

86. Zakon o ratifikaciji Sporazuma med pogodbenicami Severnoatlantske pogodbe o statusu njihovih sil (MSPSPS)

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

U K A Z

O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA MED POGODBENICAMI SEVERNOATLANTSKE POGODBE O STATUSU NJIHOVIH SIL (MSPSPS)

Razglašam Zakon o ratifikaciji Sporazuma med pogodbenicami Severnoatlantske pogodbe o statusu njihovih sil (MSPSPS), ki ga je sprejel Državni zbor Republike Slovenije na seji 15. julija 2004.

Št. 001-22-170/04
Ljubljana, dne 23. julija 2004

dr. Janez Drnovšek l. r.
Predsednik
Republike Slovenije

Z A K O N

O RATIFIKACIJI SPORAZUMA MED POGODBENICAMI SEVERNOATLANTSKE POGODBE O STATUSU NJIHOVIH SIL (MSPSPS)

1. člen

Ratificira se Sporazum med pogodbenicami Severnoatlantske pogodbe o statusu njihovih sil, sestavljen 19. junija 1951 v Londonu.

2. člen

Sporazum med pogodbenicami Severnoatlantske pogodbe o statusu njihovih sil se v izvirniku v angleškem jeziku in prevodu v slovenskem jeziku glasi:

A G R E E M E N T

BETWEEN THE PARTIES TO THE NORTH ATLANTIC TREATY REGARDING THE STATUS OF THEIR FORCES

The Parties to the North Atlantic Treaty signed in Washington on 4 April, 1949,

Considering that the forces of one Party may be sent, by arrangement, to serve in the territory of another Party;

Bearing in mind that the decision to send them and the conditions under which they will be sent, in so far as such conditions are not laid down by the present Agreement, will continue to be the subject of separate arrangements between the Parties concerned;

Desiring, however, to define the status of such forces while in the territory of another Party;

Have agreed as follows:

S P O R A Z U M

MED POGODBENICAMI SEVERNOATLANTSKE POGODBE O STATUSU NJIHOVIH SIL

Pogodbenice Severnoatlantske pogodbe, ki je bila podpisana v Washingtonu 4. aprila 1949,

ob upoštevanju, da se sile ene od pogodbenic lahko po dogovoru pošljejo na ozemlje druge pogodbenice,

ob upoštevanju, da o pošiljanju sil in pogojih pošiljanja, če ti pogoji niso navedeni v tem sporazumu, odločata pogodbenici z ločenimi dogovori,

v želji, da se določi status takšnih sil, ko so na ozemlju druge pogodbenice,

so se sporazumele o naslednjem:

Article I

1. In this Agreement the expression-

(a) "force" means the personnel belonging to the land, sea or air armed services of one Contracting Party when in the territory of another Contracting Party in the North Atlantic Treaty area in connexion with their official duties, provided that the two Contracting Parties concerned may agree that certain individuals, units or formations shall not be regarded as constituting or included in a "force" for the purposes of the present Agreement;

(b) "civilian component" means the civilian personnel accompanying a force of a Contracting Party who are in the employ of an armed service of that Contracting Party, and who are not stateless persons, nor nationals of any State which is not a Party to the North Atlantic Treaty, nor nationals of, nor ordinarily resident in, the State in which the force is located;

(c) "dependent" means the spouse of a member of a force or of a civilian component, or a child of such member depending on him or her for support;

(d) "sending State" means the Contracting Party to which the force belongs;

(e) "receiving State" means the Contracting Party in the territory of which the force or civilian component is located, whether it be stationed there or passing in transit;

(f) "military authorities of the sending State" means those authorities of a sending State who are empowered by its law to enforce the military law of that State with respect to members of its forces or civilian components;

(g) "North Atlantic Council" means the Council established by Article 9 of the North Atlantic Treaty or any of its subsidiary bodies authorised to act on its behalf.

2. This Agreement shall apply to the authorities of political sub-divisions of the Contracting Parties, within their territories to which the Agreement applies or extends in accordance with Article XX, as it applies to the central authorities of those Contracting Parties, provided, however, that property owned by political sub-divisions shall not be considered to be property owned by a Contracting Party within the meaning of Article VIII.

Article II

It is the duty of a force and its civilian component and the members thereof as well as their dependents to respect the law of the receiving State, and to abstain from any activity inconsistent with the spirit of the present Agreement, and, in particular, from any political activity in the receiving State. It is also the duty of the sending State to take necessary measures to that end.

Article III

1. On the conditions specified in paragraph 2 of this Article and subject to compliance with the formalities established by the receiving State relating to entry and departure of a force or the members thereof, such members shall be exempt from passport and visa regulations and immigration inspection on entering or leaving the territory of a receiving State. They shall also be exempt from the regulations of the receiving State on the registration and control of aliens, but shall not be considered as acquiring any right to permanent residence or domicile in the territories of the receiving State.

2. The following documents only will be required in respect of members of a force. They must be presented on demand:

(a) personal identity card issued by the sending State showing names, date of birth, rank and number (if any), service, and photograph;

I. člen

1. V tem sporazumu izraz:

a) »sila« pomeni osebje kopenskih, mornariških ali letalskih oboroženih sil ene od pogodbenic, ko je na ozemlju druge pogodbenice na območju Severnoatlantske pogodbe v zvezi s svojimi uradnimi dolžnostmi, pri čemer pa se zadevni pogodbenici lahko sporazumeta, da določeni posamezniki, enote ali formacije ne sestavljajo ali niso vključeni v »silo« za namene tega Sporazuma;

b) »civilni del« pomeni civilno osebje, ki spremlja silo pogodbenice, je zaposleno pri oboroženih silah te pogodbenice, ni brez državljanstva niti nima državljanstva katere koli države, ki ni pogodbenica Severnoatlantske pogodbe, niti nima državljanstva ali običajnega bivališča v državi, v kateri je sila;

c) »vzdrževani družinski član« pomeni zakonca pripadnika sile ali civilnega dela ali otroka tega pripadnika, ki je od njega odvisen;

d) »država pošiljateljica« pomeni pogodbenico, ki ji sila pripada;

e) »država gostiteljica« pomeni pogodbenico, na ozemlju katere je sila ali civilni del, in sicer če je tam stacionirana ali v tranzitu;

f) »vojaški organi države pošiljateljice« pomeni tiste organe države pošiljateljice, ki so z zakonom pooblašteni za izvajanje vojaškega zakona te države, kar zadeva pripadnike njenih sil ali civilnih delov;

g) »Severnoatlantski svet« pomeni Svet, ki je bil ustanovljen z 9. členom Severnoatlantske pogodbe, ali katero koli njegovo pomožno telo, pooblaščen za delovanje v njegovem imenu.

2. Ta sporazum velja za organe političnih podenot pogodbenic na njihovih ozemljih, na katera se Sporazum nanaša ali je razširjen v skladu z XX. členom, enako kot se uporablja za osrednje organe teh pogodbenic, pri čemer se lastnina političnih podenot ne šteje za lastnino pogodbenice v pomenu VIII. člena.

II. člen

Sila in njen civilni del, njuni pripadniki in njihovi vzdrževani družinski člani morajo spoštovati zakon države gostiteljice in se vzdržati kakršne koli dejavnosti, ki ni v skladu z duhom tega sporazuma, in predvsem kakršne koli politične dejavnosti v državi gostiteljici. Država pošiljateljica mora v ta namen ukrepati.

III. člen

1. Pod pogoji, določenimi v drugem odstavku tega člena, in če je to v skladu s formalnostmi, ki jih uvede država gostiteljica glede prihoda in odhoda sil ali njenih pripadnikov, za takšne pripadnike ne veljajo predpisi o potnih listih in vizumih ter pregledu za priseljence ob vstopu na ali odhodu z ozemlja države gostiteljice. Zanje ne veljajo tudi predpisi države gostiteljice glede prijave in nadzora tujcev, vendar ne pridobijo pravice do stalnega prebivališča ali domicila na ozemljih države gostiteljice.

2. Za pripadnike sile se zahtevajo le navedeni dokumenti. Na zahtevo jih je treba pokazati:

a) osebna izkaznica, ki jo je izdala država pošiljateljica in na kateri je fotografija in so navedeni imena, datum rojstva, čin, številka (če obstaja) in vrsta oborožene sile;

(b) individual or collective movement order, in the language of the sending State and in the English and French languages, issued by an appropriate agency of the sending State or of the North Atlantic Treaty Organization and certifying to the status of the individual or group as a member or members of a force and to the movement ordered. The receiving State may require a movement order to be countersigned by its appropriate representative.

3. Members of a civilian component and dependents shall be so described in their passports.

4. If a member of a force or of a civilian component leaves the employ of the sending State and is not repatriated, the authorities of the sending State shall immediately inform the authorities of the receiving State, giving such particulars as may be required. The authorities of the sending State shall similarly inform the authorities of the receiving State of any member who has absented himself for more than twenty-one days.

5. If the receiving State has requested the removal from its territory of a member of a force or civilian component or has made an expulsion order against an ex-member of a force or of a civilian component or against a dependent of a member or ex-member, the authorities of the sending State shall be responsible for receiving the person concerned within their own territory or otherwise disposing of him outside the receiving State. This paragraph shall apply only to persons who are not nationals of the receiving State and have entered the receiving State as members of a force or civilian component or for the purpose of becoming such members, and to the dependents of such persons.

Article IV

The receiving State shall either

(a) accept as valid, without a driving test or fee, the driving permit or licence or military driving permit issued by the sending State or a sub-division thereof to a member of a force or of a civilian component; or

(b) issue its own driving permit or licence to any member of a force or civilian component who holds a driving permit or licence or military driving permit issued by the sending State or a sub-division thereof, provided that no driving test shall be required.

Article V

1. Members of a force shall normally wear uniform. Subject to any arrangement to the contrary between the authorities of the sending and receiving States, the wearing of civilian dress shall be on the same conditions as for members of the forces of the receiving State. Regularly constituted units or formations of a force shall be in uniform when crossing a frontier.

2. Service vehicles of a force or civilian component shall carry, in addition to their registration number, a distinctive nationality mark.

Article VI

Members of a force may possess and carry arms, on condition that they are authorized to do so by their orders. The authorities of the sending State shall give sympathetic consideration to requests from the receiving State concerning this matter.

Article VII

1. Subject to the provisions of this Article,

(a) the military authorities of the sending State shall have the right to exercise within the receiving State all criminal and disciplinary jurisdiction conferred on them by the law of the sending State over all persons subject to the military law of that State;

b) ukaz za premik posameznika ali skupine v jeziku države pošiljateljice, v angleškem in francoskem jeziku, ki ga je izdala ustrezna ustanova države pošiljateljice ali organizacije NATO in priča o statusu posameznika ali skupine kot pripadnika ali pripadnikov sile ter o ukaznem premiku. Država gostiteljica lahko zahteva, da ukaz za premik podpišejo tudi njeni ustrezni predstavniki.

3. Pripadniki civilnega dela in vzdrževani družinski člani so enako opisani v svojih potnih listih.

4. Če pripadnik sile ali civilnega dela prekine delovno razmerje z državo pošiljateljico in se ne vrne v domovino, organi države pošiljateljice o tem takoj obvestijo organe države gostiteljice in navedejo vse zahtevane podrobnosti. Organi države pošiljateljice podobno obvestijo organe države gostiteljice o vsakem pripadniku, ki je odsoten več kot enainvajset dni.

5. Če je država gostiteljica zahtevala odstranitev pripadnika sile ali civilnega dela s svojega ozemlja ali je izdala ukaz o izgonu nekdanjega pripadnika sile ali civilnega dela ali vzdrževanega družinskega člana pripadnika ali nekdanjega pripadnika, so organi države pošiljateljice odgovorni za sprejem te osebe na svojem ozemlju ali za kakršno koli drugačno obravnavanje te osebe zunaj države gostiteljice. Ta odstavek se nanaša le na osebe, ki niso državljani države gostiteljice in so vanjo vstopili kot pripadniki sile ali civilnega dela ali z namenom postati takšni pripadniki, in na vzdrževane družinske člane takih oseb.

IV. člen

Država gostiteljica:

a) sprejme kot veljavno brez voznškega izpita ali plačila voznško dovoljenje ali vojaško voznško dovoljenje, ki ga je izdala država pošiljateljica ali njena podenota pripadniku sile ali civilnega dela, ali

b) izda svoje voznško dovoljenje kateremu koli pripadniku sile ali civilnega dela z voznškim dovoljenjem ali vojaškim voznškim dovoljenjem, ki ga je izdala država pošiljateljica ali njena podenota, pri čemer mu ni treba opravljati voznškega izpita.

V. člen

1. Pripadniki sile običajno nosijo uniformo. Če se organi države pošiljateljice in gostiteljice ne dogovorijo drugače, veljajo za nošenje civilnih oblačil isti pogoji, kot veljajo za pripadnike sil države gostiteljice. Enote v redni sestavi ali formacije sile nosijo uniformo ob prečkanju državne meje.

2. Službena vozila sile ali civilnega dela imajo poleg registrske številke tudi jasno oznako državne pripadnosti.

VI. člen

Pripadniki sile lahko imajo ali nosijo orožje pod pogojem, da so za to pooblaščenici z ukazom. Organi države pošiljateljice z razumevanjem obravnavajo zahteve države gostiteljice v zvezi s tem.

VII. člen

1. V skladu z določbami tega člena:

a) imajo vojaški organi države pošiljateljice pravico uveljaviti v državi gostiteljici vso kazensko in disciplinsko jurisdikcijo, ki jim jo nalaga zakon države pošiljateljice, nad vsemi osebami, za katere velja vojaški zakon države pošiljateljice;

(b) the authorities of the receiving State shall have jurisdiction over the members of a force or civilian component and their dependents with respect to offences committed within the territory of the receiving State and punishable by the law of that State.

2. (a) The military authorities of the sending State shall have the right to exercise exclusive jurisdiction over persons subject to the military law of that State with respect to offences, including offences relating to its security, punishable by the law of the sending State, but not by the law of the receiving State.

(b) The authorities of the receiving State shall have the right to exercise exclusive jurisdiction over members of a force or civilian component and their dependents with respect to offences, including offences relating to the security of that State, punishable by its law but not by the law of the sending State.

(c) For the purposes of this paragraph and of paragraph 3 of this Article a security offence against a State shall include:

(i) treason against the State;

(ii) sabotage, espionage or violation of any law relating to official secrets of that State, or secrets relating to the national defence of that State.

3. In cases where the right to exercise jurisdiction is concurrent the following rules shall apply:

(a) The military authorities of the sending State shall have the primary right to exercise jurisdiction over a member of a force or of a civilian component in relation to

(i) offences solely against the property or security of that State, or offences solely against the person or property of another member of the force or civilian component of that State or of a dependent;

(ii) offences arising out of any act or omission done in the performance of official duty.

(b) In the case of any other offence the authorities of the receiving State shall have the primary right to exercise jurisdiction.

(c) If the State having the primary right decides not to exercise jurisdiction, it shall notify the authorities of the other State as soon as practicable. The authorities of the State having the primary right shall give sympathetic consideration to a request from the authorities of the other State for a waiver of its right in cases where that other State considers such waiver to be of particular importance.

4. The foregoing provisions of this Article shall not imply any right for the military authorities of the sending State to exercise jurisdiction over persons who are nationals of or ordinarily resident in the receiving State, unless they are members of the force of the sending State.

5. (a) The authorities of the receiving and sending States shall assist each other in the arrest of members of a force or civilian component or their dependents in the territory of the receiving State and in handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions.

(b) The authorities of the receiving State shall notify promptly the military authorities of the sending State of the arrest of any member of a force or civilian component or a dependent.

(c) The custody of an accused member of a force or civilian component over whom the receiving State is to exercise jurisdiction shall, if he is in the hands of the sending State, remain with that State until he is charged by the receiving State.

6. (a) The authorities of the receiving and sending States shall assist each other in the carrying out of all necessary investigations into offences, and in the collection and production of evidence, including the seizure and, in proper cases, the handing over of objects connected with an offence. The handing over of such objects may, however, be made subject to their return within the time specified by the authority delivering them.

b) velja jurisdikcija organov države gostiteljice za pripadnike sile ali civilnega dela in njihove vzdrževane družinske člane v zvezi s kaznivimi dejanji, ki so storjena na ozemlju države gostiteljice in so kazniva po zakonu države gostiteljice.

2. a) Vojaški organi države pošiljateljice imajo pravico uveljavljati izključno jurisdikcijo nad osebami, za katere velja vojaški zakon države pošiljateljice, v zvezi s kaznivimi dejanji, vključno s kaznivimi dejanji, povezanimi z njeno varnostjo, ki so kazniva po zakonu države pošiljateljice in ne po zakonu države gostiteljice.

b) Organi države gostiteljice imajo pravico uveljavljati izključno jurisdikcijo nad pripadniki sile ali civilnega dela in njihovimi vzdrževanci glede kaznivih dejanj, vključno s kaznivimi dejanji, povezanimi z varnostjo države, ki so kazniva po njenem zakonu in ne po zakonu države pošiljateljice.

c) Za namene tega odstavka in tretjega odstavka tega člena kaznivo dejanje zoper varnost države vključuje:

(i) veleizdajo države;

(ii) sabotažo, vohunstvo ali kršitev katerega koli zakona v zvezi z uradnimi tajnostmi te države ali tajnostmi v zvezi z nacionalno obrambo te države.

3. Ob koliziji jurisdikcij veljajo ta pravila:

a) Vojaški organi države pošiljateljice imajo prednostno pravico uveljavljanja jurisdikcije nad pripadnikom sile ali civilnega dela v zvezi s:

(i) kaznivimi dejanji samo zoper lastnino ali varnost te države ali kaznivimi dejanji samo zoper osebo ali lastnino drugega pripadnika sile ali civilnega dela te države ali vzdrževanega družinskega člana;

(ii) kaznivimi dejanji, ki izhajajo iz kakršne koli storitve ali opustitve pri opravljanju uradne dolžnosti.

b) V primeru vseh drugih kaznivih dejanj imajo organi države gostiteljice prednostno pravico pri uveljavljanju jurisdikcije.

c) Če se država, ki ima prednostno pravico, odloči, da ne bo uveljavljala svoje jurisdikcije, o tem čim prej obvesti organe druge države. Organi države, ki ima prednostno pravico, z razumevanjem obravnavajo zahtevo organov druge države, da prepusti svojo pravico v primerih, ko ta druga država meni, da je takšna prepustitev posebno pomembna.

4. Zgoraj navedene določbe tega člena vojaškim organom države pošiljateljice ne dajejo nobene pravice uveljavljanja jurisdikcije nad osebami, ki imajo državljanstvo ali običajno bivališče v državi gostiteljici, razen če so pripadniki sile države pošiljateljice.

5. a) Organi države gostiteljice in države pošiljateljice si medsebojno pomagajo pri prijemu pripadnikov sile ali civilnega dela ali njihovih vzdrževanih družinskih članov na ozemlju države gostiteljice in pri izročitvi le-teh organu, ki naj bi uveljavljal jurisdikcijo v skladu z zgoraj navedenimi določbami.

b) Organi države gostiteljice takoj obvestijo vojaške organe države pošiljateljice o prijemu katerega koli pripadnika sile ali civilnega dela ali vzdrževanega družinskega člana.

c) Obdolženi pripadnik sile ali civilnega dela, nad katerim uveljavlja jurisdikcijo država gostiteljica, ostane pod nadzorom države pošiljateljice, če je v rokah te države, dokler država gostiteljica zoper njega ne vloži obtožnice.

6. a) Organi države gostiteljice in države pošiljateljice si medsebojno pomagajo pri preiskovanju kaznivih dejanj in pri zbiranju in izvedbi dokazov, vključno z zasegom in izročitvijo predmetov, ki so predmet kaznivega dejanja ali kakor koli drugače povezana s kaznivim dejanjem. Organ, ki je predmete izročil, lahko določi čas, v katerem je izročene predmete treba vrniti.

(b) The authorities of the Contracting Parties shall notify one another of the disposition of all cases in which there are concurrent rights to exercise jurisdiction.

7. (a) A death sentence shall not be carried out in the receiving State by the authorities of the sending State if the legislation of the receiving State does not provide for such punishment in a similar case.

(b) The authorities of the receiving State shall give sympathetic consideration to a request from the authorities of the sending State for assistance in carrying out a sentence of imprisonment pronounced by the authorities of the sending State under the provision of this Article within the territory of the receiving State.

8. Where an accused has been tried in accordance with the provisions of this Article by the authorities of one Contracting Party and has been acquitted, or has been convicted and is serving, or has served, his sentence or has been pardoned, he may not be tried again for the same offence within the same territory by the authorities of another Contracting Party. However, nothing in this paragraph shall prevent the military authorities of the sending State from trying a member of its force for any violation of rules of discipline arising from an act or omission which constituted an offence for which he was tried by the authorities of another Contracting Party.

9. Whenever a member of a force or civilian component of a dependent is prosecuted under the jurisdiction of a receiving State he shall be entitled:

(a) to a prompt and speedy trial;

(b) to be informed, in advance of trial, of the specific charge or charges made against him;

(c) to be confronted with the witnesses against him;

(d) to have compulsory process for obtaining witnesses in his favour, if they are within the jurisdiction of the receiving State;

(e) to have legal representation of his own choice for his defence or to have free or assisted legal representation under the conditions prevailing for the time being in the receiving State;

(f) if he considers it necessary, to have the services of a competent interpreter; and

(g) to communicate with a representative of the Government of the sending State and, when the rules of the court permit, to have such a representative present at his trial.

10. (a) Regularly constituted military units or formations of a force shall have the right to police any camps, establishments or other premises which they occupy as the result of an agreement with the receiving State. The military police of the force may take all appropriate measures to ensure the maintenance of order and security on such premises.

(b) Outside these premises, such military police shall be employed only subject to arrangements with the authorities of the receiving State and in liaison with those authorities, and in so far as such employment is necessary to maintain discipline and order among the members of the force.

11. Each Contracting Party shall seek such legislation as it deems necessary to ensure the adequate security and protection within its territory of installations, equipment, property, records and official information of other Contracting Parties, and the punishment of persons who may contravene laws enacted for that purpose.

Article VIII

1. Each Contracting Party waives all its claims against any other Contracting Party for damage to any property owned by it and used by its land, sea or air armed services, if such damage:

(i) was caused by a member or an employee of the armed services of the other Contracting Party in the execution of his duties in connection with the operation of the North Atlantic Treaty; or

b) Organi pogodbenic obvestijo drug drugega o sodbi in vseh primerih kolizije jurisdikcij.

7. a) Smrtne kazni, ki je zakonodaja države gostiteljice za primere, v katerih je bila izrečena, ne predpisuje, organi države pošiljateljice na ozemlju države gostiteljice ne morejo izvršiti.

b) Organi države gostiteljice z razumevanjem obravnavajo zahtevo organov države pošiljateljice za pomoč pri izvrševanju kazni zapora, ki jo izrečejo organi države pošiljateljice v skladu z določbami tega člena na ozemlju države gostiteljice.

8. Če so organi ene države pogodbenice sodili obdolžencu v skladu z določbami tega člena in je bil le-ta oproščen ali spoznan za krivega in prestaja ali je prestal svojo kazen ali je bil pomiloščen, mu organi druge države pogodbenice ne smejo ponovno soditi zaradi istega kaznivega dejanja na istem ozemlju. Vendar pa nič iz tega odstavka ne more preprečiti vojaškim organom države pošiljateljice, da obravnavajo pripadnika svoje sile zaradi kakršne koli kršitve pravil discipline, ki izhajajo iz storitve ali opustitve dejanja, ki je sestavljalo kaznivo dejanje, zaradi katerega so mu sodili organi druge države pogodbenice.

