


# Uradni list

## Republike Slovenije



# Mednarodne pogodbe

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Št. 4 (Uradni list RS, št. 11)

Ljubljana, petek 16. 2. 2001

ISSN 1318-0932

Leto XI

### 8. Zakon o ratifikaciji Konvencije o varstvu zahtevkov delavcev v primeru insolventnosti njihovega delodajalca (Konvencija ILO št. 173) (MKVZDI)

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

#### U K A Z

### O RAZGLASITVI ZAKONA O RATIFIKACIJI KONVENCIJE O VARSTVU ZAHTEVKOV DELAVCEV V PRIMERU INSOLVENTNOSTI NJIHOVEGA DELODAJALCA (KONVENCIJA ILO ŠT. 173) (MKVZDI)

Razglašam Zakon o ratifikaciji Konvencije o varstvu zahtevkov delavcev v primeru insolventnosti njihovega delodajalca (Konvencija ILO št. 173) (MKVZDI), ki ga je sprejel Državni zbor Republike Slovenije na seji 31. januarja 2001.

Št. 001-22-16/01

Ljubljana, dne 9. februarja 2001

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

#### Z A K O N

### O RATIFIKACIJI KONVENCIJE O VARSTVU ZAHTEVKOV DELAVCEV V PRIMERU INSOLVENTNOSTI NJIHOVEGA DELODAJALCA (KONVENCIJA ILO ŠT. 173) (MKVZDI)

#### 1. člen

Ratificira se Konvencija Mednarodne organizacije dela št. 173 o varstvu zahtevkov delavcev v primeru insolventnosti njihovega delodajalca (Konvencija ILO št. 173), sprejeta v Ženevi 23. junija 1992.

#### 2. člen

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

#### Convention 173

### CONVENTION CONCERNING THE PROTECTION OF WORKERS' CLAIMS IN THE EVENT OF THE INSOLVENCY OF THEIR EMPLOYER

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 79th Session on 3 June 1992, and

Stressing the importance of the protection of workers' claims in the event of the insolvency of their employer and recalling the provisions on this subject in Article 11 of the Protection of Wages Convention, 1949, and Article 11 of the Workmen's Compensation (Accidents) Convention, 1925, and

#### Konvencija št. 173

### KONVENCIJA O VARSTVU ZAHTEVKOV DELAVCEV V PRIMERU INSOLVENTNOSTI NJIHOVEGA DELODAJALCA

Generalna konferenca Mednarodne organizacije dela,

ki jo je v Ženevi sklical Administrativni svet Mednarodnega urada za delo in se je 3. junija 1992 sestala na svojem 79. zasedanju,

je poudarila pomen varstva zahtevkov delavcev v primeru insolventnosti njihovega delodajalca ter opozorila na s tem povezane določbe 11. člena Konvencije o varstvu plač, 1949, in 11. člena Konvencije o odškodnini z nesreče pri delu, 1925, in

Noting that, since the adoption of the Protection of Wages Convention, 1949, greater value has been placed on the rehabilitation of insolvent enterprises and that, because of the social and economic consequences of insolvency, efforts should be made where possible to rehabilitate enterprises and safeguard employment, and

Noting that since the adoption of the aforementioned standards, significant developments have taken place in the law and practice of many Members which have improved the protection of workers' claims in the event of insolvency of their employer, and considering that it would be timely for the Conference to adopt new standards on the subject of workers' claims, and

Having decided upon the adoption of certain proposals with regard to the protection of workers' claims in the event of the insolvency of their employer, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this twenty-third day of June of the year one thousand nine hundred and ninety-two the following Convention, which may be cited as the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992.

## PART I. GENERAL PROVISIONS

### Article 1

1. For the purposes of this Convention, the term *insolvency* refers to situations in which, in accordance with national law and practice, proceedings have been opened relating to an employer's assets with a view to the collective reimbursement of its creditors.

2. For the purposes of this Convention, a Member may extend the term "insolvency" to other situations in which workers' claims cannot be paid by reason of the financial situation of the employer, for example where the amount of the employer's assets is recognised as being insufficient to justify the opening of insolvency proceedings.

3. The extent to which an employer's assets are subject to the proceedings referred to in paragraph 1 above shall be determined by national laws, regulations or practice.

### Article 2

The provisions of this Convention shall be applied by means of laws or regulations or by any other means consistent with national practice.

### Article 3

1. A Member which ratifies this Convention shall accept either the obligations of Part II, providing for the protection of workers' claims by means of a privilege, or the obligations of Part III, providing for the protection of workers' claims by a guarantee institution, or the obligations of both Parts. This choice shall be indicated in a declaration accompanying its ratification.

2. A Member which has initially accepted only Part II or only Part III of this Convention may thereafter, by a declaration communicated to the Director-General of the International Labour Office, extend its acceptance to the other Part.

3. A Member which accepts the obligations of both Parts of this Convention may, after consulting the most representative organisations of employers and workers, limit the application of Part III to certain categories of workers and to certain branches of economic activity. Such limitations shall be specified in the declaration of acceptance.

upoštevala, da se od sprejema Konvencije o varstvu plač, 1949, daje vse večji poudarek sanaciji insolventnih podjetij in da bi bilo zaradi socialnih in gospodarskih posledic insolventnosti treba storiti vse, kadar je mogoče sanirati podjetje in ohraniti delovna mesta, in

upoštevala, da je bil od sprejema prej omenjenih standardov dosežen bistven napredek v zakonodaji in praksi številnih članic, kar je izboljšalo varstvo zahtevkov delavcev v primeru insolventnosti njihovega delodajalca, ter upoštevala, da bi bilo primerno, da konferenca sprejme nove standarde za zahtevke delavcev, in

sklenila, da sprejme nekatere predloge za varstvo zahtevkov delavcev v primeru insolventnosti njihovega delodajalca, kar je četrta točka dnevnega reda zasedanja, ter

določila, da so ti predlogi v obliki mednarodne konvencije,

sprejema triindvajsetega junija tisoč devetsto dvaindevetdeset to konvencijo, ki se imenuje Konvencija o varstvu zahtevkov delavcev v primeru insolventnosti delodajalca, 1992.

## I. DEL – SPLOŠNE DOLOČBE

### 1. člen

1. V tej konvenciji pomeni izraz "insolventnost" stanja, zaradi katerih se v skladu z notranjo zakonodajo in prakso začnejo postopki za kolektivno poravnavo obveznosti do delodajalčevih upnikov iz premoženja delodajalca.

2. Po tej konvenciji lahko vsaka članica izraz "insolventnost" razširi še na druga stanja, ko zahtevkov delavcev ni mogoče izpolnjevati zaradi finančnega položaja delodajalca, na primer, kadar se vrednost delodajalčevega premoženja spozna za nezadostno za utemeljenost začetka postopka za insolventnost.

3. Obseg, do katerega veljajo za delodajalčevo premoženje postopki iz prvega odstavka zgoraj, se določi z notranjimi zakoni, predpisi in prakso.

### 2. člen

Določbe te konvencije se uresničujejo z zakoni ali predpisi ali na kakršen koli drug način, ki je v skladu z notranjo prakso.

### 3. člen

1. Članica, ki ratificira to konvencijo, mora sprejeti bodisi obveznosti iz II. dela, ki zagotavlja varstvo zahtevkov delavcev s prednostno pravico, bodisi obveznosti iz III. dela, ki zagotavlja varstvo zahtevkov delavcev z jamstveno ustanovo, bodisi obveznosti iz obeh delov. Izbiro sprejetih obveznosti je treba navesti v izjavi ob ratifikaciji.

2. Članica, ki je sprva sprejela le obveznosti iz II. ali III. dela te konvencije, lahko kasneje z izjavo, poslano generalnemu direktorju Mednarodnega urada za delo, razširi sprejete obveznosti še na drugi del.

3. Članica, ki sprejme obveznosti iz obeh delov te konvencije, lahko po posvetu z najbolj reprezentativnimi organizacijami delodajalcev in delavcev omeji uporabo III. dela na določene kategorije delavcev in določene gospodarske panoge. Te omejitve je treba posebej navesti v izjavi o sprejetju.

4. A Member which has limited its acceptance of the obligations of Part III in accordance with paragraph 3 above shall, in its first report under article 22 of the Constitution of the International Labour Organisation, give the reasons for limiting its acceptance. In subsequent reports it shall provide information on any extension of the protection under Part III of this Convention to other categories of workers or other branches of economic activity.

5. A Member which has accepted the obligations of Parts II and III of this Convention may, after consulting the most representative organisations of employers and workers, exclude from the application of Part II those claims which are protected pursuant to Part III.

6. Acceptance by a Member of the obligations of Part II of this Convention shall *ipso jure* involve the termination of its obligations under Article 11 of the Protection of Wages Convention, 1949.

7. A Member which has accepted only the obligations of Part III of this Convention may, by a declaration communicated to the Director-General of the International Labour Office, terminate its obligations under Article 11 of the Protection of Wages Convention, 1949, in respect of those claims which are protected pursuant to Part III.

#### Article 4

1. Subject to the exceptions provided for in paragraph 2 below, and to any limitations specified in accordance with Article 3, paragraph 3, this Convention shall apply to all employees and to all branches of economic activity.

2. The competent authority, after consulting the most representative organisations of employers and workers, may exclude from Part II, Part III or both Parts of this Convention specific categories of workers, in particular public employees, by reason of the particular nature of their employment relationship, or if there are other types of guarantee affording them protection equivalent to that provided by the Convention.

3. A Member availing itself of the exceptions provided for in paragraph 2 above shall, in its reports under article 22 of the Constitution of the International Labour Organisation, provide information on such exceptions, giving the reasons therefor.

### PART II. PROTECTION OF WORKERS' CLAIMS BY MEANS OF A PRIVILEGE

#### PROTECTED CLAIMS

#### Article 5

In the event of an employer's insolvency, workers' claims arising out of their employment shall be protected by a privilege so that they are paid out of the assets of the insolvent employer before non-privileged creditors can be paid their share.

#### Article 6

The privilege shall cover at least:

(a) the workers' claims for wages relating to a prescribed period, which shall not be less than three months, prior to the insolvency or prior to the termination of the employment;

(b) the workers' claims for holiday pay due as a result of work performed during the year in which the insolvency or the termination of the employment occurred, and in the preceding year;

4. Članica, ki je omejila svoje obveznosti iz III. dela v skladu s tretjim odstavkom zgoraj, mora v prvem poročilu, ki ga predloži po 22. členu Ustave Mednarodne organizacije dela, navesti razloge za omejitve. V kasnejših poročilih mora dati informacije o kakršni koli razširitvi varstva iz III. dela te konvencije na druge kategorije delavcev ali druge gospodarske panoge.

5. Članica, ki je sprejela obveznosti iz II. dela in III. dela te konvencije, lahko po posvetu z najbolj reprezentativnimi organizacijami delodajalcev in delavcev izloči iz uporabe tiste zahteve II. dela, ko so zavarovane po III. delu.

6. Ko članica sprejme obveznosti iz II. dela te konvencije, zanjo *ipso iure* prenehajo obveznosti po 11. členu Konvencije o varstvu plač, 1949.

7. Članica, ki je sprejela le obveznosti iz III. dela te konvencije, lahko preneha izpolnjevati obveznosti po 11. členu Konvencije o varstvu plač, 1949, glede tistih zahtevkov, ki so zavarovani po III. delu, in izjavo o tem pošlje generalnemu direktorju Mednarodnega urada za delo.

#### 4. člen

1. Ta konvencija velja za vse delavce in za vse gospodarske panoge, upošteva izjeme, predvidene v drugem odstavku spodaj, in kakršne koli omejitve, določene v skladu s tretjim odstavkom 3. člena.

2. Pristojni organ lahko po posvetu z najbolj reprezentativnimi organizacijami delodajalcev in delavcev izloči iz II. ali III. dela ali iz obeh delov te konvencije določene kategorije delavcev, predvsem javne uslužbenke, zaradi posebne narave njihovega delovnega razmerja ali zaradi drugih vrst jamstev, ki jim omogočajo enakovredno varstvo, kot je zagotovljeno po tej konvenciji.

3. Članica, ki uporabi izjeme, predvidene v drugem odstavku zgoraj, mora v svojih poročilih po 22. členu Ustave Mednarodne organizacije dela sporočiti podatke o takšnih izjemah in jih utemeljiti

### II. DEL – VARSTVO ZAHTEVKOV DELAVCEV S PREDNOSTNO PRAVICO

#### ZAVAROVANI ZAHTEVKI

#### 5. člen

V primeru delodajalčeve insolventnosti je treba zahtevke delavcev, ki izhajajo iz njihove zaposlitve, zavarovati s prednostno pravico, tako da se izplačajo iz premoženja insolventnega delodajalca, še preden se izplačajo deleži upnikom brez prednostne pravice.

#### 6. člen

Prednostna pravica zajema vsaj:

(a) zahtevke delavcev za izplačilo plač za predpisano obdobje, ki ne sme biti krajše od zadnjih treh mesecev pred insolventnostjo delodajalca ali pred prenehanjem zaposlitve;

(b) zahtevke delavcev za plačilo za dopust, ki izhajajo iz dela, opravljenega med letom, v katerem je prišlo do insolventnosti ali prenehanja zaposlitve, in v preteklem letu;

(c) the workers' claims for amounts due in respect of other types of paid absence relating to a prescribed period, which shall not be less than three months, prior to the insolvency or prior to the termination of the employment;

(d) severance pay due to workers upon termination of their employment.

#### LIMITATIONS

##### Article 7

1. National laws or regulations may limit the protection by privilege of workers' claims to a prescribed amount, which shall not be below a socially acceptable level.

2. Where the privilege afforded to workers' claims is so limited, the prescribed amount shall be adjusted as necessary so as to maintain its value.

#### RANK OF PRIVILEGE

##### Article 8

1. National laws or regulations shall give workers' claims a higher rank of privilege than most other privileged claims, and in particular those of the State and the social security system.

2. However, where workers' claims are protected by a guarantee institution in accordance with Part III of this Convention, the claims so protected may be given a lower rank of privilege than those of the State and the social security system.

### PART III. PROTECTION OF WORKERS' CLAIMS BY A GUARANTEE INSTITUTION

#### GENERAL PRINCIPLES

##### Article 9

The payment of workers' claims against their employer arising out of their employment shall be guaranteed through a guarantee institution when payment cannot be made by the employer because of insolvency.

##### Article 10

In giving effect to this Part of the Convention, a Member may, after consulting the most representative organisations of employers and workers, adopt appropriate measures for the purpose of preventing possible abuse.

##### Article 11

1. The organisation, management, operation and financing of wage guarantee institutions shall be determined pursuant to Article 2.

2. The preceding paragraph shall not prevent a Member, in accordance with its particular characteristics and needs, from allowing insurance companies to provide the protection referred to in Article 9, as long as they offer sufficient guarantees.

#### CLAIMS PROTECTED BY A GUARANTEE INSTITUTION

##### Article 12

The workers' claims protected pursuant to this Part of the Convention shall include at least:

(a) the workers' claims for wages relating to a prescribed period, which shall not be less than eight weeks, prior to the insolvency or prior to the termination of the employment;

(c) zahtevke delavcev za denarna nadomestila za druge oblike plačane odsotnosti v predpisanem obdobju, ki ne sme biti krajše od zadnjih treh mesecev pred insolventnostjo delodajalca ali pred prenehanjem zaposlitve;

(d) izplačilo odpravnine delavcem ob prenehanju njihove zaposlitve.

#### OMEJITVE

##### 7. člen

1. Z notranjimi zakoni in predpisi se lahko omeji varstvo zahtevkov delavcev s prednostno pravico na predpisano višino, ki ne sme biti nižja od socialno sprejemljive ravni.

2. Kadar je prednostna pravica za zahtevke delavcev tako omejena, se mora njena višina po potrebi usklajevati, da bi ohranila svojo vrednost.

#### STOPNJA PREDNOSTNE PRAVICE

##### 8. člen

1. Z notranjimi zakoni in predpisi se mora zahtevkom delavcev določiti višja stopnja prednostne pravice kakor večini drugim prednostnim zahtevkom, še zlasti zahtevkom države in sistema socialne varnosti.

2. Kadar pa so zahtevki delavcev varovani z jamstveno ustanovo v skladu s III. delom te konvencije, se sme tako varovanim zahtevkom določiti nižja stopnja prednostne pravice kakor zahtevkom države in sistema socialne varnosti.

### III. DEL – VARSTVO ZAHTEVKOV DELAVCEV Z JAMSTVENO USTANOVO

#### SPLOŠNA NAČELA

##### 9. člen

Kadar delodajalec zaradi svoje insolventnosti plačila ni sposoben poravnati sam, se plačilo zahtevkov delavcev, ki jih imajo do svojega delodajalca in ki izhajajo iz njihove zaposlitve, zagotovi s posredovanjem jamstvene ustanove.

##### 10. člen

Pri izvajanju tega dela konvencije lahko članica po posvetu z najbolj reprezentativnimi organizacijami delodajalcev in delavcev sprejme ustrezne ukrepe za preprečitev možnih zlorab.

##### 11. člen

1. Organiziranje, vodenje, delovanje in financiranje jamstvenih ustanov za plače je treba določiti v skladu z 2. členom.

2. Prejšnji odstavek ne preprečuje članicam, da glede na svoje posebne značilnosti in potrebe dovolijo zavarovalnicam, da zagotovijo varstvo, omenjeno v 9. členu, pod pogojem, da dajejo zadostno jamstvo.

#### ZAHTEVKI, KI JIH VARUJE JAMSTVENA USTANOVA

##### 12. člen

Zahtevki delavcev, ki so varovani na podlagi tega dela konvencije, vključujejo vsaj:

(a) zahtevke delavcev za izplačilo plač za predpisano obdobje, ki ne sme biti krajše od zadnjih osmih tednov pred insolventnostjo delodajalca ali pred prenehanjem zaposlitve;

(b) the workers' claims for holiday pay due as a result of work performed during a prescribed period, which shall not be less than six months, prior to the insolvency or prior to the termination of the employment;

(c) the workers' claims for amounts due in respect of other types of paid absence relating to a prescribed period, which shall not be less than eight weeks, prior to the insolvency or prior to the termination of employment;

(d) severance pay due to workers upon termination of their employment.

#### Article 13

1. Claims protected pursuant to this Part of the Convention may be limited to a prescribed amount, which shall not be below a socially acceptable level.

2. Where the claims protected are so limited, the prescribed amount shall be adjusted as necessary so as to maintain its value.

### FINAL PROVISIONS

#### Article 14

This Convention revises the Protection of Wages Convention, 1949, to the extent provided for in Article 3, paragraphs 6 and 7 above, but does not close that Convention to further ratifications.

