunity is accorded.

#### Article 5

1 The provisions of Articles 1, 3 and 4 of this Protocol shall apply to the Registrar of the Court and a Deputy Registrar formally notified as Acting Registrar to the States Parties to the Convention.

2 The provisions of Article 3 of this Protocol and Article 18 of the General Agreement shall apply to a Deputy Registrar of the Court.

3 The privileges and immunities referred to in paragraphs 1 and 2 of this Article are accorded to the Registrar and a Deputy Registrar not for the personal benefit of the individuals themselves but to facilitate the discharge of their duties. The plenary Court alone shall be competent to waive the immunity of its Registrar and a Deputy Registrar; it has not only the right, but is under a duty, to waive such immu-

in ob upoštevanju 51. člena konvencije, ki navaja, da sodniki med opravljanjem svojih nalog uživajo privilegije in imunitete, predvidene v 40. členu Statuta Sveta Evrope in v sporazumih, sklenjenih na tej podlagi,

ob sklicevanju na Splošni sporazum o privilegijih in imunitetah Sveta Evrope, podpisan v Parizu 2. septembra 1949, (v nadaljevanju "splošni sporazum") ter na njegov drugi, četrti in peti protokol,

glede na to, da je priporočljivo, da se sprejme nov protokol k splošnemu sporazumu, s katerim bodo sodnikom sodišča podeljeni privilegiji in imunitete,

sporazumele:

#### 1. člen

Poleg privilegijev in imunitet, navedenih v 18. členu splošnega sporazuma, sodniki sami kot tudi njihovi zakonci in mladoletni otroci uživajo privilegije in imunitete, oprostitev in olajšave, ki so v skladu z mednarodnim pravom podeljeni diplomatskim predstavnikom.

#### 2. člen

V tem protokolu izraz "sodniki" pomeni sodnike, izvoljene v skladu z 22. členom konvencije, kot tudi katerega koli sodnika ad hoc, ki ga imenuje država pogodbenica v skladu z drugim odstavkom 27. člena konvencije.

#### 3. člen

Da bi za sodnike zagotovili popolno svobodo govora in popolno neodvisnost pri opravljanju njihovih dolžnosti, uživajo še naprej imuniteto pred sodnim postopkom za vse izgovorjene ali zapisane besede in vsa dejanja, ki so jih storili pri opravljanju svojih dolžnosti, tudi če teh dolžnosti ne opravljajo več.

#### 4. člen

Sodnikom se privilegiji in imunitete ne podeljujejo v njihovo osebno korist, ampak zato, da se zagotovi neodvisno opravljanje njihovih nalog. Le plenum sodišča je pristojen, da odvzame imuniteto sodnikom; nima le pravice, ampak tudi dolžnost, da jo odvzame vedno, kadar bi po njegovem mnenju ovirala sodni postopek in kadar se lahko odvzame brez škode za namen, za katerega se podeljuje.

#### 5. člen

1. Določbe 1., 3. in 4. člena tega protokola se uporabljajo za sodnega tajnika oziroma za njegovega namestnika, za katerega je bilo državam pogodbenicam konvencije uradno sporočeno, da opravlja naloge sodnega tajnika.

2. Določbe 3. člena tega protokola in 18. člena splošnega sporazuma se uporabljajo za namestnika sodnega tajnika.

3. Privilegiji in imunitete iz prvega in drugega odstavka tega člena se sodnemu tajniku in njegovemu namestniku ne podeljujejo v njuno osebno korist, ampak za lažje opravljanje njunih nalog. Le plenum sodišča je pristojen, da odvzame imuniteto sodnemu tajniku in njegovemu namestniku; nima le pravice, ampak tudi dolžnost, da jima jo odvzame vedno, kadar bi po njegovem mnenju imuniteta ovirala sodni

nity in any case where, in its opinion, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose for which the immunity is accorded.

4 The Secretary General of the Council of Europe shall be competent to waive, with the agreement of the President of the Court, the immunity of other staff members of the registry in accordance with the provisions of Article 19 of the General Agreement and having due regard to the considerations set out in paragraph 3.

#### Article 6

1 Documents and papers of the Court, judges and registry, in so far as they relate to the business of the Court, shall be inviolable.

2 The official correspondence and other official communications of the Court, judges and the registry may not be held up or subjected to censorship.

#### Article 7

1 This Protocol shall be open for signature by member States of the Council of Europe signatories to the General Agreement, which 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.

#### Article 8

1 This Protocol shall enter into force on the first day of the month following the expiration of a period of one month after the date on which three Parties to the General Agreement have expressed their consent to be bound by the Protocol in accordance with the provisions of Article 7 or on the date of entry into force of Protocol No. 11 to the Convention, whichever is the later.

2 As regards any State Party to the General Agreement which shall subsequently sign this Protocol without reservation in respect of ratification, acceptance or approval or which shall ratify, accept or approve it, this Protocol shall enter into force one month after the date of such signature or after the date of deposit of the instrument of ratification, acceptance or approval.

#### Article 9

1 Any State may, at the time of its signature without reservation in respect of ratification, of its ratification or at any time thereafter, declare, by notification addressed to the Secretary General of the Council of Europe, that the present Protocol shall extend to all or any of the territories for whose international relations it is responsible and where the Convention and its Protocols apply.

2 The Protocol shall extend to the territory or territories named in the notification as from the thirtieth day after the receipt of this notification by the Secretary General of the Council of Europe.

3 Any declaration made pursuant to paragraph 1 may, in respect of any territory specified in such declaration, be withdrawn or modified by a notification addressed to the Secretary General. The withdrawal or modification shall become effective on the first day of the month following the expiration of one month after the receipt of notification by the Secretary General.

postopek in kadar se lahko odvzame brez škode za namen, za katerega se podeljuje.

4. Generalni sekretar Sveta Evrope je pristojen, da v soglasju s predsednikom sodišča odvzame imuniteto drugim uslužbencem sodne pisarne v skladu z 19. členom splošnega sporazuma in ob upoštevanju tretjega odstavka.

#### 6. člen

1. Dokumenti in listine sodišča, sodnikov in sodne pisarne so nedotakljivi, če se nanašajo na delovanje sodišča.

2. Uradni dopisi in druga uradna sporočila sodišča, sodnikov in sodne pisarne se ne smejo zadrževati ali cenzurirati.

#### 7. člen

1. Ta protokol je na voljo za podpis državam članicam Sveta Evrope, podpisnicam splošnega sporazuma, ki lahko izrazijo svoje soglasje, da jih zavezuje:

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

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

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

#### 8. člen

1. Ta protokol začne veljati prvi dan meseca po izteku enomesečnega obdobja od dne, ko so tri pogodbenice splošnega sporazuma izrazile svoje soglasje, da jih ta protokol zavezuje v skladu z določbami 7. člena ali z dnem začetka veljavnosti Protokola št. 11 h konvenciji, kar je kasneje.

2. Za vsako državo pogodbenico splošnega sporazuma, ki kasneje podpiše ta protokol brez pridržka glede ratifikacije, sprejetja ali odobritve ali ki ga ratificira, sprejme ali odobri, začne ta protokol veljati en mesec od dne takega podpisa ali od dne deponiranja listine o ratifikaciji, sprejetju ali odobritvi.

#### 9. člen

1. Država lahko ob podpisu brez pridržka glede ratifikacije, ob ratifikaciji ali kadar koli kasneje z uradnim obvestilom generalnemu sekretarju Sveta Evrope izjavi, da se ta protokol uporablja za vsa ozemlja ali za eno od njih, za mednarodne odnose katerih je odgovorna in za katera se uporabljajo konvencija in protokoli.

2. Ta protokol se začne uporabljati za vsa ozemlja, navedena v uradnem obvestilu, trideseti dan po dnevu, ko generalni sekretar prejme uradno obvestilo.

3. Vsaka izjava, dana v skladu s prvim odstavkom, se lahko za katero koli ozemlje, navedeno v taki izjavi, umakne ali spremeni z uradnim obvestilom generalnemu sekretarju. Tak umik ali sprememba začne veljati prvi dan v mesecu po izteku enomesečnega obdobja od dneva, ko generalni sekretar prejme uradno obvestilo.

Article 10

The Secretary General of the Council of Europe shall notify the member States of the Council of:

- a any signature;
- b the deposit of any instrument of ratification, acceptance or approval;
- c any date of entry into force of this Protocol in accordance with Articles 8 and 9;
- d any other act, notification or communication relating to this Protocol.

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

Done at Strasbourg, this 5th day of March 1996, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe.

10. člen

Generalni sekretar Sveta Evrope uradno obvesti države članice Sveta o:

- a) vsakem podpisu,
- b) deponiranju vsake listine o ratifikaciji, sprejetju ali odobritvi,
- c) vsakem datumu začetka veljavnosti tega protokola v skladu z 8. in 9. členom,
- d) vsakem drugem aktu, uradnem obvestilu ali sporočilu v zvezi s tem protokolom.

Da bi to potrdili, so podpisani, ki so za to pravilno pooblaščen, podpisali ta protokol.

Sestavljeno v Strasbourgu 5. marca 1996 v angleškem in francoskem jeziku, pri čemer sta obe besedili enako verodostojni, v enem izvodu, ki se shrani v arhivu Sveta Evrope. Generalni sekretar Sveta Evrope pošlje overjene kopije vsem državam članicam Sveta Evrope.

3. člen

Za izvajanje protokola skrbi Ministrstvo za zunanje zadeve.

4. člen

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

Št. 007-02/00-16/1

Ljubljana, dne 31. maja 2000

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

**79. Zakon o ratifikaciji Evropskega sporazuma, ki se nanaša na osebe, udeležene v postopkih Evropskega sodišča za človekove pravice (MESUES)**

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

**U K A Z**  
**O RAZGLASITVI ZAKONA O RATIFIKACIJI EVROPSKEGA SPORAZUMA, KI SE NANAŠA**  
**NA OSEBE, UDELEŽENE V POSTOPKIH EVROPSKEGA SODIŠČA**  
**ZA ČLOVEKOVE PRAVICE (MESUES)**

Razgllašam Zakon o ratifikaciji Evropskega sporazuma, ki se nanaša na osebe, udeležene v postopkih Evropskega sodišča za človekove pravice (MESUES), ki ga je sprejel Državni zbor Republike Slovenije na seji 31. maja 2000.

Št. 001-22-99/00  
Ljubljana, 8. junija 2000

Predsednik  
Republike Slovenije  
**Milan Kučan** l. r.

**Z A K O N**  
**O RATIFIKACIJI EVROPSKEGA SPORAZUMA, KI SE NANAŠA NA OSEBE, UDELEŽENE V POSTOPKIH**  
**EVROPSKEGA SODIŠČA ZA ČLOVEKOVE PRAVICE (MESUES)**

1. člen

Ratificira se Evropski sporazum, ki se nanaša na osebe, udeležene v postopkih Evropskega sodišča za človekove pravice, sestavljen v Strasbourgu 6. marca 1996.

2. člen

Sporazum se v angleškem izvorniku in v slovenskem prevodu glasi:

**EUROPEAN AGREEMENT**  
**RELATING TO PERSONS PARTICIPATING**  
**IN PROCEEDINGS OF THE EUROPEAN COURT**  
**OF HUMAN RIGHTS**

The member States of the Council of Europe, signatories hereto,

Having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950 (hereinafter referred to as "the Convention");

Recalling the European Agreement relating to Persons Participating in Proceedings of the European Commission and Court of Human Rights, signed at London on 6 May 1969;

Having regard to Protocol No. 11 to the Convention, restructuring the control machinery established thereby, signed at Strasbourg on 11 May 1994 (hereinafter referred to as "Protocol No. 11 to the Convention"), which establishes a permanent European Court of Human Rights (hereinafter referred to as "the Court") to replace the European Commission and Court of Human Rights;

**EVROPSKI SPORAZUM,**  
**KI SE NANAŠA NA OSEBE, UDELEŽENE**  
**V POSTOPKIH EVROPSKEGA SODIŠČA**  
**ZA ČLOVEKOVE PRAVICE**

Države članice Sveta Evrope, podpisnice tega sporazuma, so se

ob upoštevanju Konvencije o varstvu človekovih pravic in temeljnih svoboščin, podpisane v Rimu 4. novembra 1950, (v nadaljevanju "konvencija"),

ob sklicevanju na Evropski sporazum, ki se nanaša na osebe, udeležene v postopkih Evropske komisije in Sodišča za človekove pravice, podpisan v Londonu 6. maja 1969,

ob upoštevanju Protokola št. 11 h konvenciji, ki preoblikuje nadzorne mehanizme, vzpostavljene s konvencijo, podpisanega v Strasbourgu 11. maja 1994 (v nadaljevanju "Protokol št. 11 h konvenciji"), s katerim se ustanavlja stalno Evropsko sodišče za človekove pravice (v nadaljevanju "sodišče"), ki nadomešča Evropsko komisijo in Sodišče za človekove pravice,

Considering, in the light of this development, that it is advisable for the better fulfilment of the purposes of the Convention that persons taking part in proceedings before the Court be accorded certain immunities and facilities by a new Agreement, the European Agreement relating to Persons Participating in Proceedings of the European Court of Human Rights (hereinafter referred to as "this Agreement"),

Have agreed as follows:

#### Article 1

1. The persons to whom this Agreement applies are:
  - a any persons taking part in proceedings instituted before the Court as parties, their representatives and advisers;
  - b witnesses and experts called upon by the Court and other persons invited by the President of the Court to take part in proceedings.
2. For the purposes of this Agreement, the term "Court" shall include committees, chambers, a panel of the Grand Chamber, the Grand Chamber and the judges. The term "taking part in proceedings" shall include making communications with a view to a complaint against a State Party to the Convention.
3. If in the course of the exercise by the Committee of Ministers of its functions under Article 46, paragraph 2, of the Convention, any person mentioned in paragraph 1 above is called upon to appear before, or to submit written statements to the Committee of Ministers, the provisions of this Agreement shall apply in relation to him.

#### Article 2

1. The persons referred to in paragraph 1 of Article 1 of this Agreement shall have immunity from legal process in respect of oral or written statements made, or documents or other evidence submitted by them before or to the Court.
2. This immunity does not apply to communication outside the Court of any such statements, documents or evidence submitted to the Court.

#### Article 3

1. The Contracting Parties shall respect the right of the persons referred to in paragraph 1 of Article 1 of this Agreement to correspond freely with the Court.
2. As regards persons under detention, the exercise of this right shall in particular imply that:
  - a their correspondence shall be despatched and delivered without undue delay and without alteration;
  - b such persons shall not be subject to disciplinary measures in any form on account of any communication sent through the proper channels to the Court;
  - c such persons shall have the right to correspond, and consult out of hearing of other persons, with a lawyer qualified to appear before the courts of the country where they are detained in regard to an application to the Court, or any proceedings resulting therefrom.
3. In application of the preceding paragraphs, there shall be no interference by a public authority except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, for the detection or prosecution of a criminal offence or for the protection of health.

#### Article 4

1. a The Contracting Parties undertake not to hinder the free movement and travel, for the purpose of attending and returning from proceedings before the Court, of persons referred to in paragraph 1 of Article 1 of this Agreement.

ob upoštevanju, da je glede na ta razvoj za boljše uresničevanje ciljev konvencije priporočljivo, da se osebam, ki sodelujejo v postopkih pred sodiščem, z novim sporazumom, Evropskim sporazumom, ki se nanaša na osebe, udeležene v postopkih Evropskega sodišča za človekove pravice (v nadaljevanju "sporazum"), podelijo določene imunitete in ugodnosti,

sporazumele:

#### 1. člen

1. Osebe, za katere se ta sporazum uporablja, so:
  - a vse osebe, ki sodelujejo v postopkih, začelih pred sodiščem, kot stranke, njihovi zastopniki in svetovalci,
  - b priče in izvedenci, ki jih pokliče sodišče, in druge osebe, ki jih predsednik sodišča povabi, da sodelujejo v postopku.
2. V tem sporazumu izraz "sodišče" vključuje senate treh sodnikov, senate, zbor velikega senata, veliki senat in sodnike. Izraz "sodelovati v postopku" vključuje sporočila z namenom tožbe proti državi pogodbenici konvencije.
3. Če med opravljanjem nalog iz drugega odstavka 46. člena konvencije odbor ministrov katero koli osebo iz prvega odstavka pozove, da pride pred sodišče ali predloži pisne izjave odboru ministrov, se določbe tega sporazuma uporabljajo tudi zanjo.

#### 2. člen

1. Osebe iz prvega odstavka 1. člena sporazuma imajo imuniteto pred sodnim postopkom za ustne in pisne izjave, ki so jih dale pred sodiščem, ali za dokumente ali druge dokaze, ki so mu jih predložile.
2. Ta imuniteta se ne uporablja za objavlanje vseh takih izjav, dokumentov ali dokazov, predloženih sodišču, zunaj sodišča.

#### 3. člen

1. Pogodbenice spoštujejo pravico oseb iz prvega odstavka 1. člena sporazuma do prostega dopisovanja s sodiščem.
2. Za osebe v priporu uresničevanje te pravice še zlasti pomeni, da:
  - a) se njihova korespondenca odpošlje in dostavi brez nepotrebne zamude in brez spreminjanja,
  - b) se zaradi sporočila, poslanega sodišču po ustrezni poti, proti takim osebam ne smejo uvesti disciplinski ukrepi v kakršni koli obliki,
  - c) imajo take osebe glede pritožbe na sodišče ali postopka, ki iz take pritožbe izhajajo, pravico do dopisovanja in zasebnega posvetovanja z odvetnikom, pooblaščenim za nastopanje pred sodišči države, v kateri so pripti.
3. Pri izvajanju prejšnjih odstavkov ne sme priti do nobenega vmešavanja javnega organa, razen takega, ki je v skladu z zakonom in je v demokratični družbi potrebno zaradi interesov državne varnosti, odkritja ali preganjanja kaznivega dejanja ali varstva zdravja.

#### 4. člen

1. a) Pogodbenice se zavezujejo, da ne bodo ovirale prostega gibanja in potovanja oseb iz prvega odstavka 1. člena tega sporazuma, da bi se udeležile postopkov pred sodiščem ali se vrnile z njih.

b No restrictions shall be placed on their movement and travel other than such as are in accordance with the law and necessary in a democratic society in the interests of national security or public safety, for the maintenance of *ordre public*, for the prevention of crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

2. a Such persons shall not, in countries of transit and in the country where the proceedings take place, be prosecuted or detained or be subjected to any other restriction of their personal liberty in respect of acts or convictions prior to the commencement of the journey.

b Any Contracting Party may, at the time of signature, ratification, acceptance or approval of this Agreement, declare that the provisions of this paragraph will not apply to its own nationals. Such a declaration may be withdrawn at any time by means of a notification addressed to the Secretary General of the Council of Europe.

3. The Contracting Parties undertake to re-admit on his return to their territory any such person who commenced his journey in the said territory.

4. The provisions of paragraphs 1 and 2 of this Article shall cease to apply when the person concerned has had, for a period of fifteen consecutive days from the date when his presence is no longer required by the Court, the opportunity of returning to the country from which his journey commenced.

5. Where there is any conflict between the obligations of a Contracting Party resulting from paragraph 2 of this Article and those resulting from a Council of Europe convention or from an extradition treaty or other treaty concerning mutual assistance in criminal matters with other Contracting Parties, the provisions of paragraph 2 of this Article shall prevail.

#### Article 5

1. Immunities and facilities are accorded to the persons referred to in paragraph 1 of Article 1 of this Agreement solely in order to ensure for them the freedom of speech and the independence necessary for the discharge of their functions, tasks or duties, or the exercise of their rights in relation to the Court.

2. a The Court shall alone be competent to waive, in whole or in part, the immunity provided for in paragraph 1 of Article 2 of this Agreement; it has not only the right but the duty to waive immunity in any case where, in its opinion, such immunity would impede the course of justice and waiver in whole or in part would not prejudice the purpose defined in paragraph 1 of this Article.

b The immunity may be waived by the Court, either *ex officio* or at the request of any Contracting Party or of any person concerned.

c Decisions waiving immunity or refusing the waiver shall be accompanied by a statement of reasons.

3. If a Contracting Party certifies that waiver of the immunity provided for in paragraph 1 of Article 2 of this Agreement is necessary for the purpose of proceedings in respect of an offence against national security, the Court shall waive immunity to the extent specified in the certificate.

4. In the event of the discovery of a fact which might, by its nature, have a decisive influence and which at the time of the decision refusing waiver of immunity was unknown to the author of the request, the latter may make a new request to the Court.

b) Za njihovo gibanje in potovanje se ne smejo postavljati omejitve, razen take, ki so v skladu z zakonom in so v demokratični družbi potrebne v interesu državne ali javne varnosti, za vzdrževanje javnega reda in za preprečevanje kaznivih dejanj, varstvo zdravja ali morale in za varstvo pravic in svoboščin drugih.

2. a) Take osebe se v državah tranzita in v državi, v kateri postopek poteka, ne smejo preganjati ali pripreti ali se jim kako drugače omejevati osebna svoboda zaradi dejanj ali obsodbe pred začetkom potovanja.

b) Pogodbenica lahko ob podpisu, ratifikaciji, sprejetju ali odobritvi tega sporazuma izjavi, da se določbe tega odstavka ne bodo uporabljale za njene državljane. Taka izjava se lahko kadar koli umakne z uradnim obvestilom generalnemu sekretarju Sveta Evrope.

3. Pogodbenice se zavezujejo, da bodo dovolile vrnitev na svoje ozemlje vsaki osebi, ki je začela potovanje na tem ozemlju.

4. Določbe iz prvega in drugega odstavka tega člena se prenehajo uporabljati, če je oseba v petnajstih zaporednih dneh od dne, ko sodišče ne zahteva več njene prisotnosti, imela priložnost, da se vrne v državo, v kateri se je njeno potovanje začelo.

