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76. **Zakon o ratifikaciji Konvencije o čezmejnih učinkih industrijskih nesreč (MKČUIN)**

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

U K A Z
O RAZGLASITVI ZAKONA O RATIFIKACIJI KONVENCIJE O ČEZMEJNIH UČINKIH INDUSTRIJSKIH NESREČ (MKČUIN)

Razglašam Zakon o ratifikaciji Konvencije o čezmejnih učinkih industrijskih nesreč (MKČUIN), ki ga je sprejel Državni zbor Republike Slovenije na seji 22. novembra 2001.

Št. 001-22-145/01
Ljubljana, 30. novembra 2001

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N
O RATIFIKACIJI KONVENCIJE O ČEZMEJNIH UČINKIH INDUSTRIJSKIH NESREČ (MKČUIN)

1. člen

Ratificira se Konvencija o čezmejnih učinkih industrijskih nesreč, sprejeta 17. marca 1992 v Helsinkih.

2. člen

Konvencija se v izvirniku v angleškem jeziku in v prevodu v slovenski jezik glasi:

C O N V E N T I O N
ON THE TRANSBOUNDARY EFFECTS OF INDUSTRIAL ACCIDENTS

PREAMBLE

The Parties to this Convention,

Mindful of the special importance, in the interest of present and future generations, of protecting human beings and the environment against the effects of industrial accidents,

Recognizing the importance and urgency of preventing serious adverse effects of industrial accidents on human beings and the environment, and of promoting all measures that stimulate the rational, economic and efficient use of preventive, preparedness and response measures to enable environmentally sound and sustainable economic development,

Taking into account the fact that the effects of industrial accidents may make themselves felt across borders, and require cooperation among States,

K O N V E N C I J A
O ČEZMEJNIH UČINKIH INDUSTRIJSKIH NESREČ

UVOD

Pogodbenice te konvencije

so pozorne na poseben pomen zaščite človeka in okolja pred učinki industrijskih nesreč za sedanje in prihodnje rodove,

priznavajo pomen in nujnost preprečevanja hudih škodljivih učinkov industrijskih nesreč na človeka in okolje, izvajanja vseh ukrepov, ki spodbujajo smotrno, gospodarno in učinkovito uporabo preprečevalnih ukrepov, pripravljenosti in odzivanja, da bi omogočili okolju prijazen in trajnosten gospodarski razvoj,

upoštevajo dejstvo, da se učinki industrijskih nesreč lahko razširijo čez meje držav in zahtevajo sodelovanje med njimi,

Affirming the need to promote active international cooperation among the States concerned before, during and after an accident, to enhance appropriate policies and to reinforce and coordinate action at all appropriate levels for promoting the prevention of, preparedness for and response to the transboundary effects of industrial accidents,

Noting the importance and usefulness of bilateral and multilateral arrangements for the prevention of, preparedness for and response to the effects of industrial accidents,

Conscious of the role played in this respect by the United Nations Economic Commission for Europe (ECE) and recalling, inter alia, the ECE Code of Conduct on Accidental Pollution of Transboundary Inland Waters and the Convention on Environmental Impact Assessment in a Transboundary Context,

Having regard to the relevant provisions of the Final Act of the Conference on Security and Cooperation in Europe (CSCE), the Concluding Document of the Vienna Meeting of Representatives of the Participating States of the CSCE, and the outcome of the Sofia Meeting on the Protection of the Environment of the CSCE, as well as to pertinent activities and mechanisms in the United Nations Environment Programme (UNEP), in particular the APELL programme, in the International Labour Organisation (ILO), in particular the Code of Practice on the Prevention of Major Industrial Accidents, and in other relevant international organizations,

Considering the pertinent provisions of the Declaration of the United Nations Conference on the Human Environment, and in particular principle 21, according to which States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

Taking account of the polluter-pays principle as a general principle of international environmental law,

Underlining the principles of international law and custom, in particular the principles of good-neighbourliness, reciprocity, non-discrimination and good faith,

Have agreed as follows:

Article 1

DEFINITIONS

For the purposes of this Convention,

(a) "Industrial accident" means an event resulting from an uncontrolled development in the course of any activity involving hazardous substances either:

(i) In an installation, for example during manufacture, use, storage, handling, or disposal; or

(ii) During transportation in so far as it is covered by paragraph 2(d) of Article 2;

(b) "Hazardous activity" means any activity in which one or more hazardous substances are present or may be present in quantities at or in excess of the threshold quantities listed in Annex I hereto, and which is capable of causing transboundary effects;

(c) "Effects" means any direct or indirect, immediate or delayed adverse consequences caused by an industrial accident on, inter alia:

(i) Human beings, flora and fauna;

(ii) Soil, water, air and landscape;

(iii) The interaction between the factors in (i) and (ii);

(iv) Material assets and cultural heritage, including historical monuments;

potrjujejo potrebo po pospeševanju dejavnega mednarodnega sodelovanja med vključenimi državami pred nesrečo, med njo in po njej, da bi razširile ustrezne strategije ter okrepile in uskladile delovanje na vseh ustreznih ravneh in tako pospešile preprečevanje čezmejnih učinkov industrijskih nesreč ter pripravljenost in odzivanje nanje,

upoštevajo pomen in koristnost dvostranskih in mnogostranskih sporazumov za preprečevanje učinkov industrijskih nesreč ter pripravljenost in odzivanje nanje,

se zavedajo vloge, ki jo ima pri tem Gospodarska komisija Združenih narodov za Evropo *(ECE)* in se *med drugim* sklicujejo na njen Kodeks ravnanja pri naključnem onesnaženju čezmejnih notranjih voda in na Konvencijo o presoji čezmejnih vplivov na okolje,

upoštevajo ustrezne določbe Sklepne listine Konference o varnosti in sodelovanju v Evropi (KEVS), Sklepni dokument dunajskega srečanja predstavnikov držav udeleženk KEVS ter izida Srečanja KEVS o varstvu okolja v Sofiji kot tudi ustrezne dejavnosti in mehanizme v Programu Združenih narodov za okolje (UNEP), zlasti v programu APELL, v Mednarodni organizaciji dela (MOD), predvsem Kodeksu ravnanja za preprečevanje večjih industrijskih nesreč, in določbe drugih ustreznih mednarodnih organizacij,

glede na ustrezne določbe Deklaracije Konference Združenih narodov o človekovem okolju in še posebej glede na njeno 21. načelo, po katerem imajo države v skladu z Ustanovno listino Združenih narodov in načeli mednarodnega prava suvereno pravico izkoriščati lastne naravne vire v skladu s svojo okoljsko politiko, ter odgovornost, da zagotovijo, da dejavnosti, ki so pod njihovo jurisdikcijo ali nadzorom, ne povzročajo škode okolju drugih držav ali na območjih zunaj meja njihove državne jurisdikcije,

upoštevajo načelo onesnaževalec plača kot splošno načelo mednarodnega okoljskega prava,

poudarjajo načela mednarodnega prava in običajev, predvsem načela dobrih sosedskih odnosov, vzajemnosti, nerazlikovanja in dobre vere,

in so se zato sporazumele:

1. člen

OPREDELITEV POJMOV

V tej konvenciji:

(a) "industrijska nesreča" pomeni dogodek, ki je posledica nenadzorovanega razvoja dogodkov med katero koli dejavnostjo, ki vključuje nevarne snovi, in sicer:

(i) na objektu, na primer med proizvodnjo, uporabo, shranjevanjem, ravnanjem ali odstranitvijo, ali

(ii) med prevozom, če je to zajeto v pododstavku (d) drugega odstavka 2. člena;

(b) "nevarna dejavnost" pomeni katero koli dejavnost, pri kateri se uporablja ali se lahko uporablja ena ali več nevarnih snovi v količinah, ki so enake ali večje od mejnih količin, naštetih v Prilogi I k tej konvenciji, in ki lahko povzroči čezmejne učinke;

(c) "učinki" pomenijo vse neposredne ali posredne, takojšnje ali kasnejše škodljive posledice, ki jih povzroči industrijska nesreča, med drugim:

(i) človeku, rastlinstvu in živalstvu;

(ii) tlem, vodi, zraku in pokrajini;

(iii) medsebojnim učinkom dejavnikov iz točk (i) in (ii);

(iv) materialnim dobrinam in kulturni dediščini, vključno z zgodovinskimi spomeniki;

(d) "Transboundary effects" means serious effects within the jurisdiction of a Party as a result of an industrial accident occurring within the jurisdiction of another Party;

(e) "Operator" means any natural or legal person, including public authorities, in charge of an activity, e.g. supervising, planning to carry out or carrying out an activity;

(f) "Party" means, unless the text otherwise indicates, a Contracting Party to this Convention;

(g) "Party of origin" means any Party or Parties under whose jurisdiction an industrial accident occurs or is capable of occurring;

(h) "Affected Party" means any Party or Parties affected or capable of being affected by transboundary effects of an industrial accident;

(i) "Parties concerned" means any Party of origin and any affected Party;

(j) "The public" means one or more natural or legal persons.

Article 2

SCOPE

1. This Convention shall apply to the prevention of, preparedness for and response to industrial accidents capable of causing transboundary effects, including the effects of such accidents caused by natural disasters, and to international cooperation concerning mutual assistance, research and development, exchange of information and exchange of technology in the area of prevention of, preparedness for and response to industrial accidents.

2. This Convention shall not apply to:

(a) Nuclear accidents or radiological emergencies;

(b) Accidents at military installations;

(c) Dam failures, with the exception of the effects of industrial accidents caused by such failures;

(d) Land-based transport accidents with the exception of:

(i) Emergency response to such accidents;

(ii) Transportation on the site of the hazardous activity;

(e) Accidental release of genetically modified organisms;

(f) Accidents caused by activities in the marine environment, including seabed exploration or exploitation;

(g) Spills of oil or other harmful substances at sea.

Article 3

GENERAL PROVISIONS

1. The Parties shall, taking into account efforts already made at national and international levels, take appropriate measures and cooperate within the framework of this Convention, to protect human beings and the environment against industrial accidents by preventing such accidents as far as possible, by reducing their frequency and severity and by mitigating their effects. To this end, preventive, preparedness and response measures, including restoration measures, shall be applied.

2. The Parties shall, by means of exchange of information, consultation and other cooperative measures and without undue delay, develop and implement policies and strategies for reducing the risks of industrial accidents and improving preventive, preparedness and response measures, including restoration measures, taking into account, in order to avoid unnecessary duplication, efforts already made at national and international levels.

3. The Parties shall ensure that the operator is obliged to take all measures necessary for the safe performance of the hazardous activity and for the prevention of industrial accidents.

(d) "čezmejni učinki" pomenijo hude učinke na ozemlju pod jurisdikcijo pogodbenice, ki so posledica industrijske nesreče, ki se zgodi na ozemlju pod jurisdikcijo druge pogodbenice;

(e) "obratovalec" pomeni katero koli fizično ali pravno osebo, vključno z javnimi službami, ki je odgovorna za nadzorovanje, načrtovanje izvajanja ali izvajanje dejavnosti;

(f) "pogodbenica" pomeni pogodbenico te konvencije, če ni v besedilu drugače navedeno;

(g) "pogodbenica izvora" pomeni pogodbenico ali pogodbenice, pod katerih jurisdikcijo se zgodi ali se lahko zgodi industrijska nesreča;

(h) "prizadeta pogodbenica" pomeni katero koli pogodbenico ali pogodbenice, ki jo prizadenejo ali bi jo lahko prizadeli čezmejni učinki industrijske nesreče;

(i) "vključene pogodbenice" pomeni katero koli pogodbenico izvora in katero koli prizadeto pogodbenico;

(j) "javnost" pomeni eno ali več fizičnih ali pravnih oseb.

2. člen

PODROČJE UPORABE

1. Ta konvencija se uporablja za preprečevanje industrijskih nesreč, pripravljenost in odzivanje na industrijske nesreče, ki lahko povzročijo čezmejne učinke, vključno z učinki takih nesreč, ki jih povzročijo naravne katastrofe, in na mednarodno sodelovanje v zvezi z medsebojno pomočjo, razvojem in raziskavami, izmenjavo informacij in tehnologije pri preprečevanju industrijskih nesreč, pripravljenosti in odzivanju nanje.

2. Ta konvencija se ne uporablja za:

(a) jedrske nesreče ali radiološke nevarnosti;

(b) nesreče v vojaških objektih;

(c) poškodbe jezov, razen za učinke industrijskih nesreč, ki jih povzročijo take poškodbe;

(d) kopenske prometne nesreče, razen za:

(i) nujne ukrepe ob takih nesrečah;

(ii) prevoze na kraju nevarne dejavnosti;

(e) nenameren izpust gensko spremenjenih organizmov;

(f) nesreče, ki jih povzročijo dejavnosti v morskem okolju, vključno z raziskovanjem ali izkoriščanjem morskega dna;

(g) razlitja olj ali drugih škodljivih snovi na morju.

3. člen

SPLOŠNE DOLOČBE

1. Pogodbenice ob upoštevanju že doseženega na državni in mednarodni ravni sprejmejo primerne ukrepe in sodelujejo po tej konvenciji za zaščito ljudi in okolja pred industrijskimi nesrečami s preprečevanjem teh nesreč, kolikor je mogoče, z zmanjševanjem njihove pogostnosti in resnosti ter blaženjem njihovih posledic. Zato je treba uporabiti ukrepe za preprečevanje, pripravljenost in odzivanje, vključno z ukrepi za vzpostavitev prejšnjega stanja.

2. Pogodbenice z izmenjavo informacij, s posvetovanji in s sodelovanjem pri ukrepanju in brez nepotrebnega zavlačevanja razvijajo in izvajajo usmeritve in strategije za zmanjšanje tveganja industrijskih nesreč in izboljšanje ukrepov za preprečevanje, pripravljenost in odzivanje, vključno z ukrepi za vzpostavitev prejšnjega stanja, in pri tem upoštevajo že doseženo na državni in mednarodni ravni, da bi se izognile nepotrebnemu podvajanju.

3. Pogodbenice zagotovijo, da mora obratovalec sprejeti vse potrebne ukrepe za varno izvajanje nevarne dejavnosti in preprečevanje industrijskih nesreč.

4. To implement the provisions of this Convention, the Parties shall take appropriate legislative, regulatory, administrative and financial measures for the prevention of, preparedness for and response to industrial accidents.

5. The provisions of this Convention shall not prejudice any obligations of the Parties under international law with regard to industrial accidents and hazardous activities.

Article 4

IDENTIFICATION, CONSULTATION AND ADVICE

1. For the purpose of undertaking preventive measures and setting up preparedness measures, the Party of origin shall take measures, as appropriate, to identify hazardous activities within its jurisdiction and to ensure that affected Parties are notified of any such proposed or existing activity.

2. Parties concerned shall, at the initiative of any such Party, enter into discussions on the identification of those hazardous activities that are, reasonably, capable of causing transboundary effects. If the Parties concerned do not agree on whether an activity is such a hazardous activity, any such Party may, unless the Parties concerned agree on another method of resolving the question, submit that question to an inquiry commission in accordance with the provisions of Annex II hereto for advice,

3. The Parties shall, with respect to proposed or existing hazardous activities, apply the procedures set out in Annex III hereto.

4. When a hazardous activity is subject to an environmental impact assessment in accordance with the Convention on Environmental Impact Assessment in a Transboundary Context and that assessment includes an evaluation of the transboundary effects of industrial accidents from the hazardous activity which is performed in conformity with the terms of this Convention, the final decision taken for the purposes of the Convention on Environmental Impact Assessment in a Transboundary Context shall fulfil the relevant requirements of this Convention.

Article 5

VOLUNTARY EXTENSION

Parties concerned should, at the initiative of any of them, enter into discussions on whether to treat an activity not covered by Annex I as a hazardous activity. Upon mutual agreement, they may use an advisory mechanism of their choice, or an inquiry commission in accordance with Annex'II, to advise them. Where the Parties concerned so agree, this Convention, or any part thereof, shall apply to the activity in question as if it were a hazardous activity.

Article 6

PREVENTION

1. The Parties shall take appropriate measures for the prevention of industrial accidents, including measures to induce action by operators to reduce the risk of industrial accidents. Such measures may include, but are not limited to those referred to in Annex IV hereto.

2. With regard to any hazardous activity, the Party of origin shall require the operator to demonstrate the safe performance of the hazardous activity by the provision of information such as basic details of the process, including but not limited to, analysis and evaluation as detailed in Annex V hereto.

4. Za izvajanje določb te konvencije pogodbenice sprejmejo ustrezne zakonodajne, ureditvene, upravne in finančne ukrepe za preprečevanje industrijskih nesreč, pripravljenost in odzivanje nanje.

5. Določbe te konvencije ne vplivajo na obveznosti pogodbenic v zvezi z industrijskimi nesrečami in nevarnimi dejavnostmi po mednarodnem pravu.

4. člen

OPREDELITEV, POSVETOVANJE IN NASVETI

1. Da bi sprejela preprečevalne ukrepe in uvedla ukrepe pripravljenosti, pogodbenica izvora po potrebi sprejme ukrepe za opredelitev nevarnih dejavnosti na območju svoje jurisdikcije in zagotovi, da so prizadete pogodbenice uradno obveščene o vseh takih predlaganih ali obstoječih dejavnostih.

2. Vključene pogodbenice na pobudo katere koli začnejo pogovore o opredelitvi teh nevarnih dejavnosti, za katere razumno pričakujejo, da bi lahko povzročile čezmejne učinke. Če se vključene pogodbenice ne sporazumejo o tem, ali je neka dejavnost nevarna ali ne, lahko katera koli predloži to vprašanje poizvedovalni komisiji in prosi za nasvet v skladu z določbami v Prilogi II, razen če se vključene pogodbenice ne dogovorijo o drugačnem načinu reševanja tega vprašanja.

3. Pogodbenice za predlagane ali obstoječe nevarne dejavnosti uporabijo postopke, določene v Prilogi III k tej konvenciji.

4. Kadar je po Konvenciji o presoji čezmejnih vplivov na okolje treba za nevarno dejavnost opraviti presojo vplivov na okolje in ta presoja vključuje ovrednotenje čezmejnih učinkov industrijskih nesreč zaradi nevarne dejavnosti, ki se opravlja v skladu z določili te konvencije, mora končna odločitev, sprejeta za namene Konvencije o presoji čezmejnih vplivov na okolje, zadostiti ustreznim zahtevam te konvencije.

5. člen

PROSTOVOLJNA RAZŠIRITEV

Vključene pogodbenice naj na pobudo katere koli začnejo pogovore o tem, ali naj dejavnost, ki ni zajeta v Prilogi I, obravnavajo kot nevarno. Po medsebojnem dogovoru lahko poiščejo nasvet po svoji izbiri ali pri poizvedovalni komisiji v skladu s Prilogo II. Kadar se vključene pogodbenice tako dogovorijo, se ta konvencija ali kateri koli njen del uporablja za tako dejavnost, kot da bi bila nevarna.

6. člen

PREPREČEVANJE

1. Pogodbenice sprejmejo primerne ukrepe za preprečevanje industrijskih nesreč, vključno z ukrepi za spodbujanje obratovalcev, da zmanjšajo tveganje industrijskih nesreč. Taki ukrepi lahko vsebujejo tudi ukrepe iz Priloge IV k tej konvenciji, vendar se ne omejujejo zgolj nanje.

2. V zvezi s katero koli nevarno dejavnostjo pogodbenica izvora zahteva od obratovalca, da dokaže varno izvajanje nevarne dejavnosti s predložitvijo informacij, kot so temeljne podrobnosti o postopku, kar med drugim vključuje tudi analizo in ovrednotenje, kot sta podrobno navedena v Prilogi V k tej konvenciji.

Article 7

DECISION-MAKING ON SITING

Within the framework of its legal system, the Party of origin shall, with the objective of minimizing the risk to the population and the environment of all affected Parties, seek the establishment of policies on the siting of new hazardous activities and on significant modifications to existing hazardous activities. Within the framework of their legal systems, the affected Parties shall seek the establishment of policies on significant developments in areas which could be affected by transboundary effects of an industrial accident arising out of a hazardous activity so as to minimize the risks involved. In elaborating and establishing these policies, the Parties should consider the matters set out in Annex V, paragraph 2, subparagraphs (1) to (8), and Annex VI hereto.

Article 8

EMERGENCY PREPAREDNESS

1. The Parties shall take appropriate measures to establish and maintain adequate emergency preparedness to respond to industrial accidents. The Parties shall ensure that preparedness measures are taken to mitigate transboundary effects of such accidents, on-site duties being undertaken by operators. These measures may include, but are not limited to those referred to in Annex VII hereto. In particular, the Parties concerned shall inform each other of their contingency plans.

2. The Party of origin shall ensure for hazardous activities the preparation and implementation of on-site contingency plans, including suitable measures for response and other measures to prevent and minimize transboundary effects. The Party of origin shall provide to the other Parties concerned the elements it has for the elaboration of contingency plans.

3. Each Party shall ensure for hazardous activities the preparation and implementation of off-site contingency plans covering measures to be taken within its territory to prevent and minimize transboundary effects. In preparing these plans, account shall be taken of the conclusions of analysis and evaluation, in particular the matters set out in Annex V, paragraph 2, subparagraphs (1) to (5). Parties concerned shall endeavour to make such plans compatible. Where appropriate, joint off-site contingency plans shall be drawn up in order to facilitate the adoption of adequate response measures.

4. Contingency plans should be reviewed regularly, or when circumstances so require, taking into account the experience gained in dealing with actual emergencies.

Article 9

INFORMATION TO, AND PARTICIPATION OF THE PUBLIC

1. The Parties shall ensure that adequate information is given to the public in the areas capable of being affected by an industrial accident arising out of a hazardous activity. This information shall be transmitted through such channels as the Parties deem appropriate, shall include the elements contained in Annex VIII hereto and should take into account matters set out in Annex V, paragraph 2, subparagraphs (1) to (4) and (9).

7. člen

DOLOČITEV KRAJA

V okviru svojega pravnega sistema skuša pogodbenica izvora sprejeti strategijo za določitev kraja novih nevarnih dejavnosti in za uvajanje večjih sprememb v obstoječe nevarne dejavnosti, da bi tako čim bolj zmanjšala tveganje za prebivalstvo in okolje vseh prizadetih pogodbenic. V okviru svojih pravnih sistemov skušajo prizadete pogodbenice sprejeti strategijo o večjih spremembah na območjih, ki bi jih lahko prizadeli čezmejni učinki industrijske nesreče zaradi nevarne dejavnosti, in tako čim bolj zmanjšati s tem povezana tveganja. Pri oblikovanju in določanju te strategije naj pogodbenice upoštevajo navedbe iz pododstavkov (1) do (8) drugega odstavka Priloge V in Priloge VI k tej konvenciji.

8. člen

PRIPRAVLJENOST NA NEVARNOST

1. Pogodbenice naj sprejmejo primerne ukrepe za vzpostavitev in vzdrževanje ustrezne pripravljenosti na nevarnost, da se lahko odzovejo na industrijske nesreče. Pogodbenice zagotovijo, da bodo sprejeti taki ukrepi pripravljenosti, ki bodo ublažili čezmejne učinke tovrstnih nesreč, obratovalci pa bodo opravljali svoje naloge na kraju samem. Ti ukrepi vključujejo med drugim tudi ukrepe, navedene v Prilogi VII k tej konvenciji. Vključene pogodbenice druga drugo obvestijo predvsem o svojih načrtih za ukrepanje v izjemnih razmerah.

2. Za nevarne dejavnosti pogodbenica izvora zagotovi pripravljenost in izvajanje načrtov za ukrepanje v izjemnih razmerah na kraju samem, vključno s primernimi ukrepi za odzivanje in drugimi ukrepi, da se preprečijo in čim bolj zmanjšajo čezmejni učinki. Pogodbenica izvora drugim vključenim pogodbenicam priskrbi izhodišča, ki jih ima za izdelavo načrtov za ukrepanje v izjemnih razmerah.

3. Vsaka pogodbenica za nevarne dejavnosti zagotovi pripravo in izvajanje načrtov za ukrepanje v izjemnih razmerah zunaj kraja nesreče z ukrepi, ki jih mora sprejeti na svojem ozemlju, da prepreči in čim bolj zmanjša čezmejne učinke. Pri pripravi teh načrtov je treba upoštevati sklepne ugotovitve analiz in ovrednotenj predvsem za pododstavke (1) do (5) drugega odstavka Priloge V. Vključene pogodbenice si prizadevajo za združljivost teh načrtov. Kadar je primerno, se izdelajo skupni načrti za ukrepanje v izjemnih razmerah zunaj kraja nesreče, da se lažje sprejmejo primerni ukrepi za odzivanje.

4. Načrte za ukrepanje v izjemnih razmerah je treba pregledovati in popravljati redno ali kadar to zahtevajo okoliščine in pri tem upoštevati izkušnje, pridobljene pri reševanju dejanskih primerov nevarnosti.

9. člen

OBVEŠČANJE IN SODELOVANJE JAVNOSTI

1. Pogodbenice morajo zagotoviti, da je javnost primerno obveščena na območjih, ki bi jih lahko prizadela industrijska nesreča kot posledica nevarne dejavnosti. Te informacije je treba sporočiti po poteh, ki se zdijo pogodbenicam primerne; vsebujejo naj podatke iz Priloge VIII k tej konvenciji ter upoštevajo analize in ocene pododstavkov (1) do (4) in (9) drugega odstavka Priloge V.

2. The Party of origin shall, in accordance with the provisions of this Convention and whenever possible and appropriate, give the public in the areas capable of being affected an opportunity to participate in relevant procedures with the aim of making known its views and concerns on prevention and preparedness measures, and shall ensure that the opportunity given to the public of the affected Party is equivalent to that given to the public of the Party of origin.

3. The Parties shall, in accordance with their legal systems and, if desired, on a reciprocal basis provide natural or legal persons who are being or are capable of being adversely affected by the transboundary effects of an industrial accident in the territory of a Party, with access to, and treatment in the relevant administrative and judicial proceedings, including the possibilities of starting a legal action and appealing a decision affecting their rights, equivalent to those available to persons within their own jurisdiction.

Article 10

INDUSTRIAL ACCIDENT NOTIFICATION SYSTEMS

1. The Parties shall, with the aim of obtaining and transmitting industrial accident notifications containing information needed to counteract transboundary effects, provide for the establishment and operation of compatible and efficient industrial accident notification systems at appropriate levels.

2. In the event of an industrial accident, or imminent threat thereof, which causes or is capable of causing transboundary effects, the Party of origin shall ensure that affected Parties are, without delay, notified at appropriate levels through the industrial accident notification systems. Such notification shall include the elements contained in Annex IX hereto.

3. The Parties concerned shall ensure that, in the event of an industrial accident or imminent threat thereof, the contingency plans prepared in accordance with Article 8 are activated as soon as possible and to the extent appropriate to the circumstances.

Article 11

RESPONSE

1. The Parties shall ensure that, in the event of an industrial accident, or imminent threat thereof, adequate response measures are taken, as soon as possible and using the most efficient practices, to contain and minimize effects.

2. In the event of an industrial accident, or imminent threat thereof, which causes or is capable of causing transboundary effects, the Parties concerned shall ensure that the effects are assessed - where appropriate, jointly for the purpose of taking adequate response measures. The Parties concerned shall endeavour to coordinate their response measures.

Article 12

MUTUAL ASSISTANCE

1. If a Party needs assistance in the event of an industrial accident, it may ask for assistance from other Parties, indicating the scope and type of assistance required. A Party to whom a request for assistance is directed shall promptly decide and inform the requesting Party whether it is in a position to render the assistance required and indicate the scope and terms of the assistance that might be rendered.

2. Pogodbenica izvora da v skladu z določbami te konvencije, kadar je to mogoče in primerno, javnosti na območjih, ki so lahko prizadeta, možnost sodelovanja v ustreznih postopkih z namenom, da ljudje povedo svoje mnenje in pomisleke o ukrepih za preprečevanje in pripravljenost in zagotovi, da je možnost sodelovanja javnosti prizadete pogodbenice enaka možnosti, ki jo ima javnost pogodbenice izvora.

3. Pogodbenice v skladu s svojimi pravnimi sistemi in na podlagi vzajemnosti, če to želijo, zagotovijo fizičnim ali pravnim osebam, ki jim škodujejo ali bi jim lahko škodovali čezmejni učinki industrijske nesreče na ozemlju posamezne pogodbenice, dostop do ustreznih upravnih in sodnih postopkov in obravnavanje v takih postopkih, kar vključuje tudi možnost, da začnejo pravni postopek in se pritožijo na odločitev, ki posega v njihove pravice, enako kot je to na voljo osebam pod njihovo jurisdikcijo.

10. člen

SISTEMI OBVEŠČANJA O INDUSTRIJSKIH NESREČAH

1. Pogodbenice, zato da bi dobile in poslale uradna obvestila o industrijskih nesrečah, ki vsebujejo tudi vse potrebne informacije za preprečevanje čezmejnih učinkov, na primernih ravneh poskrbijo za vzpostavitev in delovanje združljivih in učinkovitih sistemov obveščanja o industrijskih nesrečah.

2. Ob industrijski nesreči ali njeni neposredni nevarnosti, ki ima ali lahko ima čezmejne učinke, pogodbenica izvora zagotovi, da so prizadete pogodbenice takoj uradno obveščene na ustreznih ravneh s pomočjo sistemov obveščanja o industrijskih nesrečah. Tako uradno obvestilo naj vsebuje osnovne podatke iz Priloge IX k tej konvenciji.

3. Vključene pogodbenice zagotovijo, da se bodo ob industrijski nesreči ali ob njeni neposredni nevarnosti načrti za ukrepanje v izjemnih razmerah, pripravljeni v skladu z 8. členom, začeli izvajati čim prej in v obsegu, ki ustreza okoliščinam.

11. člen

ODZIVANJE

1. Pogodbenice ob industrijski nesreči ali njeni neposredni nevarnosti čim prej sprejmejo primerne ukrepe za odzivanje in uporabijo najučinkovitejše postopke, da bi obvladale in čim bolj zmanjšale njihove učinke.

2. Ob industrijski nesreči ali njeni neposredni nevarnosti, ki ima ali lahko ima čezmejne učinke, vključene pogodbenice, kadar je primerno, zagotovijo skupno presojo učinkov z namenom, da sprejmejo ustrezne ukrepe za odzivanje. Vključene pogodbenice si prizadevajo usklajevati svoje ukrepe za odzivanje.

12. člen

MEDSEBOJNA POMOČ

1. Če pogodbenica ob industrijski nesreči potrebuje pomoč, lahko zanjo zaprosi druge pogodbenice in pri tem navede obseg in vrsto pomoči. Pogodbenica, na katero je naslovljena prošnja za pomoč, se mora takoj odločiti in obvestiti prosilko, ali lahko zagotovi zaprošeno pomoč, in navesti obseg in pogoje pomoči, ki bi jo lahko zagotovila.

2. The Parties concerned shall cooperate to facilitate the prompt provision of assistance agreed to under paragraph 1 of this Article, including, where appropriate, action to minimize the consequences and effects of the industrial accident, and to provide general assistance. Where Parties do not have bilateral or multilateral agreements which cover their arrangements for providing mutual assistance, the assistance shall be rendered in accordance with Annex X hereto, unless the Parties agree otherwise.

Article 13

RESPONSIBILITY AND LIABILITY

The Parties shall support appropriate international efforts to elaborate rules, criteria and procedures in the field of responsibility and liability.

Article 14

RESEARCH AND DEVELOPMENT

The Parties shall, as appropriate, initiate and cooperate in the conduct of research into, and in the development of methods and technologies for the prevention of, preparedness for and response to industrial accidents. For these purposes, the Parties shall encourage and actively promote scientific and technological cooperation, including research into less hazardous processes aimed at limiting accident hazards and preventing and limiting the consequences of industrial accidents.

Article 15

EXCHANGE OF INFORMATION

The Parties shall, at the multilateral or bilateral level, exchange reasonably obtainable information, including the elements contained in Annex'XI hereto.

Article 16

EXCHANGE OF TECHNOLOGY

1. The Parties shall, consistent with their laws, regulations and practices, facilitate the exchange of technology for the prevention of, preparedness for and response to the effects of industrial accidents, particularly through the promotion of:

(a) Exchange of available technology on various financial bases;

(b) Direct industrial contacts and cooperation;

(c) Exchange of information and experience;

(d) Provision of technical assistance.

2. In promoting the activities specified in paragraph 1, subpararagraphs (a) to (d) of this Article, the Parties shall create favourable conditions by facilitating contacts and cooperation among appropriate organizations and individuals in both the private and the public sectors that are capable of providing technology, design and engineering services, equipment or finance.

Article 17

COMPETENT AUTHORITIES AND POINTS OF CONTACT

1. Each Party shall designate or establish one or more competent authorities for the purposes of this Convention.

2. Without prejudice to other arrangements at the bilateral or multilateral level, each Party shall designate or establish one point of contact for the purpose of industrial accident notifications pursuant to Article 10, and one point of contact for the purpose of mutual assistance pursuant to Article 12. These points of contact should preferably be the same.

2. Vključene pogodbenice sodelujejo, da bi zagotovile splošno pomoč in olajšale takojšnje zagotavljanje pomoči, za katero so se dogovorile po prvem odstavku tega člena, in kadar je primerno v pomoč vključijo ukrepe za zmanjšanje posledic in učinkov industrijske nesreče. Če pogodbenice nimajo dvostranskih ali mnogostranskih sporazumov, ki vključujejo dogovore o medsebojni pomoči, je treba pomoč zagotoviti v skladu s Prilogo X k tej konvenciji, razen če se pogodbenice ne dogovorijo drugače.

13. člen

ODGOVORNOST IN OBVEZNOST

Pogodbenice podpirajo ustrezna mednarodna prizadevanja za izdelavo pravil, meril in postopkov, ki se nanašajo na odgovornost in obveznost.

14. člen

RAZVOJ IN RAZISKAVE

Pogodbenice na primeren način spodbujajo in sodelujejo pri izvedbi raziskav ter razvijanju metod in tehnologij za preprečevanje industrijskih nesreč, pripravljenost in odzivanje nanje. V ta namen pogodbenice spodbujajo in dejavno pospešujejo znanstveno in tehnično sodelovanje, vključno z raziskavami manj nevarnih postopkov za omejevanje nevarnosti nesreč, ter preprečevanje in omejevanje posledic industrijskih nesreč.

15. člen

IZMENJAVA INFORMACIJ

Pogodbenice na mnogostranski in dvostranski ravni izmenjujejo razpoložljive informacije, vključno s tistimi iz Priloge XI k tej konvenciji.

16. člen

IZMENJAVA TEHNOLOGIJE

1. Pogodbenice v skladu s svojimi zakoni, predpisi in ustaljenimi postopki omogočajo izmenjavo tehnologije za preprečevanje učinkov industrijskih nesreč ter pripravljenost in odzivanje nanje, zlasti s pospeševanjem:

(a) izmenjave razpoložljive tehnologije na različnih finančnih podlagah;

(b) neposrednih industrijskih stikov in sodelovanja;

(c) izmenjave informacij in izkušenj;

(d) zagotavljanja strokovne pomoči.

2. Pri pospeševanju dejavnosti, podrobno opredeljenih v pododstavkih (a) do (d) prvega odstavka tega člena, pogodbenice ustvarjajo ugodne razmere z omogočanjem stikov in sodelovanja med ustreznimi organizacijami in posamezniki iz zasebnega in javnega sektorja, ki lahko zagotavljajo tehnologijo, projekte in inženiring, opremo ali financiranje.

17. člen

PRISTOJNI ORGANI IN TOČKE ZA STIKE

1. Vsaka pogodbenica imenuje ali ustanovi enega ali več pristojnih organov za namene te konvencije.

2. Vsaka pogodbenica imenuje ali vzpostavi eno točko za stike za obveščanje o industrijskih nesrečah v skladu z 10. členom, in eno točko za stike za medsebojno pomoč v skladu z 12. členom, kar pa ne vpliva na druge dvostranske ali mnogostranske dogovore. Najboljše je, če sta ti dve točki za stike isti.

3. Each Party shall, within three months of the date of entry into force of this Convention for that Party, inform the other Parties, through the secretariat referred to in Article 20, which body or bodies it has designated as its point(s) of contact and as its competent authority or authorities.

4. Each Party shall, within one month of the date of decision, inform the other Parties, through the secretariat, of any changes regarding the designation(s) it has made under paragraph 3 of this Article.

5. Each Party shall keep its point of contact and industrial accident notification systems pursuant to Article 10 operational at all times.

6. Each Party shall keep its point of contact and the authorities responsible for making and receiving requests for, and accepting offers of assistance pursuant to Article 12 operational at all times.

Article 18

CONFERENCE OF THE PARTIES

1. The representatives of the Parties shall constitute the Conference of the Parties of this Convention and hold their meetings on a regular basis. The first meeting of the Conference of the Parties shall be convened not later than one year after the date of the entry into force of this Convention. Thereafter, a meeting of the Conference of the Parties shall be held at least once a year or at the written request of any Party, provided that, within six months of the request being communicated to them by the secretariat, it is supported by at least one third of the Parties.

2. The Conference of the Parties shall:

(a) Review the implementation of this Convention;

(b) Carry out advisory functions aimed at strengthening the ability of Parties to prevent, prepare for and respond to the transboundary effects of industrial accidents, and at facilitating the provision of technical assistance and advice at the request of Parties faced with industrial accidents;

(c) Establish, as appropriate, working groups and other appropriate mechanisms to consider matters related to the implementation and development of this Convention and, to this end, to prepare appropriate studies and other documentation and submit recommendations for consideration by the Conference of the Parties;

(d) Fulfil such other functions as may be appropriate under the provisions of this Convention;

(e) At its first meeting, consider and, by consensus, adopt rules of procedure for its meetings.

3. The Conference of the Parties, in discharging its functions, shall, when it deems appropriate, also cooperate with other relevant international organizations.

4. The Conference of the Parties shall, at its first meeting, establish a programme of work, in particular with regard to the items contained in Annex XII hereto. The Conference of the Parties shall also decide on the method of work, including the use of national centres and cooperation with relevant international organizations and the establishment of a system with a view to facilitating the implementation of this Convention, in particular for mutual assistance in the event of an industrial accident, and building upon pertinent existing activities within relevant international organizations. As part of the programme of work, the Conference of the Parties shall review existing national, regional and international centres, and other bodies and programmes aimed at coordinating information and efforts in the prevention of, preparedness for and response to industrial accidents, with a view to determining what additional international institutions or centres may be needed to carry out the tasks listed in Annex XII.

