

### 76. Zakon o ratifikaciji Pogodbe o odprtih zračnih prostorih (MPOZP)

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 POGODBE O ODPRTIH ZRAČNIH PROSTORIH (MPOZP)

Razglušam Zakon o ratifikaciji Pogodbe o odprtih zračnih prostorih (MPOZP), ki ga je sprejel Državni zbor Republike Slovenije na seji 20. maja 2004.

Št. 001-22-107/04  
Ljubljana, 28. maj 2004

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

#### Z A K O N

### O RATIFIKACIJI POGODBE O ODPRTIH ZRAČNIH PROSTORIH (MPOZP)

#### 1. člen

Ratificira se Pogodba o odprtih zračnih prostorih, podpisana 24. marca 1992 v Helsinkih.

#### 2. člen

Besedilo Pogodbe se v izvorniku v angleškem jeziku in prevodu v slovenskem jeziku glasi: \*

### T R E A T Y O N O P E N S K I E S

The States concluding this Treaty, hereinafter referred to collectively as the States Parties or individually as a State Party,

Recalling the commitments they have made in the Conference on Security and Co-operation in Europe to promoting greater openness and transparency in their military activities and to enhancing security by means of confidence- and security-building measures,

Welcoming the historic events in Europe which have transformed the security situation from Vancouver to Vladivostok,

Wishing to contribute to the further development and strengthening of peace, stability and co-operative security in that area by the creation of an Open Skies regime for aerial observation,

Recognizing the potential contribution which an aerial observation regime of this type could make to security and stability in other regions as well,

### P O G O D B A O O D P R T I H Z R A Č N I H P R O S T O R I H

Države, ki so sklenile to pogodbo in se skupno imenujejo države pogodbenice, posamično pa država pogodbenica, in ki

upoštevajo obveznosti, sprejete na Konferenci o varnosti in sodelovanju v Evropi z namenom spodbujati večjo odprtost in preglednost v njihovih vojaških dejavnostih ter povečati varnost s pomočjo ukrepov za krepitev zaupanja in varnosti,

pozdravljajo zgodovinske dogodke v Evropi, ki so spremenili varnostni položaj od Vancouvra do Vladivostoka,

želiyo na tem področju prispevati k nadaljnemu razvoju ter h krepitvi miru, stabilnosti in sodelovanja za zagotavljanje varnosti z vzpostavitvijo režima odprtih zračnih prostorov za opazovanje iz zraka,

se zavedajo možnega prispevka takega režima za opazovanje iz zraka k varnosti in stabilnosti tudi na drugih območjih,

\* Besedilo pogodbe v francoskem, italijanskem, nemškem, ruskem in španskem jeziku je na vpogled v Sektorju za mednarodnopravne zadeve Ministrstva za zunanje zadeve.

Noting the possibility of employing such a regime to improve openness and transparency, to facilitate the monitoring of compliance with existing or future arms control agreements and to strengthen the capacity for conflict prevention and crisis management in the framework of the Conference on Security and Co-operation in Europe and in other relevant international institutions,

Envisaging the possible extension of the Open Skies regime into additional fields, such as the protection of the environment,

Seeking to establish agreed procedures to provide for aerial observation of all the territories of States Parties, with the intent of observing a single State Party or groups of States Parties, on the basis of equity and effectiveness while maintaining flight safety,

Noting that the operation of such an Open Skies regime will be without prejudice to States not participating in it,

Have agreed as follows:

#### Article I

##### GENERAL PROVISIONS

1. This Treaty establishes the regime, to be known as the Open Skies regime, for the conduct of observation flights by States Parties over the territories of other States Parties, and sets forth the rights and obligations of the States Parties relating thereto.

2. Each of the Annexes and their related Appendices constitutes an integral part of this Treaty.

#### Article II

##### DEFINITIONS

For the purposes of this Treaty:

1. The term "observed Party" means the State Party or group of States Parties over whose territory an observation flight is conducted or is intended to be conducted, from the time it has received notification thereof from an observing Party until completion of the procedures relating to that flight, or personnel acting on behalf of that State Party or group of States Parties.

2. The term "observing Party" means the State Party or group of States Parties that intends to conduct or conducts an observation flight over the territory of another State Party or group of States Parties, from the time that it has provided notification of its intention to conduct an observation flight until completion of the procedures relating to that flight, or personnel acting on behalf of that State Party or group of States Parties.

3. The term "group of States Parties" means two or more States Parties that have agreed to form a group for the purposes of this Treaty.

4. The term "observation aircraft" means an unarmed, fixed wing aircraft designated to make observation flights, registered by the relevant authorities of a State Party and equipped with agreed sensors. The term "unarmed" means that the observation aircraft used for the purposes of this Treaty is not equipped to carry and employ weapons.

5. The term "observation flight" means the flight of the observation aircraft conducted by an observing Party over the territory of an observed Party, as provided in the flight plan, from the point of entry or Open Skies airfield to the point of exit or Open Skies airfield.

6. The term "transit flight" means a flight of an observation aircraft or transport aircraft conducted by or on behalf of an observing Party over the territory of a third State Party en route to or from the territory of the observed Party.

7. The term "transport aircraft" means an aircraft other than an observation aircraft that, on behalf of the observing Party, conducts flights to or from the territory of the observed Party exclusively for the purposes of this Treaty.

ugotavljajo možnost za uporabo takega režima za izboljšanje odprtosti in preglednosti, za olajšanje nadzora nad spoštovanjem sedanjih ali prihodnjih dogovorov o nadzoru nad orožjem ter za povečanje zmogljivosti za preprečevanje sporov in obvladovanje kriz v okviru Konference o varnosti in sodelovanju v Evropi ter v drugih ustreznih mednarodnih ustanovah,

predvidevajo možno razširitev režima odprtih zračnih prostorov na dodatna področja, kot je varstvo okolja,

si prizadevajo uveljaviti dogovorjene postopke za zagotavljanje opazovanja nad ozemlji vseh držav pogodbenic iz zraka z namenom opazovati posamezno državo pogodbenico ali skupine držav pogodbenic na podlagi enakosti in učinkovitosti ob zagotavljanju varnosti letenja,

ugotavljajo, da režim odprtih zračnih prostorov ne bo vplival na države, ki ne bodo sodelovale v njem, so se dogovorile o naslednjem:

#### I. člen

##### SPLOŠNE DOLOČBE

1. Ta pogodba vzpostavlja režim, znan kot režim odprtih zračnih prostorov za opazovalne lete, ki jih izvajajo države pogodbenice nad ozemlji drugih držav pogodbenic, ter določa pravice in dolžnosti držav pogodbenic, ki se nanašajo na ta režim.

2. Vsi dodatki in njihove priloge so sestavni del te pogodbe.

#### II. člen

##### POMEN IZRAZOV

V tej pogodbi:

1. Izraz »opazovanka« pomeni državo pogodbenico ali skupino držav pogodbenic, nad ozemljem katerih se izvaja ali namerava izvesti opazovalni let, od prejema uradnega obvestila opazovalke do dokončanja postopkov v zvezi s tem letom ali osebje, ki deluje v imenu te države pogodbenice ali skupine držav pogodbenic.

2. Izraz »opazovalka« pomeni državo pogodbenico ali skupino držav pogodbenic, ki namerava izvesti ali izvaja opazovalni let nad ozemljem druge države pogodbenice ali skupine držav pogodbenic, od uradnega obvestila o njeni nameri izvesti opazovalni let do dokončanja postopkov v zvezi s tem letom ali osebje, ki deluje v imenu te države pogodbenice ali skupine držav pogodbenic.

3. Izraz »skupina držav pogodbenic« pomeni dve ali več držav pogodbenic, ki so se dogovorile, da sestavljajo skupino za namen te pogodbe.

4. Izraz »opazovalno letalo« pomeni neoboroženo letalo z nepremičnimi krili, namenjeno opazovalnim letom, registrirano pri pristojnih organih države pogodbenice in opremljeno z dogovorjenimi senzorji. Izraz »neoboroženo« pomeni, da opazovalno letalo, uporabljeno za namene te pogodbe, ni opremljeno za nošenje in uporabo orožja.

5. Izraz »opazovalni let« pomeni let opazovalnega letala, ki ga izvaja opazovalka nad ozemljem opazovanke v skladu z načrtom leta od vstopne točke ali letališča odprtih zračnih prostorov do izstopne točke ali letališča odprtih zračnih prostorov.

6. Izraz »tranzitni let« pomeni let opazovalnega ali transportnega letala, ki ga izvede opazovalka ali se izvede v njenem imenu nad ozemljem tretje države pogodbenice na poti na ozemlje opazovanke ali z njega.

7. Izraz »transportno letalo« pomeni letalo, ki ni opazovalno letalo in v imenu opazovalke izvaja lete na ozemlje opazovanke ali z njega izključno za namene te pogodbe.

8. The term "territory" means the land, including islands, and internal and territorial waters, over which a State Party exercises sovereignty.

9. The term "passive quota" means the number of observation flights that each State Party is obliged to accept as an observed Party.

10. The term "active quota" means the number of observation flights that each State Party has the right to conduct as an observing Party.

11. The term "maximum flight distance" means the maximum distance over the territory of the observed Party from the point at which the observation flight may commence to the point at which that flight may terminate, as specified in Annex A to this Treaty.

12. The term "sensor" means equipment of a category specified in Article IV, paragraph 1 that is installed on an observation aircraft for use during the conduct of observation flights.

13. The term "ground resolution" means the minimum distance on the ground between two closely located objects distinguishable as separate objects.

14. The term "infra-red line-scanning device" means a sensor capable of receiving and visualizing thermal electromagnetic radiation emitted in the invisible infra-red part of the optical spectrum by objects due to their temperature and in the absence of artificial illumination.

15. The term "observation period" means a specified period of time during an observation flight when a particular sensor installed on the observation aircraft is operating.

16. The term "flight crew" means individuals from any State Party who may include, if the State Party so decides, interpreters and who perform duties associated with the operation or servicing of an observation aircraft or transport aircraft.

17. The term "pilot-in-command" means the pilot on board the observation aircraft who is responsible for the operation of the observation aircraft, the execution of the flight plan, and the safety of the observation aircraft.

18. The term "flight monitor" means an individual who, on behalf of the observed Party, is on board an observation aircraft provided by the observing Party during the observation flight and who performs duties in accordance with Annex G to this Treaty.

19. The term "flight representative" means an individual who, on behalf of the observing Party, is on board an observation aircraft provided by the observed Party during an observation flight and who performs duties in accordance with Annex G to this Treaty.

20. The term "representative" means an individual who has been designated by the observing Party and who performs activities on behalf of the observing Party in accordance with Annex G during an observation flight on an observation aircraft designated by a State Party other than the observing Party or the observed Party.

21. The term "sensor operator" means an individual from any State Party who performs duties associated with the functioning, operation and maintenance of the sensors of an observation aircraft.

22. The term "inspector" means an individual from any State Party who conducts an inspection of sensors or observation aircraft of another State Party.

23. The term "escort" means an individual from any State Party who accompanies the inspectors of another State Party.

24. The term "mission plan" means a document, which is in a format established by the Open Skies Consultative Commission, presented by the observing Party that contains the route, profile, order of execution and support required to conduct the observation flight, which is to be agreed upon with the observed Party and which will form the basis for the elaboration of the flight plan.

8. Izraz »ozemlje« pomeni kopno, vključno z otoki, notranjimi morskimi vodami in teritorialnim morjem, nad katerimi izvaja suverenost država pogodbenica.

9. Izraz »pasivna kvota« pomeni število opazovalnih letov, ki jih mora vsaka država pogodbenica sprejeti kot opazovanka.

10. Izraz »aktivna kvota« pomeni število opazovalnih letov, ki jih ima vsaka država pogodbenica pravico izvesti kot opazovalka.

11. Izraz »največja dolžina leta« pomeni največjo razdaljo nad ozemljem opazovanke od točke, kjer se opazovalni let lahko začne, do točke, kjer se lahko konča, kot je določeno v Dodatku A k tej pogodbi.

12. Izraz »senzor« pomeni vrsto opreme, ki je opisana v prvem odstavku IV. člena in se namesti na opazovalno letalo za uporabo med opazovalnimi leti.

13. Izraz »ločljivost na zemlji« pomeni najmanjšo razdaljo med bližnjima objektoma na zemlji, na kateri ju je še mogoče razločiti kot posamezna objekta.

14. Izraz »infrardeči premočrtni čitalnik« pomeni senzor, ki sprejema in vidno prikaže toplotno elektromagnetno sevanje, ki ga v nevidnem infrardečem delu optičnega spektra oddajajo predmeti zaradi svoje temperature, ne da bi bili umetno osvetljeni.

15. Izraz »čas opazovanja« pomeni določeno časovno obdobje med opazovalnim letom, ko določeni senzor na opazovalnem letalu deluje.

16. Izraz »posadka letala« pomeni osebe iz katere koli države pogodbenice, ki opravljajo dolžnosti v zvezi z upravljanjem ali vzdrževanjem opazovalnega ali transportnega letala, in lahko vključuje tolmače, če država pogodbenica tako odloči.

17. Izraz »poveljnik letala« pomeni pilota v opazovalnem letalu, ki je odgovoren za upravljanje opazovalnega letala, izvedbo načrta leta in varnost opazovalnega letala.

18. Izraz »nadzornik leta« pomeni osebo, ki je v imenu opazovanke med opazovalnim letom v opazovalnem letalu, ki ga zagotovi opazovalka, in opravlja dolžnosti v skladu z Dodatkom G k tej pogodbi.

19. Izraz »predstavnik leta« pomeni osebo, ki je v imenu opazovalke med opazovalnim letom v opazovalnem letalu, ki ga zagotovi opazovanka, in opravlja dolžnosti v skladu z Dodatkom G k tej pogodbi.

20. Izraz »predstavnik« pomeni osebo, ki jo je določila opazovalka in med opazovalnim letom opravlja dolžnosti v imenu opazovalke v skladu z Dodatkom G k tej pogodbi in opazovalnem letalu, ki ga je določila neka druga država pogodbenica in ne opazovalka ali opazovanka.

21. Izraz »upravljevec senzorjev« pomeni osebo iz katere koli države pogodbenice, ki opravlja dolžnosti v zvezi z delovanjem, upravljanjem in vzdrževanjem senzorjev opazovalnega letala.

22. Izraz »inšpektor« pomeni osebo iz katere koli države pogodbenice, ki pregleduje senzorje ali opazovalno letalo druge države pogodbenice.

23. Izraz »spremljevalec« pomeni osebo iz katere koli države pogodbenice, ki spremlja inšpektorje druge države pogodbenice.

24. Izraz »načrt naloge« pomeni dokument, ki ga v obliki, ki jo določi posvetovalna komisija za odprte zračne prostore, predloži opazovalka in vsebuje ruto, profil, ukaz za izvedbo in potrebno podporo za izvedbo opazovalnega leta, o njem pa se je treba dogovoriti z opazovanko in bo podlaga za izdelavo načrta leta.

25. The term "flight plan" means a document elaborated on the basis of the agreed mission plan in the format and with the content specified by the International Civil Aviation Organization, hereinafter referred to as the ICAO, which is presented to the air traffic control authorities and on the basis of which the observation flight will be conducted.

26. The term "mission report" means a document describing an observation flight completed after its termination by the observing Party and signed by both the observing and observed Parties, which is in a format established by the Open Skies Consultative Commission.

27. The term "Open Skies airfield" means an airfield designated by the observed Party as a point where an observation flight may commence or terminate.

28. The term "point of entry" means a point designated by the observed Party for the arrival of personnel of the observing Party on the territory of the observed Party.

29. The term "point of exit" means a point designated by the observed Party for the departure of personnel of the observing Party from the territory of the observed Party.

30. The term "refuelling airfield" means an airfield designated by the observed Party used for fuelling and servicing of observation aircraft and transport aircraft.

31. The term "alternate airfield" means an airfield specified in the flight plan to which an observation aircraft or transport aircraft may proceed when it becomes inadvisable to land at the airfield of intended landing.

32. The term "hazardous airspace" means the prohibited areas, restricted areas and danger areas, defined on the basis of Annex 2 to the Convention on International Civil Aviation, that are established in accordance with Annex 15 to the Convention on International Civil Aviation in the interests of flight safety, public safety and environmental protection and about which information is provided in accordance with ICAO provisions.

33. The term "prohibited area" means an airspace of defined dimensions, above the territory of a State Party, within which the flight of aircraft is prohibited.

34. The term "restricted area" means an airspace of defined dimensions, above the territory of a State Party, within which the flight of aircraft is restricted in accordance with specified conditions.

35. The term "danger area" means an airspace of defined dimensions within which activities dangerous to the flight of aircraft may exist at specified times.

### Article III

#### QUOTAS

##### SECTION I. GENERAL PROVISIONS

1. Each State Party shall have the right to conduct observation flights in accordance with the provisions of this Treaty.

2. Each State Party shall be obliged to accept observation flights over its territory in accordance with the provisions of this Treaty.

3. Each State Party shall have the right to conduct a number of observation flights over the territory of any other State Party equal to the number of observation flights which that other State Party has the right to conduct over it.

4. The total number of observation flights that each State Party is obliged to accept over its territory is the total passive quota for that State Party. The allocation of the total passive quota to the States Parties is set forth in Annex A, Section I to this Treaty.

25. Izraz »načrt leta« pomeni dokument, ki je izdelan na podlagi dogovorjenega načrta naloge v obliki in vsebini, kot ju določa Mednarodna organizacija civilnega letalstva, v nadaljevanju imenovana ICAO, izroči pa se kontroli letenja in bo podlaga za izvedbo opazovalnega leta.

26. Izraz »poročilo o nalogi« pomeni dokument, v katerem po končanem letu opazovalka opiše opazovalni let in ga podpišeta opazovalka in opazovanka, ima pa obliko, kot jo določi posvetovalna komisija za odprte zračne prostore.

27. Izraz »letališče odprtih zračnih prostorov« pomeni letališče, ki ga določi opazovanka kot točko, kjer se opazovalni let lahko začne ali konča.

28. Izraz »točka vstopa« pomeni točko, ki jo določi opazovanka za prihod osebja opazovalke na ozemlje opazovanke.

29. Izraz »točka izstopa« pomeni točko, ki jo določi opazovanka za odhod osebja opazovalke z ozemlja opazovanke.

30. Izraz »letališče za polnjenje z gorivom« pomeni letališče, ki ga določi opazovanka za polnjenje z gorivom ter oskrbo opazovalnih in transportnih letal.

31. Izraz »nadomestno letališče« pomeni letališče, določeno v načrtu leta, na katero sme nadaljevati let opazovalno ali transportno letalo, kadar ni priporočljivo pristati na letališču predvidenega pristanka.

32. Izraz »tvegan zračni prostor« pomeni prepovedana območja, območja omejitev in nevarna območja, ki so določena na podlagi Dodatka 2 h Konvenciji o mednarodnem civilnem letalstvu in vzpostavljena v skladu z Dodatkom 15 h Konvenciji o mednarodnem civilnem letalstvu v interesu varnosti letenja, javne varnosti in varstva okolja ter o katerih so informacije dane na voljo v skladu s predpisi ICAO.

33. Izraz »prepovedano območje« pomeni zračni prostor določenih velikosti nad ozemljem države pogodbenice, v katerem je letenje zrakoplovov prepovedano.

34. Izraz »območje omejitev« pomeni zračni prostor določenih velikosti nad ozemljem države pogodbenice, v katerem je letenje zrakoplovov omejeno v skladu z določenimi pogoji.

35. Izraz »nevarno območje« pomeni zračni prostor določenih velikosti, v katerem lahko ob določenem času potekajo dejavnosti, nevarne za letenje zrakoplovov.

### III. člen

#### KVOTE

##### I. RAZDELEK: SPLOŠNE DOLOČBE

1. Vsaka država pogodbenica ima pravico izvajati opazovalne lete v skladu z določbami te pogodbe.

2. Vsaka država pogodbenica mora sprejeti opazovalne lete nad svojim ozemljem v skladu z določbami te pogodbe.

3. Vsaka država pogodbenica ima pravico izvesti enako število opazovalnih letov nad ozemljem katere koli druge države pogodbenice, kot je število letov, ki jih sme ta druga država pogodbenica izvesti nad njenim ozemljem.

4. Celotno število opazovalnih letov, ki jih mora vsaka država pogodbenica sprejeti nad svojim ozemljem, je celotna pasivna kvota za to državo pogodbenico. Celotna pasivna kvota za države pogodbenice je določena v I. razdelku Dodatka A k tej pogodbi.

5. The number of observation flights that a State Party shall have the right to conduct each year over the territory of each of the other States Parties is the individual active quota of that State Party with respect to that other State Party. The sum of the individual active quotas is the total active quota of that State Party. The total active quota of a State Party shall not exceed its total passive quota.

6. The first distribution of active quotas is set forth in Annex A, Section II to this Treaty.

7. After entry into force of this Treaty, the distribution of active quotas shall be subject to an annual review for the following calendar year within the framework of the Open Skies Consultative Commission. In the event that it is not possible during the annual review to arrive within three weeks at agreement on the distribution of active quotas with respect to a particular State Party, the previous year's distribution of active quotas with respect to that State Party shall remain unchanged.

8. Except as provided for by the provisions of Article VIII, each observation flight conducted by a State Party shall be counted against the individual and total active quotas of that State Party.

9. Notwithstanding the provisions of paragraphs 3 and 5 of this Section, a State Party to which an active quota has been distributed may, by agreement with the State Party to be overflown, transfer a part or all of its total active quota to other States Parties and shall promptly notify all other States Parties and the Open Skies Consultative Commission thereof. Paragraph 10 of this Section shall apply.

10. No State Party shall conduct more observation flights over the territory of another State Party than a number equal to 50 per cent, rounded up to the nearest whole number, of its own total active quota, or of the total passive quota of that other State Party, whichever is less.

11. The maximum flight distances of observation flights over the territories of the States Parties are set forth in Annex A, Section III to this Treaty.

## SECTION II. PROVISIONS FOR A GROUP OF STATES PARTIES

1. (A) Without prejudice to their rights and obligations under this Treaty, two or more States Parties which hold quotas may form a group of States Parties at signature of this Treaty and thereafter. For a group of States Parties formed after signature of this Treaty, the provisions of this Section shall apply no earlier than six months after giving notice to all other States Parties, and subject to the provisions of paragraph 6 of this Section.

(B) A group of States Parties shall co-operate with regard to active and passive quotas in accordance with the provisions of either paragraph 2 or 3 of this Section.

2. (A) The members of a group of States Parties shall have the right to redistribute amongst themselves their active quotas for the current year, while retaining their individual passive quotas. Notification of the redistribution shall be made immediately to all third States Parties concerned.

(B) An observation flight shall count as many observation flights against the individual and total active quotas of the observing Party as observed Parties belonging to the group are overflown. It shall count one observation flight against the total passive quota of each observed Party.

(C) Each State Party in respect of which one or more members of a group of States Parties hold active quotas shall have the right to conduct over the territory of any member of the group 50 per cent more observation flights, rounded up to the nearest whole number, than its individual active quota in respect of that member of the group or to conduct two such overflights if it holds no active quota in respect of that member of the group.

5. Število opazovalnih letov, ki jih ima država pogodbenica pravico vsako leto izvesti nad ozemljem vsake druge države pogodbenice, je posamezna aktivna kvota te države pogodbenice glede na to drugo državo pogodbenico. Vsota posameznih aktivnih kvot je celotna aktivna kvota države pogodbenice. Celotna aktivna kvota države pogodbenice ne sme biti večja od njene celotne pasivne kvote.

6. Prva razdelitev aktivnih kvot je določena v II. razdelku Dodatka A k tej pogodbi.

7. Po začetku veljavnosti te pogodbe posvetovalna komisija za odprte zračne prostore vsako leto pregleda razdelitev aktivnih kvot za naslednje koledarsko leto. Če se ob letnem pregledu v treh tednih ni mogoče sporazumeti o razdelitvi aktivnih kvot za določeno državo pogodbenico za naslednje leto, ostane razdelitev aktivnih kvot za to državo pogodbenico iz prejšnjega leta nespremenjena.

8. Vsak opazovalni let, ki ga izvede država pogodbenica, se šteje v posamezno in celotno aktivno kvoto te države pogodbenice, razen če ni drugače predvideno v določbah VIII. člena.

9. Ne glede na določbe tretjega in petega odstavka tega razdelka lahko država pogodbenica, ki ji je bila dodeljena aktivna kvota, v dogovoru z državo pogodbenico, ki naj bi bila preletena, prenese vso svojo celotno aktivno kvoto ali njen del na druge države pogodbenice ter o tem takoj uradno obvesti vse druge države pogodbenice in posvetovalno komisijo za odprte zračne prostore. Uporablja se deseti odstavek tega razdelka.

10. Nobena država pogodbenica ne sme nad ozemljem druge države pogodbenice opraviti več kot 50 odstotkov opazovalnih letov, zaokroženih na najbližje celo število, svoje celotne aktivne kvote ali celotne pasivne kvote te druge države pogodbenice, kar od tega je manj.

11. Največje dolžine opazovalnih letov nad ozemlji držav pogodbenic so določene v III. razdelku Dodatka A k tej pogodbi.

## II. RAZDELEK: DOLOČBE ZA SKUPINO DRŽAV POGODBENIC

1. (A) Brez poseganja v pravice in obveznosti iz te pogodbe smeta dve ali več držav pogodbenic, ki imajo določene kvote, ob podpisu te pogodbe ali pozneje oblikovati skupino držav pogodbenic. Za skupino držav pogodbenic, ki se oblikuje po podpisu te pogodbe, se določbe tega razdelka začnejo uporabljati najmanj šest mesecev od datuma obvestila vsem drugim državam pogodbenicam in zanjo veljajo določbe šestega odstavka tega razdelka.

(B) Skupina držav pogodbenic sodeluje glede aktivnih in pasivne kvot v skladu z določbami drugega ali tretjega odstavka tega razdelka.

2. (A) Članice skupine držav pogodbenic imajo pravico do medsebojne ponovne razdelitve aktivnih kvot za tekoče leto, obdržati pa morajo vrednost lastnih posameznih pasivnih kvot. O prerazporeditvi morajo biti takoj uradno obveščene vse tretje države pogodbenice, ki jih to zadeva.

(B) Opazovalni let se šteje za toliko opazovalnih letov glede na posamezno in celotno aktivno kvoto opazovalke, kolikor opazovank, ki pripadajo skupini, je preletenih. Let se šteje za en opazovalni let glede na celotno pasivno kvoto vsake opazovanke.

(C) Vsaka država pogodbenica, ki je vključena v aktivno kvoto ene ali več članic skupine, ima pravico izvesti nad ozemljem katere koli članice skupine 50 odstotkov več opazovalnih letov, zaokroženih na najbližje celo število, kot je njena posamezna aktivna kvota za to članico skupine, ali pa ima pravico izvesti dva taka preleta, če za to članico skupine nima aktivne kvote.

(D) In the event that it exercises this right the State Party concerned shall reduce its active quotas in respect of other members of the group in such a way that the total sum of observation flights it conducts over their territories shall not exceed the sum of the individual active quotas that the State Party holds in respect of all the members of the group in the current year.

(E) The maximum flight distances of observation flights over the territories of each member of the group shall apply. In case of an observation flight conducted over several members, after completion of the maximum flight distance for one member all sensors shall be switched off until the observation aircraft reaches the point over the territory of the next member of the group of States Parties where the observation flight is planned to begin. For such follow-on observation flight the maximum flight distance related to the Open Skies airfield nearest to this point shall apply.

3. (A) A group of States Parties shall, at its request, be entitled to a common total passive quota which shall be allocated to it and common individual and total active quotas shall be distributed in respect of it.

(B) In this case, the total passive quota is the total number of observation flights that the group of States Parties is obliged to accept each year. The total active quota is the sum of the number of observation flights that the group of States Parties has the right to conduct each year. Its total active quota shall not exceed the total passive quota.

(C) An observation flight resulting from the total active quota of the group of States Parties shall be carried out on behalf of the group.

(D) Observation flights that a group of States Parties is obliged to accept may be conducted over the territory of one or more of its members.

(E) The maximum flight distances of each group of States Parties shall be specified pursuant to Annex A, Section III and Open Skies airfields shall be designated pursuant to Annex E to this Treaty.

4. In accordance with the general principles set out in Article X, paragraph 3, any third State Party that considers its rights under the provisions of Section I, paragraph 3 of this Article to be unduly restricted by the operation of a group of States Parties may raise this problem before the Open Skies Consultative Commission.

5. The group of States Parties shall ensure that procedures are established allowing for the conduct of observation flights over the territories of its members during one single mission, including refuelling if necessary. In the case of a group of States Parties established pursuant to paragraph 3 of this Section, such observation flights shall not exceed the maximum flight distance applicable to the Open Skies airfields at which the observation flights commence.

6. No earlier than six months after notification of the decision has been provided to all other States Parties:

(A) a group of States Parties established pursuant to the provisions of paragraph 2 of this Section may be transformed into a group of States Parties pursuant to the provisions of paragraph 3 of this Section;

(B) a group of States Parties established pursuant to the provisions of paragraph 3 of this Section may be transformed into a group of States Parties pursuant to the provisions of paragraph 2 of this Section;

(C) a State Party may withdraw from a group of States Parties; or

(D) a group of States Parties may admit further States Parties which hold quotas.

(D) Če država pogodbenica izkoristi to pravico, zmanjša svoje aktivne kvote za druge članice skupine tako, da celotna vsota opazovalnih letov, ki jih izvede nad ozemlji držav članic skupine, ne preseže vsote posameznih aktivnih kvot, ki jih ima za vse članice skupine v tekočem letu.

(E) Nad ozemlji vsake članice skupine veljajo največje dolžine opazovalnih letov. Če se opazovalni let izvaja nad več članicami, se po izpolnitvi največje dolžine leta nad eno članico izključijo vsi senzorji, dokler opazovalno letalo ne doseže točke nad ozemljem naslednje članice skupine držav pogodbenic, kjer je načrtovan začetek opazovalnega leta. Za tak nadaljevanj opazovalni let velja največja dolžina leta glede na letališče odprtih zračnih prostorov, ki je najbližje tej točki.

3. (A) Skupina držav pogodbenic ima pravico, da se ji na njeno zahtevo določi skupna celotna pasivna kvota, skupne posamezne in celotne aktivne kvote pa se razdelijo glede na to.

(B) V tem primeru je celotna pasivna kvota celotno število opazovalnih letov, ki jih mora skupina držav pogodbenic sprejeti vsako leto. Celotna aktivna kvota je seštevek opazovalnih letov, ki jih ima skupina držav pogodbenic pravico izvesti vsako leto. Njena celotna aktivna kvota ne sme presegati njene celotne pasivne kvote.

(C) Opazovalni let, ki izhaja iz celotne aktivne kvote skupine držav pogodbenic, se izvede v imenu skupine.

(D) Opazovalni leti, ki jih mora sprejeti skupina držav pogodbenic, se lahko izvajajo nad ozemljem ene ali več njenih članic.

(E) Največje dolžine letov vsake skupine držav pogodbenic so našteje v III. razdelku Dodatka A, letališča odprtih zračnih prostorov pa se določijo na podlagi Dodatka E k tej pogodbi.

4. V skladu s splošnimi načeli iz tretjega odstavka X. člena lahko katera koli tretja država pogodbenica, ki meni, da so njene pravice po določbah tretjega odstavka I. razdelka tega člena neupravičeno omejene zaradi dejavnosti skupine držav pogodbenic, zadevo predloži posvetovalni komisiji za odprte zračne prostore.

5. Skupina držav pogodbenic zagotovi, da so vzpostavljeni postopki, ki omogočajo opazovalne lete nad ozemlji njenih članic med posamezno nalogo in tudi polnjenje z gorivom, če je to potrebno. Če je skupina držav pogodbenic oblikovana v skladu s tretjim odstavkom tega razdelka, dolžina opazovalnih letov ne sme biti večja, kot velja za tista letališča odprtih zračnih prostorov, kjer se opazovalni leti začenejo.

6. Ne prej kot šest mesecev po uradnem obvestilu vsem drugim državam pogodbenicam:

(A) se sme skupina držav pogodbenic, ki je bila ustanovljena po določbah drugega odstavka tega razdelka, preoblikovati v skupino držav pogodbenic po določbah tretjega odstavka tega razdelka;

(B) se sme skupina držav pogodbenic, ki je bila ustanovljena po določbah tretjega odstavka tega razdelka, preoblikovati v skupino držav pogodbenic po določbah drugega odstavka tega razdelka;

(C) sme ena država pogodbenica izstopiti iz skupine držav pogodbenic ali

(D) sme skupina držav pogodbenic sprejeti druge države pogodbenice, ki imajo kvote.

7. Following entry into force of this Treaty, changes in the allocation or distribution of quotas resulting from the establishment of or an admission to or a withdrawal from a group of States Parties according to paragraph 3 of this Section shall become effective on 1 January following the first annual review within the Open Skies Consultative Commission occurring after the six-month notification period. When necessary, new Open Skies airfields shall be designated and maximum flight distances established accordingly.

#### Article IV SENSORS

1. Except as otherwise provided for in paragraph 3 of this Article, observation aircraft shall be equipped with sensors only from amongst the following categories:

(A) optical panoramic and framing cameras;

(B) video cameras with real-time display;

(C) infra-red line-scanning devices; and

(D) sideways-looking synthetic aperture radar.

2. A State Party may use, for the purposes of conducting observation flights, any of the sensors specified in paragraph 1 above, provided that such sensors are commercially available to all States Parties, subject to the following performance limits:

(A) in the case of optical panoramic and framing cameras, a ground resolution of no better than 30 centimetres at the minimum height above ground level determined in accordance with the provisions of Annex D, Appendix 1, obtained from no more than one panoramic camera, one vertically-mounted framing camera and two obliquely-mounted framing cameras, one on each side of the aircraft, providing coverage, which need not be continuous, of the ground up to 50 kilometres of each side of the flight path of the aircraft;

(B) in the case of video cameras, a ground resolution of no better than 30 centimetres determined in accordance with the provisions of Annex D, Appendix 1;

(C) in the case of infra-red line-scanning devices, a ground resolution of no better than 50 centimetres at the minimum height above ground level determined in accordance with the provisions of Annex D, Appendix 1, obtained from a single device; and

(D) in the case of sideways-looking synthetic aperture radar, a ground resolution of no better than three metres calculated by the impulse response method, which, using the object separation method, corresponds to the ability to distinguish on a radar image two corner reflectors, the distance between the centres of which is no less than five metres, over a swath width of no more than 25 kilometres, obtained from a single radar unit capable of looking from either side of the aircraft, but not both simultaneously.

3. The introduction of additional categories and improvements to the capabilities of existing categories of sensors provided for in this Article shall be addressed by the Open Skies Consultative Commission pursuant to Article X of this Treaty.

4. All sensors shall be provided with aperture covers or other devices which inhibit the operation of sensors so as to prevent collection of data during transit flights or flights to points of entry or from points of exit over the territory of the observed Party. Such covers or such other devices shall be removable or operable only from outside the observation aircraft.

5. Equipment that is capable of annotating data collected by sensors in accordance with Annex B, Section II shall be allowed on observation aircraft. The State Party providing the observation aircraft for an observation flight shall annotate the data collected by sensors with the information provided for in Annex B, Section II to this Treaty.

7. Po začetku veljavnosti te pogodbe spremembe pri dodelitvi ali razporeditvi kvot zaradi oblikovanja skupine držav pogodbenic ali vstopa vanjo ali izstopa iz nje v skladu s tretjim odstavkom tega razdelka začnejo veljati 1. januarja po prvem letnem pregledu, ki ga posvetovalna komisija za odprte zračne prostore opravi po poteku šestmesečnega roka za uradno obveščanje. Če je to potrebno, se določijo nova letališča odprtih zračnih prostorov in vzpostavijo ustrezne največje dolžine letov.

#### IV. člen SENZORJI

1. Razen če v tretjem odstavku tega člena ni določeno drugače, je opazovalno letalo opremljeno le s senzorji teh vrst:

(A) optičnimi panoramskimi kamerami in kamerami za posamezne posnetke;

(B) videokamerami s prikazom realnega časa delovanja;

(C) infrardečimi premočrtnimi čitalniki in

(D) zbirnim aperturnim radarjem za bočno opazovanje.

2. Država pogodbenica sme za opazovalne lete uporabljati katere koli senzorje, navedene v prvem odstavku, če so komercialno dostopni vsem državam pogodbenicam, ob upoštevanju teh omejitev delovanja:

(A) pri uporabi optičnih panoramskih kamer in kamer za posamezne posnetke ločljivost na zemlji, dosežena z ne več kot eno panoramsko kamero, eno vertikalno nameščeno kamero za posamezne posnetke in dvema poševno nameščenima kamerama za posamezne posnetke, po eno na vsaki strani letala, ki pokrivata, ne nujno neprekinjeno, ozemlje do 50 km na vsako stran smeri leta letala, ne sme biti boljša od 30 cm na najmanjši višini letenja nad tlemi, kot je določena v Prilogi 1 k Dodatku D;

(B) pri uporabi videokamer ločljivost na zemlji ne sme biti boljša od 30 cm, kot je določena v Prilogi 1 k Dodatku D;

(C) pri uporabi infrardečih premočrtnih čitalnikov ločljivost na zemlji, dosežena z eno samo napravo, ne sme biti boljša kot 50 cm na najmanjši višini nad tlemi, kot je določena v Prilogi 1 k Dodatku D, in

(D) pri uporabi zbirnega aperturnega radarja za bočno opazovanje ločljivost na zemlji, dosežena z eno samo radarsko enoto, sposobno opazovanja z ene ali druge strani letala, ne pa z obeh strani hkrati, ne sme biti boljša od 3 metrov, računano z metodo odzivnega impulza, ki vključuje metodo ločevanja objektov, po kateri se na radarski sliki lahko razločita dva posamezna kotna reflektorja, katerih središči sta najmanj 5 metrov narazen na širini pasu največ 25 kilometrov.

3. Uvedbo dodatnih vrst in izboljšave zmogljivosti obstoječih vrst senzorjev, ki jih predvideva ta člen, mora obravnavati posvetovalna komisija za odprte zračne prostore v skladu z X. členom te pogodbe.

4. Vsi senzorji morajo biti opremljeni z aperturnimi pokrovi ali drugimi napravami, ki onemogočajo delovanje senzorjev, tako da je preprečeno zbiranje podatkov med tranzitnimi leti ali med leti do točke vstopa ali od točke izstopa nad ozemljem opazovanke. Take pokrove ali druge naprave je mogoče odstraniti ali z njimi ravnati le z zunanosti opazovalnega letala.

5. V opazovalnem letalu je dovoljena oprema, s katero je mogoče v skladu z II. razdelkom Dodatka B razlagati podatke, zbrane s senzorji. Država pogodbenica, ki priskrbi opazovalno letalo za opazovalni let, razlaga podatke, zbrane s senzorji, v skladu z informacijami, danimi v II. razdelku Dodatka B k tej pogodbi.

6. Equipment that is capable of displaying data collected by sensors in real-time shall be allowed on observation aircraft for the purposes of monitoring the functioning and operation of the sensors during the conduct of an observation flight.

7. Except as required for the operation of the agreed sensors, or as required for the operation of the observation aircraft, or as provided for in paragraphs 5 and 6 of this Article, the collection, processing, retransmission or recording of electronic signals from electro-magnetic waves are prohibited on board the observation aircraft and equipment for such operations shall not be on that observation aircraft.

8. In the event that the observation aircraft is provided by the observing Party, the observing Party shall have the right to use an observation aircraft equipped with sensors in each sensor category that do not exceed the capability specified in paragraph 2 of this Article.

9. In the event that the observation aircraft used for an observation flight is provided by the observed Party, the observed Party shall be obliged to provide an observation aircraft equipped with sensors from each sensor category specified in paragraph 1 of this Article, at the maximum capability and in the numbers specified in paragraph 2 of this Article, subject to the provisions of Article XVIII, Section II, unless otherwise agreed by the observing and observed Parties. The package and configuration of such sensors shall be installed in such a way so as to provide coverage of the ground provided for in paragraph 2 of this Article. In the event that the observation aircraft is provided by the observed Party, the latter shall provide a sideways-looking synthetic aperture radar with a ground resolution of no worse than six metres, determined by the object separation method.

10. When designating an aircraft as an observation aircraft pursuant to Article V of this Treaty, each State Party shall inform all other States Parties of the technical information on each sensor installed on such aircraft as provided for in Annex B to this Treaty.

11. Each State Party shall have the right to take part in the certification of sensors installed on observation aircraft in accordance with the provisions of Annex D. No observation aircraft of a given type shall be used for observation flights until such type of observation aircraft and its sensors has been certified in accordance with the provisions of Annex D to this Treaty.

12. A State Party designating an aircraft as an observation aircraft shall, upon 90-day prior notice to all other States Parties and subject to the provisions of Annex D to this Treaty, have the right to remove, replace or add sensors, or amend the technical information it has provided in accordance with the provisions of paragraph 10 of this Article and Annex B to this Treaty. Replacement and additional sensors shall be subject to certification in accordance with the provisions of Annex D to this Treaty prior to their use during an observation flight.

13. In the event that a State Party or group of States Parties, based on experience with using a particular observation aircraft, considers that any sensor or its associated equipment installed on an aircraft does not correspond to those certified in accordance with the provisions of Annex D, the interested States Parties shall notify all other States Parties of their concern. The State Party that designated the aircraft shall:

(A) take the steps necessary to ensure that the sensor and its associated equipment installed on the observation aircraft correspond to those certified in accordance with the provisions of Annex D, including, as necessary, repair, adjustment or replacement of the particular sensor or its associated equipment; and

6. V opazovalnem letalu je dovoljena oprema, s katero je mogoče prikazati podatke, zbrane s senzorji v realnem času, zaradi spremljanja delovanja senzorjev med opazovalnim letom.

7. Razen kot je zahtevano za delovanje dogovorjenih senzorjev ali delovanje opazovalnega letala ali kot je določeno v petem in šestem odstavku tega člena, so zbiranje, obdelava, prenašanje ali snemanje elektronskih signalov z elektromagnetnih valov v opazovalnem letalu prepovedani in opreme za takšne dejavnosti v opazovalnem letalu ni.

8. Če opazovalno letalo priskrbi opazovalka, ima pravico uporabiti opazovalno letalo, opremljeno s senzorji vsake vrste, ki ne presegajo zmogljivosti, določene v drugem odstavku tega člena.

9. Če opazovalno letalo za opazovalni let priskrbi opazovalka, mora priskrbeti opazovalno letalo, opremljeno s senzorji vsake vrste, določene v prvem odstavku tega člena, z največjo zmogljivostjo in v količini, ki je določena v drugem odstavku tega člena, ob upoštevanju določb II. razdelka XVI-II. člena, razen če se opazovalka in opazovalka nista dogovorili drugače. Sklop in razporeditev senzorjev morata biti taka, da omogočata pokrivanje površine, kot je predvideno v drugem odstavku tega člena. Če opazovalno letalo priskrbi opazovalka, mora priskrbeti zbirni aperturni radar za bočno opazovanje z ločljivostjo na zemlji, ki določena po metodi razločevanja objektov ni slabša od 6 metrov.

10. Ko določi letalo za opazovalno letalo v skladu s V. členom te pogodbe, vsaka država pogodbenica obvesti vse druge države pogodbenice o tehničnih podatkih vsakega senzorja, nameščenega na takem letalu, kot je določeno v Dodatku B k tej pogodbi.

11. Vsaka država pogodbenica ima pravico sodelovati pri certificiranju senzorjev, nameščenih na opazovalnem letalu, v skladu z določbami Dodatka D. Za opazovalni let se ne sme uporabljati nobeno opazovalno letalo določene vrste, dokler taka vrsta opazovalnega letala in njegovi senzorji niso bili certificirani v skladu z določbami Dodatka D k tej pogodbi.

12. Država pogodbenica, ki določi letalo za opazovalno letalo, ima pravico ob upoštevanju določb Dodatka D k tej pogodbi odstraniti, zamenjati ali dodati senzorje ali spremeniti tehnične podatke, ki jih je dala v skladu z določbami desetega odstavka tega člena in Dodatkom B k tej pogodbi, če o tem 90 dni prej obvesti druge države pogodbenice. Zamenjavo senzorjev in dodatne senzorje je treba certificirati v skladu z Dodatkom D k tej pogodbi, preden se uporabijo med opazovalnim letom.

13. Če država pogodbenica ali skupina držav pogodbenic na podlagi izkušenj pri uporabi določenega opazovalnega letala meni, da kateri koli senzor ali z njim povezana oprema, nameščena na letalo, ne ustreza certificiranim v skladu z določbami Dodatka D, zainteresirane države pogodbenice o svojih pomislekih obvestijo vse druge države pogodbenice. Država pogodbenica, ki je določila letalo, mora:

(A) sprejeti potrebne ukrepe, da zagotovi, da senzor in z njim povezana oprema, nameščena na opazovalnem letalu, ustrežata certificiranim v skladu z določbami Dodatka D, in mora, če je to potrebno, popraviti, naravnati ali zamenjati določeni senzor ali z njim povezano opremo in



(B) at the request of an interested State Party, by means of a demonstration flight set up in connection with the next time that the aforementioned observation aircraft is used, in accordance with the provisions of Annex F, demonstrate that the sensor and its associated equipment installed on the observation aircraft correspond to those certified in accordance with the provisions of Annex D. Other States Parties that express concern regarding a sensor and its associated equipment installed on an observation aircraft shall have the right to send personnel to participate in such a demonstration flight.

14. In the event that, after the steps referred to in paragraph 13 of this Article have been taken, the States Parties remain concerned as to whether a sensor or its associated equipment installed on an observation aircraft correspond to those certified in accordance with the provisions of Annex D, the issue may be referred to the Open Skies Consultative Commission.

#### Article V AIRCRAFT DESIGNATION

1. Each State Party shall have the right to designate as observation aircraft one or more types or models of aircraft registered by the relevant authorities of a State Party.

2. Each State Party shall have the right to designate types or models of aircraft as observation aircraft or add new types or models of aircraft to those designated earlier by it, provided that it notifies all other States Parties 30 days in advance thereof. The notification of the designation of aircraft of a type or model shall contain the information specified in Annex C to this Treaty.

3. Each State Party shall have the right to delete types or models of aircraft designated earlier by it, provided that it notifies all other States Parties 90 days in advance thereof.

4. Only one exemplar of a particular type and model of aircraft with an identical set of associated sensors shall be required to be offered for certification in accordance with the provisions of Annex D to this Treaty.

5. Each observation aircraft shall be capable of carrying the flight crew and the personnel specified in Article VI, Section III.

#### Article VI CHOICE OF OBSERVATION AIRCRAFT, GENERAL PROVISIONS FOR THE CONDUCT OF OBSERVATION FLIGHTS, AND REQUIREMENTS FOR MISSION PLANNING

##### SECTION I. CHOICE OF OBSERVATION AIRCRAFT AND GENERAL PROVISIONS FOR THE CONDUCT OF OBSERVATION FLIGHTS

1. Observation flights shall be conducted using observation aircraft that have been designated by a State Party pursuant to Article V. Unless the observed Party exercises its right to provide an observation aircraft that it has itself designated, the observing Party shall have the right to provide the observation aircraft. In the event that the observing Party provides the observation aircraft, it shall have the right to provide an aircraft that it has itself designated or an aircraft designated by another State Party. In the event that the observed Party provides the observation aircraft, the observing Party shall have the right to be provided with an aircraft capable of achieving a minimum unrefuelled range, including the necessary fuel reserves, equivalent to one-half of the flight distance, as notified in accordance with paragraph 5, subparagraph (G) of this Section.

(B) na zahtevo zainteresirane države pogodbenice z demonstracijskim letom, pripravljenim pred naslednjim opazovalnim letom v skladu z določbami Dodatka F, prikazati, da senzor in z njim povezana oprema, nameščena na opazovalnem letalu, ustrežata certificiranim v skladu z določbami iz Dodatka D. Druge države pogodbenice, ki izrazijo pomisleke glede senzorja in z njim povezane opreme, nameščene na opazovalnem letalu, imajo pravico poslati osebje, da sodeluje pri predstavitvenem letu.

14. Če po izvedbi ukrepov iz trinajstega odstavka tega člena države pogodbenice ostajajo v dvomih, ali senzor in z njim povezana oprema, nameščena na opazovalnem letalu, ustrežata certificiranim v skladu z določbami Dodatka D, se zadeva lahko predloži posvetovalni komisiji za odprte zračne prostore.

#### V. člen DOLOČITEV LETAL

1. Vsaka država pogodbenica ima pravico določiti za opazovalno letalo eno ali več vrst ali modelov letal, registriranih pri ustreznih organih države pogodbenice.

2. Vsaka država pogodbenica ima pravico določiti vrste ali modele letal za opazovalna letala ali dodati nove vrste ali modele letal k tistim, ki jih je določila prej, če o tem 30 dni vnaprej uradno obvesti vse druge države pogodbenice. Uradno obvestilo o določitvi vrste ali modela letala za opazovalno letalo vsebuje podatke, ki so določeni v Dodatku C k tej pogodbi.

3. Vsaka država pogodbenica ima pravico izvzeti vrste ali modele letal, ki jih je prej določila, če o tem 90 dni vnaprej uradno obvesti vse druge države pogodbenice.

4. Samo en primerek posamezne vrste in modela letal, ki imajo enak sklop nameščenih senzorjev, je treba dati v certificiranje v skladu z določbami Dodatka D k tej pogodbi.

5. Vsako opazovalno letalo mora biti sposobno nositi posadko in osebje, določeno v III. razdelku VI. člena.

#### VI. člen IZBIRA OPAZOVALNEGA LETALA, SPLOŠNE DOLOČBE ZA IZVAJANJE OPAZOVALNIH LETOV IN ZAHTEVE ZA NAČRTOVANJE NALOG

##### I. RAZDELEK: IZBIRA OPAZOVALNEGA LETALA IN SPLOŠNE DOLOČBE ZA IZVAJANJE OPAZOVALNIH LETOV

1. Za opazovalne lete se uporabljajo opazovalna letala, ki jih je določila država pogodbenica v skladu s V. členom. Če opazovanka ne uporabi svoje pravice, da priskrbi opazovalno letalo, ki ga je sama določila, ima opazovanka pravico, da priskrbi opazovalno letalo. Če opazovanka priskrbi opazovalno letalo, ima pravico priskrbeti letalo, ki ga je sama določila, ali letalo, ki ga je določila druga država pogodbenica. Če opazovalno letalo priskrbi opazovanka, ima opazovanka pravico dobiti letalo, ki je sposobno brez dotakanja goriva doseči vsaj razdaljo, ki je enaka polovici razdalje leta, kot je uradno najavljena v skladu s pododstavkom G petega odstavka tega razdelka, vključno s potrebno rezervo goriva.

2. Each State Party shall have the right, pursuant to paragraph 1 of this Section, to use an observation aircraft designated by another State Party for observation flights. Arrangements for the use of such aircraft shall be worked out by the States Parties involved to allow for active participation in the Open Skies regime.

3. States Parties having the right to conduct observation flights may co-ordinate their plans for conducting observation flights in accordance with Annex H to this Treaty. No State Party shall be obliged to accept more than one observation flight at any one time during the 96-hour period specified in paragraph 9 of this Section, unless that State Party has requested a demonstration flight pursuant to Annex F to this Treaty. In that case, the observed Party shall be obliged to accept an overlap for the observation flights of up to 24 hours. After having been notified of the results of the co-ordination of plans to conduct observation flights, each State Party over whose territory observation flights are to be conducted shall inform other States Parties, in accordance with the provisions of Annex H, whether it will exercise, with regard to each specific observation flight, its right to provide its own observation aircraft.

4. No later than 90 days after signature of this Treaty, each State Party shall provide notification to all other States Parties:

(A) of the standing diplomatic clearance number for Open Skies observation flights, flights of transport aircraft and transit flights; and

(B) of which language or languages of the Open Skies Consultative Commission specified in Annex L, Section I, paragraph 7 to this Treaty shall be used by personnel for all activities associated with the conduct of observation flights over its territory, and for completing the mission plan and mission report, unless the language to be used is the one recommended in Annex 10 to the Convention on International Civil Aviation, Volume II, paragraph 5.2.1.1.2.

5. The observing Party shall notify the observed Party of its intention to conduct an observation flight, no less than 72 hours prior to the estimated time of arrival of the observing Party at the point of entry of the observed Party. States Parties providing such notifications shall make every effort to avoid using the minimum pre-notification period over weekends. Such notification shall include:

(A) the desired point of entry and, if applicable, Open Skies airfield where the observation flight shall commence;

(B) the date and estimated time of arrival of the observing Party at the point of entry and the date and estimated time of departure for the flight from the point of entry to the Open Skies airfield, if applicable, indicating specific accommodation needs;

(C) the location, specified in Annex E, Appendix 1, where the conduct of the pre-flight inspection is desired and the date and start time of such pre-flight inspection in accordance with the provisions of Annex F;

(D) the mode of transport and, if applicable, type and model of the transport aircraft used to travel to the point of entry in the event that the observation aircraft used for the observation flight is provided by the observed Party;

(E) the diplomatic clearance number for the observation flight or for the flight of the transport aircraft used to bring the personnel in and out of the territory of the observed Party to conduct an observation flight;

(F) the identification of the observation aircraft, as specified in Annex C;

(G) the approximate observation flight distance; and

(H) the names of the personnel, their gender, date and place of birth, passport number and issuing State Party, and their function.

2. Vsaka država pogodbenica ima pravico, da v skladu s prvim odstavkom tega razdelka uporabi opazovalno letalo, ki ga je za opazovalne lete določila druga država pogodbenica. O vsem potrebnem za uporabo takega letala se dogovorita zadevni državi pogodbenici, da se zagotovi dejavna udeležba v režimu odprtih zračnih prostorov.

3. Države pogodbenice, ki imajo pravico opravljati opazovalne lete, lahko usklajujejo svoje načrte opazovalnih letov v skladu z Dodatkom H k tej pogodbi. Nobena država pogodbenica ni dolžna sprejeti več kot en opazovalni let kadar koli v 96-urnem obdobju, ki je določeno v devetem odstavku tega razdelka, razen če je ta država pogodbenica zahtevala predstavitveni let na podlagi Dodatka F k tej pogodbi. V tem primeru je opazovanka dolžna sprejeti prekrivanje opazovalnih letov, ki traja do 24 uradnih Po prejemu uradnega obvestila o izidih usklajevanja načrtov opazovalnih letov vsaka država pogodbenica, nad katere ozemljem naj se izvedejo opazovalni leti, v skladu z določbami Dodatka H obvesti druge države pogodbenice, ali bo za vsak posamezen opazovalni let uporabila pravico, da priskrbi svoje opazovalno letalo.

4. Najpozneje 90 dni po podpisu te pogodbe vsaka država pogodbenica uradno obvesti vse druge države pogodbenice:

(A) o stalni številki diplomatske odobritve za opazovalne lete odprtih zračnih prostorov, lete transportnih letal in tranzitne lete ter

(B) kateri jezik ali jezike posvetovalne komisije za odprte zračne prostore, določene v sedmem odstavku I. razdelka Dodatka L k tej pogodbi, mora uporabljati osebje za vse dejavnosti v zvezi z opazovalnimi leti nad njenim ozemljem, izvedbo načrta naloge in za poročilo misije, razen če je treba uporabiti jezik, priporočen v Prilogi 10 h Konvenciji o mednarodnem civilnem letalstvu, zvezek II, odstavek 5.2.1.1.2.

5. Opazovalka uradno obvesti opazovanko o svoji nameri, da bo izvedla opazovalni let, najpozneje 72 ur pred predvidenim prihodom opazovalke na točko vstopa opazovanke. Države pogodbenice, ki pošljejo tako uradno obvestilo, si prizadevajo, da najkrajši čas vnaprejšnjega uradnega obvestila ne sovпада s koncem tedna. Uradno obvestilo vsebuje:

(A) zaželeno točko vstopa, in če je primerno, letališče odprtih zračnih prostorov, kjer se začne opazovalni let;

(B) datum in predvideni čas prihoda opazovalke na točko vstopa ter datum in predvideni čas odhoda letala s točke vstopa do letališča odprtih zračnih prostorov, če je primerno, pa še navedbo posebnih nastanitvenih potreb;

(C) kraj, določen v Prilogi 1 k Dodatku E, kjer je zaželeno opraviti pregled pred letom, ter datum in čas začetka takega pregleda pred letom v skladu z določbami Dodatka F;

(D) način prevoza, in če je primerno, vrsto in model transportnega letala, ki se uporabi za prevoz do točke vstopa, če opazovalno letalo za opazovalni let priskrbi opazovanka;

(E) številko diplomatske odobritve za opazovalni let ali let transportnega letala, uporabljenega za prevoz osebja, ki opravlja opazovalni let, na ozemlje opazovanke in z njega;

(F) podatke o opazovalnem letalu, kot so določeni v Dodatku C;

(G) približno razdaljo opazovalnega leta ter

(H) imena članov osebja, njihov spol, datum in kraj rojstva, številko potnega lista in državo pogodbenico, ki ga je izdala, ter njihovo nalogo.

6. The observed Party that is notified in accordance with paragraph 5 of this Section shall acknowledge receipt of the notification within 24 hours. In the event that the observed Party exercises its right to provide the observation aircraft, the acknowledgement shall include the information about the observation aircraft specified in paragraph 5, subparagraph (F) of this Section. The observing Party shall be permitted to arrive at the point of entry at the estimated time of arrival as notified in accordance with paragraph 5 of this Section. The estimated time of departure for the flight from the point of entry to the Open Skies airfield where the observation flight shall commence and the location, the date and the start time of the pre-flight inspection shall be subject to confirmation by the observed Party.

7. Personnel of the observing Party may include personnel designated pursuant to Article XIII by other States Parties.

8. The observing Party, when notifying the observed Party in accordance with paragraph 5 of this Section, shall simultaneously notify all other States Parties of its intention to conduct the observation flight.

9. The period from the estimated time of arrival at the point of entry until completion of the observation flight shall not exceed 96 hours, unless otherwise agreed. In the event that the observed Party requests a demonstration flight pursuant to Annex F to the Treaty, it shall extend the 96-hour period pursuant to Annex F, Section III, paragraph 4, if additional time is required by the observing Party for the unrestricted execution of the mission plan.

10. Upon arrival of the observation aircraft at the point of entry, the observed Party shall inspect the covers for sensor apertures or other devices that inhibit the operation of sensors to confirm that they are in their proper position pursuant to Annex E, unless otherwise agreed by all States Parties involved.

11. In the event that the observation aircraft is provided by the observing Party, upon the arrival of the observation aircraft at the point of entry or at the Open Skies airfield where the observation flight commences, the observed Party shall have the right to carry out the pre-flight inspection pursuant to Annex F, Section I. In the event that, in accordance with paragraph 1 of this Section, an observation aircraft is provided by the observed Party, the observing Party shall have the right to carry out the pre-flight inspection of sensors pursuant to Annex F, Section II. Unless otherwise agreed, such inspections shall terminate no less than four hours prior to the scheduled commencement of the observation flight set forth in the flight plan.

12. The observing Party shall ensure that its flight crew includes at least one individual who has the necessary linguistic ability to communicate freely with the personnel of the observed Party and its air traffic control authorities in the language or languages notified by the observed Party in accordance with paragraph 4 of this Section.

13. The observed Party shall provide the flight crew, upon its arrival at the point of entry or at the Open Skies airfield where the observation flight commences, with the most recent weather forecast and air navigation information and information on flight safety, including Notices to Airmen. Updates of such information shall be provided as requested. Instrument procedures, and information about alternate airfields along the flight route, shall be provided upon approval of the mission plan in accordance with the requirements of Section II of this Article.

14. While conducting observation flights pursuant to this Treaty, all observation aircraft shall be operated in accordance with the provisions of this Treaty and in accordance with the approved flight plan. Without prejudice to the provisions of Section II, paragraph 2 of this Article, observation flights shall also be conducted in compliance with:

6. Opazovanka, ki je uradno obveščena v skladu s petim odstavkom tega razdelka, v 24 urah potrdi prejem obvestila. Če opazovanka uporabi pravico, da priskrbi opazovalno letalo, potrditev vsebuje podatke o opazovalnem letalu, določene v pododstavku (F) petega odstavka tega razdelka. Opazovalki se dovoli prihod na točko vstopa ob predvidenem času, kot je bil uradno sporočen v skladu s petim odstavkom tega razdelka. Za predvideni čas odhoda za let od točke vstopa do letališča odprtih zračnih prostorov, kjer se opazovalni let začne, ter kraj, datum in čas začetka pregleda pred letom je potrebna potrditev opazovanke.

7. Osebjem opazovalke lahko vključuje osebjem, ki so ga določile druge države pogodbenice na podlagi XIII. člena.

8. Ko opazovalka uradno obvesti opazovanko v skladu s petim odstavkom tega razdelka, hkrati uradno obvesti tudi vse druge države pogodbenice o svoji nameri, da bo opravila opazovalni let.

9. Čas od predvidenega časa prihoda na točko vstopa do konca opazovalnega leta ne sme biti daljši kot 96 ur, razen če je drugače dogovorjeno. Kadar opazovanka zahteva predstavitveni let na podlagi Dodatka F k tej pogodbi, se 96-urni rok podaljša na podlagi četrtega odstavka III. razdelka Dodatka F, če opazovalka zahteva dodatni čas za neovirano izvedbo načrta naloge.

10. Ob prihodu opazovalnega letala na točko vstopa opazovanka pregleda pokrove za odprtine senzorjev ali druge naprave, ki onemogočajo delovanje senzorjev, da potrdi njihov pravilni položaj na podlagi Dodatka E, razen če se vse zadevne države pogodbenice ne dogovorijo drugače.

11. Če opazovalno letalo priskrbi opazovalka, ima opazovanka pravico, da ob prihodu opazovalnega letala na točko vstopa ali na letališče odprtih zračnih prostorov, kjer se opazovalni let začne, opravi pregled pred letom v skladu s I. razdelkom Dodatka F. Če je v skladu s I. odstavkom tega razdelka opazovalno letalo priskrbelo opazovanka, ima opazovalka pravico pred letom pregledati senzorje v skladu s II. razdelkom Dodatka F. Razen če ni drugače dogovorjeno, se taki pregledi končajo najpozneje štiri ure pred načrtovanim začetkom opazovalnega leta, določenega v načrtu leta.

12. Opazovalka zagotovi, da je v posadki letala najmanj ena oseba, ki ima ustrezno jezikovno znanje, da se lahko brez težav sporazumeva z osebjem opazovanke in njeno kontrolo letenja v jeziku ali jezikih, ki jih je opazovanka uradno sporočila v skladu s četrtem odstavkom tega razdelka.

13. Opazovanka da posadki letala ob prihodu na točko vstopa ali letališče odprtih zračnih prostorov, kjer se opazovalni let začne, zadnjo vremensko napoved in navigacijske podatke ter podatke o varnosti leta, vključno z obvestili za letalce. Te informacije se na zahtevo dopolnijo z najnovjšimi podatki. Postopki za let in informacije o nadomestnih letališčih na ruti leta se dajo po odobritvi načrta naloge v skladu z zahtevami II. razdelka tega člena.

14. Med opazovalnimi leti po tej pogodbi je treba vsa opazovalna letala upravljati v skladu z določbami te pogodbe in v skladu z odobrenim načrtom leta. Brez vpliva na določbe drugega odstavka II. razdelka tega člena se opazovalni leti izvajajo tudi v skladu z:

(A) published ICAO standards and recommended practices; and

(B) published national air traffic control rules, procedures and guidelines on flight safety of the State Party whose territory is being overflown.

15. Observation flights shall take priority over any regular air traffic. The observed Party shall ensure that its air traffic control authorities facilitate the conduct of observation flights in accordance with this Treaty.

16. On board the aircraft the pilot-in-command shall be the sole authority for the safe conduct of the flight and shall be responsible for the execution of the flight plan.

