



62. Zakon o ratifikaciji Protokola št. 13 h Konvenciji o varstvu človekovih pravic in temeljnih svoboščin glede odprave smrtne kazni v vseh okoliščinah (MKVCP13)

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

U K A Z

O RAZGLASITVI ZAKONA O RATIFIKACIJI PROTOKOLA ŠT. 13 H KONVENCIJI O VARSTVU ČLOVEKOVIH PRAVIC IN TEMELJNIH SVOBOŠČIN GLEDE ODPRAVE SMRTNE KAZNI V VSEH OKOLIŠČINAH (MKVCP13)

Razlašam Zakon o ratifikaciji Protokola št. 13 h Konvenciji o varstvu človekovih pravic in temeljnih svoboščin glede odprave smrtne kazni v vseh okoliščinah (MKVCP13), ki ga je sprejel Državni zbor Republike Slovenije na seji 2. oktobra 2003.

Št. 001-22-86/03
Ljubljana, dne 10. oktobra 2003

Predsednik
Republike Slovenije
dr. Janez Drnovšek l. r.

Z A K O N

O RATIFIKACIJI PROTOKOLA ŠT. 13 H KONVENCIJI O VARSTVU ČLOVEKOVIH PRAVIC IN TEMELJNIH SVOBOŠČIN GLEDE ODPRAVE SMRTNE KAZNI V VSEH OKOLIŠČINAH (MKVCP13)

1. člen

Ratificira se Protokol št. 13 h Konvenciji o varstvu človekovih pravic in temeljnih svoboščin glede odprave smrtne kazni v vseh okoliščinah, sestavljen 3. maja 2002 v Vilni.

2. člen

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

PROTOCOL No. 13

TO THE CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, CONCERNING THE ABOLITION OF THE DEATH PENALTY IN ALL CIRCUMSTANCES

The member States of the Council of Europe signatory hereto,

Convinced that everyone's right to life is a basic value in a democratic society and that the abolition of the death penalty is essential for the protection of this right and for the full recognition of the inherent dignity of all human beings;

Wishing to strengthen the protection of the right to life guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4 November 1950 (hereinafter referred to as "the Convention");

PROTOKOL št. 13

H KONVENCIJI O VARSTVU ČLOVEKOVIH PRAVIC IN TEMELJNIH SVOBOŠČIN GLEDE ODPRAVE SMRTNE KAZNI V VSEH OKOLIŠČINAH

Države članice Sveta Evrope, podpisnice tega protokola,

so se, prepričane, da je pravica vsakogar do življenja v demokratični družbi temeljna vrednota in da je odprava smrtne kazni bistvenega pomena za varstvo te pravice ter popolno priznanje prirojenega dostojanstva vseh ljudi;

v želji, da bi okrepile varstvo pravice do življenja, ki jo zagotavlja Konvencija o varstvu človekovih pravic in temeljnih svoboščin, podpisana v Rimu 4. novembra 1950 (v nadaljnjem besedilu: Konvencija);

Noting that Protocol No. 6 to the Convention, concerning the Abolition of the Death Penalty, signed at Strasbourg on 28 April 1983, does not exclude the death penalty in respect of acts committed in time of war or of imminent threat of war;

Being resolved to take the final step in order to abolish the death penalty in all circumstances,

Have agreed as follows:

Article 1 – Abolition of the death penalty

The death penalty shall be abolished. No one shall be condemned to such penalty or executed.

Article 2 – Prohibition of derogations

No derogation from the provisions of this Protocol shall be made under Article 15 of the Convention.

Article 3 – Prohibition of reservations

No reservation may be made under Article 57 of the Convention in respect of the provisions of this Protocol.

Article 4 – Territorial application

1 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance or approval, specify the territory or territories to which this Protocol shall apply.

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

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

Article 5 – Relationship to the Convention

As between the States Parties the provisions of Articles 1 to 4 of this Protocol shall be regarded as additional articles to the Convention, and all the provisions of the Convention shall apply accordingly.

Article 6 – Signature and ratification

This Protocol shall be open for signature by member States of the Council of Europe which have signed the Convention. It is subject to ratification, acceptance or approval. A member State of the Council of Europe may not ratify, accept or approve this Protocol without previously or simultaneously ratifying the Convention. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 7 – Entry into force

1 This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date on which ten member States of the Council of Europe have expressed their consent to be bound by the Protocol in accordance with the provisions of Article 6.

ob ugotovitvi, da Protokol št. 6 h Konvenciji, ki zadeva odpravo smrtne kazni, podpisan v Strasbourgu 28. aprila 1983, ne izključuje smrtne kazni za dejanja, storjena med vojno ali ob neposredni vojni nevarnosti;

odločene, da storijo zadnji korak za odpravo smrtne kazni v vseh okoliščinah,

dogovorile o naslednjem:

1. člen – Odprava smrtne kazni

Smrtna kazen se odpravi. Nihče ne sme biti obsojen na takšno kazen ali usmrčen.

2. člen – Prepoved razveljavitev

Glede določb tega protokola ni dovoljena nobena razveljavitev po 15. členu Konvencije.

3. člen – Prepoved pridržkov

Glede določb tega protokola ni dopusten noben pridržek po 57. členu Konvencije.

4. člen – Ozemeljska veljavnost

1. Vsaka država lahko ob podpisu ali deponiranju listine o ratifikaciji, sprejetju ali odobritvi določi ozemlje ali ozemlja, za katera velja ta protokol.

2. Vsaka država lahko kadar koli pozneje z izjavo, naslovljeno na generalnega sekretarja Sveta Evrope, veljavnost tega protokola razširi na katero koli ozemlje, določeno v izjavi. Za to ozemlje začne protokol veljati prvi dan meseca po poteku treh mesecev od dneva, ko je generalni sekretar prejel tako izjavo.

3. Vsaka izjava v skladu s prejšnjima odstavkoma se glede katerega koli ozemlja, določenega v taki izjavi, lahko umakne ali spremeni z uradnim obvestilom, naslovljenim na generalnega sekretarja. Umik ali sprememba začne veljati prvi dan meseca po poteku treh mesecev od dneva, ko je generalni sekretar prejel tako uradno obvestilo.

5. člen – Razmerje do Konvencije

Države pogodbenice štejejo določbe od 1. do 4. člena tega protokola kot dodatne člene h Konvenciji in skladno s tem veljajo vse določbe Konvencije.

6. člen – Podpis in ratifikacija

Ta protokol je na voljo za podpis državam članicam Sveta Evrope, ki so podpisale Konvencijo. Treba ga je ratificirati, sprejeti ali odobriti. Država članica Sveta Evrope ga ne sme ratificirati, sprejeti ali odobriti, če ni prej ali hkrati ratificirala Konvencije. Listine o ratifikaciji, sprejetju ali odobritvi se deponirajo pri generalnem sekretarju Sveta Evrope.

7. člen – Začetek veljavnosti

1. Ta protokol začne veljati prvi dan meseca po poteku treh mesecev od datuma, ko je deset držav članic Sveta Evrope izrazilo svoje soglasje, da jih ta protokol zavezuje v skladu z določbami 6. člena.

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

Article 8 – Depositary functions

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

- a any signature;
- b the deposit of any instrument of ratification, acceptance or approval;
- c any date of entry into force of this Protocol in accordance with Articles 4 and 7;
- d any other act, notification or communication relating to this Protocol.

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

Done at Vilnius, this 3rd day of May 2002, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe.

2. Za vsako državo članico, ki pozneje izrazi svoje soglasje, da jo ta protokol zavezuje, začne ta protokol veljati prvi dan meseca po poteku treh mesecev od datuma deponiranja listine o ratifikaciji, sprejetju ali odobritvi.

8. člen – Naloge depozitarja

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

- a. vsakem podpisu;
- b. deponiranju vsake listine o ratifikaciji, sprejetju ali odobritvi;
- c. vsakem datumu začetka veljavnosti tega protokola v skladu s 4. in 7. členom;
- d. vsakem drugem dejanju, uradnem obvestilu ali sporočilu v zvezi s tem protokolom.

V potrditev tega so podpisani, ki so bili za to pravilno pooblašteni, podpisali ta protokol.

Sestavljeno v Vilni dne 3. maja 2002 v angleškem in francoskem jeziku, pri čemer sta besedili enako verodostojni, v enem samem izvodu, ki se deponira v arhivu Sveta Evrope. Generalni sekretar Sveta Evrope pošlje overjeno kopijo vsaki državi članici Sveta Evrope.

3. člen

Za izvajanje protokola skrbi Ministrstvo za pravosodje.

4. člen

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

Št. 700-01/03-74/1

Ljubljana, dne 2. oktobra 2003

EPA 939-III

Predsednik
Državnega zbora
Republike Slovenije
Borut Pahor l. r.

63. Zakon o ratifikaciji Drugega protokola k Haaški konvenciji iz leta 1954 o varstvu kulturnih dobrin v primeru oboroženega spopada (M2PHKV)

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 DRUGEGA PROTOKOLA K HAAŠKI KONVENCIJI IZ LETA 1954 O VARSTVU KULTURNIH DOBRIN V PRIMERU OBOROŽENEGA SPOPAD A (M2PHKV)**

Razglašam Zakon o ratifikaciji Drugega protokola k Haaški konvenciji iz leta 1954 o varstvu kulturnih dobrin v primeru oboroženega spopada (M2PHKV), ki ga je sprejel Državni zbor Republike Slovenije na seji 2. oktobra 2003.

Št. 001-22-89/03
Ljubljana, dne 10. oktobra 2003

Predsednik
Republike Slovenije
dr. Janez Drnovšek l. r.

Z A K O N**O RATIFIKACIJI DRUGEGA PROTOKOLA K HAAŠKI KONVENCIJI IZ LETA 1954 O VARSTVU KULTURNIH DOBRIN V PRIMERU OBOROŽENEGA SPOPAD A (M2PHKV)**

1. člen

Ratificira se Drugi protokol k Haaški konvenciji iz leta 1954 o varstvu kulturnih dobrin v primeru oboroženega spopada, sestavljen 26. marca 1999 v Haagu.

2. člen

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

SECOND PROTOCOL**to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict
The Hague, 26 March 1999**

The Parties,

Conscious of the need to improve the protection of cultural property in the event of armed conflict and to establish an enhanced system of protection for specifically designated cultural property;

Reaffirming the importance of the provisions of the Convention for the Protection of Cultural Property in the Event of Armed Conflict, done at the Hague on 14 May 1954, and emphasizing the necessity to supplement these provisions through measures to reinforce their implementation;

Desiring to provide the High Contracting Parties to the Convention with a means of being more closely involved in the protection of cultural property in the event of armed conflict by establishing appropriate procedures therefor;

Considering that the rules governing the protection of cultural property in the event of armed conflict should reflect developments in international law;

Affirming that the rules of customary international law will continue to govern questions not regulated by the provisions of this Protocol;

Have agreed as follows:

DRUGI PROTOKOL**k Haaški konvenciji iz leta 1954 o varstvu kulturnih dobrin v primeru oboroženega spopada
Haag, 26. marec 1999**

Pogodbenice so se,

zavedajoč se, da je treba izboljšati varstvo kulturnih dobrin v primeru oboroženega spopada in vzpostaviti učinkovitejši sistem za varstvo posebej določenih kulturnih dobrin;

ob ponovnem potrjevanju pomena določb Konvencije o varstvu kulturnih dobrin v primeru oboroženega spopada, sestavljene v Haagu 14. maja 1954, ter ob poudarjanju, da je treba določbe dopolniti z ukrepi za njihovo učinkovitejšo izvajanje;

v želji, da bi visokim pogodbenicam konvencije z določitvijo ustreznih postopkov zagotovili tesnejše sodelovanje pri varstvu kulturnih dobrin v primeru oboroženega spopada;

upoštevajoč, da je treba v pravilih o varstvu in spoštovanju kulturnih dobrin v primeru oboroženega spopada izraziti doseženi razvoj mednarodnega prava;

potrjujoč, da bodo pravila običajnega mednarodnega prava še naprej urejala vprašanja, ki jih ne urejajo določbe tega protokola,

dogovorile:

Chapter 1
Introduction

Article 1
Definitions

For the purposes of this Protocol:

(a) "Party" means a State Party to this Protocol;

(b) "cultural property" means cultural property as defined in Article 1 of the Convention;

(c) "Convention" means the Convention for the Protection of Cultural Property in the Event of Armed Conflict, done at The Hague on 14 May 1954;

(d) "High Contracting Party" means a State Party to the Convention;

(e) "enhanced protection" means the system of enhanced protection established by Articles 10 and 11;

(f) "military objective" means an object which by its nature, location, purpose, or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage;

(g) "illicit" means under compulsion or otherwise in violation of the applicable rules of the domestic law of the occupied territory or of international law.

(h) "List" means the International List of Cultural Property under Enhanced Protection established in accordance with Article 27, sub-paragraph 1(b);

(i) "Director-General" means the Director-General of UNESCO;

(j) "UNESCO" means the United Nations Educational, Scientific and Cultural Organization;

(k) "First Protocol" means the Protocol for the Protection of Cultural Property in the Event of Armed Conflict done at The Hague on 14 May 1954;

Article 2

Relation to the Convention

This Protocol supplements the Convention in relations between the Parties.

Article 3

Scope of application

1. In addition to the provisions which shall apply in time of peace, this Protocol shall apply in situations referred to in Article 18 paragraphs 1 and 2 of the Convention and in Article 22 paragraph 1.

2. When one of the parties to an armed conflict is not bound by this Protocol, the Parties to this Protocol shall remain bound by it in their mutual relations. They shall furthermore be bound by this Protocol in relation to a State party to the conflict which is not bound by it, if the latter accepts the provisions of this Protocol and so long as it applies them.

Article 4

Relationship between Chapter 3 and other provisions of the Convention and this Protocol

The application of the provisions of Chapter 3 of this Protocol is without prejudice to:

(a) the application of the provisions of Chapter I of the Convention and of Chapter 2 of this Protocol;

(b) the application of the provisions of Chapter II of the Convention save that, as between Parties to this Protocol or as between a Party and a State which accepts and applies this Protocol in accordance with Article 3 paragraph 2, where cultural property has been granted both special protection and enhanced protection, only the provisions of enhanced protection shall apply.

Prvo poglavje
Uvod

1. člen

Pomen izrazov

V tem protokolu:

(a) "pogodbenica" pomeni državo pogodbenico tega protokola;

(b) "kulturne dobrine" pomenijo kulturne dobrine, kot so opredeljene v 1. členu konvencije;

(c) "konvencija" pomeni Konvencijo o varstvu kulturnih dobrin v primeru oboroženega spopada, sestavljeno v Haagu 14. maja 1954;

(d) "visoka pogodbenica" pomeni državo pogodbenico konvencije;

(e) "razširjeno varstvo" pomeni sistem izboljšane varstva, vzpostavljenega z 10. in 11. členom;

(f) "vojaški cilj" pomeni objekt, ki zaradi svoje narave, lokacije, namena ali uporabe pomembno prispeva k vojaški akciji in katerega popolno ali delno uničenje, zavzetje ali nevtralizacija daje v danih okoliščinah jasno vojaško prednost;

(g) "nezakonito" pomeni to, kar je storjeno pod prisilo ali kar drugače krši veljavna pravila notranjega prava zaseđenega ozemlja ali mednarodnega prava;

(h) "seznam" pomeni mednarodni seznam kulturnih dobrin pod razširjenim varstvom, vzpostavljen skladno s pododstavkom (b) prvega odstavka 27. člena;

(i) "generalni direktor" pomeni generalnega direktorja Unesca;

(j) "Unesco" pomeni Organizacijo Združenih narodov za izobraževanje, znanost in kulturo;

(k) "Prvi protokol" pomeni Protokol o varstvu kulturnih dobrin v primeru oboroženega spopada, sestavljen v Haagu 14. maja 1954.

2. člen

Razmerje do konvencije

Ta protokol dopolnjuje konvencijo v razmerjih med pogodbenicami.

3. člen

Obseg uporabe

1. Poleg določb, ki se uporabljajo v miru, se ta protokol uporablja v okoliščinah, navedenih v prvem in drugem odstavku 18. člena in prvem odstavku 22. člena konvencije.

2. Če ta protokol ne zavezuje ene od strani v oboroženem spopadu, kljub temu zavezuje pogodbenice tega protokola pri njihovih medsebojnih odnosih. Poleg tega jih ta protokol zavezuje v razmerju do vsake države v spopadu, za katero sicer ni zavezujoč, če ta sprejema določbe tega protokola in dokler jih uporablja.

4. člen

Povezava med tretjim poglavjem in drugimi določbami konvencije in tem protokolom

Uporaba določb tretjega poglavja tega protokola ne vpliva na:

(a) uporabo določb prvega poglavja konvencije in drugega poglavja tega protokola;

(b) uporabo določb drugega poglavja konvencije, razen če se med pogodbenicami tega protokola ali med pogodbenico in državo, ki sprejema in uporablja ta protokol v skladu z drugim odstavkom 3. člena, po katerem se kulturnim dobrinam zagotavlja posebno in razširjeno varstvo; v tem primeru se uporabljajo samo določbe o razširjenem varstvu.

Chapter 2

General provisions regarding protection

Article 5

Safeguarding of cultural property

Preparatory measures taken in time of peace for the safeguarding of cultural property against the foreseeable effects of an armed conflict pursuant to Article 3 of the Convention shall include, as appropriate, the preparation of inventories, the planning of emergency measures for protection against fire or structural collapse, the preparation for the removal of movable cultural property or the provision for adequate *in situ* protection of such property, and the designation of competent authorities responsible for the safeguarding of cultural property.

Article 6

Respect for cultural property

With the goal of ensuring respect for cultural property in accordance with Article 4 of the Convention:

(a) a waiver on the basis of imperative military necessity pursuant to Article 4 paragraph 2 of the Convention may only be invoked to direct an act of hostility against cultural property when and for as long as:

- i. that cultural property has, by its function, been made into a military objective; and
- ii. there is no feasible alternative available to obtain a similar military advantage to that offered by directing an act of hostility against that objective;

(b) a waiver on the basis of imperative military necessity pursuant to Article 4 paragraph 2 of the Convention may only be invoked to use cultural property for purposes which are likely to expose it to destruction or damage when and for as long as no choice is possible between such use of the cultural property and another feasible method for obtaining a similar military advantage;

(c) the decision to invoke imperative military necessity shall only be taken by an officer commanding a force the equivalent of a battalion in size or larger, or a force smaller in size where circumstances do not permit otherwise;

(d) in case of an attack based on a decision taken in accordance with sub-paragraph (a), an effective advance warning shall be given whenever circumstances permit.

Article 7

Precautions in attack

Without prejudice to other precautions required by international humanitarian law in the conduct of military operations, each Party to the conflict shall:

(a) do everything feasible to verify that the objectives to be attacked are not cultural property protected under Article 4 of the Convention;

(b) take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental damage to cultural property protected under Article 4 of the Convention;

(c) refrain from deciding to launch any attack which may be expected to cause incidental damage to cultural property protected under Article 4 of the Convention which would be excessive in relation to the concrete and direct military advantage anticipated; and

(d) cancel or suspend an attack if it becomes apparent:

- (i) that the objective is cultural property protected under Article 4 of the Convention;

Drugo poglavje

Splošne določbe o varstvu kulturnih dobrin

5. člen

Varovanje kulturnih dobrin

Pripravljalni ukrepi, sprejeti v miru, za varovanje kulturnih dobrin pred predvidljivimi učinki oboroženega spopada v skladu s 3. členom konvencije, kadar je primerno, vključujejo pripravo popisov, načrtovanje nujnih ukrepov za varstvo pred požarom ali rušenjem, pripravo na premestitev premičnih kulturnih dobrin ali zagotovitev ustreznega varstva takih dobrin na kraju samem in določitev pristojnih organov, odgovornih za varovanje kulturnih dobrin.

6. člen

Spoštovanje kulturnih dobrin

Za zagotovitev spoštovanja kulturnih dobrin v skladu s 4. členom konvencije:

(a) se pri usmeritvi sovražnega dejanja zoper kulturne dobrine lahko sklicuje na opustitev varstva zaradi neizogibne vojaške nujnosti v skladu z drugim odstavkom 4. člena konvencije, samo kadar in dokler:

- (i) je kulturna dobrina po svoji funkciji spremenjena v vojaški cilj in
- (ii) ni druge izvedljive možnosti za pridobitev podobne vojaške prednosti, kot jo daje usmeritev sovražnega dejanja zoper ta cilj;

(b) se pri uporabi kulturne dobrine v namene, ki jo bodo verjetno izpostavili uničenju ali poškodovanju, lahko sklicuje na opustitev varstva na podlagi neizogibne vojaške nujnosti v skladu z drugim odstavkom 4. člena konvencije, samo kadar in dokler ni na voljo nobene izbire med tako uporabo kulturnih dobrin in drugo možno metodo za pridobitev podobne vojaške prednosti;

(c) odločitev o sklicevanju na neizogibno vojaško nujnost sprejme le častnik, ki poveljuje enoti, enaki bataljonu, ali manjši enoti, če okoliščine ne dovoljujejo drugače;

(d) v primeru napada, ki temelji na odločitvi, sprejeti v skladu s pododstavkom (a), je treba zagotoviti učinkovito vnaprejšnje opozorilo, kadar to dopuščajo okoliščine.

7. člen

Previdnostni ukrepi pri napadu

Brez vpliva na druge previdnostne ukrepe, ki jih zahteva mednarodno humanitarno pravo pri izvajanju vojaških operacij, mora vsaka stran v spopadu:

(a) ukreniti vse, kar je možno, da preveri, ali cilji, ki naj bi bili napadeni, niso kulturne dobrine, varovane po 4. členu konvencije;

(b) sprejeti vse izvedljive previdnostne ukrepe glede izbire sredstev in načinov napada, da bi se izognili in v vsakem primeru zmanjšali naključno škodo na kulturnih dobrinah, varovanih po 4. členu konvencije;

(c) vzdržati se vsakršne odločitve, da bi začela kakršen koli napad, za katerega se lahko pričakuje, da bo povzročil naključno škodo na kulturnih dobrinah, varovanih po 4. členu konvencije, ki bi bila nesorazmerna glede na pričakovano konkretno in neposredno vojaško prednost, in

(d) odpovedati se napadu ali ga začasno ustaviti, če je očitno:

- (i) da je cilj kulturna dobrina, varovana po 4. členu konvencije;

(ii) that the attack may be expected to cause incidental damage to cultural property protected under Article 4 of the Convention which would be excessive in relation to the concrete and direct military advantage anticipated.

Article 8

Precautions against the effects of hostilities

The Parties to the conflict shall, to the maximum extent feasible:

- (a) remove movable cultural property from the vicinity of military objectives or provide for adequate *in situ* protection;
- (b) avoid locating military objectives near cultural property.

Article 9

Protection of cultural property in occupied territory

1. Without prejudice to the provisions of Articles 4 and 5 of the Convention, a Party in occupation of the whole or part of the territory of another Party shall prohibit and prevent in relation to the occupied territory:

- (a) any illicit export, other removal or transfer of ownership of cultural property;
- (b) any archaeological excavation, save where this is strictly required to safeguard, record or preserve cultural property;
- (c) any alteration to, or change of use of, cultural property which is intended to conceal or destroy cultural, historical or scientific evidence.

2. Any archaeological excavation of, alteration to, or change of use of, cultural property in occupied territory shall, unless circumstances do not permit, be carried out in close co-operation with the competent national authorities of the occupied territory.

Chapter 3

Enhanced Protection

Article 10

Enhanced protection

Cultural property may be placed under enhanced protection provided that it meets the following three conditions:

- (a) it is cultural heritage of the greatest importance for humanity;
- (b) it is protected by adequate domestic legal and administrative measures recognising its exceptional cultural and historic value and ensuring the highest level of protection;
- (c) it is not used for military purposes or to shield military sites and a declaration has been made by the Party which has control over the cultural property, confirming that it will not be so used.

Article 11

The granting of enhanced protection

1. Each Party should submit to the Committee a list of cultural property for which it intends to request the granting of enhanced protection.

2. The Party which has jurisdiction or control over the cultural property may request that it be included in the List to be established in accordance with Article 27 sub-paragraph 1(b). This request shall include all necessary information related to the criteria mentioned in Article 10. The Committee may invite a Party to request that cultural property be included in the List.

(ii) da se lahko pričakuje, da bo napad povzročil naključno škodo na kulturnih dobrinah, varovanih po 4. členu konvencije, ki bi bila nesorazmerna glede na pričakovano konkretno in neposredno vojaško prednost.

8. člen

Previdnostni ukrepi zoper učinke sovražnosti

Strani v spopadu morajo v čim večji možni meri:

- (a) prestaviti premične kulturne dobrine iz bližine vojaških ciljev ali zagotoviti njihovo ustrezno varstvo na kraju samem;
- (b) se izogibati postavljanju vojaških ciljev v bližini kulturnih dobrin.

9. člen

Varstvo kulturnih dobrin na zasedenem ozemlju

1. Brez vpliva na določbe 4. in 5. člena konvencije mora pogodbenica, ki zaseda celotno ozemlje ali del ozemlja druge pogodbenice, na zasedenem ozemlju prepovedati in preprečiti:

- (a) vsak nezakonit izvoz, drugo premestitev kulturne dobrine ali prenos lastništva;
- (b) vsako arheološko izkopavanje, razen če je nujno potrebno, da se kulturna dobrina zavaruje, evidentira ali ohrani;
- (c) vsako spremembo kulturne dobrine ali spremembo njene rabe, katere namen je zakriti ali uničiti kulturne, zgodovinske ali znanstvene dokaze.

2. Vsako arheološko izkopavanje, spreminjanje ali sprememba rabe kulturnih dobrin na zasedenem ozemlju se izvede v tesnem sodelovanju s pristojnimi državnimi organi zasedenega ozemlja, razen če tega ne preprečujejo okoliščine.

Tretje poglavje

Razširjeno varstvo

10. člen

Razširjeno varstvo

Kulturne dobrine smejo biti pod razširjenim varstvom, če so izpolnjeni trije pogoji:

- (a) da je to kulturna dediščina, ki je izrednega pomena za človeštvo;
- (b) da so varovane z ustreznimi notranjepravnimi in upravnimi ukrepi, ki priznavajo njihovo izjemno kulturno in zgodovinsko vrednost in jim zagotavljajo najvišjo raven varstva;
- (c) da se ne uporabljajo v vojaške namene ali kot ščit za vojaške položaje in da je pogodbenica, ki ima nadzor nad kulturnimi dobrinami, dala izjavo, ki potrjuje, da jih ne bo uporabljala v ta namen.

11. člen

Zagotovitev razširjenega varstva

1. Vsaka pogodbenica mora odboru iz 24. člena predložiti seznam kulturnih dobrin, za katere namerava zaprositi za zagotovitev razširjenega varstva.

2. Pogodbenica, ki ima jurisdikcijo ali nadzor nad temi kulturnimi dobrinami, lahko zaprosi, da se vključijo v seznam, ki se sestavi v skladu s pododstavkom (b) prvega odstavka 27. člena. Ta prošnja vsebuje vse potrebne podatke v zvezi z merili, omenjenimi v 10. členu. Odbor lahko povabi pogodbenico, naj zaprosi za vključitev kulturnih dobrin v seznam.

3. Other Parties, the International Committee of the Blue Shield and other non-governmental organisations with relevant expertise may recommend specific cultural property to the Committee. In such cases, the Committee may decide to invite a Party to request inclusion of that cultural property in the List.

4. Neither the request for inclusion of cultural property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one State, nor its inclusion, shall in any way prejudice the rights of the parties to the dispute.

5. Upon receipt of a request for inclusion in the List, the Committee shall inform all Parties of the request. Parties may submit representations regarding such a request to the Committee within sixty days. These representations shall be made only on the basis of the criteria mentioned in Article 10. They shall be specific and related to facts. The Committee shall consider the representations, providing the Party requesting inclusion with a reasonable opportunity to respond before taking the decision. When such representations are before the Committee, decisions for inclusion in the List shall be taken, notwithstanding Article 26, by a majority of four-fifths of its members present and voting.

6. In deciding upon a request, the Committee should ask the advice of governmental and non-governmental organisations, as well as of individual experts.

7. A decision to grant or deny enhanced protection may only be made on the basis of the criteria mentioned in Article 10.

8. In exceptional cases, when the Committee has concluded that the Party requesting inclusion of cultural property in the List cannot fulfil the criteria of Article 10 subparagraph (b), the Committee may decide to grant enhanced protection, provided that the requesting Party submits a request for international assistance under Article 32.

9. Upon the outbreak of hostilities, a Party to the conflict may request, on an emergency basis, enhanced protection of cultural property under its jurisdiction or control by communicating this request to the Committee. The Committee shall transmit this request immediately to all Parties to the conflict. In such cases the Committee will consider representations from the Parties concerned on an expedited basis. The decision to grant provisional enhanced protection shall be taken as soon as possible and, notwithstanding Article 26, by a majority of four-fifths of its members present and voting. Provisional enhanced protection may be granted by the Committee pending the outcome of the regular procedure for the granting of enhanced protection, provided that the provisions of Article 10 subparagraphs (a) and (c) are met.

10. Enhanced protection shall be granted to cultural property by the Committee from the moment of its entry in the List.

11. The Director-General shall, without delay, send to the Secretary-General of the United Nations and to all Parties notification of any decision of the Committee to include cultural property on the List.

Article 12

Immunity of cultural property under enhanced protection

The Parties to a conflict shall ensure the immunity of cultural property under enhanced protection by refraining from making such property the object of attack or from any use of the property or its immediate surroundings in support of military action.

3. Druge pogodbenice, Mednarodni odbor Modrega ščita in druge nevladne organizacije z ustreznim strokovnim znanjem lahko odboru priporočijo določene kulturne dobrine. V takih primerih se lahko odbor odloči, da povabi pogodbenico, da vključi te kulturne dobrine v seznam.

4. Niti prošnja za vključitev kulturnih dobrin, ki so na ozemlju, nad katerim si suverenost ali jurisdikcijo lasti več držav, v seznam, niti vključitev takih dobrin v seznam v nobenem primeru ne vplivata na pravice strani v sporu.

5. Po prejemu prošnje za vključitev v seznam odbor o tem obvesti vse pogodbenice. Pogodbenice lahko ugovore glede take prošnje predložijo odboru v šestdesetih dneh. Vložijo se lahko samo na podlagi meril, navedenih v 10. členu. Biti morajo konkretni in se nanašati na dejstva. Odbor obravnava ugovore in pred sprejetjem odločitve da pogodbenici, ki je zaprosila za vključitev, možnost, da nanje odgovori. Ko odbor obravnava take ugovore, se odločitve za vključitev v seznam ne glede na 26. člen sprejmejo s štiripetinsko večino članov, ki so navzoči in glasujejo.

6. Pri odločanju o prošnji mora odbor prositi za nasvet vladne in nevladne organizacije ter posamezne strokovnjake.

7. Odločitev o odobritvi ali zavrnitvi razširjenega varstva se lahko sprejme le na podlagi meril, omenjenih v 10. členu.

8. V izjemnih primerih, ko je odbor ugotovil, da pogodbenica, ki je zaprosila za vključitev kulturne dobrine v seznam, ne more izpolniti meril iz pododstavka (b) 10. člena, se lahko odbor odloči, da odobri razširjeno varstvo, če pogodbenica prosilka predloži prošnjo za mednarodno pomoč skladno z 32. členom.

9. Po izbruhu sovražnosti lahko stran v spopadu nujno zaprosi za razširjeno varstvo kulturnih dobrin, ki so pod njeno jurisdikcijo ali nadzorom, tako da predloži to prošnjo odboru. Odbor prošnjo takoj pošlje vsem stranem v spopadu. V takih primerih odbor pospešeno obravnava ugovore zadevnih pogodbenic. Odločitev za odobritev začasnega razširjenega varstva se sprejme čim prej in ne glede na 26. člen s štiripetinsko večino njegovih članov, ki so navzoči in glasujejo. Začasno razširjeno varstvo lahko odbor odobri do izida rednega postopka za odobritev razširjenega varstva, če so izpolnjene določbe pododstavkov (a) in (c) 10. člena.

10. Odbor zagotovi kulturni dobrini razširjeno varstvo od trenutka, ko je vpisana v seznam.

11. Generalni direktor takoj pošlje generalnemu sekretarju Združenih narodov in vsem pogodbenicam uradno obvestilo o vsaki odločitvi odbora, da vključi kulturno dobrino v seznam.

12. člen

Nedotakljivost kulturnih dobrin pod razširjenim varstvom

Strani v spopadu morajo zagotoviti nedotakljivost kulturnih dobrin pod razširjenim varstvom, tako da ne določajo takih dobrin za cilj napada ali uporabe dobrin ali njihove neposredne okolice v podporo vojaškemu delovanju.

Article 13

Loss of enhanced protection

1. Cultural property under enhanced protection shall only lose such protection:

(a) if such protection is suspended or cancelled in accordance with Article 14; or

(b) if, and for as long as, the property has, by its use, become a military objective.

2. In the circumstances of sub-paragraph 1(b), such property may only be the object of attack if:

(a) the attack is the only feasible means of terminating the use of the property referred to in sub-paragraph 1(b);

(b) all feasible precautions are taken in the choice of means and methods of attack, with a view to terminating such use and avoiding, or in any event minimising, damage to the cultural property;

(c) unless circumstances do not permit, due to requirements of immediate self-defence:

(i) the attack is ordered at the highest operational level of command;

(ii) effective advance warning is issued to the opposing forces requiring the termination of the use referred to in sub-paragraph 1(b); and

(iii) Reasonable time is given to the opposing forces to redress the situation.

Article 14

Suspension and cancellation of enhanced protection

1. Where cultural property no longer meets any one of the criteria in Article 10 of this Protocol, the Committee may suspend its enhanced protection status or cancel that status by removing that cultural property from the List.

2. In the case of a serious violation of Article 12 in relation to cultural property under enhanced protection arising from its use in support of military action, the Committee may suspend its enhanced protection status. Where such violations are continuous, the Committee may exceptionally cancel the enhanced protection status by removing the cultural property from the List.

3. The Director-General shall, without delay, send to the Secretary-General of the United Nations and to all Parties to this Protocol notification of any decision of the Committee to suspend or cancel the enhanced protection of cultural property.

