Uradni list Republike Slovenije Mednarodne pogodbe

Internet: http://www.uradni-list.si e-pošta: info@uradni-list.si

Št. 1 (Uradni list RS, št. 15) Ljubljana, četrtek 17. 2. 2005 ISSN 1318-0932 Leto XV

1. Zakon o ratifikaciji Pogodbe o Ustavi za Evropo s Sklepno listino (MPUE)

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

U K A Z
O RAZGLASITVI ZAKONA O RATIFIKACIJI POGODBE O USTAVI ZA EVROPO S SKLEPNO LISTINO (MPUE)

Razglašam Zakon o ratifikaciji Pogodbe o Ustavi za Evropo s Sklepno listino (MPUE), ki ga je sprejel Državni zbor Republike Slovenije na seji 1. februarja 2005.

Št. 001-22-4/05
Ljubljana, 9. februarja 2005

dr. Janez Drnovšek l. r.
Predsednik
Republike Slovenije

ZAKON
O RATIFIKACIJI POGODBE O USTAVI ZA EVROPO S SKLEPNO LISTINO (MPUE)

1. člen

Ratificira se Pogodba o Ustavi za Evropo s Sklepno listino, podpisana 29. oktobra 2004 v Rimu.

2. člen

Pogodba o Ustavi za Evropo s Sklepno listino se v izvirniku v slovenskem in angleškem jeziku glasi[1]:

[1] Besedilo pogodbe v češkem, danskem, estonskem, finskem, francoskem, grškem, irskem, italijanskem, latvijskem, litvanskem, madžarskem, malteškem, nemškem, nizozemskem, poljskem, portugalskem, slovaškem, španskem in švedskem jeziku je na vpogled v Sektorju za mednarodno pravo Ministrstva za zunanje zadeve Republike Slovenije.

TRATADO POR EL QUE SE ESTABLECE UNA CONSTITUCIÓN PARA EUROPA

SMLOUVA O ÚSTAVĚ PRO EVROPU

TRAKTAT OM EN FORFATNING FOR EUROPA

VERTRAG ÜBER EINE VERFASSUNG FÜR EUROPA

EUROOPA PÕHISEADUSE LEPING

ΣΥΝΘΗΚΗ ΓΙΑ ΤΗ ΘΕΣΠΙΣΗ ΣΥΝΤΑΓΜΑΤΟΣ ΤΗΣ ΕΥΡΩΠΗΣ

TREATY ESTABLISHING A CONSTITUTION FOR EUROPE

TRAITÉ ÉTABLISSANT UNE CONSTITUTION POUR L'EUROPE

CONRADH A BHUNAÍONN BUNREACHT DON EORAIP

TRATTATO CHE ADOTTA UNA COSTITUZIONE PER L'EUROPA

LĪGUMS PAR EIROPAS KONSTITŪCIJU

SUTARTIS DĖL KONSTITUCIJOS EUROPAI

SZERZŐDÉS EURÓPAI ALKOTMÁNY LÉTREHOZÁSÁRÓL

TRATTAT LI JISTABBILIXXI KOSTITUZZJONI GĦALL-EWROPA

VERDRAG TOT VASTSTELLING VAN EEN GRONDWET VOOR EUROPA

TRAKTAT USTANAWIAJĄCY KONSTYTUCJĘ DLA EUROPY

TRATADO QUE ESTABELECE UMA CONSTITUIÇÃO PARA A EUROPA

ZMLUVA O ÚSTAVE PRE EURÓPU

POGODBA O USTAVI ZA EVROPO

SOPIMUS EUROOPAN PERUSTUSLAISTA

FÖRDRAG OM UPPRÄTTANDE AV EN KONSTITUTION FÖR EUROPA

VSEBINA

PREAMBULA

I. DEL

I. NASLOV **OPREDELITEV IN CILJI UNIJE**
II. NASLOV **TEMELJNE PRAVICE IN DRŽAVLJANSTVO UNIJE**
III. NASLOV **PRISTOJNOSTI UNIJE**
IV. NASLOV **INSTITUCIJE IN ORGANI UNIJE**
I. POGLAVJE ***INSTITUCIONALNI OKVIR***
II. POGLAVJE ***DRUGE INSTITUCIJE IN POSVETOVALNI ORGANI UNIJE***
V. NASLOV **IZVAJANJE PRISTOJNOSTI UNIJE**
I. POGLAVJE ***SKUPNE DOLOČBE***
II. POGLAVJE ***POSEBNE DOLOČBE***
III. POGLAVJE ***OKREPLJENO SODELOVANJE***
VI. NASLOV **DEMOKRATIČNO ŽIVLJENJE UNIJE**
VII. NASLOV **FINANCE UNIJE**
VIII. NASLOV **UNIJA IN NJENO NEPOSREDNO SOSEDSTVO**
IX. NASLOV **ČLANSTVO UNIJE**

II. DEL: LISTINA UNIJE O TEMELJNIH PRAVICAH

PREAMBULA

I. NASLOV **DOSTOJANSTVO**
II. NASLOV **SVOBOŠČINE**
III. NASLOV **ENAKOST**
IV. NASLOV **SOLIDARNOST**
V. NASLOV **PRAVICE DRŽAVLJANOV**
VI. NASLOV **SODNO VARSTVO**
VII. NASLOV **SPLOŠNE DOLOČBE O RAZLAGI IN UPORABI LISTINE**

III. DEL: POLITIKE IN DELOVANJE UNIJE

I. NASLOV **SPLOŠNE DOLOČBE**
II. NASLOV **NEDISKRIMINACIJA IN DRŽAVLJANSTVO**
III. NASLOV **NOTRANJE POLITIKE IN UKREPI**
I. POGLAVJE ***NOTRANJI TRG***
1. ODDELEK VZPOSTAVITEV IN DELOVANJE NOTRANJEGA TRGA
2. ODDELEK PROSTI PRETOK OSEB IN STORITEV
1. pododdelek **Delavci**
2. pododdelek **Svoboda ustanavljanja**
3. pododdelek **Svoboda opravljanja storitev**

TABLE OF CONTENTS

PREAMBLE

PART I

TITLE I **DEFINITION AND OBJECTIVES OF THE UNION**
TITLE II **FUNDAMENTAL RIGHTS AND CITIZENSHIP OF THE UNION**
TITLE III **UNION COMPETENCES**
TITLE IV **THE UNION'S INSTITUTIONS AND BODIES**
CHAPTER I ***THE INSTITUTIONAL FRAMEWORK***
CHAPTER II ***THE OTHER UNION INSTITUTIONS AND ADVISORY BODIES***
TITLE V **EXERCISE OF UNION COMPETENCE**
CHAPTER I ***COMMON PROVISIONS***
CHAPTER II ***SPECIFIC PROVISIONS***
CHAPTER III ***ENHANCED COOPERATION***
TITLE VI **THE DEMOCRATIC LIFE OF THE UNION**
TITLE VII **THE UNION'S FINANCES**
TITLE VIII **THE UNION AND ITS NEIGHBOURS**
TITLE IX **UNION MEMBERSHIP**

PART II: THE CHARTER OF FUNDAMENTAL RIGHTS OF THE UNION

PREAMBLE

TITLE I **DIGNITY**
TITLE II **FREEDOMS**
TITLE III **EQUALITY**
TITLE IV **SOLIDARITY**
TITLE V **CITIZENS' RIGHTS**
TITLE VI **JUSTICE**
TITLE VII **GENERAL PROVISIONS GOVERNING THE INTERPRETATION AND APPLICATION OF THE CHARTER**

PART III: THE POLICIES AND FUNCTIONING OF THE UNION

TITLE I **PROVISIONS OF GENERAL APPLICATION**
TITLE II **NON-DISCRIMINATION AND CITIZENSHIP**
TITLE III **INTERNAL POLICIES AND ACTION**
CHAPTER I ***INTERNAL MARKET***
SECTION 1 ESTABLISHMENT AND FUNCTIONING OF THE INTERNAL MARKET
SECTION 2 FREE MOVEMENT OF PERSONS AND SERVICES
Subsection 1 **Workers**
Subsection 2 **Freedom of establishment**
Subsection 3 **Freedom to provide services**

3. ODDELEK PROSTI PRETOK BLAGA	SECTION 3 FREE MOVEMENT OF GOODS
1. pododdelek **Carinska unija**	Subsection 1 **Customs Union**
2. pododdelek **Carinsko sodelovanje**	Subsection 2 **Customs cooperation**
3. pododdelek **Prepoved količinskih omejitev**	Subsection 3 **Prohibition of quantitative restrictions**
4. ODDELEK KAPITAL IN PLAČILA	SECTION 4 CAPITAL AND PAYMENTS
5. ODDELEK PRAVILA O KONKURENCI	SECTION 5 RULES ON COMPETITION
1. pododdelek **Pravila za podjetja**	Subsection 1 **Rules applying to undertakings**
2. pododdelek **Državne pomoči**	Subsection 2 **Aids granted by Member States**
6. ODDELEK DOLOČBE O DAVKIH	SECTION 6 FISCAL PROVISIONS
7. ODDELEK SKUPNE DOLOČBE	SECTION 7 COMMON PROVISIONS
II. POGLAVJE ***EKONOMSKA IN DENARNA POLITIKA***	CHAPTER II ***ECONOMIC AND MONETARY POLICY***
1. ODDELEK EKONOMSKA POLITIKA	SECTION 1 ECONOMIC POLICY
2. ODDELEK DENARNA POLITIKA	SECTION 2 MONETARY POLICY
3. ODDELEK INSTITUCIONALNE DOLOČBE	SECTION 3 INSTITUTIONAL PROVISIONS
4. ODDELEK POSEBNE DOLOČBE ZA DRŽAVE ČLANICE, KATERIH VALUTA JE EURO	SECTION 4 PROVISIONS SPECIFIC TO MEMBER STATES WHOSE CURRENCY IS THE EURO
5. ODDELEK PREHODNE DOLOČBE	SECTION 5 TRANSITIONAL PROVISIONS
III. POGLAVJE ***POLITIKE NA DRUGIH PODROČJIH***	CHAPTER III ***POLICIES IN OTHER AREAS***
1. ODDELEK ZAPOSLOVANJE	SECTION 1 EMPLOYMENT
2. ODDELEK SOCIALNA POLITIKA	SECTION 2 SOCIAL POLICY
3. ODDELEK EKONOMSKA, SOCIALNA IN TERITORIALNA POVEZANOST	SECTION 3 ECONOMIC, SOCIAL AND TERRITORIAL COHESION
4. ODDELEK KMETIJSTVO IN RIBIŠTVO	SECTION 4 AGRICULTURE AND FISHERIES
5. ODDELEK OKOLJE	SECTION 5 ENVIRONMENT
6. ODDELEK VARSTVO POTROŠNIKOV	SECTION 6 CONSUMER PROTECTION
7. ODDELEK PROMET	SECTION 7 TRANSPORT
8. ODDELEK VSEEVROPSKA OMREŽJA	SECTION 8 TRANS-EUROPEAN NETWORKS
9. ODDELEK RAZISKAVE IN TEHNOLOŠKI RAZVOJ TER VESOLJE	SECTION 9 RESEARCH AND TECHNOLOGICAL DEVELOPMENT, AND SPACE
10. ODDELEK ENERGETIKA	SECTION 10 ENERGY
IV. POGLAVJE ***OBMOČJE SVOBODE, VARNOSTI IN PRAVICE***	CHAPTER IV ***AREA OF FREEDOM, SECURITY AND JUSTICE***
1. ODDELEK SPLOŠNE DOLOČBE	SECTION 1 GENERAL PROVISIONS
2. ODDELEK POLITIKA GLEDE MEJNE KONTROLE, AZILA IN PRISELJEVANJA	SECTION 2 POLICIES ON BORDER CHECKS, ASYLUM AND IMMIGRATION
3. ODDELEK PRAVOSODNO SODELOVANJE V CIVILNIH ZADEVAH	SECTION 3 JUDICIAL COOPERATION IN CIVIL MATTERS
4. ODDELEK PRAVOSODNO SODELOVANJE V KAZENSKIH ZADEVAH	SECTION 4 JUDICIAL COOPERATION IN CRIMINAL MATTERS
5. ODDELEK POLICIJSKO SODELOVANJE	SECTION 5 POLICE COOPERATION
V. POGLAVJE ***PODROČJA, KJER UNIJA LAHKO SPREJME USKLAJEVALNE, DOPOLNILNE ALI PODPORNE UKREPE***	CHAPTER V ***AREAS WHERE THE UNION MAY TAKE SUPPORTING, COORDINATING OR COMPLEMENTARY ACTION***
1. ODDELEK JAVNO ZDRAVJE	SECTION 1 PUBLIC HEALTH
2. ODDELEK INDUSTRIJA	SECTION 2 INDUSTRY
3. ODDELEK KULTURA	SECTION 3 CULTURE
4. ODDELEK TURIZEM	SECTION 4 TOURISM
5. ODDELEK IZOBRAŽEVANJE, MLADINA, ŠPORT IN POKLICNO USPOSABLJANJE	SECTION 5 EDUCATION, YOUTH, SPORT AND VOCATIONAL TRAINING
6. ODDELEK CIVILNA ZAŠČITA	SECTION 6 CIVIL PROTECTION
7. ODDELEK UPRAVNO SODELOVANJE	SECTION 7 ADMINISTRATIVE COOPERATION
IV. NASLOV **PRIDRUŽEVANJE ČEZMORSKIH DRŽAV IN OZEMELJ**	TITLE IV **ASSOCIATION OF THE OVERSEAS COUNTRIES AND TERRITORIES**

V. NASLOV **ZUNANJEPOLITIČNO DELOVANJE UNIJE**	TITLE V **THE UNION'S EXTERNAL ACTION**
I. POGLAVJE ***SPLOŠNE DOLOČBE***	CHAPTER I ***PROVISIONS HAVING GENERAL APPLICATION***
II. POGLAVJE ***SKUPNA ZUNANJA IN VARNOSTNA POLITIKA***	CHAPTER II ***COMMON FOREIGN AND SECURITY POLICY***
1. ODDELEK SKUPNE DOLOČBE	SECTION 1 COMMON PROVISIONS
2. ODDELEK SKUPNA VARNOSTNA IN OBRAMBNA POLITIKA	SECTION 2 THE COMMON SECURITY AND DEFENCE POLICY
3. ODDELEK FINANČNE DOLOČBE	SECTION 3 FINANCIAL PROVISIONS
III. POGLAVJE ***SKUPNA TRGOVINSKA POLITIKA***	CHAPTER III ***COMMON COMMERCIAL POLICY***
IV. POGLAVJE ***SODELOVANJE S TRETJIMI DRŽAVAMI IN HUMANITARNA POMOČ***	CHAPTER IV ***COOPERATION WITH THIRD COUNTRIES AND HUMANITARIAN AID***
1. ODDELEK RAZVOJNO SODELOVANJE	SECTION 1 DEVELOPMENT COOPERATION
2. ODDELEK GOSPODARSKO, FINANČNO IN TEHNIČNO SODELOVANJE S TRETJIMI DRŽAVAMI	SECTION 2 ECONOMIC, FINANCIAL AND TECHNICAL COOPERATION WITH THIRD COUNTRIES
3. ODDELEK HUMANITARNA POMOČ	SECTION 3 HUMANITARIAN AID
V. POGLAVJE ***OMEJEVALNI UKREPI***	CHAPTER V ***RESTRICTIVE MEASURES***
VI. POGLAVJE ***MEDNARODNI SPORAZUMI***	CHAPTER VI ***INTERNATIONAL AGREEMENTS***
VII. POGLAVJE ***ODNOSI UNIJE Z MEDNARODNIMI ORGANIZACIJAMI IN TRETJIMI DRŽAVAMI TER DELEGACIJE UNIJE***	CHAPTER VII ***THE UNION'S RELATIONS WITH INTERNATIONAL ORGANISATIONS AND THIRD COUNTRIES AND UNION DELEGATIONS***
VIII. POGLAVJE ***UPORABA SOLIDARNOSTNE KLAVZULE***	CHAPTER VIII ***IMPLEMENTATION OF THE SOLIDARITY CLAUSE***
VI. NASLOV **DELOVANJE UNIJE**	TITLE VI **THE FUNCTIONING OF THE UNION**
I. POGLAVJE ***DOLOČBE O INSTITUCIJAH***	CHAPTER I ***PROVISIONS GOVERNING THE INSTITUTIONS***
1. ODDELEK INSTITUCIJE	SECTION 1 THE INSTITUTIONS
1. pododdelek **Evropski parlament**	Subsection 1 **The European Parliament**
2. Pododdelek **Evropski svet**	Subsection 2 **The European Council**
3. pododdelek **Svet ministrov**	Subsection 3 **The Council of Ministers**
4. pododdelek **Evropska komisija**	Subsection 4 **The European Commission**
5. pododdelek **Sodišče Evropske unije**	Subsection 5 **The Court of Justice of the European Union**
6. pododdelek **Evropska centralna banka**	Subsection 6 **The European Central Bank**
7. pododdelek **Računsko sodišče**	Subsection 7 **The Court of Auditors**
2. ODDELEK POSVETOVALNI ORGANI UNIJE	SECTION 2 THE UNION'S ADVISORY BODIES
1. pododdelek **Odbor regij**	Subsection 1 **The Committee of the Regions**
2. pododdelek **Ekonomsko-socialni odbor**	Subsection 2 **The Economic and Social Committee**
3. ODDELEK EVROPSKA INVESTICIJSKA BANKA	SECTION 3 THE EUROPEAN INVESTMENT BANK
4. ODDELEK SKUPNE DOLOČBE ZA INSTITUCIJE, ORGANE, URADE IN AGENCIJE UNIJE	SECTION 4 PROVISIONS COMMON TO UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES
II. POGLAVJE ***FINANČNE DOLOČBE***	CHAPTER II ***FINANCIAL PROVISIONS***
1. ODDELEK VEČLETNI FINANČNI OKVIR	SECTION 1 THE MULTIANNUAL FINANCIAL FRAMEWORK
2. ODDELEK LETNI PRORAČUN UNIJE	SECTION 2 THE UNION'S ANNUAL BUDGET
3. ODDELEK IZVRŠEVANJE PRORAČUNA IN RAZREŠNICA	SECTION 3 IMPLEMENTATION OF THE BUDGET AND DISCHARGE
4. ODDELEK SKUPNE DOLOČBE	SECTION 4 COMMON PROVISIONS
5. ODDELEK BOJ PROTI GOLJUFIJAM	SECTION 5 COMBATING FRAUD
III. POGLAVJE ***OKREPLJENO SODELOVANJE***	CHAPTER III ***ENHANCED COOPERATION***
VII. NASLOV: **SKUPNE DOLOČBE**	TITLE VII: **COMMON PROVISIONS**
IV. DEL: SPLOŠNE IN KONČNE DOLOČBE	**PART IV: GENERAL AND FINAL PROVISIONS**

POGODBA O USTAVI ZA EVROPO

PREAMBULA

NJEGOVO VELIČANSTVO KRALJ BELGIJCEV, PREDSEDNIK ČEŠKE REPUBLIKE, NJENO VELIČANSTVO KRALJICA DANSKE, PREDSEDNIK ZVEZNE REPUBLIKE NEMČIJE, PREDSEDNIK REPUBLIKE ESTONIJE, PREDSEDNIK HELENSKE REPUBLIKE, NJEGOVO VELIČANSTVO KRALJ ŠPANIJE, PREDSEDNIK FRANCOSKE REPUBLIKE, PREDSEDNICA IRSKE, PREDSEDNIK ITALIJANSKE REPUBLIKE, PREDSEDNIK REPUBLIKE CIPER, PREDSEDNICA REPUBLIKE LATVIJE, PREDSEDNIK REPUBLIKE LITVE, NJEGOVA KRALJEVA VISOKOST VELIKI VOJVODA LUKSEMBURŠKI, PREDSEDNIK REPUBLIKE MADŽARSKE, PREDSEDNIK MALTE, NJENO VELIČANSTVO KRALJICA NIZOZEMSKE, ZVEZNI PREDSEDNIK REPUBLIKE AVSTRIJE, PREDSEDNIK REPUBLIKE POLJSKE, PREDSEDNIK PORTUGALSKE REPUBLIKE, PREDSEDNIK REPUBLIKE SLOVENIJE, PREDSEDNIK SLOVAŠKE REPUBLIKE, PREDSEDNICA REPUBLIKE FINSKE, VLADA KRALJEVINE ŠVEDSKE, NJENO VELIČANSTVO KRALJICA ZDRUŽENEGA KRALJESTVA VELIKE BRITANIJE IN SEVERNE IRSKE,

OB ZAJEMANJU navdiha iz kulturne, verske in humanistične dediščine Evrope, iz katere so se razvile univerzalne vrednote nedotakljivosti in neodtujljivosti človekovih pravic, svobode, demokracije, enakosti in pravne države,

V VERI, da namerava Evropa, ponovno združena po bridkih izkušnjah, napredovati po poti civilizacije, napredka in blaginje v dobro vseh svojih prebivalcev, tudi najšibkejših in najbolj prikrajšanih, da želi ostati celina, odprta za kulturo, znanje in družbeni napredek, in da želi poglobiti demokratičnost in preglednost njenega javnega življenja ter si prizadevati za mir, pravico in solidarnost v svetu,

V PREPRIČANJU, da so narodi Evrope, čeprav ponosni na svojo nacionalno identiteto in zgodovino, odločeni preseči starodavne delitve in v vedno tesnejši povezanosti oblikovati skupno usodo,

PREPRIČANI, da jim Evropa, »združena v raznolikosti«, nudi najboljšo možnost, da ob spoštovanju pravic posameznika in ob zavedanju svoje odgovornosti do prihodnjih generacij in do Zemlje, nadaljujejo ta smel podvig ustvarjanja območja človeškega upanja,

ODLOČENI, da delo, opravljeno v okviru pogodb o ustanovitvi Evropskih skupnosti in Pogodbe o Evropski uniji, nadaljujejo z ohranjanjem kontinuitete pravnega reda Skupnosti,

HVALEŽNI članom Evropske konvencije, da so pripravili osnutek te ustave v imenu državljanov in držav Evrope,

SO ZA SVOJE POOBLAŠČENCE IMENOVALI:

TREATY ESTABLISHING A CONSTITUTION FOR EUROPE

PREAMBLE

HIS MAJESTY THE KING OF THE BELGIANS, THE PRESIDENT OF THE CZECH REPUBLIC, HER MAJESTY THE QUEEN OF DENMARK, THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY, THE PRESIDENT OF THE REPUBLIC OF ESTONIA, THE PRESIDENT OF THE HELLENIC REPUBLIC, HIS MAJESTY THE KING OF SPAIN, THE PRESIDENT OF THE FRENCH REPUBLIC, THE PRESIDENT OF IRELAND, THE PRESIDENT OF THE ITALIAN REPUBLIC, THE PRESIDENT OF THE REPUBLIC OF CYPRUS, THE PRESIDENT OF THE REPUBLIC OF LATVIA, THE PRESIDENT OF THE REPUBLIC OF LITHUANIA, HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG, THE PRESIDENT OF THE REPUBLIC OF HUNGARY, THE PRESIDENT OF MALTA, HER MAJESTY THE QUEEN OF THE NETHERLANDS, THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA, THE PRESIDENT OF THE REPUBLIC OF POLAND, THE PRESIDENT OF THE PORTUGUESE REPUBLIC, THE PRESIDENT OF THE REPUBLIC OF SLOVENIA, THE PRESIDENT OF THE SLOVAK REPUBLIC, THE PRESIDENT OF THE REPUBLIC OF FINLAND, THE GOVERNMENT OF THE KINGDOM OF SWEDEN, HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

DRAWING INSPIRATION from the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law,

BELIEVING that Europe, reunited after bitter experiences, intends to continue along the path of civilisation, progress and prosperity, for the good of all its inhabitants, including the weakest and most deprived; that it wishes to remain a continent open to culture, learning and social progress; and that it wishes to deepen the democratic and transparent nature of its public life, and to strive for peace, justice and solidarity throughout the world,

CONVINCED that, while remaining proud of their own national identities and history, the peoples of Europe are determined to transcend their former divisions and, united ever more closely, to forge a common destiny,

CONVINCED that, thus "United in diversity", Europe offers them the best chance of pursuing, with due regard for the rights of each individual and in awareness of their responsibilities towards future generations and the Earth, the great venture which makes of it a special area of human hope,

DETERMINED to continue the work accomplished within the framework of the Treaties establishing the European Communities and the Treaty on European Union, by ensuring the continuity of the Community *acquis*,

GRATEFUL to the members of the European Convention for having prepared the draft of this Constitution on behalf of the citizens and States of Europe,

HAVE DESIGNATED AS THEIR PLENIPOTENTIARIES:

ZA NJEGOVO VELIČANSTVO KRALJA BELGIJCEV,

Guy VERHOFSTADT
predsednik vlade

Karel DE GUCHT
minister za zunanje zadeve

HIS MAJESTY THE KING OF THE BELGIANS,

Guy VERHOFSTADT
Prime Minister

Karel DE GUCHT
Minister for Foreign Affairs

ZA PREDSEDNIKA ČEŠKE REPUBLIKE,

Stanislav GROSS
predsednik vlade

Cyril SVOBODA
minister za zunanje zadeve

THE PRESIDENT OF THE CZECH REPUBLIC,

Stanislav GROSS
Prime Minister

Cyril SVOBODA
Minister for Foreign Affairs

ZA NJENO VELIČANSTVO KRALJICO DANSKE,

Anders Fogh RASMUSSEN
predsednik vlade

Per Stig MØLLER
minister za zunanje zadeve

HER MAJESTY THE QUEEN OF DENMARK,

Anders Fogh RASMUSSEN
Prime Minister

Per Stig MØLLER
Minister for Foreign Affairs

ZA PREDSEDNIKA ZVEZNE REPUBLIKE NEMČIJE,

Gerhard SCHRÖDER
zvezni kancler

Joseph FISCHER
zvezni minister za zunanje zadeve in
namestnik zveznega kanclerja

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

Gerhard SCHRÖDER
Federal Chancellor

Joseph FISCHER
Federal Minister for Foreign Affairs and
Deputy Federal Chancellor

ZA PREDSEDNIKA REPUBLIKE ESTONIJE,

Juhan PARTS
predsednik vlade

Kristiina OJULAND
ministrica za zunanje zadeve

THE PRESIDENT OF THE REPUBLIC OF ESTONIA,

Juhan PARTS
Prime Minister

Kristiina OJULAND
Minister for Foreign Affairs

ZA PREDSEDNIKA HELENSKE REPUBLIKE,

Kostas KARAMANLIS
predsednik vlade

Petros G. MOLYVIATIS
minister za zunanje zadeve

THE PRESIDENT OF THE HELLENIC REPUBLIC,

Kostas KARAMANLIS
Prime Minister

Petros G. MOLYVIATIS
Minister of Foreign Affairs

ZA NJEGOVO VELIČANSTVO KRALJA ŠPANIJE,

José Luis RODRÍGUEZ ZAPATERO
predsednik vlade

Miguel Angel MORATINOS CUYAUBÉ
minister za zunanje zadeve in razvojno sodelovanje

HIS MAJESTY THE KING OF SPAIN,

José Luis RODRÍGUEZ ZAPATERO
President of the Government

Miguel Angel MORATINOS CUYAUBÉ
Minister for External Affairs and Cooperation

ZA PREDSEDNIKA FRANCOSKE REPUBLIKE,

Jacques CHIRAC
predsednik republike

Jean-Pierre RAFFARIN
predsednik vlade

Michel BARNIER
minister za zunanje zadeve

THE PRESIDENT OF THE FRENCH REPUBLIC,

Jacques CHIRAC
President

Jean-Pierre RAFFARIN
Prime Minister

Michel BARNIER
Minister for Foreign Affairs

ZA PREDSEDNICO IRSKE,

Bertie AHERN
predsednik vlade (Taoiseach)

Dermot AHERN
minister za zunanje zadeve

THE PRESIDENT OF IRELAND,

Bertie AHERN
Taoiseach

Dermot AHERN
Minister for Foreign Affairs

ZA PREDSEDNIKA ITALIJANSKE REPUBLIKE,

Silvio BERLUSCONI
predsednik vlade

Franco FRATTINI
minister za zunanje zadeve

THE PRESIDENT OF THE ITALIAN REPUBLIC,

Silvio BERLUSCONI
Prime Minister

Franco FRATTINI
Minister for Foreign Affairs

ZA PREDSEDNIKA REPUBLIKE CIPER,

Tassos PAPADOPOULOS
predsednik republike

George IACOVOU
minister za zunanje zadeve

THE PRESIDENT OF THE REPUBLIC OF CYPRUS,

Tassos PAPADOPOULOS
President

George IACOVOU
Minister for Foreign Affairs

ZA PREDSEDNICO REPUBLIKE LATVIJE,

Vaira VĪĶE FREIBERGA
predsednica republike

Indulis EMSIS
predsednik vlade

Artis PABRIKS
minister za zunanje zadeve

THE PRESIDENT OF THE REPUBLIC OF LATVIA,

Vaira VĪĶE FREIBERGA
President

Indulis EMSIS
Prime Minister

Artis PABRIKS
Minister for Foreign Affairs

ZA PREDSEDNIKA REPUBLIKE LITVE,

Valdas ADAMKUS
predsednik republike

Algirdas Mykolas BRAZAUSKAS
predsednik vlade

Antanas VALIONIS
minister za zunanje zadeve

THE PRESIDENT OF THE REPUBLIC OF LITHUANIA,

Valdas ADAMKUS
President

Algirdas Mykolas BRAZAUSKAS
Prime Minister

Antanas VALIONIS
Minister of Foreign Affairs

ZA NJEGOVO KRALJEVO VISOKOST VELIKEGA VOJVODO LUKSEMBURŠKEGA

Jean-Claude JUNCKER
predsednik vlade, Ministre d'Etat

Jean ASSELBORN
podpredsednik vlade, minister za zunanje zadeve in priseljevanje

HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,

Jean-Claude JUNCKER
Prime Minister, Ministre d'Etat

Jean ASSELBORN
Deputy Prime Minister, Minister for Foreign Affairs and Immigration

ZA PREDSEDNIKA REPUBLIKE MADŽARSKE,

Ferenc GYURCSÁNY
predsednik vlade

László KOVÁCS
minister za zunanje zadeve

THE PRESIDENT OF THE REPUBLIC OF HUNGARY,

Ferenc GYURCSÁNY
Prime Minister

László KOVÁCS
Minister for Foreign Affairs

ZA PREDSEDNIKA MALTE,

The Hon Lawrence GONZI
predsednik vlade

The Hon Michael FRENDO
minister za zunaje zadeve

THE PRESIDENT OF MALTA,

The Hon Lawrence GONZI
Prime Minister

The Hon Michael FRENDO
Minister for Foreign Affairs

ZA NJENO VELIČANSTVO KRALJICO NIZOZEMSKE,

DR. J. P. BALKENENDE
predsednik vlade

DR. B. R. BOT
minister za zunanje zadeve

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

Dr. J. P. BALKENENDE
Prime Minister

Dr. B. R. BOT
Minister for Foreign Affairs

ZA ZVEZNEGA PREDSEDNIKA REPUBLIKE AVSTRIJE,

Dr. Wolfgang SCHÜSSEL
zvezni kancler

Dr. Ursula PLASSNIK
zvezna ministrica za zunanje zadeve

ZA PREDSEDNIKA REPUBLIKE POLJSKE,

Marek BELKA
predsednik vlade

Włodzimierz CIMOSZEWICZ
minister za zunanje zadeve

ZA PREDSEDNIKA PORTUGALSKE REPUBLIKE,

Pedro Miguel DE SANTANA LOPES
predsednik vlade

António Victor MARTINS MONTEIRO
minister za zunanje zadeve in
portugalske skupnosti v tujini

ZA PREDSEDNIKA REPUBLIKE SLOVENIJE,

Anton ROP
predsednik vlade

Ivo VAJGL
minister za zunanje zadeve

ZA PREDSEDNIKA SLOVAŠKE REPUBLIKE,

Mikuláš DZURINDA
predsednik vlade

Eduard KUKAN
minister za zunanje zadeve

ZA PREDSEDNICO REPUBLIKE FINSKE,

Matti VANHANEN
predsednik vlade

Erkki TUOMIOJA
minister za zunanje zadeve

ZA VLADO KRALJEVINE ŠVEDSKE,

Göran PERSSON
predsednik vlade

Laila FREIVALDS
ministrica za zunanje zadeve

ZA NJENO VELIČANSTVO KRALJICO ZDRUŽENEGA KRALJESTVA VELIKE BRITANIJE IN SEVERNE IRSKE,

The RT. Hon Tony BLAIR
predsednik vlade

The RT Hon Jack STRAW
državni sekretar za zunanje zadeve in
zadeve Commonweltha

KI so se po izmenjavi pooblastil v pravilni in predpisani obliki dogovorili o naslednjem:

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA,

Dr. Wolfgang SCHÜSSEL
Federal Chancellor

Dr. Ursula PLASSNIK
Federal Minister for Foreign Affairs

THE PRESIDENT OF THE REPUBLIC OF POLAND,

Marek BELKA
Prime Minister

Włodzimierz CIMOSZEWICZ
Minister for Foreign Affairs

THE PRESIDENT OF THE PORTUGUESE REPUBLIC,

Pedro Miguel DE SANTANA LOPES
Prime Minister

António Victor MARTINS MONTEIRO
Minister for Foreign Affairs and
the Portuguese Communities

THE PRESIDENT OF THE REPUBLIC OF SLOVENIA,

Anton ROP
President of the Government

Ivo VAJGL
Minister for Foreign Affairs

THE PRESIDENT OF THE SLOVAK REPUBLIC,

Mikuláš DZURINDA
Prime Minister

Eduard KUKAN
Minister for Foreign Affairs

THE PRESIDENT OF THE REPUBLIC OF FINLAND,

Matti VANHANEN
Prime Minister

Erkki TUOMIOJA
Minister for Foreign Affairs

THE GOVERNMENT OF THE KINGDOM OF SWEDEN,

Göran PERSSON
Prime Minister

Laila FREIVALDS
Minister for Foreign Affairs

HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

The Rt. Hon Tony BLAIR
Prime Minister

The Rt. Hon Jack STRAW
Secretary of State for Foreign and
Commonwealth Affairs

WHO, having exchanged their full powers, found in good and due form, have agreed as follows:

I. DEL

I. NASLOV

OPREDELITEV IN CILJI UNIJE

I-1. ČLEN

Ustanovitev Unije

(1) Na podlagi volje državljanov in držav Evrope, da gradijo skupno prihodnost, se s to ustavo ustanavlja Evropska unija, na katero države članice prenašajo pristojnosti za uresničevanje svojih skupnih ciljev. Unija usklajuje politike držav članic zaradi doseganja teh ciljev in na način, svojstven skupnosti izvaja pristojnosti, ki so ji dodeljene.

(2) Unija je odprta za vse evropske države, ki upoštevajo njene vrednote in so predane njihovemu skupnemu uveljavljanju.

I-2. ČLEN

Vrednote Unije

Unija temelji na vrednotah spoštovanja človekovega dostojanstva, svobode, demokracije, enakosti, pravne države in spoštovanja človekovih pravic, vključno s pravicami pripadnikov manjšin. Te vrednote so skupne vsem državam članicam v družbi, ki jo označujejo pluralizem, nediskriminacija, strpnost, pravičnost, solidarnost in enakost med ženskami in moškimi.

I-3. ČLEN

Cilji Unije

(1) Cilj Unije je krepitev miru, svojih vrednot in blaginje svojih narodov.

(2) Unija nudi svojim državljanom območje svobode, varnosti in pravice brez notranjih meja in notranji trg s svobodno in neizkrivljeno konkurenco.

(3) Unija si prizadeva za trajnostni razvoj Evrope, ki temelji na uravnoteženi gospodarski rasti in stabilnosti cen, za visoko konkurenčno socialno tržno gospodarstvo, usmerjeno v polno zaposlenost in socialni napredek, ter za visoko raven varstva in izboljšanje kakovosti okolja. Spodbuja znanstveni in tehnološki napredek.

Bori se proti socialni izključenosti in diskriminaciji ter spodbuja socialno pravičnost in varstvo, enakost žensk in moških, solidarnost med generacijami in varstvo pravic otrok.

Spodbuja gospodarsko, socialno in teritorialno povezanost ter solidarnost med državami članicami.

Spoštuje svojo bogato kulturno in jezikovno raznolikost ter skrbi za varovanje in razvoj evropske kulturne dediščine.

(4) V odnosih z ostalim svetom Unija podpira in spodbuja svoje vrednote in interese. Prispeva k miru, varnosti, trajnostnemu razvoju Zemlje, solidarnosti in medsebojnemu spoštovanju med narodi, prosti in pravični trgovini, odpravi revščine in varstvu človekovih pravic, predvsem pravic otrok, kakor tudi k doslednemu upoštevanju in razvoju mednarodnega prava, zlasti k upoštevanju načel Ustanovne listine Združenih narodov.

(5) Unija svoje cilje uresničuje z ustreznimi sredstvi na podlagi pristojnosti, ki so ji dodeljene z Ustavo.

I-4. ČLEN

Temeljne svoboščine in nediskriminacija

(1) Unija znotraj svojih meja v skladu z Ustavo zagotavlja prost pretok oseb, storitev, blaga in kapitala ter svobodo ustanavljanja.

PART I

TITLE I

DEFINITION AND OBJECTIVES OF THE UNION

ARTICLE I-1

Establishment of the Union

1. Reflecting the will of the citizens and States of Europe to build a common future, this Constitution establishes the European Union, on which the Member States confer competences to attain objectives they have in common. The Union shall coordinate the policies by which the Member States aim to achieve these objectives, and shall exercise on a Community basis the competences they confer on it.

2. The Union shall be open to all European States which respect its values and are committed to promoting them together.

ARTICLE I-2

The Union's values

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

ARTICLE I-3

The Union's objectives

1. The Union's aim is to promote peace, its values and the well-being of its peoples.

2. The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, and an internal market where competition is free and undistorted.

3. The Union shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance.

It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child.

It shall promote economic, social and territorial cohesion, and solidarity among Member States.

It shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced.

4. In its relations with the wider world, the Union shall uphold and promote its values and interests. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.

5. The Union shall pursue its objectives by appropriate means commensurate with the competences which are conferred upon it in the Constitution.

ARTICLE I-4

Fundamental freedoms and non-discrimination

1. The free movement of persons, services, goods and capital, and freedom of establishment shall be guaranteed within and by the Union, in accordance with the Constitution.

(2) Ne glede na posebne določbe Ustave, je na področju njene uporabe prepovedana vsakršna diskriminacija na podlagi državljanstva.

I-5. ČLEN

Odnosi med Unijo in državami članicami

(1) Unija spoštuje enakost držav članic pred Ustavo kot tudi njihovo nacionalno identiteto, ki je neločljivo povezana z njihovimi temeljnimi političnimi in ustavnimi strukturami, vključno z regionalno in lokalno samoupravo. Spoštuje njihove temeljne državne funkcije, zlasti zagotavljanje ozemeljske nedotakljivosti, vzdrževanje javnega reda in miru ter varovanje nacionalne varnosti.

(2) Unija in države članice se na podlagi načela lojalnega sodelovanja medsebojno spoštujejo in si pomagajo pri izpolnjevanju nalog, ki izhajajo iz Ustave.

Države članice sprejemajo vse ustrezne ukrepe, splošne ali posebne, da zagotovijo izpolnjevanje obveznosti, ki izhajajo iz Ustave ali aktov institucij Unije.

Države članice Uniji pomagajo izpolnjevati njene naloge in se vzdržijo vseh ukrepov, ki bi lahko ogrozili uresničevanje ciljev Unije.

I-6. ČLEN

Pravo Unije

Ustava in pravo, ki ga sprejmejo institucije Unije pri izvrševanju svojih pristojnosti, sta nad pravom držav članic.

I-7. ČLEN

Pravna osebnost

Unija je pravna oseba.

I-8. ČLEN

Simboli Unije

Zastava Unije predstavlja krog z dvanajstimi zlatimi zvezdami na modri podlagi.

Himna Unije izvira iz »Ode radosti« iz Devete simfonije Ludwiga van Beethovna.

Geslo Unije je: »Združena v raznolikosti«.

Valuta Unije je euro.

Dan Evrope se v vsej Uniji praznuje 9. maja.

II. NASLOV

TEMELJNE PRAVICE IN DRŽAVLJANSTVO UNIJE

I-9. ČLEN

Temeljne pravice

(1) Unija priznava pravice, svoboščine in načela, vsebovana v Listini o temeljnih pravicah, ki tvori II. del Ustave.

(2) Unija pristopi k Evropski konvenciji o varstvu človekovih pravic in temeljnih svoboščin. Ta pristop ne vpliva na pristojnosti Unije, opredeljene v Ustavi.

(3) Temeljne pravice, kakor jih zagotavlja Evropska konvencija o varstvu človekovih pravic in temeljnih svoboščin in kakor izhajajo iz skupnega ustavnega izročila držav članic, spadajo k splošnim načelom prava Unije.

2. Within the scope of the Constitution, and without prejudice to any of its specific provisions, any discrimination on grounds of nationality shall be prohibited.

ARTICLE I-5

Relations between the Union and the Member States

1. The Union shall respect the equality of Member States before the Constitution as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government. It shall respect their essential State functions, including ensuring the territorial integrity of the State, maintaining law and order and safeguarding national security.

2. Pursuant to the principle of sincere cooperation, the Union and the Member States shall, in full mutual respect, assist each other in carrying out tasks which flow from the Constitution.

The Member States shall take any appropriate measure, general or particular, to ensure fulfilment of the obligations arising out of the Constitution or resulting from the acts of the institutions of the Union.

The Member States shall facilitate the achievement of the Union's tasks and refrain from any measure which could jeopardise the attainment of the Union's objectives.

ARTICLE I-6

Union law

The Constitution and law adopted by the institutions of the Union in exercising competences conferred on it shall have primacy over the law of the Member States.

ARTICLE I-7

Legal personality

The Union shall have legal personality.

ARTICLE I-8

The symbols of the Union

The flag of the Union shall be a circle of twelve golden stars on a blue background.

The anthem of the Union shall be based on the "Ode to Joy" from the Ninth Symphony by Ludwig van Beethoven.

The motto of the Union shall be: "United in diversity".

The currency of the Union shall be the euro.

Europe day shall be celebrated on 9 May throughout the Union.

TITLE II

FUNDAMENTAL RIGHTS AND CITIZENSHIP OF THE UNION

ARTICLE I-9

Fundamental rights

1. The Union shall recognise the rights, freedoms and principles set out in the Charter of Fundamental Rights which constitutes Part II.

2. The Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Such accession shall not affect the Union's competences as defined in the Constitution.

3. Fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union's law.

I-10. ČLEN

Državljanstvo Unije

(1) Vsi državljani držav članic so državljani Unije. Državljanstvo Unije se pridruži nacionalnemu državljanstvu in ga ne nadomešča.

(2) Državljani Unije imajo pravice in dolžnosti, določene v Ustavi. Imajo:

a) pravico do prostega gibanja in prebivanja na območju držav članic;

b) pravico voliti in biti voljen na volitvah v Evropski parlament in na občinskih volitvah v državi članici, kjer prebivajo, pod enakimi pogoji kot državljani te države članice;

c) pravico na območju tretje države, v kateri država članica, katere državljan je, nima predstavništva, do zaščite diplomatskih in konzularnih organov katere koli države članice pod enakimi pogoji, kakršni veljajo za državljane te države;

d) pravico naslavljati peticije na Evropski parlament in obrniti se na evropskega varuha človekovih pravic kot tudi na institucije in posvetovalne organe Unije v katerem koli jeziku Ustave in prejeti odgovor v istem jeziku.

Te pravice se uresničujejo v skladu s pogoji in omejitvami, opredeljenimi z Ustavo in ukrepi, sprejetimi za njeno izvajanje.

ARTICLE I-10

Citizenship of the Union

1. Every national of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to national citizenship and shall not replace it.

2. Citizens of the Union shall enjoy the rights and be subject to the duties provided for in the Constitution. They shall have:

(a) the right to move and reside freely within the territory of the Member States;

(b) the right to vote and to stand as candidates in elections to the European Parliament and in municipal elections in their Member State of residence, under the same conditions as nationals of that State;

(c) the right to enjoy, in the territory of a third country in which the Member State of which they are nationals is not represented, the protection of the diplomatic and consular authorities of any Member State on the same conditions as the nationals of that State;

(d) the right to petition the European Parliament, to apply to the European Ombudsman, and to address the institutions and advisory bodies of the Union in any of the Constitution's languages and to obtain a reply in the same language.

These rights shall be exercised in accordance with the conditions and limits defined by the Constitution and by the measures adopted thereunder.

III. NASLOV

PRISTOJNOSTI UNIJE

I-11. ČLEN

Temeljna načela

(1) Za razmejitev pristojnosti Unije velja načelo prenosa pristojnosti. Za izvajanje pristojnosti Unije veljata načeli subsidiarnosti in sorazmernosti.

(2) V skladu z načelom prenosa pristojnosti Unija deluje v mejah pristojnosti, ki so jih z Ustavo nanjo prenesle države članice za uresničevanje v Ustavi določenih ciljev. Države članice obdržijo vse pristojnosti, ki niso z Ustavo dodeljene Uniji.

(3) V skladu z načelom subsidiarnosti Unija na področjih, ki niso v njeni izključni pristojnosti, deluje če in kolikor države članice ciljev predlaganih ukrepov ne morejo zadostno doseči na centralni ravni, na regionalni ali lokalni ravni, temveč se jih zaradi obsega ali učinkov predlaganih ukrepov laže doseže na ravni Unije.

Institucije Unije uporabljajo načelo subsidiarnosti v skladu s Protokolom o uporabi načel subsidiarnosti in sorazmernosti. Nacionalni parlamenti načelo subsidiarnosti upoštevajo v skladu s postopkom, določenim v tem protokolu.

(4) V skladu z načelom sorazmernosti ukrepi Unije vsebinsko in formalno ne smejo presegati tistega, kar je potrebno za doseganje ciljev Ustave.

Institucije Unije uporabljajo načelo sorazmernosti v skladu s Protokolom o uporabi načel subsidiarnosti in sorazmernosti.

I-12. ČLEN

Vrste pristojnosti

(1) Če ima Unija po Ustavi na določenem področju izključno pristojnost, lahko samo Unija izdaja zakonodajne in sprejema pravno zavezujoče akte; države članice lahko tako ukrepajo same le, če jih Unija za to pooblasti ali za izvajanje aktov Unije.

TITLE III

UNION COMPETENCES

ARTICLE I-11

Fundamental principles

1. The limits of Union competences are governed by the principle of conferral. The use of Union competences is governed by the principles of subsidiarity and proportionality.

2. Under the principle of conferral, the Union shall act within the limits of the competences conferred upon it by the Member States in the Constitution to attain the objectives set out in the Constitution. Competences not conferred upon the Union in the Constitution remain with the Member States.

3. Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level.

The institutions of the Union shall apply the principle of subsidiarity as laid down in the Protocol on the application of the principles of subsidiarity and proportionality. National Parliaments shall ensure compliance with that principle in accordance with the procedure set out in that Protocol.

4. Under the principle of proportionality, the content and form of Union action shall not exceed what is necessary to achieve the objectives of the Constitution.

The institutions of the Union shall apply the principle of proportionality as laid down in the Protocol on the application of the principles of subsidiarity and proportionality.

ARTICLE I-12

Categories of competence

1. When the Constitution confers on the Union exclusive competence in a specific area, only the Union may legislate and adopt legally binding acts, the Member States being able to do so themselves only if so empowered by the Union or for the implementation of Union acts.

(2) Če ima Unija po Ustavi na določenem področju deljeno pristojnost z državami članicami, lahko Unija in države članice na tem področju izdajajo zakonodajne in sprejemajo pravno zavezujoče akte. Države članice izvajajo svojo pristojnost, kolikor Unija svoje pristojnosti ne izvaja ali se je odločila, da jo bo prenehala izvajati.

(3) Države članice usklajujejo svoje ekonomske politike in politike zaposlovanja v okviru ureditev iz III. dela Ustave, za pripravo katerih je pristojna Unija.

(4) Unija je pristojna za pripravo in izvajanje skupne zunanje in varnostne politike, vključno s postopnim oblikovanjem skupne obrambne politike.

(5) Na nekaterih področjih je Unija pod pogoji, določenimi z Ustavo pristojna za izvajanje ukrepov za podporo, uskladitev ali dopolnitev ukrepov držav članic, ne da bi s tem namesto držav članic imela pristojnost na teh področjih.

Pravno zavezujoči akti Unije, sprejeti na podlagi določb iz III. dela Ustave, ki se nanašajo na ta področja, ne smejo vključevati usklajevanja zakonov in upravnih predpisov držav članic.

(6) Obseg in načini izvajanja pristojnosti Unije so določeni z ustreznimi določbami za vsako področje iz III. dela Ustave.

I-13. ČLEN

Področja izključne pristojnosti

(1) Unija ima izključno pristojnost na naslednjih področjih:

a) carinska unija,

b) določitev pravil o konkurenci, potrebnih za delovanje notranjega trga,

c) denarna politika držav članic, katerih valuta je euro,

d) ohranjanje morskih bioloških virov v okviru skupne ribiške politike,

e) skupna trgovinska politika.

(2) Unija ima tudi izključno pristojnost za sklenitev mednarodnega sporazuma, kadar je njegova sklenitev predvidena v zakonodajnem aktu Unije ali je potrebna, da se Uniji omogoči izvajanje njene notranje pristojnosti, ali kolikor sklenitev sporazuma lahko vpliva na skupna pravila ali spremeni njihovo področje uporabe.

I-14. ČLEN

Področja deljene pristojnosti

(1) Unija si deli pristojnost z državami članicami, če ji Ustava dodeljuje pristojnost, ki se ne nanaša na področja iz I-13. in I-17. člena Ustave.

(2) Deljena pristojnost med Unijo in državami članicami se nanaša na naslednja glavna področja:

a) notranji trg,

b) socialna politika glede vidikov, opredeljenih v III. delu Ustave,

c) gospodarska, socialna in teritorialna povezanost,

d) kmetijstvo in ribištvo, razen ohranjanja morskih bioloških virov,

e) okolje,

f) varstvo potrošnikov,

g) promet,

h) vseevropska omrežja,

i) energetika,

j) območje svobode, varnosti in pravice,

k) skupna skrb za varnost na področju javnega zdravja glede vidikov, opredeljenih v III. delu Ustave.

2. When the Constitution confers on the Union a competence shared with the Member States in a specific area, the Union and the Member States may legislate and adopt legally binding acts in that area. The Member States shall exercise their competence to the extent that the Union has not exercised, or has decided to cease exercising, its competence.

3. The Member States shall coordinate their economic and employment policies within arrangements as determined by Part III, which the Union shall have competence to provide.

4. The Union shall have competence to define and implement a common foreign and security policy, including the progressive framing of a common defence policy.

5. In certain areas and under the conditions laid down in the Constitution, the Union shall have competence to carry out actions to support, coordinate or supplement the actions of the Member States, without thereby superseding their competence in these areas.

Legally binding acts of the Union adopted on the basis of the provisions in Part III relating to these areas shall not entail harmonisation of Member States' laws or regulations.

6. The scope of and arrangements for exercising the Union's competences shall be determined by the provisions relating to each area in Part III.

ARTICLE I-13

Areas of exclusive competence

1. The Union shall have exclusive competence in the following areas:

(a) customs union;

(b) the establishing of the competition rules necessary for the functioning of the internal market;

(c) monetary policy for the Member States whose currency is the euro;

(d) the conservation of marine biological resources under the common fisheries policy;

(e) common commercial policy.

2. The Union shall also have exclusive competence for the conclusion of an international agreement when its conclusion is provided for in a legislative act of the Union or is necessary to enable the Union to exercise its internal competence, or insofar as its conclusion may affect common rules or alter their scope.

ARTICLE I-14

Areas of shared competence

1. The Union shall share competence with the Member States where the Constitution confers on it a competence which does not relate to the areas referred to in Articles I-13 and I-17.

2. Shared competence between the Union and the Member States applies in the following principal areas:

(a) internal market;

(b) social policy, for the aspects defined in Part III;

(c) economic, social and territorial cohesion;

(d) agriculture and fisheries, excluding the conservation of marine biological resources;

(e) environment;

(f) consumer protection;

(g) transport;

(h) trans-European networks;

(i) energy;

(j) area of freedom, security and justice;

(k) common safety concerns in public health matters, for the aspects defined in Part III.

(3) Na področjih raziskav, tehnološkega razvoja in vesolja ima Unija pristojnost ukrepanja, zlasti opredeli in izvaja programe, ne da bi izvajanje te pristojnosti oviralo države članice pri izvajanju njihovih pristojnosti.

(4) Na področjih razvojnega sodelovanja in humanitarne pomoči ima Unija pristojnost ukrepanja in vodenja skupne politike, ne da bi izvajanje te pristojnosti oviralo države članice pri izvajanju njihovih pristojnosti.

I-15. ČLEN

Usklajevanje ekonomskih politik in politik zaposlovanja

(1) Države članice usklajujejo svoje ekonomske politike znotraj Unije. V ta namen Svet ministrov sprejema ukrepe, zlasti širše smernice za te politike.

Za države članice, katerih valuta je euro, se uporabljajo posebne določbe.

(2) Unija sprejme ukrepe za zagotovitev usklajevanja politik zaposlovanja držav članic, zlasti z opredelitvijo smernic za te politike.

(3) Unija lahko daje pobude za zagotovitev usklajevanja socialnih politik držav članic.

I-16. ČLEN

Skupna zunanja in varnostna politika

(1) Pristojnost Unije na področju skupne zunanje in varnostne politike zajema vsa področja zunanje politike in vsa vprašanja, ki so povezana z varnostjo Unije, vključno s postopnim oblikovanjem skupne obrambne politike, ki lahko vodi do skupne obrambe.

(2) Države članice dejavno in brez pridržkov podpirajo skupno zunanjo in varnostno politiko Unije v duhu lojalnosti in medsebojne solidarnosti ter upoštevajo ukrepanje Unije na tem področju. Vzdržijo se vsakega ukrepanja, ki je v nasprotju z interesi Unije ali ki bi lahko zmanjšalo njeno učinkovitost.

I-17. ČLEN

Področja podpornih, usklajevalnih ali dopolnilnih ukrepov

Unija je pristojna za izvajanje podpornih, usklajevalnih ali dopolnilnih ukrepov. Takšni ukrepi na evropski ravni se nanašajo na:

a) varovanje in izboljšanje človekovega zdravja,
b) industrijo,
c) kulturo,
d) turizem,
e) izobraževanje, mladino, šport in poklicno usposabljanje,
f) civilno zaščito,
g) upravno sodelovanje.

I-18. ČLEN

Klavzula o fleksibilnosti

(1) Če se v okviru politik, določenih v III. delu Ustave, izkaže, da je zaradi doseganja enega od ciljev Ustave, potrebno ukrepanje Unije, pa Ustava ne predvideva za to potrebnih pooblastil, Svet ministrov na predlog Evropske komisije in po pridobitvi odobritve Evropskega parlamenta soglasno sprejme ustrezne ukrepe.

(2) Evropska komisija v okviru postopka nadzora upoštevanja načela subsidiarnosti iz tretjega odstavka I-11. člena Ustave, nacionalne parlamente opozori na predloge, ki temeljijo na tem členu.

3. In the areas of research, technological development and space, the Union shall have competence to carry out activities, in particular to define and implement programmes; however, the exercise of that competence shall not result in Member States being prevented from exercising theirs.

4. In the areas of development cooperation and humanitarian aid, the Union shall have competence to carry out activities and conduct a common policy; however, the exercise of that competence shall not result in Member States being prevented from exercising theirs.

ARTICLE I-15

The coordination of economic and employment policies

1. The Member States shall coordinate their economic policies within the Union. To this end, the Council of Ministers shall adopt measures, in particular broad guidelines for these policies.

Specific provisions shall apply to those Member States whose currency is the euro.

2. The Union shall take measures to ensure coordination of the employment policies of the Member States, in particular by defining guidelines for these policies.

3. The Union may take initiatives to ensure coordination of Member States' social policies.

ARTICLE I-16

The common foreign and security policy

1. The Union's competence in matters of common foreign and security policy shall cover all areas of foreign policy and all questions relating to the Union's security, including the progressive framing of a common defence policy that might lead to a common defence.

2. Member States shall actively and unreservedly support the Union's common foreign and security policy in a spirit of loyalty and mutual solidarity and shall comply with the Union's action in this area. They shall refrain from action contrary to the Union's interests or likely to impair its effectiveness.

ARTICLE I-17

Areas of supporting, coordinating or complementary action

The Union shall have competence to carry out supporting, coordinating or complementary action. The areas of such action shall, at European level, be:

(a) protection and improvement of human health;
(b) industry;
(c) culture;
(d) tourism;
(e) education, youth, sport and vocational training;
(f) civil protection;
(g) administrative cooperation.

ARTICLE I-18

Flexibility clause

1. If action by the Union should prove necessary, within the framework of the policies defined in Part III, to attain one of the objectives set out in the Constitution, and the Constitution has not provided the necessary powers, the Council of Ministers, acting unanimously on a proposal from the European Commission and after obtaining the consent of the European Parliament, shall adopt the appropriate measures.

2. Using the procedure for monitoring the subsidiarity principle referred to in Article I-11(3), the European Commission shall draw national Parliaments' attention to proposals based on this Article.

(3) Ukrepi, ki temeljijo na tem členu, ne smejo vključevati usklajevanja zakonov in upravnih predpisov držav članic v primerih, v katerih Ustava takšno usklajevanje izključuje.

3. Measures based on this Article shall not entail harmonisation of Member States' laws or regulations in cases where the Constitution excludes such harmonisation.

IV. NASLOV

INSTITUCIJE IN ORGANI UNIJE

TITLE IV

THE UNION'S INSTITUTIONS AND BODIES

I. POGLAVJE

INSTITUCIONALNI OKVIR

I-19. ČLEN

Institucije Unije

(1) Unija ima institucionalni okvir, katerega namen je:

– uveljavljati njene vrednote,
– uresničevati njene cilje,
– služiti njenim interesom, interesom njenih državljanov in interesom držav članic,
– zagotoviti doslednost, učinkovitost in kontinuiteto njenih politik in ukrepov.

Ta institucionalni okvir sestavljajo:
– Evropski parlament,
– Evropski svet,
– Svet ministrov (v nadaljevanju »Svet«),
– Evropska komisija, (v nadaljevanju »Komisija«),
– Sodišče Evropske unije.

(2) Vsaka institucija deluje v skladu s pristojnostmi, ki so ji dodeljene z Ustavo, in v skladu s postopki in pogoji, ki jih določa Ustava. Institucije med seboj lojalno sodelujejo.

CHAPTER I

THE INSTITUTIONAL FRAMEWORK

ARTICLE I-19

The Union's institutions

1. The Union shall have an institutional framework which shall aim to:
– promote its values,
– advance its objectives,
– serve its interests, those of its citizens and those of the Member States,
– ensure the consistency, effectiveness and continuity of its policies and actions.

This institutional framework comprises:
– The European Parliament,
– The European Council,
– The Council of Ministers (hereinafter referred to as the "Council"),
– The European Commission (hereinafter referred to as the "Commission"),
– The Court of Justice of the European Union.

2. Each institution shall act within the limits of the powers conferred on it in the Constitution, and in conformity with the procedures and conditions set out in it. The institutions shall practise mutual sincere cooperation.

I-20. ČLEN

Evropski parlament

(1) Evropski parlament skupaj s Svetom opravlja zakonodajno in proračunsko funkcijo. Opravlja funkcijo političnega nadzora in posvetovanja v skladu z Ustavo. Izvoli predsednika Komisije.

(2) Evropski parlament je sestavljen iz predstavnikov državljanov Unije. Njihovo število ne sme preseči sedemsto petdeset. Državljani so v Evropskem parlamentu zastopani proporcionalno degresivno, vendar najmanj s pragom šestih članov na državo članico. Nobena država članica nima več kot šestindevetdeset sedežev.

Evropski svet na pobudo Evropskega parlamenta in z njegovo odobritvijo soglasno sprejme evropski sklep o sestavi Evropskega parlamenta ob upoštevanju načel iz prejšnjega pododstavka.

(3) Člani Evropskega parlamenta se volijo s splošnim, neposrednim, svobodnim in tajnim glasovanjem za dobo petih let.

(4) Evropski parlament izvoli svojega predsednika in svoje predsedstvo med svojimi člani.

ARTICLE I-20

The European Parliament

1. The European Parliament shall, jointly with the Council, exercise legislative and budgetary functions. It shall exercise functions of political control and consultation as laid down in the Constitution. It shall elect the President of the Commission.

2. The European Parliament shall be composed of representatives of the Union's citizens. They shall not exceed seven hundred and fifty in number. Representation of citizens shall be degressively proportional, with a minimum threshold of six members per Member State. No Member State shall be allocated more than ninety-six seats.

The European Council shall adopt by unanimity, on the initiative of the European Parliament and with its consent, a European decision establishing the composition of the European Parliament, respecting the principles referred to in the first subparagraph.

3. The members of the European Parliament shall be elected for a term of five years by direct universal suffrage in a free and secret ballot.

4. The European Parliament shall elect its President and its officers from among its members.

I-21. ČLEN

Evropski svet

(1) Evropski svet daje Uniji potrebne spodbude za njen razvoj in zanj opredeljuje splošne politične usmeritve in prioritete. Ne izvršuje zakonodajne funkcije.

(2) Evropski svet sestavljajo voditelji držav ali vlad držav članic skupaj z njegovim predsednikom in predsednikom Komisije. Pri njegovem delu sodeluje minister za zunanje zadeve Unije.

ARTICLE I-21

The European Council

1. The European Council shall provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof. It shall not exercise legislative functions.

2. The European Council shall consist of the Heads of State or Government of the Member States, together with its President and the President of the Commission. The Union Minister for Foreign Affairs shall take part in its work.

(3) Evropski svet se sestane vsako četrtletje na sklic njegovega predsednika. Če to zahteva dnevni red, lahko člani Evropskega sveta sklenejo, da vsakemu izmed njih pri delu pomaga minister in, v primeru predsednika Komisije, član Komisije. Če razmere tako zahtevajo, predsednik skliče izredno srečanje Evropskega sveta.

(4) Če Ustava ne določa drugače, Evropski svet odloča s soglasjem.

I-22. ČLEN

Predsednik Evropskega sveta

(1) Evropski svet izvoli svojega predsednika s kvalificirano večino za dobo dveh let in pol, z možnostjo enkratne ponovne izvolitve. V primeru zadržanosti ali hude kršitve, ga Evropski svet po istem postopku razreši.

(2) Predsednik Evropskega sveta:

a) predseduje Evropskemu svetu in vodi njegovo delo,

b) skrbi za pripravo in kontinuiteto dela Evropskega sveta v sodelovanju s predsednikom Komisije in na podlagi dela Sveta za splošne zadeve,

c) si prizadeva za krepitev povezanosti in soglasja v Evropskem svetu,

d) po vsakem srečanju Evropskega sveta Evropskemu parlamentu predloži poročilo.

Predsednik Evropskega sveta v tem svojstvu na svoji ravni, ne glede na pooblastila ministra za zunanje zadeve Unije, v zadevah, ki se nanašajo na skupno zunanjo in varnostno politiko, predstavlja Unijo navzven.

(3) Predsednik Evropskega sveta ne sme imeti nacionalnega mandata.

I-23. ČLEN

Svet ministrov

(1) Svet skupaj z Evropskim parlamentom opravlja zakonodajno in proračunsko funkcijo. Opravlja funkcijo oblikovanja politike in usklajevanja v skladu z Ustavo.

(2) Svet sestavlja po en predstavnik države članice na ministrski ravni, ki je pooblaščen za prevzemanje obveznosti v imenu vlade države članice, ki jo predstavlja, in izvršuje glasovalno pravico.

(3) Če Ustava ne določa drugače, Svet odloča s kvalificirano večino.

I-24. ČLEN

Sestave Sveta ministrov

(1) Svet zaseda v različnih sestavah.

(2) Svet za splošne zadeve skrbi za usklajenost dela različnih sestav Sveta.

Skupaj s predsednikom Evropskega sveta in Komisijo skrbi za pripravo srečanj Evropskega sveta in njihov nadaljnji potek.

(3) Svet za zunanje zadeve v skladu s strateškimi smernicami Evropskega sveta oblikuje zunanjepolitično delovanje Unije in zagotavlja usklajenost ukrepanja Unije.

(4) Evropski svet s kvalificirano večino sprejme evropski sklep o določitvi seznama ostalih sestav Sveta.

(5) Odbor stalnih predstavnikov vlad držav članic je odgovoren za pripravo dela Sveta.

(6) Svet zaseda javno, ko odloča in glasuje o osnutku zakonodajnega akta. V ta namen ima vsako zasedanje Sveta dva dela, del namenjen razpravi o zakonodajnih aktih Unije in del namenjen dejavnostim, ki niso zakonodajne.

3. The European Council shall meet quarterly, convened by its President. When the agenda so requires, the members of the European Council may decide each to be assisted by a minister and, in the case of the President of the Commission, by a member of the Commission. When the situation so requires, the President shall convene a special meeting of the European Council.

4. Except where the Constitution provides otherwise, decisions of the European Council shall be taken by consensus.

ARTICLE I-22

The European Council President

1. The European Council shall elect its President, by a qualified majority, for a term of two and a half years, renewable once. In the event of an impediment or serious misconduct, the European Council can end his or her term of office in accordance with the same procedure.

2. The President of the European Council:

(a) shall chair it and drive forward its work;

(b) shall ensure the preparation and continuity of the work of the European Council in cooperation with the President of the Commission, and on the basis of the work of the General Affairs Council;

(c) shall endeavour to facilitate cohesion and consensus within the European Council;

(d) shall present a report to the European Parliament after each of the meetings of the European Council.

The President of the European Council shall, at his or her level and in that capacity, ensure the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of the Union Minister for Foreign Affairs.

3. The President of the European Council shall not hold a national office.

ARTICLE I-23

The Council of Ministers

1. The Council shall, jointly with the European Parliament, exercise legislative and budgetary functions. It shall carry out policy-making and coordinating functions as laid down in the Constitution.

2. The Council shall consist of a representative of each Member State at ministerial level, who may commit the government of the Member State in question and cast its vote.

3. The Council shall act by a qualified majority except where the Constitution provides otherwise.

ARTICLE I-24

Configurations of the Council of Ministers

1. The Council shall meet in different configurations.

2. The General Affairs Council shall ensure consistency in the work of the different Council configurations.

It shall prepare and ensure the follow-up to meetings of the European Council, in liaison with the President of the European Council and the Commission.

3. The Foreign Affairs Council shall elaborate the Union's external action on the basis of strategic guidelines laid down by the European Council and ensure that the Union's action is consistent.

4. The European Council shall adopt by a qualified majority a European decision establishing the list of other Council configurations.

5. A Committee of Permanent Representatives of the Governments of the Member States shall be responsible for preparing the work of the Council.

6. The Council shall meet in public when it deliberates and votes on a draft legislative act. To this end, each Council meeting shall be divided into two parts, dealing respectively with deliberations on Union legislative acts and non-legislative activities.

(7) Sestavam Sveta, razen v primeru Sveta za zunanje zadeve, predsedujejo predstavniki držav članic v Svetu po načelu enakopravne rotacije v skladu s pogoji določenimi z evropskim sklepom Evropskega sveta. Evropski svet odloča s kvalificirano večino.

I-25. ČLEN

Opredelitev kvalificirane večine v okviru Evropskega sveta in Sveta

(1) Kvalificirana večina je večina najmanj 55% članov Sveta, ki jo tvori najmanj petnajst članov in ki predstavljajo države članice, ki imajo skupaj najmanj 65% prebivalstva Unije.

Manjšina, ki lahko prepreči sprejetje odločitve, mora vključevati najmanj štiri člane Sveta, sicer se šteje, da je kvalificirana večina dosežena.

(2) Ne glede na prejšnji odstavek, ko Svet ne odloča na predlog Komisije ali ministra za zunanje zadeve Unije, je kvalificirana večina najmanj 72% članov Sveta, ki predstavljajo države članice, ki imajo skupaj najmanj 65% prebivalstva Unije.

(3) Prvi in drugi odstavek tega člena se uporabljata tudi za Evropski svet, kadar odloča s kvalificirano večino.

(4) Predsednik Evropskega sveta in predsednik Komisije pri odločanju Evropskega sveta ne glasujeta.

I-26. ČLEN

Evropska komisija

(1) Komisija spodbuja splošni interes Unije in v ta namen sprejema ustrezne pobude. Skrbi za uporabo Ustave in ukrepov, ki jih institucije sprejmejo na njeni podlagi. Nadzira uporabo prava Unije pod nadzorom Sodišča Evropske unije. Izvršuje proračun in upravlja programe. V skladu z Ustavo opravlja usklajevalno, izvršilno in upravno funkcijo. Razen pri skupni zunanji in varnostni politiki in v drugih primerih, predvidenih v Ustavi, opravlja zastopanje Unije navzven. Daje pobude za letno in večletno načrtovanje Unije z namenom doseganja medinstitucionalnih sporazumov.

(2) Če Ustava ne določa drugače, se lahko zakonodajni akti Unije sprejemajo le na podlagi predloga Komisije. Drugi akti se sprejemajo na podlagi predloga Komisije, če je to predvideno v Ustavi.

(3) Mandat Komisije je pet let.

(4) Člani Komisije so izbrani na podlagi njihove splošne usposobljenosti in zavzetosti za Evropo, med osebami, katerih neodvisnost je nedvomna.

(5) Prvo Komisijo, imenovano v skladu z določbami Ustave, vključno z njenim predsednikom in ministrom za zunanje zadeve Unije, ki je eden od podpredsednikov Komisije, sestavlja po en državljan vsake države članice.

(6) Po izteku mandata Komisije iz prejšnjega odstavka, Komisijo sestavlja število članov, ki vključno z njenim predsednikom in ministrom za zunanje zadeve Unije ustreza dvema tretjinama števila držav članic, razen če Evropski svet soglasno ne odloči o spremembi tega števila.

Člani Komisije so izbrani med državljani držav članic po sistemu enakopravne rotacije med državami članicami. Ta sistem se vzpostavi s soglasno sprejetim evropskim sklepom Evropskega sveta in temelji na naslednjih načel:

7. The Presidency of Council configurations, other than that of Foreign Affairs, shall be held by Member State representatives in the Council on the basis of equal rotation, in accordance with the conditions established by a European decision of the European Council. The European Council shall act by a qualified majority.

ARTICLE I-25

Definition of qualified majority within the European Council and the Council

1. A qualified majority shall be defined as at least 55% of the members of the Council, comprising at least fifteen of them and representing Member States comprising at least 65% of the population of the Union.

A blocking minority must include at least four Council members, failing which the qualified majority shall be deemed attained.

2. By way of derogation from paragraph 1, when the Council does not act on a proposal from the Commission or from the Union Minister for Foreign Affairs, the qualified majority shall be defined as at least 72% of the members of the Council, representing Member States comprising at least 65% of the population of the Union.

3. Paragraphs 1 and 2 shall apply to the European Council when it is acting by a qualified majority.

4. Within the European Council, its President and the President of the Commission shall not take part in the vote.

ARTICLE I-26

The European Commission

1. The Commission shall promote the general interest of the Union and take appropriate initiatives to that end. It shall ensure the application of the Constitution, and measures adopted by the institutions pursuant to the Constitution. It shall oversee the application of Union law under the control of the Court of Justice of the European Union. It shall execute the budget and manage programmes. It shall exercise coordinating, executive and management functions, as laid down in the Constitution. With the exception of the common foreign and security policy, and other cases provided for in the Constitution, it shall ensure the Union's external representation. It shall initiate the Union's annual and multiannual programming with a view to achieving interinstitutional agreements.

2. Union legislative acts may be adopted only on the basis of a Commission proposal, except where the Constitution provides otherwise. Other acts shall be adopted on the basis of a Commission proposal where the Constitution so provides.

3. The Commission's term of office shall be five years.

4. The members of the Commission shall be chosen on the ground of their general competence and European commitment from persons whose independence is beyond doubt.

5. The first Commission appointed under the provisions of the Constitution shall consist of one national of each Member State, including its President and the Union Minister for Foreign Affairs who shall be one of its Vice-Presidents.

6. As from the end of the term of office of the Commission referred to in paragraph 5, the Commission shall consist of a number of members, including its President and the Union Minister for Foreign Affairs, corresponding to two thirds of the number of Member States, unless the European Council, acting unanimously, decides to alter this number.

The members of the Commission shall be selected from among the nationals of the Member States on the basis of a system of equal rotation between the Member States. This system shall be established by a European decision adopted unanimously by the European Council and on the basis of the following principles:

a) države članice so pri določanju vrstnega reda in trajanja mandatov njihovih državljanov kot članov Komisije obravnavane popolnoma enakopravno; posledično razlika med skupnim številom mandatov, ki jih imajo državljani dveh poljubnih držav članic, nikoli ne sme biti več kot ena;

b) ob upoštevanju prejšnje točke je vsaka zaporedna Komisija sestavljena tako, da zadovoljivo odraža demografski in geografski spekter celote držav članic.

(7) Pri izvrševanju svojih obveznosti je Komisija popolnoma neodvisna. Ne glede na drugi odstavek I-28. člena Ustave člani Komisije ne smejo zahtevati niti sprejemati navodil od posameznih vlad ali drugih organov. Vzdržijo se vsakega ravnanja, ki je nezdružljivo z njihovo funkcijo in opravljanjem njihovih nalog.

(8) Komisija je kot celota odgovorna Evropskemu parlamentu. Evropski parlament lahko v skladu s III-340. členom Ustave glasuje o predlogu nezaupnice Komisiji. Če je nezaupnica izglasovana, člani Komisije kolektivno odstopijo, minister za zunanje zadeve Unije pa odstopi s funkcije, ki jo opravlja v okviru Komisije.

I-27. ČLEN

Predsednik Evropske komisije

(1) Ob upoštevanju volitev v Evropski parlament in po opravljenih ustreznih posvetovanjih, Evropski svet s kvalificirano večino Evropskemu parlamentu predlaga kandidata za predsednika Komisije. Evropski parlament izvoli tega kandidata z večino svojih članov. Če ta kandidat ne dobi zahtevane večine, Evropski svet v enem mesecu s kvalificirano večino predlaga novega kandidata, ki ga Evropski parlament izvoli po istem postopku.

(2) Svet v medsebojnem soglasju z izvoljenim predsednikom sprejme seznam drugih oseb, ki jih predlaga v imenovanje za člane Komisije. Osebe so izbrane na podlagi predlogov držav članic v skladu z merili iz četrtega odstavka in drugega pododstavka šestega odstavka prejšnjega člena.

Predsednika, ministra za zunanje zadeve Unije in druge člane Komisije kot celoto z glasovanjem potrdi Evropski parlament. Na podlagi te potrditve Evropski svet s kvalificirano večino imenuje Komisijo.

(3) Predsednik Komisije:

a) določi smernice, po katerih Komisija opravlja svoje naloge,

b) odloči o notranji organizaciji Komisije, s čimer zagotavlja, da deluje usklajeno, učinkovito in po kolegijskem načelu,

c) imenuje podpredsednike med člani Komisije, razen ministra za zunanje zadeve Unije.

Član Komisije odstopi, če predsednik to od njega zahteva. Minister za zunanje zadeve Unije odstopi v skladu s postopkom iz prvega odstavka I-28. člena Ustave, če predsednik to od njega zahteva.

I-28. ČLEN

Minister za zunanje zadeve Unije

(1) Evropski svet imenuje ministra za zunanje zadeve Unije s kvalificirano večino in s soglasjem predsednika Komisije. Evropski svet lahko zaključi njegov mandat po enakem postopku.

(2) Minister za zunanje zadeve Unije vodi skupno zunanjo in varnostno politiko Unije. S svojimi predlogi prispeva k oblikovanju te politike in jo izvaja po pooblastilu Sveta. Enako velja za skupno varnostno in obrambno politiko.

(a) Member States shall be treated on a strictly equal footing as regards determination of the sequence of, and the time spent by, their nationals as members of the Commission; consequently, the difference between the total number of terms of office held by nationals of any given pair of Member States may never be more than one;

(b) subject to point (a), each successive Commission shall be so composed as to reflect satisfactorily the demographic and geographical range of all the Member States.

7. In carrying out its responsibilities, the Commission shall be completely independent. Without prejudice to Article I-28(2), the members of the Commission shall neither seek nor take instructions from any government or other institution, body, office or entity. They shall refrain from any action incompatible with their duties or the performance of their tasks.

8. The Commission, as a body, shall be responsible to the European Parliament. In accordance with Article III-340, the European Parliament may vote on a censure motion on the Commission. If such a motion is carried, the members of the Commission shall resign as a body and the Union Minister for Foreign Affairs shall resign from the duties that he or she carries out in the Commission.

ARTICLE I-27

The President of the European Commission

1. Taking into account the elections to the European Parliament and after having held the appropriate consultations, the European Council, acting by a qualified majority, shall propose to the European Parliament a candidate for President of the Commission. This candidate shall be elected by the European Parliament by a majority of its component members. If he or she does not obtain the required majority, the European Council, acting by a qualified majority, shall within one month propose a new candidate who shall be elected by the European Parliament following the same procedure.

2. The Council, by common accord with the President-elect, shall adopt the list of the other persons whom it proposes for appointment as members of the Commission. They shall be selected, on the basis of the suggestions made by Member States, in accordance with the criteria set out in Article I-26(4) and (6), second subparagraph.

The President, the Union Minister for Foreign Affairs and the other members of the Commission shall be subject as a body to a vote of consent by the European Parliament. On the basis of this consent the Commission shall be appointed by the European Council, acting by a qualified majority.

3. The President of the Commission shall:

(a) lay down guidelines within which the Commission is to work;

(b) decide on the internal organisation of the Commission, ensuring that it acts consistently, efficiently and as a collegiate body;

(c) appoint Vice-Presidents, other than the Union Minister for Foreign Affairs, from among the members of the Commission.

A member of the Commission shall resign if the President so requests. The Union Minister for Foreign Affairs shall resign, in accordance with the procedure set out in Article I-28(1), if the President so requests.

ARTICLE I-28

The Union Minister for Foreign Affairs

1. The European Council, acting by a qualified majority, with the agreement of the President of the Commission, shall appoint the Union Minister for Foreign Affairs. The European Council may end his or her term of office by the same procedure.

2. The Union Minister for Foreign Affairs shall conduct the Union's common foreign and security policy. He or she shall contribute by his or her proposals to the development of that policy, which he or she shall carry out as mandated by the Council. The same shall apply to the common security and defence policy.

(3) Minister za zunanje zadeve predseduje Svetu za zunanje zadeve.

(4) Minister za zunanje zadeve Unije je eden od podpredsednikov Komisije. Skrbi za doslednost zunanjepolitičnega delovanja Unije. V okviru Komisije je zadolžen za njene obveznosti na področju zunanjih odnosov in za usklajevanje drugih vidikov zunanjepolitičnega delovanja Unije. Pri izvajanju teh obveznosti v Komisiji in izključno glede teh obveznosti je minister za zunanje zadeve Unije dolžan upoštevati postopke, ki urejajo delovanje Komisije, kolikor je to skladno z drugim in tretjim odstavkom tega člena.

3. The Union Minister for Foreign Affairs shall preside over the Foreign Affairs Council.

4. The Union Minister for Foreign Affairs shall be one of the Vice-Presidents of the Commission. He or she shall ensure the consistency of the Union's external action. He or she shall be responsible within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union's external action. In exercising these responsibilities within the Commission, and only for these responsibilities, the Union Minister for Foreign Affairs shall be bound by Commission procedures to the extent that this is consistent with paragraphs 2 and 3.

I-29. ČLEN

Sodišče Evropske unije

(1) Sodišče Evropske unije sestavljajo Sodišče, Sodišče splošne pristojnosti in specializirana sodišča. Zagotavlja upoštevanje prava pri razlagi in uporabi Ustave.

Države članice vzpostavijo ustrezna pravna sredstva, s katerimi zagotovijo učinkovito pravno varstvo na področjih, ki jih ureja pravo Unije.

(2) Sodišče sestavlja po en sodnik iz vsake države članice. Sodišču pomagajo generalni pravobranilci.

Sodišče splošne pristojnosti ima najmanj po enega sodnika iz vsake države članice.

Sodniki in generalni pravobranilci Sodišča ter sodniki Sodišča splošne pristojnosti se izberejo med osebami, katerih neodvisnost je nedvomna in ki izpolnjujejo pogoje iz III-355. in III-356. člena Ustave. Vlade držav članic jih v medsebojnem soglasju imenujejo za dobo šestih let. Sodniki in generalni pravobranilci, ki jim mandat poteče, so lahko ponovno imenovani.

(3) Sodišče Evropske unije v skladu z določbami III. dela Ustave:

a) odloča o tožbah, ki jih vloži država članica, institucija, fizična ali pravna oseba;

b) na zahtevo nacionalnih sodišč predhodno odloča o vprašanjih glede razlage prava Unije ali veljavnosti aktov, ki so jih sprejele institucije;

c) odloča o drugih zadevah, predvidenih v Ustavi.

ARTICLE I-29

The Court of Justice of the European Union

1. The Court of Justice of the European Union shall include the Court of Justice, the General Court and specialised courts. It shall ensure that in the interpretation and application of the Constitution the law is observed.

Member States shall provide remedies sufficient to ensure effective legal protection in the fields covered by Union law.

2. The Court of Justice shall consist of one judge from each Member State. It shall be assisted by Advocates-General.

The General Court shall include at least one judge per Member State.

The judges and the Advocates-General of the Court of Justice and the judges of the General Court shall be chosen from persons whose independence is beyond doubt and who satisfy the conditions set out in Articles III-355 and III-356. They shall be appointed by common accord of the governments of the Member States for six years. Retiring judges and Advocates-General may be reappointed.

3. The Court of Justice of the European Union shall in accordance with Part III:

(a) rule on actions brought by a Member State, an institution or a natural or legal person;

(b) give preliminary rulings, at the request of courts or tribunals of the Member States, on the interpretation of Union law or the validity of acts adopted by the institutions;

(c) rule in other cases provided for in the Constitution.

II. POGLAVJE

DRUGE INSTITUCIJE IN POSVETOVALNI ORGANI UNIJE

I-30. ČLEN

Evropska centralna banka

(1) Evropska centralna banka in nacionalne centralne banke tvorijo Evropski sistem centralnih bank. Evropska centralna banka in nacionalne centralne banke držav članic, katerih valuta je euro ter tvorijo Eurosistem, vodijo denarno politiko Unije.

(2) Evropski sistem centralnih bank vodijo organi odločanja Evropske centralne banke. Poglavitni cilj Evropskega sistema centralnih bank je vzdrževanje stabilnosti cen. Ne glede na ta cilj podpira splošne ekonomske politike v Uniji, da bi prispeval k doseganju njenih ciljev. Izvaja vse druge naloge centralne banke v skladu z določbami III. dela Ustave in statuta Evropskega sistema centralnih bank in Evropske centralne banke.

CHAPTER II

THE OTHER UNION INSTITUTIONS AND ADVISORY BODIES

ARTICLE I-30

The European Central Bank

1. The European Central Bank, together with the national central banks, shall constitute the European System of Central Banks. The European Central Bank, together with the national central banks of the Member States whose currency is the euro, which constitute the Eurosystem, shall conduct the monetary policy of the Union.

2. The European System of Central Banks shall be governed by the decision-making bodies of the European Central Bank. The primary objective of the European System of Central Banks shall be to maintain price stability. Without prejudice to that objective, it shall support the general economic policies in the Union in order to contribute to the achievement of the latter's objectives. It shall conduct other Central Bank tasks in accordance with Part III and the Statute of the European System of Central Banks and of the European Central Bank.

(3) Evropska centralna banka je institucija. Je pravna oseba. Samo ona je pooblaščena za odobritev izdajanja eura. Pri izvajanju svojih pooblastil in upravljanju svojih financ je neodvisna. Institucije, organi, uradi in agencije Unije ter vlade držav članic upoštevajo to neodvisnost.

(4) Evropska centralna banka sprejme potrebne ukrepe za izvajanje njenih nalog, v skladu z določbami III-185. do III-191. člena in III-196. člena Ustave ter s pogoji, določenimi v statutu Evropskega sistema centralnih bank in Evropske centralne banke. V skladu z navedenimi členi tiste države članice, katerih valuta ni euro, in njihove centralne banke ohranijo svoje pristojnosti na denarnem področju.

(5) Z Evropsko centralno banko se je na področjih iz njenih pristojnosti treba posvetovati o vseh predlogih aktov Unije in o vseh predlogih predpisov na nacionalni ravni, Evropska centralna banka pa lahko da svoje mnenje.

(6) Organi odločanja Evropske centralne banke, njihova sestava in način delovanja so določeni v III-382. in III-383. členu Ustave ter v statutu Evropskega sistema centralnih bank in Evropske centralne banke.

3. The European Central Bank is an institution**.** It shall have legal personality. It alone may authorise the issue of the euro. It shall be independent in the exercise of its powers and in the management of its finances. Union institutions, bodies, offices and agencies and the governments of the Member States shall respect that independence.

4. The European Central Bank shall adopt such measures as are necessary to carry out its tasks in accordance with Articles III-185 to III-191 and Article III-196, and with the conditions laid down in the Statute of the European System of Central Banks and of the European Central Bank. In accordance with these same Articles, those Member States whose currency is not the euro, and their central banks, shall retain their powers in monetary matters.

5. Within the areas falling within its responsibilities, the European Central Bank shall be consulted on all proposed Union acts, and all proposals for regulation at national level, and may give an opinion.

6. The decision-making organs of the European Central Bank, their composition and operating methods are set out in Articles III-382 and III-383, as well as in the Statute of the European System of Central Banks and of the European Central Bank.

I-31. ČLEN

Računsko sodišče

(1) Računsko sodišče je institucija. Opravlja revizijo v Uniji.

(2) Opravlja revizijo vseh prihodkov in odhodkov Unije in skrbi za dobro finančno poslovodenje.

(3) Sestavlja ga po en državljan vsake države članice. Člani so popolnoma neodvisni pri opravljanju svojih nalog v splošnem interesu Unije.

ARTICLE I-31

The Court of Auditors

1. The Court of Auditors is an institution. It shall carry out the Union's audit.

2. It shall examine the accounts of all Union revenue and expenditure, and shall ensure good financial management.

3. It shall consist of one national of each Member State. Its members shall be completely independent in the performance of their duties, in the Union's general interest.

I-32. ČLEN

Posvetovalni organi Unije

(1) Evropskemu parlamentu, Svetu in Komisiji pomagata Odbor regij in Ekonomsko-socialni odbor, ki opravljata svetovalno funkcijo.

(2) Odbor regij je sestavljen iz predstavnikov regionalnih in lokalnih organov, ki imajo bodisi volilni mandat regionalne ali lokalne oblasti ali pa so politično odgovorni izvoljeni skupščini.

(3) Ekonomsko-socialni odbor sestavljajo predstavniki organizacij delodajalcev, delojemalcev in drugi predstavniki civilne družbe, predvsem iz socialno-ekonomskega, civilnega, poklicnega in kulturnega področja.

(4) Člani Odbora regij in Ekonomsko-socialnega odbora niso vezani na nikakršna obvezna navodila. Člani so popolnoma neodvisni pri opravljanju svojih nalog v splošnem interesu Unije.

(5) Pravila, ki urejajo sestavo teh odborov, imenovanje njunih članov, njune pristojnosti in delovanje, so določena v III-386. do III-392. členu Ustave.

Pravila iz drugega in tretjega odstavka tega člena o sestavi, redno preverja Svet ob upoštevanju gospodarskega, socialnega in demografskega razvoja v Uniji. Svet na predlog Komisije v ta namen sprejema evropske sklepe.

ARTICLE I-32

The Union's advisory bodies

1. The European Parliament, the Council and the Commission shall be assisted by a Committee of the Regions and an Economic and Social Committee, exercising advisory functions.

2. The Committee of the Regions shall consist of representatives of regional and local bodies who either hold a regional or local authority electoral mandate or are politically accountable to an elected assembly.

3. The Economic and Social Committee shall consist of representatives of organisations of employers, of the employed, and of other parties representative of civil society, notably in socio-economic, civic, professional and cultural areas.

4. The members of the Committee of the Regions and the Economic and Social Committee shall not be bound by any mandatory instructions. They shall be completely independent in the performance of their duties, in the Union's general interest.

5. Rules governing the composition of these Committees, the designation of their members, their powers and their operations are set out in Articles III-386 to III-392.

The rules referred to in paragraphs 2 and 3 governing the nature of their composition shall be reviewed at regular intervals by the Council to take account of economic, social and demographic developments within the Union. The Council, on a proposal from the Commission, shall adopt European decisions to that end.

V. NASLOV

IZVAJANJE PRISTOJNOSTI UNIJE

I. POGLAVJE

SKUPNE DOLOČBE

I-33. ČLEN

Pravni akti Unije

(1) Institucije uporabljajo za izvajanje pristojnosti Unije kot pravne instrumente, v skladu s III. delom Ustave, evropske zakone, evropske okvirne zakone, evropske uredbe, evropske sklepe, priporočila in mnenja.

Evropski zakon je zakonodajni akt, ki se splošno uporablja. Zavezujoč je v celoti in se neposredno uporablja v vseh državah članicah.

Evropski okvirni zakon je zakonodajni akt, ki je za vsako državo članico, na katero je naslovljen, zavezujoč glede cilja, ki ga je treba doseči, vendar prepušča nacionalnim organom izbiro oblike in metod.

Evropska uredba je akt, ki nima narave zakona in se splošno uporablja za izvajanje zakonodajnih aktov in nekaterih določb Ustave. Lahko je bodisi v celoti zavezujoča in se neposredno uporablja v vseh državah članicah ali pa je zavezujoča za vsako državo članico, na katero je naslovljena, glede cilja, ki ga je treba doseči, vendar prepušča nacionalnim organom izbiro oblike in metod.

Evropski sklep je v celoti zavezujoč akt, ki nima narave zakona. Če določa tiste, na katere je naslovljen, je zavezujoč samo zanje.

Priporočila in mnenja niso pravno zavezujoča.

(2) Evropski parlament in Svet pri obravnavi osnutkov zakonodajnih aktov ne sprejmeta nobenega akta, za katerega na zadevnem področju ni predviden ustrezen zakonodajni postopek.

I-34. ČLEN

Zakonodajni akti

(1) Evropske zakone in evropske okvirne zakone sprejemata Evropski parlament in Svet skupaj na podlagi predlogov Komisije po rednem zakonodajnem postopku po III-396. členu Ustave. Če ti dve instituciji o kakšnem aktu ne moreta doseči soglasja, tak akt ni sprejet.

(2) V posebnih primerih, predvidenih v Ustavi, lahko evropske zakone in evropske okvirne zakone sprejme Evropski parlament s sodelovanjem Sveta, ali pa Svet s sodelovanjem Evropskega parlamenta po posebnem zakonodajnem postopku.

(3) V posebnih primerih, predvidenih v Ustavi, se lahko evropski zakoni in evropski okvirni zakoni sprejemajo na pobudo skupine držav članic ali Evropskega parlamenta, na priporočilo Evropske centralne banke ali na zahtevo Sodišča ali Evropske investicijske banke.

I-35. ČLEN

Akti, ki nimajo narave zakona

(1) Evropski svet sprejema evropske sklepe v primerih, predvidenih v Ustavi.

(2) Svet in Komisija, zlasti v primerih iz I-36. in II-37. člena Ustave, v posebnih primerih, predvidenih v Ustavi, pa tudi Evropska centralna banka, sprejemajo evropske uredbe in evropske sklepe.

TITLE V

EXERCISE OF UNION COMPETENCE

CHAPTER I

COMMON PROVISIONS

ARTICLE I-33

The legal acts of the Union

1. To exercise the Union's competences the institutions shall use as legal instruments, in accordance with Part III, European laws, European framework laws, European regulations, European decisions, recommendations and opinions.

A European law shall be a legislative act of general application. It shall be binding in its entirety and directly applicable in all Member States.

A European framework law shall be a legislative act binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods.

A European regulation shall be a non-legislative act of general application for the implementation of legislative acts and of certain provisions of the Constitution. It may either be binding in its entirety and directly applicable in all Member States, or be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods.

A European decision shall be a non-legislative act, binding in its entirety. A decision which specifies those to whom it is addressed shall be binding only on them.

Recommendations and opinions shall have no binding force.

2. When considering draft legislative acts, the European Parliament and the Council shall refrain from adopting acts not provided for by the relevant legislative procedure in the area in question.

ARTICLE I-34

Legislative acts

1. European laws and framework laws shall be adopted, on the basis of proposals from the Commission, jointly by the European Parliament and the Council under the ordinary legislative procedure as set out in Article III-396. If the two institutions cannot reach agreement on an act, it shall not be adopted.

2. In the specific cases provided for in the Constitution, European laws and framework laws shall be adopted by the European Parliament with the participation of the Council, or by the latter with the participation of the European Parliament, in accordance with special legislative procedures.

3. In the specific cases provided for in the Constitution, European laws and framework laws may be adopted at the initiative of a group of Member States or of the European Parliament, on a recommendation from the European Central Bank or at the request of the Court of Justice or the European Investment Bank.

ARTICLE I-35

Non-legislative acts

1. The European Council shall adopt European decisions in the cases provided for in the Constitution.

2. The Council and the Commission, in particular in the cases referred to in Articles I–36 and I-37, and the European Central Bank in the specific cases provided for in the Constitution, shall adopt European regulations and decisions.

(3) Svet sprejema priporočila. Na predlog Komisije odloča v vseh primerih, za katere Ustava določa, da akte sprejema na predlog Komisije. Na področjih, kjer se za sprejetje akta Unije zahteva soglasje, odloča soglasno. Komisija, v posebnih primerih, predvidenih v Ustavi, pa tudi Evropska centralna banka, sprejemata priporočila.

3. The Council shall adopt recommendations. It shall act on a proposal from the Commission in all cases where the Constitution provides that it shall adopt acts on a proposal from the Commission. It shall act unanimously in those areas in which unanimity is required for the adoption of a Union act. The Commission, and the European Central Bank in the specific cases provided for in the Constitution, shall adopt recommendations.

I-36. ČLEN

Delegirane evropske uredbe

(1) V evropskih zakonih in evropskih okvirnih zakonih se lahko na Komisijo prenese pooblastilo za sprejemanje delegiranih evropskih uredb, ki dopolnjujejo ali spreminjajo kakšne nebistvene določbe evropskih zakonov ali okvirnih zakonov.

V evropskih zakonih in okvirnih zakonih se izrecno opredelijo cilji, vsebina, področje uporabe in trajanje pooblastila. Bistvene določbe področja se pridržijo evropskemu zakonu ali okvirnemu zakonu in skladno s tem ne morejo biti predmet prenosa pooblastila.

(2) Z evropskimi zakoni in okvirnimi zakoni se izrecno opredelijo pogoji, ki se uporabljajo za pooblastilo, in sicer:

a) Evropski parlament ali Svet lahko sklene preklicati pooblastilo;

b) delegirana evropska uredba lahko začne veljati samo, če Evropski parlament ali Svet v roku, ki ga določi evropski zakon ali okvirni zakon, temu nista nasprotovala.

Za namene iz točk a) in b) prejšnjega pododstavka odloča Evropski parlament z večino svojih članov, Svet pa s kvalificirano večino.

ARTICLE I-36

Delegated European regulations

1. European laws and framework laws may delegate to the Commission the power to adopt delegated European regulations to supplement or amend certain non-essential elements of the law or framework law.

The objectives, content, scope and duration of the delegation of power shall be explicitly defined in the European laws and framework laws. The essential elements of an area shall be reserved for the European law or framework law and accordingly shall not be the subject of a delegation of power.

2. European laws and framework laws shall explicitly lay down the conditions to which the delegation is subject; these conditions may be as follows:

(a) the European Parliament or the Council may decide to revoke the delegation;

(b) the delegated European regulation may enter into force only if no objection has been expressed by the European Parliament or the Council within a period set by the European law or framework law.

For the purposes of (a) and (b), the European Parliament shall act by a majority of its component members, and the Council by a qualified majority.

I-37. ČLEN

Izvedbeni akti

(1) Države članice sprejmejo vse ukrepe notranjega prava, ki so potrebni za izvajanje pravno zavezujočih aktov Unije.

(2) Če so potrebni enotni pogoji za izvajanje pravno zavezujočih aktov Unije, se s temi akti na Komisijo ali, v posebno upravičenih primerih in v primerih iz I-40. člena Ustave, na Svet, prenese izvedbena pooblastila.

(3) Za namene iz prejšnjega odstavka, se z evropskim zakonom vnaprej določijo pravila in splošna načela, po katerih države članice nadzirajo izvajanje izvedbenih pooblastil Komisije.

(4) Izvedbeni akti Unije se sprejemajo v obliki evropskih izvedbenih uredb ali evropskih izvedbenih sklepov.

ARTICLE I-37

Implementing acts

1. Member States shall adopt all measures of national law necessary to implement legally binding Union acts.

2. Where uniform conditions for implementing legally binding Union acts are needed, those acts shall confer implementing powers on the Commission, or, in duly justified specific cases and in the cases provided for in Article I-40, on the Council.

3. For the purposes of paragraph 2, European laws shall lay down in advance the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

4. Union implementing acts shall take the form of European implementing regulations or European implementing decisions.

I-38. ČLEN

Skupna pravila pravnih aktov Unije

(1) Če Ustava ne določa, vrste akta, ki naj se sprejme, o tem od primera do primera institucije odločajo ob upoštevanju ustreznega postopka in načela sorazmernosti iz I-11. člena Ustave.

(2) Pravni akti morajo biti obrazloženi in navajati morebitne predloge, pobude, priporočila, zahteve ali mnenja, ki jih predvideva Ustava.

ARTICLE I-38

Principles common to the Union's legal acts

1. Where the Constitution does not specify the type of act to be adopted, the institutions shall select it on a case-by-case basis, in compliance with the applicable procedures and with the principle of proportionality referred to in Article I-11.

2. Legal acts shall state the reasons on which they are based and shall refer to any proposals, initiatives, recommendations, requests or opinions required by the Constitution.

I-39. ČLEN

Objava in začetek veljavnosti

(1) Evropske zakone in evropske okvirne zakone, sprejete po rednem zakonodajnem postopku, podpišeta predsednik Evropskega parlamenta in predsednik Sveta.

ARTICLE I-39

Publication and entry into force

1. European laws and framework laws adopted under the ordinary legislative procedure shall be signed by the President of the European Parliament and by the President of the Council.

V ostalih primerih jih podpiše predsednik institucije, ki jih sprejme.

Evropski zakoni in evropski okvirni zakoni se objavijo v Uradnem listu Evropske unije in začnejo veljati z dnem, ki je v njih določen, če ni določen, pa dvajseti dan po njihovi objavi.

(2) Evropske uredbe in evropske sklepe, v katerih ni določeno, na koga so naslovljeni, podpiše predsednik institucije, ki jih sprejme.

Evropske uredbe in evropski sklepi, v katerih ni določeno, na koga so naslovljeni, se objavijo v Uradnem listu Evropske unije in začnejo veljati z dnem, ki je v njih določen, če ni določen, pa dvajseti dan po njihovi objavi.

(3) O evropskih sklepih, razen tistih iz prejšnjega odstavka, se uradno obvesti naslovljence, učinkovati pa začnejo s takšnim obvestilom.

In other cases they shall be signed by the President of the institution which adopted them.

European laws and framework laws shall be published in the Official Journal of the European Union and shall enter into force on the date specified in them or, in the absence thereof, on the twentieth day following their publication.

2. European regulations, and European decisions which do not specify to whom they are addressed, shall be signed by the President of the institution which adopted them.

European regulations, and European decisions when the latter do not specify to whom they are addressed, shall be published in the Official Journal of the European Union and shall enter into force on the date specified in them or, in the absence thereof, on the twentieth day following that of their publication.

3. European decisions other than those referred to in paragraph 2 shall be notified to those to whom they are addressed and shall take effect upon such notification.

II. POGLAVJE

POSEBNE DOLOČBE

I-40. ČLEN

Posebne določbe glede skupne zunanje in varnostne politike

(1) Evropska unija vodi skupno zunanjo in varnostno politiko, ki temelji na razvoju medsebojne politične solidarnosti držav članic, opredelitvi vprašanj splošnega pomena in doseganju vedno večje skladnosti ukrepanja držav članic.

(2) Evropski svet opredeljuje strateške interese Unije in določa cilje njene skupne zunanje in varnostne politike. Svet oblikuje to politiko v okviru strateških smernic, ki jih določi Evropski svet, in v skladu s III. delom Ustave.

(3) Evropski svet in Svet sprejemata potrebne evropske sklepe.

(4) Skupno zunanjo in varnostno politiko izvajajo minister za zunanje zadeve Unije in države članice z uporabo nacionalnih sredstev in sredstev Unije.

(5) Države članice se v okviru Evropskega sveta in Sveta posvetujejo med seboj o vsakem vprašanju zunanje in varnostne politike, ki je splošnega pomena, da bi določile skupen pristop. Pred ukrepanjem na mednarodnem prizorišču ali prevzemom kakšne obveznosti, ki bi lahko vplivala na interese Unije, se države članice med seboj posvetujejo v okviru Evropskega sveta ali Sveta. Države članice z uskladitvijo ukrepanja omogočajo, da lahko Unija uveljavi svoje interese in vrednote na mednarodnem področju. Države članice si izkazujejo medsebojno solidarnost.

(6) Evropske sklepe, ki se nanašajo na področje skupne zunanje in varnostne politike, Evropski svet in Svet sprejemata soglasno, razen v primerih iz III. dela Ustave. Delujeta na pobudo države članice, na predlog ministra za zunanje zadeve Unije ali na predlog tega ministra s podporo Komisije. Evropski zakoni in okvirni zakoni so izključeni.

(7) Evropski svet lahko soglasno sprejme evropski sklep, ki določi, da Svet, razen v primerih iz III. dela Ustave, odloča s kvalificirano večino.

(8) Z Evropskim parlamentom se je treba redno posvetovati o glavnih vidikih in temeljnih usmeritvah skupne zunanje in varnostne politike. O njenem razvoju se ga stalno obvešča.

CHAPTER II

SPECIFIC PROVISIONS

ARTICLE I-40

Specific provisions relating to the common foreign and security policy

1. The European Union shall conduct a common foreign and security policy, based on the development of mutual political solidarity among Member States, the identification of questions of general interest and the achievement of an ever-increasing degree of convergence of Member States' actions.

2. The European Council shall identify the Union's strategic interests and determine the objectives of its common foreign and security policy. The Council shall frame this policy within the framework of the strategic guidelines established by the European Council and in accordance with Part III.

3. The European Council and the Council shall adopt the necessary European decisions.

4. The common foreign and security policy shall be put into effect by the Union Minister for Foreign Affairs and by the Member States, using national and Union resources.

5. Member States shall consult one another within the European Council and the Council on any foreign and security policy issue which is of general interest in order to determine a common approach. Before undertaking any action on the international scene or any commitment which could affect the Union's interests, each Member State shall consult the others within the European Council or the Council. Member States shall ensure, through the convergence of their actions, that the Union is able to assert its interests and values on the international scene. Member States shall show mutual solidarity.

6. European decisions relating to the common foreign and security policy shall be adopted by the European Council and the Council unanimously, except in the cases referred to in Part III. The European Council and the Council shall act on an initiative from a Member State, on a proposal from the Union Minister for Foreign Affairs or on a proposal from that Minister with the Commission's support. European laws and framework laws shall be excluded.

7. The European Council may, unanimously, adopt a European decision authorising the Council to act by a qualified majority in cases other than those referred to in Part III.

8. The European Parliament shall be regularly consulted on the main aspects and basic choices of the common foreign and security policy. It shall be kept informed of how it evolves.

I-41. ČLEN

Posebne določbe glede skupne varnostne in obrambne politike

(1) Skupna varnostna in obrambna politika je sestavni del skupne zunanje in varnostne politike. Uniji zagotavlja operativno sposobnost, oprto na civilna in vojaška sredstva. Unija jih lahko uporablja pri misijah zunaj svojih meja za vzdrževanje miru, preprečevanje konfliktov in krepitev mednarodne varnosti v skladu z načeli Ustanovne listine Združenih narodov. Za izvajanje teh nalog se uporabijo zmogljivosti, ki jih zagotovijo države članice.

(2) Skupna varnostna in obrambna politika vključuje postopno oblikovanje skupne obrambne politike Unije. Ta vodi do skupne obrambe, če Evropski svet soglasno tako odloči. V tem primeru državam članicam priporoči sprejetje takšne odločitve v skladu z njihovimi ustavnimi določbami.

Politika Unije v skladu s tem členom ne vpliva na posebno naravo varnostne in obrambne politike posameznih držav članic, upošteva obveznosti iz Severnoatlantske pogodbe tistih držav članic, ki vidijo uresničevanje svoje skupne obrambe v Organizaciji Severnoatlantske pogodbe, ter je združljiva s skupno varnostno in obrambno politiko, vzpostavljeno v tem okviru.

(3) Države članice dajo Uniji na razpolago civilne in vojaške zmogljivosti za izvajanje skupne varnostne in obrambne politike za uresničevanje ciljev, ki jih opredeli Svet. Države članice, ki med seboj ustanovijo večnacionalne sile, lahko te sile dajo na razpolago tudi za skupno varnostno in obrambno politiko.

Države članice si prizadevajo za postopno izboljšanje svojih vojaških zmogljivosti. Ustanovi se Agencija za področje razvoja obrambnih zmogljivosti, raziskav, nabave in oborožitve (Evropska obrambna agencija), katere naloga je ugotavljati operativne potrebe, pospeševati ukrepe za njihovo zadovoljevanje, prispevati k določanju in po potrebi izvajanju vseh ukrepov, ki so potrebni za krepitev industrijske in tehnološke osnove obrambnega sektorja, sodelovati pri določanju evropske politike na področju zmogljivosti in oboroževanja ter pomagati Svetu pri ocenjevanju napredka vojaških zmogljivosti.

(4) Evropske sklepe o skupni varnostni in obrambni politiki, vključno s tistimi o uvedbi misije po tem členu, sprejme Svet soglasno na predlog ministra za zunanje zadeve Unije ali pobudo države članice. Minister za zunanje zadeve Unije, po potrebi skupaj s Komisijo, lahko predlaga uporabo nacionalnih sredstev kakor tudi instrumentov Unije.

(5) Svet lahko izvršitev misije v okviru Unije zaupa skupini držav članic, da se ohranijo vrednote Unije in v korist njenih interesov. Izvajanje take misije urejajo določbe III-310. člena Ustave.

(6) Države članice, katerih vojaške zmogljivosti izpolnjujejo višja merila in ki so sprejele bolj zavezujoče obveznosti na tem področju z ozirom na najzahtevnejše misije, vzpostavijo stalno strukturno sodelovanje v okviru Unije. Takšno sodelovanje urejajo določbe III-312. člena Ustave. To sodelovanje ne vpliva na določbe III-309. člena Ustave.

(7) Če je država članica žrtev oboroženega napada na svoje ozemlje, so ji druge države članice dolžne v skladu z 51. členom Ustanovne listine Združenih narodov zagotoviti pomoč in podporo z vsemi sredstvi, s katerimi razpolagajo. To ne vpliva na posebno naravo varnostne in obrambne politike posameznih držav članic.

ARTICLE I-41

Specific provisions relating to the common security and defence policy

1. The common security and defence policy shall be an integral part of the common foreign and security policy. It shall provide the Union with an operational capacity drawing on civil and military assets. The Union may use them on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter. The performance of these tasks shall be undertaken using capabilities provided by the Member States.

2. The common security and defence policy shall include the progressive framing of a common Union defence policy. This will lead to a common defence, when the European Council, acting unanimously, so decides. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.

The policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defence policy of certain Member States, it shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation, under the North Atlantic Treaty, and be compatible with the common security and defence policy established within that framework.

3. Member States shall make civilian and military capabilities available to the Union for the implementation of the common security and defence policy, to contribute to the objectives defined by the Council. Those Member States which together establish multinational forces may also make them available to the common security and defence policy.

Member States shall undertake progressively to improve their military capabilities. An Agency in the field of defence capabilities development, research, acquisition and armaments (European Defence Agency) shall be established to identify operational requirements, to promote measures to satisfy those requirements, to contribute to identifying and, where appropriate, implementing any measure needed to strengthen the industrial and technological base of the defence sector, to participate in defining a European capabilities and armaments policy, and to assist the Council in evaluating the improvement of military capabilities.

4. European decisions relating to the common security and defence policy, including those initiating a mission as referred to in this Article, shall be adopted by the Council acting unanimously on a proposal from the Union Minister for Foreign Affairs or an initiative from a Member State. The Union Minister for Foreign Affairs may propose the use of both national resources and Union instruments, together with the Commission where appropriate.

5. The Council may entrust the execution of a task, within the Union framework, to a group of Member States in order to protect the Union's values and serve its interests. The execution of such a task shall be governed by Article III-310.

6. Those Member States whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions shall establish permanent structured cooperation within the Union framework. Such cooperation shall be governed by Article III-312. It shall not affect the provisions of Article III-309.

7. If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States.

Obveznosti in sodelovanje na tem področju je skladno z obveznostmi v okviru Organizacije Severnoatlantske pogodbe, ki za države, članice te organizacije, ostaja temelj njihove kolektivne obrambe in forum za njeno izvajanje.

(8) Z Evropskim parlamentom se je treba redno posvetovati o glavnih vidikih in temeljnih usmeritvah skupne zunanje in varnostne politike. O njenem razvoju ga je treba stalno obveščati.

I-42. ČLEN

Posebne določbe glede območja svobode, varnosti in pravice

(1) Unija vzpostavlja območje svobode, varnosti in pravice:

a) s sprejetjem evropskih zakonov in evropskih okvirnih zakonov, s katerimi naj bi se po potrebi približale določbe zakonov in upravnih predpisov držav članic na področjih, iz III. dela Ustave;

b) s spodbujanjem medsebojnega zaupanja med pristojnimi organi držav članic, zlasti na podlagi vzajemnega priznavanja sodnih in izvensodnih odločb;

c) z operativnim sodelovanjem med pristojnimi organi držav članic, vključno s policijo, carino in drugimi službami, specializiranimi za preprečevanje in odkrivanje kaznivih dejanj.

(2) V okviru območja svobode, varnosti in pravice lahko nacionalni parlamenti sodelujejo pri mehanizmih ocenjevanja iz III-260. člena Ustave. Vključeni so v politični nadzor Europola in oceno Eurojustovih dejavnosti v skladu z III-276. in III-273. členom Ustave.

(3) Na področju policijskega in pravosodnega sodelovanja v kazenskih zadevah imajo države članice v skladu z III-264. členom Ustave pravico do pobude.

I-43. ČLEN

Solidarnostna klavzula

(1) Unija in njene države članice delujejo skupaj v duhu solidarnosti, če je kakšna država članica žrtev terorističnega napada, naravne nesreče ali nesreče, ki jo je povzročil človek. Unija uporabi vsa sredstva, ki so ji na razpolago, vključno z vojaškimi sredstvi, ki ji jih države članice dajo na razpolago, da bi:

a) – preprečili teroristično grožnjo na ozemlju držav članic;

– zavarovali demokratične institucije in civilno prebivalstvo pred morebitnim terorističnim napadom;

– državi članici na njenem ozemlju v primeru terorističnega napada pomagali, na zaprosilo njenih političnih organov;

b) državi članici na njenem ozemlju v primeru naravne nesreče ali nesreče, ki jo povzroči človek pomagali, na zaprosilo njenih političnih organov.

(2) Podrobnejša ureditev izvajanja tega člena je v III-329. členu Ustave.

III. POGLAVJE

OKREPLJENO SODELOVANJE

I-44. ČLEN

Okrepljeno sodelovanje

(1) Države članice, ki med seboj želijo vzpostaviti okrepljeno sodelovanje na področjih, ki niso v izključni pristojnosti Unije, lahko v mejah in v skladu s postopki, določenimi v tem členu in v III-416. do III-423. členu Ustave uporabijo njene institucije in izvajajo te pristojnosti ob uporabi ustreznih določb Ustave

Commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation.

8. The European Parliament shall be regularly consulted on the main aspects and basic choices of the common security and defence policy. It shall be kept informed of how it evolves.

ARTICLE I-42

Specific provisions relating to the area of freedom, security and justice

1. The Union shall constitute an area of freedom, security and justice:

(a) by adopting European laws and framework laws intended, where necessary, to approximate laws and regulations of the Member States in the areas referred to in Part III;

(b) by promoting mutual confidence between the competent authorities of the Member States, in particular on the basis of mutual recognition of judicial and extrajudicial decisions;

(c) by operational cooperation between the competent authorities of the Member States, including the police, customs and other services specialising in the prevention and detection of criminal offences.

2. National Parliaments may, within the framework of the area of freedom, security and justice, participate in the evaluation mechanisms provided for in Article III-260. They shall be involved in the political monitoring of Europol and the evaluation of Eurojust's activities in accordance with Articles III-276 and III-273.

3. Member States shall have a right of initiative in the field of police and judicial cooperation in criminal matters, in accordance with Article III-264.

ARTICLE I-43

Solidarity clause

1. The Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster. The Union shall mobilise all the instruments at its disposal, including the military resources made available by the Member States, to:

(a) – prevent the terrorist threat in the territory of the Member States;

– protect democratic institutions and the civilian population from any terrorist attack;

– assist a Member State in its territory, at the request of its political authorities, in the event of a terrorist attack;

(b) assist a Member State in its territory, at the request of its political authorities, in the event of a natural or man-made disaster.

2. The detailed arrangements for implementing this Article are set out in Article III-329.

CHAPTER III

ENHANCED COOPERATION

ARTICLE I-44

Enhanced cooperation

1. Member States which wish to establish enhanced cooperation between themselves within the framework of the Union's non-exclusive competences may make use of its institutions and exercise those competences by applying the relevant provisions of the Constitution, subject to the limits and in accordance with the procedures laid down in this Article and in Articles III-416 to III-423.

Okrepljeno sodelovanje je naravnano na uresničevanje ciljev Unije, zaščito njenih interesov in krepitev njenih integracijskih procesov. To sodelovanje je stalno odprto za vse države članice v skladu s III-418. členom Ustave.

(2) Svet sprejme evropski sklep, s katerim odobri okrepljeno sodelovanje kot zadnje sredstvo, če ugotovi, da Unija kot celota ne more doseči ciljev takega sodelovanja v razumnem roku, in če se sodelovanja udeleži najmanj tretjina držav članic. Svet odloča v skladu s postopkom, določenim v III-419. členu Ustave.

(3) Vsi člani Sveta lahko sodelujejo pri njegovih razpravah, glasujejo pa samo tisti člani Sveta, ki predstavljajo države članice, udeležene pri okrepljenem sodelovanju.

Soglasje tvorijo samo glasovi predstavnikov udeleženih držav članic.

Kvalificirana večina je večina najmanj 55% članov Sveta, ki predstavljajo udeležene države članice, ki imajo skupaj najmanj 65% prebivalstva teh držav.

Manjšina, ki lahko prepreči sprejetje odločitve, mora vključevati najmanj minimalno število članov Sveta, ki predstavljajo več kot 35% prebivalstva udeleženih držav članic, in dodatnega člana, sicer se šteje, da je kvalificirana večina dosežena.

Ne glede na tretji in četrti pododstavek tega odstavka, ko Svet ne odloča na predlog Komisije ali na predlog ministra za zunanje zadeve Unije, je zahtevana kvalificirana večina najmanj 72% članov Sveta, ki predstavljajo udeležene države članice, ki imajo skupaj najmanj 65% prebivalstva teh držav.

(4) Akti, sprejeti v okviru okrepljenega sodelovanja, so zavezujoči samo za udeležene države članice. Ne predstavljajo dela pravnega reda, ki ga morajo sprejeti države kandidatke za pristop k Uniji.

Enhanced cooperation shall aim to further the objectives of the Union, protect its interests and reinforce its integration process. Such cooperation shall be open at any time to all Member States, in accordance with Article III-418.

2. The European decision authorising enhanced cooperation shall be adopted by the Council as a last resort, when it has established that the objectives of such cooperation cannot be attained within a reasonable period by the Union as a whole, and provided that at least one third of the Member States participate in it. The Council shall act in accordance with the procedure laid down in Article III-419.

3. All members of the Council may participate in its deliberations, but only members of the Council representing the Member States participating in enhanced cooperation shall take part in the vote.

Unanimity shall be constituted by the votes of the representatives of the participating Member States only.

A qualified majority shall be defined as at least 55% of the members of the Council representing the participating Member States, comprising at least 65% of the population of these States.

A blocking minority must include at least the minimum number of Council members representing more than 35% of the population of the participating Member States, plus one member, failing which the qualified majority shall be deemed attained.

By way of derogation from the third and fourth subparagraphs, where the Council does not act on a proposal from the Commission or from the Union Minister for Foreign Affairs, the required qualified majority shall be defined as at least 72% of the members of the Council representing the participating Member States, comprising at least 65% of the population of these States.

4. Acts adopted in the framework of enhanced cooperation shall bind only participating Member States. They shall not be regarded as part of the *acquis* which has to be accepted by candidate States for accession to the Union.

VI. NASLOV

DEMOKRATIČNO ŽIVLJENJE UNIJE

I-45. ČLEN

Načelo demokratične enakosti

Unija pri vseh svojih dejavnostih upošteva načelo enakosti svojih državljanov, ki so deležni enake obravnave s strani njenih institucij, organov, uradov in agencij.

I-46. ČLEN

Načelo predstavniške demokracije

(1) Delovanje Unije temelji na predstavniški demokraciji.

(2) Državljani so na ravni Unije neposredno zastopani v Evropskem parlamentu.

Države članice v Evropskem svetu predstavljajo voditelji držav ali vlad in v Svetu njihove vlade, ki so demokratično odgovorni bodisi svojemu nacionalnemu parlamentu bodisi svojim državljanom.

(3) Vsak državljan ima pravico sodelovati v demokratičnem življenju Unije. Odločitve se sprejemajo kar najbolj odprto in demokratično.

(4) Politične stranke na evropski ravni prispevajo k oblikovanju evropske politične zavesti in k izražanju volje državljanov Unije.

I-47. ČLEN

Načelo participativne demokracije

(1) Institucije dajejo državljanom in predstavniškim združenjem na ustrezen način možnost izražanja in javnega izmenjavanja mnenj glede vseh področij delovanja Unije.

TITLE VI

THE DEMOCRATIC LIFE OF THE UNION

ARTICLE I-45

The principle of democratic equality

In all its activities, the Union shall observe the principle of the equality of its citizens, who shall receive equal attention from its institutions, bodies, offices and agencies.

ARTICLE I-46

The principle of representative democracy

1. The functioning of the Union shall be founded on representative democracy.

2. Citizens are directly represented at Union level in the European Parliament.

Member States are represented in the European Council by their Heads of State or Government and in the Council by their governments, themselves democratically accountable either to their national Parliaments, or to their citizens.

3. Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen.

4. Political parties at European level contribute to forming European political awareness and to expressing the will of citizens of the Union.

ARTICLE I-47

The principle of participatory democracy

1. The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.

(2) Institucije vzdržujejo odprt, pregleden in reden dialog s predstavniškimi združenji in civilno družbo.

(3) Komisija opravlja širša posvetovanja z udeleženimi stranmi, da se zagotovi usklajenost in preglednost delovanja Unije.

(4) Najmanj milijon državljanov Unije iz večjega števila držav članic lahko s svojo pobudo Komisijo pozove, da v okviru svojih pristojnosti predloži ustrezen predlog v zadevah, za katere državljani menijo, da je za uporabo Ustave treba sprejeti pravni akt Unije. Z evropskim zakonom se določijo postopki in pogoji, potrebni za tako državljansko pobudo, vključno z najmanjšim številom držav članic, iz katerih so ti državljani.

I-48. ČLEN

Socialni partnerji in avtonomen socialni dialog

Unija priznava in spodbuja vlogo socialnih partnerjev na ravni Unije ob upoštevanju razlik nacionalnih sistemov. Pospešuje dialog med socialnimi partnerji ob upoštevanju njihove avtonomije.

Tripartitni socialni vrh o rasti in zaposlovanju prispeva k socialnemu dialogu.

I-49. ČLEN

Evropski varuh človekovih pravic

Evropski parlament izvoli evropskega varuha človekovih pravic, ki sprejema pritožbe zoper nepravilnosti pri delovanju institucij, organov, uradov ali agencij Unije, jih preveri in o njih pripravi poročilo pod pogoji, določenimi v Ustavi. Evropski varuh človekovih pravic je pri opravljanju svojih nalog popolnoma neodvisen.

I-50. ČLEN

Preglednost dela institucij, organov, uradov in agencij Unije

(1) Zaradi spodbujanja dobrega vodenja in zagotovitve sodelovanja civilne družbe, institucije, organi, uradi in agencije Unije svoje delo opravljajo ob največjem možnem upoštevanju načela javnosti delovanja.

(2) Evropski parlament zaseda javno, prav tako tudi Svet, ko obravnava in glasuje o osnutku zakonodajnega akta.

(3) Vsak državljan Unije in vsaka fizična ali pravna oseba s prebivališčem ali statutarnim sedežem v kakšni državi članici ima pod pogoji, določenimi v III. delu Ustave, pravico dostopa do dokumentov institucij, organov, uradov in agencij Unije ne glede na nosilec dokumenta.

Splošna načela in omejitve dostopa do teh dokumentov iz razlogov javnega ali zasebnega interesa, določa evropski zakon.

(4) Institucije, organi, uradi ali agencije v svojih poslovnikih podrobneje uredijo dostop do svojih dokumentov v skladu z evropskim zakonom iz prejšnjega odstavka.

I-51. ČLEN

Varstvo osebnih podatkov

(1) Vsakdo ima pravico do varstva osebnih podatkov, ki se nanj nanašajo.

(2) Evropski zakon ali evropski okvirni zakon določa pravila o varstvu fizičnih oseb pri obdelavi osebnih podatkov s strani institucij, organov, uradov in agencij Unije ter držav članic v okviru dejavnosti s področja uporabe prava Unije, in o prostem pretoku takih podatkov. Upoštevanje teh pravil nadzirajo neodvisni organi.

2. The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.

3. The Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent.

4. Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Constitution. European laws shall determine the provisions for the procedures and conditions required for such a citizens' initiative, including the minimum number of Member States from which such citizens must come.

ARTICLE I-48

The social partners and autonomous social dialogue

The Union recognises and promotes the role of the social partners at its level, taking into account the diversity of national systems. It shall facilitate dialogue between the social partners, respecting their autonomy.

The Tripartite Social Summit for Growth and Employment shall contribute to social dialogue.

ARTICLE I-49

The European Ombudsman

A European Ombudsman elected by the European Parliament shall receive, examine and report on complaints about maladministration in the activities of the Union institutions, bodies, offices or agencies, under the conditions laid down in the Constitution. The European Ombudsman shall be completely independent in the performance of his or her duties.

ARTICLE I-50

Transparency of the proceedings of Union institutions, bodies, offices and agencies

1. In order to promote good governance and ensure the participation of civil society, the Union institutions, bodies, offices and agencies shall conduct their work as openly as possible.

2. The European Parliament shall meet in public, as shall the Council when considering and voting on a draft legislative act.

3. Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State shall have, under the conditions laid down in Part III, a right of access to documents of the Union institutions, bodies, offices and agencies, whatever their medium.

European laws shall lay down the general principles and limits which, on grounds of public or private interest, govern the right of access to such documents.

4. Each institution, body, office or agency shall determine in its own rules of procedure specific provisions regarding access to its documents, in accordance with the European laws referred to in paragraph 3.

ARTICLE I-51

Protection of personal data

1. Everyone has the right to the protection of personal data concerning him or her.

2. European laws or framework laws shall lay down the rules relating to the protection of individuals with regard to the processing of personal data by Union institutions, bodies, offices and agencies, and by the Member States when carrying out activities which fall within the scope of Union law, and the rules relating to the free movement of such data. Compliance with these rules shall be subject to the control of independent authorities.

I-52. ČLEN

Status cerkva in nekonfesionalnih organizacij

(1) Unija spoštuje in ne vpliva na status, ki ga cerkve in verska združenja ali skupnosti uživajo v državah članicah po nacionalnem pravu.

(2) Enako Unija spoštuje status svetovnonazorskih in nekonfesionalnih organizacij po nacionalnem pravu.

(3) Unija tem cerkvam in organizacijam priznava njihovo identiteto in poseben prispevek ter z njimi vzdržuje odprt, pregleden in reden dialog.

ARTICLE I-52

Status of churches and non-confessional organisations

1. The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States.

2. The Union equally respects the status under national law of philosophical and non-confessional organisations.

3. Recognising their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches and organisations.

VII. NASLOV

FINANCE UNIJE

I-53. ČLEN

Proračunska in finančna načela

(1) Vse postavke prihodkov in odhodkov Unije se vključijo v načrte, ki se pripravijo za vsako proračunsko leto, in prikažejo v proračunu Unije v skladu z določbami III. dela Ustave.

(2) Prihodki in odhodki, prikazani v proračunu, morajo biti uravnoteženi.

(3) V proračunu prikazani odhodki se odobrijo za eno proračunsko leto v skladu z evropskim zakonom iz III-412. člena Ustave.

(4) Za izvrševanje odhodkov, prikazanih v proračunu, je treba vnaprej sprejeti pravno zavezujoč akt Unije, ki daje pravno podlago za njeno ukrepanje in za izvršitev ustreznih odhodkov v skladu z evropskim zakonom iz III-412. člena Ustave, razen za izjeme, predvidene v tem zakonu.

(5) Zaradi ohranjanja proračunske discipline Unija ne sprejme nobenega akta, ki bi utegnil imeti znatni vpliv na proračun, ne da bi zagotovila, da se s tem aktom povezani odhodki, lahko financirajo v mejah lastnih sredstev Unije in ob upoštevanju večletnega finančnega okvira po I-55. členu Ustave.

(6) Proračun se izvršuje v skladu z načelom dobrega finančnega poslovodenja. Države članice sodelujejo z Unijo, da je uporaba v proračunu prikazanih sredstev v skladu s tem načelom.

(7) Unija in države članice v skladu s III-415. členom Ustave preprečujejo goljufije in druga protipravna ravnanja, ki škodijo finančnim interesom Unije.

TITLE VII

THE UNION'S FINANCES

ARTICLE I-53

Budgetary and financial principles

1. All items of Union revenue and expenditure shall be included in estimates drawn up for each financial year and shall be shown in the Union's budget, in accordance with Part III.

2. The revenue and expenditure shown in the budget shall be in balance.

3. The expenditure shown in the budget shall be authorised for the annual budgetary period in accordance with the European law referred to in Article III-412.

4. The implementation of expenditure shown in the budget shall require the prior adoption of a legally binding Union act providing a legal basis for its action and for the implementation of the corresponding expenditure in accordance with the European law referred to in Article III-412, except in cases for which that law provides.

5. With a view to maintaining budgetary discipline, the Union shall not adopt any act which is likely to have appreciable implications for the budget without providing an assurance that the expenditure arising from such an act is capable of being financed within the limit of the Union's own resources and in compliance with the multiannual financial framework referred to in Article I-55.

6. The budget shall be implemented in accordance with the principle of sound financial management. Member States shall cooperate with the Union to ensure that the appropriations entered in the budget are used in accordance with this principle.

7. The Union and the Member States, in accordance with Article III–415, shall counter fraud and any other illegal activities affecting the financial interests of the Union.

I-54. ČLEN

Lastna sredstva Unije

(1) Unija si zagotovi sredstva, potrebna za doseganje svojih ciljev in izvajanje svojih politik.

(2) Ne glede na druge prihodke se proračun Unije v celoti financira iz lastnih sredstev.

(3) Evropski zakon Sveta določa sistem lastnih sredstev Unije. V ta namen lahko uvede tudi nove kategorije lastnih sredstev ali odpravi obstoječe. Svet odloča soglasno po posvetovanju z Evropskim parlamentom. Ta evropski zakon začne veljati šele, ko ga odobrijo države članice v skladu s svojimi ustavnimi določbami.

(4) Evropski zakon Sveta določi izvedbene ukrepe v zvezi s sistemom lastnih sredstev Unije, kolikor je to predvideno v evropskem zakonu, sprejetem na podlagi prejšnjega odstavka. Svet odloča po pridobitvi odobritve Evropskega parlamenta.

ARTICLE I-54

The Union's own resources

1. The Union shall provide itself with the means necessary to attain its objectives and carry through its policies.

2. Without prejudice to other revenue, the Union's budget shall be financed wholly from its own resources.

3. A European law of the Council shall lay down the provisions relating to the system of own resources of the Union. In this context it may establish new categories of own resources or abolish an existing category. The Council shall act unanimously after consulting the European Parliament. That law shall not enter into force until it is approved by the Member States in accordance with their respective constitutional requirements.

4. A European law of the Council shall lay down implementing measures of the Union's own resources system insofar as this is provided for in the European law adopted on the basis of paragraph 3. The Council shall act after obtaining the consent of the European Parliament.

I-55. ČLEN

Večletni finančni okvir

(1) Z večletnim finančnim okvirom se zagotovi, da se odhodki Unije v okviru njenih lastnih sredstev izvršujejo na urejen način. V njem so določene letne zgornje meje odobrenih proračunskih sredstev za obveznosti po kategorijah odhodkov v skladu s III-402. členom Ustave.

(2) Večletni finančni okvir se določi z evropskim zakonom Sveta. Svet odloča soglasno po pridobitvi odobritve Evropskega parlamenta, ki jo ta sprejme z večino svojih članov.

(3) Letni proračun Unije mora biti pripravljen v skladu z večletnim finančnim okvirom.

(4) Evropski svet lahko soglasno sprejme evropski sklep, po katerem Svet lahko s kvalificirano večino sprejme evropski zakon Sveta iz drugega odstavka tega člena.

ARTICLE I-55

The multiannual financial framework

1. The multiannual financial framework shall ensure that Union expenditure develops in an orderly manner and within the limits of its own resources. It shall determine the amounts of the annual ceilings of appropriations for commitments by category of expenditure in accordance with Article III-402.

2. A European law of the Council shall lay down the multiannual financial framework. The Council shall act unanimously after obtaining the consent of the European Parliament, which shall be given by a majority of its component members.

3. The annual budget of the Union shall comply with the multiannual financial framework.

4. The European Council may, unanimously, adopt a European decision authorising the Council to act by a qualified majority when adopting the European law of the Council referred to in paragraph 2.

I-56. ČLEN

Proračun Unije

Letni proračun Unije se določi z evropskim zakonom v skladu s III-404. členom Ustave.

ARTICLE I-56

The Union's budget

A European law shall establish the Union's annual budget in accordance with Article III-404.

VIII. NASLOV

UNIJA IN NJENO NEPOSREDNO SOSEDSTVO

TITLE VIII

THE UNION AND ITS NEIGHBOURS

I-57. ČLEN

Unija in njeno neposredno sosedstvo

(1) Unija razvija posebne odnose z deželami v svojem sosedstvu, da ustvari območje blaginje in dobrega sosedstva, ki temelji na vrednotah Unije in je zaznamovano s tesnimi in miroljubnimi odnosi na podlagi sodelovanja.

(2) V namene prejšnjega odstavka lahko Unija s temi deželami sklepa posebne sporazume. Ti sporazumi lahko vsebujejo vzajemne pravice in obveznosti, kakor tudi možnost skupnega delovanja. O izvajanju teh sporazumov potekajo redna posvetovanja.

ARTICLE I-57

The Union and its neighbours

1. The Union shall develop a special relationship with neighbouring countries, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation.

2. For the purposes of paragraph 1, the Union may conclude specific agreements with the countries concerned. These agreements may contain reciprocal rights and obligations as well as the possibility of undertaking activities jointly. Their implementation shall be the subject of periodic consultation.

IX. NASLOV

ČLANSTVO UNIJE

TITLE IX

UNION MEMBERSHIP

I-58. ČLEN

Merila in postopki za pristop k Uniji

(1) Unija je odprta za vse evropske države, ki upoštevajo vrednote iz I-2. člena Ustave in so predane njihovemu skupnemu uveljavljanju.

(2) Evropska država, ki želi postati članica Unije, naslovi svojo prošnjo na Svet. O tej prošnji se obvestijo Evropski parlament in nacionalni parlamenti. Svet odloči soglasno po posvetovanju s Komisijo in po pridobitvi odobritve Evropskega parlamenta, ki odloča z večino svojih članov. Pogoji in način sprejema se uredijo s sporazumom med državami članicami in državo kandidatko. Ta sporazum morajo ratificirati vse države pogodbenice v skladu s svojimi ustavnimi določbami.

ARTICLE I-58

Conditions of eligibility and procedure for accession to the Union

1. The Union shall be open to all European States which respect the values referred to in Article I–2, and are committed to promoting them together.

2. Any European State which wishes to become a member of the Union shall address its application to the Council. The European Parliament and national Parliaments shall be notified of this application. The Council shall act unanimously after consulting the Commission and after obtaining the consent of the European Parliament, which shall act by a majority of its component members. The conditions and arrangements for admission shall be the subject of an agreement between the Member States and the candidate State. That agreement shall be subject to ratification by each contracting State, in accordance with its respective constitutional requirements.

I-59. ČLEN

Mirovanje nekaterih pravic, ki izhajajo iz članstva Unije

(1) Na obrazloženo pobudo ene tretjine držav članic, na obrazloženo pobudo Evropskega parlamenta ali na predlog Komisije lahko Svet sprejme evropski sklep, s katerim ugotovi obstoj očitne nevarnosti, da bi država članica lahko huje kršila vrednote iz I-2. člena Ustave. Svet odloča z večino štirih petin svojih članov po pridobitvi odobritve Evropskega parlamenta.

Pred takšno ugotovitvijo, Svet zadevno državo članico posluša in lahko po istem postopku nanjo naslovi priporočila.

Svet redno preverja, ali so še podani razlogi, na podlagi katerih je bila sprejeta takšna ugotovitev.

(2) Evropski svet lahko na pobudo ene tretjine držav članic ali na predlog Komisije sprejme evropski sklep, s katerim ugotovi, da kakšna država članica huje in vztrajno krši vrednote iz I-2. člena Ustave, potem ko jo je pozval naj predloži svoje stališče. Svet odloča soglasno po pridobitvi odobritve Evropskega parlamenta.

(3) Če je sprejeta ugotovitev iz prejšnjega odstavka lahko Svet s kvalificirano večino sprejme evropski sklep o mirovanju določenih pravic, ki izhajajo iz uporabe Ustave za zadevno državo članico, vključno z glasovalnimi pravicami člana Sveta, ki predstavlja to državo. Svet upošteva morebitne posledice takšnega mirovanja za pravice in obveznosti fizičnih in pravnih oseb.

V vsakem primeru za zadevno državo še naprej veljajo obveznosti iz Ustave.

(4) Svet lahko s kvalificirano večino naknadno sprejme evropski sklep, s katerim spremeni ali prekliče ukrepe, sprejete po prejšnjem odstavku, kot odgovor na spremembo položaja, ki je do njih privedel.

(5) Za namene tega člena član Evropskega sveta ali Sveta, ki predstavlja zadevno državo članico, pri glasovanju ne sodeluje, zadevna država članica pa se ne upošteva pri izračunu ene tretjine ali štirih petin držav članic po prvem in drugem odstavku tega člena. Vzdržani glasovi osebno navzočih ali zastopanih članov Evropskemu svetu ne preprečujejo sprejetja evropskih sklepov iz drugega odstavka tega člena.

Za sprejetje evropskih sklepov iz tretjega in četrtega odstavka tega člena je kvalificirana večina najmanj 72% članov Sveta, ki predstavljajo udeležene države članice, ki imajo skupaj najmanj 65% prebivalstva teh držav.

Če Svet po tem, ko je bila v skladu s tretjim odstavkom tega člena sprejeta odločitev o mirovanju glasovalnih pravic, odloča s kvalificirano večino na podlagi določbe Ustave, je kvalificirana večina tista, kot je opredeljena v prejšnjem pododstavku ali, če Svet odloča na predlog Komisije ali ministra za zunanje zadeve Unije, kot najmanj 55% članov Sveta, ki predstavljajo udeležene države članice, ki imajo skupaj najmanj 65% prebivalstva teh držav. V slednjem primeru mora manjšina, ki lahko prepreči sprejetje odločitve, vključevati najmanj minimalno število članov Sveta, ki predstavljajo več kot 35% prebivalstva udeleženih držav članic, in dodatnega člana, sicer se šteje, da je kvalificirana večina dosežena.

(6) Za namene tega člena odloča Evropski parlament z dvotretjinsko večino oddanih glasov, ki predstavljajo večino njegovih članov.

ARTICLE I-59

Suspension of certain rights resulting from Union membership

1. On the reasoned initiative of one third of the Member States or the reasoned initiative of the European Parliament or on a proposal from the Commission, the Council may adopt a European decision determining that there is a clear risk of a serious breach by a Member State of the values referred to in Article I-2. The Council shall act by a majority of four fifths of its members after obtaining the consent of the European Parliament.

Before making such a determination, the Council shall hear the Member State in question and, acting in accordance with the same procedure, may address recommendations to that State.

The Council shall regularly verify that the grounds on which such a determination was made continue to apply.

2. The European Council, on the initiative of one third of the Member States or on a proposal from the Commission, may adopt a European decision determining the existence of a serious and persistent breach by a Member State of the values mentioned in Article I-2, after inviting the Member State in question to submit its observations. The European Council shall act unanimously after obtaining the consent of the European Parliament.

3. Where a determination under paragraph 2 has been made, the Council, acting by a qualified majority, may adopt a European decision suspending certain of the rights deriving from the application of the Constitution to the Member State in question, including the voting rights of the member of the Council representing that State. The Council shall take into account the possible consequences of such a suspension for the rights and obligations of natural and legal persons.

In any case, that State shall continue to be bound by its obligations under the Constitution.

4. The Council, acting by a qualified majority, may adopt a European decision varying or revoking measures adopted under paragraph 3 in response to changes in the situation which led to their being imposed.

5. For the purposes of this Article, the member of the European Council or of the Council representing the Member State in question shall not take part in the vote and the Member State in question shall not be counted in the calculation of the one third or four fifths of Member States referred to in paragraphs 1 and 2. Abstentions by members present in person or represented shall not prevent the adoption of European decisions referred to in paragraph 2.

For the adoption of the European decisions referred to in paragraphs 3 and 4, a qualified majority shall be defined as at least 72% of the members of the Council, representing the participating Member States, comprising at least 65% of the population of these States.

Where, following a decision to suspend voting rights adopted pursuant to paragraph 3, the Council acts by a qualified majority on the basis of a provision of the Constitution, that qualified majority shall be defined as in the second subparagraph, or, where the Council acts on a proposal from the Commission or from the Union Minister for Foreign Affairs, as at least 55% of the members of the Council representing the participating Member States, comprising at least 65% of the population of these States. In the latter case, a blocking minority must include at least the minimum number of Council members representing more than 35% of the population of the participating Member States, plus one member, failing which the qualified majority shall be deemed attained.

6. For the purposes of this Article, the European Parliament shall act by a two-thirds majority of the votes cast, representing the majority of its component members.

I-60. ČLEN

Prostovoljni izstop iz Unije

(1) Vsaka država članica se lahko v skladu s svojimi ustavnimi določbami odloči za izstop iz Unije.

(2) Država članica, ki se odloči izstopiti, o svoji nameri uradno obvesti Evropski svet. Na podlagi smernic, ki jih določi Evropski svet, se Unija pogaja in sklene z državo sporazum o izpeljavi njenega izstopa, ki upošteva okvir njenih prihodnjih odnosov z Unijo. Ta sporazum se dogovori v skladu s tretjim odstavkom III-325. členom Ustave. Svet s kvalificirano večino po pridobitvi odobritve Evropskega parlamenta sklene sporazum v imenu Unije.

(3) Ta ustava se za zadevno državo preneha uporabljati z dnem, ko začne veljati sporazum o izstopu, sicer pa dve leti po uradnem obvestilu iz prejšnjega odstavka, razen če Evropski svet po dogovoru z zadevno državo članico soglasno sklene, da se to obdobje podaljša.

(4) Za namene drugega in tretjega odstavka tega člena član Evropskega sveta in Sveta, ki predstavlja državo članico, ki izstopa, v Svetu ali v Evropskem svetu ne sodeluje niti v razpravah niti pri sprejemanju evropskih sklepov v tej zadevi.

Kvalificirana večina je najmanj 72% članov Sveta, ki predstavljajo udeležene države članice, ki imajo skupaj najmanj 65% prebivalstva teh držav.

(5) Če država, ki je izstopila iz Unije, prosi za ponoven pristop, mora za to zaprositi po postopku iz I-58. člena Ustave.

ARTICLE I-60

Voluntary withdrawal from the Union

1. Any Member State may decide to withdraw from the Union in accordance with its own constitutional requirements.

2. A Member State which decides to withdraw shall notify the European Council of its intention. In the light of the guidelines provided by the European Council, the Union shall negotiate and conclude an agreement with that State, setting out the arrangements for its withdrawal, taking account of the framework for its future relationship with the Union. That agreement shall be negotiated in accordance with Article III-325(3). It shall be concluded by the Council, acting by a qualified majority, after obtaining the consent of the European Parliament.

3. The Constitution shall cease to apply to the State in question from the date of entry into force of the withdrawal agreement or, failing that, two years after the notification referred to in paragraph 2, unless the European Council, in agreement with the Member State concerned, unanimously decides to extend this period.

4. For the purposes of paragraphs 2 and 3, the member of the European Council or of the Council representing the withdrawing Member State shall not participate in the discussions of the European Council or Council or in European decisions concerning it.

A qualified majority shall be defined as at least 72% of the members of the Council, representing the participating Member States, comprising at least 65% of the population of these States.

5. If a State which has withdrawn from the Union asks to rejoin, its request shall be subject to the procedure referred to in Article I-58.

II. DEL
LISTINA UNIJE O TEMELJNIH PRAVICAH

PREAMBULA

Evropski narodi so pri oblikovanju vse tesnejše zveze odločeni na podlagi skupnih vrednot deliti mirno prihodnost.

Unija, ki se zaveda svoje duhovne in moralne dediščine, temelji na nedeljivih in univerzalnih vrednotah človekovega dostojanstva, svobode, enakopravnosti in solidarnosti; temelji na načelu demokracije in na načelu pravne države. Posameznika postavlja v središče svojih dejavnosti z vzpostavitvijo državljanstva Unije in oblikovanjem območja svobode, varnosti in pravice.

Ob spoštovanju raznolikosti kultur in tradicij evropskih narodov ter nacionalne identitete držav članic in organizacije njihovih organov oblasti na državni, regionalni in lokalni ravni prispeva Unija k ohranjanju in razvijanju teh skupnih vrednot; prizadeva si za spodbujanje uravnoteženega in trajnostnega razvoja ter zagotavlja prosti pretok oseb, storitev, blaga in kapitala ter svobodo ustanavljanja.

V ta namen je treba glede na spremembe v družbi, socialni napredek ter znanstveni in tehnični razvoj, okrepiti varstvo temeljnih pravic z listino, ki te pravice še bolj poudari.

Ta listina ob upoštevanju pristojnosti in nalog Unije ter načela subsidiarnosti potrjuje pravice, kot izhajajo zlasti iz skupnih ustavnih tradicij in mednarodnih obveznosti držav članic, Evropske konvencije o varstvu človekovih pravic in temeljnih svoboščin, socialnih listin, ki sta jih sprejela Unija in Svet Evrope, ter sodne prakse Sodišča Evropske unije in Evropskega sodišča za človekove pravice. V tem okviru sodišča Unije in držav članic Listino razlagajo ob ustreznem upoštevanju pojasnil, oblikovanih pod vodstvom predsedstva Konvencije, ki je Listino sestavila, in ki so bila dopolnjena pod vodstvom predsedstva Evropske konvencije.

Uživanje teh pravic je povezano z odgovornostmi in dolžnostmi do soljudi, človeške skupnosti in prihodnjih generacij.

Zato Unija priznava pravice, svoboščine in načela, navedena v nadaljevanju.

I. NASLOV
DOSTOJANSTVO

II-61. ČLEN
Človekovo dostojanstvo

Človekovo dostojanstvo je nedotakljivo. Treba ga je spoštovati in varovati.

II-62. ČLEN
Pravica do življenja

(1) Vsakdo ima pravico do življenja.

(2) Nihče ne sme biti obsojen na smrtno kazen ali usmrčen.

II-63. ČLEN
Pravica do osebne celovitosti

(1) Vsakdo ima pravico do spoštovanja telesne in duševne celovitosti.

PART II
THE CHARTER OF FUNDAMENTAL RIGHTS OF THE UNION

PREAMBLE

The peoples of Europe, in creating an ever closer union among them, are resolved to share a peaceful future based on common values.

Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice.

The Union contributes to the preservation and to the development of these common values while respecting the diversity of the cultures and traditions of the peoples of Europe as well as the national identities of the Member States and the organisation of their public authorities at national, regional and local levels; it seeks to promote balanced and sustainable development and ensures free movement of persons, services, goods and capital, and the freedom of establishment.

To this end, it is necessary to strengthen the protection of fundamental rights in the light of changes in society, social progress and scientific and technological developments by making those rights more visible in a Charter.

This Charter reaffirms, with due regard for the powers and tasks of the Union and the principle of subsidiarity, the rights as they result, in particular, from the constitutional traditions and international obligations common to the Member States, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Social Charters adopted by the Union and by the Council of Europe and the case law of the Court of Justice of the European Union and of the European Court of Human Rights. In this context the Charter will be interpreted by the courts of the Union and the Member States with due regard to the explanations prepared under the authority of the Praesidium of the Convention which drafted the Charter and updated under the responsibility of the Praesidium of the European Convention.

Enjoyment of these rights entails responsibilities and duties with regard to other persons, to the human community and to future generations.

The Union therefore recognises the rights, freedoms and principles set out hereafter.

TITLE I
DIGNITY

ARTICLE II-61
Human dignity

Human dignity is inviolable. It must be respected and protected.

ARTICLE II-62
Right to life

1. Everyone has the right to life.

2. No one shall be condemned to the death penalty, or executed.

ARTICLE II-63
Right to the integrity of the person

1. Everyone has the right to respect for his or her physical and mental integrity.

(2) Na področjih medicine in biologije je treba spoštovati zlasti:

a) svobodno privolitev po predhodni seznanitvi prizadete osebe v skladu s postopki, določenimi z zakonom,

b) prepoved evgeničnih postopkov, zlasti tistih, katerih cilj je selekcija med ljudmi,

c) prepoved uporabe človeškega telesa in njegovih delov za pridobivanje premoženjske koristi,

d) prepoved reproduktivnega kloniranja človeških bitij.

2. In the fields of medicine and biology, the following must be respected in particular:

(a) the free and informed consent of the person concerned, according to the procedures laid down by law;

(b) the prohibition of eugenic practices, in particular those aiming at the selection of persons;

(c) the prohibition on making the human body and its parts as such a source of financial gain;

(d) the prohibition of the reproductive cloning of human beings.

II-64. ČLEN

Prepoved mučenja in nečloveškega ali ponižujočega ravnanja ali kaznovanja

Nihče ne sme biti podvržen mučenju ali nečloveškemu ali ponižujočemu ravnanju ali kaznovanju.

ARTICLE II-64

Prohibition of torture and inhuman or degrading treatment or punishment

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

II-65. ČLEN

Prepoved suženjstva in prisilnega dela

(1) Nikogar se ne sme držati v suženjstvu ali podložništvu.

(2) Od nikogar se ne sme zahtevati, da opravlja prisilno ali obvezno delo.

(3) Trgovina z ljudmi je prepovedana.

ARTICLE II-65

Prohibition of slavery and forced labour

1. No one shall be held in slavery or servitude.

2. No one shall be required to perform forced or compulsory labour.

3. Trafficking in human beings is prohibited.

II. NASLOV

SVOBOŠČINE

TITLE II

FREEDOMS

II-66. ČLEN

Pravica do svobode in varnosti

Vsakdo ima pravico do svobode in varnosti.

ARTICLE II-66

Right to liberty and security

Everyone has the right to liberty and security of person.

II-67. ČLEN

Spoštovanje zasebnega in družinskega življenja

Vsakdo ima pravico do spoštovanja svojega zasebnega in družinskega življenja, stanovanja ter komunikacij.

ARTICLE II-67

Respect for private and family life

Everyone has the right to respect for his or her private and family life, home and communications.

II-68. ČLEN

Varstvo osebnih podatkov

(1) Vsakdo ima pravico do varstva osebnih podatkov, ki se nanašajo nanj.

(2) Osebni podatki se morajo obdelovati pošteno, za določene namene in na podlagi privolitve prizadete osebe ali na drugi legitimni podlagi, določeni z zakonom. Vsakdo ima pravico dostopa do podatkov, zbranih o njem, in pravico zahtevati, da se ti podatki popravijo.

(3) Spoštovanje teh pravil nadzira neodvisen organ.

ARTICLE II-68

Protection of personal data

1. Everyone has the right to the protection of personal data concerning him or her.

2. Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law. Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified.

3. Compliance with these rules shall be subject to control by an independent authority.

II-69. ČLEN

Pravica sklepanja zakonske zveze in pravica ustvarjanja družine

Pravica sklepanja zakonske zveze in pravica ustvarjanja družine sta zagotovljeni v skladu z nacionalnimi zakoni, ki urejajo uresničevanje teh pravic.

ARTICLE II-69

Right to marry and right to found a family

The right to marry and the right to found a family shall be guaranteed in accordance with the national laws governing the exercise of these rights.

II-70. ČLEN

Svoboda misli, vesti in vere

(1) Vsakdo ima pravico do svobode misli, vesti in vere. Ta pravica vključuje svobodo spreminjanja vere ali prepričanja ter svobodo izražanja svoje vere ali svojega prepričanja posamezno ali skupaj z drugimi, javno ali zasebno, pri bogoslužju, pouku, običajih in obredih.

(2) Pravica do ugovora vesti se prizna v skladu z nacionalnimi zakoni, ki urejajo uresničevanje te pravice.

ARTICLE II-70

Freedom of thought, conscience and religion

1. Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance.

2. The right to conscientious objection is recognised, in accordance with the national laws governing the exercise of this right.

II-71. ČLEN

Svoboda izražanja in obveščanja

(1) Vsakdo ima pravico do svobodnega izražanja. Ta pravica vključuje svobodo mnenja ter sprejemanja in širjenja vesti ali idej brez vmešavanja javnih organov in ne glede na državne meje.

(2) Spoštujeta se svoboda in pluralnost medijev.

ARTICLE II-71

Freedom of expression and information

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

2. The freedom and pluralism of the media shall be respected.

II-72. ČLEN

Svoboda zbiranja in združevanja

(1) Vsakdo ima pravico do mirnega zbiranja in združevanja na vseh ravneh, zlasti na področju političnih, sindikalnih in državljanskih zadev, kar vključuje pravico vsakogar, da skupaj z drugimi zaradi zaščite svojih interesov ustanavlja sindikate in se vanje včlanjuje.

(2) Politične stranke na ravni Unije prispevajo k izražanju politične volje državljanov Unije.

ARTICLE II-72

Freedom of assembly and of association

1. Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which implies the right of everyone to form and to join trade unions for the protection of his or her interests.

2. Political parties at Union level contribute to expressing the political will of the citizens of the Union.

II-73. ČLEN

Svoboda umetnosti in znanosti

Umetnostno ustvarjanje in znanstveno raziskovanje sta svobodni. Spoštuje se akademska svoboda.

ARTICLE II-73

Freedom of the arts and sciences

The arts and scientific research shall be free of constraint. Academic freedom shall be respected.

II-74. ČLEN

Pravica do izobraževanja

(1) Vsakdo ima pravico do izobraževanja in dostopa do poklicnega in nadaljnjega usposabljanja.

(2) Ta pravica vključuje možnost brezplačnega obveznega šolanja.

(3) Svoboda ustanavljanja izobraževalnih zavodov ob spoštovanju demokratičnih načel in pravica staršev, da svojim otrokom zagotovijo izobraževanje in pouk v skladu s svojimi verskimi, svetovnonazorskimi in pedagoškimi prepričanji se spoštujeta v skladu z nacionalnimi zakoni, ki urejajo njuno uresničevanje.

ARTICLE II-74

Right to education

1. Everyone has the right to education and to have access to vocational and continuing training.

2. This right includes the possibility to receive free compulsory education.

3. The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.

II-75. ČLEN

Svoboda izbire poklica in pravica do dela

(1) Vsakdo ima pravico do dela in do opravljanja svobodno izbranega ali sprejetega poklica.

(2) Vsakemu državljanu Unije je v kateri koli državi članici zagotovljena svoboda iskanja zaposlitve, dela, ustanavljanja in opravljanja storitev.

(3) Državljani tretjih držav, ki smejo delati na ozemlju držav članic, imajo pravico do enakih delovnih pogojev kot državljani Unije.

ARTICLE II-75

Freedom to choose an occupation and right to engage in work

1. Everyone has the right to engage in work and to pursue a freely chosen or accepted occupation.

2. Every citizen of the Union has the freedom to seek employment, to work, to exercise the right of establishment and to provide services in any Member State.

3. Nationals of third countries who are authorised to work in the territories of the Member States are entitled to working conditions equivalent to those of citizens of the Union.

II-76. ČLEN

Svoboda gospodarske pobude

Svoboda gospodarske pobude je priznana v skladu s pravom Unije ter nacionalnimi zakonodajami in običaji.

ARTICLE II-76

Freedom to conduct a business

The freedom to conduct a business in accordance with Union law and national laws and practices is recognised.

II-77. ČLEN

Lastninska pravica

(1) Vsakdo ima pravico imeti posest nad svojo zakonito pridobljeno lastnino, jo uporabljati, z njo razpolagati in jo zapustiti z oporoko. Lastnina se nikomur ne sme odvzeti, razen v javno korist ter v primerih in pod pogoji, ki jih določa zakon, vendar le proti pravični in pravočasni odškodnini za njeno izgubo. Uživanje lastnine se lahko uredi z zakonom, kolikor je to potrebno zaradi splošnega interesa.

(2) Zagotovljeno je varstvo intelektualne lastnine.

ARTICLE II-77

Right to property

1. Everyone has the right to own, use, dispose of and bequeath his or her lawfully acquired possessions. No one may be deprived of his or her possessions, except in the public interest and in the cases and under the conditions provided for by law, subject to fair compensation being paid in good time for their loss. The use of property may be regulated by law insofar as is necessary for the general interest.

2. Intellectual property shall be protected.

II-78. ČLEN

Pravica azila

Ob upoštevanju pravil Ženevske konvencije z dne 28. julija 1951 in Protokola z dne 31. januarja 1967 o statusu beguncev in v skladu z Ustavo je priznana pravica azila.

ARTICLE II-78

Right to asylum

The right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the Constitution.

II-79. ČLEN

Varstvo v primeru odstranitve, izgona ali izročitve

(1) Kolektivni izgoni so prepovedani.

(2) Nikogar se ne sme odstraniti, izgnati ali izročiti državi, v kateri obstaja zanj resna nevarnost, da bo podvržen smrtni kazni, mučenju ali drugemu nečloveškemu ali ponižujočemu ravnanju ali kaznovanju.

ARTICLE II-79

Protection in the event of removal, expulsion or extradition

1. Collective expulsions are prohibited.

2. No one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment.

III. NASLOV

ENAKOST

TITLE III

EQUALITY

II-80. ČLEN

Enakost pred zakonom

Pred zakonom so vsi enaki.

ARTICLE II-80

Equality before the law

Everyone is equal before the law.

II-81. ČLEN

Prepoved diskriminacije

(1) Prepovedana je vsakršna diskriminacija na podlagi spola, rase, barve kože, etničnega ali socialnega porekla, genetskih značilnosti, jezika, vere ali prepričanja, političnega ali drugega mnenja, pripadnosti narodnostni manjšini, premoženja, rojstva, invalidnosti, starosti ali spolne usmerjenosti.

(2) Na področju uporabe Ustave in ne glede na njene posebne določbe je prepovedana vsakršna diskriminacija na podlagi državljanstva.

ARTICLE II-81

Non-discrimination

1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.

2. Within the scope of application of the Constitution and without prejudice to any of its specific provisions, any discrimination on grounds of nationality shall be prohibited.

II-82. ČLEN

Kulturna, verska in jezikovna raznolikost

Unija spoštuje kulturno, versko in jezikovno raznolikost.

ARTICLE II-82

Cultural, religious and linguistic diversity

The Union shall respect cultural, religious and linguistic diversity.

II-83. ČLEN

Enakost med ženskami in moškimi

Enakost med ženskami in moškimi se mora zagotoviti na vseh področjih, vključno z zaposlovanjem, delom in plačilom za delo.

Načelo enakosti ne preprečuje ohranitve ali sprejetja ukrepov o specifičnih ugodnostih v korist nezadostno zastopanega spola.

ARTICLE II-83

Equality between women and men

Equality between women and men must be ensured in all areas, including employment, work and pay.

The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the under-represented sex.

II-84. ČLEN

Pravice otroka

(1) Otroci imajo pravico do potrebnega varstva in skrbi za zagotovitev njihove dobrobiti. Svoje mnenje lahko svobodno izražajo. Njihovo mnenje se upošteva v stvareh, ki jih zadevajo, v skladu z njihovo starostjo in zrelostjo.

(2) Pri vseh ukrepih javnih organov ali zasebnih ustanov, ki se nanašajo na otroke, se morajo upoštevati predvsem koristi otroka.

(3) Vsak otrok ima pravico do rednih osebnih odnosov in neposrednih stikov z obema staršema, če to ni v nasprotju z njegovimi koristmi.

ARTICLE II-84

The rights of the child

1. Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.

2. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.

3. Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.

II-85. ČLEN

Pravice starejših

Unija priznava in spoštuje pravico starejših do dostojnega in samostojnega življenja ter sodelovanja v družbenem in kulturnem življenju.

ARTICLE II-85

The rights of the elderly

The Union recognises and respects the rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life.

II-86. ČLEN

Vključenost invalidov

Unija priznava in spoštuje pravico invalidov do ukrepov za zagotavljanje njihove samostojnosti, socialne in poklicne vključenosti ter sodelovanja v življenju skupnosti.

ARTICLE II-86

Integration of persons with disabilities

The Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community.

IV. NASLOV

SOLIDARNOST

II-87. ČLEN

Pravica delavcev do obveščenosti in posvetovanja v podjetju

Delavcem ali njihovim predstavnikom se morajo na ustreznih ravneh pravočasno zagotoviti informacije in možnost posvetovanja v primerih in pod pogoji, določenimi s pravom Unije ter nacionalnimi zakonodajami in običaji.

II-88. ČLEN

Pravica do kolektivnih pogajanj in ukrepov

Delavci in delodajalci ali njihove organizacije imajo v skladu s pravom Unije in nacionalnimi zakonodajami in običaji pravico pogajati se in sklepati kolektivne pogodbe na ustreznih ravneh, v primeru nasprotja interesov pa do kolektivnih ukrepov za obrambo svojih interesov, vključno s stavko.

II-89. ČLEN

Pravica dostopa do služb za posredovanje zaposlitev

Vsakdo ima pravico brezplačnega dostopa do služb za posredovanje zaposlitev.

II-90. ČLEN

Varstvo v primeru neupravičene odpustitve

Vsak delavec ima pravico do varstva pred neupravičeno odpustitvijo v skladu s pravom Unije ter nacionalnimi zakonodajami in običaji.

II-91. ČLEN

Pošteni in pravični delovni pogoji

(1) Vsak delavec ima pravico do zdravih in varnih delovnih pogojev ter delovnih pogojev, ki spoštujejo njegovo dostojanstvo.

(2) Vsak delavec ima pravico do omejenega delovnega časa, dnevnega in tedenskega počitka ter plačanega letnega dopusta.

II-92. ČLEN

Prepoved dela otrok in varstvo mladih pri delu

Delo otrok je prepovedano. Ne glede na pravila, ki so za mlade ugodnejša, in razen v primeru omejenih izjem najnižja starost za zaposlitev ne sme biti nižja od starosti ob dokončanju obveznega šolanja.

Zaposlenim mladim je treba zagotoviti delovne pogoje, primerne njihovi starosti, in jih zaščititi pred gospodarskim izkoriščanjem in kakršnim koli delom, ki bi lahko škodovalo njihovi varnosti, zdravju ali telesnemu, duševnemu, moralnemu ali socialnemu razvoju ali ki bi lahko ogrozilo njihovo vzgojo.

II-93. ČLEN

Družinsko in poklicno življenje

(1) Družina uživa pravno, ekonomsko in socialno varstvo.

(2) Za uskladitev družinskega in poklicnega življenja ima vsakdo pravico do varstva pred odpustitvijo zaradi materinstva ter pravico do plačanega porodniškega in starševskega dopusta ob rojstvu ali posvojitvi otroka.

TITLE IV

SOLIDARITY

ARTICLE II-87

Workers' right to information and consultation within the undertaking

Workers or their representatives must, at the appropriate levels, be guaranteed information and consultation in good time in the cases and under the conditions provided for by Union law and national laws and practices.

ARTICLE II-88

Right of collective bargaining and action

Workers and employers, or their respective organisations, have, in accordance with Union law and national laws and practices, the right to negotiate and conclude collective agreements at the appropriate levels and, in cases of conflicts of interest, to take collective action to defend their interests, including strike action.

ARTICLE II-89

Right of access to placement services

Everyone has the right of access to a free placement service.

ARTICLE II-90

Protection in the event of unjustified dismissal

Every worker has the right to protection against unjustified dismissal, in accordance with Union law and national laws and practices.

ARTICLE II-91

Fair and just working conditions

1. Every worker has the right to working conditions which respect his or her health, safety and dignity.

2. Every worker has the right to limitation of maximum working hours, to daily and weekly rest periods and to an annual period of paid leave.

ARTICLE II-92

Prohibition of child labour and protection of young people at work

The employment of children is prohibited. The minimum age of admission to employment may not be lower than the minimum school-leaving age, without prejudice to such rules as may be more favourable to young people and except for limited derogations.

Young people admitted to work must have working conditions appropriate to their age and be protected against economic exploitation and any work likely to harm their safety, health or physical, mental, moral or social development or to interfere with their education.

ARTICLE II-93

Family and professional life

1. The family shall enjoy legal, economic and social protection.

2. To reconcile family and professional life, everyone shall have the right to protection from dismissal for a reason connected with maternity and the right to paid maternity leave and to parental leave following the birth or adoption of a child.

II-94. ČLEN

Socialna varnost in socialna pomoč

(1) Unija priznava in spoštuje pravico dostopa do dajatev socialne varnosti in socialnih služb, ki nudijo varstvo v primerih, kot so materinstvo, bolezen, nesreče pri delu, odvisnost ali starost ter v primeru izgube zaposlitve v skladu s pravili, ki jih določajo pravo Unije ter nacionalne zakonodaje in običaji.

(2) Vsakdo, ki v Uniji zakonito prebiva in spreminja prebivališče, ima pravico do dajatev socialne varnosti in socialnih ugodnosti v skladu s pravom Unije ter nacionalnimi zakonodajami in običaji.

(3) V boju proti socialni izključenosti in revščini Unija priznava in spoštuje pravico do socialne pomoči in pomoči pri pridobitvi stanovanj, ki naj zagotovita dostojno življenje za vse, ki nimajo zadostnih sredstev, v skladu s pravili, ki jih določajo pravo Unije ter nacionalne zakonodaje in običaji.

ARTICLE II-94

Social security and social assistance

1. The Union recognises and respects the entitlement to social security benefits and social services providing protection in cases such as maternity, illness, industrial accidents, dependency or old age, and in the case of loss of employment, in accordance with the rules laid down by Union law and national laws and practices.

2. Everyone residing and moving legally within the European Union is entitled to social security benefits and social advantages in accordance with Union law and national laws and practices.

3. In order to combat social exclusion and poverty, the Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources, in accordance with the rules laid down by Union law and national laws and practices.

II-95. ČLEN

Varovanje zdravja

Vsakdo ima pravico do preventivnega zdravstvenega varstva in do zdravniške oskrbe v skladu s pogoji, ki jih določajo nacionalne zakonodaje in običaji. Pri opredeljevanju in izvajanju vseh politik in dejavnosti Unije se zagotavlja visoka raven varovanja zdravja ljudi.

ARTICLE II-95

Health care

Everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices. A high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities.

II-96. ČLEN

Dostop do služb splošnega gospodarskega pomena

Unija priznava in spoštuje dostop do služb splošnega gospodarskega pomena, ki je v skladu z Ustavo določen v nacionalnih zakonodajah in običajih, s čimer pospešuje socialno in teritorialno povezanost Unije.

ARTICLE II-96

Access to services of general economic interest

The Union recognises and respects access to services of general economic interest as provided for in national laws and practices, in accordance with the Constitution, in order to promote the social and territorial cohesion of the Union.

II-97. ČLEN

Varstvo okolja

V politike Unije je treba vključevati visoko raven varstva in izboljšanje kakovosti okolja, ki se zagotavljata v skladu z načelom trajnostnega razvoja.

ARTICLE II-97

Environmental protection

A high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development.

II-98. ČLEN

Varstvo potrošnikov

Politike Unije zagotavljajo visoko raven varstva potrošnikov.

ARTICLE II-98

Consumer protection

Union policies shall ensure a high level of consumer protection.

V. NASLOV

PRAVICE DRŽAVLJANOV

TITLE V

CITIZENS' RIGHTS

II-99. ČLEN

Pravica voliti in biti voljen na volitvah v Evropski parlament

(1) Vsak državljan Unije ima pravico, da v državi članici, v kateri prebiva, pod enakimi pogoji kakor državljani te države voli in je voljen na volitvah v Evropski parlament.

(2) Člani Evropskega parlamenta se volijo s splošnim, neposrednim, svobodnim in tajnim glasovanjem.

ARTICLE II-99

Right to vote and to stand as a candidate at elections to the European Parliament

1. Every citizen of the Union has the right to vote and to stand as a candidate at elections to the European Parliament in the Member State in which he or she resides, under the same conditions as nationals of that State.

2. Members of the European Parliament shall be elected by direct universal suffrage in a free and secret ballot.

II-100. ČLEN

Pravica voliti in biti voljen na občinskih volitvah

Vsak državljan Unije ima pravico, da v državi članici, v kateri prebiva, pod enakimi pogoji kakor državljani te države voli in je voljen na občinskih volitvah.

ARTICLE II-100

Right to vote and to stand as a candidate at municipal elections

Every citizen of the Union has the right to vote and to stand as a candidate at municipal elections in the Member State in which he or she resides under the same conditions as nationals of that State.

II-101. ČLEN

Pravica do dobrega upravljanja

(1) Vsakdo ima pravico, da institucije, organi, uradi in agencije Unije njegove zadeve obravnavajo nepristransko, pravično in v razumnem roku.

(2) Ta pravica vključuje predvsem:

a) pravico vsake osebe, da se izjasni pred sprejetjem kakršnega koli posamičnega ukrepa, ki jo prizadene;

b) pravico dostopa vsake osebe do svojega spisa, ob spoštovanju legitimnih interesov zaupnosti ter poklicne in poslovne tajnosti;

c) obveznost uprave, da svoje odločitve obrazloži.

(3) Vsakdo ima pravico, da mu Unija v skladu s splošnimi načeli, ki so skupna pravnim ureditvam držav članic, nadomesti kakršno koli škodo, ki so jo povzročile njene institucije ali njeni uslužbenci pri opravljanju svojih dolžnosti.

(4) Vsakdo se lahko na institucije Unije obrne v enem od jezikov Ustave in mora prejeti odgovor v istem jeziku.

ARTICLE II-101

Right to good administration

1. Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union.

2. This right includes:

(a) the right of every person to be heard, before any individual measure which would affect him or her adversely is taken;

(b) the right of every person to have access to his or her file, while respecting the legitimate interests of confidentiality and of professional and business secrecy;

(c) the obligation of the administration to give reasons for its decisions.

3. Every person has the right to have the Union make good any damage caused by its institutions or by its servants in the performance of their duties, in accordance with the general principles common to the laws of the Member States.

4. Every person may write to the institutions of the Union in one of the languages of the Constitution and must have an answer in the same language.

II-102. ČLEN

Pravica dostopa do dokumentov

Vsak državljan Unije in vsaka fizična ali pravna oseba s prebivališčem ali statutarnim sedežem v eni od držav članic ima pravico dostopa do dokumentov institucij, organov, uradov in agencij Unije ne glede na nosilec dokumenta.

ARTICLE II-102

Right of access to documents

Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the institutions, bodies, offices and agencies of the Union, whatever their medium.

II-103. ČLEN

Evropski varuh človekovih pravic

Vsak državljan Unije in vsaka fizična ali pravna oseba s prebivališčem ali statutarnim sedežem v eni od držav članic ima pravico, da se obrne na evropskega varuha človekovih pravic glede nepravilnosti pri dejavnostih institucij, organov, uradov in agencij Unije razen glede Sodišča Evropske unije pri opravljanju njegove sodne funkcije.

ARTICLE II-103

European Ombudsman

Any citizen of the Union and any natural or legal person residing or having its registered office in a Member State has the right to refer to the European Ombudsman cases of maladministration in the activities of the institutions, bodies, offices or agencies of the Union, with the exception of the Court of Justice of the European Union acting in its judicial role.

II-104. ČLEN

Pravica do peticije

Vsak državljan Unije in vsaka fizična ali pravna oseba s prebivališčem ali statutarnim sedežem v eni od držav članic ima pravico nasloviti peticijo na Evropski parlament.

ARTICLE II-104

Right to petition

Any citizen of the Union and any natural or legal person residing or having its registered office in a Member State has the right to petition the European Parliament.

II-105. ČLEN

Svoboda gibanja in prebivanja

(1) Vsak državljan Unije ima pravico do prostega gibanja in prebivanja na ozemlju držav članic.

(2) Svoboda gibanja in prebivanja se lahko v skladu z Ustavo prizna državljanom tretjih držav, ki zakonito prebivajo na ozemlju ene od držav članic.

ARTICLE II-105

Freedom of movement and of residence

1. Every citizen of the Union has the right to move and reside freely within the territory of the Member States.

2. Freedom of movement and residence may be granted, in accordance with the Constitution, to nationals of third countries legally resident in the territory of a Member State.

II-106. ČLEN

Diplomatska in konzularna zaščita

Vsak državljan Unije ima na ozemlju tretje države, v kateri država članica, katere državljan je, nima svojega predstavništva, pravico do zaščite diplomatskih ali konzularnih organov katere koli države članice pod enakimi pogoji, kakršni veljajo za državljane te države.

ARTICLE II-106

Diplomatic and consular protection

Every citizen of the Union shall, in the territory of a third country in which the Member State of which he or she is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that Member State.

VI. NASLOV

SODNO VARSTVO

II-107. ČLEN

Pravica do učinkovitega pravnega sredstva in nepristranskega sodišča

Vsakdo, ki so mu kršene pravice in svoboščine, zagotovljene s pravom Unije, ima pravico do učinkovitega pravnega sredstva pred sodiščem v skladu s pogoji, določenimi v tem členu.

Vsakdo ima pravico, da o njegovi zadevi pravično, javno in v razumnem roku odloča neodvisno, nepristransko in z zakonom predhodno ustanovljeno sodišče. Vsakdo ima možnost svetovanja, obrambe in zastopanja.

Osebam, ki nimajo zadostnih sredstev, se odobri pravna pomoč, kolikor je ta potrebna za učinkovito zagotovitev dostopa do sodnega varstva.

II-108. ČLEN

Domneva nedolžnosti in pravica do obrambe

(1) Obdolženec velja za nedolžnega, dokler njegova krivda ni dokazana v skladu z zakonom.

(2) Vsakemu obdolžencu je zagotovljena pravica do obrambe.

II-109. ČLEN

Načeli zakonitosti in sorazmernosti kaznivih dejanj in kazni

(1) Nihče ne sme biti obsojen zaradi storitve ali opustitve, za katero v času, ko je bila storjena, nacionalno ali mednarodno pravo ni določalo, da je kazniva. Prav tako se mu ne sme izreči težja kazen od tiste, ki je bila zagrožena v času storitve dejanja. Če je bila v času po storitvi dejanja z zakonom predpisana milejša kazen, se uporabi ta.

(2) Ta člen ne izključuje sojenja in kaznovanja osebe zaradi storitve ali opustitve, ki je bila v času, ko je bila storjena, kazniva po splošnih načelih, ki jih priznava skupnost narodov.

(3) Kazen ne sme biti nesorazmerna s kaznivim dejanjem.

II-110. ČLEN

Pravica, da se za isto kaznivo dejanje kazensko ne preganja ali kaznuje dvakrat

Nihče ne sme biti ponovno v kazenskem postopku ali kaznovan zaradi kaznivega dejanja, za katero je bil v Uniji v skladu z zakonom s pravnomočno sodbo že oproščen ali obsojen.

TITLE VI

JUSTICE

ARTICLE II-107

Right to an effective remedy and to a fair trial

Everyone whose rights and freedoms guaranteed by the law of the Union are violated has the right to an effective remedy before a tribunal in compliance with the conditions laid down in this Article.

Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law. Everyone shall have the possibility of being advised, defended and represented.

Legal aid shall be made available to those who lack sufficient resources insofar as such aid is necessary to ensure effective access to justice.

ARTICLE II-108

Presumption of innocence and right of defence

1. Everyone who has been charged shall be presumed innocent until proved guilty according to law.

2. Respect for the rights of the defence of anyone who has been charged shall be guaranteed.

ARTICLE II-109

Principles of legality and proportionality of criminal offences and penalties

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national law or international law at the time when it was committed. Nor shall a heavier penalty be imposed than that which was applicable at the time the criminal offence was committed. If, subsequent to the commission of a criminal offence, the law provides for a lighter penalty, that penalty shall be applicable.

2. This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles recognised by the community of nations.

3. The severity of penalties must not be disproportionate to the criminal offence.

ARTICLE II-110

Right not to be tried or punished twice in criminal proceedings for the same criminal offence

No one shall be liable to be tried or punished again in criminal proceedings for an offence for which he or she has already been finally acquitted or convicted within the Union in accordance with the law.

VII. NASLOV

SPLOŠNE DOLOČBE O RAZLAGI IN UPORABI LISTINE

II-111. ČLEN

Področje uporabe

(1) Določbe te listine se uporabljajo za institucije, organe, urade in agencije Unije ob spoštovanju načela subsidiarnosti, za države članice pa samo, ko izvajajo pravo Unije. Zato spoštujejo pravice, upoštevajo načela in spodbujajo njihovo uporabo v skladu s svojimi pristojnostmi in ob spoštovanju meja pristojnosti Unije, ki so ji dodeljene v drugih delih Ustave.

TITLE VII

GENERAL PROVISIONS GOVERNING THE INTERPRETATION AND APPLICATION OF THE CHARTER

ARTICLE II-111

Field of application

1. The provisions of this Charter are addressed to the institutions, bodies, offices and agencies of the Union with due regard for the principle of subsidiarity and to the Member States only when they are implementing Union law. They shall therefore respect the rights, observe the principles and promote the application thereof in accordance with their respective powers and respecting the limits of the powers of the Union as conferred on it in the other Parts of the Constitution.

(2) Ta listina ne razširja področja uporabe prava Unije preko pristojnosti Unije in ne ustvarja nikakršnih novih pristojnosti ali nalog Unije, pa tudi ne spreminja pristojnosti in nalog, opredeljenih v drugih delih Ustave.

II-112. ČLEN

Področje uporabe in razlaga pravic in načel

(1) Kakršno koli omejevanje uresničevanja pravic in svoboščin, ki jih priznava ta listina, mora biti predpisano z zakonom in spoštovati bistveno vsebino teh pravic in svoboščin. Ob upoštevanju načela sorazmernosti so omejitve dovoljene samo, če so potrebne in če dejansko izpolnjujejo cilje v splošnem interesu, ki jih priznava Unija, ali če so potrebne zaradi zaščite pravic in svoboščin drugih.

(2) Pravice, ki jih priznava ta listina in ki jih urejajo določbe drugih delov Ustave, se uresničujejo v skladu s pogoji in v mejah, opredeljenih v teh delih.

(3) Kolikor ta listina vsebuje pravice, ki ustrezajo pravicam, zagotovljenim z Evropsko konvencijo o varstvu človekovih pravic in temeljnih svoboščin, sta vsebina in obseg teh pravic enaka kot vsebina in obseg pravic, ki ju določa navedena konvencija. Ta določba ne preprečuje širšega varstva po pravu Unije.

(4) Kolikor so v tej listini priznane temeljne pravice, kot izhajajo iz skupnih ustavnih tradicij držav članic, je treba te pravice razlagati skladno s temi tradicijami.

(5) Določbe te listine, v katerih so določena načela, se lahko izvajajo z akti institucij, organov, uradov in agencij Unije ter akti držav članic za izvajanje prava Unije v skladu z njihovimi pristojnostmi. Nanje se sme pred sodišči sklicevati samo pri razlagi teh aktov in pri odločanju o njihovi zakonitosti.

(6) Nacionalne zakonodaje in običaji se morajo v celoti upoštevati v skladu s to listino.

(7) Sodišča Unije in držav članic ustrezno upoštevajo pojasnila, pripravljena kot vodilo za razlago Listine o temeljnih pravicah.

II-113. ČLEN

Raven varstva

Nobena določba te listine se ne sme razlagati kot omejevanje ali zoževanje človekovih pravic in temeljnih svoboščin, ki jih priznavajo pravo Unije, mednarodno pravo in mednarodni sporazumi, katerih pogodbenice so Unija ali vse države članice, predvsem Evropska konvencija o varstvu človekovih pravic in temeljnih svoboščin ter ustave držav članic.

II-114. ČLEN

Prepoved zlorabe pravic

Nobene določbe te listine se ne sme razlagati, kot da podeljuje pravico opravljanja kakršne koli dejavnosti ali storitve kakršnega koli dejanja, katerega cilj bi bil odpraviti pravice in svoboščine, priznane v tej listini, ali jih omejiti bolj, kakor je predvideno v tej listini.

2. This Charter does not extend the field of application of Union law beyond the powers of the Union or establish any new power or task for the Union, or modify powers and tasks defined in the other Parts of the Constitution.

ARTICLE II-112

Scope and interpretation of rights and principles

1. Any limitation on the exercise of the rights and freedoms recognised by this Charter must be provided for by law and respect the essence of those rights and freedoms. Subject to the principle of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others.

2. Rights recognised by this Charter for which provision is made in other Parts of the Constitution shall be exercised under the conditions and within the limits defined by these relevant Parts.

3. Insofar as this Charter contains rights which correspond to rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, the meaning and scope of those rights shall be the same as those laid down by the said Convention. This provision shall not prevent Union law providing more extensive protection.

4. Insofar as this Charter recognises fundamental rights as they result from the constitutional traditions common to the Member States, those rights shall be interpreted in harmony with those traditions.

5. The provisions of this Charter which contain principles may be implemented by legislative and executive acts taken by institutions, bodies, offices and agencies of the Union, and by acts of Member States when they are implementing Union law, in the exercise of their respective powers. They shall be judicially cognisable only in the interpretation of such acts and in the ruling on their legality.

6. Full account shall be taken of national laws and practices as specified in this Charter.

7. The explanations drawn up as a way of providing guidance in the interpretation of the Charter of Fundamental Rights shall be given due regard by the courts of the Union and of the Member States.

ARTICLE II-113

Level of protection

Nothing in this Charter shall be interpreted as restricting or adversely affecting human rights and fundamental freedoms as recognised, in their respective fields of application, by Union law and international law and by international agreements to which the Union or all the Member States are party, including the European Convention for the Protection of Human Rights and Fundamental Freedoms, and by the Member States' constitutions.

ARTICLE II-114

Prohibition of abuse of rights

Nothing in this Charter shall be interpreted as implying any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms recognised in this Charter or at their limitation to a greater extent than is provided for herein.

III. DEL
POLITIKE IN DELOVANJE UNIJE

I. NASLOV
SPLOŠNE DOLOČBE

III-115. ČLEN

Unija zagotavlja notranjo usklajenost politik in dejavnosti iz tega dela ob upoštevanju vseh svojih ciljev in v skladu z načelom prenosa pristojnosti.

III-116. ČLEN

V vseh dejavnostih iz tega dela si Unija prizadeva odpraviti neenakosti in spodbujati enakost med ženskami in moškimi.

III-117. ČLEN

Pri opredeljevanju in izvajanju politik in dejavnosti iz tega dela, Unija upošteva zahteve, ki so povezane s spodbujanjem visoke stopnje zaposlenosti, zagotavljanjem ustrezne socialne zaščite, bojem proti socialni izključenosti in visoko stopnjo izobraževanja in usposabljanja ter varovanjem človekovega zdravja.

III-118. ČLEN

Pri opredeljevanju in izvajanju politik in dejavnosti iz tega dela, si Unija prizadeva za boj proti diskriminaciji na podlagi spola, rase ali narodnosti, vere ali prepričanja, invalidnosti, starosti ali spolne usmerjenosti.

III-119. ČLEN

Zahteve varstva okolja je treba vključevati v opredelitve in izvajanje politik in dejavnosti iz tega dela, zlasti zaradi spodbujanja trajnostnega razvoja.

III-120. ČLEN

Pri opredeljevanju in izvajanju drugih politik in dejavnosti Unije se upoštevajo zahteve varstva potrošnikov.

III-121. ČLEN

Pri oblikovanju in izvajanju politik Unije na področju kmetijstva, ribištva, prometa, notranjega trga, raziskav in tehnološkega razvoja ter vesolja, Unija in države članice v celoti upoštevajo zahteve po dobrem počutju živali kot čutečih bitij, pri čemer spoštujejo zakonodajne ali upravne predpise in ustaljene običaje držav članic zlasti glede verskih obredov, kulturnih tradicij in regionalne dediščine.

III-122. ČLEN

Ne glede na I-5., III-166., III-167. in III-238. člen Ustave ter ob upoštevanju položaja, ki ga imajo službe splošnega gospodarskega interesa v okviru skupnih vrednot Unije, pa tudi njihove vloge pri pospeševanju socialne in teritorialne povezanosti, skrbijo Unija in države članice v mejah svojih pristojnosti na področju uporabe Ustave za to, da takšne službe delujejo na podlagi načel in pogojev, zlasti ekonomskih in finančnih, ki jim omogočajo izpolnjevanje njihovih nalog. Z evropskimi zakoni se določijo ta načela in pogoji ne glede na pristojnosti držav članic, da v skladu z Ustavo nudijo, naročajo in financirajo take službe.

PART III
THE POLICIES AND FUNCTIONING OF THE UNION

TITLE I
PROVISIONS OF GENERAL APPLICATION

ARTICLE III-115

The Union shall ensure consistency between the policies and activities referred to in this Part, taking all of its objectives into account and in accordance with the principle of conferral of powers.

ARTICLE III-116

In all the activities referred to in this Part, the Union shall aim to eliminate inequalities, and to promote equality, between women and men.

ARTICLE III-117

In defining and implementing the policies and actions referred to in this Part, the Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health.

ARTICLE III-118

In defining and implementing the policies and activities referred to in this Part, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

ARTICLE III-119

Environmental protection requirements must be integrated into the definition and implementation of the policies and activities referred to in this Part, in particular with a view to promoting sustainable development.

ARTICLE III-120

Consumer protection requirements shall be taken into account in defining and implementing other Union policies and activities.

ARTICLE III-121

In formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the requirements of animal welfare, while respecting the legislative or administrative provisions and customs of Member States relating in particular to religious rites, cultural traditions and regional heritage.

ARTICLE III-122

Without prejudice to Articles I-5, III-166, III-167 and III-238, and given the place occupied by services of general economic interest as services to which all in the Union attribute value as well as their role in promoting its social and territorial cohesion, the Union and the Member States, each within their respective competences and within the scope of application of the Constitution, shall take care that such services operate on the basis of principles and conditions, in particular economic and financial conditions, which enable them to fulfil their missions. European laws shall establish these principles and set these conditions without prejudice to the competence of Member States, in compliance with the Constitution, to provide, to commission and to fund such services.

II. NASLOV

NEDISKRIMINACIJA IN DRŽAVLJANSTVO

III-123. ČLEN

Z evropskimi zakoni ali okvirnimi zakoni se lahko določijo pravila o prepovedi diskriminacije zaradi državljanstva iz drugega odstavka I-4. člena Ustave.

III-124. ČLEN

(1) Ne glede na druge določbe Ustave in v mejah pristojnosti, ki so z njo dodeljene Uniji, lahko Svet z evropskimi zakoni ali okvirnimi zakoni sprejme potrebne ukrepe za boj proti diskriminaciji na podlagi spola, rase ali narodnosti, vere ali prepričanja, invalidnosti, starosti ali spolne usmerjenosti. Svet odloča soglasno po pridobitvi odobritve Evropskega parlamenta.

(2) Ne glede na prejšnji odstavek se lahko z evropskimi zakoni ali okvirnimi zakoni določijo temeljna načela za spodbujevalne ukrepe Unije in opredeli takšne ukrepe v podporo ukrepom držav članic, ki prispevajo k uresničevanju ciljev iz prejšnjega odstavka, brez usklajevanja njihovih zakonov in upravnih predpisov.

III-125. ČLEN

(1) Če je ukrepanje Unije potrebno za olajšanje uresničevanja pravice iz točke a) drugega odstavka I-10. člena Ustave vseh državljanov Unije do prostega gibanja in prebivanja in če v Ustavi niso predvidena potrebna pooblastila, se lahko z evropskimi zakoni ali okvirnimi zakoni v ta namen sprejmejo ukrepi.

(2) Za namene enake tistim iz prejšnjega odstavka in če v Ustavi niso predvidena potrebna pooblastila, se lahko ukrepi v zvezi s potnimi listinami, osebnimi izkaznicami, dovoljenji za prebivanje ali drugimi takimi listinami, ter ukrepi v zvezi s socialnim varstvom ali socialno zaščito določijo z evropskim zakonom ali okvirnim zakonom Sveta. Svet odloča soglasno po posvetovanju z Evropskim parlamentom.

III-126. ČLEN

Z evropskim zakonom ali okvirnim zakonom Sveta se opredeli podrobna ureditev za uresničevanje pravice iz točke b) drugega odstavka I-10. člena Ustave vsakega državljana Unije, da voli in je voljen na občinskih volitvah in volitvah v Evropski parlament v državi članici, v kateri prebiva, ne da bi bil državljan te države. Svet odloča soglasno po posvetovanju z Evropskim parlamentom. Ta ureditev lahko predvideva izjeme, kadar so utemeljene s težavami, značilnimi za neko državo članico.

Pravica voliti in biti voljen na volitvah v Evropski parlament se izvršuje ne glede na prvi odstavek III-330. člena Ustave in ukrepe, sprejete za njegovo izvajanje.

III-127. ČLEN

Države članice sprejmejo predpise, potrebne za zagotovitev diplomatske in konzularne zaščite državljanov Unije v tretjih državah, kakor je določeno v točki c) drugega odstavka I-10. člena Ustave.

Države članice začnejo mednarodna pogajanja, nujna za zagotovitev te zaščite.

Z evropskim zakonom Sveta se lahko določijo ukrepi, potrebni za olajšanje zagotavljanja te zaščite. Svet odloča soglasno po posvetovanju z Evropskim parlamentom.

TITLE II

NON-DISCRIMINATION AND CITIZENSHIP

ARTICLE III-123

European laws or framework laws may lay down rules to prohibit discrimination on grounds of nationality as referred to in Article I-4(2).

ARTICLE III-124

1. Without prejudice to the other provisions of the Constitution and within the limits of the powers assigned by it to the Union, a European law or framework law of the Council may establish the measures needed to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. The Council shall act unanimously after obtaining the consent of the European Parliament.

2. By way of derogation from paragraph 1, European laws or framework laws may establish basic principles for Union incentive measures and define such measures, to support action taken by Member States in order to contribute to the achievement of the objectives referred to in paragraph 1, excluding any harmonisation of their laws and regulations.

ARTICLE III-125

1. If action by the Union should prove necessary to facilitate the exercise of the right, referred to in Article I-10(2)(a), of every citizen of the Union to move and reside freely and the Constitution has not provided the necessary powers, European laws or framework laws may establish measures for that purpose.

2. For the same purposes as those referred to in paragraph 1 and if the Constitution has not provided the necessary powers, a European law or framework law of the Council may establish measures concerning passports, identity cards, residence permits or any other such document and measures concerning social security or social protection. The Council shall act unanimously after consulting the European Parliament.

ARTICLE III-126

A European law or framework law of the Council shall determine the detailed arrangements for exercising the right, referred to in Article I-10(2)(b), for every citizen of the Union to vote and to stand as a candidate in municipal elections and elections to the European Parliament in his or her Member State of residence without being a national of that State. The Council shall act unanimously after consulting the European Parliament. These arrangements may provide for derogations where warranted by problems specific to a Member State.

The right to vote and to stand as a candidate in elections to the European Parliament shall be exercised without prejudice to Article III-330(1) and the measures adopted for its implementation.

ARTICLE III-127

Member States shall adopt the necessary provisions to secure diplomatic and consular protection of citizens of the Union in third countries, as referred to in Article I-10(2)(c).

Member States shall commence the international negotiations required to secure this protection.

A European law of the Council may establish the measures necessary to facilitate such protection. The Council shall act after consulting the European Parliament.

III-128. ČLEN

Jeziki, v katerih se ima vsak državljan Unije pravico obrniti na katero koli institucijo ali organ iz točke d) drugega odstavka I-10. člena Ustave in prejeti odgovor, so navedeni v prvem odstavku IV-448. člena Ustave. Institucije in posvetovalni organi iz točke d) drugega odstavka I-10. člena Ustave, so tisti iz drugega pododstavka prvega odstavka I-19. člena, I-30., I-31. in I-32. člena Ustave ter evropski varuh človekovih pravic.

III-129. ČLEN

Komisija poroča o uporabi I-10. člena Ustave in tega naslova Evropskemu parlamentu, Svetu in Ekonomsko-socialnemu odboru vsaka tri leta. V tem poročilu je treba upoštevati razvoj Unije.

Na podlagi tega poročila in ne glede na druge določbe Ustave se lahko z evropskim zakonom ali okvirnim zakonom Sveta dopolnijo pravice iz I-10. člena Ustave. Svet odloča soglasno po pridobitvi odobritve Evropskega parlamenta. Zadevni zakon ali okvirni zakon ne začne veljati, dokler ga države članice ne potrdijo v skladu s svojimi ustavnimi določbami.

ARTICLE III-128

The languages in which every citizen of the Union has the right to address the institutions or bodies under Article I-10(2)(d), and to have an answer, are those listed in Article IV-448(1). The institutions and bodies referred to in Article I-10(2)(d) are those listed in Articles I-19(1), second subparagraph, I-30, I-31 and I-32 and also the European Ombudsman.

ARTICLE III-129

The Commission shall report to the European Parliament, to the Council and to the Economic and Social Committee every three years on the application of Article I-10 and of this Title. This report shall take account of the development of the Union.

On the basis of this report, and without prejudice to the other provisions of the Constitution, a European law or framework law of the Council may add to the rights laid down in Article I-10. The Council shall act unanimously after obtaining the consent of the European Parliament. The law or framework law concerned shall not enter into force until it is approved by the Member States in accordance with their respective constitutional requirements.

III. NASLOV

NOTRANJE POLITIKE IN UKREPI

I. POGLAVJE

NOTRANJI TRG

1. ODDELEK

VZPOSTAVITEV IN DELOVANJE NOTRANJEGA TRGA

III-130. ČLEN

(1) Unija sprejme ukrepe za vzpostavitev ali zagotavljanje delovanja notranjega trga v skladu z ustreznimi določbami Ustave.

(2) Notranji trg zajema območje brez notranjih meja, na katerem je v skladu z Ustavo zagotovljen prosti pretok oseb, storitev, blaga in kapitala.

(3) Svet na predlog Komisije sprejme evropske uredbe ali sklepe, v katerih določi smernice in pogoje, potrebne za zagotavljanje uravnoteženega napredka na vseh zadevnih področjih.

(4) Komisija pri oblikovanju predlogov za doseganje ciljev iz prvega in drugega odstavka tega člena upošteva obseg prizadevanj, ki jih bodo morala nekatera gospodarstva zaradi razlik v razvoju ohranjati za vzpostavitev notranjega trga, in lahko predlaga ustrezne ukrepe.

Če so ti ukrepi oblikovani kot izjeme, morajo biti po svoji naravi začasne in smejo povzročiti najmanjše možne motnje v delovanju notranjega trga.

III-131. ČLEN

Države članice se med seboj posvetujejo o sprejetju skupnih ukrepov, zato da na delovanje notranjega trga ne bi vplivali ukrepi, ki bi jih bila prisiljena sprejeti ena od držav članic ob resnih notranjih nemirih z negativnim vplivom na javni red in mir, v primeru vojne, resnih mednarodnih napetosti, ki bi pomenile vojno nevarnost, ali zaradi izpolnjevanja obveznosti, ki jih je prevzela za ohranjanje miru in mednarodne varnosti.

TITLE III

INTERNAL POLICIES AND ACTION

CHAPTER I

INTERNAL MARKET

SECTION 1

ESTABLISHMENT AND FUNCTIONING OF THE INTERNAL MARKET

ARTICLE III-130

1. The Union shall adopt measures with the aim of establishing or ensuring the functioning of the internal market, in accordance with the relevant provisions of the Constitution.

2. The internal market shall comprise an area without internal frontiers in which the free movement of persons, services, goods and capital is ensured in accordance with the Constitution.

3. The Council, on a proposal from the Commission, shall adopt European regulations and decisions determining the guidelines and conditions necessary to ensure balanced progress in all the sectors concerned.

4. When drawing up its proposals for achieving the objectives set out in paragraphs 1 and 2, the Commission shall take into account the extent of the effort that certain economies showing differences in development will have to sustain for the establishment of the internal market and it may propose appropriate measures.

If these measures take the form of derogations, they must be of a temporary nature and must cause the least possible disturbance to the functioning of the internal market.

ARTICLE III-131

Member States shall consult each other with a view to taking together the steps needed to prevent the functioning of the internal market being affected by measures which a Member State may be called upon to take in the event of serious internal disturbances affecting the maintenance of law and order, in the event of war, serious international tension constituting a threat of war, or in order to carry out obligations it has accepted for the purpose of maintaining peace and international security.

III-132. ČLEN

Če bi ukrepi, sprejeti v primerih iz III-131. in III-436. člena Ustave povzročili izkrivljanje pogojev konkurence na notranjem trgu, Komisija skupaj z zadevno državo članico preuči, kako bi lahko te ukrepe prilagodila pravilom, določenim v Ustavi.

Ne glede na postopek iz III-360. in III-361. člena Ustave, lahko Komisija ali katera koli država članica predloži zadevo neposredno Sodišču, če Komisija ali država članica meni, da druga država članica zlorablja pooblastila iz III-131. in III-436. člena Ustave. Sodišče odloča o zadevi ob izključitvi javnosti.

2. ODDELEK

PROSTI PRETOK OSEB IN STORITEV

1. pododdelek

Delavci

III-133. ČLEN

(1) Delavci imajo pravico do prostega gibanja v Uniji.

(2) Prepovedana je vsakršna diskriminacija na podlagi državljanstva delavcev držav članic v zvezi z zaposlitvijo, plačilom in drugimi delovnimi in zaposlitvenimi pogoji.

(3) Delavci imajo ob upoštevanju omejitev, utemeljenih z javnim redom, javno varnostjo in javnim zdravjem, pravico:

a) sprejeti ponujeno delovno mesto;

b) se v ta namen na območju držav članic prosto gibati;

c) bivati v državi članici zaradi zaposlitve skladno z določbami zakonov ali upravnih predpisov, ki urejajo zaposlovanje državljanov te države;

d) ostati na ozemlju države članice po prenehanju zaposlitve v tej državi pod pogoji, zajetimi v evropskih uredbah, ki jih sprejme Komisija.

(4) Ta člen se ne uporablja pri zaposlovanju v državni upravi.

III-134. ČLEN

Z evropskimi zakoni ali okvirnimi zakoni se določijo potrebni ukrepi za uresničevanje prostega gibanja delavcev iz prejšnjega člena. Sprejmejo se po posvetovanju z Ekonomsko-socialnim odborom.

Cilj takih evropskih zakonov ali okvirnih zakonov je zlasti:

a) zagotovitev tesnega sodelovanja med posameznimi državnimi zavodi za zaposlovanje;

b) odpravljanje tistih upravnih postopkov in praks ter predpisanih rokov za dostop do prostih delovnih mest, ki izhajajo iz nacionalne zakonodaje ali predhodno sklenjenih sporazumov med državami članicami in katerih ohranitev bi ovirala liberalizacijo gibanja delavcev;

c) odpravljanje vseh predpisanih rokov in drugih omejitev, predvidenih z nacionalno zakonodajo ali predhodno sklenjenimi sporazumi med državami članicami, ki glede svobodne izbire zaposlitve za delavce iz drugih držav članic določajo drugačne pogoje od tistih, ki veljajo za domače delavce;

d) vzpostavitev ustreznih mehanizmov, ki povezujejo ponudbe s prošnjami za zaposlitev in olajšajo doseganje ravnotežja med ponudbo in povpraševanjem na trgu delovne sile tako, da nista ogrožena življenjska raven in raven zaposlenosti v posameznih regijah in industrijskih vejah.

ARTICLE III-132

If measures taken in the circumstances referred to in Articles III-131 and III-436 have the effect of distorting the conditions of competition in the internal market, the Commission shall, together with the Member State concerned, examine how these measures can be adjusted to the rules laid down in the Constitution.

By way of derogation from the procedure laid down in Articles III-360 and III-361, the Commission or any Member State may bring the matter directly before the Court of Justice if the Commission or Member State considers that another Member State is making improper use of the powers provided for in Articles III-131 and III-436. The Court of Justice shall give its ruling in camera.

SECTION 2

FREE MOVEMENT OF PERSONS AND SERVICES

Subsection 1

Workers

ARTICLE III-133

1. Workers shall have the right to move freely within the Union.

2. Any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment shall be prohibited.

3. Workers shall have the right, subject to limitations justified on grounds of public policy, public security or public health:

(a) to accept offers of employment actually made;

(b) to move freely within the territory of Member States for this purpose;

(c) to stay in a Member State for the purpose of employment in accordance with the provisions governing the employment of nationals of that State laid down by law, regulation or administrative action;

(d) to remain in the territory of a Member State after having been employed in that State, subject to conditions which shall be embodied in European regulations adopted by the Commission.

4. This Article shall not apply to employment in the public service.

ARTICLE III-134

European laws or framework laws shall establish the measures needed to bring about freedom of movement for workers, as defined in Article III-133. They shall be adopted after consultation of the Economic and Social Committee.

Such European laws or framework laws shall aim, in particular, to:

(a) ensure close cooperation between national employment services;

(b) abolish those administrative procedures and practices and those qualifying periods in respect of eligibility for available employment, whether resulting from national legislation or from agreements previously concluded between Member States, the maintenance of which would form an obstacle to liberalisation of the movement of workers;

(c) abolish all such qualifying periods and other restrictions provided for either under national legislation or under agreements previously concluded between Member States as impose on workers of other Member States conditions regarding the free choice of employment other than those imposed on workers of the State concerned;

(d) set up appropriate machinery to bring offers of employment into touch with applications for employment and to facilitate the achievement of a balance between supply and demand in the employment market in such a way as to avoid serious threats to the standard of living and level of employment in the various regions and industries.

III-135. ČLEN

V okviru skupnega programa države članice spodbujajo izmenjavo mladih delavcev.

III-136. ČLEN

(1) Z evropskimi zakoni ali okvirnimi zakoni se določijo takšni ukrepi na področju socialne varnosti, kakršni so potrebni za zagotovitev prostega gibanja delavcev; v ta namen se vzpostavi ureditev, ki zaposlenim in samozaposlenim delavcem migrantom in njihovim vzdrževancem zagotavlja:

a) seštevanje vseh dob, ki se upoštevajo po zakonodajah različnih držav, za pridobitev in ohranjanje pravice do dajatev ter za izračun višine dajatev;

b) izplačevanje dajatev osebam s prebivališčem na ozemlju držav članic.

(2) Kadar član Sveta meni, da bi osnutek evropskega zakona ali okvirnega zakona iz prejšnjega odstavka vplival na temeljne vidike njegovega sistema socialne varnosti, vključno z njegovim obsegom ali finančno strukturo, ali bi vplival na finančno uravnoteženost sistema, lahko zahteva, da se zadeva predloži Evropskemu svetu. V tem primeru se postopek iz III-396. člena Ustave začasno prekine. Po razpravi Evropski svet v štirih mesecih od te začasne prekinitve bodisi:

a) vrne osnutek Svetu, ki konča začasno prekinitev postopka iz III-396. člena Ustave, ali

b) od Komisije zahteva, da predloži nov predlog; v tem primeru se šteje, da prvotno predlagani akt ni bil sprejet.

2. pododdelek

Svoboda ustanavljanja

III-137. ČLEN

V okviru tega pododdelka so omejitve glede svobode ustanavljanja za državljane ene države članice na ozemlju druge države članice prepovedane. Ta prepoved se uporablja tudi za omejitve pri ustanavljanju agencij, podružnic ali hčerinskih družb državljanov katere koli države članice s sedežem na ozemlju katere koli države članice.

Svoboda ustanavljanja zajema pravico državljanov države članice, da na ozemlju druge države članice začnejo opravljati in opravljajo dejavnost kot samozaposlene osebe ter pravico do ustanovitve in vodenja podjetij, zlasti družb ali podjetij iz drugega odstavka III-142. člena Ustave, pod pogoji, ki jih ob upoštevanju 4. oddelka o kapitalu in plačilih iz tega dela za svoje državljane določa zakonodaja države članice, v kateri se taka ustanovitev izvede.

III-138. ČLEN

(1) Z evropskimi okvirnimi zakoni se določijo ukrepi za uresničevanje svobode ustanavljanja v zvezi s posamezno dejavnostjo. Sprejmejo se po posvetovanju z Ekonomsko-socialnim odborom.

(2) Evropski parlament, Svet in Komisija izvajajo naloge, ki jih imajo po prejšnjem odstavku, zlasti tako da:

a) praviloma prednostno obravnavajo dejavnosti, pri katerih svoboda ustanavljanja pomembno prispeva k razvoju proizvodnje in trgovine;

b) zagotavljajo tesno sodelovanje med pristojnimi organi v državah članicah, da se seznanijo s stanjem raznih dejavnosti v Uniji;

c) odpravljajo tiste upravne postopke in prakse, ki izhajajo iz nacionalne zakonodaje ali predhodno sklenjenih sporazumov med državami članicami, katerih ohranitev bi ovirala svobodo ustanavljanja;

ARTICLE III-135

Member States shall, within the framework of a joint programme, encourage the exchange of young workers.

ARTICLE III-136

1. In the field of social security, European laws or framework laws shall establish such measures as are necessary to bring about freedom of movement for workers by making arrangements to secure for employed and self-employed migrant workers and their dependants:

(a) aggregation, for the purpose of acquiring and retaining the right to benefit and of calculating the amount of benefit, of all periods taken into account under the laws of the different countries;

(b) payment of benefits to persons resident in the territories of Member States.

2. Where a member of the Council considers that a draft European law or framework law referred to in paragraph 1 would affect fundamental aspects of its social security system, including its scope, cost or financial structure, or would affect the financial balance of that system, it may request that the matter be referred to the European Council. In that case, the procedure referred to in Article III-396 shall be suspended. After discussion, the European Council shall, within four months of this suspension, either:

(a) refer the draft back to the Council, which shall terminate the suspension of the procedure referred to in Article III-396, or

(b) request the Commission to submit a new proposal; in that case, the act originally proposed shall be deemed not to have been adopted.

Subsection 2

Freedom of establishment

ARTICLE III-137

Within the framework of this Subsection, restrictions on the freedom of establishment of nationals of a Member State in the territory of another Member State shall be prohibited. Such prohibition shall also apply to restrictions on the setting-up of agencies, branches or subsidiaries by nationals of any Member State established in the territory of any Member State.

Nationals of a Member State shall have the right, in the territory of another Member State, to take up and pursue activities as self-employed persons and to set up and manage undertakings, in particular companies or firms within the meaning of the second paragraph of Article III-142, under the conditions laid down for its own nationals by the law of the Member State where such establishment is effected, subject to Section 4 relating to capital and payments.

ARTICLE III-138

1. European framework laws shall establish measures to attain freedom of establishment as regards a particular activity. They shall be adopted after consultation of the Economic and Social Committee.

2. The European Parliament, the Council and the Commission shall carry out the duties devolving upon them under paragraph 1, in particular:

(a) by according, as a general rule, priority treatment to activities where freedom of establishment makes a particularly valuable contribution to the development of production and trade;

(b) by ensuring close cooperation between the competent authorities in the Member States in order to ascertain the particular situation within the Union of the various activities concerned;

(c) by abolishing those administrative procedures and practices, whether resulting from national legislation or from agreements previously concluded between Member States, the maintenance of which would form an obstacle to freedom of establishment;

d) zagotavljajo, da delavci ene države članice, zaposleni na ozemlju druge države članice, lahko ostanejo na tem ozemlju, zato da tam začnejo dejavnosti kot samozaposlene osebe, kadar izpolnjujejo pogoje, ki naj bi jih izpolnjevali, če bi v to državo vstopili ob nameravanem začetku te dejavnosti;

e) omogočajo državljanom ene države članice, da pridobijo in uporabljajo nepremičnine na ozemlju druge države članice, kolikor to ni v nasprotju z načeli iz drugega odstavka III-227. člena Ustave;

f) postopno odpravljajo omejitve glede svobode ustanavljanja v vseh zadevnih panogah, tako glede pogojev za ustanavljanje agencij, podružnic ali hčerinskih družb na ozemlju države članice in tudi glede pogojev za dostop osebja matičnega podjetja do vodilnih ali nadzornih delovnih mest v teh agencijah, podružnicah ali hčerinskih družbah;

g) usklajujejo, kolikor je to potrebno, zaščitne ukrepe, ki jih od družb ali podjetij iz drugega odstavka III-142. člena Ustave za zaščito interesov družbenikov in tretjih zahtevajo države članice, zato da bi te zaščitne ukrepe izenačili v vsej Uniji;

h) zagotavljajo, da pomoči, ki jih dodeljujejo države članice, ne izkrivljajo pogojev za ustanavljanje.

III-139. ČLEN

Ta pododdelek se v posamezni državi članici ne uporablja za tiste dejavnosti, ki so v tej državi povezane, četudi občasno, z izvajanjem javne oblasti.

Z evropskimi zakoni ali okvirnimi zakoni se lahko določi, da se za nekatere dejavnosti ta pododdelek ne uporablja.

III-140. ČLEN

(1) Ta pododdelek in ukrepi, sprejeti v skladu z njim, ne vplivajo na uporabo določb zakonov ali upravnih predpisov, ki predvidevajo posebno obravnavo tujih državljanov zaradi javnega reda, javne varnosti ali javnega zdravja.

(2) Z evropskimi okvirnimi zakoni se uskladijo nacionalni predpisi iz prejšnjega odstavka.

III-141. ČLEN

(1) Z evropskimi okvirnimi zakoni se samozaposlenim osebam olajša začetek opravljanja in opravljanje njihove dejavnosti. V njih je zajeto:

a) vzajemno priznavanje diplom, spričeval in drugih dokazil o formalnih kvalifikacijah;

b) uskladitev določb zakonov ali upravnih predpisov v državah članicah, ki se nanašajo na začetek opravljanja in opravljanje dejavnosti samozaposlenih oseb.

(2) Pri zdravstvenih delavcih, zdravstvenih sodelavcih in farmacevtih je postopno odpravljanje omejitev odvisno od uskladitve pogojev za opravljanje teh poklicev v posameznih državah članicah.

III-142. ČLEN

Družbe ali podjetja, ustanovljena v skladu z zakonodajo posamezne države članice, ki imajo statutarni sedež, glavno upravo ali glavni kraj poslovanja v Uniji, se v tem pododdelku obravnavajo enako kakor fizične osebe, ki so državljani držav članic.

(d) by ensuring that workers from one Member State employed in the territory of another Member State may remain in that territory for the purpose of taking up activities therein as self-employed persons, where they satisfy the conditions which they would be required to satisfy if they were entering that State at the time when they intended to take up such activities;

(e) by enabling a national of one Member State to acquire and use land and buildings situated in the territory of another Member State, insofar as this does not conflict with the principles laid down in Article III-227(2);

(f) by effecting the progressive abolition of restrictions on freedom of establishment in every branch of activity under consideration, both as regards the conditions for setting up agencies, branches or subsidiaries in the territory of a Member State and as regards the conditions governing the entry of personnel belonging to the main establishment into managerial or supervisory posts in such agencies, branches or subsidiaries;

(g) by coordinating to the necessary extent the safeguards which, for the protection of the interests of members and others, are required by Member States of companies or firms within the meaning of the second paragraph of Article III-142 with a view to making such safeguards equivalent throughout the Union;

(h) by satisfying themselves that the conditions of establishment are not distorted by aids granted by Member States.

ARTICLE III-139

This Subsection shall not apply, so far as any given Member State is concerned, to activities which in that State are connected, even occasionally, with the exercise of official authority.

European laws or framework laws may exclude certain activities from application of this Subsection.

ARTICLE III-140

1. This Subsection and measures adopted in pursuance thereof shall not prejudice the applicability of provisions laid down by law, regulation or administrative action in Member States providing for special treatment for foreign nationals on grounds of public policy, public security or public health.

2. European framework laws shall coordinate the national provisions referred to in paragraph 1.

ARTICLE III-141

1. European framework laws shall make it easier for persons to take up and pursue activities as self-employed persons. They shall cover:

(a) the mutual recognition of diplomas, certificates and other evidence of formal qualifications;

(b) the coordination of the provisions laid down by law, regulation or administrative action in Member States concerning the taking-up and pursuit of activities as self-employed persons.

2. In the case of the medical and allied and pharmaceutical professions, the progressive abolition of restrictions shall be dependent upon coordination of the conditions for the exercise of such professions in the various Member States.

ARTICLE III-142

Companies or firms formed in accordance with the law of a Member State and having their registered office, central administration or principal place of business within the Union shall, for the purposes of this Subsection, be treated in the same way as natural persons who are nationals of Member States.

»Družbe ali podjetja« pomeni družbe ali podjetja, ustanovljena po civilnem ali gospodarskem pravu, vključno z zadrugami, in druge pravne osebe javnega ali zasebnega prava z izjemo neprofitnih.

