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59. Zakon o ratifikaciji Kjotskega protokola k Okvirni konvenciji Združenih narodov o spremembi podnebja (MKPOKSP)

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

U K A Z

O RAZGLASITVI ZAKONA O RATIFIKACIJI KJOTSKEGA PROTOKOLA K OKVIRNI KONVENCIJI ZDRUŽENIH NARODOV O SPREMENBI PODNEBJA (MKPOKSP)

Razgllašam Zakon o ratifikaciji Kjotskega protokola k Okvirni konvenciji Združenih narodov o spremembi podnebja (MKPOKSP), ki ga je sprejel Državni zbor Republike Slovenije na seji 21. junija 2002.

Št. 001-22-83/02
Ljubljana, 2. julija 2002

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N

O RATIFIKACIJI KJOTSKEGA PROTOKOLA K OKVIRNI KONVENCIJI ZDRUŽENIH NARODOV O SPREMENBI PODNEBJA (MKPOKSP)

1. člen

Ratificira se Kjotski protokol k Okvirni konvenciji Združenih narodov o spremembi podnebja, sestavljen v Kjotu 11. decembra 1997.

2. člen

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

KYOTO PROTOCOL TO THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

*The Parties to this Protocol,
Being Parties to the United Nations Framework Convention on Climate Change, hereinafter referred to as "the Convention",*

In pursuit of the ultimate objective of the Convention as stated in its Article 2,

Recalling the provisions of the Convention,

Being guided by Article 3 of the Convention,

Pursuant to the Berlin Mandate adopted by decision 1/CP.1 of the Conference of the Parties to the Convention at its first session,

Have agreed as follows:

Article 1

For the purposes of this Protocol, the definitions contained in Article 1 of the Convention shall apply. In addition:

1. "Conference of the Parties" means the Conference of the Parties to the Convention.

2. "Convention" means the United Nations Framework Convention on Climate Change, adopted in New York on 9 May 1992.

KJOTSKI PROTOKOL K OKVIRNI KONVENCIJI ZDRUŽENIH NARODOV O SPREMENBI PODNEBJA

*Pogodbenice tega protokola,
ki so pogodbenice Okvirne konvencije Združenih narodov o spremembi podnebja, v nadaljnjem besedilu "konvencija",*

so se v skladu s končnim ciljem konvencije, opredeljenim v njenem 2. členu,

ob sklicevanju na določbe konvencije,

v skladu z načeli 3. člena konvencije,

v skladu z Berlinskim mandatom, sprejetim s sklepom 1/CP.1 na prvem zasedanju Konference pogodbenic konvencije,

sporazumele:

1. člen

V tem protokolu se uporabljajo izrazi, opredeljeni v 1. členu konvencije. Poleg tega:

1. "Konferenca pogodbenic" pomeni Konferenco pogodbenic konvencije.

2. "Konvencija" pomeni Okvirno konvencijo Združenih narodov o spremembi podnebja, sprejeto 9. maja 1992 v New Yorku.

3. "Intergovernmental Panel on Climate Change" means the Intergovernmental Panel on Climate Change established in 1988 jointly by the World Meteorological Organization and the United Nations Environment Programme.

4. "Montreal Protocol" means the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted in Montreal on 16 September 1987 and as subsequently adjusted and amended.

5. "Parties present and voting" means Parties present and casting an affirmative or negative vote.

6. "Party" means, unless the context otherwise indicates, a Party to this Protocol.

7. "Party included in Annex I" means a Party included in Annex I to the Convention, as may be amended, or a Party which has made a notification under Article 4, paragraph 2(g), of the Convention.

Article 2

1. Each Party included in Annex I, in achieving its quantified emission limitation and reduction commitments under Article 3, in order to promote sustainable development, shall:

(a) Implement and/or further elaborate policies and measures in accordance with its national circumstances, such as:

(i) Enhancement of energy efficiency in relevant sectors of the national economy;

(ii) Protection and enhancement of sinks and reservoirs of greenhouse gases not controlled by the Montreal Protocol, taking into account its commitments under relevant international environmental agreements; promotion of sustainable forest management practices, afforestation and reforestation;

(iii) Promotion of sustainable forms of agriculture in light of climate change considerations;

(iv) Research on, and promotion, development and increased use of, new and renewable forms of energy, of carbon dioxide sequestration technologies and of advanced and innovative environmentally sound technologies;

(v) Progressive reduction or phasing out of market imperfections, fiscal incentives, tax and duty exemptions and subsidies in all greenhouse gas emitting sectors that run counter to the objective of the Convention and application of market instruments;

(vi) Encouragement of appropriate reforms in relevant sectors aimed at promoting policies and measures which limit or reduce emissions of greenhouse gases not controlled by the Montreal Protocol;

(vii) Measures to limit and/or reduce emissions of greenhouse gases not controlled by the Montreal Protocol in the transport sector;

(viii) Limitation and/or reduction of methane emissions through recovery and use in waste management, as well as in the production, transport and distribution of energy;

(b) Cooperate with other such Parties to enhance the individual and combined effectiveness of their policies and measures adopted under this Article, pursuant to Article 4, paragraph 2(e)(i), of the Convention. To this end, these Parties shall take steps to share their experience and exchange information on such policies and measures, including developing ways of improving their comparability, transparency and effectiveness. The Conference of Parties serving as the meeting of the Parties to this Protocol shall, at its first session or as soon as practicable thereafter, consider ways to facilitate such cooperation, taking into account all relevant information.

2. The Parties included in Annex I shall pursue limitation or reduction of emissions of greenhouse gases not controlled by the Montreal Protocol from aviation and marine bunker fuels, working through the International Civil Aviation Organization and the International Maritime Organization, respectively.

3. "Medvladni forum za spremembo podnebja" pomeni medvladni forum za spremembo podnebja, ki sta ga leta 1988 skupaj ustanovila Svetovna meteorološka organizacija in Program Združenih narodov za okolje.

4. "Montrealski protokol" pomeni Montrealski protokol o snoveh, ki škodljivo delujejo na ozonski plašč, sprejet 16. septembra 1987 v Montrealu, in kot je bil pozneje spremenjen in dopolnjen.

5. "Pogodbence, ki so navzoče in glasujejo" pomeni pogodbenice, ki so navzoče in glasujejo za ali proti.

6. "Pogodbena" pomeni pogodbenico tega protokola, če iz sobesedila ni razvidno drugače.

7. "Pogodbena iz Aneksa I" pomeni pogodbenico iz Aneksa I h konvenciji, ki se lahko spremeni, ali pogodbenico, ki pošlje obvestilo v skladu s točko (g) drugega odstavka 4. člena konvencije.

2. člen

1. Vsaka pogodbenica iz Aneksa I zaradi spodbujanja trajnostnega razvoja pri izpolnjevanju svojih obveznosti za količinsko omejevanje in zmanjševanje emisij iz 3. člena:

(a) glede na razmere v državi izvaja in/ali pripravi nove usmeritve in ukrepe, kot so:

(i) povečanje energetske učinkovitosti na ustreznih področjih gospodarstva v državi;

(ii) varstvo in povečanje ponorov in zbiralnikov toplogrednih plinov, ki jih ne nadzira Montrealski protokol, ob upoštevanju obveznosti iz ustreznih mednarodnih okoljskih sporazumov; spodbujanje sonaravnega gospodarjenja z gozdovi, pogoždovanja in ponovnega pogoždovanja;

(iii) spodbujanje sonaravnih oblik kmetovanja ob upoštevanju podnebnih sprememb;

(iv) raziskave, spodbujanje, razvoj in povečana uporaba novih in obnovljivih oblik energije, tehnologij za uskladičenje ogljikovega dioksida ter najnovejših in izboljšanih okolju primernih tehnologij;

(v) postopno zmanjševanje ali opuščanje nepopolnosti trga, finančnih spodbud, oprostitve davkov in dajatev ter subvencij na vseh področjih, na katerih se pojavljajo emisije toplogrednih plinov v nasprotju s cilji konvencije, in uporaba tržnih ukrepov;

(vi) spodbujanje primernih reform na ustreznih področjih, katerih cilj je spodbujanje usmeritev in ukrepov, ki omejujejo ali zmanjšujejo emisije toplogrednih plinov, ki jih ne nadzira Montrealski protokol;

(vii) ukrepi za omejevanje in/ali zmanjševanje emisij toplogrednih plinov, ki jih ne nadzira Montrealski protokol, v prometu;

(viii) omejevanje in/ali zmanjševanje emisij metana z zajemanjem in uporabo pri ravnanju z odpadki kakor tudi pri proizvodnji, prenosu in distribuciji energije;

(b) sodeluje z drugimi pogodbenicami, da bi se povečala posamezna in skupna učinkovitost njihovih usmeritev in ukrepov, sprejetih v skladu s tem členom na podlagi podtočke (i) točke (e) drugega odstavka 4. člena konvencije. V ta namen pogodbenice izmenjujejo izkušnje in podatke o takih usmeritvah in ukrepih, vključno z razvojem načinov za izboljšanje njihove primerljivosti, preglednosti in učinkovitosti. Konferenca pogodbenic kot sestanek pogodbenic tega protokola na svojem prvem zasedanju ali čim prej po njem ob upoštevanju vseh ustreznih podatkov prouči možnosti za pospešitev takega sodelovanja.

2. Pogodbence iz Aneksa I si prek Mednarodne organizacije civilnega letalstva in Mednarodne pomorske organizacije prizadevajo za omejevanje ali zmanjševanje emisij toplogrednih plinov, ki jih ne nadzira Montrealski protokol, v letalskem in ladijskem prometu.

3. The Parties included in Annex I shall strive to implement policies and measures under this Article in such a way as to minimize adverse effects, including the adverse effects of climate change, effects on international trade, and social, environmental and economic impacts on other Parties, especially developing country Parties and in particular those identified in Article 4, paragraphs 8 and 9, of the Convention, taking into account Article 3 of the Convention. The Conference of the Parties serving as the meeting of the Parties to this Protocol may take further action, as appropriate, to promote the implementation of the provisions of this paragraph.

4. The Conference of the Parties serving as the meeting of the Parties to this Protocol, if it decides that it would be beneficial to coordinate any of the policies and measures in paragraph 1(a) above, taking into account different national circumstances and potential effects, shall consider ways and means to elaborate the coordination of such policies and measures.

Article 3

1. The Parties included in Annex I shall, individually or jointly, ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A do not exceed their assigned amounts, calculated pursuant to their quantified emission limitation and reduction commitments inscribed in Annex B and in accordance with the provisions of this Article, with a view to reducing their overall emissions of such gases by at least 5 per cent below 1990 levels in the commitment period 2008 to 2012.

2. Each Party included in Annex I shall, by 2005, have made demonstrable progress in achieving its commitments under this Protocol.

3. The net changes in greenhouse gas emissions by sources and removals by sinks resulting from direct human-induced land-use change and forestry activities, limited to afforestation, reforestation and deforestation since 1990, measured as verifiable changes in carbon stocks in each commitment period, shall be used to meet the commitments under this Article of each Party included in Annex I. The greenhouse gas emissions by sources and removals by sinks associated with those activities shall be reported in a transparent and verifiable manner and reviewed in accordance with Articles 7 and 8.

4. Prior to the first session of the Conference of the Parties serving as the meeting of the Parties to this Protocol, each Party included in Annex I shall provide, for consideration by the Subsidiary Body for Scientific and Technological Advice, data to establish its level of carbon stocks in 1990 and to enable an estimate to be made of its changes in carbon stocks in subsequent years. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first session or as soon as practicable thereafter, decide upon modalities, rules and guidelines as to how, and which, additional human-induced activities related to changes in greenhouse gas emissions by sources and removals by sinks in the agricultural soils and the land-use change and forestry categories shall be added to, or subtracted from, the assigned amounts for Parties included in Annex I, taking into account uncertainties, transparency in reporting, verifiability, the methodological work of the Intergovernmental Panel on Climate Change, the advice provided by the Subsidiary Body for Scientific and Technological Advice in accordance with Article 5 and the decisions of the Conference of the Parties. Such a decision shall apply in the second and subsequent commitment periods. A Party may choose to apply such a decision on these additional human-induced activities for its first commitment period, provided that these activities have taken place since 1990.

3. Pogodbenice iz Aneksa I si prizadevajo izvajati usmeritve in ukrepe iz tega člena tako, da čim bolj zmanjšajo škodljive učinke, vključno s škodljivimi učinki spremembe podnebja, vplivi na mednarodno trgovino in družbenimi, okoljskimi in gospodarskimi vplivi na druge pogodbenice, zlasti na pogodbenice države v razvoju in od teh predvsem na države, navedene v osmem in devetem odstavku 4. člena konvencije, ob upoštevanju 3. člena konvencije. Konferenca pogodbenic kot sestanek pogodbenic tega protokola lahko po potrebi sprejme dodatne ukrepe za spodbujanje izvajanja določb tega odstavka.

4. Če Konferenca pogodbenic kot sestanek pogodbenic tega protokola odloči, da bi bilo ob upoštevanju različnih razmer v posameznih državah in možnih učinkov koristno uskladiti posamezne usmeritve in ukrepe iz točke (a) prvega odstavka tega člena, prouči načine in sredstva za izboljšanje usklajevanja takih usmeritev in ukrepov.

3. člen

1. Pogodbenice iz Aneksa I posamič ali skupaj zagotovijo, da njihove skupne antropogene emisije ekvivalenta CO₂ toplogrednih plinov iz Priloge A ne presegajo dodeljenih količin, izračunanih v skladu z njihovo obveznostjo za količinsko omejevanje in zmanjševanje emisij iz Priloge B in v skladu z določbami tega člena, da bi v ciljnem obdobju od leta 2008 do leta 2012 zmanjšale skupne emisije teh plinov za najmanj 5 odstotkov glede na raven iz leta 1990.

2. Vsaka pogodbenica iz Aneksa I mora do leta 2005 vidno napredovati pri izpolnjevanju svojih obveznosti po tem protokolu.

3. Za izpolnjevanje obveznosti po tem členu vsake pogodbenice iz Aneksa I se uporabljajo neto spremembe emisij iz virov in vseh po ponorih odstranjenih toplogrednih plinov, ki so posledica spremembe rabe zemljišč in gozdarskih dejavnosti, omejenih na pogozdovanje, ponovno ogozdovanje in krčenje gozdov od leta 1990, ki jih neposredno povzroča človek, merjene kot preverljive spremembe zalog ogljika v vsakem ciljnem obdobju. Podatke o emisijah iz virov in po ponorih odstranjenih toplogrednih plinov, povezanih z omenjenimi dejavnostmi, je treba sporočiti pregledno in preverljivo in jih pregledovati v skladu s 7. in 8. členom.

4. Pred prvim zasedanjem Konference pogodbenic kot sestanka pogodbenic tega protokola vsaka pogodbenica iz Aneksa I pripravi podatke za ugotovitev ravni njenih zalog ogljika v letu 1990 in za oceno sprememb zalog ogljika v naslednjih letih, ki jih nato obravnava pomožno telo za znanstveno in tehnološko svetovanje. Konferenca pogodbenic kot sestanek pogodbenic tega protokola se na svojem prvem zasedanju ali čim prej po njem odloči za načine, pravila in smernice, kako in katere dodatne dejavnosti, ki jih povzroča človek in so povezane s spremembami emisij iz virov in po ponorih odstranjenih toplogrednih plinov v kategorijah kmetijske zemlje, spremembe rabe zemljišč in gozdarstva, se dodajo ali črtajo iz dodeljenih količin za pogodbenice iz Aneksa I ob upoštevanju negotovosti, preglednosti poročanja, preverljivosti, metodološkega dela Medvladnega foruma za spremembo podnebja, nasvetov pomožnega telesa za znanstveno in tehnološko svetovanje v skladu s 5. členom in sklepov Konference pogodbenic. Taka odločitev bo veljala za drugo in naslednja ciljna obdobja. Pogodbenica lahko izbere, da bo uporabljala odločitev o omenjenih dodatnih človekovih dejavnostih v svojem prvem ciljnem obdobju, če so se izvajale po letu 1990.

5. The Parties included in Annex I undergoing the process of transition to a market economy whose base year or period was established pursuant to decision 9/CP.2 of the Conference of the Parties at its second session shall use that base year or period for the implementation of their commitments under this Article. Any other Party included in Annex I undergoing the process of transition to a market economy which has not yet submitted its first national communication under Article 12 of the Convention may also notify the Conference of the Parties serving as the meeting of the Parties to this Protocol that it intends to use an historical base year or period other than 1990 for the implementation of its commitments under this Article. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall decide on the acceptance of such notification.

6. Taking into account Article 4, paragraph 6, of the Convention, in the implementation of their commitments under this Protocol other than those under this Article, a certain degree of flexibility shall be allowed by the Conference of the Parties serving as the meeting of the Parties to this Protocol to the Parties included in Annex I undergoing the process of transition to a market economy.

7. In the first quantified emission limitation and reduction commitment period, from 2008 to 2012, the assigned amount for each Party included in Annex I shall be equal to the percentage inscribed for it in Annex B of its aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A in 1990, or the base year or period determined in accordance with paragraph 5 above, multiplied by five. Those Parties included in Annex I for whom land-use change and forestry constituted a net source of greenhouse gas emissions in 1990 shall include in their 1990 emissions base year or period the aggregate anthropogenic carbon dioxide equivalent emissions by sources minus removals by sinks in 1990 from land-use change for the purposes of calculating their assigned amount.

8. Any Party included in Annex I may use 1995 as its base year for hydrofluorocarbons, perfluorocarbons and sulphur hexafluoride, for the purposes of the calculation referred to in paragraph 7 above.

9. Commitments for subsequent periods for Parties included in Annex I shall be established in amendments to Annex B to this Protocol, which shall be adopted in accordance with the provisions of Article 21, paragraph 7. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall initiate the consideration of such commitments at least seven years before the end of the first commitment period referred to in paragraph 1 above.

10. Any emission reduction units, or any part of an assigned amount, which a Party acquires from another Party in accordance with the provisions of Article 6 or of Article 17 shall be added to the assigned amount for the acquiring Party.

11. Any emission reduction units, or any part of an assigned amount, which a Party transfers to another Party in accordance with the provisions of Article 6 or of Article 17 shall be subtracted from the assigned amount for the transferring Party.

12. Any certified emission reductions which a Party acquires from another Party in accordance with the provisions of Article 12 shall be added to the assigned amount for the acquiring Party.

13. If the emissions of a Party included in Annex I in a commitment period are less than its assigned amount under this Article, this difference shall, on request of that Party, be added to the assigned amount for that Party for subsequent commitment periods.