#### Article 15

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

#### Article 16

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

#### Article 17

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

#### Article 18

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

(b) zahtevke delavcev za plačilo za dopust, ki izhajajo iz dela, opravljenega v predpisanem obdobju, ki ne sme biti krajše od zadnjih šestih mesecev pred insolventnostjo delodajalca ali prenehanjem zaposlitve;

(c) zahtevke delavcev za denarna nadomestila za druge oblike plačane odsotnosti v predpisanem obdobju, ki ne sme biti krajše od zadnjih osmih tednov pred insolventnostjo delodajalca ali pred prenehanjem zaposlitve;

(d) izplačilo odpravnine delavcem ob prenehanju njihove zaposlitve.

#### 13. člen

1. Zahtevki, ki so varovani na podlagi tega dela konvencije, se lahko omejijo na predpisano višino, ki ne sme biti nižja od socialno sprejemljive ravni.

2. Kadar so zahtevki tako omejeni, se mora predpisana višina po potrebi usklajevati, da bi ohranila svoje vrednosti.

### KONČNE DOLOČBE

#### 14. člen

Ta konvencija spreminja Konvencijo o varstvu plač, 1949, v obsegu, določenem v šestem in sedmem odstavku 3. člena zgoraj, vendar je ta konvencija še na voljo za ratifikacijo.

#### 15. člen

Listine o ratifikaciji te konvencije se pošljejo generalnemu direktorju Mednarodnega urada za delo v registracijo.

#### 16. člen

1. Ta konvencija zavezuje samo tiste članice Mednarodne organizacije dela, katerih registracije so registrirane pri generalnem direktorju.

2. Veljati začne dvanajst mesecev po dnevu, ko sta bili pri generalnem direktorju registrirani ratifikaciji dveh članic.

3. Nato začne ta konvencija veljati za vsako članico dvanajst mesecev po dnevu, ko je bila ratifikacija registrirana.

#### 17. člen

1. Članica, ki je ratificirala to konvencijo, jo lahko odpove po preteku desetih let po dnevu, ko je prvič začela veljati, z aktom, ki ga pošlje v registracijo generalnemu direktorju Mednarodnega urada za delo. Taka odpoved začne učinkovati šele eno leto po dnevu, ko je bila registrirana.

2. Vsaka članica, ki je ratificirala to konvencijo in v enem letu po izteku desetletnega obdobja iz prejšnjega odstavka ne uveljavi pravice do odpovedi po tem členu, ostane zavezana za naslednje desetletno obdobje, potem pa jo lahko pod pogoji iz tega člena odpove po izteku vsakega desetletnega obdobja.

#### 18. člen

1. Generalni direktor Mednarodnega urada za delo uradno obvesti vse članice Mednarodne organizacije dela o registraciji vseh ratifikacij in odpovedi, ki so mu jih poslale članice organizacije.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

## Article 19

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

## Article 20

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

## Article 21

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 17 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

## Article 22

The English and French versions of the text of this Convention are equally authoritative.

2. Ko generalni direktor uradno obvesti članice organizacije o registraciji druge ratifikacije, ki mu je bila poslana, jih opozori na datum začetka veljavnosti te konvencije.

## 19. člen

Generalni direktor Mednarodnega urada za delo sporoči generalnemu sekretarju Združenih narodov vse podatke o vseh ratifikacijah in odpovedih, ki jih je registriral v skladu z določbami prejšnjih členov, zaradi registracije v skladu s 102. členom Ustanovne listine Združenih narodov.

## 20. člen

Administrativni svet Mednarodnega urada za delo predloži Generalni konferenci poročilo o uporabi te konvencije, kadar koli meni, da je to potrebno, in prouči, ali je primerno na dnevni red konference uvrstiti vprašanje njene celotne ali delne spremembe.

## 21. člen

1. Če konferenca sprejme novo konvencijo, ki to konvencijo v celoti ali delno spreminja, in če z novo konvencijo ni drugače določeno,

(a) nova spremenjena konvencija, ki jo ratificirajo posamezne članice, povzroči *ipso iure* takojšnjo odpoved te konvencije ne glede na določbe 17. člena zgoraj, če in ko nova spremenjena konvencija začne veljati;

(b) od dneva, ko začne veljati nova spremenjena konvencija, ta konvencija članicam ni več na voljo za ratifikacijo.

2. Ta konvencija vsekakor še naprej velja v svoji sedanjih obliki in vsebini za tiste članice, ki so jo ratificirale, niso pa ratificirale spremenjene konvencije.

## 22. člen

Angleška in francoska različica besedila te konvencije sta enako verodostojni.

## 3. člen

V skladu s prvim odstavkom 3. člena Konvencije sprejema Republika Slovenija obveznosti iz III. dela Konvencije, ki zagotavljajo varstvo zahtevkov delavcev z jamstveno ustanovo.

## 4. člen

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

## 5. člen

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

Št. 540-01/00-20/1

Ljubljana, dne 31. januarja 2001

Predsednik  
Državnega zbora  
Republike Slovenije  
**Borut Pahor** l. r.

**9. Zakon o ratifikaciji Konvencije o delu s krajšim delovnim časom (Konvencija ILO št. 175) (MKDKDČ)**

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

**U K A Z****O RAZGLASITVI ZAKONA O RATIFIKACIJI KONVENCIJE O DELU S KRAJŠIM DELOVNIM ČASOM (KONVENCIJA ILO ŠT. 175) (MKDKDČ)**

Razglašam Zakon o ratifikaciji Konvencije o delu s krajšim delovnim časom (Konvencija ILO št. 175) (MKDKDČ), ki ga je sprejel Državni zbor Republike Slovenije na seji 31. januarja 2001.

Št. 001-22-11/01  
Ljubljana, dne 9. februarja 2001

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

**Z A K O N****O RATIFIKACIJI KONVENCIJE O DELU S KRAJŠIM DELOVNIM ČASOM (KONVENCIJA ILO ŠT. 175) (MKDKDČ)**

## 1. člen

Ratificira se Konvencija Mednarodne organizacije dela št. 175 o delu s krajšim delovnim časom (Konvencija ILO št. 175), sprejeta v Ženevi 24. junija 1994.

## 2. člen

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

**Convention 175****C O N V E N T I O N  
C O N C E R N I N G P A R T - T I M E W O R K**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 81st Session on 7 June 1994, and

Noting the relevance, for part-time workers, of the provisions of the Equal Remuneration Convention, 1951, the Discrimination (Employment and Occupation) Convention, 1958, and the Workers with Family Responsibilities Convention and Recommendation, 1981, and

Noting the relevance for these workers of the Employment Promotion and Protection against Unemployment Convention, 1988, and the Employment Policy (Supplementary Provisions) Recommendation, 1984, and

Recognizing the importance of productive and freely chosen employment for all workers, the economic importance of part-time work, the need for employment policies to take into account the role of part-time work in facilitating additional employment opportunities, and the need to ensure protection for part-time workers in the areas of access to employment, working conditions and social security, and

Having decided upon the adoption of certain proposals with regard to part-time work, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

**Konvencija št. 175****K O N V E N C I J A  
O D E L U S K R A J Š I M D E L O V N I M Č A S O M**

Generalna konferenca Mednarodne organizacije dela,

ki jo je v Ženevi sklical Administrativni svet Mednarodnega urada za delo in se je 7. julija 1994 sestala na svojem 81. zasedanju,

je upoštevala, da so za delavce, ki delajo krajši delovni čas, pomembne določbe Konvencije o enakem nagrajevanju žensk in moških za enako delo, 1951, Konvencije o diskriminaciji pri zaposlovanju in poklicih, 1958, ter Konvencije in Priporočila o enakih možnostih delavcev in delavk in njihovem enakem obravnavanju, 1981, in

upoštevala, da sta za te delavce pomembna Konvencija o pospeševanju zaposlenosti in zaščita za primer brezposelnosti, 1988, in Priporočilo o politiki zaposlovanja (dodatne določbe), 1984, in

se zavedala pomembnosti ustvarjalne in svobodno izbrane zaposlitve za vse delavce, gospodarske pomembnosti dela s krajšim delovnim časom, potrebe, da se v politiki zaposlovanja upošteva vloga dela s krajšim delovnim časom pri pospeševanju dodatnih priložnosti za zaposlitev, potrebe po zagotovitvi varstva delavcev, ki delajo krajši delovni čas, na področjih dostopa do zaposlitve, delovnih pogojev in socialne varnosti ter

sklenila, da sprejme nekatere predloge glede dela s krajšim delovnim časom, kar je četrta točka dnevnega reda zasedanja, in

določila, da so ti predlogi v obliki mednarodne konvencije,

adopts this twenty-fourth day of June of the year one thousand nine hundred and ninety-four the following Convention, which may be cited as the Part-Time Work Convention, 1994:

#### Article 1

For the purposes of this Convention:

(a) the term part-time worker means an employed person whose normal hours of work are less than those of comparable full-time workers;

(b) the normal hours of work referred to in subparagraph (a) may be calculated weekly or on average over a given period of employment;

(c) the term comparable full-time worker refers to a full-time worker who:

(i) has the same type of employment relationship;

(ii) is engaged in the same or a similar type of work or occupation; and

(iii) is employed in the same establishment or, when there is no comparable full-time worker in that establishment, in the same enterprise or, when there is no comparable full-time worker in that enterprise, in the same branch of activity, as the part-time worker concerned;

(d) full-time workers affected by partial unemployment, that is by a collective and temporary reduction in their normal hours of work for economic, technical or structural reasons, are not considered to be part-time workers.

#### Article 2

This Convention does not affect more favourable provisions applicable to part-time workers under other international labour Conventions.

#### Article 3

1. This Convention applies to all part-time workers, it being understood that a Member may, after consulting the representative organizations of employers and workers concerned, exclude wholly or partly from its scope particular categories of workers or of establishments when its application to them would raise particular problems of a substantial nature.

2. Each Member having ratified this Convention which avails itself of the possibility afforded in the preceding paragraph shall, in its reports on the application of the Convention under article 22 of the Constitution of the International Labour Organization, indicate any particular category of workers or of establishments thus excluded and the reasons why this exclusion was or is still judged necessary.

#### Article 4

Measures shall be taken to ensure that part-time workers receive the same protection as that accorded to comparable full-time workers in respect of:

(a) the right to organize, the right to bargain collectively and the right to act as workers' representatives;

(b) occupational safety and health;

(c) discrimination in employment and occupation.

#### Article 5

Measures appropriate to national law and practice shall be taken to ensure that part-time workers do not, solely because they work part time, receive a basic wage which, calculated proportionately on an hourly, performance-related, or piece-rate basis, is lower than the basic wage of

sprejema štiriindvajsetega junija tisoč devetsto štiriindevetdeset to konvencijo, ki se imenuje Konvencija o delu s krajšim delovnim časom, 1994:

#### 1. člen

V tej konvenciji:

(a) izraz "delavec, ki dela krajši delovni čas" pomeni zaposleno osebo, katere običajni delovni čas je krajši od delovnega časa primerljivih delavcev, ki delajo polni delovni čas;

(b) običajni delovni čas iz pododstavka (a) je lahko izračunan tedensko ali pa kot povprečje za določen čas zaposlitve;

(c) izraz "primerljivi delavec, ki dela polni delovni čas" pomeni delavca, ki dela polni delovni čas:

(i) v enakem delovnem razmerju,

(ii) opravlja enako ali podobno vrsto dela ali poklica in

(iii) je zaposlen v istem obratu, ali če ni primerljivega delavca, ki dela polni delovni čas v tem obratu, v istem podjetju, ali če ni primerljivega delavca, ki dela polni delovni čas v podjetju, v isti panogi kot delavec, ki dela krajši delovni čas;

(d) delavci, ki delajo polni delovni čas in so postali delno brezposelni, to je, da se jim je kolektivno in začasno zmanjšalo število ur njihovega običajnega delovnega časa iz gospodarskih, tehničnih ali organizacijskih razlogov, se ne štejejo za delavce, ki delajo krajši delovni čas.

#### 2. člen

Ta konvencija ne vpliva na ugodnejše določbe, ki veljajo za delavce, ki delajo krajši delovni čas, po drugih mednarodnih konvencijah o delu.

#### 3. člen

1. Ta konvencija se nanaša na vse delavce, ki delajo krajši delovni čas; članica lahko po posvetovanju z reprezentativnimi organizacijami delodajalcev in delavcev v celoti ali delno preneha uporabljati to konvencijo za določene kategorije delavcev ali podjetij, kadar bi uporaba konvencije zanje povzročila posebne probleme precejšnjega pomena.

2. Vsaka članica, ki je ratificirala to konvencijo in uporabi možnost iz prejšnjega odstavka, mora v svojih poročilih o izvajanju konvencije po 22. členu Ustave Mednarodne organizacije dela navesti vsako posebno kategorijo delavcev ali podjetij, ki so bila tako izvzeta, in razloge, zakaj se šteje, da je to bilo ali pa je še potrebno.

#### 4. člen

Treba je sprejeti ukrepe, da se delavcem, ki delajo krajši delovni čas, zagotovi tako varstvo, kot je zagotovljeno primerljivim delavcem, ki delajo polni delovni čas, glede:

(a) pravice do organiziranja, kolektivnih pogajanj in nastopanja kot predstavniki delavcev;

(b) poklicne varnosti in zdravja;

(c) diskriminacije pri zaposlovanju in poklicu.

#### 5. člen

V skladu z notranjo zakonodajo in prakso se sprejmejo ukrepi, s katerimi bo zagotovljeno, da ne bodo delavci, ki delajo krajši delovni čas, samo zato, ker delajo krajši delovni čas, prejeli nižje osnovne plače, izračunane sorazmerno na podlagi ur, delovnega učinka ali akorda, kot jo prejema



comparable full-time workers, calculated according to the same method.

#### Article 6

Statutory social security schemes which are based on occupational activity shall be adapted so that part-time workers enjoy conditions equivalent to those of comparable full-time workers; these conditions may be determined in proportion to hours of work, contributions or earnings, or through other methods consistent with national law and practice.

#### Article 7

Measures shall be taken to ensure that part-time workers receive conditions equivalent to those of comparable full-time workers in the fields of:

- (a) maternity protection;
- (b) termination of employment;
- (c) paid annual leave and paid public holidays; and

(d) sick leave,  
it being understood that pecuniary entitlements may be determined in proportion to hours of work or earnings.

#### Article 8

1. Part-time workers whose hours of work or earnings are below specified thresholds may be excluded by a Member:

(a) from the scope of any of the statutory social security schemes referred to in Article 6, except in regard to employment injury benefits;

(b) from the scope of any of the measures taken in the fields covered by Article 7, except in regard to maternity protection measures other than those provided under statutory social security schemes.

2. The thresholds referred to in paragraph 1 shall be sufficiently low as not to exclude an unduly large percentage of part-time workers.

3. A Member which avails itself of the possibility provided for in paragraph 1 above shall:

- (a) periodically review the thresholds in force;
- (b) in its reports on the application of the Convention under article 22 of the Constitution of the International Labour Organization, indicate the thresholds in force, the reasons therefor and whether consideration is being given to the progressive extension of protection to the workers excluded.

4. The most representative organizations of employers and workers shall be consulted on the establishment, review and revision of the thresholds referred to in this Article.

#### Article 9

1. Measures shall be taken to facilitate access to productive and freely chosen part-time work which meets the needs of both employers and workers, provided that the protection referred to in Articles 4 to 7 is ensured.

2. These measures shall include:

(a) the review of laws and regulations that may prevent or discourage recourse to or acceptance of part-time work;

(b) the use of employment services, where they exist, to identify and publicize possibilities for part-time work in their information and placement activities;

(c) special attention, in employment policies, to the needs and preferences of specific groups such as the unemployed, workers with family responsibilities, older workers, workers with disabilities and workers undergoing education or training.

primerljivi delavci, ki delajo polni delovni čas in se njihova osnovna plača izračunava po isti metodi.

#### 6. člen

Zakonske sisteme socialne varnosti, ki temeljijo na poklicni dejavnosti, je treba prilagoditi tako, da so delavci, ki delajo krajši delovni čas, deležni takih pogojev, ki so enakovredni pogojem primerljivih delavcev, ki delajo polni delovni čas; ti pogoji se lahko določijo v sorazmerju z delovnimi urami, prispevki ali zaslužki ali po drugih metodah v skladu z notranjo zakonodajo in prakso.

#### 7. člen

Sprejmejo se ukrepi, s katerimi se zagotovi, da imajo delavci, ki delajo krajši delovni čas, enakovredne pogoje kot delavci, ki delajo polni delovni čas, glede:

- (a) varstva materinstva,
- (b) prenehanja zaposlitve,
- (c) plačanega letnega dopusta in plačanih državnih praznikov ter

(d) odsotnosti z dela zaradi bolezni,  
pri čemer se denarni prejemki lahko določijo v razmerju z opravljenimi urami dela ali zaslužkom.

#### 8. člen

1. Članica lahko izključi delavce, ki delajo krajši delovni čas, katerih število delovnih ur ali zaslužek je pod določenimi spodnjimi mejami:

(a) iz obsega katerega koli od zakonskih sistemov socialne varnosti, omenjenih v 6. členu, razen za prejemke zaradi poškodb pri delu,

(b) iz obsega katerega koli od ukrepov, sprejetih na področjih, navedenih v 7. členu, razen glede ukrepov v zvezi z varstvom materinstva, ki se razlikujejo od ukrepov, zagotovljenih po zakonskih sistemih socialne varnosti.

2. Spodnje meje iz prvega odstavka morajo biti dovolj nizke, da ne izključujejo pretirano visokega odstotka delavcev, ki delajo krajši delovni čas.

3. Članica, ki uporabi možnost iz prvega odstavka, mora:

- (a) občasno pregledati veljavne spodnje meje;
- (b) navesti v svojih poročilih o izvajanju konvencije po 22. členu Ustave Mednarodne organizacije dela veljavne spodnje meje, razloge zanje in ali se proučuje progresivna širitev zaščite tudi na izključene delavce.

4. O določitvi, pregledu ali spremembi spodnjih meja, omenjenih v tem členu, se je treba posvetovati z najbolj reprezentativnimi organizacijami delodajalcev in delavcev.

#### 9. člen

1. Sprejmejo se ukrepi, s katerimi se olajša dostop do učinkovitega in svobodno izbranega dela s krajšim delovnim časom, ki ustreza tako delodajalcem kot delavcem, če je zagotovljena zaščita iz 4. do 7. člena.