5. Če pride do nasprotja med obveznostmi pogodbenice, ki izhajajo iz drugega odstavka tega člena, in med obveznostmi, ki izhajajo iz konvencije Sveta Evrope ali iz pogodbe o izročitvi ali druge pogodbe o medsebojni pomoči v kazenskih zadevah z drugo pogodbenico, obveljajo določbe drugega odstavka tega člena.

#### 5. člen

1. Imunitete in ugodnosti se podelijo osebam iz prvega odstavka 1. člena tega sporazuma le zato, da se jim zagotovita svoboda govora in neodvisnost, potrebni za opravljanje njihovih funkcij, nalog ali dolžnosti ali za uresničevanje njihovih pravic pred sodiščem.

2. a) Le sodišče je pristojno, da v celoti ali delno odvzame imuniteto iz prvega odstavka 2. člena tega sporazuma; nima le pravice, ampak tudi dolžnost, da jo odvzame v vsakem primeru, če bi po njegovem mnenju taka imuniteta ovirala sodni postopek ter odvzem v celoti ali delno ne bi bila v škodo cilju, določenem v prvem odstavku tega člena.

b) Sodišče lahko odvzame imuniteto bodisi po uradni dolžnosti ali na zahtevo katere koli pogodbenice ali katere koli prizadete osebe.

c) Odločitve o odvzemu imunitete ali o zavrnitvi odvzema so obrazložene.

3. Če pogodbenica potrdi, da je odvzem imunitete po prvem odstavku 2. člena tega sporazuma potreben za postopek zaradi kaznivega dejanja proti državni varnosti, sodišče odvzame imuniteto v obsegu, navedenem v potrdilu.

4. Ob odkritju dejstva, ki lahko ima odločilen vpliv, in za katerega vlagatelj zahteve ni vedel v času odločitve o zavrnitvi odvzema imunitete, lahko ta predloži novo prošnjo sodišču.

## Article 6

Nothing in this Agreement shall be construed as limiting or derogating from any of the obligations assumed by the Contracting Parties under the Convention or its protocols.

## Article 7

1. This Agreement shall be open for signature by the member States of the Council of Europe, which 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.

## Article 8

1. This Agreement shall enter into force on the first day of the month following the expiration of a period of one month after the date on which ten member States of the Council of Europe have expressed their consent to be bound by the Agreement in accordance with the provisions of Article 7 or on the date of entry into force of Protocol No. 11 to the Convention, whichever is the later.

2. In respect of any member State which subsequently expresses its consent to be bound by it, this Agreement shall enter into force on the first day of the month following the expiration of a period of one month after the date of such signature or of the deposit of the instrument of ratification, acceptance or approval.

## Article 9

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

2. This Agreement shall enter into force for any territory or territories specified in a declaration made pursuant to paragraph 1 on the first day of the month following the expiration of one month after the date of receipt of the declaration by the Secretary General.

3. Any declaration made pursuant to paragraph 1 may, in respect of any territory mentioned in such declaration, be withdrawn according to the procedure laid down for denunciation in Article 10 of this Agreement.

## Article 10

1. This Agreement shall remain in force indefinitely.

2. Any Contracting Party may, insofar as it is concerned, denounce this Agreement by means of a notification addressed to the Secretary General of the Council of Europe.

3. Such denunciation shall take effect six months after the date of receipt by the Secretary General of such notification. Such denunciation shall not have the effect of releasing the Contracting Parties concerned from any obligation which may have arisen under this Agreement in relation to any person referred to in paragraph 1 of Article 1.

## 6. člen

Nič v tem sporazumu se ne razlaga, kot da omejuje ali nadomešča obveznosti, ki so jih pogodbenice prevzele s konvencijo ali njenimi protokoli.

## 7. člen

1. Ta sporazum je na voljo za podpis državam članicam Sveta Evrope, ki lahko izrazijo svoje soglasje, da jih zavezuje:

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

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

## 8. člen

1. Ta sporazum začne veljati prvi dan meseca po izteku enomesečnega obdobja od dne, ko je deset držav članic Sveta Evrope izrazilo soglasje, da jih ta sporazum zavezuje v skladu z določbami 7. člena ali z dnem začetka veljavnosti Protokola št. 11 h konvenciji, kar je kasneje.

2. Za vsako državo članico, ki kasneje izrazi svoje soglasje, da jo ta sporazum zavezuje, začne sporazum veljati prvi dan v mesecu po izteku enomesečnega obdobja od dneva podpisa ali deponiranja listine o ratifikaciji, sprejetju ali odobritvi.

## 9. člen

1. Država pogodbenica lahko ob deponiranju svoje listine o ratifikaciji, sprejetju ali odobritvi kadar koli kasneje z izjavo generalnemu sekretarju Sveta Evrope razširi ta sporazum na katero koli ozemlje, določeno v izjavi, in za mednarodne odnose katerega je odgovorna ali v imenu katerega je pooblaščen za prevzemanje obveznosti.

2. Ta sporazum začne veljati za vsa ozemlja, navedena v izjavi iz prvega odstavka, prvi dan v mesecu po izteku enomesečnega obdobja od dneva, ko generalni sekretar prejme izjavo.

3. Vsaka izjava, dana v skladu s prvim odstavkom, se lahko umakne za katero koli ozemlje, navedeno v taki izjavi, in to v skladu s postopkom, določenim za odpoved v 10. členu tega sporazuma.

## 10. člen

1. Ta sporazum velja nedoločen čas.

2. Pogodbenica lahko zase odpove ta sporazum z uradnim obvestilom, naslovljenim na generalnega sekretarja Sveta Evrope.

3. Taka odpoved začne veljati šest mesecev od dneva, ko generalni sekretar prejme uradno obvestilo. Posledica take odpovedi ni razrešitev prizadetih pogodbenc za katere koli obveznosti, ki bi nastale po tem sporazumu do katere koli osebe iz prvega odstavka 1. člena.



## Article 11

The Secretary General of the Council of Europe shall notify the member States of the Council of:

- a) any signature;
- b) the deposit of any instrument of ratification, acceptance or approval;
- c) any date of entry into force of this Agreement in accordance with Articles 8 and 9 thereof;
- d) any other act, notification or communication relating to this Agreement.

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

Done at Strasbourg, this 5th day of March 1996, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe.

## 11. člen

Generalni sekretar Sveta Evrope uradno obvesti države članice Sveta Evrope o:

- a) vsakem podpisu,
- b) deponiranju vsake listine o ratifikaciji, sprejetju ali odobritvi,
- c) vsakem datumu začetka veljavnosti tega sporazuma v skladu z njegovim 8. in 9. členom,
- d) vsakem drugem aktu, uradnem obvestilu ali sporočilu v zvezi s tem sporazumom.

Da bi to potrdili, so podpisani, ki so za to pravilno pooblašteni, podpisali ta sporazum.

Sestavljeno v Strasbourgu, 5. marca 1996 v angleščini in francoščini, pri čemer sta obe besedili enako verodostojni, v enem izvodu, ki se shrani v arhivu Sveta Evrope. Generalni sekretar Sveta Evrope pošlje overjene kopije vsem državam članicam Sveta Evrope.

## 3. člen

Za izvajanje sporazuma skrbi Ministrstvo za zunanje zadeve.

## 4. člen

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

Št. 700-01/00-59/1

Ljubljana, dne 31. maja 2000

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

**80. Zakon o ratifikaciji Delnega sporazuma na socialnem področju in v javnem zdravstvu (MDSSP)**

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

**U K A Z**  
**O RAZGLASITVI ZAKONA O RATIFIKACIJI DELNEGA SPORAZUMA NA SOCIALNEM PODROČJU**  
**IN V JAVNEM ZDRAVSTVU (MDSSP)**

Razlašam Zakon o ratifikaciji Delnega sporazuma na socialnem področju in v javnem zdravstvu (MDSSP), ki ga je sprejel Državni zbor Republike Slovenije na seji 31. maja 2000.

Št. 001-22-100/00  
Ljubljana, 8. junija 2000

Predsednik  
Republike Slovenije  
**Milan Kučan** l. r.

**Z A K O N**  
**O RATIFIKACIJI DELNEGA SPORAZUMA**  
**NA SOCIALNEM PODROČJU IN V JAVNEM ZDRAVSTVU (MDSSP)**

1. člen

Ratificira se Delni sporazum na socialnem področju in v javnem zdravstvu, ki ga sestavljajo Resolucija Odbora namestnikov ministrov Sveta Evrope (59) 23 z dne 16. novembra 1959, Resolucija Odbora ministrov Sveta Evrope (61) 40 z dne 16. decembra 1961 in Resolucija Odbora namestnikov ministrov Sveta Evrope (96) 35 z dne 2. oktobra 1996.

2. člen

Delni sporazum se v angleškem jeziku in prevodu glasi:

**COUNCIL OF EUROPE**  
**RESOLUTION (59) 23 – adopted by the**  
**Ministers' Deputies on 16th November 1959**  
**EXTENSION OF THE ACTIVITIES OF THE**  
**COUNCIL OF EUROPE IN THE SOCIAL**  
**AND CULTURAL FIELDS**

The Committee of Ministers,

Having regard to the decision adopted on 21st October 1959 by the Council of Western European Union concerning the exercise of social and cultural activities;

Having regard to Resolution (51) 62 of the Committee of Ministers concerning partial agreements;

Recognising the need for the social and cultural activities listed in the Annex to this Resolution to be exercised henceforth as effectively as they were by Western European Union,

Resolves:

I. Belgium, France, the Federal Republic of Germany, Italy, Luxembourg, the Netherlands, and the United Kingdom of Great Britain and Northern Ireland shall be authorised, to the extent that their Governments may consider necessary, to continue the activities mentioned in the Annex within the framework of the Council of Europe, on the basis of a Partial Agreement.

**SVET EVROPE**  
**RESOLUCIJA (59) 23, ki jo je sprejel Odbor**  
**namestnikov ministrov 16. novembra 1959**  
**RAZŠIRITEV DEJAVNOSTI SVETA EVROPE**  
**NA SOCIALNEM**  
**IN KULTURNEM PODROČJU**

Odbor ministrov

ob upoštevanju odločitve, ki jo je glede izvajanja socialnih in kulturnih dejavnosti sprejel Svet Zahodnoevropske unije 21. oktobra 1959;

ob upoštevanju Resolucije (51) 62 Odbora ministrov glede delnih sporazumov;

ob priznavanju potrebe, da se socialne in kulturne dejavnosti, naštet v prilogi te resolucije, od zdaj naprej izvajajo tako učinkovito, kot jih je izvajala Zahodnoevropska unija,

odloči:

I. Belgija, Francija, Zvezna republika Nemčija, Italija, Luksemburg, Nizozemska in Združeno kraljestvo Velike Britanije in Severne Irske so pooblašcene, da nadaljujejo z dejavnostmi, omenjenimi v prilogi, v okviru Sveta Evrope na podlagi Delnega sporazuma, če njihove vlade menijo, da je to potrebno.

II. The working methods hitherto employed by WEU will be maintained under this Partial Agreement.

This means that:

1. the liaison section system, which enables officials of the Government departments concerned to keep close contact with one another and provides an efficient means of developing European co-operation at the technical level, will be maintained;

2. the background documentation will continue to be prepared by national delegations;

3. all documentation will remain confidential until its wider distribution has been agreed. This will maintain an existing atmosphere of free and frank discussion;

4. certain meetings will be held away from the headquarters of the Council of Europe in order to enable participants to study on the spot questions within their competence and to enable officials of the host country to become more conversant with European problems.

III. Any activity covered by the Partial Agreement can, as required, be extended to other member States of the Council of Europe.

IV. Committees and sub-committees set up under the Partial Agreement will report on their activities to the Committee of Ministers of the Council of Europe, which, at meetings limited to representatives of member States parties to the Partial Agreement, will decide what action to take on these reports. The latter will be forwarded, for information, to the competent expert committees of the Council of Europe.

A chapter on the activities in question will be incorporated in the report which the Committee of Ministers is required to submit to the Consultative Assembly.

V. Additional expenditure incurred by the Council of Europe in respect of any activity coming within the purview of the aforesaid Partial Agreement shall be borne solely by the member countries participating in such activity.

VI. The Secretary-General of the Council of Europe, in agreement with the Secretary General of Western European Union, shall take all necessary executive action to implement this Resolution, in particular as regards the timing of transfer of each particular activity, and make all arrangements for the preservation of archives.

#### **PROCEDURE FOR ACCESSION BY STATES TO THE PARTIAL AGREEMENT (CM/Del/Concl. (61) 94, point XXIX)**

1. If the Government of a member country of the Council of Europe not a party to the Partial Agreement in the social and cultural fields desires to take part in the study of one or more of the questions mentioned in the Annex, as amended on 16th September 1960, to Resolution (59) 23 of 16 November 1959, the Secretary-General shall so inform the Committee of Experts of the Partial Agreement responsible for that particular activity.

2. The member Government concerned will be admitted to membership of the Partial Agreement for the study of the question or questions in which it is interested, unless in the opinion of the responsible Committee of Experts such admission is liable to give rise to technical difficulties. In such a case, the opinion of the Committee of Experts will be brought by the Secretary-General to the notice of the member Government concerned, which will decide whether or not to persist in its intention.

II. Delovne metode, ki jih je do zdaj uporabljala Zahodnoevropska unija, se bodo uporabljale tudi v tem delnem sporazumu.

To pomeni, da:

1. se bo ohranil sistem povezovalnih teles, ki državnim uradnikom pristojnih ministrstev omogoča, da so med seboj v tesnem stiku, in zagotavlja učinkovito sredstvo za razvijanje evropskega sodelovanja na strokovni ravni;

2. bodo delovno gradivo tudi v prihodnje pripravljale državne delegacije;

3. bo gradivo zaupno, dokler ne bo dogovorjeno, da se lahko objavi. To bo ohranjalo ozračje svobodne in odkrite razprave;

4. nekateri sestanki ne bodo na sedežu Sveta Evrope, kar bo udeležencem omogočilo, da na kraju samem proučijo vprašanja v njihovi pristojnosti, uradnikom države gostiteljice pa, da se bolje seznanijo z evropskimi problemi.

III. Vse dejavnosti, vključene v Delni sporazum, se lahko po potrebi razširjajo na druge države članice Sveta Evrope.

IV. Odbori in pododbori, ustanovljeni v okviru Delnega sporazuma, bodo o svojih dejavnostih poročali Odboru ministrov Sveta Evrope, ki bo na sestankih predstavnikov držav članic pogodbenic Delnega sporazuma odločil, kako ukrepati na podlagi teh poročil. Ta poročila se bodo poslala v vednost pristojnim strokovnim odborom Sveta Evrope.

Poglavje o obravnavanih dejavnostih bo vključeno v poročilo, ki ga mora Odbor ministrov predložiti Posvetovalni skupščini.

V. Dodatni stroški, ki jih ima Svet Evrope v zvezi s katero koli dejavnostjo iz prej omenjenega delnega sporazuma, krijejo izključno države članice, ki sodelujejo pri tej dejavnosti.

VI. Generalni sekretar Sveta Evrope v soglasju z generalnim sekretarjem Zahodnoevropske unije sprejme vse potrebne izvršilne ukrepe za izvajanje te resolucije, zlasti glede časa prenosa posamezne dejavnosti, in poskrbi za ohranitev arhivov.

#### **POSTOPEK ZA PRISTOP DRŽAV K DELNEMU SPORAZUMU (CM/Del/sklep (61) 94, točka XXIX)**

1. Če vlada države članice Sveta Evrope, ki ni pogodbenica Delnega sporazuma na socialnem in kulturnem področju, želi sodelovati pri obravnavi enega ali več vprašanj iz priloge, kot je bila spremenjena 16. septembra 1960 k Resoluciji (59) 23 z dne 16. novembra 1959, generalni sekretar o tem obvesti Odbor strokovnjakov Delnega sporazuma, odgovornih za to dejavnost.

2. Tej vladi članici se dovoli, da pristopi k Delnemu sporazumu za proučitev vprašanja ali vprašanj, ki jo zanima, razen če po mnenju odgovornega odbora strokovnjakov tak pristop lahko povzroči tehnične težave. V takem primeru generalni sekretar obvesti o mnenju odbora strokovnjakov vlado te države članice, ki bo odločila, ali bo vztrajala pri svoji nameri ali ne.

3. Any member Government acceding to the Partial Agreement in respect of all or any of the activities to which that Agreement applies shall undertake to comply with the provisions of Resolution (59) 23 of the Committee of Ministers in respect of such activities and, in particular, to establish the necessary liaison sections in the competent Government departments.

4. The Secretary-General will inform the Committee of Ministers of any accession to the Partial Agreement.

**COUNCIL OF EUROPE  
RESOLUTION (61) 40  
(adopted by the Committee of Ministers  
on 16th December 1961)**

**CULTURAL AND SCIENTIFIC CO-OPERATION –  
TRANSFER TO THE COUNCIL FOR CULTURAL  
CO-OPERATION OF THE CULTURAL  
ACTIVITIES LISTED IN THE APPENDIX  
TO RESOLUTION (59) 23**

The Committee of Ministers,

Having regard to its Resolution (59) 23 concerning the extension of the activities of the Council of Europe in the social and cultural fields, whereby certain cultural activities were to be continued on the basis of a Partial Agreement;

Having regard to paragraph III of the said Resolution, stating that any activity covered by the Partial Agreement may be extended to other members States of the Council of Europe;

Having regard to the new structures for cultural co-operation established in Resolution (61) 39, whereby those cultural activities exercised within the framework of the Partial Agreement are transferred to the Council for Cultural Co-operation with effect from 1st January 1962,

Resolves:

1. that, with effect from 1st January 1962, the application of Resolution (59) 23 shall be limited to social activities;
2. to instruct the Council for Cultural Co-operation to continue the exercise of the activities enumerated under heads III and IV of the Appendix to Resolution (59) 23;
3. to instruct the Secretary-General to report to the Committee of Ministers by the end of 1962 on the methods to be employed for transferring these activities to the Committees and working parties of the Council for Cultural Co-operation;
4. to instruct the Secretary-General to inform the Secretary-General of Western European Union of the measures taken to give effect to the present Resolution.

3. Vlada članica, ki pristopa k Delnemu sporazumu, se za vse ali nekatere dejavnosti na katere se ta sporazum nanaša, zavezuje, da bo spoštovala določbe Resolucije (59) 23 Odbora ministrov v zvezi s temi dejavnostmi in še posebej, da bo v pristojnih ministrstvih ustanovila potrebna povezovalna telesa.

4. Generalni sekretar bo obvestil Odbor ministrov o vsakem pristopu k Delnemu sporazumu.

**SVET EVROPE  
RESOLUCIJA (61) 40,  
(ki jo je sprejel Odbor ministrov  
16. decembra 1961)**

**KULTURNO IN ZNANSTVENO SODELOVANJE –  
PRENOS KULTURNIH DEJAVNOSTI, NAŠTETIH  
V PRILOGI K RESOLUCIJI (59) 23, NA SVET  
ZA KULTURNO SODELOVANJE**

Odbor ministrov

ob upoštevanju Resolucije (59) 23 o razširitvi dejavnosti Sveta Evrope na socialnem in kulturnem področju, pri čemer bi se nekatere kulturne dejavnosti morale nadaljevati na podlagi Delnega sporazuma;

ob upoštevanju odstavka III omenjene resolucije, ki navaja, da se lahko vsaka dejavnost, vključena v Delni sporazum, razširi na druge države članice Sveta Evrope;

ob upoštevanju novih struktur kulturnega sodelovanja, vzpostavljenih v Resoluciji (61) 39, s čimer se te kulturne dejavnosti v okviru Delnega sporazuma prenesejo na Svet za kulturno sodelovanje z veljavnostjo od 1. januarja 1962,

odloči

1. da se s 1. januarjem 1962 uporaba Resolucije (59) 23 omeji na socialne dejavnosti;
2. da se Svetu za kulturno sodelovanje naloži, da nadaljuje z izvajanjem dejavnosti, naštetih v poglavjih III in IV priloge k Resoluciji (59) 23;
3. da naloži generalnemu sekretarju, da do konca leta 1962 poroča Odboru ministrov o načinih, ki jih je treba uporabiti za prenos teh dejavnosti na odbore in delovne skupine Sveta za kulturno sodelovanje;
4. da naloži generalnemu sekretarju, da obvesti generalnega sekretarja Zahodnoevropske unije o ukrepih, sprejetih za uveljavitev te resolucije.

**COUNCIL OF EUROPE  
RESOLUTION (96) 35  
REVISING THE PARTIAL AGREEMENT  
IN THE SOCIAL  
AND PUBLIC HEALTH FIELD**

*(Adopted on 2 October 1996  
at the 574th meeting of the Ministers' Deputies)*

The Representatives, on the Committee of Ministers, of Austria, Belgium, Denmark, Finland, France, Germany, Ireland, Italy, Luxembourg, Netherlands, Norway, Spain, Sweden, Switzerland and the United Kingdom,

Recalling Resolution (59) 23 of 16 November 1959, concerning the extension of the activities of the Council of Europe in the social and cultural fields;

Recalling Resolution (61) 40 of 16 December 1961, concerning the transfer to the Council for Cultural Co-operation of the cultural activities referred to in Resolution (59) 23;

Having regard to Statutory Resolution (93) 28 on Partial and Enlarged Agreements, adopted on 14 May 1993, at its 92nd Session;

Having regard to the joint Opinion of the Committee on the Rehabilitation and Integration of People with disabilities (Partial Agreement) (CD-P-RR) and of the Public Health Committee (Partial Agreement) (CD-P-SP);

Having regard to Resolution (96) 34 of 2 October 1996, whereby the Committee of Ministers authorised the adoption of revised rules for the Partial Agreement,

Resolve:

1. to continue, on the basis of revised rules replacing those set out in Resolution (59) 23, the activities hitherto carried out and developed by virtue of that Resolution. These are in particular aimed at:

(a) raising the level of health protection of consumers in its widest acceptation: constant contribution to harmonise – in the field of products having a direct or indirect impact on the human food chain as well as in the field of pesticides, pharmaceuticals and cosmetics – legislation, regulations and practices governing, on the one hand, quality, efficiency and safety controls for products; on the other hand, the safe use of toxic or noxious products;

(b) integrating people with disabilities into the community: definition – and contribution to implement it at European level – of a model coherent policy for people with disabilities, which takes account, simultaneously, of the principles of full citizenship and independent living; contribution to eliminate barriers to integration, whatever their nature: psychological, educational, family-related, cultural, social, professional, financial or architectural.