3. Vsaka pogodbenica v treh mesecih od dneva, ko je ta konvencija začela zanjo veljati, prek sekretariata, omenjenega v 20. členu, obvesti druge pogodbenice, katera organa je določila za svoji točki za stike in kateri organ ali organe za pristojne organe.

4. Vsaka pogodbenica v enem mesecu od dneva sprejema odločitve prek sekretariata obvesti druge pogodbenice o vseh spremembah v zvezi z določitvijo organov po tretjem odstavku tega člena.

5. Vsaka pogodbenica poskrbi, da njena točka za stike in sistemi obveščanja o industrijskih nesrečah v skladu z 10. členom delujejo v vsakem trenutku.

6. Vsaka pogodbenica poskrbi, da njena točka za stike in njeni organi, pristojni za pošiljanje in sprejemanje zaprosil in za sprejemanje ponudb za pomoč na podlagi 12. člena, delujejo v vsakem trenutku.

18. člen

KONFERENCA POGODBENIC

1. Predstavniki pogodbenic ustanovijo Konferenco pogodbenic te konvencije, ki se redno sestaja. Prvi sestanek Konference pogodbenic je treba sklicati najkasneje eno leto po začetku veljavnosti konvencije. Nato se sestaja najmanj enkrat letno ali na pisno zahtevo katere od pogodbenic pod pogojem, da zahtevo v šestih mesecih podpre najmanj ena tretjina pogodbenic, potem ko jim jo je sekretariat sporočil.

2. Konferenca pogodbenic:

(a) pregleda izvajanje te konvencije;

(b) svetuje pogodbenicam, da poveča njihovo sposobnost preprečevanja čezmejnih učinkov industrijskih nesreč ter priprave in odzivanja nanje in omogoči lažje zagotavljanje strokovne pomoči in svetovanja na zaprosilo pogodbenic, ki so jih prizadele industrijske nesreče;

(c) po potrebi ustanovi delovne skupine in vzpostavi druge ustrezne mehanizme, da proučujejo zadeve, povezane z izvajanjem in izpopolnjevanjem konvencije, in da za to pripravijo ustrezne študije in drugo dokumentacijo ter predložijo priporočila Konferenci pogodbenic v razmislek;

(d) izpolni druge naloge, ki bi morda bile primerne po določbah te konvencije;

(e) na svojem prvem sestanku prouči in soglasno sprejme poslovnik sestankov.

3. Pri izpolnjevanju svojih nalog Konferenca pogodbenic, kadar meni, da je to potrebno, sodeluje tudi z drugimi ustreznimi mednarodnimi organizacijami.

4. Konferenca pogodbenic na svojem prvem sestanku določi program dela, še posebej v zvezi z nalogami iz Priloge XII k tej konvenciji. Konferenca se odloči tudi o načinu dela, vključno s pomočjo nacionalnih centrov in sodelovanjem z ustreznimi mednarodnimi organizacijami, ter o uvedbi sistema za lažje izvajanje konvencije, še posebej za medsebojno pomoč ob industrijskih nesrečah, in pri tem izhaja iz primernih obstoječih dejavnosti v ustreznih mednarodnih organizacijah. V okviru programa dela Konferenca pogodbenic pregleda obstoječe nacionalne, regionalne in mednarodne centre ter druge organe in programe, katerih namen je usklajevanje informacij in prizadevanj pri preprečevanju industrijskih nesreč, pripravljenosti in odzivanju nanje, in sicer zato, da bi lahko določila, katere dodatne mednarodne ustanove ali centri bi bili morda potrebni za izvajanje nalog, naštetih v Prilogi XII.

5. The Conference of the Parties shall, at its first meeting, commence consideration of procedures to create more favourable conditions for the exchange of technology for the prevention of, preparedness for and response to the effects of industrial accidents.

6. The Conference of the Parties shall adopt guidelines and criteria to facilitate the identification of hazardous activities for the purposes of this Convention.

Article 19

RIGHT TO VOTE

1. Except as provided for in paragraph 2 of this Article, each Party to this Convention shall have one vote.

2. Regional economic integration organizations as defined in Article 27 shall, in matters within their competence, exercise their right to vote with a number of votes equal to the number of their member States which are Parties to this Convention. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Article 20

SECRETARIAT

The Executive Secretary of the Economic Commission for Europe shall carry out the following secretariat functions:

(a) Convene and prepare meetings of the Parties;

(b) Transmit to the Parties reports and other information received in accordance with the provisions of this Convention;

(c) Such other functions as may be determined by the Parties.

Article 21

SETTLEMENT OF DISPUTES

1. If a dispute arises between two or more Parties about the interpretation or application of this Convention, they shall seek a solution by negotiation or by any other method of dispute settlement acceptable to the parties to the dispute.

2. When signing, ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a Party may declare in writing to the Depositary that, for a dispute not resolved in accordance with paragraph 1 of this Article, it accepts one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation:

(a) Submission of the dispute to the International Court of Justice;

(b) Arbitration in accordance with the procedure set out in Annex XIII hereto.

3. If the parties to the dispute have accepted both means of dispute settlement referred to in paragraph 2 of this Article, the dispute may be submitted only to the International Court of Justice, unless the parties to the dispute agree otherwise.

Article 22

LIMITATIONS ON THE SUPPLY OF INFORMATION

1. The provisions of this Convention shall not affect the rights or the obligations of Parties in accordance with their national laws, regulations, administrative provisions or accepted legal practices and applicable international regulations to protect information related to personal data, industrial and commercial secrecy, including intellectual property, or national security.

5. Na svojem prvem sestanku Konferenca pogodbenic začne proučevati postopke za ustvarjanje ugodnejših razmer za izmenjavo tehnologije za preprečevanje učinkov industrijskih nesreč ter pripravljenost in odzivanje nanje.

6. Konferenca pogodbenic sprejme za potrebe te konvencije smernice in merila za lažje prepoznavanje nevarnih dejavnosti.

19. člen

PRAVICA GLASOVANJA

1. Vsaka pogodbenica te konvencije ima en glas, razen v primeru, opisanem v drugem odstavku tega člena.

2. Regionalne organizacije za gospodarsko povezovanje, opredeljene v 27. členu, uresničujejo pravico glasovanja v zadevah iz njihove pristojnosti s številom glasov, ki je enako številu njihovih držav članic, ki so pogodbenice te konvencije. Take organizacije ne smejo uresničevati svoje pravice glasovanja, če jo uresničujejo že njihove države članice, in obratno.

20. člen

SEKRETARIAT

Izvršilni tajnik Gospodarske komisije za Evropo opravlja te naloge sekretariata:

(a) sklicuje in pripravlja sestanke pogodbenic;

(b) pošilja pogodbenicam poročila in druge informacije, ki jih prejme v skladu z določbami te konvencije;

(c) opravlja druge naloge, ki jih lahko določijo pogodbenice.

21. člen

REŠEVANJE SPOROV

1. Če nastane med dvema ali več pogodbenicami spor glede razlage ali uporabe te konvencije, poiščejo rešitev s pogajanji ali drugim načinom reševanja sporov, ki je sprejemljiv za pogodbenice v sporu.

2. Ob podpisu, ratifikaciji, sprejetju, odobritvi ali pristopu k tej konvenciji ali kadar koli pozneje lahko pogodbenica pisno izjavi depozitarju, da za spore, ki niso rešeni v skladu s prvim odstavkom tega člena, sprejema enega ali oba od spodaj navedenih načinov reševanja sporov kot obveznega v odnosu do katere koli pogodbenice, ki sprejema enako obveznost:

(a) predložitev spora Mednarodnemu sodišču;

(b) arbitraža v skladu s postopkom, določenim v Prilogi XIII k tej konvenciji.

3. Če so pogodbenice v sporu sprejele oba načina reševanja sporov, navedena v drugem odstavku tega člena, se lahko spor preda samo Mednarodnemu sodišču, razen če se pogodbenice v sporu ne dogovorijo drugače.

22. člen

OMEJITVE PRI OBVEŠČANJU

1. Določbe te konvencije ne vplivajo na pravice ali obveznosti pogodbenic v skladu z njihovimi notranjimi zakoni in drugimi predpisi ali sprejeto pravno prakso in veljavnimi mednarodnimi predpisi za varstvo informacij, povezanih z osebnimi podatki, industrijsko in poslovno tajnostjo, vključno z intelektualno lastnino ali varnostjo države.

2. If a Party nevertheless decides to supply such protected information to another Party, the Party receiving such protected information shall respect the confidentiality of the information received and the conditions under which it is supplied, and shall only use that information for the purposes for which it was supplied.

Article 23

IMPLEMENTATION

The Parties shall report periodically on the implementation of this Convention.

Article 24

BILATERAL AND MULTILATERAL AGREEMENTS

1. The Parties may, in order to implement their obligations under this Convention, continue existing or enter into new bilateral or multilateral agreements or other arrangements.

2. The provisions of this Convention shall not affect the right of Parties to take, by bilateral or multilateral agreement where appropriate, more stringent measures than those required by this Convention.

Article 25

STATUS OF ANNEXES

The Annexes to this Convention form an integral part of the Convention.

Article 26

AMENDMENTS TO THE CONVENTION

1. Any Party may propose amendments to this Convention.

2. The text of any proposed amendment to this Convention shall be submitted in writing to the Executive Secretary of the Economic Commission for Europe, who shall circulate it to all Parties. The Conference of the Parties shall discuss proposed amendments at its next annual meeting, provided that such proposals have been circulated to the Parties by the Executive Secretary of the Economic Commission for Europe at least ninety days in advance.

3. For amendments to this Convention - other than those to Annex I, for which the procedure is described in paragraph 4 of this Article:

(a) Amendments shall be adopted by consensus of the Parties present at the meeting and shall be submitted by the Depositary to all Parties for ratification, acceptance or approval;

(b) Instruments of ratification, acceptance or approval of amendments shall be deposited with the Depositary. Amendments adopted in accordance with this Article shall enter into force for Parties that have accepted them on the ninetieth day following the day of receipt by the Depositary of the sixteenth instrument of ratification, acceptance or approval;

(c) Thereafter, amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instruments of ratification, acceptance or approval of the amendments.

4. For amendments to Annex I:

(a) The Parties shall make every effort to reach agreement by consensus. If all efforts at consensus have been exhausted and no agreement reached, the amendments shall, as a last resort, be adopted by a nine-tenths majority vote of the Parties present and voting at the meeting. If adopted by the Conference of the Parties, the amendments shall be communicated to the Parties and recommended for approval;

2. Če se pogodbenica kljub temu odloči, da drugi pogodbenici da tako varovano informacijo, mora pogodbenica, ki jo prejme, spoštovati zaupnost prejete informacije in pogoje, pod katerimi je bila dana, in lahko to informacijo uporablja le za namene, za katere je bila dana.

23. člen

IZVAJANJE

Pogodbenice redno poročajo o izvajanju te konvencije.

24. člen

DVOSTRANSKI IN MNOGOSTRANSKI SPORAZUMI

1. Pogodbenice lahko, da bi izpolnile svoje obveznosti po tej konvenciji, nadaljujejo z izvajanjem obstoječih dvostranskih ali mnogostranskih sporazumov ali drugih dogovorov ali pa sklenejo nove.

2. Določbe te konvencije ne vplivajo na pravico pogodbenic, da z dvostranskimi ali mnogostranskimi sporazumi, kadar je to primerno, uvedejo strožje ukrepe, kot jih zahteva ta konvencija.

25. člen

PRILOGE

Priloge k tej konvenciji so njen sestavni del.

26. člen

SPREMEMBE KONVENCIJE

1. Vsaka pogodbenica lahko predlaga spremembe te konvencije.

2. Besedilo vsake predlagane spremembe te konvencije je treba pisno predložiti izvršilnemu tajniku Gospodarske komisije za Evropo, ki ga razpošlje vsem pogodbenicam. Konferenca pogodbenic razpravlja o predlaganih spremembah na svojem naslednjem letnem sestanku, če je izvršilni tajnik Gospodarske komisije za Evropo razposlal te predloge pogodbenicam najmanj devetdeset dni prej.

3. Za spremembe te konvencije, razen tistih za Prilogo I, za katere je postopek opisan v četrtem odstavku tega člena, velja:

(a) spremembe je treba sprejeti s soglasjem pogodbenic, prisotnih na sestanku, depozitar pa jih predloži vsem pogodbenicam v ratifikacijo, sprejetje ali odobritev;

(b) listine o ratifikaciji, sprejetju ali odobritvi sprememb je treba deponirati pri depozitarju. Spremembe, sprejete v skladu s tem členom, začnejo veljati za pogodbenice, ki so jih sprejele, devetdeseti dan po tem, ko je depozitar prejel šestnajsto listino o ratifikaciji, sprejetju ali odobritvi;

(c) za vsako drugo pogodbenico pa začnejo nato spremembe veljati devetdeseti dan po tem, ko ta pogodbenica deponira svojo listino o ratifikaciji, sprejetju ali odobritvi sprememb.

4. Za spremembe k Prilogi I velja:

(a) pogodbenice storijo vse, da bi soglasno dosegle sporazum. Če so bila vsa prizadevanja za dosego soglasja izčrpana, sporazum pa ni bil dosežen, morajo biti spremembe v skrajnem primeru sprejete z devetdesetinsko večino glasov pogodbenic, ki so prisotne na sestanku in glasujejo. Če Konferenca pogodbenic sprejme spremembe, jih je treba sporočiti pogodbenicam in jih priporočiti za odobritev;

(b) On the expiry of twelve months from the date of their communication by the Executive Secretary of the Economic Commission for Europe, the amendments to Annex I shall become effective for those Parties to this Convention which have not submitted a notification in accordance with the provisions of paragraph 4(c) of this Article, provided that at least sixteen Parties have not submitted such a notification;

(c) Any Party that is unable to approve an amendment to Annex I of this Convention shall so notify the Executive Secretary of the Economic Commission for Europe in writing within twelve months from the date of the communication of the adoption. The Executive Secretary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for its previous notification and the amendment to Annex I shall thereupon enter into force for that Party.

(d) For the purpose of this paragraph "Parties present and voting" means Parties present and casting an affirmative or negative vote.

Article 27

SIGNATURE

This Convention shall be open for signature at Helsinki from 17 to 18'March 1992 inclusive, and thereafter at United Nations Headquarters in New York until 18 September 1992, by States members of the Economic Commission for Europe, as well as States having consultative status with the Economic Commission for Europe pursuant to paragraph 8 of Economic and Social Council resolution 36 (IV) of 28 March 1947, and by regional economic integration organizations constituted by sovereign States members of the Economic Commission for Europe to which their member States have transferred competence in respect of matters governed by this Convention, including the competence to enter into treaties in respect of these matters.

Article 28

DEPOSITARY

The Secretary-General of the United Nations shall act as the Depositary of this Convention.

Article 29

RATIFICATION, ACCEPTANCE, APPROVAL AND ACCESSION

1. This Convention shall be subject to ratification, acceptance or approval by the signatory States and regional economic integration organizations referred to in Article 27.

2. This Convention shall be open for accession by the States and organizations referred to in Article 27.

3. Any organization referred to in Article 27 which becomes Party to this Convention without any of its member States being a Party shall be bound by all the obligations under this Convention. In the case of such organizations, one or more of whose member States is a Party to this Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under this Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under this Convention concurrently.

4. In their instruments of ratification, acceptance, approval or accession, the regional economic integration organizations referred to in Article 27 shall declare the extent of their competence with respect to the matters governed by this Convention. These organizations shall also inform the Depositary of any substantial modification to the extent of their competence.

(b) po preteku dvanajstih mesecev od dneva, ko je izvršilni tajnik Gospodarske komisije za Evropo sporočil spremembe k Prilogi I, začnejo te veljati za tiste pogodbenice konvencije, ki niso predložile uradnega obvestila v skladu z določbami pododstavka (c) četrtega odstavka tega člena, če takega obvestila ni predložilo vsaj šestnajst pogodbenic;

(c) če katera od pogodbenic ne more odobriti spremembe k Prilogi I te konvencije, mora o tem pisno uradno obvestiti izvršilnega tajnika Gospodarske komisije za Evropo v dvanajstih mesecih od dneva sporočila o sprejetju. Izvršilni tajnik nemudoma uradno obvesti vse pogodbenice o prejemu takega uradnega obvestila. Pogodbenica lahko kadar koli nadomesti svoje prejšnje uradno obvestilo s sprejetjem spremembe k Prilogi I in ta začne nato veljati za to pogodbenico;

(d) v tem odstavku "pogodbenice, ki so prisotne in glasujejo" pomeni pogodbenice, ki so prisotne in glasujejo za ali proti.

27. člen

PODPIS

Ta konvencija je na voljo za podpis v Helsinkih od 17. do vključno 18. marca 1992, nato pa na sedežu Združenih narodov v New Yorku do 18. septembra 1992 državam članicam Gospodarske komisije za Evropo kot tudi državam, ki imajo posvetovalni status pri Gospodarski komisiji za Evropo v skladu z osmim odstavkom resolucije 36 (IV) Ekonomsko-socialnega sveta z dne 28. marca 1947, in tudi regionalnim organizacijam za gospodarsko povezovanje, ki so jih ustanovile suverene države članice Gospodarske komisije za Evropo, na katere so njihove države članice prenesle pristojnosti v zvezi z zadevami, ki jih ureja ta konvencija, skupaj s pristojnostjo za sklepanje mednarodnih pogodb v zvezi s temi zadevami.

28. člen

DEPOZITAR

Generalni sekretar Združenih narodov je depozitar te konvencije.

29. člen

RATIFIKACIJA, SPREJETJE, ODOBRITEV IN PRISTOP

1. To konvencijo morajo države podpisnice in regionalne organizacije za gospodarsko povezovanje, navedene v 27. členu, ratificirati, sprejeti ali odobriti.

2. Ta konvencija je na voljo za pristop državam in organizacijam, navedenim v 27. členu.

3. Organizacije iz 27. člena, ki postanejo pogodbenice te konvencije, ne da bi katera od njihovih držav članic bila pogodbenica, so dolžne izpolnjevati vse obveznosti iz te konvencije. Organizacije, katerih ena ali več držav članic je pogodbenica te konvencije, se s svojimi državami članicami odločijo o svojih nalogah za izvajanje obveznosti iz te konvencije. V teh primerih organizacija in države članice nimajo pravice hkrati uresničevati pravic iz te konvencije.

4. V svojih listinah o ratifikaciji, sprejetju, odobritvi ali pristopu regionalne organizacije za gospodarsko povezovanje, navedene v 27. členu, objavijo obseg svoje pristojnosti v zvezi z vprašanji, ki jih ureja ta konvencija. Te organizacije morajo tudi obvestiti depozitarja o vsaki večji spremembi obsega njihove pristojnosti.

Article 30
ENTRY INTO FORCE

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the sixteenth instrument of ratification, acceptance, approval or accession.

2. For the purposes of paragraph 1 of this Article, any instrument deposited by an organization referred to in Article 27 shall not be counted as additional to those deposited by States members of such an organization.

3. For each State or organization referred to in Article 27 which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the sixteenth instrument of ratification, acceptance, approval or accession, this Convention shall enter into force on the ninetieth day after the date of deposit by such State or organization of its instrument of ratification, acceptance, approval or accession.

30. člen
ZAČETEK VELJAVNOSTI

1. Ta konvencija začne veljati devetdeseti dan po dnevu deponiranja šestnajste listine o ratifikaciji, sprejetju, odobritvi ali pristopu.

2. Za namene prvega odstavka tega člena se nobena listina, ki jo deponira organizacija, navedena v 27. členu, ne šteje za dodatno k listinam, ki so jih deponirale države članice te organizacije.

3. Za vsako državo ali organizacijo, navedeno v 27. členu, ki ratificira, sprejme ali odobri to konvencijo ali k njej pristopi po deponiranju šestnajste listine o ratifikaciji, sprejetju, odobritvi ali pristopu, začne ta konvencija veljati devetdeset dni po dnevu, ko je ta država ali organizacija deponirala svojo listino o ratifikaciji, sprejetju, odobritvi ali pristopu.

Article 31
WITHDRAWAL

1. At any time after three years from the date on which this Convention has come into force with respect to a Party, that Party may withdraw from this Convention by giving written notification to the Depositary. Any such withdrawal shall take effect on the ninetieth day after the date of the receipt of the notification by the Depositary.

2. Any such withdrawal shall not affect the application of Article 4 to an activity in respect of which a notification has been made pursuant to Article‘4, paragraph 1, or a request for discussions has been made pursuant to Article 4, paragraph 2.

31. člen
ODPOVED

1. To konvencijo lahko odpove katera koli pogodbenica s pisnim uradnim obvestilom depozitarju kadar koli po izteku treh let od dneva, ko je začela konvencija zanjo veljati. Odpoved začne veljati devetdeset dni po tem, ko prejme depozitar uradno obvestilo.

2. Odpoved ne vpliva na uporabo 4. člena glede dejavnosti, za katero je bilo poslano uradno obvestilo v skladu s prvim odstavkom 4. člena, ali pa so bili zahtevani pogovori v skladu z drugim odstavkom 4. člena.

Article 32
AUTHENTIC TEXTS

The original of this Convention, of which the English, French and Russian texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Helsinki, this seventeenth day of March one thousand nine hundred and ninety-two.

32. člen
VERODOSTOJNA BESEDILA

Izvirnik te konvencije, katere besedilo v angleškem, francoskem in ruskem jeziku je enako verodostojno, se hrani pri generalnem sekretarju Združenih narodov.

V POTRDITEV TEGA so podpisani, ki so bili za to pravilno pooblaščeni, podpisali to konvencijo.

SESTAVLJENO v Helsinkih sedemnajstega marca tisoč devetsto dvaindevetdeset.

ANNEX I
Hazardous substances for the purposes of defining hazardous activities

The quantities set out below relate to each activity or group of activities. Where a range of quantities is given in Part I, the threshold quantities are the maximum quantities given in each range. Five years after the entry into force of this Convention, the lowest quantity given in each range shall become the threshold quantity, unless amended.

Where a substance or preparation named in Part II also falls within a category in Part I, the threshold quantity set out in Part II shall be used.

For the identification of hazardous activities, Parties shall take into consideration the foreseeable possibility of aggravation of the hazards involved and the quantities of the hazardous substances and their proximity, whether under the charge of one or more operators.

PRILOGA I
Nevarne snovi za opredelitev nevarnih dejavnosti

Spodaj navedene količine se nanašajo na vsako dejavnost ali skupino dejavnosti. Kadar je v prvem delu prikazan razpon količin, so mejne količine največje količine, navedene v vsakem razponu. Če ne pride do sprememb, postane pet let po začetku veljavnosti te konvencije najmanjša količina, navedena v vsakem razponu, mejna količina.

Kadar snov ali pripravek, naveden v II. delu, spada tudi v eno od skupin iz I. dela, je treba uporabiti mejno količino, določeno v II. delu.

Za opredelitev nevarnih dejavnosti pogodbenice upoštevajo predvidljivo možnost povečanja obstoječe nevarnosti, količino nevarnih snovi ter njihovo bližino, ne glede na to, ali je zanje odgovoren en ali več obratovalcev.

PART I. *Categories of substances and preparations not specifically named in Part II*

	Category	*Threshold Quantity (Tonnes)*
1.	Flammable gases [1(a)] including LPG	200
2.	Highly flammable liquids [1(b)]	50,000
3.	Very toxic [1(c)]	20
4.	Toxic [1(d)]	500-200
5.	Oxidizing [1(e)]	500-200
6.	Explosive [1(f)]	200-50
7.	Flammable liquids [1(g)] (handled under special conditions of pressure and temperature)	200
8.	Dangerous for the environment [1(h)]	200

I. del: *Skupine snovi in pripravkov, ki niso posebej navedeni v II. delu*

	Skupine	*Mejna količina (v tonah)*
1.	Vnetljivi plini [1(a)] skupaj z UNP	200
2.	Lahko vnetljive tekočine [1(b)]	50.000
3.	Zelo strupene [1(c)]	20
4.	Strupene [1(d)]	500-200
5.	Oksidativne [1(e)]	500-200
6.	Eksplozivne [1(f)]	200-50
7.	Vnetljive tekočine [1(g)] (s katerimi se ravna pri posebnem tlaku in temperaturi)	200
8.	Okolju nevarne [1(h)]	200

PART II. *Named substances*

	Substance	*Threshold Quantity (Tonnes)*
1.	Ammonia	500
2.	a) Ammonium nitrate [2]	2,500
	b) Ammonium nitrate in the form of fertilizers [3]	10,000
3.	Acrylonitrile	200
4.	Chlorine	25
5.	Ethylene oxide	50
6.	Hydrogen cyanide	20
7.	Hydrogen fluoride	50
8.	Hydrogen sulphide	50
9.	Sulphur dioxide	250
10.	Sulphur trioxide	75
11.	Lead alkyls	50
12.	Phosgene	0.75
13.	Methyl isocyanate	0.15

II. del: *Navedene snovi*

	Snov	*Mejna količina (v tonah)*
1.	Amoniak	500
2.	a) amonijev nitrat [2]	2.500
	b) amonijev nitrat v obliki gnojil [3]	10.000
3.	akrilonitril	200
4.	klor	25
5.	etilen oksid	50
6.	vodikov cianid	20
7.	vodikov fluorid	50
8.	vodikov sulfid	50
9.	žveplov dioksid	250
10.	žveplov trioksid	75
11.	svinčevi alkili	50
12.	fosgen	0,75
13.	metilizocianat	0,15

NOTES

1. Indicative criteria. In the absence of other appropriate criteria, Parties may use the following criteria when classifying substances or preparations for the purposes of Part I of this Annex.

(a) FLAMMABLE GASES: substances which in the gaseous state at normal pressure and mixed with air become flammable and the boiling point of which at normal pressure is 20°C or below;

(b) HIGHLY FLAMMABLE LIQUIDS: substances which have a flash point lower than 21°C and the boiling point of which at normal pressure is above 20°C;

(c) VERY TOXIC: substances with properties corresponding to those in table 1 or table 2 below, and which, owing to their physical and chemical properties, are capable of creating industrial accident hazards.

TABLE 1

LD_{50}(oral)(1) mg/kg body weight	LD_{50}(dermal)(2) mg/kg body weight	LC_{50}(3) mg/l (inhalation)
LD_{50} 25	LD_{50} 50	LC_{50} 0.5

(1) LD_{50} oral in rats.
(2) LD_{50} dermal in rats or rabbits.
(3) LC_{50} by inhalation (four hours) in rats.

OPOMBE

1. Merila za razvrščanje. Če ni drugih ustreznih meril, lahko pogodbenice pri razvrščanju snovi ali pripravkov iz I. dela te priloge uporabljajo ta merila.

(a) VNETLJIVI PLINI: snovi, ki v plinastem stanju pri normalnem tlaku in mešanju z zrakom postanejo vnetljive in katerih vrelišče pri normalnem tlaku je 20 °C ali nižje.

(b) LAHKO VNETLJIVE TEKOČINE: snovi, katerih plamenišče je nižje od 21 °C in katerih vrelišče pri normalnem tlaku je nad 20 C.

(c) ZELO STRUPENE: snovi z lastnostmi, ki ustrezajo lastnostim iz razpredelnice 1 ali 2 v nadaljevanju in ki zaradi svojih fizikalnih in kemijskih lastnosti lahko ustvarijo nevarnost industrijskih nesreč.

RAZPREDELNICA 1

LD_{50} (oralno)(1) Mg/kg telesne teže	LD_{50} (dermalno)(2) mg/kg telesne teže	LC_{50} (3) mg/l (vdihavanje)
$LD_{50} \leq 25$	$LD_{50} \leq 50$	$LC_{50} \leq 0,5$

(1) LD_{50} oralno pri podganah
(2) LD_{50} dermalno pri podganah ali kuncih
(3) LC_{50} z vdihavanjem (štiri ure) pri podganah

TABLE 2

Discriminating dose
mg/kg body weight < 5
where the acute oral toxicity in animals of the substance has been determined using the fixed-dose procedure.

(d) TOXIC: substances with properties corresponding to those in table 3 or 4 and having physical and chemical properties capable of creating industrial accident hazards.

TABLE 3

LD_{50}(oral)(1)	LD_{50}(dermal)(2)	LC_{50}(3)
mg/kg body weight	mg/kg body weight	mg/l(inhalation)
$25 < LD_{50} \leq 200$	$50 < LD_{50} \leq 400$	$0.5 < LC_{50} \leq 2$

(1) LD_{50} oral in rats
(2) LD_{50} dermal in rats or rabbits
(3) LC_{50} by inhalation (four hours) in rats

TABLE 4

Discriminating dose
mg/kg body weight =5
where the acute oral toxicity in animals of the substance has been determined using the fixed-dose procedure.

(e) OXIDIZING: substances which give rise to highly exothermic reaction when in contact with other substances, particularly flammable substances.

(f) EXPLOSIVE: substances which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene.

(g) FLAMMABLE LIQUIDS: substances which have a flash point lower than 55°C and which remain liquid under pressure, where particular processing conditions, such as high pressure and high temperature, may create industrial accident hazards.

(h) DANGEROUS FOR THE ENVIRONMENT: substances showing the values for acute toxicity to the aquatic environment corresponding to table 5.

TABLE 5

LC_{50}(1)	EC_{50}(2)	IC_{50}(3)
mg/l	mg/l	mg/l
LC_{50} 10	EC_{50} 10	IC_{50} 10

(1) LC_{50} fish (96 hours).
(2) EC_{50} daphnia (48 hours).
(3) IC_{50} algae (72 hours).

where the substance is not readily degradable, or the log Pow > 3.0 (unless the experimentally determined BCF < 100).

(i) LD lethal dose.
(j) LC lethal concentration.
(k) EC effective concentration.
(l) IC inhibiting concentration.
(m) Pow partition coefficient octanol/water.
(n) BCF bioconcentration factor.

2. This applies to ammonium nitrate and mixtures of ammonium nitrate where the nitrogen content derived from the ammonium nitrate is > 28% by weight, and to aqueous solutions of ammonium nitrate where the concentration of ammonium nitrate is > 90% by weight.

RAZPREDELNICA 2

Mejni odmerek
mg/kg telesne teže, <5
pri katerem je bila akutna oralna toksičnost snovi pri živalih določena z uporabo postopka stalnega odmerka.

(d) STRUPENE SNOVI: snovi z lastnostmi, ki ustrezajo lastnostim v razpredelnici 3 ali 4 in katerih fizikalne in kemijske lastnosti so takšne, da lahko ustvarijo nevarnost industrijskih nesreč.

RAZPREDELNICA 3

LD_{50} (oralno)(1)	LD_{50} (dermalno)(2)	LC_{50} (3)
Mg/kg telesne teže	mg/kg telesne teže	mg/l (vdihavanje)
$25 < LD_{50} \leq 200$	$50 < LD_{50} \leq 400$	$0,5 < LC_{50} \leq 2$

(1) LD_{50} oralno pri podganah
(2) LD_{50} dermalno pri podganah ali kuncih
(3) LC_{50} z vdihavanjem (štiri ure) pri podganah

RAZPREDELNICA 4

Mejni odmerek
mg/kg telesne teže, = 5
pri katerem je bila akutna oralna toksičnost snovi pri živalih določena z uporabo postopka stalnega odmerka.

(e) OKSIDATIVNE: snovi, ki v stiku z drugimi, zlasti vnetljivimi snovmi, povzročijo močno eksotermno reakcijo.

(f) EKSPLOZIVNE: snovi, ki lahko eksplodirajo, če so izpostavljene ognju, ali tiste, ki so bolj občutljive na udarce ali trenje kot dinitrobenzen.

(g) VNETLJIVE TEKOČINE: snovi, katerih plamenišče je nižje od 55 °C in ki pod tlakom ostanejo tekoče in pri katerih lahko posebni pogoji predelave, kot sta visok tlak in visoka temperatura, ustvarijo nevarnost industrijskih nesreč.

(h) OKOLJU NEVARNE: snovi, katerih vrednosti akutne toksičnosti za vodno okolje ustrezajo vrednostim v razpredelnici 5.

RAZPREDELNICA 5

LC_{50} (1)	EC_{50} (2)	IC_{50} (3)
mg/l	mg/l	mg/l
$LC_{50} \leq 10$	$EC_{50} \leq 10$	$IC_{50} \leq 10$

(1) LC_{50} pri ribah (96 ur)
(2) EC_{50} pri povodni bolhi (48 ur)
(3) IC $_{50}$ pri algah (72 ur)

kadar snov ni hitro razgradljiva, ali je log Pow > 3,0 (razen če ni poskusno določen BCF < 100).

(i) LD smrtni odmerek
(j) LC smrtna koncentracija
(k) EC učinkovita koncentracija
(l) IC inhibicijska koncentracija
(m) Pow porazdelitveni koeficient oktanol/voda
(n) BCF faktor biokoncentracije

2. To velja za amonijev nitrat in zmesi z amonijevim nitratom, pri katerih je vsebnost iz njega pridobljenega dušika > 28 utežnih %, ter za vodne raztopine amonijevega nitrata, pri katerih je koncentracija amonijevega nitrata > 90 utežnih %.

3. This applies to straight ammonium nitrate fertilizers and to compound fertilizers where the nitrogen content derived from the ammonium nitrate is >‘28% by weight (a compound fertilizer contains ammonium nitrate together with phosphate and/or potash).

4. Mixtures and preparations containing such substances shall be treated in the same way as the pure substance unless they no longer exhibit equivalent properties and are not capable of producing transboundary effects.

ANNEX II
Inquiry commission procedure pursuant to articles 4 and 5

1. The requesting Party or Parties shall notify the secretariat that it or they is (are) submitting question(s) to an inquiry commission established in accordance with the provisions of this Annex. The notification shall state the subject-matter of the inquiry. The secretariat shall immediately inform all Parties to the Convention of this submission.

2. The inquiry commission shall consist of three members. Both the requesting party and the other party to the inquiry procedure shall appoint a scientific or technical expert and the two experts so appointed shall designate by common agreement a third expert, who shall be the president of the inquiry commission. The latter shall not be a national of one of the parties to the inquiry procedure, nor have his or her usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

3. If the president of the inquiry commission has not been designated within two months of the appointment of the second expert, the Executive Secretary of the Economic Commission for Europe shall, at the request of either party, designate the president within a further two-month period.

4. If one of the parties to the inquiry procedure does not appoint an expert within one month of its receipt of the notification by the secretariat, the other party may inform the Executive Secretary of the Economic Commission for Europe, who shall designate the president of the inquiry commission within a further two-month period. Upon designation, the president of the inquiry commission shall request the party which has not appointed an expert to do so within one month. If it fails to do so within that period, the president shall inform the Executive Secretary of the Economic Commission for Europe who shall make this appointment within a further two-month period.

5. The inquiry commission shall adopt its own rules of procedure.

6. The inquiry commission may take all appropriate measures in order to carry out its functions.

7. The parties to the inquiry procedure shall facilitate the work of the inquiry commission and in particular shall, using all means at their disposal:

(a) Provide the inquiry commission with all relevant documents, facilities and information;

(b) Enable the inquiry commission, where necessary, to call witnesses or experts and receive their evidence.

3. To velja za gnojila, katerih osnova je čisti amonijev nitrat, in za sestavljena gnojila, pri katerih je vsebnost iz njega pridobljenega dušika > 28 utežnih % (sestavljeno gnojilo vsebuje amonijev nitrat skupaj s fosfatom in/ali pepeliko).

4. Zmesi in pripravke, ki vsebujejo take snovi, je treba obravnavati enako kot čiste snovi, razen če nimajo več enakovrednih lastnosti in ne morejo več imeti čezmejnih učinkov.

PRILOGA II
Postopek poizvedovalne komisije na podlagi 4. in 5. člena

1. Pogodbenica ali pogodbenice prosilke uradno obvestijo sekretariat, da so predložile vprašanje ali vprašanja poizvedovalni komisiji, ustanovljeni v skladu z določbami te priloge. V uradnem obvestilu mora biti navedena vsebina poizvedbe. Sekretariat takoj obvesti vse pogodbenice konvencije o predložitvi vprašanja.

2. Poizvedovalno komisijo sestavljajo trije člani. Stranka prosilka in druga stranka v poizvedovalnem postopku imenujeta znanstvenega ali strokovnega izvedenca in tako imenovana izvedenca sporazumno določita tretjega izvedenca, ki bo predsednik poizvedovalne komisije. Ta ne sme biti državljan ene od strank v poizvedovalnem postopku, niti ne sme imeti stalnega prebivališča na ozemlju ene od strank, niti ne sme biti pri nobeni od njiju zaposlen, pa tudi s tem primerom se ni smel nikoli prej ukvarjati.

3. Če predsednik poizvedovalne komisije ni bil določen v dveh mesecih po imenovanju drugega izvedenca, določi izvršilni tajnik Gospodarske komisije za Evropo na zahtevo ene ali druge stranke predsednika v naslednjih dveh mesecih.

4. Če katera izmed strank v poizvedovalnem postopku ne imenuje svojega izvedenca v enem mesecu od prejema uradnega obvestila od sekretariata, lahko druga stranka o tem obvesti izvršilnega tajnika Gospodarske komisije za Evropo, ki v naslednjih dveh mesecih določi predsednika poizvedovalne komisije. Ko je predsednik poizvedovalne komisije določen, zahteva od stranke, ki ni imenovala izvedenca, da to stori v enem mesecu. Če v tem roku tega ne stori, predsednik obvesti izvršilnega tajnika Gospodarske komisije za Evropo, ki opravi imenovanje v naslednjih dveh mesecih.

5. Poizvedovalna komisija sprejme svoj poslovnik.

6. Poizvedovalna komisija lahko sprejme vse potrebne ukrepe za opravljanje svojih nalog.

7. Stranke v poizvedovalnem postopku olajšajo delo poizvedovalni komisiji in ji z vsemi razpoložljivimi sredstvi zlasti:

(a) priskrbijo vso s tem povezano dokumentacijo, sredstva za delo in informacije;

(b) omogočijo, kadar je potrebno, da vabijo priče in izvedence in dobijo njihovo dokazno gradivo.