4. Before taking such a decision, the Committee shall afford an opportunity to the Parties to make their views known.

Chapter 4

Criminal responsibility and jurisdiction

Article 15

Serious violations of this Protocol

1. Any person commits an offence within the meaning of this Protocol if that person intentionally and in violation of the Convention or this Protocol commits any of the following acts:

(a) making cultural property under enhanced protection the object of attack;

(b) using cultural property under enhanced protection or its immediate surroundings in support of military action;

(c) extensive destruction or appropriation of cultural property protected under the Convention and this Protocol;

13. člen

Izguba razširjenega varstva

1. Kulturne dobrine pod razširjenim varstvom izgubijo tako varstvo samo:

(a) če se tako varstvo začasno odvzame ali odpravi v skladu s 14. členom ali

(b) če in dokler so take dobrine zaradi uporabe postale vojaški cilj.

2. V okoliščinah iz pododstavka (b) prvega odstavka so lahko take dobrine cilj napada samo:

(a) če je napad edini možni način za prenehanje uporabe dobrin iz pododstavka (b) prvega odstavka;

(b) če so pri izbiri sredstev in metod napada zagotovljeni vsi možni previdnostni ukrepi, zato da se preneha s tako uporabo ter da se prepreči ali vsaj zmanjša škoda na kulturnih dobrinah;

(c) če tega ne preprečijo okoliščine, ki zahtevajo takojšnjo samoobrambo:

(i) se povelje za napad izda na najvišji operativni ravni poveljstva;

(ii) se nasprotnim silam da učinkovito vnaprejšnje opozorilo, ki zahteva prenehanje uporabe, navedene v pododstavku (b) prvega odstavka, in

(iii) se da nasprotnim silam dovolj časa, da spremenijo položaj.

14. člen

Začasni odvzem in odprava razširjenega varstva

1. Če kulturna dobrina ne izpolnjuje več katerega koli merila iz 10. člena tega protokola, ji lahko odbor začasno odvzame status razširjenega varstva ali ga odpravi s črtanjem te kulturne dobrine iz seznama.

2. V primeru hude kršitve 12. člena glede kulturnih dobrin pod razširjenim varstvom, ki izhaja iz uporabe takih dobrin v podporo vojaškemu delovanju, jim lahko odbor začasno odvzame tak status. Če se take kršitve stalno ponavljajo, lahko odbor izjemoma odpravi status razširjenega varstva s črtanjem kulturne dobrine iz seznama.

3. Generalni direktor takoj pošlje generalnemu sekretarju Združenih narodov in vsem pogodbenicam tega protokola uradno obvestilo o vsaki odločitvi odbora, da začasno odvzame ali odpravi razširjeno varstvo.

4. Preden odbor sprejme tako odločitev, da pogodbenicam možnost, da izrazijo svoje mnenje.

Četrto poglavje

Kazenska odgovornost in jurisdikcija

15. člen

Hude kršitve tega protokola

1. Kaznivo dejanje po tem protokolu stori vsaka oseba, ki naklepno in ob kršenju konvencije ali tega protokola stori katero koli od teh dejanj:

(a) določitev kulturne dobrine pod razširjenim varstvom za cilj napada;

(b) uporaba kulturne dobrine pod razširjenim varstvom ali njihovo neposredno okolico v podporo vojaškemu delovanju;

(c) obsežno uničevanje ali prilaščanje kulturnih dobrin, varovanih po konvenciji ali tem protokolu;

(d) making cultural property protected under the Convention and this Protocol the object of attack;

(e) Theft, pillage or misappropriation of, or acts of vandalism directed against cultural property protected under the Convention.

2. Each Party shall adopt such measures as may be necessary to establish as criminal offences under its domestic law the offences set forth in this Article and to make such offences punishable by appropriate penalties. When doing so, Parties shall comply with general principles of law and international law, including the rules extending individual criminal responsibility to persons other than those who directly commit the act.

Article 16 *Jurisdiction*

1. Without prejudice to paragraph 2, each Party shall take the necessary legislative measures to establish its jurisdiction over offences set forth in Article 15 in the following cases:

(a) when such an offence is committed in the territory of that State;

(b) when the alleged offender is a national of that State;

(c) in the case of offences set forth in Article 15 sub-paragraphs (a) to (c), when the alleged offender is present in its territory.

2. With respect to the exercise of jurisdiction and without prejudice to Article 28 of the Convention:

(a) this Protocol does not preclude the incurring of individual criminal responsibility or the exercise of jurisdiction under national and international law that may be applicable, or affect the exercise of jurisdiction under customary international law;

(b) Except in so far as a State which is not Party to this Protocol may accept and apply its provisions in accordance with Article 3 paragraph 2, members of the armed forces and nationals of a State which is not Party to this Protocol, except for those nationals serving in the armed forces of a State which is a Party to this Protocol, do not incur individual criminal responsibility by virtue of this Protocol, nor does this Protocol impose an obligation to establish jurisdiction over such persons or to extradite them.

Article 17 *Prosecution*

1. The Party in whose territory the alleged offender of an offence set forth in Article 15 sub-paragraphs 1 (a) to (c) is found to be present shall, if it does not extradite that person, submit, without exception whatsoever and without undue delay, the case to its competent authorities, for the purpose of prosecution, through proceedings in accordance with its domestic law or with, if applicable, the relevant rules of international law.

2. Without prejudice to, if applicable, the relevant rules of international law, any person regarding whom proceedings are being carried out in connection with the Convention or this Protocol shall be guaranteed fair treatment and a fair trial in accordance with domestic law and international law at all stages of the proceedings, and in no cases shall be provided guarantees less favorable to such person than those provided by international law.

(d) določitev kulturne dobrine, varovane po konvenciji ali tem protokolu, za cilj napada;

(e) tatvina, ropanje ali nezakonito prilaščanje kulturnih dobrin, varovanih po konvenciji, ali izvajanje vandalizma nad njimi.

2. Vsaka pogodbenica sprejme ukrepe, ki so po njeni oceni potrebni za to, da se kot kazniva dejanja po njeni notranji zakonodaji predvidijo kazniva dejanja, določena v tem členu, ter določi za ta kazniva dejanja ustrezne kazni. Pri tem pogodbenice uresničujejo splošna pravna načela in načela mednarodnega prava, vključno s pravili, ki širijo individualno kazensko odgovornost na osebe, ki niso neposredno storile takih dejanj.

16. člen *Jurisdikcija*

1. Brez vpliva na drugi odstavek prejšnjega člena vsaka pogodbenica sprejme potrebne zakonske ukrepe za vzpostavitev svoje jurisdikcije glede kaznivih dejanj, navedenih v 15. členu, v teh primerih:

(a) če je tako dejanje storjeno na ozemlju te države;

(b) če je domnevni storilec državljan te države;

(c) v primeru kaznivih dejanj, navedenih v pododstavkih (a) do (c) prvega odstavka 15. člena, če je domnevni storilec na njenem ozemlju.

2. Glede izvajanja jurisdikcije in brez vpliva na 28. člen konvencije

(a) ta protokol ne preprečuje določanja individualne kazenske odgovornosti ali izvajanja jurisdikcije po veljavnem notranjem in mednarodnem pravu, niti ne vpliva na izvajanje jurisdikcije po običajnem mednarodnem pravu;

(b) razen v primerih, ko lahko država, ki ni pogodbenica tega protokola, sprejme in uporablja svoje določbe v skladu z drugim odstavkom 3. člena, se pripadnikom oboroženih sil in državljanom države, ki ni pogodbenica tega protokola, razen tistih državljanov, ki služijo v oboroženih silah države, ki je pogodbenica tega protokola, po tem protokolu ne določi individualna kazenska odgovornost, niti ta protokol ne nalaga obveznosti, da se vzpostavi jurisdikcija nad takimi osebami ali da se izročijo.

17. člen *Kazenski pregon*

1. Če pogodbenica, za katero se ugotovi, da je domnevni storilec kaznivega dejanja, navedenega v pododstavkih (a) do (c) prvega odstavka 15. člena tega protokola, na njenem ozemlju, ne izroči te osebe, preda brez izjem in brez zavlačevanja zadevo svojim pristojnim organom zaradi kazenskega pregona po postopkih v skladu s svojim notranjim pravom, ali če je primerno, z ustreznimi pravili mednarodnega prava.

2. Brez vpliva na ustrezna pravila mednarodnega prava, če v takem primeru veljajo, se vsaki osebi, zoper katero je sprožen postopek v zvezi s konvencijo ali s tem protokolom, zagotovita poštena obravnava in pošteno sojenje v skladu z notranjim in mednarodnim pravom na vseh stopnjah postopka, kar pa zanjo ne sme biti v nobenem primeru manj ugodno od jamstva, ki ga zagotavlja mednarodno pravo.

Article 18
Extradition

1. The offences set forth in Article 15 sub-paragraphs 1 (a) to (c) shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the Parties before the entry into force of this Protocol. Parties undertake to include such offences in every extradition treaty to be subsequently concluded between them.

2. When a Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, the requested Party may, at its option, consider the present Protocol as the legal basis for extradition in respect of offences as set forth in Article 15 sub-paragraphs 1 (a) to (c).

3. Parties which do not make extradition conditional on the existence of a treaty shall recognise the offences set forth in Article 15 sub-paragraphs 1 (a) to (c) as extraditable offences between them, subject to the conditions provided by the law of the requested Party.

4. If necessary, offences set forth in Article 15 sub-paragraphs 1 (a) to (c) shall be treated, for the purposes of extradition between Parties, as if they had been committed not only in the place in which they occurred but also in the territory of the Parties that have established jurisdiction in accordance with Article 16 paragraph 1.

Article 19
Mutual legal assistance

1. Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in Article 15, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. Parties shall carry out their obligations under paragraph 1 in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, Parties shall afford one another assistance in accordance with their domestic law.

Article 20
Grounds for refusal

1. For the purpose of extradition, offences set forth in Article 15 sub-paragraphs 1 (a) to (c), and for the purpose of mutual legal assistance, offences set forth in Article 15 shall not be regarded as political offences nor as offences connected with political offences nor as offences inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such offences may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

2. Nothing in this Protocol shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance if the requested Party has substantial grounds for believing that the request for extradition for offences set forth in Article 15 sub-paragraphs 1 (a) to (c) or for mutual legal assistance with respect to offences set forth in Article 15 has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons.

18. člen
Izročitev

1. Za kazniva dejanja, navedena v pododstavkih (a) do (c) prvega odstavka 15. člena se šteje, da spadajo med kazniva dejanja, za katera se zahteva izročitev v vsaki pogodbi o izročitvi, ki obstaja med katero koli pogodbenico, preden je začel veljati ta protokol. Pogodbenice se obvezujejo, da bodo vključile taka kazniva dejanja v vsako nadaljnjo pogodbo o izročitvi, ki jo sklenejo.

2. Ko pogodbenica pogojuje izročitev z obstojem pogodbe, prejme zahtevo za izročitev od druge pogodbenice, s katero nima sklenjene pogodbe o izročitvi, lahko po svoji presoji upošteva ta protokol kot pravno podlago za izročitev glede na kazniva dejanja, navedena v pododstavkih (a) do (c) prvega odstavka 15. člena.

3. Pogodbenice, ki ne pogojujejo izročitve z obstojem pogodbe, priznavajo kazniva dejanja, navedena v pododstavkih (a) do (c) prvega odstavka 15. člena, kot kazniva dejanja, za katera je predvidena izročitev v skladu s pogoji, predvidenimi s predpisi zaprosene pogodbenice.

4. Če je potrebno, se kazniva dejanja, navedena v pododstavkih (a) do (c) prvega odstavka 15. člena glede izročitve med pogodbenicama obravnavajo, kot da so bila storjena ne samo tam, kjer so se zgodila, temveč tudi na ozemlju, nad katerim imajo pogodbenice jurisdikcijo v skladu s prvim odstavkom 16. člena.

19. člen
Vzajemna pravna pomoč

1. Pogodbenice si čim bolj pomagajo pri preiskavah, kazenskem postopku ali postopku izročitve v zvezi s kaznivimi dejanji, navedenimi v 15. členu, vključno s pridobivanjem dokazov, potrebnih za postopek, in jih imajo na razpolago.

2. Pogodbenice izpolnjujejo obveznosti iz prvega odstavka v skladu s pogodbami ali drugimi dogovori o vzajemni pravni pomoči, če so jih sklenile. Če ni takih pogodb ali dogovorov, si pogodbenice med seboj pomagajo v skladu s svojim notranjim pravom.

20. člen
Razlogi za odklonitev

1. Za izročitev se kazniva dejanja, navedena v pododstavkih (a) do (c) prvega odstavka 15. člena, za medsebojno pravno pomoč pa vsa kazniva dejanja, navedena v 15. členu, ne štejejo za politična kazniva dejanja, niti za kazniva dejanja, povezana s političnimi kaznivimi dejanji, niti za kazniva dejanja, povezana s političnimi kaznivimi dejanji, niti za kazniva dejanja iz političnih nagibov. Zato se prošnja za izročitev ali medsebojno pravno pomoč, ki temelji na takih kaznivih dejanjih, ne sme zavrniti zgolj iz razloga, da gre za kaznivo politično dejanje ali kaznivo dejanje, povezano s političnim kaznivim dejanjem, ali za kaznivo dejanje iz političnih nagibov.

2. Nobena določba v tem protokolu se ne sme razlagati tako, kot da nalaga obveznost izročitve ali dajanja medsebojne pravne pomoči, če ima zaprosena pogodbenica tehtne razloge za prepričanje, da se je za izročitev zaradi kaznivih dejanj, navedenih v pododstavkih (a) do (c) prvega odstavka 15. člena, ali za medsebojno pravno pomoč glede kaznivih dejanj, navedenih v 15. členu, zaprosilo zaradi kazenskega pregona ali kaznovanja osebe zaradi njene rase, vere, narodnosti, narodne pripadnosti ali političnega prepričanja ali da bi izpolnitev prošnje škodila položaju te osebe zaradi katerega od teh razlogov.

Article 21

Measures regarding other violations

Without prejudice to Article 28 of the Convention, each Party shall adopt such legislative, administrative or disciplinary measures as may be necessary to suppress the following acts when committed intentionally:

- (a) any use of cultural property in violation of the Convention or this Protocol;
- (b) any illicit export, other removal or transfer of ownership of cultural property from occupied territory in violation of the Convention or this Protocol.

Chapter 5

The protection of cultural property in armed conflicts not of an international character

Article 22

Armed conflicts not of an international character

1. This Protocol shall apply in the event of an armed conflict not of an international character, occurring within the territory of one of the Parties.

2. This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature.

3. Nothing in this Protocol shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.

4. Nothing in this Protocol shall prejudice the primary jurisdiction of a Party in whose territory an armed conflict not of an international character occurs over the violations set forth in Article 15.

5. Nothing in this Protocol shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the Party in the territory of which that conflict occurs.

6. The application of this Protocol to the situation referred to in paragraph 1 shall not affect the legal status of the parties to the conflict.

7. UNESCO may offer its services to the parties to the conflict.

Chapter 6

Institutional Issues

Article 23

Meeting of the Parties

1. The Meeting of the Parties shall be convened at the same time as the General Conference of UNESCO, and in co-ordination with the Meeting of the High Contracting Parties, if such a meeting has been called by the Director-General.

2. The Meeting of the Parties shall adopt its Rules of Procedure.

3. The Meeting of the Parties shall have the following functions:

- (a) to elect the Members of the Committee, in accordance with Article 24 paragraph 1;
- (b) to endorse the Guidelines developed by the Committee in accordance with Article 27 sub-paragraph 1(a);
- (c) to provide guidelines for, and to supervise the use of the Fund by the Committee;

21. člen

Ukrepi glede drugih kršitev

Brez vpliva na 28. člen konvencije vsaka pogodbenica sprejme take zakonske, upravne ali disciplinske ukrepe, ki so po njenem mnenju nujni za preprečitev teh dejanj, če so storjena naklepno:

- (a) kakršna koli uporaba kulturnih dobrin, ki krši konvencijo ali ta protokol;
- (b) kakršen koli nezakonit izvoz, drugačna premestitev ali prenos lastništva kulturnih dobrin z zasedenega ozemlja, ki krši konvencijo ali ta protokol.

Peto poglavje

Varstvo kulturnih dobrin med nemednarodnimi oboroženimi spopadi

22. člen

Oboroženi nemednarodni spopadi

1. Ta protokol se uporablja v primeru nemednarodnega oboroženega spopada in spopada, do katerega pride na ozemlju ene od pogodbenic.

2. Ta protokol se ne uporablja ob notranjih nemirih in napetostih, kot so izgredi, posamična in občasna nasilna dejanja, in drugih podobnih dejanjih.

3. Na nobeno določbo v tem protokolu se ni mogoče sklicevati z namenom, da bi vplivali na suverenost države ali odgovornost vlade, da z vsemi zakonitimi sredstvi ohranja ali znova vzpostavi javni red ali da brani enotnost in ozemeljsko celovitost države.

4. Nobena določba v tem protokolu ne sme vplivati na jurisdikcijo pogodbenice, na ozemlju katere pride do nemednarodnega oboroženega spopada glede kršitev, navedenih v 15. členu.

5. Na nobeno določbo v tem protokolu se ni mogoče sklicevati kot na opravičilo za posreden ali neposreden poseg v oborožen spopad ali notranje ali zunanje zadeve pogodbenice na ozemlju, na katerem pride do spopada, ne glede na razlog.

6. Uporaba tega protokola v primeru, navedenem v prvem odstavku, ne vpliva na pravni položaj strani v spopadu.

7. Unesco lahko stranem v spopadu ponudi svoje storitve.

Šesto poglavje

Institucionalne zadeve

23. člen

Sestanki pogodbenic

1. Sestanek pogodbenic se skliče hkrati z Generalno konferenco Unesca ter je skrajana s sestankom visokih pogodbenic, če ga je generalni direktor sklical.

2. Na sestanku pogodbenic se sprejme poslovnik.

3. Na sestanku pogodbenic se opravijo te naloge:

- (a) volijo se člani odbora v skladu s prvim odstavkom 24. člena;
- (b) sprejmejo se smernice, ki jih je v skladu s pododstavkom (a) prvega odstavka 27. člena sestavil odbor;
- (c) določijo se smernice odboru, kako naj uporablja sredstva sklada in zagotavlja nadzor nad tem;

(d) to consider the report submitted by the Committee in accordance with Article 27 sub-paragraph 1(d);

(e) to discuss any problem related to the application of this Protocol, and to make recommendations, as appropriate.

4. At the request of at least one-fifth of the Parties, the Director-General shall convene an Extraordinary Meeting of the Parties.

Article 24

Committee for the Protection of Cultural Property in the Event of Armed Conflict

1. The Committee for the Protection of Cultural Property in the Event of Armed Conflict is hereby established. It shall be composed of twelve Parties which shall be elected by the Meeting of the Parties.

2. The Committee shall meet once a year in ordinary session and in extra-ordinary sessions whenever it deems necessary.

3. In determining membership of the Committee, Parties shall seek to ensure an equitable representation of the different regions and cultures of the world.

4. Parties members of the Committee shall choose as their representatives persons qualified in the fields of cultural heritage, defence or international law, and they shall endeavour, in consultation with one another, to ensure that the Committee as a whole contains adequate expertise in all these fields.

Article 25

Term of office

1. A Party shall be elected to the Committee for four years and shall be eligible for immediate re-election only once.

2. Notwithstanding the provisions of paragraph 1, the term of office of half of the members chosen at the time of the first election shall cease at the end of the first ordinary session of the Meeting of the Parties following that at which they were elected. These members shall be chosen by lot by the President of this Meeting after the first election.

Article 26

Rules of procedure

1. The Committee shall adopt its Rules of Procedure.

2. A majority of the members shall constitute a quorum. Decisions of the Committee shall be taken by a majority of two-thirds of its members voting.

3. Members shall not participate in the voting on any decisions relating to cultural property affected by an armed conflict to which they are parties.

Article 27

Functions

1. The Committee shall have the following functions:

(a) to develop Guidelines for the implementation of this Protocol;

(b) to grant, suspend or cancel enhanced protection for cultural property and to establish, maintain and promote the List of Cultural Property under Enhanced Protection;

(c) to monitor and supervise the implementation of this Protocol and promote the identification of cultural property under enhanced protection;

(d) to consider and comment on reports of the Parties, to seek clarifications as required, and prepare its own report on the implementation of this Protocol for the Meeting of the Parties;

(d) obravnava se poročilo odbora v skladu s pododstavkom (d) prvega odstavka 27. člena;

(e) razpravlja se o katerem koli drugem vprašanju v zvezi z izvajanjem tega protokola in dajejo se priporočila, če je to ustrezno.

4. Izredni sestanek pogodbenic skliče generalni direktor na zahtevo najmanj ene petine pogodbenic.

24. člen

Odbor za varstvo kulturnih dobrin v primeru oboroženega spopada

1. Ustanovi se Odbor za varstvo kulturnih dobrin v primeru oboroženega spopada. Sestavlja ga dvanajst pogodbenic, ki so izvoljene na sestanku pogodbenic.

2. Odbor se sestaja enkrat letno na redni seji, in kadar je potrebno, na izredni seji.

3. Pri opredeljevanju članstva odbora si pogodbenice prizadevajo zagotoviti enakopravno zastopanost različnih regij in kultur sveta.

4. Pogodbenice članice odbora izberejo za svoje predstavnike osebe, usposobljene za kulturno dediščino, obrambo ali mednarodno pravo, ter si ob medsebojnem posvetovanju prizadevajo zagotoviti, da ima odbor kot celota dovolj strokovnega znanja na vseh teh področjih.

25. člen

Mandat

1. Pogodbenica je izvoljena za članico odbora za štiri leta in je lahko ponovno izvoljena le enkrat.

2. Ne glede na določbe prvega odstavka mandat polovice članic, izvoljenih na prvih volitvah, preneha ob koncu prvega rednega zasedanja sestanka pogodbenic, ki sledi tistemu, na katerem so bile izvoljene. Te članice so izbrane z žrebom predsednika tega sestanka po prvih volitvah.

26. člen

Poslovnik

1. Odbor sprejme svoj poslovnik.

2. Za sklepčnost sestanka je potrebna navzočnost večine članic. Odločitve odbora se sprejemajo z dvetretjinsko večino članic, ki glasujejo.

3. Članice odbora ne sodelujejo pri glasovanju o katerih koli odločitvah glede kulturnih dobrin, ki jih prizadene oborožen spopad, v katerem so udeležene.

27. člen

Naloge

1. Odbor ima te naloge:

(a) sestavlja smernice za izvajanje tega protokola

(b) odobrava, začasno odvzema ali odpravlja razširjeno varstvo za kulturne dobrine in sestavlja, vodi seznam kulturnih dobrin pod razširjenim varstvom in ga predstavlja javnosti;

(c) spremlja in nadzira izvajanje tega protokola in skrbi za opredeljevanje kulturnih dobrin pod razširjenim varstvom ter za seznanjanje javnosti z njimi;

(d) obravnava poročila pogodbenic in izraža svoje mnenje o njih, po potrebi pridobiva pojasnila ter pripravlja poročila o izvajanju tega protokola za skupščino pogodbenic;

(e) to receive and consider requests for international assistance under Article 32;

(f) to determine the use of the Fund;

(g) to perform any other function which may be assigned to it by the Meeting of the Parties.

2. The functions of the Committee shall be performed in co-operation with the Director-General.

3. The Committee shall co-operate with international and national governmental and non-governmental organizations having objectives similar to those of the Convention, its First Protocol and this Protocol. To assist in the implementation of its functions, the Committee may invite to its meetings, in an advisory capacity, eminent professional organizations such as those which have formal relations with UNESCO, including the International Committee of the Blue Shield (ICBS) and its constituent bodies. Representatives of the International Centre for the Study of the Preservation and Restoration of Cultural Property (Rome Centre) (ICCROM) and of the International Committee of the Red Cross (ICRC) may also be invited to attend in an advisory capacity.

Article 28 *Secretariat*

The Committee shall be assisted by the Secretariat of UNESCO which shall prepare the Committee's documentation and the agenda for its meetings and shall have the responsibility for the implementation of its decisions.

Article 29

The Fund for the Protection of Cultural Property in the Event of Armed Conflict

1. A Fund is hereby established for the following purposes:

(a) to provide financial or other assistance in support of preparatory or other measures to be taken in peacetime in accordance with, *inter alia*, Article 5, Article 10 sub-paragraph (b) and Article 30; and

(b) to provide financial or other assistance in relation to emergency, provisional or other measures to be taken in order to protect cultural property during periods of armed conflict or of immediate recovery after the end of hostilities in accordance with, *inter alia*, Article 8 sub-paragraph (a).

2. The Fund shall constitute a trust fund, in conformity with the provisions of the financial regulations of UNESCO.

3. Disbursements from the Fund shall be used only for such purposes as the Committee shall decide in accordance with the guidelines as defined in Article 23 sub-paragraph 3(c). The Committee may accept contributions to be used only for a certain programme or project, provided that the Committee shall have decided on the implementation of such programme or project.

4. The resources of the Fund shall consist of:

(a) voluntary contributions made by the Parties;

(b) contributions, gifts or bequests made by:

(i) other States;

(ii) UNESCO or other organizations of the United Nations system;

(iii) other intergovernmental or non-governmental organizations; and

(iv) public or private bodies or individuals;

(c) any interest accruing on the Fund;

(d) funds raised by collections and receipts from events organized for the benefit of the Fund; and

(e) all other resources authorized by the guidelines applicable to the Fund.

(e) sprejema in obravnava zaprosila za mednarodno pomoč v skladu z 32. členom;

(f) določa uporabo sredstev sklada;

(g) opravlja katero koli drugo nalogo, ki mu jo določi sestanek pogodbenic.

2. Naloge odbora se opravljajo v sodelovanju z generalnim direktorjem.

3. Odbor sodeluje z mednarodnimi in državnimi vladnimi in nevladnimi organizacijami, ki imajo podobne cilje, kot so cilji konvencije, njenega prvega protokola in tega protokola. V pomoč pri opravljanju svojih nalog lahko odbor na svoje sestanke kot svetovalce povabi ugledne strokovne organizacije, ki so povezane z Unescom, vključno z Mednarodnim odborom Modrega ščita, in telesa, ki ga sestavljajo. Prav tako lahko k sodelovanju kot svetovalce povabi predstavnike Mednarodnega centra za študij varstva in restavriranja kulturnih dobrin (Rimski center) ter Mednarodnega odbora Rdečega križa.

28. člen *Sekretariat*

Odboru pomaga sekretariat Unesca, ki pripravlja dokumentacijo odbora in dnevni red njegovih sestankov, ter je odgovoren za uresničevanje njegovih sklepov.

29. člen

Sklad za varstvo kulturnih dobrin v primeru oboroženega spopada

1. Ustanovi se sklad z namenom, da:

(a) zagotavlja finančno ali drugo pomoč v podporo pripravljanim ali drugim ukrepom, ki naj se sprejemajo v miru, med drugim v skladu s tistimi iz 5. člena, pododstavka (b) 10. člena in 30. člena ter

(b) zagotavlja finančno ali drugo pomoč v zvezi z nujnimi, začasnimi ali drugimi ukrepi, ki naj se sprejmejo za zavarovanje kulturnih dobrin med oboroženimi spopadi ali obnovo po koncu sovražnosti, med drugim v skladu s tistimi iz pododstavka (a) 8. člena.

2. Sklad vključuje skrbniški sklad v skladu z določbami finančnega pravilnika Unesca.

3. Izplačila iz sklada se uporabljajo samo za namene, ki jih določi odbor v skladu s smernicami iz pododstavka (c) tretjega odstavka 23. člena. Odbor lahko sprejema prispevke, ki naj se uporabljajo samo za določen program ali projekt, če se predhodno odloči za izvedbo takega programa ali projekta.

4. Sredstva sklada vključujejo:

(a) prostovoljne prispevke pogodbenic;

(b) prispevke, darila ali zapuščine

(i) drugih držav;

(ii) Unesca ali drugih organizacij iz sistema Združenih narodov;

(iii) drugih medvladnih ali nevladnih organizacij;

(iv) javnih ali zasebnih organizacij ali posameznikov;

(c) obresti na sredstva sklada;

(d) denarna sredstva, zbrana na prireditvah, organiziranih v korist sklada, in

(e) vsa druga sredstva, določena v smernicah za uporabo sredstev sklada.

Chapter 7
Dissemination of Information and International Assistance

Article 30
Dissemination

1. The Parties shall endeavour by appropriate means, and in particular by educational and information programmes, to strengthen appreciation and respect for cultural property by their entire population.

2. The Parties shall disseminate this Protocol as widely as possible, both in time of peace and in time of armed conflict.

3. Any military or civilian authorities who, in time of armed conflict, assume responsibilities with respect to the application of this Protocol, shall be fully acquainted with the text thereof. To this end the Parties shall, as appropriate:

(a) incorporate guidelines and instructions on the protection of cultural property in their military regulations;

(b) develop and implement, in cooperation with UNESCO and relevant governmental and non-governmental organizations, peacetime training and educational programmes;

(c) communicate to one another, through the Director-General, information on the laws, administrative provisions and measures taken under sub-paragraphs (a) and (b);

(d) communicate to one another, as soon as possible, through the Director-General, the laws and administrative provisions which they may adopt to ensure the application of this Protocol.

Article 31
International cooperation

In situations of serious violations of this Protocol, the Parties undertake to act, jointly through the Committee, or individually, in cooperation with UNESCO and the United Nations and in conformity with the Charter of the United Nations.

Article 32
International assistance

1. A Party may request from the Committee international assistance for cultural property under enhanced protection as well as assistance with respect to the preparation, development or implementation of the laws, administrative provisions and measures referred to in Article 10.

2. A party to the conflict, which is not a Party to this Protocol but which accepts and applies provisions in accordance with Article 3, paragraph 2, may request appropriate international assistance from the Committee.

3. The Committee shall adopt rules for the submission of requests for international assistance and shall define the forms the international assistance may take.

4. Parties are encouraged to give technical assistance of all kinds, through the Committee, to those Parties or parties to the conflict who request it.

Sedmo poglavje
Širjenje informacij in mednarodna pomoč

30. člen
Širjenje informacij

1. Pogodbenice si na ustrezne načine, zlasti pa z izobraževalnimi in informativnimi programi, prizadevajo, da bi njihovo celotno prebivalstvo bolj cenilo in spoštovalo kulturne dobrine.

2. Pogodbenice razširjajo besedilo tega protokola v največji možni meri v miru in času oboroženega spopada.

3. Vsi vojaški ali civilni organi, ki med oboroženim spopadom prevzamejo odgovornosti za uporabo tega protokola, morajo biti v celoti seznanjeni z njegovim besedilom. V ta namen pogodbenice ustrezno:

(a) vključijo smernice in navodila za varstvo kulturnih dobrin v svoje vojaške predpise;

(b) v sodelovanju z Unescom in ustreznimi vladnimi in nevladnimi organizacijami v obdobju miru razvijajo in izvajajo programe usposabljanja in izobraževanja;

(c) po generalnem direktorju si medsebojno sporočajo podatke o zakonih, upravnih predpisih in ukrepih, sprejetih v skladu s pododstavkoma (a) in (b);

(d) v čim krajšem času se po generalnem direktorju med seboj obveščajo o zakonih in upravnih določbah, ki jih sprejemajo za zagotovitev uporabe tega protokola.

31. člen
Mednarodno sodelovanje

Pogodbenice se zavezujejo, da bodo ob resnih kršitvah tega protokola začele ukrepati skupaj prek odbora ali posamično v sodelovanju z Unescom in Združenimi narodi ter v skladu z Ustanovno listino Združenih narodov.

32. člen
Mednarodna pomoč

1. Pogodbenica lahko zaprosi odbor za mednarodno pomoč glede kulturnih dobrin pod razširjenim varstvom kot tudi za pomoč v zvezi s pripravo, razvijanjem ali izvajanjem zakonov, upravnih predpisov in ukrepov, omenjenih v 10. členu tega protokola.

2. Stran v spopadu, ki ni podpisnica tega protokola, vendar sprejema in uporablja določbe tega protokola v skladu z drugim odstavkom 3. člena, lahko zaprosi odbor za ustrezno mednarodno pomoč.

3. Odbor sprejema pravila za predložitev zaprosil za mednarodno pomoč in določa možne oblike mednarodne pomoči.

4. Pogodbenice se spodbujajo, da prek odbora dajejo strokovno pomoč tistim pogodbenicam ali stranem v spopadu, ki za to zaprosijo.

Article 33

Assistance of UNESCO

1. A Party may call upon UNESCO for technical assistance in organizing the protection of its cultural property, such as preparatory action to safeguard cultural property, preventive and organizational measures for emergency situations and compilation of national inventories of cultural property, or in connection with any other problem arising out of the application of this Protocol. UNESCO shall accord such assistance within the limits fixed by its programme and by its resources.

2. Parties are encouraged to provide technical assistance at bilateral or multilateral level.

3. UNESCO is authorized to make, on its own initiative, proposals on these matters to the Parties.

Chapter 8

Execution of this Protocol

Article 34

Protecting Powers

This Protocol shall be applied with the co-operation of the Protecting Powers responsible for safeguarding the interests of the Parties to the conflict.

Article 35

Conciliation procedure

1. The Protecting Powers shall lend their good offices in all cases where they may deem it useful in the interests of cultural property, particularly if there is disagreement between the Parties to the conflict as to the application or interpretation of the provisions of this Protocol.

2. For this purpose, each of the Protecting Powers may, either at the invitation of one Party, of the Director-General, or on its own initiative, propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for the protection of cultural property, if considered appropriate, on the territory of a State not party to the conflict. The Parties to the conflict shall be bound to give effect to the proposals for meeting made to them. The Protecting Powers shall propose for approval by the Parties to the conflict a person belonging to a State not party to the conflict or a person presented by the Director-General, which person shall be invited to take part in such a meeting in the capacity of Chairman.

Article 36

Conciliation in absence of Protecting Powers

1. In a conflict where no Protecting Powers are appointed the Director-General may lend good offices or act by any other form of conciliation or mediation, with a view to settling the disagreement.

2. At the invitation of one Party or of the Director-General, the Chairman of the Committee may propose to the Parties to the conflict a meeting of their representatives, and in particular of the authorities responsible for the protection of cultural property, if considered appropriate, on the territory of a State not party to the conflict.

Article 37

Translations and reports

1. The Parties shall translate this Protocol into their official languages and shall communicate these official translations to the Director-General.

