



2. Zakon o ratifikaciji Okvirne konvencije Svetovne zdravstvene organizacije za nadzor nad tobakom (MOSZOT)

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

U K A Z

O RAZGLASITVI ZAKONA O RATIFIKACIJI OKVIRNE KONVENCIJE SVETOVNE ZDRAVSTVENE ORGANIZACIJE ZA NADZOR NAD TOBAKOM (MOSZOT)

Razglašam Zakon o ratifikaciji Okvirne konvencije Svetovne zdravstvene organizacije za nadzor nad tobakom (MOSZOT), ki ga je sprejel Državni zbor Republike Slovenije na seji 26 januarja 2005.

Št. 001-22-3/05
Ljubljana, 3. februarja 2005

dr. Janez Drnovšek l. r.
Predsednik
Republike Slovenije

ZAKON

O RATIFIKACIJI OKVIRNE KONVENCIJE SVETOVNE ZDRAVSTVENE ORGANIZACIJE ZA NADZOR NAD TOBAKOM (MOSZOT)

1. člen

Ratificira se Okvirna konvencija Svetovne zdravstvene organizacije za nadzor nad tobakom, sestavljena 21. maja 2003 v Ženevi.

2. člen

Besedilo okvirne konvencije se v izvorniku v angleškem jeziku in v prevodu v slovenskem jeziku glasi:*

WHO FRAMEWORK CONVENTION ON TOBACCO CONTROL

Preamble

The Parties to this Convention,
Determined to give priority to their right to protect public health,

Recognizing that the spread of the tobacco epidemic is a global problem with serious consequences for public health that calls for the widest possible international cooperation and the participation of all countries in an effective, appropriate and comprehensive international response,

Reflecting the concern of the international community about the devastating worldwide health, social, economic and environmental consequences of tobacco consumption and exposure to tobacco smoke,

Seriously concerned about the increase in the worldwide consumption and production of cigarettes and other tobacco products, particularly in developing countries, as well as about the burden this places on families, on the poor, and on national health systems,

OKVIRNA KONVENCIJA SZO O NADZORU NAD TOBAKOM

Preambula

Pogodbenice te konvencije so,
odločene, da dajo prednost svoji pravici za zaščito javnega zdravja;

ob spoznanju, da je širjenje uporabe tobačnih izdelkov svetovni problem z resnimi posledicami za javno zdravje, ki zahteva kar najširše mednarodno sodelovanje in sodelovanje vseh držav za učinkovit, ustrezen in celovit mednarodni odziv;

zaradi zaskrbljenosti mednarodne skupnosti glede pogubnih zdravstvenih, socialnih, ekonomskih in okoljskih posledic po vsem svetu zaradi uživanja tobaka in izpostavljenosti tobačnemu dimu;

zaradi velike zaskrbljenosti zaradi naraščanja uporabe in proizvodnje cigaret in drugih tobačnih izdelkov po vsem svetu, še posebej v državah v razvoju, in tudi zaradi bremena za družine, revne in nacionalne zdravstvene sisteme;

* Besedilo okvirne konvencije v arabskem, francoskem, kitajskem, ruskem in španskem izvorniku je na vpogled v Sektorju za mednarodnopravne zadeve Ministrstva za zunanje zadeve.

Recognizing that scientific evidence has unequivocally established that tobacco consumption and exposure to tobacco smoke cause death, disease and disability, and that there is a time lag between the exposure to smoking and the other uses of tobacco products and the onset of tobacco-related diseases,

Recognizing also that cigarettes and some other products containing tobacco are highly engineered so as to create and maintain dependence, and that many of the compounds they contain and the smoke they produce are pharmacologically active, toxic, mutagenic and carcinogenic, and that tobacco dependence is separately classified as a disorder in major international classifications of diseases,

Acknowledging that there is clear scientific evidence that prenatal exposure to tobacco smoke causes adverse health and developmental conditions for children,

Deeply concerned about the escalation in smoking and other forms of tobacco consumption by children and adolescents worldwide, particularly smoking at increasingly early ages,

Alarmed by the increase in smoking and other forms of tobacco consumption by women and young girls worldwide and keeping in mind the need for full participation of women at all levels of policy-making and implementation and the need for gender-specific tobacco control strategies,

Deeply concerned about the high levels of smoking and other forms of tobacco consumption by indigenous peoples,

Seriously concerned about the impact of all forms of advertising, promotion and sponsorship aimed at encouraging the use of tobacco products,

Recognizing that cooperative action is necessary to eliminate all forms of illicit trade in cigarettes and other tobacco products, including smuggling, illicit manufacturing and counterfeiting,

Acknowledging that tobacco control at all levels and particularly in developing countries and in countries with economies in transition requires sufficient financial and technical resources commensurate with the current and projected need for tobacco control activities,

Recognizing the need to develop appropriate mechanisms to address the long-term social and economic implications of successful tobacco demand reduction strategies,

Mindful of the social and economic difficulties that tobacco control programmes may engender in the medium and long term in some developing countries and countries with economies in transition, and recognizing their need for technical and financial assistance in the context of nationally developed strategies for sustainable development,

Conscious of the valuable work being conducted by many States on tobacco control and commending the leadership of the World Health Organization as well as the efforts of other organizations and bodies of the United Nations system and other international and regional intergovernmental organizations in developing measures on tobacco control,

Emphasizing the special contribution of nongovernmental organizations and other members of civil society not affiliated with the tobacco industry, including health professional bodies, women's, youth, environmental and consumer groups, and academic and health care institutions, to tobacco control efforts nationally and internationally and the vital importance of their participation in national and international tobacco control efforts,

Recognizing the need to be alert to any efforts by the tobacco industry to undermine or subvert tobacco control efforts and the need to be informed of activities of the tobacco industry that have a negative impact on tobacco control efforts,

Recalling Article 12 of the International Covenant on Economic, Social and Cultural Rights, adopted by the United Nations General Assembly on 16 December 1966, which states that it is the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,

ob spoznanju, da je nedvoumno znanstveno dokazano, da uporaba tobačnih izdelkov in izpostavljenost tobačnemu dimu povzročata smrt, bolezni in invalidnost ter da lahko po kajenju in uporabi drugih vrst tobačnih izdelkov ter izpostavljenosti tobačnemu dimu po določenem času nastanejo bolezni, povezane z uporabo tobačnih izdelkov,

tudi ob spoznanju, da so cigarete in drugi tobačni izdelki izdelani tako, da povzročijo odvisnost ter da so mnoge njihove sestavine in dim farmakološko aktivni, toksični, mutageni in karcinogeni ter da je v glavnih mednarodnih klasifikacijah bolezni odvisnost od tobaka posebej razvrščena kot motnja;

ob zavedanju jasnih znanstvenih dokazov, da prenatalna izpostavljenost tobačnemu dimu povzroča resne zdravstvene in razvojne težave pri otrocih;

zaradi velike zaskrbljenosti zaradi naraščanja kajenja in drugih oblik uporabe tobaka pri otrocih in mladostnikih po vsem svetu, še posebej kajenja pri vedno nižji starosti;

vznmirjene zaradi naraščanja kajenja in drugih oblik uporabe tobaka pri ženskah in dekletih po vsem svetu ter ob upoštevanju potrebe po sodelovanju žensk na vseh ravneh oblikovanja in uresničevanja politik ter potrebe po posebnih strategijah za omejevanje uporabe tobaka glede na spol;

zaradi velike zaskrbljenosti zaradi razširjenosti kajenja in drugih oblik uporabe tobaka in tobačnih izdelkov pri avtohtonih prebivalcih;

zaradi velike zaskrbljenosti zaradi vpliva vseh oblik oglaševanja in sponzoriranja ter predstavljanja tobačnih izdelkov za spodbujanje njihove uporabe;

ob spoznanju, da je potrebno skupno ukrepanje za odpravo vseh oblik nezakonite trgovine s cigaretami in drugimi tobačnimi izdelki, vključno s tihotapljenjem, nezakonito proizvodnjo in ponarejanjem;

ob priznanju, da zahteva nadzor nad tobakom na vseh ravneh, še posebej v državah v razvoju in državah z gospodarstvom v prehodu, zadostne finančne in tehnične vire, primerne za trenutne in predvidene potrebe po dejavnostih za omejevanje uporabe tobaka;

ob spoznanju potrebe po oblikovanju ustreznih mehanizmov za doseganje dolgoročnega socialnega in ekonomskega vpliva uspešnih strategij za manjše povpraševanje po tobaku;

ob zavedanju socialnih in ekonomskih težav, ki jih lahko povzročijo srednjeročni in dolgoročni programi za nadzor nad tobakom v nekaterih državah v razvoju in državah z gospodarstvom v prehodu ter ob spoznanju njihove potrebe po strokovni in finančni pomoči pri nacionalnih strategijah za trajnostni razvoj;

ob zavedanju pomembnosti dela, ki ga mnoge države opravljajo za nadzor nad tobakom, in ob priznavanju vodilne vloge Svetovne zdravstvene organizacije ter prizadevanj drugih organizacij in organov Združenih narodov ter drugih mednarodnih in regionalnih medvladnih organizacij pri sprejemanju ukrepov za nadzor nad tobakom;

ob poudarjanju posebnega pomena nevladnih organizacij in drugih članic civilne družbe, ki niso povezane s tobačno industrijo, vključno s strokovnimi zdravstvenimi organi, ženskimi, mladinskimi, okoljskimi in potrošniškimi skupinami ter akademskimi in zdravstvenimi ustanovami, pri prizadevanju za nadzor nad tobakom na državni in mednarodni ravni, ki so odločilnega pomena za njihovo sodelovanje pri nadzoru nad tobakom;

ob spoznanju, da je treba biti pozoren na vse poskuse tobačne industrije za spodkopavanje in rušenje prizadevanj za nadzor nad tobakom ter da je treba biti seznanjen z dejavnostmi tobačne industrije, ki negativno vplivajo na prizadevanja za nadzor nad tobakom;

ob sklicevanju na 12. člen Mednarodnega pakta o ekonomskih, socialnih in kulturnih pravicah, ki ga je 16. decembra 1966 sprejela Generalna skupščina Združenih narodov, ki pravi, da ima vsakdo pravico do najvišje mogoče stopnje telesnega in duševnega zdravja;

Recalling also the preamble to the Constitution of the World Health Organization, which states that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition,

Determined to promote measures of tobacco control based on current and relevant scientific, technical and economic considerations,

Recalling that the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the United Nations General Assembly on 18 December 1979, provides that States Parties to that Convention shall take appropriate measures to eliminate discrimination against women in the field of health care,

Recalling further that the Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989, provides that States Parties to that Convention recognize the right of the child to the enjoyment of the highest attainable standard of health,

Have agreed, as follows:

PART I: INTRODUCTION

Article 1

Use of terms

For the purposes of this Convention:

(a) "illicit trade" means any practice or conduct prohibited by law and which relates to production, shipment, receipt, possession, distribution, sale or purchase including any practice or conduct intended to facilitate such activity;

(b) "regional economic integration organization" means an organization that is composed of several sovereign states, and to which its Member States have transferred competence over a range of matters, including the authority to make decisions binding on its Member States in respect of those matters;¹

(c) "tobacco advertising and promotion" means any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly;

(d) "tobacco control" means a range of supply, demand and harm reduction strategies that aim to improve the health of a population by eliminating or reducing their consumption of tobacco products and exposure to tobacco smoke;

(e) "tobacco industry" means tobacco manufacturers, wholesale distributors and importers of tobacco products;

(f) "tobacco products" means products entirely or partly made of the leaf tobacco as raw material which are manufactured to be used for smoking, sucking, chewing or snuffing;

(g) "tobacco sponsorship" means any form of contribution to any event, activity or individual with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly;

Article 2

Relationship between this Convention and other agreements and legal instruments

1. In order to better protect human health, Parties are encouraged to implement measures beyond those required by this Convention and its protocols, and nothing in these instruments shall prevent a Party from imposing stricter requirements that are consistent with their provisions and are in accordance with international law.

¹ Where appropriate, national will refer equally to regional economic integration organizations.

tudi ob sklicevanju na preambulo Ustave Svetovne zdravstvene organizacije, ki pravi, da je najvišja mogoča stopnja zdravja ena od temeljnih pravic vsakega človeka ne glede na raso, vero, politično prepričanje, ekonomske ali socialne razmere;

odločene, da se zavzamejo za ukrepe za nadzor nad tobakom, ki temeljijo na najnovejših in pomembnih znanstvenih, strokovnih in ekonomskih dognanjih;

ob sklicevanju na Konvencijo o odpravi vseh oblik diskriminacije žensk, ki jo je Generalna skupščina Združenih narodov sprejela 18. decembra 1979 in določa, da države pogodbenice konvencije sprejmejo ustrezne ukrepe za odpravo diskriminacije žensk na področju zdravstvenega varstva;

nadalje ob sklicevanju na Konvencijo o otrokovih pravicah, ki jo je Generalna skupščina Združenih narodov sprejela 20. novembra 1989, in določa, da države pogodbenice konvencije priznajo pravice otrok do najvišje mogoče stopnje zdravja,

sklenile:

I. DEL: UVOD

1. člen

Pomen izrazov

V tej konvenciji

(a) »nezakonita trgovina« pomeni vsako dejavnost ali ravnanje, ki je po zakonu prepovedano in se nanaša na proizvodnjo, pošiljanje, prevzem, posest, razširjanje, prodajo ali nakup, vključno z vsako dejavnostjo ali ravnanjem, ki je namenjeno spodbujanju take dejavnosti;

(b) »organizacija za regionalno gospodarsko povezovanje« pomeni organizacijo, ki jo sestavlja več samostojnih držav, na katero so države članice prenesle pristojnost za vrsto zadev, vključno s pooblastilom za sprejemanje odločitev, zavezujočih za njene države članice;¹

(c) »oglaševanje in promocija tobaka« pomeni vsakršno posredno ali neposredno komercialno sporočilo, priporočilo ali dejanje s ciljem, učinkom ali mogočim učinkom promocije tobačnih izdelkov ali uporabe tobaka;

(d) »nadzor nad tobakom« pomeni vrsto strategij za zmanjševanje ponudbe, povpraševanja in škode, s katerimi se želi izboljšati zdravje prebivalstva z odpravo ali zmanjševanjem uporabe tobačnih izdelkov in izpostavljenosti tobačnemu dimu;

(e) »tobačna industrija« pomeni proizvajalce tobačnih izdelkov, grosistične distributerje in uvoznike tobačnih izdelkov;

(f) »tobačni izdelki« pomenijo izdelke, delno ali v celoti narejene iz tobačnih listov kot surovine, ki so izdelani za kajenje, žvečenje, sesanje ali njuhanje;

(g) »sponzoriranje tobaka« pomeni kakršno koli posredno ali neposredno obliko prispevka za kakršen koli dogodek, dejavnost ali posameznika s ciljem, učinkom ali mogočim učinkom promocije tobačnih izdelkov ali uporabe tobaka.