8. The parties and the experts shall protect the confidentiality of any information they receive in confidence during the work of the inquiry commission.

9. If one of the parties to the inquiry procedure does not appear before the inquiry commission or fails to present its case, the other party may request the inquiry commission to continue the proceedings and to complete its work. Absence of a party or failure of a party to present its case shall not constitute a bar to the continuation and completion of the work of the inquiry commission.

10. Unless the inquiry commission determines otherwise because of the particular circumstances of the matter, the expenses of the inquiry commission, including the remuneration of its members, shall be borne equally by the parties to the inquiry procedure. The inquiry commission shall keep a record of all its expenses and shall furnish a final statement thereof to the parties.

11. Any Party which has an interest of a factual nature in the subject-matter of the inquiry procedure and which may be affected by an opinion in the matter may intervene in the proceedings with the consent of the inquiry commission.

12. The decisions of the inquiry commission on matters of the procedure shall be taken by majority vote of its members. The final opinion of the inquiry commission shall reflect the view of the majority of its members and shall include any dissenting view.

13. The inquiry commission shall present its final opinion within two months of the date on which it was established, unless it finds it necessary to extend this time-limit for a period which should not exceed two months.

14. The final opinion of the inquiry commission shall be based on accepted scientific principles. The final opinion shall be transmitted by the inquiry commission to the parties to the inquiry procedure and to the secretariat.

ANNEX III
Procedures pursuant to article 4

1. A Party of origin may request consultations with another Party, in accordance with paragraphs 2 to 5 of this Annex, in order to determine whether that Party is an affected Party.

2. For a proposed or existing hazardous activity, the Party of origin shall, for the purposes of ensuring adequate and effective consultations, provide for the notification at appropriate levels of any Party that it considers may be an affected Party as early as possible and no later than when informing its own public about that proposed or existing activity. For existing hazardous activities such notification shall be provided no later than two years after the entry into force of this Convention for a Party of origin.

3. The notification shall contain, inter alia:

(a) Information on the hazardous activity, including any available information or report, such as information produced in accordance with Article‘6, on its possible transboundary effects in the event of an industrial accident;

(b) An indication of a reasonable time within which a response under paragraph 4 of this Annex is required, taking into account the nature of the activity;

8. Stranke in izvedenci morajo varovati tajnost vseh informacij, ki jih prejmejo kot zaupne med delom poizvedovalne komisije.

9. Če ena od strank v poizvedovalnem postopku ne pride pred poizvedovalno komisijo ali ne predstavi svojega primera, lahko druga stranka zahteva, da poizvedovalna komisija nadaljuje postopek in konča svoje delo. Odsotnost stranke ali če stranka ne predstavi svojega primera, ni ovira za nadaljevanje in dokončanje dela poizvedovalne komisije.

10. Če se poizvedovalna komisija zaradi posebnih okoliščin zadeve ne odloči drugače, stroške poizvedovalne komisije, vključno z denarnim nadomestilom njenim članom, krijejo stranke v enakih delih. Poizvedovalna komisija vodi evidenco vseh svojih stroškov in strankam predloži končno poročilo o stroških.

11. Vsaka stranka, ki ima dejanski interes v zadevi poizvedovalnega postopka in jo lahko določeno mnenje o zadevi prizadene, lahko s soglasjem poizvedovalne komisije sodeluje v postopku.

12. Odločitve poizvedovalne komisije o zadevah v postopku se sprejmejo z večino glasov njenih članov. Končno mnenje poizvedovalne komisije izraža stališče večine njenih članov in vključuje tudi vsako drugačno stališče.

13. Poizvedovalna komisija objavi končno mnenje v dveh mesecev od dneva, ko je bilo sprejeto, razen če meni, da je treba ta rok podaljšati za obdobje, ki ne sme biti daljše od dveh mesecev.

14. Končno mnenje poizvedovalne komisije temelji na sprejetih znanstvenih načelih. Poizvedovalna komisija pošlje končno mnenje strankam v poizvedovalnem postopku in sekretariatu.

PRILOGA III
Postopki na podlagi 4. člena

1. Pogodbenica izvora lahko zahteva posvetovanje z drugo pogodbenico v skladu z drugim do petim odstavkom te priloge, da bi ugotovila, ali je ta prizadeta pogodbenica.

2. Za predlagano ali obstoječo nevarno dejavnost mora pogodbenica izvora, da bi zagotovila ustrezna in učinkovita posvetovanja, poskrbeti za uradno obvestilo na ustreznih ravneh vsake pogodbenice, za katero meni, da bi utegnila biti prizadeta pogodbenica, in to čim prej in ne kasneje, kot je o taki predlagani ali obstoječi nevarni dejavnosti obvestila svojo lastno javnost. Za obstoječe nevarne dejavnosti mora biti tako uradno obvestilo dano najkasneje v dveh letih od začetka veljavnosti te konvencije za pogodbenico izvora.

3. Uradno obvestilo med drugim vsebuje:

(a) informacije o nevarni dejavnosti skupaj z vsemi razpoložljivimi informacijami ali poročilom o možnih čezmejnih učinkih ob industrijski nesreči, kot so na primer informacije skladno s 6. členom;

(b) navedbo razumnega roka, v katerem je treba ob upoštevanju vrste dejavnosti dati odgovor v skladu s četrtim odstavkom te priloge;

and may include the information set out in paragraph 6 of this Annex.

4. The notified Parties shall respond to the Party of origin within the time specified in the notification, acknowledging receipt of the notification and indicating whether they intend to enter into consultation.

5. If a notified Party indicates that it does not intend to enter into consultation, or if it does not respond within the time specified in the notification, the provisions set down in the following paragraphs of this Annex shall not apply. In such circumstances, the right of a Party of origin to determine whether to carry out an assessment and analysis on the basis of its national law and practice is not prejudiced.

6. Upon receipt of a response from a notified Party indicating its desire to enter into consultation, the Party of origin shall, if it has not already done so, provide to the notified Party:

(a) Relevant information regarding the time schedule for analysis, including an indication of the time schedule for the transmittal of comments;

(b) Relevant information on the hazardous activity and its transboundary effects in the event of an industrial accident;

(c) The opportunity to participate in evaluations of the information or any report demonstrating possible transboundary effects.

7. An affected Party shall, at the request of the Party of origin, provide the latter with reasonably obtainable information relating to the area under the jurisdiction of the affected Party capable of being affected, where such information is necessary for the preparation of the assessment and analysis and measures. The information shall be furnished promptly and, as appropriate, through a joint body where one exists.

8. The Party of origin shall furnish the affected Party directly, as appropriate, or, where one exists, through a joint body with the analysis and evaluation documentation as described in Annex V, paragraphs 1 and 2.

9. The Parties concerned shall inform the public in areas reasonably capable of being affected by the hazardous activity and shall arrange for the distribution of the analysis and evaluation documentation to it and to authorities in the relevant areas. The Parties shall ensure them an opportunity for making comments on, or objections to, the hazardous activity and shall arrange for their views to be submitted to the competent authority of the Party of origin, either directly to that authority or, where appropriate, through the Party of origin, within a reasonable time.

10. The Party of origin shall, after completion of the analysis and evaluation documentation, enter without undue delay into consultations with the affected Party concerning, inter alia, the transboundary effects of the hazardous activity in the event of an industrial accident, and measures to reduce or eliminate its effects. The consultations may relate to:

(a) Possible alternatives to the hazardous activity, including the no-action alternative, and possible measures to mitigate transboundary effects at the expense of the Party of origin;

(b) Other forms of possible mutual assistance for reducing any transboundary effects:

in lahko vsebuje tudi informacije, navedene v šestem odstavku te priloge.

4. Uradno obveščene pogodbenice odgovorijo pogodbenici izvora v roku, določenem v uradnem obvestilu, potrdijo prejem uradnega obvestila in navedejo ali nameravajo začeti posvetovanje.

5. Če uradno obveščena pogodbenica napove, da ne namerava začeti posvetovanj ali če ne odgovori v roku, določenem v uradnem obvestilu, se ne uporabljajo določbe iz naslednjih odstavkov te priloge. V takih okoliščinah to ne vpliva na pravico pogodbenice izvora, da se odloči, ali bo izvedla presojo in analizo na podlagi svojega notranjega prava in prakse.

6. Ko pogodbenica izvora prejme odgovor od uradno obveščene pogodbenice, v katerem je izražena želja po začetku posvetovanja, mora pogodbenica izvora, če tega še ni storila, zagotoviti uradno obveščeni pogodbenici:

(a) ustrezne informacije o časovnem razporedu analiz, vključno z navedbo časovnega razporeda za sporočitev pripomb;

(b) ustrezne informacije o nevarni dejavnosti in njenih čezmejnih učinkih ob industrijski nesreči;

(c) možnost sodelovanja pri vrednotenju informacij ali katerega koli poročila, ki dokazuje možne čezmejne učinke.

7. Prizadeta pogodbenica mora na zahtevo pogodbenice izvora tej zagotoviti razumno pridobljive informacije v zvezi z območjem pod jurisdikcijo prizadete pogodbenice, ki bi lahko bilo prizadeto, kadar so take informacije potrebne za pripravo presoje, analizo in ukrepanje. Informacije je treba poslati takoj, in kadar je to primerno, po skupnem organu, če ta obstaja.

8. Pogodbenica izvora pošlje prizadeti pogodbenici neposredno, če je to primerno, ali po skupnem organu, če ta obstaja, dokumentacijo o analizi in vrednotenju, kot sta opisana v prvem in drugem odstavku Priloge V.

9. Vključene pogodbenice obvestijo javnost na območjih, ki bi jih lahko prizadela nevarna dejavnost, in poskrbijo za razdelitev dokumentacije o analizi in vrednotenju javnosti in organom na teh območjih. Pogodbenice jim zagotovijo možnost, da dajo svoje pripombe ali ugovore k nevarni dejavnosti, in poskrbijo, da bodo njihova stališča v razumnem roku predložena pristojnemu organu pogodbenice izvora neposredno, ali kadar je primerno, s posredovanjem pogodbenice izvora.

10. Ko je izdelana dokumentacija o analizi in vrednotenju, se pogodbenica izvora začne brez nepotrebnega odlašanja posvetovati s prizadeto pogodbenico med drugim o čezmejnih učinkih nevarne dejavnosti ob industrijski nesreči in z ukrepi za zmanjšanje ali odpravo njenih učinkov. Posvetovanja se lahko nanašajo na:

(a) možne druge rešitve za nevarne dejavnosti, vključno z možnostjo neizvajanja dejavnosti, in na možne ukrepe za ublažitev čezmejnih učinkov na stroške pogodbenice izvora;

(b) druge oblike možne medsebojne pomoči za zmanjšanje čezmejnih učinkov;

(c) Any other appropriate matters.

The Parties concerned shall, on the commencement of such consultations, agree on a reasonable time-frame for the duration of the consultation period. Any such consultations may be conducted through an appropriate joint body, where one exists.

11. The Parties concerned shall ensure that due account is taken of the analysis and evaluation, as well as of the comments received pursuant to paragraph 9 of this Annex and of the outcome of the consultations referred to in paragraph 10 of this Annex.

12. The Party of origin shall notify the affected Parties of any decision on the activity, along with the reasons and considerations on which it was based.

13. If, after additional and relevant information concerning the transboundary effects of a hazardous activity and which was not available at the time consultations were held with respect to that activity, becomes available to a Party concerned, that Party shall immediately inform the other Party or Parties concerned. If one of the Parties concerned so requests, renewed consultations shall be held.

ANNEX IV
Preventive measures pursuant to article 6

The following measures may be carried out, depending on national laws and practices, by Parties, competent authorities, operators, or by joint efforts:

1. The setting of general or specific safety objectives;

2. The adoption of legislative provisions or guidelines concerning safety measures and safety standards;

3. The identification of those hazardous activities which require special preventive measures, which may include a licensing or authorization system;

4. The evaluation of risk analyses or of safety studies for hazardous activities and an action plan for the implementation of necessary measures;

5. The provision to the competent authorities of the information needed to assess risks;

6. The application of the most appropriate technology in order to prevent industrial accidents and protect human beings and the environment;

7. The undertaking, in order to prevent industrial accidents, of the appropriate education and training of all persons engaged in hazardous activities on-site under both normal and abnormal conditions;

8. The establishment of internal managerial structures and practices designed to implement and maintain safety regulations effectively;

9. The monitoring and auditing of hazardous activities and the carrying out of inspections.

(c) vse druge primerne zadeve.

Vključene pogodbenice se na začetku takih posvetovanj dogovorijo o razumnem času za njihovo trajanje. Taka posvetovanja lahko potekajo prek ustreznega skupnega organa, če ta obstaja.

11. Pogodbenice zagotovijo ustrezno upoštevanje analize in vrednotenja kot tudi pripomb, prejetih na podlagi devetega odstavka te priloge in izida posvetovanj, omenjenih v desetem odstavku te priloge.

12. Pogodbenica izvora uradno obvesti prizadete pogodbenice o vseh odločitvah glede dejavnosti skupaj z razlogi in preudarki, na katerih so temeljile.

13. Če pogodbenica pride do dodatnih in pomembnih informacij o čezmejnih učinkih nevarnih dejavnosti, ki niso bile na voljo v času posvetovanj o tej dejavnosti, nemudoma obvesti drugo vključeno pogodbenico ali pogodbenice.

PRILOGA IV
Preprečevalni ukrepi na podlagi 6. člena

V skladu z notranjimi zakoni in ustaljenimi postopki lahko pogodbenice, pristojni organi, obratovalci ali tudi vsi skupaj uvedejo te ukrepe:

1. določitev splošnih ali posebnih varnostnih ciljev;
2. sprejetje zakonodajnih določb ali smernic za varnostne ukrepe in standarde;
3. opredelitev tistih nevarnih dejavnosti, ki zahtevajo posebne preprečevalne ukrepe, kar lahko vključuje sistem dovoljenj in pooblastil;
4. vrednotenje analiz tveganja ali varnostnih študij za nevarne dejavnosti ter načrt za izvajanje potrebnih ukrepov;

5. zagotovitev informacij, potrebnih za presojo tveganja, pristojnim organom;
6. uporabo najustreznejše tehnologije za preprečevanje industrijskih nesreč in varstvo ljudi in okolja;

7. primerno izobraževanje in usposabljanje za preprečevanje industrijskih nesreč za vse osebe, ki se ukvarjajo z nevarnimi dejavnostmi na kraju samem, in sicer v običajnih in neobičajnih razmerah;
8. vzpostavitev notranje poslovodne organiziranosti in ustaljenih postopkov za učinkovito izvajanje in vzdrževanje varnostnih predpisov;
9. spremljanje stanja in sprememb ter presoja nevarnih dejavnosti ter opravljanje inšpekcijskih pregledov.

ANNEX V
Analysis and evaluation

1. The analysis and evaluation of the hazardous activity should be performed with a scope and to a depth which vary depending on the purpose for which they are carried out.

2. The following table illustrates, for the purposes of the related Articles, matters which should be considered in the analysis and evaluation, for the purposes listed:

Purpose of analysis	*Matters to be considered*
Emergency planning under Article 8	(1) The quantities and properties of hazardous substances on the site; (2) Brief descriptive scenarios of a representative sample of industrial accidents possibly arising from the hazardous activity, including an indication of the likelihood of each; (3) For each scenario: (a) The approximate quantity of a release; (b) The extent and severity of the resulting consequences both for people and for the non-human environment in favourable and unfavourable conditions, including the extent of resulting hazard zones; (c) The time-scale within which the industrial accident could develop from the initiating event; (d) Any action which could be taken to minimize the likelihood of escalation. (4) The size and distribution of the population in the vicinity, including any large concentrations of people potentially in the hazard zone; (5) The age, mobility and susceptibility of that population.
Decision-making on siting under Article 7	In addition to items (1) to (5) above: (6) The severity of the harm inflicted on people and the environment, depending on the nature and circumstances of the release; (7) The distance from the location of the hazardous activity at which harmful effects on people and the environment may reasonably occur in the event of an industrial accident; (8) The same information not only for the present situation but also for planned or reasonably foreseeable future developments.
Information to the public under Article 9	In addition to items (1) to (4) above: (9) The people who may be affected by an industrial accident.
Preventive measures under Article 6	In addition to items (4) to (9) above, more detailed versions of the descriptions and assessments set out in items (1) to (3) will be needed for preventive measures. In addition to those descriptions and assessments, the following matters should also be covered: (10) The conditions and quantities in which hazardous materials are handled; (11) A list of the scenarios for the types of industrial accidents with serious effects, to include examples covering the full range of incident size and the possibility of effects from adjacent activities; (12) For each scenario, a description of the events which could initiate an industrial accident and the steps whereby it could escalate; (13) An assessment, at least in general terms, of the likelihood of each step occurring, taking into account the arrangements in (14); (14) A description of the preventive measures in terms of both equipment and procedures designed to minimize the likelihood of each step occurring; (15) An assessment of the effects that deviations from normal operating conditions could have, and the consequent arrangements for safe shutdown of the hazardous activity or any part thereof in an emergency, and of the need for staff training to ensure that potentially serious deviations are recognized at an early stage and appropriate action taken; (16) An assessment of the extent to which modifications, repair work and maintenance work on the hazardous activity could place the control measures at risk, and the consequent arrangements to ensure that control is maintained.

PRILOGA V
Analiza in vrednotenje

1. Obseg in poglobljenost analize in vrednotenja nevarnih dejavnosti sta lahko različna glede na njun namen.

2. Razpredelnica v nadaljevanju prikazuje zadeve, ki jih je treba v zvezi z ustreznimi členi proučiti pri analizi in vrednotenju za naštete namene:

Namen analize	*Zadeve, ki jih je treba proučiti*
Načrtovanje za pripravljenost na nevarnost po 8. členu	(1) količine in lastnosti nevarnih snovi na kraju samem; (2) kratek opis potekov reprezentativnih vzorcev industrijskih nesreč, ki bi jih lahko povzročila nevarna dejavnost, vključno z navedbo verjetnosti vsakega od njih; (3) za vsak opis poteka je treba proučiti: (a) približno količino izpusta; (b) obseg in resnost posledic za ljudi in okolje v ugodnih in neugodnih razmerah, vključno z velikostjo posledičnih nevarnih območij; (c) časovno obdobje, v katerem bi se lahko začetni dogodek razvil v industrijsko nesrečo; (d) možne ukrepe za čim večje zmanjšanje verjetnosti stopnjevanja nevarnosti; (4) število prebivalstva in naseljenost v bližini območja, vključno z velikimi možnimi koncentracijami ljudi na nevarnem območju; (5) starost, mobilnost in občutljivost tega prebivalstva.
Določitev kraja po 7. členu	Dodatno k točkam (1) do (5): (6) resnost škode za ljudi in okolje glede na vrsto in okoliščine izpusta; (7) oddaljenost od kraja nevarne dejavnosti, na katerem se lahko ob industrijski nesreči pojavijo škodljivi učinki na ljudi in okolje; (8) enake informacije ne le za sedanje stanje, ampak tudi za načrtovan ali razumno predvidljiv razvoj dogodkov v prihodnosti.
Obveščanje javnosti po 9. členu	Dodatno k točkam (1) do (4): (9) ljudje, ki jih lahko prizadene industrijska nesreča
Preprečevalni ukrepi po 6. členu	Dodatno k točkam (4) do (9) so potrebne podrobnejše različice opisov in ocen preprečevalnih ukrepov iz točk (1) do (3). Poleg teh opisov in presoj je treba upoštevati še: (9) okoliščine, v katerih se ravna z nevarnimi snovmi, in količine teh snovi; (10) seznam potekov različnih vrst industrijskih nesreč s hudimi učinki, vključno s primeri, ki pokrivajo celoten razpon obsega nesreč, in možnimi posledicami, ki bi jih povzročile dejavnosti v bližini; (11) za vsak opis poteka naj bodo navedeni dogodki, ki bi lahko povzročili industrijsko nesrečo, in faze, v katerih bi se lahko ta stopnjevala; (12) vsaj splošno presojo verjetnosti pojava vsake faze ob upoštevanju ukrepov iz 14. točke; (13) opis preprečevalnih ukrepov z navedbo opreme in postopkov, predvidenih za čim večje zmanjšanje verjetnosti pojava vsake faze; (14) presojo možnih učinkov odstopanj od običajnih razmer delovanja in nadaljnje priprave za varno prenehanje nevarne dejavnosti ali katerega koli njenega dela v izjemnih razmerah ter oceno potrebe po izobraževanju osebja za zagotavljanje zgodnjega odkrivanja morebitnih resnih odstopanj in ustrezno ukrepanje; (15) presojo, koliko lahko spremembe, popravila in vzdrževalna dela v zvezi z nevarno dejavnostjo ogrozijo nadzorne ukrepe, in potrebno ureditev za ohranjanje nadzora.

ANNEX VI
Decision-making on siting pursuant to article 7

The following illustrates the matters which should be considered pursuant to Article‘7:

1. The results of risk analysis and evaluation, including an evaluation pursuant to Annex V of the physical characteristics of the area in which the hazardous activity is being planned;

2. The results of consultations and public participation processes;

3. An analysis of the increase or decrease of the risk caused by any development in the territory of the affected Party in relation to an existing hazardous activity in the territory of the Party of origin;

4. The evaluation of the environmental risks, including any transboundary effects;

5. An evaluation of the new hazardous activities which could be a source of risk;

6. A consideration of the siting of new, and significant modifications to existing hazardous activities at a safe distance from existing centres of population, as well as the establishment of a safety area around hazardous activities; within such areas, developments which would increase the populations at risk, or otherwise increase the severity of the risk, should be closely examined.

PRILOGA VI
Določitev kraja po 7. členu

V skladu s 7. členom je treba upoštevati:

1. izsledke analize tveganja in vrednotenj, vključno z vrednotenjem prostorskih značilnosti območja, na katerem se načrtuje nevarna dejavnost, v skladu s Prilogo V;

2. izide posvetovanj in sodelovanja javnosti;

3. analizo povečanja ali zmanjšanja tveganja, ki ga povzroči vsak razvoj dogodkov na ozemlju prizadete pogodbenice v zvezi z obstoječo nevarno dejavnostjo na ozemlju pogodbenice izvora;

4. ovrednotenje tveganj za okolje skupaj s čezmejnimi učinki;

5. ovrednotenje novih nevarnih dejavnosti, ki bi lahko bile izvor tveganja;

6. proučitev možnosti novih in pomembnih sprememb v obstoječih nevarnih dejavnostih v varni razdalji od obstoječih naselij kot tudi vzpostavitev varnostnega območja okrog nevarnih dejavnosti; v teh območjih bi morale biti dejavnosti, ki bi povečale tveganje za prebivalstvo ali kako drugače povečale stopnjo tveganja pod strogim nadzorom.

ANNEX VII
Emergency preparedness measures pursuant to article 8

1. All contingency plans, both on- and off-site, should be coordinated to provide a comprehensive and effective response to industrial accidents.

2. The contingency plans should include the actions necessary to localize emergencies and to prevent or minimize their transboundary effects. They should also include arrangements for warning people and, where appropriate, arrangements for their evacuation, other protective or rescue actions and health services.

3. Contingency plans should give on-site personnel, people who might be affected off site and rescue forces, details of technical and organizational procedures which are appropriate for response in the event of an industrial accident capable of having transboundary effects and to prevent and minimize effects on people and the environment, both on and off site.

4. Examples of matters which could be covered by on-site contingency plans include:

(a) Organizational roles and responsibilities on site for dealing with an emergency;

(b) A description of the action which should be taken in the event of an industrial accident, or an imminent threat thereof, in order to control the condition or event, or details of where such a description can be found;

(c) A description of the equipment and resources available;

(d) Arrangements for providing early warning of industrial accidents to the public authority responsible for the off-site emergency response, including the type of information which should be included in an initial warning and the arrangements for providing more detailed information as it becomes available;

(e) Arrangements for training personnel in the duties they will be expected to perform.

5. Examples of matters which could be covered by off-site contingency plans include:

(a) Organizational roles and responsibilities off-site for dealing with an emergency, including how integration with on-site plans is to be achieved;

PRILOGA VII
Ukrepi za pripravljenost na nevarnost na podlagi 8. člena

1. Vsi načrti za ukrepanje v izjemnih razmerah na kraju samem in zunaj njega morajo biti usklajeni, da zagotovijo celovito in učinkovito odzivanje na industrijske nesreče.

2. Načrti za ukrepanje v izjemnih razmerah naj vključujejo vse potrebne ukrepe za omejitev nevarnosti in preprečevanje ali zmanjševanje njihovih čezmejnih učinkov na najmanjšo možno mero. Vključujejo naj tudi ukrepe za opozarjanje prebivalstva, in kadar je primerno, organizacijo evakuacije, druge zaščitne ali reševalne ukrepe in zdravstveno službo.

3. V načrtih za ukrepanje v izjemnih razmerah naj bodo navedeni: osebje na kraju samem, ljudje, ki bi jih nesreča lahko prizadela zunaj kraja nesreče, in reševalne enote, podrobnosti o tehničnih in organizacijskih postopkih, primernih za odzivanje na industrijske nesreče, ki bi lahko imele čezmejne učinke, ter za preprečevanje in čim večje zmanjševanje učinkov na ljudi in okolje na kraju samem in zunaj njega.

4. Primeri zadev, ki jih lahko vsebujejo načrti za ukrepanje v izjemnih razmerah na kraju samem:

(a) organizacijske naloge in odgovornosti v izjemnih razmerah na kraju nesreče;

(b) opis ukrepov, ki jih je treba sprejeti ob industrijski nesreči ali njeni neposredni nevarnosti z namenom nadzorovati razmere ali dogodek ali navesti podrobnosti o tem, kje se tak opis lahko najde;

(c) opis razpoložljive opreme in sredstev;

(d) ureditev zgodnjega opozarjanja javnega organa, ki je odgovoren za odzivanje na nevarnost zunaj kraja nesreče, o industrijski nesreči skupno z vrsto informacije, ki naj jo vsebuje začetno opozorilo, in zagotavljanje podrobnejših informacij, ko so te na razpolago;

(e) organizacija usposabljanja osebja za naloge, ki jih bo predvidoma opravljalo.

5. Primeri zadev, ki jih lahko vsebujejo načrti za ukrepanje v izjemnih razmerah zunaj kraja nesreče:

(a) organizacijske naloge in odgovornosti za ravnanje v izjemnih razmerah zunaj kraja nesreče, vključno s povezovanjem z načrti na kraju nesreče;

(b) Methods and procedures to be followed by emergency and medical personnel;

(c) Methods for rapidly determining the affected area;

(d) Arrangements for ensuring that prompt industrial accident notification is made to affected or potentially affected Parties and that that liaison is maintained subsequently;

(e) Identification of resources necessary to implement the plan and the arrangements for coordination;

(f) Arrangements for providing information to the public including, where appropriate, the arrangements for reinforcing and repeating the information provided to the public pursuant to article 9;

(g) Arrangements for training and exercises.

6. Contingency plans could include the measures for: treatment; collection; clean-up; storage; removal and safe disposal of hazardous substances and contaminated material; and restoration.

ANNEX VIII
Information to the public pursuant to article 9

1. The name of the company, address of the hazardous activity and identification by position held of the person giving the information;

2. An explanation in simple terms of the hazardous activity, including the risks;

3. The common names or the generic names or the general danger classification of the substances and preparations which are involved in the hazardous activity, with an indication of their principal dangerous characteristics;

4. General information resulting from an environmental impact assessment, if available and relevant;

5. The general information relating to the nature of an industrial accident that could possibly occur in the hazardous activity, including its potential effects on the population and the environment;

6. Adequate information on how the affected population will be warned and kept informed in the event of an industrial accident;

7. Adequate information on the actions the affected population should take and on the behaviour they should adopt in the event of an industrial accident;

8. Adequate information on arrangements made regarding the hazardous activity, including liaison with the emergency services, to deal with industrial accidents, to reduce the severity of the industrial accidents and to mitigate their effects;

9. General information on the emergency services' off-site contingency plan, drawn up to cope with any off-site effects, including the transboundary effects of an industrial accident;

10. General information on special requirements and conditions to which the hazardous activity is subject according to the relevant national regulations and/or administrative provisions, including licensing or authorization systems;

11. Details of where further relevant information can be obtained.

ANNEX IX
Industrial accident notification systems pursuant to article 10

1. The industrial accident notification systems shall enable the speediest possible transmission of data and forecasts according to previously determined codes using compatible data-transmission and data-treatment systems for emergency warning and response, and for measures to minimize and contain the consequences of transboundary effects, taking account of different needs at different levels.

(b) načini in postopki, po katerih naj bi se ravnalo osebje v pripravljenosti in medicinsko osebje;

(c) postopki za hitro določanje prizadetega območja;

(d) zagotavljanje takojšnjega uradnega obveščanja pogodbenic, ki so ali bi lahko bile prizadete, o industrijski nesreči in nadaljnje vzdrževanje zveze z njimi;

(e) določitev potrebnih sredstev za uresničevanje načrta in ureditev usklajevanja;

(f) organizacija za zagotavljanje informacij javnosti, in kadar je primerno, ukrepi za še učinkovitejše in pogostejše obveščanje javnosti v skladu z 9. členom;

(g) organizacija usposabljanja in vaj.

6. Načrti za ukrepanje ob izjemnih razmerah lahko vsebujejo ukrepe za obdelavo, zbiranje, čiščenje, shranjevanje, odstranjevanje in varno odlaganje nevarnih snovi in onesnaženega materiala ter vzpostavitev prejšnjega stanja.

PRILOGA VIII
Obveščanje javnosti na podlagi 9. člena

1. Ime podjetja, naslov, kjer poteka nevarna dejavnost, in podatki o položaju osebe, ki daje informacije.

2. Preprosta razlaga nevarne dejavnosti skupaj s tveganjem.

3. Splošna ali generična imena ali splošna razvrstitev snovi in pripravkov, ki so vključeni v nevarno dejavnost, z navedbo njihovih glavnih nevarnih lastnosti.

4. Splošna informacija, ki izhaja iz presoje vplivov na okolje, če je na voljo in ustrezna.

5. Splošna informacija o vrsti industrijske nesreče, ki bi se lahko zgodila zaradi nevarne dejavnosti, vključno z možnimi učinki na prebivalstvo in okolje.

6. Ustrezna informacija o načinu opozarjanja in obveščanja prizadetega prebivalstva ob industrijski nesreči.

7. Ustrezna informacija o tem, kako naj prizadeto prebivalstvo ukrepa in kako naj se vede ob industrijski nesreči.

8. Ustrezna informacija o organizacijskih ukrepih v zvezi z nevarno dejavnostjo, vključno s povezavo z reševalnimi službami za ukrepanje ob industrijskih nesrečah, da bi zmanjšali njihov obseg in ublažili njihove učinke.

9. Splošne informacije o načrtih za ukrepanje v izjemnih razmerah reševalnih služb zunaj kraja nesreče, sestavljenih tako, da zajemajo vse učinke zunaj kraja nesreče vključno s čezmejnimi učinki industrijskih nesreč.

10. Splošna informacija o posebnih zahtevah in pogojih, ki veljajo za nevarno dejavnost na podlagi ustreznih notranjih predpisov skupaj s sistemi dovoljenj ali pooblastil.

11. Podrobnosti o tem, kje je mogoče dobiti nadaljnje ustrezne informacije.

PRILOGA IX
Sistemi obveščanja o industrijskih nesrečah na podlagi 10. člena

1. Sistemi obveščanja o industrijskih nesrečah omogočajo najhitrejši možni prenos podatkov in napovedi v skladu z vnaprej določenimi pravili z uporabo združljivih sistemov za prenos in obdelavo podatkov za opozarjanje na izjemne razmere in odzivanje nanje ter za sprejem ukrepov za čim večje zmanjšanje in obvladovanje posledic čezmejnih učinkov ob upoštevanju različnih potreb na različnih ravneh.

2. The industrial accident notification shall include the following:

(a) The type and magnitude of the industrial accident, the hazardous substances involved (if known), and the severity of its possible effects;

(b) The time of occurrence and exact location of the accident;

(c) Such other available information as necessary for an efficient response to the industrial accident.

3. The industrial accident notification shall be supplemented at appropriate intervals, or whenever required, by further relevant information on the development of the situation concerning transboundary effects.

4. Regular tests and reviews of the effectiveness of the industrial accident notification systems shall be undertaken, including the regular training of the personnel involved. Where appropriate, such tests, reviews and training shall be performed jointly.

ANNEX X
Mutual assistance pursuant to article 12

1. The overall direction, control, coordination and supervision of the assistance is the responsibility of the requesting Party. The personnel involved in the assisting operation shall act in accordance with the relevant laws of the requesting Party. The appropriate authorities of the requesting Party shall cooperate with the authority designated by the assisting Party, pursuant to Article 17, as being in charge of the immediate operational supervision of the personnel and the equipment provided by the assisting Party.

2. The requesting Party shall, to the extent of its capabilities, provide local facilities and services for the proper and effective administration of the assistance, and shall ensure the protection of personnel, equipment and materials brought into its territory by, or on behalf of, the assisting Party for such a purpose.

3. Unless otherwise agreed by the Parties concerned, assistance shall be provided at the expense of the requesting Party. The assisting Party may at any time waive wholly or partly the reimbursement of costs.

4. The requesting Party shall use its best efforts to afford to the assisting Party and persons acting on its behalf the privileges, immunities or facilities necessary for the expeditious performance of their assistance functions. The requesting Party shall not be required to apply this provision to its own nationals or permanent residents or to afford them the privileges and immunities referred to above.

5. A Party shall, at the request of the requesting or assisting Party, endeavour to facilitate the transit through its territory of duly notified personnel, equipment and property involved in the assistance to and from the requesting Party.

6. The requesting Party shall facilitate the entry into, stay in and departure from its national territory of duly notified personnel and of equipment and property involved in the assistance.

7. With regard to acts resulting directly from the assistance provided, the requesting Party shall, in respect of the death of or injury to persons, damage to or loss of property, or damage to the environment caused within its territory in the course of the provision of the assistance requested, hold harmless and indemnify the assisting Party or persons acting on its behalf and compensate them for death or injury suffered by them and for loss of or damage to equipment or other property involved in the assistance. The requesting Party shall be responsible for dealing with claims brought by third parties against the assisting Party or persons acting on its behalf.

2. Uradno obvestilo o industrijski nesreči naj vsebuje:

(a) vrsto in razsežnost industrijske nesreče, vrsto nevarnih snovi (če so znane) in resnost njihovih morebitnih učinkov;

(b) čas nastanka in natančen kraj nesreče;

(c) druge razpoložljive informacije, ki so potrebne za učinkovito odzivanje na industrijske nesreče.

3. Uradno obvestilo o industrijski nesreči je treba dopolnjevati v primernih presledkih, ali kadar koli je potrebno, z dodatnimi ustreznimi informacijami o spremembah stanja v zvezi s čezmejnimi učinki.

4. Redno je treba preskušati in preverjati učinkovitosti sistemov obveščanja o industrijskih nesrečah, vključno z rednim usposabljanjem ustreznega osebja. Če je primerno, je treba te preskuse, preglede in usposabljanje izvajati skupno.

PRILOGA X
Medsebojna pomoč na podlagi 12. člena

1. Za celotno usmerjanje, vodenje, usklajevanje in nadziranje pomoči je odgovorna pogodbenica, ki je zaprosila za pomoč. Osebje, ki sodeluje pri zagotavljanju pomoči, mora delovati v skladu z ustreznimi zakoni pogodbenice, ki je zaprosila za pomoč. Ustrezni organi pogodbenice, ki je zaprosila za pomoč, sodelujejo v skladu s 17. členom s pooblaščenim organom pogodbenice, ki daje pomoč, odgovorni pa so tudi za neposreden nadzor delovanja osebja in opreme, ki ju zagotovi pogodbenica, ki daje pomoč.

2. Pogodbenica, ki je zaprosila za pomoč, v skladu s svojimi možnostmi zagotovi svoje zmogljivosti in storitve za pravilno in učinkovito izvajanje pomoči in zaščito osebja, opreme in stvari, ki jih je v ta namen na njeno ozemlje vnesla pogodbenica, ki daje pomoč, ali so bile vnesene v njenem imenu.

3. Če se vključene pogodbenice ne dogovorijo drugače, krije stroške pomoči pogodbenica, ki je zaprosila za pomoč. Pogodbenica, ki daje pomoč, se lahko kadar koli v celoti ali delno odpove povračilu stroškov.

4. Pogodbenica, ki je zaprosila za pomoč, mora storiti vse potrebno, da bi pogodbenici, ki daje pomoč, in osebam, ki delujejo v njenem imenu, zagotovila posebne pravice, imunitete ali ugodnosti, potrebne za hitro izvajanje pomoči. Pogodbenici, ki je zaprosila za pomoč, teh določb ni treba uporabljati za njene državljane ali osebe s stalnim prebivališčem v državi in tem ji tudi ni treba zagotoviti prej omenjenih posebnih pravic in imunitet.

5. Pogodbenica si na zahtevo pogodbenice, ki je zaprosila za pomoč, ali pogodbenice, ki daje pomoč, prizadeva olajšati prehod čez svoje ozemlje za pravilno najavljeno osebje, opremo in lastnino za pomoč pogodbenici, na poti v državo prosilko in iz nje.

6. Pogodbenica, ki je zaprosila za pomoč, olajša vstop na svoje državno ozemlje, zadrževanje na njem ter odhod z njega za pravilno najavljeno osebje, opremo in lastnino, ki sodeluje pri pomoči.

7. V zvezi z dejanji, ki neposredno izhajajo iz dane pomoči, mora pogodbenica, ki je zaprosila za pomoč, ob smrti ali poškodbi oseb, škodi ali izgubi lastnine ali škodi okolju, povzročeni na njenem ozemlju med zagotavljanjem zaprošene pomoči, odvezati odgovornosti in povrniti škodo pogodbenici, ki daje pomoč, ali osebe, ki delujejo v njenem imenu, in jim plačati odškodnino za smrt ali poškodbo in za izgubo ali poškodbo opreme ali druge lastnine, vključene v pomoč. Pogodbenica, ki je zaprosila za pomoč, je odgovorna za obravnavo zahtevkov tretjih strani proti pogodbenici, ki daje pomoč, ali osebam, ki delujejo v njenem imenu.

