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51. **Zakon o ratifikaciji Sporazuma o uporabi določb Konvencije Združenih narodov o pomorskem mednarodnem pravu z dne 10. decembra 1982 glede ohranjanja in upravljanja čezconskih staležev rib in izrazito selivskih staležev rib (MKOČSR)**

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

U K A Z
O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA O UPORABI DOLOČB KONVENCIJE ZDRUŽENIH NARODOV O POMORSKEM MEDNARODNEM PRAVU Z DNE 10. DECEMBRA 1982 GLEDE OHRANJANJA IN UPRAVLJANJA ČEZCONSKIH STALEŽEV RIB IN IZRAZITO SELIVSKIH STALEŽEV RIB (MKOČSR)

Razglašam Zakon o ratifikaciji Sporazuma o uporabi določb Konvencije Združenih narodov o pomorskem mednarodnem pravu z dne 10. decembra 1982 glede ohranjanja in upravljanja čezconskih staležev rib in izrazito selivskih staležev rib (MKOČSR), ki ga je sprejel Državni zbor Republike Slovenije na seji 4. aprila 2006.

Št. 001-22-56/06
Ljubljana, dne 12. aprila 2006

dr. Janez Drnovšek l.r.
Predsednik
Republike Slovenije

Z A K O N
O RATIFIKACIJI SPORAZUMA O UPORABI DOLOČB KONVENCIJE ZDRUŽENIH NARODOV O POMORSKEM MEDNARODNEM PRAVU Z DNE 10. DECEMBRA 1982 GLEDE OHRANJANJA IN UPRAVLJANJA ČEZCONSKIH STALEŽEV RIB IN IZRAZITO SELIVSKIH STALEŽEV RIB (MKOČSR)

1. člen

Ratificira se Sporazum o uporabi določb Konvencije Združenih narodov o pomorskem mednarodnem pravu z dne 10. decembra 1982 glede ohranjanja in upravljanja čezconskih staležev rib in izrazito selivskih staležev rib, sprejet 4. avgusta 1995 v New Yorku.

2. člen

Besedilo sporazuma se v izvirniku v angleškem jeziku in v prevodu v slovenskem jeziku glasi:

A G R E E M E N T
on the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks

THE STATES PARTIES TO THIS AGREEMENT,

RECALLING the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982,

DETERMINED to ensure the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks,

RESOLVED to improve cooperation between States to that end,

S P O R A Z U M
o uporabi določb Konvencije Združenih narodov o pomorskem pravu z dne 10. decembra 1982 glede ohranjanja in upravljanja čezconskih staležev rib in izrazito selivskih staležev rib

DRŽAVE POGODBENICE TEGA SPORAZUMA

OB UPOŠTEVANJU ustreznih določb Konvencije Združenih narodov o pomorskem pravu z dne 10. decembra 1982,

ODLOČENI, da zagotovijo dolgoročno ohranjanje in trajnostno rabo čezconskih staležev rib in izrazito selivskih staležev rib,

TRDNO ODLOČENI, da izboljšajo sodelovanje med državami,

CALLING for more effective enforcement by flag States, port States and coastal States of the conservation and management measures adopted for such stocks,

SEEKING to address in particular the problems identified in Chapter 17, programme area C, of Agenda 21 adopted by the United Nations Conference on Environment and Development, namely, that the management of high seas fisheries is inadequate in many areas and that some resources are over-utilised; noting that there are problems of unregulated fishing, over-capitalisation, excessive fleet size, vessel reflagging to escape controls, insufficiently selective gear, unreliable databases and lack of sufficient cooperation between States,

COMMITTING themselves to responsible fisheries,

CONSCIOUS of the need to avoid adverse impacts on the marine environment, preserve biodiversity, maintain the integrity of marine ecosystems and minimise the risk of long-term or irreversible effects of fishing operations,

RECOGNISING the need for specific assistance, including financial, scientific and technological assistance, in order that developing States can participate effectively in the conservation, management and sustainable use of straddling fish stocks and highly migratory fish stocks,

CONVINCED that an agreement for the implementation of the relevant provisions of the Convention would best serve these purposes and contribute to the maintenance of international peace and security,

AFFIRMING that matters not regulated by the Convention or by this Agreement continue to be governed by the rules and principles of general international law,

HAVE AGREED AS FOLLOWS:

OB UPOŠTEVANJU, da bi države zastave, države pristanišča in obalne države bolj učinkovito izvajale ukrepe ohranjanja in upravljanja, sprejete za takšne staleže,

OB PRIZADEVANJU, da bi se zlasti odzvali na probleme, obravnavane v poglavju 17 programskega območja C Agende 21, ki jo je sprejela Konferenca ZN o okolju in razvoju, in sicer, da je upravljanje ribištva na odprtem morju na veliko območjih nezadostno in da nekatere vire pretirano izkoriščajo; ob ugotavljanju težav neurejenega ribištva, prekomernega izkoriščanja, prevelikih flot, registracije plovil v drugi državi, da bi se izognili nadzoru, ne dovolj selektivnega orodja, nezanesljivih zbirk podatkov in nezadostnega sodelovanja med državami,

ZAVEZANI k odgovornemu ribištvu,

OB ZAVEDANJU potrebe po izogibanju škodljivim vplivom na morsko okolje, po ohranjanju biotske raznovrstnosti, ohranjanju celovitosti morskih ekosistemov in zmanjševanju tveganja, ki ga prinašajo dolgoročni in nepopravljivi učinki ribolova,

OB SPOZNANJU potrebe po posebni pomoči, ki vključuje finančno, znanstveno in tehnološko pomoč, da bi lahko države v razvoju učinkovito sodelovale pri ohranjanju, upravljanju in trajnostni rabi čezconskih staležev rib in izrazito selivskih staležev rib,

V PREPRIČANJU, da bi Sporazum o izvajanju ustreznih določb Konvencije najbolj ustrezal tem namenom in bi prispeval k ohranjanju mednarodnega miru in varnosti,

OB POTRJEVANJU, da so zadeve, ki jih ne ureja Konvencija ali ta sporazum, še naprej urejene s pravili in načeli splošnega mednarodnega prava,

SO SE DOGOVORILE:

PART I
GENERAL PROVISIONS

Article 1
Use of terms and scope

1. For the purposes of this Agreement:

(a) 'Convention' means the United Nations Convention on the Law of the Sea of 10 December 1982;

(b) 'conservation and management measures' means measures to conserve and manage one or more species of living marine resources that are adopted and applied consistent with the relevant rules of international law as reflected in the Convention and this Agreement;

(c) 'fish' includes molluscs and crustaceans except those belonging to sedentary species as defined in Article 77 of the Convention; and

(d) 'arrangement' means a cooperative mechanism established in accordance with the Convention and this Agreement by two or more States for the purpose, *inter alia*, of establishing conservation and management measures in a subregion or region for one or more straddling fish stocks or highly migratory fish stocks.

2. (a) 'States Parties' means States which have consented to be bound by this Agreement and for which the Agreement is in force.

DEL I
SPLOŠNE DOLOČBE

Člen 1
Uporaba izrazov in področje uporabe

1. V tem sporazumu:

(a) „Konvencija" pomeni Konvencijo Združenih narodov o pomorskem pravu z dne 10. decembra 1982;

(b) „ukrepi ohranjanja in upravljanja" pomenijo ukrepe za ohranjanje in upravljanje ene ali več vrst živih morskih virov, ki se jih sprejme in uporablja v skladu z ustreznimi pravili mednarodnega prava, kakor se odražajo v Konvenciji in tem sporazumu;

(c) „ribe" vključujejo mehkužce in rake, z izjemo tistih, ki pripadajo neselivskim vrstam, kakor so opredeljene v členu 77 Konvencije; in

(d) „dogovor" pomeni mehanizem sodelovanja, ki sta ga dve ali več držav izoblikovali v skladu s Konvencijo in tem dogovorom zaradi, med drugim, izoblikovanja ukrepov ohranjanja in upravljanja v podobmočju ali območju za enega ali več čezconskih staležev rib ali izrazito selivskih staležev rib.

2. (a) „Države pogodbenice" so države, ki so privolile, da jih zavezuje ta sporazum, in na ozemlju katerih sporazum velja.

(b) This Agreement applies *mutatis mutandis*:

(i) to any entity referred to in Article 305(1)(c), (d) and (e), of the Convention and

(ii) subject to Article 47, to any entity referred to as an 'international organisation' in Annex IX, Article 1, of the Convention which becomes a Party to this Agreement, and to that extent 'States Parties' refers to those entities.

3. This Agreement applies *mutatis mutandis* to other fishing entities whose vessels fish on the high seas.

Article 2

Objective

The objective of this Agreement is to ensure the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks through effective implementation of the relevant provisions of the Convention.

Article 3

Application

1. Unless otherwise provided, this Agreement applies to the conservation and management of straddling fish stocks and highly migratory fish stocks beyond areas under national jurisdiction, except that Articles 6 and 7 apply also to the conservation and management of such stocks within areas under national jurisdiction, subject to the different legal regimes that apply within areas under national jurisdiction and in areas beyond national jurisdiction as provided for in the Convention.

2. In the exercise of its sovereign rights for the purpose of exploring and exploiting, conserving and managing straddling fish stocks and highly migratory fish stocks within areas under national jurisdiction, the coastal State shall apply *mutatis mutandis* the general principles enumerated in Article 5.

3. States shall give due consideration to the respective capacities of developing States to apply Articles 5, 6 and 7 within areas under national jurisdiction and their need for assistance as provided for in this Agreement. To this end, Part VII applies *mutatis mutandis* in respect of areas under national jurisdiction.

Article 4

Relationship between this Agreement and the Convention

Nothing in this Agreement shall prejudice the rights, jurisdiction and duties of States under the Convention. This Agreement shall be interpreted and applied in the context of and in a manner consistent with the Convention.

(b) Ta sporazum se s potrebnimi spremembami uporablja:

(i) za vse subjekte iz člena 305(1)(c), (d) in (e) Konvencije in

(ii) v skladu s členom 47 za vsak subjekt, ki se ga v členu 1 Priloge IX h Konvenciji navaja kot „mednarodno organizacijo“, ki postane stranka tega sporazuma, tako da se za navedeni namen „države pogodbenice“ nanašajo na te subjekte.

3. Ta sporazum se s potrebnimi spremembami uporablja za druge ribiške subjekte, katerih plovila lovijo na odprtem morju.

Člen 2

Cilj

Cilj tega sporazuma je zagotoviti dolgoročno ohranjanje in trajnostno rabo čezconskih staležev rib in izrazito selivskih staležev rib z učinkovitim izvajanjem ustreznih določb Konvencije.

Člen 3

Uporaba

1. Če ni določeno drugače, se ta sporazum uporablja za ohranjanje in upravljanje čezconskih staležev rib in izrazito selivskih staležev rib zunaj območij nacionalne jurisdikcije, le da se člena 6 in 7 uporabljata tudi za ohranjanje in upravljanje takšnih staležev v območjih nacionalne jurisdikcije, podvrženih različnim pravnim režimom, ki se uporabljajo v območjih nacionalne jurisdikcije, in zunaj območij nacionalne jurisdikcije, kakor so določena v Konvenciji.

2. Pri uresničevanju svojih suverenih pravic za namene raziskovanja in izkoriščanja, ohranjanja in upravljanja čezconskih staležev rib in izrazito selivskih staležev rib v območjih nacionalne jurisdikcije obalna država smiselno uporablja splošna načela, našteta v členu 5.

3. Države primerno upoštevajo ustrezne zmožnosti držav v razvoju za uporabo členov 5, 6 in 7 v območjih nacionalne jurisdikcije in njihov potrebo po pomoči, kakor je predvidena v tem sporazumu. V ta namen se del VII smiselno uporablja za območja nacionalne jurisdikcije.

Člen 4

Razmerje med tem sporazumom in Konvencijo

Nič v tem sporazumu ne posega v pravice, jurisdikcijo in dolžnosti držav podpisnic Konvencije. Ta sporazum se razlaga in uporablja glede na Konvencijo in v skladu z njo.

PART II

CONSERVATION AND MANAGEMENT OF STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS

Article 5

General principles

In order to conserve and manage straddling fish stocks and highly migratory fish stocks, coastal States and States fishing on the high seas shall, in giving effect to their duty to cooperate in accordance with the Convention:

(a) adopt measures to ensure long-term sustainability of straddling fish stocks and highly migratory fish stocks and promote the objective of their optimum utilisation;

(b) ensure that such measures are based on the best scientific evidence available and are designed to maintain or restore stocks at levels capable of producing maximum sustainable yield, as qualified by relevant environmental and economic factors, including the special requirements of developing States, and taking into account fishing patterns, the interdependence of stocks and any generally recommended international minimum standards, whether subregional, regional or global;

(c) apply the precautionary approach in accordance with Article 6;

(d) assess the impacts of fishing, other human activities and environmental factors on target stocks and species belonging to the same ecosystem or associated with or dependent on the target stocks;

(e) adopt, where necessary, conservation and management measures for species belonging to the same ecosystem or associated with or dependent on the target stocks, with a view to maintaining or restoring populations of such species above levels at which their reproduction may become seriously threatened;

(f) minimise pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species, (hereinafter referred to as 'nontarget species') and impacts on associated or dependent species, in particular endangered species, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques;

(g) protect biodiversity in the marine environment;

(h) take measures to prevent or eliminate overfishing and excess fishing capacity and to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of fishery resources;

(i) take into account the interests of artisanal and subsistence fishers;

(j) collect and share, in a timely manner, complete and accurate data concerning fishng activities on, *inter alia*, vessel position, catch of target and non-target species and fishing effort, as set out in Annex I, as well as information from national and international research programmes;

(k) promote and conduct scientific research and develop appropriate technologies in support of fishery conservation and management, and

(l) implement and enforce conservation and management measures through effective monitoring, control and surveillance.

DEL II

OHRANJANJE IN UPRAVLJANJE ČEZCONSKIH STALEŽEV RIB IN IZRAZITO SELIVSKIH STALEŽEV RIB

Člen 5

Splošna načela

Zaradi ohranjanja in upravljanja čezconskih staležev rib in izrazito selivskih staležev rib obalne države in države, ki lovijo na odprtem morju, pri izpolnjevanju dolžnosti sodelovanja v skladu s Konvencijo:

(a) sprejmejo ukrepe za zagotavljanje dolgoročne trajnostnosti čezconskih staležev rib in izrazito selivskih staležev rib ter spodbujajo njihovo največjo možno uporabo;

(b) zagotovijo, da takšni ukrepi temeljijo na najboljših razpoložljivih znanstvenih dokazih in da so bili oblikovani za vzdrževanje ali obnavljanje staležev na ravneh, pri katerih je mogoč največji trajnostni donos, kakor je opredeljen z ustreznimi okoljskimi in gospodarskimi dejavniki, vključno s posebnimi zahtevami držav v razvoju ter ob upoštevanju ribolovnih modelov, soodvisnosti staležev in vseh splošno priporočljivih mednarodnih minimalnih standardov, naj bodo podobmočni, območni ali svetovni;

(c) uporabljajo previdnostni pristop v skladu s členom 6;

(d) ocenijo vpliv ribolova, drugih človekovih dejavnosti in okoljskih dejavnikov na ciljne staleže in vrste, ki so del istega ekosistema ali so povezane s ciljnimi staleži ali odvisne od njih;

(e) sprejmejo, kadar je to potrebno, ukrepe ohranjanja in upravljanja za vrste, ki pripadajo istemu ekosistemu ali so povezane s ciljnimi staleži ali odvisne od njih, zaradi ohranjanja in obnavljanja populacij takšnih vrst nad ravnmi, pri katerih lahko postane njihova reprodukcija resno ogrožena;

(f) zmanjšajo onesnaževanje, odpadke, zavržke, lov z izgubljenim ali opuščenim orodjem, lov neciljnih vrst, kar vključuje ribje in neribje vrste (v nadaljnjem besedilu „neciljne vrste"), ter vpliv na povezane ali odvisne vrste, zlasti ogrožene vrste, z ukrepi, ki vključujejo, kolikor je to mogoče, razvoj in uporabo izbranih, varnih za okolje in stroškovno učinkovitih ribolovnega orodja in tehnik;

(g) varujejo biotsko raznovrstnost v morskem okolju;

(h) sprejmejo ukrepe, s katerimi preprečijo ali odpravijo prelov in prevelike ribolovne zmogljivosti ter zagotovijo, da stopnja ribolovnega napora ne presega sorazmernosti s trajnostno rabo ribolovnih virov;

(i) upoštevajo interese priobalnega in samooskrbnega ribištva;

(j) zbirajo in pravočasno posredujejo popolne in natančne podatke glede ribolovnih aktivnosti, ki med drugim zadevajo položaj plovil, ulov ciljnih in neciljnih vrst in ribolovni napor, kakor je določeno v Prilogi I, ter tudi podatke iz nacionalnih in mednarodnih raziskovalnih programov;

(k) spodbujajo in izvajajo znanstvene raziskave ter razvijajo ustrezne tehnologije za podporo ohranjanja in upravljanja ribištva, in

(l) izvajajo ukrepe ohranjanja in upravljanja z učinkovitim spremljanjem, nadzorom in opazovanjem.

Article 6

Application of the precautionary approach

1. States shall apply the precautionary approach widely to conservation, management and exploitation of straddling fish stocks and highly migratory fish stocks in order to protect the living marine resources and preserve the marine environment.

2. States shall be more cautions when information is uncertain, unreliable or inadequate. The absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures.

3. In implementing the precautionary approach, States shall:

(a) improve decision-making for fishery resource conservation and management by obtaining and sharing the best scientific information available and implementing improved techniques for dealing with risk and uncertainty;

(b) apply the guidelines set out in Annex II and determine, on the basis of the best scientific information available, stock-specific reference points and the action to be taken if they are exceeded;

(c) take into account, *inter alia*, uncertainties relating to the size and productivity of the stocks, reference points, stock condition in relation to such reference points, levels and distribution of fishing mortality and the impact of fishing activities on non-target and associated or dependent species, as well as existing and predicted oceanic, environmental and socioeconomic conditions, and

(d) develop data-collection and research programmes to assess the impact of fishing on non-target and associated or dependent species and their environment, and adopt plans which are necessary to ensure the conservation of such species and to protect habitats of special concern.

4. State shall take measures to ensure that, when reference points are approached, they will not be exceeded. In the event that they are exceeded, States shall, without delay, take the action determined under paragraph 3(b) to restore the stocks.

5. Where the status of target stocks or non-target or associated or dependent species is of concern, States shall subject such stocks and species to enhanced monitoring in order to review their status and the efficacy of conservation and management measures. They shall revise those measures regularly in the light of new information.

6. For new or exploratory fisheries, States shall adopt as soon as possible cautious conservation and management measures, including, *inter alia*, catch limits and effort limits. Such measures shall remain in force until there are sufficient data to allow assessment of the impact of the fisheries on the long-term sustainability of the stocks, whereupon conservation and management measures based on that assessment shall be implemented. The latter measures shall, if appropriate, allow for the gradual development of the fisheries.

7. If a natural phenomenon has a significant adverse impact on the status of straddling fish stocks or highly migratory fish stocks, States shall adopt conservation and management measures on an emergency basis to ensure that fishing activity does not exacerbate such adverse impact. States shall also adopt such measures on an emergency basis where fishing activity presents a serious threat to the sustainability of such stocks. Measures taken on an emergency basis shall be temporary and shall be based on the best scientific evidence available.

Člen 6

Uporaba previdnostnega pristopa

1. Države pri ohranjanju, upravljanju in izkoriščanju čezconskih staležev rib in izrazito selivskih staležev rib splošno uporabljajo previdnostni pristop za zaščito živih morskih virov in ohranjanja morskega okolja.

2. Države so bolj previdne, če so podatki negotovi, nezanesljivi ali nepopolni. Pomanjkanje primernih znanstvenih podatkov se ne uporabi kot razlog za odlaganje ali nesprejem ukrepov ohranjanja in upravljanja.

3. Države pri izvajanju previdnostnega pristopa:

(a) izboljšajo odločanje za ohranjanje in upravljanje ribolovnih virov s pridobivanjem in skupno uporabo najboljših razpoložljivih znanstvenih podatkov ter uporabo izboljšanih tehnik za spopadanje s tveganjem in negotovostjo;

(b) uporabijo smernice, določene v Prilogi II, in na podlagi najboljših razpoložljivih znanstvenih podatkov določijo referenčne točke, značilne za posamezne staleže, in ukrepe, ki jih je treba izvesti, če se jih preseže;

(c) upoštevajo, med drugim, negotovosti glede velikosti in produktivnosti staležev, referenčne točke, stanje staleža glede na te referenčne točke, obseg in porazdelitev ribolovne smrtnosti ter vpliv ribolovnih aktivnosti na neciljne in povezane ali odvisne vrste, kakor tudi obstoječe in predvidene oceanske, okoljske in socialno-ekonomske razmere, ter

(d) razvijajo programe za zbiranje podatkov in raziskovanje, da bi ocenile vpliv ribištva na neciljne in povezane ali odvisne vrste in njihovo okolje, ter sprejmejo načrte, potrebne za zagotavljanje ohranjanja takšnih vrst in zaščito posebno občutljivih habitatov.

4. Država sprejme ukrepe za zagotavljanje, da referenčne točke v primeru, ko se jim približa, ne bodo presežene. Če pa se jih preseže, države nemudoma ukrepajo, kakor je opredeljeno v odstavku 3(b), da bi obnovile staleže.

5. Kadar je stanje ciljnih staležev ali neciljnih, povezanih in odvisnih vrst zaskrbljujoče, države okrepljeno spremljajo te staleže in vrste, da bi proučile njihovo stanje ter učinkovitost ukrepov ohranjanja in upravljanja. Navedene ukrepe redno pregledujejo ob upoštevanju novih podatkov.

6. Za novo ali raziskovalno ribištvo države članice čim prej sprejmejo previdnostne ukrepe ohranjanja in upravljanja, ki, med drugim, vključujejo omejitve ulova in omejitve napora. Takšni ukrepi veljajo, dokler ni zadostnih podatkov, ki omogočajo presojo vpliva ribištva na dolgoročno trajnost staležev, in šele na podlagi te presoje se izvaja ukrepe ohranjanja in upravljanja. Slednji ukrepi, če je primerno, omogočijo postopen razvoj ribištva.

7. Če določen naravni pojav pomembno škodljivo vpliva na stanje čezconskih staležev rib in izrazito selivskih staležev rib, države sprejmejo nujne ukrepe ohranjanja in upravljanja, s katerimi zagotovijo, da ribolovna aktivnost ne zaostruje tega škodljivega vpliva. Države sprejmejo takšne nujne ukrepe tudi, kadar ribolovna aktivnost resno ogroža trajnost takšnih staležev. Nujni ukrepi so začasni in temeljijo na najboljših razpoložljivih znanstvenih dokazih.

Article 7

Compatibility of conservation and management measures

1. Without prejudice to the sovereign rights of coastal States for the purpose of exploring and exploiting, conserving and managing the living marine resources within areas under national jurisdiction as provided for in the Convention, and the right of all States for their nationals to engage in fishing on the high seas in accordance with the Convention:

(a) with respect to straddling fish stocks, the relevant coastal States and the States whose nationals fish for such stocks in the adjacent high seas area shall seek, either directly or through the appropriate mechanisms for cooperation provided for in Part III, to agree upon the measures necessary for the conservation of these stocks in the adjacent high seas area;

(b) with respect to highly migratory fish stocks, the relevant coastal States and other States whose nationals fish for such stocks in the region shall cooperate, either directly or through the appropriate mechanisms for cooperation provided for in Part III, with a view to ensuring conservation and promoting the objective of optimum utilisation of such stocks throughout the region, both within and beyond the areas under national jurisdiction.

2. Conservation and management measures established for the high seas and those adopted for areas under national jurisdiction shall be compatible in order to ensure conservation and management of the straddling fish stocks and highly migratory fish stocks in their entirety. To this end, coastal States and States fishing on the high seas have a duty to cooperate for the purpose of achieving compatible measures in respect of such stocks. In determining compatible conservation and management measures, States shall:

(a) take into account the conservation and management measures adopted and applied in accordance with Article 61 of the Convention in respect of the same stocks by coastal States within areas under national jurisdiction and ensure that measures established in respect of such stocks for the high seas do not undermine the effectiveness of such measures;

(b) take into account previously agreed measures established and applied for the high seas in accordance with the Convention in respect of the same stocks by relevant coastal States and States fishing on the high seas;

(c) take into account previously agreed measures established and applied in accordance with the Convention in respect of the same stocks by a subregional or regional fisheries management organisation or arrangement;

(d) take into account the biological unity and other biological characteristics of the stocks and the relationships between the distribution of the stocks, the fisheries and the geographical particularities of the region concerned, including the extent to which the stocks occur and are fished in areas under national jurisdiction;

(e) take into account the respective dependence of the coastal States and the States fishing on the high seas on the stocks concerned, and

(f) ensure that such measures do not result in harmful impact on the living marine resources as a whole.

3. In giving effect to their duty to cooperate, States shall make every effort to agree on compatible conservation and management measures within a reasonable period of time.

Člen 7

Združljivost ukrepov ohranjanja in upravljanja

1. Brez vpliva na suverene pravice obalnih držav za namene raziskovanja in izkoriščanja, ohranjanja in upravljanja živih morskih virov v območjih nacionalne jurisdikcije, kakor so določene v Konvenciji, ter pravico vseh držav, da se njihovi državljani ukvarjajo z ribolovom na odprtem morju v skladu s Konvencijo:

(a) si zadevne obalne države in države, katerih državljani lovijo te staleže v sosednjem območju odprtega morja, glede čezconskih staležev rib prizadevajo, bodisi neposredno bodisi prek ustreznih mehanizmov sodelovanja iz dela III, za dogovor glede ukrepov, potrebnih za ohranjanje teh staležev v sosednjem območju odprtega morja;

(b) zadevne obalne države in druge države, katerih državljani lovijo te staleže v območju, glede izrazito selivskih staležev rib sodelujejo, bodisi neposredno bodisi prek ustreznih mehanizmov sodelovanja iz dela III, za zagotavljanje ohranjanja in spodbujanja optimalnega izkoriščanja takšnih staležev v vsem območju, in sicer v območjih nacionalne jurisdikcije in zunaj njih.

2. Ukrepi ohranjanja in upravljanja, ki so bili izoblikovani za odprto morje in sprejeti za območja nacionalne jurisdikcije, so združljivi zaradi zagotovitve ohranjanja in upravljanja čezconskih staležev rib in izrazito selivskih staležev rib v vsej njihovi celovitosti. V ta namen so obalne države in države, ki lovijo na odprtem morju, dolžne sodelovati pri sprejemanju združljivih ukrepov za takšne staleže. Države pri določanju združljivih ukrepov ohranjanja in upravljanja:

(a) upoštevajo ukrepe ohranjanja in upravljanja za te staleže, ki so jih obalne države v skladu s členom 61 Konvencije sprejele in jih uporabljajo v območjih nacionalne jurisdikcije, ter zagotavljajo, da ukrepi, izoblikovani za te staleže na odprtem morju, ne izpodbijajo učinkovitosti takšnih ukrepov;

(b) upoštevajo predhodno dogovorjene ukrepe za iste staleže, ki so jih v skladu s Konvencijo ustrezne obalne države in države, ki lovijo na odprtem morju, izoblikovale in se uporabljajo za odprto morje;

(c) upoštevajo predhodno dogovorjene ukrepe, ki so bili izoblikovani in se uporabljajo v skladu s Konvencijo za te staleže v okviru podobmočne ali območne ribiške upravljavske organizacije ali dogovora;

(d) upoštevajo biotsko enotnost in druge biološke značilnosti staležev ter odnose med porazdelitvijo staležev, ribištvom in geografskimi posebnostmi zadevnega območja, vključno z obsegom pojavljanja in ulova staležev v območjih nacionalne jurisdikcije;

(e) upoštevajo ustrezno odvisnost obalnih držav in držav, ki lovijo na odprtem morju, od zadevnih staležev ter

(f) zagotovijo, da takšni ukrepi ne vplivajo škodljivo na žive morske vire kot celoto.

3. Pri izvrševanju dolžnosti sodelovanja si države vsestransko prizadevajo, da se v primernim obdobju dogovorijo glede združljivih ukrepov ohranjanja in upravljanja.

4. If no agreement can be reached within a reasonable period of time, any of the States concerned may invoke the procedures for the settlement of disputes provided for in Part VIII.

5. Pending agreement on compatible conservation and management measures, the States concerned, in a spirit of understanding and cooperation, shall make every effort to enter into provisional arrangements of a practical nature. In the event that they are unable to agree on such arrangements, any of the States concerned may, for the purpose of obtaining provisional measures, submit the dispute to a court or tribunal in accordance with the procedures for the settlement of disputes provided for in Part VIII.

6. Provisional arrangements or measures entered into or prescribed pursuant to paragraph 5 shall take into account the provisions of this Part, shall have due regard to the rights and obligations of all States concerned, shall not jeopardize or hamper the reaching of final agreement on compatible conservation and management measures and shall be without prejudice to the final outcome of any dispute settlement procedure.

7. Coastal States shall regularly inform States fishing on the high seas in the subregion or region, either directly or through appropriate subregional or regional fisheries management organisations or arrangements, or through other appropriate means, of the measures they have adopted for straddling fish stocks and highly migratory fish stocks within areas under their national jurisdiction.

8. States fishing on the high seas shall regularly inform other interested States, either directly or through appropriate subregional or regional fisheries management organisations or arrangements, or through other appropriate means, of the measures they have adopted for regulating the activities of vessels flying their flag which fish for such stocks on the high seas.

4. Če v primernem obdobju ni mogoče doseči dogovora, lahko vsaka zadevna država uveljavlja postopke za poravnavo sporov, opredeljene v delu VIII.

5. Do Sporazuma o združljivih ukrepih ohranjanja in upravljanja si zadevne države, v duhu razumevanja in sodelovanja, vsestransko prizadevajo za začasne praktične dogovore. Če se ne morejo dogovoriti, lahko vsaka izmed zadevnih držav članic zaradi zagotovitve začasnih ukrepov predloži spor sodišču v skladu s postopki za poravnavo sporov, opredeljenimi v delu VIII.

6. Začasni dogovori ali ukrepi, sklenjeni ali predpisani v skladu z odstavkom 5, upoštevajo določbe tega dela, dolžno upoštevajo pravice in obveznosti vseh zadevnih držav, ne ogrožajo ali ovirajo sklenitve končnega dogovora glede združljivih ukrepov ohranjanja in upravljanja in ne vplivajo na končni izid katerega koli postopka za poravnavo sporov.

7. Obalne države redno obveščajo države, ki lovijo na odprtem morju v podobomočju ali območju, o ukrepih, ki so jih sprejele za čezconske staleže rib ali izrazito selivske staleže rib za območja njihove nacionalne jurisdikcije, in sicer neposredno ali prek ustreznih podobmočnih ali območnih ribiških upravljavskih organizacij ali dogovorov ali prek drugih primernih sredstev.

8. Države, ki lovijo na odprtem morju, redno obveščajo druge zainteresirane države, bodisi neposredno ali prek primernih podobmočnih ali območnih ribiških upravljavskih organizacij ali dogovorov ali prek drugih primernih sredstev, o ukrepih, ki so jih sprejele za urejanje aktivnosti plovil, ki plujejo pod njihovo zastavo in ki lovijo te staleže na odprtem morju.

PART III
MECHANISMS FOR INTERNATIONAL COOPERATION CONCERNING STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS

Article 8

Cooperation for conservation and management

1. Coastal States and States fishing on the high seas shall, in accordance with the Convention, pursue cooperation in relation to straddling fish stocks and highly migratory fish stocks either directly or through appropriate subregional or regional fisheries management organisations or arrangements, taking into account the specific characteristics of the subregion or region, to ensure effective conservation and management of such stocks.

2. States shall enter into consultations in good faith and without delay, particularly where there is evidence that the straddling fish stocks and highly migratory fish stocks concerned may be under threat of overexploitation or where a new fishery is being developed for such stocks. To this end, consultations may be initiated at the request of any interested State with a view to establishing appropriate arrangements to ensure conservation and management of the stocks. Pending agreement on such arrangements, States shall observe the provisions of this Agreement and shall act in good faith and with due regard to the rights, interests and duties of other States.

DEL III
MEHANIZMI MEDNARODNEGA SODELOVANJA V ZVEZI S ČEZCONSKIMI STALEŽI RIB IN IZRAZITO SELIVSKIMI STALEŽI RIB

Člen 8

Sodelovanje za ohranjanje in upravljanje

1. Obalne države in države, ki lovijo na odprtem morju, v skladu s Konvencijo sodelujejo v zvezi s čezconskimi staleži rib in izrazito selivskimi staleži rib, bodisi neposredno ali prek ustreznih podobmočnih ali območnih ribiških upravljalskih organizacij ali dogovorov, pri čemer upoštevajo posebnosti podobmočja ali območja, s čimer zagotovijo učinkovito ohranjanje in upravljanje takšnih staležev.

2. Države se v dobri veri in nemudoma začnejo posvetovati, zlasti, kadar obstajajo dokazi, da zadevnim čezconskim staležem rib in izrazito selivskim staležem rib grozi prelov ali kjer se za te staleže razvija novo ribištvo. V ta namen se lahko na pobudo katere koli zainteresirane države začnejo posvetovanja za doseganje ustreznih dogovorov za zagotovitev ohranjanja in upravljanja staležev. Do sprejema Sporazuma o teh dogovorih države upoštevajo določbe tega sporazuma ter delujejo v dobri veri in z obveznim upoštevanjem pravic, interesov in dolžnosti drugih držav.

3. Where a subregional or regional fisheries management organisation or arrangement has the competence to establish conservation and management measures for particular straddling fish stocks or highly migratory fish stocks, States fishing for the stocks on the high seas and relevant coastal States shall give effect to their duty to cooperate by becoming members of such organisation or participants in such arrangement, or by agreeing to apply the conservation and management measures established by such organisation or arrangement. States having a real interest in the fisheries concerned may become members of such organisation or participants in such arrangement. The terms of participation in such organisation or arrangement shall not preclude such States from membership or participation; nor shall they be applied in a manner which discriminates against any State or group of States having a real interest in the fisheries concerned.

4. Only those States which are members of such an organisation or participants in such an arrangement, or which agree to apply the conservation and management measures established by such organisation or arrangement, shall have access to the fishery resources to which those measures apply.

5. Where there is no subregional or regional fisheries management organisation or arrangement to establish conservation and management measures for a particular straddling fish stock or highly migratory fish stock, relevant coastal States and States fishing on the high seas for such stock in the subregion or region shall cooperate to establish such an organisation or enter into other appropriate arrangements to ensure conservation and management of such stock and shall participate in the work of the organisation or arrangement.

6. Any State intending to propose that action be taken by an intergovernmental organisation having competence with respect to living resources should, where such action would have a significant effect on conservation and management measures already established by a competent subregional or regional fisheries management organisation or arrangement, consult through that organisation or arrangement with its members or participants. To the extent practicable, such consultation should take place prior to the submission of the proposal to the intergovernmental organisation.

Article 9

Subregional and regional fisheries management organisations and arrangements

1. In establishing subregional or regional fisheriesmanagement organisations or in entering into subregional or regional fisheries management arrangements for straddling fish stocks and highly migratory fish stocks, States shall agree, *inter alia*, on:

(a) the stocks to which conservation and management measures apply, taking into account the biological characteristics of the stocks concerned and the nature of the fisheries involved;

(b) the area of application, taking into account Article 7(1), and the characteristics of the subregion or region, including socioeconomic, geographical and environmental factors;

(c) the relationship between the work of the new organisation or arrangement and the role, objectives and operations of any relevant existing fisheries management organisations or arrangements, and

3. Kadar sta podobmočna ali območna ribiška upravljavska organizacija ali dogovor pristojna za izoblikovanje ukrepov ohranjanja in upravljanja za določene čezconske staleže rib ali izrazito selivske staleže rib, države, ki lovijo te staleže na odprtem morju, in ustrezne obalne države izpolnijo svojo dolžnost po sodelovanju z včlanitvijo v takšno organizacijo ali udeležbo v takšnem dogovoru ali s privolitvijo v uporabo ukrepov ohranjanja in upravljanja, izoblikovanih v okviru takšne organizacije ali dogovora. Države, ki imajo dejanski interes za zadevna ribištva, se lahko včlanijo v takšno organizacijo ali lahko sodelujejo pri takšnem dogovoru. Pogoji udeležbe v taki organizaciji ali dogovoru ne preprečujejo tem državam članstva ali udeležbe; ne uporabljajo se niti na način, ki zapostavlja katero koli državo ali skupino držav, ki imajo dejanski interes za zadevno ribištvo.

4. Samo države, ki so članice takšne organizacije ali udeležene pri takem dogovoru ali ki so pripravljene uporabljati ukrepe ohranjanja in upravljanja, izoblikovane v okviru take organizacije ali dogovora, imajo dostop do ribolovnih virov, na katere se nanašajo navedeni ukrepi.

5. Kadar ni podobmočne ali območne upravljavske ribiške organizacije ali dogovora, v okviru katerih bi izoblikovali ukrepe ohranjanja in upravljanja za določen čezconski stalež rib ali izrazito selivski stalež rib, ustrezne obalne države ali države, ki lovijo te staleže na odprtem morju, sodelujejo pri ustanovitvi takšne organizacije ali pri dogovorih, v okviru katerih zagotovijo ohranjanje in upravljanje takšnih staležev, in sodelujejo pri delu organizacije ali pridogovoru.

6. Vsaka država, ki namerava predlagati, da bi ukrepala medvladna organizacija, pristojna za žive vire, naj se v primeru, da bi ti ukrepi pomembno vplivali na ukrepe ohranjanja in upravljanja, ki so bili že izoblikovani v okviru pristojne podobmočne ali območne ribiške upravljavske organizacije ali dogovora, posvetuje s člani ali udeleženci te organizacije ali dogovora. Če je mogoče, naj se takšno posvetovanje izvede pred predložitvijo predloga medvladni organizaciji.

Člen 9

Podobmočne ali območne ribiške upravljavske organizacije ali dogovori

1. Pri ustanavljanju podobmočnih ali območnih ribiških upravljavskih organizacij ali pri podobmočnih ali območnih dogovorih za čezconske staleže rib in izrazito selivske staleže rib se države, med drugim, sporazumejo glede:

(a) staležev, za katere se uporabljajo ukrepi ohranjanja in upravljanja, upoštevajoč biološke značilnosti zadevnih staležev in naravo vpletenih ribištev;

(b) območje uporabe, upoštevajoč člen 7(1), ter značilnosti podobmočja ali območja, vključno s socialno-ekonomskimi, geografskimi in okoljskimi dejavniki;

(c) razmerje med delom nove organizacije ali dogovorom in vlogo, cilji in dejavnostjo vseh ustreznih obstoječih ribiških upravljavskih organizacij ali dogovorov in

(d) the mechanisms by which the organisation or arrangement will obtain scientific advice and review the status of the stocks, including, where appropriate, the establishment of a scientific advisory body.

2. States cooperating in the formation of a subregional or regional fisheries management organisation or arrangement shall inform other States which they are aware have a real interest in the work of the proposed organisation or arrangement of such cooperation.

Article 10

Functions of subregional and regional fisheries management organisations and arrangements

In fulfilling their obligation to cooperate through subregional or regional fisheries management organisations or arrangements, States shall:

(a) agree on and comply with conservation and management measures to ensure the long-term sustainability of straddling fish stocks and highly migratory fish stocks;

(b) agree, as appropriate, on participatory rights such as allocations of allowable catch or levels of fishing effort;

(c) adopt and apply any generally recommended international minimum standards for the responsible conduct of fishing operations;

(d) obtain and evaluate scientific advice, review the status of the stocks and assess the impact of fishing on non-target and associated or dependent species;

(e) agree on standards for collection, reporting, verification and exchange of data on fisheries for the stocks;

(f) compile and disseminate accurate and complete statistical data, as described in Annex I, to ensure that the best scientific evidence is available, while maintaining confidentiality where appropriate;

(g) promote and conduct scientific assessments of the stocks and relevant research and disseminate the results thereof;

(h) establish appropriate cooperative mechanisms for effective monitoring, control, surveillance and enforcement;

(i) agree on means by which the fishing interests of new members of the organisation or new participants in the arrangement will be accommodated;

(j) agree on decision-making procedures which facilitate the adoption of conservation and management measures in a timely and effective manner;

(k) promote the peaceful settlement of disputes in accordance with Part VIII;

(l) ensure the full cooperation of their relevant national agencies and industries in implementing the recommendations and decisions of the organisation or arrangement, and

(m) give due publicity to the conservation and management measures established by the organisation or arrangement.

Article 11

New members or participants

In determining the nature and extent of participatory rights for new members of a subregional or regional fisheries management organisation, or for new participants in a subregional or regional fisheries management arrangement, States shall take into account, *inter alia*:

(d) mehanizme, s katerimi bodo v okviru organizacije ali dogovora pridobivali znanstvene nasvete in pregledovali stanje staležev, vključno z, kjer je to primerno, ustanovitvijo znanstvenega svetovalnega organa.

2. Države, ki sodelujejo pri oblikovanju podobmočne ali območne ribiške upravljavske organizacije ali dogovora, obveščajo druge države, za katere vedo, da se dejansko zanimajo za delo predlagane organizacije ali dogovora v okviru takšnega sodelovanja.

Člen 10

Naloge podobmočnih ali območnih ribiških upravljavskih organizacij ali dogovorov

Države pri izpolnjevanju svoje obveznosti sodelovanja prek podobmočnih ali območnih upravljavskih ribiških organizacij ali dogovorov:

(a) se sporazumejo in upoštevajo ukrepe ohranjanja in upravljanja, s čimer zagotovijo dolgoročno trajnost čezconskih staležev rib in izrazito selivskih staležev rib;

(b) se sporazumejo, če je to primerno, glede udeleženskih pravic, kakor so porazdelitev dovoljenega ulova ali ravni ribolovnega napora;

(c) sprejmejo in uporabljajo vse splošno priporočljive mednarodne minimalne standarde za odgovoren ribolov;

(d) pridobijo in ovrednotijo znanstvene nasvete, pregledajo stanje staležev ter ocenijo vpliv ribištva na neciljne in povezane ali odvisne vrste;

(e) se sporazumejo glede standardov za zbiranje, poročanje, preverjanje in izmenjavo podatkov o ribištvu staležev;

(f) pripravijo in razširjajo natančne in popolne statistične podatke, kakor je opisano v Prilogi I, s čimer zagotovijo dostopnost do najboljših razpoložljivih znanstvenih dokazov, pri čemer ohranijo zaupnost, kjer je to primerno;

(g) spodbujajo in izvajajo znanstvene presoje staležev in ustrezne raziskave ter razširjajo njihove rezultate;

(h) izoblikujejo ustrezne skupne mehanizme za učinkovito spremljanje, nadzor in izvajanje;

(i) se sporazumejo glede sredstev, s katerimi bodo zadovoljeni ribiški interesi novih članic organizacije ali novih udeležencev v Sporazumu;

(j) se sporazumejo glede postopkov odločanja, ki omogočijo pravočasen in učinkovit sprejem ukrepov ohranjanja in upravljanja;

(k) spodbujajo miroljubno reševanje sporov v skladu z delom VIII;

(l) zagotovijo popolno sodelovanje njihovih ustreznih nacionalnih zastopstev in gospodarskih panog pri uresničevanju priporočil in odločitev organizacije ali dogovora, in

(m) skrbijo za primerno obveščanje javnosti glede ukrepov ohranjanja in upravljanja, ki so bili izoblikovani v okviru organizacije ali dogovora.

Člen 11

Nove članice in udeleženke

Pri določanju vrste in obsega udeleženskih pravic za nove članice podobmočne ali območne ribiške upravljavske organizacije ali za nove udeleženke v podobmočnem ali območnem dogovoru za področje ribištva države med drugim upoštevajo:

(a) the status of the straddling fish stocks and highly migratory fish stocks and the existing level of fishing effort in the fishery;

(b) the respective interests, fishing patterns and fishing practices of new and existing members or participants;

(c) the respective contributions of new and existing members or participants to conservation and management of the stocks, to the collection and provision of accurate data and to the conduct of scientific research on the stocks;

(d) the needs of coastal fishing communities which are dependent mainly on fishing for the stocks;

(e) the needs of coastal States whose economies are overwhelmingly dependent on the exploitation of living marine resources, and

(f) the interests of developing States from the subregion or region in whose areas of national jurisdiction the stocks also occur.

Article 12

Transparency in activities of subregional and regional fisheries management organisations and arrangements

1. States shall provide for transparency in the decision-making process and other activities of subregional and regional fisheries management organisations and arrangements.

2. Representatives from other intergovernmental organisations and representatives from non-governmental organisations concerned with straddling fish stocks and highly migratory fish stocks shall be afforded the opportunity to take part in meetings of subregional and regional fisheries management organisations and arrangements as observers or otherwise, as appropriate, in accordance with the procedures of the organisation or arrangement concerned. Such procedures shall not be unduly restrictive in this respect. Such intergovernmental organisations and non-governmental organisations shall have timely access to the records and reports of such organisations and arrangements, subject to the procedural rules on access to them.

Article 13

Strengthening of existing organisations and arrangements

States shall cooperate to strengten existing subregional and regional fisheries management organisations and arrangements in order to improve their effectiveness in establishing and implementing conservation and management measures for straddling fish stocks and highly migratory fish stocks.

Article 14

Collection and provision of information and cooperation in scientific research

1. States shall ensure that fishing vessels flying their flag provide such information as may be necessary in order to fulfil their obligations under this Agreement. To this end, States shall in accordance with Annex I:

(a) collect and exchange scientific, technical and statistical data with respect to fisheries for straddling fish stocks and highly migratory fish stocks;

(a) stanje čezconskih staležev rib in izrazito selivskih staležev rib ter obstoječo raven ribolovnega napora v ribištvu;

(b) interese, ribolovne modele in ribolovne postopke novih in obstoječih članic ali udeleženk;

(c) prispevke novih in obstoječih članic ali udeleženk k ohranjanju in upravljanju staležev, zbiranju in zagotavljanju točnih podatkov ter izvajanju znanstvenih raziskav staležev;

(d) potrebe obalnih ribolovnih združb, ki so odvisne predvsem od lovljenja teh staležev;

(e) potrebe obalnih držav, katerih gospodarstva temeljijo predvsem na izkoriščanji živih morskih virov, in

(f) interese držav v razvoju iz podobmočja ali območja, na območjih nacionalne jurisdikcije katerih se tudi pojavljajo staleži.

Člen 12

Preglednost dejavnosti podobmočnih ali območnih ribiških upravljavskih organizacij ali dogovorov

1. Države predpišejo preglednost pri procesu odločanja in drugih dejavnostih podobmočnih ali območnih ribiških upravljavskih organizacij ali dogovorov.

2. Predstavnikom drugih medvladnih organizacija in predstavnikom nevladnih organizacij, ki se ukvarjajo s čezconskimi staleži rib in izrazito selivskimi staleži rib, se ponudi možnost udeležbe na sestankih podobmočnih in območnih ribiških upravljavskih organizacij ali dogovorov, kjer lahko sodelujejo kot opazovalci ali drugače, kakor je primerno v skladu s postopki zadevne organizacije ali dogovora. Takšni postopki glede tega niso neupravičeno omejevalni. Te medvladne organizacije in nevladne organizacije imajo pravočasen dostop do spisov in poročil teh organizacij in dogovorov, in sicer v skladu s postopkovnimi pravili glede dostopa do njih.

Člen 13

Krepitev obstoječih organizacij in dogovorov

Države sodelujejo pri krepitvi obstoječih podobmočnih ali območnih ribiških upravljavskih organizacij ali dogovorov, da bi tako povečale njihovo učinkovitost pri izoblikovanju in izvajanju ukrepov ohranjanja in upravljanja za čezconske staleže rib in izrazito selivske staleže rib.

Člen 14

Zbiranje in zagotavljanje podatkov ter sodelovanje pri znanstvenih raziskavah

1. Države zagotovijo, da plovila po njihovo zastavo posredujejo podatke, ki bi jih lahko potrebovali pri izpolnjevanju obveznosti, izhajajočih iz tega sporazuma. Zato države v skladu s Prilogo I:

(a) zbirajo in si izmenjujejo znanstvene, tehnične in statistične podatke glede ribištva čezconskih staležev rib in izrazito selivskih staležev rib;

(b) ensure that data are collected in sufficient detail to facilitate effective stock assessment and are provided in a timely manner to fulfil the requirements of subregional or regional fisheries management organisations or arrangements, and

(c) take appropriate measures to verify the accuracy of such data.

2. States shall cooperate, either directly or through subregional or regional fisheries management organisations or arrangements:

(a) to agree on the specification of data and the format in which they are to be provided to such organisations or arrangements, taking into account the nature of the stocks and the fisheries for those stocks, and

(b) to develop and share analytical techniques and stock assessment methodologies to improve measures for the conservation and management of straddling fish stocks and highly migratory fish stocks.

3. Consistent with Part XIII of the Convention, States shall cooperate, either directly or through competent international organisations, to strengthen scientific research capacity in the field of fisheries and promote scientific research related to the conservation and management of straddling fish stocks and highly migratory fish stocks for the benefit of all. To this end, a State or the competent international organisation conducting such research beyond areas under national jurisdiction shall actively promote the publication and dissemination to any interested States of the results of that research and information relating to its objectives and methods and, to the extent practicable, shall facilitate the participation of scientists from those States in such research.

Article 15

Enclosed and semi-enclosed seas

In implementing this Agreement in an enclosed or semienclosed sea, States shall take into account the natural characteristics of that sea and shall also act in a manner consistent with Part IX of the Convention and other relevant provisions thereof.

Article 16

Areas of high seas surrounded entirely by an area under the national jurisdiction of a single State

1. States fishing for straddling fish stocks and highly migratory fish stocks in an area of the high seas surrounded entirely by an area under the national jurisdiction of a single State and the latter State shall cooperate to establish conservation and management measures in respect of those stocks in the high seas area. Having regard to the natural characteristics of the area, States shall pay special attention to the establishment of compatible conservation and management measures for such stocks pursuant to Article 7. Measures taken in respect of the high seas shall take into account the rights, duties and interests of the coastal State under the Convention, shall be based on the best scientific evidence available and shall also take into account any conservation and management measures adopted and applied in respect of the same stocks in accordance with Article 61 of the Convention by the coastal State in the area under national jurisdiction. States shall also agree on measures for monitoring, control, surveillance and enforcement to ensure compliance with the conservation and management measures in respect of the high seas.

(b) zagotovijo, da so zbrani podatki dovolj podrobni za učinkovito oceno staležev ter da so zagotovljeni pravočasno za izpolnjevanje zahtev podobmočnih ali območnih ribiških upravljavskih organizacij ali dogovorov, in

(c) sprejmejo ustrezne ukrepe za preverjanje točnosti teh podatkov.

2. Države sodelujejo, bodisi neposredno bodisi prek podobmočnih ali območnih ribiških upravljavskih organizacij ali dogovorov:

(a) pri dogovarjanju glede opredelitve podatkov in oblike, v kateri jih je treba zagotoviti takšnim organizacijam ali dogovorom, upoštevajoč naravo staležev in ribištev teh staležev, in

(b) pri razvijanju in skupni uporabi analitskih metod in metodologij ocenjevanja staležev, s čimer bi izboljšali ukrepe ohranjanja in upravljanja čezconskih staležev rib in izrazito selivskih staležev rib.

3. V skladu z delom XIII Konvencije države sodelujejo, bodisi neposredno bodisi prek pristojnih mednarodnih organizacij, pri krepitvi znanstvenoraziskovalnih zmogljivosti na področju ribištva in spodbujajo znanstvene raziskave, povezane z ohranjanjem in upravljanjem čezconskih staležev in izrazito selivskih staležev rib v skupno korist. Zato država ali pristojna mednarodna organizacija, ki izvaja takšno raziskavo zunaj območij nacionalne jurisdikcije, dejavno spodbuja objavo in razširjanje vsem zainteresiranim državam rezultatov navedene raziskave in podatkov glede njenih ciljev in metod ter, kolikor je izvedljivo, omogoča sodelovanje znanstvenikov iz navedenih državah v takšni raziskavi.

Člen 15

Zaprta in polzaprta morja

Pri izvajanju tega sporazuma v zaprtih ali polzaprtih morjih države upoštevajo naravne značilnosti navedenega morja ter delujejo tudi skladno z delom IX Konvencije in drugih ustreznih določb Konvencije.

Člen 16

Območja odprtih morij, ki so popolnoma obkrožena z območjem nacionalne jurisdikcije ene države

1. Države, ki lovijo čezconske staleže rib ali izrazito selivske staleže rib na območju odprtega morja, ki je popolnoma obkroženo z območjem nacionalne jurisdikcije ene države, sodeluje pri izoblikovanju ukrepov ohranjanja in upravljanja za navedene staleže na odprtem morju. Ob upoštevanju naravnih značilnosti območja države v skladu s členom 7 posvetijo posebno pozornost izoblikovanju ustreznih ukrepov ohranjanja in upravljanja za takšne staleže. Ukrepi, sprejeti za odprto morje, upoštevajo pravice, dolžnosti in interese obalnih držav, izhajajočih iz Konvencije, temeljijo na najboljših razpoložljivih znanstvenih dokazih in upoštevajo tudi vse ukrepe ohranjanja in upravljanja, ki so jih obalne države sprejele in jih uporabljajo v območjih nacionalne jurisdikcije za enake staleže v skladu s členom 61 Konvencije. Države se tudi sporazumejo glede ukrepov za spremljanje, nadzor, opazovanje in izvajanje, s čimer zagotovijo skladnost z ukrepi ohranjanja in upravljanja za odprto morje.

2. Pursuant to Article 8, States shall act in good faith and make every effort to agree without delay on conservation and management measures to be applied in the carrying out of fishing operations in the area referred to in paragraph 1. If, within a reasonable period of time, the fishing States concerned and the coastal State are unable to agree on such measures, they shall, having regard to paragraph 1, apply Article 7(4)(5) and (6) relating to provisional arrangements or measures. Pending the establishment of such provisional arrangements or measures, the States concerned shall take measures in respect of vessels flying their flag in order that they not engage in fisheries which could undermine the stocks concerned.

2. V skladu s členom 8 države delujejo v dobri veri in si vsestransko prizadevajo, da se nemudoma sporazumejo glede uporabe ukrepov ohranjanja in upravljanja pri izvajanju ribolova v območju iz odstavka 1. Če se zadevne ribiške države in obalna država ne morejo sporazumeti glede takšnih ukrepov v razumnem roku, ob upoštevanju odstavka 1 uporabijo člen 7(4)(5) in (6), ki se nanaša na začasne ureditve ali ukrepe. Do izoblikovanja takšnih začasnih ureditev ali ukrepov zadevne države sprejmejo ukrepe za plovila pod njihovo zastavo, s čimer preprečijo njihovo sodelovanje v ribištvu, ki bi lahko oslabilo zadevne staleže.

PART IV
NON-MEMBERS AND NON-PARTICIPANTS

Article 17

Non-members of organisations and non-participants in arrangements

1. A State which is not a member of a subregional or regional fisheries management organisation or is not a participant in a subregional or regional fisheries management arrangement, and which does not otherwise agree to apply the conservation and management measures established by such organisation or arrangment, is not discharged from the obligation to cooperate, in accordance with the Convention and this Agreement, in the conservation and management of the relevant straddling fish stocks and highly migratory fish stocks.

2. Such State shall not authorise vessels flying its flag to engage in fishing operations for the straddling fish stocks or highly migratory fish stocks which are subject to the conservation and management measures established by such organisation or arrangement.

3. States which are members of a subregional or regional fisheries management organisation or participants in a subregional or regional fisheries management arrangement shall, individually or jointly, request the fishing entities referred to in Article 1(3) which have fishing vessels in the relevant area to cooperate fully with such organisation or arrangement in implementing the conservation and management measures it has established, with a view to having such measures applied de facto as extensively as possible to fishing activities in the relevant area. Such fishing entities shall enjoy benefits from participation in the fishery commensurate with their commitment to comply with conservation and management measures in respect of the stocks.

4. States which are members of such organisation or participants in such arrangement shall exchange information with respect to the activities of fishing vessels flying the flags of States which are neither members of the organisation nor participants in the arrangement and which are engaged in fishing operations for the relevant stocks. They shall take measures consistent with this Agreement and international law to deter activities of such vessels which undermine the effectiveness of subregional or regional conservation and management measures.

DEL IV
NEČLANICE IN NEUDELEŽENKE

Člen 17

Nečlanice organizacij in neudeleženke v dogovorih

1. Država, ki ni članica podobmočne ali območne ribiške upravljavske organizacije ali ne sodeluje v podobmočnem ali območnem dogovoru za področje ribištva in ki se ni drugače sporazumela za uporabo ukrepov ohranjanja in upravljanja, izoblikovanih v okviru take organizacije ali dogovora, ni razrešena obveznosti sodelovanja v skladu s Konvencijo in tem sporazumom pri ohranjanju in upravljanju ustreznih čezconskih staležev rib in izrazito selivskih staležev rib.

2. Takšna država ne dovoli plovilom, ki plujejo pod njeno zastavo, udeležbe v ribolovu čezconskih staležev rib in izrazito selivskih staležev rib, za katere veljajo ukrepi ohranjanja in upravljanja, izoblikovani v okviru takšne organizacije ali dogovora.

3. Države, ki so članice podobmočne ali območne ribiške upravljavske organizacije ali ki sodelujejo v dogovoru za področje ribištva, posamezno ali skupaj zaprosijo ribiške subjekte iz člena 1(3), ki imajo ribiška plovila v ustreznem območju, da polno sodelujejo s takšno organizacijo ali dogovorom pri izvajanju izoblikovanih ukrepov ohranjanja in upravljanja, pri čemer si prizadevajo za kar najširšo dejansko uporabo teh ukrepov v ribištvu v zadevnem območju. Takšni ribiški subjekti uživajo pravice iz sodelovanja v ribištvu, sorazmerne z njihovo zavezo, da bodo ravnali v skladu z ukrepi ohranjanja in upravljanja za te staleže.

4. Države članice takšne organizacije ali udeleženke v takšnem dogovoru si izmenjujejo podatke glede aktivnosti ribiških plovil pod zastavo držav, ki niso niti članice organizacije niti udeleženke dogovorov in ki lovijo zadevne staleže. Sprejmejo ukrepe, skladne s tem sporazumom in mednarodnim pravom, za preprečevanje aktivnosti plovil, ki slabijo učinkovitost podobmočnih ali območnih ukrepov ohranjanja in upravljanja.

PART V
DUTIES OF THE FLAG STATE

Article 18

Duties of the flag State

1. A State whose vessels fish on the high seas shall take such measures as may be necessary to ensure that vessels flying its flag comply with subregional and regional conservation and management measures and that such vessels do not engage in any activity which undermines the effectiveness of such measures.

2. A State shall authorise the use of vessels flying its flag for fishing on the high seas only where it is able to exercise effectively its responsiblities in respect of such vessels under the Convention and this Agreement.

3. Measures to be taken by a State in respect of vessels flying its flag shall include:

(a) control of such vessles on the high seas by mens of fishing licences, authorisations or permits, in accordance with any applicable procedures agreed at the subregional, regional or global level;

(b) establishment of regulations:

(i) to apply terms and conditions to the licence, authorisation or permit sufficient to fulfil any subregional, regional or global obligations of the flag State,

(ii) to prohibit fishing on the high seas by vessels which are not duly licensed or authorised to fish, or fishing on the high seas by vessels otherwise than in accordance with the terms and conditions of a licence, authorisation or permit,

(iii) to require vessels fishing on the high seas to carry the licence, authorisation or permit on board at all times and to produce it on demand for inspection by a duly authorised person,

(iv) to ensure that vessels flying its flag do not conduct unauthorised fishing within areas under the national jurisdiction of other States;

(c) establishment of a national record of fishing vessels authorised to fish on the high seas and provision of access to the information contained in that record on request by directly interested States, taking into account any national laws of the flag State regarding the release of such information;

(d) requirements for marking of fishing vessels and fishing gear for identification in accordance with uniform and internationally recognisable vessel and gear marking systems, such as the Food and Agriculture Organisation of the United Nations Standard Specifications for the Marking and Identification of Fishing Vessels;

(e) requirements for recording and timely reporting of vessel position, catch of target and non-target species, fishing effort and other relevant fisheries data in accordance with subregional, regional and global standards for collection of such data;

(f) requirements for verifying the catch of target and non-target species through such means as observer programmes, inspection schemes, unloading reports, supervision of transhipment and monitoring of landed catches and market statistics;

(g) monitoring, control and surveillance of such vessels, their fishing operations and related activities by, *inter alia*:

(i) the implementation of national inspection schemes and subregional and regional schemes for cooperation in enforcement pursuant to Articles 21 and 22, including requirements for such vessels to permit access by duly authorised inspectors from other States,

DEL V
DOLŽNOSTI DRŽAVE ZASTAVE

Člen 18

Dolžnosti države zastave

1. Država, katere plovila lovijo na odprtem morju, sprejme ukrepe, s katerimi se po potrebi zagotavlja, da plovila pod njeno zastavo delujejo v skladu s podobmočnimi ali območnimi ukrepi ohranjanja in upravljanja in da ta plovila ne sodelujejo v kakršnikoli aktivnosti, ki slabi učinkovitost takšnih ukrepov.

2. Država dovoli uporabo plovil pod njeno zastavo za ribolov na odprtem morju, le kadar lahko učinkovito izpolnjuje svoje obveznosti glede teh plovil, izhajajočih iz Konvencije in tega sporazuma.