2. člen

Razmerje med to konvencijo in drugimi sporazumi ter pravnimi dokumenti

1. Zaradi boljšega varovanja zdravja ljudi se pogodbenice spodbujajo, da poleg ukrepov iz te konvencije in njenih protokolov izvajajo še druge, tudi strožje ukrepe, skladne z njenimi določbami in mednarodnim pravom.

¹ Kadar je primerno, se bo nacionalni nanašal tudi na organizacije za regionalno gospodarsko povezovanje.

2. The provisions of the Convention and its protocols shall in no way affect the right of Parties to enter into bilateral or multilateral agreements, including regional or subregional agreements, on issues relevant or additional to the Convention and its protocols, provided that such agreements are compatible with their obligations under the Convention and its protocols. The Parties concerned shall communicate such agreements to the Conference of the Parties through the Secretariat.

PART II: OBJECTIVE, GUIDING PRINCIPLES AND GENERAL OBLIGATIONS

Article 3

Objective

The objective of this Convention and its protocols is to protect present and future generations from the devastating health, social, environmental and economic consequences of tobacco consumption and exposure to tobacco smoke by providing a framework for tobacco control measures to be implemented by the Parties at the national, regional and international levels in order to reduce continually and substantially the prevalence of tobacco use and exposure to tobacco smoke.

Article 4

Guiding principles

To achieve the objective of this Convention and its protocols and to implement its provisions, the Parties shall be guided, *inter alia*, by the principles set out below:

1. Every person should be informed of the health consequences, addictive nature and mortal threat posed by tobacco consumption and exposure to tobacco smoke and effective legislative, executive, administrative or other measures should be contemplated at the appropriate governmental level to protect all persons from exposure to tobacco smoke.

2. Strong political commitment is necessary to develop and support, at the national, regional and international levels, comprehensive multisectoral measures and coordinated responses, taking into consideration:

(a) the need to take measures to protect all persons from exposure to tobacco smoke;

(b) the need to take measures to prevent the initiation, to promote and support cessation, and to decrease the consumption of tobacco products in any form;

(c) the need to take measures to promote the participation of indigenous individuals and communities in the development, implementation and evaluation of tobacco control programmes that are socially and culturally appropriate to their needs and perspectives; and

(d) the need to take measures to address gender-specific risks when developing tobacco control strategies.

3. International cooperation, particularly transfer of technology, knowledge and financial assistance and provision of related expertise, to establish and implement effective tobacco control programmes, taking into consideration local culture, as well as social, economic, political and legal factors, is an important part of the Convention.

4. Comprehensive multisectoral measures and responses to reduce consumption of all tobacco products at the national, regional and international levels are essential so as to prevent, in accordance with public health principles, the incidence of diseases, premature disability and mortality due to tobacco consumption and exposure to tobacco smoke.

5. Issues relating to liability, as determined by each Party within its jurisdiction, are an important part of comprehensive tobacco control.

6. The importance of technical and financial assistance to aid the economic transition of tobacco growers and workers whose livelihoods are seriously affected as a consequence of tobacco control programmes in developing country Parties, as well as Parties with economies in transition, should be recognized and addressed in the context of nationally developed strategies for sustainable development.

2. Določbe konvencije in njenih protokolov nikakor ne vplivajo na pravico pogodbenic, da sklepajo dvostranske ali večstranske sporazume, vključno z regionalnimi in subregionalnimi sporazumi, o zadevah, ki se nanašajo na konvencijo in njene protokole, ali jih dopolnjujejo, če so ti sporazumi združljivi z njihovimi obveznostmi. Pogodbenice prek sekretariata o tem obvestijo Konferenco pogodbenic.

II. DEL: CILJ, VODILNA NAČELA IN SPLOŠNE OBVEZNOSTI

3. člen

Cilj

Cilj te konvencije in njenih protokolov je varovanje sedanjih in prihodnjih generacij pred pogubnimi zdravstvenimi, socialnimi, okoljskimi in ekonomskimi posledicami uporabe tobaka in izpostavljenosti tobačnemu dimu, tako da se vzpostavijo pogoji za nadzor nad tobakom, ki naj bi ga pogodbenice izvajale na državni, regionalni in mednarodni ravni zaradi trajnega in občutnega zmanjšanja razširjenosti uporabe tobaka in izpostavljenosti tobačnemu dimu.

4. člen

Vodilna načela

Da bi bil izpolnjen cilj te konvencije in da bi se uresničile njene določbe, se pogodbenice ravnajo predvsem po navedenih načelih:

1. Vsakogar je treba seznaniti s posledicami, ki jih imata uporaba tobaka in izpostavljenost tobačnemu dimu na zdravje, s tem, da tobak povzroča odvisnost in ogroža življenje, in zato na ustrezni vladni ravni predvideti učinkovite zakonske, izvršilne, upravne in druge ukrepe za zaščito vsakogar pred tobačnim dimom.

2. Za predlaganje in sprejetje vsestranskih in celovitih ukrepov z usklajenim odzivom na državni, regionalni in mednarodni ravni je potrebna trdna politična podpora ob upoštevanju:

(a) potrebe po sprejetju ukrepov za zaščito vsakogar pred izpostavljenostjo tobačnemu dimu;

(b) potrebe po sprejetju ukrepov za preprečevanje napeljevanja h kajenju, spodbujanje in podporo opuščanja kajenja ter zmanjševanje porabe tobačnih izdelkov v kakršni koli obliki;

(c) potrebe po sprejetju ukrepov za pridobitev avtohtonih prebivalcev in njihovih skupnosti za sodelovanje pri razvoju, izvajanju in vrednotenju programov za nadzor nad tobakom, ki so socialno in kulturno primerni za njihove potrebe in možnosti, in

(d) potrebe po sprejetju ukrepov za zmanjšanje nevarnosti, značilnih za posamezen spol, pri oblikovanju strategije za nadzor nad tobakom.

3. Pomemben del konvencije je mednarodno sodelovanje, še zlasti prenos tehnologije in znanja, finančna pomoč in zagotavljanje s tem povezanega strokovnega znanja in izkušenj pri pripravi in izvajanju učinkovitih programov za nadzor nad tobakom ob upoštevanju kulturnih značilnosti in tudi družbenih, ekonomskih, političnih in pravnih dejavnikov.

4. Ob upoštevanju načel javnega zdravja so bistvenega pomena celoviti in vsestranski ukrepi za zmanjševanje porabe vseh vrst tobačnih izdelkov na državni, regionalni in mednarodni ravni pri preprečevanju nastanka bolezni, prezgodnje invalidnosti in smrti.

5. Vprašanja v zvezi z odgovornostjo, ki jo vsaka pogodbenica določi v svoji zakonodaji, so pomemben del vsestranskega nadzora nad tobakom.

6. Pridelovalcem tobaka in delavcem, katerih preživetje je resno ogroženo zaradi programov nadzora nad tobakom v državah pogodbenicah v razvoju in tudi v državah z gospodarstvom v prehodu, je treba priznati potrebnost strokovne in finančne pomoči in jo obravnavati v okviru doma razvitih strategij trajnostnega razvoja.

7. The participation of civil society is essential in achieving the objective of the Convention and its protocols.

Article 5

General obligations

1. Each Party shall develop, implement, periodically update and review comprehensive multisectoral national tobacco control strategies, plans and programmes in accordance with this Convention and the protocols to which it is a Party.

2. Towards this end, each Party shall, in accordance with its capabilities:

(a) establish or reinforce and finance a national coordinating mechanism or focal points for tobacco control; and

(b) adopt and implement effective legislative, executive, administrative and/or other measures and cooperate, as appropriate, with other Parties in developing appropriate policies for preventing and reducing tobacco consumption, nicotine addiction and exposure to tobacco smoke.

3. In setting and implementing their public health policies with respect to tobacco control, Parties shall act to protect these policies from commercial and other vested interests of the tobacco industry in accordance with national law.

4. The Parties shall cooperate in the formulation of proposed measures, procedures and guidelines for the implementation of the Convention and the protocols to which they are Parties.

5. The Parties shall cooperate, as appropriate, with competent international and regional intergovernmental organizations and other bodies to achieve the objectives of the Convention and the protocols to which they are Parties.

6. The Parties shall, within means and resources at their disposal, cooperate to raise financial resources for effective implementation of the Convention through bilateral and multi-lateral funding mechanisms.

PART III: MEASURES RELATING TO THE REDUCTION OF DEMAND FOR TOBACCO

Article 6

Price and tax measures to reduce the demand for tobacco

1. The Parties recognize that price and tax measures are an effective and important means of reducing tobacco consumption by various segments of the population, in particular young persons.

2. Without prejudice to the sovereign right of the Parties to determine and establish their taxation policies, each Party should take account of its national health objectives concerning tobacco control and adopt or maintain, as appropriate, measures which may include:

(a) implementing tax policies and, where appropriate, price policies, on tobacco products so as to contribute to the health objectives aimed at reducing tobacco consumption; and

(b) prohibiting or restricting, as appropriate, sales to and/or importations by international travellers of tax- and duty-free tobacco products.

3. The Parties shall provide rates of taxation for tobacco products and trends in tobacco consumption in their periodic reports to the Conference of the Parties, in accordance with Article 21.

Article 7

Non-price measures to reduce the demand for tobacco

The Parties recognize that comprehensive non-price measures are an effective and important means of reducing tobacco consumption. Each Party shall adopt and implement effective legislative, executive, administrative or other measures necessary to implement its obligations pursuant to Articles 8 to 13 and shall cooperate, as appropriate, with each other directly or through competent international bodies with a view to their implementation. The Conference of the Parties shall propose appropriate guidelines for the implementation of the provisions of these Articles.

7. Sodelovanje civilne družbe je bistvenega pomena za uresničevanje ciljev konvencije in njenih protokolov.

5. člen

Splošne obveznosti

1. Vsaka pogodbenica oblikuje, uresničuje, redno posodablja in preverja celovite in vsestranske nacionalne strategije za nadzor nad tobakom, načrte in programe v skladu s to konvencijo in protokoli, ki jih je podpisala.

2. V ta namen vsaka pogodbenica v skladu s svojimi zmoglostmi:

(a) oblikuje ali krepi in financira nacionalne usklajevalne mehanizme ali točke za stike za nadzor nad tobakom in

(b) sprejme in izvaja učinkovite zakonske, izvršilne, upravne in/ali druge ukrepe in sodeluje, kot je primerno, z drugimi pogodbenicami pri oblikovanju primerne politike za preprečevanje in zmanjšanje porabe tobaka, odvisnosti od nikotina in izpostavljenosti tobačnemu dimu.

3. Pogodbenice pri oblikovanju in uresničevanju svojih javnih zdravstvenih politik glede nadzora nad tobakom ukrepajo v skladu s svojo zakonodajo za zaščito teh politik pred komercialnimi in drugimi pridobljenimi pravicami tobačne industrije.

4. Pogodbenice sodelujejo pri oblikovanju predlaganih ukrepov, postopkov in smernic za izvajanje konvencije in protokolov, ki so jih podpisale.

5. Pogodbenice sodelujejo, kot je primerno, s pristojnimi mednarodnimi in regionalnimi medvladnimi organizacijami in drugimi telesi, da bi uresničile cilje konvencije in protokolov, ki so jih podpisale.

6. Pogodbenice v okviru sredstev in virov, s katerimi razpolagajo, sodelujejo pri prizadevanjih za povečanje finančnih virov za učinkovito izvajanje konvencije z dvostranskimi in večstranskimi mehanizmi financiranja.

III. DEL: UKREPI ZA ZMANJŠANJE POVPRASEVANJA PO TOBAKU

6. člen

Cene in davčni ukrepi za zmanjšanje povpraševanja po tobaku

1. Pogodbenice soglašajo, da so cene in davčni ukrepi učinkovito in pomembno sredstvo za zmanjšanje porabe tobaka pri različnih delih prebivalstva, še zlasti pri mladini.

2. Ne glede na suvereno pravico pogodbenic, da določajo in oblikujejo svojo davčno politiko, bi morala vsaka pogodbenica upoštevati svoje nacionalne zdravstvene cilje glede nadzora nad tobakom ter po potrebi sprejeti ali ohraniti ukrepe, ki lahko vključujejo:

(a) tako izvajanje davčne politike in po potrebi cenovne politike za tobačne izdelke, da prispevajo k zdravstvenim ciljem, katerih namen je zmanjšanje porabe tobaka, in

(b) po potrebi prepoved ali omejitev brezcarinske prodaje in/ali omogočanja uvoza tobačnih izdelkov mednarodnim potnikom.

3. Pogodbenice v svojih rednih poročilih Konferenci pogodbenic v skladu z 21. členom navedejo davčne stopnje za tobačne izdelke in gibanje porabe tobaka.

7. člen

Necenovni ukrepi za zmanjšanje povpraševanja po tobaku

Pogodbenice soglašajo, da so celoviti necenovni ukrepi učinkovito in pomembno sredstvo za zmanjšanje porabe tobaka. Vsaka pogodbenica sprejme in izvaja učinkovite zakonske, izvršilne, upravne in druge ukrepe, potrebne za izpolnitev svojih obveznosti v skladu z določbami 8. do 13. člena, in za njihovo izpolnjevanje po potrebi z drugimi sodeluje neposredno ali prek pristojnih mednarodnih teles. Konferenca pogodbenic predlaga ustrezne smernice za uresničevanje določb teh členov.