9. Če je pripadnik sile ali civilnega dela ali vzdrževani družinski član v kazenskem postopku v pristojnosti države gostiteljice, ima pravico do:

a) takojšnjega in hitrega sojenja,

b) da je pred obravnavo seznanjen z obtožnico zoper njega,

c) soočanja s pričami, ki pričajo zoper njega,

d) prisilne privedbe prič, ki pričajo v njegovo korist, če je to v pristojnosti države gostiteljice,

e) zagovornika po lastni izbiri ali brezplačnega zagovornika ali pomoči pri zagotavljanju zagovornika pod pogoji, ki prevladujejo v tistem času v državi gostiteljici,

f) če se mu zdi potrebno, pomoči usposobljenega prevajalca in

g) stikov s predstavnikom vlade države pošiljateljice in, če pravila sodišča dovoljujejo, da je ta predstavnik prisoten na sojenju.

10. a) Vojaške enote v redni sestavi ali formacije sile imajo pravico policijsko nadzorovati vse tabore, ustanove ali druge prostore sile, ki jih zasedajo po dogovoru z državo gostiteljico. Vojaška policija sile lahko ustrezno ukrepa za ohranitev reda in miru v takšnih prostorih.

b) Zunaj teh prostorov se takšna vojaška policija lahko uporabi le, če je tako dogovorjeno z organi države gostiteljice in v povezavi s temi organi ter če je njena uporaba nujno potrebna za ohranitev discipline in reda med pripadniki sile.

11. Vsaka pogodbenica si prizadeva za takšno zakonodajo, kot se ji zdi potrebna za zagotovitev zadovoljive varnosti in zaščite objektov, opreme, lastnine, dokumentacije in uradnih informacij drugih pogodbenic na svojem ozemlju ter za kaznovanje oseb, ki kršijo zakone, sprejete v ta namen.

VIII. člen

1. Vsaka pogodbenica se odreka vsem zahtevkom zoper katero koli pogodbenico zaradi škode na svoji lastnini, katere uporabnik so njene kopenske, mornariške ali letalske sile, če:

(i) je takšno škodo povzročil pripadnik ali delavec oboroženih sil druge pogodbenice pri opravljanju svojih dejavnosti v zvezi z operacijo Severnoatlantskega pakta ali

(ii) arose from the use of any vehicle, vessel or aircraft owned by the other Contracting Party and used by its armed services provided either that the vehicle, vessel or aircraft causing the damage was being used in connection with the operation of the North Atlantic Treaty, or that the damage was caused to property being so used.

Claims for maritime salvage by one Contracting Party against any other Contracting Party shall be waived, provided that the vessel or cargo salvaged was owned by a Contracting Party and being used by its armed services in connection with the operation of the North Atlantic Treaty.

2. (a) In the case of damage caused or arising as stated in paragraph 1 to other property owned by a Contracting Party and located in its territory, the issue of the liability of any other Contracting Party shall be determined and the amount of damage shall be assessed, unless the Contracting Parties concerned agree otherwise, by a sole arbitrator selected in accordance with sub-paragraph b. of this paragraph. The arbitrator shall also decide any counter-claims arising out of the same incident.

(b) The arbitrator referred to in sub-paragraph a. above shall be selected by agreement between the Contracting Parties concerned from amongst the nationals of the receiving State who hold or have held high judicial office. If the Contracting Parties concerned are unable, within two months, to agree upon the arbitrator, either may request the Chairman of the North Atlantic Council Deputies to select a person with the aforesaid qualifications.

(c) Any decision taken by the arbitrator shall be binding and conclusive upon the Contracting Parties.

(d) The amount of any compensation awarded by the arbitrator shall be distributed in accordance with the provisions of paragraph 5 e. (i), (ii) and (iii) of this Article.

(e) The compensation of the arbitrator shall be fixed by agreement between the Contracting Parties concerned and shall, together with the necessary expenses incidental to the performance of his duties, be defrayed in equal proportions by them.

(f) Nevertheless, each Contracting Party waives its claim in any such case where the damage is less than:

Belgium:	B. fr. 70,000.	Luxembourg:	L. fr. 70,000.
Canada:	\$ 1,460.	Netherlands:	Fl. 5,320.
Denmark:	Kr. 9,670.	Norway:	Kr. 10,000.
France:	F. fr. 490,000.	Portugal:	Es. 40,250.
Iceland:	Kr. 22,800.	United Kingdom:	£ 500.
Ireland:	Li. 850,000.	United States:	\$ 1,400.

Any other Contracting Party whose property has been damaged in the same incident shall also waive its claim up to the above amount. In the case of considerable variation in the rates of exchange between these currencies the Contracting Parties shall agree on the appropriate adjustments of these amounts.

3. For the purposes of paragraphs 1 and 2 of this Article the expression "owned by a Contracting Party" in the case of a vessel includes a vessel on bare boat charter to that Contracting Party or requisitioned by it on bare boat terms or seized by it in prize (except to the extent that the risk of loss or liability is borne by some person other than such Contracting Party).

4. Each Contracting Party waives all its claims against any other Contracting Party for injury or death suffered by any member of its armed services while such member was engaged in the performance of his official duties.

5. Claims (other than contractual claims and those to which paragraphs 6 or 7 of this Article apply) arising out of acts or omissions of members of a force or civilian component done in the performance of official duty, or out of any other act, omission or occurrence for which a force or civilian component is legally responsible, and causing damage in the territory of the receiving State to third parties, other than any of the Contracting Parties, shall be dealt with by the receiving State in accordance with the following provisions:

(ii) takšna škoda izvira iz uporabe kakršnega koli vozila, plovila ali letala v lasti druge pogodbenice in v uporabi njenih oboroženih sil pod pogojem, da je bilo vozilo, plovilo ali letalo, ki je povzročilo škodo, uporabljeno v zvezi z operacijo Severnoatlantskega pakta, ali da je bila poškodovana tako uporabljena lastnina.

Zahtevkom ene pogodbenice zoper drugo pogodbenico za nadomestilo osebam, s pomočjo katerih je bilo rešeno plovilo, se odpove pod pogojem, da je bilo rešeno plovilo ali tovor v lasti pogodbenice in v uporabi njenih oboroženih sil v zvezi z operacijo Severnoatlantskega pakta.

2. a) Ob morebitni škodi na drugi lastnini pogodbenice na njenem ozemlju, ki je bila povzročena ali izvira iz navedenega v prvem odstavku, določi odškodninsko odgovornost katere koli druge pogodbenice in oceni škodo, razen če se pogodbenici ne dogovorita drugače, en arbiter, ki se izbere v skladu s točko b) tega odstavka. Arbiter tudi odloči o protizahtevkih, ki izvirajo iz istega dogodka.

b) Arbitra, omenjenega v točki a) zgoraj, sporazumno izbereta zadevni pogodbenici med državljani države gostiteljice, ki opravljajo ali so opravljali visoko sodno funkcijo. Če se zadevni pogodbenici v dveh mesecih ne moreta sporazumeti glede arbitra, lahko zahtevata, da predsedujoči predstavnikov Severnoatlantskega sveta izbere osebo z zgoraj navedenimi kvalifikacijami.

c) Kakršna koli odločitev arbitra je za pogodbenice obvezujoča in dokončna.

d) Znesek plačila, ki ga določi arbiter, se razdeli v skladu z določbami v alineah (i), (ii), (iii) točke e) petega odstavka tega člena.

e) Znesek plačila arbitru za njegove storitve s sporazumom določita zadevni pogodbenici in ga skupaj s potrebnimi stroški, ki so povezani z opravljanjem njegovih dolžnosti, plačata pogodbenici v enakovrednih deležih.

f) Kljub temu se vsaka pogodbenica odpove zahtevku v vsakem primeru, če škoda znaša manj kot:

Belgija:	70 000 B.fr.	Luksemburg:	70 000 L.fr.
Kanada:	1 460 \$	Nizozemska:	5 320 Fl.
Danska:	9 670 Kr.	Norveška:	10 000 Kr.
Francija:	490 000 F.fr.	Porugalska:	40 250 Es.
Islandija:	22 800 Kr.	Združeno kraljestvo:	500 £
Italija:	850 000 Li.	Združene države:	1 400 \$

Katera koli druga pogodbenica, katere lastnina je bila poškodovana v istem dogodku, se tudi odpove zahtevku v višini zgornjega zneska. Če so tečajne razlike med temi valutami znatne, se pogodbenice sporazumejo o ustreznem popravku teh zneskov.

3. Za namene prvega in drugega odstavka tega člena izraz »v lasti pogodbenice«, če gre za plovilo, vključuje plovilo, ki ga ima pogodbenica v podjetju ali ga je zasegla v skladu s pogoji podjetja ali je bilo zaplenjeno v vojni (razen če tveganja za izgubo ali odgovornost ne nosi pogodbenica, temveč neka druga oseba).

4. Vsaka pogodbenica se odpove vsem svojim zahtevkom zoper katero koli drugo pogodbenico zaradi poškodbe ali smrti katerega koli pripadnika njenih oboroženih sil med pripadnikovim opravljanjem njegovih uradnih dolžnosti.

5. Zahtevke (razen pogodbenih zahtevkov in tistih, za katere veljata šesti in sedmi odstavek tega člena), ki izvirajo iz storitve ali opustitve dejanja pripadnika sile ali civilnega dela med opravljanjem uradne dolžnosti ali iz katere koli druge storitve ali opustitve dejanja ali dogodka, za katere je pravno odgovorna sila ali civilni del in so na ozemlju države gostiteljice povzročili škodo tretji strani, ki ni pogodbenica, obravnava država gostiteljica v skladu s temi določbami:

(a) Claims shall be filed, considered and settled or adjudicated in accordance with the laws and regulations of the receiving State with respect to claims arising from the activities of its own armed forces.

(b) The receiving State may settle any such claims, and payment of the amount agreed upon or determined by adjudication shall be made by the receiving State in its currency.

(c) Such payment, whether made pursuant to a settlement or to adjudication of the case by a competent tribunal of the receiving State, or the final adjudication by such a tribunal denying payment, shall be binding and conclusive upon the Contracting Parties.

(d) Every claim paid by the receiving State shall be communicated to the sending States concerned together with full particulars and a proposed distribution in conformity with sub-paragraphs e. (i), (ii) and (iii) below. In default of a reply within two months, the proposed distribution shall be regarded as accepted.

(e) The cost incurred in satisfying claims pursuant to the preceding sub-paragraphs and para. 2 of this Article shall be distributed between the Contracting Parties, as follows:

(i) Where one sending State alone is responsible, the amount awarded or adjudged shall be distributed in the proportion of 25 per cent. chargeable to the receiving State and 75 per cent. chargeable to the sending State.

(ii) Where more than one State is responsible for the damage, the amount awarded or adjudged shall be distributed equally among them: however, if the receiving State is not one of the States responsible, its contribution shall be half that of each of the sending States.

(iii) Where the damage was caused by the armed services of the Contracting Parties and it is not possible to attribute it specifically to one or more of those armed services, the amount awarded or adjudged shall be distributed equally among the Contracting Parties concerned: however, if the receiving State is not one of the States by whose armed services the damage was caused, its contribution shall be half that of each of the sending States concerned.

(iv) Every half-year, a statement of the sums paid by the receiving State in the course of the half-yearly period in respect of every case regarding which the proposed distribution on a percentage basis has been accepted, shall be sent to the sending States concerned, together with a request for reimbursement. Such reimbursement shall be made within the shortest possible time, in the currency of the receiving State.

(f) In cases where the application of the provisions of sub-paragraphs b. and e. of this paragraph would cause a Contracting Party serious hardship, it may request the North Atlantic Council to arrange a settlement of a different nature.

(g) A member of a force or civilian component shall not be subject to any proceedings for the enforcement of any judgment given against him in the receiving State in a matter arising from the performance of his official duties.

(h) Except in so far as sub-paragraph e. of this paragraph applies to claims covered by paragraph 2 of this Article, the provisions of this paragraph shall not apply to any claim arising out of or in connexion with the navigation or operation of a ship or the loading, carriage, or discharge of a cargo, other than claims for death or personal injury to which paragraph 4 of this Article does not apply.

6. Claims against members of a force or civilian component arising out of tortious acts or omissions in the receiving State not done in the performance of official duty shall be dealt with in the following manner:

(a) The authorities of the receiving State shall consider the claim and assess compensation to the claimant in a fair and just manner, taking into account all the circumstances of the case, including the conduct of the injured person, and shall prepare a report on the matter.

a) Zahtevki se vložijo, obravnavajo in rešijo ali razsodijo v skladu z zakoni in predpisi države gostiteljice o zahtevkih, ki izhajajo iz dejavnosti njenih oboroženih sil.

b) Država gostiteljica lahko rešuje tovrstne zahtevke; znesek, ki je dogovorjen ali določen z razsodbo, plača država gostiteljica v svoji valuti.

c) Takšno plačilo, ki je posledica primera, ki ga reši ali o njem razsodi pristojno sodišče države gostiteljice, ali dokončna razsodba takšnega sodišča, s katero se zavrne plačilo, je za pogodbenice obvezujoča in dokončna.

d) Vsak zahtevak, ki ga plača država gostiteljica, se pošlje zadevnim državam pošiljateljicam skupaj z vsemi podrobnostmi in predlogom razdelitve v skladu s spodnjimi alineami (i), (ii), (iii) točke e. Če v dveh mesecih ni odgovora, se šteje, da je predlog razdelitve sprejet.

e) Strošek, ki je nastal pri izpolnjevanju zahtevkov v skladu z zgornjimi točkami in drugim odstavkom tega člena, si razdelijo pogodbenice, in sicer:

(i) če je odgovorna le ena država pošiljateljica, se dodeljeni ali razsojeni znesek razdeli, tako da 25% plača država gostiteljica in 75% država pošiljateljica,

(ii) če je za škodo odgovorna več kot ena država, se dodeljeni ali razsojeni znesek enakovredno razdeli med njimi; če pa država gostiteljica ni ena od odgovornih držav, njen delež znaša polovico deleža vsake države pošiljateljice,

(iii) če so škodo povzročile oborožene sile pogodbenic in je ni mogoče pripisati eni ali več teh oboroženih sil, se dodeljeni ali razsojeni znesek razdeli enakovredno med zadevnimi pogodbenicami; če pa država gostiteljica ni ena od držav, katerih oborožene sile so povzročile škodo, njen delež znaša polovico vsake zadevne države pošiljateljice.

(iv) Vsakega pol leta se izkaz o zneskih, ki jih je država gostiteljica v šestmesečnem obdobju plačala v zvezi z vsakim primerom, za katerega je bila sprejeta predlagana razdelitev na podlagi odstotkov, pošlje zadevni državi pošiljateljici skupaj z zahtevo za povračilo. Takšni zneski se povrnejo v najkrajšem možnem času v valuti države gostiteljice.

f) Če bi uveljavljanje določb iz točk b) in e) tega odstavka povzročilo pogodbenici hude težave, lahko prosi Severnoatlantski svet, da se dogovori za poravnavo drugačne vrste.

g) Za pripadnika sile ali civilnega dela ne velja noben postopek za izvršitev kakršne koli sodbe, izrečene zoper njega v državi gostiteljici v zadevi, ki izhaja iz opravljanja njegovih uradnih dolžnosti.

h) Če točka e) tega odstavka velja za zahtevke, ki jih pokriva drugi odstavek tega člena, določbe tega odstavka ne veljajo za kakršen koli zahtevak, ki izhaja iz ali je v povezavi s plovbo ali upravljanjem ladje ali natovarjanjem, prevozom ali raztovarjanjem tovora, z izjemo zahtevkov v primeru smrti ali osebne poškodbe, za katere četrti odstavek tega člena ne velja.

6. Zahtevki zoper pripadnike sile ali civilnega dela, ki izhajajo iz storitve nedovoljenih dejanj ali opustitve dejanj izven opravljanja uradne dolžnosti v državi gostiteljici, se obravnavajo na tak način:

a) Organi države gostiteljice obravnavajo zahtevak, določijo odškodnino vlagatelju zahtevka pošteno in pravično ob upoštevanju vseh okoliščin primera, vključno z obnašanjem poškodovane osebe, in o tej zadevi pripravijo poročilo.

(b) The report shall be delivered to the authorities of the sending State, who shall then decide without delay whether they will offer an *ex gratia* payment, and if so, of what amount.

(c) If an offer of *ex gratia* payment is made, and accepted by the claimant in full satisfaction of his claim, the authorities of the sending State shall make the payment themselves and inform the authorities of the receiving State of their decision and of the sum paid.

(d) Nothing in this paragraph shall affect the jurisdiction of the courts of the receiving State to entertain an action against a member of a force or of a civilian component unless and until there has been payment in full satisfaction of the claim.

7. Claims arising out of the unauthorized use of any vehicle of the armed services of a sending State shall be dealt with in accordance with paragraph 6 of this Article, except in so far as the force or civilian component is legally responsible.

8. If a dispute arises as to whether a tortious act or omission of a member of a force or civilian component was done in the performance of official duty or as to whether the use of any vehicle of the armed services of a sending State was unauthorized, the question shall be submitted to an arbitrator appointed in accordance with paragraph 2 (b) of this Article, whose decision on this point shall be final and conclusive.

9. The sending State shall not claim immunity from the jurisdiction of the courts of the receiving State for members of a force or civilian component in respect of the civil jurisdiction of the courts of the receiving State except to the extent provided in paragraph 5 (g) of this Article.

10. The authorities of the sending State and of the receiving State shall co-operate in the procurement of evidence for a fair hearing and disposal of claims in regard to which the Contracting Parties are concerned.

Article IX

1. Members of a force or of a civilian component and their dependents may purchase locally goods necessary for their own consumption, and such services as they need, under the same conditions as the nationals of the receiving State.

2. Goods which are required from local sources for the subsistence of a force or civilian component shall normally be purchased through the authorities which purchase such goods for the armed services of the receiving State. In order to avoid such purchases having any adverse effect on the economy of the receiving State, the competent authorities of that State shall indicate, when necessary, any articles the purchase of which should be restricted or forbidden.

3. Subject to agreements already in force or which may hereafter be made between the authorized representatives of the sending and receiving States, the authorities of the receiving State shall assume sole responsibility for making suitable arrangements to make available to a force or a civilian component the buildings and grounds which it requires, as well as facilities and services connected therewith. These agreements and arrangements shall be, as far as possible, in accordance with the regulations governing the accommodation and billeting of similar personnel of the receiving State. In the absence of a specific contract to the contrary, the laws of the receiving State shall determine the rights and obligations arising out of the occupation or use of the buildings, grounds, facilities or services.

b) Poročilo se dostavi oblastem države pošiljateljice, ki nato brez odloga odločijo, ali bodo ponudile plačilo *ex gratia* in, če ga bodo, v kolikšnem znesku.

c) Če ponujeno plačilo *ex gratia* vlagatelj zahtevka sprejme ter tako v celoti zadovolji svojemu zahtevku, organi države pošiljateljice sami plačajo znesek in obvestijo organe države gostiteljice o svoji odločitvi in plačanem znesku.

d) Nič iz tega odstavka ne vpliva na jurisdikcijo sodišč države gostiteljice, da ukrepajo zoper pripadnika sile ali civilnega dela, razen in dokler ni plačan znesek, ki v celoti izpolnjuje zahtevek.

7. Zahtevki, ki izhajajo iz nedovoljene uporabe vozila oboroženih sil države pošiljateljice, se obravnavajo v skladu s šestim odstavkom tega člena, razen če ni sila ali civilni del pravno odgovorna.

8. Ob sporu, ali je pripadnik sile ali civilnega dela storil nedovoljeno dejanje ali opustil dejanje pri opravljanju uradne dolžnosti ali je bila kakršna koli uporaba vozila oboroženih sil države pošiljateljice nedovoljena, se vprašanje predloži arbitru, ki se imenuje v skladu s točko b) drugega odstavka tega člena in katerega odločitev glede te zadeve je dokončna.

9. Država pošiljateljica se ne sklicuje na imuniteto pred pristojnostjo sodišč države gostiteljice nad pripadniki sile ali civilnega dela v zvezi s civilno pristojnostjo sodišč države gostiteljice, razen v obsegu, določenem s točko g) petega odstavka tega člena.

10. Organi države pošiljateljice in države gostiteljice sodelujejo pri zbiranju dokazov za pravično zaslišanje in rešitev zahtevkov, ki zadevajo pogodbenice.

IX. člen

1. Pripadniki sile ali civilnega dela in njihovi vzdrževani družinski člani lahko lokalno kupujejo blago, ki ga potrebujejo za lastno porabo, in takšne storitve, kot jih potrebujejo, pod enakimi pogoji kot državljani države gostiteljice.

2. Blago, ki ga je treba priskrbeti pri lokalnih virih za preživetje sile ali civilnega dela, se običajno kupi prek organov, ki kupujejo takšno blago za oborožene sile države gostiteljice. Da takšni nakupi ne bi slabo vplivali na gospodarstvo države gostiteljice, pristojni organi te države navedejo, če je potrebno, vse izdelke, katerih nakup naj bi bil omejen ali prepovedan.

3. V skladu s sporazumi, ki že veljajo ali jih bodo sklenili pooblašteni predstavniki države pošiljateljice in države gostiteljice, organi države gostiteljice sami prevzamejo odgovornost za sprejem ustreznih ukrepov, s katerimi bodo sili ali civilnemu delu zagotovljeni objekti in zemljišča, ki jih potrebuje, in s tem povezane zmogljivosti in storitve. Ti sporazumi in organiziranje so v največji možni meri usklajeni s predpisi, ki urejajo civilno in vojaško nastanitev podobnega osebja države gostiteljice. Če ni drugače določeno s pogodbo, zakoni države gostiteljice določajo pravice in obveznosti, ki izhajajo iz nastanitve ali uporabe objektov, zemljišč, zmogljivosti ali storitev.

4. Local civilian labour requirements of a force or civilian component shall be satisfied in the same way as the comparable requirements of the receiving State and with the assistance of the authorities of the receiving State through the employment exchanges. The conditions of employment and work, in particular wages, supplementary payments and conditions for the protection of workers, shall be those laid down by the legislation of the receiving State. Such civilian workers employed by a force or civilian component shall not be regarded for any purpose as being members of that force or civilian component.

5. When a force or a civilian component has at the place where it is stationed inadequate medical or dental facilities, its members and their dependents may receive medical and dental care, including hospitalization, under the same conditions as comparable personnel of the receiving State.

6. The receiving State shall give the most favourable consideration to requests for the grant to members of a force or of a civilian component of travelling facilities and concessions with regard to fares. These facilities and concessions will be the subject of special arrangements to be made between the Governments concerned.

7. Subject to any general or particular financial arrangements between the Contracting Parties, payment in local currency for goods, accommodation and services furnished under paragraphs 2, 3, 4 and, if necessary, 5 and 6, of this Article shall be made promptly by the authorities of the force.

8. Neither a force, nor a civilian component, nor the members thereof, nor their dependents, shall by reason of this Article enjoy and exemption from taxes or duties relating to purchases and services chargeable under the fiscal regulations of the receiving State.

Article X

1. Where the legal incidence of any form of taxation in the receiving State depends upon residence or domicile, periods during which a member of a force or civilian components is in the territory of that State by reason solely of his being a member of such force or civilian component shall not be considered as periods of residence therein, or as creating a change of residence or domicile, for the purposes of such taxation. Members of a force or civilian component shall be exempt from taxation in the receiving State on the salary and emoluments paid to them as such members by the sending State or on any tangible movable property the presence of which in the receiving State is due solely to their temporary presence there.

2. Nothing in this Article shall prevent taxation of a member of a force or civilian component with respect to any profitable enterprise, other than his employment as such member, in which he may engage in the receiving State, and, except as regards his salary and emoluments and the tangible movable property referred to in paragraph 1, nothing in this Article shall prevent taxation to which, even if regarded as having his residence or domicile outside the territory of the receiving State, such a member is liable under the law of that State.