5. Pogodbenice iz Aneksa I, ki so na prehodu v tržno gospodarstvo, in je bilo zanje izhodiščno leto ali obdobje določeno s sklepom 9/CP.2 Konference pogodbenic na njenem drugem zasedanju, uporabljajo za izvajanje svojih obveznosti po tem členu to izhodiščno leto ali obdobje. Vse druge pogodbenice iz Aneksa I, ki so na prehodu v tržno gospodarstvo, pa še niso poslale svojega prvega državnega poročila po 12. členu konvencije, lahko tudi uradno obvestijo Konferenco pogodbenic kot sestanek pogodbenic tega protokola, da za izpolnjevanje svojih obveznosti iz tega člena nameravajo uporabljati drugo izhodiščno leto ali obdobje kot leto 1990. Konferenca pogodbenic kot sestanek pogodbenic tega protokola sklepa o sprejetju takega uradnega obvestila.

6. Ob upoštevanju šestega odstavka 4. člena konvencije Konferenca pogodbenic kot sestanek pogodbenic tega protokola pogodbenicam na prehodu v tržno gospodarstvo iz Aneksa I pri izvajanju njihovih obveznosti po tem protokolu, razen obveznosti iz tega člena, dovoli določeno stopnjo prožnosti.

7. V prvem ciljnim obdobju za količinsko omejevanje in zmanjševanje emisij od leta 2008 do leta 2012 je dodeljena količina za vsako pogodbenico iz Aneksa I enaka odstotku iz Priloge B njenih skupnih antropogenih emisij ekvivalenta CO₂ toplogrednih plinov iz Priloge A v letu 1990 ali v izhodiščnem letu ali obdobju, določenem v skladu s petim odstavkom tega člena, pomnoženem s pet. Pogodbenice iz Aneksa I, za katere sta bila v letu 1990 sprememba rabe zemljišč in gozdarstvo neto vir emisij toplogrednih plinov, za izračun svoje dodeljene količine za izhodiščno leto ali obdobje vključijo skupne antropogene emisije ekvivalenta CO₂ toplogrednih plinov iz virov, zmanjšane za po ponorih odstranjene toplogredne pline v letu 1990 zaradi spremembe rabe zemljišč.

8. Za izračune iz sedmega odstavka tega člena lahko vsaka pogodbenica iz Aneksa I kot izhodiščno leto za fluorirane ogljikovodike, perfluorirane ogljikovodike in žveplov heksafluorid uporablja leto 1995.

9. Obveznosti za naslednja obdobja se za pogodbenice iz Aneksa I določijo v spremembah Priloge B k temu protokolu, ki se sprejmejo v skladu z določbami sedmega odstavka 21. člena. Konferenca pogodbenic kot sestanek pogodbenic tega protokola začne obravnavati take obveznosti najmanj sedem let pred koncem prvega ciljnega obdobja iz prvega odstavka tega člena.

10. Vsaka enota zmanjšanja emisij ali kateri koli del dodeljene količine, ki ga pogodbenica dobi od druge pogodbenice v skladu z določbami 6. ali 17. člena, se prišteje k dodeljeni količini te pogodbenice.

11. Vsaka enota zmanjšanja emisij ali kateri koli del dodeljene količine, ki ga pogodbenica prenese na drugo pogodbenico v skladu z določbami 6. ali 17. člena, se odšteje od dodeljene količine te pogodbenice.

12. Vsa potrjena zmanjšanja emisij, ki jih pogodbenica dobi od druge pogodbenice v skladu z določbami 12. člena, se prištejejo k dodeljeni količini te pogodbenice.

13. Če so emisije pogodbenice iz Aneksa I v ciljnim obdobju manjše od količin, ki so ji dodeljene po tem členu, se na zahtevo te pogodbenice razlika prišteje njeni dodeljeni količini za naslednja ciljna obdobja.

14. Each Party included in Annex I shall strive to implement the commitments mentioned in paragraph 1 above in such a way as to minimize adverse social, environmental and economic impacts on developing country Parties, particularly those identified in Article 4, paragraphs 8 and 9, of the Convention. In line with relevant decisions of the Conference of the Parties on the implementation of those paragraphs, the Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first session, consider what actions are necessary to minimize the adverse effects of climate change and/or the impacts of response measures on Parties referred to in those paragraphs. Among the issues to be considered shall be the establishment of funding, insurance and transfer of technology.

Article 4

1. Any Parties included in Annex I that have reached an agreement to fulfil their commitments under Article 3 jointly, shall be deemed to have met those commitments provided that their total combined aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A do not exceed their assigned amounts calculated pursuant to their quantified emission limitation and reduction commitments inscribed in Annex B and in accordance with the provisions of Article 3. The respective emission level allocated to each of the Parties to the agreement shall be set out in that agreement.

2. The Parties to any such agreement shall notify the secretariat of the terms of the agreement on the date of deposit of their instruments of ratification, acceptance or approval of this Protocol, or accession thereto. The secretariat shall in turn inform the Parties and signatories to the Convention of the terms of the agreement.

3. Any such agreement shall remain in operation for the duration of the commitment period specified in Article 3, paragraph 7.

4. If Parties acting jointly do so in the framework of, and together with, a regional economic integration organization, any alteration in the composition of the organization after adoption of this Protocol shall not affect existing commitments under this Protocol. Any alteration in the composition of the organization shall only apply for the purposes of those commitments under Article 3 that are adopted subsequent to that alteration.

5. In the event of failure by the Parties to such an agreement to achieve their total combined level of emission reductions, each Party to that agreement shall be responsible for its own level of emissions set out in the agreement.

6. If Parties acting jointly do so in the framework of, and together with, a regional economic integration organization which is itself a Party to this Protocol, each member State of that regional economic integration organization individually, and together with the regional economic integration organization acting in accordance with Article 24, shall, in the event of failure to achieve the total combined level of emission reductions, be responsible for its level of emissions as notified in accordance with this Article.

Article 5

1. Each Party included in Annex I shall have in place, no later than one year prior to the start of the first commitment period, a national system for the estimation of anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol. Guidelines for such national systems, which shall incorporate the methodologies specified in paragraph 2 below, shall be decided upon by the Conference of the Parties serving as the meeting of the Parties to this Protocol at its first session.

14. Vsaka pogodbenica iz Aneksa I si prizadeva izvajati obveznosti iz prvega odstavka tega člena tako, da čim bolj zmanjša škodljive družbene, okoljske in gospodarske vplive na pogodbenice države v razvoju, zlasti na tiste, ki so opredeljene v osmem in devetem odstavku 4. člena konvencije. V skladu z ustreznimi sklepi Konference pogodbenic o izvajanju teh odstavkov Konferenca pogodbenic kot sestanek pogodbenic tega protokola na svojem prvem zasedanju prouči, kateri ukrepi so potrebni, da se čim bolj zmanjšajo škodljivi učinki podnebnih sprememb in/ali vplivi odzivnih ukrepov na pogodbenice iz omenjenih odstavkov. Med vprašanji, ki jih je treba proučiti, so vzpostavitev financiranja, zavarovanje in prenos tehnologij.

4. člen

1. Za vse pogodbenice iz Aneksa I, ki so sklenile sporazum o tem, da bodo skupaj izpolnjevale obveznosti iz 3. člena, se šteje, da so te obveznosti izpolnile, če njihove združene skupne antropogene emisije ekvivalenta CO₂ toplogrednih plinov iz Priloge A ne presegajo njihovih dodeljenih količin, izračunanih glede na njihove obveznosti za količinsko omejevanje in zmanjševanje emisij iz Priloge B in v skladu z določbami 3. člena. V omenjenem sporazumu se določi raven emisij, dodeljena vsaki pogodbenici sporazuma.

2. Pogodbenice vsakega takega sporazuma uradno obvestijo sekretariat o pogojih sporazuma na dan deponiranja svojih listin o ratifikaciji, sprejetju ali odobritvi tega protokola ali o pristopu k njemu. Sekretariat nato obvesti pogodbenice in podpisnice konvencije o pogojih sporazuma.

3. Vsak tak sporazum velja za ciljno obdobje iz sedmega odstavka 3. člena.

4. Če pogodbenice delujejo skupaj v okviru regionalne organizacije za gospodarsko povezovanje in skupaj z njo, nobena sprememba sestave organizacije po sprejetju tega protokola ne vpliva na obstoječe obveznosti po tem protokolu. Kakršna koli sprememba sestave organizacije velja samo za tiste obveznosti iz 3. člena, ki se sprejmejo po taki spremembi.

5. Če pogodbenice takega sporazuma ne dosežejo celotne skupne ravni zmanjšanja emisij, je vsaka pogodbenica tega sporazuma odgovorna za svojo raven emisij, določeno v njem.

6. Če pogodbenice delujejo skupaj v okviru regionalne organizacije za gospodarsko povezovanje, ki je pogodbenica tega protokola, in skupaj z njo, je vsaka država članica posamično in skupaj z regionalno organizacijo za gospodarsko povezovanje, ki deluje v skladu s 24. členom, odgovorna za raven svojih emisij, sporočeno v skladu s tem členom, če ni dosežena celotna skupna raven zmanjšanja emisij.

5. člen

1. Vsaka pogodbenica iz Aneksa I mora najkasneje eno leto pred začetkom prvega ciljnega obdobja vzpostaviti državni sistem za ocenjevanje antropogenih emisij iz virov in po ponorih odstranjenih toplogrednih plinov, ki jih ne nadzira Montrealski protokol. Smernice za take državne sisteme, ki vključujejo metodologije iz drugega odstavka tega člena, sprejme na svojem prvem zasedanju Konferenca pogodbenic kot sestanek pogodbenic tega protokola.

2. Methodologies for estimating anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol shall be those accepted by the Intergovernmental Panel on Climate Change and agreed upon by the Conference of the Parties at its third session. Where such methodologies are not used, appropriate adjustments shall be applied according to methodologies agreed upon by the Conference of the Parties serving as the meeting of the Parties to this Protocol at its first session. Based on the work of, *inter alia*, the Intergovernmental Panel on Climate Change and advice provided by the Subsidiary Body for Scientific and Technological Advice, the Conference of the Parties serving as the meeting of the Parties to this Protocol shall regularly review and, as appropriate, revise such methodologies and adjustments, taking fully into account any relevant decisions by the Conference of the Parties. Any revision to methodologies or adjustments shall be used only for the purposes of ascertaining compliance with commitments under Article 3 in respect of any commitment period adopted subsequent to that revision.

3. The global warming potentials used to calculate the carbon dioxide equivalence of anthropogenic emissions by sources and removals by sinks of greenhouse gases listed in Annex A shall be those accepted by the Intergovernmental Panel on Climate Change and agreed upon by the Conference of the Parties at its third session. Based on the work of, *inter alia*, the Intergovernmental Panel on Climate Change and advice provided by the Subsidiary Body for Scientific and Technological Advice, the Conference of the Parties serving as the meeting of the Parties to this Protocol shall regularly review and, as appropriate, revise the global warming potential of each such greenhouse gas, taking fully into account any relevant decisions by the Conference of the Parties. Any revision to a global warming potential shall apply only to commitments under Article 3 in respect of any commitment period adopted subsequent to that revision.

Article 6

1. For the purpose of meeting its commitments under Article 3, any Party included in Annex I may transfer to, or acquire from, any other such Party emission reduction units resulting from projects aimed at reducing anthropogenic emissions by sources or enhancing anthropogenic removals by sinks of greenhouse gases in any sector of the economy, provided that:

(a) Any such project has the approval of the Parties involved;

(b) Any such project provides a reduction in emissions by sources, or an enhancement of removals by sinks, that is additional to any that would otherwise occur;

(c) It does not acquire any emission reduction units if it is not in compliance with its obligations under Articles 5 and 7; and

(d) The acquisition of emission reduction units shall be supplemental to domestic actions for the purposes of meeting commitments under Article 3.

2. The Conference of the Parties serving as the meeting of the Parties to this Protocol may, at its first session or as soon as practicable thereafter, further elaborate guidelines for the implementation of this Article, including for verification and reporting.

3. A Party included in Annex I may authorize legal entities to participate, under its responsibility, in actions leading to the generation, transfer or acquisition under this Article of emission reduction units.

2. Metodologije za ocenjevanje antropogenih emisij iz virov in po ponorih odstranjenih toplogrednih plinov, ki jih ne nadzira Montrealski protokol, so metodologije, ki jih je sprejel Medvladni forum za spremembo podnebja in odobrila Konferenca pogodbenic na svojem tretjem zasedanju. Kadar se take metodologije ne uporabljajo, se uporabijo ustrezne prilagoditve metodologij, ki jih na svojem prvem zasedanju odobri Konferenca pogodbenic kot sestanek pogodbenic tega protokola. Na podlagi dela, med drugim Medvladnega foruma za spremembo podnebja in nasvetov pomožnega telesa za znanstveno in tehnološko svetovanje, Konferenca pogodbenic kot sestanek pogodbenic tega protokola redno pregleduje in po potrebi spremeni te metodologije in prilagoditve, pri čemer v celoti upošteva vse ustrezne sklepe Konference pogodbenic. Vsaka sprememba metodologij ali prilagoditev se lahko uporablja samo za ugotavljanje izpolnjevanja obveznosti iz 3. člena v ciljnem obdobju, določenem po tej spremembi.

3. Potenciali segrevanja ozračja, ki se uporabljajo za izračun ekvivalenta ogljikovega dioksida antropogenih emisij iz virov in po ponorih odstranjenih toplogrednih plinov iz Priloge A, so potenciali, ki jih je sprejel Medvladni forum za spremembo podnebja in potrdila Konferenca pogodbenic na svojem tretjem zasedanju. Na podlagi dela, med drugim Medvladnega foruma za spremembo podnebja in nasvetov pomožnega telesa za znanstveno in tehnološko svetovanje, Konferenca pogodbenic kot sestanek pogodbenic tega protokola redno pregleduje in po potrebi spremeni potencial segrevanja ozračja za vsak tak toplogredni plin, pri čemer v celoti upošteva vse ustrezne sklepe Konference pogodbenic. Vsaka sprememba potenciala segrevanja ozračja se lahko uporablja samo za obveznosti iz 3. člena v ciljnem obdobju, določenem po tej spremembi.

6. člen

1. Za namene izpolnjevanja obveznosti iz 3. člena lahko kateri koli pogodbenica iz Aneksa I prenese na katero koli drugo tako pogodbenico ali dobi od nje enote zmanjšanja emisij, ki so rezultat projektov, katerih cilj je zmanjšanje antropogenih emisij toplogrednih plinov iz virov ali povečanje antropogenega odstranjevanja toplogrednih plinov po ponorih na vseh gospodarskih področjih, če:

(a) vsak tak projekt odobrijo vključene pogodbenice,

(b) vsak tak projekt zagotovi zmanjšanje emisij iz virov ali povečanje odstranjevanja po ponorih, in sicer dodatno k sistemu, do katerega bi sicer prišlo,

(c) ne pridobi nobenih enot zmanjšanja emisij, če to ni v skladu z njenimi obveznostmi iz 5. in 7. člena, in

(d) je pridobitev enot zmanjšanja emisij dopolnilo k domačim ukrepom za izpolnjevanje obveznosti iz 3. člena.

2. Konferenca pogodbenic kot sestanek pogodbenic tega protokola na svojem prvem zasedanju ali čim prej po njem pripravi dodatne smernice za izvajanje tega člena, vključno s smernicami za preverjanje in poročanje.

3. Pogodbenica iz Aneksa I lahko pooblasti pravne osebe, da na njeno odgovornost sodelujejo pri ukrepih za ustvarjanje, prenos ali pridobivanje enot zmanjšanja emisij po tem členu.

4. If a question of implementation by a Party included in Annex I of the requirements referred to in this Article is identified in accordance with the relevant provisions of Article 8, transfers and acquisitions of emission reduction units may continue to be made after the question has been identified, provided that any such units may not be used by a Party to meet its commitments under Article 3 until any issue of compliance is resolved.

Article 7

1. Each Party included in Annex I shall incorporate in its annual inventory of anthropogenic emissions by sources and removals by sinks of greenhouse gases not controlled by the Montreal Protocol, submitted in accordance with the relevant decisions of the Conference of the Parties, the necessary supplementary information for the purposes of ensuring compliance with Article 3, to be determined in accordance with paragraph 4 below.

2. Each Party included in Annex I shall incorporate in its national communication, submitted under Article 12 of the Convention, the supplementary information necessary to demonstrate compliance with its commitments under this Protocol, to be determined in accordance with paragraph 4 below.

3. Each Party included in Annex I shall submit the information required under paragraph 1 above annually, beginning with the first inventory due under the Convention for the first year of the commitment period after this Protocol has entered into force for that Party. Each such Party shall submit the information required under paragraph 2 above as part of the first national communication due under the Convention after this Protocol has entered into force for it and after the adoption of guidelines as provided for in paragraph 4 below. The frequency of subsequent submission of information required under this Article shall be determined by the Conference of the Parties serving as the meeting of the Parties to this Protocol, taking into account any timetable for the submission of national communications decided upon by the Conference of the Parties.

4. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall adopt at its first session, and review periodically thereafter, guidelines for the preparation of the information required under this Article, taking into account guidelines for the preparation of national communications by Parties included in Annex I adopted by the Conference of the Parties. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall also, prior to the first commitment period, decide upon modalities for the accounting of assigned amounts.

Article 8

1. The information submitted under Article 7 by each Party included in Annex I shall be reviewed by expert review teams pursuant to the relevant decisions of the Conference of the Parties and in accordance with guidelines adopted for this purpose by the Conference of the Parties serving as the meeting of the Parties to this Protocol under paragraph 4 below. The information submitted under Article 7, paragraph 1, by each Party included in Annex I shall be reviewed as part of the annual compilation and accounting of emissions inventories and assigned amounts. Additionally, the information submitted under Article 7, paragraph 2, by each Party included in Annex I shall be reviewed as part of the review of communications.

2. Expert review teams shall be coordinated by the secretariat and shall be composed of experts selected from those nominated by Parties to the Convention and, as appropriate, by intergovernmental organizations, in accordance with guidance provided for this purpose by the Conference of the Parties.

4. Če se v skladu z ustreznimi določbami 8. člena ugotovi, da ima pogodbenica iz Aneksa I težave z izpolnjevanjem zahtev iz tega člena, lahko sicer še naprej prenaša in pridobiva enote zmanjšanja emisij, vendar teh enot ne sme uporabljati za izpolnjevanje svojih obveznosti iz 3. člena, dokler ni razrešeno vprašanje, ali ravna skladno s protokolom.

7. člen

1. Vsaka pogodbenica iz Aneksa I v svoj letni seznam antropogenih emisij iz virov in po ponorih odstranjenih toplogrednih plinov, ki jih ne nadzira Montrealski protokol, ki ga predloži v skladu z ustreznimi sklepi Konference pogodbenic, vključi potrebne dodatne podatke za zagotavljanje skladnosti s 3. členom, ki se določijo v skladu s četrtem odstavkom tega člena.

2. Vsaka pogodbenica iz Aneksa I v državno poročilo, ki ga predloži po 12. členu konvencije, vključi dodatne podatke, potrebne, da dokaže izpolnjevanje svojih obveznosti po tem protokolu, ki se določijo v skladu s četrtem odstavkom tega člena.