Article 8*Protection from exposure to tobacco smoke*

1. Parties recognize that scientific evidence has unequivocally established that exposure to tobacco smoke causes death, disease and disability.

2. Each Party shall adopt and implement in areas of existing national jurisdiction as determined by national law and actively promote at other jurisdictional levels the adoption and implementation of effective legislative, executive, administrative and/or other measures, providing for protection from exposure to tobacco smoke in indoor workplaces, public transport, indoor public places and, as appropriate, other public places.

Article 9*Regulation of the contents of tobacco products*

The Conference of the Parties, in consultation with competent international bodies, shall propose guidelines for testing and measuring the contents and emissions of tobacco products, and for the regulation of these contents and emissions. Each Party shall, where approved by competent national authorities, adopt and implement effective legislative, executive and administrative or other measures for such testing and measuring, and for such regulation.

Article 10*Regulation of tobacco product disclosures*

Each Party shall, in accordance with its national law, adopt and implement effective legislative, executive, administrative or other measures requiring manufacturers and importers of tobacco products to disclose to governmental authorities information about the contents and emissions of tobacco products. Each Party shall further adopt and implement effective measures for public disclosure of information about the toxic constituents of the tobacco products and the emissions that they may produce.

Article 11*Packaging and labelling of tobacco products*

1. Each Party shall, within a period of three years after entry into force of this Convention for that Party, adopt and implement, in accordance with its national law, effective measures to ensure that:

(a) tobacco product packaging and labelling do not promote a tobacco product by any means that are false, misleading, deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emissions, including any term, descriptor, trademark, figurative or any other sign that directly or indirectly creates the false impression that a particular tobacco product is less harmful than other tobacco products. These may include terms such as "low tar", "light", "ultra-light", or "mild"; and

(b) each unit packet and package of tobacco products and any outside packaging and labelling of such products also carry health warnings describing the harmful effects of tobacco use, and may include other appropriate messages. These warnings and messages:

(i) shall be approved by the competent national authority,

(ii) shall be rotating,

(iii) shall be large, clear, visible and legible,

(iv) should be 50% or more of the principal display areas but shall be no less than 30% of the principal display areas,

(v) may be in the form of or include pictures or pictograms.

2. Each unit packet and package of tobacco products and any outside packaging and labelling of such products shall, in addition to the warnings specified in paragraph 1(b) of this Article, contain information on relevant constituents and emissions of tobacco products as defined by national authorities.

8. člen*Zaščita pred izpostavljenostjo tobačnemu dimu*

1. Pogodbenice priznavajo, da je z znanstvenimi dokazi nedvoumno ugotovljeno, da izpostavljenost tobačnemu dimu povzroča smrt, bolezni in invalidnost.

2. Vsaka pogodbenica v skladu s svojo zakonodajo na posameznih ravneh iz svoje pristojnosti dejavno spodbuja sprejetje in izvajanje učinkovitih zakonskih, upravnih in/ali drugih ukrepov, s katerimi skrbi za zaščito pred izpostavljenostjo tobačnemu dimu v zaprtih delovnih prostorih, javnih prevoznih sredstvih, zaprtih javnih prostorih in po potrebi v drugih javnih prostorih.

9. člen*Zakonsko urejanje vsebine tobačnih izdelkov*

Konferenca pogodbenic v posvetovanju s pristojnimi mednarodnimi telesi pogodbenic predlaga smernice za preizkušanje in merjenje vsebine in emisij tobačnih izdelkov ter zakonsko urejanje teh vsebin in emisij. Vsaka pogodbenica, ki ima odobritev pristojnih državnih organov, sprejme in izvaja učinkovite zakonske, izvršilne in upravne ali druge ukrepe za tako preizkušanje in merjenje ter zakonsko urejanje.

10. člen*Zakonsko urejanje razkrivanja podatkov o tobačnih izdelkih*

V skladu s svojo zakonodajo vsaka pogodbenica sprejme in izvaja učinkovite zakonske, izvršilne, upravne in druge ukrepe, s katerimi od proizvajalcev in uvoznikov tobačnih izdelkov zahteva, da državnim organom sporočijo podatke o vsebini in emisijah tobačnih izdelkov. Vsaka pogodbenica sprejme in izvaja učinkovite ukrepe za javno objavo podatkov o toksičnih sestavinah tobačnih izdelkov in emisijah, ki jih lahko ustvarjajo.

11. člen*Embalaža in označevanje tobačnih izdelkov*

1. Vsaka pogodbenica v treh letih po začetku veljavnosti konvencije zanjo v skladu s svojo zakonodajo sprejme in izvaja učinkovite ukrepe, s katerimi zagotovi, da:

(a) embalaža in označevanje tobačnih izdelkov ne predstavljata tobačnega izdelka tako, da bi bil kakor koli lažno, zavajajoče, varljivo ali podobno ustvarjen zmoten vtis o njegovih lastnostih, vplivih na zdravje, nevarnostih ali emisijah, vključno s katerim koli izrazom, deskriptorjem, blagovno znamko, simbolom ali katerim koli drugim znakom, ki bi posredno ali neposredno vzbujal zmoten vtis, da je posamezen tobačni izdelek manj škodljiv od drugih tobačnih izdelkov. To lahko vključuje izraze, kot so z nizko vsebnostjo katrana, lahek, ultralahek ali blag, in

(b) je na vsaki škatlici ali zavojčku tobačnih izdelkov ter vsaki zunanji embalaži in oznaki takih izdelkov tudi zdravstveno opozorilo, ki opisuje škodljive posledice uporabe tobaka, in so lahko vključena druga primerna sporočila. Ta opozorila in sporočila:

(i) odobri pristojni državni organ;

(ii) se stalno menjavajo;

(iii) so velika, jasna, vidna in berljiva;

(iv) lahko zavzemajo 50% ali več glavnega prikaznega območja, vendar ne manj kot 30% glavnega prikaznega območja;

(v) so lahko v obliki slik in piktogramov ali jih vključujejo.

2. Vsaka škatlica ali zavojček tobačnih izdelkov in vsaka zunanja embalaža in označevanje teh izdelkov vsebujeta poleg opozoril, določenih v točki b prvega odstavka tega člena, podatke o pomembnih sestavinah in emisijah tobačnih izdelkov, kot to določajo državni organi.

3. Each Party shall require that the warnings and other textual information specified in paragraphs 1(b) and paragraph 2 of this Article will appear on each unit packet and package of tobacco products and any outside packaging and labelling of such products in its principal language or languages.

4. For the purposes of this Article, the term "outside packaging and labelling" in relation to tobacco products applies to any packaging and labelling used in the retail sale of the product.

Article 12

Education, communication, training and public awareness

Each Party shall promote and strengthen public awareness of tobacco control issues, using all available communication tools, as appropriate. Towards this end, each Party shall adopt and implement effective legislative, executive, administrative or other measures to promote:

(a) broad access to effective and comprehensive educational and public awareness programmes on the health risks including the addictive characteristics of tobacco consumption and exposure to tobacco smoke;

(b) public awareness about the health risks of tobacco consumption and exposure to tobacco smoke, and about the benefits of the cessation of tobacco use and tobacco-free lifestyles as specified in Article 14.2;

(c) public access, in accordance with national law, to a wide range of information on the tobacco industry as relevant to the objective of this Convention;

(d) effective and appropriate training or sensitization and awareness programmes on tobacco control addressed to persons such as health workers, community workers, social workers, media professionals, educators, decision-makers, administrators and other concerned persons;

(e) awareness and participation of public and private agencies and nongovernmental organizations not affiliated with the tobacco industry in developing and implementing intersectoral programmes and strategies for tobacco control; and

(f) public awareness of and access to information regarding the adverse health, economic, and environmental consequences of tobacco production and consumption.

Article 13

Tobacco advertising, promotion and sponsorship

1. Parties recognize that a comprehensive ban on advertising, promotion and sponsorship would reduce the consumption of tobacco products.

2. Each Party shall, in accordance with its constitution or constitutional principles, undertake a comprehensive ban of all tobacco advertising, promotion and sponsorship. This shall include, subject to the legal environment and technical means available to that Party, a comprehensive ban on cross-border advertising, promotion and sponsorship originating from its territory. In this respect, within the period of five years after entry into force of this Convention for that Party, each Party shall undertake appropriate legislative, executive, administrative and/or other measures and report accordingly in conformity with Article 21.

3. A Party that is not in a position to undertake a comprehensive ban due to its constitution or constitutional principles shall apply restrictions on all tobacco advertising, promotion and sponsorship. This shall include, subject to the legal environment and technical means available to that Party, restrictions or a comprehensive ban on advertising, promotion and sponsorship originating from its territory with cross-border effects. In this respect, each Party shall undertake appropriate legislative, executive, administrative and/or other measures and report accordingly in conformity with Article 21.

4. As a minimum, and in accordance with its constitution or constitutional principles, each Party shall:

3. Vsaka pogodbenica zahteva, da se opozorila in drugi podatki, določeni v točki b prvega odstavka in v drugem odstavku tega člena, navedejo na vsaki škatlici ali zavojčku ter zunanji embalaži in oznakah teh izdelkov v uradnem jeziku oziroma jezikih.

4. V tem členu se izraz zunanja embalaža in oznake v povezavi s tobačnimi izdelki nanaša na vso embalažo in označevanje, ki se uporabljajo v trgovini na drobno.

12. člen

Vzgoja, obveščanje, usposabljanje in ozaveščanje javnosti

Vsaka pogodbenica spodbuja in krepi ozaveščenost javnosti o vprašanih nadzora nad tobakom ter pri tem po potrebi uporablja vsa razpoložljiva sredstva obveščanja. V ta namen vsaka pogodbenica sprejme in izvaja učinkovite zakonske, izvršilne, upravne ali druge ukrepe za spodbujanje:

(a) dostopa do učinkovitih in vsestranskih programov izobraževanja in ozaveščanja javnosti o tveganjih za zdravje, vključno z lastnostmi uporabe tobaka, ki povzročajo odvisnost, in izpostavljenostjo tobačnemu dimu;

(b) ozaveščenosti javnosti o tveganjih za zdravje zaradi uživanja tobaka in izpostavljenosti tobačnemu dimu ter prednostih prenehanja uživanja tobaka in življenja brez tobaka, kakor je navedeno v drugem odstavku 14. člena;

(c) dostopa najširše javnosti do informacij o tobačni industriji, pomembnih za cilje te konvencije, v skladu z notranjo zakonodajo;

(d) učinkovitih in ustreznih programov usposabljanja in ozaveščanja o nadzoru nad tobakom, namenjenih zdravstvenim, socialnim delavcem, strokovnjakom za javna občila, vzgojiteljem, oblikovalcem javnega mnenja in drugim osebam, ki jih to zadeva;

(e) ozaveščenosti in sodelovanja javnih in zasebnih agencij ter nevladnih organizacij, ki niso povezane s tobačno industrijo, pri oblikovanju in izvajanju medresorskih programov in strategij za nadzor nad tobakom, in

(f) ozaveščenosti javnosti in dostopa do informacij v zvezi s škodljivimi učinki proizvodnje in uporaba tobaka za zdravje, gospodarstvo in okolje.

13. člen

Oglaševanje, promocija in sponzoriranje tobačnih izdelkov

1. Pogodbenice soglašajo, da popolna prepoved oglaševanja, promocije in sponzoriranja tobačnih izdelkov zmanjšuje njihovo uporabo

2. Vsaka pogodbenica v skladu s svojo ustavo ali ustavnimi načeli sprejme popolno prepoved vsakršnega oglaševanja, promocije in sponzoriranja tobačnih izdelkov. Ta prepoved vključuje tudi popolno prepoved čezmejnega oglaševanja, promocije in sponzoriranja tobačnih izdelkov ob upoštevanju pravnega reda pogodbenice in razpoložljivih tehničnih sredstev. Vsaka pogodbenica v zvezi s tem v petih let od začetka veljavnosti te konvencije sprejme ustrezne zakonske, izvršilne, upravne in/ali druge ukrepe in poroča v skladu z 21. členom.

3. Pogodbenica, ki ne more sprejeti popolne prepovedi zaradi svoje ustave ali ustavnih načel, omeji tobačno oglaševanje, promocijo in sponzoriranje. Ta omejitev vključuje tudi popolno prepoved čezmejnega oglaševanja, promocije in sponzoriranja ob upoštevanju pravnega reda pogodbenice in razpoložljivih tehničnih sredstev. V zvezi s tem vsaka pogodbenica sprejme ustrezne zakonske, izvršilne, upravne in/ali druge ukrepe in poroča v skladu z 21. členom.

4. Vsaka pogodbenica v skladu s svojo ustavo ali ustavnimi načeli:

(a) prohibit all forms of tobacco advertising, promotion and sponsorship that promote a tobacco product by any means that are false, misleading or deceptive or likely to create an erroneous impression about its characteristics, health effects, hazards or emissions;

(b) require that health or other appropriate warnings or messages accompany all tobacco advertising and, as appropriate, promotion and sponsorship;

(c) restrict the use of direct or indirect incentives that encourage the purchase of tobacco products by the public;

(d) require, if it does not have a comprehensive ban, the disclosure to relevant governmental authorities of expenditures by the tobacco industry on advertising, promotion and sponsorship not yet prohibited. Those authorities may decide to make those figures available, subject to national law, to the public and to the Conference of the Parties, pursuant to Article 21;

(e) undertake a comprehensive ban or, in the case of a Party that is not in a position to undertake a comprehensive ban due to its constitution or constitutional principles, restrict tobacco advertising, promotion and sponsorship on radio, television, print media and, as appropriate, other media, such as the internet, within a period of five years; and

(f) prohibit, or in the case of a Party that is not in a position to prohibit due to its constitution or constitutional principles restrict, tobacco sponsorship of international events, activities and/or participants therein.