2. S temi ukrepi se zagotovijo:

(a) pregled zakonov in predpisov, ki lahko preprečujejo ali otežujejo dostop do dela s krajšim delovnim časom ali njegovo sprejetje;

(b) uporaba služb za zaposlovanje, kjer obstajajo, da pri svojih dejavnostih obveščanja in zaposlovanja ugotovijo možnosti za delo s krajšim delovnim časom in jih objavijo;

(c) da bo v politiki zaposlovanja posebna pozornost namenjena potrebam in željam posebnih skupin, kot so brezposelni, delavci z družinskimi obveznostmi, starejši delavci, delavci s posebnimi potrebami in delavci, ki se izobražujejo ali usposablajo.

3. These measures may also include research and dissemination of information on the degree to which part-time work responds to the economic and social aims of employers and workers.

#### Article 10

Where appropriate, measures shall be taken to ensure that transfer from full-time to part-time work or vice versa is voluntary, in accordance with national law and practice.

#### Article 11

The provisions of this Convention shall be implemented by laws or regulations, except in so far as effect is given to them by means of collective agreements or in any other manner consistent with national practice. The most representative organizations of employers and workers shall be consulted before any such laws or regulations are adopted.

#### Article 12

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

#### Article 13

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General.

2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

#### Article 14

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

#### Article 15

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

#### Article 16

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United

3. Ti ukrepi lahko vključujejo tudi raziskavo in obveščanje o stopnji, do katere delo s krajšim delovnim časom ustreza gospodarskimi in socialnim ciljem delodajalcev in delavcev.

#### 10. člen

Kadar je to primerno, je treba sprejeti ukrepe v skladu z notranjimi zakoni in prakso, s katerimi se na podlagi svobodne odločitve zagotovi prehod z dela s krajšim delovnim časom na delo s polnim delovnim časom ali obratno.

#### 11. člen

Določbe te konvencije se uresničujejo z zakoni ali predpisi, razen če se uresničujejo s kolektivnimi pogodbami ali kako drugače v skladu s prakso v državi. Pred sprejemom takih zakonov ali predpisov se je treba posvetovati z najbolj reprezentativnimi organizacijami delodajalcev in delavcev.

#### 12. člen

Listine o ratifikaciji te konvencije se pošljejo generalnemu direktorju Mednarodnega urada za delo v registracijo.

#### 13. člen

1. Ta konvencija zavezuje samo tiste članice Mednarodne organizacije dela, katerih registracije so registrirane pri generalnem direktorju.

2. Veljati začne dvanajst mesecev po dnevu, ko sta bili pri generalnem direktorju registrirani ratifikaciji dveh članic.

3. Nato začne konvencija veljati za vsako članico dvanajst mesecev po dnevu, ko je bila ratifikacija registrirana.

#### 14. člen

1. Članica, ki je ratificirala to konvencijo, jo lahko odpove po preteku desetih let po dnevu, ko je prvič začela veljati, z aktom, ki ga pošlje v registracijo generalnemu direktorju Mednarodnega urada za delo. Taka odpoved začne učinkovati šele eno leto po dnevu, ko je bila registrirana.

2. Vsaka članica, ki je ratificirala to konvencijo in v enem letu po izteku desetletnega obdobja iz prejšnjega odstavka ne uveljavi pravice do odpovedi po tem členu, ostane zavezana za naslednje desetletno obdobje, potem pa jo lahko pod pogoji iz tega člena odpove po izteku vsakega desetletnega obdobja.

#### 15. člen

1. Generalni direktor Mednarodnega urada za delo uradno obvesti vse članice Mednarodne organizacije dela o registraciji vseh ratifikacij in odpovedi, ki so mu jih poslale članice organizacije.

2. Ko generalni direktor uradno obvesti članice organizacije o registraciji druge ratifikacije, ki mu je bila poslana, jih opozori na datum začetka veljavnosti te konvencije.

#### 16. člen

Generalni direktor Mednarodnega urada za delo sporoči generalnemu sekretarju Združenih narodov vse po-

Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciations registered by him in accordance with the provisions of the preceding Articles.

## Article 17

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

## Article 18

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 14 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

## Article 19

The English and French versions of the text of this Convention are equally authoritative.

datke o vseh ratifikacijah in odpovedih, ki jih je registriral v skladu z določbami prejšnjih členov, zaradi registracije v skladu s 102. členom Ustanovne listine Združenih narodov.

## 17. člen

Administrativni svet Mednarodnega urada za delo predloži Generalni konferenci poročilo o uporabi te konvencije, kadar koli meni, da je to potrebno, in prouči, ali je primerno na dnevni red konference vvrstiti vprašanje njene celotne ali delne spremembe.

## 18. člen

1. Če konferenca sprejme novo konvencijo, ki to konvencijo v celoti ali delno spreminja, in če z novo konvencijo ni drugače določeno,

(a) nova spremenjena konvencija, ki jo ratificirajo posamezne članice, povzroči *ipso iure* takojšnjo odpoved te konvencije ne glede na določbe 14. člena zgoraj, če in ko nova spremenjena konvencija začne veljati;

(b) od dneva, ko začne veljati nova spremenjena konvencija, ta konvencija članicam ni več na voljo za ratifikacijo.

2. Ta konvencija vsekakor še naprej velja v svoji sedanjih obliki in vsebini za tiste članice, ki so jo ratificirale, niso pa ratificirale spremenjene konvencije.

## 19. člen

Angleška in francoska različica besedila te konvencije sta enako verodostojni.

## 3. člen

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

## 4. člen

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

Št. 101-01/00-11/1

Ljubljana, dne 31. januarja 2001

Predsednik  
Državnega zbora  
Republike Slovenije  
**Borut Pahor** l. r.

**10. Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Kraljevine Švedske o spodbujanju in medsebojni zaščiti naložb s protokolom (BSESZN)**

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

**U K A Z**

**O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO KRALJEVINE ŠVEDSKE O SPODBUJANJU IN MEDSEBOJNI ZAŠČITI NALOŽB S PROTOKOLOM (BSESZN)**

Razglašam Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Kraljevine Švedske o spodbujanju in medsebojni zaščiti naložb s protokolom (BSESZN), ki ga je sprejel Državni zbor Republike Slovenije na seji 31. januarja 2001.

Št. 001-22-14/01  
Ljubljana, dne 9. februarja 2001

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

**Z A K O N**

**O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO KRALJEVINE ŠVEDSKE O SPODBUJANJU IN MEDSEBOJNI ZAŠČITI NALOŽB S PROTOKOLOM (BSESZN)**

1. člen

Ratificira se Sporazum med Vlado Republike Slovenije in Vlado Kraljevine Švedske o spodbujanju in medsebojni zaščiti naložb s protokolom, podpisan v Stockholmu 5. oktobra 1999.

2. člen

Sporazum s protokolom se v izvorniku v slovenskem in angleškem jeziku glasi:\*

**S P O R A Z U M  
MED VLADO REPUBLIKE SLOVENIJE IN VLADO  
KRALJEVINE ŠVEDSKE O SPODBUJANJU  
IN MEDSEBOJNI ZAŠČITI NALOŽB**

Vlada Republike Slovenije in Vlada Kraljevine Švedske, v nadaljevanju "pogodbenici", sta se

v želji, da okrepiata gospodarsko sodelovanje v obojestransko korist obeh držav ter da ohranita poštene in pravične pogoje za naložbe vlagateljev ene pogodbenice na ozemlju druge pogodbenice,

ob spoznanju, da bosta spodbujanje in medsebojna zaščita naložb na podlagi tega sporazuma spodbudila poslovne pobude,

sporazumeli, kot sledi:

1. člen

**Opredelitev pojmov**

Za namen tega sporazuma:

1. Izraz "naložba" pomeni vsako vrsto premoženja, ki ga vlagatelj ene pogodbenice vlagajo na ozemlju druge

**A G R E E M E N T  
BETWEEN THE GOVERNMENT OF THE  
REPUBLIC OF SLOVENIA AND THE  
GOVERNMENT OF THE KINGDOM OF SWEDEN  
ON THE PROMOTION AND MUTUAL  
PROTECTION OF INVESTMENTS**

The Government of the Republic of Slovenia and the Government of the Kingdom of Sweden, hereinafter referred to as the "Contracting Parties",

Desiring to intensify economic cooperation to the mutual benefit of both countries and to maintain fair and equitable conditions for investments by investors of one Contracting Party in the territory of the other Contracting Party,

Recognizing that the promotion and mutual protection of investments on the basis of this Agreement will stimulate business initiatives,

Have agreed as follows:

Article 1

**Definitions**

For the purpose of this Agreement:

1. The term "investment" shall mean every kind of asset invested by investors of one Contracting Party in the

\* Besedilo sporazuma s protokolom v švedskem jeziku je na vpogled v sektorju za mednarodne pravne zadeve Ministrstva za zunanje zadeve Republike Slovenije.

pogodbenice v skladu z zakoni in predpisi te pogodbenice in vključuje zlasti, vendar ne izključno:

- a) premočnine in nepremičnine ter druge stvarne pravice, kot so hipoteke, zasegi, zastave in podobne pravice;
- b) deleže, delnice, obveznice in kakršno koli drugo obliko udeležbe v družbah;
- c) denarne terjatve ali zahtevke v zvezi s kakršno koli drugo dejavnostjo, ki ima ekonomsko vrednost;
- d) pravice intelektualne lastnine, tehnološke postopke, blagovne znamke, know-how, vrednost na podlagi dobrega imena in slovesa in druge podobne pravice in
- e) koncesije, vključno s koncesijami za iskanje, raziskovanje, črpanje ali izkoriščanje naravnih virov, ki jih z zakonom, upravnim aktom ali pogodbo podeljuje pristojni organ.

Blagu, ki ga najemodajalec kot vlagatelj ene pogodbenice daje na razpolago najemniku po najemni pogodbi na ozemlju druge pogodbenice, se zagotavlja obravnava, ki ni manj ugodna od tiste, ki se zagotavlja naložbi.

Kakršna koli sprememba oblike, v kateri se premoženje investira ali reinvestira, ne vpliva na njegovo naravo kot naložbo pod pogojem, da je taka sprememba v skladu z zakoni in predpisi pogodbenice, na katere ozemlju je bila naložba izvedena.

2. Izraz "dohodek" pomeni zneske, ki jih prinašajo naložbe, in vključuje zlasti, vendar ne izključno dobičke, dividende, obresti, licenčnine, kapitalske dobičke ali druge oblike dohodka, ki jih prinašajo naložbe, vključno s pristojbinami za tehnično pomoč.
3. Izraz "vlagatelj" pomeni:
  - a) fizične osebe, ki so državljani ene ali druge pogodbenice v skladu z njenimi zakoni;
  - b) pravne osebe, ustanovljene po pravu te pogodbenice, in
  - c) pravne osebe, ki niso ustanovljene po pravu te pogodbenice, temveč jih neposredno ali posredno nadzorujejo fizične osebe, kot je opredeljeno v točki a), ali pravne osebe, kot je opredeljeno v točki b) zgoraj.
4. Izraz "ozemlje" pomeni ozemlje vsake pogodbenice kot tudi izključno ekonomsko cono, morsko dno in njegovo podzemlje, nad katerim ta pogodbenica uresničuje suverene pravice ali jurisdikcijo v skladu z mednarodnim pravom.

## 2. člen

### Spodbujanje in zaščita naložb

1. Vsaka pogodbenica na svojem ozemlju, kolikor je le mogoče, pospešuje in spodbuja naložbe vlagateljev druge pogodbenice in dovoljuje take naložbe na svojem ozemlju v skladu s svojimi zakoni in predpisi.
2. Vsaka pogodbenica priznava na svojem ozemlju naložbam vlagateljev druge pogodbenice pošteno in pravično obravnavo ter popolno in trajno zaščito in varnost. V nobenem primeru pogodbenica ne sme obravnavati teh naložb manj ugodno, kot to zahteva mednarodno pravo.

territory of the other Contracting Party in accordance with the laws and regulations of the latter including, in particular, though not exclusively:

- a) movable and immovable property as well as any other rights in rem, such as mortgages, liens, pledges and similar rights;
- b) shares, stocks, debentures and any other form of interest in a company;
- c) claims to money or to any performance having an economic value;
- d) intellectual property rights, technical processes, trade names, know-how, goodwill and other similar rights; and
- e) concessions conferred by law, by administrative act or under a contract, by a competent authority, including concessions to search for, develop, extract or exploit natural resources.

Goods, that under a leasing agreement are placed at the disposal of a lessee in the territory of one Contracting Party by a lessor being an investor of the other Contracting Party, shall be treated no less favourably than an investment.

Any alteration of the form in which assets are invested or reinvested shall not affect their character as investments, provided that such alteration is in accordance with the laws and regulations of the Contracting Party in whose territory the investment has been made.

2. The term "returns" shall mean the amounts yielded by investments and in particular, though not exclusively, shall include profits, dividends, interests, royalties, capital gains or other forms of income related to the investments including technical assistance fees.
3. The term "investor" shall mean:
  - a) natural persons having the nationality of either Contracting Party, in accordance with its laws,
  - b) legal persons constituted under the law of that Contracting Party, and
  - c) legal persons not constituted under the law of that Contracting Party but controlled, directly or indirectly, by natural persons as defined in a) or by legal persons as defined in b) above.
4. The term "territory" shall mean the territory of each Contracting Party as well as the exclusive economic zone, the seabed and subsoil, over which the Contracting Party exercises, in accordance with international law, sovereign rights or jurisdiction.

## Article 2

### Promotion and Protection of Investments

1. Each Contracting Party shall promote and encourage, as far as possible, within its territory investments made by investors of the other Contracting Party and shall admit such investments into its territory in accordance with its laws and regulations.
2. Each Contracting Party shall accord to investments in its territory of investors of another Contracting Party fair and equitable treatment and full and constant protection and security. In no case shall a Contracting Party accord treatment less favourable than that required by international law.

3. Nobena pogodbenica na svojem ozemlju ne sprejema neupravičenih, samovoljnih ali diskriminacijskih ukrepov, s katerimi bi kakor koli škodovala upravljanju, vzdrževanju, uporabi, uživanju naložb vlagateljev druge pogodbenice ali razpolaganju z njimi.
4. V skladu z zakoni in predpisi v zvezi z vstopom in bivanjem tujcev, se posameznikom, ki delajo za vlagatelja ene pogodbenice, kot tudi članom njihovega gospodinjstva dovoli vstop na ozemlje druge pogodbenice, bivanje in odhod s tega ozemlja zaradi izvajanja dejavnosti v zvezi z naložbami na ozemlju te druge pogodbenice.

## 3. člen

**Nacionalna obravnava in obravnava po načelu države z največjimi ugodnostmi**

1. Naložbe vlagateljev ene pogodbenice na ozemlju druge pogodbenice ali dohodki, povezani z njimi, so deležni obravnave, ki ni manj ugodna od tiste, ki jo pogodbenica priznava naložbam in dohodkom svojih vlagateljev ali vlagateljev katere koli tretje države, kar je ugodnejše.
2. Vlagateljem ene pogodbenice druga pogodbenica glede upravljanja, vzdrževanja, uporabe, uživanja naložb ali razpolaganja z njimi priznava obravnavo, ki ni manj ugodna od tiste, ki jo ta pogodbenica priznava svojim vlagateljem ali vlagateljem katere koli tretje države, kar je ugodnejše.
3. Določb tega člena ni mogoče razlagati tako, da obvezujejo eno pogodbenico, da podeli vlagateljem druge pogodbenice kakršne koli prednostne obravnave ugodnosti ali privilegije na podlagi:
  - a) kakršnega koli obstoječega ali prihodnjega prostotrgovinskega območja, carinske unije ali skupnega trga, katerih članica je ali lahko postane pogodbenica, in
  - b) kakršnega koli mednarodnega sporazuma ali notranje zakonodaje, ki se v celoti ali v glavnem nanaša na obdavčenje.

## 4. člen

**Razlastitev**

1. Naložbe vlagateljev ene ali druge pogodbenice se na ozemlju druge pogodbenice ne smejo razlastiti, nacionalizirati ali se v zvezi z njimi sprejeti drugi ukrepi, ki imajo enak učinek kot razlastitev ali nacionalizacija (v nadaljevanju "razlastitev"), razen če so v javnem interesu, na nediskriminacijski podlagi v skladu s pravilnim zakonskim postopkom in za takojšnjo, ustrezno in učinkovito nadomestilo.
2. Tako nadomestilo je v višini poštene tržne vrednosti razlašene naložbe tik pred razlastitvijo ali preden je namepravana razlastitev postala tako splošno znana, da je vplivala na vrednost naložbe (v nadaljevanju "datum vrednotenja").
3. Ta poštena tržna vrednost je na zahtevo vlagatelja izražena v prosto zamenljivi valuti na podlagi tržnega menjalnega tečaja, ki velja za to valuto na datum vrednotenja. Nadomestilo vključuje tudi obresti po komercialni obre-

3. Neither Contracting Party shall in any way impair by unreasonable, arbitrary or discriminatory measures the management, maintenance, use, enjoyment or disposal of investments in its territory of investors of the other Contracting Party.

4. Subject to the laws and regulations relating to the entry and sojourn of aliens, individuals working for an investor of one Contracting Party, as well as members of their household, shall be permitted to enter into, remain on and leave the territory of the other Contracting Party for the purpose of carrying out activities associated with investments in the territory of the latter Contracting Party.

## Article 3

**National and Most Favoured Nation Treatment**

1. Investments made by investors of one Contracting Party in the territory of the other Contracting Party, or returns related thereto, shall be accorded treatment which is not less favourable than the latter Contracting Party accords to the investments and returns made by its own investors or by investors of any third State, whichever is the more favourable.
2. Investors of one Contracting Party shall be accorded by the other Contracting Party, as regards the management, maintenance, use, enjoyment or disposal of their investments, treatment which is not less favourable than the latter Contracting Party accords its own investors or to investors of any third State, whichever is the more favourable.
3. The provisions of this Article shall not be construed so as to oblige one Contracting Party to extend to the investors of the other Contracting Party the benefit of any treatment, preference or privilege by virtue of:
  - a) any existing or future free trade area, customs union or common market to which either of the Contracting Parties is or may become a Party, and
  - b) any international agreement or any domestic legislation relating wholly or mainly to taxation.

## Article 4

**Expropriation**

1. Investments made by investors of either Contracting Party in the territory of the other Contracting Party shall not be expropriated, nationalised or subject to any other measure having effect equivalent to expropriation or nationalization (hereinafter referred to as "expropriation") except for a public purpose, on a non-discriminatory basis, under due process of law and against prompt, adequate and effective compensation.
2. Such compensation shall amount to the fair market value of the investment expropriated at the time immediately before the expropriation or impending expropriation became known in such a way as to affect the value of the investment (hereinafter referred to as the "valuation date").
3. Such fair market value shall at the request of the investor be expressed in a freely convertible currency on the basis of the market rate of exchange existing for that currency on the valuation date. Compensation shall also

stni meri, določeni na tržni podlagi od dneva razlastitve do dneva plačila.