2. To endorse, by virtue of Article IV of Statutory Resolution (93) 28, the speck character of the working methods of this revised Partial Agreement; in particular that any other Council of Europe member State may accede to this Partial Agreement by virtue of the provisions laid down in Article V of Statutory Resolution (93) 28 on Partial and Enlarged Agreements, after a favourable opinion expressed by the CD-P-RR and the CD-P-SP.

**SVET EVROPE  
RESOLUCIJA (96) 35  
KI SPREMINJA DELNI SPORAZUM  
NA SOCIALNEM PODROČJU  
IN V JAVNEM ZDRAVSTVU**

*(ki je bila sprejeta 2. oktobra 1996  
na 574. zasedanju namestnikov ministrov)*

Predstavniki Avstrije, Belgije, Danske, Finske, Francije, Nemčije, Irske, Italije, Luksemburga, Nizozemske, Norveške, Španije, Švedske, Švice in Združenega kraljestva v Odboru ministrov

sklicujoč se na Resolucijo (59) 23 z dne 16. novembra 1959 o razširitvi dejavnosti Sveta Evrope na socialnem in kulturnem področju;

sklicujoč se na Resolucijo (61) 40 z dne 16. decembra 1961 o prenosu kulturnih dejavnosti, navedenih v Resoluciji (59) 23, na Svet za kulturno sodelovanje;

ob upoštevanju Statutarne resolucije (93) 28 o delnih in razširjenih sporazumih, sprejete 14. maja 1993 na 92. zasedanju;

ob upoštevanju skupnega mnenja Odbora za rehabilitacijo in integracijo invalidov (Delni sporazum) (CD-P-RR) in Odbora za javno zdravstvo (Delni sporazum) (CD-P-SP);

ob upoštevanju Resolucije (96) 34 z dne 2. oktobra 1996, s katero je Odbor ministrov odobril sprejem spremenjenih pravil za Delni sporazum,

odločijo

1. da bodo na podlagi spremenjenih pravil, ki nadomeščajo pravila iz Resolucije (59) 23, nadaljevali z dejavnostmi, ki so se do zdaj izvajale in razvijale na podlagi te resolucije. Namen teh je zlasti:

a) dvigovanje ravni zdravstvenega varstva potrošnikov v najširšem smislu: stalen prispevek k usklajevanju – pri izdelkih, ki neposredno ali posredno vplivajo na verigo prehranjevanja ljudi, kot tudi pesticidih, zdravilnih in kozmetiki – zakonodaje, predpisov in postopkov, ki na eni strani urejajo kakovosten, učinkovit in varosten nadzor nad izdelki in na drugi strani varno upora bo strupenih ali škodljivih izdelkov;

b) vključevanje invalidov v družbo: opredelitev usklajene politike za invalide, ki sočasno upošteva načela polnopravnega državljanstva in neodvisnega življenja in prispevek k njenemu izvajanju na evropski ravni; prispevek za odstranitev vseh ovir za vključevanje, ne glede na njihovo naravo: psiholoških, izobrazbenih, družinskih, kulturnih, socialnih, poklicnih, finančnih ali arhitektonskih.

2. da bodo na podlagi člena IV Statutarne resolucije (93) 28 o posebni naravi delovnih metod spremenjenega Delnega sporazuma potrdili posebej to, da lahko katera koli država članica Sveta Evrope pristopi k Delnemu sporazumu na podlagi določb člena V Statutarne resolucije (93) 28 o delnih in razširjenih sporazumih, po pritrtilnem mnenju CD-P-RR in CD-P-SP.

3. The observer status granted in the past to Hungary, Poland, Slovenia and Canada is hereby confirmed.

4. The Representatives, on the Committee of Ministers, of the member States of the Partial Agreement in the Social and Public Health field may decide at any time to transform this Partial Agreement into an Enlarged Partial Agreement, open to non-member States of the Council of Europe.

5. The Secretary General will inform the Committee of Ministers of any accession to the Partial Agreement.

6. Expenditure related to the implementation of the activities and common secretariat expenditure shall be covered by a Partial Agreement budget funded by the member States thereof.

The budget and the specific scale of contributions shall be adopted annually by the Representatives, on the Committee of Ministers, of the member States of this Partial Agreement.

The Financial Regulations of the Council of Europe shall apply, *mutatis mutandis*, to the adoption and management of the budget of this Partial Agreement.

7. In compliance with Article 2 of Resolution (96) 34, the speck working methods shall continue to be applied within the framework of this revised Partial Agreement; in particular:

(a) Resolution (76) 3 of the Committee of Ministers shall not apply to the drawing up of the work programme and the setting up of subordinate committees by the CD-P-RR and the CD-P-SP;

(b) consultations between the relevant national ministries and between them and the Secretariat shall be conducted via the "liaison sections" set up in each national ministry concerned;

(c) as a rule, recommendations (called "resolutions") shall contain standard regulations, in order to facilitate the incorporation into national legislation and regulations of the provisions of international texts normally drawn up by those actually responsible for their implementation at national level;

(d) the meetings of the Partial Agreement bodies will continue to be held in Strasbourg as well as in the various member States;

(e) as a rule, technical documentation shall be prepared by national delegations.

8. The CD-P-RR and the CD-P-SP will send their meeting reports to the Representatives, on the Committee of Ministers, of the member States of the Partial Agreement; they will decide what action to take on these reports. The latter will be forwarded, for information, to the Representatives, on the Committee of Ministers, of the other Council of Europe member States.

A chapter on the Partial Agreement activities will continue to be incorporated in the report, which the Committee of Ministers is required to submit to the Assembly.

9. This Resolution enters into force on 1 January 1997.

3. S tem je potrjen status opazovalke, ki je bil v preteklosti podeljen Madžarski, Poljski, Sloveniji in Kanadi.

4. Predstavniki držav članic Delnega sporazuma na socialnem področju in v javnem zdravstvu v Odboru ministrov se lahko kadar koli odločijo, da spremenijo ta delni sporazum v razširjeni delni sporazum, ki je na voljo državam nečlanicam Sveta Evrope.

5. Generalni sekretar Sveta Evrope bo o vsakem pristopu k Delnemu sporazumu obvestil Odbor ministrov.

6. Stroški za izvajanje dejavnosti in stroški skupnega sekretariata se krijejo iz proračuna Delnega sporazuma, ki ga financirajo njegove države članice.

Proračun in posebno lestvico prispevkov letno sprejmejo predstavniki držav članic tega delnega sporazuma v Odboru ministrov.

Za sprejemanje in vodenje proračuna Delnega sporazuma se *mutatis mutandis* uporabljajo finančna pravila Sveta Evrope.

7. V skladu z 2. členom Resolucije (96) 34 se tudi v prihodnje uporabljajo posebne delovne metode v okviru tega spremenjenega Delnega sporazuma, še posebej:

(a) Resolucija (76) 3 Odbora ministrov se ne uporablja za delovne programe, ki jih sestavljata, in pododbore, ki jih ustanovljata CD-P-RR in CD-P-SP;

(b) posvetovanja med pristojnimi ministrstvi držav in med njimi in sekretariatom potekajo preko povezovalnih teles pri pristojnem ministrstvu posamezne države;

(c) praviloma priporočila (imenovana resolucije) vsebujejo standardne predpise za lažje vključevanje določb mednarodnih besedil, ki jih običajno sestavljajo tisti, ki so dejansko odgovorni za njihovo izvajanje na državni ravni, v nacionalno zakonodajo in predpise;

(d) sestanki teles Delnega sporazuma bodo še naprej v Strasbourgu kot tudi v drugih državah članicah;

(e) praviloma strokovno gradivo pripravljajo državne delegacije.

8. CD-P-RR in CD-P-SP bosta poslala poročila s svojih sestankov predstavnikom držav članic delnega sporazuma v Odboru ministrov, ti pa se bodo odločili, kako ukrepati na podlagi teh poročil. Ta poročila se bodo poslala v vednost predstavnikom drugih držav članic Sveta Evrope v Odboru ministrov.

Poglavje o dejavnostih Delnega sporazuma bo tudi v prihodnje vključeno v poročilo, ki ga mora Odbor ministrov predložiti skupščini.

9. Resolucija začne veljati 1. januarja 1997.

### 3. člen

Za izvajanje Delnega sporazuma skrbi Urad Vlade Republike Slovenije za invalide.

### 4. člen

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

Št. 540-01/00-17/1

Ljubljana, dne 31. maja 2000

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

**81. Zakon o ratifikaciji Protokola iz leta 1992 o spremembi Mednarodne konvencije o ustanovitvi Mednarodnega sklada za povrnitev škode, nastale zaradi onesnaženja z nafto, 1971 (MKMS71)**

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

**U K A Z**

**O RAZGLASITVI ZAKONA O RATIFIKACIJI PROTOKOLA IZ LETA 1992 O SPREMEMBI MEDNARODNE KONVENCIJE O USTANOVITVI MEDNARODNEGA SKLADA ZA POVRNITEV ŠKODE, NASTALE ZARADI ONESNAŽENJA Z NAFTA, 1971 (MKMS71)**

Razglašam Zakon o ratifikaciji Protokola iz leta 1992 o spremembi Mednarodne konvencije o ustanovitvi Mednarodnega sklada za povrnitev škode, nastale zaradi onesnaženja z nafto, 1971 (MKMS71), ki ga je sprejel Državni zbor Republike Slovenije na seji 31. maja 2000.

Št. 001-22-102/00  
Ljubljana, 8. junija 2000

Predsednik  
Republike Slovenije  
**Milan Kučan l. r.**

**ZAKON**

**O RATIFIKACIJI PROTOKOLA IZ LETA 1992 O SPREMEMBI MEDNARODNE KONVENCIJE O USTANOVITVI MEDNARODNEGA SKLADA ZA POVRNITEV ŠKODE, NASTALE ZARADI ONESNAŽENJA Z NAFTA, 1971 (MKMS71)**

1. člen

Ratificira se Protokol iz leta 1992 o spremembi Mednarodne konvencije o ustanovitvi Mednarodnega sklada za povrnitev škode, nastale zaradi onesnaženja z nafto, 1971, sestavljen v Londonu 27. novembra 1992.

2. člen

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

**PROTOCOL OF 1992  
TO AMEND THE INTERNATIONAL CONVENTION  
ON THE ESTABLISHMENT OF AN  
INTERNATIONAL FUND FOR COMPENSATION  
FOR OIL POLLUTION DAMAGE, 1971**

THE PARTIES TO THE PRESENT PROTOCOL,  
HAVING CONSIDERED the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, and the 1984 Protocol thereto,

HAVING NOTED that the 1984 Protocol to that Convention, which provides for improved scope and enhanced compensation, has not entered into force,

AFFIRMING the importance of maintaining the viability of the international oil pollution liability and compensation system,

AWARE OF the need to ensure the entry into force of the content of the 1984 Protocol as soon as possible,

RECOGNIZING the advantage for the States Parties of arranging for the amended Convention to coexist with and be supplementary to the original Convention for a transitional period,

CONVINCED that the economic consequences of pollution damage resulting from the carriage of oil in bulk at sea by ships should continue to be shared by the shipping industry and by the oil cargo interests,

**PROTOKOL IZ LETA 1992  
O SPREMEMBI MEDNARODNE KONVENCIJE  
O USTANOVITVI MEDNARODNEGA SKLADA  
ZA POVRNITEV ŠKODE, NASTALE ZARADI  
ONESNAŽENJA Z NAFTA, 1971**

POGODBENICE TEGA PROTOKOLA SO SE  
OB UPOŠTEVANJU Mednarodne konvencije o ustanovitvi Mednarodnega sklada za povrnitev škode nastale zaradi onesnaženja z nafto, 1971, in protokola k njej iz leta 1984,

KER UGOTAVLJAJO, da protokol 1984 k tej konvenciji, ki predvideva povečan obseg in povečanje nadomestil, ni začel veljati,

KER POTRJUJEJO, da je pomembno ohraniti uresničevanje mednarodne odgovornosti za onesnaženje z olji in sistema nadomestil,

KER SE ZAVEDAJO, da je treba čim prej zagotoviti, da bodo začela veljati določila protokola 1984,

OB SPOZNANJU, da bi bilo za države pogodbenice koristno, da bi v prehodnem obdobju obstajala dopolnjena konvencija, ki bi hkrati dopolnjevala izvorno konvencijo,

KER SO PREPRIČANE, da bi morali gospodarske posledice škode zaradi onesnaženja, ki nastane pri prevozu olj kot razsutega tovora z ladjami, še naprej deliti pomorsko gospodarstvo in interesi tovora,

BEARING IN MIND the adoption of the Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969,  
HAVE AGREED AS FOLLOWS:

#### Article 1

The Convention which the provisions of this Protocol amend is the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, hereinafter referred to as the "1971 Fund Convention". For States Parties to the Protocol of 1976 to the 1971 Fund Convention, such reference shall be deemed to include the 1971 Fund Convention as amended by that Protocol.

#### Article 2

Article 1 of the 1971 Fund Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:
  1. "1992 Liability Convention" means the International Convention on Civil Liability for Oil Pollution Damage, 1992.
2. After paragraph 1 a new paragraph is inserted as follows:
  - 1 bis. "1971 Fund Convention" means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971. For States Parties to the Protocol of 1976 to that Convention, the term shall be deemed to include the 1971 Fund Convention as amended by that Protocol.
3. Paragraph 2 is replaced by the following text:
  2. "Ship", "Person", "Owner", "Oil", "Pollution Damage", "Preventive Measures", "Incident", and "Organization" have the same meaning as in Article I of the 1992 Liability Convention.
4. Paragraph 4 is replaced by the following text:
  4. "Unit of account" has the same meaning as in Article V, paragraph 9, of the 1992 Liability Convention.
5. Paragraph 5 is replaced by the following text:
  5. "Ship's tonnage" has the same meaning as in Article V, paragraph 10, of the 1992 Liability Convention.
6. Paragraph 7 is replaced by the following text:
  7. "Guarantor" means any person providing insurance or other financial security to cover an owner's liability in pursuance of Article VII, paragraph 1, of the 1992 Liability Convention.

#### Article 3

Article 2 of the 1971 Fund Convention is amended as follows:

- Paragraph 1 is replaced by the following text:
1. An International Fund for compensation for pollution damage, to be named "The International Oil Pollution Compensation Fund 1992" and hereinafter referred to as "the Fund", is hereby established with the following aims:
    - (a) to provide compensation for pollution damage to the extent that the protection afforded by the 1992 Liability Convention is inadequate;
    - (b) to give effect to the related purposes set out in this Convention.

#### Article 4

Article 3 of the 1971 Fund Convention is replaced by the following text:

- This Convention shall apply exclusively:
- (a) to pollution damage caused:

KER SE ZAVEDAJO, da je sprejet protokol 1992 o spremembi Mednarodne konvencije o civilni odgovornosti za škodo, povzročeno z onesnaženjem z nafto, 1969,  
SPORAZUMELE o naslednjem:

#### 1. člen

Konvencija, katere določbe so spremenjene s tem protokolom, je Mednarodna konvencija o ustanovitvi Mednarodnega sklada za povrnitev škode, nastale zaradi onesnaženja z nafto, 1971, v nadaljnjem besedilu "Konvencija o skladu 1971". Za države pogodbenice protokola 1976 h Konvenciji o skladu 1971 se šteje, da ta navedba vključuje Konvencijo o skladu 1971, spremenjeno s tem protokolom.

#### 2. člen

I. člen Konvencije o skladu 1971 se spremeni, kot sledi:

1. Prvi odstavek se zamenja z naslednjim besedilom:
  1. "Konvencija o odgovornosti" pomeni Mednarodno konvencijo o civilni odgovornosti za škodo, povzročeno z onesnaženjem z olji, 1992.
2. Za prvim odstavkom se doda nov odstavek:
  1. bis "Konvencija o skladu 1971" pomeni Mednarodno konvencijo o ustanovitvi Mednarodnega sklada za povrnitev škode, nastale zaradi onesnaženja z nafto, 1971. Za države pogodbenice protokola 1976 k tej konvenciji se šteje, da ta izraz vključuje Konvencijo o skladu 1971, spremenjeno s tem protokolom.
3. Drugi odstavek se zamenja z naslednjim besedilom:
  2. "Ladja", "oseba", "lastnik", "olje", "škoda zaradi onesnaženja", "preventivni ukrepi", "dogodek" in "organizacija" imajo enak pomen kot v I. členu Konvencije o odgovornosti 1992.
4. Četrti odstavek se zamenja z naslednjim besedilom:
  4. "Računska enota" ima enak pomen kot v devetem odstavku V. člena Konvencije o odgovornosti 1992.
5. Peti odstavek se zamenja z naslednjim besedilom:
  5. "Ladijska tonaža" ima enak pomen kot v desetem odstavku V. člena Konvencije o odgovornosti 1992.
6. Sedmi odstavek se zamenja z naslednjim besedilom:
  7. "Porok" pomeni osebo, ki zagotovi zavarovanje ali drugo finančno jamstvo za kritje lastnikove odgovornosti na podlagi prvega odstavka VII. člena Konvencije o odgovornosti 1992.

#### 3. člen

2. člen Konvencije o skladu 1971 se spremeni, kot sledi:

- Prvi odstavek se zamenja z naslednjim besedilom:
1. Ustanovi se Mednarodni sklad za nadomestilo škode zaradi onesnaženja, ki se poimenuje "Mednarodni sklad za povrnitev škode, nastale zaradi onesnaženja z olji 1992", v nadaljevanju "Sklad", za:
    - a) zagotovitev povrnitve škode zaradi onesnaženja, ko zaščita, ki jo zagotavlja Konvencija o odgovornosti 1992, ne zadošča;
    - b) uresničevanje s tem povezanih ciljev, navedenih v tej konvenciji.

#### 4. člen

3. člen Konvencije o skladu 1971 se zamenja z naslednjim besedilom:

- Ta konvencija velja izključno za:
- a) škodo zaradi onesnaženja, povzročeno:



- (i) in the territory, including the territorial sea, of a Contracting State, and
  - (ii) in the exclusive economic zone of a Contracting State, established in accordance with international law, or, if a Contracting State has not established such a zone, in an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than 200 nautical miles from the baselines from which the breadth of its territorial sea is measured;
- (b) to preventive measures, wherever taken, to prevent or minimize such damage.

## Article 5

The heading to Articles 4 to 9 of the 1971 Fund Convention is amended by deleting the words "and indemnification".

## Article 6

Article 4 of the 1971 Fund Convention is amended as follows:

1. In paragraph 1 the five references to "the Liability Convention" are replaced by references to "the 1992 Liability Convention".
2. Paragraph 3 is replaced by the following text:
  3. If the Fund proves that the pollution damage resulted wholly or partially either from an act or omission done with the intent to cause damage by the person who suffered the damage or from the negligence of that person, the Fund may be exonerated wholly or partially from its obligation to pay compensation to such person. The Fund shall in any event be exonerated to the extent that the shipowner may have been exonerated under Article III, paragraph 3, of the 1992 Liability Convention. However, there shall be no such exoneration of the Fund with regard to preventive measures.
3. Paragraph 4 is replaced by the following text:
  4. (a) Except as otherwise provided in subparagraphs (b) and (c) of this paragraph, the aggregate amount of compensation payable by the Fund under this Article shall in respect of any one incident be limited, so that the total sum of that amount and the amount of compensation actually paid under the 1992 Liability Convention for pollution damage within the scope of application of this Convention as defined in Article 3 shall to exceed 135 million units of account.
  - (b) Except as otherwise provided in subparagraph (c), the aggregate amount of compensation payable by the Fund under this Article for pollution damage resulting from a natural phenomenon of an exceptional inevitable and irresistible character shall not exceed 135 million units of account.
  - (c) The maximum amount of compensation referred to in subparagraphs (a) and (b) shall be 200 million units of account with respect to any incident occurring during any period when there are three Parties to this Convention in respect of which the combined relevant quantity of contributing oil received by persons in the territories of such Parties, during the preceding calendar year, equalled or exceeded 600 million tons.
  - (d) Interest accrued on a fund constituted in accordance with Article V, paragraph 3, of the 1992 Liability Convention, if any, shall not be taken into

- i) na ozemlju države pogodbenice, vključno s teritorialnim morjem in
- ii) v izključni ekonomski coni države pogodbenice, določeni v skladu z mednarodnim pravom, ali če država pogodbenica ni določila take cone, na sosednjem območju zunaj teritorialnega morja te države, ki ga je določila ta država v skladu z mednarodnim pravom in ne sega več kot 200 morskih milj od temeljne črte, od katere je izmerjena širina nje-nega teritorialnega morja;

- b) preventivne ukrepe, kadar so sprejeti, da bi se preprečila ali čim bolj zmanjšala taka škoda.

## 5. člen

Naslov pred 4. do 9. členom v Konvenciji o skladu 1971 se spremeni tako, da se izpustijo besede "in finančna odgovornost".