5. Parties are encouraged to implement measures beyond the obligations set out in paragraph 4.

6. Parties shall cooperate in the development of technologies and other means necessary to facilitate the elimination of cross-border advertising.

7. Parties which have a ban on certain forms of tobacco advertising, promotion and sponsorship have the sovereign right to ban those forms of cross-border tobacco advertising, promotion and sponsorship entering their territory and to impose equal penalties as those applicable to domestic advertising, promotion and sponsorship originating from their territory in accordance with their national law. This paragraph does not endorse or approve of any particular penalty.

8. Parties shall consider the elaboration of a protocol setting out appropriate measures that require international collaboration for a comprehensive ban on cross-border advertising, promotion and sponsorship.

Article 14

Demand reduction measures concerning tobacco dependence and cessation

1. Each Party shall develop and disseminate appropriate, comprehensive and integrated guidelines based on scientific evidence and best practices, taking into account national circumstances and priorities, and shall take effective measures to promote cessation of tobacco use and adequate treatment for tobacco dependence.

2. Towards this end, each Party shall endeavour to:

(a) design and implement effective programmes aimed at promoting the cessation of tobacco use, in such locations as educational institutions, health care facilities, workplaces and sporting environments;

(b) include diagnosis and treatment of tobacco dependence and counselling services on cessation of tobacco use in national health and education programmes, plans and strategies, with the participation of health workers, community workers and social workers as appropriate;

(c) establish in health care facilities and rehabilitation centres programmes for diagnosing, counselling, preventing and treating tobacco dependence; and

(d) collaborate with other Parties to facilitate accessibility and affordability for treatment of tobacco dependence including pharmaceutical products pursuant to Article 22. Such products and their constituents may include medicines, products used to administer medicines and diagnostics when appropriate.

(a) prepove vse oblike tobačnega oglaševanja, promocije in sponzoriranja, ki kakor koli lažno, zavajajoče ali varljivo oglašujejo tobačni izdelek, ali tako, da je verjetno, da bodo ustvarili zmoten vtis o njegovih lastnostih, posledicah za zdravje, nevarnostih ali emisijah;

(b) zahteva, da zdravstvena ali druga primerna opozorila ali sporočila spremljajo vsakršno tobačno oglaševanje ter po potrebi promocijo in sponzoriranje;

(c) omeji uporabo neposrednih in posrednih spodbud za nakup tobačnih izdelkov;

(d) zahteva, če nima popolne prepovedi oglaševanja tobačnih izdelkov, da se ustreznim državnim organom sporočijo izdatki tobačne industrije za oglaševanje, promocijo in sponzoriranje, ki še niso prepovedani. Ti organi se lahko odločijo, da ob upoštevanju svoje zakonodaje objavijo te podatke in jih sporočijo Konferenci pogodbenic v skladu z 21. členom;

(e) v petih let predpiše popolno prepoved, če pa je zaradi svoje ustave ali ustavnih načel ne more sprejeti v celoti, omeji tobačno oglaševanje, promocijo in sponzoriranje po radiu, na televiziji, v tisku in po potrebi v drugih javnih občilih, kot je internet, in

(f) prepove, ali če prepovedi ne more sprejeti zaradi svoje ustave ali ustavnih načel, omeji sponzoriranje tobačnih izdelkov na mednarodnih prireditvah in/ali njihovih udeležencev.

5. Pogodbenice se spodbujajo, da izvajajo ukrepe, ki presegajo obveznosti iz četrtega odstavka.

6. Pogodbenice sodelujejo pri razvoju tehnologij in drugih sredstev, potrebnih za lažjo odpravo čezmejnega oglaševanja.

7. Pogodbenice, v katerih velja prepoved nekaterih oblik oglaševanja, promocije in sponzoriranja tobačnih izdelkov, imajo suvereno pravico, da na svojem območju prepovejo oblike oglaševanja, promocije in sponzoriranja tobačnih izdelkov, ki prihajajo iz drugih držav, in da v skladu s svojo zakonodajo izrekajo enake kazni kot kazni, ki se uporabljajo za oglaševanje, promocijo in sponzoriranje tobačnih izdelkov na njenem območju. Določitev kazni je v pristojnosti pogodbenic.

8. Pogodbenice preučijo pripravo protokola za določitev primernih ukrepov za popolno prepoved čezmejnega oglaševanja, promocije in sponzoriranja tobačnih izdelkov, pri čemer je potrebno mednarodno sodelovanje.

14. člen

Ukrepi za zmanjšanje povpraševanja po tobaku v zvezi z odvisnostjo in odvajanjem

1. Vsaka pogodbenica ob upoštevanju svojih značilnosti in prednostnih nalog oblikuje in objavi ustrezna podrobna in enotna navodila, ki temeljijo na znanstvenih dognanjih in praktičnih izkušnjah ter sprejme učinkovite ukrepe za spodbujanje prenehanja uporabe tobačnih izdelkov in primerno zdravljenje odvisnosti od tobaka.

2. V ta namen si vsaka pogodbenica prizadeva:

(a) načrtovati in izvajati učinkovite programe, katerih cilj je spodbujanje prenehanja uporabe tobačnih izdelkov v izobraževalnih in zdravstvenih ustanovah, na delovnih mestih ter v športnih objektih in na športnih prireditvah;

(b) v sodelovanju z zdravstvenimi, socialnimi ali drugimi javnimi delavci v nacionalne zdravstvene in izobraževalne programe, načrte ter strategije vključiti diagnosticiranje, zdravljenje odvisnosti od tobaka ter svetovanje pri odvajanju od tobaka;

(c) v zdravstvenih ustanovah in centrih za odvajanje od tobaka sprejeti programe diagnosticiranja, svetovanja, preprečevanja in zdravljenja odvisnosti od tobaka in

(d) v sodelovanju z drugimi pogodbenicami omogočiti dostopnost in možnost zdravljenja odvisnosti od tobaka, vključno s farmacevtskimi izdelki v skladu z 22. členom. Taki izdelki in njihove sestavine lahko vključujejo zdravila, ustrezne medicinske oziroma diagnostične pripomočke.

PART IV: MEASURES RELATING TO THE REDUCTION OF THE SUPPLY OF TOBACCO**Article 15***Illicit trade in tobacco products*

1. The Parties recognize that the elimination of all forms of illicit trade in tobacco products, including smuggling, illicit manufacturing and counterfeiting, and the development and implementation of related national law, in addition to subregional, regional and global agreements, are essential components of tobacco control.

2. Each Party shall adopt and implement effective legislative, executive, administrative or other measures to ensure that all unit packets and packages of tobacco products and any outside packaging of such products are marked to assist Parties in determining the origin of tobacco products, and in accordance with national law and relevant bilateral or multilateral agreements, assist Parties in determining the point of diversion and monitor, document and control the movement of tobacco products and their legal status. In addition, each Party shall:

(a) require that unit packets and packages of tobacco products for retail and wholesale use that are sold on its domestic market carry the statement: "Sales only allowed in (insert name of the country, subnational, regional or federal unit)" or carry any other effective marking indicating the final destination or which would assist authorities in determining whether the product is legally for sale on the domestic market; and

(b) consider, as appropriate, developing a practical tracking and tracing regime that would further secure the distribution system and assist in the investigation of illicit trade.

3. Each Party shall require that the packaging information or marking specified in paragraph 2 of this Article shall be presented in legible form and/or appear in its principal language or languages.

4. With a view to eliminating illicit trade in tobacco products, each Party shall:

(a) monitor and collect data on cross-border trade in tobacco products, including illicit trade, and exchange information among customs, tax and other authorities, as appropriate, and in accordance with national law and relevant applicable bilateral or multilateral agreements;

(b) enact or strengthen legislation, with appropriate penalties and remedies, against illicit trade in tobacco products, including counterfeit and contraband cigarettes;

(c) take appropriate steps to ensure that all confiscated manufacturing equipment, counterfeit and contraband cigarettes and other tobacco products are destroyed, using environmentally-friendly methods where feasible, or disposed of in accordance with national law;

(d) adopt and implement measures to monitor, document and control the storage and distribution of tobacco products held or moving under suspension of taxes or duties within its jurisdiction; and

(e) adopt measures as appropriate to enable the confiscation of proceeds derived from the illicit trade in tobacco products.

5. Information collected pursuant to subparagraphs 4(a) and 4(d) of this Article shall, as appropriate, be provided in aggregate form by the Parties in their periodic reports to the Conference of the Parties, in accordance with Article 21.

6. The Parties shall, as appropriate and in accordance with national law, promote cooperation between national agencies, as well as relevant regional and international intergovernmental organizations as it relates to investigations, prosecutions and proceedings, with a view to eliminating illicit trade in tobacco products. Special emphasis shall be placed on cooperation at regional and subregional levels to combat illicit trade of tobacco products.

7. Each Party shall endeavour to adopt and implement further measures including licensing, where appropriate, to control or regulate the production and distribution of tobacco products in order to prevent illicit trade.

IV. DEL: UKREPI ZA ZMANJŠANJE OSKRBE S TOBAKOM**15. člen***Nezakonita trgovina s tobačnimi izdelki*

1. Pogodbenice priznavajo, da so odprava vseh oblik nezakonite trgovine s tobačnimi izdelki, vključno s tihotapljenjem, nedovoljeno proizvodnjo in ponarejanjem, pripravljanje in izvajanje ustrezne notranje zakonodaje poleg podregionalnih, regionalnih in svetovnih sporazumov bistveni del nadzora nad tobakom.

2. Vsaka pogodbenica sprejme in izvaja učinkovite zakonske, izvršilne, upravne ali druge ukrepe za zagotavljanje takega označevanja vseh posameznih škatlic in zavojčkov tobačnih izdelkov ter vse njihove zunanje embalaže, ki pogodbenicam pomaga določiti izvor tobačnih izdelkov in jim v skladu z njihovo zakonodajo ter ustreznimi dvostranskimi ali večstranskimi sporazumi pomaga pri določitvi kraja preusmeritve ter spremljanju, dokumentiranju in nadziranju pretoka tobačnih izdelkov in njihovega pravnega statusa. Poleg tega vsaka pogodbenica:

(a) zahteva, da imajo posamezne škatlice in zavojčki tobačnih izdelkov za uporabo v maloprodaji in veleprodaji na domačem trgu napis: »Prodaja dovoljena samo v (vstavite ime države, regionalne ali zvezne enote)« ali kakšno drugo učinkovito oznako o končnem namembnem kraju ali ki bi pristojnim organom pomagala ugotoviti, ali se izdelek zakonito prodaja na domačem trgu, in

(b) po potrebi preuči oblikovanje konkretnega sistema sledenja, ki bi dodatno zavaroval distribucijski sistem in pomagal pri preiskavah nezakonite trgovine.

3. Vsaka pogodbenica zahteva, da so podatki ali oznake na embalaži iz drugega odstavka tega člena berljive in/ali da se navedejo v njenem uradnem jeziku ali jezikih.

4. Za odpravo nezakonite trgovine s tobačnimi izdelki vsaka pogodbenica:

(a) spremlja in zbira podatke o čezmejni trgovini s tobačnimi izdelki, vključno z nezakonito trgovino, in po potrebi izmenjava podatke s carinskimi, davčnimi in drugimi organi v skladu s svojo zakonodajo in ustreznimi veljavnimi dvostranskimi ali večstranskimi sporazumi;

(b) uveljavi ali dopolni zakonodajo z ustreznimi kaznimi in drugimi pravnimi sredstvi proti nezakoniti trgovini s tobačnimi izdelki, vključno s ponarejenimi in pretihotapljenimi cigaretami;

(c) sprejme ustrezne ukrepe, s katerimi zagotovi, da se vsa odvzeta proizvodna oprema ter ponarejene in pretihotapljene cigarete in drugi tobačni izdelki uničijo po okolju prijaznih postopkih, če je mogoče, ali odprodajo v skladu z njeno zakonodajo;

(d) sprejme in izvaja ukrepe za spremljanje, dokumentiranje in nadziranje skladiščenja in razpošiljanja tobačnih izdelkov, ki so v skladišču ali v prodaji, ob začasni odložitvi plačila davkov ali dajatev v okviru njene pristojnosti, in

(e) sprejme ustrezne ukrepe, ki omogočajo zaplenbo nezakonitih prihodkov, pridobljenih z nezakonito trgovino s tobačnimi izdelki.

5. Pogodbenice v skladu z 21. členom predložijo vse podatke, zbrane v skladu s točkama a in d četrtega odstavka tega člena, Konferenci pogodbenic v svojih rednih poročilih.

6. Pogodbenice v skladu s svojo zakonodajo spodbujajo sodelovanje med državnimi agencijami ter ustreznimi regionalnimi in mednarodnimi medvladnimi organizacijami v zvezi s preiskavami, sodnimi pregoni in postopki, da bi odpravili nezakonito trgovino s tobačnimi izdelki. Poseben poudarek se nameni sodelovanju na regionalni in podregionalni ravni v boju proti nezakoniti trgovini s tobačnimi izdelki.

7. Vsaka pogodbenica si prizadeva za sprejemanje in izvajanje dodatnih ukrepov, vključno z izdajanjem dovoljenj, nadziranje ali zakonsko urejanje proizvodnje in razpošiljanje tobačnih izdelkov, da se prepreči nezakonita trgovina.

Article 16*Sales to and by minors*

1. Each Party shall adopt and implement effective legislative, executive, administrative or other measures at the appropriate government level to prohibit the sales of tobacco products to persons under the age set by domestic law, national law or eighteen. These measures may include:

(a) requiring that all sellers of tobacco products place a clear and prominent indicator inside their point of sale about the prohibition of tobacco sales to minors and, in case of doubt, request that each tobacco purchaser provide appropriate evidence of having reached full legal age;

(b) banning the sale of tobacco products in any manner by which they are directly accessible, such as store shelves;

(c) prohibiting the manufacture and sale of sweets, snacks, toys or any other objects in the form of tobacco products which appeal to minors; and

(d) ensuring that tobacco vending machines under its jurisdiction are not accessible to minors and do not promote the sale of tobacco products to minors.