3. Vsaka pogodbenica iz Aneksa I zahtevane podatke iz prvega odstavka tega člena predloži vsako leto, prvič pa skupaj s prvim seznamom, ki ga mora po konvenciji predložiti za prvo leto ciljnega obdobja, potem ko ta protokol začne veljati za to pogodbenico. Vsaka taka pogodbenica predloži zahtevane podatke iz drugega odstavka kot del prvega državnega poročila, ki ga mora v skladu s konvencijo predložiti, potem ko ta protokol začne veljati zanjo, in po sprejetju smernic, predvidenih v četrtem odstavku tega člena. Pogostost kasnejšega pošiljanja podatkov, zahtevanih po tem členu, določi Konferenca pogodbenic kot sestanek pogodbenic tega protokola ob upoštevanju vseh rokov za predložitev državnih poročil, ki jih določi Konferenca pogodbenic.

4. Konferenca pogodbenic kot sestanek pogodbenic tega protokola na svojem prvem zasedanju sprejme in nato občasno pregleda smernice za pripravo zahtevanih podatkov iz tega člena ob upoštevanju smernic za pripravo državnih poročil pogodbenic iz Aneksa I, ki jih je sprejela Konferenca pogodbenic. Konferenca pogodbenic kot sestanek pogodbenic tega protokola pred prvim ciljnim obdobjem določi tudi načine za obračunavanje dodeljenih količin.

8. člen

1. Podatke, ki jih v skladu s prvim odstavkom 7. člena predloži vsaka pogodbenica iz Aneksa I, pregledajo skupine izvedencev za pregledovanje v skladu z ustreznimi sklepi v skladu s smernicami Konference pogodbenic, ki jih v ta namen v skladu s četrtem odstavkom tega člena sprejme Konferenca pogodbenic kot sestanek pogodbenic tega protokola. Podatke, ki jih v skladu s prvim odstavkom 7. člena predloži vsaka pogodbenica iz Aneksa I, pa pregledajo kot del vsakoletnega zbiranja in obračunavanja evidenc emisij in dodeljenih količin. Podatke, ki jih v skladu z drugim odstavkom 7. člena predloži vsaka pogodbenica iz Aneksa I, pa pregledajo tudi kot del pregleda poročil.

2. Skupine izvedencev za pregledovanje usklajuje sekretariat, sestavljajo pa jih izvedenci, izbrani izmed kandidatov, ki jih imenujejo pogodbenice konvencije, in če je to ustrezno, tudi medvladne organizacije v skladu z navodilom, ki ga v ta namen pripravi Konferenca pogodbenic.

3. The review process shall provide a thorough and comprehensive technical assessment of all aspects of the implementation by a Party of this Protocol. The expert review teams shall prepare a report to the Conference of the Parties serving as the meeting of the Parties to this Protocol, assessing the implementation of the commitments of the Party and identifying any potential problems in, and factors influencing, the fulfilment of commitments. Such reports shall be circulated by the secretariat to all Parties to the Convention. The secretariat shall list those questions of implementation indicated in such reports for further consideration by the Conference of the Parties serving as the meeting of the Parties to this Protocol.

4. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall adopt at its first session, and review periodically thereafter, guidelines for the review of implementation of this Protocol by expert review teams taking into account the relevant decisions of the Conference of the Parties.

5. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, with the assistance of the Subsidiary Body for Implementation and, as appropriate, the Subsidiary Body for Scientific and Technological Advice, consider:

(a) The information submitted by Parties under Article 7 and the reports of the expert reviews thereon conducted under this Article; and

(b) Those questions of implementation listed by the secretariat under paragraph 3 above, as well as any questions raised by Parties.

6. Pursuant to its consideration of the information referred to in paragraph 5 above, the Conference of the Parties serving as the meeting of the Parties to this Protocol shall take decisions on any matter required for the implementation of this Protocol.

Article 9

1. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall periodically review this Protocol in the light of the best available scientific information and assessments on climate change and its impacts, as well as relevant technical, social and economic information. Such reviews shall be coordinated with pertinent reviews under the Convention, in particular those required by Article 4, paragraph 2(d), and Article 7, paragraph 2(a), of the Convention. Based on these reviews, the Conference of the Parties serving as the meeting of the Parties to this Protocol shall take appropriate action.

2. The first review shall take place at the second session of the Conference of the Parties serving as the meeting of the Parties to this Protocol. Further reviews shall take place at regular intervals and in a timely manner.

Article 10

All Parties, taking into account their common but differentiated responsibilities and their specific national and regional development priorities, objectives and circumstances, without introducing any new commitments for Parties not included in Annex I, but reaffirming existing commitments under Article 4, paragraph 1, of the Convention, and continuing to advance the implementation of these commitments in order to achieve sustainable development, taking into account Article 4, paragraphs 3, 5 and 7, of the Convention, shall:

(a) Formulate, where relevant and to the extent possible, cost-effective national and, where appropriate, regional programmes to improve the quality of local emission factors, activity data and/or models which reflect the socio-economic conditions of each Party for the preparation and periodic updating of national inventories of anthropogenic emissions

3. Postopek pregledovanja zagotovi temeljito in vsestransko strokovno presojo vseh vidikov izvajanja za vsako pogodbenico tega protokola. Skupine izvedencev za pregledovanje pripravijo poročila za Konferenco pogodbenic kot sestanek pogodbenic tega protokola, v katerih ocenijo, kako pogodbenice izvajajo svoje obveznosti, in ugotavljajo morebitne težave pri izpolnjevanju obveznosti in dejavnike, ki na to vplivajo. Sekretariat pošlje taka poročila vsem pogodbenicam konvencije. Sekretariat pripravi seznam vprašanj o izvajanju, ki so v teh poročilih posebej navedena, za nadaljnjo obravnavo na Konferenci pogodbenic kot sestanek pogodbenic tega protokola.

4. Konferenca pogodbenic kot sestanek pogodbenic tega protokola na svojem prvem zasedanju sprejme in nato občasno pregleduje smernice za pregled izvajanja tega protokola, ki ga izvajajo skupine izvedencev za pregledovanje, ob upoštevanju ustreznih sklepov Konference pogodbenic.

5. Konferenca pogodbenic kot sestanek pogodbenic tega protokola ob pomoči pomožnega telesa za izvajanje, in kadar je to ustrezno, pomožnega telesa za znanstveno in tehnološko svetovanje, obravnava:

(a) podatke, ki jih pogodbenice predložijo v skladu s 7. členom, in poročila izvedenskih pregledov, opravljenih v skladu s tem členom, in

(b) tista vprašanja o izvajanju, katerih seznam pripravi sekretariat v skladu s tretjim odstavkom tega člena, kakor tudi morebitna vprašanja pogodbenic.

6. Na podlagi obravnave podatkov iz petega odstavka tega člena Konferenca pogodbenic kot sestanek pogodbenic tega protokola sprejme sklepe o vseh zadevah, potrebnih za izvajanje tega protokola.

9. člen

1. Konferenca pogodbenic kot sestanek pogodbenic tega protokola občasno pregleda ta protokol z vidika najboljših razpoložljivih znanstvenih informacij in ocen spremembe podnebja in njenih učinkov kakor tudi ustreznih strokovnih, družbenih in gospodarskih informacij. Ti pregledi se usklajujejo z ustreznimi pregledi iz konvencije, zlasti s pregledi, ki se zahtevajo v skladu s točko (d) drugega odstavka 4. člena in točko (a) drugega odstavka 7. člena konvencije. Na podlagi teh pregledov Konferenca pogodbenic kot sestanek pogodbenic tega protokola ustrezno ukrepa.

2. Prvi pregled se opravi na drugem zasedanju Konference pogodbenic kot sestanka pogodbenic tega protokola. Nadaljnji pregledi se opravijo v rednih časovnih presledkih in pravočasno.

10. člen

Vse pogodbenice ob upoštevanju svojih skupnih, vendar različnih odgovornosti in svojih posebnih državnih in regionalnih razvojnih prednostnih nalog, ciljev in okoliščin brez uvajanja kakršnih koli novih obveznosti za pogodbenice, ki niso v Aneksu I, vendar ob ponovni potrditvi obstoječih obveznosti iz prvega odstavka 4. člena konvencije in nadaljevanju izvajanja teh obveznosti za doseganje trajnostnega razvoja ob upoštevanju tretjega, petega in sedmega odstavka 4. člena konvencije:

(a) oblikujejo, kadar je to primerno in v okviru možnosti, strokovno učinkovite državne, in kadar je primerno, tudi regionalne programe za izboljšanje lokalnih emisijskih faktorjev, podatkov o dejavnostih in/ali modelov, ki kažejo družbenogospodarske razmere posamezne pogodbenice za pripravo in občasno dopolnjevanje državnih evidenc antro-

by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, using comparable methodologies to be agreed upon by the Conference of the Parties, and consistent with the guidelines for the preparation of national communications adopted by the Conference of the Parties;

(b) Formulate, implement, publish and regularly update national and, where appropriate, regional programmes containing measures to mitigate climate change and measures to facilitate adequate adaptation to climate change:

(i) Such programmes would, *inter alia*, concern the energy, transport and industry sectors as well as agriculture, forestry and waste management. Furthermore, adaptation technologies and methods for improving spatial planning would improve adaptation to climate change; and

(ii) Parties included in Annex I shall submit information on action under this Protocol, including national programmes, in accordance with Article 7; and other Parties shall seek to include in their national communications, as appropriate, information on programmes which contain measures that the Party believes contribute to addressing climate change and its adverse impacts, including the abatement of increases in greenhouse gas emissions, and enhancement of and removals by sinks, capacity building and adaptation measures;

(c) Cooperate in the promotion of effective modalities for the development, application and diffusion of, and take all practicable steps to promote, facilitate and finance, as appropriate, the transfer of, or access to, environmentally sound technologies, know-how, practices and processes pertinent to climate change, in particular to developing countries, including the formulation of policies and programmes for the effective transfer of environmentally sound technologies that are publicly owned or in the public domain and the creation of an enabling environment for the private sector, to promote and enhance the transfer of, and access to, environmentally sound technologies;

(d) Cooperate in scientific and technical research and promote the maintenance and the development of systematic observation systems and development of data archives to reduce uncertainties related to the climate system, the adverse impacts of climate change and the economic and social consequences of various response strategies, and promote the development and strengthening of endogenous capacities and capabilities to participate in international and intergovernmental efforts, programmes and networks on research and systematic observation, taking into account Article 5 of the Convention;

(e) Cooperate in and promote at the international level, and, where appropriate, using existing bodies, the development and implementation of education and training programmes, including the strengthening of national capacity building, in particular human and institutional capacities and the exchange or secondment of personnel to train experts in this field, in particular for developing countries, and facilitate at the national level public awareness of, and public access to information on, climate change. Suitable modalities should be developed to implement these activities through the relevant bodies of the Convention, taking into account Article 6 of the Convention;

(f) Include in their national communications information on programmes and activities undertaken pursuant to this Article in accordance with relevant decisions of the Conference of the Parties; and

(g) Give full consideration, in implementing the commitments under this Article, to Article 4, paragraph 8, of the Convention.

Article 11

1. In the implementation of Article 10, Parties shall take into account the provisions of Article 4, paragraphs 4, 5, 7, 8 and 9, of the Convention.

pogenih emisij iz virov in po ponorih odstranjenih toplogrednih plinov, ki jih ne nadzira Montrealski protokol, z uporabo primerljivih metodologij, ki jih odobri Konferenca pogodbenic in so v skladu s smernicami za pripravo državnih poročil, ki jih sprejme Konferenca pogodbenic;

(b) oblikujejo, izvajajo, objavljajo in redno posodablajo državne, in kadar je primerno tudi regionalne programe, ki vsebujejo ukrepe za ublažitev podnebnih sprememb in ukrepe za lažjo ustrezno prilagoditev spremembi podnebja:

(i) taki programi bi se med drugim nanašali na energetiko, promet in proizvodne dejavnosti kakor tudi na kmetijstvo, gozdarstvo in ravnanje z odpadki. Poleg tega bi prilagoditvene tehnologije in metode za boljše prostorsko načrtovanje izboljšale prilagoditev podnebnim spremembam in

(ii) v skladu s 7. členom pogodbenice iz Aneksa I predložijo informacije o ukrepanju po tem protokolu skupaj z državnimi programi; druge pogodbenice skušajo v svoja poročila vključiti podatke o programih, ki vsebujejo ukrepe, za katere pogodbenica meni, da bodo pomagali pri prizadevanjih, ki se nanašajo na spremembo podnebja in njene škodljive učinke, med drugim z omejevanjem povečevanja emisij toplogrednih plinov, večjim odstranjevanjem po ponorih, gradnjo lastnih zmogljivosti in prilagoditvenimi ukrepi;

(c) sodelujejo pri spodbujanju učinkovitih načinov razvoja, rabe in razširjanja ter ukrenejo vse potrebno za spodbujanje, olajševanje oziroma financiranje prenosa ali dostopa do okolju primernih tehnologij, znanja in izkušenj, prakse in postopkov, pomembnih za spremembo podnebja, zlasti v države v razvoju, skupaj s pripravo usmeritev in programov za učinkovit prenos okolju primernih tehnologij, ki so javna last ali v splošni rabi, in z ustvarjanjem takih razmer za zasebni sektor, da se pospešita in razširita prenos in dostop do okolju primernih tehnologij;

(d) sodelujejo pri znanstvenem in tehničnem raziskovanju in spodbujajo vzdrževanje in razvoj sistemov za sistematično opazovanje ter razvoj podatkovnih zbirk za zmanjšanje negotovosti v zvezi s podnebnim sistemom, škodljivimi vplivi spremembe podnebja ter z gospodarskimi in družbenimi posledicami različnih odzivnih strategij, pospešujejo graditev in krepitev lastnih zmogljivosti in sposobnosti za sodelovanje pri mednarodnih in medvladnih prizadevanjih, programih in mrežah za raziskave in sistematično opazovanje ob upoštevanju 5. člena konvencije;

(e) sodelujejo in pospešujejo na mednarodni ravni, in kadar je to primerno, v okviru obstoječe organiziranosti razvoj in izvajanje programov izobraževanja in usposabljanja skupaj s krepitvijo graditve lastnih zmogljivosti držav, zlasti človeških in institucionalnih, ter izmenjavo ali začasno premestitev osebja zaradi izobraževanja strokovnjakov na tem področju, zlasti v državah v razvoju, na državni ravni pa spodbujajo ozaveščanje javnosti in njen dostop do informacij o spremembi podnebja. Ob upoštevanju 6. člena konvencije je s pomočjo ustreznih teles konvencije treba pripraviti primerne načine za izvajanje teh dejavnosti;

(f) v svoja državna poročila vključijo podatke o programih in dejavnostih iz tega člena v skladu z ustreznimi sklepi Konference pogodbenic in

(g) pri izpolnjevanju obveznosti iz tega člena namenjajo posebno pozornost osmemu odstavku 4. člena konvencije.

11. člen

1. Pri izvajanju 10. člena pogodbenice upoštevajo določbe četrtega, petega, sedmega, osmega in devetega odstavka 4. člena konvencije.

2. In the context of the implementation of Article 4, paragraph 1, of the Convention, in accordance with the provisions of Article 4, paragraph 3, and Article 11 of the Convention, and through the entity or entities entrusted with the operation of the financial mechanism of the Convention, the developed country Parties and other developed Parties included in Annex II to the Convention shall:

(a) Provide new and additional financial resources to meet the agreed full costs incurred by developing country Parties in advancing the implementation of existing commitments under Article 4, paragraph 1(a), of the Convention that are covered in Article 10, subparagraph (a); and

(b) Also provide such financial resources, including for the transfer of technology, needed by the developing country Parties to meet the agreed full incremental costs of advancing the implementation of existing commitments under Article 4, paragraph 1, of the Convention that are covered by Article 10 and that are agreed between a developing country Party and the international entity or entities referred to in Article 11 of the Convention, in accordance with that Article.

The implementation of these existing commitments shall take into account the need for adequacy and predictability in the flow of funds and the importance of appropriate burden sharing among developed country Parties. The guidance to the entity or entities entrusted with the operation of the financial mechanism of the Convention in relevant decisions of the Conference of the Parties, including those agreed before the adoption of this Protocol, shall apply *mutatis mutandis* to the provisions of this paragraph.

3. The developed country Parties and other developed Parties in Annex II to the Convention may also provide, and developing country Parties avail themselves of, financial resources for the implementation of Article 10, through bilateral, regional and other multilateral channels.

Article 12

1. A clean development mechanism is hereby defined.

2. The purpose of the clean development mechanism shall be to assist Parties not included in Annex I in achieving sustainable development and in contributing to the ultimate objective of the Convention, and to assist Parties included in Annex I in achieving compliance with their quantified emission limitation and reduction commitments under Article 3.

3. Under the clean development mechanism:

(a) Parties not included in Annex I will benefit from project activities resulting in certified emission reductions; and

(b) Parties included in Annex I may use the certified emission reductions accruing from such project activities to contribute to compliance with part of their quantified emission limitation and reduction commitments under Article 3, as determined by the Conference of the Parties serving as the meeting of the Parties to this Protocol.

4. The clean development mechanism shall be subject to the authority and guidance of the Conference of the Parties serving as the meeting of the Parties to this Protocol and be supervised by an executive board of the clean development mechanism.

5. Emission reductions resulting from each project activity shall be certified by operational entities to be designated by the Conference of the Parties serving as the meeting of the Parties to this Protocol, on the basis of:

(a) Voluntary participation approved by each Party involved;

(b) Real, measurable, and long-term benefits related to the mitigation of climate change; and

(c) Reductions in emissions that are additional to any that would occur in the absence of the certified project activity.

2. Pri izvajanju prvega odstavka 4. člena konvencije v skladu z določbami tretjega odstavka 4. člena in 11. člena konvencije in s pomočjo enega ali več subjektov, ki jim je zaupano izvajanje finančnih mehanizmov konvencije, razvite države pogodbenice in druge razvite pogodbenice iz Aneksa II konvencije:

(a) priskrbijo nove in dodatne finančne vire za pokritje vseh dogovorjenih stroškov pogodbenic držav v razvoju pri izpolnjevanju obveznosti iz točke (a) prvega odstavka 4. člena konvencije, ki jih pokriva točka (a) 10. člena, in

(b) zagotavljajo tudi take finančne vire, vključno s tistimi za prenos tehnologije, ki jih pogodbenice države v razvoju potrebujejo, da bi lahko pokrivala vse dogovorjene povečane stroške, nastale pri izpolnjevanju obveznosti iz prvega odstavka 4. člena konvencije, ki jih pokriva 10. člen, in so dogovorjeni med pogodbenico državo v razvoju in mednarodnim subjektom ali subjekti iz 11. člena konvencije v skladu s tem členom.

Pri izpolnjevanju teh obveznosti je treba upoštevati potrebo po ustreznosti in predvidljivosti pritoka denarnih sredstev in pomembnost primerne porazdelitve bremena med razvite države pogodbenice. Navodila subjektu ali subjektom, ki jim je z ustreznimi sklepi Konference pogodbenic, vključno s tistimi, ki so bili sprejeti pred sprejetjem tega protokola, zaupano izvajanje finančnega mehanizma konvencije, se smiselno uporabljajo tudi za določbe tega odstavka.