4. Vlagatelj, katerega naložbe so razlaščene, ima pravico zahtevati, da skladno z zakonodajo pogodbenice, ki razlastitev izvede, soden ali drug pristojen organ te pogodbenice takoj pregleda njegov primer in vrednotenje njegovih naložb v skladu z določbami tega člena.

#### 5. člen

##### Nadomestilo za izgube

Vlagateljem ene pogodbenice, pri naložbah katerih so nastale izgube zaradi vojne ali drugega oboroženega spopada, revolucije, narodne vstaje, izrednega stanja ali podobnih dogodkov na ozemlju druge pogodbenice, ta druga pogodbenica priznava glede ukrepov, ki jih sprejme v zvezi s takimi izgubami, vključno z nadomestilom, odškodnino in vzpostavitvijo prejšnjega stanja, nič manj ugodno obravnavo kot svojim vlagateljem ali vlagateljem katere koli tretje države. Vsako plačilo, opravljeno na podlagi tega člena, je prosto prenosljivo.

#### 6. člen

##### Prenosi

1. Vsaka pogodbenica jamči vlagateljem druge pogodbenice prost prenos sredstev v zvezi z njihovimi naložbami in še zlasti, vendar ne izključno:
- začetnega kapitala in dodatnih prispevkov za vzdrževanje ali razvoj naložb;
  - dohodkov;
  - sredstev za odplačilo posojil v zvezi z naložbo;
  - izkupiček od celotne ali delne prodaje ali likvidacije naložbe;
  - kakršne koli odškodnine ali drugega plačila iz 4. in 5. člena tega sporazuma;
  - zaslužkov in drugih prejemkov tujih državljanov, zaposlenih v zvezi z naložbo.
2. Prenosi se opravijo po tržnem menjalnem tečaju, veljavnem na dan prenosa, za gotovinske posle v valuti prenosa. Če ni trga za tujo valuto, se uporablja najnovejši menjalni tečaj, ki je bil uporabljen pri naložbah v državo, ali najnovejši menjalni tečaj za pretvorbo valut v posebne pravice črpanja, kar je za vlagatelja ugodnejše.

#### 7. člen

##### Subrogacija

Če pogodbenica ali agencija, ki jo ta imenuje, opravi plačilo svojemu vlagatelju na podlagi jamstva, danega v zvezi z naložbo na ozemlju druge pogodbenice, potem ta druga pogodbenica, ne da bi posegala v pravice prve pogodbenice po 8. členu, prizna prenos vseh pravic in terjatev vlagatelja na prvo pogodbenico ali njeno agencijo, ki jih bo upravičena uresničevati na podlagi subrogacije v enakem obsegu kot oškodovana stranka.

include interest at a commercial rate established on a market basis from the date of expropriation until the date of payment.

4. The investor whose investments are expropriated, shall have the right under the law of the expropriating Contracting Party to the prompt review by a judicial or other competent authority of that Contracting Party of its case and of the valuation of its investments in accordance with the principles set out in this Article.

#### Article 5

##### Compensation for Losses

Investors of one Contracting Party whose investments have suffered losses owing to war or other armed conflict, revolution, national uprising, state of emergency or any similar event in the territory of the other Contracting Party shall be accorded by the latter Contracting Party treatment, as regards measures it adopts in relation to such losses, including compensation, indemnification and restitution, no less favourable than that which the latter Contracting Party accords to its own investors or investors of any third State. Any payment made under this Article shall be freely transferable.

#### Article 6

##### Transfers

1. Each Contracting Party shall guarantee investors of the other Contracting Party the free transfer of funds related to their investments and in particular, though not exclusively:
- initial capital and additional contributions for the maintenance or development of the investments;
  - the returns;
  - funds in repayment of loans related to an investment;
  - proceeds from the sale or liquidation of all or part of an investment;
  - any compensation or other payment referred to in Articles 4 and 5 of this Agreement;
  - earnings and other remuneration of nationals engaged from abroad in connection with the investment.
2. Transfers shall be made at the market rate of exchange existing on the date of transfer with respect to spot transactions in the currency to be transferred. In the absence of a market for foreign exchange, the rate to be used will be the most recent rate applied to inward investments or the most recent exchange rate for conversion of currencies into Special Drawing Rights, whichever is more favourable to the investor.

#### Article 7

##### Subrogation

If a Contracting Party or its designated agency makes a payment to its investor under an indemnity given in respect of an investment in the territory of the other Contracting Party, the latter Contracting Party shall, without prejudice to the rights of the former Contracting Party under Article 8, recognize the assignment to the former Contracting Party or its designated agency of all rights and claims of the investor which that Contracting Party or its designated agency shall be entitled to exercise by virtue of subrogation to the same extent as the Party indemnified.

## 8. člen

**Spori med pogodbenicama**

1. Spori med pogodbenicama v zvezi z razlago in uporabo tega sporazuma se, kolikor je to le mogoče, rešujejo s pogajanjem po diplomatski poti.
2. Če takega spora ni mogoče rešiti v šestih (6) mesecih od dne, ko je ena ali druga pogodbenica zahtevala takšna pogajanja, se spor na zahtevo ene ali druge pogodbenice predloži arbitražnemu sodišču.
3. Arbitražno sodišče se ustanovi za vsak posamezen primer na naslednji način. V dveh (2) mesecih po prejemu zahteve za arbitražo imenuje vsaka pogodbenica enega člana razsodišča. Ta dva člana nato izbereta državljana tretje države, ki se po odobritvi pogodbenic imenuje za predsednika razsodišča. Predsednik se imenuje v treh (3) mesecih od dne, ko sta bila imenovana druga dva člana.
4. Če potrebna imenovanja niso bila opravljena v rokih, določenih v tretjem odstavku tega člena, lahko ena ali druga pogodbenica, če ni dogovorjeno drugače, povabi predsednika Meddržavnega sodišča, da opravi potrebna imenovanja. Če je predsednik državljan ene od pogodbenic ali če iz kakršnega koli razloga ne more opraviti te naloge, se povabi podpredsednik sodišča, da opravi potrebna imenovanja. Če je podpredsednik sodišča državljan ene od pogodbenic ali iz kakršnega koli razloga ne more opraviti te naloge, se povabi po funkciji naslednji najstarejši član Meddržavnega sodišča, ki ni državljan ene od pogodbenic, da opravi potrebna imenovanja.
5. Arbitražno sodišče odloča z večino glasov. Odločitve sodišča so za pogodbenici dokončne in zavezujoče. Vsaka pogodbenica krije stroške svojega člana in svojih predstavnikov v arbitražnem postopku. Pogodbenici krijeta stroške za predsednika in vse druge stroške v enakih delih. Razsodišče lahko sprejme drugačno odločitev o delitvi stroškov. Glede vseh drugih zadev razsodišče samo določi svoj poslovnik.

## 9. člen

**Spori med vlagateljem in pogodbenico**

1. Kakršen koli spor v zvezi z naložbo med vlagateljem ene pogodbenice in drugo pogodbenico se, če je le mogoče, rešuje po mirni poti.
2. Vsaka pogodbenica s tem soglaša, da bo v spravi postopek ali arbitražo Mednarodnemu centru za reševanje investicijskih sporov (ICSID), ki je bil ustanovljen v skladu z Washingtonsko konvencijo z dne 18. marca 1965 o reševanju investicijskih sporov med državami in državljani drugih držav, predložila vsak spor, ki se ni rešil v šestih mesecih od datuma, ko ga je katera koli stranka sprožila. Če imata stranki v sporu različna mnenja o tem, ali je za rešitev spora primernejši spravi postopek ali arbitraža, ima pravico do izbire vlagatelj. Spor se prav tako lahko po izbiri vlagatelja predloži v

## Article 8

**Disputes between the Contracting Parties**

1. Disputes between the Contracting Parties concerning the interpretation and application of this Agreement should, as far as possible, be settled by negotiations through diplomatic channels.
2. If the dispute cannot thus be settled within six (6) months, following the date on which such negotiations were requested by either Contracting Party, it shall at the request of either Contracting Party be submitted to an Arbitral Tribunal.
3. Such an Arbitral Tribunal shall be constituted for each individual case in the following way. Within two (2) months of the receipt of the request for arbitration, each Contracting Party shall appoint one member of the Tribunal. Those two members shall then select a national of a third State who on approval by the two Contracting Parties shall be appointed Chairman of the Tribunal. The Chairman shall be appointed within three (3) months from the date of appointment of the other two members.
4. If within the periods specified in paragraph 3 of this Article the necessary appointments have not been made, either Contracting Party may, in the absence of any other agreement, invite the President of the International Court of Justice to make any necessary appointments. If the President is a national of either Contracting Party or is otherwise prevented from discharging the said function, the Vice-President shall be invited to make the necessary appointments. If the Vice-President is a national of either Contracting Party or is prevented from discharging the said function, the Member of the International Court of Justice next in seniority who is not a national of either Contracting Party shall be invited to make the necessary appointments.
5. The Arbitral Tribunal shall reach its decision by a majority of votes. The decisions of the Tribunal shall be final and binding on both Contracting Parties. Each Contracting Party shall bear the costs of the member appointed by that Contracting Party and of its representatives at the arbitral proceedings. Both Contracting Parties shall assume an equal share of the cost of the Chairman, as well as any other costs. The Tribunal may make a different decision regarding the sharing of the costs. In all other respects, the Tribunal court shall determine its own rules of procedure.

## Article 9

**Disputes between an Investor and a Contracting Party**

1. Any dispute concerning an investment between and investor of one Contracting Party and the other Contracting Party shall, if possible, be settled amicably.
2. Each Contracting Party hereby consents to submit to the International Centre for Settlement of Investment Disputes (ICSID) for settlement by conciliation or arbitration under the Washington Convention of 18 March 1965 on the Settlement of Investment Disputes between States and Nationals of Other States any such dispute which has not been settled within six months following the date, on which the dispute has been raised by either party. If the parties to such a dispute have different opinions as to whether conciliation or arbitration is the more appropriate method of settlement, the investor



reševanje z zavezujočo arbitražo ad hoc arbitražnemu sodišču, ustanovljenemu v skladu z Arbitražnimi pravili Komisije Združenih narodov za mednarodno trgovinsko pravo (UNCITRAL).

3. Za namen tega člena in v skladu s točko b) drugega odstavka 25. člena omenjene Washingtonske konvencije se vsaka pravna oseba, ki je ustanovljena v skladu z zakonodajo ene pogodbenice in je bila pred nastankom spora pod nadzorom vlagatelja druge pogodbenice, obravnava kot pravna oseba druge pogodbenice.

Imenovanja v skladu z Arbitražnimi pravili UNCITRAL opravi predsednik, podpredsednik ali naslednji po funkciji najstarejši sodnik Meddržavnega sodišča, ki ni državljan ene od pogodbenic. Tretji član razsodišča ne sme biti državljan nobene pogodbenice.

4. Kakršna koli arbitraža po Arbitražnih pravilih UNCITRAL poteka v državi, ki je pogodbenica Konvencije Združenih narodov o priznavanju in uveljavljanju tujih arbitražnih odločb, podpisane v New Yorku 10. junija 1958.
5. S pristankom obeh pogodbenic iz drugega odstavka in z vlagateljevo predložitvijo spora v skladu z omenjenimi odstavki so izpolnjene zahteve:
- II. poglavja Washingtonske konvencije (pristojnost centra) in dodatnih predpisov za pisno soglasje strank v sporu;
  1. člena Arbitražnih pravil UNCITRAL za pisni dogovor pogodbenih strank o predložitvi spora v arbitražo in
  2. člena Konvencije Združenih narodov o priznavanju in uveljavljanju tujih arbitražnih odločb, podpisane v New Yorku 10. junija 1958, za "pisni dogovor".
6. Vsaka arbitražna odločba, izdana v skladu s tem členom, je dokončna in zavezujoča za obe stranki v sporu. Vsaka pogodbenica nemudoma uveljavi določbe takšne odločbe in poskrbi za njeno izvršitev na svojem ozemlju.
7. V nobenem postopku, v katerem se obravnava spor o naložbi, pogodbenica niti v svojo obrambo niti z namenom vložitve protizahtevka ali zahtevka po poravnavi ali iz kakršnega koli drugega razloga ne bo uveljavljala, da je bila odškodnina ali drugo nadomestilo za vso ali del domnevne škode prejeto na podlagi zavarovalne ali jamstvene pogodbe, pri čemer si pogodbenici zagotavljata, da se lahko zahteva dokazilo, da stranka, ki plača odškodnino soglašala s tem, da vlagatelj uveljavlja pravico do odškodnine.

#### 10. člen

##### Uporaba drugih predpisov

Če bi zakonske določbe ene ali druge pogodbenice ali obveznosti po mednarodnem pravu, ki že obstajajo ali bodo vzpostavljene po začetku veljavnosti tega sporazuma poleg tega sporazuma vsebovale splošna ali posebna pravila, ki bi naložbam vlagatelj iz druge države pogodbenice zagotavljala ugodnejšo obravnavo, kot jo predvideva ta sporazum,

shall have the right to choose. The dispute may also, at the choice of the investor, be submitted for settlement by binding arbitration to an ad hoc arbitral tribunal to be set up under the Arbitration Rules of the United Nations Commission on International Trade Law (UNCITRAL).

3. For the purpose of this Article and in accordance with Article 25 (2) (b) of the said Washington Convention, any legal person which is constituted in accordance with the legislation of one Contracting Party and which, before a dispute arises, is controlled by an investor of the other Contracting Party, shall be treated as a legal person of the other Contracting Party.

The appointing authority under the UNCITRAL Arbitration Rules shall be the President, the Vice-President or the next senior Judge of the International Court of Justice, who is not a national of either Contracting Party. The third arbitrator shall not be a national of either Contracting Party.

4. Any arbitration under the Arbitration Rules of UNCITRAL shall be held in a state that is a party to the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York, June 10, 1958.
5. The consent given by each Contracting Party in paragraph (2) and the submission of the dispute by an investor under the said paragraph shall satisfy the requirement of:
- Chapter II of the Washington Convention (Jurisdiction of the Centre) for written consent of the parties to a dispute;
  - Article 1 of the UNCITRAL Arbitration Rules for an agreement in writing on referral to arbitration by the parties to a contract; and
  - Article II of the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York, June 10, 1958, for an agreement in writing.
6. Any arbitral award rendered pursuant to this Article shall be final and binding on the parties to the dispute. Each Contracting Party shall carry out without delay the provisions of any such award and provide in its territory for the enforcement of such award.
7. In any proceeding involving an investment dispute, a Contracting Party shall not assert, as a defense, counterclaim, right of set-off or for any other reason, that indemnification or other compensation for all or part of the alleged damages has been received pursuant to an insurance or guarantee contract provided that the Contracting Party may require evidence that the compensating party agrees to that the investor exercises the right to claim compensation.

#### Article 10

##### Application of other Rules

If the provisions of law of either Contracting Party or obligations under international law existing at present or established hereafter between the Contracting Parties in addition to this Agreement contain a regulation, whether general or specific, entitling investments made by investors of the other Contracting Party to a treatment more favourable than is

bodo te določbe v obsegu, v katerem so ugodnejše, prevladale nad tem sporazumom.

## 11. člen

**Uporaba sporazuma**

1. Ta sporazum se uporablja za vse naložbe, ne glede na to ali so bile izvedene pred začetkom njegove veljavnosti ali po njem, vendar pa se ne uporablja za noben spor v zvezi z naložbo, ki se je začel pred začetkom njegove veljavnosti, niti za noben zahtevek v zvezi z naložbo, ki je bil poravnan pred začetkom njegove veljavnosti.
2. Vlagatelji iz 1. člena 3 c) odstavka ne smejo vložiti zahtevka na podlagi tega sporazuma, če so bile v zvezi z isto zadevo že uporabljene določbe drugega sporazuma o zaščiti naložb.

## 12. člen

**Posvetovanja**

Predstavniki pogodbenic se, kadar koli je potrebno, posvetujejo o kakršni koli zadevi v zvezi z uresničevanjem tega sporazuma. Posvetovanja so na predlog ene ali druge pogodbenice v kraju in ob času, za katera se dogovorita po diplomatski poti.

## 13. člen

**Začetek veljavnosti, trajanje in odpoved**

1. Pogodbenici se uradno obvestita, ko so izpolnjene notranjepravne zahteve za začetek veljavnosti tega sporazuma. Sporazum začne veljati prvi dan po prejemu zadnjega uradnega obvestila.
2. Sporazum velja za začetno obdobje petnajstih (15) let in se šteje za obnovljenega pod istimi pogoji za nadaljnjih petnajst (15) let in tako naprej, razen če dvanajst (12) mesecev pred iztekom njegove veljavnosti ena pogodbenica pisno ne obvesti druge pogodbenice o svoji nameri, da ga odpoveduje.
3. Za naložbe, izvedene pred datumom prenehanja veljavnosti tega sporazuma, veljajo določbe členov od 1. do 12. še nadaljnjih petnajst (15) let od dneva prenehanja veljavnosti tega sporazuma.

Da bi to potrdila, sta za to pravilno pooblaščen predstavnika podpisala ta sporazum.

Sestavljeno v dveh izvodih v Stockholmu dne 05. oktobra 1999 v slovenskem, švedskem in angleškem jeziku, pri čemer so vsa besedila enako verodostojna. Pri razlikah v razlagi prevlada angleško besedilo.

Za Vlado  
Republike Slovenije  
dr. Marjan Senjur, l. r.

Za Vlado  
Kraljevine Švedske  
Leif Pagrotsky, l. r.

provided for by this Agreement, such provisions shall, to the extent that they are more favourable, prevail over this Agreement.

## Article 11

**Application of the Agreement**

1. This Agreement shall apply to all investments, whether made before or after its entry into force, but shall not apply to any dispute concerning an investment which arose, or any claim concerning an investment which was settled, before its entry into force.
2. Investors referred to in Article 1 paragraph 3 c) may not raise a claim based on this Agreement if in respect of the same matter the provisions of another investment protection agreement have been invoked.

## Article 12

**Consultations**

Representatives of the Contracting Parties shall, whenever necessary, hold consultations on any matter affecting the implementation of this Agreement. These consultations shall be held, on the proposal of either Contracting Party, at a place and a time to be agreed upon through diplomatic channels.