2. The Parties shall submit to the Committee, every four years, a report on the implementation of this Protocol.

33. člen

Pomoč Unesca

1. Pogodbenica se lahko obrne na Unesco za strokovno pomoč pri organiziranju varstva svojih kulturnih dobrin, kot so pripravljalne dejavnosti za varovanje kulturnih dobrin, preventivni in organizacijski ukrepi za nujne primere ter sestavljanje državnih popisov kulturnih dobrin, ali v zvezi s katerim koli drugim vprašanjem, ki izhaja iz uporabe tega protokola. Unesco daje tako pomoč v skladu s svojimi programi in sredstvi.

2. Pogodbenice se spodbujajo, da dajejo strokovno pomoč na dvostranski in večstranski ravni.

3. Unesco je pooblaščen, da na lastno pobudo daje predloge pogodbenicam o teh zadevah.

Osmo poglavje

Izvajanje protokola

34. člen

Sile zaščitnice

Ta protokol se uporablja v sodelovanju s silami zaščitnicami, odgovornimi za varovanje interesov strani v spopadu.

35. člen

Postopek poravnave

1. Sile zaščitnice posredujejo v vseh primerih, za katere menijo, da bi bilo to v interesu kulturnih dobrin, še posebej kadar pride pri uporabi ali razlagi določb tega protokola do nesporazuma med stranmi v spopadu.

2. V ta namen sme vsaka sila zaščitnica na povabilo ene od pogodbenic, generalnega direktorja ali na svojo pobudo predlagati stranem v spopadu, da se njihovi predstavniki in še posebej organi, odgovorni za varstvo kulturnih dobrin, sestanejo, če je le mogoče, na ozemlju države, ki ni stran v spopadu. Strani v spopadu so zavezane, da uresničijo predlog za predlagani sestanek. Sile zaščitnice stranem v spopadu predlagajo v odobritev osebo, ki pripada državi, ki ni stran v spopadu, ali osebo, ki jo predlaga generalni direktor; v tem primeru se ta povabi na sestanek kot predsedujoča oseba.

36. člen

Poravnava v odsotnosti sil zaščitnic

1. V spopadu, v katerem sile zaščitnice niso določene, lahko za rešitev nesporazuma generalni direktor ponudi predloge za rešitev ali kako drugače sodeluje pri poravnavi ali posredovanju.

2. Predsednik odbora lahko na povabilo pogodbenice ali generalnega direktorja predlaga stranem v spopadu sestanek njihovih predstavnikov, še posebej organov, odgovornih za varstvo kulturnih dobrin, če je le mogoče, na ozemlju države, ki ni stran v spopadu.

37. člen

Prevodi in poročila

1. Pogodbenice prevedejo ta protokol v svoje uradne jezike in jih pošljejo generalnemu direktorju.

2. Pogodbenice vsaka štiri leta predložijo odboru poročilo o izvajanju tega protokola.

Article 38

State responsibility

No provision in this Protocol relating to individual criminal responsibility shall affect the responsibility of States under international law, including the duty to provide reparation.

Chapter 9
Final Clauses

Article 39

Languages

This Protocol is drawn up in Arabic, Chinese, English, French, Russian and Spanish, the six texts being equally authentic.

Article 40

Signature

This Protocol shall bear the date of 26 March 1999. It shall be opened for signature by all High Contracting Parties at The Hague from 17 May 1999 until 31 December 1999.

Article 41

Ratification, acceptance or approval

1. This Protocol shall be subject to ratification, acceptance or approval by High Contracting Parties which have signed this Protocol, in accordance with their respective constitutional procedures.

2. The instruments of ratification, acceptance or approval shall be deposited with the Director-General.

Article 42

Accession

1. This Protocol shall be open for accession by other High Contracting Parties from 1 January 2000.

2. Accession shall be effected by the deposit of an instrument of accession with the Director-General.

Article 43

Entry into force

1. This Protocol shall enter into force three months after twenty instruments of ratification, acceptance, approval or accession have been deposited.

2. Thereafter, it shall enter into force, for each Party, three months after the deposit of its instrument of ratification, acceptance, approval or accession.

Article 44

Entry into force in situations of armed conflict

The situations referred to in Articles 18 and 19 of the Convention shall give immediate effect to ratifications, acceptances or approvals of or accessions to this Protocol deposited by the parties to the conflict either before or after the beginning of hostilities or occupation. In such cases the Director-General shall transmit the communications referred to in Article 46 by the speediest method.

Article 45

Denunciation

1. Each Party may denounce this Protocol.

2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General.

38. člen

Odgovornost držav

Nobena določba v tem protokolu ne vpliva na individualno kazensko odgovornost držav po mednarodnem pravu, vključno z dolžnostjo glede zagotovitve vojne odškodnine.

Deveto poglavje
Končne določbe

39. člen

Jeziki

Ta protokol je sestavljen v angleškem, arabskem, francoskem, kitajskem, ruskem in španskem jeziku, pri čemer vseh šest besedil velja kot izvirnik.

40. člen

Podpis

Ta protokol je bil sestavljen 26. marca 1999. Vsem visokim pogodbenicam je na voljo za podpis v Haagu od 17. maja 1999 do 31. decembra 1999.

41. člen

Ratifikacija, sprejetje ali odobritev

1. Ta protokol morajo ratificirati, sprejeti ali odobriti visoke pogodbenice, ki so ga podpisale v skladu s svojimi ustreznimi ustavnimi postopki.

2. Listine o ratifikaciji, sprejetju ali odobritvi so deponirane pri generalnem direktorju.

42. člen

Pristop

1. Ta protokol je vsem drugim visokim pogodbenicam na voljo za pristop od 1. januarja 2000.

2. Pristop se opravi z deponiranjem listine o pristopu pri generalnem direktorju.

43. člen

Začetek veljavnosti

1. Ta protokol začne veljati tri mesece po tem, ko je bilo deponiranih dvajset listin o ratifikaciji, sprejetju, odobritvi ali pristopu.

2. Po tem datumu začne za vsako pogodbenico veljati tri mesece po deponiranju njene listine o ratifikaciji, sprejetju, odobritvi ali pristopu.

44. člen

Začetek veljavnosti v razmerah oboroženega spopada

V razmerah, opredeljenih v 18. ali 19. členu konvencije, začnejo ratifikacije, sprejetja, odobritve ali pristopi k temu protokolu, ki so jih deponirale strani v spopadu pred začetkom sovražnosti ali zasedbo ali po njej, veljati takoj. Generalni direktor o tem čim prej pošlje obvestila v skladu s 46. členom tega protokola.

45. člen

Odpoved

1. Vsaka pogodbenica lahko odpove ta protokol.

2. Odpoved se sporoči s pisnim dokumentom, deponiranim pri generalnem direktorju.

3. The denunciation shall take effect one year after the receipt of the instrument of denunciation. However, if, on the expiry of this period, the denouncing Party is involved in an armed conflict, the denunciation shall not take effect until the end of hostilities, or until the operations of repatriating cultural property are completed, whichever is the later.

Article 46
Notifications

The Director-General shall inform all High Contracting Parties as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, approval or accession provided for in Articles 41 and 42 and of denunciations provided for Article 45.

Article 47
Registration with the United Nations

In conformity with Article 102 of the Charter of the United Nations, this Protocol shall be registered with the Secretariat of the United Nations at the request of the Director-General.

IN FAITH WHEREOF the undersigned, duly authorized, have signed the present Protocol.

DONE at The Hague, this twenty-sixth day of March 1999, in a single copy which shall be deposited in the archives of the UNESCO, and certified true copies of which shall be delivered to all the High Contracting Parties.

3. Odpoved začne veljati leto dni po prejemu dokumenta o odpovedi. Če je pred potekom tega roka pogodbenica, ki odpoveduje ta protokol, vpletena v oboroženi spopad, odpoved začne veljati, šele ko se sovražnosti končajo ali ko se končajo postopki vrnitve kulturnih dobrin v matično državo, kar od tega je kasnejše.

46. člen
Uradna obvestila

Generalni direktor obvesti vse visoke pogodbenice in Združene narode o deponiranju vseh listin o ratifikaciji, sprejetju, odobritvi ali pristopu, predvidenih v 41. in 42. členu, in o odpovedih, predvidenih v 45. členu.

47. člen
Vpis v seznam pri Združenih narodih

Na zahtevo generalnega direktorja se v skladu s 102. členom Ustanovne listine Združenih narodov ta protokol vpiše v seznam pri Sekretariatu Združenih narodov.

Da bi to potrdili, so spodaj podpisani, ki so bili za to pravilno pooblašteni, podpisali ta protokol.

Sestavljeno v Haagu 26. marca 1999 v enem izvodu, ki se deponira v arhivu Unesca in katerega overjene kopije se pošljejo vsem visokim pogodbenicam.

3. člen

Za izvajanje protokola skrbita Ministrstvo za kulturo in Ministrstvo za obrambo.

4. člen

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

Št. 612-04/03-7/1
Ljubljana, dne 2. oktobra 2003
EPA 957-III

Predsednik
Državnega zbora
Republike Slovenije
Borut Pahor l. r.

64. Zakon o ratifikaciji Konvencije o varnosti osebja Združenih narodov in spremljevalnega osebja (MKVOZN)

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

U K A Z**O RAZGLASITVI ZAKONA O RATIFIKACIJI KONVENCIJE O VARNOSTI OSEBJA ZDRUŽENIH NARODOV IN SPREMLJEVALNEGA OSEBJA (MKVOZN)**

Razglašam Zakon o o ratifikaciji Konvencije o varnosti osebja Združenih narodov in spremljevalnega osebja (MKVOZN), ki ga je sprejel Državni zbor Republike Slovenije na seji 2. oktobra 2003.

Št. 001-22-90/03

Ljubljana, dne 10. oktobra 2003

Predsednik
Republike Slovenije
dr. Janez Drnovšek l. r.

Z A K O N**O RATIFIKACIJI KONVENCIJE O VARNOSTI OSEBJA ZDRUŽENIH NARODOV IN SPREMLJEVALNEGA OSEBJA (MKVOZN)**

1. člen

Ratificira se Konvencija o varnosti osebja Združenih narodov in spremljevalnega osebja, sestavljena 9. decembra 1994 v New Yorku.

2. člen

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

C O N V E N T I O N**ON THE SAFETY OF UNITED NATIONS AND ASSOCIATED PERSONNEL**

The States Parties to this Convention, Deeply concerned over the growing number of deaths and injuries resulting from deliberate attacks against United Nations and associated personnel,

Bearing in mind that attacks against, or other mistreatment of, personnel who act on behalf of the United Nations are unjustifiable and unacceptable, by whomsoever committed,

Recognizing that United Nations operations are conducted in the common interest of the international community and in accordance with the principles and purposes of the Charter of the United Nations,

Acknowledging the important contribution that United Nations and associated personnel make in respect of United Nations efforts in the fields of preventive diplomacy, peace-making, peace-keeping, peace-building and humanitarian and other operations,

Conscious of the existing arrangements for ensuring the safety of United Nations and associated personnel, including the steps taken by the principal organs of the United Nations, in this regard,

Recognizing none the less that existing measures of protection for United Nations and associated personnel are inadequate,

Acknowledging that the effectiveness and safety of United Nations operations are enhanced where such operations are conducted with the consent and cooperation of the host State,

K O N V E N C I J A**O VARNOSTI OSEBJA ZDRUŽENIH NARODOV IN SPREMLJEVALNEGA OSEBJA**

Države pogodbenice te konvencije so globoko zaskrbljene nad naraščajočim številom smrti in poškodb, ki so posledica namernih napadov na osebje Združenih narodov in spremljevalno osebje,

upoštevajo, da so napadi na osebje, ki deluje v imenu Združenih narodov, ali kakršno koli drugo grobo ravnanje z njim neopravičljivi in nesprejemljivi ne glede na to, kdo jih zagreši,

ugotavljajo, da se operacije Združenih narodov izvajajo v skupnem interesu mednarodne skupnostititer v skladu z načeli in cilji Ustanovne listine Združenih narodov,

priznavajo pomemben prispevek osebja Združenih narodov in spremljevalnega osebja k prizadevanjem Združenih narodov na področju preventivne diplomacije, vzpostavljanja miru, vzdrževanja miru, utrjevanja miru ter humanitarnih in drugih operacij,

se zavedajo obstoječih dogovorov za zagotavljanje varnosti osebja Združenih narodov in spremljevalnega osebja, vključno z ukrepi, ki so jih v zvezi s tem sprejeli glavni organi Združenih narodov,

prav tako ugotavljajo, da so obstoječi ukrepi za zaščito osebja Združenih narodov in spremljevalnega osebja neprimerni,

priznavajo, da se učinkovitost in varnost operacij Združenih narodov izboljšata tam, kjer se take operacije izvajajo s soglasjem in sodelovanjem države gostiteljice,

Appealing to all States in which United Nations and associated personnel are deployed and to all others on whom such personnel may rely, to provide comprehensive support aimed at facilitating the conduct and fulfilling the mandate of United Nations operations,

Convinced that there is an urgent need to adopt appropriate and effective measures for the prevention of attacks committed against United Nations and associated personnel and for the punishment of those who have committed such attacks,

Have agreed as follows:

Article 1 *Definitions*

For the purposes of this Convention:

(a) "United Nations personnel" means:

(i) Persons engaged or deployed by the Secretary-General of the United Nations as members of the military, police or civilian components of a United Nations operation;

(ii) Other officials and experts on mission of the United Nations or its specialized agencies or the International Atomic Energy Agency who are present in an official capacity in the area where a United Nations operation is being conducted;

(b) "Associated personnel" means:

(i) Persons assigned by a Government or an intergovernmental organization with the agreement of the competent organ of the United Nations;

(ii) Persons engaged by the Secretary-General of the United Nations or by a specialized agency or by the International Atomic Energy Agency;

(iii) Persons deployed by a humanitarian non-governmental organization or agency under an agreement with the Secretary-General of the United Nations or with a specialized agency or with the International Atomic Energy Agency, to carry out activities in support of the fulfilment of the mandate of a United Nations operation;

(c) "United Nations operation" means an operation established by the competent organ of the United Nations in accordance with the Charter of the United Nations and conducted under United Nations authority and control:

(i) Where the operation is for the purpose of maintaining or restoring international peace and security; or

(ii) Where the Security Council or the General Assembly has declared, for the purposes of this Convention, that there exists an exceptional risk to the safety of the personnel participating in the operation;

(d) "Host State" means a State in whose territory a United Nations operation is conducted;

(e) "Transit State" means a State, other than the host State, in whose territory United Nations and associated personnel or their equipment are in transit or temporarily present in connection with a United Nations operation.

Article 2 *Scope of application*

1. This Convention applies in respect of United Nations and associated personnel and United Nations operations, as defined in article 1.

2. This Convention shall not apply to a United Nations operation authorized by the Security Council as an enforcement action under Chapter VII of the Charter of the United Nations in which any of the personnel are engaged as combatants against organized armed forces and to which the law of international armed conflict applies.

pozivajo vse države, kamor je osebje Združenih narodov in spremljevalno osebje napoteno, in vse druge, na katere se tako osebje lahko zanaša, naj zagotovijo celovito podporo za lažje izvajanje in izpolnjevanje mandata operacij Združenih narodov,

so *prepričane*, da je nujno treba sprejeti ustrezne in učinkovite ukrepe za preprečevanje napadov na osebje Združenih narodov in spremljevalno osebje in za kaznovanje tistih, ki so zagrešili take napade, in

so se zato dogovorile:

1. člen *Pomen izrazov*

V tej konvenciji:

a) "osebje Združenih narodov" pomeni:

i) osebe, ki jih generalni sekretar Združenih narodov vključi ali napoti kot člane vojaških, policijskih ali civilnih sestavov operacije Združenih narodov;

ii) druge uradnike ali strokovnjake na misiji Združenih narodov ali njihovih specializiranih agencij ali Mednarodne agencije za jedrsko energijo, ki so po uradni dolžnosti prisotni na območju, na katerem se izvaja operacija Združenih narodov;

b) "spremljevalno osebje" pomeni:

i) osebe, ki jih določi vlada ali medvladna organizacija s soglasjem pristojnega organa Združenih narodov;

ii) osebe, ki jih vključi generalni sekretar Združenih narodov ali specializirana agencija ali Mednarodna agencija za jedrsko energijo;

iii) osebe, ki jih napoti humanitarna nevladna organizacija ali agencija po sporazumu z generalnim sekretarjem Združenih narodov ali s specializirano agencijo ali z Mednarodno agencijo za jedrsko energijo,

da bi opravljale dejavnosti v podporo izpolnjevanja mandata operacije Združenih narodov;

c) "operacija Združenih narodov" pomeni operacijo, ki jo pripravi pristojni organ Združenih narodov v skladu z Ustanovno listino Združenih narodov in se izvaja pod pristojnostjo in nadzorom Združenih narodov:

i) kadar je operacija namenjena vzdrževanju ali ponovni vzpostavitvi mednarodnega miru in varnosti ali

ii) kadar Varnostni svet ali Generalna skupščina za namene te konvencije razglasi, da obstaja izjemno tveganje za varnost osebja, ki sodeluje v operaciji;

d) "država gostiteljica" pomeni državo, na katere ozemlju se izvaja operacija Združenih narodov;

e) "država tranzita" pomeni državo, ki ni država gostiteljica, na ozemlju katere sta osebje Združenih narodov in spremljevalno osebje ali njuna oprema v tranzitu ali sta začasno prisotni v zvezi z operacijo Združenih narodov.

2. člen *Obseg uporabe*

1. Ta konvencija se uporablja za osebje Združenih narodov in spremljevalno osebje ter operacije Združenih narodov, kot so opredeljeni v 1. členu.

2. Ta konvencija se ne uporablja za operacijo Združenih narodov, ki poteka po odločitvi Varnostnega sveta kot izvajanje ukrepov v skladu s VII. poglavjem Ustanovne listine Združenih narodov, v katero so člani osebja vključeni kot borci proti organiziranim oboroženim silam in za katero se uporablja pravo, ki ureja mednarodne oborožene spopade.

*Article 3
Identification*

1. The military and police components of a United Nations operation and their vehicles, vessels and aircraft shall bear distinctive identification. Other personnel, vehicles, vessels and aircraft involved in the United Nations operation shall be appropriately identified unless otherwise decided by the Secretary-General of the United Nations.

2. All United Nations and associated personnel shall carry appropriate identification documents.

*Article 4
Agreements on the status of the operation*

The host State and the United Nations shall conclude as soon as possible an agreement on the status of the United Nations operation and all personnel engaged in the operation including, inter alia, provisions on privileges and immunities for military and police components of the operation.

*Article 5
Transit*

A transit State shall facilitate the unimpeded transit of United Nations and associated personnel and their equipment to and from the host State.

*Article 6
Respect for laws and regulations*

1. Without prejudice to such privileges and immunities as they may enjoy or to the requirements of their duties, United Nations and associated personnel shall:

(a) Respect the laws and regulations of the host State and the transit State; and

(b) Refrain from any action or activity incompatible with the impartial and international nature of their duties.

2. The Secretary-General of the United Nations shall take all appropriate measures to ensure the observance of these obligations.

*Article 7
Duty to ensure the safety and security of United Nations and associated personnel*

1. United Nations and associated personnel, their equipment and premises shall not be made the object of attack or of any action that prevents them from discharging their mandate.

2. States Parties shall take all appropriate measures to ensure the safety and security of United Nations and associated personnel. In particular, States Parties shall take all appropriate steps to protect United Nations and associated personnel who are deployed in their territory from the crimes set out in article 9.

3. States Parties shall cooperate with the United Nations and other States Parties, as appropriate, in the implementation of this Convention, particularly in any case where the host State is unable itself to take the required measures.

*3. člen
Identifikacija*

1. Vojaški in policijski sestavi Združenih narodov in njihova vozila, plovila in zrakoplovi so jasno označeni. Druge osebje, vozila, plovila in zrakoplovi, ki so vključeni v operacijo Združenih narodov, se ustrezno označijo, razen če generalni sekretar Združenih narodov ne odloči drugače.

2. Vse osebje Združenih narodov in spremljevalno osebje imata pri sebi ustrezne identifikacijske listine.

*4. člen
Sporazumi o statusu operacije*

Država gostiteljica in Združeni narodi čim prej sklenejo sporazum o statusu operacije Združenih narodov in osebja, ki je vključeno v operacijo, med drugim tudi z določbami o privilegijih in imunitetah vojaških in policijskih sestavov operacije.

*5. člen
Tranzit*

Država tranzita omogoči neoviran tranzit osebja Združenih narodov in spremljevalnega osebja ter njune opreme na poti v državo gostiteljico in iz nje.

*6. člen
Spoštovanje zakonov in predpisov*

1. Ne glede na privilegije in imunitete, ki jih lahko uživata osebje Združenih narodov in spremljevalno osebje, ali na zahteve glede njunih dolžnosti osebje Združenih narodov in spremljevalno osebje:

a) spoštujeta zakone in predpise države gostiteljice in države tranzita in

b) se vzdržita vsakega dejanja ali dejavnosti, ki ni združljiva z nepristransko in mednarodno naravo njunih dolžnosti.

2. Generalni sekretar Združenih narodov sprejme vse ustrezne ukrepe za zagotovitev spoštovanja teh obveznosti.

*7. člen
Dolžnost zagotoviti varnost osebja Združenih narodov in spremljevalnega osebja*

1. Osebje Združenih narodov in spremljevalno osebje, njuna oprema in prostori ne smejo biti predmet napada ali kakršnega koli dejanja, ki bi jima preprečilo izvrševanja mandata.

2. Države pogodbenice ukrepejo vse potrebno za zagotovitev varnosti osebja Združenih narodov in spremljevalnega osebja. Države pogodbenice še posebej sprejmejo vse ustrezne ukrepe za zaščito osebja Združenih narodov in spremljevalnega osebja, ki sta napoteni na njihovo ozemlje, pred kaznivimi dejanji iz 9. člena.

3. Pri izvajanju te konvencije države pogodbenice, kadar je to primerno, sodelujejo z Združenimi narodi in drugimi državami pogodbenicami, predvsem kadar država gostiteljica sama ne more sprejeti zahtevanih ukrepov.

*Article 8**Duty to release or return United Nations and associated personnel captured or detained*

Except as otherwise provided in an applicable status-of-forces agreement, if United Nations or associated personnel are captured or detained in the course of the performance of their duties and their identification has been established, they shall not be subjected to interrogation and they shall be promptly released and returned to United Nations or other appropriate authorities. Pending their release such personnel shall be treated in accordance with universally recognized standards of human rights and the principles and spirit of the Geneva Conventions of 1949.

*Article 9**Crimes against United Nations and associated personnel*

1. The intentional commission of:

(a) A murder, kidnapping or other attack upon the person or liberty of any United Nations or associated personnel;

(b) A violent attack upon the official premises, the private accommodation or the means of transportation of any United Nations or associated personnel likely to endanger his or her person or liberty;

(c) A threat to commit any such attack with the objective of compelling a physical or juridical person to do or to refrain from doing any act;

(d) An attempt to commit any such attack; and

(e) An act constituting participation as an accomplice in any such attack, or in an attempt to commit such attack, or in organizing or ordering others to commit such attack, shall be made by each State Party a crime under its national law.

2. Each State Party shall make the crimes set out in paragraph 1 punishable by appropriate penalties which shall take into account their grave nature.

*Article 10**Establishment of jurisdiction*

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes set out in article 9 in the following cases:

(a) When the crime is committed in the territory of that State or on board a ship or aircraft registered in that State;

(b) When the alleged offender is a national of that State.

2. A State Party may also establish its jurisdiction over any such crime when it is committed:

(a) By a stateless person whose habitual residence is in that State; or

(b) With respect to a national of that State; or

(c) In an attempt to compel that State to do or to abstain from doing any act.

3. Any State Party which has established jurisdiction as mentioned in paragraph 2 shall notify the Secretary-General of the United Nations. If such State Party subsequently rescinds that jurisdiction, it shall notify the Secretary-General of the United Nations.

4. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the crimes set out in article 9 in cases where the alleged offender is present in its territory and it does not extradite such person pursuant to article 15 to any of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2.

*8. člen**Dolžnost izpustiti ali vrniti osebje Združenih narodov in spremljevalno osebje, ki sta zajeti ali pridržani*

Razen če ni drugače določeno v veljavnem sporazumu o statusu sil, se osebje Združenih narodov ali spremljevalno osebje, kadar je med opravljanjem svojih dolžnosti ujetu ali pridržano in je bila ugotovljena njegova identiteta, ne sme zasliševati in se nemudoma izpusti in vrne Združenim narodom ali drugim ustreznim oblastem. Do izpustitve se z osebjem ravna v skladu s splošno priznanimi standardi s področja človekovih pravic ter z načeli in v duhu Ženevskih konvencij iz leta 1949.

*9. člen**Kazniva dejanja zoper osebje Združenih narodov in spremljevalno osebje*

1. Naklepna dejanja:

a) umora, ugrabitve ali drugega napada na osebo ali svobodo pripadnika osebja Združenih narodov ali spremljevalnega osebja;

b) nasilnega napada na uradne prostore, zasebne prostore ali na prevozna sredstva osebja Združenih narodov ali spremljevalnega osebja, kar bi lahko ogrozilo pripadnika osebja ali njegovo svobodo;

c) grožnje s takim napadom z namenom, da se fizična ali pravna oseba prisilili, da kaj stori ali opusti;

d) poskusa storitve kakega takega napada in

e) dejanja, ki pomenijo sodelovanje kot sostorilec v kakem takem napadu ali poskusu takega napada ali pri organiziranju ali ukazovanju drugim, naj izvršijo tak napad, vsaka država pogodbenica določa kot kaznivo dejanje po svojem notranjem pravu.

2. Vsaka država pogodbenica za kazniva dejanja, navedena v prvem odstavku, določi ustrezne kazni ob upoštevanju resnosti kaznivega dejanja.

*10. člen**Sodna pristojnost*

1. Vsaka država pogodbenica sprejme takšne ukrepe, ki so potrebni za uveljavitev sodne pristojnosti nad kaznivimi dejanji iz 9. člena, v naslednjih primerih:

a) kadar je kaznivo dejanje storjeno na ozemlju te države ali na ladji ali zrakoplovu z registracijo v tej državi;

b) kadar je domnevni storilec državljan te države.

2. Država pogodbenica lahko uveljavi sodno pristojnost nad vsakim kaznivim dejanjem, kadar:

a) ga stori oseba brez državljanstva, ki običajno prebiva v tej državi, ali

b) je storjeno v zvezi z državljanom te države ali

c) je storjeno kot poskus prisiliti to državo, naj kako dejanje stori ali se vzdrži storitve kakega dejanja.

3. Država pogodbenica, ki uveljavi sodno pristojnost iz drugega odstavka, o tem uradno obvesti generalnega sekretarja Združenih narodov. Če se država pogodbenica pozneje odpove sodni pristojnosti, o tem uradno obvesti generalnega sekretarja Združenih narodov.

4. Vsaka država pogodbenica sprejme potrebne ukrepe za uveljavitev sodne pristojnosti v zvezi s kaznivimi dejanji iz 9. člena, kadar je domnevni storilec na njenem ozemlju in ga ne izroči v skladu s 15. členom kateri od držav pogodbenic, ki uveljavlja sodno pristojnost v skladu s prvim ali drugim odstavkom.

5. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

Article 11

Prevention of crimes against United Nations and associated personnel

States Parties shall cooperate in the prevention of the crimes set out in article 9, particularly by:

(a) Taking all practicable measures to prevent preparations in their respective territories for the commission of those crimes within or outside their territories; and

(b) Exchanging information in accordance with their national law and coordinating the taking of administrative and other measures as appropriate to prevent the commission of those crimes.

Article 12

Communication of information

1. Under the conditions provided for in its national law, the State Party in whose territory a crime set out in article 9 has been committed shall, if it has reason to believe that an alleged offender has fled from its territory, communicate to the Secretary-General of the United Nations and, directly or through the Secretary-General, to the State or States concerned all the pertinent facts regarding the crime committed and all available information regarding the identity of the alleged offender.

2. Whenever a crime set out in article 9 has been committed, any State Party which has information concerning the victim and circumstances of the crime shall endeavour to transmit such information, under the conditions provided for in its national law, fully and promptly to the Secretary-General of the United Nations and the State or States concerned.

Article 13

Measures to ensure prosecution or extradition

1. Where the circumstances so warrant, the State Party in whose territory the alleged offender is present shall take the appropriate measures under its national law to ensure that person's presence for the purpose of prosecution or extradition.

2. Measures taken in accordance with paragraph 1 shall be notified, in conformity with national law and without delay, to the Secretary-General of the United Nations and, either directly or through the Secretary-General, to:

(a) The State where the crime was committed;

(b) The State or States of which the alleged offender is a national or, if such person is a stateless person, in whose territory that person has his or her habitual residence;

(c) The State or States of which the victim is a national;

and

(d) Other interested States.

Article 14

Prosecution of alleged offenders

The State Party in whose territory the alleged offender is present shall, if it does not extradite that person, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the law of that State. Those authorities shall take their decision in the same manner as in the case of an ordinary offence of a grave nature under the law of that State.

5. Ta konvencija ne izključuje pristojnosti v kazenskih zadevah, ki se izvaja v skladu z notranjim pravom.

11. člen

Preprečevanje kaznivih dejanj zoper osebje Združenih narodov in spremljevalno osebje

Države pogodbenice sodelujejo pri preprečevanju kaznivih dejanj iz 9. člena predvsem:

a) s sprejetjem vseh izvedljivih ukrepov za preprečevanje priprav na storitev teh kaznivih dejanj na svojem ozemlju ali zunaj njega in

b) z izmenjavo podatkov v skladu s svojim notranjim pravom in z usklajevanjem sprejemanja ustreznih upravnih in drugih ukrepov za preprečevanje storitve teh kaznivih dejanj.

12. člen

Sporočanje podatkov

1. Pod pogoji, predvidenimi v njenem notranjem pravu, država pogodbenica, na katere ozemlju je bilo storjeno kaznivo dejanje iz 9. člena – če ima razlog, da verjame, da je domnevni storilec pobegnil z njenega ozemlja – sporoči generalnemu sekretarju Združenih narodov in neposredno ali prek generalnega sekretarja zadevni državi ali državam vsa ustrezna dejstva v zvezi s storjenim kaznivim dejanjem in vse razpoložljive podatke v zvezi z identiteto domnevnega storilca.

2. Kadar koli je storjeno kaznivo dejanje iz 9. člena, si vsaka država pogodbenica, ki ima podatke o žrtvi in okoliščinah kaznivega dejanja, prizadeva za popoln in hiter prenos takih podatkov generalnemu sekretarju Združenih narodov in zadevni državi ali državam pod pogoji, predvidenimi v njenem notranjem pravu.

13. člen

Ukrepi za zagotovitev pregona ali izročitve

1. Kadar razmere to dovoljujejo, država pogodbenica, na katere ozemlju je prisoten domnevni storilec, sprejme ustrezne ukrepe za zagotovitev prisotnosti te osebe za namen pregona ali izročitve v skladu s svojim notranjim pravom.

2. Ukrepi, sprejeti v skladu s prvim odstavkom, se v skladu z notranjim pravom brez odlašanja uradno sporočijo generalnemu sekretarju Združenih narodov in neposredno ali prek generalnega sekretarja:

a) državi, v kateri je bilo storjeno kaznivo dejanje;

b) državi ali državam, katerih državljan je domnevni storilec, ali če gre za osebo brez državljanstva, državi, na ozemlju katere ima ta oseba svoje običajno prebivališče;

c) državi ali državam, katerih državljan je žrtev, in

d) drugim zainteresiranim državam.

14. člen

Pregon domnevnih storilcev

Država pogodbenica, na ozemlju katere je prisoten domnevni storilec, predloži – če te osebe ne izroči – brez vsakršne izjeme in brez nepotrebne odlašanja to zadevo v obravnavo pristojnim organom za namen pregona po postopkih v skladu z zakoni te države. Ti organi sprejmejo odločitev na enak način kot pri vsaki običajni hujši kršitvi po zakonih te države.

*Article 15**Extradition of alleged offenders*

1. To the extent that the crimes set out in article 9 are not extraditable offences in any extradition treaty existing between States Parties, they shall be deemed to be included as such therein. States Parties undertake to include those crimes as extraditable offences in every extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of those crimes. Extradition shall be subject to the conditions provided in the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize those crimes as extraditable offences between themselves subject to the conditions provided in the law of the requested State.

4. Each of those crimes shall be treated, for the purposes of extradition between States Parties, as if it had been committed not only in the place in which it occurred but also in the territories of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2 of article 10.

*Article 16**Mutual assistance in criminal matters*

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the crimes set out in article 9, including assistance in obtaining evidence at their disposal necessary for the proceedings. The law of the requested State shall apply in all cases.

2. The provisions of paragraph 1 shall not affect obligations concerning mutual assistance embodied in any other treaty.

*Article 17**Fair treatment*

1. Any person regarding whom investigations or proceedings are being carried out in connection with any of the crimes set out in article 9 shall be guaranteed fair treatment, a fair trial and full protection of his or her rights at all stages of the investigations or proceedings.

2. Any alleged offender shall be entitled:

(a) To communicate without delay with the nearest appropriate representative of the State or States of which such person is a national or which is otherwise entitled to protect that person's rights or, if such person is a stateless person, of the State which, at that person's request, is willing to protect that person's rights; and

(b) To be visited by a representative of that State or those States.

*Article 18**Notification of outcome of proceedings*

The State Party where an alleged offender is prosecuted shall communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to other States Parties.

*15. člen**Izročitev domnevnih storilcev*

1. Če za kazniva dejanja iz 9. člena ni predvidena izročitev v kateri od pogodb o izročitvi med državami pogodbenicami, se šteje, da so kot taka vključena v pogodbo. Države pogodbenice se obvezujejo, da bodo ta kazniva dejanja kot izročitvena kazniva dejanja vključile v vsako pogodbo o izročitvi, ki jo bodo sklenile.

2. Če država pogodbenica, ki izročitev pogojuje z obstojem pogodbe, prejme zahtevo za izročitev od druge države pogodbenice, s katero nima pogodbe o izročitvi, lahko po lastni presoji šteje to konvencijo kot pravno podlago za izročitev v zvezi s takimi kaznivimi dejanji. Za izročitev veljajo pogoji, ki jih predvideva zakon zaprosene države.

3. Države pogodbenice, ki izročitve ne pogojujejo z obstojem pogodbe, taka kazniva dejanja med seboj priznavajo kot izročitvena v skladu s pogoji, ki jih predvidevajo zakoni zaprosene države.