3. Nothing in this Article shall apply to "duty" as defined in paragraph 12 of Article XI.

4. For the purposes of this Article the term "member of a force" shall not include any person who is a national of the receiving State.

4. Potrebe sile ali civilnega dela po lokalni civilni delovni sili se zadovoljijo enako kot primerljive zahteve države gostiteljice in s pomočjo organov države gostiteljice na podlagi izmenjave zaposlenih. Pogoji zaposlovanja in dela, predvsem plač in dodatnih prejemkov, ter pogoji za zaščito delavcev so določeni z zakonodajo države gostiteljice. Takšni civilni delavci, ki so zaposleni pri sili ali civilnem delu, se za noben namen ne štejejo za pripadnike te sile ali civilnega dela.

5. Če kraj, kjer sta sila ali civilni del, nima zadovoljivih zdravstvenih in zobozdravstvenih zmogljivosti, so njeni pripadniki in njihovi vzdrževani družinski člani upravičeni do zdravstvene in zobozdravstvene oskrbe, vključno z bivanjem v bolnici, pod enakimi pogoji kot primerljivo osebe države gostiteljice.

6. Država gostiteljica z največjo naklonjenostjo obravnava zahteve za odobritev prevoznih zmogljivosti pripadnikom sile ali civilnega dela ter znižane cene vozovnic. Takšne zmogljivosti in znižanja urejajo posebni dogovori med zadevnima vladama.

7. Organi sile v skladu s kakršnimi koli splošnimi ali posebnimi finančnimi dogovori med pogodbenicama takoj v lokalni valuti plačajo blago, nastanitev in storitve, preskrbljene z drugim, tretjim in četrtim odstavkom in, če je potrebno, petim in šestim odstavkom tega člena.

8. Niti sila niti civilni del niti njuni pripadniki ali njihovi vzdrževani družinski člani v skladu s tem členom ne morejo biti oproščeni plačila davka ali drugih dajatev v zvezi z nakupom blaga ali storitev, ki se plačujejo v skladu z davčnimi predpisi države gostiteljice.

X. člen

1. Če je kakršna koli oblika obdavčitve v državi gostiteljici pravno odvisna od prebivališča ali domicila, se obdobja, v katerih je pripadnik sile ali civilnega dela na ozemlju te države izključno zato, ker je pripadnik te sile ali civilnega dela, ne štejejo kot obdobja prebivanja v tej državi ali kot sprememba prebivališča ali domicila za namene takšne obdavčitve. Pripadniki sile ali civilnega dela so v državi gostiteljici oproščeni plačila davkov na plače in zaslužek, ki so ju prejeli kot takšni pripadniki od države pošiljateljice, ali na premičnine, ki so v državi gostiteljici, kar je izključno posledica njihovečasne prisotnosti v tej državi.

2. Nič iz tega člena ne prepreči obdavčitve pripadnika sile ali civilnega dela v zvezi s kakršnim koli dobičkonosnim poslom, pri katerem je udeležen v državi gostiteljici in ni del njegove zaposlitve kot pripadnika; z izjemo njegove plače, zaslužka in premičnin, navedenih v prvem odstavku, nič iz tega člena ne prepreči obdavčitve, ki za takšnega pripadnika velja po zakonu države gostiteljice, tudi če se šteje, da ima prebivališče ali domicil zunaj ozemlja te države.

3. Ta člen se ne uporablja za »carinsko dajatev«, kot je določeno v dvanajstem odstavku XI. člena.

4. Za namene tega člena izraz »pripadnik sile« ne vključuje oseb, ki so državljani države gostiteljice.

Article XI

1. Save as provided expressly to the contrary in this Agreement, members of a force and of a civilian component as well as their dependents shall be subject to the laws and regulations administered by the customs authorities of the receiving State. In particular the customs authorities of the receiving State shall have the right, under the general conditions laid down by the laws and regulations of the receiving State, to search members of a force or civilian component and their dependents and to examine their luggage and vehicles, and to seize articles pursuant to such laws and regulations.

2. (a) The temporary importation and the re-exportation of service vehicles of a force or civilian component under their own power shall be authorized free of duty on presentation of a triptyque in the form shown in the Appendix to this Agreement.

(b) The temporary importation of such vehicles not under their own power shall be governed by paragraph 4 of this Article and the re-exportation thereof by paragraph 8.

(c) Service vehicles of a force or civilian component shall be exempt from any tax payable in respect of the use of vehicles on the roads.

3. Official documents under official seal shall not be subject to customs inspection. Couriers, whatever their status, carrying these documents must be in possession of an individual movement order, issued in accordance with paragraph 2 (b) of Article III. This movement order shall show the number of despatches carried and certify that they contain only official documents.

4. A force may import free of duty the equipment for the force and reasonable quantities of provisions, supplies and other goods for the exclusive use of the force and, in cases where such use is permitted by the receiving State, its civilian component and dependents. This duty-free importation shall be subject to the deposit, at the customs office for the place of entry, together with such customs documents as shall be agreed, of a certificate in a form agreed between the receiving State and the sending State signed by a person authorized by the sending State for that purpose. The designation of the person authorized to sign the certificates as well as specimens of the signatures and stamps to be used, shall be sent to the customs administration of the receiving State.

5. A member of a force or civilian component may, at the time of his first arrival to take up service in the receiving State or at the time of the first arrival of any dependent to join him, import his personal effects and furniture free of duty for the term of such service.

6. Members of a force or civilian component may import temporarily free of duty their private motor vehicles for the personal use of themselves and their dependents. There is no obligation under this Article to grant exemption from taxes payable in respect of the use of roads by private vehicles.

7. Imports made by the authorities of a force other than for the exclusive use of that force and its civilian component, and imports, other than those dealt with in paragraphs 5 and 6 of this Article, effected by members of a force or civilian component are not, by reason of this Article, entitled to any exemption from duty or other conditions.

8. Goods which have been imported duty-free under paragraphs 2 (b), 4, 5 or 6 above:

(a) may be re-exported freely, provided that, in the case of goods imported under paragraph 4, a certificate, issued in accordance with that paragraph, is presented to the customs office; the customs authorities, however, may verify that goods re-exported are as described in the certificate, if any, and have in fact been imported under the conditions of paragraphs 2 (b), 4, 5 or 6 as the case may be;

XI. člen

1. Če ni izrecno drugače določeno s tem sporazumom, za pripadnike sile, civilnega dela in njihove vzdrževane družinske člane veljajo zakoni in predpisi, ki jih izvajajo carinski organi države gostiteljice. Predvsem imajo carinski organi države gostiteljice pravico v skladu s splošnimi pogoji iz zakonov in predpisov države gostiteljice preiskati pripadnike sile ali civilnega dela in njihove vzdrževane družinske člane, pregledati njihovo prtljago in vozila ter zaseči stvari v skladu s takšnimi zakoni in predpisi.

2.a) Službena vozila sile ali civilnega dela iz njihove pristojnosti so pri začasnem uvozu in ponovnem izvozu oproščena plačila carine, če se zanje predloži »triptyque« v obliki, ki je prikazana v dodatku k temu sporazumu.

b) Začasen uvoz takšnih vozil, ki niso v njihovi pristojnosti, ureja četrti odstavek tega člena in ponoven izvoz le-teh osmi odstavek.

c) Službena vozila sile ali civilnega dela so oproščena plačila kakršnih koli pristojbin v zvezi z uporabo vozil na cestah.

3. Uradni dokumenti, ki so uradno zapečateni, se carinsko ne pregledajo. Kurirji, ki prenašajo takšne dokumente, morajo ne glede na svoj status imeti ukaz za premik posameznika, ki se izda v skladu s točko b) drugega odstavka III. člena. Na tem ukazu za premik je navedeno število pošiljk, ki jih nosi, in ukaz potrjuje, da pošiljke vsebujejo le uradne dokumente.

4. Sila lahko uvozi brez plačila carinskih dajatev opremo za silo in zmerne količine hrane, zalog in drugega blaga, ki jih uporablja samo sila, in v primerih, kjer takšno uporabo dovoljuje država gostiteljica, tudi njen civilni del in vzdrževani družinski člani. Za oprostitev plačila carine je treba pri vstopnem carinskem organu poleg dogovorjenih carinskih dokumentov predložiti tudi potrdilo v obliki, za katero sta se dogovorili država gostiteljica in država pošiljateljica, in s podpisom osebe, ki jo je država pošiljateljica v ta namen pooblastila. Imenovanje osebe, ki je pooblaščenca za podpisovanje potrdil, in primerki podpisov in žigov se pošljejo carinski upravi države gostiteljice.

5. Pripadnik sile ali civilnega dela sme ob svojem prvem prihodu na prevzem dolžnosti v državi gostiteljici ali ob prvem prihodu vzdrževanega družinskega člana, ki se mu bo pridružil, uvoziti predmete za osebno uporabo in pohištvo brez plačila carinskih dajatev za obdobje tovrstne zaposlitve.

6. Pripadniki sile ali civilnega dela lahko začasno uvozijo brez plačila carinskih dajatev svoja zasebna motorna vozila, ki jih imajo oni in njihovi vzdrževani družinski člani za osebno uporabo. Ta člen ne obvezuje k oprostitvi plačila pristojbin za zasebna vozila v zvezi z uporabo cest.

7. Blago, ki ga uvozijo organi sile in ni izrecno namenjeno sili ali njenemu civilnemu delu, in blago, ki ni navedeno v petem in šestem odstavku tega člena in ga uvozijo pripadniki sile ali civilnega dela, s tem členom ni oproščeno carinskih dajatev ali drugih pogojev.

8. Blago, ki je bilo ob uvozu oproščeno plačila carine v skladu s točko b) drugega odstavka, četrtim, petim ali šestim odstavkom tega člena:

a) se lahko prosto ponovno izvozi, če se, če je bilo blago uvoženo v skladu s četrtim odstavkom tega člena, carinskemu organu predloži potrdilo, izdano v skladu s tem odstavkom; carinski organi pa lahko preverijo, da ponovno izvoženo blago ustreza opisu na potrdilu, če ta obstaja, in da je bilo dejansko uvoženo pod pogoji, navedenimi glede na okoliščine posameznega primera, v točki b) drugega odstavka, četrtem, petem ali šestem odstavku;

(b) shall not normally be disposed of in the receiving State by way of either sale or gift; however, in particular cases such disposal may be authorized on conditions imposed by the authorities concerned of the receiving State (for instance, on payment of duty and tax and compliance with the requirements of the controls of trade and exchange).

9. Goods purchased in the receiving State shall be exported therefrom only in accordance with the regulations in force in the receiving State.

10. Special arrangements for crossing frontiers shall be granted by the customs authorities to regularly constituted units or formations, provided that the customs authorities concerned have been duly notified in advance.

11. Special arrangements shall be made by the receiving State so that fuel, oil and lubricants for use in service vehicles, aircraft and vessels of a force or civilian component, may be delivered free of all duties and taxes.

12. In paragraphs 1–10 of this Article:

“duty” means customs duties and all other duties and taxes payable on importation or exportation, as the case may be, except dues and taxes which are no more than charges for services rendered;

“importation” includes withdrawal from customs warehouses or continuous customs custody, provided that the goods concerned have not been grown, produced or manufactured in the receiving State.

13. The provisions of this Article shall apply to the goods concerned not only when they are imported into or exported from the receiving State but also when they are in transit through the territory of a Contracting Party, and for this purpose the expression “receiving State” in this Article shall be regarded as including any Contracting Party through whose territory the goods are passing in transit.

Article XII

1. The customs or fiscal authorities of the receiving State may, as a condition of the grant of any customs or fiscal exemption or concession provided for in this Agreement, require such conditions to be observed as they may deem necessary to prevent abuse.

2. These authorities may refuse any exemption provided for by this Agreement in respect of the importation into the receiving State of articles grown, produced or manufactured in that State which have been exported therefrom without payment of, or upon repayment of, taxes or duties which would have been chargeable but for such exportation. Goods removed from a customs warehouse shall be deemed to be imported if they were regarded as having been exported by reason of being deposited in the warehouse.

Article XIII

1. In order to prevent offences against customs and fiscal laws regulations, the authorities of the receiving and of the sending States shall assist each other in the conduct of enquiries and the collection of evidence.

2. The authorities of a force shall render all assistance within their power to ensure that articles liable to seizure by, or on behalf of, the customs or fiscal authorities of the receiving State are handed to those authorities.

3. The authorities of a force shall render all assistance within their power to ensure the payment of duties, taxes and penalties payable by members of the force or civilian component or their dependents.

4. Service vehicles and articles belonging to a force or to its civilian component, and not to a member of such force or civilian component, seized by the authorities of the receiving State in connection with an offence against its customs or fiscal laws or regulations shall be handed over to the appropriate authorities of the force concerned.

b) se praviloma v državi gostiteljci ne sme odtujiti s prodajo ali kot darilo; vendar se v posebnih primerih to lahko odobri pod pogoji, ki so jih postavili zadevni organi države gostiteljice (na primer glede plačila carinskih dajatev in davkov ter glede skladnosti z zahtevami nadzora trgovine in izmenjave).

9. Blago, kupljeno v državi gostiteljci, se iz te države lahko izvozi le v skladu s predpisi, ki veljajo v državi gostiteljci.

10. Carinski organi posebej uredijo prečkanje državnih mej za enote v redni sestavi in formacije pod pogojem, da so bili zadevni carinski organi predhodno pravilno obveščeni.

11. Država gostiteljica sprejme posebne ukrepe, da bodo gorivo, olja in maziva za uporabo v službenih vozilih, letalih in plovilih sile ali civilnega dela lahko dobavljeni brez plačila carinskih dajatev in davkov.

12. V prvem do desetem odstavku tega člena:

»carinska dajatev« pomeni carino in vse druge pristojbine in dajatve, ki se plačajo ob uvozu ali izvozu, kot velja v določenem primeru, razen plačil in taks, ki niso več kot plačila za opravljene storitve;

»uvoz« vključuje tudi iznos blaga iz carinskega skladišča ali sprostitev izpod neposredne carinske kontrole, če zadevno blago ni zraslo ali bilo proizvedeno ali izdelano v državi gostiteljici.

13. Določbe tega člena ne veljajo za zadevno blago le ob uvozu v ali izvozu iz države gostiteljice, temveč ko je v tranzitu čez ozemlje pogodbenice, zaradi česar izraz »država gostiteljica« v tem členu vključuje katero koli pogodbenico, čez katere ozemlje blago potuje v tranzitu.

XII. člen

1. Carinski ali davčni organi države gostiteljice lahko kot pogoj za oprostitev carinskih in davčnih dajatev ali znižanj, ki jih zagotavlja ta sporazum, zahtevajo, da se spoštujejo pogoji, ki se njim zdijo potrebni za preprečitev zlorabe.

2. Ti organi lahko zavrnejo kakršno koli oprostitev, ki jo zagotavlja ta sporazum v zvezi z uvozom v državo gostiteljico stvari, ki so zrasle ali bile proizvedene ali izdelane v tej državi in so bile izvožene iz nje brez plačila ali ob povračilu carinskih dajatev in davkov, ki bi jih sicer plačali, če ne bi bilo takšnega izvoza. Blago, ki je bilo izneseno iz carinskega skladišča, se šteje kot uvoženo, če se zaradi vnosa v carinsko skladišče šteje kot izvoženo.

XIII. člen

1. Da bi preprečili kršitve predpisov iz carinskih in davčnih zakonov, si organi države gostiteljice in države pošiljateljice medsebojno pomagajo pri poizvedovanju in zbiranju dokazov.

2. Organi sile dajejo vso podporo, ki je v njihovi moči, da bi zagotovili izročitev stvari, za katere velja, da jih carinski ali davčni organi države gostiteljice ali kdo drug v njihovem imenu lahko zaseže.

3. Organi sile dajejo vso podporo, ki je v njihovi moči, da zagotovijo, da pripadniki sile ali civilnega dela ali njihovi vzdrževani družinski člani plačajo carinske dajatve, davke in kazni.

4. Službena vozila in stvari, ki pripadajo sili ali njenemu civilnemu delu in ne pripadniku te sile ali civilnega dela in so jih organi države gostiteljice zasegli v zvezi s kršitvijo njenih carinskih in davčnih zakonov ali predpisov, se izročijo ustreznim organom zadevne sile.

Article XIV

1. A force, a civilian component and the members thereof, as well as their dependents, shall remain subject to the foreign exchange regulations of the sending State and shall also be subject to the regulations of the receiving State.

2. The foreign exchange authorities of the sending and the receiving States may issue special regulations applicable to a force or civilian component or the members thereof as well as to their dependents.

Article XV

1. Subject to paragraph 2 of this Article, this Agreement shall remain in force in the event of hostilities to which the North Atlantic Treaty applies, except that the provisions for settling claims in paragraphs 2 and 5 of Article VIII shall not apply to war damage, and that the provisions of the Agreement, and, in particular of Articles III and VII, shall immediately be reviewed by the Contracting Parties concerned, who may agree to such modifications as they may consider desirable regarding the application of the Agreement between them.

2. In the event of such hostilities, each of the Contracting Parties shall have the right, by giving 60 days' notice to the other Contracting Parties, to suspend the application of any of the provisions of this Agreement so far as it is concerned. If this right is exercised, the Contracting Parties shall immediately consult with a view to agreeing on suitable provisions to replace the provisions suspended.

Article XVI

All differences between the Contracting Parties relating to the interpretation or application of this Agreement shall be settled by negotiation between them without recourse to any outside jurisdiction. Except where express provision is made to the contrary in this Agreement, differences which cannot be settled by direct negotiation shall be referred to the North Atlantic Council.

Article XVII

Any Contracting Party may at any time request the revision of any Article of this Agreement. The request shall be addressed to the North Atlantic Council.

Article XVIII

1. The present Agreement shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which shall notify each signatory State of the date of deposit thereof.

2. Thirty days after four signatory States have deposited their instruments of ratification the present Agreement shall come into force between them. It shall come into force for each other signatory State thirty days after the deposit of its instrument of ratification.

3. After it has come into force, the present Agreement shall, subject to the approval of the North Atlantic Council and to such conditions as it may decide, be open to accession on behalf of any State which accedes to the North Atlantic Treaty. Accession shall be effected by the deposit of an instrument of accession with the Government of the United States of America, which shall notify each signatory and acceding State of the date of deposit thereof. In respect of any State on behalf of which an instrument of accession is deposited, the present Agreement shall come into force thirty days after the date of the deposit of such instrument.

Article XIX

1. The present Agreement may be denounced by any Contracting Party after the expiration of a period of four years from the date on which the Agreement comes into force.

XIV. člen

1. Za silo, civilni del in njune pripadnike in njihove vzdrževane družinske člane še nadalje veljajo devizni predpisi države pošiljateljice kot tudi predpisi države gostiteljice.

2. Organi države pošiljateljice in države gostiteljice, odgovorni za tuje valute, lahko izdajo posebne predpise, ki veljajo za silo ali civilni del ali njune pripadnike in njihove vzdrževane družinske člane.

XV. člen

1. V skladu z drugim odstavkom tega člena ta sporazum ostane veljaven ob sovražnosti, na katero se nanaša Severnoatlantski pakt, razen če določbe za reševanje zahtevkov iz drugega in petega odstavka VIII. člena ne veljajo za vojno škodo in če določbe tega sporazuma in predvsem določbe iz III. in VII. člena takoj pregledata zadevni pogodbenici, ki lahko soglašata s tistimi spremembami, ki se jima zdijo zaželeni pri medsebojnem izvajanju tega sporazuma.

2. Ob takšni sovražnosti ima vsaka pogodbenica pravico začasno prekiniti izvajanje katere koli določbe tega sporazuma, tako da 60 dni prej o tem obvesti druge pogodbenice. Če uveljavlja to pravico, se pogodbenice takoj posvetujejo z namenom doseči soglasje glede primernih določb, ki bodo takoj zamenjale začasno razveljavljene določbe.

XVI. člen

Vsa neskladja med pogodbenicami v zvezi z razlaganjem ali izvajanjem tega sporazuma se rešijo s pogajanjem med njimi brez uporabe kakršne koli zunanje jurisdikcije. Razen če sporazum z izrecno določbo ne ureja drugače, se neskladja, ki jih ni mogoče rešiti z neposrednim pogajanjem, predložijo Severnoatlantskemu svetu.

XVII. člen

Katera koli pogodbenica lahko kadar koli zahteva spremembo katerega koli člena tega sporazuma. Zahteva se naslovi na Severnoatlantski svet.

XVIII. člen

1. Ta sporazum se, kakor hitro je mogoče, ratificira in ratifikacijske listine se deponirajo pri Vladi Združenih držav Amerike, ki o datumu deponiranja listin obvesti vsako državo podpisnico.

2. Po tridesetih dneh, ko so štiri države podpisnice deponirale svoje ratifikacijske listine, med njimi začne veljati ta sporazum. Za vsako drugo državo podpisnico pa začne veljati trideset dni po deponiranju njenih ratifikacijskih listin.

3. Potem ko začne veljati, k temu sporazumu ob odobritvi Severnoatlantskega sveta in izpolnjevanju takšnih pogojev, kot jih ta določi, lahko pristopi katera koli država, ki je že pristopila k Severnoatlantskemu paktu. Pristop se izvede z deponiranjem listine o pristopu pri Vladi Združenih držav Amerike, ki o datumu deponiranja listine obvesti vsako državo podpisnico in državo, ki pristopa. Za vsako državo, v katere imenu se deponira listina o pristopu, začne ta sporazum veljati trideset dni po deponiranju te listine.

XIX. člen

1. Ta sporazum lahko odpove katera koli pogodbenica po preteku štirih let od datuma, ko začne veljati sporazum.

2. The denunciation of the Agreement by any Contracting Party shall be effected by a written notification addressed by that Contracting Party to the Government of the United States of America which shall notify all the other Contracting Parties of each such notification and the date of receipt thereof.

3. The denunciation shall take effect one year after the receipt of the notification by the Government of the United States of America. After the expiration of this period of one year, the Agreement shall cease to be in force as regards the Contracting Party which denounces it, but shall continue in force for the remaining Contracting Parties.

Article XX

1. Subject to the provisions of paragraphs 2 and 3 of this Article, the present Agreement shall apply only to the metropolitan territory of a Contracting Party.

2. Any State may, however, at the time of the deposit of its instrument of ratification or accession or at any time thereafter, declare by notification given to the Government of the United States of America that the present Agreement shall extend (subject, if the State making the declaration considers it to be necessary, to the conclusion of a special agreement between that State and each of the sending States concerned), to all or any of the territories for whose international relations it is responsible in the North Atlantic Treaty area. The present Agreement shall then extend to the territory or territories named therein thirty days after the receipt by the Government of the United States of America of the notification, or thirty days after the conclusion of the special agreements if required, or when it has come into force under Article XVIII, whichever is the later.

3. A State which has made a declaration under paragraph 2 of this Article extending the present Agreement to any territory for whose international relations it is responsible may denounce the Agreement separately in respect of that territory in accordance with the provisions of Article XIX.

In witness whereof the undersigned Plenipotentiaries have signed the present Agreement.

Done in London this nineteenth day of June, 1951, in the English and French languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the signatory and acceding States.

2. Katera koli pogodbenica odpove sporazum s pisno notifikacijo, ki jo ta pogodbenica naslovi na Vlado Združenih držav Amerike, ta pa seznanj druge pogodbenice s takšno notifikacijo in datumom njenega prejema.

3. Odpoved začne veljati eno leto po tem, ko je obvestilo prejela vlada Združenih držav Amerike. Po izteku tega enoletnega obdobja sporazum preneha veljati za pogodbenico, ki ga je odpovedala, vendar pa ostane veljaven za preostale pogodbenice.

XX. člen

1. V skladu z določbami drugega odstavka in tretjega odstavka tega člena ta sporazum velja le na matičnem ozemlju pogodbenice.