8. The Parties concerned shall cooperate closely in order to facilitate the settlement of legal proceedings and claims which could result from assistance operations.

9. Any Party may request assistance relating to the medical treatment or the temporary relocation in the territory of another Party of persons involved in an accident.

10. The affected or requesting Party may at any time, after appropriate consultations and by notification, request the termination of assistance received or provided under this Convention. Once such a request has been made, the Parties concerned shall consult one another with a view to making arrangements for the proper termination of the assistance.

ANNEX XI
Exchange of information pursuant to article 15

Information shall include the following elements, which can also be the subject of multilateral and bilateral cooperation:

(a) Legislative and administrative measures, policies, objectives and priorities for prevention, preparedness and response, scientific activities and technical measures to reduce the risk of industrial accidents from hazardous activities, including the mitigation of transboundary effects;

(b) Measures and contingency plans at the appropriate level affecting other Parties;

(c) Programmes for monitoring, planning, research and development, including their implementation and surveillance;

(d) Measures taken regarding prevention of, preparedness for and response to industrial accidents;

(e) Experience with industrial accidents and cooperation in response to industrial accidents with transboundary effects;

(f) The development and application of the best available technologies for improved environmental protection and safety;

(g) Emergency preparedness and response;

(h) Methods used for the prediction of risks, including criteria for the monitoring and assessment of transboundary effects.

ANNEX XII
Tasks for mutual assistance pursuant to article 18, paragraph 4

1. Information and data collection and dissemination

(a) Establishment and operation of an industrial accident notification system that can provide information on industrial accidents and on experts, in order to involve the experts as rapidly as possible in providing assistance;

(b) Establishment and operation of a data bank for the reception, processing and distribution of necessary information on industrial accidents, including their effects, and also on measures applied and their effectiveness;

(c) Elaboration and maintenance of a list of hazardous substances, including their relevant characteristics, and of information on how to deal with those in the event of an industrial accident;

(d) Establishment and maintenance of a register of experts to provide consultative and other kinds of assistance regarding preventive, preparedness and response measures, including restoration measures;

(e) Maintenance of a list of hazardous activities;

(f) Production and maintenance of a list of hazardous substances covered by the provisions of Annex I, Part I.

8. Vključene pogodbenice tesno sodelujejo, da olajšajo reševanje pravnih postopkov in zahtevkov, ki bi se lahko pojavili v zvezi z zagotavljanjem pomoči.

9. Vsaka pogodbenica lahko zaprosi za pomoč v zvezi z zdravljenjem ali začasno premestitvijo na ozemlje druge pogodbenice za osebe, ki so bile vpletene v nesrečo.

10. Prizadeta pogodbenica ali pogodbenica, ki zaprosi za pomoč, lahko kadar koli po ustreznem posvetovanju in uradnem obvestilu zahteva prekinitev pomoči, ki jo je prejela ali zagotovila po tej konvenciji. Ko je taka zahteva dana, se vključene pogodbenice med seboj posvetujejo o tem, kako ustrezno prekiniti pomoč.

PRILOGA XI
Izmenjava informacij na podlagi 15. člena

Informacije naj vsebujejo podatke, ki so lahko tudi predmet mnogostranskega in dvostranskega sodelovanja, in se nanašajo na:

(a) zakonodajne in upravne ukrepe, usmeritve, cilje in prednostne naloge za preprečevanje, pripravljenost in odzivanje, znanstvene dejavnosti in tehnične ukrepe za zmanjšanje tveganja industrijskih nesreč zaradi nevarnih dejavnosti in ublažitev čezmejnih učinkov;

(b) ukrepe in načrte za ukrepanje v izjemnih razmerah na ustrezni ravni, ki prizadenejo tudi druge pogodbenice;

(c) programe za spremljanje stanja in sprememb, načrtovanje, raziskave in razvoj, vključno z njihovim izvajanjem in nadziranjem;

(d) sprejete ukrepe za preprečevanje industrijskih nesreč ter pripravljenost in odzivanje nanje;

(e) izkušnje z industrijskimi nesrečami in sodelovanje pri odzivanju na industrijske nesreče s čezmejnimi učinki;

(f) razvoj in uporabo najboljših razpoložljivih tehnologij za izpopolnjeno varstvo okolja in varnost;

(g) pripravljenost na nevarnost in odzivanje nanjo;

(h) metode, ki se uporabljajo za napovedovanje tveganj, vključno z merili za spremljanje stanja in sprememb ter presojo čezmejnih učinkov.

PRILOGA XII
Naloge za medsebojno pomoč na podlagi četrtega odstavka 18. člena

1. Zbiranje in razširjanje informacij in podatkov

(a) vzpostavitev in delovanje sistema obveščanja o industrijskih nesrečah, ki lahko zagotovi informacije o industrijskih nesrečah in strokovnjakih, da se ti čim hitreje vključijo v zagotavljanje pomoči;

(b) vzpostavitev in delovanje zbirke podatkov za sprejem, obdelavo in pošiljanje potrebnih podatkov o industrijskih nesrečah in njihovih učinkih ter o uporabljenih ukrepih in njihovi učinkovitosti;

(c) izdelava in vzdrževanje seznama nevarnih snovi, vključno z njihovimi ustreznimi lastnostmi, in informacij o tem, kako z njimi ravnati ob industrijskih nesrečah;

(d) vzpostavitev in vzdrževanje seznama strokovnjakov, ki lahko svetujejo in dajejo druge vrste pomoči v zvezi z ukrepi za preprečevanje, pripravljenost in odzivanje, vključno z ukrepi za vzpostavitev prejšnjega stanja;

(e) vzdrževanje seznama nevarnih dejavnosti;

(f) izdelava in vzdrževanje seznama nevarnih snovi, naštetih v 1. delu Priloge I.

2. Research, training and methodologies

(a) Development and provision of models based on experience from industrial accidents, and scenarios for preventive, preparedness and response measures;

(b) Promotion of education and training, organization of international symposia and promotion of cooperation in research and development.

3. Technical assistance

(a) Fulfillment of advisory functions aimed at strengthening the ability to apply preventive, preparedness and response measures;

(b) Undertaking, at the request of a Party, of inspections of its hazardous activities and the provision of assistance in organizing its national inspections according to the requirements of this Convention.

4. Assistance in the case of an emergency

Provision, at the request of a Party, of assistance by, inter alia, sending experts to the site of an industrial accident to provide consultative and other kinds of assistance in response to the industrial accident.

ANNEX XIII
Arbitration

1. The claimant Party or Parties shall notify the secretariat that the Parties have agreed to submit the dispute to arbitration pursuant to Article 21, paragraph 2 of this Convention. The notification shall state the subject-matter of arbitration and include, in particular, the Articles of this Convention, the interpretation or application of which is at issue. The secretariat shall forward the information received to all Parties to this Convention.

2. The arbitral tribunal shall consist of three members. Both the claimant Party or Parties and the other Party or Parties to the dispute shall appoint an arbitrator, and the two arbitrators so appointed shall designate by common agreement the third arbitrator, who shall be the president of the arbitral tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his or her usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

3. If the president of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Executive Secretary of the Economic Commission for Europe shall, at the request of either party to the dispute, designate the president within a further two-month period.

4. If one of the parties to the dispute does not appoint an arbitrator within two months of the receipt of the request, the other party may so inform the Executive Secretary of the Economic Commission for Europe, who shall designate the president of the arbitral tribunal within a further two-month period. Upon designation, the president of the arbitral tribunal shall request the party which has not appointed an arbitrator to do so within two months. If it fails to do so within that period, the president shall inform the Executive Secretary of the Economic Commission for Europe, who shall make this appointment within a further two-month period.

5. The arbitral tribunal shall render its decision in accordance with international law and in accordance with the provisions of this Convention.

6. Any arbitral tribunal constituted under the provisions set out herein shall draw up its own rules of procedure.

7. The decisions of the arbitral tribunal, both on procedure and on substance, shall be taken by majority vote of its members.

2. Raziskave, usposabljanje in metode

(a) razvijanje in zagotavljanje vzorcev ravnanja, ki temeljijo na izkušnjah, pridobljenih ob industrijskih nesrečah, in opisi ravnanja pri ukrepih za preprečevanje, pripravljenost in odzivanje;

(b) pospeševanje izobraževanja in usposabljanja, organizacija mednarodnih simpozijev in pospeševanje sodelovanja na področju raziskav in razvoja.

3. Strokovna pomoč

(a) opravljanje svetovalnih nalog, namenjenih krepitvi sposobnosti izvajanja ukrepov za preprečevanje, pripravljenost in odzivanje;

(b) izvajanje inšpekcijskih pregledov nevarnih dejavnosti na zahtevo pogodbenice in zagotavljanje pomoči pri organiziranju njenih lastnih inšpekcijskih pregledov v skladu z zahtevami te konvencije.

4. Pomoč v izjemnih razmerah

Zagotavljanje pomoči na zahtevo pogodbenice med drugim s pošiljanjem strokovnjakov na kraj industrijske nesreče, da bi zagotovili svetovanje in druge vrste pomoči pri odzivanju na te nesreče.

PRILOGA XIII
Arbitraža

1. Tožeča pogodbenica ali pogodbenice uradno obvestijo sekretariat, da so se pogodbenice dogovorile za predložitev spora arbitraži na podlagi drugega odstavka 21. člena te konvencije. V uradnem obvestilu naj bodo navedeni predmet arbitraže in predvsem členi te konvencije, katerih razlaga ali uporaba je sporna. Sekretariat pošlje prejete informacije vsem pogodbenicam te konvencije.

2. Razsodišče sestavljajo trije člani. Tožeča pogodbenica ali pogodbenice in druga pogodbenica ali pogodbenice v sporu imenujejo razsodnika in tako imenovana razsodnika sporazumno določita tretjega razsodnika, ki bo predsednik razsodišča. Ta ne sme biti državljan ene od strank v sporu, ne sme imeti običajnega prebivališča na njihovem ozemlju, ne sme biti pri od njih zaposlen, niti se ni s tem primerom kakor koli drugače ukvarjal.

3. Če predsednik razsodišča ni bil določen v dveh mesecih po imenovanju drugega razsodnika, mora izvršilni sekretar Gospodarske komisije za Evropo na zahtevo ene od strank v sporu določiti predsednika v naslednjih dveh mesecih.

4. Če ena od strank v sporu ne imenuje razsodnika v dveh mesecih po prejemu zahteve, lahko druga stranka o tem obvesti izvršilnega sekretarja Gospodarske komisije za Evropo, ki v naslednjih dveh mesecih določi predsednika razsodišča. Ko je predsednik razsodišča določen, zahteva od stranke, ki ni imenovala razsodnika, da to stori v dveh mesecih. Če v tem roku tega ne stori, predsednik o tem obvesti izvršilnega sekretarja Gospodarske komisije za Evropo, ki opravi imenovanje v naslednjih dveh mesecih.

5. Razsodišče sprejme svojo odločitev v skladu z mednarodnim pravom in določbami te konvencije.

6. Vsako razsodišče, ustanovljeno po določbah te konvencije, sestavi svoj poslovnik.

7. Razsodišče sprejme odločitev o postopku in vsebini z večino glasov svojih članov.

8. The tribunal may take all appropriate measures to establish the facts.

9. The parties to the dispute shall facilitate the work of the arbitral tribunal and, in particular shall, using all means at their disposal:

(a) Provide the tribunal with all relevant documents, facilities and information;

(b) Enable the tribunal, where necessary, to call witnesses or experts and receive their evidence.

10. The parties to the dispute and the arbitrators shall protect the confidentiality of any information they receive in confidence during the proceedings of the arbitral tribunal.

11. The arbitral tribunal may, at the request of one of the parties, recommend interim measures of protection.

12. If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal to continue the proceedings and to render its final decision. Absence of a party or failure of a party to defend its case shall not constitute a bar to the proceedings.

13. The arbitral tribunal may hear and determine counter-claims arising directly out of the subject-matter of the dispute.

14. Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne equally by the parties to the dispute. The tribunal shall keep a record of all its expenses and shall furnish a final statement thereof to the parties to the dispute.

15. Any Party to this Convention which has an interest of a legal nature in the subject-matter of the dispute and which may be affected by a decision in the case, may intervene in the proceedings with the consent of the tribunal.

16. The arbitral tribunal shall render its award within five months of the date on which it is established unless it finds it necessary to extend the time-limit for a period which should not exceed five months.

17. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon all parties to the dispute. The award will be transmitted by the arbitral tribunal to the parties to the dispute and to the secretariat. The secretariat will forward the information received to all Parties to this Convention.

18. Any dispute which may arise between the parties concerning the interpretation or execution of the award may be submitted by either party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another tribunal constituted for this purpose in the same manner as the first.

8. Razsodišče lahko sprejme vse potrebne ukrepe za ugotovitev dejstev.

9. Stranke v sporu morajo olajšati delo razsodišča, z vsemi razpoložljivimi sredstvi pa morajo predvsem:

(a) priskrbeti razsodišču vso ustrezno dokumentacijo, sredstva za delo in informacije;

(b) omogočiti razsodišču, kadar je to potrebno, da vabi priče ali izvedence in pridobi njihovo pričevanje.

10. Stranke v sporu in razsodniki varujejo tajnost vseh informacij, ki jih prejmejo kot tajne med postopkom razsodišča.

11. Razsodišče lahko na zahtevo ene od strank predlaga začasne odredbe.

12. Če ena od strank v sporu ne pride pred razsodišče ali ji ne uspe zagovarjati svojega primera, lahko druga stranka zahteva, da razsodišče nadaljuje postopek in sprejme končno odločitev. Odsotnost stranke ali če stranka ne uspe zagovarjati svojega primera, ne sme biti ovira za nadaljevanje postopka.

13. Razsodišče lahko obravnava in določi nasprotne zahtevke, ki izhajajo neposredno iz predmeta spora.

14. Če razsodišče zaradi posebnih okoliščin primera ne določi drugače, krijejo stroške razsodišča, vključno z denarnim nadomestilom njegovim članom, stranke v sporu v enakih deležih. Razsodišče vodi evidenco vseh svojih stroškov in strankam v sporu predloži končni obračun stroškov.

15. Vsaka pogodbenica te konvencije, ki ima pravni interes v zadevi in jo odločitev o zadevi lahko prizadene, lahko s soglasjem razsodišča vstopi v postopku.

16. Razsodišče izda razsodbo v petih mesecih od dneva, ko je bilo ustanovljeno, razen če meni, da je treba ta rok podaljšati za obdobje, ki ne sme biti daljše od petih mesecev.

17. Razsodbi razsodišča je treba priložiti utemeljitev. Razsodba je dokončna in zavezujoča za vse stranke v sporu. Razsodišče pošlje razsodbo strankam v sporu in sekretariatu. Sekretariat pošlje prejete informacije vsem pogodbenicam te konvencije.

18. Vse spore, ki lahko nastanejo med strankami glede razlage ali izvršitve razsodbe, lahko katerakoli stranka predloži razsodišču, ki je razsodbo izdalo, če pa to ni več mogoče, pa drugemu sodišču, ki se v ta namen ustanovi na enak način kot prvo.

3. člen

Za izvajanje konvencije skrbita Ministrstvo za obrambo – Uprava Republike Slovenije za zaščito in reševanje in Ministrstvo za okolje in prostor. Organ za sodelovanje s Sekretariatom iz 20. člena konvencije je Ministrstvo za obrambo – Uprava Republike Slovenije za zaščito in reševanje.

4. člen

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

Št. 801-11/01-3/1
Ljubljana, dne 22. novembra 2001

Predsednik
Državnega zbora
Republike Slovenije
Borut Pahor l. r.

77. **Zakon o ratifikaciji Sporazuma o ustanovitvi Mednarodne organizacije za trto in vino s sklepno listino (MSMOTV)**

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

U K A Z
O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA O USTANOVITVI MEDNARODNE ORGANIZACIJE ZA TRTO IN VINO S SKLEPNO LISTINO (MSMOTV)

Razglašam Zakon o ratifikaciji Sporazuma o ustanovitvi Mednarodne organizacije za trto in vino s sklepno listino (MSMOTV), ki ga je sprejel Državni zbor Republike Slovenije na seji 22. novembra 2001.

Št. 001-22-147/01
Ljubljana, 30. novembra 2001

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N
O RATIFIKACIJI SPORAZUMA O USTANOVITVI MEDNARODNE ORGANIZACIJE ZA TRTO IN VINO S SKLEPNO LISTINO (MSMOTV)

1. člen

Ratificira se Sporazum o ustanovitvi Mednarodne organizacije za trto in vino s sklepno listino, sestavljen v Parizu 3. aprila 2001.

2. člen

Sporazum s sklepno listino se v izvirniku v angleškem jeziku in slovenskem prevodu glasi: *

Final Act
of the Conference of Member States of the "International Vine and Wine Office"

1. After three conference sessions on 14, 15 and 22 June 2000 in Paris, the Member States of the "International Vine and Wine Office" convened a fourth conference session on 3 April 2001, in Paris at the Société Nationale d'Horticulture de France at 84 Rue de Grenelle in Paris 75007, in order to adopt a final text for the "Agreement Establishing the International Organisation of Vine and Wine (O.I.V.)".

2. The Governments of the following States were represented at the Conference: People's Democratic Republic of Algeria, Argentine Republic, Australia, Republic of Austria, Kingdom of Belgium, Republic of Bolivia, Federative Republic of Brazil, Republic of Chile, Republic of Cyprus, Kingdom of Denmark, Republic of Finland, French Republic, Federal Republic of Germany, Hellenic Republic, Republic of Hungary, Italian Republic, Lebanese Republic, Grand Duchy of Luxembourg, United Mexican States, Kingdom of Morocco, Kingdom of the Netherlands, New Zealand, Kingdom of Norway, Portuguese Republic, Romania, Russian Federation, Republic of South Africa, Kingdom of Spain, Kingdom of Sweden, Swiss Confederation, Republic of Tunisia, Republic of Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Eastern Republic of Uruguay;

3. The Governments of the following States sent observers to the Conference: Canada, People's Republic of China, Republic of Croatia, Ireland;

Sklepna listina
s konference držav članic Mednarodnega urada za trto in vino

1. Po treh konferenčnih zasedanjih 14., 15. in 22. junija 2000 v Parizu so države članice Mednarodnega urada za trto in vino 3. aprila 2001 v Parizu na sedežu Državnega podjetja za vrtnarstvo Francije (*Société Nationale d'Horticulture de France*), 84 rue de Grenelle, Paris 75007, sklicale četrto zasedanje, da bi sprejele končno besedilo Sporazuma o ustanovitvi Mednarodne organizacije za trto in vino (OIV).

2. Na konferenci so bile zastopane vlade teh držav: Ljudske demokratične republike Alžirije, Argentinske republike, Avstralije, Republike Avstrije, Kraljevine Belgije, Republike Bolivije, Zvezne republike Brazilije, Republike Čile, Republike Ciper, Kraljevine Danske, Republike Finske, Francoske republike, Zvezne republike Nemčije, Helenske republike, Republike Madžarske, Italijanske republike, Libanonske republike, Velikega vojvodstva Luksemburg, Združenih mehiških držav, Kraljevine Maroko, Kraljevine Nizozemske, Nove Zelandije, Kraljevine Norveške, Portugalske republike, Romunije, Ruske federacije, Republike Južne Afrike, Kraljevine Španije, Kraljevine Švedske, Švicarske konfederacije, Republike Tunizije, Republike Turčije, Ukrajine, Združenega kraljestva Velika Britanija in Severna Irska, Vzhodne republike Urugvaj.

3. Vlade teh držav so na konferenco poslale opazovalce: Kanada, Ljudska republika Kitajska, Republika Hrvaška, Irska.

* Sporazum v francoskem jeziku je na vpogled na Sektorju za mednarodnopravne zadeve Ministrstva za zunanje zadeve Republike Slovenije.

4. The Conference, following the third session, set up a linguistic jurist work group that was comprised of Mr Spyrou (Australia), Mr Collard (France) and Mr Juré (Uruguay) in order to finalise the legal and linguistic aspects of the draft agreement;

5. The fourth session of the Conference was formally opened by Mr Felix Roberto Aguinaga (Argentina), President of the "International Vine and Wine Office";

6. The fourth Session of the Conference re-elected Mr Alain Pierret (France) as President and nominated Mrs Alexandra Busnengo (Italy), Mr Craig Burns (Australia), Mr José Ramon Lopez Pardo (Spain), and Mr Fernando Bianchi de Aguiar (Portugal) as Vice-Presidents. Mr Felix Roberto Aguinaga was Vice-President ex officio;

7. The Conference had a basic proposal document for discussions in the form of a document entitled 'Draft Agreement Establishing the International Organisation of Vine and Wine (OIV)' dated April 2 2001, revising the Agreement of 29 November 1924, as amended;

8. On the basis of its deliberations during the fourth session, the Conference adopted on 3 April 2001, in compliance with its Internal Rules, the Final Act of the Conference to which is annexed the Agreement establishing the "International Organisation of Vine and Wine" (O.I.V.). This shall be opened for signature at the premises of the *Société Nationale d'Horticulture de France* (84 Rue de Grenelle, 75007 Paris), on 3 April 2001, and at the "International Vine and Wine Office" Headquarters, 18 rue d'Aguesseau, 75008 Paris from 4 April to 31 July 2001. The Agreement establishing the "International Organisation of Vine and Wine" (O.I.V.) is subject to acceptance, approval, ratification or accession of states concerned;

9. The original of this Agreement, of which the French, English and Spanish texts are equally authentic, shall be deposited with the Government of the French Republic.

IN WITNESS WHEREOF, the undersigned, duly authorised by their governments, have affixed their signatures to this Final Act of the Conference of Member States of the "International Vine and Wine Office" establishing the "International Organisation of Vine and Wine" (O.I.V.).

DONE at Paris on 3 April 2001.

4. Konferenca je po tretjem zasedanju ustanovila jezikovno-pravno delovno skupino, v kateri so bili g. Spyrou (Avstralija), g. Collard (Francija) in g. Juré (Urugvaj), z namenom, da dokončno uskladi pravne in jezikovne vidike osnutka sporazuma.

5. Četrto zasedanje konference je uradno odprl g. Felix Roberto Aguinaga (Argentina), predsednik Mednarodnega urada za trto in vino.

6. Na četrtem zasedanju konference je bil g. Alain Pierret (Francija) ponovno izvoljen za predsednika, za podpredsednike pa so bili imenovani ga. Alexandra Busnengo (Italija), g. Craig Burns (Avstralija), g. José Ramon Lopez Pardo (Španija) in g. Fernando Bianchi de Aguiar (Portugalska). G. Felix Roberto Aguinaga je postal podpredsednik po službeni dolžnosti.

7. Temeljni dokument, predlagan za razpravo na konferenci, je bil dokument z naslovom Osnutek sporazuma o ustanovitvi Mednarodne organizacije za trto in vino (OIV) z dne 2. aprila 2001, ki pomeni revizijo spremenjenega sporazuma z dne 29. novembra 1924.

8. Na podlagi razprav med četrtim zasedanjem je konferenca 3. aprila 2001 v skladu s svojim poslovnikom sprejela Sklepno listino konference, ki ji je priložen Sporazum o ustanovitvi Mednarodne organizacije za trto in vino (OIV). Ta bo 3. aprila 2001 na voljo za podpis v prostorih *Société Nationale d'Horticulture de France* (84 rue de Grenelle, 75007 Paris), od 4. aprila do 31. julija 2001 pa na sedežu Mednarodnega urada za trto in vino, 18 rue d'Aguesseau, 75008 Paris. Zadevne države Sporazum o ustanovitvi Mednarodne organizacije za trto in vino (OIV) sprejmejo, odobrijo, ratificirajo ali k njemu pristopijo.

9. Izvirnik tega sporazuma, katerega francosko, angleško in špansko besedilo je enako verodostojno, se shrani pri Vladi Francoske republike.

V POTRDITEV TEGA so podpisani, ki so jih njihove vlade pravilno pooblastile, podpisali to Sklepno listino Konference držav članic Mednarodnega urada za trto in vino o ustanovitvi Mednarodne organizacije za trto in vino(OIV).

SESTAVLJENO v Parizu 3. aprila 2001.

A G R E E M E N T ESTABLISHING THE INTERNATIONAL ORGANISATION OF VINE AND WINE

Preamble

Through an international Agreement concluded on 29 November 1924, the Governments of Spain, France, Greece, Hungary, Italy, Luxembourg, Portugal and Tunisia gathered to create an International Wine Office.

Following a decision of its member states on 4 September 1958, the office was renamed International Vine and Wine Office. This intergovernmental organisation has, at the date of 3 April 2001, forty-five member states.

The General Assembly of the International Vine and Wine Office, in its resolution COMEX 2/97, made at its session of 5 December 1997, held in Buenos Aires (Argentina), decided to proceed, as necessary, with the adaptation of the International Vine and Wine Office to the new international environment. This involved adapting its missions, its human, material and budgetary resources and, as appropri-

S P O R A Z U M O USTANOVITVI MEDNARODNE ORGANIZACIJE ZA TRTO IN VINO

Uvod

S sklenitvijo mednarodnega sporazuma dne 29. novembra 1924 so zbrane vlade Španije, Francije, Grčije, Madžarske, Italije, Luksemburga, Portugalske in Tunizije ustanovile Mednarodni urad za vino.

Na podlagi sklepa držav članic z dne 4. septembra 1958 se je urad preimenoval v Mednarodni urad za trto in vino. Ta medvladna organizacija ima na dan 3. aprila 2001 petinštirideset držav članic.

Generalna skupščina Mednarodnega urada za trto in vino je v svoji resoluciji COMEX 2/97, sprejeti na zasedanju skupščine 5. decembra 1997 v Buenos Airesu (Argentina), sklenila, da bo Mednarodni urad za trto in vino začela po potrebi prilagajati novemu mednarodnemu okolju. To prilagajanje se nanaša na njegove naloge, njegove človeške, materialne in finančne vire, ter kadar je to ustrezno, njegove

ate, its procedures and operating rules, in order to meet the challenges and secure the future of the world vine and wine sector;

In application of Article 7 of the above-mentioned Agreement the Government of the French Republic, following a request from 36 member states, convened a Conference of member states on 14, 15, 22 June 2000 and on 3 April 2001 in Paris.

To this end the member states of the International Vine and Wine Office, hereafter referred to as the Parties, have agreed to the following:

Chapter I – Objectives and Activities

Article 1

1. The "International Organisation of Vine and Wine" (O.I.V) is hereby established. The O.I.V shall replace the International Vine and Wine Office established by the Agreement of 29 November 1924, as amended, and shall be subject to the provisions of the present Agreement.

2. The O.I.V shall pursue its objectives and exercise its activities defined in Article 2. The O.I.V shall be an intergovernmental organisation of a scientific and technical nature of recognised competence for its work concerning vines, wine, wine-based beverages, grapes, raisins and other vine products.

Article 2

1. In the framework of its competence, the objectives of the O.I.V shall be as follows:

a) to inform its members of measures whereby the concerns of producers, consumers and other players in the vine and wine products sector may be taken into consideration;

b) to assist other international organisations, both intergovernmental and non-governmental, especially those which carry out standardisation activities;

c) to contribute to international harmonisation of existing practices and standards and, as necessary, to the preparation of new international standards in order to improve the conditions for producing and marketing vine and wine products, and to help ensure that the interests of consumers are taken into account.

2. To attain these objectives, the O.I.V's activities shall be:

a) to promote and guide scientific and technical research and experimentation in order to meet the needs expressed by its members, to assess the results, calling on qualified experts as necessary, and where relevant to circulate the results by appropriate means;

b) to draw up and frame recommendations and monitor implementation of such recommendations in liaison with its members, especially in the following areas:

(i) conditions for grape production,

(ii) oenological practices,

(iii) definition and/or description of products, labelling and marketing conditions,

(iv) methods for analysing and assessing vine products;

c) to submit to its members all proposals relating to:

(i) guaranteeing the authenticity of vine products, especially with regard to consumers, in particular in connection with the information provided on labels,

postopke in pravila poslovanja, da bi urad lahko sprejel izzive in zavaroval prihodnost svetovnega vinogradništva in vinarstva.

Na podlagi 7. člena zgoraj navedenega sporazuma je Vlada Francoske republike na prošnjo 36 držav članic v Parizu sklicala konferenco držav članic v dneh 14., 15., 22. junija 2000 in 3. aprila 2001.

V ta namen so se države članice Mednarodnega urada za trto in vino, v nadaljnjem besedilu pogodbenice, sporazumele o naslednjem:

I. poglavje – Cilji in dejavnosti

1. člen

1. Ustanovi se Mednarodna organizacija za trto in vino (OIV). OIV nadomesti Mednarodni urad za trto in vino, ustanovljen s sporazumom z dne 29. novembra 1924, kot je bil dopolnjen, in zanjo veljajo določbe tega sporazuma.

2. OIV si prizadeva za dosego svojih ciljev in opravlja dejavnosti, opredeljene v 2. členu. OIV je medvladna znanstveno-tehnična organizacija, ki se ji prizna pristojnost za dejavnosti, ki se nanašajo na trto, vino, pijače na osnovi vina, grozdje, posušeno grozdje in druge proizvode iz grozdja in vina.

2. člen

1. OIV ima v okviru svojih pristojnosti te cilje:

a) seznanjati svoje članice z ukrepi, pri čemer pridejo v poštev tudi zadeve, ki zanimajo pridelovalce, potrošnike in druge udeležence na področju vinogradništva in vinarstva;

b) pomagati drugim mednarodnim organizacijam, tako medvladnim kot nevladnim, predvsem tistim, ki se ukvarjajo z dejavnostmi standardizacije;

c) prispevati k mednarodni uskladitvi obstoječih postopkov in standardov ter po potrebi k pripravi novih mednarodnih standardov, da se izboljšajo pogoji pridelave in trženja proizvodov iz grozdja in vina ter pomaga zagotoviti, da bodo interesi potrošnikov upoštevani.

2. Da bi OIV te cilje dosegla, opravlja naslednje dejavnosti:

a) spodbuja in usmerja znanstveno-tehnične raziskave in testiranja, da bi zadovoljevala potrebe svojih članic, ocenjevala izsledke, če je treba tudi z vključevanjem izvedencev, in kadar je to potrebno, o teh izsledkih na ustrezne načine obveščala;

b) pripravlja in izoblikuje priporočila ter skupaj s svojimi članicami spremlja njihovo uresničevanje, predvsem na teh področjih:

(i) pogoji pridelave grozdja,

(ii) postopki kletarjenja,

(iii) opredelitev in/ali opis proizvodov, etiketiranje in pogoji trženja,

(iv) postopki za analiziranje in ocenjevanje proizvodov iz grozdja in vina;

c) pošilja svojim članicam vse predloge v zvezi z:

(i) jamstvom verodostojnosti proizvodov iz grozdja in vina v odnosu predvsem do potrošnikov, zlasti v zvezi z oznakami, ki jih navajajo etikete,

(ii) protecting geographical indications, especially vine- and wine-growing areas and the related appellations of origin, whether designated by geographical names or not, insofar as they do not call into question international agreements relating to trade and intellectual property,

(iii) improving scientific and technical criteria for recognising and protecting new vitivinicultural plant varieties;

d) to contribute to the harmonisation and adaptation of regulations by its members or, where relevant, to facilitate mutual recognition of practices within its field of activities;

e) to mediate between countries or organisations upon request, any expenses of mediation being borne by those making the request;

f) to monitor, evaluate and inform its members in good time of scientific or technical developments likely to have significant and lasting effects on the wine sector;

g) to help protect the health of consumers and to contribute to food safety:

(i) by specialist scientific monitoring, making it possible to assess the specific characteristics of vine products,

(ii) by promoting and guiding research into appropriate nutritional and health aspects,

(iii) by extending the dissemination of information resulting from such research, beyond the recipients referred to in Article 2, paragraph n, to the medical and healthcare professions;

h) to foster co-operation between members through:

(i) administrative collaboration,

(ii) the exchange of specific information,

(iii) the exchange of experts,

(iv) the provision of assistance or expert advice, especially in the establishment of joint projects and other collaborative research;

i) to take account in its activities of the specific features of each of its members' systems for producing vine products and methods for making wines and wine- and grape-based spirits;

j) to contribute to the development of training networks relating to wine and vine products;

k) to contribute to the promotion or recognition of the world vine- and wine-growing heritage and its historical, cultural, human, social and environmental aspects;

l) to grant its patronage to public or private events whose purpose, of a non-commercial nature, falls within its sphere of competence;

m) to foster an appropriate dialogue in the context of its work and, as necessary, with players in the sector, and to conclude appropriate arrangements with them;

n) to gather, process and disseminate the most appropriate information and to communicate it:

(i) to its members and observers,

(ii) to other international organisations, both intergovernmental and non-governmental,

(iii) to producers, consumers and other players in the vine and wine sector,

(iv) to other interested countries,

(v) to the media and to the general public;

In order to facilitate its role as a source of information and communication, the O.I.V may ask its members, potential beneficiaries and, where relevant, international organisations, to provide it with information and data on the basis of reasonable requests;

(ii) zaščito geografskih oznak, predvsem vinorodnih okolišev in z njimi povezanih označb porekla, pa naj gre za geografska imena ali ne, če ne posegajo v mednarodne trgovinske sporazume in sporazume, ki urejajo avtorske pravice,

(iii) izboljšanjem znanstveno-tehničnih meril za priznavanje in varovanje novih sort vinske trte;

d) prispeva k temu, da njene članice usklajujejo in prilagajajo predpise, ali kadar je to pomembno, na svojem področju dejavnosti omogoča lažje medsebojno priznavanje postopkov;

e) na zahtevo posreduje med državami ali organizacijami, pri čemer vsakršne stroške posredovanja krije tisti, ki je poslal zahtevo;

f) spremlja in vrednoti znanstveni ali tehnični razvoj, ki bo verjetno pomembno in trajno vplival na vinarstvo in vinogradništvo, in svoje članice o njem pravočasno obvešča;

g) pomaga varovati zdravje potrošnikov in prispeva k varnosti živil:

(i) s posebnim znanstvenim spremljanjem, ki omogoča oceno posebnih značilnosti proizvodov iz grozdja in vina,

(ii) s spodbujanjem in z usmerjanjem raziskav v ustrezne prehranske in zdravstvene vidike,

(iii) s širjenjem informacij, ki izhajajo iz takih raziskav, ne samo na prejemnike, omenjene v odstavku n) 2. člena, ampak tudi na medicinske in zdravstvene poklice;

h) razvija sodelovanje med članicami s pomočjo:

(i) upravnega sodelovanja,

(ii) izmenjave posebnih informacij,

(iii) izmenjave strokovnjakov,

(iv) zagotavljanja pomoči ali strokovnih nasvetov, predvsem pri ustanavljanju skupnih projektov, in drugih oblik znanstvenega sodelovanja;

i) pri svojih dejavnostih upošteva posebne značilnosti sistemov svojih članic za pridelavo proizvodov iz grozdja in vina in metod za pridelavo vina in žganih pijač na osnovi grozdja in vina;

j) prispeva k razvoju mrežnih povezav za usposabljanje v zvezi s proizvodi iz grozdja in vina;

k) prispeva k predstavitvi ali priznanju svetovne vinarske in vinogradniške dediščine in njenih zgodovinskih, kulturnih, človeških, socialnih in okoljskih vidikov;

l) je pokroviteljica javnih ali zasebnih dogodkov, katerih nekomercialni namen sovpada z njenim področjem pristojnosti;

m) spodbuja primeren dialog na področju svoje dejavnosti, in kadar je potrebno, z udeleženci v tem sektorju ter z njimi sklepa ustrezne dogovore;

n) zbira, obdeluje in razširja najustreznejše informacije ter jih pošilja:

(i) svojim članicam in opazovalcem,

(ii) drugim mednarodnim organizacijam, tako medvladnim kot nevladnim,

(iii) pridelovalcem, potrošnikom in drugim udeležencem na področju vinarstva in vinogradništva,

(iv) drugim zainteresiranim državam,

(v) sredstvom javnega obveščanja in široki javnosti.

Da bi svojo vlogo vira obveščanja in komuniciranja olajšala, OIV lahko svoje članice, možne potencialne uporabnike, in kadar je to ustrezno, mednarodne organizacije zaprosi, da ji na podlagi razumnih zaprosil dajejo informacije in podatke;

o) to re-assess regularly the effectiveness of its structures and working procedures.

Chapter II – Organisation

Article 3

1. The organs of the O.I.V shall be:
a) the General Assembly;
b) the President;
c) the Vice-Presidents;
d) the Director General;
e) the Executive Committee;
f) the Scientific and Technical Committee;
g) the Steering Committee;
h) Commissions, sub-Commissions and groups of experts;
i) the Secretariat.

2. Each member of the O.I.V shall be represented by delegates of its choice. The General Assembly shall be the O.I.V's plenary body and shall be composed of the delegates nominated by members. It may delegate some of its powers to the Executive Committee, which shall comprise one delegate per member. The Executive Committee may, under its authority, entrust some of its routine administrative powers to the O.I.V Steering Committee, which shall comprise the President and Vice-Presidents of the O.I.V and the Presidents of O.I.V Commissions and Sub-Commissions. The President, the first Vice-President and the Presidents of Commissions shall be of different nationalities.

3. The O.I.V shall conduct its scientific activity through experts groups, sub-commissions and commissions, coordinated by a Scientific and Technical Committee, within the framework of a strategic plan approved by the General Assembly.

4. The Director General shall be responsible for the internal administration of the O.I.V and for the recruitment and management of the staff. The procedures for staff recruitment shall ensure, as far as possible, the international character of the organisation.

5. The O.I.V may also include observers. Observers shall be admitted only after they agree in writing to the provisions contained in this Agreement and in the Internal Rules.

6. The headquarters of the Organisation shall be in Paris (France).

Chapter III – Voting Rights

Article 4

Each member shall determine the number of its delegates but shall have only two basic votes plus, where relevant, an additional number of votes calculated from objective criteria that determine the relative position of each member state in the vine and wine sector under the conditions set forth in Annexes 1 and 2 to this Agreement, which form an integral part thereof. The sum of these two figures shall constitute the number of weighted votes. The coefficient determining the situation of each member state within the vine and wine sector shall be updated on a regular basis in accordance with provisions in Annex 1.

o) redno ocenjuje učinkovitost svojih struktur in delovnih postopkov.