## 6. člen

4. člen Konvencije o skladu 1971 se spremeni, kot sledi:

1. V prvem odstavku se vseh pet sklicevanj na "Konvencijo o odgovornosti" zamenja s sklicevanji na "Konvencijo o odgovornosti 1992".
2. Tretji odstavek se zamenja z naslednjim besedilom:
  3. Če Sklad dokaže, da je škoda zaradi onesnaženja v celoti ali delno posledica storitve ali opustitve osebe, ki je utrpela škodo, storjeno z namenom, da se povzroči taka škoda, ali iz malomarnosti te osebe, je lahko Sklad v celoti ali delno oproščen svoje obveznosti, da povrne škodo taki osebi. Sklad je v vsakem primeru oproščen v taki meri, kot bi bil po tretjem odstavku III. člena Konvencije o odgovornosti 1992 oproščen lastnik ladje. Ni pa nobene take oprostitve Sklada za preventivne ukrepe.
3. Četrti odstavek se zamenja z naslednjim besedilom:
  4. a) Če ni drugače določeno v pododstavkih b) in c) tega odstavka, se skupni znesek, ki ga povrne Sklad po tem členu v zvezi s katerim koli dogodkom, omeji, tako da ta skupni znesek in znesek, ki se dejansko povrne po Konvenciji o odgovornosti 1992 za škodo zaradi onesnaženja v obsegu uporabe te konvencije, kot je opredeljeno v 3. členu, ne presega 135 milijonov računskih enot.
  - b) Če ni drugače določeno v pododstavku c), skupni znesek, ki ga povrne Sklad po tem členu za škodo zaradi onesnaženja, ki je posledica naravnega pojava izredne, neizogibne in neustavljive narave, ne presega 135 milijonov računskih enot.
  - c) Najvišji znesek, naveden v pododstavkih a) in b), je 200 milijonov računskih enot za kateri koli dogodek, ki se zgodi v katerem koli obdobju, če so prisotne tri pogodbenice te konvencije, za katere je skupna ustrezna količina olj, za katera se plačuje prispevek, ki so jo prejele osebe na ozemlju teh pogodbenic v prejšnjem koledarskem letu, znašala ali presejala 600 milijonov ton.
  - d) Morebitne obresti na skladu, ustanovljenem skladno s tretjim odstavkom V. člena Konvencije o odgovornosti 1992, se ne upoštevajo pri izraču-

account for the computation of the maximum compensation payable by the Fund under this Article.

- (e) The amounts mentioned in this Article shall be converted into national currency on the basis of the value of that currency by reference to the Special Drawing Right on the date of the decision of the Assembly of the Fund as to the first date of payment of compensation.
4. Paragraph 5 is replaced by the following text:
5. Where the amount of established claims against the Fund exceeds the aggregate amount of compensation payable under paragraph 4, the amount available shall be distributed in such a manner that the proportion between any established claim and the amount of compensation actually recovered by the claimant under this Convention shall be the same for all claimants.
5. Paragraph 6 is replaced by the following text:
6. The Assembly of the Fund may decide that, in exceptional cases, compensation in accordance with this Convention can be paid even if the owner of the ship has not constituted a fund in accordance with Article V, paragraph 3, of the 1992 Liability Convention. In such case paragraph 4(e) of this Article applies accordingly.

#### Article 7

Article 5 of the 1971 Fund Convention is deleted.

#### Article 8

Article 6 of the 1971 Fund Convention is amended as follows:

1. In paragraph 1 the paragraph number and the words "or indemnification under Article 5" are deleted.
2. Paragraph 2 is deleted.

#### Article 9

Article 7 of the 1971 Fund Convention is amended as follows:

1. In paragraphs 1, 3, 4 and 6 the seven references to "the Liability Convention" are replaced by references to "the 1992 Liability Convention".
2. In paragraph 1 the words "or indemnification under Article 5" are deleted.
3. In the first sentence of paragraph 3 the words "or indemnification" and "or 5" are deleted.
4. In the second sentence of paragraph 3 the words "or under Article 5, paragraph 1," are deleted.

#### Article 10

In Article 8 of the 1971 Fund Convention the reference to "the Liability Convention" is replaced by a reference to "the 1992 Liability Convention".

#### Article 11

Article 9 of the 1971 Fund Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:
  1. The Fund shall, in respect of any amount of compensation for pollution damage paid by the Fund in accordance with Article 4, paragraph 1, of this Convention, acquire by subrogation the rights that the person so compensated may enjoy under the 1992 Liability Convention against the owner or his guarantor.
2. In paragraph 2 the words "or indemnification" are deleted.

nu največjega zneska, ki ga povrne Sklad po tem členu.

- e) Zneski, navedeni v tem členu, se preračunajo v državno valuto glede na vrednost te valute do posebne pravice črpanja na dan odločitve skupščine Sklada glede na prvi datum povrnitve.
4. Peti odstavek se zamenja z naslednjim besedilom:
5. Kadar znesek postavljenih zahtevkov do Sklada presega skupni znesek, ki se povrne po četrtem odstavku, se razpoložljiva vsota razdeli tako, da je razmerje med postavljenim zahtevkom in zneskom, ki se dejansko povrne vlagatelju zahtevka po tej konvenciji, enako za vse vlagatelje zahtevkov.
5. Šesti odstavek se zamenja z naslednjim besedilom:
6. Skupščina Sklada lahko odloči, da se v izjemnih primerih znesek v skladu s to konvencijo povrne tudi, če lastnik ladje ni ustanovil sklada po tretjem odstavku V. člena Konvencije o odgovornosti 1992. V takem primeru se ustrezno uporablja pododstavek e) četrtega odstavka tega člena.

#### 7. člen

5. člen Konvencije o skladu 1971 se črta.

#### 8. člen

6. člen Konvencije o skladu 1971 se spremeni, kot sledi:

1. V prvem odstavku se črtajo številka odstavka in besede "ali finančna odgovornost po 5. členu".
2. Drugi odstavek se črta.

#### 9. člen

7. člen Konvencije o skladu 1971 se spremeni, kot sledi:

1. V prvem, tretjem, četrtem in šestem odstavku se vseh sedem sklicevanj na "Konvencijo o odgovornosti" zamenja s sklicevanji na "Konvencijo o odgovornosti 1992".
2. V prvem odstavku se črtajo besede "ali za prevzem finančne odgovornosti na podlagi 5. člena".
3. V prvem stavku tretjega odstavka se črtajo besede "ali finančno odgovornost" in "in 5.".
4. V drugem stavku tretjega odstavka se črtajo besede "ali prvega odstavka 5. člena".

#### 10. člen

V 8. členu Konvencije o skladu 1971 se sklicevanje na "Konvencijo o odgovornosti" zamenja s sklicevanjem na "Konvencijo o odgovornosti 1992".

#### 11. člen

9. člen Konvencije o skladu 1971 se spremeni, kot sledi:

1. Prvi odstavek se zamenja z naslednjim besedilom:
  1. Glede katerega koli zneska za škodo zaradi onesnaženja, ki ga povrne Sklad po prvem odstavku 4. člena te konvencije, s prenosom odškodninske pravice, pridobi Sklad take pravice, kot bi jih lahko uživala oškodovana oseba, po Konvenciji o odgovornosti 1992 do lastnika ali njegovega poroka.
2. V drugem odstavku se brišejo besede "ali finančno nadomestilo".

## Article 12

Article 10 of the 1971 Fund Convention is amended as follows:

The opening phrase of paragraph 1 is replaced by the following text:

Annual contributions to the Fund shall be made in respect of each Contracting State by any person who, in the calendar year referred to in Article 12, paragraph 2(a) of (b), has received in total quantities exceeding 150,000 tons:

## Article 13

Article 11 of the 1971 Fund Convention is deleted.

## Article 14

Article 12 of the 1971 Fund Convention is amended as follows:

1. In the opening phrase of paragraph 1 the words "for each person referred to in Article 10" are deleted.
2. In paragraph 1(i), subparagraphs (b) and (c), the words "or 5" are deleted and the words "15 million francs" are replaced by the words "four million units of account".
3. Subparagraph 1(ii)(b) is deleted.
4. In paragraph 1(ii), subparagraph (c) becomes (b) and subparagraph (d) becomes (c).
5. The opening phrase in paragraph 2 is replaced by the following text:  
The Assembly shall decide the total amount of contributions to be levied. On the basis of that decision, the Director shall, in respect of each Contracting State, calculate for each person referred to in Article 10 the amount of his annual contribution:
6. Paragraph 4 is replaced by the following text:
  4. The annual contribution shall be due on the date to be laid down in the Internal Regulations of the Fund. The Assembly may decide on a different date of payment.
7. Paragraph 5 is replaced by the following text:
  5. The Assembly may decide, under conditions to be laid down in the Financial Regulations of the fund, to make transfers between funds received in accordance with Article 12.2(a) and funds received in accordance with Article 12.2(b).
8. Paragraph 6 is deleted.

## Article 15

Article 13 of the 1971 Fund Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:
  1. The amount of any contribution due under Article 12 and which is in arrears shall bear interest at a rate which shall be determined in accordance with the Internal Regulations of the Fund, provided that different rates may be fixed for different circumstances.
2. In paragraph 3 the words "Articles 10 and 11" are replaced by the words "Articles 10 and 12" and the words "for a period exceeding three months" are deleted.

## Article 16

A new paragraph 4 is added to Article 15 of the 1971 Fund Convention:

4. Where a Contracting State does not fulfil its obligations to submit to the Director the communication referred to in paragraph 2 and this results in a financial loss for the Fund, that Contracting State shall be liable to compensate the Fund for such loss. The Assembly shall, on the recommendation of the Director, decide whether such compensation shall be payable by that Contracting State.

## 12. člen

10. člen Konvencije o skladu 1971 se spremeni, kot sledi:

Uvodni stavek prvega odstavka se zamenja z naslednjim besedilom:

Za vsako državo pogodbenico glede letnih prispevkov Skladu velja, da jih mora plačevati, kdor je med koledarskim letom, omenjenim v pododstavkih a) in b) drugega odstavka 12. člena, prejel skupaj več kot 150.000 ton:

## 13. člen

11. člen Konvencije o skladu 1971 se črta.

## 14. člen

12. člen Konvencije o skladu 1971 se spremeni, kot sledi:

1. V uvodnem stavku prvega odstavka se črtajo besede "za vsako osebo, ki je omenjena v 10. členu te konvencije".
2. V pododstavkih b) in c) točke i) prvega odstavka se brišejo besede "ali 5.", besede "15 milijonov frankov" pa se zamenjajo z besedami "štirje milijoni računskih enot".
3. Pododstavek b) točke ii) prvega odstavka se črta.
4. Pododstavek c) točke ii) prvega odstavka postane pododstavek b) in pododstavek d) postane pododstavek c).
5. Uvodni stavek drugega odstavka se zamenja z naslednjim besedilom:  
Skupščina določi skupni znesek prispevkov, ki se morajo vplačati. Na podlagi te odločitve direktor izračuna za vsako osebo države pogodbenice, omenjeno v 10. členu, znesek njenega letnega prispevka:
6. Četrty odstavek se zamenja z naslednjim besedilom:
  4. Letni prispevek zapade v plačilo na dan, ki ga je treba določiti z notranjimi predpisi Sklada. Skupščina lahko določi drug datum plačila.
7. Peti odstavek se zamenja z naslednjim besedilom:
  5. Skupščina se lahko odloči po pogojih, ki jih je treba določiti v notranjih predpisih Sklada, da opravi prenose med skladi, prejetimi po pododstavku a) drugega odstavka 12. člena in skladi, prejetimi po pododstavku b) drugega odstavka 12. člena.
8. Šesti odstavek se črta.

## 15. člen

13. člen Konvencije o skladu 1971 se spremeni, kot sledi:

1. Prvi odstavek se zamenja z naslednjim besedilom:
  1. Za vsak prepozno plačani znesek prispevka, ki ga je treba poravnati po 12. členu, se plačajo obresti po obrestni meri, ki se določi po notranjih predpisih Sklada, pri čemer se lahko za različne okoliščine določijo različne obrestne mere.
2. V tretjem odstavku se besede "10. in 11. člen" zamenjajo z besedami "10. in 12. člena" in črtajo besede "več kot tri mesece".

## 16. člen

15. členu Konvencije o skladu 1971 se doda nov četrti odstavek:

4. Če država pogodbenica ne izpolni svojih obveznosti in direktorju ne pošlje sporočila, navedenega v drugem odstavku, in je posledica tega finančna izguba za Sklad, mu jo je država pogodbenica dolžna nadomestiti. Skupščina se na priporočilo direktorja odloči, ali mora ta država pogodbenica plačati nadomestilo.

## Article 17

Article 16 of the 1971 Fund Convention is replaced by the following text:

The Fund shall have an Assembly and a Secretariat headed by a Director.

## Article 18

Article 18 of the 1971 Fund Convention is amended as follows:

1. In the opening sentence of the article the words", subject to the provisions of Article 26," are deleted.
2. Paragraph 8 is deleted.
3. Paragraph 9 is replaced by the following text:
  9. to establish any temporary or permanent subsidiary body it may consider to be necessary, to define its terms of reference and to give it the authority needed to perform the functions entrusted to it; when appointing the members of such body, the Assembly shall endeavour to secure an equitable geographical distribution of members and to ensure that the Contracting States, in respect of which the largest quantities of contributing oil are being received, are appropriately represented; the Rules of Procedure of the Assembly may be applied, mutatis mutandis, for the work of such subsidiary body;
4. In paragraph 10 the words ", the Executive Committee," are deleted.
5. In paragraph 11 the words ", the Executive Committee" are deleted.
6. Paragraph 12 is deleted.

## Article 19

Article 19 of the 1971 Fund Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:
  1. Regular sessions of the Assembly shall take place once every calendar year upon convocation by the Director.
2. In paragraph 2 the words "of the Executive Committee or" are deleted.

## Article 20

Articles 21 to 27 of the 1971 Fund Convention and the heading to these articles are deleted.

## Article 21

Article 29 of the 1971 Fund Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:
  1. The Director shall be the chief administrative officer of the Fund. Subject to the instructions given to him by the Assembly, he shall perform those functions which are assigned to him by this Convention, the Internal Regulations of the Fund and the Assembly.
2. In paragraph 2(e) the words "or the Executive Committee" are deleted.
3. In paragraph 2(f) the words "or to the Executive Committee, as the case may be," are deleted.
4. Paragraph 2(g) is replaced by the following text:
  - (g) prepare, in consultation with the Chairman of the Assembly, and publish a report of the activities of the Fund during the previous calendar year;
5. In paragraph 2(h) the words ", the Executive Committee" are deleted.

## 17. člen

16. člen Konvencije o skladu 1971 se zamenja z naslednjim besedilom:

Sklad ima skupščino in sekretariat, ki ga vodi direktor.

## 18. člen

18. člen Konvencije o skladu 1971 se spremeni, kot sledi:

1. V uvodnem stavku se črtajo besede "s pridržkom določb 26. člena te konvencije".
2. Osmi odstavek se črta.
3. Deveti odstavek se zamenja z naslednjim besedilom:
  9. da ustanovi začasni ali pomožni organ, za katerega meni, da je potreben, da opredeli njegove pristojnosti in podeli pooblastila, potrebna za izvajanje nalog, ki so mu zaupane; pri imenovanju članov takega organa si skupščina prizadeva zagotoviti njihovo pravično geografsko zastopanost in za ustrezno zastopanost držav pogodbenic, ki so prejele največje količine olj, za katera se plačuje prispevek; poslovnik skupščine se lahko ustrezno uporabi za delo takega pomožnega organa;
4. V desetem odstavku se črtajo besede ", izvršilnega odbora".
5. V enajstem odstavku se črtajo besede ", izvršilnemu odboru".
4. Dvanajsti odstavek se črta.

## 19. člen

19. člen Konvencije o skladu 1971 se spremeni, kot sledi:

1. Redne seje skupščine, ki jih skliče direktor, potekajo enkrat letno.
2. V drugem odstavku se črtajo besede "izvršilnega odbora ali".

## 20. člen

Črtajo se 21. do 27. člen Konvencije o skladu 1971 in naslov pred njimi.

## 21. člen

29. člen Konvencije o skladu 1971 se spremeni, kot sledi:

1. Prvi odstavek se zamenja z naslednjim besedilom:
  1. Direktor je najvišji funkcionar Sklada. Po navodilih, ki jih dobi od skupščine, opravlja tiste naloge, ki mu jih določajo ta konvencija, notranji predpisi Sklada in skupščina.
2. V pododstavku e) drugega odstavka se črtajo besede "ali izvršilnega odbora".
3. V pododstavku f) drugega odstavka se črtajo besede "ali izvršilnemu odboru, kot pač terja primer".
4. Pododstavek g) drugega odstavka se zamenja z naslednjim besedilom:
  - g) da po posvetu s predsednikom skupščine pripravi in objavi poročilo o dejavnostih Sklada v prejšnjem letu;
5. V pododstavku h) drugega odstavka se črtajo besede ", izvršilnega odbora".

## Article 22

In Article 31, paragraph 1, of the 1971 Fund Convention, the words "on the Executive Committee and" are deleted.

## Article 23

Article 32 of the 1971 Fund Convention is amended as follows:

1. In the opening phrase the words "and the Executive Committee" are deleted.
2. In subparagraph (b) the words "and the Executive Committee" are deleted.

## Article 24

Article 33 of the 1971 Fund Convention is amended as follows:

1. Paragraph 1 is deleted.
2. In paragraph 2 the paragraph number is deleted.
3. Subparagraph (c) is replaced by the following text:
  - (c) the establishment of subsidiary bodies, under Article 18, paragraph 9, and matters relating to such establishment.

## Article 25

Article 35 of the 1971 Fund Convention is replaced by the following text:

Claims for compensation under Article 4 arising from incidents occurring after the date of entry into force of this Convention may not be brought against the Fund earlier than the one hundred and twentieth day after that date.

## Article 26

After Article 36 of the 1971 Fund Convention four new articles are inserted as follows:

## Article 36 bis

The following transitional provisions shall apply in the period, hereinafter referred to as the transitional period, commencing with the date of entry into force of this Convention and ending with the date on which the denunciations provided for in Article 31 of the 1992 Protocol to amend the 1971 Fund Convention take effect:

- (a) In the application of paragraph 1(a) of Article 2 of this Convention, the reference to the 1992 Liability Convention shall include reference to the International Convention on Civil Liability for Oil Pollution Damage, 1969, either in its original version or as amended by the Protocol thereto of 1976 (referred to in this Article as "the 1969 Liability Convention"), and also the 1971 Fund Convention.
- (b) Where an incident has caused pollution damage within the scope of this Convention, the Fund shall pay compensation to any person suffering pollution damage only if, and to the extent that, such person has been unable to obtain full and adequate compensation for the damage under the terms of the 1969 Liability Convention, the 1971 Fund Convention and the 1992 Liability Convention, provided that, in respect of pollution damage within the scope of this Convention in respect of a Party to this Convention but not a Party to the 1971 Fund Convention, the Fund shall pay compensation to any person suffering pollution damage only if, and to the extent that, such person would have been unable to obtain full and adequate compensation had that State been party to each of the above-mentioned Conventions.

## 22. člen

V prvem odstavku 31. člena Konvencije o skladu 1971 se črtajo besede "v izvršilnem odboru in".

## 23. člen

32. člen Konvencije o skladu 1971 se spremeni, kot sledi:

1. V uvodnem stavku se črtajo besede "in v izvršilnem odboru".
2. V pododstavku b) se črtajo besede "in izvršilni odbor".

## 24. člen

33. člen Konvencije o skladu 1971 se spremeni, kot sledi:

1. Prvi odstavek se črta.
2. V drugem odstavku se črta številka odstavka.
3. Pododstavek c) se zamenja z naslednjim besedilom:
  - c) ustanovitev pomožnih organov po devetem odstavku 18. člena in zadeve v zvezi s tako ustanovitvijo.

## 25. člen

35. člen Konvencije o skladu 1971 se zamenja z naslednjim besedilom:

Zahtevkov Skladu za povrnitev po 4. členu za dogodke po dnevu začetka veljavnosti te konvencije ni mogoče vložiti prej kot sto dvajset dni po tem dnevu.

## 26. člen

Za 36. členom Konvencije o skladu 1971 se vstavijo štirje novi členi:

## 36. bis člen

Naslednje prehodne določbe veljajo v obdobju, imenovanem prehodno obdobje, ki se začne z datumom začetka veljavnosti te konvencije in konča na dan, ko začne veljati odpoved po 31. členu protokola 1992, ki spreminja Konvencijo o skladu 1971:

- a) Pri uporabi točke a) prvega odstavka 2. člena te konvencije sklicevanje na Konvencijo o odgovornosti 1992 vključuje sklicevanje na Mednarodno konvencijo o civilni odgovornosti za škodo, povzročeno z onesnaženjem z nafto, 1969, v njeni izvorni različici ali spremenjeni s protokolom 1976 (v tem členu "Konvencija o odgovornosti 1969") kot tudi Konvencijo o skladu 1971.
- b) Če je dogodek povzročil škodo zaradi onesnaženja po tej konvenciji, povrne Sklad nadomestilo osebi, ki je utrpela škodo zaradi onesnaženja, le tedaj, kadar ta oseba ni mogla dobiti celotnega in primernega nadomestila za škodo po določbah Konvencije o odgovornosti 1969, Konvencije o skladu 1971 in Konvencije o odgovornosti 1992, s tem da Sklad v zvezi s škodo zaradi onesnaženja po tej konvenciji za pogodbenico le-te, ki ni pogodbenica Konvencije o skladu 1971, povrne nadomestilo vsem osebam, ki so utrpeli škodo zaradi onesnaženja, le tedaj, kadar oseba ne bi mogla dobiti celotnega in primernega nadomestila, če bi bila ta država pogodbenica omenjenih konvencij.

- (c) In the application of Article 4 of this Convention, the amount to be taken into account in determining the aggregate amount of compensation payable by the Fund shall also include the amount of compensation actually paid under the 1969 Liability Convention, if any, and the amount of compensation actually paid or deemed to have been paid under the 1971 Fund Convention.
- (d) Paragraph 1 of Article 9 of this Convention shall also apply to the rights enjoyed under the 1969 Liability Convention.