2. Vsaka država lahko ob deponiranju svoje ratifikacijske listine ali listine o pristopu ali kadar koli kasneje razglasi z notifikacijo, ki jo pošlje vladi Združenih držav Amerike, da se ta sporazum razširi (če se državi, ki to razglašja, zdi potrebno, država in vsaka od zadevnih držav pošiljateljic sklenjejo poseben sporazum) na vse ali katero koli od ozemelj, za katerih mednarodne odnose je odgovorna na območju Severnoatlantskega pakta. Ta sporazum se nato razširi na ozemlje ali ozemlja, ki so imenovana v tej notifikaciji, trideset dni po tem, ko je vlada Združenih držav Amerike prejela notifikacijo, ali trideset dni po sklenitvi posebnih sporazumov, če so potrebni, ali ko je začel veljati ta sporazum v skladu z XVIII. členom, kar je kasneje.

3. Država, ki je dala izjavo iz drugega odstavka tega člena, s katero se razširi ta sporazum na ozemlje, za katerega mednarodne odnose je odgovorna, lahko odpove sporazum ločeno za to ozemlje v skladu z določbami XIX. člena.

Da bi to potrdili, so pooblaščenци podpisali ta sporazum.

Sestavljeno v Londonu devetnajstega junija 1951 v angleškem in francoskem jeziku, besedili sta enako verodostojni, v enem izvorniku, ki se deponira v arhivih vlade Združenih držav Amerike. Vlada Združenih držav Amerike pošlje overjene kopije sporazuma vsem državam podpisnicam in državam, ki pristopajo k sporazumu.

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za obrambo Republike Slovenije.

4. člen

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

Št. 200-10/04-35/1
Ljubljana, dne 15. julija 2004
EPA 1381-III

Predsednik
Državnega zbora
Republike Slovenije
Feri Horvat l. r.

87. Zakon o ratifikaciji Protokola o statusu mednarodnega vojaškega poveljstva, ustanovljenega v skladu s Severnoatlantsko pogodbo (MPSMVP)

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

U K A Z**O RAZGLASITVI ZAKONA O RATIFIKACIJI PROTOKOLA O STATUSU MEDNARODNEGA VOJAŠKEGA POVELJSTVA, USTANOVLJENEGA V SKLADU S SEVERNOATLANTSKO POGODBO (MPSMVP)**

Razgllašam Zakon o ratifikaciji Protokola o statusu mednarodnega vojaškega poveljstva, ustanovljenega v skladu s Severnoatlantsko pogodbo (MPSMVP), ki ga je sprejel Državni zbor Republike Slovenije na seji 15. julija 2004.

Št. 001-22-168/04
Ljubljana, dne 23. julija 2004

dr. Janez Drnovšek l. r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI PROTOKOLA O STATUSU MEDNARODNEGA VOJAŠKEGA POVELJSTVA, USTANOVLJENEGA V SKLADU S SEVERNOATLANTSKO POGODBO (MPSMVP)**

1. člen

Ratificira se Protokol o statusu mednarodnega vojaškega poveljstva, ustanovljenega v skladu s Severnoatlantsko pogodbo, podpisan 28. avgusta 1952 v Parizu.

2. člen

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

P R O T O C O L**ON THE STATUS OF INTERNATIONAL MILITARY HEADQUARTERS SET UP PURSUANT TO THE NORTH ATLANTIC TREATY**

The Parties to the North Atlantic Treaty signed in Washington on 4th April, 1949,

Considering that international military Headquarters may be established in their territories, by separate arrangement, under the North Atlantic Treaty, and

Desiring to define the status of such Headquarters and of the personnel thereof within the North Atlantic Treaty area,

Have agreed to the present Protocol to the Agreement signed in London on 19th June, 1951, regarding the Status of their Forces:

Article 1

In the present Protocol the expression

(a) 'the Agreement' means the Agreement signed in London on 19th June, 1951, by the Parties to the North Atlantic Treaty regarding the Status of their Forces;

(b) 'Supreme Headquarters' means Supreme Headquarters Allied Powers in Europe, Headquarters of the Supreme Allied Commander Atlantic and any equivalent international military Headquarters set up pursuant to the North Atlantic Treaty;

(c) 'Allied Headquarters' means any Supreme Headquarters and any international military Headquarters set up pursuant to the North Atlantic Treaty which is immediately subordinate to a Supreme Headquarters;

(d) 'North Atlantic Council' means the Council established by Article 9 of the North Atlantic Treaty or any of its subsidiary bodies authorised to act on its behalf.

P R O T O K O L**O STATUSU MEDNARODNEGA VOJAŠKEGA POVELJSTVA, USTANOVLJENEGA V SKLADU S SEVERNOATLANTSKO POGODBO**

Pogodbenice Severnoatlantske pogodbe, podpisane 4. aprila 1949 v Washingtonu, so se

ob upoštevanju, da se na njihovih ozemljih lahko z ločenim dogovorom na podlagi Severnoatlantske pogodbe ustanovi mednarodno vojaško poveljstvo, in

v želji, da bi se opredelil status takega poveljstva in njegovega osebja na območju Severnoatlantske pogodbe,

sporazumele o protokolu k sporazumu, podpisanemu 19. junija 1951 v Londonu, o statusu svojih sil:

1. člen

V tem protokolu

a) izraz »sporazum« pomeni Sporazum med pogodbenicami Severnoatlantske pogodbe o statusu njihovih sil, podpisan 19. junija 1951 v Londonu;

b) izraz »vrhovno poveljstvo« pomeni vrhovno poveljstvo zavezniških sil v Evropi, poveljstvo vrhovnega poveljnika zavezniških sil za Atlantik in vseh enakovrednih mednarodnih vojaških poveljstev, ustanovljenih v skladu s Severnoatlantsko pogodbo;

c) izraz »zavezniško poveljstvo« pomeni katerokoli vrhovno poveljstvo in katerokoli mednarodno vojaško poveljstvo, ustanovljeno v skladu s Severnoatlantsko pogodbo, ki je neposredno podrejeno vrhovnemu poveljstvu;

d) izraz »Severnoatlantski svet« pomeni Svet, ustanovljen z 9. členom Severnoatlantske pogodbe, ali katerega njegovih dopolnilnih teles, ki so pooblaščenca, da delujejo v njegovem imenu.

Article 2

Subject to the following provisions of this Protocol, the Agreement shall apply to Allied Headquarters in the territory of a Party to the present Protocol in the North Atlantic Treaty area, and to the military and civilian personnel of such Headquarters and their dependents included in the definitions in sub-paragraphs (a), (b) and (c) of paragraph 1 of Article 3 of this Protocol, when such personnel are present in any such territory in connection with their official duties or, in the case of dependents, the official duties of their spouse or parent.

Article 3

1. For the purpose of applying the Agreement to an Allied Headquarters the expressions 'force', 'civilian component' and 'dependent', wherever they occur in the Agreement, shall have the meanings set out below:

(a) 'force' means the personnel attached to the Allied Headquarters who belong to the land, sea or air armed services of any Party to the North Atlantic Treaty;

(b) 'civilian component' means civilian personnel who are not stateless persons, nor nationals of any State which is not a Party to the Treaty, nor nationals of, nor ordinarily resident in the receiving State, and who are (i) attached to the Allied Headquarters and in the employ of an armed service of a Party to the North Atlantic Treaty or (ii) in such categories of civilian personnel in the employ of the Allied Headquarters as the North Atlantic Council shall decide;

(c) 'dependent' means the spouse of a member of a force or civilian component, as defined in sub-paragraphs (a) and (b) of this paragraph, or a child of such member depending on him or her support.

2. An Allied Headquarters shall be considered to be a force for the purposes of Article II, paragraph 2 of Article V, paragraph 10 of Article VII, paragraphs 2, 3, 4, 7 and 8 of Article IX, and Article XIII, of the Agreement.

Article 4

The rights and obligations which the Agreement gives to or imposes upon the sending State or its authorities in respect of its forces or their civilian components or dependents shall, in respect of an Allied Headquarters and its personnel and their dependents to whom the Agreement applies in accordance with Article 2 of the present Protocol, be vested in or attached to the appropriate Supreme Headquarters and the authorities responsible under it, except that:

(a) the right which is given by Article VII of the Agreement to the military authorities of the sending State to exercise criminal and disciplinary jurisdiction shall be vested in the military authorities of the State, if any, to whose military law the person concerned is subject;

(b) the obligations imposed upon the sending State or its authorities by Article II, paragraph 4 of Article III, paragraphs 5 (a) and 6 (a) of Article VII paragraphs 9 and 10 of Article VIII, and Article XIII, of the Agreement, shall attach both to the Allied Headquarters and to any State whose armed service, or any member or employee of whose armed service, or the dependent of such member or employee, is concerned;

(c) for the purposes of paragraphs 2 (a) and 5 of Article III, and Article XIV, of the Agreement the sending State shall be, in the case of members of a force and their dependents, the State to whose armed service the member belongs, or, in the case of members of a civilian component and their dependents, the State, if any, by whose armed service the member is employed;

2. člen

Ob upoštevanju naslednjih določb tega protokola se sporazum uporablja za zavezniško poveljstvo na ozemlju pogodbenice tega protokola na območju Severnoatlantske pogodbe ter za vojaško in civilno osebje takega poveljstva in za njihove vzdrževane družinske člane, vključene v definicije v pododstavkih a), b) in c) prvega odstavka 3. člena tega protokola, kadar je to osebje na takem ozemlju v zvezi s svojimi službenimi dolžnostmi, ali če gre za vzdrževane družinske člane, službenimi dolžnostmi njihovega zakonca ali staršev.

3. člen

1. Pri uporabi sporazuma za zavezniško poveljstvo imajo izrazi »sila«, »civilni del« in »vzdrževani družinski član«, kjer koli se v sporazumu pojavljajo, naslednji pomen:

a) »sila« pomeni osebje, dodeljeno zavezniškemu poveljstvu, ki pripada kopenskimi, mornariškimi ali zračnim oboroženim silam katere koli pogodbenice Severnoatlantske pogodbe;

b) »civilni del« pomeni civilno osebje, ki ni brez državljanstva niti nima državljanstva države, ki ni pogodbenica Severnoatlantske pogodbe, niti državljanstva države sprejemnice ali stalnega prebivališča v njej in ki je (i) dodeljeno zavezniškemu poveljstvu in zaposleno v oboroženih silah pogodbenice Severnoatlantske pogodbe ali (ii) spada v kategorije civilnega osebja, zaposlenega pri zavezniškem poveljstvu, o katerih odloča Severnoatlantski svet;

c) »vzdrževani družinski član« pomeni zakonca pripadnika sile ali civilnega dela, kot je opredeljeno v pododstavkih a) in b) tega odstavka, ali otroka takega pripadnika, ki je od njega odvisen.

2. Zavezniško poveljstvo se šteje za silo za namen II. člena, drugega odstavka V. člena, desetega odstavka VII. člena, drugega, tretjega, četrtega, sedmega in osmega odstavka IX. člena in XIII. člena sporazuma.

4. člen

Pravice in obveznosti, ki jih sporazum državi pošiljateljici ali njenim organom priznava ali nalaga v zvezi z njenimi silami ali njihovim civilnim delom ali vzdrževanimi družinskimi člani, glede zavezniškega poveljstva in njegovega osebja in njegovih vzdrževanih družinskih članov, za katere se sporazum uporablja v skladu z 2. členom tega protokola, se prenesejo na ustrezno vrhovno poveljstvo in njegove odgovorne organe, razen kadar:

a) pravica do izvajanja kazenske in disciplinske pristojnosti, ki jo VII. člen sporazuma priznava vojaškemu organom države pošiljateljice, se prenese na morebitne vojaške organe države, katere vojaško pravo velja za zadevno osebo;

b) se obveznosti, ki jih državi pošiljateljici ali njenim organom nalagajo II. člen, četrti odstavek III. člena, pododstavek a) petega odstavka in pododstavek a) šestega odstavka VII. člena, deveti in deseti odstavek VIII. člena in XIII. člen sporazuma, prenesejo tako na zavezniško poveljstvo kot na katero koli državo, za katere oborožene sile ali pripadnika ali uslužbenca v teh oboroženih silah ali vzdrževanega družinskega člana takega pripadnika ali uslužbenca gre;

c) je država pošiljateljica za namene pododstavka a) drugega odstavka in petega odstavka III. člena ter XIV. člena sporazuma, če gre za pripadnike sile in njihove vzdrževane družinske člane, država, katere oboroženim silam pripada pripadnik, ali če gre za pripadnike civilnega dela in njihove vzdrževane družinske člane, morebitna država, v katere oboroženih silah je zaposlen pripadnik;

(d) the obligations imposed on the sending State by virtue of paragraphs 6 and 7 of Article VIII of the Agreement shall attach to the State to whose armed service the person belongs whose act or omission has given rise to the claim or, in the case of a member of a civilian component, to the State by whose armed service he is employed or, if there is no such State, to the Allied Headquarters of which the person concerned is a member.

Both the State, if any, to which obligations attach under this paragraph and the Allied Headquarters concerned shall have the rights of the sending State in connection with the appointment of an arbitrator under paragraph 8 of Article VIII.

Article 5

Every member of an Allied Headquarters shall have a personal identity card issued by the Headquarters showing names, date and place of birth, nationality, rank or grade, number (if any), photograph and period of validity. This card must be presented on demand.

Article 6

1. The obligations to waive claims imposed on the Contracting Parties by Article VIII of the Agreement shall attach both to the Allied Headquarters and to any Party to this Protocol concerned.

2. For the purposes of paragraphs 1 and 2 of Article VIII of the Agreement,

(a) property owned by an Allied Headquarters or by a Party to this Protocol and used by an Allied Headquarters shall be deemed to be property owned by a Contracting Party and used by its armed services;

(b) damage caused by a member of a force or civilian component as defined in paragraph 1 of Article 3 of this Protocol or by any other employee of an Allied Headquarters shall be deemed to be damage caused by a member or employee of the armed services of a Contracting Party;

(c) the definition of the expression 'owned by a Contracting Party' in paragraph 3 of Article VIII shall apply in respect of an Allied Headquarters.

3. The claims to which paragraph 5 of Article VIII of the Agreement applies shall include claims (other than contractual claims and claims to which paragraphs 6 or 7 of that Article apply) arising out of acts or omissions of any employees of an Allied Headquarters, or out of any other act, omission or occurrence for which an Allied Headquarters, or out of any other act, omissions or occurrence for which an Allied Headquarters is legally responsible, and causing damage in the territory of a receiving State to third parties, other than any of the Parties to this Protocol.

Article 7

1. The exemption from taxation accorded under Article X of the Agreement to members of a force or civilian component in respect of their salaries and emoluments shall apply, as regards personnel of an Allied Headquarters within the definitions in paragraph 1 (a) and (b) (i) of Article 3 of this Protocol, to salaries and emoluments paid to them as such personnel by the armed service to which they belong or by which they are employed, except that this paragraph shall not exempt any such member or employee from taxation imposed by a State of which he is a national.

d) se obveznosti, naložene državi pošiljateljici na podlagi šestega in sedmega odstavka VIII. člena sporazuma, prenesejo na državo, v katere oborožene sile spada oseba, katere dejanje ali opustitev dejanja je bila povod za zahtevek, ali če gre za pripadnika civilnega dela, državo, katere oborožene sile ga zaposlujejo, ali če take države ni, na zavezniško poveljstvo, ki mu pripada zadevna oseba.

Morebitna država, na katero se prenesejo obveznosti po tem odstavku, in zadevno zavezniško poveljstvo imata pravice države pošiljateljice v zvezi z imenovanjem ravnatelja po osmem odstavku VIII. člena.

5. člen

Vsak pripadnik zavezniškega poveljstva ima svojo osebno izkaznico, ki jo izda poveljstvo; izkaznica vsebuje ime in priimek, datum in kraj rojstva, državljanstvo, čin ali položaj, morebitno številko, fotografijo in obdobje veljavnosti. Ta izkaznica se mora na zahtevo pokazati.

6. člen

1. Obveznosti odpovedati se zahtevkom, ki jih VIII. člen sporazuma nalaga pogodbenicam, se prenesejo tako na zavezniško poveljstvo kot na vsako zadevno pogodbenico tega protokola.

2. Za namene prvega in drugega odstavka VIII. člena sporazuma

a) se premoženje, ki je v lasti zavezniškega poveljstva ali pogodbenice tega protokola in ga uporablja zavezniško poveljstvo, šteje za premoženje pogodbenice, ki ga uporabljajo njene oborožene sile;

b) se škoda, ki jo povzroči pripadnik sile ali civilnega dela, kot je opredeljen v prvem odstavku 3. člena tega protokola, ali katerikoli drug uslužbenec zavezniškega poveljstva, šteje za škodo, ki jo je povzročil pripadnik ali uslužbenec oboroženih sil pogodbenice;

c) definicija »v lasti pogodbenice« iz tretjega odstavka VIII. člena se uporablja za zavezniško poveljstvo.

3. Zahtevki, na katere se nanaša peti odstavek VIII. člena sporazuma, vključujejo zahtevke (razen pogodbenih zahtevkov in zahtevkov, na katere se nanaša šesti ali sedmi odstavek omenjenega člena), ki so posledica dejanj ali opustitev dejanj katerih koli uslužbencev zavezniškega poveljstva ali kakšnega drugega dejanja, opustitve ali dogodka, za katere je zakonsko odgovorno zavezniško poveljstvo in so na ozemlju države sprejemnice povzročili škodo tretjim, ki niso pogodbenice tega protokola.

7. člen

1. Oprostitev plačila davkov na osebne dohodke in prejemke, odobrena pripadnikom sile ali civilnega dela po X. členu sporazuma, se glede osebja zavezniškega poveljstva v okviru definicij v pododstavku a) in točki i) pododstavka b) prvega odstavka 3. člena tega protokola, uporablja za osebne dohodke in prejemke, ki jih osebu kot takemu plačujejo oborožene sile, ki jim pripada ali ga zaposlujejo; ta odstavek pa takega pripadnika ali uslužbenca ne oprošča plačila davkov, ki jih nalaga država, katere državljan je.

2. Employees of an Allied Headquarters of categories agreed by the North Atlantic Council, shall be exempted from taxation on the salaries and emoluments paid to them by the Allied Headquarters in their capacity as such employees. Any Party to the present Protocol may, however, conclude an arrangement with the Allied Headquarters whereby such Party will employ and assign to the Allied Headquarters all of its nationals (except, if such Party so desires, any not ordinarily resident within its territory) who are to serve on the staff of the Allied Headquarters and pay the salaries and emoluments of such persons from its own funds, at a scale fixed by it. The salaries and emoluments so paid may be taxed by the Party concerned but shall be exempted from taxation by any other Party. If such an arrangement is entered into by any Party to the present Protocol and is subsequently modified or terminated, Parties to the present Protocol shall no longer be bound under the first sentence of this paragraph to exempt from taxation the salaries and emoluments paid to their nationals.

Article 8

1. For the purpose of facilitating the establishment, construction, maintenance and operation of Allied Headquarters, these Headquarters shall be relieved, so far as practicable, from duties and taxes, affecting expenditures by them in the interest of common defence and for their official and exclusive benefit, and each Party to the present Protocol shall enter into negotiations with any Allied Headquarters operating in its territory for the purpose of concluding an agreement to give effect to this provision.

2. An Allied Headquarters shall have the rights granted to a force under Article XI of the Agreement subject to the same conditions.

3. The provisions in paragraphs 5 and 6 of Article XI of the Agreement shall not apply to nationals of the receiving States, unless such nationals belong to the armed services of a Party to this Protocol other than the receiving State.

4. The expression 'duties and taxes' in this Article does not include charges for services rendered.

Article 9

Except in so far as the North Atlantic Council may decide otherwise,

(a) any assets acquired from the international funds of an Allied Headquarters under its capital budget and no longer required by the Headquarters shall be disposed of under arrangements approved by the North Atlantic Council and the proceeds shall be distributed among or credited to the Parties to the North Atlantic Treaty in the proportions in which they have contributed to the capital costs of the Headquarters. The receiving State shall have the prior right to acquire any immovable property so disposed of in its territory provided that it offers terms no less favourable than those offered by any third party;

(b) any land, buildings or fixed installations provided for the use of an Allied Headquarters by the receiving State without charge to the Headquarters (other than a nominal charge) and no longer required by the Headquarters shall be handed back to the receiving State, and any increase or loss in the value of the property provided by the receiving State resulting from its use by the Headquarters shall be determined by the North Atlantic Council (taking into consideration any applicable law of the receiving State) and distributed among or credited or debited to the Parties to the North Atlantic Treaty in the proportions in which they have contributed to the capital costs of the Headquarters.

2. Uslužbenici zavezniškega poveljstva, ki spadajo v kategorije, ki jih odobri Severnoatlantski svet, so oproščeni plačila davkov na osebne dohodke in prejemke, ki jim jih uslužbencem kot takim izplačuje zavezniško poveljstvo. Vendar pa se lahko katera koli pogodbenica tega protokola z zavezniškim poveljstvom dogovori, da bo zaposlila in v zavezniško poveljstvo razporedila vse svoje državljane (razen tistih, če ta pogodbenica tako želi, ki stalno ne prebivajo na njenem ozemlju), ki bodo kot osebje službovali v zavezniškem poveljstvu, in da bo takim osebam izplačevala osebne dohodke in prejemke iz svojih lastnih sredstev ter v višini, ki jo sama določi. Zadevna pogodbenica lahko tako izplačane osebne dohodke in prejemke obdavči, ne more pa jih obdavčiti kakšna druga pogodbenica. Če katera koli pogodbenica tega protokola sklene tak dogovor in se ta pozneje spremeni ali preneha veljati, pogodbenic tega protokola prvi stavek tega odstavka več ne zavezuje, da osebne dohodke in prejemke, izplačane njihovim državljanom, oprostijo plačila davkov.

8. člen

1. Zaradi lažje ustanovitve, gradnje, vzdrževanja in delovanja zavezniških poveljstev so ta poveljstva, če je to izvedljivo, oproščena carin in davkov v zvezi s porabo, ki je v interesu skupne obrambe ter za njihovo službeno in izključno uporabo, vsaka pogodbenica tega protokola pa začne s katerim koli zavezniškim poveljstvom, ki deluje na njenem ozemlju, pogajanja, da bi sklenila sporazum za uveljavitev te določbe.

2. Zavezniško poveljstvo ima pravice, ki se na podlagi XI. člena sporazuma pod enakimi pogoji priznavajo sili.

3. Določbe petega in šestega odstavka XI. člena sporazuma se ne uporabljajo za državljane držav sprejemnic, razen če taki državljani pripadajo oboroženim silam pogodbenice tega protokola, ki ni država sprejemnica.

4. Izraz »carine in davki« iz tega člena ne vključuje stroškov za opravljene storitve.

9. člen

Razen če Severnoatlantski svet morda sklene drugače,

a) se premoženje, pridobljeno iz mednarodnih sredstev zavezniškega poveljstva v okviru njegovega proračuna za investicijska sredstva in ga poveljstvo več ne potrebuje, prodaja na podlagi dogovorov, ki jih odobri Severnoatlantski svet, kupnina zanj pa se med pogodbenice Severnoatlantske pogodbe razdeli ali se jim knjiži kot dobroimetje v sorazmerju z njihovimi prispevki za investicijsko vzdrževanje poveljstva. Država sprejemnica ima prednostno pravico do pridobitve nepremičnine, ki se tako prodaja na njenem ozemlju, če ponudi pogoje, ki niso manj ugodni od tistih, ki jih ponudi tretji;

b) se katero koli zemljišče, objekti ali nepremične narave, ki jih je država sprejemnica dala zavezniškemu poveljstvu v brezplačno (razen normiranih stroškov) uporabo in jih poveljstvo ne potrebuje več, vrnejo državi sprejemnici, povečanje ali izgubo vrednosti premoženja, ki ga je zagotovila država sprejemnica, izhajajočo iz uporabe premoženja za namene poveljstva, pa določi (ob upoštevanju veljavne zakonodaje države sprejemnice) Severnoatlantski svet in razdeli med pogodbenice Severnoatlantske pogodbe ali knjiži kot dobroimetje ali breme sorazmerno z njihovimi prispevki za investicijsko vzdrževanje poveljstva.