17. The observed Party shall provide:

(A) a calibration target suitable for confirming the capability of sensors in accordance with the procedures set forth in Annex D, Section III to this Treaty, to be overflown during the demonstration flight or the observation flight upon the request of either Party, for each sensor that is to be used during the observation flight. The calibration target shall be located in the vicinity of the airfield at which the pre-flight inspection is conducted pursuant to Annex F to this Treaty;

(B) customary commercial aircraft fuelling and servicing for the observation aircraft or transport aircraft at the point of entry, at the Open Skies airfield, at any refuelling airfield, and at the point of exit specified in the flight plan, according to the specifications that are published about the designated airfield;

(C) meals and the use of accommodation for the personnel of the observing Party; and

(D) upon the request of the observing Party, further services, as may be agreed upon between the observing and observed Parties, to facilitate the conduct of the observation flight.

18. All costs involved in the conduct of the observation flight, including the costs of the recording media and the processing of the data collected by sensors, shall be reimbursed in accordance with Annex L, Section I, paragraph 9 to this Treaty.

19. Prior to the departure of the observation aircraft from the point of exit, the observed Party shall confirm that the covers for sensor apertures or other devices that inhibit the operation of sensors are in their proper position pursuant to Annex E to this Treaty.

20. Unless otherwise agreed, the observing Party shall depart from the point of exit no later than 24 hours following completion of the observation flight, unless weather conditions or the airworthiness of the observation aircraft or transport aircraft do not permit, in which case the flight shall commence as soon as practicable.

21. The observing Party shall compile a mission report of the observation flight using the appropriate format developed by the Open Skies Consultative Commission. The mission report shall contain pertinent data on the date and time of the observation flight, its route and profile, weather conditions, time and location of each observation period for each sensor, the approximate amount of data collected by sensors, and the result of inspection of covers for sensor apertures or other devices that inhibit the operation of sensors in accordance with Article VII and Annex E. The mission report shall be signed by the observing and observed Parties at the point of exit and shall be provided by the observing Party to all other States Parties within seven days after departure of the observing Party from the point of exit.

(A) objavljenimi standardi ICAO in priporočeno prakso in

(B) objavljenimi pravili kontrole letenja, postopki in smernicami za varnost letenja države pogodbenice, nad katero se leti.

15. Opazovalni leti imajo prednost pred vsem drugim zračnim prometom. Opazovanka zagotovi, da njena kontrola letenja olajša izvedbo opazovalnih letov v skladu s to pogodbo.

16. V letalu je poveljnik letala edina odgovorna oseba za varen let in je odgovoren za izvedbo načrta leta.

17. Opazovanka zagotovi:

(A) kalibracijsko tarčo, primerno za potrjevanje zmogljivosti senzorjev v skladu z določbami III. razdelka Dodatka D k tej pogodbi, ki jo je treba preleteti med predstavitvenim letom ali opazovalnim letom na zahtevo ene ali druge pogodbenice, in to za vsak senzor, ki se uporabi med opazovalnim letom. Kalibracijska tarča naj bo v bližini letališča, s katerega se opravi pregled pred letom v skladu z Dodatkom F k tej pogodbi;

(B) običajno polnjenje z gorivom in tehnično oskrbo za opazovalno letalo ali transportno letalo na točki vstopa, letališču odprtih zračnih prostorov, letališčih za polnjenje z gorivom in na točki izstopa, kot so določeni v načrtu leta, v skladu s tehničnimi lastnostmi, ki so objavljene za namensko določena letališča;

(C) prehrano in nastanitev za osebe opazovalke in

(D) na zahtevo opazovalke druge storitve, za katere se dogovorita opazovalka in opazovanka za lažjo izvedbo opazovalnega leta.

18. Vsi stroški izvedbe opazovalnega leta, vključno s stroški za nosilce posnetkov in obdelavo s senzorji zbranih podatkov, se povrnejo v skladu z devetim odstavkom I. razdelka Dodatka L k tej pogodbi.

19. Pred odhodom opazovalnega letala s točke izstopa opazovanka potrdi pravilen položaj pokrovov za odprtine senzorjev ali drugih naprav, ki onemogočajo delovanje senzorjev, na podlagi Dodatka E k tej pogodbi.

20. Če ni drugače dogovorjeno, opazovalka odide s točke izstopa najpozneje 24 ur po končanem opazovalnem letu, razen če tega ne dopuščajo vremenske razmere ali plovnost opazovalnega ali transportnega letala; v tem primeru se let začne takoj, ko je to izvedljivo.

21. Opazovalka sestavi poročilo o nalogi opazovalnega leta v ustrezni obliki, ki jo je določila posvetovalna komisija za odprte zračne prostore. Poročilo o nalogi vsebuje podatke o datumu in času opazovalnega leta, ruti in profilu leta, vremenskih razmerah, času in kraju vsakega opazovalnega obdobja za vsak senzor, približno količino podatkov, ki so jih zbrali senzorji, rezultate pregleda pokrovov za odprtine senzorjev ali drugih naprav, ki onemogočajo delovanje senzorjev, v skladu s VII. členom in Dodatkom E. Poročilo o nalogi podpišeta opazovalka in opazovanka na točki izstopa, opazovalka pa ga pošlje vsem drugim državam pogodbenicam v sedmih dneh po odhodu opazovalke s točke izstopa.

## SECTION II. REQUIREMENTS FOR MISSION PLANNING

1. Unless otherwise agreed, the observing Party shall, after arrival at the Open Skies airfield, submit to the observed Party a mission plan for the proposed observation flight that meets the requirements of paragraphs 2 and 4 of this Section.

2. The mission plan may provide for an observation flight that allows for the observation of any point on the entire territory of the observed Party, including areas designated by the observed Party as hazardous airspace in the source specified in Annex I. The flight path of an observation aircraft shall not be closer than, but shall be allowed up to, ten kilometres from the border with an adjacent State that is not a State Party.

3. The mission plan may provide that the Open Skies airfield where the observation flight terminates, as well as the point of exit, may be different from the Open Skies airfield where the observation flight commences or the point of entry. The mission plan shall specify, if applicable, the commencement time of the observation flight, the desired time and place of planned refuelling stops or rest periods, and the time of continuation of the observation flight after a refuelling stop or rest period within the 96-hour period specified in Section I, paragraph 9 of this Article.

4. The mission plan shall include all information necessary to file the flight plan and shall provide that:

(A) the observation flight does not exceed the relevant maximum flight distance as set forth in Annex A, Section I;

(B) the route and profile of the observation flight satisfies observation flight safety conditions in conformity with ICAO standards and recommended practices, taking into account existing differences in national flight rules, without prejudice to the provisions of paragraph 2 of this Section;

(C) the mission plan takes into account information on hazardous airspace, as provided in accordance with Annex I;

(D) the height above ground level of the observation aircraft does not permit the observing Party to exceed the limitation on ground resolution for each sensor, as set forth in Article IV, paragraph 2;

(E) the estimated time of commencement of the observation flight shall be no less than 24 hours after the submission of the mission plan, unless otherwise agreed;

(F) the observation aircraft flies a direct route between the co-ordinates or navigation fixes designated in the mission plan in the declared sequence; and

(G) the flight path does not intersect at the same point more than once, unless otherwise agreed, and the observation aircraft does not circle around a single point, unless otherwise agreed. The provisions of this subparagraph do not apply for the purposes of taking off, flying over calibration targets, or landing by the observation aircraft.

5. In the event that the mission plan filed by the observing Party provides for flights through hazardous airspace, the observed Party shall:

(A) specify the hazard to the observation aircraft;

(B) facilitate the conduct of the observation flight by coordination or suppression of the activity specified pursuant to subparagraph (A) of this paragraph; or

(C) propose an alternative flight altitude, route, or time.

6. No later than four hours after submission of the mission plan, the observed Party shall accept the mission plan or propose changes to it in accordance with Article VIII, Section I, paragraph 4 and paragraph 5 of this Section. Such changes shall not preclude observation of any point on the entire terri-

## II. RAZDELEK: ZAHTEVE ZA NAČRTOVANJE NALOGE

1. Če ni drugače dogovorjeno, opazovalka po prihodu na letališče odprtih zračnih prostorov predloži opazovanki načrt naloge za predlagani opazovalni let, ki izpolnjuje zahteve drugega in četrtega odstavka tega razdelka.

2. Načrt naloge lahko ureja opazovalni let, ki omogoča opazovanje katere koli točke celotnega ozemlja opazovanke, vključno z območji, ki jih je opazovalka v viru iz Dodatka I označila kot tvegan zračni prostor. Smer leta opazovalnega letala ne sme potekati bližje kot 10 km od meje sosednje države, ki ni država pogodbena.

3. Letališče odprtih zračnih prostorov, kjer se opazovalni let konča, in točka izstopa sta lahko po načrtu naloge različna od letališča odprtih zračnih prostorov, kjer se let začne, oziroma od točke vstopa. V načrtu naloge je treba, če je to primerno, določiti čas začetka opazovalnega leta, zeleni čas in kraj načrtovanih postankov za polnjenje z gorivom ali za počitek kot tudi čas nadaljevanja opazovalnega leta po postanku za polnjenje z gorivom ali za počitek v 96-urnem obdobju, določenem v devetem odstavku I. razdelka tega člena.

4. Načrt naloge vključuje vse potrebne podatke za predložitev načrta leta in predvideva, da:

(A) opazovalni let ni daljši od največje razdalje leta, določene v I. razdelku Dodatka A;

(B) ruta in profil opazovalnega leta izpolnjujeta varnostne zahteve za opazovalni let v skladu s standardi ICAO in priporočeno prakso ob upoštevanju obstoječih razlik v pravilih letenja države, kar pa ne vpliva na določbe drugega odstavka tega razdelka;

(C) so v načrtu naloge upoštevane informacije o tveganem zračnem prostoru, dane v skladu s Dodatkom I;

(D) višina opazovalnega leta nad tlemi opazovalki ne dovoljuje, da bi preseгла omejitve ločljivosti na zemlji za vsak senzor, kot so določene v drugem odstavku IV. člena;

(E) predvideni čas začetka opazovalnega leta ne sme biti več kot 24 ur po predložitvi načrta naloge, razen če ni drugače dogovorjeno;

(F) opazovalno letalo leti naravnost med koordinatami ali navigacijskimi točkami, kot so v najavljenem zaporedju določene v načrtu naloge, ter

(G) smer leta ne seka same sebe v isti točki več kot enkrat, razen če ni drugače dogovorjeno, in da opazovalno letalo ne kroži okoli ene točke, razen če ni drugače dogovorjeno. Določbe tega pododstavka ne veljajo za vzlet, letenje nad kalibracijskimi tarčami ali pristanek opazovalnega letala.

5. Če načrt naloge, ki ga predloži opazovalka, predvideva lete skozi tvegan zračni prostor, opazovalka:

(A) opredeli tveganje za opazovalno letalo;

(B) olajša izvedbo opazovalnega leta z usklajevanjem ali ustavitvijo dejavnosti, ki je opredeljena na podlagi pododstavka (A) tega odstavka, ali

(C) predlaga nadomestno višino leta, rute ali časa.

6. Najpozneje štiri ure po predložitvi načrta naloge opazovalka sprejme načrt naloge ali predlaga njegove spremembe v skladu s četrtrim odstavkom I. razdelka VIII. člena in petim odstavkom tega razdelka. Te spremembe ne smejo izključevati opazovanja katere koli točke na celotnem ozemlju

tory of the observed Party, including areas designated by the observed Party as hazardous airspace in the source specified in Annex I to this Treaty. Upon agreement, the mission plan shall be signed by the observing and observed Parties. In the event that the Parties do not reach agreement on the mission plan within eight hours of the submission of the original mission plan, the observing Party shall have the right to decline to conduct the observation flight in accordance with the provisions of Article VIII of this Treaty.

7. If the planned route of the observation flight approaches the border of other States Parties or other States, the observed Party may notify that State or those States of the estimated route, date and time of the observation flight.

8. On the basis of the agreed mission plan the State Party providing the observation aircraft shall, in co-ordination with the other State Party, file the flight plan immediately, which shall have the content specified in Annex 2 to the Convention on International Civil Aviation and shall be in the format specified by ICAO Document No. 4444-RAC/501/12, "Rules of the Air and Air Traffic Services", as revised or amended.

### SECTION III. SPECIAL PROVISIONS

1. In the event that the observation aircraft is provided by the observing Party, the observed Party shall have the right to have on board the observation aircraft two flight monitors and one interpreter, in addition to one flight monitor for each sensor control station on board the observation aircraft, unless otherwise agreed. Flight monitors and interpreters shall have the rights and obligations specified in Annex G to this Treaty.

2. Notwithstanding paragraph 1 of this Section, in the event that an observing Party uses an observation aircraft which has a maximum take-off gross weight of no more than 35,000 kilograms for an observation flight distance of no more than 1,500 kilometres as notified in accordance with Section I, paragraph 5, subparagraph (G) of this Article, it shall be obliged to accept only two flight monitors and one interpreter on board the observation aircraft, unless otherwise agreed.

3. In the event that the observation aircraft is provided by the observed Party, the observed Party shall permit the personnel of the observing Party to travel to the point of entry of the observed Party in the most expeditious manner. The personnel of the observing Party may elect to travel to the point of entry using ground, sea, or air transportation, including transportation by an aircraft owned by any State Party. Procedures regarding such travel are set forth in Annex E to this Treaty.

4. In the event that the observation aircraft is provided by the observed Party, the observing Party shall have the right to have on board the observation aircraft two flight representatives and one interpreter, in addition to one flight representative for each sensor control station on the aircraft, unless otherwise agreed. Flight representatives and interpreters shall have the rights and obligations set forth in Annex G to this Treaty.

5. In the event that the observing State Party provides an observation aircraft designated by a State Party other than the observing or observed Party, the observing Party shall have the right to have on board the observation aircraft two representatives and one interpreter, in addition to one representative for each sensor control station on the aircraft, unless otherwise agreed. In this case, the provisions on flight monitors set forth in paragraph 1 of this Section shall also apply. Representatives and interpreters shall have the rights and obligations set forth in Annex G to this Treaty.

opazovanke, vključno z območji, ki jih je opazovanka v viru iz Dodatka I k tej pogodbi označila kot tvegan zračni prostor. Ko se opazovalka in opazovanka strinjata glede načrta naloge, ga podpišeta. Če se pogodbenici ne sporazumeta o načrtu naloge v osmih urah po predložitvi prvotnega načrta naloge, ima opazovalka pravico odkloniti opazovalni let v skladu z določbami VIII. člena te pogodbe.

7. Če načrtovana ruta opazovalnega leta poteka v bližini meja drugih držav pogodbenic ali drugih držav, lahko opazovanka obvesti te države o predvideni ruti, datumu in času opazovalnega leta.

8. Na podlagi dogovorjenega načrta naloge država pogodbenica, ki priskrbi opazovalno letalo, usklajeno z drugo državo pogodbenico takoj predloži načrt leta z vsebino, kot je določena v Prilogi 2 h Konvenciji o mednarodnem civilnem letalstvu, in v obliki, ki jo določa dokument ICA št. 4444-RAC/501/12, Pravila letenja in službe zračnega prometa, kot je bil spremenjen ali dopolnjen.

### III. RAZDELEK: POSEBNE DOLOČBE

1. Če opazovalno letalo priskrbi opazovalka, ima opazovanka pravico imeti v opazovalnem letalu poleg enega opazovalca leta za vsako senzorsko kontrolno postajo na opazovalnem letalu še dva opazovalca leta in enega tolmača, razen če ni drugače dogovorjeno. Opazovalci leta in tolmači imajo pravice in obveznosti, določene v Dodatku G k tej pogodbi.

2. Če opazovalka uporabi opazovalno letalo, katerega največja skupna vzletna masa ni večja kot 35 000 kilogramov, za dolžino opazovalnega leta, ki ni daljši od 1500 kilometrov, kot je bila uradno sporočena v skladu s pododstavkom (G) petega odstavka I. razdelka tega člena, je ne glede na prvi odstavek tega razdelka dolžna sprejeti v opazovalno letalo le dva opazovalca leta in enega tolmača, razen če ni drugače dogovorjeno.

3. Če opazovalno letalo priskrbi opazovanka, dovoli osebju opazovalke, da čim hitreje potuje do točke vstopa opazovanke. Osebe države opazovalke lahko za potovanje do točke vstopa izbere prevoz po kopnem, zračni ali ladijski prevoz, vključno z letalom katere koli države pogodbenice. Postopki v zvezi s tem potovanjem so določeni v Dodatku E k tej pogodbi.

4. Če opazovalno letalo priskrbi opazovanka, ima opazovalka pravico imeti v opazovalnem letalu poleg enega predstavnika za vsako senzorsko kontrolno postajo v letalu še dva predstavnika in enega tolmača, razen če ni drugače dogovorjeno. Predstavniki in tolmači imajo pravice in obveznosti, določene v Dodatku G k tej pogodbi.

5. Če opazovalka priskrbi opazovalno letalo, ki ga je določila druga država pogodbenica in ne opazovalka ali opazovanka, ima opazovalka pravico imeti v opazovalnem letalu poleg enega predstavnika za vsako senzorsko kontrolno postajo v letalu še dva predstavnika in enega tolmača, razen če ni drugače dogovorjeno. V tem primeru prav tako veljajo določbe o opazovalcih leta iz prvega odstavka tega razdelka. Predstavniki in tolmači imajo pravice in obveznosti, določene v Dodatku G k tej pogodbi.

Article VII  
TRANSIT FLIGHTS

1. Transit flights conducted by an observing Party to and from the territory of an observed Party for the purposes of this Treaty shall originate on the territory of the observing Party or of another State Party.

2. Each State Party shall accept transit flights. Such transit flights shall be conducted along internationally recognized Air Traffic Services routes, unless otherwise agreed by the States Parties involved, and in accordance with the instructions of the national air traffic control authorities of each State Party whose airspace is transited. The observing Party shall notify each State Party whose airspace is to be transited at the same time that it notifies the observed Party in accordance with Article VI.

3. The operation of sensors on an observation aircraft during transit flights is prohibited. In the event that, during the transit flight, the observation aircraft lands on the territory of a State Party, that State Party shall, upon landing and prior to departure, inspect the covers of sensor apertures or other devices that inhibit the operation of sensors to confirm that they are in their proper position.

Article VIII  
PROHIBITIONS, DEVIATIONS FROM FLIGHT PLANS  
AND EMERGENCY SITUATIONS

SECTION I. PROHIBITION OF OBSERVATION  
FLIGHTS AND CHANGES TO MISSION PLANS

1. The observed Party shall have the right to prohibit an observation flight that is not in compliance with the provisions of this Treaty.

2. The observed Party shall have the right to prohibit an observation flight prior to its commencement in the event that the observing Party fails to arrive at the point of entry within 24 hours after the estimated time of arrival specified in the notification provided in accordance with Article VI, Section I, paragraph 5, unless otherwise agreed between the States Parties involved.

3. In the event that an observed State Party prohibits an observation flight pursuant to this Article or Annex F, it shall immediately state the facts for the prohibition in the mission plan. Within seven days the observed Party shall provide to all States Parties, through diplomatic channels, a written explanation for this prohibition in the mission report provided pursuant to Article VI, Section I, paragraph 21. An observation flight that has been prohibited shall not be counted against the quota of either State Party.

4. The observed Party shall have the right to propose changes to the mission plan as a result of any of the following circumstances:

(A) the weather conditions affect flight safety;

(B) the status of the Open Skies airfield to be used, alternate airfields, or refuelling airfields prevents their use; or

(C) the mission plan is inconsistent with Article VI, Section II, paragraphs 2 and 4.

5. In the event that the observing Party disagrees with the proposed changes to the mission plan, it shall have the right to submit alternatives to the proposed changes. In the event that agreement on a mission plan is not reached within eight hours of the submission of the original mission plan, and if the observing Party considers the changes to the mission plan to be prejudicial to its rights under this Treaty with respect to the conduct of the observation flight, the observing Party shall have the right to decline to conduct the observation flight, which shall not be recorded against the quota of either State Party.

VII. člen  
TRANZITNI LETI

1. Tranzitni leti opazovalke na ozemlje opazovanke in z njega za namene te pogodbe se začnejo na ozemlju opazovalke ali druge države pogodbenice.

2. Vsaka država pogodbenica sprejme tranzitne lete. Taki leti potekajo po mednarodno priznanih koridorjih za zračni promet, razen če se zadevne države pogodbenice ne dogovorijo drugače, in v skladu z navodili kontrole letenja vsake države pogodbenice, skozi katere zračni prostor se leti. Opazovalka istočasno, ko uradno obvesti opazovanko v skladu s VI. členom, uradno obvesti tudi vsako državo pogodbenico, skozi katere zračni prostor je treba leteti.

3. Delovanje senzorjev na opazovalnem letalu je med tranzitnimi leti prepovedano. Če med tranzitnim letom opazovalno letalo pristane na ozemlju države pogodbenice, mora ta država pogodbenica ob pristanku in pred odletom pregledati pokrove odprtih za senzorje ali druge naprave, ki onemogočajo delovanje senzorjev, da potrdi njihov pravilni položaj.

VIII. člen  
PREPOVEDI, ODSTOPANJA OD NAČRTOV LETOV IN  
NUJNI PRIMERI

I. RAZDELEK: PREPOVED OPAZOVALNIH LETOV  
IN SPREMEMBE NAČRTOV NALOG

1. Opazovanka ima pravico prepovedati opazovalni let, ki ni v skladu z določbami te pogodbe.

2. Opazovanka ima pravico prepovedati opazovalni let pred njegovim začetkom, če opazovalka ne pride na točko vstopa v 24 urah po predvidenem času prihoda, kot je naveden v uradnem obvestilu, danem v skladu s petim odstavkom I. razdelka VI. člena, razen če se državi pogodbenici ne dogovorita drugače.

3. Če opazovanka prepove opazovalni let po tem členu ali Dodatku F, mora v načrtu naloge takoj navesti dejstva, ki so razlog za prepoved. V sedmih dneh opazovanka pošlje po diplomatski poti vsem državam pogodbenicam pisno pojasnilo o prepovedi v poročilu o nalogi, danem na podlagi enaindvajsetega odstavka I. razdelka VI. člena. Prepovedani opazovalni let se ne šteje v kvoto ene in druge države pogodbenice.

4. Opazovanka ima pravico predlagati spremembe v načrtu naloge, če je razlog za to katera koli od teh okoliščin:

(A) vremenske razmere vplivajo na varnost letenja;

(B) stanje letališča odprtih zračnih prostorov, ki naj bi ga uporabili, nadomestnih letališč ali letališč za polnjenje z gorivom preprečuje njihovo uporabo ali

(C) načrt naloge ni skladen z drugim in četrtem odstavkom II. razdelka VI. člena.

5. Če se opazovalka ne strinja s predlaganimi spremembami načrta naloge, ima pravico predložiti druge možnosti k predlaganim spremembam. Če v osmih urah po predložitvi prvotnega načrta naloge ni dosežen dogovor o njem in če opazovalka meni, da spremembe načrta naloge omejujejo njene pravice po tej pogodbi za izvedbo opazovalnega leta, ima pravico odkloniti opazovalni let, ki se prav tako ne šteje v kvoto ene in druge države pogodbenice.

6. In the event that an observing Party declines to conduct an observation flight pursuant to this Article or Annex F, it shall immediately provide an explanation of its decision in the mission plan prior to the departure of the observing Party. Within seven days after departure of the observing Party, the observing Party shall provide to all other States Parties, through diplomatic channels, a written explanation for this decision in the mission report provided pursuant to Article VI, Section I, paragraph 21.

## SECTION II. DEVIATIONS FROM THE FLIGHT PLAN

1. Deviations from the flight plan shall be permitted during the observation flight if necessitated by:

- (A) weather conditions affecting flight safety;
- (B) technical difficulties relating to the observation aircraft;
- (C) a medical emergency of any person on board; or
- (D) air traffic control instructions related to circumstances brought about by *force majeure*.

2. In addition, if weather conditions prevent effective use of optical sensors and infra-red line-scanning devices, deviations shall be permitted, provided that:

- (A) flight safety requirements are met;
- (B) in cases where national rules so require, permission is granted by air traffic control authorities; and
- (C) the performance of the sensors does not exceed the capabilities specified in Article IV, paragraph 2, unless otherwise agreed.

3. The observed Party shall have the right to prohibit the use of a particular sensor during a deviation that brings the observation aircraft below the minimum height above ground level for operating that particular sensor, in accordance with the limitation on ground resolution specified in Article IV, paragraph 2. In the event that a deviation requires the observation aircraft to alter its flight path by more than 50 kilometres from the flight path specified in the flight plan, the observed Party shall have the right to prohibit the use of all the sensors installed on the observation aircraft beyond that 50-kilometre limit.

4. The observing Party shall have the right to curtail an observation flight during its execution in the event of sensor malfunction. The pilot-in-command shall have the right to curtail an observation flight in the event of technical difficulties affecting the safety of the observation aircraft.

5. In the event that a deviation from the flight plan permitted by paragraph 1 of this Section results in curtailment of the observation flight, or a curtailment occurs in accordance with paragraph 4 of this Section, an observation flight shall be counted against the quotas of both States Parties, unless the curtailment is due to:

- (A) sensor malfunction on an observation aircraft provided by the observed Party;
- (B) technical difficulties relating to the observation aircraft provided by the observed Party;
- (C) a medical emergency of a member of the flight crew of the observed Party or of flight monitors; or
- (D) air traffic control instructions related to circumstances brought about by *force majeure*.

In such cases the observing Party shall have the right to decide whether to count it against the quotas of both States Parties.

6. The data collected by the sensors shall be retained by the observing Party only if the observation flight is counted against the quotas of both States Parties.

6. Če opazovalka odkloni opazovalni let po tem členu ali Dodatku F, mora takoj, še pred svojim odhodom pojasniti razloge za svojo odločitev iz načrta naloge. V sedmih dneh po odhodu opazovalka pošlje po diplomatski poti vsem drugim državam pogodbenicam pisno pojasnilo za to odločitev v poročilu o nalogi, danem na podlagi enainvajsetega odstavka I. razdelka VI. člena.

## II. RAZDELEK: ODPSTOPANJA OD NAČRTA LETA

1. Med opazovalnim letom so dovoljena odstopanja od načrta leta, če so potrebna zaradi:

- (A) vremenskih razmer, ki vplivajo na varnost letenja;
- (B) tehničnih težav v zvezi z opazovalnim letalom;
- (C) nujne zdravstvene pomoči osebi v letalu ali
- (D) navodil kontrole letenja v zvezi z okoliščinami, ki so nastale zaradi višje sile.

2. Poleg tega so dovoljena odstopanja, če vremenske razmere onemogočajo učinkovito uporabo optičnih senzorjev ali infrardečih premočrtnih čitalnikov, pod pogojem, da:

- (A) so izpolnjene zahteve za varnost letenja;
- (B) je dano dovoljenje organov kontrole letenja, če tako zahtevajo pravila posameznih držav, in
- (C) delovanje senzorjev ne presega zmogljivosti, določenih v drugem odstavku IV. člena, razen če ni drugače dogovorjeno.

3. Opazovalka ima pravico prepovedati uporabo posameznega senzorja med odstopanjem, zaradi katerega se opazovalno letalo spusti pod najnižjo višino letenja, predvideno za delovanje tega posameznega senzorja v skladu z omejitvijo ločljivosti na zemlji, kot je določena v drugem odstavku IV. člena. Če mora opazovalno letalo zaradi odstopanja za več kot 50 kilometrov spremeniti smer leta, ki je bila določena v načrtu leta, ima opazovalka pravico prepovedati uporabo vseh senzorjev, nameščenih na opazovalnem letalu, za ozemlje zunaj omenjene 50-kilometrskje meje.

4. Opazovalka ima pravico skrajšati opazovalni let zaradi nepravilnega delovanja senzorjev. Poveljnik letala ima pravico skrajšati opazovalni let zaradi tehničnih težav, ki vplivajo na varnost opazovalnega letala.

5. Če je skrajšanje opazovalnega leta posledica odstopanja od načrta leta, ki ga dovoljuje prvi odstavek tega razdelka, ali če je skrajšanje v skladu s četrnim odstavkom tega razdelka, se opazovalni let šteje v kvoto obeh držav pogodbenic, razen če so vzrok skrajšanja:

- (A) nepravilno delovanje senzorjev v opazovalnem letalu, ki ga je priskrbel opazovalka;
- (B) tehnične težave v zvezi z opazovalnim letalom, ki ga je priskrbel opazovalka;
- (C) nujna zdravstvena pomoč članu posadke opazovalke ali opazovalcu leta ali
- (D) navodila kontrole letenja v zvezi z okoliščinami, ki so nastale zaradi višje sile.

V takšnih primerih se ima opazovalka pravico odločiti, ali se opazovalni let šteje v kvoto obeh držav pogodbenic.

6. Podatke, ki jih zberejo senzorji, opazovalka obdrži le, če se opazovalni let šteje v kvoto obeh držav pogodbenic.



7. In the event that a deviation is made from the flight plan, the pilot-in-command shall take action in accordance with the published national flight regulations of the observed Party. Once the factors leading to the deviation have ceased to exist, the observation aircraft may, with the permission of the air traffic control authorities, continue the observation flight in accordance with the flight plan. The additional flight distance of the observation aircraft due to the deviation shall not count against the maximum flight distance.

8. Personnel of both States Parties on board the observation aircraft shall be immediately informed of all deviations from the flight plan.

9. Additional expenses resulting from provisions of this Article shall be reimbursed in accordance with Annex L, Section I, paragraph 9 to this Treaty.

### SECTION III. EMERGENCY SITUATIONS

1. In the event that an emergency situation arises, the pilot-in-command shall be guided by "Procedures for Air Navigation Services – Rules of the Air and Air Traffic Services", ICAO Document No. 4444-RAC/501/12, as revised or amended, the national flight regulations of the observed Party, and the flight operation manual of the observation aircraft.

2. Each observation aircraft declaring an emergency shall be accorded the full range of distress and navigational facilities of the observed Party in order to ensure the most expeditious recovery of the aircraft to the nearest suitable airfield.

3. In the event of an aviation accident involving the observation aircraft on the territory of the observed Party, search and rescue operations shall be conducted by the observed Party in accordance with its own regulations and procedures for such operations.

4. Investigation of an aviation accident or incident involving an observation aircraft shall be conducted by the observed Party, with the participation of the observing Party, in accordance with the ICAO recommendations set forth in Annex 13 to the Convention on International Civil Aviation ("Investigation of Aviation Accidents") as revised or amended and in accordance with the national regulations of the observed Party.

5. In the event that the observation aircraft is not registered with the observed Party, at the conclusion of the investigation all wreckage and debris of the observation aircraft and sensors, if found and recovered, shall be returned to the observing Party or to the Party to which the aircraft belongs, if so requested.

### Article IX

#### SENSOR OUTPUT FROM OBSERVATION FLIGHTS

##### SECTION I. GENERAL PROVISIONS

1. For the purposes of recording data collected by sensors during observation flights, the following recording media shall be used:

- (A) in the case of optical panoramic and framing cameras, black and white photographic film;
- (B) in the case of video cameras, magnetic tape;
- (C) in the case of infra-red line-scanning devices, black and white photographic film or magnetic tape; and
- (D) in the case of sideways-looking synthetic aperture radar, magnetic tape.

The agreed format in which such data is to be recorded and exchanged on other recording media shall be decided within the Open Skies Consultative Commission during the period of provisional application of this Treaty.

7. Če pride do odstopanja od načrta leta, poveljnik letala ukrepa v skladu z objavljenimi pravili letenja države opazovanke. Ko dejavnikov, ki so povzročili odstopanje, ni več, sme opazovalno letalo z dovoljenjem kontrole letenja nadaljevati opazovalni let v skladu z načrtom leta. Dodatna dolžina leta opazovalnega letala, ki jo je povzročilo odstopanje, se ne šteje v največjo dolžino leta.

8. Osebe obeh držav pogodbenic v opazovalnem letalu mora biti takoj obveščeno o vseh odstopanjih od načrta leta.

9. Dodatni stroški, ki izhajajo iz določb tega člena, se povrnejo v skladu z devetim odstavkom I. razdelka Dodatka L k tej pogodbi.

### III. RAZDELEK: NUJNI PRIMERI

1. V nujnem primeru se poveljnik letala ravna po Postopkih za zračno navigacijo-pravilih letenja in službe zračnega prometa, dokument ICAO št. 4444-RAC/501/12, kot je bil spremenjen ali dopolnjen, po predpisih letenja države opazovanke ter po priročniku za upravljanje opazovalnega letala.

2. Vsakemu opazovalnemu letalu, ki razglasi nujni primer, mora opazovanka dati na voljo vse reševalne in navigacijske zmogljivosti, da zagotovi čim hitrejši zasilni pristanek letala na najbližjem primernem letališču.

3. Ob letalski nesreči, v kateri je udeleženo opazovalno letalo na ozemlju opazovanke, izvede opazovanka iskanje in reševanje v skladu s svojimi predpisi in postopki za take primere.

4. Preiskavo letalske nesreče ali dogodka, v katerem je udeleženo opazovalno letalo, opravi opazovanka s sodelovanjem opazovalke v skladu s priporočili ICAO, določenimi v Prilogi 13 h Konvenciji o mednarodnem civilnem letalstvu (Preiskava letalskih nesreč), kot je bila spremenjena ali dopolnjena, in v skladu s predpisi države opazovanke.

5. Če opazovalno letalo ni registrirano pri opazovanki, je treba ob koncu preiskave vse najdene ali rešene razbitine in ostanke opazovalnega letala in senzorjev vrniti opazovalki ali pogodbenici, ki je lastnica letala, če tako zahteva.

### IX. člen

#### IZHODNI PODATKI SENZORJEV Z OPAZOVALNIH LETOV

##### I. RAZDELEK: SPLOŠNE DOLOČBE

1. Za snemanje podatkov, zbranih s senzorji med opazovalnimi leti, se uporabijo naslednji nosilci podatkov:

- (A) pri optičnih panoramskih kamerah in kamerah za posamezne posnetke črno-beli fotografski film;
- (B) pri videokamerah magnetni trak;
- (C) pri infrardečih premočrtnih čitalnikih črno-beli fotografski film ali magnetni trak in
- (D) pri zbirnem aperturnem radarju za bočno opazovanje magnetni trak.

Dogovorjeni format, v katerem naj se omenjeni podatki snemajo in prenašajo na druge nosilce podatkov, določi posvetovalna komisija za odprte zračne prostore med začasno uporabo te pogodbe.

2. Data collected by sensors during observation flights shall remain on board the observation aircraft until completion of the observation flight. The transmission of data collected by sensors from the observation aircraft during the observation flight is prohibited.

3. Each roll of photographic film and cassette or reel of magnetic tape used to collect data by a sensor during an observation flight shall be placed in a container and sealed in the presence of the States Parties as soon as is practicable after it has been removed from the sensor.

4. Data collected by sensors during observation flights shall be made available to States Parties in accordance with the provisions of this Article and shall be used exclusively for the attainment of the purposes of this Treaty.

5. In the event that, on the basis of data provided pursuant to Annex B, Section I to this Treaty, a data recording medium to be used by a State Party during an observation flight is incompatible with the equipment of another State Party for handling that data recording medium, the States Parties involved shall establish procedures to ensure that all data collected during observation flights can be handled, in terms of processing, duplication and storage, by them.

## SECTION II. OUTPUT FROM SENSORS THAT USE PHOTOGRAPHIC FILM

1. In the event that output from duplicate optical cameras is to be exchanged, the cameras, film and film processing shall be of an identical type.

2. Provided that the data collected by a single optical camera is subject to exchange, the States Parties shall consider, within the Open Skies Consultative Commission during the period of provisional application of this Treaty, the issue of whether the responsibility for the development of the original film negative shall be borne by the observing Party or by the State Party providing the observation aircraft. The State Party developing the original film negative shall be responsible for the quality of processing the original negative film and producing the duplicate positive or negative. In the event that States Parties agree that the film used during the observation flight conducted on an observation aircraft provided by the observed Party shall be processed by the observing Party, the observed Party shall bear no responsibility for the quality of the processing of the original negative film.

3. All the film used during the observation flight shall be developed:

(A) in the event that the original film negative is developed at a film processing facility arranged for by the observed Party, no later than three days, unless otherwise agreed, after the arrival of the observation aircraft at the point of exit; or

(B) in the event that the original film negative is developed at a film processing facility arranged for by the observing Party, no later than ten days after the departure of the observation aircraft from the territory of the observed Party.

4. The State Party that is developing the original film negative shall be obliged to accept at the film processing facility up to two officials from the other State Party to monitor the unsealing of the film cassette or container and each step in the storage, processing, duplication and handling of the original film negative, in accordance with the provisions of Annex K, Section II to this Treaty. The State Party monitoring the film processing and duplication shall have the right to designate such officials from among its nationals present on the territory on which the film processing facility arranged for by the other State Party is located, provided that such individuals are on the list of designated personnel in accordance with Article XIII, Section I of this Treaty. The State Party developing the film shall assist the officials of the other State Party in their functions provided for in this paragraph to the maximum extent possible.

2. Podatki, zbrani s senzorji med opazovalnimi leti, ostanejo v opazovalnem letalu do konca opazovalnega leta. Med opazovalnim letom je prepovedan prenos podatkov, zbranih s senzorji, iz opazovalnega letala.

3. Vsak zvitek fotografskega filma in kasetna ali kolut magnetnega traku, uporabljen za zbiranje podatkov s senzorji med opazovalnim letom, se shrani v zabojnik in zapečati v navzočnosti držav pogodbenic, takoj ko je to po odstranitvi iz senzorja izvedljivo.

4. Podatki, zbrani s senzorji med opazovalnimi leti, so na voljo državam pogodbenicam v skladu z določbami tega člena in se uporabljajo izključno za doseganje ciljev te pogodbe.

5. Če po podatkih iz I. razdelka Dodatka B k tej pogodbi nosilec podatkov, ki naj bi ga država pogodbenica uporabljala med opazovalnim letom, ni združljiv z opremo druge države pogodbenice za ravnanje s takim nosilcem podatkov, uvedejo zadevne države pogodbenice postopke, s katerimi zagotovijo, da lahko obdelujejo, razmnožujejo in shranjujejo podatke, zbrane med opazovalnimi leti.

## II. RAZDELEK: IZHODNI PODATKI SENZORJEV, PRI KATERIH SE UPORABLJA FOTOGRAFSKI FILM

1. Če se izmenjujejo podatki iz podvojenih optičnih kamer, morajo biti kameri, film in naprave za obdelavo filma enakega tipa.

2. Če se izmenjujejo podatki, zbrani z eno samo optično kamero, se države pogodbenice v okviru posvetovalne komisije za odprte zračne prostore med začasno uporabo te pogodbe posvetujejo o tem, ali naj bo za razvijanje izvirnega negativa filma odgovorna opazovalka ali država pogodbenica, ki je priskrbelo opazovalno letalo. Država pogodbenica, ki razvije izvirni negativ filma, je odgovorna za kakovost njegove obdelave in izdelavo dvojnika pozitiv ali negativa. Če se državi pogodbenici dogovorita, da bo film, uporabljen med opazovalnim letom v opazovalnem letalu, ki ga je priskrbelo opazovalka, obdelala opazovalka, opazovalka ne odgovarja za kakovost obdelave izvirnega negativa filma.

3. Ves film, uporabljen med opazovalnim letom, se razvije:

(A) če je izvirni negativ filma razvit v prostorih za obdelavo filma, ki jih priskrbi opazovalka, najpozneje tri dni po prihodu opazovalnega letala na točko izstopa, razen če ni drugače dogovorjeno, ali

(B) če je izvirni negativ filma razvit v prostorih za obdelavo filma, ki jih priskrbi opazovalka, najpozneje deset dni po odhodu opazovalnega letala z ozemlja opazovalke.

4. Država pogodbenica, ki razvija izvirni negativ filma, je dolžna sprejeti v prostorih za obdelavo filma do dve uradni osebi druge države pogodbenice, da v skladu z določbami II. razdelka Dodatka K k tej pogodbi spremljata odpečatenje kasete s filmom ali zabojnika ter vsak korak pri shranjevanju, obdelavi, razmnoževanju izvirnega negativa filma in ravnanju z njim. Država pogodbenica, ki spremlja obdelavo in razmnoževanje filma, ima pravico določiti uradne osebe med svojimi državljani, navzočimi na ozemlju, na katerem je druga država pogodbenica pripravila prostore za obdelavo filma, pod pogojem, da so te osebe na seznamu določenega osebja v skladu s I. razdelkom XIII. člena te pogodbe. Država pogodbenica, ki razvija film, čim bolj pomaga uradnim osebam druge države pogodbenice pri njihovih nalogah, kot so določene v tem odstavku.

5. Upon completion of an observation flight, the State Party that is to develop the original film negative shall attach a 21-step sensitometric test strip of the same film type used during the observation flight or shall expose a 21-step optical wedge onto the leader or trailer of each roll of original film negative used during the observation flight. After the original film negative has been processed and duplicate film negative or positive has been produced, the States Parties shall assess the image quality of the 21-step sensitometric test strips or images of the 21-step optical wedge against the characteristics provided for that type of original film negative or duplicate film negative or positive in accordance with the provisions of Annex K, Section I to this Treaty.

6. In the event that only one original film negative is developed:

(A) the observing Party shall have the right to retain or receive the original film negative; and

(B) the observed Party shall have the right to select and receive a complete first generation duplicate or part thereof, either positive or negative, of the original film negative.

Unless otherwise agreed, such duplicate shall be:

(1) of the same format and film size as the original film negative;

(2) produced immediately after development of the original film negative; and

(3) provided to the officials of the observed Party immediately after the duplicate has been produced.

7. In the event that two original film negatives are developed:

(A) if the observation aircraft is provided by the observing Party, the observed Party shall have the right, at the completion of the observation flight, to select either of the two original film negatives, and the original film negative not selected shall be retained by the observing Party; or

(B) if the observation aircraft is provided by the observed Party, the observing Party shall have the right to select either of the original film negatives, and the original film negative not selected shall be retained by the observed Party.

### SECTION III. OUTPUT FROM SENSORS THAT USE OTHER RECORDING MEDIA

1. The State Party that provides the observation aircraft shall record at least one original set of data collected by sensors using other recording media.

2. In the event that only one original set is made:

(A) if the observation aircraft is provided by the observing Party, the observing Party shall have the right to retain the original set and the observed Party shall have the right to receive a first generation duplicate copy; or

(B) if the observation aircraft is provided by the observed Party, the observing Party shall have the right to receive the original set and the observed Party shall have the right to receive a first generation duplicate copy.

3. In the event that two original sets are made:

(A) if the observation aircraft is provided by the observing Party, the observed Party shall have the right, at the completion of the observation flight, to select either of the two sets of recording media, and the set not selected shall be retained by the observing Party; or

(B) if the observation aircraft is provided by the observed Party, the observing Party shall have the right to select either of the two sets of recording media, and the set not selected shall be retained by the observed Party.

4. In the event that the observation aircraft is provided by the observing Party, the observed Party shall have the right to receive the data collected by a sideways-looking synthetic aperture radar in the form of either initial phase information or a radar image, at its choice.

5. Po končanem opazovalnem letu država pogodbenica, ki naj razvije izvorni negativ filma, pritrudi 21-stopenjski senzitometrični testni trak enakega tipa filma, kot je uporabljen med opazovalnim letom, ali pa osvetli 21-stopenjsko optično skalo na začetku ali koncu vsakega zvitka izvirnega negativa filma, uporabljenega med opazovalnim letom. Po obdelavi izvirnega negativa filma in izdelavi dvojnika negativa ali pozitivna filma države pogodbenice presodijo kakovost posnetka na 21-stopenjskih senzitometričnih testnih trakovih ali slike na 21-stopenjski optični skali v primerjavi z značilnostmi, ki so določene za ta tip izvirnega negativa filma ali dvojnika negativa ali pozitivna filma v skladu z določbami I. razdelka Dodatka K k tej pogodbi.

6. Če je razvit le en izvorni negativ filma:

(A) ima opazovalka pravico obdržati ali prejeti izvorni negativ filma ter

(B) ima opazovalka pravico izbrati in prejeti celoten dvojnik izvirnega negativa filma prve izdelave ali njegov del v pozitivu ali negativu. Če ni drugače dogovorjeno, je tak dvojnik:

(1) enakega formata in velikosti kot izvorni negativ filma;

(2) izdelan takoj po razvijanju izvirnega negativa filma in

(3) predložen uradnim osebam opazovanke takoj, ko je dvojnik izdelan.

7. Če sta razvita dva izvorna negativa filma:

(A) ima opazovalka, če opazovalno letalo priskrbi opazovalka, pravico ob koncu opazovalnega leta izbrati enega od obeh izvornih negativov filma, neizbrani izvorni negativ filma pa obdrži opazovalka ali

(B) ima opazovalka, če opazovalno letalo priskrbi opazovalka, pravico izbrati enega od obeh izvornih negativov filma, neizbrani izvorni negativ filma pa obdrži opazovalka.

### III. RAZDELEK: IZHODNI PODATKI SENZORJEV, PRI KATERIH SE UPORABLJAJO DRUGI NOSILCI PODATKOV

1. Država pogodbenica, ki priskrbi opazovalno letalo, posname vsaj en izvorni komplet podatkov, zbranih s senzorji, pri katerih se uporabljajo drugi nosilci podatkov.

2. Če je izdelan le en izvorni komplet:

(A) ima opazovalka, če sama priskrbi opazovalno letalo, pravico obdržati izvorni komplet, opazovalka pa ima pravico prejeti dvojnik prve izdelave ali

(B) ima opazovalka, če opazovalno letalo priskrbi opazovalka, pravico prejeti izvorni komplet, opazovalka pa ima pravico prejeti dvojnik prve izdelave.

3. Če sta izdelana dva izvorna kompleta:

(A) ima opazovalka, če opazovalno letalo priskrbi opazovalka, ob koncu opazovalnega leta pravico izbrati enega od obeh kompletov nosilcev podatkov, neizbrani komplet pa obdrži opazovalka ali

(B) ima opazovalka, če opazovalno letalo priskrbi opazovalka, pravico izbrati enega od obeh kompletov nosilcev podatkov, neizbrani komplet pa obdrži opazovalka.

4. Če opazovalno letalo priskrbi opazovalka, ima opazovalka pravico po lastni izbiri prejeti podatke, zbrane z zbirnim aperturnim radarjem za bočno opazovanje, v obliki neobdelanih podatkov ali v obliki radarske slike.

5. In the event that the observation aircraft is provided by the observed Party, the observing Party shall have the right to receive the data collected by a sideways-looking synthetic aperture radar in the form of either initial phase information or a radar image, at its choice.

#### SECTION IV. ACCESS TO SENSOR OUTPUT

Each State Party shall have the right to request and receive from the observing Party copies of data collected by sensors during an observation flight. Such copies shall be in the form of first generation duplicates produced from the original data collected by sensors during an observation flight. The State Party requesting copies shall also notify the observed Party. A request for duplicates of data shall include the following information:

- (A) the observing Party;
- (B) the observed Party;
- (C) the date of the observation flight;
- (D) the sensor by which the data was collected;
- (E) the portion or portions of the observation period during which the data was collected; and
- (F) the type and format of duplicate recording medium, either negative or positive film, or magnetic tape.

#### Article X

#### OPEN SKIES CONSULTATIVE COMMISSION

1. In order to promote the objectives and facilitate the implementation of the provisions of this Treaty, the States Parties hereby establish an Open Skies Consultative Commission.

2. The Open Skies Consultative Commission shall take decisions or make recommendations by consensus. Consensus shall be understood to mean the absence of any objection by any State Party to the taking of a decision or the making of a recommendation.

3. Each State Party shall have the right to raise before the Open Skies Consultative Commission, and have placed on its agenda, any issue relating to this Treaty, including any issue related to the case when the observed Party provides an observation aircraft.

4. Within the framework of the Open Skies Consultative Commission the States Parties to this Treaty shall:

- (A) consider questions relating to compliance with the provisions of this Treaty;
- (B) seek to resolve ambiguities and differences of interpretation that may become apparent in the way this Treaty is implemented;
- (C) consider and take decisions on applications for accession to this Treaty; and
- (D) agree as to those technical and administrative measures, pursuant to the provisions of this Treaty, deemed necessary following the accession to this Treaty by other States.

5. The Open Skies Consultative Commission may propose amendments to this Treaty for consideration and approval in accordance with Article XVI. The Open Skies Consultative Commission may also agree on improvements to the viability and effectiveness of this Treaty, consistent with its provisions. Improvements relating only to modification of the annual distribution of active quotas pursuant to Article III and Annex A, to updates and additions to the categories or capabilities of sensors pursuant to Article IV, to revision of the share of costs pursuant to Annex L, Section I, paragraph 9, to arrangements for the sharing and availability of data pursuant to Article IX, Sections III and IV and to the handling of mission reports pursuant to Article VI, Section I, paragraph 21, as well as to minor matters of an administrative or technical nature, shall be agreed upon within the Open Skies Consultative Commission and shall not be deemed to be amendments to this Treaty.

5. Če opazovalno letalo priskrbi opazovanka, ima opazovanka pravico po lastni izbiri prejeti podatke, zbrane z zbirnim aperturnim radarjem za bočno opazovanje, v obliki neobdelanih podatkov ali v obliki radarske slike.

#### IV. RAZDELEK: DOSTOP DO IZHODNIH PODATKOV SENZORJEV

Vsaka država pogodbenica ima pravico zahtevati in prejeti od opazovalke kopije podatkov, zbranih s senzorji med opazovalnim letom. Te kopije so dvojniki prve izdelave, izdelani iz izvirnih podatkov, zbranih s senzorji med opazovalnim letom. Država pogodbenica, ki zahteva kopije, uradno obvesti tudi opazovanko. Zahteva za dvojnike podatkov vsebuje podatke o:

- (A) opazovalki;
- (B) opazovanki;
- (C) datumu opazovalnega leta;
- (D) senzorju, s katerim so bili podatki zbrani;
- (E) delu ali delih opazovalnega obdobja, v katerem so bili podatki zbrani, in
- (E) vrsti in formatu dvojnika nosilca podatkov, in sicer negativna ali pozitivna filma ali magnetnega traku.

#### X. člen

#### POSVETOVALNA KOMISIJA ZA ODPRTE ZRAČNE PROSTORE

1. Da bi uveljavile cilje in olajšale izvajanje določb te pogodbe, države pogodbenice s tem ustanovijo posvetovalno komisijo za odprte zračne prostore.

2. Posvetovalna komisija za odprte zračne prostore sprejema odločitve ali daje priporočila na podlagi soglasja. Razume se, da soglasje pomeni, da nobena država pogodbenica ne ugovarja sprejetju odločitve ali priporočila.

3. Vsaka država pogodbenica ima pravico pred posvetovalno komisijo za odprte zračne prostore sprožiti in dati na dnevni red katero koli zadevo v zvezi s to pogodbo, vključno z zadevami, ki se nanašajo na primere, kadar opazovalno letalo priskrbi opazovanka.

4. V okviru posvetovalne komisije za odprte zračne prostore države pogodbenice:

- (A) obravnavajo vprašanja, ki se nanašajo na spoštovanje določb te pogodbe;
- (B) skušajo razrešiti nejasnosti in razlike pri razlagi, ki se lahko pokažejo pri načinu izvajanja te pogodbe;

(C) obravnavajo prošnje za pristop k tej pogodbi in odločajo o njih;

(D) se dogovorijo o tistih tehničnih in administrativnih ukrepih v skladu z določbami te pogodbe, za katere menijo, da so potrebni po pristopu drugih držav k tej pogodbi.

5. Posvetovalna komisija za odprte zračne prostore lahko predlaga spremembe te pogodbe za obravnavo in potrditev v skladu s XVI. členom. Posvetovalna komisija za odprte zračne prostore se lahko tudi dogovori o izboljšavah pri izvedljivosti in učinkovitosti te pogodbe skladno z njenimi določbami. O izboljšavah, ki se nanašajo samo na spremembe letne razdelitve aktivnih kvot po III. členu in Dodatku A, posodobitve in dodatke k vrstam ali zmogljivostim senzorjev po IV. členu, ponovni pregled razdelitve stroškov po devetem odstavku I. razdelka Dodatka L, dogovore za dajanje in razpoložljivost podatkov v skladu s III. in IV. razdelkom IX. člena ter ravnanje s poročili o nalogah v skladu z enaindvajsetim odstavkom I. razdelka VI. člena kot tudi manjše administrativne ali tehnične zadeve, se dogovori v posvetovalni komisiji za odprte zračne prostore in se ne štejejo za spremembe te pogodbe.

6. The Open Skies Consultative Commission shall request the use of the facilities and administrative support of the Conflict Prevention Centre of the Conference on Security and Co-operation in Europe, or other existing facilities in Vienna, unless it decides otherwise.

7. Provisions for the operation of the Open Skies Consultative Commission are set forth in Annex L to this Treaty.

#### Article XI

##### NOTIFICATIONS AND REPORTS

The States Parties shall transmit notifications and reports required by this Treaty in written form. The States Parties shall transmit such notifications and reports through diplomatic channels or, at their choice, through other official channels, such as the communications network of the Conference on Security and Co-operation in Europe.

#### Article XII

##### LIABILITY

A State Party shall, in accordance with international law and practice, be liable to pay compensation for damage to other States Parties, or to their natural or juridical persons or their property, caused by it in the course of the implementation of this Treaty.

#### Article XIII

##### DESIGNATION OF PERSONNEL AND PRIVILEGES AND IMMUNITIES

###### SECTION I. DESIGNATION OF PERSONNEL

1. Each State Party shall, at the same time that it deposits its instrument of ratification to either of the Depositories, provide to all other States Parties, for their review, a list of designated personnel who will carry out all duties relating to the conduct of observation flights for that State Party, including monitoring the processing of the sensor output. No such list of designated personnel shall include more than 400 individuals at any time. It shall contain the name, gender, date of birth, place of birth, passport number, and function for each individual included. Each State Party shall have the right to amend its list of designated personnel until 30 days after entry into force of this Treaty and once every six months thereafter.

2. In the event that any individual included on the original or any amended list is unacceptable to a State Party reviewing the list, that State Party shall, no later than 30 days after receipt of each list, notify the State Party providing that list that such individual shall not be accepted with respect to the objecting State Party. Individuals not declared unacceptable within that 30-day period shall be deemed accepted. In the event that a State Party subsequently determines that an individual is unacceptable, that State Party shall so notify the State Party that designated such individual. Individuals who are declared unacceptable shall be removed from the list previously submitted to the objecting State Party.

3. The observed Party shall provide visas and any other documents as required to ensure that each accepted individual may enter and remain on the territory of that State Party for the purpose of carrying out duties relating to the conduct of observation flights, including monitoring the processing of the sensor output. Such visas and any other necessary documents shall be provided either:

(A) no later than 30 days after the individual is deemed to be accepted, in which case the visa shall be valid for a period of no less than 24 months; or

(B) no later than one hour after the arrival of the individual at the point of entry, in which case the visa shall be valid for the duration of that individual's duties; or

6. Posvetovalna komisija za odprte zračne prostore zaprosi za uporabo zmogljivosti in administrativno podporo Centra za preprečevanje konfliktov pri Konferenci o varnosti in sodelovanju v Evropi ali za druge obstoječe zmogljivosti na Dunaju, razen če ne odloči drugače.

7. Določbe o delovanju posvetovalne komisije za odprte zračne prostore so navedene v Dodatku L k tej pogodbi.

#### XI. člen

##### URADNA OBVESTILA IN POROČILA

Države pogodbenice pošiljajo uradna obvestila in poročila, zahtevana po tej pogodbi, v pisni obliki. Države pogodbenice pošiljajo taka uradna obvestila in poročila po diplomatski poti, ali če se tako odločijo, po drugih uradnih poteh, kot je komunikacijsko omrežje Konference o varnosti in sodelovanju v Evropi.

#### XII. člen

##### ODGOVORNOST

Država pogodbenica je v skladu z mednarodnim pravom in prakso odgovorna za plačilo odškodnine za škodo, ki jo je med izvajanjem te pogodbe povzročila drugim državam pogodbenicam ali njihovim fizičnim ali pravnim osebam ali njihovem premoženju.

#### XIII. člen

##### DOLOČANJE OSEBJA TER PRIVILEGIJI IN IMMUNITETE

###### I. RAZDELEK: DOLOČANJE OSEBJA

1. Vsaka država pogodbenica ob deponiranju svoje listine o ratifikaciji pri enem ali drugem depozitarju predloži vsem drugim državam pogodbenicam v pregled seznam določenega osebja, ki bo izvajalo vse naloge, povezane z izvajanjem opazovalnih letov za to državo pogodbenico, vključno s spremljanjem obdelave izhodnih podatkov senzorjev. Na takem seznamu določenega osebja ne sme biti nikoli več kot 400 oseb. Seznam vsebuje ime, spol, datum in kraj rojstva, številko potnega lista in naloge vsake navedene osebe. Vsaka država pogodbenica ima pravico spremeniti svoj seznam določenega osebja do 30 dni po začetku veljavnosti te pogodbe, nato pa enkrat na šest mesecev.

2. Če katera od oseb, navedenih na izvirnem ali spremenjenem seznamu, ni sprejemljiva za neko državo pogodbenico, ki pregleda seznam, ta država pogodbenica najpozneje 30 dni po prejemu vsakega seznama uradno obvesti državo pogodbenico, ki je predložila seznam, da se ta oseba za državo pogodbenico, ki je ugovarjala, ne sprejema. Osebe, ki niso razglašene za nesprejemljive v omenjenem 30-dnevem roku, se štejejo za sprejete. Če država pogodbenica pozneje določi, da neka oseba ni sprejemljiva, o tem uradno obvesti državo pogodbenico, ki je to osebo določila. Osebe, ki so razglašene za nesprejemljive, se črtajo s seznama, ki je bil predhodno predložen državi pogodbenici, ki ugovarja.

3. Opazovanka izda vizume in vse druge zahtevane listine, da zagotovi, da lahko vsaka sprejeta oseba vstopi na ozemlje te države pogodbenice in ostane na njem zaradi izpolnjevanja nalog v zvezi z izvedbo opazovalnega leta, vključno s spremljanjem obdelave izhodnih podatkov senzorjev. Vizumi in druge potrebne listine se izdajo:

(A) najpozneje 30 dni po tem, ko se oseba šteje za sprejeto; v tem primeru veljavnost vizuma ne sme biti krajša od 24 mesecev ali

(B) najpozneje eno uro po prihodu osebe na točko vstopa; v tem primeru vizum velja za čas izpolnjevanja nalog te osebe ali

(C) at any other time, by mutual agreement of the States Parties involved.

## SECTION II. PRIVILEGES AND IMMUNITIES

1. In order to exercise their functions effectively, for the purpose of implementing this Treaty and not for their personal benefit, personnel designated in accordance with the provisions of Section I, paragraph 1 of this Article shall be accorded the privileges and immunities enjoyed by diplomatic agents pursuant to Article 29; Article 30, paragraph 2; Article 31, paragraphs 1, 2 and 3; and Articles 34 and 35 of the Vienna Convention on Diplomatic Relations of 18 April 1961, hereinafter referred to as the Vienna Convention. In addition, designated personnel shall be accorded the privileges enjoyed by diplomatic agents pursuant to Article 36, paragraph 1, subparagraph (b) of the Vienna Convention, except in relation to articles, the import or export of which is prohibited by law or controlled by quarantine regulations.

2. Such privileges and immunities shall be accorded to designated personnel for the entire period between arrival on and departure from the territory of the observed Party, and thereafter with respect to acts previously performed in the exercise of their official functions. Such personnel shall also, when transiting the territory of other States Parties, be accorded the privileges and immunities enjoyed by diplomatic agents pursuant to Article 40, paragraph 1 of the Vienna Convention.

3. The immunity from jurisdiction may be waived by the observing Party in those cases when it would impede the course of justice and can be waived without prejudice to this Treaty. The immunity of personnel who are not nationals of the observing Party may be waived only by the States Parties of which such personnel are nationals. Waiver must always be express.

4. Without prejudice to their privileges and immunities or the rights of the observing Party set forth in this Treaty, it is the duty of designated personnel to respect the laws and regulations of the observed Party.

5. The transportation means of the personnel shall be accorded the same immunities from search, requisition, attachment or execution as those of a diplomatic mission pursuant to Article 22, paragraph 3 of the Vienna Convention, except as otherwise provided for in this Treaty.

### Article XIV BENELUX

1. Solely for the purposes of Articles II to IX and Article XI, and of Annexes A to I and Annex K to this Treaty, the Kingdom of Belgium, the Grand Duchy of Luxembourg, and the Kingdom of the Netherlands shall be deemed a single State Party, hereinafter referred to as the Benelux.

2. Without prejudice to the provisions of Article XV, the above-mentioned States Parties may terminate this arrangement by notifying all other States Parties thereof. This arrangement shall be deemed to be terminated on the next 31 December following the 60-day period after such notification.

### Article XV DURATION AND WITHDRAWAL

1. This Treaty shall be of unlimited duration.

2. A State Party shall have the right to withdraw from this Treaty. A State Party intending to withdraw shall provide notice of its decision to withdraw to either Depositary at least six months in advance of the date of its intended withdrawal and to all other States Parties. The Depositaries shall promptly inform all other States Parties of such notice.

(C) kadar koli po medsebojnem dogovoru zadevnih držav pogodbenic.

## II. RAZDELEK: PRIVILEGIJI IN IMUNITETE

1. Za učinkovito opravljanje nalog za izvajanje te pogodbe, ne pa za osebno korist, se osebju, ki je določeno v skladu s prvim odstavkom I. razdelka tega člena, dodelijo privilegiji in imunitete, ki jih uživajo diplomatski predstavniki v skladu z 29. členom, drugim odstavkom 30. člena, prvim, drugim in tretjim odstavkom 31. člena ter 34. in 35. členom Dunajske konvencije o diplomatskih odnosih z dne 18. aprila 1961, v nadaljevanju imenovane Dunajska konvencija. Poleg tega ima določeno osebje privilegije, ki jih uživajo diplomatski predstavniki v skladu s pododstavkom (b) prvega odstavka 36. člena Dunajske konvencije, razen glede stvari, katerih uvoz ali izvoz je z zakonom prepovedan ali urejen s predpisi o karanteni.

2. Taki privilegiji in imunitete se dodelijo določenemu osebju za ves čas med prihodom na ozemlje opazovanke in odhodom z njega, po tem pa za dejanja, ki ga je storilo prej med izpolnjevanjem svojih uradnih dolžnosti. Temu osebju se tudi med tranzitom ozemlja drugih držav pogodbenic dodelijo privilegiji in imunitete, ki jih uživajo diplomatski predstavniki po prvem odstavku 40. člena Dunajske konvencije.

3. Opazovalka se lahko odpove imuniteti pred pregonom v primerih, kadar bi to oviralo potek pravnega postopka in se ji je mogoče odpovedati brez škode za to pogodbo. Za osebe, ki niso državljani opazovalke, se lahko imuniteti odpovejo samo države pogodbenice, katerih državljani so te osebe. Odpoved mora biti vedno izrecna.

4. Brez vpliva na njihove privilegije in imunitete ali na pravice opazovalke, določene v tej pogodbi, mora določeno osebje spoštovati zakone in predpise opazovanke.

5. Prevozna sredstva osebja imajo enake imunitete pred preiskavo, odvzemom, zaplembo ali rubežem kot prevozna sredstva diplomatske misije v skladu s tretjim odstavkom 22. člena Dunajske konvencije, razen če ni v tej pogodbi drugače določeno.

### XIV. člen BENELUKS

1. Samo za namen II. do IX. in XI. člena ter Dodatkov A do I in Dodatka K k tej pogodbi se Kraljevina Belgija, Veliko vojvodstvo Luksemburg in Kraljevina Nizozemska štejejo za eno državo pogodbenico, ki je v nadaljevanju imenovana Beneluks.