III-143. ČLEN

Ne glede na uporabo drugih določb Ustave priznajo države članice državljanom drugih držav članic enako obravnavanje glede udeležbe v kapitalu družb ali podjetij iz drugega odstavka prejšnjega člena.

"Companies or firms" means companies or firms constituted under civil or commercial law, including cooperative societies, and other legal persons governed by public or private law, save for those which are non-profit-making.

ARTICLE III-143

Member States shall accord nationals of the other Member States the same treatment as their own nationals as regards participation in the capital of companies or firms within the meaning of the second paragraph of Article III-142, without prejudice to the application of the other provisions of the Constitution.

3. pododdelek

Svoboda opravljanja storitev

III-144. ČLEN

V okviru tega pododdelka so omejitve svobode opravljanja storitev v Uniji prepovedane za državljane držav članic, ki imajo sedež v eni od držav članic, vendar ne v državi članici osebe, ki so ji storitve namenjene.

Z evropskimi zakoni ali okvirnimi zakoni se lahko določi, da se ta pododdelek uporablja tudi za državljane tretje države, ki opravljajo storitve in imajo sedež v Uniji.

III-145. ČLEN

Storitve so v smislu te ustave »storitve« takrat, kadar se praviloma opravljajo za plačilo in kolikor jih ne urejajo določbe o prostem pretoku blaga, kapitala in oseb.

K »storitvam« se štejejo zlasti:
a) dejavnosti industrijskega značaja;
b) dejavnosti trgovinskega značaja;
c) obrtne dejavnosti;
d) dejavnosti samostojnih poklicev.

Ne glede na določbe 2. pododdelka o svobodi ustanavljanja lahko ponudnik, zato da zagotovi storitev, začasno izvaja svojo dejavnost v državi članici, v kateri se ta storitev opravlja, pod enakimi pogoji, kakršne država predpisuje svojim državljanom.

III-146. ČLEN

(1) Svobodno opravljanje prevoznih storitev urejajo določbe 7. oddelka III. poglavja tega dela o prometu.

(2) Liberalizacija bančnih in zavarovalniških storitev, povezanih s pretokom kapitala, se izvaja skladno z liberalizacijo pretoka kapitala.

III-147. ČLEN

(1) Z evropskimi okvirnimi zakoni se določijo ukrepi za doseganje liberalizacije posameznih storitev. Sprejme se po posvetovanju z Ekonomsko-socialnim odborom.

(2) V evropskih okvirnih zakonih iz prejšnjega odstavka imajo praviloma prednost tiste storitve, ki neposredno vplivajo na proizvodne stroške ali katerih liberalizacija spodbuja blagovno menjavo.

III-148. ČLEN

Države članice si prizadevajo liberalizirati storitve v večjem obsegu, kakor zahteva evropski okvirni zakon, sprejet v skladu s prejšnjim členom, če to dopuščajo njihove gospodarske razmere in stanje zadevnega gospodarskega sektorja.

V ta namen Komisija pripravi priporočila za zadevne države članice.

Subsection 3

Freedom to provide services

ARTICLE III-144

Within the framework of this Subsection, restrictions on freedom to provide services within the Union shall be prohibited in respect of nationals of Member States who are established in a Member State other than that of the person for whom the services are intended.

European laws or framework laws may extend this Subsection to service providers who are nationals of a third State and who are established within the Union.

ARTICLE III-145

Services shall be considered to be "services" for the purposes of the Constitution where they are normally provided for remuneration, insofar as they are not governed by the provisions relating to freedom of movement for persons, goods and capital.

"Services" shall in particular include:
(a) activities of an industrial character;
(b) activities of a commercial character;
(c) activities of craftsmen;
(d) activities of the professions.

Without prejudice to Subsection 2 relating to freedom of establishment, the person providing a service may, in order to do so, temporarily pursue his or her activity in the Member State where the service is provided, under the same conditions as are imposed by that State on its own nationals.

ARTICLE III-146

1. Freedom to provide services in the field of transport shall be governed by Section 7 of Chapter III relating to transport.

2. The liberalisation of banking and insurance services connected with movements of capital shall be effected in step with the liberalisation of movement of capital.

ARTICLE III-147

1. European framework laws shall establish measures to achieve the liberalisation of a specific service. They shall be adopted after consultation of the Economic and Social Committee.

2. European framework laws referred to in paragraph 1 shall as a general rule give priority to those services which directly affect production costs or the liberalisation of which helps to promote trade in goods.

ARTICLE III-148

The Member States shall endeavour to undertake liberalisation of services beyond the extent required by the European framework laws adopted pursuant to Article III-147(1), if their general economic situation and the situation of the economic sector concerned so permit.

To this end, the Commission shall make recommendations to the Member States concerned.

III-149. ČLEN

Dokler omejitve svobode opravljanja storitev niso odpravljene, uporabljajo države članice te omejitve brez diskriminacije glede na državljanstvo ali prebivališče za vse osebe, ki opravljajo storitve iz prvega odstavka III-144. člena Ustave.

III-150. ČLEN

III-139. do III-142. člen Ustave se uporabljajo za zadeve, ki jih obravnava ta pododdelek.

3. ODDELEK

PROSTI PRETOK BLAGA

1. pododdelek

Carinska unija

III-151. ČLEN

(1) Unija vključuje carinsko unijo, ki zajema vso blagovno menjavo in med državami članicami prepoveduje carine pri uvozu in izvozu ter vse dajatve z enakim učinkom, poleg tega pa uvaja skupno carinsko tarifo v odnosih s tretjimi državami.

(2) Četrti odstavek tega člena in 3. pododdelek tega oddelka o prepovedi količinskih omejitev se uporabljata za izdelke s poreklom iz držav članic in za izdelke, ki prihajajo iz tretjih držav in so v državah članicah v prostem prometu.

(3) Za izdelke iz tretjih držav velja, da so v prostem prometu v neki državi članici, če so bile v tej državi članici zanje opravljene uvozne formalnosti in plačane vse predpisane carine ali dajatve z enakim učinkom in če te carine ali dajatve niso bile v celoti ali delno povrnjene.

(4) Carine pri uvozu in izvozu ter vse dajatve z enakim učinkom so med državami članicami prepovedane. Ta prepoved se uporablja tudi za carine fiskalne narave.

(5) Svet na predlog Komisije sprejme evropske uredbe in sklepe, v katerih določi carine skupne carinske tarife.

(6) Komisija pri izvajanju nalog, ki so ji zaupane v tem členu, upošteva:

a) potrebo po pospeševanju trgovine med državami članicami in tretjimi državami;

b) razvoj pogojev konkurence znotraj Unije, če omogočajo izboljšanje konkurenčnosti podjetij;

c) potrebe Unije glede preskrbe s surovinami in polizdelki; pri tem Komisija skrbi, da med državami članicami ni izkrivljanja pogojev konkurence glede končnih izdelkov;

d) potrebo po tem, da se izogne resnim motnjam v gospodarstvih držav članic ter da se zagotovi racionalen razvoj proizvodnje in razmah potrošnje znotraj Unije.

2. pododdelek

Carinsko sodelovanje

III-152. ČLEN

V okviru področja uporabe Ustave se z evropskimi zakoni ali okvirnimi zakoni določijo ukrepi za okrepitev carinskega sodelovanja med državami članicami ter med njimi in Komisijo.

ARTICLE III-149

As long as restrictions on freedom to provide services have not been abolished, the Member States shall apply such restrictions without distinction on grounds of nationality or of residence to all persons providing services within the meaning of the first paragraph of Article III-144.

ARTICLE III-150

Articles III-139 to III-142 shall apply to the matters covered by this Subsection.

SECTION 3

FREE MOVEMENT OF GOODS

Subsection 1

Customs union

ARTICLE III-151

1. The Union shall comprise a customs union which shall cover all trade in goods and which shall involve the prohibition between Member States of customs duties on imports and exports and of all charges having equivalent effect, and the adoption of a common customs tariff in their relations with third countries.

2. Paragraph 4 and Subsection 3 on the prohibition of quantitative restrictions shall apply to products originating in Member States and to products coming from third countries which are in free circulation in Member States.

3. Products coming from a third country shall be considered to be in free circulation in a Member State if the import formalities have been complied with and any customs duties or charges having equivalent effect which are payable have been levied in that Member State, and if they have not benefited from a total or partial drawback of such duties or charges.

4. Customs duties on imports and exports and charges having equivalent effect shall be prohibited between Member States. This prohibition shall also apply to customs duties of a fiscal nature.

5. The Council, on a proposal from the Commission, shall adopt the European regulations and decisions fixing Common Customs Tariff duties.

6. In carrying out the tasks entrusted to it under this Article the Commission shall be guided by:

(a) the need to promote trade between Member States and third countries;

(b) developments in conditions of competition within the Union insofar as they lead to an improvement in the competitive capacity of undertakings;

(c) the requirements of the Union as regards the supply of raw materials and semi-finished goods; in this connection the Commission shall take care to avoid distorting conditions of competition between Member States in respect of finished goods;

(d) the need to avoid serious disturbances in the economies of Member States and to ensure rational development of production and an expansion of consumption within the Union.

Subsection 2

Customs cooperation

ARTICLE III-152

Within the scope of application of the Constitution, European laws or framework laws shall establish measures in order to strengthen customs cooperation between Member States and between them and the Commission.

3. pododdelek

Prepoved količinskih omejitev

III-153. ČLEN

Med državami članicami so prepovedane količinske omejitve pri uvozu in izvozu ter vsi ukrepi z enakim učinkom.

III-154. ČLEN

Prejšnji člen ne izključuje prepovedi ali omejitev pri uvozu, izvozu ali blagu v tranzitu, če so utemeljene z javno moralo, javnim redom ali javno varnostjo, varovanjem zdravja in življenja ljudi, živali ali rastlin, varstvom nacionalnih bogastev z umetniško, zgodovinsko ali arheološko vrednostjo ali z varstvom industrijske ali poslovne lastnine. Vendar te prepovedi ali omejitve ne smejo biti sredstvo za samovoljno diskriminacijo ali prikrito omejevanje trgovine med državami članicami.

III-155. ČLEN

(1) Države članice prilagodijo vse državne monopole tržne narave, s čimer zagotovijo, da je odpravljena vsakršna diskriminacija glede pogojev nabave in trženja blaga med državljani držav članic.

Ta člen se uporablja za vse organizacije, s katerimi država članica pravno ali dejansko, neposredno ali posredno nadzoruje, določa ali občutno vpliva na uvoz ali izvoz med državami članicami. Uporablja se tudi za monopole, ki jih država prenese na druge.

(2) Države članice se vzdržijo uvajanja kakršnih koli novih ukrepov, ki so v nasprotju z načeli iz prejšnjega odstavka ali ki omejujejo področje uporabe členov o prepovedi carin in količinskih omejitev med državami članicami.

(3) Če državni monopol tržne narave vsebuje pravila, ki naj olajšajo prodajo kmetijskih proizvodov ali pridobitve kar najboljšega izkupička zanje, je treba pri uporabi tega člena storiti vse potrebno za zagotovitev enakovrednih zaščitnih ukrepov glede zaposlovanja in življenjske ravni posameznih proizvajalcev.

4. ODDELEK

KAPITAL IN PLAČILA

III-156. ČLEN

V okviru tega oddelka so prepovedane vse omejitve pretoka kapitala in plačil med državami članicami ter med državami članicami in tretjimi državami.

III-157. ČLEN

(1) Prejšnji člen ne vpliva na uporabo tistih omejitev za tretje države, ki so obstajale po nacionalnem pravu ali pravu Unije na dan 31. decembra 1993 in so bile sprejete glede pretoka kapitala v tretje države ali iz njih, nanašajo pa se na neposredne naložbe, tudi naložbe v nepremičnine, ustanavljanje, opravljanje finančnih storitev ali na sprejem vrednostnih papirjev na trge kapitala. Ob upoštevanju omejitev, ki obstajajo v nacionalni zakonodaji Estonije in Madžarske, je zadevni datum 31. december 1999.

(2) Z evropskimi zakoni ali okvirnimi zakoni se določijo ukrepi glede pretoka kapitala v tretje države ali iz njih, ki se nanašajo na neposredne naložbe, tudi naložbe v nepremičnine, ustanavljanje, opravljanje finančnih storitev ali na sprejem vrednostnih papirjev na trge kapitala.

Evropski parlament in Svet si v kar največjem obsegu prizadevata doseči cilj prostega pretoka kapitala med državami članicami in tretjimi državami ter ne glede na druge določbe Ustave.

Subsection 3

Prohibition of quantitative restrictions

ARTICLE III-153

Quantitative restrictions on imports and exports and all measures having equivalent effect shall be prohibited between Member States.

ARTICLE III-154

Article III-153 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of national treasures possessing artistic, historic or archaeological value; or the protection of industrial and commercial property. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between Member States.

ARTICLE III-155

1. Member States shall adjust any State monopolies of a commercial character so as to ensure that no discrimination regarding the conditions under which goods are procured and marketed exists between nationals of Member States.

This Article shall apply to any body through which a Member State, in law or in fact, either directly or indirectly supervises, determines or appreciably influences imports or exports between Member States. It shall likewise apply to monopolies delegated by the State to others.

2. Member States shall refrain from introducing any new measure which is contrary to the principles laid down in paragraph 1 or which restricts the scope of the Articles dealing with the prohibition of customs duties and quantitative restrictions between Member States.

3. If a State monopoly of a commercial character has rules which are designed to make it easier to dispose of agricultural products or obtain for them the best return, steps should be taken in applying this Article to ensure equivalent safeguards for the employment and standard of living of the producers concerned.

SECTION 4

CAPITAL AND PAYMENTS

ARTICLE III-156

Within the framework of this Section, restrictions both on the movement of capital and on payments between Member States and between Member States and third countries shall be prohibited.

ARTICLE III-157

1. Article III-156 shall be without prejudice to the application to third countries of any restrictions which existed on 31 December 1993 under national or Union law adopted in respect of the movement of capital to or from third countries involving direct investment – including investment in real estate, establishment, the provision of financial services or the admission of securities to capital markets. With regard to restrictions which exist under national law in Estonia and Hungary, the date in question shall be 31 December 1999.

2. European laws or framework laws shall enact measures on the movement of capital to or from third countries involving direct investment – including investment in real estate, establishment, the provision of financial services or the admission of securities to capital markets.

The European Parliament and the Council shall endeavour to achieve the objective of free movement of capital between Member States and third countries to the greatest extent possible and without prejudice to other provisions of the Constitution.

(3) Ne glede na prejšnji odstavek se lahko le z evropskim zakonom ali okvirnim zakonom Sveta določijo ukrepi, ki pomenijo v pravu Unije nazadovanje glede liberalizacije pretoka kapitala v tretje države ali iz njih. Svet odloča soglasno po posvetovanju z Evropskim parlamentom.

III-158. ČLEN

(1) III-156. člen Ustave ne vpliva na pravice držav članic, da:

a) uporabljajo ustrezne predpise svojega davčnega prava, v katerih so različno obravnavani davčni zavezanci, ki niso v enakem položaju glede na prebivališče ali kraj, v katerem je naložen njihov kapital;

b) sprejmejo vse potrebne ukrepe za preprečevanje kršitev nacionalnih zakonov ali upravnih predpisov, zlasti na področju obdavčitve in bonitetnega nadzora finančnih institucij, ali določijo postopke za prijavo pretoka kapitala za namene upravnih ali statističnih informacij ali sprejmejo ukrepe, ki so upravičeni zaradi javnega reda ali javne varnosti.

(2) Ta oddelek ne vpliva na veljavnost tistih omejitev pravice do ustanavljanja, ki so združljive z Ustavo.

(3) Ukrepi in postopki iz prvega in drugega odstavka tega člena ne smejo biti sredstvo samovoljne diskriminacije ali prikritega omejevanja prostega pretoka kapitala in plačil iz III-156. člena Ustave.

(4) Če ni evropskega zakona ali okvirnega zakona iz tretjega odstavka prejšnjega člena, lahko Komisija, ali če v treh mesecih od zahteve zadevne države članice Komisija ni sprejela evropskega sklepa, Svet, sprejme evropski sklep, s katerim potrdi, da se omejevalni davčni ukrepi, ki jih sprejme država članica glede ene ali več tretjih držav, štejejo za združljive z Ustavo, kolikor so utemeljeni z enim od ciljev Unije in so združljivi s pravilnim delovanjem notranjega trga. Na prošnjo države članice Svet odloča soglasno.

III-159. ČLEN

Kadar v izjemnih okoliščinah pretok kapitala v tretje države ali iz njih povzroča ali grozi, da bo povzročil resne težave pri delovanju ekonomske in monetarne unije, lahko Svet na predlog Komisije sprejme evropske uredbe ali sklepe, s katerimi uvede zaščitne ukrepe glede tretjih držav za obdobje največ šestih mesecev, če so taki ukrepi izrecno potrebni. Svet odloča po posvetovanju z Evropsko centralno banko.

III-160. ČLEN

Če je to potrebno za doseganje ciljev iz III-257. člena Ustave, zlasti kar zadeva preprečevanje in boj proti terorizmu in sorodnim dejavnostim, se z evropskimi zakoni določi okvir upravnih ukrepov glede pretoka kapitala in plačil, kot so zamrznitev sredstev, finančnega premoženja ali ekonomskih dobičkov, ki pripadajo ali so v posesti ali imetništvu fizičnih ali pravnih oseb, skupin ali subjektov, ki niso državni subjekti.

Svet na predlog Komisije sprejme evropske uredbe ali sklepe za izvajanje evropskih zakonov iz prejšnjega odstavka.

Akti iz tega člena vključujejo potrebne določbe o pravnih jamstvih.

3. Notwithstanding paragraph 2, only a European law or framework law of the Council may enact measures which constitute a step backwards in Union law as regards the liberalisation of the movement of capital to or from third countries. The Council shall act unanimously after consulting the European Parliament.

ARTICLE III-158

1. Article III-156 shall be without prejudice to the right of Member States:

(a) to apply the relevant provisions of their tax law which distinguish between taxpayers who are not in the same situation with regard to their place of residence or with regard to the place where their capital is invested;

(b) to take all requisite measures to prevent infringements of national provisions laid down by law or regulation, in particular in the field of taxation and the prudential supervision of financial institutions, or to lay down procedures for the declaration of capital movements for purposes of administrative or statistical information, or to take measures which are justified on grounds of public policy or public security.

2. This Section shall be without prejudice to the applicability of restrictions on the right of establishment which are compatible with the Constitution.

3. The measures and procedures referred to in paragraphs 1 and 2 shall not constitute a means of arbitrary discrimination or a disguised restriction on the free movement of capital and payments as defined in Article III-156.

4. In the absence of a European law or framework law provided for in Article III-157(3), the Commission or, in the absence of a European decision of the Commission within three months from the request of the Member State concerned, the Council, may adopt a European decision stating that restrictive tax measures adopted by a Member State concerning one or more third countries are to be considered compatible with the Constitution insofar as they are justified by one of the objectives of the Union and compatible with the proper functioning of the internal market. The Council shall act unanimously on application by a Member State.

ARTICLE III-159

Where, in exceptional circumstances, movements of capital to or from third countries cause, or threaten to cause, serious difficulties for the functioning of economic and monetary union, the Council, on a proposal from the Commission, may adopt European regulations or decisions introducing safeguard measures with regard to third countries for a period not exceeding six months if such measures are strictly necessary. It shall act after consulting the European Central Bank.

ARTICLE III-160

Where necessary to achieve the objectives set out in Article III-257, as regards preventing and combating terrorism and related activities, European laws shall define a framework for administrative measures with regard to capital movements and payments, such as the freezing of funds, financial assets or economic gains belonging to, or owned or held by, natural or legal persons, groups or non-State entities.

The Council, on a proposal from the Commission, shall adopt European regulations or European decisions in order to implement the European laws referred to in the first paragraph.

The acts referred to in this Article shall include necessary provisions on legal safeguards.

5. ODDELEK

PRAVILA O KONKURENCI

1. pododdelek

Pravila za podjetja

III-161. ČLEN

(1) Kot nezdružljivi z notranjim trgom so prepovedani vsi sporazumi med podjetji, sklepi podjetniških združenj in usklajena ravnanja, ki bi lahko prizadeli trgovino med državami članicami in katerih cilj oziroma posledica je preprečevanje, omejevanje ali izkrivljanje konkurence na notranjem trgu, zlasti tisti, ki:

a) neposredno ali posredno določajo nakupne ali prodajne cene ali druge pogoje poslovanja;

b) omejujejo ali nadzorujejo proizvodnjo, trge, tehnični razvoj ali naložbe;

c) določajo razdelitev trgov in virov nabave;

d) uvajajo neenake pogoje za primerljive posle z drugimi trgovinskimi partnerji in jih tako postavljajo v podrejen konkurenčni položaj;

e) pogojujejo sklepanje pogodb s tem, da sopogodbeniki sprejmejo dodatne obveznosti, ki po svoji naravi ali glede na trgovinske običaje nimajo nikakršne zveze s predmetom takšnih pogodb.

(2) Vsi sporazumi ali sklepi, ki jih ta člen prepoveduje, so nični.

(3) V naslednjih primerih se lahko določi, da se prvi odstavek tega člena ne uporablja za:

– sporazume ali skupine sporazumov med podjetji;

– sklepe ali skupine sklepov podjetniških združenj;

– usklajeno ravnanje ali skupine usklajenih ravnanj,

ki prispevajo k izboljšanju proizvodnje ali distribucije blaga oziroma k spodbujanju tehničnega ali gospodarskega napredka, pri čemer zagotavljajo potrošnikom pravičen delež doseženih koristi, in ki:

a) zadevnim podjetjem ne določajo omejitev, ki za doseganje teh ciljev niso nujne;

b) takšnim podjetjem glede znatnega dela zadevnih izdelkov ne dajejo možnosti izključitve konkurence.

III-162. ČLEN

Kot nezdružljiva z notranjim trgom je prepovedana vsaka zloraba prevladujočega položaja enega ali več podjetij na notranjem trgu ali njegovem znatnem delu, kolikor bi lahko prizadela trgovino med državami članicami.

Takšna zloraba je zlasti:

a) neposredno ali posredno določanje nepoštenih nakupnih ali prodajnih cen ali drugih nepoštenih pogojev poslovanja;

b) omejevanje proizvodnje, trgov ali tehničnega razvoja na škodo potrošnikov;

c) uporaba neenakih pogojev za primerljive posle z drugimi trgovinskimi partnerji, ki slednje postavlja v podrejen konkurenčni položaj;

d) sklepanje pogodb, ki sopogodbenikom narekujejo sprejetje dodatnih obveznosti, ki po svoji naravi ali glede na trgovinske običaje nimajo nikakršne zveze s predmetom takšnih pogodb.

III-163. ČLEN

Svet na predlog Komisije sprejme evropske uredbe za uveljavitev načel iz III-161. in III-162. člena Ustave. Svet odloča po posvetovanju z Evropskim parlamentom.

SECTION 5

RULES ON COMPETITION

Subsection 1

Rules applying to undertakings

ARTICLE III-161

1. The following shall be prohibited as incompatible with the internal market: all agreements between undertakings, decisions by associations of undertakings and concerted practices which may affect trade between Member States and which have as their object or effect the prevention, restriction or distortion of competition within the internal market, and in particular those which:

(a) directly or indirectly fix purchase or selling prices or any other trading conditions;

(b) limit or control production, markets, technical development, or investment;

(c) share markets or sources of supply;

(d) apply dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;

(e) make the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.

2. Any agreements or decisions prohibited pursuant to this Article shall be automatically void.

3. Paragraph 1 may, however, be declared inapplicable in the case of:

– any agreement or category of agreements between undertakings,

– any decision or category of decisions by associations of undertakings,

– any concerted practice or category of concerted practices,

which contributes to improving the production or distribution of goods or to promoting technical or economic progress, while allowing consumers a fair share of the resulting benefit, and which does not:

(a) impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives;

(b) afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question.

ARTICLE III-162

Any abuse by one or more undertakings of a dominant position within the internal market or in a substantial part of it shall be prohibited as incompatible with the internal market insofar as it may affect trade between Member States.

Such abuse may, in particular, consist in:

(a) directly or indirectly imposing unfair purchase or selling prices or other unfair trading conditions;

(b) limiting production, markets or technical development to the prejudice of consumers;

(c) applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;

(d) making the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.

ARTICLE III-163

The Council, on a proposal from the Commission, shall adopt the European regulations to give effect to the principles set out in Articles III-161 and III-162. It shall act after consulting the European Parliament.

Takšne uredbe se sprejmejo zlasti za:

a) zagotovitev upoštevanja prepovedi iz prvega odstavka III-161. člena Ustave in prejšnjega člena z določitvijo glob in periodičnih denarnih kazni;

b) določitev podrobnosti uporabe tretjega odstavka III-161. člena Ustave ob upoštevanju potrebe po zagotovitvi učinkovitega nadzora, pa tudi po čim večji poenostavitvi upravljanja;

c) opredelitev področja uporabe III-161. in III-162. člena Ustave v različnih gospodarskih panogah, če je to potrebno;

d) opredelitev nalog Komisije in Sodišča Evropske unije pri uporabi določb iz tega odstavka;

e) določitev razmerja med nacionalnimi zakonodajami na eni strani in tem pododdelkom ter evropskimi uredbami, ki so bile sprejete v skladu s tem členom, na drugi strani.

III-164. ČLEN

Do začetka veljavnosti evropskih uredb, sprejetih v skladu s prejšnjim členom, se organi držav članic odločajo glede dopustnosti sporazumov, sklepov in usklajenih ravnanj ter zlorabe prevladujočega položaja na notranjem trgu v skladu z njihovo nacionalno zakonodajo in III-161. členom, zlasti tretjim odstavkom navedenega člena, in III-162. členom Ustave.

III-165. ČLEN

(1) Ne glede na prejšnji člen Komisija zagotovi uporabo načel iz III-161. in III-162. člena Ustave. Komisija razišče primere domnevne kršitve teh načel na predlog države članice ali na lastno pobudo in v sodelovanju s pristojnimi organi v državah članicah, ki ji pomagajo. Če ugotovi kršitev, predlaga ustrezne ukrepe za njeno odpravo.

(2) Če se kršitev načel iz prejšnjega odstavka ne odpravi, Komisija sprejme obrazložen evropski sklep v katerem navede kršitev načel. Komisija lahko svoj sklep objavi in državam članicam dovoli sprejeti ustrezne ukrepe za izboljšanje stanja, za katere določi pogoje in podrobnosti.

(3) Komisija lahko sprejme evropske uredbe glede skupine sporazumov, v zvezi s katerimi je Svet sprejel evropsko uredbo v skladu s točko b) drugega odstavka III-163. člena Ustave.

III-166. ČLEN

(1) Države članice glede javnih podjetij ali podjetij, katerim so odobrile posebne ali izključne pravice, ne smejo sprejeti ali ohraniti v veljavi nikakršnih ukrepov, ki so v nasprotju z Ustavo, zlasti z drugim odstavkom I-4. člena in III-161. do III-169. členom Ustave.

(2) Podjetja, pooblaščena za opravljanje storitev splošnega gospodarskega pomena, oziroma podjetja, ki imajo značaj dohodkovnega monopola, ravnajo po določbah Ustave, zlasti po določbah o konkurenci, kolikor uporaba takšnih določb pravno ali dejansko ne ovira izvajanja posebnih nalog, ki so jim dodeljene. Razvoj trgovine ne sme biti prizadet v takšnem obsegu, ki bi bil v nasprotju z interesi Unije.

(3) Komisija zagotovi uporabo tega člena in po potrebi sprejme ustrezne evropske uredbe ali sklepe.

Such regulations shall be designed in particular:

(a) to ensure compliance with the prohibitions laid down in Article III-161(1) and in Article III-162 by making provision for fines and periodic penalty payments;

(b) to lay down detailed rules for the application of Article III-161(3), taking into account the need to ensure effective supervision on the one hand, and to simplify administration to the greatest possible extent on the other;

(c) to define, if need be, in the various branches of the economy, the scope of Articles III-161 and III-162;

(d) to define the respective functions of the Commission and of the Court of Justice of the European Union in applying the provisions laid down in this paragraph;

(e) to determine the relationship between Member States' laws and this Subsection as well as the European regulations adopted pursuant to this Article.

ARTICLE III-164

Until the entry into force of the European regulations adopted pursuant to Article III-163, the authorities in Member States shall rule on the admissibility of agreements, decisions and concerted practices and on abuse of a dominant position in the internal market in accordance with their national law and Article III-161, in particular paragraph 3, and Article III-162.

ARTICLE III-165

1. Without prejudice to Article III-164, the Commission shall ensure the application of the principles set out in Articles III-161 and III-162. On application by a Member State or on its own initiative, and in cooperation with the competent authorities in the Member States, which shall give it their assistance, the Commission shall investigate cases of suspected infringement of these principles. If it finds that there has been an infringement, it shall propose appropriate measures to bring it to an end.

2. If the infringement referred to in paragraph 1 is not brought to an end, the Commission shall adopt a reasoned European decision recording the infringement of the principles. The Commission may publish its decision and authorise Member States to take the measures, the conditions and details of which it shall determine, needed to remedy the situation.

3. The Commission may adopt European regulations relating to the categories of agreement in respect of which the Council has adopted a European regulation pursuant to Article III-163, second paragraph, (b).

ARTICLE III-166

1. In the case of public undertakings and undertakings to which Member States grant special or exclusive rights, Member States shall neither enact nor maintain in force any measure contrary to the Constitution, in particular Article I-4(2) and Articles III-161 to III-169.

2. Undertakings entrusted with the operation of services of general economic interest or having the character of an income-producing monopoly shall be subject to the provisions of the Constitution, in particular to the rules on competition, insofar as the application of such provisions does not obstruct the performance, in law or in fact, of the particular tasks assigned to them. The development of trade must not be affected to such an extent as would be contrary to the Union's interests.

3. The Commission shall ensure the application of this Article and shall, where necessary, adopt appropriate European regulations or decisions.

2. pododdelek

Državne pomoči

III-167. ČLEN

(1) Razen če Ustava ne določa drugače, je vsaka pomoč, ki jo dodeli država članica, ali kakršna koli vrsta pomoči iz državnih sredstev, ki izkrivlja ali bi lahko izkrivljala konkurenco z dajanjem prednosti posameznim podjetjem ali proizvodnji posameznega blaga, nezdružljiva z notranjim trgom, kolikor prizadene trgovino med državami članicami.

(2) Z notranjim trgom je združljivo naslednje:

a) pomoč socialnega značaja, dodeljena posameznim potrošnikom, pod pogojem, da je dodeljena brez diskriminacije glede na poreklo zadevnih izdelkov;

b) pomoč za povrnitev škode, ki so jo povzročile naravne nesreče ali izjemni dogodki;

c) pomoč, dodeljena gospodarstvu nekaterih območij Zvezne republike Nemčije, ki jih je prizadela delitev Nemčije, kolikor je takšna pomoč potrebna za nadomestilo gospodarske škode, ki jo je ta delitev povzročila. Pet let po začetku veljavnosti Pogodbe o Ustavi za Evropo lahko Svet na predlog Komisije sprejme evropski sklep o razveljavitvi te točke.

(3) Kot združljivo z notranjim trgom se lahko šteje naslednje:

a) pomoč za pospeševanje gospodarskega razvoja območij, kjer je življenjska raven izjemno nizka ali kjer je podzaposlenost velika in v regijah iz III-424. člena Ustave glede na njihov strukturni, gospodarski in socialni položaj;

b) pomoč za pospeševanje izvedbe pomembnega projekta skupnega evropskega interesa ali za odpravljanje resne motnje v gospodarstvu države članice;

c) pomoč za pospeševanje razvoja določenih gospodarskih dejavnosti ali določenih gospodarskih območij, kadar takšna pomoč ne spreminja trgovinskih pogojev v obsegu, ki bi bil v nasprotju s skupnimi interesi;

d) pomoč za pospeševanje kulture in ohranjanja kulturne dediščine, kadar takšna pomoč ne škoduje trgovinskim pogojem in konkurenci v Uniji v obsegu, ki je v nasprotju s skupnimi interesi;

e) druge vrste pomoči, kakršne so lahko opredeljene v evropskih uredbah ali sklepih, ki jih Svet sprejme na predlog Komisije.

III-168. ČLEN

(1) Komisija v sodelovanju z državami članicami redno preverja vse njihove obstoječe sisteme pomoči. Slednjim predlaga ustrezne ukrepe, ki so potrebni za postopen razvoj ali delovanje notranjega trga.

(2) Če Komisija po tem, ko je pozvala zadevne stranke k predložitvi pripomb, ugotovi, da pomoč, ki jo je dodelila država članica, ali pomoč iz državnih sredstev ni združljiva z notranjim trgom glede na prejšnji člen, ali če se takšna pomoč zlorablja, sprejme evropski sklep, s katerim od zadevne države članice zahteva, da takšno pomoč odpravi ali spremeni v roku, ki ji ga določi.

Če zadevna država članica ne upošteva tega evropskega sklepa v predpisanem roku, lahko Komisija ali katera koli zainteresirana država članica, ne glede na III-360. in III-361. člen Ustave, zadevo predloži neposredno Sodišču Evropske unije.

Subsection 2

Aids granted by Member States

ARTICLE III-167

1. Save as otherwise provided in the Constitution, any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, insofar as it affects trade between Member States, be incompatible with the internal market.

2. The following shall be compatible with the internal market:

(a) aid having a social character, granted to individual consumers, provided that such aid is granted without discrimination related to the origin of the products concerned;

(b) aid to make good the damage caused by natural disasters or exceptional occurrences;

(c) aid granted to the economy of certain areas of the Federal Republic of Germany affected by the division of Germany, insofar as such aid is required in order to compensate for the economic disadvantages caused by that division. Five years after the entry into force of the Treaty establishing a Constitution for Europe, the Council, acting on a proposal from the Commission, may adopt a European decision repealing this point.

3. The following may be considered to be compatible with the internal market:

(a) aid to promote the economic development of areas where the standard of living is abnormally low or where there is serious underemployment, and of the regions referred to in Article III-424, in view of their structural, economic and social situation;

(b) aid to promote the execution of an important project of common European interest or to remedy a serious disturbance in the economy of a Member State;

(c) aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest;

(d) aid to promote culture and heritage conservation where such aid does not affect trading conditions and competition in the Union to an extent that is contrary to the common interest;

(e) such other categories of aid as may be specified by European regulations or decisions adopted by the Council on a proposal from the Commission.

ARTICLE III-168

1. The Commission, in cooperation with Member States, shall keep under constant review all systems of aid existing in those States. It shall propose to the latter any appropriate measures required by the progressive development or by the functioning of the internal market.

2. If, after giving notice to the parties concerned to submit their comments, the Commission finds that aid granted by a Member State or through State resources is not compatible with the internal market having regard to Article III-167, or that such aid is being misused, it shall adopt a European decision requiring the Member State concerned to abolish or alter such aid within a period of time to be determined by the Commission.

If the Member State concerned does not comply with this European decision within the prescribed time, the Commission or any other interested Member State may, in derogation from Articles III-360 and III-361, refer the matter to the Court of Justice of the European Union directly.

Na predlog države članice lahko Svet soglasno sprejme evropski sklep, da se državna pomoč, ki jo ta država članica dodeli ali jo ima namen dodeliti, šteje kot združljiva z notranjim trgom, ne glede na določbe prejšnjega člena, ali evropskih uredb po III-169. členu Ustave, če takšen sklep upravičujejo izjemne okoliščine. Če je Komisija glede takšne pomoči že sprožila postopek iz prvega pododstavka tega odstavka, je posledica vložitve predloga zadevne države članice pri Svetu začasna prekinitev postopka do razglasitve stališča Sveta.

Če v treh mesecih po vložitvi omenjenega predloga Svet svojega stališča ne razglasi, odloča Komisija.

(3) Države članice obvestijo Komisijo o vseh načrtih za dodelitev ali spremembo pomoči dovolj zgodaj, da lahko predloži pripombe. Če meni, da takšen načrt glede na prejšnji člen ni združljiv z notranjim trgom, nemudoma sproži postopek iz prejšnjega odstavka. Zadevna država članica ne sme izvajati svojih predlaganih ukrepov, dokler v tem postopku ni sprejeta dokončna odločitev.

(4) Komisija lahko sprejme evropske uredbe o skupinah državnih pomoči, za katere je Svet v skladu s III-169. členom Ustave odločil, da so lahko izvzete od postopka iz prejšnjega odstavka.

III-169. ČLEN

Svet lahko na predlog Komisije sprejme uredbe za uporabo III-167. in III-168. člena Ustave, zlasti pa lahko določi pogoje, pod katerimi se uporablja tretji odstavek prejšnjega člena in skupine pomoči, ki so izvzete od postopka iz istega odstavka. Odloča po posvetovanju z Evropskim parlamentom.

On application by a Member State, the Council may adopt unanimously a European decision that aid which that State is granting or intends to grant shall be considered to be compatible with the internal market, in derogation from Article III-167 or from European regulations provided for in Article III-169, if such a decision is justified by exceptional circumstances. If, as regards the aid in question, the Commission has already initiated the procedure provided for in the first subparagraph of this paragraph, the fact that the Member State concerned has made its application to the Council shall have the effect of suspending that procedure until the Council has made its attitude known.

If, however, the Council has not made its attitude known within three months of the said application being made, the Commission shall act.

3. The Commission shall be informed by the Member States, in sufficient time to enable it to submit its comments, of any plans to grant or alter aid. If it considers that any such plan is not compatible with the internal market having regard to Article III-167, it shall without delay initiate the procedure provided for in paragraph 2 of this Article. The Member State concerned shall not put its proposed measures into effect until this procedure has resulted in a final decision.

4. The Commission may adopt European regulations relating to the categories of State aid that the Council has, pursuant to Article III-169, determined may be exempted from the procedure provided for by paragraph 3 of this Article.

ARTICLE III-169

The Council, on a proposal from the Commission, may adopt European regulations for the application of Articles III-167 and III-168 and for determining in particular the conditions in which Article III-168(3) shall apply and the categories of aid exempted from the procedure provided for in Article 168(3). It shall act after consulting the European Parliament.

6. ODDELEK
DOLOČBE O DAVKIH

III-170. ČLEN

(1) Nobena država članica ne uvaja, neposredno ali posredno, kakršnih koli notranjih davkov na izdelke drugih držav članic, ki bi bili višji od davkov, uvedenih neposredno ali posredno na enakovrstne domače izdelke.

Prav tako nobena država članica ne uvaja takšnih notranjih davkov na izdelke drugih držav članic, s katerimi bi posredno zaščitila druge izdelke.

(2) Kadar država članica izdelke izvaža na ozemlje druge države članice, povračilo notranjih davkov ne sme preseči notranjih davkov na omenjene izdelke, ki so bili uvedeni bodisi neposredno ali posredno.

(3) Pri izvozu v druge države članice se ne smejo odobriti odpustitve in povračila drugih dajatev, razen prometnih davkov, trošarin in drugih oblik posrednega obdavčenja, niti ni dovoljeno uvajati izravnalnih dajatev ob uvozu iz držav članic, razen če so bile predvidene določbe predhodno odobrene za omejeno obdobje z evropskim sklepom, ki ga je Svet sprejel na predlog Komisije.

III-171. ČLEN

Z evropskimi zakoni ali okvirnimi zakoni Sveta se določijo ukrepi za uskladitve zakonodaje držav članic glede prometnih davkov, trošarin in drugih oblik posrednega obdavčenja, če je ta uskladitev potrebna za vzpostavitev ali delovanje notranjega trga in preprečevanje izkrivljanja konkurence. Svet odloča soglasno po posvetovanju z Evropskim parlamentom in Ekonomsko-socialnim odborom.

SECTION 6
FISCAL PROVISIONS

ARTICLE III-170

1. No Member State shall impose, directly or indirectly, on the products of other Member States any internal taxation of any kind in excess of that imposed directly or indirectly on similar domestic products.

Furthermore, no Member State shall impose on the products of other Member States any internal taxation of such a nature as to afford indirect protection to other products.

2. Where products are exported by a Member State to the territory of another Member State, any repayment of internal taxation shall not exceed the internal taxation imposed on them whether directly or indirectly.

3. In the case of charges other than turnover taxes, excise duties and other forms of indirect taxation, remissions and repayments in respect of exports to other Member States may not be granted and countervailing charges in respect of imports from Member States may not be imposed unless the provisions contemplated have been previously approved for a limited period by a European decision adopted by the Council on a proposal from the Commission.

ARTICLE III-171

A European law or framework law of the Council shall establish measures for the harmonisation of legislation concerning turnover taxes, excise duties and other forms of indirect taxation provided that such harmonisation is necessary to ensure the establishment and the functioning of the internal market and to avoid distortion of competition. The Council shall act unanimously after consulting the European Parliament and the Economic and Social Committee.

7. ODDELEK

SKUPNE DOLOČBE

III-172. ČLEN

(1) Če Ustava ne določa drugače, se ta člen uporablja za doseganje ciljev, določenih v III-130. členu Ustave. Z evropskimi zakoni ali okvirnimi zakoni se določijo ukrepi za približevanje določb zakonov in upravnih predpisov v državah članicah, katerih predmet je vzpostavitev ali delovanje notranjega trga. Takšni zakoni se sprejmejo po posvetovanju z Ekonomsko-socialnim odborom.

(2) Prejšnji odstavek se ne uporablja za določbe o davkih, določbe o prostem gibanju oseb, niti za tiste, ki se nanašajo na pravice in interese zaposlenih.

(3) Komisija ima v svojih predlogih iz prvega odstavka tega člena, ki zadevajo zdravje, varnost, varstvo okolja in varstvo potrošnikov, za izhodišče visoko raven varstva, pri čemer zlasti upošteva nova dognanja na podlagi znanstvenih dejstev. V okviru svojih dodeljenih pristojnosti si Evropski parlament in Svet prizadevata za doseganje tega cilja.

(4) Če po sprejetju usklajevalnega ukrepa z evropskim zakonom ali okvirnim zakonom ali z evropsko uredbo Komisije država članica meni, da je treba ohraniti nacionalne določbe zaradi pomembnih potreb iz III-154. člena Ustave, ali določbe, ki zadevajo varstvo okolja ali delovnega okolja, o teh določbah, pa tudi o razlogih za njihovo ohranitev, uradno obvesti Komisijo.

(5) Ne glede na prejšnji odstavek pa, če po sprejetju usklajevalnega ukrepa z evropskim zakonom ali okvirnim zakonom ali z uredbo Komisije, država članica meni, da je treba na podlagi novih znanstvenih spoznanj o varstvu okolja ali delovnega okolja uvesti nacionalne določbe zaradi problema, ki je specifičen zanjo in je posledica sprejetja usklajevalnega ukrepa, o načrtovanih določbah, pa tudi o razlogih zanje, uradno obvesti Komisijo.

(6) Komisija v šestih mesecih po uradnih obvestilih iz četrtega in petega odstavka tega člena sprejme evropski sklep, s katerim odobri ali zavrne nacionalne določbe, potem ko preveri, ali so morda sredstvo samovoljne diskriminacije ali prikrita omejitev trgovine med državami članicami in ali ovirajo delovanje notranjega trga.

Če Komisija v tem roku ne sprejme nobene odločitve, se šteje, da so nacionalne določbe iz četrtega in petega odstavka tega člena odobrene.

Če to upravičuje zahtevnost zadeve in če ni nevarnosti za zdravje ljudi, lahko Komisija zadevno državo članico uradno obvesti, da se rok iz tega odstavka lahko podaljša za nadaljnje obdobje največ šestih mesecev.

(7) Če se v skladu s prejšnjim odstavkom državi članici dovoli ohranitev ali uvedba nacionalnih določb, ki se ne skladajo z usklajevalnim ukrepom, Komisija nemudoma preveri, ali naj predlaga prilagoditev temu ukrepu.

(8) Če država članica izpostavi specifičen problem glede javnega zdravja na področju, ki so ga urejali prejšnji usklajevalni ukrepi, na to opozori Komisijo, ki nemudoma preveri, ali naj predlaga ustrezne ukrepe.

(9) Ne glede na postopek, določen v III-360. in III-361. členu Ustave, lahko Komisija ali katera koli država članica predloži zadevo neposredno Sodišču Evropske unije, če meni, da druga država članica zlorablja pooblastila iz tega člena.

SECTION 7

COMMON PROVISIONS

ARTICLE III-172

1. Save where otherwise provided in the Constitution, this Article shall apply for the achievement of the objectives set out in Article III-130. European laws or framework laws shall establish measures for the approximation of the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market. Such laws shall be adopted after consultation of the Economic and Social Committee.

2. Paragraph 1 shall not apply to fiscal provisions, to those relating to the free movement of persons or to those relating to the rights and interests of employed persons.

3. The Commission, in its proposals submitted under paragraph 1 concerning health, safety, environmental protection and consumer protection, shall take as a base a high level of protection, taking account in particular of any new development based on scientific facts. Within their respective powers, the European Parliament and the Council shall also seek to achieve this objective.

4. If, after the adoption of a harmonisation measure by means of a European law or framework law or by means of a European regulation of the Commission, a Member State deems it necessary to maintain national provisions on grounds of major needs referred to in Article III-154, or relating to the protection of the environment or the working environment, it shall notify the Commission of these provisions as well as the grounds for maintaining them.

5. Moreover, without prejudice to paragraph 4, if, after the adoption of a harmonisation measure by means of a European law or framework law or by means of a European regulation of the Commission, a Member State deems it necessary to introduce national provisions based on new scientific evidence relating to the protection of the environment or the working environment on grounds of a problem specific to that Member State arising after the adoption of the harmonisation measure, it shall notify the Commission of the envisaged provisions and the reasons for them.

6. The Commission shall, within six months of the notifications referred to in paragraphs 4 and 5, adopt a European decision approving or rejecting the national provisions involved after having verified whether or not they are a means of arbitrary discrimination or a disguised restriction on trade between Member States and whether or not they constitute an obstacle to the functioning of the internal market.

In the absence of a decision by the Commission within this period the national provisions referred to in paragraphs 4 and 5 shall be deemed to have been approved.

When justified by the complexity of the matter and in the absence of danger to human health, the Commission may notify the Member State concerned that the period referred to in this paragraph will be extended for a further period of up to six months.

7. When, pursuant to paragraph 6, a Member State is authorised to maintain or introduce national provisions derogating from a harmonisation measure, the Commission shall immediately examine whether to propose an adaptation to that measure.

8. When a Member State raises a specific problem on public health in a field which has been the subject of prior harmonisation measures, it shall bring it to the attention of the Commission which shall immediately examine whether to propose appropriate measures.

9. By way of derogation from the procedure laid down in Articles III-360 and III-361, the Commission and any Member State may bring the matter directly before the Court of Justice of the European Union if it considers that another Member State is making improper use of the powers provided for in this Article.

(10) Usklajevalni ukrepi iz tega člena v ustreznih primerih vključujejo zaščitno klavzulo, ki dovoljuje državam članicam, da zaradi enega ali več neekonomskih razlogov iz III-154. člena Ustave sprejmejo začasne ukrepe, ki so predmet nadzornega postopka Unije.

III-173. ČLEN

Ne glede na prejšnji člen se z evropskim okvirnim zakonom Sveta določijo ukrepi za približevanje tistih zakonov in upravnih predpisov držav članic, ki neposredno vplivajo na vzpostavitev ali delovanje notranjega trga. Svet odloča soglasno po posvetovanju z Evropskim parlamentom in Ekonomsko-socialnim odborom.

III-174. ČLEN

Kadar Komisija ugotovi, da razlika med določbami zakonov ali upravnih predpisov v državah članicah izkrivlja pogoje konkurence na notranjem trgu in da je nastalo izkrivljanje treba odpraviti, se posvetuje z zadevnimi državami članicami.

Če na podlagi posvetovanja ne pride do dogovora, se z okvirnimi evropskimi zakoni določijo ukrepi, potrebni za odpravo zadevnega izkrivljanja. Sprejmejo se lahko tudi drugi ustrezni ukrepi, ki so predvideni v Ustavi.

III-175. ČLEN

(1) Kadar obstaja razlog za bojazen, da bi lahko sprejetje ali sprememba neke določbe zakona ali upravnega predpisa države članice povzročila izkrivljanje v smislu prejšnjega člena, se država članica, ki želi nadaljevati postopek za sprejemanje ali spremembo te določbe, posvetuje s Komisijo. Po posvetovanju z državami članicami Komisija priporoči zadevnim državam članicam ustrezne ukrepe, s katerimi bi se izognile omenjenemu izkrivljanju.

(2) Če država članica, ki želi uvesti ali spremeniti svoje predpise, ne upošteva priporočila, ki ga je nanjo naslovila Komisija, drugim državam članicam ni treba spreminjati svojih nacionalnih predpisov v skladu s prejšnjim členom, s katerimi bi odpravile takšno izkrivljanje. Če država članica, ki priporočila Komisije ni upoštevala, povzroči izkrivljanje samo v lastno škodo, se določbe prejšnjega člena ne uporabijo.

III-176. ČLEN

Pri vzpostavitvi ali delovanju notranjega trga se z evropskimi zakoni ali okvirnimi zakoni določijo ukrepi za uvedbo za enotno varstvo evropskih pravic intelektualne lastnine v vsej Uniji in za vzpostavitev centralizirane ureditve na ravni Unije na področju potrjevanja, usklajevanja in nadzorovanja.

Z evropskim zakonom Sveta se določijo jezikovne ureditve za evropske intelektualne pravice. Svet odloča soglasno po posvetovanju z Evropskim parlamentom.

II. POGLAVJE

EKONOMSKA IN DENARNA POLITIKA

III-177. ČLEN

Za namene iz I-3. člena Ustave dejavnosti držav članic in Unije v skladu z Ustavo vključujejo sprejetje ekonomske politike, ki temelji na tesnem usklajevanju ekonomskih politik držav članic, notranjem trgu in opredelitvi skupnih ciljev in ki se izvaja v skladu z načelom odprtega tržnega gospodarstva s svobodno konkurenco.

10. The harmonisation measures referred to in this Article shall, in appropriate cases, include a safeguard clause authorising the Member States to take, for one or more of the non-economic reasons referred to in Article III-154, provisional measures subject to a Union control procedure.

ARTICLE III-173

Without prejudice to Article III-172, a European framework law of the Council shall establish measures for the approximation of such laws, regulations or administrative provisions of the Member States as directly affect the establishment or functioning of the internal market. The Council shall act unanimously after consulting the European Parliament and the Economic and Social Committee.

ARTICLE III-174

Where the Commission finds that a difference between the provisions laid down by law, regulation or administrative action in Member States is distorting the conditions of competition in the internal market and that the resultant distortion needs to be eliminated, it shall consult the Member States concerned.

If such consultation does not result in agreement, European framework laws shall establish the measures necessary to eliminate the distortion in question. Any other appropriate measures provided for in the Constitution may be adopted.

ARTICLE III-175

1. Where there is reason to fear that the adoption or amendment of a provision laid down by law, regulation or administrative action of a Member State may cause distortion within the meaning of Article III-174, a Member State desiring to proceed therewith shall consult the Commission. After consulting the Member States, the Commission shall address to the Member States concerned a recommendation on such measures as may be appropriate to avoid the distortion in question.

2. If a Member State desiring to introduce or amend its own provisions does not comply with the recommendation addressed to it by the Commission, other Member States shall not be required, pursuant to Article III-174, to amend their own provisions in order to eliminate such distortion. If the Member State which has ignored the recommendation of the Commission causes distortion detrimental only to itself, Article III-174 shall not apply.

ARTICLE III-176

In the context of the establishment and functioning of the internal market, European laws or framework laws shall establish measures for the creation of European intellectual property rights to provide uniform intellectual property rights protection throughout the Union and for the setting up of centralised Union-wide authorisation, coordination and supervision arrangements.

A European law of the Council shall establish language arrangements for the European intellectual property rights. The Council shall act unanimously after consulting the European Parliament.

CHAPTER II

ECONOMIC AND MONETARY POLICY

ARTICLE III-177

For the purposes set out in Article I-3, the activities of the Member States and the Union shall include, as provided in the Constitution, the adoption of an economic policy which is based on the close coordination of Member States' economic policies, on the internal market and on the definition of common objectives, and conducted in accordance with the principle of an open market economy with free competition.

Hkrati z zgoraj navedenim ter v skladu z Ustavo in v njej opredeljenimi postopki te dejavnosti vključujejo enotno valuto, euro, ter opredelitev in izvajanje enotne denarne politike in politike deviznega tečaja, katerih poglavitni cilj je ohranjati stabilnost cen in ne glede na ta cilj podpirati splošne ekonomske politike v Uniji v skladu z načelom odprtega tržnega gospodarstva s svobodno konkurenco.

Pri teh dejavnostih države članice in Unija upoštevajo naslednja vodilna načela: stabilne cene, zdrave javne finance in denarne pogoje ter uravnoteženo plačilno bilanco.

1. ODDELEK

EKONOMSKA POLITIKA

III-178. ČLEN

Države članice vodijo svoje ekonomske politike z namenom, da bi prispevale k doseganju ciljev Unije, kakor so opredeljeni v I-3. členu Ustave, in v okviru širših smernic, navedenih v drugem odstavku III-179. člena Ustave. Države članice in Unija delujejo v skladu z načelom odprtega tržnega gospodarstva s svobodno konkurenco, pri čemer dajejo prednost učinkovitemu razporejanju virov, ter se ravnajo po načelih iz prejšnjega člena.

III-179. ČLEN

(1) Države članice obravnavajo svoje ekonomske politike kot zadevo skupnega pomena in jih usklajujejo v okviru Sveta skladno s prejšnjim členom.

(2) Svet na priporočilo Komisije oblikuje osnutek širših smernic ekonomskih politik držav članic in Unije in poroča o svojih ugotovitvah Evropskemu svetu.

Evropski svet na podlagi poročila Sveta obravnava sklep o širših smernicah ekonomskih politik držav članic in Unije. Na podlagi tega sklepa Svet sprejme priporočilo, ki opredeljuje omenjene širše smernice. O svojem priporočilu obvesti Evropski parlament.

(3) Za zagotavljanje tesnejše uskladitve ekonomskih politik in trajnostne konvergence ekonomskih učinkov držav članic Svet na podlagi poročil, ki mu jih predloži Komisija, spremlja gospodarski razvoj v vsaki od držav članic in v Uniji ter skladnost ekonomskih politik s širšimi smernicami iz prejšnjega odstavka, redno pa pripravlja tudi celovito oceno.

Zaradi tega večstranskega nadzora pošiljajo države članice Komisiji podatke o pomembnih ukrepih, ki so jih sprejele na področju svoje ekonomske politike, in vse druge podatke, za katere menijo, da so potrebni.

(4) Kadar se v okviru postopka iz prejšnjega odstavka ugotovi, da ekonomske politike neke države članice niso skladne s širšimi smernicami iz drugega odstavka tega člena ali da bi lahko ogrozila pravilno delovanje ekonomske in monetarne unije, lahko Komisija na to državo članico naslovi opozorilo. Svet lahko na priporočilo Komisije naslovi potrebna priporočila za to državo članico. Svet lahko na predlog Komisije sklene, da svoja priporočila objavi.

V okviru tega odstavka Svet odloča brez upoštevanja glasu člana Sveta, ki predstavlja zadevno državo članico.

Kvalificirana večina je najmanj 55% ostalih članov Sveta, ki predstavljajo države članice, ki imajo skupaj najmanj 65% prebivalstva udeleženih držav članic.

Concurrently with the foregoing, and as provided in the Constitution and in accordance with the procedures set out therein, these activities shall include a single currency, the euro, and the definition and conduct of a single monetary policy and exchange-rate policy, the primary objective of both of which shall be to maintain price stability and, without prejudice to this objective, to support general economic policies in the Union, in accordance with the principle of an open market economy with free competition.

These activities of the Member States and the Union shall entail compliance with the following guiding principles: stable prices, sound public finances and monetary conditions and a stable balance of payments.

SECTION 1

ECONOMIC POLICY

ARTICLE III-178

Member States shall conduct their economic policies in order to contribute to the achievement of the Union's objectives, as defined in Article I-3, and in the context of the broad guidelines referred to in Article III-179(2). The Member States and the Union shall act in accordance with the principle of an open market economy with free competition, favouring an efficient allocation of resources, and in compliance with the principles set out in Article III-177.

ARTICLE III-179

1. Member States shall regard their economic policies as a matter of common concern and shall coordinate them within the Council, in accordance with Article III-178.

2. The Council, on a recommendation from the Commission, shall formulate a draft for the broad guidelines of the economic policies of the Member States and of the Union, and shall report its findings to the European Council.

The European Council, on the basis of the report from the Council, shall discuss a conclusion on the broad guidelines of the economic policies of the Member States and of the Union. On the basis of this conclusion, the Council shall adopt a recommendation setting out these broad guidelines. It shall inform the European Parliament of its recommendation.

3. In order to ensure closer coordination of economic policies and sustained convergence of the economic performances of the Member States, the Council, on the basis of reports submitted by the Commission, shall monitor economic developments in each of the Member States and in the Union, as well as the consistency of economic policies with the broad guidelines referred to in paragraph 2, and shall regularly carry out an overall assessment.

For the purpose of this multilateral surveillance, Member States shall forward information to the Commission on important measures taken by them in the field of their economic policy and such other information as they deem necessary.

4. Where it is established, under the procedure referred to in paragraph 3, that the economic policies of a Member State are not consistent with the broad guidelines referred to in paragraph 2 or that they risk jeopardising the proper functioning of economic and monetary union, the Commission may address a warning to the Member State concerned. The Council, on a recommendation from the Commission, may address the necessary recommendations to the Member State concerned. The Council, on a proposal from the Commission, may decide to make its recommendations public.

Within the scope of this paragraph, the Council shall act without taking into account the vote of the member of the Council representing the Member State concerned.

A qualified majority shall be defined as at least 55% of the other members of the Council, representing Member States comprising at least 65% of the population of the participating Member States.

Manjšina, ki lahko prepreči sprejetje odločitve, mora vključevati najmanj minimalno število ostalih članov Sveta, ki predstavljajo več kot 35% prebivalstva udeleženih držav članic in dodatnega člana, sicer se šteje, da je bila dosežena kvalificirana večina.

(5) Predsednik Sveta in Komisija poročata Evropskemu parlamentu o rezultatih večstranskega nadzora. Če je Svet svoja priporočila objavil, je njegov predsednik lahko povabljen pred pristojni odbor Evropskega parlamenta.

(6) Z evropskimi zakoni se lahko določijo podrobna pravila postopka večstranskega nadzora iz tretjega in četrtega odstavka tega člena.

III-180. ČLEN

(1) Ne glede na druge postopke, predvidene v Ustavi, lahko Svet na predlog Komisije sprejme evropski sklep, s katerim določi ukrepe, ki ustrezajo gospodarskim razmeram, zlasti ob hudih težavah pri oskrbi z nekaterimi izdelki.

(2) Kadar je država članica v težavah ali ji resno grozijo hude težave zaradi naravnih nesreč ali izjemnih okoliščin, nad katerimi nima nikakršnega nadzora, lahko Svet na predlog Komisije sprejme evropski sklep, s katerim pod določenimi pogoji tej državi članici odobri finančno pomoč Unije. Predsednik Sveta obvesti Evropski parlament o sprejetem sklepu.

III-181. ČLEN

(1) Prepovedane so prekoračitve pozitivnega stanja na računu ali druge oblike kreditov pri Evropski centralni banki ali pri centralnih bankah držav članic (v nadaljnjem besedilu »nacionalne centralne banke«) v korist institucij, organov, uradov ali agencij Unije, institucionalnih enot centralne, regionalne ali lokalne ravni države ter drugih oseb javnega prava ali v korist javnih podjetij držav članic, prav tako pa je prepovedano, da bi Evropska centralna banka ali nacionalne centralne banke neposredno od njih kupovale dolžniške instrumente.

(2) Prejšnji odstavek se ne uporablja za kreditne institucije v javni lasti, ki jih nacionalne centralne banke in Evropska centralna banka pri zagotavljanju rezerv s strani nacionalnih centralnih bank obravnavajo enako kot zasebne kreditne institucije.

III-182. ČLEN

Prepovedani so vsi ukrepi in določbe, ki ne temeljijo na načelih skrbnega in varnega poslovanja in ki vzpostavljajo privilegiran dostop institucij, organov, uradov ali agencij Unije, institucionalnih enot centralne, regionalne ali lokalne ravni države ter drugih oseb javnega prava ali javnih podjetij držav članic do finančnih institucij.

III-183. ČLEN

(1) Unija ne jamči za obveznosti niti ne prevzema obveznosti institucionalnih enot centralne, regionalne ali lokalne ravni države ali drugih oseb javnega prava ali javnih podjetij katere koli države članice, kar pa ne vpliva na vzajemna finančna jamstva za skupno izvedbo določenega projekta. Država članica ne jamči za obveznosti niti ne prevzema obveznosti institucionalnih enot centralne, regionalne ali lokalne ravni države ali drugih oseb javnega prava ali javnih podjetij druge države članice, kar pa ne vpliva na vzajemna finančna jamstva za skupno izvedbo določenega projekta.

(2) Svet lahko na predlog Komisije sprejme evropske uredbe ali sklepe, v katerih opredeli pojme v zvezi z uporabo prepovedi iz III-181., III-182. člena Ustave in iz tega člena. Svet odloča po posvetovanju z Evropskim parlamentom.

A blocking minority must include at least the minimum number of these other Council members representing more than 35% of the population of the participating Member States, plus one member, failing which the qualified majority shall be deemed attained.

5. The President of the Council and the Commission shall report to the European Parliament on the results of multilateral surveillance. The President of the Council may be invited to appear before the competent committee of the European Parliament if the Council has made its recommendations public.

6. European laws may lay down detailed rules for the multilateral surveillance procedure referred to in paragraphs 3 and 4.

ARTICLE III-180

1. Without prejudice to any other procedures provided for in the Constitution, the Council, on a proposal from the Commission, may adopt a European decision laying down measures appropriate to the economic situation, in particular if severe difficulties arise in the supply of certain products.

2. Where a Member State is in difficulties or is seriously threatened with severe difficulties caused by natural disasters or exceptional occurrences beyond its control, the Council, on a proposal from the Commission, may adopt a European decision granting, under certain conditions, Union financial assistance to the Member State concerned. The President of the Council shall inform the European Parliament of the decision adopted.

ARTICLE III-181

1. Overdraft facilities or any other type of credit facility with the European Central Bank or with the central banks of the Member States (hereinafter referred to as "national central banks") in favour of Union institutions, bodies, offices or agencies, central governments, regional, local or other public authorities, other bodies governed by public law, or public undertakings of Member States shall be prohibited, as shall the purchase directly from them by the European Central Bank or national central banks of debt instruments.

2. Paragraph 1 shall not apply to publicly owned credit institutions which, in the context of the supply of reserves by central banks, shall be given the same treatment by national central banks and the European Central Bank as private credit institutions.

ARTICLE III-182

Any measure or provision, not based on prudential considerations, establishing privileged access by Union institutions, bodies, offices or agencies, central governments, regional, local or other public authorities, other bodies governed by public law, or public undertakings of Member States to financial institutions shall be prohibited.

ARTICLE III-183

1. The Union shall not be liable for or assume the commitments of central governments, regional, local or other public authorities, other bodies governed by public law, or public undertakings of any Member State, without prejudice to mutual financial guarantees for the joint execution of a specific project. A Member State shall not be liable for or assume the commitments of central governments, regional, local or other public authorities, other bodies governed by public law, or public undertakings of another Member State, without prejudice to mutual financial guarantees for the joint execution of a specific project.

2. The Council, on a proposal from the Commission, may adopt European regulations or decisions specifying definitions for the application of the prohibitions laid down in Articles III-181 and III-182 and in this Article. It shall act after consulting the European Parliament.

III-184. ČLEN

(1) Države članice se izogibajo čezmernemu javnofinančnemu primanjkljaju.

(2) Komisija spremlja gibanje proračunskega stanja in višine javnega dolga v državah članicah zato, da bi ugotovila večje napake. Zlasti preverja upoštevanje proračunske discipline na podlagi naslednjih dveh meril:

a) ali razmerje med načrtovanim ali dejanskim javnofinančnim primanjkljajem in bruto domačim proizvodom presega referenčno vrednost, razen

1. če se ni to razmerje znatno in stalno zmanjševalo ter doseglo ravni blizu referenčne vrednosti, ali

2. če ni preseganje referenčne vrednosti le izjemno in začasno, razmerje pa ostaja blizu referenčne vrednosti;

b) ali razmerje med javnim dolgom in bruto domačim proizvodom presega referenčno vrednost, razen če se razmerje ne znižuje zadosti in ne približuje dovolj hitro referenčni vrednosti.

Referenčne vrednosti so opredeljene v Protokolu o postopku v zvezi s čezmernim primanjkljajem.

(3) Če država članica ne izpolnjuje zahtev enega ali obeh navedenih meril, Komisija o tem pripravi poročilo. To poročilo upošteva tudi, ali javnofinančni primanjkljaj presega javne investicijske odhodke, in vse druge pomembne dejavnike, tudi srednjeročno gospodarsko in proračunsko stanje države članice.

Komisija lahko pripravi poročilo tudi, če ne glede na izpolnjevanje zahtev navedenih meril meni, da v državi članici obstaja tveganje čezmernega primanjkljaja.

(4) Ekonomsko-finančni odbor, ustanovljen po III-192. členu Ustave, pripravi mnenje o poročilu Komisije.

(5) Če Komisija meni, da v neki državi članici obstaja čezmeren primanjkljaj ali da bi do njega lahko prišlo, na zadevno državo članico naslovi svoje mnenje in o tem obvesti Svet.

(6) Svet na predlog Komisije in ob upoštevanju morebitnih pripomb zadevne države članice ter po opravljeni celoviti oceni odloči, ali čezmeren primanjkljaj obstaja. Kadar Svet meni, da čezmeren primanjkljaj obstaja, na priporočilo Komisije brez odlašanja sprejme priporočila, ki jih naslovi na zadevno državo članico z namenom, da se to stanje v danem roku odpravi. Ob upoštevanju določb osmega odstavka tega člena se ta priporočila ne objavijo.

V okviru tega odstavka Svet odloča brez upoštevanja glasu člana Sveta, ki predstavlja zadevno državo članico.

Kvalificirana večina je najmanj 55% ostalih članov Sveta, ki predstavljajo države članice, ki imajo skupaj najmanj 65% prebivalstva udeleženih držav članic.

Manjšina, ki lahko prepreči sprejetje odločitve, mora vključevati najmanj minimalno število ostalih članov Sveta, ki predstavljajo več kot 35% prebivalstva udeleženih držav članic in dodatnega člana, sicer se šteje, da je bila dosežena kvalificirana večina.

(7) Svet na priporočilo Komisije sprejme evropske sklepe in priporočila iz osmega do enajstega odstavka tega člena.

Svet odloča brez upoštevanja glasu člana Sveta, ki predstavlja zadevno državo članico.

Kvalificirana večina je najmanj 55% ostalih članov Sveta, ki predstavljajo države članice, ki imajo skupaj najmanj 65% prebivalstva udeleženih držav članic.

ARTICLE III-184

1. Member States shall avoid excessive government deficits.

2. The Commission shall monitor the development of the budgetary situation and of the stock of government debt in the Member States in order to identify gross errors. In particular it shall examine compliance with budgetary discipline on the basis of the following two criteria:

(a) whether the ratio of the planned or actual government deficit to gross domestic product exceeds a reference value, unless:

(i) either the ratio has declined substantially and continuously and reached a level that comes close to the reference value, or

(ii) alternatively, the excess over the reference value is only exceptional and temporary and the ratio remains close to the reference value;

(b) whether the ratio of government debt to gross domestic product exceeds a reference value, unless the ratio is diminishing sufficiently and approaching the reference value at a satisfactory pace.

The reference values are specified in the Protocol on the excessive deficit procedure.

3. If a Member State does not fulfil the requirements under one or both of these criteria, the Commission shall prepare a report. The Commission's report shall also take into account whether the government deficit exceeds government investment expenditure and take into account all other relevant factors, including the medium-term economic and budgetary position of the Member State.

The Commission may also prepare a report if, notwithstanding the fulfilment of the requirements under the criteria, it is of the opinion that there is a risk of an excessive deficit in a Member State.

4. The Economic and Financial Committee set up under Article III-192 shall formulate an opinion on the Commission's report.

5. If the Commission considers that an excessive deficit in a Member State exists or may occur, it shall address an opinion to the Member State concerned and shall inform the Council accordingly.

6. The Council shall, on a proposal from the Commission, having considered any observations which the Member State concerned may wish to make and after an overall assessment, decide whether an excessive deficit exists. In that case it shall adopt, without undue delay, on a recommendation from the Commission, recommendations addressed to the Member State concerned with a view to bringing that situation to an end within a given period. Subject to paragraph 8, those recommendations shall not be made public.

Within the scope of this paragraph, the Council shall act without taking into account the vote of the member of the Council representing the Member State concerned.

A qualified majority shall be defined as at least 55% of the other members of the Council, representing Member States comprising at least 65% of the population of the participating Member States.

A blocking minority must include at least the minimum number of these other Council members representing more than 35% of the population of the participating Member States, plus one member, failing which the qualified majority shall be deemed attained.

7. The Council, on a recommendation from the Commission, shall adopt the European decisions and recommendations referred to in paragraphs 8 to 11.

It shall act without taking into account the vote of the member of the Council representing the Member State concerned.

A qualified majority shall be defined as at least 55% of the other members of the Council, representing Member States comprising at least 65% of the population of the participating Member States.

Manjšina, ki lahko prepreči sprejetje odločitve, mora vključevati najmanj minimalno število ostalih članov Sveta, ki predstavljajo več kot 35% prebivalstva udeleženih držav članic in dodatnega člana, sicer se šteje, da je bila dosežena kvalificirana večina.

(8) Kadar Svet sprejme evropski sklep, s katerim ugotovi, da na podlagi njegovih priporočil niso bili sprejeti učinkoviti ukrepi v predpisanem roku, lahko svoja priporočila objavi.

(9) Če država članica vztraja pri neizvajanju priporočil Sveta, lahko Svet sprejme evropski sklep, s katerim zadevno državo članico pozove, naj v določenem roku sprejme ukrepe za zmanjšanje primanjkljaja, ki so po njegovem mnenju potrebni za izboljšanje stanja.

V takem primeru lahko Svet od zadevne države članice zahteva, da mu po natančno določenem časovnem razporedu predloži poročila in tako omogoči preverjanje njenih prizadevanj pri prilagajanju.

(10) Dokler država članica ne upošteva evropskega sklepa, sprejetega v skladu s prejšnjim odstavkom, se lahko Svet odloči za uvedbo ali, glede na okoliščine, okrepitev enega ali več od naslednjih ukrepov:

a) od zadevne države članice zahteva, naj še pred izdajo obveznic in drugih vrednostnih papirjev objavi dodatne informacije, ki jih podrobneje določi Svet;

b) Evropsko investicijsko banko pozove, naj ponovno pretehta svojo posojilno politiko do zadevne države članice;

c) od zadevne države članice zahteva, naj pri Uniji položi brezobrestno vlogo v primerni vrednosti, dokler se čezmerni primanjkljaj, po mnenju Sveta, ustrezno ne zmanjša;

d) naloži primerno visoke globe.

Predsednik Sveta obvesti Evropski parlament o sprejetih ukrepih.

(11) Svet razveljavi nekatere ali vse svoje ukrepe iz šestega, osmega, devetega in desetega odstavka tega člena, če se je čezmerni primanjkljaj v zadevni državi članici po njegovem mnenju ustrezno zmanjšal. Če je Svet svoja priporočila predhodno objavil, takoj po razveljavitvi Evropskega sklepa iz osmega odstavka tega člena javno izjavi, da čezmernega primanjkljaja v tej državi članici ni več.

(12) V okviru prvega do šestega odstavka ter osmega in devetega odstavka tega člena se ne morejo uveljavljati pravice do tožb iz III-360. in III-361. člena Ustave.

(13) Nadaljnje določbe za izvajanje postopka iz tega člena so določene v Protokolu o postopku v zvezi s čezmernim primanjkljajem.

Z evropskim zakonom Sveta se določijo ustrezni ukrepi, ki naj nadomestijo navedeni protokol. Svet odloča soglasno po posvetovanju z Evropskim parlamentom in Evropsko centralno banko.

Ob upoštevanju drugih določb tega odstavka Svet na predlog Komisije sprejme evropske uredbe ali sklepe, s katerimi določi podrobna pravila in opredelitve za uporabo navedenega protokola. Svet odloča po posvetovanju z Evropskim parlamentom.

2. ODDELEK
DENARNA POLITIKA

III-185. ČLEN

(1) Prednostni cilj Evropskega sistema centralnih bank je vzdrževanje stabilnosti cen. Brez vpliva na ta cilj Evropski sistem centralnih bank podpira splošne ekonomske politike v Uniji z namenom prispevati k doseganju ciljev Unije, določenih v I-3. členu Ustave. Evropski sistem centralnih bank deluje v skladu z načelom odprtega tržnega gospodarstva s svobodno konkurenco, pri čemer daje prednost učinkovitemu razporejanju virov, in ob upoštevanju načel iz III-177. člena Ustave.

A blocking minority must include at least the minimum number of these other Council members representing more than 35% of the population of the participating Member States, plus one member, failing which the qualified majority shall be deemed attained.

8. Where it adopts a European decision establishing that there has been no effective action in response to its recommendations within the period laid down, the Council may make its recommendations public.

9. If a Member State persists in failing to put the Council's recommendations into practice, the Council may adopt a European decision giving notice to the Member State to take, within a specified time-limit, measures for the deficit reduction which the Council judges necessary to remedy the situation.

In such a case, the Council may request the Member State concerned to submit reports in accordance with a specific timetable in order to examine the adjustment efforts of that Member State.

10. As long as a Member State fails to comply with a European decision adopted in accordance with paragraph 9, the Council may decide to apply or, as the case may be, intensify one or more of the following measures:

(a) require the Member State concerned to publish additional information, to be specified by the Council, before issuing bonds and securities;

(b) invite the European Investment Bank to reconsider its lending policy towards the Member State concerned;

(c) require the Member State concerned to make a non-interest-bearing deposit of an appropriate size with the Union until the Council considers that the excessive deficit has been corrected;

(d) impose fines of an appropriate size.

The President of the Council shall inform the European Parliament of the measures adopted.

11. The Council shall repeal some or all of the measures referred to in paragraph 6 and paragraphs 8, 9 and 10 if it considers the excessive deficit in the Member State concerned to have been corrected. If the Council has previously made public recommendations, it shall state publicly, as soon as the European decision referred to in paragraph 8 has been repealed, that there is no longer an excessive deficit in the Member State concerned.

12. The rights to bring actions provided for in Articles III-360 and III-361 shall not be exercised within the framework of paragraphs 1 to 6 or paragraphs 8 and 9.

13. Further provisions relating to the implementation of the procedure laid down in this Article are set out in the Protocol on the excessive deficit procedure.

A European law of the Council shall lay down the appropriate measures to replace the said Protocol. The Council shall act unanimously after consulting the European Parliament and the European Central Bank.

Subject to the other provisions of this paragraph, the Council, on a proposal from the Commission, shall adopt European regulations or decisions laying down detailed rules and definitions for the application of the said Protocol. It shall act after consulting the European Parliament.

SECTION 2
MONETARY POLICY

ARTICLE III-185

1. The primary objective of the European System of Central Banks shall be to maintain price stability. Without prejudice to this objective, the European System of Central Banks shall support the general economic policies in the Union in order to contribute to the achievement of its objectives as laid down in Article I-3. The European System of Central Banks shall act in accordance with the principle of an open market economy with free competition, favouring an efficient allocation of resources, and in compliance with the principles set out in Article III-177.

(2) Temeljne naloge Evropskega sistema centralnih bank so:

a) opredeliti in izvajati denarno politiko Unije;

b) opravljati devizne posle v skladu z določbami III-326. člena Ustave;

c) imeti in upravljati uradne devizne rezerve držav članic;

d) podpirati nemoteno delovanje plačilnih sistemov.

(3) Točka c) prejšnjega odstavka ne vpliva na to, da vlade držav članic imajo in upravljajo operativna devizna sredstva.

(4) Evropsko centralno banko se zaprosi, da svetuje:

a) glede vseh predlaganih aktov Unije na področjih v okviru njenih pristojnosti;

b) nacionalnim organom glede vseh osnutkov zakonodajnih predpisov na področjih v okviru njenih pristojnosti, vendar v mejah in pod pogoji, ki jih Svet določi v skladu s postopkom iz četrtega odstavka III-187. člena Ustave.

Evropska centralna banka lahko ustreznim institucijam, organom, uradom ali agencijam Unije ali nacionalnim organom predloži mnenja o zadevah s področij v okviru njenih pristojnosti.

(5) Evropski sistem centralnih bank prispeva k nemotenemu vodenju politik pristojnih organov glede bonitetnega nadzora kreditnih institucij in stabilnosti finančnega sistema.

(6) Z evropskimi zakoni Sveta se lahko na Evropsko centralno banko prenesejo posebne naloge v zvezi s politikami bonitetnega nadzora kreditnih in drugih finančnih institucij, z izjemo zavarovalnic. Svet odloča soglasno po posvetovanju z Evropskim parlamentom in Evropsko centralno banko.

III-186. ČLEN

(1) Evropska centralna banka ima izključno pravico odobriti izdajanje eurobankovcev v Uniji. Bankovce lahko izdajajo Evropska centralna banka in nacionalne centralne banke. Samo bankovci, ki jih izdajajo Evropska centralna banka in nacionalne centralne banke, so zakonito plačilno sredstvo v Uniji.

(2) Države članice lahko izdajajo eurokovance pod pogojem, da jim Evropska centralna banka odobri obseg izdaje.

Svet lahko na predlog Komisije sprejme evropske uredbe, s katerimi določi ukrepe za uskladitev apoenov in tehničnih specifikacij kovancev, namenjenih obtoku, da bi tako omogočil njihovo neovirano kroženje v Uniji. Svet odloča po posvetovanju z Evropskim parlamentom in Evropsko centralno banko.

III-187. ČLEN

(1) Evropski sistem centralnih bank vodita organa odločanja Evropske centralne banke; to sta Svet Evropske centralne banke in Izvršilni odbor.

(2) Statut Evropskega sistema centralnih bank je določen v Protokolu o statutu Evropskega sistema centralnih bank in Evropske centralne banke.

(3) Z evropskimi zakoni se lahko spremenijo prvi, drugi in tretji odstavek 5. člena, 17. in 18. člen, prvi odstavek 19. člena, 22., 23., 24. in 26. člen, drugi, tretji, četrti in šesti odstavek 32. člena, točka a) prvega odstavka 33. člena in 36. člen statuta Evropskega sistema centralnih bank in Evropske centralne banke:

a) bodisi na predlog Komisije in po posvetovanju z Evropsko centralno banko;

b) ali na priporočilo Evropske centralne banke in po posvetovanju s Komisijo.

2. The basic tasks to be carried out through the European System of Central Banks shall be:

(a) to define and implement the Union's monetary policy;

(b) to conduct foreign-exchange operations consistent with Article III-326;

(c) to hold and manage the official foreign reserves of the Member States;

(d) to promote the smooth operation of payment systems.

3. Paragraph 2(c) shall be without prejudice to the holding and management by the governments of Member States of foreign-exchange working balances.

4. The European Central Bank shall be consulted:

(a) on any proposed Union act in areas within its powers;

(b) by national authorities regarding any draft legislative provision in areas within its powers, but within the limits and under the conditions set out by the Council in accordance with the procedure laid down in Article III-187(4).

The European Central Bank may submit opinions to the Union institutions, bodies, offices or agencies or to national authorities on matters within its powers.

5. The European System of Central Banks shall contribute to the smooth conduct of policies pursued by the competent authorities relating to the prudential supervision of credit institutions and the stability of the financial system.

6. A European law of the Council may confer specific tasks upon the European Central Bank concerning policies relating to the prudential supervision of credit institutions and other financial institutions with the exception of insurance undertakings. The Council shall act unanimously after consulting the European Parliament and the European Central Bank.

ARTICLE III-186

1. The European Central Bank shall have the exclusive right to authorise the issue of euro bank notes in the Union. The European Central Bank and the national central banks may issue such notes. Only the bank notes issued by the European Central Bank and the national central banks shall have the status of legal tender within the Union.

2. Member States may issue euro coins subject to approval by the European Central Bank of the volume of the issue.

The Council, on a proposal from the Commission, may adopt European regulations laying down measures to harmonise the denominations and technical specifications of coins intended for circulation to the extent necessary to permit their smooth circulation within the Union. The Council shall act after consulting the European Parliament and the European Central Bank.

ARTICLE III-187

1. The European System of Central Banks shall be governed by the decision-making bodies of the European Central Bank, which shall be the Governing Council and the Executive Board.

2. The Statute of the European System of Central Banks is laid down in the Protocol on the Statute of the European System of Central Banks and of the European Central Bank.

3. Article 5(1), (2) and (3), Articles 17 and 18, Article 19(1), Articles 22, 23, 24 and 26, Article 32(2), (3), (4) and (6), Article 33(1)(a) and Article 36 of the Statute of the European System of Central Banks and of the European Central Bank may be amended by European laws:

(a) either on a proposal from the Commission and after consultation of the European Central Bank;

(b) or on a recommendation from the European Central Bank and after consultation of the Commission.

(4) Svet sprejme evropske uredbe in sklepe, v katerih določi ukrepe iz 4. člena, četrtega odstavka 5. člena, drugega odstavka 19. člena, 20. člena, prvega odstavka 28. člena, drugega odstavka 29. člena, četrtega odstavka 30. člena in tretjega odstavka 34. člena statuta Evropskega sistema centralnih bank in Evropske centralne banke. Svet odloča po posvetovanju z Evropskim parlamentom:

a) bodisi na predlog Komisije in po posvetovanju z Evropsko centralno banko;

b) ali na priporočilo Evropske centralne banke in po posvetovanju s Komisijo.

III-188. ČLEN

Pri izvajanju svojih pooblastil ter opravljanju nalog in dolžnosti po Ustavi in statutu Evropskega sistema centralnih bank in Evropske centralne banke ne smejo niti Evropska centralna banka niti nacionalne centralne banke, pa tudi noben član njihovih organov odločanja zahtevati ali sprejemati navodil od institucij, organov, uradov ali agencij Unije, vlad držav članic ali katerih koli drugih organov. Institucije, organi, uradi in agencije Unije ter vlade držav članic se obvezujejo, da bodo to načelo spoštovali in ne bodo poskušali vplivati na člane organov odločanja Evropske centralne banke ali nacionalnih centralnih bank pri opravljanju njihovih nalog.

III-189. ČLEN

Vsaka država članica zagotovi, da je njena nacionalna zakonodaja vključno s statutom njene nacionalne centralne banke, združljiva z Ustavo in statutom Evropskega sistema centralnih bank in Evropske centralne banke.

III-190. člen

(1) Za izvajanje nalog, zaupanih Evropskemu sistemu centralnih bank, Evropska centralna banka v skladu z določbami Ustave in pod pogoji, določenimi s statutom Evropskega sistema centralnih bank in Evropske centralne banke, sprejema:

a) evropske uredbe, kolikor so potrebne za izvajanje nalog, opredeljenih v točki a) prvega odstavka 3. člena, prvem odstavku 19. člena, 22. členu in drugem odstavku 25. člena statuta Evropskega sistema centralnih bank in Evropske centralne banke, in v primerih, ki se določijo v evropskih uredbah in sklepih iz četrtega odstavka III-187. člena Ustave;

b) evropske sklepe, ki so potrebni za izvajanje nalog, zaupanih Evropskemu sistemu centralnih bank v skladu z Ustavo in statutom Evropskega sistema centralnih bank in Evropske centralne banke;

c) priporočila in mnenja.

(2) Evropska centralna banka se lahko odloči, da svoje evropske sklepe, priporočila in mnenja objavi.

(3) Svet v skladu s postopkom iz četrtega odstavka III-187. člena Ustave sprejme evropske uredbe, ki določajo meje in pogoje, pod katerimi ima Evropska centralna banka pravico naložiti globe ali periodične denarne kazni podjetjem, ki ne izpolnjujejo obveznosti iz njenih evropskih uredb in sklepov.

III-191. člen

Ne glede na pristojnosti Evropske centralne banke se z evropskimi zakoni ali okvirnimi zakoni določijo ukrepi, potrebni za uporabo eura kot enotne valute. Takšni zakoni ali okvirni zakoni se sprejmejo po posvetovanju z Evropsko centralno banko.

4. The Council shall adopt the European regulations and decisions laying down the measures referred to in Article 4, Article 5(4), Article 19(2), Article 20, Article 28(1), Article 29(2), Article 30(4) and Article 34(3) of the Statute of the European System of Central Banks and of the European Central Bank. It shall act after consulting the European Parliament:

(a) either on a proposal from the Commission and after consulting the European Central Bank;

(b) or on a recommendation from the European Central Bank and after consulting the Commission.

ARTICLE III-188

When exercising the powers and carrying out the tasks and duties conferred upon them by the Constitution and the Statute of the European System of Central Banks and of the European Central Bank, neither the European Central Bank, nor a national central bank, nor any member of their decision-making bodies shall seek or take instructions from Union institutions, bodies, offices or agencies, from any government of a Member State or from any other body. The Union institutions, bodies, offices or agencies and the governments of the Member States undertake to respect this principle and not to seek to influence the members of the decision-making bodies of the European Central Bank or of the national central banks in the performance of their tasks.

ARTICLE III-189

Each Member State shall ensure that its national legislation, including the statutes of its national central bank, is compatible with the Constitution and the Statute of the European System of Central Banks and of the European Central Bank.

ARTICLE III-190

1. In order to carry out the tasks entrusted to the European System of Central Banks, the European Central Bank shall, in accordance with the Constitution and under the conditions laid down in the Statute of the European System of Central Banks and of the European Central Bank, adopt:

(a) European regulations to the extent necessary to implement the tasks defined in Article 3(1)(a), Article 19(1), Article 22 and Article 25(2) of the Statute of the European System of Central Banks and of the European Central Bank and in cases which shall be laid down in European regulations and decisions as referred to in Article III-187(4);

(b) European decisions necessary for carrying out the tasks entrusted to the European System of Central Banks under the Constitution and the Statute of the European System of Central Banks and of the European Central Bank;

(c) recommendations and opinions.

2. The European Central Bank may decide to publish its European decisions, recommendations and opinions.

3. The Council shall, under the procedure laid down in Article III-187(4), adopt the European regulations establishing the limits and conditions under which the European Central Bank shall be entitled to impose fines or periodic penalty payments on undertakings for failure to comply with obligations under its European regulations and decisions.

ARTICLE III-191

Without prejudice to the powers of the European Central Bank, European laws or framework laws shall lay down the measures necessary for use of the euro as the single currency. Such laws or framework laws shall be adopted after consultation of the European Central Bank.

3. ODDELEK

INSTITUCIONALNE DOLOČBE

III-192. ČLEN

(1) Za čim bolj učinkovito usklajevanje politik držav članic, ki je nujno za delovanje notranjega trga, se ustanovi Ekonomsko-finančni odbor.

(2) Odbor opravlja naslednje naloge:

a) na zahtevo Sveta ali Komisije ali na lastno pobudo pripravlja mnenja za navedeni instituciji;

b) spremlja ekonomsko in finančno stanje držav članic in Unije in o tem redno poroča Svetu in Komisiji, zlasti v zvezi s finančnimi razmerji s tretjimi državami in mednarodnimi institucijami;

c) ne glede na III-344. člen Ustave sodeluje pri pripravi dela Sveta iz III-159. člena, drugega, tretjega, četrtega in šestega odstavka III-179. člena, III-180., III-183. in III-184. člena, šestega odstavka III-185. člena, drugega odstavka III-186. člena, tretjega in četrtega odstavka III-187. člena, III-191. in III-196. člena, drugega in tretjega odstavka III-198. člena, III-201. člena, drugega in tretjega odstavka III-202. člena ter III-322. in III-326. člena Ustave, in pri izvajanju drugih svetovalnih in pripravljalnih nalog, ki mu jih dodeli Svet;

d) najmanj enkrat na leto preveri stanje glede pretoka kapitala in prostega pretoka plačil, kakor izhajata iz uporabe Ustave in aktov Unije; preverjanje se nanaša na vse ukrepe glede pretoka kapitala in plačil; odbor poroča o izidu tega preverjanja Komisiji in Svetu.

Države članice, Komisija in Evropska centralna banka imenujejo vsaka največ dva člana odbora.

(3) Svet na predlog Komisije sprejme evropski sklep, s katerim opredeli podrobnosti glede sestave Ekonomsko-finančnega odbora. Svet odloča po posvetovanju z Evropsko centralno banko in odborom. Predsednik Sveta obvesti Evropski parlament o sprejetem sklepu.

(4) Če in dokler obstajajo države članice s posebno ureditvijo iz III-197. člena Ustave, odbor poleg opravljanja nalog iz drugega odstavka tega člena spremlja denarno in finančno stanje in splošni plačilni sistem teh držav članic ter o tem redno poroča Svetu in Komisiji.

III-193. ČLEN

Glede zadev iz področja uporabe četrtega odstavka III-179. člena, III-184. člena razen trinajstega odstavka, III-191. in III-196. člena, tretjega odstavka III-198. člena in III-326. člena Ustave, lahko Svet ali država članica zaprosi Komisijo bodisi za priporočilo ali za predlog. Komisija to prošnjo preuči in svoje sklepe brez odlašanja predloži Svetu.

4. ODDELEK

DOLOČBE ZA DRŽAVE ČLANICE, KATERIH VALUTA JE EURO

III-194. ČLEN

(1) Za zagotovitev pravilnega delovanja ekonomske in monetarne unije in v skladu z ustreznimi določbami Ustave, Svet v skladu z ustreznim postopkom izmed tistih iz III-179. in III-184. člena Ustave, z izjemo postopka iz trinajstega odstavka III-184. člena Ustave, sprejme ukrepe za tiste države članice, katerih valuta je euro:

SECTION 3

INSTITUTIONAL PROVISIONS

ARTICLE III-192

1. In order to promote coordination of the policies of Member States to the full extent needed for the functioning of the internal market, an Economic and Financial Committee is hereby set up.

2. The Committee shall have the following tasks:

(a) to deliver opinions at the request of the Council or of the Commission, or on its own initiative, for submission to those institutions;

(b) to keep under review the economic and financial situation of the Member States and of the Union and to report on it regularly to the Council and to the Commission, in particular with regard to financial relations with third countries and international institutions;

(c) without prejudice to Article III-344, to contribute to the preparation of the work of the Council referred to in Article III-159, Article III-179(2), (3), (4) and (6), Articles III-180, III-183 and III-184, Article III-185(6), Article III-186(2), Article III-187(3) and (4), Articles III-191 and III-196, Article III-198(2) and (3), Article III-201, Article III-202(2) and (3) and Articles III-322 and III-326, and to carry out other advisory and preparatory tasks assigned to it by the Council;

(d) to examine, at least once a year, the situation regarding the movement of capital and the freedom of payments, as they result from the application of the Constitution and of Union acts; the examination shall cover all measures relating to capital movements and payments; the Committee shall report to the Commission and to the Council on the outcome of this examination.

The Member States, the Commission and the European Central Bank shall each appoint no more than two members of the Committee.

3. The Council, on a proposal from the Commission, shall adopt a European decision laying down detailed provisions concerning the composition of the Economic and Financial Committee. It shall act after consulting the European Central Bank and the Committee. The President of the Council shall inform the European Parliament of that decision.

4. In addition to the tasks referred to in paragraph 2, if and as long as there are Member States with a derogation as referred to in Article III-197, the Committee shall keep under review the monetary and financial situation and the general payments system of those Member States and report regularly to the Council and to the Commission on the matter.

ARTICLE III-193

For matters within the scope of Article III-179(4), Article III-184 with the exception of paragraph 13, Articles III-191, III-196, Article III-198(3) and Article III-326, the Council or a Member State may request the Commission to make a recommendation or a proposal, as appropriate. The Commission shall examine this request and submit its conclusions to the Council without delay.

SECTION 4

PROVISIONS SPECIFIC TO MEMBER STATES WHOSE CURRENCY IS THE EURO

ARTICLE III-194

1. In order to ensure the proper functioning of economic and monetary union, and in accordance with the relevant provisions of the Constitution, the Council shall, in accordance with the relevant procedure from among those referred to in Articles III-179 and III-184, with the exception of the procedure set out in Article III-184(13), adopt measures specific to those Member States whose currency is the euro:

a) za večjo uskladitev in nadzorovanje njihove proračunske discipline;

b) za določitev smernic njihove ekonomske politike ob zagotavljanju skladnosti s politikami, sprejetimi za celotno Unijo, in njihovega nadzora.

(2) V zvezi z ukrepi iz prejšnjega odstavka lahko sodelujejo pri glasovanju samo člani Sveta, ki predstavljajo države članice, katerih valuta je euro.

Kvalificirana večina je najmanj 55% ostalih članov Sveta, ki predstavljajo države članice, ki imajo skupaj najmanj 65% prebivalstva udeleženih držav članic.

Manjšina, ki lahko prepreči sprejetje odločitve, mora vključevati najmanj minimalno število ostalih članov Sveta, ki predstavljajo več kot 35% prebivalstva udeleženih držav članic in dodatnega člana, sicer se šteje, da je bila dosežena kvalificirana večina.

III-195. ČLEN

Podrobnosti glede srečanj ministrov držav članic, katerih valuta je euro, so določene s Protokolom o Euro-skupini.

III-196. ČLEN

(1) Za zagotovitev položaja eura v mednarodnem denarnem sistemu, Svet na predlog Komisije sprejme evropski sklep, s katerim določi skupna stališča o zadevah posebnega pomena za ekonomsko in monetarno unijo znotraj pristojnih mednarodnih finančnih institucij in konferenc. Svet odloča po posvetovanju z Evropsko centralno banko.

(2) Svet lahko na predlog Komisije sprejme ustrezne ukrepe za zagotovitev enotnega zastopanja v okviru mednarodnih finančnih institucij in konferenc. Svet odloča po posvetovanju z Evropsko centralno banko.

(3) V zvezi z ukrepi iz prvega in drugega odstavka tega člena lahko sodelujejo pri glasovanju samo člani Sveta, ki predstavljajo države članice, katerih valuta je euro.

Kvalificirana večina je najmanj 55% ostalih članov Sveta, ki predstavljajo države članice, ki imajo skupaj najmanj 65% prebivalstva udeleženih držav članic.

Manjšina, ki lahko prepreči sprejetje odločitve, mora vključevati najmanj minimalno število ostalih članov Sveta, ki predstavljajo več kot 35% prebivalstva udeleženih držav članic in dodatnega člana sicer se šteje, da je bila dosežena kvalificirana večina.

5. ODDELEK

PREHODNE DOLOČBE

III-197. ČLEN

(1) Države članice, glede katerih Svet ni odločil, da izpolnjujejo potrebne pogoje za sprejetje eura, se v nadaljnjem besedilu imenujejo »države članice s posebno ureditvijo«.

(2) Za države članice s posebno ureditvijo se ne uporabljajo naslednje določbe Ustave:

a) sprejetje delov širših smernic ekonomskih politik, ki se na splošno nanašajo na euro-območje (drugi odstavek III-179. člena);

b) prisilna sredstva za odpravo čezmernih primanjkljajev (deveti in deseti odstavek III-184. člena);

c) cilji in naloge Evropskega sistema centralnih bank (prvi, drugi, tretji in peti odstavek III-185. člena);

d) izdajanje eura (III-186. člen);

e) akti Evropske centralne banke (III-190. člen);

f) ukrepi, ki se nanašajo na uporabo eura (III-191. člen);

(a) to strengthen the coordination and surveillance of their budgetary discipline;

(b) to set out economic policy guidelines for them, while ensuring that they are compatible with those adopted for the whole of the Union and are kept under surveillance.

2. For those measures set out in paragraph 1, only members of the Council representing Member States whose currency is the euro shall take part in the vote.

A qualified majority shall be defined as at least 55% of these members of the Council, representing Member States comprising at least 65% of the population of the participating Member States.

A blocking minority must include at least the minimum number of these Council members representing more than 35% of the population of the participating Member States, plus one member, failing which the qualified majority shall be deemed attained.

ARTICLE III-195

Arrangements for meetings between ministers of those Member States whose currency is the euro are laid down by the Protocol on the Euro Group.

ARTICLE III-196

1. In order to secure the euro's place in the international monetary system, the Council, on a proposal from the Commission, shall adopt a European decision establishing common positions on matters of particular interest for economic and monetary union within the competent international financial institutions and conferences. The Council shall act after consulting the European Central Bank.

2. The Council, on a proposal from the Commission, may adopt appropriate measures to ensure unified representation within the international financial institutions and conferences. The Council shall act after consulting the European Central Bank.

3. For the measures referred to in paragraphs 1 and 2, only members of the Council representing Member States whose currency is the euro shall take part in the vote.

A qualified majority shall be defined as at least 55% of these members of the Council, representing Member States comprising at least 65% of the population of the participating Member States.

A blocking minority must include at least the minimum number of these Council members representing more than 35% of the population of the participating Member States, plus one member, failing which the qualified majority shall be deemed attained.

SECTION 5

TRANSITIONAL PROVISIONS

ARTICLE III-197

1. Member States in respect of which the Council has not decided that they fulfil the necessary conditions for the adoption of the euro shall hereinafter be referred to as "Member States with a derogation".

2. The following provisions of the Constitution shall not apply to Member States with a derogation:

(a) adoption of the parts of the broad economic policy guidelines which concern the euro area generally (Article III-179(2));

(b) coercive means of remedying excessive deficits (Article III-184(9) and (10));

(c) the objectives and tasks of the European System of Central Banks (Article III-185(1), (2), (3) and (5));

(d) issue of the euro (Article III-186);

(e) acts of the European Central Bank (Article III-190);

(f) measures governing the use of the euro (Article III-191);

g) denarni sporazumi in drugi ukrepi v zvezi s politiko deviznega tečaja (III-326. člen);

h) imenovanje članov Izvršilnega odbora Evropske centralne banke (drugi odstavek III-382. člena).

i) evropski sklepi, s katerimi se določijo skupna stališča o vprašanjih posebnega pomena za ekonomsko in monetarno unijo znotraj pristojnih mednarodnih finančnih institucij in konferenc (prvi odstavek III-196. člena);

j) ukrepi za zagotovitev enotnega zastopanja v okviru mednarodnih finančnih institucij in konferenc (drugi odstavek III-196. člena).

Zaradi tega v členih, navedenih v točkah a) do j), »države članice« pomenijo države članice, katerih valuta je euro.

(3) V skladu z IX. poglavjem statuta Evropskega sistema centralnih bank in Evropske centralne banke so države članice s posebno ureditvijo in njihove nacionalne centralne banke izvzete iz pravic in obveznosti v okviru Evropskega sistema centralnih bank.

(4) Glasovalne pravice članov Sveta, ki predstavljajo države članice s posebno ureditvijo, mirujejo, kadar Svet sprejema ukrepe iz členov, navedenih v drugem odstavku tega člena, in v naslednjih primerih:

a) priporočila državam članicam, katerih valuta je euro, v okviru večstranskega nadzora, vključno s programi in opozorili glede stabilnosti (četrti odstavek III-179. člena);

b) ukrepe glede čezmernega primanjkljaja držav članic, katerih valuta je euro (šesti, sedmi, osmi in enajsti odstavek III-184. člena).

Kvalificirana večina je najmanj 55% ostalih članov Sveta, ki predstavljajo države članice, ki imajo skupaj najmanj 65% prebivalstva udeleženih držav članic.

Manjšina, ki lahko prepreči sprejetje odločitev, mora vključevati najmanj minimalno število ostalih članov Sveta, ki predstavljajo več kot 35% prebivalstva udeleženih držav članic in dodatnega člana, sicer se šteje, da je bila dosežena kvalificirana večina.

III-198. ČLEN

(1) Najmanj vsaki dve leti ali na zahtevo države članice s posebno ureditvijo Komisija in Evropska centralna banka poročata Svetu o napredku, ki so ga države članice s posebno ureditvijo dosegle pri izpolnjevanju svojih obveznosti glede uresničevanja ekonomske in monetarne unije. Ta poročila vključujejo preverjanje skladnosti nacionalnih zakonodaj držav članic, vključno s statuti njihovih nacionalnih centralnih bank, s III-188. in III-189. členom Ustave in statutom Evropskega sistema centralnih bank in Evropske centralne banke. V poročilih se tudi preveri, ali je bila dosežena visoka stopnja trajnostne konvergence, pri čemer se analizira, v kolikšnem obsegu vsaka od teh držav članic izpolnjuje naslednje kriterije:

a) doseganje visoke stopnje stabilnosti cen; to je razvidno iz stopnje inflacije, ki je blizu stopnji inflacije največ treh držav članic z najboljšimi doseženimi rezultati glede stabilnosti cen;

b) vzdržnost stanja javnih financ; to izhaja iz doseženega proračunskega stanja brez čezmernega primanjkljaja v skladu s šestim odstavkom III-184. člena Ustave;

c) upoštevanje normalnih meja nihanja, predvidenih z mehanizmom deviznih tečajev evropskega monetarnega sistema, v obdobju najmanj dveh let brez devalvacije glede na euro;

d) trajnost dosežene konvergence in sodelovanja države članice s posebno ureditvijo v mehanizmu deviznih tečajev, kar se kaže v ravni dolgoročnih obrestnih mer.

(g) monetary agreements and other measures relating to exchange-rate policy (Article III-326);

(h) appointment of members of the Executive Board of the European Central Bank (Article III-382(2));

(i) European decisions establishing common positions on issues of particular relevance for economic and monetary union within the competent international financial institutions and conferences (Article III-196(1));

(j) measures to ensure unified representation within the international financial institutions and conferences (Article III-196(2)).

In the Articles referred to in points (a) to (j), "Member States" shall therefore mean Member States whose currency is the euro.

3. Under Chapter IX of the Statute of the European System of Central Banks and of the European Central Bank, Member States with a derogation and their national central banks are excluded from rights and obligations within the European System of Central Banks.

4. The voting rights of members of the Council representing Member States with a derogation shall be suspended for the adoption by the Council of the measures referred to in the Articles listed in paragraph 2, and in the following instances:

(a) recommendations made to those Member States whose currency is the euro in the framework of multilateral surveillance, including on stability programmes and warnings (Article III-179(4));

(b) measures relating to excessive deficits concerning those Member States whose currency is the euro (Article III-184(6), (7), (8) and (11)).

A qualified majority shall be defined as at least 55% of the other members of the Council, representing Member States comprising at least 65% of the population of the participating Member States.

A blocking minority must include at least the minimum number of these other Council members representing more than 35% of the population of the participating Member States, plus one member, failing which the qualified majority shall be deemed attained.

ARTICLE III-198

1. At least once every two years, or at the request of a Member State with a derogation, the Commission and the European Central Bank shall report to the Council on the progress made by the Member States with a derogation in fulfilling their obligations regarding the achievement of economic and monetary union. These reports shall include an examination of the compatibility between the national legislation of each of these Member States, including the statutes of its national central bank, and Articles III-188 and III-189 and the Statute of the European System of Central Banks and of the European Central Bank. The reports shall also examine whether a high degree of sustainable convergence has been achieved, by analysing how far each of these Member States has fulfilled the following criteria:

(a) the achievement of a high degree of price stability; this is apparent from a rate of inflation which is close to that of, at most, the three best performing Member States in terms of price stability;

(b) the sustainability of the government financial position; this is apparent from having achieved a government budgetary position without a deficit that is excessive as determined in accordance with Article III-184(6);

(c) the observance of the normal fluctuation margins provided for by the exchange-rate mechanism of the European monetary system, for at least two years, without devaluing against the euro;

(d) the durability of convergence achieved by the Member State with a derogation and of its participation in the exchange-rate mechanism, being reflected in the long-term interest-rate levels.

Štiri kriterije iz tega odstavka in ustrezna obdobja, v katerih je treba te kriterije spoštovati, so natančneje določena v Protokolu o konvergenčnih kriterijih. Poročila Komisije in Evropske centralne banke upoštevajo tudi rezultate združevanja trgov, stanje in razvoj tekočega računa plačilne bilance ter preverjanje gibanja stroškov dela na enoto in drugih cenovnih kazalcev.

(2) Svet po posvetovanju z Evropskim parlamentom in po obravnavi v Evropskem svetu na predlog Komisije sprejme evropski sklep, s katerim določi, katere države članice s posebno ureditvijo izpolnjujejo potrebne pogoje na podlagi kriterijev iz prejšnjega odstavka, in odpravi posebno ureditev za zadevne države članice.

Svet odloča po pridobitvi priporočila kvalificirane večine tistih svojih članov, ki predstavljajo države članice, katerih valuta je euro. Ti člani odločijo v šestih mesecih po tem, ko Svet prejme predlog Komisije.

Kvalificirana večina iz drugega pododstavka tega odstavka je najmanj 55% ostalih članov Sveta, ki predstavljajo države članice, ki imajo skupaj najmanj 65% prebivalstva udeleženih držav članic. Manjšina, ki lahko prepreči sprejetje odločitev, mora vključevati najmanj minimalno število ostalih članov Sveta, ki predstavljajo več kot 35% prebivalstva udeleženih držav članic in dodatnega člana, sicer se šteje, da je bila dosežena kvalificirana večina.

(3) Če je v skladu s postopkom iz prejšnjega odstavka odločeno, da se posebna ureditev odpravi, sprejme Svet na predlog Komisije evropske uredbe ali sklepe, s katerimi nepreklicno določi tečaj, po katerem euro nadomesti valuto zadevne države članice, pa tudi druge ukrepe, ki so potrebni za uvedbo eura kot enotne valute v zadevni državi članici. Svet odloča s soglasjem članov, ki predstavljajo države članice, katerih valuta je euro, in zadevno državo članico, po posvetovanju z Evropsko centralno banko.

The four criteria laid down in this paragraph and the relevant periods over which they are to be respected are developed further in the Protocol on the convergence criteria. The reports from the Commission and the European Central Bank shall also take account of the results of the integration of markets, the situation and development of the balances of payments on current account and an examination of the development of unit labour costs and other price indices.

2. After consulting the European Parliament and after discussion in the European Council, the Council, on a proposal from the Commission, shall adopt a European decision establishing which Member States with a derogation fulfil the necessary conditions on the basis of the criteria laid down in paragraph 1, and shall abrogate the derogations of the Member States concerned.

The Council shall act having received a recommendation of a qualified majority of those among its members representing Member States whose currency is the euro. These members shall act within six months of the Council receiving the Commission's proposal.

The qualified majority referred to in the second subparagraph shall be defined as at least 55% of these members of the Council, representing Member States comprising at least 65% of the population of the participating Member States. A blocking minority must include at least the minimum number of these Council members representing more than 35% of the population of the participating Member States, plus one member, failing which the qualified majority shall be deemed attained.

3. If it is decided, in accordance with the procedure set out in paragraph 2, to abrogate a derogation, the Council shall, on a proposal from the Commission, adopt the European regulations or decisions irrevocably fixing the rate at which the euro is to be substituted for the currency of the Member State concerned, and laying down the other measures necessary for the introduction of the euro as the single currency in that Member State. The Council shall act with the unanimous agreement of the members representing Member States whose currency is the euro and the Member State concerned, after consulting the European Central Bank.

III-199. ČLEN

(1) Če in dokler obstajajo države članice s posebno ureditvijo, se ne glede na prvi odstavek III-187. člena Ustave kot tretji organ odločanja Evropske centralne banke ustanovi Razširjeni svet Evropske centralne banke, naveden v 45. členu statuta Evropskega sistema centralnih bank in Evropske centralne banke.

(2) Če in dokler obstajajo države članice s posebno ureditvijo, Evropska centralna banka v zvezi s temi državami članicami:

a) krepi sodelovanje med nacionalnimi centralnimi bankami;

b) krepi usklajevanje denarnih politik držav članic zaradi zagotavljanja stabilnosti cen;

c) spremlja delovanje mehanizma deviznih tečajev;

d) se posvetuje o vprašanjih za katera so pristojne nacionalne centralne banke in ki vplivajo na stabilnost finančnih institucij in trgov;

e) izvaja naloge Evropskega sklada za monetarno sodelovanje, ki jih je kasneje prevzel Evropski monetarni inštitut.

ARTICLE III-199

1. If and as long as there are Member States with a derogation, and without prejudice to Article III-187(1), the General Council of the European Central Bank referred to in Article 45 of the Statute of the European System of Central Banks and of the European Central Bank shall be constituted as a third decision-making body of the European Central Bank.

2. If and as long as there are Member States with a derogation, the European Central Bank shall, as regards those Member States:

(a) strengthen cooperation between the national central banks;

(b) strengthen the coordination of the monetary policies of the Member States, with the aim of ensuring price stability;

(c) monitor the functioning of the exchange-rate mechanism;

(d) hold consultations concerning issues falling within the competence of the national central banks and affecting the stability of financial institutions and markets;

(e) carry out the former tasks of the European Monetary Cooperation Fund which had subsequently been taken over by the European Monetary Institute.

III-200. ČLEN

Vsaka država članica s posebno ureditvijo obravnava svojo politiko deviznega tečaja kot zadevo skupnega interesa. Pri tem upošteva izkušnje, ki jih je pridobila pri sodelovanju v okviru mehanizma deviznega tečaja.

ARTICLE III-200

Each Member State with a derogation shall treat its exchange-rate policy as a matter of common interest. In so doing, it shall take account of the experience acquired in cooperation within the framework of the exchange-rate mechanism.

III-201. ČLEN

(1) Kadar ima država članica s posebno ureditvijo plačilnobilančne težave ali obstaja resna nevarnost, da bi v tovrstne težave zašla, bodisi zaradi splošne neuravnoteženosti plačilne bilance ali vrste valute, s katero razpolaga, in kadar bi te težave lahko predvsem ogrozile delovanje notranjega trga ali uresničevanje skupne trgovinske politike, Komisija nemudoma preuči stanje te države in ukrepe, ki jih je ta ob uporabi vseh razpoložljivih sredstev sprejela ali jih lahko sprejme v skladu z določbami Ustave. Komisija navede ukrepe, ki jih priporoča tej državi članici v sprejetje.

Če se izkaže, da ukrepi, ki jih je sprejela država članica s posebno ureditvijo, in ukrepi, ki jih je predlagala Komisija, ne zadoščajo za premagovanje nastalih ali grozečih težav, Komisija po posvetovanju z Ekonomsko-finančnim odborom priporoči Svetu odobritev medsebojne pomoči in ustreznih metod.

Komisija redno obvešča Svet o stanju in njegovem razvoju.

(2) Svet sprejme evropske uredbe ali sklepe, s katerimi odobri omenjeno medsebojno pomoč in določi pogoje in podrobnosti te pomoči, katere oblike so lahko naslednje:

a) usklajeno delovanje v razmerju do ali v okviru drugih mednarodnih organizacij, na katere se države članice s posebno ureditvijo lahko obrnejo;

b) ukrepi, potrebni za preprečevanje preusmeritve trgovinskih tokov, kadar država članica s posebno ureditvijo, ki je v težavah, ohrani ali ponovno uvede količinske omejitve do tretjih držav;

c) odobritev kreditov v omejenem obsegu drugih držav članic, za kar je potrebno njihovo soglasje.

(3) Če Svet medsebojne pomoči, ki jo je priporočila Komisija, ne odobri ali če odobrena medsebojna pomoč in sprejeti ukrepi ne zadoščajo, Komisija dovoli državi članici s posebno ureditvijo, ki je v težavah, da sprejme zaščitne ukrepe, za katere Komisija določi pogoje in podrobnosti.

Svet lahko takšno dovoljenje prekliče ter spremeni omenjene pogoje in podrobnosti.

III-202. ČLEN

(1) Kadar nastopi nenadna plačilnobilančna kriza in evropski sklep iz drugega odstavka prejšnjega člena ni takoj sprejet, lahko država članica s posebno ureditvijo preventivno sprejme potrebne zaščitne ukrepe. Ti ukrepi smejo povzročati kar najmanjše motnje v delovanju notranjega trga, po obsegu pa ne smejo preseči okvira, ki je nujno potreben za odpravo nenadno nastalih težav.

(2) Komisija in druge države članice se o zaščitnih ukrepih iz prejšnjega odstavka obvestijo najpozneje ob začetku njihove veljavnosti. Komisija lahko Svetu priporoči odobritev medsebojne pomoči v skladu s prejšnjim členom.

(3) Svet, na priporočilo Komisije in po posvetovanju z Ekonomsko-finančnim odborom, lahko sprejme evropski sklep, s katerim določi, da zadevna država članica spremeni, odloži ali odpravi zaščitne ukrepe iz prvega odstavka tega člena.

ARTICLE III-201

1. Where a Member State with a derogation is in difficulties or is seriously threatened with difficulties as regards its balance of payments either as a result of an overall disequilibrium in its balance of payments, or as a result of the type of currency at its disposal, and where such difficulties are liable in particular to jeopardise the functioning of the internal market or the implementation of the common commercial policy, the Commission shall immediately investigate the position of the State in question and the action which, making use of all the means at its disposal, that State has taken or may take in accordance with the Constitution. The Commission shall state what measures it recommends the Member State concerned to adopt.

If the action taken by a Member State with a derogation and the measures suggested by the Commission do not prove sufficient to overcome the difficulties which have arisen or which threaten, the Commission shall, after consulting the Economic and Financial Committee, recommend to the Council the granting of mutual assistance and appropriate methods.

The Commission shall keep the Council regularly informed of the situation and of how it evolves.

2. The Council shall adopt European regulations or decisions granting such mutual assistance and laying down the conditions and details of such assistance, which may take such forms as:

(a) a concerted approach to or within any other international organisations to which Member States with a derogation may have recourse;

(b) measures needed to avoid deflection of trade where the Member State with a derogation, which is in difficulties, maintains or reintroduces quantitative restrictions against third countries;

(c) the granting of limited credits by other Member States, subject to their agreement.

3. If the mutual assistance recommended by the Commission is not granted by the Council or if the mutual assistance granted and the measures taken are insufficient, the Commission shall authorise the Member State with a derogation, which is in difficulties, to take protective measures, the conditions and details of which the Commission shall determine.

Such authorisation may be revoked and such conditions and details may be changed by the Council.

ARTICLE III-202

1. Where a sudden crisis in the balance of payments occurs and a European decision as referred to in Article III-201(2) is not immediately adopted, a Member State with a derogation may, as a precaution, take the necessary protective measures. Such measures must cause the least possible disturbance in the functioning of the internal market and must not be wider in scope than is strictly necessary to remedy the sudden difficulties which have arisen.

2. The Commission and the other Member States shall be informed of the protective measures referred to in paragraph 1 not later than when they enter into force. The Commission may recommend to the Council the granting of mutual assistance under Article III-201.

3. The Council, acting on a recommendation from the Commission and after consulting the Economic and Financial Committee may adopt a European decision stipulating that the Member State concerned shall amend, suspend or abolish the protective measures referred to in paragraph 1.

III. POGLAVJE

POLITIKE NA DRUGIH PODROČJIH

1. ODDELEK

ZAPOSLOVANJE

III-203. ČLEN

Unija in države članice si v skladu s tem oddelkom prizadevajo za razvoj usklajene strategije zaposlovanja in zlasti za spodbujanje kvalificiranih, usposobljenih in prilagodljivih delavcev in trgov dela, hitro prilagodljivih gospodarskim spremembam, da bi dosegle cilje iz I-3. člena Ustave.

III-204. ČLEN

(1) Države članice s svojimi politikami zaposlovanja prispevajo k doseganju ciljev iz prejšnjega člena na način, ki je skladen s širšimi smernicami ekonomskih politik držav članic in Unije, sprejetih v skladu z drugim odstavkom III-179. člena Ustave.

(2) Države članice ob upoštevanju svoje nacionalne prakse glede odgovornosti socialnih partnerjev obravnavajo spodbujanje zaposlovanja kot zadevo skupnega pomena in usklajujejo svoje delovanje v zvezi s tem v okviru Sveta skladno z določbami III-206. člena Ustave.

III-205. ČLEN

(1) Unija prispeva k visoki stopnji zaposlenosti s spodbujanjem sodelovanja med državami članicami in s podpiranjem, po potrebi tudi dopolnjevanjem, njihovega delovanja. Pri tem se spoštujejo pristojnosti držav članic.

(2) Pri oblikovanju in izvajanju politik in dejavnosti Unije se upošteva cilj doseganja visoke stopnje zaposlenosti.

III-206. ČLEN

(1) Evropski svet vsako leto preuči stanje na področju zaposlovanja v Uniji in sprejme sklepe o tem na podlagi skupnega letnega poročila Sveta in Komisije.

(2) Na podlagi sklepov Evropskega sveta Svet vsako leto na predlog Komisije sprejme smernice, ki jih države članice upoštevajo v svojih politikah zaposlovanja. Svet odloča po posvetovanju z Evropskim parlamentom, Odborom regij, Ekonomsko-socialnim odborom in Odborom za zaposlovanje.

Te smernice so skladne s širšimi smernicami, sprejetimi v skladu z drugim odstavkom III-179. člena Ustave.

(3) Vsaka država članica pošlje Svetu in Komisiji letno poročilo o najpomembnejših ukrepih, sprejetih za izvajanje njene politike zaposlovanja glede na smernice za zaposlovanje iz prejšnjega odstavka.

(4) Svet na podlagi poročil iz prejšnjega odstavka in po prejemu stališč Odbora za zaposlovanje vsako leto preveri izvajanje politik zaposlovanja držav članic glede na smernice za zaposlovanje. Svet lahko na priporočilo Komisije sprejme priporočila, ki jih naslovi na države članice.

(5) Na podlagi rezultatov tega preverjanja Svet in Komisija pripravita skupno letno poročilo za Evropski svet o stanju na področju zaposlovanja v Uniji in o izvajanju smernic za zaposlovanje.

CHAPTER III

POLICIES IN OTHER AREAS

SECTION 1

EMPLOYMENT

ARTICLE III-203

The Union and the Member States shall, in accordance with this Section, work towards developing a coordinated strategy for employment and particularly for promoting a skilled, trained and adaptable workforce and labour markets responsive to economic change with a view to achieving the objectives referred to in Article I-3.

ARTICLE III-204

1. Member States, through their employment policies, shall contribute to the achievement of the objectives referred to in Article III-203 in a way consistent with the broad guidelines of the economic policies of the Member States and of the Union adopted pursuant to Article III-179(2).

2. Member States, having regard to national practices related to the responsibilities of management and labour, shall regard promoting employment as a matter of common concern and shall coordinate their action in this respect within the Council, in accordance with Article III-206.

ARTICLE III-205

1. The Union shall contribute to a high level of employment by encouraging cooperation between Member States and by supporting and, if necessary, complementing their action. In doing so, the competences of the Member States shall be respected.

2. The objective of a high level of employment shall be taken into consideration in the formulation and implementation of Union policies and activities.

ARTICLE III-206

1. The European Council shall each year consider the employment situation in the Union and adopt conclusions thereon, on the basis of a joint annual report by the Council and the Commission.

2. On the basis of the conclusions of the European Council, the Council, on a proposal from the Commission, shall each year adopt guidelines which the Member States shall take into account in their employment policies. It shall act after consulting the European Parliament, the Committee of the Regions, the Economic and Social Committee and the Employment Committee.

These guidelines shall be consistent with the broad guidelines adopted pursuant to Article III-179(2).

3. Each Member State shall provide the Council and the Commission with an annual report on the principal measures taken to implement its employment policy in the light of the guidelines for employment as referred to in paragraph 2.

4. The Council, on the basis of the reports referred to in paragraph 3 and having received the views of the Employment Committee, shall each year carry out an examination of the implementation of the employment policies of the Member States in the light of the guidelines for employment. The Council, on a recommendation from the Commission, may adopt recommendations which it shall address to Member States.

5. On the basis of the results of that examination, the Council and the Commission shall make a joint annual report to the European Council on the employment situation in the Union and on the implementation of the guidelines for employment.

III-207. ČLEN

Z evropskimi zakoni ali okvirnimi zakoni se lahko določijo spodbujevalni ukrepi, ki so namenjeni spodbujanju sodelovanja med državami članicami in podpori njihovega delovanja na področju zaposlovanja s pobudami, katerih cilj je razvijanje izmenjave informacij in najboljše prakse, zagotavljanje primerjalnih analiz in izvedenskih mnenj, pa tudi pospeševanje inovativnih pristopov in vrednotenje izkušenj, zlasti z uporabo poskusnih projektov. Sprejmejo se po posvetovanju z Odborom regij in Ekonomsko-socialnim odborom.

Takšni evropski zakoni ali okvirni zakoni ne vključujejo usklajevanja zakonov in upravnih predpisov držav članic.

III-208. ČLEN

Svet z navadno večino sprejme evropski sklep, s katerim ustanovi Odbor za zaposlovanje s svetovalnim statusom za pospeševanje usklajevanja med državami članicami glede politik zaposlovanja in trga dela. Svet odloča po posvetovanju z Evropskim parlamentom.

Naloge odbora so:

a) spremljati stanje na področju zaposlovanja in politik zaposlovanja v Uniji in državah članicah;

b) ne glede na III-344. člen Ustave oblikovati mnenja na prošnjo Sveta ali Komisije ali na lastno pobudo, in prispevati k pripravi postopkov Sveta iz III-206. člena Ustave.

Odbor se pri izpolnjevanju svojih nalog posvetuje s socialnimi partnerji.

Vsaka država članica in Komisija imenujejo po dva člana odbora.

2. ODDELEK

SOCIALNA POLITIKA

III-209. ČLEN

Unija in države članice si ob upoštevanju temeljnih socialnih pravic, kakor so določene v Evropski socialni listini, podpisani v Torinu 18. oktobra 1961, in v Listini Skupnosti o temeljnih socialnih pravicah delavcev iz leta 1989, prizadevajo za naslednje cilje: spodbujanje zaposlovanja, izboljšanje življenjskih razmer in delovnih pogojev, tako da se ob ohranjanju izboljšav omogoči njihova uskladitev, ustrezno socialno zaščito, dialog med socialnimi partnerji, razvoj človeških virov za trajno visoko zaposlenost in boj proti izključenosti.

V ta namen Unija in države članice delujejo ob upoštevanju različnosti prakse posameznih držav članic, zlasti na področju pogodbenih odnosov, ter potrebe po ohranitvi konkurenčnosti gospodarstva Unije.

Države članice menijo, da takšen razvoj ne bo nastal le na podlagi delovanja notranjega trga, ki bo dajal prednost usklajevanju socialnih sistemov, marveč tudi na podlagi postopkov, predvidenih v Ustavi, in približevanja določb zakonov ali upravnih predpisov držav članic.

III-210. ČLEN

(1) Z namenom doseči cilje iz prejšnjega člena Unija podpira in dopolnjuje dejavnosti držav članic na naslednjih področjih:

a) izboljšanje zlasti delovnega okolja za varovanje zdravja in varnosti delavcev;

b) delovni pogoji;

c) socialna varnost in socialna zaščita delavcev;

d) varstvo delavcev v primeru prenehanja pogodbe o zaposlitvi;

e) obveščanje delavcev in posvetovanje z njimi;

ARTICLE III-207

European laws or framework laws may establish incentive measures designed to encourage cooperation between Member States and to support their action in the field of employment through initiatives aimed at developing exchanges of information and best practices, providing comparative analysis and advice as well as promoting innovative approaches and evaluating experiences, in particular by recourse to pilot projects. They shall be adopted after consultation of the Committee of the Regions and the Economic and Social Committee.

Such European laws or framework laws shall not include harmonisation of the laws and regulations of the Member States.

ARTICLE III-208

The Council shall, by a simple majority, adopt a European decision establishing an Employment Committee with advisory status to promote coordination between Member States on employment and labour market policies. It shall act after consulting the European Parliament.

The tasks of the Committee shall be:

(a) to monitor the employment situation and employment policies in the Union and the Member States;

(b) without prejudice to Article III-344, to formulate opinions at the request of either the Council or the Commission or on its own initiative, and to contribute to the preparation of the Council proceedings referred to in Article III-206.

In fulfilling its mandate, the Committee shall consult management and labour.

Each Member State and the Commission shall appoint two members of the Committee.

SECTION 2

SOCIAL POLICY

ARTICLE III-209

The Union and the Member States, having in mind fundamental social rights such as those set out in the European Social Charter signed at Turin on 18 October 1961 and in the 1989 Community Charter of the Fundamental Social Rights of Workers, shall have as their objectives the promotion of employment, improved living and working conditions, so as to make possible their harmonisation while the improvement is being maintained, proper social protection, dialogue between management and labour, the development of human resources with a view to lasting high employment and the combating of exclusion.

To this end the Union and the Member States shall act taking account of the diverse forms of national practices, in particular in the field of contractual relations, and the need to maintain the competitiveness of the Union economy.

They believe that such a development will ensue not only from the functioning of the internal market, which will favour the harmonisation of social systems, but also from the procedures provided for in the Constitution and from the approximation of provisions laid down by law, regulation or administrative action of the Member States.

ARTICLE III-210

1. With a view to achieving the objectives of Article III-209, the Union shall support and complement the activities of the Member States in the following fields:

(a) improvement in particular of the working environment to protect workers' health and safety;

(b) working conditions;

(c) social security and social protection of workers;

(d) protection of workers where their employment contract is terminated;

(e) the information and consultation of workers;

f) zastopanje in kolektivna zaščita interesov delavcev in delodajalcev, vključno s soodločanjem, ob upoštevanju šestega odstavka tega člena;

g) pogoji za zaposlitev državljanov tretjih držav, ki zakonito prebivajo na ozemlju Unije;

h) vključevanje oseb, ki so izključene iz trga dela, ne glede na III-283. člen Ustave;

i) enakost žensk in moških glede priložnosti na trgu dela in obravnave pri delu;

j) boj proti socialni izključenosti;

k) modernizacija sistemov socialne zaščite ne glede na točko c) tega odstavka.

(2) V namene prejšnjega odstavka:

a) se z evropskimi zakoni ali okvirnimi zakoni lahko določijo ukrepi, namenjeni spodbujanju sodelovanja med državami članicami s pobudami, katerih cilj je izboljšanje znanja, razvijanje izmenjave informacij in najboljše prakse, pospeševanje inovativnih pristopov in vrednotenje izkušenj, kar ne vključuje usklajevanja zakonov in upravnih predpisov držav članic;

b) se lahko na področjih iz točk a) do i) prejšnjega odstavka z evropskimi okvirnimi zakoni določijo minimalne zahteve za postopno izvajanje, pri čemer se upoštevajo pogoji in tehnični predpisi, ki veljajo v posameznih državah članicah. Izogibajo se uvajanju upravnih, finančnih in zakonskih omejitev, ki bi lahko zavirale ustanavljanje in razvoj malih in srednjih podjetij.

V vseh primerih se takšni evropski zakoni ali okvirni zakoni sprejmejo po posvetovanju z Odborom regij in Ekonomsko-socialnim odborom.

(3) Ne glede na prejšnji odstavek na področjih iz točk c), d), f) in g) prvega odstavka tega člena, Svet evropske zakone ali okvirne zakone soglasno sprejme po posvetovanju z Evropskim parlamentom, Odborom regij in Ekonomsko-socialnim odborom.

Svet lahko na predlog Komisije sprejme evropski sklep, po katerem se za točke d), f) in g) prvega odstavka tega člena uporablja redni zakonodajni postopek. Odloča soglasno po posvetovanju z Evropskim parlamentom.

(4) Država članica lahko socialnim partnerjem na njihovo skupno zahtevo poveri izvajanje evropskih okvirnih zakonov, sprejetih v skladu z drugim in tretjim odstavkom tega člena ali, kadar je primerno, izvajanje evropskih uredb ali sklepov, sprejetih v skladu s III-212. členom Ustave.

V tem primeru zagotovi, da socialni partnerji najpozneje do datuma, ko je treba prenesti evropski okvirni zakon, ali izvesti evropsko uredbo ali sklep, z dogovorom uvedejo potrebne ukrepe, pri tem pa naj zadevna država članica stori vsa potrebna dejanja, da bi bila ob vsakem času sposobna jamčiti za rezultate, ki jih nalaga ta evropski okvirni zakon, uredba ali sklep.

(5) Evropski zakoni in okvirni zakoni, sprejeti v skladu s tem členom:

a) ne vplivajo na pravico držav članic, da opredelijo temeljna načela svojega sistema socialnega varstva in ne smejo pomembno vplivati na finančno uravnoteženost teh sistemov;

b) državam članicam ne preprečujejo ohranjanja ali uvedbe strožjih zaščitnih ukrepov, združljivih z Ustavo.

(6) Ta člen se ne uporablja za plače, pravico združevanja, pravico do stavke ali pravico do izprtja.

III-211. ČLEN

(1) Komisija spodbuja posvetovanja med socialnimi partnerji na ravni Unije in zato sprejme vse ustrezne ukrepe za olajšanje njihovega dialoga, pri čemer partnerjem zagotovi uravnoteženo podporo.

(f) representation and collective defence of the interests of workers and employers, including co-determination, subject to paragraph 6;

(g) conditions of employment for third-country nationals legally residing in Union territory;

(h) the integration of persons excluded from the labour market, without prejudice to Article III-283;

(i) equality between women and men with regard to labour market opportunities and treatment at work;

(j) the combating of social exclusion;

(k) the modernisation of social protection systems without prejudice to point (c).

2. For the purposes of paragraph 1:

(a) European laws or framework laws may establish measures designed to encourage cooperation between Member States through initiatives aimed at improving knowledge, developing exchanges of information and best practices, promoting innovative approaches and evaluating experiences, excluding any harmonisation of the laws and regulations of the Member States;

(b) in the fields referred to in paragraph 1(a) to (i), European framework laws may establish minimum requirements for gradual implementation, having regard to the conditions and technical rules obtaining in each of the Member States. Such European framework laws shall avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings.

In all cases, such European laws or framework laws shall be adopted after consultation of the Committee of the Regions and the Economic and Social Committee.

3. By way of derogation from paragraph 2, in the fields referred to in paragraph 1(c), (d), (f) and (g), European laws or framework laws shall be adopted by the Council acting unanimously after consulting the European Parliament, the Committee of the Regions and the Economic and Social Committee.

The Council may, on a proposal from the Commission, adopt a European decision making the ordinary legislative procedure applicable to paragraph 1(d), (f) and (g). It shall act unanimously after consulting the European Parliament.

4. A Member State may entrust management and labour, at their joint request, with the implementation of European framework laws adopted pursuant to paragraphs 2 and 3 or, where appropriate, with the implementation of European regulations or decisions adopted in accordance with Article III-212.

In this case, it shall ensure that, no later than the date on which a European framework law must be transposed, or a European regulation or decision implemented, management and labour have introduced the necessary measures by agreement, the Member State concerned being required to take any necessary measure enabling it at any time to be in a position to guarantee the results imposed by that framework law, regulation or decision.

5. The European laws and framework laws adopted pursuant to this Article:

(a) shall not affect the right of Member States to define the fundamental principles of their social security systems and must not significantly affect the financial equilibrium of such systems;

(b) shall not prevent any Member State from maintaining or introducing more stringent protective measures compatible with the Constitution.

6. This Article shall not apply to pay, the right of association, the right to strike or the right to impose lock-outs.

ARTICLE III-211

1. The Commission shall promote the consultation of management and labour at Union level and shall adopt any relevant measure to facilitate their dialogue by ensuring balanced support for the parties.

(2) Za namene iz prejšnjega odstavka se Komisija pred predložitvijo predlogov na področju socialne politike posvetuje s socialnimi partnerji o možni usmeritvi ukrepov Unije.

(3) Če po posvetovanjih iz prejšnjega odstavka Komisija oceni, da je zaželeno ukrepanje Unije, se s socialnimi partnerji posvetuje o vsebini predvidenega predloga. Socialni partnerji predložijo Komisiji mnenje ali, kadar je to primerno, priporočilo.

(4) Pri posvetovanjih iz drugega in tretjega odstavka tega člena lahko socialni partnerji obvestijo Komisijo, da želijo začeti postopek, predviden v prvem odstavku III-212. člena Ustave. Ta postopek ne sme trajati dlje kot devet mesecev, razen če se zadevni socialni partnerji in Komisija skupaj ne odločijo za njegovo podaljšanje.

III-212. ČLEN

(1) Če socialni partnerji tako želijo, lahko dialog med njimi na ravni Unije privede do pogodbenih razmerij, tudi sporazumov.

(2) Sporazumi, sklenjeni na ravni Unije, se izvajajo bodisi v skladu s postopki in prakso socialnih partnerjev in držav članic ali v zadevah iz III-210. člena Ustave na skupno zahtevo podpisnic z evropskimi uredbami ali sklepi, ki jih je sprejel Svet na predlog Komisije. Evropski parlament je obveščen.

Svet odloča s soglasjem, kadar zadevni sporazum vsebuje eno ali več določb, ki se nanašajo na področja, za katera je potrebno soglasje v skladu s tretjim odstavkom III-210. člena Ustave.

III-213. ČLEN

Za doseganje ciljev iz III-209. člena Ustave in ne glede na druge določbe Ustave Komisija spodbuja sodelovanje med državami članicami in olajšuje usklajevanje njihovih ukrepov na vseh področjih socialne politike iz tega oddelka, zlasti na naslednjih področjih:

a) zaposlovanje;
b) delovno pravo in delovni pogoji;
c) osnovno in nadaljnje poklicno usposabljanje;
d) socialna varnost;
e) preprečevanje nesreč pri delu in poklicnih bolezni;
f) higiena dela;
g) pravica združevanja ter kolektivna pogajanja med delodajalci in delavci.

V ta namen Komisija tesno sodeluje z državami članicami z izdelavo študij, dajanjem mnenj in s pripravo posvetovanj glede težav, ki se pojavljajo na nacionalni ravni, pa tudi glede tistih, ki zadevajo mednarodne organizacije, zlasti pobud, namenjenih oblikovanju smernic in kazalcev, organizaciji izmenjave najboljše prakse ter pripravi elementov, potrebnih za periodično spremljanje in ocenjevanje. Evropski parlament je obveščen.

Preden Komisija da mnenje iz tega člena, se posvetuje z Ekonomsko-socialnim odborom.

III-214. ČLEN

(1) Vsaka država članica zagotovi uporabo načela enakega plačila za enako delo ali delo enake vrednosti za ženske in moške.

(2) V tem členu »plačilo« pomeni običajno osnovno ali minimalno mezdo ali plačo ter kakršne koli druge prejemke v denarju ali v naravi, ki jih delavec prejme iz naslova zaposlitve neposredno ali posredno od svojega delodajalca.

2. For the purposes of paragraph 1, before submitting proposals in the social policy field, the Commission shall consult management and labour on the possible direction of Union action.

3. If, after the consultation referred to in paragraph 2, the Commission considers Union action desirable, it shall consult management and labour on the content of the envisaged proposal. Management and labour shall forward to the Commission an opinion or, where appropriate, a recommendation.

4. On the occasion of the consultation referred to in paragraphs 2 and 3, management and labour may inform the Commission of their wish to initiate the process provided for in Article III-212(1). The duration of this process shall not exceed nine months, unless the management and labour concerned and the Commission decide jointly to extend it.

ARTICLE III-212

1. Should management and labour so desire, the dialogue between them at Union level may lead to contractual relations, including agreements.

2. Agreements concluded at Union level shall be implemented either in accordance with the procedures and practices specific to management and labour and the Member States or, in matters covered by Article III-210, at the joint request of the signatory parties, by European regulations or decisions adopted by the Council on a proposal from the Commission. The European Parliament shall be informed.

Where the agreement in question contains one or more provisions relating to one of the areas for which unanimity is required pursuant to Article III-210(3), the Council shall act unanimously.

ARTICLE III-213

With a view to achieving the objectives of Article III-209 and without prejudice to the other provisions of the Constitution, the Commission shall encourage cooperation between the Member States and facilitate the coordination of their action in all social policy fields under this Section, particularly in matters relating to:

(a) employment;
(b) labour law and working conditions;
(c) basic and advanced vocational training;
(d) social security;
(e) prevention of occupational accidents and diseases;
(f) occupational hygiene;
(g) the right of association and collective bargaining between employers and workers.

To this end, the Commission shall act in close contact with Member States by making studies, delivering opinions and arranging consultations both on problems arising at national level and on those of concern to international organisations, in particular initiatives aiming at the establishment of guidelines and indicators, the organisation of exchange of best practice, and the preparation of the necessary elements for periodic monitoring and evaluation. The European Parliament shall be kept fully informed.

Before delivering the opinions provided for in this Article, the Commission shall consult the Economic and Social Committee.

ARTICLE III-214

1. Each Member State shall ensure that the principle of equal pay for female and male workers for equal work or work of equal value is applied.

2. For the purpose of this Article, "pay" means the ordinary basic or minimum wage or salary and any other consideration, whether in cash or in kind, which the worker receives directly or indirectly, in respect of his employment, from his employer.

Enako plačilo brez diskriminacije glede na spol pomeni:

a) da se plačilo za enako delo po akordnih postavkah izračuna na podlagi enakih merskih enot;

b) da je plačilo za delo po urnih postavkah enako za enako delovno mesto.

(3) Z evropskimi zakoni ali okvirnimi zakoni se določijo ukrepi za zagotovitev uporabe načela enakih možnosti in enakega obravnavanja žensk in moških glede zaposlovanja in dela, vključno z načelom enakega plačila za enako delo ali delo enake vrednosti. Sprejmejo se po posvetovanju z Ekonomsko-socialnim odborom.

(4) Da bi zagotovili dejansko polno enakost žensk in moških v delovnem življenju, načelo enakega obravnavanja državam članicam ne preprečuje ohranitve ali sprejetja ukrepov o specifičnih ugodnostih, s katerimi se nezadostno zastopanemu spolu olajša opravljanje poklicne dejavnosti ali prepreči ali izravna neugoden položaj v poklicni karieri.

III-215. ČLEN

Države članice si prizadevajo ohraniti enakovrednost sistemov plačanih dopustov.

III-216. ČLEN

Komisija vsako leto sestavi poročilo o napredku pri doseganju ciljev iz III-209. člena Ustave, skupaj z demografskim stanjem v Uniji. Poročilo pošlje Evropskemu parlamentu, Svetu in Ekonomsko-socialnemu odboru.

III-217. ČLEN

Svet z navadno večino sprejme evropski sklep, s katerim ustanovi Odbor za socialno zaščito s svetovalnim statusom za pospeševanje sodelovanja na področju politik socialne zaščite med državami članicami in Komisijo. Svet odloča soglasno po posvetovanju z Evropskim parlamentom.

Naloge odbora so:

a) spremljati socialni položaj in napredek v politikah socialne zaščite v državah članicah in Uniji;

b) spodbujati izmenjavo informacij, izkušenj in dobrih praks med državami članicami in Komisijo;

c) ne glede na III-344. člen Ustave pripravljati poročila, oblikovati mnenja ali opravljati drugo delo na področjih, za katera ima dodeljene pristojnosti, na prošnjo Sveta ali Komisije ali na lastno pobudo.

Odbor pri izpolnjevanju svojih nalog vzpostavi ustrezne stike s socialnimi partnerji.

Vsaka država članica in Komisija imenujejo po dva člana odbora.

III-218. ČLEN

Komisija v svojem letnem poročilu za Evropski parlament nameni posebno poglavje razvoju socialnih razmer v Uniji.

Evropski parlament lahko pozove Komisijo, naj pripravi poročila o posebnih problemih, ki se nanašajo na socialne razmere.

III-219. ČLEN

(1) Da bi izboljšali zaposlitvene priložnosti delavcev na notranjem trgu in tako prispevali k dvigu življenjske ravni, se ustanovi Evropski socialni sklad; njegov cilj je omogočiti lažje zaposlovanje delavcev ter povečati njihovo geografsko in poklicno mobilnost v Uniji, pa tudi olajšati njihovo prilagajanje spremembam v industriji in proizvodnih sistemih, zlasti s poklicnim usposabljanjem in preusposabljanjem.

Equal pay without discrimination based on sex means:

(a) that pay for the same work at piece rates shall be calculated on the basis of the same unit of measurement;

(b) that pay for work at time rates shall be the same for the same job.

3. European laws or framework laws shall establish measures to ensure the application of the principle of equal opportunities and equal treatment of women and men in matters of employment and occupation, including the principle of equal pay for equal work or work of equal value. They shall be adopted after consultation of the Economic and Social Committee.

4. With a view to ensuring full equality in practice between women and men in working life, the principle of equal treatment shall not prevent any Member State from maintaining or adopting measures providing for specific advantages in order to make it easier for the under-represented sex to pursue a vocational activity, or to prevent or compensate for disadvantages in professional careers.

ARTICLE III-215

Member States shall endeavour to maintain the existing equivalence between paid holiday schemes.

ARTICLE III-216

The Commission shall draw up a report each year on progress in achieving the objectives of Article III-209, including the demographic situation within the Union. It shall forward the report to the European Parliament, the Council and the Economic and Social Committee.

ARTICLE III-217

The Council shall, by a simple majority, adopt a European decision establishing a Social Protection Committee with advisory status to promote cooperation on social protection policies between Member States and with the Commission. The Council shall act after consulting the European Parliament.

The tasks of the Committee shall be:

(a) to monitor the social situation and the development of social protection policies in the Member States and within the Union;

(b) to promote exchanges of information, experience and good practice between Member States and with the Commission;

(c) without prejudice to Article III-344, to prepare reports, formulate opinions or undertake other work within the scope of its powers, at the request of either the Council or the Commission or on its own initiative.

In fulfilling its mandate, the Committee shall establish appropriate contacts with management and labour.

Each Member State and the Commission shall appoint two members of the Committee.

ARTICLE III-218

The Commission shall include a separate chapter on social developments within the Union in its annual report to the European Parliament.

The European Parliament may invite the Commission to draw up reports on any particular problems concerning social conditions.

ARTICLE III-219

1. In order to improve employment opportunities for workers in the internal market and to contribute thereby to raising the standard of living, a European Social Fund is hereby established; it shall aim to render the employment of workers easier and to increase their geographical and occupational mobility within the Union, and to facilitate their adaptation to industrial changes and to changes in production systems, in particular through vocational training and retraining.

(2) Sklad upravlja Komisija. Pri tej nalogi ji pomaga odbor, ki mu predseduje član Komisije, sestavljen pa je iz predstavnikov držav članic, sindikatov in organizacij delodajalcev.

(3) Z evropskimi zakoni se določijo izvedbeni ukrepi v zvezi s Skladom. Takšni zakoni se sprejmejo po posvetovanju z Odborom regij in Ekonomsko-socialnim odborom.

2. The Commission shall administer the Fund. It shall be assisted in this task by a Committee presided over by a member of the Commission and composed of representatives of Member States, trade unions and employers' organisations.

3. European laws shall establish implementing measures relating to the Fund. Such laws shall be adopted after consultation of the Committee of the Regions and the Economic and Social Committee.

3. ODDELEK

EKONOMSKA, SOCIALNA IN TERITORIALNA POVEZANOST

III-220. ČLEN

Da bi Unija pospešila svoj vsesplošni skladni razvoj, razvija in izvaja tiste svoje dejavnosti, ki vodijo h krepitvi njene ekonomske, socialne in teritorialne povezanosti.

Unija si še posebno prizadeva zmanjšati neskladje med stopnjami razvitosti različnih regij in zaostalost regij z najbolj omejenimi možnostmi.

Med zadevnimi regijami se posebna pozornost namenja podeželju, območjem, ki jih je prizadela industrijska tranzicija in regijam, ki so hudo in stalno prizadete zaradi neugodnih naravnih ali demografskih razmer, kot so najsevernejše regije z zelo nizko gostoto prebivalstva, ter otoškim, čezmejnim in gorskim regijam.

III-221. ČLEN

Države članice vodijo in usklajujejo svojo gospodarsko politiko tako, da dosegajo tudi cilje, navedene v prejšnjem členu. Pri oblikovanju in izvajanju politik in dejavnosti Unije ter vzpostavljanju notranjega trga upoštevajo te cilje in prispevajo k njihovemu uresničevanju. Unija podpira uresničevanje teh ciljev tudi z delovanjem v okviru strukturnih skladov (Evropski kmetijski usmerjevalni in jamstveni sklad, Usmerjevalni oddelek; Evropski socialni sklad; Evropski sklad za regionalni razvoj), Evropske investicijske banke in drugih obstoječih finančnih instrumentov.

Komisija vsaka tri leta predloži Evropskemu parlamentu, Svetu, Odboru regij in Ekonomsko-socialnemu odboru poročilo o napredku, doseženem pri uresničevanju ekonomske, socialne in teritorialne povezanosti, in o tem, kako so k temu pripomogla v tem členu predvidena sredstva. Po potrebi se temu poročilu priložijo ustrezni predlogi.

Z evropskimi zakoni ali okvirnimi zakoni se lahko določijo vsi posebni ukrepi zunaj skladov, ne da bi vplivali na ukrepe, sprejete v okviru drugih politik Unije. Sprejmejo se po posvetovanju z Odborom regij in Ekonomsko-socialnim odborom.

III-222. ČLEN

Evropski sklad za regionalni razvoj je namenjen pomoči pri odpravljanju največjih razvojnih neravnovesij v regijah Unije, tako da sodeluje pri razvoju in strukturnem prilagajanju razvojno zaostalih regij in pri preobrazbi nazadujočih industrijskih regij.

III-223. ČLEN

(1) Ne glede na III-224. člen Ustave se z evropskimi zakoni določijo naloge, prednostni cilji in organizacija strukturnih skladov – kar lahko vključuje tudi združevanje skladov –, splošna pravila, ki se uporabljajo za sklade, in določbe, potrebne za zagotavljanje uspešnosti ter usklajevanje skladov med seboj in z drugimi obstoječimi finančnimi instrumenti.

SECTION 3

ECONOMIC, SOCIAL AND TERRITORIAL COHESION

ARTICLE III-220

In order to promote its overall harmonious development, the Union shall develop and pursue its action leading to the strengthening of its economic, social and territorial cohesion.

In particular, the Union shall aim at reducing disparities between the levels of development of the various regions and the backwardness of the least favoured regions.

Among the regions concerned, particular attention shall be paid to rural areas, areas affected by industrial transition, and regions which suffer from severe and permanent natural or demographic handicaps such as the northernmost regions with very low population density and island, cross-border and mountain regions.

ARTICLE III-221

Member States shall conduct their economic policies and shall coordinate them in such a way as, in addition, to attain the objectives set out in Article III-220. The formulation and implementation of the Union's policies and action and the implementation of the internal market shall take into account those objectives and shall contribute to their achievement. The Union shall also support the achievement of these objectives by the action it takes through the Structural Funds (European Agricultural Guidance and Guarantee Fund, Guidance Section; European Social Fund; European Regional Development Fund), the European Investment Bank and the other existing financial instruments.

The Commission shall submit a report to the European Parliament, the Council, the Committee of the Regions and the Economic and Social Committee every three years on the progress made towards achieving economic, social and territorial cohesion and on the manner in which the various means provided for in this Article have contributed to it. This report shall, if necessary, be accompanied by appropriate proposals.

European laws or framework laws may establish any specific measure outside the Funds, without prejudice to measures adopted within the framework of the Union's other policies. They shall be adopted after consultation of the Committee of the Regions and the Economic and Social Committee.

ARTICLE III-222

The European Regional Development Fund is intended to help to redress the main regional imbalances in the Union through participation in the development and structural adjustment of regions whose development is lagging behind and in the conversion of declining industrial regions.

ARTICLE III-223

1. Without prejudice to Article III-224, European laws shall define the tasks, the priority objectives and the organisation of the Structural Funds, which may involve grouping the Funds, the general rules applicable to them and the provisions necessary to ensure their effectiveness and the coordination of the Funds with one another and with the other existing financial instruments.

Kohezijski sklad, ustanovljen z evropskim zakonom, zagotavlja finančne prispevke za projekte na področju okolja in vseevropskih omrežij v okviru prometne infrastrukture.

V vseh primerih se takšni evropski zakoni sprejmejo po posvetovanju z Odborom regij in Ekonomsko-socialnim odborom.

(2) Prve določbe o strukturnih skladih in Kohezijskem skladu, ki se sprejmejo za določbami, veljavnimi na dan podpisa Pogodbe o Ustavi za Evropo, se določijo z evropskim zakonom Sveta. Svet odloča soglasno po pridobitvi odobritve Evropskega parlamenta.

III-224. ČLEN

Z evropskimi zakoni se določijo izvedbeni ukrepi, ki se nanašajo na Evropski sklad za regionalni razvoj. Takšni zakoni se sprejmejo po posvetovanju z Odborom regij in Ekonomsko-socialnim odborom.

Za Evropski kmetijski usmerjevalni in jamstveni sklad, Usmerjevalni oddelek in za Evropski socialni sklad se uporabljata III-231. člen in tretji odstavek III-219. člena Ustave.

4. ODDELEK

KMETIJSTVO IN RIBIŠTVO

III-225. ČLEN

Unija opredeli in izvaja skupno kmetijsko in ribiško politiko.

»Kmetijski proizvodi« pomenijo rastlinske, živinorejske in ribiške proizvode ter proizvode prve stopnje predelave teh proizvodov. Sklicevanje na skupno kmetijsko politiko ali na kmetijstvo ter uporaba izraza »kmetijski« pomeni tudi sklicevanje na ribištvo, ob upoštevanju posebnosti tega sektorja.

III-226. ČLEN

(1) Notranji trg se razširi na kmetijstvo in trgovino s kmetijskimi proizvodi.

(2) Razen če ni v III-227. do III-232. členu Ustave določeno drugače, se za kmetijske proizvode uporabljajo predpisi, ki se nanašajo na vzpostavitev ali delovanje notranjega trga.

(3) Proizvodi, ki so našteti v Prilogi I Ustave, se nanašajo na III-227. do III-232. člen Ustave.

(4) Delovanje in razvoj notranjega trga kmetijskih proizvodov mora spremljati skupna kmetijska politika.

III-227. ČLEN

(1) Cilji skupne kmetijske politike so:

a) povečati kmetijsko produktivnost s pospeševanjem tehničnega napredka in zagotavljanjem racionalnega razvoja kmetijske proizvodnje ter z optimalno uporabo proizvodnih dejavnikov, zlasti delovne sile;

b) s tem zagotoviti primerno življenjsko raven kmetijske skupnosti, zlasti s povečanjem individualnega zaslužka oseb, ki se ukvarjajo s kmetijstvom;

c) stabilizirati trge;

d) zagotoviti redno preskrbo;

e) zagotoviti, da je preskrba potrošnikom dostopna po primernih cenah.

(2) Pri oblikovanju skupne kmetijske politike in posebnih metod za njeno izvajanje se upošteva:

a) posebna narava kmetijske dejavnosti, ki je posledica socialne strukture kmetijstva ter strukturnih in naravnih razlik med različnimi kmetijskimi regijami;

A Cohesion Fund set up by a European law shall provide a financial contribution to projects in the fields of environment and trans-European networks in the area of transport infrastructure.

In all cases, such European laws shall be adopted after consultation of the Committee of the Regions and the Economic and Social Committee.

2. The first provisions on the Structural Funds and the Cohesion Fund to be adopted following those in force on the date on which the Treaty establishing a Constitution for Europe is signed shall be established by a European law of the Council. The Council shall act unanimously after obtaining the consent of the European Parliament.

ARTICLE III-224

European laws shall establish implementing measures relating to the European Regional Development Fund. Such laws shall be adopted after consultation of the Committee of the Regions and the Economic and Social Committee.

With regard to the European Agricultural Guidance and Guarantee Fund, Guidance Section, and the European Social Fund, Articles III-231 and III-219(3) respectively shall apply.

SECTION 4

AGRICULTURE AND FISHERIES

ARTICLE III-225

The Union shall define and implement a common agriculture and fisheries policy.

"Agricultural products" means the products of the soil, of stockfarming and of fisheries and products of first-stage processing directly related to these products. References to the common agricultural policy or to agriculture, and the use of the term "agricultural", shall be understood as also referring to fisheries, having regard to the specific characteristics of this sector.

ARTICLE III-226

1. The internal market shall extend to agriculture and trade in agricultural products.

2. Save as otherwise provided in Articles III-227 to III-232, the rules laid down for the establishment and functioning of the internal market shall apply to agricultural products.

3. The products listed in Annex I shall be subject to Articles III-227 to III-232.

4. The operation and development of the internal market for agricultural products must be accompanied by a common agricultural policy.

ARTICLE III-227

1. The objectives of the common agricultural policy shall be:

(a) to increase agricultural productivity by promoting technical progress and by ensuring the rational development of agricultural production and the optimum utilisation of the factors of production, in particular labour;

(b) thus to ensure a fair standard of living for the agricultural community, in particular by increasing the individual earnings of persons engaged in agriculture;

(c) to stabilise markets;

(d) to assure the availability of supplies;

(e) to ensure that supplies reach consumers at reasonable prices.

2. In working out the common agricultural policy and the special methods for its application, account shall be taken of:

(a) the particular nature of agricultural activity, which results from the social structure of agriculture and from structural and natural disparities between the various agricultural regions;

b) potreba, da se ustrezne prilagoditve izvedejo postopno;

c) dejstvo, da je kmetijstvo v državah članicah sektor, ki je tesno povezan s celotnim gospodarstvom.

III-228. ČLEN

(1) Za doseganje ciljev, določenih v prejšnjem členu, se vzpostavi skupna ureditev kmetijskih trgov.

Ta ureditev je glede na zadevni proizvod v eni od naslednjih oblik:

a) skupna pravila konkurence;

b) obvezna uskladitev različnih nacionalnih tržnih ureditev;

c) evropska tržna ureditev.

(2) Skupna ureditev, vzpostavljena v skladu s prejšnjim odstavkom, lahko vključuje vse ukrepe, nujne za doseganje ciljev iz prejšnjega člena, zlasti uravnavanje cen, pomoči pri proizvodnji in trženju raznih proizvodov, ukrepe za skladiščenje in prenos zalog ter skupne mehanizme za stabiliziranje uvoza ali izvoza.

Skupna ureditev je omejena na doseganje ciljev, določenih v prejšnjem členu, in izključuje vsakršno diskriminacijo med proizvajalci in potrošniki v Uniji.

Vsaka skupna cenovna politika temelji na skupnih merilih in enotnih metodah izračunavanja.

(3) Za doseganje zastavljenih ciljev skupne ureditve iz prvega odstavka tega člena se lahko ustanovi enega ali več kmetijskih usmerjevalnih in jamstvenih skladov.

III-229. ČLEN

Da bi omogočili doseganje ciljev iz III-227. člena Ustave, se lahko v okviru skupne kmetijske politike predvidijo naslednji ukrepi:

a) učinkovito usklajevanje prizadevanj na področju poklicnega usposabljanja, raziskav in razširjanja znanja na področju kmetijstva; to lahko vključuje skupno financiranje projektov ali institucij;

b) skupni ukrepi za pospeševanje porabe nekaterih proizvodov.

III-230. ČLEN

(1) Oddelek o pravilih konkurence se uporablja za proizvodnjo kmetijskih proizvodov in trgovino s kmetijskimi proizvodi le v obsegu, določenem v evropskih zakonih ali okvirnih zakonih v skladu z drugim odstavkom III-231. člena Ustave, ob upoštevanju ciljev iz III-227. člena Ustave.

(2) Svet lahko na predlog Komisije sprejme evropsko uredbo ali sklep, s katerim odobri dodelitev pomoči:

a) za zaščito podjetij, ki so zaradi strukturnih ali naravnih razmer v slabšem položaju;

b) v okviru programov gospodarskega razvoja.

III-231. ČLEN

(1) Komisija da predloge za oblikovanje in uresničevanje skupne kmetijske politike, vključno z nadomestitvijo nacionalnih ureditev z eno od oblik skupne ureditve, predvidene v prvem odstavku III-228. člena Ustave, ter za izvajanje ukrepov iz tega oddelka.

Ti predlogi upoštevajo soodvisnost kmetijskih vprašanj iz tega oddelka.

(2) Z evropskimi zakoni ali okvirnimi zakoni se določijo skupne ureditve kmetijskih trgov iz prvega odstavka III-228. člena Ustave in druge določbe, potrebne za zasledovanje ciljev skupne kmetijske in ribiške politike. Sprejmejo se po posvetovanju z Ekonomsko-socialnim odborom.

(b) the need to effect the appropriate adjustments by degrees;

(c) the fact that in the Member States agriculture constitutes a sector closely linked with the economy as a whole.

ARTICLE III-228

1. In order to attain the objectives set out in Article III-227, a common organisation of agricultural markets shall be established.

This organisation shall take one of the following forms, depending on the product concerned:

(a) common rules on competition;

(b) compulsory coordination of the various national market organisations;

(c) a European market organisation.

2. The common organisation established in accordance with paragraph 1 may include all measures required to attain the objectives set out in Article III-227, in particular regulation of prices, aids for the production and marketing of the various products, storage and carryover arrangements and common machinery for stabilising imports or exports.

The common organisation shall be limited to pursuit of the objectives set out in Article III-227 and shall exclude any discrimination between producers or consumers within the Union.

Any common price policy shall be based on common criteria and uniform methods of calculation.

3. In order to enable the common organisation referred to in paragraph 1 to attain its objectives, one or more agricultural guidance and guarantee funds may be set up.

ARTICLE III-229

To enable the objectives set out in Article III-227 to be attained, provision may be made within the framework of the common agricultural policy for measures such as:

(a) an effective coordination of efforts in the spheres of vocational training, of research and of the dissemination of agricultural knowledge; this may include joint financing of projects or institutions;

(b) joint measures to promote consumption of certain products.

ARTICLE III-230

1. The Section relating to rules on competition shall apply to production of and trade in agricultural products only to the extent determined by European laws or framework laws in accordance with Article III-231(2), having regard to the objectives set out in Article III-227.

2. The Council, on a proposal from the Commission, may adopt a European regulation or decision authorising the granting of aid:

(a) for the protection of enterprises handicapped by structural or natural conditions;

(b) within the framework of economic development programmes.

ARTICLE III-231

1. The Commission shall submit proposals for working out and implementing the common agricultural policy, including the replacement of the national organisations by one of the forms of common organisation provided for in Article III-228(1), and for implementing the measures referred to in this Section.

These proposals shall take account of the interdependence of the agricultural matters referred to in this Section.

2. European laws or framework laws shall establish the common organisation of the market provided for in Article III-228(1) and the other provisions necessary for the pursuit of the objectives of the common agricultural policy and the common fisheries policy. They shall be adopted after consultation of the Economic and Social Committee.

(3) Svet na predlog Komisije sprejme evropske uredbe ali sklepe o določitvi cen, prelevmanov, pomoči in količinskih omejitvah ter o določanju in dodeljevanju možnosti ribolova.

(4) V skladu s pogoji iz drugega odstavka tega člena se nacionalne tržne ureditve nadomestijo s skupno ureditvijo iz prvega odstavka III-228. člena Ustave, če:

a) skupna ureditev državam članicam, ki nasprotujejo temu ukrepu in imajo lastno ureditev za neko proizvodnjo, ponuja enakovredne zaščitne ukrepe glede zaposlovanja in življenjske ravni zadevnih proizvajalcev, glede na sčasoma možne prilagoditve in potrebne specializacije, in

b) taka ureditev v Uniji zagotavlja tržne pogoje, ki so podobni tistim na nacionalnem trgu.

(5) Če se skupna ureditev za nekatere surovine vzpostavi pred obstojem skupne ureditve za ustrezne predelane proizvode, se lahko surovine, ki se uporabljajo za predelane proizvode, namenjene izvozu v tretje države, uvozijo iz držav zunaj Unije.

III-232. ČLEN

Kadar je proizvod v državi članici predmet nacionalne tržne ureditve ali notranjih predpisov z enakim učinkom, ki vplivajo na konkurenčni položaj podobne proizvodnje v drugi državi članici, države članice uvedejo izravnalno dajatev na uvoz tega proizvoda iz države članice, v kateri obstaja taka ureditev ali taki predpisi, razen če ta država ne uvede izravnalne dajatve na izvoz.

Komisija sprejme evropske uredbe ali sklepe, s katerimi določi višino teh dajatev na ravni, ki je potrebna za ponovno vzpostavitev ravnotežja. Odobri lahko tudi druge ukrepe, za katere določi pogoje in podrobnosti.

5. ODDELEK

OKOLJE

III-233. ČLEN

(1) Okoljska politika Unije prispeva k uresničevanju naslednjih ciljev:

a) ohranjanju, varstvu in izboljšanju kakovosti okolja;

b) varovanju človekovega zdravja;

c) skrbni in preudarni rabi naravnih virov;

d) spodbujanju ukrepov na mednarodni ravni za reševanje regionalnih ali globalnih okoljskih problemov.

(2) Cilj okoljske politike Unije je doseči visoko raven varstva, pri čemer se upošteva raznolikost razmer v posameznih regijah Unije. Politika temelji na previdnostnem načelu in na načelih, da je treba delovati preventivno, da je treba okoljsko škodo prednostno odpravljati pri viru in da jo plača povzročitelj obremenitve.

V tej zvezi usklajevalni ukrepi, ki ustrezajo zahtevam varstva okolja, vključujejo, kadar je to primerno, zaščitno klavzulo, ki državam članicam dovoljuje, da iz negospodarskih okoljskih razlogov sprejmejo začasne ukrepe, za katere velja nadzorni postopek Unije.

(3) Pri oblikovanju svoje okoljske politike Unija upošteva:

a) razpoložljive znanstvene in tehnične podatke;

b) okoljske razmere v različnih regijah Unije;

c) možne koristi in stroške ukrepanja ali neukrepanja;

d) gospodarski in socialni razvoj Unije kot celote in uravnotežen razvoj njenih regij.

3. The Council, on a proposal from the Commission, shall adopt the European regulations or decisions on fixing prices, levies, aid and quantitative limitations and on the fixing and allocation of fishing opportunities.

4. In accordance with paragraph 2, the national market organisations may be replaced by the common organisation provided for in Article III-228(1) if:

(a) the common organisation offers Member States which are opposed to this measure and which have an organisation of their own for the production in question equivalent safeguards for the employment and standard of living of the producers concerned, account being taken of the adjustments that will be possible and the specialisation that will be needed with the passage of time, and

(b) such an organisation ensures conditions for trade within the Union similar to those existing in a national market.

5. If a common organisation for certain raw materials is established before a common organisation exists for the corresponding processed products, such raw materials as are used for processed products intended for export to third countries may be imported from outside the Union.

ARTICLE III-232

Where in a Member State a product is subject to a national market organisation or to internal rules having equivalent effect which affect the competitive position of similar production in another Member State, a countervailing charge shall be applied by Member States to imports of this product coming from the Member State where such organisation or rules exist, unless that State applies a countervailing charge on export.

The Commission shall adopt European regulations or decisions fixing the amount of these charges at the level required to redress the balance. It may also authorise other measures, the conditions and details of which it shall determine.

SECTION 5

ENVIRONMENT

ARTICLE III-233

1. Union policy on the environment shall contribute to the pursuit of the following objectives:

(a) preserving, protecting and improving the quality of the environment;

(b) protecting human health;

(c) prudent and rational utilisation of natural resources;

(d) promoting measures at international level to deal with regional or worldwide environmental problems.

2. Union policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Union. It shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay.

In this context, harmonisation measures answering environmental protection requirements shall include, where appropriate, a safeguard clause allowing Member States to take provisional steps, for non-economic environmental reasons, subject to a procedure of inspection by the Union.

3. In preparing its policy on the environment, the Union shall take account of:

(a) available scientific and technical data;

(b) environmental conditions in the various regions of the Union;

(c) the potential benefits and costs of action or lack of action;

(d) the economic and social development of the Union as a whole and the balanced development of its regions.

(4) V okviru svojih pristojnosti Unija in države članice sodelujejo s tretjimi državami in pristojnimi mednarodnimi organizacijami. O podrobnostih sodelovanja Unije se lahko sklenejo sporazumi med Unijo in zadevnimi tretjimi osebami.

Prejšnji pododstavek ne vpliva na pristojnost držav članic glede pogajanj v mednarodnih organih in glede sklepanja mednarodnih sporazumov.

III-234. ČLEN

(1) Z evropskimi zakoni ali okvirnimi zakoni se določi, katere ukrepe je treba sprejeti za doseganje ciljev iz prejšnjega člena. Sprejmejo se po posvetovanju z Odborom regij in Ekonomsko-socialnim odborom.

(2) Ne glede na prejšnji odstavek in III-172. člen Ustave Svet soglasno sprejme evropske zakone ali okvirne zakone, s katerimi določi:

a) določbe, ki so zlasti davčne narave;

b) ukrepe, ki vplivajo na:

1. prostorsko načrtovanje;

2. kvantitativno upravljanje vodnih virov, ali, neposredno ali posredno, razpoložljivost teh virov;

3. rabo zemljišč, razen ravnanja z odpadki;

c) ukrepe, ki pomembno vplivajo na izbiro držav članic med različnimi viri energije in na splošno strukturo njihove oskrbe z energijo.

Svet lahko na predlog Komisije soglasno sprejme evropski sklep o uporabi rednega zakonodajnega postopka za področja iz prejšnjega pododstavka.

V vseh primerih Svet odloča po posvetovanju z Evropskim parlamentom, Odborom regij in Ekonomsko-socialnim odborom.

(3) Z evropskimi zakoni se določijo splošni delovni programi, s katerimi se določijo prednostni cilji. Takšni zakoni se sprejmejo po posvetovanju z Odborom regij in Ekonomsko-socialnim odborom.

Ukrepi, ki so potrebni za izvajanje teh programov se glede na primer sprejmejo v skladu s pogoji iz prvega in drugega odstavka tega člena.

(4) Države članice financirajo in izvajajo okoljsko politiko, ne da bi pri tem vplivale na nekatere ukrepe, ki jih je sprejela Unija.

(5) Ne glede na načelo, da plača povzročitelj obremenitve, in če je ukrep, sprejet na podlagi prvega odstavka tega člena, povezan z nesorazmerno visokimi stroški za pristojne organe države članice, takšen ukrep v ustrezni obliki opredeli:

a) začasne izjeme in/ali

b) finančno podporo iz Kohezijskega sklada.

(6) Varstveni ukrepi, sprejeti v skladu s tem členom, nobeni od držav članic ne preprečujejo ohranjanja ali uvedbe strožjih varstvenih ukrepov. Takšni ukrepi morajo biti združljivi z Ustavo. O njih se uradno obvesti Komisija.

6. ODDELEK

VARSTVO POTROŠNIKOV

III-235. ČLEN

(1) Zato da bi podprli interese potrošnikov in zagotovili visoko raven varstva potrošnikov, Unija prispeva k varovanju zdravja, varnosti in ekonomskih interesov potrošnikov, pa tudi k spodbujanju njihove pravice do obveščenosti in izobraževanja ter pravice do samoorganiziranja za zaščito njihovih interesov.

4. Within their respective spheres of competence, the Union and the Member States shall cooperate with third countries and with the competent international organisations. The arrangements for the Union's cooperation may be the subject of agreements between the Union and the third parties concerned.

The first subparagraph shall be without prejudice to Member States' competence to negotiate in international bodies and to conclude international agreements.

ARTICLE III-234

1. European laws or framework laws shall establish what action is to be taken in order to achieve the objectives referred to in Article III-233. They shall be adopted after consultation of the Committee of the Regions and the Economic and Social Committee.

2. By way of derogation from paragraph 1 and without prejudice to Article III-172, the Council shall unanimously adopt European laws or framework laws establishing:

(a) provisions primarily of a fiscal nature;

(b) measures affecting:

(i) town and country planning;

(ii) quantitative management of water resources or affecting, directly or indirectly, the availability of those resources;

(iii) land use, with the exception of waste management;

(c) measures significantly affecting a Member State's choice between different energy sources and the general structure of its energy supply.

The Council, on a proposal from the Commission, may unanimously adopt a European decision making the ordinary legislative procedure applicable to the matters referred to in the first subparagraph.

In all cases, the Council shall act after consulting the European Parliament, the Committee of the Regions and the Economic and Social Committee.

3. European laws shall establish general action programmes which set out priority objectives to be attained. Such laws shall be adopted after consultation of the Committee of the Regions and the Economic and Social Committee.

The measures necessary for the implementation of these programmes shall be adopted under the terms of paragraph 1 or 2, as the case may be.

4. Without prejudice to certain measures adopted by the Union, the Member States shall finance and implement the environment policy.

5. Without prejudice to the principle that the polluter should pay, if a measure based on paragraph 1 involves costs deemed disproportionate for the public authorities of a Member State, such measure shall provide in appropriate form for:

(a) temporary derogations, and/or

(b) financial support from the Cohesion Fund.

6. The protective measures adopted pursuant to this Article shall not prevent any Member State from maintaining or introducing more stringent protective measures. Such measures must be compatible with the Constitution. They shall be notified to the Commission.

SECTION 6

CONSUMER PROTECTION

ARTICLE III-235

1. In order to promote the interests of consumers and to ensure a high level of consumer protection, the Union shall contribute to protecting the health, safety and economic interests of consumers, as well as to promoting their right to information, education and to organise themselves in order to safeguard their interests.

(2) Unija prispeva k doseganju ciljev iz prejšnjega odstavka z:

a) ukrepi, sprejetimi v skladu s III-172. členom Ustave v okviru vzpostavitve in delovanja notranjega trga;

b) ukrepi za podporo, dopolnitev in nadzor politike držav članic.

(3) Z evropskimi zakoni ali okvirnimi zakoni se določijo ukrepi iz točke b) prejšnjega odstavka. Takšni zakoni se sprejmejo po posvetovanju z Ekonomsko-socialnim odborom.

(4) Ukrepi, sprejeti v skladu s prejšnjim odstavkom, državam članicam ne preprečujejo ohranjanja ali uvedbe strožjih zaščitnih ukrepov. Takšni ukrepi morajo biti združljivi z Ustavo. O njih se uradno obvesti Komisija.

2. The Union shall contribute to the attainment of the objectives referred to in paragraph 1 through:

(a) measures adopted pursuant to Article III-172 in the context of the establishment and functioning of the internal market;

(b) measures which support, supplement and monitor the policy pursued by the Member States.

3. European laws or framework laws shall establish the measures referred to in paragraph 2(b). Such laws shall be adopted after consultation of the Economic and Social Committee.

4. Acts adopted pursuant to paragraph 3 shall not prevent any Member State from maintaining or introducing more stringent protective provisions. Such provisions must be compatible with the Constitution. They shall be notified to the Commission.

7. ODDELEK
PROMET

III-236. ČLEN

(1) Cilji Ustave se na področju, ki ga ureja ta oddelek, uresničujejo v okviru skupne prometne politike.

(2) Za izvajanje prejšnjega odstavka se sprejmejo evropski zakoni ali okvirni zakoni, ob upoštevanju posebnosti prometa. Sprejmejo se po posvetovanju z Odborom regij in Ekonomsko-socialnim odborom.

S takimi evropskimi zakoni ali okvirnimi zakoni se določijo:

a) skupna pravila, ki se uporabljajo za mednarodni promet na ozemlje ali z ozemlja države članice ali za promet prek ozemlja ene ali več držav članic;

b) pogoje, pod katerimi lahko prevozniki opravljajo promet v državi članici, v kateri nimajo sedeža;

c) ukrepe za izboljšanje varnosti prometa;

d) vse druge ustrezne ukrepe.

(3) Kadar se sprejmejo evropski zakoni ali okvirni zakoni iz prejšnjega odstavka, se upoštevajo primeri, kjer bi njihova uporaba lahko resno vplivala na življenjsko raven in stopnjo zaposlenosti v nekaterih regijah ter na izkoriščanje prometne infrastrukture.

III-237. ČLEN

Nobena država članica ne sme pred sprejetjem evropskih zakonov ali okvirnih zakonov iz drugega odstavka prejšnjega člena spreminjati tistih predpisov, ki urejajo ta vprašanja 1. januarja 1958 ali za države, ki pristopajo, na dan njihovega pristopa, tako da bi po svojem neposrednem ali posrednem učinku postali manj ugodni za prevoznike drugih držav članic kakor za prevoznike, ki so državljani te države, razen če je Svet soglasno sprejel evropski sklep, s katerim dovoljuje izjeme.

III-238. ČLEN

Pomoči so združljive z Ustavo, če so potrebne za usklajevanje prometa ali če so nadomestilo za opravljanje določenih storitev, ki so del javne službe.

III-239. člen

Pri vseh ukrepih, sprejetih v okviru Ustave, ki se nanašajo na prevozne tarife in pogoje, se upošteva ekonomski položaj prevoznikov.

III-240. ČLEN

(1) Pri prevozu znotraj Unije se prepove diskriminacija, ki je v tem, da prevozniki zaračunavajo različne prevoznine in nalagajo različne pogoje za prevoz enakega blaga na istih prometnih povezavah glede na državo članico porekla tega blaga ali namembno državo.

SECTION 7
TRANSPORT

ARTICLE III-236

1. The objectives of the Constitution shall, in matters governed by this Section, be pursued within the framework of a common transport policy.

2. European laws or framework laws shall implement paragraph 1, taking into account the distinctive features of transport. They shall be adopted after consultation of the Committee of the Regions and the Economic and Social Committee.

Such European laws or framework laws shall establish:

(a) common rules applicable to international transport to or from the territory of a Member State or passing across the territory of one or more Member States;

(b) the conditions under which non-resident carriers may operate transport services within a Member State;

(c) measures to improve transport safety;

(d) any other appropriate measure.

3. When the European laws or framework laws referred to in paragraph 2 are adopted, account shall be taken of cases where their application might seriously affect the standard of living and level of employment in certain regions, and the operation of transport facilities.

ARTICLE III-237

Until the European laws or framework laws referred to in Article III-236(2) have been adopted, no Member State may, unless the Council has unanimously adopted a European decision granting a derogation, make the various provisions governing the subject on 1 January 1958 or, for acceding States, the date of their accession less favourable in their direct or indirect effect on carriers of other Member States as compared with carriers who are nationals of that State.

ARTICLE III-238

Aids shall be compatible with the Constitution if they meet the needs of coordination of transport or if they represent reimbursement for the discharge of certain obligations inherent in the concept of a public service.

ARTICLE III-239

Any measures adopted within the framework of the Constitution in respect of transport rates and conditions shall take account of the economic circumstances of carriers.

ARTICLE III-240

1. In the case of transport within the Union, discrimination which takes the form of carriers charging different rates and imposing different conditions for the carriage of the same goods over the same transport links on grounds of the Member State of origin or of destination of the goods in question shall be prohibited.

(2) Prejšnji odstavek ne preprečuje sprejetja drugih evropskih zakonov ali okvirnih zakonov v skladu z drugim odstavkom III-236. člena Ustave.

(3) Svet na predlog Komisije sprejme evropske uredbe ali sklepe za izvajanje prvega odstavka tega člena. Odloča po posvetovanju z Evropskim parlamentom in Ekonomsko-socialnim odborom.

Svet lahko zlasti sprejme evropske uredbe in sklepe, ki omogočajo institucijam, da zagotovijo upoštevanje pravila iz prvega odstavka tega člena, uporabnikom pa, da lahko to pravilo v celoti izkoristijo.

(4) Komisija na lastno pobudo ali na predlog države članice preuči vse primere diskriminacije iz prvega odstavka tega člena ter po posvetovanju z vsemi zadevnimi državami članicami sprejme potrebne evropske sklepe v okviru evropskih uredb in sklepov iz prejšnjega odstavka.

2. Paragraph 1 shall not prevent the adoption of other European laws or framework laws pursuant to Article III-236(2).

3. The Council, on a proposal from the Commission, shall adopt European regulations or decisions for implementing paragraph 1. It shall act after consulting the European Parliament and the Economic and Social Committee.

The Council may in particular adopt the European regulations and decisions needed to enable the institutions to secure compliance with the rule laid down in paragraph 1 and to ensure that users benefit from it to the full.

4. The Commission, acting on its own initiative or on application by a Member State, shall investigate any cases of discrimination falling within paragraph 1 and, after consulting any Member State concerned, adopt the necessary European decisions within the framework of the European regulations and decisions referred to in paragraph 3.

III-241. ČLEN

(1) Pri prevozih znotraj Unije je državam članicam prepovedano predpisovanje prevoznin in pogojev, ki vključujejo elemente podpore ali zaščite v korist enega ali več posameznih podjetij ali gospodarskih panog, razen če jim tega ne dovoli Komisija z evropskim sklepom.

(2) Komisija na lastno pobudo ali na predlog države članice preuči prevoznine in pogoje iz prejšnjega odstavka, upoštevaje zlasti zahteve primerne regionalne ekonomske politike, potrebe nerazvitih regij in probleme regij, ki so zaradi političnih razmer resno prizadete, pa tudi učinke teh prevoznin in pogojev na konkurenco med vrstami prevoza.

Po posvetovanju z vsako zadevno državo članico Komisija sprejme potrebne evropske sklepe.

(3) Prepoved iz prvega odstavka tega člena se ne uporablja za tarife, določene zaradi konkurenčnosti.

ARTICLE III-241

1. The imposition by a Member State, in respect of transport operations carried out within the Union, of rates and conditions involving any element of support or protection in the interest of one or more particular undertakings or industries shall be prohibited, unless authorised by a European decision of the Commission.

2. The Commission, acting on its own initiative or on application by a Member State, shall examine the rates and conditions referred to in paragraph 1, taking account in particular of the requirements of an appropriate regional economic policy, the needs of underdeveloped areas and the problems of areas seriously affected by political circumstances on the one hand, and of the effects of such rates and conditions on competition between the different modes of transport on the other.

After consulting each Member State concerned, the Commission shall adopt the necessary European decisions.

3. The prohibition provided for in paragraph 1 shall not apply to tariffs fixed to meet competition.

III-242. ČLEN

Dajatve ali pristojbine, ki jih prevozniki zaračunajo poleg prevoznin pri prehodu meje, ne smejo presegati razumne meje, potem ko so bili upoštevani dejanski stroški, nastali ob prehodu meje.

Države članice si prizadevajo za zmanjšanje teh stroškov.

Komisija lahko naslovi na države članice priporočila glede uporabe tega člena.

ARTICLE III-242

Charges or dues in respect of the crossing of frontiers which are charged by a carrier in addition to the transport rates shall not exceed a reasonable level after taking the costs actually incurred thereby into account.

Member States shall endeavour to reduce these costs.

The Commission may make recommendations to Member States for the application of this Article.

III-243. ČLEN

Določbe tega oddelka ne izključujejo uporabe ukrepov, sprejetih v Zvezni republiki Nemčiji, če so ti ukrepi potrebni za nadomestilo gospodarske škode, ki jo je delitev Nemčije povzročila v gospodarstvu nekaterih območij Zvezne republike, prizadetih zaradi te delitve. Pet let po začetku veljavnosti Pogodbe o Ustavi za Evropo lahko Svet na predlog Komisije sprejme evropski sklep o razveljavitvi tega člena.

ARTICLE III-243

The provisions of this Section shall not form an obstacle to the application of measures taken in the Federal Republic of Germany to the extent that such measures are required in order to compensate for the economic disadvantages caused by the division of Germany to the economy of certain areas of the Federal Republic affected by that division. Five years after the entry into force of the Treaty establishing a Constitution for Europe, the Council, acting on a proposal from the Commission, may adopt a European decision repealing this Article.

III-244. ČLEN

Pri Komisiji se oblikuje svetovalni odbor, sestavljen iz strokovnjakov, ki jih imenujejo vlade držav članic. Če je to potrebno, se Komisija z njim posvetuje o vprašanjih prometa.

ARTICLE III-244

An Advisory Committee consisting of experts designated by the governments of the Member States shall be attached to the Commission. The Commission, whenever it considers it desirable, shall consult the Committee on transport matters.

III-245. ČLEN

(1) Ta oddelek se uporablja za prevoz v železniškem in cestnem prometu ter po celinskih plovnih poteh.

ARTICLE III-245

1. This Section shall apply to transport by rail, road and inland waterway.

(2) Z evropskimi zakoni ali okvirnimi zakoni se lahko določijo ustrezni ukrepi za pomorski in zračni promet. Sprejmejo se po posvetovanju z Odborom regij in Ekonomsko-socialnim odborom.

8. ODDELEK

VSEEVROPSKA OMREŽJA

III-246. ČLEN

(1) Da bi Unija pripomogla k doseganju ciljev iz III-130. in III-220. člena Ustave in da bi državljanom Unije, gospodarskim subjektom ter regionalnim in lokalnim skupnostim omogočila v celoti izkoristiti ugodnosti vzpostavitve območja brez notranjih meja, prispeva k vzpostavitvi in razvoju vseevropskih omrežij na področju prometne, telekomunikacijske in energetske infrastrukture.

(2) V okviru sistema odprtih in konkurenčnih trgov je dejavnost Unije namenjena pospeševanju medsebojnega povezovanja in medobratovalnosti nacionalnih omrežij, pa tudi dostopa do teh omrežij. Pri tem se zlasti upošteva potreba po povezavi otoških, neobalnih in obrobnih regij z osrednjimi regijami Unije.

III-247. ČLEN

(1) Da bi dosegla cilje iz prejšnjega člena Unija:

a) pripravi vrsto smernic, ki zajemajo cilje, prednostne naloge in splošno zasnovo ukrepov, predvidenih na področju vseevropskih omrežij; v teh smernicah se opredelijo projekti skupnega interesa;

b) izvaja ukrepe, za katere se izkaže, da so potrebni za zagotovitev medobratovalnosti omrežij, zlasti na področju usklajevanja tehničnih standardov;

c) lahko podpira projekte skupnega interesa, ki jih podpirajo države članice in ki so opredeljeni v okviru smernic iz točke a) tega odstavka, zlasti s študijami izvedljivosti, kreditnimi garancijami ali subvencioniranjem obrestnih mer; Unija lahko prek Kohezijskega sklada pomaga financirati tudi posebne projekte v državah članicah na področju prometne infrastrukture.

Unija pri svojih dejavnostih upošteva potencialno ekonomsko upravičenost projektov.

(2) Z evropskimi zakoni ali okvirnimi zakoni se določijo smernice in drugi ukrepi iz prejšnjega odstavka. Takšni zakoni se sprejmejo po posvetovanju z Odborom regij in Ekonomsko-socialnim odborom.

S smernicami in projekti skupnega interesa, ki se nanašajo na ozemlje ene od držav članic, se mora strinjati ta država članica.

(3) Države članice v povezavi s Komisijo med seboj usklajujejo svoje nacionalne politike, ki lahko pomembno vplivajo na doseganje ciljev iz III-144. člena Ustave. Komisija lahko v tesnem sodelovanju z državami članicami daje koristne pobude za pospeševanje takšnega usklajevanja.

(4) Unija se lahko odloči za sodelovanje s tretjimi državami, da bi podprla projekte skupnega interesa in zagotovila medobratovalnost omrežij.

9. ODDELEK

RAZISKAVE, TEHNOLOŠKI RAZVOJ IN VESOLJE

III-248. ČLEN

(1) Cilj dejavnosti Unije je okrepiti njene znanstvene in tehnološke temelje z oblikovanjem Evropskega raziskovalnega območja, v katerem raziskovalci, znanost in tehnologija prosto krožijo, in jo spodbujati, da postane bolj konkurenčna,vključno v njeni industriji, pri čemer Unija pospešuje vse raziskovalne dejavnosti, ki se štejejo za potrebne zaradi drugih poglavij Ustave.

2. European laws or framework laws may lay down appropriate measures for sea and air transport. They shall be adopted after consultation of the Committee of the Regions and the Economic and Social Committee.

SECTION 8

TRANS-EUROPEAN NETWORKS

ARTICLE III-246

1. To help achieve the objectives referred to in Articles III-130 and III-220 and to enable citizens of the Union, economic operators and regional and local communities to derive full benefit from the setting-up of an area without internal frontiers, the Union shall contribute to the establishment and development of trans-European networks in the areas of transport, telecommunications and energy infrastructures.

2. Within the framework of a system of open and competitive markets, action by the Union shall aim at promoting the interconnection and interoperability of national networks as well as access to such networks. It shall take account in particular of the need to link island, landlocked and peripheral regions with the central regions of the Union.

ARTICLE III-247

1. In order to achieve the objectives referred to in Article III-246, the Union:

(a) shall establish a series of guidelines covering the objectives, priorities and broad lines of measures envisaged in the sphere of trans-European networks; these guidelines shall identify projects of common interest;

(b) shall implement any measures that may prove necessary to ensure the interoperability of the networks, in particular in the field of technical standardisation;

(c) may support projects of common interest supported by Member States, which are identified in the framework of the guidelines referred to in point (a), particularly through feasibility studies, loan guarantees or interest-rate subsidies; the Union may also contribute, through the Cohesion Fund, to the financing of specific projects in Member States in the area of transport infrastructure.

The Union's activities shall take into account the potential economic viability of the projects.

2. European laws or framework laws shall establish the guidelines and other measures referred to in paragraph 1. Such laws shall be adopted after consultation of the Committee of the Regions and the Economic and Social Committee.

Guidelines and projects of common interest which relate to the territory of a Member State shall require the agreement of that Member State.

3. Member States shall, in liaison with the Commission, coordinate among themselves the policies pursued at national level which may have a significant impact on the achievement of the objectives referred to in Article III-246. The Commission may, in close cooperation with the Member States, take any useful initiative to promote such coordination.

4. The Union may cooperate with third countries to promote projects of mutual interest and to ensure the interoperability of networks.

SECTION 9

RESEARCH AND TECHNOLOGICAL DEVELOPMENT AND SPACE

ARTICLE III-248

1. The Union shall aim to strengthen its scientific and technological bases by achieving a European research area in which researchers, scientific knowledge and technology circulate freely, and encourage it to become more competitive, including in its industry, while promoting all the research activities deemed necessary by virtue of other Chapters of the Constitution.

(2) Za namene iz prejšnjega odstavka Unija na vsem svojem območju spodbuja podjetja, tudi mala in srednja, raziskovalne centre in univerze pri njihovih visokokakovostnih raziskovalnih in tehnološkorazvojnih dejavnostih. Podpira njihovo prizadevanje za medsebojno sodelovanje, pri čemer je njen glavni cilj omogočiti raziskovalcem, da svobodno sodelujejo prek meja in podjetjem, da izkoristijo možnosti notranjega trga, zlasti z odpiranjem nacionalnih trgov javnih naročil, z opredelitvijo skupnih standardov ter odpravljanjem pravnih in davčnih ovir za tako sodelovanje.

(3) Vse dejavnosti Unije na področju raziskav in tehnološkega razvoja, vključno z demonstracijskimi projekti, se izvajajo in se o njih odloča v skladu s tem oddelkom.

III-249. ČLEN

Pri uresničevanju ciljev iz prejšnjega člena Unija v dopolnilo dejavnostim, ki potekajo v državah članicah, izvaja naslednje dejavnosti:

a) izvajanje raziskovalnih, tehnološkorazvojnih in demonstracijskih programov s spodbujanjem sodelovanja s in med podjetji, raziskovalnimi centri in univerzami;

b) spodbujanje sodelovanja s tretjimi državami in z mednarodnimi organizacijami na raziskovalnem, tehnološkorazvojnem in demonstracijskem področju Unije;

c) razširjanje in optimizacija rezultatov raziskovalnih, tehnološkorazvojnih in demonstracijskih dejavnosti Unije;

d) spodbujanje usposabljanja in mobilnosti raziskovalcev v Uniji.

III-250. ČLEN

(1) Unija in države članice usklajujejo svoje raziskovalne in tehnološkorazvojne dejavnosti, da bi zagotovile skladnost med nacionalnimi politikami in politiko Unije.

(2) Komisija lahko v tesnem sodelovanju z državami članicami daje koristne pobude za pospeševanje usklajevanja iz prejšnjega odstavka, zlasti pobude, namenjene oblikovanju smernic in kazalcev, organizaciji izmenjave najboljše prakse ter pripravi elementov, potrebnih za periodično spremljanje in ocenjevanje. Evropski parlament je izčrpno obveščen.

III-251. ČLEN

(1) Z evropskimi zakoni se določi večletni okvirni program, s katerim se opredelijo vse dejavnosti, ki jih financira Unija. Takšni zakoni se sprejmejo po posvetovanju z Ekonomsko-socialnim odborom.

V okvirnem programu se:

a) opredelijo znanstveni in tehnološki cilji, ki naj bi jih dosegli z dejavnostmi iz III-249. člena Ustave, in določijo ustrezne prednostne naloge;

b) navedejo splošne usmeritve teh dejavnosti;

c) določijo najvišji skupni znesek in podrobna pravila finančne udeležbe Unije pri okvirnem programu ter ustrezni deleži za vsako od predvidenih dejavnosti.

(2) Večletni okvirni program se prilagodi ali dopolni glede na spremenjene okoliščine.

(3) Z evropskim zakonom Sveta se določijo posebni programi za izvajanje okvirnega večletnega programa znotraj posamezne dejavnosti. V vsakem posebnem programu so opredeljena podrobna pravila njegovega izvajanja, določeno je njegovo trajanje in predvidena potrebna sredstva. Vsota vseh potrebnih sredstev, določenih v posebnih programih, ne sme preseči najvišjega skupnega zneska, ki je določen za okvirni program in vsako dejavnost. Takšen zakon se sprejme po posvetovanju z Evropskim parlamentom in Ekonomsko-socialnim odborom.

2. For the purposes referred to in paragraph 1 the Union shall, throughout the Union, encourage undertakings, including small and medium-sized undertakings, research centres and universities in their research and technological development activities of high quality. It shall support their efforts to cooperate with one another, aiming, notably, at permitting researchers to cooperate freely across borders and at enabling undertakings to exploit the internal market potential, in particular through the opening-up of national public contracts, the definition of common standards and the removal of legal and fiscal obstacles to that cooperation.

3. All the Union's activities in the area of research and technological development, including demonstration projects, shall be decided on and implemented in accordance with this Section.

ARTICLE III-249

In pursuing the objectives referred to in Article III-248, the Union shall carry out the following activities, complementing the activities carried out in the Member States:

(a) implementation of research, technological development and demonstration programmes, by promoting cooperation with and between undertakings, research centres and universities;

(b) promotion of cooperation in the field of the Union's research, technological development and demonstration with third countries and international organisations;

(c) dissemination and optimisation of the results of activities in the Union's research, technological development and demonstration;

(d) stimulation of the training and mobility of researchers in the Union.

ARTICLE III-250

1. The Union and the Member States shall coordinate their research and technological development activities so as to ensure that national policies and the Union's policy are mutually consistent.

2. In close cooperation with the Member States, the Commission may take any useful initiative to promote the coordination referred to in paragraph 1, in particular initiatives aiming at the establishment of guidelines and indicators, the organisation of exchange of best practice, and the preparation of the necessary elements for periodic monitoring and evaluation. The European Parliament shall be kept fully informed.

ARTICLE III-251

1. European laws shall establish a multiannual framework programme, setting out all the activities financed by the Union. Such laws shall be adopted after consultation of the Economic and Social Committee.

The framework programme shall:

(a) establish the scientific and technological objectives to be achieved by the activities provided for in Article III-249 and lay down the relevant priorities;

(b) indicate the broad lines of such activities;

(c) lay down the maximum overall amount and the detailed rules for the Union's financial participation in the framework programme and the respective shares in each of the activities provided for.

2. The multiannual framework programme shall be adapted or supplemented as the situation changes.

3. A European law of the Council shall establish specific programmes to implement the multiannual framework programme within each activity. Each specific programme shall define the detailed rules for implementing it, fix its duration and provide for the means deemed necessary. The sum of the amounts deemed necessary, fixed in the specific programmes, shall not exceed the overall maximum amount fixed for the framework programme and each activity. Such a law shall be adopted after consulting the European Parliament and the Economic and Social Committee.

(4) Kot dopolnitev dejavnostim, načrtovanim v večletnem okvirnem programu, se z evropskim zakonom določijo potrebni ukrepi za vzpostavitev Evropskega raziskovalnega območja. Takšen zakon se sprejme po posvetovanju z Ekonomsko-socialnim odborom.

III-252. ČLEN

(1) Za izvajanje večletnega okvirnega programa se z evropskim zakonom ali okvirnim zakonom določijo:

a) pravila glede sodelovanja podjetij, raziskovalnih centrov in univerz;

b) pravila glede razširjanja rezultatov raziskav.

Takšni evropski zakoni ali okvirni zakoni se sprejmejo po posvetovanju z Ekonomsko-socialnim odborom.

(2) Pri izvajanju večletnega okvirnega programa se lahko z evropskimi zakoni določijo dopolnilni programi, pri katerih sodelujejo samo nekatere države članice, ki te programe ob morebitni udeležbi Unije tudi financirajo.

Takšni zakoni določijo pravila, ki veljajo za dopolnilne programe, zlasti glede razširjanja znanja in dostopa drugih držav članic. Sprejmejo se po posvetovanju z Ekonomsko-socialnim odborom in v dogovoru z zadevnimi državami članicami.

(3) Pri izvajanju večletnega okvirnega programa se lahko z evropskimi zakoni predvidi, v dogovoru z zadevnimi državami članicami, sodelovanje pri raziskovalnih in razvojnih programih več držav članic, tudi sodelovanje v strukturah, vzpostavljenih za izvajanje teh programov.

Takšni zakoni se sprejmejo po posvetovanju z Ekonomsko-socialnim odborom.

(4) Pri izvajanju večletnega okvirnega programa lahko Unija predvidi sodelovanje s tretjimi državami ali mednarodnimi organizacijami na raziskovalnem, tehnološkorazvojnem in demonstracijskem področju Unije.

O podrobnostih takega sodelovanja se lahko med Unijo in zadevnimi tretjimi osebami sklenejo sporazumi.

III-253. ČLEN

Svet lahko na predlog Komisije sprejme evropske uredbe ali sklepe, s katerimi ustanovi skupna podjetja ali kakršno koli drugo strukturo, potrebno za učinkovito izvajanje raziskovalnih, tehnološkorazvojnih in demonstracijskih programov Unije. Odloča po posvetovanju z Evropskim parlamentom in Ekonomsko-socialnim odborom.

III-254. člen

(1) Za pospeševanje znanstvenega in tehničnega napredka, industrijske konkurenčnosti in izvajanje svojih politik Unija oblikuje evropsko politiko o vesolju. V ta namen lahko spodbuja skupne pobude, podpira raziskave in tehnološki razvoj ter usklajuje prizadevanja, potrebna za raziskovanje in izkoriščanje vesolja.

(2) Da bi prispevali k doseganju ciljev iz prejšnjega odstavka, se z evropskimi zakoni ali okvirnimi zakoni določijo potrebni ukrepi, ki so lahko v obliki evropskega vesoljskega programa.

(3) Unija vzpostavi ustrezne odnose z Evropsko vesoljsko agencijo.

III-255. ČLEN

Komisija na začetku vsakega leta pošlje Evropskemu parlamentu in Svetu poročilo. Poročilo zajema informacije o dejavnostih, povezanih z raziskavami, tehnološkim razvojem in o razširjanju njihovih rezultatov v predhodnem letu, pa tudi delovni program za tekoče leto.

4. As a complement to the activities planned in the multiannual framework programme, European laws shall establish the measures necessary for the implementation of the European research area. Such laws shall be adopted after consulting the Economic and Social Committee.

ARTICLE III-252

1. For the implementation of the multiannual framework programme, European laws or framework laws shall establish:

(a) the rules for the participation of undertakings, research centres and universities;

(b) the rules governing the dissemination of research results.

Such European laws or framework laws shall be adopted after consultation of the Economic and Social Committee.

2. In implementing the multiannual framework programme, European laws may establish supplementary programmes involving the participation of certain Member States only, which shall finance them subject to possible participation by the Union.

Such European laws shall determine the rules applicable to supplementary programmes, particularly as regards the dissemination of knowledge as well as access by other Member States. They shall be adopted after consultation of the Economic and Social Committee and with the agreement of the Member States concerned.

3. In implementing the multiannual framework programme, European laws may make provision, in agreement with the Member States concerned, for participation in research and development programmes undertaken by several Member States, including participation in the structures created for the execution of those programmes.

Such European laws shall be adopted after consultation of the Economic and Social Committee.

4. In implementing the multiannual framework programme the Union may make provision for cooperation in the Union's research, technological development and demonstration with third countries or international organisations.

The detailed arrangements for such cooperation may be the subject of agreements between the Union and the third parties concerned.

ARTICLE III-253

The Council, on a proposal from the Commission, may adopt European regulations or decisions to set up joint undertakings or any other structure necessary for the efficient execution of the Union's research, technological development and demonstration programmes. It shall act after consulting the European Parliament and the Economic and Social Committee.

ARTICLE III-254

1. To promote scientific and technical progress, industrial competitiveness and the implementation of its policies, the Union shall draw up a European space policy. To this end, it may promote joint initiatives, support research and technological development and coordinate the efforts needed for the exploration and exploitation of space.

2. To contribute to attaining the objectives referred to in paragraph 1, European laws or framework laws shall establish the necessary measures, which may take the form of a European space programme.

3. The Union shall establish any appropriate relations with the European Space Agency.

ARTICLE III-255

At the beginning of each year the Commission shall send a report to the European Parliament and the Council. The report shall include information on activities relating to research, technological development and the dissemination of results during the previous year, and the work programme for the current year.

10. ODDELEK

ENERGETIKA

III-256. ČLEN

(1) Pri vzpostavitvi in delovanju notranjega trga in ob upoštevanju potrebe po ohranitvi in izboljšanju okolja, so cilji energetske politike Unije:

a) zagotoviti delovanje trga energetike;
b) zagotoviti zanesljivost oskrbe z energijo v Uniji, in
c) pospeševati energetsko učinkovitost in varčevanje z energijo ter razvijanje novih in obnovljivih oblik energije.

(2) Ne glede na uporabo drugih določb Ustave, se cilji iz prejšnjega odstavka dosegajo z ukrepi, določenimi z evropskimi zakoni ali okvirnimi zakoni. Takšni zakoni ali okvirni zakoni se sprejmejo po posvetovanju z Odborom regij in Ekonomsko-socialnim odborom.

Takšni zakoni ali okvirni zakoni ne vplivajo na pravico držav članic, da določijo pogoje za izkoriščanje svojih energetskih virov, na izbiro med različnimi viri energije in na splošno strukturo njihove oskrbe z energijo, ne glede na točko c) drugega odstavka III-234. člena Ustave.

(3) Z evropskim zakonom ali okvirnim zakonom Sveta se ne glede na prejšnji odstavek določijo ukrepi, ki so v njih predvideni, zlasti kadar so davčne narave. Svet odloča soglasno po posvetovanju z Evropskim parlamentom.

SECTION 10

ENERGY

ARTICLE III-256

1. In the context of the establishment and functioning of the internal market and with regard for the need to preserve and improve the environment, Union policy on energy shall aim to:

(a) ensure the functioning of the energy market;
(b) ensure security of energy supply in the Union, and
(c) promote energy efficiency and energy saving and the development of new and renewable forms of energy.

2. Without prejudice to the application of other provisions of the Constitution, the objectives in paragraph 1 shall be achieved by measures enacted in European laws or framework laws. Such laws or framework laws shall be adopted after consultation of the Committee of the Regions and the Economic and Social Committee.

Such European laws or framework laws shall not affect a Member State's right to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply, without prejudice to Article III-234(2)(c).

3. By way of derogation from paragraph 2, a European law or framework law of the Council shall establish the measures referred to therein when they are primarily of a fiscal nature. The Council shall act unanimously after consulting the European Parliament.

IV. POGLAVJE

OBMOČJE SVOBODE, VARNOSTI IN PRAVICE

1. ODDELEK

SPLOŠNE DOLOČBE

III-257. ČLEN

(1) Unija vzpostavi območje svobode, varnosti in pravice ob spoštovanju temeljnih pravic in različnih pravnih izročil in sistemov držav članic.

(2) Unija zagotovi, da se osebe pri prehajanju notranjih meja ne preverjajo, in oblikuje skupno politiko o azilu, priseljevanju in nadzoru zunanjih meja na podlagi solidarnosti med državami članicami in ki je pravična do državljanov tretjih držav. V tem poglavju se osebe brez državljanstva obravnavajo enako kakor državljani tretjih držav.

(3) Unija si prizadeva zagotoviti visoko raven varnosti z ukrepi za preprečevanje kriminala, rasizma in ksenofobije in bojem proti njima, in z ukrepi za uskladitev in sodelovanje med policijskimi in pravosodnimi ter drugimi pristojnimi organi, kakor tudi z vzajemnim priznavanjem sodb v kazenskih zadevah in, po potrebi, približevanjem kazenskih zakonodaj.

(4) Unija olajšuje dostop do sodnega varstva, zlasti z načelom vzajemnega priznavanja sodnih in zunajsodnih odločb v civilnih zadevah.

III-258. ČLEN

Evropski svet določi strateške smernice za zakonodajno in operativno načrtovanje na območju svobode, varnosti in pravice.

III-259. ČLEN

Nacionalni parlamenti zagotovijo, da se v predlogih in zakonodajnih pobudah, predloženih v skladu s 4. in 5. oddelkom tega poglavja upošteva načelo subsidiarnosti v skladu s Protokolom o uporabi načel subsidiarnosti in sorazmernosti.

CHAPTER IV

AREA OF FREEDOM, SECURITY AND JUSTICE

SECTION 1

GENERAL PROVISIONS

ARTICLE III-257

1. The Union shall constitute an area of freedom, security and justice with respect for fundamental rights and the different legal systems and traditions of the Member States.

2. It shall ensure the absence of internal border controls for persons and shall frame a common policy on asylum, immigration and external border control, based on solidarity between Member States, which is fair towards third-country nationals. For the purpose of this Chapter, stateless persons shall be treated as third-country nationals.

3. The Union shall endeavour to ensure a high level of security through measures to prevent and combat crime, racism and xenophobia, and through measures for coordination and cooperation between police and judicial authorities and other competent authorities, as well as through the mutual recognition of judgments in criminal matters and, if necessary, through the approximation of criminal laws.

4. The Union shall facilitate access to justice, in particular through the principle of mutual recognition of judicial and extrajudicial decisions in civil matters.

ARTICLE III-258

The European Council shall define the strategic guidelines for legislative and operational planning within the area of freedom, security and justice.

ARTICLE III-259

National Parliaments shall ensure that the proposals and legislative initiatives submitted under Sections 4 and 5 of this Chapter comply with the principle of subsidiarity, in accordance with the arrangements laid down by the Protocol on the application of the principles of subsidiarity and proportionality.

III-260. ČLEN

Ne glede na III-360. do III-362. člen Ustave lahko Svet na predlog Komisije sprejme evropske uredbe ali sklepe, ki določajo podrobnosti po katerih države članice v sodelovanju s Komisijo opravljajo objektivno in nepristransko ocenjevanje izvajanja politik Unije iz tega poglavja s strani organov držav članic, zlasti zaradi olajšanja polne uporabe načela vzajemnega priznavanja. Evropski parlament in nacionalni parlamenti so obveščeni o vsebini in rezultatih ocenjevanja.

III-261. ČLEN

V okviru Sveta se ustanovi stalni odbor, da znotraj Unije zagotovi pospeševanje in krepitev operativnega sodelovanja na področju notranje varnosti. Ne glede na III-344. člen Ustave olajša usklajevanje ukrepov pristojnih organov držav članic. Pri delu tega odbora lahko sodelujejo predstavniki zadevnih organov, uradov in agencij Unije. Evropski parlament in nacionalni parlamenti so obveščeni glede tega dela.

III-262. ČLEN

To poglavje ne vpliva na izpolnjevanje obveznosti, ki jih imajo države članice glede vzdrževanja javnega reda in miru ter zagotavljanja notranje varnosti.

III-263. ČLEN

Svet sprejme evropske uredbe, s katerimi zagotovi upravno sodelovanje med pristojnimi službami držav članic na področjih, ki so zajeta v tem poglavju, kakor tudi med temi službami in Komisijo. Odloča na predlog Komisije, ob upoštevanju III-264. člena Ustave in po posvetovanju z Evropskim parlamentom.

III-264. ČLEN

Akti iz 4. in 5. oddelka tega poglavja, skupaj z evropskimi uredbami iz prejšnjega člena, ki zagotavljajo upravno sodelovanje na področjih, ki so zajeta v navedenih oddelkih, se sprejmejo:

a) na predlog Komisije, ali

b) na pobudo četrtine držav članic.

2. ODDELEK

POLITIKA GLEDE MEJNE KONTROLE, AZILA IN PRISELJEVANJA

III-265. ČLEN

(1) Unija oblikuje politiko, da bi:

a) zagotovila, da se osebe, ne glede na državljanstvo, pri prehajanju notranjih meja ne preverjajo;

b) se izvajala preverjanja oseb in učinkovit nadzor pri prehajanju zunanjih meja;

c) se postopno uvedel integriran sistem upravljanja zunanjih meja.

(2) Za namene iz prejšnjega odstavka se z evropskimi zakoni ali okvirnimi zakoni določijo ukrepi glede:

a) skupne politike vizumov in drugih dovoljenj za krajše bivanje;

b) preverjanja oseb pri prehodu zunanjih meja;

c) pogojev za svobodno potovanje državljanov tretjih držav znotraj Unije za krajše obdobje;

d) vseh ukrepov, potrebnih za postopno uvedbo integriranega sistema upravljanja zunanjih meja;

e) odprave preverjanj oseb pri prehajanju notranjih meja.

ARTICLE III-260

Without prejudice to Articles III-360 to III-362, the Council may, on a proposal from the Commission, adopt European regulations or decisions laying down the arrangements whereby Member States, in collaboration with the Commission, conduct objective and impartial evaluation of the implementation of the Union policies referred to in this Chapter by Member States' authorities, in particular in order to facilitate full application of the principle of mutual recognition. The European Parliament and national Parliaments shall be informed of the content and results of the evaluation.

ARTICLE III-261

A standing committee shall be set up within the Council in order to ensure that operational cooperation on internal security is promoted and strengthened within the Union. Without prejudice to Article III-344, it shall facilitate coordination of the action of Member States' competent authorities. Representatives of the Union bodies, offices and agencies concerned may be involved in the proceedings of this committee. The European Parliament and national Parliaments shall be kept informed of the proceedings.

ARTICLE III-262

This Chapter shall not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security.

ARTICLE III-263

The Council shall adopt European regulations to ensure administrative cooperation between the relevant departments of the Member States in the areas covered by this Chapter, as well as between those departments and the Commission. It shall act on a Commission proposal, subject to Article III-264, and after consulting the European Parliament.

ARTICLE III-264

The acts referred to in Sections 4 and 5, together with the European regulations referred to in Article III-263 which ensure administrative cooperation in the areas covered by these Sections, shall be adopted:

(a) on a proposal from the Commission, or

(b) on the initiative of a quarter of the Member States.

SECTION 2

POLICIES ON BORDER CHECKS, ASYLUM AND IMMIGRATION

ARTICLE III-265

1. The Union shall develop a policy with a view to:

(a) ensuring the absence of any controls on persons, whatever their nationality, when crossing internal borders;

(b) carrying out checks on persons and efficient monitoring of the crossing of external borders;

(c) the gradual introduction of an integrated management system for external borders.

2. For the purposes of paragraph 1, European laws or framework laws shall establish measures concerning:

(a) the common policy on visas and other short-stay residence permits;

(b) the checks to which persons crossing external borders are subject;

(c) the conditions under which nationals of third countries shall have the freedom to travel within the Union for a short period;

(d) any measure necessary for the gradual establishment of an integrated management system for external borders;

(e) the absence of any controls on persons, whatever their nationality, when crossing internal borders.

(3) Ta člen ne vpliva na pristojnost držav članic glede ozemeljske razmejitve njihovih meja v skladu z mednarodnim pravom.

III-266. ČLEN

(1) Unija oblikuje skupno politiko o azilu, subsidiarni zaščiti in začasni zaščiti z namenom ponuditi ustrezen status vsem državljanom tretjih držav, ki prosijo za mednarodno zaščito in zagotoviti skladnost z načelom nevračanja. Ta politika mora biti v skladu z Ženevsko konvencijo z dne 28. julija 1951 in Protokolom z dne 31. januarja 1967 o statusu beguncev in drugimi ustreznimi pogodbami.

(2) Za namene prejšnjega odstavka se z evropskimi zakoni ali okvirnimi zakoni določijo ukrepi za skupen evropski azilni sistem, ki zajema:

a) enoten status azila za državljane tretjih držav, ki velja v celotni Uniji;

b) enoten status subsidiarne zaščite za državljane tretjih držav, ki brez pridobitve evropskega azila potrebujejo mednarodno zaščito;

c) skupen sistem začasne zaščite razseljenih oseb v primeru množičnega dotoka;

d) skupne postopke za dodelitev ali odvzem statusa enotnega azila ali subsidiarne zaščite;

e) merila in mehanizme za določitev države članice, odgovorne za preverjanje prošenj za azil ali subsidiarno zaščito;

f) standarde glede pogojev za sprejem prosilcev za azil ali subsidiarno zaščito;

g) partnerstvo in sodelovanje s tretjimi državami za obvladovanje dotoka oseb, ki prosijo za azil ali subsidiarno ali začasno zaščito.

(3) V primeru izrednih razmer v eni ali več državah članicah zaradi nenadnega dotoka državljanov iz tretjih držav lahko Svet na predlog Komisije sprejme evropske uredbe ali sklepe, ki vsebujejo začasne ukrepe v korist zadevnih držav članic. Svet odloča po posvetovanju z Evropskim parlamentom.

III-267. ČLEN

(1) Unija oblikuje skupno politiko priseljevanja, s katero v vseh fazah zagotovi učinkovito upravljanje migracijskega dotoka, pravično obravnavo državljanov tretjih držav, ki zakonito prebivajo v državi članici in preprečevanje nezakonitega priseljevanja in trgovine z ljudmi ter okrepljene ukrepe za boj proti temu.

(2) Za namene iz prejšnjega odstavka se z evropskimi zakoni ali okvirnimi zakoni določijo ukrepi na naslednjih področjih:

a) pogoji vstopa in prebivanja ter standardi glede postopkov držav članic za izdajo vizumov in dovoljenj za prebivanje za daljši čas, tudi tistih zaradi združitve družine;

b) opredelitev pravic državljanov tretjih držav, ki zakonito prebivajo v državi članici, in pogojev, ki urejajo svobodo gibanja in prebivanja v drugih državah članicah;

c) nezakonito priseljevanje in nedovoljeno prebivanje, tudi odstranitev in vračanje oseb, ki prebivajo brez dovoljenja;

d) boj proti trgovini z ljudmi, zlasti ženskami in otroki.

(3) Unija lahko s tretjimi državami sklene sporazume o ponovnem sprejemu državljanov tretjih držav, ki ne izpolnjujejo ali ne izpolnjujejo več pogojev za vstop, prisotnost ali bivanje na ozemlju ene od držav članic, v njihovo državo izvora ali porekla.

3. This Article shall not affect the competence of the Member States concerning the geographical demarcation of their borders, in accordance with international law.