3. Razvite države pogodbenice in druge razvite pogodbenice iz Aneksa II h konvenciji lahko tudi priskrbijo, pogodbenice države v razvoju pa sprejmejo, finančne vire za izvajanje 10. člena po dvostranskih, regionalnih in drugih večstranskih poteh.

12. člen

1. V tem členu je opredeljen mehanizem čistega razvoja.

2. Namen mehanizma čistega razvoja je pomagati pogodbenicam, ki niso v Aneksu I, pri doseganju trajnostnega razvoja in prispevanju h končnemu cilju konvencije ter pomagati pogodbenicam iz Aneksa I pri doseganju skladnosti z njihovimi obveznostmi količinskega omejevanja in zmanjševanja emisij po 3. členu.

3. V okviru mehanizma čistega razvoja:

(a) imajo pogodbenice, ki niso v Aneksu I, ugodnosti iz projektnih dejavnosti, katerih rezultat je potrjeno zmanjšanje emisij, in

(b) lahko pogodbenice iz Aneksa I uporabljajo potrjeno zmanjšanje emisij iz takih projektnih dejavnosti kot del izpolnitve obveznosti za količinsko omejevanje in zmanjševanje emisij iz 3. člena, ki jih določi Konferenca pogodbenic kot sestanek pogodbenic tega protokola.

4. Mehanizem čistega razvoja spada v pristojnost in pod vodstvo Konference pogodbenic kot sestanka pogodbenic tega protokola in ga nadzoruje izvršilni odbor mehanizma čistega razvoja.

5. Zmanjšanje emisij, ki je rezultat vsake projektne dejavnosti, potrdijo operativni subjekti, ki jih imenuje Konferenca pogodbenic kot sestanek pogodbenic tega protokola, na podlagi:

(a) prostovoljnega sodelovanja, ki ga odobri vsaka sodelujoča pogodbenica;

(b) dejanskih, merljivih in dolgoročnih koristi v zvezi z blažitevijo spremembe podnebja in

(c) dodatnega zmanjšanja emisij, poleg tistega, do katerega bi prišlo brez potrjene projektne dejavnosti.

6. The clean development mechanism shall assist in arranging funding of certified project activities as necessary.

7. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first session, elaborate modalities and procedures with the objective of ensuring transparency, efficiency and accountability through independent auditing and verification of project activities.

8. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall ensure that a share of the proceeds from certified project activities is used to cover administrative expenses as well as to assist developing country Parties that are particularly vulnerable to the adverse effects of climate change to meet the costs of adaptation.

9. Participation under the clean development mechanism, including in activities mentioned in paragraph 3(a) above and in the acquisition of certified emission reductions, may involve private and/or public entities, and is to be subject to whatever guidance may be provided by the executive board of the clean development mechanism.

10. Certified emission reductions obtained during the period from the year 2000 up to the beginning of the first commitment period can be used to assist in achieving compliance in the first commitment period.

Article 13

1. The Conference of the Parties, the supreme body of the Convention, shall serve as the meeting of the Parties to this Protocol.

2. Parties to the Convention that are not Parties to this Protocol may participate as observers in the proceedings of any session of the Conference of the Parties serving as the meeting of the Parties to this Protocol. When the Conference of the Parties serves as the meeting of the Parties to this Protocol, decisions under this Protocol shall be taken only by those that are Parties to this Protocol.

3. When the Conference of the Parties serves as the meeting of the Parties to this Protocol, any member of the Bureau of the Conference of the Parties representing a Party to the Convention but, at that time, not a Party to this Protocol, shall be replaced by an additional member to be elected by and from amongst the Parties to this Protocol.

4. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall keep under regular review the implementation of this Protocol and shall make, within its mandate, the decisions necessary to promote its effective implementation. It shall perform the functions assigned to it by this Protocol and shall:

(a) Assess, on the basis of all information made available to it in accordance with the provisions of this Protocol, the implementation of this Protocol by the Parties, the overall effects of the measures taken pursuant to this Protocol, in particular environmental, economic and social effects as well as their cumulative impacts and the extent to which progress towards the objective of the Convention is being achieved;

(b) Periodically examine the obligations of the Parties under this Protocol, giving due consideration to any reviews required by Article 4, paragraph 2(d), and Article 7, paragraph 2, of the Convention, in the light of the objective of the Convention, the experience gained in its implementation and the evolution of scientific and technological knowledge, and in this respect consider and adopt regular reports on the implementation of this Protocol;

(c) Promote and facilitate the exchange of information on measures adopted by the Parties to address climate change and its effects, taking into account the differing circumstances, responsibilities and capabilities of the Parties and their respective commitments under this Protocol;

6. Mehanizem čistega razvoja po potrebi pomaga pri pripravi financiranja potrjenih projektnih dejavnosti.

7. Konferenca pogodbenic kot sestanek pogodbenic tega protokola na svojem prvem zasedanju pripravi načine in postopke za zagotavljanje preglednosti, učinkovitosti in odgovornosti z neodvisno revizijo ter preverjanjem in potrjevanjem projektnih dejavnosti.

8. Konferenca pogodbenic kot sestanek pogodbenic tega protokola zagotovi, da se delež prihodkov iz potrjenih projektnih dejavnosti uporabi za pokrivanje upravnih stroškov kakor tudi za pomoč pogodbenicam državam v razvoju, ki so posebej občutljive za škodljive učinke spremembe podnebja, pri kritju njihovih stroškov prilagajanja.

9. V okviru mehanizma čistega razvoja kakor tudi v dejavnostih iz točke (a) tretjega odstavka tega člena in pri pridobivanju potrjenih zmanjšanj emisij lahko sodelujejo zasebni in/ali javni subjekti in zanje veljajo vsa navodila izvršilnega odbora mehanizma čistega razvoja.

10. Potrjena zmanjšanja emisij, pridobljena v obdobju od leta 2000 do začetka prvega ciljnega obdobja, se lahko uporabijo kot pomoč pri doseganju skladnosti v prvem ciljnim obdobju.

13. člen

1. Konferenca pogodbenic kot najvišje telo konvencije deluje kot sestanek pogodbenic tega protokola.

2. Pogodbenice konvencije, ki niso pogodbenice tega protokola, lahko kot opazovalke sodelujejo na katerem koli zasedanju Konference pogodbenic kot sestanka pogodbenic tega protokola. Kadar Konferenca pogodbenic deluje kot sestanek pogodbenic tega protokola, lahko sklepe po tem protokolu sprejemajo samo tiste pogodbenice, ki so pogodbenice tega protokola.

3. Kadar Konferenca pogodbenic deluje kot sestanek pogodbenic tega protokola, vsakega člana biroja Konference pogodbenic, ki predstavlja pogodbenico konvencije, a hkrati ni pogodbenica tega protokola, nadomesti dodatni član, ki ga izvolijo med seboj pogodbenice tega protokola.

4. Konferenca pogodbenic kot sestanek pogodbenic tega protokola redno pregleduje izvajanje tega protokola in v okviru svojih pooblastil sprejema odločitve, potrebne za njegovo učinkovito izvajanje. Opravlja naloge, ki jih ima v skladu s tem protokolom, in:

(a) presoja na podlagi vseh informacij, ki so ji na voljo v skladu z določbami tega protokola, kako pogodbenice izvajajo ta protokol, vsestranske učinke ukrepov, sprejetih v skladu s tem protokolom, zlasti okoljske, gospodarske in družbene, kakor tudi njihov skupni vpliv in napredek pri doseganju cilja konvencije;

(b) občasno pregleda obveznosti pogodbenic po tem protokolu, pri čemer glede na cilj konvencije ustrezno pozornost namenja pregledom, ki jih zahtevata točka (d) drugega odstavka 4. člena in drugi odstavek 7. člena konvencije, izkušnjam, pridobljenim pri njenem izvajanju, in razvoju znanstvenega in tehnološkega znanja ter v zvezi s tem proučuje in sprejema redna poročila o izvajanju tega protokola;

(c) spodbuja in omogoča lažjo izmenjavo informacij o ukrepih, ki jih sprejmejo pogodbenice v zvezi s spremembo podnebja ter njenimi učinki, ob upoštevanju različnih okoliščin, odgovornosti in sposobnosti pogodbenic ter njihovih obveznosti po tem protokolu;

(d) Facilitate, at the request of two or more Parties, the coordination of measures adopted by them to address climate change and its effects, taking into account the differing circumstances, responsibilities and capabilities of the Parties and their respective commitments under this Protocol;

(e) Promote and guide, in accordance with the objective of the Convention and the provisions of this Protocol, and taking fully into account the relevant decisions by the Conference of the Parties, the development and periodic refinement of comparable methodologies for the effective implementation of this Protocol, to be agreed on by the Conference of the Parties serving as the meeting of the Parties to this Protocol;

(f) Make recommendations on any matters necessary for the implementation of this Protocol;

(g) Seek to mobilize additional financial resources in accordance with Article 11, paragraph 2;

(h) Establish such subsidiary bodies as are deemed necessary for the implementation of this Protocol;

(i) Seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organizations and intergovernmental and non-governmental bodies; and

(j) Exercise such other functions as may be required for the implementation of this Protocol, and consider any assignment resulting from a decision by the Conference of the Parties.

5. The rules of procedure of the Conference of the Parties and financial procedures applied under the Convention shall be applied *mutatis mutandis* under this Protocol, except as may be otherwise decided by consensus by the Conference of the Parties serving as the meeting of the Parties to this Protocol.

6. The first session of the Conference of the Parties serving as the meeting of the Parties to this Protocol shall be convened by the secretariat in conjunction with the first session of the Conference of the Parties that is scheduled after the date of the entry into force of this Protocol. Subsequent ordinary sessions of the Conference of the Parties serving as the meeting of the Parties to this Protocol shall be held every year and in conjunction with ordinary sessions of the Conference of the Parties, unless otherwise decided by the Conference of the Parties serving as the meeting of the Parties to this Protocol.

7. Extraordinary sessions of the Conference of the Parties serving as the meeting of the Parties to this Protocol shall be held at such other times as may be deemed necessary by the Conference of the Parties serving as the meeting of the Parties to this Protocol, or at the written request of any Party, provided that, within six months of the request being communicated to the Parties by the secretariat, it is supported by at least one third of the Parties.

8. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State member thereof or observers thereto not party to the Convention, may be represented at sessions of the Conference of the Parties serving as the meeting of the Parties to this Protocol as observers. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by this Protocol and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties serving as the meeting of the Parties to this Protocol as an observer, may be so admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure, as referred to in paragraph 5 above.

(d) na zahtevo dveh ali več pogodbenic olajšuje usklajevanje ukrepov, ki so jih sprejele za reševanje spremembe podnebja ter njenih učinkov, in pri tem upošteva različne okoliščine, odgovornosti in usposobljenost pogodbenic ter njihove obveznosti po tem protokolu;

(e) v skladu s ciljem konvencije in določbami protokola in ob popolnem upoštevanju ustreznih sklepov Konference pogodbenic spodbuja in usmerja razvoj in občasno izboljšanje primerljivih metodologij za učinkovito izvajanje tega protokola, ki jih mora potrditi Konferenca pogodbenic kot sestanek pogodbenic tega protokola;

(f) daje priporočila o vseh zadevah, potrebnih za izvajanje tega protokola;

(g) išče načine zbiranja dodatnih finančnih virov v skladu z drugim odstavkom 11. člena;

(h) ustanovi taka pomožna telesa, kot meni, da so potrebna za izvajanje tega protokola;

(i) išče in uporablja, kadar je to primerno, storitve in sodelovanje ter informacije pristojnih mednarodnih organizacij in medvladnih ter nevladnih teles in

(j) opravlja druge naloge, potrebne za izvajanje tega protokola, in prouči vse naloge, ki izhajajo iz sklepa Konference pogodbenic.

5. Poslovnik Konference pogodbenic in finančni postopki, ki se uporabljajo v okviru konvencije, se smiselno uporabljajo tudi za ta protokol, razen če Konferenca pogodbenic kot sestanek pogodbenic tega protokola s soglasjem ne odloči drugače.

6. Prvo zasedanje Konference pogodbenic kot sestanka pogodbenic tega protokola skliče sekretariat hkrati s prvim zasedanjem Konference pogodbenic po dnevu začetka veljavnosti tega protokola. Pozneje potekajo redna zasedanja Konference pogodbenic kot sestanka pogodbenic tega protokola vsako leto in skupaj z rednimi zasedanji Konference pogodbenic, razen če Konferenca pogodbenic kot sestanek pogodbenic tega protokola ne odloči drugače.

7. Izredna zasedanja Konference pogodbenic kot sestanka pogodbenic tega protokola se skličejo takrat, ko Konferenca pogodbenic kot sestanek pogodbenic tega protokola meni, da je to potrebno, ali na pisno zahtevo katere koli pogodbenice, če tako zahtevo v šestih mesecih po tem, ko sekretariat pošlje obvestilo pogodbenicam, podpre vsaj ena tretjina pogodbenic.

8. Organizacija združenih narodov, njene specializirane agencije in Mednarodna agencija za atomsko energijo kot tudi vse njihove države članice ali opazovalke, ki niso pogodbenice konvencije, so lahko zastopane na zasedanjih Konference pogodbenic kot sestanka pogodbenic tega protokola kot opazovalke. Vsako državno ali mednarodno, vladno ali nevladno telo ali agencija, usposobljena za zadeve, ki jih ureja ta protokol, ki je obvestila sekretariat, da želi biti zastopana na zasedanju Konference pogodbenic kot sestanka pogodbenic tega protokola kot opazovalka, lahko to postane, če temu ne nasprotuje najmanj ena tretjina navzočih pogodbenic. Za sprejetje in sodelovanje opazovalk velja poslovnik iz petega odstavka tega člena.

Article 14

1. The secretariat established by Article 8 of the Convention shall serve as the secretariat of this Protocol.

2. Article 8, paragraph 2, of the Convention on the functions of the secretariat, and Article 8, paragraph 3, of the Convention on arrangements made for the functioning of the secretariat, shall apply *mutatis mutandis* to this Protocol. The secretariat shall, in addition, exercise the functions assigned to it under this Protocol.

Article 15

1. The Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation established by Articles 9 and 10 of the Convention shall serve as, respectively, the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of this Protocol. The provisions relating to the functioning of these two bodies under the Convention shall apply *mutatis mutandis* to this Protocol. Sessions of the meetings of the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of this Protocol shall be held in conjunction with the meetings of, respectively, the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of the Convention.

2. Parties to the Convention that are not Parties to this Protocol may participate as observers in the proceedings of any session of the subsidiary bodies. When the subsidiary bodies serve as the subsidiary bodies of this Protocol, decisions under this Protocol shall be taken only by those that are Parties to this Protocol.

3. When the subsidiary bodies established by Articles 9 and 10 of the Convention exercise their functions with regard to matters concerning this Protocol, any member of the Bureaux of those subsidiary bodies representing a Party to the Convention but, at that time, not a party to this Protocol, shall be replaced by an additional member to be elected by and from amongst the Parties to this Protocol.

Article 16

The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, as soon as practicable, consider the application to this Protocol of, and modify as appropriate, the multilateral consultative process referred to in Article 13 of the Convention, in the light of any relevant decisions that may be taken by the Conference of the Parties. Any multilateral consultative process that may be applied to this Protocol shall operate without prejudice to the procedures and mechanisms established in accordance with Article 18.

Article 17

The Conference of the Parties shall define the relevant principles, modalities, rules and guidelines, in particular for verification, reporting and accountability for emissions trading. The Parties included in Annex B may participate in emissions trading for the purposes of fulfilling their commitments under Article 3. Any such trading shall be supplemental to domestic actions for the purpose of meeting quantified emission limitation and reduction commitments under that Article.

Article 18

The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first session, approve appropriate and effective procedures and mechanisms to determine and to address cases of non-compliance with the provisions of this Protocol, including through the development of an indicative list of consequences, taking into account the cause, type, degree and frequency of non-compliance. Any procedures and mechanisms under this Article entailing binding consequences shall be adopted by means of an amendment to this Protocol.

14. člen

1. Sekretariat, ustanovljen na podlagi 8. člena konvencije, je tudi sekretariat tega protokola.

2. Drugi odstavek 8. člena konvencije o nalogah sekretariata in tretji odstavek 8. člena konvencije o ureditvi za njegovo delovanje se smiselno uporabljata za ta protokol. Sekretariat opravlja tudi naloge, ki so mu naložene s tem protokolom.

15. člen

1. Pomožno telo za znanstveno in tehnološko svetovanje ter pomožno telo za izvajanje, ustanovljeni na podlagi 9. in 10. člena konvencije, sta tudi pomožno telo za znanstveno in tehnološko svetovanje ter pomožno telo za izvajanje tega protokola. Določbe v zvezi z delovanjem teh teles iz konvencije veljajo smiselno tudi za ta protokol. Seje pomožnega telesa za znanstveno in tehnološko svetovanje ter pomožnega telesa za izvajanje tega protokola potekajo skupaj s sejami pomožnega telesa za znanstveno in tehnološko svetovanje ter pomožnega telesa za izvajanje konvencije.

2. Pogodbenice konvencije, ki niso pogodbenice tega protokola, lahko sodelujejo na kateri koli seji pomožnih teles kot opazovalke. Kadar pomožni telesi delujeta kot pomožni telesi tega protokola, sprejemajo sklepe po tem protokolu samo tiste pogodbenice, ki so pogodbenice tega protokola.

3. Kadar pomožni telesi, ustanovljeni na podlagi 9. in 10. člena konvencije, opravljata naloge v zvezi z zadevami iz tega protokola, vsakega člana birojev teh pomožnih teles, ki zastopa pogodbenico konvencije, ki takrat ni pogodbenica tega protokola, nadomesti dodatni član, ki ga izvolijo med seboj pogodbenice protokola.

16. člen

Konferenca pogodbenic kot sestanek pogodbenic tega protokola v skladu z ustreznimi sklepi, ki jih sprejme Konferenca pogodbenic, čim prej prouči možnost uporabe večstranskega posvetovalnega postopka iz 13. člena konvencije tudi za ta protokol in ga v ta namen ustrezno spremeni. Kateri koli večstranski posvetovalni postopek, ki se uporablja za ta protokol, ne sme vplivati na postopke in mehanizme, vzpostavljene v skladu z 18. členom.

17. člen

Konferenca pogodbenic določi ustrezna načela, načine, pravila in smernice, zlasti za preverjanje in potrjevanje, poročanje ter odgovornost pri trgovanju z emisijami. Pogodbenice iz Priloge B lahko za izpolnjevanje svojih obveznosti iz 3. člena sodelujejo pri trgovanju z emisijami. Vsako tako trgovanje dopolnjuje domače ukrepe za izpolnjevanje obveznosti količinskega omejevanja in zmanjševanja emisij iz omenjenega člena.