## Article 36 ter

1. Subject to paragraph 4 of this Article, the aggregate amount of the annual contributions payable in respect of contributing oil received in a single Contracting State during a calendar year shall not exceed 27.5% of the total amount of annual contributions pursuant to the 1992 Protocol to amend the 1971 Fund Convention, in respect of that calendar year.
2. If the application of the provisions in paragraphs 2 and 3 of Article 12 would result in the aggregate amount of the contributions payable by contributors in a single Contracting State in respect of a given calendar year exceeding 27.5% of the total annual contributions, the contributions payable by all contributors in that State shall be reduced pro rata so that their aggregate contributions equal 27.5% of the total annual contributions to the Fund in respect of that year.
3. If the contributions payable by persons in a given Contracting State shall be reduced pursuant to paragraph 2 of this Article, the contributions payable by persons in all other Contracting States shall be increased pro rata so as to ensure that the total amount of contributions payable by all persons liable to contribute to the Fund in respect of the calendar year in question will reach the total amount of contributions decided by the Assembly.
4. The provisions in paragraphs 1 to 3 of this Article shall operate until the total quantity of contributing oil received in all Contracting States in a calendar year has reached 750 million tons or until a period of 5 years after the date of entry into force of the said 1992 Protocol has elapsed, whichever occurs earlier.

## Article 36 quater

Notwithstanding the provisions of this Convention, the following provisions shall apply to the administration of the Fund during the period in which both the 1971 Fund Convention and this Convention are in force:

- (a) The Secretariat of the Fund, established by the 1971 Fund Convention (hereinafter referred to as "the 1971 Fund"), headed by the Director, may also function as the Secretariat and the Director of the Fund.
- (b) If, in accordance with subparagraph (a), the Secretariat and the Director of the 1971 Fund also perform the function of Secretariat and Director of the Fund, the Fund shall be represented, in cases of conflict of interests between the 1971 Fund and the Fund, by the Chairman of the Assembly of the Fund.
- (c) The Director and the staff and experts appointed by him, performing their duties under this Convention and the 1971 Fund Convention, shall not be regarded as contravening the provisions of Article 30 of this Convention in so far as they discharge their duties in accordance with this Article.

- (c) Pri uporabi 4. člena te konvencije vsebuje znesek, ki se upošteva pri določanju skupnega zneska nadomestila, ki ga povrne Sklad, tudi morebitni znesek dejansko povrnjenega nadomestila po Konvenciji o odgovornosti 1969 in znesek dejansko povrnjenega nadomestila ali nadomestila, ki naj bi bilo povrnjeno, po Konvenciji o skladu 1971.
- (d) Prvi odstavek 9. člena te konvencije velja tudi za pravice, ki izhajajo iz Konvencije o odgovornosti 1969.

## 36. ter člen

1. Po določbah četrtega odstavka tega člena skupni znesek letnih prispevkov, ki se vplačajo za olja, od katerih se plačuje prispevek, prejeta v posamezni državi pogodbenici med koledarskim letom, ne sme preseči 27,5 % skupnega zneska letnih prispevkov za to koledarsko leto po protokolu 1992, ki spreminja Konvencijo o skladu 1971.
2. Če bi zaradi uporabe določb drugega in tretjega odstavka 12. člena skupni znesek prispevkov, ki jih vplačajo zavezanci v posamezni državi pogodbenici, presejel 27,5 % celotnega zneska v koledarskem letu, se prispevki, ki jih vplačajo vsi zavezanci v tej državi, sorazmerno zmanjšajo, tako da znašajo njihovi skupni prispevki v sklad 27,5 % celotnih letnih prispevkov za to leto.
3. Če se prispevki, ki jih vplačajo osebe v državi pogodbenici, zmanjšajo po drugem odstavku tega člena, se prispevki, ki jih vplačajo osebe v drugih državah pogodbenicah, sorazmerno povečajo tako, da bo celotni znesek prispevkov, ki jih vplačajo vsi zavezanci v Sklad v tem koledarskem letu, dosegel znesek, ki ga je določila skupščina.
4. Določbe prvega in tretjega odstavka tega člena se uporabljajo, dokler celotna količina olj, od katerih se plačuje prispevek, prejeta v vseh državah pogodbenicah v koledarskem letu, ne doseže 750 milijonov ton, ali dokler se ne izteče petletno obdobje po dnevu začetka veljavnosti protokola 1992.

## 36. quater člen

Ne glede na določbe te konvencije se za upravljanje Sklada v obdobju, ko veljata Konvencija o skladu 1971 in ta konvencija, uporabljajo naslednje določbe:

- a) Sekretariat Sklada, ustanovljenega s Konvencijo o skladu 1971 (v nadaljnjem "Sklad 1971"), ki ga vodi direktor, lahko deluje tudi kot sekretariat in direktor Sklada.
- b) Če v skladu s pododstavkom a) sekretariat in direktor Sklada 1971 opravljata tudi naloge sekretariata in direktorja Sklada, ob nasprotju interesov med Skladom 1971 in Skladom zastopa Sklad predsednik skupščine Sklada.
- c) Direktor in osebje ter strokovnjaki, ki jih je imenoval, ki opravljajo svoje naloge po tej konvenciji in Konvenciji o skladu 1971, se ne štejejo kot kršilci določb 30. člena te konvencije, če opravljajo svoje naloge v skladu s tem členom.

- (d) The Assembly of the Fund shall endeavour not to take decisions which are incompatible with decisions taken by the Assembly of the 1971 Fund. If differences of opinion with respect to common administrative issues arise, the Assembly of the Fund shall try to reach a consensus with the Assembly of the 1971 Fund, in a spirit of mutual co-operation and with the common aims of both organizations in mind.
- (e) The Fund may succeed to the rights, obligations and assets of the 1971 Fund if the Assembly of the 1971 Fund so decides, in accordance with Article 44, paragraph 2, of the 1971 Fund Convention.
- (f) The Fund shall reimburse to the 1971 Fund all costs and expenses arising from administrative services performed by the 1971 Fund on behalf of the Fund.

## Article 36 quinquies

## Final clauses

The final clauses of this Convention shall be Articles 28 to 39 of the Protocol of 1992 to amend the 1971 Fund Convention. References in this Convention to Contracting States shall be taken to mean references to the Contracting States of that Protocol.

## Article 27

1. The 1971 Fund Convention and this Protocol shall, as between the Parties to this Protocol, be read and interpreted together as one single instrument.
2. Articles 1 to 36 quinquies of the 1971 Fund Convention as amended by this Protocol shall be known as the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (1992 Fund Convention).

## FINAL CLAUSES

## Article 28

## Signature, ratification, acceptance, approval and accession

1. This Protocol shall be open for signature at London from 15 January 1993 to 14 January 1994 by any State which has signed the 1992 Liability Convention.
2. Subject to paragraph 4, this Protocol shall be ratified, accepted or approved by States which have signed it.
3. Subject to paragraph 4, this Protocol is open for accession by States which did not sign it.
4. This Protocol may be ratified, accepted, approved or acceded to only by States which have ratified, accepted, approved or acceded to the 1992 Liability Convention.
5. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.
6. A State which is a Party to this Protocol but is not a Party to the 1971 Fund Convention shall be bound by the provisions of the 1971 Fund Convention as amended by this Protocol in relation to other Parties hereto, but shall not be bound by the provisions of the 1971 Fund Convention in relation to Parties thereto.
7. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the 1971 Fund Convention as amended by this Protocol shall be deemed to apply to the Convention so amended, as modified by such amendment.

- d) Skupščina Sklada si bo prizadevala, da ne bo sprejemala odločitev, nezdržljivih z odločitvami, ki jih sprejme skupščina Sklada 1971. Pri razlikah v mnenjih o skupnih upravnih zadevah bo skupščina Sklada skušala doseči soglasje s skupščino Sklada 1971 v duhu medsebojnega sodelovanja in z upoštevanjem skupnih ciljev obeh organizacij.
- e) Sklad lahko nasledi pravice, obveznosti in sredstva Sklada 1971, če se tako odloči skupščina Sklada 1971 na podlagi drugega odstavka 44. člena Konvencije o skladu 1971.
- f) Sklad povrne Skladu 1971 vse stroške in izdatke, ki izhajajo iz upravnih storitev, ki jih opravi Sklad 1971 za Sklad.

## 36. quinquies člen

## Končne določbe

Končne določbe te konvencije so v 28. do 39. členu protokola 1992, ki spreminja Konvencijo o skladu 1971. Sklicevanje v tej konvenciji na države pogodbenice se razume kot sklicevanje na države pogodbenice tega protokola.

## 27. člen

1. Konvencija o skladu 1971 in ta protokol se za pogodbenice tega protokola štejeta kot ena listina.
2. 1. do 36. quinquies člen Konvencije o skladu 1971, spremenjeni s tem protokolom, veljajo kot Mednarodna konvencija o ustanovitvi Mednarodnega sklada za povrnitev škode, nastale zaradi onesnaženja z olji, 1992 (Konvencija o skladu 1992).

## KONČNE DOLOČBE

## 28. člen

## Podpis, ratifikacija, sprejetje, odobritev in pristop

1. Ta protokol je na voljo za podpis v Londonu od 15. januarja 1993 do 14. januarja 1994 vsem državam, ki so podpisale Konvencijo o odgovornosti 1992.
2. S pridržkom četrtega odstavka lahko ta protokol ratificirajo, sprejmejo ali odobrijo države, ki so ga podpisale.
3. S pridržkom četrtega odstavka je ta protokol na voljo za pristop državam, ki ga niso podpisale.
4. Ta protokol lahko ratificirajo, sprejmejo, odobrijo ali pristopijo k njemu le države, ki so ratificirale, sprejele ali odobrile Konvencijo o odgovornosti 1992 ali pristopile k njej.
5. Uradna listina o ratifikaciji, sprejetju, odobritvi ali pristopu se deponira pri generalnem sekretarju organizacije.
6. Državo, ki je pogodbenica tega protokola, ni pa pogodbenica Konvencije o skladu 1971 zavezujejo do drugih držav pogodbenic določbe Konvencije o skladu 1971, spremenjene s tem protokolom, ne zavezujejo pa je določbe Konvencije o skladu 1971 do njenih držav pogodbenic.
7. Listina o ratifikaciji, sprejetju, odobritvi ali pristopu, deponirana po začetku veljavnosti spremembe Konvencije o skladu 1971, spremenjene s tem protokolom, velja za spremenjeno konvencijo, dopolnjeno s to spremembo.

## Article 29

## Information on contributing oil

1. Before this Protocol comes into force for a State, that State shall, when depositing an instrument referred to in Article 28, paragraph 5, and annually thereafter at a date to be determined by the Secretary-General of the Organization, communicate to him the name and address of any person who in respect of that State would be liable to contribute to the Fund pursuant to Article 10 of the 1971 Fund Convention as amended by this Protocol as well as data on the relevant quantities of contributing oil received by any such person in the territory of that State during the preceding calendar year.
2. During the transitional period, the Director shall, for Parties, communicate annually to the Secretary-General of the Organization data on quantities of contributing oil received by persons liable to contribute to the Fund pursuant to Article 10 of the 1971 Fund Convention as amended by this Protocol.

## Article 30

## Entry into force

1. This Protocol shall enter into force twelve months following the date on which the following requirements are fulfilled:
  - (a) at least eight States have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization; and
  - (b) the Secretary-General of the Organization has received information in accordance with Article 29 that those persons who would be liable to contribute pursuant to Article 10 of the 1971 Fund Convention as amended by this Protocol have received during the preceding calendar year a total quantity of at least 450 million tons of contributing oil.
2. However, this Protocol shall not enter into force before the 1992 Liability Convention has entered into force.
3. For each State which ratifies, accepts, approves or accedes to this Protocol after the conditions in paragraph 1 for entry into force have been met, the Protocol shall enter into force twelve months following the date of the deposit by such State of the appropriate instrument.
4. Any State may, at the time of the deposit of its instrument of ratification, acceptance, approval or accession in respect of this Protocol declare that such instrument shall not take effect for the purpose of this Article until the end of the six-month period in Article 31.
5. Any State which has made a declaration in accordance with the preceding paragraph may withdraw it at any time by means of a notification addressed to the Secretary-General of the Organization. Any such withdrawal shall take effect on the date the notification is received, and any State making such a withdrawal shall be deemed to have deposited its instrument of ratification, acceptance, approval or accession in respect of this Protocol on that date.
6. Any State which has made a declaration under Article 13, paragraph 2, of the Protocol of 1992 to amend the 1969 Liability Convention shall be deemed to have also made a declaration under paragraph 4 of this Article. Withdrawal of a declaration under the said Article 13, paragraph 2, shall be deemed to constitute withdrawal also under paragraph 5 of this Article.

## 29. člen

## Podatki o oljih, od katerih se plačuje prispevek

1. Preden začne za državo veljati ta protokol, ta država ob deponiranju listine, navedene v petem odstavku 28. člena, in potem vsako leto na datum, ki ga določi generalni sekretar organizacije, sporoči ime in naslov vsake osebe, ki bo zavezana, da za to državo prispeva v Sklad na podlagi 10. člena Konvencije o skladu 1971, spremenjene s tem protokolom, kot tudi podatke o ustreznih količinah olj, od katerih se plačuje prispevek, ki jih je prejela taka oseba na ozemlju te države v predhodnem koledarskem letu.
2. V prehodnem obdobju direktor letno sporoča generalnemu sekretarju organizacije podatke o količinah olj, od katerih se plačuje prispevek, ki so jih prejeli zavezanci za prispevek v Sklad na podlagi 10. člena Konvencije o skladu, spremenjene s tem protokolom.

## 30. člen

## Začetek veljavnosti

1. Ta protokol začne veljati dvanajst mesecev po dnevu, ko so izpolnjene naslednje zahteve:
  - a) da je vsaj osem držav deponiralo listine o ratifikaciji, sprejemu, odobritvi ali pristopu pri generalnem sekretarju organizacije in
  - b) da je generalni sekretar organizacije prejel podatke v skladu z 29. členom, da so zavezanci, ki bi prispevali v Sklad na podlagi 10. člena Konvencije o skladu 1971, spremenjene s tem protokolom, prejeli v preteklem koledarskem letu celotno količino najmanj 450 milijonov ton olj, od katerih se plačuje prispevek.
2. Ta protokol ne začne veljati, dokler ne začne veljati Konvencija o odgovornosti 1992.
3. Za državo, ki ratificira, sprejme, odobri ta protokol ali pristopi k njemu po tem, ko so bili izpolnjeni pogoji za začetek veljavnosti po prvem odstavku, začne protokol veljati dvanajst mesecev po dnevu deponiranja ustrezne listine.
4. Ko deponira listino o ratifikaciji, sprejetju, odobritvi tega protokola ali pristopi k njemu, lahko država izjavi, da ta listina ne velja za ta člen do konca šestmesečnega obdobja po 31. členu.
5. Država, ki je dala izjavo po prejšnjem odstavku, jo lahko kadar koli prekliče z uradnim obvestilom generalnemu sekretarju organizacije. Tak preklic začne veljati na dan prejema uradnega obvestila, za državo, ki jo prekliče, pa se šteje, da je deponirala listino o ratifikaciji, sprejetju, odobritvi tega protokola ali pristopu k njemu na ta dan.
6. Država, ki da izjavo po drugem odstavku 13. člena protokola 1992, ki spreminja Konvencijo o odgovornosti 1969, se šteje, da je dala tudi izjavo po četrtem odstavku tega člena. Preklic izjave po drugem odstavku 13. člena velja tudi kot preklic po petem odstavku tega člena.



## Article 31

## Denunciation of the 1969 and 1971 Conventions

Subject to Article 30, within six months following the date on which the following requirements are fulfilled:

- (a) at least eight States have become Parties to this Protocol or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization, whether or not subject to Article 30, paragraph 4, and
- (b) the Secretary-General of the Organization has received information in accordance with Article 29 that those persons who are or would be liable to contribute pursuant to Article 10 of the 1971 Fund Convention as amended by this Protocol have received during the preceding calendar year a total quantity of at least 750 million tons of contributing oil;

each Party to this Protocol and each State which has deposited an instrument of ratification, acceptance, approval or accession, whether or not subject to Article 30, paragraph 4, shall, if Party thereto, denounce the 1971 Fund Convention and the 1969 Liability Convention with effect twelve months after the expiry of the above-mentioned six-month period.

## Article 32

## Revision and amendment

1. A conference for the purpose of revising or amending the 1992 Fund Convention may be convened by the Organization.
2. The Organization shall convene a Conference of Contracting States for the purpose of revising or amending the 1992 Fund Convention at the request of not less than one third of all Contracting States.

## Article 33

## Amendment of compensation limits

1. Upon the request of at least one quarter of the Contracting States, any proposal to amend the limits of amounts of compensation laid down in Article 4, paragraph 4, of the 1971 Fund Convention as amended by this Protocol shall be circulated by the Secretary-General to all Members of the Organization and to all Contracting States.
2. Any amendment proposed and circulated as above shall be submitted to the Legal Committee of the Organization for consideration at a date at least six months after the date of its circulation.
3. All Contracting States to the 1971 Fund Convention as amended by this Protocol, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Legal Committee for the consideration and adoption of amendments.
4. Amendments shall be adopted by a two-thirds majority of the Contracting States present and voting in the Legal Committee, expanded as provided for in paragraph 3, on condition that at least one half of the Contracting States shall be present at the time of voting.
5. When acting on a proposal to amend the limits, the Legal Committee shall take into account the experience of incidents and in particular the amount of damage resulting therefrom and changes in the monetary values. It shall also take into account the relationship between the limits in Article 4, paragraph 4, of the 1971 Fund Convention as amended by this Protocol and those in Article V, paragraph 1, of the International Convention on Civil Liability for Oil Pollution Damage, 1992.

## 31. člen

## Odpoved Konvencije 1969 in Konvencije 1971

Ob upoštevanju 30. člena v šestih mesecih po dnevu, ko so izpolnjene naslednje zahteve:

- a) da je najmanj osem držav postalo pogodbenic tega protokola ali deponiralo listine o ratifikaciji, sprejetju, odobritvi ali pristopu pri generalnem sekretarju organizacije ne glede na četrti odstavek 30. člena in
- b) da je generalni sekretar organizacije prejel podatke v skladu z 29. členom, da so zavezanci, ki prispevajo ali bi prispevali v Sklad po določbah 10. člena Konvencije o skladu 1971, spremenjene s tem protokolom, v prejšnjem koledarskem letu prejele celotno količino najmanj 750 ton olj, od katerih se plačuje prispevek;

vsaka pogodbenica tega protokola in vsaka država, ki je deponirala listino o ratifikaciji, sprejetju, odobritvi ali pristopu, ne glede na četrti odstavek 30. člena, odpove Konvencijo o skladu 1971 in Konvencijo o odgovornosti 1969, če je njuna pogodbenica, kar začne veljati dvanajst mesecev po izteku omenjenega šestmesečnega obdobja.

## 32. člen

## Dopolnitev in sprememba

1. Organizacija lahko skliče konferenco zaradi dopolnitve ali spremembe Konvencije o skladu 1992.
2. Organizacija skliče konferenco pogodbenic tega protokola zaradi dopolnitve ali spremembe Konvencije o skladu 1992 na zahtevo najmanj tretjine držav pogodbenic.

## 33. člen

## Spremembe omejitev nadomestil

1. Na zahtevo najmanj četrtine držav pogodbenic generalni sekretar vsak predlog za spremembo omejitev nadomestil, navedenih v četrtem odstavku 4. člena Konvencije o skladu 1971, spremenjene s tem protokolom, razpošlje vsem članicam organizacije in vsem državam pogodbenicam.
2. Sprememba, ki je predlagana in poslana kot navedeno, se predloži v proučitev pravnemu odboru organizacije najpozneje šest mesecev po dnevu, ko je bila razposлана.
3. Vse države pogodbenice Konvencije o skladu 1971, spremenjene s tem protokolom, imajo ne glede na to, ali so članice organizacije, pravico sodelovati pri delu pravnega odbora pri proučitvi in sprejemu sprememb.
4. Spremembe se sprejmejo z dvetretjinsko večino držav pogodbenic, ki so navzoče in glasujejo v pravnem odboru, razširjenem, kot je določeno v tretjem odstavku, pod pogojem, da je pri glasovanju navzoča najmanj polovica držav pogodbenic.
5. Pravni odbor pri obravnavanju predloga za spremembo omejitev upošteva izkušnje pri dogodkih, še zlasti znesek za škodo, ki pri tem nastane, in spremembe vrednosti denarja. Upošteva tudi razmerje med omejitvami v četrtem odstavku 4. člena Konvencije o skladu 1971, spremenjene s tem protokolom, in tistimi v prvem odstavku V. člena Mednarodne konvencije o civilni odgovornosti za škodo, nastalo zaradi onesnaženja z olji, 1992.