3. Ukrepi, ki jih mora država sprejeti za plovila pod njeno zastavo, vključujejo:

(a) nadzor takšnih plovil na odprtem morju prek dovoljenj za gospodarski ribolov, pooblastil ali posebnih dovoljenje, v skladu z vsemi veljavnimi postopki, dogovorjenimi na podobmočni, območni ali globalni ravni;

(b) oblikovanje pravil:

(i) za določanje pogojev na dovoljenju, pooblastilu ali posebnemu dovoljenju, ki omogočajo izpolnjevanje vseh podobmočnih, območnih ali globalnih obveznosti države zastave,

(ii) za prepoved ribolova na odprtem morju s plovili, ki nimajo ustreznih dovoljenj ali pooblastil za ribolov, ali ribolova na odprtem morju s plovili, ki odstopa od pogojev na dovoljenju, pooblastilu ali posebnem dovoljenju,

(iii) za zahtevo, da morajo plovila, ki lovijo na odprtem morju, vedno imeti na krovu dovoljenje, pooblastilo ali posebno dovoljenje in da ga morajo predložiti na zahtevo inšpektorja ali druge pooblaščene osebe,

(iv) za zagotavljanje, da plovila pod njeno zastavo ne lovijo nedovoljeno v območjih nacionalne jurisdikcije drugih držav;

(c) izdelavo nacionalne evidence ribiških plovil z pooblastilom za ribolov na odprtem morju in zagotavljanje dostopa do podatkov v navedeni evidenci na zahtevo neposredno zainteresiranih držav, upoštevajoč vse zakone države zastave glede objave takšnih informacij;

(d) zahteve po označevanju ribiških plovil in ribolovnega orodja za identifikacijo v skladu z enotnimi in mednarodno priznanimi sistemi za označevanje plovil in orodja, kakor so Standardne specifikacije Organizacije za prehrano in kmetijstvo Združenih narodov za označevanje in identifikacijo ribiških plovil;

(e) zahteve po zapisovanju in pravočasnem poročanju o položaju plovila, ulovu ciljnih in neciljnih vrst, ribolovnem naporu in drugih ustreznih ribiških podatkih v skladu s podobmočnimi, območnimi in globalnimi standardi za zbiranje takšnih podatkov;

(f) zahteve po preverjanju ulova ciljnih in neciljnih vrst s sredstvi, kakor so programi opazovanja, sistemi inšpekcij, poročila o iztovarjanju, nadzor pretovarjanja in spremljanje iztovorjenih ulovov ter tržna statistika;

(g) spremljanje, nadzor in opazovanje takšnih plovil, njihovega ribolova in z njim povezanih aktivnosti, med drugim:

(i) izvajanje nacionalnih sistemov inšpekcij ter podobmočnih in območnih sistemov za sodelovanje pri izvajanju v skladu s členi 21 in 22, vključno z zahtevami za takšna plovila, da dovolijo dostop pravilno pooblaščenim inšpektorjem iz drugih držav,

(ii) the implementation of national observer programmes and subregional and regional observer programmes in which the flag State is a participant, including requirements for such vessels to permit access by observers from other States to carry out the functions agreed under the programmes,

(iii) the development and implementation of vessel monitoring systems, including, as appropriate, satellite transmitter systems, in accordance with any national programmes and those which have been subregionally, regionally or globally agreed among the States concerned;

(h) regulation of transhipment on the high seas to ensure that the effectiveness of conservation and management measures is not undermined;

(i) regulation of fishing activities to ensure compliance with subregional, regional or global measures, including those aimed at minimising catches of non-target species.

4. Where there is a subregionally, regionally or globally agreed system of monitoring, control and surveillance in effect, States shall ensure that the measures they impose on vessels flying their flag are compatible with that system.

(ii) izvajanja nacionalnih programov opazovanja ter podobmočnih in območnih programov opazovanja, v katerih sodeluje država zastave, vključno z zahtevami za takšna plovila, da dovolijo dostop opazovalcem iz drugih držav zaradi izvajanja nalog, dogovorjenih v okviru programov,

(iii) razvoja in uporabe sistema za spremljanje plovil, vključno z, če je to primerno, satelitskimi sistemi prenosa, v skladu z vsemi nacionalnimi programi in programi, ki so bili območno ali globalno dogovorjeni med zadevnimi državami;

(h) urejanje pretovarjanja na odprtem morju zaradi zagotavljanja, da učinkovitost ukrepov ohranjanja in upravljanja ni oslabljena;

(i) urejanje ribiške aktivnosti zaradi zagotavljanja skladnosti s podobmočnimi, območnimi in globalnimi ukrepi, vključno s tistimi, ki so namenjeni zmanjšanju ulova neciljnih vrst.

4. Kadar se izvaja podobmočno, območno ali globalno dogovorjeni sistem spremljanja, nadzora in opazovanja, države zagotovijo, da so ukrepi, ki jih nalagajo plovilom pod njihovo zastavo, skladni z navedenim sistemom.

PART VI
COMPLIANCE AND ENFORCEMENT

Article 19

Compliance and enforcement by the flag State

1. A State shall ensure compliance by vessels flying its flag with subregional and regional conservation and management measures for straddling fish stocks and highly migratory fish stocks. To this end, that State shall:

(a) enforce such measures irrespective of where violations occur;

(b) investigate immediately and fully any alleged violation of subregional or regional conservation and management measures, which may include the physical inspection of the vessels concerned, and report promptly to the State alleging the violation and the relevant subregional or regional organisation or arrangements on the progress and outcome of the investigation;

(c) require any vessel flying its flag to give information to the investigating authority regarding vessel position, catches, fishing gear, fishing operations and related activities in the area of an alleged violation;

(d) if satisfied that sufficient evidence is available in respect of an alleged violation, refer the case to its authorities with a view to instituting proceedings without delay in accordance with its laws and, where appropriate, detain the vessel concerned;

(e) ensure that, where it has been established, in accordance with its laws, a vessel has been involved in the commission of a serious violation of such measures, the vessel does not engage in fishing operations on the high seas until such time as all outstanding sanctions imposed by the flag State in respect of the violation have been complied with.

DEL VI
SKLADNOST IN IZVAJANJE

Člen 19

Skladnost in izvajanje s strani države zastave

1. Država zagotovi skladnost plovil po njeno zastavo s podobmočnimi in območnimi ukrepi ohranjanja in upravljanja za čezconske staleže rib ali izrazito selivske staleže rib. V ta namen država:

(a) izvaja takšne ukrepe ne glede na kraj kršitve;

(b) nemudoma in popolnoma razišče vse domnevne kršitve podobmočnih ali območnih ukrepov ohranjanja in upravljanja, kar lahko vključuje fizični pregled zadevnega plovila, ter hitro poroča državi, ki je prijavila kršitev, in ustrezni podobmočni ali območni organizaciji ali dogovoru o napredku in izidu raziskave;

(c) zahteva od vseh plovil pod njeno zastavo, da obveščajo preiskovalni organ o položaju plovila, ulovu, ribolovnem orodju, ribolovu in z njim povezanih delovanjih na območju domnevne kršitve;

(d) če je prepričana, da obstajajo zadostni dokazi glede domnevne kršitve, predloži primer svojim oblastem zaradi takojšnje sprožitve postopka v skladu z njenimi zakoni in, kjer je to primerno, zadrži zadevno plovilo;

(e) zagotovi, da plovilo, za katero je bilo v skladu z njenimi zakoni ugotovljeno, da je bilo vpleteno v resno kršitev takšnih ukrepov, ne sodeluje v ribolovu na odprtem morju, dokler niso izvršene vse kazni, ki jih je država zastave naložila za kršitev.

2. All investigations and judicial proceedings shall be carried out expeditiously. Sanctions applicable in respect of violations shall be adequate in severity to be effective in securing compliance and to discourage violations wherever they occur and shall deprive offenders of the benefits accruing from their illegal activities. Measures applicable in respect of masters and other officers of fishing vessels shall include provisions which may permit, *inter alia*, refusal, withdrawal or suspension of authorisations to serve as masters or officers on such vessels.

Article 20

International cooperation in enforcement

1. States shall cooperate, either directly or through subregional or regional fisheries management organisations or arrangements, to ensure compliance with and enforcement of subregional and regional conservation and management measures for straddling fish stocks and highly migratory fish stocks.

2. A flag State conducting an investigation of an alleged violation of conservation and management measures for straddling fish stocks or highly migratory fish stocks may request the assistance of any other State whose cooperation may be useful in the conduct of that investigation. All States shall endeavour to meet reasonable requests made by a flag State in connection with such investigations.

3. A flag State may undertake such investigations directly, in cooperation with other interested States or through the relevant subregional or regional fisheries management organisation or arrangement. Information on the progress and outcome of the investigations shall be provided to all States having an interest in, or affected by, the alleged violation.

4. States shall assist each other in identifying vessels reported to have engaged in activities undermining the effectiveness of subregional, regional or global conservation and management measures.

5. States shall, to the extent permitted by national laws and regulations, establish arrangements for making available to prosecuting authorities in other States evidence relating to alleged violations of such measures.

6. Where there are reasonable grounds for believing that a vessel on the high seas has been engaged in unauthorised fishing within an area under the jurisdiction of a coastal State, the flag State of that vessel, at the request of the coastal State concerned, shall immediately and fully investigate the matter. The flag State shall cooperate with the coastal State in taking appropriate enforcement action in such cases and may authorise the relevant authorities of the coastal State to board and inspect the vessel on the high seas. This paragraph is without prejudice to Article 111 of the Convention.

7. States Parties which are members of a subregional or regional fisheries management organisation or participants in a subregional or regional fisheries management arrangement may take action in accordance with international law, including through recourse to subregional or regional procedures established for this purpose, to deter vessels which have engaged in activities which undermine the effectiveness of or otherwise violate the conservation and management measures established by that organisation or arrangement from fishing on the high seas in the subregion or region until such time as appropriate action is taken by the flag State.

2. Vse preiskave in sodni procesi se izvedejo kar najhitreje. Kazni, ki se uporabljajo za kršitve, so primerno stroge, da učinkovito zagotovijo skladnost in odvračajo od kršitev, kjerkoli se pojavljajo, in kršiteljem odvzamejo ugodnosti, ki izvirajo iz nezakonite dejavnosti. Ukrepi, ki se uporabljajo za poveljnike in druge častnike na ribolovnem plovilu, vključujejo določbe, ki med drugim omogočajo zavrnitev, odvzem ali začasni odvzem dovoljenja za opravljanje nalog poveljnika ali častnika na takšnih plovilih.

Člen 20

Mednarodno sodelovanje pri izvajanju

1. Države sodelujejo, bodisi neposredno bodisi prek podobmočnih ali območnih ribiških upravljalnih organizacij ali dogovorov, zaradi zagotavljanja skladnosti s podobmočnimi ali območnimi ukrepi ohranjanja in upravljanja ter njihovega izvajanja.

2. Država zastave, ki opravlja preiskavo domnevne kršitve ukrepov ohranjanja in upravljanja za čezconske staleže rib in izrazito selivske staleže rib, lahko zaprosi za pomoč katero koli drugo državo, katere sodelovanje lahko koristi pri opravljanju navedene preiskave. Vse države si prizadevajo izpolniti razumne zahteve države zastave v zvezi s takšnimi raziskavami.

3. Država zastave lahko uvede take preiskave neposredno, v sodelovanju z drugimi zainteresiranimi državami ali prek ustrezne podobmočne ali območne ribiške upravljavske organizacije ali dogovora. Podatke o napredovanju ali izidu preiskav se zagotovi vsem državam, ki jih domnevna kršitev prizadeva ali ki se zanimajo zanjo.

4. Države si medsebojno pomagajo pri identifikaciji plovil, ki naj bi bila po poročanju udeležena v aktivnostih, ki slabijo učinkovitost podobmočnih, območnih ali globalnih ukrepov ohranjanja in upravljanja.

5. Države v obsegu, kolikor jim dovoljujejo nacionalni zakoni in drugi predpisi, oblikujejo ureditev, ki omogoča, da imajo organi kazenskega pregona v drugih državah na voljo dokaze glede domnevnih kršitev takšnih ukrepov.

6. Kadar obstaja razlog za utemeljen sum, da je bilo plovilo na odprtem morju udeleženo v nedovoljenem ribolovu znotraj območja pod jurisdikcijo obalne države, država zastave navedenega plovila na prošnjo zadevne obalne države nemudoma in temeljito razišče zadevo. Država zastave sodeluje z obalno državo pri sprejemu inšpekcijskih ukrepov za take primere in lahko pooblasti ustrezne organe obalne države, da se vkrcajo in pregledajo plovilo na odprtem morju. Ta odstavek ne vpliva na člen 111 Konvencije.

7. Države pogodbenice, ki so članice podobmočne ali območne ribiške upravljalne organizacije ali so udeležene v podobmočnem ali območnem upravljalnem dogovoru za področje ribištva, lahko ukrepajo v skladu z mednarodnim pravom, vključno z zatekanjem k podobmočnim ali območnim postopkom, izoblikovanim za ta namen, da bi odvrnile plovila, udeležena v aktivnostih, ki slabijo učinkovitost ukrepov ohranjanja in upravljanja, izoblikovanih v okviru navedene organizacije ali dogovora, ali jih kršijo kako drugače, od ribolova na odprtem morju v podobmočju ali območju, dokler primerno ne ukrepa država zastave.

Article 21

Subregional and regional cooperation in enforcement

1. In any high seas area covered by a subregional or regional fisheries management organisation or arrangement, a State Party which is a member of such organisation or a participant in such arrangement may, through its duly authorised inspectors, board and inspect, in accordance with paragraph 2, fishing vessels flying the flag of another State Party to this Agreement, whether or not such State Party is also a member of the organisation or a participant in the arrangement, for the purpose of ensuring compliance with conservation and management measures for straddling fish stocks and highly migratory fish stocks established by that organisation or arrangement.

2. States shall establish, through subregional or regional fisheries management organisations or arrangements, procedures for boarding and inspection pursuant to paragraph 1, as well as procedures to implement other provisions of this Article. Such procedures shall be consistent with this Article and the basic procedures set out in Article 22 and shall not discriminate against non-members of the organisation or non-participants in the arrangement. Boarding and inspection as well as any subsequent enforcement action shall be conducted in accordance with such procedures. States shall give due publicity to procedures established pursuant to this paragraph.

3. If, within two years of the adoption of this Agreement, any organisation or arrangement has not established such procedures, boarding and inspection pursuant to paragraph 1, as well as any subsequent enforcement action, shall, pending the establishment of such procedures, be conducted in accordance with this Article and the basic procedures set out in Article 22.

4. Prior to taking action under this Article, inspecting States shall, either directly or through the relevant subregional or regional fisheries management organisation or arrangement, inform all States whose vessels fish on the high seas in the subregion or region of the form of identification issued to their duly authorised inspectors. The vessels used for boarding and inspection shall be clearly marked and identifiable as being on government service. At the time of becoming a Party to this Agreement, a State shall designate an appropriate authority to receive notifications pursuant to this Article and shall give due publicity of such designation through the relevant subregional or regional fisheries management organisation or arrangement.

5. Where, following a boarding and inspection, there are clear grounds for believing that a vessel has engaged in any activity contrary to the conservation and management measures referred to in paragraph 1, the inspecting State shall, where appropriate, secure evidence and shall promptly notify the flag State of the alleged violation.

6. The flag State shall respond to the notification referred to in paragraph 5 within three working days of its receipt, or such other period as may be prescribed in procedures established in accordance with paragraph 2, and shall either:

(a) fulfil, without delay, its obligations under Article 19 to investigate and, if evidence so warrants, take enforcement action with respect to the vessel, in which case it shall promptly inform the inspecting State of the results of the investigation and of any enforcement action taken; or

(b) authorise the inspecting State to investigate.

Člen 21

Podobmočno in območno sodelovanje pri izvajanju

1. V vseh območjih odprtega morja, ki jih pokriva podobmočna ali območna ribiška upravljavska organizacija ali dogovor, se lahko država pogodbenica, ki je članica takšne organizacije ali udeleženka v takšnem dogovoru, prek svojih pravilno pooblaščenih inšpektorjev vkrca in v skladu z odstavkom 2 pregleda ribiška plovila pod zastavo druge države pogodbenice tega sporazuma, ne glede na to, ali je ta država pogodbenica tudi članica organizacije ali udeleženka pri dogovoru, s čimer se zagotovi skladnost z ukrepi ohranjanja in upravljanja za čezconske staleže rib ali izrazito selivske staleže rib, ki so bili izoblikovani v okviru navedene organizacije ali dogovora.

2. Države prek podobmočnih ali območnih ribiških upravljavskih organizacij ali dogovorov določijo postopke za vkrcanje in preglede v skladu z odstavkom 1 ter postopke za izvajanje drugih določb v tem členu. Takšni postopki so skladni s tem členom in osnovnimi postopki, določenimi v členu 22, in ne zapostavljajo nečlanic organizacije ali neudeleženk v dogovoru. Vkrcanje in pregled ter vsi naknadni inšpekcijski ukrepi se izvedejo v skladu s takšnimi postopki. Države primerno obvestijo javnost o postopkih, določenih v skladu s tem odstavkom.

3. Če v dveh letih po sprejetju tega sporazuma katera koli organizacija ali dogovor ne določi takšnih postopkov, se vkrcanje in pregledi v skladu z odstavkom 1, kakor tudi vsi naknadni inšpekcijski ukrepi, pred sprejetjem takšnih postopkov izvedejo v skladu s tem členom in osnovnimi postopki, določenimi v členu 22.

4. Pred ukrepanjem v skladu s tem členom država, ki izvaja nadzor, bodisi neposredno bodisi prek ustrezne podobmočne ali območne ribiške upravljavske organizacije ali dogovora, obvesti vse države, katerih plovila lovijo na odprtem morju v podobmočju ali območju, o obliki identifikacije, izdane njihovim pravilno pooblaščenim inšpektorjem. Plovila, uporabljena za vkrcanje in preglede, so jasno označena in razpoznavna, da so v službi vlade. Ko država postane pogodbenica tega sporazuma, določi ustrezen organ za prejemanje obvestil v skladu s tem členom in primerno obvesti javnost o taki določitvi prek ustrezne podobmočne ali območne ribiške upravljavske organizacije ali dogovora.

5. Če po vkrcanju in pregledu obstajajo razlogi za upravičen sum, da je bilo plovilo udeleženo v katerikoli aktivnosti, ki je v nasprotju z ukrepi ohranjanja in upravljanja iz člena 1, država inšpekcije, kjer je to primerno, zaščiti dokaze in hitro obvesti državo zastave o domnevni kršitvi.

6. Država zastave se odzove na obvestilo iz člena 5 v treh delovnih dneh po njegovem prejemu, ali v drugem takšnem roku, kakor se ga lahko prepiše s postopki, določenimi v skladu s členom 2, in tudi:

(a) nemudoma izpolni svoje obveznosti iz člena 19, da razišče in, če to potrjujejo dokazi, sprejme inšpekcijske ukrepe v zvezi s plovilom, pri čemer hitro obvesti državo inšpekcije o rezultatih preiskave in vseh sprejetih inšpekcijskih ukrepih; ali

(b) pooblasti državo inšpekcije, da izvede raziskavo.

7. Where the flag State authorises the inspecting State to investigate an alleged violation, the inspecting State shall, without delay, communicate the results of that investigation to the flag State. The flag State shall, if evidence so warrants, fulfil its obligations to take enforcement action with respect to the vessel. Alternatively, the flag State may authorise the inspecting State to take such enforcement action as the flag State may specify with respect to the vessel, consistent with the rights and obligations of the flag State under this Agreement.

8. Where, following boarding and inspection, there are clear grounds for believing that a vessel has committed a serious violation, and the flag State has either failed to respond or failed to take action as required under paragraphs 6 or 7, the inspectors may remain on board and secure evidence and may require the master to assist in further investigation including, where appropriate, by bringing the vessel without delay to the nearest appropriate port, or to such other port as may be specified in procedures established in accordance with paragraph 2. The inspecting State shall immediately inform the flag State of the name of the port to which the vessel is to proceed. The inspecting State and the flag State and, as appropriate, the port State shall take all necessary steps to ensure the well-being of the crew regardless of their nationality.

9. The inspecting State shall inform the flag State and the relevant organisation or the participants in the relevant arrangement of the results of any further investigation.

10. The inspecting State shall require its inspectors to observe generally accepted international regulations, procedures and practices relating to the safety of the vessel and the crew, minimise interference with fishing operations and, to the extent practicable, avoid action which would adversely affect the quality of the catch on board. The inspecting State shall ensure that boarding and inspection is not conducted in a manner that would constitute harassment of any fishing vessel.

11. For the purposes of this Article, a serious violation means:

(a) fishing without a valid licence, authorisation or permit issued by the flag State in accordance with Article 18(3)(a);

(b) failing to maintain accurate records of catch and catch-related data, as required by the relevant subregional or regional fisheries management organisation or arrangement, or serious misreporting of catch, contrary to the catch reporting requirements of such organisation or arrangement;

(c) fishing in a closed area, fishing during a closed season or fishing without, or after attainment of, a quota established by the relevant subregional or regional fisheries management organisation or arrangement;

(d) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited;

(e) using prohibited fishing gear;

(f) falsifying or concealing the markings, identity or registration of a fishing vessel;

(g) concealing, tampering with or disposing of evidence relating to an investigation;

(h) multiple violations which together constitute a serious disregard of conservation and management measures; or

7. Kadar država zastave pooblasti državo inšpekcije, da razišče domnevno kršitev, država inšpekcije nemudoma sporoči rezultate navedene raziskave državi zastave. Država zastave, če to potrjujejo dokazi, izpolni svojo obveznost uvedbe inšpekcijskih ukrepov za plovilo. Druga možnost je, da lahko država zastave pooblasti državo inšpekcije za sprejem takšnih inšpekcijskih ukrepov, kakor jih lahko država zastave opredeli za plovilo v skladu s pravicami in obveznostmi države zastave, izhajajočimi iz tega sporazuma.

8. Kadar po vkrcanju in pregledu obstajajo razlogi za upravičen sum, da je plovilo izvedlo hujšo kršitev, in se država zastave bodisi ni odzvala ali ni sprejela ukrepov, kakor je zahtevano v odstavkih 6 ali 7, inšpektorji lahko ostanejo na krovu in zaščitijo dokaze ter lahko zahtevajo od poveljnika, da jim pomaga pri nadaljnji preiskavi, v okviru katere lahko, če je to primerno, nemudoma odpeljejo plovilo v najbližje primerno pristanišče ali v katero drugo takšno pristanišče, ki se ga lahko opredeli s postopki, izdelanimi v skladu s členom 2. Država inšpekcije nemudoma obvesti državo zastave o imenu pristanišča, v katerega mora pluti plovilo. Država inšpekcije in država zastave in, če je to primerno, država pristanišča naredijo vse, kar je treba, da zagotovijo dobro počutje posadke, ne glede na nacionalno pripadnost njenih članov.

9. Država inšpekcije obvesti državo zastave in ustrezno organizacijo ali udeležence ustreznega dogovora o rezultatih vseh nadaljnjih raziskav.

10. Država inšpekcije zahteva od svojih inšpektorjev, da upoštevajo splošno priznane mednarodne predpise, postopke in prakse, ki se nanašajo na varnost plovila in posadke, kar najbolj zmanjšajo motenje ribolova in se, kolikor je to izvedljivo, izogibajo ukrepom, ki bi negativno vplivali na kakovost ulova na krovu. Država inšpekcije zagotovi takšno izvedbo vkrcanja in pregleda, da pri tem ne gre za nadlegovanje nobenega ribiškega plovila.

11. Za namene tega člena hujša kršitev pomeni:

(a) ribolov brez veljavnega dovoljenja, pooblastila ali posebnega dovoljenja, ki jih je država zastave izdala v skladu s členom 18(3)(a);

(b) opustitev vodenja točnih evidenc o ulovu in z njim povezanih podatkov, kakor je zahtevano v okviru ustrezne podobmočne ali območne ribiške upravljavske organizacije ali dogovora, ali hujše napačno poročanje o ulovu, ki je v nasprotju z zahtevami takšne organizacije ali dogovora za poročanje o ulovu;

(c) ribolov v zaprtem območju, ribolov v nelovni dobi ali ribolov brez kvote, določene v okviru podobmočne ali območne ribiške upravljavske organizacije ali dogovora, ali po tem, ko je bila dosežena;

(d) ribolov, usmerjen v stalež, za katerega velja moratorij ali za katerega je prepovedan ribolov;

(e) uporabo prepovedanega ribolovnega orodja;

(f) ponarejanje ali prikrivanje označb, identitete ali registracije ribiškega plovila;

(g) prikrivanje, nedovoljeno spreminjanje ali uničenje dokazov, povezanih s preiskavo;

(h) večkratne kršitve, ki skupaj pomenijo hujše neupoštevanje ukrepov ohranjanja in upravljanja; ali

(i) such other violations as may be specified in procedures established by the relevant subregional or regional fisheries management organisation or arrangement.

12. Notwithstanding the other provisions of this Article, the flag State may, at any time, take action to fulfil its obligations under Article 19 with respect to an alleged violation. Where the vessel is under the direction of the inspecting State, the inspecting State shall, at the request of the flag State, release the vessel to the flag State along with full information on the progress and outcome of its investigation.

13. This Article is without prejudice to the right of the flag State to take any measures, including proceedings to impose penalties, according to its laws.

14. This Article applies *mutatis mutandis* to boarding and inspection by a State Party which is a member of a subregional or regional fisheries management organisation or a participant in a subregional or regional fisheries management arrangement and which has clear grounds for believing that a fishing vessel flying the flag of another State Party has engaged in any activity contrary to relevant conservation and management measures referred to in paragraph 1 in the high seas area covered by such organisation or arrangement, and such vessel has subsequently, during the same fishing trip, entered into an area under the national jurisdiction of the inspecting State.

15. Where a subregional or regional fisheries management organisation or arrangement has established an alternative mechanism which effectively discharges the obligation under this Agreement of its members or participants to ensure compliance with the conservation and management measures established by the organisation or arrangement, members of such organisation or participants in such arrangement may agree to limit the application of paragraph 1 as between themselves in respect of the conservation and management measures which have been established in the relevant high seas area.

16. Action taken by States other than the flag State in respect of vessels having engaged in activities contrary to subregional or regional conservation and management measures shall be proportionate to the seriousness of the violation.

17. Where there are reasonable grounds for suspecting that a fishing vessel on the high seas is without nationality, a State may board and inspect the vessel. Where evidence so warrants, the State may take such action as may be appropriate in accordance with international law.

18. States shall be liable for damage or loss attributable to them arising from action taken pursuant to this Article when such action is unlawful or exceeds that reasonably required in the light of available information to implement the provisions of this Article.

Article 22

Basic procedures for boarding and inspection pursuant to Article 21

1. The inspecting State shall ensure that its duly authorised inspectors:

(a) present credentials to the master of the vessel and produce a copy of the text of the relevant conservation and management measures or rules and regulations in force in the high seas area in question, pursuant to those measures;

(i) druge takšne kršitve, kakor so lahko opredeljene v postopkih, oblikovanih v okviru podobmočne ali območne ribiške upravljavske organizacije ali dogovora.

12. Ne glede na preostale določbe tega člena lahko država zastave kadarkoli ukrepa, da bi izpolnila svoje obveznosti iz člena 19 v zvezi z domnevno kršitvijo. Kadar plovilo vodi država inšpekcije, država inšpekcije na zahtevo države zastave prepusti plovilo državi zastave, skupaj s popolnimi podatki o poteku in izidu svoje raziskave.

13. Ta člen je brez vpliva na pravico države zastave, da ukrepa, vključno s postopki za izrek kazni v skladu z njeno zakonodajo.

14. Ta člen se s potrebnimi spremembami uporablja za vkrcanje in preglede s strani države pogodbenice, ki je članica območne ali podobmočne ribiške upravljavske organizacije ali udeleženka v podobmočnem ali območnem dogovoru za področje ribištva in ki ima razloge za upravičen sum, da je plovilo, ki pluje pod zastavo druge države pogodbenice, sodelovalo v kakršnikoli aktivnosti, ki je v nasprotju z ustreznimi ukrepi ohranjanja in upravljanja iz člena 1, na odprtem morju, ki ga pokriva takšna organizacija ali dogovor, in da je to plovilo potem, v okviru istega ribiškega potovanja, vstopilo v območje nacionalne jurisdikcije države inšpekcije.

15. Kadar je bil v okviru podobmočne ali območne ribiške upravljavske organizacije ali dogovora izoblikovan alternativni mehanizem, ki učinkovito izpolnjuje obveznosti članic ali udeleženk, izhajajoče iz tega sporazuma, za zagotovitev skladnosti z ukrepi ohranjanja in upravljanja, izdelanimi v okviru te organizacije ali dogovora, se lahko članice takšne organizacije ali udeleženke takšnega dogovora v okviru medsebojnih pravnih razmerij lahko dogovorijo za omejitev uporabe člena 1 za ukrepe ohranjanja in upravljanja, ki so bili izdelani za ustrezno območje odprtega morja.

16. Ukrepi držav, ki niso država zastave, za plovila, udeležena v aktivnostih, ki so v nasprotju s podobmočnimi ali območnimi ukrepi ohranjanja in upravljanja, so sorazmerni z resnostjo kršitve.

17. Kadar obstaja razlog za utemeljen sum, da je ribiško plovilo na odprtem morju brez pripadnosti državi, se lahko država vkrca in pregleda plovilo. V upravičenih primerih država lahko ukrepa v skladu z mednarodnim pravom.

18. Državam se lahko pripiše škoda ali izguba, nastala zaradi ukrepov, sprejetih v skladu s tem členom, če so taki ukrepi nezakoniti ali presegajo razumno zahtevane ukrepe glede na razpoložljive podatke za izvajanje določb tega člena.

Člen 22

Osnovni postopki za vkrcanje in pregled v skladu s členom 21

1. Država inšpekcije zagotovi, da njeni pravilno pooblaščeni inšpektorji:

(a) poveljniku plovila predložijo poverilnice in priskrbijo kopijo besedila ustreznih ukrepov ohranjanja in upravljanja ali pravil in uredb, ki v skladu z navedenimi ukrepi veljajo na zadevnem odprtem morju;

(b) initiate notice to the flag State at the time of the boarding and inspection;

(c) do not interfere with the master's ability to communicate with the authorities of the flag State during the boarding and inspection;

(d) provide a copy of a report on the boarding and inspection to the master and to the authorities of the flag State, noting therein any objection or statement which the master wishes to have included in the report;

(e) promptly leave the vessel following completion of the inspection if they find no evidence of a serious violation; and

(f) avoid the use of force except when and to the degree necessary to ensure the safety of the inspectors and where the inspectors are obstructed in the execution of their duties. The degree of force used shall not exceed that reasonably required in the circumstances.

2. The duly authorised inspectors of an inspecting State shall have the authority to inspect the vessel, its licence, gear, equipment, records, facilities, fish and fish products and any relevant documents necessary to verify compliance with the relevant conservation and management measures.

3. The flag State shall ensure that vessel masters:

(a) accept and facilitate prompt and safe boarding by the inspectors;

(b) cooperate with and assist in the inspection of the vessel conducted pursuant to these procedures;

(c) do not obstruct, intimidate or interfere with the inspectors in the performance of their duties;

(d) allow the inspectors to communicate with the authorities of the flag State and the inspecting State during the boarding and inspection;

(e) provide reasonable facilities, including, where appropriate, food and accommodation, to the inspectors;

(f) facilitate safe disembarkation by the inspectors.

4. In the event that the master of a vessel refuses to accept boarding and inspection in accordance with this Article and Article 21, the flag State shall, except in circumstances where, in accordance with generally accepted international regulations, procedures and practices relating to safety at sea, it is necessary to delay the boarding and inspection, direct the master of the vessel to submit immediately to boarding and inspection and, if the master does not comply with such direction, shall suspend the vessel's authorisation to fish and order the vessel to return immediately to port. The flag State shall advise the inspecting State of the action it has taken when the circumstances referred to in this paragraph arise.

Article 23

Measures taken by a port State

1. A port State has the right and the duty to take measures, in accordance with international law, to promote the effectiveness of subregional, regional and global conservation and management measures. When taking such measures a port State shall not discriminate in form or in fact against the vessels of any State.

2. A port State may, *inter alia*, inspect documents, fishing gear and catch on board fishing vessels, when such vessels are voluntarily in its ports or at its offshore terminals.

(b) ob vkrcanju in pregledu pošljejo obvestilo državi zastave;

(c) med vkrcanjem in pregledom ne ovirajo poveljnikove sposobnosti za komunikacijo z organi države zastave;

(d) poveljniku in organom države zastave zagotovijo kopijo poročila o vkrcanju in pregledu, v katerem so zabeležene vse pripombe ali izjave, ki jih poveljnik želi vključiti v poročilo;

(e) plovilo zapustijo takoj po koncu pregleda, če ne najdejo dokaza o hujši kršitvi; in

(f) skušajo preprečiti uporabo sile, razen če se z njo zagotavlja varnost inšpektorjev, in še to le do stopnje, potrebne za ta namen, in če se inšpektorje ovira pri izvajanju njihovih dolžnosti. Stopnja uporabljene sile ne presega razumno zahtevane glede na okoliščine.

2. Pravilno pooblaščeni inšpektorji države inšpekcije so pooblaščeni za pregled plovila, njegovega dovoljenja, orodja, evidenc, objektov in naprav, rib in ribiških proizvodov in vseh ustreznih dokumentov, potrebnih za preverjanje skladnosti z ustreznimi ukrepi ohranjanja in upravljanja.

3. Država zastave zagotovi, da poveljniki plovil:

(a) sprejmejo in omogočijo hitro in varno vkrcanje inšpektorjev;

(b) sodelujejo in pomagajo pri pregledu plovila, izvedenem v skladu s temi postopki;

(c) ne ovirajo, ustrahujejo inšpektorjev in jih ne motijo pri opravljanju dolžnosti;

(d) dovolijo inšpektorjem, da med vkrcanjem in pregledom komunicirajo z organi države zastave in države inšpekcije;

(e) inšpektorjem ustvarijo sprejemljive možnosti, vključno z, kjer je to primerno, hrano in nastanitvijo;

(f) omogočijo varno izkrcanje inšpektorjev.

4. Če poveljnik plovila noče dovoliti vkrcanja in pregleda v skladu s tem členom in členom 21, država zastave, razen če je treba glede na okoliščine v skladu s splošno sprejetimi mednarodnimi uredbami, postopki in praksami, ki se nanašajo na pomorsko varnost, odložiti vkrcanje in pregled, odredi poveljniku plovila, da nemudoma dovoli vkrcanje in pregled, in če poveljnik ne upošteva takšne odredbe, začasno ukine pooblastilo za ribolov in odredi plovilu, naj se nemudoma vrne v pristanišče. Država zastave svetuje državi inšpekcije glede ukrepov, ki jih je sprejela v okoliščinah iz tega odstavka.

Člen 23

Ukrepi države pristanišča

1. Država pristanišča ima pravico in dolžnost sprejeti ukrepe v skladu z mednarodnim pravom, s katerimi spodbuja učinkovitost podobmočnih, območnih in globalnih ukrepov ohranjanja in upravljanja. Pri sprejemanju takšnih ukrepov država pristanišča niti formalno niti dejansko ne zapostavlja plovil nobene države.

2. Država pristanišča lahko med drugim pregleda dokumente, ribolovno orodje in ulov na krovu ribiških plovil, če so takšna plovila prostovoljno v njenih pristaniščih ali obalnih terminalih.

3. States may adopt regulations empowering the relevant national authorities to prohibit landings and transhipments where it has been established that the catch has been taken in a manner which undermines the effectiveness of subregional, regional or global conservation and management measures on the high seas.

4. Nothing in this Article affects the exercise by States of their sovereignty over ports in their territory in accordance with international law.

3. Države lahko sprejmejo pravila, ki pooblaščajo ustrezne državne organe, da prepovejo izkrcanja in pretovarjanja, kadar je bilo ugotovljeno, da je bil ulov pridobljen na način, ki slabi učinkovitost podobmočnih, območnih in globalnih ukrepov ohranjanja in upravljanja na odprtem morju.

4. Nič v tem členu ne vpliva na uresničevanje suverenosti držav v pristaniščih na njihovem ozemlju v skladu z mednarodnim pravom.

PART VII
REQUIREMENTS OF DEVELOPING STATES

Article 24

Recognition of the special requirements of developing States

1. States shall give full recognition to the special requirements of developing States in relation to conservation and management of straddling fish stocks and highly migratory fish stocks and development of fisheries for such stocks. To this end, States shall, either directly or through the United Nations Development Programme, the Food and Agriculture Organisation of the United Nations and other specialised agencies, the Global Environment Facility, the Commission on Sustainable Development and other appropriate international and regional organisations and bodies, provide assistance to developing States.

2. In giving effect to the duty to cooperate in the establishment of conservation and management measures for straddling fish stocks and highly migratory fish stocks, States shall take into account the special requirements of developing States, in particular:

(a) the vulnerability of developing States which are dependent on the exploitation of living marine resources, including for meeting the nutritional requirements of their populations or parts thereof;

(b) the need to avoid adverse impacts on, and ensure access to fisheries by, subsistence, small-scale and artisanal fishers and women fishworkers, as well as indigenous people in developing States, particularly small island developing States;

(c) the need to ensure that such measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States.

Article 25

Forms of cooperation with developing States

1. States shall cooperate, either directly or through subregional, regional or global organisations:

(a) to enhance the ability of developing States, in particular the least-developed among them and small island developing States, to conserve and manage straddling fish stocks and highly migratory fish stocks and to develop their own fisheries for such stocks;

(b) to assist developing States, in particular the least-developed among them and small island developing States, to enable them to participate in high seas fisheries for such stocks, including facilitating access to such fisheries subject to Articles 5 and 11;

(c) to facilitate the participation of developing States in subregional and regional fisheries management organisations and arrangements.

DEL VII
ZAHTEVE DRŽAV V RAZVOJU

Člen 24

Priznavanje posebnih zahtev držav v razvoju

1. Države polno priznajo posebne zahteve držav v razvoju glede ohranjanja in upravljanja čezconskih staležev rib ali izrazito selivskih staležev rib ter razvoja ribištva teh staležev. Zato države, bodisi neposredno bodisi prek Programa ZN za razvoj, Organizacije ZN za prehrano in kmetijstvo in drugih specialnih agencij, Globalnega sklada za okolje, Komisije za trajnostni razvoj ter drugih ustreznih mednarodnih in območnih organizacij in teles, pomagajo državam v razvoju.

2. Pri izpolnjevanju dolžnosti sodelovanja pri izoblikovanju ukrepov ohranjanja in upravljanja za čezconske staleže rib ali izrazito selivske staleže rib države upoštevajo posebne zahteve držav v razvoju, zlasti:

(a) ranljivost držav v razvoju, ki so odvisne od izkoriščanja živih morskih virov, vključno z izpolnjevanjem prehranskih zahtev njihovih populacij in njihovih delov;

(b) potrebo po izogibanju negativnim učinkom in zagotavljanje dostopa za male priobalne in priobalne ribiče ter ribičke, kakor tudi domorodce v državah v razvoju, zlasti v majhnih otoških državah v razvoju;

(c) potrebo po zagotavljanju, da takšni ukrepi ne privedejo, bodisi posredno bodisi neposredno, do prenosa nesorazmernega bremena ohranjevalnih ukrepov na države v razvoju.

Člen 25

Oblike sodelovanja z državami v razvoju

1. Države sodelujejo, bodisi posredno bodisi prek podobmočnih, območnih ali globalnih organizacij:

(a) pri izboljšanju sposobnosti držav v razvoju, zlasti najmanj razvitih med njimi in majhnih otoških držav v razvoju, pri ohranjanju in upravljanju čezconskih staležev rib ali izrazito selivskih staležev rib ter pri razvijanju njihovih lastnih ribištev za te staleže;

(b) pri pomoči državam v razvoju, zlasti najmanj razvitim med njimi in majhnim otoškim državam v razvoju, da lahko sodelujejo pri ribištvu teh staležev na odprtem morju, vključno z omogočanjem dostopa do takšnih ribištev iz členov 5 in 11;

(c) pri omogočanju udeležbe držav v razvoju v podobmočnih ali območnih ribiških upravljavskih organizacijah ali dogovorih.

2. Cooperation with developing States for the purposes set out in this Article shall include the provision of financial assistance, assistance relating to human resources development, technical assistance, transfer of technology, including through joint-venture arrangements, and advisory and consultative services.

3. Such assistance shall, *inter alia*, be directed specifically towards:

(a) improved conservation and management of straddling fish stocks and highly migratory fish stocks through collection, reporting, verification, exchange and analysis of fisheries data and related information;

(b) stock assessment and scientific research;

(c) monitoring, control, surveillance, compliance and enforcement, including training and capacity-building at the local level, development and funding of national and regional observer programmes and access to technology and equipment.

Article 26

Special assistance in the implementation of this Agreement

1. States shall cooperate to establish special funds to assist developing States in the implementation of this Agreement, including assisting developing States to meet the costs involved in any proceedings for the settlement of disputes to which they may be parties.

2. States and international organisations should assist developing States in establishing new subregional or regional fisheries management organisations or arrangements, or in strengthening existing organisations or arrangements, for the conservation and management of straddling fish stocks and highly migratory fish stocks.

2. Sodelovanje z državami v razvoju za namene, določene v tem členu, vključuje zagotavljanje finančne pomoči, pomoči, povezane z razvojem človeških virov, strokovne pomoči, prenos tehnologije, vključno s skupnimi podjetji, ter svetovanje in posvetovanje.

3. Takšna pomoč je med drugim usmerjena zlasti v:

(a) izboljšano ohranjanje in upravljanje čezconskih staležev rib ali izrazito selivskih staležev rib z zbiranjem, sporočanjem, preverjanjem, izmenjavo in analizo podatkov o ribištvu ter s tem povezanih podatkov;

(b) oceno staležev in znanstvene raziskave;

(c) spremljanje, nadzor, opazovanje, skladnost in izvajanje, vključno z usposabljanjem ter vzpostavitvijo institucij in kadrov na lokalni ravni, razvojem in ustanovitvijo državnih in območnih programov opazovanja ter dostopom do tehnoloških postopkov in opreme.

Člen 26

Posebna pomoč pri izvajanju tega sporazuma

1. Države sodelujejo pri ustanavljanju posebnih skladov za pomoč državam v razvoju pri izvajanju tega sporazuma, vključno s pomočjo državam v razvoju, da nosijo stroške, izhajajoče iz vseh postopkov za reševanje sporov, v katerih so lahko ena od strank.

2. Države in mednarodne organizacije naj pomagajo državam v razvoju pri ustanavljanju novih podobmočnih ali območnih ribiških upravljavskih organizacij ali dogovorov ali pri krepitvi obstoječih organizacij ali dogovorov za ohranjanje in upravljanje čezconskih staležev rib ali izrazito selivskih staležev rib.

PART VIII
PEACEFUL SETTLEMENT OF DISPUTES

Article 27

Obligation to settle disputes by peaceful means

States have the obligation to settle their disputes by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

Article 28

Prevention of disputes

States shall cooperate in order to prevent disputes. To this end, States shall agree on efficient and expeditious decision-making procedures within subregional and regional fisheries management organisations and arrangements and shall strengthen existing decision-making procedures as necessary.

Article 29

Disputes of a technical nature

Where a dispute concerns a matter of a technical nature, the States concerned may refer the dispute to an ad hoc expert panel established by them. The panel shall confer with the States concerned and shall endeavour to resolve the dispute expeditiously without recourse to binding procedures for the settlement of disputes.

DEL VIII
MIRNO REŠEVANJE SPOROV

Člen 27

Obveznost reševanja sporov z mirnimi sredstvi

Države imajo obveznost poravnavanja medsebojne spore s pogajanji, preiskavo, posredovanji, spravo, arbitražo, sodno poravnavo, zatekanjem k regionalnim agencijam ali dogovorom ali z drugimi miroljubnimi sredstvi po lastni izbiri.

Člen 28

Preprečevanje sporov

Države sodelujejo, da bi tako preprečile spore. Zato se države dogovorijo glede učinkovitih in hitrih postopkov odločanja v okviru podobmočnih ali območnih ribiških upravljavskih organizacij ali dogovorov in po potrebi okrepijo obstoječe postopke odločanja.

Člen 29

Strokovni spori

Kadar spor zadeva strokovno vprašanje, lahko zadevne države predložijo spor priložnostnemu strokovnemu svetu, ki so ga ustanovile. Svet se posvetuje z zadevnimi državami in si prizadeva za hitro rešitev spora brez zatekanja k obvezujočim postopkom za reševanje sporov.

Article 30

Procedures for the settlement of disputes

1. The provisions relating to the settlement of disputes set out in Part XV of the Convention apply *mutatis mutandis* to any dispute between States Parties to this Agreement concerning the interpretation or application of this Agreement, whether or not they are also Parties to the Convention.

2. The provisions relating to the settlement of disputes set out in Part XV of the Convention apply *mutatis mutandis* to any dispute between States Parties to this Agreement concerning the interpretation or application of a subregional, regional or global fisheries agreement relating to straddling fish stocks or highly migratory fish stocks to which they are parties, including any dispute concerning the conservation and management of such stocks, whether or not they are also Parties to the Convention.

3. Any procedure accepted by a State Party to this Agreement and the Convention pursuant to Article 287 of the Convention shall apply to the settlement of disputes under this Part, unless that State Party, when signing, ratifying or acceding to this Agreement, or at any time thereafter, has accepted another procedure pursuant to Article 287 for the settlement of disputes under this Part.

4. A State Party to this Agreement which is not a Party to the Convention, when signing, ratifying or acceding to this Agreement, or at any time thereafter, shall be free to choose, by means of a written declaration, one or more of the means set out in Article 287(1), of the Convention for the settlement of disputes under this Part. Article 287 shall apply to such a declaration, as well as to any dispute to which such State is a party which is not covered by a declaration in force. For the purposes of conciliation and arbitration in accordance with Annexes V, VII and VIII to the Convention, such State shall be entitled to nominate conciliators, arbitrators and experts to be included in the lists referred to in Annex V, Article 2, Annex VII, Article 2, and Annex VIII, Article 2, for the settlement of disputes under this Part.

5. Any court or tribunal to which a dispute has been submitted under this Part shall apply the relevant provisions of the Convention, of this Agreement and of any relevant subregional, regional or global fisheries agreement, as well as generally accepted standards for the conservation and management of living marine resources and other rules of international law not incompatible with the Convention, with a view to ensuring the conservation of the straddling fish stocks and highly migratory fish stocks concerned.

Article 31

Provisional measures

1. Pending the settlement of a dispute in accordance with this Part, the parties to the dispute shall make every effort to enter into provisional arrangements of a practical nature.

2. Without prejudice to Article 290 of the Convention, the court or tribunal to which the dispute has been submitted under this Part may prescribe any provisional measures which it considers appropriate under the circumstances to preserve the respective rights of the parties to the dispute or to prevent damage to the stocks in question, as well as in the circumstances referred to in Article 7(5), and Article 16(2).

Člen 30

Postopki za reševanje sporov

1. Določbe, ki se nanašajo na reševanje sporov, določene v delu XV Konvencije, se s potrebnimi spremembami uporabljajo za vse spore med državami pogodbenicami tega sporazuma glede razlage ali uporabe tega sporazuma, ne glede na to, ali so tudi pogodbenice Konvencije.

2. Določbe, ki se nanašajo na reševanje sporov, določene v delu XV Konvencije, se s potrebnimi spremembami uporabljajo za vse spore med državami pogodbenicami tega sporazuma glede razlage ali uporabe podobmočnega, območnega ali globalnega ribiškega sporazuma, ki se nanaša na čezconske staleže rib ali izrazito selivske staleže rib, katerega pogodbenice so, vključno z vsemi spori glede ohranjanja in upravljanja takšnih staležev, ne glede na to ali so tudi pogodbenice Konvencije.

3. Vsi postopki, ki jih je država pogodbenica tega sporazuma in Konvencije sprejela v skladu s členom 287 Konvencije, se uporabljajo za reševanje sporov iz tega dela, razen če ni navedena država pogodbenica pri podpisovanju, ratifikaciji tega sporazuma ali pristopanju k njemu, ali kadarkoli kasneje, sprejela drugačnega postopka za reševanje sporov iz tega dela v skladu s členom 287.

4. Država pogodbenica tega sporazuma, ki ni pogodbenica Konvencije, lahko pri podpisovanju, ratifikaciji tega sporazuma ali pristopanju k njemu, ali kadarkoli kasneje, s pisno deklaracijo svobodno izbira eno ali več sredstev za poravnavo sporov iz tega dela, določenih v členu 287(1) Konvencije. Člen 287 se uporablja za takšno deklaracijo, kakor tudi za vse spore, v katerih je ena od strank takšna država in ki jih ne pokriva veljavna deklaracija. Za spravo in arbitražo v skladu s Prilogami V, VII in VIII h Konvenciji je takšna država upravičena do imenovanja spravnih posredovalcev, razsodnikov in strokovnjakov, ki jih mora vključiti na sezname za reševanje sporov iz tega dela iz člena 2 Priloge V, člena 2 Priloge VII in člena 2 Priloge VIII.

5. Vsa sodišča, ki jim je bil predložen spor iz tega dela, uporabljajo ustrezne določbe Konvencije, tega sporazuma in vseh ustreznih podobmočnih, območnih ali globalnih ribiških sporazumov, kakor tudi splošno sprejete standarde za ohranjanje in upravljanje živih morskih virov in druga pravila mednarodnega prava, združljiva s Konvencijo, za zagotavljanje ohranjanja zadevnih čezconskih staležev rib ali izrazito selivskih staležev rib.

Člen 31

Začasni ukrepi

1. Pred poravnavo spora v skladu s tem delom si stranke v sporu vsestransko prizadevajo za uveljavljanje začasnih praktičnih rešitev.

2. Brez vpliva na člen 290 Konvencije lahko sodišče, ki mu je bil predložen spor iz tega dela, predpiše katere koli začasne ukrepe, ki se mu v okoliščinah zdijo primerni za ohranjanje pravic vseh strank v sporu ali preprečevanje škode na zadevnih staležih, kakor tudi v okoliščinah iz člena 7(5) in člena 16(2).

3. A State Party to this Agreement which is not a Party to the Convention may declare that, notwithstanding Article 290(5), of the Convention, the International Tribunal for the Law of the Sea shall not be entitled to prescribe, modify or revoke provisional measures without the agreement of such State.

Article 32

Limitations on applicability of procedures for the settlement of disputes

Article 297(3), of the Convention applies also to this Agreement.

PART IX
NON-PARTIES TO THIS AGREEMENT

Article 33

Non-parties to this Agreement

1. States Parties shall encourage non-parties to this Agreement to become parties thereto and to adopt laws and regulations consistent with its provisions.

2. States Parties shall take measures consistent with this Agreement and international law to deter the activities of vessels flying the flag of non-parties which undermine the effective implementation of this Agreement.

PART X
GOOD FAITH AND ABUSE OF RIGHTS

Article 34

Good faith and abuse of rights

States Parties shall fulfil in good faith the obligations assumed under this Agreement and shall exercise the rights recognised in this Agreement in a manner which would not constitute an abuse of right.

PART XI
RESPONSIBILITY AND LIABILITY

Article 35

Responsibility and liability

States Parties are liable in accordance with international law for damage or loss attributable to them in regard to this Agreement.

PART XII
REVIEW CONFERENCE

Article 36

Review conference

1. Four years after the date of entry into force of this Agreement, the Secretary-General of the United Nations shall convene a conference with a view to assessing the effectiveness of this Agreement in securing the conservation and management of straddling fish stocks and highly migratory fish stocks. The Secretary-General shall invite to the conference all States Parties and those States and entities which are entitled to become Parties to this Agreement as well as those intergovernmental and non-governmental organisations entitled to participate as observers.

3. Pogodbenica tega sporazuma, ki ni pogodbenica Konvencije, lahko brez vpliva na člen 290(5) Konvencije razglasi, da Mednarodno sodišče za pomorsko pravo ni upravičeno do prepisovanja, spremembe ali preklica začasnih ukrepov brez privolitve takšne države.

Člen 32

Omejitve uporabe postopkov za reševanje sporov

Člen 297(3) Konvencije se uporablja tudi za ta sporazum.

DEL IX
NEPOGODBENICE TEGA SPORAZUMA

Člen 33

Nepogodbenice tega sporazuma

1. Države pogodbenice spodbujajo nepogodbenice tega sporazuma, da postanejo njegove pogodbenice ter sprejmejo zakone in druge predpise v skladu z njegovimi določbami.

2. Države pogodbenice sprejmejo ukrepe v skladu s tem sporazumom in mednarodnim pravom, da preprečijo aktivnosti plovil pod zastavo nepogodbenic, ki slabijo učinkovito izvajanje tega sporazuma.

DEL X
DOBRA VERA IN ZLORABA PRAVIC

Člen 34

Dobra vera in zloraba pravic

Države pogodbenice v dobri veri izpolnjujejo obveznosti, prevzete s tem sporazumom, in uveljavljajo pravice, priznane s tem sporazumom, tako da pri tem ne gre za zlorabo pravice.

DEL XI
ODGOVORNOST

Člen 35

Odgovornost

Države pogodbenice so v skladu z mednarodnim pravom odgovorne za škodo ali izgubo, ki se jim jo lahko pripiše v zvezi s tem sporazumom.

DEL XII
REVIZIJSKA KONFERENCA

Člen 36

Revizijska konferenca

1. Štiri leta po začetku veljavnosti tega sporazuma generalni sekretar Združenih narodov skliče konferenco za presojo učinkovitosti tega sporazuma pri zagotavljanju ohranjanja in upravljanja čezconskih staležev rib ali izrazito selivskih staležev rib. Generalni sekretar povabi na konferenco vse države pogodbenice ter vse države in subjekte, upravičene do tega, da postanejo pogodbenice tega sporazuma, kakor tudi medvladne in nevladne organizacije, ki so upravičene do sodelovanja kot opazovalke.

2. The Conference shall review and assess the adequacy of the provisions of this Agreement and, if necessary, propose means of strengthening the substance and methods of implementation of those provisions in order better to address any continuing problems in the conservation and management of straddling fish stocks and highly migratory fish stocks.

2. Na konferenci se pregleda in oceni ustreznost določb tega sporazuma in, če je to potrebno, predlaga sredstva za krepitev vsebine in metod izvajanja navedenih odločb, s čimer se doseže boljše odzivanje na vse stalne probleme pri ohranjanju in upravljanju čezconskih staležev rib ali izrazito selivskih staležev rib.

PART XIII
FINAL PROVISIONS

DEL XIII
KONČNE DOLOČBE

Article 37

Signature

This Agreement shall be open for signature by all States and the other entities referred to in Article 1(2)(b), and shall remain open for signature at United Nations Headquarters for 12 months from the 4 December 1995.

Člen 37

Podpis

Ta sporazum lahko podpišejo vse države in drugi subjekti iz člena 1(2)(b) in je na voljo za podpis na sedežu Združenih narodov 12 mesecev po 4. decembru 1995.

Article 38

Ratification

This Agreement is subject to ratification by States and the other entities referred to in Article 1(2)(b). The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Člen 38

Ratifikacija

Ta sporazum lahko ratificirajo države in drugi subjekti iz člena 1(2)(b). Ratifikacijske listine hrani generalni sekretar Združenih narodov.

Article 39

Accession

This Agreement shall remain open for accession by States and the other entities referred to in Article 1(2)(b). The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Člen 39

Pristop

K temu sporazumu lahko pristopijo države in drugi subjekti iz člena 1(2)(b). Listino o pristopu hrani generalni sekretar Združenih narodov.

Article 40

Entry into force

1. This Agreement shall enter into force 30 days after the date of deposit of the 30th instrument of ratification or accession.

2. For each State or entity which ratifies the Agreement or accedes thereto after the deposit of the 30th instrument of ratification or accession, this Agreement shall enter into force on the 30th day following the deposit of its instrument of ratification or accession.

Člen 40

Začetek veljavnosti

1. Ta sporazum začne veljati 30 dni po dnevu deponiranja 30. listine o ratifikaciji ali pristopu.

2. Za vsako državo ali subjekt, ki ratificira sporazum ali pristopi k njemu po deponiranju 30. listine o ratifikaciji ali pristopu, začne ta sporazum veljati 30. dan po deponiranju njegove listine o ratifikaciji ali pristopu.

Article 41

Provisional application

1. This Agreement shall be applied provisionally by a State or entity which consents to its provisional application by so notifying the depositary in writing. Such provisional application shall become effective from the date of receipt of the notification.

2. Provisional application by a State or entity shall terminate on the entry into force of this agreement for that State or entity or on notification by that State or entity to the depositary in writing of its intention to terminate provisional application.

Člen 41

Začasna uporaba

1. Ta sporazum uporablja začasno država ali subjekt, ki privoli v njegovo začasno uporabo tako, da o tem pisno obvesti depozitarja. Takšna začasna uporaba se začne z dnem prejema obvestila.

2. Začasna uporaba s strani države ali subjekta se konča z začetkom veljavnosti tega sporazuma za navedeno državo ali subjekt ali ob pisnem obvestilu depozitarju s strani te države ali subjekta glede namena, da prekine začasno uporabo.

Article 42

Reservations and exceptions

No reservations or exceptions may be made to this Agreement.

Člen 42

Pridržki in izjeme

Ta sporazum ne priznava nikakršnih zadržkov in izjem.

Article 43

Declarations and statements

Article 42 does not preclude a State or entity, when signing, ratifying or acceding to this Agreement, from making declarations or statements, however phrased or named, with a view, *inter alia*, to the harmonisation of its laws and regulations with the provisions of this Agreement, provided that such declarations or statements do not purport to exclude or to modify the legal effect of the provisions of this Agreement in their application to that State or entity.

Article 44

Relation to other agreements

1. This Agreement shall not alter the rights and obligations of States Parties which arise from other agreements compatible with this Agreement and which do not affect the enjoyment by other States Parties of their rights or the performance of their obligations under this Agreement.

2. Two or more States Parties may conclude agreements modifying or suspending the operation of provisions of this Agreement, applicable solely to the relations between them, provided that such agreements do not relate to a provision derogation from which is incompatible with the effective execution of the object and purpose of this Agreement, and provided further that such agreements shall not affect the application of the basic principles embodied herein, and that the provisions of such agreements do not affect the enjoyment by other States Parties of their rights or the performance of their obligations under this Agreement.

3. States Parties intending to conclude an agreement referred to in paragraph 2 shall notify the other States Parties through the depositary of this Agreement of their intention to conclude the agreement and of the modification or suspension for which it provides.

Article 45

Amendment

1. A State Party may, by written communication addressed to the Secretary-General of the United Nations, propose amendments to this Agreement and request the convening of a conference to consider such proposed amendments. The Secretary-General shall circulate such communication to all States Parties. If, within six months from the date of the circulation of the communication, not less than one half of the States Parties reply favourably to the request, the Secretary-General shall convene the conference.

2. The decision-making procedure applicable at the amendment conference convened pursuant to paragraph 1 shall be the same as that applicable at the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, unless otherwise decided by the conference. The conference should make every effort to reach agreement on any amendments by way of consensus and there should be no voting on them until all efforts at consensus have been exhausted.

3. Once adopted, amendments to this agreement shall be open for signature at United Nations Headquarters by States Parties for 12 months from the date of adoption, unless otherwise provided in the amendment itself.

4. Articles 38, 39, 47 and 50 apply to all amendments to this Agreement.

Člen 43

Izjave

Člen 42 ne preprečuje državi ali subjektu, da pri podpisovanju, ratificiranju Sporazuma ali pristopanju k njemu, da izjave, kakorkoli že so oblikovane ali poimenovane, z namenom, med drugim, usklajevanja svojih zakonov in predpisov z določbami tega sporazuma, če takšne izjave nimajo namena izničenja ali spremembe pravnega učinka določb tega sporazuma pri njihovi uporabi za navedeno državo ali subjekt.

Člen 44

Razmerje do drugih sporazumov

1. Ta sporazum ne spreminja pravic in obveznosti držav pogodbenic, ki izhajajo iz drugih sporazumov, združljivih s tem sporazumom, in ki ne vplivajo na uživanje pravic drugih držav pogodbenic ali izpolnjevanje njihovih dolžnosti, izhajajočih iz tega sporazuma.

2. Dve ali več držav pogodbenic lahko sklene sporazume, ki spreminjajo ali začasno ukinjajo izvajanje določb tega sporazuma in ki se uporabljajo samo za njihove medsebojne odnose, če se takšni sporazumi ne nanašajo na odstopanje od odločb, nezdružljivo z učinkovitim uresničevanjem cilja in namena tega sporazuma, in če takšni sporazumi poleg tega ne vplivajo na uporabo njegovih osnovnih načel in če določbe takšnih sporazumov ne zadevajo uživanja pravic drugih držav pogodbenic ali izpolnjevanja njihovih obveznosti, izhajajočih iz tega sporazuma.

3. Države pogodbenice, ki nameravajo skleniti sporazum iz dostavka 2, obvestijo druge države pogodbenice prek depozitarja tega sporazuma o svojem namenu, da sklenejo sporazum, ter o spremembi ali odložitvi izvajanja, ki ga to prinaša.

Člen 45

Sprememba

1. Država pogodbenica lahko prek pisnega sporočila, naslovljenega na generalnega sekretarja Združenih narodov, predlaga spremembe tega sporazuma in zaprosi za sklic konference, na kateri bi proučili takšne predlagane spremembe. Generalni sekretar razpošlje to sporočilo vsem državam pogodbenicam. Če v šestih mesecih od datuma razpošiljanja sporočila najmanj polovica držav pogodbenic odgovori na prošnjo pozitivno, generalni sekretar skliče konferenco.

2. Postopek odločanja, ki se uporablja na amandmajski konferenci, sklicani v skladu z odstavkom 1, je enak tistemu, ki se uporablja na Konferenci Združenih narodov o čezconskih staležih rib ali izrazito selivskih staležih rib, razen če se na konferenci ne odloči drugače. Na konferenci si je treba vsestransko prizadevati za dogovor glede vseh sprememb s konsenzom in o njih se ne glasuje, dokler niso izčrpani vsi napori glede konsenza.

3. Ko se spremembe enkrat sprejme, so državam pogodbenicam na voljo za podpis na sedežu Združenih narodov še 12 mesecev po datumu sprejetja, razen če ni drugače določeno v sami spremembi.

4. Členi 38, 39, 47 in 50 se uporabljajo za vse spremembe tega sporazuma.

5. Amendments to this Agreement shall enter into force for the States Parties ratifying or acceding to them on the 30th day following the deposit of instruments of ratification or accession by two thirds of the States Parties. Thereafter, for each State Party ratifying or acceding to an amendment after the deposit of the required number of such instruments, the amendment shall enter into force on the 30th day following the deposit of its instrument of ratification or accession.

6. An amendment may provide that a smaller or a larger number of ratifications or accessions shall be required for its entry into force than are required by this Article.

7. A State which becomes a Party to this Agreement after the entry into force of amendments in accordance with paragraph 5 shall, failing an expression of a different intention by that State:

(a) be considered as a Party to this Agreement as so amended;

(b) be considered as a Party to the unamended Agreement in relation to any State Party not bound by the amendment.

Article 46

Denunciation

1. A State Party may, by written notification addressed to the Secretary-General of the United Nations, denounce this Agreement and may indicate its reasons. Failure to indicate reasons shall not affect the validity of the denunciation. The denunciation shall take effect one year after the date of receipt of the notification, unless the notification specifies a later date.

2. The denunciation shall not in any way affect the duty of any State Party to fulfil any obligation embodied in this Agreement to which it would be subject under international law independently of this Agreement.

Article 47

Participation by international organisations

1. In cases where an international organisation referred to in Annex IX, Article 1, of the Convention does not have competence over all the matters governed by this Agreement, Annex IX to the Convention shall apply *mutatis mutandis* to participation by such international organisation in this Agreement, except that the following provisions of that Annex shall not apply:

(a) Article 2, first sentence;

(b) Article 3(1).