4. Za vsako od teh kaznivih dejanj velja za namen izročitve med državami pogodbenicami, kot da bi bilo storjeno ne le na kraju, kjer je bilo storjeno, ampak tudi na ozemljih držav pogodbenic, ki so uveljavile svojo sodno pristojnost v skladu s prvim ali drugim odstavkom 10. člena.

*16. člen**Medsebojna pravna pomoč v kazenskih zadevah*

1. Države pogodbenice si v največji možni meri medsebojno pomagajo v zvezi s kazenskimi postopki, uvedenimi za kazniva dejanja iz 9. člena, vključno s pomočjo pri pridobivanju razpoložljivega dokaznega gradiva, ki je potrebno za postopek. V vseh primerih se uporabljajo zakoni zaprosene države.

2. Določbe prvega odstavka ne vplivajo na obveznosti v zvezi z medsebojno pravno pomočjo, ki je določena s katero koli drugo pogodbo.

*17. člen**Pošteno obravnavanje*

1. Vsaki osebi, ki je v postopku preiskave ali v kazenskem postopku v zvezi s katerim koli kaznivim dejanjem iz 9. člena, se zagotovijo pošteno obravnavanje, pošteno sojenje in polno varstvo njenih pravic na vseh stopnjah preiskave ali postopka.

2. Vsak domnevni storilec ima pravico:

a) da se brez odlašanja pogovori z najbližjim primernim predstavnikom države ali držav, katerih državljan je ta oseba, ali ki je kako drugače upravičen varovati pravice te osebe, ali če je ta oseba brez državljanstva, predstavnikom države, ki je na prošnjo te osebe pripravljena varovati njene pravice, in

b) da ga obišče predstavnik take države ali držav.

*18. člen**Obvestilo o izidu postopka*

Država pogodbenica, v kateri se preganja domnevni storilec, sporoči končni izid postopka generalnemu sekretarju Združenih narodov, ki informacijo posreduje drugim državam pogodbenicam.

Article 19
Dissemination

The States Parties undertake to disseminate this Convention as widely as possible and, in particular, to include the study thereof, as well as relevant provisions of international humanitarian law, in their programmes of military instruction.

Article 20
Savings clauses

Nothing in this Convention shall affect:

(a) The applicability of international humanitarian law and universally recognized standards of human rights as contained in international instruments in relation to the protection of United Nations operations and United Nations and associated personnel or the responsibility of such personnel to respect such law and standards;

(b) The rights and obligations of States, consistent with the Charter of the United Nations, regarding the consent to entry of persons into their territories;

(c) The obligation of United Nations and associated personnel to act in accordance with the terms of the mandate of a United Nations operation;

(d) The right of States which voluntarily contribute personnel to a United Nations operation to withdraw their personnel from participation in such operation; or

(e) The entitlement to appropriate compensation payable in the event of death, disability, injury or illness attributable to peace-keeping service by persons voluntarily contributed by States to United Nations operations.

Article 21
Right of self-defence

Nothing in this Convention shall be construed so as to derogate from the right to act in self-defence.

Article 22
Dispute settlement

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by application in conformity with the Statute of the Court.

2. Each State Party may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by all or part of paragraph 1. The other States Parties shall not be bound by paragraph 1 or the relevant part thereof with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 23
Review meetings

At the request of one or more States Parties, and if approved by a majority of States Parties, the Secretary-General of the United Nations shall convene a meeting of the States Parties to review the implementation of the Convention, and any problems encountered with regard to its application.

19. člen
Seznanjanje

Države pogodbenice se obvezujejo, da bodo to konvencijo razširjale v največjem možnem obsegu in zlasti da bodo proučevanje te konvencije in ustreznih določb mednarodnega humanitarnega prava vključile v svoje programe vojaškega usposabljanja.

20. člen
Omejevalne določbe

Nič v tej konvenciji ne vpliva na:

a) uporabo mednarodnega humanitarnega prava in splošno priznanih standardov človekovih pravic, ki jih vsebujejo mednarodni instrumenti v zvezi z zaščito operacij Združenih narodov ter njihovega osebja in spremljevalnega osebja ali odgovornostjo tega osebja, da spoštuje takšne zakone in standarde;

b) pravice in obveznosti držav v skladu z Ustanovno listino Združenih narodov v zvezi s soglasjem za vstop oseb na njihova ozemlja;

c) obveznost osebja Združenih narodov in spremljevalnega osebja, da delujeta v skladu s pogoji mandata operacije Združenih narodov;

d) pravico držav, ki prostovoljno prispevajo osebje za operacijo Združenih narodov, da prekinejo sodelovanje svojega osebja v taki operaciji, ali

e) upravičenost do ustreznega povračila, izplačljivega v primeru smrti, invalidnosti, poškodbe ali bolezni oseb, ki so jih države prostovoljno napotile v mirovno operacijo Združenih narodov, in je v zvezi s službovanjem v tej operaciji.

21. člen
Pravica do samoobrambe

V tej konvenciji se nič ne razlaga tako, kot da se odstopa od pravice ukrepati v samoobrambi.

22. člen
Reševanje sporov

1. Kakršnen koli spor med dvema ali več državami pogodbenicami v zvezi z razlago ali uporabo te konvencije, ki se ne reši s pogajanjem, se na zahtevo ene od njih predloži v arbitražo. Če se v šestih mesecih od datuma zahteve za arbitražo pogodbenice ne morejo sporazumeti o arbitraži, lahko katera koli od njih predloži spor Meddržavnemu sodišču v skladu s Statutom sodišča.

2. Vsaka država pogodbenica lahko ob podpisu, ratifikaciji, sprejetju, odobritvi te konvencije ali pristopu k njej izjavi, da je prvi odstavek v celoti ali delno ne zavezuje. Drugih držav pogodbenic prvi odstavek ali ustrezen del prvega odstavka ne zavezuje v odnosu do vsake države pogodbenice, ki je izrazila takšen pridržek.

3. Vsaka država pogodbenica, ki je izrazila pridržek v skladu z drugim odstavkom, lahko ta pridržek kadar koli umakne, tako da o tem uradno obvesti generalnega sekretarja Združenih narodov.

23. člen
Pregledni sestanki

Na zahtevo ene ali več držav pogodbenic in če to odobri večina držav pogodbenic, generalni sekretar Združenih narodov skliče sestanek držav pogodbenic, da pregledajo izvajanje konvencije in obravnavajo kakršna koli vprašanja, ki se pojavljajo v zvezi z njeno uporabo.

Article 24
Signature

This Convention shall be open for signature by all States, until 31 December 1995, at United Nations Headquarters in New York.

Article 25
Ratification, acceptance or approval

This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.

Article 26
Accession

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

Article 27
Entry into force

1. This Convention shall enter into force thirty days after twenty-two instruments of ratification, acceptance, approval or accession have been deposited with the Secretary-General of the United Nations.

2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article 28
Denunciation

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.

2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

Article 29
Authentic texts

The original of this 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, who shall send certified copies thereof to all States.

DONE at New York this ninth day of December one thousand nine hundred and ninety-four.

24. člen
Podpis

Ta konvencija je na voljo za podpis vsem državam do 31. decembra 1995 na sedežu Združenih narodov v New Yorku.

25. člen
Ratifikacija, sprejetje ali odobritev

Konvencija se ratificira, sprejme ali odobri. Listine o ratifikaciji, sprejetju ali odobritvi se deponirajo pri generalnem sekretarju Združenih narodov.

26. člen
Pristop

Konvencija je vsaki državi na voljo za pristop. Listine o pristopu se deponirajo pri generalnem sekretarju Združenih narodov.

27. člen
Začetek veljavnosti

1. Konvencija začne veljati trideset dni po tem, ko je bilo pri generalnem sekretarju Združenih narodov deponiranih dvaindvajset listin o ratifikaciji, sprejetju, odobritvi ali pristopu.

2. Za vsako državo, ki ratificira, sprejme, odobri konvencijo ali k njej pristopi po deponiranju dvaindvajsete listine o ratifikaciji, sprejetju, odobritvi ali pristopu, začne konvencija veljati trideseti dan po tem, ko je ta država deponirala svojo listino o ratifikaciji, sprejetju, odobritvi ali pristopu.

28. člen
Odpoved

1. Država pogodbenica lahko to konvencijo odpove s pisnim uradnim obvestilom generalnemu sekretarju Združenih narodov.

2. Odpoved začne veljati eno leto po datumu, ko generalni sekretar Združenih narodov prejme uradno obvestilo.

29. člen
Verodostojnost besedil

Izvirnik konvencije, katere angleško, arabsko, francosko, kitajsko, rusko in špansko besedilo je enako verodostojno, se deponira pri generalnem sekretarju Združenih narodov, ki overjene kopije pošlje vsem državam.

Sestavljeno v New Yorku devetega decembra tisoč devetsto štiriindevetdeset.

3. člen

Za izvajanje konvencije skrbijo Ministrstvo za zunanje zadeve, Ministrstvo za notranje zadeve, Ministrstvo za pravosodje in Ministrstvo za obrambo.

4. člen

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

Št. 212-02/03-4/1
Ljubljana, dne 2. oktobra 2003
EPA 958-III

Predsednik
Državnega zbora
Republike Slovenije
Borut Pahor l. r.

- 65. Zakon o ratifikaciji Letnega sporazuma o financiranju 2003 Posebnega pristopnega programa za kmetijstvo in razvoj podeželja v Republiki Sloveniji (SAPARD) med Komisijo Evropskih skupnosti v imenu Evropske skupnosti in Vlado Republike Slovenije (MSAPAR3)**

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 LETNEGA SPORAZUMA O FINANCIRANJU 2003 POSEBNEGA PRISTOPNEGA PROGRAMA ZA KMETIJSTVO IN RAZVOJ PODEŽELJA V REPUBLIKI SLOVENIJI (SAPARD) MED KOMISIJO EVROPSKIH SKUPNOSTI V IMENU EVROPSKE SKUPNOSTI IN VLADO REPUBLIKE SLOVENIJE (MSAPAR3)

Razglašam Zakon o ratifikaciji Letnega sporazuma o financiranju 2003 Posebnega pristopnega programa za kmetijstvo in razvoj podeželja v Republiki Sloveniji (SAPARD) med Komisijo Evropskih skupnosti v imenu Evropske skupnosti in Vlado Republike Slovenije (MSAPAR3), ki ga je sprejel Državni zbor Republike Slovenije na seji 2. oktobra 2003.

Št. 001-22-92/03
Ljubljana, dne 10. oktobra 2003

Predsednik
Republike Slovenije
dr. Janez Drnovšek l. r.

Z A K O N

O RATIFIKACIJI LETNEGA SPORAZUMA O FINANCIRANJU 2003 POSEBNEGA PRISTOPNEGA PROGRAMA ZA KMETIJSTVO IN RAZVOJ PODEŽELJA V REPUBLIKI SLOVENIJI (SAPARD) MED KOMISIJO EVROPSKIH SKUPNOSTI V IMENU EVROPSKE SKUPNOSTI IN VLADO REPUBLIKE SLOVENIJE (MSAPAR3)

1. člen

Ratificira se Letni sporazum o financiranju 2003 Posebnega pristopnega programa za kmetijstvo in razvoj podeželja v Republiki Sloveniji (SAPARD) med Komisijo Evropskih skupnosti v imenu Evropske skupnosti in Vlado Republike Slovenije, podpisan v Bruslju 22. julija 2003.

2. člen

Letni sporazum se v izvorniku v slovenskem in angleškem jeziku glasi:

**POSEBNI PRISTOPNI PROGRAM ZA
KMETIJSTVO IN RAZVOJ PODEŽELJA
V REPUBLIKI SLOVENIJI**

**SPECIAL ACCESSION PROGRAMME FOR
AGRICULTURE AND RURAL DEVELOPMENT IN THE
REPUBLIC OF SLOVENIA**

**LETNI SPORAZUM O FINANCIRANJU 2003
med
KOMISIJO EVROPSKIH SKUPNOSTI
V IMENU EVROPSKE SKUPNOSTI

in
REPUBLIKO SLOVENIJO**

**ANNUAL FINANCING AGREEMENT 2003
between
THE COMMISSION OF THE EUROPEAN
COMMUNITIES ON BEHALF OF THE EUROPEAN
COMMUNITY
and
THE REPUBLIC OF SLOVENIA**

LETNI SPORAZUM O FINANCIRANJU 2003

ANNUAL FINANCING AGREEMENT 2003

Komisija Evropskih skupnosti, v nadaljevanju imenovana "Komisija", ki nastopa za Evropsko skupnost, v nadaljevanju imenovana "Skupnost", in v njenem imenu,

na eni strani in

Vlada Republike Slovenije, ki nastopa za Republiko Slovenijo, v nadaljevanju imenovana "Republika Slovenija", in v njenem imenu,
na drugi strani

The Commission of the European Communities, hereinafter referred to as "the Commission", acting for and on behalf of the European Community, hereinafter referred to as "the Community"
of the one part, and

The Government of the Republic of Slovenia acting for and on behalf of the Republic of Slovenia, hereinafter referred to as "the Republic of Slovenia"
of the other part,

in skupaj imenovani "pogodbenci",

and together jointly referred to as "the Contracting Parties",

STA SE

Whereas:

glede na to, da

(1) je bil z Uredbo Sveta (ES) št. 1268/1999 o podpori Skupnosti za predpristopne ukrepe za kmetijstvo in razvoj podeželja v državah prosilkah Srednje in Vzhodne Evrope v predpristopnem obdobju ustanovljen Posebni predpristopni program za kmetijstvo in razvoj podeželja (v nadaljevanju imenovan "SAPARD")¹, ki predvideva finančni prispevek Skupnosti, kot je bila nazadnje spremenjena z Uredbo (ES) št. 696/2003²;

(1) A Special Accession Programme for Agriculture and Rural Development (hereinafter referred to as "SAPARD") providing for a Community financial contribution has been established by Council Regulation (EC) No 1268/1999 on Community support for pre-accession measures for agriculture and rural development in the Applicant Countries of central and eastern Europe in the pre-accession period¹, as last amended by Regulation (EC) No 696/2003²;

(2) je bil načrt, ki ga je predložila Republika Slovenija, 27. oktobra 2000 odobren kot program za kmetijstvo in razvoj podeželja s sklepom Komisije, sprejetim v skladu s petim odstavkom 4. člena Uredbe (ES) št. 1268/1999;

(2) The plan submitted by the Republic of Slovenia was approved as an Agriculture and Rural Development Programme by a Decision taken in accordance with Article 4 (5) of Regulation (EC) No 1268/1999 on 27 October 2000.

(3) je bil 28. avgusta 2001 sklenjen Večletni sporazum o financiranju med Komisijo, ki nastopa v imenu Skupnosti, in Republiko Slovenijo, kot je bil nazadnje spremenjen z Letnim sporazumom o financiranju 2002 med Komisijo, ki nastopa v imenu Skupnosti, in Republiko Slovenijo (v nadaljevanju imenovan "MAFA") in je v njegovem 2. členu določeno, da se finančna obveznost Skupnosti določi v letnih sporazumih o financiranju;

(3) The Multi-annual Financing Agreement between the Commission acting on behalf of the Community and the Republic of Slovenia, as last amended by the Annual Financing Agreement 2002 between the Commission acting on behalf of the Community and the Republic of Slovenia (hereinafter referred to as "MAFA"), has been concluded on 28 August 2001 and provides in Article 2 that the financial commitment of the Community shall be set out in Annual Financing Agreements;

(4) je treba določiti finančno obveznost Skupnosti za leto 2003 za izvajanje programa za kmetijstvo in razvoj podeželja ter vseh njegovih sprememb (v nadaljevanju imenovan "program") v Republikli Sloveniji in opredeliti obdobje veljavnosti te obveznosti. Zaradi določb Uredbe Komisije (ES) št. 2222/2000 z dne 7. junija 2000 o finančnih pravilih za uporabo Uredbe Sveta (ES) št. 1268/1999 o podpori Skupnosti za predpristopne ukrepe za kmetijstvo in razvoj podeželja v državah prosilkah Srednje in Vzhodne Evrope v predpristopnem obdobju³, kot je bila nazadnje spremenjena z Uredbo (ES) št. 188/2003⁴, je treba podaljšati roke veljavnosti za finančne obveznosti, kot so bili določeni v letnih sporazumih o financiranju za 2000, 2001 in 2002. Iz istega razloga je treba tudi v Večletnem sporazumu o financiranju prilagoditi določbe, ki se nanašajo na vlaganje zahtevkov za plačila Komisije;

(4) It is necessary to set out the Community financial commitment for the year 2003 for the execution of the Agriculture and Rural Development Programme, and any amendments thereof, (hereinafter referred to as "the Programme"), in the Republic of Slovenia, and to state the period of validity of that commitment. Moreover, to reflect the provisions of Commission Regulation (EC) No 2222/2000 of 7 June 2000 laying down financial rules for the application of Council Regulation (EC) No 1268/1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the pre-accession period³, as last amended by Regulation (EC) No 188/2003⁴ it is necessary to increase the time limits of validity of financial commitments set out in the Annual Financing Agreements for 2000, 2001 and 2002. For the same reason it is also necessary to adjust the provisions in the Multi-annual Financing Agreement concerning the submission of applications for payment from the Commission;

(5) je treba upoštevati možnost, da bo Agencija SAPARD še nekaj časa po tem, ko bo Republika Slovenija postala država članica, lahko sklepala pogodbe z upravičenci. Poskrbeti je treba, da bodo zahteve v teh pogodbah odražale spremembo statusa Republike Slovenije;

(5) Account must be taken of the prospect that for a certain period after the Republic of Slovenia has become a Member State the SAPARD Agency may enter into contracts with beneficiaries. Provision needs to be made so that the requirements of these contracts reflect the change in status of the Republic of Slovenia;

(6) kot splošno pravilo velja, da je treba javna naročila izvajati na način, ki zagotavlja preglednost, nediskriminacijo in delovanje brez konflikta interesov. Zaradi tega bi bilo treba spremeniti ustrezna pravila MAFA;

(6) As a general rule, public procurement procedures should be carried out in a way as to guarantee transparency, non-discrimination and that there are no conflicts of interest. The relevant rules of the MAFA should therefore be amended accordingly;

(7) so se pokazale nedoslednosti v zvezi z MAFA, ki jih je treba rešiti;

(7) Certain inconsistencies relevant to MAFA have come to light that need to be addressed;

DOGOVORILI, KOT SLEDI:

HAVE AGREED AS FOLLOWS:

¹ UL L 161, 26. 6. 1999, str. 87–93.

² UL L 99, 17. 4. 2003, str. 24.

³ UL L 253, 7. 10. 2000, str. 5.

⁴ UL L 27, 1. 2. 2003, str. 14.

¹ OJ L 161, 26. 6. 1999, p. 87 - 93.

² OJ L 99, 17. 4. 2003, p. 24.

³ OJ L 253, 7. 10. 2000, p. 5.

⁴ OJ L 27, 1. 2. 2003, p. 14.

1. člen
Cilj

Ta sporazum določa finančno obveznost Skupnosti za Republiko Slovenijo za leto 2003. Spreminja tudi Večletni sporazum o financiranju, podpisan 5. marca 2001, kot je bil spremenjen, in letne sporazume o financiranju 2000, 2001 in 2002.

2. člen
Obveznost

Finančni prispevek Skupnosti za leto 2003 je omejen na 6.824.462 EUR. Ta obveznost velja le za izvajanje programa, kot je bil spremenjen, v skladu z Večletnim sporazumom o financiranju med Skupnostjo in Republiko Slovenijo.

3. člen
Obdobje obveznosti

Komisija bo samodejno ukinila vsak del obveznosti, navedene v 2. členu, ki ne bo poravnani s plačilom na račun ali za katerega ne bo prejela sprejemljivega zahtevka za plačilo, najpozneje do 31. decembra 2006.

Po datumu, ko bo Republika Slovenija sklenila pogodbe o oblikah pomoči za razvoj podeželja Republike Slovenije kot članica Evropske unije, ne sme agencija SAPARD z nobenim upravičencem skleniti nobene pogodbe glede sredstev Skupnosti po tem sporazumu.

4. člen
Sprememba Letnega sporazuma o financiranju 2000

3. člen Letnega sporazuma o financiranju 2000, sklenjenega med Komisijo in Republiko Slovenijo, se nadomesti z naslednjim:

“3. člen
Obdobje obveznosti

Komisija bo samodejno ukinila vsak del obveznosti, navedene v 2. členu, ki ne bo poravnani s plačilom na račun ali za katerega ne bo prejela sprejemljivega zahtevka za plačilo, najpozneje do 31. decembra 2004.

Po datumu, ko bo Republika Slovenija sklenila pogodbe o oblikah pomoči za razvoj podeželja Republike Slovenije kot članica Evropske unije, ne sme agencija SAPARD z nobenim upravičencem skleniti nobene pogodbe glede sredstev Skupnosti po tem sporazumu.“

5. člen
Sprememba Letnega sporazuma o financiranju 2001

3. člen Letnega sporazuma o financiranju 2001, sklenjenega med Komisijo in Republiko Slovenijo, se nadomesti z naslednjim:

“3. člen
Obdobje obveznosti

Komisija bo samodejno ukinila vsak del obveznosti, navedene v 2. členu, ki ne bo poravnani s plačilom na račun ali za katerega ne bo prejela sprejemljivega zahtevka za plačilo, najpozneje do 31. decembra 2005.

Po datumu, ko bo Republika Slovenija sklenila pogodbe o oblikah pomoči za razvoj podeželja Republike Slovenije kot članica Evropske unije, ne sme agencija SAPARD z nobenim upravičencem skleniti nobene pogodbe glede sredstev Skupnosti po tem sporazumu.“

Article 1
Objective

This Agreement sets out the Community financial commitment for the Republic of Slovenia for the year 2003. It also modifies the Multi-annual Financing Agreement signed on 5 March 2001, as amended, as well as the Annual Financing Agreements 2000, 2001 and 2002.

Article 2
Commitment

The financial contribution of the Community for the year 2003 is limited to 6.824.462 EUR. This commitment is valid only for execution of the Programme, as amended, in conformity with the Multi-annual Financing Agreement between the Community and the Republic of Slovenia.

Article 3
Period of commitment

The Commission shall automatically decommit any part of the commitment referred to in Article 2 which has not been settled by a payment on account, or for which it has not received an acceptable payment application, by 31 December 2006 at the latest.

No contract involving Community funds relating to this Agreement shall be entered into by the SAPARD Agency with any beneficiary later than the date the Republic of Slovenia enters into contracts involving a form of assistance for Rural Development for the Republic of Slovenia as a member of the European Union.

Article 4
Amendment of the Annual Financing Agreement 2000

Article 3 of the Annual Financing Agreement 2000, concluded between the Commission and the Republic of Slovenia, is replaced by the following:

“Article 3
Period of commitment

The Commission shall automatically decommit any part of the commitment referred to in Article 2 which has not been settled by a payment on account, or for which it has not received an acceptable payment application, by 31 December 2004 at the latest.

No contract involving Community funds relating to this Agreement shall be entered into by the SAPARD Agency with any beneficiary later than the date the Republic of Slovenia enters into contracts involving a form of assistance for Rural Development for the Republic of Slovenia as a member of the European Union.”

Article 5
Amendment of the Annual Financing Agreement 2001

Article 3 of the Annual Financing Agreement 2001, concluded between the Commission and the Republic of Slovenia is replaced by the following:

“Article 3
Period of commitment

The Commission shall automatically decommit any part of the commitment referred to in Article 2 which has not been settled by a payment on account, or for which it has not received an acceptable payment application, by 31 December 2005 at the latest.

No contract involving Community funds relating to this Agreement shall be entered into by the SAPARD Agency with any beneficiary later than the date the Republic of Slovenia enters into contracts involving a form of assistance for Rural Development for the Republic of Slovenia as a member of the European Union.”

6. člen**Sprememba Letnega sporazuma o financiranju 2002**

3. člen Letnega sporazuma o financiranju 2002, sklenjenega med Komisijo in Republiko Slovenijo, se nadomesti z naslednjim:

“3. člen**Obdobje obveznosti**

Komisija bo samodejno ukinila vsak del obveznosti, navedene v 2. členu, ki ne bo poravnani s plačilom na račun ali za katerega ne bo prejela sprejemljivega zahtevka za plačilo, najpozneje do 31. decembra 2006.

Po datumu, ko bo Republika Slovenija sklenila pogodbe o oblikah pomoči za razvoj podeželja Republike Slovenije kot članica Evropske unije, ne sme agencija SAPARD z nobenim upravičencem skleniti nobene pogodbe glede sredstev Skupnosti po tem sporazumu.“

7. člen**Sprememba Večletnega sporazuma o financiranju**

Večletni sporazum o financiranju se spremeni, kot sledi:

1. V razdelku A se prvi odstavek 9. člena nadomesti z naslednjim:
“1. Agencija SAPARD četrtno predloži zahtevke za plačilo v skladu s obrazcem D-1 iz razdelka D, ki jih nacionalni odredbodajalec v imenu Republike Slovenije podpiše in overi ter pošlje Komisiji v enem mesecu po koncu vsakega četrtnja. Dodatni zahtevki pa se lahko predložijo samo, če je to utemeljeno zaradi tveganja, da bi bila sredstva na evro računu SAPARD izčrpana, preden bi bil obdelan zahtevek za naslednje četrtnje, ali če obstaja tveganje, da bi bila obveznost ukinjena na podlagi določb ustreznega letnega sporazuma o financiranju.“
2. V razdelku A se v sedmem odstavku 11. člena besede “do 30. septembra” nadomestijo z besedami “pred 30. septembrom”.
3. V razdelku A se v prvem odstavku 13. člena točka (b) nadomesti z naslednjim:
“(b) prepreči in rešuje sume in dejanske primere goljufij in nepravilnosti,“
4. V razdelku A se v 14. členu točka 2.6 nadomesti z naslednjim:
“2.6. Pravila za javna naročila storitev, del in blaga v Republiki Sloveniji morajo biti pregledna, nediskriminacijska in taka, da ne sprožajo konflikta interesov. Biti morajo skladna s pravili, določenimi v priložni Skupnosti z naslovom Pogodbe o nabavi storitev, blaga in del, sklenjene v okviru sodelovanja Skupnosti za tretje države⁵. Ne uporablja pa se zahteva za predhodno odobritev Komisije, ki jo vsebuje omenjeni priložnik. Storitve, dela in blago, ki se naročijo, morajo biti po poreklu iz Skupnosti ali iz držav, navedenih v zap. št. 8 razdelka F. Postopki javnih naročil, ki se začnejo po pristopu k Evropski uniji, pa morajo biti izvedeni v skladu z zakonodajo Skupnosti.“

Article 6**Amendment of the Annual Financing Agreement 2002**

Article 3 of the Annual Financing Agreement 2002, concluded between the Commission and the Republic of Slovenia, is replaced by the following:

“Article 3**Period of commitment**

The Commission shall automatically decommit any part of the commitment referred to in Article 2 which has not been settled by a payment on account, or for which it has not received an acceptable payment application, by 31 December 2006 at the latest.

No contract involving Community funds relating to this Agreement shall be entered into by the SAPARD Agency with any beneficiary later than the date the Republic of Slovenia enters into contracts involving a form of assistance for Rural Development for the Republic of Slovenia as a member of the European Union.”

Article 7**Amendment of the Multi-annual Financing Agreement**

The Multi-annual Financing Agreement is amended as follows:

1. In Article 9 of Section A, paragraph 1 is replaced by the following:
“1. The SAPARD Agency shall, on a quarterly basis, present payment applications in accordance with the Form D-1 as set out in Section D, signed and certified, and transmitted by the National Authorising Officer, on behalf of the Republic of Slovenia, to the Commission within one month of the end of each quarter. However, supplementary applications may be submitted only if justified on the basis of the risk of the net balance in the SAPARD euro account being exhausted before the next quarterly application has been processed or if there is a risk of decommitment being invoked pursuant to the provisions of the relevant Annual Financing Agreement.”
2. In Article 11 of Section A, the reference in paragraph 7 to “by 30 September” is replaced by “before 30 September”.
3. In Article 13 of Section A, point 1 (b) is replaced by the following:
“(b) prevent and deal with suspected and actual cases of fraud and irregularities.”
4. In Article 14 of Section A, point 2.6 is replaced by the following:
“2.6. The rules for the procurement by public bodies of services, works and supplies in the Republic of Slovenia shall be transparent, non-discriminatory and give rise to no conflicts of interest. They shall be consistent with the rules set out in the Commission manual entitled “Service, Supply, and Work Contracts concluded within the Framework of Community Co-operation for the Third Countries⁵”. However, the requirements for ex-ante approval by the Commission included therein shall not apply. The services, works, and supplies procured shall originate in the Community or in the countries referred to in Item 8 of Section F. However public procurement procedures initiated from accession to the European Union shall be run in accordance with Community legislation.”

⁵ SEC(1999) 1801/2.

⁵ SEC(1999) 1801/2.

5. V razdelku B se v drugem odstavku 4. člena točka (j) nadomesti z naslednjim:
“(j) splošni stroški določenega projekta, kot so honorarji arhitektov, inženirjev in svetovalcev, sodni in odvetniški stroški, stroški za študije izvedljivosti in ekonomske upravičenosti za pripravo in/ali izvajanje projekta ter stroški za pridobitev patentov in licenc, ki so neposredno povezani s projektom in presegajo 12% vseh upravičenih stroškov projekta brez upoštevanja teh splošnih stroškov;”
6. V dodatku k razdelku E se zadnji odstavek vsakega primera od A do vključno E nadomesti z naslednjim:
“Revizijo smo opravili od DD/MM/LLLL do DD/MM/LLLL. Poročilo o naših ugotovitvah je dostavljeno istega dne kot to potrdilo. To potrdilo vključuje tudi stanje na evro računu SAPARD.”
7. Besedilo zap. št. 5 razdelka F se nadomesti z naslednjim:
“Nepravilnost pomeni vsako kršitev tega sporazuma in z njim povezanih pogodb, ki je posledica dejanja ali opustitve nosilca gospodarske dejavnosti⁶, ki je ali bi lahko zaradi neupravičenega izdatka škodovala splošnemu proračunu Evropskih skupnosti.

Goljufija pomeni vsako namerno dejanje ali opustitev v zvezi z:
(i) uporabo ali predložitvijo lažnih, nepravilnih ali nepopolnih izkazov ali listin, ki so ali bi lahko vplivale na nepravilno dodelitev ali neupravičeno zadržanje sredstev splošnega proračuna Evropskih skupnosti;
(ii) nerazkritjem podatkov ob kršitvi določene obveznosti z enakim učinkom, kot je naveden v (i);

(iii) nepravilno uporabo teh sredstev za druge namene kot za tiste, za katere so bila prvotno dodeljena.”
8. Besedilo zap. št. 6 razdelka F se nadomesti z naslednjim:
“Upravni ukrepi in kazni se lahko uporabijo proti nosilcem gospodarskih dejavnosti, če bi pri svoji dejavnosti z nepravilno uporabo tega sporazuma ali z njim povezanih pogodb skušali oškodovati ali bi oškodovali prispevek Skupnosti, in proti fizičnim ali pravnim osebam, ki so vpletene v nepravilnost ali se od njih pričakuje, da so odgovorne, ker bi jo morale preprečiti.”
5. In Article 4 (2) of Section B, point (j) is replaced by the following:
“(j) general costs for a given project, such as architects’ engineers’ consultants’ and legal fees, costs of feasibility studies for preparing and/or implementing the project, and costs for acquisition of patents and licences, directly related to that project, which exceed 12% of total eligible expenditure excluding these general costs;”
6. In the appendix to Section E the last paragraph of each of the examples A to E inclusive is replaced by the following:
“Our audit was conducted between DD/MM/YYYY and DD/MM/YYYY. A report on our findings is delivered at the same date as the date of this certificate. This certificate also covers the SAPARD euro account.”
7. The text of item 5 of Section F, is replaced by the following:
“Irregularity shall mean any infringement of this Agreement and ensuing contracts resulting from an act or omission by an economic operator⁶, which has, or would have, the effect of prejudicing the general budget of the European Communities by an unjustified item of expenditure.
Fraud shall mean any intentional act or omission relating to:
(i) the use or presentation of false, incorrect or incomplete statements or documents, which has, or could have, as its effect the misappropriation or wrongful retention of funds from the general budget of the European Communities;
(ii) non-disclosure of information in violation of a specific obligation, with the same effect as that referred to under (i);
(iii) the misapplication of such funds for purposes other than those for which they are originally granted.”
8. The text of item 6 of Section F, is replaced by the following:
“Administrative measures and penalties may be applied to economic operators where their activity may have led them via an irregular application of this Agreement or ensuing contracts to attempt to or to harm the Community contribution and also to the natural or legal persons who have been involved in the commission of the irregularity or who are expected to answer for an irregularity to avoid it being committed.”

8. člen Začetek veljavnosti

Ta sporazum začne veljati na dan, ko se pogodbenici uradno obvestita, da so končane vse potrebne formalnosti za njegovo sklenitev.

Article 8 Entry into Force

This Agreement shall enter into force on the date when both Contracting Parties have notified each other of the completion of all necessary formalities for its conclusion.

⁶ Za namene te točke in točke 8 je “nosilec gospodarskih dejavnosti” opredeljen kot vsaka fizična ali pravna oseba ali drug subjekt, ki je priznan po notranjem pravu (zasebniki, podjetja, javne ustanove ali državni, regionalni in lokalni organi oblasti).

⁶ For the purposes of this point and point 8 “economic operator” is defined as all natural or legal persons or other bodies recognised by national law (private individuals, enterprises, public establishments or State regional and local authorities).

9. člen
Podpis

Ta sporazum je sestavljen v dveh izvodih v angleškem in slovenskem jeziku, pri čemer sta obe besedili verodostojni. Pri razhajanju med različicama pa prevlada angleško besedilo.

Sestavljeno v Bruslju na dvaindvajseti dan meseca julija leta dva tisoč tri.

Za Komisijo Evropskih skupnosti:
Franz FISCHLER l. r.
član Komisije

Za Republiko Slovenijo:
Franci BUT l. r.
minister za kmetijstvo, gozdarstvo in prehrano

Article 9
Signature

This agreement shall be drawn up in duplicate in English and in Slovenian, each of these texts being authentic. However in the event of divergence between versions, the English shall prevail.

Done at Brussels, this twenty-second day of July in the year two thousand and three.

For the Commission of the European Communities:
Franz FISCHLER (s)
Member of the Commission

For the Republic of Slovenia:
Franci BUT (s)
Minister of Agriculture, Forestry and Food

3. člen

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

4. člen

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

Št. 411-04/03-12/1
Ljubljana, dne 2. oktobra 2003
EPA 980-III

Predsednik
Državnega zbora
Republike Slovenije
Borut Pahor l. r.