II. poglavje – Organizacija

3. člen

1. Organi OIV so:
a) generalna skupščina,
b) predsednik,
c) podpredsedniki,
d) generalni direktor,
e) izvršilni odbor,
f) znanstveno-tehnični odbor,
g) iniciativni odbor,
h) odbori, pododbori in skupine strokovnjakov,
i) sekretariat.

2. Vsako članico OIV zastopajo delegati, ki jih izbere sama. Generalna skupščina je plenarno telo OIV, sestavljeno iz delegatov, ki jih imenujejo članice. Generalna skupščina lahko nekatera svoja pooblastila prenese na izvršilni odbor, v katerem je en delegat iz vsake članice. Izvršilni odbor lahko v skladu s svojo pristojnostjo nekatera rutinska upravna pooblastila zaupa iniciativnemu odboru OIV, v katerem so predsednik in podpredsedniki OIV ter predsedniki odborov in pododborov. Predsednik, prvi podpredsednik in predsedniki odborov imajo različno državljanstvo.

3. OIV vodi svojo znanstveno dejavnost prek skupin strokovnjakov, pododborov in odborov, ki jih usklajuje znanstveno-tehnični odbor, in to v skladu s strateškim načrtom, ki ga odobrava generalna skupščina.

4. Generalni direktor je odgovoren za notranje upravljanje OIV in za zaposlovanje ter vodenje osebja. Postopki za zaposlovanje osebja zagotavljajo, kolikor je to mogoče, mednarodno naravo organizacije.

5. OIV lahko vključuje tudi opazovalce. Opazovalci se lahko sprejmejo šele tedaj, ko pisno soglašajo z določbami tega sporazuma in poslovnika.

6. Sedež organizacije je v Parizu (Francija).

III. poglavje – Glasovalna pravica

4. člen

Vsaka članica določi število svojih delegatov, ima pa samo dva osnovna glasova, in kadar je to ustrezno, še dodatno število glasov, izračunano po objektivnih merilih, ki po pogojih, opredeljenih v prilogah 1 in 2 tega sporazuma, ki sta njegova sestavna dela, določajo relativen položaj vsake države članice v vinogradništvu in vinarstvu. Vsota obeh številk pomeni število ponderiranih glasov. Količnik, ki določa položaj vsake države članice v vinogradništvu in vinarstvu, se redno usklajuje v skladu z določbami priloge 1.

Chapter IV – Working Methods, Decision-making Processes

Article 5

1. The General Assembly shall be the supreme organ of the O.I.V. It shall discuss and adopt regulations relating to the organisation and working of the O.I.V and draft resolutions of a general, scientific, technical, economic or legal nature, as well as for the creation or discontinuance of Commissions and Sub-Commissions. It shall decide the budget for receipts and expenditures within the limit of existing appropriations, and shall audit and approve the accounts. The General Assembly shall adopt co-operation and collaboration protocols on matters relating to vine and wine products that the O.I.V may conclude with international organisations. It shall meet once a year. Extraordinary sessions may be convened at the request of one-third of O.I.V members.

2. Delegates from one-third of the members representing at least half the weighted votes must be present for sessions to be quorate. A member may be represented by the delegation of another member, but a delegation may not represent more than one member.

3. a) Consensus shall be the normal method whereby the General Assembly shall adopt draft resolutions of a general, scientific, technical, economic or legal nature, and for the creation or discontinuance of Commissions and Sub-Commissions. The same shall be true for the Executive Committee when it exercises its functions on these issues.

b) Consensus shall not be required for the election of the President of the O.I.V, the Presidents of Commissions and Sub-Commissions or for the Director General, nor shall it apply to the budget or to member's financial contributions. Moreover it shall not apply to other financial decisions as determined in the Internal Rules.

c) In cases where the General Assembly or Executive Committee do not reach a consensus at the first instance on a draft resolution or decision, the President shall take all initiatives to consult members in the intervening period before the next General Assembly or Executive Committee, in order to bring the points of view together. When all such efforts to achieve consensus have been exhausted, the President shall take a vote on the basis of a qualified majority, that being a vote of two thirds plus one of members present or represented, on a one member one vote basis. Nevertheless, the vote shall be postponed for a period of one year if a member considers that its essential national interests are at risk. If the opposition is subsequently confirmed in writing by the Minister of Foreign Affairs or any other competent political authority of the member concerned, the vote shall not be taken.

4. a) The O.I.V President, the Presidents of Commissions and Sub-Commissions and the Director General shall be elected by a weighted qualified majority vote, that is, two thirds plus one of the weighted votes of members present or represented, provided that half plus one of the members present or represented have voted for the candidate. Should these conditions not be met, an extraordinary session of the General Assembly shall be convened within a maximum of three months. The existing President, Presidents of Commissions and Sub-Commissions and Director General shall remain in office during the interim period, depending on the case.

IV. poglavje – Način dela, postopki odločanja

5. člen

1. Generalna skupščina je najvišji organ OIV. Obravnava in sprejema predpise v zvezi z organizacijo in delovanjem OIV ter osnutke resolucij splošne, znanstvene, tehnične, gospodarske ali pravne narave kot tudi predloge za ustanavljanje ali ukinjanje odborov in pododborov. Sprejema finančni načrt prejemkov in izdatkov v okviru obstoječih proračunskih sredstev in pregleduje ter odobrava računovodske izkaze. Generalna skupščina sprejema protokole o sodelovanju pri zadevah, povezanih s proizvodi iz grozdja in vina, ki jih OIV lahko sklepa z mednarodnimi organizacijami. Sestaja se enkrat na leto. Na zahtevo ene tretjine članic OIV se lahko skličejo tudi izredna zasedanja.

2. Za dosego sklepčnosti na zasedanjih je potrebna navzočnost ene tretjine delegatov članic, ki predstavljajo vsaj polovico ponderiranih glasov. Članico lahko zastopa delegacija druge članice, vendar katera koli delegacija lahko zastopa samo eno članico.

3. a) Soglasje je običajen način, s katerim generalna skupščina sprejema osnutke resolucij splošne, znanstvene, tehnične, ekonomske ali pravne narave in odloča o predlogih za ustanavljanje ali ukinjanje odborov in pododborov. To velja tudi za izvršilni odbor, kadar svoje funkcije opravlja v zvezi s temi vprašanji.

b) Soglasje ni potrebno za izvolitev predsednika OIV, predsednikov odborov in pododborov ali za izvolitev generalnega direktorja in se tudi ne uporablja za glasovanje o proračunu ali finančnih prispevkih članic. Soglasje se tudi ne uporablja za odločanje o drugih finančnih zadevah, kot so opredeljene v poslovniku.

c) Kadar generalna skupščina ali izvršilni odbor že prvič ne doseže soglasja o osnutku resolucije ali sklepa, si predsednik v vmesnem obdobju do naslednjega zasedanja generalne skupščine ali izvršilnega odbora čim bolj prizadeva za posvetovanje s članicami, da zbliža njihova stališča. Ko so vse možnosti za dosego soglasja izčrpane, predsednik da predlog na glasovanje po načelu kvalificirane večine, to je dvotretjinske večine glasov in en glas navzočih, ki glasujejo ali so zastopani, na podlagi glasovanja ena članica en glas. Kljub temu se glasovanje preloži za eno leto, če članica meni, da so ogroženi njeni bistveni nacionalni interesi. Če nasprotovanje pozneje tudi pisno potrdi minister za zunanje zadeve ali kakšen drug pristojen politični organ zadevne članice, se o predlogu ne glasuje.

4. a) Predsednik OIV, predsedniki odborov in pododborov in generalni direktor se volijo po načelu ponderirane kvalificirane večine, to je z dvotretjinsko večino glasov in enim od ponderiranih glasov navzočih ali zastopanih članic, če sta za kandidata glasovali polovica članic in ena navzoča ali zastopana članica. Če ti pogoji niso izpolnjeni, se najpozneje v treh mesecih skliče izredno zasedanje generalne skupščine. Obstoječi predsednik, predsedniki odborov in pododborov ter generalni direktor v vmesnem času, odvisno od primera, še naprej opravljajo svojo funkcijo.

b) The O.I.V President, the Presidents of the Commissions and Sub-Commissions shall be elected for three-year terms. The Director General shall be elected for a five-year term of office; the Director General may be re-elected for a second five-year term under the same conditions as for his or her election. The General Assembly may remove the Director General, on the basis of both the weighted qualified majority and the majority of member states used for his or her election.

5. A weighted qualified majority vote, that being two thirds plus one of the weighted votes of members present or represented, shall apply to votes on the budget or to members' financial contributions. The General Assembly shall nominate a financial auditor, under the same conditions, on a joint proposal from the Director General and the O.I.V Steering Committee with the favourable opinion of the Executive Committee.

6. The official languages shall be French, Spanish and English. The corresponding funding shall be determined according to Annex 2 to this Agreement. Nevertheless, the General Assembly may adapt it, if necessary, under the conditions defined in Article 5, paragraph 3.a. At the request of one or more members, other languages shall be added according to the same methods of funding, notably Italian and German, in order to improve communication between members. Beforehand, the concerned users shall formally accept the new financial contributions that result from their request. Beyond a total of five languages, any new request shall be submitted to the General Assembly which shall take its decision in accordance with the conditions defined in Article 5, paragraph 3.a. French shall remain the reference language in the event of any dispute with third parties who are not members of the Organisation.

7. The constitutive bodies of the O.I.V shall function in an open and transparent manner.

Chapter V – Funding of the O.I.V

Article 6

1. Every member of the O.I.V shall pay a financial contribution decided each year by the General Assembly, the amount of which shall be determined by applying the provisions of Annexes 1 and 2 to this Agreement. The General Assembly shall decide the financial contribution of any new members on the basis of the provisions of Annexes 1 and 2 to this Agreement.

2. The O.I.V's financial resources shall comprise the annual compulsory contribution of each member and observer and income from its own activities. Compulsory payments shall be paid to the O.I.V during the calendar year concerned. Beyond that time, payment shall be deemed late.

3. The O.I.V's financial resources may also include voluntary contributions from its members, donations, grants, subsidies or payments of any kind from international and national organisations of a public, semi-public or private nature, provided such payments are made in accordance with guidelines which shall be established by the General Assembly in accordance with Article 5, paragraph 3.a and shall be included in the Internal Rules.

b) Predsednik OIV, predsedniki odborov in pododborov se volijo za triletno mandatno obdobje. Generalni direktor se voli za petletno mandatno obdobje; generalni direktor je lahko ponovno izvoljen še za en mandat pod enakimi pogoji kot za prvi mandat. Generalna skupščina lahko generalnega direktorja razreši tako na podlagi ponderirane kvalificirane večine kot večine držav članic, ki so glasovale za njegovo izvolitev.

5. Ponderirana kvalificirana večina glasov, to je dvotretjinska večina in eden od ponderiranih glasov navzočih ali zastopanih članic, se uporablja za glasovanje o proračunu ali finančnih prispevkih članic. Generalna skupščina pod enakimi pogoji imenuje finančnega revizorja na skupni predlog generalnega direktorja in iniciativnega odbora OIV ter na podlagi ugodnega mnenja izvršilnega odbora.

6. Uradni jeziki so francoščina, španščina in angleščina. Ustrezno financiranje je določeno v skladu s prilogo 2 k temu sporazumu. Kljub temu ga generalna skupščina lahko po potrebi prilagodi v skladu s pogoji, opredeljenimi v odstavku 3 a) 5. člena. Na zahtevo ene ali več članic se tem jezikom, da bi se izboljšalo komuniciranje med članicami, z enakim načinom financiranja lahko dodajo še drugi jeziki, predvsem italijanščina in nemščina. Predhodno morajo zainteresirani uporabniki formalno sprejeti nove finančne prispevke, ki izhajajo iz njihove zahteve po dodatnih jezikih. Vse nove zahteve, ki presegajo skupaj pet jezikov, se pošljejo v odobritev generalni skupščini, ki o tem odloči v skladu s pogoji iz odstavka 3 a) 5. člena. Francoščina ostaja jezik za sklicevanje ob kakršnem koli sporu s tretjimi osebami, ki niso članice Organizacije.

7. Ustanovni organi OIV delujejo odprto in pregledno.

V. poglavje – Financiranje OIV

6. člen

1. Vsaka članica OIV plačuje finančni prispevek, o katerem vsako leto odloča generalna skupščina, višina prispevka pa je določena v skladu z določbami prilog 1 in 2 k temu sporazumu. Generalna skupščina odloča o finančnem prispevku vsake nove članice na podlagi določb prilog 1 in 2 k temu sporazumu.

2. Finančni viri OIV obsegajo letni obvezni prispevek vsake članice in opazovalca ter dohodek iz lastnih dejavnosti organizacije. Obvezni prispevki se OIV plačujejo med tekočim koledarskim letom. Plačilo, prejeto pozneje, se šteje za zakasnelo plačilo.

3. Finančni viri OIV lahko vključujejo tudi prostovoljne prispevke članic Organizacije, donacije, subvencije, pomoč ali kakršna koli plačila mednarodnih in nacionalnih javnih, poljavnih ali zasebnih organizacij, če so ta plačila opravljena v skladu s smernicami, ki jih generalna skupščina določi v skladu z odstavkom 3 a) 5. člena in so vključene v poslovnik.

Article 7

1. Should a member fail to pay two contributions its voting rights and participation, in the next Executive Committee meeting and General Assembly after such failure has been ascertained, shall be automatically suspended. The Executive Committee shall determine, on a case by case basis, the conditions under which the member concerned may regularise its situation or, failing that, be deemed to have denounced the Agreement.

2. In the case that three successive contributions have not been paid, the Director General shall notify the member or observer concerned of this situation. If the situation is not regularised during the two years following the thirty-first of December of the third year, the member or the observer concerned shall be automatically excluded.

7. člen

1. Če članica ne plača dveh prispevkov, sta njena glasovalna pravica in udeležba na naslednjem zasedanju izvršilnega odbora in generalne skupščine, potem ko je bila ta neizpolnitev obveznosti ugotovljena, samodejno začasno razveljavljeni. Izvršilni odbor za vsak primer posebej določi pogoje, pod katerimi zadevna članica lahko uredi svoj položaj, če pa tega ne stori, se šteje, da je sporazum odpovedala.

2. Če članica zaporedoma ne plača treh prispevkov, generalni direktor o tem uradno obvesti zadevno članico ali opazovalca. Če se zadeva ne uredi v dveh letih po enaintridesetem decembru tretjega leta, je ta članica ali opazovalec samodejno izključen.

Chapter VI – Participation of International Intergovernmental Organisations

Article 8

An international intergovernmental organisation may participate in or be a member of the O.I.V and may help to fund the O.I.V under conditions determined, on a case by case basis, by the General Assembly on a proposal from the Executive Committee.

VI. poglavje – Sodelovanje mednarodnih medvladnih organizacij

8. člen

Mednarodna medvladna organizacija lahko sodeluje z OIV ali je njena članica in lahko pod pogoji, ki jih glede na konkreten primer določi generalna skupščina na predlog izvršilnega odbora, pomaga pri financiranju OIV.

Chapter VII – Amendment and Revision of the Agreement

Article 9

1. Each member may, by written communication to the Director General, propose amendments to this Agreement. The Director General shall communicate these proposals to all Organisation members. If, within six months from the date of the communication, one half plus one of the members reply favourably to the proposal, the Director General shall present it for adoption at the first General Assembly held after this period. Amendments shall be adopted by consensus of the members present or represented. Once adopted by the General Assembly, amendments shall be subject to internal procedures for acceptance, approval or ratification set out in the domestic legislation of members. Amendments shall enter into force thirty days after the deposit of the instrument of acceptance, approval, ratification or accession representing two thirds plus one of the members of the organisation.

2. This Agreement shall be reviewed if two thirds plus one of members approve a request to that effect. In such case, the Government of the French Republic shall convene a conference of members within six months. The programme as well as the revision proposed shall be provided to members at least two months before the conference meets. The conference shall decide its own rules of procedure. The Director General of the O.I.V shall act as Secretary General.

3. Before a revised agreement enters into force, the General Assembly of the Organisation shall define, under conditions determined by the present Agreement and by the Internal Rules in Article 10, to what extent the members party to the present Agreement, who have not deposited an instrument of acceptance, approval, ratification or accession may participate in the O.I.V's activities after it has entered into force.

VII. poglavje – Dopolnila k sporazumu in sprememba sporazuma

9. člen

1. Vsaka članica lahko s pisnim obvestilom, ki ga pošlje generalnemu direktorju, predlaga dopolnila k temu sporazumu. Generalni direktor te predloge pošlje vsem članicam Organizacije. Če v šestih mesecih po datumu obvestila polovica članic in ena članica predlog podpreta, ga generalni direktor predloži v odobritev na prvem zasedanju generalne skupščine, sklicanem po tem obdobju. Dopolnila se sprejemajo s soglasjem navzočih ali zastopanih članic. Ko je generalna skupščina dopolnila sprejela, se v državah članicah začnejo notranji postopki za njihovo sprejetje, odobritev ali ratifikacijo, ki so v skladu z domačo zakonodajo članic. Dopolnila začnejo veljati trideset dni po shranitvi listin o sprejetju, odobritvi, ratifikaciji ali pristopu, ki predstavljajo dve tretjini članic in eno članico Organizacije.

2. Ta sporazum se spremeni, če zahtevo po spremembi podprejo dve tretjini članic in ena članica. Če do tega pride, Vlada Francoske republike v šestih mesecih skliče konferenco članic. Članicam se v ta namen vsaj dva meseca pred zasedanjem konference pošljeta program konference in predlagana sprememba. Konferenca sprejme svoj poslovnik dela. Generalni direktor OIV deluje kot generalni sekretar.

3. Preden spremenjeni sporazum začne veljati, generalna skupščina Organizacije pod pogoji tega sporazuma in poslovnika, omenjenega v 10. členu, določi okvir, v katerem se pogodbenice tega sporazuma, ki niso shranile listine o sprejetju, odobritvi, ratifikaciji ali pristopu, lahko udeležujejo dejavnosti OIV, potem ko bo spremenjen sporazum začel veljati.

Chapter VIII – Internal Rules

Article 10

The General Assembly shall adopt the O.I.V's Internal Rules setting out, as necessary, the terms and conditions for implementation of this Agreement. Until this adoption, the rules of the International Vine and Wine Office shall apply to the O.I.V. In particular, they shall determine the remit and operating rules of the bodies referred to in the foregoing Articles, the conditions under which observers may participate, the conditions for examining the proposed reservations to the present Agreement and the provisions for the administrative and financial management of the O.I.V. They shall also describe the conditions for communicating documents, particularly those concerning funding, to the members of the General Assembly and the Executive Committee prior to making decisions.

Chapter IX – Final Clauses

Article 11

The O.I.V shall have legal personality, and shall be accorded by each of its members such legal capacity as may be necessary for the exercise of its activities.

Article 12

Proposed reservations to this Agreement may be formulated. They shall be accepted by the General Assembly in accordance with the provisions of Article 5, paragraph 3.a.

Article 13

This Agreement shall be open for signature by all Member States of the International Vine and Wine Office until 31 July 2001. This Agreement shall be subject to acceptance, approval, ratification or accession.

Article 14

Any state not referred to in Article 13 of this Agreement may apply to become a member. Applications for membership shall be made directly to the O.I.V, with a copy to the Government of the French Republic, which shall notify signatories of, or Parties to the Agreement of such applications. The O.I.V shall provide information to its members concerning applications for membership and any observations made. Members have six months in which to inform the O.I.V of their opinion. The application shall be accepted if at the expiration of six months from the date of notification a majority of members has not opposed it. The depository shall notify the State of the outcome of its application. If the application is successful, the State concerned shall have twelve months within which to deposit its instrument of accession with the depository. States referred to in Article 13 that have not signed this Agreement within the given time limit may accede at any time.

Article 15

Instruments of acceptance, approval, ratification or accession shall be deposited with the Government of the French Republic, which shall notify signatories and Parties to 1this Agreement of these instruments. Instruments of acceptance, approval, ratification or accession shall be filed in the archives of the Government of the French Republic.

VIII. poglavje – Poslovnik

10. člen

Generalna skupščina sprejme poslovnik OIV, ki določa potrebna določila in pogoje za izvajanje tega sporazuma. Dokler poslovnik ni sprejet, pa za OIV veljajo pravila Mednarodnega urada za trto in vino. Predvsem predpisujejo delovanje in prenehanje delovanja organov, omenjenih v prejšnjih členih, pogoje, pod katerimi lahko sodelujejo opazovalci, pogoje za obravnavo predlaganih pridržkov k temu sporazumu in določbe o upravnem in finančnem vodenju OIV. Opredeljujejo tudi pogoje, pod katerimi se članicam generalne skupščine in izvršilnega odbora pred odločanjem pošljejo dokumenti, predvsem tisti, ki se nanašajo na financiranje.

IX. poglavje – Končne določbe

11. člen

OIV je pravna oseba in ji vsaka njena članica priznava pravno sposobnost, potrebno za opravljanje njenih dejavnosti.

12. člen

K temu sporazumu se lahko predlagajo pridržki. Sprejeti jih mora generalna skupščina v skladu z določbami odstavka 3 a) 5. člena.

13. člen

Ta sporazum je na voljo za podpis vsem državam članicam Mednarodnega urada za trto in vino do 31. julija 2001. Ta sporazum se sprejme, odobri, ratificira ali se k njemu pristopi.

14. člen

Države, ki niso omenjene v 13. členu tega sporazuma, lahko zaprosijo za članstvo. Vloge za članstvo se pošljejo neposredno OIV z enim izvodom za Vlado Francoske republike, ki podpisnice ali pogodbenice tega sporazuma uradno obvesti o prispelih vlogah. OIV svoje članice seznani z vlogami za članstvo in morebitnimi opombami. Članice imajo na voljo šest mesecev, da OIV pošljejo svoje mnenje. Vloga je sprejeta, če po izteku šestih mesecev po datumu uradnega obvestila večina članic vlogi ni nasprotovala. Depozitar obvesti državo o izidu njene vloge za članstvo. Če je bila vloga odobrena, mora zadevna država pri depozitarju v dvanajstih mesecih shraniti svojo listino o pristopu. Države, omenjene v 13. členu, ki v danem roku niso podpisale tega sporazuma, lahko pristopijo kadar koli.

15. člen

Listine o sprejetju, odobritvi, ratifikaciji ali pristopu se shranijo pri Vladi Francoske republike, ki podpisnice in pogodbenice tega sporazuma uradno obvesti o teh listinah. Listine o sprejetju, odobritvi, ratifikaciji ali pristopu se arhivirajo pri Vladi Francoske republike.

Article 16

1. This Agreement shall enter into force on the first day of the year following the deposit of the thirty-first instrument of acceptance, approval, ratification or accession.

2. For each State which accepts, approves or ratifies this Agreement or accedes to it thereafter, this Agreement shall enter into force on the thirtieth day following the deposit by this State of its instrument of acceptance, approval, ratification or accession.

3. The General Assembly of the International Vine and Wine Office shall define, under conditions determined by the Agreement of 29 November 1924, as amended and by the Rules of Procedure attached to it, to what extent the States which have not deposited their instrument of acceptance, approval, ratification or accession, may participate in O.I.V activities after the entry into force of this Agreement.

Article 17

1. The Agreement of 29 November 1924, as amended, shall be terminated by the unanimous decision of the first General Assembly following the entry into force of this Agreement, unless all Parties to the Agreement have unanimously agreed, prior to the entry into force of this Agreement, on conditions for its termination.

2. The "International Organisation of Vine and Wine" shall replace the International Vine and Wine Office with regard to all its rights and obligations.

Article 18

Any Party to this Agreement may denounce it at any time with six months written notice sent to the Director General of the O.I.V and the Government of the French Republic. Observers may decide to withdraw with six months written notice sent to the Director General of the O.I.V.

Article 19

The original of this Agreement, of which the French, Spanish and English, texts are equally authentic, shall be deposited with the Government of the French Republic.

IN WITNESS WHEREOF, the undersigned being duly authorised thereto by their Governments have signed the Agreement establishing the "International Organisation of Vine and Wine (O.I.V)

Done at Paris on 3 April 2001.

16. člen

1. Ta sporazum začne veljati prvi dan leta, ki sledi shranitvi enaintridesete listine o sprejetju, odobritvi, ratifikaciji ali pristopu.

2. Za vsako državo, ki ta sporazum sprejme, odobri ali ratificira ali k njemu pristopi pozneje, ta sporazum začne veljati trideseti dan, potem ko je ta država shranila svojo listino o sprejetju, odobritvi, ratifikaciji ali pristopu.

3. Generalna skupščina Mednarodnega urada za trto in vino pod pogoji, določenimi s sporazumom z dne 29. novembra 1924, kot je bil dopolnjen, in poslovnikom, priloženim k njemu, opredeli okvir, v katerem se članice, ki niso shranile svoje listine o sprejetju, odobritvi, ratifikaciji ali pristopu, lahko udeležujejo dejavnosti OIV, potem ko sporazum začne veljati.

17. člen

1. Sporazum z dne 29. novembra 1924, kot je bil dopolnjen, preneha veljati na podlagi soglasnega sklepa prve generalne skupščine, ki se sestane po začetku veljavnosti tega sporazuma, razen če so se vse pogodbenice tega sporazuma pred začetkom njegove veljavnosti soglasno sporazumele o pogojih prenehanja njegove veljavnosti.

2. Mednarodna organizacija za trto in vino nadomesti Mednarodni urad za trto in vino in od njega prevzame vse njegove pravice in obveznosti.

18. člen

Katera koli pogodbenica tega sporazuma ga lahko kadar koli odpove na podlagi šestmesečne pisne odpovedi, ki jo pošlje generalnemu direktorju OIV in Vladi Francoske republike. Opazovalci lahko odstopijo s šestmesečnim pisnim obvestilom, poslanim generalnemu direktorju OIV.

19. člen

Izvirnik tega sporazuma, katerega angleško, francosko in špansko besedilo so enako verodostojna, je shranjen pri Vladi Francoske republike.

V POTRDITEV TEGA so podpisani, ki so jih njihove vlade v ta namen pravilno pooblastile, podpisali Sporazum o ustanovitvi Mednarodne organizacije za trto in vino (OIV).

Sestavljeno v Parizu 3. aprila 2001.

Annex 1 referred to in Articles 4 and 6 of this Agreement

Method for determining the position of each member state in the vine and wine sector

1. Objective criteria determining the relative position of each member state in the vine and wine sector:

a) Average production of wines, special wines, musts, grape- or wine-based spirits (expressed in wine equivalents) over the last five-year period for which statistics are available, stripping out the two extreme values (P);

b) Average total surface area of the vineyard in the last three-year period for which statistics are available (S);

c) Average apparent consumption of wine and wine equivalents over the last three years for which statistics are available (C) = (P) production - E (exports)+ I (imports)

2. Formula for determining the coefficient for each member state:

$$X\,\% = (0.60\ \frac{P\ (\text{member state})}{P\ (\text{O.I.V Total})} + 0.20\ \frac{S\ (\text{member state})}{S\ (\text{O.I.V Total})} + 0.20\ \frac{C\ (\text{member state})}{C\ (\text{O.I.V Total})})\ 100$$

3. The coefficient of each member state is updated:

a) at the start of the budget year following the accession of a new member;

b) every three years in light of the most recent available statistics.

4. New members:

New members joining the O.I.V in future years must pay a compulsory financial contribution calculated according to the formula defined in the present Annex, with the addition of their participation to the specific funding for languages, in the conditions fixed in Annex 2.

Annex 2 referred to in Articles 4, 5 and 6 of this Agreement

Method for determining member states' voting rights, compulsory financial contributions and methods for language funding

1. Basic votes:

Each member state has two basic votes.

2. Additional votes:

The total number of additional votes is equal to half the total number of basic votes. Up to such amount, additional votes are allocated as appropriate, in addition to basic votes, to certain member states according to their relative position in the vine and wine sector, according to the formula given in Annex 1.

3. Weighted votes:

The number of each member state's weighted votes is equal to the sum of its basic votes and additional votes, if any.

4. Allocation of compulsory contributions:

The total amount of compulsory contributions to be paid by members is calculated on the basis of the budget adopted by the General Assembly.

One-third of the total amount of compulsory contributions is divided equally between the basic votes.

Two-thirds of the total amount of compulsory contributions are divided in proportion to additional votes.

In order to facilitate the transition between the former and present Agreement, the financial contribution corresponding to the two basic votes of each member state may not be lower, for the first budget year, than the "Unit of contribution" prior to the present Agreement entering into force. If necessary, the amount of financial contributions for additional votes are adjusted consequently to reach the total amount of compulsory contributions fixed by the adopted budget.

5. Funding of languages:

The funding of languages is fully provided for in the general budget of the O.I.V and without any specific contribution by each linguistic group composed of members and observer users. The detailed arrangements for implementing languages shall be determined by appropriate provisions in the Internal Rules

Priloga 1, omenjena v 4. in 6. členu tega sporazuma

Metoda za določitev položaja vsake države članice v vinogradništvu in vinarstvu

1. Objektivna merila, ki določajo relativni položaj vsake države članice v vinogradništvu in vinarstvu:

a) povprečna pridelava vina, posebnega vina, mošta, alkoholnih pijač iz vina (izraženo v ekvivalentih vina) v obdobju zadnjih petih let, za katero so na voljo statistični podatki, pri čemer se skrajni vrednosti ne upoštevata (P);

b) povprečna skupna površina vinogradov v obdobju zadnjih treh let, za katero so na voljo statistični podatki (S);

c) povprečna očitna poraba vina in vinskih proizvodov v obdobju zadnjih treh let, za katero so na voljo statistični podatki (C) = (P) pridelava – E (izvoz) + I (uvoz).

2. Formula za določitev količnika vsake države članice:

$$X\% = (0{,}60\ \frac{P\ (\text{država članica})}{P\ (\text{OIV skupaj})} + 0{,}20\ \frac{S\ (\text{država članica})}{S\ (\text{OIV skupaj})} + 0{,}20\ \frac{C\ (\text{država članica})}{C\ (\text{OIV skupaj})})\ 100$$

3. Količnik vsake države članice se obnovi:

a) na začetku proračunskega leta po pristopu nove članice;

b) vsaka tri leta glede na najnovejše razpoložljive statistične podatke.

4. Nove članice:

Nove članice, ki se bodo v prihodnjih letih pridružile OIV, morajo plačati obvezen finančni prispevek, izračunan po formuli, določeni v tej prilogi, skupaj z dodatkom za posebno financiranje jezikov po pogojih, določenih v prilogi 2.

Priloga 2, omenjena v 4., 5. in 6. členu tega sporazuma

Metoda za določitev glasovalne pravice držav članic, njihovega obveznega finančnega prispevka in financiranja jezikov

1. Osnovni glasovi:

Vsaka država članica ima dva osnovna glasova.

2. Dodatni glasovi:

Skupno število dodatnih glasov je enako polovici skupnega števila osnovnih glasov. Dodatni glasovi do te višine se poleg osnovnih glasov dodeljujejo, kadar je to ustrezno, določenim državam članicam ob upoštevanju njihovega relativnega položaja v vinogradništvu in vinarstvu v skladu s formulo iz priloge 1.

3. Ponderirani glasovi:

Število ponderiranih glasov vsake države članice je enako vsoti njenih osnovnih glasov in morebitnih dodatnih glasov.

4. Določitev obveznih prispevkov:

Skupna vsota obveznih prispevkov, ki jih plačujejo članice, se izračuna na podlagi proračuna, ki ga sprejme generalna skupščina.

Ena tretjina skupne vsote obveznih prispevkov se enakomerno razdeli med osnovne glasove.

Dve tretjini skupne vsote obveznih prispevkov se razdelita v sorazmerju z dodatnimi glasovi.

Da bi se olajšal prehod med prejšnjim in sedanjim sporazumom, finančni prispevek, ki ustreza osnovnima glasovoma vsake države članice za prvo proračunsko leto, ne sme biti nižji od "enote prispevka" pred sedanjim sporazumom, ki začne veljati. Po potrebi se vsota finančnih prispevkov za dodatne glasove lahko uskladi, da se doseže skupna vsota obveznih prispevkov, ki jo določa sprejeti proračun.

5. Financiranje jezikov:

Splošni proračun OIV v celoti zagotavlja financiranje jezikov, in to brez kakšnega posebnega prispevka, ki naj bi ga plačevala vsaka jezikovna skupina, sestavljena iz članic in opazovalcev kot uporabnikov jezikov. Podrobne dogovore v zvezi z jezikovnimi zadevami vsebujejo ustrezne določbe poslovnika.

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za kmetijstvo, gozdarstvo in prehrano.

4. člen

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

Št. 322-05/01-3/1
Ljubljana, dne 22. novembra 2001

Predsednik
Državnega zbora
Republike Slovenije
Borut Pahor l. r.

78. Zakon o ratifikaciji Dodatka 1 v zvezi z Garancijsko pogodbo, podpisano 10./12. novembra 1998 med Skladom Sveta Evrope za socialni razvoj (s 1. novembrom 1999 imenovanim Razvojna banka Sveta Evrope) in Republiko Slovenijo (MSSED1)

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

U K A Z
O RAZGLASITVI ZAKONA O RATIFIKACIJI DODATKA 1 V ZVEZI Z GARANCIJSKO POGODBO, PODPISANO 10./12. NOVEMBRA 1998 MED SKLADOM SVETA EVROPE ZA SOCIALNI RAZVOJ (S 1. NOVEMBROM 1999 IMENOVANIM RAZVOJNA BANKA SVETA EVROPE) IN REPUBLIKO SLOVENIJO (MSSED1)

Razglašam Zakon o ratifikaciji Dodatka 1 v zvezi z Garancijsko pogodbo, podpisano 10./12. novembra 1998 med Skladom Sveta Evrope za socialni razvoj (s 1. novembrom 1999 imenovanim Razvojna banka Sveta Evrope) in Republiko Slovenijo (MSSED1)), ki ga je sprejel Državni zbor Republike Slovenije na seji 22. novembra 2001.

Št. 001-22-148/01
Ljubljana, 30. novembra 2001

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N
O RATIFIKACIJI DODATKA 1 V ZVEZI Z GARANCIJSKO POGODBO, PODPISANO 10./12. NOVEMBRA 1998 MED SKLADOM SVETA EVROPE ZA SOCIALNI RAZVOJ (S 1. NOVEMBROM 1999 IMENOVANIM RAZVOJNA BANKA SVETA EVROPE) IN REPUBLIKO SLOVENIJO (MSSED1)

1. člen

Ratificira se Dodatek 1 v zvezi z Garancijsko pogodbo, podpisano 10./12. novembra 1998 med Skladom Sveta Evrope za socialni razvoj (s 1. novembrom 1999 imenovanim Razvojna banka Sveta Evrope) in Republiko Slovenijo, sklenjen dne 22. marca 2001 v Parizu.

2. člen

Dodatek 1 se v angleškem izvirniku in slovenskem prevodu glasi:

Fund/Project 1301 (1998)

- ADDENDUM 1 –

Referring to the Guarantee Agreement signed on November 10/12, 1998 between the COUNCIL OF EUROPE SOCIAL DEVELOPMENT FUND (as of November 1, 1999 called COUNCIL OF EUROPE DEVELOPMENT BANK and hereinafter called "CEB") and the REPUBLIC OF SLOVENIA (hereinafter called the "GUARANTOR")

By Addendum 1 to the Framework Loan Agreement dated 22 / 3 / 2001 and made between the CEB and the FUND FOR REGIONAL DEVELOPMENT AND PRESERVATION OF SLOVENE RURAL AREAS LTD (hereinafter called the Borrower), CEB has agreed to increase the amount of the loan of SIT 734.000.000 by EUR 2 million.

Article 1 C. "Guarantee Obligations" shall also cover the additional loan amount of EUR 2 million made available by CEB to the Borrower pursuant to the Addendum 1 to the Framework Loan Agreement dated and signed on 22 / 3 / 2001.

Sklad/Projekt 1301 (1998) Dod. 1

– DODATEK 1 –

v zvezi z Garancijsko pogodbo, podpisano 10./12. novembra 1998 med SKLADOM SVETA EVROPE ZA SOCIALNI RAZVOJ (s 1. novembrom 1999 imenovanim RAZVOJNA BANKA SVETA EVROPE, v nadaljnjem besedilu "CEB") in REPUBLIKO SLOVENIJO (v nadaljnjem besedilu "GARANT")

Z Dodatkom 1 k Okvirnemu posojilnemu sporazumu z dne 22.03.2001, sklenjenim med CEB in SKLADOM ZA REGIONALNI RAZVOJ IN OHRANJANJE SLOVENSKEGA PODEŽELJA D.D. (v nadaljnjem besedilu "posojilojemalec"), je CEB soglašala, da se posojilo v višini 734.000.000 SIT poveča za 2 milijona evrov.

Člen 1 C – "Garancijske obveznosti" krije tudi dodatno posojilo v znesku 2 milijona evrov, ki ga CEB na podlagi Dodatka 1 k Okvirnemu posojilnemu sporazumu, podpisanemu dne 22.03.2001, daje na voljo posojilojemalcu.

This Amendment 1 to the Guarantee Agreement shall enter into effect after its ratification by the Parliament of the Republic of Slovenia, the day following its publication in the Official Gazette of the Republic of Slovenia.

Except for the present amendments, all other clauses of the Guarantee Agreement signed on November 10/12, 1998 remain unchanged.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed the present Addendum 1 in the English language in two originals.

Ljubljana on 27 / 2 / 2001

For the REPUBLIC OF SLOVENIA
Anton Rop, (s)

Paris on 22. 3. 2001

For THE COUNCIL OF EUROPE DEVELOPMENT BANK
Ignacio Garrido, (s)
Vice-Gouverneur

To dopolnilo št. 1 h garancijski pogodbi začne veljati, ko ga ratificira Državni zbor Republike Slovenije, na dan, ki sledi njegovi objavi v Uradnem listu Republike Slovenije.

Razen teh dopolnil vse ostale določbe Garancijske pogodbe, ki je bila podpisana 10./12. novembra 1998, ostanejo nespremenjene.

V POTRDITEV TEGA sta spodaj podpisana, ki sta bila v ta namen pravilno pooblaščena, podpisala ta Dodatek 1 v dveh izvirnikih v angleškem jeziku.

Ljubljana, 27.02.2001

Za REPUBLIKO SLOVENIJO
Anton Rop l. r.