2. Each Party shall prohibit or promote the prohibition of the distribution of free tobacco products to the public and especially minors.

3. Each Party shall endeavour to prohibit the sale of cigarettes individually or in small packets which increase the affordability of such products to minors.

4. The Parties recognize that in order to increase their effectiveness, measures to prevent tobacco product sales to minors should, where appropriate, be implemented in conjunction with other provisions contained in this Convention.

5. When signing, ratifying, accepting, approving or acceding to the Convention or at any time thereafter, a Party may, by means of a binding written declaration, indicate its commitment to prohibit the introduction of tobacco vending machines within its jurisdiction or, as appropriate, to a total ban on tobacco vending machines. The declaration made pursuant to this Article shall be circulated by the Depositary to all Parties to the Convention.

6. Each Party shall adopt and implement effective legislative, executive, administrative or other measures, including penalties against sellers and distributors, in order to ensure compliance with the obligations contained in paragraphs 1-5 of this Article.

7. Each Party should, as appropriate, adopt and implement effective legislative, executive, administrative or other measures to prohibit the sales of tobacco products by persons under the age set by domestic law, national law or eighteen.

Article 17*Provision of support for economically viable alternative activities*

Parties shall, in cooperation with each other and with competent international and regional intergovernmental organizations, promote, as appropriate, economically viable alternatives for tobacco workers, growers and, as the case may be, individual sellers.

PART V: PROTECTION OF THE ENVIRONMENT**Article 18***Protection of the environment and the health of persons*

In carrying out their obligations under this Convention, the Parties agree to have due regard to the protection of the environment and the health of persons in relation to the environment in respect of tobacco cultivation and manufacture within their respective territories.

16. člen*Mladolletne osebe kot kupci in prodajalci*

1. Vsaka pogodbenica na ustreznih vladnih ravni sprejme in izvaja učinkovite zakonske, izvršilne, upravne ali druge ukrepe za prepoved prodaje tobačnih izdelkov osebam, ki niso dopolnile starosti, določene v notranji zakonodaji, ali osemnajst let. Ti ukrepi lahko vključujejo:

(a) zahtevo, da vsi prodajalci tobačnih izdelkov v prodajnem prostoru postavijo jasno opozorilo o prepovedi prodaje tobaka mladolletnim osebam in ob dvomu zahtevajo, da vsak kupec tobaka predloži ustrezno dokazilo o izpolnjevanju zakonsko določene polnoletnosti;

(b) prepoved prodaje tobačnih izdelkov, ki kakor koli omogoča, da so neposredno dostopni, na primer na prodajnih policah;

(c) prepoved proizvodnje in prodaje sladkarij, prigrizkov, igrač ali drugih predmetov v obliki tobačnih izdelkov, ki privlačijo mladolletnike, in

(d) zagotovitev, da tobačni prodajni avtomati pod njeno pristojnostjo niso dosegljivi mladolletnikom in ne spodbujajo prodaje tobačnih izdelkov mladolletnikom.

2. Vsaka pogodbenica prepove ali spodbuja prepoved razdeljevanja brezplačnih tobačnih izdelkov vsem, še zlasti pa mladolletnikom.

3. Vsaka pogodbenica si prizadeva za prepoved prodaje posamičnih cigaret ali cigaret v majhnih zavojčkih, ki povečuje dostopnost takih izdelkov mladolletnikom.

4. Pogodbenice priznavajo, da bi se morali ukrepi za preprečevanje prodaje tobačnih izdelkov mladolletnim osebam zaradi večje učinkovitosti izvajati skupaj z drugimi določbami iz te konvencije, kadar je ustrezno.

5. Ob podpisu, ratifikaciji, sprejetju, odobritvi konvencije ali pristopu k njej ali kadar koli pozneje lahko pogodbenica z zavezujočo pisno izjavo naznani svojo zavezo za prepoved uvajanja tobačnih prodajnih avtomatov pod svojo pristojnostjo, ali kot je ustrezno, za popolno prepoved tobačnih prodajnih avtomatov. Izjavo, predloženo v skladu s tem členom, depozitar pošlje vsem pogodbenicam konvencije.

6. Vsaka pogodbenica sprejme in izvaja učinkovite zakonske, izvršilne, upravne ali druge ukrepe, vključno s kaznimi za prodajalce in distributerje, da zagotovi izpolnjevanje obveznosti iz prvega do petega odstavka tega člena.

7. Vsaka pogodbenica bi morala, kot je ustrezno, sprejeti in izvajati učinkovite zakonske, izvršilne, upravne ali druge ukrepe, s katerimi osebam, ki niso dopolnile starosti, določene v notranji zakonodaji, ali osemnajst let, prepoveduje prodajanje tobačnih izdelkov.

17. člen*Zagotavljanje podpore za nadomestne gospodarske dejavnosti*

Pogodbenice z medsebojnim sodelovanjem in v sodelovanju s pristojnimi mednarodnimi in regionalnimi medvladnimi organizacijami spodbujajo, kot je ustrezno, nadomestne gospodarske dejavnosti za delavce v tobačni industriji, pridelovalce tobaka, in odvisno od primera, samostojne prodajalce.

V. DEL: VARSTVO OKOLJA**18. člen***Varstvo okolja in zdravja ljudi*

Pogodbenice soglašajo, da morajo pri izpolnjevanju svojih obveznosti iz te konvencije vsaka na svojem ozemlju upoštevati varstvo okolja in zdravja ljudi v povezavi z okoljem pri pridelavi in proizvodnji tobaka.

PART VI: QUESTIONS RELATED TO LIABILITY**Article 19***Liability*

1. For the purpose of tobacco control, the Parties shall consider taking legislative action or promoting their existing laws, where necessary, to deal with criminal and civil liability, including compensation where appropriate.

2. Parties shall cooperate with each other in exchanging information through the Conference of the Parties in accordance with Article 21 including:

(a) information on the health effects of the consumption of tobacco products and exposure to tobacco smoke in accordance with Article 20.3(a); and

(b) information on legislation and regulations in force as well as pertinent jurisprudence.

3. The Parties shall, as appropriate and mutually agreed, within the limits of national legislation, policies, legal practices and applicable existing treaty arrangements, afford one another assistance in legal proceedings relating to civil and criminal liability consistent with this Convention.

4. The Convention shall in no way affect or limit any rights of access of the Parties to each other's courts where such rights exist.

5. The Conference of the Parties may consider, if possible, at an early stage, taking account of the work being done in relevant international fora, issues related to liability including appropriate international approaches to these issues and appropriate means to support, upon request, the Parties in their legislative and other activities in accordance with this Article.

PART VII: SCIENTIFIC AND TECHNICAL COOPERATION AND COMMUNICATION OF INFORMATION**Article 20***Research, surveillance and exchange of information*

1. The Parties undertake to develop and promote national research and to coordinate research programmes at the regional and international levels in the field of tobacco control. Towards this end, each Party shall:

(a) initiate and cooperate in, directly or through competent international and regional intergovernmental organizations and other bodies, the conduct of research and scientific assessments, and in so doing promote and encourage research that addresses the determinants and consequences of tobacco consumption and exposure to tobacco smoke as well as research for identification of alternative crops; and

(b) promote and strengthen, with the support of competent international and regional intergovernmental organizations and other bodies, training and support for all those engaged in tobacco control activities, including research, implementation and evaluation.

2. The Parties shall establish, as appropriate, programmes for national, regional and global surveillance of the magnitude, patterns, determinants and consequences of tobacco consumption and exposure to tobacco smoke. Towards this end, the Parties should integrate tobacco surveillance programmes into national, regional and global health surveillance programmes so that data are comparable and can be analysed at the regional and international levels, as appropriate.

3. Parties recognize the importance of financial and technical assistance from international and regional intergovernmental organizations and other bodies. Each Party shall endeavour to:

(a) establish progressively a national system for the epidemiological surveillance of tobacco consumption and related social, economic and health indicators;

(b) cooperate with competent international and regional intergovernmental organizations and other bodies, including governmental and nongovernmental agencies, in regional and global tobacco surveillance and exchange of information on the indicators specified in paragraph 3(a) of this Article; and

VI. DEL: VPRAŠANJA V ZVEZI ODGOVORNOSTJO**19. člen***Odgovornost*

1. Pogodbenice zaradi nadzora nad tobakom načrtujejo sprejetje zakonskega ukrepa ali uresničujejo veljavne zakone, kadar je potrebno, ki obravnavajo kazensko in civilno odgovornost, vključno z odškodnino, kadar je ustrezno.

2. Pogodbenice sodelujejo pri izmenjavi podatkov prek Konference pogodbenic v skladu z 21. členom, vključno:

(a) s podatki o vplivu uporabe tobačnih izdelkov in izpostavljenosti tobačnemu dimu na zdravje v skladu s točko a tretjega odstavka 20. člena, in

(b) podatki o veljavnih zakonih in predpisih kakor tudi ustrezni sodni praksi.

3. Pogodbenice v skladu s to konvencijo druga drugi, kot je ustrezno in kot se vzajemno dogovorijo, v okviru notranje zakonodaje, usmeritev, pravne prakse in veljavnih pogodb zagotavljajo pomoč pri sodnih postopkih v zvezi s civilno in kazensko odgovornostjo.

4. Konvencija nikakor ne vpliva na pravice o dostopu pogodbenic do sodišča drugih pogodbenic ali jih ne omejuje, kadar take pravice obstajajo.

5. Konferenca pogodbenic lahko, če je mogoče, v zgodnji fazi in ob upoštevanju opravljenega dela na pristojnih mednarodnih forumih preuči vprašanja v zvezi z odgovornostjo, vključno z ustrezno mednarodno obravnavo teh vprašanj in ustreznimi načini, da se pogodbenicam na njihovo zahtevo pomaga pri zakonodajnih in drugih dejavnostih v skladu s tem členom.

VII. DEL: ZNANSTVENO IN TEHNIČNO SODELOVANJE TER SPOROČANJE PODATKOV**20. člen***Raziskave, nadzor in izmenjava podatkov*

1. Pogodbenice se zavežejo, da bodo pri nadzoru nad tobakom oblikovale in spodbujale nacionalne raziskave in usklajevale raziskovalne programe na regionalni in mednarodni ravni. V ta namen vsaka pogodbenica:

(a) neposredno ali prek pristojnih mednarodnih in regionalnih medvladnih organizacij in drugih teles sodeluje pri vodenju raziskav in znanstvenih presoj, s čimer širi in spodbuja raziskave, ki obravnavajo dejavnike in posledice uživanja tobaka in izpostavljenosti tobačnemu dimu, kakor tudi raziskave za iskanje nadomestnih pridelkov, in

(b) s podporo pristojnih mednarodnih in regionalnih medvladnih organizacij ter drugih teles spodbuja in še bolj skrbi za usposabljanje in podporo vseh, ki sodelujejo pri dejavnostih za nadzor nad tobakom, vključno z raziskavami, izvajanjem in ocenjevanjem.

2. Pogodbenice, kot je ustrezno, oblikujejo programe za državni, regionalni in svetovni nadzor o obsegu, vzorcih, dejavnikih ter posledicah uživanja tobaka in izpostavljenosti tobačnemu dimu. V ta namen bi morale pogodbenice združiti programe za nadzor nad tobakom v državne, regionalne in svetovne programe zdravstvenega nadzora, tako da bi bili podatki primerljivi in bi jih lahko analizirali na regionalni in mednarodni ravni, kot je ustrezno.

3. Pogodbenice priznavajo pomen finančne in strokovne pomoči mednarodnih in regionalnih medvladnih organizacij ter drugih teles. Vsaka pogodbenica si prizadeva za:

(a) postopno oblikovanje državnega sistema za epidemiološki nadzor nad uporabo tobaka ter s tem povezanih socialnih, gospodarskih in zdravstvenih kazalnikov;

(b) sodelovanje s pristojnimi mednarodnimi in regionalnimi medvladnimi organizacijami ter drugimi telesi, vključno z vladnimi in nevladnimi agencijami, pri regionalnem in svetovnem nadzoru nad tobakom in izmenjavi podatkov o kazalnikih iz točke a tretjega odstavka tega člena in

(c) cooperate with the World Health Organization in the development of general guidelines or procedures for defining the collection, analysis and dissemination of tobacco-related surveillance data.

4. The Parties shall, subject to national law, promote and facilitate the exchange of publicly available scientific, technical, socioeconomic, commercial and legal information, as well as information regarding practices of the tobacco industry and the cultivation of tobacco, which is relevant to this Convention, and in so doing shall take into account and address the special needs of developing country Parties and Parties with economies in transition. Each Party shall endeavour to:

(a) progressively establish and maintain an updated database of laws and regulations on tobacco control and, as appropriate, information about their enforcement, as well as pertinent jurisprudence, and cooperate in the development of programmes for regional and global tobacco control;

(b) progressively establish and maintain updated data from national surveillance programmes in accordance with paragraph 3(a) of this Article; and

(c) cooperate with competent international organizations to progressively establish and maintain a global system to regularly collect and disseminate information on tobacco production, manufacture and the activities of the tobacco industry which have an impact on the Convention or national tobacco control activities.

5. Parties should cooperate in regional and international intergovernmental organizations and financial and development institutions of which they are members, to promote and encourage provision of technical and financial resources to the Secretariat to assist developing country Parties and Parties with economies in transition to meet their commitments on research, surveillance and exchange of information.

Article 21

Reporting and exchange of information

1. Each Party shall submit to the Conference of the Parties, through the Secretariat, periodic reports on its implementation of this Convention, which should include the following:

(a) information on legislative, executive, administrative or other measures taken to implement the Convention;

(b) information, as appropriate, on any constraints or barriers encountered in its implementation of the Convention, and on the measures taken to overcome these barriers;

(c) information, as appropriate, on financial and technical assistance provided or received for tobacco control activities;

(d) information on surveillance and research as specified in Article 20; and

(e) information specified in Articles 6.3, 13.2, 13.3, 13.4(d), 15.5 and 19.2.