2. In cases where an international organisation referred to in Annex IX, Article 1, of the Convention has competence over all the matters governed by this Agreement, the following provisions shall apply to participation by such international organisation in this Agreement:

(a) at the time of signature or accession, such international organisation shall make a declaration stating:

(i) that it has competence over all the matters governed by this Agreement;

(ii) that, for this reason, its Member States shall not become States Parties, except in respect of their territories for which the international organisation has no responsibility;

(iii) that it accepts the rights and obligations of States under this Agreement;

(b) participation of such an international organisation shall in no case confer any rights under this Agreement on Member States of the international organisation;

5. Spremembe tega sporazuma začnejo za države pogodbenice, ki jih ratificirajo ali pristopajo k njim, veljati na 30. dan po depozitu listin o ratifikaciji ali pristopu dveh tretjin držav pogodbenic. Zatem začne za vsako državo pogodbenico, ki ratificira spremembo ali pristopa k njej po depozitiranju zahtevanega števila takšnih listin, sprememba veljati 30. dan po depozitu njenih listin o ratifikaciji ali pristopu.

6. Sprememba lahko predvidi zahtevo po manjšem ali večjem številu ratifikacij ali pristopov, kakor je zahtevano v tem členu.

7. Država, ki postane pogodbenica tega sporazuma po začetku veljavnosti sprememb v skladu z odstavkom 5, če navedena država ne izrazi drugačnih namenov:

(a) se obravnava kot pogodbenica tako spremenjenega sporazuma;

(b) se obravnava kot pogodbenica nespremenjenega sporazuma v odnosu do vsake države pogodbenice, ki je sprememba ne zavezuje.

Člen 46

Odpoved

1. Država pogodbenica se lahko s pisnim obvestilom, naslovljenim na generalnega sekretarja Združenih narodov, odpove temu sporazumu in lahko navede svoje razloge. Če razlogov ne navede, to ne vpliva na veljavnost odpovedi. Odpoved začne veljati eno leto po datumu sprejema obvestila, razen če v obvestilu ni naveden poznejši datum.

2. Odpoved nikakor ne vpliva na obveznost katere koli države pogodbenice izpolnjevanja vseh obvez iz tega sporazuma, ki bi jih morala izpolnjevati po mednarodnem pravu ne glede na ta sporazum.

Člen 47

Udeležba mednarodnih organizacij

1. Kadar mednarodna organizacija iz člena 1 Priloge IX h Konvenciji ni usposobljena za vse zadeve, ki jih ureja ta sporazum, se Priloga IX h Konvenciji uporablja s potrebnimi spremembami za udeležbo takšne mednarodne organizacije v tem sporazumu, ne uporabljajo pa se naslednje določbe navedene priloge:

(a) člen 2, prvi stavek;

(b) člen 3(1).

2. Kadar je mednarodna organizacija iz člena 1 Priloge IX h Konvenciji usposobljena za vse zadeve, ki jih ureja ta sporazum, se za udeležbo takšne mednarodne organizacije v tem sporazumu uporabljajo naslednje določbe:

(a) pri podpisu ali pristopu takšna mednarodna organizacija poda izjavo, v kateri zagotavlja:

(i) da je usposobljena za vse zadeve, ki jih ureja ta sporazum;

(ii) da zato njene države članice ne smejo postati države pogodbenice, kar ne velja za njihova območja, za katera mednarodna organizacija ni odgovorna;

(iii) da sprejema pravice in obveznosti podpisnic tega sporazuma;

(b) udeležba takšne mednarodne organizacije nikakor ne daje nobenih pravic iz tega sporazuma državam članicam mednarodne organizacije;

(c) in the event of a conflict between the obligations of an international organisation under this Agreement and its obligations under the agreement establishing the international organisation or any acts relating to it, the obligations under this Agreement shall prevail.

Article 48

Annexes

1. The Annexes form an integral part of this Agreement and, unless expressly provided otherwise, a reference to this Agreement or to one of its Parts includes a reference to the Annexes relating thereto.

2. The Annexes may be revised from time to time by States Parties. Such revisions shall be based on scientific and technical considerations. Notwithstanding the provisions of Article 45, if a revision to an Annex is adopted by consensus at a meeting of States Parties, it shall be incorporated in this Agreement and shall take effect from the date of its adoption or from such other date as may be specified in the revision. If a revision to an Annex is not adopted by consensus at such a meeting, the amendment procedures set out in Article 45 shall apply.

Article 49

Depositary

The Secretary-General of the United Nations shall be the depositary of this Agreement and any amendments or revisions thereto.

Article 50

Authentic texts

The Arabic, Chinese, English, French, Russian and Spanish texts of this Agreement are equally authentic. In witness whereof, the undersigned Plenipotentiaries, being duly authorised thereto, have signed this Agreement.

Opened for signature at New York, this fourth day of December, one thousand nine hundred and ninety-five, in a single original, in the Arabic, Chinese, English, French, Russian and Spanish languages.

(c) pri križanju obveznosti mednarodne organizacije iz tega sporazuma in njenih obveznosti iz sporazuma o njeni ustanovitvi ali katerega koli akta, izhajajočega iz njega, prevladajo obveznosti iz tega sporazuma.

Člen 48

Priloge

1. Priloge so sestavni del tega sporazuma in, razen če ni izrecno predvideno drugače, sklicevanje na ta sporazum ali na katerega od njegovih delov vključuje tudi sklicevanje na priloge, ki se nanašajo nanj.

2. Države pogodbenice lahko včasih pregledajo priloge. Takšni pregledi temeljijo na znanstvenih in strokovnih obravnavah. Če je takšen pregled sprejet s soglasjem na sestanku držav pogodbenic, se ne glede na določbe iz člena 45 vključi v ta sporazum in začne veljati na dan njegovega sprejetja ali na kateri drugi dan, določen v pregledu. Če se pregled priloge ne sprejme sporazumno na takšnem sestanku, se uporabljajo postopki sprejemanja, določeni v členu 45.

Člen 49

Depozitar

Depozitar za ta sporazum in vse njegove spremembe ali preglede je generalni sekretar Združenih narodov.

Člen 50

Verodostojna besedila

Arabsko, kitajsko, angleško, francosko, rusko in špansko besedilo tega sporazuma so enako verodostojna. Spodaj podpisani pooblaščenci, pravilno pooblaščeni za to, so podpisali ta sporazum v prisotnosti prič.

Na voljo za podpis v New Yorku na četrti dan decembra tisoč devetsto petindevetdeset, v enem izvirniku v arabščini, kitajščini, angleščini, francoščini, ruščini in španščini.

Annex I

STANDARD REQUIREMENTS FOR THE COLLECTION AND SHARING OF DATA

Article 1

General principles

1. The timely collection, compilation and analysis of data are fundamental to the effective conservation and management of straddling fish stocks and highly migratory fish stocks. To this end, data from fisheries for these stocks on the high seas and those in areas under national jurisdiction are required and should be collected and compiled in such a way as to enable statistically meaningful analysis for the purposes of fishery resource conservation and management. These data include catch and fishing effort statistics and other fishery-related information, such as vessel-related and other data for standardising fishing effort. Data collected should also include information on non-target and associated or dependent species. All data should be verified to ensure accuracy. Confidentiality of non-aggregated data shall be maintained. The dissemination of such data shall be subject to the terms on which they have been provided.

2. Assistance, including training as well as financial and technical assistance, shall be provided to developing States in order to build capacity in the field of conservation and management of living marine resources. Assistance should focus on enhancing capacity to implement data collection and verification, observer programmes, data analysis and research projects supporting stock assessments. The fullest possible involvement of developing State scientists and managers in conservation and management of straddling fish stocks and highly migratory fish stocks should be promoted.

Article 2

Principles of data collection, compilation and exchange

The following general principles should be considered in defining the parameters for collection, compilation and exchange of data from fishing operations for straddling fish stocks and highly migratory fish stocks:

(a) States should ensure that data are collected from vessels flying their flag on fishing activities according to the operational characteristics of each fishing method (e.g., each individual tow for trawl, each set for long-line and purse-seine, each school fished for pole-and-line and each day fished for troll) and in sufficient detail to facilitate effective stock assessment;

(b) States should ensure that fishery data are verified through an appropriate system;

(c) States should compile fishery-related and other supporting scientific data and provide them in an agreed format and in a timely manner to the relevant subregional or regional fisheries management organisation or arrangement where one exists. Otherwise, States should cooperate to exchange data either directly or through such other cooperative mechanisms as may be agreed among them;

(d) States should agree, within the framework of subregional or regional fisheries management organisations or arrangements, or otherwise, on the specification of data and the format in which they are to be provided, in accordance with this Annex and taking into account the nature of the stocks and the fisheries for those stocks in the region. Such organisations or arrangements should request non-members or non-participants to provide data concerning relevant fishing activities by vessels flying their flag;

Priloga I

STANDARDNE ZAHTEVE ZA ZBIRANJE IN SKUPNO UPORABO PODATKOV

Člen 1

Splošna načela

1. Pravočasno zbiranje, urejanje in analiza podatkov so nujni pogoji za učinkovito ohranjanje in upravljanje čezconskih staležev rib ali izrazito selivskih staležev rib. Zato so potrebni podatki o ribištvu teh staležev na odprtem morju in v območjih državne jurisdikcije, ki jih je treba zbirati in pripraviti tako, da omogočajo statistično smiselno analizo za namene ohranjanja in upravljanja ribolovnih virov. Ti podatki vključujejo statistiko o ulovu in ribiškem naporu ter druge podatke, povezane z ribištvom, kakor so podatki glede plovila in drugi podatki za standardiziranje ribiškega napora. Zbrani podatki naj zaobsegajo tudi neciljne in pridružene ali odvisne vrste. Vse podatke je treba preveriti, s čimer se zagotovi njihova točnost. Ohranja se zaupnost neagregatnih podatkov. Razširjanje podatkov je podvrženo pogojem, pod katerimi so bili pridobljeni.

2. Pomoč, vključno z usposabljanjem ter finančno in strokovno pomočjo, se zagotovi državam v razvoju za vzpostavljanje zmožnosti na področju ohranjanja in upravljanja živih morskih virov. Pomoč je namenjena predvsem krepitvi zmožnosti za zbiranje in preverjanje podatkov, programe opazovanja, analizo podatkov in raziskovalne projekte, ki podpirajo oceno staležev. Spodbujati je treba kar največjo vključenost znanstvenikov in upravljavcev iz države v razvoju v ohranjanje in upravljanje čezconskih staležev rib in izrazito selivskih staležev rib.

Člen 2

Načela zbiranja, urejanja in izmenjave podatkov

Pri določanju parametrov za zbiranje, urejanje in izmenjavo podatkov o ribolovnih delovanjih za čezconske staleže rib in izrazito selivske staleže rib je treba upoštevati naslednja splošna načela:

(a) države naj zagotovijo, da se podatki o ribolovni aktivnosti plovil pod njihovo zastavo zbirajo glede na značilnosti posameznega načina ribolova (npr. vsak posamezen izvlek mreže, vsak met parangala in zaporne plavarice, vsak ulov z ribiško palico in vsak dan ribolova s panulo) in da so dovolj podrobni za učinkovito oceno staležev;

(b) države naj zagotovijo, da se ribiški podatki preverijo s primernim sistemom;

(c) države naj pripravijo podatke, povezane z ribištvom, in druge podporne znanstvene podatke ter jih v dogovorjeni obliki in pravočasno posredujejo ustrezni podobmočni ali območni ribiški upravljavski organizaciji ali dogovoru, če obstaja. Sicer naj države sodelujejo pri izmenjavi podatkov, bodisi neposredno ali prek drugačnih mehanizmov sodelovanja, za katere so se medsebojno sporazumele;

(d) države naj se v okviru podobmočnih ali območnih ribiških upravljavskih organizacij ali dogovorov, ali kako drugače, dogovorijo glede opredelitve podatkov in oblike, v kateri jih je treba posredovati, v skladu s to prilogo in ob upoštevanju vrste staležev in ribištev teh staležev v območju. Takšne organizacije ali dogovori naj zaprosijo nečlanice ali neudeleženke, da zagotovijo podatke glede ustreznih ribolovnih aktivnosti plovil pod njihovo zastavo;

(e) such organisations or arrangements shall compile data and make them available in a timely manner and in an agreed format to all interested States under the terms and conditions established by the organisation or arrangement; and

(f) scientists of the flag State and from the relevant subregional or regional fisheries management organisation or arrangement should analyse the data separately or jointly, as appropriate.

Article 3

Basic fishery data

1. States shall collect and make available to the relevant subregional or regional fisheries management organisation or arrangement the following types of data in sufficient detail to facilitate effective stock assessment in accordance with agreed procedures:

(a) time series of catch and effort statistics by fishery and fleet;

(b) total catch in number, nominal weight, or both, by species (both target and non-target) as is appropriate to each fishery. (Nominal weight is defined by the Food and Agriculture Organisation of the United Nations as the live-weight equivalent of the landings);

(c) discard statistics, including estimates where necessary, reported as number or nominal weight by species, as is appropriate to each fishery;

(d) effort statistics appropriate to each fishing method;

(e) fishing location, date and time fished and other statistics on fishing operations as appropriate.

2. States shall also collect where appropriate and provide to the relevant subregional or regional fisheries management organisation or arrangement information to support stock assessment, including:

(a) composition of the catch according to length, weight and sex;

(b) other biological information supporting stock assessments, such as information on age, growth, recruitment, distribution and stock identity;

(c) other relevant research, including surveys of abundance, biomass surveys, hydro-acoustic surveys, research on environmental factors affecting stock abundance, and oceanographic and ecological studies.

Article 4

Vessel data and information

1. States should collect the following types of vessel-related data for standardising fleet composition and vessel fishing power and for converting between different measures of effort in the analysis of catch and effort data:

(a) vessel identification, flag and port of registry;

(b) vessel type;

(c) vessel specifications (e.g., material of construction, date built, registered length, gross registered tonnage, power of main engines, hold capacity and catch storage methods);

(d) fishing gear description (e.g., types, gear specifications and quantity).

2. The flag State will collect the following information:

(a) navigation and position fixing aids;

(b) communication equipment and international radio call sign;

(c) crew size.

(e) takšne organizacije ali dogovori pripravijo podatke ter jih pravočasno in v dogovorjeni obliki dajo na voljo vsem zainteresiranim državam pod pogoji, izoblikovanimi v okviru organizacije ali dogovora; in

(f) znanstveniki države zastave ter ustrezne podobmočne ali območne ribiške upravljavske organizacije ali dogovora naj analizirajo podatke posamezno ali skupaj, kakor je primerno.

Člen 3

Osnovni ribiški podatki

1. Države zbirajo in dajo na voljo ustrezni podobmočni ali območni ribiški upravljavski organizaciji ali dogovoru naslednje vrste dovolj natančnih podatkov, s čimer omogočijo učinkovito oceno staležev v skladu z dogovorjenimi postopki:

(a) časovni razpored ulova ter statistika napora ribištva in flote;

(b) celotni ulov, izražen v številu, nominalni masi ali obojem, po vrstah (ciljnih in neciljnih), kakor je primerno za vsako ribištvo. (Organizacija Združenih narodov za prehrano in kmetijstvo opredeljuje nominalno maso kot ustreznico žive mase iztovarjanj);

(c) statistiko zavržkov, vključno z ocenami, kadar je to potrebno, izraženimi v številu ali nominalni masi po vrstah, kakor je primerno za vsako ribištvo;

(d) statistika napora, primerna posameznemu načinu ribolova;

(e) kraj, datum in čas ribolova ter druge statistične podatke o ribolovnem delovanju, kakor je primerno.

2. Države tudi zbirajo, kjer je primerno, in posredujejo ustrezni podobmočni ali območni ribiški upravljavski organizaciji ali dogovoru podatke, s katerimi podpirajo oceno staležev, vključno z:

(a) sestavo ulova glede na dolžino, maso in spol;

(b) drugimi biološkimi podatki, ki podpirajo oceno staležev, kakor so podatki o starosti, rasti, pridobivanju, porazdelitvi in identiteti staležev;

(c) drugimi ustreznimi raziskavami, vključno s pregledi številčnosti, pregledi biomase, hidro-akustičnimi pregledi, raziskavami o okoljskih dejavnikih, ki vplivajo na velikost staležev, ter oceanografskimi in ekološkimi raziskavami.

Člen 4

Podatki o plovilu

1. Države naj zbirajo naslednje vrste podatkov v zvezi s plovili za standardizacijo sestave flote in ribolovno moč plovil ter za pretvarjanje med različnimi meritvami napora pri analizi ulova podatkov o naporu:

(a) identifikacija plovila, zastava in pristanišče vpisa;

(b) tip plovila;

(c) specifikacije plovila (npr. konstrukcijski material, datum izdelave, registrska dolžina, bruto registrska tonaža, moč glavnih motorjev, zmogljivost skladiščenja in način skladiščenja ulova);

(d) opis ribolovnega orodja (npr. vrste, specifikacije orodja in količina).

2. Država zastave zbere naslednje podatke:

(a) pripomočki za plovbo in določanje položaja;

(b) komunikacijska oprema in mednarodni radijski razpoznavni znak;

(c) število posadke.

Article 5

Reporting

A State shall ensure that vessels flying its flag sends to its national fisheries administration and, where agreed, to the relevant subregional or regional fisheries management organisation or arrangement, logbook-data on catch and effort, including data on fishing operations on the high seas, at sufficiently frequent intervals to meet national requirements and regional and international obligations. Such data shall be transmitted, where necessary, by radio, telex, fax or satellite transmission or by other means.

Article 6

Data verification

States or, as appropriate, subregional or regional fisheries management organisations or arrangements should establish mechanisms for verifying fishery data, such as:

(a) position verification through vessel monitoring systems;

(b) scientific observer programmes to monitor catch, effort, catch composition (target and non-target) andother details of fishing operations;

(c) vessel trip, landing and transshipment reports;

(d) port sampling.

Article 7

Data exchange

1. Data collected by flag States must be shared with other flag States and relevant coastal States through appropriate subregional or regional fisheries management organisations or arrangements. Such organisations or arrangements shall compile data and make them available in a timely manner and in an agreed format to all interested States under the terms and conditions established by the organisation or arrangement, while maintaining confidentiality of non-aggregated data, and should, to the extent feasible, develop database systems which provide efficient access to data.

2. At the global level, collection and dissemination of data should be effected through the Food and Agriculture Organisation of the United Nations. Where a subregional or regional fisheries management organisation or arrangement does not exist, that organization may also do the same at the subregional or regional level by arrangement with the States concerned.

Člen 5

Poročanje

Država zagotovi, da plovilo pod njeno zastavo pošlje svoji državni upravi za ribištvo in, kadar je tako dogovorjeno, ustrezni ribiški podobmočni ali območni upravljavski organizaciji ali dogovoru podatke iz ladijskega dnevnika o ulovu in naporu, vključno s podatki o ribolovnem delovanju na odprtem morju, in sicer dovolj pogosto, da ugodi nacionalnim zahtevam ter območnim in mednarodnim obveznostim. Takšni podatki se pošiljajo, kadar je treba, prek radia, teleksa, faksa ali satelitskega prenosa ali prek drugih sredstev.

Člen 6

Preverjanje podatkov

Države ali, kjer je to primerno, podobmočne ali območne ribiške upravljavske organizacije ali dogovori naj izoblikujejo mehanizme za preverjanje podatkov, na primer:

(a) preverjanje položaja prek sistema spremljanja plovil;

(b) znanstvene programe opazovanja, s katerimi se spremlja ulov, napor, sestava ulova (ciljni in neciljni) ter druge podrobnosti ribolovnega delovanja;

(c) poročila o potovanju plovila, iztovarjanjih in pretovarjanjih;

(d) vzorčenje v pristanišču.

Člen 7

Izmenjava podatkov

1. Podatke, ki jih zberejo države zastave, je treba deliti z drugimi državami zastave ter ustreznimi obalnimi državami prek ustreznih podobmočnih ali območnih ribiških upravljavskih organizacij ali dogovorov. Takšne organizacije ali dogovori pripravijo podatke ter jih pravočasno in v dogovorjeni obliki dajo na voljo vsem zainteresiranim državam pod pogoji, določenimi v okviru organizacije ali dogovori, pri čemer ohranjajo zaupnost neagregatnih podatkov in, kolikor je to mogoče, razvijajo podatkovne sisteme, ki zagotavljajo zadovoljiv dostop do podatkov.

2. Na globalni ravni naj zbiranje in razširjanje podatkov poteka prek Organizacije Združenih narodov za prehrano in kmetijstvo. Kjer ne obstaja podobmočna ali območna ribiška upravljavska organizacija ali dogovor, lahko navedena organizacija po dogovoru z zadevno državo opravlja enako nalogo na podobmočni ali območni ravni.

Annex II

GUIDELINES FOR THE APPLICATION OF PRECAUTIONARY REFERENCE POINTS IN CONSERVATION AND MANAGEMENT OF STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS

1. A precautionary reference point is an estimated value derived through an agreed scientific procedure, which corresponds to the state of the resource and of the fishery, and which can be used as a guide for fisheries management.

2. Two types of precautionary reference points should be used: conservation, or limit, reference points and management, or target, reference points. Limit reference points set boundaries which are intended to constrain harvesting within safe biological limits within which the stocks can produce maximum sustainable yield. Target reference points are intended to meet management objectives.

3. Precautionary reference points should be stock-specific to account, *inter alia*, for the reproductive capacity, the resilience of each stock and the characteristics of fisheries exploiting the stock, as well as other sources of mortality and major sources of uncertainty.

4. Management strategies shall seek to maintain or restore populations of harvested stocks, and where necessary associated or dependent species, at levels consistent with previously agreed precautionary reference points. Such reference points shall be used to trigger pre-agreed conservation and management action. Management strategies shall include measures which can be implemented when precautionary reference points are approached.

5. Fishery management strategies shall ensure that the risk of exceeding limit reference points is very low. If a stock falls below a limit reference point or is at risk of falling below such a reference point, conservation and management action should be initiated to facilitate stock recovery. Fishery management strategies shall ensure that target reference points are not exceeded on average.

6. When information for determining reference points for a fishery is poor or absent, provisional reference points shall be set. Provisional reference points may be established by analogy to similar and betterknown stocks. In such situations, the fishery shall be subject to enhanced monitoring so as to enable revision of provisional reference points as improved information becomes available.

7. The fishing mortality rate which generates maximum sustainable yield should be regarded as a minimum standard for limit reference points. For stocks which are not overfished, fishery management strategies shall ensure that fishing mortality does not exceed that which corresponds to maximum sustainable yield, and that the biomass does not fall below a predefined threshold. For overfished stocks, the biomass which would produce maximum sustainable yield can serve as a rebuilding target.

Priloga II

SMERNICE ZA UPORABO PREVIDNOSTNIH REFERENČNIH TOČK PRI OHRANJANJU IN UPRAVLJANU ČEZCONSKIH STALEŽEV RIB IN IZRAZITO SELIVSKIH STALEŽEV RIB

1. Previdnostna referenčna točka je ocenjena vrednost, izpeljana z dogovorjenim znanstvenim postopkom, ki ustreza državi vira in ribištva in ki se lahko uporablja kot vodilo pri upravljanju ribištva.

2. Uporabljati je treba dve vrsti previdnostnih referenčnih točk: referenčne točke ohranjanja ali mejne referenčne točke ter referenčne točke upravljanja ali ciljne referenčne točke. Mejne referenčne točke določijo meje, namenjene za zadrževanje ulova v območju varnih bioloških omejitev, v okviru katerih staleži lahko prinašajo največji trajnostni donos. Ciljne referenčne točke so namenjene zadovoljevanju ciljev upravljanja.

3. Previdnostne referenčne točke naj bodo prilagojene posameznim staležem ter naj med drugim upoštevajo njihovo reproduktivno sposobnost, sposobnost obnavljanja posameznega staleža ter značilnosti ribištva, ki izkorišča ta stalež, kakor tudi druge vire smrtnosti in večje vire negotovosti.

4. Strategije upravljanja si prizadevajo za ohranjanje ali obnovo populacij izkoriščanih staležev ter, kadar je to potrebno, povezanih in odvisnih vrst na ravneh, skladnih s prej dogovorjenimi previdnostnimi referenčnimi točkami. Takšne referenčne točke se uporabljajo za uvajanje predhodno dogovorjenih ukrepov ohranjanja in upravljanja. Strategije upravljanja vključujejo ukrepe, ki se jih lahko izvaja, ko se približa previdnostni referenčni točki.

5. Strategije upravljanja ribištva zagotovijo, da je tveganje za preseganje mejnih referenčnih točk zelo nizko. Če stalež pade pod mejno referenčno točko ali mu grozi, da bo padel pod mejno referenčno točko, je treba začeti izvajati ukrepe ohranjanja in upravljanja, ki omogočijo obnovo staleža. Strategije upravljanja ribištva zagotovijo, da ciljne referenčne točke v povprečju niso presežene.

6. Če so podatki za določanje referenčnih točk za določeno ribištvo pomanjkljivi ali jih ni, se določi začasna referenčna točka. Začasne referenčne točke se lahko določi po analogiji s podobnimi in bolje poznanimi staleži. V takšnih primerih je ribištvo podvrženo poostrenemu spremljanju, s čimer se zagotovi pregled začasnih referenčnih točk po pridobitvi boljših podatkov.

7. Ribolovno smrtnost, ki ustvari največji trajnostni donos, je treba obravnavati kot najnižji standard za mejne referenčne točke. Pri staležih, ki niso prelovljeni, strategije upravljanja ribištva zagotovijo, da ribolovna smrtnost ne preseže tiste, ki ustreza največjemu trajnostnemu donosu, in da biomasa ne pade pod predhodno določeno vrednost praga. Pri prelovljenih staležih se lahko biomasa, ki bi proizvedla največji trajnostni donos, uporablja za ciljno vrednost obnovitve.

3. člen

Ob predložitvi listine o ratifikaciji sporazuma Republika Slovenija poda naslednji izjavi, ki se v slovenskem jeziku glasita:

Izjava

Republika Slovenija ob deponiranju listine o ratifikaciji Sporazuma o uporabi določb Konvencije Združenih narodov o pomorskem mednarodnem pravu z dne 10. decembra 1982 glede ohranjanja in upravljanja čezconskih staležev rib in izrazito selivskih staležev rib izjavlja, da je kot država članica Evropske skupnosti na Skupnost prenesla naslednje pristojnosti v zvezi z zadevami, ki jih ureja sporazum in sicer:

I. ZADEVE, ZA KATERE JE SKUPNOST IZRECNO PRISTOJNA

1. Države članice so na Skupnost prenesle pristojnost za ohranjanje in upravljanje živih morskih virov. Zato mora za to področje Skupnost sprejeti ustrezna pravila in uredbe (ki jih izvajajo države članice) in je pristojna za sklepanje zunanjih poslov s tretjimi državami ali pristojnimi organizacijami. Ta pristojnost se uporablja za vode pod državno ribiško jurisdikcijo in za odprto morje.

2. Skupnost uživa regulativno pristojnost, ki jo mednarodno pravo podeljuje državi zastave plovila, za določanje ukrepov ohranjanja in upravljanja za morske ribolovne vire, ki se uporabljajo za plovila pod zastavo držav članic, in za zagotavljanje, da države članice sprejmejo določbe, ki omogočajo izvajanje navedenih ukrepov.

3. Kljub temu so ukrepi, ki se uporabljajo za poveljnike in druge častnike ribiških plovil, na primer za zavrnitev, začasni preklic ali prepoved opravljanja njihovih nalog, v pristojnosti držav članic v skladu z njihovo nacionalno zakonodajo. Ukrepi, ki se nanašajo na izvajanje zakonodaje države zastave za njena plovila na odprtem morju, zlasti na določbe, kakor so tiste glede prevzema in prepuščanja nadzora nad ribiškimi plovili s strani držav, ki niso države zastave, mednarodnega sodelovanja pri izvajanju in vnovičnem prevzemu nadzora nad njihovimi plovili, so v pristojnosti držav članic v skladu z zakonodajo Skupnosti.

II. ZADEVE, KI SO V PRISTOJNOSTI SKUPNOSTI IN NJENIH DRŽAV ČLANIC

Skupnost si deli pristojnost s svojimi državami članicami glede naslednjih zadev, ki jih ureja ta sporazum: zahteve držav v razvoju, znanstvene raziskave, ukrepi pristaniških držav in ukrepi, sprejeti za nečlanice območnih ribiških organizacij in nepogodbenice Sporazuma.

Naslednje določbe Sporazuma se nanašajo na Skupnost in njene države članice:

– splošne določbe: (členi 1, 4 in 34 do 50),

– reševanje sporov: (Del VIII).

Interpretativna izjava:

1. Republika Slovenija razume, da izrazi "geografske posebnosti", "posebne značilnosti podobmočja ali območja", "socialno-ekonomski geografski in okoljski dejavniki", "naravne lastnosti navedenega morja" in drugi podobni izrazi, ki se uporabljajo v zvezi z geografskim območjem, ne ogrožajo pravic in dolžnosti držav, izhajajočih iz mednarodnega prava.

2. Republika Slovenija razume, da se nobene določbe tega sporazuma ne da razlagati tako, da bi bila v nasprotju z načelom svobode na odprtem morju, ki ga priznava mednarodno pravo.

3. Republika Slovenija razume, da izraz "države, katerih državljani lovijo na odprtem morju", ne prinaša nikakršnih razlogov za jurisdikcijo, ki bi temeljila na nacionalnosti oseb, ki sodelujejo v ribolovu na odprtem morju, ne pa na načelu jurisdikcije države zastave.

4. Sporazum nobeni državi ne zagotavlja pravice, da bi ohranjala ali uporabljala enostranske ukrepe med prehodnim obdobjem iz člena 21(3). Tako države v primeru, da ni bil dosežen nikakršen dogovor, delujejo samo v skladu z določbami členov 21 in 22 Sporazuma.

5. Pri uporabi člena 21 Republika Slovenija razume, da v primeru, ko država zastave razglasi, da namerava v skladu z določbami člena 19 uveljavljati svojo oblast nad plovilom pod njeno zastavo, organi države inšpekcije ne poskušajo več uveljavljati oblasti nad takšnim plovilom v skladu s členom 21. Vse spore, ki izhajajo iz tega, se reši v skladu s postopki, določenimi v Delu VIII Sporazuma. Nobena država ne more sprožiti te vrste spora, da bi ohranila nadzor nad plovilom, ki ne pluje pod njeno zastavo. Poleg tega Republika Slovenija meni, da je treba besedo "nezakonito" v členu 21(18) Sporazuma razlagati glede na celoten Sporazum ter zlasti člena 4 in 35 Sporazuma.

6. Republika Slovenija ponavlja, da se morajo države v medsebojnih odnosih vzdržati uporabe sile v skladu s splošnimi načeli mednarodnega prava, Ustanovne listine Združenih narodov in Konvencije Združenih narodov o pomorskem mednarodnem pravu. Poleg tega Republika Slovenija poudarja, da je uporaba sile iz člena 22 izjemen ukrep, ki mora temeljiti na najstrožji skladnosti z načelom sorazmernosti, in da kakršna koli njegova zloraba zajema obveznosti do tujine države inšpekcije. Vse primere neskladnosti se rešuje z mirnimi sredstvi ter v skladu z ustreznimi postopki za reševanje sporov. Poleg

tega Republika Slovenija meni, da je treba ustrezne pogoje za vkrcanje in pregled podrobneje opredeliti v skladu z ustreznimi načeli mednarodnega prava v okviru ustreznih območnih in podobmočnih ribiških upravljavskih organizacij ali dogovorov.

7. Republika Slovenija razume, da se država zastave pri uporabi določb člena 21(6), (7) in (8) lahko opira na zahteve svojega pravnega sistema, ki njenim organom pregona omogoča diskretnost pri odločanju, ali bodo pri pregonu upoštevali vsa dejstva o primeru ali ne. Odločitve države zastave, ki temeljijo na takšnih zahtevah, se ne razlagajo kot opustitev odzivanja ali ukrepanja.

Potrditev izjave Evropske skupnosti

Republika Slovenija potrjuje izjavo, ki jo je ob ratifikaciji Sporazuma o uporabi določb Konvencije Združenih narodov o pomorskem mednarodnem pravu z dne 10. decembra 1982 glede ohranjanja in upravljanja čezconskih staležev rib in izrazito selivskih staležev rib, dala Evropska skupnost.

4. člen

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

5. člen

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

Št. 325-04/06-7/1
Ljubljana, dne 4. aprila 2006
EPA 746-IV

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

52. **Zakon o ratifikaciji Sporazuma o partnerstvu in sodelovanju, ki vzpostavlja partnerstvo med Evropskimi skupnostmi in njihovimi državami članicami na eni strani in Republiko Tadžikistan na drugi strani s sklepno listino (MSESRT)**

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

U K A Z
O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA O PARTNERSTVU IN SODELOVANJU, KI VZPOSTAVLJA PARTNERSTVO MED EVROPSKIMI SKUPNOSTMI IN NJIHOVIMI DRŽAVAMI ČLANICAMI NA ENI STRANI IN REPUBLIKO TADŽIKISTAN NA DRUGI STRANI S SKLEPNO LISTINO (MSESRT)

Razglašam Zakon o ratifikaciji Sporazuma o partnerstvu in sodelovanju, ki vzpostavlja partnerstvo med Evropskimi skupnostmi in njihovimi državami članicami na eni strani in Republiko Tadžikistan na drugi strani s sklepno listino (MSESRT), ki ga je sprejel Državni zbor Republike Slovenije na seji 4. aprila 2006.

Št. 001-22-60/06
Ljubljana, dne 12. aprila 2006

dr. Janez Drnovšek l.r.
Predsednik
Republike Slovenije

Z A K O N
O RATIFIKACIJI SPORAZUMA O PARTNERSTVU IN SODELOVANJU, KI VZPOSTAVLJA PARTNERSTVO MED EVROPSKIMI SKUPNOSTMI IN NJIHOVIMI DRŽAVAMI ČLANICAMI NA ENI STRANI IN REPUBLIKO TADŽIKISTAN NA DRUGI STRANI S SKLEPNO LISTINO (MSESRT)

1. člen

Ratificira se Sporazum o partnerstvu in sodelovanju, ki vzpostavlja partnerstvo med Evropskimi skupnostmi in njihovimi državami članicami na eni strani in Republiko Tadžikistan na drugi strani s sklepno listino, podpisan 11. oktobra 2004 v Luxembourgu.

2. člen

Besedilo sporazuma se v izvirniku v slovenskem in angleškem jeziku glasi:

ACUERDO DE COLABORACIÓN Y COOPERACIÓN
POR EL QUE SE ESTABLECE UNA COLABORACIÓN
ENTRE LAS COMUNIDADES EUROPEAS
Y SUS ESTADOS MIEMBROS, POR UNA PARTE,
Y LA REPÚBLICA DE TAYIKISTÁN, POR OTRA

DOHODA O PARTNERSTVÍ A SPOLUPRÁCI,
KTEROU SE ZAKLÁDÁ PARTNERSTVÍ
MEZI EVROPSKÝMI SPOLEČENSTVÍMI
A JEJICH ČLENSKÝMI STÁTY NA JEDNÉ STRANĚ
A TÁDŽICKOU REPUBLIKOU NA STRANĚ DRUHÉ

PARTNERSKABS- OG SAMARBEJDSAFTALE
OM OPRETTELSE AF ET PARTNERSKAB
MELLEM DE EUROPÆISKE FÆLLESSKABER
OG DERES MEDLEMSSTATER PÅ DEN ENE SIDE
OG REPUBLIKKEN TADSJIKISTAN PÅ DEN ANDEN SIDE

PARTNERSCHAFTS- UND KOOPERATIONSABKOMMEN
ZUR GRÜNDUNG EINER PARTNERSCHAFT
ZWISCHEN DEN EUROPÄISCHEN GEMEINSCHAFTEN
UND IHREN MITGLIEDSTAATEN EINERSEITS
UND DER REPUBLIK TADSCHIKISTAN ANDERERSEITS

PARTNERLUS- JA KOOSTÖÖLEPING,
MILLEGA SEATAKSE SISSE PARTNERLUS
ÜHELT POOLT EUROOPA ÜHENDUSTE
JA NENDE LIIKMESRIIKIDE
NING TEISELT POOLT TADŽIKISTANI VABARIIGI VAHEL

ΣΥΜΦΩΝΙΑ ΕΤΑΙΡΙΚΗΣ ΣΧΕΣΗΣ ΚΑΙ ΣΥΝΕΡΓΑΣΙΑΣ
ΓΙΑ ΤΗ ΣΥΝΑΨΗ ΕΤΑΙΡΙΚΗΣ ΣΧΕΣΗΣ
ΜΕΤΑΞΥ ΤΩΝ ΕΥΡΩΠΑΪΚΩΝ ΚΟΙΝΟΤΗΤΩΝ
ΚΑΙ ΤΩΝ ΚΡΑΤΩΝ ΜΕΛΩΝ ΤΟΥΣ, ΑΦΕΝΟΣ,
ΚΑΙ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ ΤΟΥ ΤΑΤΖΙΚΙΣΤΑΝ, ΑΦΕΤΕΡΟΥ

PARTNERSHIP AND COOPERATION AGREEMENT
ESTABLISHING A PARTNERSHIP
BETWEEN THE EUROPEAN COMMUNITIES
AND THEIR MEMBER STATES, OF THE ONE PART,
AND THE REPUBLIC OF TAJIKISTAN, OF THE OTHER PART

ACCORD DE PARTENARIAT ET DE COOPÉRATION
ÉTABLISSANT UN PARTENARIAT
ENTRE LES COMMUNAUTÉS EUROPÉENNES
ET LEURS ÉTATS MEMBRES, D'UNE PART,
ET LA RÉPUBLIQUE DU TADJIKISTAN, D'AUTRE PART

ACCORDO DI PARTENARIATO E DI COOPERAZIONE
CHE ISTITUISCE UN PARTENARIATO
TRA LE COMUNITÀ EUROPEE
E I LORO STATI MEMBRI, DA UNA PARTE,
E LA REPUBBLICA DI TAGIKISTAN, DALL'ALTRA

PARTNERĪBAS UN SADARBĪBAS NOLĪGUMS,
KAS IZVEIDO PARTNERĪBU
STARP EIROPAS KOPIENĀM UN
TO DALĪBVALSTĪM, NO VIENAS PUSES,
UN TADŽIKISTĀNAS REPUBLIKU, NO OTRAS PUSES

PARTNERYSTĖS IR BENDRADARBIAVIMO SUSITARIMAS,
NUSTATANTIS EUROPOS BENDRIJŲ
BEI JŲ VALSTYBIŲ NARIŲ
IR TADŽIKISTANO RESPUBLIKOS
PARTNERYSTĘ

PARTNERSÉGI ÉS EGYÜTTMŰKÖDÉSI MEGÁLLAPODÁS
AZ EGYRÉSZRŐL AZ EURÓPAI KÖZÖSSÉGEK ÉS AZOK TAGÁLLAMAI,
MÁSRÉSZRŐL A TÁDZSIK KÖZTÁRSASÁG KÖZÖTTI
PARTNERSÉG LÉTREHOZÁSÁRÓL

PARTNERSCHAPS- EN SAMENWERKINGSOVEREENKOMST
WAARBIJ EEN PARTNERSCHAP TOT STAND WORDT GEBRACHT
TUSSEN DE EUROPESE GEMEENSCHAPPEN
EN HUN LIDSTATEN, ENERZIJDS,
EN DE REPUBLIEK TADZJIKISTAN, ANDERZIJDS

PROJEKT UMOWY O PARTNERSTWIE I WSPÓŁPRACY
USTANAWIAJĄCEJ PARTNERSTWO
MIĘDZY WSPÓLNOTAMI EUROPEJSKIMI
I ICH PAŃSTWAMI CZŁONKOWSKIMI, Z JEDNEJ STRONY
A REPUBLIKĄ TADŻYKISTANIU, Z DRUGIEJ STRONY

ACORDO DE PARCERIA E COOPERAÇÃO
QUE ESTABELECE UMA PARCERIA
ENTRE AS COMUNIDADES EUROPEIAS
E OS SEUS ESTADOS-MEMBROS, POR UM LADO,
E A REPÚBLICA DO TAJIQUISTÃO, POR OUTRO

DOHODA O PARTNERSTVE A SPOLUPRÁCI,
KTOROU SA ZAKLADÁ PARTNERSTVO
MEDZI EURÓPSKYMI SPOLOČENSTVAMI
A ICH ČLENSKÝMI ŠTÁTMI NA JEDNEJ STRANE
A TADŽICKOU REPUBLIKOU NA STRANE DRUHEJ

SPORAZUM O PARTNERSTVU IN SODELOVANJU,
KI VZPOSTAVLJA PARTNERSTVO
MED EVROPSKIMI SKUPNOSTMI
IN NJIHOVIMI DRŽAVAMI ČLANICAMI NA ENI STRANI
IN REPUBLIKO TADŽIKISTAN NA DRUGI STRANI

EUROOPAN YHTEISÖJEN JA NIIDEN JÄSENVALTIOIDEN
SEKÄ TADŽIKISTANIN TASAVALLAN
KUMPPANUUS- JA YHTEISTYÖSOPIMUS
KUMPPANUUDEN PERUSTAMISESTA

AVTAL OM PARTNERSKAP OCH SAMARBETE
MELLAN EUROPEISKA GEMENSKAPERNA
OCH DERAS MEDLEMSSTATER, Å ENA SIDAN,
OCH REPUBLIKEN TADZJIKISTAN, Å ANDRA SIDAN

СОЗИШНОМА
ОИД БА ШАРИКӢ ВА ҲАМКОРӢ,
КИ ШАРИКИИ МИЁНИ
ҶУМҲУРИИ ТОҶИКИСТОНРО АЗ ЯК ТАРАФ ВА
ИТТИҲОДИ АВРУПО ВА ДАВЛАТҲОИ АЪЗОИ ОНРО АЗ ТАРАФИ ДИГАР,
ТАЪСИС МЕДИҲАД

S P O R A Z U M
O PARTNERSTVU IN SODELOVANJU, KI VZPOSTAVLJA PARTNERSTVO MED EVROPSKIMI SKUPNOSTMI IN NJIHOVIMI DRŽAVAMI ČLANICAMI NA ENI STRANI IN REPUBLIKO TADŽIKISTAN NA DRUGI STRANI

KRALJEVINA BELGIJA,

ČEŠKA REPUBLIKA,

KRALJEVINA DANSKA,

ZVEZNA REPUBLIKA NEMČIJA,

REPUBLIKA ESTONIJA,

HELENSKA REPUBLIKA,

KRALJEVINA ŠPANIJA,

FRANCOSKA REPUBLIKA,

IRSKA,

ITALIJANSKA REPUBLIKA,

REPUBLIKA CIPER,

REPUBLIKA LATVIJA,

REPUBLIKA LITVA,

VELIKO VOJVODSTVO LUKSEMBURG,

REPUBLIKA MADŽARSKA,

REPUBLIKA MALTA,

KRALJEVINA NIZOZEMSKA,

REPUBLIKA AVSTRIJA,

REPUBLIKA POLJSKA,

PORTUGALSKA REPUBLIKA,

REPUBLIKA SLOVENIJA,

SLOVAŠKA REPUBLIKA,

REPUBLIKA FINSKA,

KRALJEVINA ŠVEDSKA,

ZDRUŽENO KRALJESTVO VELIKE BRITANIJE IN SEVERNE IRSKE,

pogodbenice Pogodbe o ustanovitvi Evropske skupnosti in Pogodbe o ustanovitvi Evropske skupnosti za atomsko energijo, v nadaljnjem besedilu »države članice« in

EVROPSKA SKUPNOST, EVROPSKA SKUPNOST ZA ATOMSKO ENERGIJO, v nadaljnjem besedilu »Skupnost«

na eni strani, in

REPUBLIKA TADŽIKISTAN

na drugi strani

PARTNERSHIP AND COOPERATION A G R E E M E N T ESTABLISHING A PARTNERSHIP BETWEEN THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES, OF THE ONE PART, AND THE REPUBLIC OF TAJIKISTAN, OF THE OTHER PART

THE KINGDOM OF BELGIUM,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Parties to the Treaty establishing the European Community and the Treaty establishing the European Atomic Energy Community, hereinafter referred to as "Member States", and

THE EUROPEAN COMMUNITY AND THE EUROPEAN ATOMIC ENERGY COMMUNITY, hereinafter referred to as "the Community",

of the one part, and

THE REPUBLIC OF TAJIKISTAN,

of the other part,

OB UPOŠTEVANJU pomembnosti že vzpostavljenih vezi med Skupnostjo, njenimi državami članicami in Republiko Tadžikistan in vrednot, ki so jim skupne,

OB SPOZNANJU, da želita Skupnost in Republika Tadžikistan okrepiti te vezi in vzpostaviti partnerstvo in sodelovanje, ki bi okrepila in razširila odnose, ki so bili v preteklosti že vzpostavljeni, zlasti s Sporazumom med Evropsko gospodarsko skupnostjo in Evropsko skupnostjo za atomsko energijo in Zvezo sovjetskih socialističnih republik o trgovini ter trgovinskem in gospodarskem sodelovanju, podpisanim 18. decembra 1989,

OB UPOŠTEVANJU zavzetosti Skupnosti in njenih držav članic in Republike Tadžikistan za krepitev političnih in gospodarskih svoboščin, ki so pravna podlaga partnerstva,

OB SPOZNANJU, da v tem kontekstu podpora neodvisnosti, suverenosti in ozemeljski celovitosti Republike Tadžikistan prispeva k ohranjanju miru in stabilnosti v Centralni Aziji,

OB UPOŠTEVANJU zavzetosti pogodbenic, da spodbujata mednarodni mir in varnost ter mirno reševanje sporov, ter da v ta namen sodelujeta v okviru Organizacije združenih narodov in Organizacije o varnosti in sodelovanju v Evropi (OVSE),

OB UPOŠTEVANJU trdne zaveze Skupnosti, njenih držav članic in Republike Tadžikistan k popolni uveljavitvi vseh načel in določb iz Sklepne listine Konference o varnosti in sodelovanju v Evropi (KVSE) ter sklepnih dokumentov madridske in dunajske konference za spremljanje izvajanja, iz dokumenta Bonske konference KVSE o gospodarskem sodelovanju, iz Pariške listine za novo Evropo ter iz helsinškega dokumenta »Izzivi sprememb« KVSE iz leta 1992 kakor tudi iz drugih temeljnih dokumentov OVSE,

PREPRIČANI o največjem pomenu pravne države in spoštovanja človekovih pravic, zlasti pravic manjšin, uvedbe večstrankarskega sistema s svobodnimi in demokratičnimi volitvami ter gospodarske liberalizacije z namenom vzpostavitve tržnega gospodarstva,

V PREPRIČANJU, da polna uveljavitev tega sporazuma o partnerstvu in sodelovanju predpostavlja in bo doprinesla tako k nadaljevanju in izvedbi političnih, gospodarskih in pravnih reform v Republiki Tadžikistan kakor tudi k uvedbi dejavnikov, ki so potrebni za sodelovanje, zlasti v luči zaključkov Bonske konference KVSE,

V ŽELJI, da spodbudita nadaljevanje procesa notranje sprave, ki se je v Republiki Tadžikistan začela zaradi Moskovskih mirovnih sporazumov,

V ŽELJI, da spodbudita proces regionalnega sodelovanja s sosednjimi državami na področjih, ki jih ureja ta sporazum, in pospešita blaginjo in stabilnost v regiji,

V ŽELJI, da vzpostavita in razvijata reden politični dialog o dvostranskih in večstranskih mednarodnih vprašanjih vzajemnega interesa,

OB PRIZNANJU IN PODPORI želje Republike Tadžikistan, da vzpostavi tesno sodelovanje z evropskimi institucijami,

OB UPOŠTEVANJU potrebe po pospeševanju naložb v Republiki Tadžikistan, zlasti v sektorju energetike in upravljanja z vodo, ob podpori zavezi Skupnosti in njenih držav članic ter Republike Tadžikistan Evropski energetski listini in celotnemu izvajanju Pogodbe o energetski listini in Protokolu k energetski listini o energetski učinkovitosti in s tem povezanimi okoljskimi vidiki,

GLEDE NA pripravljenosti Skupnosti, da glede na potrebe zagotavlja socialno-ekonomsko sodelovanje in tehnično pomoč, ki vključuje tudi boj proti revščini,

CONSIDERING the links between the Community, its Member States and the Republic of Tajikistan and the common values that they share,

RECOGNISING that the Community and the Republic of Tajikistan wish to strengthen these links and to establish partnership and cooperation which would strengthen and widen the relations established in the past in particular by the Agreement between the European Economic Community and the European Atomic Energy Community and the Union of Soviet Socialist Republics on Trade and Commercial and Economic Cooperation, signed on 18 December 1989,

CONSIDERING the commitment of the Community and its Member States and of the Republic of Tajikistan to strengthen the political and economic freedoms which constitute the very basis of the partnership,

RECOGNISING in that context that support of the independence, sovereignty and territorial integrity of the Republic of Tajikistan will contribute to the safeguarding of peace and stability in Central Asia,

CONSIDERING the commitment of the Parties to promote international peace and security and the peaceful settlement of disputes, and to cooperate to this end in the framework of the United Nations and the Organisation for Security and Cooperation in Europe (OSCE),

CONSIDERING the firm commitment of the Community and its Member States and the Republic of Tajikistan to the full implementation of all principles and provisions contained in the Final Act of the Conference on Security and Cooperation in Europe (CSCE), the Concluding Documents of the Madrid and Vienna Follow-Up Meetings, the Document of the CSCE Bonn Conference on Economic Cooperation, the Charter of Paris for a New Europe and the CSCE Helsinki Document 1992 "The Challenges of Change", and other fundamental documents of the OSCE,

CONVINCED of the paramount importance of the rule of law and respect for human rights, particularly those of persons belonging to minorities, the establishment of a multiparty system with free and democratic elections and economic liberalisation aimed at setting up a market economy,

BELIEVING that full implementation of this Partnership and Cooperation Agreement will both depend on and contribute to the continuation and accomplishment of political, economic and legal reforms in the Republic of Tajikistan and the introduction of the factors necessary for cooperation, notably in the light of the conclusions of the CSCE Bonn Conference,

DESIROUS of encouraging the process of internal reconciliation launched in the Republic of Tajikistan following the Moscow peace agreements,

DESIROUS of encouraging the process of regional cooperation in the areas covered by this agreement with neighbouring countries in order to promote the prosperity and stability of the region,

DESIROUS of establishing and developing regular political dialogue on bilateral and international issues of mutual interest,

RECOGNISING AND SUPPORTING the wish of the Republic of Tajikistan to establish close cooperation with European institutions,

CONSIDERING the necessity of promoting investment in the Republic of Tajikistan, including in the energy and water management sectors, confirming the importance attached by the Community, its Member States and the Republic of Tajikistan to the European Energy Charter, and to the full implementation of the Energy Charter Treaty and the Energy Charter Protocol on energy efficiency and related environmental aspects,

TAKING ACCOUNT of the Community's willingness to provide socioeconomic cooperation and technical assistance as appropriate, including in the fight against poverty,

OB ZAVEDANJU, da je ta sporazum naklonjen postopnemu približevanju med Republiko Tadžikistan in širšim območjem sodelovanja v Evropi in sosednjimi regijami ter njegovemu postopnemu vključevanju v odprt mednarodni trgovinski sistem,

GLEDE NA zavezo pogodbenic, da liberalizirata trgovino po načelih Svetovne trgovinske organizacije (STO) in da Skupnost pozdravlja namero o pristopu Republike Tadžikistana k STO,

OB ZAVEDANJU, da je treba izboljšati pogoje za trgovino in naložbe, ter pogoje na področjih, kot so ustanavljanje podjetij, zaposlovanje, zagotavljanje storitev in pretok kapitala,

PREPRIČANI, da bo ta sporazum med pogodbenicama ustvaril novo vzdušje v njunih gospodarskih odnosih, in zlasti v razvoju trgovine in naložb, ki so neobhodno potrebne za gospodarsko preoblikovanje in tehnološko posodobitev,

V ŽELJI, da vzpostavita tesno sodelovanje na področju varstva okolja ob upoštevanju soodvisnosti pogodbenic na tem področju,

OB PRIZNANJU, da sodelovanje pri preprečevanju in nadzoru ilegalnih migracij, mednarodnega organiziranega kriminala in trgovine z drogami ter boj proti terorizmu predstavljata poglavitna cilja tega sporazuma,

V ŽELJI, da vzpostavita sodelovanje na področju kulture in izobraževanja in razvijeta izmenjavo informacij, –

STA SE DOGOVORILI O NASLEDNJEM:

ČLEN 1

Sklene se Sporazum o partnerstvu in sodelovanju med Evropsko skupnostjo in njenimi državami članicami na eni strani ter Republiko Tadžikistan na drugi strani. Njegovi cilji so naslednji:

– podpiranje neodvisnosti in suverenosti Republike Tadžikistan,

– podpiranje dosedanjih prizadevanj Republike Tadžikistan za utrditev demokracije, razvoj gospodarstva in njegove socialne infrastrukture ter za zaključitev procesa prehoda v tržno gospodarstvo,

– zagotavljanje primernega okvira za politični dialog med pogodbenicama, ki omogoča razvoj tesnih političnih odnosov med njima,

– pospeševanje trgovine in naložb, zlasti v sektorjih energetike in vode, ter skladnih gospodarskih odnosov med pogodbenicama s ciljem pospeševanja njunega trajnostnega ekonomskega razvoja,

– zagotavljanje podlage za zakonodajno, gospodarsko, socialno, finančno, civilno-znanstveno, tehnološko in kulturno sodelovanje.

NASLOV I
SPLOŠNA NAČELA

ČLEN 2

Spoštovanje načel demokracije in temeljnih ter človekovih pravic, kot so določene predvsem v Splošni deklaraciji o človekovih pravicah, Ustanovni listini Združenih narodov, Helsinški sklepni listini in v Pariški listini za novo Evropo, so podlaga notranje in zunanje politike pogodbenic in tvorijo bistveno sestavino tega sporazuma.

BEARING IN MIND the utility of the Agreement in favouring a gradual rapprochement between the Republic of Tajikistan and a wider area of cooperation in Europe and neighbouring regions and its progressive integration into the open international trading system,

CONSIDERING the commitment of the Parties to liberalise trade, in conformity with World Trade Organisation (WTO) rules, and that the Community welcomes the intention of the Republic of Tajikistan to accede to WTO,

CONSCIOUS of the need to improve conditions affecting business and investment, and conditions in areas such as establishment of companies, labour, provision of services and capital movements,

CONVINCED that this Agreement will create a new climate for economic relations between the Parties and in particular for the development of trade and investment, which are essential to economic restructuring and technological modernisation,

DESIROUS of establishing close cooperation in the area of environment protection taking into account the interdependence existing between the Parties in this field,

RECOGNISING that cooperation for the prevention and control of illegal immigration, international organised crime and drug trafficking and the fight against terrorism constitute primary objectives of this Agreement,

DESIROUS of establishing cultural cooperation, cooperation in the field of education and improving the flow of information,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

A Partnership is hereby established between the Community and its Member States of the one part, and the Republic of Tajikistan, of the other part. The objectives of this partnership are:

– to support the independence and sovereignty of the Republic of Tajikistan,

– to support the Republic of Tajikistan's efforts to consolidate its democracy, to develop its economy and social infrastructure and to achieve transition to a market economy,

– to provide an appropriate framework for the political dialogue between the Parties allowing the development of close political relations,

– to promote trade and investment, in particular in the energy and water sectors, and harmonious economic relations between the Parties and so to foster their sustainable economic development,

– to provide a basis for legislative, economic, social, financial, civil scientific, industrial, technological and cultural cooperation.

TITLE I
GENERAL PRINCIPLES

ARTICLE 2

Respect for democratic principles and fundamental and human rights, as defined in particular in the Universal Declaration of Human Rights, the United Nations Charter, the Helsinki Final Act and the Charter of Paris for a New Europe underpin the internal and external policies of the Parties and constitute an essential element of this Agreement.

ČLEN 3

Pogodbenici menita, da je za njuno prihodnjo blaginjo in stabilnost bistveno, da nove neodvisne države, ki so nastale po razpadu Zveze sovjetskih socialističnih republik (v nadaljnjem besedilu »Neodvisne države«) ohranijo in razvijajo medsebojno sodelovanje v skladu z načeli Helsinške sklepne listine in mednarodnega prava ter v duhu dobrih sosedskih odnosov, in bosta ukrenili vse, da spodbudita ta proces.

ARTICLE 3

The Parties consider that it is essential for their future prosperity and stability that the newly independent States which have emerged from the dissolution of the Union of Soviet Socialist Republics, hereinafter called "Independent States", should maintain and develop cooperation among themselves in compliance with the principles of the Helsinki Final Act and with international law and in the spirit of good neighbourly relations, and will make every effort to encourage this process.

NASLOV II
POLITIČNI DIALOG

TITLE II
POLITICAL DIALOGUE

ČLEN 4

Med pogodbenicama se uvede reden in stalen politični dialog, ki ga nameravata razvijati in krepiti. Politični dialog spremlja in utrjuje zbliževanje med Skupnostjo in Republiko Tadžikistan, podpira politične in socialno-ekonomske spremembe, ki potekajo v tej državi, ter prispeva k vzpostavljanju novih oblik sodelovanja. Politični dialog:

– bo krepil vezi med Republiko Tadžikistan in Skupnostjo ter njenimi državami članicami, in s tem s celotno skupnostjo demokratičnih držav. S tem sporazumom doseženo gospodarsko zbliževanje bo privedlo do intenzivnejših političnih odnosov;

– bo omogočil pospešeno zbliževanje stališč o mednarodnih zadevah vzajemnega interesa in s tem povečal varnost in stabilnost v regiji;

– bo spodbudil napore pogodbenic za sodelovanje na področjih upoštevanja načel demokracije, spoštovanja, varstva in spodbujanja človekovih pravic, zlasti pravic manjšin, ter po potrebi omogočil posvetovanja o pomembnih vprašanjih.

Pogodbenici ocenjujeta, da širjenje orožja za množično uničenje in načini njegovega prenosa, tako državnim kot nedržavnim subjektom, predstavlja eno od najhujših groženj mednarodni stabilnosti in varnosti. Zato pogodbenici soglašata o sodelovanju in prispevanju k boju proti širjenju orožja za množično uničenje in načinom njegovega prenosa, ob celovitem upoštevanju in izvajanju zavez na državni ravni, ki sta jih sprejeli v okviru mednarodnih sporazumov o razorožitvi in nerazširjanju kot tudi drugih zadevnih mednarodnih obveznosti. Pogodbenici soglašata, da ja ta določba bistvena sestavina tega sporazuma in da bo del političnega dialoga, ki bo spremljal in utrdil to podlago.

Poleg tega pogodbenici soglašata o sodelovanju in prispevanju k boju proti širjenju orožja za množično uničenje in načinom njegovega prenosa:

– s sprejetjem ukrepov za podpis, ratifikacijo ali pristop k ustreznim mednarodnim instrumentom, s ciljem njihovega polnega izvajanja;

– z uvedbo učinkovitega nacionalnega sistema nadzora izvoza, tako za nacionalni izvoz kot tranzit blaga, povezan z orožjem za množično uničenje, vključno z nadzorom končne uporabe, izvedene na tehnologijah z dvojno rabo v okviru orožja za množično uničenje in določitvijo učinkovitih kazni v primeru kršenja nadzora izvoza. Ta dialog se lahko odvija na regionalni osnovi.

ARTICLE 4

A regular and constant political dialogue shall be established between the Parties, which they intend to develop and intensify. It shall accompany and consolidate the rapprochement between the Community and the Republic of Tajikistan, support the political and socioeconomic changes underway in the Republic of Tajikistan and contribute to the establishment of new forms of cooperation. The political dialogue:

– will strengthen the links of the Republic of Tajikistan with the Community and its Member States, and thus with the community of democratic nations as a whole. The economic convergence achieved through this Agreement will lead to more intense political relations;

– will bring about an increasing convergence of positions on international issues of mutual concern thus increasing security and stability in the region;

– will encourage the Parties to cooperate on matters pertaining to the observance of the principles of democracy, and the respect, protection and promotion of human rights, including those of persons belonging to minorities, and to hold consultations, if necessary, on relevant matters.

The Parties consider that the proliferation of weapons of mass destruction (WMD) and their means of delivery, both to state and non-state actors, represents one of the most serious threats to international stability and security. The Parties therefore agree to cooperate and to contribute to countering the proliferation of weapons of mass destruction and their means of delivery through full compliance with and national implementation of their existing obligations under international disarmament and non-proliferation treaties and agreements and other relevant international obligations. The Parties agree that this provision constitutes an essential element of this agreement and will be part of the political dialogue that will accompany and consolidate these elements.

The Parties furthermore agree to cooperate and to contribute to countering the proliferation of weapons of mass destruction and their means of delivery by:

– taking steps to sign, ratify, or accede to, as appropriate, and fully implement all other relevant international instruments;

– the establishment of an effective system of national export controls, controlling the export as well as transit of WMD-related goods, including a WMD end-use control on dual-use technologies and containing effective sanctions for breaches of export controls. Such dialogue may take place on a regional basis.

ČLEN 5

Politični dialog na ministrski ravni poteka v okviru Sveta za sodelovanje, ustanovljenega po členu 77, ali ob drugih priložnostih, po vzajemnem dogovoru.

ARTICLE 5

At ministerial level, political dialogue shall take place within the Cooperation Council established in Article 77 and on other occasions by mutual agreement.

ČLEN 6

Pogodbenici sta uvedli druge postopke in mehanizme političnega dialoga, zlasti v naslednjih oblikah:

– redna srečanja visokih uradnikov, ki predstavljajo Skupnost in njene države članice na eni strani ter Republiko Tadžikistan na drugi strani;

ARTICLE 6

Other procedures and mechanisms for political dialogue shall be set up by the Parties, notably:

– by regular meetings at senior official level between representatives of the Community and its Member States on the one hand, and of the Republic of Tajikistan on the other hand;

– polno uporabo vseh diplomatskih poti med pogodbenicama, zlasti z ustreznimi dvostranskimi in večstranskimi stiki, vključno s srečanji v okviru Organizacije združenih narodov, na srečanjih KVSE in drugje;

– vsa druga sredstva, kot so srečanja strokovnjakov, ki bi lahko prispevala k utrjevanju in razvoju političnega dialoga.

– taking full advantage of diplomatic channels between the Parties, in particular appropriate contacts in the bilateral or multilateral fields, including at United Nations, OSCE meetings and elsewhere;

– by any other means, including the possibility of expert meetings which would contribute to consolidating and developing this dialogue.

NASLOV III
BLAGOVNA MENJAVA

ČLEN 7

1. Pogodbenici si medsebojno odobravata obravnavo po načelu največjih ugodnosti na vseh področjih glede:

– carin in dajatev, ki se uporabljajo pri uvozu in izvozu, vključno z načinom pobiranja takšnih carin in dajatev;

– določb o carinjenju, tranzitu, skladiščenju in pretovarjanju;

– davkov in drugih notranjih dajatev vseh vrst, ki se uporabljajo posredno ali neposredno za uvoženo blago;

– načinov plačil in prenosov teh plačil;

– pravil o prodaji, nakupu, prevozu, distribuciji in rabi blaga na notranjem trgu.

2. Določbe odstavka 1 se ne uporabljajo za:

a) ugodnosti, odobrene z namenom oblikovanja carinske unije ali območja proste trgovine ali kot posledica oblikovanja take unije ali območja;

b) ugodnosti, odobrene posameznim državam v skladu s pravili STO in drugimi mednarodnimi dogovori v korist držav v razvoju;

c) ugodnosti, priznane sosednjim državam, z namenom olajšati obmejni promet.