2. Brez vpliva na določbe XV. člena smejo omenjene države pogodbenice preklicati to ureditev, s tem da o tem obvestijo vse druge države pogodbenice. Šteje se, da ta dogovor preneha veljati 31. decembra po izteku 60-dnevnega roka po takem obvestilu.

### XV. člen VELJAVNOST IN ODSTOP

1. Ta pogodba velja za nedoločen čas.

2. Država pogodbenica ima pravico, da odstopi od pogodbe. Država pogodbenica, ki namerava odstopiti, o svoji odločitvi obvesti enega od depozitarjev in vse druge države pogodbenice vsaj šest mesecev pred datumom svojega nameravanega odstopa. Depozitarja takoj obvestita vse druge države pogodbenice o takem obvestilu.

3. In the event that a State Party provides notice of its decision to withdraw from this Treaty in accordance with paragraph 2 of this Article, the Depositaries shall convene a conference of the States Parties no less than 30 days and no more than 60 days after they have received such notice, in order to consider the effect of the withdrawal on this Treaty.

## Article XVI

## AMENDMENTS AND PERIODIC REVIEW

1. Each State Party shall have the right to propose amendments to this Treaty. The text of each proposed amendment shall be submitted to either Depositary, which shall circulate it to all States Parties for consideration. If so requested by no less than three States Parties within a period of 90 days after circulation of the proposed amendment, the Depositaries shall convene a conference of the States Parties to consider the proposed amendment. Such a conference shall open no earlier than 30 days and no later than 60 days after receipt of the third of such requests.

2. An amendment to this Treaty shall be subject to the approval of all States Parties, either by providing notification, in writing, of their approval to a Depositary within a period of 90 days after circulation of the proposed amendment, or by expressing their approval at a conference convened in accordance with paragraph 1 of this Article. An amendment so approved shall be subject to ratification in accordance with the provisions of Article XVII, paragraph 1, and shall enter into force 60 days after the deposit of instruments of ratification by the States Parties.

3. Unless requested to do so earlier by no less than three States Parties, the Depositaries shall convene a conference of the States Parties to review the implementation of this Treaty three years after entry into force of this Treaty and at five-year intervals thereafter.

## Article XVII

## DEPOSITARIES, ENTRY INTO FORCE AND ACCESSION

1. This Treaty shall be subject to ratification by each State Party in accordance with its constitutional procedures. Instruments of ratification and instruments of accession shall be deposited with the Government of Canada or the Government of the Republic of Hungary or both, hereby designated the Depositaries. This Treaty shall be registered by the Depositaries pursuant to Article 102 of the Charter of the United Nations.

2. This Treaty shall enter into force 60 days after the deposit of 20 instruments of ratification, including those of the Depositaries, and of States Parties whose individual allocation of passive quotas as set forth in Annex A is eight or more.

3. This Treaty shall be open for signature by Armenia, Azerbaijan, Georgia, Kazakhstan, Kirgistan, Moldova, Tajikistan, Turkmenistan and Uzbekistan and shall be subject to ratification by them. Any of these States which do not sign this Treaty before it enters into force in accordance with the provisions of paragraph 2 of this Article may accede to it at any time by depositing an instrument of accession with one of the Depositaries.

4. For six months after entry into force of this Treaty, any other State participating in the Conference on Security and Co-operation in Europe may apply for accession by submitting a written request to one of the Depositaries. The Depositary receiving such a request shall circulate it promptly to all States Parties. The States applying for accession to this Treaty may also, if they so wish, request an allocation of a passive quota and the level of this quota.

3. Če država pogodbenica sporoči, da odstopa od pogodbe v skladu z drugim odstavkom tega člena, depozitarja skliče konferenco držav pogodbenic najprej 30 in najpozneje 60 dni po prejemu takega obvestila za obravnavo učinka odstopa na to pogodbo.

## XVI. člen

## SPREMEMBE IN REDNI PREGLEDI

1. Vsaka država pogodbenica ima pravico predlagati spremembe te pogodbe. Vsaka predlagana sprememba se predloži enemu od depozitarjev, ta pa jo pošlje vsem državam pogodbenicam v presojo. Če tako zahtevajo vsaj tri države pogodbenice v 90 dneh od predložitve predlagane spremembe, depozitarja skliče konferenco držav pogodbenic za obravnavo predlagane spremembe. Takšna konferenca se začne najprej 30 in najpozneje 60 dni po prejemu tretje zahteve.

2. Spremembo te pogodbe morajo odobriti vse države pogodbenice, tako da pisno uradno sporočijo svojo potrditev spremembe depozitarju v 90 dneh po predložitvi predlagane spremembe ali tako da jo potrdijo na konferenci, sklicani v skladu s prvim odstavkom tega člena. Tako potrjeno spremembo je treba ratificirati v skladu z določbami prvega odstavka XVII. člena in začne veljati 60 dni po tem, ko so države pogodbenice deponirale listine o ratifikaciji.

3. Razen če vsaj tri države pogodbenice ne zahtevajo, da se to zgodi prej, depozitarja skliče konferenco držav pogodbenic za pregled izvajanja te pogodbe tri leta po začetku njene veljavnosti, nato pa vsakih pet let.

## XVII. člen

## DEPOZITARJA, ZAČETEK VELJAVNOSTI IN PRISTOP

1. To pogodbo mora vsaka država pogodbenica ratificirati v skladu s svojimi ustavnimi postopki. Listine o ratifikaciji in listine o pristopu se hranijo pri Vladi Kanade ali Vladi Republike Madžarske ali pri obeh s tem določenih depozitarjih. To pogodbo depozitarja registrirata v skladu s 102. členom Ustanovne listine Združenih narodov.

2. Ta pogodba začne veljati 60 dni po deponiranju 20 listin o ratifikaciji, vključno z listinami depozitarjev in držav pogodbenic, ki jim je po Dodatku A dodeljenih 8 ali več pasivnih kvot.

3. Ta pogodba je na voljo za podpis Armeniji, Azerbajdžanu, Gruziji, Kazahstanu, Kirgizistanu, Moldovi, Tadžikistanu, Turkmenistanu in Uzbekistanu in jo morajo ratificirati. Katera koli od teh držav, ki ne podpiše te pogodbe, preden začne veljati v skladu z določbami drugega odstavka tega člena, lahko k njej kadar koli pristopi z deponiranjem listine o pristopu pri enem od depozitarjev.

4. V 6 mesecih po začetku veljavnosti te pogodbe lahko katera koli druga država udeleženka Konference o varnosti in sodelovanju v Evropi zaprosi za pristop s predložitvijo pisne prošnje enemu od depozitarjev. Depozitar prejeta prošnja takoj pošlje vsem državam pogodbenicam. Države, ki zaprosijo za pristop k tej pogodbi, lahko, če želijo, zaprosijo tudi za dodelitev pasivne kvote in višino te kvote.

The matter shall be considered at the next regular meeting of the Open Skies Consultative Commission and decided in due course.

5. Following six months after entry into force of this Treaty, the Open Skies Consultative Commission may consider the accession to this Treaty of any State which, in the judgement of the Commission, is able and willing to contribute to the objectives of this Treaty.

6. For any State which has not deposited an instrument of ratification by the time of entry into force, but which subsequently ratifies or accedes to this Treaty, this Treaty shall enter into force 60 days after the date of deposit of its instrument of ratification or accession.

7. The Depositaries shall promptly inform all States Parties of:

(A) the date of deposit of each instrument of ratification and the date of entry into force of this Treaty;

(B) the date of an application for accession, the name of the requesting State and the result of the procedure;

(C) the date of deposit of each instrument of accession and the date of entry into force of this Treaty for each State that subsequently accedes to it;

(D) the convening of a conference pursuant to Articles XV and XVI;

(E) any withdrawal in accordance with Article XV and its effective date;

(F) the date of entry into force of any amendments to this Treaty; and

(G) any other matters of which the Depositaries are required by this Treaty to inform the States Parties.

#### Article XVIII

##### PROVISIONAL APPLICATION AND PHASING OF IMPLEMENTATION OF THE TREATY

In order to facilitate the implementation of this Treaty, certain of its provisions shall be provisionally applied and others shall be implemented in phases.

##### SECTION I. PROVISIONAL APPLICATION

1. Without detriment to Article XVII, the signatory States shall provisionally apply the following provisions of this Treaty:

(A) Article VI, Section I, paragraph 4;

(B) Article X, paragraphs 1, 2, 3, 6 and 7;

(C) Article XI;

(D) Article XIII, Section I, paragraphs 1 and 2;

(E) Article XIV; and

(F) Annex L, Section I.

2. This provisional application shall be effective for a period of 12 months from the date when this Treaty is opened for signature. In the event that this Treaty does not enter into force before the period of provisional application expires, that period may be extended if all the signatory States so decide. The period of provisional application shall in any event terminate when this Treaty enters into force. However, the States Parties may then decide to extend the period of provisional application in respect of signatory States that have not ratified this Treaty.

##### SECTION II. PHASING OF IMPLEMENTATION

1. After entry into force, this Treaty shall be implemented in phases in accordance with the provisions set forth in this Section. The provisions of paragraphs 2 to 6 of this Section shall apply during the period from entry into force of this Treaty until 31 December of the third year following the year during which entry into force takes place.

Zadeva se obravnava na naslednjem rednem sestanku posvetovalne komisije za odprte zračne prostore in se o njej v primernem času odloči.

5. Po šestih mesecih od začetka veljavnosti te pogodbe lahko posvetovalna komisija za odprte zračne prostore obravnava pristop katere koli države k tej pogodbi, ki je po presoji komisije sposobna in želi prispevati k ciljem te pogodbe.

6. Za katero koli državo, ki listine o ratifikaciji ni deponirala do začetka veljavnosti te pogodbe, ki pa jo pozneje ratificira ali k njej pristopi, začne ta pogodba veljati 60 dni po deponiranju njene listine o ratifikaciji ali pristopu.

7. Depozitarja takoj obvestita vse države pogodbenice o:

(A) datumu deponiranja vsake listine o ratifikaciji in datumu začetka veljavnosti te pogodbe;

(B) datumu prošnje za pristop, imenu države prosilke in izidu postopka;

(C) datumu deponiranja vsake listine o pristopu in datumu začetka veljavnosti te pogodbe za vsako državo, ki k njej pristopi pozneje;

(D) sklicu konference po XV. in XVI. členu;

(E) vsakem odstopu v skladu s XV. členom in začetku njegove veljavnosti;

(F) datumu začetka veljavnosti vsake spremembe te pogodbe in

(G) o vseh drugih zadevah, o katerih morata depozitarja po tej pogodbi obvestiti države pogodbenice.

#### XVIII. člen

##### ZAČASNA UPORABA IN POSTOPNO IZVAJANJE POGODBE

Za lažje izvajanje te pogodbe se nekatere njene določbe uporabljajo začasno, druge pa se začnejo izvajati postopoma.

##### I. RAZDELEK: ZAČASNA UPORABA

1. Brez vpliva na XVII. člen države podpisnice začasno uporabljajo naslednje določbe pogodbe:

(A) četrti odstavek I. razdelka VI. člena;

(B) prvi, drugi, tretji, šesti in sedmi odstavek X. člena;

(C) XI. člen;

(D) prvi in drugi odstavek I. razdelka XIII. člena;

(E) XIV. člen in

(F) I. razdelek Dodatka L.

2. Začasna uporaba učinkuje 12 mesecev od datuma, ko je ta pogodba na voljo za podpis. Če pogodba ne začne veljati pred iztekom obdobja začasne uporabe, se to obdobje lahko podaljša, če tako odločijo vse države podpisnice. Vsekakor se obdobje začasne uporabe konča, ko ta pogodba začne veljati. Države pogodbenice pa se lahko takrat odločijo, da podaljšajo obdobje začasne uporabe za države podpisnice, ki še niso ratificirale te pogodbe.

##### II. RAZDELEK: POSTOPNO IZVAJANJE

1. Po začetku veljavnosti se ta pogodba začne izvajati postopoma v skladu z določbami tega razdelka. Določbe drugega do šestega odstavka tega razdelka veljajo za obdobje od začetka veljavnosti pogodbe do 31. decembra tretjega leta, ki sledi letu, v katerem je pogodba začela veljati.



2. Notwithstanding the provisions of Article IV, paragraph 1, no State Party shall during the period specified in paragraph 1 above use an infra-red line-scanning device if one is installed on an observation aircraft, unless otherwise agreed between the observing and observed Parties. Such sensors shall not be subject to certification in accordance with Annex D. If it is difficult to remove such sensor from the observation aircraft, then it shall have covers or other devices that inhibit its operation in accordance with the provisions of Article IV, paragraph 4 during the conduct of observation flights.

3. Notwithstanding the provisions of Article IV, paragraph 9, no State Party shall, during the period specified in paragraph 1 of this Section, be obliged to provide an observation aircraft equipped with sensors from each sensor category, at the maximum capability and in the numbers specified in Article IV, paragraph 2, provided that the observation aircraft is equipped with:

- (A) a single optical panoramic camera; or
- (B) not less than a pair of optical framing cameras.

4. Notwithstanding the provisions of Annex B, Section II, paragraph 2, subparagraph (A) to this Treaty, data recording media shall be annotated with data in accordance with existing practice of States Parties during the period specified in paragraph 1 of this Section.

5. Notwithstanding the provisions of Article VI, Section I, paragraph 1, no State Party during the period specified in paragraph 1 of this Section shall have the right to be provided with an aircraft capable of achieving any specified unrefuelled range.

6. During the period specified in paragraph 1 of this Section, the distribution of active quotas shall be established in accordance with the provisions of Annex A, Section II, paragraph 2 to this Treaty.

7. Further phasing in respect of the introduction of additional categories of sensors or improvements to the capabilities of existing categories of sensors shall be addressed by the Open Skies Consultative Commission in accordance with the provisions of Article IV, paragraph 3 concerning such introduction or improvement.

#### Article XIX

#### AUTHENTIC TEXTS

The originals of this Treaty, of which the English, French, German, Italian, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the Depositaries. Duly certified copies of this Treaty shall be transmitted by the Depositaries to all the States Parties.

2. Ne glede na določbe prvega odstavka IV. člena ne sme nobena država pogodbenica med obdobjem iz prvega odstavka uporabljati infrardečega premočrtnega čitalnika, če je nameščen na opazovalnem letalu, razen če se opazovalke in opazovanke ne dogovorijo drugače. Takih senzorjev ni treba certificirati v skladu z Dodatkom D. Če je tak senzor težko odstraniti z opazovalnega letala, mora imeti med opazovalnim letom pokrove ali druge naprave, ki onemogočajo njegovo delovanje v skladu z določbami četrtega odstavka IV. člena.

3. Ne glede na določbe devetega odstavka IV. člena nobena država pogodbenica med obdobjem iz prvega odstavka tega razdelka ni dolžna priskrbeti opazovalnega letala, opremljenega z vsemi vrstami senzorjev z največjo zmogljivostjo in v številu, določenem v drugem odstavku IV. člena, če ima opazovalno letalo:

- (A) enojno optično panoramsko kamero ali
- (B) vsaj en par optičnih kamer za posamezne posnetke.

4. Ne glede na določbe pododstavka (A) drugega odstavka II. razdelka Dodatka B k tej pogodbi morajo imeti nosilci podatkov v obdobju iz prvega odstavka tega razdelka podatke, ki so razločljivi v skladu z obstoječo prakso držav pogodbenic.

5. Ne glede na določbe prvega odstavka I. razdelka VI. člena nima nobena država pogodbenica v obdobju iz prvega odstavka tega razdelka pravice dobiti letalo, ki je zmožno preleteti katero koli določeno razdaljo brez ponovnega polnjenja z gorivom.

6. V obdobju iz prvega odstavka tega razdelka se aktivne kvote razdelijo v skladu z določbami drugega odstavka II. razdelka Dodatka A k tej pogodbi.

7. Nadaljnje postopno uvajanje dodatnih vrst senzorjev ali izboljšave zmogljivosti obstoječih vrst senzorjev obravnava posvetovalna komisija za odprte zračne prostore v skladu z določbami tretjega odstavka IV. člena, ki se nanašajo na tako uvajanje ali izboljšavo.

#### XIX. člen

#### VERODOSTOJNA BESEDILA

Izvirniki te pogodbe, katerih besedila v angleškem, francoskem, italijanskem, nemškem, ruskem in španskem jeziku so enako verodostojni, se hranijo v arhivu depozitarjev. Pravilno potrjene kopije te pogodbe depozitarja pošljeta vsem državam pogodbenicam.

## ANNEX A QUOTAS AND MAXIMUM FLIGHT DISTANCES

### SECTION I. ALLOCATION OF PASSIVE QUOTAS

1. The allocation of individual passive quotas is set forth as follows and shall be effective only for those States Parties having ratified the Treaty:

For the Federal Republic of Germany	12
For the United States of America	42
For the Republic of Belarus and the Russian Federation group of States Parties	42
For Benelux	6
For the Republic of Bulgaria	4
For Canada	12
For the Kingdom of Denmark	6
For the Kingdom of Spain	4
For the French Republic	12
For the United Kingdom of Great Britain and Northern Ireland	12
For the Hellenic Republic	4
For the Republic of Hungary	4
For the Republic of Iceland	4
For the Italian Republic	12
For the Kingdom of Norway	7
For the Republic of Poland	6
For the Portuguese Republic	2
For Romania	6
For the Czech and Slovak Federal Republic	4
For the Republic of Turkey	12
For Ukraine	12

2. In the event that an additional State ratifies or accedes to the Treaty in accordance with the provisions of Article XVII and Article X, paragraph 4, subparagraph (C), and taking into account Article X, paragraph 4, subparagraph (D), an allocation of passive quotas to such a State shall be considered during the regular session of the Open Skies Consultative Commission following the date of deposit of its instrument of ratification or accession.

### SECTION II. FIRST DISTRIBUTION OF ACTIVE QUOTAS FOR OBSERVATION FLIGHTS

1. The first distribution of active quotas pursuant to Article III, Section I, paragraph 6 of the Treaty shall be such that each State Party shall be obliged to accept over its territory a number of observation flights no greater than 75 per cent, rounded down to the nearest whole number, of the individual passive quota allocated as set forth in Section I, paragraph 1 of this Annex. On this basis, and for those States Parties which have conducted negotiations in the framework of the Open Skies Conference in Vienna, the first distribution in respect of each other shall be valid from the date of entry into force of the Treaty until 31 December following the year during which the Treaty has entered into force and shall be effective only for those States Parties having ratified the Treaty. This first distribution is set forth as follows:

The Federal Republic of Germany shall have the right to conduct three observation flights over the territory of the Republic of Belarus and the Russian Federation group of States Parties, and one observation flight over the territory of Ukraine;

The United States of America shall have the right to conduct eight observation flights over the territory of the Republic of Belarus and the Russian Federation group of States Parties, and one observation flight, shared with Canada, over the territory of Ukraine;

## DODATEK A KVOTE IN NAJVEČJE RAZDALJE LETOV

### I. RAZDELEK: DODELITEV PASIVNIH KVOT

1. Dodelitev posameznih pasivnih kvot, ki so določene in veljajo samo za tiste države pogodbenice, ki so ratificirale pogodbo:

za Zvezno republiko Nemčijo	12
za Združene države Amerike	42
za Republiko Belorusijo in Rusko federacijo kot skupino držav pogodbenic	42
za Beneluks	6
za Republiko Bolgarijo	4
za Kanado	12
za Kraljevino Dansko	6
za Kraljevino Španijo	4
za Francosko republiko	12
za Združeno kraljestvo Velika Britanija in Severna Irska	12
za Helensko republiko	4
za Republiko Madžarsko	4
za Republiko Islandijo	4
za Italijansko republiko	12
za Kraljevino Norveško	7
za Republiko Poljsko	6
za Portugalsko republiko	2
za Romunijo	6
za Češko in slovaško federativno republiko	4
za Republiko Turčijo	12
za Ukrajino	12

2. Če dodatna država ratificira pogodbo ali k njej pristopi v skladu z določbami XVII. člena in pododstavka (C) četrtega odstavka X. člena ter ob upoštevanju pododstavka (D) četrtega odstavka X. člena, se dodelitev pasivne kvote taki državi obravnava na naslednjem rednem zasedanju posvetovalne komisije za odprte zračne prostore po datumu deponiranja njene listine o ratifikaciji ali pristopu.

### II. RAZDELEK: PRVA RAZDELITEV AKTIVNIH KVOT ZA OPAZOVALNE LETE

1. Prva razdelitev aktivnih kvot po šestem odstavku I. razdelka III. člena pogodbe je takšna, da mora vsaka država pogodbenica sprejeti nad svojim ozemljem število opazovalnih letov, ki ni večje od 75 odstotkov, zaokroženo navzdol na najbližje celo število, posamezne pasivne kvote, dodeljene v skladu s prvim odstavkom I. razdelka tega dodatka. Na tej podlagi in za tiste države pogodbenice, ki so se pogajale na Konferenci o odprtih zračnih prostorih na Dunaju, velja prva medsebojna razdelitev kvot od dneva začetka veljavnosti pogodbe do 31. decembra po letu, v katerem je pogodba začela veljati, in velja samo za države pogodbenice, ki so ratificirale pogodbo. Prva razdelitev je taka:

Zvezna republika Nemčija ima pravico do treh opazovalnih letov nad ozemljem Republike Belorusije in Ruske federacije kot skupine držav pogodbenic ter enega opazovalnega leta nad ozemljem Ukrajine;

Združene države Amerike imajo pravico do osmih opazovalnih letov nad ozemljem Republike Belorusije in Ruske federacije kot skupine držav pogodbenic ter enega opazovalnega leta skupaj s Kanado nad ozemljem Ukrajine;

The Republic of Belarus and the Russian Federation group of States Parties shall have the right to conduct two observation flights over the territory of Benelux, as referred to in Article XIV of the Treaty, two observation flights over the territory of Canada, two observation flights over the territory of the Kingdom of Denmark, three observation flights over the territory of the French Republic, three observation flights over the territory of the Federal Republic of Germany, one observation flight over the territory of the Hellenic Republic, two observation flights over the territory of the Italian Republic, two observation flights over the territory of the Kingdom of Norway, two observation flights over the territory of the Republic of Turkey, three observation flights over the territory of the United Kingdom of Great Britain and Northern Ireland, and four observation flights over the territory of the United States of America;

The Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands, referred to as the Benelux, shall have the right to conduct one observation flight over the territory of the Republic of Belarus and the Russian Federation group of States Parties, and one observation flight over the territory of the Republic of Poland;

The Republic of Bulgaria shall have the right to conduct one observation flight over the territory of the Hellenic Republic, one observation flight over the territory of the Italian Republic, and one observation flight over the territory of the Republic of Turkey;

Canada shall have the right to conduct two observation flights over the territory of the Republic of Belarus and the Russian Federation group of States Parties, one observation flight over the territory of the Czech and Slovak Federal Republic, one observation flight over the territory of the Republic of Poland, and one observation flight, shared with the United States of America, over the territory of Ukraine;

The Kingdom of Denmark shall have the right to conduct one observation flight over the territory of the Republic of Belarus and the Russian Federation group of States Parties, and one observation flight over the territory of the Republic of Poland;

The Kingdom of Spain shall have the right to conduct one observation flight over the territory of the Czech and Slovak Federal Republic;

The French Republic shall have the right to conduct three observation flights over the territory of the Republic of Belarus and the Russian Federation group of States Parties, and one observation flight over the territory of Romania;

The United Kingdom of Great Britain and Northern Ireland shall have the right to conduct three observation flights over the territory of the Republic of Belarus and the Russian Federation group of States Parties, and one observation flight over the territory of Ukraine;

The Hellenic Republic shall have the right to conduct one observation flight over the territory of the Republic of Bulgaria, and one observation flight over the territory of Romania;

The Republic of Hungary shall have the right to conduct one observation flight over the territory of Romania, and one observation flight over the territory of Ukraine;

The Italian Republic shall have the right to conduct two observation flights over the territory of the Republic of Belarus and the Russian Federation group of States Parties, one observation flight over the territory of the Republic of Hungary, and one observation flight, shared with the Republic of Turkey, over the territory of Ukraine;

The Kingdom of Norway shall have the right to conduct two observation flights over the territory of the Republic of Belarus and the Russian Federation group of States Parties and one observation flight over the territory of the Republic of Poland;

Republika Belorusija in Ruska federacija kot skupina držav pogodbenic imata pravico do dveh opazovalnih letov nad ozemljem Beneluksa, kot je določeno v XIV. členu pogodbe, dveh opazovalnih letov nad ozemljem Kanade, dveh opazovalnih letov nad ozemljem Kraljevine Danske, treh opazovalnih letov nad ozemljem Francoske republike, enega opazovalnega leta nad ozemljem Helenske republike, dveh opazovalnih letov nad ozemljem Italijanske republike, dveh opazovalnih letov nad ozemljem Kraljevine Norveške, dveh opazovalnih letov nad ozemljem Republike Turčije, treh opazovalnih letov nad ozemljem Združenega kraljestva Velika Britanija in Severna Irska ter štirih opazovalnih letov nad ozemljem Združenih držav Amerike;

Kraljevina Belgija, Veliko vojvodstvo Luksemburg in Kraljevina Nizozemska imajo pravico do enega opazovalnega leta nad ozemljem Republike Belorusije in Ruske federacije kot skupine držav pogodbenic ter do enega opazovalnega leta nad ozemljem Republike Poljske;

Republika Bolgarija ima pravico do enega opazovalnega leta nad ozemljem Helenske republike, enega opazovalnega leta nad ozemljem Italijanske republike in enega opazovalnega leta nad ozemljem Republike Turčije;

Kanada ima pravico do dveh opazovalnih letov nad ozemljem Republike Belorusije in Ruske federacije kot skupine držav pogodbenic, enega opazovalnega leta nad ozemljem Češke in slovaške federativne republike, enega opazovalnega leta nad ozemljem Republike Poljske ter enega opazovalnega leta skupaj z Združenimi državami Amerike nad ozemljem Ukrajine;

Kraljevina Danska ima pravico do enega opazovalnega leta nad ozemljem Republike Belorusije in Ruske federacije kot skupine držav pogodbenic ter enega opazovalnega leta nad ozemljem Republike Poljske;

Kraljevina Španija ima pravico do enega opazovalnega leta nad ozemljem Češke in slovaške federativne republike;

Francoska republika ima pravico do treh opazovalnih letov nad ozemljem Republike Belorusije in Ruske federacije kot skupine držav pogodbenic ter enega opazovalnega leta nad ozemljem Romunije;

Združeno kraljestvo Velika Britanija in Severna Irska ima pravico do treh opazovalnih letov nad ozemljem Republike Belorusije in Ruske federacije kot skupine držav pogodbenic ter enega opazovalnega leta nad ozemljem Ukrajine;

Helenska republika ima pravico do enega opazovalnega leta nad ozemljem Republike Bolgarije in enega opazovalnega leta nad ozemljem Romunije;

Republika Madžarska ima pravico do enega opazovalnega leta nad ozemljem Romunije in enega opazovalnega leta nad ozemljem Ukrajine;

Italijanska republika ima pravico do dveh opazovalnih letov nad ozemljem Republike Belorusije in Ruske federacije kot skupine držav pogodbenic, enega opazovalnega leta nad ozemljem Republike Madžarske in enega opazovalnega leta skupaj z Republiko Turčijo nad ozemljem Ukrajine;

Kraljevina Norveška ima pravico do dveh opazovalnih letov nad ozemljem Republike Belorusije in Ruske federacije kot skupine držav pogodbenic ter enega opazovalnega leta nad ozemljem Republike Poljske;

The Republic of Poland shall have the right to conduct one observation flight over the territory of the Federal Republic of Germany, one observation flight over the territory of the Republic of Belarus and the Russian Federation group of States Parties, and one observation flight over the territory of Ukraine;

Romania shall have the right to conduct one observation flight over the territory of the Republic of Bulgaria, one observation flight over the territory of the Hellenic Republic, one observation flight over the territory of the Republic of Hungary, and one observation flight over the territory of Ukraine;

The Czech and Slovak Federal Republic shall have the right to conduct one observation flight over the territory of the Federal Republic of Germany, and one observation flight over the territory of Ukraine;

The Republic of Turkey shall have the right to conduct two observation flights over the territory of the Republic of Belarus and the Russian Federation group of States Parties, one observation flight over the territory of the Republic of Bulgaria and two observation flights, one of which is shared with the Italian Republic, over the territory of Ukraine;

Ukraine shall have the right to conduct one observation flight over the territory of the Czech and Slovak Federal Republic, one observation flight over the territory of the Republic of Hungary, one observation flight over the territory of the Republic of Poland, one observation flight over the territory of Romania, and two observation flights over the territory of the Republic of Turkey.

2. Following this first distribution and until the date of full implementation of the Treaty specified in Article XVIII to that effect for the use of active quotas, annual distributions shall be based on the 75 per cent rule established in paragraph 1 of this Section in relation to the allocation of individual passive quotas.

3. From the date of full implementation of the Treaty each State Party shall accept during subsequent distributions of active quotas over its territory, if so requested, a number of observation flights up to the full amount of its individual passive quota. Whenever possible or requested and unless otherwise agreed, those distributions shall be based on a proportionate increase of the active quotas distributed in the first distribution.

4. In the event that an additional State ratifies or accedes to the Treaty in accordance with the provisions of Article XVII, the distribution of active quotas to such State shall be considered during the regular session of the Open Skies Consultative Commission following the date of the deposit of its instrument of ratification or accession, subject to the following provisions:

(A) the ratifying or acceding State shall have the right to request observation flights over the territories of States Parties within the passive quota allocated to that State in accordance with the provisions of Section I, paragraph 3 of this Annex, and within the passive quotas of the States Parties requested for observation flights, unless otherwise agreed by the States Parties involved; and

(B) all States Parties shall have at the same time the right to request observation flights over the territory of that signing or acceding State within their active quotas and within the passive quota allocated to that State.

Republika Poljska ima pravico do enega opazovalnega leta nad ozemljem Zvezne republike Nemčije, enega opazovalnega leta nad ozemljem Republike Belorusije in Ruske federacije ter enega opazovalnega leta nad ozemljem Ukrajine;

Romunija ima pravico do enega opazovalnega leta nad ozemljem Republike Bolgarije, enega opazovalnega leta nad ozemljem Helenske republike, enega opazovalnega leta nad ozemljem Republike Madžarske in enega opazovalnega leta nad ozemljem Ukrajine;

Češka in slovaška federativna republika ima pravico do enega opazovalnega leta nad ozemljem Zvezne republike Nemčije in enega opazovalnega leta nad ozemljem Ukrajine;

Republika Turčija ima pravico do dveh opazovalnih letov nad ozemljem Republike Belorusije in Ruske federacije, enega opazovalnega leta nad ozemljem Republike Bolgarije in dveh opazovalnih letov, od teh enega skupaj z Italijansko republiko, nad ozemljem Ukrajine;

Ukrajina ima pravico do enega opazovalnega leta nad ozemljem Češke in slovaške federativne republike, enega opazovalnega leta nad ozemljem Republike Madžarske, enega opazovalnega leta nad ozemljem Republike Poljske, enega opazovalnega leta nad ozemljem Romunije in dveh opazovalnih letov nad ozemljem Republike Turčije.

2. Po tej prvi razdelitvi in do polne uveljavitve pogodbe, določene v XVIII. členu, se aktivne kvote razdelijo po pravilu 75 odstotkov posameznih pasivnih kvot, kot je določeno v prvem odstavku tega razdelka.

3. Po polni uveljavitvi pogodbe ob nadaljnjih razdelitvah aktivnih kvot vsaka država pogodbenica sprejme nad svojim ozemljem število opazovalnih letov do polnega števila svoje posamezne pasivne kvote. Kadar je to možno ali zahtevano in če ni drugače dogovorjeno, razdelitve temeljijo na sorazmernem povečanju aktivnih kvot iz prve razdelitve.

4. Če pogodbo ratificira ali k njej pristopi dodatna država v skladu z določbami XVII. člena, bo razdelitev aktivnih kvot za to državo obravnavana na rednem zasedanju posvetovalne komisije za odprte zračne prostore po datumu deponiranja njene listine o ratifikaciji ali pristopu ob upoštevanju naslednjih določb:

(A) država, ki je pogodbo ratificirala ali k njej pristopila, ima pravico zahtevati opazovalne lete nad ozemlji držav pogodbenic v okviru pasivne kvote, dodeljene tej državi v skladu z določbami tretjega odstavka 1. razdelka tega dodatka, in v okviru pasivnih kvot držav pogodbenic, ki jih je zahtevala za opazovalne lete, razen če se zadevne države pogodbenice ne dogovorijo drugače;

(B) vse države pogodbenice imajo obenem pravico zahtevati opazovalne lete nad ozemljem države, ki je pogodbo podpisala ali k njej pristopila, v okviru svojih aktivnih kvot in v okviru pasivne kvote, dodeljene tej državi.

## SECTION III. MAXIMUM FLIGHT DISTANCES OF OBSERVATION FLIGHTS

The maximum flight distances of observation flights over the territories of observed Parties commencing from each Open Skies airfield are as follows:

The Federal Republic of Germany	
WUNSTORF	1,200 kilometres
LANDSBERG-LECH	1,200 kilometres
The United States of America	
WASHINGTON-DULLES	4,900 kilometres
TRAVIS AFB	4,000 kilometres
ELMENDORF AFB	3,000 kilometres
LINCOLN-MUNICIPAL	4,800 kilometres
The Republic of Belarus and the Russian Federation group of States Parties	
KUBINKA	5,000 kilometres
ULAN UDE	5,000 kilometres
VORKUTA	6,500 kilometres
MAGADAN	6,500 kilometres
Benelux	
ZAVENTEM/MELSBROEK	945 kilometres
The Republic of Bulgaria	
SOFIA	660 kilometres
BURGAS	660 kilometres
Canada	
OTTAWA	5,000 kilometres
IQALUIT	6,000 kilometres
YELLOWKNIFE	5,000 kilometres
The Kingdom of Denmark	
Metropolitan	800 kilometres
FAROE ISLANDS	250 kilometres
GREENLAND	5,600 kilometres
The Kingdom of Spain	
GETAFE	1,300 kilometres
GANDO	750 kilometres
VALENCIA	1,300 kilometres
VALLADOLID	1,300 kilometres
MORON	1,300 kilometres
The French Republic	
ORLEANS-BRICY	1,400 kilometres
NICE-COTE D'AZUR	800 kilometres
TOULOUSE-BLAGNAC	700 kilometres
The United Kingdom of Great Britain and Northern Ireland	
BRIZE NORTON	1,150 kilometres
SCAMPTON	1,150 kilometres
LEUCHARS	1,150 kilometres
with SCILLY ISLANDS	1,500 kilometres
with SHETLAND ISLANDS	1,500 kilometres
The Hellenic Republic	
THESSALONIKI	900 kilometres
ELEFSIS	900 kilometres
with CRETE, KARPATOSOM, RHODES, KOS ISLANDS	1,100 kilometres

## III. RAZDELEK: NAJVEČJE RAZDALJE OPAZOVALNIH LETOV

Največje razdalje opazovalnih letov nad ozemljem opazovank, ki se začnejo na letališčih odprtih zračnih prostorov, so:

Zvezna republika Nemčija	
WUNSTORF	1.200 km
LANDSBERG OB LECHU	1.200 km
Združene države Amerike	
WASHINGTON DULLES	4.900 km
TRAVIS AFB	4.000 km
ELMENDORF AFB	3.000 km
LINCOLN MUNICIPAL	4.800 km
Republika Belorusija in Ruska federacija	
KUBINKA	5.000 km
ULAN UDE	5.000 km
VORKUTA	6.500 km
MAGADAN	6.500 km
Benelux	
ZAVENTEM/MELSBROEK	945 km
Republika Bolgarija	
SOFIJA	660 km
BURGAS	660 km
Kanada	
OTTAWA	5.000 km
IQALUIT	6.000 km
YELLOWKNIFE	5.000 km
Kraljevina Danska	
METROPOLITAN	800 km
FERSKI OTOKI	250 km
GRENLANDIJA	5.600 km
Kraljevina Španija	
GETAFE	1.300 km
GANDO	750 km
VALENCIA	1.300 km
VALLADOLID	1.300 km
MORON	1.300 km
Francoska republika	
ORLEANS BRICY	1.400 km
NICA – AZURNA OBALA	800 km
TOULOUSE BLAGNAC	700 km
Združeno kraljestvo Velika Britanija in Severna Irska	
BRIZE NORTON	1.150 km
SCAMPTON	1.150 km
LEUCHARS	1.150 km
Z OTOČJEM SCILLY	1.500 km
S SHETLANDSKIM OTOČJEM	1.500 km
Helenska republika	
SOLUN	900 km
ELEFSIS	900 km
S KRETO, KARPATOSOM, RODOSOM, OTOČJEM KOS	1.100 km

The Republic of Hungary BUDAPEST-FERIHEGY	860 kilometres	Republika Madžarska BUDIMPEŠTA FERIHEGY	860 km
The Republic of Iceland	1,500 kilometres	Republika Islandija	1.500 km
The Italian Republic MILANO-MALPENSA PALERMO-PUNTA RAISI	1,130 kilometres 1,400 kilometres	Italijanska republika MILANO MALPENSA PALERMO PUNTA RAISI	1.130 km 1.400 km
The Kingdom of Norway OSLO-GARDERMOEN TROMSOE-LANGNES	1,700 kilometres 1,700 kilometres	Kraljevina Norveška OSLO GARDERMOEN TROMSOE LANGNES	1.700 km 1.700 km
The Republic of Poland WARSAWA-OKECIE	1,400 kilometres	Republika Poljska VARŠAVA OKECIE	1.400 km
The Portuguese Republic LISBOA Sta. MARIA PORTO SANTO	1,200 kilometres 1,700 kilometres 1,030 kilometres	Portugalska republika LIZBONA Sta. MARIA PORTO SANTO	1.200 km 1.700 km 1.030 km
Romania BUCHAREST-OTOPENI TIMISOARA BACAU	900 kilometres 900 kilometres 900 kilometres	Romunija BUKAREŠTA OTOPENI TEMIŠVAR BACAU	900 km 900 km 900 km
The Czech and Slovak Federal Republic PRAHA BRATISLAVA KOSICE	600 kilometres 700 kilometres 400 kilometres	Češka in slovaška federativna republika PRAGA BRATISLAVA KOŠICE	600 km 700 km 400 km
The Republic of Turkey ESKISEHIR DIYARBAKIR	1,500 kilometres 1,500 kilometres	Republika Turčija ESKISEHIR DIYARBAKIR	1.500 km 1.500 km
Ukraine BORISPOL	2,100 kilometres	Ukrajina BORISPOL	2.100 km

## ANNEX B INFORMATION ON SENSORS

### SECTION I. TECHNICAL INFORMATION

1. Pursuant to Article IV, paragraph 10, each State Party shall inform all other States Parties of the applicable technical information listed in this Section on each sensor installed on the observation aircraft designated by that State Party pursuant to Article V of the Treaty.

2. The following technical information shall be provided for optical panoramic and framing cameras:

- (A) type and model;
- (B) field of view along and across the flight path, or scan angles, in degrees;
- (C) frame size, in millimetres by millimetres;
- (D) exposure times, in seconds;
- (E) types and colours of optical filters used and their filter factor;
- (F) for each lens:
  - (1) name;
  - (2) focal length, in millimetres;
  - (3) maximum relative aperture of the lens;
  - (4) resolving power at a contrast ratio of 1000 to 1 or the equivalent modulation of 1.0, at the maximum relative aperture, in lines per millimetre;
- (G) minimum and maximum photographic time intervals, in seconds, or cycle rates, in frames per second, if applicable;
- (H) maximum velocity over height ratio, if applicable;

## DODATEK B PODATKI O SENZORJIH

### I. RAZDELEK: TEHNIČNI PODATKI

1. V skladu z desetim odstavkom IV. člena vsaka država pogodbenica obvesti vse druge države pogodbenice o veljavnih tehničnih podatkih, navedenih v tem razdelku, o vsakem senzorju na opazovalnem letalu, ki ga je določila ta država pogodbenica v skladu s V. členom pogodbe.

2. Za optične panoramske kamere in kamere za posamezne posnetke se dajo ti tehnični podatki:

- (A) tip in model;
- (B) vidno polje vzdolž in prek poti letenja ali koti skeniranja v stopinjah;
- (C) velikost posnetka v milimetrih po dolžini in širini;
- (D) časi osvetlitve v sekundah;
- (E) tipi in barve uporabljenih optičnih filtrov ter faktorji filtrov,
- (F) za vsako lečo:
  - (1) ime;
  - (2) žariščna razdalja v milimetrih;
  - (3) največja relativna odprtina leče;
  - (4) ločljivost pri kontrastnem razmerju 1000 proti 1 ali ustreznna modulacija pri 1,0 pri največji relativni odprtini v linijah na milimeter;
- (G) najmanjši in največji presledki fotografiranja v sekundah, ali če je ustrežno, ciklične vrednosti v posnetkih na sekundo;
- (H) količnik največje hitrosti in višine, če je ustrežno;

(I) for optical framing cameras, the maximum angle measured from the horizontal, or the minimum angle measured from the vertical, in degrees; and

(J) maximum altitude for operation in metres, if applicable.

3. The following technical information shall be provided for video cameras:

(A) type and model;

(B) field of view, along and across the flight path, in degrees;

(C) for the lens:

(1) focal length, in millimetres;

(2) maximum relative aperture;

(3) resolving power at a contrast ratio of 1000 to 1 or the equivalent modulation of 1.0, at the maximum relative aperture, in lines per millimetre;

(D) detector element size, in micrometres, or equivalent information on the tube;

(E) number of detector elements;

(F) system light sensitivity, in lux or watts per square centimetre; and

(G) spectral bandwidth, in nanometres.

4. The following technical information shall be provided for infra-red line-scanning devices:

(A) type and model;

(B) field of view or scan angles, in degrees;

(C) minimum instantaneous field of view, along and across the flight path, in milliradians;

(D) spectral bandwidth, in micrometres;

(E) minimum resolvable temperature difference, in degrees Celsius;

(F) temperature of detector during operation, in degrees Celsius;

(G) time required from switch-on for the system to start up and cool down to its normal operating temperature, in minutes;

(H) maximum operating time, if applicable;

(I) maximum velocity over height ratio; and

(J) maximum altitude for operation in metres, if applicable.

5. The following technical information shall be provided for sideways-looking synthetic aperture radar:

(A) type and model;

(B) radar frequency bands, and specific operating frequency, in megahertz;

(C) polarisations;

(D) number of radar pulses, per metre or second;

(E) near range angular limit of operation, in degrees from vertical;

(F) swath width, in kilometres;

(G) ground resolution in range and azimuth, in the slant plane, in metres;

(H) maximum altitude for operation in metres, if applicable; and

(I) transmitter output power, in watts.

6. The following technical information shall be provided for sensors that record data on photographic film:

(A) the types of film that may be used with each sensor;

(B) width of film, in millimetres;

(C) film resolution at a contrast ratio of 1000 to 1 or the equivalent modulation of 1.0, in lines per millimetre; and

(D) capacity of magazine for each type of film, in metres.

7. The following technical information shall be provided for sensors that record data on other recording media:

(A) type and model of the data recording equipment;

(B) type and format of data recording media;

(I) za optične kamere za posamezne posnetke največji izmerjen kot od vodoravnice ali najmanjši izmerjen kot od navpičnice v stopinjah in

(J) največja višina za delovanje v metrih, če je ustrezno.

3. Za videokamere se dajo ti tehnični podatki:

(A) tip in model;

(B) vidno polje vzdolž in prek poti letenja v stopinjah;

(C) za leče:

(1) žariščna razdalja v milimetrih;

(2) največja relativna odprtina leče;

(3) ločljivost pri kontrastnem razmerju 1000 proti 1 ali ustrezna modulacija pri 1,0 pri največji relativni odprtini v linijah na milimeter;

(D) velikost detektorskega elementa v mikrometrih ali enakovredni podatki za cev;

(E) število detektorskih elementov;

(F) občutljivost sistema na svetlobo v luksih ali vatih na kvadratni centimeter in

(G) širina spektralne valovne dolžine v nanometrih.

4. Za infrardeče premočrtne čitalnike se dajo ti tehnični podatki:

(A) tip in model;

(B) vidno polje ali koti skeniranja v stopinjah;

(C) najmanjše takojšnje vidno polje vzdolž in prek poti letenja v miliradianih;

(D) širina spektralnega pasu v mikrometrih;

(E) najnižja ločljiva temperaturna razlika v stopinjah Celzija;

(F) temperatura detektorja med delovanjem v stopinjah Celzija;

(G) čas, potreben od vklopa sistema za začetek in ohlajitev na normalno delovno temperaturo, v minutah;

(H) najdaljši čas delovanja, če je ustrezno;

(I) količnik največje hitrosti in višine ter

(J) največja višina delovanja v metrih, če je ustrezno.

5. Za zbirni aperturni radar za bočno opazovanje se dajo ti tehnični podatki:

(A) tip in model;

(B) pasovi radarskih frekvenc in specifična frekvenca delovanja v megahercih;

(C) polarizacija;

(D) število radarskih impulzov v metrih na sekundo;

(E) kotna omejitev na kratki razdalji delovanja v stopinjah od navpičnice;

(F) širina pasu opazovanja v kilometrih;

(G) ločljivost na zemlji v oddaljenosti in azimutu v poševni ravnini v metrih;

(H) največja višina delovanja v metrih, če je ustrezno, in

(I) izhodna moč oddajnika v vatih.

6. Za senzorje, ki zapisujejo podatke na fotografski film, se dajo ti tehnični podatki:

(A) tipi filma, ki se lahko uporabljajo z vsakim senzorjem;

(B) širina filma v milimetrih;

(C) ločljivost filma pri kontrastnem razmerju 1000 proti 1 ali enakovredna modulacija 1,0 v linijah na milimeter in

(D) zmogljivost kasete za vsak tip filma v metrih.

7. Za senzorje, ki zapisujejo podatke na druge nosilce podatkov, se dajo ti tehnični podatki:

(A) tip in model opreme za zapisovanje podatkov;

(B) tip in format nosilca podatkov;

- (C) bandwidth, in hertz, if applicable;
  - (D) data recording rate, in megabits per second, if applicable;
  - (E) capacity of recording media, in minutes or megabits;
- and
- (F) format for storage of data collected by sensors and data annotation.

## SECTION II. ANNOTATION OF DATA

1. The following items of information shall be annotated on data collected by sensors during an observation period on the leader of each roll of the original film negative or at the beginning of each other recording medium in accordance with the provisions of Appendix 1 to this Annex:

- (A) observation flight reference number;
- (B) date of observation flight;
- (C) sensor description;
- (D) sensor configuration; and
- (E) focal length, if applicable.

2. The following items of information shall be recorded manually or electronically from the navigation and avionics systems of the observation aircraft and annotated on data collected by sensors during an observation period in a manner that does not obscure detail, in accordance with the provisions of Appendix 1 to this Annex:

(A) for optical cameras:

(1) at the start of the observation period and at any intermediate location during the observation period where there is a significant change of height above ground level, heading or groundspeed, and at intervals to be determined by the Open Skies Consultative Commission within the period of provisional application:

- (a) height above ground level;
  - (b) location;
  - (c) true heading; and
  - (d) scan angle;
- (2) on every frame of photographic film:

- (a) frame number;
- (b) time; and
- (c) roll angle;

(B) for video cameras and infra-red line-scanning devices, at the start of the observation period and at any intermediate location during the observation period where there is a significant change of height above ground level, heading or groundspeed, and at intervals to be determined by the Open Skies Consultative Commission within the period of provisional application:

- (1) date and time;
- (2) height above ground level;
- (3) location;
- (4) true heading; and
- (5) scan angle;

(C) for sideways-looking synthetic aperture radar:

(1) at the start of the observation period and at any intermediate location during the observation period where there is a significant change of height above ground level, heading or groundspeed, and at intervals to be determined by the Open Skies Consultative Commission within the period of provisional application:

- (a) date and time;
- (b) height above ground level;
- (c) location;
- (d) true heading;
- (e) look down angle to the nearest point of the swath

width;

- (f) swath width; and
- (g) polarisations;

- (C) širina pasu v hertzih, če je ustrezno;
  - (D) hitrost snemanja podatkov v megabitih na sekundo, če je ustrezno;
  - (E) zmogljivost nosilca podatkov v minutah ali megabitih
- in
- (F) format za hranjenje podatkov, zbranih s senzorji, in razložljivost podatkov.

## II. RAZDELEK: RAZLOŽLJIVOST PODATKOV

1. Podatki, zbrani s senzorji med opazovalnim obdobjem, se na začetku vsakega zvitka izvirnega negativnega filma ali na začetku vsakega drugega nosilca podatkov opremijo z naslednjimi podatki v skladu z določbami Priloge 1 k temu dodatku:

- (A) referenčno številko opazovalnega leta;
- (B) datumom opazovalnega leta;
- (C) opisom senzorjev;
- (D) razporeditvijo senzorjev in
- (E) žariščno razdaljo, če je ustrezno.

2. Podatki, zbrani s senzorji med opazovalnim obdobjem, se opremijo z naslednjimi podatki, ki se ročno ali elektronsko posnamejo z navigacijskih in komunikacijskih sistemov opazovalnega letala v skladu z določbami Priloge 1 k temu dodatku, in to na način, da se ne zakrijejo podrobnosti:

(A) za optične kamere:

(1) na začetku opazovalnega obdobja in na vsaki vmesni točki med opazovalnim obdobjem, na kateri se pomembno spremeni višina nad tlemi, smer ali hitrost letenja nad zemljo, ter v presledkih, ki jih določi posvetovalna komisija za odprte zračne prostore med začasno uporabo pogodbe:

- (a) višino nad tlemi;
- (b) točko;
- (c) dejansko smerjo letenja in
- (d) kotom skeniranja;

(2) na vsakem posameznem posnetku fotografskega filma:

- (a) številko posnetka;
- (b) časom in
- (c) kotom nagiba;

(B) za videokamere in infrardeče premočrtne čitalnike na začetku opazovalnega obdobja in na vsaki vmesni točki med opazovalnim obdobjem, na kateri se pomembno spremeni višina leta nad tlemi, smer ali hitrost letenja nad zemljo, in v presledkih, ki jih določi posvetovalna komisija za odprte zračne prostore med začasno uporabo pogodbe:

- (1) datumom in časom;
- (2) višino nad tlemi;
- (3) točko;
- (4) dejansko smerjo letenja in
- (5) kotom skeniranja;

(C) za zbirni aperturni radar za bočno opazovanje:

(1) na začetku opazovalnega obdobja in na vsaki vmesni točki med opazovalnim obdobjem, na kateri se pomembno spremeni višina nad tlemi, smer ali hitrost letenja nad zemljo, ter v presledkih, ki jih določi posvetovalna komisija za odprte zračne prostore med začasno uporabo pogodbe:

- (a) datumom in časom;
- (b) višino nad tlemi;
- (c) točko;
- (d) dejansko smerjo letenja;
- (e) kotom gledanja navzdol na najbližjo točko širine

pasu;

- (f) širino pasu in
- (g) polarizacijo;



(2) each time they are measured in order to ensure correct processing of the image:

- (a) groundspeed;
- (b) drift;
- (c) pitch angle; and
- (d) roll angle.

3. For copies of single frames or strips of imagery produced from the original film negative or other recording media, the items of information listed in paragraphs 1 and 2 of this Section shall be annotated on each positive print.

4. States Parties shall have the right to annotate data collected during an observation flight using either alphanumeric values, or codes to be agreed by the Open Skies Consultative Commission during the period of provisional application.

### APPENDIX 1 TO ANNEX B ANNOTATION OF DATA COLLECTED DURING AN OBSERVATION FLIGHT

1. The reference number of the observation flight shall be indicated by a single group of six alphanumeric characters in accordance with the following convention:

- (A) the letters "OS";
- (B) the last digit of the calendar year for which the individual active quota applies; and
- (C) a three-digit number to represent each individual observation flight comprising the active quota distributed during the annual review within the framework of the Open Skies Consultative Commission for a calendar year to a State Party over the territory of another State Party.

2. The sensor description shall be indicated by a single block of up to six alphanumeric characters comprising two groups in accordance with the following convention:

(A) a group of up to four characters to represent the category of the sensor in accordance with the following convention:

- (1) "OP" – optical panoramic camera;
- (2) "OF" – optical framing camera;
- (3) "TV" – video camera;
- (4) "IRLS" – infra-red line-scanning device; or
- (5) "SAR" – sideways-looking synthetic aperture radar;

(B) a group of two characters to represent the type of the recording medium in accordance with the following convention:

- (1) "BI" – black and white, iso-panchromatic;
- (2) "BM" – black and white, monochromatic;
- (3) "BP" – black and white, panchromatic;
- (4) "BR" – black and white, reversal;
- (5) "TA" – tape, analogue; or
- (6) "TD" – tape, digital.

3. The sensor configuration shall be indicated by a single block of up to nine alphanumeric characters comprising three groups in accordance with the following convention:

(A) a group of four alphanumeric characters to represent the installation of the sensor on the observation aircraft either as:

- (1) an internal installation, which shall be denoted by the code "INT", followed by a number to indicate the relative location of the installation of the sensor on the observation aircraft in sequence from nose to tail of the observation aircraft; or
- (2) a podded installation, which shall be denoted by the code "POD", followed by one of the following three letters:
  - (a) "L" – mounted under left wing;
  - (b) "R" – mounted under right wing; or
  - (c) "C" – mounted on the aircraft centre line;

(2) ob vsakokratnem merjenju, da se zagotovi pravilna obdelava slike:

- (a) hitrostjo letenja nad zemljo;
- (b) zanosom;
- (c) kotom naklona in
- (d) kotom nagiba.

3. Za kopije posameznih posnetkov ali trakov posnetkov iz izvirnega negativa filma ali drugih nosilcev podatkov se podatki iz prvega in drugega odstavka tega razdelka navedejo na vsakem pozitivu.

4. Države pogodbenice imajo pravico podatke, zbrane med opazovalnim letom, opremiti s črkovno-številčnimi vrednostmi ali oznakami, za katere se dogovori posvetovalna komisija za odprte zračne prostore med začasno uporabo pogodbe.

### PRILOGA 1 K DODATKU B RAZLOŽLJIVOST PODATKOV, ZBRANIH MED OPAZOVALNIM LETOM

1. Referenčna številka opazovalnega leta se označi z eno samo skupino šestih črkovno-številčnih znakov v skladu z naslednjim dogovorom:

- (A) črkama »OS«;
- (B) zadnjo številko koledarskega leta, za katero velja posamezna aktivna kvota, in
- (C) trimestno številko, ki pomeni vsak posamezen opazovalni let in vključuje aktivno kvoto, ki jo je posvetovalna komisija za odprte zračne prostore med letnim pregledom dodelila posamezni državi pogodbenici nad ozemljem druge države pogodbenice za določeno koledarsko leto.

2. Opis senzorja se označi s skupino največ šestih črkovno-številčnih znakov, sestavljenih iz dveh skupin, v skladu s tem dogovorom:

(A) skupina do štirih znakov pomeni vrsto senzorja v skladu s tem dogovorom:

- (1) »OP« – optična panoramska kamera;
- (2) »OF« – optična kamera za posamezne posnetke;
- (3) »TV« – videokamera;
- (4) »IRLS« – infrardeči premočrtni čitalnik ali
- (5) »SAR« – zbirni aperturni radar za bočno opazovanje;

(B) skupina dveh znakov pomeni tip nosilca podatkov v skladu s tem dogovorom:

- (1) »BI« – črno-beli, izopankromatični;
- (2) »BM« – črno-beli, monokromatični;
- (3) »BP« – črno-beli, pankromatični;
- (4) »BR« – črno-beli, povratni;
- (5) »TA« – trak, analogni, ali
- (6) »TD« – trak, digitalni.

3. Razporeditev senzorjev se označi z eno samo skupino največ devetih črkovno-številčnih znakov, sestavljenih iz treh skupin, v skladu s tem dogovorom:

(A) skupina štirih črkovno-številčnih znakov pomeni namestitvev senzorja na opazovalnem letalu bodisi kot:

- (1) notranja namestitvev, označena z »INT«, ki ji sledi številka, ki označuje mesto namestitvev senzorja na opazovalnem letalu v zaporedju od nosa do repa opazovalnega letala, bodisi
- (2) podvesna namestitvev, označena s »POD«, ki ji sledi ena od teh treh črk:
  - (a) »L« – obešeno pod levo krilo;
  - (b) »R« – obešeno pod desno krilo ali
  - (c) »C« – obešeno pod trup letala;

(B) a group of up to three alphanumeric characters to represent the type of installation in accordance with the following convention:

(1) a vertical installation in which the sensor is not tilted more than five degrees from the vertical shall be denoted by the letter "V";

(2) an oblique installation in which the sensor is tilted more than five degrees from the vertical shall be denoted by one of the following two letters, followed by the depression angle in degrees:

(a) "L" – left pointing;

(b) "R" – right pointing;

(3) a fan installation of two or more sensors shall be denoted by the letter "F";

(C) for a fan installation, a group of up to two numbers to indicate the number and position of the sensors as follows:

(1) the first number to indicate the total number of sensors in that installation; and

(2) the second number to indicate the individual sensor position, in sequence from left to right relative to the direction of flight of the observation aircraft.

4. The focal length of a lens shall be provided in millimetres.

5. The date and time shall be provided to the nearest minute of Co-ordinated Universal Time.

6. The average height above ground level of the observation aircraft shall be denoted by a five-digit number, followed by a code to represent the units of measurement in either feet, by the letter "F", or metres, by the letter "M".

7. The latitude and longitude of the location of the observation aircraft shall be provided in degrees to the nearest one-hundredth of a degree, in the format "dd.dd(N or S) ddd.dd(E or W)", or in degrees and minutes to the nearest minute, in the format "dd mm(N or S) ddd mm(E or W)".

8. The true heading of the observation aircraft shall be provided in degrees to the nearest degree.

9. The roll angle of the observation aircraft shall be provided in degrees followed by a code to indicate whether the roll is to the left, by the letter "L", or to the right, by the letter "R".

10. The pitch angle of the observation aircraft shall be provided in degrees followed by a code to indicate whether the pitch is up, by the letter "U", or down, by the letter "D", relative to the horizontal.

11. The drift angle of the observation aircraft shall be provided in degrees followed by a code to indicate whether the drift is to the left, by the letter "L", or to the right, by the letter "R", relative to the flight path of the observation aircraft.

12. The groundspeed of the observation aircraft shall be denoted by a three-digit number followed by a two-letter code to indicate the units of measurement in either nautical miles, by the letters "NM", or kilometres, by the letters "KM", per hour.

13. The nearest point of the swath width shall be provided in kilometres.

14. The look down angle shall be provided in degrees measured from the vertical.

15. The swath width shall be provided in kilometres.

16. For photographic film, each magazine used during an observation flight from the same sensor shall be numbered in sequence starting from one. Each frame on the original film negative exposed by each sensor shall be individually numbered in sequence, from the first frame to the last frame of that magazine of that sensor. In each case when the film is numbered using one or two numbers per frame, a single frame shall be defined without ambiguity by specifying either the number closest to the centre of the frame, or, in the event that the numbers are equidistant from the centre, the smaller whole number.

(B) skupina največ treh črkovno-številčnih znakov pomeni vrsto namestitve v skladu s tem dogovorom:

(1) pokončna namestitev, pri kateri senzor ni nagnjen za več kot 5 stopinj od navpičnice, se označi s črko »V«;

(2) poševna namestitev, pri kateri je senzor nagnjen za več kot 5 stopinj od navpičnice, se označi z eno od naslednjih črk, ki ji sledi kot nagiba v stopinjah:

(a) »L« – usmerjenost levo;

(b) »R« – usmerjenost desno;

(3) pahljačasta namestitev dveh ali več senzorjev se označi s črko »F«;

(C) pri pahljačasti namestitvi skupina največ dveh številc označuje število in položaj senzorjev v skladu s tem dogovorom:

(1) prva številka označuje skupno število nameščenih senzorjev in

(2) druga številka označuje položaj posameznega senzorja v zaporedju z leve proti desni v smeri leta opazovalnega letala.

4. Žariščna razdalja leče se navede v milimetrih.

5. Datum in čas se navedeta na minuto natančno po GMT.

6. Povprečna višina opazovalnega letala nad tlemi se označi s petmestno številko in z oznako za mersko enoto, pri čemer se čevlji označijo s črko »F«, metri pa z »M«.

7. Zemljepisna širina in dolžina položaja opazovalnega letala se navedeta v stopinjah na stotinko stopinje natančno v formatu »dd.dd (N ali S) ddd.dd (E ali W)« ali v stopinjah in minutah na minuto natančno v formatu »dd mm (N ali S) ddd mm (E ali W)«.

8. Dejanska smer letenja opazovalnega letala se navede v stopinjah na stopinjo natančno.

9. Kot nagiba opazovalnega letala se navede v stopinjah in z oznako nagiba na levo s črko »L« ali desno s črko »R«.

10. Kot naklona opazovalnega letala se navede v stopinjah in z oznako naklona navzgor s črko »U« ali navzdol s črko »D« glede na vodoravnico.

11. Kot zanosa opazovalnega letala se navede v stopinjah in z oznako zanosa v levo s črko »L« ali desno s črko »R« glede na smer leta opazovalnega letala.

12. Hitrost letenja opazovalnega letala nad zemljo se navede s trimesno številko in dvomestno oznako za mersko enoto, za navtične milje s črkama »NM« ali kilometre s črkama »KM« na uro.

13. Najbližja točka širine pasu se navede v kilometrih.

14. Kot gledanja navzdol se navede v stopinjah, merjeno od navpičnice.

15. Širina pasu se navede v kilometrih.

16. Za fotografski film se vsaka kasetna, uporabljena med opazovalnim letom za isti senzor, oštevilči zaporedoma od ena naprej. Vsak posnetek na izvornem negativu filma, osvetljenem na posameznem senzorju, se posebej oštevilči zaporedoma od prvega do zadnjega posnetka kasete filma za ta senzor. V vsakem primeru, ko je film oštevilčen z eno ali dvema številkami na posnetek, se posamezen posnetek nedvomno opredeli tako, da se določi številka, ki je najbližja sredini posnetka, ali pa manjša cela številka, kadar sta številki enako oddaljeni od sredine.

## ANNEX C INFORMATION ON OBSERVATION AIRCRAFT

Pursuant to the provisions of Article V, paragraph 2 of the Treaty, States Parties, when designating aircraft as observation aircraft, shall notify all other States Parties of the information specified below.

### 1. Identification:

(A) type and model; and

(B) number, category, type and configuration of each sensor installed on the observation aircraft, as provided in accordance with the provisions of Annex B to the Treaty;

### 2. Mission Planning:

(A) for each type and configuration of sensor installed on the observation aircraft:

(1) for which ground resolution is dependent upon height above ground level, the height above ground level in metres at which that sensor achieves the ground resolution for that category of sensor specified in Article IV, paragraph 2 of the Treaty;

(2) for which ground resolution is not dependent upon height above ground level, the altitude for maximum range;

(B) optimum cruising speed in kilometres per hour at each altitude specified in accordance with subparagraph (A) of this paragraph;

(C) fuel consumption in kilograms per hour at optimum cruising speed at each altitude specified in accordance with subparagraph (A) of this paragraph.

### 3. Navigation, Communications and Landing Aids:

(A) each type of navigation equipment installed on the observation aircraft, including its positional accuracy, in metres; and

(B) radio communications, approach and landing aid equipment installed on the observation aircraft, in accordance with standard ICAO practice.

### 4. Ground Handling:

(A) length, wingspan, maximum height, wheel base, and turning radius;

(B) maximum take-off weight and maximum landing weight;

(C) airfield runway length and pavement strength required at maximum take-off and landing weights, including any capability for landing on unpaved strips;

(D) types and capacities of fuel, oils, hydraulic fluid and oxygen;

(E) types of electrical servicing and starting units; and

(F) any special requirements.