2. The frequency and format of such reports by all Parties shall be determined by the Conference of the Parties. Each Party shall make its initial report within two years of the entry into force of the Convention for that Party.

3. The Conference of the Parties, pursuant to Articles 22 and 26, shall consider arrangements to assist developing country Parties and Parties with economies in transition, at their request, in meeting their obligations under this Article.

4. The reporting and exchange of information under the Convention shall be subject to national law regarding confidentiality and privacy. The Parties shall protect, as mutually agreed, any confidential information that is exchanged.

(c) sodelovanje s Svetovno zdravstveno organizacijo pri oblikovanju splošnih smernic ali postopkov za opredelitev zbiranja, analiziranja in širjenja podatkov o nadzoru nad tobakom.

4. Pogodbenice ob upoštevanju državne zakonodaje spodbujajo in pospešujejo izmenjavo javno dostopnih znanstvenih, tehničnih, socialno-ekonomskih, komercialnih in pravnih podatkov kakor tudi podatkov o praktičnih izkušnjah tobačne industrije in pridelave tobaka, ki so pomembni za to konvencijo, pri tem pa upoštevajo in obravnavajo posebne potrebe pogodbenic iz držav v razvoju in pogodbenic z gospodarstvi v prehodu. Vsaka pogodbenica si prizadeva za:

(a) postopno oblikovanje in vzdrževanje sprotne baze podatkov o zakonih in predpisih o nadzoru nad tobakom, in kot je ustrezno, podatkov o njihovem izvajanju kakor tudi o primerni sodni praksi in sodeluje pri oblikovanju programov za regionalni in svetovni nadzor nad tobakom;

(b) postopno oblikovanje in vzdrževanje sprotnih podatkov iz državnih nadzornih programov v skladu s točko a tretjega odstavka tega člena in

(c) sodelovanje s pristojnimi mednarodnimi organizacijami pri postopnem oblikovanju in vzdrževanju svetovnega sistema za redno zbiranje in širjenje podatkov o tobačni proizvodnji in dejavnostih tobačne industrije, ki vplivajo na konvencijo ali državne dejavnosti nadzora nad tobakom.

5. Pogodbenice morajo sodelovati v regionalnih in mednarodnih medvladnih organizacijah ter finančnih in razvojnih institucijah, katerih članice so, da pospešujejo in spodbujajo zagotavljanje strokovnih in finančnih virov sekretariatu za pomoč državam pogodbenicam v razvoju in pogodbenicam z gospodarstvom v prehodu pri izpolnjevanju njihovih obveznosti glede raziskav, nadzora in izmenjave podatkov.

21. člen

Poročanje in izmenjava podatkov

1. Vsaka pogodbenica prek sekretariata predloži Konferenci pogodbenic redna poročila o svojem izvajanju te konvencije, ki bi morala vključevati:

(a) podatke o zakonskih, izvršilnih, upravnih ali drugih ukrepih, sprejetih za izvajanje konvencije;

(b) podatke, kot je ustrezno, o vseh omejitvah ali ovirah, na katere naletijo pri izvajanju konvencije, ter o ukrepih, sprejetih za njihovo premagovanje;

(c) podatke, kot je ustrezno, o finančni in strokovno pomoči, zagotovljeni ali prejeti za nadzor nad tobakom;

(d) podatke o nadzoru in raziskavah, kot so določeni v 20. členu, in

(e) podatke, določene v tretjem odstavku 6. člena, drugem in tretjem odstavku 13. člena, točki d četrtega odstavka 13. člena, petem odstavku 15. člena in drugem odstavku 19. člena.

2. Pogostost in obliko takih poročil vseh pogodbenic določi Konferenca pogodbenic. Vsaka pogodbenica pripravi uvodno poročilo v dveh letih po začetku veljavnosti konvencije za to pogodbenico.

3. Na njihovo zahtevo Konferenca pogodbenic v skladu z 22. in 26. členom preuči dogovore za pomoč državam pogodbenicam v razvoju in pogodbenicam z gospodarstvom v prehodu pri izpolnjevanju njihovih obveznosti iz tega člena.

4. Za poročanje in izmenjavo podatkov, zbranih na podlagi konvencije, velja državna zakonodaja o zaupnosti in zasebnosti. Pogodbenice po medsebojnem dogovoru varujejo vse zaupne podatke, ki si jih izmenjajo.

Article 22*Cooperation in the scientific, technical, and legal fields and provision of related expertise*

1. The Parties shall cooperate directly or through competent international bodies to strengthen their capacity to fulfill the obligations arising from this Convention, taking into account the needs of developing country Parties and Parties with economies in transition. Such cooperation shall promote the transfer of technical, scientific and legal expertise and technology, as mutually agreed, to establish and strengthen national tobacco control strategies, plans and programmes aiming at, inter alia:

(a) facilitation of the development, transfer and acquisition of technology, knowledge, skills, capacity and expertise related to tobacco control;

(b) provision of technical, scientific, legal and other expertise to establish and strengthen national tobacco control strategies, plans and programmes, aiming at implementation of the Convention through, inter alia:

(i) assisting, upon request, in the development of a strong legislative foundation as well as technical programmes, including those on prevention of initiation, promotion of cessation and protection from exposure to tobacco smoke;

(ii) assisting, as appropriate, tobacco workers in the development of appropriate economically and legally viable alternative livelihoods in an economically viable manner; and

(iii) assisting, as appropriate, tobacco growers in shifting agricultural production to alternative crops in an economically viable manner;

(c) support for appropriate training or sensitization programmes for appropriate personnel in accordance with Article 12;

(d) provision, as appropriate, of the necessary material, equipment and supplies, as well as logistical support, for tobacco control strategies, plans and programmes;

(e) identification of methods for tobacco control, including comprehensive treatment of nicotine addiction; and

(f) promotion, as appropriate, of research to increase the affordability of comprehensive treatment of nicotine addiction.

2. The Conference of the Parties shall promote and facilitate transfer of technical, scientific and legal expertise and technology with the financial support secured in accordance with Article 26.

PART VIII: INSTITUTIONAL ARRANGEMENTS AND FINANCIAL RESOURCES**Article 23***Conference of the Parties*

1. A Conference of the Parties is hereby established. The first session of the Conference shall be convened by the World Health Organization not later than one year after the entry into force of this Convention. The Conference will determine the venue and timing of subsequent regular sessions at its first session.

2. Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat of the Convention, it is supported by at least one-third of the Parties.

3. The Conference of the Parties shall adopt by consensus its Rules of Procedure at its first session.

4. The Conference of the Parties shall by consensus adopt financial rules for itself as well as governing the funding of any subsidiary bodies it may establish as well as financial provisions governing the functioning of the Secretariat. At each ordinary session, it shall adopt a budget for the financial period until the next ordinary session.

22. člen*Sodelovanje na znanstvenem, tehničnem in pravnem področju ter zagotavljanje s tem povezanega strokovnega znanja in izkušenj*

1. Pogodbenice neposredno ali prek pristojnih mednarodnih teles sodelujejo pri krepitvi svojih zmogljivosti za izpolnjevanje obveznosti, ki izhajajo iz te konvencije, pri tem pa upoštevajo potrebe držav pogodbenic v razvoju in pogodbenic z gospodarstvom v prehodu. Tako sodelovanje po medsebojnem dogovoru spodbuja prenos tehničnega, znanstvenega in pravnega strokovnega znanja in izkušenj ter tehnologije za oblikovanje in krepitev nacionalnih strategij, načrtov in programov za nadzor nad tobakom, katerih cilj je med drugim:

(a) spodbujanje oblikovanja, prenosa in prevzema tehnologije, znanja, strokovnega znanja, zmogljivosti ter posebnih znanj in izkušenj v zvezi z nadzorom nad tobakom;

(b) zagotavljanje tehničnega, znanstvenega, pravnega in drugega strokovnega znanja in izkušenj za oblikovanje in krepitev nacionalnih strategij, načrtov in programov za nadzor nad tobakom, katerih cilj je izvajanje konvencije, med drugim s pomočjo:

(i) na zahtevo pri oblikovanju trdnih zakonodajnih temeljev (kakor tudi tehničnih programov, vključno s programi za preprečevanje navajanja na kajenje, spodbujanje prenehanja kajenja in varstvo pred izpostavljanjem tobačnemu dimu;

(ii) tobačnim delavcem pri razvijanju ustreznih gospodarsko in pravno izvedljivih nadomestnih načinov preživljanja na gospodarsko izvedljiv način, kot je ustrezno, in

(iii) pridelovalcem tobaka pri gospodarsko izvedljivi preusmeritvi kmetijske proizvodnje na nadomestne pridelke, kot je ustrezno;

(c) podpora za ustrezne programe usposabljanja ali programe za ozaveščanje ustreznega osebja v skladu z 12. členom;

(d) zagotavljanje potrebnega materiala, opreme in sredstev kakor tudi logistične podpore za strategije, načrte in programe nadzora nad tobakom, kot je ustrezno;

(e) določitev postopkov nadzora nad tobakom, vključno z vsestranskim zdravljenjem odvisnosti od nikotina, in

(f) spodbujanje raziskav za povečanje dostopnosti vsestranskega zdravljenja odvisnosti od nikotina, kot je ustrezno.

2. Konferenca pogodbenic spodbuja in pospešuje prenos tehničnega, znanstvenega in pravnega strokovnega znanja in izkušenj ter tehnologije s finančno podporo, zagotovljeno v skladu s 26. členom.

VIII. DEL: INSTITUCIONALNI DOGOVORI IN FINANČNI VIRI**23. člen***Konferenca pogodbenic*

1. Ustanovi se Konferenca pogodbenic. Prvo zasedanje konference skliče Svetovna zdravstvena organizacija najpozneje eno leto po začetku veljavnosti te konvencije. Konferenca na prvem zasedanju določi kraj in čas naslednjih rednih zasedanj.

2. Izredna zasedanja Konference pogodbenic potekajo, ko se ji zdi potrebno ali na pisno zahtevo katere koli pogodbenice, če jo v šestih mesecih, potem ko jim sekretariat konvencije sporoči zahtevo, podpre vsaj tretjina pogodbenic.

3. Konferenca pogodbenic na prvem zasedanju sprejme svoj poslovnik s soglasjem.

4. Konferenca pogodbenic sprejme finančni pravilnik zase in za urejanje financiranja vseh pomožnih teles, ki jih lahko ustanovi, kakor tudi finančne določbe, ki urejajo delovanje sekretariata, s soglasjem. Na vsakem rednem zasedanju sprejme proračun za finančno obdobje do naslednjega rednega zasedanja.

5. The Conference of the Parties shall keep under regular review the implementation of the Convention and take the decisions necessary to promote its effective implementation and may adopt protocols, annexes and amendments to the Convention, in accordance with Articles 28, 29 and 33. Towards this end, it shall:

(a) promote and facilitate the exchange of information pursuant to Articles 20 and 21;

(b) promote and guide the development and periodic refinement of comparable methodologies for research and the collection of data, in addition to those provided for in Article 20, relevant to the implementation of the Convention;

(c) promote, as appropriate, the development, implementation and evaluation of strategies, plans, and programmes, as well as policies, legislation and other measures;

(d) consider reports submitted by the Parties in accordance with Article 21 and adopt regular reports on the implementation of the Convention;

(e) promote and facilitate the mobilization of financial resources for the implementation of the Convention in accordance with Article 26;

(f) establish such subsidiary bodies as are necessary to achieve the objective of the Convention;

(g) request, where appropriate, the services and cooperation of, and information provided by, competent and relevant organizations and bodies of the United Nations system and other international and regional intergovernmental organizations and nongovernmental organizations and bodies as a means of strengthening the implementation of the Convention; and

(h) consider other action, as appropriate, for the achievement of the objective of the Convention in the light of experience gained in its implementation.

6. The Conference of the Parties shall establish the criteria for the participation of observers at its proceedings.

Article 24

Secretariat

1. The Conference of the Parties shall designate a permanent secretariat and make arrangements for its functioning. The Conference of the Parties shall endeavour to do so at its first session.

2. Until such time as a permanent secretariat is designated and established, secretariat functions under this Convention shall be provided by the World Health Organization.

3. Secretariat functions shall be:

(a) to make arrangements for sessions of the Conference of the Parties and any subsidiary bodies and to provide them with services as required;

(b) to transmit reports received by it pursuant to the Convention;

(c) to provide support to the Parties, particularly developing country Parties and Parties with economies in transition, on request, in the compilation and communication of information required in accordance with the provisions of the Convention;

(d) to prepare reports on its activities under the Convention under the guidance of the Conference of the Parties and submit them to the Conference of the Parties;

(e) to ensure, under the guidance of the Conference of the Parties, the necessary coordination with the competent international and regional intergovernmental organizations and other bodies;

(f) to enter, under the guidance of the Conference of the Parties, into such administrative or contractual arrangements as may be required for the effective discharge of its functions; and

(g) to perform other secretariat functions specified by the Convention and by any of its protocols and such other functions as may be determined by the Conference of the Parties.

5. Konferenca pogodbenic redno pregleduje izvajanje konvencije in sprejema odločitve, potrebne za spodbujanje njenega učinkovitega izvajanja, lahko pa sprejme protokole, priloge in dopolnitve konvencije v skladu z 28., 29. in 33. členom. V ta namen:

(a) spodbuja in pospešuje izmenjavo podatkov v skladu z 20. in 21. členom;

(b) spodbuja in usmerja razvoj in redno izboljševanje primerljivih metodologij za raziskave in zbiranje podatkov, ki so poleg podatkov iz 20. člena pomembni za izvajanje konvencije;

(c) spodbuja oblikovanje, izvajanje in ocenjevanje strategij, načrtov in programov ter politik, zakonodaje in drugih ukrepov, kot je ustrezno;

(d) preuči poročila, ki ji jih predložijo pogodbenice v skladu z 21. členom, in sprejema redna poročila o izvajanju konvencije;

(e) spodbuja in pospešuje zbiranje finančnih virov za izvajanje konvencije v skladu s 26. členom;

(f) ustanovi pomožna telesa, potrebna za uresničevanje cilja konvencije;

(g) od pristojnih in ustreznih organizacij ter teles sistema Združenih narodov in drugih mednarodnih in regionalnih medvladnih organizacij ter od nevladnih organizacij in teles zahteva storitve, sodelovanje in zagotavljanje podatkov kot način za učinkovitejše izvajanje konvencije, kadar je ustrezno, in

(h) preuči druge ukrepe za uresničevanje cilja konvencije na podlagi izkušenj, pridobljenih pri njenem izvajanju, kadar je ustrezno.