18. člen

Konferenca pogodbenic kot sestanek pogodbenic tega protokola na svojem prvem zasedanju odobri ustrezne in učinkovite postopke in mehanizme za določanje in reševanje primerov neskladnosti z določbami tega protokola, vključno s pripravo ponazoritvenega seznama posledic, ob upoštevanju vzroka, vrste, stopnje in pogostosti neskladnosti. Vsi postopki in mehanizmi iz tega člena, ki imajo obvezujoče posledice, se sprejemajo po postopku za sprejetje sprememb tega protokola.

Article 19

The provisions of Article 14 of the Convention on settlement of disputes shall apply *mutatis mutandis* to this Protocol.

Article 20

1. Any Party may propose amendments to this Protocol.

2. Amendments to this Protocol shall be adopted at an ordinary session of the Conference of the Parties serving as the meeting of the Parties to this Protocol. The text of any proposed amendment to this Protocol shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate the text of any proposed amendments to the Parties and signatories to the Convention and, for information, to the Depositary.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Protocol by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting. The adopted amendment shall be communicated by the secretariat to the Depositary, who shall circulate it to all Parties for their acceptance.

4. Instruments of acceptance in respect of an amendment shall be deposited with the Depositary. An amendment adopted in accordance with paragraph 3 above shall enter into force for those Parties having accepted it on the ninetieth day after the date of receipt by the Depositary of an instrument of acceptance by at least three fourths of the Parties to this Protocol.

5. The amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits with the Depositary its instrument of acceptance of the said amendment.

Article 21

1. Annexes to this Protocol shall form an integral part thereof and, unless otherwise expressly provided, a reference to this Protocol constitutes at the same time a reference to any annex thereto. Any annex adopted after the entry into force of this Protocol shall be restricted to lists, forms and any other material of a descriptive nature that is of a scientific, technical, procedural or administrative character.

2. Any Party may make proposals for an annex to this Protocol and may propose amendments to annexes to this Protocol.

3. Annexes to this Protocol and amendments to annexes to this Protocol shall be adopted at an ordinary session of the Conference of the Parties serving as the meeting of the Parties to this Protocol. The text of any proposed annex or amendment to an annex shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate the text of any proposed annex or amendment to an annex to the Parties and signatories to the Convention and, for information, to the Depositary.

4. The Parties shall make every effort to reach agreement on any proposed annex or amendment to an annex by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the annex or amendment to an annex shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting. The adopted annex or amendment to an annex shall be communicated by the secretariat to the Depositary, who shall circulate it to all Parties for their acceptance.

19. člen

Določbe 14. člena konvencije o reševanju sporov se smiselno uporabljajo tudi za ta protokol.

20. člen

1. Vsaka pogodbenica lahko predlaga spremembe tega protokola.

2. Spremembe tega protokola se sprejmejo na rednem zasedanju Konference pogodbenic kot sestanka pogodbenic tega protokola. Besedilo katere koli predlagane spremembe tega protokola sekretariat pošlje vsem pogodbenicam najmanj šest mesecev pred zasedanjem, na katerem naj bi jo sprejeli. Sekretariat pošlje besedilo predlagane spremembe tudi pogodbenicam in podpisnicam konvencije in v vednost depozitarju.

3. Pogodbenice si po svojih močeh prizadevajo doseči sporazum o vsaki predlagani spremembi tega protokola s soglasjem. Če so izčrpane vse možnosti za soglasje in sporazum ni dosežen, se kot zadnja možnost sprememba sprejme s tričetrtinsko večino glasov vseh pogodbenic, ki so na zasedanju navzoče in glasujejo. Sprejeto spremembo pošlje sekretariat depozitarju, ki jo nato razpošlje vsem pogodbenicam v sprejetje.

4. Listine o sprejetju spremembe se deponirajo pri depozitarju. Sprememba, sprejeta v skladu s tretjim odstavkom tega člena, začne veljati za tiste pogodbenice, ki so jo sprejele, devetdeseti dan po dnevu, ko je depozitar prejel listine o sprejetju najmanj treh četrtin pogodbenic tega protokola.

5. Za vsako drugo pogodbenico začne sprememba veljati devetdeseti dan po dnevu, ko je ta pogodbenica pri depozitarju deponirala svojo listino o sprejetju te spremembe.

21. člen

1. Priloge k temu protokolu so njegov sestavni del in če ni izrecno drugače določeno, je sklicevanje na ta protokol hkrati tudi sklicevanje na vse njegove priloge. Vse priloge, sprejete po začetku veljavnosti tega protokola, so omejene na sezname, obrazce in drugo opisno gradivo znanstvene, tehnične, postopkovne ali upravne narave.

2. Vsaka pogodbenica lahko da predloge za prilogo k temu protokolu in lahko predlaga spremembe njegovih prilog.

3. Priloge k temu protokolu in spremembe njegovih prilog se sprejmejo na rednem zasedanju Konference pogodbenic kot sestanka pogodbenic tega protokola. Sekretariat pošlje besedilo vsake predlagane priloge ali njene spremembe pogodbenicam najmanj šest mesecev pred zasedanjem, na katerem naj bi ga sprejeli. Sekretariat pošlje besedilo predlagane priloge ali njene spremembe tudi pogodbenicam in podpisnicam konvencije ter v vednost depozitarju.

4. Pogodbenice si po svojih najboljših močeh prizadevajo doseči sporazum o vsaki predlagani prilogi ali njeni spremembi s soglasjem. Če so vsa prizadevanja za soglasje izčrpana in sporazum ni dosežen, se kot zadnja možnost priloga ali njena sprememba sprejme s tričetrtinsko večino glasov pogodbenic, ki so na zasedanju navzoče in glasujejo. Sekretariat pošlje sprejeto prilogo ali njeno spremembo depozitarju, ki jo razpošlje vsem pogodbenicam v sprejetje.

5. An annex, or amendment to an annex other than Annex A or B, that has been adopted in accordance with paragraphs 3 and 4 above shall enter into force for all Parties to this Protocol six months after the date of the communication by the Depositary to such Parties of the adoption of the annex or adoption of the amendment to the annex, except for those Parties that have notified the Depositary, in writing, within that period of their non-acceptance of the annex or amendment to the annex. The annex or amendment to an annex shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date on which withdrawal of such notification has been received by the Depositary.

6. If the adoption of an annex or an amendment to an annex involves an amendment to this Protocol, that annex or amendment to an annex shall not enter into force until such time as the amendment to this Protocol enters into force.

7. Amendments to Annexes A and B to this Protocol shall be adopted and enter into force in accordance with the procedure set out in Article 20, provided that any amendment to Annex B shall be adopted only with the written consent of the Party concerned.

Article 22

1. Each Party shall have one vote, except as provided for in paragraph 2 below.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to this Protocol. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Article 23

The Secretary-General of the United Nations shall be the Depositary of this Protocol.

Article 24

1. This Protocol shall be open for signature and subject to ratification, acceptance or approval by States and regional economic integration organizations which are Parties to the Convention. It shall be open for signature at United Nations Headquarters in New York from 16 March 1998 to 15 March 1999. This Protocol shall be open for accession from the day after the date on which it is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

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

3. In their instruments of ratification, acceptance, approval or accession, regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by this Protocol. These organizations shall also inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

5. Priloga ali njena sprememba, razen Priloge A ali B, sprejeta v skladu s tretjim in četrnim odstavkom tega člena, začne veljati za vse pogodbenice tega protokola šest mesecev po dnevu, ko jih je depozitar obvestil o sprejetju priloge ali njene spremembe, razen za tiste pogodbenice, ki so v tem obdobju uradno pisno obvestile depozitarja, da ne sprejmejo priloge ali njene spremembe. Za pogodbenice, ki svoje uradno obvestilo o nesprejetju umaknejo, začne priloga ali njena sprememba veljati devetdeseti dan po dnevu, ko je depozitar prejel umik takega uradnega obvestila.

6. Če je za sprejetje priloge ali njene spremembe potrebna tudi sprememba tega protokola, taka priloga ali njena sprememba ne začne veljati, dokler ne začne veljati sprememba tega protokola.

7. Spremembe priloge A in B tega protokola se sprejmejo in začnejo veljati v skladu s postopkom, določenim v 20. členu, pri čemer se vsaka sprememba Priloge B sprejme samo s pisnim soglasjem pogodbenice, na katero se nanaša.

22. člen

1. Vsaka pogodbenica ima en glas, razen v primeru iz drugega odstavka tega člena.

2. Regionalne organizacije za gospodarsko povezovanje lahko v zadevah, ki so v njihovi pristojnosti, uresničujejo svojo pravico do glasovanja s številom glasov, ki je enako številu njihovih držav članic, ki so pogodbenice tega protokola. Taka organizacija ne sme uresničevati svoje pravice do glasovanja, če katera koli njena država članica uresničuje svojo pravico, in obratno.

23. člen

Depozitar tega protokola je generalni sekretar Združenih narodov.

24. člen

1. Ta protokol je na voljo za podpis in ga države in regionalne organizacije za gospodarsko povezovanje, ki so pogodbenice konvencije, ratificirajo, sprejmejo ali potrdijo. Za podpis je na voljo od 16. marca 1998 do 15. marca 1999 na sedežu Združenih narodov v New Yorku. Protokol je na voljo za pristop od dneva po datumu, ko je končano podpisovanje. Listine o ratifikaciji, sprejetju, potrditvi ali pristopu se deponirajo pri depozitarju.

2. Če postane pogodbenica tega protokola regionalna organizacija za gospodarsko povezovanje, ne da bi bila hkrati pogodbenica katera od njenih držav članic, zanjo veljajo vse obveznosti iz tega protokola. Za take organizacije, v katerih je ena ali več držav članic pogodbenica tega protokola, velja, da se organizacija in njene države članice odločijo o odgovornosti vsake posebej za izpolnjevanje obveznosti po tem protokolu. V takih primerih organizacija in države članice niso upravičene hkrati uresničevati pravic iz tega protokola.

3. V svojih listinah o ratifikaciji, sprejetju, potrditvi ali pristopu regionalne organizacije za gospodarsko povezovanje izjavijo, kakšen je obseg njihovih pristojnosti v zadevah, ki jih ureja ta protokol. Te organizacije morajo tudi obvestiti depozitarja o vsaki pomembnejši spremembi obsega svojih pristojnosti, nato pa depozitar o tem obvesti pogodbenice.

Article 25

1. This Protocol shall enter into force on the ninetieth day after the date on which not less than 55 Parties to the Convention, incorporating Parties included in Annex I which accounted in total for at least 55 per cent of the total carbon dioxide emissions for 1990 of the Parties included in Annex I, have deposited their instruments of ratification, acceptance, approval or accession.

2. For the purposes of this Article, "the total carbon dioxide emissions for 1990 of the Parties included in Annex I" means the amount communicated on or before the date of adoption of this Protocol by the Parties included in Annex I in their first national communications submitted in accordance with Article 12 of the Convention.

3. For each State or regional economic integration organization that ratifies, accepts or approves this Protocol or accedes thereto after the conditions set out in paragraph 1 above for entry into force have been fulfilled, this Protocol shall enter into force on the ninetieth day following the date of deposit of its instrument of ratification, acceptance, approval or accession.

4. For the purposes of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States members of the organization.

Article 26

No reservations may be made to this Protocol.

Article 27

1. At any time after three years from the date on which this Protocol has entered into force for a Party, that Party may withdraw from this Protocol by giving written notification to the Depositary.

2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

3. Any Party that withdraws from the Convention shall be considered as also having withdrawn from this Protocol.

Article 28

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

DONE at Kyoto this eleventh day of December one thousand nine hundred and ninety-seven.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have affixed their signatures to this Protocol on the dates indicated.

25. člen

1. Ta protokol začne veljati devetdeseti dan po dnevu, ko je najmanj 55 pogodbenic konvencije, med katerimi so pogodbenice iz Aneksa I, ki so skupaj odgovorne za najmanj 55 odstotkov skupnih emisij ogljikovega dioksida v letu 1990 v pogodbenicah iz Aneksa I, deponiralo svoje listine o ratifikaciji, sprejetju, potrditvi ali pristopu.

2. V tem členu "skupne emisije ogljikovega dioksida v letu 1990 v pogodbenicah iz Aneksa I" pomeni količino, ki jo do dneva sprejetja tega protokola sporočijo pogodbenice iz Aneksa I v svojem prvem državnem poročilu, predloženem v skladu z 12. členom konvencije.

3. Za vsako državo ali regionalno organizacijo za gospodarsko povezovanje, ki ratificira, sprejme ali potrdi ta protokol ali k njemu pristopi po izpolnitvi pogojev iz prvega odstavka tega člena za začetek veljavnosti, začne ta protokol veljati devetdeseti dan po dnevu, ko je deponirala svojo listino o ratifikaciji, sprejetju, potrditvi ali pristopu.

4. Za namene tega člena se nobena listina, ki jo deponira regionalna organizacija za gospodarsko povezovanje, ne šteje kot dodatna k listinam, ki jih deponirajo države članice te organizacije.

26. člen

K temu protokolu niso dopustni nobeni pridržki.

27. člen

1. Kadar koli po treh letih od dneva, ko je za pogodbenico protokol začel veljati, ga ta pogodbenica lahko odpove s pisnim uradnim obvestilom deponitarju.

2. Vsaka taka odpoved začne veljati po poteku enega leta od dneva, ko je deponitar prejel uradno obvestilo o odpovedi, ali s poznejšim datumom, ki je lahko naveden v uradnem obvestilu o odpovedi.

3. Za vsako pogodbenico, ki odpove konvencijo, se šteje, da je odpovedala tudi ta protokol.

28. člen

Izvirnik tega protokola, katerega besedila v angleščini, arabščini, francoščini, kitajščini, ruščini in španščini so enako verodostojna, se hrani pri generalnem sekretarju Združenih narodov.

SESTAVLJENO v Kjotu enajstega decembra tisoč devetsto sedemindvetdeset.

V POTRDITEV TEGA so podpisani, ki so bili za to pravilno pooblaščen, na navedene datume podpisali ta protokol.

Annex AGreenhouse gases

Carbon dioxide (CO₂)
Methane (CH₄)
Nitrous oxide (NO₂)
Hydrofluorocarbons (HFCs)
Perfluorocarbons (PFCs)
Sulphur hexafluoride (SF₆)

Sectors/source categories

Energy

Fuel combustion
Energy industries
Manufacturing industries and construction
Transport
Other sectors
Other
Fugitive emissions from fuels
Solid fuels
Oil and natural gas
Other

Industrial processes

Mineral products
Chemical industry
Metal production
Other production
Production of halocarbons and sulphur hexafluoride

Consumption of halocarbons and sulphur
hexafluoride
Other

Solvent and other product use

Agriculture

Enteric fermentation
Manure management
Rice cultivation
Agricultural soils
Prescribed burning of savannas
Field burning of agricultural residues
Other

Waste

Solid waste disposal on land
Wastewater handling
Waste incineration
Other

Priloga AToplogredni plini

Ogljikov dioksid (CO₂)
Metan (CH₄)
Didušikov oksid (N₂O)
Fluorirani ogljikovodiki (HFC)
Perfluorirani ogljikovodiki (PFC)
Žveplov heksafluorid (SF₆)

Področja/viri

Energija

Izgorevanje goriv
Energetika
Proizvodnja in gradbeništvo
Promet
Druga področja
Drugo
Ubežne emisije iz goriv
Trdna goriva
Nafta in naravni plin
Drugo

Industrijski procesi

Mineralni proizvodi
Kemična industrija
Metalurgija
Druga proizvodnja
Proizvodnja halogeniranih ogljikovodikov
in žveplovega heksafluorida
Poraba halogeniranih ogljikovodikov
in žveplovega heksafluorida
Drugo

Uporaba topil in drugih izdelkov

Kmetijstvo

Črevesna fermentacija
Ravnanje z gnojem
Gojenje riža
Kmetijska zemljišča
Predpisano požiganje savan
Požiganje kmetijskih ostankov na poljih
Drugo

Odpadki

Odlaganje trdnih odpadkov na zemljo
Ravnanje z odpadno vodo
Sežiganje odpadkov
Drugo

Annex B

Priloga B

<u>Party</u>	<u>Quantified emission limitation or reduction commitment</u> (percentage of base year or period)	<u>Pogodbenica</u>	<u>Obveznost količinskega omejevanja ali zmanjševanja emisij</u> (odstotek glede na izhodiščno leto ali obdobje)
Australia	108	Avstralija	108
Austria	92	Avstrija	92
Belgium	92	Belgija	92
Bulgaria*	92	Bolgarija*	92
Canada	94	Kanada	94
Croatia*	95	Hrvaška*	95
Czech Republic*	92	Češka republika*	92
Denmark	92	Danska	92
Estonia*	92	Estonija*	92
European Community	92	Evropska skupnost	92
Finland	92	Finska	92
France	92	Francija	92
Germany	92	Nemčija	92
Greece	92	Grčija	92
Hungary*	94	Madžarska*	94
Iceland	110	Islandija	110
Ireland	92	Irska	92
Italy	92	Italija	92
Japan	94	Japonska	94
Latvia*	92	Latvija*	92
Liechtenstein	92	Lihtenštajn	92
Lithuania*	92	Litva*	92
Luxembourg	92	Luksemburg	92
Monaco	92	Monako	92
Netherlands	92	Nizozemska	92
New Zealand	100	Nova Zelandija	100
Norway	101	Norveška	101
Poland*	94	Poljska*	94
Portugal	92	Portugalska	92
Romania*	92	Romunija*	92
Russian Federation*	100	Ruska federacija*	100
Slovakia*	92	Slovaška*	92
Slovenia*	92	Slovenija*	92
Spain	92	Španija	92
Sweden	92	Švedska	92
Switzerland	92	Švica	92
Ukraine*	100	Ukrajina*	100
United Kingdom of Great Britain and Northern Ireland	92	Združeno kraljestvo Velika Britanija in Severna Irska	92
United States of America	93	Združene države Amerike	93

* Countries that are undergoing the process of transition to a market economy.

*Države, ki so na prehodu v tržno gospodarstvo.

3. člen

Za izvajanje protokola skrbi Ministrstvo za okolje in prostor.

4. člen

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

Št. 801-08/02-6/1

Ljubljana, dne 21. junija 2002

Predsednik
Državnega zbora
Republike Slovenije
Borut Pahor l. r.

60. Zakon o ratifikaciji Dunajske konvencije o nasledstvu držav glede državnega premoženja, arhivov in dolgov (MDKND)

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

U K A Z**O RAZGLASITVI ZAKONA O RATIFIKACIJI DUNAJSKE KONVENCIJE O NASLEDSTVU DRŽAV GLEDE DRŽAVNEGA PREMOŽENJA, ARHIVOV IN DOLGOV (MDKND)**

Razglasam Zakon o ratifikaciji Dunajske konvencije o nasledstvu držav glede državnega premoženja, arhivov in dolgov (MDKND), ki ga je sprejel Državni zbor Republike Slovenije na seji 21. junija 2002.