66. Zakon o ratifikaciji Sporazuma o sodelovanju med Vlado Republike Slovenije in Evropsko organizacijo za uporabo meteoroloških satelitov (EUMETSAT) (MEUMETS)

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

U K A Z

O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA O SODELOVANJU MED VLADO REPUBLIKE SLOVENIJE IN EVROPSKO ORGANIZACIJO ZA UPORABO METEOROLOŠKIH SATELITOV (EUMETSAT) (MEUMETS)

Razlašam Zakon o ratifikaciji Sporazuma o sodelovanju med Vlado Republike Slovenije in Evropsko organizacijo za uporabo meteoroloških satelitov (EUMETSAT) (MEUMETS), ki ga je sprejel Državni zbor Republike Slovenije na seji 2. oktobra 2003.

Št. 001-22-88/03
Ljubljana, dne 10. oktobra 2003

Predsednik
Republike Slovenije
dr. Janez Drnovšek l. r.

Z A K O N

O RATIFIKACIJI SPORAZUMA O SODELOVANJU MED VLADO REPUBLIKE SLOVENIJE IN EVROPSKO ORGANIZACIJO ZA UPORABO METEOROLOŠKIH SATELITOV (EUMETSAT) (MEUMETS)

1. člen

Ratificira se Sporazum o sodelovanju med Vlado Republike Slovenije in Evropsko organizacijo za uporabo meteoroloških satelitov (EUMETSAT), podpisan v Ljubljani 9. julija 2003.

2. člen

Sporazum se v izvirniku v slovenskem in angleškem jeziku glasi:

**SPORAZUM
O SODELOVANJU
MED VLADO REPUBLIKE SLOVENIJE IN
EVROPSKO ORGANIZACIJO ZA UPORABO
METEOROLOŠKIH SATELITOV (EUMETSAT)**

**COOPERATING STATE
AGREEMENT
BETWEEN THE GOVERNMENT OF THE
REPUBLIC OF SLOVENIA AND THE EUROPEAN
ORGANISATION FOR THE EXPLOITATION OF
METEOROLOGICAL SATELLITES (EUMETSAT)**

Preambula

Vlada Republike Slovenije (v nadaljevanju "Slovenija")

in

Evropska organizacija za uporabo meteoroloških satelitov, ustanovljena s konvencijo, ki je bila na voljo za podpis v Ženevi 24. maja 1983 in je začela veljati 19. junija 1986, kakor je bila spremenjena s protokolom, priloženim k Sklepu Sveta EUM/C/Res. XXXVI, ki je začel veljati 19. novembra 2000, (v nadaljevanju "EUMETSAT")

sta se

OB UPOŠTEVANJU odločitve Evropske unije na vrhu v Københavnu 13. decembra 2002, da konča pristopna pogajanja s Slovenijo,

OB UPOŠTEVANJU dolgoletnega sodelovanja med evropskimi državami na področju meteorologije v okviru Svetovne meteorološke organizacije (SMO),

Preamble

The Government of the Republic of Slovenia (hereinafter referred to as "Slovenia"),

and

The European Organisation for the Exploitation of Meteorological Satellites, established by the Convention opened for signature in Geneva on 24 May 1983 and entered into force on 19 June 1986, as amended by the Amending Protocol attached to Council Resolution EUM/C/Res. XXXVI, which entered into force on 19 November 2000, (hereinafter referred to as "EUMETSAT"),

TAKING INTO ACCOUNT the decision of the European Union Copenhagen Summit on 13 December 2002 to conclude the accession negotiations with Slovenia,

TAKING INTO ACCOUNT the long-standing cooperation among European countries in the field of meteorology within the framework of the World Meteorological Organization (WMO),

OB UPOŠTEVANJU, da je glavni cilj EUMETSAT vzpostavitev, vzdrževanje in uporaba evropskih sistemov operativnih meteoroloških satelitov, pri čemer je treba čim bolj upoštevati priporočila SMO in dejstvo, da je nadaljnji cilj prispevati k operativnemu spremljanju podnebja in zaznavanju globalnih podnebnih sprememb,

OB UPOŠTEVANJU 2. člena konvencije EUMETSAT, ki spodbuja EUMETSAT k sklepanju sporazumov z državami nečlanicami, da bi dosegli cilje v skladu z meteorološko tradicijo,

GLEDE NA TO, da EUMETSAT želi pospeševati uporabo svojih podatkov, izdelkov in storitev v širšem evropskem prostoru ter poudarja potrebo po povečanju svoje investicijske osnove,

GLEDE NA TO, da je Svet EUMETSAT na svojem 34. sestanku od 24. do 26. junija 1997 opredelil status "sodelujoče države" kot vmesno stopnjo za evropske države, ki želijo postati njegove polnopravne članice,

OB UPOŠTEVANJU dolgoletnega sodelovanja med državno meteorološko in hidrološko službo Slovenije in EUMETSAT,

NA ŽELJO, ki jo je izrazila Slovenija, da postane sodelujoča država EUMETSAT pod pogoji, ki jih je določil Svet EUMETSAT,

DOGOVORILI O TEM:

1. člen Namen

Namen tega sporazuma je zagotoviti dolgoročni stalni okvir za tesno sodelovanje med Slovenijo in EUMETSAT in določiti pravice in obveznosti Slovenije kot sodelujoče države.

2. člen

Dostop do podatkov, izdelkov in storitev EUMETSAT

1. Slovenija ima kot sodelujoča država enake pravice in obveznosti kot države članice EUMETSAT glede dostopa, uporabe in posredovanja podatkov, izdelkov in storitev EUMETSAT.

2. Pogoji za dostop, uporabo in posredovanje podatkov, izdelkov in storitev EUMETSAT so določeni s podatkovno politiko EUMETSAT in jih odobri Svet EUMETSAT. Ti pogoji se lahko razlikujejo za redne in izbirne programe.

3. Podatke tretje strani, ki jih razpošilja EUMETSAT, ali podatke iz sistemov, ki jih je vzpostavil EUMETSAT v sodelovanju s tretjo stranjo, lahko Slovenija uporablja, ima do njih dostop in jih razpošilja le s soglasjem tretje strani.

4. Glede podatkov iz tretjega odstavka bo EUMETSAT podpiral Slovenijo pri pogajanjih s tretjo stranjo o pravicah dostopa in uporabe, ki so enake tistim, ki veljajo za države članice EUMETSAT.

3. člen Svetovalni odbor sodelujočih držav EUMETSAT

1. Slovenija imenuje enega predstavnika iz državne meteorološke in/ali hidrološke službe za člana Svetovalnega odbora sodelujočih držav EUMETSAT (EUMETSAT Advisory Committee of Cooperating States - EACCS), ki je ustanovljen kot pomožno telo Sveta EUMETSAT.

2. Svetovalni odbor EACCS je povabljen, da ga na zasedanjih sveta kot opazovalec zastopa njegov predsednik. Svet lahko tudi odloči, da ga po potrebi povabi na zasedanja drugih pomožnih teles.

BEARING IN MIND that the primary objective of EUMETSAT is to establish, maintain and exploit European systems of operational meteorological satellites, taking into account as far as possible the recommendations of the WMO, and that a further objective is to contribute to the operational monitoring of the climate and the detection of global climatic changes,

BEARING IN MIND Article 2 of the EUMETSAT Convention, which invites EUMETSAT to conclude agreements with non-Member States for the purpose of achieving its objectives and in conformity with meteorological tradition,

CONSIDERING EUMETSAT's wish to promote the use of EUMETSAT data, products and services at a wider European level and stressing the need to extend the EUMETSAT funding base,

CONSIDERING further that the EUMETSAT Council, at its 34th meeting on 24-26 June 1997, has defined the "Cooperating State" status as an intermediate step for European countries wishing to become full EUMETSAT Member States,

TAKING INTO ACCOUNT the long standing cooperation between the national meteorological and hydrological service of Slovenia and EUMETSAT,

FOLLOWING the wish expressed by Slovenia to become a EUMETSAT Cooperating State within the framework conditions established by the EUMETSAT Council,

HAVE AGREED AS FOLLOWS:

Article 1 Purpose

The purpose of this Agreement is to provide a long-term continuing framework for close cooperation between Slovenia and EUMETSAT and to define Slovenia's rights and obligations as a EUMETSAT Cooperating State.

Article 2

Access to EUMETSAT Data, Products and Services

1. As a Cooperating State, Slovenia shall have the same rights and obligations as EUMETSAT Member States concerning access, utilisation and distribution of EUMETSAT data, products and services.

2. The terms and conditions for access, utilisation and distribution of EUMETSAT data, products and services are defined in the EUMETSAT Data Policy and agreed by the EUMETSAT Council. These terms and conditions may distinguish between mandatory and optional programmes.

3. Concerning third party data distributed by EUMETSAT, or data from systems established by EUMETSAT in cooperation with third parties, the access, utilisation and distribution of such data by Slovenia is subject to agreement by the relevant third party.

4. Concerning data referred to in paragraph 3 above, EUMETSAT will support Slovenia in negotiating with the relevant third party access and utilisation rights equivalent to those applicable to EUMETSAT's Member States.

Article 3 EUMETSAT Advisory Committee of Cooperating States

1. Slovenia shall nominate one representative from its National Meteorological and/or Hydrological Service to be a member of the EUMETSAT Advisory Committee of Cooperating States (EACCS), which is established as a subsidiary body of the EUMETSAT Council.

2. The EACCS shall be invited to be represented by its Chairperson, as an observer, at sessions of the Council. Council may also decide to invite the Chairperson of EACCS to subsidiary bodies, if appropriate.

4. člen**Finančni prispevek**

1. Višina finančnega prispevka Slovenije v letne proračune EUMETSAT je enaka polovici finančnega prispevka, ki bi ga Slovenija morala plačati po določbah konvencije EUMETSAT, če bi bila država članica. Ta višina se nanaša na celotno vsoto prispevkov držav članic in sodelujočih držav v proračune EUMETSAT.

2. Letni prispevek Slovenije v nobenem primeru ne more biti nižji od 130.000 EUR.

3. Letni prispevek Slovenije se plačuje v EUR.

4. Način plačila letnega prispevka Slovenije je enak kot za države članice po finančnih pravilih EUMETSAT.

5. Za letni prispevek Slovenije EUMETSAT velja triletno prehodno obdobje, v katerem bodo prispevki Slovenije: prvo leto ena četrtina, drugo ena polovica in tretje tri četrtine prispevka, kot je določen v prvem odstavku. Letni prispevek v prehodnem obdobju ne more biti nižji, kot je najnižji prispevek, določen v drugem odstavku.

6. Slovenija začne prispevati v letne proračune EUMETSAT svoj celotni letni prispevek v letu, ko ta sporazum začne veljati.

5. člen**Odgovornost**

1. Pogodbenici se odpovesta vsem zahtevkom ene proti drugi zaradi kakršne koli škode, povzročene osebam ali lastnini, ki bi izhajala iz tega sporazuma, razen zahtevkom zaradi namernega ali malomarnega ravnanja.

2. EUMETSAT ne jamči za podatke, izdelke in storitve, ki jih zagotavlja ali jih bo zagotovil po tem sporazumu.

6. člen**Reševanje sporov**

1. Pri sporih glede razlage ali izvajanja določil tega sporazuma, ki jih ni mogoče rešiti po mirni poti, se na zahtevo ene pogodbenice uporablja arbitraž.

2. Arbitražno sodišče sestavljajo trije člani. Vsaka stran v sporu imenuje enega razzodnika v dveh mesecih od dneva prejema zahteve, navedene v zgornjem odstavku. Prva dva razzodnika v dveh mesecih od imenovanja drugega razzodnika imenujeta tretjega razzodnika, ki je predsednik arbitražnega sodišča. Če eden od dveh razzodnikov ni imenovan v zahtevanem času, ga na zahtevo stranke v sporu imenuje predsednik Meddržavnega sodišča, ali če ni soglasja med strankama v sporu o slednjem, ga imenuje generalni sekretar Stalnega arbitražnega sodišča. Če predsednik arbitražnega sodišča ni imenovan v zahtevanem času, se uporabi enak postopek.

3. Arbitražno sodišče samo določi svoj sedež in poslovnik.

4. Stranka v sporu krije stroške za razzodnika, za imenovanje katerega je odgovorna, in tudi stroške zastopanja pred sodiščem. Izdatki za predsednika arbitražnega sodišča se enakomerno razdelijo med stranke v sporu.

Article 4**Financial Contribution**

1. The rate of contribution of Slovenia to the EUMETSAT Annual Budgets shall be one half of the rate of contribution that Slovenia would have to pay under the provisions of the EUMETSAT Convention, were it a Member State. This rate shall be applied to the overall amount funded by contributions from Member States and Cooperating States within the EUMETSAT Budgets.

2. The annual contribution of Slovenia shall in no case be lower than 130,000 EUR.

3. The annual contribution of Slovenia shall be paid in EUR.

4. The methods of payment of Slovenia's annual contribution shall be the same as those established for Member States in the EUMETSAT Financial Rules.

5. The annual contribution of Slovenia to EUMETSAT shall be subject to a three-year transition period, during which Slovenia's contribution will be successively one quarter, one half, and three quarters of the contribution as defined in paragraph 1 above. The annual contribution applicable during this transition period shall however not be lower than the minimum contribution defined in paragraph 2 above.

6. Slovenia shall contribute to the EUMETSAT Budgets its whole annual contribution from the year of entry into force of this Agreement.

Article 5**Liability**

1. The Parties hereby waive any of their claims against each other for any injury to persons or damage to property arising out of this Agreement except for claims arising out of wilful or negligent misconduct.

2. EUMETSAT offers no warranty in respect of the data, products and services provided or to be provided pursuant to this Agreement.

Article 6**Settlement of Disputes**

1. Any dispute on the interpretation or implementation of the terms of this Agreement which cannot be settled amicably shall be subject to arbitration at the request of either Party.

2. The Arbitration Tribunal shall consist of three members. Each Party to the dispute shall nominate one arbitrator within a period of two months reckoned from the date of receipt of the request referred to in the paragraph 1 above. The first two arbitrators shall, within a period of two months reckoned from the nomination of the second arbitrator, nominate the third arbitrator, who shall be the Chairman of the Arbitration Tribunal. If one of the two arbitrators has not been nominated within the required period he shall, at the request of either party, be nominated by the President of the International Court of Justice or, if there is no agreement between the Parties to call on the latter, by the Secretary General of the Permanent Court of Arbitration. The same procedure shall apply if the Chairman of the Arbitration Tribunal has not been nominated within the required period.

3. The Arbitration Tribunal shall itself determine its seat and establish its own Rules of Procedure.

4. Each Party shall bear the cost relating to the arbitrator for whose nomination it is responsible, as well as the costs of being represented before the Tribunal. The expenditure relating to the Chairman of the Arbitration Tribunal shall be shared equally by the Parties to the dispute.

5. Razsodbo sprejme arbitražno sodišče z večino glasov svojih članov, ki se ne smejo vzdržati glasovanja. Razsodba je dokončna in zavezujoča za stranki v sporu in ni možnosti pritožbe. Stranki morata nemudoma izpolniti razsodbo. Pri sporih glede pomena ali obsega razsodbe jo razloži arbitražno sodišče na zahtevo katere koli stranke v sporu.

7. člen

Začetek veljavnosti, trajanje, pregled

1. Ta sporazum začne veljati tisti dan, ko EUMETSAT prejme diplomatsko noto, s katero Republika Slovenija sporoči, da je izpolnila pogoje, določene z njeno notranjo zakonodajo, za začetek veljavnosti tega sporazuma. Ta sporazum velja pet let.

2. V tretjem letu po začetku veljavnosti tega sporazuma podpisnici uradno pregledata svoje sodelovanje z namenom, da bi Slovenija pristopila k EUMETSAT kot polnopravna država članica. Izjemoma se lahko preučijo možnosti za podaljšanje tega sporazuma za nadaljnja obdobja.

8. člen

Spremembe

Ta sporazum se lahko spremeni s pisnim soglasjem pogodbenic.

9. člen

Odpoved

1. Ta sporazum se lahko odpove s pisnim obvestilom ene pogodbenice pred koncem obdobja, določenega v prvem odstavku 7. člena.

2. Odpoved začne veljati ob koncu finančnega leta po letu, ko je bilo dano obvestilo.

3. Če Slovenija ne izpolnjuje svojih obveznosti iz tega sporazuma, ga lahko EUMETSAT odpove na podlagi odločitve Sveta EUMETSAT. Ta odločitev se uradno pisno sporoči Sloveniji in začne veljati konec finančnega leta, v katerem je bila sprejeta.

V POTRDI TEV TEGA sta spodaj podpisana, ki sta bila za to pravilno pooblaščenca, podpisala ta sporazum.

Sestavljeno v dveh izvornikih v slovenskem in angleškem jeziku, pri čemer sta besedili enako verodostojni.

V Ljubljani, dne 9. julija 2003

Za Vlado
Republike Slovenije:
mag. Janez Kopač l. r.
minister za okolje, prostor
in energijo

Za EUMETSAT:
dr. Tillmann Mohr l. r.
generalni direktor

5. The award of the Arbitration tribunal shall be made by a majority of its members, who may not abstain from voting. This award shall be final and binding on all Parties to the dispute and no appeal shall lie against it. The Parties shall comply with the award without delay. In the event of a dispute as to its meaning or scope, the Arbitration Tribunal shall interpret it at the request of any Party to the dispute.

Article 7

Entry into Force, Duration, Review

1. This Agreement shall enter into force on the day of receipt by EUMETSAT of the diplomatic note by which the Republic of Slovenia notifies that it has fulfilled the conditions stipulated by its internal legislation for the entering into force of this Agreement. This Agreement shall remain in force for a period of 5 years.

2. During the third year following the entry into force of this Agreement, the Parties shall proceed to a formal review of their cooperation with a view to accession by Slovenia to EUMETSAT as a full Member State. Exceptionally, renewal of this Agreement for further periods may be considered.

Article 8

Amendments

This Agreement may be amended by written agreement between the Parties.

Article 9

Termination

1. This Agreement may be denounced upon written notice by either Party before the end of the period defined in Article 7.1.

2. The denunciation shall take effect at the end of the financial year following that during which it was notified.

3. Should Slovenia fail to fulfil its obligations under this Agreement, EUMETSAT shall be entitled to terminate the Agreement upon decision taken by the EUMETSAT Council. This decision shall be notified to Slovenia in writing and shall take effect at the end of the financial year during which it was taken.

IN WITNESS WHEREOF, the undersigned being duly authorised, have signed this Agreement.

Done in two originals each in the Slovenian and English language, both texts being equally authentic.

In Ljubljana, on 9 Julij 2003

For the Government of the
Republic of Slovenia
Janez Kopač, M. A. (s)
Minister of the Environment,
Spatial Planning and Energy

For EUMETSAT
Dr. Tillmann Mohr (s)
Director-General

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za okolje, prostor in energijo.

4. člen

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

Št. 800-01/03-6/1
Ljubljana, dne 2. oktobra 2003
EPA 941-III

Predsednik
Državnega zbora
Republike Slovenije
Borut Pahor l. r.

67. Zakon o ratifikaciji Evropske konvencije o filmski koprodukciji (MEKFK)

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 EVROPSKE KONVENCIJE O FILMSKI KOPRODUKCIJI
(MEKFK)**

Razglašam Zakon o ratifikaciji Evropske konvencije o filmski koprodukciji (MEKFK), ki ga je sprejel Državni zbor Republike Slovenije na seji 2. oktobra 2003.

Št. 001-22-91/03
Ljubljana, dne 10. oktobra 2003

Predsednik
Republike Slovenije
dr. Janez Drnovšek l. r.

**Z A K O N
O RATIFIKACIJI EVROPSKE KONVENCIJE O FILMSKI KOPRODUKCIJI (MEKFK)**

1. člen

Ratificira se Evropska konvencija o filmski koprodukciji, sprejeta 2. oktobra 1992 v Strasbourgu.

2. člen

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

**EUROPEAN CONVENTION
ON CINEMATOGRAPHIC CO-PRODUCTION****Preamble**

The member States of the Council of Europe and the other States party to the European Cultural Convention, signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members in order, in particular, to safeguard and promote the ideals and principles which form their common heritage;

Considering that freedom of creation and freedom of expression constitute fundamental elements of these principles;

Considering that the defence of cultural diversity of the various European countries is one of the aims of the European Cultural Convention;

Considering that cinematographic co-production, an instrument of creation and expression of cultural diversity on a European scale, should be reinforced;

Determined to develop these principles and recalling the recommendations of the Committee of Ministers on the cinema and the audiovisual field, and particularly Recommendation No. R (86) 3 on the promotion of audiovisual production in Europe;

Acknowledging that the creation of the European Fund for the Support of Co-production and Distribution of Creative Cinematographic and Audiovisual Works, Eurimages, meets the concern encouraging European cinematographic co-production and that a new driving force has thus been given to the development of cinematographic co-productions in Europe;

**EVROPSKA KONVENCIJA
O FILMSKI KOPRODUKCIJI****Preambula**

Države članice Sveta Evrope in druge države pogodbenice Evropske kulturne konvencije, podpisnice te konvencije, so se

glede na to, da je cilj Sveta Evrope doseči večjo enotnost med njegovimi članicami, še zlasti zato, da bi varovali in pospeševali ideale in načela, ki so njihova skupna dediščina;

glede na to, da sta svoboda ustvarjanja in svoboda izražanja temeljni prvini teh načel;

glede na to, da je varovanje kulturne raznovrstnosti posameznih evropskih držav eden od ciljev Evropske kulturne konvencije;

glede na to, da bi morali okrepiti filmsko koprodukcijo kot sredstvo za ustvarjanje in izražanje kulturne raznovrstnosti v evropskem merilu;

odločene, da razvijajo ta načela in sklicujoč se na priporočila Odbora ministrov o filmskem in avdiovizualnem področju in še posebej na Priporočilo št. R (86) 3 o pospeševanju avdiovizualne produkcije v Evropi;

priznavajoč, da ustanovitev Evropskega sklada za podporo koprodukciji in distribuciji ustvarjalnih filmskih in avdiovizualnih del, Euroimages, ustreza skrbi za pospeševanje evropske filmske koprodukcije, kar je dalo novo spodbudo razvoju filmskih koprodukcij v Evropi;

Resolved to achieve this cultural objective thanks to a common effort to increase production and define the rules which adapt themselves to European multilateral cinematographic co-productions as a whole;

Considering that the adoption of common rules tends to decrease restrictions and encourage European co-operation in the field of cinematographic co-production,

Have agreed as follows:

Chapter I – General provisions

Article 1 – Aim of the Convention

The Parties to this Convention undertake to promote the development of European cinematographic co-production in accordance with the following provisions.

Article 2 – Scope

- 1 This Convention shall govern relations between the Parties in the field of multilateral co-productions originating in the territory of the Parties.
- 2 This Convention shall apply:
 - a to co-productions involving at least three co-producers, established in three different Parties to the Convention; and
 - b to co-productions involving at least three co-producers established in three different Parties to the Convention and one or more co-producers who are not established in such Parties. The total contribution of the co-producers who are not established in the Parties to the Convention may not, however, exceed 30% of the total cost of the production.

In all cases, this Convention shall only apply on condition that the co-produced work meets the definition of a European cinematographic work as defined in Article 3, paragraph 3, below.
- 3 The provisions of bilateral agreements concluded between the Parties to this Convention shall continue to apply to bilateral co-productions.

In the case of multilateral co-productions, the provisions of this Convention shall override those of bilateral agreements between Parties to the Convention. The provisions concerning bilateral co-productions shall remain in force if they do not contravene the provisions of this Convention.

- 4 In the absence of any agreement governing bilateral co-production relations between two Parties to this Convention, the Convention shall also apply to bilateral co-productions, unless a reservation has been made by one of the Parties involved under the terms of Article 20.

Article 3 – Definitions

For the purposes of this Convention:

- a the term "cinematographic work" shall mean a work of any length or medium, in particular cinematographic works of fiction, cartoons and documentaries, which complies with the provisions governing the film industry in force in each of the Parties concerned and is intended to be shown in cinemas;
- b the term "co-producers" shall mean cinematographic production companies or producers established in the Parties to this Convention and bound by a co-production contract;
- c the term "European cinematographic work" shall mean a cinematographic work which meets the conditions laid down in Appendix II, which is an integral part of this Convention;

odločene, da dosežejo ta kulturni cilj zahvaljujoč se skupnemu prizadevanju za povečanje produkcije in določitev pravil, ki so prilagojena evropskim večstranskim filmskim koprodukcijam kot celoti;

upoštevajoč, da sprejetje splošnih pravil teži k zmanjšanju omejitev in spodbujanju evropskega sodelovanja na področju filmske koprodukcije;

sporazumele, kot sledi:

I. poglavje – Splošne določbe

1. člen – Cilj konvencije

Pogodbenice te konvencije se obvezujejo, da bodo spodbujale razvoj evropske filmske koprodukcije v skladu s temi določbami.

2. člen – Področje uporabe

1. Ta konvencija ureja odnose med pogodbenicami pri večstranskih koprodukcijah, ki nastajajo na ozemlju pogodbenic.
2. Ta konvencija se nanaša:
 - a. na koprodukcije, pri katerih sodelujejo vsaj trije koproducenti s sedežem v treh različnih pogodbenicah konvencije, in
 - b. na koprodukcije, pri katerih sodelujejo vsaj trije koproducenti s sedežem v treh različnih pogodbenicah konvencije in en ali več koproducentov, ki nimajo sedeža v pogodbenicah. Celoten prispevek koproducentov, ki nimajo sedeža v pogodbenicah konvencije, pa ne sme presegati 30% celotnih stroškov produkcije.

V vsakem primeru se ta konvencija uporablja le, če delo, ustvarjeno v koprodukciji ustreza definiciji evropskega filmskega dela, kot je opredeljena v tretjem odstavku 3. člena.
3. Določbe dvostranskih sporazumov, sklenjenih med pogodbenicami te konvencije, se še naprej uporabljajo za dvostranske koprodukcije.

Če so koprodukcije večstranske, imajo določbe te konvencije prednost pred določbami dvostranskih sporazumov med pogodbenicami te konvencije. Določbe, ki se nanašajo na dvostranske koprodukcije, ostanejo še naprej v veljavi, če niso v nasprotju z določbami te konvencije.

4. Če ni nobenega sporazuma, ki bi urejal dvostranske koprodukcijske odnose med pogodbenicami te konvencije, se uporablja tudi za dvostranske koprodukcije, razen če ni ena od pogodbenic izrazila pridržka pod pogoji, predvidenimi v 20. členu.

3. člen – Pomen izrazov

V tej konvenciji:

- a. izraz "filmsko delo" pomeni delo kakršne koli dolžine in na katerem koli nosilcu besede, slike in zvoka, še zlasti igrane filme, risane in dokumentarne filme, ki je v skladu s predpisi za filmsko industrijo, ki veljajo v vsaki od pogodbenic, in je namenjeno prikazovanju v kinodvoranah.
- b. izraz "koproducenti" pomeni družbe za filmsko produkcijo ali producente s sedežem v pogodbenicah te konvencije, ki jih veže koprodukcijska pogodba;
- c. izraz "evropsko filmsko delo" pomeni filmsko delo, ki ustreza pogojem, določenim v Prilogi II, ki je sestavni del te konvencije;

d the term "multilateral co-production" shall mean a cinematographic work produced by at least three co-producers as defined in Article 2, paragraph 2, above.

d. izraz "večstranska koprodukcija" pomeni filmsko delo, ki so ga izdelali vsaj trije koproducenti, kot je določeno v drugem odstavku 2. člena.

Chapter II – Rules applicable to co-productions

Article 4 – Assimilation to national films

- 1 European cinematographic works made as multilateral co-productions and falling within the scope of this Convention shall be entitled to the benefits granted to national films by the legislative and regulatory provisions in force in each of the Parties to this Convention participating in the co-production concerned.
- 2 The benefits shall be granted to each co-producer by the Party in which the co-producer is established, under the conditions and limits provided for by the legislative and regulatory provisions in force in that Party and in accordance with the provisions of this Convention.

Article 5 – Conditions for obtaining co-production status

- 1 Any co-production of cinematographic works shall be subject to the approval of the competent authorities of the Parties in which the co-producers are established, after consultation between the competent authorities and in accordance with the procedures laid down in Appendix I. This appendix shall form an integral part of this Convention.
- 2 Applications for co-production status shall be submitted for approval to the competent authorities according to the application procedure laid down in Appendix I. This approval shall be final except in the case of failure to comply with the initial undertakings concerning artistic, financial and technical matters.
- 3 Projects of a blatantly pornographic nature or those that advocate violence or openly offend human dignity cannot be accorded co-production status.
- 4 The benefits provided by co-production status shall be granted to co-producers who are deemed to possess adequate technical and financial means, and sufficient professional qualifications.
- 5 Each Contracting State shall designate the competent authorities mentioned in paragraph 2 above by means of a declaration made at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession. This declaration may be modified at any later date.

Article 6 – Proportions of contributions from each co-producer

- 1 In the case of multilateral co-production, the minimum contribution may not be less than 10% and the maximum contribution may not exceed 70% of the total production cost of the cinematographic work. When the minimum contribution is less than 20%, the Party concerned may take steps to reduce or bar access to national production support schemes.
- 2 When this Convention takes the place of a bilateral agreement between two Parties under the provisions of Article 2, paragraph 4, the minimum contribution may not be less than 20% and the largest contribution may not exceed 80% of the total production cost of the cinematographic work.

II. poglavje – Pravila, ki se uporabljajo za koprodukcije

4. člen – Izenačitev z nacionalnimi filmskimi deli

1. Evropska filmska dela, narejena v večstranski koprodukciji, ki spadajo v to konvencijo, so upravičena do ugodnosti, priznane nacionalnim filmskim delom na podlagi zakonodajnih določb in predpisov, veljavnih v vsaki pogodbenici te konvencije, ki sodelujejo pri tej koprodukciji.
2. Vsakemu koproducentu prizna ugodnosti tista pogodbenica, v kateri ima ta koproducent sedež, pod pogoji in v mejah, določenih z zakonodajnimi določbami in predpisi te pogodbenice, veljavnimi v tej pogodbenici, in v skladu s to konvencijo.

5. člen – Pogoji za pridobitev koprodukcijskega statusa

1. Vsako koprodukcijo filmskih del morajo odobriti pristojni organi pogodbenic, v katerih imajo koproducenti svoj sedež, po posvetovanju med pristojnimi organi in v skladu s postopki, določenimi v Prilogi I. Ta priloga je sestavni del te konvencije.
2. Vloge za koprodukcijski status je treba predložiti v odobritev pristojnim organom v skladu s postopkom za predložitev vlog, določenim v Prilogi I. Ta odobritev je dokončna, razen ob nespoštovanju prvotnih obveznosti v zvezi z umetniškimi, finančnimi in tehničnimi zadevami.
3. Projekti očitno pornografske narave, tisti, ki zagovarjajo nasilje, ali tisti, ki odkrito žalijo človeško dostojanstvo, ne morejo dobiti koprodukcijskega statusa.
4. Ugodnosti, ki jih daje koprodukcijski status, se odobrijo koproducentom, za katere se šteje, da so ustrezno tehnično in finančno organizirani in so primerno strokovno usposobljeni.
5. Vsaka država pogodbenica z izjavo ob podpisu ali depoziranju listine o ratifikaciji, sprejetju, odobritvi ali pristopu določi pristojne organe, omenjene v drugem odstavku. Ta izjava se lahko pozneje kadar koli spremeni.

6. člen – Razmerje med deleži koproducentov

1. Pri večstranski koprodukciji najmanjši delež ne sme biti nižji od 10% in največji ne sme preseči 70% celotnih stroškov produkcije filmskega dela. Če je najmanjši delež manjši od 20%, lahko ta pogodbenica ukrene vse potrebno za omejitev ali prepoved dostopa do programov pomoči nacionalni produkciji.
2. Če ta konvencija nadomesti dvostranski sporazum med dvema pogodbenicama v skladu z določbami četrtega odstavka 2. člena, najmanjši delež ne sme biti nižji od 20% in največji ne sme preseči 80% celotnih stroškov produkcije filmskega dela.

Article 7 – Rights of co-producers

- 1 The co-production contract must guarantee to each co-producer joint ownership of the original picture and sound negative. The contract shall include the provision that this negative shall be kept in a place mutually agreed by the co-producers, and shall guarantee them free access to it.
- 2 The co-production contract must also guarantee to each co-producer the right to an internegative or to any other medium of duplication.

Article 8 – Technical and artistic participation

- 1 The contribution of each of the co-producers shall include effective technical and artistic participation. In principle, and in accordance with international obligations binding the Parties, the contribution of the co-producers relating to creative, technical and artistic personnel, cast and facilities, must be proportional to their investment.
- 2 Subject to the international obligations binding the Parties and to the demands of the screenplay, the technical and craft team involved in filming the work must be made up of nationals of the States which are partners in the co-production, and post-production shall normally be carried out in those States.

Article 9 – Financial co-productions

- 1 Notwithstanding the provisions of Article 8, and subject to the specific conditions and limits laid down in the laws and regulations in force in the Parties, co-productions may be granted co-production status under the provisions of this Convention if they meet the following conditions:
 - a include one or more minority contributions which may be financial only, in accordance with the co-production contract, provided that each national share is neither less than 10% nor more than 25% of the production costs;
 - b include a majority co-producer who makes an effective technical and artistic contribution and satisfies the conditions for the cinematographic work to be recognised as a national work in his country;
 - c help to promote a European identity; and
 - d are embodied in co-production contracts which include provisions for the distribution of receipts.
- 2 Financial co-productions shall only qualify for co-production status once the competent authorities have given their approval in each individual case, in particular taking into account the provisions of Article 10 below.

Article 10 – General balance

- 1 A general balance must be maintained in the cinematographic relations of the Parties, with regard both to the total amount invested and the artistic and technical participation in co-production cinematographic works.
- 2 A Party which, over a reasonable period, observes a deficit in its co-production relations with one or more other Parties may, with a view to maintaining its cultural identity, withhold its approval of a subsequent co-production until balanced cinematographic relations with that or those Parties have been restored.