6. Konferenca pogodbenic določi merila za sodelovanje opazovalcev na svojih posvetovanjih.

24. člen

Secretariat

1. Konferenca pogodbenic imenuje stalni sekretariat in pripravi vse potrebno za njegovo delovanje. Prizadeva si, da to stori na svojem prvem zasedanju.

2. Svetovna zdravstvena organizacija zagotovi sekretariat, ki deluje na podlagi te konvencije, do imenovanja stalnega sekretariata.

3. Naloge sekretariata so:

(a) organiziranje zasedanj Konference pogodbenic in vseh pomožnih teles ter zagotavljanje potrebnih storitev za nje;

(b) pošiljanje prejetih poročil v skladu s konvencijo;

(c) na zahtevo pogodbenice zagotavljanje podpore zlasti državam pogodbenicam v razvoju in pogodbenicam z gospodarstvom v prehodu pri urejanju in sporočanju podatkov, zahtevanih v skladu z določbami konvencije;

(d) priprava poročil o njegovih dejavnostih po konvenciji na podlagi smernic Konference pogodbenic in njihova predložitev Konferenci pogodbenic;

(e) zagotavljanje potrebnega usklajevanja s pristojnimi mednarodnimi in regionalnimi medvladnimi organizacijami ter drugimi telesi na podlagi smernic Konference pogodbenic;

(f) sklenitev upravnih dogovorov ali pogodb, kot so lahko potrebne za učinkovito opravljanje njegovih nalog, na podlagi smernic Konference pogodbenic, in

(g) opravljanje drugih nalog sekretariata iz konvencije ali njenih protokolov ter drugih takih nalog, ki jih lahko določi Konferenca pogodbenic.

Article 25*Relations between the Conference of the Parties and intergovernmental organizations*

In order to provide technical and financial cooperation for achieving the objective of this Convention, the Conference of the Parties may request the cooperation of competent international and regional intergovernmental organizations including financial and development institutions.

Article 26*Financial resources*

1. The Parties recognize the important role that financial resources play in achieving the objective of this Convention.

2. Each Party shall provide financial support in respect of its national activities intended to achieve the objective of the Convention, in accordance with its national plans, priorities and programmes.

3. Parties shall promote, as appropriate, the utilization of bilateral, regional, subregional and other multilateral channels to provide funding for the development and strengthening of multisectoral comprehensive tobacco control programmes of developing country Parties and Parties with economies in transition. Accordingly, economically viable alternatives to tobacco production, including crop diversification should be addressed and supported in the context of nationally developed strategies of sustainable development.

4. Parties represented in relevant regional and international intergovernmental organizations, and financial and development institutions shall encourage these entities to provide financial assistance for developing country Parties and for Parties with economies in transition to assist them in meeting their obligations under the Convention, without limiting the rights of participation within these organizations.

5. The Parties agree that:

(a) to assist Parties in meeting their obligations under the Convention, all relevant potential and existing resources, financial, technical, or otherwise, both public and private that are available for tobacco control activities, should be mobilized and utilized for the benefit of all Parties, especially developing countries and countries with economies in transition;

(b) the Secretariat shall advise developing country Parties and Parties with economies in transition, upon request, on available sources of funding to facilitate the implementation of their obligations under the Convention;

(c) the Conference of the Parties in its first session shall review existing and potential sources and mechanisms of assistance based on a study conducted by the Secretariat and other relevant information, and consider their adequacy; and

(d) the results of this review shall be taken into account by the Conference of the Parties in determining the necessity to enhance existing mechanisms or to establish a voluntary global fund or other appropriate financial mechanisms to channel additional financial resources, as needed, to developing country Parties and Parties with economies in transition to assist them in meeting the objectives of the Convention.

PART IX: SETTLEMENT OF DISPUTES**Article 27***Settlement of disputes*

1. In the event of a dispute between two or more Parties concerning the interpretation or application of this Convention, the Parties concerned shall seek through diplomatic channels a settlement of the dispute through negotiation or any other peaceful means of their own choice, including good offices, mediation, or conciliation. Failure to reach agreement by good offices, mediation or conciliation shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it.

25. člen*Odnosi med Konferenco pogodbenic in medvladnimi organizacijami*

Da bi zagotovila strokovno in finančno sodelovanje za uresničitev cilja te konvencije, lahko Konferenca pogodbenic zahteva sodelovanje pristojnih mednarodnih in regionalnih medvladnih organizacij, vključno s finančnimi in razvojnimi institucijami.

26. člen*Finančni viri*

1. Pogodbenice priznavajo pomembno vlogo finančnih virov pri uresničevanju cilja te konvencije.

2. Vsaka pogodbenica zagotovi finančno podporo za svoje dejavnosti, namenjene za uresničevanje cilja te konvencije, v skladu s svojimi načrti, prednostnimi nalogami in programi.

3. Pogodbenice spodbujajo uporabo dvostranskih, regionalnih, podregionalnih in drugih večstranskih poti za zagotavljanje finančnih sredstev za razvoj in krepitev medresorskih celovitih programov za nadzor nad tobakom v državah pogodbenicah v razvoju in pogodbenicah z gospodarstvom v prehodu, kot je ustrezno. V skladu s tem bi se bilo treba v okviru doma razvitih strategij trajnostnega razvoja posvetiti gospodarsko izvedljivim nadomestnim možnostim za tobačno proizvodnjo, vključno s povečanjem raznovrstnosti pridelkov, in jih podpreti.

4. Pogodbenice, zastopane v ustreznih regionalnih in mednarodnih medvladnih organizacijah ter v finančnih in razvojnih institucijah, spodbujajo ta telesa, da zagotavljajo finančno pomoč državam pogodbenicam v razvoju in pogodbenicam z gospodarstvom v prehodu, da bi jim pomagali pri izpolnjevanju obveznosti iz te konvencije, ne da bi jim pri tem omejevali pravice do sodelovanja v teh organizacijah.

5. Pogodbenice se sporazumejo, da:

(a) bi bilo treba v korist vseh pogodbenic, zlasti pa držav v razvoju in držav z gospodarstvom v prehodu, zbrati in uporabiti vse ustrezne mogoče in obstoječe javne in zasebne vire, finančne, strokovne ali druge, ki so na voljo za dejavnosti nadzora nad tobakom, da bi pogodbenicam pomagali pri izpolnjevanju njihovih obveznosti iz konvencije;

(b) sekretariat državam pogodbenicam v razvoju in pogodbenicam z gospodarstvom v prehodu na njihovo zahtevo svetuje glede razpoložljivih virov financiranja za lažje izvajanje obveznosti iz konvencije;

(c) Konferenca pogodbenic na prvem zasedanju pregleda obstoječe in mogoče vire ter mehanizme pomoči na podlagi študije, ki jo opravi sekretariat, in drugih ustreznih podatkov ter preuči njihovo ustreznost in

(d) upošteva izsledke tega pregleda pri določitvi potrebe po krepitevi obstoječih mehanizmov ali ustanovitvi prostovoljnega svetovnega sklada ali drugih ustreznih finančnih mehanizmov za usmerjanje potrebnih dodatnih finančnih virov k državam pogodbenicam v razvoju in pogodbenicam z gospodarstvom v prehodu kot pomoč pri njihovem uresničevanju ciljev iz konvencije.

IX. DEL: REŠEVANJE SPOROV**27. člen***Reševanje sporov*

1. Pri sporu med dvema ali več pogodbenicami zaradi razlage ali uporabe te konvencije skušajo pogodbenice rešiti spor po diplomatski poti s pogajanjem ali po drugi mirni poti po svoji izbiri, vključno z dobrimi uslugami, posredovanjem ali spravo. Če se strankam v sporu ne uspe sporazumeti z dobrimi uslugami, posredovanjem ali spravo, jih to ne odvezuje odgovornosti, da si še naprej prizadevajo za rešitev spora.

2. When ratifying, accepting, approving, formally confirming or acceding to the Convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depositary that, for a dispute not resolved in accordance with paragraph 1 of this Article, it accepts, as compulsory, ad hoc arbitration in accordance with procedures to be adopted by consensus by the Conference of the Parties.

3. The provisions of this Article shall apply with respect to any protocol as between the parties to the protocol, unless otherwise provided therein.

PART X: DEVELOPMENT OF THE CONVENTION

Article 28

Amendments to this Convention

1. Any Party may propose amendments to this Convention. Such amendments will be considered by the Conference of the Parties.

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

3. The Parties shall make every effort to reach agreement by consensus on any proposed amendment to the Convention. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-quarters majority vote of the Parties present and voting at the session. For purposes of this Article, Parties present and voting means Parties present and casting an affirmative or negative vote. Any adopted amendment shall be communicated by the Secretariat to the Depositary, who shall circulate it to all Parties for acceptance.

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

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

Article 29

Adoption and amendment of annexes to this Convention

1. Annexes to this Convention and amendments thereto shall be proposed, adopted and shall enter into force in accordance with the procedure set forth in Article 28.

2. Annexes to the Convention shall form an integral part thereof and, unless otherwise expressly provided, a reference to the Convention constitutes at the same time a reference to any annexes thereto.

3. Annexes shall be restricted to lists, forms and any other descriptive material relating to procedural, scientific, technical or administrative matters.

PART XI: FINAL PROVISIONS

Article 30

Reservations

No reservations may be made to this Convention.

Article 31

Withdrawal

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

2. Ob ratifikaciji, sprejetju, odobritvi, formalni potrditvi konvencije ali pristopu k njej ali kadar koli pozneje lahko država ali organizacija za regionalno gospodarsko povezovanje depozitarju pisno izjavi, da za spor, ki ni bil rešen v skladu prvim odstavkom tega člena, sprejema kot obvezno ad hoc arbitražo v skladu s postopki, ki jih soglasno sprejme Konferenca pogodbenic.

3. Določbe tega člena se uporabljajo za vse protokole k tej konvenciji, razen če v njem ni predvideno drugače.

X. DEL: DOPOLNJEVANJE KONVENCIJE

28. člen

Spremembe te konvencije

1. Vsaka pogodbenica lahko predlaga spremembe konvencije. Preučijo jih Konferenca pogodbenic.

2. Konferenca pogodbenic sprejme spremembe konvencije. Sekretariat sporoči besedilo vseh predlaganih sprememb konvencije pogodbenicam vsaj šest mesecev pred njihovim zasedanjem, na katerem se predlaga njihovo sprejetje. Sekretariat sporoči predlagane spremembe tudi podpisnicam konvencije in jih pošlje depozitarju v vednost.

3. Pogodbenice si prizadevajo za soglasje o vseh predlaganih spremembah konvencije. Če se bila vsa prizadevanja za soglasje izčrpana, sporazum pa ni bil dosežen, se kot zadnja možnost uporabi sprejetje spremembe s tričetrtinsko večino glasov pogodbenic, ki so prisotne in glasujejo na zasedanju. Za pogodbenice po tem členu se štejejo pogodbenice, ki so prisotne in glasujejo za ali proti. Sekretariat sporoči vse sprejete spremembe depozitarju, ki jih nato pošlje vsem pogodbenicam v sprejetje.

4. Listine o sprejetju sprememb se deponirajo pri depozitarju. Sprememba, sprejeta v skladu s tretjim odstavkom tega člena, začne veljati za pogodbenice, ki so jo sprejele devetdeseti dan po tem, ko je depozitar prejel listino o sprejetju vsaj od dveh tretjin pogodbenic konvencije.

5. Sprememba začne veljati za vsako drugo pogodbenico devetdeseti dan po tem, ko ta pogodbenica deponira svojo listino o sprejetju navedene spremembe pri depozitarju.

29. člen

Sprejetje in spremembe prilog k tej konvenciji

1. Priloge k tej konvenciji in njihove spremembe se predlagajo, sprejmejo in začnejo veljati v skladu s postopkom iz 28. člena.

2. Priloge h konvenciji so sestavni del konvencije in če ni izrecno drugače predvideno, je sklicevanje na konvencijo hkrati sklicevanje na njene priloge.

3. Priloge so omejene na sezname, obrazce in vse drugo opisno gradivo v zvezi s postopkovnimi, znanstvenimi, strokovnimi ali upravnimi zadevami.

XI. DEL: KONČNE DOLOČBE

30. člen

Pridržki

Pridržki k tej konvenciji niso dopustni.

31. člen

Odpoved

1. Pogodbenica lahko odpove konvencijo s pisnim uradnim obvestilom depozitarju kadar koli po dveh letih od datuma začetka veljavnosti te konvencije za pogodbenico.

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

3. Any Party that withdraws from the Convention shall be considered as also having withdrawn from any protocol to which it is a Party.

Article 32

Right to vote

1. Each Party to this Convention shall have one vote, except as provided for in paragraph 2 of this Article.

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

Article 33

Protocols

1. Any Party may propose protocols. Such proposals will be considered by the Conference of the Parties.

2. The Conference of the Parties may adopt protocols to this Convention. In adopting these protocols every effort shall be made to reach consensus. If all efforts at consensus have been exhausted, and no agreement reached, the protocol shall as a last resort be adopted by a three-quarters majority vote of the Parties present and voting at the session. For the purposes of this Article, Parties present and voting means Parties present and casting an affirmative or negative vote.

3. The text of any proposed protocol shall be communicated to the Parties by the Secretariat at least six months before the session at which it is proposed for adoption.

4. Only Parties to the Convention may be parties to a protocol.

5. Any protocol to the Convention shall be binding only on the parties to the protocol in question. Only Parties to a protocol may take decisions on matters exclusively relating to the protocol in question.