Št. 001-22-85/02
Ljubljana, 2. julija 2002

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N**O RATIFIKACIJI DUNAJSKE KONVENCIJE O NASLEDSTVU DRŽAV GLEDE DRŽAVNEGA PREMOŽENJA, ARHIVOV IN DOLGOV (MDKND)**

1. člen

Ratificira se Dunajska konvencija o nasledstvu držav glede državnega premoženja, arhivov in dolgov, sestavljena na Dunaju 8. aprila 1983.

2. člen

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

**VIENNA CONVENTION
ON SUCCESSION OF STATES IN RESPECT OF
STATE PROPERTY, ARCHIVES AND DEBTS**

Done at Vienna, on 8 April 1983

The States Parties to the present Convention, Considering the profound transformation of the international community brought about by the decolonisation process,

Considering also that other factors may lead to cases of succession of States in the future,

Convinced, in these circumstances, of the need for the codification and progressive development of the rules relating to succession of States in respect of State property, archives and debts as a means for ensuring greater juridical security in international relations,

Noting that the principles of free consent, good faith and pacta sunt servanda are universally recognised,

Emphasizing the importance of the codification and progressive development of international law which is of interest to the international community as a whole and of special importance for the strengthening of peace and international cooperation,

Believing that questions relating to succession of States in respect of State property, archives and debts are of special importance to all States,

Having in mind the principles of international law embodied in the Charter of the United Nations, such as the principles of the equal rights and self-determination of peoples, of the sovereign equality and independence of all States, of non-interference in the domestic affairs of States, of the prohibition of the threat or use of force, and of universal respect for, and observance of, human rights and fundamental freedoms for all,

**DUNAJSKA KONVENCIJA
O NASLEDSTVU DRŽAV GLEDE DRŽAVNEGA
PREMOŽENJA, ARHIVOV IN DOLGOV**

Sestavljena na Dunaju 8. aprila 1983.

Države pogodbenice te konvencije so se glede na velike spremembe v mednarodni skupnosti, ki jih je povzročila dekolonizacija,

in glede na to, da lahko tudi drugi dejavniki v prihodnje privedejo do primerov nasledstva držav,

v prepričanju, da sta v takih razmerah potrebna kodifikacija in progresivni razvoj pravil o nasledstvu držav glede državnega premoženja, arhivov in dolgov, da se zagotovi večja pravna varnost v mednarodnih odnosih,

ob ugotovitvi, da so načela svobodnega pristanka, dobre vere in pacta sunt servanda splošno priznana,

ob poudarjanju pomena kodifikacije in progresivnega razvoja mednarodnega prava, kar je v interesu celotne mednarodne skupnosti in posebnega pomena za krepitev miru in mednarodnega sodelovanja,

v veri, da so vprašanja nasledstva držav glede državnega premoženja, arhivov in dolgov posebnega pomena za vse države,

ob upoštevanju načel mednarodnega prava iz Ustavne listine Združenih narodov, kot so načela enakih pravic in samoodločbe narodov, suverene enakosti in neodvisnosti vseh držav, nevmešavanja v notranje zadeve držav, prepovedi grožnje s silo ali uporabe sile, splošnega spoštovanja in upoštevanja človekovih pravic in temeljnih svobod za vse,

Recalling that respect for the territorial integrity and political independence of any State is required by the Charter of the United Nations,

Bearing in mind the provisions of the Vienna Conventions on the Law of Treaties of 1969 and on Succession of States in Respect of Treaties of 1978,

Affirming that matters not regulated by the present Convention continue to be governed by the rules and principles of general international law,

Have agreed as follows:

PART I. GENERAL PROVISIONS

Article 1

Scope of the present Convention

The present Convention applies to the effects of a succession of States in respect of State property, archives and debts.

Article 2

Use of terms

1. For the purposes of the present Convention:

(a) "succession of States" means the replacement of one State by another in the responsibility for the international relations of territory;

(b) "predecessor State" means the State which has been replaced by another State on the occurrence of a succession of States;

(c) "successor State" means the State which has replaced another State on the occurrence of a succession of States;

(d) "date of the succession of States" means the date upon which the successor State replaced the predecessor State in the responsibility for the international relations of the territory to which the succession of States relates;

(e) "newly independent State" means a successor State the territory of which, immediately before the date of the succession of States, was a dependent territory for the international relations of which the predecessor State was responsible;

(f) "third States" means any State other than the predecessor State or the successor State.

2. The provisions of paragraph 1 regarding the use of terms in the present Convention are without prejudice to the use of those terms or to the meanings which may be given to them in the internal law of any State.

Article 3

Cases of succession of States covered by the present Convention

The present Convention applies only to the effects of a succession of States occurring in conformity with international law and, in particular, with the principles of international law embodied in the Charter of the United Nations.

Article 4

Temporal application of the present Convention

1. Without prejudice to the application of any of the rules set forth in the present Convention to which the effects of a succession of States would be subject under international law independently of the Convention, the Convention applies only in respect of a succession of States which has occurred after the entry into force of the Convention except as may be otherwise agreed.

ob sklicevanju na to, da Ustanovna listina Združenih narodov zahteva spoštovanje ozemeljske celovitosti in politične neodvisnosti vsake države,

ob upoštevanju določb Dunajske konvencije o pogodbenem pravu iz leta 1969 in Dunajske konvencije o nasledstvu držav glede pogodb iz leta 1978,

ob potrditvi, da se zadeve, ki niso urejene s to konvencijo, še naprej urejajo na podlagi pravil in načel splošnega mednarodnega prava,

sporazumele:

I. DEL SPLOŠNE DOLOČBE

1. člen

Področje uporabe te konvencije

Ta konvencija se uporablja za nasledstvo držav glede državnega premoženja, arhivov in dolgov.

2. člen

Uporaba izrazov

1. V tej konvenciji:

a) »nasledstvo držav« pomeni, da ena država nadomesti drugo v odgovornosti za mednarodne odnose ozemlja;

b) »država predhodnica« pomeni državo, ki jo je ob nasledstvu držav nadomestila druga država;

c) »država naslednica« pomeni državo, ki je ob nasledstvu držav nadomestila drugo državo;

d) »datum nasledstva držav« pomeni datum, ko je država naslednica nadomestila državo predhodnico v odgovornosti za mednarodne odnose ozemlja, na katero se nanaša nasledstvo držav;

e) »nova neodvisna država« pomeni državo naslednico, katere ozemlje je bilo neposredno pred datumom nasledstva držav odvisno ozemlje, za katerega mednarodne odnose je bila odgovorna država predhodnica;

f) »tretja država« pomeni vsako državo, razen države predhodnice ali države naslednice.

2. Glede uporabe izrazov v tej konvenciji določbe prvega odstavka ne vplivajo na uporabo izrazov ali pomenov, ki jih morda imajo v notranjem pravu katere koli države.

3. člen

Primeri nasledstva držav, ki so vključeni v to konvencijo

Ta konvencija se uporablja le za nasledstvo držav, ki je nastalo v skladu z mednarodnim pravom in še zlasti z načeli mednarodnega prava iz Ustanovne listine Združenih narodov.

4. člen

Časovna uporaba te konvencije

1. Brez vpliva na uporabo katerega koli pravila iz te konvencije, ki bi ne glede na konvencijo veljalo za nasledstvo držav po mednarodnem pravu, se, če ni drugače dogovorjeno, konvencija uporablja le za nasledstvo držav, ki je nastalo po začetku njene veljavnosti.

2. A successor state may, at the time of expressing its consent to be bound by the present Convention or at any time thereafter, make a declaration that it will apply the provisions of the Convention in respect of its own succession of States which has occurred before the entry into force of the Convention in relation to any other contracting State or State Party to the Convention which makes a declaration accepting the declaration of the successor State. Upon the entry into force of the Convention as between the States making the declarations or upon the making of the declaration of acceptance, whichever occurs later, the provisions of the Convention shall apply to the effects of the succession of States as from the date of that succession of States.

3. A successor State may at the time of signing or of expressing its consent to be bound by the present Convention make a declaration that it will apply the provisions of the Convention provisionally in respect of its own succession of States which has occurred before the entry into force of the Convention in relation to any other signatory or contracting State which makes a declaration accepting the declaration of the successor State; upon the making of the declaration of acceptance, those provisions shall apply provisionally to the effects of the succession of the States as between those two States as from the date of that succession of States.

4. Any declaration made in accordance with paragraph 2 or 3 shall be contained in a written notification communicated to the depositary, who shall inform the Parties and the States entitled to become Parties to the present Convention of the communication to him of that notification and of its terms.

Article 5

Succession in respect of other matters

Nothing in the present Convention shall be considered as prejudging in any respect any question relating to the effects of a succession of States in respect of matters other than those provided for in the present Convention.

Article 6

Rights and obligations of natural or juridical persons

Nothing in the present Convention shall be considered as prejudging in any respect any question relating to the rights and obligations of natural or juridical persons.

PART II. STATE PROPERTY

SECTION 1. INTRODUCTION

Article 7

Scope of the present Part

The articles in the present Part apply to the effects of a succession of states in respect of State property of the predecessor State.

Article 8

State property

For the purposes of the articles in the present Part, "State property of the predecessor State" means property, rights and interests which, at the date of the succession of States, were, according to the internal law of the predecessor State, owned by that State.

2. Država naslednica lahko takrat, ko izrazi soglasje, da jo ta konvencija zavezuje, ali kadar koli pozneje izjavi, da bo glede kake druge pogodbene države ali države pogodbenice te konvencije, ki izjavi, da sprejema izjavo države naslednice, uporabljala določbe te konvencije za svoje nasledstvo držav, ki je nastalo pred začetkom veljavnosti te konvencije. Po začetku veljavnosti te konvencije ali po dani izjavi o njenem sprejetju, kar od tega je poznejše, se med državami, ki so dale take izjave, za nasledstvo držav uporabljajo določbe te konvencije od dneva nasledstva dalje.

3. Država naslednica lahko takrat, ko podpiše to konvencijo ali izrazi soglasje, da jo konvencija zavezuje, izjavi, da bo za svoje nasledstvo držav, ki je nastalo pred začetkom veljavnosti te konvencije, glede katere koli druge države podpisnice ali pogodbene države, ki izjavi, da sprejema izjavo države naslednice, začasno uporabljala določbe konvencije; po dani izjavi o sprejetju se od datuma nasledstva te določbe začasno uporabljajo za nasledstvo med tema državama.

4. Vsaka izjava, dana v skladu z drugim ali s tretjim odstavkom, mora biti vsebovana v pisnem uradnem obvestilu, poslanem depozitarju, ki pogodbenice in države, ki imajo pravico postati pogodbenice te konvencije, obvesti o prejemu takega uradnega obvestila in o njegovih pogojih.

5. člen

Nasledstvo glede drugih zadev

Za nobeno določbo v tej konvenciji se ne šteje, da kakor koli vnaprej določa rešitev katerega koli vprašanja v zvezi z nasledstvom držav za zadeve, ki niso določene v tej konvenciji.

6. člen

Pravice in obveznosti fizičnih ali pravnih oseb

Za nobeno določbo v tej konvenciji se ne šteje, da kakor koli vnaprej določa rešitev katerega koli vprašanja v zvezi s pravicami in obveznostmi fizičnih ali pravnih oseb.

II. DEL DRŽAVNO PREMOŽENJE

1. RAZDELEK – UVOD

7. člen

Področje uporabe tega dela

Členi tega dela se uporabljajo za nasledstvo držav glede državnega premoženja države predhodnice.

8. člen

Državno premoženje

V členih tega dela pomeni izraz »državno premoženje države predhodnice« premoženje, pravice in pravne koristi, ki so bili na dan nasledstva držav v skladu z notranjim pravom države predhodnice v njeni lasti.

Article 9

Effects of the passing of State property

The passing of State property of the predecessor State entails the extinction of the rights of that State and the arising of the rights of the successor State to the State property which passes to the successor State, subject to the provisions of the articles in the present Part.

Article 10

Date of the passing of State property

Unless otherwise agreed by the States concerned or decided by an appropriate international body, the date of the passing of State property of the predecessor State is that of the succession of States.

Article 11

Passing of State property without compensation

Subject to the provisions of the articles in the present Part and unless otherwise agreed by the states concerned or decided by an appropriate international body, the passing of State property of the predecessor State to the successor State shall take place without compensation.

Article 12

Absence of effect of a succession of States on the property of a third State

A succession of States shall not as such affect property, rights and interests which, at the date of the succession of States, are situated in the territory of the predecessor State and which, at that date, are owned by a third State according to the internal law of the predecessor State.

Article 13

Preservation and safety of State property

For the purpose of the implementation of the provisions of the articles in the present Part, the predecessor State shall take all measures to prevent damage or destruction to State property which passes to the successor State in accordance with those provisions.

SECTION 2. PROVISIONS CONCERNING SPECIFIC CATEGORIES OF SUCCESSION OF STATES

Article 14

Transfer of part of the territory of a State

1. When part of the territory of a State is transferred by that State to another State, the passing of State property of the predecessor State to the successor State is to be settled by agreement between them.

2. In the absence of such an agreement:

(a) immovable State property of the predecessor State situated in the territory to which the succession of States relates shall pass to the successor State;

(b) movable State property of the predecessor State connected with the activity of the predecessor State in respect of the territory to which the succession of States relates shall pass to the successor State.

Article 15

Newly independent State

1. When the successor State is a newly independent State:

(a) immovable State property of the predecessor State situated in the territory to which the succession of States relates shall pass to the successor State;

9. člen

Učinki prehoda državnega premoženja

Prehod državnega premoženja države predhodnice povzroči, da ugasnejo pravice te države, država naslednica pa pridobi pravice do državnega premoženja, ki nanjo preide ob upoštevanju določb členov tega dela.

10. člen

Datum prehoda državnega premoženja

Če se zadevne države ne dogovorijo drugače ali če ustrezno mednarodno telo ne odloči drugače, se za datum prehoda državnega premoženja države predhodnice šteje datum nasledstva držav.

11. člen

Prehod državnega premoženja brez nadomestila

Ob upoštevanju določb členov tega dela in če se zadevne države ne dogovorijo drugače ali če ustrezno mednarodno telo ne odloči drugače, državno premoženje države predhodnice preide na državo naslednico brez nadomestila.

12. člen

Neučinkovanje nasledstva držav na premoženje tretje države

Nasledstvo držav kot tako ne vpliva na premoženje, pravice in pravne koristi, ki so na dan nasledstva držav na ozemlju države predhodnice in ki so v skladu z notranjim pravom države predhodnice na tisti dan v lasti tretje države.

13. člen

Ohranjanje in varnost državnega premoženja

Za izvajanje določb členov tega dela država predhodnica ukrene vse, da prepreči poškodovanje ali uničenje državnega premoženja, ki v skladu s temi določbami preide na državo naslednico.

2. RAZDELEK – DOLOČBE O POSEBNIH VRSTAH NASLEDSTVA DRŽAV

14. člen

Prenos dela državnega ozemlja

1. Če neka država del svojega ozemlja prenese na drugo državo, je treba prehod državnega premoženja države predhodnice na državo naslednico urediti s sporazumom med njima.

2. Če takega sporazuma ni:

a) preide nepremično državno premoženje države predhodnice, ki je na ozemlju, na katero se nanaša nasledstvo držav, na državo naslednico;

b) preide premično državno premoženje države predhodnice, povezano z njeno dejavnostjo v zvezi z ozemljem, na katero se nanaša nasledstvo držav, na državo naslednico.

15. člen

Nova neodvisna država

1. Kadar je država naslednica na novo nastala neodvisna država:

a) preide nepremično državno premoženje države predhodnice, ki je na ozemlju, na katero se nanaša nasledstvo držav, na državo naslednico;

(b) immovable property, having belonged to the territory to which the succession of states relates, situated outside it and having become State property of the predecessor State during the period of dependence, shall pass to the successor State;

(c) immovable State property of the predecessor State other than that mentioned in subparagraph (b) and situated outside the territory to which the succession of States relates, to the creation of which the dependent territory has contributed, shall pass to the successor State in proportion to the contribution of the dependent territory;

(d) movable State property of the predecessor State connected with the activity of the predecessor state in respect of the territory to which the succession of States relates shall pass to the successor state;

(e) movable property, having belonged to the territory to which the succession of States relates and having become State property of the predecessor State during the period of dependence, shall pass to the successor State;

(f) movable State property of the predecessor State, other than the property mentioned in subparagraphs (d) and (e), to the creation of which the dependent territory has contributed, shall pass to the successor State in proportion to the contribution of the dependent territory.

2. When a newly independent State is formed from two or more dependent territories, the passing of the State property of the predecessor State or States to the newly independent State shall be determined in accordance with the provisions of paragraph 1.

3. When a dependent territory becomes part of the territory of a State, other than the State which was responsible for its international relations, the passing of the state property of the predecessor State to the successor State shall be determined in accordance with the provisions of paragraph 1.

4. Agreements concluded between the predecessor State and the newly independent State to determine succession to State property of the predecessor State otherwise than by the application of paragraphs 1 to 3 shall not infringe the principle of the permanent sovereignty of every people over its wealth and natural resources.

Article 16 *Uniting of States*

When two or more States unite and so form one successor State, the State property of the predecessor States shall pass to the successor State.

Article 17 *Separation of part or parts of the territory of a State*

1. When part or parts of the territory of a State separate from that State and form a successor State, and unless the predecessor State and the successor State otherwise agree:

(a) immovable State property of the predecessor State situated in the territory to which the succession of States relates shall pass to the successor State;

(b) movable State property of the predecessor State connected with the activity of the predecessor State in respect of the territory to which the succession of states relates shall pass to the successor State;

(c) movable State property of the predecessor State, other than that mentioned in subparagraph (b), shall pass to the successor state in an equitable proportion.

2. Paragraph 1 applies when part of the territory of a State separates from that State and unites with another State.

b) preide nepremično premoženje, ki je pripadalo ozemlju, na katero se nanaša nasledstvo držav, pa ni na tem ozemlju in je postalo državno premoženje države predhodnice v obdobju odvisnosti, na državo naslednico;

c) preide nepremično državno premoženje države predhodnice, ki ni omenjeno v pododstavku b) in ni na ozemlju, na katero se nanaša nasledstvo držav, pa je k njegovemu ustvarjanju prispevalo odvisno ozemlje, na državo naslednico sorazmerno s prispevkom tega odvisnega ozemlja;

d) preide premično državno premoženje države predhodnice, povezano z njeno dejavnostjo v zvezi z ozemljem, na katero se nanaša nasledstvo držav, na državo naslednico;

e) preide premično premoženje, ki je pripadalo ozemlju, na katero se nanaša nasledstvo držav, in je med obdobjem odvisnosti postalo državno premoženje države predhodnice, na državo naslednico;

f) preide premično državno premoženje države predhodnice, ki ni omenjeno v pododstavkih d) in e), pa je k njegovemu ustvarjanju prispevalo odvisno ozemlje, na državo naslednico sorazmerno s prispevkom odvisnega ozemlja.