Article 10

Each Supreme Headquarters shall possess juridical personality; it shall have the capacity to conclude contracts and to acquire and dispose of property. The receiving State may, however, make the exercise of such capacity subject to special arrangements between it and the Supreme Headquarters or any subordinate Allied Headquarters acting on behalf of the Supreme Headquarters.

Article 11

1. Subject to the provisions of Article VIII of the Agreement, a Supreme Headquarters may engage in legal proceedings as claimant or defendant. However, the receiving State and the Supreme Headquarters or any subordinate Allied Headquarters authorised by it may agree that the receiving State shall act on behalf of the Supreme Headquarters in any legal proceedings to which that Headquarters is a party before the courts of the receiving State.

2. No measure of execution or measure directed to the seizure or attachment of its property or funds shall be taken against any Allied Headquarters, except for the purposes of paragraph 6 (a) of Article VII and Article XIII of the Agreement.

Article 12

1. To enable it to operate its international budget, an Allied Headquarters may hold currency of any kind and operate accounts in any currency.

2. The Parties to the present Protocol shall, at the request of an Allied Headquarters, facilitate transfers of the funds of such Headquarters from one country to another and the conversion of any currency held by an Allied Headquarters into any other currency, when necessary to meet the requirements of any Allied Headquarters.

Article 13

The archives and other official documents of an Allied Headquarters kept in premises used by those Headquarters or in the possession of any properly authorised member of the Headquarters shall be inviolable, unless the Headquarters has waived this immunity. The Headquarters shall, at the request of the receiving State and in the presence of a representative of that State, verify the nature of any documents to confirm that they are entitled to immunity under this Article.

Article 14

1. The whole or any part of the present Protocol or of the Agreement may be applied, by decision of the North Atlantic Council, to any international military Headquarters or organization (not included in the definitions in paragraphs (b) and (c) of Article 1 of this Protocol) which is established pursuant to the North Atlantic Treaty.

2. When the European Defence Community comes into being, the present Protocol may be applied to the personnel of the European Defence Forces attached to an Allied Headquarters and their dependents at such time and in such manner as may be determined by the North Atlantic Council.

Article 15

All differences between the Parties to the present Protocol or between any such Parties and any Allied Headquarters relating to the interpretation or application of the Protocol shall be settled by negotiation between the parties in dispute without recourse to any outside jurisdiction. Except where express provision is made to the contrary in the present Protocol or in the Agreement, differences which cannot be settled by direct negotiation shall be referred to the North Atlantic Council.

10. člen

Vsako vrhovno poveljstvo je pravna oseba; sposobno je sklepati pogodbe ter pridobivati in odtujevati premoženje. Vendar pa lahko država prejemnica za uresničevanje take sposobnosti zahteva, da vrhovno poveljstvo ali katero od podrejenih zavezniških poveljstev, ki delujejo v imenu vrhovnega poveljstva, z njo sklene posebne dogovore.

11. člen

1. Vrhovno poveljstvo lahko ob upoštevanju določb VI-II. člena sporazuma nastopa v pravnih postopkih kot tožnik ali toženec. Vendar pa se lahko država sprejemnica in vrhovno poveljstvo ali katero od podrejenih zavezniških poveljstev, ki ga vrhovno poveljstvo pooblasti, dogovorita, da bo država sprejemnica v katerem koli pravnem postopku, v katerem je to poveljstvo udeleženec pred sodišči države sprejemnice, delovala v imenu vrhovnega poveljstva.

2. Zoper katero koli zavezniško poveljstvo se ne sprejme noben ukrep izvršbe ali ukrep zasega ali zaplembe njegovega premoženja ali sredstev, razen ukrepov za namene pododstavka a) šestega odstavka VII. člena in XIII. člena sporazuma.

12. člen

1. Da bi lahko upravljalo svoj mednarodni proračun, ima zavezniško poveljstvo različne valute in razpolaga z računom v kateri koli valuti.

2. Pogodbenice tega protokola na prošnjo zavezniškega poveljstva olajšajo prenos njegovih sredstev iz ene države v drugo in zamenjavo katere koli valute, ki jo ima zavezniško poveljstvo, v katero koli drugo valuto, če je to nujno za zaostitev zahtev zavezniškega poveljstva.

13. člen

Arhiv in drugi uradni dokumenti katerega koli zavezniškega poveljstva, ki so v prostorih, ki jih uporablja to poveljstvo, ali jih ima pravilno pooblaščen pripadnik poveljstva, so nedotakljivi, razen če se poveljstvo ni odreklo tej imuniteti. Poveljstvo na prošnjo države sprejemnice in v navzočnosti predstavnika te države preveri naravo katerih koli dokumentov, da bi potrdilo, da so ti dokumenti upravičeni do imunitete po tem členu.

14. člen

1. Celota ali del tega protokola ali sporazuma se na podlagi sklepa Severnoatlantskega sveta lahko uporablja za katero koli mednarodno vojaško poveljstvo ali organizacijo (ki ni vključena v definicije v odstavkih b) in c) 1. člena tega protokola), ustanovljeno v skladu s Severnoatlantsko pogodbo.

2. Ob nastanku Evropske obrambne skupnosti, se ta protokol lahko uporablja za osebe evropskih obrambnih sil, razporejene v zavezniško poveljstvo, in njihove vzdrževane družinske člane, v takem času in na tak način, kot lahko določi Severnoatlantski svet.

15. člen

Vsa neskladja med pogodbenicami tega protokola ali med temi pogodbenicami in katerim koli zavezniškim poveljstvom glede razlage ali uporabe protokola, se rešujejo s pogajanjem med strankami v sporu brez uporabe kakršnekoli zunanje pristojnosti. Razen če protokol ali sporazum z izrecno določbo ne ureja drugače, se neskladja, ki jih ni mogoče rešiti z neposrednim pogajanjem, predložijo Severnoatlantskemu svetu.

Article 16

1. Articles XV and XVII to XX of the Agreement shall apply as regards the present Protocol as if they were an integral part thereof, but so that the Protocol may be reviewed, suspended, ratified, acceded to, denounced or extended in accordance with those provisions independently from the Agreement.

2. The present Protocol may be supplemented by bilateral agreement between the receiving State and a Supreme Headquarters, and the authorities of a receiving State and a Supreme Headquarters may agree to give effect, by administrative means in advance of ratification, to any provisions of this Protocol or of the Agreement as applied by it.

In witness whereof the undersigned Plenipotentiaries have signed the present Protocol.

Done in Paris this 28th day of August 1952, in the English and French languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the signatory and acceding States.

16. člen

1. XV. člen in XVII. do XX. člen sporazuma se glede tega protokola uporabljajo kot njegov sestavni del, vendar se lahko protokol kljub temu spremeni, začasno razveljavi, ratificira, k njemu se lahko pristopi, se odpove ali podaljša v skladu z določbami v omenjenih členih in neodvisno od sporazuma.

2. Ta protokol se lahko dopolni z dvostranskim sporazumom med državo sprejemnico in vrhovnim poveljstvom, organi države sprejemnice in vrhovno poveljstvo pa se lahko sporazumejo, da po upravni poti še pred ratifikacijo uveljavijo katero koli določbo tega protokola ali sporazuma, ki jo uporabljajo.

V potrditev tega so podpisani pooblaščenca podpisali ta protokol.

Sestavljeno v Parizu 28. avgusta 1952 v angleškem in francoskem jeziku, pri čemer sta besedili enako verodostojni, v enem samem izvorniku, shranjenem v arhivu Vlade Združenih držav Amerike. Vlada Združenih držav Amerike pošlje overjene izvode besedila vsem državam podpisnicam in državam, ki pristopajo.

3. člen

Za izvajanje protokola skrbi Ministrstvo za obrambo Republike Slovenije.

4. člen

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

Št. 200-10/04-34/1
Ljubljana, dne 15. julija 2004
EPA 1376-III

Predsednik
Državnega zbora
Republike Slovenije
Feri Horvat l. r.

88. Zakon o ratifikaciji Sporazuma o statusu Organizacije Severnoatlantske pogodbe, nacionalnih predstavnikov in mednarodnega osebja (MSOSP)

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

U K A Z**O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA O STATUSU ORGANIZACIJE SEVERNOATLANTSKE POGODBE, NACIONALNIH PREDSTAVNIKOV IN MEDNARODNEGA OSEBJA (MSOSP)**

Razglašam Zakon o ratifikaciji Sporazuma o statusu Organizacije Severnoatlantske pogodbe, nacionalnih predstavnikov in mednarodnega osebja (MSOSP), ki ga je sprejel Državni zbor Republike Slovenije na seji 15. julija 2004.

Št. 001-22-177/04
Ljubljana, dne 23. julija 2004

dr. Janez Drnovšek l. r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI SPORAZUMA O STATUSU ORGANIZACIJE SEVERNOATLANTSKE POGODBE, NACIONALNIH PREDSTAVNIKOV IN MEDNARODNEGA OSEBJA (MSOSP)**

1. člen

Ratificira se Sporazum o statusu Organizacije Severnoatlantske pogodbe, nacionalnih predstavnikov in mednarodnega osebja, podpisan 20. septembra 1951 v Ottawi.

2. člen

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

A G R E E M E N T**ON THE STATUS OF THE NORTH ATLANTIC TREATY ORGANISATION, NATIONAL REPRESENTATIVES AND INTERNATIONAL STAFF**

The States signatory to the present Agreement,
Considering that for the exercise of their functions and the fulfilment of their purposes it is necessary that the North Atlantic Treaty Organization, its international staff and the representatives of Member States attending meetings thereof should have the status set out hereunder,
Have agreed as follows:

Part I. – General

Article 1

In the present Agreement,

(a) 'the Organization' means the North Atlantic Treaty Organization consisting of the Council and its subsidiary bodies;

(b) 'the Council' means the Council established under Article IX of the North Atlantic Treaty and the Council Deputies;

(c) 'subsidiary bodies' means any organ, committee or service established by the Council or under its authority, except those to which, in accordance with Article 2, this Agreement does not apply;

(d) 'Chairman of the Council Deputies' includes, in his absence, the Vice-Chairman acting for him.

S P O R A Z U M**O STATUSU ORGANIZACIJE SEVERNOATLANTSKE POGODBE, NACIONALNIH PREDSTAVNIKOV IN MEDNARODNEGA OSEBJA**

Države podpisnice tega sporazuma so se ob upoštevanju, da je za opravljanje njihovih nalog in doseganje njihovih ciljev treba, da imajo Organizacija Severnoatlantske pogodbe, njeno mednarodno osebje in predstavniki držav članic, ki se udeležujejo sestankov organizacije, status, kot je določen v nadaljevanju, so se sporazumele, kot sledi:

I. del – Splošno

1. člen

V tem sporazumu:

a) »Organizacija« pomeni Organizacijo Severnoatlantske pogodbe, ki jo sestavljajo Svet in njegova dopolnilna telesa;

b) »Svet« pomeni Svet, ustanovljen na podlagi 9. člena Severnoatlantske pogodbe, in predstavnike v Svetu;

c) »dopolnilna telesa« pomenijo kateri koli organ, odbor ali službo, ki jih ustanovi Svet ali so ustanovljeni pod njegovo pristojnostjo, razen tistih za katere se ta sporazum v skladu z 2. členom ne uporablja;

d) »predsedujoči predstavnikov Sveta« pomeni v njegovi odsotnosti tudi pod predsedujočega, ki deluje v njegovem imenu.

Article 2

The present Agreement shall not apply to any military headquarters established in pursuance of the North Atlantic Treaty nor, unless the Council decides otherwise, to any other military bodies.

Article 3

The Organization and Member States shall co-operate at all times to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the immunities and privileges set out in the present Agreement. If any Member State considers that there has been an abuse of any immunity or privilege conferred by this Agreement, consultations shall be held between that State and the Organization, or between the States concerned, to determine whether any such abuse has occurred, and, if so, to attempt to ensure that no repetition occurs. Notwithstanding the foregoing or any other provisions of this Agreement, a Member State which considers that any person has abused his privilege of residence or any other privilege or immunity granted to him under this Agreement may require him to leave its territory.

Part II. – The Organization

Article 4

The Organization shall possess juridical personality; it shall have the capacity to conclude contracts, to acquire and dispose of movable and immovable property and to institute legal proceedings.

Article 5

The Organization, its property and assets, wheresoever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in any particular case the Chairman of the Council Deputies, acting on behalf of the Organization, may expressly authorize the waiver of this immunity. It is however, understood that no waiver of immunity shall extend to any measure of execution or detention of property.

Article 6

The premises of the Organization shall be inviolable. Its property and assets, wheresoever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of interference.

Article 7

The archives of the Organization and all documents belonging to it or held by it shall be inviolable, wherever located.

Article 8

1. Without being restricted by financial controls, regulations or moratoria of any kind,

(a) the Organization may hold currency of any kind and operate accounts in any currency;

(b) the Organization may freely transfer its funds from one country to another or within any country and convert any currency held by it into any other currency at the most favourable official rate of exchange for a sale or purchase as the case may be.

2. In exercising its rights under paragraph 1 above, the Organization shall pay due regard to any representations made by any Member State and shall give effect to such representations in so far as it is practicable to do so.

2. člen

Ta sporazum se ne uporablja za vojaška poveljstva, ustanovljena v skladu s Severnoatlantsko pogodbo, niti za katerekoli druge vojaške organe, razen če Svet sklene drugače.

3. člen

Organizacija in države članice ves čas sodelujejo, da olajšajo ustrezno delovanje sodstva, zagotavljajo spoštovanje policijskih predpisov in preprečujejo pojav zlorab v zvezi z imunitetami in privilegiji, določenimi v tem sporazumu. Če katera država članica meni, da je prišlo do zlorabe katere koli imunitete ali privilegija, priznanega po tem sporazumu, se ta država in organizacija posvetujeta ali pa se med seboj posvetujejo zadevne države, da se ugotovi, ali je do take zlorabe prišlo, in če je do nje prišlo, da se poskuša zagotoviti, da se ne ponovi. Ne glede na te določbe ali katerekoli druge določbe tega sporazuma lahko država članica, ki meni, da je neka oseba zlorabila svojo pravico do bivanja ali kakšen drug privilegij ali imuniteto, ki se ji priznava po tem sporazumu, zahteva, da oseba zapusti njeno ozemlje.

II. del – Organizacija

4. člen

Organizacija je pravna oseba; je sposobna sklepati pogodbe, pridobivati premično in nepremično premoženje in razpolagati z njim ter sprožati pravne postopke.

5. člen

Organizacija, njeno premoženje in sredstva ne glede na to, kje so in kdo jih ima, uživajo imuniteto pred vsako obliko pravnega postopka, razen če v posameznem primeru predsedujoči predstavnikov v Svetu, ki deluje v imenu organizacije, izrecno ne odobri odpovedi imuniteti. Razume pa se, da se nobena odpoved imuniteti ne razširi na katerekoli ukrep izvršbe ali zablembe premoženja.

6. člen

Prostori organizacije so nedotakljivi. Njeno premoženje in sredstva ne glede na to, kje so in kdo jih ima, uživajo imuniteto pred preiskavo, zasegom, zablembo, razlastitvijo ali drugo obliko posega.

7. člen

Arhivi organizacije in vsi dokumenti, ki ji pripadajo ali jih ima, so nedotakljivi, kjer koli so.

8. člen

1. Ne da bi bila omejena s finančnim nadzorom, predpisi ali moratoriji vseh vrst,

a) ima Organizacija lahko različne valute in razpolaga z računi v kateri koli valuti;

b) Organizacija lahko prosto prenaša svoja sredstva iz ene države v drugo ali v svoji državi in lahko katero koli valuto ki jo ima, po najugodnejšem prodajnem ali nakupnem tečaju zamenja v drugo valuto.

2. Pri uresničevanju svojih pravic iz prvega odstavka Organizacija pravilno upošteva navedbe, ki jih da katera koli država članica, in jih, če je to izvedljivo, uveljavi.

Article 9

The Organization, its assets, income and other property shall be exempt:

(a) from all direct taxes; the Organization will not, however, claim exemption from rates, taxes or dues which are no more than charges for public utility services;

(b) from all customs duties and quantitative restrictions on imports and exports in respect of articles imported or exported by the Organization for its official use; articles imported under such exemption shall not be disposed of, by way either of sale or gift, in the country into which they are imported except under conditions approved by the Government of that country;

(c) from all customs duties and quantitative restrictions on imports and exports in respect of its publications.

Article 10

While the Organization will not as a general rule claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless, when the Organization is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Member States will whenever possible make the appropriate administrative arrangements for the remission or return of the amount of duty or tax.

Article 11

1. No censorship shall be applied to the official correspondence and other official communications of the Organization.

2. The Organization shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

3. Nothing in this Article shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between a Member State and the Council acting on behalf of the Organization.

Part III. – Representatives of Member States

Article 12

Every person designated by a Member State as its principal permanent representative to the Organization in the territory of another Member State, and such members of his official staff resident in that territory as may be agreed between the State which has designated them and the Organization and between the Organization and the State in which they will be resident, shall enjoy the immunities and privileges accorded to diplomatic representatives and their official staff of comparable rank.

Article 13

1. Any representative of a Member State to the Council or any of its subsidiary bodies who is not covered by Article 12 shall, while present in the territory of another Member State for the discharge of his duties, enjoy the following privileges and immunities:

(a) the same immunity from personal arrest or detention as that accorded to diplomatic personnel of comparable rank;

(b) in respect of words spoken or written and of acts done by him in his official capacity, immunity from legal process;

(c) inviolability for all papers and documents;

(d) the right to use codes and to receive and send papers or correspondence by courier or in sealed bags;

9. člen

Organizacija, njena sredstva, dohodek in drugo premoženje so oproščeni:

a) vseh neposrednih davkov; vendar Organizacija ne zahteva oprostitev plačila pristojbin, davkov ali dajatev, ki niso nič drugega kot plačilo za komunalne storitve;

b) vseh carinskih dajatev in količinskih omejitev na uvoz in izvoz izdelkov, ki jih Organizacija uvozi ali izvozi za svoje službene potrebe; izdelki, uvoženi v okviru take oprostitev, se v državi, v katero so bili uvoženi, ne smejo odtujiti s prodajo ali kot darilo, razen pod pogoji, ki jih odobri vlada te države;

c) vseh carinskih dajatev in količinskih omejitev na uvoz in izvoz svojih publikacij.

10. člen

Organizacija sicer praviloma ne zahteva oprostitev trošarin in davkov na prodajo premičnega in nepremičnega premoženja, ki so del cene, ki jo je treba plačati, vendar pa članice, kadar Organizacija opravlja velike nakupe premoženja za svoje službene potrebe, za katere so bile take dajatve /ali davki obračunani ali se lahko zaračunajo, vendar pa bo država članica, kadarkoli je to mogoče, sprejela ustrezni upravni dogovor za znižanje ali vračilo zneska dajatve ali davka.

11. člen

1. Uradni dopisi in druga uradna sporočila Organizacije se ne cenzurirajo.

2. Organizacija ima pravico uporabljati šifre in pošiljati ter prejemati pisma po kurirju ali v zapečatenih diplomatskih pošiljkah, ki uživajo enake imunitete in privilegije kot diplomatski kurirji in pošiljke.

3. Nič v tem členu ne preprečuje sprejetja ustreznih varnostnih ukrepov, o katerih se sporazumno dogovorita država članica in Svet, ki deluje v imenu Organizacije.

III. del – Predstavniki držav članic

12. člen

Vsaka oseba, ki jo država članica na ozemlju druge države članice imenuje za svojega glavnega stalnega predstavnika v Organizaciji, in člani njenega službenega osebja z bivališčem na tistem ozemlju, o katerih je sklenjen dogovor med državo, ki jih je imenovala, in Organizacijo ter med Organizacijo in državo, v kateri bodo prebivali, uživajo imunitete in privilegije, ki se priznavajo diplomatskim predstavnikom in njihovemu službenemu osebju primerljivega položaja.

13. člen

1. Vsak predstavnik države članice v Svetu ali kateremkoli njegovem dopolnilnem telesu, ki ni zajet v 12. členu, uživa med navzočnostjo na ozemlju druge države članice zaradi opravljanja svojih delovnih nalog, te privilegije in imunitete:

a) enako imuniteto pred fizičnim prijetjem ali priporom, kot se priznava diplomatskemu osebju primerljivega položaja;

b) imuniteto pred sodnim postopkom za izrečene ali napisane besede ali dejanja, ki jih je storil kot uradna oseba;

c) nedotakljivost za vse listine in dokumente;

d) pravico uporabljati šifre in prejemati ter sprejemati in pošiljati listine po kurirju ali v zapečatenih torbah;

(e) the same exemption in respect of himself and his spouse from immigration restrictions, aliens registration and national service obligations as that accorded to diplomatic personnel of comparable rank;

(f) the same facilities in respect of currency or exchange restrictions as are accorded to diplomatic personnel of comparable rank;

(g) the same immunities and facilities in respect of his personal baggage as are accorded to diplomatic personnel of comparable rank;

(h) the right to import free of duty his furniture and effects at the time of first arrival to take up his post in the country in question, and, on the termination of his functions in that country, to re-export such furniture and effects free of duty, subject in either case to such conditions as the Government of the country in which the right is being exercised may deem necessary;

(i) the right to import temporarily free of duty his private motor vehicle for his own personal use and subsequently to re-export such vehicle free of duty, subject in either case to such conditions as the Government of the country concerned may deem necessary.

2. Where the Legal incidence of any form of taxation depends upon residence, a period during which a representative to whom this Article applies is present in the territory of another Member State for the discharge of his duties shall not be considered as a period of residence. In particular, he shall be exempt from taxation on his official salary and emoluments during such periods of duty.

3. In this Article 'representative' shall be deemed to include all representatives, advisers and technical experts of delegations. Each Member State shall communicate to the other Member States concerned, if they so request, the names of its representatives to whom this Article applies and the probable duration of their stay in the territories of such other Member States.

Article 14

Official clerical staff accompanying a representative of a Member State who are not covered by Articles 12 or 13 shall, while present in the territory of another Member State for the discharge of their duties, be accorded the privileges and immunities set out in paragraph 1 (b), (c), (e), (f), (h) and (i) and paragraph 2 of Article 13.

Article 15

Privileges and immunities are accorded to the representatives of Member States and their staffs not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the North Atlantic Treaty. Consequently, a Member State not only has the right but is under a duty to waive the immunity of its representatives and members of their staffs in any case where, in its opinion, the immunity would impede the course of justice and can be waived without prejudice to the purposes for which the immunity is accorded.

Article 16

The provisions of Articles 12 to 14 above shall not require any State to grant any of the privileges or immunities referred to therein to any person who is its national or to any person as its representative or as a member of the staff of such representative.

e) enako oprostitev zase in svojega zakonca glede omejitev priseljevanja, prijave na uradu za tujce in obveznosti služenja vojaškega roka, kot se priznava diplomatskemu osebju primerljivega položaja;

f) enake ugodnosti glede valutnih ali deviznih omejitev, kot se priznavajo diplomatskemu osebju primerljivega položaja;

g) enake imunitete in ugodnosti glede svoje osebne prtljage, kot se priznavajo diplomatskemu osebju primerljivega položaja;

h) pravico do brezplačnega uvoza svojega pohištva in osebne premičnega premoženja ob prvem prihodu na prevzem svoje funkcije v zadevni državi in ob prenehanju svoje funkcije v tej državi do ponovnega brezcarinskega izvoza svojega pohištva in osebne premičnega premoženja, in to v obeh primerih ob upoštevanju pogojev, ki so po mnenju vlade države, v kateri se pravica uresničuje, potrebni;

i) pravico do brezplačnega začasnega uvoza svojega zasebnega motornega vozila za osebno rabo in pozneje do brezplačnega ponovnega izvoza tega vozila, in to v obeh primerih ob upoštevanju pogojev, ki so po mnenju vlade zadevne države, potrebni.