6. (a) No amendment of the limits under this Article may be considered before 15 January 1998 nor less than five years from the date of entry into force of a previous amendment under this Article. No amendment under this Article shall be considered before this Protocol has entered into force.
- (b) No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the 1971 Fund Convention as amended by this Protocol increased by six per cent per year calculated on a compound basis from 15 January 1993.
- (c) No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the 1971 Fund Convention as amended by this Protocol multiplied by three.
7. Any amendment adopted in accordance with paragraph 4 shall be notified by the Organization to all Contracting States. The amendment shall be deemed to have been accepted at the end of a period of eighteen months after the date of notification unless within that period not less than one quarter of the States that were Contracting States at the time of the adoption of the amendment by the Legal Committee have communicated to the Organization that they do not accept the amendment in which case the amendment is rejected and shall have no effect.
8. An amendment deemed to have been accepted in accordance with paragraph 7 shall enter into force eighteen months after its acceptance.
9. All Contracting States shall be bound by the amendment, unless they denounce this Protocol in accordance with Article 34, paragraphs 1 and 2, at least six months before the amendment enters into force. Such denunciation shall take effect when the amendment enters into force.
10. When an amendment has been adopted by the Legal Committee but the eighteen-month period for its acceptance has not yet expired, a State which becomes a Contracting State during that period shall be bound by the amendment if it enters into force. A State which becomes a Contracting State after that period shall be bound by an amendment which has been accepted in accordance with paragraph 7. In the cases referred to in this paragraph, a State becomes bound by an amendment when that amendment enters into force, or when this Protocol enters into force for that State, if later.
6. a) Nobene spremembe omejitev po tem členu ni mogoče obravnavati pred 15. januarjem 1998 oziroma ne prej kot pet let od dne, ko je začela veljati prejšnja sprememba po tem členu. Nobena sprememba po tem členu se ne obravnava, dokler ne začne veljati ta protokol.
- b) Omejitev ni mogoče povečati tako, da bi presegle znesek, ki ustreza omejitvi, določeni v Konvenciji o skladu 1971, spremenjeni s tem protokolom, povečani za šest odstotkov letno, izračunano na skupni osnovi s 15. januarja 1993.
- c) Omejitev ni mogoče povečati tako, da bi presegle znesek, ki ustreza omejitvi, določeni v Konvenciji o skladu 1971, spremenjeni s tem protokolom, pomnoženo s tri.
7. Organizacija uradno obvesti vse države pogodbenice o vsaki spremembi, sprejeti v skladu s četrtem odstavkom. Sprememba se šteje za sprejeto ob koncu osemnajst-mesečnega obdobja po dnevu uradnega obvestila, razen če v tem obdobju najmanj četrtnina držav, ki so bile države pogodbenice v času, ko je pravni odbor sprejel spremembo, sporoči organizaciji, da spremembe ne sprejema; v tem primeru je sprememba zavrnjena in nima nobenega učinka.
8. Sprememba, ki se šteje za sprejeto po sedmem odstavku, začne veljati osemnajst mesecev po sprejetju.
9. Sprememba zavezuje vse države pogodbenice, razen če odpovejo protokol v skladu s prvim in drugim odstavkom 34. člena najmanj šest mesecev, preden začne veljati sprememba. Taka odpoved začne veljati, ko začne veljati sprememba.
10. Če je pravni odbor sprejel spremembo, vendar se še ni izteklo osemnajstmesečno obdobje za njeno sprejetje, državo, ki postane pogodbenica v tem obdobju, zavezuje sprememba, če začne veljati. Državo, ki postane pogodbenica po tem obdobju, zavezuje sprememba, sprejeta po sedmem odstavku. V primerih, navedenih v tem odstavku, sprememba zavezuje državo, ko začne veljati ali ko začne veljati ta protokol za to državo, če je to pozneje.

Article 34  
Denunciation

1. This Protocol may be denounced by any Party at any time after the date on which it enters into force for that Party.
2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.
3. A denunciation shall take effect twelve months, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.
4. Denunciation of the 1992 Liability Convention shall be deemed to be a denunciation of this Protocol. Such denunciation shall take effect on the date on which denunciation of the Protocol of 1992 to amend the 1969 Liability Convention takes effect according to Article 16 of that Protocol.
5. Any Contracting State to this Protocol which has not denounced the 1971 Fund Convention and the 1969

34. člen  
Odpoved

1. Pogodbenica lahko odpove ta protokol kadar koli po dnevu, ko je ta zanj začel veljati.
2. Odpoved se opravi z deponiranjem listine pri generalnem sekretarju organizacije.
3. Odpoved začne veljati dvanajst mesecev po tem oziroma po toliko daljšem obdobju, kot je lahko navedeno v listini o odpovedi, po njenem deponiranju pri generalnem sekretarju organizacije.
4. Odpoved Konvencije o odgovornosti 1992 se šteje kot odpoved tega protokola. Taka odpoved začne veljati na dan, ko začne v skladu s 16. členom tega protokola veljati odpoved Protokola 1992, ki spreminja Konvencijo o odgovornosti 1969.
5. Za državo pogodbenico tega protokola, ki ni odpovedala Konvencije o skladu 1971 in Konvencije o odgovornosti

Liability Convention as required by Article 31 shall be deemed to have denounced this Protocol with effect twelve months after the expiry of the six-month period mentioned in that Article. As from the date on which the denunciations provided for in Article 31 take effect, any Party to this Protocol which deposits an instrument of ratification, acceptance, approval or accession to the 1969 Liability Convention shall be deemed to have denounced this Protocol with effect from the date on which such instrument takes effect.

6. As between the Parties to this Protocol, denunciation by any of them of the 1971 Fund Convention in accordance with Article 41 thereof shall not be construed in any way as a denunciation of the 1971 Fund Convention as amended by this Protocol.
7. Notwithstanding a denunciation of this Protocol by a Party pursuant to this Article, any provisions of this Protocol relating to the obligations to make contributions under Article 10 of the 1971 Fund Convention as amended by this Protocol with respect to an incident referred to in Article 12, paragraph 2(b), of that amended Convention and occurring before the denunciation takes effect shall continue to apply.

#### Article 35

##### Extraordinary sessions of the Assembly

1. Any Contracting State may, within ninety days after the deposit of an instrument of denunciation the result of which it considers will significantly increase the level of contributions for the remaining Contracting States, request the Director to convene an extraordinary session of the Assembly. The Director shall convene the Assembly to meet not later than sixty days after receipt of the request.
2. The Director may convene, on his own initiative, an extraordinary session of the Assembly to meet within sixty days after the deposit of any instrument of denunciation, if he considers that such denunciation will result in a significant increase in the level of contributions of the remaining Contracting States.
3. If the Assembly at an extraordinary session convened in accordance with paragraph 1 or 2 decides that the denunciation will result in a significant increase in the level of contributions for the remaining Contracting States, any such State may, not later than one hundred and twenty days before the date on which the denunciation takes effect, denounce this Protocol with effect from the same date.

#### Article 36

##### Termination

1. This Protocol shall cease to be in force on the date when the number of Contracting States falls below three.
2. States which are bound by this Protocol on the day before the date it ceases to be in force shall enable the Fund to exercise its functions as described under Article 37 of this Protocol and shall, for that purpose only, remain bound by this Protocol.

#### Article 37

##### Winding up of the Fund

1. If this Protocol ceases to be in force, the Fund shall nevertheless:
  - (a) meet its obligations in respect of any incident occurring before the Protocol ceased to be in force;

1969, kot zahteva 31. člen, se šteje, da začne odpoved tega protokola veljati dvanajst mesecev po izteku šestmesečnega obdobja, omenjenega v 31. členu. Ko začne veljati odpoved, določena v 31. členu, velja za vsako pogodbenico tega protokola, ki deponira listino o ratifikaciji, sprejetju, odobritvi Konvencije o odgovornosti 1969 ali pristopu k njej, da je odpovedala ta protokol z dnem, ko začne veljati ta lista.

6. Če pogodbenica tega protokola odpove Konvencijo o skladu 1971 po 41. členu, se to nikakor ne razlaga kot odpoved Konvencije o skladu 1971, spremenjene s tem protokolom.
7. Ne glede na to, ali pogodbenica odpove ta protokol po tem členu, še naprej veljajo določbe tega protokola glede obveznosti za vplačilo prispevkov po 10. členu Konvencije o skladu 1971, spremenjene s tem protokolom, v zvezi z dogodkom, omenjenim v pododstavku b) drugega odstavka 12. člena te spremenjene konvencije, če se je zgodil, preden je začela veljati odpoved.

#### 35. člen

##### Izredne seje skupščine

1. Država pogodbenica lahko v devetdesetih dneh po tem, ko je bila deponirana lista o odpovedi, za katero meni, da bo povzročila precejšnje zvišanje stopnje prispevkov za preostale države pogodbenice, zahteva od direktorja, da skliče izredno sejo skupščine. Direktor skliče skupščino, ki se sestane najpozneje šestdeset dni po prejemu zahteve.
2. Direktor lahko na lastno pobudo skliče izredno sejo skupščine, ki se sestane v šestdesetih dneh po deponiranju listine o odpovedi, če meni, da bo taka odpoved povzročila znatno zvišanje stopnje prispevkov za preostale države pogodbenice.
3. Če skupščina na izredni seji, ki je sklicana v skladu s prvim ali drugim odstavkom, ugotovi, da bo odpoved povzročila precejšnje zvišanje stopnje prispevkov za preostale države, lahko katera koli od njih najpozneje sto dvajset dni pred dnem, ko začne odpoved veljati, z istim dnem odpove ta protokol.

#### 36. člen

##### Prenehanje veljavnosti

1. Ta protokol preneha veljati na dan, ko je število držav pogodbenic manjše od tri.
2. Države, ki jih zavezuje ta protokol, na dan pred dnem, ko ta preneha veljati, omogočijo Skladu, da opravi svoje naloge iz 37. člena tega protokola in jih ta protokol zavezuje samo še za to.

#### 37. člen

##### Razpustitev Sklada

1. Če ta protokol preneha veljati, Sklad kljub temu:
  - a) ima obveznost, da izpolni svoje dolžnosti v zvezi z dogodki, ki se zgodijo, preden protokol preneha veljati;

- (b) be entitled to exercise its rights to contributions to the extent that these contributions are necessary to meet the obligations under subparagraph (a), including expenses for the administration of the Fund necessary for this purpose.
2. The Assembly shall take all appropriate measures to complete the winding up of the Fund including the distribution in an equitable manner of any remaining assets among those persons who have contributed to the Fund.
3. For the purposes of this Article the Fund shall remain a legal personal.

Article 38  
Depositary

1. This Protocol and any amendments accepted under Article 33 shall be deposited with the Secretary-General of the Organization.
2. The Secretary-General of the Organization shall:
- (a) inform all States which have signed or acceded to this Protocol of:
- (i) each new signature or deposit of an instrument together with the date thereof;
  - (ii) each declaration and notification under Article 30 including declarations and withdrawals deemed to have been made in accordance with that Article;
  - (iii) the date of entry into force of this Protocol;
  - (iv) the date by which denunciations provided for in Article 31 are required to be made;
  - (v) any proposal to amend limits of amounts of compensation which has been made in accordance with Article 33, paragraph 1;
  - (vi) any amendment which has been adopted in accordance with Article 33, paragraph 4;
  - (vii) any amendment deemed to have been accepted under Article 33, paragraph 7, together with the date on which that amendment shall enter into force in accordance with paragraphs 8 and 9 of that Article;
  - (viii) the deposit of an instrument of denunciation of this Protocol together with the date of the deposit and the date on which it takes effect;
  - (ix) any denunciation deemed to have been made under Article 34, paragraph 5;
  - (x) any communication called for by any Article in this Protocol;
- (b) transmit certified true copies of this Protocol to all Signatory States and to all States which accede to the Protocol.
3. As soon as this Protocol enters into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article 39  
Languages

This Protocol is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

DONE AT LONDON this twenty-seventh day of November one thousand nine hundred and ninety-two.

IN WITNESS WHEREOF the undersigned being duly authorized for that purpose have signed this Protocol.

- b) uveljavi svoje pravice do prispevkov, ki so potrebni za izpolnitev obveznosti po pododstavku a), vključno s stroški upravljanja Sklada, potrebnimi v ta namen.

2. Skupščina ustrezno ukrepa, da dokončno razpusti Sklad, pri čemer pravično razdeli morebitna preostala sredstva med osebe, ki so prispevale v Sklad.
3. Za namene tega člena ostane Sklad pravna oseba.

38. člen  
Depozitar

1. Ta protokol in vse spremembe, sprejete po 33. členu, se deponirajo pri generalnem sekretarju organizacije.
2. Generalni sekretar organizacije:
- a) obvesti vse države, ki so podpisale ta protokol ali pristopile k njemu, o:
- i) vsakem novem podpisu ali deponiranju listine skupaj z datumom;
  - ii) vsaki izjavi in uradnem obvestilu po 30. členu, vključno z izjavami in preklicji, za katere velja, da so bili opravljeni po tem členu;
  - iii) datumu začetka veljavnosti tega protokola;
  - iv) datumu, ko je treba predložiti odpoved, predvideno po 31. členu;
  - v) vsakem predlogu za spremembo omejitev nadomestil v skladu s prvim odstavkom 33. člena;
  - vi) vsaki spremembi, sprejeti v skladu s četrtem odstavkom 33. člena;
  - vii) vsaki spremembi, za katero se šteje, da je bila sprejeta po sedmem odstavku 33. člena, skupaj z datumom, ko je ta sprememba začela veljati v skladu z osmim in devetim odstavkom tega člena;
  - viii) deponiranju listine o odpovedi tega protokola skupaj z datumom deponiranja in datumom, ko začne veljati;
  - ix) o vsaki odpovedi, ki se šteje za opravljeno po petem odstavku 34. člena;
  - x) o vsakem sporočilu, potrebnem po katerem koli členu tega protokola;
- b) pošlje overjene kopije te konvencije vsem državam podpisnicam in vsem državam, ki so pristopile k temu protokolu.
3. Takoj ko začne ta protokol veljati, generalni sekretar organizacije pošlje besedilo v sekretariat Združenih narodov za registracijo in objavo v skladu s 102. členom Ustanovne listine Združenih narodov.

39. člen  
Jeziki

Ta protokol je sestavljen v enem izvorniku v angleškem, arabskem, francoskem, kitajskem, ruskem in španskem jeziku, pri čemer so vsa besedila enako verodostojna.

SESTAVLJENO V LONDONU sedemindvajsetega novembra tisoč devetsto dvaindevetdeset.

V POTRDIŠTEV TEGA so podpisani, ki so bili za to pooblašteni, podpisali ta protokol.

## 3. člen

Vlada Republike Slovenije skladno z 31. členom tega protokola odpove Mednarodno konvencijo o ustanovitvi Mednarodnega sklada za povrnitev škode, nastale zaradi onesnaženja z nafto, 1971 (Uradni list SFRJ – Mednarodne pogodbe, št. 3/77), ki je bila sestavljena v Bruslju 18. decembra 1971 in jo je Republika Slovenija nasledila po nekdanji SFRJ (akt o notifikaciji nasledstva, Uradni list RS, št. 54/92 – Mednarodne pogodbe št. 15/92).

## 4. člen

Za izvajanje protokola skrbi Ministrstvo za promet in zveze.

## 5. člen

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

Št. 412-01/00-24/1

Ljubljana, dne 31. maja 2000

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

**82. Zakon o ratifikaciji Protokola iz leta 1992 o spremembi Mednarodne konvencije o civilni odgovornosti za škodo, povzročeno z onesnaženjem z nafto, 1969 (MKCO69)**

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

**U K A Z**

**O RAZGLASITVI ZAKONA O RATIFIKACIJI PROTOKOLA IZ LETA 1992 O SPREMEMBI  
MEDNARODNE KONVENCIJE O CIVILNI ODGOVORNOSTI ZA ŠKODO, POVZROČENO  
Z ONESNAŽENJEM Z NAFTA, 1969 (MKCO69)**

Razgllašam Zakon o ratifikaciji Protokola iz leta 1992 o spremembi Mednarodne konvencije o civilni odgovornosti za škodo, povzročeno z onesnaženjem z nafto, 1969 (MKCO69), ki ga je sprejel Državni zbor Republike Slovenije na seji 31. maja 2000.

Št. 001-22-103/00

Ljubljana, 8. junija 2000

Predsednik  
Republike Slovenije  
**Milan Kučan** l. r.

**Z A K O N**

**O RATIFIKACIJI PROTOKOLA IZ LETA 1992 O SPREMEMBI MEDNARODNE KONVENCIJE  
O CIVILNI ODGOVORNOSTI ZA ŠKODO, POVZROČENO Z ONESNAŽENJEM  
Z NAFTA, 1969 (MKCO69)**

## 1. člen

Ratificira se Protokol iz leta 1992 o spremembi Mednarodne konvencije o civilni odgovornosti za škodo, povzročeno z onesnaženjem z nafto, 1969, sestavljen v Londonu 27. novembra 1992.

## 2. člen

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

**PROTOCOL OF 1992  
TO AMEND THE INTERNATIONAL CONVENTION  
ON CIVIL LIABILITY FOR OIL POLLUTION  
DAMAGE, 1969**

THE PARTIES TO THE PRESENT PROTOCOL,  
HAVING CONSIDERED the International Convention on Civil Liability for Oil Pollution Damage, 1969, and the 1984 Protocol thereto,

HAVING NOTED that the 1984 Protocol to that Convention, which provides for improved scope and enhanced compensation, has not entered into force,

AFFIRMING the importance of maintaining the viability of the international oil pollution liability and compensation system,

AWARE OF the need to ensure the entry into force of the content of the 1984 Protocol as soon as possible,

RECOGNIZING that special provisions are necessary in connection with the introduction of corresponding amendments to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971,

HAVE AGREED as follows:

Article 1

The Convention which the provisions of this Protocol amend is the International Convention on Civil Liability for Oil Pollution Damage, 1969, hereinafter referred to as the "1969 Liability Convention". For States Parties to the Protocol of 1976 to the 1969 Liability Convention, such reference shall be deemed to include the 1969 Liability Convention as amended by that Protocol.

Article 2

Article I of the 1969 Liability Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:
  1. "Ship" means any sea-going vessel and seaborne craft of any type whatsoever constructed or adapted for the carriage of oil in bulk as cargo, provided that a ship capable of carrying oil and other cargoes shall be regarded as a ship only when it is actually carrying oil in bulk as cargo and during any voyage following such carriage unless it is proved that it has no residues of such carriage of oil in bulk aboard.
2. Paragraph 5 is replaced by the following text:
  2. "Oil" means any persistent hydrocarbon mineral oil such as crude oil, fuel oil, heavy diesel oil and lubricating oil, whether carried on board a ship as cargo or in the bunkers of such a ship.
3. Paragraph 6 is replaced by the following text:
  6. "Pollution damage" means:
    - (a) loss or damage caused outside the ship by contamination resulting from the escape or discharge of oil from the ship, wherever such escape or discharge may occur, provided that compensation for impairment of the environment other than loss of profit from such impairment shall be limited to costs of reasonable measures of reinstatement actually undertaken or to be undertaken;
    - (b) the costs of preventive measures and further loss or damage caused by preventive measures.
4. Paragraph 8 is replaced by the following text:
  8. "Incident" means any occurrence, or series of occurrences having the same origin, which causes

**PROTOKOL IZ LETA 1992  
O SPREMEMBI MEDNARODNE KONVENCIJE  
O CIVILNI ODGOVORNOSTI ZA ŠKODO,  
POVZROČENO Z ONESNAŽENJEM  
Z NAFTA, 1969**

POGODBENICE TEGA PROTOKOLA SO SE  
OB UPOŠTEVANJU Mednarodne konvencije o civilni odgovornosti za škodo, povzročeno z onesnaženjem z nafto, 1969 in protokola k njej, 1984,

KER UGOTAVLJAJO, da protokol 1984 k tej konvenciji, ki predvideva večji obseg in povečanje nadomestil, ni začel veljati,

KER POTRJUJEJO, da je pomembno ohraniti uresničevanje mednarodne odgovornosti za onesnaženja z olji in sistema nadomestil,

KER SE ZAVEDAJO, da je treba čim prej zagotoviti, da bodo začela veljati določila protokola 1984,

OB SPOZNANJU, da so potrebne posebne določbe v zvezi z uvajanjem ustreznih sprememb k Mednarodni konvenciji o ustanovitvi Mednarodnega sklada za povrnitev škode nastale zaradi onesnaženja z nafto, 1971,

SPORAZUMELE o naslednjem:

1. člen

Konvencija, katere določbe so spremenjene s tem protokolom je Mednarodna konvencija o civilni odgovornosti za škodo, povzročeno z onesnaženjem z nafto, 1969, v nadaljnjem besedilu "Konvencija o odgovornosti 1969". Za države pogodbenice protokola 1976 h Konvenciji o odgovornosti 1969 šteje, da ta navedba vključuje Konvencijo o odgovornosti 1969, spremenjeno s tistim protokolom.

2. člen

I. člen Konvencije o odgovornosti 1969 se spremeni, kot sledi:

1. Prvi odstavek se zamenja z naslednjim besedilom:
  1. "Ladja" pomeni čezoceansko plovilo in čezmorsko ladjo katere koli vrste, zgrajeno ali prilagojeno za prevoz olj kot razsutega tovora, pod pogojem, da se ladja, zmožna prevažati olja in drug tovor, obravnava kot ladja le, če dejansko prevaža olja kot razsuti tovor in med potovanjem, ki sledi takemu prevozu, razen če je dokazano, da nima nobenih ostankov takega prevoza olj na krovu.
2. Peti odstavek se zamenja z naslednjim besedilom:
  2. "Olje" pomeni vsako obstojno ogljikovodikovo rudninsko olje, kot so surova nafta, kurilno olje, težko plinsko olje in mazivno olje, ki se prevažajo na krovu ladje kot tovor ali v tankih take ladje.
3. Šesti odstavek se zamenja z naslednjim besedilom:
  6. "Škoda zaradi onesnaženja" pomeni:
    - a) izgubo ali škodo, povzročeno zunaj ladje z onesnaženjem, ki je posledica uhajanja ali izlitja olj z ladje, povsod, kjer utegne priti do takega uhajanja ali izlitja, pod pogojem, da se nadomestilo za škodo v okolju, ki ni izguba dobička zaradi take škode, omeji na stroške ustreznih ukrepov za vzpostavitev prejšnjega stanja, ki jih je treba opraviti ali so bili dejansko opravljeni;
    - b) stroške preventivnih ukrepov in nadaljnje izgube ali škode, ki so jo povzročili preventivni ukrepi.
4. Osmi odstavek se zamenja z naslednjim besedilom:
  8. "Dogodek" pomeni vsak pojav ali vrsto pojavov istega izvora, ki povzroči škodo zaradi onesnaženja ali

pollution damage or creates a grave and imminent threat of causing such damage.

5. Paragraph 9 is replaced by the following text:
  9. "Organization" means the International Maritime Organization.
6. After paragraph 9 a new paragraph is inserted reading as follows:
  10. "1969 Liability Convention" means the International Convention on Civil Liability for Oil Pollution Damage, 1969. For States Parties to the Protocol of 1976 to that Convention, the term shall be deemed to include the 1969 Liability Convention as amended by that Protocol.

#### Article 3

Article II of the 1969 Liability Convention is replaced by the following text:

This Convention shall apply exclusively:

- (a) to pollution damage caused:
  - (i) in the territory, including the territorial sea, of a Contracting State, and
  - (ii) in the exclusive economic zone of a Contracting State, established in accordance with international law, or, if a Contracting State has not established such a zone, in an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than 200 nautical miles from the baselines from which the breadth of its territorial sea is measured;
- (b) to preventive measures, wherever taken, to prevent or minimize such damage.