Pariz, 22.03.2001

Za RAZVOJNO BANKO SVETA EVROPE
Ignacio Garrido l. r.
Vice-guverner

3. člen

Za izvajanje Dodatka 1 h garancijski pogodbi ter vseh pravic in obveznosti za Republiko Slovenijo, ki izhajajo iz Dodatka 1, skrbi Ministrstvo za finance.

4. člen

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

Št. 440-04/01-4/1
Ljubljana, dne 22. novembra 2001

Predsednik
Državnega zbora
Republike Slovenije
Borut Pahor l. r.

79. **Zakon o ratifikaciji Konvencije med Vlado Republike Slovenije in Vlado Republike Litve o izogibanju dvojnega obdavčenja in preprečevanju davčnih utaj v zvezi z davki od dohodka in premoženja s protokolom (BLIIDO)**

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

U K A Z
O RAZGLASITVI ZAKONA O RATIFIKACIJI KONVENCIJE MED VLADO REPUBLIKE SLOVENIJE IN VLADO REPUBLIKE LITVE O IZOGIBANJU DVOJNEGA OBDAVČENJA IN PREPREČEVANJU DAVČNIH UTAJ V ZVEZI Z DAVKI OD DOHODKA IN PREMOŽENJA S PROTOKOLOM (BLIIDO)

Razglašam Zakon o ratifikaciji Konvencije med Vlado Republike Slovenije in Vlado Republike Litve o izogibanju dvojnega obdavčenja in preprečevanju davčnih utaj v zvezi z davki od dohodka in premoženja s protokolom (BLIIDO), ki ga je sprejel Državni zbor Republike Slovenije na seji 22. novembra 2001.

Št. 001-22-146/01
Ljubljana, 30. novembra 2001

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N
O RATIFIKACIJI KONVENCIJE MED VLADO REPUBLIKE SLOVENIJE IN VLADO REPUBLIKE LITVE O IZOGIBANJU DVOJNEGA OBDAVČENJA IN PREPREČEVANJU DAVČNIH UTAJ V ZVEZI Z DAVKI OD DOHODKA IN PREMOŽENJA S PROTOKOLOM (BLIIDO)

1. člen

Ratificira se Konvencija med Vlado Republike Slovenije in Vlado Republike Litve o izogibanju dvojnega obdavčenja in preprečevanju davčnih utaj v zvezi z davki od dohodka in premoženja s protokolom, podpisana v Ljubljani 23. maja 2000.

2. člen

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

K O N V E N C I J A
MED VLADO REPUBLIKE SLOVENIJE IN VLADO REPUBLIKE LITVE O IZOGIBANJU DVOJNEGA OBDAVČENJA IN PREPREČEVANJU DAVČNIH UTAJ V ZVEZI Z DAVKI OD DOHODKA IN PREMOŽENJA

Vlada Republike Slovenije in Vlada Republike Litve sta se

v želji, da skleneta konvencijo o izogibanju dvojnega obdavčenja in preprečevanju davčnih utaj v zvezi z davki od dohodka in premoženja,

sporazumeli, kot sledi:

1. člen

OSEBE, ZA KATERE SE UPORABLJA KONVENCIJA

Ta konvencija se uporablja za osebe, ki so rezidenti ene ali obeh držav pogodbenic.

2. člen

DAVKI, ZA KATERE SE UPORABLJA KONVENCIJA

1. Ta konvencija se uporablja za davke od dohodka in premoženja, ki so uvedeni v imenu države pogodbenice ali njenih političnih enot ali lokalnih oblasti, ne glede na način njihove uvedbe.

C O N V E N T I O N
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA AND THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME AND ON CAPITAL

The Government of the Republic of Slovenia and the Government of the Republic of Lithuania,

Desiring to conclude a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and on capital,

Have agreed as follows:

Article 1

PERSONS COVERED

This Convention shall apply to persons who are residents of one or both of the Contracting States.

Article 2

TAXES COVERED

1. This Convention shall apply to taxes on income and on capital imposed on behalf of a Contracting State or of its political subdivisions or local authorities, irrespective of the manner in which they are levied.

* Besedilo konvencije s protokolom v litvanskem jeziku je na vpogled v Sektorju za mednarodnopravne zadeve Ministrstva za zunanje zadeve Republike Slovenije.

2. Za davke od dohodka in premoženja se štejejo vsi davki, uvedeni na celoten dohodek, celotno premoženje ali na sestavine dohodka ali premoženja, vključno z davki od dobička iz odtujitve premičnin ali nepremičnin, ter davki od povečanja premoženja.

3. Obstoječi davki, za katere se uporablja konvencija, so zlasti:

a) v Sloveniji:

(i) davek od dobička pravnih oseb,

(ii) davek od dohodka posameznikov, vključno z mezdami in plačami, dohodkom iz kmetijskih dejavnosti, dohodkom iz poslovanja, kapitalskim dobičkom in dohodkom iz nepremičnin in premičnin (dohodnina),

(iii) davek od premoženja,

(iv) posebni davek na bilančno vsoto bank in hranilnic;

(v nadaljevanju "slovenski davek");

b) v Litvi:

(i) davek od dobička pravnih oseb (juridinių asmen pelno mokestis),

(ii) davek od dohodka fizičnih oseb (fizinių asmenų pajamų mokestis),

(iii) davek od podjetij, ki uporabljajo kapital v državni lasti (palúkanos už valstybinio kapitalo naudojimą),

(iv) davek od nepremičnin (nekilnojamojo turto mokestis),

(v nadaljevanju "litvanski davek").

4. Ta konvencija se uporablja tudi za kakršnekoli enake ali vsebinsko podobne davke, ki se po datumu podpisa konvencije dodatno uvedejo k že obstoječim davkom ali namesto njih. Pristojna organa držav pogodbenic drug drugega uradno obvestita o kakršnihkoli bistvenih spremembah svoje davčne zakonodaje.

2. There shall be regarded as taxes on income and on capital all taxes imposed on total income, on total capital, or on elements of income or of capital, including taxes on gains from the alienation of movable or immovable property, as well as taxes on capital appreciation.

3. The existing taxes to which the Convention shall apply are in particular:

a) in Slovenia:

(i) the tax on profits of legal persons (davek od dobička pravnih oseb);

(ii) the tax on income of individuals, including wages and salaries, income from agricultural activities, income from business, capital gains and income from immovable and movable property (dohodnina);

(iii) the tax on property (davek na premoženje);

(iv) special tax on the assets of banks and saving banks (posebni davek na bilančno vsoto bank in hranilnic);

(hereinafter referred to as "Slovenian tax").

b) in Lithuania:

(i) the tax of profits of legal persons (juridinių asmenų pelno mokestis);

(ii) the tax on income of natural persons (fizinių asmenų pajamų mokestis);

(iii) the tax on enterprises using state-owned capital (palűkanos už valstybinio kapitalo naudojimą);

(iv) the immovable property tax (nekilnojamojo turto mokestis);

(hereinafter referred to as Lithuanian tax).

4. The Convention shall apply also to any identical or substantially similar taxes which are imposed after the date of signature of the Convention in addition to, or in place of, the existing taxes. The competent authorities of the Contracting States shall notify each other of any significant changes which have been made in their respective taxation laws.

3. člen

SPLOŠNA OPREDELITEV IZRAZOV

1. Za namene te konvencije, razen če sobesedilo zahteva drugače:

a) izraz "Slovenija" pomeni Republiko Slovenijo, in kadar se uporablja v zemljepisnem smislu, pomeni ozemlje Slovenije, vključno z morskim območjem, morskim dnom in podzemljem ob teritorialnem morju, če Slovenija nad takim morskim območjem, morskim dnom in njegovim podzemljem lahko izvaja svoje suverene pravice in jurisdikcijo v skladu s svojo notranjo zakonodajo in mednarodnim pravom;

b) izraz "Litva" pomeni Republiko Litvo, in kadar se uporablja v zemljepisnem smislu, pomeni ozemlje Republike Litve, in vsako drugo območje ob teritorialnem morju Republike Litve, na katerem se po zakonih Republike Litve in v skladu z mednarodnim pravom lahko izvajajo pravice Litve v zvezi z morskim dnom in njegovim podzemljem ter njihovim naravnim bogastvom;

c) izraza "država pogodbenica" in "druga država pogodbenica" pomenita Slovenijo ali Litvo, kot zahteva sobesedilo;

d) izraz "oseba" vključuje posameznika, družbo in katerokoli drugo telo, ki združuje več oseb;

e) izraz " družba" pomeni katerokoli korporacijo ali katerikoli subjekt, ki se za davčne namene obravnava kot korporacija;

f) izraza "podjetje države pogodbenice" in "podjetje druge države pogodbenice" pomenita podjetje, ki ga upra-

Article 3

GENERAL DEFINITIONS

1. For the purposes of this Convention, unless the context otherwise requires:

a) the term "Slovenia" means the Republic of Slovenia and when used in a geographical sense, means the territory of Slovenia, including the sea area, sea-bed and subsoil adjacent to the territorial sea, if Slovenia may exercise its sovereign rights and jurisdiction over such sea area, sea bed and sub-soil in accordance with its domestic legislation and international law;

b) the term "Lithuania" means the Republic of Lithuania and, when used in the geographical sense, means the territory of the Republic of Lithuania and any other area adjacent to the territorial sea of the Republic of Lithuania within which under the laws of the Republic of Lithuania and in accordance with international law, the rights of Lithuania may be exercised with respect to the sea bed and its sub-soil and their natural resources;

c) the terms "a Contracting State" and "the other Contracting State" mean Slovenia or Lithuania, as the context requires;

d) the term "person" includes an individual, a company and any other body of persons;

e) the term "company" means any body corporate or any entity which is treated as a body corporate for tax purposes;

f) the terms "enterprise of a Contracting State" and "enterprise of the other Contracting State" mean respective-

lja rezident države pogodbenice, in podjetje, ki ga upravlja rezident druge države pogodbenice;

g) izraz "mednarodni promet" pomeni kakršenkoli prevoz z ladjo ali letalom, ki ga opravlja podjetje države pogodbenice, razen če ladja ali letalo opravljajo prevoz samo med kraji v drugi državi pogodbenici;

h) izraz "pristojni organ" pomeni:

(i) v Sloveniji: Ministrstvo za finance Republike Slovenije ali njegovega pooblaščenega zastopnika;

(ii) v Litvi: Ministra za finance ali njegovega pooblaščenega zastopnika;

i) izraz "državljan" pomeni:

(i) kateregakoli posameznika, ki ima državljanstvo države pogodbenice;

(ii) katerokoli pravno osebo, osebno družbo, združenje ali drug subjekt, katerih status izhaja iz veljavne zakonodaje v državi pogodbenici.

2. Kadarkoli država pogodbenica uporabi konvencijo, ima katerikoli izraz, ki v njej ni opredeljen, razen če sobesedilo zahteva drugače, pomen, ki ga ima takrat po pravu te države za namene davkov, za katere se konvencija uporablja; katerikoli pomen po veljavni davčni zakonodaji te države prevlada nad pomenom, ki ga ima izraz po drugi zakonodaji te države.

4. člen
REZIDENT

1. V tej konvenciji izraz "rezident države pogodbenice" pomeni katerokoli osebo, ki je po zakonih te države dolžna plačevati davke zaradi svojega stalnega prebivališča, prebivališča, sedeža uprave, kraja ustanovitve družbe ali katerega koli drugega podobnega merila, in vključuje to državo in vsako njeno politično enoto ali lokalno oblast. Vendar pa ta izraz ne vključuje nobene osebe, ki je v tej državi zavezana plačevati samo davek od dohodka iz virov v tej državi ali premoženja, ki ga ima v njej.

2. Kadar je zaradi določb prvega odstavka posameznik rezident obeh držav pogodbenic, se njegov status določi takole:

a) šteje se za rezidenta samo tiste države, v kateri ima na razpolago stalno prebivališče; če ima stalno prebivališče na razpolago v obeh državah, se šteje samo za rezidenta države, s katero ima tesnejše osebne in ekonomske odnose (središče življenjskih interesov);

b) če ni mogoče opredeliti države, v kateri ima središče življenjskih interesov, ali če nima v nobeni od obeh držav na razpolago stalnega prebivališča, se šteje samo za rezidenta države, v kateri ima običajno prebivališče;

c) če ima običajno prebivališče v obeh državah ali v nobeni od njiju, se šteje samo za rezidenta države, katere državljan je;

d) če je državljan obeh držav ali nobene od njiju, pristojna organa držav pogodbenic vprašanje rešita s skupnim dogovorom.

3. Kadar je zaradi določb prvega odstavka oseba, ki ni posameznik, rezident obeh držav pogodbenic, si pristojna organa držav pogodbenic prizadevata rešiti to vprašanje s skupnim dogovorom. Če takega dogovora za namene te konvencije ni mogoče doseči, oseba ni upravičena do ugodnosti, ki so zagotovljene s to konvencijo.

ly an enterprise carried on by a resident of a Contracting State and an enterprise carried on by a resident of the other Contracting State;

g) the term "international traffic" means any transport by a ship or aircraft operated by an enterprise of a Contracting State except when the ship or aircraft is operated solely between places in the other Contracting State;

h) the term "competent authority" means:

(i) in Slovenia, the Ministry of Finance of the Republic of Slovenia or its authorised representative;

(ii) in Lithuania, the Minister of Finance or his authorised representative;

i) the term "national" means:

(i) any individual possessing the nationality of a Contracting State;

(ii) any legal person, partnership, association or other entity deriving its status as such from the laws in force in a Contracting State.

2. As regards the application of the Convention at any time by a Contracting State, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that State for the purposes of the taxes to which the Convention applies, any meaning under the applicable tax laws of that State prevailing over a meaning given to the term under other laws of that State.

Article 4
RESIDENT

1. For the purposes of this Convention, the term "resident of a Contracting State" means any person who, under the laws of that State, is liable to tax therein by reason of his domicile, residence, place of management, place of incorporation or any other criterion of a similar nature, and also includes that State and any political subdivision or local authority thereof. This term, however, does not include any person who is liable to tax in that State in respect only of income from sources in that State or capital situated therein.

2. Where by reason of the provisions of paragraph 1 an individual is a resident of both Contracting States, then his status shall be determined as follows:

a) he shall be deemed to be a resident only of the State in which he has a permanent home available to him; if he has a permanent home available to him in both States, he shall be deemed to be a resident only of the State with which his personal and economic relations are closer (centre of vital interests);

b) if the State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either State, he shall be deemed to be a resident only of the State in which he has an habitual abode;

c) if he has an habitual abode in both States or in neither of them, he shall be deemed to be a resident only of the State of which he is a national;

d) if he is a national of both States or of neither of them, the competent authorities of the Contracting States shall settle the question by mutual agreement.

3. Where by reason of the provisions of paragraph 1 a person other than an individual is a resident of both Contracting States, the competent authorities of the Contracting States shall endeavour to settle the question by mutual agreement. In the absence of such agreement, for the purposes of the Convention, the person shall not be entitled to claim any benefits provided by this Convention.

5. člen
STALNA POSLOVNA ENOTA

1. Za namene te konvencije izraz "stalna poslovna enota" pomeni stalno mesto poslovanja, prek katerega v celoti ali delno potekajo posli podjetja.

2. Izraz "stalna poslovna enota" vključuje zlasti:

a) sedež uprave,
b) podružnico,
c) pisarno,
d) tovarno,
e) delavnico in
f) rudnik, naftno ali plinsko nahajališče, kamnolom ali katerikoli drug kraj pridobivanja naravnega bogastva.

3. a) Gradbišče, projekt gradnje, montaže ali sestavljanja ali s tem povezana dejavnost nadzora pomenijo stalno poslovno enoto samo, če tako gradbišče, projekt ali dejavnosti trajajo več kot devet mesecev.

b) Za dejavnosti, ki se opravljajo stran od obale države pogodbenice v povezavi z raziskovanjem ali izkoriščanjem morskega dna in podzemlja ter njunih naravnih bogastev v tej državi, se šteje, da se opravljajo prek stalne poslovne enote v tej državi, če se take dejavnosti izvajajo v obdobju ali obdobjih, ki skupaj presegajo 30 dni v vsakem dvanajstmesečnem obdobju.

4. Ne glede na prejšnje določbe tega člena se šteje, da izraz "stalna poslovna enota" ne vključuje:

a) uporabe prostorov samo za namen skladiščenja, razstavljanja ali dostave dobrin ali blaga, ki pripada podjetju;

b) vzdrževanja zaloge dobrin ali blaga, ki pripada podjetju, samo za namen skladiščenja, razstavljanja ali dostave;

c) vzdrževanje zaloge dobrin ali blaga, ki pripada podjetju, samo za namen predelave s strani drugega podjetja;

d) vzdrževanje stalnega mesta poslovanja samo za namen nakupa dobrin ali blaga za podjetje ali zbiranje informacij za podjetje;

e) vzdrževanje stalnega mesta poslovanja samo za namene opravljanja katerekoli druge pripravljalne ali pomožne dejavnosti za podjetje;

f) vzdrževanje stalnega mesta poslovanja samo za kakršnokoli kombinacijo dejavnosti, omenjenih v pododstavkih od a) do e), pod pogojem, da je splošna dejavnost stalnega mesta poslovanja, ki je posledica te kombinacije, pripravljalne ali pomožne narave.

5. Ne glede na določbe prvega in drugega odstavka, kadar oseba – ki ni zastopnik z neodvisnim statusom, za katerega se uporablja šesti odstavek – deluje v imenu podjetja ter ima in običajno uporablja v državi pogodbenici pooblastilo za sklepanje pogodb v imenu podjetja, se za to podjetje šteje, da ima stalno poslovno enoto v tej državi v zvezi s katerimikoli dejavnostmi, ki jih ta oseba prevzame za podjetje, razen če so dejavnosti take osebe omejene na tiste iz četrtega odstavka, zaradi katerih se to stalno mesto poslovanja po določbah tega odstavka ne bi štelo za stalno poslovno enoto, če bi se opravljale prek stalnega mesta poslovanja.

6. Ne šteje se, da ima podjetje stalno poslovno enoto v državi pogodbenici samo zato, ker opravlja posle v tej državi prek posrednika, splošnega komisionarja ali kateregakoli drugega zastopnika z neodvisnim statusom, pod pogojem, da te osebe delujejo v okviru svojega rednega poslovanja.

Article 5
PERMANENT ESTABLISHMENT

1. For the purposes of this Convention, the term "permanent establishment" means a fixed place of business through which the business of an enterprise is wholly or partly carried on.

2. The term "permanent establishment" includes especially:

a) a place of management;
b) a branch;
c) an office;
d) a factory;
e) a workshop, and
f) a mine, an oil or gas well, a quarry or any other place of extraction of natural resources.

3. a) A building site, a construction, assembly or installation project or a supervisory activity connected therewith constitutes a permanent establishment only if such site, project or activity lasts for a period of more than nine months.

b) Activities carried on offshore in a Contracting State in connection with the exploration or exploitation of the sea bed and sub-soil and their natural resources situated in that State shall be deemed to be carried on through a permanent establishment situated in that State, if such activities are carried on for a period or periods exceeding in the aggregate 30 days in any twelve month period.

4. Notwithstanding the preceding provisions of this Article the term "permanent establishment" shall be deemed not to include:

a) the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise;

b) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;

c) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;

d) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise or of collecting information, for the enterprise;

e) the maintenance of a fixed place of business solely for the purpose of carrying on, for the enterprise, any other activity of a preparatory or auxiliary character;

f) the maintenance of a fixed place of business solely for any combination of activities mentioned in subparagraphs a) to e), provided that the overall activity of the fixed place of business resulting from this combination is of a preparatory or auxiliary character.

5. Notwithstanding the provisions of paragraphs 1 and 2, where a person – other than an agent of an independent status to whom paragraph 6 applies – is acting on behalf of an enterprise and has, and habitually exercises, in a Contracting State an authority to conclude contracts in the name of the enterprise, that enterprise shall be deemed to have a permanent establishment in that State in respect of any activities which that person undertakes for the enterprise, unless the activities of such person are limited to those mentioned in paragraph 4 which, if exercised through a fixed place of business, would not make this fixed place of business a permanent establishment under the provisions of that paragraph.

6. An enterprise shall not be deemed to have a permanent establishment in a Contracting State merely because it carries on business in that State through a broker, general commission agent or any other agent of an independent status, provided that such persons are acting in the ordinary course of their business.

7. Dejstvo, da družba, ki je rezident države pogodbenice, nadzoruje družbo, ki je rezident druge države pogodbenice, ali opravlja posle v tej drugi državi prek stalne poslovne enote ali drugače ali je pod nadzorom take družbe, samo po sebi še ne pomeni, da je ena od družb stalna poslovna enota druge.

6. člen
DOHODEK IZ NEPREMIČNIN

1. Dohodek rezidenta države pogodbenice, ki izhaja iz nepremičnin, ki so v drugi državi pogodbenici, (vključno z dohodkom iz kmetijstva ali gozdarstva) se lahko obdavči v tej drugi državi.

2. Izraz "nepremičnine" ima pomen, ki ga določa zakonodaja države pogodbenice, v kateri je zadevna nepremičnina. Določbe te konvencije o nepremičninah se uporabljajo tudi za premoženje, ki je sestavni del nepremičnin, živino in opremo, ki se uporablja v kmetijstvu in gozdarstvu, pravice, za katere veljajo določbe splošnega prava v zvezi z zemljiško lastnino, vsako opcijo ali podobno pravico za pridobitev nepremičnin, užitek na nepremičninah in pravice do spremenljivih ali stalnih plačil kot odškodnino za izkoriščanje ali pravico do izkoriščanja nahajališč rud, virov ter drugega naravnega bogastva, pravico do naložb ustvarjenih z raziskovanjem ali izkoriščanjem morskega dna in podzemlja ter njunih naravnih bogastev, vključno s pravico do deležev v teh naložbah ali do koristi iz njih. Ladje in letala se ne štejejo za nepremičnine.

3. Določbe prvega odstavka se uporabljajo za dohodek, ki se ustvari z neposredno uporabo, oddajanjem v najem ali vsako drugo obliko uporabe nepremičnine.

4. Kadar ima zaradi lastništva deležev ali drugih kapitalskih pravic v družbi lastnik takih deležev ali kapitalskih pravic pravico uživati nepremičnine v posesti družbe, se dohodek iz neposredne uporabe, oddajanja v najem ali vsake druge oblike take pravice do uživanja lahko obdavči v državi pogodbenici, v kateri je tako premoženje.

5. Določbe prvega, tretjega in četrtega odstavka se uporabljajo tudi za dohodek iz nepremičnin podjetja in za dohodek iz nepremičnin, ki se uporabljajo za opravljanje samostojnih osebnih storitev.

7. člen
POSLOVNI DOBIČEK

1. Dobiček podjetja države pogodbenice se lahko obdavči samo v tej državi, razen če podjetje posluje v drugi državi pogodbenici prek stalne poslovne enote v njej. Če podjetje posluje na tak način, se dobički podjetja lahko obdavčijo v drugi državi, vendar samo toliko dobička, kot se pripiše tej stalni poslovni enoti. Za dobičke od prodaje dobrin in blaga enake ali podobne vrste, kot se prodaja prek stalne poslovne enote, ali od drugih poslovnih dejavnosti enake ali podobne vrste, kot se opravljajo prek stalne poslovne enote, se lahko šteje, da jih je mogoče pripisati tej stalni poslovni enoti, če se ugotovi, da je bila taka prodaja ali dejavnost organizirana tako, da bi se namerno izognili obdavčenju v državi, v kateri je stalna poslovna enota.

2. Ob upoštevanju določb tretjega odstavka, kadar podjetje države pogodbenice posluje v drugi državi pogodbenici prek stalne poslovne enote v njej, se v vsaki državi pogodbenici tej stalni poslovni enoti pripiše dobiček, za katerega bi se lahko pričakovalo, da bi ga imela, če bi bila

7. The fact that a company which is a resident of a Contracting State controls or is controlled by a company which is a resident of the other Contracting State, or which carries on business in that other State (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.

Article 6
INCOME FROM IMMOVABLE PROPERTY

1. Income derived by a resident of a Contracting State from immovable property (including income from agriculture or forestry) situated in the other Contracting State may be taxed in that other State.

2. The term "immovable property" shall have the meaning which it has under the law of the Contracting State in which the property in question is situated. The provisions of this Convention relating to immovable property shall apply also to property accessory to immovable property, livestock and equipment used in agriculture and forestry, rights to which the provisions of general law respecting landed property apply, any option or similar right to acquire immovable property, usufruct of immovable property and rights to variable or fixed payments as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources, rights to assets to be produced by the exploration or exploitation of the sea bed and sub-soil and their natural resources, including rights to interests in or to the benefit of such assets. Ships and aircraft shall not be regarded as immovable property.

3. The provisions of paragraph 1 shall apply to income derived from the direct use, letting, or use in any other form of immovable property.

4. Where the ownership of shares or other corporate rights in a company entitles the owner of such shares or corporate rights to the enjoyment of immovable property held by the company, the income from the direct use, letting, or use in any other form of such right to enjoyment may be taxed in the Contracting State in which the immovable property is situated.

5. The provisions of paragraphs 1, 3 and 4 shall also apply to the income from immovable property of an enterprise and to income from immovable property used for the performance of independent personal services.

Article 7
BUSINESS PROFITS

1. The profits of an enterprise of a Contracting State shall be taxable only in that State unless the enterprise carries on business in the other Contracting State through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, the profits of the enterprise may be taxed in the other State but only so much of them as is attributable to that permanent establishment. However, profits derived from the sale of goods or merchandise of the same or similar kind as those sold, or from other business activities of the same or similar kind as those effected, through that permanent establishment may be considered attributable to that permanent establishment if it is established that such sales or activities were structured in a manner intended to avoid taxation in the State where the permanent establishment is situated.

2. Subject to the provisions of paragraph 3, where an enterprise of a Contracting State carries on business in the other Contracting State through a permanent establishment situated therein, there shall in each Contracting State be attributed to that permanent establishment the profits which

različno in ločeno podjetje, ki opravlja enake ali podobne dejavnosti pod istimi ali podobnimi pogoji ter povsem neodvisno posluje s podjetjem, katerega stalna poslovna enota je.

3. Pri določanju dobička stalne poslovne enote, je mogoče v državi pogodbenici kot davčno olajšavo upoštevati stroške (razen stroškov, ki jih ne bi bilo mogoče odšteti, če bi bila ta stalna poslovna enota ločeno podjetje te države pogodbenice), ki jih podjetje ima zaradi svoje stalne poslovne enote, vključno s stroški vodenja in splošnimi upravnimi stroški, in to bodisi v državi, v kateri je stalna poslovna enota, bodisi drugje.

4. Kadar je v državi pogodbenici običaj, da se dobiček stalne poslovne enote določi na podlagi razporeditve celotnega dobička podjetja na njegove posamezne dele, potem državi pogodbenici nič iz drugega odstavka ne preprečuje, da dobičkov, ki bodo obdavčeni, ne bi razporedila na običajen način; vendar pa mora biti sprejeta metoda porazdelitve dobička taka, da bo izid v skladu z načeli, vsebovanimi v tem členu.

5. Stalni poslovni enoti se ne pripiše dobiček samo zaradi razloga, ker nakupuje dobrine ali blago za podjetje.

6. Za namene prejšnjih odstavkov se dobiček, ki se pripiše stalni poslovni enoti, določi po isti metodi leto za letom, razen, če je upravičen in zadosten razlog za nasprotno.

7. Kadar dobiček vključuje dohodkovne postavke, ki so posebej obravnavane v drugih členih te konvencije, določbe tega člena ne vplivajo na določbe tistih členov.

8. člen
POMORSKI IN LETALSKI PREVOZ

1. Dobiček podjetja države pogodbenice od ladijskih ali letalskih prevozov v mednarodnem prometu se obdavči samo v tej državi.

2. Določbe prvega odstavka se uporabljajo tudi za dobiček iz udeležbe v interesnem združenju (pool), mešanem podjetju ali mednarodni prevozni agenciji.

9. člen
POVEZANA PODJETJA

1. Kadar:

a) je podjetje države pogodbenice neposredno ali posredno udeleženo pri upravljanju, nadzoru ali v kapitalu podjetja druge države pogodbenice ali

b) so iste osebe neposredno ali posredno udeležene pri upravljanju, nadzoru ali v kapitalu podjetja države pogodbenice in podjetja druge države pogodbenice

in v obeh primerih obstajajo ali se uvedejo med podjetjema v njunih komercialnih ali finančnih odnosih pogoji, drugačni od tistih, ki bi obstajali med neodvisnimi podjetji, se kakršenkoli dobiček, ki bi prirasel, če takih pogojev ne bi bilo, enemu od podjetij, vendar prav zaradi takih pogojev ni prirasel, lahko vključi v dobiček tega podjetja in ustrezno obdavči.

2. Kadar država pogodbenica v dobiček podjetja te države vključuje – in ustrezno obdavči – dobiček, za katerega je že bilo obdavčeno podjetje druge države pogodbenice v tej drugi državi in je tako vključeni dobiček dobiček, ki bi prirasel podjetju prve omenjene države, če bi bili pogoji, ki it might be expected to make if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions and dealing wholly independently with the enterprise of which it is a permanent establishment.

3. In determining the profits of a permanent establishment, in a Contracting State there shall be allowed as deductions expenses (other than expenses which would not be deductible if that permanent establishment were a separate enterprise of that Contracting State) which are incurred for the purposes of the permanent establishment, including executive and general administrative expenses so incurred, whether in the State in which the permanent establishment is situated or elsewhere.

4. Insofar as it has been customary in a Contracting State to determine the profits to be attributed to a permanent establishment on the basis of an apportionment of the total profits of the enterprise to its various parts, nothing in paragraph 2 shall preclude that Contracting State from determining the profits to be taxed by such an apportionment as may be customary; the method of apportionment adopted shall, however, be such that the result shall be in accordance with the principles contained in this Article.

5. No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.

6. For the purposes of the preceding paragraphs, the profits to be attributed to the permanent establishment shall be determined by the same method year by year unless there is good and sufficient reason to the contrary.

7. Where profits include items of income which are dealt with separately in other Articles of this Convention, then the provisions of those Articles shall not be affected by the provisions of this Article.

Article 8
SHIPPING AND AIR TRANSPORT

1. Profits of an enterprise of a Contracting State from the operation of ships or aircraft in international traffic shall be taxable only in that State.

2. The provisions of paragraph 1 shall also apply to profits from the participation in a pool, a joint business or an international operating agency.

Article 9
ASSOCIATED ENTERPRISES

1. Where

a) an enterprise of a Contracting State participates directly or indirectly in the management, control or capital of an enterprise of the other Contracting State, or

b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of a Contracting State and an enterprise of the other Contracting State,

and in either case conditions are made or imposed between the two enterprises in their commercial or financial relations which differ from those which would be made between independent enterprises, then any profits which would, but for those conditions, have accrued to one of the enterprises, but, by reason of those conditions, have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

2. Where a Contracting State includes in the profits of an enterprise of that State – and taxes accordingly – profits on which an enterprise of that other Contracting State has been charged to tax in that other State and the profits so included are profits which would have accrued to the enter-

obstajajo med obema podjetjema taki, kot bi obstajali med neodvisnimi podjetji, se pristojna organa držav pogodbenic lahko posvetujeta, da dosežeta soglasje o prilagoditvi dobička v obeh državah pogodbenicah.

3. Država pogodbenica ne spremeni dobička podjetja v okoliščinah iz prvega odstavka po izteku časovnih rokov, določenih v njeni notranji zakonodaji, in v nobenem primeru po petih letih od konca leta, v katerem je podjetju te države prirasel dobiček, ki naj bi ga tako spremenili. Ta odstavek pa se ne uporablja pri goljufiji ali naklepnem neizpolnjevanju obveznosti.

10. člen
DIVIDENDE

1. Dividende, ki jih družba, ki je rezident države pogodbenice, plača rezidentu druge države pogodbenice, se lahko obdavčijo v tej drugi državi.

2. Vendar pa se take dividende lahko obdavčijo tudi v državi pogodbenici, katere rezident je družba ki dividende plačuje, in v skladu z zakoni te države; toda če je upravičeni lastnik dividend rezident druge države pogodbenice, tako obračunani davek ne presega:

a) 5 odstotkov bruto zneska dividend, če je upravičeni lastnik družba, ki ima neposredno v lasti najmanj 25 odstotkov kapitala družbe, ki plačuje dividende;

b) 15 odstotkov bruto zneska dividend v vseh drugih primerih.

Ta odstavek ne vpliva na obdavčevanje družbe v zvezi z dobičkom, iz katerega se plačajo dividende.

3. Izraz "dividende", kot je uporabljen v tem členu, pomeni dohodek iz delnic ali drugih pravic do udeležbe v dobičku, ki niso terjatve, in tudi dohodek, ki se davčno obravnava enako kot dohodek iz delnic po zakonodaji države, katere rezident je družba, ki dividende deli.

4. Določbe prvega in drugega odstavka se ne uporabljajo, če upravičeni lastnik dividend, ki je rezident države pogodbenice, posluje v drugi državi pogodbenici, katere rezident je družba, ki dividende plačuje, prek stalne poslovne enote v njej ali v tej drugi državi opravlja samostojne osebne storitve iz stalne baze v njej in je delež, v zvezi s katerim se dividende plačajo, dejansko povezan s tako stalno poslovno enoto ali stalno bazo. V takem primeru se uporabljajo določbe 7. oziroma 14. člena, odvisno od primera.

5. Kadar dobiček ali dohodek družbe, ki je rezident države pogodbenice, izhaja iz druge države pogodbenice, ta druga država ne sme uvesti nobenega davka na dividende, ki jih plača družba, razen če se te dividende plačajo rezidentu te druge države ali če je delež, v zvezi s katerim se take dividende plačajo, dejansko povezan s stalno poslovno enoto ali stalno bazo v tej drugi državi, niti ne sme uvesti davka od nerazdeljenega dobička na nerazdeljeni dobiček družbe, tudi če so plačane dividende ali nerazdeljeni dobiček družbe v celoti ali delno sestavljeni iz dobička ali dohodka, ki nastane v taki drugi državi.

prise of the first-mentioned State if the conditions made between the two enterprises had been those which would have been made between independent enterprises, then the competent authorities of the Contracting State may consult together with a view to reach an agreement on the adjustment of profits in both Contracting States.

3. A Contracting State shall not change the profits of an enterprise in the circumstances referred to in paragraph 1 after the expiry of the time limits provided in its national laws and, in any case, after five years from the end of the year in which the profits which would be subject to such change would have accrued to an enterprise of that State. This paragraph shall not apply in the case of fraud or wilful default.

Article 10
DIVIDENDS

1. Dividends paid by a company which is a resident of a Contracting State to a resident of the other Contracting State may be taxed in that other State.

2. However, such dividends may also be taxed in the Contracting State of which the company paying the dividends is a resident and according to the laws of that State, but if the beneficial owner of the dividends is a resident of the other Contracting State the tax so charged shall not exceed:

a) 5 per cent of the gross amount of the dividends if the beneficial owner is a company which holds directly at least 25 per cent of the capital of the company paying the dividends;

b) 15 per cent of the gross amount of the dividends in all other cases.

This paragraph shall not affect the taxation of the company in respect of the profits out of which the dividends are paid.

3. The term "dividends" as used in this Article means income from shares or other rights, not being debt-claims, participating in profits, as well as income from other rights which is subjected to the same taxation treatment as income from shares by the laws of the State of which the company making the distribution is a resident.

4. The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the dividends, being a resident of a Contracting State, carries on business in the other Contracting State of which the company paying the dividends is a resident, through a permanent establishment situated therein, or performs in that other State independent personal services from a fixed base situated therein, and the holding in respect of which the dividends are paid is effectively connected with such permanent establishment or fixed base. In such case the provisions of Article 7 or Article 14, as the case may be, shall apply.

5. Where a company which is a resident of a Contracting State derives profits or income from the other Contracting State, that other State may not impose any tax on the dividends paid by the company, except insofar as such dividends are paid to a resident of that other State or insofar as the holding in respect of which the dividends are paid is effectively connected with a permanent establishment or a fixed base situated in that other State, nor subject the company's undistributed profits to a tax on the company's undistributed profits, even if the dividends paid or the undistributed profits consist wholly or partly of profits or income arising in such other State.

11. člen
OBRESTI

1. Obresti, ki nastanejo v državi pogodbenici in se izplačajo rezidentu druge države pogodbenice, se lahko obdavčijo v tej drugi državi.

2. Vendar pa se take obresti lahko obdavčijo tudi v državi pogodbenici, v kateri nastanejo, in v skladu z zakonodajo te države, toda če je upravičeni lastnik obresti rezident druge države pogodbenice, tako zaračunani davek ne sme presegati 10 odstotkov bruto zneska obresti.

3. Ne glede na določbe drugega odstavka so obresti, ki nastanejo v eni državi pogodbenici in jih dobi ter je do njih upravičena Vlada druge države pogodbenice, vključno z njenimi lokalnimi oblastmi in političnimi enotami, centralna banka, Slovenska izvozna družba ali katerakoli institucija, ustanovljena v Litvi in podobna Slovenski izvozni družbi, za katero se lahko dogovorita pristojna organa držav pogodbenic, ali obresti od posojil, za katera jamči Slovenska izvozna družba ali tista podobna institucija, oproščeni davka v prvi omenjeni državi.

4. Izraz "obresti", kot je uporabljen v tem členu, pomeni dohodek iz vseh vrst terjatev ne glede na to, ali so zavarovane s hipoteko ali ne, in še posebej dohodek iz državnih vrednostnih papirjev in dohodek iz obveznic ali zadolžnic, vključno s premijami in nagradami, ki pripadajo takim vrednostnim papirjem, obveznicam in zadolžnicam. Izraz "obresti" pa ne vključuje dohodka, ki je obravnavan kot dividenda po določbah 10. člena. Zamudne obresti se za namene tega člena ne štejejo za obresti.

5. Določbe prvega, drugega in tretjega odstavka se ne uporabljajo, če upravičeni lastnik obresti, ki je rezident države pogodbenice, posluje v drugi državi pogodbenici, v kateri obresti nastanejo, prek stalne poslovne enote v njej ali v tej drugi državi opravlja samostojne osebne storitve iz stalne baze v njej in je terjatev, v zvezi s katero se obresti plačajo, dejansko povezana s tako stalno poslovno enoto ali stalno bazo. V takem primeru se uporabljajo določbe 7. oziroma 14. člena, odvisno od primera.