## Article 13

**Entry into Force, Duration and Termination**

1. The Contracting Parties shall notify each other when the constitutional requirements for the entry into force of this Agreement have been fulfilled. The Agreement shall enter into force on the first day following the date of receipt of the last notification.
2. This Agreement shall remain in force initially for a period of fifteen (15) years and shall be considered as renewed on the same terms for a period of fifteen (15) years and so forth, unless twelve (12) months before its expiration either Contracting Party notifies the other in writing of its intention to terminate the Agreement.
3. In respect of investment made prior to the date of termination of this Agreement the provisions of Articles 1 to 12 shall remain in force for a further period of fifteen (15) years from the date of termination of this Agreement.

IN WITNESS WHEREOF, the undersigned representatives, duly authorized thereto, have signed the present Agreement.

Done in duplicate at Stockholm on 5 October 1999 in the Slovenian, Swedish and English languages, all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

For the Government of  
the Republic of Slovenia  
dr. Marjan Senjur (s)

For the Government of  
the Kingdom of Sweden  
Leif Pagrotsky (s)

## P R O T O K O L

Ob podpisu sporazuma o spodbujanju in medsebojni zaščiti naložb med Vlado Republike Slovenije in Vlado Kraljevine Švedske so se pooblaščenimi podpisniki sporazumeli tudi o naslednjih določbah, ki so sestavni del tega sporazuma:

V zvezi s 1. členom odstavka 3 c) tega sporazuma:

Nadzor pravne osebe pomeni dejanski nadzor, ki se ugotovi po proučitvi dejanskih okoliščin za vsak primer posebej. Pri vsakem takšnem proučevanju je treba upoštevati vse pomembne dejavnike, vključno:

- a) z vlagateljevim finančnim upravičenjem, vključno s kapitalsko udeležbo v pravni osebi;
- b) s sposobnostjo vlagatelja, da bistveno vpliva na upravljanje in delovanje pravne osebe; in
- c) sposobnostjo vlagatelja, da bistveno vpliva na izbiro članov upravnega odbora ali katerega koli drugega upravnega organa.

Če obstaja dvom o tem, ali vlagatelj neposredno ali posredno nadzoruje pravno osebo, mora vlagatelj, ki trdi, da tak nadzor obstaja, to tudi sam dokazati.

Sestavljeno v dveh izvodih v Stockholmu dne 05. oktobra 1999 v slovenskem, švedskem in angleškem jeziku, pri čemer so vsa besedila enako verodostojna. Pri razlikah v razlagi prevlada angleško besedilo.

Za Vlado  
Republike Slovenije  
**dr. Marjan Senjur**, l. r.

Za Vlado  
Kraljevine Švedske  
**Leif Pagrotsky**, l. r.

## P R O T O C O L

At the signing of the Agreement on the Promotion and Mutual Protection of Investments between the Government of the Republic of Slovenia and the Government of the Kingdom of Sweden, the authorized signatories agreed also on the following provisions which are considered as part of the Agreement:

With reference to Article 1 paragraph 3 c) of this Agreement:

Control of a legal person means control in fact, determined after examination of the actual circumstances in each situation. In any such examination, all relevant factors should be considered, including the investor's:

- (a) financial interest, including equity interest, in the legal person;
- (b) ability to exercise substantial influence over the management and operation of the legal person; and
- (c) ability to exercise substantial influence over the selection of members of the board of directors or any other managing body.

Where there is doubt as to whether an investor controls, directly or indirectly, a legal person, an investor claiming such control has the burden of proof that such control exists.

Done in duplicate at Stockholm on 5 October 1999 in the Slovenian, Swedish and English languages, all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

For the Government of  
the Republic of Slovenia  
**dr. Marjan Senjur** (s)

For the Government of  
the Kingdom of Sweden  
**Leif Pagrotsky** (s)

## 3. člen

Za izvajanje sporazuma s protokolom skrbi Ministrstvo za ekonomske odnose in razvoj.

## 4. člen

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

Št. 410-01/00-33/1  
Ljubljana, dne 31. januarja 2001

Predsednik  
Državnega zbora  
Republike Slovenije  
**Borut Pahor** l. r.

**11. Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Republike Makedonije o medsebojni pomoči pri carinskih zadevah (BMKMPC)**

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

**U K A Z****O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO REPUBLIKE MAKEDONIJE O MEDSEBOJNI POMOČI PRI CARINSKIH ZADEVAH (BMKMPC)**

Razglašam Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Republike Makedonije o medsebojni pomoči pri carinskih zadevah (BMKMPC), ki ga je sprejel Državni zbor Republike Slovenije na seji 31. januarja 2001.

Št. 001-22-13/01

Ljubljana, dne 9. februarja 2001

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

**Z A K O N****O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO REPUBLIKE MAKEDONIJE O MEDSEBOJNI POMOČI PRI CARINSKIH ZADEVAH (BMKMPC)**

## 1. člen

Ratificira se Sporazum med Vlado Republike Slovenije in Vlado Republike Makedonije o medsebojni pomoči pri carinskih zadevah, podpisan v Ljubljani 24. maja 2000.

## 2. člen

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

**S P O R A Z U M****MED VLADO REPUBLIKE SLOVENIJE IN VLADO REPUBLIKE MAKEDONIJE O MEDSEBOJNI POMOČI PRI CARINSKIH ZADEVAH**

Vlada Republike Slovenije in Vlada Republike Makedonije, v nadaljevanju "pogodbenici", sta

glede na to, da je kršenje carinskih zakonov škodljivo za gospodarske, davčne in trgovinske interese njenih držav,

glede na pomembnost zagotavljanja natančne odmere carinskih dajatev in drugih davkov na uvoz in izvoz blaga kot tudi natančnega določanja vrednosti in porekla takega blaga,

ker priznavata potrebo po mednarodnem sodelovanju pri zadevah, ki se nanašajo na izvajanje in uveljavljanje carinske zakonodaje,

ker sta prepričani, da je mogoče s sodelovanjem med njunimi carinskimi organi povečati učinkovitost ukrepov pri carinskih kršitvah,

ob upoštevanju Priporočila Sveta za carinsko sodelovanje o medsebojni upravni pomoči z dne 5. decembra 1953,

ob upoštevanju Konvencije Združenih narodov zoper nezakonit promet mamil in psihotropnih snovi z dne 20. decembra 1988, vključno s tistimi, ki so navedeni v prilogah k tej konvenciji

sklenili naslednje:

**A G R E E M E N T****BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA AND THE GOVERNMENT OF THE REPUBLIC OF MACEDONIA REGARDING MUTUAL ASSISTANCE IN CUSTOMS MATTERS**

The Government of the Republic of Slovenia and the Government of the Republic of Macedonia hereinafter referred to as the "Contracting Parties".

Considering that the offences against Customs laws are prejudicial to the economic, fiscal and commercial interests of their respective countries;

Considering the importance of assuring the accurate assessment of Customs duties and other taxes on the importation and exportation of goods, as well as the accurate determination of the value and origin of such goods;

Recognizing the need for international cooperation in matters related to the administration and enforcement of the Customs legislation;

Convinced that action against Customs offences can be made more effective by cooperation between their Customs Authorities;

Having regard to the Recommendation of the Customs Cooperation Council on Mutual Administrative Assistance of December 5, 1953;

Having regard to the United Nations Convention on the fight against the illicit traffic of narcotic drugs and psychotropic substances of December 20, 1988, including those listed in the Annexes to the aforesaid Convention.

Have agreed as follows:

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

## 1. člen

**Opredelitev pojmov**

V tem sporazumu:

a) "carinska zakonodaja" pomeni zakone in predpise, ki jih uveljavljajo carinski organi pri uvozu, izvozu in tranzitu blaga in se nanašajo na carinske in druge dajatve ter druge ukrepe nadzora glede gibanja blaga čez državne meje;

b) "carinske dajatve" pomenijo vse dajatve, davke, pristojbine in/ali druge dajatve, ki se odmerjajo in pobirajo na ozemljih pogodbenic pri uporabi carinske zakonodaje, ne vključujejo pa pristojbin in dajatev, katerih znesek je omejen na približne stroške opravljenih storitev;

c) "organ prosilec" pomeni carinski organ, ki zaprosi za pomoč na podlagi tega sporazuma ali prejme tako pomoč;

d) "zaprošeni organ" pomeni carinski organ, ki prejme zaprosilo za pomoč na podlagi tega sporazuma ali da tako pomoč;

e) "kršitev" pomeni vsako kršitev carinske zakonodaje kot tudi vsak poskus kršitve take zakonodaje;

f) "carinski organ" pomeni v Republiki Sloveniji Ministrstvo za finance – Carinsko upravo Republike Slovenije in v Republiki Makedoniji Ministrstvo za finance – Carinsko upravo Republike Makedonije;

g) "osebni podatki" pomenijo vse podatke, ki se nanašajo na določenega ali določljivega posameznika.

## 2. člen

**Obseg uporabe sporazuma**

1. Pogodbenici pomagata druga drugi na način in pod pogoji, navedenimi v tem sporazumu, pri zagotavljanju pravilne uporabe carinske zakonodaje, še posebej s preprečevanjem, odkrivanjem in preiskovanjem kršitev te zakonodaje.

2. Vsa pomoč na podlagi tega sporazuma se zagotavlja v skladu z notranjo zakonodajo zaprosene pogodbenice.

## 3. člen

**Pomoč po zaprosilu**

1. Po zaprosilu organa prosilca mu zaprošeni organ priskrbi vse ustrezne podatke, ki mu bodo omogočili, da se prepriča, ali se carinska zakonodaja pravilno uporablja, med drugim tudi podatke glede prevoza in odpošiljanja blaga, razporejanja in kraja, kamor je blago namenjeno, kot tudi glede njegove vrednosti in porekla, pa tudi podatke glede storjenih ali načrtovanih dejanj, ki kršijo ali bi lahko kršili tako zakonodajo.

2. Po zaprosilu organa prosilca ga zaprošeni organ obvesti, ali je bilo blago, izvoženo z ozemlja ene pogodbenice, pravilno uvoženo na ozemlje druge pogodbenice, in kadar je primerno, navede carinski postopek, uporabljen za blago.

3. Po zaprosilu organa prosilca mora zaprošeni organ sprejeti potrebne ukrepe za zagotovitev nadzora nad:

a) določenimi fizičnimi ali pravnimi osebami, za katere se utemeljeno domneva, da kršijo ali so kršile carinsko zakonodajo na ozemlju pogodbenice prosilke;

b) kraji, kjer se blago skladišči na način, zaradi katerega je mogoče utemeljeno sumiti, da je namenjeno nedovoljenemu uvozu na ozemlje pogodbenice prosilke;

## Article 1

**Definitions**

For the purposes of this Agreement:

a) "Customs legislation" shall mean laws and regulations enforced by the Customs Authorities concerning importation, exportation, and transit of goods, as they relate to Customs duties, charges, and other controls in respect of the movement of goods across national boundaries;

b) "Customs duties" shall mean all duties, taxes, fees or / and other charges which are levied and collected in the territories of the Contracting Parties, in application of customs legislation, but not including fees and charges which are limited in amount to the approximate costs of services rendered;

c) "Applicant Authority" shall mean the Customs Authority which makes a request for assistance in pursuant to this Agreement or which receives such assistance;

d) "Requested Authority" shall mean the Customs Authority which receives a request for assistance pursuant to this Agreement or which renders such assistance;

e) "Contravention" shall mean any violation of the customs legislation as well as any attempted violation of such legislation;

f) "Customs Authority" shall mean in the Republic of Slovenia, the Ministry of Finance – the Customs Administration of the Republic of Slovenia and in the Republic of Macedonia, the Ministry of Finance – the Customs Administration of the Republic of Macedonia;

g) "Personal data" shall mean all information relating to an identified or identifiable individual.

## Article 2

**Scope of the Agreement**

1. The Contracting Parties shall assist each other, in the manner and under the conditions laid down in this Agreement, in ensuring that customs legislation is correctly applied, in particular by the prevention, detection and investigation of contraventions of this legislation.

2. All assistance rendered pursuant to the present Agreement shall be rendered in accordance with the national legislation of the requested Contracting Party.

## Article 3

**Assistance on Request**

1. At the request of the applicant Authority, the requested Authority shall furnish it with all relevant information to enable it to ensure that customs legislation is correctly applied, including inter alia, information regarding the transportation and shipment of goods, the disposition and destination of such goods as well as their value and origin as well as information regarding acts committed or planned which contravene or would contravene such legislation.

2. At the request of the applicant Authority, the requested Authority shall inform it whether goods exported from the territory of one of the Contracting Parties have been properly imported into the territory of the other Contracting Party, specifying, where appropriate, the customs procedure applied to the goods.

3. At the request of the applicant Authority, the requested Authority shall take the necessary steps to ensure that a surveillance is kept on:

a) particular natural or legal persons of whom there are reasonable grounds for believing that they are contravening or have contravened customs legislation in the territory of the applicant Contracting Party;

b) places where goods are stored in a way that gives grounds for suspecting that they are intended to be illicitly imported into the territory of the applicant Contracting Party;

c) gibanjem blaga, za katero organ prosilec sporoči, da bi lahko povzročilo znatne kršitve carinske zakonodaje na ozemlju pogodbenice prosilke;

d) prevoznimi sredstvi in zabojniki, za katere se upravičeno domneva, da so bila, so ali bi lahko bila uporabljena pri kršenju carinske zakonodaje na ozemlju pogodbenice prosilke.

#### 4. člen

##### Prostovoljna pomoč

Pogodbenici v okviru svojih pristojnosti druga drugi zagotavljata pomoč, če menita, da je to potrebno za pravilno uporabo carinske zakonodaje, še posebej kadar prejmeta informacije, ki se nanašajo na:

– dejanja, s katerimi je bila kršena, je kršena ali bi lahko bila kršena ta zakonodaja in ki bi lahko zanimali drugo pogodbenico;

– nove načine ali metode kršenja te zakonodaje;

– blago, za katero je znano, da v zvezi z njim prihaja do resnih kršitev carinske zakonodaje na ozemlju druge pogodbenice;

– določene osebe, za katere se ve ali sumi, da kršijo zakonodajo, ki velja na ozemlju pogodbenice;

– prevozna sredstva in zabojnike, za katere se ve ali sumi, da so bili, so ali bi lahko bili uporabljeni pri kršenju carinske zakonodaje, ki velja na ozemlju druge pogodbenice.

#### 5. člen

##### Strokovna pomoč

1. Pomoč, predvidena po tem sporazumu, med drugim obsega podatke o:

a) ukrepov za izvajanje, ki so lahko koristni pri preprečevanju kršitev;

b) novih načinov, ki se uporabljajo pri kršitvah;

c) opažanj in ugotovitev, ki izhajajo iz uspešne uporabe novih pripomočkov in metod za ukrepanje, in

d) novih metodah in izboljšanih načinov obravnave potnikov in tovorov.

2. Carinski organi pogodbenic si, če to ni v nasprotju z njuno notranjo zakonodajo, prizadevajo sodelovati tudi pri:

a) dajanju pobud, razvoju in izboljšavi izobraževalnih programov za svoje osebje;

b) vzpostavljanju in vzdrževanju poti za medsebojno komuniciranje, da bi olajšali varno in hitro izmenjavo informacij;

c) pospeševanju učinkovitega medsebojnega usklajevanja, vključno z izmenjavo osebja, izvedencev in imenovanjem oseb za zvezo;

d) proučevanju in preskušanju nove opreme ali postopkov;

e) poenostavitvi in usklajevanju svojih carinskih postopkov in

f) vseh drugih splošnih upravnih zadevah, ki lahko občasno zahtevajo njihovo skupno ukrepanje.

#### 6. člen

##### Dostava/obveščanje

Po zaprosilu organa prosilca sprejme zaproseni organ v skladu s svojo zakonodajo vse potrebne ukrepe za:

c) movement of goods notified by the applicant Authority as possibly giving rise to substantial contraventions of customs legislation in the territory of the applicant Contracting Party;

d) means of transport and containers for which there are reasonable grounds for believing that they have been, are or may be used in the contravening of customs legislation in the territory of the applicant Contracting Party.

#### Article 4

##### Spontaneous Assistance

The Contracting Parties shall within their competences provide each other with assistance if they consider that to be necessary for the correct application of customs legislation, particularly when they obtain information pertaining to:

– acts which have contravened, contravene or would contravene such legislation and which may be of interest to the other Contracting Party;

– new means or methods employed in committing contraventions against such legislation;

– goods known to be the subject of substantial contraventions against the customs legislation in the territory of the other Contracting Party;

– particular persons known to be or suspected of committing contraventions against the legislation in force in the territory of the Contracting Party;

– means of transport and containers, about which knowledge or suspicions exist that they were, are, or could be used in committing contraventions against the customs legislation in force in the territory of the other Contracting Party.

#### Article 5

##### Technical Assistance

1. Assistance, as provided for in this Agreement shall include inter alia information regarding:

a) enforcement actions that may be of use in the prevention of contraventions;

b) new methods used in committing contraventions;

c) observations and findings resulting from the successful application of new enforcement aids and techniques; and

d) new techniques and improved methods of processing passengers and cargo.

2. The Customs Authorities of the Contracting Parties shall, if not contrary to their national legislation, also seek to cooperate in:

a) initiating, developing, or improving specific training programs for their personnel;

b) establishing and maintaining channels of communication between themselves in order to facilitate the secure and rapid exchange of information;

c) facilitating effective coordination between themselves, including the exchange of personnel, experts and the posting of liaison officers;

d) the consideration and testing of new equipment or procedures;

e) the simplification and harmonization of their respective customs procedures; and

f) any other general administrative matters that may from time to time require their joint action.

#### Article 6

##### Delivery / Notification

At the request of the applicant Authority, the requested Authority shall in accordance with its legislation take all necessary measures in order

- dostavo vseh dokumentov,
- obveščanje o vseh odločitvah

na podlagi tega sporazuma naslovniku, ki prebiva ali je ustanovljen na njegovem ozemlju. V takem primeru se uporablja tretji odstavek 7. člena.

#### 7. člen

##### Oblika in vsebina zaprosil za pomoč

1. Zaposila po tem sporazumu morajo biti pisna. Zaposilu morajo biti priloženi dokumenti, potrebni za njegovo obravnavo. Kadar je nujno hitro ukrepanje, se lahko sprejme ustno zaprosilo, ki pa ga je treba takoj pisno potrditi.

2. Zaposila na podlagi prvega odstavka tega člena vsebujejo te podatke:

- a) navedbo organa prosilca, ki da zaprosilo,
- b) zaproseni ukrep,
- c) predmet zaprosila in razlog zanj,
- d) zakone, predpise in druge pravne elemente v zvezi s tem,

e) kolikor je mogoče natančne in celovite navedbe o fizičnih ali pravnih osebah, na katere se zaprosilo nanaša,

f) povzetek pomembnih dejstev, razen v primerih, predvidenih v 6. členu, in

g) povezava med zaproseno pomočjo in zadevo, na katero se nanaša.