ARTICLE III-266

1. The Union shall develop a common policy on asylum, subsidiary protection and temporary protection with a view to offering appropriate status to any third-country national requiring international protection and ensuring compliance with the principle of non-refoulement. This policy must be in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties.

2. For the purposes of paragraph 1, European laws or framework laws shall lay down measures for a common European asylum system comprising:

(a) a uniform status of asylum for nationals of third countries, valid throughout the Union;

(b) a uniform status of subsidiary protection for nationals of third countries who, without obtaining European asylum, are in need of international protection;

(c) a common system of temporary protection for displaced persons in the event of a massive inflow;

(d) common procedures for the granting and withdrawing of uniform asylum or subsidiary protection status;

(e) criteria and mechanisms for determining which Member State is responsible for considering an application for asylum or subsidiary protection;

(f) standards concerning the conditions for the reception of applicants for asylum or subsidiary protection;

(g) partnership and cooperation with third countries for the purpose of managing inflows of people applying for asylum or subsidiary or temporary protection.

3. In the event of one or more Member States being confronted by an emergency situation characterised by a sudden inflow of nationals of third countries, the Council, on a proposal from the Commission, may adopt European regulations or decisions comprising provisional measures for the benefit of the Member State(s) concerned. It shall act after consulting the European Parliament.

ARTICLE III-267

1. The Union shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings.

2. For the purposes of paragraph 1, European laws or framework laws shall establish measures in the following areas:

(a) the conditions of entry and residence, and standards on the issue by Member States of long-term visas and residence permits, including those for the purpose of family reunion;

(b) the definition of the rights of third-country nationals residing legally in a Member State, including the conditions governing freedom of movement and of residence in other Member States;

(c) illegal immigration and unauthorised residence, including removal and repatriation of persons residing without authorisation;

(d) combating trafficking in persons, in particular women and children.

3. The Union may conclude agreements with third countries for the readmission to their countries of origin or provenance of third-country nationals who do not or who no longer fulfil the conditions for entry, presence or residence in the territory of one of the Member States.

(4) Z evropskimi zakoni ali okvirnimi zakoni se lahko določijo ukrepi, s katerimi se omogočijo spodbude in podpora dejavnostim držav članic zaradi pospeševanja vključevanja državljanov tretjih držav, ki zakonito prebivajo na njihovem ozemlju, pri čemer je izključeno kakršno koli usklajevanje zakonov in upravnih predpisov držav članic.

(5) Ta člen ne vpliva na pravice držav članic, da določijo obseg sprejema državljanov tretjih držav, ki iz tretjih držav prihajajo na njeno ozemlje, da bi si poiskali delo, bodisi kot zaposleni ali samozaposleni.

III-268. ČLEN

Za politike Unije iz tega oddelka in njihovo izvajanje velja načelo solidarnosti in pravične delitve odgovornosti med državami članicami, vključno s finančnim področjem. Kadar koli je to potrebno, vsebujejo akti Unije, sprejeti v skladu s tem oddelkom, ustrezne ukrepe za uveljavitev tega načela.

3. ODDELEK

PRAVOSODNO SODELOVANJE V CIVILNIH ZADEVAH

III-269. ČLEN

(1) Unija razvija pravosodno sodelovanje v civilnih zadevah s čezmejnimi posledicami, ki temelji na načelu vzajemnega priznavanja sodb in odločb v zunajsodnih zadevah. Takšno sodelovanje lahko vključuje sprejetje ukrepov za približevanje zakonov in upravnih predpisov držav članic.

(2) Za namene iz prejšnjega odstavka se z evropskimi zakoni ali okvirnimi zakoni določijo ukrepi, zlasti kadar so potrebni za pravilno delovanje notranjega trga, katerih cilj je med drugim zagotoviti:

a) vzajemno priznavanje in izvrševanje sodb in odločb v zunajsodnih zadevah med državami članicami;

b) čezmejno vročitev sodnih in zunajsodnih listin;

c) skladnost predpisov, ki se uporabljajo v državah članicah glede kolizije zakonov in sporov o pristojnosti;

d) sodelovanje pri pridobivanju dokazov;

e) učinkovit dostop do sodnega varstva;

f) odpravo ovir za nemoten potek civilnih postopkov, po potrebi s spodbujanjem združljivosti predpisov o civilnih postopkih, ki veljajo v državah članicah;

g) oblikovanje alternativnih načinov reševanja sporov;

h) pomoč pri usposabljanju sodnikov in zaposlenih na sodiščih.

(3) Ne glede na prejšnji odstavek se ukrepi, ki zadevajo družinsko pravo s čezmejnimi posledicami, določijo z evropskim zakonom ali okvirnim zakonom, ki ga sprejme Svet. Svet odloča soglasno po posvetovanju z Evropskim parlamentom.

Svet lahko na predlog Komisije sprejme evropski sklep za opredelitev tistih vidikov družinskega prava s čezmejnimi posledicami, ki so lahko predmet aktov, sprejetih po rednem zakonodajnem postopku. Svet odloča soglasno po posvetovanju z Evropskim parlamentom.

4. ODDELEK

PRAVOSODNO SODELOVANJE V KAZENSKIH ZADEVAH

III-270. ČLEN

(1) Pravosodno sodelovanje v kazenskih zadevah v Uniji temelji na načelu vzajemnega priznavanja sodb in sodnih odločb in vključuje približevanje zakonov in upravnih predpisov držav članic na področjih, navedenih v drugem odstavku tega člena in v III- 271. členu Ustave.

4. European laws or framework laws may establish measures to provide incentives and support for the action of Member States with a view to promoting the integration of third-country nationals residing legally in their territories, excluding any harmonisation of the laws and regulations of the Member States.

5. This Article shall not affect the right of Member States to determine volumes of admission of third-country nationals coming from third countries to their territory in order to seek work, whether employed or self-employed.

ARTICLE III-268

The policies of the Union set out in this Section and their implementation shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. Whenever necessary, the Union acts adopted pursuant to this Section shall contain appropriate measures to give effect to this principle.

SECTION 3

JUDICIAL COOPERATION IN CIVIL MATTERS

ARTICLE III-269

1. The Union shall develop judicial cooperation in civil matters having cross-border implications, based on the principle of mutual recognition of judgments and decisions in extrajudicial cases. Such cooperation may include the adoption of measures for the approximation of the laws and regulations of the Member States.

2. For the purposes of paragraph 1, European laws or framework laws shall establish measures, particularly when necessary for the proper functioning of the internal market, aimed at ensuring:

(a) the mutual recognition and enforcement between Member States of judgments and decisions in extrajudicial cases;

(b) the cross-border service of judicial and extrajudicial documents;

(c) the compatibility of the rules applicable in the Member States concerning conflict of laws and of jurisdiction;

(d) cooperation in the taking of evidence;

(e) effective access to justice;

(f) the elimination of obstacles to the proper functioning of civil proceedings, if necessary by promoting the compatibility of the rules on civil procedure applicable in the Member States;

(g) the development of alternative methods of dispute settlement;

(h) support for the training of the judiciary and judicial staff.

3. Notwithstanding paragraph 2, a European law or framework law of the Council shall establish measures concerning family law with cross-border implications. The Council shall act unanimously after consulting the European Parliament.

The Council, on a proposal from the Commission, may adopt a European decision determining those aspects of family law with cross-border implications which may be the subject of acts adopted by the ordinary legislative procedure. The Council shall act unanimously after consulting the European Parliament.

SECTION 4

JUDICIAL COOPERATION IN CRIMINAL MATTERS

ARTICLE III-270

1. Judicial cooperation in criminal matters in the Union shall be based on the principle of mutual recognition of judgments and judicial decisions and shall include the approximation of the laws and regulations of the Member States in the areas referred to in paragraph 2 and in Article III-271.

Z evropskimi zakoni ali okvirnimi zakoni se določijo ukrepi za:

a) določitev pravil in postopkov za zagotovitev priznavanja vseh oblik sodb in sodnih odločb v celotni Uniji;

b) preprečevanje in reševanje sporov o pristojnosti med državami članicami;

c) spodbujanje usposabljanja sodnikov in zaposlenih na sodiščih;

d) olajševanje sodelovanja med sodnimi ali drugimi ustreznimi organi držav članic pri kazenskih postopkih in izvrševanju odločb.

(2) Z evropskim okvirnim zakonom se lahko določijo minimalna potrebna pravila za lažje vzajemno priznavanje sodb in sodnih odločb ter policijsko in pravosodno sodelovanje v kazenskih zadevah s čezmejnimi posledicami. V teh pravilih se upoštevajo razlike med pravnimi izročili in sistemi držav članic.

Pravila se nanašajo na:

a) vzajemno dopustnost dokazov med državami članicami;

b) pravice posameznikov v kazenskem postopku;

c) pravice žrtev kaznivega dejanja;

d) druge posebne vidike kazenskega postopka, ki jih je Svet predhodno opredelil v evropskem sklepu; za sprejem tega sklepa Svet odloča soglasno po pridobitvi odobritve Evropskega parlamenta.

Sprejem minimalnih pravil iz tega odstavka državam članicam ne preprečuje, da ohranijo ali uvedejo višjo raven zaščite posameznikov.

(3) Kadar član Sveta meni, da osnutek evropskega okvirnega zakona iz prejšnjega odstavka krši temeljna načela njegovega pravnega sistema, lahko zahteva, da se osnutek okvirnega zakona predloži Evropskemu svetu. V tem primeru se postopek iz III-396. člena Ustave začasno prekine. Po razpravi Evropski svet v štirih mesecih od te začasne prekinitve bodisi:

a) vrne osnutek Svetu in se s tem začasna prekinitev postopka iz III-396. člena Ustave konča, ali

b) od Komisije ali skupine držav članic, ki so predlagale osnutek, zahteva, da predložijo nov osnutek; v tem primeru se šteje, da prvotno predlagani akt ni bil sprejet.

(4) Če Evropski svet do konca obdobja iz prejšnjega odstavka ni ukrepal ali če v 12 mesecih od predložitve novega osnutka v skladu s točko b) prejšnjega odstavka evropski okvirni zakon ni bil sprejet in želi najmanj tretjina držav članic med seboj vzpostaviti okrepljeno sodelovanje na podlagi zadevnega osnutka okvirnega zakona, te o tem uradno obvestijo Evropski parlament, Svet in Komisijo.

V takem primeru se šteje, da je pooblastilo za nadaljevanje okrepljenega sodelovanja iz drugega odstavka I-44. člena in prvega odstavka III-419. člena Ustave dano, in se uporabljajo določbe o okrepljenem sodelovanju.

III-271. ČLEN

(1) Z evropskimi okvirnimi zakoni se lahko določijo minimalna pravila glede opredelitve kaznivih dejanj in kazni na področju posebno hudih oblik kaznivih dejanj s čezmejnimi posledicami zaradi narave ali učinkov teh dejanj ali zaradi posebne potrebe po skupnem boju proti njim.

Ta področja kriminala so: terorizem, trgovina z ljudmi in spolna zloraba žensk in otrok, nedovoljen promet s prepovedanimi drogami in orožjem, pranje denarja, korupcija, ponarejanje plačilnih sredstev, računalniški kriminal in organizirani kriminal.

European laws or framework laws shall establish measures to:

(a) lay down rules and procedures for ensuring recognition throughout the Union of all forms of judgments and judicial decisions;

(b) prevent and settle conflicts of jurisdiction between Member States;

(c) support the training of the judiciary and judicial staff;

(d) facilitate cooperation between judicial or equivalent authorities of the Member States in relation to proceedings in criminal matters and the enforcement of decisions.

2. To the extent necessary to facilitate mutual recognition of judgments and judicial decisions and police and judicial cooperation in criminal matters having a cross-border dimension, European framework laws may establish minimum rules. Such rules shall take into account the differences between the legal traditions and systems of the Member States.

They shall concern:

(a) mutual admissibility of evidence between Member States;

(b) the rights of individuals in criminal procedure;

(c) the rights of victims of crime;

(d) any other specific aspects of criminal procedure which the Council has identified in advance by a European decision; for the adoption of such a decision, the Council shall act unanimously after obtaining the consent of the European Parliament.

Adoption of the minimum rules referred to in this paragraph shall not prevent Member States from maintaining or introducing a higher level of protection for individuals.

3. Where a member of the Council considers that a draft European framework law as referred to in paragraph 2 would affect fundamental aspects of its criminal justice system, it may request that the draft framework law be referred to the European Council. In that case, the procedure referred to in Article III-396 shall be suspended. After discussion, the European Council shall, within four months of this suspension, either:

(a) refer the draft back to the Council, which shall terminate the suspension of the procedure referred to in Article III-396, or

(b) request the Commission or the group of Member States from which the draft originates to submit a new draft; in that case, the act originally proposed shall be deemed not to have been adopted.

4. If, by the end of the period referred to in paragraph 3, either no action has been taken by the European Council or if, within 12 months from the submission of a new draft under paragraph 3(b), the European framework law has not been adopted, and at least one third of the Member States wish to establish enhanced cooperation on the basis of the draft framework law concerned, they shall notify the European Parliament, the Council and the Commission accordingly.

In such a case, the authorisation to proceed with enhanced cooperation referred to in Articles I-44(2) and III-419(1) shall be deemed to be granted and the provisions on enhanced cooperation shall apply.

ARTICLE III-271

1. European framework laws may establish minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension resulting from the nature or impact of such offences or from a special need to combat them on a common basis.

These areas of crime are the following: terrorism, trafficking in human beings and sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime and organised crime.

Glede na razvoj kriminala lahko Svet sprejme evropski sklep, s katerim opredeli druga področja kriminala, ki ustrezajo merilom iz tega odstavka. Odloča soglasno po pridobitvi odobritve Evropskega parlamenta.

(2) Če se izkaže, da je približevanje določb kazenske zakonodaje držav članic nujno zaradi zagotovitve učinkovitega izvajanja politike Unije na področju, za katerega veljajo usklajevalni ukrepi, se lahko z evropskimi okvirnimi zakoni določijo minimalna pravila glede opredelitve kaznivih dejanj in kazni na zadevnem področju. Takšni okvirni zakoni se sprejmejo po enakem postopku, po katerem so bili sprejeti zadevni usklajevalni ukrepi, ne glede na III-264. člen Ustave.

(3) Kadar član Sveta meni, da bi osnutek evropskega okvirnega zakona iz prvega ali drugega odstavka tega člena lahko kršil temeljna načela njegovega kazenskega pravnega sistema, lahko zahteva, da se osnutek okvirnega zakona predloži Evropskemu svetu. Če se uporablja postopek iz III-396. člena Ustave, se v tem primeru postopek začasno prekine. Po razpravi Evropski svet v štirih mesecih od te začasne prekinitve bodisi:

a) vrne osnutek Svetu, ki konča začasno prekinitev postopka iz III-396. člena Ustave, če se uporablja, ali

b) od Komisije ali skupine držav članic, ki so predlagale osnutek okvirnega zakona, zahteva, da predložijo nov osnutek; v tem primeru se šteje, da prvotno predlagani akt ni bil sprejet.

(4) Če Evropski svet do konca obdobja iz prejšnjega odstavka ni ukrepal ali če v 12 mesecih od predložitve novega osnutka v skladu s točko b) prejšnjega odstavka evropski okvirni zakon ni bil sprejet in želi najmanj tretjina držav članic med seboj vzpostaviti okrepljeno sodelovanje na podlagi zadevnega osnutka okvirnega zakona, te o tem uradno obvestijo Evropski parlament, Svet in Komisijo.

V takem primeru se šteje, da je pooblastilo za nadaljevanje okrepljenega sodelovanja iz drugega odstavka I-44. člena in prvega odstavka III-419. člena Ustave dano, in se uporabljajo določbe o okrepljenem sodelovanju.

III-272. ČLEN

Z evropskimi zakoni ali okvirnimi zakoni se lahko določijo ukrepi za spodbujanje in podporo dejanjem držav članic na področju preprečevanja kriminala, in ne vključujejo usklajevanja določb zakonov in upravnih predpisov držav članic.

III-273. ČLEN

(1) Naloga Eurojusta je podpirati in krepiti koordinacijo in sodelovanje med nacionalnimi organi, pristojnimi za preiskave in pregon hudih oblik kriminala, ki se nanašajo na dve ali več držav članic, ali terjajo skupni pregon, na podlagi postopkov, ki jih izvajajo in informacij, ki jih posredujejo organi držav članic in Europol.

V tej zvezi se z evropskimi zakoni določi struktura, delovanje, področje ukrepanja in naloge Eurojusta. Te naloge lahko zajemajo:

a) uvedbo kazenskih preiskav, kakor tudi predlog uvedbe pregona, ki ga izvajajo pristojni nacionalni organi, zlasti v primeru kršitev zoper finančne interese Unije;

b) koordinacijo preiskav in pregona iz prejšnje točke;

c) krepitev pravosodnega sodelovanja, skupaj z reševanjem sporov o pristojnosti in v tesnem sodelovanju z Evropsko pravosodno mrežo.

S temi zakoni se določijo tudi podrobnosti glede sodelovanja Evropskega parlamenta in nacionalnih parlamentov držav članic pri ocenjevanju dejavnosti Eurojusta.

On the basis of developments in crime, the Council may adopt a European decision identifying other areas of crime that meet the criteria specified in this paragraph. It shall act unanimously after obtaining the consent of the European Parliament.

2. If the approximation of criminal laws and regulations of the Member States proves essential to ensure the effective implementation of a Union policy in an area which has been subject to harmonisation measures, European framework laws may establish minimum rules with regard to the definition of criminal offences and sanctions in the area concerned. Such framework laws shall be adopted by the same procedure as was followed for the adoption of the harmonisation measures in question, without prejudice to Article III-264.

3. Where a member of the Council considers that a draft European framework law as referred to in paragraph 1 or 2 would affect fundamental aspects of its criminal justice system, it may request that the draft framework law be referred to the European Council. In that case, where the procedure referred to in Article III-396 is applicable, it shall be suspended. After discussion, the European Council shall, within four months of this suspension, either:

(a) refer the draft back to the Council, which shall terminate the suspension of the procedure referred to in Article III-396 where it is applicable, or

(b) request the Commission or the group of Member States from which the draft originates to submit a new draft; in that case, the act originally proposed shall be deemed not to have been adopted.

4. If, by the end of the period referred to in paragraph 3, either no action has been taken by the European Council or if, within 12 months from the submission of a new draft under paragraph 3(b), the European framework law has not been adopted, and at least one third of the Member States wish to establish enhanced cooperation on the basis of the draft framework law concerned, they shall notify the European Parliament, the Council and the Commission accordingly.

In such a case, the authorisation to proceed with enhanced cooperation referred to in Articles I-44(2) and III-419(1) shall be deemed to be granted and the provisions on enhanced cooperation shall apply.

ARTICLE III-272

European laws or framework laws may establish measures to promote and support the action of Member States in the field of crime prevention, excluding any harmonisation of the laws and regulations of the Member States.

ARTICLE III-273

1. Eurojust's mission shall be to support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime affecting two or more Member States or requiring a prosecution on common bases, on the basis of operations conducted and information supplied by the Member States' authorities and by Europol.

In this context, European laws shall determine Eurojust's structure, operation, field of action and tasks. Those tasks may include:

(a) the initiation of criminal investigations, as well as proposing the initiation of prosecutions, conducted by competent national authorities, particularly those relating to offences against the financial interests of the Union;

(b) the coordination of investigations and prosecutions referred to in point (a);

(c) the strengthening of judicial cooperation, including by resolution of conflicts of jurisdiction and by close cooperation with the European Judicial Network.

European laws shall also determine arrangements for involving the European Parliament and national Parliaments in the evaluation of Eurojust's activities.

(2) V primeru pregona iz prejšnjega odstavka in ne glede na III-274. člen Ustave, pristojni nacionalni uradniki izvajajo uradna dejanja pravosodnega postopka.

III-274. ČLEN

(1) Zaradi boja proti kršitvam, ki vplivajo na finančne interese Unije, se lahko z evropskim zakonom Sveta iz Eurojusta ustanovi Evropsko javno tožilstvo. Svet odloča soglasno po pridobitvi odobritve Evropskega parlamenta.

(2) Evropsko javno tožilstvo je pristojno, po potrebi v povezavi z Europolom, za preiskave, pregon in obtožbe storilcev in sostorilcev kršitev, ki vplivajo na finančne interese Unije, kakor jih določa evropski zakon iz prejšnjega odstavka. Opravlja dolžnosti tožilca na pristojnih sodiščih držav članic v zvezi s temi kršitvami.

(3) Z evropskim zakonom iz prvega odstavka tega člena se določi statut Evropskega javnega tožilstva, pogoji za opravljanje njegovih nalog, poslovnik o njegovih dejavnostih, kakor tudi pravila o dopustnosti dokazov, in pravila, ki se uporabljajo za sodni nadzor postopkovnih dejanj, sprejetih pri opravljanju njegovih nalog.

(4) Evropski svet lahko istočasno ali naknadno sprejme evropski sklep o spremembi prvega odstavka tega člena, s katerim Evropskemu javnemu tožilstvu dodeli pristojnosti tudi za boj proti hudim oblikam kriminala s čezmejnimi posledicami, in o ustrezni spremembi drugega odstavka tega člena o storilcih in sostorilcih hudih kaznivih dejanj, ki vplivajo na več kot eno državo članico. Svet odloča soglasno po pridobitvi odobritve Evropskega parlamenta in po posvetovanju s Komisijo.

5. ODDELEK

POLICIJSKO SODELOVANJE

III-275. ČLEN

(1) Unija vzpostavi policijsko sodelovanje, ki vključuje vse pristojne organe držav članic, vključno s policijskimi, carinskimi in drugimi specializiranimi službami kazenskega pregona, pri preprečevanju ali odkrivanju kaznivih dejanj in preiskav.

(2) Za namene iz prejšnjega odstavka se lahko z evropskimi zakoni ali okvirnimi zakoni določijo ukrepi glede:

a) zbiranja, hrambe, obdelave, analize in izmenjave koristnih informacij;

b) pomoči pri usposabljanju osebja in sodelovanju pri izmenjavi osebja, opreme in pri kriminalističnih raziskavah;

c) skupnih preiskovalnih tehnik pri odkrivanju hudih oblik organiziranega kriminala.

(3) Z evropskim zakonom ali okvirnim zakonom Sveta se lahko določi ukrepe glede operativnega sodelovanja med organi iz tega člena. Svet odloča soglasno po posvetovanju z Evropskim parlamentom.

III-276. ČLEN

(1) Naloga Europola je podpirati in krepiti dejavnosti policijskih organov držav članic in drugih služb kazenskega pregona ter njihovo medsebojno sodelovanje pri preprečevanju in boju proti hudim oblikam kriminala, ki vplivajo na dve ali več držav članic, terorizmu in oblikam kriminala, ki vplivajo na skupni interes politike Unije.

2. In the prosecutions referred to in paragraph 1, and without prejudice to Article III-274, formal acts of judicial procedure shall be carried out by the competent national officials.

ARTICLE III-274

1. In order to combat crimes affecting the financial interests of the Union, a European law of the Council may establish a European Public Prosecutor's Office from Eurojust. The Council shall act unanimously after obtaining the consent of the European Parliament.

2. The European Public Prosecutor's Office shall be responsible for investigating, prosecuting and bringing to judgment, where appropriate in liaison with Europol, the perpetrators of, and accomplices in, offences against the Union's financial interests, as determined by the European law provided for in paragraph 1. It shall exercise the functions of prosecutor in the competent courts of the Member States in relation to such offences.

3. The European law referred to in paragraph 1 shall determine the general rules applicable to the European Public Prosecutor's Office, the conditions governing the performance of its functions, the rules of procedure applicable to its activities, as well as those governing the admissibility of evidence, and the rules applicable to the judicial review of procedural measures taken by it in the performance of its functions.

4. The European Council may, at the same time or subsequently, adopt a European decision amending paragraph 1 in order to extend the powers of the European Public Prosecutor's Office to include serious crime having a cross-border dimension and amending accordingly paragraph 2 as regards the perpetrators of, and accomplices in, serious crimes affecting more than one Member State. The European Council shall act unanimously after obtaining the consent of the European Parliament and after consulting the Commission.

SECTION 5

POLICE COOPERATION

ARTICLE III-275

1. The Union shall establish police cooperation involving all the Member States' competent authorities, including police, customs and other specialised law enforcement services in relation to the prevention, detection and investigation of criminal offences.

2. For the purposes of paragraph 1, European laws or framework laws may establish measures concerning:

(a) the collection, storage, processing, analysis and exchange of relevant information;

(b) support for the training of staff, and cooperation on the exchange of staff, on equipment and on research into crime-detection;

(c) common investigative techniques in relation to the detection of serious forms of organised crime.

3. A European law or framework law of the Council may establish measures concerning operational cooperation between the authorities referred to in this Article. The Council shall act unanimously after consulting the European Parliament.

ARTICLE III-276

1. Europol's mission shall be to support and strengthen action by the Member States' police authorities and other law enforcement services and their mutual cooperation in preventing and combating serious crime affecting two or more Member States, terrorism and forms of crime which affect a common interest covered by a Union policy.

(2) Z evropskimi zakoni se določi Europolova struktura, delovanje, področje ukrepanja in naloge. Te naloge lahko zajemajo:

a) zbiranje, hrambo, obdelavo, analizo in izmenjavo informacij, ki so jih posredovali predvsem organi držav članic ali tretjih držav oziroma služb;

b) usklajevanje, organizacijo in izvajanje preiskovalnih in operativnih dejanj, ki se izvajajo skupaj s pristojnimi organi držav članic ali v okviru skupnih preiskovalnih ekip, po potrebi v povezavi z Eurojustom.

S temi zakoni se določijo tudi postopki za oceno Europolovih dejavnosti, ki jo opravi Evropski parlament, skupaj z nacionalnimi parlamenti.

(3) Europol vsa svoja operativna dejanja izvaja v povezavi in v dogovoru z organi držav članic, katerih ozemlje to zadeva. Uporaba prisilnih ukrepov je v izključni pristojnosti pristojnih nacionalnih organov.

2. European laws shall determine Europol's structure, operation, field of action and tasks. These tasks may include:

(a) the collection, storage, processing, analysis and exchange of information forwarded particularly by the authorities of the Member States or third countries or bodies;

(b) the coordination, organisation and implementation of investigative and operational action carried out jointly with the Member States' competent authorities or in the context of joint investigative teams, where appropriate in liaison with Eurojust.

European laws shall also lay down the procedures for scrutiny of Europol's activities by the European Parliament, together with national Parliaments.

3. Any operational action by Europol must be carried out in liaison and in agreement with the authorities of the Member State or States whose territory is concerned. The application of coercive measures shall be the exclusive responsibility of the competent national authorities.

III-277. člen

Z evropskim zakonom ali okvirnim zakonom Sveta se določijo pogoji in omejitve, pod katerimi lahko pristojni organi držav članic iz III-270. in III-275. člena Ustave delujejo na ozemlju druge države članice v povezavi in v dogovoru z organi te države. Svet odloča soglasno po posvetovanju z Evropskim parlamentom.

ARTICLE III-277

A European law or framework law of the Council shall lay down the conditions and limitations under which the competent authorities of the Member States referred to in Articles III-270 and III-275 may operate in the territory of another Member State in liaison and in agreement with the authorities of that State. The Council shall act unanimously after consulting the European Parliament.

V. POGLAVJE

PODROČJA, KJER UNIJA LAHKO SPREJME USKLAJEVALNE, DOPOLNILNE ALI PODPORNE UKREPE

1. ODDELEK

JAVNO ZDRAVJE

III-278. ČLEN

(1) Pri opredeljevanju in izvajanju vseh politik in dejavnosti Unije se zagotavlja visoka raven varovanja zdravja ljudi.

Dejavnost Unije, ki dopolnjuje nacionalne politike, je usmerjena k izboljševanju javnega zdravja, preprečevanju človekovih obolenj in bolezni ter odpravljanju vzrokov, ki ogrožajo telesno in duševno zdravje. V njej je zajeto:

a) boj proti močno razširjenim težkim boleznim s spodbujanjem raziskovanja njihovih vzrokov, prenosa in preprečevanja, pa tudi obveščanja o zdravju in zdravstvene vzgoje;

b) opazovanje, zgodnje obveščanje in boj proti resni čezmejni ogroženosti zdravja.

Unija dopolnjuje ukrepe držav članic za zmanjševanje škode za zdravje zaradi uživanja drog, vključno z obveščanjem in preprečevanjem.

(2) Unija spodbuja sodelovanje med državami članicami na področjih iz tega člena in, če je potrebno, podpira njihove ukrepe. Zlasti spodbuja sodelovanje med državami članicami za izboljšanje komplementarnosti njihovih zdravstvenih storitev na obmejnih območjih.

Države članice v povezavi s Komisijo medsebojno usklajujejo svoje politike in programe na področjih iz prejšnjega odstavka. Komisija lahko v tesni povezavi z državami članicami daje koristne pobude za pospeševanje takšnega usklajevanja, zlasti pobude, namenjene oblikovanju smernic in kazalcev, organizaciji izmenjave najboljše prakse ter pripravi elementov, potrebnih za periodično spremljanje in ocenjevanje. Evropski parlament je izčrpno obveščen.

CHAPTER V

AREAS WHERE THE UNION MAY TAKE COORDINATING, COMPLEMENTARY OR SUPPORTING ACTION

SECTION 1

PUBLIC HEALTH

ARTICLE III-278

1. A high level of human health protection shall be ensured in the definition and implementation of all the Union's policies and activities.

Action by the Union, which shall complement national policies, shall be directed towards improving public health, preventing human illness and diseases, and obviating sources of danger to physical and mental health. Such action shall cover:

(a) the fight against the major health scourges, by promoting research into their causes, their transmission and their prevention, as well as health information and education;

(b) monitoring, early warning of and combating serious cross-border threats to health.

The Union shall complement the Member States' action in reducing drug-related health damage, including information and prevention.

2. The Union shall encourage cooperation between the Member States in the areas referred to in this Article and, if necessary, lend support to their action. It shall in particular encourage cooperation between the Member States to improve the complementarity of their health services in cross-border areas.

Member States shall, in liaison with the Commission, coordinate among themselves their policies and programmes in the areas referred to in paragraph 1. The Commission may, in close contact with the Member States, take any useful initiative to promote such coordination, in particular initiatives aiming at the establishment of guidelines and indicators, the organisation of exchange of best practice, and the preparation of the necessary elements for periodic monitoring and evaluation. The European Parliament shall be kept fully informed.

(3) Unija in države članice pospešujejo sodelovanje s tretjimi državami in pristojnimi mednarodnimi organizacijami na področju javnega zdravja.

(4) Ne glede na peti odstavek I-12. člena in točko a) I-17. člena Ustave ter v skladu s točko k) drugega odstavka I-14. člena Ustave, evropski zakoni ali okvirni zakoni prispevajo k doseganju ciljev iz tega člena s sprejetjem naslednjih ukrepov zaradi zagotavljanja skupnih potreb po varnosti:

a) ukrepov, ki določajo visoke standarde kakovosti in varnosti organov in snovi človeškega izvora, krvi in krvnih derivatov; ti ukrepi državam članicam ne preprečujejo ohranjanja ali uvedbe strožjih zaščitnih ukrepov;

b) ukrepov na veterinarskem in fitosanitarnem področju, katerih neposredni cilj je varovanje javnega zdravja;

c) ukrepov, ki določajo visoke standarde kakovosti in varnosti zdravil in medicinskih pripomočkov;

d) ukrepov v zvezi z opazovanjem, zgodnjim obveščanjem o resni čezmejni ogroženosti zdravja in bojem proti njej.

Evropski zakoni ali okvirni zakoni se sprejmejo po posvetovanju z Odborom regij in Ekonomsko-socialnim odborom.

(5) Z evropskimi zakoni ali okvirnimi zakoni se lahko določijo tudi spodbujevalni ukrepi za varovanje in izboljšanje zdravja ljudi in zlasti za boj proti močno razširjenim čezmejnim težkim boleznim, kakor tudi ukrepe, katerih neposredni cilj je varovanje javnega zdravja glede tobaka in zlorabe alkohola, pri čemer je izključeno kakršnokoli usklajevanje zakonov in upravnih predpisov držav članic. Sprejmejo se po posvetovanju z Odborom regij in Ekonomsko-socialnim odborom.

(6) Svet lahko na predlog Komisije sprejme tudi priporočila za namene iz tega člena.

(7) Pri dejavnosti Unije je v celoti upoštevana odgovornost držav članic za opredelitev njihove zdravstvene politike ter za organizacijo in zagotavljanje zdravstvenih storitev in zdravstvenega varstva. Odgovornosti držav članic vključujejo upravljanje zdravstvenih storitev in zdravstvenega varstva in razporejanje dodeljenih virov. Ukrepi iz točke a) četrtega odstavka tega člena ne vplivajo na nacionalne določbe o darovanju organov in krvi ali njihovi uporabi za namene zdravljenja.

3. The Union and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of public health.

4. By way of derogation from Article I-12(5) and Article I-17(a) and in accordance with Article I-14(2)(k), European laws or framework laws shall contribute to the achievement of the objectives referred to in this Article by establishing the following measures in order to meet common safety concerns:

(a) measures setting high standards of quality and safety of organs and substances of human origin, blood and blood derivatives; these measures shall not prevent any Member State from maintaining or introducing more stringent protective measures;

(b) measures in the veterinary and phytosanitary fields which have as their direct objective the protection of public health;

(c) measures setting high standards of quality and safety for medicinal products and devices for medical use;

(d) measures concerning monitoring, early warning of and combating serious cross-border threats to health.

Such European laws or framework laws shall be adopted after consultation of the Committee of the Regions and the Economic and Social Committee.

5. European laws or framework laws may also establish incentive measures designed to protect and improve human health and in particular to combat the major cross-border health scourges, as well as measures which have as their direct objective the protection of public health regarding tobacco and the abuse of alcohol, excluding any harmonisation of the laws and regulations of the Member States. They shall be adopted after consultation of the Committee of the Regions and the Economic and Social Committee.

6. For the purposes of this Article, the Council, on a proposal from the Commission, may also adopt recommendations.

7. Union action shall respect the responsibilities of the Member States for the definition of their health policy and for the organisation and delivery of health services and medical care. The responsibilities of the Member States shall include the management of health services and medical care and the allocation of the resources assigned to them. The measures referred to in paragraph 4(a) shall not affect national provisions on the donation or medical use of organs and blood.

2. ODDELEK
INDUSTRIJA

III-279. ČLEN

(1) Unija in države članice skrbijo za zagotovitev pogojev, ki so potrebni za konkurenčnost industrije Unije.

Zato je njihovo ukrepanje v skladu s sistemom odprtih in konkurenčnih trgov namenjeno:

a) pospeševanju prilagajanja industrije strukturnim spremembam;

b) spodbujanju okolja, ki je naklonjeno pobudam in razvoju podjetij v celotni Uniji, zlasti malih in srednjih podjetij;

c) spodbujanju okolja, ki je naklonjeno sodelovanju med podjetji;

d) podpiranju boljšega izkoriščanja industrijskega potenciala politike inovacij, raziskav in tehnološkega razvoja.

(2) Države članice se med seboj posvetujejo v povezavi s Komisijo in po potrebi uskladijo svoje ukrepanje. Komisija lahko daje kakršne koli koristne pobude za pospeševanje takšnega usklajevanja, zlasti pobude, namenjene oblikovanju smernic in kazalcev, organizaciji izmenjave najboljše prakse ter pripravi elementov, potrebnih za periodično spremljanje in ocenjevanje. Evropski parlament je izčrpno obveščen.

SECTION 2
INDUSTRY

ARTICLE III-279

1. The Union and the Member States shall ensure that the conditions necessary for the competitiveness of the Union's industry exist.

For that purpose, in accordance with a system of open and competitive markets, their action shall be aimed at:

(a) speeding up the adjustment of industry to structural changes;

(b) encouraging an environment favourable to initiative and to the development of undertakings throughout the Union, particularly small and medium-sized undertakings;

(c) encouraging an environment favourable to cooperation between undertakings;

(d) fostering better exploitation of the industrial potential of policies of innovation, research and technological development.

2. The Member States shall consult each other in liaison with the Commission and, where necessary, shall coordinate their action. The Commission may take any useful initiative to promote such coordination, in particular initiatives aiming at the establishment of guidelines and indicators, the organisation of exchange of best practice, and the preparation of the necessary elements for periodic monitoring and evaluation. The European Parliament shall be kept fully informed.

(3) Unija prispeva k doseganju ciljev iz prvega odstavka tega člena s politikami in dejavnostmi, ki jih uresničuje z drugimi določbami Ustave. Z evropskimi zakoni ali okvirnimi zakoni se lahko določijo posebni ukrepi v podporo ukrepanju držav članic za doseganje ciljev iz prvega odstavka tega člena, pri čemer je izključeno kakršno koli usklajevanje zakonov in upravnih predpisov držav članic. Sprejmejo se po posvetovanju z Ekonomsko-socialnim odborom.

Ta naslov ne daje podlage za uvedbo kakršnih koli ukrepov Unije, ki bi lahko povzročili izkrivljanje konkurence ali ki bi vsebovali določbe o davkih ali določbe, ki se nanašajo na pravice in interese zaposlenih oseb.

3. The Union shall contribute to the achievement of the objectives set out in paragraph 1 through the policies and activities it pursues under other provisions of the Constitution. European laws or framework laws may establish specific measures in support of action taken in the Member States to achieve the objectives set out in paragraph 1, excluding any harmonisation of the laws and regulations of the Member States. They shall be adopted after consultation of the Economic and Social Committee.

This Section shall not provide a basis for the introduction by the Union of any measure which could lead to distortion of competition or contains tax provisions or provisions relating to the rights and interests of employed persons.

3. ODDELEK
KULTURA

III-280. ČLEN

(1) Unija prispeva k razcvetu kultur držav članic, pri čemer upošteva njihovo nacionalno in regionalno raznolikost ter hkrati postavlja v ospredje skupno kulturno dediščino.

(2) Dejavnost Unije je namenjena spodbujanju sodelovanja med državami članicami in, če je to potrebno, podpiranju in dopolnjevanju njihove dejavnosti na naslednjih področjih:

a) izboljševanje poznavanja in razširjanja kulture in zgodovine evropskih narodov;

b) ohranjanje in varstvo kulturne dediščine evropskega pomena;

c) nekomercialna kulturna izmenjava;

d) umetniško in književno ustvarjanje, tudi na avdio-vizualnem področju.

(3) Unija in države članice podpirajo sodelovanje s tretjimi državami in pristojnimi mednarodnimi organizacijami na kulturnem področju, zlasti s Svetom Evrope.

(4) Unija pri svojih dejavnostih na podlagi drugih določb Ustave upošteva kulturne vidike, zlasti zaradi spoštovanja in spodbujanja raznolikosti svojih kultur.

(5) Za prispevanje k uresničevanju ciljev iz tega člena:

a) se z evropskimi zakoni ali okvirnimi zakoni določijo spodbujevalni ukrepi, pri čemer je izključeno kakršno koli usklajevanje zakonov in upravnih predpisov držav članic. Sprejmejo se po posvetovanju z Odborom regij;

b) Svet na predlog Komisije sprejme priporočila.

SECTION 3
CULTURE

ARTICLE III-280

1. The Union shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore.

2. Action by the Union shall be aimed at encouraging cooperation between Member States and, if necessary, supporting and complementing their action in the following areas:

(a) improvement of the knowledge and dissemination of the culture and history of the European peoples;

(b) conservation and safeguarding of cultural heritage of European significance;

(c) non-commercial cultural exchanges;

(d) artistic and literary creation, including in the audio-visual sector.

3. The Union and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of culture, in particular the Council of Europe.

4. The Union shall take cultural aspects into account in its action under other provisions of the Constitution, in particular in order to respect and to promote the diversity of its cultures.

5. In order to contribute to the achievement of the objectives referred to in this Article:

(a) European laws or framework laws shall establish incentive measures, excluding any harmonisation of the laws and regulations of the Member States. They shall be adopted after consultation of the Committee of the Regions;

(b) the Council, on a proposal from the Commission, shall adopt recommendations.

4. ODDELEK
TURIZEM

III-281. ČLEN

(1) Unija dopolnjuje dejavnost držav članic na področju turizma, predvsem s spodbujanjem konkurenčnosti podjetij Unije na tem področju.

V ta namen so cilji dejavnosti Unije:

a) spodbujanje ustvarjanja okolja, ki je naklonjeno razvoju podjetij na tem področju;

b) spodbujanje sodelovanja med državami članicami, predvsem z izmenjavo dobre prakse.

(2) Z evropskimi zakoni ali okvirnimi zakoni se lahko določijo posebni ukrepi v dopolnitev ukrepov držav članic za doseganje ciljev iz tega člena, pri čemer je izključeno kakršno koli usklajevanje zakonov in upravnih predpisov držav članic.

SECTION 4
TOURISM

ARTICLE III-281

1. The Union shall complement the action of the Member States in the tourism sector, in particular by promoting the competitiveness of Union undertakings in that sector.

To that end, Union action shall be aimed at:

(a) encouraging the creation of a favourable environment for the development of undertakings in this sector;

(b) promoting cooperation between the Member States, particularly by the exchange of good practice;

2. European laws or framework laws shall establish specific measures to complement actions within the Member States to achieve the objectives referred to in this Article, excluding any harmonisation of the laws and regulations of the Member States.

5. ODDELEK

IZOBRAŽEVANJE, MLADINA, ŠPORT IN POKLICNO USPOSABLJANJE

III-282. ČLEN

(1) Unija prispeva k razvoju kakovostnega izobraževanja s spodbujanjem sodelovanja med državami članicami ter po potrebi s podpiranjem in dopolnjevanjem njihovih dejavnosti. Pri tem v celoti upošteva odgovornost držav članic za vsebino poučevanja in organizacijo izobraževalnih sistemov, pa tudi njihovo kulturno in jezikovno raznolikost.

Unija prispeva k spodbujanju evropskih športnih zadev ob upoštevanju njihove posebne narave, na prostovoljni dejavnosti temelječih struktur in njihovo družbeno in vzgojno vlogo.

Cilji dejavnosti Unije so:

a) razvijanje evropske razsežnosti v izobraževanju, zlasti s poučevanjem in razširjanjem jezikov držav članic;

b) spodbujanje mobilnosti študentov in profesorjev, med drugim s spodbujanjem akademskega priznavanja diplom in študijskih obdobij;

c) pospeševanje sodelovanja med izobraževalnimi zavodi;

d) razvijanje izmenjave informacij in izkušenj glede vprašanj, ki so skupna izobraževalnim sistemom držav članic;

e) spodbujanje razvoja izmenjave mladih ter izmenjave pedagoških in drugih strokovnih delavcev ter spodbujanje sodelovanja mladih v demokratičnem življenju v Evropi;

f) spodbujanje razvoja izobraževanja na daljavo;

g) razvijanje evropske razsežnosti v športu s spodbujanjem pravičnosti in odprtosti pri športnih tekmovanjih in sodelovanju med organi, odgovornimi za šport, ter z varovanjem telesne in moralne integritete športnikov, zlasti mladih športnikov.

(2) Unija in države članice podpirajo sodelovanje s tretjimi državami in pristojnimi mednarodnimi organizacijami na področju izobraževanja in športa, zlasti s Svetom Evrope.

(3) Za prispevanje k uresničevanju ciljev iz tega člena:

a) se z evropskimi zakoni ali okvirnimi zakoni določijo spodbujevalni ukrepi, pri čemer je izključeno kakršno koli usklajevanje zakonov in upravnih predpisov držav članic. Sprejmejo se po posvetovanju z Odborom regij in Ekonomsko-socialnim odborom;

b) Svet na predlog Komisije sprejme priporočila.

III-283. člen

(1) Unija izvaja politiko poklicnega usposabljanja, ki podpira in dopolnjuje dejavnost držav članic, pri čemer v celoti upošteva njihovo odgovornost za vsebino in organizacijo poklicnega usposabljanja.

Cilji dejavnosti Unije so:

a) olajševanje prilagajanja spremembam v industriji, zlasti s poklicnim usposabljanjem in preusposabljanjem;

b) izboljševanje začetnega in nadaljevalnega poklicnega usposabljanja zaradi lažje vključitve in ponovne vključitve v trg dela;

c) olajševanje dostopa do poklicnega usposabljanja ter spodbujanje mobilnosti izobraževalcev in udeležencev usposabljanja, zlasti mladih;

d) spodbujanje sodelovanja v zvezi z usposabljanjem med izobraževalnimi zavodi ali zavodi za usposabljanje in podjetji;

SECTION 5

EDUCATION, YOUTH, SPORT AND VOCATIONAL TRAINING

ARTICLE III-282

1. The Union shall contribute to the development of quality education by encouraging cooperation between Member States and, if necessary, by supporting and complementing their action. It shall fully respect the responsibility of the Member States for the content of teaching and the organisation of education systems and their cultural and linguistic diversity.

The Union shall contribute to the promotion of European sporting issues, while taking account of the specific nature of sport, its structures based on voluntary activity and its social and educational function.

Union action shall be aimed at:

(a) developing the European dimension in education, particularly through the teaching and dissemination of the languages of the Member States;

(b) encouraging mobility of students and teachers, inter alia by encouraging the academic recognition of diplomas and periods of study;

(c) promoting cooperation between educational establishments;

(d) developing exchanges of information and experience on issues common to the education systems of the Member States;

(e) encouraging the development of youth exchanges and of exchanges of socio-educational instructors and encouraging the participation of young people in democratic life in Europe;

(f) encouraging the development of distance education;

(g) developing the European dimension in sport, by promoting fairness and openness in sporting competitions and cooperation between bodies responsible for sports, and by protecting the physical and moral integrity of sportsmen and sportswomen, especially young sportsmen and sportswomen.

2. The Union and the Member States shall foster cooperation with third countries and the competent international organisations in the field of education and sport, in particular the Council of Europe.

3. In order to contribute to the achievement of the objectives referred to in this Article:

(a) European laws or framework laws shall establish incentive measures, excluding any harmonisation of the laws and regulations of the Member States. They shall be adopted after consultation of the Committee of the Regions and the Economic and Social Committee;

(b) the Council, on a proposal from the Commission, shall adopt recommendations.

ARTICLE III-283

1. The Union shall implement a vocational training policy which shall support and complement the action of the Member States, while fully respecting the responsibility of the Member States for the content and organisation of vocational training.

Union action shall aim to:

(a) facilitate adaptation to industrial change, in particular through vocational training and retraining;

(b) improve initial and continuing vocational training in order to facilitate vocational integration and reintegration into the labour market;

(c) facilitate access to vocational training and encourage mobility of instructors and trainees and particularly young people;

(d) stimulate cooperation on training between educational or training establishments and firms;

e) razvijanje izmenjave informacij in izkušenj glede vprašanj, ki so skupna sistemom usposabljanja držav članic.

(2) Unija in države članice podpirajo sodelovanje s tretjimi državami in pristojnimi mednarodnimi organizacijami na področju poklicnega usposabljanja.

(3) Za prispevanje k uresničevanju ciljev iz tega člena:

a) se z evropskimi zakoni ali okvirnimi zakoni določijo potrebni ukrepi, pri čemer je izključeno kakršno koli usklajevanje zakonov in upravnih predpisov držav članic. Sprejmejo se po posvetovanju z Odborom regij in Ekonomsko-socialnim odborom;

b) Svet na predlog Komisije sprejme priporočila.

(e) develop exchanges of information and experience on issues common to the training systems of the Member States.

2. The Union and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of vocational training.

3. In order to contribute to the achievement of the objectives referred to in this Article:

(a) European laws or framework laws shall establish the necessary measures, excluding any harmonisation of the laws and regulations of the Member States. They shall be adopted after consultation of the Committee of the Regions and the Economic and Social Committee;

(b) the Council, on a proposal from the Commission, shall adopt recommendations.

6. ODDELEK

CIVILNA ZAŠČITA

III-284. ČLEN

(1) Unija spodbuja sodelovanje med državami članicami, da bi izboljšala učinkovitost sistemov preprečevanja in varstva pred naravnimi nesrečami ali nesrečami, ki jih povzroči človek.

Cilji dejavnosti Unije so:

a) podpiranje in dopolnjevanje dejanj držav članic na nacionalni, regionalni in lokalni ravni pri preprečevanju tveganja, pripravi osebja na področju civilne zaščite in odzivanju na naravne nesreče ali nesreče, ki jih je povzročil človek, znotraj Unije;

b) spodbujanje hitrega in učinkovitega operativnega sodelovanja v Uniji med nacionalnimi službami civilne zaščite;

c) izboljšanje doslednosti ukrepov civilne zaščite na mednarodni ravni.

(2) Z evropskimi zakoni ali okvirnimi zakoni se določijo ukrepi, potrebni za doseganje ciljev iz prejšnjega odstavka, pri čemer je izključeno kakršno koli usklajevanje zakonov in upravnih predpisov držav članic.

SECTION 6

CIVIL PROTECTION

ARTICLE III-284

1. The Union shall encourage cooperation between Member States in order to improve the effectiveness of systems for preventing and protecting against natural or man-made disasters.

Union action shall aim to:

(a) support and complement Member States' action at national, regional and local level in risk prevention, in preparing their civil-protection personnel and in responding to natural or man-made disasters within the Union;

(b) promote swift, effective operational cooperation within the Union between national civil-protection services;

(c) promote consistency in international civil-protection work.

2. European laws or framework laws shall establish the measures necessary to help achieve the objectives referred to in paragraph 1, excluding any harmonisation of the laws and regulations of the Member States.

7. ODDELEK

UPRAVNO SODELOVANJE

III-285. ČLEN

(1) Učinkovito nacionalno izvajanje prava Unije s strani držav članic, kar je bistveno za pravilno delovanje Unije, se šteje za zadevo skupnega interesa.

(2) Unija lahko podpira prizadevanja držav članic za izboljšanje njihovih upravnih zmogljivosti za izvajanje prava Unije. Ta dejavnost lahko vključuje olajševanje izmenjave informacij in javnih uslužbencev, kakor tudi podporo izobraževalnih programov. Nobena država članica ni zavezana zaprositi za takšno podporo. Z evropskimi zakoni se v ta namen določijo potrebni ukrepi, pri čemer je izključeno kakršno koli usklajevanje zakonov in upravnih predpisov držav članic.

(3) Ta člen v ničemer ne vpliva na obveznosti držav članic, da izvajajo pravo Unije, niti v pristojnosti in dolžnosti Komisije. Prav tako ne vpliva na druge določbe Ustave, ki urejajo upravno sodelovanje med državami članicami ter med njimi in Unijo.

SECTION 7

ADMINISTRATIVE COOPERATION

ARTICLE III-285

1. Effective implementation of Union law by the Member States, which is essential for the proper functioning of the Union, shall be regarded as a matter of common interest.

2. The Union may support the efforts of Member States to improve their administrative capacity to implement Union law. Such action may include facilitating the exchange of information and of civil servants as well as supporting training schemes. No Member State shall be obliged to avail itself of such support. European laws shall establish the necessary measures to this end, excluding any harmonisation of the laws and regulations of the Member States.

3. This Article shall be without prejudice to the obligations of the Member States to implement Union law or to the prerogatives and duties of the Commission. It shall also be without prejudice to other provisions of the Constitution providing for administrative cooperation among the Member States and between them and the Union.

IV. NASLOV

PRIDRUŽEVANJE ČEZMORSKIH DEŽEL IN OZEMELJ

III-286. ČLEN

(1) Neevropske dežele in ozemlja, ki imajo posebne odnose z Dansko, Francijo, Nizozemsko in Združenim kraljestvom, se pridružijo Uniji. Te dežele in ozemlja (v nadaljnjem besedilu "dežele in ozemlja") so navedene v Prilogi II Ustave.

TITLE IV

ASSOCIATION OF THE OVERSEAS COUNTRIES AND TERRITORIES

ARTICLE III-286

1. The non-European countries and territories which have special relations with Denmark, France, the Netherlands and the United Kingdom shall be associated with the Union. These countries and territories, hereinafter called the "countries and territories", are listed in Annex II.

Ta naslov se uporablja za Grenlandijo ob upoštevanju posebnih določb Protokola o posebni ureditvi za Grenlandijo.

(2) Namen pridruževanja je spodbujati gospodarski in socialni razvoj dežel in ozemelj ter vzpostavljati tesne ekonomske odnose med njimi in Unijo.

Glavni namen pridruževanja je podpirati interese in blaginjo prebivalcev dežel in ozemelj, da bi jim omogočili gospodarsko, socialno in kulturno razvitost, za katero si prizadevajo.

III-287. ČLEN

Cilji pridruževanja so naslednji:

a) države članice obravnavajo trgovino z deželami in ozemlji enako kakor medsebojno trgovino v skladu z Ustavo;

b) vsaka dežela ali ozemlje obravnava trgovino z državami članicami ter z drugimi državami in ozemlji enako kakor trgovino s tisto evropsko državo, s katero ima posebne odnose;

c) države članice so udeležene pri naložbah, potrebnih za postopen razvoj teh dežel in ozemelj;

d) pri naložbah, ki jih financira Unija, lahko v razpisih in dobavah pod enakimi pogoji sodelujejo vse fizične in pravne osebe, ki so državljani države članice ali ene od dežel in ozemelj;

e) v odnosih med državami članicami ter deželami in ozemlji se pravica državljanov in družb ali podjetij do ustanavljanja ureja v skladu z določbami in postopki iz 2. pododdelka 2. oddelka I. poglavja III. Naslova Ustave, o svobodi ustanavljanja in na podlagi nediskriminacije, pri čemer se upoštevajo vsi akti, sprejeti v skladu z III-291. členom Ustave.

III-288. ČLEN

(1) Pri uvozu blaga s poreklom iz dežel in z ozemelj v države članice se carine prepovejo skladno s prepovedjo carin med državami članicami v skladu z Ustavo.

(2) Carine pri uvozu blaga v dežele ali na ozemlja iz držav članic ali drugih dežel ali ozemelj se prepovejo v skladu s četrtim odstavkom III-151. člena Ustave.

(3) Vendar pa lahko dežele in ozemlja ohranijo pravico do carin, ki so potrebne za njihov razvoj in industrializacijo ali, kolikor so davčne narave, financiranje njihovega proračuna.

Pravice iz prejšnjega pododstavka ne smejo prekoračiti ravni, ki veljajo za uvoz izdelkov iz tiste države članice, s katero ima posamezna dežela ali ozemlje posebne odnose.

(4) Drugi odstavek tega člena se ne uporablja za dežele in ozemlja, ki zaradi posebnih mednarodnih obveznosti že uporabljajo nediskriminacijsko carinsko tarifo.

(5) Uvedba ali sprememba carin za blago, uvoženo v dežele in na ozemlja, ne sme ne pravno ne dejansko povzročati neposredne ali posredne diskriminacije med uvozom iz posameznih držav članic.

III-289. ČLEN

Če obstaja možnost, da bi ob uporabi prvega odstavka prejšnjega člena raven carin za blago, uvoženo iz tretje države v deželo ali na ozemlje, povzročila preusmeritev trgovinskih tokov na škodo katere koli države članice, lahko ta od Komisije zahteva, da drugim državam članicam predlaga določbe, potrebne za izboljšanje stanja.

This title shall apply to Greenland, subject to the specific provisions of the Protocol on special arrangements for Greenland.

2. The purpose of association shall be to promote the economic and social development of the countries and territories and to establish close economic relations between them and the Union.

Association shall serve primarily to further the interests and prosperity of the inhabitants of these countries and territories in order to lead them to the economic, social and cultural development to which they aspire.

ARTICLE III-287

Association shall have the following objectives:

(a) Member States shall apply to their trade with the countries and territories the same treatment as they accord each other pursuant to the Constitution;

(b) each country or territory shall apply to its trade with Member States and with the other countries and territories the same treatment as that which it applies to the European State with which it has special relations;

(c) Member States shall contribute to the investments required for the progressive development of these countries and territories;

(d) for investments financed by the Union, participation in tenders and supplies shall be open on equal terms to all natural and legal persons who are nationals of a Member State or of one of the countries and territories;

(e) in relations between Member States and the countries and territories, the right of establishment of nationals and companies or firms shall be regulated in accordance with the provisions of Subsection 2 of Section 2 of Chapter I of Title III relating to the freedom of establishment and under the procedures laid down in that Subsection, and on a non-discriminatory basis, subject to any acts adopted pursuant to Article III-291.

ARTICLE III-288

1. Customs duties on imports into the Member States of goods originating in the countries and territories shall be prohibited in conformity with the prohibition of customs duties between Member States provided for in the Constitution.

2. Customs duties on imports into each country or territory from Member States or from the other countries or territories shall be prohibited in accordance with Article III-151(4).

3. The countries and territories may, however, levy customs duties which meet the needs of their development and industrialisation or produce revenue for their budgets.

The duties referred to in the first subparagraph shall not exceed the level of those imposed on imports of products from the Member State with which each country or territory has special relations.

4. Paragraph 2 shall not apply to countries and territories which, by reason of the particular international obligations by which they are bound, already apply a non-discriminatory customs tariff.

5. The introduction of or any change in customs duties imposed on goods imported into the countries and territories shall not, either in law or in fact, give rise to any direct or indirect discrimination between imports from the various Member States.

ARTICLE III-289

If the level of the duties applicable to goods from a third country on entry into a country or territory is liable, when Article III-288(1) has been applied, to cause deflections of trade to the detriment of any Member State, the latter may request the Commission to propose to the other Member States that they take the necessary measures to remedy the situation.

III-290. ČLEN

Ob upoštevanju določb o javnem zdravju, javni varnosti ali javnem redu je prosto gibanje delavcev iz dežel in z ozemelj v državah članicah ter delavcev iz držav članic v deželah in na ozemljih urejeno z akti, sprejetimi v skladu z III-291. členom Ustave.

III-291. ČLEN

Svet na predlog Komisije na podlagi izkušenj, pridobljenih v okviru pridruževanja dežel in ozemelj k Uniji, soglasno sprejme evropske zakone, okvirne zakone, uredbe in sklepe glede podrobnih pravil in postopka pridruževanja dežel in ozemelj k Uniji. Ti zakoni ali okvirni zakoni se sprejmejo po posvetovanju z Evropskim parlamentom.

ARTICLE III-290

Subject to the provisions relating to public health, public security or public policy, freedom of movement within Member States for workers from the countries and territories, and within the countries and territories for workers from Member States, shall be regulated by acts adopted in accordance with Article III-291.

ARTICLE III-291

The Council, on a proposal from the Commission, shall adopt unanimously, on the basis of the experience acquired under the association of the countries and territories with the Union, European laws, framework laws, regulations and decisions as regards the detailed rules and the procedure for the association of the countries and territories with the Union. These laws and framework laws shall be adopted after consultation of the European Parliament.

V. NASLOV

ZUNANJEPOLITIČNO DELOVANJE UNIJE

I. POGLAVJE

SPLOŠNE DOLOČBE

III-292. ČLEN

(1) Unijo pri njenem delovanju na mednarodni ravni vodijo načela, ki so bila podlaga njenega nastanka, razvoja in širitve in ki jih želi s svojim delovanjem tudi spodbujati v svetu: demokracija, pravna država, univerzalnost in neločljivost človekovih pravic in temeljnih svoboščin, spoštovanje človekovega dostojanstva, enakosti in solidarnosti ter spoštovanje načel Ustanovne listine Združenih narodov in mednarodnega prava.

Unija si prizadeva razvijati odnose in graditi partnerstvo s tretjimi državami in mednarodnimi, regionalnimi ali globalnimi organizacijami, ki z njo delijo načela iz prejšnjega pododstavka. Spodbuja večstranske rešitve skupnih problemov, zlasti v okviru Združenih narodov.

(2) Unija določi in uresničuje skupne politike in ukrepe Unije ter si prizadeva za visoko stopnjo sodelovanja na vseh področjih mednarodnih odnosov za:

a) zaščito njenih skupnih vrednot, temeljnih interesov, varnosti, neodvisnosti in celovitosti;

b) utrjevanje in podporo demokracije, načela pravne države, človekovih pravic in načel mednarodnega prava;

c) ohranjanje miru, preprečevanje sporov in krepitev mednarodne varnosti v skladu z nameni in načeli Ustanovne listine Združenih narodov, z načeli Helsinške sklepne listine ter cilji Pariške listine, tudi s tistimi, ki se nanašajo na zunanje meje;

d) pospeševanje trajnostnega gospodarskega, socialnega in okoljskega razvoja držav v razvoju s poglavitnim ciljem izkoreninjenja revščine;

e) spodbujanje vključitve vseh držav v svetovno ekonomijo, skupaj s postopno odpravo omejitev v mednarodni trgovini;

f) pomoč pri oblikovanju mednarodnih ukrepov za ohranitev in izboljšanje kakovosti okolja in trajnostnega razvoja globalnih naravnih virov, da se zagotovi trajnostni razvoj;

g) pomoč prebivalstvu, državam in regijam, ki se spopadajo z naravnimi nesrečami ali nesrečami, ki jih je povzročil človek;

h) podpiranje svetovnega reda, ki temelji na okrepljenem večstranskem sodelovanju in odgovorni politiki svetovnega reda.

TITLE V

THE UNION'S EXTERNAL ACTION

CHAPTER I

PROVISIONS HAVING GENERAL APPLICATION

ARTICLE III-292

1. The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.

The Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organisations which share the principles referred to in the first subparagraph. It shall promote multilateral solutions to common problems, in particular in the framework of the United Nations.

2. The Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to:

(a) safeguard its values, fundamental interests, security, independence and integrity;

(b) consolidate and support democracy, the rule of law, human rights and the principles of international law;

(c) preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter, with the principles of the Helsinki Final Act and with the aims of the Charter of Paris, including those relating to external borders;

(d) foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty;

(e) encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade;

(f) help develop international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development;

(g) assist populations, countries and regions confronting natural or man-made disasters;

(h) promote an international system based on stronger multilateral cooperation and good global governance.

(3) Unija spoštuje načela in uresničuje cilje iz prvega in drugega odstavka tega člena pri oblikovanju in izvajanju raznih področij svojih zunanjepolitičnih dejavnosti iz tega naslova in zunanjih vidikov svojih drugih politik.

Unija zagotavlja usklajenost raznih področij svojega zunanjepolitičnega delovanja in usklajenost teh z njenimi drugimi politikami. Svet in Komisija, ki jima v ta namen pomaga minister za zunanje zadeve Unije, zagotavljata to usklajenost in v ta namen sodelujeta.

III-293. ČLEN

(1) Na podlagi načel in ciljev iz prejšnjega člena Evropski svet opredeli strateške interese in cilje Unije.

Evropski sklepi Evropskega sveta o strateških interesih in ciljih Unije se nanašajo na skupno zunanjo in varnostno politiko ter na druga področja zunanjepolitičnega delovanja Unije. Takšni sklepi lahko zadevajo odnose Unije z določeno deželo ali regijo, lahko pa so tudi tematsko usmerjeni. Določi se njihovo trajanje in sredstva, ki jih dajo na razpolago Unija in države članice.

Evropski svet odloča soglasno na priporočilo Sveta, ki ga ta sprejme v okviru ureditev, opredeljenih za vsako področje. Evropski sklepi Evropskega sveta se izvajajo v skladu s postopki iz Ustave.

(2) Za področje skupne zunanje in varnostne politike lahko minister za zunanje zadeve Unije, za ostala področja zunanjepolitičnega delovanja pa Komisija, Svetu predložita skupne predloge.

3. The Union shall respect the principles and pursue the objectives set out in paragraphs 1 and 2 in the development and implementation of the different areas of the Union's external action covered by this Title and the external aspects of its other policies.

The Union shall ensure consistency between the different areas of its external action and between these and its other policies. The Council and the Commission, assisted by the Union Minister for Foreign Affairs, shall ensure that consistency and shall cooperate to that effect.

ARTICLE III-293

1. On the basis of the principles and objectives set out in Article III-292, the European Council shall identify the strategic interests and objectives of the Union.

European decisions of the European Council on the strategic interests and objectives of the Union shall relate to the common foreign and security policy and to other areas of the external action of the Union. Such decisions may concern the relations of the Union with a specific country or region or may be thematic in approach. They shall define their duration, and the means to be made available by the Union and the Member States.

The European Council shall act unanimously on a recommendation from the Council, adopted by the latter under the arrangements laid down for each area. European decisions of the European Council shall be implemented in accordance with the procedures provided for in the Constitution.

2. The Union Minister for Foreign Affairs, for the area of common foreign and security policy, and the Commission, for other areas of external action, may submit joint proposals to the Council.

II. POGLAVJE

SKUPNA ZUNANJA IN VARNOSTNA POLITIKA

1. ODDELEK

SKUPNE DOLOČBE

III-294. ČLEN

(1) V okviru načel in ciljev svojega zunanjepolitičnega delovanja Unija določi in izvaja skupno zunanjo in varnostno politiko, ki zajema vsa področja zunanje in varnostne politike.

(2) Države članice dejavno in brez pridržkov podpirajo skupno zunanjo in varnostno politiko v duhu lojalnosti in vzajemne solidarnosti.

Države članice si skupaj prizadevajo za krepitev in razvoj medsebojne politične solidarnosti. Vzdržijo se vsakršnega ravnanja, ki je v nasprotju z interesi Unije ali ki bi lahko zmanjševalo njeno učinkovitost v vlogi povezovalne sile v mednarodnih odnosih.

Spoštovanje teh načel zagotovita Svet in minister za zunanje zadeve Unije.

(3) Unija vodi skupno zunanjo in varnostno politiko z:

a) določitvijo splošnih smernic;

b) sprejemanjem evropskih sklepov, ki določajo:

1. ukrepe, ki naj jih izvaja Unija;

2. stališča, ki naj jih sprejme Unija;

3. ureditev izvrševanja evropskih sklepov iz 1. in 2. točke;

c) krepitvijo rednega sodelovanja med državami članicami pri vodenju politike.

III-295. ČLEN

(1) Evropski svet določi splošne smernice skupne zunanje in varnostne politike, tudi pri vprašanjih, ki zadevajo obrambo.

CHAPTER II

COMMON FOREIGN AND SECURITY POLICY

SECTION 1

COMMON PROVISIONS

ARTICLE III-294

1. In the context of the principles and objectives of its external action, the Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy.

2. The Member States shall support the common foreign and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity.

The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations.

The Council and the Union Minister for Foreign Affairs shall ensure that these principles are complied with.

3. The Union shall conduct the common foreign and security policy by:

(a) defining the general guidelines;

(b) adopting European decisions defining:

(i) actions to be undertaken by the Union;

(ii) positions to be taken by the Union;

(iii) arrangements for the implementation of the European decisions referred to in points (i) and (ii);

(c) strengthening systematic cooperation between Member States in the conduct of policy.

ARTICLE III-295

1. The European Council shall define the general guidelines for the common foreign and security policy, including for matters with defence implications.

Če tako zahteva mednarodni razvoj dogodkov, predsednik Evropskega sveta skliče izredno sejo Evropskega sveta za določitev strateških usmeritev politike Unije glede tega razvoja.

(2) Svet sprejme evropske sklepe, potrebne za določitev in izvajanje skupne zunanje in varnostne politike na podlagi splošnih smernic in strateških usmeritev, ki jih določi Evropski svet.

If international developments so require, the President of the European Council shall convene an extraordinary meeting of the European Council in order to define the strategic lines of the Union's policy in the face of such developments.

2. The Council shall adopt the European decisions necessary for defining and implementing the common foreign and security policy on the basis of the general guidelines and strategic lines defined by the European Council.

III-296. ČLEN

(1) Minister za zunanje zadeve Unije, ki predseduje Svetu za zunanje zadeve, s svojimi predlogi prispeva k pripravi skupne zunanje in varnostne politike in zagotovi izvajanje evropskih sklepov, ki sta jih sprejela Evropski svet in Svet.

(2) Minister za zunanje zadeve zastopa Unijo v zadevah, povezanih s skupno zunanjo in varnostno politiko. V imenu Unije vodi politični dialog s tretjimi osebami in izraža stališča Unije v mednarodnih organizacijah in na mednarodnih konferencah.

(3) Ministru za zunanje zadeve Unije pri izpolnjevanju njegovih nalog pomaga Evropska služba za zunanjepolitično delovanje. Ta služba deluje v sodelovanju z diplomatskimi službami držav članic in jo sestavljajo uradniki iz ustreznih oddelkov generalnega sekretariata Sveta in Komisije ter osebje iz nacionalnih diplomatskih služb držav članic. Evropski sklep Sveta določa organizacijo in delovanje Evropske službe za zunanjepolitično delovanje. Svet odloča na predlog ministra za zunanje zadeve Unije po posvetovanju z Evropskim parlamentom in po odobritvi Komisije.

ARTICLE III-296

1. The Union Minister for Foreign Affairs, who shall chair the Foreign Affairs Council, shall contribute through his or her proposals towards the preparation of the common foreign and security policy and shall ensure implementation of the European decisions adopted by the European Council and the Council.

2. The Minister for Foreign Affairs shall represent the Union for matters relating to the common foreign and security policy. He or she shall conduct political dialogue with third parties on the Union's behalf and shall express the Union's position in international organisations and at international conferences.

3. In fulfilling his or her mandate, the Union Minister for Foreign Affairs shall be assisted by a European External Action Service. This service shall work in cooperation with the diplomatic services of the Member States and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States. The organisation and functioning of the European External Action Service shall be established by a European decision of the Council. The Council shall act on a proposal from the Union Minister for Foreign Affairs after consulting the European Parliament and after obtaining the consent of the Commission.

III-297. ČLEN

(1) Kadar mednarodna situacija zahteva operativna dejanja Unije, Svet sprejme potrebne evropske sklepe. Takšni sklepi določijo cilje, obseg uporabe, sredstva, ki jih je treba dati na razpolago Uniji, po potrebi pa tudi trajanje in pogoje za izvajanje dejanj.

Če se spremenijo okoliščine z bistvenim vplivom na vprašanje, ki je predmet takšnega evropskega sklepa, Svet ponovno pregleda načela in cilje tega sklepa ter sprejme potrebne evropske sklepe.

(2) Evropski sklepi iz prejšnjega odstavka obvezujejo države članice pri stališčih, ki jih sprejemajo, in pri njihovem delovanju.

(3) Če se načrtuje sprejetje nacionalnega stališča ali izvajanje nacionalnih ukrepov skladno z evropskim sklepom iz prvega odstavka tega člena, zadevna država članica to sporoči dovolj zgodaj, da se omogoči posvetovanje v okviru Sveta. Obveznost predhodnega obveščanja se ne uporablja za ukrepe, ki pomenijo le prenos takšnih sklepov na nacionalni ravni.

(4) V nujnih primerih, nastalih zaradi spremembe razmer, in če Svet ni ponovno pregledal evropskega sklepa iz prvega odstavka tega člena, lahko države članice po hitrem postopku sprejmejo potrebne ukrepe glede na splošne cilje tega sklepa. Zadevna država članica nemudoma obvesti Svet o vseh takih ukrepih.

(5) Če pri izvajanju evropskega sklepa iz tega člena nastanejo večje težave, država članica z njimi seznani Svet, ki o njih razpravlja in poišče ustrezne rešitve. Te rešitve ne smejo nasprotovati ciljem ukrepov ali zmanjševati njihove učinkovitosti.

ARTICLE III-297

1. Where the international situation requires operational action by the Union, the Council shall adopt the necessary European decisions. Such decisions shall lay down the objectives, the scope, the means to be made available to the Union, if necessary the duration, and the conditions for implementation of the action.

If there is a change in circumstances having a substantial effect on a question subject to such a European decision, the Council shall review the principles and objectives of that decision and adopt the necessary European decisions.

2. The European decisions referred to in paragraph 1 shall commit the Member States in the positions they adopt and in the conduct of their activity.

3. Whenever there is any plan to adopt a national position or take national action pursuant to a European decision as referred to in paragraph 1, information shall be provided by the Member State concerned in time to allow, if necessary, for prior consultations within the Council. The obligation to provide prior information shall not apply to measures which are merely a national transposition of such a decision.

4. In cases of imperative need arising from changes in the situation and failing a review of the European decision pursuant to the second subparagraph of paragraph 1, Member States may take the necessary measures as a matter of urgency, having regard to the general objectives of that decision. The Member State concerned shall inform the Council immediately of any such measures.

5. Should there be any major difficulties in implementing a European decision as referred to in this Article, a Member State shall refer them to the Council which shall discuss them and seek appropriate solutions. Such solutions shall not run counter to the objectives of the action or impair its effectiveness.

III-298. ČLEN

Svet sprejema evropske sklepe, ki opredeljujejo pristop Unije do posamezne geografske ali vsebinske zadeve. Države članice zagotavljajo skladnost svoje nacionalne politike s stališči Unije.

III-299. ČLEN

(1) Države članice, minister za zunanje zadeve Unije ali ta minister s podporo Komisije lahko naslovijo vprašanja skupne zunanje in varnostne politike na Svet ter mu predložijo svoje pobude ali predloge.

(2) Kadar je potrebna hitra odločitev, minister za zunanje zadeve Unije po uradni dolžnosti ali na zahtevo države članice skliče izredno sejo Sveta v oseminštiridesetih urah, v najnujnejših primerih pa v krajšem času.

III-300. ČLEN

(1) Evropske sklepe iz tega poglavja sprejema Svet soglasno.

Vsak član Sveta, ki se vzdrži glasovanja, lahko obrazloži svojo vzdržanost s formalno izjavo. V tem primeru članu ni treba izvajati evropskega sklepa, vendar soglaša, da je slednji zavezujoč za Unijo. V duhu vzajemne solidarnosti se zadevna država članica vzdrži vseh dejanj, ki bi lahko nasprotovala ali ovirala delovanje Unije na podlagi tega sklepa, druge države članice pa spoštujejo njeno stališče. Če člani Sveta, ki so se tako vzdržali, predstavljajo najmanj tretjino držav članic, ki imajo skupaj najmanj tretjino prebivalstva Unije, sklep ni sprejet.

(2) Ne glede na prejšnji odstavek odloča Svet s kvalificirano večino:

a) pri sprejemanju evropskih sklepov, ki opredeljujejo ukrepe ali stališče Unije na podlagi evropskega sklepa Evropskega sveta o strateških interesih in ciljih Unije, iz prvega odstavka III-293. člena Ustave;

b) pri sprejemanju evropskega sklepa, ki opredeljuje ukrepe ali stališče Unije, na predlog, ki ga je minister za zunanje zadeve Unije predložil na posebno zahtevo Evropskega sveta, ki jo je ta sprejel na lastno pobudo ali pobudo ministra;

c) pri sprejemanju evropskega sklepa o izvajanju evropskega sklepa, ki opredeljuje ukrepe ali stališče Unije;

d) pri sprejemanju evropskega sklepa o imenovanju posebnega predstavnika v skladu s III-302. členom Ustave.

Če član Sveta izjavi, da namerava iz pomembnih in utemeljenih razlogov nacionalne politike nasprotovati sprejetju evropskega sklepa, ki ga je treba sprejeti s kvalificirano večino, se ne glasuje. Minister za zunanje zadeve Unije v tesnem posvetovanju z zadevno državo članico poišče zanjo sprejemljivo rešitev. Če pri tem ne uspe, lahko Svet s kvalificirano večino zahteva, da se zadeva predloži Evropskemu svetu, ki soglasno sprejme evropski sklep.

(3) V skladu s sedmim odstavkom I-40. člena Ustave lahko Evropski svet soglasno sprejme evropski sklep, ki določa, da Svet odloča s kvalificirano večino v drugih primerih, kot tistih iz prejšnjega odstavka.

(4) Drugi in tretji odstavek tega člena se ne uporabljata za sklepe, ki zadevajo vojaške ali obrambne zadeve.

III-301. ČLEN

(1) Ko Evropski svet ali Svet določi skupen pristop Unije v smislu petega odstavka I-40. člena Ustave, minister za zunanje zadeve Unije in ministri za zunanje zadeve držav članic usklajujejo svoje dejavnosti v okviru Sveta.

ARTICLE III-298

The Council shall adopt European decisions which shall define the approach of the Union to a particular matter of a geographical or thematic nature. Member States shall ensure that their national policies conform to the positions of the Union.

ARTICLE III-299

1. Any Member State, the Union Minister for Foreign Affairs, or that Minister with the Commission's support, may refer any question relating to the common foreign and security policy to the Council and may submit to it initiatives or proposals as appropriate.

2. In cases requiring a rapid decision, the Union Minister for Foreign Affairs, of the Minister's own motion or at the request of a Member State, shall convene an extraordinary meeting of the Council within forty-eight hours or, in an emergency, within a shorter period.

ARTICLE III-300

1. The European decisions referred to in this Chapter shall be adopted by the Council acting unanimously.

When abstaining in a vote, any member of the Council may qualify its abstention by making a formal declaration. In that case, it shall not be obliged to apply the European decision, but shall accept that the latter commits the Union. In a spirit of mutual solidarity, the Member State concerned shall refrain from any action likely to conflict with or impede Union action based on that decision and the other Member States shall respect its position. If the members of the Council qualifying their abstention in this way represent at least one third of the Member States comprising at least one third of the population of the Union, the decision shall not be adopted.

2. By way of derogation from paragraph 1, the Council shall act by a qualified majority:

(a) when adopting European decisions defining a Union action or position on the basis of a European decision of the European Council relating to the Union's strategic interests and objectives, as referred to in Article III-293(1);

(b) when adopting a European decision defining a Union action or position, on a proposal which the Union Minister for Foreign Affairs has presented following a specific request to him or her from the European Council, made on its own initiative or that of the Minister;

(c) when adopting a European decision implementing a European decision defining a Union action or position;

(d) when adopting a European decision concerning the appointment of a special representative in accordance with Article III-302.

If a member of the Council declares that, for vital and stated reasons of national policy, it intends to oppose the adoption of a European decision to be adopted by a qualified majority, a vote shall not be taken. The Union Minister for Foreign Affairs will, in close consultation with the Member State involved, search for a solution acceptable to it. If he or she does not succeed, the Council may, acting by a qualified majority, request that the matter be referred to the European Council for a European decision by unanimity.

3. In accordance with Article I-40(7) the European Council may unanimously adopt a European decision stipulating that the Council shall act by a qualified majority in cases other than those referred to in paragraph 2 of this Article.

4. Paragraphs 2 and 3 shall not apply to decisions having military or defence implications.

ARTICLE III-301

1. When the European Council or the Council has defined a common approach of the Union within the meaning of Article I-40(5), the Union Minister for Foreign Affairs and the Ministers for Foreign Affairs of the Member States shall coordinate their activities within the Council.

(2) Diplomatska predstavništva držav članic in delegacije Unije v tretjih državah in pri mednarodnih organizacijah sodelujejo in prispevajo k oblikovanju in izvajanju skupnega pristopa iz prejšnjega odstavka.

III-302. ČLEN

Svet ministrov lahko na predlog ministra za zunanje zadeve Unije imenuje posebnega predstavnika za določena politična vprašanja. Posebni predstavnik opravlja svoje naloge pod vodstvom ministra.

III-303. ČLEN

Unija lahko z eno ali več državami ali mednarodnimi organizacijami sklepa sporazume na področjih iz tega poglavja.

III-304. ČLEN

(1) Minister za zunanje zadeve Unije se posvetuje z Evropskim parlamentom in ga obvešča v skladu z osmim odstavkom I-40. člena in osmim odstavkom I-41. člena Ustave. Zagotovi, da se mnenja Evropskega parlamenta ustrezno upoštevajo. Posebni predstavniki lahko sodelujejo pri obveščanju Evropskega parlamenta.

(2) Evropski parlament lahko Svetu in ministru za zunanje zadeve Unije zastavlja vprašanja ali daje priporočila. Dvakrat na leto razpravlja o napredku pri izvajanju skupne zunanje in varnostne politike, vključno s skupno varnostno in obrambno politiko.

III-305. ČLEN

(1) Države članice usklajujejo svoje delovanje v mednarodnih organizacijah in na mednarodnih konferencah. Na takih forumih podpirajo stališča Unije. Tako usklajevanje organizira minister za zunanje zadeve Unije.

V mednarodnih organizacijah in na mednarodnih konferencah, na katerih ne sodelujejo vse države članice, sodelujoče podpirajo stališča Unije.

(2) V skladu z drugim odstavkom I-16. člena Ustave države članice, ki so zastopane v mednarodnih organizacijah ali na mednarodnih konferencah, kjer ne sodelujejo vse države članice, slednje in ministra za zunanje zadeve Unije obveščajo o zadevah, ki so v skupnem interesu.

Države članice, ki so tudi članice Varnostnega sveta Združenih narodov, se bodo medsebojno usklajevale in izčrpno obveščale ministra za zunanje zadeve Unije in druge države članice. Države članice, ki so članice Varnostnega sveta, pri opravljanju svojih dolžnosti zagovarjajo stališča in interese Unije, ne da bi to vplivalo na njihove obveznosti po Ustanovni listini Združenih narodov.

Kadar Unija sprejme stališče do zadeve, ki je na dnevnem redu Varnostnega sveta Združenih narodov, tiste države, ki sedijo v Varnostnem svetu, zahtevajo, da se ministra za zunanje zadeve Unije prosi, naj predstavi stališče Unije.

III-306. ČLEN

Diplomatska in konzularna predstavništva držav članic ter delegacije Unije v tretjih državah in na mednarodnih konferencah, kakor tudi njihova predstavništva pri mednarodnih organizacijah sodelujejo pri zagotavljanju, da se upoštevajo in izvajajo evropski sklepi, ki določajo stališča in ukrepe Unije, sprejeta na podlagi tega poglavja. Sodelovanje krepijo z izmenjavo informacij in pripravo skupnih ocen.

2. The diplomatic missions of the Member States and the Union delegations in third countries and at international organisations shall cooperate and shall contribute to formulating and implementing the common approach referred to in paragraph 1.

ARTICLE III-302

The Council may appoint, on a proposal from the Union Minister for Foreign Affairs, a special representative with a mandate in relation to particular policy issues. The special representative shall carry out his or her mandate under the Minister's authority.

ARTICLE III-303

The Union may conclude agreements with one or more States or international organisations in areas covered by this Chapter.

ARTICLE III-304

1. The Union Minister for Foreign Affairs shall consult and inform the European Parliament in accordance with Article I-40(8) and Article I-41(8). He or she shall ensure that the views of the European Parliament are duly taken into consideration. Special representatives may be involved in briefing the European Parliament.

2. The European Parliament may ask questions of the Council and of the Union Minister for Foreign Affairs or make recommendations to them. Twice a year it shall hold a debate on progress in implementing the common foreign and security policy, including the common security and defence policy.

ARTICLE III-305

1. Member States shall coordinate their action in international organisations and at international conferences. They shall uphold the Union's positions in such fora. The Union Minister for Foreign Affairs shall organise this coordination.

In international organisations and at international conferences where not all the Member States participate, those which do take part shall uphold the Union's positions.

2. In accordance with Article I-16(2), Member States represented in international organisations or international conferences where not all the Member States participate shall keep the latter, as well as the Union Minister for Foreign Affairs, informed of any matter of common interest.

Member States which are also members of the United Nations Security Council shall concert and keep the other Member States and the Union Minister for Foreign Affairs fully informed. Member States which are members of the Security Council will, in the execution of their functions, defend the positions and the interests of the Union, without prejudice to their responsibilities under the United Nations Charter.

When the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the Union Minister for Foreign Affairs be asked to present the Union's position.

ARTICLE III-306

The diplomatic and consular missions of the Member States and the Union delegations in third countries and international conferences, and their representations to international organisations, shall cooperate in ensuring that the European decisions defining Union positions and actions adopted pursuant to this Chapter are complied with and implemented. They shall step up cooperation by exchanging information and carrying out joint assessments.

Prispevajo k izvajanju pravic evropskih državljanov do varstva na ozemlju tretjih držav iz točke c) drugega odstavka I-10. člena Ustave in ukrepov, sprejetih v skladu s III-127. členom Ustave.

III-307. ČLEN

(1) Ne glede na III-344. člen Ustave Politični in varnostni odbor spremlja mednarodni položaj na področjih, ki jih zadeva skupna zunanja in varnostna politika, ter prispeva k opredeljevanju politik tako, da Svetu na njegovo zahtevo, na zahtevo ministra za zunanje zadeve Unije ali na lastno pobudo daje mnenja. Prav tako spremlja izvajanje dogovorjenih politik, ne da bi to vplivalo na pristojnosti ministra za zunanje zadeve Unije.

(2) Na področju uporabe tega poglavja, Politični in varnostni odbor izvaja, v okviru odgovornosti Sveta in ministra za zunanje zadeve Unije, politični nadzor in strateško vodi operacije za krizno upravljanje iz III-309. člena Ustave.

Svet lahko za namen in za čas trajanja operacije za krizno upravljanje, kakor ju določi Svet, pooblasti odbor, da sprejme ustrezne ukrepe glede političnega nadzora in strateškega vodenja operacije.

III-308. ČLEN

Izvajanje skupne zunanje in varnostne politike ne vpliva na uporabo postopkov in obseg dodeljenih pristojnosti institucij, ki jih določa Ustava za uresničevanje pristojnosti Unije iz I-13., I-15. in I-17. člena Ustave.

Prav tako tudi izvajanje politik iz teh členov, ne vpliva na uporabo postopkov in obseg dodeljenih pristojnosti institucij, ki jih določa Ustava za uresničevanje pristojnosti Unije iz tega poglavja.

2. ODDELEK

SKUPNA VARNOSTNA IN OBRAMBNA POLITIKA

III-309. ČLEN

(1) Naloge iz prvega odstavka I-41. člena Ustave, pri katerih lahko Unija uporabi civilna in vojaška sredstva, vključujejo skupne operacije razoroževanja, humanitarne in reševalne naloge, vojaško svetovanje in pomoč, preprečevanje sporov in naloge za ohranjanje miru, bojne operacije za krizno upravljanje, vključno z vzpostavljanjem miru in pokonfliktno stabilizacijo. Vse te naloge lahko prispevajo k boju proti terorizmu, skupaj s pomočjo tretjim deželam v boju proti terorizmu na njihovih ozemljih.

(2) Svet sprejme evropske sklepe v zvezi z nalogami iz prejšnjega odstavka, s katerimi določi njihove cilje in obseg uporabe ter splošne pogoje za njihovo izvajanje. Minister za zunanje zadeve Unije po pooblastilu Sveta in v tesnem sodelovanju in stalnem stiku s Političnim in varnostnim odborom zagotavlja usklajevanje med civilnimi in vojaškimi vidiki takšnih ukrepov.

III-310. ČLEN

(1) V okviru evropskih sklepov, sprejetih v skladu s prejšnjim členom, lahko Svet izvajanje naloge poveri skupini držav članic, ki so za to pripravljene in imajo ustrezne zmogljivosti za takšno nalogo. Te države članice se skupaj z ministrom za zunanje zadeve Unije med seboj dogovorijo glede vodenja naloge.

They shall contribute to the implementation of the right of European citizens to protection in the territory of third countries as referred to in Article I-10(2)(c) and the measures adopted pursuant to Article III-127.

ARTICLE III-307

1. Without prejudice to Article III-344, a Political and Security Committee shall monitor the international situation in the areas covered by the common foreign and security policy and contribute to the definition of policies by delivering opinions to the Council at the request of the latter, or of the Union Minister for Foreign Affairs, or on its own initiative. It shall also monitor the implementation of agreed policies, without prejudice to the powers of the Union Minister for Foreign Affairs.

2. Within the scope of this Chapter, the Political and Security Committee shall exercise, under the responsibility of the Council and of the Union Minister for Foreign Affairs, the political control and strategic direction of the crisis management operations referred to in Article III-309.

The Council may authorise the Committee, for the purpose and for the duration of a crisis management operation, as determined by the Council, to take the relevant measures concerning the political control and strategic direction of the operation.

ARTICLE III-308

The implementation of the common foreign and security policy shall not affect the application of the procedures and the extent of the powers of the institutions laid down by the Constitution for the exercise of the Union competences referred to in Articles I-13 to I-15 and I-17.

Similarly, the implementation of the policies listed in those Articles shall not affect the application of the procedures and the extent of the powers of the institutions laid down by the Constitution for the exercise of the Union competences under this Chapter.

SECTION 2

THE COMMON SECURITY AND DEFENCE POLICY

ARTICLE III-309

1. The tasks referred to in Article I-41(1), in the course of which the Union may use civilian and military means, shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation. All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories.

2. The Council shall adopt European decisions relating to the tasks referred to in paragraph 1, defining their objectives and scope and the general conditions for their implementation. The Union Minister for Foreign Affairs, acting under the authority of the Council and in close and constant contact with the Political and Security Committee, shall ensure coordination of the civilian and military aspects of such tasks.

ARTICLE III-310

1. Within the framework of the European decisions adopted in accordance with Article III-309, the Council may entrust the implementation of a task to a group of Member States which are willing and have the necessary capability for such a task. Those Member States, in association with the Union Minister for Foreign Affairs, shall agree among themselves on the management of the task.

(2) Države članice, ki sodelujejo pri izvajanju naloge, na svojo lastno pobudo ali na zahtevo druge države članice o napredku redno obveščajo Svet. Če izvedba naloge povzroči večje posledice ali terja spremembo cilja, obsega in pogojev naloge, določene v evropskih sklepih iz prejšnjega odstavka, te države nemudoma obvestijo Svet. V takih primerih Svet sprejme potrebne evropske sklepe.

III-311. ČLEN

(1) Agencija za področje razvoja obrambnih zmogljivosti, raziskav, nabave in oboroževanja (Evropska obrambna agencija), ustanovljena s tretjim odstavkom I-41. člena Ustave in podrejena Svetu, ima naloge:

a) sodelovati pri ugotavljanju ciljev držav članic glede vojaških zmogljivosti in pri oceni izpolnjevanja obveznosti, ki so jih države članice prevzele v zvezi s temi zmogljivostmi;

b) spodbujati usklajevanje operativnih potreb in sprejetje učinkovitih in združljivih postopkov naročanja;

c) predlaga večstranske projekte za izpolnjevanje ciljev, kar zadeva vojaške zmogljivosti, zagotavlja usklajevanje programov, ki jih izvajajo države članice in upravljanje posebnih programov sodelovanja;

d) podpira raziskave v obrambni tehnologiji ter usklajuje in načrtuje skupne raziskovalne dejavnosti in proučuje tehnične rešitve za prihodnje operativne potrebe;

e) prispeva k določanju, in po potrebi izvajanju, vsakršnih koristnih ukrepov za krepitev industrijskega in tehnološkega temelja obrambnega sektorja ter izboljšanju učinkovitosti vojaških odhodkov.

(2) Evropska obrambna agencija je odprta za vse države članice, ki želijo v njej sodelovati. Svet s kvalificirano večino sprejme evropski sklep, s katerim določi statut, sedež in pravila delovanja Agencije. Sklep upošteva raven učinkovitega sodelovanja pri dejavnostih Agencije. Znotraj Agencije se oblikujejo posebne skupine, ki povezujejo države članice v skupnih projektih. Agencija svoje naloge po potrebi izvaja v povezavi s Komisijo.

III-312. ČLEN

(1) Države članice, ki želijo sodelovati v stalnem strukturnem sodelovanju iz šestega odstavka I-41. člena Ustave, ki izpolnjujejo merila in so sprejele obveznosti o vojaških zmogljivostih iz Protokola o stalnem strukturnem sodelovanju, o svoji nameri uradno obvestijo Svet in ministra za zunanje zadeve Unije.

(2) V treh mesecih po takšnem uradnem obvestilu iz prejšnjega odstavka, Svet sprejme evropski sklep o stalnem strukturnem sodelovanju in sestavi seznam sodelujočih držav članic. Svet odloča s kvalificirano večino po posvetovanju z ministrom za zunanje zadeve Unije.

(3) Država članica, ki želi pozneje sodelovati v stalnem strukturnem sodelovanju o svoji nameri uradno obvesti Svet in ministra za zunanje zadeve Unije.

Svet sprejme evropski sklep, ki potrjuje sodelovanje zadevne države članice, ki izpolnjuje merila in prevzame obveznosti iz 1. in 2. člena Protokola o stalnem strukturnem sodelovanju. Svet odloča s kvalificirano večino po posvetovanju z ministrom za zunanje zadeve Unije. Glasujejo le člani Sveta, ki predstavljajo sodelujoče države članice.

Kvalificirana večina je najmanj 55% članov Sveta, ki predstavljajo države članice, ki imajo skupaj najmanj 65% prebivalstva udeleženih držav.

2. Member States participating in the task shall keep the Council regularly informed of its progress on their own initiative or at the request of another Member State. Those States shall inform the Council immediately should the completion of the task entail major consequences or require amendment of the objective, scope and conditions determined for the task in the European decisions referred to in paragraph 1. In such cases, the Council shall adopt the necessary European decisions.

ARTICLE III-311

1. The Agency in the field of defence capabilities development, research, acquisition and armaments (European Defence Agency), established by Article I-41(3) and subject to the authority of the Council, shall have as its task to:

(a) contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States;

(b) promote harmonisation of operational needs and adoption of effective, compatible procurement methods;

(c) propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes;

(d) support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs;

(e) contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure.

2. The European Defence Agency shall be open to all Member States wishing to be part of it. The Council, acting by a qualified majority, shall adopt a European decision defining the Agency's statute, seat and operational rules. That decision should take account of the level of effective participation in the Agency's activities. Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects. The Agency shall carry out its tasks in liaison with the Commission where necessary.

ARTICLE III-312

1. Those Member States which wish to participate in the permanent structured cooperation referred to in Article I-41(6), which fulfil the criteria and have made the commitments on military capabilities set out in the Protocol on permanent structured cooperation shall notify their intention to the Council and to the Union Minister for Foreign Affairs.

2. Within three months following the notification referred to in paragraph 1 the Council shall adopt a European decision establishing permanent structured cooperation and determining the list of participating Member States. The Council shall act by a qualified majority after consulting the Union Minister for Foreign Affairs.

3. Any Member State which, at a later stage, wishes to participate in the permanent structured cooperation shall notify its intention to the Council and to the Union Minister for Foreign Affairs.

The Council shall adopt a European decision confirming the participation of the Member State concerned which fulfils the criteria and makes the commitments referred to in Articles 1 and 2 of the Protocol on permanent structured cooperation. The Council shall act by a qualified majority after consulting the Union Minister for Foreign Affairs. Only members of the Council representing the participating Member States shall take part in the vote.

A qualified majority shall be defined as at least 55% of the members of the Council representing the participating Member States, comprising at least 65% of the population of these States.

Manjšina, ki lahko prepreči sprejetje odločitve, mora vključevati najmanj minimalno število članov Sveta, ki predstavljajo več kot 35% prebivalstva udeleženih držav članic in dodatnega člana, sicer se šteje, da je bila dosežena kvalificirana večina.

(4) Če sodelujoča država članica več ne izpolnjuje meril ali ni več sposobna izpolnjevati sprejetih obveznosti iz 1. in 2. člena Protokola o stalnem strukturnem sodelovanju, lahko Svet sprejme evropski sklep o mirovanju sodelovanja zadevne države članice.

Svet odloča s kvalificirano večino. Glasujejo le člani Sveta, ki predstavljajo sodelujoče države članice, z izjemo zadevne države članice.

Kvalificirana večina je najmanj 55% članov Sveta, ki predstavljajo države članice, ki imajo skupaj najmanj 65% prebivalstva udeleženih držav.

Manjšina, ki lahko prepreči sprejetje odločitev, mora vključevati najmanj minimalno število ostalih članov Sveta, ki predstavljajo več kot 35% prebivalstva udeleženih držav članic in dodatnega člana, sicer se šteje, da je bila dosežena kvalificirana večina.

(5) Sodelujoča država članica, ki želi izstopiti iz stalnega strukturnega sodelovanja, o svoji nameri uradno obvesti Svet, ki se seznani s tem, da je zadevna država članica prenehala sodelovati.

(6) Evropski sklepi in priporočila Sveta, sprejeti v okviru strukturnega sodelovanja, razen tisti iz drugega do petega odstavka tega člena, se sprejmejo soglasno. Za namene tega odstavka soglasje vključuje samo glasove predstavnikov sodelujočih držav članic.

A blocking minority must include at least the minimum number of Council members representing more than 35% of the population of the participating Member States, plus one member, failing which the qualified majority shall be deemed attained.

4. If a participating Member State no longer fulfils the criteria or is no longer able to meet the commitments referred to in Articles 1 and 2 of the Protocol on permanent structured cooperation, the Council may adopt a European decision suspending the participation of the Member State concerned.

The Council shall act by a qualified majority. Only members of the Council representing the participating Member States, with the exception of the Member State in question, shall take part in the vote.

A qualified majority shall be defined as at least 55% of the members of the Council representing the participating Member States, comprising at least 65% of the population of these States.

A blocking minority must include at least the minimum number of Council members representing more than 35% of the population of the participating Member States, plus one member, failing which the qualified majority shall be deemed attained.

5. Any participating Member State which wishes to withdraw from permanent structured cooperation shall notify its intention to the Council, which shall take note that the Member State in question has ceased to participate.

6. The European decisions and recommendations of the Council within the framework of permanent structured cooperation, other than those provided for in paragraphs 2 to 5, shall be adopted by unanimity. For the purposes of this paragraph, unanimity shall be constituted by the votes of the representatives of the participating Member States only.

3. ODDELEK
FINANČNE DOLOČBE

III-313. ČLEN

(1) Odhodki, ki nastanejo za poslovanje institucij na podlagi izvajanja tega poglavja, bremenijo proračun Unije.

(2) Odhodki pri poslovanju, ki nastanejo zaradi izvajanja tega poglavja, prav tako bremenijo proračun Unije, kar pa ne velja za odhodke, ki nastanejo zaradi vojaških ali obrambnih ukrepov in v primerih, ko Svet odloči drugače.

Kadar odhodki ne bremenijo proračuna Unije, bremenijo države članice po ključu bruto nacionalnega proizvoda, razen če Svet odloči drugače. Pri odhodkih, ki nastanejo zaradi vojaških ali obrambnih ukrepov, države članice, katerih predstavniki so v Svetu dali formalno izjavo skladno z drugim pododstavkom prvega odstavka III-300. člena Ustave, niso zavezane prispevati k njihovemu financiranju.

(3) Svet sprejme evropski sklep, s katerim določi posebne postopke za zagotovitev hitrega dostopa do odobrenih proračunskih sredstev iz proračuna Unije za nujno financiranje pobud v okviru skupne zunanje in varnostne politike, predvsem za pripravljalne dejavnosti za naloge iz prvega odstavka I-41. člena in III-309. člena Ustave. Svet odloča po posvetovanju z Evropskim parlamentom.

Pripravljalne dejavnosti za naloge iz prvega odstavka I-41. člena in III-309. člena Ustave, ki se ne krijejo iz proračuna Unije, se financirajo iz zagonskega sklada, sestavljenega iz prispevkov držav članic.

Svet s kvalificirano večino na predlog ministra za zunanje zadeve Unije sprejme evropske sklepe, s katerimi določi:

a) postopke za ustanovitev in financiranje zagonskega sklada, posebej zneskov, ki se prispevajo v sklad;

SECTION 3
FINANCIAL PROVISIONS

ARTICLE III-313

1. Administrative expenditure which the implementation of this Chapter entails for the institutions shall be charged to the Union budget.

2. Operating expenditure to which the implementation of this Chapter gives rise shall also be charged to the Union budget, except for such expenditure arising from operations having military or defence implications and cases where the Council decides otherwise.

In cases where expenditure is not charged to the Union budget it shall be charged to the Member States in accordance with the gross national product scale, unless the Council decides otherwise. As for expenditure arising from operations having military or defence implications, Member States whose representatives in the Council have made a formal declaration under Article III-300(1), second subparagraph, shall not be obliged to contribute to the financing thereof.

3. The Council shall adopt a European decision establishing the specific procedures for guaranteeing rapid access to appropriations in the Union budget for urgent financing of initiatives in the framework of the common foreign and security policy, and in particular for preparatory activities for the tasks referred to in Article I-41(1) and Article III-309. It shall act after consulting the European Parliament.

Preparatory activities for the tasks referred to in Article I-41(1) and Article III-309 which are not charged to the Union budget shall be financed by a start-up fund made up of Member States' contributions.

The Council shall adopt by a qualified majority, on a proposal from the Union Minister for Foreign Affairs, European decisions establishing:

(a) the procedures for setting up and financing the start-up fund, in particular the amounts allocated to the fund;

b) postopke za vodenje zagonskega sklada;

c) postopke finančnega nadzora.

Kadar se naloge, načrtovane po prvem odstavku I-41. člena in III-309. člena Ustave, ne morejo kriti iz proračuna Unije, Svet za uporabo sredstev iz sklada pooblasti ministra za zunanje zadeve Unije. Minister za zunanje zadeve Unije Svetu poroča o izvajanju te naloge.

(b) the procedures for administering the start-up fund;

(c) the financial control procedures.

When the task planned in accordance with Article I-41(1) and Article III-309 cannot be charged to the Union budget, the Council shall authorise the Union Minister for Foreign Affairs to use the fund. The Union Minister for Foreign Affairs shall report to the Council on the implementation of this remit.

III. POGLAVJE

SKUPNA TRGOVINSKA POLITIKA

III-314. ČLEN

Z vzpostavitvijo carinske unije v skladu s III-151. členom Ustave, Unija v skupnem interesu prispeva k usklajenemu razvoju svetovne trgovine, postopnemu odpravljanju omejitev v mednarodni trgovini in neposrednih tujih naložbah ter zmanjševanju carinskih in drugih ovir.

III-315. ČLEN

(1) Skupna trgovinska politika temelji na enotnih načelih, zlasti glede sprememb carinskih stopenj, sklenitve sporazumov o carinskih tarifah in trgovini, ki se nanašajo na trgovino z blagom in storitvami, gospodarske vidike intelektualne lastnine, neposredne tuje naložbe, doseganje enotnosti pri ukrepih liberalizacije, izvozni politiki in ukrepih za zaščito trgovine, na primer glede dampinga ali subvencij. Skupna trgovinska politika se izvaja v okviru načel in ciljev zunanjepolitičnega delovanja Unije.

(2) Z evropskimi zakoni se določijo ukrepi, s katerimi se opredeli okvir za izvajanje skupne trgovinske politike.

(3) Kadar so za sklenitev sporazumov z eno ali več tretjimi državami ali mednarodnimi organizacijami potrebna pogajanja, se uporablja III-325. člen Ustave, ob upoštevanju posebnih določb tega člena.

Komisija predloži Svetu priporočila, ta pa jo pooblasti za začetek potrebnih pogajanj. Svet in Komisija zagotovita, da so sporazumi, doseženi s pogajanji, skladni z notranjo politiko in pravili Unije.

Komisija vodi pogajanja ob posvetovanju s posebnim odborom, ki ga Svet imenuje za pomoč Komisiji pri izvajanju te naloge, in v okviru navodil, ki jih Svet lahko naslovi nanjo. Komisija o napredku pri pogajanjih redno poroča posebnemu odboru in Evropskemu parlamentu.

(4) O pogajanjih in sklenitvi sporazumov iz prejšnjega odstavka, Svet odloča s kvalificirano večino.

O pogajanjih in sklenitvi sporazumov na področju trgovine s storitvami in gospodarskih vidikih intelektualne lastnine ter neposrednih tujih naložb Svet odloča soglasno, kjer ti sporazumi vsebujejo določbe, za katere je potrebno soglasje za sprejem notranjih pravil.

Svet prav tako odloča soglasno o pogajanjih in sklenitvi sporazumov:

a) na področju trgovine s kulturnimi in avdio-vizualnimi storitvami, če obstaja nevarnost, da bi ti sporazumi utegnili poseči v kulturno in jezikovno raznolikost Unije;

b) na področju trgovine s socialnimi, izobraževalnimi in zdravstvenimi storitvami, če bi ti sporazumi utegnili resno ovirati nacionalno ureditev teh storitev in poseči v pristojnost držav članic za njihovo zagotavljanje.

CHAPTER III

COMMON COMMERCIAL POLICY

ARTICLE III-314

By establishing a customs union in accordance with Article III-151, the Union shall contribute, in the common interest, to the harmonious development of world trade, the progressive abolition of restrictions on international trade and on foreign direct investment, and the lowering of customs and other barriers.

ARTICLE III-315

1. The common commercial policy shall be based on uniform principles, particularly with regard to changes in tariff rates, the conclusion of tariff and trade agreements relating to trade in goods and services, and the commercial aspects of intellectual property, foreign direct investment, the achievement of uniformity in measures of liberalisation, export policy and measures to protect trade such as those to be taken in the event of dumping or subsidies. The common commercial policy shall be conducted in the context of the principles and objectives of the Union's external action.

2. European laws shall establish the measures defining the framework for implementing the common commercial policy.

3. Where agreements with one or more third countries or international organisations need to be negotiated and concluded, Article III-325 shall apply, subject to the special provisions of this Article.

The Commission shall make recommendations to the Council, which shall authorise it to open the necessary negotiations. The Council and the Commission shall be responsible for ensuring that the agreements negotiated are compatible with internal Union policies and rules.

The Commission shall conduct these negotiations in consultation with a special committee appointed by the Council to assist the Commission in this task and within the framework of such directives as the Council may issue to it. The Commission shall report regularly to the special committee and to the European Parliament on the progress of negotiations.

4. For the negotiation and conclusion of the agreements referred to in paragraph 3, the Council shall act by a qualified majority.

For the negotiation and conclusion of agreements in the fields of trade in services and the commercial aspects of intellectual property, as well as foreign direct investment, the Council shall act unanimously where such agreements include provisions for which unanimity is required for the adoption of internal rules.

The Council shall also act unanimously for the negotiation and conclusion of agreements:

(a) in the field of trade in cultural and audiovisual services, where these agreements risk prejudicing the Union's cultural and linguistic diversity;

(b) in the field of trade in social, education and health services, where these agreements risk seriously disturbing the national organisation of such services and prejudicing the responsibility of Member States to deliver them.

(5) Pogajanja in sklepanje mednarodnih sporazumov na področju prometa so v skladu z določbami 7. oddelka III. poglavja III. naslova tega dela in III-325. člena Ustave.

(6) Izvajanje dodeljenih pristojnosti iz tega člena na področju trgovinske politike ne vpliva na razmejitev pristojnosti med Unijo in državami članicami in ne vodi k usklajevanju zakonov ali upravnih predpisov držav članic, kolikor to usklajevanje Ustava izključuje.

5. The negotiation and conclusion of international agreements in the field of transport shall be subject to Section 7 of Chapter III of Title III and to Article III-325.

6. The exercise of the competences conferred by this Article in the field of the common commercial policy shall not affect the delimitation of competences between the Union and the Member States, and shall not lead to harmonisation of legislative or regulatory provisions of the Member States insofar as the Constitution excludes such harmonisation.

IV. POGLAVJE

SODELOVANJE S TRETJIMI DRŽAVAMI IN HUMANITARNA POMOČ

1. ODDELEK

RAZVOJNO SODELOVANJE

III-316. ČLEN

(1) Politika Unije na področju razvojnega sodelovanja se izvaja v okviru načel in ciljev zunanjepolitičnega delovanja Unije. Politika razvojnega sodelovanja Unije in politike razvojnega sodelovanja držav članic se med seboj dopolnjujejo in krepijo.

Glavni cilj politike razvojnega sodelovanja Unije je zmanjšanje in dolgoročno izkoreninjenje revščine. Unija upošteva cilje razvojnega sodelovanja pri politikah, ki jih izvaja in ki lahko vplivajo na države v razvoju.

(2) Unija in države članice spoštujejo obveznosti in upoštevajo cilje, ki so jih sprejele v okviru Združenih narodov in drugih pristojnih mednarodnih organizacij.

III-317. ČLEN

(1) Z evropskimi zakoni ali okvirnimi zakoni se določijo potrebni ukrepi za izvajanje politike razvojnega sodelovanja, ki so lahko povezani s programi večletnega sodelovanja z državami v razvoju ali vsebinsko oblikovanimi programi.

(2) Unija lahko s tretjimi državami in pristojnimi mednarodnimi organizacijami sklene sporazume za uresničevanje ciljev iz III-292. in III-316. člena Ustave.

Prejšnji pododstavek ne vpliva na pristojnost držav članic glede pogajanj v mednarodnih organih in glede sklepanja sporazumov.

(3) Evropska investicijska banka prispeva k izvajanju ukrepov iz prvega odstavka tega člena v skladu s pogoji iz svojega statuta.

III-318. ČLEN

(1) Zaradi spodbujanja dopolnjevanja in učinkovitosti njihovega delovanja, Unija in države članice usklajujejo svoje politike razvojnega sodelovanja in se med seboj posvetujejo o programih pomoči, tudi v mednarodnih organizacijah in na mednarodnih konferencah. Sprejemajo lahko skupne ukrepe. Države članice po potrebi prispevajo k izvajanju programov pomoči Unije.

(2) Komisija lahko daje koristne pobude za pospeševanje usklajevanja iz prejšnjega odstavka.

(3) Unija in države članice v okviru svojih pristojnosti sodelujejo s tretjimi državami in pristojnimi mednarodnimi organizacijami.

CHAPTER IV

COOPERATION WITH THIRD COUNTRIES AND HUMANITARIAN AID

SECTION 1

DEVELOPMENT COOPERATION

ARTICLE III-316

1. Union policy in the field of development cooperation shall be conducted within the framework of the principles and objectives of the Union's external action. The Union's development cooperation policy and that of the Member States shall complement and reinforce each other.

Union development cooperation policy shall have as its primary objective the reduction and, in the long term, the eradication of poverty. The Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries.

2. The Union and the Member States shall comply with the commitments and take account of the objectives they have approved in the context of the United Nations and other competent international organisations.

ARTICLE III-317

1. European laws or framework laws shall establish the measures necessary for the implementation of development cooperation policy, which may relate to multiannual cooperation programmes with developing countries or programmes with a thematic approach.

2. The Union may conclude with third countries and competent international organisations any agreement helping to achieve the objectives referred to in Articles III-292 and III-316.

The first subparagraph shall be without prejudice to Member States' competence to negotiate in international bodies and to conclude agreements.

3. The European Investment Bank shall contribute, under the terms laid down in its Statute, to the implementation of the measures referred to in paragraph 1.

ARTICLE III-318

1. In order to promote the complementarity and efficiency of their action, the Union and the Member States shall coordinate their policies on development cooperation and shall consult each other on their aid programmes, including in international organisations and during international conferences. They may undertake joint action. Member States shall contribute if necessary to the implementation of Union aid programmes.

2. The Commission may take any useful initiative to promote the coordination referred to in paragraph 1.

3. Within their respective spheres of competence, the Union and the Member States shall cooperate with third countries and the competent international organisations.

2. ODDELEK

GOSPODARSKO, FINANČNO IN TEHNIČNO SODELOVANJE S TRETJIMI DEŽELAMI

III-319. ČLEN

(1) Ne glede na druge določbe Ustave, zlasti iz III-316., III-317. in III-318. člena Ustave, Unija izvaja ukrepe gospodarskega, finančnega in tehničnega sodelovanja, zlasti skupaj s finančno pomočjo, s tretjimi deželami, ki niso države v razvoju. Takšni ukrepi so skladni z razvojno politiko Unije in se izvajajo v okviru načel in ciljev njenega zunanjepolitičnega delovanja. Ukrepi Unije in držav članic se med seboj dopolnjujejo in krepijo.

(2) Z evropskimi zakoni ali okvirnimi zakoni se določijo ukrepi, potrebni za izvajanje prejšnjega odstavka.

(3) Unija in države članice v okviru svojih pristojnosti sodelujejo s tretjimi deželami in pristojnimi mednarodnimi organizacijami. O podrobnostih takega sodelovanja se lahko med Unijo in zadevnimi tretjimi osebami sklenejo sporazumi.

Prejšnji pododstavek ne vpliva na pristojnost držav članic glede pogajanj v mednarodnih organih in glede sklepanja sporazumov.

III-320. ČLEN

Kadar razmere v tretji deželi zahtevajo nujno finančno pomoč Unije, Svet na predlog Komisije sprejme potrebne evropske sklepe.

3. ODDELEK

HUMANITARNA POMOČ

III-321. ČLEN

(1) Dejavnosti Unije na področju humanitarne pomoči potekajo v okviru načel in ciljev zunanjepolitičnega delovanja Unije. Takšne dejavnosti so namenjene zagotavljanju takojšnje pomoči, podpore in zaščite ljudem v tretjih deželah in žrtvam naravnih nesreč ali nesreč, ki jih je povzročil človek, da se zadovoljijo humanitarne potrebe, ki izhajajo iz teh različnih razmer. Ukrepi Unije in držav članic se med seboj dopolnjujejo in krepijo.

(2) Dejavnosti humanitarne pomoči se izvajajo v skladu z načeli mednarodnega prava in z načeli nepristranskosti, nevtralnosti in nediskriminacije.

(3) Z evropskimi zakoni ali okvirnimi zakoni se določijo ukrepi s katerimi opredelijo okvir za izvajanje dejavnosti humanitarne pomoči Unije.

(4) Unija lahko s tretjimi deželami in pristojnimi mednarodnimi organizacijami sklene sporazume za uresničevanje ciljev iz prvega odstavka tega člena in III-292. člena Ustave.

Prejšnji pododstavek ne vpliva na pristojnost držav članic glede pogajanj v mednarodnih organih in glede sklepanja sporazumov.

(5) Zaradi vzpostavitve okvira za prispevek mladih Evropejcev k humanitarnim dejavnostim Unije, se ustanovi Evropski prostovoljski zbor za humanitarno pomoč. Z evropskimi zakoni se določijo pravila in postopki za delovanje zbora.

(6) Komisija lahko daje koristne pobude za uskladitev dejavnosti Unije in držav članic za večjo učinkovitost in dopolnjevanje ukrepov humanitarne pomoči Unije in držav članic.

SECTION 2

ECONOMIC, FINANCIAL AND TECHNICAL COOPERATION WITH THIRD COUNTRIES

ARTICLE III-319

1. Without prejudice to the other provisions of the Constitution, and in particular Articles III-316 to III-318, the Union shall carry out economic, financial and technical cooperation measures, including assistance, in particular financial assistance, with third countries other than developing countries. Such measures shall be consistent with the development policy of the Union and shall be carried out within the framework of the principles and objectives of its external action. The Union's measures and those of the Member States shall complement and reinforce each other.

2. European laws or framework laws shall establish the measures necessary for the implementation of paragraph 1.

3. Within their respective spheres of competence, the Union and the Member States shall cooperate with third countries and the competent international organisations. The arrangements for Union cooperation may be the subject of agreements between the Union and the third parties concerned.

The first subparagraph shall be without prejudice to Member States' competence to negotiate in international bodies and to conclude agreements.

ARTICLE III-320

When the situation in a third country requires urgent financial assistance from the Union, the Council shall adopt the necessary European decisions on a proposal from the Commission.

SECTION 3

HUMANITARIAN AID

ARTICLE III-321

1. The Union's operations in the field of humanitarian aid shall be conducted within the framework of the principles and objectives of the external action of the Union. Such operations shall be intended to provide ad hoc assistance and relief and protection for people in third countries who are victims of natural or man-made disasters, in order to meet the humanitarian needs resulting from these different situations. The Union's operations and those of the Member States shall complement and reinforce each other.

2. Humanitarian aid operations shall be conducted in compliance with the principles of international law and with the principles of impartiality, neutrality and non-discrimination.

3. European laws or framework laws shall establish the measures defining the framework within which the Union's humanitarian aid operations shall be implemented.

4. The Union may conclude with third countries and competent international organisations any agreement helping to achieve the objectives referred to in paragraph 1 and in Article III-292.

The first subparagraph shall be without prejudice to Member States' competence to negotiate in international bodies and to conclude agreements.

5. In order to establish a framework for joint contributions from young Europeans to the humanitarian aid operations of the Union, a European Voluntary Humanitarian Aid Corps shall be set up. European laws shall determine the rules and procedures for the operation of the Corps.

6. The Commission may take any useful initiative to promote coordination between actions of the Union and those of the Member States, in order to enhance the efficiency and complementarity of Union and national humanitarian aid measures.

(7) Unija zagotavlja usklajenost in doslednost svojih humanitarnih dejavnosti z dejavnostmi mednarodnih organizacij in organov, zlasti s tistimi v okviru sistema Združenih narodov.

7. The Union shall ensure that its humanitarian aid operations are coordinated and consistent with those of international organisations and bodies, in particular those forming part of the United Nations system.

V. POGLAVJE

OMEJEVALNI UKREPI

III-322. ČLEN

(1) Kadar evropski sklep, sprejet v skladu z II. poglavjem tega naslova, predvideva prekinitev ali delno oziroma popolno omejitev gospodarskih in finančnih odnosov z eno ali več tretjimi deželami, Svet s kvalificirano večino na skupen predlog ministra za zunanje zadeve Unije in Komisije sprejme potrebne evropske uredbe ali sklepe. O tem obvesti Evropski parlament.

(2) Kadar evropski sklep, sprejet v skladu z II. poglavjem tega naslova tako predvideva, lahko Svet na podlagi postopka iz prejšnjega odstavka sprejme omejevalne ukrepe proti fizičnim ali pravnim osebam, skupinam ali subjektom, ki niso državni subjekti.

(3) Akti, navedeni v tem členu, vključujejo potrebne določbe o pravnih jamstvih.

CHAPTER V

RESTRICTIVE MEASURES

ARTICLE III-322

1. Where a European decision, adopted in accordance with Chapter II, provides for the interruption or reduction, in part or completely, of economic and financial relations with one or more third countries, the Council, acting by a qualified majority on a joint proposal from the Union Minister for Foreign Affairs and the Commission, shall adopt the necessary European regulations or decisions. It shall inform the European Parliament thereof.

2. Where a European decision adopted in accordance with Chapter II so provides, the Council may adopt restrictive measures under the procedure referred to in paragraph 1 against natural or legal persons and groups or non-State entities.

3. The acts referred to in this Article shall include necessary provisions on legal safeguards.

VI. POGLAVJE

MEDNARODNI SPORAZUMI

III-323. ČLEN

(1) Unija lahko sklene sporazum z eno ali več tretjimi deželami ali mednarodnimi organizacijami, kadar je tako določeno v Ustavi ali kadar je v okviru politik Unije sklepanje sporazuma potrebno bodisi za doseganje enega od ciljev iz Ustave, bodisi kadar je tako določeno v pravno zavezujočem aktu Unije, ali kadar sporazum lahko vpliva na skupna pravila ali spremeni njihov obseg.

(2) Sporazumi, ki jih sklene Unija, so zavezujoči za institucije Unije in za države članice.

III-324. ČLEN

Unija lahko z eno ali več tretjimi deželami ali mednarodnimi organizacijami sklepa pridružitvene sporazume, s katerimi se vzpostavi pridružitev, ki vključuje vzajemne pravice in obveznosti ter skupne ukrepe in posebne postopke.

III-325. ČLEN

(1) Ne glede na posebne določbe III-315. člena Ustave se o sporazumih med Unijo in tretjimi deželami ali mednarodnimi organizacijami pogajajo in jih sklepajo po spodaj opisanem postopku.

(2) Svet dovoli začetek pogajanj, sprejema pogajalska izhodišča, dovoli podpisovanje in sklepa sporazume.

(3) Kadar se predvideni sporazum izključno ali v večjem delu nanaša na skupno zunanjo in varnostno politiko, Komisija ali minister za zunanje zadeve Unije predloži priporočila Svetu, ki sprejme evropski sklep, s katerim dovoli začetek pogajanj in glede na predmet predvidenega sporazuma imenuje pogajalca ali vodjo pogajalske skupine Unije.

(4) Svet lahko na pogajalca naslovi navodila in določi posebni odbor, v posvetovanju s katerim se vodijo pogajanja.

(5) Svet na predlog pogajalca sprejme evropski sklep, s katerim dovoli podpis sporazuma in po potrebi njegovo začasno izvajanje pred začetkom veljavnosti.

CHAPTER VI

INTERNATIONAL AGREEMENTS

ARTICLE III-323

1. The Union may conclude an agreement with one or more third countries or international organisations where the Constitution so provides or where the conclusion of an agreement is necessary in order to achieve, within the framework of the Union's policies, one of the objectives referred to in the Constitution, or is provided for in a legally binding Union act or is likely to affect common rules or alter their scope.

2. Agreements concluded by the Union are binding on the institutions of the Union and on its Member States.

ARTICLE III-324

The Union may conclude an association agreement with one or more third countries or international organisations in order to establish an association involving reciprocal rights and obligations, common actions and special procedures.

ARTICLE III-325

1. Without prejudice to the specific provisions laid down in Article III-315, agreements between the Union and third countries or international organisations shall be negotiated and concluded in accordance with the following procedure.

2. The Council shall authorise the opening of negotiations, adopt negotiating directives, authorise the signing of agreements and conclude them.

3. The Commission, or the Union Minister for Foreign Affairs where the agreement envisaged relates exclusively or principally to the common foreign and security policy, shall submit recommendations to the Council, which shall adopt a European decision authorising the opening of negotiations and, depending on the subject of the agreement envisaged, nominating the Union negotiator or head of the Union's negotiating team.

4. The Council may address directives to the negotiator and designate a special committee in consultation with which the negotiations must be conducted.

5. The Council, on a proposal by the negotiator, shall adopt a European decision authorising the signing of the agreement and, if necessary, its provisional application before entry into force.

(6) Svet na predlog pogajalca sprejme evropski sklep, s katerim sklene sporazum.

Razen pri sporazumih, ki zadevajo izključno skupno zunanjo in varnostno politiko, Svet sprejme evropski sklep o sklenitvi sporazuma:

a) po pridobitvi odobritve Evropskega parlamenta v naslednjih primerih:

1. pridružitvenih sporazumov;

2. pristopa Unije k Evropski konvenciji o varstvu človekovih pravic in temeljnih svobošč in;

3. sporazumov, ki z uvedbo postopkov sodelovanja vzpostavljajo poseben institucionalni okvir;

4. sporazumov, ki imajo znatne proračunske posledice za Unijo;

5. sporazumov na področjih, za katere velja bodisi redni zakonodajni postopek bodisi posebni zakonodajni postopek, kjer je potrebna odobritev Evropskega parlamenta.

Evropski parlament in Svet se lahko v nujnem primeru dogovorita o roku za odobritev;

b) po posvetovanju z Evropskim parlamentom v drugih primerih. Evropski parlament poda svoje mnenje v roku, ki ga glede na nujnost zadeve lahko določi Svet. Svet lahko odloča, če mnenje ni dano v roku.

(7) Pri sklepanju sporazuma lahko Svet ne glede na peti, šesti in deveti odstavek tega člena pooblasti pogajalca sporazuma, da v imenu Unije odobri dopolnitve, kadar sporazum predvideva, da se lahko sprejmejo po poenostavljenem postopku, ali da jih sprejme organ, ustanovljen v skladu s sporazumom. Takšnemu pooblastilu lahko Svet doda posebne pogoje.

(8) Svet odloča s kvalificirano večino v celotnem postopku.

S soglasjem odloča takrat, kadar sporazum pokriva področje, za katerega je potrebno soglasje pri sprejemanju akta Unije kot tudi za pridružitvene sporazume in sporazume iz III-319. člena Ustave z državami kandidatkami za pristop.

(9) Svet na predlog Komisije ali ministra za zunanje zadeve Unije sprejme evropski sklep o odložitvi uporabe sporazuma in za določitev stališč, ki jih je treba sprejeti v imenu Unije v organu, ustanovljenem s sporazumom, kadar naj bi ta organ sprejel akte s pravnim učinkom, z izjemo aktov o dopolnitvah ali spremembah institucionalnega okvira sporazuma.

(10) Evropski parlament je nemudoma in v celoti obveščen v vseh fazah postopka.

(11) Država članica, Evropski parlament, Svet ali Komisija lahko pridobijo mnenje Sodišča glede skladnosti predvidenega sporazuma z določbami Ustave. Kadar je mnenje Sodišča odklonilno, lahko predvideni sporazum začne veljati le, če je spremenjen ali če pride do spremembe Ustave.

III-326. ČLEN

(1) Ne glede na prejšnji člen lahko Svet bodisi na priporočilo Evropske centralne banke bodisi na priporočilo Komisije in po posvetovanju z Evropsko centralno banko v prizadevanju doseči soglasje, skladno s ciljem stabilnosti cen, sklene formalne sporazume o sistemu deviznih tečajev za euro glede na valute tretjih držav. Svet odloča soglasno po posvetovanju z Evropskim parlamentom in v skladu s postopkom iz tretjega odstavka tega člena.

6. The Council, on a proposal by the negotiator, shall adopt a European decision concluding the agreement.

Except where agreements relate exclusively to the common foreign and security policy, the Council shall adopt the European decision concluding the agreement:

(a) after obtaining the consent of the European Parliament in the following cases:

(i) association agreements;

(ii) Union accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms;

(iii) agreements establishing a specific institutional framework by organising cooperation procedures;

(iv) agreements with important budgetary implications for the Union;

(v) agreements covering fields to which either the ordinary legislative procedure applies, or the special legislative procedure where consent by the European Parliament is required.

The European Parliament and the Council may, in an urgent situation, agree upon a time-limit for consent.

(b) after consulting the European Parliament in other cases. The European Parliament shall deliver its opinion within a time-limit which the Council may set depending on the urgency of the matter. In the absence of an opinion within that time-limit, the Council may act.

7. When concluding an agreement, the Council may, by way of derogation from paragraphs 5, 6 and 9, authorise the negotiator to approve on the Union's behalf modifications to the agreement where it provides for them to be adopted by a simplified procedure or by a body set up by the agreement. The Council may attach specific conditions to such authorisation.

8. The Council shall act by a qualified majority throughout the procedure.

However, it shall act unanimously when the agreement covers a field for which unanimity is required for the adoption of a Union act as well as for association agreements and the agreements referred to in Article III-319 with the States which are candidates for accession.

9. The Council, on a proposal from the Commission or the Union Minister for Foreign Affairs, shall adopt a European decision suspending application of an agreement and establishing the positions to be adopted on the Union's behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement.

10. The European Parliament shall be immediately and fully informed at all stages of the procedure.

11. A Member State, the European Parliament, the Council or the Commission may obtain the opinion of the Court of Justice as to whether an agreement envisaged is compatible with the Constitution. Where the opinion of the Court of Justice is adverse, the agreement envisaged may not enter into force unless it is amended or the Constitution is revised.

ARTICLE III-326

1. By way of derogation from Article III-325, the Council, either on a recommendation from the European Central Bank or on a recommendation from the Commission and after consulting the European Central Bank, in an endeavour to reach a consensus consistent with the objective of price stability, may conclude formal agreements on an exchange-rate system for the euro in relation to the currencies of third States. The Council shall act unanimously after consulting the European Parliament and in accordance with the procedure provided for in paragraph 3.

Svet lahko, bodisi na priporočilo Evropske centralne banke bodisi na priporočilo Komisije in po posvetovanju z Evropsko centralno banko, v prizadevanju doseči soglasje, skladno s ciljem stabilnosti cen, sprejme, prilagodi ali opusti osrednje tečaje eura v okviru sistema deviznih tečajev. Predsednik Sveta obvesti Evropski parlament o sprejetju, prilagoditvi ali opustitvi osrednjih tečajev eura.

(2) Če sistem deviznih tečajev za eno ali več valut tretjih držav, kot je navedeno v prejšnjem odstavku, ne obstaja, lahko Svet na priporočilo Evropske centralne banke ali na priporočilo Komisije in po posvetovanju z Evropsko centralno banko oblikuje splošne usmeritve za politiko deviznega tečaje glede teh valut. Te splošne usmeritve ne vplivajo na poglavitni cilj Evropskega sistema centralnih bank glede ohranjanja stabilnosti cen.

(3) Ne glede na prejšnji člen Svet, kadar so predmet pogajanj med Unijo in eno ali več tretjimi deželami ali mednarodnimi organizacijami sporazumi o denarnem sistemu ali sistemu deviznih tečajev, na priporočilo Komisije in po posvetovanju z Evropsko centralno banko določi ureditev v zvezi s pogajanji in sklepanjem sporazumov. Ta ureditev zagotavlja, da Unija zastopa enotno stališče. Komisija je v celoti vključena v pogajanja.

(4) Ne glede na pristojnost Unije in sporazume Unije glede ekonomske in monetarne unije se lahko države članice pogajajo v mednarodnih organih in sklepajo sporazume.

The Council, either on a recommendation from the European Central Bank or on a recommendation from the Commission and after consulting the European Central Bank, in an endeavour to reach a consensus consistent with the objective of price stability, may adopt, adjust or abandon the central rates of the euro within the exchange-rate system. The President of the Council shall inform the European Parliament of the adoption, adjustment or abandonment of the central rates of the euro.

2. In the absence of an exchange-rate system in relation to one or more currencies of third States as referred to in paragraph 1, the Council, acting either on a recommendation from the European Central Bank or on a recommendation from the Commission and after consulting the European Central Bank, may formulate general orientations for exchange-rate policy in relation to these currencies. These general orientations shall be without prejudice to the primary objective of the European System of Central Banks, to maintain price stability.

3. By way of derogation from Article III-325, where agreements on matters relating to the monetary or exchange-rate system are to be the subject of negotiations between the Union and one or more third States or international organisations, the Council, acting on a recommendation from the Commission and after consulting the European Central Bank, shall decide the arrangements for the negotiation and for the conclusion of such agreements. These arrangements shall ensure that the Union expresses a single position. The Commission shall be fully associated with the negotiations.

4. Without prejudice to Union competence and Union agreements as regards economic and monetary union, Member States may negotiate in international bodies and conclude agreements.

VII. POGLAVJE

ODNOSI UNIJE Z MEDNARODNIMI ORGANIZACIJAMI IN TRETJIMI DEŽELAMI TER DELEGACIJE UNIJE

III-327. člen

(1) Unija vzpostavi ustrezne oblike sodelovanja z organi Združenih narodov in njihovimi specializiranimi agencijami, Svetom Evrope, Organizacijo za varnost in sodelovanje v Evropi ter Organizacijo za ekonomsko sodelovanje in razvoj.

Unija ohranja tudi ustrezne odnose z drugimi mednarodnimi organizacijami.

(2) Minister za zunanje zadeve Unije in Komisija sta zadolžena za izvajanje tega člena.

III-328. ČLEN

(1) Delegacije Unije v tretjih deželah in v mednarodnih organizacijah zastopajo Unijo.

(2) Delegacije Unije spadajo pod vodstvo ministra za zunanje zadeve Unije. Delujejo v tesnem sodelovanju z diplomatskimi in konzularnimi misijami držav članic.

CHAPTER VII

THE UNION'S RELATIONS WITH INTERNATIONAL ORGANISATIONS AND THIRD COUNTRIES AND UNION DELEGATIONS

ARTICLE III-327

1. The Union shall establish all appropriate forms of co-operation with the organs of the United Nations and its specialised agencies, the Council of Europe, the Organisation for Security and Cooperation in Europe and the Organisation for Economic Cooperation and Development.

The Union shall also maintain such relations as are appropriate with other international organisations.

2. The Union Minister for Foreign Affairs and the Commission shall be instructed to implement this Article.

ARTICLE III-328

1. Union delegations in third countries and at international organisations shall represent the Union.

2. Union delegations shall be placed under the authority of the Union Minister for Foreign Affairs. They shall act in close cooperation with Member States' diplomatic and consular missions.

VIII. POGLAVJE

IZVAJANJE SOLIDARNOSTNE KLAVZULE

III-329. ČLEN

(1) Če postane država članica žrtev terorističnega napada, naravne nesreče ali nesreče, ki jo je povzročil človek, ji ostale države članice pomagajo na zaprosilo njenih političnih organov. V ta namen se države članice usklajujejo med seboj v Svetu.

CHAPTER VIII

IMPLEMENTATION OF THE SOLIDARITY CLAUSE

ARTICLE III-329

1. Should a Member State be the object of a terrorist attack or the victim of a natural or man-made disaster, the other Member States shall assist it at the request of its political authorities. To that end, the Member States shall coordinate between themselves in the Council.

(2) Način za izvajanje solidarnostne klavzule iz I-43. člena Ustave se opredeli v evropskem sklepu, ki ga sprejme Svet na skupni predlog Komisije in ministra za zunanje zadeve Unije. Svet odloča v skladu s prvim odstavkom III-300. člena Ustave, če je ta sklep obrambnega pomena. Evropski parlament je obveščen.

Za namene tega odstavka in ne glede na III-344. člen Ustave, Svetu pomaga Politični in varnostni odbor s pomočjo struktur, oblikovanih v okviru skupne varnostne in obrambne politike ter odbor iz III-261. člena Ustave, ki po potrebi dajeta skupna mnenja.

(3) Evropski svet redno ocenjuje tveganja, s katerimi se sooča Unija, da bi Uniji in njenim državam članicam omogočil učinkovito ukrepanje.

2. The arrangements for the implementation by the Union of the solidarity clause referred to in Article I-43 shall be defined by a European decision adopted by the Council acting on a joint proposal by the Commission and the Union Minister for Foreign Affairs. The Council shall act in accordance with Article III-300(1) where this decision has defence implications. The European Parliament shall be informed.

For the purposes of this paragraph and without prejudice to Article III-344, the Council shall be assisted by the Political and Security Committee with the support of the structures developed in the context of the common security and defence policy and by the Committee referred to in Article III-261; the two committees shall, if necessary, submit joint opinions.

3. The European Council shall regularly assess the threats facing the Union in order to enable the Union and its Member States to take effective action.

VI. NASLOV

DELOVANJE UNIJE

I. POGLAVJE

DOLOČBE O INSTITUCIJAH

1. ODDELEK

INSTITUCIJE

1. pododdelek

Evropski parlament

III-330. ČLEN

(1) Z evropskim zakonom ali okvirnim zakonom Sveta se določijo ukrepi, potrebni za splošne neposredne volitve članov Evropskega parlamenta po enotnem postopku v vseh državah članicah ali v skladu z načeli, ki so skupna vsem državam članicam.

Svet odloča soglasno na pobudo in po pridobitvi odobritve Evropskega parlamenta, ki odloča z večino svojih članov. Ta zakon ali okvirni zakon začne veljati potem, ko ga odobrijo države članice v skladu z njihovimi ustavnimi določbami.

(2) Z evropskim zakonom Evropskega parlamenta se določijo pravila in splošni pogoji za opravljanje nalog njegovih članov. Evropski parlament odloča na lastno pobudo po pridobitvi mnenja Komisije in po odobritvi Sveta. Svet odloča soglasno glede vseh pravil ali pogojev v zvezi z obdavčenjem članov ali nekdanjih članov.

III-331. ČLEN

Z evropskim zakonom se določijo pravila o političnih strankah na evropski ravni iz četrtega odstavka I-46. člena Ustave, zlasti pravila glede njihovega financiranja.

III-332. ČLEN

Evropski parlament lahko z večino svojih članov od Komisije zahteva predložitev ustreznih predlogov glede vprašanj, o katerih meni, da je za izvajanje Ustave treba sprejeti akt Unije. Če Komisija ne predloži predloga, o razlogih obvesti Evropski parlament.

TITLE VI

THE FUNCTIONING OF THE UNION

CHAPTER I

PROVISIONS GOVERNING THE INSTITUTIONS

SECTION 1

THE INSTITUTIONS

Subsection 1

The European Parliament

ARTICLE III-330

1. A European law or framework law of the Council shall establish the necessary measures for the election of the Members of the European Parliament by direct universal suffrage in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States.

The Council shall act unanimously on initiative from, and after obtaining the consent of, the European Parliament, which shall act by a majority of its component members. This law or framework law shall enter into force after it has been approved by the Member States in accordance with their respective constitutional requirements.

2. A European law of the European Parliament shall lay down the regulations and general conditions governing the performance of the duties of its Members. The European Parliament shall act on its own initiative after seeking an opinion from the Commission and after obtaining the consent of the Council. The Council shall act unanimously on all rules or conditions relating to the taxation of Members or former Members.

ARTICLE III-331

European laws shall lay down the regulations governing the political parties at European level referred to in Article I-46(4), and in particular the rules regarding their funding.

ARTICLE III-332

The European Parliament may, by a majority of its component Members, request the Commission to submit any appropriate proposal on matters on which it considers that a Union act is required for the purpose of implementing the Constitution. If the Commission does not submit a proposal, it shall inform the European Parliament of the reasons.

III-333. ČLEN

Ne glede na pristojnosti, dodeljene z Ustavo drugim institucijam ali organom, lahko Evropski parlament pri izpolnjevanju svojih nalog na zahtevo četrtine svojih članov ustanovi začasni preiskovalni odbor zaradi preverjanja domnevnih kršitev ali nepravilnosti pri izvajanju zakonodaje Unije, razen tedaj, ko domnevna dejanja preiskuje sodišče in dokler je primer še v sodnem postopku.

Začasni preiskovalni odbor ob predložitvi svojega poročila preneha obstajati.

Z evropskim zakonom Evropskega parlamenta se določijo podrobne določbe o uresničevanju pravice do preiskave. Evropski parlament odloča na lastno pobudo po odobritvi Sveta in Komisije.

III-334. ČLEN

V skladu s točko d) drugega odstavka I-10. člena Ustave, imajo vsi državljani Unije in vse fizične ali pravne osebe s prebivališčem ali statutarnim sedežem v eni od držav članic pravico, da samostojno ali skupaj z drugimi osebami naslovijo na Evropski parlament peticijo glede vprašanj, ki sodijo na področje delovanja Unije in ki jih neposredno zadevajo.

III-335. ČLEN

(1) Evropski parlament izvoli evropskega varuha človekovih pravic. V skladu s točko d) drugega odstavka I-10. člena in v skladu z I-49. členom Ustave, je pooblaščen za sprejemanje pritožb državljanov Unije ali fizičnih ali pravnih oseb s prebivališčem ali statutarnim sedežem v eni od držav članic zoper nepravilnosti pri delovanju institucij, organov, uradov ali agencij Unije, razen Sodišča Evropske unije pri opravljanju njegove sodne funkcije.

V skladu s svojimi nalogami varuh človekovih pravic opravlja na lastno pobudo ali na podlagi pritožb, predloženih neposredno ali prek člana Evropskega parlamenta, poizvedbe, ki so po njegovem mnenju utemeljene, kar pa ne velja za domnevna dejanja, ki so ali so bila predmet sodnega postopka. Kadar varuh človekovih pravic ugotovi nepravilnost, predloži zadevo pristojni instituciji, organu, uradu ali agenciji, ki ima na voljo tri mesece, da ga seznani o svojem stališču. Evropski varuh človekovih pravic nato pošlje poročilo Evropskemu parlamentu in pristojni instituciji, organu, uradu ali agenciji. Osebo, ki je vložila pritožbo, obvestijo o izidu poizvedb.

Varuh človekovih pravic predloži Evropskemu parlamentu letno poročilo o izidu svojih poizvedb.

(2) Varuh človekovih pravic je izvoljen po vsakih volitvah v Evropski parlament za mandatno dobo parlamenta. Lahko je ponovno imenovan.

Varuha človekovih pravic lahko na zahtevo Evropskega parlamenta razreši Sodišče, če ne izpolnjuje več pogojev za opravljanje svojih nalog ali če je zagrešil hujšo kršitev.

(3) Varuh človekovih pravic je pri opravljanju svojih nalog popolnoma neodvisen. Med opravljanjem teh nalog ne sme zahtevati ali sprejemati nikakršnih navodil katere koli institucije, organa, urada ali agencije. Varuh človekovih pravic med svojim mandatom ne sme opravljati nobene druge poklicne dejavnosti, bodisi pridobitne ali nepridobitne.

(4) Z evropskim zakonom Evropskega parlamenta se določijo pravila in splošni pogoji za opravljanje nalog varuha človekovih pravic. Evropski parlament odloča na lastno pobudo po pridobitvi mnenja Komisije in z odobritvijo Sveta.

ARTICLE III-333

In the course of its duties, the European Parliament may, at the request of a quarter of its component Members, set up a temporary Committee of Inquiry to investigate, without prejudice to the powers conferred by the Constitution on other institutions or bodies, alleged contraventions or maladministration in the implementation of Union law, except where the alleged facts are being examined before a court and while the case is still subject to legal proceedings.

The temporary Committee of Inquiry shall cease to exist on submission of its report.

A European law of the European Parliament shall lay down the detailed provisions governing the exercise of the right of inquiry. The European Parliament shall act on its own initiative after obtaining the consent of the Council and of the Commission.

ARTICLE III-334

In accordance with Article I-10(2)(d), any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have the right to address, individually or in association with other persons, a petition to the European Parliament on a matter which comes within the Union's fields of activity and which affects him, her or it directly.

ARTICLE III-335

1. The European Parliament shall elect a European Ombudsman. In accordance with Articles I-10(2)(d) and I-49, he or she shall be empowered to receive complaints from any citizen of the Union or any natural or legal person residing or having its registered office in a Member State concerning instances of maladministration in the activities of the Union's institutions, bodies, offices or agencies, with the exception of the Court of Justice of the European Union acting in its judicial role.

In accordance with his or her duties, the Ombudsman shall conduct inquiries for which he or she finds grounds, either on his or her own initiative or on the basis of complaints submitted to him or her direct or through a member of the European Parliament, except where the alleged facts are or have been the subject of legal proceedings. Where the Ombudsman establishes an instance of maladministration, he or she shall refer the matter to the institution, body, office or agency concerned, which shall have a period of three months in which to inform him or her of its views. The European Ombudsman shall then forward a report to the European Parliament and the institution, body, office or agency concerned. The person lodging the complaint shall be informed of the outcome of such inquiries.

The Ombudsman shall submit an annual report to the European Parliament on the outcome of his or her inquiries.

2. The Ombudsman shall be elected after each election of the European Parliament for the duration of its term of office. The Ombudsman shall be eligible for reappointment.

The Ombudsman may be dismissed by the Court of Justice at the request of the European Parliament if he or she no longer fulfils the conditions required for the performance of his or her duties or if he or she is guilty of serious misconduct.

3. The Ombudsman shall be completely independent in the performance of his or her duties. In the performance of those duties he or she shall neither seek nor take instructions from any institution, body, office or agency. The Ombudsman shall not, during his or her term of office, engage in any other occupation, whether gainful or not.

4. A European law of the European Parliament shall lay down the regulations and general conditions governing the performance of the Ombudsman's duties. The European Parliament shall act on its own initiative after seeking an opinion from the Commission and after obtaining the consent of the Council.

III-336. ČLEN

Evropski parlament ima letna zasedanja. Sestane se brez posebnega sklica drugi torek v marcu.

Evropski parlament se lahko na zahtevo večine svojih članov ali na zahtevo Sveta oziroma Komisije sestane na izrednem zasedanju.

III-337. ČLEN

(1) Evropski svet in Svet imata besedo v Evropskem parlamentu v skladu s pogoji, določenimi v poslovnikih Evropskega sveta in Sveta.

(2) Komisija se lahko udeležuje vseh sej Evropskega parlamenta in lahko govori na svojo zahtevo. Ustno ali pisno odgovarja na vprašanja, ki ji jih postavi Evropski parlament ali njegovi člani.

(3) Evropski parlament na javni seji razpravlja o letnem splošnem poročilu, ki mu ga predloži Komisija.

III-338. ČLEN

Razen če v Ustavi ni določeno drugače, Evropski parlament odloča z večino oddanih glasov. Sklepčnost se določi s poslovnikom.

III-339. ČLEN

Evropski parlament sprejme svoj poslovnik z večino svojih članov.

Zapisniki razprav Evropskega parlamenta se objavijo v skladu z Ustavo in s tem poslovnikom.

III-340. ČLEN

Če je vložen predlog nezaupnice o delu Komisije, sme Evropski parlament o njem glasovati šele po izteku treh dni po vložitvi, glasovanje pa mora biti javno.

Če je predlog nezaupnice sprejet z dvotretjinsko večino oddanih glasov, kar predstavlja večino članov Evropskega parlamenta, člani Komisije kolektivno odstopijo, minister za zunanje zadeve Unije pa odstopi s funkcije, ki jo opravlja v okviru Komisije. Še naprej opravljajo službo in tekoče posle do zamenjave v skladu s I-26. in I-27. členom Ustave. V tem primeru mandat članov Komisije, ki je imenovana kot zamenjava, poteče z datumom, s katerim bi potekel mandat članom Komisije, ki je odstopila.

2. pododdelek

Evropski svet

III-341. ČLEN

(1) Pri glasovanju se lahko na vsakega člana Evropskega sveta prenese glasovalna pravica največ enega drugega člana.

Vzdržani glasovi navzočih ali zastopanih članov Evropskemu svetu ne preprečujejo sprejetja aktov, za katere se zahteva soglasje.

(2) Predsednik Evropskega parlamenta je lahko povabljen na zaslišanje v Evropski svet.

(3) Evropski svet z navadno večino odloča o postopkovnih vprašanjih in sprejetju poslovnika.

(4) Evropskemu svetu pomaga generalni sekretariat Sveta.

ARTICLE III-336

The European Parliament shall hold an annual session. It shall meet, without requiring to be convened, on the second Tuesday in March.

The European Parliament may meet in extraordinary part-session at the request of a majority of its component members or at the request of the Council or of the Commission.

ARTICLE III-337

1. The European Council and the Council shall be heard by the European Parliament in accordance with the conditions laid down in the Rules of Procedure of the European Council and those of the Council.

2. The Commission may attend all the meetings of the European Parliament and shall, at its request, be heard. It shall reply orally or in writing to questions put to it by the European Parliament or by its members.

3. The European Parliament shall discuss in open session the annual general report submitted to it by the Commission.

ARTICLE III-338

Save as otherwise provided in the Constitution, the European Parliament shall act by a majority of the votes cast. Its Rules of Procedure shall determine the quorum.

ARTICLE III-339

The European Parliament shall adopt its Rules of Procedure, by a majority of its component members.

The proceedings of the European Parliament shall be published in the manner laid down in the Constitution and the Rules of Procedure of the European Parliament.

ARTICLE III-340

If a motion of censure on the activities of the Commission is tabled before it, the European Parliament shall not vote thereon until at least three days after the motion has been tabled and shall do so only by open vote.

If the motion of censure is carried by a two-thirds majority of the votes cast, representing a majority of the component members of the European Parliament, the members of the Commission shall resign as a body and the Union Minister for Foreign Affairs shall resign from duties that he or she carries out in the Commission. They shall remain in office and continue to deal with current business until they are replaced in accordance with Articles I-26 and I-27. In this case, the term of office of the members of the Commission appointed to replace them shall expire on the date on which the term of office of the members of the Commission obliged to resign as a body would have expired.

Subsection 2

The European Council

ARTICLE III-341

1. Where a vote is taken, any member of the European Council may also act on behalf of not more than one other member.

Abstentions by members present in person or represented shall not prevent the adoption by the European Council of acts which require unanimity.

2. The President of the European Parliament may be invited to be heard by the European Council.

3. The European Council shall act by a simple majority for procedural questions and for the adoption of its Rules of Procedure.

4. The European Council shall be assisted by the General Secretariat of the Council.

3. pododdelek

Svet ministrov

III-342. ČLEN

Svet se sestane, ko ga skliče predsednik na lastno pobudo ali na zahtevo enega od njegovih članov ali Komisije.

III-343. ČLEN

(1) Pri glasovanju se lahko na vsakega člana Sveta prenese glasovalna pravica največ enega drugega člana.

(2) Kadar odloča z navadno večino, Svet odloča z večino svojih članov.

(3) Vzdržani glasovi navzočih ali zastopanih članov Svetu ne preprečujejo sprejetja odločitev, za katere se zahteva soglasje.

III-344. ČLEN

(1) Odbor, ki ga sestavljajo stalni predstavniki vlad držav članic, je odgovoren za pripravo dela Sveta in za izvajanje nalog, ki mu jih dodeli Svet. Odbor lahko v primerih, predvidenih v poslovniku Sveta, sprejema postopkovne sklepe.

(2) Svetu pomaga generalni sekretariat, za katerega je odgovoren generalni sekretar, ki ga imenuje Svet.

Svet z navadno večino odloča o organizaciji generalnega sekretariata.

(3) Svet z navadno večino odloča glede postopkovnih vprašanj in sprejetja poslovnika.

III-345. ČLEN

Svet lahko z navadno večino od Komisije zahteva, da zanj pripravi vse študije, ki so po njegovem mnenju potrebne za doseganje skupnih ciljev, in da mu predloži ustrezne predloge. Če Komisija ne predloži predloga, o razlogih obvesti Svet.

III-346. ČLEN

Svet sprejme evropske sklepe, s katerimi določi pravila o odborih, predvidenih v Ustavi. Odloča z navadno večino po posvetovanju s Komisijo.

4. pododdelek

Evropska komisija

III-347. ČLEN

Člani Komisije se vzdržijo vseh dejanj, ki so nezdružljiva z njihovimi nalogami. Države članice spoštujejo njihovo neodvisnost in ne poskušajo vplivati nanje pri opravljanju njihovih nalog.

Člani Komisije med svojim mandatom ne smejo opravljati nobene druge poklicne dejavnosti, bodisi pridobitne ali nepridobitne. Pri prevzemu svojih nalog se slovesno obvežejo, da bodo med svojim mandatom in po njegovem izteku spoštovali iz mandata izhajajoče obveznosti, zlasti dolžnost, da bodo po izteku mandata pri sprejemanju določenih imenovanj ali ugodnosti ravnali pošteno in diskretno. Ob kršitvi teh obveznosti lahko Sodišče na predlog Sveta, ki odloča z navadno večino, ali Komisije zadevno osebo glede na okoliščine razreši v skladu s III-349. členom Ustave ali mu odvzame pravico do pokojnine ali namesto nje odobrenih ugodnosti.

Subsection 3

The Council of Ministers

ARTICLE III-342

The Council shall meet when convened by its President on his or her own initiative, or at the request of one of its members or of the Commission.

ARTICLE III-343

1. Where a vote is taken, any member of the Council may act on behalf of not more than one other member.

2. Where it is required to act by a simple majority, the Council shall act by a majority of its component members.

3. Abstentions by members present in person or represented shall not prevent the adoption by the Council of acts which require unanimity.

ARTICLE III-344

1. A committee consisting of the Permanent Representatives of the Governments of the Member States shall be responsible for preparing the work of the Council and for carrying out the tasks assigned to it by the latter. The Committee may adopt procedural decisions in cases provided for in the Council's Rules of Procedure.

2. The Council shall be assisted by a General Secretariat, under the responsibility of a Secretary-General appointed by the Council.

The Council shall decide on the organisation of the General Secretariat by a simple majority.

3. The Council shall act by a simple majority regarding procedural matters and for the adoption of its Rules of Procedure.

ARTICLE III-345

The Council, by a simple majority, may request the Commission to undertake any studies the Council considers desirable for the attainment of the common objectives, and to submit any appropriate proposals to it. If the Commission does not submit a proposal, it shall inform the Council of the reasons.

ARTICLE III-346

The Council shall adopt European decisions laying down the rules governing the committees provided for in the Constitution. It shall act by a simple majority after consulting the Commission.

Subsection 4

The European Commission

ARTICLE III-347

The members of the Commission shall refrain from any action incompatible with their duties. Member States shall respect their independence and shall not seek to influence them in the performance of their tasks.

The members of the Commission shall not, during their term of office, engage in any other occupation, whether gainful or not. When entering upon their duties they shall give a solemn undertaking that, both during and after their term of office, they will respect the obligations arising therefrom and in particular their duty to behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits. In the event of any breach of these obligations, the Court of Justice may, on application by the Council, acting by a simple majority, or the Commission, rule that the person concerned be, according to the circumstances, either compulsorily retired in accordance with Article III-349 or deprived of his or her right to a pension or other benefits in its stead.

III-348. ČLEN

(1) Razen ob redni zamenjavi ali smrti dolžnosti člana Komisije prenehajo z njegovim odstopom ali razrešitvijo.

(2) Mesto, izpraznjeno zaradi odstopa, razrešitve ali smrti, se za preostanek njegovega mandata zapolni z novim članom z enakim državljanstvom, ki ga imenuje Svet v skupnem soglasju predsednika Komisije, po posvetovanju z Evropskim parlamentom in v skladu z merili iz četrtega odstavka I-26. člena Ustave.

Svet lahko soglasno na predlog predsednika Komisije odloči, da takšnega mesta ni treba zapolniti, zlasti če je preostanek mandata člana kratek.

(3) Predsednik je ob odstopu, razrešitvi ali smrti nadomeščen za preostanek svojega mandata v skladu s prvim odstavkom I-27. člena Ustave.

(4) Minister za zunanje zadeve Unije je ob odstopu, razrešitvi ali smrti nadomeščen za preostanek svojega mandata v skladu s prvim odstavkom I-28. člena Ustave.

(5) V primeru prostovoljnega odstopa vseh članov Komisije ti do zamenjave še naprej opravljajo službo in tekoče posle za preostanek njihovega mandata v skladu s I-26. in I-27. členom Ustave.

III-349. ČLEN

Če katerikoli član Komisije ne izpolnjuje več pogojev za opravljanje svojih dolžnosti ali če je zagrešil hujšo kršitev, ga lahko Sodišče na predlog Sveta, ki odloča z navadno večino, ali Komisije razreši.

III-350. ČLEN

Ne glede na četrti odstavek I-28. člena Ustave obveznosti Komisije razporedi in dodeli njenim članom njen predsednik v skladu s tretjim odstavkom I-27. člena Ustave. Predsednik lahko te obveznosti med mandatom Komisije prerazporedi. Člani Komisije izvajajo naloge, ki jim jih je dodelil predsednik pod njegovim vodstvom.

III-351. ČLEN

Komisija odloča z večino svojih članov. Sklepčnost se določi s poslovnikom.

III-352. ČLEN

(1) Komisija sprejme svoj poslovnik, da bi zagotovila svoje delovanje in delovanje svojih služb. Zagotovi objavo tega poslovnika.

(2) Komisija vsako leto najpozneje en mesec pred začetkom zasedanja Evropskega parlamenta objavi splošno poročilo o dejavnostih Unije.

5. pododdelek

Sodišče Evropske unije

III-353. ČLEN

Sodišče zaseda v senatih, v velikem senatu ali na občni seji, v skladu s statutom Sodišča Evropske unije.

III-354. ČLEN

Sodišču pomaga osem generalnih pravobranilcev. Svet lahko na predlog Sodišča soglasno sprejme evropski sklep, s katerim poveča število generalnih pravobranilcev.

ARTICLE III-348

1. Apart from normal replacement, or death, the duties of a member of the Commission shall end when he or she resigns or is compulsorily retired.

2. A vacancy caused by resignation, compulsory retirement or death shall be filled for the remainder of the member's term of office by a new member of the same nationality appointed by the Council, by common accord with the President of the Commission, after consulting the European Parliament and in accordance with the criteria set out in Article I-26(4).

The Council may, acting unanimously on a proposal from the President of the Commission, decide that such a vacancy need not be filled, in particular when the remainder of the member's term of office is short.

3. In the event of resignation, compulsory retirement or death, the President shall be replaced for the remainder of his or her term of office in accordance with Article I-27(1).

4. In the event of resignation, compulsory retirement or death, the Union Minister for Foreign Affairs shall be replaced, for the remainder of his or her term of office, in accordance with Article I-28(1).

5. In the case of the resignation of all the members of the Commission, they shall remain in office and continue to deal with current business until they have been replaced, for the remainder of their term of office, in accordance with Articles I-26 and I-27.

ARTICLE III-349

If any member of the Commission no longer fulfils the conditions required for the performance of his or her duties or if he or she has been guilty of serious misconduct, the Court of Justice may, on application by the Council, acting by a simple majority, or by the Commission, compulsorily retire him or her.

ARTICLE III-350

Without prejudice to Article I-28(4), the responsibilities incumbent upon the Commission shall be structured and allocated among its members by its President, in accordance with Article I-27(3). The President may reshuffle the allocation of those responsibilities during the Commission's term of office. The members of the Commission shall carry out the duties devolved upon them by the President under his or her authority.

ARTICLE III-351

The Commission shall act by a majority of its members. Its Rules of Procedure shall determine the quorum.

ARTICLE III-352

1. The Commission shall adopt its Rules of Procedure so as to ensure both its own operation and that of its departments. It shall ensure that these rules are published.

2. The Commission shall publish annually, not later than one month before the opening of the session of the European Parliament, a general report on the activities of the Union.

Subsection 5

The Court of Justice of the European Union

ARTICLE III-353

The Court of Justice shall sit in chambers, as a Grand Chamber or as a full Court, in accordance with the Statute of the Court of Justice of the European Union.

ARTICLE III-354

The Court of Justice shall be assisted by eight Advocates-General. Should the Court of Justice so request, the Council may, acting unanimously, adopt a European decision to increase the number of Advocates-General.

Dolžnost generalnega pravobranilca je, da popolnoma nepristransko in neodvisno javno predstavi obrazložene sklepne predloge o zadevah, pri katerih je v skladu s statutom Sodišča Evropske unije zahtevano njegovo sodelovanje.

III-355. ČLEN

Sodniki in generalni pravobranilci Sodišča so izbrani med osebami, katerih neodvisnost je nedvomna in ki so ustrezno usposobljene za imenovanje na najvišje sodniške položaje v svojih državah ali so priznani pravniki; vlade držav članic jih v medsebojnem soglasju imenujejo po posvetovanju z oddelkom iz III-357. člena Ustave.

Vsaka tri leta se izvede delna zamenjava sodnikov in generalnih pravobranilcev v skladu s pogoji, določenimi v statutu Sodišča Evropske unije.

Sodniki izvolijo predsednika Sodišča med svojimi člani za dobo treh let. Predsednik je lahko ponovno izvoljen.

Sodišče sprejme svoj poslovnik. Ta poslovnik odobri Svet.

III-356. ČLEN

Število sodnikov Sodišča splošne pristojnosti je določeno v statutu Sodišča Evropske unije. Statut lahko določi, da Sodišču splošne pristojnosti pomagajo generalni pravobranilci.

Člani Sodišča splošne pristojnosti so izbrani med osebami, katerih neodvisnost je nedvomna in ki izpolnjujejo pogoje za imenovanje na visoke sodniške položaje. Imenujejo jih vlade držav članic v medsebojnem soglasju po posvetovanju z oddelkom iz III-357. člena Ustave.

Vsaka tri leta se izvede delna zamenjava sodnikov Sodišča splošne pristojnosti.

Sodniki izvolijo predsednika Sodišča splošne pristojnosti med svojimi člani za mandat treh let. Predsednik je lahko ponovno izvoljen.

Sodišče splošne pristojnosti sprejme poslovnik v soglasju s Sodiščem. Poslovnik odobri Svet.

Če statut Sodišča Evropske unije ne določa drugače, se za Sodišče splošne pristojnosti uporabljajo določbe Ustave, ki se nanašajo na Sodišče.

III-357. ČLEN

Preden vlade držav članic imenujejo kandidate iz III-355. in III-356. člena Ustave se oblikuje odbor, ki poda mnenje o ustreznosti kandidatov za opravljanje nalog sodnika in generalnega pravobranilca Sodišča in Sodišča splošne pristojnosti.

Odbor sestavlja sedem oseb, izbranih med nekdanjimi člani Sodišča in Sodišča splošne pristojnosti, članov najvišjih nacionalnih sodišč in priznanih pravnikov, od katerih enega predlaga Evropski parlament. Svet sprejme evropski sklep, s katerim določi pravila delovanja odbora in evropski sklep o imenovanju njegovih članov. Odloča na pobudo predsednika Sodišča.

III-358. ČLEN

(1) Sodišče splošne pristojnosti je pristojno za obravnavanje in odločanje na prvi stopnji o tožbah ali postopkih iz III-365., III-367., III-370., III-372. in III-374. člena Ustave, razen o tistih, ki so dodeljeni specializiranemu sodišču ustanovljenemu po III-359. členu Ustave, in tistih, ki so v statutu Sodišča Evropske unije pridržani Sodišču. Statut lahko predvidi, da je Sodišče splošne pristojnosti pristojno tudi za druge vrste tožb ali postopkov.

It shall be the duty of the Advocate-General, acting with complete impartiality and independence, to make, in open court, reasoned submissions on cases which, in accordance with the Statute of the Court of Justice of the European Union, require his or her involvement.

ARTICLE III-355

The Judges and Advocates-General of the Court of Justice shall be chosen from persons whose independence is beyond doubt and who possess the qualifications required for appointment to the highest judicial offices in their respective countries or who are jurisconsults of recognised competence; they shall be appointed by common accord of the governments of the Member States after consultation of the panel provided for in Article III-357.

Every three years there shall be a partial replacement of the Judges and Advocates-General, in accordance with the conditions laid down in the Statute of the Court of Justice of the European Union.

The Judges shall elect the President of the Court of Justice from among their number for a term of three years. He or she may be re-elected.

The Court of Justice shall adopt its Rules of Procedure. Those Rules shall require the consent of the Council.

ARTICLE III-356

The number of Judges of the General Court shall be determined by the Statute of the Court of Justice of the European Union. The Statute may provide for the General Court to be assisted by Advocates-General.

The members of the General Court shall be chosen from persons whose independence is beyond doubt and who possess the ability required for appointment to high judicial office. They shall be appointed by common accord of the governments of the Member States after consultation of the panel provided for in Article III-357.

The membership of the General Court shall be partially renewed every three years.

The Judges shall elect the President of the General Court from among their number for a term of three years. He or she may be re-elected.

The General Court shall establish its Rules of Procedure in agreement with the Court of Justice. The Rules shall be subject to the consent of the Council.

Unless the Statute provides otherwise, the provisions of the Constitution relating to the Court of Justice shall apply to the General Court.

ARTICLE III-357

A panel shall be set up in order to give an opinion on candidates' suitability to perform the duties of Judge and Advocate-General of the Court of Justice and the General Court before the governments of the Member States make the appointments referred to in Articles III-355 and III-356.

The panel shall comprise seven persons chosen from among former members of the Court of Justice and the General Court, members of national supreme courts and lawyers of recognised competence, one of whom shall be proposed by the European Parliament. The Council shall adopt a European decision establishing the panel's operating rules and a European decision appointing its members. It shall act on the initiative of the President of the Court of Justice.

ARTICLE III-358

1. The General Court shall have jurisdiction to hear and determine at first instance actions or proceedings referred to in Articles III-365, III-367, III-370, III-372 and III-374, with the exception of those assigned to a specialised court set up under Article III-359 and those reserved in the Statute of the Court of Justice of the European Union for the Court of Justice. The Statute may provide for the General Court to have jurisdiction for other classes of action or proceeding.

Zoper odločbe Sodišča splošne pristojnosti iz tega odstavka se lahko vloži pritožba na Sodišče zgolj glede pravnih vprašanj ter v skladu s pogoji in v mejah, določenih v statutu.

(2) Sodišče splošne pristojnosti je pristojno za obravnavanje in odločanje o tožbah ali postopkih, sproženih proti odločbam specializiranih sodišč.

Sodišče lahko izjemoma preverja odločbe Sodišča splošne pristojnosti, sprejete na podlagi tega odstavka, pod pogoji in v mejah, določenih v statutu Sodišča Evropske unije, če obstaja resna nevarnost, da bosta prizadeti enotnost ali doslednost prava Unije.

(3) Sodišče splošne pristojnosti je pristojno za obravnavanje in odločanje o vprašanjih, predloženih v predhodno odločanje v skladu s III-369. členom Ustave, na posebnih področjih, določenih s statutom Sodišča Evropske unije.

Če Sodišče splošne pristojnosti meni, da je glede neke zadeve potrebna načelna odločitev, ki bi lahko vplivala na enotnost ali doslednost prava Unije, lahko zadevo odstopi v odločanje Sodišču.

Sodišče lahko izjemoma preverja odločbe Sodišča splošne pristojnosti o vprašanjih, predloženih v predhodno odločanje pod pogoji in v mejah, določenih v statutu Sodišča Evropske unije, če obstaja resna nevarnost, da bosta prizadeti enotnost ali doslednost prava Unije.

III-359. ČLEN

(1) Z evropskimi zakoni se lahko ustanovijo specializirana sodišča, dodana Sodišču splošne pristojnosti, za obravnavanje in odločanje na prvi stopnji o nekaterih vrstah tožb na posebnih področjih. Sprejmejo se bodisi na predlog Komisije po posvetovanju s Sodiščem ali na predlog Sodišča po posvetovanju s Komisijo.

(2) Evropski zakon o ustanovitvi specializiranega sodišča določi pravila o sestavi tega sodišča in obseg njegovih pristojnosti.

(3) Zoper odločbe specializiranih sodišč se lahko vloži pritožba na Sodišče splošne pristojnosti zgolj glede pravnih vprašanj ali, če je tako predvideno v evropskem zakonu o ustanovitvi specializiranega sodišča, tudi glede dejanskega stanja.

(4) Člani specializiranih sodišč so izbrani med osebami, katerih neodvisnost je nedvomna in ki izpolnjujejo pogoje za imenovanje na sodniške položaje. Svet jih imenuje s soglasjem.

(5) Specializirana sodišča sprejmejo svoj poslovnik v soglasju s Sodiščem. Ta poslovnik odobri Svet.

(6) Če evropski zakon o ustanovitvi specializiranega sodišča ne določa drugače, se za specializirana sodišča uporabljajo določbe Ustave, ki se nanašajo na Sodišče Evropske unije, in določbe statuta Sodišča Evropske unije. 1. naslov in 64. člen statuta v vsakem primeru veljata za specializirana sodišča.

III-360. ČLEN

Če Komisija meni, da katera od držav članic ni izpolnila katere od obveznosti iz Ustave, izda o zadevi obrazloženo mnenje, potem ko je tej državi omogočila, da predloži svoje stališče.

Če zadevna država ne ravna v skladu z mnenjem v roku, ki ga določi Komisija, lahko slednja pred Sodiščem Evropske unije vloži tožbo.

Decisions given by the General Court under this paragraph may be subject to a right of appeal to the Court of Justice on points of law only, under the conditions and within the limits laid down by the Statute.

2. The General Court shall have jurisdiction to hear and determine actions or proceedings brought against decisions of the specialised courts.

Decisions given by the General Court under this paragraph may exceptionally be subject to review by the Court of Justice, under the conditions and within the limits laid down by the Statute of the Court of Justice of the European Union, where there is a serious risk of the unity or consistency of Union law being affected.

3. The General Court shall have jurisdiction to hear and determine questions referred for a preliminary ruling under Article III-369, in specific areas laid down by the Statute of the Court of Justice of the European Union.

Where the General Court considers that the case requires a decision of principle likely to affect the unity or consistency of Union law, it may refer the case to the Court of Justice for a ruling.

Decisions given by the General Court on questions referred for a preliminary ruling may exceptionally be subject to review by the Court of Justice, under the conditions and within the limits laid down by the Statute, where there is a serious risk of the unity or consistency of Union law being affected.

ARTICLE III-359

1. European laws may establish specialised courts attached to the General Court to hear and determine at first instance certain classes of action or proceeding brought in specific areas. They shall be adopted either on a proposal from the Commission after consultation of the Court of Justice or at the request of the Court of Justice after consultation of the Commission.

2. The European law establishing a specialised court shall lay down the rules on the organisation of the court and the extent of the jurisdiction conferred upon it.

3. Decisions given by specialised courts may be subject to a right of appeal on points of law only or, when provided for in the European law establishing the specialised court, a right of appeal also on matters of fact, before the General Court.

4. The members of the specialised courts shall be chosen from persons whose independence is beyond doubt and who possess the ability required for appointment to judicial office. They shall be appointed by the Council, acting unanimously.

5. The specialised courts shall establish their Rules of Procedure in agreement with the Court of Justice. Those Rules shall require the consent of the Council.

6. Unless the European law establishing the specialised court provides otherwise, the provisions of the Constitution relating to the Court of Justice of the European Union and the provisions of the Statute of the Court of Justice of the European Union shall apply to the specialised courts. Title I of the Statute and Article 64 thereof shall in any case apply to the specialised courts.

ARTICLE III-360

If the Commission considers that a Member State has failed to fulfil an obligation under the Constitution, it shall deliver a reasoned opinion on the matter after giving the State concerned the opportunity to submit its observations.

If the State concerned does not comply with the opinion within the period laid down by the Commission, the latter may bring the matter before the Court of Justice of the European Union.

III-361. ČLEN

Država članica, ki meni, da druga država članica ni izpolnila katere od obveznosti iz Ustave, lahko pred Sodiščem Evropske unije vloži tožbo.

Preden država članica vloži tožbo proti drugi državi članici zaradi domnevne kršitve obveznosti iz Ustave, zadevo predloži Komisiji.

Komisija poda obrazloženo mnenje, potem ko je bila obema državama dana možnost, da se v kontradiktornem postopku ustno in pisno izrečeta.

Če Komisija v treh mesecih po datumu vložitve zadeve ne izda svojega mnenja, to ni ovira, da ne bi bila pred Sodiščem vložena tožba.

III-362. ČLEN

(1) Če Sodišče Evropske unije ugotovi, da katera od držav članic ni izpolnila katere od obveznosti iz Ustave, ta država sprejme ukrepe, potrebne za izvršitev sodbe Sodišča.

(2) Če Komisija meni, da zadevna država članica ni sprejela potrebnih ukrepov za izvršitev sodbe Sodišča Evropske unije iz prejšnjega odstavka, lahko pred Sodiščem vloži tožbo, potem ko je tej državi dala možnost za predložitev stališče. Pri tem določi višino pavšalnega zneska ali denarne kazni, ki naj jo plača zadevna država članica in ki je po njenem mnenju primerna glede na okoliščine.

Če Sodišče ugotovi, da zadevna država članica ni izvršila njegove sodbe, ji lahko naloži plačilo pavšalnega zneska ali denarne kazni.

Ta postopek ne vpliva na prejšnji člen.

(3) Če Komisija pred Sodiščem Evropske unije vloži tožbo v skladu s III-360. členom Ustave, ker zadevna država članica ni izpolnila obveznosti o uradnem obvestilu glede ukrepov o prenosu evropskega okvirnega zakona, lahko, kadar meni, da je ustrezno, naloži plačilo pavšalnega zneska ali denarne kazni, ki jo šteje za ustrezno v danih okoliščinah in katero naj zadevna država članica plača.

Če Sodišče ugotovi kršitev lahko naloži zadevni državi članici plačilo pavšalnega zneska ali denarne kazni, ki ne presega zneska, ki ga je določila Komisija. Obveznost plačila učinkuje od dneva, ki ga Sodišče določi v svoji sodbi.

III-363. ČLEN

Z evropskimi zakoni in uredbami Sveta se lahko Sodišču Evropske unije podeli pooblastilo za odločanje glede kazni, predvidenih v teh predpisih.

III-364. ČLEN

Ne glede na druge določbe Ustave, se lahko v obsegu, določenem z evropskim zakonom, Sodišču Evropske unije dodeli pristojnost za odločanje v sporih, ki se nanašajo na uporabo aktov, sprejetih na podlagi Ustave, ki ustvarjajo evropske pravice intelektualne lastnine.

III-365. ČLEN

(1) Sodišče Evropske unije nadzira zakonitost evropskih zakonov in okvirnih zakonov, aktov Sveta, Komisije in Evropske centralne banke razen priporočil in mnenj, pa tudi zakonitost aktov Evropskega parlamenta in Evropskega sveta s pravnim učinkom do tretjih oseb. Nadzira tudi zakonitost aktov organov, uradov ali agencij Unije s pravnim učinkom do tretjih oseb.

ARTICLE III-361

A Member State which considers that another Member State has failed to fulfil an obligation under the Constitution may bring the matter before the Court of Justice of the European Union.

Before a Member State brings an action against another Member State for an alleged infringement of an obligation under the Constitution, it shall bring the matter before the Commission.

The Commission shall deliver a reasoned opinion after each of the States concerned has been given the opportunity to submit its own case and its observations on the other party's case both orally and in writing.

If the Commission has not delivered an opinion within three months of the date on which the matter was brought before it, the absence of such opinion shall not prevent the matter from being brought before the Court.

ARTICLE III-362

1. If the Court of Justice of the European Union finds that a Member State has failed to fulfil an obligation under the Constitution, that State shall be required to take the necessary measures to comply with the judgment of the Court.

2. If the Commission considers that the Member State concerned has not taken the necessary measures to comply with the judgment referred to in paragraph 1, it may bring the case before the Court of Justice of the European Union after giving that State the opportunity to submit its observations. It shall specify the amount of the lump sum or penalty payment to be paid by the Member State concerned which it considers appropriate in the circumstances.

If the Court finds that the Member State concerned has not complied with its judgment it may impose a lump sum or penalty payment on it.

This procedure shall be without prejudice to Article III-361.

3. When the Commission brings a case before the Court of Justice of the European Union pursuant to Article III-360 on the grounds that the Member State concerned has failed to fulfil its obligation to notify measures transposing a European framework law, it may, when it deems appropriate, specify the amount of the lump sum or penalty payment to be paid by the Member State concerned which it considers appropriate in the circumstances.

If the Court finds that there is an infringement it may impose a lump sum or penalty payment on the Member State concerned not exceeding the amount specified by the Commission. The payment obligation shall take effect on the date set by the Court in its judgment.

ARTICLE III-363

European laws and regulations of the Council may give the Court of Justice of the European Union unlimited jurisdiction with regard to the penalties provided for in them.

ARTICLE III-364

Without prejudice to the other provisions of the Constitution, a European law may confer on the Court of Justice of the European Union, to the extent that it shall determine, jurisdiction in disputes relating to the application of acts adopted on the basis of the Constitution which create European intellectual property rights.

ARTICLE III-365

1. The Court of Justice of the European Union shall review the legality of European laws and framework laws, of acts of the Council, of the Commission and of the European Central Bank, other than recommendations and opinions, and of acts of the European Parliament and of the European Council intended to produce legal effects vis-à-vis third parties. It shall also review the legality of acts of bodies, offices or agencies of the Union intended to produce legal effects vis-à-vis third parties.

(2) Za namene prejšnjega odstavka je Sodišče Evropske unije pristojno za odločanje o tožbah, ki jih vloži država članica, Evropski parlament, Svet ali Komisija zaradi nepristojnosti, bistvene kršitve postopka, kršitve Ustave ali katerega koli pravnega pravila, ki se nanaša na njeno uporabo, ali zaradi zlorabe pooblastil.

(3) Sodišče Evropske unije je pod pogoji iz prvega in drugega odstavka tega člena pristojno za tožbe, ki jih zaradi varovanja svojih pravic vložijo Računsko sodišče, Evropska centralna banka in Odbor regij.

(4) Fizične ali pravne osebe lahko pod pogoji iz prvega in drugega odstavka tega člena vložijo tožbe zoper nanje naslovljene akte ali zoper akte, ki se nanje neposredno in posamično nanašajo, in zoper izvršilne akte, ki se nanje jih neposredno nanašajo, a ne vsebujejo izvedbenih ukrepov.

(5) Akti o ustanovitvi organov, uradov in agencij Unije lahko določijo posebne pogoje in podrobnosti glede tožb fizičnih ali pravnih oseb zoper akte teh organov, uradov in agencij s pravnim učinkom za njih.

(6) Tožbe iz tega člena se glede na posamezni primer vložijo v dveh mesecih od objave akta ali njegovega uradnega obvestila tožniku, če tega ni bilo, pa od dneva, ko je tožnik zanj izvedel.

III-366. ČLEN

Če je tožba utemeljena, Sodišče Evropske unije razglasi zadevni akt za ničnega.

Vendar če Sodišče razglasi akt za ničnega, določi, če meni, da je to potrebno, tiste njegove učinke, ki jih je treba šteti za dokončne.

III-367. ČLEN

Če Evropski parlament, Evropski svet, Svet, Komisija ali Evropska centralna banka z opustitvijo ukrepanja krši Ustavo, lahko države članice in druge institucije Unije vložijo pri Sodišču Evropske unije tožbo za ugotovitev kršitve. Ta člen se pod enakimi pogoji uporablja tudi za organe, urade in agencije Unije zaradi opustitve ukrepanja.

Tožba je dopustna le, če je bila zadevna institucija, organ, urad ali agencija predhodno pozvana k ukrepanju. Če v dveh mesecih po tem pozivu zadevna institucija, organ, urad ali agencija ne oblikuje svojega stališča, se lahko tožba vloži v nadaljnjih dveh mesecih.

Fizične ali pravne osebe lahko pod pogoji, določenimi v prvem in drugem odstavku tega člena, pred Sodiščem vložijo tožbo zato, ker neka institucija, organ, urad ali agencija Unije nanje ni naslovila nobenega drugega akta razen priporočila ali mnenja.

III-368. ČLEN

Institucija, organ, urad ali agencija, katerih akt je bil razglašen za ničnega ali ki so z opustitvijo ukrepanja kršile Ustavo, sprejmejo ukrepe, potrebne za izpolnitev sodbe Sodišča Evropske unije.

Ta obveznost ne vpliva na obveznosti, ki lahko izhajajo iz uporabe drugega odstavka III-431. člena Ustave.

III-369. ČLEN

Sodišče Evropske unije je pristojno za predhodno odločanje o vprašanjih glede:

a) razlage Ustave;

b) veljavnosti in razlage aktov institucij, organov, uradov in agencij Unije.

2. For the purposes of paragraph 1, the Court of Justice of the European Union shall have jurisdiction in actions brought by a Member State, the European Parliament, the Council or the Commission on grounds of lack of competence, infringement of an essential procedural requirement, infringement of the Constitution or of any rule of law relating to its application, or misuse of powers.

3. The Court of Justice of the European Union shall have jurisdiction under the conditions laid down in paragraphs 1 and 2 in actions brought by the Court of Auditors, by the European Central Bank and by the Committee of the Regions for the purpose of protecting their prerogatives.

4. Any natural or legal person may, under the conditions laid down in paragraphs 1 and 2, institute proceedings against an act addressed to that person or which is of direct and individual concern to him or her, and against a regulatory act which is of direct concern to him or her and does not entail implementing measures.

5. Acts setting up bodies, offices and agencies of the Union may lay down specific conditions and arrangements concerning actions brought by natural or legal persons against acts of these bodies, offices or agencies intended to produce legal effects in relation to them.

6. The proceedings provided for in this Article shall be instituted within two months of the publication of the act, or of its notification to the plaintiff, or, in the absence thereof, of the day on which it came to the plaintiff's knowledge, as the case may be.

ARTICLE III-366

If the action is well founded, the Court of Justice of the European Union shall declare the act concerned to be void.

However, the Court shall, if it considers this necessary, state which of the effects of the act which it has declared void shall be considered as definitive.

ARTICLE III-367

Should the European Parliament, the European Council, the Council, the Commission or the European Central Bank, in infringement of the Constitution, fail to act, the Member States and the other institutions of the Union may bring an action before the Court of Justice of the European Union to have the infringement established. This Article shall apply, under the same conditions, to bodies, offices and agencies of the Union which fail to act.

The action shall be admissible only if the institution, body, office or agency concerned has first been called upon to act. If, within two months of being so called upon, the institution, body, office or agency concerned has not defined its position, the action may be brought within a further period of two months.

Any natural or legal person may, under the conditions laid down in the first and second paragraphs, complain to the Court that an institution, body, office or agency of the Union has failed to address to that person any act other than a recommendation or an opinion.

ARTICLE III-368

The institution, body, office or agency whose act has been declared void, or whose failure to act has been declared contrary to the Constitution, shall be required to take the necessary measures to comply with the judgment of the Court of Justice of the European Union.

This obligation shall not affect any obligation which may result from the application of the second paragraph of Article III-431.

ARTICLE III-369

The Court of Justice of the European Union shall have jurisdiction to give preliminary rulings concerning:

(a) the interpretation of the Constitution;

(b) the validity and interpretation of acts of the institutions, bodies, offices and agencies of the Union.

Kadar se takšno vprašanje postavi kateremu koli sodišču države članice in če to sodišče meni, da je treba glede vprašanja sprejeti odločitev, ki mu bo omogočila izreči sodbo, lahko to vprašanje predloži v odločanje Sodišču.

Kadar je takšno vprašanje postavljeno v postopku, ki teče pred sodiščem države članice, zoper odločitev katerega po nacionalnem pravu ni pravnega sredstva, je to sodišče dolžno predložiti zadevo Sodišču.

Kadar je takšno vprašanje postavljeno v postopku, ki teče pred sodiščem države članice glede osebe, ki je v priporu, Sodišče odloča v najkrajšem možnem roku.

III-370. ČLEN

Sodišče Evropske unije je pristojno v sporih glede povračila škode, ki ga predvidevata drugi in tretji odstavek III-431. člena Ustave.

III-371. ČLEN

Sodišče je pristojno za odločanje o zakonitosti aktov, ki jih sprejmeta Evropski svet ali Svet na podlagi I-59. člena Ustave, samo na predlog države članice, ki jo zadeva ugotovitev Evropskega sveta ali Sveta, in samo v zvezi s postopkovnimi določbami navedenega člena.

Takšen predlog mora biti vložen v enem mesecu od dneva take ugotovitve. Sodišče odloči v enem mesecu od datuma tega predloga.

III-372. ČLEN

Sodišče Evropske unije je v mejah in pod pogoji, ki so določeni v kadrovskih predpisih za uradnike ali v pogojih za zaposlitev drugih uslužbencev Unije, pristojno za vse spore med Unijo in njenimi uslužbenci.

III-373. ČLEN

Sodišče Evropske unije je v mejah, določenih v nadaljevanju Ustave, pristojno v sporih glede:

a) izpolnjevanja obveznosti držav članic v skladu s statutom Evropske investicijske banke. V tej zvezi ima svet direktorjev banke pooblastila, ki jih ima Komisija v skladu s III-360. členom Ustave;

b) ukrepov, ki jih je sprejel svet guvernerjev Evropske investicijske banke. V tej zvezi lahko vsaka država članica, Komisija ali svet direktorjev banke sproži postopek v skladu s pogoji iz III-365. člena Ustave;

c) ukrepov, ki jih je sprejel svet direktorjev Evropske investicijske banke. Postopke zoper takšne ukrepe lahko sprožijo samo države članice ali Komisija pod pogoji iz III-365. člena Ustave in le zaradi neupoštevanja postopka, predvidenega v drugem, petem, šestem in sedmem odstavku 21. člena statuta banke;

d) izpolnjevanja obveznosti nacionalnih centralnih bank v skladu z Ustavo in statutom Evropskega sistema centralnih bank in Evropske centralne banke. V tej zvezi so pooblastila Sveta Evropske centralne banke nasproti nacionalnim centralnim bankam enaka pooblastilom, ki jih ima Komisija nasproti državam članicam v skladu s III-360. členom Ustave. Če Sodišče Evropske unije ugotovi, da neka nacionalna centralna banka ni izpolnila katere od obveznosti iz Ustave, ta banka sprejme potrebne ukrepe za izpolnitev sodbe Sodišča.

Where such a question is raised before any court or tribunal of a Member State, that court or tribunal may, if it considers that a decision on the question is necessary to enable it to give judgment, request the Court to give a ruling thereon.

Where any such question is raised in a case pending before a court or tribunal of a Member State against whose decisions there is no judicial remedy under national law, that court or tribunal shall bring the matter before the Court.

If such a question is raised in a case pending before a court or tribunal of a Member State with regard to a person in custody, the Court shall act with the minimum of delay.

ARTICLE III-370

The Court of Justice of the European Union shall have jurisdiction in disputes relating to compensation for damage provided for in the second and third paragraphs of Article III-431.

ARTICLE III-371

The Court of Justice shall have jurisdiction to decide on the legality of an act adopted by the European Council or by the Council pursuant to Article I-59 solely at the request of the Member State concerned by a determination of the European Council or of the Council and in respect solely of the procedural stipulations contained in that Article.

Such a request must be made within one month from the date of such determination. The Court shall rule within one month from the date of the request.

ARTICLE III-372

The Court of Justice of the European Union shall have jurisdiction in any dispute between the Union and its servants within the limits and under the conditions laid down in the Staff Regulations of Officials and the Conditions of Employment of other servants of the Union.

ARTICLE III-373

The Court of Justice of the European Union shall, within the limits hereinafter laid down, have jurisdiction in disputes concerning:

(a) the fulfilment by Member States of obligations under the Statute of the European Investment Bank. In this connection, the Board of Directors of the Bank shall enjoy the powers conferred upon the Commission by Article III-360;

(b) measures adopted by the Board of Governors of the European Investment Bank. In this connection, any Member State, the Commission or the Board of Directors of the Bank may institute proceedings under the conditions laid down in Article III-365;

(c) measures adopted by the Board of Directors of the European Investment Bank. Proceedings against such measures may be instituted only by Member States or by the Commission, under the conditions laid down in Article III-365, and solely on the grounds of non-compliance with the procedure provided for in Article 19(2), (5), (6) and (7) of the Statute of the Bank;

(d) the fulfilment by national central banks of obligations under the Constitution and the Statute of the European System of Central Banks and of the European Central Bank. In this connection, the powers of the Governing Council of the European Central Bank in respect of national central banks shall be the same as those conferred upon the Commission in respect of Member States by Article III-360. If the Court of Justice of the European Union finds that a national central bank has failed to fulfil an obligation under the Constitution, that bank shall be required to take the necessary measures to comply with the judgment of the Court.

III-374. ČLEN

Sodišče Evropske unije je pristojno za odločanje v sporih na podlagi arbitražne klavzule v pogodbah javnega ali zasebnega prava, ki jih sklene Unija, ali ki so sklenjene v njenem imenu.

III-375. ČLEN

(1) Spori, v katerih je ena od strank Unija, niso izvzeti iz pristojnosti sodišč držav članic, razen če je bila pristojnost z Ustavo dodeljena Sodišču Evropske unije.

(2) Države članice se zavezujejo, da bodo spore glede razlage ali uporabe Ustave reševale le na načine, določene v Ustavi.

(3) Sodišče je pristojno za odločanje v vseh sporih med državami članicami, ki se nanašajo na predmet Ustave, če mu je bil spor predložen na podlagi sporazuma o razsodišču med strankami.

III-376. ČLEN

Sodišče Evropske unije ni pristojno glede I-40. in I-41. člena, določb II. poglavja V. naslova tega dela o skupni zunanji in varnostni politiki, in III-293. člena Ustave, kolikor zadeva skupno zunanjo in varnostno politiko.

Vendar je Sodišče pristojno za nadzor upoštevanja III-308. člena Ustave in za odločanje o postopkih, sproženih v skladu s pogoji iz četrtega odstavka III-365. člena Ustave, v katerih se nadzira zakonitost evropskih sklepov, ki predvidevajo omejevalne ukrepe proti fizičnim ali pravnim osebam, ki jih je Svet sprejel na podlagi II. poglavja V. naslova tega dela.

III-377. ČLEN

Pri izvajanju pristojnosti glede določb 4. in 5. oddelka IV. poglavja III. naslova tega dela glede območja svobode, varnosti in pravice, Sodišče Evropske unije ni pristojno za preverjanje veljavnosti ali sorazmernosti ukrepov policije ali drugih organov kazenskega pregona države članice ali za odločanje o izpolnjevanju obveznosti držav članic glede vzdrževanja javnega reda in miru ter varovanja notranje varnosti.

III-378. ČLEN

Ne glede na iztek roka iz šestega odstavka III-365. člena Ustave lahko vsaka stranka v sporu, v katerem gre za pravni akt, ki se splošno uporablja in ga je sprejela institucija, organ, urad ali agencija Unije, pred Sodiščem Evropske unije uveljavlja, da se ta akt iz razlogov, navedenih v drugem odstavku III-365. člena Ustave, ne uporablja.

III-379. ČLEN

(1) Tožbe, vložene pri Sodišču Evropske unije, nimajo odložilnega učinka. Vendar pa lahko Sodišče, če meni, da okoliščine to zahtevajo, odloži izvršitev izpodbijanega akta.

(2) Sodišče Evropske unije lahko v vseh pri njem vloženih zadevah sprejme potrebne začasne odredbe.

III-380. ČLEN

Sodbe Sodišča Evropske unije so izvršljive v skladu s pogoji iz III-401. člena Ustave.

ARTICLE III-374

The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by or on behalf of the Union, whether that contract be governed by public or private law.

ARTICLE III-375

1. Save where jurisdiction is conferred on the Court of Justice of the European Union by the Constitution, disputes to which the Union is a party shall not on that ground be excluded from the jurisdiction of the courts or tribunals of the Member States.

2. Member States undertake not to submit a dispute concerning the interpretation or application of the Constitution to any method of settlement other than those provided for therein.

3. The Court of Justice shall have jurisdiction in any dispute between Member States which relates to the subject-matter of the Constitution if the dispute is submitted to it under a special agreement between the parties.

ARTICLE III-376

The Court of Justice of the European Union shall not have jurisdiction with respect to Articles I-40 and I-41 and the provisions of Chapter II of Title V concerning the common foreign and security policy and Article III-293 insofar as it concerns the common foreign and security policy.

However, the Court shall have jurisdiction to monitor compliance with Article III-308 and to rule on proceedings, brought in accordance with the conditions laid down in Article III-365(4), reviewing the legality of European decisions providing for restrictive measures against natural or legal persons adopted by the Council on the basis of Chapter II of Title V.

ARTICLE III-377

In exercising its powers regarding the provisions of Sections 4 and 5 of Chapter IV of Title III relating to the area of freedom, security and justice, the Court of Justice of the European Union shall have no jurisdiction to review the validity or proportionality of operations carried out by the police or other law-enforcement services of a Member State or the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security.

ARTICLE III-378

Notwithstanding the expiry of the period laid down in Article III-365(6), any party may, in proceedings in which an act of general application adopted by an institution, body, office or agency of the Union is at issue, plead the grounds specified in Article III-365(2) in order to invoke before the Court of Justice of the European Union the inapplicability of that act.

ARTICLE III-379

1. Actions brought before the Court of Justice of the European Union shall not have suspensory effect. The Court may, however, if it considers that circumstances so require, order that application of the contested act be suspended.

2. The Court of Justice of the European Union may in any cases before it prescribe any necessary interim measures.

ARTICLE III-380

The judgments of the Court of Justice of the European Union shall be enforceable under the conditions laid down in Article III-401.

III-381. ČLEN

Statut Sodišča Evropske unije je določen v protokolu.

Z evropskim zakonom se lahko spremenijo določbe statuta, razen njegovega I. naslova in 64. člena. Sprejme se bodisi na predlog Sodišča in po posvetovanju s Komisijo ali na predlog Komisije in po posvetovanju s Sodiščem.

ARTICLE III-381

The Statute of the Court of Justice of the European Union shall be laid down in a Protocol.

A European law may amend the provisions of the Statute, with the exception of Title I and Article 64. It shall be adopted either at the request of the Court of Justice and after consultation of the Commission, or on a proposal from the Commission and after consultation of the Court of Justice.

6. pododdelek

Evropska centralna banka

III-382. ČLEN

(1) Svet Evropske centralne banke sestavljajo člani Izvršilnega odbora Evropske centralne banke in guvernerji nacionalnih centralnih bank držav članic brez posebne ureditve iz III-197. člena Ustave.

(2) Izvršilni odbor sestavljajo predsednik, podpredsednik in štirje drugi člani.

Predsednika, podpredsednika in druge člane Izvršilnega odbora imenuje Evropski svet s kvalificirano večino, na priporočilo Sveta, po predhodnem posvetovanju z Evropskim parlamentom in Svetom Evropske centralne banke med osebami, ki imajo ugled in poklicne izkušnje na denarnem ali bančnem področju.

Njihov mandat traja osem let, ne morejo pa biti ponovno imenovani.

Samo državljani držav članic so lahko člani Izvršilnega odbora.

III-383. ČLEN

(1) Predsednik Sveta in član Komisije lahko sodelujeta na sejah Sveta Evropske centralne banke, vendar nimata pravice glasovanja.

Predsednik Sveta lahko Svetu Evropske centralne banke predloži predlog za posvetovanje.

(2) Predsednik Evropske centralne banke je vabljen na seje Sveta, kadar ta razpravlja o zadevah v zvezi s cilji in nalogami Evropskega sistema centralnih bank.

(3) Evropska centralna banka naslovi letno poročilo o dejavnostih Evropskega sistema centralnih bank in denarni politiki v preteklem in tekočem letu na Evropski parlament, Evropski svet, Svet in Komisijo. Predsednik Evropske centralne banke predstavi to poročilo Svetu in Evropskemu parlamentu, ki ima lahko na tej podlagi splošno razpravo.

Predsednika Evropske centralne banke in druge člane Izvršilnega odbora lahko na zahtevo Evropskega parlamenta ali na njihovo lastno pobudo zaslišijo pristojni organi Evropskega parlamenta.

7. pododdelek

Računsko sodišče

III-384. ČLEN

(1) Računsko sodišče izvaja revizije vseh prihodkov in odhodkov Unije. Prav tako izvaja revizije prihodkov in odhodkov vseh organov, uradov in agencij, ki jih je ustanovila Unija, če akt o ustanovitvi teh organov, uradov in agencij takšne revizije ne izključuje.

Subsection 6

The European Central Bank

ARTICLE III-382

1. The Governing Council of the European Central Bank shall comprise the members of the Executive Board of the European Central Bank and the Governors of the national central banks of the Member States without a derogation as referred to in Article III-197.

2. The Executive Board shall comprise the President, the Vice-President and four other members.

The President, the Vice-President and the other members of the Executive Board shall be appointed by the European Council, acting by a qualified majority, from among persons of recognised standing and professional experience in monetary or banking matters, on a recommendation from the Council and after consulting the European Parliament and the Governing Council of the European Central Bank.

Their term of office shall be eight years and shall not be renewable.

Only nationals of Member States may be members of the Executive Board.

ARTICLE III-383

1. The President of the Council and a member of the Commission may participate, without having the right to vote, in meetings of the Governing Council of the European Central Bank.

The President of the Council may submit a motion for deliberation to the Governing Council of the European Central Bank.

2. The President of the European Central Bank shall be invited to participate in meetings of the Council when it is discussing matters relating to the objectives and tasks of the European System of Central Banks.

3. The European Central Bank shall address an annual report on the activities of the European System of Central Banks and on the monetary policy of both the previous and the current year to the European Parliament, the European Council, the Council and the Commission. The President of the European Central Bank shall present this report to the European Parliament, which may hold a general debate on that basis, and to the Council.

The President of the European Central Bank and the other members of the Executive Board may, at the request of the European Parliament or on their own initiative, be heard by the competent bodies of the European Parliament.

Subsection 7

The Court of Auditors

ARTICLE III-384

1. The Court of Auditors shall examine the accounts of all revenue and expenditure of the Union. It shall also examine the accounts of all revenue and expenditure of any body, office or agency set up by the Union insofar as the instrument establishing that body, office or agency does not preclude such examination.

Računsko sodišče predloži Evropskemu parlamentu in Svetu izjavo o zanesljivosti poslovnih knjig ter zakonitosti in pravilnosti poslovnih dogodkov, ki se objavi v Uradnem listu Evropske unije. Ta izjava je lahko dopolnjena s posebnimi ocenami za vsako večje področje dejavnosti Unije.

(2) Računsko sodišče preveri zakonitost in pravilnost vseh prihodkov in odhodkov ter, ali je bilo finančno poslovodenje dobro. Pri tem poroča zlasti o vseh primerih nepravilnosti.

Revizija prihodkov se opravi na podlagi zapadlih zneskov in zneskov, ki so bili Uniji dejansko plačani.

Revizija odhodkov se opravi na podlagi prevzetih obveznosti in izvršenih izplačil.

Navedeni reviziji se lahko opravita pred zaključkom poslovnih knjig za ustrezno proračunsko leto.

(3) Revizija se opravi na podlagi računovodske dokumentacije in, če je to potrebno, na kraju samem v drugih institucijah, ali v prostorih katerega koli organa, urada ali agencije, ki vodi računovodske evidence prihodkov ali odhodkov v imenu Unije, ter v državah članicah, tudi v prostorih katere koli fizične ali pravne osebe, ki prejema plačila iz proračuna. V državah članicah se revizija opravi v povezavi z nacionalnimi revizijskimi organi ali – če ti nimajo potrebne pristojnosti – s pristojnimi nacionalnimi službami. Računsko sodišče in revizijski organi držav članic sodelujejo v duhu zaupanja, pri čemer ohranjajo svojo neodvisnost. Ti organi ali službe obvestijo Računsko sodišče, ali nameravajo sodelovati pri reviziji.

Druge institucije Unije, vsi organi, uradi ali agencije, ki vodijo računovodske evidence prihodkov ali odhodkov v imenu Unije, vse fizične ali pravne osebe, ki prejemajo plačila iz proračuna, ter nacionalni revizijski organi ali – če ti nimajo potrebne pristojnosti – pristojne nacionalne službe pošljejo Računskemu sodišču na njegovo zahtevo vso dokumentacijo ali vse podatke, ki so potrebni za izvršitev njegove naloge.

Glede dejavnosti Evropske investicijske banke pri vodenju računovodskih evidenc prihodkov in odhodkov Unije ureja pravice Računskega sodišča do dostopa do podatkov te banke sporazum med Računskim sodiščem, Banko in Komisijo. Če sporazum ni bil sklenjen, ima Računsko sodišče navzlic temu dostop do podatkov, potrebnih za revizijo odhodkov in prihodkov Unije, ki jih vodi banka.

(4) Računsko sodišče pripravi letno poročilo po koncu vsakega proračunskega leta. To poročilo se predloži drugim institucijam in se skupaj z odgovori teh institucij na ugotovitve Računskega sodišča objavi v Uradnem listu Evropske unije.

Prav tako lahko Računsko sodišče kadar koli predloži svoje ugotovitve glede specifičnih vprašanj, zlasti v obliki posebnih poročil, in da mnenje na predlog ene od drugih institucij.

Letna poročila, posebna poročila ali mnenja sprejme z večino svojih članov. Lahko pa ustanovi notranje senate za sprejemanje nekaterih vrst poročil ali mnenj pod pogoji, ki so določeni v njegovem poslovniku.

Evropskemu parlamentu in Svetu pomaga pri nadzoru nad izvrševanjem proračuna.

Računsko sodišče sprejme svoj poslovnik. Ta poslovnik odobri Svet.

The Court of Auditors shall provide the European Parliament and the Council with a statement of assurance as to the reliability of the accounts and the legality and regularity of the underlying transactions which shall be published in the Official Journal of the European Union. This statement may be supplemented by specific assessments for each major area of Union activity.

2. The Court of Auditors shall examine whether all revenue has been received and all expenditure incurred in a lawful and regular manner and whether the financial management has been sound. In doing so, it shall report in particular on any cases of irregularity.

The audit of revenue shall be carried out on the basis of the amounts established as due and the amounts actually paid to the Union.

The audit of expenditure shall be carried out on the basis both of commitments undertaken and payments made.

These audits may be carried out before the closure of accounts for the financial year in question.

3. The audit shall be based on records and, if necessary, performed on the spot in the other institutions, or on the premises of any body, office or agency which manages revenue or expenditure on behalf of the Union and in the Member States, including on the premises of any natural or legal person in receipt of payments from the budget. In the Member States the audit shall be carried out in liaison with national audit bodies or, if these do not have the necessary powers, with the competent national departments. The Court of Auditors and the national audit bodies of the Member States shall cooperate in a spirit of trust while maintaining their independence. These bodies or departments shall inform the Court of Auditors whether they intend to take part in the audit.

The other institutions, any bodies, offices or agencies managing revenue or expenditure on behalf of the Union, any natural or legal person in receipt of payments from the budget, and the national audit bodies or, if these do not have the necessary powers, the competent national departments, shall forward to the Court of Auditors, at its request, any document or information necessary to carry out its task.

In respect of the European Investment Bank's activity in managing Union revenue and expenditure, rights of access by the Court of Auditors to information held by the Bank shall be governed by an agreement between the Court of Auditors, the Bank and the Commission. In the absence of an agreement, the Court of Auditors shall nevertheless have access to information necessary for the audit of Union expenditure and revenue managed by the Bank.

4. The Court of Auditors shall draw up an annual report after the close of each financial year. It shall be forwarded to the other institutions and shall be published, together with the replies of these institutions to the observations of the Court of Auditors, in the Official Journal of the European Union.

The Court of Auditors may also, at any time, submit observations, particularly in the form of special reports, on specific questions and deliver opinions at the request of one of the other institutions.

It shall adopt its annual reports, special reports or opinions by a majority of its component members. However, it may establish internal chambers in order to adopt certain categories of reports or opinions under the conditions laid down by its Rules of Procedure.

It shall assist the European Parliament and the Council in exercising their powers of control over the implementation of the budget.

It shall adopt its Rules of Procedure. Those rules shall require the consent of the Council.

III-385. ČLEN

(1) Člani Računskega sodišča so izbrani med osebami, ki v svojih državah pripadajo ali so pripadale zunanjim revizijskim organom ali ki so posebej usposobljene za to službo. Njihova neodvisnost mora biti nedvomna.

(2) Člani Računskega sodišča so imenovani za mandat šestih let. Lahko so ponovno imenovani. Svet sprejme evropski sklep, s katerim določi seznam članov, sestavljen v skladu s predlogi držav članic. Svet odloča po posvetovanju z Evropskim parlamentom.

Predsednika Računskega sodišča izvolijo med svojimi člani za mandat treh let. Predsednik je lahko ponovno izvoljen.

(3) Člani Računskega sodišča pri opravljanju svojih nalog ne smejo zahtevati ali sprejemati nikakršnih navodil od posameznih vlad ali drugih organov. Vzdržijo se vsakršnega ravnanja, ki je nezdružljivo z njihovimi nalogami.

(4) Člani Računskega sodišča med svojim mandatom ne smejo opravljati nobene druge poklicne dejavnosti, bodisi pridobitne ali nepridobitne. Pri prevzemu svojih nalog se slovesno obvežejo, da bodo med svojim mandatom in po njegovem izteku spoštovali iz mandata izhajajoče obveznosti, zlasti dolžnost, da bodo po izteku mandata pri sprejemanju določenih imenovanj ali ugodnosti ravnali pošteno in diskretno.

(5) Razen ob redni zamenjavi ali smrti dolžnosti člana Računskega sodišča prenehajo z njegovim odstopom ali če ga razreši Sodišče v skladu s šestim odstavkom tega člena.

Tako izpraznjeno mesto se za preostanek njegovega mandata zapolni z novim članom.

Razen ob razrešitvi ostanejo člani Računskega sodišča na svojem položaju do zamenjave.

(6) Član Računskega sodišča je lahko razrešen ali se mu lahko odvzame pravica do pokojnine ali namesto nje odobrenih ugodnosti le, kadar Sodišče na predlog Računskega sodišča ugotovi, da član ne izpolnjuje več zahtevanih pogojev ali obveznosti, ki izhajajo iz njegovega položaja.

ARTICLE III-385

1. The members of the Court of Auditors shall be chosen from among persons who belong or have belonged in their respective States to external audit bodies or who are especially qualified for this office. Their independence must be beyond doubt.

2. The members of the Court of Auditors shall be appointed for a term of six years. Their term of office shall be renewable. The Council shall adopt a European decision establishing the list of members drawn up in accordance with the proposals made by each Member State. It shall act after consulting the European Parliament.

The members of the Court of Auditors shall elect their President from among their number for a term of three years. He or she may be re-elected.

3. In the performance of their duties, members of the Court of Auditors shall neither seek nor take instructions from any government or from any other body. They shall refrain from any action incompatible with their duties.

4. Members of the Court of Auditors shall not, during their term of office, engage in any other occupation, whether gainful or not. When entering upon their duties they shall give a solemn undertaking that, both during and after their term of office, they will respect the obligations arising therefrom and in particular their duty to behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits.

5. Apart from normal replacement, or death, the duties of a member of the Court of Auditors shall end when he or she resigns, or is compulsorily retired by a ruling of the Court of Justice pursuant to paragraph 6.

The vacancy thus caused shall be filled for the remainder of the member's term of office.

Save in the case of compulsory retirement, members of the Court of Auditors shall remain in office until they have been replaced.

6. A member of the Court of Auditors may be deprived of his or her office or of his or her right to a pension or other benefits in its stead only if the Court of Justice, at the request of the Court of Auditors, finds that he or she no longer fulfils the requisite conditions or meets the obligations arising from his or her office.

2. ODDELEK

POSVETOVALNI ORGANI UNIJE

1. pododdelek

Odbor regij

III-386. ČLEN

Število članov Odbora regij ne sme preseči 350. Svet na predlog Komisije soglasno sprejme evropski sklep, s katerim določi sestavo odbora.

Člani odbora in enako število nadomestnih članov so imenovani za dobo petih let. Lahko so ponovno imenovani. Noben član odbora ne sme biti hkrati tudi član Evropskega parlamenta.

Svet sprejme evropski sklep, s katerim določi seznam članov in nadomestnih članov, sestavljen v skladu s predlogi držav članic.

Ko se izteče mandat iz drugega odstavka I-32. člena Ustave, na podlagi katerega so bili predlagani, mandat članov odbora samodejno preneha, potem pa so za preostanek omenjenega mandata nadomeščeni v skladu z istim postopkom.

SECTION 2

THE UNION'S ADVISORY BODIES

Subsection 1

The Committee of the Regions

ARTICLE III-386

The number of members of the Committee of the Regions shall not exceed 350. The Council, acting unanimously on a proposal from the Commission, shall adopt a European decision determining the Committee's composition.

The members of the Committee and an equal number of alternate members shall be appointed for five years. Their term of office shall be renewable. No member of the Committee shall at the same time be a member of the European Parliament.

The Council shall adopt the European decision establishing the list of members and alternate members drawn up in accordance with the proposals made by each Member State.

When the mandate referred to in Article I-32(2) on the basis of which they were proposed comes to an end, the term of office of members of the Committee shall terminate automatically and they shall then be replaced for the remainder of the said term of office in accordance with the same procedure.

III-387. ČLEN

Odbor regij izvoli svojega predsednika in predsedstvo med svojimi člani za dobo dveh let in pol.

Skliče ga njegov predsednik na zahtevo Evropskega parlamenta, Sveta ali Komisije. Sestane se lahko tudi na lastno pobudo.

Odbor sprejme svoj poslovnik.

III-388. ČLEN

Evropski parlament, Svet ali Komisija se posvetuje z Odborom regij v primerih, predvidenih z Ustavo, in v vseh drugih primerih, za katere ena od teh institucij meni, da je to primerno, zlasti tistih, ki zadevajo čezmejno sodelovanje.

Kadar Evropski parlament, Svet ali Komisija meni, da je to potrebno, postavi odboru rok za predložitev mnenja, ki ne sme biti krajši od enega meseca od datuma, ko predsednik odbora prejme ustrezno uradno obvestilo. Če ob izteku tega roka mnenje ni dano, to ne prepreči nadaljnjega ukrepanja.

Kadar je Ekonomsko-socialni odbor zaprošen za mnenje, Evropski parlament, Svet ali Komisija o tem obvesti Odbor regij. Če ta meni, da gre za specifične regionalne interese, lahko o zadevi da mnenje. Mnenje lahko da tudi na lastno pobudo.

Mnenje odbora se skupaj s poročilom o njegovih posvetovanjih pošlje Evropskemu parlamentu, Svetu in Komisiji.

2. pododdelek

Ekonomsko-socialni odbor

III-389. ČLEN

Število članov Ekonomsko-socialnega odbora ne sme preseči 350. Svet na predlog Komisije soglasno sprejme evropski sklep, s katerim določi sestavo odbora.

III-390. ČLEN

Člani Ekonomsko-socialnega odbora so imenovani za dobo petih let. Lahko so ponovno imenovani. Svet sprejme evropski sklep, s katerim določi seznam članov, sestavljen v skladu s predlogi držav članic.

Svet odloča po posvetovanju s Komisijo. Pridobi lahko mnenje reprezentativnih evropskih organizacij iz različnih gospodarskih in socialnih sektorjev in civilne družbe, ki jih zadevajo dejavnosti Unije.

III-391. ČLEN

Ekonomsko-socialni odbor izvoli svojega predsednika in predsedstvo med svojimi člani za dobo dveh let in pol.

Skliče ga njegov predsednik na zahtevo Evropskega parlamenta, Sveta ali Komisije. Sestane se lahko tudi na lastno pobudo.

Odbor sprejme svoj poslovnik.

III-392. ČLEN

Evropski parlament, Svet ali Komisija se posvetujejo z Ekonomsko-socialnim odborom v primerih, predvidenih z Ustavo. Te institucije se z njim lahko posvetujejo v vseh primerih, za katere menijo, da je to primerno. Mnenje lahko da tudi na lastno pobudo.

ARTICLE III-387

The Committee of the Regions shall elect its chairman and officers from among its members for a term of two and a half years.

It shall be convened by its chairman at the request of the European Parliament, of the Council or of the Commission. It may also meet on its own initiative.

It shall adopt its Rules of Procedure.

ARTICLE III-388

The Committee of the Regions shall be consulted by the European Parliament, by the Council or by the Commission where the Constitution so provides and in all other cases in which one of these institutions considers it appropriate, in particular those which concern cross-border cooperation.

The European Parliament, the Council or the Commission shall, if it considers it necessary, set the Committee, for the submission of its opinion, a time-limit which shall not be less than one month from the date on which the chairman receives notification to this effect. Upon expiry of the time-limit, the absence of an opinion shall not prevent further action.

Where the Economic and Social Committee is consulted, the Committee of the Regions shall be informed by the European Parliament, the Council or the Commission of the request for an opinion. Where it considers that specific regional interests are involved, the Committee of the Regions may issue an opinion on the matter. It may also issue an opinion on its own initiative.

The opinion of the Committee, together with a record of its proceedings, shall be forwarded to the European Parliament, to the Council and to the Commission.

Subsection 2

The Economic and Social Committee

ARTICLE III-389

The number of members of the Economic and Social Committee shall not exceed 350. The Council, acting unanimously on a proposal from the Commission, shall adopt a European decision determining the Committee's composition.

ARTICLE III-390

The members of the Economic and Social Committee shall be appointed for five years. Their term of office shall be renewable.

The Council shall adopt the European decision establishing the list of members drawn up in accordance with the proposals made by each Member State.

The Council shall act after consulting the Commission. It may obtain the opinion of European bodies which are representative of the various economic and social sectors and of civil society to which the Union's activities are of concern.

ARTICLE III-391

The Economic and Social Committee shall elect its chairman and officers from among its members for a term of two and a half years.

It shall be convened by its chairman at the request of the European Parliament, of the Council or of the Commission. It may also meet on its own initiative.

It shall adopt its Rules of Procedure.

ARTICLE III-392

The Economic and Social Committee shall be consulted by the European Parliament, by the Council or by the Commission where the Constitution so provides. It may be consulted by these institutions in all cases in which they consider it appropriate. It may also issue an opinion on its own initiative.

Kadar Evropski parlament, Svet ali Komisija meni, da je to potrebno, postavi odboru rok za predložitev mnenja, ki ne sme biti krajši od enega meseca od datuma, ko predsednik odbora prejme ustrezno uradno obvestilo. Če ob izteku tega roka mnenje ni dano, to ne prepreči nadaljnjega ukrepanja.

Mnenje odbora se skupaj s poročilom o njegovih posvetovanjih pošlje Evropskemu parlamentu, Svetu in Komisiji.