6. Šteje se, da obresti nastanejo v državi pogodbenici, kadar je plačnik rezident te države. Kadar pa ima oseba, ki plačuje obresti, ne glede na to, ali je rezident države pogodbenice ali ne, v državi pogodbenici stalno poslovno enoto ali stalno bazo, v zvezi s katero je nastala zadolžitev, za katero se plačujejo obresti, se šteje, da so take obresti nastale v državi, v kateri je stalna poslovna enota ali stalna baza.

7. Kadar zaradi posebnega odnosa med plačnikom in upravičenim lastnikom ali med njima in neko drugo osebo znesek obresti glede na terjatev, za katero se plačujejo, presega znesek, za katerega bi se sporazumela plačnik in upravičeni lastnik, če takega odnosa ne bi bilo, se določbe tega člena uporabljajo le za zadnji omenjeni znesek. V takem primeru se presežni del plačil še naprej obdavčuje v skladu z zakonodajo vsake države pogodbenice, pri čemer je treba upoštevati druge določbe te konvencije.

Article 11
INTEREST

1. Interest arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.

2. However, such interest may also be taxed in the Contracting State in which it arises, and according to the laws of that State, but if the beneficial owner of the interest is a resident of the other Contracting State the tax so charged shall not exceed 10 per cent of the gross amount of the interest.

3. Notwithstanding the provisions of paragraph 2 interest arising in a Contracting State, derived and beneficially owned by the Government of the other Contracting State, including its local authorities and political subdivisions, the Central Bank, Slovene Export Company (Slovenska izvozna družba) or any institution established in Lithuania similar to Slovene Export Company as may be agreed between competent authorities of Contracting States or interest derived on loans guaranteed by Slovene Export Company or that similar institution shall be exempt from tax in the first mentioned State.

4. The term "interest" as used in this Article means income from debt claims of every kind, whether or not secured by mortgage and in particular, income from government securities and income from bonds or debentures, including premiums and prizes attaching to such securities, bonds or debentures. The term "interest" shall not include any income which is treated as a dividend under the provisions of Article 10. Penalty charges for late payment shall not be regarded as interest for the purpose of this Article.

5. The provisions of paragraphs 1,2 and 3 shall not apply if the beneficial owner of the interest, being a resident of a Contracting State, carries on business in the other Contracting State in which the interest arises, through a permanent establishment situated therein, or performs in that other State independent personal services from a fixed base situated therein, and the debt-claim in respect of which the interest is paid is effectively connected with such permanent establishment or fixed base. In such case the provisions of Article 7 or Article 14, as the case may be, shall apply.

6. Interest shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the interest, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment or a fixed base in connection with which the indebtedness on which the interest is paid was incurred, and such interest is borne by such permanent establishment or fixed base, then such interest shall be deemed to arise in the State in which the permanent establishment or fixed base is situated.

7. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the interest, having regard to the debt claim for which it is paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Convention.

12. člen
LICENČNINE IN AVTORSKI HONORARJI

1. Licenčnine in avtorski honorarji, ki nastanejo v državi pogodbenici in se plačajo rezidentu druge države pogodbenice, se lahko obdavčijo v tej drugi državi.

2. Vendar pa se take licenčnine in avtorski honorarji lahko obdavčijo tudi v državi pogodbenici, v kateri nastanejo, in v skladu z zakonodajo te države, toda če je upravičeni lastnik licenčnin in avtorskih honorarjev rezident druge države pogodbenice, tako zaračunani davek ne presega 10 odstotkov bruto zneska licenčnin in avtorskih honorarjev.

3. Izraz "licenčnine in avtorski honorarji", kot je uporabljen v tem členu, pomeni plačila vsake vrste, prejeta kot povračilo za uporabo ali pravico do uporabe kakršnihkoli avtorskih pravic za literarno, umetniško ali znanstveno delo, vključno s kinematografskimi filmi in filmi ali trakovi ali drugimi sredstvi za reprodukcijo slike ali zvoka za radijsko ali televizijsko oddajanje, kateregakoli patenta, blagovne znamke, vzorca ali modela, načrta, tajne formule ali postopka ali za uporabo ali pravico do uporabe industrijske, komercialne ali znanstvene opreme ali za informacije o industrijskih, komercialnih ali znanstvenih izkušnjah.

4. Določbe prvega in drugega odstavka se ne uporabljajo, če upravičeni lastnik licenčnin in avtorskih honorarjev, ki je rezident ene države pogodbenice, posluje v drugi državi pogodbenici, v kateri nastanejo licenčnine in avtorski honorarji, prek stalne poslovne enote v njej ali v tej drugi državi opravlja samostojne osebne storitve iz stalne baze v njej in je pravica ali premoženje, v zvezi s katerim se licenčnine in avtorski honorarji plačujejo, dejansko povezana s tako stalno poslovno enoto ali stalno bazo. V takem primeru se uporabljajo določbe 7. oziroma 14. člena, odvisno od primera.

5. Šteje se, da licenčnine in avtorski honorarji nastanejo v državi pogodbenici, kadar je plačnik rezident te države. Kadar pa ima oseba, ki plačuje licenčnine in avtorske honorarje, ne glede na to, ali je rezident države pogodbenice ali ne, v državi pogodbenici stalno poslovno enoto ali stalno bazo, v zvezi s katero je nastala obveznost za plačilo licenčnin in avtorskih honorarjev, in take licenčnine in avtorske honorarje krije taka stalna poslovna enota ali stalna baza, se šteje, da so take licenčnine in avtorski honorarji nastali v državi, v kateri je stalna poslovna enota ali stalna baza.

6. Kadar zaradi posebnega odnosa med plačnikom in upravičenim lastnikom ali med njima in drugo osebo znesek licenčnin in avtorskih honorarjev glede na uporabo, pravico ali informacijo, za katero se plačujejo, presega znesek, za katerega bi se sporazumela plačnik in upravičeni lastnik, če takega odnosa ne bi bilo, se določbe tega člena uporabljajo le za zadnji omenjeni znesek. V takem primeru se presežni del plačil še naprej obdavčuje v skladu z zakonodajo vsake države pogodbenice, pri čemer je treba upoštevati druge določbe te konvencije.

13. člen
KAPITALSKI DOBIČEK

1. Dobiček, ki ga rezident države pogodbenice doseže z odtujitvijo nepremičnine, ki je opredeljena v 6. členu in je v drugi državi pogodbenici, ali deležev v družbi, katere premoženje v glavnem sestoji iz take lastnine, se lahko obdavči v tej drugi državi.

2. Dobiček iz odtujitve premičnin, ki so del poslovnega premoženja stalne poslovne enote, ki jo ima podjetje države pogodbenice v drugi državi pogodbenici, ali premičnine, ki se nanašajo na stalno bazo, ki jo ima rezident države pogodbenice na voljo v drugi državi pogodbenici za namen opra-

Article 12
ROYALTIES

1. Royalties arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.

2. However, such royalties may also be taxed in the Contracting State in which they arise and according to the laws of that State, but if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed 10 per cent of the gross amount of the royalties.

3. The term "royalties" as used in this Article means payments of any kind received as a consideration for the use of, or the right to use, any copyright of literary, artistic or scientific work including cinematograph films and films or tapes and other means of image or sound reproduction for radio and television broad-casting, any patent, trade mark, design or model, plan, secret formula or process, or for the use of, or the right to use, industrial, commercial or scientific equipment, or for information concerning industrial, commercial or scientific experience.

4. The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the royalties, being a resident of a Contracting State, carries on business in the other Contracting State in which the royalties arise, through a permanent establishment situated therein, or performs in that other State independent personal services from a fixed base situated therein, and the right or property in respect of which the royalties are paid is effectively connected with such permanent establishment or fixed base. In such case the provisions of Article 7 or Article 14, as the case may be, shall apply.

5. Royalties shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the royalties, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment or a fixed base in connection with which the liability to pay the royalties was incurred, and such royalties are borne by such permanent establishment or fixed base, then such royalties shall be deemed to arise in the State in which the permanent establishment or fixed base is situated.

6. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the royalties, having regard to the use, right or information for which they are paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Convention.

Article 13
CAPITAL GAINS

1. Gains derived by a resident of a Contracting State from the alienation of immovable property referred to in Article 6 and situated in the other Contracting State or shares in a company the assets of which consists mainly of such property may be taxed in that other State.

2. Gains from the alienation of movable property forming part of the business property of a permanent establishment which an enterprise of a Contracting State has in the other Contracting State or of movable property pertaining to a fixed base available to a resident of a Contracting State in

ljanja samostojnih osebnih storitev, vključno z dobičkom od odtujitve take stalne poslovne enote same ali s celim podjetjem vred ali take stalne baze, se lahko obdavči v tej drugi državi.

3. Dobiček, ki ga doseže podjetje države pogodbenice, ki se ukvarja z ladijskimi ali letalskimi prevozi v mednarodnem prometu, z odtujitvijo ladij ali letal za prevoze v mednarodnem prometu ali premičnin, ki sodijo k opravljanju prevozov s takimi ladjami ali letali, se lahko obdavči samo v tej državi.

4. Dobiček iz odtujitve kateregakoli drugega premoženja, ki ni navedeno v prvem, drugem in tretjem odstavku, se lahko obdavči samo v državi pogodbenici, katere rezident je oseba, ki tako premoženje odtuji.

14. člen

SAMOSTOJNE OSEBNE STORITVE

1. Dohodek, ki ga dobi posameznik, ki je rezident države pogodbenice od poklicnih storitev ali drugih samostojnih dejavnosti, se obdavči samo v tej državi, razen če ima ta posameznik za opravljanje svojih dejavnosti stalno bazo, ki mu je redno na voljo v drugi državi pogodbenici. Če ima tako stalno bazo, se dohodek lahko obdavči v drugi državi, a samo toliko dohodka, kolikor se pripiše taki stalni bazi. Kadar se torej posameznik, ki je rezident države pogodbenice, zadržuje v drugi državi pogodbenici določeno obdobje ali obdobja, ki skupaj presegajo 183 dni v vsakem dvanajstmesečnem obdobju, ki se začne ali konča v določenem davčnem letu, se šteje, da ima v tej drugi državi stalno bazo redno na voljo in dohodek, ki izhaja iz njegovih prej omenjenih dejavnosti, ki jih opravlja v tej drugi državi, se pripiše tej stalni bazi.

2. Izraz poklicne storitve vključuje še posebej samostojne znanstvene, literarne, umetniške, izobraževalne ali pedagoške dejavnosti in tudi samostojne dejavnosti zdravnikov, odvetnikov, inženirjev, arhitektov, zobozdravnikov in računovodij.

15. člen

ODVISNE OSEBNE STORITVE

1. V skladu z določbami 16., 18., 19. in 20. člena se plače, mezde in drugi podobni osebni prejemki, ki jih dobi rezident države pogodbenice v zvezi z zaposlitvijo, obdavčijo samo v tej državi, razen če se zaposlitev izvaja v drugi državi pogodbenici. Če se zaposlitev izvaja tako, se lahko tako pridobljeni osebni prejemki obdavčijo v tej drugi državi.

2. Ne glede na določbe prvega odstavka se prejemek, ki ga dobi rezident države pogodbenice iz zaposlitve, ki jo opravlja v drugi državi pogodbenici, obdavči samo v prvi omenjeni državi, če:

a) je prejemnik navzoč v drugi državi v obdobju ali obdobjih, ki skupno ne presegajo 183 dni v vsakem dvanajstmesečnem obdobju, ki se začne ali konča v zadevnem davčnem letu, in

b) prejemek plača delodajalec, ki ni rezident druge države, oziroma je plačan v njegovem imenu in

c) prejemka ne krije stalna poslovna enota ali stalna baza, ki jo ima delodajalec v drugi državi.

3. Ne glede na prejšnje določbe tega člena, se prejemek, ki izhaja iz zaposlitve na ladji ali letalu, s katerim podjetje države pogodbenice opravlja prevoze v mednarodnem prometu, lahko obdavči v tej državi.

the other Contracting State for the purpose of performing independent personal services, including such gains from the alienation of such a permanent establishment (alone or with the whole enterprise) or of such fixed base, may be taxed in that other State.

3. Gains derived by an enterprise of a Contracting State operating ships or aircraft in international traffic from the alienation of ships or aircraft operated in international traffic or movable property pertaining to the operation of such ships or aircraft shall be taxable only in that State.

4. Gains from the alienation of any property other than that referred to in paragraphs 1, 2 and 3, shall be taxable only in the Contracting State of which the alienator is a resident.

Article 14

INDEPENDENT PERSONAL SERVICES

1. Income derived by an individual who is a resident of a Contracting State in respect of professional services or other activities of an independent character shall be taxable only in that State unless he has a fixed base regularly available to him in the other Contracting State for the purpose of performing his activities. If he has such a fixed base, the income may be taxed in the other State but only so much of it as is attributable to that fixed base. For this purpose, where an individual who is a resident of a Contracting State stays in the other Contracting State for a period or periods in the aggregate 183 days in any twelve month period commencing or ending in the fiscal year concerned, he shall be deemed to have a fixed base regularly available to him in that other State and the income that is derived from his activities referred to above that are performed in that other State shall be attributable to that fixed base.

2. The term "professional services" includes especially independent scientific, literary, artistic, educational or teaching activities as well as the independent activities of physicians, lawyers, engineers, architects, dentists and accountants.

Article 15

DEPENDENT PERSONAL SERVICES

1. Subject to the provisions of Articles 16, 18, 19 and 20, salaries, wages and other similar remuneration derived by a resident of a Contracting State in respect of an employment shall be taxable only in that State unless the employment is exercised in the other Contracting State. If the employment is so exercised, such remuneration as is derived therefrom may be taxed in that other State.

2. Notwithstanding the provisions of paragraph 1, remuneration derived by a resident of a Contracting State in respect of an employment exercised in the other Contracting State shall be taxable only in the first-mentioned State if:

a) the recipient is present in the other State for a period or periods not exceeding in the aggregate 183 days in any twelve month period commencing or ending in the fiscal year concerned, and

b) the remuneration is paid by, or on behalf of, an employer who is not a resident of the other State, and

c) the remuneration is not borne by a permanent establishment or a fixed base which the employer has in the other State.

3. Notwithstanding the preceding provisions of this Article, remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting State may be taxed in that State.

16. člen
PLAČILA DIREKTORJEM

Plačila direktorjem in druga podobna plačila ali nadomestila, ki jih dobi rezident države pogodbenice kot član upravnega odbora ali podobnega organa družbe, ki je rezident druge države pogodbenice, se lahko obdavčijo v tej drugi državi.

17. člen
UMETNIKI IN ŠPORTNIKI

1. Ne glede na določbe 14. in 15. člena se dohodek, ki ga dobi rezident države pogodbenice kot nastopajoči izvajalec, kot je gledališki, filmski, radijski ali televizijski umetnik ali glasbenik ali kot športnik iz takšnih osebnih dejavnosti ki jih izvaja v drugi državi pogodbenici, lahko obdavči v tej drugi državi.

2. Kadar dohodek iz osebnih dejavnosti, ki jih izvaja nastopajoči izvajalec ali športnik kot tak ne priraste takemu nastopajočemu izvajalcu ali športniku samemu, temveč neki drugi osebi, se tak dohodek kljub določbam 7., 14. in 15. člena lahko obdavči v državi pogodbenici, v kateri se dejavnosti nastopajočega izvajalca ali športnika izvajajo.

3. Določbe prvega in drugega odstavka se ne uporabljajo za dohodek iz dejavnosti, ki jih nastopajoči izvajalec ali športnik izvaja v državi pogodbenici, če je obisk v tej državi v celoti ali pretežno financiran z javnimi sredstvi ene ali obeh držav pogodbenic ali njihovih političnih enot ali lokalnih oblasti. V takem primeru se dohodek obdavči samo v državi pogodbenici, katere rezident je nastopajoči izvajalec ali športnik.

18. člen
POKOJNINE

V skladu z določbami drugega odstavka 19. člena se pokojnine in druga podobna plačila, izplačana rezidentu države pogodbenice kot nadomestilo za preteklo zaposlitev, obdavčijo samo v tej državi.

19. člen
DRŽAVNA SLUŽBA

1. a) Plače, mezde in drugi podobni prejemki razen pokojnin, ki jih plačuje država pogodbenica ali njena politična enota ali lokalna oblast posamezniku za storitve, ki jih opravi za to državo, enoto ali oblast, se obdavčijo samo v tej državi.

b) Vendar se plače, mezde in drugi podobni prejemki obdavčijo samo v drugi državi pogodbenici, če so storitve opravljene v tej državi in je posameznik rezident te države, ki:

(i) je državljan te države ali

(ii) ni postal rezident te države samo za namen opravljanja storitev.

2. a) Vsaka pokojnina, ki jo posamezniku za njegove storitve državi pogodbenici ali njeni politični enoti ali lokalni oblasti plača ta država ali njena politična enota ali lokalna oblast ali je plačana iz sredstev, ki jih ta ustvari, se obdavči samo v tej državi.

b) Vendar se taka pokojnina obdavči samo v drugi državi pogodbenici, če je posameznik rezident in državljan te države.

3. Določbe 15., 16., 17. in 18 člena se uporabljajo za plače, mezde in druge podobne prejemke ter za pokojnine, in sicer za storitve, opravljene v zvezi z dejavnostmi, ki jih izvaja država pogodbenica ali njena politična enota ali lokalna oblast.

Article 16
DIRECTORS' FEES

Directors' fees and other similar payments or remuneration derived by a resident of a Contracting State in his capacity as a member of the board of directors or any other similar organ of a company which is a resident of the other Contracting State may be taxed in that other State.

Article 17
ARTISTES AND SPORTSMEN

1. Notwithstanding the provisions of Articles 14 and 15, income derived by a resident of a Contracting State as an entertainer, such as a theatre, motion picture, radio or television artiste, or a musician, or as a sportsman, from his personal activities as such exercised in the other Contracting State, may be taxed in that other State.

2. Where income in respect of personal activities exercised by an entertainer or a sportsman in his capacity as such accrues not to the entertainer or sportsman himself but to another person, that income may, notwithstanding the provisions of Articles 7, 14 and 15, be taxed in the Contracting State in which the activities of the entertainer or sportsman are exercised.

3. The provisions of paragraphs 1 and 2 shall not apply to income derived from activities exercised in a Contracting State by an entertainer or a sportsman if the visit to that State is wholly or mainly supported by public funds of one or both of the Contracting States, political subdivisions or local authorities thereof. In such case, the income shall be taxable only in the Contracting State of which the entertainer or sportsman is a resident.

Article 18
PENSIONS

Subject to the provisions of paragraph 2 of Article 19, pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State.

Article 19
GOVERNMENT SERVICE

1. a) Salaries, wages and other similar remuneration, other than a pension, paid by a Contracting State or a political subdivision or a local authority thereof to an individual in respect of services rendered to that State or subdivision or authority shall be taxable only in that State.

b) However, such salaries, wages and other similar remuneration shall be taxable only in the other Contracting State if the services are rendered in that State and the individual is a resident of that State who:

(i) is a national of that State; or

(ii) did not become a resident of that State solely for the purpose of rendering the services.

2. a) Any pension paid by, or out of funds created by, a Contracting State or a political subdivision or a local authority thereof to an individual in respect of services rendered to that State or subdivision or authority shall be taxable only in that State.

b) However, such pension shall be taxable only in the other Contracting State if the individual is a resident of, and a national of, that State.

3.The provisions of Articles 15, 16, 17 and 18 shall apply to salaries, wages, and other similar remuneration, and to pensions, in respect of services rendered in connection with a business carried on by a Contracting State or a political subdivision or a local authority thereof.

20. člen
PROFESORJI IN RAZISKOVALCI

1. Posameznik, ki obišče državo pogodbenico zaradi poučevanja ali raziskovalnega dela na univerzi, visoki šoli ali na drugem priznanem izobraževalnem ali znanstvenem zavodu v tej državi pogodbenici, in ki je ali je bil tik pred tem obiskom rezident druge države pogodbenice, je v prvi omenjeni državi pogodbenici oproščen davka od prejemka za tako poučevanje ali raziskovalno delo za obdobje največ dveh let od dneva njegovega prvega obiska s tem namenom.

2. Določbe prvega odstavka se ne uporabljajo za dohodek iz raziskav, če se raziskava ne opravlja v javnem interesu, pač pa predvsem v zasebno korist določene osebe ali oseb.

21. člen
ŠTUDENTI

1. Plačila, ki jih študent, praktikant ali pripravnik, ki je ali je bil tik pred obiskom države pogodbenice rezident druge države pogodbenice in ki je v prvi omenjeni državi navzoč samo za namen svojega izobraževanja ali usposabljanja, prejema za vzdrževanje, izobraževanje ali usposabljanje, se v tej državi ne obdavčijo, pod pogojem da taka plačila nastanejo iz virov zunaj te države.

2. Za plačila, ki niso zajeta v prvem odstavku tega člena, in prejemke za odvisne osebne storitve, opravljene med takim izobraževanjem ali usposabljanjem, ima študent, praktikant ali pripravnik pravico do enakih oprostitev, olajšav ali znižanj pri davku od dohodka, kot jih lahko imajo rezidenti države pogodbenice, v kateri je na obisku.

22. člen
DRUGI DOHODKI

1. Vsi drugi deli dohodka rezidenta države pogodbenice, ne glede na to, kje nastanejo, ki niso obravnavane v predhodnih členih te konvencije, se obdavčijo samo v tej državi.

2. Določbe prvega odstavka se ne uporabljajo za dohodek, ki ni dohodek iz nepremičnin, kot so opredeljene v drugem odstavku 6. člena, če prejemnik takega dohodka, ki je rezident ene države pogodbenice, opravlja poslovno dejavnost v drugi državi pogodbenici prek stalne poslovne enote v njej ali če v tej drugi državi opravlja samostojne osebne storitve iz stalne baze v njej in je pravica ali premoženje, za katerega se izplačuje dohodek dejansko povezano s tako stalno poslovno enoto ali stalno bazo. V takem primeru se uporabljajo določbe 7. oziroma 14. člena, odvisno od primera.

23. člen
PREMOŽENJE

1. Premoženje, ki ga predstavljajo nepremičnine, opredeljene v 6. členu, ki so v lasti rezidenta države pogodbenice in so v drugi državi pogodbenici, se lahko obdavči v tej drugi državi.

2. Premoženje, ki ga predstavljajo premičnine, ki so del poslovnega premoženja stalne poslovne enote, ki jo ima podjetje ene države pogodbenice v drugi državi pogodbenici, ali premičnine, ki sodijo k stalni bazi, ki je rezidentu ene države pogodbenice na voljo v drugi državi pogodbenici za opravljanje samostojnih osebnih storitev, se lahko obdavči v tej drugi državi.

Article 20
PROFESSORS AND RESEARCHERS

1. An individual who visits a Contracting State for the purpose of teaching or carrying out research at a university, college or other recognized educational or scientific institution in that Contracting State and who is or was immediately before that visit a resident of the other Contracting State, shall be exempted from taxation in the first-mentioned Contracting State on remuneration for such teaching or research for a period not exceeding two years from the date of his first visit for that purpose.

2. The provisions of paragraph 1 shall not apply to income from research if such research is undertaken not in the public interest but primarily for the private benefit of a specific person or persons.

Article 21
STUDENTS

1. Payments which a student, an apprentice or a trainee who is or was immediately before visiting a Contracting State a resident of the other Contracting State and who is present in the first-mentioned State solely for the purpose of his education or training receives for the purpose of his maintenance, education or training shall not be taxed in that State, provided that such payments arise from sources outside that State.

2. In respect of the payments not covered by paragraph 1 of this Article, and remuneration for dependant personal services rendered during such education or training, a student, apprentice or trainee shall be entitled to the same exemptions, reliefs or reductions in respect of taxes on income as are available to the residents of the Contracting State he is visiting.

Article 22
OTHER INCOME

1. Items of income of a resident of a Contracting State, wherever arising, not dealt with in the foregoing Articles of this Convention shall be taxable only in that State.

2. The provisions of paragraph 1 shall not apply to income, other than income from immovable property as defined in paragraph 2 of Article 6, if the recipient of such income, being a resident of a Contracting State, carries on business in the other Contracting State through a permanent establishment situated therein, or performs in that other State independent personal services from a fixed base situated therein, and the right or property in respect of which the income is paid is effectively connected with such permanent establishment or fixed base. In such case the provisions of Article 7 or Article 14, as the case may be, shall apply.

Article 23
CAPITAL

1. Capital represented by immovable property referred to in Article 6, owned by a resident of a Contracting State and situated in the other Contracting State, may be taxed in that other State.

2. Capital represented by movable property forming part of the business property of a permanent establishment which an enterprise of a Contracting State has in the other Contracting State or by movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing independent personal services, may be taxed in that other State.

3. Premoženje, ki ga predstavljajo ladje in letala, s katerimi podjetje države pogodbenice opravlja prevoze v mednarodnem prometu, ter premičnine, ki sodijo k opravljanju prevozov s takimi ladjami in letali, se obdavči samo v tej državi.

4. Vsi drugi elementi premoženja rezidenta države pogodbenice se obdavčijo samo v tej državi.

24. člen
NAČINI ZA ODPRAVO DVOJNEGA OBDAVČENJA

Dvojno obdavčenje se odpravi kot sledi:

1. V Sloveniji:

a) Kadar rezident Slovenije prejema dohodek ali ima v lasti premoženje, ki se v skladu z določbami te konvencije lahko obdavči v Litvi, Slovenija dovoli:

(i) kot odbitek od davka od dohodka tega rezidenta znesek, ki je enak davku od dohodka, plačanemu v Litvi;

(ii) kot odbitek davka od premoženja tega rezidenta znesek, ki je enak davku od premoženja, plačanemu v Litvi.

V obeh primerih pa tak odbitek ne sme presegati tistega dela davka od dohodka ali premoženja, ki je bil izračunan pred odbitkom, pripisanim dohodku ali premoženju, odvisno od primera, ki se lahko obdavči v Litvi.

b) Kadar je v skladu s katerokoli določbo te konvencije dohodek, ki ga rezident Slovenije dobi, ali premoženje, ki ga ima v lasti, oproščeno davka v Sloveniji, lahko Slovenija pri izračunu zneska davka od preostalega dohodka ali premoženja takega rezidenta vseeno upošteva tudi dohodek ali premoženje, ki je davka oproščeno.

2. V Litvi:

Kadar rezident Litve prejema dohodek ali ima v lasti premoženje, ki se v skladu s to konvencijo lahko obdavči v Sloveniji, Litva dovoli, razen če je v njenem notranjem pravu predvideno ugodnejše obravnavanje:

(i) kot odbitek od davka od dohodka tega rezidenta znesek, ki je enak davku od dohodka, plačanemu v Sloveniji;

(ii) kot odbitek davka od premoženja tega rezidenta znesek, ki je enak davku od premoženja, plačanemu v Sloveniji.

V obeh primerih pa tak odbitek ne sme presegati tistega dela davka od dohodka ali premoženja, ki je bil izračunan pred odbitkom, pripisanim dohodku ali premoženju, odvisno od primera, ki se lahko obdavči v Sloveniji.

25. člen
ENAKO OBRAVNAVANJE

1. Državljani države pogodbenice ne smejo biti v drugi državi pogodbenici zavezani kakršnemukoli obdavčevanju ali kakršni koli zahtevi v zvezi s tem, ki je drugačna ali bolj obremenjujoča, kot so ali so lahko obdavčevanje in s tem povezane zahteve za državljane te druge države v enakih okoliščinah, zlasti v zvezi s prebivališčem. Ta določba se ne glede na določbe 1. člena uporablja tudi za osebe, ki niso rezidenti ene ali obeh držav pogodbenic.

2. Obdavčevanje stalne poslovne enote, ki jo ima podjetje države pogodbenice v drugi državi pogodbenici, ne sme biti v tej drugi državi manj ugodno, kot je obdavčevanje podjetij te druge države, ki opravljajo enake dejavnosti. Ta določba se ne razlaga tako, kot da zavezuje državo pogodbenico, da prizna rezidentom druge države pogodbenice

3. Capital represented by ships and aircraft operated in international traffic by an enterprise of a Contracting State and by movable property pertaining to the operation of such ships and aircraft, shall be taxable only in that State.

4. All other elements of capital of a resident of a Contracting State shall be taxable only in that State.

Article 24
METHODS FOR ELIMINATION OF DOUBLE TAXATION

Double taxation shall be eliminated as follows:

1. In Slovenia:

a) Where a resident of Slovenia derives income or owns capital which, in accordance with the provisions of this Convention, may be taxed in Lithuania, Slovenia shall allow:

i) as a deduction from the tax on the income of that resident, an amount equal to the income tax paid in Lithuania;

ii) as a deduction from the tax on the capital of that resident, an amount equal to the capital tax paid in Lithuania.

Such deduction in either case shall not, however, exceed that portion of the income tax or capital tax, as computed before the deduction is given, which is attributable, as the case may be, to the income or the capital which may be taxed in Lithuania.

b) Where in accordance with any provision of the Convention income derived or capital owned by a resident of Slovenia is exempt from tax in Slovenia, Slovenia may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital.

2. In Lithuania:

Where a resident of Lithuania derives income or owns capital which, in accordance with this Convention, may be taxed in Slovenia, unless more favorable treatment is provided in its domestic law, Lithuania shall allow:

(i) as a deduction from the tax on the income of that resident, an amount equal to the income tax paid thereon in Slovenia;

(ii) as a deduction from the tax on the capital of that resident, an amount equal to the capital tax paid thereon in Slovenia.

Such deduction in either case shall not, however, exceed that part of the income tax or the capital tax in Lithuania, as computed before the deduction is given, which is attributable, as the case may be, to the income or the capital which may be taxed in Slovenia.

Article 25
NON-DISCRIMINATION

1. Nationals of a Contracting State shall not be subjected in the other Contracting State to any taxation or any requirement connected therewith, which is other or more burdensome than the taxation and connected requirements to which nationals of that other State in the same circumstances, in particular with respect to residence, are or may be subjected. This provision shall, notwithstanding the provisions of Article 1, also apply to persons who are not residents of one or both of the Contracting States.

2. The taxation on a permanent establishment which an enterprise of a Contracting State has in the other Contracting State shall not be less favourably levied in that other State than the taxation levied on enterprises of that other State carrying on the same activities. This provision shall not be construed as obliging a Contracting State to grant to

kakršnekoli osebne olajšave, oprostitve in zmanjšanja pri obdavčenju zaradi osebnega stanja ali družinskih obveznosti, kot jih priznava svojim rezidentom.

3. Razen če se uporabljajo določbe prvega odstavka 9. člena, sedmega odstavka 11. člena ali šestega odstavka 12. člena, se obresti, licenčnine in avtorski honorarji ter druga izplačila, ki jih podjetje države pogodbenice plača rezidentu druge države pogodbenice, pri določanju obdavčljivega dobička takega podjetja odbijajo pod istimi pogoji, kot če bi bili plačani rezidentu prve omenjene države. Podobno se tudi kakršnikoli dolgovi podjetja države pogodbenice rezidentu druge države pogodbenice pri določanju obdavčljivega premoženja takega podjetja odbijajo pod istimi pogoji, kot da bi bili pogodbeno dogovorjeni z rezidentom prve omenjene države.

4. Podjetja države pogodbenice, katerih premoženje je v celoti ali delno neposredno ali posredno v lasti ali pod nadzorom enega ali več rezidentov druge države pogodbenice, ne smejo biti v prvi omenjeni državi zavezana kakršnemukoli obdavčevanju ali kakršnikoli zahtevi v zvezi z njim, ki je drugačno ali bolj obremenjujoče, kot so ali so lahko obdavčevanje in s tem povezane zahteve za druga podobna podjetja prve omenjene države.

5. Določbe tega člena se ne glede na določbe 2. člena uporabljajo za davke katerekoli vrste in opisa.

26. člen

POSTOPEK SKUPNEGA DOGOVORA

1. Kadar oseba meni, da imajo ali bodo imela dejanja ene ali obeh držav pogodbenic zanjo za posledico obdavčevanje, ki ni v skladu z določbami te konvencije, lahko ne glede na sredstva, ki jih ji omogoča notranje pravo teh držav, predloži zadevo pristojnemu organu države pogodbenice, katere rezident je, ali če se njen primer nanaša na prvi odstavek 25. člena, pristojnemu organu tiste države pogodbenice, katere državljan je. Zadeva mora biti predložena v treh letih od prvega uradnega obvestila o dejanju, ki je imelo za posledico obdavčevanje, ki ni v skladu z določbami te konvencije.

2. Če se zdi pristojnemu organu pritožba upravičena in če sam ne more priti do zadovoljive rešitve, si prizadeva razrešiti primer s skupnim dogovorom s pristojnim organom druge države pogodbenice z namenom, izogniti se obdavčevanju, ki ni v skladu s konvencijo. Vsak doseženi dogovor se izvaja ne glede na roke po notranjem pravu držav pogodbenic.

3. Pristojna organa držav pogodbenic si prizadevata s skupnimi dogovori razrešiti kakršnekoli težave ali dvome, ki izvirajo iz razlage ali uporabe konvencije. Skupno se lahko tudi posvetujejo glede odprave dvojnega obdavčevanja v primerih, ki v tej konvenciji niso predvideni.

4. Pristojna organa držav pogodbenic lahko neposredno komunicirata drug z drugim, kar vključuje tudi delo v mešani komisiji, ki jo sestavljajo sami ali njihovi predstavniki, z namenom, da bi dosegli dogovor v smislu predhodnih odstavkov.

27. člen

IZMENJAVA INFORMACIJ

1. Pristojna organa držav pogodbenic si izmenjujeta take informacije, kot je potrebno za izvajanje določb te konvencije ali notranje zakonodaje držav pogodbenic v zvezi

residents of the other Contracting State any personal allowances, reliefs and reductions for taxation purposes on account of civil status or family responsibilities which it grants to its own residents.

3. Except where the provisions of paragraph 1 of Article 9, paragraph 7 of Article 11, or paragraph 6 of Article 12, apply, interest, royalties and other disbursements paid by an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable profits of such enterprise, be deductible under the same conditions as if they had been paid to a resident of the first-mentioned State. Similarly, any debts of an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State.

4. Enterprises of a Contracting State, the capital of which is wholly or partly owned or controlled, directly or indirectly, by one or more residents of the other Contracting State, shall not be subjected in the first-mentioned State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which other similar enterprises of the first-mentioned State are or may be subjected.

5. The provisions of this Article shall, notwithstanding the provisions of Article 2, apply to taxes of every kind and description.

Article 26

MUTUAL AGREEMENT PROCEDURE

1. Where a person considers that the actions of one or both of the Contracting States result or will result for him in taxation not in accordance with the provisions of this Convention, he may, irrespective of the remedies provided by the domestic law of those States, present his case to the competent authority of the Contracting State of which he is a resident or, if his case comes under paragraph 1 of Article 25, to that of the Contracting State of which he is a national. The case must be presented within three years from the first notification of the action resulting in taxation not in accordance with the provisions of the Convention.

2. The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at a satisfactory solution, to resolve the case by mutual agreement with the competent authority of the other Contracting State, with a view to the avoidance of taxation which is not in accordance with the Convention. Any agreement reached shall be implemented notwithstanding any time limits in the domestic law of the Contracting States.

3. The competent authorities of the Contracting States shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of the Convention. They may also consult together for the elimination of double taxation in cases not provided for in the Convention.

3. The competent authorities of the Contracting States may communicate with each other directly, including through a joint commission consisting of themselves or their representatives for the purpose of reaching an agreement in the sense of the preceding paragraphs.

Article 27

EXCHANGE OF INFORMATION

1. The competent authorities of the Contracting States shall exchange such information as is necessary for carrying out the provisions of this Convention or of the domestic laws

z davki, ki jih ureja ta konvencija, če obdavčevanje na njihovi podlagi ni v nasprotju s konvencijo. Izmenjava informacij ni omejena s 1. členom. Vsaka informacija, ki jo prejme država pogodbenica, se obravnava kot tajnost na enak način kot informacije, pridobljene po notranji zakonodaji te države, in se razkrije samo osebam ali organom (vključno s sodišči in upravnimi organi), ki se ukvarjajo z odmero ali pobiranjem davkov, ki jih obravnava ta konvencija, ter z odkrivanjem in preganjanjem v zvezi z davki ali z odločanjem o pritožbah v zvezi z njimi. Te osebe ali organi uporabljajo informacije samo v te namene. Informacije lahko razkrijejo na sodnih obravnavah ali pri sodnih odločitvah.

2. V nobenem primeru se določbe prvega odstavka ne razlagajo tako, kot da državi pogodbenici nalagajo obveznost:

a) da izvaja upravne ukrepe, ki niso v skladu z zakonodajo in upravno prakso te ali druge države pogodbenice;

b) da priskrbi informacije, ki jih ni mogoče dobiti po zakonski ali po običajni upravni poti te ali druge države pogodbenice;

c) da priskrbi informacije, ki bi razkrile kakršno koli trgovinsko, poslovno, industrijsko, komercialno ali poklicno skrivnost ali trgovinski postopek ali informacije, katerih razkritje bi nasprotovalo javnemu redu (ordre public).

28. člen

ČLANI DIPLOMATSKIH MISIJ IN KONZULARNIH PREDSTAVNIŠTEV

Nič v tej konvenciji ne vpliva na davčne ugodnosti članov diplomatskih misij ali konzularnih predstavništev po splošnih pravilih mednarodnega prava ali določbah posebnih sporazumov.

29. člen

ZAČETEK VELJAVNOSTI

1. Vladi držav pogodbenic druga drugo uradno obvestita, kdaj so bile izpolnjene notranjepravne zahteve za začetek veljavnosti te konvencije.

2. Konvencija začne veljati na dan zadnjega uradnega obvestila iz prvega odstavka in njene določbe veljajo v obeh (državah) pogodbenicah:

a) za davke, zadržane pri viru, za obdavčenje dohodkov, prejetih prvega januarja ali po prvem januarju koledarskega leta, ki sledi letu, v katerem je konvencija začela veljati;

b) za druge davke od dohodka in davke od premoženja, za davke, ki se zaračunavajo za vsako davčno leto, ki se začne prvega januarja ali po prvem januarju v koledarskem letu, ki sledi letu, v katerem je konvencija začela veljati.