3. Zaposila je treba predložiti v uradnem jeziku zaprosenega organa, angleškem jeziku ali jeziku, ki je sprejemljiv za ta organ.

4. a) Pomoč se zagotovi z neposrednim sodelovanjem med ustreznimi carinskimi organi.

b) Če carinski organ zaprosene pogodbenice ni ustrezen organ za izpolnitev zaprosila, mora zaprosilo nemudoma poslati ustreznemu organu, ki bo nanj odgovoril v skladu s svojimi zakonskimi pooblastili, ali pa organ prosilca obvestiti o ustreznem postopku, po katerem mora ta organ ravnati pri takem zaprosilu.

5. Če zaprosilo ne ustreza formalnim zahtevam, je mogoče zahtevati njegov popravek ali dopolnitev; lahko pa se odredijo varnostni ukrepi.

#### 8. člen

##### Obravnavanje zaprosil

1. Zaprošeni organ sprejme vse upravičene ukrepe za obravnavo zaprosila in po potrebi skuša zagotoviti vsakršen uradni ali sodni ukrep, potreben za izpolnitev zaprosila.

2. Carinski organ ene pogodbenice na zahtevo carinskega organa druge pogodbenice opravi vsakršno potrebno preiskavo, vključno z zaslišanjem izvedencev in prič ali oseb, osumljenih kršitve, in opravi preverjanja, inšpekcije in poizvedbe o dejstvih v zvezi z zadevami, na katere se nanaša ta sporazum.

3. Po zaprosilu lahko zaprošeni organ v največji možni meri omogoči uradnim osebam organa prosilca prisotnost na ozemlju zaprosene pogodbenice, kadar njegove uradne osebe raziskujejo kršitve, ki zadevajo organ prosilca.

4. Organ prosilec je, če tako zahteva, obveščen o času in kraju ukrepanja na podlagi zaprosila, tako da je ukrepanje lahko usklajeno.

- to deliver all documents,
- to notify all decisions

falling within the scope of this Agreement to an addressee, residing or established in its territory. In such a case paragraph 3 of Article 7 shall apply.

#### Article 7

##### Form and Substance of Requests for Assistance

1. Requests pursuant to the present Agreement shall be made in writing. Documents necessary for the execution of such requests shall accompany the request. When required because of the urgency of the situation, oral request may be accepted, but must be confirmed in writing immediately.

2. Requests pursuant to paragraph 1 of this Article shall include the following information:

- a) the applicant Authority making the request;
- b) the measure requested;
- c) the object of and the reason for the request;
- d) the laws, rules and other legal elements involved;

e) indications as exact and comprehensive as possible on the natural or legal persons, to which the request relates;

f) a summary of the relevant facts, except in cases provided for in Article 6; and

g) the connection between the assistance sought and the matter to which it relates.

3. Requests shall be submitted in an official language of the requested Authority, in English or in a language acceptable to that Authority.

4. a) Assistance shall be carried out by direct communication between the respective Customs Authorities.

b) In case the Customs Authority of the requested Contracting Party is not the appropriate agency to comply with a request, it shall promptly transmit the request to the appropriate agency, who shall act upon the request according to its powers under the law, or advise the applicant Authority of the appropriate procedure that should be followed by that Authority regarding such a request.

5. If a request does not meet the formal requirements, its correction or completion may be demanded; the ordering of precautionary measures may, however, be undertaken.

#### Article 8

##### Execution of Requests

1. The requested Authority shall take all reasonable measures to execute the request, and if required, will endeavour to seek any official or judicial measure necessary to carry out the request.

2. The Customs Authority of one Contracting Party shall, upon the request of the Customs Authority of the other Contracting Party, conduct any necessary investigation, including the questioning of experts and witnesses or persons suspected of having committed a contravention, and undertake verifications, inspections, and fact-finding inquiries in connection with the matters referred to in the present Agreement.

3. Upon request, the requested Authority may, to the fullest extent possible, allow officials of the applicant Authority to be present in the territory of the requested Contracting Party, when its officials are investigating contraventions which are of concern to the applicant Authority.

4. The applicant Authority shall, if it so requests, be advised of the time and place of the action to be taken in response to the request so that the action may be coordinated.

5. Uradne osebe organa prosilca, ki so pooblašcene za preiskave glede kršitev, lahko zahtevajo, da zaproseni organ pregleda ustrezne knjige, registre in druge dokumente ali nosilce podatkov in preskrbi njihove kopije oziroma da preskrbi vsakršne informacije v zvezi s kršitvijo.

#### 9. člen

##### Oblika sporočanja informacij

1. Zaprošeni organ sporoči izide poizvedb organu prosilcu v obliki dokumentov, overjenih kopij dokumentov, poročil in podobnega, po potrebi pa tudi ustno.

2. Dokumente iz prvega odstavka lahko nadomestijo računalniško pripravljene podatki v kakršni koli obliki z enakim namenom; hkrati je treba priskrbeti vse informacije, potrebne za razlago ali uporabo takih računalniških podatkov.

#### 10. člen

##### Izjeme pri obveznosti zagotavljanja pomoči

1. Kadar zaprosena pogodbenica meni, da bi bili z ugoditvijo zaprosilu prizadeti njena suverenost, varnost, javni interes ali drugi bistveni državni interesi ali da bi bila kršena kaka gospodarska, poslovna ali poklicna skrivnost, je mogoče pomoč odreči oziroma jo dati le ob izpolnitvi določenih pogojev ali zahtev. Pomoč je prav tako mogoče odreči, če zaprosilo vključuje druge devizne ali davčne predpise, ki se ne nanašajo na carinske dajatve.

2. Kadar organ prosilec prosi za pomoč, ki je sam ne bi mogel zagotoviti, če bi ga zanjo zaprosili, mora na to dejstvo v svojem zaprosilu opozoriti. Zaprošeni organ se mora potem odločiti, kako bo odgovoril na tako zaprosilo.

3. Če je pomoč odložena ali zavrnjena, je treba to odločitev in razloge zanjo brez odlašanja sporočiti organu prosilcu.

#### 11. člen

##### Obveznost spoštovanja zaupnosti

1. Vsaka informacija, sporočena v kakršni koli obliki v skladu s tem sporazumom, je zaupna. Varovati jo je treba kot uradno skrivnost in je deležna enake zaščite, kot je predvidena po ustreznih zakonih, ki veljajo za enako vrsto informacij v pogodbenici, ki jo je prejela.

2. Osebne podatke je mogoče poslati, le če je raven osebne varstva, ki ga zagotavlja zakonodaja pogodbenic, enakovredna. Pogodbenici zagotovita vsaj raven varstva, ki temelji na načelih, navedenih v prilogi k temu sporazumu.

#### 12. člen

##### Uporaba informacij

1. Informacije, dokumente in druga sporočila v okviru medsebojne pomoči, je mogoče uporabiti le za namene, določene v tem sporazumu, vključno z njihovo uporabo v sodnih in upravnih postopkih.

2. Organ prosilec ne sme uporabljati dokazov ali informacij, dobljenih po tem sporazumu, za drugačne namene, kot so navedeni v zaprosilu, brez predhodnega pisnega soglasja zaprosenega organa.

3. Kadar so po tem sporazumu izmenjani osebni podatki, carinski organi pogodbenic zagotovijo, da so uporabljeni le za namene, navedene v zaprosilu, in v skladu z

5. Officials of the applicant Authority, authorized to investigate contraventions, may ask that the requested Authority examine relevant books, registers, and other documents or data media and supply copies thereof, or supply any information relating to the contravention.

#### Article 9

##### The Form in which Information is to be Communicated

1. The requested Authority shall communicate the results of enquiries to the applicant Authority in the form of documents, certified copies of documents, reports and the like and, when necessary, orally.

2. The documents provided for in paragraph 1 may be replaced by computerized information produced in any form for the same purpose, any information necessary for the interpretation or utilization of such computerized information shall be furnished along with it.

#### Article 10

##### Exceptions to the Obligation to Provide Assistance

1. In cases where the requested Contracting Party is of the opinion that compliance with a request would infringe upon its sovereignty, security, public policy, or other substantive national interest, or would violate an industrial, commercial or professional secret, assistance may be refused or compliance may be made subject to the satisfaction of certain conditions or requirements. Assistance may also be refused if the request involves currency or tax regulations other than regulations concerning customs duties.

2. Where the applicant Authority requests assistance which it would itself be unable to provide if so asked, it shall draw attention to the fact in its request. It shall then be for the requested Authority to decide how to respond to such a request.

3. If assistance is withheld or denied, the decision and the reasons therefore must be notified to the applicant Authority without delay.

#### Article 11

##### Obligation to Observe Confidentiality

1. Any information communicated in whatever form pursuant to this Agreement shall be of a confidential nature. It shall be covered by the obligation of official secrecy and shall enjoy the same protection extended under the relevant laws relating to the same kind of information applicable in the Contracting Party which received it.

2. Personal data may only be transmitted if the level of personal protection afforded by the legislation of the Contracting Parties is equivalent. The Contracting Parties shall ensure at least a level of protection based on the principles laid down in the Annex to this Agreement.

#### Article 12

##### Use of Information

1. Information, documents, and other communications received in the course of mutual assistance may only be used for the purposes specified in the present Agreement, including the use in judicial and administrative proceedings.

2. The applicant Authority shall not use evidence or information obtained under this Agreement for purposes other than those stated in the request without the prior written consent of the requested Authority.

3. Where personal data is exchanged under this Agreement, the Customs Authorities of the Contracting Parties shall ensure that it is used only for the purposes indicated in



vsakršnimi pogoji, ki bi jih lahko postavila zaprosena pogodbenica.

4. Določbe prvega in drugega odstavka tega člena ne veljajo za informacije v zvezi s kršitvami, ki se nanašajo na mamila in psihotropne snovi. Take informacije je mogoče sporočiti organom pogodbenice prosilke, ki so neposredno vključeni v boj proti nedovoljeni trgovini z mamili.

#### 13. člen

##### Spisi, dokumenti in priče

1. Carinski organi pogodbenic na zahtevo zagotovijo dokumentacijo v zvezi s prevozom in odpošiljanjem blaga z navedbo vrednosti, porekla, razporejanja blaga in kraja, kamor je namenjeno.

2. Izvirnike spisov, dokumentov in drugega gradiva je mogoče zahtevati, le kadar kopije ne bi zadostovale. Na zahtevo se kopije takih spisov, dokumentov in drugega gradiva ustrezno overijo.

3. Izvirnike spisov, dokumentov in drugega gradiva, poslani organu prosilcu, je treba vrniti ob prvi priložnosti. To ne vpliva na pravice zaprosenega organa ali drugih, ki so s tem povezani. Na zahtevo je treba izvirnike, potrebne za sodne postopke ali podobne namene, nemudoma vrniti.

4. Na zaprosilo carinskega organa ene pogodbenice carinski organ druge pogodbenice po lastnem preudarku pooblasti svoje uslužbenca, če ti uslužbenci na to pristanejo, da nastopijo kot priče v sodnih ali upravnih postopkih na ozemlju pogodbenice prosilke in predložijo spise, dokumente in drugo gradivo ali njihove overjene kopije, ki utegnejo biti potrebni za postopek. V takem zaprosilu je treba navesti čas, kraj in vrsto postopka in v kakšni vlogi bo zaposleni pričal.

#### 14. člen

##### Stroški

1. Carinski organi pogodbenic se odpovedo vsem zahtevkom za povračilo stroškov, nastalih pri izvajanju tega sporazuma, razen stroškov za priče, honorarjev izvedencev in stroškov za tolmače, ki niso državni uslužbenci.

2. Če so ali bodo za obravnavo zaprosila potrebni večji ali izredni stroški, se carinski organi pogodbenic posvetujejo, da bi določili pogoje, pod katerimi bo zaprosilo obravnavano, kot tudi način kritja stroškov.

#### 15. člen

##### Izvajanje

1. Izvajanje tega sporazuma se zaupa carinskemu organu pogodbenic. Ti odločajo o vseh praktičnih ukrepih in dogovorih, potrebnih za njegovo uporabo, ob upoštevanju predpisov za varstvo podatkov.

2. Po posvetovanju lahko carinski organi pogodbenic izdajo upravna navodila, potrebna za izvajanje tega sporazuma.

3. Carinski organi pogodbenic se lahko dogovorijo, da bodo njihove preiskovalne službe med seboj v neposrednem stiku.

the request and according to any conditions that the requested Contracting Party may impose.

4. The provisions of paragraphs 1 and 2 of this Article are not applicable to information concerning contraventions relating to narcotic drugs and psychotropic substances. Such information may be communicated to the authorities of the applicant Contracting Party which are directly involved in combatting illicit drug traffic.

#### Article 13

##### Files, Documents and Witnesses

1. The Customs Authorities of the Contracting Parties shall, upon request, provide documentation relating to the transportation and shipment of goods, showing the value, origin, disposition, and destination of those goods.

2. Originals of files, documents, and other materials shall be requested only in cases where copies would be insufficient. Upon specific request, copies of such files, documents, and other materials shall be appropriately authenticated.

3. Originals of files, documents, and other materials which have been furnished to the applicant Authority shall be returned at the earliest opportunity. The rights of the requested Authority or of third parties relating thereto shall remain unaffected. Upon request, originals necessary for adjudicative or similar purposes shall be returned without delay.

4. Upon the request of the Customs Authority of one Contracting Party, the Customs Authority of the other Contracting Party shall, at its discretion, authorize its employees, if such employees consent to do so, to appear as witnesses in judicial or administrative proceedings in the territory of the applicant Contracting Party, and to produce such files, documents, and other materials, or authenticated copies thereof, as may be considered necessary for the proceedings. Such a request shall specify the time, place, and type of proceedings and in what capacity the employee shall testify.

#### Article 14

##### Costs

1. The Customs Authorities of the Contracting Parties shall waive all claims for the reimbursement of costs incurred in the execution of the present Agreement, with the exception of expenses for witnesses, fees of experts, and the costs of interpreters other than government employees.

2. If expenses of a substantial and extraordinary nature are, or will be required, in order to execute the request, the Customs Authorities of the Contracting Parties shall consult to determine the terms and conditions under which the request shall be executed, as well as the manner in which the costs shall be borne.

#### Article 15

##### Implementation

1. The implementation of this Agreement shall be entrusted to the Customs Authorities of the Contracting Parties. They shall decide on all practical measures and arrangements necessary for its application, taking into consideration rules in the field of data protection.

2. After consultation, the Customs Authorities of the Contracting Parties may issue any administrative directives necessary for the implementation of this Agreement.

3. The Customs Authorities of the Contracting Parties may arrange for their investigation services to be in direct communication with each other.

## 16. člen

**Začetek in prenehanje veljavnosti sporazuma**

1. Sporazum se začasno uporablja od dneva podpisa in začne veljati prvi dan drugega meseca, ki sledi datumu, ko se pogodbenici po diplomatski poti obvestita, da so bile izpolnjene vse notranjepravne zahteve za začetek njegove veljavnosti.

2. Carinski organi pogodbenic soglašajo, da se sestanejo zaradi ponovnega pregleda sporazuma ali obravnave drugih carinskih zadev, ki bi lahko izhajale iz njihovega medsebojnega odnosa, na zahtevo enega od carinskih organov ali po petih letih od datuma začetka veljavnosti sporazuma, razen če se med seboj pisno ne obvestijo, da tak pregled ni potreben.

3. Sporazum je sklenjen za nedoločen čas, razen če ga katera koli pogodbenica pisno po diplomatski poti ne odpove. Sporazum preneha veljati šest mesecev po prejemu uradnega obvestila. Že začeti postopki se dokončajo v skladu z določbami tega sporazuma.

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

Sklenjeno v Ljubljani dne 24. maja 2000 v dveh izvornikih v slovenskem, makedonskem in angleškem jeziku, pri čemer so vsa besedila enako verodostojna. Pri razlikah v razlagi je odločilno angleško besedilo.

Za Vlado  
Republike Slovenije  
Franc Košir l. r.

Za Vlado  
Republike Makedonije  
Dragan Daravelski l. r.

## Article 16

**Entry into Force and Termination**

1. This Agreement shall apply provisionally from the date of its signing and shall enter into force on the first day of the second month following the date on which the Contracting Parties notify each other through diplomatic channels that all internal legal requirements for its entry into force have been fulfilled.

2. The Customs Authorities of the Contracting Parties agree to meet in order to review this Agreement or to discuss any other customs matters which may arise out of the relationship between them, upon the request of one of the Customs Authorities or at the end of five years from the date of its entry into force, unless they notify one another in writing that no such review is necessary.

3. This Agreement shall be concluded for an indefinite period of time, unless terminated by one of the Contracting Parties in writing through diplomatic channels. The Agreement shall cease to apply six months following the receipt of such notification. Ongoing proceedings at the time of termination shall nonetheless be completed in accordance with the provisions of this Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective governments, have signed this Agreement.

Done at Ljubljana on the day of 24 May 2000 in two originals in the Slovene, Macedonian and English languages, all texts being equally authentic. In case of any difference in interpretation, the English text shall prevail.

For the Government of  
the Republic of Slovenia  
Franc Košir, (s)

For the Government of  
the Republic of Macedonia  
Dragan Daravelski, (s)

## PRILOGA

**TEMELJNA NAČELA VARSTVA PODATKOV**

1. Osebni podatki, ki se avtomatsko obdelujejo, morajo biti:
  - a) pridobljeni in obdelani pošteno in zakonito;
  - b) hranjeni za določene in zakonite namene in se ne smejo uporabljati na način, nezdružljiv s temi nameni;
  - c) primerni, ustrezni in ne preobsežni glede na namene, za katere se hranijo;
  - d) natančni, in če je potrebno, tekoče usklajevani;
  - e) ohranjeni v obliki, ki dopušča identifikacijo oseb, na katere se podatki nanašajo, le tako dolgo, kot je potrebno za namen, za katerega se ti podatki hranijo.
2. Osebni podatki o zdravju ali spolnem življenju ne smejo biti avtomatsko obdelani, razen če notranje pravo ne zagotavlja ustreznega varstva. Enako velja za osebne podatke v zvezi s kazenskimi sodbami.
3. Sprejeti je treba ustrezne varnostne ukrepe za varstvo osebnih podatkov, hranjenih v podatkovnih datotekah, pred nepooblaščenim uničenjem ali nenamerno izgubo kot tudi pred nepooblaščenim dostopom, spremembo ali razširjanjem.