2. Kadar nova neodvisna država nastane iz dveh ali več odvisnih ozemelj, se prehod državnega premoženja države predhodnice ali držav predhodnic na novo neodvisno državo določi v skladu z določbami prvega odstavka.

3. Kadar odvisno ozemlje postane del ozemlja države, ki ni država, ki je bila odgovorna za njegove mednarodne odnose, se prehod državnega premoženja države predhodnice na državo naslednico določi v skladu z določbami prvega odstavka.

4. Sporazumi, sklenjeni med državo predhodnico in novo neodvisno državo, da se določi nasledstvo državnega premoženja države predhodnice drugače kot z uporabo prvega do tretjega odstavka, ne smejo kršiti načela trajne suverenosti vsakega naroda nad njegovim bogastvom in naravnimi viri.

16. člen *Združitev držav*

Kadar se dve ali več držav združi in tako ustanovi eno državo naslednico, preide državno premoženje držav predhodnic na to državo naslednico.

17. člen *Ločitev dela ali delov ozemlja države*

1. Kadar se del ali deli ozemlja kake države od nje ločijo in ustanovijo državo naslednico in če se država predhodnica in država naslednica ne dogovorita drugače:

a) preide nepremično državno premoženje države predhodnice, ki je na ozemlju, na katero se nanaša nasledstvo držav, na državo naslednico;

b) preide premično državno premoženje države predhodnice, povezano z dejavnostjo države predhodnice glede ozemlja, na katero se nanaša nasledstvo držav, na državo naslednico;

c) preide premično državno premoženje države predhodnice, ki ni omenjeno v pododstavku b), na državo naslednico v pravičnem deležu.

2. Prvi odstavek se uporablja, kadar se del ozemlja kake države od nje loči in združi z drugo državo.

3. The provisions of paragraphs 1 and 2 are without prejudice to any question of equitable compensation as between the predecessor State and the successor State that may arise as a result of a succession of States.

Article 18

Dissolution of a State

1. When a State dissolves and ceases to exist and the parts of the territory of the predecessor State form two or more successor States, and unless the successor States concerned otherwise agree:

(a) immovable State property of the predecessor State shall pass to the successor State in the territory of which it is situated;

(b) immovable State property of the predecessor State situated outside its territory shall pass to the successor States in equitable proportions;

(c) movable State property of the predecessor State connected with the activity of the predecessor State in respect of the territories to which the succession of States relates shall pass to the successor State concerned;

(d) movable State property of the predecessor State, other than that mentioned in subparagraph (c), shall pass to the successor States in equitable proportions.

2. The provisions of paragraph 1 are without prejudice to any question of equitable compensation among the successor States that may arise as a result of a succession of States.

PART III. STATE ARCHIVES

SECTION 1. INTRODUCTION

Article 19

Scope of the present Part

The articles in the present Part apply to the effects of a succession of States in respect of State archives of the predecessor State.

Article 20

State archives

For the purposes of the articles in the present Part, "State archives of the predecessor State" means all documents of whatever date and kind, produced or received by the predecessor State in the exercise of its functions which, at the date of the succession of States, belonged to the predecessor State according to its internal law and were preserved by it directly or under its control as archives for whatever purpose.

Article 21

Effects of the passing of state archives

The passing of State archives of the predecessor State entails the extinction of the rights of that State and the arising of the rights of the successor State to the State archives which pass to the successor State, subject to the provisions of the articles in the present Part.

Article 22

Date of the passing of state archives

Unless otherwise agreed by the States concerned or decided by an appropriate international body, the date of the passing of State archives of the predecessor State is that of the succession of States.

3. Določbe prvega in drugega odstavka ne vplivajo na katero koli vprašanje pravičnega nadomestila, ki se zaradi nasledstva držav lahko pojavi med državo predhodnico in državo naslednico.

18. člen

Razpad države

1. Kadar država razpade in preneha obstajati, deli ozemlja države predhodnice pa ustanovijo dve ali več držav naslednic in če se te države naslednice ne dogovorijo drugače:

a) preide nepremično državno premoženje države predhodnice na državo naslednico, na katere ozemlju je;

b) preide nepremično državno premoženje države predhodnice, ki ni na njenem ozemlju, na države naslednice v pravičnih deležih;

c) preide premično državno premoženje države predhodnice, povezano z dejavnostjo države predhodnice glede ozemelj, na katera se nanaša nasledstvo držav, na državo naslednico;

d) preide premično državno premoženje države predhodnice, ki ni omenjeno v pododstavku c), na države naslednice v pravičnih deležih.

2. Določbe prvega odstavka ne vplivajo na katero koli vprašanje pravičnega nadomestila, ki se zaradi nasledstva držav lahko pojavi med državami naslednicami.

III. DEL DRŽAVNI ARHIVI

1. RAZDELEK – UVOD

19. člen

Obseg tega dela

Členi tega dela se uporabljajo za nasledstvo držav glede državnih arhivov države predhodnice.

20. člen

Državni arhivi

V členih tega dela izraz »državni arhivi države predhodnice« pomeni vse dokumente katerega koli datuma in vrste, ki jih je pri opravljanju svojih nalog izdelala ali prejela država predhodnica in ki so na dan nasledstva držav pripadali državi predhodnici v skladu z njenim notranjim pravom in jih je neposredno ali pod svojim nadzorom hranila kot arhiv za kakršen koli namen.

21. člen

Učinki prehoda državnih arhivov

S prehodom državnih arhivov države predhodnice ugašajo pravice te države, država naslednica pa pridobi pravice do državnih arhivov, ki nanjo preidejo ob upoštevanju določb členov tega dela.

22. člen

Datum prehoda državnih arhivov

Če se zadevne države ne dogovorijo drugače ali če ustrežno mednarodno telo ne odloči drugače, je datum prehoda državnih arhivov države predhodnice datum nasledstva držav.

Article 23

Passing of State archives without compensation

Subject to the provisions of the articles in the present Part and unless otherwise agreed by the States concerned or decided by an appropriate international body, the passing of State archives of the predecessor State to the successor State shall take place without compensation.

Article 24

Absence of effect of a succession of States on the archives of a third State

A succession of States shall not as such affect archives which, at the date of the succession of States, are situated in the territory of the predecessor State and which, at that date, are owned by a third State according to the internal law of the predecessor State.

Article 25

Preservation of the integral character of groups of State archives

Nothing in the present Part shall be considered as prejudging in any respect any question that might arise by reason of the preservation of the integral character of groups of State archives of the predecessor State.

Article 26

Preservation and safety of State archives

For the purposes of the implementation of the provisions of the articles in the present Part, the predecessor State shall take all measures to prevent damage or destruction to State archives which pass to the successor State in accordance with those provisions.

SECTION 2. PROVISIONS CONCERNING SPECIFIC CATEGORIES OF SUCCESSION OF STATES

Article 27

Transfer of part of the territory of a State

1. When part of the territory of a State is transferred by that State to another State, the passing of State archives of the predecessor State to the successor State is to be settled by agreement between them.

2. In the absence of such an agreement:

(a) the part of State archives of the predecessor State, which for normal administration of the territory to which the succession of States relates should be at the disposal of the State to which the territory concerned is transferred, shall pass to the successor State;

(b) the part of State archives of the predecessor state, other than the part mentioned in subparagraph (a), that relates exclusively or principally to the territory to which the succession of States relates, shall pass to the successor State.

3. The predecessor State shall provide the successor State with the best available evidence from its State archives which bears upon title to the territory of the transferred territory or its boundaries, or which is necessary to clarify the meaning of documents of State archives of the predecessor State which pass to the successor State pursuant to other provisions of the present article.

4. The predecessor State shall make available to the successor State, at the request and at the expense of that State, appropriate reproductions of its State archives connected with the interests of the transferred territory.

23. člen

Prehod državnih arhivov brez nadomestila

Ob upoštevanju določb členov tega dela in če se zadevne države ne dogovorijo drugače ali če ustrezno mednarodno telo ne odloči drugače, preidejo državni arhivi države predhodnice na državo naslednico brez nadomestila.

24. člen

Neučinkovanje nasledstva držav na arhive tretje države

Nasledstvo držav kot tako ne vpliva na arhive, ki so na dan nasledstva držav na ozemlju države predhodnice in so v skladu z notranjim pravom države predhodnice takrat v lasti tretje države.

25. člen

Ohranitev celovitosti skupin državnih arhivov

Za nobeno določbo tega dela se ne šteje, da kakor koli vnaprej določa rešitev katerega koli vprašanja, ki se lahko pojavi zaradi ohranitve celovitosti skupin državnih arhivov države predhodnice.

26. člen

Ohranjanje in varnost državnih arhivov

Za izvajanje določb členov tega dela država predhodnica ukrene vse, da prepreči poškodovanje ali uničenje državnih arhivov, ki v skladu s temi določbami preidejo na državo naslednico.

2. RAZDELEK – DOLOČBE O POSEBNIH VRSTAH NASLEDSTVA DRŽAV

27. člen

Prenos dela ozemlja države

1. Kadar neka država prenese del svojega ozemlja na drugo državo, se prehod državnih arhivov države predhodnice na državo naslednico uredi s sporazumom med njima.

2. Če takega sporazuma ni:

a) preide del državnih arhivov države predhodnice, ki bi moral biti zaradi normalnega upravljanja ozemlja, na katero se nanaša nasledstvo držav, na voljo državi, na katero se prenese to ozemlje, na državo naslednico;

b) razen dela iz pododstavka a) preide del državnih arhivov države predhodnice, ki se izključno ali predvsem nanaša na ozemlje, na katero se nanaša nasledstvo držav, na državo naslednico.

3. Država predhodnica priskrbi državi naslednici iz svojih državnih arhivov najboljše razpoložljive dokaze, ki se nanašajo na pravico do ozemlja, ki je preneseno, ali na njegove meje, ali pa dokaze, potrebne za pojasnitev pomena dokumentov državnih arhivov države predhodnice, ki preidejo na državo naslednico v skladu z drugimi določbami tega člena.

4. Država predhodnica da državi naslednici na njeno zahtevo in na njene stroške na voljo ustrezne kopije svojih državnih arhivov, povezanih s pravnimi koristmi prenesenega ozemlja.

5. The successor State shall make available to the predecessor State, at the request and at the expense of that State, appropriate reproductions of State archives of the predecessor State which have passed to the successor State in accordance with paragraph 1 or 2.

Article 28

Newly independent State

1. When the successor State is a newly independent State:

(a) archives having belonged to the territory to which the succession of States relates and having become State archives of the predecessor State during the period of dependence shall pass to the newly independent State;

(b) the part of State archives of the predecessor State, which for normal administration of the territory to which the succession of States relates should be in that territory, shall pass to the newly independent State;

(c) the part of State archives of the predecessor State, other than the parts mentioned in subparagraphs (a) and (b), that relates exclusively or principally to the territory to which the succession of States relates, shall pass to the newly independent State.

2. The passing or the appropriate reproduction of parts of the State archives of the predecessor State, other than those mentioned in paragraph 1, of interest to the territory to which the succession of States relates, shall be determined by agreement between the predecessor State and the newly independent State in such a manner that each of those States can benefit as widely and equitably as possible from those parts of the State archives of the predecessor State.

3. The predecessor state shall provide the newly independent State with the best available evidence from its State archives which bears upon title to the territory of the newly independent State or its boundaries, or which is necessary to clarify the meaning of documents of States archives of the predecessor State which pass to the newly independent State pursuant to other provisions of the present article.

4. The predecessor State shall cooperate with the successor State in efforts to recover any archives which, having belonged to the territory to which the succession of States relates, were dispersed during the period of dependence.

5. Paragraphs 1 to 4 apply when a newly independent State is formed from two or more dependent territories.

6. Paragraphs 1 to 4 apply when a dependent territory becomes part of the territory of a State other than the State which was responsible for its international relations.

7. Agreements concluded between the predecessor State and the newly independent State in regard to State archives of the predecessor State shall not infringe the right of the peoples of those States to development, to information about their history, and to their cultural heritage.

Article 29

Uniting of States

When two or more States unite and so form one successor State, the State archives of the predecessor States shall pass to the successor State.

Article 30

Separation of part or parts of the territory of a State

1. When part or parts of the territory of a State separate from that State and form a State, and unless the predecessor State and the successor State otherwise agree:

5. Država naslednica da državi predhodnici na njeno zahtevo in na njene stroške na voljo ustrezne kopije državnih arhivov države predhodnice, ki so prešli na državo naslednico v skladu s prvim ali drugim odstavkom.

28. člen

Nova neodvisna država

1. Kadar je država naslednica na novo nastala neodvisna država:

a) preidejo arhivi, ki so pripadali ozemlju, na katero se nanaša nasledstvo držav, in so v obdobju odvisnosti postali državni arhivi države predhodnice, na novo neodvisno državo;

b) preide del državnih arhivov države predhodnice, ki bi moral biti na tem ozemlju zaradi normalnega upravljanja ozemlja, na katero se nanaša nasledstvo držav, na novo neodvisno državo;

c) razen delov iz pododstavkov a) in b) preide del državnih arhivov države predhodnice, ki se izključno ali predvsem nanaša na ozemlje, na katero se nanaša nasledstvo držav, na novo neodvisno državo.

2. O prenosu ali ustreznih kopijah delov državnih arhivov države predhodnice, razen tistih iz prvega odstavka, ki so pomembni za ozemlje, na katero se nanaša nasledstvo držav, se odloči s sporazumom med državo predhodnico in novo neodvisno državo, tako da lahko vsaka država ta del državnih arhivov države predhodnice v čim večji meri in pravično uporablja.

3. Država predhodnica priskrbi novi neodvisni državi iz svojih državnih arhivov najboljše razpoložljive dokaze, ki se nanašajo na pravico do ozemlja nove neodvisne države ali njene meje ali so potrebni za pojasnitev pomena dokumentov državnih arhivov države predhodnice, ki preidejo na novo neodvisno državo v skladu z drugimi določbami tega člena.

4. Država predhodnica sodeluje z državo naslednico v prizadevanjih za ponovno pridobitev arhivov, ki so pripadali ozemlju, na katero se nanaša nasledstvo držav, in ki v obdobju odvisnosti vsi niso bili samo na enem mestu.

5. Prvi do četrty odstavki se uporabljajo takrat, kadar je nova neodvisna država nastala iz dveh ali več odvisnih ozemelj.

6. Prvi do četrty odstavki se uporabljajo takrat, kadar odvisno ozemlje postane del ozemlja neke druge države, ne pa države, ki je bila odgovorna za njegove mednarodne odnose.

7. Sporazumi, sklenjeni med državo predhodnico in novo neodvisno državo, v zvezi z državnimi arhivi države predhodnice, ne smejo kršiti pravice narodov teh držav do razvoja, informacij o njihovi zgodovini in do njihove kulturne dediščine.

29. člen

Združitev držav

Kadar se dve ali več držav združi in tako ustanovi eno državo naslednico, preidejo državni arhivi držav predhodnic na državo naslednico.

30. člen

Ločitev dela ali delov ozemlja države

1. Kadar se del ali deli ozemlja neke države od nje ločijo in ustanovijo državo in če se država predhodnica in država naslednica ne dogovorita drugače:

(a) the part of State archives of the predecessor State, which for normal administration of the territory to which the succession of States relates should be in that territory, shall pass to the successor State;

(b) the part of State archives of the predecessor State, other than the part mentioned in subparagraph (a), that relates directly to the territory to which the succession of States relates, shall pass to the successor State.

2. The predecessor State shall provide the successor State with the best available evidence from its State archives which bears upon title to the territory of the successor State or its boundaries, or which is necessary to clarify the meaning of documents of State archives of the predecessor State which pass to the successor State pursuant to other provisions of the present article.

3. Agreements concluded between the predecessor State and the successor State in regard to State archives of the predecessor State shall not infringe the right of the peoples of those States to development, to information about their history and to their cultural heritage.

4. The predecessor and successor States shall, at the request and at the expense of one of them or on an exchange basis, make available appropriate reproductions of their State archives connected with the interests of their respective territories.

5. The provision of paragraphs 1 to 4 apply when part of the territory of a State separates from that State and unites with another State.

Article 31

Dissolution of a State

1. When a State dissolves and ceases to exist and the parts of the territory of the predecessor State form two or more successor States, and unless the successor States concerned otherwise agree:

(a) the part of the State archives of the predecessor State which should be in the territory of a successor State for normal administration of its territory shall pass to that successor State;

(b) the part of the State archives of the predecessor State, other than the part mentioned in subparagraph (a), that relates directly to the territory of a successor State shall pass to that successor State.

2. The State archives of the predecessor State other than those mentioned in paragraph 1 shall pass to the successor States in an equitable manner, taking into account all relevant circumstances.

3. Each successor State shall provide the other successor State or States with the best available evidence from its part of the State archives of the predecessor State which bears upon title to the territories or boundaries of that other successor State or States, or which is necessary to clarify the meaning of documents of State archives of the predecessor State which pass to that State or States pursuant to other provisions of the present article.

4. Agreements concluded between the successor States concerned in regard to State archives of the predecessor State shall not infringe the right of the peoples of those States to development, to information about their history and to their cultural heritage.

5. Each successor State shall make available to any other successor State, at the request and at the expense of that State or on an exchange basis, appropriate reproductions of its part of the State archives of the predecessor State connected with the interests of the territory of that other successor State.

a) preide del državnih arhivov države predhodnice, ki ni morali biti na tem ozemlju zaradi normalnega upravljanja ozemlja, na katero se nanaša nasledstvo držav, na državo naslednico;

b) preide del državnih arhivov države predhodnice, ki ni omenjen v pododstavku a) in se neposredno nanaša na ozemlje, na katero se nanaša nasledstvo držav, na državo naslednico.

2. Država predhodnica priskrbi državi naslednici iz svojih državnih arhivov najboljše razpoložljive dokaze, ki se nanašajo na pravico do ozemlja države naslednice ali njene meje ali so potrebni za pojasnitev pomena dokumentov državnih arhivov države predhodnice, ki preidejo na državo naslednico v skladu z drugimi določbami tega člena.

3. Sporazumi, sklenjeni med državo predhodnico in državo naslednico, v zvezi z državnimi arhivi države predhodnice, ne smejo kršiti pravice narodov teh držav do razvoja, informacij o njihovi zgodovini in do njihove kulturne dediščine.

4. Država predhodnica in država naslednica si na zahtevo in na stroške ene od njiju ali na podlagi izmenjave dasta na voljo ustrezne kopije iz svojih državnih arhivov, povezane z interesi njunih ozemelj.

5. Določbe prvega do četrtega odstavka se uporabljajo, če se del ozemlja neke države od nje loči in združi z drugo državo.

31. člen

Razpad države

1. Kadar država razpade in preneha obstajati, deli ozemlja države predhodnice pa ustanovijo dve ali več držav naslednic in če se te države naslednice ne dogovorijo drugače:

a) preide del državnih arhivov države predhodnice, ki ni moral biti zaradi normalnega upravljanja ozemlja države naslednice na njenem ozemlju, na državo naslednico;

b) preide del državnih arhivov države predhodnice, ki ni omenjen v pododstavku a) in se neposredno nanaša na ozemlje države naslednice, na to državo.