7. člen – Pravice koproducentov

1. Koprodukcijska pogodba mora vsakemu koproducentu zagotoviti solastništvo izvirnega negativa slike in zvoka. Pogodba mora vsebovati določbo, da bo ta negativ shranjen na mestu, o katerem so se producenti med seboj sporazumeli, in jim mora zagotoviti prost dostop do njega.
2. Koprodukcijska pogodba mora vsakemu koproducentu tudi zagotoviti pravico do internegativa ali do kakršnega koli drugega nosilca, ki omogoča reprodukcijo.

8. člen – Tehnično in umetniško sodelovanje

1. Delež vsakega koproducenta mora vključevati tehnično in umetniško sodelovanje. Načeloma in v skladu z mednarodnimi obveznostmi, ki zavezujejo pogodbenice, mora biti delež koproducentov pri ustvarjanem, tehničnem in umetniškem osebju, zasedbi vlog in tehnikih v sorazmerju z njihovim vložkom.
2. Ob upoštevanju mednarodnih obveznosti, ki zavezujejo pogodbenice, in zahtev scenarija, morajo tehnično in umetniško osebje, ki sodeluje pri snemanju filma, sestavljati državljani tistih držav, ki so družabnice v koprodukciji, in tudi postprodukcija se običajno opravi v teh državah.

9. člen – Finančne koprodukcije

1. Ne glede na določbe 8. člena in ob upoštevanju posebnih pogojev in omejitev, določenih v zakonih in predpisih, ki veljajo v pogodbenicah, lahko koprodukcije dobijo koprodukcijski status v skladu z določbami te konvencije, če izpolnjujejo te pogoje:
 - a. vključujejo enega ali več manjših deležev, ki so lahko samo finančni, v skladu s koprodukcijsko pogodbo, če noben nacionalni delež ni nižji od 10% in ne višji od 25% stroškov produkcije;
 - b. vključujejo večinskega koproducenta, ki pomembno tehnično in umetniško prispeva k tej koprodukciji in izpolnjuje pogoje, potrebne, da je filmsko delo v njegovi državi priznано kot nacionalno delo;
 - c. prispeva k potrjevanju evropske identitete in
 - d. so vključene v koprodukcijske pogodbe, ki vsebujejo določbe za razdelitev prihodkov.
2. Finančne koprodukcije so upravičene do koprodukcijskega statusa šele, ko pristojni organi odobrijo vsak posamezen primer, pri čemer še zlasti upoštevajo določbe 10. člena.

10. člen – Splošno ravnotežje

1. Pri filmskih izmenjavah med pogodbenicami je treba ohraniti splošno ravnotežje med celotnim vložnim zneskom in umetniškim in tehničnim sodelovanjem pri koprodukciji filmskih del.
2. Pogodbenica, ki po primernem obdobju ugotovi primanjkljaj v svojih koprodukcijskih odnosih z eno ali več drugimi pogodbenicami, lahko zaradi ohranitve svoje kulturne identitete zadrži svojo odobritev naslednje koprodukcije, dokler s to pogodbenico ali temi pogodbenicami ponovno ne vzpostavi uravnoteženih filmskih odnosov.

Article 11 – Entry and residence

In accordance with the laws and regulations and international obligations in force, each Party shall facilitate entry and residence, as well as the granting of work permits in its territory, of technical and artistic personnel from other Parties participating in a co-production. Similarly, each Party shall permit the temporary import and re-export of equipment necessary to the production and distribution of cinematographic works falling within the scope of this Convention.

Article 12 – Credits of co-producing countries

- 1 Co-producing countries shall be credited in co-produced cinematographic works.
- 2 The names of these countries shall be clearly mentioned in the credit titles, in all publicity and promotion material and when the cinematographic works are being shown.

Article 13 – Export

When a co-produced cinematographic work is exported to a country where imports of cinematographic works are subject to quotas, and one of the co-producing Parties does not have the right of free entry for his cinematographic works to the importing country:

- a the cinematographic work shall normally be added to the quota of the country which has the majority participation;
- b in the case of a cinematographic work which comprises an equal participation from different countries, the cinematographic work shall be added to the quota of the country which has the best opportunities for exporting to the importing country;
- c when the provisions of sub-paragraphs a and b above cannot be applied, the cinematographic work shall be entered in the quota of the Party which provides the director.

Article 14 – Languages

When according co-production status, the competent authority of a Party may demand from the co-producer established therein a final version of the cinematographic work in one of the languages of that Party.

Article 15 – Festivals

Unless the co-producers decide otherwise, co-produced cinematographic works shall be shown at international festivals by the Party where the majority co-producer is established, or, in the case of equal financial participation, by the Party which provides the director.

Chapter III – Final provisions**Article 16 – Signature, ratification, acceptance, approval**

- 1 This Convention shall be open for signature by the member States of the Council of Europe and the other States party to the European Cultural Convention which may express their consent to be bound by:
 - a signature without reservation as to ratification, acceptance or approval; or
 - b signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.
- 2 Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

11. člen – Vstop in bivanje

V skladu z veljavnimi zakoni in predpisi ter mednarodnimi obveznostmi, vsaka pogodbenica olajša vstop in bivanje ter podelitev dovoljenj za delo na svojem ozemlju tehničnemu in umetniškemu osebju drugih pogodbenic, ki sodelujejo pri koprodukciji. Prav tako vsaka pogodbenica dovoljuje začasni uvoz in ponovni izvoz opreme, potrebne za produkcijo in distribucijo filmskih del, ki spadajo v to konvencijo.

12. člen – Navedba koprodukcijskih držav

1. Države koproducentke morajo biti navedene v koprodukcijskih filmskih delih.
2. Imena teh držav morajo biti jasno navedena v napisih v filmskem delu, v vseh oglasih in predstavitevem gradivu ter ob njihovem predvajanju.

13. člen – Izvoz

Če se filmsko delo, posneto v koprodukciji, izvozi v državo, ki ima kvote za uvoz filmskih del, in če ena od koprodukcijskih pogodbenic nima pravice do prostega vstopa za svoja filmska dela v državo uvoznico:

- a. se filmsko delo običajno šteje v kvoto države, ki ima večinski delež;
- b. če gre za filmsko delo, pri katerem je delež različnih držav enak, se filmsko delo šteje v kvoto države, ki ima najboljše možnosti za izvoz v državo uvoznico;
- c. če ni možno uporabiti določb iz pododstavkov a in b, se filmsko delo šteje v kvoto pogodbenice, ki zagotovi režiserja.

14. člen – Jeziki

Ob dodelitvi koprodukcijskega statusa lahko pristojni organ ene pogodbenice zahteva od koproducenta s sedežem v tej pogodbenici končno verzijo filmskega dela v enem od jezikov te pogodbenice.

15. člen – Festivali

Če koproducenti ne sklenejo drugače, filmska dela, posneta v koprodukciji, predstavi na mednarodnih festivalih pogodbenica, v kateri ima sedež večinski koproducent ali ob enakih finančnih deležih, pogodbenica, ki zagotovi režiserja.

III. poglavje – Končne določbe**16. člen – Podpis, ratifikacija, sprejetje, odobritev**

1. Ta konvencija je na voljo za podpis članicam Sveta Evrope in drugim državam pogodbenicam Evropske kulturne konvencije, ki lahko izrazijo svoje soglasje, da jih obvezuje:
 - a. podpis brez pridržka ratifikacije, sprejetja ali odobritve ali
 - b. podpis s pridržkom ratifikacije, sprejetja ali odobritve, ki mu sledi ratifikacija, sprejetje ali odobritev.
2. Listine o ratifikaciji, sprejetju ali odobritvi se deponirajo pri generalnem sekretarju Sveta Evrope.

Article 17 – Entry into force

- 1 The Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which five States, including at least four member States of the Council of Europe, have expressed their consent to be bound by the Convention in accordance with the provisions of Article 16.
- 2 In respect of any signatory State which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of signature or of the deposit of the instrument of ratification, acceptance or approval.

Article 18 – Accession of non-member States

- 1 After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may invite any European State not a member of the Council of Europe as well as the European Economic Community to accede to this Convention, by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe, and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee of Ministers.
- 2 In respect of any acceding State or of the European Economic Community, in the event of its accession, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 19 – Territorial clause

- 1 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.
- 2 Any Party may, at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.
- 3 Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

Article 20 – Reservations

- 1 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, declare that Article 2, paragraph 4, does not apply to its bilateral co-production relations with one or more Parties. Moreover, it may reserve the right to fix a maximum participation share different from that laid down in Article 9, paragraph 1.a. No other reservation may be made.
- 2 Any Party which has made a reservation under the preceding paragraph may wholly or partly withdraw it by means of a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall take effect on the date of receipt of such notification by the Secretary General.

17. člen – Začetek veljavnosti

1. Konvencija začne veljati prvi dan v mesecu po poteku trimesečnega obdobja od datuma, ko je pet držav, od katerih so vsaj štiri članice Sveta Evrope, izrazilo svoje soglasje, da jih konvencija obvezuje v skladu z določbami 16. člena.
2. Za vsako državo podpisnico, ki pozneje izrazi svoje soglasje, da jo konvencija zavezuje, začne ta veljati prvi dan v mesecu po poteku trimesečnega obdobja od datuma podpisa ali deponiranja listine o ratifikaciji, sprejetju ali odobritvi.

18. člen – Pristop držav nečlanice

1. Po začetku veljavnosti te konvencije lahko Odbor ministrov Sveta Evrope povabi katero koli evropsko državo, ki ni članica Sveta Evrope, kakor tudi Evropsko gospodarsko skupnost, da pristopi k tej konvenciji s sklepom večine, kot je določeno v 20. d členu Statuta Sveta Evrope in s soglasjem predstavnikov držav pogodbenic, ki imajo pravico zasedati v Odboru ministrov.
2. Za vsako državo članico ali za Evropsko gospodarsko skupnost začne ob pristopu konvencija veljati prvi dan v mesecu po poteku trimesečnega obdobja od datuma deponiranja listine o pristopu pri generalnem sekretarju Sveta Evrope.

19. člen – Ozemeljska določba

1. Ob podpisu ali deponiranju listine o ratifikaciji, sprejetju, odobritvi ali pristopu lahko vsaka država določi ozemlje ali ozemlja, za katera se ta konvencija uporablja.
2. Vsaka pogodbenica lahko kadar koli pozneje z izjavo, naslovljeno na generalnega sekretarja Sveta Evrope, razširi uporabo te konvencije na vsako drugo ozemlje, določeno v izjavi. Za to ozemlje začne konvencija veljati prvi dan v mesecu po poteku trimesečnega obdobja od datuma, ko generalni sekretar prejme tako izjavo.
3. Vsaka izjava na podlagi prejšnjih dveh odstavkov glede katerega koli ozemlja, navedenega v tej izjavi, se lahko umakne z uradnim obvestilom, naslovljenim na generalnega sekretarja. Umik začne veljati prvi dan v mesecu po poteku trimesečnega obdobja od datuma, ko generalni sekretar prejme tako obvestilo.

20. člen – Pridrški

1. Vsaka država lahko ob podpisu ali deponiranju listine o ratifikaciji, sprejetju, odobritvi ali pristopu izjavi, da se četrti odstavek 2. člena ne uporablja za dvostranske koprodukcije z eno ali več pogodbenicami. Poleg tega si lahko pridrži pravico, da določi najvišji delež, ki se razlikuje od tistega, določenega v točki a, prvega odstavka 9. člena. Noben drug pridržek ni možen.
2. Vsaka pogodbenica, ki je izrazila pridržek na podlagi prejšnjega odstavka, ga lahko v celoti ali delno umakne tako, da o tem uradno obvesti generalnega sekretarja Sveta Evrope. Umik začne veljati z datumom, ko generalni sekretar prejme tako obvestilo.

Article 21 – Denunciation

- 1 Any Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.
- 2 Such denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General.

Article 22 – Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council, as well as any State and the European Economic Community which may accede to this Convention or may be invited to do so, of:

- a any signature;
- b the deposit of any instrument of ratification, acceptance, approval or accession;
- c any date of entry into force of this Convention in accordance with Articles 17, 18 and 19;
- d any declaration made in accordance with Article 5, paragraph 5;
- e any denunciation notified in accordance with Article 21;
- f any other act, notification or communication relating to this Convention.

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

Done at Strasbourg, this 2nd day of October 1992, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to the States mentioned in Article 16, paragraph 1, as well as to any State and to the European Economic Community which may be invited to accede to this Convention.

Appendix I – Application procedure

In order to benefit from the provisions of this Convention, the co-producers established in the Parties must, two months before shooting commences, submit an application for co-production status and attach the documents listed below. These documents must reach the competent authorities in sufficient number for them to be communicated to the authorities of the other Parties at the latest one month before shooting commences:

- a copy of the contract for the purchase of the copyright or any other proof of purchase of the copyright for the commercial exploitation of the work;
- a detailed script;
- a list of the technical and artistic contributions from each of the countries involved;
- an estimate and a detailed financing plan;
- a production schedule of the cinematographic work;
- the co-production contract made between the co-producers. This contract must include clauses providing for the distribution of receipts or territories between the co-producers.

The application and other documents shall be presented, if possible, in the language of the competent authorities to which they are submitted.

21. člen – Odpoved

1. Vsaka pogodbenica lahko kadarkoli odpove to konvencijo z uradnim obvestilom, naslovljenim na generalnega sekretarja Sveta Evrope.
2. Taka odpoved začne veljati prvi dan v mesecu po poteku šestmesečnega obdobja od datuma, ko generalni sekretar prejme tako obvestilo.

22. člen – Uradna obvestila

Generalni sekretar Sveta Evrope obvesti države članice Sveta ter katero koli drugo državo in Evropsko gospodarsko skupnost, ki lahko pristopijo k tej konvenciji ali so povabljene, da k njej pristopijo, o:

- a. vsakem podpisu;
- b. deponiranju vsake listine o ratifikaciji, sprejetju, odobritvi ali pristopu;
- c. vsakem datumu začetka veljavnosti te konvencije v skladu s 17., 18., in 19. členom;
- d. vsaki izjavi v skladu s petim odstavkom 5. člena;
- e. vsakem uradnem obvestilu o odpovedi v skladu z 21. členom;
- f. vsakem drugem dokumentu, uradnem obvestilu ali sporočilu v zvezi s to konvencijo.

Da bi to potrdili, so spodaj podpisani, ki so za to pravilno pooblašteni, podpisali to konvencijo.

Sestavljeno v Strasbourgu 2. oktobra 1992 v angleškem in francoskem jeziku, pri čemer sta obe besedili enako verodostojni, v enem samem izvodu, ki je deponiran v arhivu Sveta Evrope. Generalni sekretar Sveta Evrope pošlje overjene kopije državam, omenjenim v prvem odstavku 16. člena, ter vsem državam in Evropski gospodarski skupnosti, ki so povabljene, da pristopijo k tej konvenciji.

Priloga I – Postopek za predložitev prošenj

Da bi bili deležni ugodnosti določb te konvencije, morajo koproducenti s sedežem v pogodbenicah te konvencije dva meseca pred začetkom snemanja vložiti vlogo za koprodukcijki status in priložiti spodaj navedene dokumente. Te morajo pristojni organi prejeti v zadostnem številu, da jih lahko pošljejo organom drugih pogodbenic najpozneje en mesec pred začetkom snemanja:

- kopijo pogodbe o pridobitvi avtorskih pravic ali kateri koli drugi dokaz, na podlagi katerega je možno preveriti pridobitev avtorske pravice za komercialno izkoriščanje dela;
- podroben scenarij;
- seznam tehničnih in umetniških deležev sodelujočih držav;
- predračun in podroben finančni načrt;
- načrt za produkcijo filmskega dela;
- koprodukcijko pogodbo, sklenjeno med koproducenti. Ta pogodba mora vsebovati določbe, ki predvidevajo porazdelitev prihodkov ali trgov med koproducenti.

Vloga in drugi dokumenti morajo biti, če je le mogoče, v jeziku pristojnih organov, katerim so predloženi.

The competent national authorities shall send each other the application and attached documentation once they have been received. The competent authority of the Party with the minority financial participation shall not give its approval until the opinion of the Party with the majority financial participation has been received.

Pristojni državni organi morajo drug drugemu poslati vlogo in priloženo dokumentacijo, takoj ko jo bodo prejeli. Pristojni organ pogodbenice z manjšinskim finančnim deležem te ne sme odobriti, dokler ne prejme mnenja organov pogodbenice, ki ima večinski finančni delež.

Appendix II

- 1 A cinematographic work qualifies as European in the sense of Article 3, paragraph 3, if it achieves at least 15 points out of a possible total of 19, according to the schedule of European elements set out below.
- 2 Having regard to the demands of the screenplay, the competent authorities may, after consulting together, and if they consider that the work nonetheless reflects a European identity, grant co-production status to the work with a number of points less than the normally required 15 points.

European elements	Weighting Points
<i>Creative group</i>	
Director	3
Scriptwriter	3
Composer	<u>1</u>
	7
<i>Performing group</i>	
First role	3
Second role	2
Third role	<u>1</u>
	6
<i>Technical craft group</i>	
Cameraman	1
Sound recordist	1
Editor	1
Art director	1
Studio or shooting location	1
Post-production location	<u>1</u>
	6

N.B.

- a First, second and third roles are determined by number of days worked.
- b So far as Article 8 is concerned, "artistic" refers to the creative and performing groups, "technical" refers to the technical and craft group.

Priloga II

1. Filmsko delo se šteje za evropsko v smislu tretjega odstavka 3. člena, če ima vsaj 15 točk od 19 možnih po merilih, določenih v lestvici evropskih elementov, ki je prikazana spodaj.
2. Upošteva se zahteve scenarija, lahko pristojni organi po medsebojnem posvetovanju in če menijo, da delo vendarle odseva evropsko identiteto, podelijo koprodukcijski status delu, ki je zbralo manj kot običajno zahtevanih 15 točk.

Evropski elementi	Točke vrednotenja
<i>avtorska skupina</i>	
režiser	3
scenarist	3
skladatelj	<u>1</u>
	7
<i>igralska skupina</i>	
prva vloga	3
druga vloga	2
tretja vloga	<u>1</u>
	6
<i>tehnična in snemalna skupina</i>	
direktor fotografije	1
snemanje zvoka in zvokovna obdelava	1
montaža	1
scenografija in kostumografija	1
studio ali kraj snemanja	1
kraj postprodukcije	<u>1</u>
	6

Opomba

- a. Prva, druga in tretja vloga so ocenjene po številu dni snemanja.
- b. Glede 8. člena se "umetniški" nanaša na avtorsko in igralsko skupino, "tehnični" pa na tehnično in snemalno skupino.

3. člen

Za izvajanje konvencije skrbi Ministrstvo za kulturo.

4. člen

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

Št. 615-02/03-2/1

Ljubljana, dne 2. oktobra 2003

EPA 979-III

Predsednik
Državnega zbora
Republike Slovenije
Borut Pahor l. r.

68. Zakon o ratifikaciji Sporazuma o varstvu netopirjev v Evropi (MVNE)

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

U K A Z

O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA O VARSTVU NETOPIRJEV V EVROPI (MVNE)

Razlašam Zakon o ratifikaciji Sporazuma o varstvu netopirjev v Evropi (MVNE), ki ga je sprejel Državni zbor Republike Slovenije na seji 2. oktobra 2003.

Št. 001-22-87/03

Ljubljana, dne 10. oktobra 2003

Predsednik
Republike Slovenije
dr. Janez Drnovšek l. r.

Z A K O N

O RATIFIKACIJI SPORAZUMA O VARSTVU NETOPIRJEV V EVROPI (MVNE)

1. člen

Ratificira se Sporazum o varstvu netopirjev v Evropi, sestavljen 4. decembra 1991 v Londonu, kakor je bil spremenjen s spremembo, sprejeto na sestanku pogodbenic tega sporazuma v Bristolu od 18. do 20. julija 1995 in spremembo, sprejeto na tretjem sestanku pogodbenic tega sporazuma, v Bristolu od 24. do 26. julija 2000.

2. člen

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

A G R E E M E N T

ON THE CONSERVATION OF BATS IN EUROPE

The Contracting Parties

Recalling the Convention on the Conservation of Migratory Species of Wild Animals opened for signature in Bonn on 23 June 1979;

Recognising the unfavourable conservation status of bats in Europe and non-European Range States and in particular the serious threat to them from habitat degradation, disturbance of roosting sites and certain pesticides;

Conscious that the threats facing bats in Europe and non-European Range States are common to both migratory and non-migratory species and that roosts are often shared by migratory and non-migratory species;

Recalling that the first meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals held in Bonn in October 1985 agreed to add European species of CHIROPTERA (Rhinolophidae and Vespertilionidae) to Appendix II of the Convention and instructed the Secretariat of the Convention to take appropriate measures to develop an Agreement for these species;

Convinced that the conclusion of an Agreement for these species would greatly benefit the conservation of bats in Europe;

Have agreed as follows:

ARTICLE I

Scope and Interpretation

For the purposes of this Agreement:

(a) "Convention" means the Convention on the Conservation of Migratory Species of Wild Animals (Bonn 1979);

S P O R A Z U M

O VARSTVU NETOPIRJEV V EVROPI

Pogodbenice so se

ob sklicevanju na Konvencijo o varstvu selitvenih vrst prosto živečih živali, dano na voljo za podpis v Bonnu 23. junija 1979;

ob priznavanju neugodnega stanja ohranjenosti netopirjev v Evropi in neevropskih državah na območju njihove razširjenosti in še posebej resne ogroženosti teh vrst zaradi poslabšanja habitata, motenja zatočišč in nekaterih pesticidov;

ker se zavedajo, da so nevarnosti, ki pretijo netopirjem v Evropi in neevropskih državah na območju njihove razširjenosti, skupne selitvenim in neselitvenim vrstam in da si selitvene in neselitvene vrste pogosto delijo zatočišča;

ob sklicevanju na to, da je bilo na prvem sestanku konference pogodbenic Konvencije o varstvu selitvenih vrst prosto živečih živali v Bonnu oktobra 1985 dogovorjeno, da se evropske vrste CHIROPTERA (Rhinolophidae in Vespertilionidae) dodajo v dodatek II h konvenciji in so bila sekretariatu konvencije dana navodila za izvedbo ustreznih ukrepov za pripravo sporazuma za te vrste;

prepričane, da bi sklenitev sporazuma za te vrste veliko prispevala k varstvu netopirjev v Evropi;

sporazumele:

1. ČLEN

Področje uporabe in razlaga

V tem sporazumu:

a) "konvencija" pomeni Konvencijo o varstvu selitvenih vrst prosto živečih živali (Bonn 1979);

(b) "Bats" means European populations of CHIROPTERA (Rhinolophidae and Vespertilionidae) occurring in Europe and non-European Range States;

(c) "Range State" means any State (whether or not it is a Party to the Convention) that exercises jurisdiction over any part of the range of a species covered by this Agreement;

(d) "Regional Economic Integration Organisation" means an organisation constituted by sovereign States to which this Agreement applies and which has competence in matters covered by this Agreement and has been duly authorised, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to it;

(e) "Parties" means, unless the context otherwise indicates, Parties to this Agreement;

(f) "In Europe" means the continent of Europe.

ARTICLE II

General Provisions

1. This Agreement is an AGREEMENT within the meaning of paragraph 3 of Article IV of the Convention.

2. The provisions of this Agreement shall not relieve Parties of their obligations under any existing treaty, convention or agreement.

3. Each Party to this Agreement shall designate one or more competent authorities to whom it shall assign responsibility for the implementation of this Agreement. It shall communicate the name and address of its authority or authorities to the other Parties to this Agreement.

4. Appropriate administrative and financial support for this Agreement shall be determined by its Parties in consultation with the Parties to the Convention.

ARTICLE III

Fundamental Obligations

1. Each Party shall prohibit the deliberate capture, keeping or killing of bats except under permit from its competent authority.

2. Each Party shall identify those sites within its own area of jurisdiction which are important for the conservation status, including for the shelter and protection, of bats. It shall, taking into account as necessary economic and social considerations, protect such sites from damage or disturbance. In addition, each Party shall endeavour to identify and protect important feeding areas for bats from damage or disturbance.

3. When deciding which habitats to protect for general conservation purposes each Party shall give due weight to habitats that are important for bats.

4. Each Party shall take appropriate measures to promote the conservation of bats and shall promote public awareness of the importance of bat conservation.

5. Each Party shall assign to an appropriate body responsibilities for the provision of advice on bat conservation and management within its territory particularly with regard to bats in buildings. Parties shall exchange information on their experiences in this matter.

6. Each Party shall take such additional action as it considers necessary to safeguard populations of bats which it identifies as being subject to threat and shall report under Article VI on the action taken.

7. Each Party shall, as appropriate, promote research programmes relating to the conservation and management of bats. Parties shall consult each other on such research programmes, and shall endeavour to co-ordinate such research and conservation programmes.

b) "netopirji" pomenijo evropske populacije CHIROPTERA (Rhinolophidae in Vespertilionidae), ki se pojavljajo v Evropi in neevropskih državah na območju njihove razširjenosti;

c) "država na območju razširjenosti" pomeni katero koli državo (ne glede na to, ali je pogodbenica konvencije), ki izvaja jurisdikcijo nad katerim koli delom območja razširjenosti vrst, zajetih v tem sporazumu;

d) "regionalna organizacija za gospodarsko povezovanje" pomeni organizacijo, ki jo ustanovijo suverene države, za katere velja ta sporazum, in ima pristojnosti v zvezi z zadevami iz tega sporazuma, ter je bila pravilno pooblaščen v skladu s svojimi notranjimi postopki, da ga podpiše, ratificira, sprejme, odobri ali pristopi k njemu;

e) "pogodbenice" pomenijo pogodbenice tega sporazuma, razen če besedilo ne navaja drugače;

f) "v Evropi" pomeni evropsko celino.

2. ČLEN

Spošne določbe

1. Ta sporazum je SPORAZUM v smislu tretjega odstavka 4. člena konvencije.

2. Določbe tega sporazuma ne odvezujejo pogodbenic njihovih obveznosti po kateri koli veljavni mednarodni pogodbi, konvenciji ali sporazumu.

3. Vsaka pogodbenica tega sporazuma določi en ali več pristojnih organov, ki jim dodeli odgovornost za izvajanje tega sporazuma. Drugim pogodbenicam tega sporazuma sporoči ime in naslov svojega organa ali organov.

4. Pogodbenice sporazuma s posvetovanjem s pogodbenicami konvencije določijo ustrezno administrativno in finančno podporo za ta sporazum.

3. ČLEN

Temeljne obveznosti

1. Vsaka pogodbenica prepove namerno ujetje, zadrževanje ali ubijanje netopirjev, razen kadar pristojni organ izda dovoljenje za to.

2. Vsaka pogodbenica opredeli tiste dele na območju, na katerem izvaja jurisdikcijo, ki so pomembni za stanje ohranjenosti in tudi za zavetje in zaščito netopirjev. Take dele varuje pred okrnitvijo in motečimi posegi ter pri tem po potrebi upošteva gospodarske in družbene vidike. Poleg tega si vsaka pogodbenica prizadeva opredeliti in varovati pomembna območja za prehranjevanje netopirjev pred okrnitvijo ali motečimi posegi.

3. Pri odločanju o tem, katere habitate je treba zavarovati zaradi splošnih varstvenih namenov, vsaka pogodbenica upošteva poseben pomen habitatov, pomembnih za netopirje.

4. Vsaka pogodbenica sprejme ustrezne ukrepe za spodbujanje varstva netopirjev in ozaveščenosti javnosti o pomenu tega varstva.

5. Vsaka pogodbenica dodeli ustreznemu organu odgovornost za zagotavljanje nasvetov o varstvu netopirjev in ravnanju na svojem ozemlju, posebno v zvezi z netopirji v stavbah. Pogodbenice si o tem izmenjavajo izkušnje.

6. Vsaka pogodbenica po svoji presoji izvaja dodatne ukrepe za varovanje populacij netopirjev, za katere meni, da jim preti nevarnost, in o teh ukrepih poroča na podlagi 4. člena.

7. Vsaka pogodbenica na primeren način spodbuja raziskovalne programe, povezane z varstvom netopirjev in ravnanjem z njimi. Pogodbenice se medsebojno posvetujejo o takih raziskovalnih programih in si prizadevajo usklajevati te raziskovalne in varstvene programe.

8. Each Party shall, wherever appropriate, consider the potential effects of pesticides on bats, when assessing pesticides for use, and shall endeavour to replace timber treatment chemicals which are highly toxic to bats with safer alternatives.

ARTICLE IV

National Implementation

1. Each Party shall adopt and enforce such legislative and administrative measures as may be necessary for the purpose of giving effect to this Agreement.

2. The provisions of this Agreement shall in no way affect the right of Parties to adopt stricter measures concerning the conservation of bats.

ARTICLE V

Meetings of the Parties

1. There shall be periodic meetings of the Parties to this Agreement. The Government of the United Kingdom shall call the first meeting of the Parties to the Agreement not later than three years after the date of entry into force of the Agreement. The Parties to the Agreement shall adopt rules of procedure for their meetings and financial rules, including the provisions on the budget and the scale of contributions for the next financial period. Such rules shall be adopted by a two-thirds majority of the Parties present and voting. Decisions taken under the financial rules shall require a three-quarters majority of the Parties present and voting.

2. At their meetings the Parties may establish such scientific and other working groups as they see fit.

3. Any Range States or Regional Economic Integration Organisation not a Party to this Agreement, the Secretariat of the Convention, the Council of Europe in its capacity as the Secretariat of the Convention on the Conservation of European Wildlife and Natural Habitats and similar intergovernmental organisations may be represented by observers at meetings of the Parties. Any agency or body technically qualified in the conservation and management of bats may be represented by observers at meetings of the Parties unless at least one-third of the Parties present object. Only Parties may vote at meetings of the Parties.

4. Except as provided for in paragraph 5 below, each Party to this Agreement shall have one vote.

5. Regional Economic Integration Organisations which are Parties to this Agreement shall, in matters within their competence, exercise their right to vote with a number of votes equal to the number of their Member States which are Parties to the Agreement and present at the time of the vote. A Regional Economic Integration Organisation shall not exercise its right to vote if its Member States exercise theirs, and vice versa.

ARTICLE VI

Reports on Implementation

Each Party shall present to each meeting of the Parties an up-to-date report on its implementation of this Agreement. It shall circulate the report to the Parties not less than 90 days before the opening of the ordinary meeting.

ARTICLE VII

Amendment of the Agreement

1. This Agreement may be amended at any meeting of the Parties.

8. Vsaka pogodbenica, kadar je to primerno, pri pre-soji uporabe pesticidov upošteva njihove mogoče učinke na netopirje in si prizadeva nadomestiti tiste kemične pripravke za obdelavo lesa, ki so zelo strupeni za netopirje, z varnejšimi drugimi možnostmi.

4. ČLEN

Izvajanje na ravni države

1. Vsaka pogodbenica sprejme in uveljavi tiste zakonodajne in upravne ukrepe, ki bi lahko bili potrebni za uresničevanje tega sporazuma.

2. Določbe tega sporazuma na noben način ne vplivajo na pravico pogodbenic, da sprejmejo strožje ukrepe za varstvo netopirjev.

5. ČLEN

Sestajanje pogodbenic

1. Pogodbenice tega sporazuma se redno sestajajo. Vlada Združenega kraljestva skliče prvi sestanek pogodbenic tega sporazuma najkasneje tri leta po datumu začetka veljavnosti tega sporazuma. Pogodbenice tega sporazuma sprejmejo poslovniške za svoje sestanke in finančna pravila, vključno z določbami o proračunu in lestvico prispevkov za naslednje finančno obdobje. Taka pravila se sprejmejo z dvetretjinsko večino prisotnih in glasujočih pogodbenic. Odločitve, sprejete v skladu s finančnimi pravili, morajo imeti tričetrtinsko podporo pogodbenic, ki so prisotne in glasujejo.

2. Na sestankih lahko pogodbenice ustanovijo take znanstvene in druge delovne skupine, kot se jim zdijo primerne.

3. Katero koli državo na območju razširjenosti ali regionalno organizacijo za gospodarsko povezovanje, ki ni pogodbenica tega sporazuma, Sekretariat konvencije, Svet Evrope v vlogi Sekretariata Konvencije o varstvu prosto živečega evropskega rastlinstva in živalstva ter njenih naravnih življenjskih prostorov ter podobne medvladne organizacije lahko na sestankih pogodbenic predstavljajo opazovalci. Katero koli agencijo ali strokovni organ, ki je usposobljen za varstvo netopirjev in ravnanje z njimi, lahko na sestankih pogodbenic predstavljajo opazovalci, razen če temu ne nasprotuje najmanj ena tretjina prisotnih pogodbenic. Na sestankih pogodbenic lahko glasujejo le pogodbenice.

4. Vsaka pogodbenica tega sporazuma ima en glas, razen takrat, ko je v petem odstavku tega člena predvideno drugače.

5. Regionalne organizacije za gospodarsko povezovanje, ki so pogodbenice tega sporazuma, uveljavljajo svojo pravico do glasovanja v zadevah, za katere so pristojne, s številom glasov, ki je enako številu njihovih držav članic, ki so pogodbenice tega sporazuma in so prisotne med glasovanjem. Regionalna organizacija za gospodarsko povezovanje ne uveljavlja svoje pravice do glasovanja, če to pravico uveljavljajo njene države članice in obratno.

6. ČLEN

Poročila o izvajanju

Vsaka pogodbenica za vsak sestanek pogodbenic predloži najnovejše poročilo o svojem izvajanju sporazuma. Svoje poročilo razpošlje pogodbenicam najmanj 90 dni pred začetkom rednega sestanka.

7. ČLEN

Spremembe sporazuma

1. Ta sporazum se lahko spremeni na katerem koli sestanku pogodbenic.

2. Proposals for amendment may be made by any Party.

3. The text of any proposed amendment and the reasons for it shall be communicated to the Depositary at least 90 days before the opening of the meeting. The Depositary shall transmit copies forthwith to the Parties.

4. Amendments shall be adopted by a two-thirds majority of the Parties present and voting and shall enter into force for those Parties which have accepted them 60 days after the deposit of the fifth instrument of acceptance of the amendment with the Depositary. Thereafter, they shall enter into force for a Party 30 days after the date of deposit of its instrument of acceptance of the amendment with the Depositary.

ARTICLE VIII Reservations

The provisions of this Agreement shall not be subject to general reservations. However, a Range State or Regional Economic Integration Organisation may, on becoming a Party in accordance with Article X or XI, enter a specific reservation with regard to any particular species of bat.

ARTICLE IX Settlement of Disputes

Any dispute which may arise between Parties with respect to the interpretation or application of the provisions of this Agreement shall be subject to negotiations between the Parties involved in the dispute.