#### Article 4

Article III of the 1969 Liability Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:
  1. Except as provided in paragraphs 2 and 3 of this Article, the owner of a ship at the time of an incident, or, where the incident consists of a series of occurrences, at the time of the first such occurrence, shall be liable for any pollution damage caused by the ship as a result of the incident.
2. Paragraph 4 is replaced by the following text:
  4. No claim for compensation for pollution damage may be made against the owner otherwise than in accordance with this Convention. Subject to paragraph 5 of this Article, no claim for compensation for pollution damage under this Convention or otherwise may be made against:
    - (a) the servants or agents of the owner or the members of the crew;
    - (b) the pilot or any other person who, without being a member of the crew, performs services for the ship;
    - (c) any charterer (howsoever described, including a bareboat charterer), manager or operator of the ship;
    - (d) any person performing salvage operations with the consent of the owner or on the instructions of a competent public authority;
    - (e) any person taking preventive measures;
    - (f) all servants or agents of persons mentioned in subparagraphs (c), (d) and (e); unless the damage resulted from their personal act or omission, committed with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.

ustvari hudo in neposredno grožnjo, da bo povzročila tako škodo.

5. Deveti odstavek se zamenja z naslednjim besedilom:
  9. "Organizacija" pomeni Mednarodno pomorsko organizacijo.
6. Za devetim odstavkom se doda nov odstavek, ki se glasi:
  10. "Konvencija o odgovornosti 1969" pomeni Mednarodno konvencijo o civilni odgovornosti za škodo, ki se povzroči z onesnaževanjem z olji, 1969. Za države pogodbenice protokola 1976 k tej konvenciji se šteje, da to vključuje Konvencijo o odgovornosti 1969, kot je bila spremenjena s tem protokolom.

#### 3. člen

II. člen Konvencije o odgovornosti 1969 se zamenja z naslednjim besedilom:

Ta konvencija se uporablja izključno za:

- a) škodo zaradi onesnaženja, povzročeno:
  - i) na ozemlju države pogodbenice, vključno s teritorialnim morjem in
  - ii) v izključni ekonomski coni države pogodbenice, ustanovljeni v skladu z mednarodnim pravom ali, če država pogodbenica ni ustanovila take cone, na sosednjem območju zunaj teritorialnega morja te države, ki ga je določila ta država v skladu z mednarodnim pravom, in ne sega več kot 200 morskih milj od temeljne črte, od katere je izmerjena širina njenega teritorialnega morja;
- b) preventivne ukrepe, kadar so sprejeti, da bi se preprečila ali čim bolj zmanjšala taka škoda.

#### 4. člen

III. člen Konvencije o odgovornosti 1969 se spremeni, kot sledi:

1. Prvi odstavek se zamenja z naslednjim besedilom:
  1. Razen v primerih, predvidenih v drugem in tretjem odstavku tega člena, je lastnik ladje v času dogodka, ali kadar ga sestavlja vrsta pojavov, v času prvega takega pojava, odgovoren za vsako škodo zaradi onesnaženja, ki ga je povzročila ladja, in je posledica takega dogodka.
2. Četrti odstavek se zamenja z naslednjim besedilom:
  4. Proti lastniku ni mogoče vložiti nobenega zahtevka za povrnitev škode zaradi onesnaženja, razen v skladu s to konvencijo. Po petem odstavku tega člena ni mogoče vložiti nobenega zahtevka za povrnitev škode zaradi onesnaženja po tej konvenciji ali drugih zahtevkov do:
    - a) zaposlenih ali predstavnikov lastnika ali članov posadke;
    - b) pilota ali drugih oseb, ki opravljajo storitve za ladjo, čeprav niso člani posadke;
    - c) zakupnika (ne glede na to, kako se imenuje, vključno z zakupnikom prazne ladje), upravnika ali upravljalca ladje;
    - d) osebe, ki izvaja reševanje s soglasjem lastnika ali po navodilih pristojnih javnih oblasti;
    - e) osebe, ki izvaja preventivne ukrepe;
    - f) vseh zaposlenih ali predstavnikov oseb, omenjenih v pododstavkih c), d) in e); razen če je škoda posledica njihovega osebne storitve ali opustitve, storjene zato, da se povzroči takšna škoda, ali iz malomarnosti in vedoč, da lahko nastane taka škoda.

## Article 5

Article IV of the 1969 Liability Convention is replaced by the following text:

When an incident involving two or more ships occurs and pollution damage results therefrom, the owners of all the ships concerned, unless exonerated under Article III, shall be jointly and severally liable for all such damage which is not reasonably separable.

## Article 6

Article V of the 1969 Liability Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:
  1. The owner of a ship shall be entitled to limit his liability under this Convention in respect of any one incident to an aggregate amount calculated as follows:
    - (a) 3 million units of account for a ship not exceeding 5,000 units of tonnage;
    - (b) for a ship with a tonnage in excess thereof, for each additional unit of tonnage, 420 units of account in addition to the amount mentioned in subparagraph (a); provided, however, that this aggregate amount shall not in any event exceed 59.7 million units of account.
  2. Paragraph 2 is replaced by the following text:
    2. The owner shall not be entitled to limit his liability under this Convention if it is proved that the pollution damage resulted from his personal act or omission, committed with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.
  3. Paragraph 3 is replaced by the following text:
    3. For the purpose of availing himself of the benefit of limitation provided for in paragraph 1 of this Article the owner shall constitute a fund for the total sum representing the limit of his liability with the Court or other competent authority of any one of the Contracting States in which action is brought under Article IX or, if no action is brought, with any Court or other competent authority in any one of the Contracting States in which an action can be brought under Article IX. The fund can be constituted either by depositing the sum or by producing a bank guarantee or other guarantee, acceptable under the legislation of the Contracting State where the fund is constituted, and considered to be adequate by the Court or other competent authority.
  4. Paragraph 9 is replaced by the following text:
    - 9(a). The "unit of account" referred to in paragraph 1 of this Article is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in paragraph 1 shall be converted into national currency on the basis of the value of that currency by reference to the Special Drawing Right on the date of the constitution of the fund referred to in paragraph 3. The value of the national currency, in terms of the Special Drawing Right, of a Contracting State which is a member of the International Monetary Fund shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect on the date in question for its operations and transactions. The value of the national currency, in terms of the Special Drawing Right, of a Contracting State which is not a member of the International Monetary Fund shall be calculated in a manner determined by that State.

## 5. člen

IV. člen Konvencije o odgovornosti 1969 se zamenja z naslednjim besedilom:

Kadar pride do dogodka, ki vključuje dve ali več ladij, in je posledično povzročena škoda zaradi onesnaženja, so lastniki vseh teh ladij, razen tistih, ki so izvzete po III. členu, skupno in solidarno odgovorni za vso škodo, ki je ni mogoče razumno razdeliti.

## 6. člen

V. člen Konvencije o odgovornosti 1969 se spremeni, kot sledi:

1. Prvi odstavek se nadomesti z naslednjim besedilom:
  1. Lastnik ladje ima pravico, da omeji svojo odgovornost po tej konvenciji v zvezi z vsakim dogodkom do skupnega zneska po naslednjem izračunu:
    - a) 3 milijone računskih enot za ladjo, ki ne presega 5.000 enot tonaže;
    - b) za ladjo z večjo tonažo se za vsako dodatno enoto tonaže k znesku, omenjenem v pododstavku a), doda 420 računskih enot; pod pogojem, da ta skupni znesek v nobenem primeru ne presega 59,7 milijona računskih enot.
  2. Drugi odstavek se nadomesti z naslednjim besedilom:
    2. Lastnik ladje nima pravice, da bi omejil svojo odgovornost po tej konvenciji, če je dokazano, da je škoda zaradi onesnaženosti posledica njegove osebne storitve ali opustitve, storjene zato, da se povzroči taka škoda, ali iz malomarnosti in vedoč, da lahko nastane taka škoda.
  3. Tretji odstavek se nadomesti z naslednjim besedilom:
    3. Da bi lastnik izkoristil ugodnost omejitve, predvidene v prvem odstavku tega člena, lastnik ustanovi sklad za celotno vsoto, ki je meja njegove odgovornosti, pri sodišču ali drugi pristojni oblasti v državi pogodbenici, v kateri je vložena tožba po IX. členu, ali če ni vložene tožbe, pri katerem koli sodišču ali drugi pristojni oblasti v državi pogodbenici, v kateri je lahko vložena tožba po IX. členu. Sklad se lahko ustanovi s polgom vsote ali predložitvijo bančne garancije ali druge garancije, sprejemljive po zakonodaji države pogodbenice, v kateri se ustanovi sklad, in jo šteje sodišče ali druga pristojna oblast za primerno.
  4. Deveti odstavek se nadomesti z naslednjim besedilom:
    - 9.a) "Računska enota", navedena v prvem odstavku tega člena, je posebna pravica črpanja, kot jo opredeljuje Mednarodni denarni sklad. Zneski, navedeni v prvem odstavku, se pretvorijo v državno valuto na podlagi vrednosti te valute glede na posebno pravico črpanja na dan ustanovitve sklada, navedenega v tretjem odstavku. Vrednost državne valute za posebne pravice črpanja države pogodbenice, ki je članica Mednarodnega denarnega sklada, se izračuna v skladu z metodo vrednotenja, ki velja na ta dan za naložbe in bančne menjave Mednarodnega denarnega sklada. Vrednost državne valute za posebne pravice črpanja države pogodbenice, ki ni članica Mednarodnega denarnega sklada, se izračuna v skladu z načinom, ki ga določi ta država.



- 9(b). Nevertheless, a Contracting State which is not a member of the International Monetary Fund and whose law does not permit the application of the provisions of paragraph 9(a) may, at the time of ratification, acceptance, approval of or accession to this Convention or at any time thereafter, declare that the unit of account referred to in paragraph 9(a) shall be equal to 15 gold francs. The gold franc referred to in this paragraph corresponds to sixty-five and a half milligrammes of gold of millesimal fineness nine hundred. The conversion of the gold franc into the national currency shall be made according to the law of the State concerned.
- 9(c). The calculation mentioned in the last sentence of paragraph 9(a) and the conversion mentioned in paragraph 9(b) shall be made in such manner as to express in the national currency of the Contracting State as far as possible the same real value for the amounts in paragraph 1 as would result from the application of the first three sentences of paragraph 9(a). Contracting States shall communicate to the depositary the manner of calculation pursuant to paragraph 9(a), or the result of the conversion in paragraph 9(b) as the case may be, when depositing an instrument of ratification, acceptance, approval of or accession to this Convention and whenever there is a change in either.
5. Paragraph 10 is replaced by the following text:
10. For the purpose of this Article the ship's tonnage shall be the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I of the International Convention on Tonnage Measurement of Ships, 1969.
6. The second sentence of paragraph 11 is replaced by the following text:
- Such a fund may be constituted even if, under the provisions of paragraph 2, the owner is not entitled to limit his liability, but its constitution shall in that case not prejudice the rights of any claimant against the owner.
- 9.b) Kljub temu lahko država pogodbenica, ki ni članica Mednarodnega denarnega sklada, in njena zakonodaja ne dovoljuje uporabe določb pododstavka a) devetega odstavka, ob ratifikaciji, sprejetju, odobritvi ali pristopu k tej konvenciji ali kadarkoli kasneje izjavi, da ima računsko enota, navedena v pododstavku a) devetega odstavka, vrednost 15 zlatih frankov. Zlati frank iz tega odstavka, je enak petinšestdeset in pol miligramom zlata čistosti devetsto tisočink. Pretvorba zlatega franka v državno valuto se opravi v skladu z zakonom te države.
- 9.c) Izračun, omenjen v zadnjem stavku pododstavka a) devetega odstavka, in pretvorba omenjena v pododstavku b) devetega odstavka, se opravita tako, da izražata v državni valuti države pogodbenice čim realnejšo vrednost zneskov iz prvega odstavka, ki bi izhajali iz uporabe prvih treh stavkov pododstavka a) devetega odstavka. Države pogodbenice sporočijo depozitarju način izračuna na podlagi pododstavka a) devetega odstavka oziroma rezultat pretvorbe po pododstavku b) devetega odstavka ob deponiranju listine o ratifikaciji, sprejetju, odobritvi ali pristopu k tej konvenciji in vedno, kadar pride do spremembe katerega od njih.
5. Deseti odstavek se nadomesti z naslednjim besedilom:
10. V tem členu je ladijska tonaža bruto tonaža, izračunana v skladu s pravili o merjenju tonaže, iz Priloge I k Mednarodni konvenciji o izmeritvi ladij, 1969.
6. Drugi stavek enajstega odstavka se nadomesti z naslednjim besedilom:
- Tak sklad se lahko ustanovi tudi, če po določbah drugega odstavka lastnik ni upravičen do omejitve svoje odgovornosti, vendar njegova ustanovitev v takem primeru ne škodi pravicam katerega koli vlagatelja zahtevka do lastnika.

## Article 7

Article VII of the 1969 Liability Convention is amended as follows:

1. The first two sentences of paragraph 2 are replaced by the following text:
- A certificate attesting that insurance or other financial security is in force in accordance with the provisions of this Convention shall be issued to each ship after the appropriate authority of a Contracting State has determined that the requirements of paragraph 1 have been complied with. With respect to a ship registered in a Contracting State such certificate shall be issued or certified by the appropriate authority of the State of the ship's registry; with respect to a ship not registered in a Contracting State it may be issued or certified by the appropriate authority of any Contracting State.
2. Paragraph 4 is replaced by the following text:
4. The certificate shall be carried on board the ship and a copy shall be deposited with the authorities who keep the record of the ship's registry or, if the ship is not registered in a Contracting State, with the authorities of the State issuing or certifying the certificate.
3. The first sentence of paragraph 7 is replaced by the following text:
- Certificates issued or certified under the authority of a Contracting State in accordance with paragraph 2 shall be accepted by other Contracting States for the purposes

## 7. člen

VII. člen Konvencije o odgovornosti 1969 se spremeni, kot sledi:

1. Prva dva stavka drugega odstavka se nadomestita z naslednjim besedilom:
- Potrdilo, ki dokazuje veljavnost zavarovanja ali drugega finančnega jamstva, se po določbah te konvencije izda vsaki ladji, potem ko ustrezne oblasti države pogodbenice odločijo, da so izpolnjene zahteve iz prvega odstavka. Za ladjo, ki je registrirana v državi pogodbenici, tako potrdilo izda ali overi ustrezna oblast države ladijske registracije; za ladjo, ki ni registrirana v državi pogodbenici, ga lahko izda ali overi ustrezna oblast katere koli države pogodbenice.
2. Četrty odstavek se nadomesti z naslednjim besedilom:
4. Potrdilo mora biti med vožnjo na ladji, točen prepis pa se deponira pri oblasteh, ki vodijo ladijski register, ali če ladja ni registrirana v državi pogodbenici, pri oblasteh države, ki so izdale ali overile potrdilo.
3. Prvi stavek sedmega odstavka se nadomesti z naslednjim besedilom:
- Potrdila, ki jih izdajo ali overijo oblasti države pogodbenice v skladu z drugim odstavkom, druge države pogodbenice priznavajo za namene te konvencije in jih upoštevajo

es of this Convention and shall be regarded by other Contracting States as having the same force as certificates issued or certified by them even if issued or certified in respect of a ship not registered in a Contracting State.

4. In the second sentence of paragraph 7 the words "with the State of a ship's registry" are replaced by the words "with the issuing or certifying State".
5. The second sentence of paragraph 8 is replaced by the following text:  
In such case the defendant may, even if the owner is not entitled to limit his liability according to Article V, paragraph 2, avail himself of the limits of liability prescribed in Article V, paragraph 1.

#### Article 8

Article IX of the 1969 Liability Convention is amended as follows:

Paragraph 1 is replaced by the following text:

1. Where an incident has caused pollution damage in the territory, including the territorial sea or an area referred to in Article II, of one or more Contracting States or preventive measures have been taken to prevent or minimize pollution damage in such territory including the territorial sea or area, actions for compensation may only be brought in the Courts of any such Contracting State or States. Reasonable notice of any such action shall be given to the defendant.

#### Article 9

After Article XII of the 1969 Liability Convention two new Articles are inserted as follows:

#### Article XII bis

##### Transitional provisions

The following transitional provisions shall apply in the case of a State which at the time of an incident is a Party both to this Convention and to the 1969 Liability Convention:

- (a) where an incident has caused pollution damage within the scope of this Convention, liability under this Convention shall be deemed to be discharged if, and to the extent that, it also arises under the 1969 Liability Convention;
- (b) where an incident has caused pollution damage within the scope of this Convention, and the State is a Party both to this Convention and to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, liability remaining to be discharged after the application of subparagraph (a) of this Article shall arise under this Convention only to the extent that pollution damage remains uncompensated after application of the said 1971 Convention;
- (c) in the application of Article III, paragraph 4, of this Convention the expression "this Convention" shall be interpreted as referring to this Convention or the 1969 Liability Convention, as appropriate;
- (d) in the application of Article V, paragraph 3, of this Convention the total sum of the fund to be constituted shall be reduced by the amount by which liability has been deemed to be discharged in accordance with subparagraph (a) of this Article.

jo z enako veljavnostjo kot potrdila, ki so jih izdale ali overile same, tudi če so izdane ali overjene za ladjo, ki ni registrirana v državi pogodbenici.

4. V drugem stavku sedmega odstavka se besede "države registracije" nadomestijo z besedami "od države, ki jih je izdala ali overila".
5. Drugi stavek osmega odstavka se nadomesti z naslednjim besedilom:  
V takem primeru lahko toženec, tudi če lastnik po drugem odstavku V. člena ni upravičen do omejitve svoje odgovornosti, izkoristi omejitve odgovornosti iz prvega odstavka V. člena.

#### 8. člen

IX. člen Konvencije o odgovornosti 1969 se dopolni, kot sledi:

Prvi odstavek se nadomesti z naslednjim besedilom:

1. Kadar dogodek povzroči škodo zaradi onesnaženja na ozemlju, vključno z teritorialnim morjem ali območjem ene ali več držav pogodbenic, navedenem v II. členu, ali kadar so sprejeti preventivni ukrepi, da bi se preprečila ali čim bolj zmanjšala škoda zaradi onesnaženja na takem ozemlju, vključno z teritorialnim morjem ali območjem, se lahko tožba za povrnitev vložila le pri sodiščih take države ali držav pogodbenic. Tožencu se pošlje ustrezno obvestilo o tožbi.

#### 9. člen

Za XII. členom Konvencije o odgovornosti 1969 se dodata naslednja nova člena:

#### XII. bis člen

##### Prehodne določbe

Naslednje prehodne določbe veljajo za državo, ki je ob dogodku hkrati pogodbenica te konvencije in Konvencije o odgovornosti 1969:

- a) če je dogodek povzročil škodo zaradi onesnaženja po tej konvenciji se šteje odgovornost po njej za razrešeno, če in v obsegu do katerega se pojavlja tudi po Konvenciji o odgovornosti 1969;
- b) če je dogodek povzročil škodo zaradi onesnaženja v obsegu te Konvencije in je država hkrati pogodbenica te konvencije in Mednarodne konvencije o ustanovitvi Mednarodnega sklada za povrnitev škode, nastale zaradi onesnaženja z nafto, 1971, se odgovornost, ki se razreši po uporabi pododstavka a) tega člena, vzpostavi po tej konvenciji le do obsega, v katerem ostaja škoda zaradi onesnaženja brez povrnitve po uporabi navedene konvencije iz leta 1971;
- c) pri uporabi četrtega odstavka III. člena te konvencije se izraz "ta konvencija" razlaga kot, da se nanaša na to konvencijo oziroma Konvencijo o odgovornosti 1969, kar je primerno;
- d) pri uporabi tretjega odstavka V. člena te konvencije se celotna vsota sklada, ki ga je treba ustanoviti, zmanjša za znesek, za katerega je odgovornost zmanjšana v skladu s pododstavkom a) tega člena.

## Article XII ter

## Final clauses

The final clauses of this Convention shall be Articles 12 to 18 of the Protocol of 1992 to amend the 1969 Liability Convention. References in this Convention to Contracting States shall be taken to mean references to the Contracting States of that Protocol.

## Article 10

The model of a certificate annexed to the 1969 Liability Convention is replaced by the model annexed to this Protocol.

## Article 11

1. The 1969 Liability Convention and this Protocol shall, as between the Parties to this Protocol, be read and interpreted together as one single instrument.
2. Articles I to XII ter, including the model certificate, of the 1969 Liability Convention as amended by this Protocol shall be known as the International Convention on Civil Liability for Oil Pollution Damage, 1992 (1992 Liability Convention).

## FINAL CLAUSES

## Article 12

## Signature, ratification, acceptance, approval and accession

1. This Protocol shall be open for signature at London from 15 January 1993 to 14 January 1994 by all States.
2. Subject to paragraph 4, any State may become a Party to this Protocol by:
  - (a) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or
  - (b) accession.
3. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.
4. Any Contracting State to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, hereinafter referred to as the 1971 Fund Convention, may ratify, accept, approve or accede to this Protocol only if it ratifies, accepts, approves or accedes to the Protocol of 1992 to amend that Convention at the same time, unless it denounces the 1971 Fund Convention to take effect on the date when this Protocol enters into force for that State.
5. A State which is a Party to this Protocol but not a Party to the 1969 Liability Convention shall be bound by the provisions of the 1969 Liability Convention as amended by this Protocol in relation to other States Parties hereto, but shall not be bound by the provisions of the 1969 Liability Convention in relation to States Parties thereto.
6. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the 1969 Liability Convention as amended by this Protocol shall be deemed to apply to the Convention so amended, as modified by such amendment.

## Article 13

## Entry into force

1. This Protocol shall enter into force twelve months following the date on which ten States including four States each with not less than one million units of gross tanker

## XII. ter člen

## Končne določbe

Končne določbe te konvencije so v 12. do 18. členu protokola 1992, ki spreminja Konvencijo o odgovornosti 1969. Sklicevanje na države pogodbenice v tej konvenciji se razume kot sklicevanje na države pogodbenice tega protokola.