3. Določbe odstavka 1 se ne uporabljajo v prehodnem obdobju, ki se izteče pet let po začetku veljavnosti tega sporazuma, za ugodnosti iz Priloge I, ki jih Republika Tadžikistan priznava drugim državam, nastalim po razpadu ZSSR.

ČLEN 8

1. Pogodbenici soglašata, da je načelo prostega tranzita temeljni pogoj za doseganje ciljev tega sporazuma.

V tej zvezi vsaka pogodbenica zagotavlja neomejen tranzit preko svojega ozemlja ali čez njega za blago s poreklom s carinskega območja ali ki je namenjeno na carinsko območje druge pogodbenice.

2. Med pogodbenicama se uporabljajo pravila iz odstavkov 2, 3, 4 in 5 člena V GATT 1994.

3. Pravila iz tega člena ne vplivajo na posebna pravila, o katerih sta se sporazumeli pogodbenici glede specifičnih sektorjev, zlasti prevoz, ali proizvodov.

ČLEN 9

Brez vpliva na pravice in obveznosti iz mednarodnih konvencij o začasnem sprejemu blaga, ki zavezujejo pogodbenici, lahko vsaka pogodbenica odobri drugi oprostitev uvoznih dajatev in carin na začasno uvoženo blago, v primerih in po postopkih, predvidenih v kateri koli mednarodni konvenciji s tega področja, ki ju zavezuje, v skladu z nacionalno zakonodajo. Upoštevajo se pogoji pod katerimi je zadevna pogodbenica sprejela obveznosti, ki izhajajo iz take konvencije.

TITLE III
TRADE IN GOODS

ARTICLE 7

1. The Parties shall accord one another most-favoured-nation treatment in all areas in respect of:

– customs duties and charges applied to imports and exports, including the method of collecting such duties and charges;

– provisions relating to customs clearance, transit, warehouses and transhipment;

– taxes and other internal charges of any kind applied directly or indirectly to imported goods;

– methods of payment and the transfer of such payments;

– the rules relating to the sale, purchase, transport, distribution and use of goods on the domestic market.

2. The provisions of paragraph 1 shall not apply to:

(a) advantages granted with the aim of creating a customs union or a free-trade area or pursuant to the creation of such a union or area;

(b) advantages granted to particular countries in accordance with WTO rules and with other international arrangements in favour of developing countries;

(c) advantages accorded to adjacent countries in order to facilitate frontier traffic.

3. The provisions of paragraph 1 shall not apply, during a transitional period expiring five years after the entry into force of the Partnership and Cooperation Agreement, to advantages defined in Annex I granted by the Republic of Tajikistan to other States which have emerged from the dissolution of the USSR.

ARTICLE 8

1. The Parties agree that the principle of free transit is an essential condition of attaining the objectives of this Agreement.

In this connection each Party shall secure unrestricted transit via or through its territory of goods originating in the customs territory or destined for the customs territory of the other Party.

2. The rules described in Article V, paragraphs 2, 3, 4 and 5 of the GATT 1994 are applicable between the Parties.

3. The rules contained in this Article are without prejudice to any special rules agreed between the Parties relating to specific sectors, in particular transport, or products.

ARTICLE 9

Without prejudice to the rights and obligations stemming from international conventions on the temporary admission of goods which bind the Parties, each Party shall grant the other Party exemption from import charges and duties on goods admitted temporarily, in the instances and according to the procedures stipulated by any other international convention on this matter binding upon it, in conformity with its legislation. Account shall be taken of the conditions under which the obligations stemming from such a convention have been accepted by the Party in question.

ČLEN 10

1. Blago s poreklom iz Republike Tadžikistan se uvaža v Skupnost brez količinskih omejitev, ali ukrepov z enakim učinkom, brez vpliva na določbe členov 12, 15 in 16 tega sporazuma.

2. Blago s poreklom iz Skupnosti se uvaža v Republiko Tadžikistan brez količinskih omejitev ali ukrepov z enakim učinkom, brez vpliva na določbe členov 12, 15 in 16 tega sporazuma.

ČLEN 11

Blagovna menjava med pogodbenicama poteka po tržnih cenah.

ČLEN 12

1. Kadar se kateri koli izdelek uvaža na ozemlje ene pogodbenice v povečanih količinah in pod pogoji, ki povzročijo ali bi lahko povzročili znatno škodo domačim proizvajalcem podobnih ali neposredno konkurenčnih izdelkov, lahko Skupnost ali Republika Tadžikistan, po potrebi, sprejmeta ustrezne ukrepe v skladu z naslednjimi postopki in pogoji.

2. Preden sprejmeta ukrepe, ali v primerih, za katere velja odstavek 4, čimprej po njihovem sprejemu, Skupnost oziroma Republika Tadžikistan, posredujeta Svetu za sodelovanje vse pomembne informacije, da le-ta poišče rešitev, ki bo sprejemljiva za obe pogodbenici, kakor to predvideva Naslov XI.

3. Če po posvetovanjih pogodbenici ne dosežeta sporazuma o ukrepih za preprečevanje nastalih razmer v 30 dneh od obvestila Svetu za sodelovanje, lahko stranka, ki je posvetovanje zahtevala, omeji uvoz zadevnega proizvoda v tolikšni meri in za toliko časa, kakor je potrebno, da se prepreči ali popravi škoda, ali sprejme druge ustrezne ukrepe.

4. V kritičnih okoliščinah, ko bi odlašanje povzročilo težko popravljivo škodo, lahko pogodbenici sprejmeta ukrepe pred posvetovanjem, pod pogojem, da se posvetovanja začnejo takoj po uvedbi teh ukrepov.

5. Pri izbiri ukrepov iz tega člena pogodbenici dajeta prednost tistim, ki najmanj škodijo doseganju ciljev tega sporazuma.

6. Nobena določba tega člena ne vpliva in ne preprečuje, da bi katera pogodbenica sprejela protidampinške ali izravnalne ukrepe v skladu s členom VI GATT 1994, Sporazumom o izvajanju člena VI GATT 1994, Sporazumom o subvencijah in izravnalnih ukrepih ali z njimi povezano nacionalno zakonodajo.

ČLEN 13

Pogodbenici se zavezujeta, da bosta glede na okoliščine prilagodile določbe tega sporazuma o medsebojni blagovni menjavi, zlasti glede na položaj, ki bo nastal po vstopu Republike Tadžikistan v STO. Svet za sodelovanje lahko za pogodbenici pripravi priporočila o prilagoditvah, ki lahko, če so sprejeta, začnejo veljati na podlagi sporazuma med pogodbenicama v skladu z njunimi zadevnimi postopki.

ČLEN 14

Sporazum ne izključuje prepovedi ali omejitev uvoza, izvoza ali tranzita blaga, ki so utemeljene z javno moralo, javnim redom, javno varnostjo, varovanjem zdravja in življenja ljudi, živali ali rastlin, varstvom naravnih virov, z varstvom nacionalnih bogastev z umetniško, zgodovinsko ali arheološko vrednostjo ali z varstvom intelektualne, industrijske in poslovne lastnine ali s predpisi v zvezi z zlatom in srebrom. Vendar pa take prepovedi ali omejitve ne smejo biti sredstvo samovoljne diskriminacije ali prikrite omejitve trgovine med pogodbenicama.

ARTICLE 10

1. Goods originating in the Republic of Tajikistan shall be imported into the Community free of quantitative restrictions or measures having equivalent effect, without prejudice to the provisions of Articles 12, 15 and 16 of this Agreement.

2. Goods originating in the Community shall be imported into theTajikistan free of quantitative restrictions or measures having equivalent effect, without prejudice to the provisions of Articles 12, 15 and 16 of this Agreement.

ARTICLE 11

Goods shall be traded between the Parties at market-related prices.

ARTICLE 12

1. Where any product is being imported into the territory of one of the Parties in such increased quantities or under such conditions as to cause or threaten to cause injury to domestic producers of like or directly competing products, the Community or the Republic of Tajikistan, as the case may be, may take appropriate measures in accordance with the following procedures and conditions.

2. Before taking any measures, or in cases to which paragraph 4 applies as soon as possible thereafter, the Community or the Republic of Tajikistan, as the case may be, shall supply the Cooperation Council with all relevant information with a view to seeking a solution acceptable to the Parties as provided for in Title XI.

3. If, as a result of the consultations, the Parties do not reach agreement within 30 days of referral to the Cooperation Council on actions to remedy the situation, the Party which requested consultations shall be free to restrict imports of the products concerned to the extent and for such time as is necessary to prevent or remedy the injury, or to adopt other appropriate measures.

4. In critical circumstances where delay would cause damage difficult to repair, the Parties may take the measures before the consultations, on condition that consultations are offered immediately after taking such action.

5. In the selection of measures under this Article, the Parties shall give priority to those which cause least disturbance to the achievement of the aims of this Agreement.

6. Nothing in this Article shall prejudice or affect in any way the taking, by either Party, of anti-dumping or countervailing measures in accordance with Article VI of the GATT 1994, the Agreement on implementation of Article VI of the GATT 1994, the Agreement on Subsidies and Countervailing Measures or related internal legislation.

ARTICLE 13

The Parties undertake to adjust the provisions in this Agreement on trade in goods between them, in the light of circumstances, and in particular of the situation arising from the future accession of the Republic of Tajikistan to the WTO. The Cooperation Council may make recommendations on such adjustments to the Parties which could be put into effect, where accepted, by virtue of agreement between the Parties in accordance with their respective procedures.

ARTICLE 14

This Agreement shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of natural resources; the protection of national treasures of artistic, historic or archaeological value or the protection of intellectual, industrial and commercial property or rules relating to gold and silver. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between the Parties.

ČLEN 15

Trgovino s tekstilnimi izdelki iz poglavij 50 do 63 kombinirane nomenklature ureja ločen dvostranski sporazum. Po poteku veljavnosti ločenega sporazuma se tekstilni izdelki vključijo v ta sporazum.

ČLEN 16

Trgovina z jedrskim materialom poteka v skladu z določbami Pogodbe o ustanovitvi Evropske skupnosti za atomsko energijo. Po potrebi se ta trgovina uredi z določbami posebnega sporazuma, ki se sklene med Evropsko skupnostjo za atomsko energijoin Republiko Tadžikistan.

NASLOV IV
DOLOČBE O TRGOVINI IN NALOŽBAH

POGLAVJE I
POGOJI ZA DELOVNO SILO

ČLEN 17

1. Ob upoštevanju v vsaki državi članici Skupnosti veljavnih zakonov, pogojev in postopkov si Skupnost in države članice prizadevajo zagotavljati, da tadžikistanski državljani z zakonitim prebivališčem in zaposleni na ozemlju države članice, zaradi svojega državljanstva niso diskriminirani glede na državljane države članice, v zvezi s pogoji dela, plačilom za opravljeno delo ali v zvezi z odpuščanjem delavcev.

2. Ob upoštevanju v Republiki Tadžikistan veljavnih zakonov, pogojev in postopkov, si Republika Tadžikistan prizadeva zagotavljati, da državljani države članice, z zakonitim prebivališčem in zaposleni na ozemlju Republike Tadžikistan, zaradi svojega državljanstva niso diskriminirani glede na državljane Tadžikistana, v zvezi s pogoji za delo, plačilom za opravljeno delo ali v zvezi z odpuščanjem delavcev.

ČLEN 18

Svet za sodelovanje preuči, kaj je mogoče izboljšati pri delovnih pogojih za poslovneže v skladu z mednarodnimi obveznostmi pogodbenic, zlasti z obveznostmi, določenimi v dokumentu z Bonske konference KVSE.

ČLEN 19

Svet za sodelovanje pripravi priporočila za izvajanje členov 17 in 18.

POGLAVJE II
POGOJI ZA USTANAVLJANJE
IN DELOVANJE DRUŽB

ČLEN 20

1. Skupnost in njene države članice v skladu s členom 22 točka (d) za ustanavljanje tadžikistanskih družb zagotavljajo enako ugodno obravnavo, kot jo priznavajo družbam katere koli tretje države.

2. Ne glede na pridržke, navedene v Prilogi II, Skupnost in njene države članice hčerinskim družbam tadžikistanskih družb, ki so ustanovljene na njihovem ozemlju, zagotavljajo enako ugodno obravnavo, kot jo priznavajo družbam Skupnosti glede njihovega delovanja.

3. Skupnost in njene države članice podružnicam tadžikistanskih družb, ki so ustanovljene na njihovem ozemlju, zagotavljajo enako ugodno obravnavo, kot jo priznavajo podružnicam katere koli tretje države glede njihovega delovanja.

ARTICLE 15

Trade in textile products falling under Chapters 50 to 63 of the Combined Nomenclature is governed by a separate bilateral Agreement. After expiry of the separate Agreement, textile products shall be included in this Agreement.

ARTICLE 16

Trade in nuclear materials shall be conducted in accordance with the provisions of the Treaty establishing the European Atomic Energy Community. If necessary, trade in nuclear materials shall be subject to the provisions of a specific Agreement to be concluded between the European Atomic Energy Community and the Republic of Tajikistan.

TITLE IV
PROVISIONS AFFECTING BUSINESS AND INVESTMENT

CHAPTER I
LABOUR CONDITIONS

ARTICLE 17

1. Subject to the laws, conditions and procedures applicable in each Member State, the Community and the Member States shall endeavour to ensure that the treatment accorded to nationals of the Republic of Tajikistan legally resident and employed in the territory of a Member State shall be free from any discrimination based on nationality, as regards working conditions, remuneration or dismissal, compared with that Member State's own nationals.

2. Subject to the laws, conditions and procedures applicable in Tajikistan, the Republic of Tajikistan shall endeavour to ensure that the treatment accorded to nationals of a Member State legally resident and employed in the territory of Tajikistan shall be free from any discrimination based on nationality, as regards working conditions, remuneration or dismissal, compared with its own nationals.

ARTICLE 18

The Cooperation Council shall examine what improvements can be made in working conditions for business people consistent with the international commitments of the Parties, including those set out in the document of the CSCE Bonn Conference.

ARTICLE 19

The Cooperation Council shall make recommendations for the implementation of Articles 17 and 18.

CHAPTER II
CONDITIONS AFFECTING THE ESTABLISHMENT AND OPERATION OF COMPANIES

ARTICLE 20

1. The Community and its Member States shall grant, for the establishment of Tajik companies as defined in Article 22(d), treatment no less favourable than that accorded to any third country companies.

2. Without prejudice to the reservations listed in Annex II, the Community and its Member States shall grant subsidiaries of Tajik companies established in their territories treatment no less favourable than that granted to any Community companies, in respect of their operation.

3. The Community and its Member States shall grant branches of Tajik companies established in their territories treatment no less favourable than that accorded to branches of companies of any third country, in respect of their operation.

4. Republika Tadžikistan za ustanavljanje družb Skupnosti v skladu s členom 22 točka (d) zagotavlja enako ugodno obravnavo, kot jo priznava tadžikistanskim družbam ali družbam katere koli tretje države, če je ta ugodnejša.

5. Republika Tadžikistan hčerinskim družbam ali podružnicam družb Skupnosti, ustanovljenim na njenem ozemlju, zagotavlja enako ugodno obravnavo, kot jo priznava svojim družbam ali njihovim podružnicam ali družbam ali podružnicam katere koli tretje države oziroma zagotavlja tisto obravnavo, ki je ugodnejša za njihovo delovanje.

ČLEN 21

1. Določbe člena 20 se ne uporabljajo za zračni promet, promet po celinskih plovnih poteh ter za pomorski promet.

2. Ne glede na to, vsaka pogodbenica dovoli družbi druge pogodbenice poslovno prisotnost na svojem ozemlju, za dejavnosti ladijskih prevoznikov, ki zagotavljajo storitve mednarodnega pomorskega prometa vključno z kombiniranim prevozom, ki vključujejo pomorski del prometne verige, v obliki hčerinskih družb ali podružnic, pod enako ugodnimi pogoji glede ustanavljanja in poslovanja, kot jih priznava lastnim družbam ali hčerinskim družbam ali podružnicam katere koli tretje države, oziroma pod ugodnejšimi pogoji.

Te dejavnosti med drugim zajemajo:

a) trženje in prodajo storitev pomorskega prometa in z njim povezanih storitev neposredno strankam, od ponudbe do izstavitve računa, ne glede na to, ali te storitve opravlja ali nudi ponudnik storitev sam ali ponudniki storitev, s katerimi ima ponudnik storitev stalne poslovne stike;

b) nakup in uporabo za svoj račun ali za račun svojih strank (in preprodajo svojim strankam) kakršnih koli prometnih in z njimi povezanih storitev, vključno s storitvami notranjega prometa na kateri koli način, zlasti po celinskih plovnih poteh, cestah in železnici, nujnih za zagotavljanje povezanih storitev;

c) priprava prevoznih listin, carinskih dokumentov ali drugih dokumentov o poreklu in vrsti blaga v prometu;

d) nudenje poslovnih informacij na kakršen koli način, vključno z računalniškimi informacijskimi sistemi in izmenjavo elektronskih podatkov (ob upoštevanju vseh nediskriminacijskih omejitev glede elektronskega komuniciranja);

e) vzpostavitev poslovnih povezav, vključno z deležem v kapitalu družbe in nastavitve lokalnega osebja (ali v primeru tujega osebja v skladu z ustreznimi določbami tega sporazuma) z lokalnim ladijskim prevoznikom;

f) organiziranje, v imenu družb, pristanka ladij ali po potrebi prevzema tovora.

ČLEN 22

Za namene tega sporazuma:

a) »družba Skupnosti« oziroma »tadžikistanska družba«: pomeni družbo, ustanovljeno v skladu s predpisi države članice oziroma Tadžikistana, z uradnim sedežem ali osrednjo upravo ali glavno poslovno enoto na ozemlju Skupnosti oziroma Republike Tadžikistan. Vendar pa, če ima družba, ustanovljena v skladu s predpisi države članice oziroma Republike Tadžikistan, samo svoj uradni sedež na ozemlju Skupnosti oziroma Republike Tadžikistan, se taka družba šteje za družbo Skupnosti oziroma Republike Tadžikistan, če je njeno delovanje v dejanski in trajni povezavi z gospodarstvom ene od držav članic oziroma Republike Tadžikistan.

b) »hčerinska družba« neke družbe, pomeni družbo pod dejanskim nadzorom prve družbe.

4. The Republic of Tajikistan shall grant, for the establishment of Community companies as defined in Article 22(d), treatment no less favourable than that accorded to Tajik companies or to any third country companies, whichever is the better.

5. The Republic of Tajikistan shall grant subsidiaries and branches of Community companies established in its territory treatment no less favourable than that accorded to Tajik companies or branches, or to any third country company or branch, whichever is the better, in respect of their operations.

ARTICLE 21

1. The provisions of Article 20 shall not apply to air transport, inland waterways transport and maritime transport.

2. However, in respect of activities undertaken by shipping agencies for the provision of international maritime transport services, including intermodal activities involving a sea leg, each Party shall permit the companies of the other Party to have a commercial presence in its territory in the form of subsidiaries or branches, under conditions of establishment and operation no less favourable than those accorded to its own companies or to subsidiaries or branches of companies of any third country, whichever are better.

Such activities include but are not limited to:

(a) the marketing and sale of maritime transport and related services through direct contact with customers, from quotation to invoicing, whether these services are operated or offered by the service supplier itself or by service suppliers with which the service seller has established standing business arrangements;

(b) the purchase and use, on their own account or on behalf of their customers (and the resale to their customers), of any transport and related services, including inward transport services by any mode, particularly inland waterways, road and rail, necessary for the supply of an integrated service;

(c) the preparation of transport documents, customs documents, or other documents related to the origin and character of the goods transported;

(d) the provision of business information by any means, including computerised information systems and electronic data interchange (subject to any non-discriminatory restrictions concerning electronic communications);

(e) the setting-up of any business arrangement, including participation in the company's stock and the appointment of personnel recruited locally (or, in the case of foreign personnel, subject to the relevant provisions of this Agreement), with any locally established shipping agency;

(f) acting on behalf of companies, organising the port of call of the ship or taking over cargoes when required.

ARTICLE 22

For the purpose of this Agreement:

(a) A "Community company" or a "Tajik company" respectively shall mean a company set up in accordance with the laws of a Member State or of the Republic of Tajikistan respectively and having its registered office, central administration or principal place of business in the territory of the Community or of the Republic of Tajikistan respectively. However, should a company set up in accordance with the laws of a Member State or the Republic of Tajikistan respectively have only its registered office in the territory of the Community or of the Republic of Tajikistan respectively, the company shall be considered a Community or Tajik company respectively if its operations possess a real and continuous link with the economy of one of the Member States or the Republic of Tajikistan respectively.

(b) "Subsidiary" of a company shall mean a company which is effectively controlled by the first company.

c) »podružnica« neke družbe, pomeni poslovno enoto, ki ni pravna oseba, je pa po pojavni obliki stalna enota, kot na primer izpostava matične družbe, ima svojo upravo in je materialno opremljena za poslovanje s tretjimi osebami, tako da jim, čeprav vedo, da bo, če bo potrebno, vzpostavljena pravna povezanost z matično družbo, ki ima svojo upravo v tujini, ni treba poslovati neposredno z matično družbo, ampak lahko svoje posle opravijo v poslovni enoti, ki je izpostava matične družbe.

d) »pravica do ustanavljanja«: za družbe Skupnosti ali tadžikistanske iz točke (a), pomeni pravico začeti izvajati gospodarske dejavnosti v obliki ustanavljanja hčerinskih družb in podružnic v Tadžikistanu oziroma v Skupnosti.

e) »delovanje«: pomeni izvajanje gospodarske dejavnosti.

f) »gospodarske dejavnosti«: pomenijo industrijske in trgovinske dejavnosti ter svobodne poklice.

Glede mednarodnega pomorskega prevoza vključno z kombiniranimi prevozi, ki vključujejo pomorski del prevozne verige, veljajo določbe tega poglavja in poglavja III tudi za državljane držav članic oziroma Republike Tadžikistan, ki imajo sedež zunaj Skupnosti oziroma Republike Tadžikistan, in za ladijske prevoznike, ki so registrirani zunaj Skupnosti oziroma Republike Tadžikistan in so pod nadzorom državljanov države članice oziroma državljanov Republike Tadžikistan, če so njihova plovila registrirana v tej državi članici oziroma Republiki Tadžikistan v skladu z njuno zakonodajo.

ČLEN 23

1. Ne glede na druge določbe tega sporazuma se eni izmed pogodbenic ne sme preprečiti, da sprejme varovalne ukrepe, zlasti glede ukrepov za zaščito investitorjev, vlagateljev, imetnikov zavarovalnih polic ali oseb, ki so v fiduciarnem razmerju z izvajalcem finančnih storitev, ali da bi se zagotovila celovitost in stabilnost finančnega sistema. V kolikor ti ukrepi niso v skladu z določbami tega sporazuma, jih pogodbenica ne sme uporabiti kot sredstvo izognitve obveznostim po tem sporazumu.

2. Nobena določba tega sporazuma pogodbenici ne nalaga dolžnosti, da razkrije ukrepe, ki se nanašajo na posle in račune posameznih strank ali katere koli zaupne ali zaščitene podatke, s katerimi razpolagajo javni subjekti.

3. Za namene tega sporazuma »finančne storitve« pomenijo dejavnosti, opisane v Prilogi III.

ČLEN 24

Določbe tega sporazuma ne vplivajo na uporabo katerega koli ukrepa s strani ene ali druge pogodbenice, ki je potreben, da se prepreči uporaba določb tega sporazuma za izogibanje njenim ukrepom glede dostopa tretjih držav na njen trg.

ČLEN 25

1. Ne glede na določbe poglavja I ima družba Skupnosti oziroma tadžikistanska družba, ustanovljena na ozemlju Republike Tadžikistan oziroma Skupnosti, pravico v eni od svojih hčerinskih družb ali podružnic v skladu z veljavnimi predpisi države gostiteljice tako ustanovljene družbe na ozemlju Republike Tadžikistan oziroma Skupnosti zaposliti ali imeti zaposlene delavce državljane držav članic Skupnosti oziroma Republike Tadžikistan pod pogojem, da so te osebe ključno osebje, kot je opredeljeno v odstavku 2 tega člena, in da so zaposlene izključno pri družbah, hčerinskih družbah ali podružnicah. Dovoljenja za bivanje in delo tako zaposlenih oseb se izdajajo samo za čas zaposlitve.

(c) "Branch" of a company shall mean a place of business not having legal personality which has the appearance of permanency, such as the extension of a parent body, has a management and is materially equipped to negotiate business with third parties so that the latter, although knowing that there will if necessary be a legal link with the parent body, the head office of which is abroad, do not have to deal directly with such parent body but may transact business at the place of business constituting the extension.

(d) "Establishment" shall mean the right of Community or Tajik companies as referred to in point (a) to take up economic activities by means of the setting up of subsidiaries and branches in the Republic of Tajikistan or in the Community respectively.

(e) "Operation" shall mean the pursuit of economic activities.

(f) "Economic activities" shall mean activities of an industrial, commercial and professional character.

With regard to international maritime transport, including intermodal operations involving a sea leg, nationals of the Member States or of the Republic of Tajikistan established outside the Community or the Republic of Tajikistan respectively, and shipping companies established outside the Community or the Republic of Tajikistan and controlled by nationals of a Member State or nationals of the Republic of Tajikistan respectively, shall also be beneficiaries of the provisions of this Chapter and Chapter III if their vessels are registered in that Member State or in the Republic of Tajikistan respectively in accordance with their respective legislation.

ARTICLE 23

1. Notwithstanding any other provisions of this Agreement, a Party shall not be prevented from taking measures for prudential reasons, including for the protection of investors, depositors, policy holders or persons to whom a fiduciary duty is owed by a financial service supplier, or to ensure the integrity and stability of the financial system. Where such measures do not conform with the provisions of this Agreement, they shall not be used as a means of avoiding the obligations of a Party under this Agreement.

2. Nothing in this Agreement shall be construed as requiring a Party to disclose information relating to the affairs and accounts of individual customers or any confidential or proprietary information in the possession of public entities.

3. For the purposes of this Agreement, "financial services" shall mean those activities described in Annex III.

ARTICLE 24

The provisions of this Agreement shall not prejudice the application by each Party of any measure necessary to prevent the circumvention of its measures concerning third country access to its market, through the provisions of this Agreement.

ARTICLE 25

1. Notwithstanding the provisions of Chapter I of this Title, a Community company or a Tajik company established in the territory of the Republic of Tajikistan or the Community respectively shall be entitled to employ, or have employed by one of its subsidiaries or branches, in accordance with the legislation in force in the host country of establishment, in the territory of the Republic of Tajikistan and the Community respectively, employees who are nationals of Community Member States and the Republic of Tajikistan respectively, provided that such employees are key personnel as defined in paragraph 2, and that they are employed exclusively by companies, or branches. The residence and work permits of such employees shall only cover the period of such employment.

2. Ključno osebje prej omenjenih družb, v nadaljnjem besedilu »organizacij«, je »znotraj podjetja premeščeno osebje«, kot je opredeljeno v točki (c), po spodaj navedenih kategorijah, pod pogojem, da je organizacija pravna oseba in da so bile te osebe pri njej zaposlene ali so bile njeni družbeniki (razen večinskih delničarjev) vsaj eno leto pred premestitvijo:

a) osebe na vodilnih položajih v organizaciji, ki zlasti vodijo upravljanje podjetja, pri čemer jih nadzorujejo ali na splošno usmerjajo upravni odbor ali delničarji podjetja ali drug enakovreden organ, pri čemer pristojnost navedenih oseb obsega:

– vodenje podjetja, njegove službe ali oddelka,

– nadziranje in usmerjanje drugih nadzornih, poslovodnih ali strokovnih delavcev,

– zaposlovanje ali odpuščanje oziroma priporočanje zaposlovanja ali odpuščanja ter drugi kadrovski ukrepi.

b) osebe, zaposlene v organizaciji, s posebnimi znanji, bistvenimi za poslovanje, raziskovalno opremo, tehnologijo ali vodenje podjetja. Ocena posebnega znanja lahko poleg posebnega znanja, značilnega za podjetje, vključuje tudi visoko stopnjo strokovne usposobljenosti glede na vrsto dela ali dejavnosti, ki zahteva posebno tehnično znanje, vključno s pripadnostjo poklicu, za opravljanje katerega je potrebno posebno dovoljenje.

c) »premeščenec znotraj podjetja« je fizična oseba, ki dela znotraj organizacije na ozemlju pogodbenice in je zaradi opravljanja gospodarske dejavnosti začasno premeščena na ozemlje druge pogodbenice; zadevna organizacija mora imeti svoj glavni sedež poslovanja na ozemlju pogodbenice, zadevna oseba mora biti premeščena v hčerinsko podjetje oziroma v podružnico te organizacije, ki dejansko opravlja podobno gospodarsko dejavnost na ozemlju druge pogodbenice.

ČLEN 26

1. Pogodbenici si v največji možni meri prizadevata, da ne sprejemata ukrepov ali dejanj, ki bi ustvarili strožje pogoje za ustanavljanje in poslovanje podjetij druge pogodbenice kot so bili na dan pred podpisom Sporazuma.

2. Določbe tega člena ne vplivajo na uporabo določb iz člena 34: primere, predvidene v členu 34, urejajo izključno določbe navedenega člena.

3. V duhu partnerstva in sodelovanja in v skladu z določbami člena 40 vlada Republike Tadžikistan obvesti Skupnost o namenu predložitve nove zakonodaje ali sprejetja novih predpisov, ki bi v Republiki Tadžikistan lahko poostrili pogoje za ustanavljanje in poslovanje podružnic in hčerinskih družb podjetij Skupnosti v primerjavi s položajem, kot je bil dan pred podpisom Sporazuma. Skupnost lahko od Republike Tadžikistan zahteva, da ji posreduje predloge takšne zakonodaje ali predpisov in da o teh predlogih začne posvetovanja.

4. Če bi sprejem nove zakonodaje ali predpisov v Republiki Tadžikistan lahko poostril pogoje za poslovanje hčerinskih družb in podružnic podjetij Skupnosti, ustanovljenih v Republiki Tadžikistan, v primerjavi s položajem, obstoječim na dan podpisa tega sporazuma, se ta zakonodaja oziroma predpisi za hčerinske družbe in podružnice, ki so na dan začetka veljavnosti zakona ali drugega predpisa že ustanovljene v Republiki Tadžikistan, ne uporabljajo še tri leta po njihovem sprejemu.

2. Key personnel of the abovementioned companies herein referred to as "organisations" are "intra-corporate transferees" as defined in (c) in the following categories, provided that the organisation is a legal person and that the persons concerned have been employed by it or have been partners in it (other than majority shareholders) for at least the year immediately preceding such movement:

(a) Persons working in a senior position with an organisation, who primarily direct the management of the establishment, receiving general supervision or direction principally from the board of directors or stockholders of the business or their equivalent, including:

– directing the establishment or a department or subdivision of the establishment,

– supervising and controlling the work of other supervisory, professional or managerial employees,

– having the authority personally to hire and fire or recommend hiring, firing or other personnel actions.

(b) Persons working within an organisation who possess uncommon knowledge essential to the establishment's service, research equipment, techniques or management. The assessment of such knowledge may reflect, apart from knowledge specific to the establishment, a high level of qualification referring to a type of work or trade requiring specific technical knowledge, including membership of an accredited profession.

(c) An "intra-corporate transferee" is defined as a natural person working within an organisation in the territory of a Party, and being temporarily transferred in the context of pursuit of economic activities in the territory of the other Party; the organisation concerned must have its principal place of business in the territory of a Party and the transfer be to a branch or a subsidiary of that organisation effectively pursuing like economic activities in the territory of the other Party.

ARTICLE 26

1. The Parties shall use their best endeavours to avoid taking any measures or actions which render the conditions for the establishment and operation of each other's companies more restrictive than the situation existing on the day preceding the date of signature of the Agreement.

2. The provisions of this Article are without prejudice to those of Article 34: the situations covered by Article 34 shall be governed exclusively by the provisions thereof.

3. Acting in the spirit of partnership and cooperation and in the light of the provisions of Article 40, the Government of the Republic of Tajikistan shall inform the Community of its intentions to submit new legislation or adopt new regulations which may render the conditions for the establishment or operation in the Republic of Tajikistan of subsidiaries and branches of Community companies more restrictive than the situation existing on the day preceding the date of signature of the Agreement. The Community may request the Republic of Tajikistan to communicate the drafts of such legislation or regulations and to enter into consultations about those drafts.

4. Where new legislation or regulations introduced in the Republic of Tajikistan would result in rendering the conditions for operation of subsidiaries and branches of Community companies established in the Republic of Tajikistan more restrictive than the situation existing on the day of signature of this Agreement, such legislation or regulations shall not apply during three years following the entry into force of the relevant act to those subsidiaries and branches already established in the Republic of Tajikistan at the time of entry into force of the relevant act.

POGLAVJE III
ČEZMEJNO OPRAVLJANJE STORITEV MED SKUPNOSTJO IN REPUBLIKO TADŽIKISTAN

ČLEN 27

1. V skladu z določbami tega poglavja se pogodbenici zavezujeta, da bosta sprejeli ustrezne ukrepe, s katerimi bosta postopno omogočili, da družbe Skupnosti ali Republike Tadžikistan, ustanovljene v državi pogodbenici, ki ni država pogodbenica, kateri so te storitve namenjene, opravljajo storitve, ob upoštevanju razvoja storitvenega področja v pogodbenicah.

2. Svet za sodelovanje pripravi potrebna priporočila za izvajanje odstavka 1.

ČLEN 28

Pogodbenici sodelujeta z namenom razvijanja tržno usmerjenega storitvenega sektorja v Republiki Tadžikistan.

ČLEN 29

1. Pogodbenici se zavezujeta, da bosta v mednarodnem pomorskem prometu dejansko uporabljali načelo neomejenega dostopa do trga in prometa na podlagi tržnih zakonitosti.

a) Navedena določba ne vpliva na pravice in obveznosti, ki izhajajo iz konvencije Organizacije združenih narodov o Kodeksu poslovanja za linijske prevoznike, kot se uporabljajo za eno ali drugo pogodbenico tega sporazuma. Nelinijski prevozniki lahko prosto konkurirajo linijskim prevoznikom, če se ravnajo po načelu lojalne konkurence na podlagi tržnih zakonitosti.

b) Pogodbenici se zavezujeta, da bosta s suhim in tekočim razsutim tovorom poslovali v skladu z načelom svobodne konkurence.

2. Pri uporabi načel iz odstavka 1 pogodbenici:

a) od začetka veljavnosti tega sporazuma ne uporabljata določb o delitvi tovora iz dvostranskih sporazumov med katerokoli državo članico Skupnosti in nekdanjo Sovjetsko zvezo;

b) ne vključujeta klavzul o delitvi tovora v prihodnje dvostranske sporazume s tretjimi državami, razen v izjemnih okoliščinah, ko bi družbe za linijske prevoze iz ene ali druge pogodbenice tega sporazuma sicer ne imele učinkovite možnosti za redno trgovsko linijo z zadevno tretjo državo;

c) v prihodnjih dvostranskih sporazumih prepovedujeta dogovore o delitvi tovora glede suhega in tekočega razsutega tovora;

d) z začetkom veljavnosti tega sporazuma odpravita vse enostranske ukrepe ter upravne, tehnične in druge ovire, ki bi lahko imele omejevalne ali diskriminacijske učinke na prosto opravljanje storitev v mednarodnem pomorskem prometu.

3. Vsaka pogodbenica zlasti zagotavlja ladjam, s katerimi poslujejo državljani ali podjetja druge pogodbenice, enako ugodno obravnavo kot svojim ladjam glede dostopa do pristanišč za mednarodni promet, uporabe infrastrukture in pomožnih pomorskih storitev v pristaniščih, ter glede s tem povezanih pristojbin in taks, carinskih objektov in določitve privezov ter naprav za natovarjanje in raztovarjanje.

ČLEN 30

Za zagotovitev usklajenega razvoja prevoza med pogodbenicama v skladu z njunimi tržnimi potrebami, se lahko pogoji vzajemnega dostopa na trg in zagotavljanja prevoznih storitev po cesti, železnici in celinskih plovnih poteh in, če je primerno, v zračnem prometu uredijo s posebnimi sporazumi, o katerih se pogodbenici dogovorita po začetku veljavnosti tega sporazuma.

CHAPTER III
CROSS-BORDER SUPPLY OF SERVICES BETWEEN THE COMMUNITY AND THE REPUBLIC OF TAJIKISTAN

ARTICLE 27

1. The Parties undertake in accordance with the provisions of this Chapter to take the necessary steps to allow progressively the supply of services by Community or Tajik companies which are established in a Party other than that of the person for whom the services are intended, taking into account the development of the service sectors in the two Parties.

2. The Cooperation Council shall make recommendations for the implementation of paragraph 1.

ARTICLE 28

The Parties shall cooperate with the aim of developing a market-oriented service sector in the Republic of Tajikistan.

ARTICLE 29

1. The Parties undertake to apply effectively the principle of unrestricted access to international maritime market and traffic on a commercial basis:

(a) The above provision does not prejudice the rights and obligations arising from the United Nations Convention on a Code of Conduct for Liner Conferences, as applicable to one or other Party to this Agreement. Non-conference lines will be free to operate in competition with a conference as long as they adhere to the principle of fair competition on a commercial basis.

(b) The Parties affirm their commitment to a freely competitive environment as being an essential feature of the dry and liquid bulk trade.

2. In applying the principles of paragraph 1, the Parties shall:

(a) not apply, as from the entry into force of this Agreement, any cargo-sharing provisions of bilateral agreements between Member States of the Community and the former Soviet Union;

(b) not introduce cargo-sharing clauses into future bilateral agreements with third countries, other than in those exceptional circumstances where liner shipping companies from one or other Party to this Agreement would not otherwise have an effective opportunity to ply for trade to and from the third country concerned;

(c) prohibit cargo-sharing arrangements in future bilateral agreements concerning dry and liquid bulk trade;

(d) abolish, upon entry into force of this Agreement, all unilateral measures, administrative, technical and other obstacles which could have restrictive or discriminatory effects on the free supply of services in international maritime transport.

3. Each Party shall grant, inter alia, no less favourable treatment to ships operated by nationals or companies of the other Party than that accorded to a Party's own ships with regard to access to ports open to international trade, the use of infrastructure and auxiliary maritime services of the ports, the related fees and charges, customs facilities and the assignment of berths and facilities for loading and unloading.

ARTICLE 30

With a view to assuring the coordinated development of transport between the Parties, adapted to their commercial needs, the conditions of mutual market access and provision of services in transport by road, rail and inland waterways and, if applicable, air may be dealt with by specific agreements negotiated between the Parties after entry into force of this Agreement.

POGLAVJE IV
SPLOŠNE DOLOČBE

ČLEN 31

1. Določbe tega naslova se uporabljajo ob upoštevanju omejitev, utemeljenih z javnim redom, javno varnostjo ali javnim zdravjem.

2. Ne uporabljajo se za dejavnosti, ki so na ozemlju vsake od pogodbenic, tudi če le začasno, povezane z izvajanjem javne oblasti.

ČLEN 32

Za izvajanje tega naslova nobena določba Sporazuma pogodbenicama ne preprečuje uporabe njunih zakonov ali drugih predpisov v zvezi z vstopom v državo in bivanjem v njej, zaposlitvijo, pogoji dela, ustanavljanjem podjetij s strani fizičnih oseb in opravljanjem storitev, pod pogojem, da jih pogodbenici uporabljata tako, da z uporabo ne izničita ali omejita koristi, ki za eno od pogodbenic izhajajo iz posamezne določbe tega sporazuma. Ta določba ne vpliva na uporabo člena 31.

ČLEN 33

Določbe poglavij II, III in IV veljajo tudi za družbe, ki jih nadzirajo ali so v izključni skupni lasti tadžikistanskih družb in družb Skupnost.

ČLEN 34

Obravnava, ki jo posamezna pogodbenica odobrava drugi pogodbenici v skladu s tem sporazumom, glede sektorjev ali ukrepov, ki jih pokriva Splošni sporazum o trgovini s storitvami (GATS), že en mesec pred začetkom veljavnosti ustreznih obveznosti iz Splošnega sporazuma o trgovini s storitvami, ne sme biti bolj ugodna, kot je obravnava, ki jo ta pogodbenica odobrava v skladu z določbami GATS za vsak posamezen storitveni sektor, podsektor ali način zagotavljanja storitev.

ČLEN 35

Za namene poglavij II, III in IV se ne upošteva obravnava, ki jo zagotavljajo Skupnost, njene države članice ali Republika Tadžikistan v skladu z zavezami iz sporazumov o gospodarski integraciji, sklenjenimi v skladu z načeli člena V GATS.

ČLEN 36

1. Obravnava po načelu največjih ugodnosti, odobrena v skladu z določbami tega naslova, ne velja za davčne ugodnosti, ki jih pogodbenici zagotavljata ali jih bosta zagotavljali v prihodnje na podlagi sporazumov o izogibanju dvojnemu obdavčenju ali drugih davčnih dogovorov.

2. Določbe tega naslova se ne uporabljajo tako, da bi pogodbenicama preprečevale sprejemanje ali uporabo ukrepov za preprečevanje izogibanja davkom ali davčnim utajam v skladu z določbami o davkih sporazumov o izogibanju dvojnemu obdavčenju ali drugih davčnih dogovorov oziroma notranje davčne zakonodaje.

3. Določbe tega naslova se ne uporabljajo tako, da bi državam članicam ali Republiki Tadžikistan preprečevale razliko pri uporabi ustreznih določb svoje davčne zakonodaje pri razlikovanju med davkoplačevalci, ki imajo različen položaj, zlasti glede na kraj njihovega bivanja.

ČLEN 37

Brez poseganja v člen 24, se nobene določbe poglavij II, III in IV ne more razlagati, kot da omogoča:

– državljanom držav članic oziroma Republike Tadžikistan, da vstopajo ali bivajo na ozemlju Republike Tadžikistan oziroma Skupnosti v kakršnem koli svojstvu, zlasti kot delničarji ali družbeniki v družbi, kot člani upravnega organa ali zaposleni ali kot ponudniki oziroma uporabniki storitev;

CHAPTER IV
GENERAL PROVISIONS

ARTICLE 31

1. The provisions of this Title shall be applied subject to limitations justified on grounds of public policy, public security or public health.

2. They shall not apply to activities which in the territory of the Parties are connected, even occasionally, with the exercise of official authority.

ARTICLE 32

For the purpose of this Title, nothing in this Agreement shall prevent the Parties from applying their laws and regulations regarding entry and stay, work, labour conditions and establishment of natural persons and supply of services, provided that, in so doing, they do not apply them in a manner such as to nullify or impair the benefits accruing to any Party under the terms of a specific provision of this Agreement. The above provision does not prejudice the application of Article 31.

ARTICLE 33

Companies which are controlled and exclusively owned by Tajik companies and Community companies jointly shall also be beneficiaries of the provisions of Chapters II, III and IV.

ARTICLE 34

Treatment granted by either Party to the other under this Agreement shall, as from the day one month prior to the date of entry into force of the relevant obligations of the General Agreement on Trade in Services (GATS), in respect of sectors or measures covered by the GATS, in no case be more favourable than that accorded by such first Party under the provisions of GATS and this in respect of each service sector, sub-sector and mode of supply.

ARTICLE 35

For the purposes of Chapters II, III and IV, no account shall be taken of treatment accorded by the Community, its Member States or the Republic of Tajikistan pursuant to commitments entered into in economic integration agreements in accordance with the principles of Article V of the GATS.

ARTICLE 36

1. The most-favoured-nation treatment granted in accordance with the provisions of this Title shall not apply to the tax advantages which the Parties are providing, or will provide in the future, on the basis of agreements to avoid double taxation or of other tax arrangements.

2. Nothing in this Title shall be construed as preventing the adoption or enforcement by the Parties of any measure aimed at preventing the avoidance or evasion of taxes pursuant to the tax provisions of agreements to avoid double taxation, other tax arrangements or domestic fiscal legislation.

3. Nothing in this Title shall be construed as preventing Member States or the Republic of Tajikistan from distinguishing, in the application of the relevant provisions of their fiscal legislation, between taxpayers who are not in identical situations, in particular as regards their place of residence.

ARTICLE 37

Without prejudice to Article 24, no provision of Chapters II, III and IV shall be interpreted as giving the right to:

– nationals of the Member States or of the Republic of Tajikistan respectively to enter, or stay in, the territory of the Republic of Tajikistan or the Community respectively in any capacity whatsoever, and in particular as a shareholder or partner in a company or manager or employee thereof or supplier or recipient of services;

– hčerinskim družbam ali podružnicam tadžikistanskih družb v Skupnosti, da na ozemlju Skupnosti zaposlijo ali posredujejo zaposlitev tadžikistanskim državljanom;

– tadžikistanskim hčerinskim družbam ali podružnicam družb Skupnosti, da na ozemlju Republike Tadžikistan zaposlijo ali posredujejo zaposlitev državljanom držav članic;

– tadžikistanskim družbam ali hčerinskim družbam ali podružnicam tadžikistanskih družb v Skupnosti, da zaposlijo tadžikistanske državljane, da delujejo v imenu in pod nadzorom drugih oseb po pogodbi o začasni zaposlitvi;

– družbam Skupnosti ali tadžikistanskim hčerinskim družbam ali podružnicam družb Skupnosti, da zaposlijo državljane držav članic po pogodbi o začasni zaposlitvi.

POGLAVJE V
TEKOČA PLAČILA IN KAPITAL

ČLEN 38

1. Pogodbenici se obvezujeta, da bosta v prosto konvertibilni valuti dovoljevali vsa plačila na tekoči račun plačilne bilance med prebivalci Skupnosti in Republike Tadžikistan, ki so povezana s pretokom blaga, storitev ali oseb v skladu z določbami tega sporazuma.

2. Glede transakcij s kapitalskega računa plačilne bilance pogodbenici od začetka veljavnosti tega sporazuma zagotovita prost pretok kapitala v zvezi z neposrednimi naložbami v družbe, ustanovljene v skladu s predpisi države gostiteljice, in v zvezi z naložbami v skladu z določbami poglavja II, kakor tudi likvidacijo ali povrnitev teh naložb ali kakršnega koli dobička, ki iz njih izvira.

3. Brez vpliva na določbe odstavka 2 ali odstavka 5 se od začetka veljavnosti tega sporazuma ne uvajajo nove devizne omejitve na pretok kapitala in s tem povezanimi tekočimi plačili med rezidenti Skupnosti in Republike Tadžikistan, obstoječi dogovori pa se ne smejo poostriti.

4. Pogodbenici se medsebojno posvetujeta z namenom, da med Skupnostjo in Republiko Tadžikistan omogočita lažji pretok drugih oblik kapitala kot tistih iz odstavka 2, z namenom uresničevanja ciljev tega sporazuma.

5. Na osnovi določb tega člena lahko Republika Tadžikistan, dokler ni vzpostavljena popolna konvertibilnost tadžikistanske valute v smislu člena VIII statuta Mednarodnega denarnega sklada (MDS), v izjemnih okoliščinah uvede menjalne omejitve za odobravanje ali najemanje kratko- in srednjeročnih finančnih posojil, če so ji naložene takšne omejitve glede odobravanja takšnih posojil in so dovoljene glede na njen status v MDS. Republika Tadžikistan izvaja te omejitve na nediskriminacijski način. Uporabljajo se na način, da čim manj motijo izvajanje tega sporazuma. Republika Tadžikistan nemudoma obvesti Svet za sodelovanje o uvedbi takšnih ukrepov in o vseh možnih spremembah teh ukrepov.

6. Če v izjemnih okoliščinah prost pretok kapitala med Skupnostjo in Republiko Tadžikistan povzroči ali grozi s povzročitvijo resnih težav pri delovanju tečajne ali monetarne politike Skupnosti ali Republike Tadžikistan, lahko Skupnost oziroma Republika Tadžikistan za največ šest mesecev sprejmeta zaščitne ukrepe v zvezi s pretokom kapitala med Skupnostjo in Republiko Tadžikistan, če so taki ukrepi nujno potrebni, kar pa ne posega v odstavka 1 in 2.

– Community subsidiaries or branches of Tajik companies to employ, or have employed, nationals of the Republic of Tajikistan in the territory of the Community;

– Tajik subsidiaries or branches of Community companies to employ, or have employed, nationals of the Member States in the territory of the Republic of Tajikistan;

– Tajik companies or Community subsidiaries or branches of Tajik companies to supply Tajik persons to act for and under the control of, other persons under temporary employment contracts;

– Community companies or Tajik subsidiaries or branches of Community companies to supply workers who are nationals of the Member States under temporary employment contracts.

CHAPTER V
CURRENT PAYMENTS AND CAPITAL

ARTICLE 38

1. The Parties undertake to authorise in freely convertible currency any payments on the current account of the balance of payments between residents of the Community and of the Republic of Tajikistan connected with the movement of goods, services or persons made in accordance with the provisions of this Agreement.

2. With regard to transactions on the capital account of the balance of payments, from entry into force of this Agreement, the free movement of capital shall be ensured for the purposes of direct investments made in companies formed in accordance with the laws of the host country, investments made in accordance with the provisions of Chapter II, and the liquidation or repatriation of these investments and of any profit stemming therefrom.

3. Without prejudice to paragraph 2 or to paragraph 5, as from the entry into force of this Agreement, no new foreign exchange restrictions shall be introduced on the movement of capital and current payments connected therewith between residents of the Community and Tajikistan and nor shall the existing arrangements be made more restrictive.

4. The Parties shall consult each other with a view to facilitating the movement of forms of capital other than those referred to in paragraph 2 between the Community and the Republic of Tajikistan in order to promote the objectives of this Agreement.

5. With reference to the provisions of this Article, until full convertibility of the Tajik currency within the meaning of Article VIII of the Articles of Agreement of the International Monetary Fund (IMF) is introduced, the Republic of Tajikistan may in exceptional circumstances apply exchange restrictions connected with the granting or taking-up of short- and medium-term financial credits to the extent that such restrictions are imposed on Tajikistan for the granting of such credits and are permitted according to the Republic of Tajikistan's status under the IMF. The Republic of Tajikistan shall apply these restrictions in a non-discriminatory manner. They shall be applied in such a manner as to cause the least possible disruption to this Agreement. the Republic of Tajikistan shall inform the Cooperation Council promptly of the introduction of such measures and of any changes therein.

6. Without prejudice to paragraphs 1 and 2, where, in exceptional circumstances, movements of capital between the Community and the Republic of Tajikistan cause, or threaten to cause, serious difficulties for the operation of exchange-rate policy or monetary policy in the Community or Tajikistan, the Community and the Republic of Tajikistan respectively may take safeguard measures with regard to movements of capital between the Community and the Republic of Tajikistan for a period not exceeding six months, if such measures are strictly necessary.

POGLAVJE VI
VARSTVO INTELEKTUALNE, INDUSTRIJSKE IN POSLOVNE LASTNINE

ČLEN 39

1. V skladu z določbami tega člena in Priloge IV, Republika Tadžikistan nadaljuje z izboljševanjem varstva pravic intelektualne, industrijske in poslovne lastnine z namenom, da ob koncu petega leta po začetku veljavnosti tega sporazuma zagotovi raven varstva, ki je podobna ravni varstva v Skupnosti, vključno z učinkovitimi sredstvi za uveljavljanje teh pravic.

2. Ob koncu petega leta po začetku veljavnosti Sporazuma bo Republika Tadžikistan pristopila k večstranskim konvencijam o intelektualni, industrijski in poslovni lastnini iz odstavka 1 Priloge IV, katerih pogodbenice so države članice, ali ki jih države članice dejansko uporabljajo v skladu z ustreznimi določbami teh konvencij. Skupnost bo zagotovila pomoč za izvajanje te določbe, kjer bo to mogoče.

CHAPTER VI
INTELLECTUAL, INDUSTRIAL AND COMMERCIAL PROPERTY PROTECTION

ARTICLE 39

1. Pursuant to the provisions of this Article and of Annex IV, the Republic of Tajikistan shall continue to improve the protection of intellectual, industrial and commercial property rights in order to provide, by the end of the fifth year after the entry into force of this Agreement, a level of protection similar to that existing in the Community, including effective means of enforcing such rights.

2. By the end of the fifth year after entry into force of this Agreement, the Republic of Tajikistan shall accede to the multilateral conventions on intellectual, industrial and commercial property rights referred to in paragraph 1 of Annex IV to which Member States are parties or which are de facto applied by Member States, according to the relevant provisions contained in these conventions. For implementation of this provision, the Community will provide support wherever possible.

NASLOV V
SODELOVANJE NA PODROČJU ZAKONODAJE

ČLEN 40

1. Pogodbenici priznavata, da je pomemben pogoj krepitve gospodarskih vezi med Republiko Tadžikistan in Skupnostjo približevanje obstoječe in bodoče zakonodaje Republike Tadžikistan zakonodaji Skupnosti. Republika Tadžikistan si prizadeva zagotoviti postopno skladnost svoje zakonodaje z zakonodajo Skupnosti.

2. Približevanje zakonodaje zajema zlasti naslednja področja: carinsko pravo, pravo družb, bančno pravo in pravo drugih finančnih storitev, računovodstvo in obdavčenje podjetij, pravo intelektualne lastnine, varstvo delavcev pri delu, pravo konkurence, vključno z vsemi z njim povezanimi vprašanji in prakso v zvezi s trgovino, javna naročila, varstvo zdravja in življenja ljudi, živali in rastlin, okolje, varstvo potrošnikov, posredno obdavčevanje, tehnična pravila in standardi, jedrsko pravo in predpisi, promet ter elektronsko komuniciranje.

3. Skupnost nudi Republiki Tadžikistan ustrezno tehnično pomoč pri uveljavljanju teh ukrepov, ki lahko na primer vključuje:

– izmenjavo strokovnjakov,

– dobavo zgodnjih informacij, zlasti na področju zadevne zakonodaje,

– organizacijo seminarjev,

– usposabljanje oseb, povezanih s pripravo in izvajanjem zakonodaje,

– pomoč pri prevajanju zakonodaje Skupnosti na zadevnih področjih.

4. Pogodbenici soglašata, da bosta preučili način uporabe svoje zakonodaje o konkurenci na dogovorjen način, kadar bo prizadeta njuna medsebojna trgovina.

TITLE V
LEGISLATIVE COOPERATION

ARTICLE 40

1. The Parties recognise that an important condition for strengthening the economic links between the Republic of Tajikistan and the Community is the approximation of the Republic of Tajikistan's existing and future legislation to that of the Community. The Republic of Tajikistan shall endeavour to ensure that its legislation is gradually made compatible with that of the Community.

2. The approximation of laws shall extend to the following areas in particular: customs law, company law, laws on banking and other financial services, company accounts and taxes, intellectual property, protection of workers at the workplace, rules on competition, including any related issues and practices affecting trade, public procurement, protection of health and life of humans, animals and plants, the environment, consumer protection, indirect taxation, technical rules and standards, nuclear laws and regulations, transport and electronic communications.

3. The Community shall provide the Republic of Tajikistan with technical assistance for the implementation of these measures, which may include:

– the exchange of experts;

– the provision of early information, especially on relevant legislation;

– organisation of seminars;

– training of personnel involved in the drafting and implementation of legislation;

– aid for translation of Community legislation in the relevant sectors.

4. The Parties agree to examine ways to apply their respective competition laws on a concerted basis in such cases where trade between them is affected.

NASLOV VI
GOSPODARSKO SODELOVANJE

ČLEN 41

1. Skupnost in Republika Tadžikistan vzpostavljata gospodarsko sodelovanje s ciljem prispevati k procesu gospodarskih reform ter obnovi in trajnostnemu razvoju Republike Tadžikistan. Takšno sodelovanje krepi obstoječe gospodarske vezi v korist obeh pogodbenic.

TITLE VI
ECONOMIC COOPERATION

ARTICLE 41

1. The Community and the Republic of Tajikistan shall establish economic cooperation aimed at contributing to the process of economic reform and recovery and sustainable development of the Republic of Tajikistan. Such cooperation shall strengthen existing economic links to the benefit of the Parties.

2. Politike in drugi ukrepi so zasnovani v smeri gospodarskih in socialnih reform in prestrukturiranja gospodarskega sistema Republike Tadžikistan in jih vodijo načela vzdržnega in skladnega družbenega razvoja, povsem pa so upoštevane tudi zahteve glede varstva okolja in boja proti revščini.

3. V ta namen se sodelovanje osredotoča na gospodarski in socialni razvoj, razvoj človeških virov, pomoč podjetjem (zlasti na privatizacijo, naložbe in razvoj finančnih storitev), kmetijstvo in živila (vključno z varnostjo živil), upravljanje z vodo, energetiko (vključno z elektriko iz hidroelektrarn) in civilno jedrsko varnost, zdravje in boj proti revščini, prevoz, poštne storitve, elektronsko komuniciranje, turizem, zaščito okolja, čezmejne dejavnosti ter regionalno sodelovanje.

4. Posebna pozornost se posveti ukrepom, ki lahko spodbudijo gospodarski potencial Republike Tadžikistan in regionalno sodelovanje.

5. Gospodarsko sodelovanje in druge oblike sodelovanja, predvidene s tem sporazumom, se, kjer je to primerno, podpre s tehnično pomočjo Skupnosti, ob upoštevanju ustrezne uredbe Sveta, ki se uporablja za pomoč Neodvisnim državam, sprejetih prednostnih nalog in indikativnega programa Skupnosti o tehnični pomoči Srednji Aziji in njeni uporabi v Tadžikistanu, ter uveljavljenih postopkov usklajevanja in izvajanja. Republika Tadžikistan lahko izkoristi ugodnosti v skladu z ustreznimi predpisi, ki jih je sprejel Svet.

2. Policies and other measures will be designed to bring about economic and social reforms and the restructuring of economic systems in the Republic of Tajikistan and will be guided by the requirements of sustainability and harmonious social development; they will also fully incorporate environmental considerations and the fight against poverty.

3. To this end the cooperation will concentrate, in particular, on economic and social development, human resources development, support for enterprises (including privatisation, investment and development of financial services), agriculture and food (including food security), energy (including hydro-electricity), water management and civil nuclear safety, health and the fight against poverty, transport, postal services, electronic communications, tourism, environmental protection, cross-border activities and regional cooperation.

4. Special attention shall be devoted to measures capable of fostering the economic potential of the Republic of Tajikistan and regional cooperation.

5. Where appropriate, economic cooperation and other forms of cooperation provided for in this Agreement may be supported by technical assistance from the Community, taking into account the Community's relevant Council Regulation applicable to technical assistance in the Independent States, the agreed priorities in the indicative programme for Community technical assistance to Central Asia and its application in the Republic of Tajikistan and its established coordination and implementation procedures. The Republic of Tajikistan may also benefit from other Community programmes in accordance with the appropriate regulations adopted by the Council.

ČLEN 42

Sodelovanje na področju blagovne menjave in storitev

Pogodbenici sodelujeta z namenom zagotoviti, da mednarodna trgovina Republike Tadžikistan poteka v skladu s pravili STO. Skupnost v ta namen Republiki Tadžikistan zagotovi ustrezno tehnično pomoč.

To sodelovanje vključuje posebne zadeve, neposredno povezane z olajševanjem trgovine, zlasti z namenom pomagati Republiki Tadžikistan uskladiti svojo zakonodajo in predpise s pravili STO in čim prej izpolniti pogoje za vstop v navedeno organizacijo. To vključuje:

– oblikovanje politike o trgovini in trgovinskih zadevah, vključno s plačili in klirinškim sistemom,
– pripravo ustrezne zakonodaje.

ARTICLE 42

Cooperation in the field of trade in goods and services

The Parties will cooperate with a view to ensuring that the Republic of Tajikistan's international trade is conducted in conformity with the rules of the WTO. The Community shall provide the Republic of Tajikistan with technical assistance for this purpose.

Such cooperation shall include specific issues directly relevant to trade facilitation, in particular with a view to assisting the Republic of Tajikistan to harmonise its legislation and regulations with WTO rules and so fulfil as soon as possible the conditions of accession to that Organisation. These include:

– the formulation of policy on trade and trade-related questions, including payments and clearing mechanisms,
– the drafting of relevant legislation.

ČLEN 43

Industrijsko sodelovanje

1. Cilj sodelovanja je predvsem pospeševanje:

– razvoja poslovnih vezi med gospodarskimi subjekti obeh pogodbenih strani, vključno z malimi in srednjimi podjetji,
– sodelovanja Skupnosti pri prizadevanjih Republike Tadžikistan za prestrukturiranje njene industrije,
– izboljšanja upravljanja,
– izboljšanja kakovosti in prilagajanja mednarodnim standardom industrijskih proizvodov,
– razvoja učinkovitih proizvodnih in predelovalnih zmogljivosti na področju surovin,
– razvoja ustreznih trgovinskih predpisov in prakse, vključno z trženjem proizvodov,
– zaščite okolja,
– preoblikovanja področja vojaške industrije,
– usposabljanja osebja.

2. Določbe tega člena ne vplivajo na izvajanje predpisov Skupnosti o konkurenci, ki se uporabljajo za podjetja.

ARTICLE 43

Industrial cooperation

1. Cooperation shall aim at promoting the following in particular:

– the development of business links between economic operators of both Parties, including between small and medium-sized enterprises;
– Community participation in the Republic of Tajikistan's efforts to restructure its industry;
– the improvement of management;
– the improvement of the quality of industrial products and their adaptation to international standards;
– the development of efficient production and processing capacity in the raw materials sector;
– the development of appropriate commercial rules and practices, including product marketing;
– environmental protection;
– defence conversion;
– training of personnel.

2. The provisions of this Article shall not affect the enforcement of Community competition rules applicable to undertakings.

ČLEN 44

Spodbujanje in zaščita naložb

1. Ob upoštevanju pristojnosti in pooblastil Skupnosti in držav članic je cilj sodelovanja ustvariti ugodno naložbeno okolje za domače in tuje naložbe, predvsem z izboljšanjem pogojev za zaščito naložb, prenos kapitala ter izmenjavo informacij o možnostih za naložbe.

2. Cilji sodelovanja so zlasti:

– sklepanje, kjer je to primerno, sporazumov med državami članicami in Republiko Tadžikistan o izogibanju dvojnemu obdavčevanju,

– vzpostavljanje ugodnih naložbenih pogojev, ki bodo v tadžikistansko gospodarstvo pritegnili tuje naložbe,

– vzpostavitev stabilne in primerne trgovinske zakonodaje in pogojev ter izmenjava informacij o zakonih in drugih predpisih in upravni praksi na področju naložb,

– izmenjava informacij o naložbenih možnostih, med drugim na trgovinskih sejmih, razstavah, trgovinskih tednih in drugih prireditvah.

ČLEN 45

Javna naročila

Pogodbenici sodelujeta pri razvoju pogojev za odprto in konkurenčno dodeljevanje naročil za blago in storitve, zlasti preko javnih razpisov.