The European Parliament, the Council or the Commission shall, if it considers it necessary, set the Committee, for the submission of its opinion, a time-limit which shall not be less than one month from the date on which the chairman receives notification to this effect. Upon expiry of the time-limit, the absence of an opinion shall not prevent further action.

The opinion of the Committee, together with a record of its proceedings, shall be forwarded to the European Parliament, to the Council and to the Commission.

3. ODDELEK

EVROPSKA INVESTICIJSKA BANKA

III-393. ČLEN

Evropska investicijska banka je pravna oseba.

Njeni člani so države članice.

Statut Evropske investicijske banke je določen v protokolu.

Z evropskim zakonom Sveta se lahko spremeni Statut Evropske investicijske banke. Svet odloča soglasno bodisi na zahtevo Evropske investicijske banke in po posvetovanju z Evropskim parlamentom in Komisijo bodisi na predlog Komisije in po posvetovanju z Evropsko investicijsko banko.

III-394. ČLEN

Naloga Evropske investicijske banke je, da v interesu Unije prispeva k uravnoteženemu in nemotenemu razvoju notranjega trga, pri čemer ima dostop do trga kapitala in uporablja lastna sredstva. V ta namen banka, ki posluje na neprofitni podlagi, odobrava posojila in izdaja jamstva, ki v vseh sektorjih gospodarstva olajšujejo financiranje naslednjih projektov:

a) projektov za razvoj regij z omejenimi možnostmi;

b) projektov za posodabljanje ali preoblikovanje podjetij ali razvoj novih dejavnosti, potrebnih zaradi postopne vzpostavitve ali delovanja notranjega trga, kadar so ti projekti takšnega obsega ali takšne vrste, da jih ni mogoče v celoti financirati iz sredstev, ki so na razpolago v posameznih državah članicah;

c) projektov skupnega interesa za več držav članic, ki so takšnega obsega ali takšne vrste, da jih ni mogoče v celoti financirati iz sredstev, ki so na razpolago v posameznih državah članicah.

Evropska investicijska banka pri opravljanju svoje naloge olajšuje financiranje investicijskih programov skupaj s pomočjo iz strukturnih skladov in drugih finančnih instrumentov Unije.

SECTION 3

THE EUROPEAN INVESTMENT BANK

ARTICLE III-393

The European Investment Bank shall have legal personality.

Its members shall be the Member States.

The Statute of the European Investment Bank is laid down in a Protocol.

A European law of the Council may amend the Statute of the European Investment Bank. The Council shall act unanimously, either at the request of the European Investment Bank and after consulting the European Parliament and the Commission, or on a proposal from the Commission and after consulting the European Parliament and the European Investment Bank.

ARTICLE III-394

The task of the European Investment Bank shall be to contribute, by having recourse to the capital markets and utilising its own resources, to the balanced and steady development of the internal market in the Union's interest. For this purpose the European Investment Bank shall, operating on a non-profit-making basis, in particular grant loans and give guarantees which facilitate the financing of the following projects in all sectors of the economy:

(a) projects for developing less-developed regions;

(b) projects for modernising or converting undertakings or for developing fresh activities called for by the establishment or functioning of the internal market, where these projects are of such a size or nature that they cannot be entirely financed by the various means available in the individual Member States;

(c) projects of common interest to several Member States which are of such a size or nature that they cannot be entirely financed by the various means available in the individual Member States.

In carrying out its task, the European Investment Bank shall facilitate the financing of investment programmes in conjunction with assistance from the Structural Funds and other Union financial instruments.

4. ODDELEK

SKUPNE DOLOČBE ZA INSTITUCIJE, ORGANE, URADE IN AGENCIJE UNIJE

III-395. ČLEN

(1) Kadar Svet v skladu z Ustavo sprejme akt ali stališče na predlog Komisije, je za sprejetje akta ali stališča, ki spreminja ta predlog, potrebna soglasna odločitev Sveta, razen v primerih iz I-55. in I-56. člena, iz desetega in trinajstega odstavka III-396. člena, III-404. člena in drugega odstavka III-405. člena Ustave.

(2) Dokler Svet ne odloči, lahko Komisija svoj predlog spremeni kadar koli med postopkom za sprejetje akta Unije.

III-396. ČLEN

(1) Kadar so na podlagi Ustave evropski zakoni in okvirni zakoni sprejeti po rednem zakonodajnem postopku, se uporabljajo v nadaljevanju navedene določbe.

SECTION 4

PROVISIONS COMMON TO UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

ARTICLE III-395

1. Where, pursuant to the Constitution, the Council acts on a proposal from the Commission, it may amend that proposal only by acting unanimously, except in the cases referred to in Articles I-55, I-56, III-396(10) and (13), III-404 and III-405(2).

2. As long as the Council has not acted, the Commission may alter its proposal at any time during the procedures leading to the adoption of a Union act.

ARTICLE III-396

1. Where, pursuant to the Constitution, European laws or framework laws are adopted under the ordinary legislative procedure, the following provisions shall apply.

(2) Komisija poda predlog Evropskemu parlamentu in Svetu.

Prva obravnava

(3) Evropski parlament sprejme stališče v prvi obravnavi in ga pošlje Svetu.

(4) Če Svet odobri stališče Evropskega parlamenta, je zadevni akt sprejet v besedilu, ki ustreza temu stališču.

(5) Če Svet ne odobri stališča Evropskega parlamenta, sprejme svoje stališče v prvi obravnavi in ga pošlje Evropskemu parlamentu.

(6) Svet izčrpno obvesti Evropski parlament o razlogih za sprejetje njegovega stališča v prvi obravnavi. Komisija izčrpno obvesti Evropski parlament o svojem stališču.

Druga obravnava

(7) Če Evropski parlament v treh mesecih po takem obvestilu:

a) potrdi stališče Sveta v prvi obravnavi ali ne sprejme nikakršne odločitve, se šteje, da je bil zadevni akt sprejet v besedilu, ki ustreza stališču Sveta;

b) zavrne z večino svojih članov stališče Sveta v prvi obravnavi, se šteje, da predlagani akt ni bil sprejet;

c) z večino svojih članov predlaga spremembe stališča Sveta v prvi obravnavi, se tako spremenjeno besedilo pošlje Svetu in Komisiji, ki o teh spremembah poda svoje mnenje.

(8) Če Svet v treh mesecih po prejemu sprememb Evropskega parlamenta s kvalificirano večino:

a) odobri vse spremembe, se šteje, da je bil zadevni akt sprejet;

b) ne odobri vseh sprememb, predsednik Sveta v dogovoru s predsednikom Evropskega parlamenta v šestih tednih skliče sestanek Usklajevalnega odbora.

(9) Svet odloča soglasno o spremembah, o katerih je Komisija dala negativno mnenje.

Usklajevalni postopek

(10) Usklajevalni odbor, ki ga sestavljajo člani Sveta ali njihovi predstavniki in enako število predstavnikov Evropskega parlamenta, ima nalogo, da s kvalificirano večino članov Sveta ali njihovih predstavnikov in z večino predstavnikov Evropskega parlamenta doseže soglasje o skupnem besedilu v šestih tednih po sklicu, na podlagi stališč Evropskega parlamenta in Sveta v drugi obravnavi.

(11) Komisija sodeluje pri postopkih Usklajevalnega odbora ter daje vse potrebne pobude za približanje stališč Evropskega parlamenta in Sveta.

(12) Če Usklajevalni odbor v šestih tednih po sklicu ne odobri skupnega besedila, se šteje, da predlagani akt ni bil sprejet.

Tretja obravnava

(13) Če Usklajevalni odbor v tem obdobju odobri skupno besedilo, imata Evropski parlament, ki odloča z večino oddanih glasov, in Svet, ki odloča s kvalificirano večino, na voljo šest tednov od tega datuma, da sprejmeta zadevni akt v skladu s skupnim besedilom. Če tega ne storita, se šteje, da akt ni bil sprejet.

2. The Commission shall submit a proposal to the European Parliament and the Council.

First reading

3. The European Parliament shall adopt its position at first reading and communicate it to the Council.

4. If the Council approves the European Parliament's position, the act concerned shall be adopted in the wording which corresponds to the position of the European Parliament.

5. If the Council does not approve the European Parliament's position, it shall adopt its position at first reading and communicate it to the European Parliament.

6. The Council shall inform the European Parliament fully of the reasons which led it to adopt its position at first reading. The Commission shall inform the European Parliament fully of its position.

Second reading

7. If, within three months of such communication, the European Parliament:

(a) approves the Council's position at first reading or has not taken a decision, the act concerned shall be deemed to have been adopted in the wording which corresponds to the position of the Council;

(b) rejects, by a majority of its component members, the Council's position at first reading, the proposed act shall be deemed not to have been adopted;

(c) proposes, by a majority of its component members, amendments to the Council's position at first reading, the text thus amended shall be forwarded to the Council and to the Commission, which shall deliver an opinion on those amendments.

8. If, within three months of receiving the European Parliament's amendments, the Council, acting by a qualified majority:

(a) approves all those amendments, the act in question shall be deemed to have been adopted;

(b) does not approve all the amendments, the President of the Council, in agreement with the President of the European Parliament, shall within six weeks convene a meeting of the Conciliation Committee.

9. The Council shall act unanimously on the amendments on which the Commission has delivered a negative opinion.

Conciliation

10. The Conciliation Committee, which shall be composed of the members of the Council or their representatives and an equal number of members representing the European Parliament, shall have the task of reaching agreement on a joint text, by a qualified majority of the members of the Council or their representatives and by a majority of the members representing the European Parliament within six weeks of its being convened, on the basis of the positions of the European Parliament and the Council at second reading.

11. The Commission shall take part in the Conciliation Committee's proceedings and shall take all necessary initiatives with a view to reconciling the positions of the European Parliament and the Council.

12. If, within six weeks of its being convened, the Conciliation Committee does not approve the joint text, the proposed act shall be deemed not to have been adopted.

Third reading

13. If, within that period, the Conciliation Committee approves a joint text, the European Parliament, acting by a majority of the votes cast, and the Council, acting by a qualified majority, shall each have a period of six weeks from that approval in which to adopt the act in question in accordance with the joint text. If they fail to do so, the proposed act shall be deemed not to have been adopted.

(14) Trimesečni in šesttedenski rok iz tega člena se na pobudo Evropskega parlamenta ali Sveta podaljšata za največ en mesec oziroma dva tedna.

Posebne določbe

(15) Če je v primerih, ki so predvideni v Ustavi, evropski zakon ali okvirni zakon predložen v redni zakonodajni postopek na pobudo skupine držav članic, po priporočilu Evropske centralne banke ali na zahtevo Sodišča, se drugi odstavek, drugi stavek šestega odstavka in deveti odstavek tega člena ne uporabljajo.

Evropski parlament in Svet v takih primerih Komisiji pošljeta predlagani akt z njunimi stališči v prvi in drugi obravnavi. Evropski parlament ali Svet lahko Komisijo med postopkom zaprosita za mnenje, ki ga Komisija lahko da tudi na lastno pobudo. Prav tako lahko, če meni, da je to potrebno, sodeluje v Usklajevalnem odboru pod pogoji, določenimi v enajstem odstavku tega člena.

III-397. ČLEN

Evropski parlament, Svet in Komisija se med seboj posvetujejo in v medsebojnem soglasju določijo načine njihovega sodelovanja. V ta namen lahko v skladu z Ustavo sklenejo medinstitucionalne sporazume, ki so lahko obvezujoči.

III-398. ČLEN

(1) Institucije, organe, urade in agencije Unije pri izvajanju njihovih nalog podpira odprta, učinkovita in neodvisna evropska uprava.

(2) V skladu s kadrovskimi predpisi in pogoji za zaposlitev, sprejetih na podlagi III-427. člena Ustave, se v ta namen z evropskimi zakoni pripravijo posebne določbe.

III-399. ČLEN

(1) Institucije, organi, uradi in agencije Unije zagotavljajo preglednost njihovega dela in pri uporabi I-50. člena Ustave v svojih poslovnikih določijo posebne določbe za dostop javnosti do njihovih dokumentov. Sodišče Evropske unije, Evropska centralna banka in Evropska investicijska banka upoštevajo tretji odstavek I-50. člena Ustave ter ta člen le pri izvajanju svojih upravnih nalog.

(2) Evropski parlament in Svet zagotovita objavo dokumentov, ki se nanašajo na zakonodajne postopke v skladu s pogoji, določenimi v zakonu iz tretjega odstavka I-50. člena Ustave.

III-400. ČLEN

(1) Svet sprejme evropske uredbe in sklepe, v katerih določi:

a) plače, nadomestila in pokojnine predsednika Evropskega sveta, predsednika Komisije, ministra za zunanje zadeve Unije, članov Evropske komisije, predsednikov, članov in sodnih tajnikov Sodišča Evropske unije ter generalnega sekretarja Sveta;

b) pogoje za zaposlitev, zlasti plače, nadomestila in pokojnine predsednika in članov Računskega sodišča;

c) vsa druga izplačila, ki se nakazujejo kot osebni prejemki osebam iz točk a) in b) tega odstavka.

(2) Svet sprejme evropske uredbe in sklepe, s katerimi opredeli nadomestila članov Ekonomsko-socialnega odbora.

III-401. ČLEN

Akti Sveta, Komisije ali Evropske centralne banke, ki nalagajo denarno obveznost osebam, so izvršilni naslov; to ne velja za države članice.

14. The periods of three months and six weeks referred to in this Article shall be extended by a maximum of one month and two weeks respectively at the initiative of the European Parliament or the Council.

Special provisions

15. Where, in the cases provided for in the Constitution, a law or framework law is submitted to the ordinary legislative procedure on the initiative of a group of Member States, on a recommendation by the European Central Bank, or at the request of the Court of Justice, paragraph 2, the second sentence of paragraph 6, and paragraph 9 shall not apply.

In such cases, the European Parliament and the Council shall communicate the proposed act to the Commission with their positions at first and second readings. The European Parliament or the Council may request the opinion of the Commission throughout the procedure, which the Commission may also deliver on its own initiative. It may also, if it deems it necessary, take part in the Conciliation Committee in accordance with paragraph 11.

ARTICLE III-397

The European Parliament, the Council and the Commission shall consult each other and by common agreement make arrangements for their cooperation. To that end, they may, in compliance with the Constitution, conclude interinstitutional agreements which may be of a binding nature.

ARTICLE III-398

1. In carrying out their missions, the institutions, bodies, offices and agencies of the Union shall have the support of an open, efficient and independent European administration.

2. In compliance with the Staff Regulations and the Conditions of Employment adopted on the basis of Article III-427, European laws shall establish provisions to that end.

ARTICLE III-399

1. The institutions, bodies, offices and agencies of the Union shall ensure transparency in their work and shall, pursuant to Article I-50, determine in their rules of procedure specific provisions for public access to their documents. The Court of Justice of the European Union, the European Central Bank and the European Investment Bank shall be subject to the provisions of Article I-50(3) and to this Article only when exercising their administrative tasks.

2. The European Parliament and the Council shall ensure publication of the documents relating to the legislative procedures under the terms laid down by the European law referred to in Article I-50(3).

ARTICLE III-400

1. The Council shall adopt European regulations and decisions determining:

(a) the salaries, allowances and pensions of the President of the European Council, the President of the Commission, the Union Minister for Foreign Affairs, the members of the Commission, the Presidents, members and Registrars of the Court of Justice of the European Union, and the Secretary-General of the Council;

(b) the conditions of employment, in particular the salaries, allowances and pensions, of the President and members of the Court of Auditors;

(c) any payment to be made instead of remuneration to the persons referred to in points (a) and (b).

2. The Council shall adopt European regulations and decisions determining the allowances of the members of the Economic and Social Committee.

ARTICLE III-401

Acts of the Council, of the Commission or of the European Central Bank which impose a pecuniary obligation on persons other than Member States shall be enforceable.

Izvršbo urejajo pravila civilnega postopka, ki veljajo v državi, na ozemlju katere se opravi izvršba. Nacionalni organ, ki ga v ta namen določi vlada vsake od držav članic ter o tem obvesti Komisijo in Sodišče Evropske unije, priloži potrdilo o izvršljivosti, pri čemer ni potrebna nobena druga formalnost razen overovitve verodostojnosti odločbe.

Ko so te formalnosti na zahtevo zadevne stranke izpolnjene, lahko ta preide na izvršbo v skladu z nacionalnim pravom tako, da zadevo predloži neposredno pristojnim organom.

Izvršba se lahko odloži le z odločbo Sodišča Evropske unije. Vendar so za nadzor nad pravilnostjo izvršilnih dejanjih pristojna sodišča zadevne države.

Enforcement shall be governed by the rules of civil procedure in force in the Member State in the territory of which it is carried out. The order for its enforcement shall be appended to the decision, without other formality than verification of the authenticity of the decision, by the national authority which the government of each Member State shall designate for this purpose and shall make known to the Commission and the Court of Justice of the European Union.

When these formalities have been completed on application by the party concerned, the latter may proceed to enforcement by bringing the matter directly before the competent authority, in accordance with the national law.

Enforcement may be suspended only by a decision of the Court of Justice of the European Union. However, the courts of the country concerned shall have jurisdiction over complaints that enforcement is being carried out in an irregular manner.

II. POGLAVJE
FINANČNE DOLOČBE

1. ODDELEK
VEČLETNI FINANČNI OKVIR

III-402. ČLEN

(1) Večletni finančni okvir se sprejme za dobo najmanj petih let v skladu s I-55. členom Ustave.

(2) V večletnem finančnem okviru se določijo letne zgornje meje glede odobrenih proračunskih sredstev za obveznosti po vrstah odhodkov in letne zgornje meje odobrenih proračunskih sredstev za plačila. Vrste odhodkov, ki so maloštevilne, ustrezajo glavnim področjem dejavnosti Unije.

(3) Finančni okvir opredeli vse druge določbe, potrebne za nemoten potek letnega proračunskega postopka.

(4) Če Svet do izteka predhodnega finančnega okvira ni sprejel nobenega evropskega zakona o določitvi novega finančnega okvira, se zgornje meje in druge določbe, ki ustrezajo zadnjemu letu tega okvira, podaljšajo do sprejetja omenjenega zakona.

(5) Evropski parlament, Svet in Komisija uvedejo v postopku sprejemanja finančnega okvira vse ukrepe, potrebne za uspešen zaključek postopka.

2. ODDELEK
LETNI PRORAČUN UNIJE

III-403. ČLEN

Proračunsko leto traja od 1. januarja do 31. decembra.

III-404. ČLEN

Z evropskimi zakoni se določi letni proračun Unije v skladu z naslednjimi določbami.

(1) Vsaka institucija Unije pred 1. julijem pripravi načrt svojih odhodkov za naslednje proračunsko leto. Komisija združi te načrte v predlogu proračuna, ki lahko vsebuje drugačne načrte.

Predlog proračuna vsebuje načrt prihodkov in načrt odhodkov.

(2) Komisija predloži Evropskemu parlamentu in Svetu predlog proračuna najpozneje do 1. septembra v letu, ki je pred letom njegovega izvrševanja.

CHAPTER II
FINANCIAL PROVISIONS

SECTION 1
THE MULTIANNUAL FINANCIAL FRAMEWORK

ARTICLE III-402

1. The multiannual financial framework shall be established for a period of at least five years in accordance with Article I-55.

2. The financial framework shall determine the amounts of the annual ceilings on commitment appropriations by category of expenditure and of the annual ceiling on payment appropriations. The categories of expenditure, limited in number, shall correspond to the Union's major sectors of activity.

3. The financial framework shall lay down any other provisions required for the annual budgetary procedure to run smoothly.

4. Where no European law of the Council determining a new financial framework has been adopted by the end of the previous financial framework, the ceilings and other provisions corresponding to the last year of that framework shall be extended until such time as that law is adopted.

5. Throughout the procedure leading to the adoption of the financial framework, the European Parliament, the Council and the Commission shall take any measure necessary to facilitate the successful completion of the procedure.

SECTION 2
THE UNION'S ANNUAL BUDGET

ARTICLE III-403

The financial year shall run from 1 January to 31 December.

ARTICLE III-404

European laws shall establish the Union's annual budget in accordance with the following provisions:

1. Each institution shall, before 1 July, draw up estimates of its expenditure for the following financial year. The Commission shall consolidate these estimates in a draft budget which may contain different estimates.

The draft budget shall contain an estimate of revenue and an estimate of expenditure.

2. The Commission shall submit a proposal containing the draft budget to the European Parliament and to the Council not later than 1 September of the year preceding that in which the budget is to be implemented.

Komisija lahko spremeni predlog proračuna med postopkom do sklica Usklajevalnega odbora iz petega odstavka tega člena.

(3) Svet sprejme stališče o predlogu proračuna in ga predloži Evropskemu parlamentu najpozneje do 1. oktobra v letu, ki je pred letom njegovega izvrševanja. O razlogih za sprejetje svojega stališča Svet izčrpno obvesti Evropski parlament.

(4) Če Evropski parlament v dvainštiridesetih dneh po takem obvestilu:

a) odobri stališče Sveta, se sprejme evropski zakon o določitvi proračuna;

b) ne sprejme nikakršne odločitve, se šteje, da je evropski zakon o določitvi proračuna sprejet;

c) sprejme spremembe z večino svojih članov, se spremenjeni predlog pošlje Svetu in Komisiji. Predsednik Evropskega parlamenta v dogovoru s predsednikom Sveta nemudoma skliče sestanek Usklajevalnega odbora. Vendar, če Svet v desetih dneh po tem, ko je bil predlog poslan, obvesti Evropski parlament, da je odobril vse njegove spremembe, se Usklajevalni odbor ne sestane.

(5) Usklajevalni odbor, ki ga sestavljajo člani Sveta ali njihovi predstavniki in enako število predstavnikov Evropskega parlamenta, ima nalogo, da s kvalificirano večino članov Sveta ali njihovih predstavnikov in z večino predstavnikov Evropskega parlamenta v enaindvajsetih dnevih po sklicu doseže soglasje o skupnem predlogu na podlagi stališč Evropskega parlamenta in Sveta.

Komisija sodeluje pri postopkih Usklajevalnega odbora ter daje vse potrebne pobude za približanje stališč Evropskega parlamenta in Sveta.

(6) Če Usklajevalni odbor v enaindvajsetih dneh iz prejšnjega odstavka doseže soglasje o skupnem predlogu, imata Evropski parlament in Svet na voljo štirinajst dni od datuma navedenega soglasja, da sprejmeta skupni predlog.

(7) Če v roku štirinajstih dni iz prejšnjega odstavka:

a) Evropski parlament in Svet oba odobrita skupni predlog ali ne sprejmeta nikakršne odločitve oziroma če katera od teh institucij sprejme skupni predlog, medtem ko druga ne sprejme nikakršne odločitve, se šteje, da je evropski zakon o določitvi proračuna dokončno sprejet v skladu s skupnim predlogom, ali

b) Evropski parlament, ki odloča z večino svojih članov, in Svet oba zavrneta skupni predlog ali če katera od teh institucij zavrne skupni predlog, medtem ko druga ne sprejme nikakršne odločitve, Komisija predloži nov osnutek proračuna, ali

c) Evropski parlament, ki odloča z večino svojih članov, zavrne skupni predlog, medtem ko ga Svet odobri, Komisija predloži nov predlog proračuna, ali

d) Evropski parlament sprejme skupni predlog, medtem ko ga Svet zavrne, lahko Evropski parlament, ki odloča z večino svojih članov in tremi petinami oddanih glasov, v roku štirinajstih dni od datuma zavrnitve s strani Sveta, sklene, da potrdi vse ali nekatere spremembe iz točke c) četrtega odstavka tega člena. V primeru, da katera koli sprememba Evropskega parlamenta ni potrjena, se stališče, sprejeto v okviru Usklajevalnega odbora, o proračunski postavki, ki je predmet spremembe, ohrani. Šteje se, da je evropski zakon o določitvi proračuna dokončno sprejet na tej podlagi.

The Commission may amend the draft budget during the procedure until such time as the Conciliation Committee, referred to in paragraph 5, is convened.

3. The Council shall adopt its position on the draft budget and forward it to the European Parliament not later than 1 October of the year preceding that in which the budget is to be implemented. The Council shall inform the European Parliament in full of the reasons which led it to adopt its position.

4. If, within forty-two days of such communication, the European Parliament:

(a) approves the position of the Council, the European law establishing the budget shall be adopted;

(b) has not taken a decision, the European law establishing the budget shall be deemed to have been adopted;

(c) adopts amendments by a majority of its component members, the amended draft shall be forwarded to the Council and to the Commission. The President of the European Parliament, in agreement with the President of the Council, shall immediately convene a meeting of the Conciliation Committee. However, if within ten days of the draft being forwarded the Council informs the European Parliament that it has approved all its amendments, the Conciliation Committee shall not meet.

5. The Conciliation Committee, which shall be composed of the members of the Council or their representatives and an equal number of members representing the European Parliament, shall have the task of reaching agreement on a joint text, by a qualified majority of the members of the Council or their representatives and by a majority of the representatives of the European Parliament within twenty-one days of its being convened, on the basis of the positions of the European Parliament and the Council.

The Commission shall take part in the Conciliation Committee's proceedings and shall take all the necessary initiatives with a view to reconciling the positions of the European Parliament and the Council.

6. If, within the twenty-one days referred to in paragraph 5, the Conciliation Committee agrees on a joint text, the European Parliament and the Council shall each have a period of fourteen days from the date of that agreement in which to approve the joint text.

7. If, within the period of fourteen days referred to in paragraph 6:

(a) the European Parliament and the Council both approve the joint text or fail to take a decision, or if one of these institutions approves the joint text while the other one fails to take a decision, the European law establishing the budget shall be deemed to be definitively adopted in accordance with the joint text, or

(b) the European Parliament, acting by a majority of its component members, and the Council both reject the joint text, or if one of these institutions rejects the joint text while the other one fails to take a decision, a new draft budget shall be submitted by the Commission, or

(c) the European Parliament, acting by a majority of its component members, rejects the joint text while the Council approves it, a new draft budget shall be submitted by the Commission, or

(d) the European Parliament approves the joint text whilst the Council rejects it, the European Parliament may, within fourteen days from the date of the rejection by the Council and acting by a majority of its component members and three-fifths of the votes cast, decide to confirm all or some of the amendments referred to in paragraph 4(c). Where a European Parliament amendment is not confirmed, the position agreed in the Conciliation committee on the budget heading which is the subject of the amendment shall be retained. The European law establishing the budget shall be deemed to be definitively adopted on this basis.

(8) Če Usklajevalni odbor v enaindvajsetih dneh iz petega odstavka tega člena ne doseže soglasja o skupnem predlogu, Komisija predloži nov osnutek proračuna.

(9) Predsednik Evropskega parlamenta po zaključenem postopku iz tega člena razglasi, da je evropski zakon o določitvi proračuna dokončno sprejet.

(10) Vsaka institucija izvaja pristojnosti iz tega člena ob upoštevanju določb Ustave in v skladu s to ustavo sprejetimi akti, zlasti glede lastnih sredstev Unije ter ravnotežja med prihodki in odhodki.

III-405. ČLEN

(1) Če na začetku proračunskega leta evropski zakon o določitvi proračuna še ni dokončno sprejet, se lahko glede posameznega poglavja v skladu z določbami evropskega zakona iz III-412. člena Ustave vsak mesec porabi največ ena dvanajstina proračunskih sredstev, odobrenih za zadevno poglavje proračuna v predhodnem proračunskem letu; vendar ta vsota ne sme presegati ene dvanajstine odobrenih proračunskih sredstev za obveznosti, predvidenih v istem poglavju predloga proračuna.

(2) Svet lahko na predlog Komisije in v skladu z drugimi pogoji iz prejšnjega odstavka sprejme evropski sklep, s katerim odobri odhodke, ki so višji od ene dvanajstine, v skladu z določbami evropskega zakona iz III-412. člena Ustave. Svet ta evropski sklep nemudoma posreduje Evropskemu parlamentu.

V tem evropskem sklepu se za zagotovitev uporabe tega člena v skladu z evropskimi zakoni iz tretjega in četrtega odstavka I-54. člena Ustave določijo potrebni ukrepi glede sredstev.

Veljati začne trideset dni po sprejemu, razen če se Evropski parlament z večino svojih članov v tem roku odloči zmanjšati te odhodke.

III-406. ČLEN

Pod pogoji, ki se določijo z evropskim zakonom skladno s III-412. členom Ustave, se razen odhodkov za zaposlene lahko vsa odobrena proračunska sredstva, ki niso bila porabljena do konca proračunskega leta, prenesejo samo na naslednje proračunsko leto.

Odobrena proračunska sredstva se razvrstijo po poglavjih, ki združujejo odhodkovne postavke glede na njihovo vrsto ali namen in razčlenijo v skladu z evropskim zakonom iz III-412. člena Ustave.

Odhodki
– Evropskega parlamenta,
– Evropskega sveta in Sveta,
– Komisije, in
– Sodišča Evropske unije

se ne glede na posebno ureditev, ki velja za nekatere skupne odhodkovne postavke, prikažejo v ločenih rubrikah proračuna.

3. ODDELEK

IZVRŠEVANJE PRORAČUNA IN RAZREŠNICA

III-407. ČLEN

Komisija izvršuje proračun v sodelovanju z državami članicami in v skladu z evropskim zakonom iz III-412. člena Ustave, na lastno odgovornost in v mejah odobrenih proračunskih sredstev, pri čemer upošteva načela dobrega finančnega poslovodenja. Države članice sodelujejo s Komisijo, da zagotovijo porabo odobrenih proračunskih sredstev v skladu s temi načeli.

8. If, within the twenty-one days referred to in paragraph 5, the Conciliation Committee does not agree on a joint text, a new draft budget shall be submitted by the Commission.

9. When the procedure provided for in this Article has been completed, the President of the European Parliament shall declare that the European law establishing the budget has been definitively adopted.

10. Each institution shall exercise the powers conferred upon it under this Article in compliance with the Constitution and the acts adopted thereunder, with particular regard to the Union's own resources and the balance between revenue and expenditure.

ARTICLE III-405

1. If at the beginning of a financial year no European law establishing the budget has been definitively adopted, a sum equivalent to not more than one twelfth of the budget appropriations entered in the chapter in question of the budget for the preceding financial year may be spent each month in respect of any chapter in accordance with the European law referred to in Article III-412; that sum shall not, however, exceed one twelfth of the appropriations provided for in the same chapter of the draft budget.

2. The Council, on a proposal by the Commission and in compliance with the other conditions laid down in paragraph 1, may adopt a European decision authorising expenditure in excess of one twelfth, in accordance with the European law referred to in Article III-412. The Council shall forward the decision immediately to the European Parliament.

The European decision shall lay down the necessary measures relating to resources to ensure application of this Article, in accordance with the European laws referred to in Article I-54(3) and (4).

It shall enter into force thirty days following its adoption if the European Parliament, acting by a majority of its component members, has not decided to reduce this expenditure within that time-limit.

ARTICLE III-406

In accordance with the conditions laid down by the European law referred to in Article III-412, any appropriations, other than those relating to staff expenditure, that are unexpended at the end of the financial year may be carried forward to the next financial year only.

Appropriations shall be classified under different chapters grouping items of expenditure according to their nature or purpose and subdivided in accordance with the European law referred to in Article III-412.

The expenditure of
– the European Parliament,
– the European Council and the Council,
– the Commission, and
– the Court of Justice of the European Union

shall be set out in separate sections of the budget, without prejudice to special arrangements for certain common items of expenditure.

SECTION 3

IMPLEMENTATION OF THE BUDGET AND DISCHARGE

ARTICLE III-407

The Commission shall implement the budget in cooperation with the Member States, in accordance with the European law referred to in Article III-412, on its own responsibility and within the limits of the appropriations allocated, having regard to the principles of sound financial management. Member States shall cooperate with the Commission to ensure that the appropriations are used in accordance with those principles.

Z evropskim zakonom iz III-412. člena Ustave se določijo obveznosti držav članic v zvezi z revizijo in nadzorom izvrševanja proračuna in nastalih obveznosti. Za vsako institucijo se določijo obveznosti in podrobna pravila, ki se nanašajo na njen delež odhodkov.

V okviru proračuna lahko Komisija, ob upoštevanju omejitev in pogojev, ki jih določa evropski zakon iz III-412. člena Ustave, prerazporeja odobrena sredstva med poglavji ali med njihovimi sestavnimi deli.

III-408. ČLEN

Komisija predloži Evropskemu parlamentu in Svetu vsako leto poročilo za predhodno proračunsko leto, ki se nanaša na izvrševanje proračuna. Komisija jima predloži tudi izkaz stanja sredstev in obveznosti Unije.

Komisija predloži Evropskemu parlamentu in Svetu tudi poročilo o oceni financ Unije glede na dosežene rezultate, zlasti v zvezi z navedbami Evropskega parlamenta in Sveta v skladu s III-409. členom Ustave.

III-409. ČLEN

(1) Na priporočilo Sveta da Evropski parlament Komisiji razrešnico glede izvrševanja proračuna. V ta namen najprej Svet, nato pa Evropski parlament pregledata račune, izkaz stanja in poročilo o oceni iz prejšnjega člena, letno poročilo Računskega sodišča, skupaj z odgovori revidiranih institucij na ugotovitve Računskega sodišča, izjavo o zanesljivosti iz prvega odstavka III-384. člena Ustave in vsa ustrezna posebna poročila Računskega sodišča.

(2) Evropski parlament lahko pred razrešnico Komisiji ali za druge namene v zvezi z izvajanjem dodeljenih pristojnosti za izvrševanje proračuna od Komisije zahteva podatke o izvrševanju odhodkov ali delovanju finančnih nadzornih sistemov. Komisija Evropskemu parlamentu na njegovo zahtevo predloži vse potrebne informacije.

(3) Komisija ukrene vse potrebno glede ugotovitev, izraženih v sklepih o razrešnici, in drugih ugotovitev Evropskega parlamenta o izvrševanju odhodkov, pa tudi glede pojasnil, priloženih priporočilom Sveta, ki se nanašajo na razrešnico.

(4) Komisija na zahtevo Evropskega parlamenta ali Sveta poroča o ukrepih, ki jih je sprejela na podlagi omenjenih ugotovitev in pojasnil, zlasti pa o navodilih, ki jih je dala službam, odgovornim za izvrševanje proračuna. Tudi ta poročila se predložijo Računskemu sodišču.

4. ODDELEK

SKUPNE DOLOČBE

III-410. ČLEN

Večletni finančni okvir in letni proračun se pripravita v eurih.

III-411. ČLEN

Komisija lahko pod pogojem, da o tem uradno obvesti pristojne organe zadevnih držav članic, prenese svoje dobroimetje v valuti ene od držav članic v valuto druge države članice, kolikor ji to omogoča uporabo tega dobroimetja v namene, predvidene z Ustavo. Če Komisija razpolaga z denarnimi ali unovčljivimi sredstvi v valutah, ki jih potrebuje, se takšnim prenosom čim bolj izogiba.

The European law referred to in Article III-412 shall establish the control and audit obligations of the Member States in the implementation of the budget and the resulting responsibilities. It shall establish the responsibilities and detailed rules for each institution concerning its part in effecting its own expenditure.

Within the budget the Commission may, subject to the limits and conditions laid down by the European law referred to in Article III-412, transfer appropriations from one chapter to another or from one subdivision to another.

ARTICLE III-408

The Commission shall submit annually to the European Parliament and to the Council the accounts of the preceding financial year relating to the implementation of the budget. The Commission shall also forward to them a financial statement of the Union's assets and liabilities.

The Commission shall also submit to the European Parliament and to the Council an evaluation report on the Union's finances based on the results achieved, in particular in relation to the indications given by the European Parliament and the Council pursuant to Article III-409.

ARTICLE III-409

1. The European Parliament, on a recommendation from the Council, shall give a discharge to the Commission in respect of the implementation of the budget. To this end, the Council and the European Parliament in turn shall examine the accounts, the financial statement and the evaluation report referred to in Article III-408, the annual report by the Court of Auditors together with the replies of the institutions under audit to the observations of the Court of Auditors, the statement of assurance referred to in the second subparagraph of Article III-384(1) and any relevant special reports by the Court of Auditors.

2. Before giving a discharge to the Commission, or for any other purpose in connection with the exercise of its powers over the implementation of the budget, the European Parliament may ask to hear the Commission give evidence with regard to the execution of expenditure or the operation of financial control systems. The Commission shall submit any necessary information to the European Parliament at the latter's request.

3. The Commission shall take all appropriate steps to act on the observations in the decisions giving discharge and on other observations by the European Parliament relating to the execution of expenditure, as well as on comments accompanying the recommendations on discharge adopted by the Council.

4. At the request of the European Parliament or the Council, the Commission shall report on the measures taken in the light of these observations and comments and in particular on the instructions given to the departments which are responsible for the implementation of the budget. These reports shall also be forwarded to the Court of Auditors.

SECTION 4

COMMON PROVISIONS

ARTICLE III-410

The multiannual financial framework and the annual budget shall be drawn up in euro.

ARTICLE III-411

The Commission may, provided it notifies the competent authorities of the Member States concerned, transfer into the currency of one of the Member States its holdings in the currency of another Member State, to the extent necessary to enable them to be used for purposes which come within the scope of the Constitution. The Commission shall as far as possible avoid making such transfers if it possesses cash or liquid assets in the currencies which it needs.

Komisija se z vsako zadevno državo članico sporazumeva prek organa, ki ga določi ta država. Pri finančnem poslovanju Komisija uporablja storitve emisijske banke zadevne države članice ali katere koli druge finančne institucije, ki jo potrdi ta država.

III-412. ČLEN

(1) Z evropskimi zakoni se določijo:

a) finančna pravila, v katerih se zlasti podrobno določi postopek, ki ga je treba sprejeti za pripravo in izvrševanje proračuna ter za predložitev in revizijo računov;

b) pravila, ki urejajo nadzor odgovornosti finančnih akterjev, zlasti odredbodajalcev in računovodij.

Takšni zakoni se sprejmejo po posvetovanju z Računskim sodiščem.

(2) Svet na predlog Komisije sprejme evropsko uredbo, s katero določi načine in postopke, s katerimi se proračunski prihodki, predvideni v ureditvi o lastnih sredstvih Unije, dajo na razpolago Komisiji, in ukrepe, ki se po potrebi uporabljajo za zagotavljanje denarnih sredstev. Svet odloča po posvetovanju z Evropskim parlamentom in Računskim sodiščem.

(3) Svet odloča soglasno do 31. decembra 2006 v vseh zadevah, povezanih s tem členom.

III-413. ČLEN

Evropski parlament, Svet in Komisija zagotovijo, da so Uniji na voljo finančna sredstva, ki ji omogočajo izpolnjevanje njenih pravnih obveznosti do tretjih oseb.

III-414. ČLEN

Redni sestanki med predsedniki Evropskega parlamenta, Sveta in Komisije se skličejo na pobudo Komisije v okviru proračunskega postopka iz tega poglavja. Predsedniki sprejmejo vse potrebne ukrepe za spodbujanje posvetovanja in približevanje stališč institucij, ki jim predsedujejo, in zato da bi olajšali izvajanje tega poglavja.

5. ODDELEK

BOJ PROTI GOLJUFIJAM

III-415. ČLEN

(1) Unija in države članice se bojujejo proti goljufijam in vsem drugim nezakonitim dejanjem, ki škodijo finančnim interesom Unije, z ukrepi, sprejetimi v skladu s tem členom. Ti ukrepi so svarilni in so takšni, da v državah članicah ter v institucijah, organih, uradih in agencijah Unije omogočajo učinkovito zaščito.

(2) Za boj proti goljufijam, ki škodijo finančnim interesom Unije, države članice sprejmejo enake predpise, kakršne sprejmejo za boj proti goljufijam, ki škodijo njihovim lastnim finančnim interesom.

(3) Ne glede na druge določbe Ustave države članice usklajujejo svoje delovanje, katerega cilj je zaščita finančnih interesov Unije pred goljufijami. V ta namen skupaj s Komisijo organizirajo tesno in redno sodelovanje med pristojnimi organi.

(4) Z evropskimi zakoni ali okvirnimi zakoni se določijo potrebni ukrepi za preprečevanje in boj proti goljufijam, ki škodijo finančnim interesom Unije, da se omogoči učinkovita in enakovredna zaščita v državah članicah ter v institucijah, organih, uradih in agencijah Unije. Ti ukrepi se sprejmejo po posvetovanju z Računskim sodiščem.

The Commission shall deal with each Member State concerned through the authority designated by that State. In carrying out financial operations the Commission shall employ the services of the bank of issue of the Member State concerned or of any other financial institution approved by that State.

ARTICLE III-412

1. European laws shall establish:

(a) the financial rules which determine in particular the procedure to be adopted for establishing and implementing the budget and for presenting and auditing accounts;

(b) rules providing for checks on the responsibility of financial actors, in particular authorising officers and accounting officers.

Such European laws shall be adopted after consultation of the Court of Auditors.

2. The Council shall, on a proposal from the Commission, adopt a European regulation laying down the methods and procedure whereby the budget revenue provided under the arrangements relating to the Union's own resources shall be made available to the Commission, and the measures to be applied, if need be, to meet cash requirements. The Council shall act after consulting the European Parliament and the Court of Auditors.

3. The Council shall act unanimously until 31 December 2006 in all the cases referred to by this Article.

ARTICLE III-413

The European Parliament, the Council and the Commission shall ensure that the financial means are made available to allow the Union to fulfil its legal obligations in respect of third parties.

ARTICLE III-414

Regular meetings between the Presidents of the European Parliament, the Council and the Commission shall be convened, on the initiative of the Commission, under the budgetary procedures referred to in this Chapter. The Presidents shall take all the necessary steps to promote consultation and the reconciliation of the positions of the institutions over which they preside in order to facilitate the implementation of this Chapter.

SECTION 5

COMBATING FRAUD

ARTICLE III-415

1. The Union and the Member States shall counter fraud and any other illegal activities affecting the Union's financial interests through measures taken in accordance with this Article. These measures shall act as a deterrent and be such as to afford effective protection in the Member States and in all the Union's institutions, bodies, offices and agencies.

2. Member States shall take the same measures to counter fraud affecting the Union's financial interests as they take to counter fraud affecting their own financial interests.

3. Without prejudice to other provisions of the Constitution, the Member States shall coordinate their action aimed at protecting the Union's financial interests against fraud. To this end they shall organise, together with the Commission, close and regular cooperation between the competent authorities.

4. European laws or framework laws shall lay down the necessary measures in the fields of the prevention of and fight against fraud affecting the Union's financial interests with a view to affording effective and equivalent protection in the Member States and in all the Union's institutions, bodies, offices and agencies. They shall be adopted after consultation of the Court of Auditors.

(5) Komisija v sodelovanju z državami članicami vsako leto predloži Evropskemu parlamentu in Svetu poročilo o ukrepih in predpisih, ki so bili sprejeti zaradi izvajanja tega člena.

III. POGLAVJE

OKREPLJENO SODELOVANJE

III-416. ČLEN

Vsako okrepljeno sodelovanje je skladno z Ustavo in pravom Unije.

Takšno sodelovanje ne sme škoditi notranjemu trgu ali ekonomski, socialni in teritorialni povezanosti. Ne sme pomeniti ovire ali diskriminacije v trgovini med državami članicami, niti izkrivljati konkurence med njimi.

III-417. ČLEN

Vsako okrepljeno sodelovanje spoštuje pristojnosti, pravice in obveznosti tistih držav članic, ki v njem ne sodelujejo. Te države članice ne ovirajo izvajanja sodelovanja tistih držav članic, ki so udeležene.

III-418. ČLEN

(1) Okrepljeno sodelovanje je ob vzpostavitvi odprto za vse države članice, če izpolnjujejo morebitne pogoje sodelovanja, določene v evropskem sklepu o pooblastilu. Takšno sodelovanje jim je odprto tudi kadarkoli, če poleg morebitnih zgoraj predvidenih pogojev upoštevajo že sprejete akte v tem okviru.

Komisija in države članice, ki so že udeležene pri okrepljenem sodelovanju, zagotovijo, da se spodbudi udeležba čim več držav članic.

(2) Komisija in po potrebi minister za zunanje zadeve Unije redno obveščata Evropski parlament in Svet o razvoju okrepljenega sodelovanja.

III-419. ČLEN

(1) Države članice, ki želijo med seboj vzpostaviti okrepljeno sodelovanje na enem od področij iz Ustave, razen področij izključne pristojnosti ter skupne zunanje in varnostne politike, na Komisijo naslovijo prošnjo, v kateri opredelijo obseg uporabe in cilje predlaganega okrepljenega sodelovanja. Komisija lahko v ta namen predloži predlog Svetu. Če Komisija predloga ne predloži, zadevne države članice obvesti o razlogih.

Pooblastilo za uvedbo okrepljenega sodelovanja z evropskim sklepom dodeli Svet, ki odloča na predlog Komisije in po pridobitvi odobritve Evropskega parlamenta.

(2) Prošnja držav članic, ki želijo med seboj vzpostaviti okrepljeno sodelovanje v okviru skupne zunanje in varnostne politike, se naslovi na Svet. Posreduje se ministru za zunanje zadeve Unije, ki da mnenje o skladnosti predvidenega okrepljenega sodelovanja s skupno zunanjo in varnostno politiko Unije, in Komisiji, ki da svoje mnenje, zlasti o skladnosti predvidenega okrepljenega sodelovanja z drugimi politikami Unije. V vednost se pošlje tudi Evropskemu parlamentu.

Pooblastilo za nadaljevanje okrepljenega sodelovanja se dodeli z evropskim sklepom Sveta, ki o tem odloča soglasno.

5. The Commission, in cooperation with Member States, shall each year submit to the European Parliament and to the Council a report on the measures taken for the implementation of this Article.

CHAPTER III

ENHANCED COOPERATION

ARTICLE III-416

Any enhanced cooperation shall comply with the Constitution and the law of the Union.

Such cooperation shall not undermine the internal market or economic, social and territorial cohesion. It shall not constitute a barrier to or discrimination in trade between Member States, nor shall it distort competition between them.

ARTICLE III-417

Any enhanced cooperation shall respect the competences, rights and obligations of those Member States which do not participate in it. Those Member States shall not impede its implementation by the participating Member States.

ARTICLE III-418

1. When enhanced cooperation is being established, it shall be open to all Member States, subject to compliance with any conditions of participation laid down by the European authorising decision. It shall also be open to them at any other time, subject to compliance with the acts already adopted within that framework, in addition to any such conditions.

The Commission and the Member States participating in enhanced cooperation shall ensure that they promote participation by as many Member States as possible.

2. The Commission and, where appropriate, the Union Minister for Foreign Affairs shall keep the European Parliament and the Council regularly informed regarding developments in enhanced cooperation.

ARTICLE III-419

1. Member States which wish to establish enhanced cooperation between themselves in one of the areas covered by the Constitution, with the exception of fields of exclusive competence and the common foreign and security policy, shall address a request to the Commission, specifying the scope and objectives of the enhanced cooperation proposed. The Commission may submit a proposal to the Council to that effect. In the event of the Commission not submitting a proposal, it shall inform the Member States concerned of the reasons for not doing so.

Authorisation to proceed with enhanced cooperation shall be granted by a European decision of the Council, which shall act on a proposal from the Commission and after obtaining the consent of the European Parliament.

2. The request of the Member States which wish to establish enhanced cooperation between themselves within the framework of the common foreign and security policy shall be addressed to the Council. It shall be forwarded to the Union Minister for Foreign Affairs, who shall give an opinion on whether the enhanced cooperation proposed is consistent with the Union's common foreign and security policy, and to the Commission, which shall give its opinion in particular on whether the enhanced cooperation proposed is consistent with other Union policies. It shall also be forwarded to the European Parliament for information.

Authorisation to proceed with enhanced cooperation shall be granted by a European decision of the Council acting unanimously.

III-420. ČLEN

(1) Vsaka država članica, ki se želi priključiti že obstoječemu okrepljenemu sodelovanju na enem od področij iz prvega odstavka prejšnjega člena, o svoji nameri uradno obvesti Svet in Komisijo.

Komisija v štirih mesecih od dneva prejema uradnega obvestila potrdi udeležbo zadevne države članice. Po potrebi zabeleži, da so pogoji udeležbe izpolnjeni in sprejme vse potrebne prehodne ukrepe glede uporabe že sprejetih aktov v okviru okrepljenega sodelovanja.

Vendar, če Komisija meni, da pogoji udeležbe niso izpolnjeni, navede podrobnosti, ki jih je treba sprejeti zaradi izpolnjevanja teh pogojev in določi rok za ponovno preučitev prošnje. Po izteku tega roka prošnjo ponovno preuči v skladu s postopkom iz prejšnjega pododstavka. Če Komisija meni, da pogoji udeležbe še vedno niso izpolnjeni, lahko zadevna država članica zadevo preda Svetu, ki o prošnji odloči. Svet odloča v skladu s tretjim odstavkom I-44. členom Ustave. Na predlog Komisije lahko sprejme tudi prehodne ukrepe iz prejšnjega pododstavka.

(2) Država članica, ki se želi priključiti že obstoječemu okrepljenemu sodelovanju v okviru skupne zunanje in varnostne politike, o svoji nameri uradno obvesti Svet, ministra za zunanje zadeve Unije in Komisijo.

Svet potrdi udeležbo zadevne države članice po posvetovanju z ministrom za zunanje zadeve Unije in potem, ko je po potrebi ugotovil, da so pogoji udeležbe izpolnjeni. Svet lahko na predlog ministra za zunanje zadeve Unije sprejme tudi prehodne ukrepe, potrebne za uporabo že sprejetih aktov v okviru okrepljenega sodelovanja. Vendar, kadar Svet meni, da pogoji udeležbe niso izpolnjeni, navede podrobnosti, ki jih je treba sprejeti zaradi izpolnjevanja teh pogojev in določi rok za ponovno preučitev prošnje za sodelovanje.

Za namene tega odstavka Svet odloča soglasno in v skladu s tretjim odstavkom I-44. člena Ustave.

III-421. ČLEN

Odhodki, ki nastanejo pri izvajanju okrepljenega sodelovanja, razen stroškov poslovanja institucij, bremenijo sodelujoče države članice, razen če vsi člani Sveta po posvetovanju z Evropskim parlamentom soglasno odločijo drugače.

III-422. ČLEN

(1) Kadar določba Ustave, ki se lahko uporablja v okviru okrepljenega sodelovanja, določa, da Svet odloča soglasno, lahko Svet v skladu s podrobnostmi iz tretjega odstavka I-44. člena Ustave soglasno sprejme evropski sklep o odločanju s kvalificirano večino.

(2) Kadar določba Ustave, ki se lahko uporablja v okviru okrepljenega sodelovanja, določa, da Svet sprejme evropske zakone ali okvirne zakone po posebnem zakonodajnem postopku, lahko Svet v skladu s podrobnostmi iz tretjega odstavka I-44. člena Ustave soglasno sprejme evropski sklep o odločanju po rednem zakonodajnem postopku. Svet odloči po posvetovanju z Evropskim parlamentom.

(3) Prvi in drugi odstavek tega člena se ne uporabljata za sklepe, ki zadevajo vojaške ali obrambne zadeve.

ARTICLE III-420

1. Any Member State which wishes to participate in enhanced cooperation in progress in one of the areas referred to in Article III-419(1) shall notify its intention to the Council and the Commission.

The Commission shall, within four months of the date of receipt of the notification, confirm the participation of the Member State concerned. It shall note where necessary that the conditions of participation have been fulfilled and shall adopt any transitional measures necessary with regard to the application of the acts already adopted within the framework of enhanced cooperation.

However, if the Commission considers that the conditions of participation have not been fulfilled, it shall indicate the arrangements to be adopted to fulfil those conditions and shall set a deadline for re-examining the request. On the expiry of that deadline, it shall re-examine the request, in accordance with the procedure set out in the second subparagraph. If the Commission considers that the conditions of participation have still not been met, the Member State concerned may refer the matter to the Council, which shall decide on the request. The Council shall act in accordance with Article I-44(3). It may also adopt the transitional measures referred to in the second subparagraph on a proposal from the Commission.

2. Any Member State which wishes to participate in enhanced cooperation in progress in the framework of the common foreign and security policy shall notify its intention to the Council, the Union Minister for Foreign Affairs and the Commission.

The Council shall confirm the participation of the Member State concerned, after consulting the Union Minister for Foreign Affairs and after noting, where necessary, that the conditions of participation have been fulfilled. The Council, on a proposal from the Union Minister for Foreign Affairs, may also adopt any transitional measures necessary with regard to the application of the acts already adopted within the framework of enhanced cooperation. However, if the Council considers that the conditions of participation have not been fulfilled, it shall indicate the arrangements to be adopted to fulfil those conditions and shall set a deadline for re-examining the request for participation.

For the purposes of this paragraph, the Council shall act unanimously and in accordance with Article I-44(3).

ARTICLE III-421

Expenditure resulting from implementation of enhanced cooperation, other than administrative costs entailed for the institutions, shall be borne by the participating Member States, unless all members of the Council, acting unanimously after consulting the European Parliament, decide otherwise.

ARTICLE III-422

1. Where a provision of the Constitution which may be applied in the context of enhanced cooperation stipulates that the Council shall act unanimously, the Council, acting unanimously in accordance with the arrangements laid down in Article I-44(3), may adopt a European decision stipulating that it will act by a qualified majority.

2. Where a provision of the Constitution which may be applied in the context of enhanced cooperation stipulates that the Council shall adopt European laws or framework laws under a special legislative procedure, the Council, acting unanimously in accordance with the arrangements laid down in Article I-44(3), may adopt a European decision stipulating that it will act under the ordinary legislative procedure. The Council shall act after consulting the European Parliament.

3. Paragraphs 1 and 2 shall not apply to decisions having military or defence implications.

III-423. ČLEN

Svet in Komisija zagotavljata medsebojno skladnost dejavnosti v okviru okrepljenega sodelovanja in skladnost teh dejavnosti s politikami Unije ter v ta namen sodelujeta.

ARTICLE III-423

The Council and the Commission shall ensure the consistency of activities undertaken in the context of enhanced cooperation and the consistency of such activities with the policies of the Union, and shall cooperate to that end.

VII. NASLOV

SKUPNE DOLOČBE

III-424. ČLEN

Ob upoštevanju strukturno pogojenih socialnih in gospodarskih razmer Gvadelupov, Francoske Gvajane, Martiniqua, Réuniona, Azorov, Madeire in Kanarskih otokov, katerih razvoj zaradi svoje stalnosti in součinkovanja močno otežujejo dejavniki, kot so oddaljenost, otoška lega, majhnost, težavna topografija in podnebje ter ekonomska odvisnost od maloštevilnih proizvodov, sprejme Svet na predlog Komisije evropske zakone, okvirne zakone, uredbe in sklepe, ki so zlasti namenjeni opredelitvi pogojev uporabe Ustave za te regije, vključno s skupnimi politikami. Odloča po posvetovanju z Evropskim parlamentom.

Akti iz prejšnjega odstavka se nanašajo zlasti na področja, kot so carinska in trgovinska politika, davčna politika, prostotrgovinske cone, kmetijska in ribiška politika, pogoji za preskrbo s surovinami in bistvenimi izdelki za široko porabo, državne pomoči ter pogoji dostopa do strukturnih skladov in horizontalnih programov Unije.

Svet sprejme akte iz prvega odstavka tega člena ob upoštevanju posebnih značilnosti in omejitev najbolj oddaljenih regij, ne da bi s tem ogrozil celovitost in povezanost pravnega reda Unije, vključno z notranjim trgom in skupnimi politikami.

III-425. ČLEN

Ustava v ničemer ne vpliva na lastninskopravno ureditev v državah članicah.

III-426. ČLEN

Unija ima v vseh državah članicah kar najširšo pravno in poslovno sposobnost, ki jo pravnim osebam priznava nacionalna zakonodaja. Zlasti lahko pridobiva premično in nepremično premoženje in z njim razpolaga ter je lahko stranka v sodnem postopku. V ta namen Unijo zastopa Komisija. Vendar v zadevah, povezanih z delovanjem posameznih institucij, v skladu z njihovo upravno avtonomijo, Unijo zastopa zadevna institucija.

III-427. ČLEN

Kadrovski predpisi za uradnike in pogoji za zaposlitev drugih uslužbencev Unije so določeni z evropskim zakonom. Sprejme se po posvetovanju z zadevnimi institucijami.

III-428. ČLEN

Komisija lahko v mejah in pod pogoji, določenimi v evropski uredbi ali sklepu, ki ga z navadno večino sprejme Svet, zbira informacije in izvaja preverjanje, potrebno za opravljanje nalog, ki so ji bile zaupane.

III-429. ČLEN

(1) Ne glede na 5. člen Protokola o statutu Evropskega sistema centralnih bank in Evropske centralne banke se z evropskim zakonom ali okvirnim zakonom določijo ukrepi za pripravo statistike, kadar je to potrebno za izvajanje dejavnosti Unije.

TITLE VII

COMMON PROVISIONS

ARTICLE III-424

Taking account of the structural economic and social situation of Guadeloupe, French Guiana, Martinique, Réunion, the Azores, Madeira and the Canary Islands, which is compounded by their remoteness, insularity, small size, difficult topography and climate, economic dependence on a few products, the permanence and combination of which severely restrain their development, the Council, on a proposal from the Commission, shall adopt European laws, framework laws, regulations and decisions aimed, in particular, at laying down the conditions of application of the Constitution to those regions, including common policies. It shall act after consulting the European Parliament.

The acts referred to in the first paragraph concern in particular areas such as customs and trade policies, fiscal policy, free zones, agriculture and fisheries policies, conditions for supply of raw materials and essential consumer goods, State aids and conditions of access to structural funds and to horizontal Union programmes.

The Council shall adopt the acts referred to in the first paragraph taking into account the special characteristics and constraints of the outermost regions without undermining the integrity and the coherence of the Union legal order, including the internal market and common policies.

ARTICLE III-425

The Constitution shall in no way prejudice the rules in Member States governing the system of property ownership.

ARTICLE III-426

In each of the Member States, the Union shall enjoy the most extensive legal capacity accorded to legal persons under their laws; it may, in particular, acquire or dispose of movable and immovable property and may be a party to legal proceedings. To this end, the Union shall be represented by the Commission. However, the Union shall be represented by each of the institutions, by virtue of their administrative autonomy, in matters relating to their respective operation.

ARTICLE III-427

The Staff Regulations of officials and the Conditions of Employment of other servants of the Union shall be laid down by a European law. It shall be adopted after consultation of the institutions concerned.

ARTICLE III-428

The Commission may, within the limits and under conditions laid down by a European regulation or decision adopted by a simple majority by the Council, collect any information and carry out any checks required for the performance of the tasks entrusted to it.

ARTICLE III-429

1. Without prejudice to Article 5 of the Protocol on the Statute of the European System of Central Banks and of the European Central Bank, measures for the production of statistics shall be laid down by a European law or framework law where necessary for the performance of the Union's activities.

(2) Priprava statistike je nepristranska, zanesljiva, objektivna, znanstveno neodvisna, stroškovno učinkovita in zagotavlja zaupnost statističnih podatkov. Priprava ne sme pretirano obremeniti gospodarskih subjektov.

III-430. ČLEN

Člani institucij Unije, člani odborov ter uradniki in drugi uslužbenci Unije tudi po prenehanju opravljanja svojih dolžnosti ne smejo razkrivati informacij, za katere velja obveznost varovanja poslovne skrivnosti, zlasti informacij o podjetjih, njihovih poslovnih odnosih ali sestavinah stroškov.

III-431. ČLEN

Pogodbeno odgovornost Unije določa pravo, ki se uporablja za zadevno pogodbo.

V primeru nepogodbene odgovornosti pa Unija v skladu s splošnimi načeli, ki so skupna pravnim ureditvam držav članic, nadomesti kakršno koli škodo, ki so jo povzročile njene institucije ali njeni uslužbenci pri opravljanju svojih dolžnosti.

Ne glede na prejšnji odstavek Evropska centralna banka v skladu s splošnimi načeli, ki so skupna pravnim ureditvam držav članic, nadomesti kakršno koli škodo, ki jo je povzročila sama ali so jo povzročili njeni uslužbenci pri opravljanju svojih dolžnosti.

Osebno odgovornost uslužbencev do Unije urejajo določbe njihovih kadrovskih predpisov ali pogojev za zaposlitev, ki se zanje uporabljajo.

III-432. ČLEN

Sedež institucij Unije se določi v medsebojnem soglasju vlad držav članic.

III-433. ČLEN

Svet soglasno sprejme evropsko uredbo, ki določa ureditev glede jezikov v institucijah Unije, ne da bi vplival na statut Sodišča Evropske unije.

III-434. ČLEN

Na ozemljih držav članic uživa Unija v skladu s pogoji iz Protokola o privilegijih in imunitetah Evropske unije privilegije in imunitete, ki jih potrebuje za opravljanje svojih nalog.

III-435. ČLEN

Ustava ne vpliva na pravice in obveznosti, ki izhajajo iz sporazumov med eno ali več državami članicami na eni strani ter eno ali več tretjimi državami na drugi strani, sklenjenih pred 1. januarjem 1958 ali za države, ki pristopajo, pred datumom njihovega pristopa.

Kolikor takšni sporazumi niso združljivi z Ustavo, zadevna država članica ali zadevne države članice ustrezno ukrepajo, da odpravijo ugotovljeno nezdružljivost. V ta namen si države članice po potrebi pomagajo, in kadar je primerno, sprejmejo skupno stališče.

Pri uporabi sporazumov iz prvega odstavka tega člena države članice upoštevajo, da so prednosti, ki jih vsaka država članica priznava v skladu z Ustavo, sestavni del Unije in zato neločljivo povezane z oblikovanjem institucij, katerim so bile z Ustavo dodeljene pristojnosti, in s tem, da vse druge države članice priznavajo povsem enake prednosti.

2. The production of statistics shall conform to impartiality, reliability, objectivity, scientific independence, cost-effectiveness and statistical confidentiality. It shall not entail excessive burdens on economic operators.

ARTICLE III-430

The members of the Union's institutions, the members of committees, and the officials and other servants of the Union shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their cost components.

ARTICLE III-431

The Union's contractual liability shall be governed by the law applicable to the contract in question.

In the case of non-contractual liability, the Union shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its institutions or by its servants in the performance of their duties.

Notwithstanding the second paragraph, the European Central Bank shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by it or by its servants in the performance of their duties.

The personal liability of its servants towards the Union shall be governed by the provisions laid down in their Staff Regulations or in the Conditions of Employment applicable to them.

ARTICLE III-432

The seat of the Union's institutions shall be determined by common accord of the governments of the Member States.

ARTICLE III-433

The Council shall adopt unanimously a European regulation laying down the rules governing the languages of the Union's institutions, without prejudice to the Statute of the Court of Justice of the European Union.

ARTICLE III-434

The Union shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of its tasks, under the conditions laid down in the Protocol on the privileges and immunities of the European Union.

ARTICLE III-435

The rights and obligations arising from agreements concluded before 1 January 1958 or, for acceding States, before the date of their accession, between one or more Member States on the one hand, and one or more third countries on the other, shall not be affected by the Constitution.

To the extent that such agreements are not compatible with the Constitution, the Member State or States concerned shall take all appropriate steps to eliminate the incompatibilities established. Member States shall, where necessary, assist each other to this end and shall, where appropriate, adopt a common attitude.

In applying the agreements referred to in the first paragraph, Member States shall take into account the fact that the advantages accorded under the Constitution by each Member State form an integral part of the Union and are thereby inseparably linked with the creation of institutions on which powers have been conferred by the Constitution and the granting of identical advantages by all the other Member States.

III-436. ČLEN

(1) Ustava ne izključuje uporabe naslednjih pravil:

a) nobena država članica ni dolžna dajati informacij, za katere meni, da bi bilo njihovo razkritje v nasprotju z bistvenimi interesi njene varnosti;

b) vsaka država članica lahko v zvezi s proizvodnjo orožja, streliva in vojaških sredstev ali trgovino z njimi sprejme ukrepe, za katere meni, da so potrebni za zaščito bistvenih interesov njene varnosti; takšni ukrepi ne smejo negativno vplivati na pogoje konkurence na notranjem trgu glede proizvodov, ki niso izrecno predvideni v vojaške namene.

(2) Svet lahko na predlog Komisije soglasno sprejme evropski sklep, s katerim spremeni seznam proizvodov z dne 15. aprila 1958, za katere se uporabljajo določbe točke b) prejšnjega odstavka.

ARTICLE III-436

1. The Constitution shall not preclude the application of the following rules:

(a) no Member State shall be obliged to supply information the disclosure of which it considers contrary to the essential interests of its security;

(b) any Member State may take such measures as it considers necessary for the protection of the essential interests of its security which are connected with the production of or trade in arms, munitions and war material; such measures shall not adversely affect the conditions of competition in the internal market regarding products which are not intended for specifically military purposes.

2. The Council, on a proposal from the Commission, may unanimously adopt a European decision making changes to the list of 15 April 1958 of the products to which the provisions of paragraph 1(b) apply.

IV. DEL
SPLOŠNE IN KONČNE DOLOČBE

IV-437. ČLEN

Razveljavitev prejšnjih pogodb

(1) S to pogodbo o Ustavi za Evropo sta razveljavljeni Pogodba o ustanovitvi Evropske skupnosti in Pogodba o Evropski uniji ter v skladu s Protokolom o aktih in pogodbah o dopolnitvah ali spremembah Pogodbe o ustanovitvi Evropske skupnosti in Pogodbe o Evropski uniji, akti in pogodbe o njunih dopolnitvah ali spremembah, ob upoštevanju drugega odstavka tega člena.

(2) Pogodbe o pristopu:

a) Kraljevine Danske, Irske in Združenega kraljestva Velike Britanije in Severne Irske,

b) Helenske republike,

c) Kraljevine Španije in Portugalske republike,

d) Republike Avstrije, Republike Finske in Kraljevine Švedske ter

e) Češke republike, Republike Estonije, Republike Cipra, Republike Latvije, Republike Litve, Republike Madžarske, Republike Malte, Republike Poljske, Republike Slovenije in Slovaške republike

se razveljavijo.

Vendar pa:

– določbe pogodb iz točk a) do d), ki so navedene ali predvidene v Protokolu o pogodbah in aktih pristopa Kraljevine Danske, Irske in Združenega kraljestva Velike Britanije in Severne Irske, Helenske republike, Kraljevine Španije in Portugalske republike ter Republike Avstrije, Republike Finske in Kraljevine Švedske ostanejo v veljavi in obdržijo svoj pravni učinek v skladu s tem protokolom;

– določbe pogodbe iz točke e), ki so navedene ali predvidene v Protokolu o pogodbah in aktih pristopa Češke republike, Republike Estonije, Republike Cipra, Republike Latvije, Republike Litve, Republike Madžarske, Republike Malte, Republike Poljske, Republike Slovenije in Slovaške republike ostanejo v veljavi in obdržijo svoj pravni učinek v skladu s tem protokolom.

IV-438. ČLEN

Nasledstvo in pravna kontinuiteta

(1) S to pogodbo ustanovljena Evropska unija je pravni naslednik s Pogodbo o Evropski uniji ustanovljene Evropske unije in Evropske skupnosti.

(2) Ob upoštevanju določb IV-439. člena Ustave institucije, organi, uradi in agencije, ki obstajajo na dan začetka veljavnosti te pogodbe, izvršujejo pristojnosti po tej pogodbi v sedanji sestavi toliko časa, dokler ob izvajanju te pogodbe niso sprejete nove določbe ali izteče njihov mandat.

(3) Akti institucij, organov, uradov in agencij, sprejeti na podlagi pogodb in aktov, razveljavljenih s prejšnjim členom, ostanejo v veljavi. Svoj pravni učinek obdržijo, dokler ob izvajanju te pogodbe niso razveljavljeni, razglašeni za nične ali spremenjeni. Enako velja za sporazume, sklenjene med državami članicami na podlagi pogodb in aktov, razveljavljenih s prejšnjim členom.

PART IV
GENERAL AND FINAL PROVISIONS

ARTICLE IV-437

Repeal of earlier Treaties

1. This Treaty establishing a Constitution for Europe shall repeal the Treaty establishing the European Community, the Treaty on European Union and, under the conditions laid down in the Protocol on the acts and treaties having supplemented or amended the Treaty establishing the European Community and the Treaty on European Union, the acts and treaties which have supplemented or amended them, subject to paragraph 2 of this Article.

2. The Treaties on the Accession:

(a) of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland;

(b) of the Hellenic Republic;

(c) of the Kingdom of Spain and the Portuguese Republic;

(d) of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden, and

(e) of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic,

shall be repealed.

Nevertheless:

– the provisions of the Treaties referred to in points (a) to (d) and set out or referred to in the Protocol on the Treaties and Acts of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden shall remain in force and their legal effects shall be preserved in accordance with that Protocol,

– the provisions of the Treaty referred to in point (e) and which are set out or referred to in the Protocol on the Treaty and Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic shall remain in force and their legal effects shall be preserved in accordance with that Protocol.

ARTICLE IV-438

Succession and legal continuity

1. The European Union established by this Treaty shall be the successor to the European Union established by the Treaty on European Union and to the European Community.

2. Until new provisions have been adopted in implementation of this Treaty or until the end of their term of office, the institutions, bodies, offices and agencies existing on the date of the entry into force of this Treaty shall, subject to Article IV-439, exercise their powers within the meaning of this Treaty in their composition on that date.

3. The acts of the institutions, bodies, offices and agencies adopted on the basis of the treaties and acts repealed by Article IV-437 shall remain in force. Their legal effects shall be preserved until those acts are repealed, annulled or amended in implementation of this Treaty. The same shall apply to agreements concluded between Member States on the basis of the treaties and acts repealed by Article IV-437.

Drugi deli pravnega reda Skupnosti in Unije, obstoječi ob uveljavitvi te pogodbe, zlasti medinstitucionalni sporazumi, sklepi in sporazumi, ki so jih sklenili predstavniki vlad držav članic na zasedanjih Sveta, sporazumi držav članic o delovanju Unije ali Skupnosti ali povezani z njunim delovanjem, izjave, vključno s tistimi v okviru medvladnih konferenc, ter resolucije ali druga stališča Evropskega sveta ali Sveta, tiste, ki jih je sprejela Unija ali izjave, resolucije ali druga stališča, ki se tičejo Skupnosti, ki so jih države članice sprejele z medsebojnim soglasjem, prav tako veljajo naprej, dokler niso razveljavljeni ali spremenjeni.

(4) Sodna praksa Sodišča Evropskih skupnosti in Sodišča prve stopnje o razlagi in uporabi pogodb in aktov, razveljavljenih s prejšnjim členom, ter aktov in sporazumov, sprejetih za njihovo uporabo, je *mutatis mutandis* še naprej vir razlage prava Unije in zlasti primerljivih določb Ustave.

(5) Zajamčeno je nadaljevanje sodnih in upravnih postopkov, uvedenih pred začetkom veljavnosti te pogodbe, ob upoštevanju Ustave. Za te postopke institucije in organi sprejemajo za to potrebne ukrepe.

IV-439. ČLEN

Prehodne določbe za določene institucije

Prehodne določbe v zvezi s sestavo Evropskega parlamenta, opredelitvijo kvalificirane večine v Evropskem svetu in Svetu, vključno s primeri, ko ne glasujejo vsi člani Evropskega sveta ali Sveta, in o sestavi Komisije, vključno z ministrom za zunanje zadeve Unije, vsebuje Protokol o prehodnih določbah v zvezi z institucijami in organi Unije.

IV-440. ČLEN

Ozemeljska veljavnost

(1) Ta pogodba velja za Kraljevino Belgijo, Češko republiko, Kraljevino Dansko, Zvezno republiko Nemčijo, Republiko Estonijo, Helensko republiko, Kraljevino Španijo, Francosko republiko, Irsko, Italijansko republiko, Republiko Ciper, Republiko Latvijo, Republiko Litvo, Veliko vojvodstvo Luksemburg, Republiko Madžarsko, Republiko Malto, Kraljevino Nizozemsko, Republiko Avstrijo, Republiko Poljsko, Portugalsko republiko, Republiko Slovenijo, Slovaško republiko, Republiko Finsko, Kraljevino Švedsko ter Združeno kraljestvo Velike Britanije in Severne Irske.

(2) Ta pogodba v skladu s III-424. členom Ustave velja za Gvadelupe, Francosko Gvajano, Martinique, Réunion, Azore, Madeiro in Kanarske otoke.

(3) Za čezmorske dežele in ozemlja, navedena v Prilogi II, velja posebna ureditev glede pridruževanja iz IV. naslova III. dela Ustave.

Ta pogodba se ne uporablja za tiste čezmorske dežele in ozemlja, ki imajo posebne odnose z Združenim kraljestvom Velike Britanije in Severne Irske in ki niso vključena v ta seznam.

(4) Ta pogodba se uporablja za evropska ozemlja, za katerih zunanje odnose je odgovorna država članica.

The other components of the *acquis* of the Community and of the Union existing at the time of the entry into force of this Treaty, in particular the interinstitutional agreements, decisions and agreements arrived at by the Representatives of the Governments of the Member States, meeting within the Council, the agreements concluded by the Member States on the functioning of the Union or of the Community or linked to action by the Union or by the Community, the declarations, including those made in the context of intergovernmental conferences, as well as the resolutions or other positions adopted by the European Council or the Council and those relating to the Union or to the Community adopted by common accord by the Member States, shall also be preserved until they have been deleted or amended.

4. The case law of the Court of Justice of the European Communities and of the Court of First Instance on the interpretation and application of the treaties and acts repealed by Article IV-437, as well as of the acts and conventions adopted for their application, shall remain, mutatis mutandis, the source of interpretation of Union law and in particular of the comparable provisions of the Constitution.

5. Continuity in administrative and legal procedures commenced prior to the date of entry into force of this Treaty shall be ensured in compliance with the Constitution. The institutions, bodies, offices and agencies responsible for those procedures shall take all appropriate measures to that effect.

ARTICLE IV-439

Transitional provisions relating to certain institutions

The transitional provisions relating to the composition of the European Parliament, to the definition of a qualified majority in the European Council and in the Council, including those cases where not all members of the European Council or Council vote, and to the composition of the Commission, including the Union Minister for Foreign Affairs, shall be laid down in the Protocol on the transitional provisions relating to the institutions and bodies of the Union.

ARTICLE IV-440

Scope

1. This Treaty shall apply to the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

2. This Treaty shall apply to Guadeloupe, French Guiana, Martinique, Réunion, the Azores, Madeira and the Canary Islands in accordance with Article III-424.

3. The special arrangements for association set out in Title IV of Part III shall apply to the overseas countries and territories listed in Annex II.

This Treaty shall not apply to overseas countries and territories having special relations with the United Kingdom of Great Britain and Northern Ireland which are not included in that list.

4. This Treaty shall apply to the European territories for whose external relations a Member State is responsible.

(5) Ta pogodba se uporablja za Ålandske otoke s posebno ureditvijo, ki je bila prvotno predvidena v Pogodbi iz točke d) drugega odstavka IV-437. člena Ustave in bila prevzeta v 5. oddelek V. naslova Protokola o pogodbah in aktih o pristopu Kraljevine Danske, Irske in Združenega kraljestva Velike Britanije in Severne Irske, Helenske republike, Kraljevine Španije in Portugalske republike ter Republike Avstrije, Republike Finske in Kraljevine Švedske.

(6) Ne glede na prejšnje odstavke tega člena:

a) se ta pogodba ne uporablja za Ferske otoke;

b) se ta pogodba za suvereni coni Združenega kraljestva Velike Britanije in Severne Irske na Cipru, Akrotiri in Dhekelia uporablja samo, kolikor je to potrebno za zagotavljanje izvajanja ureditve prvotno opredeljene v Protokolu o suverenih conah Združenega kraljestva Velike Britanije in Severne Irske na Cipru, priloženem Aktu o pristopu, ki je sestavni del Pogodbe iz točke e) drugega odstavka IV-437. člena Ustave, in povzeta v III. naslov Drugega dela Protokola o pogodbi in aktu o pristopu Češke republike, Republike Estonije, Republike Ciper, Republike Latvije, Republike Litve, Republike Madžarske, Republike Malte, Republike Poljske, Republike Slovenije in Slovaške republike;

c) se ta pogodba uporablja za Kanalske otoke in otok Man samo, kolikor je to potrebno za zagotavljanje izvajanja ureditve za te otoke, prvotno predvidene v Pogodbi iz točke a) drugega odstavka IV-437. člena Ustave, in povzeta v 3. oddelek II. naslova Protokola o pogodbah in aktih o pristopu Kraljevine Danske, Irske in Združenega kraljestva Velike Britanije in Severne Irske, Helenske republike, Kraljevine Španije in Portugalske republike ter Republike Avstrije, Republike Finske in Kraljevine Švedske.

(7) Evropski svet lahko na pobudo zadevne države članice sprejme evropski sklep, s katerim glede Unije spremeni položaj francoskih, nizozemskih in danskih dežel ali ozemelj iz drugega in tretjega odstavka tega člena. Evropski svet odloči soglasno po posvetovanju s Komisijo.

IV-441. ČLEN

Regionalne povezave

Ta pogodba ne ovira obstoja ali izvajanja regionalnih povezav med Belgijo in Luksemburgom ter med Belgijo, Luksemburgom in Nizozemsko, kolikor cilji teh regionalnih povezav niso doseženi z uporabo te pogodbe.

IV-442. ČLEN

Protokoli

Protokoli, priloženi tej pogodbi, so njen sestavni del.

IV-443. ČLEN

Postopek za spremembo ustave

(1) Vlada vsake države članice, Evropski parlament ali Komisija lahko Svetu predloži predloge sprememb te pogodbe. Te predloge Svet predloži Evropskemu svetu in o njih uradno obvesti nacionalne parlamente.

5. This Treaty shall apply to the Åland Islands with the derogations which originally appeared in the Treaty referred to in Article IV-437(2)(d) and which have been incorporated in Section 5 of Title V of the Protocol on the Treaties and Acts of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.

6. Notwithstanding paragraphs 1 to 5:

(a) this Treaty shall not apply to the Faeroe Islands;

(b) this Treaty shall apply to Akrotiri and Dhekelia, the sovereign base areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus, only to the extent necessary to ensure the implementation of the arrangements originally provided for in the Protocol on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus, annexed to the Act of Accession which is an integral part of the Treaty referred to in Article IV-437(2)(e), and which have been incorporated in Title III of Part II of the Protocol on the Treaty and Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic;

(c) this Treaty shall apply to the Channel Islands and the Isle of Man only to the extent necessary to ensure the implementation of the arrangements for those islands originally set out in the Treaty referred to in Article IV-437(2)(a), and which have been incorporated in Section 3 of Title II of the Protocol on the Treaties and Acts of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.

7. The European Council may, on the initiative of the Member State concerned, adopt a European decision amending the status, with regard to the Union, of a Danish, French or Netherlands country or territory referred to in paragraphs 2 and 3. The European Council shall act unanimously after consulting the Commission.

ARTICLE IV-441

Regional unions

This Treaty shall not preclude the existence or completion of regional unions between Belgium and Luxembourg, or between Belgium, Luxembourg and the Netherlands, to the extent that the objectives of these regional unions are not attained by application of the said Treaty.

ARTICLE IV-442

Protocols and Annexes

The Protocols and Annexes to this Treaty shall form an integral part thereof.

ARTICLE IV-443

Ordinary revision procedure

1. The government of any Member State, the European Parliament or the Commission may submit to the Council proposals for the amendment of this Treaty. These proposals shall be submitted to the European Council by the Council and the national Parliaments shall be notified.

(2) Če Evropski svet po posvetovanju z Evropskim parlamentom in Komisijo z navadno večino sprejme sklep o preučitvi predlaganih sprememb, predsednik Evropskega sveta skliče Konvencijo predstavnikov nacionalnih parlamentov, voditeljev držav ali vlad držav članic, Evropskega parlamenta in Komisije. V primeru institucionalnih sprememb na denarnem področju se posvetuje tudi z Evropsko centralno banko. Konvencija preuči predloge sprememb in s konsenzom sprejme priporočilo za konferenco predstavnikov vlad držav članic, kakor je predvidena v tretjem odstavku tega člena.

Evropski svet lahko po pridobitvi odobritve Evropskega parlamenta z navadno večino odloči, da ne skliče Konvencije, če obseg predlaganih sprememb tega ne upravičuje. V tem primeru Evropski svet določi obseg nalog konference predstavnikov vlad držav članic.

(3) Konferenco predstavnikov vlad držav članic skliče predsednik Sveta za to, da se v medsebojnem soglasju sporazumejo o spremembah te pogodbe.

Spremembe začnejo veljati, ko jih ratificirajo vse države članice v skladu s svojimi ustavnimi določbami.

(4) Če v dveh letih po podpisu pogodbe, ki spreminja to pogodbo, štiri petine držav članic to pogodbo ratificira in ima ena ali več držav članic težave v postopku ratifikacije, se zadeva odstopi Evropskemu svetu.

2. If the European Council, after consulting the European Parliament and the Commission, adopts by a simple majority a decision in favour of examining the proposed amendments, the President of the European Council shall convene a Convention composed of representatives of the national Parliaments, of the Heads of State or Government of the Member States, of the European Parliament and of the Commission. The European Central Bank shall also be consulted in the case of institutional changes in the monetary area. The Convention shall examine the proposals for amendments and shall adopt by consensus a recommendation to a conference of representatives of the governments of the Member States as provided for in paragraph 3.

The European Council may decide by a simple majority, after obtaining the consent of the European Parliament, not to convene a Convention should this not be justified by the extent of the proposed amendments. In the latter case, the European Council shall define the terms of reference for a conference of representatives of the governments of the Member States.

3. A conference of representatives of the governments of the Member States shall be convened by the President of the Council for the purpose of determining by common accord the amendments to be made to this Treaty.

The amendments shall enter into force after being ratified by all the Member States in accordance with their respective constitutional requirements.

4. If, two years after the signature of the treaty amending this Treaty, four fifths of the Member States have ratified it and one or more Member States have encountered difficulties in proceeding with ratification, the matter shall be referred to the European Council.

IV-444. ČLEN

Poenostavljeni postopek za spremembo ustave

(1) V primerih, v katerih Svet v skladu s III. delom Ustave na določenem področju ali v določenem primeru odloča soglasno, lahko Evropski svet sprejme evropski sklep, s katerim Svet pooblašča, da na tem področju ali v tem primeru lahko odloča s kvalificirano večino.

Ta odstavek se ne uporablja za sklepe o vojaških ali obrambnih zadevah.

(2) V primerih, ko v skladu s III. delom Ustave Svet sprejme evropske zakone in okvirne zakone po posebnem zakonodajnem postopku, lahko Evropski svet sprejme evropski sklep, po katerem se ti evropski zakoni ali evropski okvirni zakoni lahko sprejmejo po rednem zakonodajnem postopku.

(3) O vsaki dani pobudi, ki jo na podlagi prvega in drugega odstavka tega člena prejme Evropski svet, se posreduje nacionalnim parlamentom. Če nacionalni parlament v šestih mesecih od dneva takega posredovanja pobude pobudo zavrne, se evropski sklep iz prvega in drugega odstavka tega člena ne sprejme. Če pobuda ni zavrnjena, Evropski svet sklep lahko sprejme.

Za sprejetje evropskega sklepa iz prvega in drugega odstavka tega člena, Evropski svet odloča soglasno po pridobitvi odobritve Evropskega parlamenta, ki odloča z večino svojih članov.

ARTICLE IV-444

Simplified revision procedure

1. Where Part III provides for the Council to act by unanimity in a given area or case, the European Council may adopt a European decision authorising the Council to act by a qualified majority in that area or in that case.

This paragraph shall not apply to decisions with military implications or those in the area of defence.

2. Where Part III provides for European laws and framework laws to be adopted by the Council in accordance with a special legislative procedure, the European Council may adopt a European decision allowing for the adoption of such European laws or framework laws in accordance with the ordinary legislative procedure.

3. Any initiative taken by the European Council on the basis of paragraphs 1 or 2 shall be notified to the national Parliaments. If a national Parliament makes known its opposition within six months of the date of such notification, the European decision referred to in paragraphs 1 or 2 shall not be adopted. In the absence of opposition, the European Council may adopt the decision.

For the adoption of the European decisions referred to in paragraphs 1 and 2, the European Council shall act by unanimity after obtaining the consent of the European Parliament, which shall be given by a majority of its component members.

IV-445. ČLEN

Poenostavljeni revizijski postopek glede notranjih politik in ukrepov Unije

(1) Vlada vsake države članice, Evropski Parlament ali Komisija lahko Evropskemu svetu predloži predloge sprememb vseh ali kakšne določbe III. naslova III. dela Ustave o notranjih politikah in ukrepih Unije.

ARTICLE IV-445

Simplified revision procedure concerning internal Union policies and action

1. The Government of any Member State, the European Parliament or the Commission may submit to the European Council proposals for revising all or part of the provisions of Title III of Part III on the internal policies and action of the Union.

(2) Evropski svet lahko sprejme evropski sklep o spremembi vseh ali dela določb III. naslova III. dela Ustave. Evropski svet odloča soglasno po posvetovanju z Evropskim parlamentom in Komisijo in z Evropsko centralno banko v primeru institucionalnih sprememb na denarnem področju.

Ta evropski sklep ne začne veljati, dokler ga države članice ne potrdijo v skladu s svojimi ustavnimi določbami.

(3) Evropski sklep iz prejšnjega odstavka ne sme razširiti pristojnosti, ki so na Unijo prenešene s to pogodbo.

IV-446. ČLEN

Veljavnost

Ta pogodba velja za nedoločen čas.

IV-447. ČLEN

Ratifikacija in začetek veljavnosti

(1) Visoke pogodbenice to pogodbo ratificirajo v skladu s svojimi ustavnimi določbami. Listine o ratifikaciji se deponirajo pri vladi Italijanske republike.

(2) Ta pogodba začne veljati 1. novembra 2006, če so deponirane vse listine o ratifikaciji, sicer pa prvi dan drugega meseca, ki sledi deponiranju zadnje listine o ratifikaciji.

IV-448. ČLEN

Verodostojna besedila in prevodi

(1) Ta pogodba, sestavljena v enem izvirniku v angleškem, češkem, danskem, estonskem, finskem, francoskem, grškem, irskem, italijanskem, latvijskem, litvanskem, madžarskem, malteškem, nemškem, nizozemskem, poljskem, portugalskem, slovaškem, slovenskem, španskem in švedskem jeziku, pri čemer je vsako besedilo enako verodostojno, se deponira v arhivu vlade Italijanske republike, ki bo poslala overjeno kopijo vladam vsake države podpisnice.

(2) To pogodbo lahko vsaka država članica prevede v vsak drug jezik od teh, ki ga določajo države članice, če v skladu z njihovim ustavnim redom uživa status uradnega jezika na celotnem ali na delu ozemlja države članice. Zadevne države članice zagotovijo overjeno kopijo takih prevodov in jo deponirajo v arhivih Sveta.

2. The European Council may adopt a European decision amending all or part of the provisions of Title III of Part III. The European Council shall act by unanimity after consulting the European Parliament and the Commission, and the European Central Bank in the case of institutional changes in the monetary area.

Such a European decision shall not come into force until it has been approved by the Member States in accordance with their respective constitutional requirements.

3. The European decision referred to in paragraph 2 shall not increase the competences conferred on the Union in this Treaty.

ARTICLE IV-446

Duration

This Treaty is concluded for an unlimited period.

ARTICLE IV-447

Ratification and entry into force

1. This Treaty shall be ratified by the High Contracting Parties in accordance with their respective constitutional requirements. The instruments of ratification shall be deposited with the Government of the Italian Republic.

2. This Treaty shall enter into force on 1 November 2006, provided that all the instruments of ratification have been deposited, or, failing that, on the first day of the second month following the deposit of the instrument of ratification by the last signatory State to take this step.

ARTICLE IV-448

Authentic texts and translations

1. This Treaty, drawn up in a single original in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish and Swedish languages, the texts in each of these languages being equally authentic, shall be deposited in the archives of the Government of the Italian Republic, which will transmit a certified copy to each of the governments of the other signatory States.

2. This Treaty may also be translated into any other languages as determined by Member States among those which, in accordance with their constitutional order, enjoy official status in all or part of their territory. A certified copy of such translations shall be provided by the Member States concerned to be deposited in the archives of the Council.

EN FE DE LO CUAL, los plenipotenciarios infrascritos suscriben el presente Tratado

Na DŮKAZ ČEHOŽ připojili níže podepsaní zplnomocnění zástupci k této smlouvě své podpisy

TIL BEKRÆFTELSE HERAF har undertegnede befuldmægtigede underskrevet denne traktat

ZU URKUND DESSEN haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter diesen Vertrag gesetzt

SELLE KINNITUSEKS on nimetatud täievolilised esindajad käesolevale lepingule alla kirjutanud

ΕΙΣ ΠΙΣΤΩΣΗ ΤΩΝ ΑΝΩΤΕΡΩ, οι υπογεγραμμένοι πληρεξούσιοι υπέγραψαν την παρούσα Συνθήκη

IN WITNESS WHEREOF, the undersigned plenipotentiaries have signed this Treaty

EN FOI DE QUOI, les plénipotentiaires soussignés ont apposé leur signature au bas du présent traité

DÁ FHIANÚ SIN, chuir na Lánchumhachtaigh thíos-sínithe a lámh leis an gConradh seo

IN FEDE DI CHE, i plenipotenziari sottoscritti hanno apposto la loro firma in calce al presente trattato

TO APLIECINOT, attiecīgi pilnvarotas personas ir parakstījušas šo Līgumu

TAI PALIUDYDAMI šią Sutartį pasirašė toliau nurodyti įgaliotieji atstovai

FENTIEK HITELÉÜL az alulírott meghatalmazottak aláírták ezt a szerződést

B'XIEHDA TA' DAN, il-plenipotenzjarji sottoskritti ffirmaw dan it-Trattat

TEN BLIJKE WAARVAN de ondergetekende gevolmachtigden hun handtekening onder dit verdrag hebben gesteld

W DOWÓD CZEGO niżej podpisani pełnomocnicy złożyli swoje podpisy pod niniejszym Traktatem

EM FÉ DO QUE os plenipotenciários abaixo assinados apuseram as suas assinaturas no final do presente Tratado

NA DÔKAZ TOHO dolupodpísaní splnomocnení zástupcovia podpísali túto zmluvu

V POTRDITEV TEGA so spodaj podpisani pooblaščenci podpisali to pogodbo

TÄMÄN VAKUUDEKSI alla mainitut täysivaltaiset edustajat ovat allekirjoittaneet tämän sopimuksen

TILL BEVIS HÄRPÅ har undertecknade befullmäktigade undertecknat detta fördrag

Hecho en Roma, el veintinueve de octubre del dos mil cuatro.

V Římě dne dvacátého devátého října dva tisíce čtyři

Udfærdiget i Rom den niogtyvende oktober to tusind og fire.

Geschehen zu Rom am neunundzwanzigsten Oktober zweitausendundvier.

Kahe tuhande neljanda aasta oktoobrikuu kahekümne üheksandal päeval Roomas

΄Εγινε στις Ρώμη, στις είκοσι εννέα Οκτωβρίου δύο χιλιάδες τέσσερα.

Done at Rome on the twenty-ninth day of October in the year two thousand and four.

Fait à Rome, le vingt-neuf octobre deux mille quatre.

Arna dhéanamh sa Róimh, an naoú lá fichead de Dheireadh Fómhair sa bhliain dhá mhíle is a ceathair

Fatto a Roma, addi' ventinove ottobre duemilaquattro.

Romā, divi tūkstoši ceturtā gada divdesmit devītajā oktobrī

Priimta du tūkstančiai ketvirtų metų spalio dvidešimt devintą dieną Romoje

Kelt Rómában, a kétezer-negyedik év október havának huszonkilencedik napján

Magħmul f'Ruma fid-disa' u għoxrin jum ta' Ottubru tas-sena elfejn u erbgħa

Gedaan te Roma, de negenentwintigste oktober tweeduizendvier.

Sporządzono w Rzymie dnia dwudziestego dziewiątego października roku dwutysięcznego czwartego

Feito em Roma, em vinte e nove de Outubro de dois mil e quatro

V Ríme dvadsiatehodeviateho októbra dvetisícštyri

V Rimu, devetindvajsetega oktobra leta dva tisoč štiri

Tehty Roomassa kahdentenakymmenentenäyhdeksäntenä päivänä lokakuuta vuonna kaksituhattaneljä.

Som skedde i Rom den tjugonionde oktober tjugohundrafyra.

Pour Sa Majesté le Roi des Belges
Voor Zijne Majesteit de Koning der Belgen
Für Seine Majestät den König der Belgier

Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brussels Hoofdstedelijk Gewest.

Diese Unterschrift bindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

Za prezidenta České republiky

For Hendes Majestæt Danmarks Dronning

Für den Präsidenten der Bundesrepublik Deutschland

Eesti Vabariigi Presidendi nimel

Για τον Πρόεδρο της Ελληνικής Δημοκρατίας

Por Su Majestad el Rey de España

Pour le Président de la République française

Thar ceann Uachtarán na hÉireann
For the President of Ireland

Per il Presidente della Repubblica italiana

Για τον Πρόεδρο της Κυπριακής Δημοκρατίας

Latvijas Republikas Valsts prezidentes vārdā

Lietuvos Respublikos Prezidento vardu

Pour Son Altesse Royale le Grand-Duc de Luxembourg

A Magyar Köztársaság Elnöke részéről

Ghall-President ta' Malta

Voor Hare Majesteit de Koningin der Nederlanden

Für den Bundespräsidenten der Republik Österreich

Za Prezydenta Rzeczypospolitej Polskiej

Pelo Presidente da República Portuguesa

Za predsednika Republike Slovenije

Za prezidenta Slovenskej republiky

Suomen Tasavallan Presidentin puolesta
För Republiken Finlands President

För Konungariket Sveriges regering

For Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland

KAZALO

A. Protokoli, priloženi Pogodbi o Ustavi za Evropo

1. Protokol o vlogi nacionalnih parlamentov v Evropski uniji
2. Protokol o uporabi načel subsidiarnosti in sorazmernosti
3. Protokol o statutu Sodišča Evropske unije
4. Protokol o statutu Evropskega sistema centralnih bank in Evropske centralne banke
5. Protokol o statutu Evropske investicijske banke
6. Protokol o določitvi sedežev institucij ter nekaterih organov, uradov, agencij in služb Evropske unije
7. Protokol o privilegijih in imunitetah Evropske unije
8. Protokol o pogodbah in aktih o pristopu Kraljevine Danske, Irske in Združenega kraljestva Velike Britanije in Severne Irske, Helenske republike, Kraljevine Španije in Portugalske republike ter Republike Avstrije, Republike Finske in Kraljevine Švedske
9. Protokol o Pogodbi ter o Aktu o pristopu Češke republike, Republike Estonije, Republike Ciper, Republike Latvije, Republike Litve, Republike Madžarske, Republike Malte, Republike Poljske, Republike Slovenije in Slovaške republike
10. Protokol o postopku v zvezi s čezmernim primanjkljajem
11. Protokol o konvergenčnih kriterijih
12. Protokol o Evroskupini
13. Protokol o nekaterih določbah, ki se nanašajo na Združeno kraljestvo Velike Britanije in Severne Irske glede ekonomske in monetarne unije
14. Protokol o nekaterih določbah, ki se nanašajo na Dansko, glede ekonomske in monetarne unije
15. Protokol o nekaterih nalogah nacionalne banke Danske
16. Protokol o sistemu franka v Pacifiški finančni skupnosti
17. Protokol o schengenskem pravnem redu, vključenem v okvir Evropske unije
18. Protokol o uporabi nekaterih vidikov III-130. člena Ustave za Združeno kraljestvo in Irsko

TABLE OF CONTENTS

A. Protocols annexed to the Treaty establishing a Constitution for Europe

1. Protocol on the role of national Parliaments in the European Union
2. Protocol on the application of the principles of subsidiarity and proportionality
3. Protocol on the Statute of the Court of Justice of the European Union
4. Protocol on the Statute of the European System of Central Banks and of the European Central Bank
5. Protocol on the Statute of the European Investment Bank
6. Protocol on the location of the seats of the institutions and of certain bodies, offices, agencies and departments of the European Union
7. Protocol on the privileges and immunities of the European Union
8. Protocol on the Treaties and Acts of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden
9. Protocol on the Treaty and the Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic
10. Protocol on the excessive deficit procedure
11. Protocol on the convergence criteria
12. Protocol on the Euro Group
13. Protocol on certain provisions relating to the United Kingdom of Great Britain and Northern Ireland as regards economic and monetary union
14. Protocol on certain provisions relating to Denmark as regards economic and monetary union
15. Protocol on certain tasks of the National Bank of Denmark
16. Protocol on the Pacific Financial Community franc system
17. Protocol on the Schengen *acquis* integrated into the framework of the European Union
18. Protocol on the application of certain aspects of Article III-130 of the Constitution to the United Kingdom and to Ireland

19. Protokol o stališču Združenega kraljestva in Irske glede politik mejnih kontrol, azila in priseljevanja ter pravosodnega sodelovanja v civilnih zadevah in policijskem sodelovanju
20. Protokol o stališču Danske
21. Protokol o zunanjih odnosih držav članic glede prehoda zunanjih meja
22. Protokol o azilu za državljane držav članic
23. Protokol o stalnem strukturnem sodelovanju, vzpostavljenem na podlagi šestega odstavka I-41. člena in III-312. člena Ustave
24. Protokol o drugem odstavku I-41. člena Ustave
25. Protokol o uvozu naftnih proizvodov, rafiniranih na Nizozemskih Antilih, v Evropsko unijo
26. Protokol o pridobitvi nepremičnin na Danskem
27. Protokol o sistemu javne radiotelevizije v državah članicah
28. Protokol o III-214. členu Ustave
29. Protokol o ekonomski, socialni in teritorialni povezanosti
30. Protokol o posebni ureditvi za Grenlandijo
31. Protokol o členu 40.3.3 irske ustave
32. Protokol o drugem odstavku I-9. člena Ustave o pristopu Unije k Evropski konvenciji o človekovih pravicah
33. Protokol o aktih in pogodbah, ki dopolnjujejo ali spreminjajo Pogodbo o ustanovitvi Evropske skupnosti in Pogodbo o Evropski uniji
34. Protokol o prehodnih določbah za institucije in organe Evropske unije
35. Protokol o finančnih posledicah izteka Pogodbe o Evropski skupnosti za premog in jeklo ter o Raziskovalnem skladu za premog in jeklo
36. Protokol o spremembah Pogodbe o ustanovitvi Evropske skupnosti za atomsko energijo

B. Priloge k Pogodbi o Ustavi za Evropo

1. Priloga I: Seznam iz III-226. člena Ustave
2. Priloga II: Čezmorske dežele in ozemlja,za katere se uporabljajo določbe IV. naslova III. dela Ustave

19. Protocol on the position of the United Kingdom and Ireland on policies in respect of border controls, asylum and immigration, judicial cooperation in civil matters and on police cooperation
20. Protocol on the position of Denmark
21. Protocol on external relations of the Member States with regard to the crossing of external borders
22. Protocol on asylum for nationals of Member States
23. Protocol on permanent structured cooperation established by Article I-41(6) and Article III-312 of the Constitution
24. Protocol on Article I-41(2) of the Constitution
25. Protocol concerning imports into the European Union of petroleum products refined in the Netherlands Antilles
26. Protocol on the acquisition of property in Denmark
27. Protocol on the system of public broadcasting in the Member States
28. Protocol concerning Article III-214 of the Constitution
29. Protocol on economic, social and territorial cohesion
30. Protocol on special arrangements for Greenland
31. Protocol on Article 40.3.3 of the Constitution of Ireland
32. Protocol relating to Article I-9(2) of the Constitution on the accession of the Union to the European Convention on the Protection of Human Rights and Fundamental Freedoms
33. Protocol on the Acts and Treaties which have supplemented or amended the Treaty establishing the European Community and the Treaty on European Union
34. Protocol on the transitional provisions relating to the institutions and bodies of the Union
35. Protocol on the financial consequences of the expiry of the Treaty establishing the European Coal and Steel Community and on the Research Fund for Coal and Steel
36. Protocol amending the Treaty establishing the European Atomic Energy Community

B. Annexes to the Treaty establishing a Constitution for Europe

1. Annex I: List referred to in Article III-226 of the Constitution
2. Annex II: Overseas countries and territories to which Title IV of Part III of the Constitution applies

A. PROTOKOLI, PRILOŽENI K POGODBI O USTAVI ZA EVROPO

1. PROTOKOL O VLOGI NACIONALNIH PARLAMENTOV V EVROPSKI UNIJI

VISOKE POGODBENICE SO SE –

OB SKLICEVANJU na to, da je način nadzora nacionalnih parlamentov nad njihovimi vladami v zvezi z dejavnostmi Unije predmet vsake ustavne ureditve in prakse vsake države članice,

Z ŽELJO, da bi spodbudile večjo udeležbo nacionalnih parlamentov pri dejavnostih Evropske unije in jim zagotovile boljše možnosti za izražanje mnenj o osnutkih evropskih zakonodajnih aktov, kakor tudi o drugih vprašanjih, ki bi lahko bila za njih posebnega pomena –

DOGOVORILE o naslednjih določbah, ki so priložene Pogodbi o Ustavi za Evropo in Pogodbi o ustanovitvi Evropske skupnosti za atomsko energijo:

I. NASLOV

OBVEŠČANJE NACIONALNIH PARLAMENTOV

1. ČLEN

Dokumente o posvetovanju Komisije (zelene in bele knjige ter sporočila) ob objavi Komisija neposredno posreduje nacionalnim parlamentom. Komisija posreduje nacionalnim parlamentom tudi letni zakonodajni program in vse druge instrumente zakonodajnega načrtovanja ali politične strategije, istočasno kot jih posreduje Evropskemu parlamentu in Svetu.

2. ČLEN

Osnutki evropskih zakonodajnih aktov, ki se pošljejo Evropskemu parlamentu in Svetu, se posredujejo nacionalnim parlamentom.

Za namene tega protokola pomeni »osnutek evropskega zakonodajnega akta« predloge Komisije, pobude skupine držav članic, pobude Evropskega parlamenta, zahteve Sodišča, priporočila Evropske centralne banke in zahteve Evropske investicijske banke za sprejetje evropskega zakonodajnega akta.

Komisija osnutke evropskih zakonodajnih aktov, ki jih sama predloži, istočasno kot Evropskemu parlamentu in Svetu neposredno pošlje nacionalnim parlamentom.

Evropski parlament osnutke evropskih zakonodajnih aktov, ki jih sam predloži, neposredno pošlje nacionalnim parlamentom.

Osnutke evropskih zakonodajnih aktov, ki jih predloži skupina držav članic, Sodišče, Evropska centralna banka ali Evropska investicijska banka, pošlje nacionalnim parlamentom Svet.

3. ČLEN

Nacionalni parlamenti lahko predsednikom Evropskega parlamenta, Sveta in Komisije pošljejo obrazloženo mnenje o tem, ali osnutek evropskega zakonodajnega akta upošteva načelo subsidiarnosti v skladu s postopkom iz Protokola o uporabi načel subsidiarnosti in sorazmernosti.

A. PROTOCOLS ANNEXED TO THE TREATY ESTABLISHING A CONSTITUTION FOR EUROPE

1. PROTOCOL ON THE ROLE OF NATIONAL PARLIAMENTS IN THE EUROPEAN UNION

THE HIGH CONTRACTING PARTIES,

RECALLING that the way in which national Parliaments scrutinise their governments in relation to the activities of the Union is a matter for the particular constitutional organisation and practice of each Member State;

DESIRING to encourage greater involvement of national Parliaments in the activities of the European Union and to enhance their ability to express their views on draft European legislative acts as well as on other matters which may be of particular interest to them,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe and to the Treaty establishing the European Atomic Energy Community:

TITLE I

INFORMATION FOR NATIONAL PARLIAMENTS

ARTICLE 1

Commission consultation documents (green and white papers and communications) shall be forwarded directly by the Commission to national Parliaments upon publication. The Commission shall also forward the annual legislative programme as well as any other instrument of legislative planning or policy to national Parliaments, at the same time as to the European Parliament and the Council.

ARTICLE 2

Draft European legislative acts sent to the European Parliament and to the Council shall be forwarded to national Parliaments.

For the purposes of this Protocol, "draft European legislative acts" shall mean proposals from the Commission, initiatives from a group of Member States, initiatives from the European Parliament, requests from the Court of Justice, recommendations from the European Central Bank and requests from the European Investment Bank for the adoption of a European legislative act.

Draft European legislative acts originating from the Commission shall be forwarded to national Parliaments directly by the Commission, at the same time as to the European Parliament and the Council.

Draft European legislative acts originating from the European Parliament shall be forwarded to national Parliaments directly by the European Parliament.

Draft European legislative acts originating from a group of Member States, the Court of Justice, the European Central Bank or the European Investment Bank shall be forwarded to national Parliaments by the Council.

ARTICLE 3

National Parliaments may send to the Presidents of the European Parliament, the Council and the Commission a reasoned opinion on whether a draft European legislative act complies with the principle of subsidiarity, in accordance with the procedure laid down in the Protocol on the application of the principles of subsidiarity and proportionality.

Če osnutek evropskega zakonodajnega akta predloži skupina držav članic, predsednik Sveta obrazloženo mnenje ali obrazložena mnenja pošlje vladam teh držav članic.

Če osnutek evropskega zakonodajnega akta predloži Sodišče, Evropska centralna banka ali Evropska investicijska banka, predsednik Sveta obrazloženo mnenje ali obrazložena mnenja pošlje zadevni instituciji ali organu.

4. ČLEN

Od dne, ko je nacionalnim parlamentom dostopen osnutek evropskega zakonodajnega akta v uradnih jezikih Unije, in dnem, ko je uvrščen na začasni dnevni red Sveta zaradi njegovega sprejetja ali sprejetja stališča po zakonodajnem postopku, mora preteči rok šestih tednov. Izjeme so možne v nujnih primerih, ki se utemeljijo v aktu ali stališču Sveta. Razen v nujnih primerih, ki so bili ustrezno utemeljeni, se v teh šestih tednih ne sme sprejeti nikakršen dogovor o osnutku evropskega zakonodajnega akta. Razen v nujnih primerih, ki so bili ustrezno utemeljeni, mora med uvrstitvijo osnutka evropskega zakonodajnega akta na začasni dnevni red Sveta in sprejetjem stališča preteči deset dni.

5. ČLEN

Dnevni redi in rezultati sej Sveta, vključno z zapisniki sej, na katerih je Svet razpravljal o osnutkih evropskih zakonodajnih aktov, se neposredno pošljejo nacionalnim parlamentom in sicer istočasno kot vladam držav članic.

6. ČLEN

Če namerava Evropski svet uporabiti prvi ali drugi odstavek IV-444. člena Ustave, so nacionalni parlamenti o namenu Evropskega sveta obveščeni najmanj šest mesecev pred sprejetjem evropskega sklepa.

7. ČLEN

Računsko sodišče posreduje svoje letno poročilo v vednost nacionalnim parlamentom istočasno kot Evropskemu parlamentu in Svetu.

8. ČLEN

Če nacionalni parlamentarni sistem ni enodomen, se 1. do 7. člen tega protokola uporabljajo za vse domove, ki sestavljajo parlament.

II. NASLOV

MEDPARLAMENTARNO SODELOVANJE

9. ČLEN

Evropski parlament in nacionalni parlamenti skupaj določijo, kako organizirati in spodbujati učinkovito in redno medparlamentarno sodelovanje znotraj Evropske unije.

10. ČLEN

Konferenca specializiranih parlamentarnih organov za zadeve Unije lahko pripravi kakršen koli prispevek, ki ga smatra za primernega, in z njim seznani Evropski parlament, Svet in Komisijo. Poleg tega ta konferenca spodbuja izmenjavo informacij in najboljše prakse med nacionalnimi parlamenti in Evropskim parlamentom, vključno med njihovimi specializiranimi odbori. Organizira lahko tudi medparlamentarne konference o posebnih temah, zlasti zaradi razprav o vprašanjih skupne zunanje in varnostne politike, vključno s skupno varnostno in obrambno politiko. Prispevki konference ne zavezujejo nacionalnih parlamentov in ne prejudicirajo njihovih stališč.

If the draft European legislative act originates from a group of Member States, the President of the Council shall forward the reasoned opinion or opinions to the governments of those Member States.

If the draft European legislative act originates from the Court of Justice, the European Central Bank or the European Investment Bank, the President of the Council shall forward the reasoned opinion or opinions to the institution or body concerned.

ARTICLE 4

A six-week period shall elapse between a draft European legislative act being made available to national Parliaments in the official languages of the Union and the date when it is placed on a provisional agenda for the Council for its adoption or for adoption of a position under a legislative procedure. Exceptions shall be possible in cases of urgency, the reasons for which shall be stated in the act or position of the Council. Save in urgent cases for which due reasons have been given, no agreement may be reached on a draft European legislative act during those six weeks. Save in urgent cases for which due reasons have been given, a ten-day period shall elapse between the placing of a draft European legislative act on the provisional agenda for the Council and the adoption of a position.

ARTICLE 5

The agendas for and the outcome of meetings of the Council, including the minutes of meetings where the Council is deliberating on draft European legislative acts, shall be forwarded directly to national Parliaments, at the same time as to Member States' governments.

ARTICLE 6

When the European Council intends to make use of Article IV-444(1) or (2) of the Constitution, national Parliaments shall be informed of the initiative of the European Council at least six months before any European decision is adopted.

ARTICLE 7

The Court of Auditors shall forward its annual report to national Parliaments, for information, at the same time as to the European Parliament and to the Council.

ARTICLE 8

Where the national Parliamentary system is not unicameral, Articles 1 to 7 shall apply to the component chambers.

TITLE II

INTERPARLIAMENTARY COOPERATION

ARTICLE 9

The European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union.

ARTICLE 10

A conference of Parliamentary Committees for Union Affairs may submit any contribution it deems appropriate for the attention of the European Parliament, the Council and the Commission. That conference shall in addition promote the exchange of information and best practice between national Parliaments and the European Parliament, including their special committees. It may also organise interparliamentary conferences on specific topics, in particular to debate matters of common foreign and security policy, including common security and defence policy. Contributions from the conference shall not bind national Parliaments and shall not prejudge their positions.

2. PROTOKOL
O UPORABI NAČEL SUBSIDIARNOSTI IN SORAZMERNOSTI

VISOKE POGODBENICE SO SE –

V ŽELJI zagotoviti, da se odločitve sprejemajo v kar najtesnejši povezavi z državljani Unije,

ODLOČENE vzpostaviti pogoje za uporabo načel subsidiarnosti in sorazmernosti, določenih v I-11. členu Ustave, in vzpostaviti sistem nadzora pri uporabi teh načel –

DOGOVORILE o naslednjih določbah, ki so priložene Pogodbi o Ustavi za Evropo:

1. ČLEN

Vse institucije zagotavljajo stalno upoštevanje načel subsidiarnosti in sorazmernosti, kakor sta opredeljeni v I-11. členu Ustave.

2. ČLEN

Preden Komisija predlaga evropski zakonodajni akt, opravi obsežna posvetovanja. Taka posvetovanja po potrebi upoštevajo regionalne in lokalne razsežnosti predvidenih ukrepov. V primerih izjemne nujnosti Komisija teh posvetovanj ne opravi. V svojem predlogu Komisija navede razloge za takšno odločitev.

3. ČLEN

Za namene tega protokola pomeni »osnutek evropskega zakonodajnega akta« predloge Komisije, pobude skupine držav članic, pobude Evropskega parlamenta, zahteve Sodišča, priporočila Evropske centralne banke in zahteve Evropske investicijske banke za sprejetje evropskega zakonodajnega akta.

4. ČLEN

Komisija posreduje svoje osnutke evropskih zakonodajnih aktov in svoje spremenjene osnutke hkrati nacionalnim parlamentom in zakonodajalcu Unije.

Evropski parlament posreduje svoje osnutke evropskih zakonodajnih aktov in svoje spremenjene predloge nacionalnim parlamentom.

Svet posreduje osnutke evropskih zakonodajnih aktov, ki jih predložijo skupina držav članic, Sodišče, Evropska centralna banka ali Evropska investicijska banka, in spremenjene osnutke nacionalnim parlamentom.

Zakonodajne resolucije Evropskega parlamenta in stališča Sveta se takoj, ko so sprejeta, posredujejo nacionalnim parlamentom.

5. ČLEN

Osnutki evropskih zakonodajnih aktov se utemeljijo glede na načeli subsidiarnosti in sorazmernosti. Vsak osnutek evropskega zakonodajnega akta mora vsebovati podrobno izjavo, ki omogoča oceno njegove skladnosti z načeloma subsidiarnosti in sorazmernosti. Ta izjava mora vsebovati podatke o predvidenih finančnih učinkih osnutka, v primeru evropskega okvirnega zakona pa tudi o posledicah za pravila, ki jih morajo sprejeti države članice, po potrebi vključno z regionalno zakonodajo. Razlogi za zaključek, da se lahko cilj Unije laže uresniči na ravni Unije, se utemeljijo s kvalitativnimi in, če je možno, kvantitativnimi kazalci. Osnutki evropskih zakonodajnih aktov pri tem upoštevajo potrebo, da so finančni ali upravni stroški Unije, nacionalnih vlad, regionalnih ali lokalnih organov, gospodarskih subjektov in državljanov čim nižji in sorazmerni s ciljem, ki ga želijo doseči.

2. PROTOCOL
ON THE APPLICATION OF THE PRINCIPLES OF SUBSIDIARITY AND PROPORTIONALITY

THE HIGH CONTRACTING PARTIES,

WISHING to ensure that decisions are taken as closely as possible to the citizens of the Union;

RESOLVED to establish the conditions for the application of the principles of subsidiarity and proportionality, as laid down in Article I-11 of the Constitution, and to establish a system for monitoring the application of those principles,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe:

ARTICLE 1

Each institution shall ensure constant respect for the principles of subsidiarity and proportionality, as laid down in Article I-11 of the Constitution.

ARTICLE 2

Before proposing European legislative acts, the Commission shall consult widely. Such consultations shall, where appropriate, take into account the regional and local dimension of the action envisaged. In cases of exceptional urgency, the Commission shall not conduct such consultations. It shall give reasons for its decision in its proposal.

ARTICLE 3

For the purposes of this Protocol, "draft European legislative acts" shall mean proposals from the Commission, initiatives from a group of Member States, initiatives from the European Parliament, requests from the Court of Justice, recommendations from the European Central Bank and requests from the European Investment Bank for the adoption of a European legislative act.

ARTICLE 4

The Commission shall forward its draft European legislative acts and its amended drafts to national Parliaments at the same time as to the Union legislator.

The European Parliament shall forward its draft European legislative acts and its amended drafts to national Parliaments.

The Council shall forward draft European legislative acts originating from a group of Member States, the Court of Justice, the European Central Bank or the European Investment Bank and amended drafts to national Parliaments.

Upon adoption, legislative resolutions of the European Parliament and positions of the Council shall be forwarded by them to national Parliaments.

ARTICLE 5

Draft European legislative acts shall be justified with regard to the principles of subsidiarity and proportionality. Any draft European legislative act should contain a detailed statement making it possible to appraise compliance with the principles of subsidiarity and proportionality. This statement should contain some assessment of the proposal's financial impact and, in the case of a European framework law, of its implications for the rules to be put in place by Member States, including, where necessary, the regional legislation. The reasons for concluding that a Union objective can be better achieved at Union level shall be substantiated by qualitative and, wherever possible, quantitative indicators. Draft European legislative acts shall take account of the need for any burden, whether financial or administrative, falling upon the Union, national governments, regional or local authorities, economic operators and citizens, to be minimised and commensurate with the objective to be achieved.

6. ČLEN

Vsak nacionalni parlament ali dom teh parlamentov lahko v šestih tednih od datuma posredovanja osnutka evropskega zakonodajnega akta predsednikom Evropskega parlamenta, Sveta in Komisije pošlje svoje obrazloženo mnenje, ki vsebuje razloge, zakaj meni, da zadevni osnutek ni v skladu z načelom subsidiarnosti. Vsak nacionalni parlament ali dom nacionalnega parlamenta se, kadar je primerno, posvetuje z regionalnimi parlamenti, ki imajo zakonodajna pooblastila.

Če osnutek evropskega zakonodajnega akta predloži skupina držav članic, pošlje predsednik Sveta obrazloženo mnenje vladam teh držav članic.

Če osnutek evropskega zakonodajnega akta predložijo Sodišče, Evropska centralna banka ali Evropska investicijska banka, pošlje predsednik Sveta obrazloženo mnenje zadevni instituciji ali organu.

7. ČLEN

Evropski parlament, Svet in Komisija ter, če je primerno, skupina držav članic, Sodišče, Evropska centralna banka ali Evropska investicijska banka, v kolikor osnutek evropskega zakonodajnega akta izvira od njih, upoštevajo obrazložena mnenja nacionalnih parlamentov ali domov teh parlamentov.

Vsak nacionalni parlament ima po dva glasova, razdeljena na osnovi nacionalnega parlamentarnega sistema. V primeru dvodomnega parlamentarnega sistema ima vsak dom po en glas.

Če obrazložena mnenja o neskladnosti osnutka evropskega zakonodajnega akta z načelom subsidiarnosti predstavljajo najmanj tretjino vseh glasov, dodeljenih nacionalnim parlamentom v skladu s prejšnjim odstavkom, je treba osnutek ponovno preučiti. Ta prag je četrtina, če gre za osnutek evropskega zakonodajnega akta, predloženega na podlagi III-264. člena Ustave o območju svobode, varnosti in pravice.

Po taki ponovni preučitvi lahko Komisija ali po potrebi skupina držav članic, Evropski parlament, Sodišče, Evropska centralna banka ali Evropska investicijska banka, v kolikor osnutek evropskega zakonodajnega akta izvira od njih, odločijo, da bodo osnutek ohranili, ga spremenili ali umaknili. To odločitev je treba utemeljiti.

8. ČLEN

Sodišče Evropske unije je pristojno za odločanje o tožbah zaradi kršitve načela subsidiarnosti z evropskim zakonodajnim aktom, ki jih vloži država članica v skladu s pravili iz III-365. člena Ustave ali ki jo država članica posreduje v skladu s svojim pravnim redom v imenu svojega nacionalnega parlamenta ali enega od njegovih domov.

V skladu s pravili, določenimi v istem členu Ustave, lahko vloži tožbe tudi Odbor regij v zvezi z evropskimi zakonodajnimi akti, za sprejetje katerih je v Ustavi predvideno, da se je z njim treba posvetovati.

9. ČLEN

Komisija Evropskemu svetu, Evropskemu parlamentu, Svetu in nacionalnim parlamentom vsako leto predloži poročilo o uporabi I-11. člena Ustave. To letno poročilo se posreduje tudi Odboru regij in Ekonomsko-socialnemu odboru.

ARTICLE 6

Any national Parliament or any chamber of a national Parliament may, within six weeks from the date of transmission of a draft European legislative act, send to the Presidents of the European Parliament, the Council and the Commission a reasoned opinion stating why it considers that the draft in question does not comply with the principle of subsidiarity. It will be for each national Parliament or each chamber of a national Parliament to consult, where appropriate, regional parliaments with legislative powers.

If the draft European legislative act originates from a group of Member States, the President of the Council shall forward the opinion to the governments of those Member States.

If the draft European legislative act originates from the Court of Justice, the European Central Bank or the European Investment Bank, the President of the Council shall forward the opinion to the institution or body concerned.

ARTICLE 7

The European Parliament, the Council and the Commission, and, where appropriate, the group of Member States, the Court of Justice, the European Central Bank or the European Investment Bank, if the draft legislative act originates from them, shall take account of the reasoned opinions issued by national Parliaments or by a chamber of a national Parliament.

Each national Parliament shall have two votes, shared out on the basis of the national Parliamentary system. In the case of a bicameral Parliamentary system, each of the two chambers shall have one vote.

Where reasoned opinions on a draft European legislative act's non-compliance with the principle of subsidiarity represent at least one third of all the votes allocated to the national Parliaments in accordance with the second paragraph, the draft must be reviewed. This threshold shall be a quarter in the case of a draft European legislative act submitted on the basis of Article III-264 of the Constitution on the area of freedom, security and justice.

After such review, the Commission or, where appropriate, the group of Member States, the European Parliament, the Court of Justice, the European Central Bank or the European Investment Bank, if the draft European legislative act originates from them, may decide to maintain, amend or withdraw the draft. Reasons must be given for this decision.

ARTICLE 8

The Court of Justice of the European Union shall have jurisdiction in actions on grounds of infringement of the principle of subsidiarity by a European legislative act, brought in accordance with the rules laid down in Article III-365 of the Constitution by Member States, or notified by them in accordance with their legal order on behalf of their national Parliament or a chamber of it.

In accordance with the rules laid down in the said Article, the Committee of the Regions may also bring such actions against European legislative acts for the adoption of which the Constitution provides that it be consulted.

ARTICLE 9

The Commission shall submit each year to the European Council, the European Parliament, the Council and national Parliaments a report on the application of Article I-11 of the Constitution. This annual report shall also be forwarded to the Committee of the Regions and to the Economic and Social Committee.

3. PROTOKOL O STATUTU SODIŠČA EVROPSKE UNIJE

VISOKE POGODBENICE SO SE –

Z ŽELJO določiti statut Sodišča Evropske unije, predviden v III-381. členu Ustave –

DOGOVORILE o naslednjih določbah, ki so priloga k Pogodbi o Ustavi za Evropo in Pogodbi o ustanovitvi Evropske skupnosti za atomsko energijo:

1. ČLEN

Sodišče Evropske unije se ustanovi in deluje v skladu z Ustavo, Pogodbo o ustanovitvi Evropske skupnosti za atomsko energijo (Pogodba ESAE) in tem statutom.

I. NASLOV

SODNIKI IN GENERALNI PRAVOBRANILCI

2. ČLEN

Pred nastopom funkcije vsak sodnik javno priseže, da bo svoje naloge opravljal nepristransko in vestno ter da bo varoval tajnost posvetovanj.

3. ČLEN

Sodniki uživajo imuniteto pred sodnimi postopki. Po prenehanju mandata še naprej uživajo imuniteto za svoja dejanja, storjena pri opravljanju uradnih dolžnosti, vključno z izgovorjenimi ali zapisanimi besedami.

Sodišče lahko odvzame imuniteto na občni seji. Če odločitev zadeva člana Sodišča splošne pristojnosti ali specializiranega sodišča, Sodišče odloči po posvetovanju z zadevnim sodiščem.

Če je bila sodniku odvzeta imuniteta in je proti njemu sprožen kazenski postopek, mu sme soditi v kateri koli državi članici le sodišče, pristojno za sojenje sodnikom, ki pripadajo najvišjim sodnim organom v državi.

Za sodnike, generalne pravobranilce, sodnega tajnika in pomočnike sodnika poročevalca Sodišča Evropske unije se uporabljajo 12. do 15. člen in 18. člen Protokola o privilegijih in imunitetah Unije, ne glede na določbe glede imunitete sodnikov pred sodnimi postopki iz prvega, drugega in tretjega odstavka tega člena.

4. ČLEN

Sodniki ne smejo opravljati političnih ali upravnih funkcij.

Ne smejo opravljati nobene druge poklicne dejavnosti, bodisi pridobitne ali nepridobitne, razen če tega izjemoma z evropskim sklepom ne odobri Svet z navadno večino.

Pred prevzemom svojih nalog se slovesno obvežejo, da bodo med svojim mandatom in po njegovem izteku spoštovali iz mandata izhajajoče obveznosti, zlasti dolžnost, da bodo po izteku mandata pri sprejemanju določenih imenovanj ali ugodnosti ravnali pošteno in diskretno.

V primeru dvoma odloča Sodišče. Če odločitev zadeva člana Sodišča splošne pristojnosti ali specializiranega sodišča, Sodišče odloči po posvetovanju z zadevnim sodiščem.

3. PROTOCOL ON THE STATUTE OF THE COURT OF JUSTICE OF THE EUROPEAN UNION

THE HIGH CONTRACTING PARTIES

DESIRING to lay down the Statute of the Court of Justice of the European Union provided for in Article III-381 of the Constitution,

HAVE AGREED upon the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe and the Treaty establishing the European Atomic Energy Community:

ARTICLE 1

The Court of Justice of the European Union shall be constituted and shall function in accordance with the Constitution, with the Treaty establishing the European Atomic Energy Community (EAEC Treaty) and with this Statute.

TITLE I

JUDGES AND ADVOCATES-GENERAL

ARTICLE 2

Before taking up his duties each Judge shall, before the Court of Justice sitting in open court, take an oath to perform his duties impartially and conscientiously and to preserve the secrecy of the deliberations of the Court.

ARTICLE 3

The Judges shall be immune from legal proceedings. After they have ceased to hold office, they shall continue to enjoy immunity in respect of acts performed by them in their official capacity, including words spoken or written.

The Court of Justice, sitting as a full Court, may waive the immunity. If the decision concerns a member of the General Court or of a specialised court, the Court shall decide after consulting the court concerned.

Where immunity has been waived and criminal proceedings are instituted against a Judge, he shall be tried, in any of the Member States, only by the court competent to judge the members of the highest national judiciary.

Articles 11 to 14 and Article 17 of the Protocol on the privileges and immunities of the Union shall apply to the Judges, Advocates-General, Registrars and Assistant Rapporteurs of the Court of Justice of the European Union, without prejudice to the provisions relating to immunity from legal proceedings of Judges which are set out in the first, second and third paragraphs of this Article.

ARTICLE 4

The Judges may not hold any political or administrative office.

They may not engage in any occupation, whether gainful or not, unless exemption is exceptionally granted by a European decision of the Council, acting by a simple majority.

When taking up their duties, they shall give a solemn undertaking that, both during and after their term of office, they will respect the obligations arising therefrom, in particular the duty to behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits.

Any doubt on this point shall be settled by decision of the Court of Justice. If the decision concerns a member of the General Court or of a specialised court, the Court shall decide after consulting the court concerned.

5. ČLEN

Razen ob redni zamenjavi ali smrti, dolžnosti sodnika prenehajo z njegovim odstopom.

Ko sodnik odstopi, se pismo o odstopu naslovi na predsednika Sodišča, ki ga pošlje predsedniku Sveta. Z uradnim obvestilom slednjega se mesto izprazni.

Razen v primerih, za katere se uporablja 6. člen tega statuta, sodnik ohrani svoj mandat, dokler njegov naslednik ne nastopi svoje funkcije.

6. ČLEN

Sodnik je lahko razrešen ali se mu lahko odvzame pravica do pokojnine ali namesto nje odobrenih ugodnosti le, če po soglasnem mnenju sodnikov in generalnih pravobranilcev Sodišča ne izpolnjuje več zahtevanih pogojev ali obveznosti, ki izhajajo iz njegovega položaja. Zadevni sodnik pri odločanju o tem ne sodeluje. Če je zadevna oseba član Sodišča splošne pristojnosti ali specializiranega sodišča, Sodišče odloči po posvetovanju z zadevnim sodiščem.

Sodni tajnik o odločbi Sodišča obvesti predsednika Evropskega parlamenta in predsednika Komisije ter o njej uradno obvesti predsednika Sveta.

V primeru odločitve o razrešitvi sodnika se mesto z uradnim obvestilom predsednika Sveta izprazni.

7. ČLEN

Sodnik, katerega dolžnosti prenehajo pred iztekom njegovega mandata, je nadomeščen za preostanek mandata.

8. ČLEN

Določbe 2. do 7. člena tega statuta se uporabljajo za generalne pravobranilce.

II. NASLOV

ORGANIZACIJA SODIŠČA

9. ČLEN

Ko se vsaka tri leta izvede delna zamenjava sodnikov, se izmenično zamenja trinajst in dvanajst sodnikov.

Ko se vsaka tri leta izvede delna zamenjava generalnih pravobranilcev, se vsakokrat zamenjajo štirje generalni pravobranilci.

10. ČLEN

Sodni tajnik pred Sodiščem priseže, da bo svoje naloge opravljal nepristransko in vestno ter da bo varoval tajnost posvetovanj Sodišča.

11. ČLEN

Sodišče poskrbi za nadomeščanje sodnega tajnika, kadar je ta zadržan.

12. ČLEN

Sodišču se dodelijo uradniki in drugi uslužbenci, ki zagotavljajo njegovo delovanje. Odgovorni so sodnemu tajniku, ki je podrejen predsedniku.

ARTICLE 5

Apart from normal replacement, or death, the duties of a Judge shall end when he resigns.

Where a Judge resigns, his letter of resignation shall be addressed to the President of the Court of Justice for transmission to the President of the Council. Upon this notification a vacancy shall arise on the bench.

Save where Article 6 applies, a Judge shall continue to hold office until his successor takes up his duties.

ARTICLE 6

A Judge may be deprived of his office or of his right to a pension or other benefits in its stead only if, in the unanimous opinion of the Judges and Advocates-General of the Court of Justice, he no longer fulfils the requisite conditions or meets the obligations arising from his office. The Judge concerned shall not take part in any such deliberations. If the person concerned is a member of the General Court or of a specialised court, the Court shall decide after consulting the court concerned.

The Registrar of the Court of Justice shall communicate the decision of the Court of Justice to the President of the European Parliament and to the President of the Commission and shall notify it to the President of the Council.

In the case of a decision depriving a Judge of his office, a vacancy shall arise on the bench upon this latter notification.

ARTICLE 7

A Judge who is to replace a member of the Court of Justice whose term of office has not expired shall be appointed for the remainder of his predecessor's term.

ARTICLE 8

The provisions of Articles 2 to 7 shall apply to the Advocates-General.

TITLE II

ORGANISATION OF THE COURT OF JUSTICE

ARTICLE 9

When, every three years, the Judges are partially replaced, thirteen and twelve Judges shall be replaced alternately.

When, every three years, the Advocates-General are partially replaced, four Advocates-General shall be replaced on each occasion.

ARTICLE 10

The Registrar shall take an oath before the Court of Justice to perform his duties impartially and conscientiously and to preserve the secrecy of the deliberations of the Court of Justice.

ARTICLE 11

The Court of Justice shall arrange for replacement of the Registrar on occasions when he is prevented from attending the Court of Justice.

ARTICLE 12

Officials and other servants shall be attached to the Court of Justice to enable it to function. They shall be responsible to the Registrar under the authority of the President.

13. ČLEN

Z evropskim zakonom se lahko predvidi imenovanje pomočnika sodnika poročevalca in določi pravila, ki urejajo njihov položaj. Ta evropski zakon se sprejme na predlog Sodišča. Pod pogoji, določenimi v poslovniku, lahko pomočniki sodnika poročevalca sodelujejo pri pripravljalnih postopkih v tistih postopkih, ki tečejo pred Sodiščem, in sodelujejo s sodnikom poročevalcem.

Pomočniki poročevalci so izbrani med osebami, katerih neodvisnost je nedvomna in ki imajo ustrezne pravne kvalifikacije; imenovani so z evropskim sklepom, ki ga z navadno večino sprejme Svet. Pred Sodiščem prisežejo, da bodo svoje naloge opravljali nepristransko in vestno ter da bodo varovali tajnost posvetovanj Sodišča.

ARTICLE 13

A European law may provide for the appointment of Assistant Rapporteurs and lay down the rules governing their service. It shall be adopted at the request of the Court of Justice. The Assistant Rapporteurs may be required, under conditions laid down in the Rules of Procedure, to participate in preparatory inquiries in cases pending before the Court of Justice and to cooperate with the Judge who acts as Rapporteur.

The Assistant Rapporteurs shall be chosen from persons whose independence is beyond doubt and who possess the necessary legal qualifications; they shall be appointed by a European decision of the Council, acting by a simple majority. They shall take an oath before the Court of Justice to perform their duties impartially and conscientiously and to preserve the secrecy of the deliberations of the Court of Justice.

14. ČLEN

Sodniki, generalni pravobranilci in sodni tajnik morajo prebivati v kraju, kjer ima Sodišče svoj sedež.

ARTICLE 14

The Judges, the Advocates-General and the Registrar shall be required to reside at the place where the Court of Justice has its seat.

15. ČLEN

Sodišče stalno zaseda. Trajanje sodnih počitnic določi Sodišče ob upoštevanju potreb svojega poslovanja.

ARTICLE 15

The Court of Justice shall remain permanently in session. The duration of the judicial vacations shall be determined by the Court of Justice with due regard to the needs of its business.

16. ČLEN

Sodišče oblikuje senate treh in petih sodnikov. Sodniki izvolijo predsednike senatov med svojimi člani. Predsedniki senatov petih sodnikov so izvoljeni za tri leta. Ponovno so lahko izvoljeni enkrat.

Veliki senat sestavlja trinajst sodnikov. Predseduje mu predsednik Sodišča. Člani velikega senata so tudi predsedniki senatov petih sodnikov in drugi sodniki, imenovani v skladu s pogoji iz poslovnika.

Sodišče odloča v velikem senatu, kadar to zahteva država članica ali institucija Unije, ki je stranka v postopku.

Sodišče odloča na občni seji, kadar so mu predložene zadeve v skladu z drugim odstavkom III-335. člena, drugim odstavkom II-347. člena, III-349. členom ali šestim odstavkom III-385. člena Ustave.

Poleg tega lahko Sodišče, kadar meni, da je zadeva izjemnega pomena, po izjasnitvi generalnega pravobranilca odloči, da se zadeva predloži v odločanje na občni seji.

ARTICLE 16

The Court of Justice shall form chambers consisting of three and five Judges. The Judges shall elect the Presidents of the chambers from among their number. The Presidents of the chambers of five Judges shall be elected for three years. They may be re-elected once.

The Grand Chamber shall consist of thirteen Judges. It shall be presided over by the President of the Court of Justice. The Presidents of the chambers of five Judges and other Judges appointed in accordance with the conditions laid down in the Rules of Procedure shall also form part of the Grand Chamber.

The Court of Justice shall sit in a Grand Chamber when a Member State or an institution of the Union that is party to the proceedings so requests.

The Court of Justice shall sit as a full Court where cases are brought before it pursuant to Article III-335(2), the second paragraph of Article III-347, Article III-349 or Article III-385(6) of the Constitution.

Moreover, where it considers that a case before it is of exceptional importance, the Court of Justice may decide, after hearing the Advocate-General, to refer the case to the full Court.

17. ČLEN

Sodišče lahko veljavno odloča le v sestavi lihega števila sodnikov.

Odločitve senatov treh ali petih sodnikov so veljavne le, če jih sprejmejo trije sodniki.

Odločitve velikega senata so veljavne le, če je navzočih devet sodnikov.

Odločitve občne seje so veljavne le, če je navzočih petnajst sodnikov.

Če je eden od sodnikov senata zadržan, se lahko pod pogoji, določenimi v poslovniku, v senat imenuje sodnik iz drugega senata.

ARTICLE 17

Decisions of the Court of Justice shall be valid only when an uneven number of its members is sitting in the deliberations.

Decisions of the chambers consisting of either three or five Judges shall be valid only if they are taken by three Judges.

Decisions of the Grand Chamber shall be valid only if nine Judges are sitting.

Decisions of the full Court shall be valid only if fifteen Judges are sitting.

In the event of one of the Judges of a chamber being prevented from attending, a Judge of another chamber may be called upon to sit in accordance with conditions laid down in the Rules of Procedure.

18. ČLEN

Sodniki ali generalni pravobranilci ne smejo sodelovati pri odločanju o posamezni zadevi, pri kateri so predhodno sodelovali kot zastopniki, svetovalci ali odvetniki ene od strank ali o kateri so podali mnenje kot člani sodišča, preiskovalne komisije ali v kateri koli drugi funkciji.

Če sodnik ali generalni pravobranilec iz kakšnega posebnega razloga meni, da ne more sodelovati pri odločanju ali preiskavi v določeni zadevi, o tem obvesti predsednika. Če predsednik iz kakšnega posebnega razloga meni, da sodnik ali generalni pravobranilec ne bi smel sodelovati pri ali odločati o določeni zadevi, ga o tem obvesti.

O vseh težavah pri uporabi tega člena odloča Sodišče.

Stranka ne more zahtevati spremembe sestave Sodišča ali enega njegovih senatov zaradi državljanstva sodnika ali zato, ker v sestavi Sodišča ali senata ni sodnika, ki bi imel enako državljanstvo kakor ta stranka.

ARTICLE 18

No Judge or Advocate-General may take part in the disposal of any case in which he has previously taken part as agent or adviser or has acted for one of the parties, or in which he has been called upon to pronounce as a member of a court or tribunal, of a commission of inquiry or in any other capacity.

If, for some special reason, any Judge or Advocate-General considers that he should not take part in the judgment or examination of a particular case, he shall so inform the President. If, for some special reason, the President considers that any Judge or Advocate-General should not sit or make submissions in a particular case, he shall notify him accordingly.

Any difficulty arising as to the application of this Article shall be settled by decision of the Court of Justice.

A party may not apply for a change in the composition of the Court of Justice or of one of its chambers on the grounds of either the nationality of a Judge or the absence from the Court or from the chamber of a Judge of the nationality of that party.

III. NASLOV

POSTOPEK PRED SODIŠČEM

19. ČLEN

Države članice in institucije Unije pred Sodiščem zastopa zastopnik, ki je imenovan za vsako zadevo posebej. Zastopniku lahko pomaga svetovalec ali odvetnik.

Države podpisnice Sporazuma o Evropskem gospodarskem prostoru, ki niso države članice, ter v tem sporazumu navedeni Nadzorni organ Evropskega združenja za svobodno trgovino (EFTA), so zastopani na enak način.

Druge stranke mora zastopati odvetnik.

Le odvetnik, ki je vpisan v imenik odvetnikov v eni od držav članic ali drugi državi, ki je podpisnica Sporazuma o Evropskem gospodarskem prostoru, lahko pred Sodiščem zastopa stranko ali ji pomaga.

Ti zastopniki, svetovalci in odvetniki imajo pri zastopanju na Sodišču pravice in jamstva, potrebna za neodvisno opravljanje svojih nalog, pod pogoji, ki jih določa poslovnik.

Sodišče ima glede svetovalcev in odvetnikov, ki nastopajo pred njim, pooblastila, ki so splošno priznana sodiščem, pod pogoji, določenimi v poslovniku.

Univerzitetni profesorji, ki so državljani držav članic, katerih zakonodaja jim priznava pravico zastopanja na sodišču, imajo pred Sodiščem enake pravice, kot jih ta člen priznava odvetnikom.

20. ČLEN

Postopek pred Sodiščem ima dva dela, pisnega in ustnega.

Pisni postopek zajema posredovanje tožb, vlog, odgovorov na tožbo in pisnih stališč, pa tudi morebitnih replik kot tudi vseh dokazov in listin ali njihovih overjenih prepisov, strankam in tistim institucijam, organom, uradom ali agencijam Unije, katerih akti so predmet postopka.

Posredovanje opravlja sodni tajnik v zaporedju in rokih, ki so določeni v poslovniku.

Ustni postopek zajema branje poročila, ki ga predloži sodnik poročevalec, podajanje navedb zastopnikov, svetovalcev in odvetnikov pred Sodiščem, ter predstavitev sklepnih predlogov generalnega pravobranilca, po potrebi pa tudi zaslišanje prič in izvedencev.

TITLE III

PROCEDURE BEFORE THE COURT OF JUSTICE

ARTICLE 19

The Member States and the institutions of the Union shall be represented before the Court of Justice by an agent appointed for each case. The agent may be assisted by an adviser or by a lawyer.

The States, other than the Member States, which are parties to the Agreement on the European Economic Area and also the European Free Trade Association (EFTA) Surveillance Authority referred to in that Agreement shall be represented in same manner.

Other parties must be represented by a lawyer.

Only a lawyer authorised to practise before a court of a Member State or of another State which is a party to the Agreement on the European Economic Area may represent or assist a party before the Court of Justice.

Such agents, advisers and lawyers shall, when they appear before the Court of Justice, enjoy the rights and immunities necessary to the independent exercise of their duties, under conditions laid down in the Rules of Procedure.

As regards such advisers and lawyers who appear before it, the Court of Justice shall have the powers normally accorded to courts of law, under conditions laid down in the Rules of Procedure.

University teachers being nationals of a Member State whose law accords them a right of audience shall have the same rights before the Court of Justice as are accorded by this Article to lawyers.

ARTICLE 20

The procedure before the Court of Justice shall consist of two parts: written and oral.

The written procedure shall consist of the communication to the parties and to the institutions, bodies, offices or agencies of the Union whose acts are in dispute, of applications, statements of case, defences and observations, and of replies, if any, as well as of all papers and documents in support or of certified copies of them.

Communications shall be made by the Registrar in the order and within the time laid down in the Rules of Procedure.

The oral procedure shall consist of the reading of the report presented by a Judge acting as Rapporteur, the hearing by the Court of Justice of agents, advisers and lawyers and of the submissions of the Advocate-General, as well as the hearing, if any, of witnesses and experts.

Če Sodišče meni, da zadeva ne odpira nobenega novega pravnega vprašanja, lahko po nastopu generalnega pravobranilca sklene, da se o zadevi odloča brez sklepnih predlogov generalnega pravobranilca.

21. ČLEN

Postopek pred Sodiščem se sproži s tožbo, naslovljeno na sodnega tajnika. Tožba mora vsebovati ime in stalni naslov tožeče stranke ter vlogo podpisnika, navedbo stranke ali strank, proti katerim je tožba vložena, predmet postopka, zahtevek in kratek povzetek tožbenih razlogov.

Tožbi mora biti priložen, kjer je to primerno, akt, katerega razglasitev za ničnega se predlaga, ali v okoliščinah iz III-367. člena Ustave dokazilo z navedbo dneva, ko je bila institucija v skladu s tem členom pozvana k ukrepanju. Če ta dokazila niso priložena tožbi, sodni tajnik zadevno stranko pozove, naj jih predloži v razumnem roku. V tem primeru se tožba ne zavrže, tudi če so dokazila predložena po izteku roka, predpisanega za vložitev tožbe.

22. ČLEN

Zadeva, ki jo ureja člen 18 Pogodbe ESAE se predloži Sodišču s pritožbo, ki je naslovljena na sodnega tajnika. Pritožba mora vsebovati ime in stalni naslov pritožnika ter vlogo podpisnika, navedbo odločbe, zoper katero je pritožba vložena, navedbo nasprotnih strank, predmet postopka, zahtevek in kratek povzetek pritožbenih razlogov.

Pritožbi mora biti priložena overjen prepis odločbe Arbitražnega odbora, ki se izpodbija.

Če Sodišče pritožbo zavrne, postane odločba Arbitražnega odbora pravnomočna.

Če Sodišče razveljavi odločbo Arbitražnega odbora, lahko slednji na pobudo ene od strank v postopku po potrebi o zadevi ponovno odloča. Vezan je na vse odločitve Sodišča o pravnih vprašanjih.

23. ČLEN

V zadevah iz III-369. člena Ustave mora sodišče države članice, ki prekine odločanje v svojem postopku in predloži zadevo Sodišču, o svoji odločitvi uradno obvestiti Sodišče. Sodni tajnik Sodišča o tej odločitvi nato obvesti zadevne stranke, države članice in Komisijo, in institucijo, organ, urad ali agencijo, ki je sprejela akt, katerega veljavnost ali razlaga je predmet postopka.

V dveh mesecih od tega uradnega obvestila smejo stranke, države članice, Komisija in, kjer je to primerno, institucija, organ, urad ali agencija, ki je sprejela akt, katerega veljavnost ali razlaga je predmet postopka, predložiti Sodišču navedbe o zadevi ali pisna stališča.

Sodni tajnik Sodišča o odločitvi nacionalnega sodišča obvesti tudi države podpisnice Sporazuma o Evropskem gospodarskem prostoru, ki niso države članice, ter v tem sporazumu navedeni Nadzorni organ EFTA, ki lahko v dveh mesecih od uradnega obvestila predložijo Sodišču vloge ali pisna stališča, če odločitev zadeva eno od področij uporabe tega sporazuma. Ta odstavek se ne uporablja za vprašanja, ki spadajo na področje uporabe Pogodbe ESAE.

Where it considers that the case raises no new point of law, the Court of Justice may decide, after hearing the Advocate-General, that the case shall be determined without a submission from the Advocate-General.

ARTICLE 21

A case shall be brought before the Court of Justice by a written application addressed to the Registrar. The application shall contain the applicant's name and permanent address and the description of the signatory, the name of the party or names of the parties against whom the application is made, the subject-matter of the dispute, the form of order sought and a brief statement of the pleas in law on which the application is based.

The application shall be accompanied, where appropriate, by the measure the annulment of which is sought or, in the circumstances referred to in Article III-367 of the Constitution, by documentary evidence of the date on which an institution was, in accordance with that Article, requested to act. If the documents are not submitted with the application, the Registrar shall ask the party concerned to produce them within a reasonable period, but in that event the rights of the party shall not lapse even if such documents are produced after the time-limit for bringing proceedings.

ARTICLE 22

A case governed by Article 18 of the EAEC Treaty shall be brought before the Court of Justice by an appeal addressed to the Registrar. The appeal shall contain the name and permanent address of the applicant and the description of the signatory, a reference to the decision against which the appeal is brought, the names of the respondents, the subject-matter of the dispute, the submissions and a brief statement of the grounds on which the appeal is based.

The appeal shall be accompanied by a certified copy of the decision of the Arbitration Committee which is contested.

If the Court rejects the appeal, the decision of the Arbitration Committee shall become final.

If the Court annuls the decision of the Arbitration Committee, the matter may be re-opened, where appropriate, on the initiative of one of the parties in the case, before the Arbitration Committee. The latter shall conform to any decisions on points of law given by the Court.

ARTICLE 23

In the cases governed by Article III-369 of the Constitution, the decision of the court or tribunal of a Member State which suspends its proceedings and refers a case to the Court of Justice shall be notified to the Court of Justice by the court or tribunal concerned. The decision shall then be notified by the Registrar of the Court of Justice to the parties, to the Member States and to the Commission, and to the institution, body, office or agency which adopted the act the validity or interpretation of which is in dispute.

Within two months of this notification, the parties, the Member States, the Commission and, where appropriate, the institution, body, office or agency which adopted the act the validity or interpretation of which is in dispute, shall be entitled to submit statements of case or written observations to the Court of Justice.

The decision of the national court or tribunal shall, moreover, be notified by the Registrar of the Court of Justice to the States, other than the Member States, which are parties to the Agreement on the European Economic Area and also to the EFTA Surveillance Authority referred to in that Agreement which may, within two months of notification, where one of the fields of application of that Agreement is concerned, submit statements of case or written observations to the Court of Justice. This paragraph shall not apply to questions falling within the scope of the EAEC Treaty.

Kadar sporazum, ki ga Svet na določenem področju sklene z eno ali več tretjimi državami, določa, da imajo te države pravico na Sodišču vložiti vlogo ali predložiti pisna stališča, če sodišče države članice predloži Sodišču v predhodno odločanje vprašanje iz okvira tega sporazuma, se o odločitvi nacionalnega sodišča, ki vsebuje to vprašanje, uradno obvestijo tudi zadevne tretje države. V dveh mesecih po tem uradnem obvestilu lahko te države vložijo vloge ali pisna stališča.

Where an agreement relating to a specific subject matter, concluded by the Council and one or more non-member countries, provides that those countries are to be entitled to submit statements of case or written observations where a court or tribunal of a Member State refers to the Court of Justice for a preliminary ruling on a question falling within the scope of the agreement, the decision of the national court or tribunal containing that question shall also be notified to the non-member countries concerned. Within two months from such notification, those countries may lodge at the Court of Justice statements of case or written observations.

24. ČLEN

Sodišče lahko od strank zahteva, da priskrbijo vse listine in pojasnila, ki jih po njegovem mnenju potrebuje. Sodišče izrecno ugotovi vsako zavrnitev.

Sodišče lahko tudi od držav članic ter institucij, organov, uradov in agencij Unije, ki niso stranke v postopku, zahteva vsa pojasnila, ki so po njegovem mnenju potrebna v postopku.

ARTICLE 24

The Court of Justice may require the parties to produce all documents and to supply all information which the Court of Justice considers desirable. Formal note shall be taken of any refusal.

The Court of Justice may also require the Member States and institutions, bodies, offices and agencies of the Union not being parties to the case to supply all information which the Court of Justice considers necessary for the proceedings.

25. ČLEN

Sodišče lahko kadar koli zaupa izdelavo izvedenskega mnenja posameznikom, združenjem oseb, uradom, odborom ali drugim organizacijam po njegovi izbiri.

ARTICLE 25

The Court of Justice may at any time entrust any individual, body, authority, committee or other organisation it chooses with the task of giving an expert opinion.

26. ČLEN

Priče so lahko zaslišane pod pogoji, določenimi v poslovniku.

ARTICLE 26

Witnesses may be heard under conditions laid down in the Rules of Procedure.

27. ČLEN

Glede prič, ki izostanejo od pričanja, ima Sodišče pooblastila, ki so v takih primerih splošno priznana sodiščem, in lahko izreče denarne kazni pod pogoji, določenimi v poslovniku.

ARTICLE 27

With respect to defaulting witnesses the Court of Justice shall have the powers generally granted to courts and tribunals and may impose pecuniary penalties under conditions laid down in the Rules of Procedure.

28. ČLEN

Priče in izvedenci se lahko zaslišijo pod prisego v obliki, kakršna je določena s poslovnikom, ali v skladu z nacionalno zakonodajo države, iz katere je priča ali izvedenec.

ARTICLE 28

Witnesses and experts may be heard on oath taken in the form laid down in the Rules of Procedure or in the manner laid down by the law of the country of the witness or expert.

29. ČLEN

Sodišče lahko odredi, da pričo ali izvedenca zasliši sodni organ v kraju njegovega stalnega prebivališča.

Odredba se pošlje pristojnemu sodišču v izvršitev pod pogoji, določenimi v poslovniku. Dokumenti, sestavljeni pri izpolnjevanju zaprosila za pravno pomoč, se pod enakimi pogoji vrnejo Sodišču.

Stroške nosi Sodišče, vendar pa to ne vpliva na njegovo pravico, da jih, kjer je to primerno, naloži strankam.

ARTICLE 29

The Court of Justice may order that a witness or expert be heard by the judicial authority of his place of permanent residence.

The order shall be sent for implementation to the competent judicial authority under conditions laid down in the Rules of Procedure. The documents drawn up in compliance with the letters rogatory shall be returned to the Court of Justice under the same conditions.

The Court of Justice shall defray the expenses, without prejudice to the right to charge them, where appropriate, to the parties.

30. ČLEN

Država članica obravnava vsako kršitev prisege priče ali izvedenca enako, kot če bi bilo kaznivo dejanje storjeno pred enim od njenih sodišč, pristojnih za civilne zadeve. Na podlagi ovadbe Sodišča zadevna država članica preganja kršilca pred pristojnim nacionalnim sodiščem.

ARTICLE 30

A Member State shall treat any violation of an oath by a witness or expert in the same manner as if the offence had been committed before one of its courts with jurisdiction in civil proceedings. At the instance of the Court of Justice, the Member State concerned shall prosecute the offender before its competent court.

31. ČLEN

Obravnave so javne, razen če Sodišče po uradni dolžnosti ali na predlog strank iz tehtnih razlogov odloči drugače.

ARTICLE 31

The hearing in court shall be public, unless the Court of Justice, of its own motion or on application by the parties, decides otherwise for serious reasons.

32. ČLEN

Na obravnavah lahko Sodišče zasliši izvedence, priče in same stranke. Slednje lahko podajajo ustne navedbe pred Sodiščem le prek svojih zastopnikov.

33. ČLEN

O vsaki obravnavi se sestavi zapisnik, ki ga podpišeta predsednik in sodni tajnik.

34. ČLEN

Seznam narokov določi predsednik.

35. ČLEN

Posvetovanja Sodišča so in ostanejo tajna.

36. ČLEN

Sodbe so obrazložene. V njih so navedena imena sodnikov, ki so sodelovali pri posvetovanju.

37. ČLEN

Sodbe podpišeta predsednik in sodni tajnik. Razglasijo se javno.

38. ČLEN

Sodišče odloča o stroških.

39. ČLEN

Predsednik Sodišča lahko po skrajšanem postopku, ki po potrebi odstopa od nekaterih pravil tega statuta, in je določen v poslovniku, odloča o predlogih za odložitev izvršitve iz prvega odstavka III-379. člena Ustave in člena 157 Pogodbe ESAE ali za sprejetje začasnih odredb v skladu z drugim odstavkom III-379. člena Ustave ali za odložitev izvršbe v skladu s četrtim odstavkom III-401. člena Ustave ali tretjim odstavkom člena 164 Pogodbe ESAE.

Predsednika v primeru zadržanosti nadomešča drug sodnik pod pogoji, določenimi v poslovniku.

Odredba predsednika ali sodnika, ki ga nadomešča, je začasna in v nobenem primeru ne vpliva na odločbo Sodišča o glavni stvari.

40. ČLEN

Države članice in institucije Unije lahko vstopijo v postopek, ki teče pred Sodiščem.

Enako velja za vse organe, urade in agencije Unije ter osebe, ki lahko izkažejo upravičen interes za rešitev zadeve, predložene Sodišču. Fizične ali pravne osebe ne smejo vstopiti v postopek med državami članicami, med institucijami Unije ali med državami članicami in institucijami Unije.

Ne glede na prejšnji odstavek lahko države podpisnice Sporazuma o Evropskem gospodarskem prostoru, ki niso države članice, ter v tem sporazumu navedeni Nadzorni organ EFTA vstopijo v postopek, ki poteka pred Sodiščem, če ta zadeva eno od področij uporabe tega sporazuma.

Z vlogo za vstop v postopek se lahko podpre le zahtevek ene od strank.

ARTICLE 32

During the hearings the Court of Justice may examine the experts, the witnesses and the parties themselves. The latter, however, may address the Court of Justice only through their representatives.

ARTICLE 33

Minutes shall be made of each hearing and signed by the President and the Registrar.

ARTICLE 34

The case list shall be established by the President.

ARTICLE 35

The deliberations of the Court of Justice shall be and shall remain secret.

ARTICLE 36

Judgments shall state the reasons on which they are based. They shall contain the names of the Judges who took part in the deliberations.

ARTICLE 37

Judgments shall be signed by the President and the Registrar. They shall be read in open court.

ARTICLE 38

The Court of Justice shall adjudicate upon costs.

ARTICLE 39

The President of the Court of Justice may, by way of summary procedure, which may, insofar as necessary, differ from some of the rules contained in this Statute and which shall be laid down in the Rules of Procedure, adjudicate upon applications to suspend execution, as provided for in Article III-379(1) of the Constitution and Article 157 of the EAEC Treaty, or to prescribe interim measures in pursuance of Article III-379(2) of the Constitution, or to suspend enforcement in accordance with the fourth paragraph of Article III-401 of the Constitution or the third paragraph of Article 164 of the EAEC Treaty.

Should the President be prevented from attending, his place shall be taken by another Judge under conditions laid down in the Rules of Procedure.

The ruling of the President or of the Judge replacing him shall be provisional and shall in no way prejudice the decision of the Court of Justice on the substance of the case.

ARTICLE 40

Member States and institutions of the Union may intervene in cases before the Court of Justice.

The same right shall be open to the bodies, offices and agencies of the Union and to any other person which can establish an interest in the result of a case submitted to the Court of Justice. Natural or legal persons shall not intervene in cases between Member States, between institutions of the Union or between Member States and institutions of the Union.

Without prejudice to the second paragraph, the States, other than the Member States, which are parties to the Agreement on the European Economic Area, and also the EFTA Surveillance Authority referred to in that Agreement, may intervene in cases before the Court of Justice where one of the fields of application of that Agreement is concerned.

An application to intervene shall be limited to supporting the form of order sought by one of the parties.

41. ČLEN

Če tožena stranka, ki ji je bila pravilno vročena tožba v odgovor, ne vloži pisnega odgovora na tožbo, se zoper njo izda zamudna sodba. Ugovor zoper sodbo se lahko vloži v enem mesecu po uradnem obvestilu o njej. Če Sodišče na odloči drugače, ugovor ne zadrži izvršitve zamudne sodbe.

ARTICLE 41

Where the defending party, after having been duly summoned, fails to file written submissions in defence, judgment shall be given against that party by default. An objection may be lodged against the judgment within one month of it being notified. The objection shall not have the effect of staying enforcement of the judgment by default unless the Court of Justice decides otherwise.

42. ČLEN

Države članice, institucije, organi, uradi in agencije Unije in vse druge fizične ali pravne osebe lahko v primerih in pod pogoji, določenimi v poslovniku, vložijo ugovor tretjega, s katerim lahko izpodbijajo sodbo, ki je bila izdana v zadevi, pri kateri same niso bile udeležene, sodba pa vpliva na njihove pravice.

ARTICLE 42

Member States, institutions, bodies, offices and agencies of the Union and any other natural or legal persons may, in cases and under conditions laid down in the Rules of Procedure, institute third-party proceedings to contest a judgment rendered without their being heard, where the judgment is prejudicial to their rights.

43. ČLEN

V primeru nejasnosti pomena ali posledic sodbe Sodišče na predlog stranke ali institucije Unije, ki ima upravičen interes, poda razlago.

ARTICLE 43

If the meaning or scope of a judgment is in doubt, the Court of Justice shall construe it on application by any party or any institution of the Union establishing an interest therein.

44. ČLEN

Obnovo postopka se lahko pri Sodišču predlaga le v primeru, ko se odkrije novo dejstvo odločilnega pomena, ki je bilo pred izrekom sodbe neznano Sodišču in stranki, ki zahteva obnovo.

Obnova postopka se začne s sodbo, v kateri Sodišče izrecno ugotovi obstoj novega dejstva, ki je takšno, da je lahko podlaga za obnovo postopka, in izreka, da je predlog zaradi tega dopusten.

Po poteku desetih let od dne razglasitve sodbe ni več mogoče vložiti predloga za obnovo postopka.

ARTICLE 44

An application for revision of a judgment may be made to the Court of Justice only on discovery of a fact which is of such a nature as to be a decisive factor, and which, when the judgment was given, was unknown to the Court and to the party claiming the revision.

The revision shall be opened by a judgment of the Court expressly recording the existence of a new fact, recognising that it is of such a character as to lay the case open to revision and declaring the application admissible on this ground.

No application for revision may be made after the lapse of ten years from the date of the judgment.

45. ČLEN

Roki zaradi oddaljenosti se določijo s poslovnikom.

Potek roka ne vpliva na pravice, če zadevna stranka dokaže obstoj nepredvidenih okoliščin ali višje sile.

ARTICLE 45

Periods of grace based on considerations of distance shall be laid down in the Rules of Procedure.

No right shall be prejudiced in consequence of the expiry of a time-limit if the party concerned proves the existence of unforeseeable circumstances or of *force majeure*.

46. ČLEN

Tožbe proti Uniji v zadevah, ki izhajajo iz nepogodbene odgovornosti, zastarajo po petih letih od nastanka dogodka, na katerem ta temelji. Zastaranje se pretrga, če se pred Sodiščem vloži tožba ali če je oškodovanec predhodno naslovil svojo zahtevo na pristojno institucijo Unije. V tem primeru je treba vložiti tožbo v roku dveh mesecev iz III-365. člena Ustave. Uporablja se drugi odstavek III-367. člena Ustave.

Ta člen se uporablja tudi za tožbe proti Evropski centralni banki glede nepogodbene odgovornosti.

ARTICLE 46

Proceedings against the Union in matters arising from non-contractual liability shall be barred after a period of five years from the occurrence of the event giving rise thereto. The period of limitation shall be interrupted if proceedings are instituted before the Court of Justice or if prior to such proceedings an application is made by the aggrieved party to the relevant institution of the Union. In the latter event the proceedings must be instituted within the period of two months provided for in Article III-365 of the Constitution. The second paragraph of Article III-367 of the Constitution shall apply.

This Article shall also apply to proceedings against the European Central Bank regarding non-contractual liability.

IV. NASLOV

SODIŠČE SPLOŠNE PRISTOJNOSTI

47. ČLEN

Prvi odstavek 9. člena, 14. in 15. člen, prvi, drugi, četrti in peti odstavek 17. člena ter 18. člen tega statuta se uporabljajo za Sodišče splošne pristojnosti in njegove člane.

10., 11. in 14. člen tega statuta se smiselno uporabljajo za sodnega tajnika Sodišča splošne pristojnosti.

TITLE IV

THE GENERAL COURT

ARTICLE 47

The first paragraph of Article 9, Articles 14 and 15, the first, second, fourth and fifth paragraphs of Article 17 and Article 18 shall apply to the General Court and its members.

Articles 10, 11 and 14 shall apply to the Registrar of the General Court *mutatis mutandis*.

48. ČLEN

Sodišče splošne pristojnosti ima petindvajset sodnikov.

49. ČLEN

Člani Sodišča splošne pristojnosti so lahko imenovani za opravljanje naloge generalnega pravobranilca.

Generalni pravobranilec popolnoma nepristransko in neodvisno javno predstavi obrazložene sklepne predloge o zadevah, predloženih Sodišču splošne pristojnosti, zato da bi slednjemu pomagal pri opravljanju njegove naloge.

Merila za izbiro takšnih zadev in postopki za imenovanje generalnih pravobranilcev so določeni v poslovniku Sodišča splošne pristojnosti.

Član, ki je imenovan za opravljanje naloge generalnega pravobranilca v neki zadevi, ne sme sodelovati pri odločanju o njej.

50. ČLEN

Sodišče splošne pristojnosti zaseda v senatih treh ali petih sodnikov. Sodniki izvolijo predsednike senatov med svojimi člani. Predsedniki senatov petih sodnikov so izvoljeni za tri leta. Ponovno so lahko izvoljeni enkrat.

Sestavo senatov in dodelitev zadev ureja poslovnik. V nekaterih primerih, ki jih ureja poslovnik, lahko Sodišče splošne pristojnosti odloča na občni seji ali pa odloča sodnik posameznik.

Poslovnik lahko določa tudi, da Sodišče splošne pristojnosti zaseda v velikem senatu v zadevah in pod pogoji, navedenimi v njem.

51. ČLEN

Ne glede na pravilo, določeno v prvem odstavku III-358. člena Ustave, je odločanje o tožbah iz III-365. in III-367. člena Ustave, ki jih vložijo države članice, pridržano za Sodišče, če so vložene:

a) proti aktu ali opustitvi ukrepanja Evropskega parlamenta, Sveta ali obeh institucij, ki odločata skupaj, razen:

– proti evropskim sklepom, ki jih sprejme Svet na podlagi tretjega pododstavka drugega odstavka III-168. člena Ustave,

– proti aktom, ki jih sprejme Svet na podlagi akta Sveta glede zaščite trgovine v smislu III-315. člena Ustave,

– proti aktom Sveta, s katerimi ta izvršuje izvedbena pooblastila v skladu z drugim odstavkom I-37. člena Ustave;

b) proti aktu ali opustitvi ukrepanja Komisije na podlagi prvega odstavka III-420. člena Ustave.

Odločanje o tožbah iz omenjenih členov, ki jih vloži institucija Unije proti aktu ali opustitvi ukrepanja Evropskega parlamenta, Sveta, obeh institucij, ki odločata skupaj, ali Komisije, in tožbe, ki jih vloži institucija proti aktu ali opustitvi ukrepanja Evropske centralne banke, je prav tako pridržano za Sodišče.

52. ČLEN

Predsednik Sodišča in predsednik Sodišča splošne pristojnosti v medsebojnem soglasju določita, na kakšen način uradniki in drugi uslužbenci Sodišča opravljajo naloge za Sodišče splošne pristojnosti, da bi tako zagotovili njegovo delovanje. Nekateri uradniki ali drugi uslužbenci so odgovorni sodnemu tajniku Sodišča splošne pristojnosti, ki je podrejen predsedniku Sodišča splošne pristojnosti.

ARTICLE 48

The General Court shall consist of twenty-five Judges.

ARTICLE 49

The members of the General Court may be called upon to perform the task of an Advocate-General.

It shall be the duty of the Advocate-General, acting with complete impartiality and independence, to make, in open court, reasoned submissions on certain cases brought before the General Court in order to assist that Court in the performance of its task.

The criteria for selecting such cases, as well as the procedures for designating the Advocates-General, shall be laid down in the Rules of Procedure of the General Court.

A member called upon to perform the task of Advocate-General in a case may not take part in the judgment of the case.

ARTICLE 50

The General Court shall sit in chambers of three or five Judges. The Judges shall elect the Presidents of the chambers from among their number. The Presidents of the chambers of five Judges shall be elected for three years. They may be re-elected once.

The composition of the chambers and the assignment of cases to them shall be governed by the Rules of Procedure. In certain cases governed by the Rules of Procedure, the General Court may sit as a full court or be constituted by a single Judge.

The Rules of Procedure may also provide that the General Court may sit in a Grand Chamber in cases and under the conditions specified therein.

ARTICLE 51

By way of derogation from the rule laid down in Article III-358(1) of the Constitution, jurisdiction shall be reserved to the Court of Justice in the actions referred to in Articles III-365 and III-367 of the Constitution when they are brought by a Member State against:

(a) an act of or failure to act by the European Parliament or the Council, or both those institutions acting jointly, except for:

– European decisions adopted by the Council under the third subparagraph of Article III-168(2) of the Constitution;

– acts of the Council adopted pursuant to a Council act concerning measures to protect trade within the meaning of Article III-315 of the Constitution;

– acts of the Council by which the Council exercises implementing powers in accordance with Article I-37(2) of the Constitution;

(b) against an act of or failure to act by the Commission under Article III-420(1) of the Constitution.

Jurisdiction shall also be reserved to the Court of Justice in the actions referred to in the same Articles when they are brought by an institution of the Union against an act of or failure to act by the European Parliament or the Council or both of those institutions acting jointly or the Commission, or brought by an institution against an act of or failure to act by the European Central Bank.

ARTICLE 52

The President of the Court of Justice and the President of the General Court shall determine, by common accord, the conditions under which officials and other servants attached to the Court of Justice shall render their services to the General Court to enable it to function. Certain officials or other servants shall be responsible to the Registrar of the General Court under the authority of the President of the General Court.

53. ČLEN

Postopek pred Sodiščem splošne pristojnosti ureja III. naslov.

Postopek pred Sodiščem splošne pristojnosti se po potrebi dopolni in natančneje določi v njegovem poslovniku. V poslovniku se lahko določi izjema od četrtega odstavka 40. in 41. člena tega statuta, da bi bile upoštevane posebnosti spora na področju intelektualne lastnine.

Ne glede na četrti odstavek 20. člena tega statuta lahko generalni pravobranilec svoje obrazložene sklepne predloge da v pisni obliki.

54. ČLEN

Če je vloga ali drug procesni dokument, naslovljen na Sodišče splošne pristojnosti, pomotoma vložen pri sodnem tajniku Sodišča, ga ta nemudoma pošlje sodnemu tajniku Sodišča splošne pristojnosti. Prav tako, če je vloga ali drug procesni dokument, naslovljen na Sodišče, pomotoma vložen pri sodnem tajniku Sodišča splošne pristojnosti, ga ta nemudoma pošlje sodnemu tajniku Sodišča.

Če Sodišče splošne pristojnosti ugotovi, da ni pristojno za obravnavanje in odločanje o tožbi, za katero je pristojno Sodišče, jo odstopi Sodišču. Prav tako, če Sodišče ugotovi, da je za tožbo pristojno Sodišče splošne pristojnosti, jo odstopi Sodišču splošne pristojnosti, to pa se ne more razglasiti za nepristojno.

Če so Sodišču in Sodišču splošne pristojnosti predložene zadeve, kjer je predmet isti, kjer se postavlja isto vprašanje razlage ali odloča o veljavnosti istega akta, lahko Sodišče splošne pristojnosti po tem, ko je dalo strankam možnost, da zavzamejo stališče, postopek prekine, dokler Sodišče ne izda sodbe, ali, če gre za tožbe, vložene na podlagi III-365. člena Ustave ali člena 146 Pogodbe ESAE, razglasi za nepristojno, da bi o njih lahko odločalo Sodišče. Pod istimi pogoji lahko tudi Sodišče prekine postopek. V tem primeru se postopek pred Sodiščem splošne pristojnosti nadaljuje.

Če država članica in institucija izpodbijata isti akt, se Sodišče splošne pristojnosti razglasi za nepristojno, da bi o teh tožbah lahko odločalo Sodišče.

55. ČLEN

Sodni tajnik Sodišča splošne pristojnosti odločbe Sodišča splošne pristojnosti, s katerimi se zaključi postopek, s katerimi se zaključi postopek le o delu predmeta postopka, o odločitvah o procesnih vprašanjih glede ugovora nepristojnosti ali nedopustnosti uradno obvesti vse stranke ter države članice in institucije Unije, četudi niso vstopile v postopek pred Sodiščem splošne pristojnosti.

56. ČLEN

Zoper odločbe Sodišča splošne pristojnosti, s katerimi se zaključi postopek, in zoper odločbe tega sodišča s katerimi se zaključi postopek le o delu predmeta postopka ali odločitvam o procesnih vprašanjih glede ugovora nepristojnosti ali nedopustnosti, se lahko pred Sodiščem vloži pritožba v dveh mesecih po uradnem obvestilu o odločbi, ki se izpodbija.

Takšno pritožbo lahko vloži katera koli stranka, ki v celoti ali delno ni uspela s svojim zahtevkom. Tisti, ki so vstopili v postopek, razen držav članic in institucij Unije, pa lahko vložijo takšno pritožbo le, če jih odločba Sodišča splošne pristojnosti neposredno zadeva.

ARTICLE 53

The procedure before the General Court shall be governed by Title III.

Such further and more detailed provisions as may be necessary shall be laid down in its Rules of Procedure. The Rules of Procedure may derogate from the fourth paragraph of Article 40 and from Article 41 in order to take account of the specific features of litigation in the field of intellectual property.

Notwithstanding the fourth paragraph of Article 20, the Advocate-General may make his reasoned submissions in writing.

ARTICLE 54

Where an application or other procedural document addressed to the General Court is lodged by mistake with the Registrar of the Court of Justice, it shall be transmitted immediately by that Registrar to the Registrar of the General Court. Likewise, where an application or other procedural document addressed to the Court of Justice is lodged by mistake with the Registrar of the General Court, it shall be transmitted immediately by that Registrar to the Registrar of the Court of Justice.

Where the General Court finds that it does not have jurisdiction to hear and determine an action in respect of which the Court of Justice has jurisdiction, it shall refer that action to the Court of Justice. Likewise, where the Court of Justice finds that an action falls within the jurisdiction of the General Court, it shall refer that action to the General Court, whereupon that Court may not decline jurisdiction.

Where the Court of Justice and the General Court are seised of cases in which the same relief is sought, the same issue of interpretation is raised or the validity of the same act is called in question, the General Court may, after hearing the parties, stay the proceedings before it until such time as the Court of Justice has delivered judgment, or, where the action is one brought pursuant to Article III-365 of the Constitution or pursuant to Article 146 of the EAEC Treaty, may decline jurisdiction so as to allow the Court of Justice to rule on such actions. In the same circumstances, the Court of Justice may also decide to stay the proceedings before it. In that event, the proceedings before the General Court shall continue.

Where a Member State and an institution are challenging the same act, the General Court shall decline jurisdiction so that the Court of Justice may rule on those applications.

ARTICLE 55

Final decisions of the General Court, decisions disposing of the substantive issues in part only or disposing of a procedural issue concerning a plea of lack of competence or inadmissibility, shall be notified by the Registrar of the General Court to all parties as well as all Member States and the institutions of the Union even if they did not intervene in the case before the General Court.

ARTICLE 56

An appeal may be brought before the Court of Justice, within two months of the notification of the decision appealed against, against final decisions of the General Court and decisions of that Court disposing of the substantive issues in part only or disposing of a procedural issue concerning a plea of lack of competence or inadmissibility.

Such an appeal may be brought by any party which has been unsuccessful, in whole or in part, in its submissions. However, interveners other than the Member States and the institutions of the Union may bring such an appeal only where the decision of the General Court directly affects them.

Razen v zadevah, ki se nanašajo na spore med Unijo in njenimi uslužbenci, lahko pritožbo vložijo tudi države članice in institucije Unije, ki niso vstopile v postopek pred Sodiščem splošne pristojnosti. Te države članice in institucije so v enakem položaju kot države članice ali institucije, ki so vstopile v postopek na prvi stopnji.

57. ČLEN

Vsakdo, čigar vlogo o vstopu v postopek je Sodišče splošne pristojnosti zavrnilo, se lahko v dveh mesecih po uradnem obvestilu o odločbi o zavrnitvi predloga pritoži pred Sodiščem.

Stranke v postopku se lahko pritožijo na Sodišče zoper vse odločbe Sodišča splošne pristojnosti, sprejete na podlagi prvega ali drugega odstavka III-379. člena ali četrtega odstavka III-401. člena Ustave ali člena 157 ali tretjega odstavka člena 164 Pogodbe ESAE, v dveh mesecih po uradnem obvestilu o njih.

O pritožbi iz prvega in drugega odstavka tega člena se odloča v skladu s postopkom iz 39. člena tega statuta.

58. ČLEN

Pritožba na Sodišče je omejena na pravna vprašanja. Lahko se vloži zaradi nepristojnosti Sodišča splošne pristojnosti, zaradi kršitve postopka pred tem sodiščem, ki vpliva na interese pritožnika, pa tudi zaradi kršitve prava Unije s strani Sodišča splošne pristojnosti.

Pritožba ni dovoljena glede stroškov in njihovega zneska.

59. ČLEN

Če je pritožba vložena proti odločbi Sodišča splošne pristojnosti, ima postopek pred Sodiščem pisni in ustni del. Sodišče lahko v skladu s pogoji, določenimi v poslovniku, po izjasnitvi generalnega pravobranilca in potem, ko so stranke o tem zavzele stališče, odloči brez ustnega postopka.

60. ČLEN

Ne glede na prvi in drugi odstavek III-379. člena Ustave in člen 157 Pogodbe ESAE pritožba nima odložilnega učinka.

Ne glede na III-380. člen Ustave začnejo odločbe Sodišča splošne pristojnosti, s katerimi se neki evropski zakon ali evropska uredba, ki je v celoti zavezujoča in se neposredno uporablja v vseh državah članicah, razglasi za nično, učinkovati šele z datumom poteka roka iz prvega odstavka 56. člena tega statuta ali, če je bila v tem roku vložena pritožba, z datumom njene zavrnitve, vendar to ne vpliva na pravico stranke, da skladno s prvim in drugim odstavkom III-379. člena Ustave in členom 157 Pogodbe ESAE pri Sodišču predlaga začasno odložitev učinkov evropskega zakona ali evropske uredbe, ki je bila razglašena za nično, ali za sprejem druge začasne odredbe.

61. ČLEN

Če je pritožba utemeljena, Sodišče razveljavi odločbo Sodišča splošne pristojnosti. Če stanje postopka to dovoljuje, lahko samo dokončno odloči o zadevi ali pa jo vrne v ponovno odločanje Sodišču splošne pristojnosti.

Če je zadeva vrnjena v ponovno odločanje Sodišču splošne pristojnosti, je to sodišče glede pravnih vprašanj vezano na odločbo Sodišča.

With the exception of cases relating to disputes between the Union and its servants, an appeal may also be brought by Member States and institutions of the Union which did not intervene in the proceedings before the General Court. Such Member States and institutions shall be in the same position as Member States or institutions which intervened at first instance.

ARTICLE 57

Any person whose application to intervene has been dismissed by the General Court may appeal to the Court of Justice within two weeks from the notification of the decision dismissing the application.

The parties to the proceedings may appeal to the Court of Justice against any decision of the General Court made pursuant to Article III-379(1) or (2) or the fourth paragraph of Article III-401 of the Constitution, or Article 157 or the third paragraph of Article 164 of the EAEC Treaty, within two months from their notification.

The appeal referred to in the first two paragraphs shall be heard and determined under the procedure referred to in Article 39.

ARTICLE 58

An appeal to the Court of Justice shall be limited to points of law. It shall lie on the grounds of lack of competence of the General Court, a breach of procedure before it which adversely affects the interests of the appellant as well as the infringement of Union law by the General Court.

No appeal shall lie regarding only the amount of the costs or the party ordered to pay them.

ARTICLE 59

Where an appeal is brought against a decision of the General Court, the procedure before the Court of Justice shall consist of a written part and an oral part. In accordance with conditions laid down in the Rules of Procedure, the Court of Justice, having heard the Advocate-General and the parties, may dispense with the oral procedure.

ARTICLE 60

Without prejudice to Article III-379(1) and (2) of the Constitution or Article 157 of the EAEC Treaty, an appeal shall not have suspensory effect.

By way of derogation from Article III-380 of the Constitution, decisions of the General Court declaring a European law or European regulation binding in its entirety and directly applicable in all Member States to be void shall take effect only as from the date of expiry of the period referred to in the first paragraph of Article 56 of this Statute or, if an appeal shall have been brought within that period, as from the date of dismissal of the appeal, without prejudice, however, to the right of a party to apply to the Court of Justice, pursuant to Article III-379(1) and (2) of the Constitution, and Article 157 of the EAEC Treaty for the suspension of the effects of the European law or European regulation which has been declared void or for the prescription of any other interim measure.

ARTICLE 61

If the appeal is well founded, the Court of Justice shall quash the decision of the General Court. It may itself give final judgment in the matter, where the state of the proceedings so permits, or refer the case back to the General Court for judgment.

Where a case is referred back to the General Court, that Court shall be bound by the decision of the Court of Justice on points of law.

Če je pritožba, ki jo vložita država članica ali institucija Unije, ki se nista vstopili v postopek pred Sodiščem splošne pristojnosti, utemeljena, lahko Sodišče, če meni, da je to potrebno, navede, kateri učinki razveljavljene odločbe Sodišča splošne pristojnosti naj se za stranke v postopku štejejo za dokončne.

When an appeal brought by a Member State or an institution of the Union, which did not intervene in the proceedings before the General Court, is well founded, the Court of Justice may, if it considers this necessary, state which of the effects of the decision of the General Court which has been quashed shall be considered as definitive in respect of the parties to the litigation.

62. ČLEN

Če v primerih iz prvega in tretjega odstavka III-358. člena Ustave prvi generalni pravobranilec meni, da obstaja resna nevarnost za enotnost ali doslednost prava Unije, lahko predlaga, da Sodišče preuči odločitev Sodišča splošne pristojnosti.

Predlog mora biti vložen v roku enega meseca po razglasitvi odločbe Sodišča splošne pristojnosti. V enem mesecu po prejemu predloga prvega generalnega pravobranilca Sodišče odloči, ali je treba odločitev ponovno preučiti ali ne.

ARTICLE 62

In the cases provided for in Article III-358(2) and (3) of the Constitution, where the First Advocate-General considers that there is a serious risk of the unity or consistency of Union law being affected, he may propose that the Court of Justice review the decision of the General Court.

The proposal must be made within one month of delivery of the decision by the General Court. Within one month of receiving the proposal made by the First Advocate-General, the Court of Justice shall decide whether or not the decision should be reviewed.

V. NASLOV

KONČNE DOLOČBE

TITLE V

FINAL PROVISIONS

63. ČLEN

Poslovnika Sodišča in Sodišča splošne pristojnosti vsebujeta vse določbe, ki so potrebne za uporabo in po potrebi za dopolnitev tega statuta.

ARTICLE 63

The Rules of Procedure of the Court of Justice and of the General Court shall contain any provisions necessary for applying and, where required, supplementing this Statute.

64. ČLEN

Pravila, ki urejajo vprašanje jezikov na Sodišču Evropske unije, se določijo z evropsko uredbo, ki jo sprejme Svet soglasno. Ta uredba se sprejme bodisi na predlog Sodišča in po posvetovanju s Komisijo in Evropskim parlamentom ali na predlog Komisije in po posvetovanju s Sodiščem in Evropskim parlamentom.

Dokler se ta pravila ne sprejmejo, se uporabljajo določbe poslovnika Sodišča in poslovnika Sodišča splošne pristojnosti o ureditvi vprašanja jezikov. Ne glede na III-355. in III-366. člen Ustave se te določbe lahko spremenijo ali razveljavijo le s soglasno odobritvijo Sveta.

ARTICLE 64

The rules governing the language arrangements applicable at the Court of Justice of the European Union shall be laid down by a European regulation of the Council acting unanimously. This regulation shall be adopted either at the request of the Court of Justice and after consultation of the Commission and the European Parliament, or on a proposal from the Commission and after consultation of the Court of Justice and of the European Parliament.

Until those rules have been adopted, the provisions of the Rules of Procedure of the Court of Justice and of the Rules of Procedure of the General Court governing language arrangements shall apply. By way of derogation from Articles III-355 and III-356 of the Constitution, those provisions may only be amended or repealed with the unanimous consent of the Council.

65. ČLEN

(1) Ne glede na IV-437. člen Ustave vse spremembe Protokola o Statutu Sodišča, ki je priloga k Pogodbi o Evropski uniji, k Pogodbi o ustanovitvi Evropske skupnosti in k Pogodbi ESAE, sprejete med podpisom Pogodbe o Ustavi za Evropo in začetkom njene veljavnosti, ostanejo v veljavi.

(2) Spremembe iz prejšnjega odstavka se zato, da bi jih vključili v besedilo tega statuta, uradno kodificirajo z evropskim zakonom Sveta, ki se sprejme na zahtevo Sodišča. Ko začne ta kodifikacijski evropski zakon veljati, se ta člen razveljavi.

ARTICLE 65

1. By way of derogation from Article IV-437 of the Constitution, any amendment to the Protocol on the Statute of the Court of Justice, annexed to the Treaty on European Union, to the Treaty establishing the European Community and to the EAEC Treaty, which is adopted between the signing and the entry into force of the Treaty establishing a Constitution for Europe, shall remain in force.

2. In order to incorporate them into the enacting terms of this Statute, the amendments referred to in paragraph 1 shall be subject to official codification by a European law of the Council, adopted at the request of the Court of Justice. When such codifying European law enters into force, this Article shall be repealed.

4. PROTOKOL
O STATUTU EVROPSKEGA SISTEMA CENTRALNIH BANK IN EVROPSKE CENTRALNE BANKE

VISOKE POGODBENICE SO SE –

Z ŽELJO oblikovati statut Evropskega sistema centralnih bank in Evropske centralne banke, predviden v I-30. členu in drugem odstavku III-187. člena Ustave –

DOGOVORILE o naslednjih določbah, priloženih Pogodbi o Ustavi za Evropo:

I. POGLAVJE
EVROPSKI SISTEM CENTRALNIH BANK

1. ČLEN
Evropski sistem centralnih bank

(1) V skladu s prvim odstavkom I-30. člena Ustave Evropska centralna banka in nacionalne centralne banke sestavljajo Evropski sistem centralnih bank. Evropska centralna banka in nacionalne centralne banke držav članic, katerih valuta je euro, sestavljajo Eurosistem.

(2) Evropski sistem centralnih bank in Evropska centralna banka svoje naloge in dejavnosti opravljata v skladu z Ustavo in tem statutom.

II. POGLAVJE
CILJI IN NALOGE EVROPSKEGA SISTEMA CENTRALNIH BANK

2. ČLEN
Cilji

V skladu z drugim odstavkom I-30. člena in prvim odstavkom III-185. člena Ustave je poglavitni cilj Evropskega sistema centralnih bank ohranjanje stabilnosti cen. Ne glede na ta cilj Evropski sistem centralnih bank podpira splošne ekonomske politike v Uniji z namenom prispevati k doseganju ciljev Unije, opredeljenih v I-3. členu Ustave. Evropski sistem centralnih bank ravna po načelu odprtega tržnega gospodarstva s svobodno konkurenco, pri čemer daje prednost učinkovitemu razporejanju virov, in v skladu z načeli iz III-177. člena Ustave.

3. ČLEN
Naloge

(1) V skladu z drugim odstavkom III-185. člena Ustave so temeljne naloge Evropskega sistema centralnih bank:

a) opredeliti in izvajati denarno politiko Unije;

b) opravljati devizne posle v skladu s III-326. členom Ustave;

c) imeti in upravljati uradne devizne rezerve držav članic;

d) podpirati nemoteno delovanje plačilnih sistemov.

(2) V skladu s tretjim odstavkom III-185. člena Ustave točka c) prejšnjega odstavka ne vpliva na to, da imajo vlade držav članic operativna devizna sredstva in da jih upravljajo.

(3) V skladu s petim odstavkom III-185. člena Ustave Evropski sistem centralnih bank prispeva k nemotenemu vodenju politik pristojnih organov glede bonitetnega nadzora kreditnih institucij in stabilnosti finančnega sistema.

4. PROTOCOL
ON THE STATUTE OF THE EUROPEAN SYSTEM OF CENTRAL BANKS AND OF THE EUROPEAN CENTRAL BANK

THE HIGH CONTRACTING PARTIES,

DESIRING to lay down the Statute of the European System of Central Banks and of the European Central Bank provided for in Articles I-30 and III-187(2) of the Constitution,

HAVE AGREED upon the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe:

CHAPTER I
THE EUROPEAN SYSTEM OF CENTRAL BANKS

ARTICLE 1
The European System of Central Banks

1. In accordance with Article I-30(1) of the Constitution, the European Central Bank and the national central banks shall constitute the European System of Central Banks. The European Central Bank and the national central banks of those Member States whose currency is the euro shall constitute the Eurosystem.

2. The European System of Central Banks and the European Central Bank shall perform their tasks and carry on their activities in accordance with the Constitution and this Statute.

CHAPTER II
OBJECTIVES AND TASKS OF THE EUROPEAN SYSTEM OF CENTRAL BANKS

ARTICLE 2
Objectives

In accordance with Articles I-30(2) and III-185(1) of the Constitution, the primary objective of the European System of Central Banks shall be to maintain price stability. Without prejudice to that objective, it shall support the general economic policies in the Union in order to contribute to the achievement of the latter's objectives as laid down in Article I-3 of the Constitution. The European System of Central Banks shall act in accordance with the principle of an open market economy with free competition, favouring an efficient allocation of resources, and in compliance with the principles set out in Article III-177 of the Constitution.

ARTICLE 3
Tasks

1. In accordance with Article III-185(2) of the Constitution, the basic tasks to be carried out through the European System of Central Banks shall be:

(a) to define and implement the Union's monetary policy;

(b) to conduct foreign-exchange operations consistent with Article III-326 of the Constitution;

(c) to hold and manage the official foreign reserves of the Member States;

(d) to promote the smooth operation of payment systems.

2. In accordance with Article III-185(3) of the Constitution, paragraph 1(c) of this Article shall be without prejudice to the holding and management by the governments of Member States of foreign-exchange working balances.

3. In accordance with Article III-185(5) of the Constitution, the European System of Central Banks shall contribute to the smooth conduct of policies pursued by the competent authorities relating to the prudential supervision of credit institutions and the stability of the financial system.

4. ČLEN

Svetovalne funkcije

V skladu s četrtim odstavkom III-185. člena Ustave se Evropsko centralno banko zaprosi, da svetuje:

a) glede vseh predlaganih aktov Unije na področjih v okviru njenih pooblastil;

b) nacionalnim organom glede vseh osnutkov zakonodajnih predpisov na področjih iz njene pristojnosti, vendar v mejah in pod pogoji, ki jih Svet določi v skladu s postopkom iz 41. člena tega statuta.

Evropska centralna banka lahko ustreznim institucijam, organom, uradom ali agencijam Unije ali nacionalnim organom predloži mnenja o zadevah s področij v okviru njenih pooblastil.

ARTICLE 4

Advisory functions

In accordance with Article III-185(4) of the Constitution, the European Central Bank shall be consulted:

(a) on any proposed Union act in areas within its powers;

(b) by national authorities regarding any draft legislative provision in its fields of competence, but within the limits and under the conditions set out by the Council in accordance with the procedure laid down in Article 41;

The European Central Bank may submit opinions to the Union institutions, bodies, offices or agencies or to national authorities on matters within its powers.

5. ČLEN

Zbiranje statističnih informacij

(1) Za izpolnjevanje nalog Evropskega sistema centralnih bank Evropska centralna banka ob pomoči nacionalnih centralnih bank zbira potrebne statistične informacije od pristojnih nacionalnih organov ali neposredno od gospodarskih subjektov. V ta namen sodeluje z institucijami, organi, uradi ali agencijami Unije in s pristojnimi organi držav članic ali tretjih držav ter z mednarodnimi organizacijami.

(2) Nacionalne centralne banke izvajajo naloge iz prejšnjega odstavka, kolikor je najbolj mogoče.

(3) Kadar je to potrebno, Evropska centralna banka prispeva k usklajevanju pravil in običajnih postopkov glede zbiranja, urejanja in razpošiljanja statističnih podatkov s področij v okviru njenih pooblastil.

(4) Svet v skladu s postopkom iz 41. člena tega statuta opredeli fizične in pravne osebe, ki so obvezane poročati, pravila o zaupnosti in ustrezne izvršilne določbe.

ARTICLE 5

Collection of statistical information

1. In order to undertake the tasks of the European System of Central Banks, the European Central Bank, assisted by the national central banks, shall collect the necessary statistical information either from the competent national authorities or directly from economic agents. For these purposes it shall cooperate with Union institutions, bodies, offices or agencies and with the competent authorities of the Member States or third countries and with international organisations.

2. The national central banks shall carry out, to the extent possible, the tasks referred to in paragraph 1.

3. The European Central Bank shall contribute to the harmonisation, where necessary, of the rules and practices governing the collection, compilation and distribution of statistics in the areas within its powers.

4. The Council, in accordance with the procedure laid down in Article 41, shall define the natural and legal persons subject to reporting requirements, the confidentiality regime and the appropriate provisions for enforcement.

6. ČLEN

Mednarodno sodelovanje

(1) Na področju mednarodnega sodelovanja, ki vključuje naloge, zaupane Evropskemu sistemu centralnih bank, Evropska centralna banka odloča o načinu zastopanosti Evropskega sistema centralnih bank.

(2) Evropska centralna banka in nacionalne centralne banke, če jim Evropska centralna banka to odobri, lahko sodelujejo v mednarodnih denarnih institucijah.

(3) Prvi in drugi odstavek tega člena ne vplivata na III-196. člen Ustave.

ARTICLE 6

International cooperation

1. In the field of international cooperation involving the tasks entrusted to the European System of Central Banks, the European Central Bank shall decide how the European System of Central Banks shall be represented.

2. The European Central Bank and, subject to its approval, the national central banks may participate in international monetary institutions.

3. Paragraphs 1 and 2 shall be without prejudice to Article III-196 of the Constitution.

III. POGLAVJE

ORGANIZACIJA EVROPSKEGA SISTEMA CENTRALNIH BANK

7. ČLEN

Neodvisnost

V skladu s III-188. členom Ustave ne smejo niti Evropska centralna banka niti nacionalne centralne banke, pa tudi noben član njihovih organov odločanja pri izvajanju pooblastil ter opravljanju nalog in dolžnosti po Ustavi in tem statutu zahtevati ali sprejemati navodil od institucij, organov, uradov ali agencij Unije, vlad držav članic ali katerih koli drugih organov. Institucije, organi, uradi ali agencije Unije ter vlade držav članic se obvezujejo, da bodo to načelo spoštovali in ne bodo poskušali vplivati na člane organov odločanja Evropske centralne banke ali nacionalnih centralnih bank pri opravljanju njihovih nalog.

CHAPTER III

ORGANISATION OF THE EUROPEAN SYSTEM OF CENTRAL BANKS

ARTICLE 7

Independence

In accordance with Article III-188 of the Constitution, when exercising the powers and carrying out the tasks and duties conferred upon them by the Constitution and this Statute, neither the European Central Bank, nor a national central bank, nor any member of their decision-making bodies shall seek or take instructions from Union institutions, bodies, offices or agencies, from any government of a Member State or from any other body. The Union institutions, bodies, offices and agencies and the governments of the Member States undertake to respect this principle and not to seek to influence the members of the decision-making bodies of the European Central Bank or of the national central banks in the performance of their tasks.

8. ČLEN

Splošno načelo

Evropski sistem centralnih bank vodijo organi odločanja Evropske centralne banke.

9. ČLEN

Evropska centralna banka

(1) Evropska centralna banka, ki ima v skladu s tretjim odstavkom I-30. člena Ustave pravno osebnost, ima v vsaki državi članici kar najširšo pravno in poslovno sposobnost, ki jo pravnim osebam priznava nacionalna zakonodaja. Zlasti lahko banka pridobiva premičnine in nepremičnine ali z njimi razpolaga ter je lahko stranka v sodnem postopku.

(2) Evropska centralna banka zagotovi, da se naloge, ki jih ima Evropski sistem centralnih bank po drugem, tretjem in petem odstavku III-185. člena Ustave, izvajajo z njeno lastno dejavnostjo v skladu s tem statutom ali prek nacionalnih centralnih bank v skladu s prvim odstavkom 12. člena in 14. členom tega statuta.

(3) V skladu s prvim odstavkom III-187. člena Ustave sta organa odločanja Evropske centralne banke Svet Evropske centralne banke in Izvršilni odbor.

10. ČLEN

Svet Evropske centralne banke

(1) V skladu s prvim odstavkom III-382. člena Ustave sestavljajo Svet Evropske centralne banke člani Izvršilnega odbora Evropske centralne banke in guvernerji nacionalnih centralnih bank držav članic brez posebne ureditve iz III-197. člena Ustave.

(2) Vsak član Sveta Evropske centralne banke ima en glas. Od dne, ko število članov Sveta Evropske centralne banke preseže 21, ima vsak član Izvršilnega odbora en glas in je število guvernerjev z glasovalno pravico 15. Te glasovalne pravice se dodelijo in rotirajo na naslednji način:

a) od dne, ko število guvernerjev preseže 15 in dokler ne doseže števila 22, so guvernerji razdeljeni v dve skupini glede na razvrstitev velikosti deleža države članice zadevne nacionalne centralne banke v agregatnem bruto domačem proizvodu po tržnih cenah in v skupni agregatni bilanci stanja denarnih finančnih institucij držav članic, katerih valuta je euro. Deleži v agregatnem bruto domačem proizvodu po tržnih cenah oziroma v skupni zbirni bilanci stanja denarnih finančnih institucij so ponderirani s 5/6 oziroma z 1/6. Prvo skupino sestavlja pet guvernerjev in drugo skupino preostali guvernerji. Pogostost glasovalnih pravic guvernerjev, razporejenih v prvo skupino, ne sme biti manjša od pogostosti glasovalnih pravic guvernerjev druge skupine. Ob upoštevanju prejšnjega stavka se prvi skupini dodelijo štiri glasovalne pravice in drugi skupini enajst glasovalnih pravic;

b) od dne, ko število guvernerjev doseže 22, so guvernerji razdeljeni v tri skupine skladno z razvrstitvijo na podlagi meril, ki jih določa točka a) tega odstavka. Prvo skupino sestavlja pet guvernerjev in se ji dodelijo štiri glasovalne pravice. Drugo skupino sestavlja polovica skupnega števila guvernerjev, pri čemer se deli zaokrožijo navzgor na najbližje celo število, in se ji dodeli osem glasovalnih pravic. Tretjo skupino sestavljajo preostali guvernerji in se ji dodeli tri glasovalne pravice;

c) v vsaki posamezni skupini imajo guvernerji glasovalne pravice enako dolgo;

ARTICLE 8

General principle

The European System of Central Banks shall be governed by the decision-making bodies of the European Central Bank.

ARTICLE 9

The European Central Bank

1. The European Central Bank, which, in accordance with Article I-30(3) of the Constitution, has legal personality, shall enjoy in each of the Member States the most extensive legal capacity accorded to legal persons under its law. It may, in particular, acquire or dispose of movable and immovable property and may be a party to legal proceedings.

2. The European Central Bank shall ensure that the tasks conferred upon the European System of Central Banks under Article III-185(2), (3) and (5) of the Constitution are implemented either by itself pursuant to this Statute or through the national central banks pursuant to Article 12(1) and Article 14.

3. In accordance with Article III-187(1) of the Constitution, the decision-making bodies of the European Central Bank shall be the Governing Council and the Executive Board.

ARTICLE 10

The Governing Council

1. In accordance with Article III-382(1) of the Constitution, the Governing Council shall comprise the members of the Executive Board of the European Central Bank and the Governors of the national central banks of the Member States without a derogation as referred to in Article III-197 of the Constitution.

2. Each member of the Governing Council shall have one vote. As from the date on which the number of members of the Governing Council exceeds 21, each member of the Executive Board shall have one vote and the number of governors with a voting right shall be 15. The latter voting rights shall be assigned and shall rotate as follows:

(a) as from the date on which the number of governors exceeds 15 and until it reaches 22, the governors shall be allocated to two groups, according to a ranking of the size of the share of their national central bank's Member State in the aggregate gross domestic product at market prices and in the total aggregated balance sheet of the monetary financial institutions of the Member States whose currency is the euro. The shares in the aggregate gross domestic product at market prices and in the total aggregated balance sheet of the monetary financial institutions shall be assigned weights of 5/6 and 1/6, respectively. The first group shall be composed of five governors and the second group of the remaining governors. The frequency of voting rights of the governors allocated to the first group shall not be lower than the frequency of voting rights of those of the second group. Subject to the previous sentence, the first group shall be assigned four voting rights and the second group eleven voting rights;

(b) as from the date on which the number of governors reaches 22, the governors shall be allocated to three groups according to a ranking based on the criteria laid down in (a). The first group shall be composed of five governors and shall be assigned four voting rights. The second group shall be composed of half of the total number of governors, with any fraction rounded up to the nearest integer, and shall be assigned eight voting rights. The third group shall be composed of the remaining governors and shall be assigned three voting rights;

(c) within each group, the governors shall have their voting rights for equal amounts of time;

d) za izračun deležev v agregatnem bruto domačem proizvodu po tržnih cenah se uporabi drugi odstavek 29. člena tega statuta. Skupna agregatna bilanca stanja denarnih finančnih institucij se izračuna v skladu s statističnim okvirom, ki se v Uniji uporablja v času izračuna;

e) če se agregatni bruto domači proizvod po tržnih cenah prilagodi v skladu s tretjim odstavkom 29. člena tega statuta, ali če se poveča število guvernerjev, se v skladu z načeli, ki jih določa ta pododstavek, prilagodi velikost in/ali sestava skupin;

f) Svet Evropske centralne banke, ki odloča z dvotretjinsko večino vseh svojih članov z ali brez glasovalne pravice, sprejme vse ukrepe, potrebne za uresničevanje načel, ki jih določa ta pododstavek, in lahko odloči, da se začetek sistema rotacije preloži do datuma, ko število guvernerjev preseže 18.

Pravica do glasovanja se uresničuje osebno. Ne glede na to pravilo je lahko v poslovniku iz tretjega odstavka 12. člena tega statuta določeno, da lahko člani Sveta Evropske centralne banke glasujejo po telekonferenci. Ta poslovnik tudi določa, da lahko član Sveta Evropske centralne banke, ki daljši čas ne more biti navzoč na sejah Sveta Evropske centralne banke, imenuje namestnika kot člana Sveta Evropske centralne banke.

Določbe prvega in drugega pododstavka tega odstavka ne vplivajo na glasovalne pravice vseh članov Sveta Evropske centralne banke z ali brez glasovalne pravice po tretjem odstavku in drugem in tretjem odstavku 40. člena tega statuta. Če v tem statutu ni določeno drugače, Svet Evropske centralne banke odloča z navadno večino članov, ki imajo glasovalno pravico. Pri neodločenem izidu glasovanja ima predsednik odločilni glas.

Svet Evropske centralne banke je sklepčen, če sta navzoči dve tretjini članov, ki imajo glasovalno pravico. Če svet ni sklepčen, lahko predsednik skliče izredno sejo, na kateri se odločitve sprejmejo ne glede na sklepčnost.

(3) Za vse odločitve, ki se sprejemajo v skladu z 28., 29., 30., 32., 33. in 49. členom tega statuta, se glasovi v Svetu Evropske centralne banke ponderirajo v skladu z deležem nacionalnih centralnih bank v vpisanem kapitalu Evropske centralne banke. Vrednost ponderjev, ki jih imajo glasovi članov Izvršilnega odbora, je enaka nič. Odločitev, za katero je potrebna kvalificirana večina, je sprejeta, če glasovi, oddani v njeno podporo, zastopajo vsaj dve tretjini vpisanega kapitala Evropske centralne banke in vsaj polovico delničarjev. Guverner, ki ne more biti navzoč, lahko imenuje namestnika, da odda njegov ponderirani glas.

(4) Seje so tajne. Svet Evropske centralne banke se lahko odloči, da rezultate svojih posvetovanj objavi.

(5) Svet Evropske centralne banke se sestane vsaj desetkrat na leto.

11. ČLEN

Izvršilni odbor

(1) V skladu s prvim pododstavkom drugega odstavka III-382. člena Ustave sestavljajo Izvršilni odbor predsednik, podpredsednik in štirje drugi člani.

Člani opravljajo svoje naloge polni delovni čas. Člani ne smejo opravljati nobene druge poklicne dejavnosti, bodisi pridobitne ali nepridobitne, razen če to izjemoma odobri Svet Evropske centralne banke.

(2) V skladu z drugim odstavkom III-382. člena Ustave predsednika, podpredsednika in druge člane Izvršilnega odbora imenuje Evropski svet s kvalificirano večino, na priporočilo Sveta, po predhodnem posvetovanju z Evropskim parlamentom in Svetom Evropske centralne banke med osebami, ki imajo ugled in poklicne izkušnje na denarnem ali bančnem področju.

(d) for the calculation of the shares in the aggregate gross domestic product at market prices Article 29(2) shall apply. The total aggregated balance sheet of the monetary financial institutions shall be calculated in accordance with the statistical framework applying in the Union at the time of the calculation;

(e) whenever the aggregate gross domestic product at market prices is adjusted in accordance with Article 29(3), or whenever the number of governors increases, the size and/or composition of the groups shall be adjusted in accordance with the principles laid down in this subparagraph;

(f) the Governing Council, acting by a two-thirds majority of all its members, with and without a voting right, shall take all measures necessary for the implementation of the principles laid down in this subparagraph and may decide to postpone the start of the rotation system until the date on which the number of governors exceeds 18.

The right to vote shall be exercised in person. By way of derogation from this rule, the Rules of Procedure referred to in Article 12(3) may lay down that members of the Governing Council may cast their vote by means of teleconferencing. These Rules shall also provide that a member of the Governing Council who is prevented from attending meetings of the Governing Council for a prolonged period may appoint an alternate as a member of the Governing Council.

The first and second subparagraphs are without prejudice to the voting rights of all members of the Governing Council, with and without a voting right, under paragraph 3 and Article 40(2) and (3). Save as otherwise provided for in this Statute, the Governing Council shall act by a simple majority of the members having a voting right. In the event of a tie, the President shall have the casting vote.

In order for the Governing Council to vote, there shall be a quorum of two thirds of the members having a voting right. If the quorum is not met, the President may convene an extraordinary meeting at which decisions may be taken without regard to the quorum.

3. For any decisions to be taken under Articles 28, 29, 30, 32, 33 and 49, the votes in the Governing Council shall be weighted according to the national central banks' shares in the subscribed capital of the European Central Bank. The weighting of the votes of the members of the Executive Board shall be zero. A decision requiring a qualified majority shall be adopted if the votes cast in favour represent at least two thirds of the subscribed capital of the European Central Bank and represent at least half of the shareholders. If a Governor is unable to be present, he may nominate an alternate to cast his weighted vote.

4. The proceedings of the meetings shall be confidential. The Governing Council may decide to make the outcome of its deliberations public.

5. The Governing Council shall meet at least ten times a year.

ARTICLE 11

The Executive Board

1. In accordance with the first subparagraph of Article III-382(2) of the Constitution, the Executive Board shall comprise the President, the Vice-President and four other members.

The members shall perform their duties on a full-time basis. No member shall engage in any occupation, whether gainful or not, unless exemption is exceptionally granted by the Governing Council.

2. In accordance with Article III-382(2) of the Constitution, the President, the Vice-President and the other members of the Executive Board shall be appointed by the European Council, acting by a qualified majority, from among persons of recognised standing and professional experience in monetary or banking matters, on a recommendation from the Council and after consulting the European Parliament and the Governing Council.

Mandat članov je osem let in ne morejo biti ponovno imenovani.

Samo državljani držav članic so lahko člani Izvršilnega odbora.

(3) Pogoji za zaposlitev članov Izvršilnega odbora, zlasti njihove plače, pokojnine in drugi prejemki socialne varnosti, so predmet pogodb z Evropsko centralno banko in jih določi Svet Evropske centralne banke na predlog odbora, sestavljenega iz treh članov, ki jih imenuje Svet Evropske centralne banke, in treh članov, ki jih imenuje Svet. Člani Izvršilnega odbora nimajo pravice glasovati o zadevah iz tega odstavka.

(4) Če član Izvršilnega odbora ne izpolnjuje več pogojev za opravljanje svojih dolžnosti ali če je zagrešil hujšo kršitev, ga lahko Sodišče na predlog Sveta Evropske centralne banke ali Izvršilnega odbora razreši.

(5) Vsi osebno navzoči člani Izvršilnega odbora imajo pravico glasovati in imajo v ta namen en glas. Če ni določeno drugače, odloča Izvršilni odbor z navadno večino oddanih glasov. Pri neodločenem izidu glasovanja ima predsednik odločilni glas. Način glasovanja je določen v poslovniku iz tretjega odstavka 12. člena tega statuta.

(6) Izvršilni odbor je odgovoren za tekoče poslovanje Evropske centralne banke.

(7) Prosto mesto v Izvršilnem odboru se zapolni z imenovanjem novega člana v skladu z drugim odstavkom tega člena.

12. ČLEN

Odgovornosti organov odločanja

(1) Svet Evropske centralne banke sprejema smernice in odločitve, potrebne za izvajanje nalog, ki so zaupane Evropskemu sistemu centralnih bank v skladu z Ustavo in tem statutom. Svet Evropske centralne banke oblikuje denarno politiko Unije, ki po potrebi vključuje, odločitve glede bližnjih denarnih ciljev, ključnih obrestnih mer in zagotavljanja rezerv v Evropskem sistemu centralnih bank, ter oblikuje potrebne smernice za njihovo izvajanje.

Izvršilni odbor izvaja denarno politiko v skladu s smernicami in odločitvami, ki jih sprejme Svet Evropske centralne banke. Pri tem Izvršilni odbor daje potrebna navodila nacionalnim centralnim bankam. Poleg tega lahko Izvršilni odbor dobi nekatera prenesena pooblastila, kadar Svet Evropske centralne banke tako odloči.

Kolikor je možno in ustrezno ter ne glede na določbe tega člena naloži Evropska centralna banka nacionalnim centralnim bankam opravljanje poslov, ki so sestavni del nalog Evropskega sistema centralnih bank.

(2) Izvršilni odbor je odgovoren za pripravo sej Sveta Evropske centralne banke.

(3) Svet Evropske centralne banke sprejme poslovnik, ki določa notranjo organizacijo Evropske centralne banke in njenih organov odločanja.

(4) Svet Evropske centralne banke opravlja svetovalne funkcije iz 4. člena tega statuta.

(5) Svet Evropske centralne banke sprejema odločitve iz 6. člena tega statuta.

13. ČLEN

Predsednik

(1) Predsednik ali v njegovi odsotnosti podpredsednik predseduje Svetu Evropske centralne banke in Izvršilnemu odboru Evropske centralne banke.

(2) Ne glede na določbe 38. člena tega statuta predsednik ali oseba, ki jo imenuje predsednik, zastopa Evropsko centralno banko navzven.

Their term of office shall be eight years and shall not be renewable.

Only nationals of Member States may be members of the Executive Board.

3. The terms and conditions of employment of the members of the Executive Board, in particular their salaries, pensions and other social security benefits shall be the subject of contracts with the European Central Bank and shall be fixed by the Governing Council on a proposal from a Committee comprising three members appointed by the Governing Council and three members appointed by the Council. The members of the Executive Board shall not have the right to vote on matters referred to in this paragraph.

4. If a member of the Executive Board no longer fulfils the conditions required for the performance of his duties or if he has been guilty of serious misconduct, the Court of Justice may, on application by the Governing Council or the Executive Board, compulsorily retire him.

5. Each member of the Executive Board present in person shall have the right to vote and shall have, for that purpose, one vote. Save as otherwise provided, the Executive Board shall act by a simple majority of the votes cast. In the event of a tie, the President shall have the casting vote. The voting arrangements shall be specified in the Rules of Procedure referred to in Article 12(3).

6. The Executive Board shall be responsible for the current business of the European Central Bank.

7. Any vacancy on the Executive Board shall be filled by the appointment of a new member in accordance with paragraph 2.

ARTICLE 12

Responsibilities of the decision-making bodies

1. The Governing Council shall adopt the guidelines and take the decisions necessary to ensure the performance of the tasks entrusted to the European System of Central Banks under the Constitution and this Statute. The Governing Council shall formulate the monetary policy of the Union including, as appropriate, decisions relating to intermediate monetary objectives, key interest rates and the supply of reserves in the European System of Central Banks, and shall establish the necessary guidelines for their implementation.

The Executive Board shall implement monetary policy in accordance with the guidelines and decisions laid down by the Governing Council. In doing so the Executive Board shall give the necessary instructions to national central banks. In addition the Executive Board may have certain powers delegated to it where the Governing Council so decides.

To the extent deemed possible and appropriate and without prejudice to the provisions of this Article, the European Central Bank shall have recourse to the national central banks to carry out operations which form part of the tasks of the European System of Central Banks.

2. The Executive Board shall have responsibility for the preparation of meetings of the Governing Council.

3. The Governing Council shall adopt Rules of Procedure which determine the internal organisation of the European Central Bank and its decision-making bodies.

4. The Governing Council shall exercise the advisory functions referred to in Article 4.

5. The Governing Council shall take the decisions referred to in Article 6.

ARTICLE 13

The President

1. The President or, in his absence, the Vice-President shall chair the Governing Council and the Executive Board of the European Central Bank.

2. Without prejudice to Article 38, the President or his nominee shall represent the European Central Bank externally.

14. ČLEN

Nacionalne centralne banke

(1) V skladu s III-189. členom Ustave vsaka država članica zagotovi, da je njena nacionalna zakonodaja, vključno s statutom nacionalne centralne banke, združljiva z Ustavo in tem statutom.

(2) V statutih nacionalnih centralnih bank se zlasti določi, da mandat guvernerja nacionalne centralne banke ni krajši od petih let.

Guverner je lahko razrešen funkcije le, če ne izpolnjuje več pogojev, ki se zahtevajo za opravljanje njegovih dolžnosti, ali če je zagrešil hujšo kršitev. Zadevni guverner ali Svet Evropske centralne banke lahko zaradi kršitve Ustave ali katerega koli pravnega pravila o njeni uporabi takšno odločitev predloži Sodišču. Tak postopek se mora sprožiti v roku dveh mesecev od objave odločitve ali njenega uradnega obvestila tožniku, če tega ni bilo, pa od dne, ko je zanjo izvedel.