### 5. Accommodation facilities:

(A) number of flight crew;

(B) number of sensor operators;

(C) number of flight representatives, flight monitors or representatives who could be seated on board; and

(D) sleeping berths.

## ANNEX D CERTIFICATION OF OBSERVATION AIRCRAFT AND SENSORS

### SECTION I. GENERAL PROVISIONS

1. Each State Party shall have the right to participate in the certification of an observation aircraft of each type and model and its associated set of sensors designated by another State Party pursuant to Article V of the Treaty, during which the observation aircraft and its sensors shall be examined both on the ground and in-flight.

## DODATEK C PODATKI O OPAZOVALNEM LETALU

V skladu z določbami drugega odstavka V. člena pogodbe države pogodbenice, ko določijo opazovalno letalo, obvestijo vse druge države pogodbenice o podatkih, navedenih v nadaljevanju:

### 1. Podatki za prepoznavanje:

(A) vrsta in model ter

(B) številka, vrsta, tip in razporeditev posameznega senzorja na opazovalnem letalu v skladu z določbami Dodatka B k pogodbi;

### 2. Načrtovanje naloge:

(A) za vsak tip in razporeditev senzorja na opazovalnem letalu:

(1) pri katerem je ločljivost na zemlji odvisna od višine nad tlemi, višina nad tlemi v metrih, pri kateri ta senzor doseže ločljivost na zemlji za tako vrsto senzorja, kot je določen v drugem odstavku IV. člena pogodbe;

(2) pri katerem ločljivost na zemlji ni odvisna od višine nad tlemi, višina za največji dolet;

(B) najugodnejša potovalna hitrost v kilometrih na uro za vsako višino, ki je določena v skladu s pododstavkom (A) tega odstavka;

(C) poraba goriva v kilogramih na uro pri najugodnejši potovalni hitrosti za vsako višino, ki je določena v skladu s pododstavkom (A) tega odstavka.

### 3. Naprave za navigacijo, zveze in pristajanje:

(A) vsak tip navigacijske opreme v opazovalnem letalu, vključno z njeno natančnostjo določanja položaja v metrih, in

(B) radijske zveze, oprema za prilet in pristajanje v opazovalnem letalu v skladu s standardi in priporočili ICAO.

### 4. Oskrba na tleh:

(A) dolžina, razpon kril, največja višina, položaj koles in polmer obračanja;

(B) največja vzletna teža in največja pristajalna teža;

(C) dolžina vzletne in pristajalne steze letališča in zahtevana odpornost podlage pri največjih vzletnih in pristajalnih težah, vključno s sposobnostjo pristajanja na neutrujenih površinah;

(D) vrste in količine goriva, olja, hidravličnih tekočin in kisika;

(E) vrste naprav za električno servisiranje in zagon ter

(F) posebne zahteve.

### 5. Namestitvene zmogljivosti:

(A) število članov posadke letala;

(B) število upravljavcev senzorjev;

(C) število predstavnikov leta, nadzornikov leta ali predstavnikov, ki bi lahko bili v letalu, in

(D) ležišča.

## DODATEK D CERTIFICIRANJE OPAZOVALNEGA LETALA IN SENZORJEV

### I. RAZDELEK: SPLOŠNE DOLOČBE

1. Vsaka država pogodbenica ima pravico sodelovati pri certificiranju opazovalnega letala vsake vrste in modela ter z njim povezanega sklopa senzorjev, ki ga je določila druga država pogodbenica v skladu s V. členom pogodbe; pri certificiranju se opazovalno letalo in njegovi senzorji pregledajo na tleh in med letom.

2. Each certification shall be conducted in order to establish:

(A) that the aircraft is of a type and model designated pursuant to Article V of the Treaty;

(B) that the sensors installed on the observation aircraft are of a category specified in Article IV, paragraph 1 of the Treaty and satisfy the requirements specified in Article IV, paragraph 2 of the Treaty;

(C) that the technical information has been provided in accordance with the provisions of Annex B, Section I to the Treaty;

(D) in the event that the ground resolution of a sensor is dependent upon height above ground level, the minimum height above ground level from which each such sensor installed on an observation aircraft of that type and model may be operated during an observation flight, pursuant to the limitation on ground resolution specified in Article IV, paragraph 2 of the Treaty;

(E) in the event that the ground resolution is not dependent upon height above ground level, the ground resolution of each such sensor installed on an observation aircraft of that type and model, pursuant to the limitation on ground resolution specified in Article IV, paragraph 2 of the Treaty; and

(F) that the covers for sensor apertures or other devices that inhibit the operation of sensors are in their proper position in accordance with the provisions of Article IV, paragraph 4 of the Treaty.

3. Each State Party conducting a certification shall notify all other States Parties, no less than 60 days in advance, of the period of seven days during which the certification of that observation aircraft and its sensors will take place. Such notification shall specify:

(A) the State Party conducting the certification of the observation aircraft and its sensors;

(B) the point of entry at which personnel of the States Parties taking part in the certification should arrive;

(C) the location at which the certification is to be conducted;

(D) the dates on which the certification is to begin and end;

(E) the number, type and model of each observation aircraft to be certified; and

(F) the type and model, description and configuration of each sensor installed on the observation aircraft to be certified, in accordance with the format specified in Annex B, Appendix 1 to the Treaty.

4. No later than ten days after receipt of the notification pursuant to the provisions of paragraph 3 of this Section, each State Party shall notify all other States Parties of its intention to participate in the certification of such aircraft and its sensors pursuant to the provisions of Article IV, paragraph 11. The number of individuals that shall participate in the certification from amongst those States Parties that notified their intention to participate shall be decided upon within the Open Skies Consultative Commission. Unless otherwise agreed, the number of individuals shall total no more than 40 and include no more than four from any one State Party. In the event that two or more States Parties notify their intention to conduct a certification during the same period, it shall be decided within the Open Skies Consultative Commission which of them shall conduct the certification in this period.

5. Each State Party taking part in the certification shall notify the State Party conducting the certification no less than 30 days prior to the date on which the certification of the observation aircraft is to begin, as notified in accordance with paragraph 3 of this Section, of the following:

2. Vsako certificiranje se izvede, da se ugotovi:

(A) da določeno letalo po vrsti in modelu ustreza zahtevam V. člena pogodbe;

(B) da so senzori, nameščeni na opazovalnem letalu, take vrste, kot je določeno v prvem odstavku IV. člena pogodbe, in izpolnjujejo zahteve drugega odstavka IV. člena pogodbe;

(C) da so tehnični podatki predloženi v skladu z določbami I. razdelka Dodatka B k pogodbi;

(D) kadar je senzorjeva ločljivost na zemlji odvisna od višine nad tlemi, najmanjša višina nad tlemi, s katere sme senzor te vrste in modela, nameščen na opazovalnem letalu, delovati med opazovalnim letom v skladu z omejitvijo ločljivosti na zemlji, določeno v drugem odstavku IV. člena pogodbe;

(E) kadar ločljivost na zemlji ni odvisna od višine nad tlemi, ločljivost na zemlji vsakega sensorja te vrste in modela, nameščenega na opazovalnem letalu, v skladu z omejitvijo ločljivosti na zemlji, določeno v drugem odstavku IV. člena pogodbe, ter

(F) da so pokrovi za odprtine senzorjev ali druge naprave, ki onemogočajo delovanje senzorjev, pravilno nameščene v skladu z določbami četrtega odstavka IV. člena pogodbe.

3. Vsaka država pogodbenica, ki izvaja certificiranje, najmanj 60 dni prej uradno obvesti vse druge države pogodbenice o sedemdnevnem obdobju, v katerem bo potekalo certificiranje opazovalnega letala in njegovih senzorjev. Tako uradno obvestilo navaja:

(A) državo pogodbenico, ki izvaja certificiranje opazovalnega letala in njegovih senzorjev;

(B) točko vstopa, na katero naj bi prispelo osebje držav pogodbenic, ki sodelujejo pri certificiranju;

(C) kraj certificiranja;

(D) datuma začetka in konca certificiranja;

(E) številko, vrsto in model vsakega opazovalnega letala, ki se certificira, in

(F) tip in model, opis in razporeditev posameznega sensorja, nameščenega na opazovalnem letalu, ki se certificira, v skladu z obliko, določeno v Prilogi 1 k Dodatku B k pogodbi.

4. Najpozneje v desetih dneh po prejemu uradnega obvestila v skladu z določbami tretjega odstavka tega razdelka vsaka država pogodbenica uradno obvesti vse druge države pogodbenice, da namerava sodelovati pri certificiranju tega letala in njegovih senzorjev v skladu z določbami enajstega odstavka IV. člena. Število oseb, ki bodo sodelovale pri certificiranju iz posameznih držav pogodbenic, ki so uradno sporočile svoj namen sodelovati, določi posvetovalna komisija za odprte zračne prostore. Če ni drugače dogovorjeno, je skupno število oseb omejeno na 40, za posamezno državo pogodbenico pa na štiri. Če dve ali več držav pogodbenic sporoči, da nameravajo izvajati certificiranje v istem obdobju, posvetovalna komisija za odprte zračne prostore odloči, katera v tem obdobju izvede certificiranje.

5. Vsaka država, ki sodeluje pri certificiranju, sporoči državi pogodbenici, ki izvaja certificiranje, najmanj 30 dni pred datumom predvidenega začetka certificiranja opazovalnega letala, kot je bil sporočen v skladu s tretjim odstavkom tega razdelka, naslednje:

(A) the names of the individuals taking part in the certification and, in the event that a non-commercial transport aircraft is used to travel to the point of entry, a list of the names of the crew members, in each case specifying gender, date of birth, place of birth and passport number. All such individuals shall be on the list of individuals designated pursuant to Article XIII, Section I of the Treaty;

(B) the date and the estimated time of arrival of such individuals at the point of entry; and

(C) the mode of transport used to arrive at the point of entry.

6. No less than 14 days prior to the date on which the certification of the observation aircraft is to begin, as notified in accordance with paragraph 3 of this Section, the State Party conducting the certification shall provide the States Parties which are taking part in the certification with the following information for each sensor installed on the observation aircraft, and for associated equipment used for the annotation of data collected by sensors:

(A) a description of each constituent part of the sensor, including its purpose, and any connection to associated equipment used for the annotation of data;

(B) photographs taken of each sensor separate from the observation aircraft, in accordance with the following specifications:

(1) each sensor shall fill at least 80 per cent of the photograph either horizontally or vertically;

(2) such photographs may be either colour or black and white and shall measure 18 centimetres by 24 centimetres, excluding the border; and

(3) each photograph shall be annotated with the category of the sensor, its type and model, and the name of the State Party that is presenting the sensor for certification;

(C) instructions on the in-flight operation of each sensor.

7. In the event that no State Party notifies its intention to take part in the certification in accordance with the provisions of paragraph 5 of this Section, the State Party shall conduct by itself an in-flight examination in accordance with the provisions of Section III of this Annex and complete a certification report in accordance with the provisions of Section IV of this Annex.

8. The provisions of Article XIII, Section II of the Treaty shall apply to the personnel of each State Party taking part in the certification during the entire period of their stay on the territory of the State Party conducting the certification.

9. The personnel of each State Party taking part in the certification shall leave the territory of the State Party conducting the certification promptly after signing the certification report.

## SECTION II. GROUND EXAMINATION

1. With the approval of the State Party conducting the certification, ground examinations by more than one State Party may be conducted simultaneously. States Parties shall have the right jointly to conduct a ground examination of the observation aircraft and its sensors. The State Party conducting the certification shall have the right to determine the number of personnel engaged at any one time in the ground examination of an observation aircraft and its sensors.

2. Unless otherwise agreed, the ground examination shall not exceed three eight-hour periods for each observation aircraft and its sensors.

3. Prior to the commencement of the ground examination, the State Party conducting the certification shall provide the States Parties taking part in the certification with the following information:

(A) imena oseb, ki sodelujejo pri certificiranju, če pa je uporabljeno transportno letalo za prevoz do točke vstopa, tudi imena, spol, datum in kraj rojstva ter številko potnega lista članov posadke. Vse take osebe morajo biti na seznamu oseb, določenih po I. razdelku XIII. člena pogodbe;

(B) datum in predvideni čas prihoda teh oseb na točko vstopa ter

(C) način prevoza do točke vstopa.

6. Najmanj 14 dni pred predvidenim datumom začetka certificiranja, kot je bil sporočen v skladu s tretjim odstavkom tega razdelka, zagotovi država pogodbenica, ki izvaja certificiranje, državam pogodbenicam, ki sodelujejo pri certificiranju, te podatke o vsakem senzorju, nameščenem na opazovalnem letalu, in z njim povezani opremljavo za razložljivost podatkov, zbranih s senzorji:

(A) opis vsakega sestavnega dela senzorja, vključno z njegovim namenom, in vsako povezavo z opremo za razložljivost podatkov;

(B) fotografijo vsakega senzorja, ločeno od opazovalnega letala, v skladu z naslednjimi zahtevami:

(1) vsak senzor zavzema najmanj 80 odstotkov fotografije v vodoravni ali navpični smeri;

(2) fotografije so lahko barvne ali črno-bele in merijo 18 x 24 centimetrov brez roba ter

(3) na vsaki fotografiji so navedeni vrsta senzorja, tip in model ter ime države pogodbenice, ki daje senzor v certificiranje;

(C) navodila za delovanje senzorja med letom.

7. Če nobena država pogodbenica ne sporoči, da namerava sodelovati pri certificiranju v skladu z določbami petega odstavka tega razdelka, država pogodbenica sama opravi pregled med letom v skladu z določbami III. razdelka tega dodatka in sestavi poročilo o certificiranju v skladu z določbami IV. razdelka tega dodatka.

8. Določbe II. razdelka XIII. člena pogodbe veljajo za osebe vsake države pogodbenice, ki sodeluje pri certificiranju, ves čas njihovega bivanja na ozemlju države, ki izvaja certificiranje.

9. Osebe vsake države pogodbenice, ki sodeluje pri certificiranju, zapusti ozemlje države pogodbenice, ki izvaja certificiranje, takoj po podpisu poročila o certificiranju.

## II. RAZDELEK: PREGLED NA TLEH

1. Z odobritvijo države pogodbenice, ki izvaja certificiranje, lahko pregled na tleh hkrati izvaja več kot ena država pogodbenica. Države pogodbenice imajo pravico skupaj pregledovati opazovalno letalo in njegove senzorje na tleh. Država pogodbenica, ki izvaja certificiranje, ima pravico določiti število oseb, ki so naenkrat vključene v pregled opazovalnega letala in njegovih senzorjev na tleh.

2. Če ni drugače dogovorjeno, pregled na tleh ne sme preseči trikrat po osem ur za vsako opazovalno letalo in njegove senzorje.

3. Pred začetkom pregleda na tleh država pogodbenica, ki izvaja certificiranje, zagotovi državam pogodbenicam, ki sodelujejo pri certificiranju, te podatke:

(A) for optical panoramic and framing cameras:

(1) the modulation transfer curve of the response of the lens to spatial frequency (frequency/contrast characteristic) at the maximum relative aperture of that lens, in lines per millimetre;

(2) specifications of the black and white aerial film that will be used to collect data during an observation flight, or for the duplication of such data, in accordance with the provisions of Annex K, Section I, paragraph 2 to the Treaty;

(3) specifications of the film processors which will be used to develop original film negatives and duplicators that will be used to produce film positives or negatives, in accordance with the provisions of Annex K, Section I, paragraph 1 to the Treaty; and

(4) flight test data showing ground resolution as a function of height above ground level for each type of aerial film that will be used with the optical camera;

(B) for video cameras, flight test data from all output devices showing ground resolution as a function of height above ground level;

(C) for infra-red line-scanning devices, flight test data from all output devices showing ground resolution as a function of height above ground level; and

(D) for sideways-looking synthetic aperture radar, flight test data from all output devices showing ground resolution as a function of slant range from the aircraft.

4. Prior to the commencement of the ground examination, the State Party conducting the certification shall provide a briefing to the State Party or States Parties taking part in the certification on:

(A) its plan for the conduct of the ground examination of the observation aircraft and its sensors;

(B) the observation aircraft, as well as its sensors, associated equipment and covers for sensor apertures or other devices that inhibit the operation of sensors, indicating their location on the observation aircraft with the help of diagrams, photographs, slides and other visual materials;

(C) all necessary safety precautions that shall be observed during the ground examination of the observation aircraft and its sensors; and

(D) the inventory procedures that escorts of the State Party conducting the certification intend to use pursuant to paragraph 6 of this Section.

5. Prior to the commencement of the ground examination, each State Party taking part in the certification shall deliver to the State Party conducting the certification a list of each item of equipment to be used during the ground examination or in-flight examination. The States Parties conducting the examination shall be permitted to take on board the observation aircraft and use video cameras, hand-held audio recorders and hand-held electronic computers. The States Parties taking part in the certification shall be permitted to use other items of equipment, subject to the approval of the State Party conducting the certification.

6. The States Parties taking part in the certification shall, together with the State Party conducting the certification, conduct an inventory of each item of equipment provided for in paragraph 5 of this Section, and review the inventory procedures which shall be followed to confirm that each item of equipment brought on board the observation aircraft by the States Parties taking part in the certification has been removed from the observation aircraft upon conclusion of the examination.

7. Personnel of each State Party taking part in the certification shall have the right to conduct the following activities during the ground examination on the observation aircraft and of each sensor installed on the observation aircraft:

(A) za optične panoramske kamere in kamere za posamezne posnetke:

(1) krivuljo prenosa modularnega odziva leče na prostorsko frekvenco (karakteristika frekvence proti kontrastu) pri največji relativni odprtosti leče v linijah na milimeter;

(2) značilnosti črno-belega filma za snemanje iz zraka, ki bo uporabljen za zbiranje podatkov med opazovalnim letom ali za podvajanje teh podatkov v skladu z določbami drugega odstavka I. razdelka Dodatka K k pogodbi;

(3) značilnosti naprav, ki bodo uporabljene za razvijanje izvornih negativov filma, in duplikatorjev za izdelavo pozitivov in negativov filma v skladu z določbami prvega odstavka I. razdelka Dodatka K k pogodbi ter

(4) testne podatke leta, ki kažejo ločljivost na zemlji kot funkcijo višine nad tlemi za vsak tip filma za snemanje iz zraka, ki bo uporabljen v optični kameri;

(B) za videokamere testne podatke leta iz vseh izhodnih naprav, ki kažejo ločljivost na zemlji kot funkcijo višine nad tlemi;

(C) za infrardeče premočrtne čitalnike testne podatke leta iz vseh izhodnih naprav, ki kažejo ločljivost na zemlji kot funkcijo višine nad tlemi, in

(D) za zbirni aperturni radar za bočno opazovanje testne podatke leta iz vseh izhodnih naprav, ki kažejo ločljivost na zemlji kot funkcijo poševne oddaljenosti od letala.

4. Pred začetkom pregleda na tleh država pogodbenica, ki izvaja certificiranje, obrazloži državi pogodbenici ali državam pogodbenicam, ki sodelujejo pri certificiranju:

(A) svoj načrt za pregled opazovalnega letala in njegovih senzorjev na tleh;

(B) podatke o opazovalnem letalu in njegovih senzorjih ter z njimi povezani opremi, o pokrovih za odprtine senzorjev in drugih napravah, ki onemogočajo delovanje senzorjev, podatke o namestitvi teh naprav na opazovalnem letalu, vključno z diagrami, fotografijami, diapozitivi in drugim vizualnim gradivom;

(C) vse potrebne varnostne ukrepe, ki jih je treba upoštevati med pregledom opazovalnega letala in njegovih senzorjev na tleh, ter

(D) postopke popisa, ki jih nameravajo uporabiti spremljevalci države pogodbenice, ki izvaja certifikacijo, v skladu s šestim odstavkom tega razdelka.

5. Pred začetkom pregleda na tleh vsaka država pogodbenica, ki sodeluje pri certificiranju, predloži državi, ki izvaja certificiranje, seznam vse opreme, ki bo uporabljena med pregledom na tleh ali v zraku. Države pogodbenice, ki izvajajo pregled, smejo vzeti v letalo in uporabljati videokamere, prenosne zvočne snemalne naprave ter prenosne računalnike. Države pogodbenice, ki sodelujejo pri certificiranju, smejo uporabljati še drugo opremo, če jo dovoli država, ki izvaja certificiranje.

6. Države pogodbenice, ki sodelujejo pri certificiranju, skupaj z državo, ki izvaja certificiranje, popišejo vso opremo iz petega odstavka tega razdelka in pregledajo postopke popisa, ki naj zagotovijo, da bo vsa oprema, ki so jo v opazovalno letalo prinesle države pogodbenice, ki sodelujejo pri certificiranju, po končanem pregledu odnesena iz opazovalnega letala.

7. Osebe vsake države pogodbenice, ki sodeluje pri certificiranju, ima med pregledom opazovalnega letala in vsakega na njem nameščenega senzorja pravico:

(A) confirm that the number and configuration of each sensor installed on the observation aircraft correspond to the information provided in accordance with the provisions of Section I, paragraph 6 of this Annex, Annex C and Annex B, Section I;

(B) familiarize themselves with the installation of each sensor on the observation aircraft, including the constituent parts thereof and their connections to each other and to any associated equipment used for the annotation of data;

(C) obtain a demonstration of the control and operation of each sensor; and

(D) familiarize themselves with the flight test data provided in accordance with the provisions of paragraph 3 of this Section.

8. At the request of any State Party taking part in the certification, the State Party conducting the certification shall photograph any sensor installed on the observation aircraft, the associated equipment on the observation aircraft, or the sensor apertures with their covers or devices which inhibit the operation of sensors. Such photographs shall fulfil the requirements specified in Section I, paragraph 6, subparagraphs (B)(1), (2) and (3) of this Annex.

9. The State Party conducting the certification shall have the right to designate personnel to accompany throughout the ground examination the personnel of the States Parties taking part in the certification to confirm compliance with the provisions of this Section. The personnel of the State Party conducting the certification shall not interfere with the activities of the States Parties taking part in the certification, unless such activities conflict with the safety precautions provided for in paragraph 4, subparagraph (C) of this Section.

10. The State Party conducting the certification shall provide the States Parties taking part in the certification access to the entire observation aircraft, its sensors and associated equipment and sufficient power to operate its sensors and associated equipment. The State Party conducting the certification shall open such compartments or remove panels or barriers, to the extent necessary to permit examination of any sensor and associated equipment subject to certification.

11. Notwithstanding the provisions of this Section, the ground examination shall be conducted in a manner that does not:

(A) degrade, damage, or prevent subsequent operation of the observation aircraft or its sensors;

(B) alter the electrical or mechanical structure of the observation aircraft or its sensors; or

(C) impair the airworthiness of the observation aircraft.

12. The States Parties taking part in the certification shall have the right to take measurements, and make notes, sketches, similar records and recordings using the items of equipment listed in paragraph 5 of this Section, relating to the observation aircraft, its sensors and their associated equipment. Such working materials may be retained by the State Party taking part in the certification and shall not be subject to any review or examination by the State Party conducting the certification.

13. The State Party conducting the certification shall make every effort to answer questions of the States Parties taking part in the certification that pertain to the ground examination.

14. Upon completion of the ground examination, the States Parties taking part in the certification shall leave the observation aircraft, and the State Party conducting the certification shall have the right to use its own inventory procedures set forth in accordance with paragraph 6 of this Section to confirm that all the equipment used during the ground examination in accordance with paragraph 5 of this Section has been removed from the observation aircraft.

(A) ugotoviti, da število in razporeditev vsakega senzorja, nameščenega na opazovalnem letalu, ustrežata podatkom, danim v skladu s šestim odstavkom I. razdelka tega dodatka, Dodatkom C in I. razdelkom Dodatka B;

(B) seznaniti se z namestitvijo vsakega senzorja na opazovalnem letalu, vključno z njegovimi sestavnimi deli in povezavami med njimi ter z opremo, ki se uporablja za razložljivost podatkov;

(C) do predstavitve upravljanja in delovanja vsakega senzorja ter

(D) seznaniti se s testnimi podatki leta, danimi v skladu z določbami tretjega odstavka tega razdelka.

8. Na zahtevo katere koli države pogodbenice, ki sodeluje pri certificiranju, država, ki izvaja certificiranje, fotografira vsak senzor, nameščen na opazovalnem letalu, z njim povezano opremo na letalu ali odprtine senzorjev s pokrovi ali druge naprave, ki onemogočajo njihovo delovanje. Te fotografije morajo izpolnjevati zahteve iz 1., 2. in 3. točke pododstavka B šestega odstavka I. razdelka tega dodatka.

9. Država pogodbenica, ki izvaja certificiranje, ima pravico določiti spremljevalce oseb iz držav pogodbenic, ki sodelujejo pri certificiranju, ves čas pregleda na tleh, da ugotavljajo, da dejavnosti potekajo v skladu z določbami tega razdelka. Osebe države, ki izvaja certificiranje, se ne vmešava v dejavnosti držav pogodbenic, ki sodelujejo pri certificiranju, razen če so v nasprotju z varnostnimi ukrepi, predpisanimi v pododstavku (C) četrtega odstavka tega razdelka.

10. Država pogodbenica, ki izvaja certificiranje, omogoči državam pogodbenicam, ki sodelujejo pri certificiranju, dostop do celotnega opazovalnega letala, njegovih senzorjev in z njimi povezane opreme ter jim zagotovi dovolj električne energije za delovanje senzorjev in z njimi povezane opreme. Država pogodbenica, ki izvaja certificiranje, odpre pregrade ali odstrani pokrove ali ovire, tako da je pri certificiranju omogočen pregled vseh senzorjev in z njimi povezane opreme.

11. Ne glede na določbe tega razdelka se pregled na tleh opravi tako, da ne:

(A) zmanjša, ovira ali prepreči poznejšega delovanja opazovalnega letala ali njegovih senzorjev;

(B) spremeni električnega ali mehanskega ustroja opazovalnega letala ali njegovih senzorjev;

(C) zmanjša letalne sposobnosti opazovalnega letala.

12. Države pogodbenice, ki sodelujejo pri certificiranju, imajo z opremo iz petega odstavka tega razdelka pravico meriti, delati zapiske, skice in podobne zapise in posnetke v zvezi z opazovalnim letalom, njegovimi senzorji in z njimi povezano opremo. Tako delovno gradivo lahko država pogodbenica, ki sodeluje pri certificiranju, zadrži in ga ni treba predložiti v pregled ali preverjanje državi pogodbenici, ki izvaja certificiranje.

13. Država pogodbenica, ki izvaja certificiranje, se kar najbolj potruzi, da odgovori na vprašanja držav pogodbenic, ki sodelujejo pri certificiranju, v zvezi s pregledom na tleh.

14. Po končanem pregledu na tleh države pogodbenice, ki sodelujejo pri certificiranju, zapustijo opazovalno letalo, država, ki izvaja certificiranje, pa ima pravico uporabiti svoje postopke popisa v skladu s šestim odstavkom tega razdelka, da ugotovi, ali je bila vsa oprema, uporabljena med pregledom na tleh, v skladu s petim odstavkom tega razdelka odnesena iz opazovalnega letala.

## SECTION III. IN-FLIGHT EXAMINATION

1. In addition to conducting a ground examination of the observation aircraft and its sensors, the State Party conducting the certification shall conduct one in-flight examination of its sensors which shall be sufficient to:

(A) permit observation of the operation of all the sensors installed on the observation aircraft;

(B) in the event that the ground resolution of a sensor is dependent upon height above ground level, establish the minimum height above ground level from which each such sensor installed on an observation aircraft of that type and model shall be operated for any observation flight, in accordance with the limitation on ground resolution specified in Article IV, paragraph 2 of the Treaty; and

(C) in the event that the ground resolution of a sensor is not dependent upon height above ground level, establish the ground resolution of each such sensor installed on an observation aircraft of that type and model is in accordance with the limitation on ground resolution specified in Article IV, paragraph 2 of the Treaty.

2. Prior to the commencement of the in-flight examination of the sensors, the State Party conducting the certification shall brief the States Parties participating in the certification on its plan for the conduct of the in-flight examination. This briefing shall include the following information:

(A) a diagram of the calibration targets that it intends to use for the in-flight examination in accordance with the provisions of Appendix 1, Section I, paragraph 5 to this Annex;

(B) the estimated time, meteorological conditions, number, direction and height above ground level of each pass over the calibration target appropriate to each sensor to be certified; and

(C) all necessary safety precautions that shall be observed during the in-flight examination of the observation aircraft and its sensors.

3. Prior to and during the conduct of the in-flight examination, States Parties taking part in the certification shall have the right to visit the location of the calibration targets. The State Party conducting the certification shall provide such items of equipment as required to confirm that the calibration targets meet the specifications set forth in Appendix 1, Section I to this Annex.

4. The in-flight examination shall be conducted during clear atmospheric daytime conditions, unless otherwise agreed, over the calibration targets appropriate to each category of sensor installed on the observation aircraft in accordance with the provisions of Appendix 1, Section II to this Annex, to determine the ground resolution of each sensor.

5. The State Party conducting the certification shall provide such data on the meteorological conditions at the location of the calibration targets during the in-flight examination of the sensors as are necessary to make the calculations in accordance with the methodologies specified in Appendix 1, Section III to this Annex.

6. Each State Party shall have the right to designate personnel to take part in the in-flight examination. In the event that the number of individuals so designated exceeds the passenger capacity of the observation aircraft, the States Parties participating in the certification shall agree which of its personnel shall participate in the in-flight examination.

7. Personnel of the States Parties designated pursuant to paragraph 6 of this Section shall have the right to observe the operation of the sensors by personnel of the State Party conducting the certification.

8. Personnel of the States Parties taking part in the certification shall have the right to monitor the unsealing of the film cassette and the storage, processing and handling of the original film negative exposed during the in-flight examination, in accordance with the provisions of Annex K, Section II to the Treaty.

## III. RAZDELEK: PREGLED MED LETOM

1. Poleg pregleda opazovalnega letala in njegovih senzorjev na tleh država pogodbenica, ki izvaja certificiranje, opravi en pregled senzorjev med letom, kar zadošča, da se:

(A) omogoči opazovanje delovanja vseh senzorjev, nameščenih na opazovalnem letalu;

(B) če je ločljivost na zemlji za senzor odvisna od višine nad tlemi, ugotovi najnižja višina nad tlemi, na kateri vsak senzor tega tipa in modela, ki je nameščen na opazovalnem letalu, deluje med opazovalnim letom v skladu z omejitvijo ločljivosti na zemlji, določeno v drugem odstavku IV. člena pogodbe, ter

(C) če ločljivost na zemlji za senzor ni odvisna od višine nad tlemi, ugotovi, da je ločljivost na zemlji za vsak senzor tega tipa in modela, ki je nameščen na opazovalnem letalu, v skladu z omejitvijo ločljivosti na zemlji, določeno v drugem odstavku IV. člena pogodbe.

2. Pred začetkom pregleda med letom država pogodbenica, ki izvaja certificiranje, obrazloži državam pogodbenicam, ki sodelujejo pri certificiranju, svoj načrt za izvedbo pregleda med letom. Ta obrazložitev vsebuje:

(A) diagram kalibracijskih tarč, ki jih namerava uporabiti pri pregledu med letom v skladu z določbami petega odstavka I. razdelka Priloge 1 k temu dodatku;

(B) predvideni čas, vremenske razmere, število preletov, smer in višino nad tlemi pri vsakem preletu nad kalibracijsko tarčo za vsak senzor, ki mora biti certificiran, ter

(C) vse potrebne varnostne ukrepe, ki jih je treba upoštevati med pregledom opazovalnega letala in njegovih senzorjev med letom.

3. Pred in med pregledom med letom imajo države pogodbenice, ki sodelujejo pri certificiranju, pravico ogledati si namestitev kalibracijskih tarč. Država pogodbenica, ki izvaja certificiranje, priskrbi ustrezno opremo, s katero se ugotovi, da kalibracijske tarče ustrezajo zahtevam iz I. razdelka Priloge 1 k temu dodatku.

4. Razen če ni drugače dogovorjeno, se pregled med letom izvede ob jasnem vremenu podnevi nad kalibracijskimi tarčami, ki ustrezajo vsaki vrsti senzorjev na opazovalnem letalu, v skladu z določbami II. razdelka Priloge 1 k temu dodatku, da se določi ločljivost na zemlji za vsak senzor.

5. Država pogodbenica, ki izvaja certificiranje, zagotovi pri pregledu senzorjev med letom podatke o vremenskih razmerah na kraju kalibracijskih tarč, ki so potrebni za izračune po postopkih, določenih v III. razdelku Priloge 1 k temu dodatku.

6. Vsaka država pogodbenica ima pravico določiti osebje, ki sodeluje pri pregledu med letom. Če število tako določenih oseb presega zmogljivost opazovalnega letala za prevoz potnikov, se države pogodbenice, ki sodelujejo pri certificiranju, dogovorijo, kdo od njihovega osebja sodeluje pri pregledu med letom.

7. Osebje držav pogodbenic, določeno po šestem odstavku tega razdelka, ima pravico opazovati, kako osebje države, ki izvaja certificiranje, upravlja senzorje.

8. Osebje držav pogodbenic, ki sodelujejo pri certificiranju, ima pravico opazovati odpečatenje kasete filma ter shranitev in obdelavo izvirnega negativnega filma, osvetljenega med letom, ter ravnanje z njim v skladu z določbami II. razdelka Dodatka K k pogodbi.



## SECTION IV. CERTIFICATION REPORT

1. Upon completion of the ground and in-flight examinations, data collected by sensors and from the calibration targets shall be examined jointly by the State Party conducting the certification and the States Parties taking part in the certification. These States Parties shall prepare a certification report which shall establish:

(A) that the observation aircraft is of a type and model designated pursuant to Article V of the Treaty;

(B) that the sensors installed on the observation aircraft are of a category provided for in Article IV, paragraph 1 of the Treaty and satisfy the requirements of Article IV, paragraph 2 of the Treaty;

(C) that the technical information on sensors has been provided in accordance with Annex B, Section I to the Treaty;

(D) in the event that the ground resolution of a sensor is dependent upon height above ground level, the minimum height above ground level at which each such sensor on an observation aircraft of that type and model may be operated during an observation flight pursuant to the limitation on ground resolution specified in Article IV, paragraph 2 of the Treaty;

(E) in the event that the ground resolution is not dependent upon height above ground level, the ground resolution of each such sensor installed on an observation aircraft of that type and model, pursuant to the limitations on ground resolution specified in Article IV, paragraph 2 of the Treaty; and

(F) that the covers for sensor apertures or other devices that inhibit the operation of sensors are in accordance with the provisions of Article IV, paragraph 4 of the Treaty.

2. A copy of the information for each sensor provided pursuant to Section I, paragraph 6 and Section II, paragraphs 3 and 8 of this Annex shall be attached to the certification report.

3. Copies of the certification report shall be provided to all other States Parties by the State Party conducting the certification. States Parties that did not take part in the certification shall not have the right to reject the conclusions contained in the certification report.

4. An observation aircraft and its associated set of sensors shall be deemed to be certified unless the States Parties taking part in the certification are unable to reach agreement on the contents of the certification report.

5. In the event that the State Party conducting the certification and States Parties taking part in the certification are unable to reach agreement on the contents of the certification report, the observation aircraft shall not be used for observation flights until the issue is resolved.

#### APPENDIX 1 TO ANNEX D METHODOLOGIES FOR THE VERIFICATION OF THE PERFORMANCE OF SENSORS INSTALLED ON AN OBSERVATION AIRCRAFT

The ground resolution of each sensor installed on the observation aircraft, and, where its performance depends on height above ground level, the minimum height above ground level at which this sensor may be operated during an observation flight, shall be determined and confirmed on the basis of data collected over calibration targets appropriate to each category of sensor in accordance with the specifications in Section I and calculated in accordance with the methodologies to be determined within the Open Skies Consultative Commission.

## IV. RAZDELEK: POROČILO O CERTIFICIRANJU

1. Po končanem pregledu na tleh in med letom senzorske podatke in podatke s kalibracijskih tarč skupaj pregledajo država pogodbenica, ki izvaja certificiranje, in države pogodbenice, ki sodelujejo pri certificiranju. Države pogodbenice pripravijo poročilo o certificiranju, ki ugotavlja:

(A) da sta tip in model opazovalnega letala določena v skladu s V. členom pogodbe;

(B) da senzori, nameščeni na opazovalnem letalu, spadajo v vrsto senzorjev, ki jo določa prvi odstavek IV. člena pogodbe, in ustrezajo zahtevam drugega odstavka IV. člena pogodbe;

(C) da so bili tehnični podatki o senzorjih dani v skladu s 1. razdelkom Dodatka B k pogodbi;

(D) da je, če je ločljivost na zemlji za senzor odvisna od višine nad tlemi, najnižja višina nad tlemi, na kateri sme vsak tak senzor tega tipa in modela, nameščen na opazovalnem letalu, delovati med opazovalnim letom, v skladu z omejitvijo ločljivosti na zemlji, določeno v drugem odstavku IV. člena pogodbe;

(E) da je, če ločljivost na zemlji za senzor ni odvisna od višine nad tlemi, ločljivost na zemlji za vsak tak senzor tega tipa in modela, nameščen na opazovalnem letalu, skladna z omejitvami ločljivosti na zemlji, določenimi v drugem odstavku IV. člena pogodbe, ter

(F) da pokrovi za odprtine senzorjev ali druge naprave, ki onemogočajo delovanje senzorjev, ustrezajo določbam četrtega odstavka IV. člena pogodbe.

2. Poročilo o certificiranju se priloži kopija podatkov za vsak senzor v skladu z določbami šestega odstavka I. razdelka ter tretjega in osmega odstavka II. razdelka tega dodatka.

3. Država pogodbenica, ki izvaja certificiranje, pošlje kopije poročila o certificiranju vsem drugim državam pogodbenicam. Države pogodbenice, ki niso sodelovale pri certificiranju, nimajo pravice zavrniti sklepnih ugotovitev poročila o certificiranju.

4. Šteje se, da je opazovalno letalo skupaj s senzori certificirano, razen če se države pogodbenice, ki sodelujejo pri certificiranju, ne morejo sporazumeti o vsebini poročila o certificiranju.

5. Če se država pogodbenica, ki izvaja certificiranje, in države pogodbenice, ki sodelujejo pri certificiranju, ne morejo sporazumeti o vsebini poročila o certificiranju, se opazovalno letalo ne sme uporabiti za opazovalne lete, dokler zadeva ni rešena.

#### PRILOGA 1 K DODATKU D POSTOPKI ZA VERIFIKACIJO DELOVANJA SENZORJEV, NAMEŠČENIH NA OPAZOVALNEM LETALU

Ločljivost na zemlji za vsak senzor, nameščen na opazovalnem letalu, kadar pa je njegovo delovanje odvisno od višine nad tlemi, tudi najnižja višina nad tlemi, pri kateri je dovoljeno upravljati senzor med opazovalnim letom, se določita in potrdita na podlagi podatkov, zbranih nad kalibracijskimi tarčami, ki ustrezajo posamezni vrsti senzorja v skladu z značilnostmi iz I. razdelka, ter izračunata v skladu s postopki, ki jih določi posvetovalna komisija za odprte zračne prostore.

## SECTION I. SPECIFICATIONS FOR CALIBRATION TARGETS

1. Calibration targets shall be provided by the State Party conducting the certification in accordance with the provisions of Annex D to the Treaty. Such calibration targets shall be used to establish the ground resolution of sensors, of a type appropriate to each sensor category, and designed in accordance with characteristics specified below.

2. Calibration targets for establishing the ground resolution of optical cameras shall consist of a series of groups of alternating black and white bars. Each group of bars shall consist of a minimum of two black bars separated by a white bar. The width of black and white bars within a group shall remain constant. The width of the bars in groups of bars in the calibration target shall change in steps sufficient to ensure accurate measurement of the ground resolution. The length of the bars shall remain constant within each group. The contrast ratio of the black to white bars shall be consistent throughout the target and shall be at least 5 to 1 (equivalent to a modulation of 0.66).

3. Calibration targets for establishing the ground resolution of infra-red line-scanning devices shall be determined within the Open Skies Consultative Commission during the period of provisional application.

4. Calibration targets for establishing the ground resolution of sideways-looking synthetic aperture radar shall consist of arrays of trihedral corner reflectors whose configuration shall be in accordance with the methodologies determined within the Open Skies Consultative Commission during the period of provisional application.

5. Each State Party shall provide all other States Parties with a diagram of the calibration targets that it intends to use for the purpose of in-flight examination. Such diagrams shall be annotated with the overall dimensions of the calibration targets, their locations and the type of terrain on which they are deployed, as well as the information appropriate to each type of calibration target as determined within the Open Skies Consultative Commission during the period of provisional application.

## SECTION II. CONDUCT OF IN-FLIGHT EXAMINATION

1. In order to establish the ground resolution of panoramic or vertically-installed framing cameras, the line of flight of the observation aircraft shall be directly over and parallel to the calibration target. In order to establish the ground resolution of obliquely-installed framing cameras, the line of flight of the observation aircraft shall be parallel to the calibration target at a range such that the image of the calibration target appears in the foreground of the field of view of the optical camera set at its maximum angle measured from the horizontal or minimum angle measured from the vertical.

2. In order to establish the ground resolution of an infra-red line-scanning device, the line of flight of the observation aircraft shall be directly over and parallel to the calibration target at an agreed range of heights above ground level.

3. In order to establish the ground resolution of a sideways-looking synthetic aperture radar, the line of flight of the observation aircraft shall be to the side of the array of the corner reflectors.

## SECTION III. ANALYSIS OF DATA COLLECTED DURING THE IN-FLIGHT EXAMINATION

1. Following the in-flight examination, the State Party conducting the certification and the States Parties taking part in the certification shall jointly analyse the data collected during the in-flight examination pursuant to Annex D, Section IV, paragraph 1 to the Treaty.

## I. RAZDELEK: ZAHTEVE ZA KALIBRACIJSKE TARČE

1. Kalibracijske tarče priskrbi država pogodbenica, ki izvaja certificiranje, v skladu z določbami Dodatka D k pogodbi. Uporabijo se za določanje ločljivosti na zemlji za senzorje, in sicer za vsak tip vsake vrste senzorja, in označijo v skladu s tu navedenimi značilnostmi.

2. Kalibracijske tarče za ugotavljanje ločljivosti na zemlji za optične kamere sestavljajo izmenične črne in bele proge. Vsaka skupina prog mora imeti najmanj dve črni prog, ločeni z belo prog. Širina črnih in belih prog v skupini se ne sme spreminjati. Širina prog v skupinah prog kalibracijske tarče se spreminja v primernih stopnjah, da se zagotovi točna meritev ločljivosti na zemlji. Dolžina prog v okviru skupine se ne spreminja. Kontrastno razmerje med belimi in črnimi progami je enako za vso tarčo in mora biti vsaj 5 proti 1 (kar ustreza modulaciji 0,66).

3. Kalibracijske tarče za ugotavljanje ločljivosti na zemlji za infrardeče premočrtne čitalnike določi posvetovalna komisija za odprte zračne prostore med začasno uporabo pogodbe.

4. Kalibracijske tarče za ugotavljanje ločljivosti na zemlji za zbirni aperturni radar za bočno opazovanje so sestavljene iz piramidastih kotnih reflektorjev, razporejenih v skladu s postopki, ki jih določi posvetovalna komisija za odprte zračne prostore med začasno uporabo pogodbe.

5. Vsaka država pogodbenica predloži vsem drugim državam pogodbenicam diagrame kalibracijskih tarč, ki jih namerava uporabiti za pregled med letom. Na teh diagramih so navedeni velikost kalibracijskih tarč, kraj njihove namestitve in vrsta terena, na katerem so postavljene, ter podatki za vsak tip kalibracijske tarče, kot jih določi posvetovalna komisija za odprte zračne prostore med začasno uporabo pogodbe.

## II. RAZDELEK: IZVAJANJE PREGLEDA MED LETOM

1. Za ugotavljanje ločljivosti na zemlji za panoramske ali navpično nameščene kamere za posamezne posnetke mora biti smer leta opazovalnega letala neposredno nad kalibracijsko tarčo in vzporedno z njo. Za ugotavljanje ločljivosti na zemlji za poševno nameščene kamere za posamezne posnetke mora biti smer leta opazovalnega letala vzporedna s kalibracijsko tarčo na taki razdalji, da se slika kalibracijske tarče pojavi v ospredju vidnega polja optične kamere pri največjem kotu, merjenem od vodoravnice, ali pri najmanjšem kotu, merjenem od navpičnice.

2. Za ugotavljanje ločljivosti na zemlji za infrardeče premočrtne čitalnike mora biti smer leta opazovalnega letala neposredno nad kalibracijsko tarčo in vzporedno z njo na dogovorjeni višini nad tlemi.

3. Za ugotavljanje ločljivosti na zemlji za zbirni aperturni radar za bočno opazovanje mora biti smer leta opazovalnega letala bočno od razvrščenih kotnih reflektorjev.

## III. RAZDELEK: ANALIZA PODATKOV, ZBRANIH PRI PREGLEDU MED LETOM

1. Po končanem pregledu med letom država pogodbenica, ki izvaja certificiranje, in države pogodbenice, ki sodelujejo pri certificiranju, skupno analizirajo podatke, zbrane pri pregledu med letom, v skladu s prvim odstavkom IV. razdelka Dodatka D k pogodbi.

2. The methodology for calculating the minimum height above ground level at which each optical camera installed on the observation aircraft may be operated during an observation flight, including the value of the contrast ratio or the equivalent modulation to be used in this calculation, which shall be not less than 1.6:1 (correspondingly 0.23) and not greater than 4:1 (correspondingly 0.6), shall be determined within the Open Skies Consultative Commission during the period of provisional application and prior to 30 June 1992. The ground resolution of optical cameras shall be determined from a visual analysis of the image of the calibration target on the original film negative. The numerical value of ground resolution shall be equal to the width of the smallest bar of the calibration target that is distinguishable as a separate bar.

3. The methodology for calculating the minimum height above ground level at which each video camera installed on the observation aircraft may be operated during an observation flight shall be determined within the Open Skies Consultative Commission during the period of provisional application.

4. The methodology for calculating the minimum height above ground level at which an infra-red line-scanning device installed on the observation aircraft may be operated during an observation flight, including the value of the minimum resolvable temperature difference to be used in this calculation, shall be determined within the Open Skies Consultative Commission during the period of provisional application.

5. The methodology for calculating the ground resolution of a sideways-looking synthetic aperture radar, including the determination of the relationship between the impulse response method and the object separation method, shall be determined within the Open Skies Consultative Commission during the period of provisional application.

## **ANNEX E PROCEDURES FOR ARRIVALS AND DEPARTURES**

1. Each State Party shall designate one or more points of entry, one or more points of exit, and one or more Open Skies airfields on its territory. Points of entry and points of exit may or may not be the same as the Open Skies airfields. Unless otherwise agreed, if an Open Skies airfield is different from a point of entry, the Open Skies airfield shall be designated so that the observing Party can reach the Open Skies airfield within five hours from the point of entry either in its own observation aircraft or in transportation provided by the observed Party. The observing Party, after arriving at a point of entry or an Open Skies airfield, shall have the right to a rest period, subject to the provisions of Article VI of the Treaty.

2. Each State Party shall have the right to designate entry fixes and exit fixes. If a State Party elects to designate entry fixes and exit fixes, such fixes shall facilitate flight from the territory of the observing Party to the point of entry of the observed Party. Planned flights between entry fixes and points of entry and between points of exit and exit fixes shall be conducted in accordance with published ICAO standards and recommended practices and national regulations. In the event that portions of the flights between entry fixes and points of entry or between points of exit and exit fixes lie in international airspace, the flight through international airspace shall be conducted in accordance with published international regulations.

3. Information on points of entry and points of exit, Open Skies airfields, entry fixes and exit fixes, refuelling airfields, and calibration targets shall initially be as specified in Appendix 1 to this Annex.

2. Postopek za izračun najmanjše višine nad tlemi, pri kateri je dovoljeno upravljati posamezno optično kamero na opazovalnem letalu med opazovalnim letom, vključno z vrednostjo kontrastnega razmerja ali z enakovredno modulacijo, ki se uporabi pri tem izračunu in naj ne bo manjša od 1,6: 1 (temu ustreza 0,23) in ne večja od 4: 1 (temu ustreza 0,6), določi posvetovalna komisija za odprte zračne prostore med začasno uporabo pogodbe in pred 30. junijem 1992. Ločljivost na zemlji za optične kamere se določi z vizualno analizo slike kalibracijske tarče na izvirnem negativu filma. Številčna vrednost ločljivosti na zemlji je enaka širini najožje proge kalibracijske tarče, ki se še razloči kot ločena proga.

3. Postopek za izračun najmanjše višine nad tlemi, pri kateri je dovoljeno upravljati posamezno videokamero na opazovalnem letalu med opazovalnim letom, določi posvetovalna komisija za odprte zračne prostore med začasno uporabo pogodbe.

4. Postopek za izračun najmanjše višine nad tlemi, pri kateri je dovoljeno upravljati infrardeči premočrtni čitalnik na opazovalnem letalu med opazovalnim letom, vključno z vrednostjo najmanjše ločljive temperaturne razlike, ki se uporabi pri tem izračunu, določi posvetovalna komisija za odprte zračne prostore med začasno uporabo pogodbe.

5. Postopek za izračun ločljivosti na zemlji, pri kateri je dovoljeno upravljati zbirni aperturni radar za bočno opazovanje, vključno z ugotavljanjem razmerja med metodo impulznega odziva in metodo ločljivosti objekta, določi posvetovalna komisija za odprte zračne prostore med začasno uporabo pogodbe.

## **DODATEK E POSTOPKI ZA PRIHODE IN ODHODE**

1. Vsaka država pogodbenica na svojem ozemlju določi eno ali več točk vstopa, eno ali več točk izstopa in eno ali več letališč odprtih zračnih prostorov. Točke vstopa in točke izstopa so lahko tudi letališča odprtih zračnih prostorov. Če ni drugače dogovorjeno in če točka vstopa ni letališče odprtih zračnih prostorov, se letališče odprtih zračnih prostorov določi tako, da ga opazovalka lahko doseže v petih urah od točke vstopa s svojim opazovalnim letalom ali prevoznim sredstvom, ki ga priskrbi opazovalka. Opazovalka ima po prihodu na točko vstopa ali na letališče odprtih zračnih prostorov pravico do počitka, kot je določeno v VI. členu pogodbe.

2. Vsaka država pogodbenica ima pravico določiti stalne točke vstopa in stalne točke izstopa. Če se država pogodbenica odloči določiti stalne točke vstopa in izstopa, naj te točke olajšujejo let z ozemlja opazovalke do točke vstopa na ozemlju opazovalke. Načrtovani leti med stalnimi točkami vstopa in točkami vstopa ter med točkami izstopa in stalnimi točkami izstopa morajo biti izvedeni v skladu s standardi in priporočili ICAO ter nacionalnimi predpisi. Če so deli letov med stalnimi točkami vstopa in točkami vstopa ali med točkami izstopa in stalnimi točkami izstopa v mednarodnem zračnem prostoru, mora biti let skozi mednarodni zračni prostor usklajen z objavljenimi mednarodnimi predpisi.

3. V Prilogi 1 k temu dodatku so navedeni podatki o točkah vstopa in izstopa, letališčih odprtih zračnih prostorov, stalnih točkah vstopa in izstopa, letališčih za polnjenje z gorivom in o kalibracijskih tarčah.

4. A State Party shall have the right to introduce changes to Appendix 1 to this Annex by notifying all other States Parties of such changes, in writing, no less than 90 days before such changes become effective.

5. Each State Party shall ensure effective observation of its entire territory as follows:

(A) for its mainland territory, Open Skies airfields shall be designated in such a way that no point on its territory is farther from one or more such airfields than 35 per cent of the maximum flight distance or distances established for that State Party in accordance with Annex A to the Treaty;

(B) for portions of its territory that are separated from the mainland territory:

(1) that State Party shall apply the provisions of subparagraph (A) of this paragraph; or

(2) in the event that the portion or portions of the territory are separated from the mainland territory by more than 600 kilometres, or if agreed between that State Party and the observing Party, or if otherwise provided for in Annex A, that State Party shall provide special procedures, including the possible use of refuelling airfields; or

(3) in the event that a portion or portions of the territory are separated from the mainland territory by less than 600 kilometres, and such portion or portions of the territory are not covered by the provisions of subparagraph (A) of this paragraph, that State Party may specify a separate maximum flight distance in Annex A to cover such portion or portions of its territory.

6. Immediately upon the arrival of an observation aircraft at the point of entry, and immediately prior to the departure of an observation aircraft from the point of exit, both the observed and observing Parties shall inspect the covers for sensor apertures or other devices that inhibit the operation of sensors installed in accordance with Article IV, paragraph 4. In the event that the point of entry is different from the Open Skies airfield from which the observation flight commences, both the observed and observing Parties shall inspect the covers for sensor apertures or other devices that inhibit the operation of sensors immediately prior to departure of the observation aircraft from the point of entry en route to the Open Skies airfield from which the observation flight commences. In the event that the point of exit is different from the Open Skies airfield at which the observation flight terminates, both the observed and observing Parties shall inspect the covers for sensor apertures or other devices that inhibit the operation of sensors immediately prior to departure of the observation aircraft from such airfield en route to the point of exit.

7. A State Party shall have the right to conduct an examination and inventory of the items of equipment that the other State Party intends to use for the purpose of conducting a pre-flight inspection of sensors and, if applicable, the observation aircraft, as well as items that the flight representatives intend to bring on board the observation aircraft. This examination and inventory:

(A) shall begin no later than one hour after arrival of such items at the point of entry or the Open Skies airfield, at the choice of the State Party conducting the inventory, and shall be completed within one hour; and

(B) shall be carried out in the presence of one or more designated individuals of the other State Party.

4. Država pogodbenica ima pravico spremeniti Prilogo 1 k temu dodatku, s tem da najpozneje 90 dni pred začetkom veljavnosti sprememb pisno uradno obvesti vse druge države pogodbenice o teh spremembah.

5. Vsaka država pogodbenica zagotovi uspešno opazovanje svojega celotnega ozemlja, in sicer:

(A) na kopenskem delu ozemlja se letališča odprtih zračnih prostorov določijo tako, da ni nobena točka ozemlja od enega ali več takih letališč oddaljena več kot 35 odstotkov največje razdalje ali razdalj leta, določenih za to državo pogodbenico v skladu z Dodatkom A k pogodbi;

(B) za dele ozemlja, ločene od kopnega:

(1) država pogodbenica uporablja določbe pododstavka (A) tega odstavka, ali

(2) če so del ali deli ozemlja več kot 600 kilometrov oddaljeni od kopnega ali če se tako dogovorita ta država pogodbenica in opazovalka ali če je v Dodatku A predvideno drugače, ta država pogodbenica zagotovi posebne postopke, vključno z možno uporabo letališč za polnjenje z gorivom, ali

(3) če so del ali deli ozemlja ločeni od kopnega manj kot 600 kilometrov in ti deli ne spadajo pod določbe pododstavka (A) tega odstavka, lahko ta država pogodbenica v Dodatku A določi posebej navedeno največjo razdaljo leta, ki pokriva tak del ali dele njenega ozemlja.

6. Takoj ob prihodu opazovalnega letala na točko vstopa in tik pred odhodom opazovalnega letala s točke izstopa opazovanka in opazovalka pregledata pokrove za odprtine senzorjev ali druge naprave, ki onemogočajo delovanje senzorjev in so nameščene v skladu s četrnim odstavkom IV. člena. Če točka vstopa ni letališče odprtih zračnih prostorov, s katerega se začne opazovalni let, opazovanka in opazovalka pregledata pokrove za odprtine senzorjev ali druge naprave, ki onemogočajo delovanje senzorjev, tik pred odhodom opazovalnega letala s točke vstopa na pot do letališča odprtih zračnih prostorov, s katerega se začne opazovalni let. Če točka izstopa ni letališče odprtih zračnih prostorov, na katerem se opazovalni let konča, opazovanka in opazovalka pregledata pokrove za odprtine senzorjev ali druge naprave, ki onemogočajo delovanje senzorjev, tik pred odhodom opazovalnega letala s tega letališča do točke izstopa.

7. Država pogodbenica ima pravico pregledati in popisati vso opremo, ki jo namerava druga država pogodbenica uporabiti za pregled senzorjev pred letom, in če ustreza, opazovalnega letala, ter predmete, ki jih nameravajo v opazovalno letalo prinesiti predstavniki leta. Pregled in popis:

(A) se začneta najpozneje eno uro po prihodu na točko vstopa ali na letališče odprtih zračnih prostorov po izbiri države, ki popisuje, in se končata v eni uri ter

(B) se izvedeta v prisotnosti ene ali več oseb, ki jih je določila druga država pogodbenica.

8. If, during the examination and inventory of the items of equipment to be used in the sensor inspection and, if applicable, observation aircraft inspection, as well as the items that the flight representatives intend to bring on board the observation aircraft, the State Party conducting the examination and inventory determines that the items do not conform to the list of authorized equipment contained in Annex D, Section II, paragraph 5, or to the items described in Annex G, Section I, paragraph 4, it shall have the right to deny permission for the use of such items. Items so identified that are brought into the territory of the observed Party by the observing Party shall be, unless otherwise agreed:

(A) placed in a sealed container for safekeeping; and

(B) subsequently removed from the territory of the observed Party at the earliest opportunity, but not later than the departure of the observing Party from the territory of the observed Party.

9. In the event that the observing Party travels to the point of entry specified in the notification provided in accordance with Article VI, Section I, paragraph 5 of this Treaty, using a transport aircraft registered with the observing Party or with another State Party, the transport aircraft shall be permitted:

(A) to depart from the territory of the observed Party;

(B) in the event that the point of entry is the same as the point of exit, to remain at the point of entry until departure of the observing Party from the territory of the observed Party; or

(C) in the event that the point of entry is not the same as the point of exit, to fly to the point of exit in sufficient time for further crew rest prior to departure of all the personnel of the observing Party from the territory of the observed Party.

10. In the event that the observation aircraft is provided by the observed Party and the observing Party does not use its own transport aircraft for transporting its personnel from the point of entry to the Open Skies airfield, the observed Party shall ensure that the personnel of the observing Party are transported from the point of entry to the Open Skies airfield and from the Open Skies airfield to the point of exit.

8. Če med pregledom in popisom opreme, ki naj bi se uporabila pri pregledu senzorjev, in če to ustreza, opazovalnega letala, ter predmetov, ki jih nameravajo v opazovalno letalo prinesiti predstavniki leta, država pogodbenica, ki pregleduje in popisuje, ugotovi, da oprema in predmeti ne ustrezajo seznamu uradno dovoljene opreme iz petega odstavka II. razdelka Dodatka D ali predmetom, opisanim v četrtem odstavku I. razdelka Dodatka G, ima država pogodbenica pravico, da ne da dovoljenja za njihovo uporabo. Take predmete, ki jih je osebje opazovalke prineslo na ozemlje opazovanke, je treba, če ni drugače dogovorjeno:

(A) shraniti v zapečatenem zabojniku in

(B) nato z ozemlja opazovanke odstraniti ob prvi priložnosti, vendar najpozneje ob odhodu opazovalke z ozemlja opazovanke.

9. Če opazovalka do točke vstopa, določene v uradnem obvestilu, ki je bilo dano v skladu s petim odstavkom I. razdelka IV. člena pogodbe, potuje s transportnim letalom, registriranim v opazovalki ali drugi državi pogodbenici, sme transportno letalo:

(A) odleteti z ozemlja opazovanke;

(B) če je točka vstopa enaka točki izstopa, ostati na točki vstopa do odhoda opazovalke z ozemlja opazovanke, ali

(C) če točka vstopa ni enaka točki izstopa, leteti do točke izstopa v času, ki omogoča posadki dodatni počitek pred odhodom vsega osebja opazovalke z ozemlja opazovanke.

10. Če je opazovalno letalo priskrbela opazovanica in opazovalka ne namerava uporabiti lastnega transportnega letala za prevoz svojega osebja s točke vstopa do letališča odprtih zračnih prostorov, opazovanica zagotovi, da je vse osebje opazovalke pripeljano s točke vstopa do letališča odprtih zračnih prostorov in z letališča odprtih zračnih prostorov do točke izstopa.

## ANNEX E APPENDIX 1

### SECTION I. DESIGNATION OF SITES

The sites to be used as points of entry, points of exit, Open Skies airfields, refuelling airfields, calibration targets, and, if applicable, entry fixes and exit fixes are initially as specified in Section II of this Appendix. The designation includes:

(A) Site: name of point of entry, point of exit, Open Skies airfield, entry fix, exit fix, refuelling airfield, and calibration target;

(B) Location: latitude and longitude of the respective site, to the nearest second; and

(C) Inspection: whether or not the pre-flight inspection of the aircraft or the sensors can be conducted at this site.

## DODATEK E PRILOGA 1

### I. RAZDELEK: DOLOČANJE KRAJEV

Kraji, ki bodo uporabljeni kot točke vstopa, točke izstopa, letališča odprtih zračnih prostorov, letališča za polnjenje z gorivom, kalibracijske tarče, in če ustreza, stalne točke vstopa in stalne točke izstopa so začetno določeni v II. razdelku te priloge. Določitev vsebuje:

(A) kraj: ime točke vstopa, točke izstopa, letališča odprtih zračnih prostorov, stalne točke vstopa, stalne točke izstopa, letališča za polnjenje z gorivom in kalibracijske tarče;

(B) položaj: zemljepisno širino in dolžino omenjenih krajev na sekundo natančno ter

(C) pregled: ali je lahko pregled letala ali senzorjev izveden pred letom na tem kraju.

## SECTION II. POINTS OF ENTRY, POINTS OF EXIT, OPEN SKIES AIRFIELDS, ENTRY FIXES, EXIT FIXES, REFUELLING AIRFIELDS, AND CALIBRATION TARGETS

## II. RAZDELEK: TOČKE VSTOPA, TOČKE IZSTOPA, LETALIŠČA ODPRTIH ZRAČNIH PROSTOROV, STALNE TOČKE VSTOPA, STALNE TOČKE IZSTOPA, LETALIŠČA ZA POLNJENJE Z GORIVOM IN KALIBRACIJSKE TARČE

State Party: The Federal Republic of Germany

Država pogodbenica: Zvezna republika Nemčija

<u>POINT OF ENTRY/EXIT</u>			<u>TOČKA VSTOPA/IZSTOPA</u>		
SITE	LOCATION	INSPECTION OF AIRCRAFT/ SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Köln/Bonn (EDDK)	N 50-52-02 E 007-08-37	Yes	Köln/Bonn (EDDK)	N 50-52-02 E 007-08-37	da
<u>OPEN SKIES AIRFIELDS</u>			<u>LETALIŠČI ODPRTIH ZRAČNIH PROSTOROV</u>		
SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Wunstorf (EDNW)	N 52-27-48 E 009-25-70	No	Wunstorf (EDNW)	N 52-27-48 E 009-25-70	ne
Landsberg/Lech (EDSA)	N 48-04-28 E 010-54-42	No	Landsberg ob Lechu (EDSA)	N 48-04-28 E 010-54-42	ne
<u>ENTRY/EXIT FIXES</u>			<u>STALNE TOČKE VSTOPA/IZSTOPA</u>		
To be determined			Bodo določene.		
<u>REFUELLING AIRFIELDS</u>			<u>LETALIŠČA ZA POLNJENJE Z GORIVOM</u>		
<u>CALIBRATION TARGETS</u>			<u>KALIBRACIJSKE TARČE</u>		
SITE	LOCATION		KRAJ	POLOŽAJ	
Köln/Bonn	To be determined		Köln/Bonn	Bo določen.	