6. The requirements for entry into force of any protocol shall be established by that instrument.

Article 34

Signature

This Convention shall be open for signature by all Members of the World Health Organization and by any States that are not Members of the World Health Organization but are members of the United Nations and by regional economic integration organizations at the World Health Organization Headquarters in Geneva from 16 June 2003 to 22 June 2003, and thereafter at United Nations Headquarters in New York, from 30 June 2003 to 29 June 2004.

Article 35

Ratification, acceptance, approval, formal confirmation or accession

1. This Convention shall be subject to ratification, acceptance, approval or accession by States and to formal confirmation or accession by regional economic integration organizations. It shall be open for accession from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval, formal confirmation or accession shall be deposited with the Depositary.

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

2. Vsaka odpoved začne veljati po poteku enega leta od dne, ko je depozitar prejel uradno obvestilo o odpovedi, ali pozneje, kot je določeno v uradnem obvestilu o odpovedi.

3. Za vsako pogodbenico, ki odpove konvencijo, se šteje, kot da je odpovedala tudi vse protokole, katerih pogodbenica je.

32. člen

Pravica do glasovanja

1. Vsaka pogodbenica te konvencije ima en glas, razen v primerih, predvidenih v drugem odstavku tega člena.

2. Organizacije za regionalno gospodarsko povezovanje v zadevah iz svoje pristojnosti uresničujejo pravico do glasovanja s številom glasov, ki je enako številu njihovih držav članic, pogodbenic konvencije. Taka organizacija ne uresničuje pravice do glasovanja, če jo uresniči katera koli njena država članica, in nasprotno.

33. člen

Protokoli

1. Vsaka pogodbenica lahko predlaga protokole. Njene predloge preuči Konferenca pogodbenic.

2. Protokole k tej konvenciji lahko sprejme Konferenca pogodbenic. Pri sprejetju teh protokolov storijo vse, da dosežejo soglasje. Če so bila vsa prizadevanja za soglasje izčrpana, sporazum pa ni bil dosežen, se kot zadnja možnost uporabi sprejetje protokola s tričetrtinsko večino glasov pogodbenic, ki so prisotne in glasujejo na zasedanju. Za pogodbenice po tem členu se štejejo pogodbenice, ki so prisotne in glasujejo za ali proti.

3. Sekretariat sporoči pogodbenicam besedilo vseh predlaganih protokolov vsaj šest mesecev pred zasedanjem, na katerem se predlaga njihovo sprejetje.

4. Samo pogodbenice konvencije so lahko pogodbenice protokola.

5. Vsak protokol h konvenciji je zavezujoč samo za pogodbenice tega protokola. O zadevah, ki se nanašajo izključno na ta protokol, lahko odločajo samo pogodbenice protokola.

6. Zahteve za začetek veljavnosti katerega koli protokola se določijo v samem protokolu.

34. člen

Podpis

To konvencijo lahko podpišejo vse članice Svetovne zdravstvene organizacije in vse države, ki niso članice Svetovne zdravstvene organizacije, vendar so članice Združenih narodov, in organizacije za regionalno gospodarsko povezovanje na sedežu Svetovne zdravstvene organizacije v Ženevi od 16. junija 2003 do 22. junija 2003, potem pa na sedežu Združenih narodov v New Yorku od 30. junija 2003 do 29. junija 2004.

35. člen

Ratifikacija, sprejetje, odobritev, formalna potrditev ali pristop

1. Države ratificirajo, sprejmejo, odobrijo konvencijo ali k njej pristopijo, organizacije za regionalno gospodarsko povezovanje pa jo formalno potrdijo ali k njej pristopijo. Konvencija je na voljo za pristop od dneva, ko ni več na voljo za podpis. Listine o ratifikaciji, sprejetju, odobritvi, formalni potrditvi ali pristopu se deponirajo pri depozitarju.

2. Za vsako organizacijo za regionalno gospodarsko povezovanje, ki postane pogodbenica konvencije, nobena od njenih držav članic pa ni pogodbenica, veljajo vse obveznosti iz te konvencije. Pri organizacijah, katerih ena ali več držav članic so pogodbenice konvencije, se organizacije in njene države članice odločijo o odgovornosti vsake od njih za izpolnjevanje obveznosti iz konvencije. V takih primerih organizacija in države članice niso upravičene do hkratnega uresničevanja pravic iz konvencije.

3. Regional economic integration organizations shall, in their instruments relating to formal confirmation or in their instruments of accession, declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

Article 36

Entry into force

1. This Convention shall enter into force on the ninetieth day following the date of deposit of the fortieth instrument of ratification, acceptance, approval, formal confirmation or accession with the Depositary.

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

3. For each regional economic integration organization depositing an instrument of formal confirmation or an instrument of accession after the conditions set out in paragraph 1 of this Article for entry into force have been fulfilled, the Convention shall enter into force on the ninetieth day following the date of its depositing of the instrument of formal confirmation or of accession.

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

Article 37

Depositary

The Secretary-General of the United Nations shall be the Depositary of this Convention and amendments thereto and of protocols and annexes adopted in accordance with Articles 28, 29 and 33.

Article 38

Authentic texts

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

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

DONE at GENEVA this twenty-first day of May two thousand and three.

3. člen

Za izvajanje okvirne konvencije skrbi Ministrstvo za zdravje.

4. člen

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

Številka: 543-03/05-7/1
Ljubljana, dne 26. januarja 2005
EPA 83-IV

3. Organizacije za regionalno gospodarsko povezovanje v svojih listinah, ki se nanašajo na formalno potrditev, ali v svojih listinah o pristopu razglasijo obseg svojih pristojnosti v zadevah, ki jih ureja konvencija. Te organizacije obvestijo tudi depozitarja, ki nato obvesti pogodbenice o vseh bistvenih spremembah obsega njihovih pristojnosti.

36. člen

Začetek veljavnosti

1. Ta konvencija začne veljati devetdeseti dan po datumu deponiranja štiridesete listine o ratifikaciji, sprejetju, odobritvi, formalni potrditvi ali pristopu pri depozitarju.

2. Za vsako državo, ki ratificira, sprejme ali odobri konvencijo ali k njej pristopi po tem, ko so izpolnjeni pogoji, določeni v prvem odstavku tega člena za začetek veljavnosti, začne ta konvencija veljati devetdeseti dan po datumu deponiranja njene listine o ratifikaciji, sprejetju, odobritvi ali pristopu.

3. Za vsako organizacijo za regionalno gospodarsko povezovanje, ki deponira listino o formalni potrditvi ali listino o pristopu po tem, ko so bili izpolnjeni pogoji, določeni v prvem odstavku tega člena za začetek veljavnosti, začne konvencija veljati devetdeseti dan po datumu deponiranja njene listine o formalni potrditvi ali pristopu.

4. Po tem členu se nobena listina, ki jo deponira organizacija za regionalno gospodarsko povezovanje, ne šteje za dodatno k tistim, ki jih deponirajo države članice organizacije.

37. člen

Depozitar

Depozitar te konvencije in njenih sprememb ter protokolov in prilog, sprejetih v skladu z 28., 29. in 33. členom, je generalni sekretar Združenih narodov.

38. člen

Verodostojna besedila

Izvirnik te konvencije, katere besedilo v angleškem, arabškem, francoskem, kitajskem, ruskem in španskem jeziku je enako verodostojno, se deponira pri generalnem sekretarju Združenih narodov.

V POTRDITEV NAVEDENEGA so za to pravilno pooblaščen predstavniki podpisali to konvencijo.

SESTAVLJENO v ŽENEVI enaindvajsetega maja dva tisoč tri.

Predsednik
Državnega zbora
Republike Slovenije
France Cukjati, dr. med. l. r.

O b v e s t i l o

o začetku oziroma prenehanju veljavnosti mednarodnih pogodb

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list Republike Slovenije, št. 113/03 – uradno prečiščeno besedilo) Ministrstvo za zunanje zadeve

s p o r o č a,

– da je dne 9. decembra 2004 začel veljati Sporazum o pomorskem trgovinskem prometu med Vlado Republike Slovenije in Vlado Islamske republike Iran, podpisan v Teheranu 11. maja 1999 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 11/00 (Uradni list Republike Slovenije, št. 44/00);

– da je dne 16. decembra 2004. začel veljati Sporazum med Vlado Republike Slovenije in Vlado Češke republike o prevzemu oseb na državni meji, podpisan v Ljubljani 22. maja 1998 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 9/99 (Uradni list Republike Slovenije, št. 27/99);

– da je dne 16. decembra 2004 začel veljati Protokol med Ministrstvom za notranje zadeve Republike Slovenije in Ministrstvom za notranje zadeve Češke republike o izvajanju Sporazuma med Vlado Republike Slovenije in Vlado Češke republike o prevzemu oseb na državni meji, podpisan v Pragi 9. septembra 2003 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 25/03 (Uradni list Republike Slovenije, št. 111/03);

– da je dne 19. novembra 2004 za Republiko Slovenijo začel veljati Sporazum med Republiko Avstrijo, Republiko Bolgarijo, Republiko Hrvaško, Češko republiko, Republiko Madžarsko, Republiko Poljsko, Romunijo, Slovaško republiko in Republiko Slovenijo o spodbujanju sodelovanja visokega šolstva v srednjeevropskem programu o meduniverzitetni izmenjavi (CEEPUS II), sklenjen v Zagrebu 9. marca 2003, objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 26/04 (Uradni list Republike Slovenije, št. 108/04);

– da se od 1. novembra 1999 uporablja Sporazum med Upravo Republike Slovenije za jedrsko varnost (URSVJ) in Jedrsko regulatorno komisijo Združenih držav Amerike (US NRC) o izmenjavi tehničnih informacij in sodelovanju na področju jedrske varnosti, podpisan v Ljubljani 29. aprila 1999 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 22/99 (Uradni list Republike Slovenije, št. 80/99);

– da je dne 1. januarja 2005 začela veljati Konvencija o kibernetiki kriminaliteti, sprejeta v Budimpešti dne 23. novembra 2001, objavljena v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 17/04 (Uradni list Republike Slovenije, št. 62/04);

– da je dne 13. avgusta 2004 začela veljati Konvencija med Republiko Slovenijo in Portugalsko republiko o izogibanju dvojnega obdavčevanja in preprečevanju davčnih utaj v zvezi z davki od dohodka in premoženja, podpisana v Ljubljani 5. marca 2003 in objavljena v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 19/03 (Uradni list Republike Slovenije, št. 74/03);

– da je dne 20. februarja 2004 začel veljati Sporazum med Vlado Republike Slovenije in Združenimi narodi o soorganizaciji Konference Združenih narodov o vseh vidikih nezakonitega trgovanja z osebnim in lahkim orožjem v Ju-

govzhodni Evropi, sklenjen z izmenjavo pisem z dne 4. marca 2003 v New Yorku in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 22/03 (v: Uradni list Republike Slovenije, št. 102/03);

– da je dne 27. januarja 2004 začel veljati Dogovor med Ministrstvom za obrambo Republike Slovenije in Zveznim ministrstvom za obrambo Zvezne republike Nemčije o sodelovanju na obrambnotehničnem področju, sklenjen v Bonu dne 23. 10. 1997 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 26/03 (v: Uradni list Republike Slovenije, št. 113/03); in

– da so dne 3. decembra 2004 začeli veljati:

– Sporazum med Ministrstvom za obrambo Republike Slovenije in Zveznim ministrstvom za obrambo Zvezne republike Nemčije o sodelovanju na vojaškem področju, podpisan v Ljubljani dne 17. 9. 1996 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 25/03 (v: Uradni list Republike Slovenije, št. 111/03),

– Sporazum med Ministrstvom za obrambo Republike Slovenije in Zveznim ministrstvom za obrambo Zvezne republike Nemčije o pogojih vzajemnega zagotavljanja uradnih, informativnih in delovnih obiskov, sklenjen v Ljubljani dne 17. 9. 1996 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 26/03 (v: Uradni list Republike Slovenije, št. 113/03),

– Dogovor med Ministrstvom za obrambo Republike Slovenije in Zveznim ministrstvom za obrambo Zvezne republike Nemčije o sodelovanju na področju vojaške geografije, sklenjen v Ljubljani dne 22. 4. 1999 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 6/04 (v: Uradni list Republike Slovenije, št. 23/04);

– da je dne 1. februarja 2005 za Republiko Slovenijo začela veljati Konvencija o pristojnosti, pravu, ki se uporablja, priznavanju, uveljavljanju in sodelovanju glede starševske odgovornosti in ukrepov za varstvo otrok, sestavljena v Haagu 19. oktobra 1996 in objavljena v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 23/04 (Uradni list Republike Slovenije, št. 85/04);

– da je dne 12. januarja 2005 prenehal veljati Sporazum med Vlado Republike Slovenije in Vlado Romunije o gospodarskem sodelovanju, sklenjen v Bukarešti dne 22. aprila 1994, objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 2/95 (Uradni list Republike Slovenije, št. 10/95);

– da je dne 21. januarja 2005 prenehal veljati Sporazum o trgovinskem in gospodarskem sodelovanju med Vlado Republike Slovenije in Vlado Republike Moldove, sklenjen v Kišinevu dne 11. julija 2002, objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 27/02 (Uradni list Republike Slovenije, št. 112/02);

– da je dne 27. januarja 2005 prenehal veljati Sporazum o ekonomskem, industrijskem in tehničnem sodelovanju med Socialistično federativno republiko Jugoslavijo in Kraljevino Norveško, sklenjen v Oslu dne 21. avgust 1968, objavljen v Uradnem listu SFRJ – Mednarodne pogodbe, št. 10/70, ki ga je Republika Slovenija nasledila dne 6. 3. 1997 z izmenjavo not (Akt o nasledstvu sporazumov nekdanje Jugoslavije s Kraljevino Norveško, ki naj ostanejo v veljavi med Republiko Slovenijo in Kraljevino Norveško, objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 1/97; Uradni list Republike Slovenije, št. 13/97).

Ljubljana, 3. februarja 2005

Ministrstvo za zunanje zadeve
Republike Slovenije

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