ČLEN 46

Sodelovanje na področju standardov in ugotavljanja skladnosti

1. Sodelovanje med pogodbenicama spodbuja usklajevanje z mednarodno sprejetimi merili, načeli in smernicami na področju meroslovja, standardov in ugotavljanja skladnosti, z namenom olajšati napredek pri medsebojnem priznavanju na področju ugotavljanja skladnosti ter izboljšati kakovosti tadžikistanskih izdelkov.

2. V ta namen si pogodbenici prizadevata sodelovati pri projektih tehnične pomoči, ki bodo:

– spodbujali ustrezno sodelovanje z organizacijami in institucijami, specializiranimi za ta področja,

– spodbujali uporabo tehničnih predpisov Skupnosti ter izvajanje evropskih standardov in postopkov za ugotavljanje skladnosti,

– omogočili izmenjavo izkušenj in tehničnih informacij na področju upravljanja kakovosti.

ČLEN 47

Rudarstvo in surovine

1. Cilj pogodbenic je povečati naložbe in trgovinsko menjavo na področju rudarstva in surovin, vključno z neželeznimi kovinami.

2. Sodelovanje se osredotoči predvsem na naslednja področja:

– izmenjavo informacij o razvoju v rudarskem sektorju in sektorju neželeznih kovin;

– vzpostavitev pravne podlage za sodelovanje;

– trgovinske zadeve;

– oblikovanje pravnih in drugih ukrepov na področju varstva okolja;

– usposabljanje;

– varstvo v rudarski industriji.

ARTICLE 44

Investment promotion and protection

1. Bearing in mind the respective powers and competences of the Community and the Member States, cooperation shall aim to establish a favourable climate for private investment, both domestic and foreign, especially through better conditions for investment protection, the transfer of capital and the exchange of information on investment opportunities.

2. The aims of cooperation shall be in particular:

– to conclude, where appropriate, agreements between the Member States and the Republic of Tajikistan to avoid double taxation;

– to create favourable conditions for attracting foreign investments into the Tajik economy;

– to establish stable and adequate business law and conditions, and to exchange information on laws, regulations and administrative practices in the field of investment;

– to exchange information on investment opportunities in the form of, inter alia, trade fairs, exhibitions, trade weeks and other events.

ARTICLE 45

Public procurement

The Parties shall cooperate to develop conditions for open and competitive award of contracts for goods and services, in particular through calls for tenders.

ARTICLE 46

Cooperation in the field of standards and conformity assessment

1. Cooperation between the Parties shall promote alignment with internationally agreed criteria, principles and guidelines in the field of metrology, standards and conformity assessment, to facilitate progress towards mutual recognition in the field of conformity assessment, and to improve the quality of Tajik products.

2. To this end the Parties shall seek to cooperate in technical assistance projects which will:

– promote appropriate cooperation with organisations and institutions specialised in these fields;

– promote the use of Community technical regulations and the application of European standards and conformity-assessment procedures;

– permit the sharing of experience and technical information in the field of quality management.

ARTICLE 47

Mining and raw materials

1. The Parties shall aim at increasing investment and trade in mining and raw materials, including non ferrous metals.

2. The cooperation shall focus in particular on the following areas:

– the exchange of information on the prospects of the mining and non-ferrous metals sectors;

– the establishment of a legal framework for cooperation;

– trade matters;

– the adoption and implementation of environmental legislation;

– training;

– safety in the mining industry.

ČLEN 48

Sodelovanje na področju znanosti in tehnologije

1. Pogodbenici spodbujata sodelovanje pri civilnih znanstvenih raziskavah in tehnološkem razvoju na temelju vzajemnih koristi in ob upoštevanju razpoložljivih virov, ustreznega dostopa do njunih lastnih programov in ob pogoju ustrezne ravni učinkovitega varstva pravic intelektualne, industrijske in poslovne lastnine.

2. Sodelovanje na področju znanosti in tehnologije obsega:

– izmenjavo znanstvenih in tehnoloških informacij,

– skupne dejavnosti na področju raziskav in razvoja,

– usposabljanje ter programe izmenjave znanstvenikov, raziskovalcev in tehnikov obeh pogodbenic, ki delujeta na področju raziskav in tehnološkega razvoja.

Če se sodelovanje nanaša na izobraževanje in/ali usposabljanje, se izvaja v skladu s členom 49.

Pogodbenici lahko po vzajemnem dogovoru vzpostavita druge oblike znanstvenega in tehnološkega sodelovanja.

Pri tem sodelovanju se posebno pozornost posveti prerazporeditvi znanstvenikov, inženirjev, raziskovalcev in tehnikov, ki sodelujejo ali so sodelovali pri raziskavah in/ali proizvodnji orožja za množično uničevanje.

3. Sodelovanje iz tega člena se izvaja po posebnih dogovorih, o katerih se pogodbenici pogajata in jih skleneta po postopkih, ki jih sprejmeta, in ki med drugim vsebujejo tudi ustrezne določbe o pravicah intelektualne, industrijske in poslovne lastnine.

ČLEN 49

Izobraževanje in usposabljanje

1. Pogodbenici sodelujeta z namenom dviga ravni splošne izobrazbe in poklicnih kvalifikacij v Republiki Tadžikistan, tako v javnem kot v zasebnem sektorju.

2. Sodelovanje se osredotoči predvsem na naslednja področja:

– posodobitev sistemov visokega izobraževanja in usposabljanja v Republiki Tadžikistan, vključno s sistemom vzajemnega certificiranja ustanov visokega šolstva in visokošolskih diplom;

– usposabljanje vodstvenih delavcev in funkcionarjev v javnem in zasebnem sektorju na prednostnih področjih, ki se še določijo;

– sodelovanje med izobraževalnimi ustanovami, sodelovanje med izobraževalnimi ustanovami in podjetji;

– možnost izmenjave učiteljev, diplomantov, administratorjev, mladih znanstvenikov in raziskovalcev ter mladih;

– spodbujanje poučevanja na področju evropskih študij v ustreznih institucijah;

– poučevanje jezikov Skupnosti;

– podiplomsko usposabljanje konferenčnih tolmačev;

– usposabljanje novinarjev;

– usposabljanje nosilcev usposabljanja;

3. Možnost sodelovanja ene pogodbenice v ustreznih programih usposabljanja in izobraževanja druge pogodbenice se lahko predvidi v skladu z njunimi postopki, kjer pa bo to primerno, se lahko vzpostavitvijo institucionalni okviri in načrti za sodelovanje kot nadgradnja udeležbe Republike Tadžikistan v programu Tempus Skupnosti.

ARTICLE 48

Cooperation in science and technology

1. The Parties shall promote cooperation in civil scientific research and technological development (RTD) on the basis of mutual benefit and, taking into account the availability of resources, adequate access to their respective programmes, subject to appropriate levels of effective protection of intellectual, industrial and commercial property rights (IPR).

2. Science and technology cooperation shall cover:

– the exchange of scientific and technical information;

– joint RTD activities;

– training activities and mobility programmes for scientists, researchers and technicians of both Parties engaged in RTD.

Where such cooperation takes the form of activities involving education and/or training, it must be carried out in accordance with the provisions of Article 49.

The Parties, on the basis of mutual agreement, may engage in other forms of cooperation in science and technology.

In carrying out such cooperation activities, particular attention shall be devoted to the redeployment of scientists, engineers, researchers and technicians who are or have been engaged in research on, and/or production of, weapons of mass destruction.

3. The cooperation covered by this Article shall be implemented according to specific arrangements to be negotiated and concluded in accordance with the procedures adopted by each Party, which shall include appropriate IPR provisions.

ARTICLE 49

Education and training

1. The Parties shall cooperate with the aim of raising the level of general education and professional qualifications in the Republic of Tajikistan, both in the public and private sectors.

2. The cooperation shall focus in particular on the following areas:

– updating higher education and training systems in the Republic of Tajikistan, including the system of certification of higher education establishments and higher education diplomas;

– training public and private sector executives and civil servants in priority areas to be determined;

– cooperation between educational establishments and between educational establishments and firms;

– mobility for teachers, graduates, administrators, young scientists and researchers, and young people;

– promoting teaching in the field of European studies within the appropriate institutions;

– teaching Community languages;

– post-graduate training of conference interpreters;

– training of journalists;

– training of trainers.

3. The possible participation of one Party in the other Party's programmes in the field of education and training may be considered in accordance with their respective procedures; where appropriate, institutional frameworks and plans of cooperation will then be established through the participation of the Republic of Tajikistan in the Community's TEMPUS programme.

ČLEN 50

Kmetijski in živilsko-predelovalni sektor

Namen sodelovanja na tem področju je izvajanje agrarne reforme in reforme kmetijskih struktur, modernizacija, privatizacija in prestrukturiranje kmetijstva, živilsko-predelovalnega in storitvenega sektorja v Republiki Tadžikistan, razvoj notranjega trga in tujih trgov za tadžikistanske izdelke, v skladu s pogoji, ki zagotavljajo varstvo okolja, ob upoštevanju nujnosti izboljšanja varstva oskrbe s hrano, razvoja kmetijskih dejavnosti, predelave in distribucije kmetijskih izdelkov. Cilj pogodbenic je tudi postopno približevanje tadžikistanskih standardov tehničnim predpisom Skupnosti o industrijskih in kmetijskih živilskih proizvodih, vključno s sanitarnimi in fitosanitarnimi standardi.

ČLEN 51

Energetika

1. Sodelovanje na področju energije poteka v skladu z načeli tržnega gospodarstva in Evropske energetske listine, z namenom postopnega združevanja energetskih trgov v Evropi.

2. Sodelovanje je zlasti osredotočeno na oblikovanje in razvoj energetske politike. Sodelovanje se osredotoči predvsem na naslednja področja:

– izboljšanje vodenja in pravne ureditve energetskega sektorja v skladu s tržnim gospodarstvom;

– izboljšanje oskrbe z energijo, vključno z varnostjo dobave, na gospodaren in okolju neškodljiv način;

– spodbujanje varčevanja z energijo in energetske učinkovitosti ter izvajanja Protokola k Energetski listini o energetski učinkovitosti in s tem povezanimi okoljskimi vidiki;

– modernizacijo energetske infrastrukture,

– izboljšanje energetskih tehnologij za dobavo in končno uporabo vseh vrst energije;

– vodenje in tehnično usposabljanje v energetskem sektorju;

– prenos in tranzit energije in energetskih materialov;

– uvedbo vrste institucionalnih, pravnih, davčnih in drugih pogojev, nujnih za vzpodbuditev trgovine in naložb na področju energetike;

– razvoj hidroenergetskih virov in drugih obnovljivih virov energije.

3. Pogodbenici si izmenjata ustrezne informacije o naložbenih projektih v sektorju energetike, zlasti glede virov za proizvodnjo energije in izgradnje in obnove naftnega in plinskega omrežja ali drugih načinov za prevoz energentov. Poseben pomen pripisujeta sodelovanju v zvezi z naložbami v energetski sektor in načinu, kako so urejene. Pogodbenici sodelujeta z namenom čim bolj učinkovitega izvajanja določb iz naslova IV in iz člena 44 glede naložb v energetskem sektorju.

ČLEN 52

Okolje in zdravje

1. Ob upoštevanju Evropske energetske listine, izjave konference v Lucernu iz aprila 1993 ter izjave Sofijske konference iz oktobra 1995, ter ob upoštevanju Pogodbe o energetski listini in zlasti njenega člena 19 ter Protokola k Energetski listini o energetski učinkovitosti in s tem povezanimi okoljskimi vidiki pogodbenici razvijata in krepita sodelovanje na področju okolja in zdravja ljudi.

ARTICLE 50

Agriculture and the agro-industrial sector

The purpose of cooperation in this area shall be the pursuit of agrarian reform and the reform of agricultural structures, the modernisation, privatisation and restructuring of agriculture, stock farming and the agro-industrial and services sectors in the Republic of Tajikistan, and the development of domestic and foreign markets for Tajik products, in conditions that ensure the protection of the environment, taking into account the necessity to improve security of food supply and to develop agri-business and the processing and distribution of agricultural products. The Parties shall also pursue the gradual approximation of Tajik standards to Community technical regulations concerning industrial and agricultural food products, including sanitary and phytosanitary standards.

ARTICLE 51

Energy

1. Cooperation shall be governed by the principles of the market economy and the European Energy Charter, against a background of the progressive integration of the energy markets in Europe.

2. Cooperation shall concentrate, inter alia, upon the formulation and development of energy policy. It shall include the following areas:

– the improvement of the management and regulation of the energy sector in line with a market economy;

– the improvement of energy supply, including security of supply, in an economically and environmentally sound manner;

– the promotion of energy saving and energy efficiency and implementation of the Energy Charter Protocol on Energy Efficiency and related environmental aspects;

– the modernisation of energy infrastructure;

– the improvement of energy supply and use technologies across the range of energy types;

– management and technical training in the energy sector;

– the transportation and transit of energy materials and products;

– the introduction of the range of institutional, legal, fiscal and other conditions necessary to encourage increased energy trade and investment;

– the development of hydro-electric and other renewable energy resources.

3. The Parties shall exchange relevant information on investment projects in the energy sector, in particular concerning the production of energy resources and the construction and refurbishing of oil and gas pipelines or other means of transporting energy products. The Parties attach particular importance to cooperation regarding investments in the energy sector and the manner in which these are regulated. They shall cooperate with a view to implementing the provisions of Title IV and of Article 44 as efficaciously as possible in respect of investments in the energy sector.

ARTICLE 52

Environment and health

1. Bearing in mind the European Energy Charter, the Declarations of the Lucerne Conference of April 1993 and of the Sofia Conference of October 1995, and taking into account the Energy Charter Treaty, and especially Article 19 thereof, and the Energy Charter Protocol on Energy Efficiency and related environmental aspects, the Parties shall develop and strengthen their cooperation on environment and human health.

2. Cilj sodelovanja je varovanje okolja, boj proti kateri koli obliki onesnaževanja okolja in predvsem:

– učinkovit nadzor nad ravnijo onesnaževanja in ocena okolja; sistem obveščanja o stanju okolja,

– boj proti lokalnemu, regionalnemu in čezmejnemu onesnaževanju zraka in vode,

– ekološka sanacija,

– trajnostna, učinkovita in okolju primerna proizvodnja in uporaba energije,

– varnost industrijskih obratov,

– razvrščanje kemikalij in varno ravnanje z njimi,

– kakovost vode,

– zmanjševanje količine odpadkov, njihova reciklaža in varno odlaganje, izvajanje Baselske konvencije, ko bo podpisana,

– vpliv kmetijstva na okolje, erozija zemlje in kemično onesnaževanje,

– varstvo gozdov,

– ohranjanje biološke raznovrstnosti in zaščitenih območij ter trajnostna uporaba in gospodarjenje z biološkimi viri,

– načrtovanje rabe prostora, vključno z gradbeništvom in urbanističnim načrtovanjem,

– uporaba ekonomskih in fiskalnih instrumentov,

– globalne klimatske spremembe,

– izobraževanje in ozaveščanje o okolju,

– izvajanje Konvencije Espoo o presoji čezmejnih vplivov na okolje, ko bo podpisana.

3. Sodelovanje se osredotoči predvsem na naslednja področja:

– načrtovanje ravnanja v primeru nesreč in drugih izrednih razmerah,

– izmenjavo informacij in strokovnjakov, zlasti strokovnjakov s področja prenosa čistih tehnologij in varne ter okolju prijazne uporabe biotehnologij,

– skupne raziskovalne dejavnosti,

– približevanje zakonodaje standardom Skupnosti,

– sodelovanje na regionalni ravni, vključno s sodelovanjem v okviru Evropske agencije za okolje, in na mednarodni ravni,

– razvoj strategij, še zlasti glede globalnih vprašanj in vprašanj v zvezi s podnebjem, ter z uvajanjem trajnostnega razvoja,

– presojo vplivov na okolje.

4. Pogodbenici si prizadevata razvijati sodelovanje na področju zdravja ljudi, zlasti s tehnično pomočjo za preprečevanje nalezljivih bolezni in boj proti njim ter varovanje mater in malih otrok.

ČLEN 53

Prevoz

Pogodbenici razvijata in krepita sodelovanje na področju prevoza.

Cilj sodelovanja na področju prevoza je med drugim prestrukturiranje in posodobitev prevoznih sistemov in omrežij v Republiki Tadžikistan ter razvoj in po potrebi zagotavljanje združljivosti prevoznih sistemov z namenom vzpostavitve globalnega prevoznega sistema ter opredelitev in priprava prvenstvenih projektov ter za pritegnitev naložb za njihovo izvajanje.

Sodelovanje se osredotoči predvsem na naslednja področja:

– posodobitev upravljanja in poslovanja cestnega prometa, železnic, pristanišč in letališč;

2. Cooperation shall aim at protecting the environment, combating all kinds of pollution and in particular cover:

– effective monitoring of pollution levels and assessment of the environment; a system of information on the state of the environment;

– combating local, regional and transboundary air and water pollution;

– environmental rehabilitation;

– sustainable, efficient and environmentally sound production and use of energy;

– the safety of industrial plants;

– classification and safe handling of chemicals;

– water quality;

– waste reduction, recycling and safe disposal, implementation of the Basel Convention when signed;

– the environmental impact of agriculture; soil erosion; chemical pollution;

– the protection of forests;

– the conservation of biodiversity, protected areas and sustainable use and management of biological resources;

– land-use planning, including construction and urban planning;

– the use of economic and fiscal instruments;

– global climate change;

– environmental education and awareness;

– implementation of the Espoo Convention on Environmental Impact Assessment in a transboundary context when signed.

3. Forms of cooperation shall include:

– planning for disasters and other emergency situations;

– the exchange of information and experts, including information and experts dealing with the transfer of clean technologies and the safe and environmentally sound use of biotechnologies;

– joint research activities;

– approximation of laws towards Community standards;

– cooperation at regional level, including cooperation within the framework of the European Environment Agency, and at international level;

– the development of strategies, particularly with regard to global and climatic issues and with a view to achieving sustainable development;

– environmental impact studies.

4. The Parties shall seek to develop their cooperation on questions of human health, in particular through technical assistance on the prevention and combating of infectious diseases and the protection of mothers and young children.

ARTICLE 53

Transport

The Parties shall develop and strengthen their cooperation in the field of transport.

This cooperation shall, inter alia, aim at restructuring and modernising transport systems and networks in the Republic of Tajikistan; developing and ensuring, where appropriate, compatibility of transportation systems in the context of achieving a more global transport system; and identifying and elaborating priority projects and seeking to attract investment for their implementation.

Cooperation shall include:

– the modernisation of management and operations of road transport, railways and airports;

– posodobitev in razvoj cestne, železniške, letališke in zračno navigacijske infrastrukture ter vodnih poti kot tudi sistemov za vodenje plovbe, vključno s posodobitvijo glavnih prometnih poti, ki so v skupnem interesu, ter čezevropskih povezav za navedene načine prevoza, zlasti tistih, ki so povezani s projektom Traceca,

– spodbujanje in razvoj multimodalnega prevoza,

– spodbujanje skupnih dejavnosti na področju raziskav in razvoja,

– priprava zakonodajne in institucionalne podlage za razvoj in izvajanje prometne politike, ki bo med drugim vključevala privatizacijo tega sektorja,

– poenostavitev postopkov za vse oblike prevoza v regiji.

ČLEN 54

Elektronske komunikacije in poštne storitve

V mejah svojih pooblastil in pristojnosti pogodbenici širita in krepita sodelovanje na naslednjih področjih:

– oblikovanje politik in usmeritev za razvoj sektorja elektronskih komunikacij in poštnih storitev,

– razvoj načel tarifne politike in trženja elektronskih komunikacij in poštnih storitev,

– prenos tehnologije ter znanja in izkušenj, vključno z Evropskimi tehničnimi standardi in sistemom izdajanja certifikatov,

– spodbujanje razvoja projektov na področju elektronskih komunikacij in poštnih storitev ter pritegnitev naložb,

– povečanje učinkovitosti in kakovosti elektronskih komunikacij in poštnih storitev, med drugim z liberalizacijo dejavnosti podsektorjev,

– napredno elektronsko komuniciranje, zlasti na področju elektronskega prenosa sredstev,

– upravljanje omrežij elektronskih komunikacij in njihova optimizacija,

– ustrezna pravna podlaga za nudenje elektronskih komunikacij in poštnih storitev ter za uporabo spektra radijskih frekvenc,

– usposabljanje na področju elektronskih komunikacij in poštnih storitev za poslovanje pod tržnimi pogoji.

ČLEN 55

Finančne storitve in davčne institucije

1. Cilj sodelovanja na področju finančnih storitev je zlasti lažja vključitev Republike Tadžikistan v splošno sprejete klirinške sisteme. Tehnična pomoč je osredotočena na:

– vzpostavitev borze delnic in trga vrednostnih papirjev,

– razvoj bančnih storitev, razvoj skupnega trga kreditnih virov in vključitev Republike Tadžikistan v splošno sprejete klirinške sisteme,

– razvoj zavarovalniških storitev, ki bi med drugim vzpostavil ustrezen okvir za sodelovanje podjetij Skupnosti pri ustanavljanju skupnih naložb na področju zavarovalništva v Republiki Tadžikistan, ter razvoj zavarovanja izvoznih kreditov.

To sodelovanje zlasti spodbuja razvoj odnosov med pogodbenicama na področju finančnih storitev.

2. Pogodbenici sodelujeta pri razvoju davčnega sistema in davčnih institucij v Republiki Tadžikistan. To sodelovanje vključuje izmenjavo informacij in izkušenj o davčnih zadevah ter usposabljanje osebja, ki oblikuje in izvaja davčno politiko.

– the modernisation and development of railways, waterways, roads, airport and air navigation infrastructure and navigation aids, including the modernisation of major routes of common interest and the trans-European links for the above modes, particularly those related to the TRACECA project;

– the promotion and development of multi-modal transport;

– the promotion of joint research and development programmes;

– the preparation of the legislative and institutional framework for policy development and implementation, including privatisation of the transport sector;

– the simplification of procedures for all forms of transport in the region.

ARTICLE 54

Electronic communications and postal services

Within their respective powers and competences the Parties shall expand and strengthen cooperation aimed at:

– establishing policies and guidelines for the development of the electronic communications sector and postal services;

– developing tariff policy and marketing principles for electronic communications and postal services;

– transferring technology and know-how, particularly regarding European technical standards and certification systems;

– encouraging the development of projects for electronic communications and postal services and attracting investment;

– enhancing the efficiency and quality of electronic communications and postal services, inter alia through liberalisation of activities in sub-sectors;

– promoting advanced application of electronic communications, notably in the area of electronic funds transfer;

– enhancing the management of, and optimising, electronic communications networks;

– developing an appropriate regulatory basis for the provision of electronic communications and postal services and for the use of the radio frequency spectrum;

– enhancing training in the field of electronic communications and postal services for operations in market conditions.

ARTICLE 55

Financial services and fiscal institutions

1. Cooperation in the field of financial services shall in particular aim at facilitating the involvement of the Republic of Tajikistan in universally recognised clearing systems. Technical assistance shall focus on:

– the development of a stock market and a securities market;

– the development of banking services, the development of a common market for credit resources and the involvement of the Republic of Tajikistan in a universally recognised clearing system;

– the development of insurance services, which would inter alia create a favourable framework for Community companies' participation in the establishment of joint ventures in the insurance sector in the Republic of Tajikistan, and the development of export credit insurance.

This cooperation shall in particular contribute to fostering relations between the Parties in the financial services sector.

2. The Parties shall cooperate in developing the fiscal system and fiscal institutions in the Republic of Tajikistan. This cooperation shall include the exchange of information and experience on fiscal matters and the training of personnel involved in the formulation and implementation of fiscal policy.

ČLEN 56

Prestrukturiranje in privatizacija podjetij

Ob priznavanju temeljnega pomena privatizacije za trajnostno gospodarsko obnovo se pogodbenici strinjata, da bosta sodelovali pri razvoju potrebnega institucionalnega, pravnega in metodološkega okvira. Poseben pomen bosta pripisovali urejeni in pregledni naravi privatizacijskega procesa, izmenjavi informacij in izkušenj in ustreznemu usposabljanju na področju politike naložb.

Tehnična pomoč je med drugim osredotočena na:

– nadaljnji razvoj institucionalne osnove znotraj tadžikistanske vlade za pomoč pri opredeljevanju in upravljanju privatizacijskega procesa;

– nadaljnji razvoj privatizacijske strategije vlade Republike Tadžikistan, vključno z zakonodajnim okvirom, ter mehanizmov za izvajanje;

– spodbujanje tržnega pristopa do uporabe in užitka zemljišča;

– prestrukturiranje podjetij, ki še niso pripravljena na privatizacijo;

– razvoj zasebnih podjetij, zlasti na področju malih in srednje velikih podjetij;

– razvoj investicijskih skladov.

Cilj tega sodelovanja je prispevati k spodbujanju naložb Skupnosti v Republiki Tadžikistan.

ČLEN 57

Regionalni razvoj

1. Pogodbenici krepita sodelovanje na področju regionalnega razvoja in urejanja prostora.

2. V ta namen pogodbenici spodbujata izmenjavo informacij med državnimi, regionalnimi in lokalnimi organi o regionalni politiki in politiki urejanja prostora ter o načinih oblikovanja regionalnih politik, s posebnim poudarkom na razvoju regij z omejenimi možnostmi.

Spodbujata tudi neposredne stike med zadevnimi regionalnimi in javnimi organizacijami, odgovornimi za načrtovanje regionalnega razvoja, z namenom inter alia, izmenjave podatkov o sredstvih za spodbujanje regionalnega razvoja.

ČLEN 58

Sodelovanje na socialnem področju

1. Na področju zdravja in varnosti pogodbenici razvijata medsebojno sodelovanje z namenom, da izboljšata, inter alia, raven varovanja zdravja in varnosti delavcev.

Sodelovanje se osredotoči predvsem na naslednja področja:

– izobraževanje in usposabljanje na področju zdravja in varnosti s posebnim poudarkom na sektorjih dejavnosti visokega tveganja,

– razvoj in spodbujanje preventivnih ukrepov za boj proti poklicnim boleznim in z delom povezanim težavam,

– preprečevanje tveganj večjih nezgod in ravnanje s strupenimi kemikalijami,

– raziskave o razvoju informacij in razumevanja glede delovnega okolja ter zdravja in varnosti delavcev.

2. Pri zaposlovanju sodelovanje zajema predvsem tehnično pomoč za:

– optimizacijo trga delovne sile,

– posodobitev služb za pomoč pri iskanju zaposlitve in poklicnem svetovanju,

– načrtovanje in izvedbo programov prestrukturiranja,

ARTICLE 56

Enterprise restructuring and privatisation

Recognising that privatisation is of fundamental importance to a sustainable economic recovery, the Parties agree to cooperate in the development of the necessary institutional, legal and methodological framework. Particular attention shall be paid to the orderly and transparent nature of the privatisation process, exchange of information and experience, and appropriate training in investment policy.

Technical assistance shall focus on, inter alia:

– the further development of an institutional base within the Government of the Republic of Tajikistan to assist with defining and managing the privatisation process;

– the further development of the privatisation strategy of the Government of the Republic of Tajikistan, including the legislative framework, and implementation mechanisms;

– furthering market approaches to land use and usufruct;

– the restructuring of those enterprises not yet ready for privatisation;

– the development of private enterprise, and particularly small and medium-sized enterprises;

– the development of investment funds.

The objective of this cooperation shall be to contribute to the promotion of Community investment in the Republic of Tajikistan.

ARTICLE 57

Regional development

1. The Parties shall strengthen cooperation on regional development and land-use planning.

2. To this end, the Parties shall encourage the exchange of information by national, regional and local authorities on regional and land-use planning policy and on methods of formulation of regional policies with special emphasis on the development of disadvantaged areas.

They shall also encourage direct contacts between the respective regions and public organisations responsible for regional development planning with the aim, inter alia, of exchanging information regarding ways of fostering regional development.

ARTICLE 58

Social cooperation

1. With regard to health and safety, the Parties shall develop cooperation between them with the aim of improving inter alia the level of protection of the health and safety of workers.

This cooperation shall include:

– education and training on health and safety issues with specific attention to high risk sectors of activity;

– development and promotion of preventive measures to combat work related diseases and other work-related ailments;

– prevention of major accident hazards and the management of toxic chemicals;

– research on developing information and understanding of the working environment and on the health and safety of workers.

2. With regard to employment, the cooperation shall include notably technical assistance for:

– the optimisation of the labour market;

– the modernisation of job-finding and careers advisory services;

– the planning and management of restructuring programmes;

– spodbujanje razvoja lokalnega zaposlovanja,

– izmenjavo informacij o programih fleksibilnega zaposlovanja, vključno s programi, ki spodbujajo samozaposlovanje ter pospešujejo podjetništvo.

3. Pogodbenici posvečata posebno pozornost sodelovanju na področju socialnega varstva, zlasti na področju sodelovanja pri načrtovanju in izvajanju reform socialnega varstva v Republiki Tadžikistan.

Cilj teh reform je razvijanje načinov socialnega varstva v Republiki Tadžikistan, kot jih poznajo tržna gospodarstva, in zajemajo vse ustrezne oblike socialnega varstva.

ČLEN 59

Turizem

Pogodbenici krepita in razvijata medsebojno sodelovanje, ki zajema:

– pospeševanje turistične izmenjave,

– povečevanje pretoka informacij,

– prenašanje znanja in izkušenj,

– preučevanje možnosti organiziranja skupnih dejavnosti,

– sodelovanje med uradnimi turističnimi organi, vključno s pripravo promocijskega materiala,

– usposabljanje za razvoj turizma.

ČLEN 60

Mala in srednje velika podjetja

1. Pogodbenici si prizadevata za razvoj in krepitev malih in srednje velikih podjetij (MSP) in njihovih združenj ter za sodelovanje med malimi in srednjimi podjetji iz Skupnosti in Republike Tadžikistan.

2. Sodelovanje vključuje tehnično pomoč zlasti na naslednjih področjih:

– razvoj zakonodajnega okvira za mala in srednja podjetja;

– razvoj primerne infrastrukture v pomoč MSP pri spodbujanju komunikacije in poslovnega sodelovanja med MSP tako znotraj kot izven Tadžikistana; in za usposabljanje MSP glede znanj, ki jih potrebujejo, da lahko dostopajo do sredstev;

– usposabljanje na področjih trženja, računovodstva in nadzora kakovosti proizvodov.

ČLEN 61

Informacije in komunikacije

Pogodbenici podpirata razvoj sodobnih načinov upravljanja z informacijami, vključno z mediji, in spodbujata učinkovito medsebojno izmenjavo informacij. Prednost dajeta programom, katerih namen je nuditi splošni javnosti osnovne informacije o Skupnosti in Republiki Tadžikistan, vključno, če je mogoče, z dostopom do podatkovnih zbirk, ob polnem spoštovanju pravic intelektualne lastnine.

ČLEN 62

Varstvo potrošnikov

Pogodbenici tesno sodelujeta z namenom doseganja združljivosti njunih sistemov varstva potrošnikov. To sodelovanje zajema zlasti izmenjavo podatkov o zakonodajnem delu in institucionalnih reformah, oblikovanje trajnih sistemov za izmenjavo podatkov o nevarnih izdelkih, izboljšanje obveščenosti potrošnikov zlasti o cenah, značilnostih ponujenih izdelkov in storitev, razvoj izmenjav med predstavniki interesov potrošnikov ter povečanje združljivosti politik varstva potrošnikov ter organizacijo seminarjev in tečajev usposabljanja.

– the encouragement of local employment development;

– the exchange of information on the programmes of flexible employment, including those stimulating self-employment and promoting entrepreneurship.

3. The Parties shall pay special attention to cooperation in the sphere of social protection, including cooperation in planning and implementing social protection reforms in the Republic of Tajikistan.

These reforms shall aim to develop in the Republic of Tajikistan methods of protection intrinsic to market economies and shall comprise all relevant forms of social protection.

ARTICLE 59

Tourism

The Parties shall increase and develop their cooperation with a view, inter alia, to:

– facilitating the tourist trade;

– increasing the flow of information;

– transferring know-how;

– studying the opportunities for joint operations;

– cooperation between official tourism bodies, including the preparation of promotional material;

– training for tourism development.

ARTICLE 60

Small and medium-sized enterprises

1. The Parties shall aim to develop and strengthen small and medium-sized enterprises (SMEs) and their associations, and cooperation between SMEs in the Community and the Republic of Tajikistan.

2. Cooperation shall include technical assistance, in particular in the following areas:

– the development of a legislative framework for SMEs;

– the development of an appropriate infrastructure to support SMEs, to promote communication and business cooperation between SMEs both within the Republic of Tajikistan and further afield, and to train SMEs in the skills necessary to access funding;

– training in the areas of marketing, accounting and control of the quality of products.

ARTICLE 61

Information and communication

The Parties shall support the development of modern methods of information handling, including the media, and stimulate the effective mutual exchange of information. Priority shall be given to programmes aimed at providing the general public with basic information about the Community and the Republic of Tajikistan, including, where possible, access to databases, in full respect of intellectual property rights.

ARTICLE 62

Consumer protection

The Parties shall enter into close cooperation aimed at achieving compatibility between their systems of consumer protection. This cooperation may include the exchange of information on legislative work and institutional reform, the establishment of permanent systems of mutual information on dangerous products, the improvement of information provided to consumers, especially on prices, characteristics of products and services offered, the development of exchanges between consumer interest representatives, and increasing the compatibility of consumer protection policies, and the organisation of seminars and training periods.

ČLEN 63

Carine

1. Cilj sodelovanja je zagotoviti skladnost z vsemi določbami, ki naj bi bile sprejete v zvezi s trgovino in pošteno trgovino, in doseči približevanje carinskega sistema Republike Tadžikistan carinskemu sistemu Skupnosti.

2. Sodelovanje vključuje zlasti:
– izmenjavo informacij,
– izboljšanje delovnih metod,
– uveljavitev kombinirane nomenklature in enotne upravne listine,
– poenostavitev pregledov in formalnosti glede prevoza blaga,
– podporo uvedbi sodobnih carinskih informacijskih sistemov,
– organizacijo seminarjev in usposabljanj.
Po potrebi se zagotavlja tehnična pomoč.

3. Brez poseganja v nadaljnje sodelovanje, predvideno v tem sporazumu in zlasti z naslovom VIII, si upravni organi pogodbenic s področja carin medsebojno pomagajo v skladu z določbami Protokola, priloženega temu sporazumu.

ČLEN 64

Sodelovanje na področju statistike

Namen sodelovanja na tem področju je razvoj učinkovitega statističnega sistema, ki bo zagotavljal zanesljive statistične podatke, potrebne za podporo in spremljanje družbeno-gospodarskih reform, in ki bo pripomogel k razvoju zasebnega podjetništva v Republiki Tadžikistan.
Pogodbenici sodelujeta zlasti na naslednjih področjih:

– prilagoditev tadžikistanskega statističnega sistema mednarodnim metodam, standardom in klasifikacijam,
– izmenjava statističnih informacij,
– zagotavljanje potrebnih statističnih makro- in mikroekonomskih informacij za izvajanje in upravljanje gospodarskih reform.
V ta namen Skupnost zagotovi Republiki Tadžikistan tehnično pomoč.

ČLEN 65

Ekonomija

Pogodbenici omogočata lažji potek družbeno-gospodarske reforme in usklajevanje gospodarskih politik tako, da sodelujeta pri izboljšanju razumevanja temeljnih mehanizmov njunih gospodarstev ter oblikovanja in izvajanja gospodarske politike v tržnem gospodarstvu. V ta namen si pogodbenici izmenjujeta informacije o makroekonomskih dosežkih in perspektivah.
Skupnost zagotovi tehnično pomoč z namenom, da:
– pomaga Republiki Tadžikistan pri gospodarski reformi z nudenjem strokovnega svetovanja in tehnične pomoči,

– spodbuja sodelovanje med gospodarstveniki z namenom pospešiti prenos znanja in izkušenj za oblikovanje gospodarskih politik in zagotoviti, da je z rezultati raziskav v zvezi s temi politikami seznanjen najširši krog ljudi;
– izboljša sposobnost Republike Tadžikistan za oblikovanje ekonomskih modelov.

ARTICLE 63

Customs

1. The aim of cooperation shall be to guarantee compliance with all the provisions scheduled for adoption in connection with trade and fair trade and to achieve the approximation of the Republic of Tajikistan's customs system to that of the Community.
2. Cooperation shall take place particularly through:
– the exchange of information;
– the improvement of working methods;
– the introduction of the Combined Nomenclature and the single administrative document;
– the simplification of controls and formalities in respect of the carriage of goods;
– support for the introduction of modern customs information systems;
– the organisation of seminars and training periods.
Technical assistance shall be provided where necessary.
3. Without prejudice to other cooperation under this Agreement, and in particular Title VIII, mutual assistance in customs matters between administrative authorities of the Parties shall take place in accordance with the provisions of the Protocol attached to this Agreement.

ARTICLE 64

Statistical cooperation

Cooperation in this area shall pursue the development of an efficient statistical system to provide the reliable statistics needed to support and monitor the process of socio-economic reform and contribute to the development of private enterprise in the Republic of Tajikistan.
The Parties shall, in particular, cooperate in the following fields:
– the adaptation of the Tajik statistical system to international methods, standards and classification;
– the exchange of statistical information;
– the provision of the macro- and microeconomic statistics necessary to implement and manage economic reforms.
The Community shall provide the Republic of Tajikistan with technical assistance for this purpose.

ARTICLE 65

Economic science

The Parties shall facilitate the process of socioeconomic reform and the coordination of economic policies by cooperating to improve understanding of the fundamentals of their respective economies and the design and implementation of economic policy in market economies. To this end, the Parties shall exchange information on macroeconomic performance and prospects.
The Community shall provide technical assistance to:
– assist the Republic of Tajikistan in the process of economic reform by providing expert advice and technical assistance;
– encourage cooperation among economists in order to expedite the transfer of know-how for the drafting of economic policies, and provide for wide dissemination of policy-relevant research;
– improve the Republic of Tajikistan's capacity to formulate economic models.

NASLOV VII
SODELOVANJE V ZADEVAH V ZVEZI Z DEMOKRACIJO IN ČLOVEKOVIMI PRAVICAMI

ČLEN 66

Pogodbenici sodelujeta pri vseh vprašanjih, ki zadevajo ustanovitev ali krepitev demokratičnih institucij, zlasti s tistimi, ki so potrebne za krepitev pravne države in varstvo človekovih pravic ter temeljnih svoboščin v skladu z mednarodnim pravom in načeli OVSE.

To sodelovanje zajema programe tehnične pomoči, namenjene inter alia za pomoč pri pripravi ustrezne zakonodaje in ustreznih predpisov, izvajanje takšne zakonodaje, delovanje sodne veje oblasti, vlogo države v pravosodnih zadevah ter delovanje volilnega sistema. Če je potrebno, lahko vključuje usposabljanje. Pogodbenici spodbujata stike in izmenjave med svojimi državnimi, regionalnimi in sodnimi organi, parlamentarci in nevladnimi organizacijami.

TITLE VII
COOPERATION ON MATTERS RELATING TO DEMOCRACY AND HUMAN RIGHTS

ARTICLE 66

The Parties shall cooperate on all questions relevant to the establishment or reinforcement of democratic institutions, including those required in order to strengthen the rule of law, and the protection of human rights and fundamental freedoms according to international law and OSCE principles.

This cooperation shall take the form of technical assistance programmes intended to assist, inter alia, in the drafting of relevant legislation and regulations; the implementation of such legislation; the functioning of the judiciary; the role of the State in questions of justice; and the operation of the electoral system. They shall include training where appropriate. The Parties shall encourage contacts and exchanges between their national, regional and judicial authorities, parliamentarians, and non-governmental organisations.

NASLOV VIII
SODELOVANJE NA PODROČJU PREPREČEVANJA NELEGALNIH DEJAVNOSTI IN PREPREČEVANJA IN NADZORA ILEGALNIH MIGRACIJ

ČLEN 67

Pogodbenici vzpostavita sodelovanje z namenom preprečiti nezakonite dejavnosti, kot so:

– nezakonite dejavnosti na gospodarskem področju, vključno s korupcijo;

– nezakoniti posli z različnim blagom, vključno z industrijskimi odpadki, nezakonito trgovanje z orožjem;

– ponarejanje.

Sodelovanje na zgoraj navedenih področjih temelji na medsebojnih posvetovanjih in tesnem vzajemnem delovanju. Vključuje tehnično in upravno pomoč, zlasti za naslednja področja:

– pripravo notranje zakonodaje na področju preprečevanja nezakonitih dejavnosti;

– ustanavljanje informacijskih središč,

– izboljšanje učinkovitosti ustanov, odgovornih za preprečevanje nezakonitih dejavnosti;

– usposabljanje osebja in razvoj raziskovalne infrastrukture;

– oblikovanje obojestransko sprejemljivih ukrepov za preprečevanje nezakonitih dejavnosti.

TITLE VIII
COOPERATION ON PREVENTION OF ILLEGAL ACTIVITIES AND THE PREVENTION AND CONTROL OF ILLEGAL IMMIGRATION

ARTICLE 67

The Parties shall establish cooperation aimed at preventing illegal activities such as:

– illegal activities in the sphere of economics, including corruption;

– illegal transactions in various goods, including industrial waste, and illicit traffic of arms;

– counterfeiting.

Cooperation in the above areas shall be based on mutual consultation and close interaction. Technical and administrative assistance shall be provided, in such areas as:

– drafting national legislation in the sphere of preventing illegal activities;

– creating information centres;

– increasing the efficiency of institutions engaged in preventing illegal activities;

– training personnel and developing research infrastructure;

– elaborating mutually acceptable measures to counter illegal activities.

ČLEN 68

Pranje denarja

1. Pogodbenici se strinjata o nujnosti prizadevanja in sodelovanja z namenom preprečevati zlorabo njunih finančnih sistemov za pranje sredstev, pridobljenih iz kriminalnih dejavnosti na splošno in zlasti iz nedovoljenega prometa z mamili.

2. Sodelovanje na tem področju vključuje upravno in tehnično pomoč z namenom razvijanja primernih standardov za boj proti pranju denarja, ki so enaki standardom, sprejetim na tem področju v Skupnosti in mednarodnih organih, dejavnih na tem področju, še zlasti v Projektni skupini za finančno ukrepanje (PSFU).

ARTICLE 68

Money laundering

1. The Parties agree on the necessity of making efforts and cooperating in order to prevent the use of their financial systems for laundering the proceeds of criminal activities in general and drug offences in particular.

2. Cooperation in this area shall include administrative and technical assistance with a view to establishing standards against money laundering equivalent to those adopted by the Community and international fora in this field, including the Financial Action Task Force (FATF).

ČLEN 69

Boj proti prepovedanim drogam

V okviru svojih pristojnosti in pooblastil pogodbenici sodelujeta pri povečevanju učinkovitosti politik in ukrepov boja proti nedovoljeni proizvodnji, preskrbi in prometu s prepovedanimi drogami in psihotropnimi snovmi, vključno s preprečevanjem zlorabe prekurzorjev, ter pri spodbujanju preprečevanja in zmanjševanja povpraševanja po prepovedanih drogah. Kar zadeva nadzor nad prekurzorji in drugimi bistvenimi snovmi, uporabljenimi pri nedovoljeni proizvodnji prepovedanih drog, se to sodelovanje opira na standarde, sprejete v Skupnosti in zadevnih mednarodnih organih, kot so tisti iz Projektne skupine za kemijske proizvode. Sodelovanje na tem področju temelji na medsebojnem posvetovanju in tesnem sodelovanju med pogodbenicama glede ciljev in ukrepov, ki naj bi se jih sprejelo na posameznih področjih, ki so povezana z bojem proti prepovedanim drogam.

ARTICLE 69

Fight against drugs

Within the framework of their respective powers and competences the Parties shall cooperate to increase the effectiveness and efficiency of policies and measures to counter the illicit production, supply and traffic in narcotic drugs and psychotropic substances, including the prevention of diversion of precursor chemicals, and to promote drug demand prevention and reduction. As regards the control of precursor chemicals and other essential substances used for the illicit production of narcotic drugs and psychotropic substances, this cooperation shall be based on the standards adopted by the Community and the international authorities concerned, such as those of the Chemical Action Task Force (CATF). Cooperation in this area shall be based on mutual consultation and close coordination between the Parties on objectives and measures to be taken in the various drug-related fields.

ČLEN 70

Sodelovanje na področju priseljevanja

1. Pogodbenici ponovno potrjujeta pomen, ki ga pripisujeta vzajemnemu upravljanju migracijskih tokov med njunimi ozemlji. S ciljem okrepitve njunega sodelovanja bosta pogodbenici vzpostavili celovit dialog o vseh vprašanjih v zvezi s preseljevanjem, vključno z ilegalnimi migracijami in trgovino z ljudmi ter z vključitvijo migracijskih vprašanj v nacionalne strategije socio-ekonomskega razvoja matičnih držav migrantov.

2. Sodelovanje bo temeljilo na ovrednotenju posebnih potreb, ki se ga bo izvajalo s pomočjo medsebojnih posvetovanj s Pogodbenicama in bo izvedeno v skladu z veljavno zakonodajo Skupnosti in nacionalno zakonodajo. Sodelovanje se osredotoči predvsem na naslednja področja:

a) ključni vzroki za preseljevanje;

b) priprava in izvajanje zakonov in nacionalnih praks na področju mednarodne zaščite, da bi se izpolnilo določbe ženevske konvencije iz leta 1951 o statusu beguncev in njenega Protokola iz leta 1967 in tudi katerega koli regionalnega ali mednarodnega instrumenta za zagotovitev načela »nevračanja«;

c) pravila o dovolitvi vstopa kot tudi pravice in status oseb, ki jim je bil vstop dovoljen, pravično obravnavanje in vključevanje priseljencev, ki legalno prebivajo, v družbo, izobraževanje in usposabljanje legalnih priseljencev ter boj proti rasizmu in ksenofobiji;

d) vzpostavitev učinkovite preventivne politike proti nezakonitemu priseljevanju in trgovini z ljudmi, vključno s študijo sredstev boja proti kriminalnim mrežam in organizacijam, ki tihotapijo ljudi in z njimi trgujejo, ter zaščita žrtev takega trgovanja;

e) vrnitev, v skladu z odstavkom 3, oseb, ki nelegalno prebivajo na območju neke države, in njihov ponoven sprejem, v človeških in dostojnih okoliščinah;

f) področje vizumov, zlasti za vprašanja vzajemnega interesa;

g) področje mejnih kontrol, zlasti kar zadeva organizacijo, usposabljanje, najboljše prakse in delovne ukrepe, uporabljene na terenu, in, kjer je to ustrezno, zagotavljanje opreme, ob upoštevanju možne dvojne rabe te opreme.

3. V okviru sodelovanja s ciljem preprečevanja in nadzora ilegalnih migracij, pogodbenici soglašata o ponovnem sprejemu svojih ilegalnih priseljencev. V ta namen:

– se Republika Tadžikistan strinja, da bo ponovno sprejela vse svoje državljane, ki so nezakonito na ozemlju države članice, na zahtevo slednje in brez nadaljnjih formalnosti;

ARTICLE 70

Cooperation on migration

1. The Parties reaffirm the importance, which they attach to a joint management of migration flows between their territories. With a view to strengthening cooperation between them, they shall establish a comprehensive dialogue on all migration-related issues, including illegal migration, smuggling and trafficking in human beings, as well as the inclusion of the migration concerns in the national strategies for economic and social development of the areas from which migrants originate.

2. Cooperation shall be based on a specific needs assessment conducted in mutual consultation between the Parties and be implemented in accordance with the relevant Community and national legislation in force. It will, in particular, focus on:

(a) the root causes of migration;

(b) the development and implementation of national legislation and practices as regards international protection, with a view to satisfying the provisions of the Geneva Convention of 1951 on the status of refugees and of the Protocol of 1967 and other relevant international instruments, and to ensuring the respect of the principle of "non-refoulement";

(c) the admission rules and rights and status of persons admitted, fair treatment and integration of lawfully residing non-nationals, education and training and measures against racism and xenophobia;

(d) the establishment of an effective and preventive policy against illegal immigration, smuggling of migrants and trafficking in human beings including the issue of how to combat networks of smugglers and traffickers and how to protect the victims of such trafficking;

(e) the return, under humane and dignified conditions, of persons residing illegally including the promotion of their voluntary return, and the readmission of such persons, in accordance with paragraph 3;

(f) the field of visas, on issues identified as being of mutual interest;

(g) the field of border controls, on issues related to organisation, training, best practices and other operational measures on the ground and where relevant, equipment, while being aware of the potential dual-use of such equipment.

3. In the framework of the cooperation to prevent and control illegal immigration, the Parties also agree to readmit their illegal migrants. To this end:

– the Republic of Tajikistan shall readmit any of its nationals illegally present on the territory of a Member State of the European Union, upon request by the latter and without further formalities;

– vsaka država članica se strinja, da bo ponovno sprejela vse svoje državljane, ki so nezakonito navzoči na ozemlju Republike Tadžikistan, na zahtevo slednje in brez nadaljnjih formalnosti.

Države članice Evropske unije in Republika Tadžikistan bodo svojim državljanom v ta namen zagotovili ustrezne osebne dokumente.

Pogodbenici soglašata, da bosta sklenili, na zahtevo ene pogodbenice in čim prej, sporazum, ki ureja posebne obveznosti Republike Tadžikistan in držav članic Evropske skupnosti v zadevi ponovnega sprejema, vključno z obveznostjo ponovnega sprejema državljanov drugih držav in oseb brez državljanstva.

Za namene tega sporazuma izraz »pogodbenici« pomeni Evropsko skupnost, vsako od njenih držav članic, in Republiko Tadžikistan.

ČLEN 71

Boj proti terorizmu

Pogodbenici ponovno potrjujeta pomen boja proti terorizmu in v skladu z mednarodnimi konvencijami ter svojo zakonodajo in predpisi sodelujeta s ciljem preprečevanja in odprave terorističnih dejanj. Še zlasti bosta delovali:

– v okviru popolnega izvajanja Resolucije 1373 Varnostnega sveta Združenih narodov in drugih ustreznih Resolucij Združenih narodov ter drugih mednarodnih instrumentov, ki so nanašajo na to zadevo.

– z izmenjavo informacij, v skladu z mednarodno in nacionalnimi zakonodajami, o terorističnih skupinah in njihovih pomožnih omrežjih;

– in, prek izmenjave mnenj o sredstvih in metodah, ki se uporabljajo za boj proti terorizmu, vključno s področjema tehnike in usposabljanja, ter z izmenjavo izkušenj v zvezi s preprečevanjem terorizma.

– and each Member State of the European Union shall readmit any of its nationals illegally present on the territory of the Republic of Tajikistan, upon request by the latter and without further formalities.

The Member States of the European Union and the Republic of Tajikistan will provide their nationals with appropriate identity documents for such purposes.

The Parties agree to conclude, upon request and as soon as possible, an agreement regulating the specific obligations for Member States of the European Union and the Republic of Tajikistan on readmission, including an obligation for the readmission of nationals of other countries and stateless persons.

For this purpose, the term "Parties" shall mean the European Community, any of its Member States and the Republic of Tajikistan.

ARTICLE 71

Fight against terrorism

The Parties reaffirm the importance of the fight against terrorism and, in accordance with international agreements and their respective laws and regulations, agree to cooperate on the prevention and elimination of terrorist acts. In particular they will cooperate:

– in the framework of the full implementation of UN Security Council Resolution 1373 and other UN resolutions, agreements and other international instruments relating to this matter;

– by exchanges of information, in accordance with the international and national laws on terrorist groups and their support networks;

– and by exchanges of views on the means and methods used to counter terrorism, including technical fields and training, and by an exchange of experience concerning the prevention of terrorism.

NASLOV IX
KULTURNO SODELOVANJE

ČLEN 72

Pogodbenici se obvezujeta, da bosta pospeševali, spodbujali in omogočali kulturno sodelovanje. Sodelovanje se, kadar je to primerno, odvija v okviru programov kulturnega sodelovanja Skupnosti ali ene ali več držav članic, razvijajo pa se lahko tudi druge dejavnosti vzajemnega interesa.

TITLE IX
CULTURAL COOPERATION

ARTICLE 72

The Parties undertake to promote, encourage and facilitate cultural cooperation. Where appropriate, the Community's cultural cooperation programmes or those of one or more Member States may be the subject of cooperation and further activities of mutual interest may be developed.

NASLOV X
FINANČNO SODELOVANJE

ČLEN 73

Z namenom doseganja ciljev tega sporazuma in v skladu s členi 74, 75 in 76 Republika Tadžikistan prejme začasno finančno pomoč Skupnosti prek tehnične pomoči v obliki dotacij.

ČLEN 74

Ta finančna pomoč se izvaja z ukrepi, predvidenimi v okviru programa Tacis, in z ustrezno uredbo Sveta Skupnosti. Republika Tadžikistan lahko glede na svoje potrebe prejema tudi druge oblike pomoči Skupnosti. Posebna pozornost bo namenjena koncentraciji pomoči, koordinaciji finančnih instrumentov ter povezavi med različnimi vrstami človekoljubne, sanacijske in razvojne pomoči Skupnosti. Boj proti revščini bo vključen v programe Skupnosti.

TITLE X
FINANCIAL COOPERATION

ARTICLE 73

In order to achieve the objectives of this Agreement and in accordance with Articles 74, 75 and 76, the Republic of Tajikistan shall be eligible for temporary financial assistance from the Community by way of technical assistance grants.

ARTICLE 74

This financial assistance shall be covered by the Tacis programme and the Community's relevant Council Regulation. The Republic of Tajikistan may also benefit from other types of Community assistance according to its needs. Particular attention shall be given to the focussing of aid, the coordination of assistance instruments and the link between the various types of Community humanitarian, rehabilitation and development aid. The fight against poverty shall be incorporated into the Community programmes.

ČLEN 75

Cilji in področja finančne pomoči Skupnosti se določijo v indikativnem programu, ki odraža prednostne naloge, o katerih se Skupnost in Republika Tadžikistan dogovorita, in ki upošteva potrebe Republike Tadžikistan, prevzemne zmogljivosti sektorjev in napredek pri reformah. Pogodbenici o tem obvestita Svet za sodelovanje.

ČLEN 76

Da bi omogočili optimalno uporabo razpoložljivih sredstev, pogodbenici zagotovita, da je pomoč Skupnosti dobro usklajena s prispevki iz drugih virov, kot so države članice, druge države in mednarodne organizacije, na primer Mednarodna banka za obnovo in razvoj in Evropska banka za obnovo in razvoj.

NASLOV XI
INSTITUCIONALNE, SPLOŠNE IN KONČNE DOLOČBE

ČLEN 77

Ustanovi se Svet za sodelovanje, ki nadzira izvajanje tega sporazuma. Svet za sodelovanje se redno sestaja na ministrski ravni v časovnih presledkih, ki jih sam določi. Z namenom doseganja ciljev tega sporazuma preuči vsako pomembno vprašanje, ki izhaja iz tega sporazuma, in vsako drugo dvostransko ali mednarodno vprašanje vzajemnega interesa. V dogovoru med pogodbenicama lahko Svet za sodelovanje tudi pripravi ustrezna priporočila.

ČLEN 78

1. Svet za sodelovanje sestavljajo člani Sveta Evropske unije in člani Komisije Evropskih skupnosti na eni strani in člani Vlade Republike Tadžikistan na drugi strani.

2. Svet za sodelovanje določi svoj poslovnik.

3. Svetu za sodelovanje izmenoma predsedujeta predstavnik Skupnosti in član Vlade Republike Tadžikistan.

ČLEN 79

1. Svetu za sodelovanje pri opravljanju njegovih nalog pomaga Odbor za sodelovanje, ki ga sestavljajo predstavniki članov Sveta Evropske unije in članov Komisije Evropskih skupnosti na eni strani in predstavniki Vlade Republike Tadžikistan na drugi strani, običajno na ravni visokih uradnikov. Odboru za sodelovanje izmenoma predsedujeta Skupnost in Republika Tadžikistan.

Svet za sodelovanje v svojem poslovniku določi naloge Odbora za sodelovanje, ki vključujejo pripravo sestankov Sveta za sodelovanje in določajo delovanje Odbora.

2. Svet za sodelovanje lahko prenese vsa svoja pooblastila ali del pooblastil na Odbor za sodelovanje, ki bo zagotovil kontinuiteto med sestanki Sveta za sodelovanje.

ČLEN 80

Svet za sodelovanje lahko sprejme sklep o ustanovitvi katerega koli drugega odbora ali telesa, ki mu lahko pomaga pri izpolnjevanju njegovih dolžnosti, ter določi sestavo in naloge takih odborov ali teles in način njihovega delovanja.

ARTICLE 75

The objectives and the areas of the Community's financial assistance shall be laid down in an indicative programme reflecting priorities between the Community and the Republic of Tajikistan, taking into account the Republic of Tajikistan's needs, sectoral absorption capacities and progress with reform. The Parties shall inform the Cooperation Council thereof.

ARTICLE 76

In order to permit optimum use of the resources available, the Parties shall ensure that Community assistance is closely coordinated with contributions from other sources such as the Member States, other countries and international organisations such as the International Bank for Reconstruction and Development and the European Bank for Reconstruction and Development.

TITLE XI
INSTITUTIONAL, GENERAL AND FINAL PROVISIONS

ARTICLE 77

A Cooperation Council is hereby established to supervise the implementation of this Agreement. It shall meet regularly at ministerial level. It shall meet at intervals which it shall itself determine and at least once every two years. It shall examine any major issues arising within the framework of this Agreement and any other bilateral or international issues of mutual interest for the purpose of attaining the objectives of this Agreement. With the Parties' agreement, the Cooperation Council may also make appropriate recommendations.

ARTICLE 78

1. The Cooperation Council shall consist of members of the Council of the European Union and members of the Commission of the European Communities, on the one hand, and of members of the Government of the Republic of Tajikistan, on the other.

2. The Cooperation Council shall establish its rules of procedure.

3. The office of President of the Cooperation Council shall be held alternately by a representative of the Community and by a member of the Government of the Republic of Tajikistan.

ARTICLE 79

1. The Cooperation Council shall be assisted in the performance of its duties by a Cooperation Committee composed of representatives of the members of the Council of the European Union and of members of the Commission of the European Communities on the one hand and of representatives of the Government of the Republic of Tajikistan on the other, normally at senior civil servant level. The office of President of the Cooperation Committee shall be held alternately by the Community and by the Republic of Tajikistan.

In its rules of procedure the Cooperation Council shall lay down the duties of the Cooperation Committee, which shall include the preparation of meetings of the Cooperation Council, and how the Committee shall function.

2. The Cooperation Council may delegate any of its powers to the Cooperation Committee, which will ensure continuity between meetings of the Cooperation Council.

ARTICLE 80

The Cooperation Council may decide to set up any other special committee or body that can assist it in carrying out its duties and shall determine the composition and duties of such committees or bodies and how they shall function.

ČLEN 81

Pri preučevanju zadev, ki se pojavijo v okviru tega sporazuma glede določb, ki se nanašajo na člen enega od sporazumov STO, Svet za sodelovanje v največji možni meri upošteva razlago zadevnega člena, ki jo običajno uporabljajo članice STO.

ČLEN 82

Ustanovi se Parlamentarni odbor za sodelovanje. To je forum, kjer se člani tadžikistanskega in Evropskega parlamenta sestajajo in si izmenjujejo mnenja, zlasti o vprašanjih, ki zadevajo politični dialog na parlamentarni ravni. Sestaja se v časovnih presledkih, ki jih sam določi.

ČLEN 83

1. Parlamentarni odbor za sodelovanje sestavljajo člani Evropskega parlamenta na eni strani in člani tadžikistanskega parlamenta na drugi strani.

2. Parlamentarni odbor za sodelovanje določi svoj poslovnik.

3. Parlamentarnemu odboru za sodelovanje izmenično predsedujeta Evropski parlament in tadžikistanski parlament v skladu z določbami njegovega poslovnika.

ČLEN 84

Parlamentarni odbor za sodelovanje lahko od Sveta za sodelovanje zahteva ustrezne informacije v zvezi z izvajanjem tega sporazuma, ta pa potem Odboru predloži zahtevane informacije.

Parlamentarni odbor za sodelovanje se obvesti o priporočilih Sveta za sodelovanje.

Parlamentarni odbor za sodelovanje lahko daje priporočila Svetu za sodelovanje.

ČLEN 85

1. V okviru tega sporazuma se pogodbenici zavezujeta zagotoviti, da imajo fizične in pravne osebe druge pogodbenice v primerjavi z njenimi državljani nediskriminatoren dostop do pristojnih sodišč in upravnih organov pogodbenic, da lahko uveljavljajo svoje osebne in premoženjske pravice, vključno s pravicami v zvezi z intelektualno, industrijsko in poslovno lastnino.

2. V mejah svojih pooblastil in pristojnosti pogodbenici:

– podpirata sprejem arbitraže za reševanje sporov, ki izhajajo iz transakcij na področju trgovanja in sodelovanja med gospodarskimi subjekti Skupnosti in Republike Tadžikistan;

– soglašata, da lahko ob predložitvi spora arbitraži vsaka stranka v sporu, razen če pravila arbitražnega centra, ki sta ga izbrali pogodbenici določajo drugače, izbere svojega arbitra, ne glede na njegovo državljanstvo, in da je lahko predsedujoči tretji arbiter ali edini arbiter državljan tretje države;

– svojim gospodarskim subjektom priporočata, da v medsebojnem soglasju izberejo pravo, ki se uporablja za njihovo pogodbo;

– podpirata uporabo arbitražnih pravil Komisije Združenih narodov za mednarodno trgovinsko pravo (UNCITRAL) in arbitražnih storitev centrov iz držav podpisnic Konvencije o priznavanju in izvajanju tujih arbitražnih razsodb, podpisane v New Yorku 10. junija 1958.

ARTICLE 81

When examining any issue arising within the framework of this Agreement in relation to a provision referring to an Article of one of the Agreements constituting the WTO, the Cooperation Council shall take into account to the greatest extent possible the interpretation that is generally given to the Article in question by the members of the WTO.

ARTICLE 82

A Parliamentary Cooperation Committee is hereby established. It shall be a forum for members of the Tajik Parliament and the European Parliament to meet and exchange views, including on matters concerning political dialogue at parliamentary level. It shall meet at intervals which it shall itself determine.

ARTICLE 83

1. The Parliamentary Cooperation Committee shall consist of members of the European Parliament, on the one hand, and of members of the Tajik Parliament, on the other.

2. The Parliamentary Cooperation Committee shall establish its rules of procedure.

3. The Parliamentary Cooperation Committee shall be presided in turn by the European Parliament and the Tajik Parliament respectively, in accordance with the provisions to be laid down in its rules of procedure.

ARTICLE 84

The Parliamentary Cooperation Committee may request relevant information regarding the implementation of this Agreement from the Cooperation Council, which shall then supply the Committee with the requested information.

The Parliamentary Cooperation Committee shall be informed of the recommendations of the Cooperation Council.

The Parliamentary Cooperation Committee may make recommendations to the Cooperation Council.