ARTICLE X Signature, Ratification, Acceptance and Approval

This Agreement shall be open to signature by Range States or Regional Economic Integration Organisations who may become Parties either by:

(a) signature without reservation in respect of ratification, acceptance or approval; or

(b) signature with reservation in respect of ratification, acceptance or approval, followed by ratification, acceptance or approval.

Instruments of ratification, acceptance or approval shall be deposited with the Depositary.

This Agreement shall remain open for signature until the date of entry into force of the Agreement.

ARTICLE XI Accession

This Agreement shall be open for accession by Range States or Regional Economic Integration Organisations after the date of entry into force of the Agreement. Instruments of accession shall be deposited with the Depositary.

ARTICLE XII Entry into Force

This Agreement shall enter into force on the ninetieth day following the date on which five Range States have become Parties in accordance with Article X. Thereafter it shall enter into force for a signatory or acceding State on the thirtieth day after the deposit of its instrument of ratification, acceptance, approval or accession.

2. Predloge za spremembe lahko da vsaka pogodbenica.

3. Besedilo vsake predlagane spremembe in razlogi zanjo se sporočijo depozitarju najmanj 90 dni pred začetkom sestanka. Depozitar nemudoma pošlje kopije pogodbenicam.

4. Spremembe se sprejemajo z dvetretjinsko večino pogodbenic, ki so prisotne in glasujejo, ter začnejo veljati za pogodbenice, ki so jih sprejele, 60 dni po deponiranju pete listine o sprejetju spremembe pri depozitarju. Po tem začnejo za pogodbenico spremembe veljati 30 dni po deponiranju njene listine o sprejetju spremembe pri depozitarju.

8. ČLEN Pridrži

Glede določb tega sporazuma niso mogoči splošni pridržki. Vendar pa lahko država na območju razširjenosti ali regionalna organizacija za gospodarsko povezovanje takrat, ko postane pogodbenica v skladu z 10. ali 11. členom, izrazi poseben pridržek glede katere koli posamezne vrste netopirjev.

9. ČLEN Reševanje sporov

Vsi morebitni spori med pogodbenicami v zvezi z razlago ali uporabo določb tega sporazuma se rešujejo s pogajanjem med pogodbenicami v sporu.

10. ČLEN Podpis, ratifikacija, sprejetje in odobritev

Ta sporazum je na voljo za podpis vsem državam na območju razširjenosti ali regionalnim organizacijam za gospodarsko povezovanje, ki lahko postanejo njegove pogodbenice:

a) s podpisom brez pridržka glede ratifikacije, sprejetja ali odobritve ali

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

Listine o ratifikaciji, sprejetju ali odobritvi se deponirajo pri depozitarju.

Ta sporazum je na voljo za podpis do datuma začetka njegove veljavnosti.

11. ČLEN Pristop

Ta sporazum je državam na območju razširjenosti ali regionalnim organizacijam za gospodarsko povezovanje na voljo za pristop po datumu, ko sporazum začne veljati. Listine o pristopu se deponirajo pri depozitarju.

12. ČLEN Začetek veljavnosti

Ta sporazum začne veljati devetdeseti dan po dnevu, ko je pet držav na območju razširjenosti postalo pogodbenic v skladu z 10. členom. Po tem začne sporazum za podpisnico ali državo, ki je pristopila k sporazumu, veljati trideseti dan po deponiranju njene listine o ratifikaciji, sprejetju, odobritvi ali pristopu.

ARTICLE XIII

Denunciation and Termination

Any Party may denounce this Agreement by written notification to the Depositary at any time. The denunciation shall take effect twelve months after the date on which the Depositary has received the notification. The Agreement shall remain in force for at least ten years, and thereafter shall terminate on the date on which there cease to be at least five Parties thereto.

ARTICLE XIV

Depositary

The original of the Agreement in English, French and German, each version being equally authentic, shall be deposited with the Government of the United Kingdom, which shall be the Depositary and shall transmit certified copies thereof to all States and any Regional Economic Integration Organisations that have signed the Agreement or deposited instruments of ratification, acceptance, approval or accession.

The Depositary shall inform all Range States and Regional Economic Integration Organisations of signatures, deposit of instruments of ratification, acceptance, approval or accession, entry into force of this Agreement, amendments thereto, reservations and notifications of denunciation.

In witness whereof, the undersigned, being duly authorised to that effect have signed this Agreement.

Done at London this fourth day of December in the year one thousand nine hundred and ninety-one.

**AMENDMENT
TO THE AGREEMENT ON THE
CONSERVATION OF BATS IN EUROPE
SIGNED AT LONDON ON 4 DECEMBER, 1991**

(Adopted at a Meeting of the Parties to the Agreement, held in Bristol from 18 to 20 July 1995)

**RESOLUTION CONFIRMING THE AMENDMENT OF THE
SCOPE OF THE AGREEMENT**

RECOGNIZING the need for conservation measures to protect all species of Microchiroptera in Europe;

ACKNOWLEDGING the omission of European Molossidae species from the original Agreement;

REFERRING to the decision of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals, held in Nairobi between 7-11 June 1994, to add the European Free-tailed bat (*Tadarida teniotis*) to its Appendix II,

AGREES:

1. To incorporate the family Molossidae within the scope of the Agreement.

2. To replace the words "CHIROPTERA (Rhinolophidae and Vespertilionidae)" where they appear in the preamble to the Agreement with the words "MICROCHIROPTERA (Molossidae, Rhinolophidae and Vespertilionidae)".

3. To replace Article 1(b) with:

"(b) "Bats" means the European population of MICROCHIROPTERA (Molossidae, Rhinolophidae and Vespertilionidae) occurring in Europe and non-European Range States".

13. ČLEN

Odpoved in prenehanje

Vsaka pogodbenica lahko kadar koli odpove ta sporazum s pisnim uradnim obvestilom depozitarju. Odpoved začne veljati dvanajst mesecev po dnevu, ko je depozitar prejel uradno obvestilo. Sporazum velja najmanj deset let, nato pa preneha veljati z dnem, ko je njegovih pogodbenic manj kot pet.

14. ČLEN

Depozitar

Izvirnik tega sporazuma v angleškem, francoskem in nemškem jeziku, pri čemer so vsa besedila enako verodostojna, se hrani pri Vladi Združenega kraljestva, ki je depozitar in pošlje overjene kopije teh besedil vsem državam in regionalnim organizacijam za gospodarsko povezovanje, ki so sporazum podpisale ali deponirale listine o ratifikaciji, sprejetju, odobritvi ali pristopu.

Depozitar obvesti vse države na območju razširjenosti in vse regionalne organizacije za gospodarsko povezovanje o podpisih, deponiranju listin o ratifikaciji, sprejetju, odobritvi ali pristopu, začetku veljavnosti tega sporazuma, njegovih spremembah, pridržkih in uradnih obvestilih o odpovedi.

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

Sestavljeno v Londonu četrtega decembra leta tisoč devetsto enaindevetdeset.

**SPREMENBA SPORAZUMA
O VARSTVU NETOPIRJEV V EVROPI,
PODPISANEGA V LONDONU 4. DECEMBRA
1991**

(sprejeta na sestanku pogodbenic tega sporazuma v Bristolu od 18. do 20. julija 1995)

**RESOLUCIJA, KI POTRJUJE SPREMEMBO PODROČJA
UPORABE SPORAZUMA,**

PRIZNAVA potrebo po ukrepih za ohranitev vseh vrst Microchiroptera v Evropi;

SE ZAVEDA, da je bila evropska vrsta skupine Molossidae v izvornem sporazumu izpuščena;

SE SKLICUJE na odločitev Konference pogodbenic Konvencije o varstvu selitvenih vrst prosto živečih živali, ki je bila v Nairobiju med 7. in 11. junijem 1994, po kateri se v njen dodatek II doda buldoški dolgorepi netopir (*Tadarida teniotis*),

SOGLAŠA:

1. z vključitvijo družine Molossidae v ta sporazum.

2. z zamenjavo besed "CHIROPTERA (Rhinolophidae in Vespertilionidae)" v preambuli k sporazumu z besedami "MICROCHIROPTERA (Molossidae, Rhinolophidae in Vespertilionidae)".

3. z zamenjavo odstavka b) 1. člena z:

"b) "netopirji" pomenijo evropske populacije MICROCHIROPTERA (Molossidae, Rhinolophidae in Vespertilionidae), ki se pojavljajo v Evropi in neevropskih državah na območju njihove razširjenosti".

**AMENDMENT
TO THE AGREEMENT ON THE
CONSERVATION OF BATS IN EUROPE
SIGNED AT LONDON ON 4 DECEMBER 1991**

(Adopted at the 3rd Session of a Meeting of the Parties to the Agreement, as Amended, held in Bristol, 24 to 26 July 2000)

**RESOLUTION 3.7
AMENDMENT OF THE AGREEMENT**

The Meeting of the Parties to the Agreement on the Conservation of Bats in Europe (hereafter "the Agreement"),
RECOGNIZING the need for conservation measures to protect all populations of Chiroptera species in Europe and in their non-European Range States;

GUIDED by a common will to further strengthen the Agreement and its scope;

AGREES:

1. To change the title of the Agreement to:
"The Agreement on the Conservation of Populations of European Bats";

2. To extend the last paragraph of the preamble with the words:
"and in their non-European Range States";

3. To replace Article I (b) with:
"(b) "Bats" means populations of CHIROPTERA species as listed in Annex 1 to this Agreement occurring in Europe and in their non-European Range States";

4. To add a new paragraph 5 to Article II to read as follows:

"5. The Annexes to this Agreement form an integral part thereof. Any reference to the Agreement includes a reference to its Annexes."

5. To replace Article VII (4) with:

"4. An Amendment to the Agreement other than an Amendment to its Annexes shall be adopted by a two-thirds majority of the Parties present and voting and shall enter into force for those Parties which have accepted it 60 days after the deposit of the fifth instrument of acceptance of the Amendment with the Depositary. Thereafter, it shall enter into force for a Party 30 days after the date of deposit of its instrument of acceptance of the Amendment with the Depositary."

6. To add new paragraphs 5 to 7 to Article VII which read as follows:

"5. Any additional Annexes and any Amendment to an Annex shall be adopted by a two-thirds majority of the Parties present and voting and shall enter into force for all Parties on the sixtieth day after the date of its adoption by the Meeting of the Parties, except for Parties which have entered a reservation in accordance with paragraph 6 of this Article.

6. During the period of 60 days provided for in paragraph 5 of this Article, any Party may by written notification to the Depositary enter a reservation with respect to an additional Annex or an Amendment to an Annex. Such reservation may be withdrawn at any time by written notification to the Depositary, and thereupon the additional Annex or the Amendment shall enter into force for that Party on the sixtieth day after the date of withdrawal of the reservation.

7. Any State which becomes a Party to the Agreement after the entry into force of an Amendment shall, failing an expression of a different intention by that State:

(a) be considered as a Party to the Agreement as amended; and

**SPREMEMBA SPORAZUMA
O VARSTVU NETOPIRJEV V EVROPI,
PODPISANEGA V LONDONU 4. DECEMBRA
1991**

(sprejeta na tretjem sestanku pogodbenic tega sporazuma s spremembo, v Bristolu od 24. do 26. julija 2000)

**RESOLUCIJA 3.7
SPREMEMBA SPORAZUMA**

Sestanek pogodbenic Sporazuma o varstvu netopirjev v Evropi (v nadaljnjem besedilu "sporazum")

OB PRIZNAVANJU potrebe po ukrepih za ohranitev vseh populacij vrst Chiroptera v Evropi in neevropskih državah na območju njihove razširjenosti,

VODEN s skupno voljo za nadaljnjo krepitev sporazuma in njegovega področja uporabe;

SOGLAŠA:

1. s spremembo naslova sporazuma v:
"Sporazum o varstvu populacij evropskih netopirjev";

2. z razširitvijo zadnjega odstavka preambule z besedami:
"in neevropskih državah na območju njihove razširjenosti";

3. z zamenjavo odstavka b) 1. člena z:

"b) "netopirji" pomenijo populacije vrst CHIROPTERA, ki se pojavljajo v Evropi in neevropskih državah na območju njihove razširjenosti in so navedene v prilogi 1 k temu sporazumu";

4. z razširitvijo 2. člena z novim petim odstavkom:

"5. Priloge k temu sporazumu so njegov sestavni del. Sklicevanje na sporazum vključuje tudi sklicevanje na priloge."

5. z zamenjavo četrtega odstavka 7. člena z:

"4. Sprememba sporazuma razen spremembe njegovih prilog se sprejema z dvetretjinsko večino pogodbenic, ki so prisotne in glasujejo, ter začne veljati za tiste pogodbenice, ki so jo sprejele, 60 dni po deponiranju pete listine o sprejetju spremembe pri depozitarju. Po tem začne sprememba za pogodbenico veljati 30 dni po datumu deponiranja njene listine o sprejetju spremembe pri depozitarju."

6. z razširitvijo 7. člena z novim petim do sedmim odstavkom, ki se glasijo:

"5. Dodatne priloge in spremembe prilog se sprejemajo z dvetretjinsko večino prisotnih in glasujočih pogodbenic in začnejo za vse pogodbenice veljati šestdeseti dan po datumu njihovega sprejetja na sestanku pogodbenic, razen za pogodbenice, ki so uveljavile pridržek v skladu s šestim odstavkom tega člena.

6. V obdobju 60 dni, določenem v petem odstavku tega člena, lahko katera koli pogodbenica s pisnim uradnim obvestilom depozitarju uveljavlja pridržek o dodatnih prilogah ali spremembi prilog. Tak pridržek se lahko s pisnim uradnim obvestilom depozitarju kadar koli umakne, s čimer začnejo dodatne priloge ali spremembe prilog veljati za to pogodbenico šestdeseti dan po umiku pridržka.

7. Vsaka država, ki postane pogodbenica sporazuma po uveljavitvi spremembe, se, če ne izrazi drugačnega namena:

a) šteje kot pogodbenica spremenjenega sporazuma in

(b) be considered as a Party to the unamended Agreement in relation to any Party not bound by the Amendment.”

7. To add the following Annex 1 to the Agreement:

ANNEX 1

Bat species occurring in Europe to which this Agreement applies

Pteropodidae

Rousettus egyptiacus (Geoffroy, 1810)

Emballonuridae

Taphozous nudiventris (Cretzschmar, 1830)

Rhinolophidae

Rhinolophus blasii Peters, 1866

Rhinolophus euryale Blasius, 1853

Rhinolophus ferrumequinum (Schreber, 1774)

Rhinolophus hipposideros (Bechstein, 1800)

Rhinolophus mehelyi Matschie, 1901

Vespertilionidae

Barbastella barbastellus (Schreber, 1774)

Barbastella leucomelas (Cretzschmar, 1830)

Eptesicus bottae (Peters, 1869)

Eptesicus nilssonii (Keyserling & Blasius, 1839)

Eptesicus serotinus (Schreber, 1774)

Myotis bechsteinii (Kuhl, 1817)

Myotis blythii (Tomes, 1857)

Myotis brandtii (Eversmann, 1845)

Myotis capaccinii (Bonaparte, 1837)

Myotis dasycneme (Boie, 1825)

Myotis daubentonii (Kuhl, 1817)

Myotis emarginatus (Geoffroy, 1806)

Myotis myotis (Borkhausen, 1797)

Myotis mystacinus (Kuhl, 1817)

Myotis nattereri (Kuhl, 1817)

Myotis schaubi Kormos, 1934

Nyctalus lasiopterus (Schreber, 1780)

Nyctalus leisleri (Kuhl, 1817)

Nyctalus noctula (Schreber, 1774)

Otonycteris hemprichii (Peters, 1859)

Pipistrellus kuhlii (Kuhl, 1817)

Pipistrellus nathusii (Keyserling & Blasius, 1839)

Pipistrellus pipistrellus (Schreber, 1774)

Pipistrellus pygmaeus (Leach, 1825)

Pipistrellus savii (Bonaparte, 1837)

Plecotus auritus (Linnaeus, 1758)

Plecotus austriacus (Fischer, 1829)

Vespertilio murinus Linnaeus, 1758

Miniopterus schreibersii (Kuhl, 1817)

Molossidae

Tadarida teniotis (Rafinesque, 1814)

b) kot pogodbenica nespremenjenega sporazuma v razmerju do katere koli pogodbenice, ki je sprememba ne zavezuje.“

7. z razširitvijo sporazuma s priložo 1:

PRILOGA 1

Evropske vrste netopirjev, na katere se nanaša sporazum

Pteropodidae

Rousettus egyptiacus (Geoffroy, 1810)

Emballonuridae

Taphozous nudiventris (Cretzschmar, 1830)

Rhinolophidae

Rhinolophus blasii Peters, 1866

Rhinolophus euryale Blasius, 1853

Rhinolophus ferrumequinum (Schreber, 1774)

Rhinolophus hipposideros (Bechstein, 1800)

Rhinolophus mehelyi Matschie, 1901

Vespertilionidae

Barbastella barbastellus (Schreber, 1774)

Barbastella leucomelas (Cretzschmar, 1830)

Eptesicus bottae (Peters, 1869)

Eptesicus nilssonii (Keyserling & Blasius, 1839)

Eptesicus serotinus (Schreber, 1774)

Myotis bechsteinii (Kuhl, 1817)

Myotis blythii (Tomes, 1857)

Myotis brandtii (Eversmann, 1845)

Myotis capaccinii (Bonaparte, 1837)

Myotis dasycneme (Boie, 1825)

Myotis daubentonii (Kuhl, 1817)

Myotis emarginatus (Geoffroy, 1806)

Myotis myotis (Borkhausen, 1797)

Myotis mystacinus (Kuhl, 1817)

Myotis nattereri (Kuhl, 1817)

Myotis schaubi Kormos, 1934

Nyctalus lasiopterus (Schreber, 1780)

Nyctalus leisleri (Kuhl, 1817)

Nyctalus noctula (Schreber, 1774)

Otonycteris hemprichii (Peters, 1859)

Pipistrellus kuhlii (Kuhl, 1817)

Pipistrellus nathusii (Keyserling & Blasius, 1839)

Pipistrellus pipistrellus (Schreber, 1774)

Pipistrellus pygmaeus (Leach, 1825)

Pipistrellus savii (Bonaparte, 1837)

Plecotus auritus (Linnaeus, 1758)

Plecotus austriacus (Fischer, 1829)

Vespertilio murinus Linnaeus, 1758

Miniopterus schreibersii (Kuhl, 1817)

Molossidae

Tadarida teniotis (Rafinesque, 1814)

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za okolje, prostor in energijo.

4. člen

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

Št. 801-12/03-20/1

Ljubljana, dne 2. oktobra 2003

EPA 940-III

Predsednik
Državnega zbora
Republike Slovenije
Borut Pahor l. r.

69. Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Republike Bolgarije o sodelovanju v kombiniranem prevozu (BBGKP)

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

U K A Z

O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO REPUBLIKE BOLGARIJE O SODELOVANJU V KOMBINIRANEM PREVOZU (BBGKP)

Razglašam Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Republike Bolgarije o sodelovanju v kombiniranem prevozu (BBGKP), ki ga je sprejel Državni zbor Republike Slovenije na seji 2. oktobra 2003.

Št. 001-22-85/03
Ljubljana, dne 10. oktobra 2003

Predsednik
Republike Slovenije
dr. Janez Drnovšek l. r.

Z A K O N

O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO REPUBLIKE BOLGARIJE O SODELOVANJU V KOMBINIRANEM PREVOZU (BBGKP)

1. člen

Ratificira se Sporazum med Vlado Republike Slovenije in Vlado Republike Bolgarije o sodelovanju v kombiniranem prevozu, podpisan v Ljubljani dne 5. novembra 2001.

2. člen

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

S P O R A Z U M

MED VLADO REPUBLIKE SLOVENIJE IN VLADO REPUBLIKE BOLGARIJE O SODELOVANJU V KOMBINIRANEM PREVOZU

Vlada Republike Slovenije in Vlada Republike Bolgarije (v nadaljevanju pogodbenici) sta se,

pripravljene pospeševati mednarodni prevoz blaga, ob upoštevanju, da je učinkovit mednarodni prevoz blaga pomemben pogoj za trgovinske odnose,

ob spoznanju, da je zaradi okoljevarstvenih razlogov in omejenih zmogljivosti cestnega prevoza treba vzpostaviti sodoben transportni sistem z izkoriščanjem prednosti prevoza po železnici, notranjih plovnih poteh ali morju ter tako ustvariti z gospodarskega vidika in z vidika varstva prebivalstva sprejemljive druge možnosti prevoza, s katerimi se nadomesti cestni prevoz,

v prepričanju, da pomeni razvoj kombiniranega prevoza možnost reševanja problematike mednarodnega prometa,

v prizadevanju za medsebojno sodelovanje, na podlagi mednarodnih sporazumov o mednarodnem prevozu blaga sporazumeli, kot sledi:

A G R E E M E N T

BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA AND THE GOVERNMENT OF THE REPUBLIC OF BULGARIA ON CO-OPERATION IN COMBINED TRANSPORT

The Government of the Republic of Slovenia and the Government of the Republic of Bulgaria (hereinafter referred to as the Contracting Parties)

Willing to facilitate the international transport of goods, Having in mind that the effective international transport of goods is an important condition for trade relations,

Recognising the need arising from environmental reasons and the limited capacity of road transport to establish a modern transport system by using the advantages of transport by rail, inland waterways or sea, in order to create acceptable alternatives to road transport from an economic standpoint and that of protecting the population,

Convinced that development of combined transport signifies a possible solution to the problems of international traffic,

Aiming towards mutual co-operation, Based on international agreements concerning international transport of goods, Have agreed as follows:

* Besedilo sporazuma v bolgarskem jeziku je na vpogled v Sektorju za mednarodnopravne zadeve Ministrstva za zunanje zadeve.

1. člen

Splošne določbe

(1) Ta sporazum se uporablja za mednarodni kombinirani prevoz blaga v intermodalnih transportnih enotah in cestnih vozilih, ki se deloma opravlja po železnici, notranjih plovnih poteh ali morju in deloma po cesti med ozemljema pogodbenic ali v tranzitu čez njuni ozemlji ali čez ozemlje ene od pogodbenic ob uporabi prevoznih sredstev, registriranih pri organih pogodbenic.

(2) Določbe tega sporazuma ne vplivajo na večstranske ali dvostranske sporazume, ki zavezujejo pogodbenici.

2. člen

Opredeleitev pojmov

V tem sporazumu:

(a) "**mednarodni kombinirani prevoz**" pomeni intermodalni prevoz, pri katerem se glavni del evropske poti opravi po železnici, notranjih plovnih poteh ali morju in sta morebitna začetni in/ali končni del poti, ki se opravita po cesti, čim krajša;

(b) "**intermodalni prevoz**" pomeni prevoz blaga v eni in isti nakladalni enoti ali cestnem vozilu, pri katerem se zaporedoma uporablja dva ali več načinov prevoza brez pretovarjanja samega blaga ob zamenjavi načina prevoza;

(c) "**intermodalna transportna enota**" pomeni kontejner, zamenljivo tovarišče, polpriklopnik in priklopnik, primeren za intermodalni prevoz;

(d) "**cestno vozilo**" pomeni motorno vozilo, ki je namenjeno in se uporablja za prevoz blaga. Vsaka kombinacija cestnega vozila s priklopnikom ali vlačilca s polpriklopnikom se prav tako šteje za cestno vozilo, pri čemer mora biti cestno vozilo ali vlačilec registriran v eni od pogodbenic;

(e) "**terminal kombiniranega prevoza**" pomeni mesto natovarjanja, raztovarjanja ali pretovarjanja intermodalnih transportnih enot ali cestnih vozil zaradi zamenjave načina prevoza;

(f) "**dovoz in odvoz po cesti**" pomeni prevoz intermodalnih transportnih enot ali cestnih vozil po cesti med nakladališčem ali razkladališčem ali mejnim prehodom in najbližjim terminalom kombiniranega prevoza, pri čemer zračna razdalja ne sme preseči omejitve, določene s pravnimi predpisi pogodbenice;

(g) "**spremljani prevoz**" pomeni prevoz cestnih vozil v spremstvu voznika, pri katerem se uporabi drug način prevoza (posebna ladja ali vlak);

(h) "**nespremljani prevoz**" pomeni prevoz cestnih vozil ali intermodalnih transportnih enot brez spremstva voznika, pri katerem se uporabi drug način prevoza (posebna ladja ali vlak);

(i) "**nagradna kvota**" pomeni dovolilnice, izdane kot nagrada za določeno število voženj, opravljenih s kombiniranim prevozom;

(j) "**oprtni prevoz**" pomeni prevoz cestnih vozil na posebnih vagonih;

(k) "**RO-RO prevoz**" pomeni prevoz cestnih vozil in intermodalnih transportnih enot s posebnimi ladjami;

(l) "**pristojni organ**" pomeni: za Republiko Slovenijo Ministrstvo za promet in za Republiko Bolgarijo Ministrstvo za promet in zveze;

(m) "**skupni odbor**" pomeni odbor za kombinirani prevoz, ustanovljen po 11. členu tega sporazuma.

Article 1

General Provisions

(1) This Agreement shall apply to international combined transport of goods in intermodal transport units and road vehicles carried out partly by rail, inland waterways or sea and partly by road between the territories of the Contracting Parties or in transit through their territories or through the territory of either Contracting Party using means of transport registered with the authorities of the Contracting Parties.

(2) The provisions of this Agreement shall not affect any multilateral or bilateral Agreements binding the Contracting Parties.

Article 2

Definitions

For the purposes of this Agreement:

(a) "**international combined transport**" shall mean intermodal transport where the major part of the European journey is by rail, inland waterways or sea and any initial and/or final legs carried out by road are as short as possible;

(b) "**intermodal transport**" shall mean the movement of goods in one and the same loading unit or road vehicle, which successively uses two or more modes of transport without handling the goods themselves in changing modes;

(c) "**intermodal transport unit**" shall mean a container, swap body, semi-trailer and trailer suitable for intermodal transport;

(d) "**road vehicle**" shall mean a motor vehicle designed and used for transport of goods. Any combination of a road vehicle with a trailer or of a tractor with a semi-trailer is also considered a road vehicle, whereas the road vehicle or the tractor must be registered in one of the Contracting Parties;

(e) "**terminal of combined transport**" shall mean the site where intermodal transport units or road vehicles are loaded, unloaded or reloaded from one mode of transport to another;

(f) "**pre-carriage and on-carriage by road**" shall mean the carriage by road of intermodal transport units or road vehicles between the loading or unloading station or border crossing point and the nearest terminal of combined transport whereby the distance measured by air must not exceed the limit set by the legal regulations of a Contracting Party;

(g) "**accompanied transport**" shall mean the transport of road vehicles, accompanied by the driver, using another mode of transport (a special ship or a train);

(h) "**unaccompanied transport**" shall mean the transport of road vehicles or intermodal transport units, not accompanied by the driver, using another mode of transport (a special ship or a train);

(i) "**bonus quota**" shall mean permits issued as a reward for a certain number of journeys performed by combined transport;

(j) "**rolling road**" shall mean the carriage of road vehicles on special wagons;

(k) "**RO-RO service**" shall mean the carriage of road vehicles and intermodal transport units by special ships;

(l) "**competent authority**" shall mean: for the Republic of Slovenia - the Ministry of Transport, and for the Republic of Bulgaria - the Ministry of Transport and Communications;

(m) "**Joint Committee**" shall mean the committee on combined transport set up under Article 11 of this Agreement.

3. člen

Nespremljani prevoz

(1) Pogodbenici se dogovorita, da dovoz in odvoz po cesti v nespremljanem prevozu na ozemlju ene pogodbenice z uporabo cestnih vozil, registriranih v drugi pogodbenici, opravlja prevoznik izključno na podlagi posebnega dovoljenja, ki ga izda pristojni organ pogodbenice, na katere ozemlju se opravljata dovoz in odvoz po cesti.

(2) Prevoznik lahko opravlja dovoz in odvoz po cesti v nespremljanem prevozu pod pogojem, da je pošiljatelj ali ga je za to pooblastil izvajalec kombiniranega prevoza.

(3) V okviru skupnega odbora se pogodbenici medsebojno obveščata o terminalih kombiniranega prevoza, o razdaljah, na katerih se lahko opravljata dovoz in odvoz po cesti v nespremljanem prevozu, kot tudi o možnostih za oprostitev plačila pristojbin za uporabo cest po veljavni notranji zakonodaji.

(4) Cestno vozilo, namenjeno za dovoz in odvoz po cesti v nespremljanem prevozu, se lahko parkira na območju terminala kombiniranega prevoza ali na parkiriščih v njegovi neposredni bližini in v zasebnem objektu (parkirišču) na podlagi dovoljenja, ki so ga izdali organi, in v skladu s pravnimi predpisi pogodbenice, v kateri je terminal.

(5) Dovoz in odvoz po cesti v nespremljanem prevozu med nakladališčem in razkladališčem ter terminalom kombiniranega prevoza se opravljata po najkrajši običajni poti.

4. člen

Spremljani prevoz

(1) Prevoz cestnih vozil med mejnim prehodom in terminalom kombiniranega prevoza na ozemlju druge pogodbenice se opravi brez dovolilnice, cestna vozila pa so oproščena pristojbin za uporabo cest za določeno razdaljo, o čemer se dogovorita pristojna organa pogodbenic. Organi dovolijo prehod brez dovolilnice tistim cestnim vozilom, ki imajo ustrezen dokument, s katerim se dokazuje pravica do opravljanja kombiniranega prevoza.

(2) Za prevoz na razdalji, ki je daljša od razdalje, omejene v prejšnjem odstavku, je potrebna posebna dovolilnica, ki jo izda pristojni organ pogodbenice. V dovolilnici se navede, da se nanaša na kombinirani prevoz, da je s plačilom ali brez plačila pristojbin za uporabo cest in da velja samo za ta prevoz. O kvoti posebnih dovolilnic za spremljani prevoz se dogovori na vzajemni podlagi na zasedanju skupnega odbora.

(3) Pogodbenici si prizadevata zagotoviti, da skupni čas ustavljanja vlakov v oprtnem prevozu na mejnih prehodih ni daljši od trideset minut.

5. člen

Dokumenti

(1) Dokumenti, ki dajejo pravico do opravljanja kombiniranega prevoza, se hranijo v cestnem vozilu in se na zahtevo predložijo organom ene ali druge pogodbenice. Če se tak dokument ne predloži, se šteje, da je cestno vozilo brez dovolilnice in se ustrezno obravnava. Vsaka sprememba ali nepooblaščen popravek takega dokumenta ga razveljavi. Taki dokumenti se zasežejo in o tem izda ustrezen dokument.

Article 3

Unaccompanied Transport

(1) The Contracting Parties agree that pre-carriage and on-carriage by road in unaccompanied transport in the territory of one Contracting Party using road vehicles registered in the other Contracting Party shall be performed by a transport operator exclusively on the basis of a special authorisation issued by the competent authority of the Contracting Party in whose territory pre-carriage and on-carriage by road is performed.

(2) A transport operator may perform pre-carriage and on-carriage by road in unaccompanied transport, provided he is the consignor or is so authorised by the combined transport contractor.

(3) Within the framework of the Joint Committee the Contracting Parties shall inform each other of the terminals of combined transport, of the distances over which pre-carriage and on-carriage by road in unaccompanied transport may be performed as well as of the possibilities for exemption from payment of road user charges according to the national legislations in force.

(4) A road vehicle intended for pre-carriage and on-carriage by road in unaccompanied transport may be parked in the area of the terminal of combined transport or in parking places in their immediate surroundings and in a private facility (parking area) on the basis of an authorisation issued by the authorities and in accordance with the legal regulations of the Contracting Party where the terminal is located.

(5) Pre-carriage and on-carriage by road in unaccompanied transport between the loading or unloading station and the terminal of combined transport shall be performed along the shortest common route.

Article 4

Accompanied Transport

(1) The movement of road vehicles between the state border crossing point and the terminal of combined transport on the territory of the other Contracting Party shall be performed without a permit and the road vehicles shall be exempted from road user charges for a certain distance, which is agreed upon between the competent authorities of the Contracting Parties. The authorities shall let pass without a permit those road vehicles carrying a relevant document proving the right to perform combined transport.

(2) A transport of a distance longer than that mentioned in the previous paragraph shall be subject to a special permit issued by the competent authority of the relevant Contracting Party. The permit shall indicate that it refers to combined transport, that it is with or without payment of road user charges and that it is valid only for this transport. The quota of special permits for accompanied transport shall be agreed on reciprocal basis at a Joint Committee session.

(3) The Contracting Parties shall endeavour to ensure that the total stop time of rolling road trains at the border crossing points does not exceed thirty minutes.

Article 5

Documents

(1) The documents giving the right to carry out combined transport shall be kept in the road vehicle and shall be presented on demand to the authorities of either of the Contracting Parties. In case such a document is not presented, the road vehicle is considered to be without a permit and treated accordingly. Any modification or unauthorised correction of such document cancels its validity. Such documents shall be confiscated and a relevant document issued.

(2) Ob vstopu na ozemlje ali zapustitvi ozemlja ene ali druge pogodbenice se v skladu z notranjo zakonodajo pogodbenic izvede kontrola oseb in vozil, ki opravljajo kombinirani prevoz.

6. člen

Podpora kombiniranemu prevozu

(1) Pogodbenici se zavezujeta, da bosta zagotovili spodbude izvajalcem prevoza po železnici, notranjih plovniških poteh ali morju in podjetjem za kombinirani prevoz ter da bosta sprejeli in usklajevali ukrepe za spodbujanje predvsem v zvezi z nespremljanim prevozom, prav tako pa v zvezi s spremljanim prevozom, če je to utemeljeno.

(2) Pogodbenici se zavezujeta, da bosta spodbujali gradnjo in posodobitev infrastrukture, potrebne za uspešno opravljanje kombiniranega prevoza.

(3) Pogodbenici dovoz in odvoz po cesti oprostita prepovedi vožnje za cestna vozila, kot to določata njuni notranji zakonodaji.

(4) Pogodbenici omogočita dovoz in odvoz po cesti s cestnimi vozili, ki prevažajo ISO kontejnerje v kombiniranem prevozu, katerih skupna masa ne presega 44 ton.

(5) Pogodbenici si prizadevata za prenos mejnih postopkov na terminale kombiniranega prevoza.

(6) Pogodbenici si prizadevata za uskladitev železniške infrastrukture in mejnih postopkov v železniškem prometu s predpisi in standardi, predvidenimi v Evropskem sporazumu o pomembnejših progah mednarodnega kombiniranega transporta in pripadajočih napravah (AGTC).