(3) Nacionalne centralne banke so sestavni del Evropskega sistema centralnih bank in delujejo v skladu s smernicami in navodili Evropske centralne banke. Svet Evropske centralne banke stori vse potrebno za zagotovitev upoštevanja smernic in navodil Evropske centralne banke ter zahteva, da se mu dajo vse potrebne informacije.

(4) Nacionalne centralne banke lahko opravljajo tudi funkcije, ki niso navedene v tem statutu, razen če Svet Evropske centralne banke z dvotretjinsko večino oddanih glasov ugotovi, da so te funkcije v nasprotju s cilji in nalogami Evropskega sistema centralnih bank. Te funkcije, ki jih nacionalne centralne banke izvajajo na lastno odgovornost in zanje same jamčijo, ne veljajo za sestavni del funkcij Evropskega sistema centralnih bank.

15. ČLEN

Obveznosti poročanja

(1) Evropska centralna banka pripravlja in objavlja poročila o dejavnostih Evropskega sistema centralnih bank najmanj četrtletno.

(2) Vsak teden se objavi konsolidirani računovodski izkaz Evropskega sistema centralnih bank.

(3) V skladu s tretjim odstavkom III-383. člena Ustave Evropska centralna banka naslovi letno poročilo o dejavnostih Evropskega sistema centralnih bank ter o denarni politiki preteklega in tekočega leta na Evropski parlament, Evropski svet, Svet in Komisijo.

(4) Poročila in izkazi iz tega člena so vsem zainteresiranim strankam na voljo brezplačno.

16. ČLEN

Bankovci

V skladu s prvim odstavkom III-186. člena Ustave ima Svet Evropske centralne banke izključno pravico odobriti izdajanje eurobankovcev v Uniji. Bankovce lahko izdajajo Evropska centralna banka in nacionalne centralne banke. Samo bankovci, ki jih izdajajo Evropska centralna banka in nacionalne centralne banke, so zakonito plačilno sredstvo v Uniji.

Evropska centralna banka, kolikor je najbolj mogoče, upošteva obstoječe postopke glede izdajanja in oblikovanja bankovcev.

ARTICLE 14

National central banks

1. In accordance with Article III-189 of the Constitution, each Member State shall ensure that its national legislation, including the statutes of its national central bank, is compatible with the Constitution and this Statute.

2. The statutes of the national central banks shall, in particular, provide that the term of office of a Governor of a national central bank shall be no less than five years.

A Governor may be relieved from office only if he no longer fulfils the conditions required for the performance of his duties or if he has been guilty of serious misconduct. A decision to this effect may be referred to the Court of Justice by the Governor concerned or the Governing Council on grounds of infringement of the Constitution or of any rule of law relating to its application. Such proceedings shall be instituted within two months of the publication of the decision or of its notification to the plaintiff or, in the absence thereof, of the day on which it came to the knowledge of the latter, as the case may be.

3. The national central banks are an integral part of the European System of Central Banks and shall act in accordance with the guidelines and instructions of the European Central Bank. The Governing Council shall take the necessary steps to ensure compliance with the guidelines and instructions of the European Central Bank, and shall require that any necessary information be given to it.

4. National central banks may perform functions other than those specified in this Statute unless the Governing Council finds, by a majority of two thirds of the votes cast, that these interfere with the objectives and tasks of the European System of Central Banks. Such functions shall be performed on the responsibility and liability of national central banks and shall not be regarded as being part of the functions of the European System of Central Banks.

ARTICLE 15

Reporting commitments

1. The European Central Bank shall draw up and publish reports on the activities of the European System of Central Banks at least quarterly.

2. A consolidated financial statement of the European System of Central Banks shall be published each week.

3. In accordance with Article III-383(3) of the Constitution, the European Central Bank shall address an annual report on the activities of the European System of Central Banks and on the monetary policy of both the previous and the current year to the European Parliament, the European Council, the Council and the Commission.

4. The reports and statements referred to in this Article shall be made available to interested parties free of charge.

ARTICLE 16

Banknotes

In accordance with Article III-186(1) of the Constitution, the Governing Council shall have the exclusive right to authorise the issue of euro banknotes within the Union. The European Central Bank and the national central banks may issue such notes. The banknotes issued by the European Central Bank and the national central banks shall be the only such notes to have the status of legal tender within the Union.

The European Central Bank shall respect as far as possible existing practices regarding the issue and design of banknotes.

IV. POGLAVJE

DENARNE FUNKCIJE IN POSLOVANJE EVROPSKEGA SISTEMA CENTRALNIH BANK

17. ČLEN

Računi pri Evropski centralni banki in nacionalnih centralnih bankah

Evropska centralna banka in nacionalne centralne banke lahko za opravljanje svojega poslovanja odpirajo račune za kreditne institucije, osebe javnega prava in druge udeležence na trgu ter sprejemajo premoženje za zavarovanje terjatev, vključno z nematerializiranimi vrednostnimi papirji.

18. ČLEN

Operacije odprtega trga in kreditni posli

(1) Za doseganje ciljev Evropskega sistema centralnih bank in za izvajanje njegovih nalog lahko Evropska centralna banka in nacionalne centralne banke:

a) posredujejo na finančnih trgih z dokončnimi nakupi in prodajami (promptno in terminsko) ali z začasno prodajo in s posojanjem ali izposojanjem terjatev in tržnih instrumentov, izraženih v eurih ali drugih valutah, pa tudi plemenitih kovin;

b) sklepajo kreditne posle s kreditnimi institucijami in drugimi udeleženci na trgu na podlagi ustreznega zavarovanja posojil.

(2) Evropska centralna banka določi splošna načela za operacije odprtega trga in kreditne posle, ki jih izvaja sama ali nacionalne centralne banke, vključno z načeli glede objave pogojev, pod katerimi so pripravljene sklepati posle.

19. ČLEN

Obvezne rezerve

(1) Z upoštevanjem 2. člena tega statuta lahko Evropska centralna banka od kreditnih institucij s sedežem v državah članicah zahteva, da imajo v skladu s cilji denarne politike obvezne rezerve pri Evropski centralni banki in nacionalnih centralnih bankah. Način izračuna in določitev zahtevane višine lahko opredeli Svet Evropske centralne banke. V primeru ugotovljenih kršitev ima Evropska centralna banka pravico zaračunati zamudne obresti in naložiti druge sankcije s primerljivim učinkom.

(2) Za uporabo tega člena Svet v skladu s postopkom iz 41. člena tega statuta določi osnovo za obvezne rezerve ter najvišja dopustna razmerja med temi rezervami in njihovo osnovo, pa tudi ustrezne sankcije za kršitve.

20. ČLEN

Drugi instrumenti denarnega nadzora

Svet Evropske centralne banke lahko z dvotretjinsko večino oddanih glasov odloči o uporabi drugih operativnih metod denarnega nadzora, ki se mu zdijo primerne, ob upoštevanju 2. člena tega statuta.

Svet v skladu s postopkom iz 41. člena tega statuta določi področje uporabe teh metod, če te nalagajo obveznosti tretjim osebam.

CHAPTER IV

MONETARY FUNCTIONS AND OPERATIONS OF THE EUROPEAN SYSTEM OF CENTRAL BANKS

ARTICLE 17

Accounts with the European Central Bank and the national central banks

In order to conduct their operations, the European Central Bank and the national central banks may open accounts for credit institutions, public entities and other market participants, and accept assets, including book entry securities, as collateral.

ARTICLE 18

Open market and credit operations

1. In order to achieve the objectives of the European System of Central Banks and to carry out its tasks, the European Central Bank and the national central banks may:

(a) operate in the financial markets by buying and selling outright (spot and forward) or under repurchase agreement and by lending or borrowing claims and marketable instruments, whether in euro or other currencies, as well as precious metals;

(b) conduct credit operations with credit institutions and other market participants, with lending being based on adequate collateral.

2. The European Central Bank shall establish general principles for open market and credit operations carried out by itself or the national central banks, including for the announcement of conditions under which they stand ready to enter into such transactions.

ARTICLE 19

Minimum reserves

1. Subject to Article 2, the European Central Bank may require credit institutions established in Member States to hold minimum reserves on accounts with the European Central Bank and national central banks in pursuance of monetary policy objectives. Detailed rules concerning the calculation and determination of the required minimum reserves may be established by the Governing Council. In cases of non-compliance the European Central Bank shall be entitled to levy penalty interest and to impose other sanctions with comparable effect.

2. For the application of this Article, the Council shall, in accordance with the procedure laid down in Article 41, define the basis for minimum reserves and the maximum permissible ratios between those reserves and their basis, as well as the appropriate sanctions in cases of non-compliance.

ARTICLE 20

Other instruments of monetary control

The Governing Council may, by a majority of two thirds of the votes cast, decide upon the use of such other operational methods of monetary control as it sees fit, respecting Article 2.

The Council shall, in accordance with the procedure laid down in Article 41, define the scope of such methods if they impose obligations on third parties.

21. ČLEN

Poslovanje s subjekti javnega prava

(1) V skladu s III-181. členom Ustave so prepovedane prekoračitve pozitivnega stanja na računu ali druge oblike kreditov pri Evropski centralni banki ali pri nacionalnih centralnih bankah v korist institucij, organov, uradov ali agencij Unije, institucionalnih enot centralne, regionalne ali lokalne ravni države ter drugih oseb javnega prava ali v korist javnih podjetij držav članic. Prav tako je prepovedano, da bi Evropska centralna banka ali nacionalne centralne banke neposredno od njih kupovale dolžniške instrumente.

(2) Evropska centralna banka in nacionalne centralne banke lahko nastopajo kot fiskalni agenti za osebe iz prejšnjega odstavka.

(3) Določbe tega člena se ne uporabljajo za kreditne institucije v javni lasti, ki jih nacionalne centralne banke in Evropska centralna banka pri zagotavljanju rezerv s strani centralnih bank obravnavajo enako kakor zasebne kreditne institucije.

ARTICLE 21

Operations with public entities

1. In accordance with Article III-181 of the Constitution, overdrafts or any other type of credit facility with the European Central Bank or with the national central banks in favour of Union institutions, bodies, offices or agencies, central governments, regional, local or other public authorities, other bodies governed by public law, or public undertakings of Member States shall be prohibited, as shall the purchase directly from them by the European Central Bank or national central banks of debt instruments.

2. The European Central Bank and national central banks may act as fiscal agents for the entities referred to in paragraph 1.

3. The provisions of this Article shall not apply to publicly owned credit institutions which, in the context of the supply of reserves by central banks, shall be given the same treatment by national central banks and the European Central Bank as private credit institutions.

22. ČLEN

Klirinški in plačilni sistemi

Evropska centralna banka in nacionalne centralne banke lahko ustvarijo možnosti in Evropska centralna banka lahko sprejme predpise za zagotovitev učinkovitih in zanesljivih klirinških in plačilnih sistemov znotraj Unije in s tretjimi državami.

ARTICLE 22

Clearing and payment systems

The European Central Bank and national central banks may provide facilities, and the European Central Bank may make regulations, to ensure efficient and sound clearing and payment systems within the Union and with other countries.

23. ČLEN

Poslovanje s tujino

Evropska centralna banka in nacionalne centralne banke lahko:

a) vzpostavljajo odnose s centralnimi bankami in finančnimi institucijami v drugih državah ter, kadar je primerno, z mednarodnimi organizacijami;

b) kupujejo in prodajajo promptno in terminsko vse vrste deviznih sredstev in plemenitih kovin; izraz »devizna sredstva« zajema vrednostne papirje in vsa druga sredstva v valuti katere koli države ali obračunski enoti ter v kateri koli obliki;

c) imajo in upravljajo sredstva iz tega člena;

d) opravljajo vse vrste bančnih poslov s tretjimi državami in mednarodnimi organizacijami, tudi najemanje in dajanje posojil.

ARTICLE 23

External operations

The European Central Bank and national central banks may:

(a) establish relations with central banks and financial institutions in other countries and, where appropriate, with international organisations;

(b) acquire and sell spot and forward all types of foreign exchange assets and precious metals; the term "foreign exchange asset" shall include securities and all other assets in the currency of any country or units of account and in whatever form held;

(c) hold and manage the assets referred to in this Article;

(d) conduct all types of banking transactions in relations with third countries and international organisations, including borrowing and lending operations.

24. ČLEN

Drugo poslovanje

Poleg poslov, ki izhajajo iz njihovih nalog, lahko Evropska centralna banka in nacionalne centralne banke sklepajo posle za svoje upravne namene ali za svoje zaposlene.

ARTICLE 24

Other operations

In addition to operations arising from their tasks, the European Central Bank and national central banks may enter into operations for their administrative purposes or for their staff.

V. POGLAVJE

BONITETNI NADZOR

CHAPTER V

PRUDENTIAL SUPERVISION

25. ČLEN

Bonitetni nadzor

(1) Evropska centralna banka lahko svetuje o področju uporabe in izvajanju pravno zavezujočih aktov Unije, ki se nanašajo na bonitetni nadzor kreditnih institucij ter na stabilnost finančnega sistema, Svetu, Komisiji in pristojnim organom držav članic, ti pa jo o teh vprašanjih lahko tudi zaprosijo za mnenje.

(2) V skladu z evropskimi zakoni iz šestega odstavka III-185. člena Ustave lahko Evropska centralna banka izvaja posebne naloge v zvezi s politikami bonitetnega nadzora kreditnih in drugih finančnih institucij, z izjemo zavarovalnic.

ARTICLE 25

Prudential supervision

1. The European Central Bank may offer advice to and be consulted by the Council, the Commission and the competent authorities of the Member States on the scope and implementation of legally binding acts of the Union relating to the prudential supervision of credit institutions and to the stability of the financial system.

2. In accordance with any European law adopted under Article III-185(6) of the Constitution, the European Central Bank may perform specific tasks concerning policies relating to the prudential supervision of credit institutions and other financial institutions with the exception of insurance undertakings.

VI. POGLAVJE

FINANČNE DOLOČBE EVROPSKEGA SISTEMA CENTRALNIH BANK

26. ČLEN

Finančna poročila

(1) Poslovno leto se za Evropsko centralno banko in za nacionalne centralne banke začne prvega dne januarja in konča zadnji dan decembra.

(2) Letne računovodske izkaze Evropske centralne banke pripravi Izvršilni odbor v skladu z načeli, ki jih določi Svet Evropske centralne banke. Potem ko jih odobri Svet Evropske centralne banke, se objavijo.

(3) Izvršilni odbor za potrebe analiz in upravljanja pripravi konsolidirano bilanco stanja Evropskega sistema centralnih bank, ki zajema tista sredstva in obveznosti nacionalnih centralnih bank, ki spadajo v pristojnost Evropskega sistema centralnih bank.

(4) Za uporabo tega člena sprejme Svet Evropske centralne banke potrebna pravila za standardiziranje računovodstva in poročanja o poslovanju nacionalnih centralnih bank.

27. ČLEN

Revizija

(1) Revizijo računovodskih izkazov Evropske centralne banke in nacionalnih centralnih bank opravljajo neodvisni zunanji revizorji, ki jih priporoči Svet Evropske centralne banke in potrdi Svet. Revizorji so pooblaščeni za pregled vseh poslovnih knjig in računov Evropske centralne banke in nacionalnih centralnih bank ter za pridobivanje celovitih informacij o njihovem poslovanju.

(2) III-384. člen Ustave se uporablja samo za preverjanje učinkovitosti upravljanja Evropske centralne banke.

28. ČLEN

Kapital Evropske centralne banke

(1) Kapital Evropske centralne banke znaša 5 milijard eurov. Kapital se lahko poveča z zneski, ki jih z evropskim sklepom Svet Evropske centralne banke določi s kvalificirano večino iz tretjega odstavka 10. člena tega statuta v mejah in pod pogoji, določenimi s strani Sveta skladno s postopkom iz 41. člena tega statuta.

(2) Nacionalne centralne banke so edini vpisniki in lastniki kapitala Evropske centralne banke. Vpisovanje kapitala se izvede po ključu, določenem v skladu s 29. členom tega statuta.

(3) Svet Evropske centralne banke s kvalificirano večino iz tretjega odstavka 10. člena določi, koliko kapitala in v kakšni obliki se vplača.

(4) Deležev nacionalnih centralnih bank v vpisanem kapitalu Evropske centralne banke razen v primeru iz petega odstavka tega člena ni mogoče prenesti, zastaviti ali zaseči.

(5) Če se ključ iz 29. člena tega statuta prilagodi, nacionalne centralne banke izvedejo medsebojni prenos kapitalskih deležev v obsegu, ki zagotavlja, da je razdelitev kapitalskih deležev skladna s prilagojenim ključem. Svet Evropske centralne banke določi pogoje za te prenose.

29. ČLEN

Ključ za vpis kapitala

(1) Ključ za vpis kapitala Evropske centralne banke, ki je bil prvič določen leta 1998 ob ustanovitvi Evropskega sistema centralnih bank, se določi tako, da se vsaki nacionalni centralni banki dodeli ponder v tem ključu, ki je enak vsoti:

CHAPTER VI

FINANCIAL PROVISIONS OF THE EUROPEAN SYSTEM OF CENTRAL BANKS

ARTICLE 26

Financial accounts

1. The financial year of the European Central Bank and national central banks shall begin on the first day of January and end on the last day of December.

2. The annual accounts of the European Central Bank shall be drawn up by the Executive Board, in accordance with the principles established by the Governing Council. The accounts shall be approved by the Governing Council and shall thereafter be published.

3. For analytical and operational purposes, the Executive Board shall draw up a consolidated balance sheet of the European System of Central Banks, comprising those assets and liabilities of the national central banks that fall within the European System of Central Banks.

4. For the application of this Article, the Governing Council shall establish the necessary rules for standardising the accounting and reporting of operations undertaken by the national central banks.

ARTICLE 27

Auditing

1. The accounts of the European Central Bank and national central banks shall be audited by independent external auditors recommended by the Governing Council and approved by the Council. The auditors shall have full power to examine all books and accounts of the European Central Bank and national central banks and obtain full information about their transactions.

2. Article III-384 of the Constitution shall only apply to an examination of the operational efficiency of the management of the European Central Bank.

ARTICLE 28

Capital of the European Central Bank

1. The capital of the European Central Bank, shall be 5 000 million euro. The capital may be increased by such amounts as stipulated by a European decision by the Governing Council acting by the qualified majority provided for in Article 10(3), within the limits and under the conditions set by the Council under the procedure laid down in Article 41.

2. The national central banks shall be the sole subscribers to and holders of the capital of the European Central Bank. The subscription of capital shall be according to the key established in accordance with Article 29.

3. The Governing Council, acting by the qualified majority provided for in Article 10(3), shall determine the extent to which and the form in which the capital shall be paid up.

4. Subject to paragraph 5, the shares of the national central banks in the subscribed capital of the European Central Bank may not be transferred, pledged or attached.

5. If the key referred to in Article 29 is adjusted, the national central banks shall transfer among themselves capital shares to the extent necessary to ensure that the distribution of capital shares corresponds to the adjusted key. The Governing Council shall determine the terms and conditions of such transfers.

ARTICLE 29

Key for capital subscription

1. The key for subscription of the European Central Bank's capital, fixed for the first time in 1998 when the European System of Central Banks was established, shall be determined by assigning to each national central bank a weighting in this key equal to the sum of:

– 50% deleža zadevne države članice v prebivalstvu Unije v predzadnjem letu pred ustanovitvijo Evropskega sistema centralnih bank;

– 50% deleža zadevne države članice v bruto domačem proizvodu Unije po tržnih cenah iz zadnjih petih let pred predzadnjim letom pred ustanovitvijo Evropskega sistema centralnih bank.

Odstotek se zaokroži navzgor ali navzdol na najbližji mnogokratnik 0,0001 odstotne točke.

(2) Statistične podatke za uporabo tega člena da na razpolago Komisija v skladu s pravili, ki jih sprejme Svet po postopku iz 41. člena tega statuta.

(3) Ponderji, določeni za nacionalne centralne banke, se po ustanovitvi Evropskega sistema centralnih bank prilagodijo vsakih pet let po analogiji s prvim odstavkomtega člena. Prilagojeni ključ se uporablja z učinkom od prvega dne naslednjega leta.

(4) Svet Evropske centralne banke sprejme vse druge ukrepe, ki so potrebni za uporabo tega člena.

30. ČLEN

Prenos deviznih rezerv na Evropsko centralno banko

(1) Ne glede na določbe 28. člena tega statuta nacionalne centralne banke zagotovijo Evropski centralni banki devizne rezerve do zneska v protivrednosti 50 milijard eurov, kar ne vključuje valut držav članic, eurov, rezervnih pozicij pri Mednarodnem denarnem skladu in posebnih pravic črpanja. Svet Evropske centralne banke določi sorazmerje, po katerem jih Evropska centralna banka pozove k vplačilu. Evropska centralna banka je polno upravičena imeti in upravljati devizne rezerve, ki so nanjo prenesene, ter jih uporabljati za namene, določene s tem statutom.

(2) Prispevek posamezne nacionalne centralne banke se določi sorazmerno z njenim deležem v vpisanem kapitalu Evropske centralne banke.

(3) Evropska centralna banka prizna vsaki nacionalni centralni banki terjatev v višini njenega prispevka. Svet Evropske centralne banke določi denominacijo in obrestovanje teh terjatev.

(4) V skladu z drugim odstavkom tega člena lahko Evropska centralna banka zahteva dodatne devizne rezerve nad mejo, določeno v prvem odstavku tega člena, v mejah in pod pogoji, ki jih določi Svet v skladu s postopkom iz 41. člena tega statuta.

(5) Evropska centralna banka lahko ima in upravlja rezervne pozicije pri Mednarodnem denarnem skladu in posebne pravice črpanja ter omogoča združevanje teh sredstev.

(6) Svet Evropske centralne banke sprejme vse druge ukrepe, ki so potrebni za uporabo tega člena.

31. ČLEN

Devizne rezerve nacionalnih centralnih bank

(1) Nacionalne centralne banke lahko opravljajo posle pri izpolnjevanju svojih obveznosti do mednarodnih organizacij v skladu s 23. členom tega statuta.

(2) Za vse drugo poslovanje z deviznimi rezervami, ki ostanejo v nacionalnih centralnih bankah po prenosih iz prejšnjega člena, in za transakcije, ki jih opravijo države članice z operativnimi deviznimi sredstvi, je nad mejo, ki se določi v okviru tretjega odstavka tega člena, potrebna odobritev Evropske centralne banke, da se zagotovi skladnost s politiko deviznega tečaja in denarno politiko Unije.

(3) Svet Evropske centralne banke izda smernice za olajšanje tega poslovanja.

– 50% of the share of its respective Member State in the population of the Union in the penultimate year preceding the establishment of the European System of Central Banks;

– 50% of the share of its respective Member State in the Union's gross domestic product at market prices as recorded in the last five years preceding the penultimate year before the establishment of the European System of Central Banks.

The percentages shall be rounded up or down to the nearest multiple of 0,0001 percentage points.

2. The statistical data to be used for the application of this Article shall be provided by the Commission in accordance with the rules laid down by the Council under the procedure provided for in Article 41.

3. The weightings assigned to the national central banks shall be adjusted every five years after the establishment of the European System of Central Banks by analogy with paragraph 1. The adjusted key shall apply with effect from the first day of the following year.

4. The Governing Council shall take all other measures necessary for the application of this Article.

ARTICLE 30

Transfer of foreign reserve assets to the European Central Bank

1. Without prejudice to Article 28, the European Central Bank shall be provided by the national central banks with foreign reserve assets, other than Member States' currencies, euro, International Monetary Fund reserve positions and special drawing rights, up to an amount equivalent to 50 000 million euro. The Governing Council shall decide upon the proportion to be called up by the European Central Bank. The European Central Bank shall have the full right to hold and manage the foreign reserves that are transferred to it and to use them for the purposes set out in this Statute.

2. The contributions of each national central bank shall be fixed in proportion to its share in the subscribed capital of the European Central Bank.

3. Each national central bank shall be credited by the European Central Bank with a claim equivalent to its contribution. The Governing Council shall determine the denomination and remuneration of such claims.

4. Further calls of foreign reserve assets beyond the limit set in paragraph 1 may be effected by the European Central Bank, in accordance with paragraph 2, within the limits and under the conditions laid down by the Council in accordance with the procedure laid down in Article 41.

5. The European Central Bank may hold and manage International Monetary Fund reserve positions and special drawing rights and provide for the pooling of such assets.

6. The Governing Council shall take all other measures necessary for the application of this Article.

ARTICLE 31

Foreign reserve assets held by national central banks

1. The national central banks shall be allowed to perform transactions in fulfilment of their obligations towards international organisations in accordance with Article 23.

2. All other operations in foreign reserve assets remaining with the national central banks after the transfers referred to in Article 30, and Member States' transactions with their foreign exchange working balances shall, above a certain limit to be established within the framework of paragraph 3, be subject to approval by the European Central Bank in order to ensure consistency with the exchange rate and monetary policies of the Union.

3. The Governing Council shall issue guidelines with a view to facilitating such operations.

32. ČLEN

Razporeditev denarnih prihodkov nacionalnih centralnih bank

(1) Prihodki, ki jih ustvarjajo nacionalne centralne banke pri izvajanju nalog denarne politike Evropskega sistema centralnih bank (v nadaljnjem besedilu »denarni prihodki«), se na koncu vsakega poslovnega leta razporedijo v skladu z določbami tega člena.

(2) Višina denarnih prihodkov vsake nacionalne centralne banke je enaka njenemu letnemu prihodku, ustvarjenemu iz sredstev, ki jih ima nasproti bankovcem v obtoku in vlogam kreditnih institucij. Ta sredstva nacionalne centralne banke namensko razporedijo v skladu s smernicami, ki jih pripravi Svet Evropske centralne banke.

(3) Če Svet Evropske centralne banke po začetku tretje faze presodi, da struktura bilanc stanja nacionalnih centralnih bank ne dovoljuje uporabe prejšnjega odstavka, lahko Svet Evropske centralne banke ne glede na prejšnji odstavek s kvalificirano večino odloči, da se za obdobje največ petih let denarni prihodki izračunavajo po drugačni metodi.

(4) Znesek denarnih prihodkov nacionalne centralne banke se zmanjša za znesek obresti, ki jih ta nacionalna centralna banka plača za vloge, prejete od kreditnih institucij v skladu z 19. členom tega statuta.

Svet Evropske centralne banke lahko odloči, da se nacionalnim centralnim bankam izplača odškodnina za stroške, nastale z izdajanjem bankovcev, ali v izjemnih okoliščinah odškodnina za posebne izgube, nastale pri poslih denarne politike, ki jih opravljajo za Evropski sistem centralnih bank. Plačilo odškodnine se izvede v obliki, ki je po presoji Sveta Evropske centralne banke primerna. Te zneske je mogoče pobotati z denarnimi prihodki nacionalnih centralnih bank.

(5) Vsota denarnih prihodkov nacionalnih centralnih bank se razporedi nacionalnim centralnim bankam sorazmerno z njihovimi vplačanimi deleži v kapitalu Evropske centralne banke, ob upoštevanju kakršne koli odločitve, ki jo sprejme Svet Evropske centralne banke v skladu z drugim odstavkom 33. člena tega statuta.

(6) Obračun in poravnavo zneskov, ki so posledica razporeditve denarnih prihodkov, izvede Evropska centralna banka v skladu s smernicami Sveta Evropske centralne banke.

(7) Svet Evropske centralne banke sprejme vse druge ukrepe, ki so potrebni za uporabo tega člena.

33. ČLEN

Razporeditev čistih dobičkov in izgub Evropske centralne banke

(1) Čisti dobiček Evropske centralne banke se prenese po naslednjem zaporedju:

a) znesek, ki ga določi Svet Evropske centralne banke in ki ne sme presegati 20% čistega dobička, se prenese v splošni rezervni sklad največ do višine, ki je enaka 100% kapitala;

b) preostali čisti dobiček se razdeli med delničarje Evropske centralne banke sorazmerno z njihovimi vplačanimi deleži.

(2) Če ima Evropska centralna banka izgubo, se primanjkljaj pokrije iz splošnega rezervnega sklada Evropske centralne banke in po potrebi na podlagi odločitve Sveta Evropske centralne banke iz denarnih prihodkov v določenem poslovnem letu sorazmerno z višino in do višine zneskov, porazdeljenih nacionalnim centralnim bankam v skladu s petim odstavkom prejšnjega člena.

ARTICLE 32

Allocation of monetary income of national central banks

1. The income accruing to the national central banks in the performance of the monetary policy function of the European System of Central Banks (hereinafter referred to as "monetary income") shall be allocated at the end of each financial year in accordance with the provisions of this Article.

2. The amount of each national central bank's monetary income shall be equal to its annual income derived from its assets held against notes in circulation and deposit liabilities to credit institutions. These assets shall be earmarked by national central banks in accordance with guidelines to be established by the Governing Council.

3. If, after the start of the third stage, the balance sheet structures of the national central banks do not, in the judgment of the Governing Council, permit the application of paragraph 2, the Governing Council, acting by a qualified majority, may decide that, by way of derogation from paragraph 2, monetary income shall be measured according to an alternative method for a period of not more than five years.

4. The amount of each national central bank's monetary income shall be reduced by an amount equivalent to any interest paid by that central bank on its deposit liabilities to credit institutions in accordance with Article 19.

The Governing Council may decide that national central banks shall be indemnified against costs incurred in connection with the issue of banknotes or in exceptional circumstances for specific losses arising from monetary policy operations undertaken for the European System of Central Banks. Indemnification shall be in a form deemed appropriate in the judgment of the Governing Council. These amounts may be offset against the national central banks' monetary income.

5. The sum of the national central banks' monetary income shall be allocated to the national central banks in proportion to their paid–up shares in the capital of the European Central Bank, subject to any decision taken by the Governing Council pursuant to Article 33(2).

6. The clearing and settlement of the balances arising from the allocation of monetary income shall be carried out by the European Central Bank in accordance with guidelines established by the Governing Council.

7. The Governing Council shall take all other measures necessary for the application of this Article.

ARTICLE 33

Allocation of net profits and losses of the European Central Bank

1. The net profit of the European Central Bank shall be transferred in the following order:

(a) an amount to be determined by the Governing Council, which may not exceed 20% of the net profit, shall be transferred to the general reserve fund subject to a limit equal to 100% of the capital;

(b) the remaining net profit shall be distributed to the shareholders of the European Central Bank in proportion to their paid-up shares.

2. In the event of a loss incurred by the European Central Bank, the shortfall may be offset against the general reserve fund of the European Central Bank and, if necessary, following a decision by the Governing Council, against the monetary income of the relevant financial year in proportion and up to the amounts allocated to the national central banks in accordance with Article 32(5).

VII. POGLAVJE

SPLOŠNE DOLOČBE

34. ČLEN

Pravni akti

(1) V skladu s III-190. členom Ustave Evropska centralna banka sprejema:

a) evropske uredbe, kolikor so potrebne za izvajanje nalog, opredeljenih v prvi točki prvega odstavka 3. člena, v prvem odstavku 19. člena, 22. členu ali drugem odstavku 25. člena tega statuta, in v primerih, ki se določijo v evropskih uredbah in sklepih iz 41. člena tega statuta;

b) evropske sklepe, ki so potrebni za izvajanje nalog, zaupanih Evropskemu sistemu centralnih bank v skladu z Ustavo in tem statutom;

c) priporočila in mnenja.

(2) Evropska centralna banka se lahko odloči, da svoje evropske sklepe, priporočila in mnenja objavi.

(3) V mejah in pod pogoji, ki jih Svet sprejme po postopku iz 41. člena tega statuta, ima Evropska centralna banka pravico naložiti globe in periodične denarne kazni podjetjem, ki ne izpolnjujejo obveznosti iz njenih evropskih uredb in sklepov.

35. ČLEN

Sodni nadzor in z njim povezane zadeve

(1) Sodišče Evropske unije preverja ali razlaga dejanja ali opustitve dejanj Evropske centralne banke v primerih in pod pogoji, določenimi z Ustavo. Evropska centralna banka lahko sproži postopek v primerih in pod pogoji, določenimi z Ustavo.

(2) Spore med Evropsko centralno banko na eni strani in njenimi upniki, dolžniki ali drugimi osebami na drugi rešujejo pristojna nacionalna sodišča, razen kadar je bila pristojnost prenesena na Sodišče Evropske unije.

(3) Za Evropsko centralno banko velja ureditev odgovornosti iz III-431. člena Ustave. Odgovornost nacionalnih centralnih bank je določena z nacionalnimi predpisi.

(4) Sodišče Evropske unije je pristojno za izrekanje sodb na podlagi arbitražne klavzule v pogodbah, ki jih sklene Evropska centralna banka ali ki so sklenjene v njenem imenu, ne glede na to, ali jih ureja javno ali zasebno pravo.

(5) Odločitev Evropske centralne banke o vložitvi tožbe pri Sodišču Evropske unije sprejme Svet Evropske centralne banke.

(6) Sodišče Evropske unije je pristojno za reševanje sporov glede izpolnjevanja obveznosti, ki jih nacionalnim centralnim bankam nalagata Ustava in ta statut. Če Evropska centralna banka meni, da nacionalna centralna banka ni izpolnila obveznosti po Ustavi in tem statutu, poda o zadevi obrazloženo mnenje, potem ko je tej nacionalni centralni banki omogočila, da predloži svoje pripombe. Če zadevna nacionalna centralna banka ne ravna v skladu z mnenjem v roku, ki ga določi Evropska centralna banka, lahko slednja zadevo predloži Sodišču Evropske unije.

36. ČLEN

Zaposleni

(1) Svet Evropske centralne banke na predlog Izvršilnega odbora določi pogoje za zaposlitev v Evropski centralni banki.

(2) Sodišče Evropske unije je pristojno za reševanje vseh sporov med Evropsko centralno banko in njenimi uslužbenci v mejah in pod pogoji, ki so določeni v pogojih za zaposlitev.

CHAPTER VII

GENERAL PROVISIONS

ARTICLE 34

Legal acts

1. In accordance with Article III-190 of the Constitution, the European Central Bank shall adopt:

(a) European regulations to the extent necessary to implement the tasks defined in Article 3(1)(a), Article 19(1), Article 22 or Article 25(2) of this Statute and in cases which shall be laid down in the European regulations and decisions referred to in Article 41;

(b) the European decisions necessary for carrying out the tasks entrusted to the European System of Central Banks under the Constitution and this Statute;

(c) recommendations and opinions.

2. The European Central Bank may decide to publish its European decisions, recommendations and opinions.

3. Within the limits and under the conditions adopted by the Council under the procedure laid down in Article 41, the European Central Bank shall be entitled to impose fines or periodic penalty payments on undertakings for failure to comply with obligations under its European regulations and decisions.

ARTICLE 35

Judicial control and related matters

1. The acts or omissions of the European Central Bank shall be open to review or interpretation by the Court of Justice of the European Union in the cases and under the conditions laid down in the Constitution. The European Central Bank may institute proceedings in the cases and under the conditions laid down in the Constitution.

2. Disputes between the European Central Bank, on the one hand, and its creditors, debtors or any other person, on the other, shall be decided by the competent national courts, save where jurisdiction has been conferred upon the Court of Justice of the European Union.

3. The European Central Bank shall be subject to the liability regime provided for in Article III-431 of the Constitution. The national central banks shall be liable according to their respective national laws.

4. The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by or on behalf of the European Central Bank, whether that contract be governed by public or private law.

5. A decision of the European Central Bank to bring an action before the Court of Justice of the European Union shall be taken by the Governing Council.

6. The Court of Justice of the European Union shall have jurisdiction in disputes concerning the fulfilment by a national central bank of obligations under the Constitution and this Statute. If the European Central Bank considers that a national central bank has failed to fulfil an obligation under the Constitution and this Statute, it shall deliver a reasoned opinion on the matter after giving the national central bank concerned the opportunity to submit its observations. If the national central bank concerned does not comply with the opinion within the period laid down by the European Central Bank, the latter may bring the matter before the Court of Justice of the European Union.

ARTICLE 36

Staff

1. The Governing Council, on a proposal from the Executive Board, shall lay down the conditions of employment of the staff of the European Central Bank.

2. The Court of Justice of the European Union shall have jurisdiction in any dispute between the European Central Bank and its servants within the limits and under the conditions laid down in the conditions of employment.

37. ČLEN

Poslovna skrivnost

(1) Člani organov odločanja in zaposleni Evropske centralne banke in nacionalnih centralnih bank tudi po prenehanju opravljanja svojih dolžnosti ne smejo razkriti informacij, za katere velja obveznost varovanja poslovne skrivnosti.

(2) Za osebe z dostopom do podatkov, ki so predmet pravno zavezujočega akta Unije, ki nalaga obveznosti varovanja skrivnosti, velja ta obveznost.

38. ČLEN

Podpisniki

V razmerjih do tretjih oseb zavezuje Evropsko centralno banko vsako dejanje predsednika ali dveh članov Izvršilnega odbora ali podpis dveh zaposlenih Evropske centralne banke, ki ju predsednik ustrezno pooblasti za podpisovanje v imenu Evropske centralne banke.

39. ČLEN

Privilegiji in imunitete

Evropska centralna banka uživa na ozemlju držav članic privilegije in imunitete, ki so potrebni za izvajanje njenih nalog, pod pogoji, določenimi s Protokolom o privilegijih in imunitetah Evropske unije.

ARTICLE 37

Professional secrecy

1. Members of the governing bodies and the staff of the European Central Bank and the national central banks shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy.

2. Persons having access to data covered by a legally binding Union act imposing an obligation of secrecy shall be subject to that obligation.

ARTICLE 38

Signatories

The European Central Bank shall be legally committed to third parties by the President or by two members of the Executive Board or by the signatures of two members of the staff of the European Central Bank who have been duly authorised by the President to sign on behalf of the European Central Bank.

ARTICLE 39

Privileges and immunities

The European Central Bank shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of its tasks, under the conditions laid down in the Protocol on the privileges and immunities of the European Union.

VIII. POGLAVJE

SPREMEMBA STATUTA IN DOPOLNILNA PRAVILA

40. ČLEN

Poenostavljeni postopek spreminjanja

(1) V skladu s tretjim odstavkom III-187. člena Ustave se lahko prvi, drugi in tretji odstavek 5. člena, 17. in 18. člen, prvi odstavek 19. člena, 22., 23., 24. in 26. člen, drugi, tretji, četrti in šesti odstavek 32. člena, točka a) prvega odstavka 33. člena in 36. člen tega statuta spremeni z evropskim zakonom:

a) na predlog Komisije in po posvetovanju z Evropsko centralno banko ali

b) na priporočilo Evropske centralne banke in po posvetovanju s Komisijo.

(2) Drugi odstavek 10. člena tega statuta se lahko spremeni s soglasnim evropskim sklepom Evropskega sveta na priporočilo Evropske centralne banke in po posvetovanju z Evropskim parlamentom in Komisijo ali na priporočilo Komisije in po posvetovanju z Evropskim parlamentom in Evropsko centralno banko. Te spremembe začnejo veljati šele, ko jih odobrijo države članice v skladu s svojimi ustavnimi pravili.

(3) Za priporočilo, ki ga pripravi Evropska centralna banka po tem členu, je potrebna soglasna odločitev Sveta Evropske centralne banke.

41. ČLEN

Dopolnilna pravila

V skladu s četrtim odstavkom III-187. člena Ustave Svet sprejme evropske uredbe in sklepe, s katerimi določi ukrepe iz 4. člena, četrtega odstavka 5. člena, drugega odstavka 19. člena, 20. člena, prvega odstavka 28. člena, drugega odstavka 29. člena, četrtega odstavka 30. člena in tretjega odstavka 34. člena tega statuta. Svet odloča po posvetovanju z Evropskim parlamentom:

a) bodisi na predlog Komisije in po posvetovanju z Evropsko centralno banko ali

b) na priporočilo Evropske centralne banke in po posvetovanju s Komisijo.

CHAPTER VIII

AMENDMENT OF THE STATUTE AND COMPLEMENTARY RULES

ARTICLE 40

Simplified amendment procedures

1. In accordance with Article III-187(3) of the Constitution, Articles 5(1), (2) and (3), 17, 18, 19(1), 22, 23, 24, 26, 32(2), (3), (4) and (6), 33(1)(a) and 36 of this Statute may be amended by European laws:

(a) on a proposal from the Commission and after consulting the European Central Bank, or

(b) on a recommendation from the European Central Bank and after consulting the Commission.

2. Article 10(2) may be amended by a European decision of the European Council, acting unanimously, either on a recommendation from the European Central Bank and after consulting the European Parliament and the Commission, or on a recommendation from the Commission and after consulting the European Parliament and the European Central Bank. These amendments shall not enter into force until they are approved by the Member States in accordance with their respective constitutional requirements.

3. A recommendation made by the European Central Bank under this Article shall require a unanimous decision by the Governing Council.

ARTICLE 41

Complementary rules

In accordance with Article III-187(4) of the Constitution, the Council shall adopt European regulations and decisions establishing the measures referred to in Articles 4, 5(4), 19(2), 20, 28(1), 29(2), 30(4) and 34(3) of this Statute. It shall act after consulting the European Parliament either:

(a) on a proposal from the Commission and after consulting the European Central Bank or

(b) on a recommendation from the European Central Bank and after consulting the Commission.

IX. POGLAVJE

PREHODNE IN DRUGE DOLOČBE ZA EVROPSKI SISTEM CENTRALNIH BANK

42. ČLEN

Splošne določbe

(1) Zaradi posebne ureditve iz prvega odstavka III-197. člena Ustave se zadevni državi članici ne dodeljujejo pravice ali nalagajo obveznosti z naslednjimi členi tega statuta: 3. in 6. členom, drugim odstavkom 9., prvim odstavkom 12. in tretjim odstavkom 14. člena, 16., 18., 19., 20., 22. in 23. členom, drugim odstavkom 26. člena in 27., 30., 31., 32., 33., 34. in 50. členom.

(2) Centralne banke držav članic s posebno ureditvijo, kot so opredeljene v prvem odstavku III-197. Ustave, ohranijo pristojnosti na področju denarne politike v skladu z nacionalnim pravom.

(3) Skladno z drugim pododstavkom drugega odstavka III-197. člena Ustave izraz »države članice« v 3. členu, drugem odstavku 11. člena in 19. členu tega statuta pomeni države članice, katerih valuta je euro.

(4) Izraz »nacionalne centralne banke« v drugem odstavku 9. člena, drugem in tretjem odstavku 10. člena, prvem odstavku 12. člena, 16., 17., 18., 22., 23., 27., 30., 31. in 32. členu, drugem odstavku 33. člena ter 50. členu tega statuta pomeni centralne banke držav članic, katerih valuta je euro.

(5) V tretjem odstavku 10. člena in prvem odstavku 33. člena tega statuta izraz »delničarji« pomeni nacionalne centralne banke držav članic, katerih valuta je euro.

(6) V tretjem odstavku 10. člena in drugem odstavku 30. člena tega statuta izraz »vpisani kapital« pomeni kapital Evropske centralne banke, ki so ga vpisale nacionalne centralne banke držav članic, katerih valuta je euro.

43. ČLEN

Prehodne naloge Evropske centralne banke

Evropska centralna banka prevzame tiste nekdanje naloge Evropskega monetarnega inštituta iz drugega odstavka III-199. člena Ustave, ki jih je zaradi posebne ureditve ene ali več držav članic treba še izvajati po uvedbi eura.

Evropska centralna banka svetuje pri pripravah za odpravo posebnih ureditev iz III-198. člena Ustave.

44. ČLEN

Razširjeni svet Evropske centralne banke

(1) Ne glede na določbe prvega odstavka III-187. člena Ustave se kot tretji organ odločanja Evropske centralne banke ustanovi Razširjeni svet.

(2) Člani Razširjenega sveta so predsednik in podpredsednik Evropske centralne banke ter guvernerji nacionalnih centralnih bank. Drugi člani Izvršilnega odbora lahko sodelujejo na sejah Razširjenega sveta, vendar nimajo pravice glasovanja.

(3) Odgovornosti Razširjenega sveta so v celoti naštete v 46. členu tega statuta.

45. ČLEN

Delovanje Razširjenega sveta

(1) Razširjenemu svetu Evropske centralne banke predseduje predsednik, v njegovi odsotnosti pa podpredsednik Evropske centralne banke.

(2) Predsednik Sveta in en član Komisije lahko sodelujeta na sejah Razširjenega sveta, vendar nimata pravice glasovanja.

CHAPTER IX

TRANSITIONAL AND OTHER PROVISIONS FOR THE EUROPEAN SYSTEM OF CENTRAL BANKS

ARTICLE 42

General provisions

1. A derogation as referred to in Article III-197(1) of the Constitution shall entail that the following Articles of this Statute shall not confer any rights or impose any obligations on the Member State concerned: 3, 6, 9(2), 12(1), 14(3), 16, 18, 19, 20, 22, 23, 26(2), 27, 30, 31, 32, 33, 34 and 50.

2. The central banks of Member States with a derogation as specified in Article III-197(1) of the Constitution shall retain their powers in the field of monetary policy according to national law.

3. In accordance with the second subparagraph of Article III-197(2) of the Constitution, in Articles 3, 11(2) and 19 of this Statute "Member States" shall mean Member States whose currency is the euro.

4. In Articles 9(2), 10(2) and (3), 12(1), 16, 17, 18, 22, 23, 27, 30, 31, 32, 33(2) and 50 of this Statute, "national central banks" shall mean central banks of Member States whose currency is the euro.

5. In Articles 10(3) and 33(1), "shareholders" shall mean national central banks of Member States whose currency is the euro.

6. In Articles 10(3) and 30(2), "subscribed capital" shall mean capital of the European Central Bank subscribed by the national central banks of Member States whose currency is the euro.

ARTICLE 43

Transitional tasks of the European Central Bank

The European Central Bank shall take over the former functions of the European Monetary Institute referred to in Article III-199(2) of the Constitution which, because of the derogations of one or more Member States, still have to be performed after the introduction of the euro.

The European Central Bank shall give advice in the preparations for the abrogation of the derogations referred to in Article III-198 of the Constitution.

ARTICLE 44

The General Council of the European Central Bank

1. Without prejudice to Article III-187(1) of the Constitution, the General Council shall be constituted as a third decision-making body of the European Central Bank.

2. The General Council shall comprise the President and Vice-President of the European Central Bank and the Governors of the national central banks. The other members of the Executive Board may participate, without having the right to vote, in meetings of the General Council.

3. The responsibilities of the General Council are listed in full in Article 46.

ARTICLE 45

Functioning of the General Council

1. The President or, in his absence, the Vice-President of the European Central Bank shall chair the General Council of the European Central Bank.

2. The President of the Council and a Member of the Commission may participate, without having the right to vote, in meetings of the General Council.

(3) Predsednik pripravlja seje Razširjenega sveta.

(4) Ne glede na tretji odstavek 12. člena tega statuta Razširjeni svet sprejme svoj poslovnik.

(5) Sekretariat Razširjenega sveta zagotavlja Evropska centralna banka.

3. The President shall prepare the meetings of the General Council.

4. By way of derogation from Article 12(3), the General Council shall adopt its Rules of Procedure.

5. The Secretariat of the General Council shall be provided by the European Central Bank.

46. ČLEN

Odgovornosti Razširjenega sveta

(1) Razširjeni svet:

a) izvaja naloge iz 43. člena tega statuta;

b) sodeluje pri svetovalnih nalogah iz 4. člena in prvega odstavka 25. člena tega statuta.

(2) Razširjeni svet sodeluje pri:

a) zbiranju statističnih informacij iz 5. člena tega statuta;

b) poročanju Evropske centralne banke iz 15. člena tega statuta;

c) oblikovanju potrebnih pravil za uporabo 26. člena tega statuta, navedenih v četrtem odstavku 26. člena tega statuta;

d) sprejemanju vseh drugih potrebnih ukrepov za uporabo 29. člena tega statuta, navedenih v četrtem odstavku 29. člena tega statuta;

e) določanju pogojev za zaposlitev v Evropski centralni banki iz 36. člena tega statuta.

(3) Razširjeni svet sodeluje pri pripravah, ki so potrebne za nepreklicno določitev deviznih tečajev valut držav članic s posebno ureditvijo glede na euro iz tretjega odstavka III-198. člena Ustave.

(4) Predsednik Evropske centralne banke obvešča Razširjeni svet o odločitvah Sveta Evropske centralne banke.

ARTICLE 46

Responsibilities of the General Council

1. The General Council shall:

(a) perform the tasks referred to in Article 43;

(b) contribute to the advisory functions referred to in Articles 4 and 25(1).

2. The General Council shall contribute to:

(a) the collection of statistical information as referred to in Article 5;

(b) the reporting activities of the European Central Bank as referred to in Article 15;

(c) the establishment of the necessary rules for the application of Article 26 as referred to in Article 26(4);

(d) the taking of all other measures necessary for the application of Article 29 as referred to in Article 29(4);

(e) the laying down of the conditions of employment of the staff of the European Central Bank as referred to in Article 36.

3. The General Council shall contribute to the necessary preparations for irrevocably fixing the exchange rates of the currencies of Member States with a derogation against the euro as referred to in Article III-198(3) of the Constitution.

4. The General Council shall be informed by the President of the European Central Bank of decisions of the Governing Council.

47. ČLEN

Prehodne določbe za kapital Evropske centralne banke

V skladu s 29. členom tega statuta se za vsako nacionalno centralno banko določi ponder v ključu za vpis kapitala Evropske centralne banke. Ne glede na tretji odstavek 28. člena tega statuta centralne banke držav članic s posebno ureditvijo ne vplačajo svojega vpisanega kapitala, razen če Razširjeni svet z večino, ki predstavlja vsaj dve tretjini vpisanega kapitala Evropske centralne banke in vsaj polovico delničarjev, odloči, da mora biti vplačan minimalni odstotek kot prispevek za stroške poslovanja Evropske centralne banke.

ARTICLE 47

Transitional provisions for the capital of the European Central Bank

In accordance with Article 29, each national central bank shall be assigned a weighting in the key for subscription of the European Central Bank's capital. By way of derogation from Article 28(3), central banks of Member States with a derogation shall not pay up their subscribed capital unless the General Council, acting by a majority representing at least two thirds of the subscribed capital of the European Central Bank and at least half of the shareholders, decides that a minimal percentage has to be paid up as a contribution to the operational costs of the European Central Bank.

48. ČLEN

Odloženo plačilo kapitala, rezerv in rezervacij Evropske centralne banke

(1) Centralna banka države članice, katere posebna ureditev je bila odpravljena, vplača svoj vpisani delež kapitala Evropske centralne banke v enaki višini kakor centralne banke držav članic, katerih valuta je euro, in prenese na Evropsko centralno banko devizne rezerve v skladu s prvim odstavkom 30. člena tega statuta. Znesek za prenos se določi tako, da se pomnoži vrednost v eurih po veljavnih deviznih tečajih tistih deviznih rezerv, ki so že bila prenesena na Evropsko centralno banko v skladu s prvim odstavkom 30. člena tega statuta, z razmerjem med številom delnic, ki jih je vpisala zadevna nacionalna centralna banka, in številom delnic, ki so jih že vplačale druge nacionalne centralne banke.

ARTICLE 48

Deferred payment of capital, reserves and provisions of the European Central Bank

1. The central bank of a Member State whose derogation has been abrogated shall pay up its subscribed share of the capital of the European Central Bank to the same extent as the central banks of other Member States whose currency is the euro, and shall transfer to the European Central Bank foreign reserve assets in accordance with Article 30(1). The sum to be transferred shall be determined by multiplying the euro value at current exchange rates of the foreign reserve assets which have already been transferred to the European Central Bank in accordance with Article 30(1), by the ratio between the number of shares subscribed by the national central bank concerned and the number of shares already paid up by the other national central banks.

(2) Poleg vplačila iz prejšnjega odstavka zadevna nacionalna centralna banka prispeva k rezervam Evropske centralne banke, k rezervacijam, ki so enakovredne rezervam, in k znesku, ki ga je še treba vključiti v rezerve in rezervacije glede na stanje izkaza poslovnega izida na 31. december v letu pred odpravo posebne ureditve. Znesek prispevka se določi tako, da se pomnoži višino rezerv, kakršne so opredeljene zgoraj in navedene v potrjeni bilanci stanja Evropske centralne banke, z razmerjem med številom delnic, ki jih je vpisala zadevna nacionalna centralna banka, in številom delnic, ki so jih že vplačale druge nacionalne centralne banke.

(3) Ko ena ali več držav postane država članica in njihove nacionalne centralne banke postanejo del Evropskega sistema centralnih bank, se vpisani kapital Evropske centralne banke ter najvišji znesek deviznih rezerv, ki se lahko prenese na Evropsko centralno banko, avtomatično povečata. Povečanje se določi z množenjem takrat veljavnih ustreznih zneskov z razmerjem – znotraj razširjenega kapitalskega ključa – med ponderjem zadevnih vstopajočih nacionalnih centralnih bank in ponderjem nacionalnih centralnih bank, ki so že članice Evropskega sistema centralnih bank. Ponder vsake nacionalne centralne banke v kapitalskem ključu se izračuna po analogiji s prvim odstavkom 29. člena ter v skladu z drugim odstavkom 29. člena tega statuta. Referenčna obdobja, ki se uporabljajo za statistične podatke, so enaka tistim, ki so se uporabila za zadnjo petletno uskladitev ponderjev po tretjem odstavku 29. člena tega statuta.

49. ČLEN

Izjeme od 32. člena tega statuta

(1) Če po začetku tretje faze Svet Evropske centralne banke odloči, da uporaba 32. člena tega statuta bistveno spremeni relativni prihodkovni položaj nacionalnih centralnih bank, se znesek prihodka, ki se jim porazdeli v skladu z 32. členom tega statuta, zmanjša za enoten odstotek, ki v prvem poslovnem letu po začetku tretje faze ne sme presegati 60% in se za vsako nadaljnje poslovno leto zmanjša za najmanj 12 odstotnih točk.

(2) Prejšnji odstavek se uporablja največ pet poslovnih let po začetku tretje faze.

50. ČLEN

Menjava bankovcev v valutah držav članic

Po nepreklicni določitvi deviznih tečajev v skladu s tretjim odstavkom III-198. člena Ustave Svet Evropske centralne banke stori vse potrebno, da nacionalne centralne banke zamenjajo bankovce v valutah držav članic z nepreklicno določenimi deviznimi tečaji po njihovi nominalni vrednosti.

51. ČLEN

Uporaba prehodnih določb

Če gre za državo članico s posebno ureditvijo in dokler take države članice obstajajo, se uporabljajo določbe od 42. do 47. člena tega statuta.

2. In addition to the payment to be made in accordance with paragraph 1, the national central bank concerned shall contribute to the reserves of the European Central Bank, to those provisions equivalent to reserves, and to the amount still to be appropriated to the reserves and provisions corresponding to the balance of the profit and loss account as at 31 December of the year prior to the abrogation of the derogation. The sum to be contributed shall be determined by multiplying the amount of the reserves, as defined above and as stated in the approved balance sheet of the European Central Bank, by the ratio between the number of shares subscribed by the central bank concerned and the number of shares already paid up by the other central banks.

3. Upon one or more countries becoming Member States and their respective national central banks becoming part of the European System of Central Banks, the subscribed capital of the European Central Bank and the limit on the amount of foreign reserve assets that may be transferred to the European Central Bank shall be automatically increased. The increase shall be determined by multiplying the respective amounts then prevailing by the ratio, within the expanded capital key, between the weighting of the entering national central banks concerned and the weighting of the national central banks already members of the European System of Central Banks. Each national central bank's weighting in the capital key shall be calculated by analogy with Article 29(1) and in compliance with Article 29(2). The reference periods to be used for the statistical data shall be identical to those applied for the latest quinquennial adjustment of the weightings under Article 29(3).

ARTICLE 49

Derogation from Article 32

1. If, after the start of the third stage, the Governing Council decides that the application of Article 32 results in significant changes in national central banks' relative income positions, the amount of income to be allocated pursuant to Article 32 shall be reduced by a uniform percentage which shall not exceed 60% in the first financial year after the start of the third stage and which shall decrease by at least 12 percentage points in each subsequent financial year.

2. Paragraph 1 shall be applicable for not more than five financial years after the start of the third stage.

ARTICLE 50

Exchange of banknotes in Member States' currencies

Following the irrevocable fixing of exchange rates in accordance with Article III-198(3) of the Constitution, the Governing Council shall take the necessary measures to ensure that banknotes denominated in the currencies of Member States with irrevocably fixed exchange rates are exchanged by the national central banks at their respective par values.

ARTICLE 51

Applicability of the transitional provisions

If and as long as there are Member States with a derogation Articles 42 to 47 shall be applicable.

5. PROTOKOL O STATUTU EVROPSKE INVESTICIJSKE BANKE

VISOKE POGODBENICE SO SE –

Z ŽELJO oblikovati statut Evropske investicijske banke, predviden v III-393. členu Ustave –

DOGOVORILE o naslednjih določbah, ki so priloga k Pogodbi o Ustavi za Evropo:

1. ČLEN

Ustanovi se Evropska investicijska banka iz III-393. člena Ustave (v nadaljnjem besedilu »banka«), ki opravlja naloge in izvaja dejavnosti v skladu z Ustavo in s tem statutom.

2. ČLEN

Naloga banke je opredeljena v III-394. členu Ustave.

3. ČLEN

V skladu s III-393. členom Ustave so člani banke države članice.

4. ČLEN

(1) Kapital banke je 163 653 737 000 eurov, države članice pa so vpisale naslednje deleže:

Nemčija	26 649 532 500
Francija	26 649 532 500
Italija	26 649 532 500
Združeno kraljestvo	26 649 532 500
Španija	15 989 719 500
Belgija	7 387 065 000
Nizozemska	7 387 065 000
Švedska	4 900 585 500
Danska	3 740 283 000
Avstrija	3 666 973 500
Poljska	3 411 263 500
Finska	2 106 816 000
Grčija	2 003 725 500
Portugalska	1 291 287 000
Češka	1 258 785 500
Madžarska	1 190 868 500
Irska	935 070 000
Slovaška	428 490 500
Slovenija	397 815 000
Litva	249 617 500
Luksemburg	187 015 500
Ciper	183 382 000
Latvija	152 335 000
Estonija	117 640 000
Malta	69 804 000

Države članice jamčijo le do višine svojega deleža v vpisanem kapitalu in ne v vplačanem kapitalu.

(2) Vključitev nove članice povzroči povečanje vpisanega kapitala v višini prispevka nove članice.

(3) Svet guvernerjev lahko soglasno odloči, da se vpisani kapital poveča.

(4) Deleža posamezne članice v vpisanem kapitalu ni mogoče prenesti, zastaviti ali zaseči.

5. PROTOCOL ON THE STATUTE OF THE EUROPEAN INVESTMENT BANK

THE HIGH CONTRACTING PARTIES,

DESIRING to lay down the Statute of the European Investment Bank provided for in Article III-393 of the Constitution,

HAVE AGREED upon the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe:

ARTICLE 1

The European Investment Bank referred to in Article III-393 of the Constitution (hereinafter called the "Bank") is hereby constituted; it shall perform its functions and carry on its activities in accordance with the provisions of the Constitution and of this Statute.

ARTICLE 2

The task of the Bank shall be that defined in Article III-394 of the Constitution.

ARTICLE 3

In accordance with Article III-393 of the Constitution, the Bank's members shall be the Member States.

ARTICLE 4

1. The capital of the Bank shall be 163 653 737 000 euro, subscribed by the Member States as follows:

Germany	26 649 532 500
France	26 649 532 500
Italy	26 649 532 500
United Kingdom	26 649 532 500
Spain	15 989 719 500
Belgium	7 387 065 000
Netherlands	7 387 065 000
Sweden	4 900 585 500
Denmark	3 740 283 000
Austria	3 666 973 500
Poland	3 411 263 500
Finland	2 106 816 000
Greece	2 003 725 500
Portugal	1 291 287 000
Czech Republic	1 258 785 500
Hungary	1 190 868 500
Ireland	935 070 000
Slovakia	428 490 500
Slovenia	397 815 000
Lithuania	249 617 500
Luxembourg	187 015 500
Cyprus	183 382 000
Latvia	152 335 000
Estonia	117 640 000
Malta	69 804 000

The Member States shall be liable only up to the amount of their share of the capital subscribed and not paid up.

2. The admission of a new member shall entail an increase in the subscribed capital corresponding to the capital brought in by the new member.

3. The Board of Governors may, acting unanimously, decide to increase the subscribed capital.

4. The share of a member in the subscribed capital may not be transferred, pledged or attached.

5. ČLEN

(1) Države članice vplačajo vpisani kapital v višini povprečno 5% zneskov iz prvega odstavka prejšnjega člena.

(2) V primeru povečanja vpisanega kapitala Svet guvernerjev soglasno določi odstotek, ki ga je treba vplačati, ter način plačila. Gotovinska vplačila se opravijo izključno v eurih.

(3) Svet direktorjev lahko zahteva plačilo preostanka vpisanega kapitala, kolikor je to potrebno za izpolnitev obveznosti banke.

Vsaka država članica izvede vplačilo sorazmerno s svojim deležem v vpisanem kapitalu.

6. ČLEN

Banko upravljajo in vodijo Svet guvernerjev, Svet direktorjev in Upravni odbor.

7. ČLEN

(1) Svet guvernerjev sestavljajo ministri, ki jih imenujejo države članice.

(2) Svet guvernerjev sprejema splošne direktive o kreditni politiki banke v skladu s cilji Unije.

Svet guvernerjev zagotavlja, da se te direktive izvajajo.

(3) Poleg tega Svet guvernerjev:

a) odloča o povečanju vpisanega kapitala v skladu s tretjim odstavkom 4. člena in drugim odstavkom 5. člena tega statuta;

b) za namene prvega odstavka 9. člena tega statuta opredeli načela, ki veljajo za posle financiranja v okviru nalog banke;

c) izvaja pooblastila iz 9. in 11. člena tega statuta glede imenovanja in razrešitve članov Sveta direktorjev in Upravnega odbora ter pooblastila iz drugega pododstavka prvega odstavka 11. člena tega statuta;

d) v skladu s prvim odstavkom 16. člena tega statuta odloča o odobritvi financiranja za naložbene posle, ki naj bi se v celoti ali delno izvedli izven ozemlja držav članic;

e) odobri letna poročila Sveta direktorjev;

f) odobri letne bilance stanja in bilance uspeha;

g) odobri poslovnik banke;

h) izvaja druge pristojnosti, dodeljene s tem statutom.

(4) Svet guvernerjev lahko v okviru Ustave in tega statuta soglasno sprejema vse odločitve glede začasne ustavitve dejavnosti banke in njene morebitne likvidacije.

8. ČLEN

(1) Če v tem statutu ni določeno drugače, odloča Svet guvernerjev z večino svojih članov. Ta večina mora predstavljati vsaj 50% vpisanega kapitala.

Za kvalificirano večino je potrebnih osemnajst glasov za in 68% vpisanega kapitala.

(2) Vzdržani glasovi navzočih ali zastopanih članov ne preprečujejo sprejetja odločitev, za katere se zahteva soglasje.

ARTICLE 5

1. The subscribed capital shall be paid in by Member States to the extent of 5% on average of the amounts laid down in Article 4(1).

2. In the event of an increase in the subscribed capital, the Board of Governors, acting unanimously, shall fix the percentage to be paid up and the arrangements for payment. Cash payments shall be made exclusively in euro.

3. The Board of Directors may require payment of the balance of the subscribed capital, to such extent as may be required for the Bank to meet its obligations.

Each Member State shall make this payment in proportion to its share of the subscribed capital.

ARTICLE 6

The Bank shall be directed and managed by a Board of Governors, a Board of Directors and a Management Committee.

ARTICLE 7

1. The Board of Governors shall consist of the ministers designated by the Member States.

2. The Board of Governors shall lay down general directives for the credit policy of the Bank, in accordance with the Union's objectives.

The Board of Governors shall ensure that these directives are implemented.

3. The Board of Governors shall in addition:

(a) decide whether to increase the subscribed capital in accordance with Article 4(3) and Article 5(2);

(b) for the purposes of Article 9(1), determine the principles applicable to financing operations undertaken within the framework of the Bank's task;

(c) exercise the powers provided in Articles 9 and 11 in respect of the appointment and the compulsory retirement of the members of the Board of Directors and of the Management Committee, and those powers provided for in the second subparagraph of Article 11(1);

(d) take decisions in respect of the granting of finance for investment operations to be carried out, in whole or in part, outside the territories of the Member States in accordance with Article 16(1);

(e) approve the annual report of the Board of Directors;

(f) approve the annual balance sheet and profit and loss account;

(g) approve the Rules of Procedure of the Bank;

(h) exercise the other powers conferred by this Statute.

4. Within the framework of the Constitution and this Statute, the Board of Governors, acting unanimously, may take any decisions concerning the suspension of the operations of the Bank and, should the event arise, its liquidation.

ARTICLE 8

1. Save as otherwise provided in this Statute, decisions of the Board of Governors shall be taken by a majority of its members. This majority must represent at least 50% of the subscribed capital.

A qualified majority shall require eighteen votes in favour and 68% of the subscribed capital.

2. Abstentions by members present in person or represented shall not prevent the adoption of decisions requiring unanimity.

9. ČLEN

(1) Svet direktorjev odloča o odobritvi financiranja, zlasti v obliki posojil in jamstev ter najemanja posojil; določa obrestne mere za posojila ter provizije in druge dajatve. Na podlagi sklepa, sprejetega s kvalificirano večino, lahko nekatere svoje pristojnosti prenese na Upravni odbor. Za prenos teh pristojnosti določi pogoje in nadzira njegovo izvajanje.

Svet direktorjev nadzoruje, da je banka pravilno vodena; zagotavlja skladnost poslovodenja banke z Ustavo in statutom ter s splošnimi direktivami, ki jih sprejema Svet guvernerjev.

Ob koncu proračunskega leta Svet direktorjev Svetu guvernerjev predloži poročilo in ga po njegovi odobritvi objavi.

(2) Svet direktorjev sestavlja 26 direktorjev in 16 namestnikov direktorjev.

Direktorje imenuje Svet guvernerjev za pet let, po enega predlaga vsaka država članica in enega predlaga Komisija.

Namestnike direktorjev imenuje Svet guvernerjev za pet let, kakor sledi:

– dva namestnika predlaga Zvezna republika Nemčija,

– dva namestnika predlaga Francoska republika,

– dva namestnika predlaga Italijanska republika,

– dva namestnika predlaga Združeno kraljestvo Velike Britanije in Severne Irske,

– enega namestnika v medsebojnem soglasju predlagata Kraljevina Španije in Portugalska republika,

– enega namestnika v medsebojnem soglasju predlagajo Kraljevina Belgija, Veliko vojvodstvo Luksemburg in Kraljevina Nizozemska,

– enega namestnika v medsebojnem soglasju predlagajo Kraljevina Danska, Helenska republika in Irska,

– enega namestnika v medsebojnem soglasju predlagajo Republika Avstrija, Republika Finska in Kraljevina Švedska,

– tri namestnike v medsebojnem soglasju predlagajo Češka republika, Republika Estonija, Republika Ciper, Republika Latvija, Republika Litva, Republika Madžarska, Republika Malta, Republika Poljska, Republika Slovenija in Slovaška republika,

– enega namestnika predlaga Komisija.

Svet direktorjev kooptira šest strokovnjakov brez pravice glasovanja: tri kot člane in tri kot namestnike.

Direktorji in namestniki so lahko ponovno imenovani.

Ureditev glede udeležbe na sestankih Sveta direktorjev ter določbe, ki veljajo za namestnike in kooptirane strokovnjake, se opredelijo v poslovniku.

Seje Sveta direktorjev vodi predsednik ali v njegovi odsotnosti eden od podpredsednikov Upravnega odbora, ki pa ne glasuje.

Člani Sveta direktorjev so izbrani med osebami, katerih neodvisnost in usposobljenost sta nedvomni. Odgovorni so izključno banki.

(3) Če direktor ne izpolnjuje več potrebnih pogojev za opravljanje svojih nalog, ga lahko Svet guvernerjev, ki odloča s kvalificirano večino, razreši.

Če letno poročilo ni odobreno, Svet direktorjev odstopi.

(4) Mesto, izpraznjeno zaradi smrti ali prostovoljnega odstopa, razrešitve ali kolektivnega odstopa, se zapolni v skladu z določbami drugega odstavka tega člena. Razen ob zamenjavi Sveta direktorjev v celoti so člani nadomeščeni za preostanek njihovega mandata.

ARTICLE 9

1. The Board of Directors shall take decisions in respect of granting finance, in particular in the form of loans and guarantees, and raising loans; it shall fix the interest rates on loans granted and the commission and other charges. It may, on the basis of a decision taken by a qualified majority, delegate some of its functions to the Management Committee. It shall determine the terms and conditions for such delegation and shall supervise its execution.

The Board of Directors shall see that the Bank is properly run; it shall ensure that the Bank is managed in accordance with the Constitution and this Statute and with the general directives laid down by the Board of Governors.

At the end of the financial year the Board of Directors shall submit a report to the Board of Governors and shall publish it when approved.

2. The Board of Directors shall consist of twenty-six directors and sixteen alternate directors.

The directors shall be appointed by the Board of Governors for five years, one nominated by each Member State. One shall also be nominated by the Commission.

The alternate directors shall be appointed by the Board of Governors for five years as shown below:

– two alternates nominated by the Federal Republic of Germany,

– two alternates nominated by the French Republic,

– two alternates nominated by the Italian Republic,

– two alternates nominated by the United Kingdom of Great Britain and Northern Ireland,

– one alternate nominated by common accord between the Kingdom of Spain and the Portuguese Republic,

– one alternate nominated by common accord between the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands,

– one alternate nominated by common accord between the Kingdom of Denmark, the Hellenic Republic and Ireland,

– one alternate nominated by common accord between the Republic of Austria, the Republic of Finland and the Kingdom of Sweden,

– three alternates nominated by common accord between the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic,

– one alternate director nominated by the Commission.

The Board of Directors shall co-opt six non-voting experts: three as members and three as alternates.

The appointments of the directors and the alternates shall be renewable.

The Rules of Procedure shall lay down the arrangements for participating in the meetings of the Board of Directors and the provisions applicable to alternates and co-opted experts..

The President of the Management Committee or, in his absence, one of the Vice-Presidents, shall preside over meetings of the Board of Directors but shall not vote.

Members of the Board of Directors shall be chosen from persons whose independence and competence are beyond doubt. They shall be responsible only to the Bank.

3. A director may be compulsorily retired by the Board of Governors only if he no longer fulfils the conditions required for the performance of his duties; the Board must act by a qualified majority.

If the annual report is not approved, the Board of Directors shall resign.

4. Any vacancy arising as a result of death, voluntary resignation, compulsory retirement or collective resignation shall be filled in accordance with paragraph 2. A member shall be replaced for the remainder of his term of office, save where the entire Board of Directors is being replaced.

(5) Svet guvernerjev določi plačilo za člane Sveta direktorjev. Svet guvernerjev določi, katere dejavnosti so nezdružljive s funkcijo direktorja ali namestnika.

10. ČLEN

(1) V Svetu direktorjev ima vsak direktor en glas. Svoj glas lahko vedno prenese, skladno s postopki, ki se določijo s poslovnikom banke.

(2) Če v tem statutu ni določeno drugače, odloča Svet direktorjev z vsaj eno tretjino članov s pravico glasovanja, ki predstavljajo vsaj 50% vpisanega kapitala. Za kvalificirano večino je potrebnih 18 glasov in 68% vpisanega kapitala. V poslovniku banke je določeno, koliko članov Sveta direktorjev mora biti navzočih za sklepčnost.

11. ČLEN

(1) Upravni odbor sestavljajo predsednik in osem podpredsednikov, ki jih za šest let imenuje Svet guvernerjev na predlog Sveta direktorjev. Lahko so ponovno imenovani.

Število članov Upravnega odbora lahko Svet guvernerjev soglasno spremeni.

(2) Na predlog Sveta direktorjev, ki odloča s kvalificirano večino, lahko Svet guvernerjev s kvalificirano večino razreši člane Upravnega odbora.

(3) Upravni odbor skrbi za tekoče poslovanje banke pod vodstvom predsednika in nadzorom Sveta direktorjev.

Pripravlja sklepe Sveta direktorjev, vključno s tistimi glede najemanja posojil ter odobravanja financiranja, zlasti v obliki posojil in jamstev. Zagotavlja izvajanje teh sklepov.

(4) Upravni odbor z večino sprejema mnenja o prošnjah za najem posojila ali odobritev financiranja, zlasti v obliki posojil in jamstev.

(5) Svet guvernerjev določi plačilo za člane Upravnega odbora in določi, katere dejavnosti so nezdružljive z njihovo funkcijo.

(6) Predsednik, v njegovi odsotnosti pa podpredsednik, zastopa banko v sodnih in zunajsodnih zadevah.

(7) Zaposleni pri banki so podrejeni predsedniku. Ta jih sprejema v službo in jim daje odpoved. Pri izbiri zaposlenih mora upoštevati ne le osebne sposobnosti in strokovno usposobljenost, ampak tudi pravično zastopanost državljanov držav članic. V poslovniku se določi organ, ki je pristojen za sprejemanje določb glede zaposlenih.

(8) Upravni odbor in zaposleni banke so odgovorni izključno banki in pri opravljanju svojih nalog popolnoma neodvisni.

12. ČLEN

(1) Odbor šestih članov, ki jih na podlagi njihove usposobljenosti imenuje Svet guvernerjev, preverja, ali delovanje banke ustreza najboljši praksi v bančništvu, in je odgovoren za revizijo poročil.

(2) Odbor iz prejšnjega odstavka se vsako leto prepriča o pravilnosti poslovanja in knjigovodstva banke. V ta namen preverja, ali je poslovanje banke potekalo v skladu s formalnostmi in postopki, določenimi v statutu in poslovniku.

5. The Board of Governors shall determine the remuneration of members of the Board of Directors. The Board of Governors shall lay down what activities are incompatible with the duties of a director or an alternate.

ARTICLE 10

1. Each director shall have one vote on the Board of Directors. He may delegate his vote in all cases, according to procedures to be laid down in the Rules of Procedure of the Bank.

2. Save as otherwise provided in this Statute, decisions of the Board of Directors shall be taken by at least one third of the members entitled to vote, representing at least 50% of the subscribed capital. A qualified majority shall require eighteen votes and 68% of the subscribed capital in favour. The Rules of Procedure of the Bank shall lay down how many members of the Board of Directors constitute the quorum needed for the adoption of decisions.

ARTICLE 11

1. The Management Committee shall consist of a President and eight Vice-Presidents appointed for a period of six years by the Board of Governors on a proposal from the Board of Directors. Their appointments shall be renewable.

The Board of Governors, acting unanimously, may vary the number of members on the Management Committee.

2. On a proposal from the Board of Directors adopted by a qualified majority, the Board of Governors may, acting by a qualified majority, compulsorily retire a member of the Management Committee.

3. The Management Committee shall be responsible for the current business of the Bank, under the authority of the President and the supervision of the Board of Directors.

It shall prepare the decisions of the Board of Directors, including decisions on the raising of loans and the granting of finance, in particular in the form of loans and guarantees. It shall ensure that these decisions are implemented.

4. The Management Committee, acting by a majority, shall adopt opinions on proposals for raising loans or granting finance, in particular in the form of loans and guarantees.

5. The Board of Governors shall determine the remuneration of members of the Management Committee and shall lay down what activities are incompatible with their duties.

6. The President or, if he is prevented, a Vice-President shall represent the Bank in judicial and other matters.

7. The staff of the Bank shall be under the authority of the President. They shall be engaged and discharged by him. In the selection of staff, account shall be taken not only of personal ability and qualifications but also of an equitable representation of nationals of Member States. The Rules of Procedure shall determine which organ is competent to adopt the provisions applicable to staff.

8. The Management Committee and the staff of the Bank shall be responsible only to the Bank and shall be completely independent in the performance of their duties.

ARTICLE 12

1. A Committee consisting of six members, appointed on the grounds of their competence by the Board of Governors, shall verify that the activities of the Bank conform to best banking practice and shall be responsible for the auditing of its accounts.

2. The Committee referred to in paragraph 1 shall annually ascertain that the operations of the Bank have been conducted and its books kept in a proper manner. To this end, it shall verify that the Bank's operations have been carried out in compliance with the formalities and procedures laid down by this Statute and the Rules of Procedure.

(3) Odbor iz prvega odstavka tega člena potrdi, da računovodski izkaz kot tudi drugi finančni podatki v letnem poročilu, ki ga pripravi Svet direktorjev, kažejo resnično in pravo sliko o finančnem položaju banke na aktivni in pasivni strani, ter o rezultatih poslovanja in denarnih tokovih v zadevnem poslovnem letu.

(4) V poslovniku se opredeli, kako morajo biti člani odbora usposobljeni, ter se določi pogoje njegovega delovanja.

13. ČLEN

Banka se z vsako državo članico sporazumeva prek organa, ki ga določi zadevna država. Pri finančnem poslovanju banka uporablja storitve nacionalne centralne banke zadevne države članice ali drugih finančnih institucij, ki jih potrdi ta država.

14. ČLEN

(1) Banka sodeluje z vsemi mednarodnimi organizacijami, ki delujejo na podobnih področjih.

(2) Banka navezuje koristne stike za sodelovanje z bančnimi in finančnimi institucijami v državah, na katere širi svoje poslovanje.

15. ČLEN

Na zahtevo države članice ali Komisije ali na lastno pobudo Svet guvernerjev razlaga ali dopolnjuje direktive, ki jih je določil v skladu s 7. členom tega statuta, pod enakimi pogoji, kakor so veljali za njihovo sprejetje.

16. ČLEN

(1) V okviru nalog iz III-394. člena Ustave banka odobrava financiranje, zlasti v obliki posojil in jamstev, svojim članom ali zasebnim ali javnim podjetjem za naložbe, ki se bodo izvajale na ozemlju držav članic, če ni na razpolago sredstev iz drugih virov pod razumnimi pogoji.

Vendar lahko banka s sklepom, ki ga s kvalificirano večino sprejme Svet guvernerjev na predlog Sveta direktorjev, odobri financiranje za investicije, ki se bodo v celoti ali delno izvajale zunaj evropskega ozemlja držav članic.

(2) Kolikor je to mogoče, se posojila odobravajo le pod pogojem, da se uporabijo tudi sredstva iz drugih finančnih virov.

(3) Banka postavi kot pogoj za odobritev posojila podjetju ali organizaciji, ki ni država članica, jamstvo države članice, na ozemlju katere bo naložba izvedena, zadostna jamstva ali finančno moč dolžnika.

Poleg tega Svet direktorjev v skladu z načeli, ki jih določi Svet guvernerjev na podlagi člena točke b) tretjega odstavka 7. člena tega statuta, ter kadar tako zahteva izvajanje poslov po III-394. členu Ustave, s kvalificirano večino določi pogoje za posle financiranja, ki izkazujejo poseben profil tveganja in tako štejejo kot posebne dejavnosti.

(4) Banka lahko jamči za posojila, ki jih najamejo javna ali zasebna podjetja ali organizacije za izvajanje poslov iz III-394. člena Ustave.

(5) Skupni znesek terjatev banke iz odobrenih posojil in jamstev ne sme preseči 250% vpisanega kapitala, rezerv, nerazporejenih rezervacij in presežka iz bilance uspeha. Ta skupni znesek se zmanjša za vsoto, enako znesku, ki ga je banka vpisala kot kapitalsko udeležbo (ne glede na to, ali je bil vplačan ali ne).

3. The Committee referred to in paragraph 1 shall confirm that the financial statements, as well as any other financial information contained in the annual accounts drawn up by the Board of Directors, give a true and fair view of the financial position of the Bank in respect of its assets and liabilities, and of the results of its operations and its cash flows for the financial year under review.

4. The Rules of Procedure shall specify the qualifications required of the members of the Committee and lay down the terms and conditions for the Committee's activity.

ARTICLE 13

The Bank shall deal with each Member State through the authority designated by that State. In the conduct of financial operations the Bank shall have recourse to the national central bank of the Member State concerned or to other financial institutions approved by that State.

ARTICLE 14

1. The Bank shall cooperate with all international organisations active in fields similar to its own.

2. The Bank shall seek to establish all appropriate contacts in the interests of cooperation with banking and financial institutions in the countries to which its operations extend.

ARTICLE 15

At the request of a Member State or of the Commission, or on its own initiative, the Board of Governors shall, in accordance with the same provisions as governed their adoption, interpret or supplement the directives laid down by it under Article 7.

ARTICLE 16

1. Within the framework of the task set out in Article III-394 of the Constitution, the Bank shall grant finance, in particular in the form of loans and guarantees to its members or to private or public undertakings for investments to be carried out in the territories of Member States, to the extent that funds are not available from other sources on reasonable terms.

However, by decision of the Board of Governors, acting by a qualified majority on a proposal from the Board of Directors, the Bank may grant financing for investment to be carried out, in whole or in part, outside the territories of Member States.

2. As far as possible, loans shall be granted only on condition that other sources of finance are also used.

3. When granting a loan to an undertaking or to a body other than a Member State, the Bank shall make the loan conditional either on a guarantee from the Member State in whose territory the investment will be carried out, on adequate guarantees, or on the financial strength of the debtor.

Furthermore, in accordance with the principles established by the Board of Governors pursuant to Article 7(3)(b), and where the implementation of projects provided for in Article III-394 of the Constitution so requires, the Board of Directors shall, acting by a qualified majority, lay down the terms and conditions of any financing operation presenting a specific risk profile and thus considered to be a special activity.

4. The Bank may guarantee loans contracted by public or private undertakings or other bodies for the purpose of carrying out projects provided for in Article III-394 of the Constitution.

5. The aggregate amount outstanding at any time of loans and guarantees granted by the Bank shall not exceed 250% of its subscribed capital, reserves, non-allocated provisions and profit and loss account surplus. The latter aggregate amount shall be reduced by an amount equal to the amount subscribed (whether or not paid in) for any equity participation of the Bank.

Znesek, ki ga banka plača za kapitalske udeležbe, nikoli ne sme preseči skupne vsote vplačanega vpisanega kapitala, nerazporejenih rezervacij in presežka iz bilance uspeha.

Za posebne dejavnosti banke, o katerih odloča Svet guvernerjev in Svet direktorjev v skladu s tretjim odstavkom 18. člena tega statuta, velja izjema, po kateri je zanje v rezervi treba predvideti posebno razporeditev.

Ta odstavek se uporablja tudi za konsolidirane računovodske izkaze banke.

(6) Banka se zavaruje pred tečajnimi tveganji tako, da v posojilne in garancijske pogodbe vključi klavzule, ki jih šteje za primerne.

17. ČLEN

(1) Obrestne mere za posojila banke ter provizije in druge dajatve se prilagodijo prevladujočim pogojem na trgu kapitala in izračunajo tako, da prihodek, ki iz njih izhaja, omogoča banki izpolnjevanje njenih obveznosti, kritje njenih stroškov in tveganj ter oblikovanje rezervnega sklada po 22. členu tega statuta.

(2) Banka ne daje popustov na obrestne mere. Če je glede na naravo naložbe, ki se financira, zmanjšanje obrestne mere zaželeno, lahko zadevna država članica ali kdo tretji odobri pomoč za plačilo obresti, kolikor je to skladno s III-167. členom Ustave.

18. ČLEN

Pri svojih poslih financiranja banka upošteva naslednja načela:

(1) Zagotavlja, da se sredstva uporabljajo kar najbolj racionalno v interesu Unije.

Posojila ali jamstva lahko odobrava le:

a) kadar se pri naložbah podjetij iz proizvodnega sektorja izplačevanje obresti in amortizacije zagotavlja iz dobička iz poslovanja, pri drugih investicijah pa s prevzemom obveznosti države članice, v kateri poteka naložba, ali na kakšen drug način; in v primeru drugih naložb in

b) kadar izvajanje naložbe prispeva k povečanju ekonomske produktivnosti na splošno in spodbuja oblikovanje ali delovanje notranjega trga.

(2) Banka ne sme pridobiti deležev v podjetjih ali prevzeti odgovornosti pri njihovem poslovodenju, razen če to ne zagotavlja zaščite njenih pravic pri povrnitvi terjatev.

Vendar Svet direktorjev v skladu z načeli, ki jih določi Svet guvernerjev na podlagi točke b) tretjega odstavka 7. člena tega statuta, ter kadar tako zahteva izvajanje poslov po III-394. členu Ustave, s kvalificirano večino določi pogoje za kapitalsko udeležbo v gospodarskih družbah, kolikor je to – praviloma kot dopolnilo posojilu ali jamstvu – potrebno zaradi financiranja naložbe ali programa.

(3) Svoje terjatve lahko odstopi na trgu kapitala in v ta namen lahko zahteva od dolžnikov, da izdajo obveznice ali druge vrednostne papirje.

(4) Banka ali države članice ne smejo postavljati pogojev, ki bi določali, da je treba posojene zneske porabiti v določeni državi članici.

(5) Kot pogoj za odobritev posojila lahko banka zahteva razpis mednarodnih natečajev.

(6) Banka ne sme niti v celoti niti delno financirati naložb, ki jim nasprotuje država članica, na ozemlju katere naj bi se izvajale.

(7) Banka lahko v dopolnilo svoji posojilni dejavnosti pod pogoji, ki jih s kvalificirano večino in v skladu s tem statutom določi Svet guvernerjev, zagotavlja storitve tehnične pomoči.

The amount of the Bank's disbursed equity participations shall not exceed at any time an amount corresponding to the total of its paid-in subscribed capital, reserves, non-allocated provisions and profit and loss account surplus.

By way of exception, the special activities of the Bank, as decided by the Board of Governors and the Board of Directors in accordance with paragraph 3, will have a specific allocation of reserve.

This paragraph shall also apply to the consolidated accounts of the Bank.

6. The Bank shall protect itself against exchange risks by including in contracts for loans and guarantees such clauses as it considers appropriate.

ARTICLE 17

1. Interest rates on loans to be granted by the Bank and commission and other charges shall be adjusted to conditions prevailing on the capital market and shall be calculated in such a way that the income therefrom shall enable the Bank to meet its obligations, to cover its expenses and risks and to build up a reserve fund as provided for in Article 22.

2. The Bank shall not grant any reduction in interest rates. Where a reduction in the interest rate appears desirable in view of the nature of the investment to be financed, the Member State concerned or some other agency may grant aid towards the payment of interest to the extent that this is compatible with Article III-167 of the Constitution.

ARTICLE 18

In its financing operations, the Bank shall observe the following principles:

1. It shall ensure that its funds are employed in the most rational way in the interests of the Union.

It may grant loans or guarantees only:

(a) where, in the case of investments by undertakings in the production sector, interest and amortisation payments are covered out of operating profits or, in the case of other investments, either by a commitment entered into by the State in which the investment is made or by some other means; and,

(b) where the execution of the investment contributes to an increase in economic productivity in general and promotes the establishment or functioning of the internal market.

2. It shall neither acquire any interest in an undertaking nor assume any responsibility in its management unless this is required to safeguard the rights of the Bank in ensuring recovery of funds lent.

However, in accordance with the principles determined by the Board of Governors pursuant to Article 7(3)(b), and where the implementation of operations provided for in Article III-394 of the Constitution so requires, the Board of Directors shall, acting by a qualified majority, lay down the terms and conditions for taking an equity participation in a commercial undertaking, normally as a complement to a loan or a guarantee, insofar as this is required to finance an investment or programme.

3. It may dispose of its claims on the capital market and may, to this end, require its debtors to issue bonds or other securities.

4. Neither the Bank nor the Member States shall impose conditions requiring funds lent by the Bank to be spent within a specified Member State.

5. The Bank may make its loans conditional on international invitations to tender being arranged.

6. The Bank shall not finance, in whole or in part, any investment opposed by the Member State in whose territory it is to be carried out.

7. As a complement to its lending activity, the Bank may provide technical assistance services in accordance with the terms and conditions laid down by the Board of Governors, acting by a qualified majority, and in compliance with this Statute.

19. ČLEN

(1) Vsako podjetje ali oseba javnega ali zasebnega prava lahko banko neposredno zaprosi za financiranje. Prav tako se prošnje lahko naslovijo na banko bodisi prek Komisije ali države članice, na ozemlju katere bo naložba izvedena.

(2) Za prošnje, ki so naslovljene prek Komisije, se pridobi mnenje države članice, na ozemlju katere bo naložba izvedena. Za prošnje, naslovljene prek države članice, se pridobi mnenje Komisije. Prošnje, ki jih neposredno vložijo podjetja, se predložijo zadevni državi članici in Komisiji.

Zadevna država članica in Komisija pripravita mnenje najpozneje v dveh mesecih. Če banka v tem času ne dobi odgovora, se šteje, da glede zadevne naložbe ni ugovorov.

(3) Svet direktorjev odloča o poslih financiranja, ki mu jih predloži Upravni odbor.

(4) Upravni odbor preveri, ali so posli financiranja, ki so mu bili predloženi, v skladu s tem statutom, zlasti s 16. in 18. členom tega statuta. Če se Upravni odbor izreče za posel financiranja, predloži Svetu direktorjev ustrezen predlog. Kot pogoj za pozitivno mnenje lahko postavi zahteve, ki so po njegovem mnenju bistvene. Če se Upravni odbor izreče proti odobritvi financiranja, mora Svetu direktorjev predložiti vse ustrezne dokumente skupaj s svojim mnenjem.

(5) Če Upravni odbor poda negativno mnenje, lahko Svet direktorjev odobri zadevno financiranje le s soglasno odločitvijo.

(6) Če Komisija poda negativno mnenje, lahko Svet direktorjev odobri zadevno financiranje le s soglasno odločitvijo; član Sveta direktorjev, ki je bil imenovan na predlog Komisije, se vzdrži glasovanja.

(7) Če negativno mnenje podata Upravni odbor in Komisija, Svet direktorjev financiranja ne sme odobriti.

(8) V slučaju, da je potrebno posel financiranja, povezan z odobreno naložbo, prestrukturirati zaradi zaščite pravic in interesov banke, Upravni odbor nemudoma sprejme nujne ukrepe, ki jih šteje za potrebne, in o katerih mora takoj poročati Svetu direktorjev.

20. ČLEN

(1) Banka si na trgih kapitala sposoja potrebna sredstva za izvajanje svojih nalog.

(2) Banka si na trgih kapitala držav članic lahko sposoja v skladu s predpisi, ki se uporabljajo za te trge.

Pristojni organi države članice s posebno ureditvijo v smislu prvega odstavka III-197. člena Ustave, lahko temu nasprotujejo le v primeru, da obstaja nevarnost resnih motenj na trgu kapitala te države.

21. ČLEN

(1) Banka lahko uporabi vsa sredstva, ki jih ne potrebuje neposredno za izpolnjevanje svojih obveznosti, pod naslednjimi pogoji:

a) lahko vlaga na denarnih trgih;

b) ob upoštevanju določb drugega odstavka 18. člen a tega statuta lahko kupuje ali prodaja vrednostne papirje;

c) lahko opravlja vse druge finančne posle v zvezi s svojimi cilji.

(2) Ne glede na določbe 23. člena tega statuta, banka pri upravljanju svojih naložb ne izvaja devizne arbitraže, ki ni neposredno potrebna za izvajanje njenega posojilnega poslovanja ali za izpolnjevanje obveznosti, ki izhajajo iz najetih posojil ali iz jamstev, ki jih je odobrila.

ARTICLE 19

1. Any undertaking or public or private entity may apply directly to the Bank for financing. Applications to the Bank may also be made either through the Commission or through the Member State on whose territory the investment will be carried out.

2. Applications made through the Commission shall be submitted for an opinion to the Member State in whose territory the investment will be carried out. Applications made through a Member State shall be submitted to the Commission for an opinion. Applications made direct by an undertaking shall be submitted to the Member State concerned and to the Commission.

The Member State concerned and the Commission shall deliver their opinions within two months. If no reply is received within this period, the Bank may assume that there is no objection to the investment in question.

3. The Board of Directors shall rule on financing operations submitted to it by the Management Committee.

4. The Management Committee shall examine whether financing operations submitted to it comply with the provisions of this Statute, in particular with Articles 16 and 18. Where the Management Committee is in favour of the financing operation, it shall submit the corresponding proposal to the Board of Directors. The Committee may make its favourable opinion subject to such conditions as it considers essential. Where the Management Committee is against granting the finance, it shall submit the relevant documents together with its opinion to the Board of Directors.

5. Where the Management Committee delivers an unfavourable opinion, the Board of Directors may not grant the finance concerned unless its decision is unanimous.

6. Where the Commission delivers an unfavourable opinion, the Board of Directors may not grant the finance concerned unless its decision is unanimous, the director nominated by the Commission abstaining.

7. Where both the Management Committee and the Commission deliver an unfavourable opinion, the Board of Directors may not grant the finance.

8. In the event that a financing operation relating to an approved investment has to be restructured in order to safeguard the Bank's rights and interests, the Management Committee shall take without delay the emergency measures which it deems necessary, subject to immediate reporting thereon to the Board of Directors.

ARTICLE 20

1. The Bank shall borrow on the capital markets the funds necessary for the performance of its tasks.

2. The Bank may borrow on the capital markets of the Member States in accordance with the legal provisions applying to those markets.

The competent authorities of a Member State with a derogation within the meaning of Article III-197(1) of the Constitution may oppose this only if there is reason to fear serious disturbances on the capital market of that State.

ARTICLE 21

1. The Bank may employ any available funds which it does not immediately require to meet its obligations in the following ways:

(a) it may invest on the money markets;

(b) it may, subject to the provisions of Article 18(2), buy and sell securities;

(c) it may carry out any other financial operation linked with its objectives.

2. Without prejudice to the provisions of Article 23, the Bank shall not, in managing its investments, engage in any currency arbitrage not directly required to carry out its lending operations or fulfil commitments arising out of loans raised or guarantees granted by it.

(3) Banka deluje na področjih iz tega člena v dogovoru s pristojnimi organi ali z nacionalno centralno banko zadevne države članice.

22. ČLEN

(1) Postopno se ustanovi rezervni sklad v višini do 10% vpisanega kapitala. Če stanje obveznosti banke to upravičuje, lahko Svet direktorjev odloči, da se oblikujejo dodatne rezerve. Dokler rezervni sklad še ni v celoti oblikovan, se polni iz:

a) obresti za posojila, ki jih banka odobrava iz sredstev, ki jih države članice vplačujejo v skladu s 5. členom tega statuta;

b) obresti za posojila, ki jih banka odobrava iz prejetih vračil za dana posojila iz prejšnje točke,

kolikor niso te obresti potrebne za izpolnjevanje obveznosti banke in kritje njenih stroškov.

(2) Sredstva rezervnega sklada morajo biti naložena tako, da so kadar koli na razpolago za izpolnjevanje nalog sklada.

23. ČLEN

(1) Banka lahko kadar koli prenese svoja sredstva v valuti države članice, katere valuta ni euro, da bi lahko izvajala finančno poslovanje v skladu z nalogo iz III-394. člena Ustave in ob upoštevanju določb 21. člena tega statuta. Če banka razpolaga z denarnimi ali vnovčljivimi sredstvi v valuti, ki jo potrebuje, se takšnim prenosom čim bolj izogiba.

(2) Banka ne sme zamenjati svojih sredstev v valuti ene države članice, katere valuta ni euro, v valute tretjih držav brez privolitve te države članice.

(3) Banka lahko prosto razpolaga z delom svojega vplačanega kapitala in z devizami, izposojenimi na tretjih trgih.

(4) Države članice se zavezujejo dati dolžnikom banke na razpolago devize, potrebne za vračilo glavnice in obresti za posojila ter provizije za jamstva, ki jih je banka odobrila za izvedbo naložb na njihovem ozemlju.

24. ČLEN

Če država članica ne izpolnjuje obveznosti članstva iz tega statuta, zlasti obveznosti vplačila svojega deleža v vpisanem kapitalu ali izplačevanja najetih posojil, lahko Svet guvernerjev s kvalificirano večino odloči, da se odobravanje posojil ali jamstev tej državi članici ali njenim državljanom začasno ustavi.

Ta odločitev države članice ali njenih državljanov ne odvezuje obveznosti do banke.

25. ČLEN

(1) Če Svet guvernerjev odloči, da se poslovanje banke začasno ustavi, se morajo vse njene dejavnosti nemudoma ustaviti, razen tistih, ki so potrebne za zagotovitev pravilnega unovčenja, zaščite in ohranitve njenega premoženja ter za poravnavo njenih obveznosti.

(2) V primeru likvidacije Svet guvernerjev imenuje likvidatorje in jim da navodila za izvedbo likvidacije. Svet guvernerjev zagotovi zaščito pravic zaposlenih.

26. ČLEN

(1) Banka ima v vseh državah članicah kar najširšo pravno in poslovno sposobnost, ki jo pravnim osebam priznava notranja zakonodaja. Zlasti lahko pridobiva premičnine in nepremičnine ali z njimi razpolaga ter je lahko stranka v sodnem postopku.

3. The Bank shall, in the fields covered by this Article, act in agreement with the competent authorities or with the national central bank of the Member State concerned.

ARTICLE 22

1. A reserve fund of up to 10% of the subscribed capital shall be built up progressively. If the state of the liabilities of the Bank should so justify, the Board of Directors may decide to set aside additional reserves. Until such time as the reserve fund has been fully built up, it shall be fed by:

(a) interest received on loans granted by the Bank out of sums to be paid up by the Member States pursuant to Article 5;

(b) interest received on loans granted by the Bank out of funds derived from repayment of the loans referred to in (a);

to the extent that this income is not required to meet the obligations of the Bank or to cover its expenses.

2. The resources of the reserve fund shall be so invested as to be available at any time to meet the purpose of the fund.

ARTICLE 23

1. The Bank shall at all times be entitled to transfer its assets into the currency of a Member State whose currency is not the euro in order to carry out financial operations corresponding to the task set out in Article III-394 of the Constitution, taking into account the provisions of Article 21 of this Statute. The Bank shall, as far as possible, avoid making such transfers if it has cash or liquid assets in the currency required.

2. The Bank may not convert its assets in the currency of a Member State whose currency is not the euro into the currency of a third country without the agreement of the Member State concerned.

3. The Bank may freely dispose of that part of its capital which is paid up and of any currency borrowed on markets outside the Union.

4. The Member States undertake to make available to the debtors of the Bank the currency needed to repay the capital and pay the interest on loans or commission on guarantees granted by the Bank for investment to be carried out in their territory.

ARTICLE 24

If a Member State fails to meet the obligations of membership arising from this Statute, in particular the obligation to pay its share of the subscribed capital or to service its borrowings, the granting of loans or guarantees to that Member State or its nationals may be suspended by a decision of the Board of Governors, acting by a qualified majority.

Such decision shall not release either the Member State or its nationals from their obligations towards the Bank.

ARTICLE 25

1. If the Board of Governors decides to suspend the operations of the Bank, all its activities shall cease forthwith, except those required to ensure the due realisation, protection and preservation of its assets and the settlement of its liabilities.

2. In the event of liquidation, the Board of Governors shall appoint the liquidators and give them instructions for carrying out the liquidation. It shall ensure that the rights of the members of staff are safeguarded.

ARTICLE 26

1. In each of the Member States, the Bank shall enjoy the most extensive legal capacity accorded to legal persons under their laws. It may, in particular, acquire or dispose of movable or immovable property and may be a party to legal proceedings.

(2) Premoženje banke se ne more na kakršen koli način zaseči ali razlastiti.

27. ČLEN

(1) Spore med banko na eni strani in njenimi upniki, dolžniki in drugimi osebami na drugi strani rešujejo pristojna nacionalna sodišča, razen kadar je bila pristojnost prenesena na Sodišče Evropske unije. Banka lahko v vsaki pogodbi predvidi arbitražo.

(2) Banka ima naslov za vročitve v vsaki državi članici. Vendar pa lahko v vsaki pogodbi določi poseben naslov za vročitve.

(3) Premoženje in sredstva banke so lahko predmet zasega ali prisilne izvršbe samo na podlagi odločbe sodišča.

28. ČLEN

(1) Svet guvernerjev se lahko soglasno odloči ustanoviti hčerinske družbe ali druge subjekte, ki so finančno samostojne pravne osebe.

(2) Svet guvernerjev soglasno sprejme statute teles iz prejšnjega odstavka, ki opredeljujejo predvsem njihove cilje, sestavo, kapital, članstvo, kraj sedeža, finančne vire, načine posredovanja in pravila o revidiranju kakor tudi njihove odnose z organi banke.

(3) Banka lahko sodeluje pri upravljanju teh teles in prispeva v njihov vpisani kapital do višine, ki jo soglasno določi Svet guvernerjev.

(4) Za telesa iz prvega odstavka tega člena, kolikor se za njih uporablja pravo Unije, za člane njihovih organov pri opravljanju njihovih nalog ter za njihove zaposlene se uporablja Protokol o privilegijih in imunitetah Evropske unije pod enakimi pogoji kot za banko.

Vendar pa se za tiste dividende, kapitalske donose ali druge oblike prihodkov iz takih teles, do katerih so upravičeni člani, razen Evropske unije in banke, še naprej uporabljajo davčne določbe ustrezne zakonodaje.

(5) Sodišče Evropske unije v mejah, določenih naknadno, odloča v sporih glede ukrepov, ki jih sprejemajo organi telesa za katerega se uporablja pravo Unije. Postopek zoper te ukrepe lahko sproži vsak član takega telesa ali pod pogoji, določenimi v III-365. členu Ustave, države članice.

(6) Svet guvernerjev lahko soglasno odloči, da se zaposlenim v telesih, za katere se uporablja pravo Unije, omogoči v skladu z ustreznimi internimi postopki dostop do sistemov, ki so skupni z banko.

2. The property of the Bank shall be exempt from all forms of requisition or expropriation.

ARTICLE 27

1. Disputes between the Bank on the one hand, and its creditors, debtors or any other person on the other, shall be decided by the competent national courts, save where jurisdiction has been conferred on the Court of Justice of the European Union. The Bank may provide for arbitration in any contract.

2. The Bank shall have an address for service in each Member State. It may, however, in any contract, specify a particular address for service.

3. The property and assets of the Bank shall not be liable to attachment or to seizure by way of execution except by decision of a court.

ARTICLE 28

1. The Board of Governors may, acting unanimously, decide to establish subsidiaries or other entities, which shall have legal personality and financial autonomy.

2. The Board of Governors, acting unanimously, shall establish the Statutes of the bodies referred to in paragraph 1, defining, in particular, their objectives, structure, capital, membership, the location of their seat, their financial resources, means of intervention and auditing arrangements, as well as their relationship with the organs of the Bank.

3. The Bank may participate in the management of these bodies and contribute to their subscribed capital up to the amount determined by the Board of Governors, acting unanimously.

4. The Protocol on the privileges and immunities of the European Union shall apply to the bodies referred to in paragraph 1 insofar as they are incorporated under Union law, to the members of their organs in the performance of their duties as such and to their staff, under the same terms and conditions as those applicable to the Bank.

Those dividends, capital gains or other forms of revenue stemming from such bodies to which the members, other than the European Union and the Bank, are entitled, shall however remain subject to the fiscal provisions of the applicable legislation.

5. The Court of Justice of the European Union shall, within the limits hereinafter laid down, hear disputes concerning measures adopted by organs of a body incorporated under Union law. Proceedings against such measures may be instituted by any member of such a body in its capacity as such or by Member States under the conditions laid down in Article III-365 of the Constitution.

6. The Board of Governors may, acting unanimously, decide to admit the staff of bodies incorporated under Union law to joint schemes with the Bank, in compliance with the respective internal procedures.

6. PROTOKOL
O DOLOČITVI SEDEŽEV INSTITUCIJ TER NEKATERIH ORGANOV, URADOV, AGENCIJ IN SLUŽB EVROPSKE UNIJE

VISOKE POGODBENICE SO SE –

OB UPOŠTEVANJU III-432. člena Ustave,

OB SKLICEVANJU IN POTRDITVI sklepa z dne 8. aprila 1965, vendar ne glede na odločitve glede sedeža institucij, organov, uradov, agencij in služb v prihodnosti –

DOGOVORILE o naslednjih določbah, ki so priloga k Pogodbi o Ustavi za Evropo in Pogodbi o ustanovitvi Evropske skupnosti za atomsko energijo:

EDINI ČLEN

(1) Evropski parlament ima sedež v Strasbourgu, kjer poteka 12 mesečnih plenarnih zasedanj, vključno s proračunskim zasedanjem. Dodatna plenarna zasedanja potekajo v Bruslju. Odbori Evropskega parlamenta se sestajajo v Bruslju. Generalni sekretariat Evropskega parlamenta in njegove službe ostanejo v Luxembourgu.

(2) Svet ima sedež v Bruslju. V mesecu aprilu, juniju in oktobru so seje Sveta v Luxembourgu.

(3) Komisija ima sedež v Bruslju. Službe, navedene v 7., 8. in 9. členu Sklepa z dne 8. aprila 1965, se nahajajo v Luxembourgu.

(4) Sodišče Evropske unije ima sedež v Luxembourgu.

(5) Evropska centralna banka ima sedež v Frankfurtu na Majni.

(6) Računsko sodišče ima sedež v Luxembourgu.

(7) Odbor regij ima sedež v Bruslju.

(8) Ekonomsko-socialni odbor ima sedež v Bruslju.

(9) Evropska investicijska banka ima sedež v Luxembourgu.

(10) Europol ima sedež v Haagu.

6. PROTOCOL
ON THE LOCATION OF THE SEATS OF THE INSTITUTIONS AND OF CERTAIN BODIES, OFFICES, AGENCIES AND DEPARTMENTS OF THE EUROPEAN UNION

THE HIGH CONTRACTING PARTIES,

HAVING REGARD to Article III-432 of the Constitution,

RECALLING AND CONFIRMING the Decision of 8 April 1965, and without prejudice to the decisions concerning the seat of future institutions, bodies, offices, agencies and departments,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe and to the Treaty establishing the European Atomic Energy Community:

SOLE ARTICLE

1. The European Parliament shall have its seat in Strasbourg, where the 12 periods of monthly plenary sessions, including the budget session, shall be held. The periods of additional plenary sessions shall be held in Brussels. The committees of the European Parliament shall meet in Brussels. The General Secretariat of the European Parliament and its departments shall remain in Luxembourg.

2. The Council shall have its seat in Brussels. During the months of April, June and October, the Council shall hold its meetings in Luxembourg.

3. The Commission shall have its seat in Brussels. The departments listed in Articles 7, 8 and 9 of the Decision of 8 April 1965 shall be established in Luxembourg.

4. The Court of Justice of the European Union shall have its seat in Luxembourg.

5. The European Central Bank shall have its seat in Frankfurt.

6. The Court of Auditors shall have its seat in Luxembourg.

7. The Committee of the Regions shall have its seat in Brussels.

8. The Economic and Social Committee shall have its seat in Brussels.

9. The European Investment Bank shall have its seat in Luxembourg.

10. Europol shall have its seat in The Hague.

7. PROTOKOL
O PRIVILEGIJIH IN IMUNITETAH EVROPSKE UNIJE

VISOKE POGODBENICE SO SE –

OB UPOŠTEVANJU, da skladno s III-434. členom Ustave Unija na ozemljih držav članic uživa privilegije in imunitete, ki jih potrebuje za opravljanje svojih nalog –

DOGOVORILE o naslednjih določbah, priloženih Pogodbi o Ustavi za Evropo in Pogodbi o ustanovitvi Evropske skupnosti za atomsko energijo:

I. POGLAVJE
NEPREMIČNINE, SREDSTVA, PREMOŽENJE IN POSLOVANJE UNIJE

1. ČLEN

Prostori in stavbe Unije so nedotakljivi. Ne smejo se preiskovati, zaseči, zapleniti ali razlastiti. Nepremičnine in premoženje Unije ne morejo biti predmet upravnega ali sodnega prisilnega ukrepa brez dovoljenja Sodišča.

2. ČLEN

Arhivi Unije so nedotakljivi.

3. ČLEN

Unija, njena sredstva, prihodki in drugo premoženje so oproščeni vseh neposrednih davkov.

Vlade držav članic vsakokrat, ko je mogoče, sprejmejo ustrezne ukrepe za odpustitev ali vračilo zneskov posrednih davkov ali davkov na promet, ki so vključeni v ceno nepremičnine ali premičnine, če Unija za svoje službene potrebe izvede večje nakupe, katerih cena vključuje tovrstne davke. Vendar pa uporaba teh ukrepov ne sme povzročiti izkrivljanja konkurence v Uniji.

Ne odobri se oprostitev za davke in dajatve, ki so le plačilo za zagotavljanje javnih storitev.

4. ČLEN

Unija je oproščena vseh carin, prepovedi in omejitev pri uvozu in izvozu za predmete, namenjene službeni uporabi. Tako uvoženih predmetov se na ozemlju države, v katero so bili uvoženi, ne sme odplačno ali neodplačno odstopiti, razen pod pogoji, ki jih je odobrila vlada te države.

Unija je oproščena tudi vseh carin ter prepovedi in omejitev pri uvozu in izvozu za svoje publikacije.

II. POGLAVJE
KOMUNICIRANJE IN PREPUSTNICE

5. ČLEN

Pri uradnem komuniciranju in prenosu vseh svojih dokumentov uživajo institucije Unije na ozemlju vsake države članice tako obravnavanje, kakršno ta država daje diplomatskim predstavništvom.

7. PROTOCOL
ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN UNION

THE HIGH CONTRACTING PARTIES,

CONSIDERING that, in accordance with Article III-434 of the Constitution, the Union shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of its tasks,

HAVE AGREED upon the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe and to the Treaty establishing the European Atomic Energy Community:

CHAPTER I
PROPERTY, FUNDS, ASSETS AND OPERATIONS OF THE UNION

ARTICLE 1

The premises and buildings of the Union shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the Union shall not be the subject of any administrative or legal measure of constraint without the authorisation of the Court of Justice.

ARTICLE 2

The archives of the Union shall be inviolable.

ARTICLE 3

The Union, its assets, revenues and other property shall be exempt from all direct taxes.

The governments of the Member States shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Union makes, for its official use, substantial purchases the price of which includes taxes of this kind. These provisions shall not be applied, however, so as to have the effect of distorting competition within the Union.

No exemption shall be granted in respect of taxes and dues which amount merely to charges for public utility services.

ARTICLE 4

The Union shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for its official use. Articles so imported shall not be disposed of, whether or not in return for payment, in the territory of the State into which they have been imported, except under conditions approved by the government of that State.

The Union shall also be exempt from any customs duties and any prohibitions and restrictions on import and exports in respect of its publications.

CHAPTER II
COMMUNICATIONS AND *LAISSEZ-PASSER*

ARTICLE 5

For their official communications and the transmission of all their documents, the institutions of the Union shall enjoy in the territory of each Member State the treatment accorded by that State to diplomatic missions.

Uradnega dopisovanja in drugega uradnega komuniciranja institucij Unije se ne sme cenzurirati.

6. ČLEN

Članom in uslužbencem institucij Unije lahko predsedniki teh institucij izdajo prepustnice v obliki, ki jo bo določila evropska uredba Sveta, sprejeta z navadno večino in ki jih organi držav članic priznajo kot veljavne potne dokumente. Te prepustnice se izdajo uradnikom in drugim uslužbencem pod pogoji, določenimi v kadrovskih predpisih za uradnike in pogojih za zaposlitev drugih uslužbencev Unije.

Komisija lahko sklepa sporazume, na podlagi katerih so te prepustnice priznane kot veljavni potni dokumenti na ozemlju tretjih držav.

III. POGLAVJE

ČLANI EVROPSKEGA PARLAMENTA

7. ČLEN

Prostega gibanja članov Evropskega parlamenta do kraja zasedanja Evropskega parlamenta ali nazaj se ne sme upravno ali kako drugače omejevati.

Člani Evropskega parlamenta uživajo pri carinskem in deviznem nadzoru:

a) enake olajšave, kot jih njihove vlade podeljujejo visokim uradnikom, ko potujejo v tujino zaradi začasne uradne naloge;

b) enake olajšave, kot jih vlade drugih držav članic podeljujejo predstavnikom tujih vlad na začasni uradni nalogi.

8. ČLEN

Zoper člana Evropskega parlamenta se ne sme začeti preiskave, ne sme biti priprt niti se zoper njega ne sme začeti sodnega postopka zaradi mnenja ali glasu, ki ga je izrekel pri opravljanju svojih dolžnosti.

9. ČLEN

Med zasedanjem Evropskega parlamenta njegovi člani:

a) uživajo na ozemlju svoje države imunitete, priznane članom parlamenta te države;

b) na ozemlju vseh drugih držav članic ne morejo biti priprti ali v sodnem postopku.

Za člane velja imuniteta tudi medtem, ko potujejo do kraja zasedanja Evropskega parlamenta in nazaj.

Kadar je član zaloten pri storitvi kaznivega dejanja, sklicevanje na imuniteto ni mogoče in Evropskemu parlamentu ne preprečuje uresničevanja pravice do odvzema imunitete svojemu članu.

Official correspondence and other official communications of the institutions of the Union shall not be subject to censorship.

ARTICLE 6

1. *Laissez-passer* in a form to be prescribed by a European regulation of the Council acting by a simple majority, which shall be recognised as valid travel documents by the authorities of the Member States, may be issued to members and servants of the institutions of the Union by the Presidents of these institutions. These *laissez-passer* shall be issued to officials and other servants under conditions laid down in the Staff Regulations of officials and the Conditions of Employment of other servants of the Union.

The Commission may conclude agreements for these *laissez-passer* to be recognised as valid travel documents within the territory of third States.

CHAPTER III

MEMBERS OF THE EUROPEAN PARLIAMENT

ARTICLE 7

No administrative or other restriction shall be imposed on the free movement of members of the European Parliament travelling to or from the place of meeting of the European Parliament.

Members of the European Parliament shall, in respect of customs and exchange control, be accorded:

(a) by their own governments, the same facilities as those accorded to senior officials travelling abroad on temporary official missions;

(b) by the governments of other Member States, the same facilities as those accorded to representatives of foreign governments on temporary official missions.

ARTICLE 8

Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

ARTICLE 9

During the sessions of the European Parliament, its members shall enjoy:

(a) in the territory of their own State, the immunities accorded to members of their Parliament;

(b) in the territory of any other Member State, immunity from any measure of detention and from legal proceedings.

Immunity shall likewise apply to members while they are travelling to and from the place of meeting of the European Parliament.

Immunity cannot be claimed when a member is found in the act of committing an offence and shall not prevent the European Parliament from exercising its right to waive the immunity of one of its members.

IV. POGLAVJE

PREDSTAVNIKI DRŽAV ČLANIC, KI SODELUJEJO PRI DELU INSTITUCIJ UNIJE

10. ČLEN

Predstavniki držav članic, ki sodelujejo pri delu institucij Unije, njihovi svetovalci in tehnični strokovnjaki pri opravljanju svojih nalog in medtem, ko potujejo do kraja zasedanja in nazaj, uživajo običajne privilegije, imunitete in olajšave.

Ta člen se uporablja tudi za člane posvetovalnih organov Unije.

V. POGLAVJE

URADNIKI IN DRUGI USLUŽBENCI UNIJE

11. ČLEN

Na ozemlju vsake države članice in ne glede na njihovo državljanstvo, uradniki in drugi uslužbenci Unije:

a) uživajo, ob upoštevanju določb Ustave, ki se nanašajo na odgovornost uradnikov in drugih uslužbencev do Unije, in ob upoštevanju pristojnosti Sodišča v sporih med Unijo in njenimi uradniki in drugimi uslužbenci, imuniteto pred sodnimi postopki za dejanja, storjena pri opravljanju uradnih dolžnosti, vključno z izgovorjenimi ali zapisanimi besedami. To imuniteto uživajo tudi po prenehanju funkcije;

b) zanje ter za njihove zakonce in vzdrževane družinske člane ne veljajo niti omejitve glede priseljevanja niti formalnosti glede registriranja tujcev;

c) uživajo enake olajšave, kot jih imajo običajno uradniki mednarodnih organizacij glede monetarnih ali deviznih predpisov;

d) imajo pravico, da brez dajatev uvozijo pohištvo in druge predmete za osebno uporabo, ko prvič prevzemajo dolžnost v zadevni državi, in jih potem ob prenehanju dolžnosti v tej državi brez dajatev ponovno izvozijo; v obeh primerih pod pogoji, ki jih vlada države, v kateri uresničujejo to pravico, šteje za potrebne;

e) imajo pravico uvoziti brez dajatev avtomobil za osebno uporabo, pridobljen v državi njihovega zadnjega prebivališča ali države njihovega državljanstva, pod pogoji, ki veljajo na domačem trgu te države, ter ga ponovno izvoziti brez dajatev, v obeh primerih pod pogoji, ki jih vlada države, v kateri uresničujejo to pravico, šteje za potrebne.

12. ČLEN

Uradniki in drugi uslužbenci Unije so dolžni plačevati davek v korist Unije od plač, mezd in prejemkov, ki jih prejemajo od Unije, v skladu s pogoji in postopki, ki jih določa evropski zakon. Ta zakon se sprejme po posvetovanju z zadevnimi institucijami.

Uradniki in drugi uslužbenci Unije so oproščeni nacionalnih davkov od plač, mezd in prejemkov, ki jih izplačuje Unija.

CHAPTER IV

REPRESENTATIVES OF MEMBER STATES TAKING PART IN THE WORK OF THE INSTITUTIONS OF THE UNION

ARTICLE 10

Representatives of Member States taking part in the work of the institutions of the Union, their advisers and technical experts shall, in the performance of their duties and during their travel to and from the place of meeting, enjoy the customary privileges, immunities and facilities.

This Article shall also apply to members of the advisory bodies of the Union.

CHAPTER V

OFFICIALS AND OTHER SERVANTS OF THE UNION

ARTICLE 11

In the territory of each Member State and whatever their nationality, officials and other servants of the Union shall:

(a) subject to the provisions of the Constitution relating, on the one hand, to the rules on the liability of officials and other servants towards the Union and, on the other hand, to the jurisdiction of the Court of Justice of the European Union in disputes between the Union and its officials and other servants, be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office;

(b) together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens;

(c) in respect of currency or exchange regulations, be accorded the same facilities as are customarily accorded to officials of international organisations;

(d) enjoy the right to import free of duty their furniture and effects at the time of first taking up their post in the State concerned, and the right to re-export free of duty their furniture and effects, on termination of their duties in that State, subject in either case to the conditions considered to be necessary by the government of the State in which this right is exercised;

(e) have the right to import free of duty a motor car for their personal use, acquired either in the State of their last residence or in the State of which they are nationals on the terms ruling in the home market in that State, and to re-export it free of duty, subject in either case to the conditions considered to be necessary by the government of the State concerned.

ARTICLE 12

Officials and other servants of the Union shall be liable to a tax, for the benefit of the Union, on salaries, wages and emoluments paid to them by the Union, in accordance with the conditions and procedure laid down by a European law. That law shall be adopted after consultation of the institutions concerned.

Officials and other servants of the Union shall be exempt from national taxes on salaries, wages and emoluments paid by the Union.

13. ČLEN

Pri izvajanju davka od dohodka, od premoženja in od dediščin ter pri uporabi konvencij o izogibanju dvojnega obdavčevanja, sklenjenih med državami članicami Unije, se za uradnike in druge uslužbence Unije, ki imajo izključno zaradi opravljanja svojih dolžnosti v službi Unije prebivališče na ozemlju države članice, ki ni država njihovega davčnega domicila v času, ko nastopijo službo pri Uniji, šteje tako v državi njihovega dejanskega prebivališča kot v državi njihovega davčnega domicila, da so obdržali domicil v slednji državi, če je ta država članica Unije. Ta določba se uporablja tudi za zakonca, kolikor ta sam ne opravlja pridobitne dejavnosti, in za vzdrževane otroke, za katere skrbijo osebe iz tega člena.

Premičnine oseb iz prejšnjega odstavka, ki so na ozemlju države bivanja, so v tej državi oproščene davka od dediščin. Pri odmeri tega davka se ob upoštevanju pravic tretjih držav in ob morebitni uporabi določb mednarodnih konvencij o dvojnem obdavčevanju šteje, da se take premičnine nahajajo na ozemlju države davčnega domicila.

Pri uporabi določb tega člena se ne upošteva domicil, pridobljen izključno zaradi opravljanja dolžnosti v službi drugih mednarodnih organizacij.

14. ČLEN

Sistem socialnovarstvenih dajatev za uradnike in druge uslužbence Unije določi evropski zakon. Ta zakon se sprejme po posvetovanju z zadevnimi institucijami.

15. ČLEN

Evropski zakon določi kategorije uradnikov in drugih uslužbencev Unije, za katere se v celoti ali delno uporabljajo določbe 11. člena, drugega odstavka 12. člena in 13. člena tega protokola. Ta zakon se sprejme po posvetovanju z zadevnimi institucijami.

Vladam držav članic se redno sporočajo imena, službeni položaji in naslovi uradnikov in drugih uslužbencev, vključenih v take kategorije.

VI. POGLAVJE

PRIVILEGIJI IN IMUNITETE PREDSTAVNIŠTEV TRETJIH DRŽAV PRI UNIJI

16. ČLEN

Država članica, na ozemlju katere ima Unija sedež, priznava predstavništvom tretjih držav, ki so akreditirane pri Uniji, običajne diplomatske privilegije in imunitete.

VII. POGLAVJE

SPLOŠNE DOLOČBE

17. ČLEN

Uradnikom in drugim uslužbencem Unije se priznajo privilegiji, imunitete in olajšave izključno v interesu Unije.

Vsaka institucija Unije mora uradniku ali drugemu uslužbencu odvzeti priznano imuniteto, kadar meni, da odvzem imunitete ni v nasprotju z interesi Unije.

ARTICLE 13

In the application of income tax, wealth tax and death duties and in the application of conventions on the avoidance of double taxation concluded between Member States of the Union, officials and other servants of the Union who, solely by reason of the performance of their duties in the service of the Union, establish their residence in the territory of a Member State other than their State of domicile for tax purposes at the time of entering the service of the Union, shall be considered, both in the State of their actual residence and in the State of domicile for tax purposes, as having maintained their domicile in the latter State provided that it is a member of the Union. This provision shall also apply to a spouse, to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this Article.

Movable property belonging to persons referred to in the first paragraph and situated in the territory of the State where they are staying shall be exempt from death duties in that State. Such property shall, for the assessment of such duty, be considered as being in the State of domicile for tax purposes, subject to the rights of third States and to the possible application of provisions of international conventions on double taxation.

Any domicile acquired solely by reason of the performance of duties in the service of other international organisations shall not be taken into consideration in applying the provisions of this Article.

ARTICLE 14

The scheme of social security benefits for officials and other servants of the Union shall be laid down by a European law. That law shall be adopted after consultation of the institutions concerned.

ARTICLE 15

The categories of officials and other servants of the Union to whom Article 11, the second paragraph of Article 12, and Article 13 shall apply, in whole or in part, shall be determined by a European law. That law shall be adopted after consultation of the institutions concerned.

The names, grades and addresses of officials and other servants included in such categories shall be communicated periodically to the governments of the Member States.

CHAPTER VI

PRIVILEGES AND IMMUNITIES OF MISSIONS OF THIRD STATES ACCREDITED TO THE UNION

ARTICLE 16

The Member State in whose territory the Union has its seat shall accord the customary diplomatic privileges and immunities to missions of third States accredited to the Union.

CHAPTER VII

GENERAL PROVISIONS

ARTICLE 17

Privileges, immunities and facilities shall be accorded to officials and other servants of the Union solely in the interests of the Union.

Each institution of the Union shall be required to waive the immunity accorded to an official or other servant wherever that institution considers that the waiver of such immunity is not contrary to the interests of the Union.

18. ČLEN

Institucije Unije sodelujejo s pristojnimi organi zadevnih držav članic pri uporabi tega protokola.

19. ČLEN

11. do 14. člen in 17. člen tega protokola se uporabljajo za člane Komisije.

20. ČLEN

11. do 14. člen in 17. člen tega protokola se uporabljajo za sodnike, generalne pravobranilce, sodne tajnike in pomožne poročevalce Sodišča Evropske unije, ne glede na določbe 3. člena Protokola o statutu Sodišča Evropske unije, ki se nanaša na imuniteto sodnikov in generalnih pravobranilcev pred sodnimi postopki.

11. do 14. člen in 17. člen tega protokola se uporabljajo tudi za člane Računskega sodišča.

21. ČLEN

Ta protokol se uporablja tudi za Evropsko centralno banko, za člane njenih organov in zaposlene, ne glede na Protokol o statutu Evropskega sistema centralnih bank in Evropske centralne banke.

Poleg tega je Evropska centralna banka oproščena vseh davkov in podobnih dajatev ob povečanju svojega kapitala ter raznih formalnosti, ki so s tem lahko povezane v državi, v kateri ima banka sedež. Dejavnosti banke in njenih organov, ki se izvajajo v skladu s statutom Evropskega sistema centralnih bank in Evropske centralne banke, niso predmet kakršnih koli prometnih davkov.

22. ČLEN

Ta protokol se uporablja tudi za Evropsko investicijsko banko, za člane njenih organov, njene zaposlene in za predstavnike držav članic, ki sodelujejo pri njenem delu, ne glede na Protokol o statutu banke.

Poleg tega je Evropska investicijska banka oproščena vseh davkov in podobnih dajatev ob povečanju svojega kapitala ter raznih formalnosti, ki so s tem lahko povezane v državi, v kateri ima banka sedež. Ob njenem prenehanju delovanja ali likvidaciji prav tako ni nikakršnih dajatev. Dejavnosti banke in njenih organov, ki se izvajajo v skladu z njenim statutom, pa tudi niso predmet kakršnih koli prometnih davkov.

ARTICLE 18

The institutions of the Union shall, for the purpose of applying this Protocol, cooperate with the responsible authorities of the Member States concerned.

ARTICLE 19

Articles 11 to 14 and Article 17 shall apply to members of the Commission.

ARTICLE 20

Articles 11 to 14 and Article 17 shall apply to the Judges, the Advocates-General, the Registrars and the Assistant Rapporteurs of the Court of Justice of the European Union, without prejudice to the provisions of Article 3 of the Protocol on the Statute of the Court of Justice of the European Union concerning immunity from legal proceedings of Judges and Advocates-General.

Articles 11 to 14 and Article 17 shall also apply to the members of the Court of Auditors.

ARTICLE 21

This Protocol shall also apply to the European Central Bank, to the members of its organs and to its staff, without prejudice to the Protocol on the Statute of the European System of Central Banks and of the European Central Bank.

The European Central Bank shall, in addition, be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. The activities of the Bank and of its organs carried on in accordance with the Statute of the European System of Central Banks and of the European Central Bank shall not be subject to any turnover tax.

ARTICLE 22

This Protocol shall also apply to the European Investment Bank, to the members of its organs, to its staff and to the representatives of the Member States taking part in its activities, without prejudice to the Protocol on the Statute of the Bank.

The European Investment Bank shall in addition be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. Similarly, its dissolution or liquidation shall not give rise to any imposition. Finally, the activities of the Bank and of its organs carried on in accordance with its Statute shall not be subject to any turnover tax.

8. PROTOKOL

O POGODBAH IN AKTIH O PRISTOPU KRALJEVINE DANSKE, IRSKE IN ZDRUŽENEGA KRALJESTVA VELIKE BRITANIJE IN SEVERNE IRSKE, HELENSKE REPUBLIKE, KRALJEVINE ŠPANIJE IN PORTUGALSKE REPUBLIKE TER REPUBLIKE AVSTRIJE, REPUBLIKE FINSKE IN KRALJEVINE ŠVEDSKE

VISOKE POGODBENICE SO SE –

OB SKLICEVANJU NA DEJSTVO, da so Kraljevina Danska, Irska in Združeno kraljestvo Velike Britanije in Severne Irske pristopile k Evropskim skupnostim 1. januarja 1973; da je Helenska republika pristopila k Evropskim skupnostim 1. januarja 1981; da sta Kraljevina Španija in Portugalska republika pristopili k Evropskim skupnostim 1. januarja 1986; da so Republika Avstrija, Republika Finska in Kraljevina Švedska k Evropskim skupnostim in Evropski uniji, ustanovljeni s pogodbo o Evropski uniji, pristopile 1. januarja 1995;

GLEDE NA TO, da je v drugem odstavku IV-437. člena Ustave predvidena razveljavitev pogodb o zgoraj omenjenih pristopih;

GLEDE NA TO, da mnoge določbe teh pristopnih pogodb in aktov, ki so priloženi k tem pogodbam o pristopu, ostajajo relevantne; da je v drugem odstavku IV-437. člena Ustave določeno, da morajo biti takšne določbe navedene v protokolu ali se je treba nanje v protokolu sklicevati, da bi ostale v veljavi in bi se njihovi pravni učinki ohranili;

GLEDE NA TO, da je treba te določbe ustrezno tehnično prilagoditi, če naj bodo združljive z Ustavo, ne da bi se s tem spremenili njihovi pravni učinki,

DOGOVORILE o naslednjih določbah, ki so priložene k Pogodbi o Ustavi za Evropo in Pogodbi o ustanovitvi Evropske skupnosti za atomsko energijo:

I. NASLOV

SKUPNE DOLOČBE

1. ČLEN

Pravice in obveznosti iz pristopnih pogodb iz točk a) do d) drugega odstavka IV-437. člena Ustave so začele učinkovati pod pogoji, določenimi v teh pogodbah, na naslednje datume:

a) 1. januarja 1973 Pogodba o pristopu Kraljevine Danske, Irske in Združenega kraljestva Velike Britanije in Severne Irske;

b) 1. januarja 1981 Pogodba o pristopu Helenske republike;

c) 1. januarja 1986 Pogodba o pristopu Kraljevine Španije in Portugalske republike;

d) 1. januarja 1995 Pogodba o pristopu Republike Avstrije, Republike Finske in Kraljevine Švedske.

2. ČLEN

(1) Države iz prejšnjega člena morajo pristopiti k naslednjim sporazumom in konvencijam, sklenjenim pred njihovim pristopom, kolikor taki sporazumi ali konvencije še vedno veljajo:

a) k sporazumom ali konvencijam, ki so sklenjeni med drugimi državami članicami na temelju Pogodbe o ustanovitvi Evropske skupnosti, Pogodbe o ustanovitvi Evropske skupnosti za atomsko energijo ali Pogodbe o Evropski uniji, ali ki so neločljivo povezani z doseganjem ciljev iz teh pogodb v zvezi z delovanjem Skupnosti ali Unije ali so povezani z njihovimi dejavnostmi;

8. PROTOCOL

ON THE TREATIES AND ACTS OF ACCESSION OF THE KINGDOM OF DENMARK, IRELAND AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, OF THE HELLENIC REPUBLIC, OF THE KINGDOM OF SPAIN AND THE PORTUGUESE REPUBLIC, AND OF THE REPUBLIC OF AUSTRIA, THE REPUBLIC OF FINLAND AND THE KINGDOM OF SWEDEN

THE HIGH CONTRACTING PARTIES,

RECALLING that the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland acceded to the European Communities on 1 January 1973; that the Hellenic Republic acceded to the European Communities on 1 January 1981; that the Kingdom of Spain and the Portuguese Republic acceded to the European Communities on 1 January 1986; that the Republic of Austria, the Republic of Finland and the Kingdom of Sweden acceded to the European Communities and to the European Union established by the Treaty on European Union on 1 January 1995;

CONSIDERING THAT Article IV-437(2) of the Constitution provides that the Treaties concerning the accessions referred to above shall be repealed;

CONSIDERING THAT certain provisions appearing in those Accession Treaties and in the Acts annexed thereto remain relevant; and that Article IV-437(2) of the Constitution provides that such provisions must be set out or referred to in a Protocol, so that they remain in force and that their legal effects are preserved;

WHEREAS the provisions in question require the technical adjustments necessary to bring them into line with the Constitution without altering their legal effect,

HAVE AGREED upon the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe and the Treaty establishing the European Atomic Energy Community:

TITLE I

COMMON PROVISIONS

ARTICLE 1

The rights and obligations resulting from the Accession Treaties referred to in Article IV-437(2)(a) to (d) of the Constitution took effect, under the conditions laid down in those Treaties, on the following dates:

(a) 1 January 1973, for the Treaty concerning the accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland;

(b) 1 January 1981, for the Treaty concerning the accession of the Hellenic Republic;

(c) 1 January 1986, for the Treaty concerning the accession of the Kingdom of Spain and the Portuguese Republic;

(d) 1 January 1995, for the Treaty concerning the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.

ARTICLE 2

1. The acceding States referred to in Article 1 shall be required to accede to the following agreements or conventions concluded before their respective accessions, insofar as such agreements or conventions are still in force:

(a) agreements or conventions concluded between the other Member States which are based on the Treaty establishing the European Community, the Treaty establishing the European Atomic Energy Community or the Treaty on European Union, or which are inseparable from the attainment of the objectives of those Treaties, or which relate to the functioning of the Communities or of the Union or which are connected with the activities thereof;

b) k sporazumom ali konvencijam, ki jih druge države članice, ki ukrepajo skupaj z Evropskimi skupnostmi, sklenejo z eno ali več tretjimi državami ali mednarodno organizacijo ter k sporazumom, ki se na omenjene sporazume in konvencije navezujejo. Unija in druge države članice državam pristopnicam iz prejšnjega člena pri tem pomagajo.

(2) Države pristopnice iz prejšnjega člena sprejmejo ustrezne ukrepe, kadar je potrebno, da svoj položaj v razmerju do mednarodnih organizacij in do mednarodnih sporazumov, katerih stranke so tudi Unija ali Evropska skupnost za atomsko energijo ali druge države članice, prilagodijo glede na pravice in obveznosti, ki izhajajo iz njihovega pristopa.

3. ČLEN

Določbe aktov o pristopu, katerih namen ali učinek je, drugače kakor v obliki prehodnega ukrepa, razveljaviti ali spremeniti akte, ki so jih sprejele institucije, organi, uradi ali agencije Skupnosti ali Evropske unije, ustanovljene s Pogodbo o Evropski uniji, kakor jih razlagata Sodišče Evropskih skupnosti in Sodišče prve stopnje, ostanejo v veljavi ob upoštevanju drugega odstavka tega člena.

Te določbe imajo isto pravno naravo kakor akti, ki jih razveljavljajo ali spreminjajo, in zanje veljajo enaka pravila kot za omenjene akte.

4. ČLEN

Besedila aktov institucij, organov, uradov ali agencij Evropskih skupnosti ali Evropske unije, ustanovljenih s Pogodbo o Evropski uniji, ki so bila sprejeta pred pristopi iz 1. člena tega protokola in ki so bila naknadno sestavljena v angleškem in danskem jeziku, v grškem jeziku, v španskem in portugalskem jeziku ter v finskem in švedskem jeziku, so od datuma vsakokratnega pristopa iz 1. člena tega protokola verodostojna pod enakimi pogoji kakor besedila, sestavljena in verodostojna v drugih jezikih.

5. ČLEN

Z evropskim zakonom Sveta se lahko razveljavijo prehodne določbe iz tega protokola, ki se več ne uporabljajo. Svet odloča soglasno po posvetovanju z Evropskim parlamentom.

II. NASLOV

DOLOČBE IZ AKTA O POGOJIH PRISTOPA KRALJEVINE DANSKE, IRSKE IN ZDRUŽENEGA KRALJESTVA VELIKE BRITANIJE IN SEVERNE IRSKE

1. ODDELEK

Določbe o Gibraltarju

6. ČLEN

(1) Akti institucij, ki se nanašajo na proizvode iz Priloge I Ustave in na proizvode, za katere se zaradi izvajanja skupne kmetijske politike pri uvozu v Unijo uporabljajo posebna pravila, kot tudi akti o usklajevanju zakonodaj držav članic o prometnih davkih, se ne uporabljajo za Gibraltar, razen če Svet z evropskim sklepom ne odloči drugače. Svet odloča soglasno na predlog Komisije.

(b) agreements or conventions concluded by the other Member States, acting jointly with the European Communities, with one or more third States or with an international organisation, and the agreements which are related to those agreements or conventions. The Union and the other Member States shall assist the acceding States referred to in Article 1 in this respect.

2. The acceding States referred to in Article 1 shall take appropriate measures, where necessary, to adjust their position in relation to international organisations, and in relation to those international agreements to which the Union or the European Atomic Energy Community or other Member States are also parties, to the rights and obligations arising from their accession.

ARTICLE 3

Provisions of the Acts of Accession, as interpreted by the Court of Justice of the European Communities and the Court of First Instance, the purpose or effect of which is to repeal or amend, otherwise than as a transitional measure, acts adopted by the institutions, bodies, offices or agencies of the European Communities or of the European Union established by the Treaty on European Union shall remain in force subject to the second paragraph.

The provisions referred to in the first paragraph shall have the same status in law as the acts which they repeal or amend and shall be subject to the same rules as those acts.

ARTICLE 4

The texts of the acts of the institutions, bodies, offices and agencies of the European Communities or of the European Union established by the Treaty on European Union which were adopted before the accessions referred to in Article 1 and which were subsequently drawn up successively in the English and Danish languages, in the Greek language, in the Spanish and Portuguese languages, and in the Finnish and Swedish languages, shall be authentic from the date of the respective accessions referred to in Article 1, under the same conditions as the texts drawn up and authentic in the other languages.

ARTICLE 5

A European law of the Council may repeal the transitional provisions set out in this Protocol, when they are no longer applicable. The Council shall act unanimously after consulting the European Parliament.

TITLE II

PROVISIONS TAKEN FROM THE ACT CONCERNING THE CONDITIONS OF ACCESSION OF THE KINGDOM OF DENMARK, IRELAND AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

SECTION 1

Provisions on Gibraltar

ARTICLE 6

1. Acts of the institutions relating to the products in Annex I to the Constitution and the products subject, on importation into the Union, to specific rules as a result of the implementation of the common agricultural policy, as well as the acts on the harmonisation of legislation of Member States concerning turnover taxes, shall not apply to Gibraltar unless the Council adopts a European decision which provides otherwise. The Council shall act unanimously on a proposal from the Commission.

(2) Gibraltar obdrži položaj, ki je določen v VI. točki Priloge II[1] Akta o pogojih pristopa Kraljevine Danske, Irske in Združenega Kraljestva Velike Britanije in Severne Irske.

2. ODDELEK

Določbe o Ferskih otokih

7. ČLEN

Danski državljani s stalnim prebivališčem na Ferskih otokih se štejejo za državljane države članice v smislu Ustave šele od datuma, ko se Ustava začne uporabljati na omenjenih otokih.

3. ODDELEK

Določbe o Kanalskih otokih in otoku Man

8. ČLEN

(1) Pravila Unije o carinskih zadevah in količinskih omejitvah, predvsem carine, dajatve z enakim učinkom in skupna carinska tarifa, se na Kanalskih otokih in na otoku Man uporabljajo pod enakimi pogoji kakor v Združenem kraljestvu.

(2) V zvezi s kmetijskimi proizvodi in z iz njih predelanimi proizvodi, za katere se uporablja poseben trgovinski režim, se za tretje države uporabljajo prelevmani in drugi uvozni ukrepi, ki so predpisani s predpisi Unije in ki jih uporablja Združeno kraljestvo.

Uporabljajo se tudi določbe predpisov Unije, ki so potrebne za omogočanje prostega pretoka in upoštevanja normalnih pogojev konkurence v trgovini s temi proizvodi.

Svet na predlog Komisije sprejme evropske uredbe ali sklepe, po katerih se na teh ozemljih uporabljajo predpisi iz tega in prejšnjega pododstavka.

9. ČLEN

Pravo Unije ne vpliva na pravice, ki jih uživajo prebivalci ozemelj iz prejšnjega člena v Združenem kraljestvu. Omenjene osebe pa ne uživajo ugodnosti predpisov prava Unije o prostem pretoku oseb in storitev.

10. ČLEN

Določbe Pogodbe o ustanovitvi Evropske skupnosti za atomsko energijo, ki se uporabljajo za osebe ali podjetja v smislu člena 196 omenjene pogodbe, se uporabljajo za te osebe ali podjetja, če so ustanovljena na ozemljih iz 8. člena tega protokola.

11. ČLEN

Oblasti ozemelj iz 8. člena tega protokola obravnavajo vse fizične in pravne osebe v Uniji enako.

12. ČLEN

Če med uporabo ureditev, opredeljenih v tem oddelku, v odnosih med Unijo in ozemlji iz 8. člena tega protokola nastopijo težave na eni izmed strani, Komisija brez odlašanja predlaga Svetu zaščitne ukrepe, ki se ji zdijo potrebni, in določi pogoje njihove uporabe.

Svet v enem mesecu sprejme ustrezne evropske uredbe ali sklepe.

[1] UL L 73, 27.3.1972, str. 47.

2. The situation of Gibraltar defined in point VI of Annex II[1] to the Act concerning the conditions of accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland shall be maintained.

SECTION 2

Provisions on the Faroe Islands

ARTICLE 7

Danish nationals resident in the Faroe Islands shall be considered to be nationals of a Member State within the meaning of the Constitution only from the date on which the Constitution becomes applicable to those islands.

SECTION 3

Provisions on the Channel Islands and the Isle of Man

ARTICLE 8

1. The Union rules on customs matters and quantitative restrictions, in particular customs duties, charges having equivalent effect and the Common Customs Tariff, shall apply to the Channel Islands and the Isle of Man under the same conditions as they apply to the United Kingdom.

2. In respect of agricultural products and products processed therefrom which are the subject of a special trade regime, the levies and other import measures laid down in Union rules and applicable by the United Kingdom shall be applied to third countries.

Such provisions of Union rules as are necessary to allow free movement and observance of normal conditions of competition in trade in these products shall also be applicable.

The Council, on a proposal from the Commission, shall adopt the European regulations or decisions establishing the conditions under which the provisions referred to in the first and second subparagraphs shall be applicable to these territories.

ARTICLE 9

The rights enjoyed by Channel Islanders or Manxmen in the United Kingdom shall not be affected by Union law. However, such persons shall not benefit from provisions of Union law relating to the free movement of persons and services.

ARTICLE 10

The provisions of the Treaty establishing the European Atomic Energy Community applicable to persons or undertakings within the meaning of Article 196 of that Treaty shall apply to those persons or undertakings when they are established in the territories referred to in Article 8 of this Protocol.

ARTICLE 11

The authorities of the territories referred to in Article 8 shall apply the same treatment to all natural and legal persons of the Union.

ARTICLE 12

If, during the application of the arrangements defined in this Section, difficulties appear on either side in relations between the Union and the territories referred to in Article 8, the Commission shall without delay propose to the Council such safeguard measures as it believes necessary, specifying their terms and conditions of application.

The Council shall adopt the appropriate European regulations or decisions within one month.

[1] OJ L 73, 27.3.1972, p. 47.

13. ČLEN

Za namene tega oddelka so prebivalci Kanalskih otokov ali otoka Man britanski državljani, ki imajo to državljanstvo zaradi dejstva, da so sami, njihovi starši ali stari starši rojeni, posvojeni, naturalizirani ali prijavljeni na zadevnem otoku. Taka oseba pa se v ta namen ne šteje za prebivalca Kanalskih otokov ali otoka Man, če so ona sama, njeni starši ali stari starši rojeni, posvojeni, naturalizirani ali prijavljeni v Združenem kraljestvu. Prav tako se ne štejejo za prebivalce Kanalskih otokov ali otoka Man, če so imeli kadarkoli pet let običajno prebivališče v Združenem kraljestvu.

O upravnih ukrepih, potrebnih za identificiranje teh oseb, se obvesti Komisijo.

4. ODDELEK

Določbe o izvajanju politike industrializacije in gospodarskega razvoja na Irskem

14. ČLEN

Države članice se seznanjajo, da je irska vlada začela izvajati politiko industrializacije in gospodarskega razvoja, katere cilj je uskladitev življenjskih razmer na Irskem z razmerami v drugih državah članicah in odpravljanje podzaposlenosti ter postopna izravnava regionalnih razlik v stopnjah razvitosti.

Priznavajo, da je v njihovem skupnem interesu, da se cilji takšne politike dosežejo in se strinjajo, da je ustrezno priporočiti institucijam, da v ta namen uporabijo vsa sredstva in postopke, določene v Ustavi, predvsem s primerno uporabo virov Unije, ki so namenjeni uresničevanju njenih ciljev.

Države članice predvsem priznavajo, da bo pri uporabi III-167. in III-168. člena Ustave treba upoštevati cilje gospodarske rasti in izboljšanja življenjske ravni prebivalstva.

5. ODDELEK

Določbe o izmenjavi znanja s področja jedrske energije z Dansko

15. ČLEN

(1) Od 1. januarja 1973 je znanje, ki je bilo v skladu s členom 13 Pogodbe o ustanovitvi Evropske skupnosti za atomsko energijo posredovano državam članicam, osebam in podjetjem, na razpolago Danski, ki ga na svojem ozemlju omejeno razširja pod pogoji, določenimi v omenjenem členu.

(2) Od 1. januarja 1973 Danska daje na razpolago Evropski skupnosti za atomsko energijo enako količino znanja iz področij navedenih v tretjem odstavku tega člena. To znanje se podrobno opredeli v dokumentu, ki se pošlje Komisiji. Komisija to znanje posreduje podjetjem v Skupnosti pod pogoji, določenimi v členu 13 Pogodbe o ustanovitvi Evropske skupnosti za atomsko energijo.

(3) Področja, na katerih Danska daje znanje na razpolago Skupnosti, so naslednja:

a) DOR organsko hlajeni reaktor, ki uporablja težko vodo kot moderator;

b) DT-350, DK-400 visokotlačni reaktorji, ki uporabljajo težko vodo kot moderator;

c) visokotemperaturna plinska zanka;

d) sistem merilne opreme in posebna elektronska oprema;

e) zanesljivost;

ARTICLE 13

In this Section, Channel Islander or Manxman shall mean any British citizen who holds that citizenship by virtue of the fact that he, a parent or grandparent was born, adopted, naturalised or registered in the island in question; but such a person shall not for this purpose be regarded as a Channel Islander or Manxman if he, a parent or a grandparent was born, adopted, naturalised or registered in the United Kingdom. Nor shall he be so regarded if he has at any time been ordinarily resident in the United Kingdom for five years.

The administrative arrangements necessary to identify these persons will be notified to the Commission.

SECTION 4

Provisions on the implementation of the policy of industrialisation and economic development in Ireland

ARTICLE 14

The Member States take note of the fact that the Government of Ireland has embarked upon the implementation of a policy of industrialisation and economic development designed to align the standards of living in Ireland with those of the other Member States and to eliminate under-employment while progressively evening out regional differences in levels of development.

They recognise it to be in their common interest that the objectives of this policy be so attained and agree to recommend to this end that the institutions implement all the means and procedures laid down by the Constitution, particularly by making adequate use of the Union resources intended for the realisation of its objectives.

The Member States recognise in particular that, in the application of Articles III-167 and III-168 of the Constitution, it will be necessary to take into account the objectives of economic expansion and the raising of the standard of living of the population.

SECTION 5

Provisions on the exchange of information with Denmark in the field of nuclear energy

ARTICLE 15

1. From 1 January 1973, such information as has been communicated to Member States, persons and undertakings, in accordance with Article 13 of the Treaty establishing the European Atomic Energy Community, shall be placed at the disposal of Denmark, which shall give it limited distribution within its territory under the conditions laid down in that Article.

2. From 1 January 1973, Denmark shall place at the disposal of the European Atomic Energy Community an equivalent volume of information in the sectors specified in paragraph 3. This information shall be set forth in detail in a document transmitted to the Commission. The Commission shall communicate this information to Community undertakings under the conditions laid down in Article 13 of the Treaty establishing the European Atomic Energy Community.

3. The sectors in which Denmark shall make information available to the European Atomic Energy Community are as follows:

(a) DOR heavy water moderated organic cooled reactor;

(b) DT-350, DK-400 heavy water pressure vessel reactors;

(c) high temperature gas loop;

(d) instrumentation systems and special electronic equipment;

(e) reliability;

f) fizika reaktorja, dinamika reaktorja in toplotna izmenjava;

g) preskušanje materialov in opreme v reaktorju.

(4) Danska se zavezuje, da bo Komisiji posredovala vse znanje, ki dopolnjuje poročila, ki jih bo zlasti med obiski osebja Skupnosti ali osebja držav članic v centru Risö poslala pod pogoji, ki bodo določeni sporazumno za vsak primer posebej.

16. ČLEN

(1) Na področjih, na katerih Danska daje znanje na razpolago Evropski skupnosti za atomsko energijo, pristojni organi na prošnjo podelijo licence po komercialnih pogojih državam članicam, osebam in podjetjem Skupnosti, če imajo izključne pravice iz patentov, prijavljenih v državah članicah in če do tretjih oseb nimajo obveznosti ali zavez glede podelitve ali ponudbe podelitve izključne ali delno izključne licence za pravice iz teh patentov.

(2) Kadar je izključna ali delno izključna licenca podeljena, Danska spodbuja in omogoča, da imetniki takšnih licenc po komercialnih pogojih podeljujejo podlicence državam članicam, osebam in podjetjem Skupnosti.

Takšne izključne ali delno izključne licence se podeljujejo po običajnih komercialnih pogojih.

6. ODDELEK

Določbe o izmenjavi znanja s področja jedrske energije z Irsko

17. ČLEN

(1) Od 1. januarja 1973 je znanje, ki je bilo v skladu s členom 13 Pogodbe o ustanovitvi Evropske skupnosti za atomsko energijo posredovano državam članicam, osebam in podjetjem, na razpolago Irski, ki ga na svojem ozemlju omejeno razširja pod pogoji, določenimi v omenjenem členu.

(2) Od 1. januarja 1973 Irska znanje, pridobljeno na jedrskem področju na Irskem, ki se razširja omejeno, daje na razpolago Evropski skupnosti za atomsko energijo, če ne gre za znanje s strogo komercialno uporabnostjo. Komisija to znanje posreduje podjetjem v Skupnosti pod pogoji, določenimi v členu 13 Pogodbe o ustanovitvi Evropske skupnosti za atomsko energijo.

(3) Znanje iz prvega in drugega odstavka tega člena zadeva predvsem študije za razvoj energijskega sektorja in dela z radio-izotopi ter njihovo uporabo v medicini, vključno s problematiko zaščite pred sevanjem.

18. ČLEN

(1) Na področjih, na katerih Irska daje znanje na razpolago Evropski skupnosti za atomsko energijo, pristojni organi na prošnjo podelijo licence po komercialnih pogojih državam članicam, osebam in podjetjem Skupnosti, če imajo izključne pravice iz patentov, prijavljenih v državah članicah in če do tretjih oseb nimajo obveznosti ali zavez glede podelitve ali ponudbe podelitve izključne ali delno izključne licence za pravice iz teh patentov.

(2) Kadar je izključna ali delno izključna licenca podeljena, Irska spodbuja in omogoča, da imetniki takšnih licenc po komercialnih pogojih podeljujejo podlicence državam članicam, osebam in podjetjem Skupnosti.

Takšne izključne ali delno izključne licence se podeljujejo po običajnih komercialnih pogojih.

(f) reactor physics, reactor dynamics and heat exchange;

(g) in-pile testing of materials and equipment.

4. Denmark shall undertake to supply the European Atomic Energy Community with any information complementary to the reports which it shall communicate, in particular during visits by European Atomic Energy Community personnel or personnel from the Member States to the Risö Centre, under conditions to be determined by mutual agreement in each case.

ARTICLE 16

1. In those sectors in which Denmark places information at the disposal of the European Atomic Energy Community, the competent authorities shall grant upon request licences on commercial terms to Member States, persons and undertakings of the Community where they possess exclusive rights to patents filed in Member States and insofar as they have no obligation or commitment in respect of third parties to grant or offer to grant an exclusive or partially exclusive licence to the rights in these patents.

2. Where an exclusive or partially exclusive licence has been granted, Denmark shall encourage and facilitate the granting of sublicences on commercial terms to Member States, persons and undertakings of the Community by the holders of such licences.

Such exclusive or partially exclusive licences shall be granted on a normal commercial basis.

SECTION 6

Provisions on the exchange of information with Ireland in the field of nuclear energy

ARTICLE 17

1. From 1 January 1973, such information as has been communicated to Member States, persons and undertakings, in accordance with Article 13 of the Treaty establishing the European Atomic Energy Community, shall be placed at the disposal of Ireland, which shall give it limited distribution within its territory under the conditions laid down in that Article.

2. From 1 January 1973, Ireland shall place at the disposal of the European Atomic Energy Community information obtained in the nuclear field in Ireland, which is given limited distribution, insofar as strictly commercial applications are not involved. The Commission shall communicate this information to Community undertakings under the conditions laid down in Article 13 of the Treaty establishing the European Atomic Energy Community.

3. The information referred to in paragraphs 1 and 2 shall mainly concern studies for the development of a power reactor and work on radioisotopes and their application in medicine, including the problems of radiation protection.

ARTICLE 18

1. In those sectors in which Ireland places information at the disposal of the European Atomic Energy Community, the competent authorities shall grant upon request licences on commercial terms to Member States, persons and undertakings of the Community where they possess exclusive rights to patents filed in Member States and insofar as they have no obligation or commitment in respect of third parties to grant or offer to grant an exclusive or partially exclusive licence to the rights in these patents.

2. Where an exclusive or partially exclusive licence has been granted, Ireland shall encourage and facilitate the granting of sublicences on commercial terms to Member States, persons and undertakings of the Community by the holders of such licences.

Such exclusive or partially exclusive licences shall be granted on a normal commercial basis.

7. ODDELEK

Določbe o izmenjavi znanja s področja jedrske energije Združenim kraljestvom

19. ČLEN

(1) Od 1. januarja 1973 je znanje, ki je bilo v skladu s členom 13 Pogodbe o ustanovitvi Evropske skupnosti za atomsko energijo posredovano državam članicam, osebam in podjetjem, na razpolago Združenemu kraljestvu, ki ga na svojem ozemlju omejeno razširja pod pogoji, določenimi v omenjenem členu.

(2) S pristopom 1. januarja 1973 Združeno kraljestvo daje na razpolago Evropski skupnosti za atomsko energijo enako količino znanja iz področij, naštetih v seznamu v Prilogi[1] k Protokolu št. 28 Akta o pogojih pristopa Kraljevine Danske, Irske in Združenega Kraljestva Velike Britanije in Severne Irske. To znanje se podrobno opredeli v dokumentu, ki se pošlje Komisiji. Komisija to znanje posreduje podjetjem v Skupnosti pod pogoji, določenimi v členu 13 Pogodbe o ustanovitvi Evropske skupnosti za atomsko energijo.

(3) Glede na večji interes Skupnosti na nekaterih področjih Združeno kraljestvo daje poseben poudarek posredovanju znanja z naslednjih področij:

a) raziskave in razvoj hitrih reaktorjev (vključno z varnostjo);

b) temeljne raziskave (ki se uporabljajo za vse vrste reaktorjev);

c) varnost reaktorjev (razen hitrih reaktorjev);

d) metalurgija, jeklo, cirkonijeve zlitine in beton;

e) združljivost strukturnih materialov;

f) proizvodnja poskusnih goriv;

g) termohidrodinamika;

h) merilna oprema.

20. ČLEN

(1) Na področjih, na katerih Združeno kraljestvo daje znanje na razpolago Evropski skupnosti za atomsko energijo, pristojni organi na prošnjo podelijo licence po komercialnih pogojih državam članicam, osebam in podjetjem Skupnosti, če imajo izključne pravice iz patentov, prijavljenih v državah članicah Skupnosti in če do tretjih oseb nimajo obveznosti ali zavez glede podelitve ali ponudbe podelitve izključne ali delno izključne licence za pravice iz teh patentov.

(2) Kadar je izključna ali delno izključna licenca podeljena, Združeno kraljestvo spodbuja in omogoča, da imetniki takšnih licenc po komercialnih pogojih podeljujejo podlicence državam članicam, osebam, družbam in podjetjem Skupnosti.

Takšne izključne ali delno izključne licence se podeljujejo po običajnih komercialnih pogojih.

[1] UL L 73, 27.3.1972, str. 84.

SECTION 7

Provisions on the exchange of information with the United Kingdom in the field of nuclear energy

ARTICLE 19

1. From 1 January 1973, such information as has been communicated to Member States, persons and undertakings, in accordance with Article 13 of the Treaty establishing the European Atomic Energy Community, shall be placed at the disposal of the United Kingdom, which shall give it limited distribution within its territory under the conditions laid down in that Article.

2. From 1 January 1973, the United Kingdom shall place at the disposal of the European Atomic Energy Community an equivalent volume of information in the sectors set out in the list contained in the Annex[1] to Protocol No 28 to the Act concerning the conditions of accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland. This information shall be set forth in detail in a document transmitted to the Commission. The Commission shall communicate this information to Community undertakings under the conditions laid down in Article 13 of the Treaty establishing the European Atomic Energy Community.

3. In view of the European Atomic Energy Community's greater interest in certain sectors, the United Kingdom shall lay special emphasis on the transmission of information in the following sectors:

(a) fast reactor research and development (including safety);

(b) fundamental research (applicable to reactor types);

(c) reactor safety (other than fast reactors);

(d) metallurgy, steel, zirconium alloys and concrete;

(e) compatibility of structural materials;

(f) experimental fuel fabrication;

(g) thermohydrodynamics;

(h) instrumentation.

ARTICLE 20

1. In those fields in which the United Kingdom places information at the disposal of the European Atomic Energy Community, the competent authorities shall grant upon request licences on commercial terms to Member States, persons and undertakings of the Community where they possess exclusive rights to patents filed in the Member States of the Community and insofar as they have no obligation or commitment in respect of third parties to grant or offer to grant an exclusive or partially exclusive licence to the rights in these patents.

2. Where an exclusive or partially exclusive licence has been granted, the United Kingdom shall encourage and facilitate the granting of sublicences on commercial terms to the Member States, persons and undertakings of the Community by the holders of such licences.

Such exclusive or partially exclusive licences shall be granted on a normal commercial basis.

[1] OJ L 73, 27.3.1972, p. 84.

III. NASLOV

DOLOČBE IZ AKTA O POGOJIH PRISTOPA HELENSKE REPUBLIKE

1. ODDELEK

Določbe o oprostitvah carin, ki jih Grčija dovoli pri uvozu določenega blaga

21. ČLEN

Helenski republiki III-151. člen Ustave ne preprečuje, da bi ohranila izjeme, dodeljene pred 1. januarjem 1979 na podlagi:

a) Zakona 4171/61 (splošni ukrepi za razvojno pomoč gospodarstvu države),

b) Uredbe z zakonsko močjo 2687/53 (naložbe in zaščita tujega kapitala),

c) Zakona 289/76 (spodbude za pospeševanje razvoja obmejnih regij in urejanje vseh ustreznih vprašanj),

do izteka veljavnosti sporazumov, ki jih je helenska vlada sklenila z upravičenci iz teh ukrepov.

2. ODDELEK

Določbe o obdavčenju

22. ČLEN

Akti iz točke II.2 Priloge VIII[1] k Aktu o pogojih pristopa Helenske republike se uporabljajo glede Helenske republike pod pogoji, določenimi v navedeni prilogi, z izjemo sklicevanja na točki 9 in 18b te priloge.

3. ODDELEK

Določbe o bombažu

23. ČLEN

(1) Ta oddelek zadeva nemikan ali nečesan bombaž, ki sodi pod tarifno podštevilko 520 100 kombinirane nomenklature.

(2) V Uniji se uvede sistem, katerega namen je predvsem:

a) podpora proizvodnji bombaža v tistih regijah Unije, kjer je ta pomembna za kmetijsko gospodarstvo;

b) omogočanje, da zadevni proizvajalci zaslužijo primeren dobiček;

c) uravnoteženje trga s strukturnimi izboljšavami na ravni nabave blaga in trženja.

(3) Sistem iz prejšnjega odstavka vključuje odobritev pomoči za proizvodnjo.

(4) Da bi proizvajalcem bombaža omogočili koncentracijo dobave in prilagajanje proizvodnje tržnim zahtevam, se uvede sistem, ki bo pospeševal oblikovanje skupin proizvajalcev in federacij takšnih skupin.

Takšen sistem bo urejal dodeljevanje pomoči za spodbujanje oblikovanja in lajšanje delovanja skupin proizvajalcev.

Skupine, ki lahko koristijo ugodnosti tega sistema, morajo:

a) biti ustanovljene na pobudo proizvajalcev samih;

b) nuditi zadostno jamstvo za trajanje in učinkovitost njihovega delovanja;

c) biti priznane v zadevnih državah članicah.

[1] UL L 291, 19.11.1979, str. 163.

TITLE III

PROVISIONS TAKEN FROM THE ACT CONCERNING THE CONDITIONS OF ACCESSION OF THE HELLENIC REPUBLIC

SECTION 1

Provisions on the granting by Greece of exemption from customs duties on the import of certain goods

ARTICLE 21

Article III-151 of the Constitution shall not prevent the Hellenic Republic from maintaining measures of exemption granted before 1 January 1979 pursuant to:

(a) Law No 4171/61 (General measures to aid development of the country's economy),

(b) Decree Law No 2687/53 (Investment and protection of foreign capital),

(c) Law No 289/76 (Incentives with a view to promoting the development of frontier regions and governing all pertinent questions),

until the expiry of the agreements concluded by the Hellenic Government with those persons benefiting from these measures.

SECTION 2

Provisions on taxation

ARTICLE 22

The acts listed in point II.2 of Annex VIII[1] to the Act concerning the conditions of accession of the Hellenic Republic shall apply in respect of the Hellenic Republic under the conditions laid down in that Annex, with the exception of the references to points 9 and 18(b) thereof.

SECTION 3

Provisions on cotton

ARTICLE 23

1. This Section concerns cotton, not carded or combed, falling within subheading No 520 100 of the Combined Nomenclature.

2. A system shall be introduced in the Union particularly to:

(a) support the production of cotton in regions of the Union where it is important for the agricultural economy,

(b) permit the producers concerned to earn a fair income,

(c) stabilise the market by structural improvements at the level of supply and marketing.

3. The system referred to in paragraph 2 shall include the grant of an aid to production.

4. In order to allow cotton producers to concentrate supply and to adapt production to market requirements, a system shall be introduced to encourage the formation of producer groups and federations of such groups.

This system shall provide for the grant of aids with a view to providing incentives for the formation and facilitating the functioning of producer groups.

The only groups that may benefit from this system must:

(a) be formed on the initiative of the producers themselves,

(b) offer a sufficient guarantee for the duration and effectiveness of their action,

(c) be recognised by the Member State concerned.

[1] OJ L 291, 19.11.1979, p. 163.

(5) Sistem trgovanja Unije s tretjimi državami ne sme biti prizadet. Predvsem v ta namen ne smejo biti uvedeni ukrepi za omejevanje uvoza.

(6) Evropski zakon Sveta določi potrebne prilagoditve sistema, uvedenega v skladu s tem oddelkom.

Svet na predlog Komisije sprejme evropske uredbe in sklepe, s katerimi določi splošna pravila, ki so potrebna za izvajanje določb tega oddelka.

Svet odloča po posvetovanju z Evropskim parlamentom.

5. The Union trading system with third countries shall not be affected. In this respect, in particular, no measure restricting imports may be laid down.

6. A European law of the Council shall establish the adjustments necessary to the system introduced pursuant to this Section.

The Council, on a proposal from the Commission, shall adopt the European regulations and decisions establishing the general rules necessary for implementing the provisions of this Section.

The Council shall act after consulting the European Parliament.

4. ODDELEK

Določbe o gospodarskem in industrijskem razvoju Grčije

24. ČLEN

Države članice se seznanjajo, da je helenska vlada začela izvajati politiko industrializacije in gospodarskega razvoja, katere cilj je uskladitev življenjskih razmer v Grčiji z razmerami v drugih državah članicah in odpravljanje podzaposlenosti ter postopna izravnava regionalnih razlik v stopnjah razvitosti.

Priznavajo, da je v njihovem skupnem interesu, da se cilji takšne politike dosežejo.

V ta namen institucije uporabijo vsa sredstva in postopke, določene v Ustavi, predvsem s primerno uporabo virov Unije, ki so namenjeni uresničevanju njenih ciljev.

Države članice predvsem priznavajo, da bo pri uporabi III-167. in III-168. člena Ustave treba upoštevati cilje gospodarske rasti in izboljšanja življenjske ravni prebivalstva.

SECTION 4

Provisions on the economic and industrial development of Greece

ARTICLE 24

The Member States take note of the fact that the Hellenic Government has embarked upon the implementation of a policy of industrialisation and economic development designed to align the standards of living in Greece with those of the other Member States and to eliminate underemployment while progressively evening out regional differences in levels of development.

They recognise it to be in their common interest that the objectives of this policy be so attained. To this end, the institutions shall implement all the means and procedures laid down by the Constitution, particularly by making adequate use of the Union resources intended for the realisation of its objectives.

In particular, in the application of Articles III-167 and III-168 of the Constitution, it will be necessary to take into account the objectives of economic expansion and the raising of the standard of living of the population.

5. ODDELEK

Določbe o izmenjavi znanja s področja jedrske energije z Grčijo

25. ČLEN

(1) Od 1. januarja 1981 je znanje, ki je bilo v skladu s členom 13 Pogodbe o ustanovitvi Evropske skupnosti za atomsko energijo posredovano državam članicam, osebam in podjetjem, na razpolago Helenski republiki, ki ga na svojem ozemlju omejeno razširja pod pogoji, določenimi v omenjenem členu.

(2) Od 1. januarja 1981 Helenska republika znanje, pridobljeno na jedrskem področju v Grčiji, ki se razširja omejeno, daje na razpolago Evropski skupnosti za atomsko energijo, če ne gre za znanje s strogo komercialno uporabnostjo. Komisija to znanje posreduje podjetjem v Skupnosti pod pogoji, določenimi v členu 13 Pogodbe o ustanovitvi Evropske skupnosti za atomsko energijo.

(3) Znanje iz prvega in drugega odstavka tega člena zadeva predvsem:

a) študije o uporabi radioizotopov na naslednjih področjih: medicina, kmetijstvo, entomologija in varstvo okolja;

b) uporabo jedrske tehnologije v arheometriji;

c) razvoj elektronskih medicinskih naprav;

d) razvoj postopkov za iskanje radioaktivnih rud.

SECTION 5

Provisions on the exchange of information with Greece in the field of nuclear energy

ARTICLE 25

1. From 1 January 1981, such information as has been communicated to Member States, persons and undertakings, in accordance with Article 13 of the Treaty establishing the European Atomic Energy Community, shall be placed at the disposal of the Hellenic Republic, which shall give it limited distribution within its territory under the conditions laid down in that Article.

2. From 1 January 1981, the Hellenic Republic shall place at the disposal of the European Atomic Energy Community information obtained in the nuclear field in Greece which is given limited distribution, insofar as strictly commercial applications are not involved. The Commission shall communicate this information to Community undertakings under the conditions laid down in Article 13 of the Treaty establishing the European Atomic Energy Community.

3. The information referred to in paragraphs 1 and 2 shall mainly concern:

(a) studies on the application of radioisotopes in the following fields: medicine, agriculture, entomology and environmental protection,

(b) the application of nuclear technology to archeometry,

(c) the development of electronic medical apparatus,

(d) the development of methods of radioactive ore prospecting.

26. ČLEN

(1) Na področjih, na katerih Helenska republika daje znanje na razpolago Evropski skupnosti za atomsko energijo, pristojni organi na prošnjo podelijo licence po komercialnih pogojih državam članicam, osebam in podjetjem Skupnosti, če imajo izključne pravice iz patentov, prijavljenih v državah članicah Skupnosti in če do tretjih oseb nimajo obveznosti ali zavez glede podelitve ali ponudbe podelitve izključne ali delno izključne licence za pravice iz teh patentov.

(2) Kadar je izključna ali delno izključna licenca podeljena, Helenska republika spodbuja in omogoča, da imetniki takšnih licenc po komercialnih pogojih podeljujejo podlicence državam članicam, osebam in podjetjem Skupnosti.

Takšne izključne ali delno izključne licence se podeljujejo po običajnih komercialnih pogojih.

ARTICLE 26

1. In those sectors in which the Hellenic Republic places information at the disposal of the European Atomic Energy Community, the competent authorities shall grant upon request licences on commercial terms to Member States, persons and undertakings of the Community where they possess exclusive rights to patents filed in Member States of the Community and insofar as they have no obligation or commitment in respect of third parties to grant or offer to grant an exclusive or partially exclusive licence to the rights in these patents.

2. Where an exclusive or partially exclusive licence has been granted, the Hellenic Republic shall encourage and facilitate the granting of sublicences on commercial terms to Member States, persons and undertakings of the European Atomic Energy Community by the holders of such licences.

Such exclusive or partially exclusive licences shall be granted on a normal commercial basis.

IV. NASLOV

DOLOČBE IZ AKTA O POGOJIH PRISTOPA KRALJEVINE ŠPANIJE IN PORTUGALSKE REPUBLIKE

TITLE IV

PROVISIONS TAKEN FROM THE ACT CONCERNING THE CONDITIONS OF ACCESSION OF THE KINGDOM OF SPAIN AND THE PORTUGUESE REPUBLIC

1. ODDELEK

Finančne določbe

27. ČLEN

Lastna sredstva, ki izvirajo iz davka na dodano vrednost, se izračunajo in preverijo, kot če bi bili Kanarski otoki ter Ceuta in Melilla vključeni na področje ozemeljske uporabe Šeste direktive Sveta 77/388/EGS z dne 17. maja 1977 o usklajevanju zakonodaje držav članic o prometnih davkih – Skupni sistem davka na dodano vrednost: enotna osnova za odmero.

SECTION 1

Financial provisions

ARTICLE 27

The own resources accruing from value added tax shall be calculated and checked as if the Canary Islands and Ceuta and Melilla were included in the territorial field of application of Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes – Common system of value added tax: uniform basis of assessment.

2. ODDELEK

Določbe o patentih

28. ČLEN

Določbe španske nacionalne zakonodaje o dokaznem bremenu, ki so bile sprejete na podlagi določil odstavka 2 Protokola št. 8 Akta o pogojih pristopa Kraljevine Španije in Portugalske republike, se ne uporabljajo, če se proti imetniku drugega patenta za postopek za izdelavo proizvoda, ki je popolnoma enak tistemu, ki je bil izdelan na podlagi tožnikovega patentiranega postopka, sproži postopek za ugotavljanje kršitev, če je bil ta drugi patent podeljen pred 1. januarjem 1986.

V primerih, ko se ne uporablja prevalitev dokaznega bremena, Kraljevina Španija še naprej zahteva, da kršitev dokaže imetnik patenta. V vseh teh primerih Kraljevina Španija uporablja sodni postopek, imenovan »odvzem-opis«.

»Odvzem-opis« pomeni postopek, ki je del sistema, omenjenega v prvem in drugem odstavku tega člena, po katerem lahko vsakdo, ki ima pravico sprožiti postopek zaradi kršitve patenta, po pridobitvi sodnega naloga na podlagi svoje zahteve, zahteva natančen opis spornih postopkov, ki ga v prostorih domnevnega kršitelja pripravi sodni izvršitelj ob pomoči strokovnjakov, predvsem s fotokopiranjem tehnične dokumentacije, z ali brez dejanskega odvzema. Ta sodni nalog lahko odredi plačilo varščine, namenjene kritju morebitne odškodnine domnevnemu kršitelju za primer škode, ki jo povzroči »odvzem-opis«.

SECTION 2

Provisions on patents

ARTICLE 28

The provisions of Spanish national law relating to the burden of proof, which were adopted under paragraph 2 of Protocol No 8 to the Act concerning the conditions of accession of the Kingdom of Spain and the Portuguese Republic, shall not apply if the infringement proceedings are brought against the holder of another process patent for the manufacture of a product identical to that obtained as the result of the patented process of the plaintiff, if that other patent was issued before 1 January 1986.

In cases where shifting the burden of proof does not apply, the Kingdom of Spain shall continue to require the patent holder to adduce proof of infringement. In all these cases the Kingdom of Spain shall apply a judicial procedure known as "distraint-description".

"Distraint-description" means a procedure forming part of the system referred to in the first and second paragraphs by which any person entitled to bring an action for infringement may, after obtaining a court order, granted on his application, cause a detailed description to be made, at the premises of the alleged infringer, by a bailiff assisted by experts, of the processes in question, in particular by photocopying technical documents, with or without actual distraint. This court order may order the payment of a security, intended to grant damages to the alleged infringer in case of injury caused by the "distraint-description".

29. ČLEN

Določbe portugalske nacionalne zakonodaje o dokaznem bremenu, ki so bile sprejete na podlagi določil odstavka 2 Protokola št. 19 Akta o pogojih pristopa Kraljevine Španije in Portugalske republike, se ne uporabljajo, če se proti imetniku drugega patenta za postopek za izdelavo proizvoda, ki je popolnoma enak tistemu, ki je bil izdelan na podlagi tožnikovega patentiranega postopka, sproži postopek za ugotavljanje kršitev, če je bil ta drugi patent podeljen pred 1. januarjem 1986.

V primerih, ko se ne uporablja prevalitev dokaznega bremena, Portugalska republika še naprej zahteva, da kršitev dokaže imetnik patenta. V vseh teh primerih Portugalska republika uporablja sodni postopek, imenovan »odvzem-opis«.

»Odvzem-opis« pomeni postopek, ki je del sistema iz prvega in drugega odstavka, po katerem lahko vsakdo, ki ima pravico sprožiti postopek zaradi kršitve patenta, po pridobitvi sodnega naloga na podlagi svoje zahteve, zahteva natančen opis spornih postopkov, ki ga v prostorih domnevnega kršitelja pripravi sodni izvršitelj ob pomoči strokovnjakov, predvsem s fotokopiranjem tehnične dokumentacije, z ali brez dejanskega odvzema. Ta sodni nalog lahko odredi plačilo varščine, namenjene kritju morebitne odškodnine domnevnemu kršitelju za primer škode, ki jo povzroči »odvzem-opis«.

ARTICLE 29

The provisions of Portuguese national law relating to the burden of proof, which were adopted under paragraph 2 of Protocol No 19 to the Act concerning the conditions of accession of the Kingdom of Spain and the Portuguese Republic, shall not apply if the infringement proceedings are brought against the holder of another process patent for the manufacture of a product identical to that obtained as the result of the patented process of the plaintiff, if that other patent was issued before 1 January 1986.

In cases where shifting the burden of proof does not apply, the Portuguese Republic shall continue to require the patent holder to adduce proof of infringement. In all these cases, the Portuguese Republic shall apply a judicial procedure known as "distraint-description".

"Distraint-description" means a procedure forming part of the system referred to in the first and second paragraphs by which any person entitled to bring an action for infringement may, after obtaining a court order, granted on his application, cause a detailed description to be made, at the premises of the alleged infringer, by a bailiff assisted by experts, of the processes in question, in particular by photocopying technical documents, with or without actual distraint. This court order may order the payment of a security, intended to grant damages to the alleged infringer in case of injury caused by the "distraint-description".

3. ODDELEK

Določbe o mehanizmu dodatnih odgovornosti v okviru sporazumov o ribolovu, ki jih je Unija sklenila s tretjimi državami

30. ČLEN

(1) Vzpostavljen je poseben sistem za izvajanje delovnih postopkov, ki se opravljajo kot dodatek k ribolovnim dejavnostim plovil, ki plovejo pod zastavo države članice v vodah pod suverenostjo ali v pristojnosti tretje države, v okviru odgovornosti, določenih s sporazumi o ribolovu, ki jih je Unija sklenila z zadevnimi tretjimi državami.

(2) Delovni postopki, ki bi se lahko izvajali dodatno ob ribolovnih dejavnostih pod pogoji in v mejah iz tretjega in četrtega odstavka tega člena, se nanašajo na:

a) predelavo ribiških proizvodov na ozemlju zadevne tretje države, ki so jih ujela plovila, ki plujejo pod zastavo države članice v vodah te tretje države, v okviru ribolovnih dejavnosti na podlagi sporazuma o ribolovu za dajanje teh proizvodov na trg Unije pod tarifnimi oznakami iz tretjega poglavja skupne carinske tarife;

b) nakladanje ali pretovarjanje ribiških proizvodov iz tretjega poglavja skupne carinske tarife na plovila, ki plujejo pod zastavo države članice, ki se opravlja v okviru dejavnosti, določenih v takšnem sporazumu o ribolovu, za njihov prevoz in morebitno predelavo za dajanje na trg Unije.

(3) Uvoz v Unijo tistih proizvodov, ki so bili predmet delovnih postopkov iz prejšnjega odstavka, se opravlja z upoštevanjem delne ali popolne opustitve dajatev skupne carinske tarife ali na podlagi posebnega sistema dajatev, pod pogoji in v letno določenih mejah dodatnosti glede na obseg ribolovnih možnosti, ki izhajajo iz zadevnih sporazumov in iz njihovih spremljajočih podrobnosti.

(4) Evropski zakon ali okvirni zakon določi splošna pravila za izvajanje tega sistema, predvsem merila za določanje in porazdeljevanje zadevnih količin.

SECTION 3

Provisions on the mechanism for additional responsibilities within the framework of fisheries agreements concluded by the Union with third countries

ARTICLE 30

1. A specific system is hereby established for the execution of operations carried out as a complement to fishing activities undertaken by vessels flying the flag of a Member State in waters falling under the sovereignty or within the jurisdiction of a third country within the framework of responsibilities created under fisheries agreements concluded by the Union with the third countries in question.

2. Operations considered likely to occur by way of addition to fishing activities subject to the conditions and within the limits referred to in paragraphs 3 and 4 relate to:

(a) the processing, in the territory of the third country concerned, of fishery products caught by vessels flying the flag of a Member State in the waters of that third country in the course of fishing activities carried out by virtue of a fisheries agreement, with a view to those products being put on the Union market under tariff headings falling within Chapter 3 of the Common Customs Tariff,

(b) the loading or transhipment aboard a vessel flying the flag of a Member State occurring within the framework of activities provided for under such a fisheries agreement, of fishery products falling within Chapter 3 of the Common Customs Tariff with a view to their transport and any processing for the purpose of being put on the Union market.

3. The import into the Union of products having been the subject of the operations referred to in paragraph 2 shall be carried out subject to suspension, in part or in whole, of the Common Customs Tariff duties or subject to a special system of charges, under the conditions and within the limits of additionality fixed annually in relation to the volume of fishing possibilities deriving from the agreements in question and from their accompanying detailed rules.

4. European laws or framework laws shall lay down the general rules of application of this system and in particular the criteria for fixing and apportioning the quantities concerned.

Podrobna pravila za izvajanje tega sistema in zadevne količine se sprejmejo po postopku iz člena 37 Uredbe (ES) št. 104/2000.

4. ODDELEK

Določbe o Ceuti in o Melilli

1. pododdelek

Splošne določbe

31. ČLEN

(1) Ustava in akti institucij se uporabljajo za Ceuto in Melillo ob upoštevanju izjem iz drugega in tretjega odstavka tega člena ter drugih določb tega oddelka.

(2) Pogoji, pod katerimi se določbe Ustave o prostem pretoku blaga ter akti institucij o carinski zakonodaji in trgovinski politiki uporabljajo za Ceuto in Melillo, so določeni v 3. pododdelku tega oddelka.

(3) Ne glede na posebne določbe 32. člena tega protokola se akti institucij o skupni kmetijski politiki in skupni ribiški politiki ne uporabljajo za Ceuto in Melillo.

(4) Na zahtevo Kraljevine Španije se lahko z evropskim zakonom ali okvirnim zakonom Sveta:

a) Ceuta in Melilla vključita v carinsko območje Unije;

b) določijo ustrezni ukrepi za razširitev uporabe veljavnih določb prava Unije tudi na Ceuto in Melillo.

Na predlog, ki ga Komisija da na lastno pobudo, ali na zahtevo države članice, lahko Svet po potrebi sprejme evropski zakon ali okvirni zakon o potrebnih prilagoditvah ureditve, ki se uporablja za Ceuto in Melillo.

Svet odloča soglasno po posvetovanju z Evropskim parlamentom.

2. pododdelek

Določbe glede skupne ribiške politike

32. ČLEN

(1) Ob upoštevanju drugega odstavka tega člena in ne glede na 3. pododdelek se skupna ribiška politika ne uporablja niti za Ceuto niti za Melillo.

(2) Svet na predlog Komisije z večino sprejme evropske zakone, okvirne zakone, uredbe ali sklepe, s katerimi:

a) določi strukturne ukrepe, ki se lahko sprejmejo v korist Ceute in Melille;

b) določi ustrezne podrobnosti za popolno ali delno upoštevanje interesov Ceute in Melille pri sprejemanju aktov, ki jih sprejme zaradi pogajanj Unije z namenom obnovitve ali sklenitve sporazumov o ribolovu s tretjimi državami, ter specifičnih interesov Ceute in Melille v okviru mednarodnih konvencij o ribištvu, katerih pogodbenica je Unija.

(3) Svet na predlog Komisije sprejme evropske zakone, okvirne zakone, uredbe ali sklepe, ki določajo, kadar je primerno, možnosti in pogoje za obojestranski dostop do ribolovnih območij in njihovih virov. Svet odloča soglasno.

(4) Evropski zakoni in okvirni zakoni iz drugega in tretjega odstavka tega člena se sprejmejo po posvetovanju z Evropskim parlamentom.

The detailed implementing rules of this system and the quantities concerned shall be adopted in accordance with the procedure laid down in Article 37 of Regulation (EC) No 104/2000.

SECTION 4

Provisions on Ceuta and Melilla

Subsection 1

General provisions

ARTICLE 31

1. The Constitution and the acts of the institutions shall apply to Ceuta and to Melilla, subject to the derogations referred to in paragraphs 2 and 3 and to the other provisions of this Section.

2. The conditions under which the provisions of the Constitution concerning the free movement of goods, and the acts of the institutions concerning customs legislation and commercial policy, shall apply to Ceuta and to Melilla are set out in Subsection 3 of this Section.

3. Without prejudice to the specific provisions of Article 32, the acts of the institutions concerning the common agricultural policy and the common fisheries policy shall not apply to Ceuta or to Melilla.

4. At the request of the Kingdom of Spain, a European law or framework law of the Council may:

(a) include Ceuta and Melilla in the customs territory of the Union;

(b) define the appropriate measures aimed at extending to Ceuta and to Melilla the provisions of Union law in force.

On a proposal from the Commission acting on its own initiative or at the request of a Member State, the Council may adopt a European law or framework law adjusting the arrangements applicable to Ceuta and to Melilla if necessary.

The Council shall act unanimously after consulting the European Parliament.

Subsection 2

Provisions relating to the Common Fisheries Policy

ARTICLE 32

1. Subject to paragraph 2 and without prejudice to Subsection 3, the common fisheries policy shall not apply to Ceuta or to Melilla.

2. The Council, on a proposal from the Commission, shall adopt the European laws, framework laws, regulations or decisions which:

(a) determine the structural measures which may be adopted in favour of Ceuta and Melilla;

(b) determine the procedures appropriate to take into consideration all or part of the interests of Ceuta and Melilla when it adopts acts, case by case, with a view to the negotiations by the Union aimed at the resumption or conclusion of fisheries agreements with third countries and to the specific interests of Ceuta and Melilla within international conventions concerning fisheries, to which the Union is a contracting party.

3. The Council, on a proposal from the Commission, shall adopt the European laws, framework laws, regulations or decisions which determine, where appropriate, the possibilities and conditions of mutual access to respective fishing zones and to the resources thereof. It shall act unanimously.

4. The European laws and framework laws referred to in paragraphs 2 and 3 shall be adopted after consultation of the European Parliament.

3. pododdelek

Določbe o prostem pretoku blaga, carinski zakonodaji in trgovinski politiki

33. ČLEN

(1) Izdelki s poreklom iz Ceute in Melille ter izdelki, ki so uvoženi v Ceuto in Melillo iz tretjih držav po aranžmajih, ki se zanje tam uporabljajo, se ne štejejo za blago, ki izpolnjuje pogoje iz prvega do tretjega odstavka III-151. člena Ustave, kadar so sproščeni v prosti promet na carinskem območju Unije.

(2) Carinsko območje Unije ne vključuje Ceute in Melille.

(3) Razen če ta pododdelek ne določa drugače, se akti institucij o carinski zakonodaji za zunanjo trgovino uporabljajo pod enakimi pogoji za trgovino med carinskim območjem Unije na eni strani ter Ceuto in Melillo na drugi.

(4) Razen če ta pododdelek ne določa drugače, se akti institucij o skupni trgovinski politiki, bodisi avtonomni bodisi pogodbeni, ki so neposredno povezani z uvozom ali izvozom blaga, ne uporabljajo za Ceuto in Melillo.

(5) Razen če ta naslov ne določa drugače, uporablja Unija v trgovini s Ceuto in Melillo za proizvode iz I. Priloge k Ustavi splošno ureditev, ki jo uporablja v zunanji trgovini.

34. ČLEN

Ob upoštevanju 35. člena tega protokola se odpravijo carine pri uvozu izdelkov s poreklom iz Ceute in Melille v carinsko območje Unije.

35. ČLEN

(1) Ribiški proizvodi iz tarifnih številk 03.01, 03.02, 03.03, 16.04, 16.05 ter podštevilk 05.11.91 in 23.01.20 skupne carinske tarife s poreklom iz Ceute in Melille v mejah tarifnih kvot, izračunanih za proizvode na podlagi povprečnih količin, ki so bile dejansko dobavljene v letih 1982, 1983 in 1984, so upravičeni do oprostitve carin na celotnem carinskem območju Unije.

Sprostitev proizvodov, uvoženih v carinsko območje Unije v okviru tarifnih kvot, v prosti promet je pogojena z upoštevanjem pravil skupne ureditve trgov in zlasti referenčnih cen.

(2) Svet na predlog Komisije vsako leto sprejme evropske uredbe ali sklepe o odprtju in dodelitvi tarifnih kvot v skladu z natančnimi pravili iz prejšnjega odstavka.

36. ČLEN

(1) Če bi izvajanje 34. člena tega protokola lahko povzročilo znatno povečanje uvoza določenih proizvodov s poreklom iz Ceute in Melille, ki bi lahko vplivalo na proizvajalce v Uniji, lahko Svet na predlog Komisije sprejme evropske uredbe ali sklepe, s katerimi določi posebne pogoje za dostop teh proizvodov na carinsko območje Unije.

(2) Če zaradi neuporabe skupne trgovinske politike in skupne carinske tarife za uvoz surovin ali vmesnih proizvodov v Ceuto in Melillo uvoz proizvoda s poreklom iz Ceute in Melille povzroči ali bi lahko povzročil resno škodo proizvodni dejavnosti v eni ali več državah članicah, lahko Komisija na zahtevo države članice ali na lastno pobudo ustrezno ukrepa.

Subsection 3

Provisions on free movement of goods, customs legislation and commercial policy

ARTICLE 33

1. Products originating in Ceuta or in Melilla and products coming from third countries imported into Ceuta or into Melilla under the arrangements which are applicable there to them shall not be deemed, when released for free circulation in the customs territory of the Union, to be goods fulfilling the conditions of paragraphs 1 to 3 of Article III-151 of the Constitution.

2. The customs territory of the Union shall not include Ceuta and Melilla.

3. Except where otherwise provided for in this Subsection, the acts of the institutions regarding customs legislation for foreign trade shall apply under the same conditions to trade between the customs territory of the Union, on the one hand, and Ceuta and Melilla, on the other.

4. Except where otherwise provided for in this Subsection, the acts of the institutions regarding the common commercial policy, be they autonomous or enacted by agreement, directly linked to the import or export of goods, shall not be applicable to Ceuta or to Melilla.

5. Except where otherwise provided for in this Title, the Union shall apply in its trade with Ceuta and Melilla, for products falling within Annex I to the Constitution, the general arrangements which it applies in its foreign trade.

ARTICLE 34

1. Subject to Article 35, customs duties on the import into the customs territory of the Union of products originating in Ceuta or in Melilla shall be abolished.

ARTICLE 35

1. Fishery products falling within heading Nos 03.01, 03.02, 03.03, 16.04, 16.05 and subheadings 05.11.91 and 23.01.20 of the Common Customs Tariff and originating in Ceuta or in Melilla, shall, within the limit of tariff quotas calculated by product and on the average quantities actually disposed of during 1982, 1983 and 1984, qualify for exemption from customs duties throughout the customs territory of the Union.

The release for free circulation of products imported into the customs territory of the Union, under these tariff quotas, shall be subject to compliance with the rules laid down by the common organisation of markets and in particular with respect to reference prices.

2. The Council, on a proposal from the Commission, shall each year adopt European regulations or decisions opening and allocating tariff quotas in accordance with the detailed rules laid down in paragraph 1.

ARTICLE 36

1. Where application of Article 34 could lead to a substantial increase in the import of certain products originating in Ceuta or in Melilla such as might prejudice Union producers, the Council, on a proposal from the Commission, may adopt European regulations or decisions to subject the access of these products to the customs territory of the Union to special conditions.

2. Where, because the common commercial policy and the Common Customs Tariff are not applied to the import of raw materials or intermediate products into Ceuta or into Melilla, imports of a product originating in Ceuta or in Melilla cause, or may cause, serious injury to a producer activity exercised in one or more Member States, the Commission, at the request of a Member State or on its own initiative, may take the appropriate measures.

37. ČLEN

Carine na uvoz proizvodov s poreklom s carinskega območja Unije v Ceuto in Melillo ter dajatve z enakim učinkom se odpravijo.

38. ČLEN

Carine in dajatve z enakim učinkom kot takšne carine ter trgovinska ureditev, ki se pri uvozu v Ceuto in Melillo uporabljajo za blago iz tretje države, ne smejo biti manj ugodne kakor tiste, ki jih uporablja Unija v skladu s svojimi mednarodnimi zavezami ali preferencialnimi ureditvami za zadevno tretjo državo, če ta država za uvoz iz Ceute in Melille zagotavlja enako obravnavo, kakor jo zagotavlja Uniji. Ureditev, ki se uporablja za uvoz v Ceuto in Melillo za blago iz takšne tretje države, pa ne sme biti ugodnejša od tiste, ki se uporablja za uvoz proizvodov s poreklom s carinskega območja Unije.

39. ČLEN

Svet na predlog Komisije sprejme evropske uredbe ali sklepe, s katerimi določi pravila za izvajanje tega pododdelka ter predvsem pravila o poreklu, ki se uporabljajo za trgovino iz 34. in 35. ter 37. člena tega protokola, vključno z določbami o ugotavljanju istovetnosti izdelkov s poreklom in o nadzoru porekla.

Ta pravila vključujejo zlasti določbe o označevanju in/ali etiketiranju izdelkov, pogojih za registracijo plovil, uporabi pravil o mešanem poreklu za ribiške proizvode ter določbe, ki omogočajo določitev porekla izdelkov.

5. ODDELEK

Določbe o regionalnem razvoju Španije

40. ČLEN

Države članice se seznanjajo, da je španska vlada začela izvajati politiko regionalnega razvoja, ki je namenjena predvsem spodbujanju gospodarske rasti manj razvitih regij in območij v Španiji.

Države članice priznavajo, da je doseganje ciljev te politike v njihovem skupnem interesu.

Da bi se španski vladi olajšalo izpolniti to nalogo, se strinjajo, da je ustrezno priporočiti institucijam, da v ta namen uporabijo vsa sredstva in postopke, določene v Ustavi, predvsem s primerno uporabo virov Unije, ki so namenjeni uresničevanju njenih ciljev.

Države članice predvsem priznavajo, da bo pri uporabi III-167. in III-168. člena Ustave treba upoštevati cilje gospodarske rasti in izboljšanja življenjske ravni prebivalstva v manj razvitih regijah in območjih v Španiji.

6. ODDELEK

Določbe o gospodarskem in industrijskem razvoju Portugalske

41. ČLEN

Države članice se seznanjajo, da je portugalska vlada začela izvajati politiko industrializacije in gospodarskega razvoja, katere cilj je uskladitev življenjskih razmer na Portugalskem z razmerami v drugih državah članicah in odpravljanje podzaposlenosti ter postopna izravnava regionalnih razlik v stopnjah razvitosti.

Države članice priznavajo, da je doseganje ciljev te politike v njihovem skupnem interesu.

ARTICLE 37

The customs duties on import into Ceuta and into Melilla of products originating in the customs territory of the Union, and charges having equivalent effect, shall be abolished.

ARTICLE 38

The customs duties and charges having an effect equivalent to such duties and the trade arrangements applied on the import into Ceuta and into Melilla of goods coming from a third country may not be less favourable than those applicable by the Union in accordance with its international commitments or its preferential arrangements with regard to such third country, providing that the same third country grants, to imports from Ceuta and from Melilla, the same treatment as that which it grants to the Union. However, the arrangements applied to imports into Ceuta and into Melilla with regard to goods coming from such third country may not be more favourable than those applied with regard to the imports of products originating in the customs territory of the Union.

ARTICLE 39

The Council, on a proposal from the Commission, shall adopt European regulations or decisions laying down the rules for the application of this Subsection and in particular the rules of origin applicable to trade, as referred to in Articles 34, 35 and 37, including the provisions concerning the identification of originating products and the control of origin.

The rules will include, in particular, provisions on marking and/or labelling of products, on the conditions of registration of vessels, on the application of the rule on mixed origin for fishery products, and also provisions enabling the origin of products to be determined.

SECTION 5

Provisions on the regional development of Spain

ARTICLE 40

The Member States take note of the fact that the Spanish Government has embarked upon the implementation of a policy of regional development designed in particular to stimulate economic growth in the less-developed regions and areas of Spain.

They recognise it to be in their common interest that the objectives of this policy be attained.

They agree, in order to help the Spanish Government to accomplish this task, to recommend that the institutions use all the means and procedures laid down by the Constitution, particularly by making adequate use of the Union resources intended for the realisation of its objectives.

The Member States recognise in particular that, in the application of Articles III-167 and III-168 of the Constitution, it will be necessary to take into account the objectives of economic expansion and the raising of the standard of living of the population of the less-developed regions and areas of Spain.

SECTION 6

Provisions on the economic and industrial development of Portugal

ARTICLE 41

The Member States take note of the fact that the Portuguese Government has embarked upon the implementation of a policy of industrialisation and economic development designed to align the standard of living in Portugal with that of the other Member States and to eliminate underemployment while progressively evening out regional differences in levels of development.

They recognise it to be in their common interest that the objectives of this policy be attained.

Priznavajo, da je ustrezno priporočiti institucijam, da v ta namen uporabijo vsa sredstva in postopke, določene v Ustavi, predvsem s primerno uporabo virov Unije, ki so namenjeni uresničevanju njenih ciljev.

Države članice predvsem priznavajo, da bo pri uporabi III-167. in III-168. člena Ustave treba upoštevati cilje gospodarske rasti in izboljšanja življenjske ravni prebivalstva.

They agree to recommend to this end that the institutions use all the means and procedures laid down by the Constitution, particularly by making adequate use of the Union resources intended for the realisation of its objectives.

The Member States recognise in particular that, in the application of Articles III-167 and III-168 of the Constitution, it will be necessary to take into account the objectives of economic expansion and the raising of the standard of living of the population.

7. ODDELEK

Določbe o izmenjavi znanja s področja jedrske energije s Kraljevino Španijo

42. ČLEN

(1) Od 1. januarja 1986 je znanje, ki je bilo v skladu s členom 13 Pogodbe o ustanovitvi Evropske skupnosti za atomsko energijo posredovano državam članicam, osebam in podjetjem, na razpolago Kraljevini Španiji, ki ga na svojem ozemlju omejeno razširja pod pogoji, določenimi v omenjenem členu.

(2) Od 1. januarja 1986 Kraljevina Španija znanje, pridobljeno na jedrskem področju v Španiji, ki se razširja omejeno, daje na razpolago Evropski skupnosti za atomsko energijo, če ne gre za znanje s strogo komercialno uporabnostjo. Komisija to znanje posreduje podjetjem v Skupnosti pod pogoji, določenimi v členu 13 Pogodbe o ustanovitvi Evropske skupnosti za atomsko energijo.

(3) Znanje iz prvega in drugega odstavka tega člena zadeva predvsem:

a) jedrsko fiziko (nizke in visoke energije);

b) varstvo pred sevanji;

c) uporabo izotopov, predvsem stabilnih;

d) raziskovalne reaktorje in ustrezna goriva;

e) raziskave na področju gorivnega ciklusa (predvsem pridobivanje in predelava revne uranove rude; optimizacija gorivnih elementov za energijske reaktorje).

43. ČLEN

(1) Na področjih, na katerih Kraljevina Španija daje znanje na razpolago Evropski skupnosti za atomsko energijo, pristojni organi na prošnjo podelijo licence po komercialnih pogojih državam članicam, osebam in podjetjem Skupnosti, če imajo izključne pravice iz patentov, prijavljenih v državah članicah in če do tretjih oseb nimajo obveznosti ali zavez glede podelitve ali ponudbe podelitve izključne ali delno izključne licence za pravice iz teh patentov.

(2) Kadar je izključna ali delno izključna licenca podeljena, Kraljevina Španija spodbuja in omogoča, da imetniki takšnih licenc po komercialnih pogojih podeljujejo podlicence državam članicam, osebam in podjetjem Skupnosti.

Takšne izključne ali delno izključne licence se podeljujejo po običajnih komercialnih pogojih.

8. ODDELEK

Določbe o izmenjavi znanja s področja jedrske energije s Portugalsko republiko

44. ČLEN

(1) Od 1. januarja 1986 je znanje, ki je bilo v skladu s členom 13 Pogodbe o ustanovitvi Evropske skupnosti za atomsko energijo posredovano državam članicam, osebam in podjetjem, na razpolago Portugalski republiki, ki ga na svojem ozemlju omejeno razširja pod pogoji, določenimi v omenjenem členu.

SECTION 7

Provisions on the exchange of information with the Kingdom of Spain in the field of nuclear energy

ARTICLE 42

1. From 1 January 1986, such information as has been communicated to Member States, persons and undertakings, in accordance with Article 13 of the Treaty establishing the European Atomic Energy Community, shall be placed at the disposal of the Kingdom of Spain, which shall give it limited distribution within its territory under the conditions laid down in that Article.

2. From 1 January 1986, the Kingdom of Spain shall place at the disposal of the European Atomic Energy Community information obtained in the nuclear field in Spain which is given limited distribution, insofar as strictly commercial applications are not involved. The Commission shall communicate this information to Community undertakings under the conditions laid down in Article 13 of the Treaty establishing the European Atomic Energy Community.

3. The information referred to in paragraphs 1 and 2 shall mainly concern:

(a) nuclear physics (low and high-energy);

(b) radiation protection;

(c) isotope applications, in particular those of stable isotopes;

(d) research reactors and relevant fuels;

(e) research into the field of the fuel cycle (more especially the mining and processing of low-grade uranium ore; optimisation of fuel elements for power reactors).

ARTICLE 43

1. In those sectors in which the Kingdom of Spain places information at the disposal of the European Atomic Energy Community, the competent authorities shall grant upon request licences on commercial terms to Member States, persons and undertakings of the Community where they possess exclusive rights to patents filed in Member States and insofar as they have no obligation or commitment in respect of third parties to grant or offer to grant an exclusive or partially exclusive licence to the rights in these patents.

2. Where an exclusive or partially exclusive licence has been granted, the Kingdom of Spain shall encourage and facilitate the granting of sublicences on commercial terms to Member States, persons and undertakings of the Community by the holders of such licences.

Such exclusive or partially exclusive licences shall be granted on a normal commercial basis.

SECTION 8

Provisions on the exchange of information with the Portuguese Republic in the field of nuclear energy

ARTICLE 44

1. From 1 January 1986, such information as has been communicated to Member States, persons and undertakings, in accordance with Article 13 of the Treaty establishing the European Atomic Energy Community, shall be placed at the disposal of the Portuguese Republic, which shall give it limited distribution within its territory under the conditions laid down in that Article.

(2) Od 1. januarja 1986 Portugalska republika znanje, pridobljeno na jedrskem področju na Portugalskem, ki se razširja omejeno, daje na razpolago Evropski skupnosti za atomsko energijo, če ne gre za znanje s strogo komercialno uporabnostjo. Komisija to znanje posreduje podjetjem v Skupnosti pod pogoji, določenimi v členu 13 Pogodbe o ustanovitvi Evropske skupnosti za atomsko energijo.

(3) Znanje iz prvega in drugega odstavka tega člena zadeva predvsem:

a) dinamiko reaktorja;

b) varstvo pred sevanji;

c) uporabo jedrskih merilnih tehnik (na industrijskem, kmetijskem, arheološkem in geološkem področju);

d) atomsko fiziko (učinkovito merjenje presekov, cevne tehnike);

e) ekstraktivno metalurgijo urana.

45. ČLEN

(1) Na področjih, na katerih Portugalska republika daje znanje na razpolago Evropski skupnosti za atomsko energijo, pristojni organi na prošnjo podelijo licence po komercialnih pogojih državam članicam, osebam in podjetjem Skupnosti, če imajo izključne pravice iz patentov, prijavljenih v državah članicah in če do tretjih oseb nimajo obveznosti ali zavez glede podelitve ali ponudbe podelitve izključne ali delno izključne licence za pravice iz teh patentov.

(2) Kadar je izključna ali delno izključna licenca podeljena, Portugalska republika spodbuja in omogoča, da imetniki takšnih licenc po komercialnih pogojih podeljujejo podlicence državam članicam, osebam in podjetjem Skupnosti.

Takšne izključne ali delno izključne licence se podeljujejo po običajnih komercialnih pogojih.

2. From 1 January 1986, the Portuguese Republic shall place at the disposal of the European Atomic Energy Community information obtained in the nuclear field in Portugal which is given limited distribution, insofar as strictly commercial applications are not involved. The Commission shall communicate this information to Community undertakings under the conditions laid down in Article 13 of the Treaty establishing the European Atomic Energy Community.

3. The information referred to in paragraphs 1 and 2 shall mainly concern:

(a) reactor dynamics;

(b) radiation protection;

(c) application of nuclear measuring techniques (in the industrial, agricultural, archaeological and geological fields);

(d) atomic physics (effective measuring of cross sections, pipeline techniques);

(e) extractive metallurgy of uranium.

ARTICLE 45

1. In those sectors in which the Portuguese Republic places information at the disposal of the European Atomic Energy Community, the competent authorities shall grant upon request licences on commercial terms to Member States, persons and undertakings of the Community where they possess exclusive rights to patents filed in Member States and insofar as they have no obligation or commitment in respect of third parties to grant or offer to grant an exclusive or partially exclusive licence to the rights in these patents.

2. Where an exclusive or partially exclusive licence has been granted, the Portuguese Republic shall encourage and facilitate the granting of sublicences on commercial terms to Member States, persons and undertakings of the Community by the holders of such licences.

Such exclusive or partially exclusive licences shall be granted on a normal commercial basis.

V. NASLOV

DOLOČBE IZ AKTA O POGOJIH PRISTOPA REPUBLIKE AVSTRIJE, REPUBLIKE FINSKE IN KRALJEVINE ŠVEDSKE

1. ODDELEK

Finančne določbe

46. ČLEN

Lastna sredstva, ki izvirajo iz davka na dodano vrednost, se izračunajo in preverijo, kot če bi bili Ålandski otoki vključeni na področje ozemeljske uporabe Šeste direktive Sveta 77/388/EGS z dne 17. maja 1977 o usklajevanju zakonodaje držav članic o prometnih davkih – Skupni sistem davka na dodano vrednost: enotna osnova za odmero.

2. ODDELEK

Določbe o kmetijstvu

47. ČLEN

Kjer se zaradi pristopa pojavijo resnejše težave, ki ostajajo tudi po polni uporabi določb 48. člena tega protokola ter preostalih ukrepov, ki izhajajo iz obstoječih pravil Unije, Komisija lahko sprejme evropski sklep, s katerim dovoli Finski dodelitev državnih pomoči proizvajalcem, da bi tako olajšala njeno polno vključitev v skupno kmetijsko politiko.

TITLE V

PROVISIONS TAKEN FROM THE ACT CONCERNING THE CONDITIONS OF ACCESSION OF THE REPUBLIC OF AUSTRIA, THE REPUBLIC OF FINLAND AND THE KINGDOM OF SWEDEN

SECTION 1

Financial provisions

ARTICLE 46

Own resources accruing from value added tax shall be calculated and checked as though the Åland Islands were included in the territorial scope of Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes – Common system of value added tax: uniform basis of assessment.

SECTION 2

Provisions on agriculture

ARTICLE 47

Where there are serious difficulties resulting from accession which remain after full utilisation of Article 48 and of the other measures resulting from the rules existing in the Union, the Commission may adopt a European decision authorising Finland to grant national aids to producers so as to facilitate their full integration into the common agricultural policy.

48. ČLEN

(1) Komisija sprejme evropske sklepe, s katerimi dovoli Finski in Švedski dodeljevanje dolgoročnih državnih pomoči, da bi tako zagotovila ohranjanje kmetijske dejavnosti v specifičnih regijah. Te regije se morajo ujemati s kmetijskimi območji severno od 62. vzporednika in z nekaterimi mejnimi področji južno od tega vzporednika, ki so prizadeta zaradi podobnih podnebnih razmer, kar kmetijsko dejavnost še posebej otežuje.

(2) Regije iz prejšnjega odstavka določi Komisija, ki pri tem upošteva zlasti naslednje:

a) nizko gostoto naseljenosti prebivalstva;

b) delež kmetijskih zemljišč glede na celotno površino območja;

c) delež kmetijskih zemljišč, namenjenih poljščinam za prehrano ljudi, glede na površino uporabljanega kmetijskega območja.

(3) Državne pomoči iz prvega odstavka tega člena se lahko navezujejo na stvarne dejavnike v proizvodnji, kakor so hektarske površine kmetijskih zemljišč ali število glav živine ob upoštevanju ustreznih omejitev skupnih ureditev trga, kakor tudi tradicionalne strukture proizvodnje vsakega gospodarstva, ne smejo pa:

a) se navezovati na prihodnjo proizvodnjo;

b) ali privesti do povečanja proizvodnje ali splošne ravni pomoči, ugotovljene v referenčnem obdobju pred 1. januarjem 1995, ki ga določi Komisija.

Te pomoči so lahko diferencirane glede na regije.

Te pomoči je treba dodeliti zlasti zaradi:

a) ohranjanja tradicionalne primarne proizvodnje in predelave, ki po naravi ustrezata podnebnim razmeram zadevnih regij;

b) izboljšanja proizvodnih struktur, trženja in predelave kmetijskih proizvodov;

c) lažje prodaje omenjenih proizvodov;

d) zagotavljanja varovanja okolja in ohranjanja podeželja.

ARTICLE 48

1. The Commission shall adopt European decisions authorising Finland and Sweden to grant long-term national aids with a view to ensuring that agricultural activity is maintained in specific regions. These regions should cover the agricultural areas situated to the north of the 62nd Parallel and some adjacent areas south of that parallel affected by comparable climatic conditions rendering agricultural activity particularly difficult.

2. The regions referred to in paragraph 1 shall be determined by the Commission, taking into consideration in particular:

(a) the low population density;

(b) the portion of agricultural land in the overall surface area;

(c) the portion of agricultural land devoted to arable crops intended for human consumption, in the agricultural surface area used.

3. The national aids provided for in paragraph 1 may be related to physical factors of production, such as hectares of agricultural land or heads of animal taking account of the relevant limits laid down in the common organisations of the market, as well as the historical production patterns of each farm, but must not:

(a) be linked to future production;

(b) or lead to an increase in production or in the level of overall support recorded during a reference period preceding 1 January 1995, to be determined by the Commission.

These aids may be differentiated by region.

These aids must be granted in particular in order to:

(a) maintain traditional primary production and processing naturally suited to the climatic conditions of the regions concerned;

(b) improve the structures for the production, marketing and processing of agricultural products;

(c) facilitate the disposal of the said products;

(d) ensure that the environment is protected and the countryside preserved.

49. ČLEN

(1) Pomoči iz 47. in 48. člena tega protokola in vsaka druga državna pomoč, za katero je v okviru tega naslova potrebno dovoljenje Komisije, se priglasijo Komisiji. Pomoči se ne morejo odobriti, dokler to dovoljenje ni izdano.

(2) Kar zadeva pomoči, predvidene v prejšnjem členu, Komisija po 1. januarju 1996 vsako peto leto Svetu predloži poročilo o:

a) izdanih dovoljenjih,

b) rezultatih pomoči, ki so bile dodeljene na podlagi teh dovoljenj.

Pri pripravi omenjenega poročila države članice, ki so prejele taka dovoljenja, Komisiji pravočasno sporočijo podatke o učinkih dodeljenih pomoči, pri čemer prikažejo razvoj kmetijstva, ki so ga ugotovile v zadevnih regijah.

ARTICLE 49

1. The aids provided for in Articles 47 and 48 and any other national aid subject to Commission authorisation under this Title shall be notified to the Commission. They may not be applied until such authorisation has been given.

2. As regards the aids provided for in Article 48, the Commission shall submit to the Council every five years as from 1 January 1996 a report on:

(a) the authorisations granted;

(b) the results of the aid granted under such authorisations.

In preparation for drawing up such reports, Member States in receipt of such authorisations shall supply the Commission in good time with information on the effects of the aids granted, illustrating the development noted in the agricultural economy of the regions in question.

50. ČLEN

Na področju pomoči, ki jih predvidevata III-167. in III-168. člen Ustave:

a) izmed pomoči, ki se izvajajo v Avstriji, na Finskem in na Švedskem pred 1. januarjem 1995, se kot obstoječe pomoči v smislu prvega odstavka III-168. člena Ustave štejejo le tiste, o katerih je bila Komisija uradno obveščena pred 30. aprilom 1995;

b) za obstoječe pomoči in načrte v zvezi z dodeljevanjem ali spreminjanjem pomoči, o katerih je bila Komisija uradno obveščena pred 1. januarjem 1995, se šteje, da je bilo uradno obvestilo opravljeno na ta dan.

ARTICLE 50

In the field of the aids provided for in Articles III-167 and III-168 of the Constitution:

(a) among the aids applied in Austria, Finland and Sweden prior to 1 January 1995, only those notified to the Commission by 30 April 1995 will be deemed to be existing aids within the meaning of Article III-168(1) of the Constitution;

(b) existing aids and plans intended to grant or alter aids which were notified to the Commission prior to 1 January 1995 shall be deemed to have been notified on that date.

51. ČLEN

(1) Razen če v posebnih primerih ni določeno drugače, Svet na predlog Komisije sprejme potrebne evropske uredbe ali sklepe za izvajanje tega oddelka.

(2) Z evropskim zakonom Sveta se lahko prilagodijo določbe iz tega oddelka, ki bi se izkazale za potrebne kot posledica sprememb prava Unije. Svet odloča soglasno po posvetovanju z Evropskim parlamentom.