ARTICLE 85

1. Within the scope of this Agreement, each Party undertakes to ensure that natural and legal persons of the other Party have access free of discrimination in relation to its own nationals to the competent courts and administrative organs of the Parties to defend their individual rights and their property rights, including those concerning intellectual, industrial and commercial property.

2. Within the limits of their respective powers and competences, the Parties:

– shall encourage the adoption of arbitration for the settlement of disputes arising from commercial and cooperation transactions concluded by economic operators of the Community and those of the Republic of Tajikistan;

– agree that where a dispute is submitted to arbitration, each party to the dispute may, except where the rules of the arbitration centre chosen by the parties provide otherwise, choose its own arbitrator, irrespective of his nationality, and that the presiding third arbitrator or the sole arbitrator may be a citizen of a third country;

– shall recommend their economic operators to choose by mutual consent the law applicable to their contracts;

– shall encourage recourse to the arbitration rules elaborated by the United Nations Commission on International Trade Law (Uncitral) and to arbitration by any centre of a State signatory to the Convention on Recognition and Enforcement of Foreign Arbitral Awards done at New York on 10 June 1958.

ČLEN 86

Nobena določba tega sporazuma ne preprečuje pogodbenici, da v mejah svojih pooblastil in pristojnosti ne sprejme ukrepov:

a) za katere meni, da so potrebni za preprečevanje razkrivanja informacij, ki so v nasprotju z njenimi bistvenimi varnostnimi interesi;

b) ki se nanašajo na proizvodnjo ali trgovino z orožjem, strelivom ali vojaškim materialom ali na raziskave, razvoj ali proizvodnjo, nujno za obrambne namene, pod pogojem, da takšni ukrepi ne vplivajo negativno na konkurenčne pogoje izdelkov, ki niso predvideni izrecno v vojaške namene;

c) ki se ji zdijo nujni zaradi lastne varnosti v primeru resnih notranjih nemirov, ki negativno vplivajo na vzdrževanje javnega reda in miru; v času vojne ali resnih mednarodnih napetosti, ki predstavljajo vojno nevarnost; ali zaradi izpolnjevanja obveznosti, ki jih je prevzela zaradi ohranjanja miru in mednarodne varnosti;

d) ki se ji zdijo nujni zaradi izpolnjevanja mednarodnih obveznosti in zavez pri nadzoru industrijskih izdelkov in tehnologije z dvojno rabo.

ČLEN 87

1. Na področjih, ki jih zajema ta sporazum in brez vpliva na posebne določbe tega sporazuma:

– dogovori, ki jih Republika Tadžikistan uporablja glede Skupnosti, ne smejo povzročati diskriminacije med državami članicami, njihovimi državljani in družbami ali podjetji;

– sporazumi, ki jih Skupnost uporablja glede Republike Tadžikistan, ne smejo povzročati diskriminacije med tadžikistanskimi državljani in njihovimi družbami ali podjetji.

2. Določbe odstavka 1 ne vplivajo na pravico pogodbenic, da uporabljajo ustrezne določbe svoje davčne zakonodaje za davkoplačevalce, ki glede na kraj svojega prebivališča niso v enakem položaju.

ČLEN 88

1. Pogodbenici lahko naslovita na Svet za sodelovanje vse spore glede uporabe ali razlage tega sporazuma.

2. Svet za sodelovanje lahko spor reši s priporočilom.

3. Če spora ni mogoče rešiti v skladu z odstavkom 2 tega člena, lahko pogodbenica uradno obvesti sopogodbenico o imenovanju spravnega posredovalca; druga pogodbenica mora potem v dveh mesecih imenovati drugega spravnega posredovalca. Za uporabo tega postopka se šteje, da so Skupnost in države članice ena stranka v sporu.

Svet za sodelovanje imenuje tretjega spravnega posredovalca.

Spravni posredovalci sprejemajo priporočila z večino glasov. Ta priporočila za pogodbenici niso zavezujoča.

ČLEN 89

Pogodbenici soglašata, da bosta na zahtevo ene izmed njih nemudoma začeli posvetovanja na ustrezen način za obravnavo vseh zadev glede razlage ali izvajanja tega sporazuma in drugih pomembnih vidikov odnosov med pogodbenicama.

Določbe tega člena ne vplivajo in ne posegajo v določbe členov 12, 88 in 94.

Svet za sodelovanje lahko sprejme poslovnik za reševanje sporov.

ARTICLE 86

Nothing in this Agreement shall prevent a Party, within the limits of its respective powers and competences, from taking any measures:

(a) which it considers necessary to prevent the disclosure of information contrary to its essential security interests;

(b) which relate to the production of, or trade in arms, munitions or war materials or to research, development or production indispensable for defence purposes, provided that such measures do not impair the conditions of competition in respect of products not intended for specifically military purposes;

(c) which it considers essential to its own security in the event of serious internal disturbances affecting the maintenance of law and order, in time of war or serious international tension constituting threat of war or in order to carry out obligations it has accepted for the purpose of maintaining peace and international security;

(d) which it considers necessary to respect its international obligations and commitments in the control of dual-use industrial goods and technology.

ARTICLE 87

1. In the fields covered by this Agreement and without prejudice to any special provisions contained therein:

– the arrangements applied by the Republic of Tajikistan in respect of the Community shall not give rise to any discrimination between the Member States, their nationals or their companies or firms;

– the arrangements applied by the Community in respect of the Republic of Tajikistan shall not give rise to any discrimination between Tajik nationals, companies or firms.

2. The provisions of paragraph 1 are without prejudice to the right of the Parties to apply the relevant provisions of their fiscal legislation to taxpayers who are not in identical situations as regards their place of residence.

ARTICLE 88

1. Each of the Parties may refer to the Cooperation Council any dispute relating to the application or interpretation of this Agreement.

2. The Cooperation Council may settle the dispute by means of a recommendation.

3. If it is not possible to settle the dispute in accordance with paragraph 2 of this Article, either Party may notify the other of the appointment of a conciliator; the other Party must then appoint a second conciliator within two months. For the application of this procedure, the Community and the Member States shall be deemed to be a single Party to the dispute.

The Cooperation Council shall appoint a third conciliator.

The conciliators' recommendations shall be taken by majority vote. Such recommendations shall not be binding upon the Parties.

ARTICLE 89

The Parties agree to consult each other promptly, through appropriate channels and at the request of either Party, on any matter concerning the interpretation or implementation of this Agreement and other relevant aspects of the relations between the Parties.

The provisions of this Article shall in no way affect, and are without prejudice to, Articles 12, 88 and 94.

The Cooperation Council may establish rules of procedure for the settlement of disputes.

ČLEN 90

Obravnava Republike Tadžikistan, odobrena s tem sporazumom, v nobenem primeru ni bolj ugodna od tiste, ki jo države članice priznavajo druga drugi.

ČLEN 91

Za namene tega sporazuma pojem »pogodbenici« pomeni na eni strani Republiko Tadžikistan in na drugi strani Skupnost ali njene države članice oziroma Skupnost in njene države članice v skladu z njihovimi pristojnostmi.

ČLEN 92

Če zadeve, ki jih ureja ta sporazum, zajema tudi Pogodba o energetski listini in njeni protokoli, se po začetku veljavnosti tega sporazuma za te zadeve uporablja Pogodba o energetski listini in protokoli, vendar le, če je taka uporaba v njej predvidena.

ČLEN 93

Sporazum se sklene za začetno obdobje 10 let, potem pa se avtomatsko obnavlja vsako leto pod pogojem, da ga nobena pogodbenica ne odpove s pisnim uradnim obvestilom o odpovedi drugi pogodbenici šest mesecev pred prenehanjem njegove veljavnosti.

ČLEN 94

1. Pogodbenici sprejmeta vse splošne in posebne ukrepe za izpolnjevanje svojih obveznosti iz tega sporazuma. Poskrbita, da se dosežejo cilji, določeni s tem sporazumom.

2. Če katera od pogodbenic meni, da druga ni izpolnila kake obveznosti iz tega sporazuma, lahko ustrezno ukrepa. Preden to stori, predloži Svetu za sodelovanje, razen v posebno nujnih primerih, vse ustrezne informacije, potrebne za temeljito preučitev položaja z namenom, da se najde za obe pogodbenici sprejemljiva rešitev.

Pri izbiri ukrepov imajo prednost tisti, ki najmanj motijo uresničevanje sporazuma. O teh ukrepih je treba na zahtevo druge pogodbenice takoj uradno obvestiti Svet za sodelovanje.

ČLEN 95

Priloge I, II, III in IV ter Protokol so sestavni del tega sporazuma.

ČLEN 96

Dokler se ne dosežejo enakovredne pravice za posameznike in gospodarske subjekte po tem sporazumu, ta sporazum nima vpliva na pravice, ki jim jih zagotavljajo veljavni sporazumi, ki zavezujejo eno ali več držav članic na eni strani in Republiko Tadžikistan na drugi strani, razen na področjih, ki so v pristojnosti Skupnosti in brez poseganja v obveznosti držav članic, ki izhajajo iz tega sporazuma na področjih, ki so v njihovi pristojnosti.

ČLEN 97

Ta sporazum velja na eni strani na ozemljih, kjer se uporabljata pogodbi, s katerimi sta bili ustanovljeni Evropska skupnost in Evropska skupnost za atomsko energijo, v skladu s pogoji, določenimi v teh pogodbah, na drugi strani pa na ozemlju Republike Tadžikistan.

ČLEN 98

Depozitar tega sporazuma je Generalni sekretar Sveta Evropske unije.

ARTICLE 90

The treatment granted to the Republic of Tajikistan under this Agreement shall in no case be more favourable than that granted by the Member States to each other.

ARTICLE 91

For the purposes of this Agreement, the term "Parties" shall mean the Republic of Tajikistan, on the one part, and the Community, or the Member States, or the Community and the Member States, in accordance with their respective powers, on the other part.

ARTICLE 92

Insofar as matters covered by this Agreement are covered by the Energy Charter Treaty and Protocols thereto, such Treaty and Protocols shall upon entry into force apply to such matters but only to the extent that such application is provided for therein.

ARTICLE 93

This Agreement is concluded for an initial period of ten years, after which time it shall be automatically renewed from year to year, provided that neither Party gives the other Party written notice of denunciation of this Agreement six months before it expires.

ARTICLE 94

1. The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement. They shall see to it that the objectives set out in this Agreement are attained.

2. If either Party considers that the other Party has failed to fulfil an obligation under this Agreement, it may take appropriate measures. Before so doing, except in cases of special urgency, it shall supply the Cooperation Council with all relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Parties.

In the selection of these measures, priority must be given to those which least disturb the functioning of this Agreement. These measures shall be notified immediately to the Cooperation Council if the other Party so requests.

ARTICLE 95

Annexes I, II, III and IV together with the Protocol shall form an integral part of this Agreement.

ARTICLE 96

This Agreement shall not, until equivalent rights have been achieved hereunder, affect rights assured to individuals and economic operators by existing Agreements binding one or more Member States, on the one hand, and the Republic of Tajikistan, on the other, except in areas falling within Community competence and without prejudice to the obligations of Member States resulting from this Agreement in areas falling within their competence.

ARTICLE 97

This Agreement shall apply, on the one hand, to the territories in which the Treaties establishing the European Community and the European Atomic Energy Community are applied and under the conditions laid down in those Treaties and, on the other hand, to the territory of the Republic of Tajikistan.

ARTICLE 98

The Secretary-General of the Council of the European Union shall be the depositary of this Agreement.

ČLEN 99

Izvirnik tega sporazuma, katerega besedila v angleškem, češkem, danskem, estonskem, finskem, francoskem, grškem, italijanskem, latvijskem, litovskem, madžarskem, nemškem, nizozemskem, poljskem, portugalskem, slovaškem, slovenskem, španskem, švedskem in tadžikistanskem jeziku so enako verodostojna, se deponira pri Generalnemu sekretarju Sveta Evropske unije.

ČLEN 100

Ta sporazum pogodbenici sprejmeta v skladu s svojimi postopki.

Ta sporazum začne veljati prvi dan drugega meseca po datumu, ko pogodbenici uradno obvestita generalnega sekretarja Sveta Evropske unije, da so končani postopki, navedeni v odstavku 1.

Ta sporazum z dnem začetka veljavnosti na področju odnosov med Republiko Tadžikistan in Skupnostjo nadomesti Sporazum med Evropsko gospodarsko skupnostjo na eni strani in Zvezo sovjetskih socialističnih republik na drugi strani o trgovini in gospodarskem in trgovinskem sodelovanju, podpisan v Bruslju dne 18. decembra 1989.

ČLEN 101

Če začnejo pred zaključkom postopkov, potrebnih za začetek veljavnosti tega sporazuma, določbe nekaterih delov tega sporazuma veljati na podlagi začasnega sporazuma med Skupnostjo in Republiko Tadžikistan, se pogodbenici strinjata, da v takih okoliščinah izraz »datum začetka veljavnosti sporazuma« pomeni datum začetka veljavnosti začasnega sporazuma.

ARTICLE 99

The original of this Agreement, of which the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Polish, Portuguese, Slovak, Slovene, Spanish, Swedish and Tajik languages are equally authentic, shall be deposited with the Secretary-General of the Council of the European Union.

ARTICLE 100

This Agreement shall be approved by the Parties in accordance with their own procedures.

This Agreement shall enter into force on the first day of the second month following the date on which the Parties notify the Secretary-General of the Council of the European Union that the procedures referred to in the first subparagraph have been completed.

Upon its entry into force, and as far as relations between the Republic of Tajikistan and the Community are concerned, this Agreement shall replace the Agreement between the European Economic Community and the Union of Soviet Socialist Republics on trade and economic and commercial cooperation signed in Brussels on 18 December 1989.

ARTICLE 101

In the event that, pending the completion of the procedures necessary for the entry into force of this Agreement, the provisions of certain parts of this Agreement are put into effect by means of an Interim Agreement between the Community and the Republic of Tajikistan, the Parties agree that, in such circumstances, the term "date of entry into force of this Agreement" shall mean the date of entry into force of the Interim Agreement.

Hecho en Luxemburgo, el once de octubre del dos mil cuatro.

V Lucemurku dne jedenáctého října dva tisíce čtyři.

Udfærdiget i Luxembourg den elevte oktober to tusind og fire.

Geschehen zu Luxemburg am elften Oktober zweitausendundvier.

Kahe tuhande neljanda aasta oktoobrikuu üheteistkümnendal päeval Luxembourgis.

΄Εγινε στο Λουξεμβούργο, στις ένδεκα Οκτωβρίου δύο χιλιάδες τέσσερα.

Done at Luxembourg on the eleventh day of October in the year two thousand and four.

Fait à Luxembourg, le onze octobre deux mille quatre.

Fatto a Lussembourgo, addi' undici ottobre duemilaquattro.

Luksemburgā, divi tūkstoši ceturtā gada vienpadsmitajā oktobrī

Priimta du tūkstančiai ketvirtų metų spalio vienuoliktą dieną Liuksemburge.

Kelt Luxembourgban, a kétezer-negyedik év október havának tizenegyedik napján.

Magħmul fil-Lussemburgu fil-ħdax-il jum ta' Ottubru fis-sena elfejn u erbgħa

Gedaan te Luxemburg, de elfde oktober tweeduizendvier.

Sporządzono w Luksemburgu dnia jedenastego października roku dwutysięcznego czwartego.

Feito em Luxemburgo, em onze de Outubro de dois mil e quatro.

V Luxemburgu jedenásteho októbra dvetisícštyri.

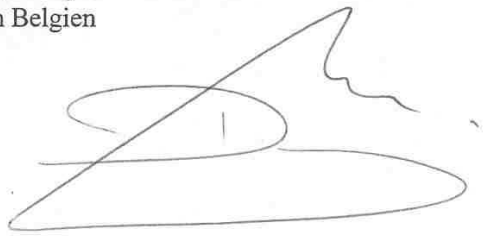
V Luxembourgu, enajstega oktobra dva tisoč štiri.

Tehty Luxemburgissa yhdentenätoista päivänä lokakuuta vuonna kaksituhattaneljä.

Som skedde i Luxemburg den elfte oktober tjugohundrafyra.

Ин Созишнома дар шаҳри Люксембург 11 октябри соли 2004 ба имзо расид.

Pour le Royaume de Belgique
Voor het Koninkrijk België
Für das Königreich Belgien



Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brussels Hoofdstedelijk Gewest.

Diese Unterschrift bindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

Za Českou republiku

På Kongeriget Danmarks vegne

Für die Bundesrepublik Deutschland

Eesti Vabariigi nimel

Για την Ελληνική Δημοκρατία

Por el Reino de España

Pour la République française

Thar cheann Na hÉireann
For Ireland

Per la Repubblica italiana

Για την Κυπριακή Δημοκρατία,

Latvijas Republikas vārdā

Lietuvos Respublikos vardu

Pour le Grand-Duché de Luxembourg

A Magyar Köztársaság részéről

Għar-Repubblika ta' Malta

Voor het Koninkrijk der Nederlanden

Für die Republik Österreich

W imieniu Rzeczypospolitej Polskiej

Pela República Portuguesa

Za Republiko Slovenijo

Za Slovenskú republiku

Suomen tasavallan puolesta
För Republiken Finland

För Konungariket Sverige

For the United Kingdom of Great Britain and Northern Ireland

Por las Comunidades Europeas
Za Evropská společenství
For De Europæiske Fællesskaber
Für die Europäischen Gemeinschaften
Euroopa ühenduste nimel
Για τις Ευρωπαϊκές Κοινότητες
For the European Communities
Pour les Communautés européennes
Per le Comunità europee
Eiropas Kopienu vārdā
Europos Bendrijų vardu
Az Európai Közösségek részéről
Għall-Komunitajiet Ewropej
Voor de Europese Gemeenschappen
W imieniu Wspólnot Europejskich
Pelas Comunidades Europeias
Za Európske spoločenstvá
Za Evropske skupnosti
Euroopan yhteisöjen puolesta
På europeiska gemenskapernas vägnar

Аз ҷониби Ҷумҳурии Тоҷикистон

SEZNAM PRILOŽENIH DOKUMENTOV

Priloga I	Okvirni seznam ugodnosti, ki jih Republika Tadžikistan priznava neodvisnim državam v skladu s členom 7(3).
Priloga II	Pridržki Skupnosti v skladu s členom 21(2).
Priloga III	Finančne storitve iz člena 23(3)
Priloga IV	Konvencije o intelektualni, industrijski in poslovni lastnini iz člena 39

Protokol o medsebojni upravni pomoči v carinskih zadevah.

LIST OF DOCUMENTS ATTACHED

Annex I	Indicative list of advantages granted by the Republic of Tajikistan to the Independent States in accordance with Article 7(3).
Annex II	Community reservations in accordance with Article 21(2).
Annex III	Financial services in accordance with Article 23(3).
Annex IV	Intellectual, industrial and commercial property conventions referred to in Article 39.

Protocol on mutual administrative assistance in customs matters.

PRILOGA I

OKVIRNI SEZNAM UGODNOSTI, KI JIH REPUBLIKA TADŽIKISTAN PRIZNAVA NEODVISNIM DRŽAVAM V SKLADU S ČLENOM 7(3)

1. Republika Belorusija, Republika Kazahstan, Kirgiška republika, Ruska federacija: carine se ne uporabljajo.

2. Blago, ki se prevaža v skladu s sporazumi o industrijskem sodelovanju s Skupnostjo neodvisnih držav (CIS), je neobdavčljivo.

3. Potrdilo o skladnosti za serijsko proizvodnjo, na podlagi katerega se izda Nacionalno potrdilo o skladnosti, priznavajo vse države CIS.

4. Obstaja poseben sistem tekočih plačil v vseh državah CIS.

5. Obstajajo posebni pogoji za tranzit dogovorjeni v vseh državah CIS.

ANNEX I

INDICATIVE LIST OF ADVANTAGES GRANTED BY THE REPUBLIC OF TAJIKISTAN TO THE INDEPENDENT STATES IN ACCORDANCE WITH ARTICLE 7(3)

1. Republic of Belarus, Republic of Kazakhstan, Kyrghyz Republic, Russian Federation: customs duties are not applicable.

2. The commodities transported in accordance with agreements on industrial cooperation with CIS countries are not taxable.

3. The Certificate of Compliance for Serial Production, on the basis of which National Certificate of Compliance is issued, is recognised by all CIS countries.

4. There is a special system of current payment with all CIS countries.

5. There are special terms for transit agreed with all CIS countries.

PRILOGA II

PRIDRŽKI SKUPNOSTI V SKLADU S ČLENOM 21(2)

Rudarstvo

V nekaterih državah članicah se za rudarske pravice in za pravice izkoriščanja mineralnih surovin lahko zahteva koncesija za družbe, ki niso pod nadzorom Skupnosti.

Ribolov

Dostop in koriščenje bioloških virov in ribolovnih območij, ki se nahajajo v morskih vodah pod suverenostjo ali pristojnostjo držav članic Skupnosti sta omejena na ribiške ladje, ki plujejo pod zastavo države članice Skupnosti in so registrirane na ozemlju Skupnosti, če ni določeno drugače.

Nakup nepremičnin

V nekaterih državah članicah se za družbe, ki niso družbe Skupnosti, uporabljajo omejitve za nakup nepremičnin.

Avdiovizualne storitve, vključno z radiom

Nacionalna obravnava glede proizvodnje in distribucije, zlasti za radiodifuzijo in druge oblike javnega predvajanja, se lahko rezervira za avdiovizualna dela, ki izpolnjujejo nekatera merila o poreklu, a ta izključuje zlasti infrastrukturo za radiodifuzijo za prenašanje takšnih avdiovizualnih del.

ANNEX II

COMMUNITY RESERVATIONS IN ACCORDANCE WITH ARTICLE 21(2)

Mining

In some Member States, a concession may be required for mining and mineral rights for non-Community controlled companies.

Fishing

Access to and use of the biological resources and fishing grounds situated in the maritime waters coming under the sovereignty or within the jurisdiction of Member States of the Community is restricted to fishing vessels flying the flag of a Community Member State and registered in Community territory unless otherwise provided for.

Real estate purchase

In some Member States, the purchase of real estate by non-Community companies is subject to restrictions.

Audiovisual services including radio

National treatment concerning production and distribution, including broadcasting and other forms of transmission to the public, may be reserved to audiovisual works meeting certain origin criteria, but this excludes radio-broadcasting infrastructure for the transmission of such audiovisual works.

Strokovne storitve

Storitve, rezervirane za fizične osebe, ki so državljani držav članic. Te osebe lahko pod določenimi pogoji ustanavljajo družbe.

Kmetijstvo

Nacionalna obravnava se v nekaterih državah članicah ne priznava podjetjem, ki niso pod nadzorom Skupnosti, ko se želijo ukvarjati s kmetijskim podjetništvom. Nakup vinogradov morajo družbe, ki niso pod nadzorom Skupnosti, priglasiti ali po potrebi zanj pridobiti odobritev.

Storitve tiskovnih agencij

V nekaterih državah članicah je tuja udeležba v založniških in radiodifuzijskih družbah omejena.

Professional services

Services reserved to natural persons who are nationals of Member States. Under certain conditions those persons may form companies.

Agriculture

In some Member States national treatment is not applicable to non-Community controlled companies which wish to undertake an agricultural enterprise. The acquisition of vineyards by non-Community controlled companies is subject to notification, or, as necessary, authorisation.

News agency services

In some Member States limitations exist on foreign participation in publishing companies and broadcasting companies.

PRILOGA III

FINANČNE STORITVE V SKLADU S ČLENOM 23(3)

»Finančna storitev« je vsaka storitev finančne narave, ki jo ponudi ponudnik finančnih storitev pogodbenice. Finančna storitev zajema naslednje dejavnosti:

A. Vse zavarovalniške in z zavarovanjem povezane storitve

1. Neposredno zavarovanje (vključno s sozavarovanjem):

i) življenjsko

ii) neživljenjsko.

2. Pozavarovanje in retrocesija.

3. Posredovanje zavarovanja, kot je posredništvo in zastopništvo.

4. Pomožne zavarovalne storitve, kot so svetovanje, aktuarske storitve, ocenjevanje tveganja in likvidacija škod.

B. Bančne in druge finančne storitve (razen zavarovanja).

1. Sprejemanje depozitov in drugih vračljivih sredstev od občanov.

2. Posojanje vseh vrst, kar med drugim vključuje potrošniška posojila, hipotekarna posojila, faktoring in financiranje trgovinskih poslov.

3. Finančni zakup.

4. Opravljanje vseh storitev plačilnega prometa in prenosa denarja, vključno s kreditnimi plačilnimi in bančnimi plačilnimi karticami, potovalnimi čeki in bančnimi menicami.

5. Garancije in finančne obveze.

6. Trgovanje za lastni račun ali za račun strank, bodisi na borzi, na trgu OTC ali drugače:

a) z instrumenti denarnega trga (čeki, blagajniškimi zapisi, potrdili o vlogi itd.);

b) z devizami;

c) z izvedenimi finančnimi instrumenti, med drugim s standardiziranimi terminskimi pogodbami in opcijami;

d) z instrumenti menjalnih tečajev in obrestnih mer, vključno s produkti, kot so swap posli, nestandardizirane terminske pogodbe itd.;

e) s prenosljivimi vrednostnimi papirji;

f) z drugimi prenosnimi instrumenti in finančnimi sredstvi, vključno s plemenitimi kovinami.

7. Sodelovanje pri izdaji vseh vrst vrednostnih papirjev, vključno z prevzemom jamstev in plasiranjem prek agenta (javno ali zasebno), ter nudenje storitev v zvezi s takšnimi izdajami.

8. Denarno posredniški posli.

ANNEX III

FINANCIAL SERVICES REFERRED TO IN ARTICLE 23(3)

A financial service is any service of a financial nature offered by a financial service provider of a Party. Financial services include the following activities:

A. All insurance and insurance-related services;

1. Direct insurance (including co-insurance):

(i) life,

(ii) non-life.

2. Reinsurance and retrocession.

3. Insurance intermediation, such as brokerage and agency.

4. Services auxiliary to insurance, such as consultancy, actuarial, risk assessment and claim settlement services.

B. Banking and other financial services (excluding insurance).

1. Acceptance of deposits and other repayable funds from the public.

2. Lending of all types, including, inter alia, consumer credit, mortgage credit, factoring and financing of commercial transaction.

3. Financial leasing.

4. All payment and money transmission services, including credit charge and debit cards, travellers cheques and bankers drafts.

5. Guarantees and commitments.

6. Trading for own account or for the account of customers, whether on an exchange, in an over-the-counter market or otherwise, the following:

(a) money market instruments (cheques, bills, certificates of deposits, etc.),

(b) foreign exchange,

(c) derivative products including, but not limited to, futures and options,

(d) exchange rates and interest rate instruments, including products such as swaps, forward rate agreements, etc.,

(e) transferable securities,

(f) other negotiable instruments and financial assets, including bullion.

7. Participation in issues of all kinds of securities, including underwriting and placement as agent (whether publicly or privately) and provision of services related to such issues.

8. Money brokering.

9. Upravljanje premoženja, kot na primer upravljanje gotovine ali portfelja, vse oblike upravljanja skupnih naložb, upravljanje pokojninskih skladov, depotne in skrbniške storitve.

10. Storitve poravnav in obračunov finančnih sredstev, vključno z vrednostnimi papirji, izvedenimi vrednostnicami in drugimi prenosnimi instrumenti.

11. Svetovalno posredovanje in druge pomožne finančne storitve za vse dejavnosti, navedene v točkah 1 do 10, vključno z bonitetnimi podatki in analizo, raziskavami in svetovanjem glede naložb in portfelja, svetovanje pri nakupih ter prestrukturiranju in strategiji podjetij.

12. Ponujanje in prenos finančnih informacij, obdelave finančnih podatkov in z njimi povezane programske opreme s strani ponudnikov drugih finančnih storitev.

Iz opredelitve finančnih storitev so izključene naslednje dejavnosti:

a) dejavnosti, ki jih opravljajo centralne banke in druge javne ustanove pri uresničevanju monetarne politike ali tečajne politike;

b) dejavnosti, ki jih za račun ali s poroštvom vlade opravljajo centralne banke, državni organi ali javne ustanove, razen kadar te dejavnosti opravljajo ponudniki finančnih storitev v konkurenci s takimi javnimi subjekti;

c) dejavnosti, ki so del zakonskega sistema socialnega varstva ali javnega pokojninskega načrta, razen kadar te dejavnosti lahko opravljajo ponudniki finančnih storitev v konkurenci z javnimi subjekti ali zasebnimi ustanovami.

9. Asset management, such as cash or portfolio management, all forms of collective investment management, pension fund management, custodial depository and trust services.

10. Settlement and clearing services for financial assets, including securities, derivative products, and other negotiable instruments.

11. Advisory intermediation and other auxiliary financial services on all the activities listed in points 1 to 10 above, including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy.

12. Provision and transfer of financial information, and financial data processing and related software by providers of other financial services.

The following activities are excluded from the definition of financial services:

(a) Activities carried out by central banks or by any other public institution in pursuit of monetary and exchange rate policies.

(b) Activities conducted by central banks, government agencies or departments, or public institutions, for the account or with the guarantee of the government, except when those activities may be carried out by financial service providers in competition with such public entities.

(c) Activities forming part of a statutory system of social security or public retirement plans, except when those activities may be carried out by financial service providers in competition with public entities or private institutions.

PRILOGA IV

KONVENCIJE O INTELEKTUALNI, INDUSTRIJSKI IN POSLOVNI LASTNINI IZ ČLENA 39

1. Člen 39(2) se nanaša na naslednje večstranske konvencije:

– Mednarodna konvencija za varstvo izvajalcev, proizvajalcev fonogramov in radiodifuznih organizacij (Rim, 1961);

– Protokol v zvezi z Madridskim sporazumom o mednarodnem registriranju znamk (Madrid, 1989);

– Mednarodna konvencija za varstvo novih sort rastlin (UPOV) (Ženevska listina, 1991).

2. Svet za sodelovanje lahko priporoči, da se člen 39(2) uporablja tudi za druge večstranske konvencije. Če se pojavijo problemi s področja intelektualne, industrijske in poslovne lastnine, se na zahtevo ene ali druge pogodbenice skličejo nujna posvetovanja, da se dosežejo obojestransko zadovoljive rešitve.

3. Pogodbenici potrjujeta pomen, ki ga pripisujeta obveznostim, ki izhajajo iz naslednjih večstranskih konvencij:

– Pariške konvencije o varstvu industrijske lastnine (Stockholmska listina, 1967, dopolnjena 1979);

– Pogodbe o sodelovanju na področju patentov (Washington 1970, spremenjena in dopolnjena 1979 in 1984).

– Revidirane Bernske konvencije za varstvo književnih in umetniških del (1886, nazadnje spremenjena leta 1979).

– Pogodbe o pravu znamk (Ženeva, 1994).

4. Od začetka veljavnosti tega sporazuma Republika Tadžikistan glede priznavanja in varstva intelektualne, industrijske in poslovne lastnine družb in državljanov Skupnosti ne obravnava manj ugodno kot katero koli tretjo državo po dvostranskih sporazumih.

ANNEX IV

INTELLECTUAL, INDUSTRIAL AND COMMERCIAL PROPERTY CONVENTIONS REFERRED TO IN ARTICLE 39

1. Article 39(2) concerns the following multilateral conventions:

– International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome, 1961);

– Protocol relating to the Madrid Agreement concerning the International Registration of Marks (Madrid, 1989);

– International Convention for the Protection of New Varieties of Plants (UPOV) (Geneva Act, 1991).

2. The Cooperation Council may recommend that Article 39(2) shall apply to other multilateral conventions. If problems in the area of intellectual, industrial and commercial property affecting trading conditions were to occur, urgent consultations will be undertaken, at the request of either Party, with a view to reaching mutually satisfactory solutions.

3. The Parties confirm the importance they attach to the obligations arising from the following multilateral conventions:

– Paris Convention for the Protection of Industrial Property (Stockholm Act, 1967 and amended in 1979);

– Patent Cooperation Treaty (Washington, 1970, amended in 1979 and modified in 1984);

– Revised Berne Convention for the protection of literacy and artistic works (1886 last amended in 1979);

– Trademark Law Treaty (Geneva 1994).

4. From the entry into force of this Agreement, the Republic of Tajikistan shall grant to Community companies and nationals, in respect of the recognition and protection of intellectual, industrial and commercial property, treatment no less favourable than that granted by it to any third country under bilateral agreements.

5. Določbe odstavka 4 se ne uporabljajo za ugodnosti, ki jih Republika Tadžikistan priznava tretjim državam na podlagi dejanske vzajemnosti, in za ugodnosti, ki jih Republika Tadžikistan priznava drugim državam nekdanje ZSSR.

5. The provisions of paragraph 4 shall not apply to advantages granted by the Republic of Tajikistan to any third country on an effective reciprocal basis and to advantages granted by the Republic of Tajikistan to another country of the former USSR.

PROTOKOL O MEDSEBOJNI UPRAVNI POMOČI V CARINSKIH ZADEVAH

ČLEN 1

Opredelitve

Za namene tega sporazuma:

a) »carinska zakonodaja«: pomeni vse pravne ali uredbene določbe, ki se uporabljajo na ozemlju pogodbenic in urejajo uvoz, izvoz in tranzit blaga ter dajanje blaga v kakršen koli carinski postopek, vključno z ukrepi o prepovedi, omejevanju in nadzoru;

b) »organ prosilec«: pomeni pristojni upravni organ, ki ga je pogodbenica imenovala v ta namen in ki vloži zaprosilo za pomoč v carinskih zadevah;

c) »zaprošeni organ«: pomeni pristojni upravni organ, ki ga je pogodbenica imenovala v ta namen in ki prejme zaprosilo za pomoč v carinskih zadevah;

d) »osebni podatki«: pomenijo vse informacije, ki se nanašajo na določenega ali določljivega posameznika.

e) »postopek, ki krši carinsko zakonodajo«: pomeni vsako kršitev carinske zakonodaje in vsak poskus kršitve te zakonodaje.

ČLEN 2

Področje uporabe

1. Pogodbenici si v okviru svojih pristojnosti medsebojno pomagata na način in pod pogoji, določenimi s tem protokolom, da zagotovita pravilno uporabo carinske zakonodaje, zlasti s preprečevanjem in preiskavo dejanj, s katerimi se krši carinska zakonodaja, ter z bojem proti takšnim dejanjem.

2. Pomoč v carinskih zadevah, predvidena s tem protokolom, se uporablja za kateri koli upravni organ pogodbenic, ki je pristojen za uporabo tega protokola. Ne posega v pravila, ki urejajo medsebojno pomoč v kazenskih zadevah. Prav tako ne zajema informacij, pridobljenih pri izvrševanju pooblastil na zahtevo sodnega organa, razen če se navedeni organi s tem strinjajo.

ČLEN 3

Pomoč po zaprosilu

1. Po zaprosilu organa prosilca mu zaprošeni organ priskrbi vse ustrezne informacije, ki bi mu lahko omogočile, da se zagotovi pravilna uporabe carinske zakonodaje, vključno z informacijami o opaženih ali načrtovanih dejanjih, s katerimi se krši ali bi se lahko kršila ta zakonodaja.

2. Po zaprosilu organa prosilca ga zaprošeni organ obvesti:

a) ali je bilo blago, izvoženo z ozemlja ene od pogodbenic, pravilno uvoženo na ozemlje druge pogodbenice, ter navede, če je to primerno, kateri carinski postopek je bil uporabljen za blago;

PROTOCOL ON MUTUAL ADMINISTRATIVE ASSISTANCE IN CUSTOMS MATTERS

ARTICLE 1

Definitions

For the purposes of this Protocol:

(a) "customs legislation" shall mean any legal or regulatory provisions applicable in the territory of the Contracting Parties governing the import, export and transit of goods and their placing under any other customs regime or procedure, including measures of prohibition, restriction and control adopted by the said Parties;

(b) "applicant authority" shall mean a competent administrative authority which has been appointed by a Contracting Party for this purpose and which makes a request for assistance in customs matters;

(c) "requested authority" shall mean a competent administrative authority which has been appointed by a Party for this purpose and which receives a request for assistance in customs matters;

(d) "personal data" shall mean all information relating to an identified or identifiable individual;

(e) "operation in breach of customs legislation" shall mean any violation or attempted violation of customs legislation.

ARTICLE 2

Scope

1. The Parties shall assist each other, in the areas within their competence, in accordance with the arrangements and the conditions laid down in this Protocol, to ensure that the customs legislation is correctly applied, in particular with a view to preventing, investigating and prosecuting operations in breach of that legislation.

2. Assistance, in customs matters, as provided for in this Protocol, shall apply to any administrative authority of the Contracting Parties which is competent for the application of this Protocol. It shall not prejudice the provisions governing mutual assistance in criminal matters. Nor shall it cover information obtained under powers exercised at the request of the judicial authorities, except where communication of such information is authorised by the said authorities.

ARTICLE 3

Assistance on request

1. At the request of the applicant authority, the requested authority shall furnish it with all relevant information which may enable it to ensure compliance with customs legislation, including information regarding operations noted or planned which are or might be in breach of that legislation.

2. At the request of the applicant authority, the requested authority shall inform it as to whether:

(a) goods exported from the territory of one of the Contracting Parties have been properly imported into the territory of the other Party, specifying, where appropriate, the customs procedure applied to the goods;

b) ali je bilo blago, izvoženo na ozemlje ene pogodbenice, pravilno uvoženo na ozemlje druge pogodbenice, ter navede, če je to primerno, kateri carinski postopek je bil uporabljen za blago.

3. Po zaprosilu organa prosilca zaprošeni organ v skladu s svojimi zakoni ali drugimi predpisi sprejme vse potrebne ukrepe za zagotovitev posebnega nadzora nad:

a) fizičnimi ali pravnimi osebami, za katere obstaja razlog za utemeljen sum, da kršijo ali so kršile carinsko zakonodajo;

b) kraji, kjer se blago skladišči na način, zaradi katerega obstaja razlog za utemeljen sum, da je namenjeno dejanjem, ki kršijo carinsko zakonodajo;

c) blagom, ki se ali bi se lahko prevažalo na takšen način, da obstaja utemeljen sum, da je namenjeno za uporabo v postopkih, ki kršijo carinsko zakonodajo;

d) prevoznimi sredstvi, za katere obstaja razlog za utemeljen sum, da so bila, so ali bi lahko bila uporabljena pri dejanjih, s katerimi se krši carinska zakonodaja.

ČLEN 4

Pomoč brez zaprosila

Pogodbenici si medsebojno, na lastno pobudo ali v skladu s svojimi pravnimi ali uredbenimi določbami in drugimi pravnimi instrumenti, zagotavljata pomoč brez predhodnega zaprosila, če sta mnenja, da je to potrebno za pravilno uporabo carinske zakonodaje, še posebej, kadar dobita informacije:

– o dejanjih, ki so ali ki bi lahko bile kršitve carinske zakonodaje in so v interesu druge pogodbenice,

– o novih načinih ali metodah, uporabljenih za izvajanje dejanj, s katerimi se krši ali bi se lahko kršilo carinsko zakonodajo;

– o blagu, za katero je znano, da je predmet dejanj, s katerimi se krši carinsko zakonodajo,

– o fizičnih ali pravnih osebah, za katere obstaja utemeljen sum, da izvajajo ali so izvajale dejanja, s katerimi se krši carinsko zakonodajo,

– o prevoznih sredstvih, za katere obstaja razlog za utemeljen sum, da so bila, so ali bi lahko bila uporabljena pri dejanjih, s katerimi se krši carinsko zakonodajo.

ČLEN 5

Pošiljanje, uradno obveščanje

Na zaprosilo organa prosilca mora zaprošeni organ v skladu s pravnimi ali uredbenimi določbami, ki se nanj nanašajo, sprejeti vse potrebne ukrepe za:

– dostavo vseh dokumentov in

– uradno obveščanje o vseh odločitvah,

ki jih izda organ prosilec in ki sodijo v obseg uporabe tega protokola, naslovniku, ki ima stalno prebivališče ali sedež na njegovem ozemlju. V takem primeru se za zaprosilo za dostavo ali uradno obveščanje uporabi člen 6(3).

ČLEN 6

Oblika in vsebina zaprosil za pomoč

1. Zaprosila morajo biti v skladu s tem protokolom pisna. Spremljati jih morajo dokumenti, potrebni za obravnavo teh zaprosil. Kadar to zahteva nujnost primera, se lahko sprejmejo ustna zaprosila, ki morajo biti takoj pisno potrjena.

2. Zaprosila v skladu z odstavkom 1 morajo vsebovati naslednje podatke:

a) navedbo organa prosilca, ki zaprosi za pomoč,

b) zaprošeni ukrep,

(b) if the goods imported into the territory of one of the Contracting Parties have been properly imported into the territory of the other Party, specifying, where appropriate, the customs procedure applied to the goods.

3. At the request of the applicant authority, the requested authority shall, within the framework of its legal or regulatory provisions, take the necessary steps to ensure special surveillance of:

(a) natural or legal persons for whom there are reasonable grounds for believing that they carry out or have carried out operations in breach of customs legislation;

(b) places where stocks of goods have been or may be assembled in such a way that there are reasonable grounds for suspecting that they are intended to be used in operations in breach of customs legislation;

(c) goods that are or may be transported in such a way that there are reasonable grounds for suspecting that they are intended to be used in operations in breach of customs legislation;

(d) means of transport for which there are reasonable grounds for believing that they have been, or may be used in operations in breach of customs legislation.

ARTICLE 4

Spontaneous assistance

The Contracting Parties shall provide each other, at their own initiative and in accordance with their laws, rules and other legal instruments, with assistance if they consider that to be necessary for the correct application of customs legislation, particularly when they obtain information pertaining to:

– activities which constitute or appear to constitute operations in breach of customs legislation and which may be of interest to another Contracting Party;

– new means or methods employed in carrying out operations in breach of customs legislation;

– goods known to be subject to operations in breach of customs legislation;

– natural or legal persons concerning whom there are reasonable grounds for believing that they are or have been involved in operations in breach of customs legislation;

– means of transport concerning which there are reasonable grounds for believing that they have been, are or may be used in operations in breach of customs legislation.

ARTICLE 5

Delivery/Notification

At the request of the applicant authority, the requested authority shall, in accordance with its applicable legal or regulatory provisions, take all necessary measures in order:

– to deliver all documents,

– to notify all decisions

emanating from the applicant authority and falling within the scope of this Protocol to an addressee, residing or established in its territory. In such a case, Article 6(3) shall apply to the requests for communication or notification.

ARTICLE 6

Form and substance of requests for assistance

1. Requests pursuant to this Protocol shall be made in writing. They shall be accompanied by the documents necessary to enable compliance with the request. When required because of the urgency of the situation, oral requests may be accepted, but must be confirmed in writing immediately.

2. Requests pursuant to paragraph 1 shall include the following information:

(a) the applicant authority making the request;

(b) the measure requested;

c) predmet zaprosila in razlog zanj,

d) zadevne zakone, pravila in druge pravne instrumente,

e) kolikor je mogoče natančne in celovite navedbe o fizičnih ali pravnih osebah, ki se preiskujejo,

f) povzetek pomembnih dejstev ter že opravljenih poizvedb.

3. Zaprosila se predložijo v uradnem jeziku zaprošenega organa ali v jeziku, ki ga ta organ razume.

4. Če zaprosilo ne ustreza uradnim zahtevam, se lahko zahteva njegov popravek ali dopolnitev; lahko pa se odredijo tudi previdnostni ukrepi.

ČLEN 7

Obravnavanje zaprosil

1. Da bi ugodil zaprosilu za pomoč, ravna zaprošeni organ v okviru svoje prisojnosti in razpoložljivih sredstev, kakor bi deloval za svoj račun ali po zaprosilu drugih organov iste pogodbenice, in sporoči podatke, ki jih že ima, opravi ustrezne poizvedbe ali poskrbi, da se te opravijo. Ta določba se uporablja tudi za vsak drug organ, na katerega je zaprošeni organ naslovil zaprosilo, če slednji ne more sam ukrepati.

2. Zaprosilo za pomoč se obravnava v skladu z zakoni, predpisi in drugimi pravnimi instrumenti zaprošene pogodbenice.

3. Pooblaščeni uslužbenci pogodbenice lahko sporazumno z organi druge pogodbenice ter pod pogoji, ki jih ta določi, od uradov zaprošenega organa ali drugega organa, za katerega je zaprošeni organ odgovoren, dobijo podatke o dejanjih, ki so ali ki bi lahko bile kršitve carinske zakonodaje, in ki jih organ prosilec potrebuje za namene tega protokola.

4. Uradniki pogodbenice so lahko na podlagi sporazuma z drugo pogodbenico ter v skladu s pogoji, ki jih določi slednja, prisotni pri poizvedbah, ki se opravljajo na ozemlju slednje.

ČLEN 8

Oblika sporočanja podatkov

1. Zaprošeni organ sporoči izide poizvedb organu prosilcu v obliki dokumentov, overjenih kopij dokumentov, poročil in podobnega.

2. Namesto dokumetov, predvidenih v odstavku 1, se lahko dostavijo računalniško pripravljene informacije v kakršni koli obliki, ki so bile izdelane za enak namen.

3. Izvirne datoteke in dokumenti se zahteva le, ko se presodi, da overjene kopije ne zadoščajo. Poslani izvirniki se čim prej vrnejo.

ČLEN 9

Izjeme od obveznosti zagotavljanja pomoči

1. Pogodbenice lahko zavrnejo dajanje pomoči na podlagi tega protokola, če bi ta:

a) po vsej verjetnosti vplivala na suverenost Republike Tadžikistan ali države članice, ki je bila zaprošena za pomoč po tem protokolu,

ali

b) bi po vsej verjetnosti vplivala na javni red, varnost ali druge bistvene interese, zlasti v primerih iz člena 10(2)

ali

c) bi kršila industrijsko, poslovno ali poklicno skrivnost.

(c) the object of and the reason for the request;

(d) the laws, rules and other legal elements involved;

(e) indications as exact and comprehensive as possible on the natural or legal persons who are the target of the investigations;

(f) a summary of the relevant facts and of the enquiries already carried out.

3. Requests shall be submitted in an official language of the requested authority or in a language acceptable to that authority.

4. If a request does not meet the formal requirements, its correction or completion may be requested; precautionary measures may, however, be ordered.

ARTICLE 7

Execution of requests

1. In order to comply with a request for assistance, the requested authority shall proceed, within the limits of its competence and available resources, as though it were acting on its own account or at the request of other authorities of that same Party, by supplying information already possessed, by carrying out appropriate enquiries or by arranging for them to be carried out. This provision shall also apply to any other authority to which the request has been addressed by the requested authority by virtue of this Protocol when the requested authority cannot act on its own.

2. Requests for assistance shall be executed in accordance with the laws, rules and other legal instruments of the requested Contracting Party.

3. Duly authorised officials of a Contracting Party may, with the agreement of the other Party involved and subject to the conditions laid down by the latter, obtain from the offices of the requested authority or other authority for which the requested authority is responsible, information relating to operations which are or may be in breach of customs legislation which the applicant authority needs for the purposes of this Protocol.

4. Officials of a Party may, with the agreement of the other Contracting Party involved and subject to the conditions laid down by the latter, be present at enquiries carried out in the latter's territory.

ARTICLE 8

Form in which information is to be communicated

1. The requested authority shall communicate results of enquiries to the applicant authority in the form of documents, certified copies of documents, reports and the like.

2. The provision of documents provided for in paragraph 1 may be replaced by that of information produced in any form for the same purpose by computerised means.

3. Original files and documents shall be requested only in cases where certified copies would be insufficient. Originals which have been transmitted shall be returned at the earliest opportunity.

ARTICLE 9

Exceptions to the obligation to provide assistance

1. The Parties may refuse to give assistance as provided for in this Protocol, where to do so would:

(a) be likely to prejudice the sovereignty of the Republic of Tajikistan or that of a Member State which has been asked to provide assistance under this Protocol;

or

(b) be likely to prejudice public policy, security or other essential interests, in particular in the cases referred to under Article 10(2);

or

(c) breach an industrial, commercial or professional secret.

2. Zaprošeni organ lahko odloži pomoč z utemeljitvijo, da bi ta ovirala preiskavo, kazenski pregon ali sodni postopek v teku. V takšnem primeru se zaprošeni organ posvetuje z organom prosilcem, da ugotovita, ali je mogoče ponuditi pomoč pod takšnimi pogoji, kot jih lahko zahteva zaprošeni organ.

3. Če organ prosilec zaprosi za pomoč, ki je sam ne bi mogel priskrbeti, če bi ga zanjo zaprosili, mora na to v svojem zaprosilu opozoriti. Odločitev o tem, kako bo odgovoril na takšno zaprosilo, je potem prepuščena zaprošenemu organu.

4. Če je pomoč odklonjena, je treba odločitev in razloge zanjo brez odlašanja sporočiti organu prosilcu.

ČLEN 10

Izmenjava informacij in zaupnost

1. Vsak podatek, sporočen v kakršni koli obliki, je v skladu s tem protokolom zaupne ali interne narave, odvisno od pravil, ki veljajo v pogodbenicah. Za tako informacijo velja obveznost varovanja uradne tajnosti in mora biti varovana tako, kakor je varovana podobna informacija z ustreznimi zakoni pogodbenice, ki jo je prejela, in po ustreznih določbah, ki se uporabljajo za organe Skupnosti.

2. Osebni podatki se lahko izmenjujejo le pod pogojem, da se pogodbenica, ki jih je prejela, zaveže, da bo tem podatkom zagotovila raven varstva, ki se uporablja v pogodbenici, ki je te podatke poslala.

3. Dobljeni podatki se uporabljajo izključno za namene tega protokola. Ko ena od pogodbenic zahteva te informacije za druge namene, mora predhodno zaprositi organ, ki je informacije priskrbel, za pisno soglasje. Za takšno uporabo se mora upoštevati omejitve, ki jih določi ta organ.

4. Odstavek 3 ne preprečuje uporabe podatkov v katerih koli sodnih ali upravnih postopkih, ki se sprožijo zaradi neizpolnjevanja carinske zakonodaje. O taki uporabi se nemudoma obvesti pristojni organ, ki je te podatke priskrbel.

5. Pogodbenici lahko v svojih zapisnikih, poročilih in pričanjih ter v postopkih in tožbah pred sodišči kot dokaze uporabljata podatke in dokumente, ki sta jih dobili v skladu z določbami tega protokola.

ČLEN 11

Izvedenci in priče

1. Uradnika zaprošenega organa se lahko pooblasti, da v okviru podeljenega pooblastila nastopa kot izvedenec ali priča v sodnih ali upravnih postopkih glede zadev, ki jih zajema ta protokol in so v pristojnosti druge pogodbenice, ter predloži predmete, dokumente ali njihove overjene kopije, potrebne v postopkih. V zaprosilu za navzočnost mora biti posebej navedeno, v katerih zadevah in na podlagi katerega naziva ali položaja bo uradnik zaslišan.

2. Pooblaščeni uradnik uživa zaščito, ki jo uradnikom organa prosilca na ozemlju tega organa zagotavlja veljavna zakonodaja.

ČLEN 12

Stroški pomoči

Pogodbenici se odpovesta vsem medsebojnim zahtevkom za povračilo stroškov, nastalih v skladu s tem protokolom, razen, če je to primerno, stroškom za izvedence in priče ter tolmače in prevajalce, ki niso javni uslužbenci.

2. Assistance may be postponed by the requested authority on the ground that it will interfere with an ongoing investigation, prosecution or proceeding. In such a case, the requested authority shall consult with the applicant authority to determine if assistance can be given subject to such terms or conditions as the requested authority may require.

3. Where the applicant authority requests assistance which it would itself be unable to provide if so asked, it shall draw attention to that fact in its request. It shall then be left to the requested authority to decide how to respond to such a request.

4. If assistance is refused, the decision and the reasons therefore must be notified to the applicant authority without delay.

ARTICLE 10

Information exchange and confidentiality

1. Any information communicated in whatsoever form pursuant to this Protocol shall be of a confidential or restricted nature, depending on the rules applicable in each of the Parties. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended to similar information under the relevant laws of the Party which received it and the corresponding provisions applying to the Community institutions.

2. Personal data may be exchanged only where the receiving Party undertakes to protect such data in at least an equivalent way to the one applicable to that particular case in the supplying Party.

3. Information obtained shall be used solely for the purposes of this Protocol. Where one of the Parties requests the use of such information for other purposes, it shall ask for the prior written consent of the authority which furnished the information. Such use shall then be subject to any restrictions laid down by that authority.

4. Paragraph 3 shall not impede the use of information in any judicial or administrative proceedings subsequently instituted for failure to comply with customs legislation. The competent authority which supplied that information shall be immediately notified of such use.

5. The Parties may, in their records of evidence, reports and testimonies and in proceedings and charges brought before the courts, use as evidence information obtained and documents consulted in accordance with the provisions of this Protocol.

ARTICLE 11

Experts and witnesses

1. An official of a requested authority may be authorised to appear, within the limitations of the authorisation granted, as an expert or witness in judicial or administrative proceedings regarding the matters covered by this Protocol in the jurisdiction of the other Party, and produce such objects, documents or authenticated copies thereof, as may be needed for the proceedings. The request for an appearance must indicate specifically on what matters and by virtue of what title or qualification the official will be questioned.

2. The official shall enjoy the protection guaranteed by existing legislation to officials of the applicant authority on its territory.

ARTICLE 12

Assistance expenses

The Contracting Parties shall waive all claims on each other for the reimbursement of expenses incurred pursuant to this Protocol, except, as appropriate, for expenses of experts and witnesses and of interpreters and translators who are not public service employees.

ČLEN 13

Izvajanje

1. Izvajanje tega protokola se zaupa osrednjim carinskim organom Republike Tadžikistan na eni strani in pristojnim službam Komisije Evropskih skupnosti in, kjer je to primerno, carinskim organom držav članic na drugi strani. Odločajo o vseh praktičnih ukrepih in dogovorih, potrebnih za njegovo uporabo ob upoštevanju veljavnih pravil na področju varstva podatkov. Pristojnim organom lahko priporočijo spremembe, za katere menijo, da bi jih bilo treba vnesti v protokol.

2. Pogodbenici se potem medsebojno posvetujeta in obveščata o podrobnih pravilih za izvajanje, sprejetih v skladu z določbami tega protokola.

ČLEN 14

Drugi sporazumi

1. Ob upoštevanju pristojnosti Evropske skupnosti in držav članic določbe tega protokola:

– ne vplivajo na obveznosti pogodbenic, ki jih imata na podlagi drugih mednarodnih sporazumov ali konvencij;

– štejejo kot dopolnilne k sporazumom o medsebojni pomoči, ki so bili sklenjeni ali pa se lahko sklenejo med državami članicami in Republiko Tadžikistan; in

– ne vplivajo na določbe Skupnosti, ki med pristojnimi službami Komisije in pristojnimi organi držav članic urejajo sporočanje informacij, pridobljenih na podlagi tega protokola, ki bi lahko bile v interesu Skupnosti.

2. Ne glede na določbe odstavka 1 imajo določbe iz tega protokola prednost pred določbami dvostranskih sporazumov o medsebojni pomoči, ki so bili ali bi lahko bili sklenjeni med državami članicami in Republiko Tadžikistan, če so določbe slednjih neskladne z določbami iz tega protokola.

3. V zvezi z vprašanji, ki se nanašajo na uporabo tega protokola, se pogodbenici posvetujeta in rešujeta zadeve v okviru Odbora za sodelovanje, ustanovljenega po členu 79 Sporazuma.

ARTICLE 13

Implementation

1. The application of this Protocol shall be entrusted to the central customs authorities of the Republic of Tajikistan on the one hand and to the competent services of the Commission of the European Communities and, where appropriate, the customs authorities of the Member States on the other. They shall decide on all practical measures and arrangements necessary for its application, taking into consideration the rules in force in the field of data protection. They may recommend to the competent bodies amendments which they consider should be made to this Protocol.

2. The Parties shall consult each other and subsequently keep each other informed of the detailed rules of implementation which are adopted in accordance with the provisions of this Protocol.

ARTICLE 14

Other agreements

1. Taking into account the respective competences of the European Community and the Member States, the provisions of this Protocol shall:

– not affect the obligations of the Contracting Parties under any other international agreement or convention;

– be deemed complementary with agreements on mutual assistance which have been or may be concluded between individual Member States and the Republic of Tajikistan; and

– not affect the provisions governing the communication between the competent services of the Commission and the customs authorities of the Member States of any information obtained in the fields covered by this Agreement which could be of interest to the Community.

2. Notwithstanding the provisions of paragraph 1, the provisions of this Agreement shall take precedence over the provisions of the bilateral agreement on mutual assistance which have been or may be concluded between individual Member States and the Republic of Tajikistan insofar as the provisions of the latter are incompatible with those of this Protocol.

3. In respect of questions relating to the applicability of this Protocol, the Contracting Parties shall consult each other to resolve the matter in the framework of the Cooperation Committee established under Article 79 of this Agreement.

ACTA FINAL

ZÁVĚREČNÝ AKT

SLUTAKT

SCHLUSSAKTE

LÕPPAKT

ΤΕΛΙΚΗ ΠΡΑΞΗ

FINAL ACT

ACTE FINAL

ATTO FINALE

NOBEIGUMA AKTS

BAIGIAMASIS AKTAS

ZÁRÓOKMÁNY

SLOTAKTE

AKT KOŃCOWY

ACTA FINAL

ZÁVEREČNÝ AKT

SKLEPNA LISTINA

PÄÄTÖSASIAKIRJA

SLUTAKT

САНАДИ ХОТИМАВЙ

SKLEPNA LISTINA

Pooblaščenci
KRALJEVINE BELGIJE,
ČEŠKE REPUBLIKE,
KRALJEVINE DANSKE,
ZVEZNE REPUBLIKE NEMČIJE,
REPUBLIKE ESTONIJE,
HELENSKE REPUBLIKE,
KRALJEVINE ŠPANIJE,
FRANCOSKE REPUBLIKE,
IRSKE,
ITALIJANSKE REPUBLIKE,
REPUBLIKE CIPER,
REPUBLIKE LATVIJE,
REPUBLIKE LITVE,
VELIKEGA VOJVODSTVA LUKSEMBURG,
REPUBLIKE MADŽARSKE,
REPUBLIKE MALTE,
KRALJEVINE NIZOZEMSKE,
REPUBLIKE AVSTRIJE,
REPUBLIKE POLJSKE,
PORTUGALSKE REPUBLIKE,
REPUBLIKE SLOVENIJE,
SLOVAŠKE REPUBLIKE,
REPUBLIKE FINSKE,
KRALJEVINE ŠVEDSKE,
ZDRUŽENEGA KRALJESTVA VELIKE BRITANIJE IN SEVERNE IRSKE,
pogodbenic Pogodbe o ustanovitvi EVROPSKE SKUPNOSTI in Pogodbe o ustanovitvi EVROPSKE SKUPNOSTI ZA ATOMSKO ENERGIJO, v nadaljnjem besedilu »države članice«, in

EVROPSKE SKUPNOSTI in EVROPSKE SKUPNOSTI ZA ATOMSKO ENERGIJO,
v nadaljnjem besedilu »Skupnost«,

na eni strani in

pooblaščenci REPUBLIKE TADŽIKISTAN

na drugi strani,

ki so se sestali v Luxsembourgu, 11. oktobra 2004, da podpišejo Sporazum o partnerstvu in sodelovanju med Evropskima skupnostma in njunimi državami članicami na eni strani ter Republiko Tadžikistan na drugi strani, v nadaljnjem besedilu »sporazum«, so sprejeli naslednja besedila:

Sporazum s prilogami in naslednjim Protokolom:

Protokol o medsebojni upravni pomoči v carinskih zadevah.

Pooblaščenci držav članic in Skupnosti in pooblaščenci Republike Tadžikistan so sprejeli besedila spodaj navedenih skupnih izjav, priloženih k tej sklepni listini:

Skupna izjava o osebnih podatkih
Skupna izjava o členu 5 Sporazuma

Skupna izjava o členu 13 Sporazuma

FINAL ACT

The plenipotentiaries of:
THE KINGDOM OF BELGIUM,
THE CZECH REPUBLIC,
THE KINGDOM OF DENMARK,
THE FEDERAL REPUBLIC OF GERMANY,
THE REPUBLIC OF ESTONIA,
THE HELLENIC REPUBLIC,
THE KINGDOM OF SPAIN,
THE FRENCH REPUBLIC,
IRELAND,
THE ITALIAN REPUBLIC,
THE REPUBLIC OF CYPRUS,
THE REPUBLIC OF LATVIA,
THE REPUBLIC OF LITHUANIA,
THE GRAND DUCHY OF LUXEMBOURG,
THE REPUBLIC OF HUNGARY,
THE REPUBLIC OF MALTA,
THE KINGDOM OF THE NETHERLANDS,
THE REPUBLIC OF AUSTRIA,
THE REPUBLIC OF POLAND,
THE PORTUGUESE REPUBLIC,
THE REPUBLIC OF SLOVENIA,
THE SLOVAK REPUBLIC,
THE REPUBLIC OF FINLAND,
THE KINGDOM OF SWEDEN,
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,
Contracting Parties to the Treaty establishing the EUROPEAN COMMUNITY and the Treaty establishing the EUROPEAN ATOMIC ENERGY COMMUNITY, hereinafter referred to as "the Member States", and

of the EUROPEAN COMMUNITY, and of the EUROPEAN ATOMIC ENERGY COMMUNITY, hereinafter referred to as "the Community",

of the one part, and

the plenipotentiaries of THE REPUBLIC OF TAJIKISTAN,

of the other part,

meeting at Luxembourg, this 11 October 2004 for the signature of the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part, hereinafter referred to as the "Agreement", have adopted the following texts:

the Agreement including its Annexes and the following Protocol:

the Protocol on mutual administrative assistance in customs matters.

The plenipotentiaries of the Member States and of the Community and the plenipotentiaries of the Republic of Tajikistan have adopted the texts of the Joint Declarations listed below and annexed to this Final Act:

Joint Declaration on personal data.

Joint Declaration concerning Article 5 of the Agreement.

Joint Declaration concerning Article 13 of the Agreement.

Skupna izjava o pomenu izraza »nadzor« v členih 22(b) in 33

Skupna izjava o členu 32 Sporazuma

Skupna izjava o členu 39 Sporazuma

Skupna izjava o členu 94 Sporazuma

Pooblaščenci držav članic in Skupnosti ter pooblaščenci Republike Tadžikistan so se seznanili z izjavo Komisije in Sveta Evropske unije o načelu o vračanju in ponovnem prevzemu ilegalnih migrantov (člen 70), ki je priložena k tej sklepni listini.

Pooblaščenci držav članic in Skupnosti in pooblaščenci Republike Tadžikistan so prav tako sprejeli v vednost naslednjo izmenjavo pisem, ki je priložena k tej sklepni listini:

Izmenjava pisem med Skupnostjo in Republiko Tadžikistan o ustanavljanju družb

Pooblaščenci držav članic in Skupnosti in pooblaščenci Republike Tadžikistan so razen tega sprejeli v vednost naslednjo izjavo, ki je priložena k tej sklepni listini:

Izjava francoske vlade.