## 10. člen

Vzorec potrdila, priložen h Konvenciji o odgovornosti 1969, se nadomesti z vzorcem priloženim temu protokolu.

## 11. člen

1. Konvencija o odgovornosti 1969 in ta protokol se za potrebe pogodbenic k temu protokolu obravnavata in razlagata kot en dokument.
2. I. do XII. člen ter vzorčno potrdilo Konvencije o odgovornosti 1969, spremenjene s tem protokolom, so znani kot Mednarodna konvencija o civilni odgovornosti za škodo, povzročeno z onesnaženjem z olji, 1992 (Konvencija o odgovornosti 1992).

## KONČNE DOLOČBE

## 12. člen

## Podpis, ratifikacija, sprejetje, odobritev in pristop

1. Ta protokol je na voljo za podpis vsem državam od 15. januarja 1993 do 14. januarja 1994 v Londonu.
2. Po četrtem odstavku lahko država postane pogodbenica tega protokola:
  - a) s podpisom s pridržkom glede ratifikacije, sprejetja ali odobritev, ki mu sledi ratifikacija, sprejetje ali odobritev, ali
  - b) s pristopom.
3. Ratifikacija, sprejetje, odobritev ali pristop se opravi z deponiranjem listine v ta namen pri generalnem sekretarju organizacije.
4. Država, ki je pogodbenica Mednarodne konvencije o ustanovitvi Mednarodnega sklada za povrnitev škode, nastale zaradi onesnaženja z nafto, 1971, v nadaljevanju Konvencija o skladu 1971, lahko ratificira, sprejme ali odobri ta protokol ali pristopi k njemu, če hkrati ratificira, sprejme, odobri ali pristopi k protokolu 1992, ki spreminja omenjeno konvencijo, razen če odpove Konvencijo o skladu 1971 z dnem, ko začne ta protokol veljati za to državo.
5. Država, ki je pogodbenica tega protokola, a ni pogodbenica Konvencije o odgovornosti 1969, je zavezana z določbami Konvencije o odgovornosti 1969, spremenjene s tem protokolom, do drugih držav pogodbenic v zvezi z njim, vendar ni zavezana z določbami Konvencije o odgovornosti 1969 do držav pogodbenic v zvezi z njo.
6. Listina o ratifikaciji, sprejetju, odobritvi ali pristopu, deponirana po tem, ko je začela veljati sprememba Konvencije o odgovornosti 1969, spremenjene s tem protokolom, se šteje, da velja za konvencijo, spremenjeno s to spremembo.

## 13. člen

## Začetek veljavnosti

1. Ta protokol začne veljati dvanajst mesecev od dneva, ko je deset držav, vključno s štirimi državami, od katerih ima vsaka vsaj en milijon enot bruto tankerske tonaže, de-

tonnage have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization.

2. However, any Contracting State to the 1971 Fund Convention may, at the time of the deposit of its instrument of ratification, acceptance, approval or accession in respect of this Protocol, declare that such instrument shall be deemed not to be effective for the purposes of this Article until the end of the six-month period in Article 31 of the Protocol of 1992 to amend the 1971 Fund Convention. A State which is not a Contracting State to the 1971 Fund Convention but which deposits an instrument of ratification, acceptance, approval or accession in respect of the Protocol of 1992 to amend the 1971 Fund Convention may also make a declaration in accordance with this paragraph at the same time.
3. Any State which has made a declaration in accordance with the preceding paragraph may withdraw it at any time by means of a notification addressed to the Secretary-General of the Organization. Any such withdrawal shall take effect on the date the notification is received, provided that such State shall be deemed to have deposited its instrument of ratification, acceptance, approval or accession in respect of this Protocol on that date.
4. For any State which ratifies, accepts, approves or accedes to it after the conditions in paragraph 1 for entry into force have been met, this Protocol shall enter into force twelve months following the date of deposit by such State of the appropriate instrument.

#### Article 14

##### Revision and amendment

1. A Conference for the purpose of revising or amending the 1992 Liability Convention may be convened by the Organization.
2. The Organization shall convene a Conference of Contracting States for the purpose of revising or amending the 1992 Liability Convention at the request of not less than one third of the Contracting States.

#### Article 15

##### Amendments of limitation amounts

1. Upon the request of at least one quarter of the Contracting States any proposal to amend the limits of liability laid down in Article V, paragraph 1, of the 1969 Liability Convention as amended by this Protocol shall be circulated by the Secretary-General to all Members of the Organization and to all Contracting States.
2. Any amendment proposed and circulated as above shall be submitted to the Legal Committee of the Organization for consideration at a date at least six months after the date of its circulation.
3. All Contracting States to the 1969 Liability Convention as amended by this Protocol, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Legal Committee for the consideration and adoption of amendments.
4. Amendments shall be adopted by a two-thirds majority of the Contracting States present and voting in the Legal Committee, expanded as provided for in paragraph 3, on condition that at least one half of the Contracting States shall be present at the time of voting.
5. When acting on a proposal to amend the limits, the Legal Committee shall take into account the experience of incidents and in particular the amount of damage resulting therefrom, changes in the monetary values and the effect of the proposed amendment on the cost of

poniralo listine o ratifikaciji, sprejetju, odobritvi ali pristopu pri generalnem sekretarju organizacije.

2. Kljub temu lahko država pogodbenica Konvencije o skladu 1971 v času, ko deponira svojo listino o ratifikaciji, sprejetju, odobritvi ali pristopu k temu protokolu, izjavi, da se ta listina ne šteje za veljavno za namene tega člena do konca šestmesečnega obdobja po 31. členu protokola 1992, ki spreminja Konvencijo o skladu 1971. Tudi država, ki ni pogodbenica Konvencije o skladu 1971, vendar deponira listino o ratifikaciji, sprejetju, odobritvi ali pristopu k protokolu 1992, ki spreminja Konvencijo o skladu 1971, lahko da hkrati izjavo po tem odstavku.
3. Država, ki je dala izjavo po prejšnjem odstavku, jo lahko kadar koli odpove z uradnim obvestilom generalnemu sekretarju organizacije. Taka odpoved začne veljati na dan, ko je prejeta uradno obvestilo, pod pogojem, da se za to državo šteje, da je deponirala svojo listino o ratifikaciji, sprejetju, odobritvi ali pristopu k temu protokolu na ta dan.
4. Za državo, ki ratificira, sprejme, odobri ali pristopi po tem, ko so bili izpolnjeni pogoji za začetek veljavnosti po prvem odstavku, začne ta protokol veljati dvanajst mesecev po dnevu, ko je ta država deponirala ustrezno listino.

#### 14. člen

##### Dopolnitev in sprememba

1. Organizacija lahko skliče konferenco zaradi dopolnitve ali spremembe Konvencije o odgovornosti 1992.
2. Organizacija skliče konferenco pogodbenic tega protokola zaradi dopolnitve ali spremembe Konvencije o odgovornosti 1992 na zahtevo najmanj tretjine držav pogodbenic.

#### 15. člen

##### Spremembe omejitvenih zneskov

1. Na zahtevo najmanj četrtnine držav pogodbenic generalni sekretar vsak predlog za spremembo omejitev odgovornosti, navedenih v prvem odstavku V. člena Konvencije o odgovornosti 1969, spremenjene s tem protokolom, razpošlje vsem članicam organizacije in vsem državam pogodbenicam.
2. Sprememba, ki je predlagana in poslana kot navedeno, se predloži v proučitev pravnemu odboru organizacije najpozneje šest mesecev po dnevu, ko je bila razposlana.
3. Vse države pogodbenice Konvencije o odgovornosti 1969, spremenjene s tem protokolom, imajo, ne glede na to, ali so članice organizacije, pravico sodelovati pri delu pravnega odbora pri proučitvi in sprejemu sprememb.
4. Spremembe se sprejmejo z dvetretjinsko večino držav pogodbenic, ki so navzoče in glasujejo v pravnem odboru, razširjenem, kot je predvideno v tretjem odstavku, pod pogojem, da je pri glasovanju navzoča najmanj polovica držav pogodbenic.
5. Pravni odbor pri obravnavanju predloga za spremembo omejitev upošteva izkušnje pri dogodkih, še zlasti znesek za škodo, ki pri tem nastane, spremembe vrednosti denarja in učinek predlagane spremembe na stroške zavarovanja. Upošteva tudi razmerje med omejitvami v

- insurance. It shall also take into account the relationship between the limits in Article V, paragraph 1, of the 1969 Liability Convention as amended by this Protocol and those in Article 4, paragraph 4, of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992.
6. (a) No amendment of the limits of liability under this Article may be considered before 15 January 1998 nor less than five years from the date of entry into force of a previous amendment under this Article. No amendment under this Article shall be considered before this Protocol has entered into force.
  - (b) No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the 1969 Liability Convention as amended by this Protocol increased by 6 per cent per year calculated on a compound basis from 15 January 1993.
  - (c) No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the 1969 Liability Convention as amended by this Protocol multiplied by 3.
7. Any amendment adopted in accordance with paragraph 4 shall be notified by the Organization to all Contracting States. The amendment shall be deemed to have been accepted at the end of a period of eighteen months after the date of notification, unless within that period not less than one quarter of the States that were Contracting States at the time of the adoption of the amendment by the Legal Committee have communicated to the Organization that they do not accept the amendment in which case the amendment is rejected and shall have no effect.
  8. An amendment deemed to have been accepted in accordance with paragraph 7 shall enter into force eighteen months after its acceptance.
  9. All Contracting States shall be bound by the amendment, unless they denounce this Protocol in accordance with Article 16, paragraphs 1 and 2, at least six months before the amendment enters into force. Such denunciation shall take effect when the amendment enters into force.
  10. When an amendment has been adopted by the Legal Committee but the eighteen-month period for its acceptance has not yet expired, a State which becomes a Contracting State during that period shall be bound by the amendment if it enters into force. A State which becomes a Contracting State after that period shall be bound by an amendment which has been accepted in accordance with paragraph 7. In the cases referred to in this paragraph, a State becomes bound by an amendment when that amendment enters into force, or when this Protocol enters into force for that State, if later.
- prvem odstavku V. člena Konvencije o odgovornosti 1969, spremenjene s tem protokolom, in tistimi v četrtem odstavku 4. člena Mednarodne konvencije o ustanovitvi mednarodnega sklada za povrnitev škode, nastale zaradi onesnaženja z olji, 1992.
6. a) Nobene spremembe omejitev odgovornosti po tem členu ni mogoče obravnavati pred 15. januarjem 1998 oziroma ne prej kot pet let od dne, ko je začela veljati prejšnja sprememba po tem členu. Nobena sprememba po tem členu se ne obravnava, dokler ne začne veljati ta protokol.
  - b) Omejitve ni mogoče povečati tako, da bi presegle znesek, ki ustreza omejitvi, določeni v Konvenciji o odgovornosti 1969, spremenjeni s tem protokolom, povečani za 6 odstotkov letno, izračunano na skupni osnovi s 15. januarja 1993.
  - c) Omejitve ni mogoče povečati tako, da bi presegle znesek, ki ustreza omejitvi, določeni v Konvenciji o odgovornosti 1969, spremenjeni s tem protokolom, pomnoženo s 3.
7. Organizacija uradno obvesti vse države pogodbenice o vsaki spremembi, sprejeti v skladu s četrtem odstavkom. Sprememba se šteje za sprejeto ob koncu osemnajst-mesečnega obdobja po dnevu uradnega obvestila, razen če v tem obdobju najmanj četrtnina držav, ki so bile države pogodbenice v času, ko je pravni odbor sprejel spremembo, sporoči organizaciji, da spremembe ne sprejema, v tem primeru je sprememba zavržena in nima nobenega učinka.
  8. Sprememba, ki se šteje za sprejeto po sedmem odstavku, začne veljati osemnajst mesecev po sprejemu.
  9. Sprememba zavezuje vse države pogodbenice, razen če odpovejo ta protokol v skladu s prvim in drugim odstavkom 16. člena najmanj šest mesecev preden začne sprememba veljati. Taka odpoved začne veljati, ko začne veljati sprememba.
  10. Če je pravni odbor sprejel spremembo, vendar se še ni izteklo osemnajstmesečno obdobje za njeno sprejetje, državo, ki postane pogodbenica v tem obdobju, zavezuje sprememba, če začne veljati. Država, ki postane pogodbenica po tem obdobju, zavezuje sprememba, sprejeta po sedmem odstavku. V primerih, navedenih v tem odstavku, sprememba zavezuje državo, ko začne veljati ali ko začne veljati ta protokol za to državo, če je to pozneje.

Article 16  
Denunciation

1. This Protocol may be denounced by any Party at any time after the date on which it enters into force for that Party.
2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.
3. A denunciation shall take effect twelve months, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.
4. As between the Parties to this Protocol, denunciation by any of them of the 1969 Liability Convention in accordance with Article XVI thereof shall not be construed in any way as a denunciation of the 1969 Liability Convention as amended by this Protocol.

16. člen  
Odpoved

1. Pogodbenica lahko odpove ta protokol kadar koli po dnevu, ko je ta zanj začel veljati.
2. Odpoved se opravi z deponiranjem listine pri generalnem sekretarju organizacije.
3. Odpoved začne veljati dvanajst mesecev po tem oziroma po toliko daljšem obdobju, kot je lahko navedeno v listini o odpovedi, po njenem deponiranju pri generalnem sekretarju organizacije.
4. Če pogodbenica tega protokola odpove Konvencijo o odgovornosti 1969 v skladu s XVI. členom, se to nikakor ne razlaga kot odpoved Konvencije o odgovornosti 1969, spremenjene s tem protokolom.

5. Denunciation of the Protocol of 1992 to amend the 1971 Fund Convention by a State which remains a Party to the 1971 Fund Convention shall be deemed to be a denunciation of this Protocol. Such denunciation shall take effect on the date on which denunciation of the Protocol of 1992 to amend the 1971 Fund Convention takes effect according to Article 34 of that Protocol.

Article 17  
Depositary

1. This Protocol and any amendments accepted under Article 15 shall be deposited with the Secretary-General of the Organization.
2. The Secretary-General of the Organization shall:
  - (a) inform all States which have signed or acceded to this Protocol of:
    - (i) each new signature or deposit of an instrument together with the date thereof;
    - (ii) each declaration and notification under Article 13 and each declaration and communication under Article V, paragraph 9, of the 1992 Liability Convention;
    - (iii) the date of entry into force of this Protocol;
    - (iv) any proposal to amend limits of liability which has been made in accordance with Article 15, paragraph 1;
    - (v) any amendment which has been adopted in accordance with Article 15, paragraph 4;
    - (vi) any amendment deemed to have been accepted under Article 15, paragraph 7, together with the date on which that amendment shall enter into force in accordance with paragraphs 8 and 9 of that Article;
    - (vii) the deposit of any instrument of denunciation of this Protocol together with the date of the deposit and the date on which it takes effect;
    - (viii) any denunciation deemed to have been made under Article 16, paragraph 5;
    - (ix) any communication called for by any Article of this Protocol;
  - (b) transmit certified true copies of this Protocol to all Signatory States and to all States which accede to this Protocol.
3. As soon as this Protocol enters into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article 18  
Languages

This Protocol is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

DONE AT LONDON, this twenty-seventh day of November one thousand nine hundred and ninety-two.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments for that purpose, have signed this Protocol.

5. Če država odpove protokol 1992, ki spreminja Konvencijo o skladu 1971, ostane pa pogodbenica Konvencije o skladu 1971, se to šteje kot odpoved tega protokola. Taka odpoved začne veljati na dan, ko začne veljati odpoved protokola 1992, ki spreminja Konvencijo o skladu 1971, po njegovem 34. členu.

17. člen  
Depozitar

1. Ta protokol in vse spremembe, sprejete po 15. členu, se deponirajo pri generalnem sekretarju organizacije.
2. Generalni sekretar organizacije:
  - a) obvesti vse države, ki so podpisale ta protokol ali pristopile k njemu, o:
    - i) vsakem novem podpisu ali deponiranju listine skupaj z datumom;
    - ii) vsaki izjavi in uradnem obvestilu po 13. členu ter vsaki izjavi in sporočilu po devetem odstavku V. člena Konvencije o odgovornosti 1992;
    - iii) datumu začetka veljavnosti tega protokola;
    - iv) vsakemu predlogu za spremembo omejitev odgovornosti, danem v skladu s prvim odstavkom 15. člena;
    - v) vsaki spremembi sprejeti v skladu s četrtem odstavkom 15. člena;
    - vi) vsaki spremembi, za katero se šteje, da je bila sprejeta po sedmem odstavku 15. člena, skupaj z datumom, ko je ta sprememba začela veljati v skladu z osmim in devetim odstavkom tega člena;
    - vii) deponiranju vsake listine o odpovedi tega protokola skupaj z datumom deponiranja in datumom, ko začne veljati;
    - viii) o vsaki odpovedi, ki se šteje, za opravljeno po petem odstavku 16. člena;
    - ix) o vsakem sporočilu, potrebnem po katerem koli členu tega protokola;
  - b) pošlje overjene kopije tega protokola vsem državam podpisnicam in vsem državam, ki so pristopile k temu protokolu.
3. Takoj ko začne ta protokol veljati, generalni sekretar organizacije pošlje besedilo v sekretariat Združenih narodov za registracijo in objavo v skladu s 102. členom Ustanovne listine Združenih narodov.

18. člen  
Jeziki

Ta protokol je sestavljen v enem izvorniku v angleškem, arabskem, francoskem, kitajskem, ruskem in španskem jeziku, pri čemer so vsa besedila enako verodostojna.

SESTAVLJENO V LONDONU sedemindvajsetega novembra tisoč devetsto dva in devetdeset.

V POTRDITEV TEGA so podpisani, ki so jih zato pravilno pooblastile njihove vlade, podpisali ta protokol.

## ANNEX

**CERTIFICATE OF INSURANCE OR OTHER  
FINANCIAL SECURITY IN RESPECT OF CIVIL  
LIABILITY FOR OIL POLLUTION DAMAGE**

Issued in accordance with the provisions of Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1992.

Name of ship	Distinctive number or letters	Port of registry	Name and address of owner

This is to certify that there is in force in respect of the above-named ship a policy of insurance or other financial security satisfying the requirements of Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1992.

Type of security .....  
Duration of security .....  
Name and address of the insurer(s) and/or guarantor(s) name .....  
Address .....  
This certificate is valid until .....  
Issued or certified by the Government of .....  
(Full designation of the State)  
At ..... On .....

(Place)

(Date)

.....  
Signature and title of issuing  
or certifying official

## Explanatory Notes:

1. If desired, the designation of the State may include a reference to the competent public authority of the country where the certificate is issued.
2. If the total amount of security has been furnished by more than one source, the amount of each of them should be indicated.
3. If security is furnished in several forms, these should be enumerated.
4. The entry "Duration of Security" must stipulate the date on which such security takes effect.

## 3. člen

Vlada Republike Slovenije skladno z 31. členom Protokola iz leta 1992 o spremembi Mednarodne konvencije o ustanovitvi Mednarodnega sklada za povrnitev škode, nastale zaradi onesnaženja z nafto, 1971, odpove Mednarodno konvencijo o civilni odgovornosti za škodo, povzročeno z onesnaženjem z nafto, 1969 (Uradni list SFRJ – Mednarodne pogodbe, št. 3/77), ki je bila sestavljena v Bruslju 18. decembra 1971 in jo je Republika Slovenija nasledila po nekdanji SFRJ (akt o notifikaciji nasledstva, Uradni list RS, št. 54/92 – Mednarodne pogodbe št. 15/92).

## 4. člen

Za izvajanje protokola skrbi Ministrstvo za promet in zveze.

## 5. člen

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

Št. 802-06/00-4/1

Ljubljana, dne 31. maja 2000

## PRILOGA

**POTRDILO O ZAVAROVANJU ALI DRUGEM  
FINANČNEM JAMSTVU ZA CIVILNO  
ODGOVORNOST ZA ŠKODO POVZROČENO  
Z ONESNAŽENJEM Z OLJI**

Izdano v skladu z določbami VII. člena Mednarodne konvencije o civilni odgovornosti za škodo, povzročeno z onesnaženjem z olji, 1992.

Ime ladje	Razpoznavne številke ali črke	Pristanišče vpisa	Ime in naslov lastnika

S tem se potrjuje, da je ladijska zavarovalna polica ali drugo finančno jamstvo za zgoraj imenovano ladjo veljavno in ustreza zahtevam VII. člena Mednarodne konvencije o civilni odgovornosti za škodo, povzročeno z onesnaženjem z olji, 1992.

Vrsta zavarovanja .....  
Trajanje zavarovanja .....  
Ime in naslov zavarovalnice (zavarovalnic) in/ali poroka (porokov) .....  
Naslov .....  
To potrdilo velja do .....  
Izdala ali potrdila vlada .....  
(Polno ime države)  
V ..... dne .....

(kraj)

(datum)

.....  
Podpis in naziv uradnika, ki to  
potrdilo izda ali potrdi

## Pojasnila:

1. Po želji lahko polno ime države vključuje napotitev na pristojne javne oblasti države, v kateri je potrdilo izdano.
2. Če je jamstvo dano za celotni znesek zavarovanja iz več kot enega vira, se pri vsakem navede znesek.
3. Če je zavarovanje navedeno na več obrazcih, jih je treba oštevilčiti.
4. Pri postavki "Trajanje zavarovanja" se navede datum, ko začne tako zavarovanje veljati.

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

- Obvestilo o začetku veljavnosti mednarodne pogodbe

## O B V E S T I L O o začetku veljavnosti mednarodne pogodbe

Dne 16. junija 2000 je začel veljati Sporazum med Vlado Republike Slovenije in Vlado Slovaške republike o uporabi koprskega pristanišča, podpisan dne 19. marca 1999 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 12/00 (Uradni list Republike Slovenije, št. 49/00).

Ministrstvo za zunanje zadeve  
Republike Slovenije

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