30. člen

PRENEHANJE VELJAVNOSTI

Ta konvencija velja, dokler je država pogodbenica ne odpove. Ena ali druga država pogodbenica lahko odpove konvencijo po diplomatski poti s pisnim obvestilom o odpovedi najmanj šest mesecev pred koncem vsakega koledarskega leta.

V tem primeru konvencija v obeh državah pogodbenicah preneha veljati:

a) za davke, zadržane pri viru, za obdavčenje dohodkov, prejetih prvega januarja ali po prvem januarju koledarskega leta, ki sledi letu, v katerem je bilo dano uradno obvestilo;

of the Contracting States concerning taxes covered by the Convention insofar as the taxation thereunder is not contrary to the Convention. The exchange of information is not restricted by Article 1. Any information received by a Contracting State shall be treated as secret in the same manner as information obtained under the domestic laws of that State and shall be disclosed only to persons or authorities (including courts and administrative bodies) concerned with the assessment or collection of, the enforcement or prosecution in respect of, or the determination of appeals in relation to, the taxes covered by the Convention. Such persons or authorities shall use the information only for such purposes. They may disclose the information in public court proceedings or in judicial decisions.

2. In no case shall the provisions of paragraph 1 be construed so as to impose on a Contracting State the obligation:

a) to carry out administrative measures at variance with the laws and administrative practice of that or of the other Contracting State;

b) to supply information which is not obtainable under the laws or in the normal course of the administration of that or of the other Contracting State;

c) to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information, the disclosure of which would be contrary to public policy (ordre public).

Article 28

MEMBERS OF DIPLOMATIC MISSIONS AND CONSULAR POSTS

Nothing in this Convention shall affect the fiscal privileges of members of diplomatic missions or consular posts under the general rules of international law or under the provisions of special agreements.

Article 29

ENTRY INTO FORCE

1. The Governments of the Contracting States shall notify each other when the constitutional requirements for the entry into force of this Convention have been complied with.

2. The Convention shall enter into force on the date of the later of notifications referred to in paragraph 1 and its provisions shall have effect in both Contracting States:

a) in respect of taxes withheld at source, on income derived on or after the first day of January in the calendar year next following the year in which the Convention enters into force;

b) in respect of other taxes on income and taxes on capital, for taxes chargeable for any fiscal year beginning on or after the first day of January in the calendar year next following the year in which the Convention enters into force.

Article 30

TERMINATION

This Convention shall remain in force until terminated by a Contracting State. Either Contracting State may terminate the Convention, through diplomatic channels, by giving written notice of termination at least six months before the end of any calendar year.

In such event, the Convention shall cease to have effect in both Contracting States:

a) in respect of taxes withheld at source, on income derived on or after the first day of January in the calendar year next following the year in which the notice has been given;

b) za druge davke od dohodka in davke od premoženja, za davke, ki se zaračunavajo za vsako davčno leto, ki se začne prvega januarja ali po prvem januarju v koledarskem letu, ki sledi letu, v katerem je bilo dano uradno obvestilo.

V dokaz navedenega sta podpisana, ki sta bila za to pravilno pooblaščena, podpisala to konvencijo.

Sestavljeno v dveh izvodih v Ljubljani dne 23. maja 2000, v slovenskem, litvanskem in angleškem jeziku, pri čemer so vsa tri besedila enako verodostojna. V primeru različnih razlag prevlada angleško besedilo.

Za Vlado	Za Vlado
Republike Slovenije	Republike Litve
Milojka Kolar l. r.	**Oskaras Jusys** l.r.

b) in respect of other taxes on income and taxes on capital, for taxes chargeable for any fiscal year beginning on or after the first day of January in the calendar year next following the year in which the notice has been given.

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

Done in duplicate at Ljubljana this 23 day of May 2000, in the Slovenian, Lithuanian and English languages, all three texts being equally authentic. In the case of divergence of interpretation the English text shall prevail.

For the Government	For the Government
of the Republic of Slovenia	of the Republic of Lithuania
Milojka Kolar, (s)	**Oskaras Jusys,** (s)

PROTOKOL

Ob podpisu Konvencije med Vlado Republike Slovenije in Vlado Republike Litve o izogibanju dvojnega obdavčenja in preprečevanju davčnih utaj v zvezi z davki od dohodka in premoženja (v nadaljevanju "konvencije") sta se obe strani sporazumeli o teh določbah, ki so sestavni del konvencije:

1. v zvezi s tretjim odstavkom 4. člena
Kadar je oseba, ki ni posameznik, rezident obeh držav pogodbenic in si pristojna organa držav pogodbenic prizadevata v skupnem dogovoru določiti njen status, upoštevajo dejavnike, kot so kraj dejanskega upravljanja, kraj, kjer je taka oseba registrirana ali drugače ustanovljena, in vse druge pomembne dejavnike.

2. v zvezi s 6. in 13. členom
Razume se, da je ves dohodek in dobiček iz odtujitve nepremičnin, omenjenih v 6. členu, ki so v državi pogodbenici, mogoče obdavčiti v skladu z določbami 13. člena.

V dokaz navedenega sta podpisana, ki sta bila za to pravilno pooblaščena, podpisala ta protokol.

Sestavljeno v dveh izvodih v Ljubljani dne 23. maja 2000, v slovenskem, litvanskem in angleškem jeziku, pri čemer so vsa tri besedila enako verodostojna. V primeru različnih razlag prevlada angleško besedilo.

Za Vlado	Za Vlado
Republike Slovenije	Republike Litve
Milojka Kolar l. r.	**Oskaras Jusys** l.r.

PROTOCOL

At the signing of the Convention between the Government of the Republic of Slovenia and the Government of the Republic of Lithuania for the Avoidance of Double Taxation and the and the Prevention of Fiscal Evasion with respect to Taxes on Income and on Capital (hereinafter referred to as "the Convention") both sides have agreed upon the following provisions which form an integral part of the Convention:

1. In respect to Article 4 paragraph 3
Where a person other than an individual is a resident of both Contracting States and the competent authorities of the Contracting States endeavour to determine its status by mutual agreement, they shall have regard to such factors as the place of effective management, the place where it is incorporated or otherwise constituted and any other relevant factors.

2. In respect to Article 6 and Article 13
It is understood that all income and gains from the alienation of immovable property referred to in Article 6 and situated in a Contracting State may be taxed in accordance with the provisions of Article 13.

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

Done in duplicate at Ljubljana this 23 day of May 2000, in the Slovenian, Lithuanian and English languages, all three texts being equally authentic. In the case of divergence of interpretation the English text shall prevail.

For the Government	For the Government
of the Republic of Slovenia	of the Republic of Lithuania
Milojka Kolar, (s)	**Oskaras Jusys,** (s)

3. člen

Za izvajanje konvencije s protokolom skrbi Ministrstvo za finance.

4. člen

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

Št. 432-01/01-16/1
Ljubljana, dne 22. novembra 2001

Predsednik
Državnega zbora
Republike Slovenije
Borut Pahor l. r.

80. **Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Republike Litve o sodelovanju v kulturi, izobraževanju in znanosti (BLIKIZ)**

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

U K A Z
O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO REPUBLIKE LITVE O SODELOVANJU V KULTURI, IZOBRAŽEVANJU IN ZNANOSTI (BLIKIZ)

Razglašam Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Republike Litve o sodelovanju v kulturi, izobraževanju in znanosti (BLIKIZ), ki ga je sprejel Državni zbor Republike Slovenije na seji 22. oktobra 2001.

Št. 001-22-144/01
Ljubljana, 30. novembra 2001

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N
O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO REPUBLIKE LITVE O SODELOVANJU V KULTURI, IZOBRAŽEVANJU IN ZNANOSTI (BLIKIZ)

1. člen

Ratificira se Sporazum med Vlado Republike Slovenije in Vlado Republike Litve o sodelovanju v kulturi, izobraževanju in znanosti, podpisan v Vilniusu 14. novembra 1997.

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 REPUBLIKE LITVE O SODELOVANJU V KULTURI, IZOBRAŽEVANJU IN ZNANOSTI

Vlada Republike Slovenije in Vlada Republike Litve (v nadaljevanju pogodbenici) sta se

v želji, da bi spodbudili sodelovanje v kulturi, izobraževanju in znanosti,

v prepričanju, da bo takšno sodelovanje pripomoglo k boljšemu razumevanju in poglobitvi odnosov med državama na različnih ravneh,

odločeni spoštovati načela Helsinške sklepne listine Konference o varnosti in sodelovanju v Evropi, Pariške listine za novo Evropo in Dunajske deklaracije Sveta Evrope,

odločili, da podpišeta ta Sporazum o sodelovanju v kulturi, izobraževanju in znanosti (v nadaljevanju sporazum), in se dogovorili:

1. člen

Pogodbenici si prizadevata bolje spoznati kulturo druge strani in podpirata stike v kulturi in skupne prireditve v vseh oblikah.

A G R E E M E N T
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA AND THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA ON COOPERATION IN THE FIELDS OF CULTURE, EDUCATION AND SCIENCE

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

Desiring to promote cooperation in the fields of culture, education and science,

Being convinced that such cooperation will contribute to a better understanding and enhancement of relations between the two countries at different levels,

Resolved to respect the principles of the Helsinki Final Act of the Conference on Security and Cooperation in Europe, the Paris Charter for a New Europe and the Vienna Declaration of the Council of Europe,

Have decided to sign this Agreement on Cooperation in the Fields of Culture, Education and Science (hereinafter referred to as "the Agreement") and agreed as follows:

Article 1

The Contracting Parties shall endeavour to acquire a better knowledge of the other Party's culture and shall support cultural contacts and joint events in all forms.

* Besedilo sporazuma v litovskem jeziku je na vpogled v Sektorju za mednarodnopravne zadeve Ministrstva za zunanje zadeve Republike Slovenije.

2. člen

Pogodbenici podpirata sodelovanje na področju visokega izobraževanja, znanosti in tehnologije in spodbujata medsebojno izmenjavo študentov, učiteljev in znanstvenikov obeh držav.

Sodelovanje na zgoraj omenjenih področjih se določi v posebnem sporazumu (ali programu), če bi pogodbenici tako sklenili.

3. člen

Pogodbenici na podlagi vzajemnega interesa spodbujata učenje jezika, književnosti in zgodovine druge države in v ta namen podpirata sodelovanje učiteljev in študentov na poletnih jezikovnih šolah.

4. člen

Pogodbenici bosta prek svojih pristojnih ustanov izmenjali informacije in dokumentacijo za obravnavo vprašanj v zvezi s priznavanjem spričeval in diplom.

5. člen

Pogodbenici podpirata nadaljnje spoštovanje veljavnih mednarodnih sporazumov o varstvu avtorskih pravic in popularizaciji kulturnih vrednot druge pogodbenice.

6. člen

Pogodbenici soglašata, da si bosta izmenjali knjige in publikacije v zvezi s kulturo, umetnostjo in znanostjo.

Pogodbenici spodbujata razvoj in sodelovanje na področju glasbe, gledališča ter podpirata vzajemno izmenjavo solistov, skupin umetnikov in predstav.

Pogodbenici spodbujata sodelovanje na področju upodabljajoče umetnosti in izmenjavo umetniških in drugih kulturnih razstav ter pomagata pri sprejemanju ustreznih ukrepov v ta namen.

Pogodbenici spodbujata sodelovanje in medsebojno izmenjavo podatkov med javnimi avdio in vizualnimi sredstvi obveščanja – nacionalnima radijskima in televizijskima družbama. To sodelovanje bo kasneje določeno s sporazumom med obema družbama.

Vsaka pogodbenica spodbuja neposredno sodelovanje na področju kinematografije.

7. člen

Pogodbenici razvijata medsebojno sodelovanje na področju kulture, izobraževanja in znanosti in v ta namen pospešujeta neposredno sodelovanje med vladnimi in nevladnimi ustanovami obeh držav na teh področjih.

8. člen

Pogodbenici spodbujata in olajšujeta sodelovanje na področjih varstva kulturne dediščine, muzejev in knjižnic in izmenjujeta podatke o izvozu umetniških del in nezakonitem trgovanju z njimi.

9. člen

Pogodbenici spodbujata in olajšujeta sodelovanje in izmenjave med mladinskimi organizacijami obeh držav.

Article 2

The Contracting Parties shall support cooperation in the fields of higher education, science and technology, and encourage mutual exchange of students, teachers and scientists of both countries.

The cooperation in the above fields shall be stipulated in a seperate agreement (or a programme), should both Contracting Parties so decide.

Article 3

The Contracting Parties shall, on the basis of reciprocal interest, encourage the learning of the language, literature and history of the other country and shall, to this end, support the participation of teachers and students in summer language schools.

Article 4

The Contracting Parties shall, through their competent institutions, exchange information and documentation for dealing with issues concerning the recognition of certificates and degrees.

Article 5

The Contracting Parties shall support further compliance with valid international agreements concerning the protection of copyrights and the popularisation of cultural values of the other Contractiong Party.

Article 6

The Contracting Parties agree to exchange books and publications concerning culture, art and science.

The Contracting Parties shall encourage the development and cooperation in the fields of music, theatre, and shall support reciprocal exchange of soloists, groups of artists and performances.

The Contracting Parties shall encourage cooperation in the field of fine arts and the exchange of art and other cultural exhibitions and assist in taking appropriate measures for this end.

The Contracting Parties shall encourage cooperation and mutual exchange of information between public audio and visual media – national radio and television companies. This cooperation will later be determined by an agreement between the two companies.

Each Contracting Party shall encourage direct cooperation in the field of cinema.

Article 7

The Contracting Parties shall develop mutual cooperation in the fields of culture, education and science and shall, for this purpose, promote direct cooperation between the governmental and non-governmental institutions of the two countries in these fields.

Article 8

The Contracting Parties shall encourage and facilitate cooperation in the fields of cultural heritage, protection, museums and libraries and shall exchange information on export and illicit trafficking of the works of art.

Article 9

The Contracting Parties shall encourage and facilitate cooperation and exchanges between youth organisations of the two countries.

10. člen

Pogodbenici podpirata neposredno sodelovanje v športu in telesni vzgoji.

11. člen

Pogodbenici podpirata medsebojno sodelovanje v mednarodnih organizacijah.

12. člen

Pogodbenici, če bo za to obstajal obojestranski interes, pripravita programe izvajanja za uresničevanje tega sporazuma in se po posvetovanju odločita o finaĺnih dogovorih. V skladu s tem sporazumom lahko pristojne organizacije obeh držav pripravijo posebne izvedbene programe in sporazume za ustrezna področja.

13. člen

Ta sporazum začne veljati na dan, ko se pogodbenici medsebojno obvestita, da so izpolnjeni njuni notranji postopki za začetek veljavnosti tega sporazuma.

14. člen

Ta sporazum se sklene za obdobje petih let. Po izteku tega obdobja se sporazum samodejno podaljšuje za nadaljnja petletna obdobja, dokler ga nobena od pogodbenic vsaj šest mesecev pred iztekom ustreznega obdobja veljavnosti po diplomatski poti pisno ne odpove.

V primeru odpovedi tega sporazuma vsak program izmenjave, prireditev ali projekt, ki se izvaja na njegovi podlagi in še ni končan, ostane veljaven za dogovorjeno obdobje.

Sestavljeno v Vilniusu dne 14. novembra 1997 v dveh izvodih v slovenskem, litovskem in angleškem jeziku, pri čemer so vsa besedila enako verodostojna. Ob razlikah pri razlagi prevlada angleško besedilo.

Za Vlado Republike Slovenije	Za Vlado Republike Litve
Ivo Vajgl l. r.	**Algimantas Rimkunas** l. r.

Article 10

The Contracting Parties shall support direct cooperation in the field of sports and physical education.

Artcle 11

The Contracting Parties shall support mutual cooperation within the international organisations.

Article 12

The Contracting Parties shall, in case of mutual interest, formulate implementation programmes for carrying out the present Agreement and decide on financial arrangements after consultation. In accordance with the present Agreement, relevant organisations of the two countries may work out separate implementation programmes and agreements in respectful fields.

Article 13

The present Agreement shall enter into force on the date on which both Contracting Parties have notified each other of the fulfilment of their internal procedures for entry into force of the present Agreement.

Article 14

This Agreement is concluded for a period of five years. After the expiration of this period, the Agreement shall be automatically extended for another five-year periods as long as neither of the Contracting Parties gives notice of termination in writing through diplomatic channels at least six months before the expiration date of the relevant period of validity.

In case of termination of this Agreement, any exchange programme, event or project carried out on its basis, which has not been completed, preserves its validity for the period for which it was agreed upon.

Done at Vilnius this day of 14th November 1997 in duplicate in the Slovene, Lithuanian and English languages, all texts being equally authentic. In case of different interpretation the English text shall prevail.

For the Government of the Republic of Slovenia:	For the Government of the Republic of Lithuania:
Ivo Vajgl, (s)	**Algimantas Rimkunas,** (s)

3. člen

Za izvajanje sporazuma skrbijo Ministrstvo za zunanje zadeve, Ministrstvo za šolstvo, znanost in šport ter Ministrstvo za kulturo.

4. člen

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

Št. 610-02/01-28/1
Ljubljana, dne 22. novembra 2001

Predsednik
Državnega zbora
Republike Slovenije
Borut Pahor l. r.

81. **Zakon o ratifikaciji Sporazuma o sodelovanju v izobraževanju, kulturi in znanosti med Vlado Republike Slovenije in Vlado Islamske republike Iran (BIRKIZ)**

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

U K A Z
O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA O SODELOVANJU V IZOBRAŽEVANJU, KULTURI IN ZNANOSTI MED VLADO REPUBLIKE SLOVENIJE IN VLADO ISLAMSKE REPUBLIKE IRAN (BIRKIZ)

Razglašam Zakon o ratifikaciji Sporazuma o sodelovanju v izobraževanju, kulturi in znanosti med Vlado Republike Slovenije in Vlado Islamske republike Iran (BIRKIZ), ki ga je sprejel Državni zbor Republike Slovenije na seji 22. novembra 2001.

Št. 001-22-143/01
Ljubljana, 30. novembra 2001

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N
O RATIFIKACIJI SPORAZUMA O SODELOVANJU V IZOBRAŽEVANJU, KULTURI IN ZNANOSTI MED VLADO REPUBLIKE SLOVENIJE IN VLADO ISLAMSKE REPUBLIKE IRAN (BIRKIZ)

1. člen

Ratificira se Sporazum o sodelovanju v izobraževanju, kulturi in znanosti med Vlado Republike Slovenije in Vlado Islamske republike Iran, podpisan v Ljubljani 13. aprila 1994.

2. člen

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

S P O R A Z U M
O SODELOVANJU V IZOBRAŽEVANJU, KULTURI IN ZNANOSTI MED VLADO REPUBLIKE SLOVENIJE IN VLADO ISLAMSKE REPUBLIKE IRAN

Vlada Republike Slovenije in Vlada Islamske republike Iran (v nadaljnjem besedilu: pogodbenici)

sta se v želji, da bi uspešno sodelovali v izobraževanju, kulturi in znanosti,

in v prepričanju, da bo tako sodelovanje prispevalo k boljšemu razumevanju in krepitvi vsestranskih odnosov med državama na različnih ravneh glede notranjih zakonov in predpisov,

dogovorili o naslednjem:

1. člen

Pogodbenici bosta razvijali medsebojno sodelovanje in stike v izobraževanju, kulturi in znanosti in v ta namen podpirali neposredno sodelovanje in stike med univerzami, drugimi izobraževalnimi, znanstvenoraziskovalnimi in kulturnimi ustanovami in organizacijami.

Podpirali bosta tudi izmenjavo univerzitetnih profesorjev, študentov, znanstvenih in strokovnih delavcev ter umetnikov.

A G R E E M E N T
ON COOPERATION IN THE FIELDS OF EDUCATION, CULTURE AND SCIENCE BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA AND THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN

The Government of the Republic of Slovenia and the Government of the Islamic Republic of Iran (hereinafter: "the Contracting Parties");

Desiring to develop co-operation between the two countries in the fields of education, culture and science;

Convinced that such co-operation will contribute to better mutual understanding and enhancement of relationship at different levels regarding internal laws and regulations;

Have agreed as follows:

Article 1

The Contracting Parties shall develop mutual cooperation and contacts in the fields of education, culture and science and, to this end, support direct cooperation and contacts between universities, other educational, scientific and cultural institutions and organisations.

They shall also support the exchange of university professors, students, scientists, experts and artists.

* Besedilo v perzijskem jeziku je na vpogled v Sektorju za mednarodnopravne zadeve Ministrstva za zunanje zadeve Republike Slovenije.

2. člen

Pogodbenici bosta v skladu z možnostmi dodeljevali štipendije za študij in specializacije.

3. člen

Pogodbenici bosta podpirali in spodbujali poučevanje in učenje jezika druge strani.

4. člen

Pogodbenici bosta preučili možnosti za medsebojno priznavanje spričeval, visokošolskih diplom in akademskih naslovov.

5. člen

Pogodbenici bosta podpirali poznavanje kulture druge pogodbenice s tem, da bosta spodbujali neposredno sodelovanje na vseh področjih kulture, še zlasti s pomočjo:

– prevodov in izdaj literarnih in umetniških del avtorjev druge pogodbenice;
– umetniških razstav;
– izmenjave umetnikov in umetniških skupin.

6. člen

Pogodbenici bosta podpirali izmenjavo informacij o ukrepih za varstvo naravne in kulturne dediščine.

7. člen

Pogodbenici bosta spodbujali neposredno sodelovanje med njunimi tiskovnimi agencijami.

8. člen

Pogodbenici bosta spodbujali sodelovanje med pristojnimi oblastmi za obojestransko zaščito založniških in drugih avtorskih pravic v skladu z njuno zakonodajo.

9. člen

Sodelovanje na znanstveno-raziskovalnem in tehnološkem področju bo urejeno s posebnim sporazumom.

10. člen

Pogodbenici bosta spodbujali stike med mladimi in njihovimi mladinskimi organizacijami obeh držav pogodbenic.

11. člen

Pogodbenici bosta spodbujali sodelovanje med športnimi organizacijami in udeležbo na športnih prireditvah v eni ali drugi državi.

12. člen

Pogodbenici bosta na primeren način in v skladu z možnostmi olajševali udeležbo na seminarjih, festivalih, tekmovanjih, razstavah, konferencah, simpozijih, delavnicah in srečanjih s področij, ki jih zajema ta sporazum in ki bodo potekale v eni ali drugi državi.

13. člen

V skladu z zakoni in predpisi, ki veljajo na njunih ozemljih, bo vsaka pogodbenica drugi pogodbenici omogočila primerne olajšave pri vstopu oseb v državo, bivanju v državi in izstop iz države, kakor tudi pri uvozu gradiva in opreme, potrebne za programe izmenjav po tem sporazumu.

Article 2

The Contracting Parties shall, within the scope of their means grant scholarship for studies and specialized training.

Article 3

The Contracting Parties shall support teaching and studying the language of the other Party.

Article 4

The Contracting Parties shall examine the possibilities of reciprocal recognition of certificates, university degrees and academic titles.

Article 5

The Contracting Parties shall promote mutual acquiring of better knowledge of the other Party's culture by stimulating direct cooperation in all fields of culture, especially through:

– translating and publishing of literary works by the authors of the other party;
– art exhibitions;
– exchange of artist and artistic groups.

Article 6

The Contracting Parties shall facilitate the exchange of information about measures to protect the national heritage.

Article 7

The Contracting Parties shall support direct co-operation between their press agencies.

Article 8

The Contracting Parties shall encourage co-operation between their respective authorities in order to ensure the mutual protection of copyright and other author's rights within the terms of their legislation.

Article 9

The co-operation in the fields of science, research and technology will be agreed separately.

Article 10

The Contracting Parties shall encourage contacts between the young and their organisations in the countries of both Contracting Parties.

Article 11

The Contracting Parties shall encourage co-operation between sporting organisations and participation in sporting events in each other's country.

Article 12

The Contracting Parties shall facilitate in appropriate ways and in accordance to their possibilities attendance at seminars, festivals, competitions, exhibitions, conferences, symposia, workshops and meetings in the fields covered by this Agreement and held in either country.

Article 13

The Contracting Parties shall, within the terms of the laws and regulations in force in their territories, accord to the other Party, every reasonable facility for the entry, stay and departure of persons, and for the importation of the material and equipment necessary for carrying out the programmes of exchange which may be established in accordance with this Agreement.

14. člen

Predstavniki pogodbenic se bodo, kadar bo to potrebno ali na željo ene od strani, sestali kot skupni odbor, ki bo ocenil razvoj sodelovanja, ki ga zajema ta sporazum.

15. člen

Ta sporazum prične veljati z dnem, ko pristojna organa obeh držav izmenjata obvestili o njegovi potrditvi.

Ta sporazum velja pet let. Nato se samodejno obnavlja za nadaljnje petletno obdobje, razen če ga katera od pogodbenic šest mesecev pred iztekom vsakega petletnega obdobja pisno ne odpove po diplomatski poti.

Sestavljeno v Ljubljani dne 13 aprila 1994 v dveh izvirnikih v slovenskem, farsi in angleškem jeziku, pri čemer so vsa besedila enako verodostojna.

Ob različni razlagi je odločilno angleško besedilo.

ZA VLADO REPUBLIKE SLOVENIJE	Za VLADO ISLAMSKE REPUBLIKE IRAN
Lojze Peterle l. r.	**Ali Akbar Velayati** l. r.

Article 14

Representatives of the Contracting Parties shall, whenever necessary or at the request of the other Party, meet as Joint Committee to review developments related to this Agreement.

Article 15

This Agreement shall enter into force on the day of the exchange of notification of its approval by the competent bodies of both countries.

This Agreement shall remain in force for the period of five years. It shall thereafter be automatically renewed for a successive period of five years unless denounced in writing through diplomatic channels by either Contracting Party six months prior to the expiry of any one period.

Done at Ljubljana on 13 April 1994 in two originals in the Slovene, Farsi and English languages, all texts being equally authentic.

In case of different interpretation, the text in the English language shall prevail.

FOR THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA	FOR THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN
Lojze Peterle, (s)	**Ali Akbar Velayati,** (s)

3. člen

Za izvajanje sporazuma skrbijo Ministrstvo za zunanje zadeve, Ministrstvo za šolstvo, znanost in šport ter Ministrstvo za kulturo.

4. člen

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

Št. 610-02/01-27/1
Ljubljana, dne 22. novembra 2001

Predsednik
Državnega zbora
Republike Slovenije
Borut Pahor l. r.

82. Uredba o ratifikaciji Sporazuma o spremembi Sporazuma med Socialistično federativno republiko Jugoslavijo in Italijansko republiko o oskrbi goriške občine z vodo

Na podlagi petega odstavka 75. člena Zakona o zunanjih zadevah (Uradni list RS, št. 45/2001) izdaja Vlada Republike Slovenije

U R E D B O
O RATIFIKACIJI SPORAZUMA O SPREMEMBI SPORAZUMA MED SOCIALISTIČNO FEDERATIVNO REPUBLIKO JUGOSLAVIJO IN ITALIJANSKO REPUBLIKO O OSKRBI GORIŠKE OBČINE Z VODO

1. člen

Ratificira se Sporazum o spremembi Sporazuma med Socialistično federativno republiko Jugoslavijo in Italijansko republiko o oskrbi goriške občine z vodo z dne 9. maja 1979, ki ga je Republika Slovenija nasledila z izmenjavo not z dne 31. julija 1992, sklenjen z izmenjavo not 14. septembra 1999.

2. člen

Sporazum se v izvirniku v slovenskem in italijanskem jeziku ter v prevodu glasi:

072/12265

NOTA VERBALE

Il Ministero degli Affari Esteri presenta i suoi complimenti all'Ambasciata della Repubblica di Slovenia e, con riferimento all'Accordo tra la Repubblica italiana e l'allora Repubblica Socialista Federativa di Jugoslavia concernente il canone per il rifornimento idrico del Comune di Gorizia, fatto a Gorizia il 9 maggio 1979, si pregia di prendere atto della confluente volontà del Governo sloveno, rappresentata da codesta Ambasciata con Nota Verbale n.14/99 del 9 marzo 1999, di modificare l'art.3 dell'Accordo medesimo – conformemente a quanto proposto dalla delegazione italiana in occasione della V sessione della Commissione Mista Italo – Slovena di Cooperazione Economica, svoltasi a Roma il 23 giugno 1998 – secondo la nuova formulazione accolta da entrambe le Parti e di seguito riportata:

"Gli importi dovuti per l'acqua erogata e fatturati mensilmente dovranno essere pagati al più tardi entro quindici giorni dal ricevimento delle fatture dalla banca italiana individuata dal soggetto destinatario della fornitura alla banca slovena designata dal soggetto erogatore."

Qualora codesta Ambasciata concordi sulla proposta prospettata, la presente Nota e la Nota di risposta di eguale tenore costituiranno un Accordo tra i nostri due Governi che entrerà in vigore alla data di ricezione della seconda notifica con cui i Governi si saranno comunicati ufficialmente l'avvenuto espletamento delle rispettive procedure interne.

Il Ministero degli Affari Esteri si avvale dell'occasione per rinnovare all'Ambasciata della Repubblica di Slovenia gli atti della sua più alta considerazione.

Roma, 2. settembre 1999

AMBASCIATA DELLA
REPUBBLICA DI SLOVENIA
Via L. Pisano 10
00197 ROMA

Št. 072/12265

VERBALNA NOTA

Ministrstvo za zunanje zadeve izraža Veleposlaništvu Republike Slovenije svoje spoštovanje in ima v zvezi s sporazumom med Italijansko republiko in nekdanjo Socialistično Federativno Republiko Jugoslavijo o nadomestilu za vodno oskrbo občine Gorica, sklenjenim v Gorici, 9. maja 1979, čast vzeti na znanje enako željo slovenske vlade, ki jo je predstavilo to veleposlaništvo v verbalni noti z dne 9. marca 1999, da bi spremenili 3. člen omenjenega sporazuma – v skladu s predlogom italijanske delegacije ob priliki V. zasedanja Mešane italijansko slovenske komisije za gospodarsko sodelovanje, ki je potekalo v Rimu 23. junija 1998 – z novo formulacijo, ki jo sprejemata obe strani in se glasi:

"Dolgovane, mesečno obračunane zneske za dobavljeno vodo, mora italijanska banka, ki jo določi koristnik, plačati najkasneje v petnajstih dneh po prejemu računov, slovenski banki, ki jo določi dobavitelj."

Če Veleposlaništvo z danim predlogom soglaša, bosta ta nota in nota odgovor z enako vsebino tvorili Sporazum med našima vladama, ki bo začel veljati z datumom prejema drugega obvestila s katerim se bosta vladi uradno obvestili, da so njuni notranji postopki v zvezi s tem zaključeni.

Ministrstvo za zunanje zadeve tudi ob tej priložnosti izraža Veleposlaništvu Republike Slovenije svoje najgloblje spoštovanje.

Rim, 2. septembra 1999

VELEPOSLANIŠTVO
REPUBLIKE SLOVENIJE
Ul. L. Pisano 10
00197 R I M

Št. 95/99

Veleposlaništvo Republike Slovenije izraža spoštovanje Ministrstvu za zunanje zadeve ter ima čast potrditi prejem note ministrstva št. 072/12265 z dne 2. septembra 1999, ki se glasi, kot sledi:

"Ministrstvo za zunanje zadeve izraža svoje spoštovanje Veleposlaništvu Republike Slovenije in ima v zvezi s sporazumom med nekdanjo Socialistično federativno republiko Jugoslavijo in Italijansko republiko o oskrbi Goriške občine z vodo, sklenjenim v Gorici 9. maja 1979, čast vzeti na znanje enako željo slovensko vlade, izraženo s strani tega veleposlaništva z verbalno noto št. 14/99 z dne 9. marca 1999, za spremembo 3. člen omenjenega sporazuma, skladno s takšnim predlogom italijanske delegacije na V. zasedanju Mešane slovensko – italijanske komisije za gospodarsko sodelovanje, ki je bilo v Rimu 23. junija 1998 – z novo formulacijo, dogovorjeno med obema stranema in naslednje vsebine:

'Dolgovane, mesečno obračunane zneske za dobavljeno vodo mora italijanska banka, ki jo določi koristnik, plačati najkasneje v petnajstih dneh po prejemu računa slovenski banki, ki jo določi dobavitelj.'

Če veleposlaništvo soglaša z navedenim predlogom, bosta ta nota in nota-odgovor z enako vsebino predstavljali sporazum med našima vladama, ki bo začel veljati z dnem prejema drugega obvestila, s katerima se bosta vladi uradno obvestili o končanju notranjih postopkov v zvezi s tem."

Veleposlaništvo ima čast izraziti soglasje slovenske vlade z zgoraj navedenim.

Veleposlaništvo Republike Slovenije tudi ob tej priložnosti izraža Ministrstvu za zunanje zadeve svoje najglobje spoštovanje.

Rim, 14. septembra 1999

MINISTRSTVO ZA ZUNANJE ZADEVE
REPUBLIKE ITALIJE

No. 95/99

L'Ambasciata della Repubblica di Slovenia a Roma presenta i suoi complimenti al Ministero degli Affari Esteri e ha l'onore di confermare la ricezione della Nota Verbale no. 072/12265 del 2 settembre 1999 del Ministero di seguito riportata:

"Il Ministero degli Affari Esteri presenta i suoi complimenti all'Ambasciata della Repubblica di Slovenia e, con riferimento all'Accordo tra la Repubblica italiana e l'allora Repubblica Socialista Federativa di Iugoslavia concernente il canone per il rifornimento idrico del Comune di Gorizia, fatto a Gorizia il 9 maggio 1979, si pregia di prendere atto della confluente volontŕ del Governo sloveno, rappresentata da codesta Ambasciata con Nota Verbale no. 14/99 del 9 marzo 1999, di modificare l'articolo 3 dell'Accordo medesimo – conformemente a quanto proposto dalla delegazione italiana in occasione della V. sessione della Commissione Mista Italo-Slovena di Cooperazione Economica, svoltasi a Roma il 23 giugno 1998 – secondo la nuova formulazione accolta da entrambe le Parti e di seguito riportata:

'Gli importi dovuti per l'acqua erogata e fatturati mensilmente dovranno essere pagati al piů tardi entro quindici giorni dal ricevimento delle fatture dalla banca italiana individuata dal soggetto destinatario della fornitura alla banca slovena designata dal soggetto erogatore.'

Qualora codesta Ambasciata concordi sulla proposta prospettata, la presente Nota e la Nota di risposta di eguale tenore costituiranno un Accordo tra i nostri due Governi che entrerà in vigore alla data di ricezione della seconda notifica con cui i Governi si saranno comunicati ufficialmente l'avvenuto espletamento delle rispettive procedure interne."

L'Ambasciata ha l'onore di esprimere il consenso del Governo sloveno con quanto sopra riportato.

L'Ambasciata della Repubblica di Slovenia a Roma si avvale dell'occasione per rinnovare al Ministero degli Affari Esteri gli atti della sua più alta considerazione.

Roma, 14 settembre 1999

Ministero degli Affari Esteri
Repubblica italiana

3. člen

Za izvajanje sporazuma skrbita Ministrstvo za finance in Ministrstvo za okolje in prostor.

4. člen

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

Št. 324-09/2001-1
Ljubljana, 22. novembra 2001

Vlada Republike Slovenije

mag. Anton Rop l. r.
Minister

– **Obvestilo o začetku veljavnosti mednarodnih pogodb**

OBVESTILO
o začetku veljavnosti mednarodnih pogodb

Dne 6. novembra 2001 je pričel veljati Sporazum med Vlado Republike Slovenije in Vlado Malte o medsebojnem spodbujanju in zaščiti naložb s protokolom, podpisan v Ljubljani dne 15. marca 2001 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 22/01 (Uradni list Republike Slovenije, št. 82/01).

Dne 13. novembra 2001 je pričel veljati Memorandum med Vlado Republike Slovenije in Vlado Republike Črne gore o dajanju nevračljive pomoči Republiki Črni gori za leto 2000, podpisan dne 5. marca 2001 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 22/01 (Uradni list Republike Slovenije, št. 82/01).

Dne 17. oktobra 2001 sta začela za Republiko Slovenijo veljati Evropska konvencija o medsebojni pravni pomoči v kazenskih zadevah, sestavljena v Strasbourgu dne 20. aprila 1959, in Dodatni protokol k Evropski konvenciji o medsebojni pravni pomoči v kazenskih zadevah, sestavljen v Strasbourgu dne 17. marca 1978, objavljena v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 25/99 (Uradni list Republike Slovenije, št. 84/99) ter v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 13/01 (Uradni list Republike Slovenije, št. 46/01).

Dne 1. februarja 2001 je začel za Republiko Slovenijo veljati Evropski sporazum o izmenjavi zdravilnih učinkovin človeškega izvora, sklenjen v Parizu 15. decembra 1958 (s Protokolom k Evropskemu sporazumu o izmenjavi zdravilnih učinkovin človeškega izvora, sklenjenim v Strasbourgu 19. aprila 1982 kot njegovim sestavnim delom), kot je bil dopolnjen z Dodatnim protokolom k Evropskemu sporazumu o izmenjavi zdravilnih učinkovin človeškega izvora, sklenjenim v Strasbourgu 29. septembra 1982 in danim na voljo za sprejetje 1. januarja 1983, objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 20/00 (Uradni list Republike Slovenije, št. 78/00) in v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 28/00 (Uradni list Republike Slovenije, št. 116/00).

Ministrstvo za zunanje zadeve
Republike Slovenije

Pravkar izšlo

CONSTITUTION

OF THE REPUBLIC OF SLOVENIA

Strokovna skupina Državnega zbora Republike Slovenije, in sicer dr. Miro Cerar, dr. Franc Grad, dr. Arne Mavčič, Borut Šinkovec, Lidija Šega, Nina Barlič, Roger Metcalfe in Dean DeVos, je pripravila uraden prevod slovenske ustave v angleški jezik. V sodelovanju z Državnim zborom Republike Slovenije ga je založba izdala v knjižni obliki ob desetletnici samostojnosti države Slovenije.

Cena 1404 SIT 10558

VSEBINA

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