Joint Declaration concerning the notion of "control" in Article 22(b) and Article 33.

Joint Declaration concerning Article 32 of the Agreement.

Joint Declaration concerning Article 39 of the Agreement.

Joint Declaration concerning Article 94 of the Agreement.

The plenipotentiaries of the Member States and of the Community and the plenipotentiaries of the Republic of Tajikistan have also taken note of the Declaration of the Commission and the Council of the European Union on the clause concerning the return and readmission of illegal immigrants (Article 70) annexed to this Final Act.

The plenipotentiaries of the Member States and of the Community and the plenipotentiaries of the Republic of Tajikistan have also taken note of the following Exchange of Letters annexed to this Final Act:

Exchange of Letters between the Community and the Republic of Tajikistan in relation to the establishment of companies.

The plenipotentiaries of the Member States and of the Community and the plenipotentiaries of the Republic of Tajikistan have further taken note of the following Declaration annexed to this Final Act:

Declaration by the French Government.

Hecho en Luxemburgo, el once de octubre del dos mil cuatro.

V Lucemurku dne jedenáctého října dva tisíce čtyři.

Udfærdiget i Luxembourg den elevte oktober to tusind og fire.

Geschehen zu Luxemburg am elften Oktober zweitausendundvier.

Kahe tuhande neljanda aasta oktoobrikuu üheteistkümnendal päeval Luxembourgis.

΄Εγινε στο Λουξεμβούργο, στις ένδεκα Οκτωβρίου δύο χιλιάδες τέσσερα.

Done at Luxembourg on the eleventh day of October in the year two thousand and four.

Fait à Luxembourg, le onze octobre deux mille quatre.

Fatto a Lussembourgo, addi' undici ottobre duemilaquattro.

Luksemburgā, divi tūkstoši ceturtā gada vienpadsmitajā oktobrī

Priimta du tūkstančiai ketvirtų metų spalio vienuoliktą dieną Liuksemburge.

Kelt Luxembourgban, a kétezer-negyedik év október havának tizenegyedik napján.

Magħmul fil-Lussemburgu fil-ħdax-il jum ta' Ottubru fis-sena elfejn u erbgħa

Gedaan te Luxemburg, de elfde oktober tweeduizendvier.

Sporządzono w Luksemburgu dnia jedenastego października roku dwutysięcznego czwartego.

Feito em Luxemburgo, em onze de Outubro de dois mil e quatro.

V Luxemburgu jedenásteho októbra dvetisícštyri.

V Luxembourgu, enajstega oktobra dva tisoč štiri.

Tehty Luxemburgissa yhdentenätoista päivänä lokakuuta vuonna kaksituhattaneljä.

Som skedde i Luxemburg den elfte oktober tjugohundrafyra.

Ин Созишнома дар шаҳри Люксембург 11 октябри соли 2004 ба имзо расид.

Pour le Royaume de Belgique
Voor het Koninkrijk België
Für das Königreich Belgien

Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la Région flamande et la Région de Bruxelles-Capitale.

Deze handtekening verbindt eveneens de Vlaamse Gemeenschap, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaamse Gewest, het Waalse Gewest en het Brussels Hoofdstedelijk Gewest.

Diese Unterschrift bindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische Region, die Flämische Region und die Region Brüssel-Hauptstadt.

Za Českou republiku

På Kongeriget Danmarks vegne

Für die Bundesrepublik Deutschland

Eesti Vabariigi nimel

Για την Ελληνική Δημοκρατία

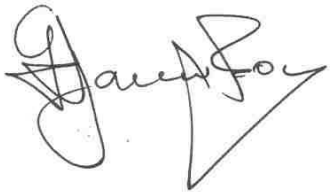
Por el Reino de España

Pour la République française

Thar cheann Na hÉireann
For Ireland

Per la Repubblica italiana

Για την Κυπριακή Δημοκρατία,



Latvijas Republikas vārdā

Lietuvos Respublikos vardu

Pour le Grand-Duché de Luxembourg

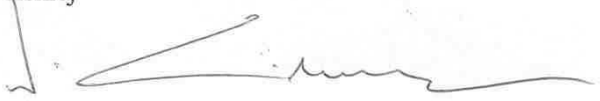
A Magyar Köztársaság részéről

Għar-Repubblika ta' Malta

Voor het Koninkrijk der Nederlanden

Für die Republik Österreich

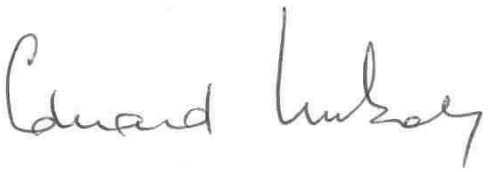
W imieniu Rzeczypospolitej Polskiej



Pela República Portuguesa

Za Republiko Slovenijo

Za Slovenskú republiku



Suomen tasavallan puolesta
För Republiken Finland

För Konungariket Sverige

For the United Kingdom of Great Britain and Northern Ireland

Por las Comunidades Europeas
Za Evropská společenství
For De Europæiske Fællesskaber
Für die Europäischen Gemeinschaften
Euroopa ühenduste nimel
Για τις Ευρωπαϊκές Κοινότητες
For the European Communities
Pour les Communautés européennes
Per le Comunità europee
Eiropas Kopienu vārdā
Europos Bendrijų vardu
Az Európai Közösségek részéről
Għall-Komunitajiet Ewropej
Voor de Europese Gemeenschappen
W imieniu Wspólnot Europejskich
Pelas Comunidades Europeias
Za Európske spoločenstvá
Za Evropske skupnosti
Euroopan yhteisöjen puolesta
På europeiska gemenskapernas vägnar

Аз ҷониби Ҷумҳурии Тоҷикистон

SKUPNA IZJAVA O OSEBNIH PODATKIH

Z uporabo tega sporazuma se pogodbenici zavedata potrebe po ustrezni zaščiti posameznikov v zvezi z obdelavo osebnih podatkov in prostim pretokom teh podatkov.

JOINT DECLARATION ON PERSONAL DATA

In applying this Agreement, the Parties are aware of the necessity of an adequate protection of individuals with regard to the processing of personal data and on the free movement of such data.

SKUPNA IZJAVA O ČLENU 5

Če bi se pogodbenici strinjali, da okoliščine zahtevajo srečanje na najvišji ravni, se tako srečanje lahko organizira ad hoc.

JOINT DECLARATION CONCERNING ARTICLE 5

Should the Parties agree that circumstances warrant meetings at the highest level, such meetings may be arranged on an ad hoc basis.

SKUPNA IZJAVA O ČLENU 13

Dokler Republika Tadžikistan ne vstopi v STO, se pogodbenici v okviru Odbora za sodelovanje posvetujeta o politiki Republike Tadžikistan o uvoznih tarifni politiki, vključno s spremembami tarifne zaščite. Taka posvetovanja se zlasti skličejo pred povečanjem tarifne zaščite.

JOINT DECLARATION CONCERNING ARTICLE 13

Until the Republic of Tajikistan accedes to the WTO, the Parties shall hold consultations in the Cooperation Committee on the Republic of Tajikistan's import tariff policies, including changes in tariff protection. In particular, such consultations shall be offered prior to the increase of tariff protection.

SKUPNA IZJAVA
O POMENU IZRAZA »NADZOR«
V ČLENIH 22(b) IN 33

1. Pogodbenici potrjujeta, da obstaja medsebojno razumevanje, da je vprašanje nadzora odvisno od dejanskih okoliščin posameznega primera.
2. Šteje se, na primer, da je podjetje pod »nadzorom« drugega podjetja in torej njegovo hčerinsko podjetje, če:

– ima drugo podjetje posredno ali neposredno večino glasovalnih pravic; ali
– ima drugo podjetje pravico do imenovanja ali razrešitve večine članov upravnega organa, izvršilnega organa ali nadzornega organa ter je istočasno delničar ali član hčerinskega podjetja.

3. Pogodbenici se strinjata, da seznam naštetih meril iz odstavka 2 ni dokončen.

JOINT DECLARATION
CONCERNING THE NOTION OF "CONTROL"
IN ARTICLE 22(b) AND ARTICLE 33

1. The Parties confirm their mutual understanding that the question of control shall depend on the factual circumstances of the particular case.
2. A company shall, for example, be considered as being "controlled" by another company, and thus a subsidiary of such other company if:
– the other company holds directly or indirectly a majority of the voting rights, or
– the other company has the right to appoint or dismiss a majority of the administrative organ, of the management organ or of the supervisory organ and is at the same time a shareholder or member of the subsidiary.
3. The Parties consider the criteria in paragraph 2 to be non-exhaustive.

SKUPNA IZJAVA O ČLENU 32

Samo dejstvo, da se za fizične osebe nekaterih pogodbenic zahteva vizum, za druge pa ne, se ne šteje, kot da izničuje ali omejuje ugodnosti na podlagi posebne obveze.

JOINT DECLARATION CONCERNING ARTICLE 32

The sole fact of requiring a visa for natural persons of certain Parties and not for those of others shall not be regarded as nullifying or impairing benefits under a specific commitment.

SKUPNA IZJAVA O ČLENU 39

Pogodbenici soglašata, da za namene tega sporazuma izrazi »intelektualna, industrijska in poslovna lastnina« vključujejo predvsem avtorske pravice, in sorodne pravice, zlasti avtorstvo računalniških programov, pravice, ki se nanašajo na patente, industrijske vzorce in modele, geografske označbe, zlasti oznake porekla, blagovne znamke in storitvene znamke, topografijo integriranih vezij in varstvo pred nelojalno konkurenco v skladu s členom 10 bis Pariške konvencije o varstvu industrijske lastnine in varstvu nerazkritih podatkov o znanju in izkušnjah.

JOINT DECLARATION CONCERNING ARTICLE 39

The Parties agree that for the purpose of the Agreement, intellectual, industrial and commercial property includes in particular copyright, including the copyright in computer programs, and neighbouring rights, the rights relating to patents, industrial designs, geographical indications, including appellations of origin, trademarks and service marks, topographies of integrated circuits as well as protection against unfair competition as referred to in Article 10bis of the Paris Convention for the protection of Industrial Property and protection of undisclosed information on know-how.

SKUPNA IZJAVA O ČLENU 94

1. Za namene pravilne razlage in praktične uporabe tega sporazuma pogodbenici soglašata, da so »primeri posebne nujnosti«, omenjeni v členu 94 Sporazuma, primeri, ko pride do bistvene kršitve sporazuma s strani ene od pogodbenic.. Bistvena kršitev sporazuma je

a) neupoštevanje Sporazuma, ki ni sankcionirano s splošnimi pravili mednarodnega prava,

ali

b) kršitev bistvenih elementov Sporazuma, navedenih v členu 2.

2. Pogodbenici soglašata, da so »ustrezni ukrepi« iz člena 94 ukrepi, sprejeti v skladu z mednarodnim pravom. Če pogodbenica sprejme ukrep v posebno nujnem primeru v skladu s členom 94, lahko druga pogodbenica uporabi postopek za reševanje sporov.

JOINT DECLARATION CONCERNING ARTICLE 94

1. The Parties agree, for the purpose of its correct interpretation and its practical application, that the term "cases of special urgency" included in Article 94 of the Agreement means cases of material breach of the Agreement by one of the Parties. A material breach of the Agreement consists in:

(a) repudiation of the Agreement not sanctioned by the general rules of international law,

or

(b) violation of the essential elements of the Agreement set out in Article 2.

2. The Parties agree that the "appropriate measures" referred to in Article 94 are measures taken in accordance with international law. If a Party takes a measure in a case of special urgency as provided for under Article 94, the other Party may avail itself of the procedure relating to settlement of dispute.

IZJAVA
KOMISIJE IN SVETA EVROPSKE UNIJE
GLEDE NAČELA O VRAČANJU
IN PONOVENEM PREVZEMU ILEGALNIH MIGRANTOV
(ČLEN 70)

Člen 70 ne posega v notranjo porazdelitev pristojnosti med Evropsko skupnostjo in državami članicami glede sklenitve sporazumov o ponovnem prevzemu.

DECLARATION
OF THE COMMISSION AND THE COUNCIL OF THE
EUROPEAN UNION
ON THE CLAUSE CONCERNING THE RETURN
AND READMISSION OF ILLEGAL IMMIGRANTS
(ARTICLE 70)

Article 70 shall be without prejudice to the internal division of powers between the European Community and its Member States for the conclusion of readmission agreements.

IZMENJAVA PISEM
MED EVROPSKO SKUPNOSTJO
IN REPUBLIKO TADŽIKISTAN
GLEDE USTANOVITVE DRUŽB

A. Pismo Vlade Republike Tadžikistan

Spoštovani,

Sklicujem se na Sporazum o partnerstvu in sodelovanju, parafiran dne 16. 12. 2003.

Kot sem poudaril med pogajanji, Republika Tadžikistan družbam Skupnosti, ki se ustanovijo in poslujejo v Republiki Tadžikistan, v nekaterih pogledih zagotavlja privilegirano obravnavo. Razložil sem, da ta ukrep zrcali politiko Republike Tadžikistan, da z vsemi sredstvi spodbuja ustanavljanje družb Skupnosti v Republiki Tadžikistan.

Ob upoštevanju tega razumem, da v obdobju med datumom parafiranja tega sporazuma in začetkom veljavnosti ustreznih členov o ustanavljanju družb Republika Tadžikistan ne bo sprejela ukrepov ali predpisov, ki bi uvajali ali poslabšali diskriminacijo družb Skupnosti vis-a-vis tadžikistanskim družbam ali družbam iz katerih koli tretjih držav v primerjavi s položajem, ki je obstajal na datum parafiranja tega sporazuma.

Hvaležen vam bom, če boste potrdili prejem tega pisma.

Sprejmite, Gospod, izraz mojega globokega spoštovanja.

Za Vlado
Republike Tadžikistan

B. Pismo Evropske skupnosti

Spoštovani,

Hvala za pismo z današnjega dne, ki se glasi:

»Sklicujem se na Sporazum o partnerstvu in sodelovanju, parafiran dne 16. 12. 2003.

Kot sem poudaril med pogajanji, Republika Tadžikistan družbam Skupnosti, ki se ustanovijo in poslujejo v Republiki Tadžikistan, v nekaterih pogledih zagotavlja privilegirano obravnavo. Razložil sem, da ta ukrep zrcali politiko Republike Tadžikistan, da z vsemi sredstvi spodbuja ustanavljanje družb Skupnosti v Republiki Tadžikistan.

Ob upoštevanju tega razumem, da v obdobju med datumom parafiranja tega sporazuma in začetkom veljavnosti ustreznih členov o ustanavljanju družb Republika Tadžikistan ne bo sprejela ukrepov ali predpisov, ki bi uvajali ali poslabšali diskriminacijo družb Skupnosti vis-a-vis tadžikistanskim družbam ali družbam iz katerih koli tretjih držav v primerjavi s položajem, ki je obstajal na datum parafiranja tega sporazuma.

Hvaležen vam bom, če boste potrdili prejem tega pisma.«

Potrjujem prejem pisma.

Sprejmite, Gospod, izraz mojega globokega spoštovanja.

V imenu
Evropske skupnosti

EXCHANGE OF LETTERS
BETWEEN THE EUROPEAN COMMUNITY
AND THE REPUBLIC OF TAJIKISTAN
CONCERNING THE ESTABLISHMENT OF COMPANIES

A. Letter from the Government of the Republic of Tajikistan

Sir,

I refer to the Partnership and Cooperation Agreement initialled on 16. 12. 2003.

As I underlined during the negotiations, the Republic of Tajikistan grants to Community companies establishing and operating in Tajikistan in certain respects a privileged treatment. I explained that this reflects the Tajik policy to promote by all means the establishment of Community companies in the Republic of Tajikistan.

With this in mind, it is my understanding that during the period between the date of initialling of this agreement and the entry into force of the relevant articles on establishment of companies, the Republic of Tajikistan shall not adopt measures or regulations which would introduce or worsen discrimination against Community companies vis-à-vis Tajik companies or companies from any third country as compared to the situation existing on the date of initialling of this Agreement.

I would be obliged if you would acknowledge receipt of this letter.

Please accept, Sir, the assurance of my highest consideration.

For the Government
of the Republic of Tajikistan

B. Letter from the European Community

Sir,

Thank you for your letter of today's date, which reads as follows:

"I refer to the Partnership and Cooperation Agreement initialled on 16. 12. 2003.

As I underlined during the negotiations, the Republic of Tajikistan grants to Community companies establishing and operating in the Republic of Tajikistan in certain respects a privileged treatment. I explained that this reflects the Tajik policy to promote by all means the establishment of Community companies in the Republic of Tajikistan.

With this in mind, it is my understanding that during the period between the date of initialling of this agreement and the entry into force of the relevant articles on establishment of companies, the Republic of Tajikistan shall not adopt measures or regulations which would introduce or worsen discrimination against Community companies vis-à-vis Tajik companies or companies from any third country as compared to the situation existing on the date of initialling of this Agreement.

I would be obliged if you would acknowledge receipt of this letter."

I acknowledge receipt of the letter.

Please accept, Sir, the assurance of my highest consideration.

On behalf of
the European Community

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za zunanje zadeve.

4. člen

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

Št. 007-07/06-1/1
Ljubljana, dne 4. aprila 2006
EPA 750-IV

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

53. **Zakon o ratifikaciji Konvencije med Vlado Republike Slovenije in Vlado Republike Estonije o izogibanju dvojnega obdavčevanja in preprečevanju davčnih utaj v zvezi z davki od dohodka (BEEIDO)**

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

U K A Z
O RAZGLASITVI ZAKONA O RATIFIKACIJI KONVENCIJE MED VLADO REPUBLIKE SLOVENIJE IN VLADO REPUBLIKE ESTONIJE O IZOGIBANJU DVOJNEGA OBDAVČEVANJA IN PREPREČEVANJU DAVČNIH UTAJ V ZVEZI Z DAVKI OD DOHODKA (BEEIDO)

Razglašam Zakon o ratifikaciji Konvencije med Vlado Republike Slovenije in Vlado Republike Estonije o izogibanju dvojnega obdavčevanja in preprečevanju davčnih utaj v zvezi z davki od dohodka (BEEIDO), ki ga je sprejel Državni zbor Republike Slovenije na seji 4. aprila 2006.

Št. 001-22-59/06
Ljubljana, dne 12. aprila 2006

dr. Janez Drnovšek l.r.
Predsednik
Republike Slovenije

Z A K O N
O RATIFIKACIJI KONVENCIJE MED VLADO REPUBLIKE SLOVENIJE IN VLADO REPUBLIKE ESTONIJE O IZOGIBANJU DVOJNEGA OBDAVČEVANJA IN PREPREČEVANJU DAVČNIH UTAJ V ZVEZI Z DAVKI OD DOHODKA (BEEIDO)

1. člen

Ratificira se Konvencija med Vlado Republike Slovenije in Vlado Republike Estonije o izogibanju dvojnega obdavčevanja in preprečevanju davčnih utaj v zvezi z davki od dohodka, podpisana v Talinu 14. septembra 2005.

2. člen

Konvencija se v izvirniku v slovenskem in angleškem jeziku glasi[1]:

K O N V E N C I J A
MED VLADO REPUBLIKE SLOVENIJE IN VLADO REPUBLIKE ESTONIJE O IZOGIBANJU DVOJNEGA OBDAVČEVANJA IN PREPREČEVANJU DAVČNIH UTAJ V ZVEZI Z DAVKI OD DOHODKA

Vlada Republike Slovenije in Vlada Republike Estonije sta se v želji, da bi sklenili konvencijo o izogibanju dvojnega obdavčevanja in preprečevanju davčnih utaj v zvezi z davki od dohodka,

sporazumeli:

1. člen

OSEBE, ZA KATERE SE UPORABLJA KONVENCIJA

Ta konvencija se uporablja za osebe, ki so rezidenti ene ali obeh držav pogodbenic.

C O N V E N T I O N
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SLOVENIA AND THE GOVERNMENT OF THE REPUBLIC OF ESTONIA FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME

The Government of the Republic of Slovenia and the Government of the Republic of Estonia, Desiring to conclude a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income,

Have agreed as follows:

Article 1

PERSONS COVERED

This Convention shall apply to persons who are residents of one or both of the Contracting States.

[1] Besedilo konvencije v estonskem jeziku je na vpogled v Sektorju za mednarodno pravo Ministrstva za zunanje zadeve.

2. člen

DAVKI, ZA KATERE SE UPORABLJA KONVENCIJA

1. Ta konvencija se uporablja za davke od dohodka, ki se uvedejo v imenu države pogodbenice ali njenih političnih enot ali lokalnih oblasti, ne glede na način njihove uvedbe.

2. Za davke od dohodka se štejejo vsi davki, uvedeni na celoten dohodek ali na sestavine dohodka, vključno z davki od dobička iz odtujitve premičnin ali nepremičnin.

3. Obstoječi davki, za katere se uporablja konvencija, so zlasti:

a) v Sloveniji*:*

(i) davek od dohodkov pravnih oseb,

(ii) dohodnina

(v nadaljevanju »slovenski davek«);

b) v Estoniji:

(i) davek od dohodka (tulumaks),

(ii) lokalni davek od dohodka (kohalik tulumaks)

(v nadaljevanju »estonski davek«).

4. Konvencija se uporablja tudi za enake ali vsebinsko podobne davke, ki se uvedejo po datumu podpisa konvencije dodatno k obstoječim davkom ali namesto njih. Pristojna organa držav pogodbenic drug drugega uradno obvestita o vseh bistvenih spremembah njunih davčnih zakonodaj.

3. člen

SPLOŠNA OPREDELITEV IZRAZOV

1. V tej konvenciji, razen če sobesedilo ne zahteva drugače:

a) izraz »Slovenija« pomeni Republiko Slovenijo, in ko se uporablja v zemljepisnem smislu, ozemlje Slovenije, vključno z morskim območjem, morskim dnom in podzemljem ob teritorialnem morju, kjer Slovenija lahko nad takim morskim območjem, morskim dnom in podzemljem izvaja svoje suverene pravice in jurisdikcijo v skladu s svojo notranjo zakonodajo in mednarodnim pravom;

b) izraz »Estonija« pomeni Republiko Estonijo, in ko se uporablja v zemljepisnem smislu, ozemlje Estonije in vsako drugo območje ob teritorialnem morju Estonije, na katerem se lahko po zakonodaji Estonije in v skladu z mednarodnim pravom izvajajo pravice Estonije v zvezi z morskim dnom in njegovim podzemljem ter njunimi naravnimi viri;

c) izraza »država pogodbenica« in »druga država pogodbenica« pomenita, kot zahteva sobesedilo, Slovenijo ali Estonijo;

d) izraz »oseba« vključuje posameznika, družbo in katero koli drugo telo, ki združuje več oseb;

e) izraz »družba« pomeni katero koli korporacijo ali kateri koli subjekt, ki se za davčne namene obravnava kot korporacija;

f) izraza »podjetje države pogodbenice« in »podjetje druge države pogodbenice« pomenita podjetje, ki ga upravlja rezident države pogodbenice, in podjetje, ki ga upravlja rezident druge države pogodbenice;

g) izraz »mednarodni promet« pomeni prevoz z ladjo ali letalom, ki ga opravlja podjetje države pogodbenice, razen če se z ladjo ali letalom ne opravljajo prevozi samo med kraji v drugi državi pogodbenici;

Article 2

TAXES COVERED

1. This Convention shall apply to taxes on income imposed on behalf of a Contracting State or of its political subdivisions or local authorities, irrespective of the manner in which they are levied.

2. There shall be regarded as taxes on income all taxes imposed on total income, or on elements of income, including taxes on gains from the alienation of movable or immovable property.

3. The existing taxes to which the Convention shall apply are in particular:

a) in Slovenia:

(i) the tax on income of legal persons (davek od dohodkov pravnih oseb);

(ii) the tax on income of individuals (dohodnina);

(hereinafter referred to as "Slovenian tax");

b) in Estonia:

(i) the income tax (tulumaks);

(ii) the local income tax (kohalik tulumaks);

(hereinafter referred to as “Estonian tax”).

4. The Convention shall apply also to any identical or substantially similar taxes which are imposed after the date of signature of the Convention in addition to, or in place of, the existing taxes. The competent authorities of the Contracting States shall notify each other of any significant changes which have been made in their respective taxation laws.

Article 3

GENERAL DEFINITIONS

1. For the purposes of this Convention, unless the context otherwise requires:

a) the term “Slovenia” means the Republic of Slovenia and when used in a geographical sense, means the territory of Slovenia, including the sea area, sea bed and sub-soil adjacent to the territorial sea, within which Slovenia may exercise its sovereign rights and jurisdiction over such sea area, sea bed and sub-soil in accordance with its domestic legislation and international law;

b) the term “Estonia” means the Republic of Estonia and, when used in the geographical sense, means the territory of Estonia and any other area adjacent to the territorial sea of Estonia within which under the laws of Estonia and in accordance with international law, the rights of Estonia may be exercised with respect to the sea bed and its sub-soil and their natural resources;

c) the terms “a Contracting State” and “the other Contracting State” mean Slovenia or Estonia, as the context requires;

d) the term "person" includes an individual, a company and any other body of persons;

e) the term "company" means any body corporate or any entity which is treated as a body corporate for tax purposes;

f) the terms "enterprise of a Contracting State" and "enterprise of the other Contracting State" mean respectively an enterprise carried on by a resident of a Contracting State and an enterprise carried on by a resident of the other Contracting State;

g) the term "international traffic" means any transport by a ship or aircraft operated by an enterprise of a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State;

h) izraz »pristojni organ« pomeni:

(i) v Sloveniji Ministrstvo za finance Republike Slovenije ali pooblaščenega predstavnika tega ministrstva;

(ii) v Estoniji ministra za finance ali njegovega pooblaščenega predstavnika;

i) izraz »državljan« pomeni:

(i) posameznika, ki ima državljanstvo države pogodbenice;

(ii) pravno osebo, osebno družbo ali združenje, katerega status izhaja iz veljavne zakonodaje države pogodbenice.

2. Kadar koli država pogodbenica uporabi konvencijo, ima kateri koli izraz, ki v njej ni opredeljen, razen če sobesedilo ne zahteva drugače, pomen, ki ga ima takrat po pravu te države za namene davkov, za katere se konvencija uporablja, pri čemer kateri koli pomen po veljavni davčni zakonodaji te države prevlada nad pomenom izraza po drugi zakonodaji te države.

4. člen

REZIDENT

1. V tej konvenciji izraz »rezident države pogodbenice« pomeni osebo, ki je po zakonodaji te države dolžna plačevati davke zaradi svojega stalnega prebivališča, prebivališča, sedeža uprave, kraja ustanovitve ali katerega koli drugega podobnega merila, in vključuje tudi to državo, katero koli njeno politično enoto ali lokalno oblast. Ta izraz pa ne vključuje osebe, ki je dolžna v tej državi plačevati davke samo v zvezi z dohodki iz virov v tej državi.

2. Kadar je zaradi določb prvega odstavka posameznik rezident obeh držav pogodbenic, se njegov status določi tako:

a) šteje se samo za rezidenta države, v kateri ima na razpolago stalno prebivališče; če ima stalno prebivališče na razpolago v obeh državah, se šteje samo za rezidenta države, s katero ima tesnejše osebne in ekonomske odnose (središče življenjskih interesov);

b) če ni mogoče opredeliti države, v kateri ima središče življenjskih interesov, ali če nima v nobeni od držav na razpolago stalnega prebivališča, se šteje samo za rezidenta države, v kateri ima običajno bivališče;

c) če ima običajno bivališče v obeh državah ali v nobeni od njiju, se šteje samo za rezidenta države, katere državljan je;

d) če je državljan obeh držav ali nobene od njiju, pristojna organa držav pogodbenic vprašanje rešita s skupnim dogovorom.

3. Kadar je zaradi določb prvega odstavka oseba, ki ni posameznik, rezident obeh držav pogodbenic, si pristojna organa držav pogodbenic prizadevata vprašanje rešiti s skupnim dogovorom. Če takega dogovora za namene konvencije ni, oseba ni upravičena zahtevati ugodnosti iz te konvencije.

h) the term "competent authority" means:

(i) in Slovenia, the Ministry of Finance of the Republic of Slovenia or its authorized representative;

(ii) in Estonia, the Minister of Finance or his authorized representative;

i) the term "national" means:

(i) any individual possessing the nationality of a Contracting State;

(ii) any legal person, partnership or association deriving its status as such from the laws in force in a Contracting State.

2. As regards the application of the Convention at any time by a Contracting State, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that State for the purposes of the taxes to which the Convention applies, any meaning under the applicable tax laws of that State prevailing over a meaning given to the term under other laws of that State.

Article 4

RESIDENT

1. For the purposes of this Convention, the term "resident of a Contracting State" means any person who, under the laws of that State, is liable to tax therein by reason of his domicile, residence, place of management, place of incorporation or any other criterion of a similar nature, and also includes that State and any political subdivision or local authority thereof. This term, however, does not include any person who is liable to tax in that State in respect only of income from sources in that State.

2. Where by reason of the provisions of paragraph 1 an individual is a resident of both Contracting States, then his status shall be determined as follows:

a) he shall be deemed to be a resident only of the State in which he has a permanent home available to him; if he has a permanent home available to him in both States, he shall be deemed to be a resident only of the State with which his personal and economic relations are closer (centre of vital interests);

b) if the State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either State, he shall be deemed to be a resident only of the State in which he has an habitual abode;

d) if he has an habitual abode in both States or in neither of them, he shall be deemed to be a resident only of the State of which he is a national;

d) if he is a national of both States or of neither of them, the competent authorities of the Contracting States shall settle the question by mutual agreement.

3. Where by reason of the provisions of paragraph 1 a person other than an individual is a resident of both Contracting States, the competent authorities of the Contracting States shall endeavour to settle the question by mutual agreement. In the absence of such agreement, for the purposes of the Convention, the person shall not be entitled to claim any benefits provided by this Convention.

5. člen

STALNA POSLOVNA ENOTA

1. V tej konvenciji izraz »stalna poslovna enota« pomeni stalno mesto poslovanja, prek katerega v celoti ali delno poteka poslovanje podjetja.

2. Izraz »stalna poslovna enota« še posebej vključuje:

a) sedež uprave,
b) podružnico,
c) pisarno,
d) tovarno,
e) delavnico in
f) rudnik, nahajališče nafte ali plina, kamnolom ali kateri koli drug kraj pridobivanja naravnih virov.

3. Gradbišče, projekt gradnje, montaže ali postavitve ali dejavnost nadzora v zvezi z njimi je stalna poslovna enota samo, če tako gradbišče, projekt ali dejavnost traja več kot devet mesecev.

4. Ne glede na prejšnje določbe tega člena se šteje, da izraz »stalna poslovna enota« ne vključuje:

a) uporabe prostorov samo za skladiščenje, razstavljanje ali dostavo dobrin ali blaga, ki pripada podjetju;

b) vzdrževanja zaloge dobrin ali blaga, ki pripada podjetju, samo za skladiščenje, razstavljanje ali dostavo;

c) vzdrževanja zaloge dobrin ali blaga, ki pripada podjetju, samo za predelavo, ki jo opravi drugo podjetje;

d) vzdrževanja stalnega mesta poslovanja samo za nakup dobrin ali blaga za podjetje ali zbiranje informacij za podjetje;
e) vzdrževanja stalnega mesta poslovanja samo za opravljanje kakršne koli druge pripravljalne ali pomožne dejavnosti za podjetje;
f) vzdrževanja stalnega mesta poslovanja samo za kakršno koli kombinacijo dejavnosti, omenjenih v pododstavkih a) do e), če je splošna dejavnost stalnega mesta poslovanja, ki je posledica te kombinacije, pripravljalna ali pomožna.

5. Ne glede na določbe prvega in drugega odstavka, kadar oseba – ki ni zastopnik z neodvisnim statusom, za katerega se uporablja šesti odstavek – deluje v imenu podjetja ter ima in običajno uporablja v državi pogodbenici pooblastilo za sklepanje pogodb v imenu podjetja, se za to podjetje šteje, da ima stalno poslovno enoto v tej državi v zvezi z dejavnostmi, ki jih ta oseba prevzame za podjetje, razen če dejavnosti te osebe niso omejene na tiste iz četrtega odstavka, zaradi katerih se to stalno mesto poslovanja po določbah navedenega odstavka ne bi štelo za stalno poslovno enoto, če bi se opravljale prek stalnega mesta poslovanja.

6. Ne šteje se, da ima podjetje stalno poslovno enoto v državi pogodbenici samo zato, ker opravlja posle v tej državi prek posrednika, splošnega komisionarja ali katerega koli drugega zastopnika z neodvisnim statusom, če te osebe delujejo v okviru svojega rednega poslovanja.

Article 5

PERMANENT ESTABLISHMENT

1. For the purposes of this Convention, the term "permanent establishment" means a fixed place of business through which the business of an enterprise is wholly or partly carried on.

2. The term "permanent establishment" includes especially:
a) a place of management;
b) a branch;
c) an office;
d) a factory;
e) a workshop, and
f) a mine, an oil or gas well, a quarry or any other place of extraction of natural resources.

3. A building site, a construction, assembly or installation project or a supervisory activity connected therewith constitutes a permanent establishment only if such site, project or activity lasts more than nine months.

4. Notwithstanding the preceding provisions of this Article the term "permanent establishment" shall be deemed not to include:
a) the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise;
b) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;
c) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;
d) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise or of collecting information, for the enterprise;
e) the maintenance of a fixed place of business solely for the purpose of carrying on, for the enterprise, any other activity of a preparatory or auxiliary character;
f) the maintenance of a fixed place of business solely for any combination of activities mentioned in subparagraphs a) to e), provided that the overall activity of the fixed place of business resulting from this combination is of a preparatory or auxiliary character.

5. Notwithstanding the provisions of paragraphs 1 and 2, where a person – other than an agent of an independent status to whom paragraph 6 applies – is acting on behalf of an enterprise and has, and habitually exercises, in a Contracting State an authority to conclude contracts in the name of the enterprise, that enterprise shall be deemed to have a permanent establishment in that State in respect of any activities which that person undertakes for the enterprise, unless the activities of such person are limited to those mentioned in paragraph 4 which, if exercised through a fixed place of business, would not make this fixed place of business a permanent establishment under the provisions of that paragraph.

6. An enterprise shall not be deemed to have a permanent establishment in a Contracting State merely because it carries on business in that State through a broker, general commission agent or any other agent of an independent status, provided that such persons are acting in the ordinary course of their business.

7. Dejstvo, da družba, ki je rezident države pogodbenice, nadzoruje družbo, ki je rezident druge države pogodbenice ali opravlja posle v tej drugi državi (prek stalne poslovne enote ali drugače) ali je pod nadzorom take družbe, samo po sebi še ne pomeni, da je ena od družb stalna poslovna enota druge.

6. člen

DOHODEK IZ NEPREMIČNIN

1. Dohodek rezidenta države pogodbenice, ki izhaja iz nepremičnin (vključno z dohodkom iz kmetijstva ali gozdarstva), ki so v drugi državi pogodbenici, se lahko obdavči v tej drugi državi.

2. Izraz »nepremičnina« ima pomen, ki ga ima po zakonodaji države pogodbenice, v kateri je ta nepremičnina. Izraz vedno vključuje premoženje, ki je sestavni del nepremičnin, živino in opremo, ki se uporablja v kmetijstvu in gozdarstvu, pravice, za katere se uporabljajo določbe splošnega prava v zvezi z zemljiško lastnino, vsako opcijo ali podobno pravico pridobiti nepremičnino, užitek na nepremičninah in pravice do spremenljivih ali stalnih plačil kot odškodnino za izkoriščanje ali pravico do izkoriščanja nahajališč rude, virov ter drugega naravnega bogastva. Ladje in letala se ne štejejo za nepremičnine.

3. Določbe prvega odstavka se uporabljajo za dohodek, ki se ustvari z neposredno uporabo, dajanjem v najem ali katero koli drugo obliko uporabe nepremičnine.

4. Kadar ima zaradi lastništva delnic ali drugih korporacijskih pravic v družbi lastnik takih delnic ali korporacijskih pravic v družbi pravico do uživanja nepremičnin družbe, se lahko dohodek iz neposredne uporabe, dajanja v najem ali vsake druge oblike uporabe take pravice do uživanja obdavči v državi pogodbenici, v kateri je nepremičnina.

5. Določbe prvega, tretjega in četrtega odstavka se uporabljajo tudi za dohodek iz nepremičnin podjetja in za dohodek iz nepremičnin, ki se uporabljajo za opravljanje samostojnih osebnih storitev.

7. člen

POSLOVNI DOBIČEK

1. Dobiček podjetja države pogodbenice se obdavči samo v tej državi, razen če podjetje ne posluje v drugi državi pogodbenici prek stalne poslovne enote v njej. Če podjetje posluje, kot je prej omenjeno, se lahko dobiček podjetja obdavči v drugi državi, vendar samo toliko dobička, kot se pripiše tej stalni poslovni enoti. Šteje pa se, da se dobiček od prodaje dobrin ali blaga, ki je enako ali podobno, kot se prodaja prek stalne poslovne enote, ali od drugih poslovnih dejavnosti, ki so enake ali podobne, kot se opravljajo prek stalne poslovne enote, lahko pripiše tej stalni poslovni enoti, če se ugotovi, da je bila taka prodaja ali dejavnost organizirana na način, namenjen izognitvi obdavčenju v državi, v kateri je stalna poslovna enota.

7. The fact that a company which is a resident of a Contracting State controls or is controlled by a company which is a resident of the other Contracting State, or which carries on business in that other State (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.

Article 6

INCOME FROM IMMOVABLE PROPERTY

1. Income derived by a resident of a Contracting State from immovable property (including income from agriculture or forestry) situated in the other Contracting State may be taxed in that other State.

2. The term "immovable property" shall have the meaning which it has under the law of the Contracting State in which the property in question is situated. The term shall in any case include property accessory to immovable property, livestock and equipment used in agriculture and forestry, rights to which the provisions of general law respecting landed property apply, any option or similar right to acquire immovable property, usufruct of immovable property and rights to variable or fixed payments as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources. Ships and aircraft shall not be regarded as immovable property.

3. The provisions of paragraph 1 shall apply to income derived from the direct use, letting, or use in any other form of immovable property.

4. Where the ownership of shares or other corporate rights in a company entitles the owner of such shares or corporate rights to the enjoyment of immovable property held by the company, the income from the direct use, letting, or use in any other form of such right to enjoyment may be taxed in the Contracting State in which the immovable property is situated.

5. The provisions of paragraphs 1, 3 and 4 shall also apply to the income from immovable property of an enterprise and to income from immovable property used for the performance of independent personal services.

Article 7

BUSINESS PROFITS

1. The profits of an enterprise of a Contracting State shall be taxable only in that State unless the enterprise carries on business in the other Contracting State through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, the profits of the enterprise may be taxed in the other State but only so much of them as is attributable to that permanent establishment. However, profits derived from the sale of goods or merchandise of the same or similar kind as those sold, or from other business activities of the same or similar kind as those effected, through that permanent establishment may be considered attributable to that permanent establishment if it is established that such sales or activities were structured in a manner intended to avoid taxation in the State where the permanent establishment is situated.

2. Ob upoštevanju določb tretjega odstavka, kadar podjetje države pogodbenice posluje v drugi državi pogodbenici prek stalne poslovne enote v njej, se v vsaki državi pogodbenici tej stalni poslovni enoti pripiše dobiček, za katerega bi se lahko pričakovalo, da bi ga imela, če bi bila različno in ločeno podjetje, ki opravlja enake ali podobne dejavnosti pod istimi ali podobnimi pogoji ter povsem neodvisno posluje s podjetjem, katerega stalna poslovna enota je.

3. Pri določanju dobička stalne poslovne enote v državi pogodbenici je dovoljeno odšteti stroške (razen stroškov, ki jih ne bi bilo mogoče odšteti, če bi bila ta stalna poslovna enota ločeno podjetje te države pogodbenice), ki nastanejo za namene stalne poslovne enote, vključno s poslovodnimi in splošnimi upravnimi stroški, ki so tako nastali v državi, v kateri je stalna poslovna enota, ali drugje.

4. Če se v državi pogodbenici dobiček, ki se pripiše stalni poslovni enoti, običajno določi na podlagi porazdelitve vsega dobička podjetja na njegove dele, nič v drugem odstavku tej državi pogodbenici ne preprečuje določiti obdavčljivega dobička z običajno porazdelitvijo; sprejeta metoda porazdelitve pa mora biti taka, da je rezultat v skladu z načeli tega člena.

5. Stalni poslovni enoti se ne pripiše dobiček samo zato, ker nakupuje dobrine ali blago za podjetje.

6. Za namene prejšnjih odstavkov se dobiček, ki se pripiše stalni poslovni enoti, vsako leto določi po isti metodi, razen če ni upravičenega in zadostnega razloga za nasprotno.

7. Kadar dobiček vključuje dohodkovne postavke, ki so posebej obravnavane v drugih členih te konvencije, določbe tega člena ne vplivajo na določbe tistih členov.

8. člen

LADIJSKI IN LETALSKI PREVOZ

1. Dobiček podjetja države pogodbenice iz opravljanja ladijskih ali letalskih prevozov v mednarodnem prometu se obdavči samo v tej državi.

2. Določbe prvega odstavka se uporabljajo tudi za dobiček iz udeležbe v interesnem združenju, mešanem podjetju ali mednarodni prevozni agenciji.

9. člen

POVEZANA PODJETJA

1. Kadar:

a) je podjetje države pogodbenice neposredno ali posredno udeleženo pri upravljanju, nadzoru ali v kapitalu podjetja druge države pogodbenice ali

b) so iste osebe neposredno ali posredno udeležene pri upravljanju, nadzoru ali v kapitalu podjetja države pogodbenice in podjetja druge države pogodbenice

2. Subject to the provisions of paragraph 3, where an enterprise of a Contracting State carries on business in the other Contracting State through a permanent establishment situated therein, there shall in each Contracting State be attributed to that permanent establishment the profits which it might be expected to make if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions and dealing wholly independently with the enterprise of which it is a permanent establishment.

3. In determining the profits of a permanent establishment in a Contracting State, there shall be allowed as deductions expenses (other than expenses which would not be deductible if that permanent establishment were a separate enterprise of that Contracting State) which are incurred for the purposes of the permanent establishment, including executive and general administrative expenses so incurred, whether in the State in which the permanent establishment is situated or elsewhere.

4. Insofar as it has been customary in a Contracting State to determine the profits to be attributed to a permanent establishment on the basis of an apportionment of the total profits of the enterprise to its various parts, nothing in paragraph 2 shall preclude that Contracting State from determining the profits to be taxed by such an apportionment as may be customary; the method of apportionment adopted shall, however, be such that the result shall be in accordance with the principles contained in this Article.

5. No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise.

6. For the purposes of the preceding paragraphs, the profits to be attributed to the permanent establishment shall be determined by the same method year by year unless there is good and sufficient reason to the contrary.

7. Where profits include items of income which are dealt with separately in other Articles of this Convention, then the provisions of those Articles shall not be affected by the provisions of this Article.

Article 8

SHIPPING AND AIR TRANSPORT

1. Profits of an enterprise of a Contracting State from the operation of ships or aircraft in international traffic shall be taxable only in that State.

2. The provisions of paragraph 1 shall also apply to profits from the participation in a pool, a joint business or an international operating agency.

Article 9

ASSOCIATED ENTERPRISES

1. Where

a) an enterprise of a Contracting State participates directly or indirectly in the management, control or capital of an enterprise of the other Contracting State, or

b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of a Contracting State and an enterprise of the other Contracting State,

in v obeh primerih obstajajo ali se uvedejo med podjetjema v njunih komercialnih ali finančnih odnosih pogoji, drugačni od tistih, ki bi obstajali med neodvisnimi podjetji, se kakršen koli dobiček, ki bi prirastel enemu od podjetij, če takih pogojev ne bi bilo, vendar prav zaradi takih pogojev ni prirastel, lahko vključi v dobiček tega podjetja in ustrezno obdavči.

2. Kadar država pogodbenica v dobiček podjetja te države vključuje – in ustrezno obdavči – dobiček, za katerega je bilo že obdavčeno podjetje druge države pogodbenice v tej drugi državi, in je tako vključeni dobiček dobiček, ki bi prirastel podjetju prve omenjene države, če bi bili pogoji, ki obstajajo med podjetjema, taki, kot bi obstajali med neodvisnimi podjetji, se pristojna organa držav pogodbenic lahko med seboj posvetujeta, da bi se sporazumela o prilagoditvi dobička v obeh državah pogodbenicah.

3. Država pogodbenica ne sme spremeniti dobička podjetja v primerih iz prvega odstavka po preteku rokov, določenih v njeni notranji zakonodaji, in v nobenem primeru po petih letih od konca leta, v katerem podjetju te države priraste dobiček, ki bi se lahko tako spremenil. Ta odstavek se ne uporablja v primeru goljufije ali namerne kršitve.

10. člen

DIVIDENDE

1. Dividende, ki jih družba, ki je rezident države pogodbenice, plača rezidentu druge države pogodbenice, se lahko obdavčijo v tej drugi državi.

2. Take dividende pa se lahko obdavčijo tudi v državi pogodbenici, katere rezident je družba, ki dividende plačuje, in v skladu z zakonodajo te države, če pa je upravičeni lastnik dividend rezident druge države pogodbenice, tako obračunani davek ne presega:

a) 5 odstotkov bruto zneska dividend, če je upravičeni lastnik družba, ki ima neposredno v lasti najmanj 25 odstotkov kapitala družbe, ki plačuje dividende;

b) 15 odstotkov bruto zneska dividend v vseh drugih primerih.

Ta odstavek ne vpliva na obdavčenje družbe v zvezi z dobičkom, iz katerega se plačajo dividende.

3. Izraz »dividende«, kot je uporabljen v tem členu, pomeni dohodek iz delnic ali drugih pravic do udeležbe v dobičku, ki niso terjatve, in tudi dohodek iz drugih pravic, ki se davčno obravnava enako kot dohodek iz delnic po zakonodaji države, katere rezident je družba, ki dividende deli.

4. Določbe prvega in drugega odstavka se ne uporabljajo, če upravičeni lastnik dividend, ki je rezident države pogodbenice, posluje v drugi državi pogodbenici, katere rezident je družba, ki dividende plačuje, prek stalne poslovne enote v njej ali opravlja v tej drugi državi samostojne osebne storitve iz stalne baze v njej ter je delež, v zvezi s katerim se dividende plačajo, dejansko povezan s tako stalno poslovno enoto ali stalno bazo. V takem primeru se uporabljajo določbe 7. ali 14. člena, odvisno od primera.

and in either case conditions are made or imposed between the two enterprises in their commercial or financial relations which differ from those which would be made between independent enterprises, then any profits which would, but for those conditions, have accrued to one of the enterprises, but, by reason of those conditions, have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

2. Where a Contracting State includes in the profits of an enterprise of that State – and taxes accordingly – profits on which an enterprise of the other Contracting State has been charged to tax in that other State and the profits so included are profits which would have accrued to the enterprise of the first-mentioned State if the conditions made between the two enterprises had been those which would have been made between independent enterprises, then the competent authorities of the Contracting State may consult together with a view to reach an agreement on the adjustment of profits in both Contracting States.

3. A Contracting State shall not change the profits of an enterprise in the circumstances referred to in paragraph 1 after the expiry of the time limits provided in its national laws and, in any case, after five years from the end of the year in which the profits which would be subject to such change would have accred to an enterprise of that State. This paragraph shall not apply in the case of fraud or willful default.

Article 10

DIVIDENDS

1. Dividends paid by a company which is a resident of a Contracting State to a resident of the other Contracting State may be taxed in that other State.

2. However, such dividends may also be taxed in the Contracting State of which the company paying the dividends is a resident and according to the laws of that State, but if the beneficial owner of the dividends is a resident of the other Contracting State the tax so charged shall not exceed:

a) 5 per cent of the gross amount of the dividends if the beneficial owner is a company which holds directly at least 25 per cent of the capital of the company paying the dividends;

b) 15 per cent of the gross amount of the dividends in all other cases.

This paragraph shall not affect the taxation of the company in respect of the profits out of which the dividends are paid.

3. The term "dividends" as used in this Article means income from shares or other rights, not being debt-claims, participating in profits, as well as income from other rights which is subjected to the same taxation treatment as income from shares by the laws of the State of which the company making the distribution is a resident.

4. The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the dividends, being a resident of a Contracting State, carries on business in the other Contracting State of which the company paying the dividends is a resident, through a permanent establishment situated therein, or performs in that other State independent personal services from a fixed base situated therein, and the holding in respect of which the dividends are paid is effectively connected with such permanent establishment or fixed base. In such case the provisions of Article 7 or Article 14, as the case may be, shall apply.

5. Kadar dobiček ali dohodek družbe, ki je rezident države pogodbenice, izhaja iz druge države pogodbenice, ta druga država ne sme uvesti nobenega davka na dividende, ki jih plača družba, razen če se te dividende plačajo rezidentu te druge države ali če je delež, v zvezi s katerim se take dividende plačajo, dejansko povezan s stalno poslovno enoto ali stalno bazo v tej drugi državi, niti ne sme uvesti davka od nerazdeljenega dobička na nerazdeljeni dobiček družbe, tudi če so plačane dividende ali nerazdeljeni dobiček v celoti ali delno sestavljeni iz dobička ali dohodka, ki nastane v taki drugi državi.

11. člen

OBRESTI

1. Obresti, ki nastanejo v državi pogodbenici in se plačajo rezidentu druge države pogodbenice, se lahko obdavčijo v tej drugi državi.

2. Take obresti pa se lahko obdavčijo tudi v državi pogodbenici, v kateri nastanejo, in v skladu z zakonodajo te države, če pa je upravičeni lastnik obresti rezident druge države pogodbenice, tako obračunani davek ne presega 10 odstotkov bruto zneska obresti.

3. Ne glede na določbe drugega odstavka so obresti, ki nastanejo v državi pogodbenici ter jih prejme in je njihov upravičeni lastnik vlada druge države pogodbenice, vključno z njenimi lokalnimi oblastmi in političnimi enotami, centralna banka, Slovenska izvozna družba, Estonska agencija za kreditiranje in jamstva pri izvoznih poslih (Eesti Ekspordi Krediteerimise ja Garanteerimise Sihtasutus), ali obresti od posojil, za katera jamči Slovenska izvozna družba ali Estonska agencija za kreditiranje in jamstva pri izvoznih poslih, oproščene davka v prvi omenjeni državi.

4. Izraz »obresti«, kot je uporabljen v tem členu, pomeni dohodek iz vseh vrst terjatev ne glede na to, ali so zavarovane s hipoteko, in ne glede na to, ali imajo pravico do udeležbe v dolžnikovem dobičku, in še posebej dohodek iz državnih vrednostnih papirjev ter dohodek iz obveznic ali zadolžnic, vključno s premijami in nagradami od takih vrednostnih papirjev, obveznic ali zadolžnic. Izraz »obresti« pa ne vključuje nobenega dohodka, ki se v skladu z določbami 10. člena obravnava kot dividende. Kazni zaradi zamude pri plačilu se za namen tega člena ne štejejo za obresti.

5. Določbe prvega, drugega in tretjega odstavka se ne uporabljajo, če upravičeni lastnik obresti, ki je rezident države pogodbenice, posluje v drugi državi pogodbenici, v kateri obresti nastanejo, prek stalne poslovne enote v njej ali opravlja v tej drugi državi samostojne osebne storitve iz stalne baze v njej ter je terjatev, v zvezi s katero se obresti plačajo, dejansko povezana s tako stalno poslovno enoto ali stalno bazo. V takem primeru se uporabljajo določbe 7. ali 14. člena, odvisno od primera.

6. Šteje se, da obresti nastanejo v državi pogodbenici, kadar je plačnik rezident te države. Kadar pa ima oseba, ki plačuje obresti, ne glede na to, ali je rezident države pogodbenice, v državi pogodbenici stalno poslovno enoto ali stalno bazo, v zvezi s katero je nastala zadolžitev, za katero se plačajo obresti, ter take obresti krije taka stalna poslovna enota ali stalna baza, se šteje, da take obresti nastanejo v državi, v kateri je stalna poslovna enota ali stalna baza.

5. Where a company which is a resident of a Contracting State derives profits or income from the other Contracting State, that other State may not impose any tax on the dividends paid by the company, except insofar as such dividends are paid to a resident of that other State or insofar as the holding in respect of which the dividends are paid is effectively connected with a permanent establishment or a fixed base situated in that other State, nor subject the company's undistributed profits to a tax on the company's undistributed profits, even if the dividends paid or the undistributed profits consist wholly or partly of profits or income arising in such other State.

Article 11

INTEREST

1. Interest arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.

2. However, such interest may also be taxed in the Contracting State in which it arises and according to the laws of that State, but if the beneficial owner of the interest is a resident of the other Contracting State the tax so charged shall not exceed 10 per cent of the gross amount of the interest.

3. Notwithstanding the provisions of paragraph 2 interest arising in a Contracting State, derived and beneficially owned by the Government of the other Contracting State, including its local authorities and political subdivisions, the Central bank, Slovene Export Company (Slovenska izvozna družba), Estonian Export Credit and Guarantee Agency (Eesti Ekspordi Krediteerimise ja Garanteerimise Sihtasutus) or interest derived on loans guaranteed by the Slovene Export Company or the Estonian Export Credit and Guarantee Agency shall be exempt from tax in the first mentioned State.

4. The term "interest" as used in this Article means income from debt claims of every kind, whether or not secured by mortgage and whether or not carrying a right to participate in the debtor’s profits, and in particular, income from government securities and income from bonds or debentures, including premiums and prizes attaching to such securities, bonds or debentures. The term “interest” shall not include any income which is treated as a dividend under the provisions of Article 10. Penalty charges for late payment shall not be regarded as interest for the purpose of this Article.

5. The provisions of paragraphs 1, 2 and 3 shall not apply if the beneficial owner of the interest, being a resident of a Contracting State, carries on business in the other Contracting State in which the interest arises, through a permanent establishment situated therein, or performs in that other State independent personal services from a fixed base situated therein, and the debt claim in respect of which the interest is paid is effectively connected with such permanent establishment or fixed base. In such case the provisions of Article 7 or Article 14, as the case may be, shall apply.

6. Interest shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the interest, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment or a fixed base in connection with which the indebtedness on which the interest is paid was incurred, and such interest is borne by such permanent establishment or fixed base, then such interest shall be deemed to arise in the State in which the permanent establishment or fixed base is situated.

7. Kadar zaradi posebnega odnosa med plačnikom in upravičenim lastnikom ali med njima in drugo osebo znesek obresti glede na terjatev, za katero se plačajo, presega znesek, za katerega bi se sporazumela plačnik in upravičeni lastnik, če takega odnosa ne bi bilo, se določbe tega člena uporabljajo samo za zadnji omenjeni znesek. V takem primeru se presežni del plačil še naprej obdavčuje v skladu z zakonodajo vsake države pogodbenice, pri čemer je treba upoštevati druge določbe te konvencije.

12. člen

LICENČNINE IN AVTORSKI HONORARJI

1. Licenčnine in avtorski honorarji, ki nastanejo v državi pogodbenici in se plačajo rezidentu druge države pogodbenice, se lahko obdavčijo v tej drugi državi.

2. Take licenčnine in avtorski honorarji pa se lahko obdavčijo tudi v državi pogodbenici, v kateri nastanejo, in v skladu z zakonodajo te države, če pa je upravičeni lastnik licenčnin in avtorskih honorarjev rezident druge države pogodbenice, tako obračunani davek ne presega 10 odstotkov bruto zneska takih licenčnin in avtorskih honorarjev.

3. Izraz »licenčnine in avtorski honorarji«, kot je uporabljen v tem členu, pomeni plačila vsake vrste, prejeta kot povračilo za uporabo ali pravico do uporabe kakršnih koli avtorskih pravic za literarno, umetniško ali znanstveno delo, vključno s kinematografskimi filmi in filmi ali trakovi ali drugimi sredstvi za reprodukcijo slike ali zvoka za radijsko in televizijsko predvajanje, katerega koli patenta, blagovne znamke, vzorca ali modela, načrta, tajne formule ali postopka ali za uporabo ali pravico do uporabe industrijske, komercialne ali znanstvene opreme ali za informacije o industrijskih, komercialnih ali znanstvenih izkušnjah.

4. Določbe prvega in drugega odstavka se ne uporabljajo, če upravičeni lastnik licenčnin in avtorskih honorarjev, ki je rezident države pogodbenice, posluje v drugi državi pogodbenici, v kateri licenčnine in avtorski honorarji nastanejo, prek stalne poslovne enote v njej ali opravlja v tej drugi državi samostojne osebne storitve iz stalne baze v njej ter je pravica ali premoženje, v zvezi s katerim se licenčnine in avtorski honorarji plačajo, dejansko povezano s tako stalno poslovno enoto ali stalno bazo. V takem primeru se uporabljajo določbe 7. ali 14. člena, odvisno od primera.

5. Šteje se, da so licenčnine in avtorski honorarji nastali v državi pogodbenici, kadar je plačnik rezident te države. Kadar pa ima oseba, ki plačuje licenčnine in avtorske honorarje, ne glede na to, ali je rezident države pogodbenice, v državi pogodbenici stalno poslovno enoto ali stalno bazo, v zvezi s katero je nastala obveznost za plačilo licenčnin in avtorskih honorarjev ter take licenčnine in avtorske honorarje krije taka stalna poslovna enota ali stalna baza, se šteje, da so take licenčnine in avtorski honorarji nastali v državi, v kateri je stalna poslovna enota ali stalna baza.

6. Kadar zaradi posebnega odnosa med plačnikom in upravičenim lastnikom ali med njima in drugo osebo znesek licenčnin in avtorskih honorarjev glede na uporabo, pravico ali informacijo, za katero se plačujejo, presega znesek, za katerega bi se sporazumela plačnik in upravičeni lastnik, če takega odnosa ne bi bilo, se določbe tega člena uporabljajo samo za zadnji omenjeni znesek. V takem primeru se presežni del plačil še naprej obdavčuje v skladu z zakonodajo vsake države pogodbenice, pri čemer je treba upoštevati druge določbe te konvencije.

7. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the interest, having regard to the debt claim for which it is paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Convention.

Article 12

ROYALTIES

1. Royalties arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.

2. However, such royalties may also be taxed in the Contracting State in which they arise and according to the laws of that State, but if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed 10 per cent of the gross amount of such royalties.

3. The term "royalties" as used in this Article means payments of any kind received as a consideration for the use of, or the right to use, any copyright of literary, artistic or scientific work including cinematograph films and films or tapes and other means of image or sound reproduction for radio and television broad-casting, any patent, trade mark, design or model, plan, secret formula or process, or for or for the use of, or the right to use, industrial, commercial or scientific equipment, or for information concerning industrial, commercial or scientific experience.

4. The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the royalties, being a resident of a Contracting State, carries on business in the other Contracting State in which the royalties arise, through a permanent establishment situated therein, or performs in that other State independent personal services from a fixed base situated therein, and the right or property in respect of which the royalties are paid is effectively connected with such permanent establishment or fixed base. In such case the provisions of Article 7 or Article 14, as the case may be, shall apply.

5. Royalties shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the royalties, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment or a fixed base in connection with which the liability to pay the royalties was incurred, and such royalties are borne by such permanent establishment or fixed base, then such royalties shall be deemed to arise in the State in which the permanent establishment or fixed base is situated.

6. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the royalties, having regard to the use, right or information for which they are paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Convention.

13. člen

KAPITALSKI DOBIČKI

1. Dobiček, ki ga rezident države pogodbenice doseže z odtujitvijo nepremičnin, ki so omenjene v 6. členu in so v drugi državi pogodbenici, ali deležev v družbi, katere premoženje v glavnem predstavljajo take nepremičnine, se lahko obdavči v tej drugi državi.

2. Dobiček iz odtujitve premičnin, ki so del poslovnega premoženja stalne poslovne enote, ki jo ima podjetje države pogodbenice v drugi državi pogodbenici, ali premičnin, ki se nanašajo na stalno bazo, ki jo ima rezident države pogodbenice na voljo v drugi državi pogodbenici za opravljanje samostojnih osebnih storitev, vključno z dobičkom iz odtujitve take stalne poslovne enote (same ali s celotnim podjetjem) ali take stalne baze, se lahko obdavči v tej drugi državi.

3. Dobiček, ki ga podjetje države pogodbenice, ki opravlja ladijske ali letalske prevoze v mednarodnem prometu, doseže z odtujitvijo ladij ali letal, s katerimi se opravljajo prevozi v mednarodnem prometu, ali premičnin, ki se nanašajo na opravljanje prevozov s takimi ladjami ali letali, se lahko obdavči samo v tej državi.

4. Dobiček iz odtujitve premoženja, ki ni premoženje, omenjeno v prvem, drugem in tretjem odstavku, se obdavči samo v državi pogodbenici, katere rezident je oseba, ki odtuji premoženje.

Article 13

CAPITAL GAINS

1. Gains derived by a resident of a Contracting State from the alienation of immovable property referred to in Article 6 and situated in the other Contracting State or shares in a company the assets of which consist mainly of such property may be taxed in that other State.

2. Gains from the alienation of movable property forming part of the business property of a permanent establishment which an enterprise of a Contracting State has in the other Contracting State or of movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing independent personal services, including such gains from the alienation of such a permanent establishment (alone or with the whole enterprise) or of such fixed base, may be taxed in that other State.

3. Gains derived by an enterprise of a Contracting State operating ships or aircraft in international traffic from the alienation of ships or aircraft operated in international traffic or movable property pertaining to the operation of such ships or aircraft shall be taxable only in that State.

4. Gains from the alienation of any property other than that referred to in paragraphs 1, 2 and 3, shall be taxable only in the Contracting State of which the alienator is a resident.

14. člen

SAMOSTOJNE OSEBNE STORITVE

1. Dohodek, ki ga dobi posameznik, ki je rezident države pogodbenice, iz poklicnih storitev ali drugih samostojnih dejavnosti, se obdavči samo v tej državi, razen če nima stalne baze, ki mu je redno na voljo v drugi državi pogodbenici za opravljanje njegovih dejavnosti. Če ima tako stalno bazo, se dohodek lahko obdavči v drugi državi, a samo toliko dohodka, kot se pripiše tej stalni bazi. Zato se šteje, da ima posameznik, ki je rezident države pogodbenice in biva v drugi državi pogodbenici v obdobju ali obdobjih, ki trajajo skupno več kot 183 dni v katerem koli obdobju dvanajstih mesecev, ki se začne ali konča v določenem davčnem letu, stalno bazo, ki mu je redno na voljo v tej drugi državi, in se dohodek, ki ga doseže iz zgoraj omenjenih dejavnosti v tej drugi državi, pripiše tej stalni bazi.

2. Izraz »poklicne storitve« vključuje še posebej samostojne znanstvene, literarne, umetniške, izobraževalne ali pedagoške dejavnosti kot tudi samostojne dejavnosti zdravnikov, odvetnikov, inženirjev, arhitektov, zobozdravnikov in računovodij.