State Party: The United States of America

Država pogodbenica: Združene države Amerike

<u>POINTS OF ENTRY/EXIT</u>			<u>TOČKI VSTOPA/IZSTOPA</u>		
SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Washington Dulles International, DC	N 38-56-36 W 077-27-24	Yes	Washington Dulles, mednarodno, DC	N 38-56-36 W 077-27-24	da
Travis AFB California	N 38-15-48 W 121-55-48	Yes	Travis AFB Kalifornija	N 38-15-48 W 121-55-48	da
<u>OPEN SKIES AIRFIELDS</u>			<u>LETALIŠČA ODPRTIH ZRAČNIH PROSTOROV</u>		
SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Washington Dulles International, DC	N 38-56-36 W 077-27-24	Yes	Washington Dulles, mednarodno, DC	N 38-56-36 W 077-27-24	da
Travis AFB California	N 38-15-48 W 121-55-48	Yes	Travis AFB Kalifornija	N 38-15-48 W 121-55-48	da
Elmendorf AFB Alaska	N 61-15-12 W 149-47-30	Yes	Elmendorf AFB Aljaska	N 61-15-12 W 149-47-30	da
Lincoln Municipal Nebraska	N 40-51-00 W 096-45-30	No	Lincoln Municipal Nebraska	N 40-51-00 W 096-45-30	ne

ENTRY/EXIT FIXES

To be determined

STALNE TOČKE VSTOPA/IZSTOPA

Bodo določene.

REFUELLING AIRFIELDSHonolulu International  
Hawaii N 21-19-06  
W 157-55-24Malmstrom AFB  
Montana N 47-30-18  
W 111-11-00Phoenix-Sky Harbor  
International Arizona N 33-26-12  
W 112-00-24General Mitchell  
International Wisconsin N 42-56-48  
W 087-53-36McGhee Tyson  
Tennessee N 35-48-48  
W 083-59-36Honolulu, mednarodno  
Havaji N 21-19-06  
W 157-55-24Malmstrom AFB  
Montana N 47-30-18  
W 111-11-00Phoenix-Sky Harbor,  
mednarodno, Arizona N 33-26-12  
W 112-00-24General Mitchell,  
mednarodno, Wisconsin N 42-56-48  
W 087-53-36McGhee Tyson  
Tennessee N 35-48-48  
W 083-59-36LETALIŠČA ZA POLNJENJE Z GORIVOMCALIBRATION TARGETSSITE LOCATION  
Washington Dulles To be determined

Travis AFB To be determined

Elmendorf AFB To be determined

KALIBRACIJSKE TARČEKRAJ POLOŽAJ  
Washington Dulles Bo določen.

Travis AFB Bo določen.

Elmendorf AFB Bo določen.

State Party: Republic of Belarus and the Russian Federation  
group of States PartiesDržava pogodbenica: Republika Belorusija in Ruska federacija  
kot skupina držav pogodbenicPOINTS OF ENTRY/EXITSITE LOCATION INSPECTION OF  
Kubinka N 55-36-30 AIRCRAFT/SENSORS  
E 036-39-10 YesUlan-Ude N 51-48-00 Yes  
E 107-27-00TOČKI VSTOPA/IZSTOPAKRAJ POLOŽAJ PREGLED  
Kubinka N 55-36-30 LETALA/SENZORJEV  
E 036-39-10 daUlan-Ude N 51-48-00 da  
E 107-27-00OPEN SKIES AIRFIELDSSITE LOCATION INSPECTION OF  
Kubinka N 55-36-30 AIRCRAFT/SENSORS  
E 036-39-10 YesUlan-Ude N 51-48-00 Yes  
E 107-27-00Magadan N 59-54-06 No  
E 150-03-01Vorkuta N 67-29-00 No  
E 063-59-00LETALIŠČA ODPRTIH ZRAČNIH PROSTOROVKRAJ POLOŽAJ PREGLED  
Kubinka N 55-36-30 LETALA/SENZORJEV  
E 036-39-10 daUlan-Ude N 51-48-00 da  
E 107-27-00Magadan N 59-54-06 ne  
E 150-03-01Vorkuta N 67-29-00 ne  
E 063-59-00ENTRY/EXIT FIXES

To be determined

STALNE TOČKE VSTOPA/IZSTOPA

Bodo določene.

REFUELLING AIRFIELDSCALIBRATION TARGETS

SITE LOCATION

LETALIŠČA ZA POLNJENJE Z GORIVOMKALIBRACIJSKE TARČE

KRAJ POLOŽAJ

State Party: Benelux

Država pogodbenica: Beneluxs

POINT OF ENTRY/EXITTOČKA VSTOPA/IZSTOPA

SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Zaventem/ Melsbroek	N 50-54-01 W 004-59-09	Yes	Zaventem/ Melsbroek	N 50-54-01 W 004-59-09	da

OPEN SKIES AIRFIELDLETALIŠČE ODPRTIH ZRAČNIH PROSTOROV

SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Zaventem/ Melsbroek	N 50-54-01 W 004-59-09	Yes	Zaventem/ Melsbroek	N 50-54-01 W 004-59-09	da

ENTRY/EXIT FIXESSTALNE TOČKE VSTOPA/IZSTOPA

To be determined

Bodo določene.

REFUELLING AIRFIELDSLETALIŠČA ZA POLNJENJE Z GORIVOMCALIBRATION TARGETSKALIBRACIJSKE TARČE

SITE	LOCATION	KRAJ	POLOŽAJ
Volkel	N 54-39-03 W 005-42-02	Volkel	N 54-39-03 W 005-42-02

State Party: Republic of Bulgaria

Država pogodbenica: Republika Bolgarija

POINT OF ENTRY/EXITTOČKA VSTOPA/IZSTOPA

SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Sofia	N 42-41-07 E 023-24-05	Yes	Sofija	N 42-41-07 E 023-24-05	da

OPEN SKIES AIRFIELDSLETALIŠČI ODPRTIH ZRAČNIH PROSTOROV

SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Sofia	N 42-41-07 E 023-24-05	Yes	Sofija	N 42-41-07 E 023-24-25	da
Burgas	N 42-34-00 E 027-30-00	No	Burgas	N 42-34-00 E 027-30-00	ne

ENTRY/EXIT FIXESSTALNE TOČKE VSTOPA/IZSTOPA

To be determined

Bodo določene.

REFUELLING AIRFIELDSLETALIŠČI ZA POLNJENJE Z GORIVOM

SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ
Sofia	N 42-41-07 E 023-24-05		Sofija	N 42-41-07 E 023-24-05
Burgas	N 42-34-00 E 027-30-00		Burgas	N 42-34-00 E 027-30-00

CALIBRATION TARGETSKALIBRACIJSKE TARČE

SITE	LOCATION	KRAJ	POLOŽAJ



State Party: Canada

Država pogodbenica: Kanada

POINT OF ENTRY/EXITTOČKA VSTOPA/IZSTOPA

SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Ottawa (CYOW)	N 45-19-21 W 075-40-10	Yes	Ottawa (Cyow)	N 45-19-21 W 075-40-10	da

OPEN SKIES AIRFIELDSLETALIŠČA ODPRTIH ZRAČNIH PROSTOROV

SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Ottawa	N 45-19-21 W 075-40-10	Yes	Ottawa	N 45-19-21 W 075-40-10	da
Iqaluit	N 63-45-22 W 068-33-25	No	Iqaluit	N 63-45-22 W 068-33-25	ne
Yellowknife	N 62-27-45 W 114-26-20	No	Yellowknife	N 62-27-45 W 114-26-20	ne

ENTRY/EXIT FIXESSTALNE TOČKE VSTOPA/IZSTOPA

To be determined

Bodo določene.

REFUELLING AIRFIELDSLETALIŠČA ZA POLNJENJE Z GORIVOM

SITE	LOCATION	KRAJ	POLOŽAJ
Edmonton	N 53-18-35 W 113-34-43	Edmonton	N 53-18-35 W 113-34-43
Halifax	N 44-52-51 W 063-30-33	Halifax	N 44-52-51 W 063-30-33
Winnipeg	N 49-54-39 W 097-14-35	Winnipeg	N 49-54-39 W 097-14-35
Churchill	N 58-44-13 W 094-03-26	Churchill	N 58-44-13 W 094-03-26

CALIBRATION TARGETSKALIBRACIJSKE TARČE

SITE	LOCATION	KRAJ	POLOŽAJ
Ottawa area	To be determined	Območje Ottawe	Bo določen.

State Party: The Kingdom of Denmark

Država pogodbenica: Kraljevina Danska

POINTS OF ENTRY/EXITTOČKI VSTOPA/IZSTOPA

SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Copenhagen International Airport (EKCH)	N 55-37-07 E 012-39-26	No	Köbenhavn, mednarodno letališče (EKCH)	N 55-37-07 E 012-39-26	ne
Military Airfield Vaerloese (EKVL)	N 55-46-09 E 012-19-34	Yes	vojaško letališče Vaerloese (EKVL)	N 55-46-09 E 012-19-34	da

<u>OPEN SKIES AIRFIELD</u>			<u>LETALIŠČE ODPRTIH ZRAČNIH PROSTOROV</u>		
SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Military Airfield Vaerloese	N 55-46-09 E 012-19-34	Yes	vojaško letališče Vaerloese	N 55-46-09 E 012-19-34	da

ENTRY/EXIT FIXES

To be determined

STALNE TOČKE VSTOPA/IZSTOPA

Bodo določene.

REFUELLING AIRFIELDS

<u>REFUELLING AIRFIELDS</u>			<u>LETALIŠČI ZA POLNJENJE Z GORIVOM</u>		
SITE	LOCATION	KRAJ	POLOŽAJ		
Vagar Airport (EKVG)	N 62-03-51 W 007-16-26	Vagar, letališče (EKVG)	N 62-03-51 W 007-16-26		
Soendre Stroemfjord International Airport (BGSF)	N 67-01-05 W 050-41-39	Soendre Stroemfjord, mednarodno letališče (BGSF)	N 67-01-05 W 050-41-39		

CALIBRATION TARGETS

<u>CALIBRATION TARGETS</u>			<u>KALIBRACIJSKE TARČE</u>		
SITE	LOCATION	KRAJ	POLOŽAJ		
Military Airfield Vaerloese	N 55-46-09 E 012-19-34	vojaško letališče Vaerloese	N 55-46-09 E 012-19-34		

State Party: The Kingdom of Spain

Država pogodbenica: Kraljevina Španija

POINT OF ENTRY/EXIT

<u>POINT OF ENTRY/EXIT</u>			<u>TOČKA VSTOPA/IZSTOPA</u>		
SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Getafe	N 40-17-43 W 003-43-21	Yes	Getafe	N 40-17-43 W 003-43-21	da

POINT OF ENTRY/EXIT FOR CANARY ISLANDS

<u>POINT OF ENTRY/EXIT FOR CANARY ISLANDS</u>			<u>TOČKA VSTOPA/IZSTOPA ZA KANARSKÉ OTOKE</u>		
SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Gando	N 27-55-49 W 015-23-05	Yes	Gando	N 27-55-49 W 015-23-05	da

OPEN SKIES AIRFIELDS

<u>OPEN SKIES AIRFIELDS</u>			<u>LETALIŠČA ODPRTIH ZRAČNIH PROSTOROV</u>		
SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Getafe	N 40-17-43 W 003-43-21	Yes	Getafe	N 40-17-43 W 003-43-21	da
Valencia	N 39-29-26 W 000-28-50	No	Valencia	N 39-29-26 W 000-28-50	ne
Valladolid	N 41-42-26 W 004-51-02	No	Valladolid	N 41-42-26 W 004-51-02	ne
Moron	N 37-10-34 W 005-36-53	No	Moron	N 37-10-34 W 005-36-53	ne

ENTRY/EXIT FIXES

To be determined

STALNE TOČKE VSTOPA/IZSTOPA

Bodo določene.

REFUELLING AIRFIELDS

Nil

LETALIŠČA ZA POLNJENJE Z GORIVOM

Jih ni.

CALIBRATION TARGETSKALIBRACIJSKE TARČE

SITE	LOCATION	KRAJ	POLOŽAJ
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State Party: The French Republic

Država pogodbenica: Francoska republika

POINT OF ENTRY/EXITTOČKA VSTOPA/IZSTOPA

SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Orleans-Bricy	N 47-59-12 E 001-45-43	Yes	Orleans Bricy	N 47-59-12 E 001-45-43	da

OPEN SKIES AIRFIELDSLETALIŠČA ODPRTIH ZRAČNIH PROSTOROV

SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Orleans-Bricy	N 47-59-12 E 001-45-43	Yes	Orleans Bricy	N 47-59-12 E 001-45-43	da
Toulouse-Blagnac	N 43-37-26 E 001-22-53	No	Toulouse Blagnac	N 43-37-26 E 001-22-53	ne
Nice-Côte d'Azur	N 43-39-47 E 007-12-09	No	Nica –Azurna obala	N 43-39-47 E 007-12-09	ne

ENTRY/EXIT FIXES

To be determined

STALNE TOČKE VSTOPA/IZSTOPA

Bodo določene.

REFUELLING AIRFIELDS

Nil

LETALIŠČA ZA POLNJENJE Z GORIVOM

Jih ni.

CALIBRATION TARGETSKALIBRACIJSKE TARČE

SITE	LOCATION	KRAJ	POLOŽAJ
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State Party: The United Kingdom of Great Britain and Northern Ireland

Država pogodbenica: Združeno kraljestvo Velika Britanija in Severna Irska

POINTS OF ENTRY/EXITTOČKI VSTOPA/IZSTOPA

SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Brize Norton	N 51-44-97 W 001-34-93	Yes	Brize Norton	N 51-44-97 W 001-34-93	da
Heathrow	N 51-28-72 W 000-27-47	No	Heathrow	N 51-28-72 W 000-27-47	ne

NOTE: Heathrow is for arrival of personnel on scheduled passenger services only. Not for observation or transport aircraft.

OPOMBA: Hethrow je namenjen le za prihod osebja na rednih potniških linijah. Ni za opazovalna ali transportna letala.

<u>OPEN SKIES AIRFIELDS</u>			<u>LETALIŠČA ODPRTIH ZRAČNIH PROSTOROV</u>		
SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Brize Norton	N 51-44-97 W 001-34-93	Yes	Brize Norton	N 51-44-97 W 001-34-93	da
Scampton	N 53-18-45 W 000-32-95	Yes	Scampton	N 53-18-45 W 000-32-95	da
Leuchars	N 55-22-38 W 000-52-03	Yes	Leuchars	N 55-22-38 W 000-52-03	da

ENTRY/EXIT FIXES

To be determined by FAA

STALNE TOČKE VSTOPA/IZSTOPA

Določila jih bo FAA.

REFUELLING AIRFIELDS

Nil

LETALIŠČA ZA POLNJENJE Z GORIVOM

Jih ni.

CALIBRATION TARGETS

SITE	LOCATION	KRAJ	POLOŽAJ
Boscombe Down	N 51-09-10 W 001-44-76	Boscombe down	N 51-09-10 W 001-44-76

KALIBRACIJSKE TARČE

State Party: The Hellenic Republic

Država pogodbenica: Helenska republika

<u>POINT OF ENTRY/EXIT</u>			<u>TOČKA VSTOPA/IZSTOPA</u>		
SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Thessaloniki International	N 40-27-22 E 022-59-21	Yes	Solun, mednarodno	N 40-27-22 E 022-59-21	da

<u>OPEN SKIES AIRFIELDS</u>			<u>LETALIŠČI ODPRTIH ZRAČNIH PROSTOROV</u>		
SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Thessaloniki International	N 40-27-22 E 022-59-21	Yes	Solun, mednarodno	N 40-27-22 E 022-59-21	da
Elefsis	N 38-04-00 E 023-33-38	Yes	Elefsis	N 38-04-00 E 023-33-38	da

ENTRY/EXIT FIX

SITE	LOCATION	KRAJ	POLOŽAJ
Chouchouligovo	N 41-24-40 E 023-22-02	Chouchouligovo	N 41-24-40 E 023-22-02

STALNA TOČKE VSTOPA/IZSTOPAREFUELLING AIRFIELDSLETALIŠČA ZA POLNJENJE Z GORIVOMCALIBRATION TARGETSKALIBRACIJSKE TARČE

SITE	LOCATION	KRAJ	POLOŽAJ
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State Party: The Republic of Hungary

Država pogodbenica: Republika Madžarska

POINTS OF ENTRY/EXITTOČKI VSTOPA/IZSTOPA

SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Budapest/Ferihegy (LHBP)	N 47-26-18 E 019-15-48	Yes	Budimpešta Ferihegy (LHBP)	N 47-26-18 E 019-15-48	da
Tokol (LHTL)	N 47-21-14 E 018-58-08	Yes	Tokol (LHTL)	N 47-21-14 E 018-58-08	da

OPEN SKIES AIRFIELDSLETALIŠČI ODPRTIH ZRAČNIH PROSTOROV

SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Budapest/Ferihegy (LHBP)	N 47-26-18 E 019-15-48	Yes	Budimpešta Ferihegy (LHBP)	N 47-26-18 E 019-15-48	da
Tokol (LHTL)	N 47-21-14 E 018-58-08	Yes	Tokol (LHTL)	N 47-21-14 E 018-58-08	da

ENTRY/EXIT FIXES

To be determined

STALNE TOČKE VSTOPA/IZSTOPA

Bodo določene.

REFUELLING AIRFIELDS

None

LETALIŠČA ZA POLNJENJE Z GORIVOM

Jih ni.

CALIBRATION TARGETS

SITE	LOCATION
	To be determined

KALIBRACIJSKE TARČE

KRAJ	POLOŽAJ
	Bo določen.

State Party: The Republic of Iceland

Država pogodbenica: Republika Islandija

POINT OF ENTRY/EXITTOČKA VSTOPA/IZSTOPA

SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Keflavik	N 63-59-48 W 022-36-30	Yes	Keflavik	N 63-59-48 W 022-36-30	da

OPEN SKIES AIRFIELDSLETALIŠČE ODPRTIH ZRAČNIH PROSTOROV

SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
	N 63-59-07 W 022-36-20			N 63-59-07 W 022-36-20	

ENTRY/EXIT FIXES

To be determined

STALNE TOČKE VSTOPA/IZSTOPA

Bodo določene.

REFUELLING AIRFIELDSLETALIŠČA ZA POLNJENJE Z GORIVOM

SITE	LOCATION

KRAJ	POLOŽAJ

CALIBRATION TARGETSKALIBRACIJSKE TARČE

SITE	LOCATION

KRAJ	POLOŽAJ

State Party: The Republic of Italy

Država pogodbenica: Italijanska republika

POINTS OF ENTRY/EXITTOČKI VSTOPA/IZSTOPA

SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Milano-Malpensa	N 45-38-00 E 008-44-00	Yes	Milano Malpensa	N 45-38-00 E 008-44-00	da
Palermo-Punta Raisi	N 38-10-40 E 013-05-20	Yes	Palermo Punta Raisi	N 38-10-40 E 013-05-20	da

OPEN SKIES AIRFIELDSLETALIŠČI ODPRTIH ZRAČNIH PROSTOROV

SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Milano-Malpensa	N 45-38-00 E 008-44-00	Yes	Milano Malpensa	N 45-38-00 E 008-44-00	da
Palermo-Punta Raisi	N 38-10-40 E 013-05-20	Yes	Palermo Punta Raisi	N 38-10-40 E 013-05-20	da

ENTRY/EXIT FIXESSTALNE TOČKE VSTOPA/IZSTOPA

To be determined

Bodo določene.

REFUELLING AIRFIELDSLETALIŠČA ZA POLNJENJE Z GORIVOM

The above-mentioned Open Skies airfields

navedeni letališči odprtih zračnih prostorov

CALIBRATION TARGETSKALIBRACIJSKE TARČE

SITE	LOCATION	KRAJ	POLOŽAJ
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State Party: The Kingdom of Norway

Država pogodbenica: Kraljevina Norveška

POINT OF ENTRY/EXITTOČKA VSTOPA/IZSTOPA

SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Oslo-Gardermoen (ENGM)	N 60-12-10 E 011-05-08	Yes	Oslo Gardermoen (ENGM)	N 60-12-10 E 011-05-08	da

OPEN SKIES AIRFIELDSLETALIŠČI ODPRTIH ZRAČNIH PROSTOROV

SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Oslo-Gardermoen (ENGM)	N 60-12-10 E 011-05-08	Yes	Oslo Gardermoen (ENGM)	N 60-12-10 E 011-05-08	da
Tromsøe-Langnes (ENTC)	N 69-40-53 E 018-55-10	No	Tromsøe Langnes (ENTC)	N 69-40-53 E 018-55-10	ne

ENTRY/EXIT FIXESSTALNE TOČKE VSTOPA/IZSTOPA

To be determined

Bodo določene.

REFUELLING AIRFIELDSLETALIŠČE ZA POLNJENJE Z GORIVOM

SITE	LOCATION	KRAJ	POLOŽAJ
Trondheim-Vaernes (ENVA)	N 63-27-29 E 010-55-33	Trondheim Vaernes (ENVA)	N 63-27-29 E 010-55-33

<u>CALIBRATION TARGETS</u>			<u>KALIBRACIJSKE TARČE</u>		
SITE	LOCATION		KRAJ	POLOŽAJ	
State Party: The Republic of Poland			Država pogodbenica: Republika Poljska		
<u>POINT OF ENTRY/EXIT</u>			<u>TOČKA VSTOPA/IZSTOPA</u>		
SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Warszawa-Okecie	N 52-13-10 E 021-01-10	Yes	Varšava Okecie	N 52-13-10 E 021-01-10	da
<u>OPEN SKIES AIRFIELD</u>			<u>LETALIŠČE ODPRTIH ZRAČNIH PROSTOROV</u>		
SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Warszawa-Okecie	N 52-13-10 E 021-01-10	Yes	Varšava Okecie	N 52-13-10 E 021-01-10	da
<u>ENTRY/EXIT FIXES</u>			<u>STALNE TOČKE VSTOPA/IZSTOPA</u>		
To be determined			Bodo določene.		
<u>REFUELLING AIRFIELDS</u>			<u>LETALIŠČA ZA POLNJENJE Z GORIVOM</u>		
<u>CALIBRATION TARGETS</u>			<u>KALIBRACIJSKE TARČE</u>		
SITE	LOCATION		KRAJ	POLOŽAJ	
State Party: The Portuguese Republic			Država pogodbenica: Portugalska republika		
<u>POINT OF ENTRY/EXIT</u>			<u>TOČKA VSTOPA/IZSTOPA</u>		
SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Lisboa International	N 38-46-22 W 009-07-58	Yes	Lizbona, mednarodno	N 38-46-22 W 009-07-58	da
<u>OPEN SKIES AIRFIELDS</u>			<u>LETALIŠČI ODPRTIH ZRAČNIH PROSTOROV</u>		
SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Sta. Maria	N 36-58-22 W 025-10-17	No	Santa Maria	N 36-58-22 W 025-10-17	ne
Porto Santo	N 33-04-01 W 016-20-44	No	Porto Santo	N 33-04-01 W 016-20-44	ne
<u>ENTRY/EXIT FIXES</u>			<u>STALNE TOČKE VSTOPA/IZSTOPA</u>		
To be determined			Bodo določene.		
<u>REFUELLING AIRFIELDS</u>			<u>LETALIŠČA ZA POLNJENJE Z GORIVOM</u>		
Lisboa International	N 38-46-22 W 009-07-58		Lizbona, mednarodno	N 38-46-22 W 009-07-58	
Sta. Maria International	N 36-58-22 W 025-10-17		Santa Maria, mednarodno	N 36-58-22 W 025-10-17	
Porto Santo	N 33-04-01 W 016-20-44		Porto Santo	N 33-04-01 W 016-20-44	

CALIBRATION TARGETSKALIBRACIJSKE TARČE

SITE	LOCATION	KRAJ	POLOŽAJ
Lisboa	To be determined	Lizbona,	Bo določen.
International		mednarodno	

State Party: Romania

Država pogodbenica: Romunija

POINTS OF ENTRY/EXITTOČKI VSTOPA/IZSTOPA

SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Bucharest-Otopeni International Airport	N 44-34-30 E 026-05-10	Yes	Bukarešta Otopeni, mednarodno letališče	N 44-34-30 E 026-05-10	da
Timisoara Airport	N 45-48-37 E 021-20-22	Yes	Temišvar, letališče	N 45-48-37 E 021-20-22	da

OPEN SKIES AIRFIELDSLETALIŠČA ODPRTIH ZRAČNIH PROSTOROV

SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Bucharest-Otopeni International Airport	N 44-34-30 E 026-05-10	Yes	Bukarešta Otopeni, mednarodno letališče	N 44-34-30 E 026-05-10	da
Timisoara Airport	N 45-48-37 E 021-20-22	Yes	Temišvar, letališče	N 45-48-37 E 021-20-22	da
Bacau Airport	N 46-31-19 E 026-54-41	No	Bacau, letališče	N 46-31-19 E 026-54-41	ne

ENTRY/EXIT FIXESSTALNE TOČKE VSTOPA/IZSTOPA

To be determined	Bodo določene.
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REFUELLING AIRFIELDSLETALIŠČI ZA POLNJENJE Z GORIVOM

SITE	LOCATION	KRAJ	POLOŽAJ
Bucharest-Otopeni International Airport	N 44-34-30 E 026-05-10	Bukarešta Otopeni, mednarodno letališče	N 44-34-30 E 026-05-10
Timisoara Airport	N 45-48-37 E 021-20-22	Temišvar, letališče	N 45-48-37 E 021-20-22

CALIBRATION TARGETSKALIBRACIJSKE TARČE

SITE	LOCATION	KRAJ	POLOŽAJ
Urlati	N 45-55-45 E 026-05-11	Urlati	N 45-55-45 E 026-05-11
Dunavat Nord Murighiol	N 45-02-10 E 029-13-20	Dunavat Nord Murighiol	N 45-02-10 E 029-13-20

State Party: The Czech and Slovak Federal Republic

Država pogodbenica: Češka in slovaška federativna republika

POINT OF ENTRY/EXITTOČKA VSTOPA/IZSTOPA

SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Praha International	N 50-06-10 E 014-15-40	Yes	Praga, mednarodno	N 50-06-10 E 014-15-40	da



<u>OPEN SKIES AIRFIELDS</u>			<u>LETALIŠČA ODPRTIH ZRAČNIH PROSTOROV</u>		
SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Praha International	N 50-06-10 E 014-15-40	Yes	Praga, mednarodno	N 50-06-10 E 014-15-40	da
Bratislava International	N 49-10-10 E 017-12-50	No	Bratislava, mednarodno	N 49-10-10 E 017-12-50	ne
Kosice International	N 48-40-10 E 021-14-40	No	Košice, mednarodno	N 48-40-10 E 021-14-40	ne
<u>ENTRY/EXIT FIXES</u>			<u>STALNE TOČKE VSTOPA/IZSTOPA</u>		
To be determined			Bodo določene.		
<u>REFUELLING AIRFIELDS</u>			<u>LETALIŠČI ZA POLNJENJE Z GORIVOM</u>		
Bratislava International	N 49-10-10 E 017-12-50		Bratislava, mednarodno	N 49-10-10 E 017-12-50	
Kosice International	N 48-40-10 E 021-14-40		Košice, mednarodno	N 48-40-10 E 021-14-40	
<u>CALIBRATION TARGETS</u>			<u>KALIBRACIJSKE TARČE</u>		
Praha International	To be determined		Praga, mednarodno	Bo določen.	

State Party: The Republic of Turkey

Država pogodbenica: Republika Turčija

<u>POINTS OF ENTRY/EXIT</u>			<u>TOČKI VSTOPA/IZSTOPA</u>		
SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Eskisehir	N 39-47-00 E 030-35-00	Yes	Eskisehir	N 39-47-00 E 030-35-00	da
Diyarbakir	N 30-50-00 E 040-05-00	Yes	Diyarbakir	N 30-50-00 E 040-05-00	da
<u>OPEN SKIES AIRFIELDS</u>			<u>LETALIŠČI ODPRTIH ZRAČNIH PROSTOROV</u>		
Eskisehir	N 39-47-00 E 030-35-00	Yes	Eskisehir	N 39-47-00 E 030-35-00	da
Diyarbakir	N 30-50-00 E 040-05-00	Yes	Diyarbakir	N 30-50-00 E 040-05-00	da
<u>ENTRY/EXIT FIXES</u>			<u>STALNE TOČKE VSTOPA/IZSTOPA</u>		
To be determined			Bodo določene.		
<u>REFUELLING AIRFIELDS</u>			<u>LETALIŠČA ZA POLNJENJE Z GORIVOM</u>		
To be determined			Bodo določena.		
<u>CALIBRATION TARGETS</u>			<u>KALIBRACIJSKE TARČE</u>		
Eskisehir	To be determined		Eskisehir	Bo določen.	
Diyarbakir	To be determined		Diyarbakir	Bo določen.	

State Party: Ukraine

Država pogodbenica: Ukrajina

POINT OF ENTRY/EXITTOČKA VSTOPA/IZSTOPA

SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Borispol/Kiev	N 50-20-07 E 030-53-07	Yes	Borispol/Kijev	N 50-20-07 E 030-53-07	da

OPEN SKIES AIRFIELDLETALIŠČE ODPRTIH ZRAČNIH PROSTOROV

SITE	LOCATION	INSPECTION OF AIRCRAFT/SENSORS	KRAJ	POLOŽAJ	PREGLED LETALA/SENZORJEV
Borispol/Kiev	N 50-20-07 E 030-53-07	Yes	Borispol/Kijev	N 50-20-07 E 030-53-07	da

ENTRY/EXIT FIXESSTALNE TOČKE VSTOPA/IZSTOPA

To be determined

Bodo določene.

REFUELLING AIRFIELDSLETALIŠČI ZA POLNJENJE Z GORIVOM

SITE	LOCATION	KRAJ	POLOŽAJ
Lvov	N 49-48-07 E 023-57-03	Lvov	N 49-48-07 E 023-57-03
Odessa	N 46-25-06 E 030-40-07	Odesa	N 46-25-06 E 030-40-07

CALIBRATION TARGETSKALIBRACIJSKE TARČE

SITE	LOCATION	KRAJ	POLOŽAJ
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## ANNEX F PRE-FLIGHT INSPECTIONS AND DEMONSTRATION FLIGHTS

## DODATEK F PREGLEDI PRED LETOM IN PREDSTAVITVENI LETI

### SECTION I. PRE-FLIGHT INSPECTION OF OBSERVATION AIRCRAFT AND SENSORS OF THE OBSERVING PARTY

1. The purpose of the pre-flight inspection of observation aircraft and sensors provided by the observing Party is to confirm that the observation aircraft, its sensors and associated equipment correspond to those certified in accordance with the provisions of Annex D to the Treaty. The observed Party shall have the right to conduct a pre-flight inspection of an observation aircraft and its sensors provided by the observing Party to confirm that:

(A) the observation aircraft, its sensors and associated equipment including, where applicable, lens and photographic film, correspond to those certified in accordance with the provisions of Annex D to the Treaty; and

(B) there are no items of equipment on board the observation aircraft other than those permitted by Article IV of the Treaty.

2. Upon arrival of the observation aircraft at the point of entry the observed Party shall:

(A) provide a list of the inspectors, the number of whom shall not exceed ten persons, unless otherwise agreed, including the general function of each of the inspectors;

(B) provide a list of the items of equipment that they intend to use during the pre-flight inspection provided for in Annex D, Section II, paragraph 5 to the Treaty; and

(C) inform the observing Party of its plan for the pre-flight inspection of the observation aircraft and its sensors.

### I. RAZDELEK: PREGLED OPAZOVALNEGA LETALA IN SENZORJEV OPAZOVALKE PRED LETOM

1. Namen pregleda opazovalnega letala in senzorjev, ki jih je priskrbela opazovalka pred letom, je potrditi, da opazovalno letalo, njegovi senzorji in z njimi povezana oprema ustrezajo certificiranim v skladu z določbami Dodatka D k pogodbi. Opazovanka ima pravico pred letom pregledati opazovalno letalo in njegove senzorje, ki jih je priskrbela opazovalka, da ugotovi, da:

(A) opazovalno letalo, njegovi senzorji in z njimi povezana oprema, vključno z lečami in fotografskim filmom, ustrezajo certificiranim v skladu z določbami Dodatka D k pogodbi in

(B) v opazovalnem letalu ni druge opreme kot tista, ki jo dovoljuje IV. člen pogodbe.

2. Ob prihodu opazovalnega letala na točko vstopa opazovanka:

(A) priskrbi seznam inšpektorjev, katerih število je največ deset, če ni drugače dogovorjeno, in opis splošnih nalog vsakega inšpektorja;

(B) priskrbi seznam opreme, ki jo nameravajo uporabiti za pregled pred letom v skladu s petim odstavkom II. razdelka Dodatka D k pogodbi, in

(C) seznaniti opazovalko s svojim načrtom za pregled opazovalnega letala in njegovih senzorjev pred letom.

3. Prior to the commencement of the pre-flight inspection, a designated individual from the observing Party shall:

(A) brief the observed Party on the inventory procedures which shall be followed to confirm that all inspection equipment, as well as any non-destructive-testing equipment as provided for in paragraph 7 of this Section, brought on board the observation aircraft by the inspectors has been removed from the observation aircraft upon conclusion of the pre-flight inspection;

(B) together with the inspectors, conduct an examination and inventory of each item of equipment to be used during the pre-flight inspection; and

(C) brief the inspectors on all safety precautions that they shall observe during the pre-flight inspection of the observation aircraft and its sensors.

4. The pre-flight inspection shall not begin until the completion of the formal arrival procedures and shall take no longer than eight hours.

5. The observing Party shall have the right to provide its own escorts to accompany the inspectors throughout the pre-flight inspection of the observation aircraft and its sensors to confirm that the inspection is conducted in accordance with the provisions of this Section. The observing Party shall facilitate the inspection in accordance with the procedures specified in Annex D, Section II, paragraphs 7 and 8 to the Treaty.

6. In conducting the pre-flight inspection, the inspectors shall have the right of access to the observation aircraft, its sensors and associated equipment, in the same manner as provided for in Annex D, Section II, paragraph 10, and shall comply with the provisions of Annex D, Section II, paragraphs 11 and 12 to the Treaty.

7. For the purposes of this inspection, the observed Party shall have the right to take on board and use the following non-destructive-testing equipment:

- (A) video probe (borescope on video camera);
- (B) X-ray and backscatter X-ray imaging equipment;
- (C) ultrasonic imaging equipment;
- (D) logic/data analyser;
- (E) passive infra-red sensors; and
- (F) 35 millimetre camera.

In addition, the observed Party shall have the right to take on board and use such other non-destructive-testing equipment as may be necessary to establish that no items of equipment are on board the observation aircraft other than those permitted by Article IV of the Treaty, as may be agreed by the Open Skies Consultative Commission prior to 30 June 1992.

8. Upon completion of the pre-flight inspection, the inspectors shall leave the observation aircraft, and the observing Party shall have the right to use its own inventory procedures to confirm that all inspection equipment used during the pre-flight inspection has been removed from the observation aircraft. If the observed Party is unable to demonstrate this to the satisfaction of the observing Party, the observing Party shall have the right to proceed with the observation flight or to cancel it, and when the observing Party is satisfied that it is safe to do so, depart from the territory of the observed Party. In the latter case, no observation flight shall be recorded against the quota of either State Party.

9. The inspectors shall immediately inform the observing Party if they establish that the observation aircraft, its sensors or associated equipment do not correspond to those certified in accordance with the provisions of Annex D to the Treaty, or that there are items of equipment on board the observation aircraft other than those permitted by Article IV of the Treaty. If the observing Party is unable to demonstrate that the observation aircraft, its sensors and associated equipment correspond to those certified in accordance with the provisions of Annex D to the Treaty and that there are no items of equipment on board the observation aircraft other than those

3. Pred začetkom pregleda pred letom oseba, ki jo je določila opazovalka:

(A) kratko obvesti opazovanko o postopkih popisa, ki jih je treba upoštevati, ko se ugotavlja, da je vsa oprema za pregled in oprema za brezškodno testiranje, ki je določena v sedmem odstavku tega razdelka in so jo prinesli v opazovalno letalo inšpektorji, odstranjena z opazovalnega letala po končanem pregledu pred letom;

(B) skupaj z inšpektorji pregleda in popiše vso opremo, ki bo uporabljena pri pregledu pred letom, ter

(C) kratko predstavi inšpektorjem varnostne ukrepe, ki jih morajo upoštevati med pregledom opazovalnega letala in njegovih senzorjev pred letom.

4. Pregled pred letom se ne sme začeti pred končanim uradnim postopkom prihoda in sme trajati največ osem Uradni

5. Opazovalka ima pravico priskrbeti lastne spremljevalce, ki spremljajo inšpektorje med pregledom opazovalnega letala in njegovih senzorjev pred letom, da potrdijo, da je pregled opravljen v skladu z določbami tega razdelka. Opazovalka olajša pregled v skladu s postopki, določenimi v sedmem in osmem odstavku II. razdelka Dodatka D k pogodbi.

6. Med pregledom pred letom imajo inšpektorji pravico do dostopa do opazovalnega letala, njegovih senzorjev in z njimi povezane opreme na način, določen v desetem odstavku II. razdelka Dodatka D, ravnati pa se morajo po določbah enajstega in dvanajstega odstavka II. razdelka Dodatka D k pogodbi.

7. Za ta pregled ima opazovanka pravico vzeti v letalo opremo za brezškodno testiranje in uporabiti:

- (A) videosondo (boroskop na videokameri);
- (B) opremo za rentgensko slikanje od spredaj in zadaj;
- (C) opremo za slikanje z ultrazvokom;
- (D) logični/podatkovni analizator;
- (E) pasivne infrardeče senzorje in
- (F) fotoaparati za 35-milimetrski film.

Poleg tega ima opazovanka pravico vzeti v letalo in uporabiti drugo opremo za brezškodno testiranje, ki je morebiti potrebna, da ugotovi, da so v opazovalnem letalu samo deli opreme, ki so dovoljeni v skladu s IV. členom pogodbe, za katero se je posvetovalna komisija za odprte zračne prostore dogovorila pred 30. junijem 1992.

8. Po končanem pregledu pred letom inšpektorji zapustijo opazovalno letalo, opazovalka pa ima pravico uporabiti lastne postopke popisa, da ugotovi, ali je bila vsa oprema, ki je bila uporabljena med pregledom pred letom, odnesena iz opazovalnega letala. Če opazovanka tega ne more zadovoljivo dokazati opazovalki, ima opazovalka pravico nadaljevati opazovalni let ali ga odpovedati, in ko se prepriča, da je to varno, tudi zapustiti ozemlje opazovanke. V tem primeru se opazovalni let ne šteje v kvoto ne ene ne druge države pogodbenice.

9. Inšpektorji takoj obvestijo opazovalko, če ugotovijo, da opazovalno letalo, njegovi senzorji ali z njimi povezana oprema ne ustreza certificiranim v skladu z določbami Dodatka D k pogodbi ali da so v opazovalnem letalu deli opreme, ki niso dovoljeni po IV. členu pogodbe. Če opazovalka ne more dokazati, da opazovalno letalo, njegovi senzorji ali z njimi povezana oprema ustrezajo certificiranim v skladu z določbami v Dodatku D k pogodbi in da so v opazovalnem letalu deli opreme, ki niso dovoljeni po IV. členu pogodbe, in če se opazovalka in opazovanka ne dogovorita drugače, ima opazovanka pravico prepovedati opazovalni let na podlagi

permitted by Article IV of the Treaty, and if the observing and observed Parties do not agree otherwise, the observed Party shall have the right to prohibit the observation flight pursuant to Article VIII of the Treaty. If the observation flight is prohibited, the observation aircraft shall promptly depart from the territory of the observed Party and no observation flight shall be recorded against the quota of either State Party.

10. Upon completion of the pre-flight inspection of the observation aircraft and its sensors, the observed and observing Parties shall prepare a pre-flight inspection report which shall state that:

(A) the observation aircraft, its sensors and associated equipment correspond to those certified in accordance with the provisions of Annex D to the Treaty; and

(B) there are no items of equipment on board the observation aircraft other than those permitted by Article IV of the Treaty.

11. Signature of the pre-flight inspection report by the observed Party shall signify its agreement for the observing Party to use that observation aircraft to conduct an observation flight over the territory of the observed Party.

## SECTION II. PRE-FLIGHT INSPECTION OF SENSORS OF THE OBSERVED PARTY

1. The purpose of the pre-flight inspection of the sensors on an observation aircraft provided by the observed Party is to confirm that the sensors and associated equipment correspond to those certified in accordance with the provisions of Annex D to the Treaty. The observing Party shall have the right to conduct a pre-flight inspection of the sensors and associated equipment installed on an observation aircraft provided by the observed Party to confirm that its sensors and associated equipment correspond to those certified in accordance with the provisions of Annex D to the Treaty.

2. Upon arrival of the inspectors of the observing Party at the location of the pre-flight inspection, the observing Party shall:

(A) provide a list of the inspectors, the number of whom shall not exceed five persons, unless otherwise agreed, including the general function of each inspector;

(B) provide a list of the items of equipment that the inspectors intend to use during the pre-flight inspection; and

(C) inform the observed Party of its plan for the pre-flight inspection of the sensors and associated equipment on board the observation aircraft.

3. Prior to the commencement of the pre-flight inspection, a designated individual from the observed Party shall:

(A) brief the observing Party on the inventory procedures that shall be followed to confirm that each item of equipment brought on board the observation aircraft by the inspectors has been removed from the observation aircraft upon conclusion of the pre-flight inspection;

(B) together with the inspectors, conduct an examination and inventory of each item of equipment to be used during the pre-flight inspection; and

(C) brief the inspectors on all necessary safety precautions that they must observe during the pre-flight inspection of the sensors and associated equipment installed on the observation aircraft.

4. The pre-flight inspection shall not begin until the completion of the formal arrival procedures and shall take no longer than eight hours.

5. The observed Party shall have the right to provide its own escorts to accompany the inspectors throughout the pre-flight inspection of the sensors and associated equipment on board the observation aircraft to confirm that the inspection is conducted in accordance with the provisions of this Section. The observed Party shall facilitate the inspection of the sensors and associated equipment on board the observation aircraft by the inspectors in accordance with the procedures specified in Annex D, Section II, paragraph 7 to the Treaty.

VIII. člena pogodbe. Če je opazovalni let prepovedan, mora opazovalno letalo nemudoma zapustiti ozemlje opazovanke, opazovalni let pa se ne šteje v kvoto ne ene ne druge države pogodbenice.

10. Po končanem pregledu opazovalnega letala in njegovih senzorjev pred letom opazovanka in opazovalka pripravita poročilo o pregledu pred letom, ki potrjuje:

(A) da opazovalno letalo, njegovi senzorji in z njimi povezana oprema ustrezajo certificiranim v skladu z določbami Dodatka D k pogodbi ter

(B) da v opazovalnem letalu ni druge opreme kot tista, ki jo dovoljuje IV. člen pogodbe.

11. Opazovanka s podpisom poročila o pregledu pred letom potrdi, da soglaša, da opazovalka uporabi to opazovalno letalo za opazovalni let nad ozemljem opazovanke.

## II. RAZDELEK: PREGLED SENZORJEV OPAZOVANKE PRED LETOM

1. Namen pregleda senzorjev na opazovalnem letalu, ki ga priskrbi opazovanka, pred letom je ugotoviti, da vsi senzorji in z njimi povezana oprema ustrezajo certificiranim v skladu z določbami Dodatka D k pogodbi. Opazovalka ima pravico pred letom pregledati senzorje in z njimi povezano opremo v opazovalnem letalu, ki ga priskrbi opazovanka, da bi ugotovila, ali senzorji in z njimi povezana oprema ustrezajo certificiranim v skladu z določbami Dodatka D k pogodbi.

2. Ob prihodu inšpektorjev opazovalke na kraj pregleda pred letom opazovalka:

(A) predloži seznam inšpektorjev, ki jih je največ pet, razen če ni drugače dogovorjeno, in opis splošnih nalog vsakega inšpektorja;

(B) predloži seznam opreme, ki jo inšpektorji nameravajo uporabiti za pregled pred letom, in

(C) obvesti opazovanko o svojem načrtu za pregled senzorjev in z njimi povezane opreme v opazovalnem letalu pred letom.

3. Pred začetkom pregleda pred letom oseba, ki jo je določila opazovanka:

(A) kratko obvesti opazovalko o postopkih popisa, ki jih je treba upoštevati, ko se ugotavlja, da je vsa oprema, ki so jo v opazovalno letalo prinesli inšpektorji, odnesena iz opazovalnega letala po končanem pregledu pred letom;

(B) skupaj z inšpektorji pregleda in popiše vso opremo, ki bo uporabljena pri pregledu pred letom, ter

(C) kratko predstavi inšpektorjem varnostne ukrepe, ki jih morajo upoštevati pri pregledu senzorjev in z njimi povezane opreme v opazovalnem letalu pred letom.

4. Pregled pred letom se ne sme začeti pred končanim uradnim postopkom prihoda in sme trajati največ osem Uradni

5. Opazovanka ima pravico priskrbeti lastne spremljevalce, ki spremljajo inšpektorje med pregledom senzorjev in z njimi povezane opreme v opazovalnem letalu pred letom, da potrdi, da je pregled opravljen v skladu z določbami tega razdelka. Opazovanka olajša inšpektorjem pregled senzorjev in z njimi povezane opreme v opazovalnem letalu v skladu s postopki, določenimi v sedmem odstavku II. razdelka Dodatka D k pogodbi.

6. In conducting the pre-flight inspection, the inspectors shall have the right of access to the sensors and associated equipment on board the observation aircraft in the same manner as provided for in Annex D, Section II, paragraph 10 and shall comply with the provisions of Annex D, Section II, paragraphs 11 and 12 to the Treaty.

7. Upon completion of the pre-flight inspection, the inspectors shall leave the observation aircraft and the observed Party shall have the right to use its own inventory procedures to confirm that all items of equipment have been removed from the observation aircraft. If the observing Party is unable to demonstrate this to the satisfaction of the observed Party, the observed Party shall have the right to prohibit the observation flight in accordance with Article VIII of the Treaty, and no observation flight shall be recorded against the quota of either State Party.

8. The inspectors shall immediately inform the observed Party if they establish that any of the sensors or associated equipment on board the observation aircraft do not correspond to those certified in accordance with the provisions of Annex D to the Treaty. If the observed Party is unable to demonstrate that the sensors or associated equipment on board the observation aircraft correspond to those certified in accordance with Annex D to the Treaty, the observing Party shall have the right to:

(A) agree to use an alternative package of sensor types or capabilities proposed by the observed Party;

(B) proceed according to the original mission plan;

(C) accept a delay in the commencement of the observation flight to permit the observed Party to rectify the problem determined to exist by the observing Party pursuant to this paragraph. In the event that the problem is resolved to the satisfaction of the observing Party, the flight shall proceed according to the mission plan, revised as necessary due to any delay. In the event that the problem is not rectified to the satisfaction of the observing Party, the observing Party shall depart the territory of the observed Party; or

(D) cancel the observation flight, and immediately depart the territory of the observed Party.

9. If the observing Party leaves the territory of the observed Party not having conducted an observation flight, as provided for in paragraph 8, subparagraphs (C) and (D) of this Section, no observation flight shall be counted against the quota of either State Party.

10. Upon completion of the pre-flight inspection of the sensors and associated equipment installed on the observation aircraft, the observed Party and the observing Party shall prepare a pre-flight inspection report that shall state that the sensors correspond to those certified in accordance with the provisions of Annex D to the Treaty. Signature of the pre-flight inspection report by the observing Party shall signify its agreement to use that observation aircraft to conduct an observation flight over the territory of the observed Party.

### SECTION III. DEMONSTRATION FLIGHTS

1. In the event that the aircraft is provided by the observing Party, at the request of the observed Party, the observing Party shall, following the pre-flight inspection, conduct a demonstration flight to allow the inspectors to observe the functioning of the sensors that are to be used during the observation flight and to collect sufficient data to allow them to confirm that the capability of those sensors is in accordance with the provisions of Article IV, paragraph 8 of the Treaty.

2. In the event that the aircraft is provided by the observed Party, at the request of the observing Party, the observed Party shall, following the pre-flight inspection, conduct a demonstration flight to allow the inspectors to observe the functioning of the sensors that are to be used during the observation flight and to collect sufficient data to allow them to confirm that the capability of those sensors is in accordance with the provisions of Article IV, paragraph 9 of the Treaty.

6. Med pregledom pred letom imajo inšpektorji pravico do dostopa do senzorjev in z njimi povezane opreme v opazovalnem letalu na način, določen v desetem odstavku II. razdelka Dodatka D, ravnati pa se morajo po določbah enajstega in dvanajstega odstavka II. razdelka Dodatka D k pogodbi.

7. Po končanem pregledu pred letom inšpektorji zapustijo opazovalno letalo, opazovanka pa ima pravico uporabiti lastne postopke popisa, da ugotovi, ali je bila vsa oprema za pregled odnesena iz opazovalnega letala. Če opazovalka tega opazovanki ne more zadovoljivo dokazati, ima opazovanka pravico prepovedati opazovalni let v skladu z VIII. členom pogodbe. Opazovalni let pa se ne šteje v kvoto ne ene ne druge države pogodbenice.

8. Inšpektorji takoj obvestijo opazovanko, če ugotovijo, da senzorji ali z njimi povezana oprema v opazovalnem letalu ne ustrezajo certificiranim v skladu z določbami Dodatka D k pogodbi. Če opazovanka ne more dokazati, da senzorji in z njimi povezana oprema v opazovalnem letalu ustrezajo certificiranim v skladu z Dodatkom D k pogodbi, ima opazovalka pravico:

(A) pristati, da uporabi drug sestav senzorjev tipa ali zmogljivosti, kot jih predlaga opazovanka;

(B) nadaljevati po prvotnem načrtu naloge;

(C) pristati na zamudo pri začetku opazovalnega leta, da omogoči opazovanki odpraviti težave, ki jih je opazovalka ugotovila po tem odstavku. Če je problem za opazovalko zadovoljivo rešen, se let nadaljuje po načrtu naloge, kot je bil spremenjen zaradi zamude. Če problem za opazovalko ni zadovoljivo rešen, opazovalka zapusti ozemlje opazovanke ali

(D) odpove opazovalni let in takoj zapusti ozemlje opazovanke.

9. Če opazovalka zapusti ozemlje opazovanke, ne da bi opravila opazovalni let, kot je določeno v pododstavkih (C) in (D) osmega odstavka tega razdelka, se opazovalni let ne šteje v kvoto ne ene ne druge države pogodbenice.

10. Po končanem pregledu senzorjev in z njimi povezane opreme v opazovalnem letalu pred letom opazovanka in opazovalka pripravita poročilo o pregledu pred letom, v katerem je navedeno, da senzorji ustrezajo certificiranim v skladu z določbami Dodatka D k pogodbi. S podpisom poročila o pregledu pred letom opazovalka izrazi svoje privoljenje, da uporabi to opazovalno letalo za opazovalni let nad ozemljem opazovanke.

### III. RAZDELEK: PREDSTAVITVENI LETI

1. Če je letalo priskrbela opazovalka, ima opazovanka pravico od opazovalke zahtevati, da po pregledu pred letom opravi predstavitveni let in s tem omogoči inšpektorjem, da opazujejo delovanje senzorjev, ki bodo uporabljeni med opazovalnim letom, in zberejo dovolj podatkov, da ugotovijo, da je zmogljivost senzorjev v skladu z določbami osmega odstavka IV. člena pogodbe.

2. Če je letalo priskrbela opazovanka, ima opazovalka pravico od opazovanke zahtevati, da po pregledu pred letom opravi predstavitveni let in s tem omogoči inšpektorjem, da opazujejo delovanje senzorjev, ki bodo uporabljeni med opazovalnim letom, in zberejo dovolj podatkov, da ugotovijo, da je zmogljivost senzorjev v skladu z določbami devetega odstavka IV. člena pogodbe.

3. In the event that either the observed or observing Party exercises its right to request a demonstration flight:

(A) the demonstration flight shall be performed in accordance with the requirements of Annex D, Section III;

(B) the demonstration flight shall last for no more than two hours;

(C) the observed Party shall provide calibration targets in accordance with the specifications in Appendix 1 to Annex D to the Treaty in the vicinity of the airfield at which the pre-flight inspection is to be conducted;

(D) any delay in carrying out a request for a demonstration flight caused by weather conditions or problems with the aircraft or sensors of the observed Party shall not count against the time allocated for such flights, unless otherwise agreed;

(E) the observed Party shall process the data collected by sensors at a facility in the vicinity of the airfield at which the pre-flight inspection is to be conducted, in the presence of personnel of the observing Party, in accordance with the provisions of Article IX, Sections II and III of the Treaty; and

(F) the cost of the demonstration flight, including the provision of data recording media and the processing of data, shall be distributed in accordance with the provisions of Annex L, Section I, paragraph 9 to the Treaty.

4. In the event that the observed Party exercises its right to request a demonstration flight, the observing Party shall have the right to add a period of up to 24 hours to the 96 hours allowed for the conduct of the observation flight, pursuant to Article VI, Section I, paragraph 9. This shall not affect the right of other States Parties to conduct observation flights after the original period of 96 hours as provided for in Article VI, Section I, paragraph 3 of the Treaty.

5. In the event that the observing Party exercises its right to request a demonstration flight, this shall be accomplished within the period of 96 hours allowed for the conduct of the observation flight, pursuant to Article VI, Section I, paragraph 9 of the Treaty.

6. In the event that the observed Party is not satisfied that the capability of any sensor installed on the observation aircraft provided by the observing Party is in accordance with the provisions of Article IV, paragraph 8 of the Treaty, the observed Party shall have the right to:

(A) in the case of a sensor for which ground resolution is dependent upon height above ground level, propose an alternative minimum height above ground level at which that sensor shall be permitted to be operated during the observation flight;

(B) in the case of sensors for which ground resolution is not dependent upon height above ground level, prohibit the operation of that sensor during the observation flight; or

(C) prohibit the observation flight pursuant to the provisions of Article VIII of the Treaty.

7. In the event that the observing Party is not satisfied that the capability of any sensor installed on the observation aircraft provided by the observed Party is in accordance with the provisions of Article IV, paragraph 9 of the Treaty, the observing Party shall have the right to:

(A) agree to use an alternative package of sensor types or capabilities proposed by the observed Party;

(B) in the case of a sensor for which ground resolution is dependent upon height above ground level, propose an alternative minimum height above ground level at which that sensor shall be permitted to be operated during the observation flight;

(C) in the case of sensors for which ground resolution is not dependent upon height above ground level, conduct the observation flight as planned, and the cost of the data recording media for that sensor shall be borne by the observed Party;

3. Če opazovanka ali opazovalka uresniči svojo pravico zahtevati predstavitveni let:

(A) se predstavitveni let opravi v skladu z zahtevami III. razdelka Dodatka D;

(B) predstavitveni let ne sme trajati več kot dve uri;

(C) opazovanka priskrbi kalibracijske tarče v skladu z določbami Priloge 1 k Dodatku D pogodbe v bližini letališča, na katerem bo opravljen pregled pred letom;

(D) zamuda pri zahtevanem predstavitvenem letu, ki jo povzročijo vremenske razmere ali težave z letalom ali senzorji opazovanke, se ne šteje v čas, določen za takšne lete, razen če ni drugače dogovorjeno;

(E) opazovanka obdela podatke, ki jih zberejo senzorji, na kraju blizu letališča, na katerem bo opravljen pregled pred letom ob prisotnosti osebja opazovalke in v skladu z določbami II. in III. razdelka IX. člena pogodbe, in

(F) stroški predstavitvenega leta skupaj s stroški za pridobitev podatkov s snemalnimi napravami in njihovo obdelavo se razdelijo v skladu z določbami devetega odstavka I. razdelka Dodatka L k pogodbi.

4. Če opazovanka uresniči svojo pravico zahtevati predstavitveni let, ima opazovalka pravico dodati 24 ur k 96 uram, dovoljenim za izvedbo opazovalnega leta, v skladu z devetim odstavkom I. razdelka VI. člena. To ne vpliva na pravico drugih držav pogodbenic, da izvajajo opazovalne lete po poteku prvotno določenih 96 ur, kot je določeno v tretjem odstavku I. razdelka VI. člena pogodbe.

5. Če opazovalka uresniči svojo pravico zahtevati predstavitveni let, se ta opravi v 96 urah, dovoljenih za izvedbo opazovalnega leta v skladu z devetim odstavkom I. razdelka VI. člena pogodbe.

6. Če opazovanka ni prepričana, da je zmožljivost katerega koli sensorja v opazovalnem letalu, ki ga priskrbi opazovalka, v skladu z določbami osmega odstavka IV. člena pogodbe, ima opazovanka pravico:

(A) če je ločljivost na zemlji za senzor odvisna od višine nad tlemi, predlagati drugo najmanjšo višino nad tlemi, na kateri je dovoljeno upravljati senzor med opazovalnim letom;

(B) če ločljivost na zemlji za senzor ni odvisna od višine nad tlemi, prepovedati upravljanje tega sensorja med opazovalnim letom ali

(C) prepovedati opazovalni let po določbah VIII. člena pogodbe.

7. Če opazovalka ni prepričana, da je zmožljivost katerega koli sensorja v opazovalnem letalu, ki ga priskrbi opazovanka, v skladu z določbami devetega odstavka IV. člena pogodbe, ima pravico:

(A) pristati, da uporabi drug sestav tipov ali zmožljivosti senzorjev, ki jih predlaga opazovanka;

(B) če je ločljivost na zemlji za senzorje odvisna od višine nad tlemi, predlagati drugo najmanjšo višino nad tlemi, na kateri je dovoljeno upravljati senzor med opazovalnim letom;

(C) če ločljivost na zemlji za senzor ni odvisna od višine nad tlemi, izvesti opazovalni let po načrtu, stroške nosilcev podatkov za ta senzor pa krije opazovanka;

(D) accept a delay in the commencement of the observation flight to permit the observed Party to rectify the problem determined to exist by the observing Party. In the event that the problem is resolved to the satisfaction of the observing Party, the flight shall proceed according to the mission plan, revised as necessary due to any delay. In the event that the problem is not rectified to the satisfaction of the observing Party, the observing Party shall depart the territory of the observed Party; or

(E) cancel the observation flight pursuant to Article VIII of the Treaty, and immediately depart the territory of the observed Party.

8. In the event that the observation flight is prohibited or cancelled by the State Party requesting the demonstration flight, no observation flight shall be counted against the quota of either State Party, and the State Party requesting the demonstration flight shall convey the matter to the Open Skies Consultative Commission.

## **ANNEX G FLIGHT MONITORS, FLIGHT REPRESENTATIVES, AND REPRESENTATIVES**

### **SECTION I. FLIGHT MONITORS AND FLIGHT REPRESENTATIVES**

1. The provisions set forth in this Annex shall apply to personnel designated in accordance with Article XIII. Each State Party shall have the right to have at any one time the number of flight monitors and flight representatives on board the observation aircraft as set forth in Article VI, Section III. The provisions of that Section shall govern their activities with respect to the organization and conduct of observation flights. Each State Party shall facilitate the activities of the flight monitors and flight representatives pursuant to this Annex.

2. The observed Party shall appoint one of the flight monitors as chief flight monitor. The chief flight monitor shall be a national of the observed Party. The observing Party shall appoint one of the flight representatives as chief flight representative. The chief flight representative shall be a national of the observing Party.

3. In preparing for the observation flight, flight monitors and flight representatives shall have the right:

(A) to acquaint themselves with the technical literature relating to the functioning and operation of the sensors and the flight operation manual of the observation aircraft; and

(B) to acquaint themselves with the equipment of the observation aircraft relating to the control of the flight regime and the functioning and operation of the sensors installed on the observation aircraft.

4. Flight monitors and flight representatives shall have the right:

(A) to remain on board the observation aircraft throughout the observation flight, including any stops for refuelling or emergencies;

(B) to bring on board the observation aircraft and use maps, flight charts, publications, and operations manuals;

(C) to move unencumbered about the observation aircraft, including the flight deck, during the observation flight, except for flight safety reasons. In exercising their rights, the flight monitors or flight representatives shall not interfere with the activities of the flight crew;

(D) to monitor compliance with the flight plan and to observe the flight regime of the observation aircraft and the functioning and operation of the sensors;

(E) to listen to internal and external radio communications on board the aircraft and to make internal radio communications; and

(F) to record the parameters of the flight regime and the functioning and operation of the sensors on maps, charts, and notepads.

(D) pristati na zamudo pri začetku opazovalnega leta, da omogoči opazovanki odpraviti težave, ki jih je ugotovila opazovalka. Če je problem za opazovalko zadovoljivo rešen, se opazovalni let nadaljuje po načrtu naloge, kot je bil spremenjen zaradi zamude. Če problem za opazovalko ni zadovoljivo rešen, opazovalka zapusti ozemlje opazovanke ali

(E) odpove opazovalni let v skladu z VIII. členom pogodbe in takoj zapusti ozemlje opazovanke.

8. Če opazovalni let prepove ali odpove država pogodbenica, ki zahteva predstavitveni let, se opazovalni let ne šteje v kvoto ne ene ne druge države pogodbenice, država pogodbenica, ki je zahtevala predstavitveni let, pa zadevo predloži posvetovalni komisiji za odprte zračne prostore.

## **DODATEK G OPAZOVALCI LETA, PREDSTAVNIKI LETA IN PREDSTAVNIKI**

### **I. RAZDELEK: OPAZOVALCI LETA IN PREDSTAVNIKI LETA**

1. Določbe tega razdelka veljajo za osebe, določeno v skladu s XIII. členom. Vsaka država pogodbenica ima pravico, da je v opazovalnem letalu naenkrat toliko njenih opazovalcev leta in predstavnikov leta, kot je določeno v III. razdelku VI. člena. Določbe omenjenega razdelka urejajo njihove dejavnosti v zvezi z organizacijo in izvedbo opazovalnih letov. Vsaka država pogodbenica olajša delovanje opazovalcev leta in predstavnikov leta v skladu s tem dodatkom.

2. Opazovanka imenuje enega od opazovalcev leta za glavnega opazovalca leta. Glavni opazovalec leta mora biti državljan opazovanke. Opazovalka imenuje enega od predstavnikov leta za glavnega predstavnika leta. Glavni predstavnik leta mora biti državljan opazovalke.

3. Pri pripravi opazovalnega leta imajo opazovalci leta in predstavniki leta pravico:

(A) seznaniti se s strokovno literaturo o delovanju in upravljanju senzorjev ter navodili za upravljanje opazovalnega letala in

(B) seznaniti se z opremo opazovalnega letala, namenjeno nadzoru nad režimom leta ter delovanju in upravljanju senzorjev v opazovalnem letalu.

4. Opazovalci leta in predstavniki leta imajo pravico:

(A) ostati v opazovalnem letalu ves čas opazovalnega leta, tudi med postanki za polnjenje z gorivom ali zaradi nujnih primerov;

(B) prinesiti v opazovalno letalo in uporabljati zemljevide, skice leta, publikacije in navodila za upravljanje;

(C) med opazovalnim letom neovirano gibati se po opazovalnem letalu, vključno s pilotskim prostorom, razen kadar bi to ogrozilo varnost. Pri uresničevanju svojih pravic opazovalci leta ali predstavniki leta ne smejo posegati v dejavnosti posadke letala;

(D) spremljati skladnost leta z načrtom in opazovati režim leta opazovalnega letala ter delovanje in upravljanje njegovih senzorjev;

(E) poslušati mednarodne in zunanje radijske zveze v opazovalnem letalu in vzpostavljati mednarodne radijske zveze in

(F) zapisovati parametre režima leta ter delovanja in upravljanja senzorjev v zemljevide, skice in v beležnice.