## ANNEX

**BASIC PRINCIPLES OF DATA PROTECTION**

1. Personal data undergoing automatic processing shall be:
  - a) obtained and processed fairly and lawfully;
  - b) stored for specified and legitimate purposes and not used in a way incompatible with those purposes;
  - c) adequate, relevant and not excessive in relation to the purposes for which they are stored;
  - d) accurate and, where necessary, kept up to date;
  - e) preserved in a form which permits identification of the data subjects for no longer than is required for the purpose for which those data are stored.
2. Personal data concerning health or sexual life, may not be processed automatically unless domestic law provides appropriate safeguards. The same shall apply to personal data relating to criminal convictions.
3. Appropriate security measures shall be taken for the protection of personal data stored in automated data files against unauthorised destruction or accidental loss as well as against unauthorised access, alteration or dissemination.

- 4 Vsaki osebi je treba omogočiti:
- da ugotovi obstoj datoteke osebnih podatkov, ki se avtomatsko obdelujejo, njene glavne namene kot tudi identiteto in običajno prebivališče ali glavni sedež upravljavca datoteke;
  - da je v razumnih presledkih in brez pretirane zamude ali stroškov obveščena o tem, ali so osebni podatki, ki se nanašajo nanjo, hranjeni v datoteki, ki se avtomatsko obdeluje, in da ji take podatke sporočijo v razumljivi obliki;
  - da, odvisno od primera, doseže popravek ali izbris takih podatkov, če so bili obdelani v nasprotju z določbami notranjega prava, ob upoštevanju temeljnih načel iz prvega in drugega odstavka te priloge;
  - da dobi ustrezno povračilo, če zahteva za obvestilo oziroma, odvisno od primera, obvestilo, popravek ali izbris, omenjen v pododstavkih b) in c) tega odstavka, ni opravljen.
- 5.1 Glede določb iz prvega, drugega in četrtega odstavka te priloge niso dovoljene nobene izjeme, razen v mejah, določenih v tem odstavku.
- 5.2 Izjeme pri določbah prvega, drugega in četrtega odstavka te priloge so dovoljene, če so predvidene v zakonodaji pogodbenice in je to potreben ukrep v demokratični družbi v interesu:
- zaščite državne varnosti, javne varnosti, finančnih interesov države ali zatiranja kaznivih dejanj;
  - varstva osebe, na katero se podatki nanašajo, ali pravic in svoboščin drugih.
- 5.3 Zakon lahko določa omejitev uresničevanja pravic, določenih v pododstavkih b), c) in d) četrtega odstavka te priloge, v zvezi z datotekami osebnih podatkov, ki se avtomatsko obdelujejo in se uporabljajo za statistične ali za znanstvenoraziskovalne namene, kadar očitno ni nikakršnega tveganja, da bi bila kršena zasebnost oseb, na katere se podatki nanašajo.
- 6 Nobene določbe te priloge ni mogoče razlagati, kot da omejuje ali drugače vpliva na možnost pogodbenice, da dodeli osebam, na katere se podatki nanašajo, širše varstvo, kot je določeno v tej prilogi.
4. Any person shall be enabled:
- to establish the existence of an automated personal data file, its main purposes, as well as the identity and habitual residence or principal place of business of the controller of the file;
  - to obtain at reasonable intervals and without excessive delay or expense confirmation of whether personal data relating to him are stored in the automated data file as well as communication to him of such data in an intelligible form;
  - to obtain, as the case may be, rectification or erasure of such data if they have been processed contrary to the provisions of domestic law giving effect to the basic principles set out under paragraphs 1 and 2 of this Annex;
  - to have remedy if a request for communication or, as the case may be, communication, rectification or erasure as referred to in subparagraphs b and c of this paragraph is not complied with.
- 5.1 No exception to the provisions under paragraphs 1, 2 and 4 of this Annex shall be allowed except within the limits defined in this paragraph.
- 5.2 Derogation from the provisions under paragraphs 1, 2 and 4 of this Annex shall be allowed when such derogation is provided for by the law of the Contracting Party and constitutes a necessary measure in a democratic society in the interest of:
- protecting State security, public safety, the monetary interests of the State or the suppression of criminal offences;
  - protecting the data subject or the rights and freedoms of others.
- 5.3 Restrictions on the exercise of the rights specified in paragraph 4, subparagraphs b, c and d of this Annex, may be provided by law with respect to automated personal data files used for statistics or for scientific research purposes where there is obviously no risk of an infringement of the privacy of the data subjects.
- 6 None of the provisions of this Annex shall be interpreted as limiting or otherwise affecting the possibility for a Contracting Party to grant data subjects a wider measure of protection than that stipulated in this Annex.

### 3. člen

Za izvajanje sporazuma skrbita Ministrstvo za finance in Carinska uprava Republike Slovenije.

### 4. člen

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

Št. 437-01/00-10/1

Ljubljana, dne 31. januarja 2001

Predsednik  
Državnega zbora  
Republike Slovenije  
**Borut Pahor** l. r.

**12. Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Kraljevine Norveške o medsebojni pomoči pri carinskih zadevah (BNOMPC)**

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

**U K A Z**

**O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO KRALJEVINE NORVEŠKE O MEDSEBOJNI POMOČI PRI CARINSKIH ZADEVAH (BNOMPC)**

Razglašam Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Kraljevine Norveške o medsebojni pomoči pri carinskih zadevah (BNOMPC), ki ga je sprejel Državni zbor Republike Slovenije na seji 31. januarja 2001.

Št. 001-22-12/01

Ljubljana, dne 9. februarja 2001

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

**Z A K O N**

**O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO KRALJEVINE NORVEŠKE O MEDSEBOJNI POMOČI PRI CARINSKIH ZADEVAH (BNOMPC)**

1. člen

Ratificira se Sporazum med Vlado Republike Slovenije in Vlado Kraljevine Norveške o medsebojni pomoči pri carinskih zadevah, podpisan v Oslu 25. februarja 2000.

2. člen

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

**S P O R A Z U M**

**MED VLADO REPUBLIKE SLOVENIJE IN VLADO KRALJEVINE NORVEŠKE O MEDSEBOJNI POMOČI PRI CARINSKIH ZADEVAH**

**Vlada Republike Slovenije in Vlada Kraljevine Norveške**, v nadaljevanju pogodbenici, sta

**glede na to**, da kršitve carinske zakonodaje škodujejo gospodarskim, davčnim, javno-zdravstvenim in trgovinskim interesom njunih držav,

**glede na** pomembnost zagotavljanja natančne odmere carinskih dajatev in drugih davkov na uvoz ali izvoz blaga kot tudi ustrezno izvajanje določb glede prepovedi, omejitev in kontrole,

**v prepričanju**, da sodelovanje med njunimi carinskimi organi lahko prispeva k večji učinkovitosti ukrepov pri carinskih kršitvah,

**ker se zavedata** obstoječih prijateljskih odnosov med Slovenijo in Norveško,

**z željo**, da bi povečali in izpopolnili sedanjo medsebojno pomoč pogodbenic,

**ob upoštevanju** Priporočila Sveta za carinsko sodelovanje o medsebojni upravni pomoči z dne **5. decembra 1953**

**sklenili naslednje:**

**A G R E E M E N T**

**BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA AND THE GOVERNMENT OF THE KINGDOM OF NORWAY REGARDING MUTUAL ASSISTANCE IN CUSTOMS MATTERS**

**The Government of the Republic of Slovenia and the Government of the Kingdom of Norway**, hereinafter referred to as the Contracting Parties,

**Considering** that offences against Customs Legislation are prejudicial to the economic, fiscal, public health and commercial interests of their respective countries,

**Considering** the importance of assuring the accurate assessment of customs duties and other taxes collected on the importation or exportation of goods, as well as proper implementation of provisions relating to prohibition, restriction and control,

**Convinced** that action against customs offences can be made more effective by cooperation between their Customs Authorities,

**Bearing in mind** the existing friendly relations between Slovenia and Norway,

**Wishing** to enhance and supplement the present mutual assistance between the Contracting Parties,

**Having regard** to the Recommendation of the Customs Co-operation Council on Mutual Administrative Assistance of **December 5, 1953**,

**Have agreed as follows:**

\* Besedilo sporazuma v norveškem jeziku je na vpogled v sektorju za mednarodnopravne zadeve Ministrstva za zunanje zadeve.

**OPREDELITEV POJMOV**

## 1. člen

V tem sporazumu:

a) "carinska zakonodaja" pomeni zakone in predpise, ki jih uveljavljajo carinski organi pri uvozu, izvozu in tranzitu blaga in vsakem drugem postopku, ki se nanaša na odmero carin, dajatev in druge kontrole v zvezi z gibanjem blaga čez državne meje;

b) "carinski organ" pomeni v Sloveniji Ministrstvo za finance – Carinska uprava Republike Slovenije, na Norveškem pa Direktorat za carine in trošarine (Toll- og avgiftsdirektoratet);

c) "kršitev" pomeni vsako kršitev carinske zakonodaje kot tudi vsak poskus kršitve takšne zakonodaje;

d) "carinske dajatve" pomenijo vse carine, davke, pristojbine ali druge dajatve, ki se odmerjajo in pobirajo pri uporabi carinske zakonodaje;

e) "organ prosilec" pomeni pristojni carinski organ pogodbenice, ki prosi za pomoč pri carinskih zadevah;

f) "zaprošeni organ" pomeni pristojni carinski organ pogodbenice, ki prejme zaprosilo za pomoč pri carinskih zadevah;

g) "osebni podatki" so vsi podatki, ki se nanašajo na določeno ali določljivo osebo.

**PODROČJE DEJAVNOSTI**

## 2. člen

1. Pogodbenici si po svojih carinskih organih medsebojno pomagata v skladu s svojo notranjo zakonodajo in določbami tega sporazuma:

a) da bi zagotovili pravilno uporabo carinske zakonodaje, še posebej s preprečevanjem, preiskovanjem in odkrivanjem kršitev te zakonodaje;

b) z izmenjavo informacij, ki jih je treba uporabljati pri odmeri carinskih dajatev in izvajanju ter uveljavljanju carinske zakonodaje.

2. Pomoč, kot je predvidena v tem sporazumu, poteka skladno z notranjo zakonodajo in na področjih, ki so v sodni pristojnosti zaprosenega organa ter v mejah njegove pristojnosti in razpoložljivih virov. Po potrebi lahko zaproseni organ poskrbi, da pomoč zagotovi drug pristojni organ v skladu z notranjo zakonodajo.

**MEDSEBOJNA POMOČ**

## 3. člen

1. Pomoč se izvaja z neposrednim sodelovanjem med Carinsko upravo Republike Slovenije v Sloveniji in Direktoratom za carine in trošarine na Norveškem.

2. Carinski organi si na lastno pobudo ali na zaprosilo medsebojno dajejo vse ustrezne informacije o aktivnostih, ki utegnejo imeti za posledico kršitve na ozemlju druge pogodbenice.

## 4. člen

1. Na zaprosilo carinski organi eni drugim priskrbijo vse ustrezne informacije, ki bi lahko olajšale:

a) odmero carinskih dajatev in natančno določitev carinske vrednosti in carinske razvrstitve blaga;

**DEFINITIONS**

## Article 1

For the purposes of this Agreement:

a) "Customs Legislation" shall mean laws and regulations enforced by the Customs Authorities concerning the importation, exportation, and transit of goods and any other procedure relating to assessment of customs duties, charges and other controls in respect of the movement of goods across national boundaries;

b) "Customs Authority" shall mean in Slovenia, the Ministry of Finance – Customs Administration of the Republic of Slovenia (Ministrstvo za finance – Carinska uprava Republike Slovenije) and in Norway, the Directorate of Customs and Excise (Toll- og avgiftsdirektoratet);

c) "Offence" shall mean any violation of Customs Legislation as well as any attempted violation of such legislation;

d) "Customs Duties" shall mean all duties, taxes, fees or other charges which are levied and collected in application of Customs Legislation;

e) "Applicant Authority" shall mean the competent Customs Authority of a Contracting Party which makes a request for assistance in customs matters;

f) "Requested Authority" shall mean the competent Customs Authority of a Contracting Party which receives a request for assistance in customs matters;

g) "Personal Data" shall mean all information relating to an identified or identifiable person.

**SCOPE**

## Article 2

1. The Contracting Parties shall through their Customs Authorities, in accordance with their national legislation and the provisions of this Agreement assist each other:

a) in order to ensure that Customs Legislation is correctly applied, in particular by the prevention, investigation and detection of Offences of this legislation;

b) by exchange of information to be used in assessment of Customs Duties and administering and enforcing the Customs Legislation.

2. Assistance as provided for in this Agreement, shall be proceeded in accordance with national legislation and in the areas within the jurisdiction of the Requested Authority and within the limits of its competence and available resources. If necessary, the Requested Authority can arrange for assistance to be provided for by another competent authority in accordance with national legislation.

**MUTUAL ASSISTANCE**

## Article 3

1. Assistance shall be carried out in direct communication between the Customs Administration of the Republic of Slovenia in Slovenia and the Directorate of Customs and Excise in Norway.

2. The Customs Authorities shall, on their own initiative, or upon request, furnish each other with all relevant information regarding activities which may result in Offences within the territory of the other Contracting Party.

## Article 4

1. At request the Customs Authorities shall provide each other with all relevant information which may facilitate:

a) the assessment of Customs Duties and exact determination of customs value and tariff classification of goods;

- b) izvajanje prepovedi in omejitev pri uvozu in izvozu;
- c) odkrivanje prevozov in pošilk blaga z navedbo vrednosti, razpolaganja in namembnega kraja.

## 5. člen

Carinski organi na lastno pobudo ali na zaprosilo pošljejo organu prosilcu vse ustrezne podatke glede postopkov, s katerimi se krši ali se utegne kršiti carinska zakonodaja, še posebej podatke, ki se nanašajo na:

- a) fizične in pravne osebe, za katere se ve ali sumi, da kršijo carinsko zakonodajo;
- b) nova sredstva ali metode pri izvajanju takšnih postopkov;
- c) blago ali gibanje blaga, za katero je znano, da se z njim krši carinska zakonodaja;
- d) prevozna sredstva, za katera se utemeljeno domneva, da so bila, so ali utegnejo biti uporabljena pri postopkih, s katerimi se krši carinska zakonodaja.

## 6. člen

Na zaprosilo se carinski organi medsebojno obveščajo:

- a) ali je potekal izvoz blaga, uvoženega v carinsko območje ene pogodbenice iz carinskega območja druge pogodbenice, v skladu s carinsko zakonodajo;
- b) ali je potekal uvoz blaga, izvoženega iz carinskega območja ene pogodbenice v carinsko območje druge pogodbenice, v skladu s carinsko zakonodajo, in kadar je to primerno, navedejo carinski postopek, ki je bil uporabljen za blago.

## 7. člen

1. Carinski organi na lastno pobudo ali na zaprosilo sporočijo vse razpoložljive informacije o izidih poizvedb.

2. Če zaproseni organ nima na voljo zahtevanih informacij, ravna v skladu z notranjo zakonodajo, da bi pridobil takšne informacije.

## 8. člen

Na zaprosilo organa prosilca zaproseni organ v skladu s svojo zakonodajo sprejme vse potrebne ukrepe, da bi vsem fizičnim ali pravnim osebam, ki jih to zadeva in ki prebivajo ali so ustanovljene na njegovem ozemlju, poslal vse dokumente in jih obvestil o vseh odločitvah, sprejetih v okviru tega sporazuma.

**NADZOR**

## 9. člen

Carinski organi pogodbenic na lastno pobudo ali na zaprosilo vzdržujejo nadzor nad:

- a) fizičnimi osebami, ki se gibajo v carinskem območju in še posebej ko vstopajo vanj ali iz njega, če obstaja utemeljena domneva, da kršijo ali so kršile carinsko zakonodajo;
- b) pravnimi osebami, za katere obstaja utemeljena domneva, da so kršile, kršijo ali bi lahko kršile carinsko zakonodajo;
- c) vsakim prevoznim sredstvom, za katero obstaja utemeljena domneva, da je bilo, je ali utegne biti uporabljeno pri postopkih, s katerimi se krši carinska zakonodaja;

- b) the implementation of import and export prohibitions and restrictions;
- c) the identification of transportation and shipment of goods showing value, disposition and destination.

## Article 5

The Customs Authorities shall at their own initiative or upon request supply the Applicant Authority with all relevant information relating to operations which are or may be in breach of their Customs Legislation, particularly information pertaining to:

- a) natural or legal persons known or suspected of committing Offences of the Customs Legislation;
- b) new means or methods in carrying out such operations;
- c) goods or movements of goods known to be subject to breaches of the Customs Legislation;
- d) means of transport for which there are grounds for believing that they have been, are or may be used in operations in breach of the Customs Legislation.

## Article 6

At request the Customs Authorities shall inform one another whether:

- a) goods imported into the customs territory of a Contracting Party have been exported from the customs territory of the other Contracting Party in accordance with the Customs Legislation;
- b) goods exported from the customs territory of a Contracting Party have been imported into the customs territory of the other Contracting Party in accordance with the Customs Legislation, specifying, where appropriate, the customs procedure applied to the goods.

## Article 7

1. The Customs Authorities shall at their own initiative or at request communicate all available information concerning the results of enquiries.

2. If the Requested Authority does not possess the requested information, it shall proceed in accordance with national legislation in order to obtain such information.

## Article 8

At request of the Applicant Authority, the Requested Authority shall, in accordance with its legislation, take all necessary measures in order to deliver all documents and notify all decisions falling within the scope of this Agreement to natural or legal persons concerned residing or established in its territory.

**SURVEILLANCE**

## Article 9

The Customs Authorities of the Contracting Parties shall on their own initiative or on request maintain surveillance of:

- a) natural persons moving within and in particular entering and leaving the customs territory when there are grounds for believing that they are or have been in breach of Customs Legislation;
- b) legal persons of whom there are grounds for believing that they have been, are or may be used in breach of Customs Legislation;
- c) any means of transport for which there are grounds for believing that they have been, are or may be used in operations in breach of Customs Legislation;

d) gibanjem blaga v carinsko območje ali iz njega, za katero je bilo sporočeno, da bi lahko povzročilo kršitev carinske zakonodaje.

### PREISKAVE

#### 10. člen

1. Na zaprosilo organa prosilca zaproseni organ sproži vse uradne poizvedbe o postopkih, ki so ali so videti kot kršitve carinske zakonodaje. Izide takšnih poizvedb je treba sporočiti organu prosilcu.

2. Zaprošeni organ lahko na posebno zaprosilo privoli, da smejo biti uradniki organa prosilca navzoči med izvajanjem nameravanih ukrepov.