(7) Skupni odbor določi razmerje med opravljenim prevozom in nagradnimi dovolilnicami za cestni prevoz pri uporabi oprtnega prevoza in RO-RO prevoza med prevozom tovora med ozemljema pogodbenic ali v tranzitu čez njuni ozemlji s cestnimi vozili, registriranimi v eni od pogodbenic.

(8) Nagradne dovolilnice po prejšnjem odstavku si pristojni organi izmenjajo četrtletno.

7. člen

Sodelovanje

(1) Pogodbenici se zavezujeta, da bosta izvajalce prevoza po železnici, notranjih plovniških poteh ali morju spodbujali, da skupaj s podjetji za kombinirani prevoz pripravijo konkurenčne ponudbe za kombinirani prevoz s posebnim poudarkom na kakovosti prevoza, krajših prevoznih časih in izpolnjevanju dostavnih rokov.

(2) Pogodbenici spodbujata cestne prevoznike, da v največji možni meri izkoristijo prednosti kombiniranega prevoza.

(3) Pogodbenici se zavezujeta, da se bosta medsebojno obveščali o ukrepih, ki lahko vplivajo na nadaljnji razvoj kombiniranega prevoza. Z namenom nadaljnega razvoja kombiniranega prevoza in reševanja kakršnih koli težav lahko vsaka pogodbenica predlaga klic zasedanja skupnega odbora. Pristojna organa se pravočasno obvestita o vsaki spremembi notranje zakonodaje pogodbenic v zvezi s kombiniranim prevozom in vsaki spremembi v zvezi s pooblastili pristojnega organa.

8. člen

Kršitev določb

(1) Prevozniki, vključno z njihovim osebjem, se ravnavajo po pravnih predpisih druge pogodbenice.

(2) When entering or leaving the territory of either of the Contracting Parties, the persons and the vehicles carrying out combined transport shall be subject to control according to the regulations of the national legislations of the Contracting Parties.

Article 6

Support to Combined Transport

(1) The Contracting Parties undertake to provide incentives to the contractors of transport by rail, inland waterways or sea and combined transport companies, and to adopt and co-ordinate support measures, especially with respect to unaccompanied transport as well as accompanied transport, if justified.

(2) The Contracting Parties undertake to support the construction and modernisation of infrastructure required for successful operation of combined transport.

(3) The Contracting Parties shall exempt pre-carriage and on-carriage by road from driving bans on road vehicles as stipulated by their national legislations.

(4) The Contracting Parties shall facilitate pre-carriage and on-carriage by road performed by road vehicles carrying ISO containers in combined transport whose total laden weight does not exceed 44 tons.

(5) The Contracting Parties shall endeavour to transfer border procedures to terminals of combined transport.

(6) The Contracting Parties shall endeavour to harmonise railway infrastructure and border procedures in railway traffic with the regulations and standards provided for in the European Agreement on Important International Combined Transport Lines and Related Installations (AGTC).

(7) The Joint Committee shall determine the ratio of performed transport and bonus permits for road transport when using rolling road and Ro-Ro services during the freight transport between the territories of the Contracting Parties or in transit through their territories by road vehicles registered in one of the Contracting Parties.

(8) The bonus permits under the previous paragraph shall be exchanged by the competent authorities quarterly.

Article 7

Co-operation

(1) The Contracting Parties undertake to encourage contractors of transport by rail, inland waterways or sea to prepare together with combined transport companies competitive offers for combined transport with a special emphasis on the quality of transport, shorter transport times and meeting of delivery terms.

(2) The Contracting Parties shall encourage road hauliers to take advantage of combined transport to the highest extent possible.

(3) The Contracting Parties undertake to inform each other of the measures which might affect further development of combined transport. With the aim of further developing combined transport and solving any problems either Contracting Party may propose that the Joint Committee is convened. The competent authorities shall inform each other in due time of any alteration in their national legislation concerning combined transport, as well as of any alteration concerning the powers of the respective competent authority.

Article 8

Violation of Provisions

(1) Transport operators including their staff shall comply with the legal regulations of the other Contracting Party.

(2) Pristojni organ v državi ustanovitve podjetja lahko v primeru resnih in ponavljajočih se kršitev na ozemlju države gostiteljice in na njeno zahtevo sprejme naslednje ukrepe:

- izda opozorilo,
- prepove opravljanje prevoza na ozemlju pogodbenice, na katerem je bila kršitev ali so bile kršitve storjene.

V posebej resnih primerih lahko pristojni organ države gostiteljice kršilcu začasno prepove opravljanje prevoza na njenem ozemlju do odločitve pristojnega organa v državi ustanovitve podjetja.

(3) Pristojna organa se medsebojno obvestita o sprejetih ukrepih.

(4) Določila drugega odstavka ne izključujejo drugih zakonitih sankcij, ki jih sprejmejo organi pogodbenice, na katere ozemlju je bila kršitev storjena.

9. člen

Varstvo podatkov

(1) Pogodbenici se zavezujeta, da podatkov ali informacij druge pogodbenice v zvezi z izvajanjem sporazuma ne bosta izkoriščali ali uporabljali proti njenim interesom in da jih ne bosta razkrili nobeni tretji strani brez predhodnega pisnega soglasja druge pogodbenice.

(2) Varstvo in pošiljanje podatkov se izvajata v skladu s pravnimi predpisi vsake pogodbenice. Podatki in informacije se lahko dajejo organom, tožilstvu in sodišču, če se zahtevajo v uradni preiskavi.

(3) Določila prvega in drugega odstavka se ne nanašajo na podatke, ki jih je treba sporočiti Evropski uniji v skladu z določbami Direktive Sveta 92/106/EGS.

10. člen

Izredni dogodki

Pogodbenici sprejmeta posebne ukrepe v primeru prekinitve prometa, daljše od dvanajst ur, da bi zagotovili odvijanje mednarodnega kombiniranega prevoza.

11. člen

Skupni odbor

(1) Za izvajanje tega sporazuma pogodbenici ustanovita skupni odbor. Vsaka pogodbenica imenuje v odbor tri člane, ki jih vodi predstavnik pristojnega organa. Predsednika imata pravico povabiti druge strokovnjake, da se udeležijo zasedanj skupnega odbora.

(2) Delo skupnega odbora se določi s poslovnikom, ki se sprejme na prvem zasedanju. Skupni odbor odločitve sprejema soglasno. Zasedanja skupnega odbora se skličejo vsaj enkrat na leto izmenoma na ozemljih pogodbenic.

(3) Skupni odbor ima pravico predlagati spremembe tega sporazuma.

(4) Odločitve, ki jih sprejme skupni odbor, so za pristojna organa pogodbenic zavezujoče.

(2) The competent authority in the country of establishment may, in the event of serious or repeated infringements committed on the territory of the host country, and at the latter's request, take the following measures:

- issue a warning,
- prohibit the performance of transport on the territory of the Contracting Party where the infringement(s) was (were) committed.

In particularly serious cases, the competent authority of the host country may temporarily prohibit the performance of transport by the infringer on its territory pending a decision by the competent authority in the country of establishment.

(3) The competent authorities shall inform each other of the measures imposed.

(4) The provisions of paragraph 2 do not exclude other lawful sanctions undertaken by the authorities of the Contracting Party on whose territory the violation was committed.

Article 9

Data Protection

(1) The Contracting Parties undertake not to exploit or use the data or information of the other Contracting Party concerning the implementation of this Agreement against the latter's interests and not to disclose them to any third party without prior written consent of the other Contracting Party.

(2) Protection and transmission of data shall be conducted in accordance with the legal regulations of each Contracting Party. Data and information may be provided to the authorities, the prosecution and the court if required in an official inquiry.

(3) The provisions of paragraphs 1 and 2 do not refer to the data that must be communicated to the European Union according to the provisions of Council Directive 92/106/EEC.

Article 10

Extraordinary Events

The Contracting Parties shall adopt special measures in case of an interruption of traffic exceeding twelve hours in order to provide for the flow of international combined transport.

Article 11

Joint Committee

(1) For the purposes of implementing this Agreement the Contracting Parties shall establish a Joint Committee. Each Contracting Party shall appoint three members to the committee headed by a representative of the competent authority. The chairpersons shall have the right to invite other experts to attend the Joint Committee sessions.

(2) The work of the Joint Committee shall be determined by its standing orders to be adopted at its first session. The Joint Committee shall pass decisions according to the principle of unanimity. The sessions of the Joint Committee shall be convened at least once per year, alternately in the territories of the Contracting Parties.

(3) The Joint Committee shall have the right to propose amendments to this Agreement.

(4) The decisions adopted by the Joint Committee shall be binding for the competent authorities of the Contracting Parties.

12. člen

Začetek veljavnosti in odpoved

(1) Ta sporazum se potrdi v skladu z notranjepravnimi postopki pogodbenic in začne veljati trideset dni po prejemu druge diplomatske note o potrditvi.

(2) Ta sporazum se sklene za nedoločen čas. Vsaka pogodbenica ga lahko pisno odpove in preneha veljati šest mesecev po prejemu diplomatske note.

Sklenjeno v Ljubljani dne 5. novembra 2001 v dveh izvornikih v slovenskem, bolgarskem in angleškem jeziku, pri čemer so vsa besedila enako verodostojna. Ob razlikah v razlagi prevlada angleško besedilo.

Za Vlado
Republike Slovenije
Dr. Dimitrij Rupel l. r.

Za Vlado
Republike Bolgarije
Solomon Isaac Passy l. r.

Article 12

Entry into Force and Denunciation

(1) This Agreement shall be approved in accordance with the internal legal procedures of the Contracting Parties and shall enter into force thirty days after the receipt of the second of the diplomatic notes on approval.

(2) This Agreement shall be concluded for an indefinite period of time. Each Contracting Party may denounce it in writing and it shall cease to be valid six months after the receipt of the diplomatic note.

Done at Ljubljana on 5 November 2001 in two originals in the Slovene, Bulgarian and English languages, all texts being equally authentic. In case of differences in interpretation, the English text shall prevail.

For the Government
of the Republic of Slovenia
dr. Dimitrij Rupel l. r.

For the Government
of the Republic of Bulgaria
Solomon Isaac Passy l. r.

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za promet.

4. člen

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

Št. 326-03/03-16/1
Ljubljana, dne 2. oktobra 2003
EPA 936-III

Predsednik
Državnega zbora
Republike Slovenije
Borut Pahor l. r.

70. Uredba o ratifikaciji Sporazuma med Vlado Republike Slovenije in Združenimi narodi o soorganizaciji Konference Združenih narodov o vseh vidikih nezakonitega trgovanja z osebnim in lahkim orožjem v Jugovzhodni Evropi

Na podlagi petega odstavka 75. člena Zakona o zunanjih zadevah (Uradni list RS, št. 45/01) izdaja Vlada Republike Slovenije

U R E D B O

O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN ZDRUŽENIMI NARODI O SOORGANIZACIJI KONFERENCE ZDRUŽENIH NARODOV O VSEH VIDIKIH NEZAKONITEGA TRGOVANJA Z OSEBNIM IN LAHKIM OROŽJEM V JUGOVZHODNI EVROPI

1. člen

Ratificira se Sporazum med Vlado Republike Slovenije in Združenimi narodi o soorganizaciji Konference Združenih narodov o vseh vidikih nezakonitega trgovanja z osebnim in lahkim orožjem v Jugovzhodni Evropi, sklenjen z izmenjavo pisem z dne 4. marca 2003 v New Yorku.

2. člen

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

UNITED NATIONS

4 March 2003

Excellency,

I have the honor to refer to your letter of 19 November 2002, in which the Government of the Republic of Slovenia (hereinafter "the Government") has agreed to host the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in South Eastern Europe (hereinafter "the Conference"), which will be held in Brdo pri Kranju, Republic of Slovenia, from 10 to 12 March 2003. The Conference is convened in pursuance to the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN Document A/CONF.192/15), adopted on 20 July 2001 by the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in New York. The Conference will be held at the Hotel Kokra in Brdo pri Kranju.

The United Nations, represented by the Department for Disarmament Affairs through its Regional Disarmament Branch (hereinafter "the United Nations"), which will organize the Conference in cooperation with the Government of Slovenia, represented by the Ministry of Foreign Affairs (hereinafter "the Government"), and the Organization for Security and Co-operation in Europe, represented by the Conflict Prevention Centre (hereinafter "OSCE"), would like to take this opportunity to tender its gratitude to the Government for its offer to host the Conference.

It is understood that approximately 70 participants will participate in the Conference, including officials of the United Nations, government representatives from South Eastern Europe, other interested States, representatives of international governmental organizations, UN Specialized and related Agencies, and representatives of the civil society. The tentative agenda of the Conference is attached herewith.

As the Conference is jointly organized by the United Nations and the OSCE, a number of financial and practical arrangements are set out in a separate exchange of letters between the United Nations and OSCE.

I wish to propose that the following terms shall apply to the Conference:

1. The Government shall be responsible for costs and services related to the following:

(a) Conference facility for the Conference, meeting room and office space as required;

ZDRUŽENI NARODI

4. marca 2003

Eksccelencia,

čast imam sklicevati se na vaše pismo z dne 19. novembra 2002, v katerem se Vlada Republike Slovenije (v nadaljevanju "vlada") strinja, da bo gostiteljica Konference Združenih narodov o vseh vidikih nezakonitega trgovanja z osebnim in lahkim orožjem v Jugovzhodni Evropi (v nadaljevanju "konferenca"), ki bo potekala na Brdu pri Kranju, Republika Slovenija, od 10. do 12. marca 2003. Konferenca je sklicana v skladu z Akcijskim programom za preprečevanje vseh vidikov nezakonitega trgovanja z osebnim in lahkim orožjem, boj proti njim in njihovo izkoreninjenje (Dokument ZN A/CONF.192/15), ki ga je Konference Združenih narodov o vseh vidikih nezakonitega trgovanja z osebnim in lahkim orožjem v Jugovzhodni Evropi sprejela v New Yorku 20. julija 2001. Konferenca bo potekala v hotelu Kokra na Brdu pri Kranju.

Združeni narodi, ki jih predstavlja Oddelek za razorožitev prek svoje regionalne podružnice za razorožitev (v nadaljevanju "Združeni narodi"), ki bo organizirala konferenco v sodelovanju z vlado Slovenije, ki jo predstavlja Ministrstvo za zunanje zadeve (v nadaljevanju "vlada"), in Organizacija za varnost in sodelovanje v Evropi, ki jo predstavlja Center za preprečevanje sporov (v nadaljevanju "OVSE"), bi ob tej priložnosti vladi radi izrazili svojo hvaležnost za ponudbo, da bo gostila konferenco.

Pričakuje se, da bo na konferenci sodelovalo približno 70 udeležencev, vključno z uradniki Združenih narodov, vladnimi predstavniki iz Jugovzhodne Evrope, drugimi zainteresiranimi državami, predstavniki mednarodnih vladnih organizacij, specializiranih in drugih podobnih agencij ZN ter predstavniki civilne družbe. Predlog dnevnega reda konference je priložen.

Ker konferenco skupaj organizirajo Združeni narodi in OVSE, se z ločeno izmenjavo pisem med ZN in OVSE uredi več finančnih in praktičnih vprašanj.

Rad bi predlagal, da za konferenco veljajo ti pogoji:

1. Vlada prevzame stroške in storitve v zvezi s:

a) konferenčno dvorano, dvorano za srečanje in potrebni pisarniški prostori;

(b) Registration related supplies;
(c) Audio equipment installed in the conference facility;
(d) Local Administrative support personnel, including secretarial assistance;

(e) Local transportation between the airport and the hotel, as well as between the hotel and the conference facility;

(f) Office supplies, stationery and office equipment, including computers (with internet facilities), printer, photocopier, fax and projectors (alternative Power Point facilities);

(g) One lunch and one reception, as well as coffee breaks;

(h) Communications;

(i) Sundries up to \$ US 500 for miscellaneous and unforeseen expenses, including banners of the Conference.

2.(a) (i) The Convention on the Privileges and Immunities of the United Nations adopted by the General Assembly of the United Nations on 13 February 1946 (hereinafter "the Convention"), to which the Government is a party, shall be applicable in respect of the Conference. In particular, the representatives of States participating in the Conference shall enjoy the privileges and immunities provided by the United Nations under article IV of the Convention. The participants invited by the United Nations designated by the Secretary-General as experts on mission for the United Nations shall enjoy the privileges and immunities accorded to experts on mission for the United Nations by article VI and VII of the Convention. Officials of the United Nations participating in or performing functions in connection with the Conference shall enjoy the privileges and immunities provided under articles V and VII of the Convention. Officials of the Specialized Agencies shall enjoy the privileges and immunities provided under articles VI and VIII of the Convention on the privileges and immunities of the specialized agencies, adopted by the General Assembly on 21 November 1947.

(ii) Without prejudice to the provisions of the Convention, all participants and persons performing functions in connection with the Conference shall enjoy such privileges and immunities, facilities and courtesies as are necessary for the independent exercise of their functions in connection with the Conference.

(iii) Personnel provided by the Government pursuant to this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connection with the Conference.

(b) All participants and all United Nations officials performing functions in connection with the Conference shall have the right of unimpeded entry into and exit from the Republic of Slovenia. Visas and entry permits, where required, shall be granted free of charge and as speedily as possible. When applications are made four weeks before the opening of the Conference, visas shall be granted not later than two weeks before the opening of the Conference. If application is made less than four weeks before the opening, visas shall be granted as speedily as possible and not later than three days before the opening. Arrangements shall also be made to ensure that visas for the duration of the Conference are delivered at the airport of arrival to those who are unable to obtain them prior to their arrival. Exit permits, where required, shall be granted free of charge, as speedily as possible, and in any case not later than three days before the closing of the Conference.

b) potrebnim za registracijo;

c) zvočno opremo konferenčne dvorane;

d) lokalnim administrativnim pomožnim osebjem, vključno s tajniškimi;

e) lokalnim prevozom med letališčem in hotelom ter med hotelom in konferenčno dvorano;

f) pisarniškimi potrebščinami, pisarniškim materialom in opremo, vključno z računalniki (s priključkom na medmrežje), tiskalnikom, fotokopirnim strojem, telefaksom in projektorji (alternativna oprema za Power point);

g) kosilom in sprejemom ter odmori s kavo;

h) zvezami;

i) drugimi manjšimi izdatki do zneska USD 500 za nepredvidene in druge stroške, vključno z zastavami konference.

2. a) (i) V zvezi s konferenco se uporablja Konvencija Združenih narodov o privilegijih in imunitetah, ki jo je sprejela Generalna skupščina Združenih narodov 13. februarja 1946 (v nadaljevanju "konvencija"), katere pogodbenica je tudi vlada. Predstavniki držav udeleženk konference uživajo privilegije in imunitete, določene v IV. členu konvencije. Udeleženci, ki jih povabijo Združeni narodi in so po odločitvi generalnega sekretarja kot strokovnjaki na misiji za Združene narode, uživajo privilegije in imunitete, ki se priznavajo strokovnjakom na misiji za ZN v skladu s VI. in VII. členom konvencije. Uradniki Združenih narodov, ki sodelujejo na konferenci ali opravljajo naloge v zvezi s konferenco, uživajo privilegije in imunitete, kot jih določata V. in VII. člen konvencije. Uradniki specializiranih agencij uživajo privilegije in imunitete, določene v VI. in VIII. členu Konvencije o privilegijih specializiranih agencij, ki jo je Generalna skupščina sprejela 21. novembra 1947.

(ii) Ne glede na določbe konvencije vsi udeleženci konference in osebe, ki opravljajo naloge v zvezi s konferenco, uživajo take privilegije in imunitete, olajšave in ugodnosti, kot so potrebne za neodvisno opravljanje njihovih nalog v zvezi s konferenco.

(iii) Osebe, ki ga v skladu s tem sporazumom zagotovi vlada, uživa imuniteto v sodnem postopku glede izgovorjenih ali zapisanih besed in kakršnih koli dejanj, ki jih je storilo pri opravljanju svoje uradne dolžnosti v zvezi s konferenco.

b) Vsi udeleženci in vsi uradniki Združenih narodov, ki opravljajo naloge v zvezi s konferenco, imajo pravico do neoviranega vstopa v Republiko Slovenijo in izstopa iz nje. Vizumi in dovoljenja za vstop, če so potrebni, se izdajo brezplačno in kakor hitro je mogoče. Če je prošnja za vizum vložena štiri tedne pred začetkom konference, se vizum izda najmanj dva tedna pred njenim začetkom. Če je prošnja za vizum vložena manj kot štiri tedne pred začetkom konference, se vizum izda, kakor hitro je mogoče in najmanj tri dni pred njenim začetkom. Uredi se tudi, da se za obdobje trajanja konference zagotovi izdajanje vizumov na letališču prihoda za tiste, ki vizuma niso mogli dobiti pred svojim prihodom. Dovoljenja za izstop iz države, če je potrebno, se izdajo brezplačno in kakor hitro je mogoče, vsekakor pa najmanj tri dni pred koncem konference.

3. It is further understood that the Government shall be responsible for dealing with any action, claim or other demand against the United Nations or its officials arising out of:

- a) Injury to person or damage to or loss of property in the conference or office premises provided for the Conference;
- b) Injury to persons, or damage to or loss of property caused by or incurred in using the transportation provided or arranged by the Government; and
- c) The employment for the Conference of personnel provided or arranged by the Government.

The Government shall indemnify and hold the United Nations and its officials harmless in respect of any such action, claim or other demand.

4. The Government shall furnish such police protection as may be required to ensure the safety of the participants and UN personnel and the effective functioning of the Conference in an atmosphere of security and tranquility free from interference of any kind. While such police services shall be under the direct supervision and control of a senior officer provided by the Government, this officer shall work in close cooperation with a designated senior official of the United Nations.

5. Any dispute concerning the interpretation or implementation of this agreement, except for a dispute subject to the appropriate provisions of the Convention that is regulated by Section 30 of the Convention or of any other applicable agreement, shall, unless the United Nations and the Government of Slovenia otherwise agree, be resolved by negotiations or any other agreed mode of settlement. Any such dispute that is not settled by negotiation or any other agreed mode of settlement shall be submitted at the request of either the United Nations or the Government of Slovenia for a final decision to a tribunal of three arbitrators. If either party does not appoint an arbitrator within three months of the other party having notified the name of its arbitrator, or if the first two arbitrators do not, within three months of the appointment or nomination of the second one of them appoint the Chairman, then such an arbitrator shall be nominated by the President of the International Court of Justice at the request of either party to the dispute. Except as otherwise agreed, the tribunal shall adopt its own rules of procedure, provide for the reimbursement of its members and the distribution of expenses between the parties, and take all decisions by a two-third majority. Its decisions on all questions of procedure and substance shall be final and, even if rendered in default of one of the parties, be binding on both of them.

6. I further propose that upon receipt of your Government's confirmation in writing of the above, this exchange of letters shall constitute an Agreement between the United Nations and the Government of the Republic of Slovenia regarding the hosting of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects in South Eastern Europe, which shall enter into force on the date of receipt, by the United Nation, of the notification of the Republic of Slovenia that its internal legal procedures for the entry into force of the Agreement have been completed. The Agreement shall be applied provisionally from the date of your reply and shall be in effect for the duration of the Conference, as well as for such additional period as is necessary for the completion of their work and for the resolution of any matters arising out of the Agreement.

3. Nadalje se pričakuje, da je vlada odgovorna za obravnavanje vseh tožb proti Združenim narodom ali njihovim uradnikom, zahtevkov ali drugih zahtev do njih, ki izhajajo iz:

- a) poškodb oseb ali poškodovanja ali izgube imetja v konferenčnih prostorih ali pisarniških prostorih, danih na voljo za konferenco;
- b) poškodb oseb ali poškodovanja ali izgube imetja zaradi prevoza, ki ga je zagotovila ali organizirala vlada ali med njegovo uporabo;
- c) zaposlitve osebja, ki ga za konferenco zagotovi ali organizira vlada.

Vlada Združene narode in njihove uradnike zavaruje pred vsako tako tožbo, zahtevkom ali drugo zahtevo in jim povrne škodo.

4. Vlada zagotovi tako policijsko varstvo, kot je potrebno za varnost udeležencev in osebja Združenih narodov ter učinkovito delo konference v varnem in mirnem vzdušju brez kakršnegakoli vmešavanja. Policijske dejavnosti neposredno vodi in nadzoruje višji uradnik, ki ga določi vlada in tesno sodeluje z zato določenim višjim uradnikom Združenih narodov.

5. Vsak spor v zvezi z razlago ali izvajanjem tega sporazuma, razen spora za katerega veljajo ustrezne določbe 30. odstavka Konvencije ali katerega koli drugega ustreznega sporazuma, se, razen če se Združeni narodi in vlada Slovenije ne dogovorijo drugače, rešuje s pogajanjem ali na drug dogovorjen način reševanja. Vsak tak spor, ki se ne reši s pogajanjem ali na kak drug dogovorjen način reševanja, se na prošnjo Združenih narodov ali vlade Slovenije predloži v dokončno odločitev razsodišču treh članov, od katerih enega imenuje generalni sekretar Združenih narodov, drugega vlada, tretjega, ki bo predsednik, pa imenovana razsodnika. Če katera od strank ne imenuje razsodnika v treh mesecih od takrat, ko ji je druga stranka uradno sporočila ime svojega razsodnika, ali če prva dva razsodnika v treh mesecih po imenovanju drugega od njiju ne imenujeta predsednika, potem takega razsodnika imenuje predsednik Meddržavnega sodišča na zahtevo katere koli stranke v sporu. Če ni dogovorjeno drugače, razsodišče sprejme svoj poslovnik, poskrbi za nadomestilo svojim članom in porazdelitev stroškov med stranki ter sprejema vse odločitve z dvotretjinsko večino. Njegove odločitve o vseh postopkovnih in vsebinskih vprašanjih so dokončne in zavezujoče za obe, tudi če so sprejete v odsotnosti ene od strank.

6. Nadalje predlagam, da ob prejemu pisnega potrdila vlade, da se z navedenim strinja, ta izmenjava pisem sestavlja Sporazum med Združenimi narodi in Vlado Republike Slovenije o soorganizaciji Konference Združenih narodov o vseh vidikih nezakonitega trgovanja z osebnim in lahkim orožjem v Jugovzhodni Evropi, ki začne veljati na dan, ko Združeni narodi prejmejo uradno obvestilo Republike Slovenije, da so bili končani vsi njeni notranje pravni postopki, potrebni za začetek veljavnosti sporazuma. Sporazum se začasno uporablja od dneva prejema vašega odgovora in velja med konferenco in za tako dodatno obdobje, kot je potrebno, da se konča njeno delo ter rešijo vse zadeve, ki izhajajo iz sporazuma.

Please accept, Excellency, the assurances of my highest consideration.

Hannelore Hoppe
Officer-in-Charge
Department for Disarmament Affairs

His Excellency
Mr. Roman Kirn
Permanent Representative of the Republic of Slovenia
to the United Nations
New York

PERMANENT MISSION OF SLOVENIA TO THE UNITED NATIONS

New York, 4 March 2003

Excellency,

I have the honor to confirm the receipt of your letter of 4 March 2003, regarding the hosting of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects in South Eastern Europe, which will take place in Brdo pri Kranju, Slovenia, from 10 to 12 March 2003. In this regard I would like to confirm that the Government of the Republic of Slovenia agrees fully with the content of above mentioned letter.

The Republic of Slovenia further agrees that your letter and this letter-reply constitutes an agreement between the United Nations and the Government of Slovenia on hosting the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in South Eastern Europe.

Please accept, Excellency, the assurance of my highest consideration.

Roman Kirn
Ambassador
Permanent Representative
of the Republic of Slovenia
to the United Nations

Jayantha Dhanapala
Under-Secretary-General
for Disarmament Affairs
United Nations

Sprejmite, prosim, ekscelenca, izraze mojega najglobljega spoštovanja.

Hannelore Hoppe
višja referentka
Oddelek za razorožitev

Nj. eksc.
g. Roman Kirn
stalni predstavnik
Republike Slovenije pri
Združenih narodih
New York

STALNA MISIJA SLOVENIJE PRI ZDUŽENIH NARODIH

New York, 4. marca 2003

Ekscelenca,

čast imam potrditi prejem vašega pisma z dne 4. marca 2003 o soorganizaciji Konference Združenih narodov o vseh vidikih nezakonitega trgovanja z osebnim in lahkim orožjem v Jugovzhodni Evropi, ki bo potekala na Brdu pri Kranju, Slovenija, od 10. do 12. marca 2003. Glede tega potrjujem, da se Vlada Republike Slovenije popolnoma strinja z vsebino omenjenega pisma.

Republika Slovenija se nadalje strinja s predlogom, da vaše pismo in ta odgovor sestavljata sporazum med Združenimi narodi in Vlado Republike Slovenije o soorganizaciji Konference Združenih narodov o vseh vidikih nezakonitega trgovanja z osebnim in lahkim orožjem v Jugovzhodni Evropi.

Sprejmite, prosim, ekscelenca, izraze mojega najglobljega spoštovanja.

Roman Kirn
veleposlanik
stalni predstavnik
Republike Slovenije
pri Združenih narodih

Jayantha Dhanapala
generalni podsekretar za razorožitev
Združeni narodi

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za zunanje zadeve.

4. člen

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

Št. 222-13/2003-2
Ljubljana, dne 9. oktobra 2003
EVA 2003-1811-0033

Vlada Republike Slovenije

mag. Anton Rop l. r.
Predsednik

PRAVKAR IZŠLO

USTAVA REPUBLIKE SLOVENIJE

Sprejem Ustavnega zakona o spremembah prvega poglavja ter 47. in 68. člena slovenske ustave vsekakor lahko označimo kot pomemben zgodovinski dogodek, ki ga bo mogoče v njegovi pravi luči ovrednotiti šele čez nekaj let, je v uvodnih pojasnilih k zadnjim spremembam ustave zapisal **dr. Miro Cerar**. Uvod je namenjen razlagi teh sprememb ustave. Poleg ustavnega besedila so v knjižici v tradicionalni modri barvi in trdih platnicah objavljeni tudi vsi ustavni zakoni ter novo stvarno kazalo, ki ga je pripravil mag. Janez Toplišek.

Cena: 10624 – **2700** SIT z DDVv angleškem jeziku 10558 – **1410** SIT z DDV

N A R O Č I L N I C A

Uradni list Republike Slovenije, Slovenska 9, 1000 Ljubljana
<http://www.uradni-list.si>Naročite po faksu: **01/425 14 18**

S tem nepreklicno naročam

• USTAVA REPUBLIKE SLOVENIJE

- | | | |
|--|-----------------------|---------------|
| – 10624 vezana izdaja | 2700 SIT z DDV | Štev. izvodov |
| – 10558 vezana izdaja v angleškem jeziku | 1410 SIT z DDV | Štev. izvodov |

Naročeno knjigo mi pošljite na naslov

Davčna številka

Davčni zavezanec DA NE

Firma – ime naročnika

Sektor – oddelek

Ulica in številka

Kraj

Datum

Podpis pooblaščenice osebe

Žig

PRAVKAR IZŠLO

Zakon o kazenskem postopku

s stvarnim kazalom dr. Vida Jakulina

Zadnje spremembe in dopolnitve kazenskega procesnega zakona, ki so začele veljati sredi julija 2003, so deveti poseg v to zakonsko besedilo. Državni zbor je junija 2003 sprejel kar 44 novel zakona. V knjižni izdaji so objavljene v ležečem tisku. Nekateri člani zakona, ki bodo začeli veljati čez leto dni, so objavljeni dvakrat. Najprej je natisnjeno besedilo, ki bo veljalo do sredine leta 2004, v ponovljeni inačici pa člen zakona, ki se začne uporabljati eno leto po uveljavitvi zadnjih sprememb in dopolnitev zakona.

Dr. Vid Jakulin je dopolnil stvarno kazalo, tako da zdaj obsega že okoli 100 strani in je dragocen pomočnik tako pri iskanju novih zakonskih določb kot pri hitrem spoznavanju vsebine zakona.

Cena: 10628 broširana izdaja **4800** SIT z DDV
10629 vezana izdaja **5600** SIT z DDV

NAROČILNICA

Uradni list Republike Slovenije, Slovenska 9, 1000 Ljubljana
<http://www.uradni-list.si>

Naročite po faksu: **01/425 14 18**

S tem nepreklicno naročam

• Zakon o kazenskem postopku

– 10628 broširana izdaja **4800** SIT z DDV

Štev. izvodov

– 10629 vezana izdaja **5600** SIT z DDV

Štev. izvodov

Naročeno knjigo mi pošljite na naslov

Davčna številka

Davčni zavezanec DA NE

Firma – ime naročnika

Sektor – oddelek

Ulica in številka

Kraj

Datum

Podpis pooblaščenice osebe

Žig

VSEBINA

62.	Zakon o ratifikaciji Protokola št. 13 h Konvenciji o varstvu človekovih pravic in temeljnih svoboščin glede odprave smrtne kazni v vseh okoliščinah (MKVCP13)	1733
63.	Zakon o ratifikaciji Drugega protokola k Haaški konvenciji iz leta 1954 o varstvu kulturnih dobrin v primeru oboroženega spopada (M2PHKV)	1736
64.	Zakon o ratifikaciji Konvencije o varnosti osebja Združenih narodov in spremljevalnega osebja (MKVOZN)	1751
65.	Zakon o ratifikaciji Letnega sporazuma o financiranju 2003 Posebnega pristopnega programa za kmetijstvo in razvoj podeželja v Republiki Sloveniji (SAPARD) med Komisijo Evropskih skupnosti v imenu Evropske skupnosti in Vlado Republike Slovenije (MSAPAR3)	1759
66.	Zakon o ratifikaciji Sporazuma o sodelovanju med Vlado Republike Slovenije in Evropsko organizacijo za uporabo meteoroloških satelitov (EUMETSAT) (MEUMETS)	1765
67.	Zakon o ratifikaciji Evropske konvencije o filmski koprodukciji (MEKFK)	1769
68.	Zakon o ratifikaciji Sporazuma o varstvu netopirjev v Evropi (MVNE)	1777
69.	Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Republike Bolgarije o sodelovanju v kombiniranem prevozu (BBGKP)	1784
70.	Uredba o ratifikaciji Sporazuma med Vlado Republike Slovenije in Združenimi narodi o soorganizaciji Konference Združenih narodov o vseh vidikih nezakonitega trgovanja z osebnim in lahkim orožjem v Jugovzhodni Evropi	1790