5. In addition to those rights specified in paragraph 4 of this Section, the chief flight monitor shall have the right:

(A) to consult the flight crew regarding compliance with national flight rules and the provisions of the Treaty;

(B) to observe the activities of the flight crew, including activities on the flight deck, during the observation flight, as well as to monitor the functioning and operation of the flight and navigation instruments of the observation aircraft;

(C) to provide recommendations to the flight crew regarding compliance with the flight plan;

(D) to ask the flight crew, without interfering with their activities, for information on the flight regime; and

(E) to communicate with air traffic control authorities, as appropriate, and to help relay and interpret communications from air traffic control authorities to flight crew and from the flight crew to the air traffic control authorities about the conduct of the observation flight; for this purpose, the chief flight monitor shall be permitted to make external radio communications using the radio equipment of the observation aircraft.

6. In the event that the chief flight monitor believes that the observation aircraft is deviating from its flight plan, the chief flight monitor shall advise the flight crew and may inform the air traffic control authorities of any deviations of the observation aircraft from the flight plan that the chief flight monitor believes could threaten flight safety.

7. In addition to the rights specified in paragraph 5 of this Section, the chief flight representative shall have:

(A) the rights as described in paragraph 5, subparagraphs (A), (B) and (D) of this Section with regard to the flight crew; and

(B) the right, in case of deviation from the flight plan, to receive an explanation from the flight crew as to the reasons for such a deviation.

8. Flight representatives shall have the right to direct the operation of the sensors during the observation flight. In addition, upon notification to the observed Party prior to the commencement of the observation flight, flight representatives shall have the right to operate the sensors during the observation flight. In the event that the flight representatives exercise their right to operate the sensors pursuant to this paragraph, the observed Party shall not be responsible for any failure or inadequacy in the quality of the data collected by the sensors due to the operation of the sensors by the flight representatives.

## SECTION II. REPRESENTATIVES

1. An observing Party using an observation aircraft designated by a third State Party shall have the right to have at any one time the number of representatives on board the observation aircraft set forth in Article VI, Section III of the Treaty.

2. The observing Party shall appoint one of its representatives as chief representative. The chief representative shall have the rights of the chief flight representative as specified in Section I of this Annex. In addition, the chief representative shall:

(A) advise the pilot-in-command regarding compliance with the provisions of the Treaty;

(B) have the right to monitor compliance by the observed Party with the provisions of the Treaty; and

(C) have the right, in case of deviations from the flight plan, to receive an explanation from the pilot-in-command as to the reasons for such a deviation.

3. Representatives shall have the rights of flight representatives as specified in Section I of this Annex.

5. Poleg pravic, določenih v četrtem odstavku tega razdelka, ima glavni opazovalec leta pravico:

(A) posvetovati se s posadko letala o skladnosti s pravili leta v državi leta ter z določbami pogodbe;

(B) med opazovalnim letom opazovati dejavnosti posadke letala, tudi v pilotskem prostoru, ter spremljati delovanje in upravljanje instrumentov za izvajanje letenja in navigacijo opazovalnega letala;

(C) dajati priporočila posadki letala glede skladnosti z načrtom leta;

(D) spraševati posadko letala o režimu leta, vendar tako, da pri tem ne moti njihove dejavnosti, in

(E) komunicirati z organi kontrole letenja, kot je primerno, in pomagati prenašati in tolmačiti sporočila organov kontrole letenja posadki letala in posadke letala organom kontrole letenja o izvajanju opazovalnega leta; v ta namen je glavnemu opazovalcu leta dovoljeno vzpostavljati zunanje radijske zveze z uporabo radijske opreme opazovalnega letala.

6. Če glavni opazovalec leta meni, da opazovalno letalo ne leti v skladu z načrtom leta, na to opozori posadko letala in sme obvestiti organe kontrole letenja o vsakem odstopanju opazovalnega letala od načrta leta, za katero meni, da bi lahko ogrozilo varnost leta.

7. Poleg pravic, določenih v petem odstavku tega razdelka, ima glavni predstavnik leta:

(A) pravice v odnosu do posadke letala, kot so opisane v pododstavkih (A), (B) in (D) petega odstavka tega razdelka, in

(B) pri odstopanju od načrta leta pravico dobiti razlago posadke letala o razlogih za to odstopanje.

8. Predstavniki leta imajo med opazovalnim letom pravico usmerjati upravljanje senzorjev. Če o tem pred začetkom opazovalnega leta obvestijo opazovanko, imajo pravico upravljati senzorje tudi med opazovalnim letom. Če predstavniki leta uresničujejo svojo pravico, da upravljajo senzorje v skladu s tem odstavkom, opazovanka ni odgovorna za napake ali neustrezno kakovost podatkov, ki jih zberejo senzorji, medtem ko jih upravljajo predstavniki leta.

## II. RAZDELEK: PREDSTAVNIKI

1. Opazovalka, ki uporablja opazovalno letalo, ki ga je priskrbela neka druga država pogodbenica, ima pravico, da je v opazovalnem letalu naenkrat toliko njenih predstavnikov, kot je določeno v III. razdelku VI. člena pogodbe.

2. Opazovalka imenuje enega od svojih predstavnikov za glavnega predstavnika. Glavni predstavnik ima pravice glavnega predstavnika leta, kot so določene v I. razdelku tega dodatka. Poleg tega glavni predstavnik:

(A) opozarja poveljnika letala na skladnost z določbami pogodbe;

(B) ima pravico spremljati, ali se opazovanka ravna po določbah pogodbe, in

(C) ima pravico, da pri odstopanjih od načrta leta od poveljnika letala dobi pojasnilo o razlogih za tako odstopanje.

3. Predstavniki imajo pravice predstavnikov leta, kot so določene v I. razdelku tega dodatka.



## ANNEX H CO-ORDINATION OF PLANNED OBSERVATION FLIGHTS

1. In order to avoid potential time conflict regarding the conduct of observation flights over the same State Party, each State Party having the right to conduct observation flights following the annual distribution of active quotas may notify all other States Parties, no later than 1 November of each year, of its plans to utilize all or part of its active quota during the following year. The notification shall indicate the number of observation flights that the notifying State Party plans to conduct over the territory of other States Parties during each quarter of that year.

2. In no case shall the total number of observation flights planned and notified in accordance with paragraph 1 of this Annex over the territory of any one State Party during a given quarter exceed 16. Except as provided for in Article VI, Section I, paragraph 3, no State Party shall be obliged to accept more than one observation flight at any time during the period specified in Article VI, Section I, paragraph 9 of the Treaty.

3. States Parties that have notified, in accordance with paragraph 1 of this Annex, their plans to utilize one or more active quotas for observation flights over the territory of the same State Party during a given quarter or quarters shall hold consultations, if necessary, to avoid any conflict in their planned observation flights. In the event that agreement on avoidance of conflict cannot be reached through consultation among the States Parties involved, the issue shall be resolved by the drawing of lots by such States Parties. The first of those consultations, regarding observation flights in the quarter beginning 1 January of the following year, shall begin promptly following receipt of the notification provided for in paragraph 1 of this Annex. Subsequent consultations among the States Parties involved shall be conducted between 1 February and 15 February for the quarter beginning 1 April; between 1 May and 15 May for the quarter beginning 1 July; and between 1 August and 15 August for the quarter beginning 1 October. The States Parties involved shall notify the resulting sequence of observation flights established in these consultations to all States Parties no later than 15 November, 15 February, 15 May and 15 August, respectively.

4. No later than seven days after the notification of the sequence of observation flights established pursuant to paragraph 3 of this Annex, each State Party shall notify all States Parties planning to conduct observation flights over its territory during that quarter of each flight for which it intends to exercise the right to provide its own observation aircraft.

5. Each State Party that has not provided a notification pursuant to paragraph 1 of this Annex or has not notified its plans to utilize all of its active quotas, or has not conducted an observation flight during the quarter for which it had notified such planned flight, shall have the right to utilize such remaining active quotas, provided that such observation flights have been accommodated within the existing agreement reached pursuant to paragraph 3 of this Annex.

## DODATEK H USKLAJEVANJE NAČRTOVANIH OPAZOVALNIH LETOV

1. Da bi se izognili časovnemu prekrivanju opazovalnih letov nad ozemljem ene in iste države pogodbenice, lahko vsaka država, ki ima pravico do opazovalnih letov po letni razdelitvi aktivnih kvot, obvesti vse druge države pogodbenice najpozneje 1. novembra vsako leto, da namerava v celoti ali delno uporabiti svojo aktivno kvoto v naslednjem letu. V obvestilu je treba navesti število opazovalnih letov, ki jih ta država pogodbenica namerava izvesti nad ozemlji drugih držav pogodbenic za vsako četrletje naslednjega leta.

2. V nobenem primeru ne sme biti celotno število načrtovanih in po prvem odstavku tega dodatka najavljenih opazovalnih letov nad ozemljem katere koli države pogodbenice v določenem četrletju večje od 16. Razen kot je določeno v tretjem odstavku I. razdelka VI. člena, ni nobena država pogodbenica obvezana sprejeti več kot en opazovalni let kadar koli v obdobju, določenem v devetem odstavku I. razdelka VI. člena pogodbe.

3. Države pogodbenice, ki so v skladu s prvim odstavkom tega dodatka uradno obvestile o svojih načrtih, da izkoristijo eno ali več aktivnih kvot za opazovalne lete nad ozemljem iste države pogodbenice v določenem četrletju ali četrletjih, se med seboj posvetujejo, če je potrebno, da se izognejo prekrivanju svojih načrtovanih opazovalnih letov. Če se države pogodbenice s posvetovanji ne sporazumejo, kako bi se izognile prekrivanju svojih načrtovanih opazovalnih letov, se vprašanje reši z žrebanjem med temi državami pogodbenicami. Prvo posvetovanje o opazovalnih letih v četrletju, ki se začne 1. januarja naslednjega leta, naj se začne takoj po prejemu obvestila v skladu s prvim odstavkom tega dodatka. Nadaljnji posveti med temi državami pogodbenicami se opravijo: za četrletje, ki se začne s 1. aprilom, med 1. in 15. februarjem; za četrletje, ki se začne s 1. julijem, med 1. in 15. majem; za četrletje, ki se začne 1. oktobra, med 1. in 15. avgustom. Zadevne države sporočijo na posvetih dogovorjeno zaporedje opazovalnih letov vsem državam pogodbenicam najpozneje 15. novembra, 15. februarja, 15. maja ali 15. avgusta.

4. Najpozneje sedem dni po uradnem obvestilu o zaporedju opazovalnih letov, ki je bilo določeno v skladu s tretjim odstavkom tega dodatka, vsaka država pogodbenica obvesti vse države pogodbenice, ki v tistem četrletju načrtujejo izvedbo opazovalnih letov nad njenim ozemljem, o vsakem letu, za katerega namerava uresničiti pravico, da bo priskrbelo svoje opazovalno letalo.

5. Vsaka država pogodbenica, ki ni poslala uradnega obvestila v skladu s prvim odstavkom tega dodatka ali ni uradno sporočila svojih načrtov, da bo izkoristila vse svoje aktivne kvote, ali ni izvedla opazovalnega leta v četrletju, za katero je napovedala tak načrtovani let, ima pravico izkoristiti tako preostale aktivne kvote, če je bilo te opazovalne lete mogoče vključiti v obstoječi dogovor, kot je bil dosežen na posvetovanjih v skladu s tretjim odstavkom tega dodatka.

**ANNEX I**  
**INFORMATION ON AIRSPACE AND FLIGHTS IN**  
**HAZARDOUS AIRSPACE**

1. No earlier than 90 days after entry into force of the Treaty, at the request of any other State Party, a State Party shall provide, no later than 30 days after the receipt of such a request, the following information in accordance with ICAO provisions:

- (A) its airspace structure, as published in the Aeronautical Information Publication (AIP) series;
- (B) detailed information on all hazardous airspace; and
- (C) airfield information and arrival and departure procedures for each of its:
  - (1) points of entry and points of exit;
  - (2) Open Skies airfields; and
  - (3) alternate airfields and refuelling airfields for its points of entry, points of exit, and Open Skies airfields.

2. Each State Party shall promptly notify States Parties that have requested information in accordance with the provisions of paragraph 1 of this Annex of any changes to the information provided in accordance with paragraph 1 of this Annex. Notwithstanding the provisions of this paragraph, Notices to Airmen (NOTAMs) need not be provided.

3. No later than 90 days after entry into force of the Treaty, each State Party shall notify all other States Parties of the source of the information to be provided in accordance with paragraph 1 of this Annex.

**ANNEX J**  
**MONTREUX CONVENTION**

1. Observation flights conducted under the provisions of the Treaty providing for the observation of the entire territory of States Parties shall not prejudice the Montreux Convention of 20 July 1936.

2. The routing and notification of transit flights of aircraft for the purpose of the Treaty falling within the scope of Article 23 of the Montreux Convention shall be governed by the provisions of that Article.

**ANNEX K**  
**INFORMATION ON FILM PROCESSORS,**  
**DUPLICATORS AND PHOTOGRAPHIC FILMS,**  
**AND PROCEDURES FOR MONITORING THE**  
**PROCESSING OF PHOTOGRAPHIC FILM**

**SECTION I. INFORMATION ON FILM**  
**PROCESSORS, DUPLICATORS AND PHOTOGRAPHIC**  
**FILMS**

1. Pursuant to Annex D, Section II, paragraph 3, subparagraph (A) (3) to the Treaty, each State Party, when notifying other States Parties of film processors or duplicators that it intends to use to develop original film negatives or produce duplicate film positives or negatives, shall provide the following manufacturer's information:

- (A) the processor or duplicator name;
- (B) the maximum and minimum width and length, if applicable, of film which may be processed or duplicated;
- (C) each type of film that may be processed or duplicated in that film processor; and
- (D) each step in the process, including the range of exposure, temperature, duration, recommended film transport speed, chemicals and chemical mixes, for each type of film.

**DODATEK I**  
**INFORMACIJE O ZRAČNEM PROSTORU IN**  
**LETIH V TVEGANEM ZRAČNEM PROSTORU**

1. Ne prej kot 90 dni od začetka veljavnosti pogodbe država pogodbenica na zahtevo katere koli druge države pogodbenice, vendar najpozneje v 30 dneh od prejema zahteve, dostavi te podatke v skladu z določbami ICAO:

- (A) strukturo svojega zračnega prostora, kot je objavljena v Zborniku aeronavtičnih informacij (AIP);
- (B) podrobne informacije o vsem tveganem zračnem prostoru in
- (C) informacije o letališčih ter postopke prihoda in odhoda za:
  - (1) vsako točko vstopa in točko izstopa;
  - (2) letališča odprtih zračnih prostorov ter
  - (3) nadomestna letališča in letališča za polnjenje z gorivom za svoje točke vstopa, točke izstopa in letališča odprtih zračnih prostorov.

2. Vsaka država pogodbenica takoj uradno obvesti države pogodbenice, ki so zahtevale informacije v skladu s prvim odstavkom tega dodatka, o vseh spremembah informacij, danih v skladu s prvim odstavkom tega dodatka. Ne glede na določbe tega odstavka ni treba dostavljati obvestil za letalce (NOTAM).

3. Najpozneje 90 dni po začetku veljavnosti pogodbe vsaka država pogodbenica uradno obvesti vse druge države pogodbenice o viru informacij, ki jih je treba dostavljati v skladu s prvim odstavkom tega dodatka.

**DODATEK J**  
**MONTREUJSKA KONVENCIJA**

1. Opazovalni leti, izvedeni po določbah pogodbe za opazovanje celotnega ozemlja držav pogodbenic, ne vplivajo na Montreujsko konvencijo z dne 20. julija 1936.

2. Za določanje rute in najavo tranzitnih letov letal za namene te pogodbe, ki so zajeti v 23. členu Montreujske konvencije, se uporabljajo določbe omenjenega člena.

**DODATEK K**  
**INFORMACIJE O NAPRAVAH ZA OBDELAVO**  
**FILMOV, DUPLIKATORJIH IN FOTOGRAFSKIH**  
**FILMIH TER POSTOPKIH ZA NADZOR NAD**  
**OBDELAVO FOTOGRAFSKIH FILMOV**

**I. RAZDELEK: INFORMACIJE O NAPRAVAH**  
**ZA OBDELAVO FILMOV, DUPLIKATORJIH IN**  
**FOTOGRAFSKIH FILMIH**

1. V skladu s 3. točko pododstavka (A) tretjega odstavka II. razdelka Dodatka D k pogodbi vsaka država pogodbenica, ko obvesti druge države pogodbenice o napravah za obdelavo filmov ali duplikatorjih, ki jih namerava uporabiti za razvijanje izvornih negativov filma ali izdelavo dvojnikov pozitivov ali negativov filma, predloži te podatke proizvajalca:

- (A) ime naprave za obdelavo filmov ali ime duplikatorja;
- (B) največjo in najmanjšo širino oziroma dolžino filma, ki ga bo treba obdelati ali duplicirati;
- (C) vsako vrsto filma, ki ga bo treba obdelati oziroma duplicirati v taki napravi, in
- (D) vsak korak postopka za vsako vrsto filma, vključno z razponom osvetlitve, temperaturo, trajanjem, priporočeno hitrostjo pomika filma, kemikalijami in kemičnimi zmesmi.

2. Pursuant to Annex D, Section II, paragraph 3, subparagraph (A) (2) to the Treaty, each State Party, when providing information on the types of black and white aerial film that it intends to use to collect data during the in-flight examination or an observation flight, or to duplicate such data, shall provide the following manufacturer's information, for each type of aerial film that may be processed or duplicated by means of the film processors or duplicators referred to in paragraph 1 of this Section, as necessary to confirm the capabilities of the film. Depending upon national practices of the film manufacturer, such information may include:

- (A) effective film speed;
- (B) resolution/modulation
- (C) spectral sensitivity; and
- (D) optical specular density or sensitometric characteristics.

3. For the purposes of determining the sensitometric characteristics of aerial film materials in accordance with its own national methodology, each State Party shall have the right to receive, upon request, unexposed samples of all types of photographic film to be used as data recording media, the chemicals for processing them, and to receive instructions for processing and duplication of such photographic films. Such samples and instructions shall be provided no later than 30 days after receipt of such a request.

## SECTION II. MONITORING OF FILM PROCESSING AND DUPLICATION

1. States Parties taking part in the certification of an observation aircraft and its sensors shall have the right to monitor the processing and duplication of the aerial film used during the in-flight examination. Personnel of the observed and observing Party shall have the right to monitor the processing and duplication of the aerial film used during a demonstration and observation flight.

2. While monitoring the processing and duplication of aerial film, the States Parties shall have the right to bring with them and use, in a manner that does not disrupt the processing or duplication of the film, the following equipment:

- (A) litmus papers;
- (B) thermometers;
- (C) chemical test equipment, including pH meters and hydrometers;
- (D) stopwatches;
- (E) sensitometers;
- (F) densitometers; and
- (G) 21-step sensitometric test strips and optical wedges.

3. Prior to the processing of the films exposed during the in-flight examination, demonstration flight and observation flight, States Parties shall check the film processing equipment and chemicals by processing a 21-step sensitometric test strip or exposing and processing a 21-step optical wedge to confirm that the sensitometric data for the processing of that type of film using that film process meets the specifications provided pursuant to Section I of this Annex. Unless otherwise agreed, the original or duplicate aerial film negatives or positives shall not be processed or duplicated until the processing of the 21-step sensitometric test strip or exposing and processing of the 21-step optical wedge meets the characteristics provided in accordance with the provisions of Section I of this Annex for that type of aerial film and film processor or duplicator.

4. Prior to the processing of the films exposed during the in-flight examination, demonstration flight and observation flight, States Parties shall have the right to check the film processing equipment and chemicals by exposing and processing a test film of the same type used during the in-flight examination, demonstration flight and observation flight to confirm that the washing and fixing process is suitable for the purposes of permanent archive storage.

2. V skladu z 2. točko pododstavka (A) tretjega odstavka II. razdelka Dodatka D k pogodbi vsaka država pogodbenica, ko obvesti druge države pogodbenice o vrstah črno-belega filma za snemanje iz zraka, ki jih namerava uporabiti za zbiranje podatkov pri pregledu med letom ali med opazovalnim letom ali za duplikacijo takih podatkov, predloži podatke proizvajalca, ki omogočajo ugotavljanje zmožnosti filma: za vsako vrsto filma za snemanje iz zraka, ki ga bo treba obdelati ali duplicirati z napravami za obdelavo filmov ali duplikatorji iz prvega odstavka tega razdelka. Odvisno od prakse v državi proizvajalca filma so to lahko tudi informacije o:

- (A) efektivni hitrosti filma;
- (B) resoluciji/modulaciji;
- (C) spektralni občutljivosti in
- (D) optični refleksijski gostoti ali senzitivnostih lastnosti.

3. Za ugotavljanje senzitivnostih lastnosti filmov za snemanje iz zraka ima vsaka država pogodbenica v skladu s svojimi postopki pravico na zahtevo prejeti neosvetljene vzorce vseh vrst fotografskega filma, ki bo uporabljen kot nosilec informacij za podatke, kemikalij za njihovo obdelavo in navodila za obdelavo in duplikacijo takih filmov. Vzorce in navodila je treba predložiti najpozneje 30 dni po prejemu zahteve.

## II. RAZDELEK: NADZOR NAD OBDELAVO FILMOV IN DUPLIKACIJO

1. Države pogodbenice, ki sodelujejo pri certificiranju opazovalnega letala in njegovih senzorjev, imajo pravico nadzirati obdelavo in duplikacijo filma za snemanje iz zraka, ki je bil uporabljen pri pregledu med letom. Osebe opazovanke in opazovalke imajo pravico nadzorovati obdelavo in duplikacijo filma za snemanje iz zraka, ki je bil uporabljen med predstavitvenim in opazovalnim letom.

2. Med nadziranjem obdelave in duplikacije filma za snemanje iz zraka imajo države pogodbenice pravico prnesti s seboj in uporabljati na način, ki ne moti obdelave ali duplikacije filma, to opremo:

- (A) lakmusov papir;
- (B) termometre;
- (C) kemijsko testno opremo, vključno s pH-metri in hidrometri;
- (D) štoparice;
- (E) senzitivmetre;
- (F) denzitivmetre;
- (G) 21-stopenjske senzitivmetrične trakove in optične skale.

3. Pred obdelavo filmov, ki so bili osvetljeni pri pregledu med letom, predstavitvenim letom in opazovalnim letom, države pogodbenice preverijo opremo in kemikalije za obdelavo filmov, tako da obdelajo 21-stopenjski senzitivmetrični testni trak ali osvetlijo in obdelajo 21-stopenjsko optično skalo in ugotovijo, ali se senzitivmetrični podatki za obdelavo te vrste filma po tem postopku obdelave filma res ujemajo s tehničnimi zahtevami iz I. razdelka tega dodatka. Če ni drugače dogovorjeno, se izvorniki ali dvojniki negativov ali pozitivov filma za snemanje iz zraka ne obdelajo ali duplicirajo, dokler ni obdelan 21-stopenjski senzitivmetrični trak ali osvetljena in obdelana 21-stopenjska optična skala, tako da so dosežene lastnosti, predpisane za to vrsto filma za snemanje iz zraka in naprave za obdelavo filmov ali duplikatorja v skladu z določbami I. razdelka tega dodatka.

4. Pred obdelavo filmov, ki so bili osvetljeni pri pregledu med letom, predstavitvenim letom in opazovalnim letom, imajo države pogodbenice pravico preveriti opremo za obdelavo filmov in kemikalije, s tem da osvetlijo in obdelajo testni film iste vrste, ki je bil uporabljen pri pregledu med letom, predstavitvenim letom in opazovalnim letom, da ugotovijo, da sta postopka pranja in fiksiranja primerna za trajno arhiviranje.

## ANNEX L OPEN SKIES CONSULTATIVE COMMISSION

### SECTION I. GENERAL PROVISIONS

Procedures and other provisions relating to the Open Skies Consultative Commission are established in this Annex pursuant to Article X of the Treaty.

1. The Open Skies Consultative Commission shall be composed of representatives designated by each State Party. Alternates, advisers and experts of a State Party may take part in the proceedings of the Open Skies Consultative Commission as deemed necessary by that State Party.

2. The initial session of the Open Skies Consultative Commission shall open within 60 days of the signature of the Treaty. The Chairman of the opening meeting shall be the representative of Canada.

3. The Open Skies Consultative Commission shall meet for no fewer than four regular sessions per calendar year unless it decides otherwise. Extraordinary sessions shall be convened at the request of one or more States Parties by the Chairman of the Open Skies Consultative Commission, who shall promptly inform all other States Parties of the request. Such sessions shall open no later than 15 days after receipt of such a request by the Chairman.

4. Sessions of the Open Skies Consultative Commission shall last no longer than four weeks, unless it decides otherwise.

5. States Parties shall assume in rotation, determined by alphabetical order in the French language, the chairmanship of the Open Skies Consultative Commission. Each Chairman shall serve from the opening of a session until the opening of the following session, unless otherwise agreed.

6. Representatives at meetings shall be seated in alphabetical order of the States Parties in the French language.

7. The working languages of the Open Skies Consultative Commission shall be English, French, German, Italian, Russian and Spanish.

8. The proceedings of the Open Skies Consultative Commission shall be confidential, unless otherwise agreed. The Open Skies Consultative Commission may agree to make its proceedings or decisions public.

9. During the period of provisional application, and prior to 30 June 1992, the Open Skies Consultative Commission shall settle the distribution of costs arising under the Treaty. It shall also settle as soon as possible the scale of distribution for the common expenses associated with the operation of the Open Skies Consultative Commission.

10. During the period of provisional application of the Treaty the Open Skies Consultative Commission shall develop a document relating to notifications and reports required by the Treaty. Such document shall list all such notifications and reports and shall include appropriate formats as necessary.

11. The Open Skies Consultative Commission shall work out or revise, as necessary, its rules of procedure and working methods.

### SECTION II. ANNUAL REVIEW OF ACTIVE QUOTAS

Procedures for the annual review of active quotas as foreseen in Article III, Section I, paragraph 7 of the Treaty shall be as follows:

1. States Parties wishing to modify all or part of the past year's distribution with respect to their active quota shall notify all other States Parties and the Open Skies Consultative Commission, by 1 October of each year, of those States Parties over which they wish to conduct their observation flights during the next calendar year. Such proposed modifications shall be considered by the States Parties during this review, according to the rules set forth in the following paragraphs of this Section.

## DODATEK L POSVETOVALNA KOMISIJA ZA ODPRTE ZRAČNE PROSTORE

### I. RAZDELEK: SPLOŠNE DOLOČBE

Postopki in druge določbe v zvezi s posvetovalno komisijo za odprte zračne prostore so določeni v tem dodatku v skladu z X. členom pogodbe.

1. Posvetovalno komisijo za odprte zračne prostore sestavljajo predstavniki, ki jih določi vsaka država pogodbenica. Namestniki, svetovalci in strokovnjaki države pogodbenice lahko sodelujejo pri dejavnostih posvetovalne komisije za odprte zračne prostore, kot se zdi tej državi pogodbenici potrebno.

2. Prvo zasedanje posvetovalne komisije za odprte zračne prostore se začne v 60 dneh po podpisu pogodbe. Predsedujoči uvodnega sestanka je predstavnik Kanade.

3. Posvetovalna komisija za odprte zračne prostore ima vsako koledarsko leto najmanj štiri redna zasedanja, če ne odloči drugače. Izredna zasedanja skliče predsedujoči posvetovalne komisije za odprte zračne prostore na zahtevo ene ali več držav pogodbenic in o tej zahtevi nemudoma obvesti vse druge države pogodbenice. Takšna zasedanja se začnejo najpozneje 15 dni od dneva, ko predsedujoči prejme takšno zahtevo.

4. Zasedanja posvetovalne komisije za odprte zračne prostore trajajo največ štiri tedne, če ta ne odloči drugače.

5. Države pogodbenice prevzamejo predsedstvo posvetovalne komisije za odprte zračne prostore po načelu kroženja po abecednem redu v francoskem jeziku. Vsak predsedujoči opravlja to dolžnost od začetka zasedanja do začetka naslednjega zasedanja, če ni dogovorjeno drugače.

6. Sedežni red predstavnikov na sestankih je sestavljen po abecednem redu držav članic v francoskem jeziku.

7. Delovni jeziki posvetovalne komisije za odprte zračne prostore so angleščina, francoščina, italijanščina, nemščina, ruščina in španščina.

8. Postopki posvetovalne komisije za odprte zračne prostore so zaupni, če ni dogovorjeno drugače. Posvetovalna komisija za odprte zračne prostore se lahko dogovori, da so njeni postopki ali odločitve javni.

9. Med začasno uporabo pogodbe in pred 30. junijem 1992 posvetovalna komisija za odprte zračne prostore uredi razdelitev stroškov, ki izhajajo iz pogodbe. Čim prej tudi določi razmerje razdelitve skupnih stroškov, povezanih z delovanjem posvetovalne komisije za odprte zračne prostore.

10. Med začasno uporabo pogodbe posvetovalna komisija za odprte zračne prostore pripravi dokument, ki se nanaša na uradna obvestila in poročila, ki jih zahteva pogodba. V takem dokumentu so navedena vsa taka uradna obvestila ter po potrebi dodani ustrezni obrazci.

11. Posvetovalna komisija za odprte zračne prostore po potrebi izdelata ali spremeni svoj poslovnik in načine dela.

### II. RAZDELEK: LETNI PREGLED AKTIVNIH KVOT

Postopki za letni pregled aktivnih kvot, predvidenih v sedmem odstavku I. razdelka III. člena pogodbe, so:

1. Države pogodbenice, ki želijo spremeniti vso ali del razdelitve svojih aktivnih kvot iz prejšnjega leta, morajo do 1. oktobra vsakega leta uradno obvestiti vse druge države pogodbenice in posvetovalno komisijo za odprte zračne prostore o državah pogodbenicah, nad katerimi želijo v naslednjem koledarskem letu opravljati opazovalne lete. Tako predlagane spremembe obravnavajo države pogodbenice med tem pregledom aktivnih kvot v skladu s pravili, navedenimi v naslednjih odstavkih tega razdelka.

2. If the requests for observation flights over the territory of any given State Party do not exceed its passive quota, then the distribution shall be established as requested, and presented to the Open Skies Consultative Commission for approval.

3. If the requests for observation flights over the territory of any given State Party exceed its passive quota, then the distribution shall be established by general agreement among the interested States Parties, and presented to the Open Skies Consultative Commission for approval.

#### SECTION III. EXTRAORDINARY OBSERVATION FLIGHTS

1. The Open Skies Consultative Commission shall consider requests from the bodies of the Conference on Security and Co-operation in Europe authorized to deal with respect to conflict prevention and crisis management and from other relevant international organizations to facilitate the organization and conduct of extraordinary observation flights over the territory of a State Party with its consent.

2. The data resulting from such observation flights shall be made available to the bodies and organizations concerned.

3. Notwithstanding any other provision of the Treaty, States Parties may agree on a bilateral and voluntary basis to conduct observation flights over the territory of each other following the procedures regarding the conduct of observation flights. Unless otherwise agreed by the States Parties concerned, the data resulting from such observation flights shall be made available to the Open Skies Consultative Commission.

4. Observation flights conducted under the provisions of this Section shall not be counted against the active or passive quotas of the States Parties involved.

#### SECTION IV. ADDITIONAL FIELDS FOR THE USE OF THE OPEN SKIES REGIME

1. States Parties may raise for consideration in the Open Skies Consultative Commission proposals for the use of the Open Skies regime in additional specific fields, such as the environment.

2. The Open Skies Consultative Commission may take decisions on such proposals or, if necessary, may refer them to the first and subsequent conferences called to review the implementation of the Treaty, in accordance with the provisions of Article XVI, paragraph 3 of the Treaty.

2. Če zahteve za opazovalne lete nad ozemljem katere koli države pogodbenice ne presegajo njene pasivne kvote, se razdelitev kvot določi, kot je zahtevano, in predloži posvetovalni komisiji za odprte zračne prostore v odobritev.

3. Če zahteve za opazovalne lete nad ozemljem katere koli države pogodbenice ne presegajo njene pasivne kvote, se razdelitev kvot določi s soglasjem vseh zainteresiranih držav pogodbenic in predloži posvetovalni komisiji za odprte zračne prostore v odobritev.

#### III. RAZDELEK: IZREDNI OPAZOVALNI LETI

1. Posvetovalna komisija za odprte zračne prostore mora obravnavati zahteve organov Konference o varnosti in sodelovanju v Evropi, pooblaščenih za preprečevanje sporov ter obvladovanje kriznih razmer, kot tudi zahteve drugih pomembnih mednarodnih organizacij, da bi se z njenim soglasjem olajšali organizacija in izvedba izrednih opazovalnih letov nad ozemljem države pogodbenice.

2. Podatki, ki izhajajo iz takšnih opazovalnih letov, se dajo na voljo omenjenim organom in organizacijam.

3. Ne glede na druge določbe pogodbe se lahko države pogodbenice dvostransko in prostovoljno dogovorijo o izvajanju opazovalnih letov nad ozemljem ene in druge, pri čemer upoštevajo postopke za izvajanje opazovalnih letov. Če se te države pogodbenice ne dogovorijo drugače, se podatki, ki izhajajo iz takšnih opazovalnih letov, dajo na voljo posvetovalni komisiji za odprte zračne prostore.

4. Opazovalni leti, izvedeni v skladu z določbami tega razdelka, se ne štejejo v aktivno ali pasivno kvoto teh držav pogodbenic.

#### IV. RAZDELEK: DODATNA PODROČJA UPORABE REŽIMA ODPRTIH ZRAČNIH PROSTOROV

1. Države pogodbenice lahko posvetovalni komisiji za odprte zračne prostore dajo v proučitev predloge za uporabo režima odprtih zračnih prostorov na dodatnih posebnih področjih, kot je na primer okolje.

2. Posvetovalna komisija za odprte zračne prostore lahko odloči o takšnih predlogih ali jih, če je potrebno, predloži na prvi konferenci in naslednjih konferencah, ki so v skladu z določbami tretjega odstavka XVI. člena pogodbe sklicane za pregled izvajanja pogodbe.

#### 3. člen

Za izvajanje pogodbe skrbi Ministrstvo za obrambo Republike Slovenije.

#### 4. člen

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

Št. 326-06/04-43/1  
Ljubljana, dne 20. maja 2004  
EPA 1272-III

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

**77. Zakon o ratifikaciji Mednarodne konvencije o odgovornosti in nadomestilu škode v zvezi s prevozom nevarnih in zdravju škodljivih snovi po morju, 1996 (MKONŠ)**

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 MEDNARODNE KONVENCIJE O ODGOVORNOSTI IN NADOMESTILU ŠKODE V ZVEZI S PREVOZOM NEVARNIH IN ZDRAVJU ŠKODLJIVIH SNOVI PO MORJU, 1996 (MKONŠ)**

Razglašam Zakon o ratifikaciji Mednarodne konvencije o odgovornosti in nadomestilu škode v zvezi s prevozom nevarnih in zdravju škodljivih snovi po morju, 1996 (MKONŠ), ki ga je sprejel Državni zbor Republike Slovenije na seji 20. maja 2004.

Št. 001-22-108/04  
Ljubljana, 28. maj 2004

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

**Z A K O N****O RATIFIKACIJI MEDNARODNE KONVENCIJE O ODGOVORNOSTI IN NADOMESTILU ŠKODE V ZVEZI S PREVOZOM NEVARNIH IN ZDRAVJU ŠKODLJIVIH SNOVI PO MORJU, 1996 (MKONŠ)**

## 1. člen

Ratificira se Mednarodna konvencija o odgovornosti in nadomestilu škode v zvezi s prevozom nevarnih in zdravju škodljivih snovi po morju, sklenjena 3. maja 1996 v Londonu.

## 2. člen

Besedilo konvencije se v izvorniku v angleškem jeziku in prevodu v slovenskem jeziku glasi:

**INTERNATIONAL CONVENTION  
ON LIABILITY AND COMPENSATION FOR  
DAMAGE IN CONNECTION WITH THE  
CARRIAGE OF HAZARDOUS AND NOXIOUS  
SUBSTANCES BY SEA, 1996**

THE STATES PARTIES TO THE PRESENT CONVENTION,

CONSCIOUS of the dangers posed by the world-wide carriage by sea of hazardous and noxious substances,

CONVINCED of the need to ensure that adequate, prompt and effective compensation is available to persons who suffer damage caused by incidents in connection with the carriage by sea of such substances,

DESIRING to adopt uniform international rules and procedures for determining questions of liability and compensation in respect of such damage,

CONSIDERING that the economic consequences of damage caused by the carriage by sea of hazardous and noxious substances should be shared by the shipping industry and the cargo interests involved,

HAVE AGREED as follows:

Chapter I  
GENERAL PROVISIONS

**Definitions**

## Article 1

For the purposes of this Convention:

1 "Ship" means any seagoing vessel and seaborne craft, of any type whatsoever.

2 "Person" means any individual or partnership or any public or private body, whether corporate or not, including a State or any of its constituent subdivisions.

**MEDNARODNA KONVENCIJA  
O ODGOVORNOSTI IN NADOMESTILU  
ŠKODE V ZVEZI S PREVOZOM NEVARNIH IN  
ZDRAVJU ŠKODLJIVIH SNOVI PO MORJU, 1996**

DRŽAVE POGODBENICE TE KONVENCIJE,

ZAVEDAJOČ SE nevarnosti, ki jih povzroča prevoz nevarnih in zdravju škodljivih snovi po morju po vsem svetu, PREPRIČANE, da je treba zagotoviti primerno, hitro in učinkovito nadomestilo škode osebam, ki so utrpeli škodo, ki so jo povzročili incidenti pri prevozu takih snovi po morju,

V ŽELJI, da se sprejmejo enotna mednarodna pravila in postopki za reševanje vprašanj odgovornosti in nadomestil za tako povzročeno škodo,

UPOŠTEVAJOČ, da je treba ekonomske posledice škode, povzročene s prevozom nevarnih in zdravju škodljivih snovi po morju, razdeliti med zadevni sektor pomorskih prevozov in s tovorom povezane interese,

SO SE SPORAZUMELE, kakor sledi:

Poglavje I  
SPLOŠNE DOLOČBE

**Opredelitve**

## Člen 1

Za uporabo te konvencije:

1 »Ladja« pomeni katero koli ladjo in plovilo katere koli vrste, ki je namenjeno plovbi po morju.

2 »Oseba« pomeni fizično ali pravno osebo javnega ali zasebnega prava, vključno z državo ali njenimi ozemeljskimi skupnostmi.

3 "Owner" means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship. However, in the case of a ship owned by a State and operated by a company which in that State is registered as the ship's operator, "owner" shall mean such company.

4 "Receiver" means either:

(a) the person who physically receives contributing cargo discharged in the ports and terminals of a State Party; provided that if at the time of receipt the person who physically receives the cargo acts as an agent for another who is subject to the jurisdiction of any State Party, then the principal shall be deemed to be the receiver, if the agent discloses the principal to the HNS Fund; or

(b) the person in the State Party who in accordance with the national law of that State Party is deemed to be the receiver of contributing cargo discharged in the ports and terminals of a State Party, provided that the total contributing cargo received according to such national law is substantially the same as that which would have been received under (a).

5 "Hazardous and noxious substances" (HNS) means:

(a) any substances, materials and articles carried on board a ship as cargo, referred to in (i) to (vii) below:

(i) oils carried in bulk listed in appendix I of Annex I to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended;

(ii) noxious liquid substances carried in bulk referred to in appendix II of Annex II to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended, and those substances and mixtures provisionally categorized as falling in pollution category A, B, C or D in accordance with regulation 3(4) of the said Annex II;

(iii) dangerous liquid substances carried in bulk listed in chapter 17 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk, 1983, as amended, and the dangerous products for which the preliminary suitable conditions for the carriage have been prescribed by the Administration and port administrations involved in accordance with paragraph 1.1.3 of the Code;

(iv) dangerous, hazardous and harmful substances, materials and articles in packaged form covered by the International Maritime Dangerous Goods Code, as amended;

(v) liquefied gases as listed in chapter 19 of the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, 1983, as amended, and the products for which preliminary suitable conditions for the carriage have been prescribed by the Administration and port administrations involved in accordance with paragraph 1.1.6 of the Code;

(vi) liquid substances carried in bulk with a flashpoint not exceeding 60 °C (measured by a closed cup test);

(vii) solid bulk materials possessing chemical hazards covered by appendix B of the Code of Safe Practice for Solid Bulk Cargoes, as amended, to the extent that these substances are also subject to the provisions of the International Maritime Dangerous Goods Code when carried in packaged form; and

(b) residues from the previous carriage in bulk of substances referred to in (a)(i) to (iii) and (v) to (vii) above.

6 "Damage" means:

(a) loss of life or personal injury on board or outside the ship carrying the hazardous and noxious substances caused by those substances;

(b) loss of or damage to property outside the ship carrying the hazardous and noxious substances caused by those substances;

3 »Lastnik« pomeni osebo ali osebe, ki so vpisane v ladijski register kot lastnik ladje ali, če vpisa ni, osebo ali osebe, ki so lastniki ladje. Vendar pa, če je ladja v lasti države in z njo upravlja družba, ki je v navedeni državi vpisana kot upravljaavec ladje, pomeni »lastnik« tako družbo.

4 »Prejemnik« pomeni bodisi:

(a) osebo, ki fizično prevzame tovor, za katerega se plačuje prispevek, raztovorjen v pristaniščih in terminalih države pogodbenice; če v času prevzema oseba, ki fizično prevzame tovor, nastopa kot zastopnik za drugo osebo, ki je v pristojnosti katere koli države pogodbenice, potem se za prejemnika šteje naročnik, prevzet skladno s to nacionalno naročnika Skladu HNS; ali

(b) osebo v državi pogodbenici, ki skladno z nacionalno zakonodajo te države pogodbenice velja za prejemnika tovora, za katerega se plačuje prispevek, raztovorjenega v pristaniščih in terminalih države pogodbenice, če je celotni tovor, za katerega se plačuje prispevek, prevzet skladno s to nacionalno zakonodajo, v bistvu isti kot tisti, ki bi bil prevzet pod (a).

5 »Nevarne in zdravju škodljive snovi« (HNS) pomeni:

(a) vse snovi, materiale in predmete, ki se prevažajo na ladijskem krovu, iz (i) do (vii) spodaj:

(i) olja, ki se prevažajo v razsutem stanju, navedena v dodatku I k Prilogi I k Mednarodni konvenciji o preprečevanju onesnaževanja morja z ladij, 1973, kakor je bila spremenjena z zadevnim Protokolom iz leta 1978, skladno s spremembami;

(ii) zdravju škodljive tekoče snovi, ki se prevažajo v razsutem stanju, iz dodatka II k Prilogi II k Mednarodni konvenciji o preprečevanju onesnaževanja morja z ladij, 1973, kakor je bila spremenjena z zadevnim Protokolom iz leta 1978, skladno s spremembami, in tiste snovi in mešanice, ki so začasno uvrščene v kategorijo onesnaževanja A, B, C in D skladno s pravilom 3(4) navedene Priloge II;

(iii) nevarne tekoče snovi, ki se prevažajo v razsutem stanju, navedene v poglavju 17 Mednarodnega kodeksa za gradnjo in opremo ladij za prevoz nevarnih kemikalij, ki se prevažajo v razsutem stanju, 1983, skladno s spremembami, in nevarne proizvode, za katere zadevna uprava in pristaniške uprave predpisujejo predhodne primerne pogoje prevoza skladno z odstavkom 1.1.3 Kodeksa;

(iv) nevarne, tvegane in škodljive snovi, materiale in predmete v pakirani obliki, ki so zajeti v Mednarodnem kodeksu za prevoz nevarnih snovi po morju, skladno s spremembami;

(v) utekočinjene pline iz poglavja 19 Mednarodnega kodeksa za gradnjo in opremo ladij za prevoz nevarnih utekočinjenih plinov, ki se prevažajo v razsutem stanju, 1983, skladno s spremembami, in proizvode, za katere zadevna uprava in pristaniške uprave predpisujejo predhodne primerne pogoje prevoza skladno z odstavkom 1.1.6 Kodeksa;

(vi) tekoče snovi, ki se prevažajo v razsutem stanju, katerih plamenišče ne presega 60 °C (izmerjeno s preizkusom zaprte skodelice);

(vii) trdne materiale v razsutem stanju s kemičnim tveganjem, zajete v dodatku B Kodeksa za varno ravnanje s trdnimi gorivi v razsutem stanju, skladno s spremembami, kolikor za te snovi veljajo določbe Mednarodnega kodeksa za prevoz nevarnih snovi po morju, kadar se prevažajo v pakirani obliki; in

(b) ostanke predhodnega razsutega tovora snovi iz (a)(i) do (iii) in (v) do (vii) zgoraj.

6 »Škoda« pomeni:

(a) izgubo življenja ali telesno poškodbo na krovu ali izven ladje, ki prevažata nevarne in zdravju škodljive snovi, ki so jo povzročile te snovi;

(b) izgubo ali poškodbo lastnine izven ladje, ki prevažata nevarne in zdravju škodljive snovi, ki so jo povzročile te snovi;

(c) loss or damage by contamination of the environment caused by the hazardous and noxious substances, provided that compensation for impairment of the environment other than loss of profit from such impairment shall be limited to costs of reasonable measures of reinstatement actually undertaken or to be undertaken; and

(d) the costs of preventive measures and further loss or damage caused by preventive measures.

Where it is not reasonably possible to separate damage caused by the hazardous and noxious substances from that caused by other factors, all such damage shall be deemed to be caused by the hazardous and noxious substances except if, and to the extent that, the damage caused by other factors is damage of a type referred to in article 4, paragraph 3.

In this paragraph, "caused by those substances" means caused by the hazardous or noxious nature of the substances.

7 "Preventive measures" means any reasonable measures taken by any person after an incident has occurred to prevent or minimize damage.

8 "Incident" means any occurrence or series of occurrences having the same origin, which causes damage or creates a grave and imminent threat of causing damage.

9 "Carriage by sea" means the period from the time when the hazardous and noxious substances enter any part of the ship's equipment, on loading, to the time they cease to be present in any part of the ship's equipment, on discharge. If no ship's equipment is used, the period begins and ends respectively when the hazardous and noxious substances cross the ship's rail.

10 "Contributing cargo" means any hazardous and noxious substances which are carried by sea as cargo to a port or terminal in the territory of a State Party and discharged in that State. Cargo in transit which is transferred directly, or through a port or terminal, from one ship to another, either wholly or in part, in the course of carriage from the port or terminal of original loading to the port or terminal of final destination shall be considered as contributing cargo only in respect of receipt at the final destination.

11 The "HNS Fund" means the International Hazardous and Noxious Substances Fund established under article 13.

12 "Unit of account" means the Special Drawing Right as defined by the International Monetary Fund.

13 "State of the ship's registry" means in relation to a registered ship the State of registration of the ship, and in relation to an unregistered ship the State whose flag the ship is entitled to fly.

14 "Terminal" means any site for the storage of hazardous and noxious substances received from waterborne transportation, including any facility situated off-shore and linked by pipeline or otherwise to such site.

15 "Director" means the Director of the HNS Fund.

16 "Organization" means the International Maritime Organization.

17 "Secretary-General" means the Secretary-General of the Organization.

(c) izgubo ali škodo zaradi onesnaženja okolja, ki so ga povzročile nevarne in zdravju škodljive snovi, če je nadomestilo za degradacijo okolja, razen za izgubo dobička zaradi take degradacije, omejeno na stroške razumnih in že izvedenih ukrepov ali ukrepov, ki se bodo izvedli za ponovno vzpostavitev prejšnjega stanja; in

(d) stroške preventivnih ukrepov in nadaljnjo izgubo ali škodo, ki jo povzročijo preventivni ukrepi.

Kadar ni mogoče razumno ločiti med škodo, ki so jo povzročile nevarne in zdravju škodljive snovi, in škodo, ki so jo povzročili drugi dejavniki, velja, da so vsa tako škodo povzročile nevarne in zdravju škodljive snovi, razen če in kolikor je škoda, ki so jo povzročili drugi dejavniki, vrsta škode iz člena 4(3).

V tem odstavku »so jo povzročile tiste snovi« pomeni, da so jo povzročile nevarne ali zdravju škodljive lastnosti snovi.

7 »Preventivni ukrepi« pomeni vse razumne ukrepe, ki jih izvede katera koli oseba po incidentu, da bi preprečila ali kar najbolj zmanjšala škodo.

8 »Incident« pomeni kateri koli dogodek ali niz dogodkov, ki izhajajo iz istega vira, zaradi katerega nastane škoda ali ki pomeni resno in neposredno grožnjo za nastanek škode.

9 »Prevoz po morju« pomeni obdobje od časa, ko nevarne in zdravju škodljive snovi vstopijo v kateri koli del opreme ladje, ob natovarjanju, do časa, ko prenehajo biti prisotne v katerem koli delu opreme ladje, ob raztovarjanju. Če ni uporabljena nobena ladijska oprema, se obdobje ustrezno začne in konča, ko nevarne in zdravju škodljive snovi prečkajo ladijsko ograjo.

10 »Tovor, za katerega se plačuje prispevek« pomeni katere koli nevarne in zdravju škodljive snovi, ki se prevažajo po morju kot tovor do pristanišča ali terminala na ozemlju države pogodbenice, in ki se raztovorijo v tej državi. Transitni tovor, ki se prenese neposredno ali prek pristanišča ali terminala, iz ene ladje na drugo, v celoti ali delno, se med prevozom iz pristanišča ali terminala prvotnega natovarjanja v pristanišče ali terminal končne namembnosti obravnava kot tovor, za katerega se plačuje prispevek, samo v zvezi s prevzemom na kraju končne namembnosti.

11 »Sklad HNS« pomeni Mednarodni sklad za nevarne in zdravju škodljive snovi, ustanovljen po členu 13.

12 »Obračunska enota« pomeni posebno pravico črpanja skladno z opredelitvijo Mednarodnega denarnega sklada.

13 »Država ladijskega registra« pomeni v zvezi z ladjo, ki je vpisana v register, državo ladijskega registra, in v zvezi z ladjo, ki ni vpisana v register, državo, za katero ima ladja pravico, da pluje pod njeno zastavo.

14 »Terminal« pomeni kateri koli kraj za skladiščenje nevarnih in zdravju škodljivih snovi, prevzetih s sredstva za prevoz po vodi, vključno s katerim koli plavajočim objektom, povezanim s takim krajem po cevovodu ali kako drugače.

15 »Direktor« pomeni direktorja Sklada HNS.

16 »Organizacija« pomeni Mednarodno pomorsko organizacijo.

17 »Generalni sekretar« pomeni generalnega sekretarja Organizacije.

## Annexes

### Article 2

The Annexes to this Convention shall constitute an integral part of this Convention.

## Priloge

### Člen 2

Priloge k tej konvenciji so sestavni del te konvencije.



**Scope of application****Article 3**

This Convention shall apply exclusively:

(a) to any damage caused in the territory, including the territorial sea, of a State Party;

(b) to damage by contamination of the environment caused in the exclusive economic zone of a State Party, established in accordance with international law, or, if a State Party has not established such a zone, in an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than 200 nautical miles from the baselines from which the breadth of its territorial sea is measured;

(c) to damage, other than damage by contamination of the environment, caused outside the territory, including the territorial sea, of any State, if this damage has been caused by a substance carried on board a ship registered in a State Party or, in the case of an unregistered ship, on board a ship entitled to fly the flag of a State Party; and

(d) to preventive measures, wherever taken.

**Article 4**

1 This Convention shall apply to claims, other than claims arising out of any contract for the carriage of goods and passengers, for damage arising from the carriage of hazardous and noxious substances by sea.

2 This Convention shall not apply to the extent that its provisions are incompatible with those of the applicable law relating to workers' compensation or social security schemes.

3 This Convention shall not apply:

(a) to pollution damage as defined in the International Convention on Civil Liability for Oil Pollution Damage, 1969, as amended, whether or not compensation is payable in respect of it under that Convention; and

(b) to damage caused by a radioactive material of class 7 either in the International Maritime Dangerous Goods Code, as amended, or in appendix B of the Code of Safe Practice for Solid Bulk Cargoes, as amended.

4 Except as provided in paragraph 5, the provisions of this Convention shall not apply to warships, naval auxiliary or other ships owned or operated by a State and used, for the time being, only on Government non-commercial service.

5 A State Party may decide to apply this Convention to its warships or other vessels described in paragraph 4, in which case it shall notify the Secretary-General thereof specifying the terms and conditions of such application.

6 With respect to ships owned by a State Party and used for commercial purposes, each State shall be subject to suit in the jurisdictions set forth in article 38 and shall waive all defences based on its status as a sovereign State.

**Article 5**

1 A State may, at the time of ratification, acceptance, approval of, or accession to, this Convention, or any time thereafter, declare that this Convention does not apply to ships:

(a) which do not exceed 200 gross tonnage; and

(b) which carry hazardous and noxious substances only in packaged form; and

(c) while they are engaged on voyages between ports or facilities of that State.

**Področje uporabe****Člen 3**

Priloge se uporabljajo izključno:

(a) za vsako škodo, povzročeno na ozemlju države pogodbenice, vključno z njenim teritorialnim morjem;

(b) za škodo, ki se povzroči zaradi onesnaženja okolja, ki nastane v izključni ekonomski coni države pogodbenice, razglašeni skladno z mednarodnim pravom, ali, če država pogodbenica nima take cone, na območju onkraj teritorialnega morja in ob teritorialnem morju te države, ki ga opredeli ta država skladno z mednarodnim pravom in ki ne sega več kot 200 navtičnih milj od temeljnih črt, od katerih se meri širina teritorialnega morja;

(c) za drugo škodo kot za škodo, ki se povzroči zaradi onesnaženja okolja, ki nastane izven ozemlja katerekoli države, vključno z njenim teritorialnim morjem, če je to škodo povzročila snov, ki se je prevažala na krovu ladje, vpisane v ladijski register države pogodbenice, ali, v primeru ladje, ki ni vpisana v register, na krovu ladje, ki ima pravico do plutja pod zastavo države pogodbenice; in

(d) za preventivne ukrepe, kadar se sprejmejo.

**Člen 4**

1 Ta konvencija se uporablja za druge zahtevke, kot so zahtevki, ki izhajajo iz katere koli pogodbe za prevoz blaga in potnikov, v zvezi s škodo, ki nastane zaradi prevoza nevarnih in zdravju škodljivih snovi po morju.

2 Ta konvencija se ne uporablja, če so njene določbe neskladne z določbami prava, ki se uporablja v zvezi z odškodninskimi nadomestili delavcem ali programi socialnega varstva.

3 Ta konvencija se ne uporablja:

(a) za škodo, ki se povzroči zaradi onesnaženja, kakor je opredeljena v Mednarodni konvenciji o civilni odgovornosti za škodo, povzročeno z onesnaženjem z nafto, 1969, skladno s spremembami, ne glede na to, ali je zadevno nadomestilo po navedeni konvenciji plačljivo ali ne; in

(b) za škodo, ki jo povzročijo radioaktivni materiali razreda 7 bodisi iz Mednarodnega kodeksa za prevoz nevarnih snovi po morju, skladno s spremembami, ali iz dodatka B Kodeksa za varno ravnanje s trdnimi gorivi v razsutem stanju, skladno s spremembami.

4 Z izjemo določb odstavka 5 se določbe te konvencije ne uporabljajo za vojne ladje, pomožno mornarico ali druge ladje v lasti ali upravljanju države, ki se začasno uporabljajo samo za nekomercialne vladne storitve.

5 Država pogodbenica se lahko odloči, da to konvencijo uporabi za svoje vojne ladje ali druga plovila iz odstavka 4, in v tem primeru o tem obvesti generalnega sekretarja, ob navedbi pogojev take uporabe.

6 V zvezi z ladjami v lasti države pogodbenice, ki se uporabljajo v komercialne namene, za vsako državo velja, da je lahko predmet tožbe v smislu pristojnosti iz člena 38, in da se odreče vsaki obrambi, ki temelji na njenem statusu suverene države.

**Člen 5**

1 Država lahko ob ratifikaciji, sprejetju, odobritvi ali pristopu k tej konvenciji ali kadar koli kasneje izjavi, da se ta konvencija ne uporablja za ladje:

(a) katerih bruto tonaža ne presega 200 ton; in

(b) ki prevažajo nevarne in zdravju škodljive snovi izključno v pakirani obliki; in

(c) med pristanišči ali objekti te države.

2 Where two neighbouring States agree that this Convention does not apply also to ships which are covered by paragraph 1(a) and (b) while engaged on voyages between ports or facilities of those States, the States concerned may declare that the exclusion from the application of this Convention declared under paragraph 1 covers also ships referred to in this paragraph.

3 Any State which has made the declaration under paragraph 1 or 2 may withdraw such declaration at any time.

4 A declaration made under paragraph 1 or 2, and the withdrawal of the declaration made under paragraph 3, shall be deposited with the Secretary-General who shall, after the entry into force of this Convention, communicate it to the Director.

5 Where a State has made a declaration under paragraph 1 or 2 and has not withdrawn it, hazardous and noxious substances carried on board ships covered by that paragraph shall not be considered to be contributing cargo for the purpose of application of articles 18, 20, article 21, paragraph 5 and article 43.

6 The HNS Fund is not liable to pay compensation for damage caused by substances carried by a ship to which the Convention does not apply pursuant to a declaration made under paragraph 1 or 2, to the extent that:

(a) the damage as defined in article 1, paragraph 6(a), (b) or (c) was caused in:

(i) the territory, including the territorial sea, of the State which has made the declaration, or in the case of neighbouring States which have made a declaration under paragraph 2, of either of them; or

(ii) the exclusive economic zone, or area mentioned in article 3(b), of the State or States referred to in (i);

(b) the damage includes measures taken to prevent or minimize such damage.

### Duties of State Parties

#### Article 6

Each State Party shall ensure that any obligation arising under this Convention is fulfilled and shall take appropriate measures under its law including the imposing of sanctions as it may deem necessary, with a view to the effective execution of any such obligation.

#### Chapter II LIABILITY

### Liability of the owner

#### Article 7

1 Except as provided in paragraphs 2 and 3, the owner at the time of an incident shall be liable for damage caused by any hazardous and noxious substances in connection with their carriage by sea on board the ship, provided that if an incident consists of a series of occurrences having the same origin the liability shall attach to the owner at the time of the first of such occurrences.

2 No liability shall attach to the owner if the owner proves that:

(a) the damage resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character; or

(b) the damage was wholly caused by an act or omission done with the intent to cause damage by a third party; or

2 Kadar se dve sosednji državi dogovorita, da se ta konvencija ravno tako ne uporablja za ladje iz odstavka 1(a) in (b) med plovbo med pristanišči ali objekti teh držav, lahko ti državi razglasita, da izključitev iz uporabe te konvencije iz odstavka 1 zajema tudi ladje, navedene v tem odstavku.

3 Vsaka država, ki je dala izjavo po odstavku 1 ali 2, lahko kadar koli umakne to izjavo.

4 Izjava, dana po odstavku 1 ali 2, in umik izjave, dan po odstavku 3, se deponira pri generalnem sekretarju, ki jo/ga potem, ko začne veljati, sporoči direktorju.

5 Kadar država da izjavo po odstavku 1 ali 2 in je ne umakne, se nevarne in zdravju škodljive snovi, ki se prevažajo na krovu ladij iz zadevnega odstavka, ne obravnavajo kot tovor, za katerega se plačuje prispevek, za namen uporabe členov 18, 20, člena 21(5) ter člena 43.

6 Sklad HNS ni odgovoren za plačilo nadomestila za škodo, ki jo povzročijo snovi, ki jih prevažata ladja, za katere Konvencija ne velja skladno z izjavo, dano po odstavku 1 in 2, če:

(a) je škoda, skladno z opredelitvijo v členu 1, odstavek 6(a), (b) ali (c), povzročena na/v:

(i) ozemlju, vključno s teritorialnim morjem, države, ki je dala izjavo, ali v primeru sosednjih držav, ki so dale izjavo po odstavku 2, katere koli od njih; ali

(ii) izključni ekonomski conii, ali območju iz člena 3(b), države ali držav iz (i);

(b) škoda vključuje sprejete ukrepe za preprečevanje ali zmanjševanje take škode na najmanjšo možno mero.

### Dolžnosti držav pogodbenic

#### Člen 6

Vsaka država pogodbenica zagotovi izpolnitev vseh zadevnih obveznosti in sprejme potrebne ukrepe po svoji zakonodaji, vključno s potrebnimi sankcijami, za učinkovito izvajanje vseh takih obveznosti.

#### Poglavje II ODGOVORNOST

### Odgovornost lastnika

#### Člen 7

1 Razen kot je predpisano v odstavkih 2 in 3, je tisti, ki je lastnik v času incidenta, odgovoren za škodo, ki jo povzročijo nevarne in zdravju škodljive snovi pri prevozu po morju na krovu ladje, če se, kadar je incident sestavljen iz niza incidentov istega izvora, odgovornost pripiše lastniku ob prvem izmed teh incidentov.

2 Lastnik ne nosi odgovornosti, če lastnik dokaže, da:

(a) je škoda nastala zaradi vojne, sovražnosti, državljanske vojne, upora ali naravnega pojava izjemnega, neizogibnega in neukrotljivega značaja; ali

(b) je škodo v celoti povzročilo dejanje ali opustitev dejanja tretje osebe z namenom, da se povzroči škoda; ali

(c) the damage was wholly caused by the negligence or other wrongful act of any Government or other authority responsible for the maintenance of lights or other navigational aids in the exercise of that function; or

(d) the failure of the shipper or any other person to furnish information concerning the hazardous and noxious nature of the substances shipped either

(i) has caused the damage, wholly or partly; or

(ii) has led the owner not to obtain insurance in accordance with article 12;

provided that neither the owner nor its servants or agents knew or ought reasonably to have known of the hazardous and noxious nature of the substances shipped.

3 If the owner proves that the damage resulted wholly or partly either from an act or omission done with intent to cause damage by the person who suffered the damage or from the negligence of that person, the owner may be exonerated wholly or partially from liability to such person.

4 No claim for compensation for damage shall be made against the owner otherwise than in accordance with this Convention.

5 Subject to paragraph 6, no claim for compensation for damage under this Convention or otherwise may be made against:

(a) the servants or agents of the owner or the members of the crew;

(b) the pilot or any other person who, without being a member of the crew, performs services for the ship;

(c) any charterer (howsoever described, including a bareboat charterer), manager or operator of the ship;

(d) any person performing salvage operations with the consent of the owner or on the instructions of a competent public authority;

(e) any person taking preventive measures; and

(f) the servants or agents of persons mentioned in (c), (d) and (e);

unless the damage resulted from their personal act or omission, committed with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.

6 Nothing in this Convention shall prejudice any existing right of recourse of the owner against any third party, including, but not limited to, the shipper or the receiver of the substance causing the damage, or the persons indicated in paragraph 5.

### Incidents involving two or more ships

#### Article 8

1 Whenever damage has resulted from an incident involving two or more ships each of which is carrying hazardous and noxious substances, each owner, unless exonerated under article 7, shall be liable for the damage. The owners shall be jointly and severally liable for all such damage which is not reasonably separable.

2 However, owners shall be entitled to the limits of liability applicable to each of them under article 9.

3 Nothing in this article shall prejudice any right of recourse of an owner against any other owner.

### Limitation of liability

#### Article 9

1 The owner of a ship shall be entitled to limit liability under this Convention in respect of any one incident to an aggregate amount calculated as follows:

(c) je škoda v celoti nastala zaradi malomarnosti ali drugega protipravnega dejanja katere koli vlade ali drugega organa, odgovornega za vzdrževanje luči ali drugih navigacijskih pripomočkov, pri izvajanju svoje funkcije; ali

(d) je dejstvo, da vkrcevalec ali katera koli druga oseba ni dala informacij glede nevarne in zdravju škodljive narave vkrcanih snovi,

(i) povzročilo škodo, v celoti ali delno; ali

(ii) pripeljalo lastnika do tega, da ni sklenil zavarovalne police skladno s členom 12;

če niti lastnik niti njegovi uslužbenci ali zastopniki niso vedeli niti ni mogoče razumno sklepati, da so vedeli za nevarno in zdravju škodljivo naravo vkrcanih snovi.