3. Kadar so v okoliščinah, predvidenih s tem sporazumom, predstavniki ene pogodbenice navzoči na ozemlju druge pogodbenice, je nujno, da lahko kadar koli predložijo dokaz o svoji uradni pristojnosti. Ne smejo biti v uniformi ali nositi orožja.

### OBLIKA IN VSEBINA ZAPROSIL ZA POMOČ

#### 11. člen

1. Zaposila po tem sporazumu morajo biti pisna. Podatki ali dokumenti, potrebni za izpolnitev takšnih zaprosil, se priložijo zaprosilu. Ustna zaprosila se lahko sprejmejo, vendar morajo biti čim prej pisno potrjena.

2. Zaposila po prvem odstavku tega člena morajo vsebovati te podatke:

- a) navedbo carinskega organa, ki vlaga zaprosilo;
- b) navedbo zaprosenega ukrepa;
- c) navedbo predmeta zaprosila in razlog zanj;
- d) kratek opis kršitev, zakonodaje in drugih pravnih elementov v zvezi s tem;
- e) čim natančnejše in izčrpnije navedbe o fizičnih ali pravnih osebah, ki so cilj preiskave;

f) povzetek pomembnejših dejstev in že opravljenih poizvedb.

3. Jezik sporazumevanja med carinskimi organi je angleščina. Podatki, dokumenti in druga sporočila med carinskimi organi se pošiljajo v izvornem jeziku in so poleg tega prevedeni v angleščino ali v jezik, ki je sprejemljiv za carinski organ, ki jih prejme.

4. Če zaprosilo ne izpolnjuje formalnih pogojev, je mogoče zahtevati njegov popravek ali dopolnitev. Vendar se zaradi tega ne smejo odložiti ukrepi, ki jih je treba nemudoma sprejeti.

5. Podatki, določeni s tem sporazumom, se lahko za isti namen nadomestijo s podatki v kakršni koli elektronski obliki. Hkrati je treba poslati vse ustrezno gradivo ali druge podatke, ki so potrebni za razlago ali uporabo teh podatkov.

#### 12. člen

Izvirne spise in dokumente je mogoče zahtevati, le kadar overjene kopije ne bi zadostovale. Poslane izvirnike je treba vrniti ob prvi priložnosti.

d) movements of goods into or out of its customs territory notified as possibly giving rise to breaches of Customs Legislation.

### INVESTIGATIONS

#### Article 10

1. At request of the Applicant Authority, the Requested Authority shall initiate all official inquiries concerning operations which are or appear to be an Offence to the Customs Legislation. The results of such inquiries shall be communicated to the Applicant Authority.

2. The Requested Authority may upon specific request give its consent to that officials from the Applicant Authority may be present during the process of the action to be taken.

3. When in the circumstances provided for by this Agreement, representatives of one of the Contracting Parties are present in the territory of the other Contracting Party, they must at all times be able to furnish proof of their official capacity. They must not be in uniform or carry arms.

### FORM AND SUBSTANCE OF REQUESTS FOR ASSISTANCE

#### Article 11

1. Requests pursuant to this Agreement shall be made in writing. Information or documents necessary for the execution of such requests shall accompany the request. Oral requests may be accepted, but must be confirmed in writing as soon as possible.

2. Requests pursuant to paragraph 1 of this article shall include the following information:

- a) the Customs Authority making the request;
- b) the measure requested;
- c) the object of and the reason for the request;
- d) a short description of the offences, the legislation and other legal elements involved;
- e) indications as exact and comprehensive as possible on the natural or legal persons who are the target of the investigation;
- f) a summary of the relevant facts and of the enquiries already carried out.

3. All communication between the Customs Authorities shall take place in the English language. Information, documents and other communication between the Customs Authorities shall, in addition to being transmitted in the original language, be translated into English or a language acceptable to the receiving Customs Authority.

4. If a request does not meet the formal requirements, its correction or completion may be requested; however, this must not delay any measures which must be taken immediately.

5. Information provided for in this Agreement may be replaced by electronic information produced in any form for the same purpose. All relevant material or data required for the interpretation or application of the information shall also be supplied.

#### Article 12

Original files and documents shall be requested only in cases where certified copies would be insufficient. Originals which have been transmitted shall be returned at the earliest opportunity.

**OBVEZNOST SPOŠTOVANJA ZAUPNOSTI**

## 13. člen

1. Dobljene podatke je mogoče uporabiti le za namene tega sporazuma, za druge namene pa se lahko uporabijo le s predhodnim pisnim soglasjem carinskega organa, ki je podatke dal.

2. Vsi podatki, sporočeni v kakršni koli obliki, v skladu s tem sporazumom so zaupni ali za interno uporabo. Varovani bodo z obvezo uradne tajnosti in bodo enako zaščiteni kot podobni podatki po ustreznih zakonih pogodbenice, ki jih je prejela.

3. Carinski organi lahko v skladu z nameni in določbami tega sporazuma uporabijo dobljene podatke in pregledane dokumente v svojih poročilih, pričevanjih in dokaznem gradivu v sodnih ali upravnih postopkih.

## 14. člen

1. Dobljeni osebni podatki se smejo uporabiti le za namene in po pogojih, ki jih določi zaproseni organ. Zaproseni organ lahko določi nadaljnje omejitve glede uporabe osebnih podatkov, če bi načrtovana uporaba ogrozila varstvo osebnih podatkov registriranih oseb ali na kakršen koli drug način povzročila neskladnost z notranjo zakonodajo, ki velja na ozemlju zaprosene države pogodbenice.

2. Na zahtevo pogodbenice, ki je priskrbela podatke, je pogodbenica, ki je podatke prejela, odgovorna zanje in mora poročati o njihovi uporabi.

3. Osebni podatki se lahko sporočijo le organom odkrivanja in pregona. Takšni podatki se lahko pošljejo drugim organom le s predhodnim soglasjem organa, ki je podatke dal.

4. Organ, ki priskrbi podatke, mora zagotoviti veljavnost in pravilnost podatkov, ki jih je treba poslati. Če pošiljatelj podatkov ugotovi, da so bili poslani bodisi nepravilni osebni podatki ali osebni podatki za interno uporabo, mora o tem nemudoma obvestiti prejemnika. Prejemnik podatkov mora osebne podatke popraviti, uničiti, zbrisati ali jih vrniti, če je to potrebno.

5. Nepravilne ali nepopolne podatke oziroma nepomembne podatke je treba na pobudo ali zahtevo pogodbenic popraviti ali zbrisati. Osebne podatke je treba zbrisati, ko ni več potrebe za njihovo uporabo.

6. Osebni podatki se vpišejo v za to odobreni register in se učinkovito zavarujejo pred objavo, spremembo, uničenjem, poškodovanjem in nepooblaščenim dostopom.

**IZVEDENCI IN PRIČE**

## 15. člen

Na zaprosilo lahko carinski organi pooblastijo svoje uradnike, da v okviru omejitev dodeljenega pooblastila nastopajo kot priče ali izvedenci v sodnih ali upravnih postopkih v zvezi z zadevami iz tega sporazuma, ki so v sodni pristojnosti pogodbenice, in da predložijo takšne predmete, dokumente ali njihove overjene kopije, ki bi lahko bili potrebni za postopke. V zaprosilu za prihod pred sodišče je treba posebej navesti, o kateri zadevi in na podlagi katerega pravnega naslova ali v kakšni vlogi bo uradnik zaslišan.

**OBLIGATION TO OBSERVE CONFIDENTIALITY**

## Article 13

1. Information obtained shall be used solely for the purposes of this Agreement, and may be used for other purposes only with the prior written consent of the Customs Authority which furnished the information.

2. Any information communicated in whatever form pursuant to this Agreement shall be of a confidential or restricted nature. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended to similar information under the relevant laws of the Contracting Party which received it.

3. The Customs Authorities may, in accordance with the purposes and provisions of this Agreement, use the information obtained and documents consulted in their reports, testimonies and records of evidence in judicial or administrative proceedings.

## Article 14

1. Personal Data obtained shall be used solely for the purposes and subject to the conditions stated by the Requested Authority. The Requested Authority may state additional restrictions concerning the use of Personal Data if the planned use would threaten the protection of the Personal Data of the registered persons, or in any other way create any conflict with the national legislation in force in the territory of the State of the requested Contracting Party.

2. At request of the party which supplied the information the recipient party shall account for and report the use of that information.

3. Personal Data may be provided only to authorities of law enforcement. Such information can be forwarded to other authorities only in possession of the prior consent of the providing authority.

4. The providing authority must ensure the validity and correctness of the information to be transferred. If the supplier finds that either incorrect or restricted Personal Data have been transferred, he must inform the recipient immediately. The recipient of the information must implement the correction of the information or destroy, erase or return the Personal Data if necessary.

5. Incorrect or incomplete data, or data which are of no importance, shall be corrected or erased on the parties own initiative or at request. Personal Data shall be deleted when the need for their use cease to exist.

6. Personal Data shall be registered in an authorized register and effectively be protected against publication, modification, destruction, damage and unauthorised access.

**EXPERTS AND WITNESSES**

## Article 15

At request the Customs Authorities may authorize its officials, within the limitations of the authorization granted, to appear as witnesses or experts in judicial, or administrative proceedings in respect of the matters covered by this Agreement in the jurisdiction of the Contracting Party, and produce such objects, documents or authenticated copies thereof, as may be needed for the proceedings. The request for an appearance must indicate specifically on what matter and by virtue of what title or qualification the official will be questioned.



**IZJEME PRI OBVEZNOSTI DAJANJA  
POMOČI**

## 16. člen

1. Kadar se oceni, da se z izpolnjevanjem zaprosila za pomoč kršijo suverenost, varnost in javni interes ali drugi bistveni interesi pogodbenice ali da se krši kakšna industrijska, poslovna ali poklicna skrivnost, je mogoče pomoč odreči, jo zagotoviti delno ali pod določenimi pogoji ali zahtevami.

2. Če zaprosilu za pomoč ni mogoče ugoditi, je treba organu prosilcu nemudoma sporočiti razloge za zavrnitev zagotavljanja pomoči.

3. Kadar organ prosilec zaprosi za pomoč, ki je sam ne bi mogel zagotoviti, če bi ga zanj prosili, mora na to dejstvo opozoriti v svojem zaprosilu. Zaprošeni organ se odloči, kako se bo odzval na takšno zaprosilo.

**STROŠKI POMOČI**

## 17. člen

Pogodbenici se odpoveata vsem medsebojnim zahtevkom za povračilo stroškov, nastalim pri izvajanju tega sporazuma, razen, kadar je to primerno, za stroške izvedencev in prič ter tolmačev in prevajalcev, ki niso zaposleni v javni službi.

**UPORABA**

## 18. člen

Določbe iz tega sporazuma veljajo na carinskem območju pogodbenic.

## 19. člen

Izvajanje tega sporazuma se zaupa osrednjim carinskim organom pogodbenic. Ti odločajo o vseh praktičnih ukrepih in dogovorih, potrebnih za izvajanje tega sporazuma.

**ZAČETEK IN PRENEHANJE VELJAVNOSTI**

## 20. člen

1. Sporazum se začasno uporablja od dneva podpisa in začne veljati prvi dan drugega meseca, ki sledi datumu, ko se pogodbenici med seboj obvestita z izmenjavo diplomatskih not, da so bile izpolnjene vse potrebne notranjepravne zahteve za začetek njegove veljavnosti.

2. Carinski organi pogodbenic soglašajo, da se sestanjo zaradi ponovnega pregleda sporazuma ali obravnave drugih carinskih zadev, ki bi lahko izhajale iz njihovega medsebojnega odnosa, na zahtevo enega od carinskih organov ali po petih letih od dneva začetka veljavnosti sporazuma, razen če se med seboj ne obvestijo, da tak pregled ali obravnava drugih carinskih zadev ni potreben. Pogodbenici lahko spremenita ali dopolnita ta sporazum na podlagi medsebojnega soglasja.

3. Ta sporazum velja nedoločen čas. Veljati preneha šest mesecev od dneva, ko ena pogodbenica drugo pogodbenico po diplomatski poti pisno obvesti o želji, da prekine ta sporazum.

**EXEMPTIONS FROM THE OBLIGATION TO PROVIDE  
ASSISTANCE**

## Article 16

1. If compliance with a request for assistance is considered to infringe upon the sovereignty, security, public policy or other essential interests of a party, or involve violation of an industrial, commercial or professional secret, assistance may be refused, provided partly or provided subject to certain conditions or requirements.

2. If a request for assistance cannot be complied with, the Applicant Authority shall be notified without delay and shall be informed of the reasons for the refusal to provide assistance.

3. If the Applicant Authority requests assistance which itself would be unable to provide if so asked, it shall draw attention to that fact in the request. The Requested Authority shall decide how to respond to such a request.

**ASSISTANCE EXPENSES**

## Article 17

The Contracting Parties shall waive all claims on each other for the reimbursement of expenses incurred pursuant to this Agreement, except, as appropriate, for expenses to experts and witnesses and to interpreters and translators who are not public service employees.

**APPLICATION**

## Article 18

The provisions of this Agreement shall be effective within the customs territories of the Contracting Parties.

## Article 19

The application of this Agreement shall be entrusted to the central Customs Authorities of the Contracting Parties. They shall decide on all practical measures and arrangements necessary for the application of the Agreement.

**ENTRY INTO FORCE AND TERMINATION**

## Article 20

1. This Agreement shall apply provisionally from the date of its signing and shall enter into force on the first day of the second month following the date on which the Contracting Parties notify one another by an exchange of diplomatic notes that all necessary national legal requirements for its entry into force have been fulfilled.

2. The Customs Authorities of the Contracting Parties agree to meet in order to review this Agreement or to discuss any other customs matters which may arise out of the relationship between them upon the request of one of the Customs Authorities or at the end of five years from the date of its entry into force, unless they notify one another in writing that no such review or discussion about other customs matters is necessary. The Contracting Parties may revise or amend this Agreement by mutual consent.

3. This Agreement shall remain in force indefinitely. It shall be terminated six months from the date on which either Contracting Party shall have given written notice through diplomatic channels to the other Contracting Party of its desire for the termination of this Agreement.

**DA BI TO POTRDILA**, sta podpisana, ki sta ju pravilno pooblastili njuni vladi, podpisala ta sporazum.

Sklenjeno v Oslu dne 25. februarja 2000 v dveh izvornikih v slovenskem, norveškem in angleškem jeziku, pri čemer so vsa tri besedila enako verodostojna. Pri razlikah v razlagi je odločilno angleško besedilo.

Za Vlado  
Republike Slovenije  
**Franc Košir** l.r.

Za Vlado  
Kraljevine Norveške  
**Marit Wiig** l.r.

**IN WITNESS WHEREOF**, the undersigned, being duly authorized by their respective governments, have signed this Agreement.

Done at Oslo on 25 February 2000 in two originals in the Slovene, Norwegian, and English languages, all texts being equally authentic. In the event of any divergence of interpretation, the English text shall prevail.

For the Government of  
the Republic of Slovenia  
**Franc Košir**, (s)

For the Government of  
the Kingdom of Norway  
**Marit Wiig**, (s)

3. člen

Za izvajanje tega sporazuma skrbita Ministrstvo za finance in Carinska uprava Republike Slovenije.

4. člen

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

Št. 437-01/00-9/1  
Ljubljana, dne 31. januarja 2001

Predsednik  
Državnega zbora  
Republike Slovenije  
**Borut Pahor** l. r.

**13. Uredba o spremembi Uredbe o ratifikaciji Administrativnega sporazuma o izvajanju Sporazuma o socialnem zavarovanju med Republiko Slovenijo in Republiko Makedonijo**

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

**U R E D B O**  
**O SPREMEMBI UREDBE O RATIFIKACIJI ADMINISTRATIVNEGA SPORAZUMA**  
**O IZVAJANJU SPORAZUMA O SOCIALNEM ZAVAROVANJU MED REPUBLIKO SLOVENIJO**  
**IN REPUBLIKO MAKEDONIJO**

1. člen

2. člen Uredbe o ratifikaciji Administrativnega sporazuma o izvajanju Sporazuma o socialnem zavarovanju med Republiko Slovenijo in Republiko Makedonijo (Uradni list Republike Slovenije – Mednarodne pogodbe, št. 21/2000 v Uradnem listu RS, št. 80/2000) se spremeni tako, da se besedilo drugega odstavka 12. člena administrativnega sporazuma v slovenskem jeziku nadomesti z besedilom, ki se glasi, kot sledi:

“(2) Pristojni nosilci so si dolžni medsebojno sporočati tudi druga dejstva, bistvena za pridobitev pravic in določanje višine dajatev, po potrebi pa tudi priložiti zdravniško mnenje, ob upoštevanju določb 21. do 24. člena sporazuma.“

2. člen

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

Št. 557-01/2001-1

Ljubljana, dne 1. februarja 2001

**Vlada Republike Slovenije**

**dr. Janez Drnovšek** l. r.  
Predsednik

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— **Obvestilo o začetku veljavnosti mednarodnih pogodb**

**O B V E S T I L O**  
**o začetku veljavnosti mednarodnih pogodb**

Dne 14. novembra 2000 je začel veljati Sporazum med Vlado Republike Slovenije in Vlado Republike Moldove o mednarodnem cestnem prevozu, podpisan v Ljubljani 11. februarja 2000 (Uradni list Republike Slovenije – Mednarodne pogodbe, št. 23/00; v: Uradni list Republike Slovenije, št. 84/00).

Dne 28. novembra 2000 je bila Republika Slovenija sprejeta v polnopravno članstvo Mednarodne organizacije za migracije (IOM) in je zanjo začela veljati Ustava Mednarodne organizacije za migracije, podpisana dne 19. 10. 1953 v Benetkah, v besedilu z dne 20. 5. 1987, in objavljena v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 28/99 (Uradni list Republike Slovenije, št. 98/99).

Dne 16. januarja 2001 je začel veljati Sporazum med Vlado Republike Slovenije in Vlado Helenske republike o znanstvenem in tehnološkem sodelovanju, podpisan v Ljubljani dne 10. novembra 1999 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 10/00 (Uradni list Republike Slovenije, št. 35/00).

Dne 1. februarja 2001 je začela za Republiko Slovenijo veljati Evropska listina o regionalnih ali manjšinskih jezikih, sklenjena v Strasbourgu 5. novembra 1992 in objavljena v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 17/00 (Uradni list Republike Slovenije, št. 69/00).

Dne 10. februarja 2001 je začel veljati Sporazum med Vlado Republike Slovenije in Vlado Republike Bolgarije o sodelovanju na področju veterinarske medicine, podpisan v Sofiji 30. junija 1998 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 23/00 (Uradni list Republike Slovenije, št. 84/00).

Ministrstvo za zunanje zadeve  
Republike Slovenije

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