52. ČLEN

(1) Če so v Avstriji, na Finskem in na Švedskem potrebni prehodni ukrepi za olajšanje prehoda iz sedanje ureditve na ureditev, ki je rezultat izvajanja skupnih ureditev trga pod pogoji iz Akta o pogojih pristopa Republike Avstrije, Republike Finske in Kraljevine Švedske, se taki ukrepi sprejmejo skladno s postopkom iz člena 38 Uredbe 136/66/EGS ali, če je primerno, skladno z ustreznimi členi drugih uredb o skupni ureditvi kmetijskih trgov. Ti ukrepi se lahko sprejmejo v obdobju, ki se izteče 31. decembra 1997, njihova uporaba pa je omejena s tem datumom.

(2) Z Evropskim zakonom Sveta se obdobje iz prejšnjega odstavka lahko podaljša. Svet odloča soglasno po posvetovanju z Evropskim parlamentom.

53. ČLEN

Za ribiške proizvode se uporabljata 51. in 52. člen tega protokola.

3. ODDELEK

Določbe o prehodnih ukrepih

54. ČLEN

Akti, navedeni v točkah VII.B.I, VII.D.1, VII.D.2.c, IX.2. b, c, f, g, h, i, j, l, m, n, x, y, z in aa, X.a, b in c Priloge XV[1] k Aktu o pogojih pristopa Republike Avstrije, Republike Finske in Kraljevine Švedske, se za Avstrijo, Finsko in Švedsko uporabljajo pod pogoji, določenimi v tej prilogi.

Sklicevanje v točki IX.2.x Priloge XV iz prejšnjega odstavka na določbe Pogodbe o ustanovitvi Evropske skupnosti, zlasti na člena 90 in 91, je treba razumeti kot sklicevanje na določbe Ustave, zlasti na prvi in drugi odstavek III-170. člena Ustave.

4. ODDELEK

Določbe o uporabi nekaterih aktov

55. ČLEN

1. Vse odločbe o posamičnih izjemah in odločbe o negativnih izvidih, ki sta jih pred 1. januarjem 1995 sprejela Nadzorni organ Evropskega združenja za prosto trgovino (EFTA) ali Komisija v skladu s členom 53 Sporazuma o Evropskem gospodarskem prostoru (EGP) ali členom 1 Protokola 25 k omenjenemu sporazumu in zadevajo primere, ki zaradi pristopa sodijo v okvir člena 81 Pogodbe o ustanovitvi Evropske skupnosti, ostanejo za namene III-161. člena Ustave v veljavi do izteka v njih določenega roka ali dokler Komisija v skladu s pravom Unije ne sprejme ustrezno utemeljenega drugačnega evropskega sklepa.

[1] UL C 241, 29.8.1994, str. 322.

ARTICLE 51

1. Unless otherwise stipulated in specific cases, the Council, on a proposal from the Commission, shall adopt the necessary European regulations or decisions to implement this Section.

2. A European law of the Council may make the adaptations to the provisions appearing in this Section which may prove necessary as a result of a modification in Union law. The Council shall act unanimously after consulting the European Parliament.

ARTICLE 52

1. If transitional measures are necessary to facilitate the transition from the existing regime in Austria, Finland and Sweden to that resulting from application of the common organisation of the markets under the conditions set out in the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden, such measures shall be adopted in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC or, as appropriate, in the corresponding Articles of the other Regulations on the common organisation of agricultural markets. These measures may be taken during a period expiring on 31 December 1997 and their application shall be limited to that date.

2. A European law of the Council may extend the period referred to in paragraph 1. The Council shall act unanimously after consulting the European Parliament.

ARTICLE 53

Articles 51 and 52 shall be applicable to fishery products.

SECTION 3

Provisions on transitional measures

ARTICLE 54

The Acts listed in points VII.B.I, VII.D.1, VII.D.2.c, IX.2.b, c, f, g, h, i, j, l, m, n, x, y, z and aa, and X.a, b and c of Annex XV[1] to the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden shall apply in respect of Austria, Finland and Sweden under the conditions laid down in that Annex.

With regard to point IX.2.x of Annex XV referred to in the first paragraph, the reference to the provisions of the Treaty establishing the European Community, in particular to Articles 90 and 91 thereof, must be understood as referring to the provisions of the Constitution, in particular to Article III-170(1) and (2) thereof.

SECTION 4

Provisions on the applicability of certain acts

ARTICLE 55

1. Any individual exemption decisions taken and negative clearance decisions taken before 1 January 1995 under Article 53 of the Agreement on the European Economic Area (EEA) or Article 1 of Protocol 25 to that Agreement, whether by the Surveillance Authority of the European Free Trade Association (EFTA) or the Commission, and which concern cases which fall under Article 81 of the Treaty establishing the European Community as a result of accession shall remain valid for the purposes of Article III-161 of the Constitution until the time limit specified therein expires or until the Commission adopts a duly motivated European decision to the contrary, in accordance with Union law.

[1] OJ C 241, 29.8.1994, p. 322.

2. Vse odločbe, ki jih je Nadzorni organ EFTA pred 1. januarjem 1995 sprejel v skladu s členom 61 Sporazuma EGP in ki zaradi pristopa sodijo v okvir člena 87 Pogodbe o ustanovitvi Evropske skupnosti, ostanejo za namene III-167. člena Ustave v veljavi, razen če Komisija v skladu s III-168. členom Ustave ne sprejme drugačnega evropskega sklepa. Ta odstavek se ne uporablja za odločbe, za katere se uporablja postopek iz člena 64 Sporazuma EGP.

3. Ne glede na prvi in drugi odstavek tega člena ostanejo odločbe Nadzornega organa EFTA v veljavi po 1. januarju 1995, razen če Komisija v skladu s pravom Unije ne sprejme ustrezno utemeljenega drugačnega sklepa.

2. All decisions taken by the EFTA Surveillance Authority before 1 January 1995 pursuant to Article 61 of the EEA Agreement and which fall under Article 87 of the Treaty establishing the European Community as a result of accession shall remain valid with respect to Article III-167 of the Constitution unless the Commission adopts a European decision to the contrary pursuant to Article III-168 of the Constitution. This paragraph shall not apply to decisions subject to the proceedings provided for in Article 64 of the EEA Agreement.

3. Without prejudice to paragraphs 1 and 2, the decisions taken by the EFTA Surveillance Authority remain valid after 1 January 1995 unless the Commission takes a duly motivated decision to the contrary in accordance with Union law.

5. ODDELEK

Določbe o Ålandskih otokih

56. ČLEN

Določbe Ustave ne izključujejo uporabe določb, ki so na Ålandskih otokih veljale 1. januarja 1994 in zadevajo:

a) nediskriminatorne omejitve pravice fizičnih oseb, ki nimajo »hembygdsrätt/kotiseutuoikeus« (regijskega državljanstva) Ålandskih otokov, in pravnih oseb do pridobivanja in posedovanja nepremičnin na Ålandskih otokih brez dovoljenja pristojnih organov teh otokov;

b) nediskriminatorne omejitve pravice fizičnih oseb do ustanavljanja in pravice do opravljanja storitev, ki nimajo »hembygdsrätt/kotiseutuoikeus« (regijskega državljanstva) Ålandskih otokov, in pravnih oseb, brez dovoljenja pristojnih organov teh otokov.

57. ČLEN

(1) Ozemlje Ålandskih otokov – ki se šteje za tretje ozemlje v smislu tretje alinee člena 3(1) Direktive Sveta 77/388/EGS in za nacionalno ozemlje, ki je izključeno iz področja ozemeljske uporabe direktiv o usklajevanju trošarin v smislu člena 2 Direktive Sveta 92/12/EGS – se izvzame iz področja ozemeljske uporabe prava Unije, ki zadeva usklajevanje zakonodaj držav članic o prometnih davkih in trošarinah ter drugih oblikah posrednega obdavčenja.

Ta odstavek se ne uporablja za določbe Direktive Sveta 69/335/EGS glede dajatev na kapital.

(2) Namen izjeme iz prejšnjega odstavka je ohranjanje lokalnega gospodarstva Ålandskih otokov, ki bo sposobno za preživetje, in ne sme negativno vplivati na interese Unije niti na njene skupne politike. Če Komisija meni, da določbe iz prejšnjega odstavka niso več upravičene, zlasti kar zadeva pošteno konkurenco ali lastna sredstva, predloži Svetu ustrezne predloge, ki potrebne akte sprejme v skladu z ustreznimi členi Ustave.

58. ČLEN

Republika Finska zagotavlja enako obravnavanje vseh fizičnih in pravnih osebe držav članic na Ålandskih otokih.

59. ČLEN

Določbe tega oddelka se uporabljajo v luči Izjave o Ålandskih otokih, ki prevzema brez spremembe njihovega pravnega učinka preambulo iz Protokola št. 2 k Aktu o pogojih pristopa Republike Avstrije, Republike Finske in Kraljevine Švedske.

SECTION 5

Provisions on the Åland Islands

ARTICLE 56

The provisions of the Constitution shall not preclude the application of the existing provisions in force on 1 January 1994 on the Åland islands on:

(a) restrictions, on a non-discriminatory basis, on the right of natural persons who do not enjoy hembygdsrätt/kotiseutuoikeus (regional citizenship) in Åland, and for legal persons, to acquire and hold real property on the Åland islands without permission by the competent authorities of the Åland islands;

(b) restrictions, on a non-discriminatory basis, on the right of establishment and the right to provide services by natural persons who do not enjoy hembygdsrätt/kotiseutuoikeus (regional citizenship) in Åland, or by legal persons without permission by the competent authorities of the Åland islands.

ARTICLE 57

1. The territory of the Åland Islands – being considered as a third territory, as defined in the third indent of Article 3(1) of Council Directive 77/388/EEC, and as a national territory falling outside the field of application of the excise harmonisation directives as defined in Article 2 of Council Directive 92/12/EEC – shall be excluded from the territorial application of Union law in the fields of harmonisation of the laws of the Member States on turnover taxes and on excise duties and other forms of indirect taxation.

This paragraph shall not apply to the provisions of Council Directive 69/335/EEC relating to capital duty.

2. The derogation provided for in paragraph 1 is aimed at maintaining a viable local economy in the islands and shall not have any negative effects on the interests of the Union nor on its common policies. If the Commission considers that the provisions in paragraph 1 are no longer justified, particularly in terms of fair competition or own resources, it shall submit appropriate proposals to the Council, which shall adopt the necessary acts in accordance with the pertinent articles of the Constitution.

ARTICLE 58

The Republic of Finland shall ensure that the same treatment applies to all natural and legal persons of the Member States in the Åland islands.

ARTICLE 59

The provisions of this Section shall apply in the light of the Declaration on the Åland Islands, which incorporates, without altering its legal effect, the wording of the preamble to Protocol No 2 to the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.

6. ODDELEK

Določbe o Laponcih

60. ČLEN

Ne glede na določbe Ustave se Laponcem lahko podelijo izključne pravice do reje severne jelenjadi na območjih, ki jih tradicionalno naseljujejo Laponci.

61. ČLEN

Ta oddelek je mogoče razširiti tako, da se upošteva nadaljnji razvoj izključnih pravic Laponcev, ki so povezane z njihovim tradicionalnim načinom življenja. Potrebne spremembe tega oddelka se sprejmejo z evropskim zakonom Sveta. Svet odloča soglasno po posvetovanju z Evropskim parlamentom in Odborom regij.

62. ČLEN

Določbe tega oddelka se uporabljajo v luči Izjave o Laponcih, ki prevzema brez spremembe njihovega pravnega učinka preambulo iz Protokola št. 3 k Aktu o pogojih pristopa Republike Avstrije, Republike Finske in Kraljevine Švedske.

7. ODDELEK

Posebne določbe v okviru strukturnih skladov na Finskem in na Švedskem

63. ČLEN

Regije, ki jih zajema Cilj spodbujanja razvoja in strukturnega prilagajanja regij z izjemno nizko gostoto prebivalstva, načeloma so ali spadajo v regije na ravni NUTS II z gostoto prebivalstva 8 prebivalcev na km^2 ali manj. Pomoč Unije se lahko ob upoštevanju zahteve o koncentraciji razširi tudi na manjša sosednja in bližnja območja, ki izpolnjujejo isto merilo gostote prebivalstva. Regije in območja, na katere se nanaša ta člen, so našteti v Prilogi 1[1] Protokola št. 6 k Aktu o pogojih pristopa Republike Avstrije, Republike Finske in Kraljevine Švedske.

8. ODDELEK

Določbe o železniškem in kombiniranem prevozu v Avstriji

64. ČLEN

(1) Za namene tega oddelka se uporabljajo naslednje opredelitve:

a) »težko tovorno vozilo« pomeni vsako motorno vozilo z največjo dovoljeno težo nad 7,5 ton, registrirano v državi članici, ki je namenjeno prevozu blaga ali priklopnikov, vključno s polpriklopnimi vlečnimi vozili, in priklopnike z največjo dovoljeno težo nad 7,5 ton, ki jih vlečejo motorna vozila, registrirana v državi članici, z največjo dovoljeno težo 7,5 ton ali manj;

b) »kombinirani prevoz« pomeni prevoz blaga s težkimi tovornimi vozili ali nakladalnimi enotami, ki dopolnjujejo del vožnje po železnici in začnejo ali zaključijo vožnjo po cesti, pri čemer tranzitni promet nikakor ne sme potekati prek avstrijskega ozemlja na poti do ali od železniškega terminala samo po cesti.

(2) Za ukrepe v zvezi z opravljanjem železniškega in kombiniranega prevoza prek avstrijskega ozemlja se uporabljajo 65. do 71. člen tega protokola.

[1] UL C 241, 29.8.1994, str. 355.

SECTION 6

Provisions on the Sami people

ARTICLE 60

Notwithstanding the provisions of the Constitution, exclusive rights to reindeer husbandry within traditional Sami areas may be granted to the Sami people.

ARTICLE 61

This Section may be extended to take account of any further development of exclusive Sami rights linked to their traditional means of livelihood. A European law of the Council may make the necessary amendments to this Section. The Council shall act unanimously after consulting the European Parliament and the Committee of the Regions.

ARTICLE 62

The provisions of this Section shall apply in the light of the Declaration on the Sami people, which incorporates, without altering its legal effect, the wording of the preamble to Protocol No 3 to the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.

SECTION 7

Special provisions in the framework of the Structural Funds in Finland and Sweden

ARTICLE 63

Areas covered by the objective of promoting the development and structural adjustment of regions with an extremely low population density shall in principle represent or belong to regions at NUTS level II with a population density of 8 persons per km^2 or less. Union assistance may, subject to the requirement of concentration, also extend to adjacent and contiguous smaller areas fulfilling the same population density criterion. The regions and areas referred to in this Article, are listed in Annex 1[1] to Protocol No 6 to the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.

SECTION 8

Provisions on rail and combined transport in Austria

ARTICLE 64

1. For the purposes of this Section, the following definitions shall apply:

(a) "heavy goods vehicle" shall mean any motor vehicle with a maximum authorised weight of over 7,5 tonnes registered in a Member State designed to carry goods or haul trailers, including semi-trailer tractor units, and trailers with a maximum authorised weight of over 7,5 tonnes and hauled by a motor vehicle registered in a Member State with a maximum authorised weight of 7,5 tonnes or less;

(b) "combined transport" shall mean the carriage of goods by heavy goods vehicles or loading units which complete part of their journey by rail and either begin or end the journey by road, whereby transit traffic may under no circumstances cross Austrian territory on its way to or from a rail terminal by road alone.

2. Articles 65 to 71 shall apply to measures relating to the provision of rail and combined transport crossing the territory of Austria.

[1] OJ C 241, 29.8.1994, p. 355.

65. ČLEN

Unija in zadevne države članice v okviru svojih pristojnosti sprejmejo in tesno usklajujejo ukrepe za razvoj in pospeševanje železniškega in kombiniranega prevoza za prevoz blaga prek Alp.

66. ČLEN

Pri določanju smernic, opredeljenih v III-247. členu Ustave, Unija zagotovi, da so osi, določene v Prilogi 1[1] Protokola št. 9 k Aktu o pogojih pristopa Republike Avstrije, Republike Finske in Kraljevine Švedske, del vseevropskega omrežja za železnice in kombinirani prevoz ter se priznavajo kot projekti v skupnem interesu.

67. ČLEN

Unija in zadevne države članice v okviru svojih pristojnosti izvajajo ukrepe, navedene v Prilogi 2[2] Protokola št. 9 k Aktu o pogojih pristopa Republike Avstrije, Republike Finske in Kraljevine Švedske.

68. ČLEN

Unija in zadevne države članice si po najboljših močeh prizadevajo, da razvijejo in uporabljajo dodatne železniške zmogljivosti iz Priloge 3[3] Protokola št. 9 k Aktu o pogojih pristopa Republike Avstrije, Republike Finske in Kraljevine Švedske.

69. ČLEN

Unija in zadevne države članice sprejmejo ukrepe za povečevanje železniškega in kombiniranega prevoza. Po potrebi in ob upoštevanju določb Ustave se takšni ukrepi določijo po posvetovanju z železniškimi družbami in drugimi ponudniki železniških storitev. Prednost imajo tisti ukrepi, ki so navedeni v določbah prava Unije o železnicah in kombiniranem prevozu. Pri izvajanju ukrepov je treba posebno pozornost nameniti konkurenčnosti, učinkovitosti in preglednosti stroškov železniškega in kombiniranega prevoza. Zadevne države članice si predvsem prizadevajo sprejeti ukrepe, ki bodo zagotovili konkurenčnost cen kombiniranega prevoza s cenami drugih načinov prevoza. Pomoč, dodeljena v ta namen, je skladna s pravom Unije.

70. ČLEN

Unija in zadevne države članice v primeru resnih motenj železniškega tranzita, kot so naravne nesreče, sprejmejo vse potrebne ukrepe, da zagotovijo pretok prometa. Prednost ima občutljivo blago, npr. pokvarljiva hrana.

71. ČLEN

Komisija preuči delovanje tega oddelka skladno s postopkom, določenim v drugem odstavku 73. člena tega protokola.

72. ČLEN

(1) Ta člen se uporablja za prevoze blaga po cesti na vožnjah, opravljenih na ozemlju Skupnosti.

[1] UL C št. 241, z dne 29.8.1994, str. 364.
[2] UL C št. 241, z dne 29.8.1994, str. 365.
[3] UL C št. 241, z dne 29.8.1994, str. 367.

ARTICLE 65

The Union and the Member States concerned shall, within the framework of their respective competences, adopt and closely coordinate measures for the development and promotion of rail and combined transport for the trans-Alpine carriage of goods.

ARTICLE 66

When establishing the guidelines provided for in Article III-247 of the Constitution, the Union shall ensure that the axes defined in Annex 1[1] to Protocol No 9 to the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden form part of the trans-European networks for rail and combined transport and are furthermore identified as projects of common interest.

ARTICLE 67

The Union and the Member States concerned shall, within the framework of their respective competences, implement the measures listed in Annex 2[2] to Protocol No 9 to the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.

ARTICLE 68

The Union and the Member States concerned shall use their best endeavours to develop and utilise the additional railway capacity referred to in Annex 3[3] to Protocol No 9 to the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.

ARTICLE 69

The Union and the Member States concerned shall take measures to enhance the provision of rail and combined transport. Where appropriate, and subject to the provisions of the Constitution, such measures shall be established in close consultation with railway companies and other railway service providers. Priority should be given to those measures set out in the provisions of Union law on railways and combined transport. In implementing any measures, particular attention shall be attached to the competitiveness, effectiveness and cost transparency of rail and combined transport. In particular, the Member States concerned shall endeavour to take such measures so as to ensure that prices for combined transport are competitive with those for other modes of transport. Any aid granted to these ends shall comply with Union law.

ARTICLE 70

The Union and the Member States concerned shall, in the event of a serious disturbance in rail transit, such as a natural disaster, take all possible concerted action to maintain the flow of traffic. Priority shall be given to sensitive loads, such as perishable foods.

ARTICLE 71

The Commission, acting in accordance with the procedure laid down in Article 73(2), shall review the operation of this Section.

ARTICLE 72

1. This Article shall apply to the carriage of goods by road on journeys carried out within the territory of the Community.

[1] OJ C 241, 29.8.1994, p. 364.
[2] OJ C 241, 29.8.1994, p. 365.
[3] OJ C 241, 29.8.1994, p. 367.

(2) Na vožnjah, ki vključujejo prevoz blaga po cesti prek Avstrije, se ureditev, določena za prevoz za lastni račun ter za prevoz za najem ali plačilo v Prvi Direktivi Sveta z dne 23. julija 1962 in v Uredbi Sveta (EGS) št. 881/92, uporablja skladno z določbami tega člena.

(3) Do 1. januarja 1998 se uporabljajo naslednje določbe:

a) skupne emisije NOx iz težkih tovornih vozil, ki vozijo prek Avstrije, se zmanjšajo za 60% v obdobju od 1. januarja 1992 do 31. decembra 2003, skladno s tabelo v Prilogi 4;

b) zmanjšanja skupnih emisij NOx iz težkih tovornih vozil se upravljajo skladno s sistemom z ekotočk. Po tem sistemu dobi vsako težko tovorno vozilo na poti prek Avstrije število ekotočk, ki ustreza njegovim emisijam NOx (odobreno po vrednosti Skladnosti proizvodnje (COP) ali homologacijske vrednosti). Metoda izračuna in določanja takšnih točk je opisana v Prilogi 5;

c) če število voženj prek države v letu preseže referenčno številko, določeno za leto 1991, za več kot 8%, Komisija skladno s postopkom, določenim v členu 16, sprejme potrebne ukrepe v skladu z odstavkom 3 Priloge 5;

d) Republika Avstrija skladno s Prilogo 5 izda in pravočasno da na voljo kartice ekotočk, ki so potrebne za upravljanje sistema ekotočk za težka tovorna vozila, ki peljejo prek Avstrije;

e) Komisija razdeli ekotočke državam članicam v skladu z določbami, ki se sprejmejo v skladu s sedmim odstavkom tega člena.

(4) Pred 1. januarjem 1998 Svet na podlagi poročila Komisije preuči delovanje določb o prevozu blaga prek Avstrije. Pregled se opravi skladno z osnovnimi načeli prava Skupnosti, kot so pravilno delovanje notranjega trga, predvsem prosti pretok blaga in storitev, varstvo okolja v interesu Skupnosti kot celoti in varnost v prometu. Če Svet na predlog Komisije in po posvetu z Evropskim parlamentom soglasno ne sklene drugače, se prehodno obdobje podaljša do 1. januarja 2001, v tem času pa se uporabljajo določbe prejšnjega odstavka.

(5) Pred 1. januarjem 2001 Komisija v sodelovanju z Evropsko agencijo za okolje pripravi znanstveno študijo o stopnji, ki jo je doseglo zmanjševanje onesnaženosti, določeno v točki a) tretjega odstavka tega člena. Če Komisija ugotovi, da je bil cilj trajno dosežen, se določbe iz tretjega odstavka tega člena s 1. januarjem 2001 prenehajo uporabljati. Če Komisija ugotovi, da ta cilj ni bil trajno dosežen, lahko Svet skladno s III-240. členom Ustave sprejme ukrepe v okviru Skupnosti, ki bodo zagotovili enakovredno varstvo okolja, predvsem pa 60-odstotno zmanjšanje onesnaževanja. Če Svet takšnih ukrepov ne sprejme, se prehodno obdobje avtomatsko podaljša za končno obdobje treh let, v katerem se uporabljajo določbe iz tretjega odstavka tega člena.

(6) Ob izteku prehodnega obdobja se v celoti uporablja pravni red ES.

(7) Komisija skladno s postopkom iz člena 16 sprejme podrobne ukrepe za postopke v zvezi s sistemom ekotočk, razdeljevanjem ekotočk in tehničnimi vprašanji glede uporabe tega člena; ti ukrepi začnejo veljati 1. januarja 1995.

2. For journeys which involve transit of goods by road through Austria, the regime established for journeys on own account and for journeys for hire or reward under the First Council Directive of 23 July 1962 and Council Regulation (EEC) No 881/92 shall apply subject to the provisions of this Article.

3. Until 1 January 1998, the following provisions shall apply:

(a) The total of NOx emissions from heavy goods vehicles crossing Austria in transit shall be reduced by 60% in the period between 1 January 1992 and 31 December 2003, according to the table in Annex 4.

(b) The reductions in total NOx emissions from heavy goods vehicles shall be administered according to an ecopoints system. Under that system any heavy goods vehicle crossing Austria in transit shall require a number of ecopoints equivalent to its NOx emissions (authorised under the Conformity of Production (COP) value or type-approval value). The method of calculation and administration of such points is described in Annex 5.

(c) If the number of transit journeys in any year exceeds the reference figure established for 1991 by more than 8%, the Commission, acting in accordance with the procedure laid down in Article 16, shall adopt appropriate measures in accordance with paragraph 3 of Annex 5.

(d) Austria shall issue and make available in good time the ecopoints cards required for the administration of the ecopoints system, pursuant to Annex 5, for heavy goods vehicles crossing Austria in transit.

(e) The ecopoints shall be distributed by the Commission among Member States in accordance with provisions to be established in accordance with paragraph 7.

4. Before 1 January 1998, the Council, on the basis of a report by the Commission, shall review the operation of provisions concerning transit of goods by road through Austria. The review shall take place in conformity with basic principles of Community law, such as the proper functioning of the internal market, in particular the free movement of goods and freedom to provide services, protection of the environment in the interest of the Community as a whole, and traffic safety. Unless the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, decides otherwise, the transitional period shall be extended to 1 January 2001, during which the provisions of paragraph 3 shall apply.

5. Before 1 January 2001, the Commission, in cooperation with the European Environment Agency, shall make a scientific study of the degree to which the objective concerning reduction of pollution set out in paragraph 3(a) has been achieved. If the Commission concludes that this objective has been achieved on a sustainable basis, the provisions of paragraph 3 shall cease to apply on 1 January 2001. If the Commission concludes that this objective has not been achieved on a sustainable basis, the Council, acting in accordance with Article 75 of the EC Treaty, may adopt measures, within a Community framework, which ensure equivalent protection of the environment, in particular a 60% reduction of pollution. If the Council does not adopt such measures, the transitional period shall be automatically extended for a final period of three years, during which the provisions of paragraph 3 shall apply.

6. At the end of the transitional period, the Community *acquis* in its entirety shall be applied.

7. The Commission, acting in accordance with the procedure laid down in Article 16, shall adopt detailed measures concerning the procedures relating to the ecopoints system, the distribution of ecopoints and technical questions concerning the application of this Article, which shall enter into force on the date of accession of Austria.

Ukrepi iz prejšnjega pododstavka zagotavljajo, da se za sedanje države članice ohrani dejansko stanje, ki izhaja iz uporabe Uredbe Sveta (EGS) št. 3637/92 in upravnega dogovora, podpisanega dne 23. decembra 1992, ki določa začetek veljavnosti in postopke za uvajanje sistema ekotočk iz Sporazuma o tranzitu. Storjeno bo vse potrebno, da se zagotovi, da bo Grčiji dodeljen delež ekotočk, ki bo ustrezno upošteval potrebe te države na tem področju.

The measures referred to in the first subparagraph shall ensure that the factual situation for the present Member States resulting from the application of Council Regulation (EEC) No 3637/92 and of the Administrative Arrangement, signed on 23 December 1992, setting the date of entry into force and the procedures for the introduction of the ecopoints system referred to in the Transit Agreement, is maintained. All necessary efforts shall be made to ensure that the share of ecopoints allocated to Greece takes sufficient account of Greek needs in this context.

73. ČLEN

(1) Komisiji pomaga odbor.

(2) Ob sklicevanju na ta odstavek se uporabljata člena 3 in 7 Sklepa 1999/468/ES.

(3) Odbor sprejme svoj poslovnik.

ARTICLE 73

1. The Commission shall be assisted by a Committee.

2. In cases where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply.

3. The Committee shall adopt its Rules of Procedure.

9. ODDELEK

Določbe o uporabi posebnih avstrijskih izrazov v nemškem jeziku v okviru Evropske unije

SECTION 9

Provisions on the use of specific Austrian terms of the German language in the framework of the European Union

74. ČLEN

(1) Posebni avstrijski izrazi v nemškem jeziku, ki jih vsebuje avstrijski pravni red in se nahajajo v Prilogi k Protokolu št. 10 k Aktu o pogojih pristopa Republike Avstrije, Republike Finske in Kraljevine Švedske, imajo enak status in se lahko uporabljajo z enakim pravnim učinkom kakor ustrezni izrazi, uporabljani v Nemčiji, ki so našteti v tej prilogi.

(2) V nemški različici novih pravnih aktov se posebni avstrijski izrazi, omenjeni v Prilogi k Protokolu št. 10 k Aktu o pogojih pristopa Republike Avstrije, Republike Finske in Kraljevine Švedske, dodajo v primerni obliki k ustreznim izrazom, uporabljanim v Nemčiji.

ARTICLE 74

1. The specific Austrian terms of the German language contained in the Austrian legal order and listed in the Annex[1] to Protocol No 10 to the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden shall have the same status and may be used with the same legal effect as the corresponding terms used in Germany listed in that Annex.

2. In the German language version of new legal acts the specific Austrian terms referred to in the Annex to Protocol No 10 to the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden shall be added in appropriate form to the corresponding terms used in Germany.

[1] OJ C 241, 29.8.1994, p. 370.

9. PROTOKOL
O POGODBI TER AKTU O PRISTOPU ČEŠKE REPUBLIKE, REPUBLIKE ESTONIJE, REPUBLIKE CIPER, REPUBLIKE LATVIJE, REPUBLIKE LITVE, REPUBLIKE MADŽARSKE, REPUBLIKE MALTE, REPUBLIKE POLJSKE, REPUBLIKE SLOVENIJE IN SLOVAŠKE REPUBLIKE

VISOKE POGODBENICE SO SE –

OB SKLICEVANJU NA DEJSTVO, da so 1. maja 2004 Češka republika, Republika Estonija, Republika Ciper, Republika Latvija, Republika Litva, Republika Madžarska, Republika Malta, Republika Poljska, Republika Slovenija in Slovaška republika pristopile k Evropskima skupnostima in k Evropski uniji, ustanovljeni s Pogodbo o Evropski uniji;

GLEDE NA TO, da točka e) drugega odstavka IV-437. člena Ustave predvideva razveljavitev Pogodbe z dne 16. aprila 2003 o zgoraj omenjenih pristopih;

GLEDE NA TO, da mnoge določbe Akta, ki je priloga k tej pogodbi o pristopu, ostajajo relevantne; da drugi odstavek IV-437. člena Ustave določa, da morajo biti takšne določbe navedene v protokolu ali se je treba nanje v protokolu sklicevati, da bi ostale v veljavi in bi se njihovi pravni učinki ohranili;

GLEDE NA TO, da je treba te določbe ustrezno tehnično prilagoditi, če naj bodo združljive z Ustavo, ne da bi se s tem spremenili njihovi pravni učinki –

DOGOVORILE o naslednjih določbah, ki so priložene k Pogodbi o Ustavi za Evropo in Pogodbi o ustanovitvi Evropske skupnosti za atomsko energijo:

9. PROTOCOL
ON THE TREATY AND THE ACT OF ACCESSION OF THE CZECH REPUBLIC, THE REPUBLIC OF ESTONIA, THE REPUBLIC OF CYPRUS, THE REPUBLIC OF LATVIA, THE REPUBLIC OF LITHUANIA, THE REPUBLIC OF HUNGARY, THE REPUBLIC OF MALTA, THE REPUBLIC OF POLAND, THE REPUBLIC OF SLOVENIA AND THE SLOVAK REPUBLIC

THE HIGH CONTRACTING PARTIES,

RECALLING that the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic acceded to the European Communities and to the European Union established by the Treaty on European Union on 1 May 2004;

CONSIDERING that Article IV-437(2)(e) of the Constitution provides that the Treaty of 16 April 2003 concerning the accessions referred to above shall be repealed;

CONSIDERING that many of the provisions of the Act annexed to that Treaty of Accession remain relevant; that Article IV-437(2) of the Constitution provides that those provisions must be set out or referred to in a Protocol, so that they remain in force and their legal effects are preserved;

CONSIDERING that some of those provisions require the technical adjustments necessary to bring them into line with the Constitution without altering their legal effect,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe and to the Treaty establishing the European Atomic Energy Community:

PRVI DEL
DOLOČBE V ZVEZI Z AKTOM O PRISTOPU Z DNE 16. APRILA 2003

I. NASLOV

NAČELA

1. ČLEN

V tem protokolu:

a) izraz »Akt o pristopu z dne 16. aprila 2003« pomeni Akt o pogojih pristopa Češke republike, Republike Estonije, Republike Ciper, Republike Latvije, Republike Litve, Republike Madžarske, Republike Malte, Republike Poljske, Republike Slovenije in Slovaške republike in o prilagoditvah pogodb, na katerih temelji Evropska unija;

b) izraza »Pogodba o ustanovitvi Evropske skupnosti« (»Pogodba ES«) in »Pogodba o ustanovitvi Evropske skupnosti za atomsko energijo« (»Pogodba Euratom«) pomenita ti pogodbi, kakor sta bili dopolnjeni ali spremenjeni s pogodbami ali drugimi akti, ki so začeli veljati pred 1. majem 2004;

c) izraz »Pogodba o Evropski uniji« (»Pogodba EU«) pomeni to pogodbo, kakor je bila dopolnjena ali spremenjena s pogodbami ali drugimi akti, ki so začeli veljati pred 1. majem 2004;

d) izraz »Skupnost« pomeni eno oziroma obe skupnosti iz točke b) tega člena;

PART ONE
PROVISIONS RELATING TO THE ACT OF ACCESSION OF 16 APRIL 2003

TITLE I

PRINCIPLES

ARTICLE 1

For the purposes of this Protocol:

(a) the expression "Act of Accession of 16 April 2003" means the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded;

(b) the expressions "Treaty establishing the European Community" ("EC Treaty") and "Treaty establishing the European Atomic Energy Community" ("EAEC Treaty") mean those Treaties as supplemented or amended by treaties or other acts which entered into force before 1 May 2004;

(c) the expression "Treaty on European Union" ("EU Treaty") means that Treaty as supplemented or amended by treaties or other acts which entered into force before 1 May 2004;

(d) the expression "the Community" means one or both of the Communities referred to in (b) as the case may be;

e) izraz »sedanje države članice« pomeni naslednje države članice: Kraljevino Belgijo, Kraljevino Dansko, Zvezno republiko Nemčijo, Helensko republiko, Francosko republiko, Kraljevino Španijo, Irsko, Italijansko republiko, Veliko vojvodstvo Luksemburg, Kraljevino Nizozemsko, Republiko Avstrijo, Portugalsko republiko, Republiko Finsko, Kraljevino Švedsko, Združeno kraljestvo Velike Britanije in Severne Irske;

f) izraz »nove države članice« pomeni naslednje države članice: Češko republiko, Republiko Estonijo, Republiko Ciper, Republiko Latvijo, Republiko Litvo, Republiko Madžarsko, Republiko Malto, Republiko Poljsko, Republiko Slovenijo in Slovaško republiko.

2. ČLEN

Pravice in obveznosti iz točke e) drugega odstavka IV-437. člena Ustave, ki izhajajo iz Pogodbe o pristopu Češke republike, Republike Estonije, Republike Ciper, Republike Latvije, Republike Litve, Republike Madžarske, Republike Malte, Republike Poljske, Republike Slovenije in Slovaške republike, so začele učinkovati v skladu s pogoji, določenimi z omenjeno pogodbo, od 1. maja 2004.

3. ČLEN

(1) Določbe schengenskega pravnega reda, kakor so vključene v okvir Unije s protokolom, ki je priložen Pogodbi o Ustavi za Evropo (v nadaljevanju »Schengenski protokol«), in akti, ki temeljijo na njem oziroma so z njim kako drugače povezani, našteti v Prilogi I Akta o pristopu z dne 16. aprila 2003, kakor tudi vsi nadaljnji takšni akti, ki so sprejeti pred 1. majem 2004, so zavezujoči in se uporabljajo v novih državah članicah od 1. maja 2004.

(2) Določbe schengenskega pravnega reda, kakor so vključene v okvir Unije, in določbe aktov, ki na njih temeljijo oziroma so z njim kako drugače povezane in jih prejšnji odstavek ne zajema, so zavezujoče za nove države članice od 1. maja 2004, vendar se v novi državi članici uporabljajo šele na podlagi ustreznega evropskega sklepa Sveta, ki se sprejme po preveritvi v skladu s schengenskimi postopki ocenjevanja, da so v tej novi državi članici izpolnjeni vsi potrebni pogoji za uporabo vseh delov zadevnega pravnega reda.

Svet odloča po posvetovanju z Evropskim parlamentom s soglasjem svojih članov, ki predstavljajo vlade držav članic, za katere določbe iz tega odstavka že veljajo, in predstavnika vlade države članice, za katero se morajo določbe še uveljaviti. Člani Sveta, ki predstavljajo vladi Irske in Združenega kraljestva Velike Britanije in Severne Irske, sodelujejo pri teh odločitvah, kolikor te zadevajo določbe schengenskega pravnega reda in aktov, ki na njem temeljijo, ali so z njim kako drugače povezane, v katerih ti državi članici sodelujeta.

(3) Sporazumi, ki jih v skladu s 6. členom Schengenskega protokola sklene Svet, so od 1. maja 2004 zavezujoči za nove države članice.

(4) Nove države članice morajo v zvezi s tistimi konvencijami ali instrumenti s področja pravosodja in notranjih zadev, ki so neločljivo povezani z doseganjem ciljev Pogodbe EU:

a) pristopiti k tistim, ki so jih sedanje države članice do 1. maja 2004 odprle za podpis, in k tistim, ki jih je Svet pripravil v skladu z naslovom VI Pogodbe EU in jih državam članicam priporočil v sprejetje;

(e) the expression "present Member States" means the following Member States: the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland;

(f) the expression "new Member States" means the following Member States: the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic.

ARTICLE 2

The rights and obligations resulting from the Treaty on the Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic, referred to in Article IV-437(2)(e) of the Constitution, took effect, under the conditions laid down in that Treaty, as from 1 May 2004.

ARTICLE 3

1. The provisions of the Schengen *acquis* integrated into the framework of the Union by the Protocol annexed to the Treaty establishing a Constitution for Europe (hereinafter referred to as the "Schengen Protocol") and the acts building upon it or otherwise related to it, listed in Annex I to the Act of Accession of 16 April 2003, as well as any further such acts adopted before 1 May 2004, shall be binding on and applicable in the new Member States from 1 May 2004.

2. Those provisions of the Schengen *acquis* as integrated into the framework of the Union and the acts building upon it or otherwise related to it not referred to in paragraph 1, while binding on the new Member States from 1 May 2004, shall apply in a new Member State only pursuant to a European decision of the Council to that effect after verification in accordance with the applicable Schengen evaluation procedures that the necessary conditions for the application of all parts of the *acquis* concerned have been met in that new Member State.

The Council shall take its decision, after consulting the European Parliament, acting with the unanimity of its members representing the Governments of the Member States in respect of which the provisions referred to in the present paragraph have already been put into effect and of the representative of the Government of the Member State in respect of which those provisions are to be put into effect. The members of the Council representing the Governments of Ireland and of the United Kingdom of Great Britain and Northern Ireland shall take part in such a decision insofar as it relates to the provisions of the Schengen *acquis* and the acts building upon it or otherwise related to it in which these Member States participate.

3. The Agreements concluded by the Council under Article 6 of the Schengen Protocol shall be binding on the new Member States from 1 May 2004.

4. The new Member States shall be required in respect of those conventions or instruments in the field of justice and home affairs which are inseparable from the attainment of the objectives of the EU Treaty:

(a) to accede to those which, by 1 May 2004, have been opened for signature by the present Member States, and to those which have been drawn up by the Council in accordance with Title VI of the EU Treaty and recommended to the Member States for adoption;

b) uvesti upravne in druge ukrepe, take kot so jih do 1. maja 2004 sprejele sedanje države članice ali Svet, da bi olajšale dejansko sodelovanje med institucijami in organizacijami držav članic na področju pravosodja in notranjih zadev.

4. ČLEN

Vse nove države članice od 1. maja 2004 sodelujejo v ekonomski in monetarni uniji kot države članice s posebno ureditvijo v smislu III-197. člena Ustave.

5. ČLEN

(1) Nove države članice, ki so z Aktom o pristopu z dne 16. aprila 2003 pristopile k sklepom in sporazumom, ki so jih sprejeli predstavniki vlad in držav članic v okviru Sveta, morajo pristopiti k vsem drugim sporazumom, ki so jih sedanje države članice sklenile v zvezi z delovanjem Unije ali ki so povezani z njenimi dejavnostmi.

(2) Nove države članice morajo pristopiti h konvencijam iz člena 293 Pogodbe ES in k tistim, ki so neločljivo povezane z doseganjem ciljev iz Pogodbe ES, če še vedno veljajo, ter tudi k protokolom o razlagi omenjenih konvencij s strani Sodišča, ki so jih podpisale sedanje države članice, in morajo v ta namen z njimi začeti pogajanja zaradi potrebnih prilagoditev le-teh.

6. ČLEN

(1) Nove države članice morajo pod pogoji iz tega protokola pristopiti k sporazumom ali konvencijam, ki so jih sedanje države članice in Unija ali Evropska skupnost za atomsko energijo sklenile skupaj ali jih skupaj začasno uporabljajo, ter k sporazumom, ki so jih sklenile te države in so povezani z omenjenimi sporazumi ali konvencijami.

Pristop novih držav članic k sporazumom ali konvencijam iz četrtega odstavka tega člena, kakor tudi k sporazumom z Belorusijo, Kitajsko, Čilom, Mercosurjem in Švico, ki so jih Skupnost in sedanje države članice sklenile ali podpisale skupaj, se opravi s sklenitvijo protokola k tem sporazumom ali konvencijam med Svetom, ki nastopa soglasno v imenu držav članic, in zadevno tretjo državo ali državami ali mednarodno organizacijo. Ta postopek ne vpliva na pristojnosti Unije ali Evropske skupnosti za atomsko energijo in ne vpliva na porazdelitev pristojnosti med njima in državami članicami glede sklenitve takšnih sporazumov v prihodnje ali glede katerih koli drugih sprememb, ki niso povezane s pristopom. Na podlagi pogajalskih smernic, ki jih s soglasjem odobri Svet, in ob posvetovanju z odborom, ki ga sestavljajo predstavniki držav članic, se o teh protokolih v imenu držav članic pogaja Komisija. Komisija Svetu predloži osnutke protokolov v sklenitev.

(2) Ob pristopu k sporazumom in konvencijam iz prejšnjega odstavka pridobijo nove države članice iste pravice in obveznosti iz teh sporazumov in konvencij, kot jih imajo sedanje države članice.

(3) Nove države članice morajo pod pogoji iz tega protokola pristopiti k Sporazumu o Evropskem gospodarskem prostoru[1] v skladu s členom 128 Sporazuma.

[1] UL L št. 1, z dne 3.1.1994, str. 3.

(b) to introduce administrative and other arrangements, such as those adopted by 1 May 2004 by the present Member States or by the Council, to facilitate practical cooperation between the Member States' institutions and organisations working in the field of justice and home affairs.

ARTICLE 4

Each of the new Member States shall participate in Economic and Monetary Union from 1 May 2004 as a Member State with a derogation within the meaning of Article III-197 of the Constitution.

ARTICLE 5

1. The new Member States, which have acceded by the Act of Accession of 16 April 2003 to the decisions and agreements adopted by the Representatives of the Governments of the Member States, meeting within the Council, shall be required to accede to all other agreements concluded by the present Member States relating to the functioning of the Union or connected with the activities thereof.

2. The new Member States shall be required to accede to the conventions provided for in Article 293 of the EC Treaty and to those that are inseparable from the attainment of the objectives of the EC Treaty, insofar as they are still in force, and also to the protocols on the interpretation of those conventions by the Court of Justice of the European Communities, signed by the present Member States, and to this end they shall be required to enter into negotiations with the present Member States in order to make the necessary adjustments thereto.

ARTICLE 6

1. The new Member States shall be required to accede, under the conditions laid down in this Protocol, to the agreements or conventions concluded or provisionally applied by the present Member States and the Union or the European Atomic Energy Community, acting jointly, and to the agreements concluded by those States which are related to those agreements or conventions.

The accession of the new Member States to the agreements or conventions mentioned in paragraph 4, as well as the agreements with Belarus, China, Chile, Mercosur and Switzerland which have been concluded or signed by the Community and its present Member States jointly shall be agreed by the conclusion of a protocol to such agreements or conventions between the Council, acting unanimously on behalf of the Member States, and the third country or countries or international organisation concerned. This procedure is without prejudice to the Union's and the European Atomic Energy Community's own competences and does not affect the allocation of powers between the Union and the European Atomic Energy Community and the Member States as regards the conclusion of such agreements in the future or any other amendments not related to accession. The Commission shall negotiate these protocols on behalf of the Member States on the basis of negotiating directives approved by the Council, acting by unanimity, and in consultation with a committee comprised of the representatives of the Member States. It shall submit a draft of the protocols for conclusion to the Council.

2. Upon acceding to the agreements and conventions referred to in paragraph 1 the new Member States shall acquire the same rights and obligations under those agreements and conventions as the present Member States.

3. The new Member States shall be required to accede, under the conditions laid down in this Protocol, to the Agreement on the European Economic Area[1], in accordance with Article 128 of that Agreement.

[1] OJ L 1, 3.1.1994, p. 3.

(4) Od 1. maja 2004 in po potrebi, dokler niso sklenjeni potrebni protokoli iz prvega odstavka tega člena, nove države članice uporabljajo določbe sporazumov, ki so jih skupaj sklenile sedanje države članice in Skupnost z Alžirijo, Armenijo, Azerbajdžanom, Bolgarijo, Egiptom, Gruzijo, Hrvaško, Izraelom, Jordanijo, Južno Afriko, Južno Korejo, Kazahstanom, Kirgizistanom, Libanonom, Marokom, Mehiko, Moldavijo, Nekdanjo jugoslovansko republiko Makedonijo, Romunijo, Rusko federacijo, San Marinom, Sirijo, Tunizijo, Turčijo, Turkmenistanom, Ukrajino in Uzbekistanom, kakor tudi določbe drugih sporazumov, ki so jih sedanje države članice in Skupnost skupaj sklenile pred 1. majem 2004.

Vse prilagoditve teh sporazumov se uredijo s protokoli, ki se sklenejo z državami sopogodbenicami skladno z določbami drugega pododstavka prvega odstavka tega člena. Če protokoli do 1. maja 2004 niso sklenjeni, Unija, Evropska skupnost za atomsko energijo in države članice v okviru svojih pristojnosti sprejmejo potrebne ukrepe za ureditev tega stanja.

(5) Od 1. maja 2004 nove države članice uporabljajo dvostranske sporazume in dogovore o tekstilu, ki jih je Skupnost sklenila s tretjimi državami.

Količinske omejitve, ki jih Unija uporablja za uvoz tekstilnih izdelkov in oblačil, se prilagodijo tako, da se upošteva pristop novih držav članic.

Če spremembe dvostranskih sporazumov in dogovorov o tekstilu ne začnejo veljati do 1. maja 2004, Unija sprejme potrebne prilagoditve svojih pravil za uvoz tekstilnih izdelkov in oblačil iz tretjih držav, da bi se upošteval pristop novih držav članic.

(6) Količinske omejitve, ki jih Unija uporablja za uvoz jekla in izdelkov iz jekla, se prilagodijo na podlagi uvoza izdelkov iz jekla s poreklom iz zadevnih držav dobaviteljic v nove države članice v letih neposredno pred podpisom pristopne pogodbe.

(7) Sporazume o ribolovu, ki so jih nove države članice sklenile s tretjimi državami pred 1. majem 2004, upravlja Unija.

Pravice in obveznosti novih držav članic, ki izhajajo iz teh sporazumov, ostanejo v obdobju, v katerem se določbe teh sporazumov prehodno ohranjajo, nespremenjene.

Čim prej, vsekakor pa pred potekom sporazumov iz prvega pododstavka tega odstavka, Svet na predlog Komisije za vsak posamezni primer sprejme ustrezne evropske sklepe o nadaljevanju ribolovne dejavnosti, ki izhaja iz teh sporazumov, vključno z možnostjo podaljševanja nekaterih sporazumov za obdobje največ enega leta.

(8) Z učinkom od 1. maja 2004 nove države članice odstopijo od sporazumov o prosti trgovini, sklenjenih s tretjimi državami, vključno s Srednjeevropskim sporazumom o prosti trgovini.

Kolikor sporazumi med eno ali več novimi državami članicami na eni strani in eno ali več tretjimi državami na drugi strani niso združljivi z obveznostmi, ki izhajajo iz Ustave in zlasti iz tega protokola, nove države članice ukrenejo vse potrebno, da odpravijo ugotovljene neskladnosti. Če se nova država članica sooča s težavami pri prilagoditvi sporazuma, ki ga je pred pristopom sklenila z eno ali več tretjimi državami, od tega sporazuma odstopi v skladu s pogoji, določenimi v sporazumu.

(9) Nove države članice sprejmejo ustrezne ukrepe, kadar je to potrebno, da svoj položaj v razmerju do mednarodnih organizacij in do mednarodnih sporazumov, katerih stranka je tudi Unija ali Evropska skupnost za atomsko energijo ali druge države članice, prilagodijo glede na pravice in obveznosti, ki izhajajo iz njihovega pristopa k Uniji.

4. As from 1 May 2004, and, where appropriate, pending the conclusion of the necessary protocols referred to in paragraph 1, the new Member States shall apply the provisions of the Agreements concluded by the present Member States and, jointly, the Community, with Algeria, Armenia, Azerbaijan, Bulgaria, Croatia, Egypt, the former Yugoslav Republic of Macedonia, Georgia, Israel, Jordan, Kazakhstan, Kyrgyzstan, Lebanon, Mexico, Moldova, Morocco, Romania, the Russian Federation, San Marino, South Africa, South Korea, Syria, Tunisia, Turkey, Turkmenistan, Ukraine and Uzbekistan as well as the provisions of other agreements concluded jointly by the present Member States and the Community before 1 May 2004.

Any adjustments to these Agreements shall be the subject of protocols concluded with the co-contracting countries in conformity with the provisions of the second subparagraph of paragraph 1. Should the protocols not have been concluded by 1 May 2004, the Union, the European Atomic Energy Community and the Member States shall take, in the framework of their respective competences, the necessary measures to deal with that situation.

5. As from 1 May 2004, the new Member States shall apply the bilateral textile agreements and arrangements concluded by the Community with third countries.

The quantitative restrictions applied by the Union on imports of textile and clothing products shall be adjusted to take account of the accession of the new Member States.

Should the amendments to the bilateral textile agreements and arrangements not have entered into force by 1 May 2004, the Union shall make the necessary adjustments to its rules for the import of textile and clothing products from third countries to take into account the accession of the new Member States.

6. The quantitative restrictions applied by the Union on imports of steel and steel products shall be adjusted on the basis of imports by new Member States during the years immediately preceding the signing of the Accession Treaty of steel products originating in the supplier countries concerned.

7. Fisheries agreements concluded before 1 May 2004 by the new Member States with third countries shall be managed by the Union.

The rights and obligations resulting for the new Member States from those agreements shall not be affected during the period in which the provisions of those agreements are provisionally maintained.

As soon as possible, and in any event before the expiry of the agreements referred to in the first subparagraph, appropriate European decisions for the continuation of fishing activities resulting from those agreements shall be adopted in each case by the Council on a proposal from the Commission, including the possibility of extending certain agreements for periods not exceeding one year.

8. With effect from 1 May 2004, the new Member States shall withdraw from any free trade agreements with third countries, including the Central European Free Trade Agreement.

To the extent that agreements between one or more of the new Member States on the one hand, and one or more third countries on the other, are not compatible with the obligations arising from the Constitution and in particular from this Protocol, the new Member States shall take all appropriate steps to eliminate the incompatibilities established. If a new Member State encounters difficulties in adjusting an agreement concluded with one or more third countries before accession, it shall, according to the terms of the agreement, withdraw from that agreement.

9. The new Member States shall take appropriate measures, where necessary, to adjust their position in relation to international organisations, and in relation to those international agreements to which the Union or the European Atomic Energy Community or other Member States are also parties, to the rights and obligations arising from their accession to the Union.

Še zlasti s 1. majem 2004 ali kakor hitro po tem dnevu je to mogoče odstopijo od mednarodnih sporazumov o ribolovu in izstopijo iz mednarodnih ribolovnih organizacij, katerih stranka je tudi Unija, razen če se njihovo članstvo nanaša na zadeve, ki niso povezane z ribolovom.

They shall in particular withdraw at 1 May 2004 or the earliest possible date thereafter from international fisheries agreements and organisations to which the Union is also a party, unless their membership relates to matters other than fisheries.

7. ČLEN

Akti, ki so jih sprejele institucije in na katere se nanašajo prehodne določbe iz tega protokola, ohranijo svojo pravno naravo; zlasti se še naprej uporabljajo postopki za spremembe omenjenih aktov.

ARTICLE 7

Acts adopted by the institutions to which the transitional provisions laid down in this Protocol relate shall retain their status in law; in particular, the procedures for amending those acts shall continue to apply.

8. ČLEN

Določbe Akta o pristopu z dne 16. aprila 2003, katerih namen ali učinek je, drugače kakor v obliki prehodnega ukrepa, razveljaviti ali spremeniti akte, ki so jih sprejele institucije, organi, uradi ali agencije Skupnosti ali Evropske unije, ustanovljene s Pogodbo o Evropski uniji, kakor jih razlagata Sodišče Evropskih skupnosti in Sodišče prve stopnje, ostanejo v veljavi ob upoštevanju drugega odstavka tega člena.

Te določbe imajo isto pravno naravo kakor akti, ki jih razveljavljajo ali spreminjajo, in zanje veljajo enaka pravila kot za omenjene akte.

ARTICLE 8

Provisions of the Act of Accession of 16 April 2003, as interpreted by the Court of Justice of the European Communities and the Court of First Instance, the purpose or effect of which is to repeal or amend, otherwise than as a transitional measure, acts adopted by the institutions, bodies, offices or agencies of the Community or of the European Union established by the Treaty on European Union shall remain in force subject to the application of the second paragraph.

These provisions shall have the same status in law as the acts which they repeal or amend and shall be subject to the same rules as those acts.

9. ČLEN

Besedila aktov institucij, organov, uradov ali agencij Skupnosti ali Evropske unije, ustanovljene s Pogodbo o Evropski uniji, in besedila aktov Evropske centralne banke, ki so bila sprejeta pred 1. majem 2004 in ki so bila sestavljena v češkem, estonskem, latvijskem, litovskem, madžarskem, malteškem, poljskem, slovaškem in slovenskem jeziku, so od tega dne verodostojna pod enakimi pogoji kakor besedila, sestavljena in verodostojna v drugih jezikih.

ARTICLE 9

The texts of the acts of the institutions, bodies, offices and agencies of the Community or of the European Union established by the Treaty on European Union and the texts of acts of the European Central Bank which were adopted before 1 May 2004 and which were drawn up in the Czech, Estonian, Latvian, Lithuanian, Hungarian, Maltese, Polish, Slovenian and Slovak languages shall be authentic from that date, under the same conditions as the texts drawn up and authentic in the other languages.

10. ČLEN

Evropski zakon Sveta lahko razveljavi prehodne določbe iz tega protokola, ki se več ne uporabljajo. Svet odloča soglasno po posvetovanju z Evropskim parlamentom.

ARTICLE 10

A European law of the Council may repeal the transitional provisions set out in this Protocol, when they are no longer applicable. The Council shall act unanimously after consulting the European Parliament.

11. ČLEN

Pri uporabi Ustave in aktov, ki so jih sprejele institucije, veljajo izjeme, predvidene v tem protokolu kot prehodni ukrep.

ARTICLE 11

The application of the Constitution and acts adopted by the institutions shall, as a transitional measure, be subject to the derogations provided for in this Protocol.

II. NASLOV

TRAJNE DOLOČBE

TITLE II

PERMANENT PROVISIONS

12. ČLEN

Prilagoditve aktov, naštetih v Prilogi III k Aktu o pristopu z dne 16. aprila 2003, ki so potrebne zaradi pristopa, se oblikujejo skladno s smernicami iz omenjene priloge in v skladu s postopkom ter pod pogoji iz 36. člena tega protokola.

ARTICLE 12

The adaptations to the acts listed in Annex III to the Act of Accession of 16 April 2003 made necessary by accession shall be drawn up in conformity with the guidelines set out in that Annex and in accordance with the procedure and under the conditions laid down in Article 36.

13. ČLEN

Ukrepi, našteti v Prilogi IV k Aktu o pristopu z dne 16. aprila 2003, se uporabijo pod pogoji, ki jih določa omenjena priloga.

ARTICLE 13

The measures listed in Annex IV to the Act of Accession of 16 April 2003 shall be applied under the conditions laid down in that Annex.

14. ČLEN

Svet lahko z evropskim zakonom sprejme prilagoditve določb tega protokola glede skupne kmetijske politike, ki bi se izkazale za potrebne zaradi spremembe prava Unije. Svet odloča soglasno po posvetovanju z Evropskim parlamentom.

ARTICLE 14

A European law of the Council may make the adaptations to the provisions of this Protocol relating to the common agricultural policy which may prove necessary as a result of a modification of Union law. The Council shall act unanimously after consulting the European Parliament.

III. NASLOV

ZAČASNE DOLOČBE

15. ČLEN

Ukrepi, navedeni v Prilogah V, VI, VII, VIII, IX, X, XI, XII, XIII in XIV k Aktu o pristopu z dne 16. aprila 2003, se za nove države članice uporabljajo pod pogoji, določenimi v teh prilogah.

16. ČLEN

(1) Prihodek, določen kot »dajatve skupne carinske tarife in druge dajatve« iz člena 2(1)(b) Sklepa Sveta 2000/597/ES, Euratom z dne 29. septembra 2000 o sistemu virov lastnih sredstev Evropskih skupnosti[1] ali ustrezna določba katerega koli sklepa, ki ga nadomesti, vključuje carinske dajatve izračunane na podlagi stopenj iz skupne carinske tarife in iz katere koli tarifne koncesije glede skupne carinske tarife, ki jo Unija uporablja za trgovino novih držav članic s tretjimi državami.

(2) Usklajena osnova za odmero DDV in osnova BND (bruto nacionalnega dohodka) za vsako novo državo članico iz členov 2(1)(c) in (d) Sklepa 2000/597/ES, Euratom je za leto 2004 enaka dvema tretjinama letne osnove. Osnova BND za vsako novo državo članico, ki se upošteva pri izračunu financiranja popravka proračunskega neravnovesja v dobro Združenega kraljestva iz člena 5(1) Sklepa 2000/597/ES, je prav tako enaka dvema tretjinama letne osnove.

(3) Za namene določitve zamrznjene stopnje v skladu s členom 2(4)(b) Sklepa 2000/597/ES, Euratom za leto 2004, se omejene osnove za DDV za nove države članice izračunajo na podlagi dveh tretjin njihove neomejene osnove za DDV in dveh tretjin njihovega BND.

17. ČLEN

(1) Proračun Unije za proračunsko leto 2004 se je s spremembo proračuna, ki je začnel veljati s 1. majem 2004, prilagodil tako, da se je upošteval pristop novih držav članic.

(2) Dvanajst mesečnih dvanajstin DDV in prihodki na osnovi BND, ki jih nove države članice vplačajo v skladu s spremembo proračuna iz prejšnjega odstavka, ter retroaktivna prilagoditev mesečnih dvanajstin za obdobje od januarja do aprila 2004, ki se uporabi le za sedanje države članice, se pretvorijo v osmine, ki predstavljajo prevzete obveznosti za obdobje od maja do decembra 2004. Retroaktivne prilagoditve, ki izhajajo iz morebitnih naknadnih sprememb proračuna v letu 2004, se prav tako pretvorijo v enake dele, ki predstavljajo prevzete obveznosti v preostanku leta.

18. ČLEN

Unija na prvi delovni dan vsakega meseca izplača Češki, Cipru, Malti in Sloveniji kot postavko porabe iz proračuna Unije eno osmino od 1. maja 2004 dalje v letu 2004 ter eno dvanajstino v letih 2005 in 2006 od naslednjih zneskov začasnih proračunskih kompenzacij:

	2004	2005	2006
	(v milijonih eurov, po cenah iz leta 1999)		
Češka	125,4	178,0	85,1
Ciper	68,9	119,2	112,3
Malta	37,8	65,6	62,9
Slovenija	29,5	66,4	35,5.

[1] UL L št. 253, z dne 7.10.2000, str. 42.

TITLE III

TEMPORARY PROVISIONS

ARTICLE 15

The measures listed in Annexes V, VI, VII, VIII, IX, X, XI, XII, XIII and XIV to the Act of Accession of 16 April 2003 shall apply in respect of the new Member States under the conditions laid down in those Annexes.

ARTICLE 16

1. The revenue designated as "Common Customs Tariff duties and other duties" referred to in Article 2(1)(b) of Council Decision 2000/597/EC, Euratom of 29 September 2000 on the system of the European Communities' own resources[1], or the corresponding provision in any Decision replacing it, shall include the customs duties calculated on the basis of the rates resulting from the Common Customs Tariff and any tariff concession relating thereto applied by the Union in the new Member States' trade with third countries.

2. For the year 2004, the harmonised VAT assessment base and the GNI (gross national income) base of each new Member State, referred to in Article 2(1)(c) and (d) of Council Decision 2000/597/EC, Euratom shall be equal to two thirds of the annual base. The GNI base of each new Member State to be taken into account for the calculation of the financing of the correction in respect of budgetary imbalances granted to the United Kingdom, referred to in Article 5(1) of Council Decision 2000/597/EC, Euratom shall likewise be equal to two thirds of the annual base.

3. For the purposes of determining the frozen rate for 2004 according to Article 2(4)(b) of Council Decision 2000/597/EC, Euratom the capped VAT bases of the new Member States shall be calculated on the basis of two thirds of their uncapped VAT base and two thirds of their GNI.

ARTICLE 17

1. The budget of the Union for the financial year 2004 shall be adapted to take into account the accession of the new Member States through an amending budget taking effect on 1 May 2004.

2. The twelve monthly twelfths of VAT and GNI-based resources to be paid by the new Member States under the amending budget referred to in paragraph 1, as well as the retroactive adjustment of the monthly twelfths for the period January-April 2004 that only apply to the present Member States, shall be converted into eighths to be called during the period May-December 2004. The retroactive adjustments that result from any subsequent amending budget adopted in 2004 shall likewise be converted into equal parts to be called during the remainder of the year.

ARTICLE 18

On the first working day of each month the Union shall pay the Czech Republic, Cyprus, Malta and Slovenia, as an item of expenditure under the Union budget, one eighth in 2004, as of 1 May 2004, and one twelfth in 2005 and 2006 of the following amounts of temporary budgetary compensation:

	2004	2005	2006
	(million euro, 1999 prices)		
Czech Republic	125,4	178,0	85,1
Cyprus	68,9	119,2	112,3
Malta	37,8	65,6	62,9
Slovenia	29,5	66,4	35,5

[1] OJ L 253, 7.10.2000, p. 42.

19. ČLEN

Unija na prvi delovni dan vsakega meseca izplača Češki, Estoniji, Cipru, Latviji, Litvi, Madžarski, Malti, Poljski, Sloveniji in Slovaški kot postavko porabe iz proračuna Unije eno osmino od 1. maja 2004 dalje v letu 2004 ter eno dvanajstino v letih 2005 in 2006 od naslednjih zneskov posebnega povračila za krepitev denarnega toka:

	2004	2005	2006
	(v milijonih eurov, po cenah iz leta 1999)		
Češka	174,7	91,55	91,55
Estonija	15,8	2,9	2,9
Ciper	27,7	5,05	5,05
Latvija	19,5	3,4	3,4
Litva	34,8	6,3	6,3
Madžarska	155,3	27,95	27,95
Malta	12,2	27,15	27,15
Poljska	442,8	550,0	450,0
Slovenija	65,4	17,85	17,85
Slovaška	63,2	11,35	11,35.

1 milijarda eurov za Poljsko in 100 milijonov eurov za Češko, ki so vključeni v posebno povračilo za krepitev denarnega toka, se upoštevajo pri vseh izračunih razdelitve sredstev iz strukturnih skladov za leta 2004, 2005 in 2006.

20. ČLEN

(1) Spodaj naštete nove države članice vplačajo v Raziskovalni sklad za premog in jeklo iz Sklepa 2002/234/ESPJ predstavnikov vlad držav članic, ki so se sestali v okviru Sveta, z dne 27. februarja 2002 o finančnih posledicah izteka Pogodbe o ESPJ in o Raziskovalnem skladu za premog in jeklo[1] naslednje zneske:

	(v milijonih eurov, po tekočih cenah)
Češka	39,88
Estonija	2,5
Latvija	2,69
Madžarska	9,93
Poljska	92,46
Slovenija	2,36
Slovaška	20,11.

(2) Prispevek v Raziskovalni sklad za premog in jeklo se opravi v štirih obrokih z začetkom v letu 2006 in se vplača kot sledi, vedno na prvi delovni dan prvega meseca v letu:

2006: 15%
2007: 20%
2008: 30%
2009: 35%.

[1] UL L 79, 22.3.2002, str. 42.

ARTICLE 19

On the first working day of each month the Union shall pay the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, as an item of expenditure under the Union budget, one eighth in 2004, as of 1 May 2004, and one twelfth in 2005 and 2006 of the following amounts of a special lump-sum cash-flow facility:

	2004	2005	2006
	(million euro, 1999 prices)		
Czech Republic	174,70	91,55	91,55
Estonia	15,80	2,90	2,90
Cyprus	27,70	5,05	5,05
Latvia	19,50	3,40	3,40
Lithuania	34,80	6,30	6,30
Hungary	155,30	27,95	27,95
Malta	12,20	27,15	27,15
Poland	442,80	550,00	450,00
Slovenia	65,40	17,85	17,85
Slovakia	63,20	11,35	11,35

1 thousand million euro for Poland and 100 million euro for the Czech Republic included in the special lump-sum cash-flow facility shall be taken into account for any calculations on the distribution of Structural Funds for the years 2004, 2005 and 2006.

ARTICLE 20

1. The new Member States listed below shall pay the following amounts to the Research Fund for Coal and Steel referred to in Decision 2002/234/ECSC of the Representatives of the Governments of the Member States, meeting within the Council, of 27 February 2002 on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel[1]:

	(million euro, current prices)
Czech Republic	39,88
Estonia	2,50
Latvia	2,69
Hungary	9,93
Poland	92,46
Slovenia	2,36
Slovakia	20,11

2. The contributions to the Research Fund for Coal and Steel shall be made in four instalments starting in 2006 and paid as follows, in each case on the first working day of the first month of each year:

2006: 15%
2007: 20%
2008: 30%
2009: 35%.

[1] OJ L 79, 22.3.2002, p. 42.

21. ČLEN

(1) Če ta protokol ne določa drugače, se po 31. decembru 2003 preneha prevzemati finančne obveznosti v okviru programa Phare[1], programa Phare za čezmejno sodelovanje[2], predpristopnih sredstev za Ciper in Malto[3], programa ISPA[4] in programa SAPARD[5] v korist novih držav članic. Nove države članice se od 1. januarja 2004 glede odhodkov v okviru prvih treh postavk finančnega načrta, kot je opredeljen v Medinstitucionalnem sporazumu z dne 6. maja 1999[6], obravnavajo enako kot sedanje države članice, ob upoštevanju posamičnih spodaj naštetih specifikacij in izjem ali drugačnih določb tega protokola. Maksimalne dodatne odobrene pravice za širitev za postavke 1, 2, 3 in 5 finančnega načrta so navedene v Prilogi XV Akta o pristopu z dne 16. aprila 2003. Vendar se v okviru proračuna za leto 2004 pred pristopom zadevne države članice ne sme prevzeti nikakršnih finančnih obveznosti za katerikoli program ali agencijo.

(2) Prejšnji odstavek se v skladu s členi 2(1), 2(2) in 3(3) Uredbe Sveta (ES) št. 1258/1999 z dne 17. maja 1999 o financiranju skupne kmetijske politike[7] ne uporablja za odhodke Jamstvenega oddelka Evropskega kmetijskega usmerjevalnega in jamstvenega sklada, ki bodo v skladu z 2. členom tega protokola upravičeni do financiranja s strani Skupnosti šele od 1. maja 2004.

Vendar pa se prejšnji odstavek v skladu s členom 47a Uredbe Sveta (ES) št. 1257/1999 z dne 17. maja 1999 o podpori za razvoj podeželja iz Evropskega kmetijskega usmerjevalnega in jamstvenega sklada (EKUJS) ter o spremembi in razveljavitvi določenih uredb[8] uporablja za odhodke za razvoj podeželja v okviru Jamstvenega oddelka Evropskega kmetijskega usmerjevalnega in jamstvenega sklada, ob upoštevanju pogojev iz spremembe te uredbe iz Priloge II k Aktu o pristopu z dne 16. aprila 2003.

(3) Ob upoštevanju zadnjega stavka prvega odstavka tega člena nove države članice od 1. januarja 2004 sodelujejo v programih in agencijah Unije pod enakimi pogoji kot sedanje države članice, s financiranjem iz splošnega proračuna Unije.

(4) Če so potrebni ukrepi za olajšanje prehoda iz predpristopne ureditve na ureditev, ki izhaja iz uporabe tega člena, potrebne ukrepe sprejme Komisija.

22. ČLEN

(1) Od 1. maja 2004 z javnimi razpisi, oddajanjem naročil in izplačili predpristopne pomoči v okviru programa Phare, programa Phare za čezmejno sodelovanje ter predpristopnih sredstev za Ciper in Malto upravljajo izvajalske agencije v novih državah članicah.

[1] Uredba (EGS) št. 3906/89 (UL C št. 375, z dne 23.12.1989, str. 11).

[2] Uredba (ES) št. 2760/98 (UL L št. 345, z dne 19.12.1998, str. 49).

[3] Uredba (ES) št. 555/2000 (UL L št. 68, z dne 16.3.2000, str. 3).

[4] Uredba (ES) št. 1267/1999 (UL L št. 161, z dne 26.6.1999, str. 73).

[5] Uredba (ES) št. 1268/1999 (UL L št. 161, z dne 26.6.1999, str. 87).

[6] Medinstitucionalni sporazum z dne 6. maja 1999 med Evropskim parlamentom, Svetom in Komisijo o proračunski disciplini in izboljšanju proračunskega postopka (UL C št. 172, z dne 18.6.1999, str. 1).

[7] UL L št. 160, z dne 26.6.1999, str. 103.

[8] UL L št. 160, z dne 26.6.1999, str. 80.

ARTICLE 21

1. Save as otherwise provided for in this Protocol, no financial commitments shall be made under the Phare programme[1], the Phare Cross-Border Cooperation programme[2], pre-accession funds for Cyprus and Malta[3], the ISPA programme[4] and the SAPARD programme[5] in favour of the new Member States after 31 December 2003. The new Member States shall receive the same treatment as the present Member States as regards expenditure under the first three Headings of the Financial Perspective, as defined in the Interinstitutional Agreement of 6 May 1999[6], as from 1 January 2004, subject to the individual specifications and exceptions below or as otherwise provided for in this Protocol. The maximum additional appropriations for headings 1, 2, 3 and 5 of the Financial Perspective related to enlargement are set out in Annex XV to the Act of Accession of 16 April 2003. However, no financial commitment under the 2004 budget for any programme or agency concerned may be made before the accession of the relevant new Member State has taken place.

2. Paragraph 1 shall not apply to expenditure under the European Agricultural Guidance and Guarantee Fund, Guarantee Section, according to Articles 2(1), 2(2), and 3(3) of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy[7], which will become eligible for Community funding only from 1 May 2004, in accordance with Article 2 of this Protocol.

However, paragraph 1 of this Article shall apply to expenditure for rural development under the European Agricultural Guidance and Guarantee Fund, Guarantee Section, according to Article 47a of Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain regulations[8], subject to the conditions set out in the amendment of that Regulation in Annex II to the Act of Accession of 16 April 2003.

3. Subject to the last sentence of paragraph 1, as of 1 January 2004, the new Member States shall participate in Union programmes and agencies according to the same terms and conditions as the present Member States with funding from the general budget of the Union.

4. If any measures are necessary to facilitate the transition from the pre-accession regime to that resulting from the application of this Article, the Commission shall adopt the required measures.

ARTICLE 22

1. Tendering, contracting, implementation and payments for pre-accession assistance under the Phare programme, the Phare Cross-Border Cooperation programme and pre-accession funds for Cyprus and Malta shall be managed by implementing agencies in the new Member States as from 1 May 2004.

[1] Regulation (EEC) No 3906/89 (OJ L 375, 23.12.1989, p. 11).

[2] Regulation (EC) No 2760/98 (OJ L 345, 19.12.1998, p. 49).

[3] Regulation (EC) No 555/2000 (OJ L 68, 16.3.2000, p. 3).

[4] Regulation (EC) No 1267/1999 (OJ L 161, 26.6.1999, p. 73).

[5] Regulation (EC) No 1268/1999 (OJ L 161, 26.6.1999, p. 87).

[6] Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure (OJ C 172, 18.6.1999, p. 1).

[7] OJ L 160, 26.6.1999, p. 103.

[8] OJ L 160, 26.6.1999, p. 80.

V skladu z merili in pogoji iz Priloge k Uredbi Sveta (ES) št. 1266/1999 z dne 21. junija 1999 o usklajevanju pomoči državam prosilkam v okviru predpristopne strategije in o spremembah Uredbe (EGS) št. 3906/89[1] po pozitivni oceni razširjenega decentraliziranega izvajalskega sistema (EDIS) Komisija sprejme evropske sklepe o opustitvi ex-ante nadzora Komisije nad javnimi razpisi in oddajanjem naročil.

Če ti sklepi o opustitvi ex-ante nadzora niso sprejeti pred 1. majem 2004, pogodbe, podpisane med 1. majem 2004 in dnem, ko Komisija sprejme sklepe, niso upravičene do predpristopne pomoči.

Če sklepi Komisije o opustitvi ex-ante nadzora niso sprejeti do 1. maja 2004 iz razlogov, ki jih ni mogoče pripisati novi državi članici, pa lahko Komisija v ustrezno utemeljenih primerih izjemoma dopusti, da so pogodbe podpisane med 1. majem 2004 in datumom teh sklepov upravičene do predpristopne pomoči in da se v omejenem obdobju nadaljuje izvajanje predpristopne pomoči, ob upoštevanju ex-ante nadzora Komisije nad javnimi razpisi in oddajanjem naročil.

(2) Za skupne proračunske obveznosti prevzete pred 1. majem 2004 v okviru predpristopnih finančnih instrumentov iz prejšnjega odstavka, vključno s sklepanjem in registracijo posamičnih pravnih zavez in plačil opravljenih po 1. maju 2004, se še naprej uporabljajo pravila in uredbe o predpristopnih instrumentih financiranja in se do zaključka zadevnih programov in projektov zaračunajo ustreznim proračunskim poglavjem. Ne glede na to se postopki javnih naročil po 1. maju 2004 vodijo v skladu z ustreznimi akti Unije.

(3) Zadnje programiranje za predpristopno pomoč iz prvega odstavka tega člena se izvede v zadnjem polnem letu pred 1. majem 2004. Pogodbe za oddajo naročil v okviru teh programov bo treba skleniti v dveh letih in izplačila bo treba izvesti, kot to določa finančni memorandum[2], običajno do konca tretjega leta po zavezi. Roka za oddajo naročil ni mogoče podaljšati. Izjemoma in v ustrezno utemeljenih primerih se lahko odobri omejeno podaljšanje roka za izplačila.

(4) Da bi se zagotovilo potrebno postopno ukinjanje predpristopnih finančnih instrumentov iz prvega odstavka tega člena in programa ISPA ter gladek prehod od pravil, ki so se uporabljala pred 1. majem 2004, k tistim, ki se uporabljajo po tem dnevu, lahko Komisija sprejme vse ustrezne ukrepe, da se v obdobju največ petnajst mesecev po 1. maju 2004 zagotovi ohranitev potrebnih statutarnih uslužbencev v novih državah članicah. V tem obdobju uradniki, ki so bili na delovna mesta v novih državah članicah razporejeni pred 1. majem 2004 in ki morajo po tem dnevu ostati v službi v teh državah, delajo izjemoma v istih finančnih in materialnih pogojih, kot jih je uporabljala Komisija pred 1. majem 2004 v skladu s Prilogo X h Kadrovskim predpisom za uradnike in pogojem zaposlovanja drugih uslužbencev Evropskih skupnosti iz Uredbe (EGS, Euratom, ESPJ) št. 259/68[3]. Odhodki za poslovanje, potrebni za upravljanje s predpristopno pomočjo, vključno s plačami za drugo osebje, se za celotno leto 2004 in do konca julija 2005 krijejo iz postavke »podporni odhodki za ukrepe« (nekdanji del B proračuna) ali iz ustreznih postavk zadevnih predpristopnih proračunov za finančne instrumente iz prvega odstavka tega člena in za program ISPA.

[1] UL L št. 232, z dne 2.9.1999, str. 34.

[2] Smernice Phare (SEC (1999) 1596, posodobljene dne 6.9.2002 s C 3303/2).

[3] UL L št. 56, z dne 4.3.1968, str. 1.

The Commission shall adopt European decisions to waive the ex-ante control by the Commission over tendering and contracting following a positively assessed Extended Decentralised Implementation System (EDIS) in accordance with the criteria and conditions laid down in the Annex to Council Regulation (EC) No 1266/1999 of 21 June 1999 on coordinating aid to the applicant countries in the framework of the pre-accession strategy and amending Regulation (EEC) No 3906/89[1].

If these decisions to waive ex-ante control have not been adopted before 1 May 2004, any contracts signed between 1 May 2004 and the date on which the Commission decisions are taken shall not be eligible for pre-accession assistance.

However, exceptionally, if the Commission decisions to waive ex-ante control are delayed beyond 1 May 2004 for reasons not attributable to the authorities of a new Member State, the Commission may accept, in duly justified cases, eligibility for pre-accession assistance of contracts signed between 1 May 2004 and the date of these decisions, and the continued implementation of pre-accession assistance for a limited period, subject to ex-ante control by the Commission over tendering and contracting.

2. Global budget commitments made before 1 May 2004 under the pre-accession financial instruments referred to in paragraph 1, including the conclusion and registration of subsequent individual legal commitments and payments made after 1 May 2004, shall continue to be governed by the rules and regulations of the pre-accession financing instruments and be charged to the corresponding budget chapters until closure of the programmes and projects concerned. Notwithstanding this, public procurement procedures initiated after 1 May 2004 shall be carried out in accordance with the relevant Union acts.

3. The last programming exercise for the pre-accession assistance referred to in paragraph 1 shall take place in the last full calendar year preceding 1 May 2004. Actions under these programmes will have to be contracted within the following two years and disbursements made as provided for in the Financing Memorandum[2], usually by the end of the third year after the commitment. No extensions shall be granted for the contracting period. Exceptionally and in duly justified cases, limited extensions in terms of duration may be granted for disbursement.

4. In order to ensure the necessary phasing out of the pre-accession financial instruments referred to in paragraph 1 as well as the ISPA programme, and a smooth transition from the rules applicable before and after 1 May 2004, the Commission may take all appropriate measures to ensure that the necessary statutory staff is maintained in the new Member States for a maximum of fifteen months following that date. During this period, officials assigned to posts in the new Member States before accession and who are required to remain in service in those States after 1 May 2004 shall benefit, as an exception, from the same financial and material conditions as were applied by the Commission before 1 May 2004 in accordance with Annex X to the Staff Regulations of officials and the conditions of employment of other servants of the European Communities laid down in Regulation (EEC, Euratom, ECSC) No 259/68[3]. The administrative expenditure, including salaries for other staff, necessary for the management of the pre-accession assistance shall be covered, for all of 2004 and until the end of July 2005, under the heading "support expenditure for operations" (former part B of the budget) or equivalent headings for the financial instruments referred to in paragraph 1 as well as the ISPA programme, of the relevant pre-accession budgets.

[1] OJ L 232, 2.9.1999, p. 34.

[2] As set out in the Phare Guidelines (SEC (1999) 1596, updated on 6.9.2002 by C 3303/2).

[3] OJ L 56, 4.3.1968, p. 1.

(5) Če projektov, odobrenih v skladu z Uredbo (ES) št. 1258/1999, ni več mogoče financirati v okviru tega instrumenta, se jih lahko vključi v programiranje za razvoj podeželja in se jih financira iz Evropskega kmetijskega usmerjevalnega in jamstvenega sklada. Če so s tem v zvezi potrebni posebni prehodni ukrepi, jih Komisija sprejme v skladu s postopki iz člena 50(2) Uredbe Sveta (ES) št. 1260/1999 z dne 21. junija 1999 o splošnih določbah o Strukturnih skladih[1].

23. ČLEN

(1) Med 1. majem 2004 in koncem leta 2006 Unija zagotavlja novim državam članicam začasno finančno pomoč, v nadaljnjem besedilu »prehodni vir«, za razvoj in okrepitev njihove upravne usposobljenosti za izvajanje in izvrševanje prava Unije in Evropske skupnosti za atomsko energijo in za podporo izmenjavi najboljše prakse.

(2) Pomoč je namenjena stalni potrebi po okrepitvi institucionalne usposobljenosti na določenih področjih z ukrepi, ki jih ni mogoče financirati iz strukturnih skladov, predvsem na naslednjih področjih:

a) pravosodje in notranje zadeve (okrepitev pravosodnega sistema, kontrola na zunanjih mejah, strategija za boj proti korupciji, okrepitev kazenskega pregona);

b) finančni nadzor;

c) varstvo finančnih interesov Unije in Evropske skupnosti za atomsko energijo in boj proti goljufijam;

d) notranji trg, vključno s carinsko unijo;

e) okolje;

f) veterinarske službe in okrepitev upravne usposobljenosti v zvezi z varnostjo hrane;

g) upravne in nadzorne strukture za razvoj kmetijstva in podeželja, vključno z integriranim administrativnim in kontrolnim sistemom (IACS);

h) jedrska varnost (okrepitev učinkovitosti in sposobnosti organov za jedrsko varnost in organizacij za tehnično podporo ter javnih agencij za ravnanje z odpadki);

i) statistika;

j) okrepitev javne uprave v skladu s potrebami, opredeljenimi v izčrpnem spremljevalnem poročilu Komisije, za katere se ne uporabljajo strukturni skladi.

(3) Pomoč v okviru prehodnega vira se sprejme v skladu s postopkom iz člena 8 Uredbe Sveta (EGS) št. 3906/89 z dne 18. decembra 1989 o gospodarski pomoči nekaterim državam Srednje in Vzhodne Evrope[2].

(4) Program se izvaja v skladu s členom 53(1)(a) in (b) finančne uredbe, ki se uporablja za splošni proračun Evropskih skupnosti[3], ali z evropskim zakonom, ki jo nadomesti. Za projekte tesnega medinstitucionalnega sodelovanja med javnimi upravami z namenom vzpostavljanja institucij se še naprej uporablja postopek zbiranja ponudb preko mreže kontaktnih točk v državah članicah, kot ga predvidevajo okvirni sporazumi s sedanjimi državami članicami za predpristopno pomoč.

Odobrene pravice za prevzem obveznosti za prehodni vir po cenah iz 1999 so 200 milijonov eurov v letu 2004, 120 milijonov eurov v letu 2005 in 60 milijonov eurov v letu 2006. Letne pravice za prevzem obveznosti odobri organ, pristojen za proračun, v mejah finančnega načrta, kakor je opredeljen z Medinstitucionalnim sporazumom z dne 6. maja 1999.

[1] UL L št. 161, z dne 26.6.1999, str. 1.

[2] UL L št. 375, z dne 23.12.1989, str. 11.

[3] Uredba (ES, Euratom) št. 1605/2002 (UL L št. 248, z dne 16.9.2002, str. 1).

5. Where projects approved under Regulation (EC) No 1258/1999 can no longer be funded under that instrument, they may be integrated into rural development programming and financed under the European Agricultural Guidance and Guarantee Fund. Should specific transitional measures be necessary in this regard, these shall be adopted by the Commission in accordance with the procedures laid down in Article 50(2) of Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds[1].

ARTICLE 23

1. Between 1 May 2004 and the end of 2006, the Union shall provide temporary financial assistance, hereinafter referred to as the "Transition Facility", to the new Member States to develop and strengthen their administrative capacity to implement and enforce Union and European Atomic Energy Community law and to foster exchange of best practice among peers.

2. Assistance shall address the continued need for strengthening institutional capacity in certain areas through action which cannot be financed by the Structural Funds, in particular in the following areas:

(a) justice and home affairs (strengthening of the judicial system, external border controls, anti-corruption strategy, strengthening of law enforcement capacities);

(b) financial control;

(c) protection of the financial interests of the Union and of the European Atomic Energy Community and the fight against fraud;

(d) internal market, including customs union;

(e) environment;

(f) veterinary services and administrative capacity-building relating to food safety;

(g) administrative and control structures for agriculture and rural development, including the Integrated Administration and Control System (IACS);

(h) nuclear safety (strengthening the effectiveness and competence of nuclear safety authorities and their technical support organisations as well as public radioactive waste management agencies);

(i) statistics;

(j) strengthening public administration according to needs identified in the Commission's comprehensive monitoring report which are not covered by the Structural Funds.

3. Assistance under the Transition Facility shall be decided in accordance with the procedure laid down in Article 8 of Council Regulation (EEC) No 3906/89 of 18 December 1989 on economic aid to certain countries of Central and Eastern Europe[2].

4. The programme shall be implemented in accordance with Article 53(1)(a) and (b) of the Financial Regulation applicable to the general budget of the European Communities[3] or the European law replacing it. For twinning projects between public administrations for the purpose of institution-building, the procedure for call for proposals through the network of contact points in the Member States shall continue to apply, as established in the Framework Agreements with the present Member States for the purpose of pre-accession assistance.

The commitment appropriations for the Transition Facility, at 1999 prices, shall be 200 million euro in 2004, 120 million euro in 2005 and 60 million euro in 2006. The annual appropriations shall be authorised by the budgetary authority within the limits of the Financial Perspective as defined by the Interinstitutional Agreement of 6 May 1999.

[1] OJ L 161, 26.6.1999, p. 1.

[2] OJ L 375, 23.12.1989, p. 11.

[3] Regulation (EC, Euratom) No 1605/2002 (OJ L 248, 16.9.2002, p. 1).

24. ČLEN

(1) Kot začasni instrument se ustanovi schengenski vir za pomoč upravičenim državam članicam med 1. majem 2004 in koncem leta 2006 pri financiranju ukrepov na novih zunanjih mejah Unije za izvajanje schengenskega pravnega reda in kontrole na zunanjih mejah.

Da se odpravi pomanjkljivosti, ki so bile identificirane med pripravami za sodelovanje v schengnu, so do financiranja iz schengenskega vira upravičene naslednje vrste ukrepov:

a) naložbe v izgradnjo, obnovo ali posodobitev infrastrukture mejnih prehodov in drugih objektov na mejnih prehodih;

b) naložbe v kakršnokoli opremo (npr. laboratorijsko opremo, naprave za odkrivanje, strojno in programsko opremo za schengenski informacijski sistem – SIS II, prevozna sredstva);

c) usposabljanje mejnih straž;

d) prispevek k stroškom za logistiko in obratovanje.

(2) V okviru schengenskega vira se upravičenim državam članicam, ki so naštete spodaj, v obliki nepovratnih pavšalnih plačil dajo na razpolago naslednji zneski:

	2004	2005	2006
	(v milijonih eurov, po cenah iz leta 1999)		
Estonija	22,9	22,9	22,9
Latvija	23,7	23,7	23,7
Litva	44,78	61,07	29,85
Madžarska	49,3	49,3	49,3
Poljska	93,34	93,33	93,33
Slovenija	35,64	35,63	35,63
Slovaška	15,94	15,93	15,93

(3) Za izbiro in izvajanje posameznih operacij v skladu s tem členom so odgovorne upravičene države članice. Prav tako so odgovorne za usklajevanje uporabe schengenskega vira s pomočjo iz drugih instrumentov Unije, za zagotavljanje združljivosti s politikami in ukrepi Unije ter upoštevanje finančne uredbe, ki se uporablja za splošni proračun Evropskih skupnosti, ali evropskega zakona, ki jo nadomesti.

Nepovratna pavšalna plačila se porabijo v treh letih od prvega izplačila in morebitna neporabljena ali neupravičeno porabljena sredstva se povrnejo Komisiji. Najkasneje šest mesecev po izteku triletnega roka upravičene države članice predložijo izčrpno poročilo o porabi nepovratnih pavšalnih plačil vključno z izkazi, ki opravičujejo odhodke.

Upravičena država izvršuje to odgovornost ne glede na odgovornost Komisije za izvajanje proračuna Unije in v skladu z določbami omenjene finančne uredbe ali evropskega zakona, ki jo nadomesti, ki se uporabljajo za decentralizirano upravljanje.

(4) Preko urada za boj proti goljufijam (OLAF) Komisija ohrani pravico preverjanja. Komisija in Računsko sodišče lahko v skladu z ustreznimi postopki izvajata preglede na kraju samem.

(5) Komisija lahko sprejme potrebne tehnične določbe za delovanje schengenskega vira.

25. ČLEN

Zneski iz 18., 19., 23. in 24. člena tega protokola se vsako leto prilagodijo v okviru tehničnih prilagoditev iz odstavka 15 Medinstitucionalnega sporazuma z dne 6. maja 1999.

ARTICLE 24

1. A Schengen Facility is hereby created as a temporary instrument to help beneficiary Member States between 1 May 2004 and the end of 2006 to finance actions at the new external borders of the Union for the implementation of the Schengen *acquis* and external border control.

In order to address the shortcomings identified in the preparation for participation in Schengen, the following types of action shall be eligible for financing under the Schengen Facility:

(a) investment in construction, renovation or upgrading of border-crossing infrastructure and related buildings;

(b) investments in any kind of operating equipment (e.g. laboratory equipment, detection tools, Schengen Information System – SIS II hardware and software, means of transport);

(c) training of border guards;

(d) support to costs for logistics and operations.

2. The following amounts shall be made available under the Schengen Facility in the form of lump-sum grant payments as of 1 May 2004 to the beneficiary Member States listed below:

	2004	2005	2006
	(million euro, 1999 prices)		
Estonia	22,90	22,90	22,90
Latvia	23,70	23,70	23,70
Lithuania	44,78	61,07	29,85
Hungary	49,30	49,30	49,30
Poland	93,34	93,33	93,33
Slovenia	35,64	35,63	35,63
Slovakia	15,94	15,93	15,93

3. The beneficiary Member States shall be responsible for selecting and implementing individual operations in compliance with this Article. They shall also be responsible for coordinating use of the Schengen Facility with assistance from other Union instruments, ensuring compatibility with Union policies and measures and compliance with the Financial Regulation applicable to the general budget of the European Communities or with the European law replacing it.

The lump-sum grant payments shall be used within three years from the first payment and any unused or unjustifiably spent funds shall be recovered by the Commission. The beneficiary Member States shall submit, no later than six months after expiry of the three-year deadline, a comprehensive report on the financial execution of the lump-sum grant payments with a statement justifying the expenditure.

The beneficiary State shall exercise this responsibility without prejudice to the Commission's responsibility for the implementation of the Union's budget and in accordance with the provisions applicable to decentralised management in the said Financial Regulation or in the European law replacing it.

4. The Commission retains the right of verification, through the Anti-Fraud Office (OLAF). The Commission and the Court of Auditors may also carry out on-the-spot checks in accordance with the appropriate procedures.

5. The Commission may adopt any technical provisions necessary for the operation of the Schengen Facility.

ARTICLE 25

The amounts referred to in Articles 18, 19, 23 and 24 shall be adjusted each year, as part of the technical adjustment provided for in paragraph 15 of the Interinstitutional Agreement of 6 May 1999.

26. ČLEN

(1) Če se do konca obdobja, ki traja največ tri leta po 1. maju 2004, v katerem koli gospodarskem sektorju pojavijo resne težave, ki bi utegnile trajati dalj časa ali ki bi lahko resno poslabšale gospodarske razmere na določenem območju, lahko nova država članica zaprosi za dovoljenje za sprejetje zaščitnih ukrepov, da bi nastale razmere popravila in da bi ta sektor prilagodila gospodarstvu notranjega trga.

V enakih razmerah lahko vsaka sedanja država članica zaprosi za dovoljenje za sprejetje zaščitnih ukrepov glede ene ali več novih držav članic.

(2) Na prošnjo zadevne države članice Komisija po hitrem postopku sprejme evropske uredbe ali sklepe s katerimi določi zaščitne ukrepe, ki so po njenem mnenju potrebni, ter podrobno opredeli pogoje in način njihovega izvajanja.

V resnih gospodarskih težavah in na izrecno prošnjo zadevne države članice Komisija odloči v petih delovnih dneh po prejemu prošnje, ki so ji priloženi ustrezni podatki. Tako sprejeti ukrepi se začnejo uporabljati takoj, upoštevajo interese vseh zadevnih strank in nimajo za posledico mejnih kontrol.

(3) Ukrepi, dovoljeni na podlagi prejšnjega odstavka, lahko vsebujejo izjeme od pravil, predvidenih z Ustavo in zlasti s tem protokolom v takšnem obsegu in za toliko časa, kolikor je nujno potrebno za doseganje ciljev iz prvega odstavka tega člena. Prednost imajo ukrepi, ki kar najmanj ovirajo delovanje notranjega trga.

27. ČLEN

Če nova država članica ni izpolnila zavez, ki jih je prevzela v okviru pristopnih pogajanj, vključno z obveznostmi v vseh sektorskih politikah, povezanih z gospodarskimi aktivnostmi s čezmejnim učinkom, in je s tem povzročila hujšo nepravilnost v delovanju notranjega trga ali grozečo nevarnost take nepravilnosti, lahko Komisija do konca obdobja, ki lahko traja največ tri leta po 1. maju 2004, na utemeljeno prošnjo države članice ali na lastno pobudo sprejme evropske uredbe ali sklepe s katerimi določi ustrezne ukrepe.

Ukrepi so sorazmerni, prednost pa imajo tisti, ki kar najmanj ovirajo delovanje notranjega trga in, kjer je to primerno, uporaba obstoječih sektorskih zaščitnih mehanizmov. Ti zaščitni ukrepi se ne smejo uveljavljati kot sredstvo samovoljne diskriminacije ali prikritega omejevanja trgovine med državami članicami. Ukrepi se ohranijo le toliko časa, kolikor je to nujno potrebno, in bodo v vsakem primeru ukinjeni, ko bo ustrezna zaveza izpolnjena. Dokler ustrezne zaveze niso izpolnjene, pa se ukrepi lahko uporabljajo tudi po izteku obdobja, ki je določeno v prejšnjem odstavku. Ob upoštevanju napredka zadevne nove države članice pri izpolnjevanju zavez lahko Komisija ukrepe ustrezno prilagodi. Pred preklicem evropskih uredb ali sklepov, s katerimi so bili določeni zaščitni ukrepi, Komisija pravočasno obvesti Svet in ustrezno upošteva morebitne pripombe Sveta v tej zvezi.

ARTICLE 26

1. If, until the end of a period of up to three years after 1 May 2004, difficulties arise which are serious and liable to persist in any sector of the economy or which could bring about serious deterioration in the economic situation of a given area, a new Member State may apply for authorisation to take protective measures in order to rectify the situation and adjust the sector concerned to the economy of the internal market.

In the same circumstances, any present Member State may apply for authorisation to take protective measures with regard to one or more of the new Member States.

2. Upon request by the State concerned, the Commission shall, by emergency procedure, adopt the European regulations or decisions establishing the protective measures which it considers necessary, specifying the conditions and modalities under which they are to be put into effect.

In the event of serious economic difficulties and at the express request of the Member State concerned, the Commission shall act within five working days of the receipt of the request accompanied by the relevant background information. The measures thus decided on shall be applicable forthwith, shall take account of the interests of all parties concerned and shall not entail frontier controls.

3. The measures authorised under paragraph 2 may involve derogations from the rules of the Constitution, and in particular from this Protocol, to such an extent and for such periods as are strictly necessary in order to attain the objectives referred to in paragraph 1. Priority shall be given to such measures as will least disturb the functioning of the internal market.

ARTICLE 27

If a new Member State has failed to implement commitments undertaken in the context of the accession negotiations, causing a serious breach of the functioning of the internal market, including any commitments in all sectoral policies which concern economic activities with cross-border effect, or an imminent risk of such breach, the Commission may, until the end of a period of up to three years after 1 May 2004, upon the motivated request of a Member State or on its own initiative, adopt European regulations or decisions establishing appropriate measures.

Measures shall be proportional and priority shall be given to measures which least disturb the functioning of the internal market and, where appropriate, to the application of the existing sectoral safeguard mechanisms. Such safeguard measures shall not be invoked as a means of arbitrary discrimination or a disguised restriction on trade between Member States. The measures shall be maintained no longer than strictly necessary, and, in any case, will be lifted when the relevant commitment is implemented. They may however be applied beyond the period specified in the first paragraph as long as the relevant commitments have not been fulfilled. In response to progress made by the new Member State concerned in fulfilling its commitments, the Commission may adapt the measures as appropriate. The Commission shall inform the Council in good time before revoking the European regulations or decisions establishing the safeguard measures, and it shall take duly into account any observations of the Council in this respect.

28. ČLEN

Če v novi državi članici obstajajo hujše pomanjkljivosti ali grozi nevarnost takih pomanjkljivosti pri prenosu, stanju izvajanja ali uporabi okvirnih sklepov ali drugih ustreznih zavez, instrumentov sodelovanja in sklepov o vzajemnem priznavanju na področju kazenskega prava iz Naslova VI Pogodbe EU in direktiv ter uredb o vzajemnem priznavanju v civilnih zadevah iz Naslova IV Pogodbe ES ter evropskih zakonov in okvirnih zakonov, sprejetih na podlagi 3. in 4. oddelka IV. poglavja III. naslova III. dela Ustave, lahko Komisija do konca obdobja, ki lahko traja največ tri leta od 1. maja 2004, na utemeljeno prošnjo države članice ali na lastno pobudo in po posvetovanju z državami članicami, sprejme evropske uredbe ali sklepe, s katerimi določi ustrezne ukrepe ter podrobno opredeli pogoje in način njihovega izvajanja.

Ne glede na nadaljevanje tesnega pravosodnega sodelovanja so ti ukrepi lahko sprejeti v obliki začasne odložitve izvajanja ustreznih določb in sklepov v odnosih med novo državo članico in katerokoli drugo oziroma drugimi državami članicami. Ukrepi se ohranijo le toliko časa, kolikor je to nujno potrebno, in bodo v vsakem primeru ukinjeni, ko bodo pomanjkljivosti odpravljene. Dokler te pomanjkljivosti niso odpravljene, pa se ukrepi lahko uporabljajo tudi po izteku obdobja, ki je določeno v prejšnjem odstavku. Ob upoštevanju ukrepa, s katerim nova država članica popravi opredeljene pomanjkljivosti, lahko Komisija po posvetovanju z državami članicami ukrepe ustrezno prilagodi. Pred preklicem zaščitnih ukrepov Komisija pravočasno obvesti Svet in ustrezno upošteva morebitne pripombe Sveta v tej zvezi.

29. ČLEN

Da pravilno delovanje notranjega trga ne bi bilo ovirano, izvrševanje nacionalnih predpisov novih držav članic v prehodnih obdobjih iz Prilog od V do XIV k Aktu o pristopu z dne 16. aprila 2003 ne sme imeti za posledico mejnih kontrol med državami članicami.

30. ČLEN

Če so potrebni prehodni ukrepi za olajšanje prehoda iz obstoječe ureditve v novih državah članicah na ureditev, ki izhaja iz uporabe skupne kmetijske politike pod pogoji iz tega protokola, Komisija sprejme take ukrepe v skladu s postopkom iz člena 42(2) Uredbe Sveta (ES) št. 1260/2001 z dne 19. junija 2001 o skupni ureditvi trgov za sladkor[1] ali, če je to primerno, iz ustreznih členov drugih uredb o skupni organizaciji kmetijskih trgov ali evropskih zakonov, ki jih bodo nadomestili, ali v skladu z ustreznim postopkom, kot je opredeljen v veljavni zakonodaji. Prehodni ukrepi iz tega člena se lahko sprejmejo v obdobju treh let od 1. maja 2004 in njihova uporaba je omejena na to obdobje. Z evropskim zakonom Sveta se to obdobje lahko podaljša. Svet odloča soglasno po posvetovanju z Evropskim parlamentom.

31. ČLEN

Če so potrebni prehodni ukrepi za olajšanje prehoda iz obstoječe ureditve v novih državah članicah na ureditev, ki izhaja iz uporabe veterinarskih in fitosanitarnih pravil Unije, Komisija sprejme take ukrepe v skladu z ustreznim postopkom, kot je opredeljen v veljavni zakonodaji. Ti ukrepi se sprejmejo v obdobju treh let od 1. maja 2004 in njihova uporaba je omejena na to obdobje.

[1] UL L št. 178, z dne 30.6.2001, str. 1.

ARTICLE 28

If there are serious shortcomings or any imminent risks of such shortcomings in a new Member State in the transposition, state of implementation or the application of the framework decisions or any other relevant commitments, instruments of cooperation and decisions relating to mutual recognition in the area of criminal law under Title VI of the EU Treaty, Directives and Regulations relating to mutual recognition in civil matters under Title IV of the EC Treaty, and European laws and framework laws adopted on the basis of Sections 3 and 4 of Chapter IV of Title III of Part III of the Constitution, the Commission may, until the end of a period of up to three years after 1 May 2004, upon the motivated request of a Member State or on its own initiative and after consulting the Member States, adopt European regulations or decisions establishing appropriate measures and specify the conditions and modalities under which these measures are put into effect.

These measures may take the form of temporary suspension of the application of relevant provisions and decisions in the relations between a new Member State and any other Member State or Member States, without prejudice to the continuation of close judicial cooperation. The measures shall be maintained no longer than strictly necessary, and, in any case, will be lifted when the shortcomings are remedied. They may however be applied beyond the period specified in the first paragraph as long as these shortcomings persist. In response to progress made by the new Member State concerned in rectifying the identified shortcomings, the Commission may adapt the adopted measures as appropriate after consulting the Member States. The Commission shall inform the Council in good time before revoking safeguard measures, and it shall take duly into account any observations of the Council in this respect.

ARTICLE 29

In order not to hamper the proper functioning of the internal market, the enforcement of the new Member States' national rules during the transitional periods referred to in Annexes V to XIV to the Act of Accession of 16 April 2003 shall not lead to border controls between Member States.

ARTICLE 30

If transitional measures are necessary to facilitate the transition from the existing regime in the new Member States to that resulting from the application of the common agricultural policy under the conditions set out in this Protocol, such measures shall be adopted by the Commission in accordance with the procedure referred to in Article 42(2) of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector[1], or as appropriate, in the corresponding Articles of the other Regulations on the common organisation of agricultural markets or of the European laws replacing them or the relevant procedure as determined in the applicable legislation. The transitional measures referred to in this Article may be adopted during a period of three years after 1 May 2004 and their application shall be limited to that period. A European law of the Council may extend this period. The Council shall act unanimously after consulting the European Parliament.

ARTICLE 31

If transitional measures are necessary to facilitate the transition from the existing regime in the new Member States to that resulting from the application of the Union veterinary and phytosanitary rules, such measures shall be adopted by the Commission in accordance with the relevant procedure as determined in the applicable legislation. These measures shall be taken during a period of three years after 1 May 2004 and their application shall be limited to that period.

[1] OJ L 178, 30.6.2001, p. 1.

32. ČLEN

(1) Mandat novih članov odborov, skupin in drugih organov, ki so našteti v Prilogi XVII Akta o pristopu z dne 16. aprila 2003, se izteče hkrati z mandatom članov, ki opravljajo funkcijo 1. maja 2004.

(2) Mandat novih članov odborov in skupin, ki jih ustanovi Komisija in ki so našteti v Prilogi XVII Akta o pristopu z dne 16. aprila 2003, se izteče hkrati z mandatom članov, ki opravljajo funkcijo 1. maja 2004.

ARTICLE 32

1. The terms of office of the new members of the Committees, groups and other bodies listed in Annex XVI to the Act of Accession of 16 April 2003 shall expire at the same time as those of the members in office on 1 May 2004.

2. The terms of office of the new members of the Committees and groups set up by the Commission which are listed in Annex XVII to the Act of Accession of 16 April 2003 shall expire at the same time as those of the members in office on 1 May 2004.

IV. NASLOV

UPORABA AKTOV INSTITUCIJ

TITLE IV

APPLICABILITY OF THE ACTS OF THE INSTITUTIONS

33. ČLEN

Od 1. maja 2004 se šteje, da so direktive in odločbe iz člena 249 Pogodbe ES in člena 161 Pogodbe Euratom naslovljene na nove države članice, če so bile omenjene direktive in odločbe naslovljene na vse sedanje države članice. Z izjemo direktiv in odločb, ki začnejo veljati skladno s členoma 254(1) in 254(2) Pogodbe ES, se šteje, da so bile te direktive in odločbe novim državam članicam notificirane 1. maja 2004.

ARTICLE 33

As from 1 May 2004, the new Member States shall be considered as being addressees of directives and decisions within the meaning of Article 249 of the EC Treaty and of Article 161 of the EAEC Treaty, provided that those directives and decisions have been addressed to all the present Member States. Except with regard to directives and decisions which enter into force pursuant to Article 254(1) and (2) of the EC Treaty, the new Member States shall be considered as having received notification of such directives and decisions upon 1 May 2004.

34. ČLEN

Nove države članice izvajajo ukrepe, potrebne za to, da od 1. maja 2004 upoštevajo določbe direktiv in odločb iz člena 249 Pogodbe ES in člena 161 Pogodbe Euratom, če v prilogah iz 15. člena ali v kateri koli določbi tega protokola ni predviden drugačen rok.

ARTICLE 34

The new Member States shall put into effect the measures necessary for them to comply, from 1 May 2004, with the provisions of directives and decisions within the meaning of Article 249 of the EC Treaty and of Article 161 of the EAEC Treaty, unless another time-limit is provided for in the Annexes referred to in Article 15 or in any other provisions of this Protocol.

35. ČLEN

Razen če ni določeno drugače, Svet na predlog Komisije sprejme potrebne evropske uredbe in sklepe za izvajanje določb iz Prilog III in IV Akta o pristopu z dne 16. aprila 2003 iz 12. in 13. člena tega protokola.

ARTICLE 35

Unless otherwise stipulated, the Council, on a proposal from the Commission, shall adopt the necessary European regulations and decisions to implement the provisions contained in Annexes III and IV to the Act of Accession of 16 April 2003 referred to in Articles 12 and 13 of this Protocol.

36. ČLEN

(1) Če je treba akte institucij zaradi pristopa prilagoditi pred 1. majem 2004 in če ta protokol potrebnih prilagoditev ne predvideva, se te prilagoditve opravijo skladno s postopkom iz drugega odstavka tega člena. Prilagoditve začnejo veljati 1. maja 2004.

(2) Svet na predlog Komisije oziroma Komisija, glede na to, katera od teh dveh institucij je sprejela izvirne akte, v ta namen sprejme potrebne akte.

ARTICLE 36

1. Where acts of the institutions prior to 1 May 2004 require adaptation by reason of accession, and the necessary adaptations have not been provided for in this Protocol, those adaptations shall be made in accordance with the procedure laid down by paragraph 2. Those adaptations shall enter into force as from 1 May 2004.

2. The Council, on a proposal from the Commission, or the Commission, according to which of these two institutions adopted the original acts, shall to this end adopt the necessary acts.

37. ČLEN

O določbah zakonov in drugih predpisov za zagotovitev varovanja zdravja delavcev in prebivalstva na ozemljih novih držav članic pred nevarnostmi ionizirajočega sevanja te države v skladu s členom 33 Pogodbe Euratom obvestijo Komisijo v treh mesecih po 1. maju 2004.

ARTICLE 37

Provisions laid down by law, regulation or administrative action designed to ensure the protection of the health of workers and the general public in the territory of the new Member States against the dangers arising from ionising radiations shall, in accordance with Article 33 of the EAEC Treaty, be communicated by those States to the Commission within three months from 1 May 2004.

DRUGI DEL

DOLOČBE O PROTOKOLIH, PRILOŽENIH AKTU O PRISTOPU Z DNE 16. APRILA 2003

I. NASLOV

PREHODNE DOLOČBE O EVROPSKI INVESTICIJSKI BANKI

38. ČLEN

Kraljevina Španija plača znesek v višini 309 686 775 eurov, kot svoj delež kapitala, vplačanega za povečanje vpisanega kapitala. Ta prispevek se vplača v osmih enakih obrokih, ki zapadejo 30. septembra 2004, 30. septembra 2005, 30. septembra 2006, 31. marca 2007, 30. septembra 2007, 31. marca 2008, 30. septembra 2008 in 31. marca 2009.

Kraljevina Španija v osmih enakih obrokih, ki zapadejo na zgornje datume, prispeva k rezervam in rezervacijam v višini rezerv ter tudi k znesku, ki bo šele odobren za rezerve in rezervacije in ki ga določa saldo bilance uspeha na koncu meseca aprila 2004, kot je bil prikazan v bilanci banke, z zneski v višini 4,1292% rezerv in rezervacij.

39. ČLEN

S 1. majem 2004 nove države članice vplačajo naslednje zneske, ki ustrezajo njihovim deležem vplačanega vpisanega kapitala, kot je opredeljen v 4. členu Statuta Evropske investicijske banke:

Poljska	170 563 175 eurov
Češka	62 939 275 eurov
Madžarska	59 543 425 eurov
Slovaška	21 424 525 eurov
Slovenija	19 890 750 eurov
Litva	12 480 875 eurov
Ciper	9 169 100 eurov
Latvija	7 616 750 eurov
Estonija	5 882 000 eurov
Malta	3 490 200 eurov

Ti prispevki se vplačajo v osmih enakih obrokih, ki zapadejo 30. septembra 2004, 30. septembra 2005, 30. septembra 2006, 31. marca 2007, 30. septembra 2007, 31. marca 2008, 30. septembra 2008 in 31. marca 2009.

40. ČLEN

Nove države članice v osmih enakih obrokih, ki zapadejo na datume iz prejšnjega člena, prispevajo k rezervam in rezervacijam v višini rezerv, ter tudi k znesku, ki bo šele odobren za rezerve in rezervacije in ki ga določa saldo bilance uspeha na koncu meseca aprila 2004, kot je bil prikazan v bilanci Evropske investicijske banke, z zneski, ki ustrezajo naslednjim odstotkom rezerv in rezervacij:

PART TWO

PROVISIONS ON THE PROTOCOLS ANNEXED TO THE ACT OF ACCESSION OF 16 APRIL 2003

TITLE I

TRANSITIONAL PROVISIONS ON THE EUROPEAN INVESTMENT BANK

ARTICLE 38

The Kingdom of Spain shall pay the amount of 309 686 775 euro as its share of the capital paid in for the subscribed capital increase. This contribution shall be paid in eight equal instalments falling due on 30 September 2004, 30 September 2005, 30 September 2006, 31 March 2007, 30 September 2007, 31 March 2008, 30 September 2008 and 31 March 2009.

The Kingdom of Spain shall contribute, in eight equal instalments falling due on those dates, to the reserves and provisions equivalent to reserves, as well as to the amount still to be appropriated to the reserves and provisions, comprising the balance of the profit and loss account, established at the end of the month of April 2004, as entered on the balance sheet of the Bank, in amounts corresponding to 4,1292% of the reserves and provisions.

ARTICLE 39

From 1 May 2004, the new Member States shall pay the following amounts corresponding to their share of the capital paid in for the subscribed capital as defined in Article 4 of the Statute of the European Investment Bank.

Poland	170 563 175 euro
Czech Republic	62 939 275 euro
Hungary	59 543 425 euro
Slovakia	21 424 525 euro
Slovenia	19 890 750 euro
Lithuania	12 480 875 euro
Cyprus	9 169 100 euro
Latvia	7 616 750 euro
Estonia	5 882 000 euro
Malta	3 490 200 euro

These contributions shall be paid in eight equal instalments falling due on 30 September 2004, 30 September 2005, 30 September 2006, 31 March 2007, 30 September 2007, 31 March 2008, 30 September 2008 and 31 March 2009.

ARTICLE 40

The new Member States shall contribute, in eight equal instalments falling due on the dates referred to in Article 39, to the reserves and provisions equivalent to reserves, as well as to the amount still to be appropriated to the reserves and provisions, comprising the balance of the profit and loss account, established at the end of the month of April 2004, as entered on the balance sheet of the European Investment Bank, in amounts corresponding to the following percentages of the reserves and provisions:

Poljska	2,2742 %
Češka	0,8392 %
Madžarska	0,7939 %
Slovaška	0,2857 %
Slovenija	0,2652 %
Litva	0,1664 %
Ciper	0,1223 %
Latvija	0,1016 %
Estonija	0,0784 %
Malta	0,0465 %

41. ČLEN

Kraljevina Španija in nove države članice kapital in plačila iz 38., 39. in 40. člena tega protokola vplačajo v gotovini v eurih, razen če svet guvernerjev soglasno določi posebno ureditev.

II. NASLOV

DOLOČBE O PRESTRUKTURIRANJU ČEŠKE JEKLARSKE INDUSTRIJE

42. ČLEN

(1) Ne glede na III-167. in III-168. člen Ustave se državna pomoč, ki jo je podelila Češka v namene prestrukturiranja določenim delom češke jeklarske industrije od 1997 do 2003, šteje za združljivo z notranjim trgom pod pogojem, da:

a) se obdobje iz člena 8(4) Protokola 2 o proizvodih ESPJ k Evropskemu sporazumu o pridružitvi med Evropskimi skupnostmi in njihovimi državami članicami na eni strani in Češko republiko na drugi strani[1] podaljša do 1. maja 2004;

b) se v celotnem obdobju 2002- 2006 spoštuje pogoje, ki so določeni v načrtu za prestrukturiranje, na podlagi katerega je bila veljavnost zgornjega protokola podaljšana;

c) se izpolni pogoje, ki so določeni v tem naslovu, in

d) se češki jeklarski industriji od 1. maja 2004 ne izplača nobene državne pomoči za prestrukturiranje.

(2) Prestrukturiranje češkega jeklarskega sektorja, kot je opisano v posameznih poslovnih načrtih podjetij, ki so našteta v Prilogi 1 k Protokolu št. 2 Akta o pristopu z dne 16. aprila 2003 (v nadaljevanju »upravičena podjetja«), in skladno s pogoji iz tega naslova se konča najkasneje 31. decembra 2006 (v nadaljnjem besedilu »konec obdobja prestrukturiranja«).

(3) Le upravičena podjetja so upravičena do državne pomoči v okviru češkega programa za prestrukturiranje jeklarstva.

(4) Upravičeno podjetje ne sme:

a) v primeru združitve s podjetjem, ki ni vključeno v Prilogo 1 k Protokolu št. 2 Akta o pristopu z dne 16. aprila 2003, prenesti koristi od pomoči, ki je bila podeljena upravičenemu podjetju;

b) prevzeti sredstev podjetja, ki ni vključeno v Prilogo 1 k Protokolu št. 2 Akta o pristopu z dne 16. aprila 2003 in ki je v obdobju do 31. decembra 2006 v stečaju.

(5) Vsaka naknadna privatizacija kateregakoli upravičenega podjetja spoštuje pogoje in načela o rentabilnosti, državnih pomočeh in zmanjšanju zmogljivosti, ki so opredeljeni v tem naslovu.

[1] UL L št. 360, z dne 31.12.1994, str. 2.

Poland	2,2742%
Czech Republic	0,8392%
Hungary	0,7939%
Slovakia	0,2857%
Slovenia	0,2652%
Lithuania	0,1664%
Cyprus	0,1223%
Latvia	0,1016%
Estonia	0,0784%
Malta	0,0465%

ARTICLE 41

The capital and payments provided for in Articles 38, 39 and 40 shall be paid in by the Kingdom of Spain and the new Member States in cash in euro, save by way of derogation decided unanimously by the Board of Governors.

TITLE II

PROVISIONS ON THE RESTRUCTURING OF THE CZECH STEEL INDUSTRY

ARTICLE 42

1. Notwithstanding Articles III-167 and III-168 of the Constitution, State aid granted by the Czech Republic for restructuring purposes to specified parts of the Czech steel industry from 1997 to 2003 shall be deemed to be compatible with the internal market provided that:

(a) the period provided for in Article 8(4) of Protocol 2 on ECSC products to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part[1], has been extended until 1 May 2004;

(b) the terms set out in the restructuring plan on the basis of which the abovementioned Protocol was extended are adhered to throughout the period 2002-2006;

(c) the conditions set out in this Title are met, and

(d) no State aid for restructuring is to be paid to the Czech steel industry after 1 May 2004.

2. Restructuring of the Czech steel sector, as described in the individual business plans of the companies listed in Annex 1 to Protocol No 2 to the Act of Accession of 16 April 2003 (hereinafter referred to as "benefiting companies"), and in line with the conditions set out in this Title, shall be completed no later than 31 December 2006 (hereinafter referred to as "the end of the restructuring period").

3. Only benefiting companies shall be eligible for State aid in the framework of the Czech steel restructuring programme.

4. A benefiting company may not:

(a) in the case of a merger with a company not included in Annex 1 to Protocol No 2 to the Act of Accession of 16 April 2003, pass on the benefit of the aid granted to the benefiting company;

(b) take over the assets of any company not included in Annex 1 to Protocol No 2 to the Act of Accession of 16 April 2003 which is declared bankrupt in the period up to 31 December 2006.

5. Any subsequent privatisation of any of the benefiting companies shall respect the conditions and principles regarding viability, State aids and capacity reduction defined in this Title.

[1] OJ L 360, 31.12.1994, p. 2.

(6) Skupna pomoč za prestrukturiranje, ki se podeli upravičenim podjetjem, se določi z utemeljitvami v odobrenem češkem načrtu za prestrukturiranje jeklarstva in v posamičnih poslovnih načrtih, kakor jih je odobril Svet. V vsakem primeru pa je izplačana pomoč v obdobju 1997-2003 omejena na največji znesek 14 147 425 201 CZK. Od te skupne vsote prejme Nová Huť največ 5 700 075 201 CZK, Vítkovice Steel prejme največ 8 155 350 000 CZK in Válcovny Plechu Frýdek Místek prejme največ 292 000 000 CZK, v odvisnosti od zahtev iz odobrenega načrta za prestrukturiranje. Ta pomoč se podeli le enkrat. Češka jeklarski industriji v namene prestrukturiranja ne podeli nobenih nadaljnjih pomoči.

(7) Neto zmanjšanje zmogljivosti, ki ga doseže Češka za končne proizvode v obdobju 1997-2006 je 590 000 ton.

Zmanjšanje zmogljivosti se meri le na podlagi trajnega zapiranja proizvodnih zmogljivosti s takim fizičnim uničenjem, da njihovo delovanje ni več mogoče. Stečaj jeklarskega podjetja se ne šteje za zmanjšanje zmogljivosti.

Zgornja stopnja neto zmanjšanja zmogljivosti skupaj s katerimkoli drugim zmanjšanjem zmogljivosti, ki je opredeljeno kot potrebno v programih za prestrukturiranje, se dosežejo skladno s časovnim razporedom v Prilogi 2 k Protokolu št. 2 Akta o pristopu z dne 16. aprila 2003.

(8) Češka do pristopa v skladu s pravnim redom Unije odstrani trgovinske ovire na trgu premoga, kar omogoči češkim jeklarskim podjetjem dostop do premoga po mednarodnih tržnih cenah.

(9) Izvede se poslovni načrt za upravičeno podjetje Nová Huť, predvsem:

a) obrat Vysoké Pece Ostrava (VPO) se s pridobitvijo polnega lastništva prenese v organizacijski okvir Nová Huť. Za združitev se določi ciljni datum, vključno z določitvijo odgovornosti za njegovo izvedbo;

b) Prizadevanja za prestrukturiranje se osredotočijo na naslednje:

1. razvoj Nová Huť iz proizvodno naravnane v tržno naravnano in izboljšanje učinkovitosti in uspešnosti njenega poslovnega upravljanja, vključno z večjo preglednostjo stroškov;

2. Nová Huť bo morala spremeniti svojo ponudbo in se preusmeriti na trge z večjo dodano vrednostjo;

3. Nová Huť mora izvesti potrebne investicije, da bi se v kratkem času po podpisu Pogodbe o pristopu doseglo boljšo kakovost končnih izdelkov;

c) Izvede se prestrukturiranje zaposlovanja. Do 31. decembra 2006 se na podlagi konsolidiranih podatkov zadevnih upravičenih podjetij doseže ravni produktivnosti, primerljive s tistimi, ki jih dosegajo jeklarske skupine v Uniji;

d) skladnost s pravnim redom Skupnosti na okoljevarstvenem področju začne veljati s 1. majem 2004. Naložbe, potrebne za ta namen se upoštevajo v poslovnem načrtu. V skladu s poslovnim načrtom se do 1. novembra 2007 izvede tudi potrebne bodoče naložbe v zvezi z IPPC, da bi se zagotovilo upoštevanje Direktive Sveta 96/61/ES z dne 24. septembra 1996 o celovitem preprečevanju in nadzorovanju onesnaževanja[1].

(10) Izvede se poslovni načrt za upravičeno podjetje Vítkovice Steel, predvsem:

a) najkasneje do 31. decembra 2006 se Duo Mill dokončno zapre. V primeru, da podjetje kupi strateški investitor, se sklene kupno pogodbo s pogojem zaprtja do tega datuma;

[1] UL L št. 257, z dne 10.10.1996, str. 26.

6. The total restructuring aid to be granted to the benefiting companies shall be determined by the justifications set out in the approved Czech steel restructuring plan and individual business plans as approved by the Council. But in any case, the aid paid out in the period 1997-2003 is limited to a maximum amount of CZK 14 147 425 201. Of this total figure, Nová Huť receives a maximum of CZK 5 700 075 201, Vítkovice Steel receives a maximum of CZK 8 155 350 000 and Válcovny Plechu Frýdek Místek receives a maximum of CZK 292 000 000 depending on the requirements as set out in the approved restructuring plan. The aid shall only be granted once. No further State aid shall be granted by the Czech Republic for restructuring purposes to the Czech steel industry.

7. The net capacity reduction to be achieved by the Czech Republic for finished products during the period 1997-2006 shall be 590 000 tonnes.

Capacity reduction shall be measured only on the basis of permanent closure of production facilities by physical destruction such that the facilities cannot be restored to service. A declaration of bankruptcy of a steel company shall not qualify as capacity reduction.

The above level of net capacity reduction, together with any other capacity reductions identified as necessary in the restructuring programmes, shall be completed in line with the timetable in Annex 2 to Protocol No 2 to the Act of Accession of 16 April 2003.

8. The Czech Republic shall remove trade barriers in the coal market in accordance with the *acquis* by accession, enabling Czech steel companies to obtain access to coal at international market prices.

9. The business plan for the benefiting company Nová Huť shall be implemented. In particular:

(a) the Vysoké Pece Ostrava (VPO) plant shall be brought into the organisational framework of Nová Huť by acquisition of full ownership. A target date shall be set for this merger, including assignation of responsibility for its implementation;

(b) restructuring efforts shall concentrate on the following:

(i) evolving Nová Huť from being production-oriented to being marketing-oriented and improving the efficiency and effectiveness of its business management, including greater transparency on costs;

(ii) Nová Huť reviewing its product mix and entry into higher added-value markets;

(iii) Nová Huť making the necessary investments in order to achieve a higher quality of finished products in the short term;

(c) employment restructuring shall be implemented; levels of productivity comparable to those obtained by the Union's steel industry product groups shall be reached as at 31 December 2006, on the basis of the consolidated figures of the benefiting companies concerned;

(d) compliance with the relevant Community *acquis* in the field of environmental protection shall be achieved by 1 May 2004 including the necessary investments addressed in the business plan. In accordance with the business plan the necessary future IPPC-related investment shall also be made, in order to ensure compliance with Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control[1] by 1 November 2007.

10. The business plan for the benefiting company Vítkovice Steel shall be implemented. In particular:

(a) the Duo Mill shall be permanently closed no later than 31 December 2006. In the event of purchase of the company by a strategic investor, the purchase contract shall be made conditional on this closure by this date;

[1] OJ L 257, 10.10.1996, p. 26.

b) prizadevanja za prestrukturiranje se osredotočijo na naslednje:

1. povečanje neposredne prodaje in večje osredotočenje na zmanjšanje stroškov, kar je bistveno za bolj učinkovito poslovno upravljanje;

2. prilagoditev povpraševanju na trgu in preusmeritev na trge proizvodov z višjo dodano vrednostjo;

3. prenos predlaganih naložb v sekundarnem procesu izdelave jekla iz leta 2004 v leto 2003, da bi podjetje lahko konkuriralo predvsem po kakovosti in ne po ceni;

c) Skladnost s pravnim redom Skupnosti na okoljevarstvenem področju se uresničuje z 1. majem 2004. Naložbe, potrebne za ta namen, se upoštevajo v poslovnem načrtu, tako kot tudi bodoče naložbe, ki bodo potrebne v zvezi z bodočimi naložbami v IPPC.

(11) Izvede se poslovni načrt za upravičeno podjetje Válcovny Plechu Frýdek Místek (VPFM), predvsem:

a) do konca leta 2004 se dokončno zapreta valjarni št. 1 in 2;

b) prizadevanja za prestrukturiranje se osredotočijo na naslednje:

1. izvedejo se potrebne investicije, da bi se v kratkem času po podpisu Pogodbe o pristopu doseglo boljšo kakovost končnih izdelkov;

2. dajanje prednosti izvajanju opredeljenih ključnih možnosti za povečanje dobička (vključno s prestrukturiranjem zaposlovanja, zmanjšanjem stroškov, izboljšanjem donosnosti in preusmeritvijo distribucije).

(12) Z vsemi naknadnimi spremembami v splošnem načrtu za prestrukturiranje in v posamičnih načrtih se mora strinjati Komisija in, kadar je to primerno, tudi Svet.

(13) Prestrukturiranje se izvede v pogojih popolne preglednosti in na podlagi načel zdravega tržnega gospodarstva.

(14) Komisija in Svet pred in po 1. maju 2004 do konca obdobja prestrukturiranja v skladu z petnajstim do osemnajstim odstavkom tega člena natančno spremljata izvajanje prestrukturiranja in izpolnjevanje pogojev iz tega naslova o rentabilnosti, državnih pomočeh in zmanjšanju zmogljivosti. V ta namen Komisija poroča Svetu.

(15) Komisija in Svet spremljata kazalce prestrukturiranja iz Priloge 3 Protokola št. 2 Akta o pristopu z dne 16. aprila 2003. Sklicevanja v tej prilogi na odstavek 16 Protokola se štejejo kot sklicevanja na šestnajsti odstavek tega člena.

(16) Spremljanje vključuje neodvisno ocenjevanje, ki se izvede v letih 2003, 2004, 2005 in 2006. Komisijin preizkus rentabilnosti je pomemben element pri oceni, da so izpolnjeni pogoji za rentabilnost.

(17) Češka bo v celoti sodelovala sodeluje s Komisijo v zvezi z vsemi ureditvami za spremljanje: Predvsem velja:

a) Češka Komisiji najkasneje do 15. marca in 15. septembra v vsakem letu do konca obdobja prestrukturiranja predloži šestmesečna poročila o prestrukturiranju upravičenih podjetij,

b) če Komisija ne odloči drugače, prvo poročilo prispe v Komisijo do 15. marca 2003 in zadnje poročilo do 15. marca 2007,

c) poročila vsebujejo vse podatke, ki so potrebni za spremljanje procesa prestrukturiranja in za spremljanje zmanjševanja in uporabe zmogljivosti, in zagotavljajo zadostne finančne podatke, ki omogočajo oceno ali so izpolnjeni pogoji in zahteve, ki jih vsebuje ta naslov. Poročila vsebujejo najmanj podatke, navedene v prilogi 4 protokola št. 2 Akta o pristopu z dne 16. aprila 2003, za katere si Komisija pridržuje pravico spremembe skladno z izkušnjami, ki jih je pridobila v procesu spremljanja. Poleg posamičnih poslovnih poročil upravičenih podjetij se pripravi tudi poročilo o splošnem položaju češkega jeklarskega sektorja, vključno z makroekonomskim razvojem v letih neposredno pred podpisom Pogodbe o pristopu,

(b) restructuring efforts shall concentrate on the following:

(i) an increase in direct sales and a greater focus on cost reduction, this being essential for more efficient business management,

(ii) adapting to market demand and shifting towards higher value-added products,

(iii) bringing forward the proposed investment in the secondary steel-making process from 2004 to 2003, in order to allow the company to compete on quality rather than on price;

(c) compliance with the relevant Community *acquis* in the field of environmental protection shall be achieved by 1 May 2004 including the necessary investments addressed in the business plan, which include the need for future IPPC-related investment.

11. The business plan for the benefiting company Válcovny Plechu Frýdek Místek (VPFM) shall be implemented. In particular:

(a) Hot Rolling Mills Nos 1 and 2 shall be permanently closed at the end of 2004;

(b) restructuring efforts shall concentrate on the following:

(i) making the necessary investment in order to reach a higher quality of finished product in the short term after the signing of the Treaty of Accession,

(ii) giving priority to the implementation of key identified profit improvement opportunities (including employment restructuring, cost reductions, yield improvements and distribution reorientation).

12. Any subsequent changes in the overall restructuring plan and the individual plans must be agreed by the Commission and, where appropriate, by the Council.

13. The implementation of the restructuring shall take place under conditions of full transparency and on the basis of sound market economy principles.

14. The Commission and the Council shall closely monitor the implementation of the restructuring and the fulfilment of the conditions set out in this Title concerning viability, State aid and capacity reductions before and after 1 May 2004 until the end of the restructuring period, in accordance with paragraphs 15 to 18. For this purpose the Commission shall report to the Council.

15. The Commission and the Council shall monitor the restructuring benchmarks set out in Annex 3 to Protocol No 2 to the Act of Accession of 16 April 2003. The references in that Annex to paragraph 16 of the said Protocol shall be construed as being made to paragraph 16 of this Article.

16. Monitoring shall include an independent evaluation to be carried out in 2003, 2004, 2005 and 2006. The Commission's viability test shall be an important element in ensuring that viability is achieved.

17. The Czech Republic shall cooperate fully with all the arrangements for monitoring. In particular:

(a) the Czech Republic shall supply the Commission with six-monthly reports concerning the restructuring of the benefiting companies, no later than 15 March and 15 September of each year, until the end of the restructuring period,

(b) the first report shall reach the Commission by 15 March 2003 and the last report by 15 March 2007, unless the Commission decides otherwise,

(c) the reports shall contain all the information necessary to monitor the restructuring process and the reduction and use of capacity and shall provide sufficient financial data to allow an assessment to be made of whether the conditions and requirements contained in this Title have been fulfilled. The reports shall at the least contain the information set out in Annex 4 to Protocol No 2 to the Act of Accession of 16 April 2003, which the Commission reserves the right to modify in line with its experiences during the monitoring process. In addition to the individual business reports of the benefiting companies, there shall also be a report on the overall situation of the Czech steel sector, including recent macroeconomic developments,

d) Češka obveže upravičena podjetja, da razkrijejo vse ustrezne podatke, ki bi se jih v drugih okoliščinah lahko štelo za zaupne. V svojem poročanju Svetu Komisija zagotovi, da se ne razkrije zaupnih informacij, ki zadevajo posamezna podjetja.

(18) Komisija lahko kadar koli pooblasti neodvisnega svetovalca, da oceni rezultate spremljanja, izvede potrebne preiskave in poroča Komisiji in Svetu.

(19) Če Komisija na podlagi poročil iz sedemnajstega odstavka tega člena ugotovi, da je prišlo do znatnih odstopanj od finančnih podatkov, na katerih je bila narejena ocena rentabilnosti, lahko od Češke zahteva, da sprejme ustrezne ukrepe za okrepitev ukrepov za prestrukturiranje zadevnih upravičenih podjetij.

(20) Če spremljanje pokaže:

a) da pogoji za prehodne ureditve iz tega naslova niso bili izpolnjeni ali

b) da obveznosti, prevzete v okviru podaljšanja obdobja, v katerem lahko Češka izjemoma podeli državno pomoč za prestrukturiranje svoje jeklarske industrije v skladu z Evropskim sporazumom o pridružitvi med Evropskimi skupnostmi in njihovimi državami članicami na eni strani in Češko na drugi strani[1], niso bile izpolnjeneali

c) da je Češka v obdobju prestrukturiranja jeklarski industriji in predvsem upravičenim podjetjem podelila dodatne nezdružljive državne pomoči,

prehodne ureditve iz tega naslova ne veljajo.

Komisija naredi vse potrebno, da se od zadevnih podjetij zahteva povrnitev vseh pomoči, ki so bile podeljene s kršenjem pogojev iz tega naslova.

(d) the Czech Republic shall oblige the benefiting companies to disclose all relevant data which might, under other circumstances, be considered as confidential. In its reporting to the Council, the Commission shall ensure that company-specific confidential information is not disclosed.

18. The Commission may at any time decide to mandate an independent consultant to evaluate the monitoring results, undertake any research necessary and report to the Commission and the Council.

19. If the Commission establishes, on the basis of the reports referred to in paragraph 17, that substantial deviations from the financial data on which the viability assessment has been made have occurred, it may require the Czech Republic to take appropriate measures to reinforce the restructuring measures of the benefiting companies concerned.

20. Should the monitoring show that:

(a) the conditions for the transitional arrangements contained in this Title have not been fulfilled, or that

(b) the commitments made in the framework of the extension of the period during which the Czech Republic may exceptionally grant State support for the restructuring of its steel industry under the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part[1] have not been fulfilled, or that

(c) the Czech Republic in the course of the restructuring period has granted additional incompatible State aid to the steel industry and to the benefiting companies in particular,

the transitional arrangements contained in this Title shall not have effect.

The Commission shall take appropriate steps requiring any company concerned to reimburse any aid granted in breach of the conditions laid down in this Title.

III. NASLOV

DOLOČBE O SUVERENIH CONAH ZDRUŽENEGA KRALJESTVA VELIKE BRITANIJE IN SEVERNE IRSKE NA CIPRU

43. ČLEN

(1) Suvereni coni sta vključeni v carinsko ozemlje Unije in v ta namen se akti carinske in skupne trgovinske politike Unije, ki so našteti v Prvem delu Priloge k Protokolu št. 3 Akta o pristopu z dne 16. aprila 2003 skupaj s spremembami iz te priloge, uporabljajo za suvereni coni. V tej prilogi se sklicevanje na »ta protokol« šteje kot sklicevanje na ta naslov.

(2) Akti Unije o prometnem davku, trošarinah in drugih oblikah posredne obdavčitve, našteti v Drugem delu Priloge k Protokolu št. 3 Akta o pristopu z dne 16. aprila 2003, se uporabljajo za suvereni coni skupaj s spremembami iz te priloge in z ustreznimi določbami, ki se uporabljajo za Ciper v skladu s tem protokolom.

(3) Akti Unije, našteti v Tretjem delu Priloge k Protokolu št. 3 Akta o pristopu z dne 16. aprila 2003, se spremenijo v skladu s to prilogo, da se Združenemu kraljestvu omogoči ohraniti oprostitve od dajatev in davkov na dobave svojim silam in pripadajočemu osebju, ki jih predvideva Pogodba o ustanovitvi Republike Ciper (v nadaljevanju »Pogodba o ustanovitvi«).

44. ČLEN

Za suvereni coni se uporabljajo III-225. do III-232. člen Ustave skupaj z določbami sprejetimi na njuni podlagi in določbe, sprejete v skladu s točko b) četrtega odstavka III-278. člena Ustave.

[1] UL L št. 360, z dne 31.12.1994, str. 2.

TITLE III

PROVISIONS ON THE SOVEREIGN BASE AREAS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND IN CYPRUS

ARTICLE 43

1. The Sovereign Base Areas shall be included within the customs territory of the Union and, for this purpose, the customs and common commercial policy acts of the Union listed in Part One of the Annex to Protocol No 3 to the Act of Accession of 16 April 2003 shall apply to the Sovereign Base Areas with the amendments set out in that Annex. In that Annex, reference to "this Protocol" shall be construed as being to this Title.

2. The Union acts on turnover taxes, excise duties and other forms of indirect taxation listed in Part Two of the Annex to Protocol No 3 to the Act of Accession of 16 April 2003 shall apply to the Sovereign Base Areas with the amendments set out in that Annex as well as the relevant provisions applying to Cyprus as set out in this Protocol.

3. The Union acts listed in Part Three of the Annex to Protocol No 3 to the Act of Accession of 16 April 2003 shall be amended as set out in that Annex to enable the United Kingdom to maintain the reliefs and exemptions from duties and taxes on supplies to its forces and associated personnel which are granted by the Treaty concerning the Establishment of the Republic of Cyprus (hereinafter referred to as the "Treaty of Establishment").

ARTICLE 44

Articles III-225 to III-232 of the Constitution, together with the provisions adopted on that basis, and the provisions adopted in accordance with Article III-278(4)(b) of the Constitution shall apply to the Sovereign Base Areas.

[1] OJ L 360, 31.12.1994, p. 2.

45. ČLEN

Osebe, ki prebivajo ali delajo na ozemlju suverenih con in za katere se v skladu z aranžmaji, sklenjenimi na podlagi Pogodbe o ustanovitvi, in pripadajočo izmenjavo not z dne 16. avgusta 1960 uporablja zakonodaja o socialni varnosti Republike Ciper, se za namene Uredbe Sveta (EGS) št. 1408/71 z dne 14. junija 1971 o uporabi sistemov socialne varnosti za zaposlene osebe, samozaposlene osebe in njihove družinske člane, ki se gibljejo v Skupnosti[1], obravnavajo, kot da prebivajo, ali kot da so zaposleni na ozemlju Republike Ciper.

46. ČLEN

(1) Republiki Ciper ni treba izvajati pregledov oseb, ki prehajajo njene celinske in morske meje s suverenima conama, in za te osebe se ne uporabljajo omejitve Unije za prehod zunanjih meja.

(2) Združeno kraljestvo izvršuje kontrolo oseb, ki prehajajo zunanje meje suverenih con, v skladu z zavezami iz Četrtega dela Priloge k Protokolu št. 3 Akta o pristopu z dne 16. aprila 2003.

47. ČLEN

Svet lahko, da zagotovi učinkovito izvajanje ciljev tega naslova, na predlog Komisije sprejme evropski sklep, ki spremeni 43. do 46. člen tega protokola, vključno s Prilogo k Protokolu št. 3 Akta o pristopu z dne 16. aprila 2003, ali za suvereni coni pod pogoji, ki jih določi, uporablja druge določbe Ustave in akte Unije. Svet odloča soglasno. Preden predstavi predlog, se Komisija posvetuje z Združenim kraljestvom in Republiko Ciper.

48. ČLEN

(1) Pod pogoji iz drugega odstavka tega člena je Združeno kraljestvo odgovorno za izvajanje tega naslova v suverenih conah, zlasti:

a) je Združeno kraljestvo odgovorno za uporabo ukrepov Unije, ki so določeni v tem naslovu na področju carin, posredne obdavčitve in skupne trgovinske politike v zvezi z blagom, ki vstopi ali zapusti ozemlje otoka Ciper preko pristanišča ali letališča v suverenih conah Združenega kraljestva;

b) se carinske kontrole blaga, ki ga sile Združenega kraljestva uvažajo na ali izvažajo iz otoka Ciper preko pristanišča ali letališča Republike Ciper, lahko izvršujejo v suverenih conah Združenega kraljestva;

c) je Združeno kraljestvo odgovorno za izdajanje dovoljenj, odobritev ali potrdil, ki se jih lahko zahteva v skladu z ukrepi Unije glede blaga, ki ga sile Združenega kraljestva uvažajo ali izvažajo z otoka Ciper.

(2) Republika Ciper je odgovorna za upravljanje in izplačilo morebitnih sredstev Unije, do katerih so upravičene osebe iz suverenih con Združenega kraljestva zaradi uporabe skupne kmetijske politike v suverenih conah v skladu s 44. členom tega protokola, in Republika Ciper glede teh odhodkov odgovarja Komisiji.

(3) Ne glede na prvi in drugi odstavek tega člena lahko Združeno kraljestvo na pristojne organe Republike Ciper v skladu z aranžmaji, sklenjenimi na podlagi Pogodbe o ustanovitvi, prenese izvajanje dolžnosti držav članic, ki jim jih nalagajo določbe 43. do 46. člena tega protokola.

[1] UL L št. 149, z dne 5.7.1971, str. 2.

ARTICLE 45

Persons resident or employed in the territory of the Sovereign Base Areas who, under arrangements made pursuant to the Treaty of Establishment and the associated Exchange of Notes dated 16 August 1960, are subject to the social security legislation of the Republic of Cyprus shall be treated for the purposes of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community[1] as if they were resident or employed in the territory of the Republic of Cyprus.

ARTICLE 46

1. The Republic of Cyprus shall not be required to carry out checks on persons crossing its land and sea boundaries with the Sovereign Base Areas and any Union restrictions on the crossing of external borders shall not apply in relation to such persons.

2. The United Kingdom shall exercise controls on persons crossing the external borders of the Sovereign Base Areas in accordance with the undertakings set out in Part Four of the Annex to Protocol No 3 to the Act of Accession of 16 April 2003.

ARTICLE 47

The Council, on a proposal from the Commission, may, in order to ensure effective implementation of the objectives of this Title, adopt a European decision amending Articles 43 to 46, including the Annex to Protocol No 3 to the Act of Accession of 16 April 2003, or applying other provisions of the Constitution and Union acts to the Sovereign Base Areas on such terms and subject to such conditions as it may specify. The Council shall act unanimously. The Commission shall consult the United Kingdom and the Republic of Cyprus before bringing forward a proposal.

ARTICLE 48

1. Subject to paragraph 2, the United Kingdom shall be responsible for the implementation of this Title in the Sovereign Base Areas. In particular:

(a) the United Kingdom shall be responsible for the application of the Union measures specified in this Title in the fields of customs, indirect taxation and the common commercial policy in relation to goods entering or leaving the island of Cyprus through a port or airport within the Sovereign Base Areas;

(b) customs controls on goods imported into or exported from the island of Cyprus by the forces of the United Kingdom through a port or airport in the Republic of Cyprus may be carried out within the Sovereign Base Areas;

(c) the United Kingdom shall be responsible for issuing any licences, authorisations or certificates which may be required under any applicable Union measure in respect of goods imported into or exported from the island of Cyprus by the forces of the United Kingdom.

2. The Republic of Cyprus shall be responsible for the administration and payment of any Union funds to which persons in the Sovereign Base Areas may be entitled pursuant to the application of the common agricultural policy in the Sovereign Base Areas under Article 44, and the Republic of Cyprus shall be accountable to the Commission for such expenditure.

3. Without prejudice to paragraphs 1 and 2, the United Kingdom may delegate to the competent authorities of the Republic of Cyprus, in accordance with arrangements made pursuant to the Treaty of Establishment, the performance of any functions imposed on a Member State by or under any provision referred to in Articles 43 to 46.

[1] OJ L 149, 5.7.1971, p. 2.

(4) Združeno kraljestvo in Republika Ciper sodelujeta pri zagotavljanju učinkovitega izvajanja tega naslova v suverenih conah Združenega kraljestva in, če je to primerno, skleneta nadaljnje aranžmaje glede prenosa izvajanja katerih koli določb iz 43. do 46. člena tega protokola. Kopija takih aranžmajev se predloži Komisiji.

49. ČLEN

Edini namen ureditve iz tega naslova je ureditev posebnega položaja suverenih con Združenega kraljestva na Cipru. Ta ureditev se ne uporablja za druga ozemlja ter v svoji celoti ali s svojim delom ne sme predstavljati precedensa za druge posebne ureditve, ki že obstajajo ali bi se jih lahko predvidelo za kakšno drugo evropsko ozemlje iz IV-440. člena Ustave.

50. ČLEN

Komisija vsakih pet let od 1. maja 2004 poroča Evropskemu parlamentu in Svetu o izvajanju določb tega naslova.

51. ČLEN

Določbe tega naslova se uporabljajo v luči Izjave o suverenih conah Združenega kraljestva Velike Britanije in Severne Irske na Cipru, ki prevzema preambulo iz Protokola št. 3 Akta o pristopu z dne 16. aprila 2003 ne da bi s tem spreminjala njene pravne učinke.

IV. NASLOV

DOLOČBE O JEDRSKI ELEKTRARNI IGNALINA V LITVI

52. ČLEN

Ob priznavanju pripravljenosti Unije, da zagotovi zadostno dodatno pomoč naporom Litve za razgradnjo Jedrske elektrarne Ignalina, in ob poudarku tega izraza solidarnosti se je Litva zavezala, da pred letom 2005 zapre Enoto 1 Jedrske elektrarne Ignalina in do 31. decembra 2009 Enoto 2 te elektrarne ter ju nato razgradi.

53. ČLEN

(1) Med obdobjem 2004–2006 Unija zagotovi Litvi dodatno finančno pomoč v podporo njenim naporom za razgradnjo Jedrske elektrarne Ignalina in da se sooči s posledicami zaprtja in razgradnje te elektrarne (v nadaljevanju »načrt Ignalina«).

(2) Ukrepi iz načrta Ignalina se sprejmejo in izvajajo v skladu z določbami iz Uredbe Sveta (EGS) št. 3906/89 z dne 18. decembra 1989 o gospodarski pomoči nekaterim državam Srednje in Vzhodne Evrope[1].

(3) Načrt Ignalina med drugim vključuje: ukrepe v podporo razgradnji Jedrske elektrarne Ignalina; ukrepe za sanacijo okolja v skladu s pravnim redom Unije in posodobitev obstoječih zmogljivosti proizvodnje, ki so potrebne za nadomestitev proizvodnih zmogljivosti dveh reaktorjev Jedrske elektrarne Ignalina; in druge ukrepe, ki izvirajo iz odločitve o zaprtju in razgradnji te elektrarne in ki prispevajo k potrebnem prestrukturiranju, sanaciji okolja in posodobitvi proizvodnje energije in sektorjev prenosa in distribucije, kakor tudi k večji varnosti dobave energije in k izboljšanju energetske učinkovitosti v Litvi.

[1] UL L št. 375, z dne 23.12.1989, str. 11.

4. The United Kingdom and the Republic of Cyprus shall cooperate to ensure the effective implementation of this Title in the Sovereign Base Areas and, where appropriate, shall conclude further arrangements concerning the delegation of the implementation of any of the provisions referred to in Articles 43 to 46. A copy of any such arrangements shall be submitted to the Commission.

ARTICLE 49

The arrangements provided for in this Title shall have the sole purpose of regulating the particular situation of the Sovereign Base Areas of the United Kingdom in Cyprus and shall not apply to any other territory of the Union, nor serve as a precedent, in whole or in part, for any other special arrangements which either already exist or which might be set up in another European territory provided for in Article IV-440 of the Constitution.

ARTICLE 50

The Commission shall report to the European Parliament and the Council every five years as from 1 May 2004 on the implementation of the provisions of this Title.

ARTICLE 51

The provisions of this Title shall apply in the light of the Declaration on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus, which incorporates, without altering its legal effect, the wording of the preamble to Protocol No 3 to the Act of Accession of 16 April 2003.

TITLE IV

PROVISIONS ON THE IGNALINA NUCLEAR POWER PLANT IN LITHUANIA

ARTICLE 52

Acknowledging the readiness of the Union to provide adequate additional assistance to the efforts by Lithuania to decommission the Ignalina Nuclear Power Plant and highlighting this expression of solidarity, Lithuania has undertaken to close Unit 1 of the Ignalina Nuclear Power Plant before 2005 and Unit 2 of this plant by 31 December 2009 at the latest and subsequently decommission these units.

ARTICLE 53

1. During the period 2004-2006, the Union shall provide Lithuania with additional financial assistance in support of its efforts to decommission, and to address the consequences of the closure and decommissioning of, the Ignalina Nuclear Power Plant (hereinafter "the Ignalina Programme").

2. Measures under the Ignalina Programme shall be decided and implemented in accordance with the provisions laid down in Council Regulation (EEC) No 3906/89 of 18 December 1989 on economic aid to certain countries of Central and Eastern Europe[1].

3. The Ignalina Programme shall, inter alia, cover: measures in support of the decommissioning of the Ignalina Nuclear Power Plant; measures for the environmental upgrading in line with the *acquis* and modernisation measures of conventional production capacity to replace the production capacity of the two Ignalina Nuclear Power Plant reactors; and other measures which are consequential to the decision to close and decommission this plant and which contribute to the necessary restructuring, environmental upgrading and modernisation of the energy production, transmission and distribution sectors in Lithuania as well as to enhancing the security of energy supply and improving energy efficiency in Lithuania.

[1] OJ L 375, 23.12.1989, p. 11.

(4) Načrt Ignalina vključuje ukrepe, ki v obdobju pred zaprtjem in med razgradnjo omenjenih reaktorskih enot omogočajo podporo uslužbencem elektrarne, da se obdrži visoka raven varnosti obratovanja v Jedrski elektrarni Ignalina.

(5) V obdobju 2004 – 2006 bo načrt Ignalina znašal 285 milijonov eurov odobrenih pravic za prevzem obveznosti, ki se bodo odobrile v enakih letnih tranšah.

(6) Prispevek v skladu z načrtom Ignalina lahko za določene ukrepe znaša do 100% skupnih izdatkov. Storiti je treba vse potrebno, da se nadaljuje postopek sofinanciranja, ki je bil določen v predpristopni pomoči za litovske napore razgradnje, kakor tudi, da se pritegne sofinanciranje iz drugih virov, kjer je to ustrezno.

(7) Pomoč iz načrta Ignalina ali njeni deli se lahko dajo na razpolago kot prispevek Unije Mednarodnemu podpornemu skladu za razgradnjo Ignaline, ki ga upravlja Evropska banka za obnovo in razvoj.

(8) Javna pomoč iz nacionalnih, mednarodnih virov ali virov Unije:

a) za sanacijo okolja v skladu s pravnim redom Unije in ukrepi posodobitve litovske Termoelektrarne v kraju Elektrenai kot ključni nadomestitvi proizvodnih zmogljivosti dveh reaktorjev Jedrske elektrarne Ignalina in

b) za razgradnjo Jedrske elektrarne Ignalina je združljiva z notranjim trgom, kot to določa Ustava.

(9) Javna pomoč iz nacionalnih, mednarodnih virov ali virov Unije, ki je podpora litovskim naporom, da se soočijo s posledicami zaprtja in razgradnje Jedrske elektrarne Ignalina je lahko, od primera do primera, združljiva – v skladu z Ustavo – z notranjim trgom, še posebej javna pomoč dodeljena za večjo varnost dobave energije.

54. ČLEN

(1) Ob priznavanju, da je razgradnja Jedrske elektrarne Ignalina dolgoročne narave in predstavlja za Litvo izredno finančno breme, ki ni sorazmerno z njeno velikostjo in gospodarsko močjo, Unija v solidarnosti z Litvo, zagotovi zadostno dodatno pomoč za napore razgradnje po letu 2006.

(2) Načrt Ignalina v ta namen neprekinjeno poteka in se nadaljuje tudi po letu 2006. Izvedbene določbe za podaljšani načrt Ignalina se sprejmejo v skladu s postopkom iz 35. člena tega protokola in začnejo veljati najkasneje na dan izteka veljavnosti finančnega načrta, kot je opredeljen v Medinstitucionalnem sporazumu z dne 6. maja 1999.

(3) Načrt Ignalina, ki je podaljšan v skladu z določbami prejšnjega odstavka, temelji na istih elementih in načelih, kot so opisani v 53. členu tega protokola.

(4) Povprečna skupna sredstva, ki se odobrijo v obdobju naslednjega finančnega načrta za podaljšani načrt Ignalina, morajo biti zadostna. Načrtovanje teh virov je utemeljeno na dejanskih plačilih in absorpcijski sposobnosti.

55. ČLEN

Če je dobava energije v Litvi motena, se do 31. decembra 2012 ne glede na določbe 52. člena tega protokola uporablja splošna zaščitna klavzula iz 26. člena tega protokola.

56. ČLEN

Ta naslov se uporablja v luči Izjave o Jedrski elektrarni Ignalina v Litvi, ki prevzema preambulo iz Protokola št. 4 Akta o pristopu z dne 16. aprila 2003 ne da bi s tem spreminjala njene pravne učinke.

4. The Ignalina Programme shall include measures to support plant personnel in maintaining a high level of operational safety at the Ignalina Nuclear Power Plant in the periods prior to the closure and during the decommissioning of the said reactor units.

5. For the period 2004-2006 the Ignalina Programme shall amount to 285 million euro in commitment appropriations, to be committed in equal annual tranches.

6. The contribution under the Ignalina Programme may, for certain measures, amount to up to 100% of the total expenditure. Every effort should be made to continue the co-financing practice established under the pre-accession assistance for Lithuania's decommissioning effort as well as to attract co-financing from other sources, as appropriate.

7. The assistance under the Ignalina Programme, or parts thereof, may be made available as a Union contribution to the Ignalina International Decommissioning Support Fund, managed by the European Bank for Reconstruction and Development.

8. Public aid from national, Union and international sources:

(a) for the environmental upgrading in line with the *acquis* and modernisation measures of the Lithuanian Thermal Power Plant in Elektrenai as the key replacement for the production capacity of the two Ignalina Nuclear Power Plant reactors; and

(b) for the decommissioning of the Ignalina Nuclear Power Plant shall be compatible with the internal market as defined in the Constitution.

9. Public aid from national, Union and international sources in support of Lithuania's efforts to address the consequences of the closure and of the decommissioning of the Ignalina Nuclear Power Plant may, on a case by case basis, be considered to be compatible – under the Constitution – with the internal market, in particular public aid provided for enhancing the security of energy supply.

ARTICLE 54

1. Recognising that the decommissioning of the Ignalina Nuclear Power Plant is of a long-term nature and represents for Lithuania an exceptional financial burden not commensurate with its size and economic strength, the Union shall, in solidarity with Lithuania, provide adequate additional assistance to the decommissioning effort beyond 2006.

2. The Ignalina Programme shall be, for this purpose, seamlessly continued and extended beyond 2006. Implementing provisions for the extended Ignalina Programme shall be adopted in accordance with the procedure laid down in Article 35 of this Protocol and enter into force, at the latest, by the date of expiry of the Financial Perspective as defined in the Interinstitutional Agreement of 6 May 1999.

3. The Ignalina Programme, as extended in accordance with the provisions of paragraph 2, shall be based on the same elements and principles as described in Article 53.

4. For the period of the subsequent Financial Perspective, the overall average appropriations under the extended Ignalina Programme shall be appropriate. Programming of these resources will be based on actual payment needs and absorption capacity.

ARTICLE 55

Without prejudice to the provisions of Article 52, the general safeguard clause referred to in Article 26 shall apply until 31 December 2012 if energy supply is disrupted in Lithuania.

ARTICLE 56

This Title shall apply in the light of the Declaration on the Ignalina Nuclear Power Plant in Lithuania which incorporates, without altering its legal effect, the wording of the preamble to Protocol No 4 to the Act of Accession of 16 April 2003.

V. NASLOV

DOLOČBE O TRANZITU OSEB PO KOPNEM MED OBMOČJEM KALININGRADA IN DRUGIMI DELI RUSKE FEDERACIJE

57. ČLEN

Pravila in ureditve Unije o tranzitu oseb po kopnem med območjem Kaliningrada in drugimi deli Ruske federacije in še posebej Uredba Sveta (ES) št. 693/2003 z dne 14. aprila 2003 o ustanovitvi posebnega Poenostavljenega tranzitnega dokumenta (FTD), Poenostavljenega železniškega tranzitnega dokumenta (FRTD) in o spremembah Skupnih konzularnih navodil in Skupnega priročnika[1] same po sebi ne odložijo ali preprečijo polnega sodelovanja Litve v schengenskem pravnem redu, vključno z odstranitvijo kontrole na notranjih mejah.

58. ČLEN

Unija pomaga Litvi pri izvajanju pravil in ureditev za tranzit oseb med območjem Kaliningrada in ostalimi deli Ruske federacije, da bi Litva čim hitreje polno sodelovala v območju Schengna.

Unija Litvi pomaga pri upravljanju tranzita oseb med območjem Kaliningrada in drugimi deli Ruske federacije in zlasti nosi vse dodatne stroške, ki nastanejo z izvajanjem posebnih določb pravnega reda Unije o tem tranzitu.

59. ČLEN

Ne glede na suverene pravice Litve vsak nadaljnji akt o tranzitu oseb med območjem Kaliningrada in drugimi deli Ruske federacije sprejme Svet na predlog Komisije. Svet odloča soglasno.

60. ČLEN

Ta naslov se uporablja v luči Izjave o tranzitu oseb po kopnem med območjem Kaliningrada in drugimi deli Ruske federacije, ki prevzema preambulo iz Protokola št. 5 Akta o pristopu z dne 16. aprila 2003 ne da bi s tem spreminjala njene pravne učinke.

VI. NASLOV

DOLOČBE O PRIDOBITVI SEKUNDARNIH PREBIVALIŠČ NA MALTI

61. ČLEN

Ob upoštevanju zelo omejenega števila prebivališč na Malti in velike omejenosti razpoložljivih zazidljivih zemljišč, ki zadostujejo le za zadovoljitev osnovnih potreb izhajajočih iz demografskega razvoja sedanjih prebivalcev, lahko Malta na podlagi nediskriminacije ohrani v veljavi pravila iz Zakona o nepremičnem premoženju (pridobitev s strani nerezidentov) (Poglavje 246) glede pridobitve in posesti nepremičnin za sekundarna prebivališča s strani državljanov držav članic, ki so na Malti zakonito prebivali manj kot pet let.

Malta uporablja postopek dovoljenja za pridobitev nepremičnin na Malti za sekundarna prebivališča, ki temelji na objavljenih, objektivnih, trajnih in preglednih merilih. Ta merila se uporabljajo nediskriminatorno in ne razlikujejo med državljani Malte in drugih držav članic. Malta zagotavlja, da se državljanov držav članic v nobenem primeru ne obravnava bolj restriktivno od državljanov tretjih držav.

[1] UL L št. 99, z dne 17.4.2003, str. 8.

TITLE V

PROVISIONS ON THE TRANSIT OF PERSONS BY LAND BETWEEN THE REGION OF KALININGRAD AND OTHER PARTS OF THE RUSSIAN FEDERATION

ARTICLE 57

The Union rules and arrangements on transit of persons by land between the region of Kaliningrad and other parts of the Russian Federation, and in particular the Council Regulation (EC) No 693/2003 of 14 April 2003 establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual[1], shall not in themselves delay or prevent the full participation of Lithuania in the Schengen *acquis*, including the removal of internal border controls.

ARTICLE 58

The Union shall assist Lithuania in implementing the rules and arrangements for the transit of persons between the region of Kaliningrad and the other parts of the Russian Federation with a view to Lithuania's full participation in the Schengen area as soon as possible.

The Union shall assist Lithuania in managing the transit of persons between the region of Kaliningrad and the other parts of the Russian Federation and shall, notably, bear any additional costs incurred by implementing the specific provisions of the *acquis* provided for such transit.

ARTICLE 59

Without prejudice to the sovereign rights of Lithuania, any further act concerning the transit of persons between the region of Kaliningrad and other parts of the Russian Federation shall be adopted by the Council on a proposal from the Commission. The Council shall act unanimously.

ARTICLE 60

This Title shall apply in the light of the Declaration on the transit of persons by land between the region of Kaliningrad and other parts of the Russian Federation, which incorporates, without altering its legal affect, the wording of the preamble to Protocol No 5 to the Act of Accession of 16 April 2003.

TITLE VI

PROVISIONS ON THE ACQUISITION OF SECONDARY RESIDENCES IN MALTA

ARTICLE 61

Bearing in mind the very limited number of residences in Malta and the very limited land available for construction purposes, which can only cover the basic needs created by the demographic development of the present residents, Malta may on a non-discriminatory basis maintain in force the rules on the acquisition and holding of immovable property for secondary residence purposes by nationals of the Member States who have not legally resided in Malta for at least five years laid down in the Immovable Property (Acquisition by Non-Residents) Act (Chapter 246).

Malta shall apply authorisation procedures for the acquisition of immovable property for secondary residence purposes in Malta, which shall be based on published, objective, stable and transparent criteria. These criteria shall be applied in a non-discriminatory manner and shall not differentiate between nationals of Malta and of other Member States. Malta shall ensure that in no instance shall a national of a Member State be treated in a more restrictive way than a national of a third country.

[1] OJ L 99, 17.4.2003, p. 8.

Dovoljenje se dá v primeru, da vrednost posamične nepremičnine, ki jo je kupil državljan države članice, presega prage iz malteške zakonodaje, t.j. 30 000 malteških lir za stanovanja ter 50.000 malteških lir za druge vrste nepremičnin (razen stanovanj in nepremičnin zgodovinskega pomena). Malta lahko prage iz te zakonodaje spremeni tako, da odražajo spremembe cen na nepremičninskem trgu na Malti.

In the event that the value of one such property bought by a national of a Member State exceeds the thresholds provided for in Malta's legislation, namely 30 000 Maltese lira for apartments and 50 000 Maltese lira for any type of property other than apartments and property of historical importance, authorisation shall be granted. Malta may revise the thresholds established by such legislation to reflect changes in prices in the property market in Malta.

VII. NASLOV

DOLOČBE O SPLAVU NA MALTI

62. ČLEN

Nobena določba iz Pogodbe o Ustavi za Evropo ali iz pogodb in aktov, ki jo spreminjajo ali prilagajajo, ne vpliva na uporabo nacionalne zakonodaje o splavu na ozemlju Malte.

TITLE VII

PROVISIONS ON ABORTION IN MALTA

ARTICLE 62

Nothing in the Treaty establishing a Constitution for Europe or in the Treaties and Acts modifying or supplementing it shall affect the application in the territory of Malta of national legislation relating to abortion.

VIII. NASLOV

DOLOČBE O PRESTRUKTURIRANJU POLJSKE JEKLARSKE INDUSTRIJE

63. ČLEN

(1) Ne glede na III-167. in III-168. člen Ustave se državna pomoč, ki jo je podelila Poljska v namene prestrukturiranja določenim delom poljske jeklarske industrije, šteje za združljivo z notranjim trgom, pod pogojem, da:

a) se obdobje iz člena 8(4) Protokola 2 o proizvodih ESPJ k Evropskemu sporazumu o pridružitvi med Evropskimi skupnostmi in njihovimi državami članicami na eni strani in Poljsko na drugi strani[1] podaljša do 1. maja 2004;

b) se v celotnem obdobju 2002-2006 spoštuje pogoje, ki so določeni v načrtu za prestrukturiranje, na podlagi katerega je bila veljavnost zgornjega protokola podaljšana;

c) so izpolnjeni pogoji, ki so določeni v tem naslovu in

d) se poljski jeklarski industriji od 1. maja 2004 ne izplača nobene državne pomoči za prestrukturiranje.

(2) Prestrukturiranje poljskega jeklarskega sektorja, kot je opisano v posameznih poslovnih načrtih podjetij, ki so našteta v Prilogi 1 k Protokolu št. 8 Akta o pristopu z dne 16. aprila 2003 (v nadaljevanju »upravičena podjetja«), in skladno s pogoji iz tega naslova se konča najkasneje 31. decembra 2006 (v nadaljnjem besedilu »konec obdobja prestrukturiranja«).

(3) Le upravičena podjetja so upravičena do državne pomoči v okviru poljskega programa za prestrukturiranje jeklarstva.

(4) Upravičeno podjetje ne sme:

a) v primeru združitve s podjetjem, ki ni vključeno v Prilogo 1 k Protokolu št. 8 Akta o pristopu z dne 16. aprila 2003, prenesti koristi od pomoči, ki je bila podeljena upravičenemu podjetju;

b) prevzeti sredstev podjetja, ki ni vključeno v Prilogo 1 k Protokolu št. 8 Akta o pristopu z dne 16. aprila 2003 in ki je v obdobju do 31. decembra 2006 v stečaju.

(5) Vsaka naknadna privatizacija kateregakoli upravičenega podjetja se izvede ob upoštevanju potrebe po transparentnosti in spoštuje pogoje in načela o rentabilnosti, državnih pomočeh in zmanjšanju zmogljivosti, ki so opredeljeni v tem naslovu. S prodajo podjetja ali posamičnih sredstev se ne podeli nobene nadaljnje državne pomoči.

[1] UL L št. 348, z dne 31.12.1993, str. 2.

TITLE VIII

PROVISIONS ON THE RESTRUCTURING OF THE POLISH STEEL INDUSTRY

ARTICLE 63

1. Notwithstanding Articles III-167 and III-168 of the Constitution, State aid granted by Poland for restructuring purposes to specified parts of the Polish steel industry shall be deemed to be compatible with the internal market provided that:

(a) the period provided for in Article 8(4) of Protocol 2 on ECSC products to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Poland, of the other part[1], has been extended until 1 May 2004,

(b) the terms set out in the restructuring plan, on the basis of which the abovementioned Protocol was extended are adhered to throughout the period 2002-2006,

(c) the conditions set out in this Title are met, and

(d) no State aid for restructuring is to be paid to the Polish steel industry after 1 May 2004.

2. Restructuring of the Polish steel sector, as described in the individual business plans of the companies listed in Annex 1 to Protocol No 8 to the Act of Accession of 16 April 2003 (hereinafter referred to as "benefiting companies"), and in line with the conditions set out in this Title, shall be completed no later than 31 December 2006 (hereinafter referred to as "the end of the restructuring period").

3. Only benefiting companies shall be eligible for State aid in the framework of the Polish steel restructuring programme.

4. A benefiting company may not:

(a) in the case of a merger with a company not included in Annex 1 to Protocol No 8 to the Act of Accession of 16 April 2003, pass on the benefit of the aid granted to the benefiting company;

(b) take over the assets of any company not included in Annex 1 to Protocol No 8 to the Act of Accession of 16 April 2003 which is declared bankrupt in the period up to 31 December 2006.

5. Any subsequent privatisation of any of the benefiting companies shall take place on a basis that respects the need for transparency and shall respect the conditions and principles regarding viability, State aids and capacity reduction defined in this Title. No further State aid shall be granted as part of the sale of any company or individual assets.

[1] OJ L 348, 31.12.1993, p. 2.

(6) Pomoč za prestrukturiranje, ki se podeli upravičenim podjetjem, se določi z utemeljitvami v odobrenem poljskem načrtu za prestrukturiranje jeklarstva in v posamičnih poslovnih načrtih, kakor jih je odobril Svet. V nobenem primeru pa izplačana pomoč v obdobju 1997-2003 in njen skupni znesek ne presegajo 3 387 070 000 PLN.

Od te skupne vsote:

a) glede Polskie Huty Stali (v nadaljnjem besedilu »PHS«) že dodeljena pomoč za prestrukturiranje ali pomoč, ki še bo podeljena, od leta 1997 do konca leta 2003 ne presega 3.140.360.000 PLN. V obdobju 1997-2001 je PHS prejel že 62 360 000 PLN pomoči za prestrukturiranje; v letih 2002 in 2003 v odvisnosti od zahtev iz odobrenega načrta za prestrukturiranje prejme nadaljnjo pomoč za prestrukturiranje, ki ne preseže 3 078 000 000 PLN (ki se v celoti izplača v letu 2002, če je podaljšanje obdobja spregleda iz Protokola 2 Evropskega sporazuma o pridružitvi med Evropskimi skupnostmi in njihovimi državami članicami na eni strani in Poljsko na drugi strani odobreno do konca leta 2002, oziroma v letu 2003);

b) glede Huta Andrzej S.A., Huta Bankowa Sp. z o.o., Huta Batory S.A., Huta Buczek S.A., Huta L. W. Sp. z o.o., Huta Łabędy S.A. in Huta Pokój S.A. (v nadaljnjem besedilu »druga upravičena podjetja«) že dodeljena pomoč za prestrukturiranje ali pomoč, ki bo še podeljena, od leta 1997 do konca leta 2003 ne presega 246 710 000 PLN. Ta podjetja so v obdobju 1997-2001 že prejela 37 160 000 PLN pomoči za prestrukturiranje; v odvisnosti od zahtev iz odobrenega načrta za prestrukturiranje prejmejo nadaljnjo pomoč za prestrukturiranje, ki ne preseže 210 210 000 PLN (od katerih 182 170 000 PLN v letu 2002 in 27 380 000 PLN v letu 2003, če je podaljšanje obdobja spregleda iz Protokola 2 Evropskega sporazuma o pridružitvi med Evropskimi skupnostmi in njihovimi državami članicami na eni strani in Poljsko na drugi strani odobreno do konca leta 2002, oziroma drugače 210 210 000 PLN v letu 2003).

Poljska svoji jeklarski industriji v namene prestrukturiranja ne podeli nobenih nadaljnjih pomoči.

(7) Neto zmanjšanje zmogljivosti, ki ga doseže Poljska za končne proizvode v obdobju 1997-2006 je najmanj 1 231 000 ton. Ta skupna vsota vključuje neto zmanjšanje zmogljivosti za najmanj 715 000 ton letno za vroče valjane izdelke in 716 000 ton letno za hladno valjane izdelke ter povečanje največ 200 000 ton letno za druge končne proizvode.

Zmanjšanje zmogljivosti se meri le na podlagi trajnega zapiranja proizvodnih zmogljivosti s takim fizičnim uničenjem, da njihovo delovanje ni več mogoče. Stečaj jeklarskega podjetja se ne šteje za zmanjšanje zmogljivosti.

Neto zmanjšanja zmogljivosti iz Priloge 2 Protokola št. 8 Akta o pristopu z dne 16. aprila 2003 so najmanjša zmanjšanja in dejanska neto zmanjšanja, ki jih je treba doseči, in njihovi časovni okviri se določijo na podlagi poljskega dokončnega programa prestrukturiranja in posamičnih poslovnih načrtov v okviru Evropskega sporazuma o pridružitvi med Evropskimi skupnostmi in njihovimi državami članicami na eni strani in Poljsko na drugi strani, ob upoštevanju cilja do 31. decembra 2006 zagotoviti rentabilnost upravičenih podjetij.

(8) Izvede se poslovni načrt za upravičeno podjetje PHS, predvsem:

a) prizadevanja za prestrukturiranje se osredotočijo na naslednje:

1. reorganiziranje proizvodne zmogljivosti PHS po izdelkih in zagotovitev funkcionalne horizontalne organizacije (nabava, proizvodnja, prodaja);

2. vzpostavitev poenotene poslovodne strukture PHS, kar bo omogočilo popolni izkoristek sinergij v postopku konsolidacije;

3. razvoj strateške osredotočenosti PHS od proizvodno naravnane v tržno naravnano;

6. The restructuring aid granted to the benefiting companies shall be determined by the justifications set out in the approved Polish steel restructuring plan and individual business plans as approved by the Council. But, in any case, the aid paid out in the period of 1997-2003 in its total amount shall not exceed PLN 3 387 070 000.

Of this total figure:

(a) as regards Polskie Huty Stali (hereinafter referred to as "PHS"), the restructuring aid already granted or to be granted from 1997 until the end of 2003 shall not exceed PLN 3 140 360 000. PHS has already received PLN 62 360 000 of restructuring aid in the period 1997-2001; it shall receive further restructuring aid of no more than PLN 3 078 000 000 in 2002 and 2003 depending on the requirements set out in the approved restructuring plan (to be entirely paid out in 2002 if the extension of the grace period under Protocol 2 of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Poland, of the other part, is granted by the end of 2002, or otherwise in 2003);

(b) as regards Huta Andrzej S.A., Huta Bankowa Sp. z o.o., Huta Batory S.A., Huta Buczek S.A., Huta L. W. Sp. z o.o., Huta Łabędy S.A., and Huta Pokój S.A. (hereinafter referred to as "other benefiting companies"), the steel restructuring aid already granted or to be granted from 1997 until the end of 2003 shall not exceed PLN 246 710 000. These firms have already received PLN 37 160 000 of restructuring aid in the period 1997-2001; they shall receive further restructuring aid of no more than PLN 210 210 000 depending on the requirements set out in the approved restructuring plan (of which PLN 182 170 000 in 2002 and PLN 27 380 000 in 2003 if the extension of the grace period under Protocol 2 of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Poland, of the other part, is granted by the end of 2002, or otherwise PLN 210 210 000 in 2003).

No further State aid shall be granted by Poland for restructuring purposes to the Polish steel industry.

7. The net capacity reduction to be achieved by Poland for finished products during the period 1997-2006 shall be a minimum of 1 231 000 tonnes. This overall amount includes net capacity reductions of at least 715 000 tpy in hot-rolled products and 716 000 tpy in cold-rolled products, as well as an increase of at most 200 000 tpy of other finished products.

Capacity reduction shall be measured only on the basis of permanent closure of production facilities by physical destruction such that the facilities cannot be restored to service. A declaration of bankruptcy of a steel company shall not qualify as capacity reduction.

The net capacity reductions shown in Annex 2 to Protocol No 8 to the Act of Accession of 16 April 2003 are minima and actual net capacity reductions to be achieved and the time frame for doing so shall be established on the basis of Poland's final restructuring programme and individual business plans under the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Poland, of the other part, taking into account the objective to ensure the viability of benefiting companies as at 31 December 2006.

8. The business plan for the benefiting company PHS shall be implemented. In particular:

(a) restructuring efforts shall concentrate on the following:

(i) reorganising PHS production facilities on a product basis and ensuring horizontal organisation by function (purchasing, production, sales),

(ii) establishing in PHS a unified management structure enabling full realisation of synergies in the consolidation,

(iii) evolving the strategic focus of PHS from being production-oriented to being marketing-oriented,

4. izboljšava učinkovitosti in uspešnosti poslovnega upravljanja PHS in zagotovitev boljšega nadzora neposredne prodaje;

5. PHS na podlagi zdravih gospodarskih razlogov ponovno pregleda strategijo oddeljenih (spin-off) podjetij in, če je to primerno, storitve ponovno integrira v matično podjetje;

6. PHS spremeni svojo ponudbo, zmanjša presežne zmogljivosti za dolge vmesne proizvode in se nasploh preusmeri na trge proizvodov z višjo dodano vrednostjo;

7. PHS investira, da bi dosegel boljšo kakovost končnih izdelkov; posebna pozornost se posveti doseganju kakovosti 3-Sigma v obratu PHS v Krakovu do datuma iz časovnega razporeda za izvajanje programa za prestrukturiranje PHS in najkasneje do konca leta 2006;

b) v obdobju prestrukturiranja PHS maksimizira prihranke stroškov s povečanjem energetske učinkovitosti, z izboljšano nabavo in z zagotavljanjem ravni produktivnosti, ki je primerljiva z ravnijo v Uniji;

c) izvede se prestrukturiranje zaposlovanja; do 31. decembra 2006 se na podlagi konsolidiranih podatkov, ki vključujejo posredno zaposlenost v storitvenih podjetjih v popolni lasti, doseže ravni produktivnosti, primerljive s tistimi, ki jih dosegajo jeklarske skupine v Uniji;

d) vsaka privatizacija se izvede ob spoštovanju potrebe po transparentnosti in v celoti upošteva tržno vrednost PHS. S prodajo se ne podeli nobene nadaljnje državne pomoči.

(9) Izvede se poslovni načrt za druga upravičena podjetja, predvsem:

a) za vsa druga upravičena podjetja se napori za prestrukturiranje osredotočijo na naslednje:

1. razvoj strateške usmeritve od proizvodno naravnane v tržno naravnano;

2. izboljšava učinkovitosti in uspešnosti poslovnega upravljanja podjetij in zagotovitev boljšega nadzora neposredne prodaje;

3. ponovni pregled strategije oddeljenih (spin-off) podjetij na podlagi zdravih gospodarskih razlogov in, če je to primerno, ponovna integracija storitev v matična podjetja;

b) glede Huta Bankowa se izvede program za zmanjševanje stroškov;

c) glede Huta Buczek se pridobi potrebna finančna pomoč posojilodajalcev in lokalnih finančnih institucij in se izvede program za zmanjševanje stroškov, vključno z zmanjšanjem stroškov naložb s prilagoditvijo obstoječih proizvodnih zmogljivosti;

d) glede Huta Łabędy se izvede program za zmanjševanje stroškov in zmanjša odvisnost od rudarske industrije;

e) glede Huta Pokój v hčerinskih podjetjih se doseže mednarodne standarde produktivnosti, prihranke pri porabi energije in se odreče predlaganim investicijam v oddelku za predelavo in konstrukcijo;

f) glede Huta Batory se doseže sporazum o reprogramiranju vračila dolgov in investicijskih posojilih s posojilodajalci in finančnimi institucijami. Podjetje prav tako zagotovi znatno dodatno zmanjšanje stroškov, povezano s prestrukturiranjem zaposlovanja in izboljšanjem donosov;

g) glede Huta Andrzej se z izpogajanjem sporazuma med trenutnimi posojilodajalci podjetja, dolgoročnimi posojilodajalci, komercialnimi posojilodajalci in finančnimi institucijami zagotovi trdne finančne osnove za njegov razvoj. Izvesti je treba dodatne investicije v valjarno in program zmanjšanja osebja;

h) glede Huta L. W. se izvede investicije v zvezi s projektom podjetja glede valjarn, z dvižno opremo in z okoljevarstvenim ugledom. Podjetje prav tako doseže s prestrukturiranjem zaposlovanja in zmanjšanjem stroškov za zunanje storitve višje ravni produktivnosti.

(iv) improving the efficiency and effectiveness of PHS business management and also ensuring better control of direct sales,

(v) PHS reviewing, on the basis of sound economic considerations, the strategy of spin-off companies and, where appropriate, reintegrating services into the parent company,

(vi) PHS reviewing its product mix, reducing over-capacity on long semi-finished products and generally moving further into the higher value-added product market,

(vii) PHS investing in order to achieve a higher quality of finished products; special attention shall be given to attaining by the date set in the timetable for the implementation of the PHS restructuring programme and at the latest by the end of 2006 3-Sigma production quality level at the PHS site in Kraków;

(b) cost savings shall be maximised in PHS during the restructuring period through energy efficiency gains, improved purchasing and ensuring productivity yields comparable to Union levels;

(c) employment restructuring shall be implemented; levels of productivity comparable to those obtained by Union steel industry product groups shall be reached as at 31 December 2006, based on consolidated figures including indirect employment in the wholly owned service companies;

(d) any privatisation shall be on a basis that respects the need for transparency and fully respects the commercial value of PHS. No further State aid shall be granted as part of the sale.

9. The business plan for the other benefiting companies shall be implemented. In particular:

(a) for all of the other benefiting companies, restructuring efforts shall concentrate on the following:

(i) evolving the strategic focus from being production-oriented to being marketing-oriented,

(ii) improving the efficiency and effectiveness of the companies' business management and also ensuring better control of direct sales,

(iii) reviewing, on the basis of sound economic considerations, the strategy of spin-off companies and, where appropriate, reintegrating services into the parent companies;

(b) for Huta Bankowa, implementing the cost savings programme;

(c) for Huta Buczek, obtaining the necessary financial support from creditors and local financial institutions and implementing the cost savings programme, including reducing the investment cost by adapting existing production facilities;

(d) for Huta Łabędy, implementing the cost savings programme and reducing reliance on the mining industry;

(e) for Huta Pokój, achieving international productivity standards in the subsidiaries, implementing energy consumption savings and cancelling the proposed investment in the processing and construction department;

(f) for Huta Batory, reaching agreement with creditors and financial institutions on debt rescheduling and investment loans. The company shall also ensure substantial additional cost savings associated with employment restructuring and improved yields;

(g) for Huta Andrzej, securing a stable financial base for its development by negotiating an agreement between the company's current lenders, long-term creditors, trade creditors and financial institutions. Additional investments in the hot tube mill as well as the implementation of the staff reduction programme must take place;

(h) for Huta L. W., carrying out investments in relation to the company's hot-rolling mills project, lifting equipment, and environmental standing. This company shall also achieve higher productivity levels, through staff restructuring and reducing the costs of external services.

(10) Z vsemi naknadnimi spremembami v splošnem načrtu za prestrukturiranje in v posamičnih načrtih se mora strinjati Komisija in, kadar je to primerno, tudi Svet.

(11) Prestrukturiranje se izvede v pogojih popolne preglednosti in na podlagi načel zdravega tržnega gospodarstva.

(12) Komisija in Svet pred in po 1. maju 2004 do konca obdobja prestrukturiranja v skladu s trinajstim do osemnajstim odstavkom tega člena natančno spremljata izvajanje prestrukturiranja in izpolnjevanje pogojev iz tega naslova o rentabilnosti, državnih pomočeh in zmanjšanju zmogljivosti. V ta namen Komisija poroča Svetu.

(13) Poleg spremljanja državnih pomoči Komisija in Svet spremljata kazalce prestrukturiranja iz Priloge 3 Protokola št. 8 Akta o pristopu z dne 16. aprila 2003. Sklicevanja na odstavek 14 Protokola v tej prilogi se štejejo za sklicevanja na štirinajsti odstavek tega člena.

(14) Spremljanje vključuje neodvisno ocenjevanje, ki se izvede v letih 2003, 2004, 2005 in 2006. Uporabi se Komisijin preizkus rentabilnosti in kot del ocenjevanja se meri produktivnost.

(15) Poljska v celoti spoštuje vse ureditve za spremljanje, predvsem:

a) Poljska Komisiji najkasneje do 15. marca in 15. septembra v vsakem letu do konca obdobja prestrukturiranja predloži šestmesečna poročila o prestrukturiranju upravičenih podjetij;

b) če Komisija ne odloči drugače, prvo poročilo prispe v Komisijo do 15. marca 2003 in zadnje poročilo do 15. marca 2007;

c) Poročila vsebujejo vse podatke, ki so potrebni za spremljanje procesa prestrukturiranja, za spremljanje državnih pomoči ter za spremljanje zmanjševanja in uporabe zmogljivosti, in zagotavljajo zadostne finančne podatke, ki omogočajo oceno, ali so izpolnjeni pogoji in zahteve, ki jih vsebuje ta naslov. Poročila vsebujejo vsaj podatke iz Priloge 4 Protokola št. 8 Akta o pristopu z dne 16. aprila 2003, za katere si Komisija pridržuje pravico spremembe skladno z izkušnjami, ki jih je pridobila v procesu spremljanja. V Prilogi 4 Protokola št. 8 Akta o pristopu z dne 16. aprila 2003 se sklicevanje na odstavek 14 Protokola šteje za sklicevanje na štirinajsti odstavek tega člena. Poleg posamičnih poslovnih poročil upravičenih podjetij se pripravi tudi poročilo o splošnem položaju poljskega jeklarskega sektorja, vključno z zadnjim makroekonomskim razvojem;

d) Poljska mora prav tako priskrbeti vse dodatne informacije, ki so potrebne za neodvisno ocenjevanje iz prejšnjega odstavka;

e) Poljska zahteva od upravičenih podjetij, da razkrijejo vse ustrezne podatke, ki bi se v drugih okoliščinah lahko šteli za zaupne. V svojem poročanju Svetu Komisija zagotovi, da se ne razkrije zaupnih informacij, ki zadevajo posamezna podjetja.

(16) Komisija lahko kadar koli pooblasti neodvisnega svetovalca, da oceni rezultate spremljanja, izvede potrebne preiskave in poroča Komisiji in Svetu.

(17) Če Komisija na podlagi spremljanja ugotovi, da je prišlo do znatnih odstopanj od finančnih podatkov, na katerih je bila narejena ocena rentabilnosti, lahko od Poljske zahteva, da sprejme ustrezne ukrepe za okrepitev ali spremembo ukrepov za prestrukturiranje zadevnih upravičenih podjetij.

(18) Če spremljanje pokaže:

a) da pogoji za prehodne ureditve iz tega naslova niso bili izpolnjeni ali

10. Any subsequent changes in the overall restructuring plan and the individual plans must be agreed by the Commission and, where appropriate, by the Council.

11. The implementation of the restructuring shall take place under conditions of full transparency and on the basis of sound market economy principles.

12. The Commission and the Council shall closely monitor the implementation of the restructuring and the fulfilment of the conditions set out in this Title concerning viability, State aid and capacity reductions before and after 1 May 2004, until the end of the restructuring period, in accordance with paragraphs 13 to 18. For this purpose the Commission shall report to the Council.

13. In addition to the monitoring of State aid, the Commission and the Council shall monitor the restructuring benchmarks set out in Annex 3 to Protocol No 8 to the Act of Accession of 16 April 2003. References made in that Annex to paragraph 14 of the Protocol shall be construed as being made to paragraph 14 of this Article.

14. Monitoring shall include an independent evaluation to be carried out in 2003, 2004, 2005 and 2006. The Commission's viability test shall be applied and productivity shall be measured as part of the evaluation.

15. Poland shall cooperate fully with all the arrangements for monitoring. In particular:

(a) Poland shall supply the Commission with six-monthly reports concerning the restructuring of the benefiting companies, no later than 15 March and 15 September of each year, until the end of the restructuring period;

(b) the first report shall reach the Commission by 15 March 2003 and the last report by 15 March 2007, unless the Commission decides otherwise;

(c) the reports shall contain all the information necessary to monitor the restructuring process, the State aid and the reduction and use of capacity and shall provide sufficient financial data to allow an assessment to be made of whether the conditions and requirements contained in this Title have been fulfilled. The reports shall at the least contain the information set out in Annex 4 to Protocol No 8 to the Act of Accession of 16 April 2003, which the Commission reserves the right to modify in line with its experiences during the monitoring process. In Annex 4 to Protocol No 8 to the Act of Accession of 16 April 2003, the reference to paragraph 14 of the Protocol shall be construed as being to paragraph 14 of this Article. In addition to the individual business reports of the benefiting companies there shall also be a report on the overall situation of the Polish steel sector, including recent macroeconomic developments;

(d) all additional information necessary for the independent evaluation provided for in paragraph 14 must, furthermore, be provided by Poland;

(e) Poland shall oblige the benefiting companies to disclose all relevant data which might, under other circumstances, be considered as confidential. In its reporting to the Council, the Commission shall ensure that company-specific confidential information is not disclosed.

16. The Commission may at any time decide to mandate an independent consultant to evaluate the monitoring results, undertake any research necessary and report to the Commission and the Council.

17. If the Commission establishes, on the basis of the monitoring, that substantial deviations from the financial data on which the viability assessment has been made have occurred, it may require Poland to take appropriate measures to reinforce or modify the restructuring measures of the benefiting companies concerned.

18. Should the monitoring show that:

(a) the conditions for the transitional arrangements contained in this Title have not been fulfilled, or that

b) da obveznosti, prevzete v okviru podaljšanja obdobja, v katerem lahko Poljska izjemoma podeli državno pomoč za prestrukturiranje svoje jeklarske industrije v skladu z Evropskim sporazumom o pridružitvi med Evropskimi skupnostmi in njihovimi državami članicami na eni strani in Poljsko na drugi strani, niso bile izpolnjene, ali

c) da je Poljska v obdobju prestrukturiranja jeklarski industriji in predvsem upravičenim podjetjem podelila dodatne nezdružljive državne pomoči,

prehodne ureditve iz tega naslova ne veljajo.

Komisija naredi vse potrebno, da se od zadevnih podjetij zahteva povrnitev vseh pomoči, ki so bile podeljene s kršenjem pogojev iz tega naslova.

IX. NASLOV

DOLOČBE O ENOTI 1 IN ENOTI 2 JEDRSKE ELEKTRARNE BOHUNICE V1 NA SLOVAŠKEM

64. ČLEN

Slovaška se je zavezala, da bo najkasneje do 31. decembra 2006 zaprla Enoto 1 Jedrske elektrarne Bohunice V1 in do 31. decembra 2008 Enoto 2 te elektrarne in ju nato razgradila.

65. ČLEN

(1) Med obdobjem 2004 – 2006 Unija zagotovi Slovaški finančno pomoč v podporo njenim naporom za razgradnjo in soočenje s posledicami zaprtja in razgradnje Enote 1 in Enote 2 Jedrske elektrarne Bohunice V1 (v nadaljevanju »pomoč«).

(2) Pomoč se določi in izvaja v skladu z določbami iz Uredbe Sveta (EGS) št. 3906/89 z dne 18. decembra 1989 o gospodarski pomoči nekaterim državam Srednje in Vzhodne Evrope[1].

(3) V obdobju 2004 – 2006 pomoč znaša 90 milijonov eurov odobrenih pravic za prevzem obveznosti, ki se bodo odobrile v enakih letnih tranšah.

(4) Pomoč ali njeni deli se lahko dajo na razpolago kot prispevek Unije k Mednarodnemu podpornemu skladu za razgradnjo jedrske elektrarne Bohunice, ki ga upravlja Evropska banka za obnovo in razvoj.

66. ČLEN

Unija priznava, da se mora razgradnja Jedrske elektrarne Bohunice V1 nadaljevati preko finančnega načrta, določenega v Medinstitucionalnem sporazumu z dne 6. maja 1999, in da to prizadevanje predstavlja Slovaški znatno finančno breme. Odločitev o nadaljevanju pomoči Unije po letu 2006 na tem področju bo upoštevala to stanje.

67. ČLEN

Določbe tega naslova se uporabljajo v luči Izjave o Enoti 1 in Enoti 2 Jedrske elektrarne Bohunice V1 na Slovaškem, ki prevzema preambulo iz Protokola št. 9 Akta o pristopu z dne 16. aprila 2003 ne da bi s tem spreminjala njene pravne učinke.

[1] UL L št. 375, z dne 23.12.1989, str. 11.

(b) the commitments made in the framework of the extension of the period during which Poland may exceptionally grant State support for the restructuring of its steel industry under the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Poland, of the other part, have not been fulfilled, or that

(c) Poland in the course of the restructuring period has granted additional incompatible State aid to the steel industry and to the benefiting companies in particular,

the transitional arrangements contained in this Title shall not have effect.

The Commission shall take appropriate steps requiring any company concerned to reimburse any aid granted in breach of the conditions laid down in this Title.

TITLE IX

PROVISIONS ON UNIT 1 AND UNIT 2 OF THE BOHUNICE V1 NUCLEAR POWER PLANT IN SLOVAKIA

ARTICLE 64

Slovakia has undertaken to close Unit 1 of the Bohunice V1 Nuclear Power Plant by 31 December 2006 at the latest and Unit 2 of this plant by 31 December 2008 at the latest and subsequently decommission these units.

ARTICLE 65

1. During the period 2004-2006, the Union shall provide Slovakia with financial assistance in support of its efforts to decommission, and to address the consequences of the closure and decommissioning of, Unit 1 and Unit 2 of the Bohunice V1 Nuclear Power Plant (hereinafter referred to as "the Assistance").

2. The Assistance shall be decided and implemented in accordance with the provisions laid down in Council Regulation (EEC) No 3906/89 of 18 December 1989 on economic aid to certain countries of Central and Eastern Europe[1].

3. For the period 2004-2006 the Assistance shall amount to 90 million euro in commitment appropriations, to be committed in equal annual tranches.

4. The Assistance or parts thereof may be made available as a Union contribution to the Bohunice International Decommissioning Support Fund, managed by the European Bank for Reconstruction and Development.

ARTICLE 66

The Union acknowledges that the decommissioning of the Bohunice V1 Nuclear Power plant must continue beyond the Financial Perspective as defined in the Interinstitutional Agreement of 6 May 1999, and that this effort represents for Slovakia a significant financial burden. Decisions on the continuation of Union assistance in this field after 2006 will take the situation into account.

ARTICLE 67

The provisions of this Title shall apply in the light of the Declaration on Unit 1 and Unit 2 of the Bohunice V1 Nuclear Power Plant in Slovakia which incorporates, without altering its legal effect, the wording of the preamble to Protocol No 9 to the Act of Accession of 16 April 2003.

[1] OJ L 375, 23.12.1989, p. 11.

X. NASLOV

DOLOČBE O CIPRU

68. ČLEN

(1) Uporaba pravnega reda Skupnosti in Unije se odloži na tistih območjih Republike Ciper, ki niso pod dejanskim nadzorom Vlade Republike Ciper.

(2) Svet na podlagi predloga Komisije odloči o umiku odložitve iz prejšnjega odstavka. Svet odloča soglasno.

69. ČLEN

(1) Svet na podlagi predloga Komisije opredeli pogoje, pod katerimi se določbe prava Unije uporabljajo za črto med območji iz prejšnjega člena in območji, ki so pod dejanskim nadzorom Vlade Republike Ciper. Svet odloča soglasno.

(2) Meja med Vzhodno suvereno cono in območji iz prejšnjega člena se za namene Dela IV Priloge k Protokolu št. 3 Akta o pristopu z dne 16. aprila 2003 o suverenih conah Združenega kraljestva Velike Britanije in Severne Irske na Cipru v času trajanja odložitve uporabe pravnega reda Skupnosti in Unije v skladu s prejšnjim členom obravnava kot del zunanjih meja suverenih con.

70. ČLEN

(1) Nobena določba tega naslova ne izključuje ukrepov za spodbujanje gospodarskega razvoja območij iz 68. člena tega protokola.

(2) Ti ukrepi ne vplivajo na uporabo pravnega reda Skupnosti in Unije pod pogoji, določenimi v tem protokolu, v drugih delih Republike Ciper.

71. ČLEN

V primeru rešitve ciprskega vprašanja Svet na podlagi predloga Komisije odloči o prilagoditvah pogojev pristopa Cipra k Uniji z ozirom na turško ciprsko skupnost. Svet odloča soglasno.

72. ČLEN

Določbe tega naslova se uporabljajo v luči Izjave o Cipru, ki prevzema preambulo iz Protokola št. 10 Akta o pristopu z dne 16. aprila 2003 ne da bi s tem spreminjala njene pravne učinke.

TRETJI DEL

DOLOČBE O PRILOGAH K AKTU O PRISTOPU Z DNE 16. APRILA 2003

73. ČLEN

Priloge I in III do XVII k Aktu o pristopu z dne 16. aprila 2003, njihovi dodatki in priloge k Protokolom 2, 3 in 8 Akta o pristopu z dne 16. aprila 2003[1] so sestavni del tega protokola.

74. ČLEN

(1) Sklicevanja v prilogah iz 73. člena tega protokola na »Pristopno pogodbo« se štejejo za sklicevanja na Pogodbo iz točke e), drugega odstavka člena IV-437. Ustave, sklicevanja na dan ali čas podpisa te pogodbe se štejejo za sklicevanja na 16. april 2003 in sklicevanja na dan pristopa se štejejo za sklicevanja na 1. maj 2004.

[1] Slovenska posebna izdaja UL, Posebna številka z dne 23.9.2003, str. 33.

TITLE X

PROVISIONS ON CYPRUS

ARTICLE 68

1. The application of the Community and Union *acquis* shall be suspended in those areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.

2. The Council, on the basis of a proposal from the Commission, shall decide on the withdrawal of the suspension referred to in paragraph 1. It shall act unanimously.

ARTICLE 69

1. The Council, on the basis of a proposal from the Commission, shall define the terms under which the provisions of Union law shall apply to the line between those areas referred to in Article 68 and the areas in which the Government of the Republic of Cyprus exercises effective control. The Council shall act unanimously.

2. The boundary between the Eastern Sovereign Base Area and those areas referred to in Article 68 shall be treated as part of the external borders of the Sovereign Base Areas for the purpose of Part Four of the Annex to Protocol No 3 to the Act of Accession of 16 April 2003 on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus for the duration of the suspension of the application of the Community and Union *acquis* according to Article 68.

ARTICLE 70

1. Nothing in this Title shall preclude measures with a view to promoting the economic development of the areas referred to in Article 68.

2. Such measures shall not affect the application of the Community and Union *acquis* under the conditions set out in this Protocol in any other part of the Republic of Cyprus.

ARTICLE 71

In the event of settlement of the Cyprus problem, the Council, on the basis of a proposal from the Commission, shall decide on the adaptations to the terms concerning the accession of Cyprus to the Union with regard to the Turkish Cypriot Community. The Council shall act unanimously.

ARTICLE 72

This Title shall apply in the light of the declaration on Cyprus which incorporates, without altering its legal effect, the wording of the preamble to Protocol No 10 to the Act of Accession of 16 April 2003.

PART THREE

PROVISIONS ON THE ANNEXES TO THE ACT OF ACCESSION OF 16 APRIL 2003

ARTICLE 73

Annex I and Annexes III to XVII to the Act of Accession of 16 April 2003, their appendices, and the Annexes to Protocols 2, 3 and 8 to the Act of Accession of 16 April 2003[1] form an integral part of this Protocol.

ARTICLE 74

1. The references made to the "Treaty of Accession" in the Annexes referred to in Article 73 of this Protocol shall be construed as being made to the Treaty referred to in Article IV-437(2)(e) of the Constitution, those made to the date or time of signing of that Treaty shall be construed as being made to 16 April 2003 and those made to the date of accession shall be construed as being made to 1 May 2004.

[1] OJ L 236, 23.9.2003, p. 33.

(2) Ne glede na drugi pododstavek tega odstavka se sklicevanja v prilogah iz prejšnjega člena na »ta akt« štejejo za sklicevanja na Akt o pristopu z dne 16. aprila 2003.

Sklicevanja v prilogah iz prejšnjega člena na določbe Akta o pristopu z dne 16. aprila 2003 se štejejo za sklicevanja na ta protokol v skladu z naslednjo korelacijsko tabelo:

Akt o pristopu z dne 16. aprila 2003	Protokol
Člen 21	Člen 12
Člen 22	Člen 13
Člen 24	Člen 15
Člen 32	Člen 21
Člen 37	Člen 26
Člen 52	Člen 32

(3) Spodaj navedeni izrazi, ki se pojavljajo v prilogah iz prejšnjega člena, imajo pomen iz naslednje korelacijske tabele, razen če se nanašajo izključno na pravne situacije pred začetkom veljavnosti Ustave.

Izrazi, uporabljeni v prilogah iz 73. člena	Pomen
Pogodba o ustanovitvi Evropske skupnosti	Ustava
Pogodba o Evropski uniji	Ustava
Pogodbe, na katerih temelji Evropska unija	Ustava
(Evropska) Skupnost	Unija
razširjena Skupnost	Unija
Skupnosti	Unija
EU	Unija
razširjena Unija ali razširjena EU	Unija

Ne glede na prejšnji pododstavek ostaja pomen izraza »Skupnosti«, kadar se pojavlja v povezavi s »prednostno obravnavo« in »ribištvom«, nespremenjen.

(4) Sklicevanja v prilogah iz prejšnjega člena na dele ali določbe Pogodbe o ustanovitvi Evropske skupnosti se štejejo za sklicevanja na dele ali določbe Ustave v skladu z naslednjo korelacijsko tabelo:

Pogodba ES	Ustava
Tretji del, Naslov I	3. oddelek I. poglavja III. naslova III. dela
Tretji del, Naslov I, Poglavje 1	1. pododdelek 3. oddelka I. poglavja III. naslova III. dela
Tretji del, Naslov II	4. oddelek III. poglavja III. naslova III. dela
Tretji del, Naslov III	2. in 4. oddelek I. poglavja III. naslova III dela
Tretji del, Naslova VI, Poglavje 1	5. oddelek I. poglavja III. naslova III. dela
Člen 31	III-155. člen
Člen 39	III-133. člen
Člen 49	III-144. člen
Člen 58	III-158. člen
Člen 87	III-167. člen
Člen 88	III-168. člen
Člen 226	III-360. člen
Priloga I	Priloga I

(5) Kjer je v prilogah iz prejšnjega člena določeno, da Svet ali Komisija sprejemata pravne akte, se ti akti sprejmejo v obliki evropskih uredb ali sklepov.

2. Without prejudice to the second subparagraph, the references made to "this Act" in the Annexes referred to in Article 73 of this Protocol shall be construed as being made to the Act of Accession of 16 April 2003.

The references made to the provisions of the Act of Accession of 16 April 2003 in the Annexes referred to in Article 73 of this Protocol shall be construed as being made to this Protocol, in accordance with the following table of equivalence.

Act of Accession of 16 April 2003	Protocol
Article 21	Article 12
Article 22	Article 13
Article 24	Article 15
Article 32	Article 21
Article 37	Article 26
Article 52	Article 32

3. The expressions, which appear in the Annexes referred to in Article 73, shall be construed as having the meaning assigned to them in the following table of equivalence, unless they refer exclusively to legal situations preceding the entry into force of the Treaty establishing a Constitution for Europe.

Expressions used in the Annexes	Meaning
Treaty establishing the European Community	Constitution
Treaty on European Union	Constitution
Treaties on which the European Union is founded	Constitution
(European) Community	Union
Enlarged Community	Union
Community	Union
EU	Union
Enlarged Union or enlarged EU	Union

By way of derogation from the first subparagraph, the meaning of the expression "Community" where it is used to qualify the terms "preference" and "fisheries" shall remain unchanged.

4. The references made to parts or to provisions of the Treaty establishing the European Community in the Annexes referred to in Article 73 of this Protocol shall be construed as being made to parts or to provisions of the Constitution, in accordance with the following table of equivalence.

EC Treaty	Constitution
Part Three, Title I	Part III, Title III, Chapter I, Section 3
Part Three, Title I, Chapter 1	Part III, Title III, Chapter I, Section 3 Sub-Section 1
Part Three, Title II	Part III, Title III, Chapter III, Section 4
Part Three, Title III	Part III, Title III, Chapter I, Sections 2 and 4
Part Three, Title VI, Chapter 1	Part III, Title III, Chapter I, Section 5
Article 31	Article III-155
Article 39	Article III-133
Article 49	Article III-144
Article 58	Article III-158
Article 87	Article III-167
Article 88	Article III-168
Article 226	Article III-360
Annex I	Annex I

5. Where the Annexes referred to in Article 73 of this Protocol provide that the Council or the Commission shall adopt legal acts, those acts shall take the form of European regulations or decisions.

10. PROTOKOL O POSTOPKU V ZVEZI S ČEZMERNIM PRIMANJKLJAJEM

VISOKE POGODBENICE SO SE –

Z ŽELJO določiti podrobnosti postopka v zvezi s čezmernim primanjkljajem iz III-184. člena Ustave –

DOGOVORILE o naslednjih določbah, ki so priloga k Pogodbi o Ustavi za Evropo:

1. ČLEN

Referenčne vrednosti iz drugega odstavka III-184. člena Ustave so:

a) 3% za razmerje med načrtovanim ali dejanskim javnofinančnim primanjkljajem in bruto domačim proizvodom po tržnih cenah;

b) 60% za razmerje med javnim dolgom in bruto domačim proizvodom po tržnih cenah.

2. ČLEN

Za namene III-184. člena Ustave in tega protokola:

a) »javni« pomeni državo v širšem smislu, to so institucionalne enote centralne, regionalne ali lokalne ravni države in skladi socialnega zavarovanja razen trgovinskih dejavnosti, kakor je opredeljeno v Evropskem sistemu integriranih gospodarskih računov;

b) »primanjkljaj« pomeni neto zadolževanje, kakor je opredeljeno v Evropskem sistemu integriranih gospodarskih računov;

c) »investicija« pomeni bruto povečanje trajnih sredstev, kakor je opredeljeno v Evropskem sistemu integriranih gospodarskih računov;

d) »dolg« pomeni stanje skupnega bruto dolga v nominalni vrednosti ob koncu leta, potem ko je konsolidiran med sektorji države v širšem smislu in znotraj njih, kakor je opredeljeno v točki a) tega člena.

3. ČLEN

Da bi zagotovili učinkovitost postopka v zvezi s čezmernim primanjkljajem, so po tem postopku vlade držav članic odgovorne za primanjkljaj sektorja države v širšem smislu, kakor je opredeljena v točki a) prejšnjega člena. Države članice zagotovijo, da jim nacionalni postopki na proračunskem področju omogočajo izpolnjevanje obveznosti, ki na tem področju izhajajo iz Ustave. Države članice redno in brez odlašanja poročajo Komisiji o načrtovanih in dejanskih primanjkljajih ter o ravni dolga.

4. ČLEN

Statistične podatke za uporabo tega protokola zagotovi Komisija.

10. PROTOCOL ON THE EXCESSIVE DEFICIT PROCEDURE

THE HIGH CONTRACTING PARTIES,

DESIRING to lay down the details of the excessive deficit procedure referred to in Article III-184 of the Constitution,

HAVE AGREED upon the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe:

ARTICLE 1

The reference values referred to in Article III-184(2) of the Constitution are:

(a) 3% for the ratio of the planned or actual government deficit to gross domestic product at market prices;

(b) 60% for the ratio of government debt to gross domestic product at market prices.

ARTICLE 2

For the purposes of Article III-184 of the Constitution and of this Protocol:

(a) "government" means general government, that is central government, regional or local government and social security funds, to the exclusion of commercial operations, as defined in the European System of Integrated Economic Accounts;

(b) "deficit" means net borrowing as defined in the European System of Integrated Economic Accounts;

(c) "investment" means gross fixed capital formation as defined in the European System of Integrated Economic Accounts;

(d) "debt" means total gross debt at nominal value outstanding at the end of the year and consolidated between and within the sectors of general government as defined in point (a).

ARTICLE 3

In order to ensure the effectiveness of the excessive deficit procedure, the governments of the Member States shall be responsible under this procedure for the deficits of general government as defined in Article 2(a). The Member States shall ensure that national procedures in the budgetary area enable them to meet their obligations in this area deriving from the Constitution. The Member States shall report their planned and actual deficits and the levels of their debt promptly and regularly to the Commission.

ARTICLE 4

The statistical data to be used for the application of this Protocol shall be provided by the Commission.

11. PROTOKOL O KONVERGENČNIH KRITERIJIH

VISOKE POGODBENICE SO SE –

Z ŽELJO določiti podrobnosti konvergenčnih kriterijev, ki vodijo Unijo pri sprejemanju odločitev iz III-198. člena Ustave za prenehanje posebnih ureditev za države članice s posebno ureditvijo –

DOGOVORILE o naslednjih določbah, ki so priloga k Pogodbi o Ustavi za Evropo:

1. ČLEN

Kriterij stabilnosti cen iz točke a) prvega odstavka III-198. člena Ustave pomeni, da ima zadevna država članica trajno stabilne cene in povprečno stopnjo inflacije, zabeleženo v enem letu pred pregledom, ki ne presega za več kakor 1,5-odstotne točke stopnje inflacije največ treh držav članic z najboljšimi doseženimi rezultati glede stabilnosti cen. Višina inflacije se izračuna z uporabo indeksa cen življenjskih potrebščin na primerljivi osnovi, upoštevaje razlike v definicijah posameznih držav.

2. ČLEN

Kriterij proračunskega stanja iz točke b) prvega odstavka III-198. člena Ustave pomeni, da v času pregleda za zadevno državo članico ne velja evropski sklep Sveta iz šestega odstavka III-184. člena Ustave o obstoju čezmernega primanjkljaja.

3. ČLEN

Kriterij sodelovanja v mehanizmu deviznega tečaja evropskega monetarnega sistema iz točke c) prvega odstavka III-198. člena Ustave pomeni, da je zadevna država članica upoštevala normalne meje nihanja, predvidene z mehanizmom deviznega tečaja evropskega monetarnega sistema brez hujših napetosti vsaj zadnji dve leti pred pregledom. Država članica v tem času zlasti ni na lastno pobudo devalvirala dvostranskega osrednjega tečaja svoje valute glede na euro.

4. ČLEN

Kriterij konvergence obrestnih mer iz točke d) prvega odstavka III-198. člena Ustave pomeni, da ima zadevna država članica v enem letu pred pregledom tako povprečno dolgoročno nominalno obrestno mero, ki ne presega za več kakor 2 odstotni točki dolgoročne obrestne mere v največ treh državah članicah z najboljšimi doseženimi rezultati glede stabilnosti cen. Obrestne mere se izračunajo na podlagi dolgoročnih državnih obveznic ali primerljivih vrednostnih papirjev, upoštevaje razlike v definicijah posameznih držav.

5. ČLEN

Statistične podatke za uporabo tega protokola zagotovi Komisija.

6. ČLEN

Svet na predlog Komisije in po posvetovanju z Evropskim parlamentom, Evropsko centralno banko ter Ekonomsko-finančnim odborom iz III-192. člena Ustave soglasno sprejme ustrezne določbe, s katerimi podrobno opredeli konvergenčna merila iz III-198. člena Ustave, ki nato nadomestijo ta protokol.

11. PROTOCOL ON THE CONVERGENCE CRITERIA

THE HIGH CONTRACTING PARTIES,

DESIRING to lay down the details of the convergence criteria which shall guide the Union in taking decisions referred to in Article III-198 of the Constitution to end the derogations of those Member States with a derogation,

HAVE AGREED upon the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe:

ARTICLE 1

The criterion on price stability referred to in Article III-198(1)(a) of the Constitution shall mean that the Member State concerned has a price performance that is sustainable and an average rate of inflation, observed over a period of one year before the examination, that does not exceed by more than 1,5 percentage points that of, at most, the three best performing Member States in terms of price stability. Inflation shall be measured by means of the consumer price index on a comparable basis, taking into account differences in national definitions.

ARTICLE 2

The criterion on the government budgetary position referred to in Article III-198(1)(b) of the Constitution shall mean that at the time of the examination the Member State concerned is not the subject of a European decision of the Council under Article III-184(6) of the Constitution that an excessive deficit exists.

ARTICLE 3

The criterion on participation in the exchange-rate mechanism of the European Monetary System referred to in Article III-198(1)(c) of the Constitution shall mean that the Member State concerned has respected the normal fluctuation margins provided for by the exchange-rate mechanism of the European Monetary System without severe tensions for at least the last two years before the examination. In particular, the Member State shall not have devalued its currency's bilateral central rate against the euro on its own initiative for the same period.

ARTICLE 4

The criterion on the convergence of interest rates referred to in Article III-198(1)(d) of the Constitution shall mean that, observed over a period of one year before the examination, the Member State concerned has had an average nominal long-term interest rate that does not exceed by more than 2 percentage points that of, at most, the three best performing Member States in terms of price stability. Interest rates shall be measured on the basis of long-term government bonds or comparable securities, taking into account differences in national definitions.

ARTICLE 5

The statistical data to be used for the application of this Protocol shall be provided by the Commission.

ARTICLE 6

The Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament, the European Central Bank, and the Economic and Financial Committee referred to in Article III-192 of the Constitution, adopt appropriate provisions to lay down the details of the convergence criteria referred to in Article III-198 of the Constitution, which shall then replace this Protocol.