3 Če lastnik dokaže, da je škoda v celoti ali delno nastala zaradi dejanja ali opustitve nekega dejanja osebe, ki je utrpela škodo, z namenom, da se povzroči škoda, ali zaradi malomarnosti te osebe, se lastnik lahko v celoti ali delno oprosti odgovornosti do te osebe.

4 Odškodninski zahtevki zoper lastnika se vložijo izključno skladno s tem.

5 Skladno z odstavkom 6 se ne sme vložiti noben odškodninski zahtevak, po tej konvenciji ali sicer, zoper:

(a) uslužbenca ali zastopnika lastnika ali člane posadke;

(b) pilota ali katero koli drugo osebo, ki opravlja storitve za ladjo, ne da bi bila član posadke;

(c) katerega koli zakupnika (kakor koli opisanega, vključno z zakupnikom ladijskega prostora), upravitelja ali operaterja ladje;

(d) katero koli osebo, ki opravlja reševalne operacije s privolitvijo lastnika ali po navodilih pristojnega organa oblasti;

(e) katero koli osebo, ki izvaja preventivne ukrepe; in

(f) uslužbenca ali zastopnika oseb iz (c), (d) in (e);

razen v primerih, če škoda nastane zaradi njihovega osebne dejanja ali opustitve dejanja, ki se zagrēši z namenom povzročiti to škodo, ali zaradi nepremišljenosti in ob poznavanju dejstva, da bo zato po vsej verjetnosti nastala taka škoda.

6 Nič v tej konvenciji ne posega v morebitne obstoječe pravice ali možnosti nadomestila, ki jih lahko uveljavlja lastnik do katere koli tretje osebe, kar vključuje, vendar se ne omejuje na vkrcevalca ali prejemnika snovi, ki je povzročila škodo, ali osebe iz odstavka 5.

### Incidenti, v katere sta vpleteni dve ali več ladij

#### Člen 8

1 Kadar je nastala škoda rezultat incidenta, v katerega sta vpleteni dve ali več ladij, od katerih vse prevažajo nevarne in zdravju škodljive snovi, je za škodo odgovoren vsak lastnik, razen v primeru oprostitve po členu 7. Lastniki so skupno in posamično odgovorni za vso tako škodo, ki je ni mogoče razumno ločiti.

2 Vendar pa imajo lastniki pravico do omejitve odgovornosti, ki velja za vsakega od njih po členu 9.

3 Nič v tem členu ne posega v morebitno pravico ali možnost nadomestila, ki jo lastnik lahko uveljavlja proti kateremu koli drugemu lastniku.

### Omejitev odgovornosti

#### Člen 9

1 Lastnik ladje je upravičen do omejitve odgovornosti po tej konvenciji za katero koli posamični incident do skupne vsote, ki se izračuna, kakor sledi:

(a) 10 million units of account for a ship not exceeding 2,000 units of tonnage; and

(b) for a ship with a tonnage in excess thereof, the following amount in addition to that mentioned in (a):

for each unit of tonnage from 2,001 to 50,000 units of tonnage, 1,500 units of account;

for each unit of tonnage in excess of 50,000 units of tonnage, 360 units of account;

provided, however, that this aggregate amount shall not in any event exceed 100 million units of account.

2 The owner shall not be entitled to limit liability under this Convention if it is proved that the damage resulted from the personal act or omission of the owner, committed with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.

3 The owner shall, for the purpose of benefitting from the limitation provided for in paragraph 1, constitute a fund for the total sum representing the limit of liability established in accordance with paragraph 1 with the court or other competent authority of any one of the States Parties in which action is brought under article 38 or, if no action is brought, with any court or other competent authority in any one of the States Parties in which an action can be brought under article 38. The fund can be constituted either by depositing the sum or by producing a bank guarantee or other guarantee, acceptable under the law of the State Party where the fund is constituted, and considered to be adequate by the court or other competent authority.

4 Subject to the provisions of article 11, the fund shall be distributed among the claimants in proportion to the amounts of their established claims.

5 If before the fund is distributed the owner or any of the servants or agents of the owner or any person providing to the owner insurance or other financial security has as a result of the incident in question, paid compensation for damage, such person shall, up to the amount that person has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.

6 The right of subrogation provided for in paragraph 5 may also be exercised by a person other than those mentioned therein in respect of any amount of compensation for damage which such person may have paid but only to the extent that such subrogation is permitted under the applicable national law.

7 Where owners or other persons establish that they may be compelled to pay at a later date in whole or in part any such amount of compensation, with regard to which the right of subrogation would have been enjoyed under paragraphs 5 or 6 had the compensation been paid before the fund was distributed, the court or other competent authority of the State where the fund has been constituted may order that a sufficient sum shall be provisionally set aside to enable such person at such later date to enforce the claim against the fund.

8 Claims in respect of expenses reasonably incurred or sacrifices reasonably made by the owner voluntarily to prevent or minimize damage shall rank equally with other claims against the fund.

9 (a) The amounts mentioned in paragraph 1 shall be converted into national currency on the basis of the value of that currency by reference to the Special Drawing Right on the date of the constitution of the fund referred to in paragraph 3. The value of the national currency, in terms of the Special Drawing Right, of a State Party which is a member of the International Monetary Fund, shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect on the date in question for its operations and transactions. The value of the national currency, in terms of the Special Drawing Right, of a State Party which is not a member of the International Monetary Fund, shall be calculated in a manner determined by that State.

(a) 10 milijonov obračunskih enot za ladjo, katere tonaža ne presega 2000 enot; in

(b) za ladjo, katere tonaža presega navedeno, naslednjo vsoto poleg tiste iz (a):

– za vsako enoto tonaže od 2001 do 50000 enot tonaže, 1500 obračunskih enot;

– za vsako enoto tonaže nad 50000 enot tonaže, 360 obračunskih enot;

vendar le, če ta skupna vsota v nobenem primeru ne preseže 100 milijonov obračunskih enot.

2 Lastnik ni upravičen do omejitve odgovornosti po tej konvenciji, če se dokaže, da je škoda nastala zaradi osebnega dejanja ali opustitve dejanja lastnika, ki se zagreši z namenom povzročiti to škodo, ali zaradi nepremišljenosti in ob poznavanju dejstva, da bo zato po vsej verjetnosti nastala taka škoda.

3 Da bi lahko izkoristil omejitev iz odstavka 1, lastnik osnuje sklad za skupno vsoto, ki pomeni omejitev odgovornosti, določeno skladno z odstavkom 1, pri sodišču ali pristojnem organu katere koli države pogodbenice, v kateri se vloži tožba po členu 38 ali, če se ne vloži tožba, pri katerem koli sodišču ali pristojnem organu v kateri koli državi pogodbenici, v kateri se lahko vloži tožba po členu 38. Sklad se lahko ustanovi bodisi s pologom vsote ali ob predložitvi bančne garancije ali drugega jamstva, ki je sprejemljivo po zakonodaji države pogodbenice, v kateri se sklad ustanovi, in za katerega sodišče ali drug pristojni organ meni, da je ustrezno.

4 Skladno z določbami člena 11 se sklad razdeli med vlagatelje zahtevkov sorazmerno z zneski njihovih ugotovljenih zahtevkov.

5 Če je, kot rezultat zadevnega incidenta, pred razdelitvijo sklada lastnik ali kateri koli od uslužbencev ali zastopnikov lastnika ali katera koli oseba, ki lastniku daje zavarovanje ali drugo obliko finančnega jamstva, plačala nadomestilo za škodo, ta oseba po načelu subrogacije pridobi, do višine zneska, ki ga je plačala, pravice, ki bi jih po tej konvenciji imela oseba, ki bi ji pripadlo tako nadomestilo.

6 Pravico do subrogacije iz člena 5 lahko izkoristi tudi druga oseba, ki ni navedena zgoraj, za kateri koli morebitni znesek nadomestila za škodo, ki ga je taka oseba plačala, vendar samo do mere, do katere je taka subrogacija dovoljena po veljavni nacionalni zakonodaji.

7 Kadar lastnik ali druge osebe ugotovijo, da bodo morda kasneje morale v celoti ali delno plačati tak znesek nadomestila, za katerega je mogoče izkoristiti pravico do subrogacije po odstavkih 5 ali 6, če bi bilo nadomestilo plačano pred razdelitvijo sklada, lahko sodišče ali drug pristojni organ države, v kateri se osnuje sklad, odredi začasno rezervacijo zadostne vsote, da zadevni osebi omogoči, da kdaj kasneje izterja zahtevek do sklada.

8 Zahtevki v zvezi z razumno nastalimi stroški ali prostovoljnimi razumnimi žrtvami lastnika, da bi preprečil ali kar se da zmanjšal škodo, imajo enak položaj kot drugi zahtevki do sklada.

9 (a) Zneski iz odstavka 1 se pretvorijo v nacionalno valuto na podlagi vrednosti te valute, s sklicem na posebno pravico črpanja, na datum ustanovitve sklada iz odstavka 3. Vrednost nacionalne valute, v smislu posebne pravice črpanja, za državo pogodbenico, ki je članica Mednarodnega denarnega sklada, se izračuna skladno z metodo vrednotenja, ki jo je uporabljal Mednarodni denarni sklad za svoje operacije in transakcije na zadevni datum. Vrednost nacionalne valute, v smislu posebne pravice črpanja, za državo pogodbenico, ki ni članica Mednarodnega denarnega sklada, se izračuna skladno z metodo, ki jo opredeli ta država.

(b) Nevertheless, a State Party which is not a member of the International Monetary Fund and whose law does not permit the application of the provisions of paragraph 9(a) may, at the time of ratification, acceptance, approval of or accession to this Convention or at any time thereafter, declare that the unit of account referred to in paragraph 9(a) shall be equal to 15 gold francs. The gold franc referred to in this paragraph corresponds to sixty-five-and-a-half milligrammes of gold of millesimal fineness nine hundred. The conversion of the gold franc into the national currency shall be made according to the law of the State concerned.

(c) The calculation mentioned in the last sentence of paragraph 9(a) and the conversion mentioned in paragraph 9(b) shall be made in such manner as to express in the national currency of the State Party as far as possible the same real value for the amounts in paragraph 1 as would result from the application of the first two sentences of paragraph 9(a). States Parties shall communicate to the Secretary-General the manner of calculation pursuant to paragraph 9(a), or the result of the conversion in paragraph 9(b) as the case may be, when depositing an instrument of ratification, acceptance, approval of or accession to this Convention and whenever there is a change in either.

10 For the purpose of this article the ship's tonnage shall be the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I of the International Convention on Tonnage Measurement of Ships, 1969.

11 The insurer or other person providing financial security shall be entitled to constitute a fund in accordance with this article on the same conditions and having the same effect as if it were constituted by the owner. Such a fund may be constituted even if, under the provisions of paragraph 2, the owner is not entitled to limitation of liability, but its constitution shall in that case not prejudice the rights of any claimant against the owner.

#### Article 10

1 Where the owner, after an incident, has constituted a fund in accordance with article 9 and is entitled to limit liability:

(a) no person having a claim for damage arising out of that incident shall be entitled to exercise any right against any other assets of the owner in respect of such claim; and

(b) the court or other competent authority of any State Party shall order the release of any ship or other property belonging to the owner which has been arrested in respect of a claim for damage arising out of that incident, and shall similarly release any bail or other security furnished to avoid such arrest.

2 The foregoing shall, however, only apply if the claimant has access to the court administering the fund and the fund is actually available in respect of the claim.

### Death and injury

#### Article 11

Claims in respect of death or personal injury have priority over other claims save to the extent that the aggregate of such claims exceeds two-thirds of the total amount established in accordance with article 9, paragraph 1.

### Compulsory insurance of the owner

#### Article 12

1 The owner of a ship registered in a State Party and actually carrying hazardous and noxious substances shall be required to maintain insurance or other financial security, such as the guarantee of a bank or similar financial institu-

(b) Kljub temu pa lahko država pogodbenica, ki ni članica Mednarodnega denarnega sklada in katere pravo ne dovoljuje uporabe določb odstavka 9(a), ob času ratifikacije, sprejetja, odobritve ali pristopa k tej konvenciji ali kadar koli kasneje, izjavi, da je obračunska enota iz odstavka 9(a) enaka znesku 15 zlatih frankov. Zlati frank iz tega odstavka ustreza teži petinšestdeset in pol miligramov zlata na tisočino prečiščene kakovosti zlata devetsto. Pretvorba zlatega franka v nacionalno valuto se izvede skladno z zakonodajo te države.

(c) Izračun iz zadnjega stavka odstavka 9(a) in pretvorba iz odstavka 9(b) se izvedeta na način, po katerem je vrednost, izražena v nacionalni valuti države pogodbenice, čim bližja isti realni vrednosti zneskov iz odstavka 1, do katere bi prišli z uporabo prvih dveh stavkov odstavka 9(a). Države pogodbenice obvestijo generalnega sekretarja o načinu izračuna po odstavku 9(a) ali o rezultatu pretvorbe iz odstavka 9(b), kot je ustrezno, ko deponirajo listino o ratifikaciji, sprejetju, odobritvi ali pristopu k tej konvenciji, in kadar pride do spremembe v enem ali drugem.

10 V tem členu tonaža ladje pomeni bruto tonažo, ki se izračuna skladno s predpisi o izmeri tonaže iz Priloge I k Mednarodni konvenciji o izmeri ladij, 1969.

11 Zavarovalnica ali druga oseba, ki zagotovi finančno jamstvo, je upravičena do ustanovitve sklada skladno s tem členom pod istimi pogoji in z enakim učinkom, kot če bi ga ustanovil lastnik. Tak sklad se lahko oblikuje tudi, če lastnik ni upravičen do omejitve odgovornosti po določbah odstavka 2, vendar v tem primeru njegova ustanovitev ne posega v pravice nobenega vlagatelja zahtevka zoper lastnika.

#### Člen 10

1 Kadar lastnik po incidentu ustanovi sklad skladno s členom 9 in je upravičen do omejitve odgovornosti:

(a) nobena oseba z odškodninskim zahtevkom, ki izhaja iz tega incidenta, ne more uveljavljati nobene pravice do morebitnih drugih sredstev lastnika v zvezi s takim zahtevkom; in

(b) sodišče ali drug pristojni organ katere koli države pogodbenice odredi sprostitev vsake ladje ali drugega premoženja lastnika, zaplenjenega v zvezi z odškodninskim zahtevkom, ki izhaja iz tega incidenta, in podobno sprosti morebitno varščino ali drugo jamstvo, ki je bilo predloženo z namenom izogniti se taki zaplembi.

2 Vendar se zgoraj navedeno uporabi samo, če ima vlagatelj zahtevka dostop do sodišča, ki upravlja s skladom, in če ima sklad dejansko razpoložljiva sredstva v zvezi z zahtevkom.

### Smrt in poškodbe

#### Člen 11

Zahtevki v zvezi s smrtjo in telesno poškodbo imajo prednost pred drugimi zahtevki, razen kadar skupna vsota takih zahtevkov presega dve tretjini celotnega zneska, opredeljenega skladno s členom 9(1).

### Obvezno zavarovanje lastnika

#### Člen 12

1 Lastnik ladje, ki je vpisana v ladijski register države pogodbenice in ki dejansko prevažata nevarne in zdravju škodljive snovi, mora imeti sklenjeno zavarovanje ali drugo finančno jamstvo, kakor je garancija pri banki ali podobni fi-

tion, in the sums fixed by applying the limits of liability prescribed in article 9, paragraph 1, to cover liability for damage under this Convention.

2 A compulsory insurance certificate attesting that insurance or other financial security is in force in accordance with the provisions of this Convention shall be issued to each ship after the appropriate authority of a State Party has determined that the requirements of paragraph 1 have been complied with. With respect to a ship registered in a State Party such compulsory insurance certificate shall be issued or certified by the appropriate authority of the State of the ship's registry; with respect to a ship not registered in a State Party it may be issued or certified by the appropriate authority of any State Party. This compulsory insurance certificate shall be in the form of the model set out in Annex I and shall contain the following particulars:

(a) name of the ship, distinctive number or letters and port of registry;

(b) name and principal place of business of the owner;

(c) IMO ship identification number;

(d) type and duration of security;

(e) name and principal place of business of insurer or other person giving security and, where appropriate, place of business where the insurance or security is established; and

(f) period of validity of certificate, which shall not be longer than the period of validity of the insurance or other security.

3 The compulsory insurance certificate shall be in the official language or languages of the issuing State. If the language used is neither English, nor French nor Spanish, the text shall include a translation into one of these languages.

4 The compulsory insurance certificate shall be carried on board the ship and a copy shall be deposited with the authorities who keep the record of the ship's registry or, if the ship is not registered in a State Party, with the authority of the State issuing or certifying the certificate.

5 An insurance or other financial security shall not satisfy the requirements of this article if it can cease, for reasons other than the expiry of the period of validity of the insurance or security specified in the certificate under paragraph 2, before three months have elapsed from the date on which notice of its termination is given to the authorities referred to in paragraph 4, unless the compulsory insurance certificate has been issued within the said period. The foregoing provisions shall similarly apply to any modification which results in the insurance or security no longer satisfying the requirements of this article.

6 The State of the ship's registry shall, subject to the provisions of this article, determine the conditions of issue and validity of the compulsory insurance certificate.

7 Compulsory insurance certificates issued or certified under the authority of a State Party in accordance with paragraph 2 shall be accepted by other States Parties for the purposes of this Convention and shall be regarded by other States Parties as having the same force as compulsory insurance certificates issued or certified by them even if issued or certified in respect of a ship not registered in a State Party. A State Party may at any time request consultation with the issuing or certifying State should it believe that the insurer or guarantor named in the compulsory insurance certificate is not financially capable of meeting the obligations imposed by this Convention.

8 Any claim for compensation for damage may be brought directly against the insurer or other person providing financial security for the owner's liability for damage. In such case the defendant may, even if the owner is not entitled to limitation of liability, benefit from the limit of liability prescribed in accordance with paragraph 1. The defendant may further invoke the defences (other than the bankruptcy or winding up of the owner) which the owner would have been entitled to

nančni ustanovi, v zneskih, ki se določijo z uporabo omejitev odgovornosti iz člena 9(1), za kritje odgovornosti za škodo po tej konvenciji.

2 Potrdilo o obveznem zavarovanju, ki priča o veljavnem zavarovanju ali drugem finančnem jamstvu skladno z določbami te konvencije, se izda vsaki ladji, potem ko ustrezeni organ države pogodbenice ugotovi, da so izpolnjene zahteve odstavka 1. Za ladjo, ki vpisana v ladijski register v državi pogodbenici, potrdilo o obveznem zavarovanju izda ali overi ustrezeni organ države ladijskega registra; za ladjo, ki ni vpisana v register v državi pogodbenici, ga lahko izda ali overi ustrezeni organ katere koli države pogodbenice. To potrdilo o obveznem zavarovanju se izda v obliki, skladni z vzorcem iz Priloge I, in vsebuje naslednje podatke:

(a) ime ladje, razločevalno številko ali črke, ter pristanišče vpisa;

(b) ime in primarni kraj poslovanja lastnika;

(c) IMO identifikacijsko številko ladje;

(d) vrsto in trajanje jamstva;

(e) ime in glavni sedež zavarovalnice ali druge osebe, ki je izdala jamstvo, in, kadar je ustrezno, poslovalnico, kjer je bilo sklenjeno zavarovanje ali izdano jamstvo; in

(f) obdobje veljavnosti potrdila, ki ni daljše od obdobja veljavnosti zavarovanja ali drugega jamstva.

3 Potrdilo o obveznem zavarovanju je v uradnem jeziku ali jezikih države, ki ga je izdala. Če uporabljeni jezik ni niti angleščina niti francoščina niti španščina, naj besedilo vsebuje prevod v enega od teh jezikov.

4 Potrdilo o obveznem zavarovanju je na krovu ladje, kopija pa se deponira pri organih, ki vodijo evidenco o vpisu ladje, ali, če ladja ni vpisana v ladijski register v državi pogodbenici, pri organu države, ki izda ali overi potrdilo.

5 Zavarovanje ali drugo finančno jamstvo ne izpolnjuje zahtev tega člena, če lahko preneha iz drugih razlogov, kot je iztek obdobja veljavnosti zavarovanja ali jamstva, navedenega v potrdilu iz odstavka 2, pred iztekom treh mesecev od datuma, na katerega se organom iz odstavka 4 predloži obvestilo o njegovem prenehanju, razen če je bilo potrdilo o obveznem zavarovanju izdano v navedenem obdobju. Podobno se predhodne določbe uporabijo za vse morebitne spremembe, zaradi katerih zavarovanje ali jamstvo več ne izpolnjuje zahtev tega člena.

6 Država ladijskega registra, skladno z določbami tega člena, opredeli pogoje izdaje in veljavnosti potrdila o obveznem zavarovanju.

7 Potrdila o obveznem zavarovanju, ki jih izda ali overi organ države pogodbenice skladno z odstavkom 2, se v drugih državah pogodbenicah sprejmejo za namene te konvencije in zanje velja, da imajo enako veljavo kot potrdila o obveznem zavarovanju, ki so jih izdale te države same, tudi če so izdana ali overjena za ladjo, ki ni vpisana v ladijski register v državi pogodbenici. Država pogodbenica lahko kadar koli zahteva posvet z državo, ki je izdala ali overila potrdilo, če meni, da zavarovalnica ali porok, naveden v potrdilu o obveznem zavarovanju, finančno ni sposoben izpolniti obveznosti iz te konvencije.

8 Kateri koli odškodninski zahtev se lahko vložijo neposredno zoper zavarovalnico ali drugo osebo, ki zagotovi finančno jamstvo za lastnikovo odgovornost za škodo. V takem primeru lahko tožena stranka, tudi če lastnik ni upravičen do omejitve odgovornosti, izkoristi predpisano omejitev odgovornosti skladno z odstavkom 1. Tožena stranka lahko nadalje uporabi ugovore (razen stečaja ali likvidacije lastnika), do uporabe katerih bi bil upravičen lastnik. Nadalje

invoke. Furthermore, the defendant may invoke the defence that the damage resulted from the wilful misconduct of the owner, but the defendant shall not invoke any other defence which the defendant might have been entitled to invoke in proceedings brought by the owner against the defendant. The defendant shall in any event have the right to require the owner to be joined in the proceedings.

9 Any sums provided by insurance or by other financial security maintained in accordance with paragraph 1 shall be available exclusively for the satisfaction of claims under this Convention.

10 A State Party shall not permit a ship under its flag to which this article applies to trade unless a certificate has been issued under paragraph 2 or 12.

11 Subject to the provisions of this article, each State Party shall ensure, under its national law, that insurance or other security in the sums specified in paragraph 1 is in force in respect of any ship, wherever registered, entering or leaving a port in its territory, or arriving at or leaving an offshore facility in its territorial sea.

12 If insurance or other financial security is not maintained in respect of a ship owned by a State Party, the provisions of this article relating thereto shall not be applicable to such ship, but the ship shall carry a compulsory insurance certificate issued by the appropriate authorities of the State of the ship's registry stating that the ship is owned by that State and that the ship's liability is covered within the limit prescribed in accordance with paragraph 1. Such a compulsory insurance certificate shall follow as closely as possible the model prescribed by paragraph 2.

### Chapter III

#### COMPENSATION BY THE INTERNATIONAL HAZARDOUS AND NOXIOUS SUBSTANCES FUND (HNS FUND)

##### Establishment of the HNS Fund

###### Article 13

1 The International Hazardous and Noxious Substances Fund (HNS Fund) is hereby established with the following aims:

(a) to provide compensation for damage in connection with the carriage of hazardous and noxious substances by sea, to the extent that the protection afforded by chapter II is inadequate or not available; and

(b) to give effect to the related tasks set out in article 15.

2 The HNS Fund shall in each State Party be recognized as a legal person capable under the laws of that State of assuming rights and obligations and of being a party in legal proceedings before the courts of that State. Each State Party shall recognize the Director as the legal representative of the HNS Fund.

##### Compensation

###### Article 14

1 For the purpose of fulfilling its function under article 13, paragraph 1(a), the HNS Fund shall pay compensation to any person suffering damage if such person has been unable to obtain full and adequate compensation for the damage under the terms of chapter II:

(a) because no liability for the damage arises under chapter II;

tožena stranka lahko uporabi ugovor, da je škoda nastala zaradi namernega neprimerne ravnanja lastnika, vendar pa tožena stranka ne sme uporabiti nobenega drugega ugovora, do uporabe katere bi bila tožena stranka upravičena v postopku, ki bi ga proti toženi stranki sprožil lastnik. Tožena stranka ima v vsakem primeru pravico zahtevati, da se v postopek vključi lastnik.

9 Vsi morebitni zneski, ki jih zagotovi zavarovalnica ali drugo finančno jamstvo, ki se sklene skladno z odstavkom 1, so na razpolago izključno za poravnavo zahtevkov po tej konvenciji.

10 Država pogodbenica ne dovoli trgovati ladji, za katero se uporablja ta člen in ki pluje pod njeno zastavo, brez izdanega potrdila po odstavku 2 ali 12.

11 Skladno z določbami tega člena vsaka država pogodbenica v svoji nacionalni zakonodaji zagotovi, da ima vsaka ladja, ki vstopa v ali zapušča pristanišče na njenem ozemlju, ali ki vstopa v ali zapušča plavajoči objekt v njenem teritorialnem morju, ne glede na to, kje je vpisana v register, veljavno zavarovanje ali drugo jamstvo v višini, navedeni v odstavku 1.

12 Če se zavarovanje ali drugo finančno jamstvo ne vzdržuje za ladjo v lasti države pogodbenice, se za tako ladjo ne uporabijo zadevne določbe tega člena, vendar naj ima ladja na krovu potrdilo o obveznem zavarovanju, ki so ga izdali ustrezni organi države ladijskega registra, ki navaja, da je ladja v lasti te države in da ima ladja kritje odgovornosti v predpisanih mejah skladno z odstavkom 1. Tako potrdilo o obveznem zavarovanju naj bo kar se da skladno s predpisanim vzorcem iz odstavka 2.

### Poglavje III

#### NADOMESTILA MEDNARODNEGA SKLADA ZA NEVARNE IN ZDRAVJU ŠKODLJIVE SNOVI (SKLAD HNS)

##### Ustanovitev Sklada HNS

###### Člen 13

1 Ustanovi se Mednarodni sklad za nevarne in zdravju škodljive snovi (Sklad HNS) z naslednjimi nameni:

(a) zagotavljanje nadomestil za škodo v zvezi s prevozom nevarnih in zdravju škodljivih snovi po morju, če zaščita, ki jo zagotavlja Poglavje II, ni zadostna ali ni razpoložljiva; in

(b) izvajanje povezanih nalog iz člena 15.

2 Skladu HNS se v vsaki državi pogodbenici prizna status pravne osebe, ki po zakonih te države lahko prevzame pravice in obveznosti ter vlogo stranke v pravnih postopkih pred sodišči te države. Vsaka država pogodbenica prizna direktorja za zakonitega predstavnika Sklada HNS.

##### Nadomestila

###### Člen 14

1 Pri izpolnjevanju svoje funkcije po členu 13(1)(a) Sklad HNS plača nadomestilo vsaki osebi, ki je utrpela škodo, če ta oseba ni mogla dobiti celotnega in ustreznega nadomestila za škodo skladno s poglavjem II:

(a) ker iz poglavja II ne izhaja odgovornost za škodo;

(b) because the owner liable for the damage under chapter II is financially incapable of meeting the obligations under this Convention in full and any financial security that may be provided under chapter II does not cover or is insufficient to satisfy the claims for compensation for damage; an owner being treated as financially incapable of meeting these obligations and a financial security being treated as insufficient if the person suffering the damage has been unable to obtain full satisfaction of the amount of compensation due under chapter II after having taken all reasonable steps to pursue the available legal remedies;

(c) because the damage exceeds the owner's liability under the terms of chapter II.

2 Expenses reasonably incurred or sacrifices reasonably made by the owner voluntarily to prevent or minimize damage shall be treated as damage for the purposes of this article.

3 The HNS Fund shall incur no obligation under the preceding paragraphs if:

(a) it proves that the damage resulted from an act of war, hostilities, civil war or insurrection or was caused by hazardous and noxious substances which had escaped or been discharged from a warship or other ship owned or operated by a State and used, at the time of the incident, only on Government non-commercial service; or

(b) the claimant cannot prove that there is a reasonable probability that the damage resulted from an incident involving one or more ships.

4 If the HNS Fund proves that the damage resulted wholly or partly either from an act or omission done with intent to cause damage by the person who suffered the damage or from the negligence of that person, the HNS Fund may be exonerated wholly or partially from its obligation to pay compensation to such person. The HNS Fund shall in any event be exonerated to the extent that the owner may have been exonerated under article 7, paragraph 3. However, there shall be no such exoneration of the HNS Fund with regard to preventive measures.

5 (a) Except as otherwise provided in subparagraph (b), the aggregate amount of compensation payable by the HNS Fund under this article shall in respect of any one incident be limited, so that the total sum of that amount and any amount of compensation actually paid under chapter II for damage within the scope of application of this Convention as defined in article 3 shall not exceed 250 million units of account.

(b) The aggregate amount of compensation payable by the HNS Fund under this article for damage resulting from a natural phenomenon of an exceptional, inevitable and irresistible character shall not exceed 250 million units of account.

(c) Interest accrued on a fund constituted in accordance with article 9, paragraph 3, if any, shall not be taken into account for the computation of the maximum compensation payable by the HNS Fund under this article.

(d) The amounts mentioned in this article shall be converted into national currency on the basis of the value of that currency with reference to the Special Drawing Right on the date of the decision of the Assembly of the HNS Fund as to the first date of payment of compensation.

6 Where the amount of established claims against the HNS Fund exceeds the aggregate amount of compensation payable under paragraph 5, the amount available shall be distributed in such a manner that the proportion between any established claim and the amount of compensation actually recovered by the claimant under this Convention shall be the same for all claimants. Claims in respect of death or personal injury shall have priority over other claims, however, save to the extent that the aggregate of such claims exceeds two-thirds of the total amount established in accordance with paragraph 5.

(b) ker je lastnik, ki je po poglavju II odgovoren za škodo, finančno nesposoben izpolniti obveznosti po tej konvenciji v celoti, in morebitno finančno jamstvo, ki se predloži po poglavju II, ne pokriva ali ne zadostuje za kritje odškodninskih zahtevkov; lastnik se obravnava kot finančno nesposoben za izpolnitev teh obveznosti in finančno jamstvo se obravnava kot nezadostno, če oseba, ki je utrpela škodo, ni mogla uveljaviti polne vsote pripadajočega ji nadomestila po poglavju II, potem ko je naredila vse potrebne korake v smislu izkoriščanja razpoložljivih zakonitih sredstev;

(c) ker škoda presega odgovornost lastnika po določbah poglavja II.

2 Razumno nastali stroški ali prostovoljne razumne žrtve lastnika, da bi preprečil ali kar se da zmanjšal škodo, se v tem členu obravnavajo kot škoda.

3 Sklad HNS nima nobene obveznosti iz predhodnih odstavkov, če:

(a) dokaže, da je škoda nastala zaradi vojne, sovražnosti, državljanske vojne ali upora, ali da so jo povzročile nevarne in zdravju škodljive snovi, ki so ušle ali jih je spustila vojna ladja ali druga ladja v lasti ali upravljanju države, in ki se je v času incidenta uporabljala samo v vladne nekomercialne namene; ali

(b) vlagatelj zahtevka ne more dokazati, da obstaja razumna verjetnost, da je škoda nastala zaradi incidenta, v katerega je bila vpletena ena ali več ladij.

4 Če Sklad HNS dokaže, da je škoda v celoti ali delno nastala zaradi dejanja ali opustitve nekega dejanja osebe, ki je utrpela škodo, z namenom, da se povzroči škoda, ali zaradi malomarnosti te osebe, se Sklad HNS lahko v celoti ali delno oprosti obveznosti do plačila nadomestila tej osebi. Sklad HNS se v vsakem primeru razbremeni do mere, do katere je bil oproščen lastnik po členu 7(3). Vendar pa ne obstaja nobena taka razbremenitev Sklada HNS glede preventivnih ukrepov.

5 (a) Razen, kadar je v pododstavku (b) predpisano drugače, je skupni znesek nadomestila, ki ga plača Sklad HNS po tem členu za kateri koli posamični incident, omejen tako, da celotna vsota tega zneska in vsak znesek dejansko izplačanega nadomestila za škodo po poglavju II v obsegu uporabe te konvencije skladno s členom 3 ne presega 250 milijonov obračunskih enot.

(b) Skupni znesek nadomestila, ki ga plača Sklad HNS po tem členu za škodo, ki nastane zaradi naravnega pojava izjemnega, neizogibnega in neukrotljivega značaja, ne presega 250 milijonov obračunskih enot.

(c) Morebitne obresti, ki se pripišejo skladu, ustanovljenem skladno s členom 9(3), se ne upoštevajo pri izračunu največjega nadomestila, ki ga plača Sklad HNS po tem členu.

(d) Zneski v tem členu se pretvorijo v državno valuto na podlagi vrednosti te valute s sklicem na posebno pravico črpanja na datum sklepa skupščine Sklada HNS o prvem datumu plačila nadomestila.

6 Kadar znesek ugotovljenih zahtevkov do Sklada HNS presega skupni znesek nadomestil za plačilo po odstavku 5, se razpoložljivi znesek razdeli tako, da je sorazmerje med katerim koli ugotovljenim zahtevkom in zneskom nadomestila, ki ga dejansko prejme vlagatelj zahtevka po tej konvenciji, enako za vse vlagatelje zahtevkov. Zahtevki v zvezi s smrtjo in telesno poškodbo imajo prednost pred drugimi zahtevki, razen ko skupna vsota takih zahtevkov presega dve tretjini celotnega zneska, opredeljenega skladno z odstavkom 5.



7 The Assembly of the HNS Fund may decide that, in exceptional cases, compensation in accordance with this Convention can be paid even if the owner has not constituted a fund in accordance with chapter II. In such cases paragraph 5(d) applies accordingly.

### Related tasks of the HNS Fund

#### Article 15

For the purpose of fulfilling its function under article 13, paragraph 1(a), the HNS Fund shall have the following tasks:

- (a) to consider claims made against the HNS Fund;
- (b) to prepare an estimate in the form of a budget for each calendar year of:
  - Expenditure:
    - (i) costs and expenses of the administration of the HNS Fund in the relevant year and any deficit from operations in the preceding years; and
    - (ii) payments to be made by the HNS Fund in the relevant year;
  - Income:
    - (iii) surplus funds from operations in preceding years, including any interest;
    - (iv) initial contributions to be paid in the course of the year;
    - (v) annual contributions if required to balance the budget; and
    - (vi) any other income;
- (c) to use at the request of a State Party its good offices as necessary to assist that State to secure promptly such personnel, material and services as are necessary to enable the State to take measures to prevent or mitigate damage arising from an incident in respect of which the HNS Fund may be called upon to pay compensation under this Convention; and
- (d) to provide, on conditions laid down in the internal regulations, credit facilities with a view to the taking of preventive measures against damage arising from a particular incident in respect of which the HNS Fund may be called upon to pay compensation under this Convention.

### General provisions on contributions

#### Article 16

1 The HNS Fund shall have a general account, which shall be divided into sectors.

2 The HNS Fund shall, subject to article 19, paragraphs 3 and 4, also have separate accounts in respect of:

- (a) oil as defined in article 1, paragraph 5(a)(i) (oil account);
- (b) liquefied natural gases of light hydrocarbons with methane as the main constituent (LNG) (LNG account); and
- (c) liquefied petroleum gases of light hydrocarbons with propane and butane as the main constituents (LPG) (LPG account).

3 There shall be initial contributions and, as required, annual contributions to the HNS Fund.

4 Contributions to the HNS Fund shall be made into the general account in accordance with article 18, to separate accounts in accordance with article 19 and to either the general account or separate accounts in accordance with article 20 or article 21, paragraph 5. Subject to article 19, paragraph 6, the general account shall be available to compensate damage caused by hazardous and noxious substances covered by that account, and a separate account shall be available to compensate damage caused by a hazardous and noxious substance covered by that account.

7 Skupščina Sklada HNS lahko sklene, da se, v izjemnih primerih, nadomestilo po tej konvenciji lahko plača tudi, če lastnik ni ustanovil sklada skladno s poglavjem II. V takih primerih se uporabi odstavek 5(d), kot je ustrezno.

### Povezane naloge Sklada HNS

#### Člen 15

Pri izpolnjevanju svoje funkcije po členu 13(1)(a) ima Sklad HNS naslednje naloge:

- (a) preučevanje zahtevkov, vloženih zoper Sklad HNS;
- (b) priprava ocene v obliki proračuna za vsako koledarsko leto, za:
  - izdatke:
    - (i) stroške in izdatke upravljanja Sklada v zadevnem letu in morebitni primanjkljaj iz poslovanja v preteklih letih; in
    - (ii) plačila, ki jih bo izvedel Sklad HNS v zadevnem letu;
  - prihodke:
    - (iii) presežke sredstev iz poslovanja v preteklih letih, vključno z morebitnimi obrestmi;
    - (iv) začetne prispevke, ki bodo plačani tekom leta;
- (v) letne prispevke, po potrebi, za kritje proračunskega primanjkljaja; in
- (vi) morebitne druge prihodke;
- (c) ponuditi na zahtevo države pogodbenice pomoč, kot je potrebna zadevni državi, da takoj zagotovi ustrezno potrebno osebje, material in storitve, ki bodo državi omogočili sprejem ukrepov za preprečitev nastanka ali odpravo škode, nastale kot posledica incidenta, v zvezi s katerim se od Sklada HNS lahko zahteva, da plača nadomestilo po tej konvenciji; in
- (d) zagotoviti pod pogoji, predpisanimi z internimi pravili, možnosti kreditiranja za izvajanje preventivnih ukrepov za preprečitev škode, ki nastane kot posledica konkretnega incidenta, v zvezi s katerim se od Sklada HNS lahko zahteva, da plača nadomestilo po tej konvenciji.

### Splošne določbe o prispevkih

#### Člen 16

1 Sklad HNS ima splošni račun, ki je razdeljen na področja.

2 Sklad HNS ima, skladno s členom 19(3) in (4), tudi posebne račune za:

- (a) nafto, skladno z opredelitvijo iz člena 1(5)(a)(i) (račun za nafto);
- (b) utekočinjene zemeljske pline iz lahkih ogljikovodikov, kjer je osnovna sestavina metan (LNG) (račun za LNG); in

(c) utekočinjene naftne pline iz lahkih ogljikovodikov, kjer sta osnovni sestavini propan in butan (LPG) (račun za LPG).

3 Uvedejo se začetni prispevki in, po potrebi, letni prispevki v Sklad HNS.

4 Prispevki v Sklad HNS se vplačajo na splošni račun skladno s členom 18, na posebne račune skladno s členom 19, in na bodisi splošni račun bodisi posebne račune skladno s členoma 20 ali členom 21(5). Skladno s členom 19(6) se iz splošnega računa plačujejo nadomestila za škodo, ki jo povzročijo nevarne in zdravju škodljive snovi, ki se krijejo iz tega računa, iz posebnega računa pa se plačujejo nadomestila za škodo, ki jo povzročijo nevarne in zdravju škodljive snovi, ki se krijejo iz tega posebnega računa.

5 For the purposes of article 18, article 19, paragraph 1(a)(i), paragraph 1(a)(ii) and paragraph 1(c), article 20 and article 21, paragraph 5, where the quantity of a given type of contributing cargo received in the territory of a State Party by any person in a calendar year when aggregated with the quantities of the same type of cargo received in the same State Party in that year by any associated person or persons exceeds the limit specified in the respective subparagraphs, such a person shall pay contributions in respect of the actual quantity received by that person notwithstanding that that quantity did not exceed the respective limit.

6 "Associated person" means any subsidiary or commonly controlled entity. The question whether a person comes within this definition shall be determined by the national law of the State concerned.

### General provisions on annual contributions

#### Article 17

1 Annual contributions to the general account and to each separate account shall be levied only as required to make payments by the account in question.

2 Annual contributions payable pursuant to articles 18, 19 and article 21, paragraph 5 shall be determined by the Assembly and shall be calculated in accordance with those articles on the basis of the units of contributing cargo received or, in respect of cargoes referred to in article 19, paragraph 1(b), discharged during the preceding calendar year or such other year as the Assembly may decide.

3 The Assembly shall decide the total amount of annual contributions to be levied to the general account and to each separate account. Following that decision the Director shall, in respect of each State Party, calculate for each person liable to pay contributions in accordance with article 18, article 19, paragraph 1 and article 21, paragraph 5, the amount of that person's annual contribution to each account, on the basis of a fixed sum for each unit of contributing cargo reported in respect of the person during the preceding calendar year or such other year as the Assembly may decide. For the general account, the above-mentioned fixed sum per unit of contributing cargo for each sector shall be calculated pursuant to the regulations contained in Annex II to this Convention. For each separate account, the fixed sum per unit of contributing cargo referred to above shall be calculated by dividing the total annual contribution to be levied to that account by the total quantity of cargo contributing to that account.

4 The Assembly may also levy annual contributions for administrative costs and decide on the distribution of such costs between the sectors of the general account and the separate accounts.

5 The Assembly shall also decide on the distribution between the relevant accounts and sectors of amounts paid in compensation for damage caused by two or more substances which fall within different accounts or sectors, on the basis of an estimate of the extent to which each of the substances involved contributed to the damage.

### Annual contributions to the general account

#### Article 18

1 Subject to article 16, paragraph 5, annual contributions to the general account shall be made in respect of each State Party by any person who was the receiver in that State in the preceding calendar year, or such other year as the Assembly may decide, of aggregate quantities exceeding 20,000 tonnes of contributing cargo, other than substances referred to in article 19, paragraph 1, which fall within the following sectors:

(a) solid bulk materials referred to in article 1, paragraph 5(a)(vii);

5 Za namene člena 18, člena 19(1)(a)(i) in (ii) ter (1)(c), člena 20 in člena 21(5), kadar količina neke vrste tovora, za katerega se plačuje prispevek, ki ga na ozemlju države pogodbenice prevzame katera koli oseba v koledarskem letu, ob seštevku količin iste vrste tovora, ki ga na ozemlju iste države pogodbenice v tistem letu prevzame povezana oseba ali osebe, presega omejitev, navedeno v ustreznih pododstavkih, ta oseba plača prispevke za dejansko količino, ki jo je prevzela, ne glede na to, da količina ni preseгла zadevne omejitve.

6 »Povezana oseba« pomeni katero kolo hčerinsko družbo ali skupno nadzorovan pravni subjekt. Vprašanje, ali je oseba zajeta v tej opredelitvi, se določi z nacionalno zakonodajo zadevne države.

### Splošne določbe o letnih prispevkih

#### Člen 17

1 Letni prispevki za splošni račun in za vsak posebni račun se pobirajo samo, kolikor je potrebno, za izplačila z zadevnega računa.

2 Skupščina opredeli letne prispevke, ki se plačajo skladno s členoma 18, 19 in členom 21(5), izračunajo pa se skladno z navedenimi členi na podlagi enot prevzetega tovora, za katerega se plačuje prispevek, ali, za tovore iz člena 19(1)(b), raztovorjenega tovora, za katerega se plačuje prispevek, v predhodnem koledarskem letu ali drugem letu, skladno s sklepom skupščine.

3 Skupščina opredeli celotni znesek letnih prispevkov, ki se vplačajo na splošni račun in na vsak posebni račun. Na podlagi tega sklepa direktor izračuna po posameznih državah pogodbenicah za vsako osebo, ki je zavezana plačilu prispevkov skladno s členom 18, členom 19(1) in členom 21(5), znesek letnega prispevka za to osebo na vsak račun, na podlagi fiksnega zneska za vsako enoto prijavljenega tovora, za katerega se plačuje prispevek, za to osebo v predhodnem koledarskem letu ali drugem letu, skladno s sklepom skupščine. Za splošni račun se zgoraj naveden fiksní znesek na enoto tovora, za katerega se plačuje prispevek, za vsako področje izračuna skladno s predpisi iz Priloge II k tej konvenciji. Za vsak posebni račun se zgoraj naveden fiksní znesek na enoto tovora, za katerega se plačuje prispevek, izračuna tako, da se celotni letni prispevek za plačilo na zadevni račun deli s celotno količino tovora, ki prispeva k temu računu.

4 Skupščina lahko predpiše tudi letne prispevke za stroške upravljanja in sprejme sklep o delitvi takih stroškov med področja splošnega računa in posebnih računov.

5 Skupščina prav tako odloča o delitvi zneskov, izplačanih kot nadomestila za škodo, ki jo povzročita dve ali več snovi, zajete v različnih računih ali področjih, med ustrezne račune in sektorje, na podlagi ocene obsega, v katerem je vsaka od vpletenih snovi prispevala k nastali škodi.

### Letni prispevki na splošni račun

#### Člen 18

1 Za vsako državo pogodbenico, plača letne prispevke na splošni račun skladno s členom 16(5) vsaka oseba, ki je v zadevni državi v predhodnem koledarskem letu ali drugem letu, skladno s sklepom skupščine, prejemnik skupne količine tovora, za katerega se plačuje prispevek, ki presega 20 000 ton, razen snovi iz člena 19(1), ki spadajo na naslednja področja:

(a) trdni tovari v razsutem stanju iz člena 1(5)(a)(vii);

- (b) substances referred to in paragraph 2; and
- (c) other substances.

2 Annual contributions shall also be payable to the general account by persons who would have been liable to pay contributions to a separate account in accordance with article 19, paragraph 1 had its operation not been postponed or suspended in accordance with article 19. Each separate account the operation of which has been postponed or suspended under article 19 shall form a separate sector within the general account.

#### Annual contributions to separate accounts

##### Article 19

1 Subject to article 16, paragraph 5, annual contributions to separate accounts shall be made in respect of each State Party:

- (a) in the case of the oil account,

(i) by any person who has received in that State in the preceding calendar year, or such other year as the Assembly may decide, total quantities exceeding 150,000 tonnes of contributing oil as defined in article 1, paragraph 3 of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, as amended, and who is or would be liable to pay contributions to the International Oil Pollution Compensation Fund in accordance with article 10 of that Convention; and

(ii) by any person who was the receiver in that State in the preceding calendar year, or such other year as the Assembly may decide, of total quantities exceeding 20,000 tonnes of other oils carried in bulk listed in appendix I of Annex I to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended;

(b) in the case of the LNG account, by any person who in the preceding calendar year, or such other year as the Assembly may decide, immediately prior to its discharge, held title to an LNG cargo discharged in a port or terminal of that State;

(c) in the case of the LPG account, by any person who in the preceding calendar year, or such other year as the Assembly may decide, was the receiver in that State of total quantities exceeding 20,000 tonnes of LPG.

2 Subject to paragraph 3, the separate accounts referred to in paragraph 1 above shall become effective at the same time as the general account.

3 The initial operation of a separate account referred to in article 16, paragraph 2 shall be postponed until such time as the quantities of contributing cargo in respect of that account during the preceding calendar year, or such other year as the Assembly may decide, exceed the following levels:

- (a) 350 million tonnes of contributing cargo in respect of the oil account;
- (b) 20 million tonnes of contributing cargo in respect of the LNG account; and
- (c) 15 million tonnes of contributing cargo in respect of the LPG account.

4 The Assembly may suspend the operation of a separate account if:

(a) the quantities of contributing cargo in respect of that account during the preceding calendar year fall below the respective level specified in paragraph 3; or

(b) when six months have elapsed from the date when the contributions were due, the total unpaid contributions to that account exceed ten per cent of the most recent levy to that account in accordance with paragraph 1.

- (b) snovi iz odstavka 2; in
- (c) druge snovi.

2 Letne prispevke na splošni račun plačajo tudi osebe, ki bi morale plačati prispevke na posebni račun skladno s členom 19(1), če poslovanje s tem računom ne bi bilo odloženo ali ustavljeno skladno s členom 19. Vsak posebni račun, s katerim je bilo poslovanje odloženo ali ustavljeno po členu 19, predstavlja posebno področje na splošnem računu.

#### Letni prispevki na posebne račune

##### Člen 19

1 Skladno s členom 16(5) vsaka država pogodbenica plača letne prispevke na posebne račune:

- (a) za račun za nafto,

(i) vsaka oseba, ki je v zadevni državi v predhodnem koledarskem letu ali drugem letu, skladno s sklepom skupščine, prejela skupno količino več kot 150 000 ton prispelje nafte, skladno s opredelitvijo iz člena 1(3) Mednarodne konvencije o ustanovitvi Mednarodnega sklada za povrnitev škode, nastale zaradi onesnaženja z nafto, 1971, skladno s spremembami, in ki je ali bi bila zavezana plačilu prispevkov v Mednarodni sklad za povrnitev škode, nastale zaradi onesnaženja z nafto skladno s členom 10 navedene konvencije; in

(ii) vsaka oseba, ki je bila v zadevni državi v predhodnem koledarskem letu ali drugem letu, skladno s sklepom skupščine, prejemnik skupne količine več kot 20 000 ton druge nafte, ki se prevaža v razsutem stanju, iz Dodatka I k Prilogi I k Mednarodni konvenciji o preprečevanju onesnaževanja morja z ladij, 1973, kakor je bila spremenjena z zadevnim Protokolom iz leta 1978, skladno s spremembami;

(b) v primeru LNG računa, vsaka oseba, ki je bila v predhodnem koledarskem letu ali drugem letu, skladno s sklepom skupščine, neposredno pred raztovarjanjem, lastnica tovora LNG, raztovorjenega v pristanišču ali terminalu te države;

(c) v primeru LPG računa, vsaka oseba, ki je bila v predhodnem koledarskem letu ali drugem letu, skladno s sklepom skupščine, v navedeni državi prejemnik LNG v skupni količini, ki presega 20 000 ton.

2 Skladno z odstavkom 3 se posebni računi iz odstavka 1 zgoraj začnejo voditi sočasno kot splošni račun.

3 Začetno poslovanje s posebnim računom iz člena 16(2) se odloži, dokler količine tovora, za katerega se plačuje prispevek, za navedeni račun v predhodnem koledarskem letu ali drugem letu, skladno s sklepom skupščine, ne presežejo naslednjih vrednosti:

- (a) 350 milijonov ton tovora, za katerega se plačuje prispevek, za račun za nafto;
- (b) 20 milijonov ton tovora, za katerega se plačuje prispevek, za račun za LNG; in
- (c) 15 milijonov ton tovora, za katerega se plačuje prispevek, za račun za LPG.

4 Skupščina lahko ustavi poslovanje s posebnim računom, če:

(a) količine tovora, za katerega se plačuje prispevek, za ta račun v predhodnem koledarskem letu padejo pod ustrezno raven iz odstavka 3; ali

(b) ko po preteku šest mesecev od datuma zapadlosti prispevkov skupni neplačani prispevki za ta račun presegajo deset odstotkov zadnje terjatve za ta račun skladno z odstavkom 1.

5 The Assembly may reinstate the operation of a separate account which has been suspended in accordance with paragraph 4.

6 Any person who would be liable to pay contributions to a separate account the operation of which has been postponed in accordance with paragraph 3 or suspended in accordance with paragraph 4, shall pay into the general account the contributions due by that person in respect of that separate account. For the purpose of calculating future contributions, the postponed or suspended separate account shall form a new sector in the general account and shall be subject to the HNS points system defined in Annex II.

### Initial contributions

#### Article 20

1 In respect of each State Party, initial contributions shall be made of an amount which shall for each person liable to pay contributions in accordance with article 16, paragraph 5, articles 18, 19 and article 21, paragraph 5 be calculated on the basis of a fixed sum, equal for the general account and each separate account, for each unit of contributing cargo received or, in the case of LNG, discharged in that State, during the calendar year preceding that in which this Convention enters into force for that State.

2 The fixed sum and the units for the different sectors within the general account as well as for each separate account referred to in paragraph 1 shall be determined by the Assembly.

3 Initial contributions shall be paid within three months following the date on which the HNS Fund issues invoices in respect of each State Party to persons liable to pay contributions in accordance with paragraph 1.

### Reports

#### Article 21

1 Each State Party shall ensure that any person liable to pay contributions in accordance with articles 18, 19 or paragraph 5 of this article appears on a list to be established and kept up to date by the Director in accordance with the provisions of this article.

2 For the purposes set out in paragraph 1, each State Party shall communicate to the Director, at a time and in the manner to be prescribed in the internal regulations of the HNS Fund, the name and address of any person who in respect of the State is liable to pay contributions in accordance with articles 18, 19 or paragraph 5 of this article, as well as data on the relevant quantities of contributing cargo for which such a person is liable to contribute in respect of the preceding calendar year.

3 For the purposes of ascertaining who are, at any given time, the persons liable to pay contributions in accordance with articles 18, 19 or paragraph 5 of this article and of establishing, where applicable, the quantities of cargo to be taken into account for any such person when determining the amount of the contribution, the list shall be *prima facie* evidence of the facts stated therein.

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

5 Skupščina lahko obnovi poslovanje s posebnim računom, ki je bilo ustavljeno skladno z odstavkom 4.

6 Katera koli oseba, ki bi bila zavezana plačilu prispevkov na posebni račun, s katerim je bilo poslovanje odloženo skladno z odstavkom 3 ali ustavljeno skladno z odstavkom 4, plača zapadle prispevke za zadevni posebni račun na splošni račun. Za izračun prihodnjih prispevkov, odloženi ali ustavljeni posebni račun predstavlja novo področje na splošnem računu in zanj velja točkovni sistem HNS iz Priloge II.

### Začetni prispevki

#### Člen 20

1 Za vsako državo pogodbenico velja, da se plačajo začetni prispevki v znesku, ki se za vsako osebo, ki je zavezana plačevanju prispevkov skladno s členom 16(5), členoma 18, 19 in členom 21(5), izračuna na podlagi fiksnega zneska, ki je enak za splošni račun in vsak posebni račun, za vsako enoto tovora, za katerega se plačuje prispevek, ali, v primeru LNG, raztovorjenega tovora, za katerega se plačuje prispevek, v navedeni državi, v koledarskem letu pred koledarskim letom, v katerem v navedeni državi začne veljati ta konvencija.

2 Fiksni znesek in enote za različna področja na splošnem računu kakor tudi za vsak posebni račun iz odstavka 1 opredeli skupščina.

3 Začetni prispevki se plačajo v treh mesecih po datumu, na katerega Sklad HNS za vsako državo pogodbenico izda račune za plačilo za osebe, zavezane plačevanju prispevkov skladno z odstavkom 1.

### Poročila

#### Člen 21

1 Vsaka država pogodbenica zagotovi, da je vsaka oseba, ki je zavezana plačevanju prispevkov skladno s členoma 18, 19 ali odstavkom 5 tega člena, navedena na seznamu, ki ga pripravi in redno vodi direktor skladno z določbami tega člena.

2 Za namene iz odstavka 1 vsaka država pogodbenica direktorju sporoči v roku in na način, ki sta predpisana z internim pravilnikom Sklada HNS, ime in naslov vsake osebe, ki je zavezana plačevanju prispevkov za zadevno državo skladno s členoma 18, 19 ali odstavkom 5 tega člena, kakor tudi podatke o ustreznih količinah tovora, za katerega mora taka oseba plačati prispevke za predhodno koledarsko leto.

3 Za namene ugotavljanja, kdo so, v katerem koli času, osebe, ki so zavezane plačevanju prispevkov skladno s členoma 18, 19 ali odstavkom 5 tega člena, ter ugotavljanja, kadar je ustrezno, količin tovora, ki se upoštevajo za vsako tako osebo pri opredeljevanju zneska prispevka, pomeni seznam zadosten dokaz v njem navedenih dejstev.

4 Kadar država pogodbenica ne izpolni svojih obveznosti glede sporočanja informacij iz odstavka 2 direktorju in ima to za posledico finančno izgubo Sklada HNS, ima ta država pogodbenica odgovornost, da Skladu HNS povrne nastalo izgubo. Skupščina, na priporočilo direktorja, sprejme sklep o tem, ali naj država pogodbenica plača tako nadomestilo.

5 In respect of contributing cargo carried from one port or terminal of a State Party to another port or terminal located in the same State and discharged there, States Parties shall have the option of submitting to the HNS Fund a report with an annual aggregate quantity for each account covering all receipts of contributing cargo, including any quantities in respect of which contributions are payable pursuant to article 16, paragraph 5. The State Party shall, at the time of reporting, either:

(a) notify the HNS Fund that that State will pay the aggregate amount for each account in respect of the relevant year in one lump sum to the HNS Fund; or

(b) instruct the HNS Fund to levy the aggregate amount for each account by invoicing individual receivers or, in the case of LNG, the title holder who discharges within the jurisdiction of that State Party, for the amount payable by each of them. These persons shall be identified in accordance with the national law of the State concerned.

### Non-payment of contributions

#### Article 22

1 The amount of any contribution due under articles 18, 19, 20 or article 21, paragraph 5 and which is in arrears shall bear interest at a rate which shall be determined in accordance with the internal regulations of the HNS Fund, provided that different rates may be fixed for different circumstances.

2 Where a person who is liable to pay contributions in accordance with articles 18, 19, 20 or article 21, paragraph 5 does not fulfil the obligations in respect of any such contribution or any part thereof and is in arrears, the Director shall take all appropriate action, including court action, against such a person on behalf of the HNS Fund with a view to the recovery of the amount due. However, where the defaulting contributor is manifestly insolvent or the circumstances otherwise so warrant, the Assembly may, upon recommendation of the Director, decide that no action shall be taken or continued against the contributor.

### Optional liability of States Parties for the payment of contributions

#### Article 23

1 Without prejudice to article 21, paragraph 5, a State Party may at the time when it deposits its instrument of ratification, acceptance, approval or accession or at any time thereafter declare that it assumes responsibility for obligations imposed by this Convention on any person liable to pay contributions in accordance with articles 18, 19, 20 or article 21, paragraph 5 in respect of hazardous and noxious substances received or discharged in the territory of that State. Such a declaration shall be made in writing and shall specify which obligations are assumed.

2 Where a declaration under paragraph 1 is made prior to the entry into force of this Convention in accordance with article 46, it shall be deposited with the Secretary-General who shall after the entry into force of this Convention communicate the declaration to the Director.

3 A declaration under paragraph 1 which is made after the entry into force of this Convention shall be deposited with the Director.

4 A declaration made in accordance with this article may be withdrawn by the relevant State giving notice thereof in writing to the Director. Such a notification shall take effect three months after the Director's receipt thereof.

5 Any State which is bound by a declaration made under this article shall, in any proceedings brought against it before a competent court in respect of any obligation specified in the declaration, waive any immunity that it would otherwise be entitled to invoke.

5 Za tovor, za katerega se plačuje prispevek, ki se prevaža iz enega pristanišča ali terminala države pogodbenice v drugo pristanišče ali terminal v isti državi za tamkajšnje raztovarjanje, imajo države pogodbenice možnosti, da Skladu HNS predložijo poročilo o letni skupni količini za vsak račun, kar zajema vse prevzeme tovara, za katerega se plačuje prispevek, vključno z morebitnimi količinami, za katere se plačujejo prispevki skladno s členom 16(5). Ob sporočilu država pogodbenica bodisi:

(a) obvesti Sklad HNS, da bo ta država Skladu HNS plačala skupni znesek za vsak račun za ustrezno leto v enem pavšalnem znesku; bodisi

(b) izda navodilo Skladu HNS, da izterja skupni znesek za vsak račun tako, da posamičnim prejemnikom ali, v primeru LNG, lastniku, ki raztovarja na območju pristojnosti te države pogodbenice, izstavi račune za plačilo za zneske, ki jih mora plačati vsak od njih. Te osebe se opredelijo skladno z nacionalno zakonodajo te države.

### Neplačevanje prispevkov

#### Člen 22

1 Za znesek vsakega prispevka za plačilo po členih 18, 19, 20 ali členu 21(5), ki je v zaostanku, se zaračunajo obresti po stopnji, ki se opredeli skladno z internim pravilnikom Sklada HNS, če se lahko v različnih okoliščinah predpišejo različne stopnje.

2 Kadar oseba, ki je zavezana plačevanju prispevkov skladno s členi 18, 19, 20 ali členom 21(5), ne izpolni obveznosti v zvezi s katerim koli takim prispevkom ali delom prispevka in je v zaostanku, direktor proti osebi v imenu HNS Sklada sproži vse potrebne postopke, vključno s sodnim postopkom, za izterjavo zapadlega zneska. Vendar, kadar je očitno, da je prispevajoča stranka, ki ne izpolnjuje obveznosti, nelikvidna ali če okoliščine to opravičujejo kako drugače, lahko skupščina, na priporočilo direktorja, sklene, da se proti prispevajoči osebi ne sprožijo ali nadaljujejo nobeni postopki.

### Prostovoljna odgovornost držav pogodbenic za plačilo prispevkov

#### Člen 23

1 Brez vpliva na člen 21(5) lahko država pogodbenica kadar koli, ko deponira svojo listino o ratifikaciji, sprejetju, odobritvi ali pristopu, ali kadar koli kasneje, izjavi, da prevzema odgovornost za obveznosti iz te konvencije za katero koli osebo, ki je zavezana plačevanju prispevkov skladno s členi 18, 19, 20 ali členom 21(5) za nevarne in zdravju škodljive snovi, prevzete ali raztovorjene na ozemlju te države. Taka izjava se da v pisni obliki in navaja, katere odgovornosti se prevzamejo.

2 Kadar se izjava iz odstavka 1 da pred začetkom veljavnosti te konvencije skladno s členom 46, se deponira pri generalnem sekretarju, ki jo po začetku veljavnosti te konvencije pošlje direktorju.

3 Izjava po odstavku 1, ki se da po začetku veljavnosti te konvencije, se deponira pri direktorju.

4 Država lahko umakne izjavo, ki jo je dala skladno s tem členom, tako da o tem pisno obvesti direktorja. Tako obvestilo začne veljati tri mesece po tem, ko ga je direktor prejel.

5 Vsaka država, ki je zavezana z izjavo, dano po tem členu, se v vseh postopkih, ki se sprožijo proti njej pred pristojnim sodiščem v zvezi z obveznostmi, navedenimi v izjavi, odreče imuniteti, ki bi jo sicer lahko uveljavila.

**Organization and administration**

## Article 24

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

**Assembly**

## Article 25

The Assembly shall consist of all States Parties to this Convention.

## Article 26

The functions of the Assembly shall be:

(a) to elect at each regular session its President and two Vice-Presidents who shall hold office until the next regular session;

(b) to determine its own rules of procedure, subject to the provisions of this Convention;

(c) to develop, apply and keep under review internal and financial regulations relating to the aim of the HNS Fund as described in article 13, paragraph 1(a), and the related tasks of the HNS Fund listed in article 15;

(d) to appoint the Director and make provisions for the appointment of such other personnel as may be necessary and determine the terms and conditions of service of the Director and other personnel;

(e) to adopt the annual budget prepared in accordance with article 15(b);

(f) to consider and approve as necessary any recommendation of the Director regarding the scope of definition of contributing cargo;

(g) to appoint auditors and approve the accounts of the HNS Fund;

(h) to approve settlements of claims against the HNS Fund, to take decisions in respect of the distribution among claimants of the available amount of compensation in accordance with article 14 and to determine the terms and conditions according to which provisional payments in respect of claims shall be made with a view to ensuring that victims of damage are compensated as promptly as possible;

(i) to establish a Committee on Claims for Compensation with at least 7 and not more than 15 members and any temporary or permanent subsidiary body it may consider to be necessary, to define its terms of reference and to give it the authority needed to perform the functions entrusted to it; when appointing the members of such body, the Assembly shall endeavour to secure an equitable geographical distribution of members and to ensure that the States Parties are appropriately represented; the Rules of Procedure of the Assembly may be applied, *mutatis mutandis*, for the work of such subsidiary body;

(j) to determine which States not party to this Convention, which Associate Members of the Organization and which intergovernmental and international non-governmental organizations shall be admitted to take part, without voting rights, in meetings of the Assembly and subsidiary bodies;

(k) to give instructions concerning the administration of the HNS Fund to the Director and subsidiary bodies;

(l) to supervise the proper execution of this Convention and of its own decisions;

(m) to review every five years the implementation of this Convention with particular reference to the performance of the system for the calculation of levies and the contribution mechanism for domestic trade; and

(n) to perform such other functions as are allocated to it under this Convention or are otherwise necessary for the proper operation of the HNS Fund.