2. Če je kakršna koli davčna obremenitev odvisna od prebivališča, se obdobje, v katerem je predstavnik, na katerega se nanaša ta člen, navzoč na ozemlju druge države članice zaradi opravljanja svojih nalog, ne šteje za obdobje prebivanja. Predvsem je med takim obdobjem opravljanja nalog oproščen plačila davkov na svojo plačo in druge prejemke.

3. Šteje se, da v tem členu izraz "predstavnik" vključuje vse predstavnike, svetovalce in strokovnjake delegacij. Vsaka država članica sporoči drugim zadevnim državam članicam, če to želijo, imena svojih predstavnikov, na katere se nanaša ta člen, in kako dolgo bodo verjetno ostali na ozemlju teh drugih držav članic.

14. člen

Administrativnemu osebju, ki spremlja predstavnika države članice in ni zajeto v 12. ali 13. členu, se med njegovo navzočnostjo na ozemlju druge države članice zaradi opravljanja nalog, priznajo privilegiji in imunitete, določene v pododstavkih b, c, e, f, h in i prvega odstavka ter drugem odstavku 13. člena.

15. člen

Privilegiji in imuniteta se predstavnikom držav članic in njihovemu osebju ne priznavajo zaradi njihovih osebnih koristi, ampak zaradi zaščite neodvisnega opravljanja njihovih nalog v zvezi s Severnoatlantsko pogodbo. Zato se država članica nima samo pravice, ampak ima tudi dolžnost, da se odpove imuniteti za svoje predstavnike in člane njihovega osebja vsakokrat, kadar meni, da bi imuniteta ovirala potek sodnega postopka in da je odpoved brez škode za namene, za katere je bila priznana.

16. člen

Določbe 12. do 14. člena zgoraj ne zahtevajo, da bi katerikoli država priznala katerikoli privilegij ali imuniteto katerikoli osebi, ki je njen državljan, ali katerikoli osebi kot svojemu predstavniku ali članu osebja tega predstavnika.

Part IV. – International Staff and Experts on Missions for the Organization

Article 17

The categories of officials of the Organization to which Articles 18 to 20 apply shall be agreed between the Chairman of the Council Deputies and each of the Member States concerned. The Chairman of the Council Deputies shall communicate to the Member States the names of the officials included in these categories.

Article 18

Officials of the Organization agreed upon under Article 17 shall:

(a) be immune from legal process in respect of words spoken or written and of acts done by them in their official capacity and within the limits of their authority;

(b) be granted, together with their spouses and members of their immediate families residing with and dependent on them, the same immunities from immigration restrictions and aliens' registration as is accorded to diplomatic personnel of comparable rank;

(c) be accorded the same facilities in respect of currency or exchange restrictions as are accorded to diplomatic personnel of comparable rank;

(d) be given, together with their spouses and members of their immediate families residing with and dependent on them, the same repatriation facilities in time of international crisis as are accorded to diplomatic personnel of comparable rank;

(e) have the right to import free of duty their furniture and effects at the time of first arrival to take up their post in the country in question, and, on the termination of their functions in that country, to re-export such furniture and effects free of duty, subject in either case to such conditions as the Government of the country in which the right is being exercised may deem necessary;

(f) have the right to import temporarily free of duty their private motor vehicles for their own personal use and subsequently to re-export such vehicles free of duty, subject in either case to such conditions as the Government of the country concerned may deem necessary.

Article 19

Officials of the Organization agreed under Article 17 shall be exempt from taxation on the salaries and emoluments paid to them by the Organization in their capacity as such officials. Any Member State may, however, conclude an arrangement with the Council acting on behalf of the Organization whereby such Member State will employ and assign to the Organization all of its nationals (except, if such Member State so desires, any not ordinarily resident within its territory) who are to serve on the international staff of the Organization and pay the salaries and emoluments of such persons from its own funds at a scale fixed by it. The salaries and emoluments so paid may be taxed by such Member State but shall be exempt from taxation by any other Member State. If such an arrangement is entered into by any Member State and is subsequently modified or terminated, Member States shall no longer be bound under the first sentence of this Article to exempt from taxation the salaries and emoluments paid to their nationals.

Article 20

In addition to the immunities and privileges specified in Articles 18 and 19, the Executive Secretary of the Organisation, the Coordinator of North Atlantic Defence Production, and such other permanent officials of similar rank as may be agreed between the Chairman of the Council Deputies and the Governments of Member States, shall be accorded the privileges and immunities normally accorded to diplomatic personnel of comparable rank.

IV. del – Mednarodno osebje in strokovnjaki v misijah organizacije

17. člen

O kategoriji uradnikov Organizacije, na katere se nanašajo člani od 18. do 20, se dogovorita med predsedujočim predstavnikov Sveta in vsaka zadevna država članica. Predsedujoči predstavnikov Sveta sporoči državam članicam imena uradnikov, ki so vključeni v te kategorije.

18. člen

Uradniki Organizacije, določeni po 17. členu:

a) uživajo imuniteto pred sodnim postopkom za izrečene ali napisane besede in dejanja, ki so jih storili kot uradne besede in v mejah svojih pooblastil;

b) uživajo skupaj s svojim zakoncem in člani svoje naj- ožje družine, ki prebivajo z njimi in so od njih odvisni, enake imunitete glede omejitev priseljevanja in prijave na uradu za tujce, kot se priznavajo diplomatskemu osebju primerljivega položaja;

c) uživajo enake ugodnosti glede valutnih ali deviznih omejitev, kot se priznavajo diplomatskemu osebju primerljivega položaja;

d) uživajo skupaj s svojim zakoncem in člani svoje naj- ožje družine, ki prebivajo z njimi in so od njih odvisni, enake ugodnosti vrnitve v matično državo ob mednarodni krizi, kot se priznavajo diplomatskemu osebju primerljivega položaja;

e) imajo pravico do brezcarinskega uvoza svojega pohištva in osebne premoženja ob prvem prihodu na prevzem svoje funkcij v zadevni državi in ob prenehanju svoje funkcije v tej državi do ponovnega brezcarinskega izvoza svojega pohištva in osebne premoženja, in to v obeh primerih ob upoštevanju pogojev, ki so po mnenju zadevne vlade države, v kateri se pravica uresničuje, potrebni;

f) imajo pravico do brezcarinskega uvoza svojih zasebnih motornih vozil za osebno rabo in pozneje do brezcarinskega ponovnega izvoza teh vozil, in to v obeh primerih ob upoštevanju pogojev, ki so po mnenju vlade zadevne države, potrebni.

19. člen

Uradniki organizacije, določeni po 17. členu, so oproščeni plačila davkov na osebne dohodke in prejemke, ki jim jih organizacija izplačuje kot svojim uradnikom. Vendar pa se vsaka država članica lahko s Svetom, ki deluje v imenu Organizacije, dogovori, da bo zaposlila in v Organizacijo razporedila vse svoje državljane (razen tistih, če država članica tako želi, ki stalno ne prebivajo na njenem ozemlju), ki bodo kot mednarodno osebje v njej službovali, in da bo takim osebam izplačevala osebne dohodke in prejemke iz svojih lastnih sredstev ter v višini, ki jo sama določi. Zadevna država članica lahko tako izplačane osebne dohodke in prejemke obdavči, ne more pa jih obdavčiti kakšna druga država članica. Če katera koli država članica sklene tak dogovor in se ta pozneje spremeni ali preneha veljati, držav članic prvi stavek tega odstavka več ne zavezuje, da morajo osebne dohodke in prejemke, ki jih izplačujejo svojim državljanom, oporiti plačila davkov.

20. člen

Poleg imunitete in privilegijev, določenih v 18. in 19. členu, se izvršnemu sekretarju Organizacije, koordinatorju severnoatlantske obrambne proizvodnje in drugim stalnim uradnikom na podobnem položaju, o katerih se lahko dogovorijo predsedujoči predstavnikov Sveta in vlade držav članic, priznajo privilegiji in imuniteta, kot se običajno priznavajo diplomatskemu osebju na podobnem položaju.

Article 21

1. Experts (other than officials coming within the scope of Articles 18 to 20) employed on missions on behalf of the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions while present in the territory of a Member State for the discharge of their duties:

(a) immunity from personal arrest or detention and from seizure of their personal baggage;

(b) in respect of words spoken or written or acts done by them in the performance of their official functions for the Organization, immunity from legal process;

(c) the same facilities in respect of currency or exchange restrictions and in respect of their personal baggage as are accorded to officials of foreign Governments on temporary official missions;

(d) inviolability for all papers and documents relating to the work on which they are engaged for the Organization.

2. The Chairman of the Council Deputies shall communicate to the Member States concerned the names of any experts to whom this Article applies.

Article 22

Privileges and immunities are granted to officials and experts in the interests of the Organization and not for the personal benefit of the individuals themselves. The Chairman of the Council Deputies shall have the right and the duty to waive the immunity of any official or expert in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization.

Article 23

The provisions of Articles 18, 20 and 21 above shall not require any State to grant any of the privileges or immunities referred to therein to any person who is its national, except:

(a) immunity from legal process in respect of words spoken or written or acts done by him in the performance of his official functions for the Organization;

(b) inviolability for all papers and documents relating to the work on which he is engaged for the Organization;

(c) facilities in respect of currency or exchange restrictions so far as necessary for the effective exercise of his functions.

Part V. – Settlement of Disputes

Article 24

The Council shall make provision for appropriate modes of settlement of:

(a) disputes arising out of contracts or other disputes of a private character to which the Organization is a party;

(b) disputes involving any official or expert of the Organization to whom Part IV of this Agreement applies who by reason of his official position enjoys immunity; if immunity has not been waived in accordance with the provisions of Article 22.

Part VI. – Supplementary Agreements

Article 25

The Council acting on behalf of the Organization may conclude with any Member State or States supplementary agreements modifying the provisions of the present Agreement, so far as that State or those States are concerned.

21. člen

1. Strokovnjakom (razen uradnikov, na katere se nanašajo 18. do 20. člen), zaposlenim na nalogah v imenu Organizacije, se, kolikor je potrebno za učinkovito izvajanje njihovih nalog, kadar so na ozemlju države članice, da bi opravljali svoje naloge, priznavajo privilegiji in imunitete:

a) imuniteta pred fizičnim prijetjem ali priporom in pred zasegom njihove osebne prtljage;

b) imuniteto pred sodnim postopkom za izrečene ali napisane besede ali za dejanja, ki so jih storili pri opravljanju svojih nalog za Organizacijo;

c) enake ugodnosti glede valutnih ali deviznih omejitev glede njihove osebne prtljage, kot se priznavajo uradnikom tujih vlad na začasnih uradnih misijah;

d) nedotakljivost za vse listine in dokumente v zvezi z delom, za katero jih je zaposlila Organizacija.

2. Predsedujoči predstavnikov Sveta sporoči zadevnim državam članicam imena strokovnjakov, za katere se uporablja ta člen.

22. člen

Privilegiji in imuniteta se uradnikom in strokovnjakom podeljujejo v interesu Organizacije in ne zaradi osebnih koristi posameznikov. Predsedujoči predstavnikov Sveta ima pravico in dolžnost, da kateremu koli uradniku ali strokovnjaku odvzame imuniteto v vsakem primeru, ko meni, da bi imuniteta ovirala potek sodnega postopka in da se lahko odvzame, ne da bi ta škodovala interesom Organizacije.

23. člen

Določbe 18., 19. in 21. člena od nobene države ne zahtevajo, da prizna privilegije ali imuniteto, ki so v teh členih navedeni, osebam, ki so njeni državljani, razen:

a) imunitete pred sodnim postopkom za izrečene ali napisane besede ali za dejanja, ki jih je storila pri opravljanju svojih nalog za Organizacijo;

b) nedotakljivosti za vse listine in dokumente, povezane z delom, za katero jo je Organizacija zaposlila;

c) ugodnosti v glede valutnih ali deviznih omejitev, če je to potrebno zaradi učinkovitega opravljanja njenih nalog.

V. del – Reševanje sporov

24. člen

Svet zagotovi ustrezne načine reševanja:

a) sporov, nastalih v zvezi s pogodbami, ali drugih zasebno pravnih sporov, pri katerih je Organizacija udeležena kot stranka;

b) sporov, v katere je vpleten kakšen uradnik ali strokovnjak Organizacije, na katerega se uporablja IV. del tega sporazuma in zaradi svojega uradnega položaja uživa imuniteto, če mu ta ni bila odvzeta v skladu z določbami 22. člena.

VI. del – Dopolnilni sporazumi

25. člen

Svet, ki deluje v imenu Organizacije, lahko s katero koli državo članico ali državami sklene dodatne sporazume, ki spreminjajo določbe tega sporazuma, če se te nanašajo na to državo ali te države.

Part VII. – Final Provisions**Article 26**

1. The present Agreement shall be open for signature by Member States of the Organization and shall be subject to ratification. Instruments of ratification shall be deposited with the Government of the United States of America, which will notify all signatory States of each such deposit.

2. As soon as six signatory States have deposited their instruments of ratification, the present Agreement shall come into force in respect of those States. It shall come into force in respect of each other signatory State on the date of the deposit of its instrument of ratification.

Article 27

The present Agreement may be denounced by any Contracting State by giving written notification of denunciation to the Government of the United States of America, which will notify all signatory States of each such notification. The denunciation shall take effect one year after the receipt of the notification by the Government of the United States of America.

In witness whereof the undersigned plenipotentiaries have signed the present Agreement.

Done in Ottawa this twentieth day of September, 1951, in French and in English, both texts being equally authoritative, in a single copy which shall be deposited in the archives of the Government of the United States of America which will transmit a certified copy to each of the signatory States.

VII. del – Končne določbe**26. člen**

1. Ta sporazum je na voljo za podpis državam članicam organizacije in ga je treba ratificirati. Listine o ratifikaciji se deponirajo pri Vladi Združenih držav Amerike, ki bo vse države podpisnice uradno obvestila o vsakem deponiranju.

2. Ko bo šest držav podpisnic deponiralo svoje listine o ratifikaciji, začne ta sporazum za te države veljati. Za vse druge države podpisnice bo začel veljati na dan deponiranja njihove listine o ratifikaciji.

27. člen

Katera koli država pogodbenica lahko ta sporazum odpove s pisnim uradnim obvestilom o odpovedi, ki ga pošlje Vladi Združenih držav Amerike, ta pa vse države podpisnice uradno obvesti o vsakem takem obvestilu. Odpoved začne veljati eno leto po tem, ko Vlada Združenih držav Amerike prejme uradno obvestilo o odpovedi.

V potrditev tega so podpisani pooblaščenici podpisali ta sporazum.

Sestavljeno v Ottawi dvajsetega septembra 1951 v francoskem in angleškem jeziku, pri čemer sta besedili enako verodostojni, v enem samem izvodu, ki se hrani v arhivu Vlade Združenih držav Amerike, ki bo overjen izvod poslala vsaki državi podpisnici.

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za zunanje zadeve Republike Slovenije.

4. člen

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

Št. 200-10/04-38/1
Ljubljana, dne 15. julija 2004
EPA 1402-III

Predsednik
Državnega zbora
Republike Slovenije
Feri Horvat l. r.

89. Zakon o ratifikaciji Sporazuma o statusu misij in predstavnikov tretjih držav pri Organizaciji Severnoatlantske pogodbe (MSMPTD)

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

U K A Z**O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA O STATUSU MISIJ IN PREDSTAVNIKOV TRETJIH DRŽAV PRI ORGANIZACIJI SEVERNOATLANTSKE POGODBE (MSMPTD)**

Razlašam Zakon o ratifikaciji Sporazuma o statusu misij in predstavnikov tretjih držav pri Organizaciji Severnoatlantske pogodbe (MSMPTD), ki ga je sprejel Državni zbor Republike Slovenije na seji 15. julija 2004.

Št. 001-22-176/04
Ljubljana, dne 23. julija 2004

dr. Janez Drnovšek l. r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI SPORAZUMA O STATUSU MISIJ IN PREDSTAVNIKOV TRETJIH DRŽAV PRI ORGANIZACIJI SEVERNOATLANTSKE POGODBE (MSMPTD)**

1. člen

Ratificira se Sporazum o statusu misij in predstavnikov tretjih držav pri Organizaciji Severnoatlantske pogodbe, podpisan 14. septembra 1994 v Bruslju.

2. člen

Sporazum se v izvorniku v angleškem jeziku in prevodu v slovenski jezik glasi:

A G R E E M E N T**ON THE STATUS OF MISSIONS AND REPRESENTATIVES OF THIRD STATES TO THE NORTH ATLANTIC TREATY ORGANIZATION**

Considering the Declaration on Peace and Cooperation issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Rome on 7th and 8th November 1991 calling for the establishment of a North Atlantic Cooperation Council and the North Atlantic Cooperation Council Statement on Dialogue, Partnership and Cooperation of 20th December 1991;

Noting the Partnership for Peace invitation issued and signed by the Heads of State and Government of the member States of the North Atlantic Treaty Organization at the meeting of the North Atlantic Council in Brussels on 10th January 1994;

Recognizing the need to determine the status of the missions and representatives of third States to the Organization;

Considering that the purpose of immunities and privileges contained in the present Agreement is not to benefit individuals but to ensure the efficient performance of their function in connection with the Organization;

The Parties to the present Agreement have agreed as follows:

Article 1

For the purpose of the present Agreement:

"Organization" means: The North Atlantic Treaty Organization;

"Member State" means: A State Party to the North Atlantic Treaty done in Washington on 4th April 1949;

S P O R A Z U M**O STATUSU MISIJ IN PREDSTAVNIKOV TRETJIH DRŽAV PRI ORGANIZACIJI SEVERNOATLANTSKE POGODBE**

Ob upoštevanju Deklaracije o miru in sodelovanju, ki so jo sprejeli voditelji držav in vlad, ki so sodelovali na sestanku Severnoatlantskega sveta v Rimu 7. in 8. novembra 1991, in poziva k ustanovitvi Sveta za severnoatlantsko sodelovanje, in Izjave Sveta za severnoatlantsko sodelovanje o dialogu, partnerstvu in sodelovanju z dne 20. decembra 1991;

po seznanitvi s povabilom za Partnerstvo za mir, ki so ga izdali in podpisali voditelji držav in vlad držav članic Organizacije Severnoatlantske pogodbe na sestanku Severnoatlantskega sveta v Bruslju 10. januarja 1994;

ob zavedanju, da je treba določiti status misij in predstavnikov tretjih držav pri organizaciji;

ob upoštevanju, da ni namen imunitet in privilegijev iz tega sporazuma, da bi posamezniki imeli od njih koristi, ampak zagotoviti, da bi učinkovito opravljali svoje naloge, povezane z organizacijo;

so pogodbenice tega sporazuma sklenile:

1. člen

V tem sporazumu

»organizacija« pomeni Organizacijo Severnoatlantske pogodbe;

»država članica« pomeni državo pogodbenico Severnoatlantske pogodbe, sklenjene v Washingtonu 4. aprila 1949;

"Third State" means: A State which is not a Party to the North Atlantic Treaty done in Washington on 4th April 1949, and which has accepted the invitation to the Partnership for Peace and subscribed to the Partnership for Peace Framework Document, is a member State of the North Atlantic Co-operation Council or is any other State invited by the North Atlantic Council to establish a Mission to the Organization.

Article 2

(a) The member State in whose territory the Organization has its headquarters shall accord to the missions of third States to the Organization and the members of their Staff the immunities and privileges accorded to diplomatic missions and their staff;

(b) In addition, the member State in whose territory the Organization has its headquarters shall accord the customary immunities and privileges to the representatives of third States, on temporary mission, who are not covered by paragraph (a) of the present Article, while present in its territory for the purpose of ensuring the representation of third States in relation to the proceedings of the Organization.

Article 3

(a) The present Agreement shall be open for signature by member States and shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Kingdom of Belgium which shall notify all signatory States of the deposit of each such instrument;

(b) As soon as two or more signatory States, including the member State in whose territory the Organization has its headquarters, have deposited their instruments of ratification, acceptance or approval, the present Agreement shall come into force in respect of those States. It shall come into force in respect of each other signatory State on the date of the deposit of its instrument.

Article 4

(a) The present Agreement may be denounced by any contracting State by giving written notification of denunciation of the Government of the Kingdom of Belgium which shall notify all signatory States of each such notification;

(b) The denunciation shall take effect one year after the receipt of the notification by the Government of the Kingdom of Belgium.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed the present Agreement of which the English and French texts are equally authentic.

Done in Brussels, this 14th Day of September 1994.

»tretja država« pomeni državo, ki ni pogodbenica Severnoatlantske pogodbe, sklenjene v Washingtonu 4. aprila 1949, a je sprejela povabilo v Partnerstvo za mir in podpisala Okvirni dokument Partnerstva za mir, državo članico Sveta za Severnoatlantsko sodelovanje ali kako drugo državo, ki jo je Severnoatlantski svet povabil, naj pri organizaciji ustanovi misijo.

2. člen

a) Država članica, na katere ozemlju ima organizacija svoje poveljstvo, podeli misijam tretjih držav pri organizaciji in članom njihovega osebja imunitete in privilegije, podeljene diplomatskim misijam in njihovemu osebju.

b) Poleg tega država članica, na katere ozemlju ima organizacija svoje poveljstvo, podeli običajne imunitete in privilegije začasno poslanim predstavnikom tretjih držav, za katere ne velja odstavek a) tega člena, za čas, ko so navzoči na njenem ozemlju, da bi zastopali tretje države v zvezi s postopki organizacije.

3. člen

a) Ta sporazum je na voljo za podpis državam članicam in ga je treba ratificirati, sprejeti ali odobriti. Listine o ratifikaciji, sprejetju ali odobritvi se deponirajo pri Vladi Kraljevine Belgije, ki vse države podpisnice obvesti o deponiranju vsake take listine.

b) Takoj ko dve ali več držav podpisnic, med njimi tudi tista država članica, na katere ozemlju ima organizacija svoje poveljstvo, deponirajo svoje listine o ratifikaciji, sprejetju ali odobritvi, ta sporazum začne veljati za te države. Za vsako drugo državo podpisnico začne veljati na dan deponiranja njene listine.

4. člen

a) Ta sporazum lahko vsaka država pogodbenica odpove s pisnim uradnim obvestilom o odpovedi, poslanim Vladi Kraljevine Belgije, ki o vsakem takem uradnem obvestilu obvesti vse države podpisnice.

b) Odpoved začne veljati eno leto po tem, ko Vlada Kraljevine Belgije prejme uradno obvestilo.

V potrditev tega so podpisani, ki so jih za to pravilno pooblastile njihove vlade, podpisali ta sporazum, katerega angleško in francosko besedilo sta enako verodostojni.

Sestavljeno v Bruslju 14. septembra 1994.

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za zunanje zadeve Republike Slovenije.

4. člen

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

Št. 200-10/04-37/1

Ljubljana, dne 15. julija 2004.

EPA 1401-III

Predsednik
Državnega zbora
Republike Slovenije
Feri Horvat l. r.

90. Zakon o ratifikaciji Sporazuma o vzajemnem varovanju tajnosti izumov, ki so povezani z obrambo in za katere so bile vložene patentne prijave (MSVVTI)

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

U K A Z**O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA O VZAJEMNEM VAROVANJU TAJNOSTI IZUMOV, KI SO POVEZANI Z OBRAMBO IN ZA KATERE SO BILE VLOŽENE PATENTNE PRIJAVE (MSVVTI)**

Razglašam Zakon o ratifikaciji Sporazuma o vzajemnem varovanju tajnosti izumov, ki so povezani z obrambo in za katere so bile vložene patentne prijave (MSVVTI), ki ga je sprejel Državni zbor Republike Slovenije na seji 15. julija 2004.