12. PROTOKOL O EUROSKUPINI

VISOKE POGODBENICE SO SE –

V ŽELJI spodbujati pogoje za hitrejšo gospodarsko rast v Evropski uniji in v ta namen razvijati vse tesnejše usklajevanje ekonomskih politik na euroobmočju;

ZAVEDAJOČ SE potrebe po sprejetju posebnih določb za okrepljen dialog med državami članicami, katerih valuta je euro, dokler euro ne postane valuta vseh držav članic Unije –

DOGOVORILE o naslednjih določbah, ki so priložene Pogodbi o Ustavi za Evropo:

1. ČLEN

Ministri držav članic, katerih valuta je euro, se sestajajo neuradno. Ti sestanki se skličejo po potrebi, da se razpravlja o vprašanjih, povezanih s posebnimi odgovornostmi, ki jih delijo v zvezi z enotno valuto. Komisija sodeluje na sestankih. Evropska centralna banka je povabljena, da sodeluje na sestankih, ki jih pripravijo predstavniki ministrov, odgovornih za finance držav članic, katerih valuta je euro, in Komisija.

2. ČLEN

Ministri držav članic, katerih valuta je euro, izvolijo predsednika za dve leti in pol z večino teh držav članic.

12. PROTOCOL ON THE EURO GROUP

THE HIGH CONTRACTING PARTIES,

DESIRING to promote conditions for stronger economic growth in the European Union and, to that end, to develop ever-closer coordination of economic policies within the euro area,

CONSCIOUS of the need to lay down special provisions for enhanced dialogue between the Member States whose currency is the euro, pending the euro becoming the currency of all Member States of the Union,

HAVE AGREED upon the following provisions, which are annexed to the Treaty establishing a Constitution for Europe:

ARTICLE 1

The Ministers of the Member States whose currency is the euro shall meet informally. Such meetings shall take place, when necessary, to discuss questions related to the specific responsibilities they share with regard to the single currency. The Commission shall take part in the meetings. The European Central Bank shall be invited to take part in such meetings, which shall be prepared by the representatives of the Ministers with responsibility for finance of the Member States whose currency is the euro and of the Commission.

ARTICLE 2

The Ministers of the Member States whose currency is the euro shall elect a president for two and a half years, by a majority of those Member States.

13. PROTOKOL
O NEKATERIH DOLOČBAH, KI SE NANAŠAJO NA ZDRUŽENO KRALJESTVO VELIKE BRITANIJE IN SEVERNE IRSKE GLEDE EKONOMSKE IN MONETARNE UNIJE

VISOKE POGODBENICE SO SE –

OB SPOZNANJU, da Združeno kraljestvo ni primorano niti zavezano sprejeti eura, če njegova vlada in parlament o tem ne sprejmeta posebne odločitve,

OB DEJSTVU, da je vlada Združenega kraljestva 16. oktobra 1996 in 30. oktobra 1997 uradno obvestila Svet, da ne namerava sodelovati v tretji fazi ekonomske in monetarne unije pod pogoji iz prvega odstavka Protokola o nekaterih določbah, ki se nanašajo na Združeno kraljestvo Velike Britanije in Severne Irske, ki je priloga k Pogodbi o ustanovitvi Evropske skupnosti,

OB UPOŠTEVANJU prakse vlade Združenega kraljestva, da financira svoje zadolževanje s prodajo dolga zasebnemu sektorju –

DOGOVORILE o naslednjih določbah, ki so priloga k Pogodbi o Ustavi za Evropo:

1. ČLEN

Združeno kraljestvo ni obvezano sprejeti eura, razen če Sveta uradno ne obvesti o tem namenu.

2. ČLEN

Za Združeno kraljestvo se, ob upoštevanju obvestila, ki ga je vlada Združenega kraljestva dala Svetu 16. oktobra 1996 in 30. oktobra 1997, uporabljajo 3. do 8. člen in 10. člen tega protokola.

3. ČLEN

Združeno kraljestvo ohrani svoje pristojnosti na področju monetarne politike v skladu z nacionalnim pravom.

4. ČLEN

Za Združeno kraljestvo se ne uporabljajo drugi odstavek I-30. člena, razen njegovega prvega in zadnjega stavka, peti odstavek I-30. člena, drugi odstavek III-177. člena, prvi, deveti in deseti odstavek III-184. člena, prvi do peti odstavek III-185. člena, III-186., III-188., III-189., III-190., III-191., III-196. člen, tretji odstavek III-198. člena, III-326. in III-382. člen Ustave. Drugi odstavek III-179. člena Ustave se ne uporablja za Združeno kraljestvo glede sprejetja delov širših ekonomsko-političnih smernic, ki se na splošno nanašajo na euro območje.

V določbah iz prejšnjega odstavka sklicevanje na Unijo ali države članice ne vključuje Združenega kraljestva, sklicevanje na nacionalne centralne banke pa ne vključuje Bank of England.

5. ČLEN

Združeno kraljestvo si prizadeva, da bi se izognilo čezmernemu javnofinančnemu primanjkljaju.

Četrti odstavek III-192. člena in III-200. člen Ustave se za Združeno kraljestvo uporabljata, kakor da bi zanj veljala posebna ireditev. Za Združeno kraljestvo se še naprej uporabljata III-201. in III-202. člen Ustave.

6. ČLEN

Glasovalna pravica Združenega kraljestva za sprejemanje ukrepov Sveta iz členov, navedenih v 4. členu tega protokola in v primerih navedenih v prvem pododstavku četrtega odstavka III-197. člena Ustave, miruje. V ta namen se uporabljata drugi in tretji pododstavek četrtega odstavka III-197. člena Ustave.

13. PROTOCOL
ON CERTAIN PROVISIONS RELATING TO THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AS REGARDS ECONOMIC AND MONETARY UNION

THE HIGH CONTRACTING PARTIES,

RECOGNISING that the United Kingdom shall not be obliged or committed to adopt the euro without a separate decision to do so by its government and Parliament;

GIVEN that on 16 October 1996 and 30 October 1997 the United Kingdom government notified the Council of its intention not to participate in the third stage of economic and monetary union, under the terms of paragraph 1 of the Protocol on certain provisions relating to the United Kingdom of Great Britain and Northern Ireland, annexed to the Treaty establishing the European Community;

NOTING the practice of the government of the United Kingdom to fund its borrowing requirement by the sale of debt to the private sector,

HAVE AGREED upon the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe:

ARTICLE 1

Unless the United Kingdom notifies the Council that it intends to adopt the euro, it shall be under no obligation to do so.

ARTICLE 2

In view of the notice given to the Council by the United Kingdom government on 16 October 1996 and 30 October 1997, Articles 3 to 8 and 10 shall apply to the United Kingdom.

ARTICLE 3

The United Kingdom shall retain its powers in the field of monetary policy according to national law.

ARTICLE 4

Articles I-30(2), with the exception of the first and last sentences thereof, I-30(5), III-177, second paragraph, III-184(1), (9) and (10), III-185(1) to (5), III-186, III-188, III-189, III-190, III-191, III-196, III-198(3), III-326 and III-382 of the Constitution shall not apply to the United Kingdom. The same applies to Article III-179(2) of the Constitution as regards the adoption of the parts of the broad economic policy guidelines which concern the euro area generally.

In the provisions referred to in the first paragraph, references to the Union or the Member States shall not include the United Kingdom and references to national central banks shall not include the Bank of England.

ARTICLE 5

The United Kingdom shall endeavour to avoid an excessive government deficit.

Articles III-192(4) and III-200 of the Constitution shall apply to the United Kingdom as if it had a derogation. Articles III-201 and III-202 of the Constitution shall continue to apply to the United Kingdom.

ARTICLE 6

The voting rights of the United Kingdom shall be suspended for the adoption by the Council of the measures referred to in the Articles listed in Article 4 and in the instances referred to in the first subparagraph of Article III-197(4) of the Constitution. For this purpose the second and third subparagraphs of Article III-197(4) of the Constitution shall apply.

Združeno kraljestvo tudi nima pravice sodelovati pri imenovanju predsednika, podpredsednika in drugih članov izvršilnega odbora Evropske centralne banke iz drugega, tretjega in četrtega pododstavka drugega odstavka III-382. člena Ustave.

7. ČLEN

Za Združeno kraljestvo se ne uporabljajo 3., 4., 6., 7. člen, drugi odstavek 9. člena, prvi, drugi in tretji odstavek 10. člena, drugi odstavek 11. člena, prvi odstavek 12. člena, 14., 16., 18. do 20., 22., 23., 26., 27., 30. do 34. in 50. člen Protokola o Statutu Evropskega sistema centralnih bank in Evropske centralne banke (»Statut«).

V teh členih sklicevanje na Unijo ali države članice ne vključuje Združenega kraljestva, sklicevanje na nacionalne centralne banke ali delničarje pa ne vključuje Bank of England.

Sklicevanje na »vpisani kapital Evropske centralne banke« v tretjem odstavku 10. člena in drugem odstavku 30. člena Statuta ne vključuje vpisanega kapitala Bank of England.

8. ČLEN

III-199. člen Ustave in 43. do 47. člen Statuta veljajo ne glede na to, ali obstaja država članica s posebno ureditvijo, ob upoštevanju naslednjih sprememb:

a) Sklicevanje na naloge Evropske centralne banke in Evropskega monetarnega inštituta v 43. členu Statuta vključuje tiste naloge, ki jih je še treba opraviti po uvedbi eura, če bi se Združeno kraljestvo odločilo, da ne sprejme eura.

b) Poleg nalog iz 46. člena Statuta Evropska centralna banka tudi svetuje in sodeluje pri pripravi vseh evropskih uredb ali evropskih sklepov glede Združenega kraljestva, ki jih Svet sprejme v skladu z točko a) in c) 9. člena tega protokola.

c) Bank of England vplača svoj delež vpisanega kapitala v Evropsko centralno banko kot prispevek za stroške poslovanja na enaki podlagi kakor nacionalne centralne banke držav članic s posebno ureditvijo.

9. ČLEN

Združeno kraljestvo lahko kadar koli uradno obvesti Svet o svoji nameri, da sprejme euro. V takem primeru velja naslednje:

a) Združeno kraljestvo ima pravico sprejeti euro le, če izpolnjuje potrebne pogoje. Svet na zahtevo Združenega kraljestva ter pod pogoji in v skladu s postopkom iz prvega in drugega odstavka III-198. člena Ustave odloči, ali so potrebni pogoji izpolnjeni.

b) Bank of England vplača svoj vpisani kapital, prenese na Evropsko centralno banko devizne rezerve in prispeva v njene rezerve na enaki podlagi kakor nacionalna centralna banka države članice, katere posebna ureditev je bila odpravljena.

c) Pod pogoji in v skladu s postopkom iz tretjega odstavka III-198. člena Ustave Svet sprejme vse druge odločitve, ki so potrebni, da se Združenemu kraljestvu omogoči sprejetje eura.

Če Združeno kraljestvo sprejme euro skladno z določbami tega člena, se 3. do 8. člen tega protokola prenehajo uporabljati.

10. ČLEN

Ne glede na III-181. člen Ustave in prvi odstavek 21. člena Statuta lahko vlada Združenega kraljestva ohrani svoj način zbiranja proračunskih sredstev »Ways and Means« pri Bank of England, če in dokler Združeno kraljestvo ne sprejme eura.

The United Kingdom shall also have no right to participate in the appointment of the President, the Vice-President and the other members of the Executive Board of the European Central Bank under the second, third and fourth subparagraphs of Article III-382(2) of the Constitution.

ARTICLE 7

Articles 3, 4, 6, 7, 9(2), 10(1), (2) and (3), 11(2), 12(1), 14, 16, 18, 19, 20, 22, 23, 26, 27, 30, 31, 32, 33, 34 and 50 of the Protocol on the Statute of the European System of Central Banks and of the European Central Bank (the "Statute") shall not apply to the United Kingdom.

In those Articles, references to the Union or the Member States shall not include the United Kingdom and references to national central banks or shareholders shall not include the Bank of England.

References in Articles 10(3) and 30(2) of the Statute to "subscribed capital of the European Central Bank" shall not include capital subscribed by the Bank of England.

ARTICLE 8

Article III-199 of the Constitution and Articles 43 to 47 of the Statute shall have effect, whether or not there is any Member State with a derogation, subject to the following amendments:

(a) References in Article 43 of the Statute to the tasks of the European Central Bank and the European Monetary Institute shall include those tasks that still need to be performed after the introduction of the euro owing to the decision of the United Kingdom not to adopt the euro.

(b) In addition to the tasks referred to in Article 46 of the Statute, the European Central Bank shall also give advice in relation to and contribute to the preparation of any European regulation or any European decision of the Council with regard to the United Kingdom taken in accordance with Article 9(a) and (c) of this Protocol.

(c) The Bank of England shall pay up its subscription to the capital of the European Central Bank as a contribution to its operational costs on the same basis as national central banks of Member States with a derogation.

ARTICLE 9

The United Kingdom may notify the Council at any time of its intention to adopt the euro. In that event:

(a) The United Kingdom shall have the right to adopt the euro provided only that it satisfies the necessary conditions. The Council, acting at the request of the United Kingdom and under the conditions and in accordance with the procedure laid down in Article III-198(1) and (2) of the Constitution, shall decide whether it fulfils the necessary conditions.

(b) The Bank of England shall pay up its subscribed capital, transfer to the European Central Bank foreign reserve assets and contribute to its reserves on the same basis as the national central bank of a Member State whose derogation has been abrogated.

(c) The Council, acting under the conditions and in accordance with the procedure laid down in Article III-198(3) of the Constitution, shall take all other necessary decisions to enable the United Kingdom to adopt the euro.

If the United Kingdom adopts the euro pursuant to the provisions of this Article, Articles 3 to 8 shall cease to have effect.

ARTICLE 10

Notwithstanding Article III-181 of the Constitution and Article 21(1) of the Statute, the Government of the United Kingdom may maintain its "ways and means" facility with the Bank of England if and so long as the United Kingdom does not adopt the euro.

---

14. PROTOKOL
O NEKATERIH DOLOČBAH, KI SE NANAŠAJO NA DANSKO, GLEDE EKONOMSKE IN MONETARNE UNIJE

VISOKE POGODBENICE SO SE –

OB UPOŠTEVANJU, da ustava Danske vsebuje določbe, po katerih bi na Danskem lahko razpisali referendum preden se ta država odpove svoji posebni ureditvi,

OB DEJSTVU, da je vlada Danske 3. novembra 1993 uradno obvestila Svet, da ne namerava sodelovati v tretji fazi ekonomske in monetarne unije pod pogoji iz prvega odstavka Protokola o nekaterih določbah, ki se nanašajo na Dansko, ki je priloga k Pogodbi o ustanovitvi Evropske skupnosti –

DOGOVORILE o naslednjih določbah, ki so priloga k Pogodbi o Ustavi za Evropo:

1. ČLEN

Ob upoštevanju obvestila, ki ga je vlada Danske dala Svetu 3. novembra 1993, za Dansko velja posebna ureditev. Posebna ureditev učinkuje tako, da se za Dansko uporabljajo vse določbe Ustave in Statuta Evropskega sistema centralnih bank in Evropske centralne banke, v katerih je navedena posebna ureditev.

2. ČLEN

Kar zadeva odpravo posebne ureditve, se sproži postopek iz III-198. člena Ustave le na zahtevo Danske.

3. ČLEN

Z odpravo posebne ureditve se določbe tega protokola prenehajo uporabljati.

14. PROTOCOL
ON CERTAIN PROVISIONS RELATING TO DENMARK AS REGARDS ECONOMIC AND MONETARY UNION

THE HIGH CONTRACTING PARTIES,

TAKING INTO ACCOUNT that the Danish Constitution contains provisions which may imply a referendum in Denmark prior to Denmark renouncing its exemption;

GIVEN THAT, on 3 November 1993, the Danish Government notified the Council of its intention not to participate in the third stage of economic and monetary union, under the terms of paragraph 1 of the Protocol on certain provisions relating to Denmark, annexed to the Treaty establishing the European Community,

HAVE AGREED upon the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe:

ARTICLE 1

In view of the notice given to the Council by the Danish Government on 3 November 1993, Denmark shall have an exemption. The effect of the exemption shall be that all provisions of the Constitution and the Statute of the European System of Central Banks and the European Central Bank referring to a derogation shall be applicable to Denmark.

ARTICLE 2

As for the abrogation of the exemption, the procedure referred to in Article III-198 of the Constitution shall only be initiated at the request of Denmark.

ARTICLE 3

In the event of abrogation of the exemption status, the provisions of this Protocol shall cease to apply.

15. PROTOKOL O NEKATERIH NALOGAH NACIONALNE BANKE DANSKE

VISOKE POGODBENICE SO SE –

Z ŽELJO urediti nekatere posebne probleme, ki se nanašajo na Dansko –

DOGOVORILE o naslednjih določbah, ki so priloga k Pogodbi o Ustavi za Evropo:

EDINI ČLEN

Določbe 14. člena Protokola o Statutu Evropskega sistema centralnih bank in Evropske centralne banke ne vplivajo na pravico Nacionalne banke Danske, da opravlja svoje sedanje naloge v zvezi s tistimi deli Danske, ki niso del Unije.

15. PROTOCOL ON CERTAIN TASKS OF THE NATIONAL BANK OF DENMARK

THE HIGH CONTRACTING PARTIES,

DESIRING to settle certain particular problems relating to Denmark;

HAVE AGREED upon the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe:

SOLE ARTICLE

Article 14 of the Protocol on the Statute of the European System of Central Banks and of the European Central Bank shall not affect the right of the National Bank of Denmark to carry out its existing tasks concerning those parts of Denmark which are not part of the Union.

16. PROTOKOL
O SISTEMU FRANKA V PACIFIŠKI FINANČNI SKUPNOSTI

VISOKE POGODBENICE SO SE –

Z ŽELJO upoštevati posebnost, ki se nanaša na Francijo –

DOGOVORILE o naslednjih določbah, ki so priloga k Pogodbi o Ustavi za Evropo:

EDINI ČLEN

Francija lahko ohrani posebno pravico do denarne emisije v Novi Kaledoniji, Francoski Polineziji ter otokih Wallis in Futuna pod pogoji, ki jih določa njeno nacionalno pravo, in je edina pooblaščena za določanje tečaja franka Pacifiške finančne skupnosti.

16. PROTOCOL
ON THE PACIFIC FINANCIAL COMMUNITY FRANC SYSTEM

THE HIGH CONTRACTING PARTIES,

DESIRING to take into account a particular point relating to France,

HAVE AGREED upon the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe:

SOLE ARTICLE

France may keep the privilege of monetary emission in New Caledonia, French Polynesia and Wallis and Futuna under the terms established by its national laws and shall be solely entitled to determine the parity of the Pacific Financial Community franc.

17. PROTOKOL
O SCHENGENSKEM PRAVNEM REDU, VKLJUČENEM V OKVIR EVROPSKE UNIJE

VISOKE POGODBENICE SO SE –

OB SKLICEVANJU na to, da so bile določbe schengenskega pravnega reda, ki ga sestavljajo sporazumi o postopni odpravi kontrol na skupnih mejah, ki so jih podpisale nekatere države članice Evropske unije dne 14. junija 1985 in 19. junija 1990 v Schengnu, in z njimi povezani sporazumi ter predpisi, sprejeti na njihovi podlagi, s protokolom, priloženim Pogodbi o Evropski uniji in Pogodbi o ustanovitvi Evropske skupnosti, vključene v okvir Evropske unije,

V ŽELJI ohraniti schengenski pravni red, kot se je razvijal od začetka veljavnosti omenjenega protokola, v okviru Ustave, in ta pravni red razvijati za prispevanje k uresničevanju cilja nuditi državljanom Unije območje svobode, varnosti in pravice brez notranjih meja,

OB UPOŠTEVANJU posebnega stališča Danske,

OB UPOŠTEVANJU dejstva, da Irska ter Združeno kraljestvo Velike Britanije in Severne Irske ne sodelujeta pri vseh določbah schengenskega pravnega reda, pri čemer pa bi se jima kljub temu moralo omogočiti, da sprejmeta v celoti ali le delno druge določbe tega pravnega reda,

OB SPOZNANJU, da je zato treba uporabiti določbe Ustave, ki se nanašajo na tesnejše sodelovanje med nekaterimi državami članicami,

OB UPOŠTEVANJU potrebe po ohranjanju posebnega odnosa z Republiko Islandijo in Kraljevino Norveško, ki ju skupaj z nordijskimi državami, članicami Evropske unije, zavezujejo določbe Nordijske unije potnih listin –

DOGOVORILE o naslednjih določbah, ki so priložene Pogodbi o Ustavi za Evropo:

1. ČLEN

Kraljevina Belgija, Češka republika, Kraljevina Danska, Zvezna republika Nemčija, Republika Estonija, Helenska republika, Kraljevina Španija, Francoska republika, Italijanska republika, Republika Ciper, Republika Latvija, Republika Litva, Veliko vojvodstvo Luksemburg, Republika Madžarska, Republika Malta, Kraljevina Nizozemska, Republika Avstrija, Republika Poljska, Portugalska republika, Republika Slovenija, Slovaška republika, Republika Finska in Kraljevina Švedska so pooblaščene za izvajanje tesnejšega medsebojnega sodelovanja na področjih določb, ki jih določi Svet in sestavljajo »schengenski pravni red«. To sodelovanje poteka v institucionalnem in pravnem okviru Unije ter ob upoštevanju ustreznih določb Ustave.

2. ČLEN

Schengenski pravni red se začne uporabljati v državah članicah iz prejšnjega člena, ne glede na člen 3 Protokola k Pogodbi in Aktu o pristopu Češke republike, Republike Estonije, Republike Cipra, Republike Latvije, Republike Litve, Republike Madžarske, Republike Malte, Republike Poljske, Republike Slovenije in Slovaške republike. Svet se nadomesti z izvršnim odborom, ustanovljenim s Schengenskimi sporazumi.

17. PROTOCOL
ON THE SCHENGEN *ACQUIS* INTEGRATED INTO THE FRAMEWORK OF THE EUROPEAN UNION

THE HIGH CONTRACTING PARTIES,

RECALLING that the provisions of the Schengen *acquis* consisting of the Agreements on the gradual abolition of checks at common borders, signed by some Member States of the European Union in Schengen on 14 June 1985 and on 19 June 1990, as well as related agreements and rules adopted on the basis of these agreements, have been integrated into the framework of the European Union by a Protocol annexed to the Treaty on European Union and to the Treaty establishing the European Community;

DESIRING to preserve the Schengen *acquis*, as developed since the entry into force of the abovementioned Protocol, within the framework of the Constitution, and to develop this *acquis* in order to contribute towards achieving the objective of offering citizens of the Union an area of freedom, security and justice without internal borders;

TAKING INTO ACCOUNT the special position of Denmark;

TAKING INTO ACCOUNT the fact that Ireland and the United Kingdom of Great Britain and Northern Ireland do not participate in all the provisions of the Schengen *acquis*; provision should, however, be made to allow those Member States to accept other provisions of this *acquis* in full or in part;

RECOGNISING that, as a consequence, it is necessary to make use of the provisions of the Constitution concerning closer cooperation between some Member States;

TAKING INTO ACCOUNT the need to maintain a special relationship with the Republic of Iceland and the Kingdom of Norway, both States being bound by the provisions of the Nordic passport union, together with the Nordic States which are members of the European Union;

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe,

ARTICLE 1

The Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland and the Kingdom of Sweden shall be authorised to implement closer cooperation among themselves in areas covered by provisions defined by the Council which constitute the Schengen *acquis*. This cooperation shall be conducted within the institutional and legal framework of the Union and with respect for the relevant provisions of the Constitution.

ARTICLE 2

The Schengen *acquis* shall apply to the Member States referred to in Article 1, without prejudice to Article 3 of the Protocol on the Treaty and the Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic. The Council will substitute itself for the Executive Committee established by the Schengen agreements.

3. ČLEN

Sodelovanje Kraljevine Danske pri sprejemanju ukrepov, ki razvijajo schengenski pravni red, ter izvajanje in uporabo teh ukrepov na Danskem urejajo ustrezne določbe Protokola o stališču Danske.

4. ČLEN

Irska ter Združeno kraljestvo Velike Britanije in Severne Irske lahko kadar koli zaprosita, da se nekatere ali vse določbe schengenskega pravnega reda uporabljajo tudi zanju.

Svet o takšni prošnji sprejme evropski sklep. Odloči s soglasjem svojih članov iz 1. člena tega protokola in predstavnika vlade zadevne države.

5. ČLEN

Predloge in pobude za nadgrajevanje schengenskega pravnega reda urejajo ustrezne določbe Ustave.

Če Irska ali Združeno kraljestvo Velike Britanije in Severne Irske ali obe državi v razumnem roku uradno pisno ne obvestita predsednika Sveta o svoji želji priključiti se sodelovanju, se v tej zvezi šteje, da je pooblastilo iz prvega odstavka III-419. člena Ustave dodeljeno državam članicam iz 1. člena tega protokola ter Irski ali Združenemu kraljestvu Velike Britanije in Severne Irske, kadar se ena od obeh držav želi priključiti zadevnim področjem sodelovanja.

6. ČLEN

Republika Islandija in Kraljevina Norveška se pridružita izvajanju schengenskega pravnega reda in njegovega nadaljnjega razvoja. V ta namen se določijo ustrezni postopki v sporazumu, ki ga sklene Svet s temi državami s soglasno odločitvijo svojih članov iz 1. člena tega protokola. Ta sporazum vključuje tudi določbe o prispevku Islandije in Norveške ob morebitnih finančnih posledicah izvajanja tega protokola.

Svet soglasno sklene ločen sporazum z Republiko Islandijo in Kraljevino Norveško zaradi določitve pravic in obveznosti med Irsko in Združenim kraljestvom Velike Britanije in Severne Irske na eni ter Islandijo in Norveško na drugi strani na tistih področjih schengenskega pravnega reda, ki veljajo za te države.

7. ČLEN

Za namene pogajanj glede sprejema novih držav članic v Evropsko unijo se schengenski pravni red in nadaljnji ukrepi, ki jih sprejmejo institucije v okviru področja njegove uporabe, štejejo za pravni red, ki ga morajo vse države kandidatke za sprejem prevzeti v celoti.

ARTICLE 3

The participation of Denmark in the adoption of measures constituting a development of the Schengen *acquis*, as well as the implementation of these measures and their application to Denmark, shall be governed by the relevant provisions of the Protocol on the position of Denmark.

ARTICLE 4

Ireland and the United Kingdom of Great Britain and Northern Ireland, may at any time request to take part in some or all of the provisions of the Schengen *acquis*.

The Council shall adopt a European decision on this request. It shall act by a unanimous decision of the members referred to in Article 1 and of the member representing the government of the Member State concerned.

ARTICLE 5

Proposals and initiatives to build upon the Schengen *acquis* shall be subject to the relevant provisions of the Constitution.

In this context, where either Ireland or the United Kingdom or both have not notified the President of the Council in writing within a reasonable period that they wish to take part, the authorisation referred to in Article III-419(1) of the Constitution shall be deemed to have been granted to the Member States referred to in Article 1 and to Ireland or the United Kingdom where either of them wishes to take part in the areas of cooperation in question.

ARTICLE 6

The Republic of Iceland and the Kingdom of Norway shall be associated with the implementation of the Schengen *acquis* and its further development. Appropriate procedures shall be agreed to that effect in an Agreement to be concluded with those States by the Council, acting by the unanimity of its members mentioned in Article 1. That Agreement shall include provisions on the contribution of Iceland and Norway to any financial consequences resulting from the implementation of this Protocol.

A separate Agreement shall be concluded by the Council, acting unanimously, with Iceland and Norway for the establishment of rights and obligations between Ireland and the United Kingdom of Great Britain and Northern Ireland on the one hand, and Iceland and Norway on the other, in domains of the Schengen *acquis* which apply to these States.

ARTICLE 7

For the purposes of the negotiations for the admission of new Member States into the European Union, the Schengen *acquis* and further measures adopted by the institutions within its scope shall be regarded as an *acquis* which must be accepted in full by all States candidates for admission.

18. PROTOKOL
O UPORABI NEKATERIH VIDIKOV III-130. ČLENA USTAVE ZA ZDRUŽENO KRALJESTVO IN IRSKO

VISOKE POGODBENICE SO SE –

Z ŽELJO urediti nekatera vprašanja glede Združenega kraljestva in Irske –

OB UPOŠTEVANJU dolgoletnega obstoja posebne potovalne ureditve med Združenim kraljestvom in Irsko,

DOGOVORILE o naslednjih določbah, ki so priložene Pogodbi o Ustavi za Evropo:

1. ČLEN

Združeno kraljestvo lahko ne glede na III-130. in III-265. člen Ustave, druge njene določbe, katere koli ukrepe, sprejete na njeni podlagi, ali mednarodne pogodbe, ki so jih sklenile Unija ali Unija in njene države članice z eno ali več tretjimi državami, izvaja na svojih mejah z drugimi državami članicami takšno kontrolo oseb, ki želijo vstopiti v Združeno kraljestvo, kakršna se mu zdi potrebna zaradi:

a) preverjanja pravice do vstopa v Združeno kraljestvo državljanov držav članic ter njihovih vzdrževancev, ki uresničujejo svoje pravice po pravu Unije, pa tudi državljanov drugih držav, ki jim te pravice pripadajo na podlagi sporazuma, ki zavezuje Združeno kraljestvo, in

b) odločitve o tem, ali naj se drugim osebam izda dovoljenje za vstop v Združeno kraljestvo.

III-130. in III-265. člen Ustave, katera koli druga njena določba ali kateri koli ukrep, sprejet na njeni podlagi, v ničemer ne vplivajo na pravico Združenega kraljestva sprejeti ali izvajati takšne kontrole. Sklicevanje na Združeno kraljestvo v tem členu vključuje ozemlja, za katerih zunanje odnose je odgovorno Združeno kraljestvo.

2. ČLEN

Združeno kraljestvo in Irska lahko med seboj še naprej sklepata dogovore o gibanju oseb med njunima ozemljema (»skupno potovalno območje«), pri čemer v celoti spoštujeta pravice oseb iz točke a) prvega odstavka 1. člena tega protokola. Temu ustrezno se med veljavnostjo takšnih dogovorov za Irsko uporabljajo določbe prejšnjega člena pod enakimi pogoji kakor za Združeno kraljestvo. III-130. in III-265. člen Ustave, katera koli druga določba te ustave ali kateri koli ukrep, sprejet na njeni podlagi, v ničemer ne vplivajo na takšne dogovore.

3. ČLEN

Druge države članice lahko na svojih mejah ali na kateri koli točki vstopa na njihovo ozemlje takšno kontrolo izvajajo pri osebah, ki želijo vstopiti na njihovo ozemlje iz Združenega kraljestva ali s katerega koli ozemlja, za katerega zunanje odnose je za enake namene, navedene v 1. členu tega protokola, odgovorno Združeno kraljestvo, ali iz Irske, kolikor se določbe 1. člena tega protokola uporabljajo za Irsko.

III-130. in III-265. člen Ustave, katera koli druga njena določba ali kateri koli ukrep, sprejet na njeni podlagi, v ničemer ne vplivajo na pravico drugih držav članic, da uvedejo ali izvajajo takšne kontrole.

4. ČLEN

Ta protokol se prav tako uporablja za akte, ki v skladu s IV-438. členom Ustave ostanejo v veljavi.

18. PROTOCOL
ON THE APPLICATION OF CERTAIN ASPECTS OF ARTICLE III-130 OF THE CONSTITUTION TO THE UNITED KINGDOM AND TO IRELAND

THE HIGH CONTRACTING PARTIES,

DESIRING to settle certain questions relating to the United Kingdom and Ireland;

HAVING REGARD to the existence for many years of special travel arrangements between the United Kingdom and Ireland,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe:

ARTICLE 1

The United Kingdom shall be entitled, notwithstanding Articles III-130 and III-265 of the Constitution, any other provision of the Constitution, any measure adopted under the Constitution, or any international agreement concluded by the Union or by the Union and its Member States with one or more third States, to exercise at its frontiers with other Member States such controls on persons seeking to enter the United Kingdom as it may consider necessary for the purpose:

(a) of verifying the right to enter the United Kingdom of citizens of Member States and of their dependants exercising rights conferred by Union law, as well as citizens of other States on whom such rights have been conferred by an agreement by which the United Kingdom is bound; and

(b) of determining whether or not to grant other persons permission to enter the United Kingdom.

Nothing in Articles III-130 and III-265 of the Constitution or in any other provision of the Constitution or in any measure adopted under it shall prejudice the right of the United Kingdom to adopt or exercise any such controls. References to the United Kingdom in this Article shall include territories for whose external relations the United Kingdom is responsible.

ARTICLE 2

The United Kingdom and Ireland may continue to make arrangements between themselves relating to the movement of persons between their territories ("the Common Travel Area"), while fully respecting the rights of persons referred to in Article 1, first paragraph, point (a), of this Protocol. Accordingly, as long as they maintain such arrangements, the provisions of Article 1 of this Protocol shall apply to Ireland under the same terms and conditions as for the United Kingdom. Nothing in Articles III-130 and III-265 of the Constitution, in any other provision of the Constitution or in any measure adopted under it shall affect any such arrangements.

ARTICLE 3

The other Member States shall be entitled to exercise at their frontiers or at any point of entry into their territory such controls on persons seeking to enter their territory from the United Kingdom or any territories whose external relations are under its responsibility for the same purposes stated in Article 1 of this Protocol, or from Ireland as long as the provisions of Article 1 of this Protocol apply to Ireland.

Nothing in Articles III-130 and III-265 of the Constitution or in any other provision of the Constitution or in any measure adopted under it shall prejudice the right of the other Member States to adopt or exercise any such controls.

ARTICLE 4

This Protocol shall also apply to acts which remain in force by virtue of Article IV-438 of the Constitution.

19. PROTOKOL
O STALIŠČU ZDRUŽENEGA KRALJESTVA IN IRSKE GLEDE POLITIK MEJNIH KONTROL, AZILA IN PRISELJEVANJA TER PRAVOSODNEGA SODELOVANJA V CIVILNIH ZADEVAH IN POLICIJSKEGA SODELOVANJA

VISOKE POGODBENICE SO SE –

Z ŽELJO, da bi uredile nekatera vprašanja glede Združenega kraljestva in Irske,

OB UPOŠTEVANJU Protokola o uporabi nekaterih vidikov III-130. člena Ustave za Združeno kraljestvo in Irsko –

DOGOVORILE o naslednjih določbah, ki so priloga k Pogodbi o Ustavi za Evropo:

1. ČLEN

Ob upoštevanju 3. člena tega protokola Združeno kraljestvo in Irska ne sodelujeta pri sprejemanju ukrepov Sveta, predlaganih v skladu z 2. ali 3. oddelkom IV. poglavja III. naslova III. dela Ustave ali s III-260. členom Ustave, kolikor se ta člen nanaša na področja iz teh oddelkov ali na III-263. člen ali točko a) drugega odstavka III-275. člena Ustave. Soglasje članov Sveta, razen predstavnikov vlad Združenega kraljestva in Irske, je potrebno za tiste sklepe Sveta, ki morajo biti sprejeti soglasno.

Za namene tega člena je kvalificirana večina najmanj 55% članov Sveta, ki predstavljajo udeležene države članice, ki imajo skupaj najmanj 65% prebivalstva teh držav.

Manjšina, ki lahko prepreči sprejetje odločitev, mora vključevati najmanj minimalno število članov Sveta, ki predstavljajo več kot 35% prebivalstva udeleženih držav članic, in dodatnega člana, sicer se šteje da je kvalificirana večina dosežena.

Ne glede na drugi in tretji odstavek tega člena, ko Svet ne odloča na predlog Komisije ali ministra za zunanje zadeve Unije, je zahtevana kvalificirana večina najmanj 72% članov Sveta, ki predstavljajo udeležene države članice, ki imajo skupaj najmanj 65% prebivalstva teh držav.

2. ČLEN

Na podlagi prejšnjega člena in ob upoštevanju 3., 4. in 6. člena tega protokola za Združeno kraljestvo ali Irsko niso zavezujoče niti se za njiju ne uporabljajo določbe 2. ali 3. oddelka IV. poglavja III. naslova III. dela Ustave ali III-260. člena Ustave, kolikor se ta člen nanaša na področja iz teh oddelkov, ali III-263. člena ali točke a) drugega odstavka III-275. člena Ustave, ukrepi, sprejeti na podlagi teh oddelkov ali členov, pa tudi nobena določba katerega koli mednarodnega sporazuma, ki ga je Unija sklenila na podlagi teh oddelkov ali členov, niti odločbe Sodišča Evropske unije glede razlage takih določb ali ukrepov. Te določbe, ukrepi ali odločbe v ničemer ne vplivajo na pristojnosti, pravice in obveznosti teh držav. Te določbe, ukrepi ali odločbe, kolikor se uporabljajo za Združeno kraljestvo ali Irsko, v ničemer ne vplivajo na pravni red Skupnosti ali pravni red Unije, niti niso sestavni del prava Unije.

19. PROTOCOL
ON THE POSITION OF THE UNITED KINGDOM AND IRELAND ON POLICIES IN RESPECT OF BORDER CONTROLS, ASYLUM AND IMMIGRATION, JUDICIAL COOPERATION IN CIVIL MATTERS AND ON POLICE COOPERATION

THE HIGH CONTRACTING PARTIES,

DESIRING to settle certain questions relating to the United Kingdom and Ireland;

HAVING REGARD to the Protocol on the application of certain aspects of Article III-130 of the Constitution to the United Kingdom and Ireland,

HAVE AGREED UPON the following provisions which shall be annexed to the Treaty establishing a Constitution for Europe:

ARTICLE 1

Subject to Article 3, the United Kingdom and Ireland shall not take part in the adoption by the Council of proposed measures pursuant to Section 2 or Section 3 of Chapter IV of Title III of Part III of the Constitution or to Article III-260 thereof, insofar as that Article relates to the areas covered by those Sections, to Article III-263 or to Article III-275(2)(a) of the Constitution. The unanimity of the members of the Council, with the exception of the representatives of the governments of the United Kingdom and Ireland, shall be necessary for acts of the Council which must be adopted unanimously.

For the purposes of this Article, a qualified majority shall be defined as at least 55% of the members of the Council representing the participating Member States, comprising at least 65% of the population of these States.

A blocking minority must include at least the minimum number of Council members representing more than 35% of the population of the participating Member States, plus one member, failing which the qualified majority shall be deemed attained.

By way of derogation from the second and third paragraphs, where the Council does not act on a proposal from the Commission or from the Union Minister for Foreign Affairs, the required qualified majority shall be defined as at least 72% of the members of the Council representing the participating Member States, comprising at least 65% of the population of these States.

ARTICLE 2

In consequence of Article 1 and subject to Articles 3, 4 and 6, none of the provisions of Section 2 or Section 3 of Chapter IV of Title III of Part III of the Constitution or of Article III-260 of the Constitution, insofar as that Article relates to the areas covered by those Sections, or of Article III-263 or Article III-275(2)(a) of the Constitution, no measure adopted pursuant to those Sections or Articles, no provision of any international agreement concluded by the Union pursuant to those Sections or Articles, and no decision of the Court of Justice of the European Union interpreting any such provision or measure shall be binding upon or applicable in the United Kingdom or Ireland; and no such provision, measure or decision shall in any way affect the competences, rights and obligations of those States; and no such provision, measure or decision shall in any way affect the Community or Union *acquis* nor form part of Union law as they apply to the United Kingdom or Ireland.

3. ČLEN

(1) Združeno kraljestvo ali Irska lahko Svet v treh mesecih po predložitvi predloga Svetu na podlagi 2. ali 3. oddelka IV. poglavja III. naslova III. dela Ustave ali predloga ali pobude na podlagi III-263. člena ali točke a) drugega odstavka III-275. člena Ustave uradno pisno obvesti, da želi sodelovati pri sprejetju in uporabi predlaganega ukrepa, kar se ji nato dovoli. Soglasje članov Sveta, razen tistih članov, ki takega uradnega obvestila niso predložili, je potrebno za tiste akte Sveta, ki morajo biti sprejeti soglasno. Ukrep, sprejet na podlagi tega odstavka, je zavezujoč za vse države članice, ki so sodelovale pri njegovem sprejetju. Z Evropskimi uredbami ali sklepi, sprejetimi na podlagi III-260. člena Ustave, se določi pogoje za udeležbo Združenega kraljestva in Irske pri ocenjevanju v zvezi s področji, ki jih ureja 2. ali 3. oddelek IV. poglavja III. naslova III. dela Ustave.

Za namene tega člena je kvalificirana večina najmanj 55% članov Sveta, ki predstavljajo udeležene države članice, ki imajo skupaj najmanj 65% prebivalstva teh držav.

Manjšina, ki lahko prepreči sprejetje odločitev, mora vključevati najmanj minimalno število članov Sveta, ki predstavljajo več kot 35% prebivalstva udeleženih držav članic, in dodatnega člana, sicer se šteje da je kvalificirana večina dosežena.

Ne glede na drugi in tretji odstavek tega člena, ko Svet ne odloča na predlog Komisije, je zahtevana kvalificirana večina najmanj 72% članov Sveta, ki predstavljajo udeležene države članice, ki imajo skupaj najmanj 65% prebivalstva teh držav.

(2) Če ukrepa iz prejšnjega odstavka ni mogoče sprejeti z udeležbo Združenega kraljestva ali Irske v razumnem roku, lahko Svet tak ukrep sprejme v skladu s 1. členom tega protokola brez udeležbe Združenega kraljestva ali Irske. V tem primeru se uporabi prejšnji člen.

4. ČLEN

Združeno kraljestvo ali Irska lahko kadar koli po sprejetju ukrepa na podlagi 2. ali 3. oddelka IV. poglavja III. naslova III. dela Ustave ali III-263. člena ali točke a) drugega odstavka III-275. člena Ustave uradno obvesti Svet in Komisijo o svoji nameri, da želi sprejeti ta ukrep. V tem primeru se smisleno uporabi postopek iz prvega odstavka III-420. člena Ustave.

5. ČLEN

Država članica, ki je ne zavezuje ukrep, sprejet na podlagi 2. ali 3. oddelka IV. poglavja III. naslova III. dela Ustave ali III-263. člena ali točke a) drugega odstavka III-275. člena Ustave ne nosi nobenih finančnih posledic tega ukrepa razen stroškov, ki nastanejo za poslovanje institucij, razen če vsi člani Sveta po posvetovanju z Evropskim parlamentom soglasno ne odločijo drugače.

ARTICLE 3

1. The United Kingdom or Ireland may notify the Council in writing, within three months after a proposal has been presented to the Council pursuant to Section 2 or Section 3 of Chapter IV of Title III of Part III of the Constitution or after a proposal or initiative has been presented to the Council pursuant to Article III-263 or to Article III-275(2)(a) of the Constitution, that it wishes to take part in the adoption and application of any such proposed measure, whereupon that State shall be entitled to do so. The unanimity of the members of the Council, with the exception of a member which has not made such a notification, shall be necessary for acts of the Council which must be adopted unanimously. A measure adopted under this paragraph shall be binding upon all Member States which took part in its adoption. The European regulations or decisions adopted pursuant to Article III-260 of the Constitution shall lay down the conditions for the participation of the United Kingdom and Ireland in the evaluations concerning the areas covered by Section 2 or Section 3 of Chapter IV of Title III of Part III of the Constitution.

For the purposes of this Article, a qualified majority shall be defined as at least 55% of the members of the Council representing the participating Member States, comprising at least 65% of the population of these States.

A blocking minority must include at least the minimum number of Council members representing more than 35% of the population of the participating Member States, plus one member, failing which the qualified majority shall be deemed attained.

By way of derogation from the second and third subparagraphs, where the Council does not act on a proposal from the Commission or from the Union Minister for Foreign Affairs, the required qualified majority shall be defined as at least 72% of the members of the Council representing the participating Member States, comprising at least 65% of the population of these States.

2. If after a reasonable period of time a measure referred to in paragraph 1 cannot be adopted with the United Kingdom or Ireland taking part, the Council may adopt such measure in accordance with Article 1 without the participation of the United Kingdom or Ireland. In that case Article 2 applies.

ARTICLE 4

The United Kingdom or Ireland may, at any time after the adoption of a measure pursuant to Section 2 or Section 3 of Chapter IV of Title III of Part III of the Constitution or to Article III-263 or to Article III-275(2)(a) of the Constitution, notify its intention to the Council and to the Commission that it wishes to accept that measure. In that case, the procedure provided for in Article III-420(1) of the Constitution shall apply *mutatis mutandis*.

ARTICLE 5

A Member State which is not bound by a measure adopted pursuant to Section 2 or Section 3 of Chapter IV of Title III of Part III of the Constitution, to Article III-263 or to Article III-275(2)(a) of the Constitution, shall bear no financial consequences of that measure other than administrative costs entailed for the institutions, unless all members of the Council, acting unanimously after consulting the European Parliament, decide otherwise.

6. ČLEN

V primerih iz tega protokola, kjer Združeno kraljestvo ali Irsko zavezuje ukrep, sprejet na podlagi 2. ali 3. oddelka IV. poglavja III. naslova III. dela Ustave ali III-260. člena Ustave, kolikor se ta člen nanaša na področja iz teh oddelkov, ali III-263. člena ali točke a) drugega odstavka III-275. člena Ustave se v zvezi s tem ukrepom za to državo uporabljajo ustrezne določbe Ustave.

7. ČLEN

Na Protokol o schengenskem pravnem redu, vključenem v okvir Evropske unije, ne vplivata 3. in 4. člen tega protokola.

8. ČLEN

Irska lahko uradno pisno obvesti Svet o svoji želji, da zanjo ta protokol ne bi več veljal. V tem primeru se za Irsko prenehajo uporabljati te določbe.

ARTICLE 6

Where, in cases referred to in this Protocol, the United Kingdom or Ireland is bound by a measure adopted pursuant to Section 2 or Section 3 of Chapter IV of Title III of Part III of the Constitution, to Article III-260 of the Constitution, insofar as that Article relates to the areas covered by those Sections, to Article III-263 or to Article III-275(2)(a) of the Constitution, the relevant provisions of the Constitution shall apply to that State in relation to that measure.

ARTICLE 7

Articles 3 and 4 shall be without prejudice to the Protocol on the Schengen *acquis* integrated into the framework of the European Union.

ARTICLE 8

Ireland may notify the Council in writing that it no longer wishes to be covered by the terms of this Protocol. In that case, this Protocol shall no longer apply to Ireland.

20. PROTOKOL O STALIŠČU DANSKE

VISOKE POGODBENICE SO SE –

OB SKLICEVANJU na sklep voditeljev držav ali vlad, ki so se sestali v okviru Evropskega sveta v Edinburghu dne 12. decembra 1992, o nekaterih problemih, ki jih je Danska izpostavila glede Pogodbe o Evropski uniji,

OB UPOŠTEVANJU stališča Danske glede državljanstva, ekonomske in monetarne unije, obrambne politike ter pravosodja in notranjih zadev, zapisanega v sklepu iz Edinburgha,

OB ZAVEDANJU dejstva, da bo nadaljevanje pravnega režima, ki izhaja iz sklepa iz Edinburgha, v okviru Ustave občutno omejilo sodelovanje Danske na pomembnih področjih sodelovanja Unije in da je v interesu Unije, da zagotovi celovitost pravnega reda na območju svobode, varnosti in pravice,

V ŽELJI, da bi zato oblikovali pravni okvir, ki bo Danski omogočal sodelovanje pri sprejemanju ukrepov, predlaganih na podlagi IV. poglavja III. naslova III. dela Ustave in ob pozdravljanju namere Danske, da kadar je mogoče izkoristi to možnost v skladu s svojimi ustavnimi določbami,

OB UPOŠTEVANJU, da Danska ne bo preprečevala drugim državam članicam nadaljnjega razvoja njihovega sodelovanja glede ukrepov, ki niso zavezujoči za Dansko,

OB UPOŠTEVANJU Protokola o schengenskem pravnem redu, vključenem v okvir Evropske unije –

DOGOVORILE o naslednjih določbah, ki se priložijo k Ustavi:

I. DEL

1. ČLEN

Danska ne sodeluje pri sprejemanju ukrepov Sveta, predlaganih na podlagi IV. poglavja III. naslova III. dela Ustave. Soglasje članov Sveta, razen predstavnika danske vlade, je potrebno za tiste sklepe Sveta, za katere je potrebno soglasje.

Za namene tega člena je kvalificirana večina najmanj 55% članov Sveta, ki predstavljajo udeležene države članice, ki imajo skupaj najmanj 65% prebivalstva teh držav.

Manjšina, ki lahko prepreči sprejetje odločitev, mora vključevati najmanj minimalno število članov Sveta, ki predstavljajo več kot 35% prebivalstva udeleženih držav članic, in dodatnega člana, sicer se šteje, da je kvalificirana večina dosežena.

Ne glede na drugi in tretji odstavek tega člena, ko Svet ne odloča na predlog Komisije ali ministra za zunanje zadeve Unije, je zahtevana kvalificirana večina najmanj 72% članov Sveta, ki predstavljajo udeležene države članice, ki imajo skupaj najmanj 65% prebivalstva teh držav.

2. ČLEN

Določbe IV. poglavja III. naslova III. dela Ustave, ukrepi, sprejeti v skladu s tem poglavjem, določbe mednarodnih sporazumov, ki jih je Unija sklenila na podlagi tega poglavja, pa tudi odločbe Sodišča Evropske unije glede razlage takih določb ali ukrepov za Dansko niso zavezujoči niti se v njej ne uporabljajo; te določbe, ukrepi ali odločbe v ničemer ne vplivajo na pristojnosti, pravice in obveznosti Danske. Te določbe, ukrepi ali odločbe, kolikor se uporabljajo za Dansko, v ničemer ne vplivajo na pravni red Skupnosti in Unije niti niso sestavni del prava Unije.

20. PROTOCOL ON THE POSITION OF DENMARK

THE HIGH CONTRACTING PARTIES,

RECALLING the decision of the Heads of State or Government, meeting within the European Council at Edinburgh on 12 December 1992, concerning certain problems raised by Denmark on the Treaty on European Union;

HAVING NOTED the position of Denmark with regard to citizenship, economic and monetary union, defence policy, and justice and home affairs as laid down in the Edinburgh decision;

CONSCIOUS of the fact that a continuation under the Constitution of the legal regime originating in the Edinburgh decision will significantly limit Denmark's participation in important areas of cooperation of the Union, and that it would be in the best interest of the Union to ensure the integrity of the *acquis* in the area of freedom, security and justice;

WISHING therefore to establish a legal framework that will provide an option for Denmark to participate in the adoption of measures proposed on the basis of Chapter IV of Title III of Part III of the Constitution and welcoming the intention of Denmark to avail itself of this option when possible in accordance with its constitutional requirements;

NOTING that Denmark will not prevent the other Member States from further developing their cooperation with respect to measures not binding on Denmark;

BEARING IN MIND the Protocol on the Schengen *acquis* integrated into the framework of the European Union,

HAVE AGREED UPON the following provisions, which shall be annexed to the Constitution:

PART I

ARTICLE 1

Denmark shall not take part in the adoption by the Council of proposed measures pursuant to Chapter IV of Title III of Part III of the Constitution. The unanimity of the members of the Council, with the exception of the representative of the government of Denmark, shall be necessary for the acts of the Council which must be adopted unanimously.

For the purposes of this Article, a qualified majority shall be defined as at least 55% of the members of the Council representing the participating Member States, comprising at least 65% of the population of these States.

A blocking minority must include at least the minimum number of Council members representing more than 35% of the population of the participating Member States, plus one member, failing which the qualified majority shall be deemed attained.

By way of derogation from the second and third paragraphs, where the Council does not act on a proposal from the Commission or from the Union Minister for Foreign Affairs, the required qualified majority shall be defined as at least 72% of the members of the Council representing the participating Member States, comprising at least 65% of the population of these States.

ARTICLE 2

None of the provisions of Chapter IV of Title III of Part III of the Constitution, no measure adopted pursuant to that Chapter, no provision of any international agreement concluded by the Union pursuant to that Chapter, and no decision of the Court of Justice of the European Union interpreting any such provision or measure shall be binding upon or applicable in Denmark; and no such provision, measure or decision shall in any way affect the competences, rights and obligations of Denmark; and no such provision, measure or decision shall in any way affect the Community or Union *acquis* nor form part of Union law as they apply to Denmark.

3. ČLEN

Danska ne nosi nobenih finančnih posledic ukrepov iz 1. člena tega protokola, razen stroškov, ki nastanejo za poslovanje institucij.

4. ČLEN

(1) Danska se v šestih mesecih po tem, ko je bil sprejet ukrep Sveta za nadgraditev schengenskega pravnega reda in, ki se nanašajo I. del tega protokola, odloči, ali bo ta ukrep prenesla v svoje nacionalno pravo. Če se odloči, da bo to storila, bo na podlagi tega ukrepa nastala mednarodnopravna obveznost med Dansko in državami članicami, ki jih ukrep zavezuje.

Če se Danska odloči, da ne bo uporabila takega ukrepa, države članice, ki jih ta ukrep zavezuje, in Danska preučijo, kateri ukrepi so ustrezni za sprejetje.

(2) Danska glede schengenskega pravnega reda ohrani pravice in obveznosti, kakor so obstajale pred začetkom veljavnosti Pogodbe o Ustavi za Evropo.

II. DEL

5. ČLEN

Glede ukrepov, ki jih je sprejel Svet na podlagi I-41. člena, prvega odstavka III-295. člena in III-309. do III-313. člena Ustave, Danska ne sodeluje pri pripravi in izvajanju odločitev in ukrepov Unije, ki zadevajo obrambo. Zato Danska ne sodeluje pri njihovem sprejetju. Danska ne bo nasprotovala drugim državam članicam, da še naprej razvijajo njihovo sodelovanje na tem področju. Danska ni zavezana prispevati k financiranju odhodkov, ki nastanejo pri poslovanju zaradi takšnih ukrepov, in tudi ni zavezana Uniji dajati na razpolago svoje vojaške zmogljivosti.

Soglasje članov Sveta, razen predstavnika danske vlade, je potrebno za tiste sklepe Sveta, za katere je potrebno soglasje.

Za namene tega člena je kvalificirana večina najmanj 55% članov Sveta, ki predstavljajo udeležene države članice, ki imajo skupaj najmanj 65% prebivalstva teh držav.

Manjšina, ki lahko prepreči sprejetje odločitev, mora vključevati najmanj minimalno število članov Sveta, ki predstavljajo več kot 35% prebivalstva udeleženih držav članic, in dodatnega člana, sicer se šteje, da je kvalificirana večina dosežena.

Ne glede na tretji in četrti odstavek tega člena, ko Svet ne odloča na predlog Komisije ali ministra za zunanje zadeve Unije, je zahtevana kvalificirana večina najmanj 72% članov Sveta, ki predstavljajo udeležene države članice, ki imajo skupaj najmanj 65% prebivalstva teh držav.

III. DEL

6. ČLEN

Ta protokol se nanaša tudi na ukrepe, ki ostanejo v veljavi v skladu s IV-438. členom Ustave in ki je bil vsebovan v Protokolu o stališču Danske, priložen Pogodbi o Evropski uniji in Pogodbi o ustanovitvi Evropske skupnosti, pred začetkom veljavnosti Pogodbe o Ustavi za Evropo.

ARTICLE 3

Denmark shall bear no financial consequences of measures referred to in Article 1, other than administrative costs entailed for the institutions.

ARTICLE 4

1. Denmark shall decide within a period of six months after the adoption of a measure to build upon the Schengen *acquis* covered by Part I whether it will implement this measure in its national law. If it decides to do so, this measure will create an obligation under international law between Denmark and the other Member States bound by the measure.

If Denmark decides not to implement such a measure, the Member States bound by that measure and Denmark will consider appropriate measures to be taken.

2. Denmark shall maintain the rights and obligations existing before the entry into force of the Treaty establishing a Constitution for Europe with regard to the Schengen *acquis*.

PART II

ARTICLE 5

With regard to measures adopted by the Council pursuant to Article I-41, Article III-295(1) and Articles III-309 to III-313 of the Constitution, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications. Therefore Denmark shall not participate in their adoption. Denmark will not prevent the other Member States from further developing their cooperation in this area. Denmark shall not be obliged to contribute to the financing of operational expenditure arising from such measures, nor to make military capabilities available to the Union.

The unanimity of the members of the Council, with the exception of the representative of the government of Denmark, shall be necessary for the acts of the Council which must be adopted unanimously.

For the purposes of this Article, a qualified majority shall be defined as at least 55% of the members of the Council representing the participating Member States, comprising at least 65% of the population of these States.

A blocking minority must include at least the minimum number of Council members representing more than 35% of the population of the participating Member States, plus one member, failing which the qualified majority shall be deemed attained.

By way of derogation from the third and fourth paragraphs, where the Council does not act on a proposal from the Commission or from the Union Minister for Foreign Affairs, the required qualified majority shall be defined as at least 72% of the members of the Council representing the participating Member States, comprising at least 65% of the population of these States.

PART III

ARTICLE 6

This Protocol shall also apply to measures remaining in force by virtue of Article IV-438 of the Constitution, which were covered, prior to the entry into force of the Treaty establishing a Constitution for Europe, by the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community.

7. ČLEN

1., 2. in 3. člen tega protokola se ne uporabljajo za ukrepe, ki določajo tretje države, katerih državljani morajo imeti ob prehodu zunanjih meja držav članic vizum, ali za ukrepe glede enotne oblike vizumov.

ARTICLE 7

Articles 1, 2 and 3 shall not apply to measures determining the third countries whose nationals must be in possession of a visa when crossing the external borders of the Member States, or measures relating to a uniform format for visas.

IV. DEL

PART IV

8. ČLEN

Danska lahko v skladu s svojimi ustavnimi določbami kadar koli obvesti druge države članice, da ne želi več v celoti ali delno uporabljati tega protokola. V tem primeru bo Danska v celoti uporabila vse ustrezne veljavne ukrepe, ki so bili sprejeti v okviru Unije.

ARTICLE 8

At any time Denmark may, in accordance with its constitutional requirements, inform the other Member States that it no longer wishes to avail itself of all or part of this Protocol. In that event, Denmark will apply in full all relevant measures then in force taken within the framework of the Union.

9. ČLEN

(1) Danska lahko kadarkoli in ne glede na prejšnji člen v skladu s svojimi ustavnimi določbami uradno obvesti druge države članice da, z veljavnostjo od prvega dne v mesecu po uradnem obvestilu, določbe I. dela tega protokola sestavljajo prilogo. V takem primeru se 5. do 9. členi tega protokola ustrezno preštevilčijo.

(2) Šest mesecev po datumu začetka veljavnosti uradnega obvestila iz prejšnjega odstavka celoten schengenski pravni red in ukrepi, ki so bili sprejeti kot nadgrajevanje tega pravnega reda, ki so bili do takrat zavezujoči za Dansko kot mednarodnopravna obveznost, postanejo del prava Unije.

ARTICLE 9

1. At any time and without prejudice to Article 8, Denmark may, in accordance with its constitutional requirements, notify the other Member States that, with effect from the first day of the month following the notification, Part I shall consist of the provisions in the Annex. In that case Articles 5 to 9 shall be renumbered in consequence.

2. Six months after the date on which the notification referred to in paragraph 1 takes effect all Schengen *acquis* and measures adopted to build upon this *acquis*, which until then have been binding on Denmark as obligations under international law, shall be binding upon Denmark as Union law.

PRILOGA

ANNEX

1. ČLEN

V skladu s 3. členom te priloge, Danska ne sodeluje pri sprejemanju ukrepov Sveta, predlaganih na podlagi IV. poglavja III. naslova III. dela Ustave. Soglasje članov Sveta, razen predstavnika danske vlade, je potrebno za tiste sklepe Sveta, ki je potrebno za sprejetje soglasja.

Za namene tega člena je kvalificirana večina najmanj 55% članov Sveta, ki predstavljajo udeležene države članice, ki imajo skupaj najmanj 65% prebivalstva teh držav.

Manjšina, ki lahko prepreči sprejetje odločitev, mora vključevati najmanj minimalno število članov Sveta, ki predstavljajo več kot 35% prebivalstva udeleženih držav članic, in dodatnega člana, sicer se šteje, da je kvalificirana večina dosežena.

Ne glede na drugi in tretji odstavek tega člena, ko Svet ne odloča na predlog Komisije, je zahtevana kvalificirana večina najmanj 72% članov Sveta, ki predstavljajo udeležene države članice, ki imajo skupaj najmanj 65% prebivalstva teh držav.

ARTICLE 1

Subject to Article 3, Denmark shall not take part in the adoption by the Council of measures proposed pursuant to Chapter IV of Title III of Part III of the Constitution. The unanimity of the members of the Council, with the exception of the representative of the government of Denmark, shall be necessary for the acts of the Council which must be adopted unanimously.

For the purposes of this Article, a qualified majority shall be defined as at least 55% of the members of the Council representing the participating Member States, comprising at least 65% of the population of these States.

A blocking minority must include at least the minimum number of Council members representing more than 35% of the population of the participating Member States, plus one member, failing which the qualified majority shall be deemed attained.

By way of derogation from the second and third paragraphs, where the Council does not act on a proposal from the Commission or from the Union Minister for Foreign Affairs, the required qualified majority shall be defined as at least 72% of the members of the Council representing the participating Member States, comprising at least 65% of the population of these States.

2. ČLEN

Na podlagi 1. člena in ob upoštevanju 3., 4. in 6. člen te priloge, za Dansko niso zavezujoče niti se zanjo ne uporabljajo določbe in ukrepi, sprejeti na podlagi IV. poglavja III. naslova III. dela Ustave, določbe mednarodnih sporazumov, ki jih je Unija sklenila na podlagi navedenega poglavja, pa tudi odločbe Sodišča Evropske unije glede razlage takih določb ali ukrepov. Te določbe, ukrepi ali odločbe v ničemer ne vplivajo na pristojnosti, pravice in obveznosti Danske; prav tako te določbe, ukrepi ali odločbe, kolikor se uporabljajo za Dansko, v ničemer ne vplivajo na pravni red Skupnosti in Unije niti niso sestavni del prava Unije.

ARTICLE 2

Pursuant to Article 1 and subject to Articles 3, 4 and 6, none of the provisions in Chapter IV of Title III of Part III of the Constitution, no measure adopted pursuant to that Chapter, no provision of any international agreements concluded by the Union pursuant to that Chapter, no decision of the Court of Justice of the European Union interpreting any such provision or measure shall be binding upon or applicable in Denmark; and no such provision, measure or decision shall in any way affect the competences, rights and obligations of Denmark; and no such provision, measure or decision shall in any way affect the Community or Union *acquis* nor form part of Union law as they apply to Denmark.

3. ČLEN

(1) Danska lahko v treh mesecih po predstavitvi predloga ali pobude Svetu na podlagi IV. poglavja III. naslova III. dela Ustave pisno uradno obvesti predsednika Sveta,, da želi sodelovati pri sprejetju in uporabi predlaganega ukrepa, kar se ji nato tudi dovoli.

(2) Če ob sodelovanju Danske ukrepa iz prejšnjega odstavka ni mogoče sprejeti v razumnem roku, lahko Svet sprejme ukrep iz prejšnjega odstavka v skladu s 1. členom te priloge brez sodelovanja Danske. V takem primeru se uporabi prejšnji člen.

4. ČLEN

Danska lahko kadarkoli po sprejetju ukrepa, na podlagi IV. poglavja III. naslova III. dela Ustave, uradno obvesti Svet in Komisijo o svoji nameri, da želi sprejeti ta ukrep. V tem primeru se smiselno uporabi postopek iz prvega odstavka III-420. člena Ustave.

5. ČLEN

(1) Uradno obvestilo iz prejšnjega člena se predloži najpozneje šest mesecev po končnem sprejetju ukrepa o razvoju schengenskega pravnega reda.

Če Danska uradnega obvestila glede ukrepa, ki nadgrajuje schengenski pravni red, ne predloži v skladu s 3. in 4. členom te priloge, države članice, za katere je tak ukrep zavezujoč, in Danska, proučile ukrepe, ki jih je treba sprejeti.

(2) Uradno obvestilo na podlagi 3. in 4. člena te priloge, ki se nanaša na ukrepe o razvoju schengenskega pravnega reda, se šteje za nepreklicno uradno obvestilo na podlagi 3. člena te priloge glede na vse druge predloge ali pobude, namenjene za nadgradnjo tega ukrepa, kolikor tak predlog ali pobuda nadgrajuje schengenski pravni red.

6. ČLEN

Če je za Dansko v primerih, naštetih v tem delu, ukrep, ki ga je Svet sprejel na podlagi IV. poglavja III. naslova III. dela, zavezujoč, se ustrezne določbe Ustave uporabljajo za Dansko v zvezi z zadevnim ukrepom.

7. ČLEN

Če za Dansko ukrep, sprejet na podlagi IV. poglavja III. naslova III. dela Ustave, ni zavezujoč, ne nosi nobenih finančnih posledic tega ukrepa, razen stroškov, ki nastanejo za poslovanje institucij, razen če Svet soglasno po posvetovanju z Evropskim parlamentom, ne odloči drugače.

ARTICLE 3

1. Denmark may notify the President of the Council in writing, within three months after a proposal or initiative has been presented to the Council pursuant to Chapter IV of Title III of Part III of the Constitution, that it wishes to take part in the adoption and application of any such proposed measure, whereupon Denmark shall be entitled to do so.

2. If after a reasonable period of time a measure referred to in paragraph 1 cannot be adopted with Denmark taking part, the Council may adopt that measure referred to in paragraph 1 in accordance with Article 1 without the participation of Denmark. In that case Article 2 applies.

ARTICLE 4

Denmark may at any time after the adoption of a measure pursuant to Chapter IV of Title III of Part III of the Constitution notify its intention to the Council and the Commission that it wishes to accept that measure. In that case, the procedure provided for in Article III-420(1) of the Constitution shall apply *mutatis mutandis*.

ARTICLE 5

1. Notification pursuant to Article 4 shall be submitted no later than six months after the final adoption of a measure if this measure builds upon the Schengen *acquis*.

If Denmark does not submit a notification in accordance with Articles 3 or 4 regarding a measure building upon the Schengen *acquis*, the Member States bound by that measure and Denmark will consider appropriate measures to be taken.

2. A notification pursuant to Article 3 with respect to a measure building upon the Schengen *acquis* shall be deemed irrevocably to be a notification pursuant to Article 3 with respect to any further proposal or initiative aiming to build upon that measure to the extent that such proposal or initiative builds upon the Schengen *acquis*.

ARTICLE 6

Where, in cases referred to in this Part, Denmark is bound by a measure adopted by the Council pursuant to Chapter IV of Title III of Part III of the Constitution, the relevant provisions of the Constitution shall apply to Denmark in relation to that measure.

ARTICLE 7

Where Denmark is not bound by a measure adopted pursuant to Chapter IV of Title III of Part III of the Constitution, it shall bear no financial consequences of that measure other than administrative costs entailed for the institutions unless the Council, acting unanimously after consulting the European Parliament, decides otherwise.

21. PROTOKOL
O ZUNANJIH ODNOSIH DRŽAV ČLANIC GLEDE PREHODA ZUNANJIH MEJA

VISOKE POGODBENICE SO SE –

OB UPOŠTEVANJU potrebe držav članic, da zagotovijo učinkovito kontrolo na svojih zunanjih mejah, kadar je to primerno, v sodelovanju s tretjimi državami –

DOGOVORILE o naslednjih določbah, ki so priloga k Pogodbi o Ustavi za Evropo:

EDINI ČLEN

Določbe o ukrepih glede prehoda zunanjih meja iz točke b) drugega odstavka III-265. člena Ustave, ne vplivajo na pristojnost držav članic, da se s tretjimi državami pogaja ali z njimi sklepa sporazume, kolikor so ti sporazumi v skladu s pravom Unije in drugimi ustreznimi mednarodnimi sporazumi.

21. PROTOCOL
ON EXTERNAL RELATIONS OF THE MEMBER STATES WITH REGARD TO THE CROSSING OF EXTERNAL BORDERS

THE HIGH CONTRACTING PARTIES,

TAKING INTO ACCOUNT the need of the Member States to ensure effective controls at their external borders, in cooperation with third countries where appropriate,

HAVE AGREED UPON the following provision, which shall be annexed to the Treaty establishing a Constitution for Europe:

SOLE ARTICLE

The provisions on the measures on the crossing of external borders included in Article III-265(2)(b) of the Constitution shall be without prejudice to the competence of Member States to negotiate or conclude agreements with third countries as long as they respect Union law and other relevant international agreements.

22. PROTOKOL O AZILU ZA DRŽAVLJANE DRŽAV ČLANIC

VISOKE POGODBENICE SO SE –

GLEDE NA TO, da Unija v skladu s prvim odstavkom I-9. člena Ustave priznava pravice, svoboščine in načela, opredeljena v Listini o temeljnih pravicah;

KER so, v skladu s tretjim odstavkom I-9. člena Ustave, temeljne pravice, kakršne zagotavlja Evropska konvencija o varstvu človekovih pravic in temeljnih svoboščin, kot splošna načela sestavni del prava Unije;

KER je Sodišče Evropske unije pristojno za zagotovitev tega, da Unija pri razlagi in uporabi prvega in tretjega odstavka I-9. člena Ustave upošteva pravo;

KER mora v skladu s I-58. členom Ustave vsaka evropska država ob vložitvi prošnje za članstvo v Uniji upoštovati vrednote, navedene v I-2. členu Ustave;

OB UPOŠTEVANJU tega, da I-59. člen Ustave vzpostavlja mehanizem za mirovanje nekaterih pravic, če država članica huje in vztrajno krši te vrednote;

OB SKLICEVANJU na poseben status in varstvo, ki ju uživa vsak državljan države članice kakor tudi državljan Unije in ki ju zagotavljajo države članice v skladu z določbami II. naslova I. dela in II. naslova III. dela Ustave;

OB UPOŠTEVANJU, da Ustava vzpostavlja območje brez notranjih meja in vsakemu državljanu Unije zagotavlja pravico do prostega gibanja in prebivanja na ozemlju držav članic;

V ŽELJI preprečiti, da bi se institut azila uporabljal za drugačne namene, kakor je bilo predvideno;

KER ta protokol upošteva namen in cilje Ženevske konvencije z dne 28. julija 1951 o statusu beguncev –

DOGOVORILE o naslednjih določbah, ki so priloga k Pogodbi o Ustavi za Evropo:

EDINI ČLEN

Zaradi ravni varstva temeljnih pravic in svoboščin v državah članicah Evropske unije se države članice za vse pravne in praktične namene glede azilnih zadev med seboj obravnavajo kot varne države izvora. Zato se lahko vsaka prošnja za azil, ki jo vloži državljan ene od držav članic, v drugi državi članici upošteva ali sprejme v postopek le v naslednjih primerih:

a) če država članica, katere državljan je prosilec, uporabi določbe 15. člena Evropske Konvencije o varstvu človekovih pravic in temeljnih svoboščin ter sprejme ukrepe, na podlagi katerih obveznosti iz te konvencije na njenem ozemlju ne veljajo;

b) če je bil sprožen postopek iz prvega in drugega odstavka I-59. člena Ustave in dokler Svet ali, kjer je to primerno, Evropski Svet o tem ne sprejme evropskega sklepa glede države članice, katere državljan je prosilec;

c) če je Svet sprejel evropski sklep v skladu s prvim odstavkom I-59. člena Ustave glede države članice, katere državljan je prosilec ali če je Evropski svet sprejel evropski sklep v skladu z drugim odstavkom I-59. člena Ustave glede države članice, katere državljan je prosilec;

22. PROTOCOL ON ASYLUM FOR NATIONALS OF MEMBER STATES

THE HIGH CONTRACTING PARTIES,

WHEREAS, in accordance with Article I-9(1) of the Constitution, the Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights;

WHEREAS pursuant to Article I-9(3) of the Constitution, fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms, constitute part of the Union's law as general principles;

WHEREAS the Court of Justice of the European Union has jurisdiction to ensure that in the interpretation and application of Article I-9(1) and (3) of the Constitution the law is observed by the Union;

WHEREAS pursuant to Article I-58 of the Constitution, any European State, when applying to become a member of the Union, must respect the values set out in Article I-2 of the Constitution;

BEARING IN MIND that Article I-59 of the Constitution establishes a mechanism for the suspension of certain rights in the event of a serious and persistent breach by a Member State of those values;

RECALLING that each national of a Member State, as a citizen of the Union, enjoys a special status and protection which shall be guaranteed by the Member States in accordance with the provisions of Title II of Part I and Title II of Part III of the Constitution;

BEARING IN MIND that the Constitution establishes an area without internal frontiers and grants every citizen of the Union the right to move and reside freely within the territory of the Member States;

WISHING to prevent the institution of asylum being resorted to for purposes alien to those for which it is intended;

WHEREAS this Protocol respects the finality and the objectives of the Geneva Convention of 28 July 1951 relating to the status of refugees,

HAVE AGREED UPON the following provisions which shall be annexed to the Treaty establishing a Constitution for Europe:

SOLE ARTICLE

Given the level of protection of fundamental rights and freedoms by the Member States of the European Union, Member States shall be regarded as constituting safe countries of origin in respect of each other for all legal and practical purposes in relation to asylum matters. Accordingly, any application for asylum made by a national of a Member State may be taken into consideration or declared admissible for processing by another Member State only in the following cases:

(a) if the Member State of which the applicant is a national proceeds, availing itself of the provisions of Article 15 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, to take measures derogating in its territory from its obligations under that Convention;

(b) if the procedure referred to in Article I-59(1) or (2) of the Constitution has been initiated and until the Council, or, where appropriate, the European Council, adopts a European decision in respect thereof with regard to the Member State of which the applicant is a national;

(c) if the Council has adopted a European decision in accordance with Article I-59(1) of the Constitution in respect of the Member State of which the applicant is a national or if the European Council has adopted a European decision in accordance with Article I-59(2) of the Constitution in respect of the Member State of which the applicant is a national;

d) če država članica sprejme enostranski sklep glede prošnje državljana druge države članice; v takšnem primeru se nemudoma obvesti Svet; pri obravnavanju prošnje se izhaja iz domneve, da je očitno neutemeljena, ne da bi pri tem kakor koli in ne glede na primer vplivali na pristojnost odločanja države članice.

(d) if a Member State should so decide unilaterally in respect of the application of a national of another Member State; in that case the Council shall be immediately informed; the application shall be dealt with on the basis of the presumption that it is manifestly unfounded without affecting in any way, whatever the case may be, the decision-making power of the Member State.

23. PROTOKOL
O STALNEM STRUKTURNEM SODELOVANJU, VZPOSTAVLJENIM NA PODLAGI ŠESTEGA ODSTAVKA I-41. ČLENA IN III-312. ČLENA USTAVE

VISOKE POGODBENICE SO SE –

OB UPOŠTEVANJU šestega odstavka I-41. člena in III-312. člena Ustave,

OB SKLICEVANJU na dejstvo, da Unija uresničuje skupno zunanjo in varnostno politiko na podlagi doseženega pri vse bolj usklajenem delovanju držav članic,

OB SKLICEVANJU na dejstvo, da je skupna varnostna in obrambna politika sestavni del skupne zunanje in varnostne politike; da Unija z njo dobiva operativne zmogljivosti, oprte na civilna in vojaška sredstva; da Unija lahko ta sredstva uporabi zunaj Unije v okviru nalog iz III-309. člena Ustave za ohranjanje miru, preprečevanje sporov in krepitev mednarodne varnosti v skladu z načeli Ustanovne listine Združenih narodov; da je k izvajanju nalog treba pristopiti z uporabo zmogljivosti, ki jih zagotovijo države članice v skladu z načelom "enovitosti sil",

OB SKLICEVANJU na dejstvo, da skupna varnostna in obrambna politika ne vpliva na posebno naravo varnostne in obrambne politike določenih držav članic,

OB SKLICEVANJU na dejstvo, da skupna varnostna in obrambna politika Unije upošteva obveznosti iz Severnoatlantske pogodbe tistih držav članic, ki vidijo uresničevanje svoje skupne obrambe v Organizaciji Severnoatlantske pogodbe, ki je še naprej temelj skupne obrambe njenih članic ter je združljiva s skupno varnostno in obrambno politiko, vzpostavljeno v tem okviru,

V PREPRIČANJU, da bo odločnejša vloga Unije v varnostnih in obrambnih zadevah prispevala k vitalnosti prenovljenega Atlantskega zavezništva v skladu z dogovorom, znanim kot »Berlin plus«,

ODLOČENE poskrbeti za to, da bo Unija sposobna v celoti prevzemati odgovornosti v mednarodni skupnosti,

Z UGOTOVITVIJO, da Organizacija Združenih narodov lahko zahteva pomoč Unije pri nujnem izvajanju nalog na podlagi VI in VII. poglavja Ustanovne listine Združenih narodov,

Z UGOTOVITVIJO, da bo krepitev skupne varnostne in obrambne politike od držav članic terjala prizadevanja na področju zmogljivosti,

ZAVEDAJOČ SE, da začetek nove stopnje v razvoju skupne varnostne in obrambne politike predpostavlja odločne napore zadevnih držav članic,

OB SKLICEVANJU na pomen polne vključenosti ministra za zunanje zadeve Unije v dejavnosti, povezane s stalnim strukturnim sodelovanjem –

DOGOVORILE o naslednjih določbah, ki se priložijo k Ustavi za Evropo:

1. ČLEN

Stalno strukturno sodelovanje iz šestega odstavka I-41. člena Ustave je odprto vsaki državi članici, ki se zaveže od dneva začetka veljavnosti Pogodbe o Ustavi za Evropo:

a) bolj intenzivno razvijati lastne obrambne sposobnosti z razvojem nacionalnih prispevkov in sodelovanja, kjer je to primerno, v večnacionalnih silah, v glavnih evropskih programih za opremo in v dejavnosti Agencije za področje razvoja obrambnih zmogljivosti, raziskav, nabave in oborožitve (Evropska obrambna agencija), in

23. PROTOCOL
ON PERMANENT STRUCTURED COOPERATION ESTABLISHED BY ARTICLE I-41(6) AND ARTICLE III-312 OF THE CONSTITUTION

THE HIGH CONTRACTING PARTIES,

Having regard to Article I-41(6) and Article III-312 of the Constitution,

RECALLING that the Union is pursuing a common foreign and security policy based on the achievement of growing convergence of action by Member States;

RECALLING that the common security and defence policy is an integral part of the common foreign and security policy; that it provides the Union with operational capacity drawing on civil and military assets; that the Union may use such assets in the tasks referred to in Article III-309 of the Constitution outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter; that the performance of these tasks is to be undertaken using capabilities provided by the Member States in accordance with the principle of a single set of forces;

RECALLING that the common security and defence policy of the Union does not prejudice the specific character of the security and defence policy of certain Member States;

RECALLING that the common security and defence policy of the Union respects the obligations under the North Atlantic Treaty of those Member States, which see their common defence realised in the North Atlantic Treaty Organisation, which remains the foundation of the collective defence of its members, and is compatible with the common security and defence policy established within that framework;

CONVINCED that a more assertive Union role in security and defence matters will contribute to the vitality of a renewed Atlantic Alliance, in accordance with the Berlin Plus arrangements;

DETERMINED to ensure that the Union is capable of fully assuming its responsibilities within the international community;

RECOGNISING that the United Nations Organisation may request the Union's assistance for the urgent implementation of missions undertaken under Chapters VI and VII of the United Nations Charter;

RECOGNISING that the strengthening of the security and defence policy will require efforts by Member States in the area of capabilities;

CONSCIOUS that embarking on a new stage in the development of the European security and defence policy involves a determined effort by the Member States concerned;

RECALLING the importance of the Minister for Foreign Affairs being fully involved in proceedings relating to permanent structured cooperation,

HAVE AGREED UPON the following provisions, which shall be annexed to the Constitution:

ARTICLE 1

The permanent structured cooperation referred to in Article I-41(6) of the Constitution shall be open to any Member State which undertakes, from the date of entry into force of the Treaty establishing a Constitution for Europe, to:

(a) proceed more intensively to develop its defence capacities through the development of its national contributions and participation, where appropriate, in multinational forces, in the main European equipment programmes, and in the activity of the Agency in the field of defence capabilities development, research, acquisition and armaments (European Defence Agency), and

b) da bo najpozneje do 2007 sposobna zagotoviti, na nacionalni ravni ali kot sestavni del večnacionalnih skupin sil, namenske bojne enote za načrtovane naloge, strukturirane na taktični ravni kot taktične grupacije, s podpornimi elementi, vključno s transportom in logistiko, ki bodo v roku 5 do 30 dni sposobne izvesti naloge iz III-309. člena Ustave, predvsem kot odgovor na zahteve Organizacije Združenih narodov, in ki bodo oskrbovane za začetno obdobje 30 dni, ki se ga lahko podaljša na najmanj 120 dni.

2. ČLEN

Za dosego ciljev iz prejšnjega člena, se države članice, ki sodelujejo v stalnem strukturnem sodelovanju, zavežejo, da bodo:

a) sodelovale od začetka veljavnosti Pogodbe o Ustavi za Evropo, da bi dosegle odobrene cilje glede višine investicijskih odhodkov za obrambno opremo, in te cilje redno preverjale v luči varnostnega okolja in mednarodnih obveznosti Unije;

b) med seboj, kolikor je mogoče, prilagodile svoje obrambne sisteme, zlasti z usklajevanjem ugotavljanja vojaških potreb, združevanjem in morebitnim specializiranjem svojih obrambnih sredstev in zmogljivosti ter spodbujanjem sodelovanja na področjih usposabljanja in logistike;

c) sprejele konkretne ukrepe za spodbujanje razpoložljivosti, medobratovalnosti, prožnosti in sposobnosti razmeščanja sil, zlasti z oblikovanjem skupnih ciljev glede uporabe sil, vključno z možnim pregledom nacionalnih postopkov odločanja;

d) sodelovale, da bi zagotovile sprejem potrebnih ukrepov, vključno z večdržavnim pristopom, in ne glede na delovanje v okviru Organizacije Severnoatlantske pogodbe, za nadomestitev primanjkljaja, zaznanega v okviru »Mehanizma razvoja zmogljivosti«;

e) sodelovale, kjer je to primerno, pri razvoju večjih skupnih ali evropskih programov za opremo v okviru Evropske obrambne agencije.

3. ČLEN

Evropska obrambna agencija prispeva k redni oceni prispevkov sodelujočih držav članic glede zmogljivosti, predvsem prispevkov v skladu z merili, ki jih je potrebno vzpostaviti med drugim na podlagi prejšnjega člena, in o tem poroča vsaj enkrat letno. Ocena lahko služi kot podlaga za priporočila in evropske sklepe Sveta, sprejete v skladu s III-312. členom Ustave.

(b) have the capacity to supply by 2007 at the latest, either at national level or as a component of multinational force groups, targeted combat units for the missions planned, structured at a tactical level as a battle group, with support elements including transport and logistics, capable of carrying out the tasks referred to in Article III-309, within a period of 5 to 30 days, in particular in response to requests from the United Nations Organisation, and which can be sustained for an initial period of 30 days and be extended up to at least 120 days.

ARTICLE 2

To achieve the objectives laid down in Article 1, Member States participating in permanent structured cooperation shall undertake to:

(a) cooperate, as from the entry into force of the Treaty establishing a Constitution for Europe, with a view to achieving approved objectives concerning the level of investment expenditure on defence equipment, and regularly review these objectives, in the light of the security environment and of the Union's international responsibilities;

(b) bring their defence apparatus into line with each other as far as possible, particularly by harmonising the identification of their military needs, by pooling and, where appropriate, specialising their defence means and capabilities, and by encouraging cooperation in the fields of training and logistics;

(c) take concrete measures to enhance the availability, interoperability, flexibility and deployability of their forces, in particular by identifying common objectives regarding the commitment of forces, including possibly reviewing their national decision-making procedures;

(d) work together to ensure that they take the necessary measures to make good, including through multinational approaches, and without prejudice to undertakings in this regard within the North Atlantic Treaty Organisation, the shortfalls perceived in the framework of the "Capability Development Mechanism";

(e) take part, where appropriate, in the development of major joint or European equipment programmes in the framework of the European Defence Agency.

ARTICLE 3

The European Defence Agency shall contribute to the regular assessment of participating Member States' contributions with regard to capabilities, in particular contributions made in accordance with the criteria to be established *inter alia* on the basis of Article 2, and shall report thereon at least once a year. The assessment may serve as a basis for Council recommendations and European decisions adopted in accordance with Article III-312 of the Constitution.

24. PROTOKOL O DRUGEM ODSTAVKU I-41. ČLENA USTAVE

VISOKE POGODBENICE SO SE –

OB ZAVEDANJU potrebe po izvajanju določb drugega odstavka I-41. člena Ustave v polnem obsegu,

OB ZAVEDANJU, da politika Unije v skladu z drugim odstavkom I-41. člena Ustave ne vpliva na posebno naravo varnostne in obrambne politike posameznih držav članic in upošteva obveznosti iz Severnoatlantske pogodbe tistih držav članic, ki vidijo uresničevanje svoje skupne obrambe v Organizaciji Severnoatlantske pogodbe, ter da je združljiva s skupno varnostno in obrambno politiko, vzpostavljeno v tem okviru –

DOGOVORILE o naslednji določbi, ki je priložena Pogodbi o Ustavi za Evropo:

EDINI ČLEN

Unija skupaj z Zahodnoevropsko unijo pripravi ureditev za okrepljeno sodelovanje med njima.

24. PROTOCOL ON ARTICLE I-41(2) OF THE CONSTITUTION

THE HIGH CONTRACTING PARTIES,

BEARING IN MIND the need to implement fully the provisions of Article I-41(2) of the Constitution;

BEARING IN MIND that the policy of the Union in accordance with Article I-41(2) of the Constitution shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation, under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework,

HAVE AGREED UPON the following provision, which is annexed to the Treaty establishing a Constitution for Europe:

SOLE ARTICLE

The Union shall draw up, together with the Western European Union, arrangements for enhanced cooperation between them.

25. PROTOKOL O UVOZU NAFTNIH PROIZVODOV, RAFINIRANIH NA NIZOZEMSKIH ANTILIH, V EVROPSKO UNIJO

VISOKE POGODBENICE SO SE –

V ŽELJI, da bi podrobneje določile ureditev blagovne menjave, ki se uporablja za uvoz naftnih proizvodov, rafiniranih na Nizozemskih Antilih, v Unijo –

DOGOVORILE o naslednjih določbah, ki so priložene Pogodbi o Ustavi za Evropo:

1. ČLEN

Ta protokol se uporablja za naftne proizvode po tarifnih številkah 27.10, 27.11, 27.12 (parafin in vosek iz nafte), ex 27.13 (parafinski odpadki) in 27.14 (vosek iz bituminoznih materialov) kombinirane nomenklature, uvoženih za potrošnjo v državah članicah.

2. ČLEN

Države članice se obvezujejo, da bodo za naftne proizvode, rafinirane na Nizozemskih Antilih, odobrile carinske ugodnosti, ki izhajajo iz pridružitve Nizozemskih Antilov k Uniji pod pogoji, predvidenimi s tem protokolom. Te določbe veljajo ne glede na to, kakšne predpise so prvotno uporabljale države članice.

3. ČLEN

(1) Če Komisija na zahtevo države članice ali na lastno pobudo ugotovi, da uvoz naftnih proizvodov, rafiniranih na Nizozemskih Antilih, v Unijo v skladu z ureditvijo iz prejšnjega člena povzroča dejanske težave na trgu ene ali več držav članic, sprejme evropski sklep, v katerem odloči, da zadevne države uvedejo, povečajo ali ponovno uvedejo carine, ki veljajo za ta uvoz v takem obsegu in za obdobje, potrebno za soočenje s temi razmerami. Stopnje tako uvedenih, povečanih ali ponovno uvedenih carin ne smejo presegati carin, ki se uporabljajo za iste proizvode za tretje države.

(2) Določbe iz prejšnjega odstavka se lahko uporabljajo v vseh primerih, ko uvoz naftnih proizvodov, rafiniranih na Nizozemskih Antilih, v Unijo doseže dva milijona ton letno.

(3) Svet je obveščen o evropskih sklepih, ki jih sprejme Komisija v skladu s prvim in drugim odstavkom tega člena, in o zavrnitvi zahtev posamezne države članice. Svet lahko o njih razpravlja na zahtevo države članice, prevzame odgovornosti in kadar koli sprejme evropski sklep, s katerim jih spremeni ali ponovno uvede.

4. ČLEN

(1) Če država članica oceni, da uvoz naftnih proizvodov, rafiniranih na Nizozemskih Antilih, ki se izvaja neposredno ali prek druge države članice v skladu z ureditvijo iz 2. člena tega protokola, povzroča dejanske težave na njenem trgu in da je za soočenje z njimi nujno takojšnje ukrepanje, lahko samostojno odloči, da za ta uvoz uvede carine, katerih stopnja ne sme presegati carin, ki se uporabljajo za iste proizvode za tretje države. O tej odločitvi obvesti Komisijo, ki v enem mesecu sprejme evropski sklep, v katerem odloči, ali lahko država te ukrepe ohrani, ali jih mora spremeniti ali odpraviti. Za takšno odločitev Komisije se uporablja tretji odstavek prejšnjega člena.

25. PROTOCOL CONCERNING IMPORTS INTO THE EUROPEAN UNION OF PETROLEUM PRODUCTS REFINED IN THE NETHERLANDS ANTILLES

THE HIGH CONTRACTING PARTIES,

BEING DESIROUS of giving fuller details about the system of trade applicable to imports into the Union of petroleum products refined in the Netherlands Antilles,

HAVE AGREED on the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe:

ARTICLE 1

This Protocol is applicable to petroleum products coming under the Combined Nomenclature numbers 27.10, 27.11, 27.12 (paraffin wax and petroleum wax), ex 27.13 (paraffin residues) and 27.14 (shale wax), imported for use in the Member States.

ARTICLE 2

Member States shall undertake to grant to petroleum products refined in the Netherlands Antilles the tariff preferences resulting from the Association of the latter with the Union, under the conditions provided for by this Protocol. These provisions shall hold good whatever may be the rules of origin applied by the Member States.

ARTICLE 3

1. When the Commission, at the request of a Member State or on its own initiative, establishes that imports into the Union of petroleum products refined in the Netherlands Antilles under the system provided for in Article 2 are giving rise to real difficulties on the market of one or more Member States, it shall adopt a European decision establishing that customs duties on the said imports shall be introduced, increased or re-introduced by the Member States in question, to such an extent and for such a period as may be necessary to meet that situation. The rates of the customs duties thus introduced, increased or re-introduced may not exceed the customs duties applicable to third countries for these same products.

2. The provisions of paragraph 1 can in any case be applied when imports into the Union of petroleum products refined in the Netherlands Antilles reach two million tonnes a year.

3. The Council shall be informed of European decisions adopted by the Commission in pursuance of paragraphs 1 and 2, including those directed at rejecting the request of a Member State. The Council shall, at the request of any Member State, assume responsibility for the matter and may at any time adopt a European decision to amend or revoke such decisions.

ARTICLE 4

1. If a Member State considers that imports of petroleum products refined in the Netherlands Antilles, made either directly or through another Member State under the system provided for in Article 2, are giving rise to real difficulties on its market and that immediate action is necessary to meet them, it may on its own initiative decide to apply customs duties to such imports, the rate of which may not exceed those of the customs duties applicable to third countries in respect of the same products. It shall notify its decision to the Commission, which shall within one month adopt a European decision establishing whether the measures taken by the State should be maintained or must be amended or cancelled. Article 3(3) shall be applicable to such decision of the Commission.

(2) Če uvoz naftnih proizvodov, rafiniranih na Nizozemskih Antilih, ki se izvaja neposredno ali prek druge države članice v skladu z ureditvijo iz 2. člena tega protokola v eno ali več držav članic, v enem koledarskem letu presega količine, navedene v prilogi tega protokola, velja, da so ukrepi, ki jih v skladu s prejšnjim odstavkom morebiti sprejmejo ta ali te države članice za tekoče leto, zakoniti. Potem, ko se prepriča, da so bile predvidene količine dosežene, Komisija sprejete ukrepe sprejme v vednost. V tem primeru druge države o tem ne obvestijo Sveta.

5. ČLEN

Če se Unija odloči uvesti količinske omejitve za uvoz naftnih proizvodov katerega koli porekla, se te omejitve lahko enako uporabljajo tudi za uvoz teh proizvodov, ki izvirajo z Nizozemskih Antilov. V tem primeru se Nizozemskim Antilom zagotovi preferencialna obravnava glede na tretje države.

6. ČLEN

(1) Svet lahko po posvetovanju z Evropskim parlamentom in Komisijo soglasno revidira 2. do 5. člen tega protokola ob sprejetju skupne definicije izvora za naftne proizvode s poreklom iz tretjih in pridruženih držav ali ob sprejetju sklepov v okviru skupne trgovinske politike za zadevne proizvode ali ob oblikovanju skupne energetske politike.

(2) Vendar je treba ob taki reviziji za Nizozemske Antile v vsakem primeru ohraniti prednosti enakovrednega obsega v ustrezni obliki in za količino najmanj dveh milijonov in pol ton naftnih proizvodov.

(3) Obveznosti Unije glede prednosti enakovrednega obsega iz prejšnjega odstavka se po potrebi lahko razporedijo po državah, ob upoštevanju količin, navedenih v prilogi tega protokola.

7. ČLEN

Komisijo se zaradi izvajanja tega protokola zadolži, da spremlja razvoj uvoza naftnih proizvodov, rafiniranih na Nizozemskih Antilih, v države članice. Države članice v skladu z upravnim postopkom, ki ga priporoči Komisija, sporočijo vse koristne informacije Komisiji, ki zagotovi njihovo razširjanje.

PRILOGA

Za izvajanje drugega odstavka 4. člena tega protokola so visoke pogodbenice sklenile, da se količina 2 milijona ton antilskih naftnih proizvodov razdeli med države članice na naslednji način:

Nemčija	625 000 ton
Belgijsko-luksemburška ekonomska unija	200 000 ton
Francija	75 000 ton
Italija	100 000 ton
Nizozemska	1 000 000 ton

2. When the quantities of petroleum products refined in the Netherlands Antilles imported either directly or through another Member State, under the system provided for in Article 2, into a Member State or States exceed during a calendar year the tonnage shown in the Annex to this Protocol, the measures taken in pursuance of paragraph 1 by that or those Member States for the current year shall be considered to be justified. The Commission shall, after assuring itself that the tonnage fixed has been reached, formally record the measures taken. In such a case the other Member States shall abstain from formally placing the matter before the Council.

ARTICLE 5

If the Union decides to apply quantitative restrictions to petroleum products, no matter whence they are imported, these restrictions may also be applied to imports of such products from the Netherlands Antilles. In this case preferential treatment shall be granted to the Netherlands Antilles as compared with third countries.

ARTICLE 6

1. Articles 2 to 5 may be reviewed by the Council, by unanimous decision, after consulting the European Parliament and the Commission, when a common definition of origin for petroleum products from third countries and associated countries is adopted, or when decisions are taken within the framework of a common commercial policy for the products in question or when a common energy policy is established.

2. When such revision is made, however, equivalent preferences shall in any case be maintained in favour of the Netherlands Antilles in a suitable form and for a minimum quantity of 2½ million tonnes of petroleum products.

3. The Union's commitments in regard to equivalent preferences as referred to in paragraph 2 may, if necessary, be broken down State by State taking into account the tonnage indicated in the Annex to this Protocol.

ARTICLE 7

For the implementation of this Protocol, the Commission is responsible for following the pattern of imports into the Member States of petroleum products refined in the Netherlands Antilles. Member States shall communicate to the Commission, which shall see that it is circulated, all useful information to that end in accordance with the administrative conditions recommended by it.

ANNEX

For the implementation of Article 4(2), the High Contracting Parties have decided that the quantity of 2 million tonnes of petroleum products from the Antilles shall be allocated among the following Member States as follows:

Germany	625 000 tonnes
Belgo/Luxembourg Economic Union	200 000 tonnes
France	75 000 tonnes
Italy	100 000 tonnes
Netherlands	1 000 000 tonnes

26. PROTOKOL O PRIDOBITVI NEPREMIČNIN NA DANSKEM

VISOKE POGODBENICE SO SE –

Z ŽELJO urediti nekatere posebne probleme, ki se nanašajo na Dansko –

DOGOVORILE o naslednjih določbah, priloženih Pogodbi o Ustavi za Evropo:

EDINI ČLEN

Ne glede na določbe Ustave lahko Danska ohrani obstoječo zakonodajo o pridobitvi sekundarnih prebivališč.

26. PROTOCOL ON THE ACQUISITION OF PROPERTY IN DENMARK

THE HIGH CONTRACTING PARTIES,

DESIRING to settle certain particular problems relating to Denmark,

HAVE AGREED upon the following provision, which shall be annexed to the Treaty establishing a Constitution for Europe:

SOLE ARTICLE

Notwithstanding the provisions of the Constitution, Denmark may maintain the existing legislation on the acquisition of second homes.

27. PROTOKOL
O SISTEMU JAVNE RADIOTELEVIZIJE V DRŽAVAH ČLANICAH

VISOKE POGODBENICE SO SE –

OB UPOŠTEVANJU neposredne povezanosti sistema javne radiotelevizije v državah članicah z demokratičnimi, socialnimi in kulturnimi potrebami vsake družbe in potrebo po ohranitvi medijske pluralnosti –

DOGOVORILE o naslednjih razlagalnih določbah, ki so priložene Pogodbi o Ustavi za Evropo:

EDINI ČLEN

Določbe Ustave ne vplivajo na pristojnost držav članic glede financiranja storitev javne radiotelevizije, če je takšno financiranje odobreno radiotelevizijskim zavodom za opravljanje javne službe, kakor jo naloži, opredeli in organizira vsaka država članica, in če ne vpliva na trgovinske pogoje in konkurenco v Uniji do te mere, da bi bilo to v nasprotju s skupnimi interesi, pri čemer je treba upoštevati zagotavljanje teh javnih storitev.

27. PROTOCOL
ON THE SYSTEM OF PUBLIC BROADCASTING IN THE MEMBER STATES

THE HIGH CONTRACTING PARTIES,

CONSIDERING that the system of public broadcasting in the Member States is directly related to the democratic, social and cultural needs of each society and to the need to preserve media pluralism,

HAVE AGREED UPON the following interpretative provisions, which shall be annexed to the Treaty establishing a Constitution for Europe:

SOLE ARTICLE

The provisions of the Constitution shall be without prejudice to the competence of Member States to provide for the funding of public service broadcasting insofar as such funding is granted to broadcasting organisations for the fulfilment of the public service remit as conferred, defined and organised by each Member State, and insofar as such funding does not affect trading conditions and competition in the Union to an extent which would be contrary to the common interest, while the realisation of the remit of that public service shall be taken into account.

28. PROTOKOL O III-214. ČLENU USTAVE

VISOKE POGODBENICE SO SE DOGOVORILE o naslednji določbi, ki je priložena Pogodbi o Ustavi za Evropo:

EDINI ČLEN

V III-214. členu Ustave dodatki iz poklicnega sistema socialne varnosti niso plačila, če in kolikor se nanašajo na obdobja zaposlitve pred 17. majem 1990, razen pri delavcih ali tistih, ki omenjene dodatke zahtevajo in so pred tem datumom vložili tožbo ali sprožili enakovreden postopek po veljavnem nacionalnem pravu.

28. PROTOCOL CONCERNING ARTICLE III-214 OF THE CONSTITUTION

THE HIGH CONTRACTING PARTIES,

HAVE AGREED upon the following provision, which shall be annexed to the Treaty establishing a Constitution for Europe:

SOLE ARTICLE

For the purposes of Article III-214 of the Constitution, benefits under occupational social security schemes shall not be considered as remuneration if and insofar as they are attributable to periods of employment prior to 17 May 1990, except in the case of workers or those claiming under them who have before that date initiated legal proceedings or introduced an equivalent claim under the applicable national law.

29. PROTOKOL O EKONOMSKI, SOCIALNI IN TERITORIALNI POVEZANOSTI

VISOKE POGODBENICE SO SE –

OB UPOŠTEVANJU, da I-3. člen Ustave vključuje cilj spodbujati ekonomsko, socialno in teritorialno povezanost in solidarnost med državami članicami ter da je v točki c) drugega odstavka I-14. člena Ustave ekonomska, socialna in teritorialna povezanost našteta med področji deljene pristojnosti Unije;

OB UPOŠTEVANJU, da vse določbe 3. oddelka III. poglavja III. dela Ustave o ekonomski, socialni in teritorialni povezanosti dajejo pravno podlago za utrditev in nadaljnji razvoj dejavnosti Unije na tem področju, in predvsem ustanovitev sklada;

OB SKLICEVANJU na to, da III-223. člen Ustave predvideva ustanovitev Kohezijskega sklada;

OB UGOTAVLJANJU, da Evropska investicijska banka posoja visoke in čedalje višje zneske v korist revnejših regij;

GLEDE NA željo po večji prožnosti ureditve za dodeljevanje sredstev iz strukturnih skladov;

GLEDE NA željo po določanju različnih ravni udeležbe Unije pri programih in projektih v nekaterih državah;

GLEDE NA predlog, da se pri sistemu virov lastnih sredstev bolj upošteva sorazmerna uspešnost držav članic –

DOGOVORILE o naslednjih določbah, ki so priloga k Pogodbi o Ustavi za Evropo:

EDINI ČLEN

(1) Države članice ponovno potrjujejo, da je spodbujanje ekonomske, socialne in teritorialne povezanosti bistvenega pomena za polni razvoj in trajen uspeh Unije.

(2) Države članice ponovno potrjujejo svoje prepričanje, da bi morali strukturni skladi še naprej imeti pomembno vlogo pri doseganju ciljev Unije na področju povezanosti.

(3) Države članice ponovno potrjujejo svoje prepričanje, da bi morala Evropska investicijska banka še naprej namenjati večino svojih sredstev za spodbujanje ekonomske, socialne in teritorialne povezanosti, in izjavljajo, da so pripravljene ponovno preučiti potrebe Evropske investicijske banke po kapitalu takoj, ko bo to za ta namen potrebno.

(4) Države članice se strinjajo, da Kohezijski sklad zagotavlja finančne prispevke Unije za projekte na področju okolja in vseevropskih omrežij v tistih državah članicah z BNP na prebivalca, manjšim od 90% povprečja Unije, ki imajo program za izpolnjevanje ekonomskih konvergenčnih meril iz III-184. člena Ustave.

(5) Države članice izražajo svoj namen dopustiti večjo stopnjo prožnosti pri dodeljevanju sredstev iz strukturnih skladov za specifične potrebe, ki niso predvidene v sedanji ureditvi strukturnih skladov.

(6) Države članice izražajo svojo pripravljenost določiti različne ravni udeležbe Unije pri programih in projektih strukturnih skladov, da bi se tako izognile prevelikemu naraščanju proračunskih odhodkov v manj uspešnih državah članicah.

(7) Države članice priznavajo, da je treba redno spremljati napredek pri doseganju ekonomske, socialne in teritorialne povezanosti ter izražajo svojo pripravljenost preučiti vse potrebne ukrepe v tej zvezi.

(8) Države članice izražajo svoj namen bolj upoštevati sposobnost posameznih držav članic, da prispevajo v sistem virov lastnih sredstev, in za manj uspešne države članice preučiti, kako popraviti nazadujoče elemente v sedanjem sistemu virov lastnih sredstev.

29. PROTOCOL ON ECONOMIC, SOCIAL AND TERRITORIAL COHESION

THE HIGH CONTRACTING PARTIES,

RECALLING that Article I-3 of the Constitution includes the objective of promoting economic, social and territorial cohesion and solidarity between Member States and that the said cohesion figures among the areas of shared competence of the Union listed in Article I-14(2)(c) of the Constitution;

RECALLING that the provisions of Section 3 of Chapter III of Title III of Part III of the Constitution, on economic, social and territorial cohesion as a whole provide the legal basis for consolidating and further developing the Union's action in this field, including the creation of a fund;

RECALLING that Article III-223 of the Constitution envisages setting up a Cohesion Fund;

NOTING that the European Investment Bank is lending large and increasing amounts for the benefit of the poorer regions;

NOTING the desire for greater flexibility in the arrangements for allocations from the Structural Funds;

NOTING the desire for modulation of the levels of Union participation in programmes and projects in certain Member States;

NOTING the proposal to take greater account of the relative prosperity of Member States in the system of own resources,

HAVE AGREED upon the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe:

SOLE ARTICLE

1. The Member States reaffirm that the promotion of economic, social and territorial cohesion is vital to the full development and enduring success of the Union.

2. The Member States reaffirm their conviction that the Structural Funds should continue to play a considerable part in the achievement of Union objectives in the field of cohesion.

3. The Member States reaffirm their conviction that the European Investment Bank should continue to devote the majority of its resources to the promotion of economic, social and territorial cohesion, and declare their willingness to review the capital needs of the European Investment Bank as soon as this is necessary for that purpose.

4. The Member States agree that the Cohesion Fund shall provide Union financial contributions to projects in the fields of environment and trans-European networks in Member States with a per capita GNP of less than 90% of the Union average which have a programme leading to the fulfilment of the conditions of economic convergence as set out in Article III-184 of the Constitution.

5. The Member States declare their intention of allowing a greater margin of flexibility in allocating financing from the Structural Funds to specific needs not covered under the present Structural Funds regulations.

6. The Member States declare their willingness to modulate the levels of Union participation in the context of programmes and projects of the Structural Funds, with a view to avoiding excessive increases in budgetary expenditure in the less prosperous Member States.

7. The Member States recognise the need to monitor regularly the progress made towards achieving economic, social and territorial cohesion, and state their willingness to study all necessary measures in this respect.

8. The Member States declare their intention of taking greater account of the contributive capacity of individual Member States in the system of own resources, and of examining means of correcting, for the less prosperous Member States, regressive elements existing in the present own resources system.

30. PROTOKOL O POSEBNI UREDITVI ZA GRENLANDIJO

VISOKE POGODBENICE SO SE

DOGOVORILE o naslednjih določbah, ki so priložene k Pogodbi o Ustavi za Evropo:

EDINI ČLEN

(1) Obravnava pri uvozu proizvodov grenlandskega porekla v Unijo, za katere velja skupna tržna ureditev za ribiške proizvode, ob upoštevanju mehanizmov skupne tržne ureditve vključuje oprostitev plačila carin in dajatev z enakim učinkom ter izključuje količinske omejitve ali ukrepe z enakim učinkom, če so možnosti dostopa do grenlandskih ribolovnih območij, priznane Uniji na podlagi sporazuma med Unijo in pristojnim organom za Grenlandijo, za Unijo zadovoljive.

(2) Ukrepi v zvezi z uvoznim režimom za proizvode iz prejšnjega odstavka, se sprejmejo v skladu s postopki iz III-231. člena Ustave.

30. PROTOCOL ON SPECIAL ARRANGEMENTS FOR GREENLAND

THE HIGH CONTRACTING PARTIES,

HAVE AGREED upon the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe:

SOLE ARTICLE

1. The treatment on import into the Union of products subject to the common organisation of the market in fishery products and originating in Greenland shall, while complying with the mechanisms of the common market organisation, involve exemption from customs duties and charges having equivalent effect and the absence of quantitative restrictions or measures having equivalent effect if the possibilities for access to Greenland fishing zones granted to the Union pursuant to an agreement between the Union and the authority responsible for Greenland are satisfactory to the Union.

2. The measures relating to the import arrangements for the products referred to in paragraph 1 shall be adopted in accordance with the procedures laid down in Article III-231 of the Constitution.

31. PROTOKOL O ČLENU 40.3.3 IRSKE USTAVE

VISOKE POGODBENICE SO SE

DOGOVORILE o naslednjih določbah, ki so priloga k Pogodbi o Ustavi za Evropo ter Pogodbi o ustanovitvi Evropske skupnosti za atomsko energijo:

EDINI ČLEN

Nobena določba Pogodbe o Ustavi za Evropo ali pogodb ali aktov, ki to pogodbo spreminjajo ali dopolnjujejo, ne vpliva na uporabo člena 40.30.3 irske ustave na Irskem.

31. PROTOCOL ON ARTICLE 40.3.3 OF THE CONSTITUTION OF IRELAND

THE HIGH CONTRACTING PARTIES

HAVE AGREED upon the following provision, which shall be annexed to the Treaty establishing a Constitution for Europe and to the Treaty establishing the European Atomic Energy Community:

SOLE ARTICLE

Nothing in the Treaty establishing a Constitution for Europe or in the Treaties or Acts modifying or supplementing it shall affect the application in Ireland of Article 40.3.3 of the Constitution of Ireland.

32. PROTOKOL
O DRUGEM ODSTAVKU I-9. ČLENA USTAVE O PRISTOPU UNIJE K EVROPSKI KONVENCIJI O VARSTVU ČLOVEKOVIH PRAVIC IN TEMELJNIH SVOBOŠČIN

VISOKE POGODBENICE SO SE
DOGOVORILE o naslednjih določbah, ki se priložijo Pogodbi o Ustavi za Evropo:

1. ČLEN

Sporazum o pristopu Unije k Evropski konvenciji o varstvu človekovih pravic in temeljnih svoboščin (v nadaljevanju »Evropska konvencija«) iz drugega odstavka I-9. člena Ustave vsebuje določbe za ohranitev posebnih značilnosti Unije in prava Unije, zlasti glede na:

a) posebne ureditve za možnost sodelovanja Unije v nadzornih telesih Evropske konvencije;

b) potrebne mehanizme za zagotavljanje, da so postopki s strani držav nečlanic in posamezne tožbe ustrezno naslovljeni bodisi zoper države članice in/ali Unijo.

2. ČLEN

Sporazum iz prejšnjega člena zagotovi, da pristop ne vpliva na pristojnosti Unije in njenih institucij. Sporazum mora zagotoviti, da nobena njegova določba ne vpliva na poseben položaj držav članic v odnosu do Evropske konvencije, zlasti v zvezi z njenimi protokoli, ukrepi, ki so jih sprejele države članice ne glede na na Evropsko konvencijo v skladu z njenim 15. členom, in na pridržke k Evropski konvenciji, ki so jih dale države članice v skladu z njenim 57. členom.

3. ČLEN

Nobena določba sporazuma iz 1. člena tega protokola, ne sme vplivati na drugi odstavek III-375. člena Ustave.

32. PROTOCOL
RELATING TO ARTICLE I-9(2) OF THE CONSTITUTION ON THE ACCESSION OF THE UNION TO THE EUROPEAN CONVENTION ON THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

THE HIGH CONTRACTING PARTIES
HAVE AGREED on the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe:

ARTICLE 1

The agreement relating to the accession of the Union to the European Convention on the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as the "European Convention") provided for in Article I-9(2) of the Constitution shall make provision for preserving the specific characteristics of the Union and Union law, in particular with regard to:

(a) the specific arrangements for the Union's possible participation in the control bodies of the European Convention;

(b) the mechanisms necessary to ensure that proceedings by non-Member States and individual applications are correctly addressed to Member States and/or the Union as appropriate.

ARTICLE 2

The agreement referred to in Article 1 shall ensure that accession of the Union shall not affect the competences of the Union or the powers of its institutions. It shall ensure that nothing therein affects the situation of Member States in relation to the European Convention, in particular in relation to the Protocols thereto, measures taken by Member States derogating from the European Convention in accordance with Article 15 thereof and reservations to the European Convention made by Member States in accordance with Article 57 thereof.

ARTICLE 3

Nothing in the agreement referred to in Article 1 shall affect Article III-375(2) of the Constitution.

33. PROTOKOL
O AKTIH IN POGODBAH, KI SO DOPOLNILI ALI SPREMENILI POGODBO O USTANOVITVI EVROPSKE SKUPNOSTI IN POGODBO O EVROPSKI UNIJI

VISOKE POGODBENICE SO SE –

OB UPOŠTEVANJU, da prvi odstavek IV-437. člena Ustave razveljavlja Pogodbo o ustanovitvi Evropske skupnosti in Pogodbo o Evropski uniji ter akte in pogodbe o njunih dopolnitvah ali spremembah,

OB UPOŠTEVANJU, da je treba pripraviti seznam aktov in pogodb iz prvega odstavka IV-437. člena Ustave,

OB UPOŠTEVANJU, da je treba vključiti vsebino določb člena 9(7) Amsterdamske pogodbe,

OB SKLICEVANJU na dejstvo, da Akt o volitvah predstavnikov Evropskega parlamenta s splošnimi neposrednimi volitvami z dne 20. septembra 1976 ostane v veljavi -

DOGOVORILE o naslednjih določbah, ki so priložene k Pogodbi o Ustavi za Evropo in Pogodbi o ustanovitvi Evropske skupnosti za atomsko energijo:

1. ČLEN

(1) Razveljavijo se naslednji akti in pogodbe, ki so dopolnili ali spremenili Pogodbo o ustanovitvi Evropske skupnosti:

a) Protokol z dne 8. aprila 1965 o privilegijih in imunitetah Evropskih skupnosti, ki je priložen Pogodbi o ustanovitvi enotnega Sveta in enotne Komisije (UL L št. 152, z dne 13. 7. 1967, str. 13);

b) Pogodba z dne 22. aprila 1970, ki spreminja nekatere proračunske določbe pogodb o ustanovitvi Evropskih skupnosti ter Pogodbe o ustanovitvi enotnega Sveta in enotne Komisije Evropskih skupnosti (UL L št. 2, z dne 2. 1. 1971, str. 1);

c) Pogodba z dne 22. julija 1975, ki spreminja nekatere finančne določbe pogodb o ustanovitvi Evropskih skupnosti ter Pogodbe o ustanovitvi enotnega Sveta in enotne Komisije Evropskih skupnosti (UL L št. 359, z dne 31. 12. 1977, str. 4);

d) Pogodba z dne 10. julija 1975, ki spreminja nekatere določbe Protokola o Statutu Evropske investicijske banke (UL L št. 91, z dne 6. 4. 1978, str. 1);

e) Pogodba z dne 13. marca 1984, ki glede Grenlandije spreminja pogodbe o ustanovitvi Evropskih skupnosti (UL L št. 29, z dne 1. 2. 1985, str. 1);

f) Enotni evropski akt z dne 17. februarja 1986 in 28. februarja 1986 (UL L št. 169, z dne 29. 6. 1987, str. 1);

g) Akt z dne 25. marca 1993 o dopolnitvi Protokola o Statutu Evropske investicijske banke, ki pooblašča svet guvernerjev za ustanovitev Evropskega investicijskega sklada (UL L št. 173, z dne 7. 7. 1994, str. 14);

h) Sklep Sveta 2003/223/ES v sestavi voditeljev držav ali vlad z dne 21. marca 2003 o spremembi člena 10.2 Statuta Evropskega sistema centralnih bank in Evropske centralne banke (UL L št. 83, z dne 1. 4. 2003, str. 66).

(2) Amsterdamska pogodba z dne 2. oktobra 1997, ki spreminja Pogodbo o Evropski uniji, Pogodbe o ustanovitvi Evropskih skupnosti in nekatere z njimi povezane akte, se razveljavi (UL C št. 340, z dne 10. 11. 1997, str. 1).

(3) Pogodba iz Nice z dne 26. februarja 2001, ki spreminja Pogodbo o Evropski uniji, pogodbe o ustanovitvi Evropskih skupnosti in nekatere z njimi povezane akte, se razveljavi (UL C 80, 10. 3. 2001, str. 1).

2. ČLEN

(1) Ne glede na uporabo III-432. člena Ustave in člena 189 Pogodbe o ustanovitvi Evropske skupnosti za atomsko

33. PROTOCOL
ON THE ACTS AND TREATIES WHICH HAVE SUPPLEMENTED OR AMENDED THE TREATY ESTABLISHING THE EUROPEAN COMMUNITY AND THE TREATY ON EUROPEAN UNION

THE HIGH CONTRACTING PARTIES,

WHEREAS Article IV-437(1) of the Constitution repeals the Treaty establishing the European Community and the Treaty on European Union and the Acts and Treaties which have supplemented or amended them;

WHEREAS a list should be drawn up of the acts and treaties referred to in Article IV-437(1);

WHEREAS the substance of Article 9(7) of the Treaty of Amsterdam should be incorporated;

RECALLING that the Act of 20 September 1976 concerning the election of representatives of the European Parliament by direct universal suffrage is to remain in force,

HAVE AGREED upon the following provisions, which are annexed to the Treaty establishing a Constitution for Europe and to the Treaty establishing the European Atomic Energy Community:

ARTICLE 1

1. The following Acts and Treaties which have supplemented or amended the Treaty establishing the European Community are hereby repealed:

(a) the Protocol of 8 April 1965 on the privileges and immunities of the European Communities annexed to the Treaty establishing a single Council and a single Commission (OJ 152, 13. 7. 1967, p. 13);

(b) the Treaty of 22 April 1970 amending certain budgetary provisions of the Treaties establishing the European Communities and of the Treaty establishing a single Council and a single Commission of the European Communities (OJ L 2, 2. 1. 1971, p. 1);

(c) the Treaty of 22 July 1975 amending certain financial provisions of the Treaties establishing the European Communities and of the Treaty establishing a single Council and a single Commission of the European Communities (OJ L 359, 31. 12. 1977, p. 4);

(d) the Treaty of 10 July 1975 amending certain provisions of the Protocol on the Statute of the European Investment Bank (OJ L 91, 6. 4. 1978, p. 1);

(e) the Treaty of 13 March 1984 amending, with regard to Greenland, the Treaties establishing the European Communities (OJ L 29, 1. 2. 1985, p. 1);

(f) the Single European Act of 17 February 1986 and 28 February 1986 (OJ L 169, 29. 6. 1987, p. 1);

(g) the Act of 25 March 1993 amending the Protocol on the Statute of the European Investment Bank, empowering the Board of Governors to establish a European Investment Fund (OJ L 173, 7. 7. 1994, p. 14);

(h) Decision 2003/223/EC of the Council, meeting in the composition of the Heads of State or Government, of 21 March 2003 on an amendment to Article 10.2 of the Statute of the European System of Central Banks and of the European Central Bank (OJ L 83, 1. 4. 2003, p. 66).

2. The Treaty of Amsterdam of 2 October 1997 amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts is hereby repealed (OJ C 340, 10. 11. 1997, p. 1).

3. The Treaty of Nice of 26 February 2001 amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts is hereby repealed (OJ C 80, 10. 3. 2001, p. 1).

ARTICLE 2

1. Without prejudice to the application of Article III-432 of the Constitution and Article 189 of the Treaty establishing

energijo predstavniki vlad držav članic v medsebojnem soglasju sprejmejo predpise, ki so potrebni za ureditev nekaterih posebnih težav Velikega vojvodstva Luksemburg, nastalih z oblikovanjem enotnega Sveta in enotne Komisije Evropskih skupnosti.

(2) Akt o volitvah predstavnikov Evropskega parlamenta s splošnimi neposrednimi volitvami, priložen Sklepu Sveta 76/787/ESPJ, EGS, Euratom (UL L št. 278, z dne 8. 10. 1976, str. 1) ostane v veljavi v obliki, veljavni ob začetku veljavnosti Pogodbe o Ustavi za Evropo. Ta akt se zaradi uskladitve z Ustavo spremeni na naslednji način:

a) člen 1(3) se črta;

b) sprememba ne vpliva na slovensko besedilo;

c) v členu 6(2) se črtajo besede »z dne 8. aprila 1965«; besedi »Evropskih skupnosti« se nadomestita z besedama »Evropske unije«;

d) v drugi alinei člena 7(1) se besede »Komisije Evropskih skupnosti« nadomestijo z besedama »Evropske komisije«;

e) v tretji alinei člena 7(1) se besede »Sodišča Evropskih skupnosti ali Sodišča prve stopnje« nadomestijo z besedami »Sodišča Evropske unije«;

f) v peti alinei člena 7(1) se besede »Računskega sodišča Evropskih skupnosti« nadomestijo z besedami »Računskega sodišča Evropske unije«;

g) v šesti alinei člena 7(1) se besede »varuha človekovih pravic Evropskih skupnosti« nadomestijo z besedami »evropskega varuha človekovih pravic«;

h) v sedmi alinei člena 7(1) se besede »Evropske gospodarske skupnosti in Evropske skupnosti za atomsko energijo« nadomestijo z besedama »Evropske unije«;

i) v deveti alinei člena 7(1) se besede »na podlagi Pogodb o ustanovitvi Evropske gospodarske skupnosti in Evropske skupnosti za atomsko energijo« nadomestijo z besedami »na podlagi Pogodbe o Ustavi za Evropo in Pogodbe o ustanovitvi Evropske skupnosti za atomsko energijo«; beseda »Skupnosti« pa se nadomesti z besedo »Unije«;

j) v enajsti alinei člena 7(1) se besede »institucij Evropskih skupnosti ali z njimi povezanih specializiranih organov ali Evropske centralne banke« nadomestijo z besedami »organov, uradov in agencij Evropske unije«;

k) alinee člena 7(1) postanejo točke a) do k);

l) v drugem pododstavku člena 7(2) alinei tega pododstavka postaneta točki a) in b);

m) v drugem pododstavku člena 11(2) se beseda »Skupnosti« nadomesti z besedo »Uniji«; beseda »določi« se nadomesti z besedami »sprejme evropski sklep in določi«; besedi »prejšnjim pododstavkom« pa se nadomestita z besedama »prvim pododstavkom«;

n) v členu 11(3) se del stavka »brez poseganja v člen 139 Pogodbe o ustanovitvi Evropske skupnosti« nadomesti z besedami »ne glede na III-336. člen Ustave«;

o) v členu 14 se besede »jih Svet na predlog« nadomesti z »Svet na pobudo«, za besedo »sprejme« pa se doda naslednje besedilo »potrebne evropske uredbe ali sklepe«.

the European Atomic Energy Community, the representatives of the Governments of the Member States shall adopt by common accord the necessary provisions for the purpose of dealing with certain problems particular to the Grand Duchy of Luxembourg which arise from the creation of a Single Council and a Single Commission of the European Communities.

2. The Act concerning the election of representatives of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom (OJ L 278, 8. 10. 1976, p. 1), as it stands at the time of entry into force of the Treaty establishing a Constitution for Europe remains in force. In order to bring it into line with the Constitution, this Act is hereby amended as follows:

(a) Article 1(3) shall be deleted.

(b) This amendment does not concern the English text.

(c) In Article 6(2), the words "of 8 April 1965" shall be deleted; and the term "European Communities" shall be replaced by "European Union".

(d) In the second indent of Article 7(1), the term "Commission of the European Communities" shall be replaced by "European Commission".

(e) In the third indent of Article 7(1), the phrase "Court of Justice of the European Communities or of the Court of First Instance" shall be replaced by "Court of Justice of the European Union".

(f) In the fifth indent of Article 7(1), the term "Court of Auditors of the European Communities" shall be replaced by "Court of Auditors".

(g) In the sixth indent of Article 7(1), the term "Ombudsman of the European Communities" shall be replaced by "European Ombudsman".

(h) In the seventh indent of Article 7(1), the phrase "of the European Economic Community and of the European Atomic Energy Community" shall be replaced by "of the European Union".

(i) In the ninth indent of Article 7(1), the phrase "pursuant to the Treaties establishing the European Economic Community and the European Atomic Energy Community" shall be replaced by "pursuant to the Treaty establishing a Constitution for Europe and the Treaty establishing the European Atomic Energy Community"; and the term "Communities' " shall be replaced by "Union's".

(j) In the eleventh indent of Article 7(1), the phrase "institutions of the European Communities or of the specialised bodies attached to them or of the European Central Bank" shall be replaced by "institutions, bodies, offices or agencies of the European Union".

(k) The indents of Article 7(1) shall become points (a) to (k) respectively.

(l) The indents of the second subparagraph of Article 7(2) shall become points (a) and (b) respectively.

(m) In the second subparagraph of Article 11(2), the term "Community" shall be replaced by "Union"; the word "determine" shall be replaced by "adopt a European decision which shall determine"; and the words "preceding subparagraph" shall be replaced by "first subparagraph".

(n) In Article 11(3), the phrase "without prejudice to Article 139 of the Treaty establishing the European Community" shall be replaced by "without prejudice to Article III-336 of the Constitution".

(o) In Article 14, the term "a proposal" shall be replaced by "an initiative"; and the phrase "adopt such measures" shall be replaced by "adopt the necessary European regulations or decisions".

34. PROTOKOL O PREHODNIH DOLOČBAH V ZVEZI Z INSTITUCIJAMI IN ORGANI UNIJE

VISOKE POGODBENICE SO SE –

GLEDE NA TO, da je treba zaradi ureditve prehoda z Evropske unije, ustanovljene s Pogodbo o Evropski uniji in Evropski skupnosti na njuno naslednico Evropsko unijo, ustanovljeno s Pogodbo o Ustavi za Evropo, določiti prehodne določbe, ki se bodo uporabljale do začetka veljavnosti vseh določb Ustave in aktov, potrebnih za njihovo izvajanje –

DOGOVORILE o naslednjih določbah, ki so priložene Pogodbi o Ustavi za Evropo in Pogodbi o ustanovitvi Evropske skupnosti za atomsko energijo:

I. NASLOV
DOLOČBE O EVROPSKEM PARLAMENTU

1. ČLEN

(1) Evropski svet dovolj zgodaj pred volitvami v Evropski parlament 2009 v skladu z drugim pododstavkom prvega odstavka I-20. člena Ustave sprejme evropski sklep o sestavi Evropskega parlamenta.

(2) Med parlamentarnim mandatom 2004-2009 ustreza-ta sestava in število predstavnikov Evropskega parlamenta, izvoljenih v vsaki državi članici, sestavi in številu, ki obstajata na dan začetka veljavnosti Pogodbe o Ustavi za Evropo, pri čemer je število predstavnikov naslednje:

Belgija	24
Češka republika	24
Danska	14
Nemčija	99
Estonija	6
Grčija	24
Španija	54
Francija	78
Irska	13
Italija	78
Ciper	6
Latvija	9
Litva	13
Luksemburg	6
Madžarska	24
Malta	5
Nizozemska	27
Avstrija	18
Poljska	54
Portugalska	24
Slovenija	7
Slovaška	14
Finska	14
Švedska	19
Združeno kraljestvo	78

34. PROTOCOL ON THE TRANSITIONAL PROVISIONS RELATING TO THE INSTITUTIONS AND BODIES OF THE UNION

THE HIGH CONTRACTING PARTIES,

WHEREAS, in order to organise the transition from the European Union established by the Treaty on European Union and the European Community to the European Union established by the Treaty establishing a Constitution for Europe which is their successor, it is necessary to lay down transitional provisions which will apply before all the provisions of the Constitution and the instruments necessary for their implementation take full effect,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe and to the Treaty establishing the European Atomic Energy Community:

TITLE I
PROVISIONS CONCERNING THE EUROPEAN PARLIAMENT

ARTICLE 1

1. In accordance with the second subparagraph of Article I-20(2) of the Constitution, the European Council shall adopt a European decision determining the composition of the European Parliament sufficiently in advance of the 2009 European Parliament elections.

2. During the 2004-2009 parliamentary term, the composition and the number of representatives elected to the European Parliament in each Member State shall remain the same as on the date of the entry into force of the Treaty establishing a Constitution for Europe, the number of representatives being as follows:

Belgium	24
Czech Republic	24
Denmark	14
Germany	99
Estonia	6
Greece	24
Spain	54
France	78
Ireland	13
Italy	78
Cyprus	6
Latvia	9
Lithuania	13
Luxembourg	6
Hungary	24
Malta	5
Netherlands	27
Austria	18
Poland	54
Portugal	24
Slovenia	7
Slovakia	14
Finland	14
Sweden	19
United Kingdom	78

II. NASLOV

DOLOČBE O EVROPSKEM SVETU IN SVETU MINISTROV

2. ČLEN

(1) Določbe prvega, drugega in tretjega odstavka I-25. člena Ustave o določitvi kvalificirane večine v Evropskem svetu in Svetu začnejo veljati 1. novembra 2009 po volitvah v Evropski parlament 2009, v skladu z drugim odstavkom I-20. člena Ustave.

(2) Ne glede na četrti odstavek I-25. člena Ustave, ostanejo v veljavi naslednje določbe do 31. oktobra 2009:

Za odločitve Evropskega sveta in Sveta, za katere je potrebna kvalificirana večina, se glasovi članov ponderirajo na naslednji način:

Belgija	12
Češka republika	12
Danska	7
Nemčija	29
Estonija	4
Grčija	12
Španija	27
Francija	29
Irska	7
Italija	29
Ciper	4
Latvija	4
Litva	7
Luksemburg	4
Madžarska	12
Malta	3
Nizozemska	13
Avstrija	10
Poljska	27
Portugalska	12
Slovenija	4
Slovaška	7
Finska	7
Švedska	10
Združeno kraljestvo	29

Za sprejetje odločitev je potrebnih najmanj 232 glasov za, ki predstavljajo večino članov, kadar Ustava določa, da morajo biti sprejete na predlog Komisije. V drugih primerih je za sprejetje odločitev potrebnih najmanj 232 glasov za, ki predstavljajo najmanj dve tretjini članov.

Član Evropskega sveta ali Sveta lahko zahteva, da se, kadar Evropski svet ali Svet sprejema akt s kvalificirano večino, preveri, ali države članice, ki tvorijo to kvalificirano večino, predstavljajo najmanj 62% celotnega prebivalstva Unije. Če se izkaže, da temu ni tako, se akt ne sprejme.

TITLE II

PROVISIONS CONCERNING THE EUROPEAN COUNCIL AND THE COUNCIL

ARTICLE 2

1. The provisions of Article I-25(1), (2) and (3) of the Constitution on the definition of the qualified majority in the European Council and the Council shall take effect on 1 November 2009, after the 2009 European Parliament elections have taken place in accordance with Article I-20(2) of the Constitution.

2. The following provisions shall remain in force until 31 October 2009, without prejudice to Article I-25(4) of the Constitution.

For acts of the European Council and of the Council requiring a qualified majority, members' votes shall be weighted as follows:

Belgium	12
Czech Republic	12
Denmark	7
Germany	29
Estonia	4
Greece	12
Spain	27
France	29
Ireland	7
Italy	29
Cyprus	4
Latvia	4
Lithuania	7
Luxembourg	4
Hungary	12
Malta	3
Netherlands	13
Austria	10
Poland	27
Portugal	12
Slovenia	4
Slovakia	7
Finland	7
Sweden	10
United Kingdom	29

Acts shall be adopted if there are at least 232 votes in favour representing a majority of the members where, under the Constitution, they must be adopted on a proposal from the Commission. In other cases decisions shall be adopted if there are at least 232 votes in favour representing at least two thirds of the members.

A member of the European Council or the Council may request that, where an act is adopted by the European Council or the Council by a qualified majority, a check is made to ensure that the Member States comprising the qualified majority represent at least 62% of the total population of the Union. If that proves not to be the case, the act shall not be adopted.

(3) Ob vsakem nadaljnjem pristopu se prag iz prejšnjega odstavka izračuna tako, da se zagotovi, da prag kvalificirane večine, izražen z glasovi, ne presega tistega, ki izhaja iz preglednice v Izjavi o širitvi Evropske unije v Sklepni listini Konference, ki je sprejela Pogodbo iz Nice.

(4) Določbe naslednjih členov začnejo veljati 1. novembra 2009:

– tretji, četrti in peti pododstavek tretjega odstavka I-44. člena Ustave;

– drugi in tretji pododstavek petega odstavka I-59. člena Ustave

– drugi pododstavek četrtega odstavka I-60. člena Ustave

– tretji in četrti pododstavek četrtega odstavka III-179. člena Ustave

– tretji in četrti pododstavek šestega odstavka III-184. člena Ustave

– tretji in četrti pododstavek sedmega odstavka III-184. člena Ustave

– drugi in tretji pododstavek drugega odstavka III-194. člena Ustave

– drugi in tretji pododstavek tretjega odstavka III-196. člena Ustave

– drugi in tretji pododstavek četrtega odstavka III-197. člena Ustave

– tretji pododstavek drugega odstavka III-198. člena Ustave

– tretji in četrti pododstavek tretjega odstavka III-312. člena Ustave

– tretji in četrti pododstavek četrtega odstavka III-312. člena Ustave

– drugi, tretji in četrti odstavek 1. člena, in drugi, tretji in četrti pododstavek prvega odstavka 3. člena Protokola o stališču Združenega kraljestva in Irske glede politik mejnih kontrol, azila in priseljevanja ter pravosodnega sodelovanju v civilnih zadevah in policijskega sodelovanja

– drugi, tretji in četrti odstavek 1. člena in tretji, četrti in peti odstavek 5. člena Protokola o stališču Danske.

Do 31. oktobra 2009 se v primerih, ko vsi člani Sveta ne glasujejo, in sicer v primerih iz členov, naštetih v prejšnjem pododstavku, kvalificirana večina opredeli kot enak delež ponderiranih glasov in enak delež števila članov Sveta ter po potrebi enak odstotek prebivalstva zadevnih držav članic, kakor je določeno v drugem odstavku tega člena.

3. For subsequent accessions, the threshold referred to in paragraph 2 shall be calculated to ensure that the qualified majority threshold expressed in votes does not exceed that resulting from the table in the Declaration on the enlargement of the European Union in the Final Act of the Conference which adopted the Treaty of Nice.

4. The provisions of the following Articles shall take effect on 1 November 2009:

– Article I-44(3), third, fourth and fifth subparagraphs, of the Constitution,

– Article I-59(5), second and third subparagraphs, of the Constitution,

– Article I-60(4), second subparagraph, of the Constitution,

– Article III-179(4), third and fourth subparagraphs, of the Constitution,

– Article III-184(6), third and fourth subparagraphs, of the Constitution,

– Article III-184(7), third and fourth subparagraphs, of the Constitution,

– Article III-194(2), second and third subparagraphs, of the Constitution,

– Article III-196(3), second and third subparagraphs, of the Constitution,

– Article III-197(4), second and third subparagraphs, of the Constitution,

– Article III-198(2), third subparagraph, of the Constitution,

– Article III-312(3), third and fourth subparagraphs, of the Constitution,

– Article III-312(4), third and fourth subparagraphs, of the Constitution,

– Article 1, second, third and fourth paragraphs, and Article 3(1), second, third and fourth subparagraphs, of the Protocol on the position of the United Kingdom and Ireland on policies in respect of border controls, asylum and immigration, judicial cooperation in civil matters and on police cooperation,

– Article 1, second, third and fourth paragraphs and Article 5, third, fourth and fifth paragraphs, of the Protocol on the position of Denmark.

Until 31 October 2009, the qualified majority shall, in cases where not all the members of the Council participate in voting, namely in the cases referred to in the articles mentioned in the first subparagraph, be defined as the same proportion of the weighted votes and the same proportion of the number of the Council members and, if appropriate, the same percentage of the population of the Member States concerned as laid down in paragraph 2.

3. ČLEN

Do začetka veljavnosti evropskega sklepa iz sedmega odstavka I-24. člena Ustave se lahko Svet sestaja v sestavah, določenih v drugem in tretjem odstavku I-24. člena Ustave ter v drugih sestavah, katerih seznam se določi z evropskim sklepom Sveta za splošne zadeve, ki odloči z navadno večino.

ARTICLE 3

Until the entry into force of the European decision referred to in Article I-24(4) of the Constitution, the Council may meet in the configurations laid down in Article I-24(2) and (3) and in the other configurations on the list established by a European decision of the General Affairs Council, acting by a simple majority.

III. NASLOV

DOLOČBE O KOMISIJI, VKLJUČNO Z MINISTROM ZA ZUNANJE ZADEVE UNIJE

TITLE III

PROVISIONS CONCERNING THE COMMISSION, INCLUDING THE UNION MINISTER FOR FOREIGN AFFAIRS

4. ČLEN

Člani Komisije, ki opravljajo funkcijo na dan začetka veljavnosti Pogodbe o Ustavi za Evropo, še naprej opravljajo to funkcijo do izteka njihovega mandata. Vendar pa na dan imenovanja ministra za zunanje zadeve Unije, mandat člana, ki ima enako državljanstvo kot minister za zunanje zadeve Unije, preneha.

ARTICLE 4

The members of the Commission in office on the date of entry into force of the Treaty establishing a Constitution for Europe shall remain in office until the end of their term of office. However, on the day of the appointment of the Union Minister for Foreign Affairs, the term of office of the member having the same nationality as the Union Minister for Foreign Affairs shall end.

IV. NASLOV

DOLOČBE O GENERALNEM SEKRETARJU SVETA, VISOKEM PREDSTAVNIKU ZA SKUPNO ZUNANJO IN VARNOSTNO POLITIKO IN O NAMESTNIKU GENERALNEGA SEKRETARJA SVETA

5. ČLEN

Mandata generalnega sekretarja Sveta, visokega predstavnika za skupno zunanjo in varnostno politiko in namestnika generalnega sekretarja Sveta se iztečeta na dan začetka veljavnosti Pogodbe o Ustavi za Evropo. Svet imenuje generalnega sekretarja v skladu z drugim odstavkom III-344. člena Ustave.

TITLE IV

PROVISIONS CONCERNING THE SECRETARY-GENERAL OF THE COUNCIL, HIGH REPRESENTATIVE FOR THE COMMON FOREIGN AND SECURITY POLICY, AND THE DEPUTY SECRETARY-GENERAL OF THE COUNCIL

ARTICLE 5

The terms of office of the Secretary-General of the Council, High Representative for the common foreign and security policy, and the Deputy Secretary-General of the Council shall end on the date of entry into force of the Treaty establishing a Constitution for Europe. The Council shall appoint a Secretary-General in conformity with Article III-344(2) of the Constitution.

V. NASLOV

DOLOČBE O POSVETOVALNIH ORGANIH

6. ČLEN

Do začetka veljavnosti evropskega sklepa iz III-386. člena Ustave je razdelitev članov Odbora regij naslednja:

Belgija	12
Češka republika	12
Danska	9
Nemčija	24
Estonija	7
Grčija	12
Španija	21
Francija	24
Irska	9
Italija	24
Ciper	6
Latvija	7
Litva	9
Luksemburg	6
Madžarska	12
Malta	5
Nizozemska	12
Avstrija	12
Poljska	21
Portugalska	12
Slovenija	7
Slovaška	9
Finska	9
Švedska	12
Združeno kraljestvo	24

TITLE V

PROVISIONS CONCERNING ADVISORY BODIES

ARTICLE 6

Until entry into force of the European decision referred to in Article III-386 of the Constitution, the allocation of members of the Committee of the Regions shall be as follows:

Belgium	12
Czech Republic	12
Denmark	9
Germany	24
Estonia	7
Greece	12
Spain	21
France	24
Ireland	9
Italy	24
Cyprus	6
Latvia	7
Lithuania	9
Luxembourg	6
Hungary	12
Malta	5
Netherlands	12
Austria	12
Poland	21
Portugal	12
Slovenia	7
Slovakia	9
Finland	9
Sweden	12
United Kingdom	24

7. ČLEN

Do začetka veljavnosti evropskega sklepa iz III-389. člena Ustave je razdelitev članov Ekonomsko-socialnega odbora naslednja:

Belgija	12
Češka republika	12
Danska	9
Nemčija	24
Estonija	7
Grčija	12
Španija	21
Francija	24
Irska	9
Italija	24
Ciper	6
Latvija	7
Litva	9
Luksemburg	6
Madžarska	12
Malta	5
Nizozemska	12
Avstrija	12
Poljska	21
Portugalska	12
Slovenija	7
Slovaška	9
Finska	9
Švedska	12
Združeno kraljestvo	24

ARTICLE 7

Until entry into force of the European decision referred to in Article III-389 of the Constitution, the allocation of members of the Economic and Social Committee shall be as follows:

Belgium	12
Czech Republic	12
Denmark	9
Germany	24
Estonia	7
Greece	12
Spain	21
France	24
Ireland	9
Italy	24
Cyprus	6
Latvia	7
Lithuania	9
Luxembourg	6
Hungary	12
Malta	5
Netherlands	12
Austria	12
Poland	21
Portugal	12
Slovenia	7
Slovakia	9
Finland	9
Sweden	12
United Kingdom	24

35. PROTOKOL
O FINANČNIH POSLEDICAH IZTEKA POGODBE O EVROPSKI SKUPNOSTI ZA PREMOG IN JEKLO TER O RAZISKOVALNEM SKLADU ZA PREMOG IN JEKLO

VISOKE POGODBENICE SO SE –

OB SKLICEVANJU na to, da so bila vsa sredstva in obveznosti Evropske skupnosti za premog in jeklo, obstoječa na dan 23. julija 2002, prenesena na Evropsko skupnost 24. julija 2002.

OB UPOŠTEVANJU želje, da se ta sredstva uporabijo za raziskave v sektorjih, ki so povezani s premogovništvom in jeklarsko industrijo ter ob upoštevanju potrebe, da se v tej zvezi predvidijo nekateri posebni predpisi –

DOGOVORILE o naslednjih določbah, priloženih Pogodbi o Ustavi za Evropo:

1. ČLEN

(1) Neto vrednost sredstev in obveznosti Evropske skupnosti za premog in jeklo, prikazanih v bilanci stanja Evropske skupnosti za premog in jeklo z dne 23. julija 2002, se ob upoštevanju morebitnega povečanja ali zmanjšanja zaradi likvidacijskih postopkov obravnava kot sredstva Unije, namenjena za raziskave v sektorjih, povezanih s premogovništvom in jeklarsko industrijo, imenovana »Evropska skupnost za premog in jeklo v likvidaciji«. Ob zaključku likvidacije se sredstva imenujejo »Sredstva Raziskovalnega sklada za premog in jeklo«.

(2) Prihodki iz teh sredstev, imenovani »Raziskovalni sklad za premog in jeklo«, se v skladu z določbami tega protokola in akti, sprejetimi na njegovi podlagi, uporabljajo izključno za raziskave v sektorjih, povezanih s premogovništvom in jeklarsko industrijo, ki potekajo zunaj raziskovalnega okvirnega programa.

2. ČLEN

(1) Evropski zakon, ki ga sprejme Svet, določi vse potrebne ukrepe za izvajanje tega protokola, vključno z bistvenimi načeli. Svet odloča po pridobitvi odobritve Evropskega parlamenta.

(2) Svet na predlog Komisije sprejme evropske uredbe ali sklepe, s katerimi določi večletne finančne smernice za upravljanje sredstev Raziskovalnega sklada za premog in jeklo ter tehnične smernice za raziskovalni program Raziskovalnega sklada za premog in jeklo. Svet odloča po posvetovanju z Evropskim parlamentom.

3. ČLEN

Razen če ni v tem protokolu in aktih, sprejetih na njegovi podlagi, določeno drugače, se uporabljajo določbe Ustave.

35. PROTOCOL
ON THE FINANCIAL CONSEQUENCES OF THE EXPIRY OF THE TREATY ESTABLISHING THE EUROPEAN COAL AND STEEL COMMUNITY AND ON THE RESEARCH FUND FOR COAL AND STEEL

THE HIGH CONTRACTING PARTIES,

RECALLING that all assets and liabilities of the European Coal and Steel Community, as they existed on 23 July 2002, were transferred to the European Community on 24 July 2002;

TAKING ACCOUNT of the desire to use these funds for research in sectors related to the coal and steel industry and therefore the necessity to provide for certain special rules in this regard,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe:

ARTICLE 1

1. The net worth of the assets and liabilities of the European Coal and Steel Community, as they appear in the balance sheet of the European Coal and Steel Community of 23 July 2002, subject to any increase or decrease which may occur as a result of the liquidation operations, shall be considered as Union assets intended for research in sectors related to the coal and steel industry, referred to as the "European Coal and Steel Community in liquidation". On completion of the liquidation they shall be referred to as the "Assets of the Research Fund for Coal and Steel".

2. The revenue from these assets, referred to as the "Research Fund for Coal and Steel", shall be used exclusively for research, outside the research framework programme, in sectors related to the coal and steel industry in accordance with this Protocol and with acts adopted under it.

ARTICLE 2

1. A European law of the Council shall lay down all the necessary provisions for the implementation of this Protocol, including essential principles. The Council shall act after obtaining the consent of the European Parliament.

2. The Council shall adopt, on a proposal from the Commission, the European regulations or decisions establishing multiannual financial guidelines for managing the assets of the Research Fund for Coal and Steel and technical guidelines for the research programme of the Research Fund for Coal and Steel. It shall act after consulting the European Parliament.

ARTICLE 3

Except as otherwise provided in this Protocol and in the acts adopted under it, the provisions of the Constitution shall apply.

36. PROTOKOL, KI SPREMINJA POGODBO O USTANOVITVI EVROPSKE SKUPNOSTI ZA ATOMSKO ENERGIJO

VISOKE POGODBENICE SO SE –

OB ZAVEDANJU potrebe, da morajo določbe Pogodbe o ustanovitvi Evropske skupnosti za atomsko energijo ostati v polni veljavi,

V ŽELJI prilagoditi to pogodbo novim pravilom, ki jih je vzpostavila Pogodba o Ustavi za Evropo, zlasti na institucionalnem in finančnem področju –

DOGOVORILE o naslednjih določbah, ki so priložene Pogodbi o Ustavi za Evropo in spreminjajo Pogodbo o ustanovitvi Evropske skupnosti za atomsko energijo na naslednji način:

1. ČLEN

Ta protokol spreminja Pogodbo o ustanovitvi Evropske skupnosti za atomsko energijo (v nadaljevanju Pogodba o ESAE) v različici, ki velja na dan začetka veljavnosti Pogodbe o Ustavi za Evropo.

Ne glede na določbe IV-437. člena Pogodbe o Ustavi za Evropo in ne glede na druge določbe tega protokola, se ohranijo pravni učinki sprememb Pogodbe o ESAE, opravljenih na podlagi pogodb in aktov, razveljavljenih v skladu s IV-347. členom Pogodbe o Ustavi za Evropo ter pravni učinki veljavnih aktov, sprejetih na podlagi Pogodbe o ESAE.

2. ČLEN

Naslov III Pogodbe o ESAE »Institucionalne določbe« se nadomesti z: »Institucionalne in finančne določbe«.

3. ČLEN

Na začetku naslova III Pogodbe o ESAE se vstavi naslednje novo poglavje:

»POGLAVJE I

UPORABA NEKATERIH DOLOČB POGODBE O USTAVI ZA EVROPO

Člen 106a

1. I-19. do I-29., I-31. do I-39. člen, I-49. in I-50. člen, I-53. do I-56., I-58. do I-60., III-330. do III- 372. člen, III-374. in III-375. člen, III-378. do III-381. člen, III-384. in III-385. člen, III-389. do III-392., III-395. do III-410., III-412. do III-415. člen, III-427., III-433., IV-439. in IV-443. člen Pogodbe o Ustavi za Evropo se uporabljajo za to pogodbo.

2. V okviru te pogodbe se sklicevanja na Unijo in Ustavo v določbah iz prejšnjega odstavka in določbah protokolov, priloženih Pogodbi o Ustavi za Evropo in tej pogodbi, štejejo za sklicevanja na Evropsko skupnost za atomsko energijo in to Pogodbo.

3. Določbe Pogodbe o Ustavi za Evropo ne vplivajo na določbe te pogodbe.«

4. ČLEN

V naslovu III Pogodbe o ESAE se poglavja I, II in III preštevilčijo v II, III in IV.

36. PROTOCOL AMENDING THE TREATY ESTABLISHING THE EUROPEAN ATOMIC ENERGY COMMUNITY

THE HIGH CONTRACTING PARTIES,

RECALLING the necessity that the provisions of the Treaty establishing the European Atomic Energy Community should continue to have full legal effect;

DESIRING to adapt that Treaty to the new rules laid down by the Treaty establishing a Constitution for Europe, in particular in the institutional and financial fields,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty establishing a Constitution for Europe and which amend the Treaty establishing the European Atomic Energy Community as follows:

ARTICLE 1

This Protocol shall amend the Treaty establishing the European Atomic Energy Community (hereinafter referred to as the "EAEC Treaty") in its version in force at the time of entry into force of the Treaty establishing a Constitution for Europe.

Notwithstanding the provisions of Article IV-437 of the Treaty establishing a Constitution for Europe and without prejudice to the other provisions of this Protocol, the legal effects of the amendments made to the EAEC Treaty by the Treaties and Acts repealed pursuant to Article IV-437 of the Treaty establishing a Constitution for Europe and the legal effects of the acts in force adopted on the basis of the EAEC Treaty shall not be affected.

ARTICLE 2

The heading of Title III of the EAEC Treaty "Institutional provisions" shall be replaced by the heading: "Institutional and financial provisions".

ARTICLE 3

The following chapter shall be inserted at the beginning of Title III of the EAEC Treaty:

"CHAPTER I

APPLICATION OF CERTAIN PROVISIONS OF THE TREATY ESTABLISHING A CONSTITUTION FOR EUROPE

Article 106a

1. Articles I-19 to I-29, Articles I-31 to I-39, Articles I-49 and I-50, Articles I-53 to I-56, Articles I-58 to I-60, Articles III-330 to III-372, Articles III-374 and III-375, Articles III-378 to III-381, Articles III-384 and III-385, Articles III-389 to III-392, Articles III-395 to III-410, Articles III-412 to III-415 and Articles III-427, III-433, IV-439 and IV-443 of the Treaty establishing a Constitution for Europe shall apply to this Treaty.

2. Within the framework of this Treaty, the references to the Union and to the Constitution in the provisions referred to in paragraph 1 and those in the protocols annexed both to the Treaty establishing a Constitution for Europe and to this Treaty shall be taken, respectively, as references to the European Atomic Energy Community and to this Treaty.

3. The provisions of the Treaty establishing a Constitution for Europe shall not derogate from the provisions of this Treaty."

ARTICLE 4

Chapters I, II and III of Title III of the EAEC Treaty shall be renumbered II, III and IV.

5. ČLEN

(1) Člen 3, členi 107 do 132, členi 136 do 143, členi 146 do 156, členi 158 do 163, členi 165 do 170, členi 173, 173A in 175, členi 177 do 179a, člena 180b in 181, členi 183, 183A, 190 in 204 Pogodbe o ESAE se razveljavijo.

(2) Protokoli, predhodno priloženi Pogodbi o ESAE, se razveljavijo.

6. ČLEN

Naslov IV Pogodbe o ESAE »Finančne določbe« se nadomesti z naslovom: »Posebne finančne določbe«.

7. ČLEN

(1) V tretjem odstavku člena 38 in tretjem odstavku člena 82 Pogodbe o ESAE se sklicevanje na člena 141 in 142 nadomesti s sklicevanjem na III-360. člen oziroma III-361. člen Ustave.

(2) V členu 171(2) in členu 176(3) Pogodbe o ESAE se sklicevanje na člen 183 nadomesti s sklicevanjem na III-412. člen Ustave.

(3) V členu 172(4) Pogodbe o ESAE se sklicevanje na člen 177(5) nadomesti s sklicevanjem na III-404. člen Ustave.

(4) V členih 38, 82, 96 in 98 Pogodbe o ESAE se beseda »direktiva« nadomesti z besedama »evropska uredba«.

(5) V Pogodbi o ESAE se beseda »odločba« nadomesti z besedama »evropski sklep«, razen v členih 18, 20 in 23 ter prvem odstavku člena 53 ter v primerih, ko odločbo sprejme Sodišče Evropske unije.

(6) V Pogodbi o ESAE se poimenovanje »Sodišče« nadomesti s poimenovanjem »Sodišče Evropske unije«.

8. ČLEN

Člen 191 Pogodbe o ESAE se nadomesti z naslednjim besedilom:

»Člen 191

Skupnost uživa na ozemlju držav članic privilegije in imunitete, ki jih potrebuje za opravljanje svoje naloge, pod pogoji iz Protokola o privilegijih in imunitetah Evropske unije.«

9. ČLEN

Člen 198 Pogodbe o ESAE se nadomesti z naslednjim besedilom:

»Člen 198

Razen, če ni določeno drugače, se določbe te pogodbe uporabljajo za evropska ozemlja držav članic in za neevropska ozemlja v njihovi pristojnosti.

Uporabljajo se tudi za evropska ozemlja, za katerih zunanje odnose je odgovorna država članica.

Določbe te pogodbe se uporabljajo za Ålandske otoke s posebno ureditvijo, ki je bila prvotno predvidena v pogodbi iz točke d) drugega odstavka IV-437. člena Pogodbe o Ustavi za Evropo in ki je bila vključena v Protokol k pogodbam in aktom o pristopu Kraljevine Danske, Irske in Združenega Kraljestva Velika Britanija in Severna Irska, Helenske republike, Kraljevine Španije in Portugalske republike ter Republike Avstrije, Republike Finske in Kraljevine Švedske.

Ne glede na prvi, drugi in tretji odstavek tega člena velja naslednje:

a) ta pogodba se ne uporablja za Ferske otoke in za Grenlandijo;

ARTICLE 5

1. Article 3, Articles 107 to 132, Articles 136 to 143, Articles 146 to 156, Articles 158 to 163, Articles 165 to 170, Articles 173 and 173A, Article 175, Articles 177 to 179a, and Articles 180b, 181, 183, 183A, 190 and 204 of the EAEC Treaty shall be repealed.

2. The Protocols previously annexed to the EAEC Treaty shall be repealed.

ARTICLE 6

The heading of Title IV of the EAEC Treaty "Financial provisions" shall be replaced by the heading: "Specific financial provisions".

ARTICLE 7

1. In the third paragraph of Article 38 and the third paragraph of Article 82 of the EAEC Treaty the references to Articles 141 and 142 shall be replaced by references to Articles III-360 and III-361 respectively of the Constitution.

2. In Article 171(2) and Article 176(3) of the EAEC Treaty the references to Article 183 shall be replaced by references to Article III-412 of the Constitution.

3. In Article 172(4) of the EAEC Treaty the reference to Article 177(5) shall be replaced by a reference to Article III-404 of the Constitution.

4. In Articles 38, 82, 96 and 98 of the EAEC Treaty the term "directive" shall be replaced by the term "European regulation".

5. In the EAEC Treaty the term "decision" shall be replaced by "European decision" save in Articles 18, 20 and 23 and the first paragraph of Article 53 and in cases where a decision is taken by the Court of Justice of the European Union.

6. In the EAEC Treaty the term "Court of Justice" shall be replaced by "Court of Justice of the European Union".

ARTICLE 8

Article 191 of the EAEC Treaty shall be replaced by the following:

"Article 191

The Community shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of its tasks, under the conditions laid down in the Protocol on the privileges and immunities of the European Union."

ARTICLE 9

Article 198 of the EAEC Treaty shall be replaced by the following:

"Article 198

Save as otherwise provided, the provisions of this Treaty shall apply to the European territories of the Member States and to the non-European territories under their jurisdiction.

They shall also apply to the European territories for whose external relations a Member State is responsible.

The provisions of this Treaty shall apply to the Åland Islands with the derogations which were originally set out in the Treaty referred to in Article IV-437(2)(d) of the Treaty establishing a Constitution for Europe and which have been incorporated in the Protocol on the Treaties and Acts of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.

Notwithstanding the first, second and third paragraphs:

(a) this Treaty shall not apply to the Faroe Islands or to Greenland;

b) ta pogodba se ne uporablja za suverene cone Združenega kraljestva Velike Britanije in Severne Irske na Cipru;

c) ta pogodba se ne uporablja za tiste čezmorske dežele in ozemlja, ki imajo posebne odnose z Združenim kraljestvom Velike Britanije in Severne Irske in ki niso vključena na seznam iz Priloge II k Pogodbi o Ustavi za Evropo;

d) ta pogodba se uporablja za Kanalske otoke in otok Man le, kolikor je to potrebno za izvajanja ureditve, ki je za te otoke prvotno predvidena v pogodbi iz točke a) drugega odstavka IV-437. člena Pogodbe o Ustavi za Evropo in ki je bila vključena v Protokol k pogodbam in aktom o pristopu Kraljevine Danske, Irske in Združenega kraljestva Velike Britanije in Severne Irske, Helenske republike, Kraljevine Španije in Portugalske republike ter Republike Avstrije, Republike Finske in Kraljevine Švedske.«.

10. ČLEN

Člen 206 Pogodbe o ESAE se nadomesti z naslednjim besedilom:

»Člen 206

Skupnost lahko z eno ali več državami ali mednarodnimi organizacijami sklepa sporazume o pridružitvi, ki vključujejo vzajemne pravice in obveznosti ter skupne ukrepe in posebne postopke.

Take sporazume sklene Svet soglasno po posvetovanju z Evropskim parlamentom.

Kadar ti sporazumi zahtevajo spremembe te pogodbe, je treba te najprej sprejeti v skladu s postopkom iz IV-443. člena Pogodbe o Ustavi za Evropo.«

11. ČLEN

V členu 225 Pogodbe o ESAE se drugi odstavek nadomesti z naslednjim besedilom:

»Enako verodostojna so besedila pogodbe v angleškem, češkem, danskem, estonskem, finskem, grškem, irskem, latvijskem, litovskem, madžarskem, malteškem, poljskem, portugalskem, slovaškem, slovenskem, španskem in švedskem jeziku.«.

12. ČLEN

Prihodki in odhodki Evropske skupnosti za atomsko energijo, razen prihodkov in odhodkov Agencije za oskrbo in skupnih podjetij, se prikažejo v proračunu Unije.

(b) this Treaty shall not apply to the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus;

(c) this Treaty shall not apply to the overseas countries and territories having special relations with the United Kingdom of Great Britain and Northern Ireland which are not mentioned in the list in Annex II to the Treaty establishing a Constitution for Europe;

(d) this Treaty shall apply to the Channel Islands and the Isle of Man only to the extent necessary to ensure the implementation of the arrangements for those islands originally set out in the Treaty referred to in Article IV-437(2)(a) of the Treaty establishing a Constitution for Europe and which have been incorporated in the Protocol on the Treaties and Acts of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden."

ARTICLE 10

Article 206 of the EAEC Treaty shall be replaced by the following:

"Article 206

The Community may conclude with one or more States or international organisations agreements establishing an association involving reciprocal rights and obligations, common action and special procedures.

These agreements shall be concluded by the Council, acting unanimously after consulting the European Parliament.

Where such agreements call for amendments to this Treaty, these amendments shall first be adopted in accordance with the procedure laid down in Article IV-443 of the Treaty establishing a Constitution for Europe."

ARTICLE 11

In Article 225 of the EAEC Treaty, the second paragraph shall be replaced by the following:

"The Czech, Danish, English, Estonian, Finnish, Greek, Hungarian, Irish, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish and Swedish versions of the Treaty shall also be authentic."

ARTICLE 12

The revenue and expenditure of the European Atomic Energy Community, except for those of the Supply Agency and Joint Undertakings, shall be shown in the budget of the Union.

PRILOGE K POGODBI O USTAVI ZA EVROPO

PRILOGA I

SEZNAM IZ III-226. ČLENA USTAVE

– 1 – Številka Bruseljske nomenklature	– 2 – Poimenovanje
POGLAVJE 1	Žive živali
POGLAVJE 2	Užitno meso in drobovina
POGLAVJE 3	Ribe, raki in mehkužci
POGLAVJE 4	Mleko in mlečni izdelki; ptičja jajca; naravni med
POGLAVJE 5	
05.04	Črева, mehur in želodec živali (razen rib), celi ali v kosih
05.15	Proizvodi živalskega izvora, ki niso navedeni in ne zajeti na drugem mestu; mrtve živali iz 1. ali 3. poglavja, neuporabne za človeško prehrano
POGLAVJE 6	Živo drevje in druge rastline; čebulice, korenine in podobno; rezano cvetje in okrasno listje
POGLAVJE 7	Užitne vrtnine, nekateri koreni in gomolji
POGLAVJE 8	Užitno sadje in oreščki; lupine agrumov ali dinj in lubenic
POGLAVJE 9	Kava, čaj in začimbe, razen maté čaja (št. 09.03)
POGLAVJE 10	Žita
POGLAVJE 11	Proizvodi mlinske industrije; slad in škrob; gluten; insulin;
POGLAVJE 12	Oljna semena in plodovi; razno zrnje, semena in plodovi; industrijske in zdravilne rastline; slama in krma
POGLAVJE 13	
ex. 13.03	Pektin
POGLAVJE 15	
15.01	Masti in druge prašičje maščobe, stiskane ali topljene; perutninske maščobe, stiskane ali topljene
15.02	Maščobe živali vrste goved, ovac in koz, surove ali topljene (vključno »premier jus«)
15.03	Stearin iz užitne prašičje masti; stearin iz olj; olje iz užitne prašičje masti; oleomargarina; margarina, neemulgirani, nemešani ali kako drugače pripravljeni
15.04	Masti in olja rib ali morskih sesalcev, prečiščene ali neprečiščene
15.07	Nehlapna rastlinska olja, tekoča ali trdna, surova, rafinirana ali prečiščena
15.12	Živalske in rastlinske masti in olja, hidrogenirani, rafinirani ali nerafinirani, toda nepredelani
15.13	Margarine, preparati iz masti ali olj živalskega ali rastlinskega izvora
15.17	Odpadki iz predelave masti ali olj ali voskov živalskega ali rastlinskega izvora

ANNEXES TO THE TREATY ESTABLISHING A CONSTITUTION FOR EUROPE

ANNEX I

LIST REFERRED TO IN ARTICLE III-226 OF THE CONSTITUTION

– 1 – Number in the Combined nomenclature	– 2 – Description of products
CHAPTER 1	Live animals
CHAPTER 2	Meat and edible meat offal
CHAPTER 3	Fish, crustaceans and molluscs
CHAPTER 4	Dairy produce; birds' eggs; natural honey
CHAPTER 5	
05.04	Guts, bladders and stomachs of animals (other than fish), whole and pieces thereof
05.15	Animal products not elsewhere specified or included; dead animals of Chapter 1 or Chapter 3, unfit for human consumption
CHAPTER 6	Live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage
CHAPTER 7	Edible vegetables and certain roots and tubers
CHAPTER 8	Edible fruit and nuts; peel of melons or citrus fruit
CHAPTER 9	Coffee, tea and spices, excluding maté (heading No 09.03)
CHAPTER 10	Cereals
CHAPTER 11	Products of the milling industry; malt and starches; gluten; inulin
CHAPTER 12	Oil seeds and oleaginous fruit; miscellaneous grains, seeds and fruit; industrial and medical plants; straw and fodder
CHAPTER 13	
ex 13.03	Pectin
CHAPTER 15	
15.01	Lard and other rendered pig fat; rendered poultry fat
15.02	Unrendered fats of bovine cattle, sheep or goats; tallow (including "premier jus") produced from those fats
15.03	Lard stearin, oleostearin and tallow stearin; lard oil, oleo-oil and tallow oil, not emulsified or mixed or prepared in any way
15.04	Fats and oil, of fish and marine mammals, whether or not refined
15.07	Fixed vegetable oils, fluid or solid, crude, refined or purified
15.12	Animal or vegetable fats and oils, hydrogenated, whether or not refined, but not further prepared
15.13	Margarine, imitation lard and other prepared edible fats
15.17	Residues resulting from the treatment of fatty substances or animal or vegetable waxes

– 1 – Številka Bruseljske nomenklature	– 2 – Poimenovanje
POGLAVJE 16	Izdelki iz mesa, rib, rakov ali mehkužcev
POGLAVJE 17	
17.01	Sladkor iz sladkorne pese in sladkornega trsa, v trdnem stanju
17.02	Drugi sladkorji; sirupi; umetni med in mešanice umetnega in naravnega medu; karamelni sladkor
17.03	Melase, z dodatkom ali brez dodatka barvil
17.05(*)	Sladkorji, sirupi in melase, z dodatki za aromatiziranje ali barvili, razen sadnih sokov, ki vsebujejo poljubno maso dodanega sladkorja
POGLAVJE 18	
18.01	Kakavova zrna, cela ali zlomljena, surova ali pražena
18.02	Kakavove lupine, olupki, kožice in odpadki
POGLAVJE 20	Proizvodi iz vrtnin, sadja, oreškov ali drugih delov rastlin
POGLAVJE 22	
22.04	Grozdni mošt, delno fermentiran, katerega fermentacija je ustavljena brez dodajanja alkohola
22.05	Vino iz svežega grozdja; grozdni mošt, katerega fermentacija je ustavljena brez dodajanja alkohola
22.07	Jabolčnik, hruškovec, medica in druge fermentirane pijače
ex. 22.08(*) ex. 22.09(*)	Etanol in destilirane pijače, denaturirane in nedenaturirane, s katero koli vsebnostjo etanola, pridelane iz kmetijskih proizvodov iz te priloge, razen žganj, likerjev in drugih alkoholnih pijač in mešanih alkoholnih pripravkov – esenc – za proizvodnjo pijač
ex. 22.10(*)	Kis in nadomestki kisa
POGLAVJE 23	Ostanki in odpadki živilske industrije; pripravljena krma za živali
POGLAVJE 24	
24.01	Nepredelani tobak; tobačni odpadki
POGLAVJE 45	
45.01	Pluta, naravna, surova ali enostavno predelana, odpadki plute; zdrobljena, drobljena ali zmleta pluta
POGLAVJE 54	
54.01	Lan, surov ali predelan, toda nepreden; predivo in odpadki iz teh vlaken (vključno z odpadki preje in razvlaknjenimi tekstilnimi surovinami)
POGLAVJE 57	
57.01	Konoplja *(Cannabis sativa)*, surova ali predelana, toda nepredena; predivo in odpadki iz teh vlaken (vključno z odpadki preje in razvlaknjenimi tekstilnimi surovinami)

(*) Številka dodana s Členom 1 Uredbe št. 7 Sveta Evropske gospodarske skupnosti z dne 18. decembra 1959 (UL 7, 30. 1. 1961, str. 71/61).

– 1 – Number in the Combined nomenclature	– 2 – Description of products
CHAPTER 16	Preparations of meat, of fish, of crustaceans or molluscs
CHAPTER 17	
17.01	Beet sugar and cane sugar, solid
17.02	Other sugars; sugar syrups; artificial honey (whether or not mixed with natural honey); caramel
17.03	Molasses, whether or not decolourised
17.05 *	Flavoured or coloured sugars, syrups and molasses, but not including fruit juices containing added sugar in any proportion
CHAPTER 18	
18.01	Cocoa beans, whole or broken, raw or roasted
18.02	Cocoa shells, husks, skins and waste
CHAPTER 20	Preparations of vegetables, fruit or other parts of plants
CHAPTER 22	
22.04	Grape must, in fermentation or with fermentation arrested otherwise than by the addition of alcohol
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol
22.07	Other fermented beverages (for example, cider, perry and mead)
ex 22.08 * ex 22.09 *	Ethyl alcohol or neutral spirits, whether or not denatured, of any strength, obtained from agricultural products listed in this Annex, excluding liqueurs and other spirituous beverages and compound alcoholic preparations (known as "concentrated extracts") for the manufacture of beverages
ex22.10 *	Vinegar and substitutes for vinegar
CHAPTER 23	Residues and waste from the food industries; prepared animal fodder
CHAPTER 24	
24.01	Unmanufactured tobacco, tobacco refuse
CHAPTER 45	
45.01	Natural cork, unworked, crushed, granulated or ground; waste cork
CHAPTER 54	
54.01	Flax, raw or processed but not spun; flax tow and waste (including pulled or garnetted rags)
CHAPTER 57	
57.01	True hemp *(Cannabis sativa)*, raw or processed but not spun; tow and waste of true hemp (including pulled or garnetted rags or ropes)

(*) Heading added by Article 1 of Regulation No 7a of the Council of the European Economic Community of 18 December 1959 (OJ No 7, 30. 1. 1961, p. 71. Special edition (English edition) 1959-1962, p. 68).

PRILOGA II

ČEZMORSKE DEŽELE IN OZEMLJA, ZA KATERE SE UPORABLJAJO DOLOČBE IV. NASLOVA III. DELA USTAVE

– Grenlandija,
– Nova Kaledonija in pridružena območja,
– Francoska Polinezija,
– Francoska južna in antarktična ozemlja,
– Walliški in Futunski otoki,
– Mayotte,
– Saint Pierre in Miquelon,
– Aruba,
– Nizozemski Antili:
  – Bonaire,
  – Curaçao,
  – Saba,
  – Sint Eustatius,
  – Sint Maarten,
– Anguilla,
– Kajmanski otoki,
– Falklandski otoki,
– Južna Georgia in otoki Južni Sandwich,
– Montserrat,
– Pitcairn,
– Sveta Helena in pridružena območja,
– Britansko antarktično ozemlje,
– Britansko ozemlje Indijskega oceana,
– Otoki Turks in Caicos,
– Britanski Deviški otoki,
– Bermudi.

ANNEX II

OVERSEAS COUNTRIES AND TERRITORIES TO WHICH TITLE IV OF PART III OF THE CONSTITUTION APPLIES

– Greenland,
– New Caledonia and Dependencies,
– French Polynesia,
– French Southern and Antarctic Territories,
– Wallis and Futuna Islands,
– Mayotte,
– Saint Pierre and Miquelon,
– Aruba,
– Netherlands Antilles:
  – Bonaire,
  – Curaçao,
  – Saba,
  – Sint Eustatius,
  – Sint Maarten.
– Anguilla,
– Cayman Islands,
– Falkland Islands,
– South Georgia and the South Sandwich Islands,
– Montserrat,
– Pitcairn,
– Saint Helena and Dependencies,
– British Antarctic Territory,
– British Indian Ocean Territory,
– Turks and Caicos Islands,
– British Virgin Islands,
– Bermuda.

ACTA FINAL

ZÁVĚREČNÝ AKT

SLUTAKT

SCHLUSSAKTE

LÕPPAKT

ΤΕΛΙΚΗ ΠΡΑΞΗ

FINAL ACT

ACTE FINAL

IONSTRAIM CHRÍOCHNAITHEACH

LOKAGERÐ

ATTO FINALE

NOBEIGUMA AKTS

BAIGIAMASIS AKTAS

ZÁRÓOKMÁNY

ATT FINALI

SLOTAKTE

SLUTTAKT

AKT KOŃCOWY

ACTA FINAL

ZÁVEREČNÝ AKT

SKLEPNA LISTINA

PÄÄTÖSASIAKIRJA

SLUTAKT

SKLEPNA LISTINA

KONFERENCA PREDSTAVNIKOV VLAD DRŽAV ČLANIC, sklicana v Bruslju, dne 30. septembra 2003, z namenom, da bi v medsebojnem soglasju sprejeli Pogodbo o Ustavi za Evropo, je sprejela naslednja besedila:

I. Pogodba o Ustavi za Evropo

II. Protokoli, priloženi Pogodbi o Ustavi za Evropo

1. Protokol o vlogi nacionalnih parlamentov v Evropski uniji
2. Protokol o uporabi načel subsidiarnosti in sorazmernosti
3. Protokol o statutu Sodišča Evropske unije
4. Protokol o statutu Evropskega sistema centralnih bank in Evropske centralne banke
5. Protokol o statutu Evropske investicijske banke
6. Protokol o določitvi sedežev institucij ter nekaterih organov, uradov, agencij in služb Evropske unije
7. Protokol o privilegijih in imunitetah Evropske unije
8. Protokol o pogodbah in aktih o pristopu Kraljevine Danske, Irske in Združenega kraljestva Velike Britanije in Severne Irske, Helenske republike, Kraljevine Španije in Portugalske republike ter Republike Avstrije, Republike Finske in Kraljevine Švedske
9. Protokol o Pogodbi ter o Aktu o pristopu Češke republike, Republike Estonije, Republike Ciper, Republike Latvije, Republike Litve, Republike Madžarske, Republike Malte, Republike Poljske, Republike Slovenije in Slovaške republike
10. Protokol o postopku v zvezi s čezmernim primanjkljajem
11. Protokol o konvergenčnih merilih
12. Protokol o Euroskupini
13. Protokol o nekaterih določbah, ki se nanašajo na Združeno kraljestvo Velike Britanije in Severne Irske glede ekonomske in monetarne unije
14. Protokol o nekaterih določbah, ki se nanašajo na Dansko, glede ekonomske in monetarne unije
15. Protokol o nekaterih nalogah nacionalne banke Danske
16. Protokol o sistemu franka v Pacifiški finančni skupnosti
17. Protokol o schengenskem pravnem redu, vključenem v okvir Evropske unije
18. Protokol o uporabi nekaterih vidikov III-130. člena Ustave za Združeno kraljestvo in Irsko
19. Protokol o stališču Združenega kraljestva in Irske glede politik mejnih kontrol, azila in priseljevanja ter pravosodnega sodelovanja v civilnih zadevah in policijskem sodelovanju
20. Protokol o stališču Danske
21. Protokol o zunanjih odnosih držav članic glede prehoda zunanjih meja
22. Protokol o azilu za državljane držav članic
23. Protokol o stalnem strukturnem sodelovanju, vzpostavljenem na podlagi šestega odstavka I-41. člena in III-312. člena Ustave
24. Protokol o drugem odstavku I-41. člena Ustave
25. Protokol o uvozu naftnih proizvodov, rafiniranih na Nizozemskih Antilih, v Evropsko Unijo

FINAL ACT

THE CONFERENCE OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES, convened in Brussels on 30 September 2003 to adopt by common accord the Treaty establishing a Constitution for Europe, has adopted the following texts:

I. Treaty establishing a Constitution for Europe

II. Protocols annexed to the Treaty establishing a Constitution for Europe

1. Protocol on the role of national Parliaments in the European Union
2. Protocol on the application of the principles of subsidiarity and proportionality
3. Protocol on the Statute of the Court of Justice of the European Union
4. Protocol on the Statute of the European System of Central Banks and of the European Central Bank
5. Protocol on the Statute of the European Investment Bank
6. Protocol on the location of the seats of the institutions and of certain bodies, offices, agencies and departments of the European Union
7. Protocol on the privileges and immunities of the European Union
8. Protocol on the Treaties and Acts of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden
9. Protocol on the Treaty and the Act of Accession of the CzechRepublic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic
10. Protocol on the excessive deficit procedure
11. Protocol on the convergence criteria
12. Protocol on the Euro Group
13. Protocol on certain provisions relating to the United Kingdom of Great Britain and Northern Ireland as regards economic and monetary union
14. Protocol on certain provisions relating to Denmark as regards economic and monetary union
15. Protocol on certain tasks of the National Bank of Denmark
16. Protocol on the Pacific Financial Community franc system
17. Protocol on the Schengen *acquis* integrated into the framework of the European Union
18. Protocol on the application of certain aspects of Article III-130 of the Constitution to the United Kingdom and to Ireland
19. Protocol on the position of the United Kingdom and Ireland on policies in respect of border controls, asylum and immigration, judicial cooperation in civil matters and on police cooperation
20. Protocol on the position of Denmark
21. Protocol on external relations of the Member States with regard to the crossing of external borders
22. Protocol on asylum for nationals of Member States
23. Protocol on permanent structured cooperation established by Article I-41(6) and Article III-312 of the Constitution
24. Protocol on Article I-41(2) of the Constitution
25. Protocol concerning imports into the European Union of petroleum products refined in the Netherlands Antilles

26. Protokol o pridobitvi nepremičnin na Danskem
27. Protokol o sistemu javne radiotelevizije v državah članicah
28. Protokol o III-214. členu Ustave

29. Protokol o ekonomski, socialni in teritorialni povezanosti
30. Protokol o posebni ureditvi za Grenlandijo
31. Protokol o členu 40.3.3 irske ustave

32. Protokol o drugem odstavku I-9. člena Ustave o pristopu Unije k Evropski konvenciji o človekovih pravicah

33. Protokol o aktih in pogodbah, ki dopolnjujejo ali spreminjajo Pogodbo o ustanovitvi Evropske skupnosti in Pogodbo o Evropski uniji
34. Protokol o prehodnih določbah za institucije in organe Evropske unije
35. Protokol o finančnih posledicah izteka Pogodbe o Evropski skupnosti za premog in jeklo ter o Raziskovalnem skladu za premog in jeklo
36. Protokol o spremembah Pogodbe o ustanovitvi Evropske Skupnosti za atomsko energijo

III. Priloge k Pogodbi o Ustavi za Evropo:

1. Priloga I: Seznam iz III-226. člena Ustave

2. Priloga II: Čezmorske dežele in ozemlja, za katere se uporabljajo določbe IV. naslova III. dela Ustave

Konferenca je sprejela naslednje izjave, ki so priložene tej sklepni listini:

A. Izjave o določbah Ustave

1. Izjava o I-6. členu
2. Izjava o drugem odstavku I-9. člena
3. Izjava o I-22., I-27. in I-28. členu
4. Izjava o sedmem odstavku I-24. člena o sklepu Evropskega sveta o predsedovanju Svetu

5. Izjava o I-25. členu
6. Izjava o I-26. členu
7. Izjava o I-27. členu
8. Izjava o I-36. členu
9. Izjava o I-43. in III-329. členu
10. Izjava o I-51. členu
11. Izjava o I-57. členu
12. Izjava o pojasnilih v zvezi z Listino o temeljnih pravicah
13. Izjava o III-116. členu
14. Izjava o III-136. in III-267. členu
15. Izjava o III-160. in III-322. členu
16. Izjava o točki c) drugega odstavka III-167. člena
17. Izjava o III-184. členu
18. Izjava o III-213. členu
19. Izjava o III-220. členu
20. Izjava o III-243. členu
21. Izjava o III-248. členu
22. Izjava o III-256. členu
23. Izjava o drugem pododstavku prvega odstavka III-273. člena
24. Izjava o III-296. členu
25. Izjava o III-325. členu o pogajanjih in sklepanju mednarodnih sporazumov držav članic v zvezi z območjem svobode, varnosti in pravice
26. Izjava o četrtem odstavku III-402. člena
27. Izjava o III-419. členu

26. Protocol on the acquisition of property in Denmark
27. Protocol on the system of public broadcasting in the Member States
28. Protocol concerning Article III-214 of the Constitution
29. Protocol on economic, social and territorial cohesion
30. Protocol on special arrangements for Greenland
31. Protocol on Article 40.3.3 of the Constitution of Ireland
32. Protocol relating to Article I-9(2) of the Constitution on the accession of the Union to the European Convention on the Protection of Human Rights and Fundamental Freedoms
33. Protocol on the Acts and Treaties which have supplemented or amended the Treaty establishing the European Community and the Treaty on European Union
34. Protocol on the transitional provisions relating to the institutions and bodies of the Union
35. Protocol on the financial consequences of the expiry of the Treaty establishing the European Coal and Steel Community and on the Research Fund for Coal and Steel
36. Protocol amending the Treaty establishing the European Atomic Energy Community

III. Annexes to the Treaty establishing a Constitution for Europe:
1. Annex I – List referred to in Article III-226 of the Constitution
2. Annex II – Overseas countries and territories to which Title IV of Part III of the Constitution applies

The Conference has adopted the following declarations annexed to this Final Act.

A. Declarations concerning provisions of the Constitution
1. Declaration on Article I-6
2. Declaration on Article I–9(2)
3. Declaration on Articles I-22, 1-27 and 1-28
4. Declaration on Article I-24(7) concerning the European Council decision on the exercise of the Presidency of the Council
5. Declaration on Article I-25
6. Declaration on Article I-26
7. Declaration on Article I-27
8. Declaration on Article I-36
9. Declaration on Articles I-43 and III-329
10. Declaration on Article I-51
11. Declaration on Article I-57
12. Declaration concerning the explanations relating to the Charter of Fundamental Rights
13. Declaration on Article III-116
14. Declaration on Articles III-136 and III-267
15. Declaration on Articles III-160 and III-322
16. Declaration on Article III-167(2)(c)
17. Declaration on Article III-184
18. Declaration on Article III-213
19. Declaration on Article III-220
20. Declaration on Article III-243
21. Declaration on Article III-248
22. Declaration on Article III-256
23. Declaration on Article III-273(1), second subparagraph
24. Declaration on Article III-296
25. Declaration on Article III-325 concerning the negotiation and conclusion of international agreements by Member States relating to the area of freedom, security and justice
26. Declaration on Article III–402(4)
27. Declaration on Article III-419

28. Izjava o sedmem odstavku IV-440. člena
29. Izjava o drugem odstavku IV-448. člena
30. Izjava o ratifikaciji Pogodbe o Ustavi za Evropo

B. Izjave o protokolih, priloženih Ustavi

Izjave o Protokolu o pogodbah in aktih o pristopu Kraljevine Danske, Irske in Združenega kraljestva Velike Britanije in Severne Irske, Helenske republike, Kraljevine Španije in Portugalske republike ter Republike Avstrije, Republike Finske in Kraljevine Švedske.

31. Izjava o Ålandskih otokih
32. Izjava o Laponcih

Izjave o Protokolu o Pogodbi ter Aktu o pristopu Češke republike, Republike Estonije, Republike Ciper, Republike Latvije, Republike Litve, Republike Madžarske, Republike Malte, Republike Poljske, Republike Slovenije in Slovaške republike

33. Izjava o suverenih conah Združenega kraljestva Velike Britanije in Severne Irske na Cipru

34. Izjava Komisije o suverenih conah Združenega kraljestva Velike Britanije in Severne Irske na Cipru

35. Izjava o jedrski elektrarni Ignalina v Litvi

36. Izjava o tranzitu oseb po kopnem med območjem Kaliningrada in drugimi deli Ruske federacije

37. Izjava o enoti 1 in enoti 2 jedrske elektrarne Bohunice V1 na Slovaškem
38. Izjava o Cipru
39. Izjava o Protokolu o Danski

40. Izjava o Protokolu o prehodnih določbah v zvezi z institucijami in organi Unije

41. Izjava o Italiji

Konferenca se je tudi seznanila z naslednjimi izjavami, ki so priložene tej sklepni listini:

42. Izjava Kraljevine Nizozemske o I-55. členu

43. Izjava Kraljevine Nizozemske o IV-440. členu

44. Izjava Zvezne republike Nemčije, Irske, Republike Madžarske, Republike Avstrije in Kraljevine Švedske

45. Izjava Kraljevine Španije in Združenega kraljestva Velike Britanije in Severne Irske
46. Izjava Združenega kraljestva Velike Britanije in Severne Irske o opredelitvi izraza »državljani«

47. Izjava Kraljevine Španije o opredelitvi izraza »državljani«
48. Izjava Združenega kraljestva Velike Britanije in Severne Irske o volilni pravici za volitve v Evropski parlament

49. Izjava Kraljevine Belgije o nacionalnih parlamentih

50. Izjava Republike Latvije in Republike Madžarske o črkovanju imena enotne valute v Pogodbi o Ustavi za Evropo

28. Declaration on Article IV-440(7)
29. Declaration on Article IV-448(2)
30. Declaration on the ratification of the Treaty establishing a Constitution for Europe

B. Declarations concerning Protocols annexed to the Constitution

Declarations concerning the Protocol on the Treaties and Acts of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden

31. Declaration on the Åland islands
32. Declaration on the Sami people

Declarations concerning the Protocol on the Treaty and the Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic

33. Declaration on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus
34. Declaration by the Commission on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus
35. Declaration on the Ignalina Nuclear Power Plant in Lithuania
36. Declaration on the transit of persons by land between the region of Kaliningrad and other parts of the Russian Federation
37. Declaration on Unit 1 and Unit 2 of the Bohunice V1 nuclear power plant in Slovakia
38. Declaration on Cyprus
39. Declaration concerning the Protocol on the position of Denmark
40. Declaration concerning the Protocol on the transitional provisions relating to the institutions and bodies of the Union
41. Declaration concerning Italy

Furthermore, the Conference has noted the declarations listed hereafter and annexed to this Final Act:

42. Declaration by the Kingdom of the Netherlands on Article I-55
43. Declaration by the Kingdom of the Netherlands on Article IV-440
44. Declaration by the Federal Republic of Germany, Ireland, the Republic of Hungary, the Republic of Austria and the Kingdom of Sweden
45. Declaration by the Kingdom of Spain and the United Kingdom of Great Britain and Northern Ireland
46. Declaration by the United Kingdom of Great Britain and Northern Ireland on the definition of the term "nationals"
47. Declaration by the Kingdom of Spain on the definition of the term "nationals"
48. Declaration by the United Kingdom of Great Britain and Northern Ireland on the franchise for elections to the European Parliament
49. Declaration by the Kingdom of Belgium on national parliaments
50. Declaration by the Republic of Latvia and the Republic of Hungary on the spelling of the name of the single currency in the Treaty establishing a Constitution for Europe.

VSEBINA

A. Izjave o določbah Ustave

1. Izjava o I-6. členu
2. Izjava o drugem odstavku I-9. člena
3. Izjava o I-22., I-27. in I-28. členu
4. Izjava o sedmem odstavku I-24. člena o sklepu Evropskega sveta o predsedovanju Svetu
5. Izjava o I-25. členu
6. Izjava o I-26. členu
7. Izjava o I-27. členu
8. Izjava o I-36. členu
9. Izjava o I-43. in III-329. členu
10. Izjava o I-51. členu
11. Izjava o I-57. členu
12. Izjava o pojasnilih v zvezi z Listino o temeljnih pravicah
13. Izjava o III-116. členu
14. Izjava o III-136. in III-267. členu
15. Izjava o III-160. in III-322. členu
16. Izjava o točki c) drugega odstavka III-167. člena
17. Izjava o III-184. členu
18. Izjava o III-213. členu
19. Izjava o III-220. členu
20. Izjava o III-243. členu
21. Izjava o III-248. členu
22. Izjava o III-256. členu
23. Izjava o drugem pododstavku prvega odstavka III-273. člena
24. Izjava o III-296. členu
25. Izjava o III-325. členu o pogajanjih in sklepanju mednarodnih sporazumov držav članic v zvezi z območjem svobode, varnosti in pravice
26. Izjava o četrtem odstavku III-402. člena
27. Izjava o III-419. členu
28. Izjava o sedmem odstavku IV-440. člena
29. Izjava o drugem odstavku IV-448. člena
30. Izjava o ratifikaciji Pogodbe o Ustavi za Evropo

B. Izjave o protokolih, priloženih Ustavi

Izjave o Protokolu o pogodbah in aktih o pristopu Kraljevine Danske, Irske in Združenega kraljestva Velike Britanije in Severne Irske, Helenske republike, Kraljevine Španije in Portugalske republike ter Republike Avstrije, Republike Finske in Kraljevine Švedske.

31. Izjava o Ålandskih otokih
32. Izjava o Laponcih

Izjave o Protokolu o Pogodbi ter Aktu o pristopu Češke republike, Republike Estonije, Republike Ciper, Republike Latvije, Republike Litve, Republike Madžarske, Republike Malte, Republike Poljske, Republike Slovenije in Slovaške republike

33. Izjava o suverenih conah Združenega kraljestva Velike Britanije in Severne Irske na Cipru
34. Izjava Komisije o suverenih conah Združenega kraljestva Velike Britanije in Severne Irske na Cipru

TABLE OF CONTENTS

A. Declarations concerning provisions of the Constitution

1. Declaration on Article I-6
2. Declaration on Article I-9(2)
3. Declaration on Articles I-22, I-27 and I-28
4. Declaration on Article I-24(7) concerning the European Council decision on the exercise of the Presidency of the Council
5. Declaration on Article I-25
6. Declaration on Article I-26
7. Declaration on Article I-27
8. Declaration on Article I-36
9. Declaration on Articles I-43 and III-329
10. Declaration on Article I-51
11. Declaration on Article I-57
12. Declaration concerning the explanations relating to the Charter of Fundamental Rights
13. Declaration on Article III-116
14. Declaration on Articles III-136 and III-267
15. Declaration on Articles III-160 and III-322
16. Declaration on Article III-167(2)(c)
17. Declaration on Article III-184
18. Declaration on Article III-213
19. Declaration on Article III-220
20. Declaration on Article III-243
21. Declaration on Article III-248
22. Declaration on Article III-256
23. Declaration on Article III-273(1), second subparagraph
24. Declaration on Article III-296
25. Declaration on Article III-325 concerning the negotiation and conclusion of international agreements by Member States relating to the area of freedom, security and justice
26. Declaration on Article III-402(4)
27. Declaration on Article III-419
28. Declaration on Article IV-440(7)
29. Declaration on Article IV-448(2)
30. Declaration on the ratification of the Treaty establishing a Constitution for Europe

B. Declarations concerning Protocols annexed to the Constitution

Declarations concerning the Protocol on the Treaties and Acts of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden

31. Declaration on the Åland islands
32. Declaration on the Sami people

Declarations concerning the Protocol on the Treaty and the Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic

33. Declaration on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus
34. Declaration by the Commission on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus

35. Izjava o jedrski elektrarni Ignalina v Litvi
36. Izjava o tranzitu oseb po kopnem med območjem Kaliningrada in drugimi deli Ruske federacije
37. Izjava o enoti 1 in enoti 2 jedrske elektrarne Bohunice V1 na Slovaškem
38. Izjava o Cipru
39. Izjava o Protokolu o Danski
40. Izjava o Protokolu o prehodnih določbah v zvezi z institucijami in organi Unije
41. Izjava o Italiji

Izjave držav članic:

42. Izjava Kraljevine Nizozemske o I-55. členu
43. Izjava Kraljevine Nizozemske o IV-440. členu
44. Izjava Zvezne republike Nemčije, Irske, Republike Madžarske, Republike Avstrije in Kraljevine Švedske
45. Izjava Kraljevine Španije in Združenega kraljestva Velike Britanije in Severne Irske
46. Izjava Združenega kraljestva Velike Britanije in Severne Irske o opredelitvi izraza »državljani«
47. Izjava Kraljevine Španije o opredelitvi izraza »državljani«
48. Izjava Združenega kraljestva Velike Britanije in Severne Irske o volilni pravici za volitve v Evropski parlament
49. Izjava Kraljevine Belgije o nacionalnih parlamentih
50. Izjava Republike Latvije in Republike Madžarske o črkovanju imena enotne valute v Pogodbi o Ustavi za Evropo

35. Declaration on the Ignalina Nuclear Power Plant in Lithuania
36. Declaration on the transit of persons by land between the region of Kaliningrad and other parts of the Russian Federation
37. Declaration on Unit 1 and Unit 2 of the Bohunice V1 nuclear power plant in Slovakia
38. Declaration on Cyprus
39. Declaration concerning the Protocol on the position of Denmark
40. Declaration concerning the Protocol on the transitional provisions relating to the institutions and bodies of the Union
41. Declaration concerning Italy

Declarations by Member States

42. Declaration by the Kingdom of the Netherlands on Article I-55
43. Declaration by the Kingdom of the Netherlands on Article IV-440
44. Declaration by the Federal Republic of Germany, Ireland, the Republic of Hungary, the Republic of Austria and the Kingdom of Sweden
45. Declaration by the Kingdom of Spain and the United Kingdom of Great Britain and Northern Ireland
46. Declaration by the United Kingdom of Great Britain and Northern Ireland on the definition of the term "nationals"
47. Declaration by the Kingdom of Spain on the definition of the term "nationals"
48. Declaration by the Kingdom of the United Kingdom of Great Britain and Northern Ireland on the franchise for elections to the European Parliament
49. Declaration by the Kingdom of Belgium on national parliaments
50. Declaration by the Republic of Latvia and the Republic of Hungary on the spelling of the name of the single currency in the Treaty establishing a Constitution for Europe.

A. IZJAVE O DOLOČBAH USTAVE

1. Izjava o I-6. členu

Konferenca ugotavlja, da določbe I-6. člena odražajo obstoječo sodno prakso Sodišča Evropskih skupnosti in Sodišča prve stopnje.

2. Izjava o drugem odstavku I-9. člena

Konferenca se strinja, da se pristop Unije k Evropski konvenciji o človekovih pravicah in temeljnih svoboščinah uredi tako, da se ohranijo posebne značilnosti prava Unije. S tem v zvezi Konferenca ugotavlja, da obstaja redni dialog med Sodiščem Evropske unije in Evropskim sodiščem za človekove pravice; ta dialog se lahko okrepi s pristopom Evropske unije k tej Konvenciji.

3. Izjava o I-22., I-27. in I-28. členu

Pri izbiranju oseb, pozvanih k opravljanju funkcij predsednika Evropskega sveta, predsednika Komisije in ministra za zunanje zadeve Unije, je treba ustrezno upoštevati potrebo po spoštovanju geografske in demografske raznolikosti Unije in njenih držav članic.

4. Izjava o sedmem odstavku I-24. člena o sklepu Evropskega sveta o predsedovanju Svetu

»Konferenca izjavlja, da bi Svet moral začeti s pripravo evropskega sklepa o izvajanju evropskega sklepa Evropskega sveta o izvrševanju predsedovanja Svetu takoj po podpisu Pogodbe o Ustavi za Evropo in podati politično soglasje v šestih mesecih. Osnutek evropskega sklepa Evropskega sveta, ki bo sprejet na dan začetka veljavnosti omenjene Pogodbe, je naveden spodaj:«.

Osnutek evropskega sklepa Evropskega sveta o predsedovanju Svetu

1. ČLEN

(1) Svetu, razen v primeru Sveta za zunanje zadeve, predsedujejo vnaprej določene skupine treh držav članic za obdobje 18 mesecev. Skupine so sestavljene po načelu enakopravne rotacije med državami članicami ob upoštevanju njihove raznolikosti in geografskega ravnovesja v Uniji.

(2) Vsak član skupine izmenično predseduje za obdobje šest mesecev vsem sestavam Sveta, razen Svetu za zunanje zadeve. Ostali člani skupine pomagajo predsedniku pri opravljanju vseh njegovih obveznosti na podlagi skupnega programa. Člani skupine se lahko med sabo dogovorijo za drugačno ureditev.

A. DECLARATIONS CONCERNING PROVISIONS OF THE CONSTITUTION

1. Declaration on Article I-6

The Conference notes that Article I-6 reflects existing case law of the Court of Justice of the European Communities and of the Court of First Instance.

2. Declaration on Article I-9(2)

The Conference agrees that the Union's accession to the European Convention on the Protection of Human Rights and Fundamental Freedoms should be arranged in such a way as to preserve the specific features of Union law. In this connection, the Conference notes the existence of a regular dialogue between the Court of Justice of the European Union and the European Court of Human Rights; such dialogue could be reinforced when the Union accedes to that Convention.

3. Declaration on Articles I-22, I-27 and I-28

In choosing the persons called upon to hold the offices of President of the European Council, President of the Commission and Union Minister for Foreign Affairs, due account is to be taken of the need to respect the geographical and demographic diversity of the Union and its Member States.

4. Declaration on Article I-24(7) concerning the European Council decision on the exercise of the Presidency of the Council

The Conference declares that the Council should begin preparing the European decision establishing the measures for applying the European decision of the European Council on the exercise of the Presidency of the Council as soon as the Treaty establishing a Constitution for Europe is signed and should give its political approval within six months. A draft European decision of the European Council, which will be adopted on the date of entry into force of the said Treaty, is set out below:

Draft European decision of the European Council on the exercise of the Presidency of the Council

ARTICLE 1

1. The Presidency of the Council, with the exception of the Foreign Affairs configuration, shall be held by pre-established groups of three Member States for a period of 18 months. The groups shall be made up on a basis of equal rotation among the Member States, taking into account their diversity and geographical balance within the Union.

2. Each member of the group shall in turn chair for a six-month period all configurations of the Council, with the exception of the Foreign Affairs configuration. The other members of the group shall assist the Chair in all its responsibilities on the basis of a common programme. Members of the team may decide alternative arrangements among themselves.

2. ČLEN

Odboru stalnih predstavnikov vlad držav članic predseduje predstavnik države članice, ki predseduje Svetu za splošne zadeve.

Političnо-varnostnemu odboru predseduje predstavnik ministra za zunanje zadeve Unije.

Predsedstvo pripravljalnih organov sestav Sveta, razen Sveta za zunanje zadeve, pripada članu skupine, ki predseduje ustrezni sestavi, razen če ni v skladu s 4. členom tega sklepa določeno drugače.

3. ČLEN

Svet za splošne zadeve, v sodelovanju s Komisijo, zagotavlja v okviru večletnega programiranja usklajenost in kontinuiteto dela različnih sestav Sveta.Predsedujoče države članice ob pomoči generalnega sekretariata Sveta sprejmejo vse ukrepe, potrebne za organizacijo in nemoten potek dela Sveta.

4. ČLEN

Svet sprejme evropski sklep o določitvi izvedbenih ukrepov za ta sklep.

ARTICLE 2

The Committee of Permanent Representatives of the Governments of the Member States shall be chaired by a representative of the Member State chairing the General Affairs Council.

The Chair of the Political and Security Committee shall be held by a representative of the Union Minister for Foreign Affairs.

The chair of the preparatory bodies of the various Council configurations, with the exception of the Foreign Affairs configuration, shall fall to the member of the group chairing the relevant configuration, unless decided otherwise in accordance with Article 4.

ARTICLE 3

The General Affairs Council shall ensure consistency and continuity in the work of the different Council configurations in the framework of multiannual programmes in cooperation with the Commission. The Member States holding the Presidency shall take all necessary measures for the organisation and smooth operation of the Council's work, with the assistance of the General Secretariat of the Council.

ARTICLE 4

The Council shall adopt a European decision establishing the measures for the implementation of this decision.

5. Izjava o I-25. členu

Konferenca izjavlja, da bo Svet sprejel evropski sklep o izvajanju I-25. člena na dan začetka veljavnosti Pogodbe o Ustavi za Evropo. Osnutek sklepa je navaden spodaj:

Osnutek sklepa Sveta o izvajanju I-25. člena

SVET EVROPSKE UNIJE –

ob upoštevanju naslednjega:

(1) Šteje se, da je primerno sprejeti določbe, ki bodo dopuščale nemoten prehod s sistema odločanja v Svetu s kvalificirano večino, kakor je opredeljen v Pogodbi iz Nice in določen v drugem odstavku 2. člena Protokola o prehodnih določbah v zvezi z institucijami in organi Unije, ki je priložen Ustavi in se bo še naprej uporabljal do 31. oktobra 2009, na volilni sistem po 25. členu Ustave, ki se bo začel uporabljati 1. novembra 2009.

(2) Opozarja se, da je praksa Sveta takšna, da se po najboljših močeh posveča krepitvi demokratične legitimnosti odločitev, ki se sprejemajo s kvalificirano večino.

(3) Ocenjuje se, da je primerno ohraniti v veljavi sedanji sklep toliko časa, kolikor je potrebno, da bi zagotovili nemoten prehod na nov sistem glasovanja, predviden v Ustavi –

SKLENE:

1. ČLEN

Če člani Sveta, ki predstavljajo:

a) najmanj tri četrtine prebivalstva, ali

b) najmanj tri četrtine števila držav članic,

potrebnih za manjšino, ki lahko prepreči sprejetje odločitve, ki izhaja iz uporabe prvega ali drugega odstavka I-25. člena, izrazijo nasprotovanje temu, da bi Svet sprejel akt s kvalificirano večino, Svet razpravlja o zadevi.

5. Declaration on Article I-25

The Conference declares that the European decision relating to the implementation of Article I-25 will be adopted by the Council on the day the Treaty establishing a Constitution for Europe enters into force. The draft decision is set out below:

Draft European decision of the Council relating to the implementation of Article I-25

THE COUNCIL OF THE EUROPEAN UNION,

Whereas:

(1) Provisions should be adopted allowing for a smooth transition from the system for decision-making in the Council by a qualified majority as defined in the Treaty of Nice and set out in Article 2(2) of the Protocol on the transitional provisions relating to the institutions and bodies of the Union annexed to the Constitution, which will continue to apply until 31 October 2009, to the voting system provided for in Article I-25 of the Constitution, which will apply with effect from 1 November 2009.

(2) It is recalled that it is the practice of the Council to devote every effort to strengthening the democratic legitimacy of decisions taken by a qualified majority.

(3) It is judged appropriate to maintain this decision as long as is necessary to ensure smooth transition to the new voting system provided for in the Constitution,

HAS DECIDED AS FOLLOWS:

ARTICLE 1

If members of the Council, representing:

(a) at least three quarters of the population, or

(b) at least three quarters of the number of Member States

necessary to constitute a blocking minority resulting from the application of Article I-25(1), first subparagraph, or Article I-25(2), indicate their opposition to the Council adopting an act by a qualified majority, the Council shall discuss the issue.

2. ČLEN

Svet med to razpravo stori vse kar lahko, da bi v razumnem roku in ne glede na obvezne roke, določene s pravom Unije, dosegel zadovoljivo rešitev pri obravnavi pomislekov članov Sveta iz prejšnjega člena.

3. ČLEN

V ta namen predsednik Sveta ob pomoči Komisije in ob spoštovanju poslovnika Sveta sprejme pobude, potrebne za doseganje širše podlage za soglasje v Svetu. Člani sveta mu nudijo svojo pomoč.

4. ČLEN

Ta sklep začne veljati 1. novembra 2009. Ostane v veljavi vsaj do leta 2014. Potem lahko Svet sprejme evropski sklep o njegovi razveljavitvi.

ARTICLE 2

The Council shall, in the course of these discussions, do all in its power to reach, within a reasonable time and without prejudicing obligatory time limits laid down by Union law, a satisfactory solution to address concerns raised by the members of the Council referred to in Article 1.

ARTICLE 3

To this end, the President of the Council, with the assistance of the Commission and in compliance with the Rules of Procedure of the Council, shall undertake any initiative necessary to facilitate a wider basis of agreement in the Council. The members of the Council shall lend him or her their assistance.

ARTICLE 4

This decision shall take effect on 1 November 2009. It shall remain in force at least until 2014. Thereafter the Council may adopt a European decision repealing it.

6. **Izjava o I-26. členu**

Konferenca meni, da naj potem, ko v Komisiji ne bo več državljanov vseh držav članic, Komisija posebno pozornost posveti potrebi po zagotavljanju polne preglednosti v odnosih z vsemi državami članicami. Skladno s tem naj Komisija vzdržuje tesne stike z vsemi državami članicami, ne glede na to, ali je njihov državljan član Komisije ali ne, in v tej zvezi posveča posebno pozornost potrebi po izmenjavi informacij in posvetovanju z vsemi državami članicami.

Konferenca prav tako meni, da mora Komisija sprejeti vse potrebne ukrepe, s katerimi zagotovi, da se v celoti upošteva politična, socialna in gospodarska stvarnost v vseh državah članicah, tudi tistih, ki med člani Komisije nimajo svojega državljana. S temi ukrepi naj se zagotovi tudi to, da se stališča teh držav članic upoštevajo z ustrezno organizacijsko ureditvijo.

6. **Declaration on Article I-26**

The Conference considers that when the Commission no longer includes nationals of all Member States, the Commission should pay particular attention to the need to ensure full transparency in relations with all Member States. Accordingly, the Commission should liaise closely with all Member States, whether or not they have a national serving as member of the Commission, and in this context pay special attention to the need to share information and consult with all Member States.

The Conference also considers that the Commission should take all the necessary measures to ensure that political, social and economic realities in all Member States, including those which have no national serving as member of the Commission, are fully taken into account. These measures should include ensuring that the position of those Member States is addressed by appropriate organisational arrangements.

7. **Izjava o I-27. členu**

Konferenca meni, da sta Evropski parlament in Evropski svet v skladu z določbami Ustave skupaj odgovorna za nemoten potek postopka za izvolitev predsednika Evropske komisije. Pred odločitvijo Evropskega sveta predstavniki Evropskega parlamenta in Evropskega sveta tako opravijo potrebna posvetovanja v okviru, ki velja za najprimernejšega. V skladu s prvim odstavkom I-27. člena se ta posvetovanja osredotočijo na strokovne izkušnje kandidatov za predsednika Komisije, pri čemer se upoštevajo volitve v Evropski parlament. Ureditev takih posvetovanj se lahko določi pravočasno z medsebojnim dogovorom med Evropskim parlamentom in Evropskim svetom.

7. **Declaration on Article I-27**

The Conference considers that, in accordance with the provisions of the Constitution, the European Parliament and the European Council are jointly responsible for the smooth running of the process leading to the election of the President of the European Commission. Prior to the decision of the European Council, representatives of the European Parliament and of the European Council will thus conduct the necessary consultations in the framework deemed the most appropriate. These consultations will focus on the backgrounds of the candidates for President of the Commission, taking account of the elections to the European Parliament, in accordance with Article I-27(1). The arrangements for such consultations may be determined, in due course, by common accord between the European Parliament and the European Council.

8. Izjava o I-36. členu

Konferenca se seznani z namero Komisije, da nadaljuje s posveti s strokovnjaki, ki jih imenujejo države članice, glede priprave delegiranih evropskih uredb na področju finančnih storitev v skladu z ustaljeno prakso.

8. Declaration on Article I-36

The Conference takes note of the Commission's intention to continue to consult experts appointed by the Member States in the preparation of draft delegated European regulations in the financial services area, in accordance with its established practice.

9. Izjava o I-43. in III-329. členu

Ne glede na ukrepe Unije za izpolnitev svojih solidarnostnih obveznosti do države članice, ki je žrtev terorističnega napada, naravne nesreče ali nesreče, ki jo je povzročil človek, nobena od določb I-43. in III-329. člena Ustave ne vpliva na pravico druge države članice, da izbere najbolj primerna sredstva za izpolnitev lastne solidarnostne obveznosti do te države članice.

9. Declaration on Articles I-43 and III-329

Without prejudice to the measures adopted by the Union to comply with its solidarity obligation towards a Member State which is the object of a terrorist attack or the victim of natural or man-made disaster, none of the provisions of Articles I-43 and III-329 of the Constitution is intended to affect the right of another Member State to choose the most appropriate means to comply with its own solidarity obligation towards that Member State.

10. Izjava o I-51. členu

Konferenca izjavlja, da se ustrezno upoštevajo značilnosti zadeve, kadar bi pravila o varstvu osebnih podatkov, ki jih je treba sprejeti na podlagi I-51. člena, lahko neposredno vplivala na nacionalno varnost. Opozarja, da zakonodaja, ki se trenutno uporablja (glej zlasti Direktivo 95/46/ES), vključuje posebne izjeme glede tega.

10. Declaration on Article I-51

The Conference declares that, whenever rules on protection of personal data to be adopted on the basis of Article I-51 could have direct implications for national security, due account will have to be taken of the specific characteristics of the matter. It recalls that the legislation presently applicable (see in particular Directive 95/46/EC) includes specific derogations in this regard.

11. Izjava o I-57. členu

Unija bo upoštevala posebne okoliščine teritorialno majhnih dežel in z njimi vzdrževala specifične sosedske odnose.

11. Declaration on Article I-57

The Union will take into account the particular situation of small-sized countries which maintain specific relations of proximity with it.

12. Izjava o pojasnilih glede Listine o temeljnih pravicah

Konferenca se seznani s pojasnili glede Listine o temeljnih pravicah, oblikovanimi pod vodstvom predsedstva Konvencije, ki je listino sestavil, in dopolnjenimi pod vodstvom predsedstva Evropske konvencije, kakor je navedeno spodaj.

POJASNILA GLEDE LISTINE O TEMELJNIH PRAVICAH

Ta pojasnila so bila prvotno pripravljena pod vodstvom predsedstva Konvencije, ki je sestavil osnutek Listine Evropske unije o temeljnih pravicah. V luči priprave dopolnitev besedila Listine s strani Evropske konvencije (zlasti členov 51 in 52[1]) in nadaljnjega razvoja prava Unije so bila ta pojasnila posodobljena pod vodstvom predsedstva Evropske konvencije. Čeprav sama nimajo pravne veljave, so dragoceno razlagalno orodje, namenjeno pojasnjevanju določb Listine.

[1] II-111. in II-112. člen Ustave.

12. Declaration concerning the explanations relating to the Charter of Fundamental Rights

The Conference takes note of the explanations relating to the Charter of Fundamental Rights prepared under the authority of the Praesidium of the Convention which drafted the Charter and updated under the responsibility of the Praesidium of the European Convention, as set out below.

EXPLANATIONS RELATING TO THE CHARTER OF FUNDAMENTAL RIGHTS

These explanations were originally prepared under the authority of the Praesidium of the Convention which drafted the Charter of Fundamental Rights of the European Union. They have been updated under the responsibility of the Praesidium of the European Convention, in the light of the drafting adjustments made to the text of the Charter by that Convention (notably to Articles 51 and 52[1]) and of further developments of Union law. Although they do not as such have the status of law, they are a valuable tool of interpretation intended to clarify the provisions of the Charter.

[1] Articles II-111 and II-112 of the Constitution.

PREAMBULA

Evropski narodi so pri oblikovanju vse tesnejše zveze odločeni na podlagi skupnih vrednot deliti mirno prihodnost.

Unija, ki se zaveda svoje duhovne in moralne dediščine, temelji na nedeljivih in univerzalnih vrednotah človekovega dostojanstva, svobode, enakopravnosti in solidarnosti; temelji na načelu demokracije in na načelu pravne države. Posameznika postavlja v središče svojih dejavnosti z vzpostavitvijo državljanstva Unije in oblikovanjem območja svobode, varnosti in pravice.

Ob spoštovanju raznolikosti kultur in tradicij evropskih narodov ter nacionalne identitete držav članic in organizacije njihovih organov oblasti na državni, regionalni in lokalni ravni prispeva Unija k ohranjanju in razvijanju teh skupnih vrednot; prizadeva si za spodbujanje uravnoteženega in trajnostnega razvoja ter zagotavlja prosti pretok oseb, storitev, blaga in kapitala ter svobodo ustanavljanja.

V ta namen je treba glede na spremembe v družbi, socialni napredek ter znanstveni in tehnični razvoj okrepiti varstvo temeljnih pravic z listino, ki te pravice še bolj poudari.

Ta listina ob upoštevanju pristojnosti in nalog Unije ter načela subsidiarnosti potrjuje pravice, kot izhajajo zlasti iz skupnih ustavnih tradicij in mednarodnih obveznosti držav članic, Evropske konvencije o varstvu človekovih pravic in temeljnih svoboščin, socialnih listin, ki sta jih sprejela Unija in Svet Evrope, ter sodne prakse Sodišča Evropske unije in Evropskega sodišča za človekove pravice. V tem okviru sodišča Unije in držav članic Listino razlagajo ob ustreznem upoštevanju pojasnil, oblikovanih pod vodstvom predsedstva konvencije, ki je Listino sestavila, in ki so bila dopolnjena pod vodstvom predsedstva Evropske konvencije.

Uživanje teh pravic je povezano z odgovornostmi in dolžnostmi do soljudi, človeške skupnosti in prihodnjih generacij.

Zato Unija priznava pravice, svoboščine in načela, navedena v nadaljevanju.

NASLOV I

DOSTOJANSTVO

ČLEN 1[1]

Človekovo dostojanstvo

Človekovo dostojanstvo je nedotakljivo. Treba ga je spoštovati in varovati.

Pojasnilo

Človekovo dostojanstvo ni zgolj samo po sebi temeljna pravica, temveč predstavlja osnovo temeljnih pravic. V Splošni deklaraciji človekovih pravic iz leta 1948 je človekovo dostojanstvo zapisano v preambuli: »Ker pomeni priznanje prirojenega človeškega dostojanstva vseh članov človeške družbe in njihovih enakih in neodtujljivih pravic temelj svobode, pravičnosti in miru na svetu.«

V svoji sodbi z dne 9. oktobra 2001 v zadevi C-377/98 Nizozemska proti Evropskemu parlamentu in Svetu, 2001 PSES 7079, obrazložitev v točkah št. 70 –77, je Sodišče potrdilo, da je temeljna pravica človekovega dostojanstva del prava Unije.