**Organizacija in upravljanje**

## Člen 24

Sklad HNS ima skupščino in sekretariat, ki ga vodi direktor.

**Skupščina**

## Člen 25

Skupščino sestavljajo vse države pogodbenice te konvencije.

## Člen 26

Skupščina ima naslednje funkcije:

(a) na vsaki redni seji izvoli predsednika in dva podpredsednika, ki ostanejo na teh položajih do naslednje redne seje;

(b) skladno z določbami te konvencije določi svoj poslovnik;

(c) oblikuje, uporablja in pregleduje ustreznost internih in finančnih predpisov v zvezi z nameni Sklada HNS, kot so opisani v členu 13(1)(a), in povezanih nalog Sklada HNS iz člena 15;

(d) imenuje direktorja in ustvarja pogoje za imenovanje ustreznega drugega osebja, po potrebi, ter opredeljuje pogoje zaposlitve direktorja in drugega osebja;

(e) sprejme letni proračun, ki se pripravi skladno s členom 15(b);

(f) preuči in po potrebi odobri morebitna priporočila direktorja v zvezi z obsegom opredelitve tovora, za katerega se plačuje prispevek;

(g) imenuje revizorje in odobri računovodska poročila Sklada HNS;

(h) odobri poravnave zahtevkov do Sklada HNS, sprejema sklepe v zvezi z razdelitvijo razpoložljivega zneska za nadomestila med vlagatelje zahtevkov skladno s členom 14 ter opredeljuje pogoje za izplačilo začasnih plačil v zvezi z zahtevki, z namenom zagotavljanja čim prejšnjega plačila nadomestil oškodovancem;

(i) ustanovi Odbor za zahtevke za nadomestila z najmanj sedmimi in največ 15 člani ter vse potrebnečasne ali stalne podrejene organe, opredeli njegove naloge in odgovornosti ter mu izda potrebna pooblastila za izvajanje funkcij, ki so mu zaupane; ob imenovanju članov takega organa skuša skupščina zagotoviti enakovredno geografsko porazdelitev članov in zagotoviti ustrezno zastopanost držav pogodbenic; za delo takega podrejenega organa se, s potrebnimi spremembami, lahko uporabi poslovnik skupščine;

(j) opredeli, katere države, ki niso pogodbenice te konvencije, katere pridružene pogodbenice Organizacije in katere medvladne in mednarodne nevladne organizacije se pripustijo, brez pravic glasovanja, k udeležbi na sejah skupščine in podrejenih organov;

(k) izdaja navodila direktorju in podrejenim organom v zvezi z upravljanjem Sklada HNS;

(l) nadzoruje pravilno izvajanje te konvencije in svojih sklepov;

(m) vsakih pet let naredi pregled izvajanja te konvencije s posebnim poudarkom na uspešnosti delovanja sistema za izračun dajatev in mehanizma prispevkov za domačo trgovino; in

(n) opravlja druge funkcije, ki ji jih nalaga ta konvencija ali ki so sicer nujne za pravilno poslovanje Sklada HNS.

## Article 27

1 Regular sessions of the Assembly shall take place once every calendar year upon convocation by the Director.

2 Extraordinary sessions of the Assembly shall be convened by the Director at the request of at least one-third of the members of the Assembly and may be convened on the Director's own initiative after consultation with the President of the Assembly. The Director shall give members at least thirty days' notice of such sessions.

## Article 28

A majority of the members of the Assembly shall constitute a quorum for its meetings.

## Secretariat

## Article 29

1 The Secretariat shall comprise the Director and such staff as the administration of the HNS Fund may require.

2 The Director shall be the legal representative of the HNS Fund.

## Article 30

1 The Director shall be the chief administrative officer of the HNS Fund. Subject to the instructions given by the Assembly, the Director shall perform those functions which are assigned to the Director by this Convention, the internal regulations of the HNS Fund and the Assembly.

2 The Director shall in particular:

(a) appoint the personnel required for the administration of the HNS Fund;

(b) take all appropriate measures with a view to the proper administration of the assets of the HNS Fund;

(c) collect the contributions due under this Convention while observing in particular the provisions of article 22, paragraph 2;

(d) to the extent necessary to deal with claims against the HNS Fund and to carry out the other functions of the HNS Fund, employ the services of legal, financial and other experts;

(e) take all appropriate measures for dealing with claims against the HNS Fund, within the limits and on conditions to be laid down in the internal regulations of the HNS Fund, including the final settlement of claims without the prior approval of the Assembly where these regulations so provide;

(f) prepare and submit to the Assembly the financial statements and budget estimates for each calendar year;

(g) prepare, in consultation with the President of the Assembly, and publish a report on the activities of the HNS Fund during the previous calendar year; and

(h) prepare, collect and circulate the documents and information which may be required for the work of the Assembly and subsidiary bodies.

## Article 31

In the performance of their duties the Director and the staff and experts appointed by the Director shall not seek or receive instructions from any Government or from any authority external to the HNS Fund. They shall refrain from any action which might adversely reflect on their position as international officials. Each State Party on its part undertakes to respect the exclusively international character of the responsibilities of the Director and the staff and experts appointed by the Director, and not to seek to influence them in the discharge of their duties.

## Člen 27

1 Redne seje skupščine potekajo enkrat v vsakem koledarskem letu na sklic direktorja.

2 Izredne seje skupščine skliče direktor na zahtevo najmanj ene tretjine članic skupščine in se lahko skličejo na lastno pobudo direktorja po posvetu s predsednikom skupščine. Direktor obvesti članice o takih sejah najmanj 30 dni vnaprej.

## Člen 28

Za sklepčnost sej skupščine zadošča večina članic skupščine.

## Sekretariat

## Člen 29

1 Sekretariat obsega direktorja in drugo ustrezno potrebno osebje za upravljanje Sklada HNS.

2 Direktor je zakoniti predstavnik Sklada HNS.

## Člen 30

1 Direktor je glavni upravni uradnik Sklada HNS. Skladno z navodili skupščine direktor opravlja tiste funkcije, ki jih direktorju nalagajo ta konvencija, interni pravilnik Sklada HNS in skupščina.

2 Direktor zlasti:

(a) imenuje potrebno osebje za upravljanje Sklada HNS;

(b) izvede vse potrebne ukrepe za pravilno upravljanje s sredstvi Sklada HNS;

(c) pobira prispevke za plačilo po tej konvenciji, pri čemer zlasti upošteva določbe člena 22(2);

(d) do potrebne mere rešuje zahtevke do Sklada HNS in izvaja druge funkcije Sklada HNS, najema storitve pravnih, finančnih in drugih strokovnjakov;

(e) izvede vse ustrezne ukrepe za reševanje zahtevkov do Sklada HNS, v mejah in pod pogoji, ki se predpišejo v internem pravilniku Sklada HNS, vključno s končno poravnavo zahtevkov brez predhodne odobritve skupščine, kadar je tako predpisano s pravilnikom;

(f) pripravi in skupščini predloži finančna poročila in ocene proračuna za vsako koledarsko leto;

(g) pripravi, v posvetu s predsednikom skupščine, in objavi poročilo o dejavnostih Sklada HNS v predhodnem koledarskem letu; in

(h) pripravi, zbere in razpošilja okrožnice dokumentov in informacij, ki jih utegnejo za svoje delo potrebovati skupščina in podrejeni organi.

## Člen 31

Pri opravljanju svojih dolžnosti direktor in osebje ter strokovnjaki, ki jih imenuje direktor, ne smejo prositi za navodila niti prejeti navodil od katere koli vlade ali katerega koli organa izven Sklada HNS. Ne smejo delovati na način, ki bi negativno vplival na njihov položaj mednarodnih uradnikov. Vsaka država pogodbenica se zase zaveže, da bo spoštovala izključno mednarodni značaj odgovornosti direktorja in osebja ter strokovnjakov, ki jih imenuje direktor, in da ne bo skušala vplivati nanje pri izvajanju njihovih dolžnosti.

**Finances**

## Article 32

1 Each State Party shall bear the salary, travel and other expenses of its own delegation to the Assembly and of its representatives on subsidiary bodies.

2 Any other expenses incurred in the operation of the HNS Fund shall be borne by the HNS Fund.

**Voting**

## Article 33

The following provisions shall apply to voting in the Assembly:

(a) each member shall have one vote;

(b) except as otherwise provided in article 34, decisions of the Assembly shall be made by a majority vote of the members present and voting;

(c) decisions where a two-thirds majority is required shall be a two-thirds majority vote of members present; and

(d) for the purpose of this article the phrase "members present" means "members present at the meeting at the time of the vote", and the phrase "members present and voting" means "members present and casting an affirmative or negative vote". Members who abstain from voting shall be considered as not voting.

## Article 34

The following decisions of the Assembly shall require a two-thirds majority:

(a) a decision under article 19, paragraphs 4 or 5 to suspend or reinstate the operation of a separate account;

(b) a decision under article 22, paragraph 2, not to take or continue action against a contributor;

(c) the appointment of the Director under article 26(d);

(d) the establishment of subsidiary bodies, under article 26(i), and matters relating to such establishment; and

(e) a decision under article 51, paragraph 1, that this Convention shall continue to be in force.

**Tax exemptions and currency regulations**

## Article 35

1 The HNS Fund, its assets, income, including contributions, and other property necessary for the exercise of its functions as described in article 13, paragraph 1, shall enjoy in all States Parties exemption from all direct taxation.

2 When the HNS Fund makes substantial purchases of movable or immovable property, or of services which are necessary for the exercise of its official activities in order to achieve its aims as set out in article 13, paragraph 1, the cost of which include indirect taxes or sales taxes, the Governments of the States Parties shall take, whenever possible, appropriate measures for the remission or refund of the amount of such duties and taxes. Goods thus acquired shall not be sold against payment or given away free of charge unless it is done according to conditions approved by the Government of the State having granted or supported the remission or refund.

3 No exemption shall be accorded in the case of duties, taxes or dues which merely constitute payment for public utility services.

4 The HNS Fund shall enjoy exemption from all customs duties, taxes and other related taxes on articles imported or exported by it or on its behalf for its official use. Articles thus imported shall not be transferred either for consideration or gratis on the territory of the country into which they have been imported except on conditions agreed by the Government of that country.

5 Persons contributing to the HNS Fund as well as victims and owners receiving compensation from the HNS Fund shall be subject to the fiscal legislation of the State where

**Finance**

## Člen 32

1 Vsaka država pogodbenica krije plačo, potne in druge stroške svoje delegacije v skupščini in svojih predstavnikov v podrejenih organih.

2 Vsi drugi stroški, ki nastanejo pri poslovanju Sklada HNS, se krijejo iz Sklada HNS.

**Glasovanje**

## Člen 33

Za glasovanje v skupščini se uporabljajo naslednje določbe:

(a) vsaka članica ima po en glas;

(b) razen, kadar je s členom 34 predpisano drugače, se sklepi skupščine sprejemajo z večino glasov članic, ki so prisotne in glasujejo;

(c) sklepi, za katere se zahteva dvotretjinska večina, se sprejmejo z dvotretjinsko večino prisotnih članic; in

(d) v tem členu izraz »prisotne članice« pomeni »članice, ki so prisotne na seji ob času glasovanja«, in izraz »članice, ki so prisotne in glasujejo« pomeni »članice, ki so prisotne in se izrečejo za ali proti«. Članice, ki se vzdržijo glasovanja, se obravnavajo, kot da niso glasovale.

## Člen 34

Naslednji sklepi skupščine se sprejemajo z dvotretjinsko večino:

(a) sklep po členu 19(4) ali (5) o ustavitvi poslovanja ali obnovitvi poslovanja s posebnim računom;

(b) sklep po členu 22(2) o tem, da se proti prispevajoči osebi ne sproži ali nadaljuje postopek;

(c) imenovanje direktorja po členu 26(d);

(d) ustanovitev podrejenih organov, po členu 26(i), in zadeve, povezane s tako ustanovitvijo; in

(e) sklep po členu 51(a), da ta konvencija še naprej ostane v veljavi.

**Davčne oprostitve in predpisi v zvezi z valutami**

## Člen 35

1 Sklad HNS, njegova sredstva, prihodki, vključno s prispevki, in drugo potrebno premoženje za izvajanje njegovih funkcij, skladno z opisom iz člena 13(1), je v vseh državah pogodbenicah oproščeno vseh neposrednih obdavčitev.

2 Kadar Sklad HNS izvede obsežno nabavo premoženja v obliki premičnin ali nepremičnin, ali storitev, ki so potrebne za izvajanje njegovih uradnih dejavnosti za dosego namenov iz člena 13(1), pri čemer strošek vključuje posredne davke ali prometne davke, sprejmejo vlade držav pogodbenic, kadar je le mogoče, ustrezne ukrepe za oprostitev plačila ali povračilo zneska takih davkov in dajatev. Tako pridobljeno blago se ne proda proti plačilu ali odda brezplačno, razen skladno s pogoji, ki jih odobri vlada države, ki je odobrila ali pristala na oprostitev plačila ali povračilo.

3 Za dajatve, davke ali pristojbine, ki so zgolj plačilo za storitve javnih podjetij, se ne odobri nobena oprostitvev.

4 Sklad HNS je oproščen vseh carinskih dajatev, davkov in drugih povezanih davkov za predmete, ki jih uvozi ali izvozi ali ki se uvozijo ali izvozijo zanj za njegovo uradno uporabo. Tako uvoženi predmeti se ne morejo prenesti bodisi proti nadomestilu bodisi brezplačno na ozemlju države, v katero so bili uvoženi, razen skladno s pogoji, ki jih odobri vlada te države.

5 Za osebe, ki prispevajo v Sklad HNS, kakor tudi za žrtve in lastnike, ki prejmejo nadomestilo iz Sklada HNS, velja finančna zakonodaja države, v kateri so davčni zavezanci,



they are taxable, no special exemption or other benefit being conferred on them in this respect.

6 Notwithstanding existing or future regulations concerning currency or transfers, States Parties shall authorize the transfer and payment of any contribution to the HNS Fund and of any compensation paid by the HNS Fund without any restriction.

### Confidentiality of information

#### Article 36

Information relating to individual contributors supplied for the purpose of this Convention shall not be divulged outside the HNS Fund except in so far as it may be strictly necessary to enable the HNS Fund to carry out its functions including the bringing and defending of legal proceedings.

### Chapter IV CLAIMS AND ACTIONS

#### Limitation of actions

#### Article 37

1 Rights to compensation under chapter II shall be extinguished unless an action is brought thereunder within three years from the date when the person suffering the damage knew or ought reasonably to have known of the damage and of the identity of the owner.

2 Rights to compensation under chapter III shall be extinguished unless an action is brought thereunder or a notification has been made pursuant to article 39, paragraph 7, within three years from the date when the person suffering the damage knew or ought reasonably to have known of the damage.

3 In no case, however, shall an action be brought later than ten years from the date of the incident which caused the damage.

4 Where the incident consists of a series of occurrences, the ten-year period mentioned in paragraph 3 shall run from the date of the last of such occurrences.

#### Jurisdiction in respect of action against the owner

#### Article 38

1 Where an incident has caused damage in the territory, including the territorial sea or in an area referred to in article 3(b), of one or more States Parties, or preventive measures have been taken to prevent or minimize damage in such territory including the territorial sea or in such area, actions for compensation may be brought against the owner or other person providing financial security for the owner's liability only in the courts of any such States Parties.

2 Where an incident has caused damage exclusively outside the territory, including the territorial sea, of any State and either the conditions for application of this Convention set out in article 3(c) have been fulfilled or preventive measures to prevent or minimize such damage have been taken, actions for compensation may be brought against the owner or other person providing financial security for the owner's liability only in the courts of:

(a) the State Party where the ship is registered or, in the case of an unregistered ship, the State Party whose flag the ship is entitled to fly; or

(b) the State Party where the owner has habitual residence or where the principal place of business of the owner is established; or

(c) the State Party where a fund has been constituted in accordance with article 9, paragraph 3.

3 Reasonable notice of any action taken under paragraph 1 or 2 shall be given to the defendant.

in jim tozadevno ne pripada nobena posebna oprostitev ali drugo nadomestilo.

6 Ne glede na obstoječe ali prihodnje predpise glede valut ali prenosov, države pogodbenice odobrijo prenos in plačilo vsakega prispevka v Sklad HNS in vsakega nadomestila, ki ga plača Sklad HNS, brez vsakršne omejitve.

### Zaupnost informacij

#### Člen 36

Informacije v zvezi s posamičnimi prispevajajočimi osebami, predložene za namene te konvencije, se ne izdajo izven Sklada HNS, razen če je nujno za izvajanje funkcij Sklada HNS, vključno z vloženimi tožbami ali obrambo v sodnih postopkih.

### Poglavje IV ZAHTEVKI IN TOŽBE

#### Omejitev tožb

#### Člen 37

1 Pravice do nadomestila po poglavju II prenehajo, če se ne vložijo tozadevna tožba v treh letih od datuma, ko je oseba, ki je utrpela škodo, izvedela ali bi razumno morala izvedeti za nastalo škodo in za identiteto lastnika.

2 Pravice do nadomestila po poglavju III prenehajo, če se ne vložijo zadevna tožba ali, če ni podano obvestilo po členu 39(7), v treh letih od datuma, ko je oseba, ki je utrpela škodo, izvedela ali bi razumno morala izvedeti za nastalo škodo.

3 V nobenem primeru pa ni mogoče vložiti tožbe kasneje kot 10 let od datuma incidenta, ki je povzročil škodo.

4 Kadar je incident sestavljen iz niza dogodkov, se 10-letno obdobje iz odstavka 3 nanaša na datum zadnjega takega dogodka.

#### Pristojnost v zvezi s tožbami zoper lastnika

#### Člen 38

1 Kadar incident povzroči škodo na ozemlju, vključno s teritorialnim morjem ali na območju iz člena 3(b), ene ali več držav pogodbenic, ali kadar se izvedejo preventivni ukrepi za preprečitev ali kar največje zmanjšanje škode na tem ozemlju, vključno s teritorialnim morjem ali na takem območju, se lahko tožbe za nadomestilo zoper lastnika ali drugo osebo, ki je predložila finančno jamstvo za odgovornost lastnika, vložijo samo pri sodiščih teh držav pogodbenic.

2 Kadar incident povzroči škodo izključno izven ozemlja, vključno s teritorialnim morjem, katere koli države in so bodisi izpolnjeni pogoji za uporabo te konvencije iz člena 3(c) bodisi so bili izvedeni preventivni ukrepi za preprečevanje ali kar največje zmanjšanje škode, se lahko tožbe za nadomestilo zoper lastnika ali drugo osebo, ki je predložila finančno jamstvo za odgovornost lastnika, vložijo samo pri sodiščih:

(a) države pogodbenice, v kateri je ladja vpisana v register, ali, v primeru ladje, ki ni vpisana v register, države pogodbenice, za katero ima ladja pravico, da pluje pod njeno zastavo; ali

(b) države pogodbenice, kjer ima lastnik svoje običajno bivališče ali kjer ima podjetje lastnika svoj sedež; ali

(c) države pogodbenice, kjer je ustanovljen sklad po členu 9(3).

3 Tožena stranka se v razumnem času obvesti o morebitni vloženi tožbi po odstavku 1 ali 2.

4 Each State Party shall ensure that its courts have jurisdiction to entertain actions for compensation under this Convention.

5 After a fund under article 9 has been constituted by the owner or by the insurer or other person providing financial security in accordance with article 12, the courts of the State in which such fund is constituted shall have exclusive jurisdiction to determine all matters relating to the apportionment and distribution of the fund.

#### Jurisdiction in respect of action against the HNS Fund or taken by the HNS Fund

##### Article 39

1 Subject to the subsequent provisions of this article, any action against the HNS Fund for compensation under article 14 shall be brought only before a court having jurisdiction under article 38 in respect of actions against the owner who is liable for damage caused by the relevant incident or before a court in a State Party which would have been competent if an owner had been liable.

2 In the event that the ship carrying the hazardous or noxious substances which caused the damage has not been identified, the provisions of article 38, paragraph 1, shall apply *mutatis mutandis* to actions against the HNS Fund.

3 Each State Party shall ensure that its courts have jurisdiction to entertain such actions against the HNS Fund as are referred to in paragraph 1.

4 Where an action for compensation for damage has been brought before a court against the owner or the owner's guarantor, such court shall have exclusive jurisdiction over any action against the HNS Fund for compensation under the provisions of article 14 in respect of the same damage.

5 Each State Party shall ensure that the HNS Fund shall have the right to intervene as a party to any legal proceedings instituted in accordance with this Convention before a competent court of that State against the owner or the owner's guarantor.

6 Except as otherwise provided in paragraph 7, the HNS Fund shall not be bound by any judgement or decision in proceedings to which it has not been a party or by any settlement to which it is not a party.

7 Without prejudice to the provisions of paragraph 5, where an action under this Convention for compensation for damage has been brought against an owner or the owner's guarantor before a competent court in a State Party, each party to the proceedings shall be entitled under the national law of that State to notify the HNS Fund of the proceedings. Where such notification has been made in accordance with the formalities required by the law of the court seized and in such time and in such a manner that the HNS Fund has in fact been in a position effectively to intervene as a party to the proceedings, any judgement rendered by the court in such proceedings shall, after it has become final and enforceable in the State where the judgement was given, become binding upon the HNS Fund in the sense that the facts and findings in that judgement may not be disputed by the HNS Fund even if the HNS Fund has not actually intervened in the proceedings.

#### Recognition and enforcement

##### Article 40

1 Any judgement given by a court with jurisdiction in accordance with article 38, which is enforceable in the State of origin where it is no longer subject to ordinary forms of review, shall be recognized in any State Party, except:

- (a) where the judgement was obtained by fraud; or
- (b) where the defendant was not given reasonable notice and a fair opportunity to present the case.

4 Vsaka država pogodbenica zagotovi, da imajo njena sodišča pristojnost za obravnavo tožb za nadomestila po tej konvenciji.

5 Potem ko je lastnik ali zavarovalnica ali druga oseba, ki je predložila finančno jamstvo skladno s členom 12, ustanovil sklad po členu 9, imajo sodišča države, v kateri je ta sklad ustanovljen, izključno pristojnost za opredelitev vseh zadev v zvezi z dodelitvijo in razdelitvijo sklada.

#### Pristojnost za tožbe, ki se vložijo proti Skladu HNS ali ki jih vložijo Sklad HNS

##### Člen 39

1 Skladno z nadaljnjimi določbami tega člena se vsaka tožba, ki se vložijo proti Skladu HNS za nadomestilo po členu 14, vložijo samo pri sodišču, ki je po členu 38 pristojno za tožbe, vložene proti lastniku, ki je odgovoren za škodo, nastalo zaradi ustreznega incidenta, ali pri sodišču države pogodbenice, ki bi bilo pristojno v primeru odgovornosti lastnika.

2 Če se ne ugotovi identitete ladje, ki je prevažala nevarne ali zdravju škodljive snovi, ki so povzročile škodo, se za tožbe proti Skladu HNS smiselno uporabijo določbe člena 38(1).

3 Vsaka država pogodbenica zagotovi, da imajo njena sodišča pristojnost za obravnavo takih tožb zoper Sklad HNS iz odstavka 1.

4 Kadar se na sodišču vložijo tožbe proti lastniku ali poroku lastnika, ima to sodišče izključno pristojnost za vse tožbe proti Skladu HNS za nadomestilo za to škodo po določbah člena 14.

5 Vsaka država pogodbenica zagotovi, da ima Sklad HNS pravico, da se pridruži kot stranski intervenient v katerem koli sodnem postopku, ki se skladno s to konvencijo sproži pred pristojnim sodiščem te države proti lastniku ali poroku lastnika.

6 Razen kadar je z odstavkom 7 predpisano drugače, Sklad HNS ni zavezan nobeni sodbi ali sklepu v sodnem postopku, v katerem ni bil udeležen kot stranka, ali kateri koli poravnavi, v kateri ni udeležen kot stranka.

7 Brez vpliva na določbe odstavka 5, kadar se pri pristojnem sodišču v državi pogodbenici vložijo tožbe po tej konvenciji za nadomestilo škode proti lastniku ali poroku lastnika, ima vsaka stranka v sodnem postopku po nacionalnem pravu te države pravico, da o sodnem postopku obvesti Sklad HNS. Če je bilo tako obvestilo izdelano skladno s formalnostmi, ki se zahtevajo po pravu sodišča, ki obravnava primer, in v takem roku in na način, da Sklad HNS dejansko ni imel možnosti, da se učinkovito pridruži kot stranski intervenient v sodnem postopku, postane vsaka morebitna sodba, ki jo izreče sodišče v tem sodnem postopku, potem ko postane dokončna in izvršljiva v državi, v kateri je bila sodba izrečena, zavezujoča za Sklad HNS v smislu, da Sklad HNS ne sme izpodbijati dejstev in ugotovitev v tej sodbi, tudi če se Sklad HNS dejansko ni vmešal v sodni postopek.

#### Priznavanje in izvršljivost

##### Člen 40

1 Vsaka sodba, ki jo izreče sodišče s pristojnostjo skladno s členom 38, ki je izvršljiva v državi izvora, ko v njej ni več predmet rednih pravnih sredstev, se prizna v vseh državah pogodbenicah, razen:

- (a) kadar je bila sodba pridobljena z goljufijo; ali
- (b) kadar tožena stranka ni bila obveščena v razumnem času in ni imela poštene možnosti, da predstavi primer.

2 A judgement recognized under paragraph 1 shall be enforceable in each State Party as soon as the formalities required in that State have been complied with. The formalities shall not permit the merits of the case to be re-opened.

3 Subject to any decision concerning the distribution referred to in article 14, paragraph 6, any judgement given against the HNS Fund by a court having jurisdiction in accordance with article 39, paragraphs 1 and 3 shall, when it has become enforceable in the State of origin and is in that State no longer subject to ordinary forms of review, be recognized and enforceable in each State Party.

### Subrogation and recourse

#### Article 41

1 The HNS Fund shall, in respect of any amount of compensation for damage paid by the HNS Fund in accordance with article 14, paragraph 1, acquire by subrogation the rights that the person so compensated may enjoy against the owner or the owner's guarantor.

2 Nothing in this Convention shall prejudice any rights of recourse or subrogation of the HNS Fund against any person, including persons referred to in article 7, paragraph 2(d), other than those referred to in the previous paragraph, in so far as they can limit their liability. In any event the right of the HNS Fund to subrogation against such persons shall not be less favourable than that of an insurer of the person to whom compensation has been paid.

3 Without prejudice to any other rights of subrogation or recourse against the HNS Fund which may exist, a State Party or agency thereof which has paid compensation for damage in accordance with provisions of national law shall acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.

### Supersession clause

#### Article 42

This Convention shall supersede any convention in force or open for signature, ratification or accession at the date on which this Convention is opened for signature, but only to the extent that such convention would be in conflict with it; however, nothing in this article shall affect the obligations of States Parties to States not party to this Convention arising under such convention.

#### Chapter V

### TRANSITIONAL PROVISIONS

### Information on contributing cargo

#### Article 43

When depositing an instrument referred to in article 45, paragraph 3, and annually thereafter until this Convention enters into force for a State, that State shall submit to the Secretary-General data on the relevant quantities of contributing cargo received or, in the case of LNG, discharged in that State during the preceding calendar year in respect of the general account and each separate account.

### First session of the Assembly

#### Article 44

The Secretary-General shall convene the first session of the Assembly. This session shall take place as soon as possible after the entry into force of this Convention and, in any case, not more than thirty days after such entry into force.

2 Sodba, ki se prizna po odstavku 1, postane izvršljiva v vsaki državi pogodbenici, takoj ko so izpolnjene zahtevane formalnosti v tej državi. Formalnosti ne smejo preprečiti ponovne obravnave argumentov primera.

3 Skladno s sklepom glede razdelitve iz člena 14(6) se vsaka sodba, ki jo je proti Skladu HNS izreklo sodišče s pristojnostjo skladno s členom 39(1) in (3), ko postane izvršljiva v državi izvora in v tej državi ni več predmet običajnih oblik revizije, prizna in se lahko uveljavi v vsaki državi pogodbenici.

### Subrogacija in regres

#### Člen 41

1 Za vsak znesek nadomestila za škodo, ki ga izplača Sklad HNS skladno s členom 14(1), Sklad HNS po načelu subrogacije pridobi pravice osebe, ki bi jih ta oseba, ki ji je bilo izplačano nadomestilo, imela do lastnika ali poroka lastnika.

2 Nič v tej konvenciji ne posega v katere koli regresne pravice Sklada HNS ali pravice do subrogacije proti kateri koli osebi, vključno z osebami iz člena 7(2)(d), razen tistih iz predhodnega odstavka, če lahko omejijo svojo odgovornost. V nobenem primeru pa pravica Sklada HNS do subrogacije proti takim osebam ne sme biti manj ugodna od tiste, ki jo ima zavarovalnica osebe, ki ji je bilo izplačano nadomestilo.

3 Brez poseganja v vse katere koli druge obstoječe pravice do subrogacije ali regresa proti Skladu HNS, država pogodbenica ali njen zastopnik, ki je plačal nadomestilo za škodo skladno z določbami nacionalne zakonodaje, po načelu subrogacije pridobi pravice osebe, ki bi jih po tej konvenciji imela oseba, ki ji je bilo plačano nadomestilo.

### Določba o nadomestitvi

#### Člen 42

Ta konvencija nadomesti vse morebitne veljavne konvencije ali konvencije, ki so odprte za podpis, ratifikacijo ali pristop na datum, na katerega je ta konvencija odprta za podpis, vendar samo do mere, do katere bi bila taka konvencija v nasprotju z njo; vendar pa nič v tem členu ne vpliva na obveznosti držav pogodbenic, ki izhajajo iz take konvencije, do držav, ki niso pogodbenice te konvencije.

#### Poglavje V

### PREHODNE DOLOČBE

### Informacije o tovoru, za katerega se plačuje prispevek,

#### Člen 43

Ob deponiranju listine iz člena 45(3) in vsako leto zatem do začetka veljavnosti te konvencije za neko državo, ta država generalnemu sekretarju predloži podatke o ustreznih količinah prevzetega ali, v primeru LNG, raztovorjenega tovora, za katerega se plačuje prispevek, v tej državi v predhodnem koledarskem letu za splošni račun in za vsak posebni račun.

### Prva seja skupščine

#### Člen 44

Generalni sekretar skliče prvo sejo skupščine. Ta seja se skliče čim prej po začetku veljavnosti te konvencije in, v vsakem primeru, najkasneje 30 dni po takem začetku veljavnosti.

Chapter VI  
FINAL CLAUSES

**Signature, ratification, acceptance, approval and accession**

Article 45

1 This Convention shall be open for signature at the Headquarters of the Organization from 1 October 1996 to 30 September 1997 and shall thereafter remain open for accession.

2 States may express their consent to be bound by this Convention 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; or
- (c) accession.

3 Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

**Entry into force**

Article 46

1 This Convention shall enter into force eighteen months after the date on which the following conditions are fulfilled:

- (a) at least twelve States, including four States each with not less than 2 million units of gross tonnage, have expressed their consent to be bound by it, and
- (b) the Secretary-General has received information in accordance with article 43 that those persons in such States who would be liable to contribute pursuant to article 18, paragraphs 1(a) and (c) have received during the preceding calendar year a total quantity of at least 40 million tonnes of cargo contributing to the general account.

2 For a State which expresses its consent to be bound by this Convention after the conditions for entry into force have been met, such consent shall take effect three months after the date of expression of such consent, or on the date on which this Convention enters into force in accordance with paragraph 1, whichever is the later.

**Revision and amendment**

Article 47

1 A conference for the purpose of revising or amending this Convention may be convened by the Organization.

2 The Secretary-General shall convene a conference of the States Parties to this Convention for revising or amending the Convention, at the request of six States Parties or one-third of the States Parties, whichever is the higher figure.

3 Any consent to be bound by this Convention expressed after the date of entry into force of an amendment to this Convention shall be deemed to apply to the Convention as amended.

**Amendment of limits**

Article 48

1 Without prejudice to the provisions of article 47, the special procedure in this article shall apply solely for the purposes of amending the limits set out in article 9, paragraph 1 and article 14, paragraph 5.

2 Upon the request of at least one half, but in no case less than six, of the States Parties, any proposal to amend the limits specified in article 9, paragraph 1, and article 14, paragraph 5, shall be circulated by the Secretary-General to all Members of the Organization and to all Contracting States.

Poglavje VI  
KONČNE DOLOČBE

**Podpis, ratifikacija, sprejetje, odobritev in pristop**

Člen 45

1 Ta konvencija bo odprta za podpis na sedežu Organizacije od 1. oktobra 1996 do 30. septembra 1997, po tem datumu pa ostane odprta za pristop.

2 Države lahko izrazijo svojo privolitev glede sprejema obveznosti iz te konvencije s:

- (a) podpisom brez pridržka glede ratifikacije, sprejetja ali odobritve; ali
- (b) podpisom, ob pogoju ratifikacije, sprejetja ali odobritve, čemur sledi ratifikacija, sprejetje ali odobritev; ali
- (c) pristopom.

3 Ratifikacija, sprejetje ali odobritev se izvede z deponiranjem ustrezne listine pri generalnem sekretarju.

**Začetek veljavnosti**

Člen 46

1 Ta konvencija začne veljati 18 mesecev po datumu, na katerega so izpolnjeni naslednji pogoji:

- (a) najmanj 12 držav, vključno s štirimi državami, od katerih ima vsaka najmanj 2 milijona enot bruto tonaže, je izrazilo svojo privolitev glede sprejema obveznosti iz te konvencije, in
- (b) generalni sekretar je skladno s členom 43 prejel informacije, da so osebe v teh državah, ki bi bile zavezane plačevanju prispevkov po členu 18(1)(a) in (c), v predhodnem koledarskem letu prevzele skupno količino najmanj 40 milijonov ton tovora, za katerega se plačuje prispevek na splošni račun.

2 Za državo, ki izrazi svojo privolitev glede sprejema obveznosti iz te konvencije po izpolnitvi pogojev za začetek veljavnosti, začne veljati taka privolitev tri mesece po datumu, ko je bila izražena, ali, kar je kasneje, na datum, na katerega začne veljati ta konvencija skladno z odstavkom 1.

**Revizija in sprememba**

Člen 47

1 Organizacija lahko skliče konferenco za namene revizije ali spremembe te konvencije.

2 Generalni sekretar skliče konferenco držav pogodbenic te konvencije za revizijo ali spremembo Konvencije, na zahtevo šestih držav pogodbenic ali ene tretjine držav pogodbenic, kar je več.

3 Vsaka morebitna privolitev glede sprejema obveznosti iz te konvencije, ki se izrazi po datumu začetka veljavnosti spremembe te konvencije, velja za spremenjeno konvencijo.

**Spremembe omejitev**

Člen 48

1 Brez poseganja v določbe člena 48 se posebni postopek iz tega člena uporablja samo za spremembe omejitev iz člena 9(1) in člena 14(5).

2 Na zahtevo najmanj polovice, vendar v nobenem primeru manj kot šestih držav pogodbenic, generalni sekretar za vsak predlog o spremembi omejitev iz člena 9(1), in člena 14(5), izda okrožnico vsem članicam Organizacije in vsem državam pogodbenicam.

3 Any amendment proposed and circulated as above shall be submitted to the Legal Committee of the Organization (the Legal Committee) for consideration at a date at least six months after the date of its circulation.

4 All Contracting States, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Legal Committee for the consideration and adoption of amendments.

5 Amendments shall be adopted by a two-thirds majority of the Contracting States present and voting in the Legal Committee, expanded as provided in paragraph 4, on condition that at least one half of the Contracting States shall be present at the time of voting.

6 When acting on a proposal to amend the limits, the Legal Committee shall take into account the experience of incidents and, in particular, the amount of damage resulting therefrom, changes in the monetary values and the effect of the proposed amendment on the cost of insurance. It shall also take into account the relationship between the limits established in article 9, paragraph 1, and those in article 14, paragraph 5.

7 (a) No amendment of the limits under this article may be considered less than five years from the date this Convention was opened for signature nor less than five years from the date of entry into force of a previous amendment under this article.

(b) No limit may be increased so as to exceed an amount which corresponds to a limit laid down in this Convention increased by six per cent per year calculated on a compound basis from the date on which this Convention was opened for signature.

(c) No limit may be increased so as to exceed an amount which corresponds to a limit laid down in this Convention multiplied by three.

8 Any amendment adopted in accordance with paragraph 5 shall be notified by the Organization to all Contracting States. The amendment shall be deemed to have been accepted at the end of a period of eighteen months after the date of notification, unless within that period no less than one-fourth of the States which were Contracting States at the time of the adoption of the amendment have communicated to the Secretary-General that they do not accept the amendment, in which case the amendment is rejected and shall have no effect.

9 An amendment deemed to have been accepted in accordance with paragraph 8 shall enter into force eighteen months after its acceptance.

10 All Contracting States shall be bound by the amendment, unless they denounce this Convention in accordance with article 49, paragraphs 1 and 2, at least six months before the amendment enters into force. Such denunciation shall take effect when the amendment enters into force.

11 When an amendment has been adopted but the eighteen month period for its acceptance has not yet expired, a State which becomes a Contracting State during that period shall be bound by the amendment if it enters into force. A State which becomes a Contracting State after that period shall be bound by an amendment which has been accepted in accordance with paragraph 8. In the cases referred to in this paragraph, a State becomes bound by an amendment when that amendment enters into force, or when this Convention enters into force for that State, if later.

### Denunciation

#### Article 49

1 This Convention may be denounced by any State Party at any time after the date on which it enters into force for that State Party.

2 Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General.

3 Vsaka predlagana sprememba, za katero je bila izdana okrožnica skladno z gornjim opisom, se predloži v obravnavo Pravnemu odboru Organizacije (Pravni odbor) najmanj šest mesecev po datumu izdaje okrožnice.

4 Vse države pogodbenice, ne glede na to, ali so članice Organizacije ali ne, imajo pravico do sodelovanja v postopkih Pravnega odbora za obravnavo in sprejetje sprememb.

5 Spremembe se sprejmejo z dvotretjinsko večino držav pogodbenic, ki so prisotne in glasujejo v Pravnem odboru, razširjenem skladno z določbami odstavka 4, če je ob času glasovanja prisotna najmanj polovica držav pogodbenic.

6 Pri obravnavah predlogov o spremembi omejitev Pravni odbor upošteva izkušnje pri incidentov in zlasti višino škode, ki je pri tem nastala, spremembe v denarnih vrednostih ter učinek predlagane spremembe na stroške zavarovanja. Prav tako upošteva tudi medsebojno razmerje med uveljavljenimi omejitvami iz člena 9(1) in tistimi iz člena 14(5).

7 (a) Nobena sprememba omejitev po tem členu se ne sme obravnavati prej kot pet let od datuma, ko je bila ta konvencija dana na voljo za podpis, niti prej kot pet let od datuma začetka veljavnosti predhodne spremembe po tem členu.

(b) Nobena omejitev se ne sme zvišati tako, da preseže znesek, ki ustreza omejitvi, predpisani s to konvencijo, povečani za šest odstotkov letno, ob uporabi obrestno obrestnega računa od datuma, ko je bila ta konvencija dana na voljo za podpis.

(c) Nobena omejitev se ne sme zvišati tako, da preseže znesek, ki ustreza omejitvi, predpisani s to konvencijo, pomnoženi s tri.

8 O vsaki spremembi, ki se sprejme skladno z odstavkom 5, Organizacija obvesti vse države pogodbenice. Velja, da je sprememba sprejeta ob izteku obdobja 18 mesecev po datumu uradne obvestitve, razen če v tem obdobju najmanj ena četrtnina držav, ki so bile države pogodbenice v času sprejetja spremembe, obvesti generalnega sekretarja, da spremembe ne sprejemajo. V tem primeru se sprememba zavrne in nima učinka.

9 Sprememba, za katero velja, da je bila sprejeta skladno z odstavkom 8, začne veljati 18 mesecev po tem, ko je bila sprejeta.

10 Sprememba postane zavezujoča za vse države pogodbenice, razen če odpovejo to konvencijo skladno s členom 49(1) in (2), najmanj šest mesecev pred začetkom veljavnosti spremembe. Taka odpoved ima učinek z začetkom veljavnosti spremembe.

11 Kadar se sprememba sprejme, vendar se 18-mesečno obdobje za njeno sprejetje še ni izteklo, je država, ki postane država pogodbenica v tem obdobju, zavezana spremembi, če slednja začne veljati. Država, ki postane država pogodbenica po tem obdobju, je zavezana spremembi, ki je bila sprejeta skladno z odstavkom 8. V primerih iz tega odstavka začne veljati sprememba za državo z začetkom veljavnosti spremembe, ali z začetkom veljavnosti te konvencije za to državo, če se slednje zgodi kasneje.

### Odpoved

#### Člen 49

1 Katera koli država pogodbenica lahko odpove to konvencijo kadar koli po datumu, ko začne veljati za to državo pogodbenico.

2 Odpoved se izvede z deponiranjem listine o odpovedi pri generalnem sekretarju.

3 Denunciation shall take effect twelve months, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General.

4 Notwithstanding a denunciation by a State Party pursuant to this article, any provisions of this Convention relating to obligations to make contributions under articles 18, 19 or article 21, paragraph 5 in respect of such payments of compensation as the Assembly may decide relating to an incident which occurs before the denunciation takes effect shall continue to apply.

### Extraordinary sessions of the Assembly

#### Article 50

1 Any State Party may, within ninety days after the deposit of an instrument of denunciation the result of which it considers will significantly increase the level of contributions from the remaining States Parties, request the Director to convene an extraordinary session of the Assembly. The Director shall convene the Assembly to meet not less than sixty days after receipt of the request.

2 The Director may take the initiative to convene an extraordinary session of the Assembly to meet within sixty days after the deposit of any instrument of denunciation, if the Director considers that such denunciation will result in a significant increase in the level of contributions from the remaining States Parties.

3 If the Assembly, at an extraordinary session, convened in accordance with paragraph 1 or 2 decides that the denunciation will result in a significant increase in the level of contributions from the remaining States Parties, any such State may, not later than one hundred and twenty days before the date on which the denunciation takes effect, denounce this Convention with effect from the same date.

### Cessation

#### Article 51

1 This Convention shall cease to be in force:

(a) on the date when the number of States Parties falls below 6; or

(b) twelve months after the date on which data concerning a previous calendar year were to be communicated to the Director in accordance with article 21, if the data shows that the total quantity of contributing cargo to the general account in accordance with article 18, paragraphs 1(a) and (c) received in the States Parties in that preceding calendar year was less than 30 million tonnes.

Notwithstanding (b), if the total quantity of contributing cargo to the general account in accordance with article 18, paragraphs 1(a) and (c) received in the States Parties in the preceding calendar year was less than 30 million tonnes but more than 25 million tonnes, the Assembly may, if it considers that this was due to exceptional circumstances and is not likely to be repeated, decide before the expiry of the above-mentioned twelve month period that the Convention shall continue to be in force. The Assembly may not, however, take such a decision in more than two subsequent years.

2 States which are bound by this Convention on the day before the date it ceases to be in force shall enable the HNS Fund to exercise its functions as described under article 52 and shall, for that purpose only, remain bound by this Convention.

3 Odpoved ima učinek 12 mesecev ali še kasneje, skladno z morebitno navedbo v listini o odpovedi, po njenem deponiranju pri generalnem sekretarju.

4 Ne glede na odpoved države pogodbenice po tem členu se še naprej uporabljajo vse določbe te konvencije glede obveznosti plačevanja prispevkov po členih 18, 19 ali členu 21(5) za plačila nadomestil, skladno s sklepi skupščine, v zvezi z incidenti, ki se zgodijo preden odpoved začne učinkovati.

### Izredne seje skupščine

#### Člen 50

1 Katera koli država pogodbenica lahko v 90 dneh po tem, ko je bila deponirana listina o odpovedi, zaradi katere se bo po njenem mnenju bistveno zvišala raven prispevkov za preostale države pogodbenice, od direktorja zahteva, da skliče izredno sejo skupščine. Direktor skliče skupščino, ki se sestane najmanj 60 dni po prejemu zahteve.

2 Direktor lahko prevzame pobudo in skliče izredno sejo skupščine, ki se sestane v 60 dneh po tem, ko je bil deponiran kateri koli instrument odpovedi, če direktor meni, da bo taka odpoved povzročila bistveno zvišanje ravni prispevkov za preostale države pogodbenice.

3 Če skupščina na izredni seji, ki se skliče skladno z odstavkom 1 ali 2, sklene, da bo odpoved povzročila bistveno zvišanje ravni prispevkov za preostale države pogodbenice, lahko vsaka taka država najkasneje 120 dni pred datumom začetka učinkovanja odpovedi, odpove to konvencijo z učinkom od istega datuma dalje.

### Prenehanje veljavnosti

#### Člen 51

1 Ta konvencija preneha veljati:

(a) na datum, ko število držav pogodbenic pade pod šest; ali

(b) 12 mesecev po datumu, na katerega se skladno s členom 21 direktorju sporočijo podatki za predhodno koledarsko leto, če ti podatki kažejo, da je bila celotna količina tovora, ki prispeva na splošni račun skladno s členom 18(1)(a) in (c), prevzetega v državah pogodbenicah v tem predhodnem koledarskem letu, manj kot 30 milijonov ton.

Ne glede na (b), če je bila celotna količina tovora, ki prispeva na splošni račun skladno s členom 18(1)(a) in (c), prevzetega v državah pogodbenicah v tem predhodnem koledarskem letu, manj kot 30 milijonov ton, vendar več kot 25 milijonov ton, lahko skupščina, če meni, da je bila to posledica izrednih razmer in da ni verjetno, da bi se to ponovilo, pred iztekom zgoraj navedenega 12-mesečnega obdobja sklene, da Konvencija ostane v veljavi. Vendar skupščina ne sme sprejeti takega sklepa več kot dve leti zapored.

2 Države, za katere velja ta Konvencija na dan pred datumom prenehanja njene veljavnosti, omogočijo Skladu HNS, da opravlja svoje funkcije skladno z opisom iz člena 52, in ostajajo, samo za ta namen, zavezane tej konvenciji.

**Winding up of the HNS Fund**

## Article 52

1 If this Convention ceases to be in force, the HNS Fund shall nevertheless:

(a) meet its obligations in respect of any incident occurring before this Convention ceased to be in force; and

(b) be entitled to exercise its rights to contributions to the extent that these contributions are necessary to meet the obligations under (a), including expenses for the administration of the HNS Fund necessary for this purpose.

2 The Assembly shall take all appropriate measures to complete the winding up of the HNS Fund including the distribution in an equitable manner of any remaining assets among those persons who have contributed to the HNS Fund.

3 For the purposes of this article the HNS Fund shall remain a legal person.

**Depositary**

## Article 53

1 This Convention and any amendment adopted under article 48 shall be deposited with the Secretary-General.

2 The Secretary-General shall:

(a) inform all States which have signed this Convention or acceded thereto, and all Members of the Organization, of:

(i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession together with the date thereof;

(ii) the date of entry into force of this Convention;

(iii) any proposal to amend the limits on the amounts of compensation which has been made in accordance with article 48, paragraph 2;

(iv) any amendment which has been adopted in accordance with article 48, paragraph 5;

(v) any amendment deemed to have been accepted under article 48, paragraph 8, together with the date on which that amendment shall enter into force in accordance with paragraphs 9 and 10 of that article;

(vi) the deposit of any instrument of denunciation of this Convention together with the date on which it is received and the date on which the denunciation takes effect; and

(vii) any communication called for by any article in this Convention; and

(b) transmit certified true copies of this Convention to all States which have signed this Convention or acceded thereto.

3 As soon as this Convention enters into force, a certified true copy thereof shall be transmitted by the depositary to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

**Languages**

## Article 54

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

DONE AT LONDON this third day of May one thousand nine hundred and ninety-six.

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

**Likvidacija Sklada HNS**

## Člen 52

1 Če ta konvencija preneha veljati, Sklad HNS kljub temu:

(a) izpolni svoje obveznosti za vsak incident, ki se je zgodil pred prenehanjem veljavnosti te konvencije; in

(b) ima pravico, da uveljavi svoje pravice do prispevkov, če so ti prispevki nujni za izpolnitev obveznosti po (a), vključno s potrebnimi stroški za upravljanje Sklada HNS v ta namen.

2 Skupščina izvede vse ustrezne ukrepe, da dokonča likvidacijo Sklada HNS, vključno s pravično razdelitvijo preostalih sredstev med tiste osebe, ki so prispevale v Sklad HNS.

3 Za namene tega člena Sklad HNS ostane pravna oseba.

**Depozitar**

## Člen 53

1 Ta konvencija in vse morebitne spremembe, sprejete po členu 48, se deponirajo pri generalnem sekretarju.

2 Generalni sekretar:

(a) obvesti vse države, ki so podpisale to konvencijo ali pristopile k njej, in vse članice Organizacije, o:

(i) vsakem novem podpisu ali deponiranju listine o ratifikaciji, sprejetju, odobritvi ali pristopu, skupaj z njenim datumom;

(ii) datumu začetka veljavnosti te konvencije;

(iii) vsakem morebitnem predlogu za spremembo omejitev zneskov nadomestil, ki je bil predložen skladno s členom 48(2);

(iv) vsaki spremembi, ki je bila sprejeta skladno s členom 48(5);

(v) vsaki spremembi, ki velja kot sprejeta po členu 48(8), skupaj z datumom začetka veljavnosti te spremembe, skladno z odstavkoma 9 in 10 navedenega člena;

(vi) deponiranju vsake listine o odpovedi te konvencije, skupaj z datumom prejema in datumom začetka učinkovanja odpovedi; in

(vii) vsakem sporočilu, ki se zahteva po katerem koli členu te konvencije; ter

(b) razpošlje overjene točne kopije te konvencije vsem državam, ki so podpisale to konvencijo ali pristopile k njej.

3 Ob začetku veljavnosti te konvencije depozitar nemudoma pošlje overjeno točno kopijo te konvencije generalnemu sekretarju Združenih narodov v registracijo in objavo, skladno s členom 102 listine Združenih narodov.

**Jeziki**

## Člen 54

Ta konvencija je napisana v enem samem izvorniku v arabskem, kitajskem, angleškem, francoskem, ruskem in španskem jeziku, pri čemer je vsako besedilo enako verodostojno.

V Londonu, dne tretjega maja tisoč devetsto šestindevetdeset.

To konvencijo so pred pričami podpisali predstavniki vlad z ustreznimi tozadevnimi pooblastili.

## ANNEX I

**CERTIFICATE OF INSURANCE OR OTHER FINANCIAL SECURITY IN RESPECT OF LIABILITY FOR DAMAGE CAUSED BY HAZARDOUS AND NOXIOUS SUBSTANCES (HNS)**

Issued in accordance with the provisions of Article 12 of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996

Name of ship	Distinctive number or letters	IMO ship identification number	Port of registry	Name and full address of the principal place of business of the owner

This is to certify that there is in force in respect of the above-named ship a policy of insurance or other financial security satisfying the requirements of Article 12 of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996.

Type of security .....

Duration of security .....

Name and address of the insurer(s) and/or guarantor(s)

Name .....

Address .....

This certificate is valid until .....

Issued or certified by the Government of .....

(Full designation of the State)

At ..... On .....

(Place)

(Date)

.....  
(Signature and Title of issuing or certifying official)

**Explanatory Notes:**

1. If desired, the designation of the State may include a reference to the competent public authority of the country where the certificate is issued.
2. If the total amount of security has been furnished by more than one source, the amount of each of them should be indicated.
3. If security is furnished in several forms, these should be enumerated.
4. The entry "Duration of the Security" must stipulate the date on which such security takes effect.
5. The entry "Address" of the insurer(s) and/or guarantor(s) must indicate the principal place of business of the insurer(s) and/or guarantor(s). If appropriate, the place of business where the insurance or other security is established shall be indicated.



## PRILOGA I

**POTRDILO O ZAVAROVANJU ALI DRUGEM FINANČNEM JAMSTVU V ZVEZI Z ODGOVORNOSTJO ZA ŠKODO, KI JO POVZROČIJO NEVARNE IN ZDRAVJU ŠKODLJIVE SNOVI (HNS)**

Izdano skladno z določbami člena 12 Mednarodne konvencije o odgovornosti in nadomestilu škode v zvezi s prevozom nevarnih in zdravju škodljivih snovi po morju, 1996

Ime ladje	Razlikovalna številka ali črke	IMO identifikacijska številka ladje	Pristanišče vpisa	Ime in polni naslov glavnega poslovnega sedeža lastnika

Potrjujemo, da za zgoraj navedeno ladjo obstaja veljavna zavarovalna polica ali drugo finančno jamstvo, ki izpolnjuje zahteve člena 12 Mednarodne konvencije o odgovornosti in nadomestilu škode v zvezi s prevozom nevarnih in zdravju škodljivih snovi po morju, 1996.

Vrsta jamstva: .....

Trajanje jamstva: .....

Ime in naslov zavarovalnice(-) in/ali poroka(ov):

Ime: .....

Naslov: .....

To potrdilo velja do: .....

Izdala ali overila vlada: .....

(Polni naziv države)

V ..... dne .....

(Kraj)

(Datum)

.....  
(Podpis in naziv uradnika, ki izda ali overi dokument)

**Pojasnjevalne opombe:**

- Po želji lahko naziv države vključuje sklic na pristojni državni organ države, v kateri se izda potrdilo.
- Če je skupni znesek jamstva zagotovljen iz več kot enega vira, je treba navesti znesek za vsak vir posebej.
- Če se jamstvo predloži v več oblikah, jih je treba naštet.
- V polje »Trajanje jamstva« je treba vpisati datum začetka veljavnosti tega jamstva.
- V polje »Ime in naslov zavarovalnice(-) in/ali poroka(ov)« je treba vpisati glavni kraj poslovanja zavarovalnice(-) in/ali poroka(ov). Če je ustrezno, se vpiše poslovalnica, kjer je bilo sklenjeno zavarovanje ali drugo jamstvo.

## ANNEX II

## REGULATIONS FOR THE CALCULATION OF ANNUAL CONTRIBUTIONS TO THE GENERAL ACCOUNT

## Regulation 1

1 The fixed sum referred to in article 17, paragraph 3 shall be determined for each sector in accordance with these regulations.

2 When it is necessary to calculate contributions for more than one sector of the general account, a separate fixed sum per unit of contributing cargo shall be calculated for each of the following sectors as may be required:

- (a) solid bulk materials referred to in article 1, paragraph 5(a)(vii);
- (b) oil, if the operation of the oil account is postponed or suspended;
- (c) LNG, if the operation of the LNG account is postponed or suspended;
- (d) LPG, if the operation of the LPG account is postponed or suspended;
- (e) other substances.

## Regulation 2

1 For each sector, the fixed sum per unit of contributing cargo shall be the product of the levy per HNS point and the sector factor for that sector.

2 The levy per HNS point shall be the total annual contributions to be levied to the general account divided by the total HNS points for all sectors.

3 The total HNS points for each sector shall be the product of the total volume, measured in metric tonnes, of contributing cargo for that sector and the corresponding sector factor.

4 A sector factor shall be calculated as the weighted arithmetic average of the claims/volume ratio for that sector for the relevant year and the previous nine years, according to this regulation.

5 Except as provided in paragraph 6, the claims/volume ratio for each of these years shall be calculated as follows:

(a) established claims, measured in units of account converted from the claim currency using the rate applicable on the date of the incident in question, for damage caused by substances in respect of which contributions to the HNS Fund are due for the relevant year; divided by

(b) the volume of contributing cargo corresponding to the relevant year.

6 In cases where the information required in paragraphs 5(a) and (b) is not available, the following values shall be used for the claims/volume ratio for each of the missing years:

(a) solid bulk materials referred to in article 1, paragraph 5 (a)(vii)	0
(b) oil, if the operation of the oil account is postponed	0
(c) LNG, if the operation of the LNG account is postponed	0
(d) LPG, if the operation of the LPG account is postponed	0
(e) other substances	0.0001

## PRILOGA II

## PRAVILNIK ZA IZRAČUN LETNIH PRISPEVKOV NA SPLOŠNI RAČUN

## Pravilo 1

1 Fiksni znesek iz člena 17(3) se opredeli za vsako področje skladno s tem pravilnikom.

2 Kadar je treba izračunati prispevke za več kot eno področje splošnega računa, se posebni fiksni znesek na enoto tovora, za katerega se plačuje prispevek, izračuna za vsako področje, kot je lahko potrebno:

- (a) za trdne tovore v razsutem stanju iz člena 1(5)(a)(vii);
- (b) za nafto, če je poslovanje z računom za nafto odloženo ali ustavljeno;
- (c) za LNG, če je poslovanje z računom za LNG odloženo ali ustavljeno;
- (d) za LPG, če je poslovanje z računom za LPG odloženo ali ustavljeno;
- (e) za druge snovi.

## Pravilo 2

1 Za vsako področje je fiksni znesek na enoto tovora, za katerega se plačuje prispevek, zmnožek dajatve na točko HNS in področni faktor za to področje.

2 Dajatev na točko HNS se izračuna kot ulomek med vsoto letnih prispevkov, ki se izterjajo za plačilo na splošni račun, in vsoto točk HNS za vsa področja.

3 Vsota točk HNS za vsako področje je zmnožek celotne količine tovora, za katerega se plačuje prispevek, za to področje v tonah in ustreznega področnega faktorja.

4 Faktor področja se izračuna kot ponderirano aritmetično povprečje razmerja zahtevki/količina za to področje za ustrezno leto in predhodnih devet let, skladno s tem predpisom.

5 Razen kakor je predpisano z odstavkom 6, se razmerje zahtevki/količina za vsako od teh let izračuna, kakor sledi:

(a) ugotovljeni zahtevki, izmerjeni v obračunskih enotah, pretvorjenih iz valute zahtevka z uporabo veljavne stopnje na datum zadevnega incidenta, za škodo, ki so jo povzročile snovi, za katere se za zadevno leto plačujejo prispevki v Sklad HNS; deljeno s

(b) količino tovora, za katerega se plačuje prispevek, v ustreznem letu.

6 V primerih, kadar zahtevana informacija iz odstavka 5(a) in (b) ni na voljo, se za manjkajoča leta za razmerje zahtevki/količina uporabijo naslednje vrednosti:

(a) trdni tovori v razsutem stanju iz člena 1(5)(a)(vii)	0
(b) nafta, če je poslovanje z računom za nafto odloženo ali ustavljeno	0
(c) LNG, če je poslovanje z računom za LNG odloženo ali ustavljeno	0
(d) LPG, če je poslovanje z računom za LPG odloženo ali ustavljeno	0
(e) druge snovi	0.0001

7 The arithmetic average of the ten years shall be weighted on a decreasing linear scale, so that the ratio of the relevant year shall have a weight of 10, the year prior to the relevant year shall have a weight of 9, the next preceding year shall have a weight of 8, and so on, until the tenth year has a weight of 1.

8 If the operation of a separate account has been suspended, the relevant sector factor shall be calculated in accordance with those provisions of this regulation which the Assembly shall consider appropriate.

7 Aritmetično povprečje 10 let se ponderira po padajoči linearni lestvici, tako da ima razmerje ustreznega leta faktor ponderiranja 10, leto pred ustreznim letom ima faktor ponderiranja devet, naslednje predhodno leto ima faktor ponderiranja osem, in tako naprej, do 10. leta, ki ima faktor ponderiranja 1.

8 Če je bilo poslovanje posebnega računa ustavljeno, se ustrezni faktor področja izračuna skladno s tistimi določbami tega pravilnika, za katere skupščina meni, da so ustrezne.

### 3. člen

Za izvajanje konvencije skrbi Ministrstvo za promet.

### 4. člen

Republika Slovenija bo ob deponiranju listine o ratifikaciji Mednarodne konvencije o odgovornosti in nadomestilu škode v zvezi s prevozom nevarnih in zdravju škodljivih snovi po morju, 1996, podala Evropskemu svetu in Evropski komisiji izjavo, ki se v slovenskem jeziku glasi:

"Sodbe o zadevah, za katere velja konvencija, se, kadar jih izda sodišče v katerikoli državi članici, za katero se uporablja sklep Sveta z dne 18. novembra 2002, ki države članice pooblašča, da v interesu Skupnosti ratificirajo ali pristopijo k Mednarodni konvenciji o odgovornosti in nadomestilu škode v zvezi s prevozom nevarnih in zdravju škodljivih snovi po morju, 1996 (2002/971/ES), razen v Republiki Sloveniji in na Danskem, priznajo in izvršijo v Republiki Sloveniji, skladno z ustreznimi notranjimi pravili Skupnosti o tej zadevi."

### 5. člen

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

Št. 802-06/04-12/1  
Ljubljana, dne 20. maja 2004  
EPA 1294-III

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

## O b v e s t i l o o začetku veljavnosti mednarodnih pogodb

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list Republike Slovenije, št. 113/03 – uradno prečiščeno besedilo) Ministrstvo za zunanje zadeve

### s p o r o č a ,

– da je dne 28. maja 2004 začel veljati Sporazum med Republiko Slovenijo in Svetim sedežem o pravnih vprašanjih, podpisan 14. decembra 2001 v Ljubljani in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 4/04 (Uradni list Republike Slovenije, št. 13/04);

– da je dne 2. junija 2004 za Republiko Slovenijo in ostale države naslednice nekdanje SFRJ začel veljati Sporazum o vprašanjih nasledstva, podpisan na Dunaju 29. junija 2001, objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 20/02 (Uradni list Republike Slovenije, št. 71/02).

– da je 27. maja 2004 začel veljati Sporazum med Vlado Republike Slovenije in Vlado Republike Madžarske o sodelovanju pri skladiščenju obveznih rezerv nafte in njenih derivatov, podpisan v Budimpešti 20. novembra 2002 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 8/03 (Uradni list Republike Slovenije, št. 35/03);

– da je 1. junija 2004 začel veljati Sporazum med Vlado Republike Slovenije in Vlado Republike Moldove o vzajemnem spodbujanju in zaščiti naložb, podpisan v Ljubljani 10. aprila 2003 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 13/04 (Uradni list Republike Slovenije, št. 40/04).

– da je dne 2. februarja 2004 začel veljati Sporazum med Vlado Republike Slovenije in Vlado Zvezne republike Nemčije o vzajemnem varovanju zaupnih podatkov, podpisan v Ljubljani v 12. junija 2001 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 1/04 (Uradni list Republike Slovenije, št. 2/04);

– da je dne 31. maja 2004 začel veljati Dogovor med Vlado Republike Slovenije in Vlado Republike Madžarske o izvajanju Sporazuma med Republiko Slovenijo in Republiko Madžarsko o mejni kontroli cestnega in železniškega prometa v cestnem prometu, podpisan 16. aprila 2004 v Ljubljani in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 16/04 (Uradni list Republike Slovenije, št. 59/04).

Ljubljana, 10. junij 2004

Ministrstvo za zunanje zadeve  
Republike Slovenije

## VSEBINA

76.	Zakon o ratifikaciji Pogodbe o odprtih zračnih prostorih (MPOZP)	4281
77.	Zakon o ratifikaciji Mednarodne konvencije o odgovornosti in nadomestilu škode v zvezi s prevozom nevarnih in zdravju škodljivih snovi po morju, 1996 (MKONŠ)	4350
–	Obvestilo o začetku veljavnosti mednarodnih pogodb	4380