2. Državni arhivi države predhodnice, razen tistih iz prvega odstavka, preidejo na države naslednice na pravičen način ob upoštevanju vseh pomembnih okoliščin.

3. Vsaka država naslednica priskrbi iz svojega dela državnih arhivov države predhodnice drugi državi naslednici ali državam naslednicam najboljše razpoložljive dokaze, ki se nanašajo na pravico do ozemelj ali meje te druge države naslednice ali držav naslednic ali so potrebni za pojasnitev pomena dokumentov iz državnih arhivov države predhodnice, ki preidejo na to državo ali države v skladu z drugimi določbami tega člena.

4. Sporazumi, sklenjeni med zadevnimi državami naslednicami, v zvezi z državnimi arhivi države predhodnice, ne smejo kršiti pravice narodov teh držav do razvoja, informacij o njihovi zgodovini in do njihove kulturne dediščine.

5. Vsaka država naslednica da vsaki drugi državi naslednici na voljo na njeno zahtevo in na njene stroške ali z izmenjavo ustrezne kopije iz svojega dela državnih arhivov države predhodnice, povezane z interesi ozemlja te druge države naslednice.

PART IV.
STATE DEBTS

SECTION 1. INTRODUCTION

Article 32

Scope of the present Part

The articles in the present Part apply to the effects of a succession of States in respect of State debts.

Article 33

State debt

For the purposes of the articles in the present Part, "State debt" means any financial obligation of a predecessor State arising in conformity with international law towards another State, an international organization or any other subject of international law.

Article 34

Effects of the passing of State debts

The passing of the State debts entails the extinction of the obligations of the predecessor State and the arising of the obligations of the successor State in respect of the State debts which pass to the successor State, subject to the provisions of the articles in the present Part.

Article 35

Date of the passing of State debts

Unless otherwise agreed by the States concerned or decided by an appropriate international body, the date of the passing of State debts of the predecessor State is that of the succession of States.

Article 36

Absence of effect of a succession of States on creditors

A succession of States does not as such affect the rights and obligations of creditors.

SECTION 2. PROVISIONS CONCERNING SPECIFIC
CATEGORIES OF SUCCESSION OF STATES

Article 37

Transfer of part of the territory of a State

1. When part of the territory of a State is transferred by that state to another State, the passing of the State debt of the predecessor State to the successor State is to be settled by agreement between them.

2. In the absence of such an agreement, the State debt of the predecessor State shall pass to the successor State in an equitable proportion, taking into account, in particular, the property, rights and interests which pass to the successor State in relation to that State debt.

Article 38

Newly independent State

1. When the successor State is a newly independent State, no State debt of the predecessor State shall pass to the newly independent state, unless an agreement between them provides otherwise in view of the link between the state debt of the predecessor State connected with its activity in the territory to which the succession of States relates and the property, rights and interests which pass to the newly independent State.

IV. DEL
DRŽAVNI DOLGOVI

1. RAZDELEK – UVOD

32. člen

Področje uporabe tega dela

Členi tega dela se uporabljajo za nasledstvo držav glede državnih dolgov.

33. člen

Državni dolg

V členih tega dela izraz »državni dolg« pomeni vsako finančno obveznost države predhodnice, ki v skladu z mednarodnim pravom nastane do druge države, mednarodne organizacije ali katerega koli drugega subjekta mednarodnega prava.

34. člen

Učinki prehoda državnih dolgov

S prehodom državnih dolgov ugasnejo obveznosti države predhodnice, nastanejo pa obveznosti držav naslednic glede državnih dolgov, ki preidejo na državo naslednico ob upoštevanju določb členov tega dela.

35. člen

Datum prehoda državnih dolgov

Če se zadevne države ne dogovorijo drugače ali če ustrezno mednarodno telo ne odloči drugače, je datum prehoda državnih dolgov države predhodnice datum nasledstva držav.

36. člen

Neučinkovanje nasledstva držav na upnike

Nasledstvo držav kot tako ne vpliva na pravice in obveznosti upnikov.

2. RAZDELEK – DOLOČBE O POSEBNIH VRSTAH
NASLEDSTVA DRŽAV

37. člen

Prenos dela ozemlja države

1. Kadar neka država prenese del svojega ozemlja na drugo državo, se prehod državnega dolga države predhodnice na državo naslednico uredi s sporazumom med njima.

2. Če takega sporazuma ni, preide državni dolg države predhodnice na državo naslednico v pravičnem deležu, pri čemer se posebej upoštevajo premoženje, pravice in pravne koristi, ki preidejo na državo naslednico v razmerju s tem državnim dolgom.

38. člen

Nova neodvisna država

1. Kadar je država naslednica nova neodvisna država, noben državni dolg države predhodnice ne preide na novo neodvisno državo, razen če ni drugače določeno s sporazumom med njima glede na zvezo med državnim dolgom države predhodnice, povezanim z njeno dejavnostjo na ozemlju, na katero se nanaša nasledstvo držav, ter premoženjem, pravicami in pravnimi koristmi, ki preidejo na novo neodvisno državo.

2. The agreement referred to in paragraph 1 shall not infringe the principle of the permanent sovereignty of every people over its wealth and natural resources, nor shall its implementation endanger the fundamental economic equilibria of the newly independent State.

Article 39

Uniting of states

When two or more States unite and so form one successor State, the States debt of the predecessor States shall pass to the successor State.

Article 40

Separation of part or parts of the territory of a State

1. When part or parts of the territory of a State separate from that State and form a State, and unless the predecessor State and the successor State otherwise agree, the State debt of the predecessor state shall pass to the successor state in an equitable proportion, taking into account, in particular, the property, rights and interests which pass to the successor State in relation to that State debt.

2. Paragraph 1 applies when part of the territory of a State separates from that State and unites with another State.

Article 41

Dissolution of a State

When a State dissolves and ceases to exist and the parts of the territory of the predecessor State form two or more successor States, and unless the successor States otherwise agree, the State debt of the predecessor State shall pass to the successor states in equitable proportions, taking into account, in particular, the property, rights and interests which pass to the successor states in relation to that State debt.

PART V.
SETTLEMENT OF DISPUTES

Article 42

Consultation and negotiation

If a dispute regarding the interpretation or application of the present Convention arises between two or more Parties to the Convention, they shall, upon the request of any of them, seek to resolve it by a process of consultation and negotiation.

Article 43

Conciliation

If the dispute is not resolved within the six months of the date on which the request referred to in article 42 has been made, any party to the dispute may submit it to the conciliation procedure specified in the Annex to the present Convention by submitting a request to that effect to the Secretary – General of the United Nations and informing the other party or parties to the dispute of the request.

Article 44

Judicial settlement and arbitration

Any state at the time of signature or ratification of the present Convention or accession thereto, or at any time thereafter, may, by notification to the depositary, declare that, where a dispute has not been resolved by the application of the procedures referred to in articles 42 and 43, that dispute may be submitted for a decision to the International Court of Justice by a written application of any party to the dispute, or in the alternative to arbitration, provided that the other party to the dispute has made a like declaration.

2. Sporazum iz prvega odstavka ne sme kršiti načela trajne suverenosti vsakega naroda nad njegovim bogastvom in naravnimi viri, prav tako pa njegovo izvajanje ne sme ogroziti temeljnega gospodarskega ravnotežja nove neodvisne države.

39. člen

Združitev držav

Kadar se dve ali več držav združi in tako ustanovi eno državo naslednico, preide državni dolg držav predhodnic na državo naslednico.

40. člen

Ločitev dela ali delov ozemlja države

1. Kadar se del ali deli ozemlja neke države od nje ločijo in ustanovijo novo državo in če se država predhodnica in država naslednica ne sporazumeta drugače, preide državni dolg države predhodnice na državo naslednico v pravičnem deležu, pri čemer se posebej upoštevajo premoženje, pravice in pravne koristi, ki v razmerju s tem državnim dolgom preidejo na državo naslednico.

2. Prvi odstavek se uporablja, kadar se del ozemlja države od nje loči in združi z drugo državo.

41. člen

Razpad države

Kadar država razpade in preneha obstajati, deli ozemlja države predhodnice pa ustanovijo dve ali več držav naslednic in če se države naslednice ne sporazumejo drugače, preide državni dolg države predhodnice na države naslednice v pravičnem deležu, pri čemer se posebej upoštevajo premoženje, pravice in pravne koristi, ki v razmerju s tem državnim dolgom preidejo na države naslednice.

V. DEL
REŠEVANJE SPOROV

42. člen

Posvetovanje in pogajanje

Če pride do spora med dvema ali več pogodbenicami konvencije glede razlage ali uporabe te konvencije, ga na zahtevo ene od njih skušajo rešiti s posvetovanji in pogajanjem.

43. člen

Sprava

Če se spor ne reši v šestih mesecih od dneva, ko je bila vložena zahteva iz 42. člena, ga lahko katera koli stran v sporu predloži v spravi postopek, določen v Prilogi k tej konvenciji, tako da predloži zahtevo generalnemu sekretarju Združenih narodov in o tem obvesti drugo stran oziroma druge strani v sporu.

44. člen

Sodno reševanje spora in arbitraža

Vsaka država lahko ob podpisu ali ratifikaciji te konvencije ali pristopu k njej ali kadar koli pozneje z uradnim obvestilom depozitarju izjavi, da se lahko spor, če se ne reši po postopkih iz 42. in 43. člena, s pisno vlogo katere koli strani v sporu predloži v odločanje Meddržavnemu sodišču ali arbitraži pod pogojem, da je tudi druga stran v sporu dala podobno izjavo.

Article 45

Settlement by common consent

Notwithstanding articles 42, 43 and 44, if a dispute regarding the interpretation or application of the present Convention arises between two or more Parties to the Convention, they may by common consent agree to submit it to the International Court of Justice, or to arbitration, or to any other appropriate procedure for the settlement of disputes.

Article 46

Other provisions in force for the settlement of disputes

Nothing in articles 42 to 45 shall affect the rights or obligations of the Parties to the present Convention under any provisions in force binding them with regard to the settlement of disputes.

PART VI.
FINAL PROVISIONS

Article 47

Signature

The present Convention shall be open for Signature by all States until 31 December 1983 at the Federal Ministry for Foreign Affairs of the Republic of Austria, and subsequently, until 30 June 1984, at United Nations Headquarters in New York.

Article 48

Ratification

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 49

Accession

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 50

Entry into force

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the fifteenth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the fifteenth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article 51

Authentic texts

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

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorised thereto by their respective Governments, have signed the present Convention.

DONE at Vienna this eighth day of April, one thousand nine hundred and eighty-three.

45. člen

Sporazum o reševanju spora

Če pride do spora med dvema ali več državami pogodbenicami te konvencije glede razlage ali uporabe te konvencije, se lahko te države ne glede na 42., 43. in 44. člen dogovorijo, da ga predložijo Meddržavnemu sodišču ali arbitraži ali v kak drug ustrezen postopek za reševanje sporov.

46. člen

Druge veljavne določbe za reševanje sporov

Nobena določba 42. do 45. člena ne vpliva na pravice ali obveznosti pogodbenic te konvencije po katerih koli veljavnih določbah, ki jih zavezujejo glede reševanja sporov.

VI. DEL
KONČNE DOLOČBE

47. člen

Podpis

Ta konvencija je vsem državam na voljo za podpis do 31. decembra 1983 v Zveznem ministrstvu za zunanje zadeve Republike Avstrije, po tem datumu pa do 30. junija 1984 na sedežu Združenih narodov v New Yorku.

48. člen

Ratifikacija

To konvencijo je treba ratificirati. Listine o ratifikaciji se deponirajo pri generalnem sekretarju Združenih narodov.

49. člen

Pristop

Ta konvencija je vsem državam na voljo za pristop. Listine o pristopu se deponirajo pri generalnem sekretarju Združenih narodov.

50. člen

Začetek veljavnosti

1. Ta konvencija začne veljati 30 dni po deponiranju petnajste listine o ratifikaciji ali pristopu.

2. Za vsako državo, ki konvencijo ratificira ali k njej pristopi po deponiranju petnajste listine o ratifikaciji ali pristopu, začne konvencija veljati 30 dni po dnevu, ko je ta država deponirala listino o ratifikaciji ali pristopu.

51. člen

Verodostojna besedila

Izvirnik te konvencije, katere besedila v angleškem, arabskem, francoskem, kitajskem, ruskem in španskem jeziku so enako verodostojna, se deponira pri generalnem sekretarju Združenih narodov.

DA BI TO POTRDILI, so podpisani pooblaščenici, ki so jih njihove vlade v ta namen pravilno pooblastile, podpisali to konvencijo.

SESTAVLJENO na Dunaju 8. aprila 1983.

ANNEX

1. A list of conciliators consisting of qualified jurists shall be drawn up and maintained by the Secretary-General of the United Nations. To this end, every State which is a Member of the United Nations or a Party to the present Convention shall be invited to nominate two conciliators, and the names of the persons so nominated shall constitute the list. The term of a conciliator, including that of any conciliator nominated to fill a casual vacancy, shall be five years and may be renewed. A conciliator whose term expires shall continue to fulfil any function for which he shall have been chosen under the following paragraph.

2. When a request has been made to the Secretary-General under article 43, the Secretary-General shall bring the dispute before a conciliation commission constituted as follows:

The State or States constituting one of the Parties to the dispute shall appoint:

(a) one conciliator of the nationality of that State or of one of those States, who may or may not be chosen from the list referred to in paragraph 1; and

(b) one conciliator not of the nationality of that State or of any of those States, who shall be chosen from the list.

The State or States constituting the other party to the dispute shall appoint two conciliators in the same way. The four conciliators chosen by the parties shall be appointed within sixty days following the date on which the Secretary-General receives the request.

The four conciliators shall, within sixty days following the date of the appointment of the last of them, appoint a fifth conciliator chosen from the list, who shall be chairman.

If the appointment of the chairman or of any of the other conciliators has not been made within the period prescribed above for such appointment, it shall be made by the Secretary-General within sixty days following the expiry of that period. The appointment of the chairman may be made by the Secretary-General either from the list or from the membership of the International Law Commission. Any of the periods within which appointments must be made may be extended by agreement between the parties to the dispute.

Any vacancy shall be filled in the manner prescribed for the initial appointment.

3. The Conciliation Commission shall decide its own procedure. The Commission, with the consent of the parties to the dispute, may invite any Party to the present Convention to submit to it its views orally or in writing. Decisions and recommendations of the Commission shall be made by a majority vote of the five members.

4. The Commission may draw the attention of the parties to the dispute to any measures which might facilitate an amicable settlement.

5. The Commission shall hear the parties, examine the claims and objections, and make proposals to the parties with a view to reaching an amicable settlement of the dispute.

PRILOGA

1. Generalni sekretar Združenih narodov sestavi in vzdržuje seznam conciliatorjev, ki ga sestavljajo usposobljeni pravniki. Zato se vsaka država članica Združenih narodov ali pogodbenica te konvencije povabi, da imenuje dva conciliatorja, in imena na tak način imenovanih oseb sestavljajo seznam. Mandat conciliatorja, vključno s tistim conciliatorjem, ki je imenovan na izpraznjeno mesto, traja pet let in se lahko obnovi. Conciliator, ki mu poteče mandat, še naprej opravlja vse naloge, za katere je bil izbran v skladu s tem odstavkom.

2. Če se v skladu s 43. členom vloži zahteva pri generalnem sekretarju, predloži generalni sekretar sporpravni komisiji, ki se oblikuje takole:

Država ali države, ki so ena stran v sporu, imenujejo:

a) enega conciliatorja, ki ima državljanstvo te države ali ene od teh držav in se lahko izbere s seznama iz prvega odstavka, in

b) enega conciliatorja, ki ni državljan te države ali katere koli od teh držav in se izbere s seznama.

Država ali države, ki so druga stran v sporu, na enak način imenujejo dva conciliatorja. Štirje conciliatorji, ki jih izberejo strani v sporu, morajo biti imenovani v 60 dneh od dneva, ko generalni sekretar prejme zahtevo.

Štirje conciliatorji v 60 dneh po imenovanju zadnjega od njih imenujejo petega s seznama, ki je hkrati tudi predsednik.

Če predsednik ali kateri koli drug conciliator ni bil imenovan v predpisanem roku, ga imenuje generalni sekretar v 60 dneh po poteku tega roka. Predsednika lahko generalni sekretar imenuje s seznama ali izmed članov Komisije za mednarodno pravo. Roke za imenovanje lahko strani v sporu sporazumno podaljšata.

Vsako izpraznjeno mesto se zasede na način, predpisan za prvo imenovanje.

3. Spravna komisija sama odloča o svojem postopku. Komisija lahko s soglasjem strani v sporu povabi katero koli pogodbenico te konvencije, da ustno ali pisno poda svoja stališča. Komisija sprejema odločitve in priporočila z večino glasov petih članov.

4. Komisija lahko opozori strani v sporu na ukrepe, ki lahko prispevajo k mirni rešitvi.

5. Komisija zasliši strani, obravnava zahteve in ugovore in daje stranema predloge za mirno rešitev spora.

6. The Commission shall report within twelve months of its constitution. Its report shall be deposited with the Secretary-General and transmitted to the parties to the dispute. The report of the Commission, including any conclusions stated therein regarding the facts or questions of law, shall not be binding upon the parties and it shall have no other character than that of recommendations submitted for the consideration of the parties in order to facilitate an amicable settlement of the dispute.

7. The Secretary-General shall provide the Commission with such assistance and facilities as it may require. The expenses of the Commission shall be borne by the United Nations.

6. Komisija predloži poročilo v 12 mesecih po svoji ustanovitvi. Poročilo se deponira pri generalnem sekretarju in pošlje stranema v sporu. Poročilo komisije, vključno z vsemi sklepi iz poročila, ki se nanašajo na dejstva ali na pravna vprašanja, za strani ni zavezujoče in je priporočilo, dano v razmislek stranema v sporu, da bi jima olajšali mirno rešitev spora.

7. Generalni sekretar zagotovi komisiji potrebno pomoč in možnosti za njeno delo. Stroške komisije krijejo Združeni narodi.

3. člen

Za izvajanje konvencije skrbijo resorna ministrstva, v katerih pristojnost sodijo zadeve, opredeljene v konvenciji.

4. člen

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

Št. 700-01/02-71/1

Ljubljana, dne 21. junija 2002

Predsednik
Državnega zbora
Republike Slovenije
Borut Pahor l. r.

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Izdajatelj Služba Vlade RS za zakonodajo – Direktor dr. Matjaž Nahtigal –
Založnik Uradni list RS, d.o.o. – Direktorica Erika Trojer – Urednica Marija
Petrovič-Kurt – Priprava Uradni list RS, d.o.o., Tisk Tiskarna SET, d.d., Vevče
– Internet <http://www.uradni-list.si> – e-pošta: info@uradni-list.si