Št. 001-22-169/04
Ljubljana, dne 23. julija 2004

dr. Janez Drnovšek l. r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI SPORAZUMA O VZAJEMNEM VAROVANJU TAJNOSTI IZUMOV, KI SO POVEZANI Z OBRAMBO IN ZA KATERE SO BILE VLOŽENE PATENTNE PRIJAVE (MSVVTI)**

1. člen

Ratificira se Sporazum o vzajemnem varovanju tajnosti izumov, ki so povezani z obrambo in za katere so bile vložene patentne prijave, sestavljen 21. septembra 1960 v Parizu.

2. člen

Sporazum se v izvorniku v angleškem jeziku in prevodu v slovenski jezik glasi:

A G R E E M E N T**FOR THE MUTUAL SAFEGUARDING OF
SECURITY OF INVENTIONS RELATING TO
DEFENCE AND FOR WHICH APPLICATIONS FOR
PATENTS HAVE BEEN MADE**

The Governments of Belgium, Canada, Denmark, France, the Federal Republic of Germany, Greece, Italy, Luxembourg, The Netherlands, Norway, Portugal, Turkey, The United Kingdom and The United States of America,

Parties to the North Atlantic Treaty signed in Washington on 4th April, 1949;

desirous of encouraging economic collaboration between any or all of their Governments, as agreed in Article 2 of the Treaty,

mindful of the undertaking they have entered into under the terms of Article 3, to maintain and develop, by means of continuous and effective self-help, their individual and collective capacity to resist armed attack;

considering that the imposition of secrecy on an invention relating to defence in one of the North Atlantic Treaty Organization countries has generally as its corollary, when a patent has been applied for, or granted, the prohibition to apply for a patent for the same invention in other countries, including North Atlantic Treaty Organization countries;

considering that the territorial limitation resulting from this prohibition may cause prejudice to the applicants for patents and consequently adversely affect economic collaboration between North Atlantic Treaty Organization countries;

considering that mutual assistance makes desirable reciprocal communication of inventions relating to defence and that in some cases such communication may be obstructed by this prohibition;

S P O R A Z U M**O VZAJEMNEM VAROVANJU TAJNOSTI IZUMOV,
KI SO POVEZANI Z OBRAMBO IN ZA KATERE
SO BILE VLOŽENE PATENTNE PRIJAVE**

Vlade Belgije, Kanade, Danske, Francije, Zvezne republike Nemčije, Grčije, Italije, Luksemburga, Nizozemske, Norveške, Portugalske, Turčije, Združenega kraljestva in Združenih držav Amerike,

ki so pogodbenice Severnoatlantske pogodbe, podpisane v Washingtonu 4. aprila 1949 so se

v želji okrepiti gospodarsko sodelovanje med katerimi koli oziroma vsemi njihovimi vladami, kot je to dogovorjeno v 2. členu pogodbe;

zavedajoč se naloge, ki so jo prevzele v skladu z določbami 3. člena, da z nenehno in učinkovito samopomočjo vzdržujejo in razvijajo svojo individualno in kolektivno sposobnost upreti se oboroženemu napadu;

ob upoštevanju, da ima naložitev varovanja tajnosti za izum, povezan z obrambo, v eni od držav Organizacije Severnoatlantske pogodbe za posledico, če je bil patent prijavljen ali podeljen, prepoved prijave patenta za isti izum v drugih državah, vključno z državami Organizacije Severnoatlantske pogodbe;

ob upoštevanju, da lahko ozemeljske omejitve, ki izhajajo iz te prepovedi, povzročajo škodo prijaviteljem patentov in lahko zato poslabšajo gospodarsko sodelovanje med državami Organizacije Severnoatlantske pogodbe;

ob upoštevanju, da je zaradi vzajemne pomoči zaželeno medsebojno obveščanje o izumih, povezanih z obrambo in da lahko v nekaterih primerih omenjena prepoved ovira tako obveščanje;

considering that if the Government origination the prohibition is prepared to authorise the filing of an application for a patent in one or more of the other North Atlantic Treaty Organization countries, provided that the Governments of these countries also impose secrecy on the invention, the latter should not be free to refuse to impose secrecy;

considering that provision has been made between the Governments of the Parties to the North Atlantic Treaty for the mutual protection and safeguarding of the classified information they may interchange;

Have agreed as follows:

Article I

The Government Parties to this Agreement shall safeguard and cause to be safeguarded the secrecy of inventions for which applications for patents have been received under agreed procedures whenever the secrecy has been imposed on such inventions in the interests of national defence by the Government, hereinafter referred to as the "origination Government", which was the first to receive an application for a patent covering these inventions.

Provided that this provision shall not prejudice the right of the originating Government to prohibit the filing of an application for a patent for the invention with one or more of the other Governments Parties to this Agreement.

The Governments Parties to this Agreement agree to develop such operational procedures as may be required to effectuate this Article.

Article II

The provisions of Article I shall be applied at the request either of the originating Government, or of the applicant for the patent, provided that latter produces evidence that secrecy has been imposed by the originating Government and that he has received authorisation from that Government to file this application for a secret patent in the country in question.

Article III

The Government called upon to safeguard the secrecy of an invention under the terms of Article I shall be entitled to demand from the applicant for the patent a waiver of any claim to compensation for loss or damage due solely to the imposition of secrecy on the invention as a condition prerequisite to the application of such safeguard.

Article IV

The secrecy measures imposed under Article I shall be removed only on the request of the originating Government. This Government shall give the other Governments concerned six weeks' notice of its intention to remove its own measures.

The originating Government shall take into account as far as possible, having due regard to the security of the North Atlantic Treaty Organization, the representations made by other Governments within the said six weeks' period.

Article V

This Agreement shall not prevent the signatory Governments from entering into bilateral agreements for the same purpose. Existing bilateral agreements shall remain unaffected.

Article VI

The instruments of ratification or approval of this Agreement shall be deposited as soon as possible with the government of the United States of America which will inform each signatory government of the date of deposit of each instrument.

ob upoštevanju, da vlade držav Organizacije Severnoatlantske pogodbe ne smejo imeti pravice zavrniti naložitev varovanja tajnosti, če je vlada, od katere omenjena prepoved izvira, pripravljena odobriti vložitev patentne prijave v eni ali več drugih omenjenih državah, če prav tako naložijo varovanje tajnosti izuma;

ob upoštevanju, da so vlade pogodbenic Severnoatlantske pogodbe poskrbele za vzajemno varovanje in zaščito tajnih podatkov, ki si jih lahko izmenjujejo

dogovorile o naslednjem:

I. člen

Vlade, ki so pogodbenice tega sporazuma, varujejo tajnost izumov in poskrbijo za varovanje tajnosti izumov, za katere so bile vložene patentne prijave v skladu z dogovorjenimi postopki, kadar koli je vlada, ki je prva prejela patentno prijavo za izume, v nadaljevanju izvorna vlada, naložila varovanje tajnosti takih izumov zaradi interesov državne obrambe.

Ta določba ne omejuje pravice izvorne vlade, da prepove vložitev patentne prijave za izum pri eni ali več drugih vladah pogodbenicah tega sporazuma.

Vlade pogodbenice tega sporazuma se strinjajo, da razvijejo take operativne postopke, ki so potrebni za uresničevanje tega člena.

II. člen

Določbe I. člena se uporabljajo na zahtevo izvorne vlade ali prijavitelja patenta, če ta predloži dokaz, da je izvorna vlada naložila varovanje tajnosti in je od te vlade prejel odobritev, da vloži svojo prijavo tajnega patenta v ustrezni državi.

III. člen

Vlada, od katere se zahteva, da varuje tajnost izuma v skladu z določbami I. člena, ima kot pogoj za izvajanje takšnega varovanja pravico zahtevati, da se prijavitelj patenta odreče vsakršnemu odškodninskemu zahtevku zaradi izgube ali škode, ki je izključna posledica naložitve varovanja tajnosti izuma.

IV. člen

Ukrepi varovanja tajnosti, naloženi v skladu I. členom, se odpravijo le na zahtevo izvorne vlade. Ta vlada šest tednov pred odpravo svojih ukrepov druge zadevne vlade obvesti o svojem namenu.

Ob upoštevanju varnosti Organizacije Severnoatlantske pogodbe izvorna vlada v omenjenem šesttedenskem obdobju, če je to mogoče, upošteva stališča drugih vlad.

V. člen

Ta sporazum ne preprečuje vladam podpisnicam, da zaradi istega namena sklenejo dvostranske sporazume. Obstoječi dvostranski sporazumi ostanejo nespremenjeni.

VI. člen

Listine o ratifikaciji ali odobritvi tega sporazuma se v najkrajšem možnem času deponirajo pri Vladi Združenih držav Amerike, ki vlade podpisnice obvesti o datumu deponiranja vsake listine.

This Agreement shall enter into force 30 days after deposit by two signatory Parties of their instruments of ratification or approval. It shall enter into force for each of the other signatory Parties 30 days after the deposit of its instrument of ratification or approval.

Article VII

This Agreement may be denounced by any contracting Party by written notice of denunciation given to the Government of the United States of America which will inform all the other signatory Parties of such notice. Denunciation shall take effect one year after receipt of notification by the Government of the United States of America but shall not affect obligations already contracted and the rights or prerogatives previously acquired by the signatory Parties under the provisions of this Agreement.

In witness whereof the undersigned Representatives duly authorised thereto, have signed this Agreement.

Done in PARIS this 21st day of September 1960 in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the United States of America which will transmit a duly certified copy to the Governments of the other signatory Parties.

Ta sporazum začne veljati 30 dni po tem, ko dve podpisnici deponirata svojo listino o ratifikaciji ali odobritvi. Za vsako drugo podpisnico začne veljati 30 dni po deponiranju njene listine o ratifikaciji ali odobritvi.

VII. člen

Ta sporazum lahko vsaka njegova pogodbenica odpove s pisnim obvestilom o odpovedi, ki ga pošlje Vladi Združenih držav Amerike, ta pa o tem obvesti vse druge podpisnice. Odpoved začne veljati eno leto potem, ko Vlada Združenih držav Amerike prejme ustrezno obvestilo, vendar ne vpliva na že sprejete obveznosti in pravice ali posebne pravice, ki so si jih predtem pridobile podpisnice v skladu z določbami tega sporazuma.

V potrditev tega so podpisani predstavniki, ki so bili za to pravilno pooblaščen, podpisali ta sporazum.

Sestavljeno v PARIZU 21. septembra 1960 v angleškem in francoskem jeziku, pri čemer sta besedili enako verodostojni, v enem samem izvorniku, shranjenem v arhivu Vlade Združenih držav Amerike, ki bo vladam drugih podpisnic poslala pravilno overjeno kopijo.

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za obrambo.

4. člen

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

Št. 200-08/04-3/1
Ljubljana, dne 15. julija 2004
EPA 1377-III

Predsednik
Državnega zbora
Republike Slovenije
Feri Horvat l. r.

91. Zakon o ratifikaciji Sporazuma NATO o sporočanju tehničnih informacij za obrambne namene (MSTION)

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

U K A Z**O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA NATO O SPOROČANJU TEHNIČNIH INFORMACIJ ZA OBRAMBNE NAMENE (MSTION)**

Razglašam Zakon o ratifikaciji Sporazuma NATO o sporočanju tehničnih informacij za obrambne namene (MSTION), ki ga je sprejel Državni zbor Republike Slovenije na seji 15. julija 2004.

Št. 001-22-174/04
Ljubljana, dne 23. julija 2004

dr. Janez Drnovšek l. r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI SPORAZUMA NATO O SPOROČANJU TEHNIČNIH INFORMACIJ ZA OBRAMBNE NAMENE (MSTION)**

1. člen

Ratificira se Sporazum NATO o sporočanju tehničnih informacij za obrambne namene, podpisan 19. oktobra 1970 v Bruslju.

2. člen

Sporazum se v izvorniku v angleškem jeziku in prevodu v slovenski jezik glasi:

**N A T O A G R E E M E N T
O N T H E C O M M U N I C A T I O N O F T E C H N I C A L
I N F O R M A T I O N F O R D E F E N C E P U R P O S E S**

The Governments of Belgium, Canada, Denmark, France, the Federal Republic of Germany, Greece, Italy, Luxembourg, the Netherlands, Norway, Portugal, Turkey, the United Kingdom and the United States of America;

Parties to the North Atlantic Treaty signed in Washington on 4th April, 1949;

Considering that Article III of the North Atlantic Treaty provides that the Parties will maintain and develop their individual and collective capacity to resist armed attack by means of self-help and mutual assistance;

Considering that such capacity could be developed inter alia by the communication among Governments Parties and NATO Organizations of proprietary technical information to assist in defence research, development and production of military equipment and material;

Considering that rights of owners of proprietary technical information thus communicated should be recognised and protected;

Have agreed on the following provisions:

ARTICLE I

For the purpose of this Agreement:

(a) the term "for defence purposes" means for strengthening the individual or collective defence capabilities of the Parties to the North Atlantic Treaty either under national, bilateral or multilateral programmes, or in the implementation of NATO research, development, production or logistics projects;

**S P O R A Z U M N A T O
O S P O R O Č A N J U T E H N I Č N I H I N F O R M A C I J
Z A O B R A M B N E N A M E N E**

Vlade Belgije, Kanade, Danske, Francije, Zvezne republike Nemčije, Grčije, Italije, Luksemburga, Nizozemske, Norveške, Portugalske, Turčije, Združenega kraljestva in Združenih držav Amerike,

Pogodbenice Severnoatlantske pogodbe, podpisane v Washingtonu 4. aprila 1949, so se

ob upoštevanju, da III. člen Severnoatlantske pogodbe določa, da bodo pogodbenice s samopomočjo in vzajemno podporo vzdrževale in razvijale svojo individualno in kolektivno sposobnost upreti se oboroženemu napadu;

ob upoštevanju, da bi bilo mogoče tako sposobnost razvijati med drugim tako, da si vlade pogodbenice in Natove organizacije med seboj sporočajo lastniške tehnične informacije, s katerimi si pomagajo pri obrambnih raziskavah, razvoju in proizvodnji vojaške opreme in materiala;

ob upoštevanju, da je treba pravice lastnikov lastniških tehničnih informacij, ki se s tem namenom sporočajo, priznati in zaščititi;

sporazumele o teh določbah:

I. člen

V tem sporazumu

a) izraz "za obrambne namene" pomeni za namene krepitve individualnih in kolektivnih obrambnih sposobnosti pogodbenic Severnoatlantske pogodbe bodisi v sklopu nacionalnih, dvostranskih ali večstranskih programov bodisi pri izvajanju Natovih raziskovalnih, razvojnih, proizvodnih ali logističnih projektov;

(b) the term "proprietary technical information" means information which is technical in character, sufficiently explicit for use and has utility in industry, and which is known only to the owner and persons in privity with him and therefore not available to the public. Proprietary technical information may include, for example, inventions, drawing, know-how and data;

(c) the term "NATO Organization" means the North Atlantic Council and any subsidiary civilian or military body, including International Military Headquarters, to which apply the provisions of either the Agreement on the Status of the North Atlantic Treaty Organization, National Representatives and International Staff signed in Ottawa on the 20th of September, 1951, or the Protocol on the Status of International Military Headquarters set up pursuant to the North Atlantic Treaty, signed in Paris on the 28th of August, 1952;

(d) the term "Government or Organization of Origin" means the Government Party to this Agreement or NATO Organization first communicating technical information as being proprietary;

(e) the term "Recipient" means any Government Party to this Agreement or any NATO Organization receiving technical information communicated as proprietary either directly by the Government or Organization of Origin or through another Recipient;

(f) the term "disclosure in confidence" means disclosure of technical information to a limited number of persons who undertake not to disclose the information further except under the conditions specified by the Government or Organization of Origin;

(g) the term "unauthorised disclosure" refers to any communication of proprietary technical information which is not in accordance with the conditions under which it was communicated to the Recipient;

(h) the term "unauthorised use" refers to any use of proprietary technical information made without prior authorisation or not in accordance with the conditions under which it was communicated to a Recipient.

ARTICLE II

A. When for defence purposes, technical information is communicated by a Government or Organization of Origin, to one or more Recipients as proprietary technical information, each Recipient shall, subject to the provisions of paragraph B of this Article, be responsible for safeguarding this information as proprietary technical information which has been disclosed in confidence. The Recipient shall treat this technical information in accordance with any conditions imposed and take appropriate steps compatible with these conditions to prevent this information from being communicated to anyone, published or used without authorisation or treated in any other manner likely to cause damage to the owner. If a Recipient should desire to have the imposed conditions modified, this Recipient shall, unless otherwise agreed, address any request to this effect to the Government or Organization of Origin from which the proprietary technical information was received.

b) izraz "lastniške tehnične informacije" pomeni informacije, ki so tehnične narave, dovolj jasne za uporabo, uporabne v industriji in znane samo lastniku in osebam, ki so z njim v zaupnih odnosih, ter zato nedostopne javnosti. Lastniške tehnične informacije lahko obsegajo na primer izume, risbe, praktično strokovno znanje in podatke;

c) izraz "Natova organizacija" pomeni Severnoatlantski svet in kateri koli podrejeni civilni ali vojaški organ, vključno z mednarodnim vojaškim poveljstvom, za katerega se nanašajo določbe bodisi Sporazume o statusu Organizacije Severnoatlantske pogodbe, nacionalnih predstavnikov in mednarodnega osebja, podpisanega v Ottawi 20. septembra 1951, ali Protokol o statusu mednarodnega vojaškega poveljstva, ustanovljenega v skladu s Severnoatlantsko pogodbo, podpisanega v Parizu 28. avgusta 1952;

d) izraz "vlada ali organizacija izvora" pomeni vlado pogodbenico tega sporazuma ali Natovo organizacijo, ki prva sporoči tehnične informacije kot lastniške;

e) izraz "prejemnica" pomeni katero koli vlado pogodbenico tega sporazuma ali katero koli Natovo organizacijo, ki prejme tehnične informacije, ki se sporočajo kot lastniške, bodisi neposredno od vlade ali organizacije izvora ali pa prek druge prejemnice;

f) izraz "zaupno razkritje" pomeni razkritje tehničnih informacij omejenemu številu oseb, ki se zavežejo, da informacij ne bodo razkrile nikomur drugemu, razen pod pogoji, ki jih določi vlada ali organizacija izvora;

g) izraz "neodobreno razkritje" se nanaša na katero koli sporočanje lastniških tehničnih informacij, ki ni v skladu s pogoji, pod katerimi se sporočajo prejemnici;

h) izraz "neodobrena uporaba" se nanaša na katero koli uporabo lastniških tehničnih informacij, ki se izvaja brez poprejšnje odobritve ali se ne izvaja v skladu s pogoji, pod katerimi so bile informacije sporočajo prejemnici.

II. člen

A. Če vlada ali organizacija izvora sporoča tehnične informacije za obrambne namene eni ali več prejemnicam kot lastniške tehnične informacije, je vsaka prejemnica v skladu z določbami odstavka B tega člena odgovorna za varovanje teh informacij kot lastniških tehničnih informacij, ki so bile razkrite zaupno. Prejemnica s temi tehničnimi informacijami ravna v skladu z vsemi predpisanimi pogoji in sprejme ustrezne ukrepe, združljive s temi pogoji, da prepreči, da bi se te informacije komur koli sporočale, objavljale ali uporabljale brez odobritve ali da bi se z njimi ravnalo na kateri koli drug način, ki bi lastniku lahko povzročil škodo. Če prejemnica želi, da se predpisani pogoji spremenijo, ta prejemnica, če ni dogovorjeno drugače, zahtevo za njihovo spremembo naslovi na vlado ali organizacijo izvora, od katere so bile lastniške tehnične informacije prejete.

B. If a Recipient ascertains that any part of the technical information communicated to it as proprietary technical information was, at the time of the communication, already in its possession or available to it, or was then or at any time becomes available to the public, the Recipient shall, so far as security requirements permit, notify the Government or Organization of Origin of that fact as soon as possible and if necessary make any appropriate arrangements with the latter for continuation of confidence, for maintenance of defence security and for return of documents.

C. Nothing in this Agreement shall be considered as limiting any defence available to a Recipient in any disagreement resulting from any communication of technical information.

ARTICLE III

A. If the owner of proprietary technical information which has been communicated for defence purposes suffers damage through unauthorised disclosure or use of the information by a Recipient or anyone to whom this Recipient has disclosed the information, this Recipient shall compensate the owner:

when it is a government in conformity with the national law of this Recipient;

when it is a NATO Organization, unless otherwise agreed by the parties concerned, in conformity with the law of the country in which the Headquarters of this organization is located.

Such compensation shall be made either directly to the owner or to the Government or Organization of Origin if the latter itself compensates the owner, in the latter case, the amount to be paid by the Recipient will not be affected by the amount of compensation paid by the Government or Organization of Origin, unless otherwise agreed.

B. Recipients and the Government or Organization of Origin, so far as their security requirements permit, shall furnish each other with any evidence and information available and accord other appropriate assistance to determine damage and compensation.

C. At the request of a Government Party to this Agreement or a NATO Organization concerned, an Advisory Committee composed solely of representatives of the Governments and NATO Organizations involved in the transaction may be created to investigate and examine evidence and report to the parties concerned on the origin, nature and scope of any damage. This Committee may request the Secretary General of the North Atlantic Treaty Organization to designate a member of the international Staff to be member of the Committee as an observer or as a representative of the Secretary General.

D. Nothing in this Article shall impair any rights that the injured owner may have against any Government or NATO Organization.

ARTICLE IV

The Governments Parties to this Agreement shall develop within the North Atlantic Council procedures for the implementation of this Agreement. In particular these Procedures shall contain provisions governing:

(a) the communication, receipt and use of proprietary technical information under this Agreement;

(b) the participation of NATO Organizations in the communication, receipt and use of proprietary technical information;

B. Če prejemnica ugotovi, da je bil kateri koli del tehničnih informacij, ki so ji bile sporočene kot lastniške tehnične informacije, ob času sporočitve že v njeni posesti ali ji bil dostopen ali pa je bil takrat dostopen javnosti ali ji kadar koli postane dostopen, tedaj prejemnica, kadar varnostne zahteve to dopuščajo, o tem čim prej uradno obvesti vlado ali organizacijo izvora in po potrebi z njo sklene vse ustrezne dogovore o nadaljevanju zaupnega obravnavanja, vzdrževanju obrambne varnosti varovanja in vračilu dokumentov.

C. Nič v tem sporazumu se ne sme razlagati kot omejevanje kakršne koli obrambe, ki je na voljo prejemnici pri kakršnem koli sporu, nastalem zaradi kakršnega koli sporočanja tehničnih informacij.

III. člen

A. Če lastnik lastniških tehničnih informacij, sporočenih za obrambne namene, utrpi škodo, ker prejemnica ali kdor koli, ki mu je prejemnica te informacije razkrila, brez odobritve razkrije ali uporabi te informacije, tedaj ta prejemnica plača odškodnino lastniku:

če gre za vlado: v skladu z notranjo zakonodajo te prejemnice;

če gre za Natovo organizacijo: v skladu z zakonodajo države, v kateri je sedež organizacije, če se vpleteni strani ne dogovorita drugače.

Taka odškodnina se izplača bodisi neposredno lastniku bodisi vladi ali organizaciji izvora, če ta sama izplača odškodnino lastniku. V tem primeru znesek odškodnine, ki ga plača vlada ali organizacija izvora, ne vpliva na znesek, ki ga mora plačati prejemnica, če ni dogovorjeno drugače.

B. Če to dopuščajo njihove varnostne zahteve, vsaka od prejemnic in vlada ali organizacija izvora druga drugi dostavi vse dostopne dokaze in informacije ter ustrezno pomagata, da se določi škoda in odškodnina.