Iz tega izhaja, da se nobena od pravic iz te listine ne sme uporabiti za škodovanje dostojanstvu druge osebe in da je človekovo dostojanstvo del bistva pravic v tej listini. Zaradi tega ga je treba spoštovati, tudi kadar je določena pravica omejena.

[1] II-61. člen Ustave.

PREAMBLE

The peoples of Europe, in creating an ever closer union among them, are resolved to share a peaceful future based on common values.

Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice.

The Union contributes to the preservation and to the development of these common values while respecting the diversity of the cultures and traditions of the peoples of Europe as well as the national identities of the Member States and the organisation of their public authorities at national, regional and local levels; it seeks to promote balanced and sustainable development and ensures free movement of persons, services, goods and capital, and the freedom of establishment.

To this end, it is necessary to strengthen the protection of fundamental rights in the light of changes in society, social progress and scientific and technological developments by making those rights more visible in a Charter.

This Charter reaffirms, with due regard for the powers and tasks of the Union and the principle of subsidiarity, the rights as they result, in particular, from the constitutional traditions and international obligations common to the Member States, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Social Charters adopted by the Union and by the Council of Europe and the case law of the Court of Justice of the European Union and of the European Court of Human Rights. In this context the Charter will be interpreted by the courts of the Union and the Member States with due regard to the explanations prepared under the authority of the Praesidium of the Convention which drafted the Charter and updated under the responsibility of the Praesidium of the European Convention.

Enjoyment of these rights entails responsibilities and duties with regard to other persons, to the human community and to future generations.

The Union therefore recognises the rights, freedoms and principles set out hereafter.

TITLE I

DIGNITY

ARTICLE 1[1]

Human dignity

Human dignity is inviolable. It must be respected and protected.

Explanation

The dignity of the human person is not only a fundamental right in itself but constitutes the real basis of fundamental rights. The 1948 Universal Declaration of Human Rights enshrined human dignity in its preamble: "Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world." In its judgment of 9 October 2001 in case C-377/98 Netherlands v. European Parliament and Council, 2001 ECR 7079, at grounds No 70 – 77, the Court of Justice confirmed that a fundamental right to human dignity is part of Union law.

It results that none of the rights laid down in this Charter may be used to harm the dignity of another person, and that the dignity of the human person is part of the substance of the rights laid down in this Charter. It must therefore be respected, even where a right is restricted.

[1] Article II-61 of the Constitution.

ČLEN 2[1]

Pravica do življenja

1. Vsakdo ima pravico do življenja.

2. Nihče ne sme biti obsojen na smrtno kazen ali usmrčen.

Pojasnilo

1. Prvo odstavek tega člena temelji na prvem stavku prvega odstavka 2. člena Evropske konvencije o varstvu človekovih pravic in temeljnih svobočin (EKČP), ki se glasi:

»1. Pravica vsakogar do življenja je zavarovana z zakonom....«

2. Drugi stavek določbe, ki se nanaša na smrtno kazen, je bil nadomeščen z začetkom veljavnosti 1. člena Protokola št. 6 k EKČP, ki se glasi:

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

Drugi odstavek člena 2 Listine[2] temelji na tej določbi.

3. Določbe člena 2 Listine[3] ustrezajo tistim iz zgornjih členov EKČP in njenega Protokola. V skladu s tretjim odstavkom člena 52 Listine[4] imajo enak pomen in področje uporabe. Zato je na »negativne« opredelitve v EKČP prav tako treba gledati kot na sestavni del Listine:

a) Drugi odstavek 2. člena EKČP:

»Kot kršitev tega člena se ne šteje odvzem življenja, če je posledica uporabe nujno potrebne sile:

a) pri obrambi katerekoli osebe pred nezakonitim nasiljem,

b) pri zakonitem odvzemu pr ostosti ali pri preprečitvi bega osebi, ki ji je zakonito odvzeta prostost,

c) pri zakonitem dejanju, ki ima namen zadušiti upor ali vstajo.«

b) 2. člen Protokola št. 6 k EKČP:

»Država lahko določi v svoji zakonodaji smrtno kazen za dejanja, storjena med vojno ali ob neposredni vojni nevarnosti; takšna kazen se sme uporabiti le v primerih, ki so določeni v zakonu in v skladu z določbami zakona..«

ARTICLE 2[1]

Right to life

1. Everyone has the right to life.

2. No one shall be condemned to the death penalty, or executed.

Explanation

1. Paragraph 1 of this Article is based on the first sentence of Article 2(1) of the ECHR, which reads as follows:

"1. Everyone's right to life shall be protected by law…"

2. The second sentence of the provision, which referred to the death penalty, was superseded by the entry into force of Article 1 of Protocol No 6 to the ECHR, which reads as follows:

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

Article 2(2) of the Charter[2] is based on that provision.

3. The provisions of Article 2 of the Charter[1] correspond to those of the above Articles of the ECHR and its Protocol. They have the same meaning and the same scope, in accordance with Article 52(3) of the Charter[3]. Therefore, the "negative" definitions appearing in the ECHR must be regarded as also forming part of the Charter:

(a) Article 2(2) of the ECHR:

"Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary:

(a) in defence of any person from unlawful violence;

(b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;

(c) in action lawfully taken for the purpose of quelling a riot or insurrection."

(b) Article 2 of Protocol No 6 to the ECHR:

"A State may make provision in its law for the death penalty in respect of acts committed in time of war or of imminent threat of war; such penalty shall be applied only in the instances laid down in the law and in accordance with its provisions…"

ČLEN 3[5]

Pravica do osebne celovitosti

1. Vsakdo ima pravico do spoštovanja telesne in duševne celovitosti.

2. Na področju medicine in biologije je treba spoštovati zlasti:

a) svobodno privolitev po predhodni seznanitvi prizadete osebe v skladu s postopki, določenimi z zakonom;

b) prepoved evgeničnih postopkov, zlasti tistih, katerih cilj je selekcija ljudi;

c) prepoved uporabe človeškega telesa in njegovih delov zaradi premoženjske koristi;

d) prepoved reproduktivnega kloniranja človeških bitij.

Pojasnilo

1. V svoji sodbi z dne 9. oktobra 2001 v zadevi C-377/98 Nizozemska proti Evropskemu parlamentu in Svetu, 2001, PSES 7079, obrazložitev v točkah št. 70, 78 – 80, je Sodišče potrdilo, da je temeljna pravica človekovega dostojanstva del prava Unije in vključuje, v okviru medicine in biologije, svobodno privolitev po predhodni seznanitvi darovalca in prejemnika.

ARTICLE 3[4]

Right to the integrity of the person

1. Everyone has the right to respect for his or her physical and mental integrity.

2. In the fields of medicine and biology, the following must be respected in particular:

(a) the free and informed consent of the person concerned, according to the procedures laid down by law;

(b) the prohibition of eugenic practices, in particular those aiming at the selection of persons;

(c) the prohibition on making the human body and its parts as such a source of financial gain;

(d) the prohibition of the reproductive cloning of human beings.

Explanation

1. In its judgment of 9 October 2001 in case C-377/98 Netherlands v. European Parliament and Council, 2001 ECR 7079, at grounds No 70, 78 – 80, the Court of Justice confirmed that a fundamental right to human integrity is part of Union law and encompasses, in the context of medicine and biology, the free and informed consent of the donor and recipient.

[1] II-62. člen Ustave.
[2] Drugi odstavek II-62. člena Ustave.
[3] II-62. člen Ustave.
[4] Tretji odstavek II-112. člena Ustave.
[5] II-63. člen Ustave

[1] Article II-62 of the Constitution.
[2] Article II-62(2) of the Constitution.
[3] Article II-112(3) of the Constitution.
[4] Article II-63 of the Constitution.

2. Načela člena 3 Listine[1] so že vključena v Konvencijo o človekovih pravicah v zvezi z biomedicino, ki jo je sprejel Svet Evrope (ETS 164 in dodatni protokol ETS 168). Listine se ne oddaljuje od teh načel in zato prepoveduje le reproduktivno kloniranje. Drugih oblik kloniranja niti ne odobrava niti ne prepoveduje. Zato na noben način zakonodajnim telesom ne preprečuje prepovedi drugih oblik kloniranja.

3. Sklicevanje na evgenične postopke, zlasti tiste, katerih cilj je selekcija ljudi, se nanaša na morebitne razmere, v katerih bi se organizirali in izvajali selekcijski programi, ki bi med drugim vključevali sterilizacijske kampanje, prisilne nosečnosti, obvezne etnične poroke, kar so vse dejanja, ki se po statutu Mednarodnega kazenskega sodišča, sprejetem v Rimu 17. julija 1998 (glej njegovo točko g), prvega odstavka 7. člena), štejejo za mednarodna kazniva dejanja.

ČLEN 4[2]

Prepoved mučenja in nečloveškega ali ponižujočega ravnanja ali kaznovanja

Nihče ne sme biti podvržen mučenju ali nečloveškemu ali ponižujočemu ravnanju ali kaznovanju.

Pojasnilo

Pravica v členu 4[3] je pravica, zagotovljena s 3. členom EKČP, ki ima enako besedilo: »Nikogar se ne sme mučiti ali nečloveško in ponižujoče z njim ravnati ali ga kaznovati.« Zato ima na podlagi tretjega odstavka člena 52[4] Listine enak pomen in področje uporabe kot člen EKČP.

ČLEN 5[5]

Prepoved suženjstva in prisilnega dela

1. Nikogar se ne sme držati v suženjstvu ali podložništvu.

2. Od nikogar se ne sme zahtevati, da opravlja prisilno ali obvezno delo.

3. Trgovina z ljudmi je prepovedana.

Pojasnilo

1. Pravica v prvem in drugem odstavku člena 5[6] ustreza prvemu in drugemu odstavku 4. člena EKČP, ki ima enako besedilo. Zato ima v skladu s tretjim odstavkom člena 52 Listine[7] enak pomen in področje uporabe kot člen EKČP. Zaradi tega:

– nobena omejitev ne more legitimno vplivati na pravico, zagotovljeno v prvem odstavku;

– v drugem odstavku je treba »prisilno ali obvezno delo« razumeti v luči »negativnih« opredelitev iz tretjega odstavka 4. člena EKČP:

»Pojem prisilno ali obvezno delo v zvezi s tem členom ne vključuje:

a) dela, ki se zahteva pri rednem prestajanju zapora v skladu z določbami 5. člena te Konvencije ali med pogojnim odpustom s prestajanja zaporne kazni,

b) katerekoli službe vojaške narave, službe, ki jo zahtevajo namesto obveznega služenja vojske v državah v katerih je ugovor vesti dopusten,

[1] II-63. člen Ustave.
[2] II-64. člen Ustave.
[3] II-64. člen Ustave.
[4] Tretji odstavek II-112. člena Ustave.
[5] II-65. člen Ustave.
[6] II-65. člen Ustave.
[7] Tretji odstavek II-112. člena Ustave.

2. The principles of Article 3 of the Charter[1] are already included in the Convention on Human Rights and Biomedicine, adopted by the Council of Europe (ETS 164 and additional protocol ETS 168). The Charter does not set out to depart from those principles, and therefore prohibits only reproductive cloning. It neither authorises nor prohibits other forms of cloning. Thus it does not in any way prevent the legislature from prohibiting other forms of cloning.

3. The reference to eugenic practices, in particular those aiming at the selection of persons, relates to possible situations in which selection programmes are organised and implemented, involving campaigns for sterilisation, forced pregnancy, compulsory ethnic marriage among others, all acts deemed to be international crimes in the Statute of the International Criminal Court adopted in Rome on 17 July 1998 (see its Article 7(1)(g)).

ARTICLE 4[2]

Prohibition of torture and inhuman or degrading treatment or punishment

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Explanation

The right in Article 4[2] is the right guaranteed by Article 3 of the ECHR, which has the same wording: "No one shall be subjected to torture or to inhuman or degrading treatment or punishment". By virtue of Article 52(3) of the Charter[3], it therefore has the same meaning and the same scope as the ECHR Article.

ARTICLE 5[4]

Prohibition of slavery and forced labour

1. No one shall be held in slavery or servitude.

2. No one shall be required to perform forced or compulsory labour.

3. Trafficking in human beings is prohibited.

Explanation

1. The right in Article 5(1) and (2)[4] corresponds to Article 4(1) and (2) of the ECHR, which has the same wording. It therefore has the same meaning and scope as the ECHR Article, by virtue of Article 52(3) of the Charter[3]. Consequently:

– no limitation may legitimately affect the right provided for in paragraph 1;

– in paragraph 2, "forced or compulsory labour" must be understood in the light of the "negative" definitions contained in Article 4(3) of the ECHR:

"For the purpose of this article the term "forced or compulsory labour" shall not include:

(a) any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;

(b) any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;

[1] Article II-63 of the Constitution.
[2] Article II-64 of the Constitution.
[3] Article II-112(3) of the Constitution.
[4] Article II-65 of the Constitution.

c) službe, ki je komu dodeljena ob nevarnosti ali ob nesreči, ko je ogroženo življenje ljudi ali blaginja skupnosti,

d) del ali služb, ki so sestavni del običajnih državljanskih dolžnosti.«

2. Tretji odstavek izvira neposredno iz človekovega dostojanstva in upošteva nedavni razvoj organiziranega kriminala, kot so mreže organizacij pridobitniškega nezakonitega priseljevanja ali spolnega izkoriščanja. Priloga h Konvenciji Europol vsebuje naslednje opredelitve, ki se nanašajo na trgovino z namenom spolnega izkoriščanja: »trgovina z ljudmi pomeni izpostavljanje osebe pravemu in nezakonitemu vplivu drugih oseb z uporabo nasilja ali groženj ali z zlorabo oblasti ali intrigo z namenom izkoriščanja prostitucije, oblik spolnega izkoriščanja in zlorabe mladoletnikov ali trgovine z zapuščenimi otroki«. Poglavje 6 Konvencije o izvajanju Schengenskega sporazuma, ki je bilo vključeno v pravni red Unije, v katerem sodelujeta Združeno kraljestvo in Irska, v členu 27(1) vsebuje naslednje besedilo, ki se nanaša na mreže za nezakonito priseljevanje: »Pogodbenice ustrezno kaznujejo osebo, ki zaradi dobička tujcu pomaga ali poskuša pomagati vstopiti ali prebivati na ozemlju ene od pogodbenic v nasprotju z zakonodajo te pogodbenice o vstopu in prebivanju tujcev.« Svet je 19. julija 2002 sprejel okvirni sklep (2002/629/PNZ) o boju proti trgovanju z ljudmi (UL L 203, str. 1), ki v členu 1 podrobno opredeljuje kazniva dejanja v zvezi s trgovanjem z ljudmi za namene izkoriščanja delovne sile ali spolnega izkoriščanja, za katere morajo države članice na podlagi tega okvirnega sklepa zagotoviti, da so kazniva.

NASLOV II

SVOBOŠČINE

ČLEN 6[1]

Pravica do svobode in varnosti

Vsakdo ima pravico do svobode in varnosti.

Pojasnilo

Pravice v členu 6[2] so pravice, ki jih zagotavlja 5. člen EKČP in imajo v skladu s tretjim odstavkom člena 52 Listine[3] enak pomen in področje uporabe. Zaradi tega omejitve, ki se jih zanje lahko legitimno uvede, ne smejo presegati omejitev, kot jih dovoljuje EKČP v besedilu 5. člena:

»1. Vsakdo ima pravico do prostosti in osebne varnosti. Nikomur se ne sme odvzeti prostost, razen v naslednjih primerih in v skladu s postopkom, ki je predpisan z zakonom:

a) zakonit pripor, odrejen s sodbo pristojnega sodišča,

b) zakonit odvzem prostosti osebi, ki se ne pokori zakoniti odločbi sodišča, ali zato, da bi zagotovili izpolnitev kakšne z zakonom naložene obveznosti,

c) zakonit odvzem prostosti, ki je potreben zato, da bi osebo privedli pred pristojno sodno oblast ob utemeljenem sumu, da je storila kaznivo dejanje, ali kadar je to utemeljeno nujno zato, da bi preprečili storitev kaznivega dejanja ali beg po storjenem kaznivem dejanju,

d) pridržanje mladoletnika na podlagi zakonite odločbe zaradi vzgojnega nadzorstva ali zakonit odvzem prostosti mladoletniku zato, da bi ga privedli pred pristojno oblast,

e) zakonito pridržanje oseb, da bi preprečili širjenje nalezljivih bolezni, ali duševno bolnih oseb, alkoholikov, narkomanov in potepuhov,

[1] II-66. člen Ustave.
[2] II-66. člen Ustave.
[3] Tretji odstavek, II-112. člena Ustave.

(c) any service exacted in case of an emergency or calamity threatening the life or well-being of the community;

(d) any work or service which forms part of normal civic obligations."

2. Paragraph 3 stems directly from human dignity and takes account of recent developments in organised crime, such as the organisation of lucrative illegal immigration or sexual exploitation networks. The annex to the Europol Convention contains the following definition which refers to trafficking for the purpose of sexual exploitation: "traffic in human beings: means subjection of a person to the real and illegal sway of other persons by using violence or menaces or by abuse of authority or intrigue with a view to the exploitation of prostitution, forms of sexual exploitation and assault of minors or trade in abandoned children". Chapter VI of the Convention implementing the Schengen Agreement, which has been integrated into the Union's acquis, in which the United Kingdom and Ireland participate, contains the following wording in Article 27(1) which refers to illegal immigration networks: " The Contracting Parties undertake to impose appropriate penalties on any person who, for financial gain, assists or tries to assist an alien to enter or reside within the territory of one of the Contracting Parties in breach of that Contracting Party's laws on the entry and residence of aliens." On 19 July 2002, the Council adopted a framework decision on combating trafficking in human beings (OJ L 203/1) whose Article 1 defines in detail the offences concerning trafficking in human beings for the purposes of labour exploitation or sexual exploitation, which the Member States must make punishable by virtue of that framework decision.

TITLE II

FREEDOMS

ARTICLE 6[1]

Right to liberty and security

Everyone has the right to liberty and security of person.

Explanation

The rights in Article 6[1] are the rights guaranteed by Article 5 of the ECHR, and in accordance with Article 52(3) of the Charter[2], they have the same meaning and scope. Consequently, the limitations which may legitimately be imposed on them may not exceed those permitted by the ECHR, in the wording of Article 5:

"1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:

(a) the lawful detention of a person after conviction by a competent court;

(b) the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;

(c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;

(d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;

(e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;

[1] Article II-66 of the Constitution.
[2] Article II-112(3) of the Constitution.

f) zakonit odvzem prostosti osebi z namenom, da bi ji preprečili nedovoljen vstop v državo, ali pripor osebe, proti kateri teče postopek za izgon ali za izročitev.

2. Ob odvzemu prostosti je treba vsakogar takoj poučiti v jeziku, ki ga razume, o vzrokih za odvzem prostosti in česa ga dolžijo.

3. Vsakogar, ki mu je bila odvzeta prostost v skladu z določbami tč. c 1. odstavka tega člena, je treba takoj privesti pred sodnika ali drugo uradno osebo, ki na podlagi zakona izvršuje sodno oblast; vsakdo ima pravico, da mu sodijo v razumen roku ali ga izpustijo. Izpustitev na prostost je lahko pogojena z jamstvi, da bo prišel na sojenje.

4. Vsakdo, ki mu je bila odvzeta prostost ima pravico začeti postopek, v katerem bo sodišče hitro odločilo o zakonitosti odvzema prostosti in odredilo njegovo izpustitev, če je bil odvzem prostosti nezakonit.

5. Kdor je bil žrtev odvzema prostosti v nasprotju z določili tega člena, ima iztožljivo pravico do odškodnine.«

Pravice, zapisane v členu 6[1], je treba spoštovati, zlasti kadar Evropski parlament in Sveta sprejemata zakone in okvirne zakone na področju pravosodnega sodelovanja v kazenskih zadevah na podlagi III-270., III-271. in III-273. člena Ustave, predvsem, da se določijo najmanjše skupne določbe o kategorizaciji kršitev in kazni ter nekateri vidiki procesnega prava.

ČLEN 7[2]

Spoštovanje zasebnega in družinskega življenja

Vsakdo ima pravico do spoštovanja njegovega zasebnega in družinskega življenja, stanovanja in komunikacij.

Pojasnilo

Pravice, zagotovljene s členom 7[3] ustrezajo pravicam, zagotovljenim z 8. členom EKČP. Zaradi upoštevanja tehnološkega razvoja je bila beseda »dopisovanje« zamenjana z »komunikacijami«.

V skladu s tretjim odstavkom člena 52[4] sta pomen in področje uporabe te pravice enaka kot v ustreznem členu EKČP. Zaradi tega so omejitve, ki se jih lahko legitimno uvede na to pravico, enake tistim, kot jih dovoljuje 8. člen EKČP:

»1. Vsakdo ima pravico do spoštovanja svojega zasebnega in družinskega življenja, svojega doma in dopisovanja.

2. Javna oblast se ne sme vmešavati v izvrševanje te pravice, razen če je to določeno z zakonom in nujno v demokratični družbi zaradi državne varnosti, javne varnosti ali ekonomske blaginje države, zato, da se prepreči nered ali zločin, da se zavaruje zdravje ali morala ali da se zavarujejo pravice in svoboščine drugih ljudi.«

ČLEN 8[5]

Varstvo osebnih podatkov

1. Vsakdo ima pravico do varstva osebnih podatkov, ki se nanašajo nanj.

2. Osebni podatki se morajo obdelovati pošteno, za določene namene in na podlagi privolitve prizadete osebe ali na drugi legitimni podlagi, določeni z zakonom. Vsakdo ima pravico dostopa do podatkov, zbranih o njem, in pravico zahtevati, da se ti podatki popravijo.

3. Spoštovanje teh pravil nadzira neodvisen organ.

[1] II-66. člen Ustave.
[2] II-67. člen Ustave.
[3] II-67. člen Ustave.
[4] Tretji odstavek II-112. člena Ustave.
[5] II-68. člen Ustave.

(f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.

2. Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.

3. Everyone arrested or detained in accordance with the provisions of paragraph 1.c of this article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.

4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

5. Everyone who has been the victim of arrest or detention in contravention of the provisions of this Article shall have an enforceable right to compensation."

The rights enshrined in Article 6[1] must be respected particularly when the European Parliament and the Council adopt laws and framework laws in the area of judicial cooperation in criminal matters, on the basis of Articles III-270, III-271 and III-273 of the Constitution, notably to define common minimum provisions as regards the categorisation of offences and punishments and certain aspects of procedural law.

ARTICLE 7[2]

Respect for private and family life

Everyone has the right to respect for his or her private and family life, home and communications.

Explanation

The rights guaranteed in Article 7[2] correspond to those guaranteed by Article 8 of the ECHR. To take account of developments in technology the word "correspondence" has been replaced by "communications".

In accordance with Article 52(3)[3], the meaning and scope of this right are the same as those of the corresponding article of the ECHR. Consequently, the limitations which may legitimately be imposed on this right are the same as those allowed by Article 8 of the ECHR:

"1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

ARTICLE 8[4]

Protection of personal data

1. Everyone has the right to the protection of personal data concerning him or her.

2. Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law. Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified.

3. Compliance with these rules shall be subject to control by an independent authority.

[1] Article II-66 of the Constitution.
[2] Article II-67 of the Constitution.
[3] Article II-112(3) of the Constitution.
[4] Article II-68 of the Constitution.

Pojasnilo

Ta člen temelji na členu 286 Pogodbe o ES in Direktivi 95/46/ES Evropskega parlamenta in Sveta o varstvu posameznikov pri obdelavi osebnih podatkov in o prostem pretoku takih podatkov (UL L 281, 23. 11. 1995, str. 31), kot tudi na 8. členu EKČP in na Konvenciji Sveta Evrope z dne 28. januarja 1981 o varstvu posameznikov glede na avtomatsko obdelavo osebnih podatkov, ki so jo ratificirale vse države članice.

Člen 286 Pogodbe ES je sedaj nadomestil I-51. člen Ustave. Prav tako je vključeno sklicevanje na Uredbo ES št. 45/2001 Evropskega parlamenta in Sveta o varstvu posameznikov pri obdelavi osebnih podatkov v institucijah in organih Skupnosti in o prostem pretoku takih podatkov (UL L 8, 12. 1. 2002, str. 1). Zgoraj omenjeni direktiva in uredba vsebujeta pogoje in omejitve pri izvajanju pravice do varovanja osebnih podatkov.

Explanation

This Article has been based on Article 286 of the Treaty establishing the European Community and Directive 95/46/EC of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23. 11. 1995) as well as on Article 8 of the ECHR and on the Council of Europe Convention of 28 January 1981 for the Protection of Individuals with regard to Automatic Processing of Personal Data, which has been ratified by all the Member States. Article 286 EC Treaty is now replaced by Article I-51 of the Constitution. Reference is also made to Regulation No 45/2001 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12. 1. 2001). The abovementioned Directive and Regulation contain conditions and limitations for the exercise of the right to the protection of personal data.

ČLEN 9[1]

Pravica sklepanja zakonske zveze in pravica ustvarjanja družine

Pravica sklepanja zakonske zveze in pravica ustvarjanja družine sta zagotovljeni v skladu z nacionalnimi zakoni, ki urejajo uresničevanje teh pravic.

Pojasnilo

Ta člen temelji na 12. členu EKČP, ki se glasi: »Moški in ženske, zreli za zakon, imajo pravico skleniti zakonsko zvezo in ustanoviti družino v skladu z domačimi zakoni, ki urejajo uveljavljanje te pravice.« Besedilo tega člena je bilo posodobljeno tako, da vključuje primere, kjer nacionalna zakonodaja priznava ureditve, ki niso poroka za oblikovanje družine. Ta člen niti ne prepoveduje niti ne zagotavlja statusa poroke zvezam med človekoma istega spola. Ta pravica je torej podobna tisti, ki jo daje EKČP, vendar pa je njeno področje uporabe lahko širše, kadar tako določa nacionalna zakonodaja.

ARTICLE 9[1]

Right to marry and right to found a family

The right to marry and the right to found a family shall be guaranteed in accordance with the national laws governing the exercise of these rights.

Explanation

This Article is based on Article 12 of the ECHR, which reads as follows: "Men and women of marriageable age have the right to marry and to found a family according to the national laws governing the exercising of this right." The wording of the Article has been modernised to cover cases in which national legislation recognises arrangements other than marriage for founding a family. This Article neither prohibits nor imposes the granting of the status of marriage to unions between people of the same sex. This right is thus similar to that afforded by the ECHR, but its scope may be wider when national legislation so provides.

ČLEN 10[2]

Svoboda misli, vesti in vere

1. Vsakdo ima pravico do svobode misli, vesti in vere. Ta pravica vključuje svobodo spreminjanja vere ali prepričanja ter svobodo izražanja svoje vere ali svojega prepričanja, posamezno ali skupaj z drugimi, javno ali zasebno, pri bogoslužju, pouku, običajih in obredih.

2. Pravica do ugovora vesti se priznava v skladu z nacionalnimi zakoni, ki urejajo uresničevanje te pravice.

Pojasnilo

Pravica, zagotovljena v prvem odstavku ustreza pravici, ki jo zagotavlja 9. člen EKČP in ima, v skladu s tretjim odstavkom člena 52 Listine[3], enak pomen in področje uporabe. Omejitve morajo v ta namen upoštevati drugi odstavek 9. člena EKČP, ki se glasi: »Svoboda izpovedovanja vere ali prepričanja se sme omejiti samo v primerih, ki jih določa zakon, in če je to nujno v demokratični družbi zaradi javne varnosti, za zaščito javnega reda, zdravja ali morale ali zaradi varstva pravic in svobočin drugih ljudi.«

Pravica, zagotovljena v drugem odstavku, ustreza nacionalnim ustavnim tradicijam in razvoju nacionalne zakonodaje na tem področju.

ARTICLE 10[2]

Freedom of thought, conscience and religion

1. Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance.

2. The right to conscientious objection is recognised, in accordance with the national laws governing the exercise of this right.

Explanation

The right guaranteed in paragraph 1 corresponds to the right guaranteed in Article 9 of the ECHR and, in accordance with Article 52(3) of the Charter[3], has the same meaning and scope. Limitations must therefore respect Article 9(2) of the Convention, which reads as follows: "Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others."

The right guaranteed in paragraph 2 corresponds to national constitutional traditions and to the development of national legislation on this issue.

[1] II-69. člen Ustave.
[2] II-69. člen Ustave.
[3] Tretji odstavek II-112. člena Ustave.

[1] Article II-69 of the Constitution.
[2] Article II-70 of the Constitution.
[3] Article II-112(3) of the Constitution.

ČLEN 11[1]

Svoboda izražanja in obveščanja

1. Vsakdo ima pravico do svobodnega izražanja. Ta pravica vključuje svobodo mnenja ter sprejemanja in širjenja vesti ali idej brez vmešavanja javnih organov in ne glede na državne meje.

2. Spoštuje se svoboda in pluralnost medijev.

Pojasnilo

1. Člen 11[2] ustreza 10. členu EKČP, ki se glasi:

»1. Vsakdo ima pravico do svobodnega izražanja. Ta pravica obsega svobodo mišljenja ter sprejemanja in sporočanja obvestil in idej brez vmešavanja javne oblasti in ne glede na meje. Ta člen ne preprečuje državam, da zahtevajo dovoljenje za delo radijskih, televizijskih in kinematografskih podjetij.

2. Izvrševanje teh svobošč in vključuje tudi dolžnosti in odgovornosti in je zato lahko podvrženo obličnostim pogojem, omejitvam ali kaznim, ki jih določa zakon in ki so nujne v demokratični družbi zaradi varnosti države, njene ozemeljske celovitosti, zaradi javne varnosti, preprečevanja neredov ali zločinov, za zavarovanje zdravja ali morale, za zavarovanje ugleda ali pravic drugih ljudi, za preprečitev razkritja zaupnih informacij ali za varovanje avtoritete in nepristranskosti sodstva.«

V skladu s tretjim odstavkom člena 52 Listine[3] sta pomen in področje uporabe te pravice enaka tistima, ki ju zagotavlja EKČP. Zato omejitve, ki se jih lahko uvede, ne smejo presegati omejitev iz drugega odstavka 10. člena Konvencije, ne glede na omejitve, ki jih zakonodaja o konkurenci v Uniji lahko nalaga državam članicam glede uvedbe dogovora o izdaji dovoljenj iz tretjega stavka prvega odstavka 10. člena. EKČP.

2. Drugi odstavek tega člena poudarja posledice prvega odstavka za svobodo medijev. Predvsem temelji na sodni praksi Sodišča o televiziji, zlasti na zadevi C-288/89 (sodba z dne 25. julija 1991 Stichting Collectieve Antennevoorziening Gouda in drugi [1991] PSES I-4007) in na Protokolu o sistemu javne radiotelevizije v državah članicah, ki je priloga Pogodbi ES in sedaj Ustavi, ter na Direktivi sveta 89/552/ES o usklajevanju nekaterih zakonov in drugih predpisov držav članic o opravljanju dejavnosti razširjanja televizijskih programov (UL L 298, z dne 17. 10. 1989, str. 23) (zlasti njeni sedemnajsti uvodni izjavi).

ARTICLE 11[1]

Freedom of expression and information

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

2. The freedom and pluralism of the media shall be respected.

Explanation

1. Article 11[1] corresponds to Article 10 of the European Convention on Human Rights, which reads as follows:

"1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."

Pursuant to Article 52(3) of the Charter[2], the meaning and scope of this right are the same as those guaranteed by the ECHR. The limitations which may be imposed on it may therefore not exceed those provided for in Article 10(2) of the Convention, without prejudice to any restrictions which competition law of the Union may impose on Member States' right to introduce the licensing arrangements referred to in the third sentence of Article 10(1) of the ECHR.

2. Paragraph 2 of this Article spells out the consequences of paragraph 1 regarding freedom of the media. It is based in particular on Court of Justice case law regarding television, particularly in case C-288/89 (judgment of 25 July 1991, Stichting Collectieve Antennevoorziening Gouda and others [1991] ECR I-4007), and on the Protocol on the system of public broadcasting in the Member States annexed to the EC Treaty and now to the Constitution, and on Council Directive 89/552/EC (particularly its seventeenth recital).

ČLEN 12[4]

Svoboda zbiranja in združevanja

1. Vsakdo ima pravico do mirnega zbiranja in svobodnega združevanja na vseh ravneh, zlasti na področju političnih, sindikalnih in državljanskih zadev, kar vključuje pravico vsakogar, da skupaj z drugimi zaradi zaščite svojih interesov ustanavlja sindikate in se vanje včlanjuje.

2. Politične stranke na ravni Unije prispevajo k izražanju politične volje državljanov Unije.

Pojasnilo

1. Prvi odstavek tega člena ustreza 11. členu EKČP, ki se glasi:

»1. Vsakdo ima pravico, da mirno zboruje in se svobodno združuje, vključno s pravico, da ustanavlja sindikate in se jim pridruži, da bi zavaroval svoje interese.

ARTICLE 12[3]

Freedom of assembly and of association

1. Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which implies the right of everyone to form and to join trade unions for the protection of his or her interests.

2. Political parties at Union level contribute to expressing the political will of the citizens of the Union.

Explanation

Paragraph 1 of this Article corresponds to Article 11 of the ECHR, which reads as follows:

"1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

---

[1] II-71. člen Ustave.
[2] II-71. člen Ustave.
[3] Tretji odstavek II-112. člena Ustave.
[4] II-72. člen Ustave.

[1] Article II-71 of the Constitution.
[2] Article II-112(3) of the Constitution.
[3] Article II-72 of the Constitution.

2. Izvrševanje teh pravic je mogoče omejiti samo z zakonom, če je to nujno v demokratični družbi zaradi državne ali javne varnosti, za preprečitev neredov ali zločinov, za zaščito zdravja ali morale ali za zavarovanje pravic in svoboščin drugih ljudi. Ta člen ne preprečuje, da bi pripadnikom oboroženih sil, policije ali državne uprave z zakonom omejili izvrševanje teh pravic.«

Pomen določb prvega odstavka člena 12 Listine[1] je enak tistemu iz EKČP, vendar pa je njihovo področje uporabe širše, ker veljajo na vseh ravneh, vključno na evropski ravni. V skladu s tretjim odstavkom člena 52 Listine[2], omejitve te pravice ne smejo presegati tistih, ki veljajo za upravičene v po drugem odstavku 11. člena EKČP.

2. Ta pravica prav tako temelji na členu 11 Listine Skupnosti o temeljnih socialnih pravicah delavcev.

3. Drugi odstavek tega člena ustreza četrtemu odstavku I-46 člena.

ČLEN 13[3]

Svoboda umetnosti in znanosti

Umetnostno ustvarjanje in znanstveno raziskovanje sta svobodni. Spoštuje se akademska svoboda.

Pojasnilo

Ta pravica je izvedena predvsem iz pravice do svobode misli in izražanja. Izvaja se ob upoštevanju člena 1[4] in je lahko predmet omejitev iz 10. člen a EKČP.

ČLEN 14[5]

Pravica do izobraževanja

1. Vsakdo ima pravico do izobraževanja in dostopa do poklicnega in nadaljnjega usposabljanja.

2. Ta pravica vključuje možnost brezplačnega obveznega šolanja.

3. Svoboda ustanavljanja izobraževalnih zavodov ob spoštovanju demokratičnih načel in pravica staršev, da svojim otrokom zagotovijo izobraževanje in pouk v skladu s svojim verskim, svetovnonazorskimi in pedagoškimi prepričanji se spoštujeta v skladu z nacionalnimi zakoni, ki urejajo njuno uresničevanje.

Pojasnilo

1. Ta člen temelji na skupnih ustavnih tradicijah držav članic in na 2. členu Protokola k EKČP, ki se glasi:

»Nikomur ne sme biti odvzeta pravica do izobraževanja. Pri izvajanju funkcij, ki so v zvezi z vzgojo in izobraževanjem, mora država spoštovati pravico staršev, da zagotovijo svojim otrokom takšno vzgojo in izobraževanje, ki sta v skladu z njihovim lastnim verskim in filozofskim prepričanjem.«

[1] II-72. člen Ustave.
[2] Tretji odstavek II-112. člena Ustave.
[3] II-73. člen Ustave.
[4] II-61. člen Ustave.
[5] II-74. člen Ustave.

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State."

The meaning of the provisions of paragraph 1 is the same as that of the ECHR, but their scope is wider since they apply at all levels including European level. In accordance with Article 52(3) of the Charter[1], limitations on that right may not exceed those considered legitimate by virtue of Article 11(2) of the ECHR.

2. This right is also based on Article 11 of the Community Charter of the Fundamental Social Rights of Workers.

3. Paragraph 2 of this Article corresponds to Article I-46(4) of the Constitution.

ARTICLE 13[2]

Freedom of the arts and sciences

The arts and scientific research shall be free of constraint. Academic freedom shall be respected.

Explanation

This right is deduced primarily from the right to freedom of thought and expression. It is to be exercised having regard to Article 1[3] and may be subject to the limitations authorised by Article 10 of the ECHR.

ARTICLE 14[4]

Right to education

1. Everyone has the right to education and to have access to vocational and continuing training.

2. This right includes the possibility to receive free compulsory education.

3. The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.

Explanation

1. This Article is based on the common constitutional traditions of Member States and on Article 2 of the Protocol to the ECHR, which reads as follows:

"No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions."

[1] Article II-112(3) of the Constitution.
[2] Article II-73 of the Constitution.
[3] Article II-61 of the Constitution.
[4] Article II-74 of the Constitution.

Zdelo se je smiselno ta člen razširiti na dostop do poklicnega in nadaljnjega usposabljanja (glej točko 14 Listine Skupnosti o temeljnih socialnih pravicah delavcev in člen 10 Socialne listine) in dodati načelo brezplačnega obveznega šolanja. Besedilo slednjega pomeni zgolj, da ima pri obveznem šolanju vsak otrok možnost obiskovanja ustanove, ki ponuja brezplačno izobraževanje. To ne zahteva, da so vse ustanove, ki ponujajo izobraževanje ali poklicno in nadaljnje izobraževanje, zlasti zasebne, brezplačne. Prav tako ne izključuje, da je treba nekatere posebne oblike izobraževanja plačevati, če države sprejmejo ukrepe, ki zagotavljajo finančno nadomestilo. V meri, v kakršni Listina velja za Unijo, to pomeni, da mora Unija pri svojih politikah usposabljanja spoštovati brezplačno obvezno šolanje, vendar to seveda ne vzpostavlja novih pristojnosti. Glede pravice staršev jo je treba razlagati v povezavi z določbami člena 24[1].

2. Pravica ustanavljanja javnih ali zasebnih izobraževalnih ustanov je zagotovljena kot eden od vidikov pravice do gospodarske pobude, vendar je omejena s spoštovanjem demokratičnih načel in se jo izvaja v skladu z ureditvami, ki jih določa nacionalna zakonodaja.

ČLEN 15[2]

Pravica do izbire poklica in pravica do dela

1. Vsakdo ima pravico do dela in do opravljanja svobodno izbranega ali sprejetega poklica.

2. Vsakemu državljanu Unije je v kateri koli državi članici zagotovljena svoboda iskanja zaposlitve, dela, ustanavljanja in opravljanja storitev.

3. Državljani tretjih držav, ki smejo delati na ozemlju držav članic, imajo pravico do enakih delovnih pogojev državljani Unije.

Pojasnilo

Pravico do izbire poklica, kot je zagotovljena v prvem odstavku člena 15[3], priznava sodna praksa Sodišča (glej med drugim sodbo z dne 14. maja 1974, zadeva 4/73 Nold, 1974, PSES 491, odstavki 12 do 14 obrazložitve, sodba z dne 13. decembra 1979, zadeva 44/79 Hauer, 1979, PSES 3727, sodba z dne 8. oktobra 1986, zadeva 234/85 Keller, 1986, PSES 2897, odstavek 8 obrazložitve).

Ta odstavek se prav tako sklicuje na drugi odstavek člena 1 Evropske socialne listine, ki je bila podpisana 18. oktobra 1961 in so jo ratificirale vse države članice, ter na točko 4 Listine Skupnosti o temeljnih socialnih pravicah delavcev z dne 9. decembra 1989. Izraz »delovni pogoji« je treba razumeti v smislu III-213. člena Ustave.

Drugi odstavek obravnava tri pravice, ki jih zagotavljajo I-4., III-133., III-137. in III-144. členi Ustave, to so pravica do prostega gibanja delavcev, pravica do ustanavljanja in pravica opravljanja storitev.

Tretji odstavek temelji na četrti alinei člena 137(3) PES, ki jo je sedaj nadomestila točka g prvega odstavka III-210. člena, ter na členu 19(4) Evropske socialne listine, ki je bila podpisana 18. oktobra 1961 in so jo ratificirale vse države članice. Drugi odstavek člena 52 Listine se zato uporablja. Vprašanje novačenja mornarjev z državljanstvom tretjih držav za člane posadk plovil pod zastavo države članice Unije ureja zakonodaja Unije ter nacionalna zakonodaja in praksa.

[1] II-84. člen Ustave.
[2] II-75. člen Ustave.
[3] II-75. člen Ustave.

It was considered useful to extend this article to access to vocational and continuing training (see point 15 of the Community Charter of the Fundamental Social Rights of Workers and Article 10 of the Social Charter) and to add the principle of free compulsory education. As it is worded, the latter principle merely implies that as regards compulsory education, each child has the possibility of attending an establishment which offers free education. It does not require all establishments which provide education or vocational and continuing training, in particular private ones, to be free of charge. Nor does it exclude certain specific forms of education having to be paid for, if the State takes measures to grant financial compensation. Insofar as the Charter applies to the Union, this means that in its training policies the Union must respect free compulsory education, but this does not, of course, create new powers. Regarding the right of parents, it must be interpreted in conjunction with the provisions of Article 24[1].

2. Freedom to found public or private educational establishments is guaranteed as one of the aspects of freedom to conduct a business but it is limited by respect for democratic principles and is exercised in accordance with the arrangements defined by national legislation.

ARTICLE 15[2]

Freedom to choose an occupation and right to engage in work

1. Everyone has the right to engage in work and to pursue a freely chosen or accepted occupation.

2. Every citizen of the Union has the freedom to seek employment, to work, to exercise the right of establishment and to provide services in any Member State.

3. Nationals of third countries who are authorised to work in the territories of the Member States are entitled to working conditions equivalent to those of citizens of the Union.

Explanation

Freedom to choose an occupation, as enshrined in Article 15(1)[2], is recognised in Court of Justice case law (see inter alia judgment of 14 May 1974, Case 4/73 Nold [1974] ECR 491, paragraphs 12 to 14 of the grounds; judgment of 13 December 1979, Case 44/79 Hauer [1979] ECR 3727; judgment of 8 October 1986, Case 234/85 Keller [1986] ECR 2897, paragraph 8 of the grounds).

This paragraph also draws upon Article 1(2) of the European Social Charter, which was signed on 18 October 1961 and has been ratified by all the Member States, and on point 4 of the Community Charter of the Fundamental Social Rights of Workers of 9 December 1989. The expression "working conditions" is to be understood in the sense of Article III-213 of the Constitution.

Paragraph 2 deals with the three freedoms guaranteed by Articles I-4 and III-133, III-137 and III-144 of the Constitution, namely freedom of movement for workers, freedom of establishment and freedom to provide services.

Paragraph 3 has been based on TEC Article 137(3), fourth indent, now replaced by Article III-210(1)(g) of the Constitution, and on Article 19(4) of the European Social Charter signed on 18 October 1961 and ratified by all the Member States. Article 52(2) of the Charter[3] is therefore applicable. The question of recruitment of seamen having the nationality of third States for the crews of vessels flying the flag of a Member State of the Union is governed by Union law and national legislation and practice.

[1] Article II-84 of the Constitution.
[2] Article II-75 of the Constitution.
[3] Article II-112(2) of the Constitution.

ČLEN 16[1]

Svoboda gospodarske pobude

Svoboda gospodarske pobude je priznana v skladu s pravom Unije in nacionalnimi zakonodajami in običaji.

Pojasnilo

Ta člen temelji na sodni praksi Sodišča, ki je priznalo pravico do izvajanja gospodarske ali trgovske dejavnosti (glej med drugim sodbi z dne 14. maja 1974, zadeva 4/73 Nold, 1974, PSES 491, odstavek 14 obrazložitve, in z dne 27. septembra 1979, zadeva 230-78 SPA Eridiana in drugi, 1979, PSES 2749, odstavka 20 in 31 obrazložitve) in pravico do sklepanja pogodb (glej med drugim sodbo Sukkerfabriken Nykøbing, zadeva 151/78, 1979, PSES 1, odstavek 19 obrazložitve, in sodbo z dne 5. oktobra 1999, C-240/97 Španija proti Komisiji, 1999, PSES I-6571, odstavek 99 obrazložitve), ter na drugem odstavku I-3. člena, ki priznava svobodno konkurenco. Seveda se to pravico izvaja ob spoštovanju zakonodaje Unije in nacionalne zakonodaje. Lahko je predmet omejitev, predvidenih v prvem odstavku člena 52 Listine[2].

ARTICLE 16[1]

Freedom to conduct a business

The freedom to conduct a business in accordance with Union law and national laws and practices is recognised.

Explanation

This Article is based on Court of Justice case law which has recognised freedom to exercise an economic or commercial activity (see judgments of 14 May 1974, Case 4/73 Nold [1974] ECR 491, paragraph 14 of the grounds, and of 27 September 1979, Case 230-78 SPA Eridiana and others [1979] ECR 2749, paragraphs 20 and 31 of the grounds) and freedom of contract (see inter alia Sukkerfabriken Nykøbing judgment, Case 151/78 [1979] ECR 1, paragraph 19 of the grounds, and judgment of 5 October 1999, C-240/97 Spain v. Commission, [1999] ECR I-6571, paragraph 99 of the grounds) and Article I-3(2) of the Constitution, which recognises free competition. Of course, this right is to be exercised with respect for Union law and national legislation. It may be subject to the limitations provided for in Article 52(1) of the Charter[2].

ČLEN 17[3]

Lastninska pravica

1. Vsakdo ima pravico imeti posest nad svojo zakonito pridobljeno lastnino, jo uporabljati, z njo razpolagati in jo zapustiti z oporoko. Lastnina se nikomur ne sme odvzeti, razen v javno korist ter v primerih in pod pogoji, ki jih določa zakon, vendar le proti pravični in pravočasni odškodnini za njeno izgubo. Uživanje lastnine se lahko uredi z zakonom, kolikor je to potrebno zaradi splošnega interesa.

2. Zagotovljeno je varstvo intelektualne lastnine.

Pojasnilo

Ta člen temelji na 1. členu Protokola k EKČP:

»Vsaka fizična ali pravna oseba ima pravico do spoštovanja svojega premoženja. Nikomur ne sme biti lastnina odvzeta, razen če je to v javnem interesu v skladu s pogoji, ki jih določa zakon, in ob spoštovanju splošnih načel mednarodnega prava.

Ta določba pa nikakor ne omejuje pravice držav, da uveljavijo zakone, za katere menijo, da so potrebni za nadzor nad uporabo premoženja v skladu s splošnim interesom ali za zagotovitev plačila davkov, drugih prispevkov ali denarnih kazni.«

To je temeljna pravica, skupna vsem nacionalnim ustavam. Sodišče jo je v svoji sodni praksi večkrat priznalo, najprej v sodbi Hauer (13. decembra 1979, PSES [1979] 3727). Besedilo je bilo posodobljeno, vendar sta, v skladu s tretjim odstavkom člena 52 Listine[4], pomen in področje uporabe enaka tistima iz pravice, ki jo zagotavlja EKČP in omejitve ne smejo presegati tistih, ki so predvidene tam.

Varovanje intelektualne lastnine, ki je en vidik lastninske pravice, je zaradi vedno večjega pomena in zaradi sekundarne zakonodaje Unije posebej omenjeno v drugem odstavku. Intelektualna lastnina ne vključuje zgolj literarne in umetnostne lastnine, temveč med drugim tudi patentne pravice, pravice blagovne znamke in povezane pravice. Zagotovila iz prvega odstavka se smiselno uporabljajo za intelektualno lastnino.

ARTICLE 17[3]

Right to property

1. Everyone has the right to own, use, dispose of and bequeath his or her lawfully acquired possessions. No one may be deprived of his or her possessions, except in the public interest and in the cases and under the conditions provided for by law, subject to fair compensation being paid in good time for their loss. The use of property may be regulated by law insofar as is necessary for the general interest.

2. Intellectual property shall be protected.

Explanation

This Article is based on Article 1 of the Protocol to the ECHR:

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

This is a fundamental right common to all national constitutions. It has been recognised on numerous occasions by the case law of the Court of Justice, initially in the Hauer judgment (13 December 1979, ECR [1979] 3727). The wording has been updated but, in accordance with Article 52(3)[4], the meaning and scope of the right are the same as those of the right guaranteed by the ECHR and the limitations may not exceed those provided for there.

Protection of intellectual property, one aspect of the right of property, is explicitly mentioned in paragraph 2 because of its growing importance and Community secondary legislation. Intellectual property covers not only literary and artistic property but also inter alia patent and trademark rights and associated rights. The guarantees laid down in paragraph 1 shall apply as appropriate to intellectual property.

[1] II-76. člen Ustave.
[2] Prvi odstavek II-112. člena Ustave.
[3] II-77. člen Ustave.
[4] Tretji odstavek II-112. člena Ustave.

[1] Article II-76 of the Constitution.
[2] Article II-112(1) of the Constitution.
[3] Article II-77 of the Constitution.
[4] Article II-112(3) of the Constitution.

ČLEN 18[1]

Pravica azila

Ob upoštevanju pravil Ženevske konvencije z dne 28. julija 1951 in Protokola z dne 31. januarja 1967 o statusu beguncev in v skladu z Ustavo je priznana pravica azila.

Pojasnilo

Besedilo člena temelji na členu 63 PES, ki ga je sedaj nadomestil III-266. člen, ki Uniji nalaga, da spoštuje Ženevsko konvencijo o beguncih. Primerno je sklicevati se na protokol o Združenem kraljestvu in Irski, ki je priložen Ustavi in o Danski, da se določi, v kolikšnem obsegu te države članice izvajajo zakonodajo Unije na tem področju in v kolikšnem obsegu ta člen velja zanje. Ta člen je usklajen s Protokolom o azilu, ki je priložen Ustavi.

ARTICLE 18[1]

Right to asylum

The right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the Constitution.

Explanation

The text of the Article has been based on TEC Article 63, now replaced by Article III-266 of the Constitution, which requires the Union to respect the Geneva Convention on refugees. Reference should be made to the Protocols relating to the United Kingdom and Ireland annexed to the [Treaty of Amsterdam] Constitution and to Denmark to determine the extent to which those Member States implement Union law in this area and the extent to which this Article is applicable to them. This Article is in line with the Protocol on Asylum annexed to the Constitution.

ČLEN 19[2]

Varstvo v primeru odstranitve, izgona ali izročitve

1. Kolektivni izgoni so prepovedani.

2. Nikogar se ne sme odstraniti, izgnati ali izročiti državi, v kateri obstaja zanj resna nevarnost, da bo podvržen smrtni kazni, mučenju ali drugemu nečloveškemu ali ponižujočemu ravnanju ali kaznovanju.

Pojasnilo

Prvi odstavek tega člena ima enak pomen in področje uporabe kot 4. člen Protokola št. 4 k EKČP glede kolektivnega izgona. Njegov namen je zagotoviti, da je vsaka odločitev utemeljena na posebni obravnavi in da z enim ukrepom ni mogoče izgnati vseh oseb, ki imajo državljanstvo posamezne države (glej tudi člen 13 Pakta o državljanskih in političnih pravicah).

Drugi odstavek vključuje ustrezno sodno prakso Evropskega sodišča za človekove pravice glede 3. člena EKČP (glej Ahmed proti Avstriji, sodba z dne 17. decembra 1996, [1996] PSES VI-2206 in Soering, sodba z dne 7. julija 1989).

ARTICLE 19[2]

Protection in the event of removal, expulsion or extradition

1. Collective expulsions are prohibited.

2. No one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment.

Explanation

Paragraph 1 of this Article has the same meaning and scope as Article 4 of Protocol No 4 to the ECHR concerning collective expulsion. Its purpose is to guarantee that every decision is based on a specific examination and that no single measure can be taken to expel all persons having the nationality of a particular State (see also Article 13 of the Covenant on Civil and Political Rights).

Paragraph 2 incorporates the relevant case law from the European Court of Human Rights regarding Article 3 of the ECHR (see Ahmed v. Austria, judgment of 17 December 1996, [1996] ECR VI-2206 and Soering, judgment of 7 July 1989).

NASLOV III

ENAKOST

ČLEN 20[3]

Enakost pred zakonom

Pred zakonom so vsi enaki.

Pojasnilo

Ta člen ustreza splošnemu pravnemu načelu, ki je vključen v vse evropske ustave in ga je tudi Sodišče priznalo kot osnovno načelo prava Skupnosti (sodba z dne 13. novembra 1984, zadeva 283/83 Racke, [1984] PSES 3791, sodba z dne 17. aprila 1997, zadeva 15/95 EARL, [1997] PSES I-1961 in sodba z dne 13. aprila 2000, zadeva 292/97 Karlsson, [2000] PSES 2737).

TITLE III

EQUALITY

ARTICLE 20[3]

Equality before the law

Everyone is equal before the law.

Explanation

This Article corresponds to a general principle of law which is included in all European constitutions and has also been recognised by the Court of Justice as a basic principle of Community law (judgment of 13 November 1984, Case 283/83 Racke [1984] ECR 3791, judgment of 17 April 1997, Case 15/95 EARL [1997] ECR I–1961, and judgment of 13 April 2000, Case 292/97 Karlsson [2000] ECR 2737).

[1] II-78. člen Ustave.
[2] II-79. člen Ustave.
[3] II-80. člen Ustave.

[1] Article II-78 of the Constitution.
[2] Article II-79 of the Constitution.
[3] Article II-80 of the Constitution.

ČLEN 21[1]

Prepoved diskriminacije

1. Prepovedana je vsakršna diskriminacija na podlagi spola, rase, barve kože, etničnega ali socialnega porekla, genetskih značilnosti, jezika, vere ali prepričanja, političnega ali drugega mnenja, pripadnosti narodnostni manjšini, premoženja, rojstva, invalidnosti, starosti ali spolne usmerjenosti.

2. Na področju uporabe Ustave in ne glede na njene posebne določbe je prepovedana vsakršna diskriminacija na podlagi državljanstva.

Pojasnilo

Prvi odstavek glede genetske dediščine izhaja iz člena 13 Pogodbe ES, ki ga je sedaj nadomestil III-124. člen, 14. člena EKČP in 11. člena Konvencije o človekovih pravicah v zvezi z biomedicino. Če ustreza 14. členu EKČP, se uporablja v skladu s slednjim.

Med prvim odstavkom in III-124. členom ni neskladja ali nezdružljivosti, saj ima slednji drugo področje uporabe in namen: III-124. člen Uniji dodeljuje pristojnost, da sprejema zakonodajne akte, vključno z usklajevanjem zakonov in drugih predpisov držav članic za boj proti nekaterim oblikam diskriminacije, ki so izčrpno naštete v tem členu. Taka zakonodaja lahko vključuje dejavnosti organov držav članic (kot tudi odnose med posamezniki) na vseh področjih v okviru pristojnosti Unije. V nasprotju s tem pa določbe prvega odstavka člena 21[2] ne vzpostavljajo nobenih pooblastil za uzakonitev protidiskriminacijskih zakonov na tem področju delovanja držav članic ali posameznikov, niti ne določajo splošne prepovedi diskriminacije na tako širokih področjih. Namesto tega se nanašajo zgolj na diskriminacijo s strani samih institucij in teles Unije, kadar izvajajo pristojnosti, dodeljene po drugih členih I. in III. dela Ustave, in s strani držav članic, ko izvajajo zakonodajo Unije. Prvi odstavek torej ne spreminja obsega pristojnosti iz III-124. člena niti ne razlage tega člena.

Drugi odstavek ustreza drugemu odstavku I-4. člena in ga je treba uporabljati ob upoštevanju tega člena.

ČLEN 22[3]

Kulturna, verska in jezikovna raznolikost

Unija spoštuje kulturno, versko in jezikovno raznolikost.

Pojasnilo

Ta člen temelji na členu 6 Pogodbe o Evropski uniji in na členu 151(1) in (4) Pogodbe o ES, ki sta ju sedaj nadomestila prvi in četrti odstavek III-280. člena, ki se nanašata na kulturo. Spoštovanje kulturne in jezikovne raznolikosti je sedaj zapisano tudi tretjem odstavku I-3. člena Ustave. Ta člen se prav tako zgleduje po izjavi št. 11 sklepne listine Amsterdamske pogodbe o statusu cerkva in nekonfesionalnih organizacij, ki je sedaj prevzeta v I-52. člen Ustave.

ČLEN 23[4]

Enakost med in ženskami in moškimi

Enakost med ženskami in moškimi se mora zagotoviti na vseh področjih, vključno z zaposlovanjem, delom in plačilom za delo.

Načelo enakosti ne preprečuje ohranitve ali sprejetja ukrepov o specifičnih ugodnostih v korist nezadostno zastopanega spola.

[1] II-81. člen Ustave.
[2] II-81. člen Ustave.
[3] II-82. člen Ustave.
[4] II-83. člen Ustave.

ARTICLE 21[1]

Non-discrimination

1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.

2. Within the scope of application of the Constitution and without prejudice to any of its specific provisions, any discrimination on grounds of nationality shall be prohibited.

Explanation

Paragraph 1 draws on Article 13 of the EC Treaty, now replaced by Article III-124 of the Constitution, Article 14 of the ECHR and Article 11 of the Convention on Human Rights and Biomedicine as regards genetic heritage. Insofar as this corresponds to Article 14 of the ECHR, it applies in compliance with it.

There is no contradiction or incompatibility between paragraph 1 and Article III-124 of the Constitution which has a different scope and purpose: Article III-124 confers power on the Union to adopt legislative acts, including harmonisation of the Member States' laws and regulations, to combat certain forms of discrimination, listed exhaustively in that Article. Such legislation may cover action of Member State authorities (as well as relations between private individuals) in any area within the limits of the Union's powers. In contrast, the provision in paragraph 1 does not create any power to enact anti-discrimination laws in these areas of Member State or private action, nor does it lay down a sweeping ban of discrimination in such wide-ranging areas. Instead, it only addresses discriminations by the institutions and bodies of the Union themselves, when exercising powers conferred under other articles of Parts I and III of the Constitution, and by Member States only when they are implementing Union law. Paragraph 1 therefore does not alter the extent of powers granted under Article III-124 nor the interpretation given to that Article.

Paragraph 2 corresponds to Article I-4(2) of the Constitution and must be applied in compliance with that Article.

ARTICLE 22[2]

Cultural, religious and linguistic diversity

The Union shall respect cultural, religious and linguistic diversity.

Explanation

This Article has been based on Article 6 of the Treaty on European Union and on Article 151(1) and (4) of the EC Treaty, now replaced by Article III-280(1) and (4) of the Constitution, concerning culture. Respect for cultural and linguistic diversity is now also laid down in Article I-3(3) of the Constitution. The Article is also inspired by Declaration No 11 to the Final Act of the Amsterdam Treaty on the status of churches and non-confessional organisations, now taken over in Article I-52 of the Constitution.

ARTICLE 23[3]

Equality between women and men

Equality between women and men must be ensured in all areas, including employment, work and pay.

The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the under-represented sex.

[1] Article II-81 of the Constitution.
[2] Article II-82 of the Constitution.
[3] Article II-83 of the Constitution.

Pojasnilo

Prvi odstavek temelji na členih 2 in 3(2) Pogodbe ES, ki sta ju sedaj nadomestila I-3. in III-116. člen Ustave, ki Uniji zastavljata cilj spodbujati enakost med ženskami in moškimi, ter na členu 141(1) Pogodbe ES, ki ga je sedaj nadomestil prvi odstavek III-214. člena. Izhaja iz člena 20 Evropske socialne listine (spremenjene) z dne 3. maja 1996 in iz točke 16 iz Listine Skupnosti o pravicah delavcev.

Prav tako temelji na členu 141(3) Pogodbe ES, ki ga je sedaj nadomestil tretji odstavek III-214. člena, in na členu 2(4) Direktive Sveta 76/207/EGS o izvrševanju načela enakega obravnavanja moških in žensk v zvezi z dostopom do zaposlitve, poklicnega izobraževanja in napredovanja ter delovnih pogojev (UL L 39, z dne 14. 2. 1976, str. 40).

Drugi odstavek na kratko povzema četrti odstavek III-214. člena, ki določa, da načelo enakega obravnavanja ne preprečuje ohranitve ali sprejetja ukrepov o specifičnih ugodnostih, s katerimi se nezadostno zastopanemu spolu olajša opravljanje poklicne dejavnosti ali prepreči ali izravna neugoden položaj v poklicni karieri. V skladu z drugim odstavkom člena 52 Listine[1] ta odstavek ne spreminja četrtega odstavka III-214. člena.

ČLEN 24[2]

Pravice otroka

1. Otroci imajo pravico do potrebnega varstva in skrbi za zagotovitev njihove dobrobiti. Svoje mnenje lahko svobodno izražajo. Njihovo mnenje se upošteva v stvareh, ki jih zadevajo, v skladu z njihovo starostjo in zrelostjo.

2. Pri vseh ukrepih javnih organov ali zasebnih ustanov, ki se nanašajo na otroke, se morajo upoštevati predvsem koristi otroka.

3. Vsak otrok ima pravico do rednih osebnih odnosov in neposrednih stikov z obema staršema, če to ni v nasprotju z njegovimi koristmi.

Pojasnilo

Ta člen temelji na newyorški Konvenciji o otrokovih pravicah, ki je bila podpisana 20. novembra 1989 in so jo ratificirale vse države članice, zlasti na 3., 9., 12. in 13. členu te konvencije.

Tretji odstavek upošteva dejstvo, da zakonodaja Unije o civilnih zadevah s čezmejnimi posledicami, katere pristojnosti izhajajo iz III-269. člena, lahko kot del oblikovanja območja svobode, varnosti in pravice vključuje tudi pravico do obiska, s katero se zagotovi, da lahko otrok redno vzdržuje osebni in neposredni stik z obema staršema.

ČLEN 25[3]

Pravice starejših

Unija priznava in spoštuje pravico starejših do dostojnega in samostojnega življenja ter sodelovanja v družbenem in kulturnem življenju.

Pojasnilo

Ta člen izhaja iz člena 23 Evropske socialne listine (spremenjene) in iz členov 24 in 25 Listine Skupnosti o temeljnih socialnih pravicah delavcev. Seveda sodelovanje v družbenem in kulturnem življenju vključuje tudi sodelovanje v političnem življenju.

[1] Drugi odstavek II-112. člena Ustave.
[2] II-84. člen Ustave.
[3] II-85. člen Ustave.

Explanation

The first paragraph has been based on Articles 2 and 3(2) of the EC Treaty, now replaced by Articles I-3 and III-116 of the Constitution which impose the objective of promoting equality between men and women on the Union, and on Article 141(1) of the EC Treaty, now replaced by Article III-214(1) of the Constitution. It draws on Article 20 of the revised European Social Charter of 3 May 1996 and on point 16 of the Community Charter on the rights of workers.

It is also based on Article 141(3) of the EC Treaty, now replaced by Article III-214(3) of the Constitution, and Article 2(4) of Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

The second paragraph takes over in shorter form Article III-214(4) of the Constitution which provides that the principle of equal treatment does not prevent the maintenance or adoption of measures providing for specific advantages in order to make it easier for the under-represented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers. In accordance with Article 52(2)[1], the present paragraph does not amend Article III-214(4).

ARTICLE 24[2]

The rights of the child

1. Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.

2. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.

3. Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.

Explanation

This Article is based on the New York Convention on the Rights of the Child signed on 20 November 1989 and ratified by all the Member States, particularly Articles 3, 9, 12 and 13 thereof.

Paragraph 3 takes account of the fact that, as part of the establishment of an area of freedom, security and justice, Union legislation on civil matters having cross-border implications, for which Article III-269 of the Constitution confers power, may include notably visiting rights ensuring that children can maintain on a regular basis a personal and direct contact with both his or her parents.

ARTICLE 25[3]

The rights of the elderly

The Union recognises and respects the rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life.

Explanation

This Article draws on Article 23 of the revised European Social Charter and Articles 24 and 25 of the Community Charter of the Fundamental Social Rights of Workers. Of course, participation in social and cultural life also covers participation in political life.

[1] Article II-112(2) of the Constitution.
[2] Article II-84 of the Constitution.
[3] Article II-85 of the Constitution.

ČLEN 26[1]

Vključenost invalidov

Unija priznava in spoštuje pravico invalidov do ukrepov za zagotavljanje njihove samostojnosti, socialne in poklicne vključenosti ter sodelovanja v življenju skupnosti.

Pojasnilo

Načelo tega člena temelji na členu 15 Evropske socialne listine in izhaja tudi iz točke 26 Listine Skupnosti o temeljnih socialnih pravicah delavcev.

NASLOV IV

SOLIDARNOST

ČLEN 27[2]

Pravica delavcev do obveščenosti in posvetovanja v podjetju

Delavcem ali njihovim predstavnikom se morajo na ustreznih ravneh pravočasno zagotoviti informacije in možnost posvetovanja v primerih in pod pogoji, določenimi s pravom Unije ter nacionalnimi zakonodajami in običaji.

Pojasnilo

Ta člen se pojavi v Evropski socialni listini (spremenjeni) (člen 21) in v Listini Skupnosti o pravicah delavcev (točki 17 in 18). Velja ob pogojih, kot jih določa pravo Unije in nacionalne zakonodaje. Sklicevanje na ustrezne ravni se nanaša na ravni, kot jih določa pravo Unije ali nacionalne zakonodaje in prakse, ki lahko vključujejo evropsko raven, kadar tako določa zakonodaja Unije. To področje v veliki meri ureja pravni red Unije: III-211. in III-212. člen Ustave ter direktive 94/45/ES (evropski sveti delavcev), 98/59/ES (kolektivni odpusti), 2001/23/ES (prenos podjetij) in 2002/14/ES (splošni okvir za obveščanje in posvetovanje z delavci v Evropski skupnosti).

ČLEN 28[3]

Pravica do kolektivnih pogajanj in ukrepov

Delavci in delodajalci ali njihove organizacije imajo v skladu s pravom Unije in nacionalnimi zakonodajami in običaji pravico pogajati se in sklepati kolektivne pogodbe na ustreznih ravneh, v primeru nasprotja interesov pa do kolektivnih ukrepov za obrambo svojih interesov, vključno s stavko.

Pojasnilo

Ta člen temelji na členu 6 Evropske socialne listine in na Listini Skupnosti o temeljnih socialnih pravicah delavcev (točki 12 in 14). Pravico do kolektivnih ukrepov je Evropsko sodišče za človekove pravice priznalo kot enega izmed elementov pravic sindikatov, ki jih določa 11. člen EKČP. Glede ustreznih ravni, na katerih lahko potekajo kolektivna pogajanja, glej razlago zgoraj navedenega člena. Načine in omejitve izvajanja kolektivnih ukrepov, vključno s stavko, določajo nacionalne zakonodaje in prakse, vključno z vprašanjem, ali se lahko hkrati izvaja v več državah članicah.

[1] II-86. člen Ustave.
[2] II-87. člen Ustave.
[3] II-88. člen Ustave.

ARTICLE 26[1]

Integration of persons with disabilities

The Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community.

Explanation

The principle set out in this Article is based on Article 15 of the European Social Charter and also draws on point 26 of the Community Charter of the Fundamental Social Rights of Workers.

TITLE IV

SOLIDARITY

ARTICLE 27[2]

Workers' right to information and consultation within the undertaking

Workers or their representatives must, at the appropriate levels, be guaranteed information and consultation in good time in the cases and under the conditions provided for by Union law and national laws and practices.

Explanation

This Article appears in the revised European Social Charter (Article 21) and in the Community Charter on the rights of workers (points 17 and 18). It applies under the conditions laid down by Union law and by national laws. The reference to appropriate levels refers to the levels laid down by Union law or by national laws and practices, which might include the European level when Union legislation so provides. There is a considerable Union acquis in this field: Articles III-211 and III-212 of the Constitution, and Directives 2002/14/EC (general framework for informing and consulting employees in the European Community), 98/59/EC (collective redundancies), 2001/23/EC (transfers of undertakings) and 94/45/EC (European works councils).

ARTICLE 28[3]

Right of collective bargaining and action

Workers and employers, or their respective organisations, have, in accordance with Union law and national laws and practices, the right to negotiate and conclude collective agreements at the appropriate levels and, in cases of conflicts of interest, to take collective action to defend their interests, including strike action.

Explanation

This Article is based on Article 6 of the European Social Charter and on the Community Charter of the Fundamental Social Rights of Workers (points 12 to 14). The right of collective action was recognised by the European Court of Human Rights as one of the elements of trade union rights laid down by Article 11 of the ECHR. As regards the appropriate levels at which collective negotiation might take place, see the explanation given for the above Article. The modalities and limits for the exercise of collective action, including strike action, come under national laws and practices, including the question of whether it may be carried out in parallel in several Member States.

[1] Article II-86 of the Constitution.
[2] Article II-87 of the Constitution.
[3] Article II-88 of the Constitution.

ČLEN 29[1]

Pravica dostopa do služb za posredovanje zaposlitev

Vsakdo ima pravico brezplačnega dostopa do služb za posredovanje zaposlitev.

Pojasnilo

Ta člen temelji na členu 1(3) Evropske socialne listine in na točki 13 Listine Skupnosti o temeljnih socialnih pravicah delavcev.

ČLEN 30[2]

Varstvo v primeru neupravičene odpustitve

Vsak delavec ima pravico do varstva pred neupravičeno odpustitvijo v skladu s pravom Unije ter nacionalnimi zakonodajami in običaji.

Pojasnilo

Ta člen izhaja iz člena 24 Socialne listine (spremenjene). Glej tudi Direktivo 2001/23/ES v zvezi z ohranjanjem pravic delavcev v primeru prenosa podjetij (UL L 82, 22. 3. 2001, str. 16) in Direktivo 80/987/EGS o varstvu delavcev v primeru plačilne nesposobnosti njihovega delodajalca (UL L 283, 28. 10. 1980, str. 23).

ČLEN 31[3]

Pošteni in pravični delovni pogoji

1. Vsak delavec ima pravico do zdravih in varnih delovnih pogojev ter delovnih pogojev, ki spoštujejo njegovo dostojanstvo.

2. Vsak delavec ima pravico do omejenega delovnega časa, dnevnega in tedenskega počitka ter plačanega letnega dopusta.

Pojasnilo

1. Prvi odstavek tega člena temelji na Direktivi 89/391/EGS o uvedbi ukrepov za spodbujanje izboljšav varnosti in zdravja delavcev pri delu (UL L 183, z dne 29. 6. 1989, str. 13). Izhaja tudi iz člena 3 Socialne listine in točke 19 iz Listine Skupnosti o pravicah delavcev ter, glede dostojanstva pri delu, iz člena 26 Socialne listine (spremenjene). Izraz »delovni pogoji« je treba razumeti v smislu III-213. člena.

2. Drugi odstavek temelji na Direktivi 93/104/ES o določenih vidikih organizacije delovnega časa (UL L 307, z dne 13. 12. 1993, str. 18) in členu 2 Evropske socialne listine in na točki 8 Listine Skupnosti o pravicah delavcev.

ČLEN 32[4]

Prepoved dela otrok in varstvo mladih pri delu

Delo otrok je prepovedano. Ne glede na pravila, ki so za mlade ugodnejša, in razen v primerih omejenih izjem najnižja starost za zaposlitev ne sme biti nižja od starosti za dokončanje obveznega šolanja.

Zaposlenim mladim je treba zagotoviti delovne pogoje, primerne njihovi starosti, in jih zaščititi pred gospodarskim izkoriščanjem in kakršnim koli delom, ki bi lahko škodovalo njihovi varnosti, zdravju ali telesnemu, duševnemu, moralnemu ali socialnemu razvoju ali ki bi lahko ogrozilo njihovo vzgojo.

Pojasnilo

Ta člen temelji na Direktivi 94/33/ES o varstvu mladih ljudi pri delu (UL L 216, z dne 20. 8. 1994, str. 12), členu 7 Evropske socialne listine in na točkah 20 do 23 Listine Skupnosti o temeljnih socialnih pravicah delavcev.

[1] II-89. člen Ustave.
[2] II-90. člen Ustave.
[3] II-91. člen Ustave.
[4] II-92. člen Ustave.

ARTICLE 29[1]

Right of access to placement services

Everyone has the right of access to a free placement service.

Explanation

This Article is based on Article 1(3) of the European Social Charter and point 13 of the Community Charter of the Fundamental Social Rights of Workers.

ARTICLE 30[2]

Protection in the event of unjustified dismissal

Every worker has the right to protection against unjustified dismissal, in accordance with Union law and national laws and practices.

Explanation

This Article draws on Article 24 of the revised Social Charter. See also Directive 2001/23/EC on the safeguarding of employees' rights in the event of transfers of undertakings, and Directive 80/987/EEC on the protection of employees in the event of the insolvency of their employer, as amended by Directive 2002/74/EC.

ARTICLE 31[3]

Fair and just working conditions

1. Every worker has the right to working conditions which respect his or her health, safety and dignity.

2. Every worker has the right to limitation of maximum working hours, to daily and weekly rest periods and to an annual period of paid leave.

Explanation

1. Paragraph 1 of this Article is based on Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work. It also draws on Article 3 of the Social Charter and point 19 of the Community Charter on the rights of workers, and, as regards dignity at work, on Article 26 of the revised Social Charter. The expression "working conditions" must be understood in the sense of Article III-213 of the Constitution.

2. Paragraph 2 is based on Directive 93/104/EC concerning certain aspects of the organisation of working time, Article 2 of the European Social Charter and point 8 of the Community Charter on the rights of workers.

ARTICLE 32[4]

Prohibition of child labour and protection of young people at work

The employment of children is prohibited. The minimum age of admission to employment may not be lower than the minimum school-leaving age, without prejudice to such rules as may be more favourable to young people and except for limited derogations.

Young people admitted to work must have working conditions appropriate to their age and be protected against economic exploitation and any work likely to harm their safety, health or physical, mental, moral or social development or to interfere with their education.

Explanation

This Article is based on Directive 94/33/EC on the protection of young people at work, Article 7 of the European Social Charter and points 20 to 23 of the Community Charter of the Fundamental Social Rights of Workers.

[1] Article II-89 of the Constitution.
[2] Article II-90 of the Constitution.
[3] Article II-91 of the Constitution.
[4] Article II-92 of the Constitution.

ČLEN 33[1]

Družinsko in poklicno življenje

1. Družina uživa pravno, ekonomsko in socialno varstvo.

2. Za uskladitev družinskega in poklicnega življenja ima vsakdo pravico do varstva pred odpustitvijo zaradi materinstva ter pravico do plačanega porodniškega in starševskega dopusta ob rojstvu ali posvojitvi otroka.

Pojasnilo

Prvi odstavek člena 33[2] temelji na členu 16 Evropske Socialne listine. Drugi odstavek izhaja iz Direktive Sveta 92/85/EGS o uvedbi ukrepov za spodbujanje izboljšav na področju varnosti in zdravja pri delu nosečih delavk in delavk, ki so pred kratkim rodile ali dojijo in Direktive 96/34/ES o okvirnem sporazumu o starševskem dopustu, sklenjenem med UNICE, CEEP in ETUC. Temelji tudi na členu 8 (zaščita materinstva) Evropske socialne listine in izhaja iz člena 27 (pravica delavcev z družinskimi obveznostmi do enakih možnosti in enakega obravnavanja) Socialne listine (spremenjene). »Materinstvo« je obdobje od spočetja do prenehanja dojenja.

ČLEN 34[3]

Socialna varnost in socialna pomoč

1. Unija priznava in spoštuje pravico dostopa do dajatev socialne varnosti in socialnih služb, ki nudijo varstvo v primerih, kot so materinstvo, bolezen, nesreče pri delu, odvisnost ali starost ter v primeru izgube zaposlitve v skladu s pravili, ki jih določajo pravo Unije ter nacionalne zakonodaje in običaji.

2. Vsakdo, ki v Uniji zakonito prebiva in zakonito spreminja prebivališče, ima pravico do dajatev socialne varnosti in socialnih ugodnosti v skladu s pravom Unije ter nacionalnimi zakonodajami in običaji.

3. V boju proti socialni izključenosti in revščini Unija priznava in spoštuje pravico do socialne pomoči in pomoči pri pridobitvi stanovanj, ki naj zagotovita dostojno življenje za vse, ki nimajo zadostnih sredstev, v skladu s pravili, ki jih določajo pravo Unije ter nacionalne zakonodaje in običaji.

Pojasnilo

Načelo iz prvega odstavka člena 34[4] temelji na členih 137 in 140 Pogodbe ES, ki se sedaj nadomestita s III-210. in III-213. členom, ter na členu 12 Evropske socialne listine in členu 10 Listine Skupnosti o pravicah delavcev. Unija ga mora spoštovati pri izvajanju pristojnosti, ki so ji dodeljene s III-210. in III-213. členom. Sklicevanje na storitve socialnega skrbstva se nanaša na primere, v katerih so bile takšne storitve vzpostavljene z namenom zagotoviti določene prednosti, vendar to ne pomeni, da je treba takšne storitve uvesti, če ne obstajajo. »Materinstvo« je treba razumeti enako kot v prejšnjem členu.

Drugi odstavek temelji na členih 12(4) in 13(4) Evropske socialne listine in točki 2 Listine Skupnosti o temeljnih socialnih pravicah delavcev ter odraža pravila, ki izhajajo iz Uredbe št. 1408/71 in Uredbe št. 1612/68.

Tretji odstavek izhaja iz člena 13 Evropske socialne listine in členov 30 in 31 Socialne listine (spremenjene) ter točke 10 Listine Skupnosti. Unija ga mora spoštovati v okviru politik, ki temeljijo na III-210. členu.

[1] II-93. člen Ustave.
[2] II-93. člen Ustave.
[3] II-94. člen Ustave.
[4] II-94. člen Ustave.

ARTICLE 33[1]

Family and professional life

1. The family shall enjoy legal, economic and social protection.

2. To reconcile family and professional life, everyone shall have the right to protection from dismissal for a reason connected with maternity and the right to paid maternity leave and to parental leave following the birth or adoption of a child.

Explanation

Article 33(1)[1] is based on Article 16 of the European Social Charter. The second paragraph draws on Council Directive 92/85/EEC on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding and Directive 96/34/EC on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC. It is also based on Article 8 (protection of maternity) of the European Social Charter and draws on Article 27 (right of workers with family responsibilities to equal opportunities and equal treatment) of the revised Social Charter. "Maternity" covers the period from conception to weaning.

ARTICLE 34[2]

Social security and social assistance

1. The Union recognises and respects the entitlement to social security benefits and social services providing protection in cases such as maternity, illness, industrial accidents, dependency or old age, and in the case of loss of employment, in accordance with the rules laid down by Union law and national laws and practices.

2. Everyone residing and moving legally within the European Union is entitled to social security benefits and social advantages in accordance with Union law and national laws and practices.

3. In order to combat social exclusion and poverty, the Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources, in accordance with the rules laid down by Union law and national laws and practices.

Explanation

The principle set out in Article 34(1)[2] is based on Articles 137 and 140 of the EC Treaty, now replaced by Articles III-210 and III-213 and on Article 12 of the European Social Charter and point 10 of the Community Charter on the rights of workers. The Union must respect it when exercising the powers conferred on it by Articles III-210 and III-213 of the Constitution. The reference to social services relates to cases in which such services have been introduced to provide certain advantages but does not imply that such services must be created where they do not exist. "Maternity" must be understood in the same sense as in the preceding Article.

Paragraph 2 is based on Articles 12(4) and 13(4) of the European Social Charter and point 2 of the Community Charter of the Fundamental Social Rights of Workers and reflects the rules arising from Regulation No 1408/71 and Regulation No 1612/68.

Paragraph 3 draws on Article 13 of the European Social Charter and Articles 30 and 31 of the revised Social Charter and point 10 of the Community Charter. The Union must respect it in the context of policies based on Article III-210 of the Constitution.

[1] Article II-93 of the Constitution.
[2] Article II-94 of the Constitution.

ČLEN 35[1]

Varovanje zdravja

Vsakdo ima pravico do preventivnega zdravstvenega varstva in do zdravniške oskrbe v skladu s pogoji, ki jih določajo nacionalne zakonodaje in običaji. Pri opredeljevanju izvajanju vseh politik in dejavnosti Unije se zagotavlja visoka raven varovanja zdravja ljudi.

Pojasnilo

Načela iz tega člena temeljijo na členu 152 Pogodbe ES, ki se sedaj nadomesti s III-278. členom Ustave, ter na členih 11 in 13 Evropske socialne listine. Drugi stavek člena ustreza prvemu odstavku III-278. člena.

ČLEN 36[2]

Dostop do služb splošnega gospodarskega pomena

Unija priznava in spoštuje dostop do storitev splošnega gospodarskega pomena, ki je v skladu z Ustavo določen v nacionalnih zakonodajah in običajih, s čimer pospešuje socialno in teritorialno povezanost Unije.

Pojasnilo

Ta člen je v celoti usklajen s III-122. členom in ne uvaja nove pravice. Določa le načelo, v skladu s katerim Unija spoštuje dostop do služb splošnega gospodarskega pomena, kakor predvidevajo nacionalne določbe, če so navedene določbe združljive s pravom Unije.

ČLEN 37[3]

Varstvo okolja

V politike Unije je treba vključevati visoko raven varstva in izboljšanje kakovosti okolja, ki se zagotavljata v skladu z načelom trajnostnega razvoja.

Pojasnilo

Načela iz tega člena so nastala na podlagi členov 2, 6 in 174 Pogodbe ES, ki se sedaj nadomestijo s tretjim odstavkom I-3. člena, III-119. in III-233. členom.

Izhaja tudi iz določb nekaterih nacionalnih ustav.

ČLEN 38[4]

Varstvo potrošnikov

Politike Unije zagotavljajo visoko raven varstva potrošnikov.

Pojasnilo

Načela iz tega člena so nastala na podlagi člena 153 Pogodbe ES, ki se sedaj nadomesti s III-235. členom Ustave.

NASLOV V

PRAVICE DRŽAVLJANOV

ČLEN 39[5]

Pravica voliti in biti voljen na volitvah v Evropski parlament

1. Vsak državljan Unije ima pravico, da v državi članici, v kateri prebiva, pod enakimi pogoji kakor državljani te države voli in je voljen na volitvah v Evropski parlament.

[1] II-95. člen Ustave.
[2] II-96. člen Ustave.
[3] II-97. člen Ustave.
[4] II-98. člen Ustave.
[5] II-99. člen Ustave.

ARTICLE 35[1]

Health care

Everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices. A high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities.

Explanation

The principles set out in this Article are based on Article 152 of the EC Treaty, now replaced by Article III-278 of the Constitution, and on Articles 11 and 13 of the European Social Charter. The second sentence of the Article takes over Article III-278(1).

ARTICLE 36[2]

Access to services of general economic interest

The Union recognises and respects access to services of general economic interest as provided for in national laws and practices, in accordance with the Constitution, in order to promote the social and territorial cohesion of the Union.

Explanation

This Article is fully in line with Article III-122 of the Constitution and does not create any new right. It merely sets out the principle of respect by the Union for the access to services of general economic interest as provided for by national provisions, when those provisions are compatible with Union law.

ARTICLE 37[3]

Environmental protection

A high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development.

Explanation

The principles set out in this Article have been based on Articles 2, 6 and 174 of the EC Treaty, which have now been replaced by Articles I-3(3), III-119 and III-233 of the Constitution.

It also draws on the provisions of some national constitutions.

ARTICLE 38[4]

Consumer protection

Union policies shall ensure a high level of consumer protection.

Explanation

The principles set out in this Article have been based on Article 153 of the EC Treaty, now replaced by Article III-235 of the Constitution.

TITLE V

CITIZENS' RIGHTS

ARTICLE 39[5]

Right to vote and to stand as a candidate at elections to the European Parliament

1. Every citizen of the Union has the right to vote and to stand as a candidate at elections to the European Parliament in the Member State in which he or she resides, under the same conditions as nationals of that State.

[1] Article II-95 of the Constitution.
[2] Article II-96 of the Constitution.
[3] Article II-97 of the Constitution.
[4] Article II-98 of the Constitution.
[5] Article II-99 of the Constitution.

2. Člani Evropskega parlamenta se volijo s splošnim, neposrednim, svobodnim in tajnim glasovanjem.

Pojasnilo

Člen 39[1] se v skladu z drugim odstavkom člena 52 Listine[2] uporablja pod pogoji, določenimi v I. in II. delu Ustave. Prvi odstavek člena 39[3] ustreza pravici, zagotovljeni z drugim odstavkom I-10. člena Ustave (prim. tudi pravno podlago v III-126. členu za sprejetje podrobne ureditve za uresničevanje navedene pravice), drugi odstavek člena 39 pa ustreza I-20. členu Ustave. Drugi odstavek člena 39[4] povzema osnovna načela volilnega sistema v demokratični državi.

ČLEN 40[5]

Pravica voliti in biti voljen na občinskih volitvah

Vsak državljan Unije ima pravico, da v državi članici, v kateri prebiva, pod enakimi pogoji kakor državljani te države voli in je voljen na občinskih volitvah.

Pojasnilo

Ta člen ustreza pravici iz drugega odstavka I-10. člena Ustave. (prim. tudi pravno podlago v III-126. členu za sprejetje podrobne ureditve za uresničevanje navedene pravice). V skladu z drugim odstavkom člena) 52 Listine[6] se uporablja pod pogoji, določenimi v omenjenih členih I. in III. dela Ustave.

ČLEN 41[7]

Pravica do dobrega upravljanja

1. Vsakdo ima pravico, da institucije, organi, uradi in agencije Unije njegove zadeve obravnavajo nepristransko, pravično in v razumnem roku.

2. Ta pravica vključuje predvsem:

a) pravico vsake osebe, da se izjasni pred sprejetjem kakršnega koli posamičnega ukrepa, ki jo prizadene;

b) pravico dostopa vsake osebe do svojega spisa, ob spoštovanju legitimnih interesov zaupnosti ter poklicne in poslovne tajnosti;

c) obveznost uprave, da svoje odločitve obrazloži.

3. Vsakdo ima pravico, da mu Unija v skladu s splošnimi načeli, ki so skupna pravnim ureditvam držav članic, nadomesti kakršno koli škodo, ki so jo povzročile institucije ali njeni uslužbenci pri opravljanju svojih dolžnosti.

4. Vsakdo se lahko na institucije Unije obrne v enem od jezikov Ustave in mora prejeti odgovor v istem jeziku.

[1] II-99. člen Ustave.
[2] Drugi odstavek II-112. člena Ustave.
[3] I-99. člen Ustave.
[4] II-99. člen Ustave.
[5] II-100. člen Ustave.
[6] Drugi odstavek II-112. člena Ustave.
[7] II-101. člen Ustave.

2. Members of the European Parliament shall be elected by direct universal suffrage in a free and secret ballot.

Explanation

Article 39[1] applies under the conditions laid down in Parts I and III of the Constitution, in accordance with Article 52(2) of the Charter[2]. Article 39(1)[1] corresponds to the right guaranteed in Article I-10(2) of the Constitution (cf. also the legal base in Article III-126 for the adoption of detailed arrangements for the exercise of that right) and Article 39(2)[1] corresponds to Article I-20(2) of the Constitution. Article 39(2)[1] takes over the basic principles of the electoral system in a democratic State.

ARTICLE 40[3]

Right to vote and to stand as a candidate at municipal elections

Every citizen of the Union has the right to vote and to stand as a candidate at municipal elections in the Member State in which he or she resides under the same conditions as nationals of that State.

Explanation

This Article corresponds to the right guaranteed by Article I-10(2) of the Constitution (cf. also the legal base in Article III-126 for the adoption of detailed arrangements for the exercise of that right). In accordance with Article 52(2) of the Charter[2] it applies under the conditions set out in these Articles of Parts I and III of the Constitution.

ARTICLE 41[4]

Right to good administration

1. Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union.

2. This right includes:

(a) the right of every person to be heard, before any individual measure which would affect him or her adversely is taken;

(b) the right of every person to have access to his or her file, while respecting the legitimate interests of confidentiality and of professional and business secrecy;

(c) the obligation of the administration to give reasons for its decisions.

3. Every person has the right to have the Union make good any damage caused by its institutions or by its servants in the performance of their duties, in accordance with the general principles common to the laws of the Member States.

4. Every person may write to the institutions of the Union in one of the languages of the Constitution and must have an answer in the same language.

[1] Article II-99 of the Constitution.
[2] Article II-112(2) of the Constitution.
[3] Article II-100 of the Constitution.
[4] Article II-101 of the Constitution.

Pojasnilo

Člen 41[1] temelji na obstoju Unije kot skupnosti, ki upošteva načela pravne države, katere značilnosti so se razvile v okviru sodne prakse, ki je med drugim utemeljila dobro upravljanje kot splošno pravno načelo (glej med drugim sodbo Sodišča z dne 31. marca 1992 v zadevi C-255/90 P, Burban [1992] PSES I-2253, in sodbe Sodišča prve stopnje z dne 18. septembra 1995 v zadevi T-167/94 Nölle [1995] PSES II-2589, in z dne 9. julija 1999 v zadevi T-231/97 New Europe Consulting in drugi [1999] PSES II-2403). Besedilo navedene pravice v prvih dveh odstavkih izhaja iz sodne prakse (sodba Sodišča z dne 15. oktobra 1987 v zadevi 222/86 Heylens [1987] PSES 4097, odstavek 15 obrazložitve, sodba z dne 18. oktobra 1989 v zadevi 374/87 Orkem [1989] PSES 3283, sodba z dne 21. novembra 1991 v zadevi C-269/90 TU München [1991] PSES I-5469, in sodbe Sodišča prve stopnje z dne 6. decembra 1994 v zadevi T-450/93 Lisrestal [1994] PSES II-1177, z dne 18. septembra 1995 v zadevi T-167/94 Nölle [1995] PSES II-258) in besedilo glede obveznosti navedbe razlogov izhaja iz člena 253 Pogodbe ES, ki se sedaj nadomesti z drugim odstavkom I-38. člena Ustave (prim. tudi pravno podlago v III-398. členu za sprejetje zakonodajnih aktov za odprto, učinkovito in neodvisno evropsko upravo).

Tretji odstavek povzema pravico, ki je sedaj zagotovljena s III-431. členom Ustave. Četrti odstavek povzema pravico, ki je sedaj zagotovljena s točko d) drugega odstavka II-10. člena in III-129. členom Ustave. V skladu z drugim odstavkom člena 52 Listine[2] je treba navedene pravice uporabljati pod pogoji in v mejah, določenih s III. delom Ustave.

Pravica do učinkovitega pravnega sredstva, ki je pomemben vidik tega vprašanja, je zagotovljena s členom 47 Listine[3].

ČLEN 42[4]

Pravica dostopa do dokumentov

Vsak državljan Unije in vsaka fizična ali pravna oseba s prebivališčem ali statutarnim sedežem v eni od držav članic ima pravico dostopa do dokumentov institucij, organov, uradov in agencij Unije ne glede na nosilec dokumenta.

Pojasnilo

Pravica, zagotovljena s tem členom, je bila povzeta iz člena 255 Pogodbe ES, na podlagi katerega je bila naknadno sprejeta Uredba 1049/2001. Evropska konvencija je to pravico razširila na dokumente institucij, organov in agencij v splošnem, ne glede na njihovo obliko (glej tretji odstavek I-50. člena Ustave). V skladu z drugim odstavkom člena 52 Listine[5] se pravica dostopa do dokumentov uresničuje pod pogoji in omejitvami, iz tretjega odstavka I-50. člena in III-399. člena.

ČLEN 43[6]

Evropski varuh človekovih pravic

Vsak državljan Unije in vsaka fizična ali pravna oseba s prebivališčem ali statutarnim sedežem v eni od držav članic ima pravico, da se obrne na evropskega varuha človekovih pravic glede nepravilnosti pri delovanju institucij, organov, uradov ali agencij Unije, razen glede Sodišča Evropske unije pri opravljanju njegove sodne funkcije.

[1] II-101. člen Ustave.
[2] Drugi odstavek II-112. člena Ustave.
[3] II-107. člen Ustave.
[4] II-102. člen Ustave.
[5] Drugi odstavek II-112. člena Ustave.
[6] II-103. člen Ustave.

Explanation

Article 41[1] is based on the existence of the Union as subject to the rule of law whose characteristics were developed in the case law which enshrined inter alia good administration as a general principle of law (see inter alia Court of Justice judgment of 31 March 1992 in Case C-255/90 P, Burban [1992] ECR I-2253, and Court of First Instance judgments of 18 September 1995 in Case T-167/94 Nölle [1995] ECR II-2589, and 9 July 1999 in Case T-231/97 New Europe Consulting and others [1999] ECR II-2403). The wording for that right in the first two paragraphs results from the case law (Court of Justice judgment of 15 October 1987 in Case 222/86 Heylens [1987] ECR 4097, paragraph 15 of the grounds, judgment of 18 October 1989 in Case 374/87 Orkem [1989] ECR 3283, judgment of 21 November 1991 in Case C-269/90 TU München [1991] ECR I-5469, and Court of First Instance judgments of 6 December 1994 in Case T-450/93 Lisrestal [1994] ECR II-1177, 18 September 1995 in Case T-167/94 Nölle [1995] ECR II-258) and the wording regarding the obligation to give reasons comes from Article 253 of the EC Treaty, now replaced by Article I-38(2) of the Constitution (cf. also the legal base in Article III-398 of the Constitution for the adoption of legislation in the interest of an open, efficient and independent European administration).

Paragraph 3 reproduces the right now guaranteed by Article III-431 of the Constitution. Paragraph 4 reproduces the right now guaranteed by Articles I-10(2)(d) and III-129 of the Constitution. In accordance with Article 52(2) of the Charter[2], those rights are to be applied under the conditions and within the limits defined by Part III of the Constitution.

The right to an effective remedy, which is an important aspect of this question, is guaranteed in Article 47 of this Charter[3].

ARTICLE 42[4]

Right of access to documents

Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to documents of the institutions, bodies, offices and agencies of the Union, whatever their medium.

Explanation

The right guaranteed in this Article has been taken over from Article 255 of the EC Treaty, on the basis of which Regulation 1049/2001 has subsequently been adopted. The European Convention has extended this right to documents of institutions, bodies and agencies generally, regardless of their form, see Article I-50(3) of the Constitution. In accordance with Article 52(2) of the Charter[2], the right of access to documents is exercised under the conditions and within the limits for which provision is made in Articles I-50(3) and III-399.

ARTICLE 43[5]

European Ombudsman

Any citizen of the Union and any natural or legal person residing or having its registered office in a Member State has the right to refer to the European Ombudsman cases of maladministration in the activities of the institutions, bodies, offices or agencies of the Union, with the exception of the Court of Justice of the European Union acting in its judicial role.

[1] Article II-101 of the Constitution.
[2] Article II-112(2) of the Constitution.
[3] Article II-107 of the Constitution.
[4] Article II-102 of the Constitution.
[5] Article II-103 of the Constitution.

Pojasnilo

Pravica, zagotovljena s tem členom, je pravica, zagotovljena s I-10. členom in III-335. členom Ustave. V skladu z drugim odstavkom člena 52 Listine[1] se uporablja pod pogoji iz teh dveh členov.

ČLEN 44[2]

Pravica do peticije

Vsak državljan Unije in vsaka fizična ali pravna oseba s prebivališčem ali statutarnim sedežem v eni od držav članic ima pravico nasloviti peticijo na Evropski parlament.

Pojasnilo

Pravica, zagotovljena s tem členom, je pravica, zagotovljena s I-10. in III-334. členom Ustave. V skladu z drugim odstavkom člena 52 Listine[3] se uporablja pod pogoji iz teh dveh členov.

ČLEN 45[4]

Svoboda gibanja in prebivanja

1. Vsak državljan Unije ima pravico do prostega gibanja in prebivanja na ozemlju držav članic.

2. Svoboda gibanja in prebivanja se lahko v skladu z Ustavo prizna državljanom tretjih držav, ki zakonito prebivajo na ozemlju ene od držav članic.

Pojasnilo

Pravica, zagotovljena s prvim odstavkom, je pravica, zagotovljena s točko a) drugega odstavka I-10. člena Ustave (prim. tudi pravno podlago v III-125. členu; in sodbo Sodišča z dne 17. septembra 2002, C-413/99 Baumbast, [2002] PSES 709). V skladu z drugim odstavkom člena 52 Listine[5] se uporablja pod pogoji in v mejah, določenih v III. delu Ustave.

Drugi odstavek se nanaša na pristojnost, dodeljeno Uniji s III-265. do III-267. členom Ustave. Dodelitev te pravice je zato odvisna od institucij, ki izvajajo to pristojnost.

ČLEN 46[6]

Diplomatska in konzularna zaščita

Vsak državljan Unije ima na območju tretje države, v kateri država članica, katere državljan je, nima svojega predstavništva, pravico do zaščite diplomatskih ali konzularnih organov katere koli države članice pod enakimi pogoji kakršni veljajo za državljana te države.

Pojasnilo

Pravica, zagotovljena s tem členom, je pravica, zagotovljena z I-10. členom Ustave (prim. tudi pravno podlago v III-127. členu Ustave). V skladu z drugim odstavkom člena 52 Listine[7] se uporablja pod pogoji iz teh členov.

[1] Drugi odstavek II-112. člena Ustave.
[2] II-104. člen Ustave.
[3] Drugi odstavek II-112. člena Ustave.
[4] II-105. člen Ustave.
[5] Drugi odstavek II-112. člena Ustave.
[6] II-106. člen Ustave.
[7] Drugi odstavek II-112. člena Ustave.

Explanation

The right guaranteed in this Article is the right guaranteed by Articles I-10 and III-335 of the Constitution. In accordance with Article 52(2) of the Charter[1], it applies under the conditions defined in these two Articles.

ARTICLE 44[2]

Right to petition

Any citizen of the Union and any natural or legal person residing or having its registered office in a Member State has the right to petition the European Parliament.

Explanation

The right guaranteed in this Article is the right guaranteed by Articles I-10 and III-334 of the Constitution. In accordance with Article 52(2) of the Charter[1], it applies under the conditions defined in these two Articles.

ARTICLE 45[3]

Freedom of movement and of residence

1. Every citizen of the Union has the right to move and reside freely within the territory of the Member States.

2. Freedom of movement and residence may be granted, in accordance with the Constitution, to nationals of third countries legally resident in the territory of a Member State.

Explanation

The right guaranteed by paragraph 1 is the right guaranteed by Article I-10(2)(a) of the Constitution (cf. also the legal base in Article III-125; and the judgement of the Court of Justice of 17 September 2002, C-413/99 Baumbast, [2002] ECR 709). In accordance with Article 52(2) of the Charter[1], it applies under the conditions and within the limits defined for which provision is made in Part III of the Constitution.

Paragraph 2 refers to the power granted to the Union by Articles III-265 to III-267 of the Constitution. Consequently, the granting of this right depends on the institutions exercising that power.

ARTICLE 46[4]

Diplomatic and consular protection

Every citizen of the Union shall, in the territory of a third country in which the Member State of which he or she is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that Member State.

Explanation

The right guaranteed by this Article is the right guaranteed by Article I-10 of the Constitution; cf. also the legal base in Article III-127. In accordance with Article 52(2) of the Charter[1], it applies under the conditions defined in these Articles.

[1] Article II-112(2) of the Constitution.
[2] Article II-104 of the Constitution.
[3] Article II-105 of the Constitution.
[4] Article II-106 of the Constitution.

NASLOV VI

SODNO VARSTVO

ČLEN 47[1]

Pravica do učinkovitega pravnega sredstva in nepristranskega sodišča

Vsakdo, ki so mu kršene pravice in svoboščine, zagotovljene s pravom Unije, ima pravico do učinkovitega pravnega sredstva pred sodiščem v skladu s pogoji, določenimi v tem členu.

Vsakdo ima pravico, da o njegovi zadevi pravično in javno ter v razumnem roku odloča neodvisno, nepristransko in z zakonom predhodno ustanovljeno sodišče. Vsakdo ima možnost svetovanja, obrambe in zastopanja.

Osebam, ki nimajo zadostnih sredstev, se odobri pravna pomoč, kolikor je ta potrebna za učinkovito zagotovitev dostopa do sodnega varstva.

Pojasnilo

Prvi odstavek temelji na 13. členu EKČP:

»Vsakdo, čigar pravice in svoboščine, zajamčene s to Konvencijo, so kršene, ima pravico do učinkovitih pravnih sredstev pred domačimi oblastmi, in to tudi če je kršitev storila uradna oseba pri opravljanju uradne dolžnosti.«

Vendar pa je varstvo v okviru prava Unije širše, saj zagotavlja pravico do učinkovitega pravnega sredstva pred sodiščem. Sodišče je v svoji sodbi z dne 15. maja 1986 navedeno pravico utemeljilo kot splošno načelo prava Unije (zadeva 222/84 Johnston [1986] PSES 1651; glej tudi sodbo z dne 15. oktobra 1987, zadeva 222/86 Heylens [1987] PSES 4097in sodbo z dne 3. decembra 1992, zadeva C-97/91 Borelli [1992] PSES I-6313). Po mnenju Sodišča se navedeno splošno načelo prava Unije uporablja tudi za države članice pri njihovem izvajanju prava Unije. Vključitev te sodne prakse v Listino ni bila namenjena spremembi sistema sodnega nadzora, določenega v pogodbah, zlasti ne pravil o dopustnosti neposrednih tožb pred Sodiščem Evropske unije. Evropska konvencija je preučila sistem sodnega nadzora Unije, vključno s pravili o dopustnosti, ter ga potrdila in hkrati spremenila nekatere njegove vidike, kot je prikazano v III-353. do III-381. členu Ustave, in zlasti v četrtem odstavku III-365. člena Ustave. Člen 47[2] se uporablja za institucije Unije in države članice pri njihovem izvajanju prava Unije in velja za vse pravice, zagotovljene s pravom Unije.

Drugi odstavek ustreza prvemu odstavku 6. člena EKČP, ki se glasi:

»Vsakdo ima pravico, da o njegovih civilnih pravicah in obveznostih ali o kakršnihkoli kazenskih obtožbah zoper njega pravično in javno ter v razumnem roku odloča neodvisno in nepristransko z zakonom ustanovljeno sodišče. Sodba mora biti izrečena javno, toda tisk in javnost sta lahko izločena iz sojenja deloma ali v celoti v interesu morale, javnega reda ali državne varnosti, če to v demokratični družbi zahtevajo koristi mladoletnikov ali varovanje zasebnega življenja strank, pa tudi tedaj, kadar bi po mnenju sodišča zaradi posebnih okoliščin javnost sojenja škodovala interesom pravičnosti.«

V pravu Unije pravica do poštene obravnave ni omejena na spore, ki se nanašajo na pravice in obveznosti civilnega prava. To je ena od posledic dejstva, da je Unija skupnost, ki temelji na načelih pravne države, kot navaja Sodišče v zadevi 294/83, »Les Verts« proti Evropskemu parlamentu (sodba z dne 23. aprila 1986, [1988] PSES 1339). Kljub temu se jamstva, zagotovljena z EKČP, v vseh pogledih, razen glede njihovega področja uporabe, uporabljajo na podoben način za Unijo.

[1] II-107. člen Ustave.

[2] II-107. člen Ustave.

TITLE VI

JUSTICE

ARTICLE 47[1]

Right to an effective remedy and to a fair trial

Everyone whose rights and freedoms guaranteed by the law of the Union are violated has the right to an effective remedy before a tribunal in compliance with the conditions laid down in this Article.

Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law. Everyone shall have the possibility of being advised, defended and represented.

Legal aid shall be made available to those who lack sufficient resources insofar as such aid is necessary to ensure effective access to justice.

Explanation

The first paragraph is based on Article 13 of the ECHR:

"Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."

However, in Union law the protection is more extensive since it guarantees the right to an effective remedy before a court. The Court of Justice enshrined that right in its judgment of 15 May 1986 as a general principle of Union law (Case 222/84 Johnston [1986] ECR 1651; see also judgment of 15 October 1987, Case 222/86 Heylens [1987] ECR 4097 and judgment of 3 December 1992, Case C-97/91 Borelli [1992] ECR I-6313). According to the Court, that general principle of Union law also applies to the Member States when they are implementing Union law. The inclusion of this precedent in the Charter has not been intended to change the system of judicial review laid down by the Treaties, and particularly the rules relating to admissibility for direct actions before the Court of Justice of the European Union. The European Convention has considered the Union's system of judicial review including the rules on admissibility, and confirmed them while amending them as to certain aspects, as reflected in Articles III-353 to III-381 of the Constitution, and in particular in Article III-365(4). Article 47[1] applies to the institutions of the Union and of Member States when they are implementing Union law and does so for all rights guaranteed by Union law.

The second paragraph corresponds to Article 6(1) of the ECHR which reads as follows:

"In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice."

In Union law, the right to a fair hearing is not confined to disputes relating to civil law rights and obligations. That is one of the consequences of the fact that the Union is a community based on the rule of law as stated by the Court in Case 294/83, "Les Verts" v. European Parliament (judgment of 23 April 1986, [1988] ECR 1339). Nevertheless, in all respects other than their scope, the guarantees afforded by the ECHR apply in a similar way to the Union.

[1] Article II-107 of the Constitution.

V zvezi s tretjim odstavkom je treba opozoriti na dejstvo, da je v skladu s sodno prakso Evropskega sodišča za človekove pravice potrebno poskrbeti za pravno pomoč, če bi bilo v primeru, da takšne pomoči ni, nemogoče zagotoviti učinkovito pravno sredstvo (sodba EKČP z dne 9. 10. 1979, Airey, serija A, zvezek 32, 11). Obstaja tudi sistem pravne pomoči za zadeve, ki so na Sodišču Evropske unije.

ČLEN 48[1]

Domneva nedolžnosti in pravica do obrambe

1. Obdolženec velja za nedolžnega, dokler njegova krivda ni dokazana v skladu z zakonom.

2. Vsakemu obdolžencu je zagotovljena pravica do obrambe.

Pojasnilo

Člen 48[2] je enak drugemu in tretjemu odstavku 6. člena EKČP, ki se glasi:

»2. Kdor je obdolžen kaznivega dejanja, velja za nedolžnega, dokler ni v skladu z zakonom dokazana njegova krivda.

3. Kdor je obdolžen kaznivega dejanja, ima naslednje minimalne pravice:

a) da ga takoj in nadrobno seznanijo v jeziku, ki ga razume, z bistvom in vzroki obtožbe, ki ga bremeni;

b) da ima primeren čas in možnosti za pripravo svoje obrambe;

c) da se brani sam ali z zagovornikom po lastni izbiri ali če nima dovolj sredstev za plačilo zagovornika, da ga dobi brezplačno, če to zahtevajo interesi pravičnosti;

d) da zaslišuje oziroma zahteva zaslišanje obremenilnih prič in da doseže navzočnost in zaslišanje razbremenilnih prič ob enakih pogojih, kot veljajo za obremenilne priče;

e) da ima brezplačno pomoč tolmača, če ne razume ali ne govori jezika, ki se uporablja pred sodiščem.«

V skladu s tretjim odstavkom člena 52 Listine[3] ima ta pravica enak pomen in področje uporabe kot pravica, zagotovljena z EKČP.

ČLEN 49[4]

Načeli zakonitosti in sorazmernosti kaznivih dejanj in kazni

1. Nihče ne sme biti obsojen zaradi storitve ali opustitve za katero v času, ko je bila storjena, nacionalno ali mednarodno pravo ni določalo, da je kazniva. Prav tako se mu ne sme izreči težja kazen od tiste, ki je bila zagrožena v času storitve dejanja. Če je bilo v času po storitvi dejanja z zakonom predpisana milejša kazen, se uporabi ta.

2. Ta člen ne izključuje sojenja in kaznovanja osebe zaradi storitve ali opustitve, ki je bilo v času, ko je bila storjena, kazniva po splošnih načelih, ki jih priznava skupnost narodov.

3. Kazen ne sme bit nesorazmerna s kaznivim dejanjem.

[1] II-108. člen Ustave.
[2] II-108. člen Ustave.
[3] Tretji odstavek II-112. člena Ustave.
[4] II-109. člen Ustave.

With regard to the third paragraph, it should be noted that in accordance with the case law of the European Court of Human Rights, provision should be made for legal aid where the absence of such aid would make it impossible to ensure an effective remedy (ECHR Judgment of 9. 10. 1979, Airey, Series A, Volume 32, 11). There is also a system of legal assistance for cases before the Court of Justice of the European Union.

ARTICLE 48[1]

Presumption of innocence and right of defence

1. Everyone who has been charged shall be presumed innocent until proved guilty according to law.

2. Respect for the rights of the defence of anyone who has been charged shall be guaranteed.

Explanation

Article 48[1] is the same as Article 6(2) and (3) of the ECHR, which reads as follows:

"2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

3. Everyone charged with a criminal offence has the following minimum rights:

(a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;

(b) to have adequate time and facilities for the preparation of his defence;

(c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

(d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court."

In accordance with Article 52(3)[2], this right has the same meaning and scope as the right guaranteed by the ECHR.

ARTICLE 49[3]

Principles of legality and proportionality of criminal offences and penalties

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national law or international law at the time when it was committed. Nor shall a heavier penalty be imposed than that which was applicable at the time the criminal offence was committed. If, subsequent to the commission of a criminal offence, the law provides for a lighter penalty, that penalty shall be applicable.

2. This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles recognised by the community of nations.

3. The severity of penalties must not be disproportionate to the criminal offence.

[1] Article II-108 of the Constitution.
[2] Article II-112(3) of the Constitution.
[3] Article II-109 of the Constitution.

Pojasnilo

Ta člen upošteva običajno pravilo o prepovedi retroaktivnosti zakonov in kazni. Dodano je bilo pravilo retroaktivnosti milejše kazenskega zakona, ki obstaja v številnih državah članicah in je podano v členu 15 Mednarodnega pakta o državljanskih in političnih pravicah.

V 7. členu EKČP je zapisano:

»1. Nihče ne sme biti obsojen za katerokoli dejanje, izvršeno s storitvijo ali opustitvijo, ki ni bilo določeno kot kaznivo dejanje po domačem ali po mednarodnem pravu v času, ko je bilo storjeno. Prav tako se ne sme izreči strožja kazen od tiste, ki jo je bilo mogoče izreči v času, ko je bilo kaznivo dejanje storjeno.

2. Ta člen ni ovira za sojenje in kaznovanje oseb za kako storitev ali opustitev, ki je bila v času, ko je bila storjena, kazniva po splošnih pravnih načelih, ki jih priznavajo civilizirani narodi.«

V drugem odstavku se je črtala beseda »civilizirani«; to ne spreminja pomena tega odstavka, ki se nanaša predvsem na zločine zoper človeštvo. V skladu z tretjim odstavkom člena 52 Listine[1] ima tukaj zagotovljena pravica torej enak pomen in področje uporabe kot pravica, zagotovljena z EKČP.

Tretji odstavek podaja splošno načelo sorazmernosti kazni in kaznivih dejanj, ki je utemeljeno z ustavnimi tradicijami, skupnimi vsem državam članicam, in s sodno prakso Sodišča Skupnosti.

ČLEN 50[2]

Pravica, da se za isto kaznivo dejanje kazensko ne preganja ali kaznuje dvakrat

Nihče ne sme biti ponovno v kazenskem postopku ali kaznovan zaradi kaznivega dejanja, za katero je bil v Uniji v skladu z zakonom s pravnomočno sodbo že oproščen ali obsojen.

Pojasnilo

4. člen Protokola št. 7 k EKČP se glasi:

»1. Pravosodni organi iste države ne smejo nikogar ne kazensko preganjati ne kaznovati za kaznivo dejanje, za katero je bil na podlagi zakona in v skladu s kazenskim postopkom te države s pravnomočno sodbo že oproščen ali obsojen.

2. Določbe prejšnjega odstavka ne preprečujejo obnove kazenskega postopka na podlagi zakona in skladno s kazenskim postopkom prizadete države, če obstajajo dokazi o novih ali na novo odkritih dejstvih ali pa če je v prejšnjih postopkih prišlo do bistvene napake, ki bi lahko vplivala na izid sojenja.

3. Določila tega člena se ne smejo derogirati s sklicevanjem na 15. člen Konvencije.«

Pravilo »non bis in idem« se uporablja v pravu Unije (glej med obsežno sodno prakso sodbo z dne 5. maja 1966, zadevi 18/65 in 35/65, Gutmann proti Komisiji [1966] PSES 103 in za novejšo zadevo sodbo Sodišča prve stopnje z dne 20. aprila 1999, združene zadeve T-305/94 in druge, Limburgse Vinyl Maatschappij NV proti Komisiji [1999] PSES II-931). Pravilo o prepovedi kumulacije se nanaša na kumulacijo dveh kazni enake vrste, v tem primeru kazni, izrečene na kazenskem sodišču.

[1] Tretji odstavek II-112. člena Ustave.

[2] II-110. člen Ustave.

Explanation

This Article follows the traditional rule of the non-retroactivity of laws and criminal sanctions. There has been added the rule of the retroactivity of a more lenient penal law, which exists in a number of Member States and which features in Article 15 of the Covenant on Civil and Political Rights.

Article 7 of the ECHR is worded as follows:

"1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under national or international law at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.

2. This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognised by civilised nations."

In paragraph 2, the reference to "civilised" nations has been deleted; this does not change the meaning of this paragraph, which refers to crimes against humanity in particular. In accordance with Article 52(3)[1], the right guaranteed here therefore has the same meaning and scope as the right guaranteed by the ECHR.

Paragraph 3 states the general principle of proportionality between penalties and criminal offences which is enshrined in the common constitutional traditions of the Member States and in the case law of the Court of Justice of the Communities.

ARTICLE 50[2]

Right not to be tried or punished twice in criminal proceedings for the same criminal offence

No one shall be liable to be tried or punished again in criminal proceedings for an offence for which he or she has already been finally acquitted or convicted within the Union in accordance with the law.

Explanation

Article 4 of Protocol No 7 to the ECHR reads as follows:

"1. No one shall be liable to be tried or punished again in criminal proceedings under the jurisdiction of the same State for an offence for which he has already been finally acquitted or convicted in accordance with the law and penal procedure of that State.

2. The provisions of the preceding paragraph shall not prevent the reopening of the case in accordance with the law and the penal procedure of the State concerned, if there is evidence of new or newly discovered facts, or if there has been a fundamental defect in the previous proceedings, which could affect the outcome of the case.

3. No derogation from this Article shall be made under Article 15 of the Convention."

The "non bis in idem" rule applies in Union law (see, among the many precedents, the judgment of 5 May 1966, Cases 18/65 and 35/65, Gutmann v. Commission [1966] ECR 103 and a recent case, the decision of the Court of First Instance of 20 April 1999, Joined Cases T-305/94 and others, Limburgse Vinyl Maatschappij NV v. Commission [1999] ECR II-931). The rule prohibiting cumulation refers to cumulation of two penalties of the same kind, that is to say criminal law penalties.

[1] Article II-112(3) of the Constitution.

[2] Article II-110 of the Constitution.

V skladu s členom 50[1] se pravilo »non bis in idem« ne uporablja zgolj v okviru pristojnosti ene države, temveč tudi v okviru pristojnosti več držav članic. To ustreza pravnemu redu v pravu Unije; glej člene 54 do 58 Schengenske konvencije in sodbo Sodišča z dne 11. februarja 2003, C-187/01 Gözütok, člen 7 Konvencije o varstvu finančnih interesov Skupnosti in člen 10 Konvencije o boju proti korupciji. Zelo omejene izjeme v navedenih konvencijah, ki državam članicam omogočajo izjemo od pravila »non bis in idem«, so določene s horizontalno klavzulo iz prvega odstavka člena 52 Listine[2] glede omejitev. Kar zadeva razmere iz 4. člena Protokola št. 7 EKČP, tj. uporabo načela v isti državi članici, ima zagotovljena pravica enak pomen in področje uporabe kot ustrezna pravica v EKČP.

In accordance with Article 50[1], the "non bis in idem" rule applies not only within the jurisdiction of one State but also between the jurisdictions of several Member States. That corresponds to the acquis in Union law; see Articles 54 to 58 of the Schengen Convention and the judgment of the Court of Justice of 11 February 2003, C-187/01 Gözütok (not yet published), Article 7 of the Convention on the Protection of the European Communities' Financial Interests and Article 10 of the Convention on the fight against corruption. The very limited exceptions in those Conventions permitting the Member States to derogate from the "non bis in idem" rule are covered by the horizontal clause in Article 52(1) of the Charter[2] concerning limitations. As regards the situations referred to by Article 4 of Protocol No 7, namely the application of the principle within the same Member State, the guaranteed right has the same meaning and the same scope as the corresponding right in the ECHR.

NASLOV VII

SPLOŠNE DOLOČBE O RAZLAGI IN UPORABI LISTINE

ČLEN 51[3]

Področje uporabe

1. Določbe te listine se uporabljajo za institucije, organe, urade in agencije Unije ob spoštovanju načela subsidiarnosti, za države članice pa samo, ko izvajajo pravo Unije. Zato spoštujejo pravice, upoštevajo načela in spodbujajo njihovo uporabo v skladu s svojimi pristojnostmi in ob spoštovanju meja pristojnosti Unije, ki so ji dodeljene v drugih delih Ustave.

2. Ta listina ne razširja področja uporabe prava Unije preko pristojnosti Unije in ne ustvarja nikakršnih novih pristojnosti ali nalog Unije, pa tudi ne spreminja pristojnosti in nalog, opredeljenih v drugih delih Ustave.

Pojasnilo

Namen člena 51 Listine[4] je opredeliti področje uporabe Listine. Prizadeva si jasno določiti, da se Listina ob upoštevanju načela subsidiarnosti uporablja zlasti za institucije in organe Unije. Ta določba je bila sestavljena v skladu s členom 6(2) Pogodbe o Evropski uniji, ki od Unije zahteva, da upošteva temeljne pravice, in v skladu z mandatom, podeljenim v okviru Evropskega sveta v Kölnu. Izraz »institucije« je utemeljen v I. delu Ustave. V Ustavi se izraz »organi, uradi in agencije« navadno uporablja za označevanje vseh teles, ustanovljenih z Ustavo ali sekundarno zakonodajo (glej npr. I-50. ali I-51. člen Ustave).

V zvezi z državami članicami sodna praksa Sodišča nedvoumno določa, da je zahteva po spoštovanju temeljnih pravic, opredeljenih v okviru Unije, zavezujoča za države članice le tedaj, ko ukrepajo znotraj področja uporabe prava Unije (sodba z dne 13. julija 1989, zadeva 5/88 Wachauf [1989] PSES 2609; sodba z dne 18. junija 1991, ERT [1991] PSES I-2925); sodba z dne 18. decembra 1997 (C-309/96 Annibaldi [1997] PSES I-7493). Sodišče je potrdilo to sodno prakso pod naslednjimi pogoji: »Treba je tudi upoštevati, da so zahteve, ki izhajajo iz varstva temeljnih pravic v pravnem redu Skupnosti, zavezujoče tudi za države članice pri njihovem izvajanju pravil Skupnosti...« (sodba z dne 13. aprila 2000, zadeva C-292/97, [2000] PSES 2737, odstavek 37 obrazložitve). Seveda se to pravilo, utemeljeno v tej listini, uporablja za centralne organe in regionalne ali lokalne organe ter za javne organizacije pri njihovem izvajanju prava Unije. Seveda se to pravilo, utemeljeno v tej listini, uporablja za centralne organe in regionalne ali lokalne organe ter za javne organizacije pri njihovem izvajanju prava Unije.

[1] II-110. člen Ustave.
[2] Prvi odstavek II-112. člena Ustave.
[3] II-111. člen Ustave.
[4] II-111. člen Ustave.

TITLE VII

GENERAL PROVISIONS GOVERNING THE INTERPRETATION AND APPLICATION OF THE CHARTER

ARTICLE 51[3]

Field of application

1. The provisions of this Charter are addressed to the institutions, bodies, offices and agencies of the Union with due regard for the principle of subsidiarity and to the Member States only when they are implementing Union law. They shall therefore respect the rights, observe the principles and promote the application thereof in accordance with their respective powers and respecting the limits of the powers of the Union as conferred on it in the other Parts of the Constitution.

2. This Charter does not extend the field of application of Union law beyond the powers of the Union or establish any new power or task for the Union, or modify powers and tasks defined in the other Parts of the Constitution.

Explanation

The aim of Article 51[3] is to determine the scope of the Charter. It seeks to establish clearly that the Charter applies primarily to the institutions and bodies of the Union, in compliance with the principle of subsidiarity. This provision was drafted in keeping with Article 6(2) of the Treaty on European Union, which required the Union to respect fundamental rights, and with the mandate issued by Cologne European Council. The term "institutions" is enshrined in Part I of the Constitution. The expression "bodies, offices and agencies" is commonly used in the Constitution to refer to all the authorities set up by the Constitution or by secondary legislation (see, e.g., Articles I-50 or I-51 of the Constitution).

As regards the Member States, it follows unambiguously from the case law of the Court of Justice that the requirement to respect fundamental rights defined in a Union context is only binding on the Member States when they act in the scope of Union law (judgment of 13 July 1989, Case 5/88 Wachauf [1989] ECR 2609; judgment of 18 June 1991, ERT [1991] ECR I-2925); judgment of 18 December 1997 (C-309/96 Annibaldi [1997] ECR I-7493). The Court of Justice confirmed this case law in the following terms: "In addition, it should be remembered that the requirements flowing from the protection of fundamental rights in the Community legal order are also binding on Member States when they implement Community rules..." (judgment of 13 April 2000, Case C-292/97, [2000] ECR 2737, paragraph 37 of the grounds). Of course this rule, as enshrined in this Charter, applies to the central authorities as well as to regional or local bodies, and to public organisations, when they are implementing Union law.

[1] Article II-110 of the Constitution.
[2] Article II-112(1) of the Constitution.
[3] Article II-111 of the Constitution.

Drugi odstavek skupaj z drugim stavkom prvega odstavka potrjuje, da Listina ne more povzročiti širitve pristojnosti in nalog, ki so z drugimi deli Ustave dodeljene Uniji. Gre za to, da se izrecno navedejo logične posledice, nastale zaradi načela subsidiarnosti in zaradi dejstva, da ima Unija samo tiste pristojnosti, ki so ji bile dodeljene. Temeljne pravice, zagotovljene v Uniji, nimajo nikakršnih posledic, razen v okviru pristojnosti, določenih v I. in III. delu Ustave. Zato obveznost institucij Unije, da v skladu z drugim stavkom prvega odstavka spodbujajo načela, podana v Listini, lahko obstaja le v mejah teh pristojnosti.

Drugi odstavek tudi potrjuje, da Listina ne more povzročiti širitve področja uporabe prava Unije preko njenih pristojnosti, določenih v drugih delih Ustave. Sodišče je že opredelilo to pravilo v zvezi s temeljnimi pravicami, ki štejejo kot del prava Unije (sodba z dne 17. februarja 1998, C-249/96 Grant, 1998 PSES I-621, odstavek 45 obrazložitve). V skladu s tem pravilom je samoumevno, da vključitev Listine v Ustavo ne more sama po sebi pomeniti širitve obsega ukrepov držav članic, ki štejejo kot »izvajanje prava Unije« (v smislu prvega odstavka in zgoraj navedene sodne prakse).

ČLEN 52[1]

Področje uporabe in razlaga pravic in načel

1. Kakršno koli omejevanje uresničevanja pravic in svoboščin, ki jih priznava ta listina, mora biti predpisano z zakonom in spoštovati bistveno vsebino teh pravic in svoboščin. Ob upoštevanju načela sorazmernosti so omejitve dovoljene samo, če so potrebne in če dejansko izpolnjujejo cilje v splošnem interesu, ki jih priznava Unija, ali če so potrebne zaradi zaščite pravic in svoboščin drugih.

2. Pravice, ki jih priznava ta listina in ki urejajo določbe drugih delov Ustave, se uresničujejo v skladu s pogoji in v mejah, opredeljenih v teh delih.

3. Kolikor ta listina vsebuje pravice, ki ustrezajo pravicam, zagotovljenim z Evropsko konvencijo o varstvu človekovih pravic in temeljnih svoboščin, sta vsebina in obseg teh pravic enaka kot vsebina in obseg pravic, ki ju določa navedena konvencija. Ta določba ne preprečuje širšega varstva po pravu Unije.

4. Kolikor so v tej listini priznane temeljne pravice, kot izhajajo iz skupnih ustavnih tradicij držav članic, je treba te pravice razlagati skladno s temi tradicijami.

5. Določbe te listine, v katerih so določena načela, se lahko izvajajo z akti institucij, organov, uradov in agencij Unije ter akti držav članic za izvajanje prava Unije v skladu z njihovimi pristojnostmi. Nanje se sme pred sodišči sklicevati samo pri razlagi teh aktov in pri odločanju o njihovi zakonitosti.

6. Nacionalne zakonodaje in običaji se morajo v celoti upoštevati v skladu s to listino.

7. Sodišča Unije in držav članic ustrezno upoštevajo pojasnila, pripravljena kot vodilo za razlago Listine o temeljnih pravicah.

[1] II-112. člen Ustave.

Paragraph 2, together with the second sentence of paragraph 1, confirms that the Charter may not have the effect of extending the competences and tasks which the other Parts of the Constitution confer on the Union. Explicit mention is made here of the logical consequences of the principle of subsidiarity and of the fact that the Union only has those powers which have been conferred upon it. The fundamental rights as guaranteed in the Union do not have any effect other than in the context of the powers determined by Parts I and III of the Constitution. Consequently, an obligation, pursuant to the second sentence of paragraph 1, for the Union's institutions to promote principles laid down in the Charter, may arise only within the limits of these same powers.

Paragraph 2 also confirms that the Charter may not have the effect of extending the field of application of Union law beyond the powers of the Union as established in the other Parts of the Constitution. The Court of Justice has already established this rule with respect to the fundamental rights recognised as part of Union law (judgment of 17 February 1998, C-249/96 Grant, 1998 ECR I-621, paragraph 45 of the grounds). In accordance with this rule, it goes without saying that the incorporation of the Charter into the Constitution cannot be understood as extending by itself the range of Member State action considered to be "implementation of Union law" (within the meaning of paragraph 1 and the above-mentioned case law).

ARTICLE 52[1]

Scope and interpretation of rights and principles

1. Any limitation on the exercise of the rights and freedoms recognised by this Charter must be provided for by law and respect the essence of those rights and freedoms. Subject to the principle of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others.

2. Rights recognised by this Charter for which provision is made in other Parts of the Constitution shall be exercised under the conditions and within the limits defined by these relevant Parts.

3. Insofar as this Charter contains rights which correspond to rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, the meaning and scope of those rights shall be the same as those laid down by the said Convention. This provision shall not prevent Union law providing more extensive protection.

4. Insofar as this Charter recognises fundamental rights as they result from the constitutional traditions common to the Member States, those rights shall be interpreted in harmony with those traditions.

5. The provisions of this Charter which contain principles may be implemented by legislative and executive acts taken by institutions, bodies, offices and agencies of the Union, and by acts of Member States when they are implementing Union law, in the exercise of their respective powers. They shall be judicially cognisable only in the interpretation of such acts and in the ruling on their legality.

6. Full account shall be taken of national laws and practices as specified in this Charter.

7. The explanations drawn up as a way of providing guidance in the interpretation of the Charter of Fundamental Rights shall be given due regard by the courts of the Union and of the Member States.

[1] Article II-112 of the Constitution.

Pojasnilo

Namen člena 52[1] je opredeliti obseg pravic in načel Listine ter določiti pravila za njihovo razlago. Prvi odstavek obravnava podrobnosti glede omejevanja pravic. Besedilo temelji na sodni praksi Sodišča: »...skladno z ustaljeno sodno prakso Sodišča je mogoče uvesti omejitve pri uresničevanju temeljnih pravic, zlasti v okviru skupne ureditve trga, pod pogojem, da navedene omejitve dejansko ustrezajo ciljem splošnega interesa, za katere se zavzema Skupnost, in da ne povzročajo glede na želeni cilj čezmernega in neutemeljenega motenja, ki bi ogrožalo samo bistvo navedenih pravic« (sodba z dne 13. aprila 2000, zadeva C-292/97, odstavek 45 obrazložitve). Sklicevanje na splošne interese, ki jih priznava Unija, zajema cilje iz I-2 člena in druge interese, ki so zaščiteni s posebnimi določbami Ustave, na primer prvim odstavkom I-5. člena, tretjim odstavkom III-133. člena in III-154. ter III-436. členom.

Drugi odstavek se nanaša na pravice, ki jih že izrecno zagotavlja Pogodba o ustanovitvi Evropske skupnosti in priznava Listina in se sedaj nahajajo v drugih delih Ustave (predvsem pravice, ki izhajajo iz državljanstva Unije). Pojasnjuje, da za takšne pravice še nadalje veljajo pogoji in omejitve, ki se uporabljajo za pravo Unije, na katerem te pravice temeljijo, in ki so sedaj predvideni v I. in III. delu Ustave. Listina ne spreminja sistema pravic, ki so bile dodeljene s Pogodbo ES in so sedaj povzete v I. in III. delu Ustave.

Namen tretjega odstavka je zagotoviti potrebno usklajenost med Listino in EKČP z vzpostavitvijo pravila, da sta vsebina in obseg navedenih pravic, vključno z dovoljenimi omejitvami, enaka kot vsebina in pomen pravic, ki ju določa EKČP, kolikor pravice v tej listini ustrezajo tudi pravicam, zagotovljenim z EKČP. To zlasti pomeni, da mora zakonodajalec pri določanju omejitev navedenih pravic upoštevati enaka merila, določena s podrobno ureditvijo o omejitvah, podano v EKČP, ki tako postanejo veljavna za pravice, zajete v tem odstavku, ne da bi to škodilo avtonomiji prava Unije in Sodišča Evropske unije.

Sklicevanje na EKČP zajema Konvencijo in njene protokole. Vsebina in obseg zagotovljenih pravic nista določena le z besedilom navedenih aktov, temveč tudi s sodno prakso Evropskega sodišča za človekove pravice in Sodišča Evropske unije. Namen zadnjega stavka v odstavku je Uniji omogočiti, da zagotavlja širše varstvo. V vsakem primeru raven varstva, ki jo nudi Listina, ne sme biti nižja od ravni, ki jo zagotavlja EKČP.

Listina ne vpliva na možnost držav članic, da uporabijo 15. člen EKČP, ki dovoljuje razveljavitve pravic EKČP v primeru vojne ali ob drugi splošni nevarnosti, ki ogroža življenje naroda, če sprejmejo ukrepe na področju nacionalne obrambe v primeru vojne ali na področju vzdrževanja javnega reda in miru v skladu z njihovimi obveznostmi iz prvega odstavka I-5. člena, in III-131. ter III-262. člena Ustave.

Seznam pravic, za katere bi lahko v sedanji fazi in brez izključitve razvoja na področju prava, zakonodaje in pogodb, veljalo, da ustrezajo pravicam v EKČP v smislu tega odstavka, je podan v nadaljevanju. Ne vključuje pravic, ki so dodane pravicam v EKČP.

[1] II-112. člen Ustave.

Explanation

The purpose of Article 52[1] is to set the scope of the rights and principles of the Charter, and to lay down rules for their interpretation. Paragraph 1 deals with the arrangements for the limitation of rights. The wording is based on the case law of the Court of Justice: "... it is well established in the case law of the Court that restrictions may be imposed on the exercise of fundamental rights, in particular in the context of a common organisation of the market, provided that those restrictions in fact correspond to objectives of general interest pursued by the Community and do not constitute, with regard to the aim pursued, disproportionate and unreasonable interference undermining the very substance of those rights" (judgment of 13 April 2000, Case C-292/97, paragraph 45 of the grounds). The reference to general interests recognised by the Union covers both the objectives mentioned in Article I-2 of the Constitution and other interests protected by specific provisions of the Constitution such as Articles I-5(1), III-133(3), III-154 and III-436.

Paragraph 2 refers to rights which were already expressly guaranteed in the Treaty establishing the European Community and have been recognised in the Charter, and which are now found in other Parts of the Constitution (notably the rights derived from Union citizenship). It clarifies that such rights remain subject to the conditions and limits applicable to the Union law on which they are based, and for which provision is now made in Parts I and III of the Constitution. The Charter does not alter the system of rights conferred by the EC Treaty and now taken over by Parts I and III of the Constitution.

Paragraph 3 is intended to ensure the necessary consistency between the Charter and the ECHR by establishing the rule that, insofar as the rights in the present Charter also correspond to rights guaranteed by the ECHR, the meaning and scope of those rights, including authorised limitations, are the same as those laid down by the ECHR. This means in particular that the legislator, in laying down limitations to those rights, must comply with the same standards as are fixed by the detailed limitation arrangements laid down in the ECHR, which are thus made applicable for the rights covered by this paragraph, without thereby adversely affecting the autonomy of Union law and of that of the Court of Justice of the European Union.

The reference to the ECHR covers both the Convention and the Protocols to it. The meaning and the scope of the guaranteed rights are determined not only by the text of those instruments, but also by the case law of the European Court of Human Rights and by the Court of Justice of the European Union. The last sentence of the paragraph is designed to allow the Union to guarantee more extensive protection. In any event, the level of protection afforded by the Charter may never be lower than that guaranteed by the ECHR.

The Charter does not affect the possibilities of Member States to avail themselves of Article 15 ECHR, allowing derogations from ECHR rights in the event of war or of other public dangers threatening the life of the nation, when they take action in the areas of national defence in the event of war and of the maintenance of law and order, in accordance with their responsibilities recognised in Articles I-5 (1), III-131, III-262 of the Constitution.

The list of rights which may at the present stage, without precluding developments in the law, legislation and the Treaties, be regarded as corresponding to rights in the ECHR within the meaning of the present paragraph is given hereafter. It does not include rights additional to those in the ECHR.

[1] Article II-112 of the Constitution.

1. Členi, katerih pomen in področje uporabe sta enaka kot pomen in področje uporabe ustreznih členov EKČP:

– člen 2[1] ustreza 2. členu EKČP;
– člen 4[2] ustreza 3. členu EKČP;
– prvi in drugi odstavek člena 5[3] ustrezata 4. členu EKČP;
– člen 6[4] ustreza 5. členu EKČP;
– člen 7[5]ustreza 8. členu EKČP;
– prvi odstavek člena 10[6] ustreza 9. členu EKČP;
– člen 11[7] ustreza 10. členu EKČP ne glede na omejitve, ki jih pravo Unije lahko naloži državam članicam glede pravice do uvedbe dogovora o izdaji dovoljenj iz tretjega stavka prvega odstavka 10. člena EKČP;

– člen 17[8] ustreza 1. členu Protokola k EKČP;

– prvi odstavek člena 19[9] ustreza 4. členu Protokola št. 4;
– drugi odstavek člena 19[10] ustreza 3. členu EKČP, kakor ga razlaga Evropsko sodišče za človekove pravice;
– člen 48[11] ustreza drugemu in tretjemu odstavku 6. člena EKČP;
– prvi odstavek (razen zadnjega stavka) in drugi odstavek člena 49[12] ustrezata 7. členu EKČP.

2. Členi, katerih pomen je sicer enak kot pomen ustreznih členov EKČP, njihovo področje uporabe pa širše:

– člen 9[13] zajema enako področje kot 12. člen EKČP, vendar pa se njegovo področje uporabe lahko razširi na druge vrste poroke, če slednje predvideva nacionalna zakonodaja;
– prvi odstavek člena 12[14] ustreza 11. členu EKČP, vendar se njegovo področje uporabe razširi na raven Unije;
– prvi odstavek člena 14[15] ustreza 2. členu Protokola k EKČP, vendar se njegovo področje uporabe razširi, tako da zajema dostop do poklicnega in nadaljnjega usposabljanja;
– tretji odstavek člena 14[16] ustreza 2. členu Protokola k EKČP, kar zadeva pravice staršev;
– drugi in tretji odstavek člena 47[17] ustrezata prvemu odstavku 6. člena EKČP, vendar omejitev na odločanje o civilnih pravicah in obveznostih ali o kazenskih obtožbah ne velja, kar zadeva pravo Unije in njegovo izvajanje;
– člen 50[18] ustreza 4. členu Protokola št. 7 k EKČP, vendar se njegovo področje uporabe razširi na raven Evropske unije med sodišča držav članic;
– končno se državljane Evropske unije ne sme obravnavati kot tujce v okviru področja uporabe prava Unije, in sicer zaradi prepovedi vsakršne diskriminacije glede na državljanstvo. Zanje se omejitve, predvidene s 16. členom EKČP v zvezi s pravicami tujcev, v tem okviru ne uporabljajo.

[1] II-62. člen Ustave.
[2] II-64. člen Ustave.
[3] II-65. člen Ustave.
[4] II-66. člen Ustave.
[5] II-67. člen Ustave.
[6] II-70. člen Ustave.
[7] II-71. člen Ustave.
[8] II-77. člen Ustave.
[9] II-79. člen Ustave.
[10] II-79. člen Ustave.
[11] II-108. člen Ustave.
[12] II-109. člen Ustave.
[13] II-69. člen Ustave.
[14] II-72. člen Ustave.
[15] II-74. člen Ustave.
[16] II-74. člen Ustave.
[17] II-107. člen Ustave.
[18] II-110. člen Ustave.

1. Articles of the Charter where both the meaning and the scope are the same as the corresponding Articles of the ECHR:
– Article 2[1] corresponds to Article 2 of the ECHR
– Article 4[2] corresponds to Article 3 of the ECHR
– Article 5(1) and (2)[3] correspond to Article 4 of the ECHR
– Article 6[4] corresponds to Article 5 of the ECHR
– Article 7[5] corresponds to Article 8 of the ECHR
– Article 10(1)[6] corresponds to Article 9 of the ECHR
– Article 11[7] corresponds to Article 10 of the ECHR without prejudice to any restrictions which Union law may impose on Member States' right to introduce the licensing arrangements referred to in the third sentence of Article 10(1) of the ECHR
– Article 17[8] corresponds to Article 1 of the Protocol to the ECHR
– Article 19(1)[9] corresponds to Article 4 of Protocol No 4
– Article 19(2)[9] corresponds to Article 3 of the ECHR as interpreted by the European Court of Human Rights
– Article 48[10] corresponds to Article 6(2) and(3) of the ECHR
– Article 49(1) (with the exception of the last sentence) and (2)[11] correspond to Article 7 of the ECHR

2. Articles where the meaning is the same as the corresponding Articles of the ECHR, but where the scope is wider:
– Article 9[12] covers the same field as Article 12 of the ECHR, but its scope may be extended to other forms of marriage if these are established by national legislation

– Article 12(1)[13] corresponds to Article 11 of the ECHR, but its scope is extended to European Union level
– Article 14(1)[14] corresponds to Article 2 of the Protocol to the ECHR, but its scope is extended to cover access to vocational and continuing training
– Article 14(3)[14] corresponds to Article 2 of the Protocol to the ECHR as regards the rights of parents
– Article 47(2) and (3)[15] correspond to Article 6(1) of the ECHR, but the limitation to the determination of civil rights and obligations or criminal charges does not apply as regards Union law and its implementation
– Article 50[16] corresponds to Article 4 of Protocol No 7 to the ECHR, but its scope is extended to European Union level between the Courts of the Member States.
– Finally, citizens of the European Union may not be considered as aliens in the scope of the application of Union law, because of the prohibition of any discrimination on grounds of nationality. The limitations provided for by Article 16 of the ECHR as regards the rights of aliens therefore do not apply to them in this context.

[1] Article II-62 of the Constitution.
[2] Article II-64 of the Constitution.
[3] Article II-65 of the Constitution.
[4] Article II-66 of the Constitution.
[5] Article II-67 of the Constitution.
[6] Article II-70 of the Constitution.
[7] Article II-71 of the Constitution.
[8] Article II-77 of the Constitution.
[9] Article II-79 of the Constitution.
[10] Article II-108 of the Constitution.
[11] Article II-109 of the Constitution.
[12] Article II-69 of the Constitution.
[13] Article II-72 of the Constitution.
[14] Article II-74 of the Constitution.
[15] Article II-107 of the Constitution.
[16] Article II-110 of the Constitution.

Pravilo o razlagi, vsebovano v četrtem odstavku, temelji na besedilu člena 6(2) Pogodbe o Evropski uniji (prim. sedaj besedilo tretjega odstavka I-9. člena Ustave) in ustrezno upošteva pristop do skupnih ustavnih tradicij, ki mu sledi Sodišče (npr. sodba z dne 13. decembra 1979, zadeva 44/79 Hauer [1979] PSES 3727; sodba z dne 18. maja 1982, zadeva 155/79, AM&S, [1982] PSES 1575). Po tem pravilu je treba zadevne pravice iz Listine namesto s strogim pristopom »najnižjega skupnega imenovalca« razlagati na način, ki nudi visoko raven varstva, ustrezno pravu Unije in skladno s skupnimi ustavnimi tradicijami.

Peti odstavek pojasnjuje razlikovanje v okviru Listine med »pravicami« in »načeli«. V skladu s tem razlikovanjem je pravice posameznikov treba spoštovati, medtem ko je načela treba upoštevati (prvi odstavek člena 51[1]). Načela se lahko izvajajo z zakonodajnimi ali izvršilnimi akti (sprejetimi s strani Unije v skladu z njenimi pristojnostmi in s strani držav članic samo pri njihovem izvajanju prava Unije); za sodišča postanejo torej pomembna šele ob razlagi ali reviziji teh aktov. Vendar niso razlog za neposredne zahteve po pozitivnem ukrepanju institucij Unije ali organov držav članic. To je v skladu s sodno prakso Sodišča (prim. zlasti sodno prakso v zvezi s »previdnostnim načelom« iz člena 174(2) PES (se nadomesti s III-233. členom Ustave), sodbo Sodišča prve stopnje z dne 11. septembra 2002, T-13/99, Pfizer proti Svetu, s številnimi sklicevanji na prejšnjo sodno prakso, in vrsto sodb v zvezi s členom 33 Pogodbe o ES glede načel kmetijskega prava, npr. sodba Sodišča C-265/85, Van den Berg, 1987 PSES 1155: ocena načela stabilizacije trga in legitimnih pričakovanj) in s pristopom v ustavnih sistemih držav članic do »načel«, zlasti na področju socialnega prava. Za ponazoritev, primeri, da se v Listini priznavajo načela, so členi 25, 26 in 37[2]. V nekaterih primerih lahko člen Listine vsebuje značilnosti pravic in načel,kot npr. členi 23, 33 in 34[3].

Šesti odstavek se nanaša na razne člene v Listini, ki se v duhu subsidiarnosti sklicujejo na nacionalne predpise in običaje.

ČLEN 53[4]

Raven varstva

Nobena določba te listine se ne sme razlagati kot omejevanje ali zoževanje človekovih pravic in temeljnih svoboščin, ki jih priznavajo pravo Unije, mednarodno pravo in mednarodni sporazumi, katerih pogodbenice so Unija ali vse države članice, predvsem Evropska konvencija o varstvu človekovih pravic in temeljnih svoboščin ter ustave držav članic.

Pojasnilo

Namen te določbe je ohraniti raven varstva, ki jo na svojih področjih uporabe trenutno nudijo pravo Unije, nacionalno pravo in mednarodno pravo. EKČP se omenja zaradi njenega pomena.

ČLEN 54[5]

Prepoved zlorabe pravic

Nobene določbe te listine se ne sme razlagati, kot da podeljuje pravico opravljanja kakršne koli dejavnosti ali storitve kakršnega koli dejanja, katerega cilj bi bil odpraviti pravice in svoboščine, priznane v tej listini, ali jih omejiti bolj, kakor je predvideno v tej listini.

[1] II-111. člen Ustave.
[2] II-85., II-86. in II-97. člen Ustave.
[3] II-83., II-93. in II-94. člen Ustave.
[4] II-113. člen Ustave.
[5] II-114. člen Ustave.

The rule of interpretation contained in paragraph 4 has been based on the wording of Article 6(2) of the Treaty on European Union (cf. now the wording of Article I-9(3) of the Constitution) and takes due account of the approach to common constitutional traditions followed by the Court of Justice (e.g., judgment of 13 December 1979, Case 44/79 Hauer [1979] ECR 3727; judgment of 18 May 1982, Case 155/79, AM&S, [1982] ECR 1575). Under that rule, rather than following a rigid approach of "a lowest common denominator", the Charter rights concerned should be interpreted in a way offering a high standard of protection which is adequate for the law of the Union and in harmony with the common constitutional traditions.

Paragraph 5 clarifies the distinction between "rights" and "principles" set out in the Charter. According to that distinction, subjective rights shall be respected, whereas principles shall be observed (Article 51 (1))[1]. Principles may be implemented through legislative or executive acts (adopted by the Union in accordance with its powers, and by the Member States only when they implement Union law); accordingly, they become significant for the Courts only when such acts are interpreted or reviewed. They do not however give rise to direct claims for positive action by the Union's institutions or Member States authorities. This is consistent both with case law of the Court of Justice (Cf. notably case law on the "precautionary principle" in Article 174 (2) TEC (replaced by Article III-233 of the Constitution): judgment of the CFI of 11 September 2002, T-13/99, Pfizer vs. Council, with numerous references to earlier case law; and a series of judgments on Article 33 (ex-39) on the principles of agricultural law, e.g. judgment of the Court of Justice C-265/85, Van den Berg, 1987 ECR 1155: scrutiny of the principle of market stabilisation and of reasonable expectations) and with the approach of the Member States' constitutional systems to "principles" particularly in the field of social law. For illustration, examples for principles recognised in the Charter include e.g. Articles 25, 26 and 37[2]. In some cases, an Article of the Charter may contain both elements of a right and of a principle, e.g. Articles 23, 33 and 34[3].

Paragraph 6 refers to the various Articles in the Charter which, in the spirit of subsidiarity, make reference to national laws and practices.

ARTICLE 53[4]

Level of protection

Nothing in this Charter shall be interpreted as restricting or adversely affecting human rights and fundamental freedoms as recognised, in their respective fields of application, by Union law and international law and by international agreements to which the Union or all the Member States are party, including the European Convention for the Protection of Human Rights and Fundamental Freedoms, and by the Member States' constitutions.

Explanation

This provision is intended to maintain the level of protection currently afforded within their respective scope by Union law, national law and international law. Owing to its importance, mention is made of the ECHR.

ARTICLE 54[5]

Prohibition of abuse of rights

Nothing in this Charter shall be interpreted as implying any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms recognised in this Charter or at their limitation to a greater extent than is provided for herein.

[1] Article II-111 of the Constitution.
[2] Articles II-85, II-86 and II-97 of the Constitution.
[3] Articles II-83, II-93 and II-94 of the Constitution.
[4] Article II-113 of the Constitution.
[5] Article II-114 of the Constitution.

Pojasnilo

Ta člen ustreza 17. členu EKČP:

»Nobene določbe v tej Konvenciji ni mogoče razlagati tako, kot da vsebuje za katerokoli državo, skupino ali posameznika pravico do kakršenkoli dejavnosti ali dejanja, ki je usmerjeno h kršenju katerihkoli pravic ali svoboščin, ki so tu določene, ali k njihovemu omejevanju v večjem obsegu, kot je določeno v tej Konvenciji.«

Explanation

This Article corresponds to Article 17 of the ECHR:

"Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention."

---

13. Izjava o III-116. členu

Konferenca se strinja, da se Unija v svojih splošnih prizadevanjih za odpravo neenakosti med ženskami in moškimi v okviru svojih različnih politik trudi boriti proti vsem oblikam nasilja v družini. Države članice morajo sprejeti vse potrebne ukrepe za preprečevanje in kaznovanje teh kaznivih dejanj ter za podporo in zaščito žrtev.

13. Declaration on Article III-116

The Conference agrees that, in its general efforts to eliminate inequalities between women and men, the Union will aim in its different policies to combat all kinds of domestic violence. The Member States should take all necessary measures to prevent and punish these criminal acts and to support and protect the victims.

14. Izjava o III-136. in III-267. členu

Kadar Konferenca meni, da bi osnutek evropskega zakona ali okvirnega zakona na podlagi drugega odstavka III-267. člena Ustave vplival na temeljne vidike sistema socialne varnosti države članice, vključno z njegovim področjem uporabe, stroški ali finančno strukturo, ali bi vplival na finančno uravnoteženost tega sistema, kot je določeno v drugem odstavku III-136. člena Ustave, se morajo interesi te države članice ustrezno upoštevati.

14. Declaration on Articles III-136 and III-267

The Conference considers that in the event that a draft European law or framework law based on Article III-267(2) would affect fundamental aspects of the social security system of a Member State, including its scope, cost or financial structure, or would affect the financial balance of that system as set out in Article III-136(2), the interests of that Member State will be duly taken into account.

15. Izjava o III-160. in III-322. členu

Konferenca opozarja, da spoštovanje temeljnih pravic in svoboščin pomeni predvsem posvečanje primerne pozornosti zaščiti in izvajanju procesnih pravic zadevnih posameznikov ali subjektov do predpisanega. Za ta namen in da se zagotovi temeljit pravni pregled odločitev, zaradi katerih so posamezniki ali subjekti izpostavljeni omejevalnim ukrepom, morajo take odločitve biti osnovane na jasnih in razločnih kriterijih. Te kriteriji se morajo prilagoditi posebnim pogojem vsakega omejevalnega ukrepa posebej.

15. Declaration on Articles III-160 and III-322

The Conference recalls that the respect for fundamental rights and freedoms implies, in particular, that proper attention is given to the protection and observance of the due process rights of the individuals or entities concerned. For this purpose and in order to guarantee a thorough judicial review of European decisions subjecting an individual or entity to restrictive measures, such decisions must be based on clear and distinct criteria. These criteria should be tailored to the specifics of each restrictive measure.

16. Izjava o točki c) drugega odstavka III-167. člena

Konferenca ugotavlja, da se določbe točke c) drugega odstavka III-167. člena Ustave razlagajo v skladu z obstoječo sodno prakso Sodišča Evropskih skupnosti in Sodišča prve stopnje glede uporabe določb o pomoči, dodeljeni nekaterim območjem Zvezne republike Nemčije, ki jih je prizadela delitev Nemčije.

16. Declaration on Article III-167(2)(c)

The Conference notes that Article III-167(2)(c) shall be interpreted in accordance with the existing case law of the Court of Justice of the European Communities and of the Court of First Instance regarding the applicability of the provisions to aid granted to certain areas of the Federal Republic of Germany affected by the former division of Germany.

17. Izjava o III-184. členu

Konferenca v zvezi s III-184. členom Ustave potrjuje, da sta dvig potenciala rasti in zagotavljanje zdravega proračunskega stanja dva stebra, na katerih temelji gospodarska in proračunska politika Unije in držav članic. Pakt stabilnosti in rasti je pomemben instrument za dosego teh ciljev.

Konferenca ponovno potrjuje svojo zavezanost določbam Pakta stabilnosti in rasti kot okviru za usklajevanje proračunskih politik v državah članicah Evropske unije.

Konferenca potrjuje, da je sistem, ki temelji na pravilih, najboljše zagotovilo za izpolnjevanje obveznosti in enakovredno obravnavanje vseh držav članic.

V tem okviru Konferenca nadalje ponovno potrjuje svojo zavezanost ciljem Lizbonske strategije: ustvarjanje novih delovnih mest, strukturne reforme in socialne povezanosti.

Cilj Unije je doseči uravnoteženo gospodarsko rast in stabilnost cen. Gospodarske in proračunske politike morajo zato določiti ustrezne prednostne naloge glede gospodarskih reform, inovacij, konkurenčne sposobnosti ter krepitve zasebnih naložb in potrošnje v času šibke gospodarske rasti. To bi se moralo odraziti v usmeritvah proračunskih odločitev na nacionalni ravni in ravni Unije, zlasti s prestrukturiranjem javnofinančnih prihodkov in odhodkov, pri čemer se ohrani proračunska disciplina v skladu z Ustavo ter Paktom stabilnosti in rasti.

Proračunski in gospodarski izzivi, s katerimi se soočajo države članice, poudarjajo pomen zdrave proračunske politike v celotnem gospodarskem ciklu.

Konferenca se strinja, da države članice uporabljajo obdobja gospodarske oživitve dejavno, da bi utrdile javne finance in izboljšale svoj proračunski položaj. Cilj tega je postopoma doseči proračunski presežek v obdobju gospodarskega vzpona, ki ustvarja potreben manevrski prostor za soočanje z gospodarsko recesijo, in tako prispevati k dolgoročni uravnoteženosti javnih financ.

Države članice z zanimanjem pričakujejo morebitne predloge Komisije in nadaljnje prispevke držav članic v zvezi s krepitvijo in pojasnitvijo izvajanja Pakta stabilnosti in rasti. Države članice bodo sprejele vse potrebne ukrepe za dvig potenciala rasti svojega gospodarstva. Izboljšano usklajevanje gospodarske politike bi lahko prispevalo k uresničevanju tega cilja. Ta izjava ne vpliva na prihodnjo razpravo o Paktu stabilnosti in rasti.

17. Declaration on Article III-184

With regard to Article III-184, the Conference confirms that raising growth potential and securing sound budgetary positions are the two pillars of the economic and fiscal policy of the Union and the Member States. The Stability and Growth Pact is an important tool to achieve these goals.

The Conference reaffirms its commitment to the provisions concerning the Stability and Growth Pact as the framework for the coordination of budgetary policies in the Member States.

The Conference confirms that a rule-based system is the best guarantee for commitments to be enforced and for all Member States to be treated equally.

Within this framework, the Conference also reaffirms its commitment to the goals of the Lisbon Strategy: job creation, structural reforms, and social cohesion.

The Union aims at achieving balanced economic growth and price stability. Economic and budgetary policies thus need to set the right priorities towards economic reforms, innovation, competitiveness and strengthening of private investment and consumption in phases of weak economic growth. This should be reflected in the orientations of budgetary decisions at the national and Union level in particular through restructuring of public revenue and expenditure while respecting budgetary discipline in accordance with the Constitution and the Stability and Growth Pact.

Budgetary and economic challenges facing the Member States underline the importance of sound budgetary policy throughout the economic cycle.

The Conference agrees that Member States should use periods of economic recovery actively to consolidate public finances and improve their budgetary positions. The objective is to gradually achieve a budgetary surplus in good times which creates the necessary room to accommodate economic downturns and thus contribute to the long-term sustainability of public finances.

The Member States look forward to possible proposals of the Commission as well as further contributions of Member States with regard to strengthening and clarifying the implementation of the Stability and Growth Pact. The Member States will take all necessary measures to raise the growth potential of their economies. Improved economic policy coordination could support this objective. This Declaration does not prejudge the future debate on the Stability and Growth Pact.

18. Izjava o III-213. členu

Konferenca potrjuje, da politike, opisane v III-213. členu Ustave, spadajo večinoma v pristojnost držav članic. Ukrepi za spodbujanje in pospeševanje usklajevanja, ki jih je treba sprejeti na ravni Unije v skladu s tem členom, so dopolnilne narave. Njihov glavni namen je krepiti sodelovanje med državami članicami in ne usklajevanje nacionalnih sistemov. To ne bo vplivalo na jamstva in prakse, ki obstajajo v vsaki državi članici glede odgovornosti socialnih partnerjev.

Ta izjava ne vpliva na določbe Ustave, ki prenašajo pristojnost na Unijo, vključno na področju socialnih zadev.

18. Declaration on Article III-213

The Conference confirms that the policies described in Article III-213 fall essentially within the competence of the Member States. Measures to provide encouragement and promote coordination to be taken at Union level in accordance with this Article shall be of a complementary nature. They shall serve to strengthen cooperation between Member States and not to harmonise national systems. The guarantees and practices existing in each Member State as regards the responsibility of the social partners will not be affected.

This Declaration is without prejudice to the provisions of the Constitution conferring competence on the Union, including in social matters.

19. Izjava o III-220. členu

Konferenca meni, da lahko sklicevanje na otoška območja iz III-220. člena Ustave vključuje tudi otoške države v celoti, če izpolnjujejo vse potrebne pogoje.

19. Declaration on Article III-220

The Conference considers that the reference in Article III-220 to island regions can include island States in their entirety, subject to the necessary criteria being met.

20. Izjava o III-243. členu

Konferenca ugotavlja, da se določbe III-243. člena Ustave uporabljajo v skladu z obstoječo prakso. Izraz »ukrepi potrebni za nadomestilo gospodarske škode, ki jo delitev Nemčije povzročila v gospodarstvu nekaterih območij Zvezne republike, prizadetih zaradi te delitve« se razlaga v skladu z obstoječo sodno prakso Sodišča Evropskih skupnosti in Sodišča prve stopnje..

20. Declaration on Article III-243

The Conference notes that the provisions of Article III-243 shall be applied in accordance with the current practice. The terms "such measures are required in order to compensate for the economic disadvantages caused by the division of Germany to the economy of certain areas of the Federal Republic affected by that division" shall be interpreted in accordance with the existing case law of the Court of Justice of the European Communities and of the Court of First Instance.

21. Izjava o III-248. členu

Konferenca se strinja, da bo delovanje Unije na področju raziskav in tehnološkega razvoja upoštevalo temeljne usmeritve in izbore raziskovalnih politik držav članic.

21. Declaration on Article III-248

The Conference agrees that the Union's action in the area of research and technological development will pay due respect to the fundamental orientations and choices of the research policies of the Member States.

22. Izjava o III-256. členu

Konferenca meni, da III-256. člen Ustave ne vpliva na pravico držav članic, da sprejmejo ukrepe, ki so potrebni za zagotovitev njihove oskrbe z energijo pod pogoji iz III-131. člena Ustave.

22. Declaration on Article III-256

The Conference believes that Article III-256 does not affect the right of the Member States to take the necessary measures to ensure their energy supply under the conditions provided for in Article III-131.

23. Izjava o drugem pododstavku prvega odstavka III-273. člena

Konferenca meni, da morajo evropski zakoni iz drugega pododstavka prvega odstavka III-273. člena Ustave upoštevati nacionalna pravila in običaje v zvezi z uvedbo kazenskih preiskav.

23. Declaration on Article III-273(1), second subparagraph

The Conference considers that the European laws referred to in the second subparagraph of Article III-273(1) should take into account national rules and practices relating to the initiation of criminal investigations.

24. Izjava o III-296. členu

Konferenca izjavlja, da morajo takoj po podpisu Pogodbe o Ustavi za Evropo generalni sekretar Sveta, visoki predstavnik za skupno zunanjo in varnostno politiko, Komisija in države članice začeti pripravljalno delo za ustanovitev Evropske službe za zunanjepolitično delovanje.

24. Declaration on Article III-296

The Conference declares that, as soon as the Treaty establishing a Constitution for Europe is signed, the Secretary-General of the Council, High Representative for the common foreign and security policy, the Commission and the Member States should begin preparatory work on the European External Action Service.

25. Izjava o III-325. členu o pogajanjih in sklepanju mednarodnih sporazumov držav članic v zvezi z območjem svobode, varnosti in pravice

Konferenca potrjuje, da se lahko države članice pogajajo in sklepajo sporazume s tretjimi državami in mednarodnimi organizacijami na področjih iz 3., 4. in 5. oddelka IV. poglavja III. naslova III. dela, kolikor so ti sporazumi v skladu s pravom Unije.

25. Declaration on Article III-325 concerning the negotiation and conclusion of international agreements by Member States relating to the area of freedom, security and justice

The Conference confirms that Member States may negotiate and conclude agreements with third countries or international organisations in the areas covered by Sections 3, 4 and 5 of Chapter IV of Title III of Part III of the Treaty establishing a Constitution for Europe insofar as such agreements comply with Union law.

26. Izjava o četrtem odstavku III-402. člena

Četrti odstavek III-402. člena Ustave predvideva, da če Svet ni sprejel evropskega zakona o novem finančnem okviru do izteka prejšnjega finančnega okvira, se zgornje meje in druge določbe, ki ustrezajo zadnjemu letu tega okvira, podaljšajo do sprejetja omenjenega zakona.

Konferenca izjavlja, da če Svet ni sprejel evropskega zakona o novem finančnem okviru do konca leta 2006 in kolikor Akt o pristopu z dne 16. aprila 2003 predvideva obdobje postopnega uvajanja za dodelitev odobrenih sredstev novim državam članicam, ki se zaključi v letu 2006, se dodelitev odobrenih sredstev z letom 2007 določi na podlagi takšnih meril, kakršna se uporabljajo za vse države članice.

26. Declaration on Article III-402(4)

Article III-402(4) of the Constitution provides that where no European law of the Council establishing a new financial framework has been adopted by the end of the previous financial framework, the ceilings and other provisions corresponding to the last year of that framework shall be extended until such time as that law is adopted.

The Conference states that if no European law of the Council establishing a new financial framework has been adopted by the end of 2006 and where the Treaty of Accession of 16 April 2003 provides for a phasing-in period for the allocation of appropriations to the new Member States ending in 2006, the allocation of funds as from 2007 will be established on the basis of the same criteria being applied for all Member States.

27. Izjava o III-419. členu

Konferenca izjavlja, da lahko države članice ob prošnji za vzpostavitev okrepljenega sodelovanja navedejo, ali nameravajo že v tej fazi uporabiti določbe iz III-422. člena Ustave, ki predvideva možnost glasovanja s kvalificirano večino oziroma uporabo rednega zakonodajnega postopka.

27. Declaration on Article III-419

The Conference declares that Member States may indicate, when they make a request to establish enhanced cooperation, if they intend already at that stage to make use of Article III-422 providing for the extension of qualified majority voting or to have recourse to the ordinary legislative procedure.

28. Izjava o sedmem odstavku IV-440. člena

Visoke pogodbenice se strinjajo, da Evropski svet, ob uporabi sedmega odstavka IV-440. člena Ustave, sprejme evropski sklep, ki spreminja status Mayotte v odnosu do Unije, tako da postane to ozemlje najbolj oddaljena regija v smislu drugega odstavka IV-440. člena in III-424. člena Ustave, če francoske oblasti Evropski svet in Komisijo obvestijo, da to dovoljuje trenutni razvoj notranjega statusa otoka.

28. Declaration on Article IV-440(7)

The High Contracting Parties agree that the European Council, pursuant to Article IV-440(7), will take a European decision leading to the modification of the status of Mayotte with regard to the Union in order to make this territory an outermost region within the meaning of Article IV-440(2) and Article III-424, when the French authorities notify the European Council and the Commission that the evolution currently underway in the internal status of the island so allows.

29. **Izjava o drugem odstavku IV-448. člena**

Konferenca meni, da možnost uradnega prevoda Pogodbe v jezikih iz drugega odstavka IV-448. člena Pogodbe, prispeva k izpolnjevanju cilja spoštovanja bogate kulturne in jezikovne raznolikosti Unije, kot je določeno v tretjem odstavku I-3. člena Ustave. V tej zvezi Konferenca potrjuje zavezanost Unije kulturni raznolikosti Evrope in posebno pozornost, ki jo bo še naprej namenjala tem in drugim jezikom.

Konferenca predlaga tistim državam članicam, ki želijo koristiti možnost iz drugega odstavka IV-448. člena Pogodbe, da v šestih mesecih po podpisu Pogodbe Svetu sporočijo jezik ali jezike, v katere bo prevedena ta pogodba.

29. **Declaration on Article IV-448(2)**

The Conference considers that the possibility of producing translations of the Treaty establishing a Constitution for Europe in the languages mentioned in Article IV-448(2) contributes to fulfilling the objective of respecting the Union's rich cultural and linguistic diversity as set forth in the fourth subparagraph of Article I-3(3) of that Treaty. In this context, the Conference confirms the attachment of the Union to the cultural diversity of Europe and the special attention it will continue to pay to these and other languages.

The Conference recommends that those Member States wishing to avail themselves of the possibility recognised in Article IV-448(2) communicate to the Council, within six months from the date of the signature of that Treaty, the language or languages into which translations of that Treaty will be made.

30. **Izjava o ratifikaciji Pogodbe o Ustavi za Evropo**

Konferenca ugotavlja, da če bo Pogodbo o Ustavi za Evropo dve leti po njenem podpisu ratificiralo štiri petine držav članic, ena ali več držav članic pa bodo imele težave v postopku ratifikacije, se bo zadevo predalo Evropskemu svetu.

30. **Declaration on the ratification of the Treaty establishing a Constitution for Europe**

The Conference notes that if, two years after the signature of the Treaty establishing a Constitution for Europe, four fifths of the Member States have ratified it and one or more Member States have encountered difficulties in proceeding with ratification, the matter will be referred to the European Council.

B. IZJAVE O PROTOKOLIH, PRILOŽENIH USTAVI

IZJAVE O PROTOKOLU O POGODBAH IN AKTIH O PRISTOPU KRALJEVINE DANSKE, IRSKE IN ZDRUŽENEGA KRALJESTVA VELIKE BRITANIJE IN SEVERNE IRSKE, HELENSKE REPUBLIKE, KRALJEVINE ŠPANIJE IN PORTUGALSKE REPUBLIKE TER REPUBLIKE AVSTRIJE, REPUBLIKE FINSKE IN KRALJEVINE ŠVEDSKE.

31. Izjava o Ålandskih otokih

Konferenca priznava, da je ureditev iz petega odstavka IV-440. člena Pogodbe, ki se uporablja za Ålandske otoke, vzpostavljena ob upoštevanju posebnega statusa, ki ga ti otoki uživajo po mednarodnem pravu.

V ta namen Konferenca poudarja, da so bile vključene posebne določbe v 5. oddelek 5. naslova Protokola o pogodbah in aktih o pristopu Kraljevine Danske, Irske in Združenega kraljestva Velike Britanije in Severne Irske, Helenske republike, Kraljevine Španije in Portugalske republike ter Republike Avstrije, Republike Finske in Kraljevine Švedske.

32. Izjava o Laponcih

Ob upoštevanju 60. in 61. člena Protokola o pogodbah in aktih o pristopu Kraljevine Danske, Irske in Združenega kraljestva Velike Britanije in Severne Irske, Helenske republike, Kraljevine Španije in Portugalske republike ter Republike Avstrije, Republike Finske in Kraljevine Švedske Konferenca priznava obveznosti in zaveze Švedske in Finske glede Laponcev po nacionalnem in mednarodnem pravu.

Konferenca ugotavlja, da sta se Švedska in Finska zavezali k ohranjanju in razvijanju sredstev za življenje, jezik, kulturo in načina življenja Laponcev in upošteva, da sta tradicionalna laponska kultura in preživljanje odvisna od osnovnih gospodarskih dejavnosti, kakor je reja severne jelenjadi na območjih, ki jih tradicionalno naseljujejo Laponci.

V ta namen Konferenca poudarja, da so bile vključene posebne določbe v 6. oddelek 5. naslova Protokola o pogodbah in aktih o pristopu Kraljevine Danske, Irske in Združenega kraljestva Velike Britanije in Severne Irske, Helenske republike, Kraljevine Španije in Portugalske republike ter Republike Avstrije, Republike Finske in Kraljevine Švedske.

B. DECLARATIONS CONCERNING PROTOCOLS ANNEXED TO THE CONSTITUTION

DECLARATIONS CONCERNING THE PROTOCOL ON THE TREATIES AND ACTS OF ACCESSION OF THE KINGDOM OF DENMARK, IRELAND AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, OF THE HELLENIC REPUBLIC, OF THE KINGDOM OF SPAIN AND THE PORTUGUESE REPUBLIC, AND OF THE REPUBLIC OF AUSTRIA, THE REPUBLIC OF FINLAND AND THE KINGDOM OF SWEDEN

31. Declaration on the Åland islands

The Conference acknowledges that the regime applicable to the Åland islands, referred to in Article IV-440(5), is established taking into account the special status that these islands enjoy under international law.

To that end, the Conference stresses that specific provisions have been included in Section 5 of Title V of the Protocol on the Treaties and Acts of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.

32. Declaration on the Sami people

Having regard to Articles 60 and 61 of the Protocol on the Treaties and Acts of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden, the Conference recognises the obligations and commitments of Sweden and Finland with regard to the Sami people under national and international law.

The Conference notes that Sweden and Finland are committed to preserving and developing the means of livelihood, language, culture and way of life of the Sami people and considers that traditional Sami culture and livelihood depend on primary economic activities, such as reindeer husbandry in the traditional areas of Sami settlement.

To that end, the Conference stresses that specific provisions have been included in Section 6 of Title V of the Protocol on the Treaties and Acts of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.

IZJAVE O PROTOKOLU O POGODBI TER AKTU O PRISTOPU ČEŠKE REPUBLIKE, REPUBLIKE ESTONIJE, REPUBLIKE CIPER, REPUBLIKE LATVIJE, REPUBLIKE LITVE, REPUBLIKE MADŽARSKE, REPUBLIKE MALTE, REPUBLIKE POLJSKE, REPUBLIKE SLOVENIJE IN SLOVAŠKE REPUBLIKE

33. **Izjava o suverenih conah Združenega kraljestva Velike Britanije in Severne Irske na Cipru**

KONFERENCA -

ob sklicevanju na Skupno izjavo o suverenih conah Združenega kraljestva Velike Britanije in Severne Irske na Cipru, priloženo Sklepni listini Pogodbe o pristopu Združenega kraljestva k Evropskim skupnostim, ki predvideva, da se bo ureditev, ki se uporablja za odnose med Evropsko gospodarsko skupnostjo in suverenima conama opredelila v okviru aranžmajev med Skupnostjo in Republiko Ciper,

ob upoštevanju določb o suverenih conah iz Pogodbe o ustanovitvi Republike Ciper (v nadaljnjem besedilu »Pogodba o ustanovitvi«) in pripadajoče izmenjave not z dne 16. avgusta 1960,

upoštevajoč, da je eden izmed glavnih namenov izmenjave not med Vlado Združenega kraljestva in Vlado Republike Ciper o upravi suverenih con z dne 16. avgusta 1960 in priložene izjave Združenega kraljestva zavarovanje interesov oseb, ki prebivajo ali delajo v suverenih conah, in ob ugotovitvi, da morajo imeti omenjene osebe tako v možnem obsegu isto obravnavanje kot tiste, ki prebivajo ali delajo v Republiki Ciper,

upoštevajoč nadalje določbe Pogodbe o ustanovitvi o carinski ureditvi med suverenima conama in Republiko Ciper, predvsem tiste iz Priloge F omenjene pogodbe,

upoštevajoč tudi zavezo Združenega kraljestva, da ne bo postavljalo carinarnic ali drugih ovir na meji med suverenima conama in Republiko Ciper ter upoštevajoč aranžmaje, ki so bili sklenjeni na podlagi Pogodbe o ustanovitvi, v skladu s katerimi organi Republike Ciper v suverenih conah upravljajo s številnimi javnimi službami, vključno na področjih kmetijstva, carin in obdavčitve,

potrjujoč, da pristop Republike Ciper k Uniji ne sme vplivati na pravice in obveznosti sopogodbenic Pogodbe o ustanovitvi,

ob spoznanju potrebe uporabljati nekatere določbe Ustave in aktov Unije v suverenih conah in potrebe predvideti posebno ureditev glede izvajanja teh določb v suverenih conah -

Poudarja, da so bile posebne določbe v ta namen vključene v III. naslovu Drugega dela Protokola o Pogodbi ter Aktu o pristopu Češke republike, Republike Estonije, Republike Ciper, Republike Latvije, Republike Litve, Republike Madžarske, Republike Malte, Republike Poljske, Republike Slovenije in Slovaške republike.

DECLARATIONS CONCERNING THE PROTOCOL ON THE TREATY AND THE ACT OF ACCESSION OF THE CZECH REPUBLIC, THE REPUBLIC OF ESTONIA, THE REPUBLIC OF CYPRUS, THE REPUBLIC OF LATVIA, THE REPUBLIC OF LITHUANIA, THE REPUBLIC OF HUNGARY, THE REPUBLIC OF MALTA, THE REPUBLIC OF POLAND, THE REPUBLIC OF SLOVENIA AND THE SLOVAK REPUBLIC

33. **Declaration on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus**

THE CONFERENCE,

Recalling that the Joint Declaration on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus annexed to the Final Act of the Treaty concerning the Accession of the United Kingdom to the European Communities provided that the arrangements applicable to relations between the European Economic Community and the Sovereign Base Areas will be defined within the context of any agreement between the Community and the Republic of Cyprus,

Taking account of the provisions concerning the Sovereign Base Areas set out in the Treaty concerning the Establishment of the Republic of Cyprus (hereinafter referred to as the "Treaty of Establishment") and the associated Exchanges of Notes dated 16 August 1960,

Noting the Exchange of Notes between the Government of the United Kingdom and the Government of the Republic of Cyprus concerning the administration of the Sovereign Base Areas, dated 16 August 1960, and the attached Declaration by the United Kingdom Government that one of the main objects to be achieved is the protection of the interests of those resident or working in the Sovereign Base Areas, and considering in this context that the said persons should have, to the extent possible, the same treatment as those resident or working in the Republic of Cyprus;

Noting further the provisions of the Treaty of Establishment regarding customs arrangements between the Sovereign Base Areas and the Republic of Cyprus and in particular those of Annex F to the said Treaty;

Noting also the commitment of the United Kingdom not to create customs posts or other frontier barriers between the Sovereign Base Areas and the Republic of Cyprus and the arrangements made pursuant to the Treaty of Establishment whereby the authorities of the Republic of Cyprus administer a wide range of public services in the Sovereign Base Areas, including in the fields of agriculture, customs and taxation;

Confirming that the accession of the Republic of Cyprus to the Union should not affect the rights and obligations of the parties to the Treaty of Establishment;

Recognising therefore the need to apply certain provisions of the Constitution and acts of the Union to the Sovereign Base Areas and to make special arrangements regarding the implementation of these provisions in the Sovereign Base Areas;

Points out that specific provisions to that end have been included in Title III of Part Two of the Protocol on the Treaty and Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic.

34. Izjava Komisije o suverenih conah Združenega kraljestva Velike Britanije in Severne Irske na Cipru

Komisija poudarja, da določbe prava Unije, ki se uporabljajo za suvereni coni v skladu s III. naslovom Drugega dela Protokola o Pogodbi in Aktu o pristopu Češke republike, Republike Estonije, Republike Ciper, Republike Latvije, Republike Litve, Republike Madžarske, Republike Malte, Republike Poljske, Republike Slovenije in Slovaške republike, vključujejo naslednje:

a) Uredbo Sveta (ES) št. 3448/93 z dne 6. decembra 1993 o trgovinskih režimih za nekatero blago, pridobljeno s predelavo kmetijskih proizvodov;

b) Uredbo Sveta (ES) št. 1260/1999 z dne 21. junija 1999 o splošnih določbah o Strukturnih skladih, v obsegu, kolikor to za financiranje ukrepov za razvoj podeželja v suverenih conah v okviru Jamstvenega oddelka EKUJS zahteva Uredba Sveta (ES) št. 1257/1999 z dne 17. maja 1999 o podpori za razvoj podeželja iz Evropskega kmetijskega usmerjevalnega in jamstvenega sklada (EKUJS).

34. Declaration by the Commission on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus

The Commission confirms its understanding that the provisions of Union law applicable to the Sovereign Base Areas pursuant to Title III of Part Two of the Protocol on the Treaty and Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic include:

(a) Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products;

(b) Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds, to the extent required by Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) for the purpose of financing rural development measures in the Sovereign Base Areas under the EAGGF Guarantee Section.

35. Izjava o jedrski elektrarni Ignalina v Litvi

KONFERENCA -

ob izjavi, da je Unija pripravljena zagotavljati zadostno dodatno pomoč litovskim naporom pri razgradnji tudi po pristopu Litve k Evropski uniji, v obdobju do 2006 in tudi dlje, in ob upoštevanju, da se je Litva upoštevajoč ta izraz solidarnosti Unije zavezala, da bo zaprla Enoto 1 Jedrske elektrarne Ignalina pred letom 2005 in Enoto 2 do leta 2009,

ob spoznanju, da je razgradnja Jedrske elektrarne Ignalina z dvema reaktorjema tipa RBMK z močjo 1500 MW, ki sta bila podedovana od bivše Sovjetske zveze, brez primere in predstavlja za Litvo izjemno finančno breme, ki je nesorazmerno velikosti in gospodarski moči države, in da se bo razgradnja nadaljevala preko trenutnega finančnega načrta, opredeljenega v Medinstitucionalnem sporazumu z dne 6. maja 1999,

ob upoštevanju potrebe, da se sprejmejo izvedbene določbe o dodatni pomoči Unije za soočenje s posledicami zaprtja in razgradnje Jedrske elektrarne Ignalina,

ob upoštevanju, da bo Litva ob uporabi pomoči Unije posvetila potrebno pozornost regijam, ki jih zaprtje Jedrske elektrarne Ignalina najbolj prizadene,

ob izjavi, da se določeni ukrepi, ki se jih bo podpiralo z javno pomočjo, štejejo za združljive z notranjim trgom, kot na primer razgradnja Jedrske elektrarne Ignalina, sanacija okolja v skladu s pravnim redom in posodobitev obstoječih zmogljivosti proizvodnje elektrike, ki so potrebne za nadomestitev reaktorjev Jedrske elektrarne Ignalina po njihovem zaprtju -

Poudarja, da so bile posebne določbe v ta namen vključene v naslov IV dela dva Protokola o Pogodbi ter Aktu o pristopu Češke republike, Republike Estonije, Republike Ciper, Republike Latvije, Republike Litve, Republike Madžarske, Republike Malte, Republike Poljske, Republike Slovenije in Slovaške republike.

35. Declaration on the Ignalina Nuclear Power Plant in Lithuania

THE CONFERENCE,

Declaring the Union's willingness to continue to provide adequate additional assistance to Lithuania's decommissioning effort also after Lithuania's accession to the Union for the period until 2006 and beyond and noting that Lithuania, bearing in mind this expression of Union solidarity, has committed to close Unit 1 of the Ignalina Nuclear Power Plant before 2005 and Unit 2 by 2009;

Recognising that the decommissioning of the Ignalina Nuclear Power Plant with two 1500 MW RBMK-type reactor units inherited from the former Soviet Union is of an unprecedented nature and represents for Lithuania an exceptional financial burden not commensurate with the size and economic strength of the country and that this decommissioning will continue beyond the current Financial Perspective as defined by the Interinstitutional Agreement of 6 May 1999;

Noting the need to adopt implementing provisions for the additional Union assistance to address the consequences of the closure and the decommissioning of the Ignalina Nuclear Power Plant;

Noting that Lithuania will pay due attention to the needs of the regions most affected by the closure of the Ignalina Nuclear Power Plant in its use of Union assistance;

Declaring that certain measures that will be supported through public aid shall be considered as compatible with the internal market, such as the decommissioning of the Ignalina Nuclear Power Plant, and the environmental upgrading in line with the *acquis* and modernisation of conventional electricity production capacity needed to replace the two Ignalina Nuclear Power Plant reactors after their closure,

Points out that specific provisions to that end have been included in Title IV of Part Two of the Protocol on the Treaty and Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic.

36. Izjava o tranzitu oseb po kopnem med območjem Kaliningrada in drugimi deli Ruske federacije

KONFERENCA -

ob upoštevanju posebne situacije območja Ruske federacije Kaliningrad v okviru širitve Unije,

ob priznavanju obveznosti in zavez Litve glede pravnega reda, ki ustanavlja območje svobode, varnosti in pravice,

ob ugotovitvi, da Litva popolnoma uporabi in izvaja pravni red Unije glede seznama držav, katerih državljani morajo imeti vizum za prestop zunanjih meja in tistih, katerih državljani so od teh zahtev izvzeti, kakor tudi pravni red Unije glede formata za vizum najkasneje od pristopa dalje,

ob spoznanju, da tranzit oseb po kopnem med območjem Kaliningrada in drugimi deli Ruske federacije po ozemlju Unije zadeva Unijo kot celoto in mora biti zato obravnavan kot tak ter ne sme imeti neugodnih posledic za Litvo,

ob upoštevanju odločitve, ki jo sprejme Svet o odstranitvi kontrol na notranjih mejah po tem, ko je preveril, da so potrebni pogoji v ta namen izpolnjeni,

odločeni pomagati Litvi pri izpolnjevanju pogojev za čim hitrejše polno sodelovanje v območju Schengena brez notranjih meja -

Poudarja, da so bile posebne določbe v ta namen vključene v V. naslov Drugega dela Protokola o Pogodbi ter Aktu o pristopu Češke republike, Republike Estonije, Republike Ciper, Republike Latvije, Republike Litve, Republike Madžarske, Republike Malte, Republike Poljske, Republike Slovenije in Slovaške republike.

36. Declaration on the transit of persons by land between the region of Kaliningrad and other parts of the Russian Federation

THE CONFERENCE,

Considering the particular situation of the Kaliningrad region of the Russian Federation in the context of the Union's enlargement;

Recognising the obligations and commitments of Lithuania with regard to the *acquis* establishing an area of freedom, security and justice;

Noting, in particular, that Lithuania shall fully apply and implement the Union *acquis* regarding the list of countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement as well the Union *acquis* regarding the uniform format for a visa as from accession at the latest;

Recognising that the transit of persons by land between the region of Kaliningrad and other parts of the Russian Federation through Union territory is a matter concerning the Union as a whole and should be treated as such and must not entail any unfavourable consequence for Lithuania;

Considering the decision to be taken by the Council to remove controls at internal borders after it has verified that the necessary conditions to that effect have been met;

Determined to assist Lithuania in fulfilling the conditions for full participation in the Schengen area without internal frontiers as soon as possible,

Points out that specific provisions to that end have been included in Title V of Part Two of the Protocol on the Treaty and Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic.

37. Izjava o enoti 1 in enoti 2 jedrske elektrarne Bohunice V1 na Slovaškem

KONFERENCA -

ob upoštevanju zaveze Slovaške o zaprtju Enote 1 in Enote 2 Jedrske elektrarne Bohunice V1 do konca leta 2006 oziroma leta 2008 in ob izjavi, da je Unija pripravljena zagotavljati finančno pomoč v podporo slovaškim naporom pri razgradnji, kot nadaljevanje predpristopne pomoči, načrtovane v okviru programa Phare, do leta 2006,

ob upoštevanju potrebe o sprejetju izvedbenih določb o nadaljnji pomoči Skupnosti -

Poudarja, da so bile posebne določbe v ta namen vključene v naslov IX dela dva Protokola o Pogodbi ter Aktu o pristopu Češke republike, Republike Estonije, Republike Ciper, Republike Latvije, Republike Litve, Republike Madžarske, Republike Malte, Republike Poljske, Republike Slovenije in Slovaške republike.

37. Declaration on Unit 1 and Unit 2 of the Bohunice V1 nuclear power plant in Slovakia

THE CONFERENCE,

Noting Slovakia's commitment to close Unit 1 and Unit 2 of the Bohunice V1 Nuclear Power Plant at the end of 2006 and 2008 respectively and declaring the Union's willingness to continue to provide financial aid until 2006 in continuation of the pre-accession aid planned under the Phare programme in support of Slovakia's decommissioning effort;

Noting the need to adopt implementing provisions regarding continued Union assistance;

Points out that specific provisions to that end have been included in Title IX of Part Two of the Protocol on the Treaty and Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic.

38. Izjava o Cipru

KONFERENCA -

ponovno potrjujoč svojo zavezanost celoviti rešitvi ciprskega vprašanja skladno z zadevnimi resolucijami Varnostnega sveta Združenih narodov ter svojo podporo prizadevanjem generalnega sekretarja Združenih Narodov v tej zvezi,

ob upoštevanju, da celovit dogovor o ciprskem vprašanju še ni bil dosežen,

ob upoštevanju, da je zato treba predvideti odložitev uporabe pravnega reda na tistih območjih Republike Ciper, kjer Vlada Republike Ciper ne izvršuje dejanskega nadzora,

ob upoštevanju, da se ta odložitev v primeru dogovora o ciprskem vprašanju prekine,

ob upoštevanju, da je Unija pripravljena sprejeti pogoje takega dogovora skladno z načeli, na katerih temelji Unija,

ob upoštevanju, da je treba določiti pogoje, pod katerimi se bodo zadevne določbe prava Unije uporabljale glede črte med zgoraj omenjenimi območji ter tako območji pod dejanskim nadzorom Vlade Republike Ciper kot tudi območjem Vzhodne suverene cone Združenega Kraljestva Velike Britanije in Severne Irske,

v želji, da bi imeli koristi od pristopa Cipra k Uniji vsi ciprski državljani in da bi predstavljal spodbudo za mir in spravo,

ob upoštevanju, da nič v X. naslovu Drugega dela dve Protokola o Pogodbi ter Aktu o pristopu Češke republike, Republike Estonije, Republike Ciper, Republike Latvije, Republike Litve, Republike Madžarske, Republike Malte, Republike Poljske, Republike Slovenije in Slovaške republike ne izključuje ukrepov, usmerjenih k temu cilju,

upoštevajoč, da takšni ukrepi ne vplivajo na uporabo pravnega reda, pod pogoji, določenimi v tem protokolu, v nobenem drugem delu Republike Ciper -

Poudarja, da so bile posebne določbe v ta namen vključene v naslov X dela dva Protokola o Pogodbi ter Aktu o pristopu Češke republike, Republike Estonije, Republike Ciper, Republike Latvije, Republike Litve, Republike Madžarske, Republike Malte, Republike Poljske, Republike Slovenije in Slovaške republike.

38. Declaration on Cyprus

THE CONFERENCE,

Reaffirming its commitment to a comprehensive settlement of the Cyprus problem, consistent with relevant United Nations Security Council Resolutions, and its strong support for the efforts of the United Nations Secretary General to that end;

Considering that such a comprehensive settlement to the Cyprus problem has not yet been reached;

Considering that it is, therefore, necessary to provide for the suspension of the application of the *acquis* in those areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;

Considering that, in the event of a solution to the Cyprus problem, this suspension will be lifted;

Considering that the Union is ready to accommodate the terms of such a settlement in line with the principles on which the Union is founded;

Considering that it is necessary to provide for the terms under which the relevant provisions of Union law will apply to the line between the abovementioned areas and both those areas in which the Government of the Republic of Cyprus exercises effective control and the Eastern Sovereign Base Area of the United Kingdom of Great Britain and Northern Ireland;

Desiring that the accession of Cyprus to the Union shall benefit all Cypriot citizens and promote civil peace and reconciliation;

Considering, therefore, that nothing in Title X of Part Two of the Protocol on the Treaty and Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic shall preclude measures with this end in view;

Considering that such measures shall not affect the application of the *acquis* under the conditions set out in the that Protocol in any other part of the Republic of Cyprus;

Points out that specific provisions to that end have been included in Title X of Part Two of the Protocol on the Treaty and Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic.

39. Izjava o Protokolu o Danski

Konferenca ugotavlja, da glede na pravne akte, ki jih bo Svet sprejel sam ali skupaj z Evropskim parlamentom, ki vsebujejo določbe, ki se uporabljajo za Dansko, tako kot tudi določbe, ki se ne uporabljajo za Dansko, ker imajo pravno osnovo, za katero se uporablja I. del Protokola o Danski, Danska izjavlja, da ne bo uporabila svoje volilne pravice, da bi preprečila sprejetje določb, ki se ne nanašajo na Dansko.

Poleg tega Konferenca ugotavlja, da na osnovi Izjave Konference o I-42. in III-231. členu Ustave Danska izjavlja, da bo dansko sodelovanje v tožbah ali pravnih aktih na podlagi I-43. in III-329. člena Ustave potekalo v skladu s I. in II. delom Protokola o stališču Danske.

39. Declaration concerning the Protocol on the position of Denmark

The Conference notes that with respect to legal acts to be adopted by the Council acting alone or jointly with the European Parliament and containing provisions applicable to Denmark as well as provisions not applicable to Denmark because they have a legal basis to which Part I of the Protocol on the position of Denmark applies, Denmark declares that it will not use its voting right to prevent the adoption of the provisions which are not applicable to Denmark.

Furthermore, the Conference notes that on the basis of the Declaration by the Conference on Articles I-43 and III-329 of the Constitution, Denmark declares that Danish participation in actions or legal acts pursuant to Articles I-43 and III-329 will take place in accordance with Part I and Part II of the Protocol on the position of Denmark.

40. Izjava o Protokolu o prehodnih določbah v zvezi z institucijami in organi Unije

Skupno stališče, ki ga bodo sprejele države članice na konferencah o pristopu Romunije in/ali Bolgarije k Uniji o porazdelitvi sedežev v Evropskem parlamentu in ponderiranju glasov v Evropskem svetu in Svetu, bo naslednje:

1. Če bosta Romunija in/ali Bolgarija k Uniji pristopili pred začetkom veljavnosti sklepa Evropskega sveta iz drugega odstavka I-20. člena Ustave, bo razdelitev sedežev v Evropskem parlamentu v mandatnem obdobju 2004-2009 opravljena v skladu z naslednjo razpredelnico za Unijo 27 držav članic.

DRŽAVE ČLANICE	SEDEŽI V EP
Nemčija	99
Združeno kraljestvo	78
Francija	78
Italija	78
Španija	54
Poljska	54
Romunija	35
Nizozemska	27
Grčija	24
Češka	24
Belgija	24
Madžarska	24
Portugalska	24
Švedska	19
Bolgarija	18
Avstrija	18
Slovaška	14
Danska	14
Finska	14
Irska	13
Litva	13
Latvija	9
Slovenija	7
Estonija	6
Ciper	6
Luksemburg	6
Malta	5
SKUPAJ	785

V Pogodbi o pristopu k Uniji bo ne glede na drugi odstavek I-20. člena Ustave zato predvideno, da lahko število poslancev Evropskega parlamenta za preostanek parlamentarnega mandata 2004-2009 začasno presega 750.

2. V drugem odstavku 2. člena Protokola o prehodnih določbah v zvezi z institucijami in organi Unije je ponderiranje glasov Romunije in Bolgarije v Evropskem svetu in Svetu določeno na 14 oziroma 10.

3. Ob vsakem pristopu se prag iz Protokola o prehodnih določbah v zvezi z institucijami in organi Unije izračuna po določbah iz tretjega odstavka 2. člena navedenega protokola.

40. Declaration concerning the Protocol on the transitional provisions relating to the institutions and bodies of the Union

The common position which will be taken by the Member States at the conferences on the accession to the Union of Romania and/or Bulgaria regarding the allocation of seats in the European Parliament and the weighting of votes in the European Council and the Council will be as follows.

1. If the accession to the Union of Romania and/or Bulgaria takes place before the entry into force of the European Council Decision referred to in Article I-20(2), the allocation of seats in the European Parliament throughout the 2004-2009 parliamentary term will be in accordance with the following table for a Union of 27 Member States.

MEMBER STATES	SEATS IN THE EP
Germany	99
United Kingdom	78
France	78
Italy	78
Spain	54
Poland	54
Romania	35
Netherlands	27
Greece	24
Czech Republic	24
Belgium	24
Hungary	24
Portugal	24
Sweden	19
Bulgaria	18
Austria	18
Slovakia	14
Denmark	14
Finland	14
Ireland	13
Lithuania	13
Latvia	9
Slovenia	7
Estonia	6
Cyprus	6
Luxembourg	6
Malta	5
TOTAL	785

The Treaty of Accession to the Union will therefore, by way of derogation from Article I-20(2) of the Constitution, stipulate that the number of members of the European Parliament may temporarily exceed 750 for the remainder of the 2004 to 2009 Parliamentary term.

2. In Article 2(2) of the Protocol on the transitional provisions relating to the institutions and bodies of the Union, the weighting of the votes of Romania and Bulgaria in the European Council and the Council will be set at 14 and 10 respectively.

3. At the time of each accession, the threshold referred to in the Protocol on the transitional provisions relating to the institutions and bodies of the Union will be calculated according to Article 2(3) of that Protocol.

41. Izjava o Italiji

Konferenca upošteva, da Protokol o Italiji, ki je bil leta 1957 priložen Pogodbi o ustanovitvi Evropske gospodarske skupnosti, in kot je bil spremenjen od sprejema Pogodbe o Evropski uniji, določa:

»VISOKE POGODBENICE SO SE

V ŽELJI, da bi uredile nekatere posebne probleme, ki zadevajo Italijo,

DOGOVORILE o naslednjih določbah, ki so priloga k tej pogodbi:

DRŽAVE ČLANICE SKUPNOSTI

SE SEZNANIJO z dejstvom, da italijanska vlada izvaja desetletni program gospodarskega razvoja za uravnovešenje strukturnih neskladij italijanskega gospodarstva, zlasti z opremljanjem manj razvitih območij južne Italije in otokov ter z ustvarjanjem novih delovnih mest za odpravljanje brezposelnosti,

OPOZARJAJO na to, da so načela in cilje tega programa italijanske vlade preučile in odobrile organizacije za mednarodno sodelovanje, katerih članice so,

PRIZNAVAJO, da je doseganje ciljev italijanskega programa v njihovem skupnem interesu,

SE DOGOVORIJO, da z namenom olajšati italijanski vladi izpolnitev te naloge priporočijo institucijam Skupnosti uporabo vseh sredstev in postopkov iz te pogodbe, zlasti ustrezno uporabo sredstev Evropske investicijske banke in Evropskega socialnega sklada,

SO MNENJA, da bi morale institucije Skupnosti pri uporabi te pogodbe upoštevati obremenitve italijanskega gospodarstva v naslednjih letih in izkoristiti priložnost, da se prepreči ustvarjanje nevarnih napetosti, zlasti v plačilni bilanci ali ravni zaposlenosti, ki bi lahko ogrozile uporabo te pogodbe v Italiji,

PRIZNAVAJO, da je zlasti pri uporabi členov 109 H in 109 I treba zagotoviti, da ukrepi, ki se jih zahteva od italijanske vlade, ne ogrozijo izvajanja njenega programa gospodarskega razvoja in zviševanja življenjske ravni prebivalstva.«

41. Declaration concerning Italy

The Conference notes that the Protocol on Italy annexed in 1957 to the Treaty establishing the European Economic Community, as amended upon adoption of the Treaty on European Union, stated that:

"THE HIGH CONTRACTING PARTIES,

DESIRING to settle certain particular problems relating to Italy,

HAVE AGREED upon the following provisions, which shall be annexed to this Treaty:

THE MEMBER STATES OF THE COMMUNITY

TAKE NOTE of the fact that the Italian Government is carrying out a ten-year programme of economic expansion designed to rectify the disequilibria in the structure of the Italian economy, in particular by providing an infrastructure for the less developed areas in Southern Italy and in the Italian islands and by creating new jobs in order to eliminate unemployment;

RECALL that the principles and objectives of this programme of the Italian Government have been considered and approved by organisations for international cooperation of which the Member States are members;

RECOGNISE that it is in their common interest that the objectives of the Italian programme should be attained;

AGREE, in order to facilitate the accomplishment of this task by the Italian Government, to recommend to the institutions of the Community that they should employ all the methods and procedures provided in this Treaty and, in particular, make appropriate use of the resources of the European Investment Bank and the European Social Fund;

ARE OF THE OPINION that the institutions of the Community should, in applying this Treaty, take account of the sustained effort to be made by the Italian economy in the coming years and of the desirability of avoiding dangerous stresses in particular within the balance of payments or the level of employment, which might jeopardise the application of this Treaty in Italy;

RECOGNISE that in the event of Articles 109h and 109i being applied it will be necessary to take care that any measures required of the Italian Government do not prejudice the completion of its programme for economic expansion and for raising the standard of living of the population."

IZJAVE DRŽAV ČLANIC

DECLARATIONS BY MEMBER STATES

42. Izjava Kraljevine Nizozemske o I-55. členu

Kraljevina Nizozemska bo soglašala z evropskim sklepom iz četrtega odstavka I-55. člena Ustave, ko bo revizija evropskega zakona iz tretjega odstavka I-54. člena Ustave Nizozemski zagotovila zadovoljivo rešitev za njen pretirano negativen položaj kot neto plačnica v proračun Evropske unije.

42. Declaration by the Kingdom of the Netherlands on Article I-55

The Kingdom of the Netherlands will agree to a European decision as referred to in Article I-55(4) once a revision of the European law referred to in Article I-54(3) has provided the Netherlands with a satisfactory solution for its excessive negative net payment position vis-à-vis the Union budget.

43. Izjava Kraljevine Nizozemske o IV-440. členu

Kraljevina Nizozemska izjavlja, da bo pobuda za evropski sklep iz sedmega odstavka IV-440. člena Ustave, namenjena spremembi statusa Nizozemskih Antilov in /ali Arube v odnosu do Evropske unije, predložena na podlagi odločitve, sprejete v skladu s Statutom Kraljevine Nizozemske.

43. Declaration by the Kingdom of the Netherlands on Article IV-440

The Kingdom of the Netherlands declares that an initiative for a European decision, as referred to in Article IV-440(7) aimed at amending the status of the Netherlands Antilles and/or Aruba with regard to the Union, will be submitted only on the basis of a decision taken in conformity with the Charter for the Kingdom of the Netherlands.

44. Izjava Zvezne republike Nemčije, Irske, Republike Madžarske, Republike Avstrije in Kraljevine Švedske

Nemčija, Irska, Madžarska, Avstrija in Švedska ugotavljajo, da temeljne določbe Pogodbe o ustanovitvi Evropske skupnosti za atomsko energijo od začetka njene veljavnosti niso bile bistveno spremenjene in jih je treba posodobiti. Zato podpirajo zamisel o sklicu Konference predstavnikov vlad držav članic v najkrajšem možnem času.

44. Declaration by the Federal Republic of Germany, Ireland, the Republic of Hungary, the Republic of Austria and the Kingdom of Sweden

Germany, Ireland, Hungary, Austria and Sweden note that the core provisions of the Treaty establishing the European Atomic Energy Community have not been substantially amended since its entry into force and need to be brought up to date. They therefore support the idea of a Conference of the Representatives of the Governments of the Member States, which should be convened as soon as possible.

45. Izjava Kraljevine Španije in Združenega kraljestva Velike Britanije in Severne Irske

Pogodba o Ustavi za Evropo se uporablja za Gibraltar kot evropsko ozemlje, za katerega zunanje odnose je odgovorna država članica. To ne pomeni sprememb stališč zadevnih držav članic.

45. Declaration by the Kingdom of Spain and the United Kingdom of Great Britain and Northern Ireland

The Treaty establishing the Constitution applies to Gibraltar as a European territory for whose external relations a Member State is responsible. This shall not imply changes in the respective positions of the Member States concerned.

46. Izjava Združenega kraljestva Velike Britanije in Severne Irske o opredelitvi izraza »državljani«

Združeno kraljestvo v zvezi s Pogodbo o Ustavi za Evropo ali Pogodbo o ustanovitvi Evropske skupnosti za atomsko energijo ali s katerim koli aktom, ki izhaja iz navedenih pogodb ali v skladu s temi pogodbami ostaja v veljavi, ponovno poudarja izjavo z dne 31. decembra 1982 o opredelitvi izraza »državljani«, izraz »državljani britanskih odvisnih ozemelj« se vedno razume kot »državljani britanskih čezmorskih ozemelj«.

46. Declaration by the United Kingdom of Great Britain and Northern Ireland on the definition of the term "nationals"

In respect of the Treaty establishing a Constitution for Europe and the Treaty establishing the European Atomic Energy Community, and in any of the acts deriving from those Treaties or continued in force by those Treaties, the United Kingdom reiterates the Declaration it made on 31 December 1982 on the definition of the term "nationals" with the exception that the reference to "British Dependent Territories Citizens" shall be read as meaning "British overseas territories citizens".

47. Izjava Kraljevine Španije o opredelitvi izraza »državljani«

Španija ugotavlja, da je v skladu s I-8. členom Ustave vsak državljan države članice državljan Unije. Španija prav tako upošteva dejstvo, da v sedanji fazi evropske integracije, ki jo odraža Ustava, zgolj državljani držav članic uživajo posebne pravice, ki izhajajo iz evropskega državljanstva, razen če pravo Unije izrecno določa drugače. V tej zvezi Španija poudarja, da v skladu s I-20. in I-46. členom Ustave, Evropski parlament zastopa državljane Unije.«

47. Declaration by the Kingdom of Spain on the definition of the term "nationals"

Spain notes that, under Article I-10 of the Constitution, every national of a Member State shall be a citizen of the Union. Spain also notes that, under the current state of European integration reflected in the Constitution, only nationals of Member States are entitled to the specific rights of European citizenship unless Union law expressly provides otherwise. In that respect, Spain notes, finally, that under Articles I-20 and I-46 of the Treaty, the European Parliament currently represents the citizens of the Union.

48. Izjava Združenega kraljestva Velike Britanije in Severne Irske o volilni pravici za volitve v Evropski parlament

Združeno kraljestvo ugotavlja, da namen I-20. člena Pogodbe o Ustavi za Evropo ni spremeniti podlage volilne pravice za volitve v Evropski parlament.

48. Declaration by the United Kingdom of Great Britain and Northern Ireland on the franchise for elections to the European Parliament

The United Kingdom notes that Article I-20 and other provisions of the Treaty establishing a Constitution for Europe are not intended to change the basis for the franchise for elections to the European Parliament.

49. Izjava Kraljevine Belgije o nacionalnih parlamentih

Belgija pojasnjuje, da v skladu z njenim ustavnim pravom, tako Dom predstavnikov in Senat Zveznega parlamenta kot tudi parlamentarne skupščine skupnosti in regij delujejo, na podlagi pristojnosti, ki jih izvaja Unija, kot sestavni deli nacionalnega parlamentarnega sistema ali kot domovi nacionalnega parlamenta.

49. Declaration by the Kingdom of Belgium on national parliaments

Belgium wishes to make clear that, in accordance with its constitutional law, not only the Chamber of Representatives and Senate of the Federal Parliament but also the parliamentary assemblies of the Communities and the Regions act, in terms of the competences exercised by the Union, as components of the national parliamentary system or chambers of the national Parliament.

50. Izjava Republike Latvije in Republike Madžarske o črkovanju imena enotne valute v Pogodbi o Ustavi za Evropo

Ne da bi to vplivalo na poenoteno črkovanje imena enotne valute Evropske unije v Pogodbi o Ustavi za Evropo, kakor je odtisnjeno na bankovcih in kovancih, Latvija in Madžarska izjavljata, da črkovanje imena enotne valute, vključno z njegovimi izpeljankami, ki se uporabljajo v latvijskem in madžarskem besedilu Pogodbe o Ustavi za Evropo, nikakor ne vpliva na obstoječa pravila latvijskega in madžarskega jezika.

50. Declaration by the Republic of Latvia and the Republic of Hungary on the spelling of the name of the single currency in the Treaty establishing a Constitution for Europe

Without prejudice to the unified spelling of the name of the single currency of the European Union referred to in the Treaty establishing a Constitution for Europe as displayed on the banknotes and on the coins, Latvia and Hungary declare that the spelling of the name of the single currency, including its derivatives as applied throughout the Latvian and Hungarian text of the Treaty establishing a Constitution for Europe, has no effect on the existing rules of the Latvian and the Hungarian languages.

Hecho en Roma, el veintinueve de octubre del dos mil cuatro.

V Římě dne dvacátého devátého října dva tisíce čtyři

Udfærdiget i Rom den niogtyvende oktober to tusind og fire.

Geschehen zu Rom am neunundzwanzigsten Oktober zweitausendundvier.

Kahe tuhande neljanda aasta oktoobrikuu kahekümne üheksandal päeval Roomas

΄Εγινε στις Ρώμη, στις είκοσι εννέα Οκτωβρίου δύο χιλιάδες τέσσερα.

Done at Rome on the twenty-ninth day of October in the year two thousand and four.

Fait à Rome, le vingt-neuf octobre deux mille quatre.

Arna dhéanamh sa Róimh, an naoú lá fichead de Dheireadh Fómhair sa bhliain dhá mhíle is a ceathair

Fatto a Roma, addi' ventinove ottobre duemilaquattro.

Romā, divi tūkstoši ceturtā gada divdesmit devītajā oktobrī

Priimta du tūkstančiai ketvirtų metų spalio dvidešimt devintą dieną Romoje

Kelt Rómában, a kétezer-negyedik év október havának huszonkilencedik napján

Magħmul f'Ruma fid-disa' u għoxrin jum ta' Ottubru tas-sena elfejn u erbgħa

Gedaan te Roma, de negenentwintigste oktober tweeduizendvier.

Sporządzono w Rzymie dnia dwudziestego dziewiątego października roku dwutysięcznego czwartego

Feito em Roma, em vinte e nove de Outubro de dois mil e quatro

V Ríme dvadsiatehodeviateho októbra dvetisícštyri

V Rimu, devetindvajsetega oktobra leta dva tisoč štiri

Tehty Roomassa kahdentenakymmenentenäyhdeksäntenä päivänä lokakuuta vuonna kaksituhattaneljä.

Som skedde i Rom den tjugonionde oktober tjugohundrafyra.

Pour Sa Majesté le Roi des Belges
Voor Zijne Majesteit de Koning der Belgen
Für Seine Majestät den König der Belgier

Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brussels Hoofdstedelijk Gewest.

Diese Unterschrift bindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

Za prezidenta České republiky

For Hendes Majestæt Danmarks Dronning

Für den Präsidenten der Bundesrepublik Deutschland

Eesti Vabariigi Presidendi nimel

Για τον Πρόεδρο της Ελληνικής Δημοκρατίας

Por Su Majestad el Rey de España

Pour le Président de la République française

Thar ceann Uachtarán na hÉireann
For the President of Ireland

Per il Presidente della Repubblica italiana

Για τον Πρόεδρο της Κυπριακής Δημοκρατίας

Latvijas Republikas Valsts prezidentes vārdā

Lietuvos Respublikos Prezidento vardu

Pour Son Altesse Royale le Grand-Duc de Luxembourg

A Magyar Köztársaság Elnöke részéről

Għall-President ta' Malta

Voor Hare Majesteit de Koningin der Nederlanden

Für den Bundespräsidenten der Republik Österreich

Za Prezydenta Rzeczypospolitej Polskiej

Pelo Presidente da República Portuguesa

Za predsednika Republike Slovenije

Za prezidenta Slovenskej republiky

Suomen Tasavallan Presidentin puolesta
För Republiken Finlands President

För Konungariket Sveriges regering

For Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland

Tony Blair

Han firmado asimismo la presente Acta final, en su condición de Estados candidatos a la adhesión a la Unión Europea, observadores ante la Conferencia:

Tento závěrečný akt rovněž podepsali pozorovatelé při Konferenci, jakožto státy kandidující na přistoupení k Evropské unii:

Følgende observatører ved konferencen har ligeledes undertegnet denne slutakt i deres egenskab af kandidatstater til Den Europæiske Union:

Als Beobachter bei der Konferenz haben in ihrer Eigenschaft als Kandidaten für den Beitritt zur Europäischen Union ferner diese Schlussakte unterzeichnet:

Käesoleva lõppakti on allkirjastanud Euroopa Liidu kandidaatriikide esindajatena ka konverentsi vaatlejad:

Την παρούσα Τελική Πράξη υπέγραψαν επίσης, υπό την ιδιότητά τους ως υποψήφια για προσχώρηση στην Ευρωπαϊκή Ένωση κράτη, οι παρατηρητές κατά τη Διάσκεψη:

The following have also signed this Final Act, in their capacity as candidate States for accession to the European Union, having been observers to the Conference:

Ont également signé le présent acte final, en leur qualité d'États candidats à l'adhésion de l'Union européenne, observateurs auprès de la Conférence:

Shínigh na breathnóirí seo a leanas ag an gComhdháil an Ionstraim Chríochnaítheach seo freisin ina gcáil mar Stáit iarrthacha don Aontas Eorpach :

Hanno altresì firmato il presente atto finale, in qualità di Stati candidati all'Unione europea, osservatori nella Conferenza

Šo Nobeiguma aktu kā Eiropas Savienības pievienošanās kandidātvalstu vadītāji ir parakstījuši arī šādi Konferences novērotāji:

Baigiamąjį aktą taip pat pasirašo į Europos Sąjungą stojančios valstybės kandidatės, Konferencijos stebėtojos:

Ezt a záróokmányt a Európai Unió tagjelölt államaiként, amelyek a Konferencián megfigyelőként vettek részt, a következők is aláírták:

Iffirmaw ukoll dan l-Att Finali, fil-kapaċità tagħhom ta' Stati kandidati ta' l-Unjoni Ewropea, bħala osservaturi għall-Konferenza:

Deze Slotakte is tevens ondertekend door de volgende kandidaat-lidstaten van de Europese Unie, waarnemers bij de Conferentie:

Niniejszy Akt Końcowy został również podpisany przez Państwa kandydujące do przystąpienia do Unii Europejskiej, będące obserwatorami przy Konferencji:

Assinaram igualmente a presente Acta Final, na qualidade de Estados candidatos à adesão à União Europeia, observadores na Conferência:

V postavení štátov uchádzajúcich sa o pristúpenie k Európskej únii a v postavení pozorovateľov na konferencii podpísali tento záverečný akt :

To sklepno listino so kot države kandidatke za pristop k Evropski uniji in kot opazovalke Konference, podpisali tudi

Tämän päätösasiakirjan ovat Euroopan unionin jäsenehdokasvaltioina allekirjoittaneet myös konferenssiin tarkkailijoina osallistuneet:

Nedanstående observatörer vid konferensen har, i sin egenskap av kandidatstater inför anslutning till Europeiska unionen, likaledes undertecknat denna slutakt:

За Република България

Pentru România

Türkiye Cumhuriyeti Adına

3. člen

Generalni sekretar Državnega zbora Republike Slovenije v Uradnem listu Republike Slovenije – Mednarodne pogodbe na predlog Ministrstva za zunanje zadeve objavi popravke besedila Pogodbe o Ustavi za Evropo s Sklepno listino, ki jih pošlje depozitar.

4. člen

Za izvajanje Pogodbe o Ustavi za Evropo s Sklepno listino skrbi Vlada Republike Slovenije.

5. člen

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

Št. 008-02/05-3/1
Ljubljana, dne 1. februarja 2005
EPA 84-IV

Predsednik
Državnega zbora
Republike Slovenije
France Cukjati, dr. med. l. r.

VSEBINA

1. Zakon o ratifikaciji Pogodbe o Ustavi za Evropo s Sklepno listino (MPUE) 1

ISSN 1318-0932

Izdajatelj Služba Vlade Republike Slovenije za zakonodajo – Direktorica Ksenija Mihovar Globokar – Založnik Uradni list Republike Slovenije d.o.o. – Direktorica Erika Trojer – Urednica Marija Petrovič-Kurt – Priprava Uradni list Republike Slovenije d.o.o. – Tisk Tiskarna SET, d.d., Vevče – Internet: http://www.uradni-list.si – e-pošta: info@uradni-list.si