C. Na zahtevo vlade pogodbenice tega sporazuma ali Natove organizacije, ki jo to zadeva, se lahko ustanovi svetovni odbor, sestavljen izključno iz predstavnikov vpletenih vlad in Natovih organizacij, da razišče in pregleda dokaze ter poroča stranem, ki jih to zadeva, o izvoru, naravi in obsegu kakršne koli škode. Ta odbor lahko zahteva, da generalni sekretar Organizacije Severnoatlantske pogodbe imenuje člana Mednarodnega sekretariata za člana odbora kot opazovalca ali kot predstavnika generalnega sekretarja.

D. Nič v tem členu ne vpliva na pravice, ki jih morebiti ima oškodovani lastnik do katere koli vlade ali Natove organizacije.

IV. člen

Vlade pogodbenice tega sporazuma v okviru Severnoatlantskega sveta oblikujejo postopke za izvajanje tega sporazuma. Ti postopki zlasti vsebujejo določbe, ki urejajo:

a) sporočanje, prejetje in uporabo lastniških tehničnih informacij v skladu s tem sporazumom;

b) udeležbo Natovih organizacij pri sporočanju, prejetju in uporabi lastniških tehničnih informacij;

(c) the creation and operation of the Advisory Committee provided for in Article III.C. above;

(d) requests for changes of conditions imposed proprietary technical information, as envisaged by Article II.A. above.

ARTICLE V

1. Nothing in this Agreement shall be interpreted as affecting security commitments between or amongst Governments Parties to this Agreement.

2. Each Recipient shall accord to all proprietary technical information made available to it under the terms of this Agreement at least the same degree of security as that technical information has been accorded by the Government or Organization of Origin.

ARTICLE VI

1. Nothing in this Agreement shall prevent the Governments Parties from continuing existing agreements or entering into new agreements among themselves for this same purpose.

2. Nothing in this Agreement shall be interpreted as affecting the provisions of the NATO Agreement for the Mutual Safeguarding of Secrecy of Inventions relating to Defence and for which Applications for Patents have been made, signed in Paris on the 21st of September 1960.

ARTICLE VII

Nothing in this Agreement shall apply to the communication or use of technical information relating to atomic energy.

ARTICLE VIII

A. The instruments of ratification or approval of this Agreement shall be deposited as soon as possible with the Government of the United States of America which will inform each signatory Government and the NATO Secretary General of the date of deposit of each instrument.

This Agreement shall enter into force 30 days after deposit by two signatory Parties of their instruments of ratification or approval. It shall enter into force for each of the other signatory Parties 30 days after the deposit of its instruments of ratification or approval.

B. The North Atlantic Council will fix the date on which the present Agreement will begin or will cease to apply to NATO Organizations.

ARTICLE IX

Any Party may cease to be a party to this Agreement one year after its notice of denunciation has been given to the Government of the United States of America, which will inform the other signatory Governments and the Secretary General of the North Atlantic Treaty Organization of the deposit of each notice of denunciation. Denunciation shall not, however, effect obligations already contracted and the rights or prerogatives previously acquired by Parties under the provisions of this Agreement.

In witness whereof the undersigned representatives duly authorised thereto, have signed this Agreement.

c) ustanovitev in delovanje Svetovalnega odbora, ki ga določa odstavek C III. člena;

d) zahteve za spremembo pogojev, ki so predpisani za lastniške tehnične informacije, kot jih navaja odstavek A II. člena.

V. člen

1. Nič v tem sporazumu se ne sme razlagati, kot da vpliva na varnostne zaveze, ki veljajo med vladami pogodbenicami tega sporazuma.

2. Vsaka prejemnica določi vsem lastniškim tehničnim informacijam, ki jih dobi na razpolago v skladu s tem sporazumom, najmanj tisto stopnjo zaupnosti, ki jo je za te tehnične informacije določila vlada ali organizacija izvora.

VI. člen

1. Nič v tem sporazumu ne preprečuje vladam pogodbenicam, da med seboj ohranijo obstoječe sporazume za isti namen ali da sklenejo nove.

2. Nič v tem sporazumu se ne sme razlagati, kot da vpliva na določbe Natovega Sporazuma o vzajemnem varovanju tajnosti izumov, ki so povezani z obrambo in za katere so bile vložene patentne prijave, podpisane v Parizu 21. septembra 1960.

VII. člen

Nič v tem sporazumu se ne nanaša na sporočanje ali uporabo tehničnih informacij, povezanih z jedrsko energijo.

VIII. člen

A. Listine o ratifikaciji ali odobritvi tega sporazuma se čim prej deponirajo pri Vladi Združenih držav Amerike, ki obvesti vsako vlado podpisnico in generalnega sekretarja Nata o datumu deponiranja vsake listine.

Ta sporazum začne veljati 30 dni po tem, ko dve podpisnici deponirata svoji listini o ratifikaciji ali odobritvi. Za vsako drugo podpisnico začne veljati 30 dni po deponiranju njene listine o ratifikaciji ali odobritvi.

B. Severnoatlantski svet določi datum, ko se ta sporazum začne ali preneha uporabljati za Natove organizacije.

IX. člen

Vsaka pogodbenica lahko preneha biti pogodbenica tega sporazuma eno leto po obvestilu o odpovedi Vladi Združenih držav Amerike, ki obvesti druge vlade podpisnice in generalnega sekretarja Organizacije Severnoatlantske pogodbe o deponiranju vsakega obvestila o odpovedi. Vendar pa odpoved ne vpliva na že sprejete obveznosti in na pravice ali posebne pravice, ki so si jih pred tem pridobile pogodbenice v skladu z določbami tega sporazuma.

V potrditev tega so podpisani predstavniki, ki so bili za to pravilno pooblašeni, podpisali ta sporazum.

Done in Brussels this 19th day of October 1970 in English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the United States of America, which will transmit a duly certified copy to the other signatory Governments and to the Secretary General of the North Atlantic Treaty Organization.

Sestavljeno v Bruslju 19. oktobra 1970 v angleškem in francoskem jeziku, pri čemer sta obe besedili enako verodostojni, v enem izvorniku, shranjenem v arhivu Vlade Združenih držav Amerike, ki pošlje overjeno kopijo vsaki vladi podpisnici in generalnemu sekretarju Organizacije Severnoatlantske pogodbe.

For the Kingdom of Belgium:	A. de STAERCKE	Za Kraljevino Belgijo:	A. De STAERCKE
For Canada:	Ross CAMPBELL	Za Kanado:	Ross CAMPBELL
For the Kingdom of Denmark:	H. HJORTH-NIELSEN	Za Kraljevino Dansko:	H. HJORTH-NIELSEN
For France:	F. De TRICORNOT DE ROSE	Za Francijo:	F. De TRICORNOT DE ROSE "Pristop Francije k temu sporazumu se nikakor ne sme razlagati kot spreminjanje mnenja, ki ga ima ta država o sestavljeni vojaški organizaciji Atlantskega zavezništva in je razloženo v aide-mémoireu francoske vlade z dne 8. in 10. marca 1966 ter naslovljeno na štirinajst drugih članic Zavezništva."
For the Federal Republic of Germany:	W. G. GREWE	Za Zvezno republiko Nemčijo:	W. G. GREWE
For the Kingdom of Greece:	Ph. ANNINO CAVALIERATO	Za Kraljevino Grčijo:	Ph. ANNINO CAVALIERATO
For Italy:	Carlo de FERRARIIS SALZANO	Za Italijo:	Carlo de FERRARIIS SALZANO
For the Grand Duchy of Luxembourg:	Lambert SCHAUS	Za Veliko vojvodstvo Luksemburg:	Lambert SCHAUS
For the Kingdom of the Netherlands:	H. N. BOON	Za Kraljevino Nizozemsko:	H. N. BOON
For the Kingdom of Norway:	Hakon Wexelsen FREIHOW	Za Kraljevino Norveško:	Hakon Wexelsen FREIHOW
For Portugal:	Albano NOGUEIRA	Za Portugalsko:	Albano NOGUEIRA
For Turkey:	Nuri BIRGI	Za Turčijo:	Nuri BIRGI
For the United Kingdom of Great Britain and Northern Ireland:	Bernard BURROWS	Za Združeno kraljestvo Velika Britanija in Severna Irska:	Bernard BURROWS
For the United States of America:	Robert ELLSWORTH	Za Združene države Amerike:	Robert ELLSWORTH

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za obrambo Republike Slovenije.

4. člen

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

Št. 200-10/04-36/1
Ljubljana, dne 15. julija 2004
EPA 1396-III

Predsednik
Državnega zbora
Republike Slovenije
Feri Horvat l. r.

92. Zakon o ratifikaciji Sporazuma med pogodbenicami Severnoatlantske pogodbe o varnosti podatkov (MSPSPV)

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

U K A Z**O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA MED POGODBENICAMI SEVERNOATLANTSKE POGODBE O VARNOSTI PODATKOV (MSPSPV)**

Razglašam Zakon o ratifikaciji Sporazuma med pogodbenicami Severnoatlantske pogodbe o varnosti podatkov (MSPSPV), ki ga je sprejel Državni zbor Republike Slovenije na seji 15. julija 2004.

Št. 001-22-172/04
Ljubljana, dne 23. julija 2004

dr. Janez Drnovšek l. r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI SPORAZUMA MED POGODBENICAMI SEVERNOATLANTSKE POGODBE O VARNOSTI PODATKOV (MSPSPV)**

1. člen

Ratificira se Sporazum med pogodbenicami Severnoatlantske pogodbe o varnosti podatkov, podpisan 6. marca 1997 v Bruslju.

2. člen

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

A G R E E M E N T**BETWEEN THE PARTIES TO THE NORTH ATLANTIC TREATY FOR THE SECURITY OF INFORMATION**

The Parties to the North Atlantic Treaty, signed at Washington on 4th April, 1949;

Reaffirming that effective political consultation, cooperation and planning for defence in achieving the objectives of the Treaty entail the exchange of classified information among the Parties;

Considering that provisions between the Governments of the Parties to the North Atlantic Treaty for the mutual protection and safeguarding of the classified information they may interchange are necessary;

Realising that a general framework for security standards and procedures is required;

Acting on their own behalf and on behalf of the North Atlantic Treaty Organization, have agreed as follows:

ARTICLE 1

The Parties shall:

(i) protect and safeguard:

(a) classified information (see Annex I), marked as such, which is originated by NATO (see Annex II) or which is submitted to NATO by a member state;

(b) classified information, marked as such, of the member states submitted to another member state in support of a NATO programme, project, or contract,

(ii) maintain the security classification of information as defined under (i) above and make every effort to safeguard it accordingly;

(iii) not use classified information as defined under (i) above for purposes other than those laid down in the North Atlantic Treaty and the decisions and resolutions pertaining to that Treaty;

S P O R A Z U M**MED POGODBENICAMI SEVERNOATLANTSKE POGODBE O VARNOSTI PODATKOV**

Pogodbenice Severnoatlantske pogodbe, podpisane 4. aprila 1949 v Washingtonu,

ponovno potrjujejo, da učinkovito politično posvetovanje, sodelovanje in obrambno načrtovanje za uresničevanje ciljev pogodbe vključujejo izmenjavo tajnih podatkov med pogodbenicami;

menijo, da so določbe med vladami pogodbenic Severnoatlantske pogodbe o vzajemni zaščiti in varovanju tajnih podatkov, ki jih izmenjavajo, nujne;

se zavedajo, da je potreben splošen okvir za varnostne standarde in postopke,

in so se v svojem imenu in v imenu Organizacije Severnoatlantske pogodbe sporazumele:

1. člen

Pogodbenice:

i) ščitijo in varujejo:

a) tajne podatke (glej aneks I) Nata (glej aneks II), označene kot take, ali tiste, ki jih Natu predloži država članica;

b) tajne podatke, označene kot take, ki jih države članice predložijo drugi državi članici v podporo programu, projektu ali pogodbi Nata;

ii) ohranjajo stopnjo tajnosti podatkov, kot so opredeljeni pod točko i), in storijo vse potrebno, da jih stopnji tajnosti primerno varujejo;

iii) ne uporabljajo tajnih podatkov, kot so opredeljeni pod točko i), v druge namene kot tiste, ki so določeni v Severnoatlantski pogodbi, sklepkih in resolucijah, ki se nanašajo na to pogodbo;

(iv) not disclose such information as defined under (i) above to non-NATO Parties without the consent of the originator.

ARTICLE 2

Pursuant to Article 1 of this Agreement, the Parties shall ensure the establishment of a National Security Authority for NATO activities which shall implement protective security measures. The Parties shall establish and implement security standards which shall ensure a common degree of protection for classified information.

ARTICLE 3

(1) The Parties shall ensure that all persons of their respective nationality who, in the conduct of their official duties, require or may have access to information classified CONFIDENTIAL and above are appropriately cleared before they take up their duties.

(2) Security clearance procedures shall be designed to determine whether an individual can, taking into account his or her loyalty and trustworthiness, have access to classified information without constituting an unacceptable risk to security.

(3) Upon request, each of the Parties shall cooperate with the other Parties in carrying out their respective security clearance procedures.

ARTICLE 4

The Secretary General shall ensure that the relevant provisions of this Agreement are applied by NATO (see Annex III).

ARTICLE 5

The present Agreement in no way prevents the Parties from making other Agreements relating to the exchange of classified information originated by them and not affecting the scope of the present Agreement.

ARTICLE 6

(a) This Agreement shall be open for signature by the Parties to the North Atlantic Treaty and shall be subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Government of the United States of America;

(b) This Agreement shall enter into force thirty days after the date of deposit by two signatory States of their instruments of ratification, acceptance or approval. It shall enter into force for each other signatory State thirty days after the deposit of its instrument of ratification, acceptance or approval.

(c) This Agreement shall with respect to the Parties for which it entered into force supersede the "Security Agreement by the Parties to the North Atlantic Treaty Organization" approved by the North Atlantic Council in Annex A (paragraph 1) to Appendix to Enclosure to D.C. 2/7, on 19th April, 1952, and subsequently incorporated in Enclosure "A" (paragraph 1) to C-M(55)15(Final), approved by the North Atlantic Council on 2nd March, 1955.

ARTICLE 7

This Agreement shall remain open for accession by any new Party to the North Atlantic Treaty, in accordance with its own constitutional procedures. Its instrument of accession shall be deposited with the government of the United States of America. It shall enter into force in respect of each acceding State thirty days after the day of the deposit of its instrument of accession.

iv) ne razkrivajo v točki i) opredeljenih podatkov stranem, ki niso članice Nata, brez soglasja lastnika podatkov.

2. člen

Pogodbenice v skladu s 1. členom tega sporazuma zagotovijo, da se ustanovi nacionalni varnostni organ za dejavnosti Nata, ki izvaja zaščitne varnostne ukrepe. Pogodbenice vzpostavijo in izvajajo varnostne standarde, ki zagotavljajo skupno raven varovanja tajnih podatkov.

3. člen

1) Pogodbenice zagotovijo, da se vse osebe, ki imajo državljanstvo katere od njih in pri opravljanju svojih uradnih dolžnosti morajo imeti ali lahko imajo dostop do tajnih podatkov stopnje ZAUPNO in višje, pred prevzemom dolžnosti ustrezno preverijo.

2) Namen postopkov varnostnega preverjanja je ugotoviti, ali lahko ima oseba ob upoštevanju njene lojalnosti in zanesljivosti dostop do tajnih podatkov, ne da bi to pomenilo nesprejemljivo varnostno tveganje.

3) Na zaposilo vsaka pogodbenica sodeluje z drugimi pogodbenicami pri izvajanju njihovih postopkov varnostnega preverjanja.

4. člen

Generalni sekretar zagotovi, da Nato izvaja določbe tega sporazuma (glej aneks III).

5. člen

Ta sporazum ne preprečuje pogodbenicam, da sklepajo druge sporazume, ki se nanašajo na izmenjavo tajnih podatkov pogodbenic in ne vplivajo na obseg uporabe tega sporazuma.

6. člen

(a) Ta sporazum je na voljo za podpis pogodbenicam Severnoatlantske pogodbe in mora biti ratificiran, sprejet ali odobren. Listine o ratifikaciji, sprejetju ali odobritvi se deponirajo pri Vladi Združenih držav Amerike.

(b) Ta sporazum začne veljati trideset dni po tem, ko dve državi podpisnici deponirata svoji listini o ratifikaciji, sprejetju ali odobritvi. Za vsako drugo državo podpisnico začne veljati trideset dni po deponiranju njene listine o ratifikaciji, sprejetju ali odobritvi.

(c) Za pogodbenice, za katere je že začel veljati, ta sporazum nadomesti Varnostni sporazum pogodbenic Organizacije Severnoatlantske pogodbe, ki ga je Severnoatlantski svet odobril v aneksu A (prvi odstavek) dodatka k prilogi k D. C. 2/7 z dne 19. aprila 1952 in je bil nato vključen v prilogo A (prvi odstavek) k C-M(55)15(Final), ki jo je Severnoatlantski svet odobril 2. marca 1955.

7. člen

Ta sporazum je na voljo za pristop kateri koli novi pogodbenici Severnoatlantske pogodbe v skladu z njenimi notranjepravnimi postopki. Njena listina o pristopu se deponira pri Vladi Združenih držav Amerike. Za vsako državo pristopnico začne veljati trideset dni po tem, ko je deponirala svojo listino o pristopu.

ARTICLE 8

The Government of the United States of America shall inform the Governments of the other Parties of the deposit of each instrument of ratification, acceptance, approval or accession.

ARTICLE 9

This Agreement may be denounced by written notice of denunciation by any Party given to the depository which shall inform all the other Parties of such notice. Such denunciation shall take effect one year after receipt of notification by the depository, but shall not affect obligations already contracted and the rights or prerogatives previously acquired by the Parties under the provision of this Agreement.

ANNEX I

This Annex forms an integral part of the Agreement.

NATO classified information is defined as follows:

(a) information means knowledge that can be communicated in any form;

(b) classified information means information or material determined to require protection against unauthorized disclosure which has been so designated by security classification;

(c) the word "material" includes documents and also any item of machinery or equipment or weapons either manufactured or in the process of manufacture;

(d) the word "document" means any recorded information regardless of its physical form or characteristics, including, without limitation, written or printed matter, data processing cards and tapes, maps, charts, photographs, paintings, drawings, engravings, sketches, working notes and papers, carbon copies and ink ribbons, or reproductions by any means or process, and sound, voice, magnetic or electronic or optical or video recordings in any form, and portable ADP equipment with resident computer storage media, and removable computer storage media.

ANNEX II

This Annex forms an integral part of the Agreement.

For the purposes of the present Agreement, the term "NATO" denotes the North Atlantic Treaty Organization and the bodies governed either by the Agreement on the status of the North Atlantic Treaty Organization, National Representatives and International Staff, signed in Ottawa on 20th September, 1951 or by the Protocol on the status of International Military Headquarters set up pursuant to the North Atlantic Treaty, signed in Paris on 28th August, 1952.

ANNEX III

This Annex forms an integral part of the Agreement.

Consultation takes place with military commanders in order to respect their prerogatives.

In witness whereof the undersigned, duly authorized to this effect by their respective Governments, have signed this Agreement.

8. člen

Vlada Združenih držav Amerike obvesti vlade drugih pogodbenic o deponiranju vsake listine o ratifikaciji, sprejetju, odobritvi ali pristopu.

9. člen

Ta sporazum lahko odpove vsaka pogodbenica s pisnim obvestilom o odpovedi, poslanim depozitarju, ki o takem obvestilu obvesti vse druge pogodbenice. Taka odpoved začne veljati eno leto po tem, ko depozitar prejme uradno obvestilo, vendar pa ne vpliva na obveznosti, ki so že bile sprejete, in na pravice ali posebne pravice, ki so jih pogodbenice predhodno pridobile po določbah tega sporazuma.

ANEKS I

Ta aneks je sestavni del sporazuma.

Tajni podatki Nata se opredelijo tako:

a) podatki pomenijo vedenje, ki se lahko sporoča v kakršni koli obliki;

b) tajni podatki pomenijo podatke ali sredstva, za katere je določeno, da morajo biti zavarovani pred nepooblaščenim razkritjem in so bili določeni s stopnjo tajnosti;

c) izraz sredstvo pomeni dokumente in vsak del strojev ali opreme ali orožja, ki je že bil izdelan ali je v postopku izdelave;

d) izraz dokument pomeni vsak zapisan podatek ne glede na njegovo obliko ali značilnosti, vključno s pisnim ali natisnjenim gradivom, karticami ali trakovi za obdelavo podatkov, zemljevidi, kartami, fotografijami, slikami, risbami, grafikami, skicami, delovnimi zapisi, kopijami in pisalnimi trakovi ali reprodukcijami s sredstvi ali postopki ter zvočnimi, glasovnimi, magnetnimi, elektronskimi, optičnimi ali videoposnetki v kakršni koli obliki ter prenosno opremo za avtomatsko obdelavo podatkov z vgrajenimi računalniškimi sredstvi za shranjevanje podatkov in odstranljivimi računalniškimi sredstvi za shranjevanje podatkov.

ANEKS II

Ta aneks je sestavni del sporazuma.

V tem sporazumu izraz Nato pomeni Organizacijo Severnoatlantske pogodbe in telesa, katerih delovanje ureja Sporazum o statusu Organizacije Severnoatlantske pogodbe, nacionalnih predstavnikov in mednarodnega osebja, podpisan 20. septembra 1951 v Ottawi, ali Protokol o statusu mednarodnega vojaškega poveljstva, ustanovljenega v skladu s Severnoatlantsko pogodbo, podpisan 28. avgusta 1952 v Parizu.

ANEKS III

Ta aneks je sestavni del sporazuma.

Posvetovanje poteka z vojaškimi poveljniki, da bi bile spoštovane njihove posebne pravice.

Da bi to potrdili, so podpisniki, ki so jih za to pravilno pooblastile njihove vlade, podpisali ta sporazum.

Done in Brussels, this 6th day of March, 1997 in a single copy in the English and French languages, each text being equally authoritative, which shall be deposited in the archives of the Government of the United States of America and of which certified copies shall be transmitted by that Government to each of the other signatories.

Sestavljeno v Bruslju 6. marca 1997 v enem izvodu v angleškem in francoskem jeziku, pri čemer sta obe besedili enako veljavni; hrani se v arhivu Vlade Združenih držav Amerike, ki overjene kopije pošlje vsem podpisnicam.

3. člen

Za izvajanje Sporazuma skrbi nacionalni varnostni organ.

4. člen

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

Št. 040-05/04-5/1

Ljubljana, dne 15. julija 2004

EPA 1386-III

Predsednik
Državnega zbora
Republike Slovenije
Feri Horvat l. r.

VSEBINA

86.	Zakon o ratifikaciji Sporazuma med pogodbenicami Severnoatlantske pogodbe o statusu njihovih sil (MSPSPS)	4569
87.	Zakon o ratifikaciji Protokola o statusu mednarodnega vojaškega poveljstva, ustanovljenega v skladu s Severnoatlantsko pogodbo (MPSMVP)	4582
88.	Zakon o ratifikaciji Sporazuma o statusu Organizacije Severnoatlantske pogodbe, nacionalnih predstavnikov in mednarodnega osebja (MSOSP)	4588
89.	Zakon o ratifikaciji Sporazuma o statusu misij in predstavnikov tretjih držav pri Organizaciji Severnoatlantske pogodbe (MSMPTD)	4595
90.	Zakon o ratifikaciji Sporazuma o vzajemnem varovanju tajnosti izumov, ki so povezani z obrambo in za katere so bile vložene patentne prijave (MSVVTI)	4597
91.	Zakon o ratifikaciji Sporazuma NATO o sporočanju tehničnih informacij za obrambne namene (MSTION)	4600
92.	Zakon o ratifikaciji Sporazuma med pogodbenicami Severnoatlantske pogodbe o varnosti podatkov (MSPSPV)	4605