Article 14

INDEPENDENT PERSONAL SERVICES

1. Income derived by an individual who is a resident of a Contracting State in respect of professional services or other activities of an independent character shall be taxable only in that State unless he has a fixed base regularly available to him in the other Contracting State for the purpose of performing his activities. If he has such a fixed base, the income may be taxed in the other State but only so much of it as is attributable to that fixed base. For this purpose, where an individual who is a resident of a Contracting State stays in the other Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve months period commencing or ending in the fiscal year concerned, he shall be deemed to have a fixed base regularly available to him in that other State and the income that is derived from his activities referred to above that are performed in that other State shall be attributable to that fixed base.

2. The term "professional services" includes especially independent scientific, literary, artistic, educational or teaching activities as well as the independent activities of physicians, lawyers, engineers, architects, dentists and accountants.

15. člen

ODVISNE OSEBNE STORITVE

1. Ob upoštevanju določb 16., 18., 19. in 20. člena se plače, mezde in drugi podobni prejemki, ki jih dobi rezident države pogodbenice iz zaposlitve, obdavčijo samo v tej državi, razen če se zaposlitev ne izvaja v drugi državi pogodbenici. Če se zaposlitev izvaja tako, se lahko tako dobljeni prejemki obdavčijo v tej drugi državi.

Article 15

DEPENDENT PERSONAL SERVICES

1. Subject to the provisions of Articles 16, 18, 19 and 20, salaries, wages and other similar remuneration derived by a resident of a Contracting State in respect of an employment shall be taxable only in that State unless the employment is exercised in the other Contracting State. If the employment is so exercised, such remuneration as is derived therefrom may be taxed in that other State.

2. Ne glede na določbe prvega odstavka se prejemek, ki ga dobi rezident države pogodbenice iz zaposlitve, ki se izvaja v drugi državi pogodbenici, obdavči samo v prvi omenjeni državi, če:

a) je prejemnik navzoč v drugi državi v obdobju ali obdobjih, ki ne presegajo skupno 183 dni v katerem koli obdobju dvanajstih mesecev, ki se začne ali konča v določenem davčnem letu, in

b) prejemek plača delodajalec, ki ni rezident druge države, ali se plača v njegovem imenu in

c) prejemka ne krije stalna poslovna enota ali stalna baza, ki jo ima delodajalec v drugi državi.

3. Ne glede na prejšnje določbe tega člena se lahko prejemek, ki izhaja iz zaposlitve na ladji ali letalu, s katerim podjetje države pogodbenice opravlja prevoze v mednarodnem prometu, obdavči v tej državi.

2. Notwithstanding the provisions of paragraph 1, remuneration derived by a resident of a Contracting State in respect of an employment exercised in the other Contracting State shall be taxable only in the first-mentioned State if:

a) the recipient is present in the other State for a period or periods not exceeding in the aggregate 183 days in any twelve month period commencing or ending in the fiscal year concerned, and

b) the remuneration is paid by, or on behalf of, an employer who is not a resident of the other State, and

c) the remuneration is not borne by a permanent establishment or a fixed base which the employer has in the other State.

3. Notwithstanding the preceding provisions of this Article, remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting State may be taxed in that State.

16. člen

PLAČILA DIREKTORJEM

Plačila direktorjem in druga podobna plačila ali prejemki, ki jih dobi rezident države pogodbenice kot član uprave ali katerega koli drugega podobnega organa družbe, ki je rezident druge države pogodbenice, se lahko obdavčijo v tej drugi državi.

Article 16

DIRECTORS' FEES

Directors' fees and other similar payments or remuneration derived by a resident of a Contracting State in his capacity as a member of the board of directors or any other similar organ of a company which is a resident of the other Contracting State may be taxed in that other State.

17. člen

UMETNIKI IN ŠPORTNIKI

1. Ne glede na določbe 14. in 15. člena se lahko dohodek, ki ga dobi rezident države pogodbenice kot nastopajoči izvajalec, kot je gledališki, filmski, radijski ali televizijski umetnik ali glasbenik, ali kot športnik iz takšnih osebnih dejavnosti, ki jih izvaja v drugi državi pogodbenici, obdavči v tej drugi državi.

2. Kadar dohodek iz osebnih dejavnosti, ki jih izvaja nastopajoči izvajalec ali športnik kot tak, ne priraste samemu nastopajočemu izvajalcu ali športniku, temveč drugi osebi, se ta dohodek kljub določbam 7., 14. in 15. člena lahko obdavči v državi pogodbenici, v kateri potekajo dejavnosti nastopajočega izvajalca ali športnika.

3. Določbe prvega in drugega odstavka se ne uporabljajo za dohodek iz dejavnosti, ki jih nastopajoči izvajalec ali športnik izvaja v državi pogodbenici, če se obisk v tej državi v celoti ali pretežno financira z javnimi sredstvi ene ali obeh držav pogodbenic ali njunih političnih enot ali lokalnih oblasti. V takem primeru se dohodek obdavči samo v državi pogodbenici, katere rezident je nastopajoči izvajalec ali športnik.

Article 17

ARTISTES AND SPORTSMEN

1. Notwithstanding the provisions of Articles 14 and 15, income derived by a resident of a Contracting State as an entertainer, such as a theatre, motion picture, radio or television artiste, or a musician, or as a sportsman, from his personal activities as such exercised in the other Contracting State, may be taxed in that other State.

2. Where income in respect of personal activities exercised by an entertainer or a sportsman in his capacity as such accrues not to the entertainer or sportsman himself but to another person, that income may, notwithstanding the provisions of Articles 7, 14 and 15, be taxed in the Contracting State in which the activities of the entertainer or sportsman are exercised.

3. The provisions of paragraphs 1 and 2 shall not apply to income derived from activities exercised in a Contracting State by an entertainer or a sportsman if the visit to that State is wholly or mainly supported by public funds of one or both of the Contracting States, political subdivisions or local authorities thereof. In such case, the income shall be taxable only in the Contracting State of which the entertainer or sportsman is a resident.

18. člen

POKOJNINE

Ob upoštevanju določb drugega odstavka 19. člena se pokojnine in drugi podobni prejemki, ki se plačujejo rezidentu države pogodbenice za preteklo zaposlitev, obdavčijo samo v tej državi.

Article 18

PENSIONS

Subject to the provisions of paragraph 2 of Article 19, pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State.

19. člen

DRŽAVNA SLUŽBA

1. a) Plače, mezde in drugi podobni prejemki razen pokojnin, ki jih plačuje država pogodbenica ali njena politična enota ali lokalna oblast posamezniku za storitve, ki jih opravi za to državo ali enoto ali oblast, se obdavčijo samo v tej državi.

b) Take plače, mezde in drugi podobni prejemki pa se obdavčijo samo v drugi državi pogodbenici, če se storitve opravljajo v tej državi in je posameznik rezident te države, ki:

(i) je državljan te države ali

(ii) ni postal rezident te države samo zaradi opravljanja storitev.

2. a) Vsaka pokojnina, ki jo plača država pogodbenica ali njena politična enota ali lokalna oblast ali ki se plača iz njihovih skladov posamezniku za storitve, opravljene za to državo ali enoto ali oblast, se obdavči samo v tej državi.

b) Taka pokojnina pa se obdavči samo v drugi državi pogodbenici, če je posameznik rezident in državljan te države.

3. Določbe 15., 16., 17. in 18. člena se uporabljajo za plače, mezde in druge podobne prejemke ter za pokojnine za storitve, opravljene v zvezi s posli države pogodbenice ali njene politične enote ali lokalne oblasti.

20. člen

PROFESORJI IN RAZISKOVALCI

1. Posameznik, ki obišče državo pogodbenico zaradi poučevanja ali raziskovanja na univerzi, višji ali visoki šoli ali drugi priznani izobraževalni ali znanstveni ustanovi v tej državi pogodbenici in ki je ali je bil tik pred tem obiskom rezident druge države pogodbenice, je v prvi omenjeni državi pogodbenici oproščen davka od prejemka za tako poučevanje ali raziskovanje za obdobje največ dveh let od dneva prvega obiska s tem namenom.

2. Določbe prvega odstavka se za dohodek od raziskav ne uporabljajo, če se taka raziskava ne opravlja v javnem interesu, ampak predvsem v zasebno korist določene osebe ali oseb.

21. člen

ŠTUDENTI

1. Plačila, ki jih študent, vajenec ali pripravnik, ki je ali je bil tik pred obiskom države pogodbenice rezident druge države pogodbenice in je v prvi omenjeni državi navzoč samo zaradi svojega izobraževanja ali usposabljanja, prejme za svoje vzdrževanje, izobraževanje ali usposabljanje, se ne obdavčijo v tej državi, če taka plačila nastanejo iz virov zunaj te države.

2. Za plačila, ki niso zajeta v prvem odstavku tega člena, in prejemke za odvisne osebne storitve, opravljene med takim izobraževanjem ali usposabljanjem, ima študent, vajenec ali pripravnik pravico do enakih oprostitev, olajšav ali znižanj pri davku od dohodka, kot jih lahko imajo rezidenti države pogodbenice, v kateri je na obisku.

Article 19

GOVERNMENT SERVICE

1. a) Salaries, wages and other similar remuneration, other than a pension, paid by a Contracting State or a political subdivision or a local authority thereof to an individual in respect of services rendered to that State or subdivision or authority shall be taxable only in that State.

b) However, such salaries, wages and other similar remuneration shall be taxable only in the other Contracting State if the services are rendered in that State and the individual is a resident of that State who:

(i) is a national of that State; or

(ii) did not become a resident of that State solely for the purpose of rendering the services.

2. a) Any pension paid by, or out of funds created by, a Contracting State or a political subdivision or a local authority thereof to an individual in respect of services rendered to that State or subdivision or authority shall be taxable only in that State.

b) However, such pension shall be taxable only in the other Contracting State if the individual is a resident of, and a national of, that State.

3. The provisions of Articles 15, 16, 17 and 18 shall apply to salaries, wages, and other similar remuneration, and to pensions, in respect of services rendered in connection with a business carried on by a Contracting State or a political subdivision or a local authority thereof.

Article 20

PROFESSORS AND RESEARCHERS

1. An individual who visits a Contracting State for the purpose of teaching or carrying out research at a university, college or other recognised educational or scientific institution in that Contracting State and who is or was immediately before that visit a resident of the other Contracting State, shall be exempted from taxation in the first-mentioned Contracting State on remuneration for such teaching or research for a period not exceeding two years from the date of his first visit for that purpose.

2. The provisions of paragraph 1 shall not apply to income from research if such research is undertaken not in the public interest but primarily for the private benefit of a specific person or persons.

Article 21

STUDENTS

1. Payments which a student, an business apprentice or a trainee who is or was immediately before visiting a Contracting State a resident of the other Contracting State and who is present in the first-mentioned State solely for the purpose of his education or training receives for the purpose of his maintenance, education or training shall not be taxed in that State, provided that such payments arise from sources outside that State.

2. In respect of the payments not covered by paragraph 1 of this Article, and remuneration for dependent personal services rendered during such education or training, a student, an apprentice or a trainee shall be entitled to the same exemptions, reliefs or reductions in respect of taxes on income as are available to the residents of the Contracting State he is visiting.

22. člen

DRUGI DOHODKI

1. Deli dohodka rezidenta države pogodbenice, ki nastanejo kjer koli in niso obravnavani v predhodnih členih te konvencije, se obdavčijo samo v tej državi.

2. Določbe prvega odstavka se ne uporabljajo za dohodek, ki ni dohodek iz nepremičnin, kot so opredeljene v drugem odstavku 6. člena, če prejemnik takega dohodka, ki je rezident države pogodbenice, posluje v drugi državi pogodbenici prek stalne poslovne enote v njej ali v tej drugi državi opravlja samostojne osebne storitve iz stalne baze v njej in je pravica ali premoženje, za katero se plača dohodek, dejansko povezano s tako stalno poslovno enoto ali stalno bazo. V takem primeru se uporabljajo določbe 7. ali 14. člena, odvisno od primera.

23. člen

METODE ZA ODPRAVO DVOJNEGA OBDAVČEVANJA

Dvojno obdavčevanje se odpravi tako:

1. V Sloveniji:

a) kadar rezident Slovenije dobi dohodek, ki se v skladu z določbami te konvencije lahko obdavči v Estoniji, Slovenija dovoli kot odbitek od davka od dohodka tega rezidenta znesek, ki je enak davku od dohodka, plačanemu v Estoniji. Tak odbitek pa ne sme presegati tistega dela davka od dohodka, ki je bil izračunan pred odbitkom, pripisanim dohodku, ki se lahko obdavči v Estoniji;

b) kadar je v skladu s katero koli določbo konvencije dohodek, ki ga dobi rezident Slovenije, oproščen davka v Sloveniji, lahko Slovenija pri izračunu davka od preostalega dohodka tega rezidenta vseeno upošteva oproščeni dohodek.

2. V Estoniji:

a) kadar rezident Estonije dobi dohodek, ki se v skladu s to konvencijo lahko obdavči v Sloveniji, Estonija dovoli, razen če v njeni domači zakonodaji ni predvidena ugodnejša obravnava, kot odbitek od davka od dohodka tega rezidenta znesek, ki je enak davku od dohodka, plačanemu v Sloveniji. Tak odbitek pa ne sme presegati tistega dela davka od dohodka v Estoniji, ki je bil izračunan pred odbitkom, pripisanim dohodku, ki se lahko obdavči v Sloveniji;

b) kadar družba, ki je rezident Estonije, prejme dividendo od družbe, ki je rezident Slovenije, v kateri ima v lasti najmanj 10 odstotkov delnic s polno glasovalno pravico, plačani davek v Sloveniji za namene pododstavka a) vključuje poleg davka, plačanega od dividend, tudi ustrezen delež davka, plačanega od dobička družbe, iz katerega je bila dividenda plačana.

24. člen

ENAKO OBRAVNAVANJE

1. Državljani države pogodbenice ne smejo biti v drugi državi pogodbenici zavezani kakršnemu koli obdavčevanju ali kakršni koli zahtevi v zvezi s tem, ki je drugačna ali bolj obremenjujoča, kot so ali so lahko obdavčevanje in s tem povezane zahteve za državljane te druge države v enakih okoliščinah, še zlasti glede rezidentstva. Ta določba se ne glede na določbe 1. člena uporablja tudi za osebe, ki niso rezidenti ene ali obeh držav pogodbenic.

Article 22

OTHER INCOME

1. Items of income of a resident of a Contracting State, wherever arising, not dealt with in the foregoing Articles of this Convention shall be taxable only in that State.

2. The provisions of paragraph 1 shall not apply to income, other than income from immovable property as defined in paragraph 2 of Article 6, if the recipient of such income, being a resident of a Contracting State, carries on business in the other Contracting State through a permanent establishment situated therein, or performs in that other State independent personal services from a fixed base situated therein, and the right or property in respect of which the income is paid is effectively connected with such permanent establishment or fixed base. In such case the provisions of Article 7 or Article 14, as the case may be, shall apply.

Article 23

METHODS FOR ELIMINATION OF DOUBLE TAXATION

Double taxation shall be eliminated as follows:

1. In Slovenia:

a) Where a resident of Slovenia derives income which, in accordance with the provisions of this Convention, may be taxed in Estonia, Slovenia shall allow as a deduction from the tax on the income of that resident, an amount equal to the income tax paid in Estonia. Such deduction shall not, however, exceed that portion of the income tax, as computed before the deduction is given, which is attributable to the income which may be taxed in Estonia.

b) Where in accordance with any provision of the Convention income derived by a resident of Slovenia is exempt from tax in Slovenia, Slovenia may nevertheless, in calculating the amount of tax on the remaining income of such resident, take into account the exempted income.

2. In Estonia:

a) Where a resident of Estonia derives income which in accordance with this Convention, may be taxed in Slovenia, unless more favorable treatment is provided in its domestic law, Estonia shall allow as a deduction from the tax on the income of that resident, an amount equal to the income tax paid thereon in Slovenia. Such deduction shall not, however, exceed that part of the income tax in Estonia, as computed before the deduction is given, which is attributable to the income which may be taxed in Slovenia.

b) For the purposes of sub-paragraph a), where a company that is a resident of Estonia receives a dividend from a company that is a resident of Slovenia in which it owns at least 10 per cent of its shares having full voting rights, the tax paid in Slovenia shall include not only the tax paid on the dividend, but also the appropriate portion of the tax paid on the underlying profits of the company out of which the dividend was paid.

Article 24

NON-DISCRIMINATION

1. Nationals of a Contracting State shall not be subjected in the other Contracting State to any taxation or any requirement connected therewith, which is other or more burdensome than the taxation and connected requirements to which nationals of that other State in the same circumstances, in particular with respect to residence, are or may be subjected. This provision shall, notwithstanding the provisions of Article 1, also apply to persons who are not residents of one or both of the Contracting States.

2. Obdavčevanje stalne poslovne enote, ki jo ima podjetje države pogodbenice v drugi državi pogodbenici, ne sme biti manj ugodno v tej drugi državi, kot je obdavčevanje podjetij te druge države, ki opravljajo enake dejavnosti. Ta določba se ne razlaga, kot da zavezuje državo pogodbenico, da prizna rezidentom druge države pogodbenice kakršne koli osebne olajšave, druge olajšave in znižanja za davčne namene zaradi osebnega stanja ali družinskih obveznosti, ki jih priznava svojim rezidentom.

3. Razen kadar se uporabljajo določbe prvega odstavka 9. člena, sedmega odstavka 11. člena ali šestega odstavka 12. člena, se obresti, licenčnine in avtorski honorarji ter druga izplačila, ki jih plača podjetje države pogodbenice rezidentu druge države pogodbenice, pri določanju obdavčljivega dobička takega podjetja odbijejo pod istimi pogoji, kot če bi bili plačani rezidentu prve omenjene države. Podobno se tudi kakršni koli dolgovi podjetja države pogodbenice rezidentu druge države pogodbenice pri določanju obdavčljivega premoženja takega podjetja odbijejo pod istimi pogoji, kot če bi bili pogodbeno dogovorjeni z rezidentom prve omenjene države.

4. Podjetja države pogodbenice, katerih kapital je v celoti ali delno, neposredno ali posredno v lasti ali pod nadzorom enega ali več rezidentov druge države pogodbenice, ne smejo biti v prvi omenjeni državi zavezana kakršnemu koli obdavčevanju ali kakršni koli zahtevi v zvezi s tem, ki je drugačna ali bolj obremenjujoča, kot so ali so lahko obdavčevanje in s tem povezane zahteve do podobnih podjetij prve omenjene države.

5. Določbe tega člena se ne glede na določbe 2. člena uporabljajo za davke vseh vrst in opisov.

25. člen

POSTOPEK SKUPNEGA DOGOVORA

1. Kadar oseba meni, da imajo ali bodo imela dejanja ene ali obeh držav pogodbenic zanjo za posledico obdavčevanje, ki ni v skladu z določbami te konvencije, lahko ne glede na sredstva, ki ji jih omogoča domače pravo teh držav, predloži zadevo pristojnemu organu države pogodbenice, katere rezident je, ali če se njen primer nanaša na prvi odstavek 24. člena, tiste države pogodbenice, katere državljan je. Zadeva mora biti predložena v treh letih od prvega uradnega obvestila o dejanju, ki je imelo za posledico obdavčevanje, ki ni v skladu z določbami konvencije.

2. Pristojni organ si, če se mu zdi ugovor upravičen in če sam ne more priti do zadovoljive rešitve, prizadeva rešiti primer s skupnim dogovorom s pristojnim organom druge države pogodbenice z namenom izogniti se obdavčevanju, ki ni v skladu s konvencijo. Vsak dosežen dogovor se izvaja ne glede na roke v domačem pravu držav pogodbenic.

3. Pristojna organa držav pogodbenic si prizadevata s skupnim dogovorom razrešiti kakršne koli težave ali dvome, ki nastanejo pri razlagi ali uporabi konvencije. Prav tako se lahko med seboj posvetujeta o odpravi dvojnega obdavčevanja v primerih, ki jih konvencija ne predvideva.

2. The taxation on a permanent establishment which an enterprise of a Contracting State has in the other Contracting State shall not be less favorably levied in that other State than the taxation levied on enterprises of that other State carrying on the same activities. This provision shall not be construed as obliging a Contracting State to grant to residents of the other Contracting State any personal allowances, reliefs and reductions for taxation purposes on account of civil status or family responsibilities which it grants to its own residents.

3. Except where the provisions of paragraph 1 of Article 9, paragraph 7 of Article 11, or paragraph 6 of Article 12, apply, interest, royalties and other disbursements paid by an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable profits of such enterprise, be deductible under the same conditions as if they had been paid to a resident of the first-mentioned State. Similarly, any debts of an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State.

4. Enterprises of a Contracting State, the capital of which is wholly or partly owned or controlled, directly or indirectly, by one or more residents of the other Contracting State, shall not be subjected in the first-mentioned State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which other similar enterprises of the first-mentioned State are or may be subjected.

5. The provisions of this Article shall, notwithstanding the provisions of Article 2, apply to taxes of every kind and description.

Article 25

MUTUAL AGREEMENT PROCEDURE

1. Where a person considers that the actions of one or both of the Contracting States result or will result for him in taxation not in accordance with the provisions of this Convention, he may, irrespective of the remedies provided by the domestic law of those States, present his case to the competent authority of the Contracting State of which he is a resident or, if his case comes under paragraph 1 of Article 24, to that of the Contracting State of which he is a national. The case must be presented within three years from the first notification of the action resulting in taxation not in accordance with the provisions of the Convention.

2. The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at a satisfactory solution, to resolve the case by mutual agreement with the competent authority of the other Contracting State, with a view to the avoidance of taxation which is not in accordance with the Convention. Any agreement reached shall be implemented notwithstanding any time limits in the domestic law of the Contracting States.

3. The competent authorities of the Contracting States shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of the Convention. They may also consult together for the elimination of double taxation in cases not provided for in the Convention.

4. Pristojna organa držav pogodbenic lahko neposredno komunicirata med seboj, da bi dosegla dogovor v smislu prejšnjih odstavkov, vključno prek skupne komisije, ki jo sestavljata sama ali njuni predstavniki.

26. člen

IZMENJAVA INFORMACIJ

1. Pristojna organa držav pogodbenic si izmenjavata take informacije, ki so potrebne za izvajanje določb te konvencije ali domače zakonodaje držav pogodbenic glede davkov, za katere se uporablja ta konvencija, če obdavčevanje na tej podlagi ni v nasprotju s konvencijo. Izmenjava informacij ni omejena s 1. členom. Vsaka informacija, ki jo prejme država pogodbenica, se obravnava kot tajnost na isti način kot informacije, pridobljene po domači zakonodaji te države, in se razkrije samo osebam ali organom (vključno s sodišči in upravnimi organi), udeleženim pri odmeri ali pobiranju, izterjavi ali pregonu ali pri odločanju o pritožbah glede davkov, za katere se uporablja konvencija. Te osebe ali organi uporabljajo informacije samo v te namene. Informacije lahko razkrijejo v sodnih postopkih ali pri sodnih odločitvah.

2. V nobenem primeru se določbe prvega odstavka ne razlagajo, kot da nalagajo državi pogodbenici obveznost:

a) da izvaja upravne ukrepe, ki niso v skladu z zakonodajo in upravno prakso te ali druge države pogodbenice,

b) da priskrbi informacije, ki jih ni mogoče dobiti po zakonski ali običajni upravni poti te ali druge države pogodbenice,

c) da priskrbi informacije, ki bi razkrile kakršno koli trgovinsko, poslovno, industrijsko, komercialno ali poklicno skrivnost ali trgovinske postopke, ali informacije, katerih razkritje bi bilo v nasprotju z javnim redom.

27. člen

ČLANI DIPLOMATSKIH PREDSTAVNIŠTEV IN KONZULATOV

Nobena določba te konvencije ne vpliva na davčne ugodnosti članov diplomatskih predstavništev ali konzulatov po splošnih pravilih mednarodnega prava ali določbah posebnih sporazumov.

28. člen

ZAČETEK VELJAVNOSTI

1. Vladi držav pogodbenic druga drugo uradno obvestita, da so izpolnjene ustavne zahteve za začetek veljavnosti te konvencije.

2. Konvencija začne veljati na datum prejema poznejšega od uradnih obvestil iz prvega odstavka in njene določbe se uporabljajo v obeh državah pogodbenicah:

a) v zvezi z davki, zadržanimi na viru, za dohodek, dosežen prvi dan januarja ali po njem v koledarskem letu, ki sledi letu, v katerem začne veljati konvencija, in

4. The competent authorities of the Contracting States may communicate with each other directly, including through a joint commission consisting of themselves or their representatives for the purpose of reaching an agreement in the sense of the preceding paragraphs.

Article 26

EXCHANGE OF INFORMATION

1. The competent authorities of the Contracting States shall exchange such information as is necessary for carrying out the provisions of this Convention or of the domestic laws of the Contracting States concerning taxes covered by the Convention insofar as the taxation thereunder is not contrary to the Convention. The exchange of information is not restricted by Article 1. Any information received by a Contracting State shall be treated as secret in the same manner as information obtained under the domestic laws of that State and shall be disclosed only to persons or authorities (including courts and administrative bodies) concerned with the assessment or collection of, the enforcement or prosecution in respect of, or the determination of appeals in relation to, the taxes covered by the Convention. Such persons or authorities shall use the information only for such purposes. They may disclose the information in public court proceedings or in judicial decisions.

2. In no case shall the provisions of paragraph 1 be construed so as to impose on a Contracting State the obligation:

a) to carry out administrative measures at variance with the laws and administrative practice of that or of the other Contracting State;

b) to supply information which is not obtainable under the laws or in the normal course of the administration of that or of the other Contracting State;

c) to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information, the disclosure of which would be contrary to public policy (ordre public).

Article 27

MEMBERS OF DIPLOMATIC MISSIONS AND CONSULAR POSTS

Nothing in this Convention shall affect the fiscal privileges of members of diplomatic missions or consular posts under the general rules of international law or under the provisions of special agreements.

Article 28

ENTRY INTO FORCE

1. The Governments of the Contracting States shall notify each other when the constitutional requirements for the entry into force of this Convention have been complied with.

2. The Convention shall enter into force on the date of the later of notifications referred to in paragraph 1 and its provisions shall have effect in both Contracting States:

b) in respect of taxes withheld at source, on income derived on or after the first day of January in the calendar year next following the year in which the Convention enters into force;

b) v zvezi z drugimi davki od dohodka za davke, obračunane za katero koli davčno leto, ki se začne prvi dan januarja ali po njem v koledarskem letu, ki sledi letu, v katerem začne veljati konvencija.

29. člen

PRENEHANJE VELJAVNOSTI

Ta konvencija velja, dokler je država pogodbenica ne odpove. Vsaka država pogodbenica lahko odpove konvencijo po diplomatski poti s pisnim obvestilom o odpovedi najmanj šest mesecev pred koncem katerega koli koledarskega leta. V takem primeru se konvencija v obeh državah pogodbenicah preneha uporabljati:

a) v zvezi z davki, zadržanimi na viru, za dohodek, dosežen prvi dan januarja ali po njem v koledarskem letu, ki sledi letu, v katerem je bilo obvestilo dano;

b) v zvezi z drugimi davki od dohodka za davke, obračunane za katero koli davčno leto, ki se začne prvi dan januarja ali po njem v koledarskem letu, ki sledi letu, v katerem je bilo obvestilo dano.

V dokaz navedenega sta podpisana, ki sta bila za to pravilno pooblaščena, podpisala to konvencijo.

Sestavljeno v dveh izvirnikih v Talinu dne 14. septembra 2005 v slovenskem, estonskem in angleškem jeziku, pri čemer so vsa tri besedila enako verodostojna. Pri različni razlagi prevlada angleško besedilo.

Za Vlado Republike Slovenije **Janez Janša** l.r.	Za Vlado Republike Estonije **Andrus Ansip** l.r.

b) in respect of other taxes on income for taxes chargeable for any fiscal year beginning on or after the first day of January in the calendar year next following the year in which the Convention enters into force.

Article 29

TERMINATION

This Convention shall remain in force until terminated by a Contracting State. Either Contracting State may terminate the Convention, through diplomatic channels, by giving written notice of termination at least six months before the end of any calendar year. In such event, the Convention shall cease to have effect in both Contracting States:

a) in respect of taxes withheld at source, on income derived on or after the first day of January in the calendar year next following the year in which the notice has been given;

b) in respect of other taxes on income for taxes chargeable for any fiscal year beginning on or after the first day of January in the calendar year next following the year in which the notice has been given.

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

Done in duplicate at Tallin this 14 day of September 2005, in the Slovenian, Estonian and English languages, all three texts being equally authentic. In the case of divergence of interpretation the English text shall prevail.

For the Government of the Republic of Slovenia **Janez Janša** (s)	For the Government of the Republic of Estonia **Andrus Ansip** (s)

P R O T O K O L

Ob podpisu Konvencije med Vlado Republike Slovenije in Vlado Republike Estonije o izogibanju dvojnega obdavčevanja in preprečevanju davčnih utaj v zvezi z davki od dohodka (v nadaljevanju »konvencija«) sta se strani sporazumeli o teh določbah, ki so sestavni del konvencije:

1. V zvezi s tretjim odstavkom 4. člena

Kadar je oseba, ki ni posameznik, rezident obeh držav pogodbenic in si pristojna organa držav pogodbenic prizadevata njen status določiti s skupnim dogovorom, pri tem upoštevata takšne dejavnike, kot sta sedež dejanske uprave, kraj, kjer je oseba registrirana ali drugače ustanovljena, in vse druge ustrezne dejavnike.

2. V zvezi s 6. in 13. členom

Razume se, da se lahko v skladu z določbami 13. člena obdavčita celoten dohodek in dobiček iz odtujitve nepremičnin, ki so omenjene v 6. členu in so v državi pogodbenici.

V dokaz navedenega sta podpisana, ki sta bila za to pravilno pooblaščena, podpisala ta protokol.

Sestavljeno v dveh izvirnikih v Talinu dne 14. septembra 2005 v slovenskem, estonskem in angleškem jeziku, pri čemer so vsa tri besedila enako verodostojna. Pri različni razlagi prevlada angleško besedilo.

Za Vlado Republike Slovenije **Janez Janša** l.r.	Za Vlado Republike Estonije **Andrus Ansip** l.r.

P R O T O C O L

At the signing of the Convention between the Government of the Republic of Slovenia and the Government of the Republic of Estonia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income (hereinafter referred to as "the Convention") both sides have agreed upon the following provisions which form an integral part of the Convention:

1. In respect to paragraph 3 of Article 4

Where a person other than an individual is a resident of both Contracting States and the competent authorities of the Contracting States endeavour to determine its status by mutual agreement, they shall have regard to such factors as the place of effective management, the place where it is incorporated or otherwise constituted and any other relevant factors.

2. In respect to Article 6 and Article 13

It is understood that all income and gains from the alienation of immovable property referred to in Article 6 and situated in a Contracting State may be taxed in accordance with the provisions of Article 13.

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

Done in duplicate at Tallin this 14 day of September 2005, in the Slovenian, Estonian and English languages, all three texts being equally authentic. In the case of divergence of interpretation the English text shall prevail.

For the Government of the Republic of Slovenia **Janez Janša** (s)	For the Government of the Republic of Estonia **Andrus Ansip** (s)

3. člen

Za izvajanje konvencije skrbi Ministrstvo za finance.

4. člen

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

Št. 432-01/06-43/1
Ljubljana, dne 4. aprila 2006
EPA 749-IV

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

54. **Uredba o ratifikaciji Sporazuma med Republiko Slovenijo in Programom Združenih narodov za okolje (UNEP) – Sredozemskim akcijskim načrtom (MAP) o dogovorih za 14. redno zasedanje pogodbenic Konvencije za varstvo morskega okolja in obalnega območja Sredozemlja in njenih protokolov**

Na podlagi prve in tretje alineje petega odstavka 75. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/2003 – uradno prečiščeno besedilo) izdaja Vlada Republike Slovenije

U R E D B O
O RATIFIKACIJI SPORAZUMA MED REPUBLIKO SLOVENIJO IN PROGRAMOM ZDRUŽENIH NARODOV ZA OKOLJE (UNEP) – SREDOZEMSKIM AKCIJSKIM NAČRTOM (MAP) O DOGOVORIH ZA 14. REDNO ZASEDANJE POGODBENIC KONVENCIJE ZA VARSTVO MORSKEGA OKOLJA IN OBALNEGA OBMOČJA SREDOZEMLJA IN NJENIH PROTOKOLOV

1. člen

Ratificira se Sporazum med Republiko Slovenijo in Programom Združenih narodov za okolje (UNEP) – Sredozemskim akcijskim načrtom (MAP) o dogovorih za 14. redno zasedanje pogodbenic Konvencije za varstvo morskega okolja in obalnega območja Sredozemlja in njenih protokolov, podpisan 17. junija 2005 v Atenah in 22. avgusta 2005 v Sloveniji.

2. člen

Besedilo sporazuma se v izvirnikih v angleškem jeziku ter v prevodu v slovenskem jeziku glasi:

A G R E E M E N T
BETWEEN THE REPUBLIC OF SLOVENIA AND THE UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP), MEDITERRANEAN ACTION PLAN (MAP) REGARDING THE ARRANGEMENTS FOR THE 14TH ORDINARY MEETING OF THE CONTRACTING PARTIES TO THE CONVENTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT AND THE COASTAL REGION OF THE MEDITERRANEAN AND ITS PROTOCOLS

WHEREAS at the 13th Ordinary Meeting of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution and its Protocols, held in Catania, 11–14 November 2003, the United Nations Environment Programme, Mediterranean Action Plan (hereinafter, referred to as "UNEP/MAP") accepted the invitation of the Government of the Republic of Slovenia (hereinafter, referred to as "the Government") to hold the 14th Ordinary Meeting of the Contracting Parties to the Convention for the Protection of the Marine Environment and Coastal Region of the Mediterranean and its Protocols, at Portoroz, Slovenia, and

WHEREAS the General Assembly of the United Nations, by paragraph 5 of section 1 of its resolution 31/140 of 17 December 1976, decided that sessions of United Nations bodies may be held away from their established headquarters when the Government issuing the invitation for a session to be held within its territory has agreed to defray, after consultations with the Secretary-General of the United Nations as to their nature and possible extent, the actual additional costs directly or indirectly incurred,

NOW THEREFORE, the Government and UNEP/MAP hereby, agree as follows:

S P O R A Z U M
MED REPUBLIKO SLOVENIJO IN PROGRAMOM ZDRUŽENIH NARODOV ZA OKOLJE (UNEP) – SREDOZEMSKIM AKCIJSKIM NAČRTOM (MAP) O DOGOVORIH ZA 14. REDNO ZASEDANJE POGODBENIC KONVENCIJE ZA VARSTVO MORSKEGA OKOLJA IN OBALNEGA OBMOČJA SREDOZEMLJA TER NJENIH PROTOKOLOV

GLEDE NA TO, da je Sredozemski akcijski načrt v okviru Programa Združenih narodov za okolje (v nadaljevanju »UNEP/MAP«) na 13. rednem zasedanju pogodbenic Konvencije o varstvu Sredozemskega morja pred onesnaženjem sprejel povabilo Vlade Republike Slovenije (v nadaljevanju »vlada«), naj bo 14. redno zasedanje pogodbenic Konvencije za varstvo morskega okolja in obalnega območja Sredozemlja ter njenih protokolov v Portorožu v Sloveniji in

GLEDE NA TO, da je Generalna skupščina Združenih narodov s petim odstavkom 1. poglavja svoje resolucije 31/140 z dne 17. decembra 1976 odločila, da so lahko zasedanja organov Združenih narodov zunaj njihovega stalnega sedeža, kadar vlada, ki izda povabilo za zasedanje na svojem ozemlju, po posvetu z generalnim sekretarjem Združenih narodov glede vrste in mogoče višine dejanskih dodatnih neposrednih ali posrednih stroškov soglaša s tem, da bo krila te stroške, se

ZARADI TEGA vlada in UNEP/MAP sporazumeta, kot sledi:

Article I

Date and place of the Meeting

The meeting shall be held at Portoroz, Slovenia from 8 November 2005 to 11 November 2005.

Article II

Attendance at the Conference

1. The participants in the meeting shall be invited by the Executive Director of the United Nations Environment Programme in accordance with the "Rules of Procedure for meetings and conferences of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution, and its related Protocols" and shall include:

a) Contracting Parties to the Barcelona Convention;

b) Organizations that have received standing invitations from UNEP/MAP to participate in the meetings in the capacity of observers;

c) Specialized and related agencies of the United Nations;

d) Other intergovernmental organizations;

e) Non-governmental organizations, included in the MAP/NGO List of Partners;

f) Officials of the UNEP/MAP Secretariat;

g) Other persons invited by UNEP/MAP.

2. The Executive Director of UNEP or his representative shall designate the officials of UNEP/MAP assigned to attend the meeting for the purpose of servicing it.

3. The opening and closing sessions of the meeting shall be open to representatives of information media accredited by UNEP/MAP at its discretion after consultation with the Government.

Article III

Premises, equipment, utilities and supplies

1. The Government shall provide, for the duration of the Meeting the necessary premises, including conference rooms for formal and informal meetings, office space, working areas and other related facilities, as specified in Annex A hereto. The Government shall at its expense furnish, equip and maintain in good repair all these premises and facilities in a manner that UNEP/MAP considers adequate for the effective conduct of the Meeting. The conference rooms shall be equipped for reciprocal simultaneous interpretation as specified in Annex A, as well as facilities for the press, and sound recording from the floor. The premises shall be treated as United Nations premises and shall remain at the disposal of UNEP/MAP 24 hours a day, from 2 days prior to the Meeting until the end of the Meeting.

2. The Government shall provide within the conference area a travel agency, and if possible bank, telephone, Internet and telefax facilities and a secretarial service centre equipped in consultation with UNEP/MAP, for the use of delegations to the Meeting.

3. The Government shall bear the cost of all necessary utility services incurred as a result of the meeting, including local telephone communications of the secretariat of the Meeting and its communications by telephone, or telefax with UNEP Headquarters in Nairobi and the UNEP/MAP office in Athens, when such communications are authorized by or on behalf of the Coordinator of UNEP/MAP.

1. člen

Datum in kraj zasedanja

Zasedanje bo od 8. do 11. novembra 2005 v Portorožu v Sloveniji.

2. člen

Udeležba na konferenci

1. Izvršni direktor Programa Združenih narodov za okolje bo udeležence povabil na zasedanje v skladu s Poslovnikom za srečanja in konference pogodbenic Konvencije o varstvu Sredozemskega morja pred onesnaženjem in z njo povezanih protokolov. Med udeleženci so:

a) pogodbenice Barcelonske konvencije;

b) organizacije, ki so prejele uradna vabila UNEP/MAP, da se udeležujejo srečanj kot opazovalke;

c) specializirane in z njimi povezane agencije Združenih narodov;

d) druge medvladne organizacije;

e) nevladne organizacije, vključene na seznam sodelujočih pri MAP/NVO;

f) uslužbenci Sekretariata UNEP/MAP;

g) druge osebe, ki jih povabi UNEP/MAP.

2. Izvršni direktor UNEP ali njegov predstavnik imenujeta uradnike UNEP/MAP, ki se bodo udeleževali sestankov, da bodo pomagali pri delu.

3. Začetkov in sklepnih delov zasedanj se lahko udeležijo predstavniki sredstev obveščanja, ki jih UNEP/MAP akreditira po lastni presoji in posvetu z vlado.

3. člen

Prostori, oprema, priključki in pisarniški material

1. Vlada zagotovi za zasedanje potrebne prostore, vključno s sejnimi dvoranami za uradna in neuradna srečanja, pisarne, delovne površine in druge s tem povezane ugodnosti in sredstva, kot je določeno v prilogi A k temu sporazumu. Vlada za svoje stroške oskrbi, opremi in vzdržuje vse te prostore in pripomočke v dobrem stanju, tako kot je po mnenju UNEP/MAP ustrezno za učinkovito vodenje zasedanja. Sejne dvorane so opremljene za izmenično simultano tolmačenje, kot je določeno v prilogi A, ter opremo za novinarje in tonsko snemanje na zasedanju. Prostori se štejejo za prostore Združenih narodov in so UNEP/MAP na razpolago 24 ur dnevno, in sicer dva dni pred zasedanjem pa vse do konca zasedanja.

2. Vlada na kraju zasedanja zagotovi potovalno agencijo in po možnosti bančne storitve, povezave za telefon, internet in telefaks ter sekretariat, opremljen po posvetu z UNEP/MAP za potrebe delegacij, ki se udeležujejo zasedanja.

3. Vlada krije stroške za vse potrebne priključke, nastale v zvezi z zasedanjem, vključno z lokalnimi telefonskimi povezavami sekretariata zasedanja in njegovimi povezavami za telefon in telefaks s sedežem UNEP v Nairobiju in pisarno UNEP/MAP v Atenah, kadar jih odobri koordinator UNEP/MAP ali so opravljene v njegovem imenu.

4. The government shall bear the cost of transport and insurance charges, from UNEP/MAP, Athens, to the site of the Meeting and return, of all UNEP/MAP equipment and supplies required for the adequate functioning of the Meeting. UNEP/MAP shall determine the mode of shipment of such equipment and supplies.

Article IV

Accommodation

The Government shall ensure that adequate accommodation in hotels is available at reasonable commercial rates for persons participating in or attending the Meeting.

Article V

Medical facilities

1. Medical facilities adequate for first aid in emergencies shall be provided by the Government near the conference area.

2. For serious emergencies, the Government shall ensure immediate transportation and admission to a hospital.

Article VI

Transport

1. The Government shall provide transport between Ljubljana and Trieste airports and the conference area and principal hotels for the members of the UNEP/MAP Secretariat servicing the meeting upon their arrival and departure.

2. The Government shall provide transport for all participants and those attending the Meeting between the Ljubljana and Trieste airports, the principal hotels and the Meeting area.

3. The Government shall provide, if necessary, a car with driver for the official use by the principal officers and the Secretariat of the Meeting, as well as such other local transportation as is required by the Secretariat in connection with the Meeting.

Article VII

Police protection

The Government shall furnish such security measures as may be required to ensure the effective functioning of the Meeting in an atmosphere of security and tranquility free from interference of any kind. The competent authority shall work in close cooperation with a designated senior official of UNEP/MAP.

Article VIII

Local personnel

1. The Government shall appoint an English-speaking liaison officer who shall be responsible, in consultation with UNEP/MAP, for making and carrying out the administrative and personnel arrangements for the Meeting as required under this Agreement.

2. The Government shall recruit and provide an adequate number of local support personnel, necessary for the proper functioning of the Meeting. The exact requirements in this respect are specified in Annex B hereto. Some of these persons shall be available at least 2 days before the opening of the Meeting, as required by UNEP/MAP. UNEP/MAP shall provide the staff specified in Annex C hereto.

4. Vlada krije stroške prevoza in zavarovanja celotne opreme in pisarniškega gradiva UNEP/MAP, potrebna za ustrezno delovanje zasedanja, od sedeža UNEP/MAP v Atenah do kraja zasedanja in nazaj. UNEP/MAP določi način prevoza take opreme in gradiva.

4. člen

Nastanitev

Vlada zagotovi, da je osebam, ki sodelujejo na zasedanju ali se ga udeležujejo, na razpolago ustrezna nastanitev v hotelih po razumnih prodajnih cenah.

5. člen

Zdravstvene storitve

1. Vlada v bližini kraja zasedanja zagotovi ustrezne zdravstvene storitve prve pomoči.

2. Ob nujnih primerih vlada zagotovi takojšen prevoz do bolnišnice in bolnišnično oskrbo.

6. člen

Prevozi

1. Vlada članom Sekretariata UNEP/MAP, ki po svojem prihodu in odhodu opravljajo različne naloge, potrebne za zasedanje, zagotovi prevoz z letališč Ljubljana in Trst do kraja zasedanja in glavnih hotelov.

2. Vlada vsem udeležencem zasedanja zagotovi prevoz z letališč Ljubljana in Trst do kraja zasedanja in glavnih hotelov.

3. Vlada glavnim funkcionarjem in sekretariatu zasedanja po potrebi zagotovi vozilo z voznikom za službene namene ter druge lokalne prevoze, ki jih zahteva sekretariat v zvezi z zasedanjem.

7. člen

Policijsko varstvo

Vlada zagotovi morebitne varnostne ukrepe, potrebne za učinkovito delovanje zasedanja, v varnem in mirnem vzdušju ter brez kakršnih koli motenj. Pristojni organ tesno sodeluje z imenovanim višjim funkcionarjem UNEP/MAP.

8. člen

Lokalno osebje

1. Vlada imenuje angleško govorečega uradnika za zvezo, ki je po posvetu z UNEP/MAP odgovoren za sklenitev in izvajanje administrativnih in kadrovskih dogovorov za zasedanje, določenih po tem sporazumu.

2. Vlada najame in zagotovi ustrezno število lokalnega osebja za podporo, potrebnega za uspešen potek zasedanja. Podrobne zahteve v tem pogledu so navedene v prilogi B k temu sporazumu. Nekatere osebe so po naročilu UNEP/MAP na razpolago vsaj dva dni pred začetkom zasedanja. UNEP/MAP pa zagotovi osebje, določeno v prilogi C k temu sporazumu.

Article IX

Financial Arrangements

1. The Government shall cover the cost of the 14th Ordinary Meeting of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols, (Portoroz, 8–11 November 2005) as announced by its representative at the 13th Ordinary Meeting of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution and its Protocols, (Catania, 11–14 November 2003). Such cost shall include, but not be restricted to:

– the actual additional cost of travel and staff entitlements of UNEP/MAP officials assigned to plan for, attend or service the Meeting, as specified in Annex C. Arrangements for the travel of UNEP/MAP officials and free-lance conference staff required to plan, attend or service the Meeting and for the shipment of any necessary equipment and supplies shall be made by the UNEP/MAP Secretariat in its related administrative practices regarding travel standards, baggage allowances, subsistence payments and terminal expenses;

– the cost of shipment of documents and equipment from Athens to Portoroz, respectively;

– the provision of the necessary Meeting premises and facilities as specified in Article III;

– the cost of all necessary Meeting premises and facilities as specified in Article III;

– the cost of all necessary utility services incurred as a result of the Meeting, as specified in Article III;

– the cost of providing transport for members of the UNEP/MAP secretariat servicing the Meeting and Representatives of the Contracting Parties as specified in article VI;

– the cost of furnishing police protection as specified in Article VII;

– the cost of providing a liaison officer and an adequate number of local support staff, as specified in Article VIII;

– the actual cost of travel, subsistence payments, fees and terminal expenses of the freelance conference staff assigned to service the Meeting, as specified in Annex D. Arrangements for the travel of the free-lance conference staff required to service the Meeting shall be made by the UNEP/MAP Secretariat in its related administrative practices regarding travel standards, baggage allowances, subsistence payments and terminal expenses;

– the estimated cost of overtime for conference staff, as specified in Annex D.

2. The total estimated cost referred to in paragraph 1 above to be covered by the Government amounts to Euro 166,671, paid wholly in Euro at a bank account, to be specified at a later stage, should reach UNEP Accounts not later than August 2005.

The UNEP/MAP Fund/Administrative Officer (Mr. Khaled Ben Salah) and a designated UNEP/MAP staff (Ms. A. Mabger) will be the only authorized persons to access this bank account as frequently as needed. Withdrawals/deposits are permitted only with the joint signatures of the both above mentioned designated staff.

3. The deposit required by paragraph 2 above, shall be used only to pay the obligations of UNEP/MAP in respect of the Meeting.

9. člen

Finančni dogovori

1. Vlada krije stroške 14. rednega zasedanja pogodbenic Konvencije za varstvo morskega okolja in obalnega območja Sredozemlja ter njenih protokolov (Portorož, 8.–11. november 2005), kot je njen predstavnik naznanil na 13. rednem zasedanju pogodbenic Konvencije o varstvu Sredozemskega morja pred onesnaženjem in njenih protokolov (Catania, 11.–14. november 2003). Ti stroški med drugim vključujejo:

– dejanske dodatne stroške v zvezi s potovanjem in pravicami osebja UNEP/MAP, določenega, da načrtuje storitve za zasedanje, se ga udeležuje ali opravlja naloge zanj, kot je to določeno v prilogi C. Dogovore za potovanje uradnikov UNEP/MAP in neodvisnega konferenčnega osebja, potrebnega za načrtovanje, oskrbovanje ali opravljanje nalog za zasedanje ter pošiljanje potrebne opreme in gradiva, sklepa Sekretariat UNEP/MAP v skladu s tem povezano administrativno prakso glede standarda potovanja, dodatka za prtljago, dnevnic in dodatnih stroškov;

– stroške pošiljanja dokumentov in opreme od Aten do Portoroža;

– zagotovitev potrebnih prostorov in pripomočkov za zasedanje, kot je določeno v 3. členu;

– stroške v zvezi z vsemi potrebnimi priključki, nastale v zvezi z zasedanjem, kot je opredeljeno v 3. členu;

– stroške zagotavljanja prevoza za člane Sekretariata UNEP/MAP, ki opravljajo naloge, povezane z zasedanjem, in za predstavnike pogodbenic iz 6. člena;

– stroške zagotavljanja policijskega varstva, kot je opredeljeno v 7. členu;

– stroške zagotovitve uradnika za zvezo in ustreznega števila lokalnega osebja za podporo, kot je opredeljeno v 8. členu;

– dejanske stroške potovanja, dnevnic, honorarjev in dodatnih stroškov neodvisnega konferenčnega osebja, določenega za opravljanje storitev za zasedanje, kot je določeno v prilogi D. Dogovore za potovanje neodvisnega konferenčnega osebja, potrebnega za oskrbo zasedanja, sklepa Sekretariat UNEP/MAP v skladu s tem povezano administrativno prakso glede standarda potovanja, dodatka za prtljago, dnevnic in dodatnih stroškov;

– ocenjene stroške nadur konferenčnega osebja, kot je določeno v prilogi D.

2. Skupni ocenjeni stroški iz prvega odstavka tega člena, ki jih krije vlada, znašajo 166.671 evrov in se v celoti plačajo v evrih na bančni račun UNEP, ki bo določen pozneje, in to najpozneje avgusta 2005.

Upravitelj sklada UNEP/MAP (g. Khaled Ben Salah) in uradno imenovana oseba UNEP/MAP (ga. A. Mabger) bosta edini osebi, ki bosta imeli dostop do tega bančnega računa, kolikorkrat bo potrebno. Denarni dvigi/pologi so dovoljeni le s skupnim podpisom obeh navedenih pooblaščenih oseb.

3. Pologi iz drugega odstavka tega člena se smejo uporabiti samo za plačilo obveznosti UNEP/MAP v zvezi z zasedanjem.

4. After the meeting, UNEP/MAP shall give the Government no later than the end of May 2006 a detailed set of certified accounts showing the actual costs incurred by UNEP/MAP and to be borne by the Government as set out in Annex D to this Agreement. These costs shall be expressed in United State dollars, using the United Nations official rate of exchange a the time the payments are made. UNEP/MAP, on the basis of this detailed set of accounts, shall refund to the Government before the end of 2006, any funds unspent out of the deposit required by paragraph 2 above. Similarly, the Government should report to UNEP/MAP any amounts overspent beyond the Host Country allocation due to sudden/unexpected rise in prices of agreed expenses. The UN fees for November 2005 for the Conference staff, as well as the UN November perdiem for Protoroz will be applicable. The final accounts shall be subject to audit as provided in the Financial Regulations and Rules of the United Nations, and the final adjustment of accounts shall be carried out by the Board of Auditors, whose determination shall be accepted as final by both the Government and UNEP/MAP.

Article X

Liability

1. The Government shall be responsible for dealing with any action, claim or other demand against UNEP/MAP or its officials and arising out of:

(a) Injury to persons or damage to or loss of property in the premises referred to in article II that are provided by or are under the control of the Government:

(b) Injury to persons or damage to or loss of property caused by, or incurred in using, the transport services referred to in Article VI that are provided by or are under the control of the Government;

(c) The employment for the Meeting of the personnel provided or arranged by the Government under article VIII.

2. The Government shall indemnify and hold harmless UNEP/MAP and its personnel in respect of any such action, claim or other demand.

Article XI

Privileges and immunities

1. The Conventions on the Privileges and Immunities of the United Nations of 13 February 1946, and on the Privileges and Immunities of Specialized Agencies of 21 November 1947, to which the Republic of Slovenia is a party, shall be applicable in respect of the Meeting.

(a) In particular, the participants invited by UNEP/MAP shall have the status of experts on mission for the UN within the meaning of the Article VI of the Convention. Officials of the UN participating in or performing functions in connection with the meeting shall enjoy the privileges and immunities provided under Articles V and VII of the Convention. Officials of the specialized agencies participating in the meeting shall be accorded the privileges and immunities provided under Articles VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies.

(b) Without prejudice to the provision of the Conventions on the Privileges and Immunities of the UN and the Specialized Agencies, all participants and persons performing functions in connection with the Meeting shall enjoy privileges, immunities and facilities necessary for the independent exercise of their functions in connection with the Meeting.

4. UNEP/MAP po koncu zasedanja, najpozneje pa konca maja 2006, izroči vladi popolno dokumentacijo potrjenih finančnih poročil o dejanskih stroških, nastalih pri UNEP/MAP, ki jih mora kriti vlada, kot je predvideno v prilogi D k temu sporazumu. Ti stroški so izraženi v ameriških dolarjih po uradnem menjalnem tečaju Združenih narodov ob plačilu. UNEP/MAP na podlagi teh finančnih poročil še pred koncem leta 2006 vrne vladi vsa neporabljena sredstva, ki so bila položena na podlagi drugega odstavka tega člena. Podobno mora tudi vlada poročati UNEP/MAP o vseh čezmerno porabljenih zneskih glede na sredstva, dodeljena državi gostiteljici, kot posledici nenadnega/nepričakovanega dviga cen dogovorjenih stroškov. Za konferenčno osebje se uporabljajo tarife Združenih narodov, veljavne za november 2005, in dnevnice za Portorož, veljavne prav tako za november 2005. Opravljena bo revizija končnih obračunov, kot je določeno v finančnih predpisih in pravilniku Združenih narodov, medtem ko jih bo končno uskladila nadzorna komisija, njeno končno odločitev pa sprejela vlada in UNEP/MAP.

10. člen

Odgovornost

1. Vlada je odgovorna za obravnavo vseh tožb, zahtevkov ali drugih zahtev do UNEP/MAP ali njegovih uradnikov, uvedenih zaradi:

a) telesne poškodbe ali škode na premoženju ali njegove izgube v prostorih iz 2. člena, ki jih zagotovi vlada ali so pod njenim nadzorom;

b) telesne poškodbe ali škode na premoženju ali njegove izgube, povzročene ali nastale pri uporabi prevoznih storitev iz 4. člena, ki jih zagotovi vlada ali so pod njenim nadzorom;

c) najema osebja za zasedanje, ki ga na podlagi 8. člena zagotovi ali organizira vlada.

2. Vlada poravna škodo UNEP/MAP in njegovemu osebju ter ju zavaruje pred vsakršno tovrstno tožbo, zahtevkom ali drugimi takimi zahtevami.

11. člen

Privilegiji in imunitete

1. Za zasedanje se uporabljata Konvencija o privilegijih in imunitetah Združenih narodov z dne 13. februarja 1946 in Konvencija o privilegijih in imunitetah specializiranih agencij z dne 21. novembra 1947, katerih pogodbenica je Republika Slovenija.

a) Predvsem udeleženci, ki jih povabi UNEP/MAP, imajo po 6. členu konvencije status strokovnjakov na službenem potovanju za potrebe Združenih narodov. Uradniki Združenih narodov, ki se udeležujejo zasedanja ali opravljajo naloge v zvezi z njim, uživajo privilegije in imunitete, zagotovljene po 5. in 7. členu konvencije. Uradnikom specializiranih agencij, ki se udeležijo zasedanja, se priznajo privilegiji in imunitete, zagotovljeni po 6. in 8. členu Konvencije o privilegijih in imunitetah specializiranih agencij.

b) Ne glede na Konvencijo o privilegijih in imunitetah Združenih narodov in Konvencijo o privilegijih in imunitetah specializiranih agencij vsi udeleženci in osebe, ki opravljajo naloge v zvezi z zasedanjem, uživajo privilegije, imunitete in ugodnosti, potrebne za neodvisno opravljanje njihovih nalog v zvezi z zasedanjem.

(c) The personnel provided by the Government pursuant to this Agreement shall enjoy immunity from legal process in respect of words spoken or written and any act performed by them in their official capacity in connection with the Meeting.

2. All participants and all persons performing functions in connection with the Meeting shall have the right of unimpeded entry into and exit from the Republic of Slovenia. They shall be granted facilities for speedy travel. Visas and entry permits, where required, shall be granted as speedily as possible, provided the application for the visa is made at least three weeks before the opening of the Meeting.

3. The rooms, offices and facilities, as well as the means of transportation, put at the disposal of the Meeting by the Government shall constitute United Nations premises and properties for the duration of the Meeting within the meaning of Article II of the Convention of 13 February 1946.

4. The Government shall allow the temporary importation, tax-free and duty-free, of all equipment, including technical equipment accompanying representatives of information media, and shall waive import duties and taxes on supplies necessary for the Meeting. It shall issue without delay any necessary import and export permits for this purpose.

Article XII

Settlement of disputes

Any dispute between UNEP/MAP and the Government concerning the interpretation or application of this Agreement that is not settled by negotiation or other agreed means of settlement shall be submitted at the request of either party for final decision to a tribunal of three arbitrators, one of whom shall be appointed by the Secretary-General of the United Nations, one by the Government and the third, who shall be the chairman, by the other two arbitrators. If either party fails to appoint an arbitrator within 60 days of the appointment by the other party, or if the first two arbitrators fail to agree on the third arbitrator within 60 days of their appointment, then such arbitrator shall be appointed by the President of the International Court of Justice at the request of either party to the dispute. However, any such dispute that involves a question regulated by the Convention on the Privileges and Immunities of the United Nations shall be dealt with in accordance with section 30 of that Convention.

Article XIII

Final provisions

1. This Agreement may be modified by written agreement between UNEP/MAP and the Government.

2. This Agreement shall enter into force on the date of the receipt of the notification of the Government of the Republic of Slovenia of the completion of the internal legal procedures for its entry into force, and shall remain in force for the duration of the meeting and for such period thereafter as is necessary for all matters relating to any of its provisions to be settled. The Agreement shall be applied provisionally as from upon its signature.

SIGNED this 17th day of June 2005 in Athens and at 22nd August 2005 Slovenia, in duplicate in English being the authentic text.

For the Government of the Republic of Slovenia
Janez Podobnik (s)

For UNEP/MAP
Paul Mifsud (s)
Coordinator

c) Osebje, ki ga po tem sporazumu zagotovi vlada, uživa imuniteto pred sodnim postopkom v zvezi z izrečenimi ali napisanimi besedami in vsakršnimi dejanji, storjenimi pri opravljanju naloge v zvezi z zasedanjem.

2. Vsi udeleženci in vse osebe, ki opravljajo naloge v zvezi z zasedanjem, imajo pravico do neoviranega vstopa v Republiko Slovenijo in izstopa iz nje. Zagotovljene so jim ugodnosti za hitro potovanje. Če so zahtevani vizumi in vstopna dovoljenja, so jim izdani, kakor hitro je mogoče, če je vloga za njihovo izdajo vložena vsaj tri tedne pred začetkom zasedanja.

3. Prostori, pisarne in pripomočki ter prevozna sredstva, ki jih da vlada na razpolago zasedanju po 2. členu konvencije z dne 13. februarja 1946 med trajanjem zasedanja, so prostori in premoženje Združenih narodov.

4. Vlada omogoči začasen uvoz vse opreme brez davkov in carin, vključno s tehnično opremo, ki jo imajo s seboj predstavniki sredstev javnega obveščanja, in se odreče uvoznim dajatvam in davkom za pisarniško gradivo, potrebno za zasedanje. V ta namen nemudoma izda vsa potrebna uvozna in izvozna dovoljenja.

12. člen

Reševanje sporov

Vse spore med UNEP/MAP in vlado v zvezi z razlago ali uporabo tega sporazuma, ki niso rešeni s pogajanjem ali na drug dogovorjen način reševanja, se na zahtevo ene ali druge stranke predložijo v končno odločitev razsodišču treh razsodnikov, od katerih enega imenuje generalni sekretar Združenih narodov, drugega vlada, tretjega, ki je predsednik, pa imenujeta prva dva razsodnika. Če ena stranka ne imenuje razsodnika v 60 dneh po tem, ko je razsodnika imenovala druga stranka, ali če se prva dva razsodnika ne sporazumeta o tretjem razsodniku v 60 dneh po svojem imenovanju, potem tretjega razsodnika na zahtevo ene in druge stranke v sporu imenuje predsednik Meddržavnega sodišča. Tak spor, povezan z vprašanjem, ki ga ureja Konvencija o privilegijih in imunitetah Združenih narodov, se obravnava v skladu s 30. poglavjem te konvencije.

13. člen

Končne določbe

1. Sporazum se lahko spremeni s pisnim sporazumom med UNEP/MAP in vlado.

2. Sporazum začne veljati z dnem prejema uradnega obvestila Vlade Republike Slovenije o dokončanju vseh notranjepravnih postopkov za začetek njegove veljavnosti in velja med zasedanjem in toliko časa po njem, kot je potrebno za rešitev vseh vprašanj, povezanih z njegovimi določbami. Sporazum se začasno uporablja od dne, ko je podpisan.

PODPISANO dne 17. junija 2005 v Atenah in 22. avgusta 2005 v Sloveniji v dveh izvirnikih v angleškem jeziku, pri čemer sta obe besedili enako verodostojni.

Za Vlado Republike Slovenije
Janez Podobnik l.r.
minister

Za UNEP/MAP
Paul Mifsud l.r.
koordinator

ANNEX A

PREMISES, EQUIPMENT, UTILITIES AND SUPPLIES TO BE PROVIDED BY THE REPUBLIC OF SLOVENIA FOR THE 14TH ORDINARY MEETING OF THE CONTRACTING PARTIES TO THE CONVENTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT AND THE COASTAL REGION OF THE MEDITERRANEAN AND ITS PROTOCOLS PORTOROZ, 8–11 NOVEMBER 2005

1. Meetings Rooms and Offices

• A meeting room from 6 November, from 09.00h, through 11 November 2005 to accommodate approximately 160 participants, classroom style, equipped with tables, chairs, microphones, receivers, reciprocal simultaneous interpretation equipment between four languages (four interpretation booths), which conforms to the standards set by the Association of International Conference Interpreters (AIIC), and facilities for sound recording from the floor;

• A meeting room from 6 November, from 09.00h, through 11 November 2005 to accommodate approximately 30 participants, U shape, equipped with tables, chairs, microphones, receivers, reciprocal simultaneous interpretation equipment between two languages (two interpretation booths), which conforms to the standards set by the Association of International Conference Interpreters (AIIC), and facilities for sound recording from the floor;

• A large office, close to the meeting room, from 6 November, 09.00h, through 11 November 2005 to accommodate the Typists and Conference Officer. This office should be equipped with 15 large tables, 15 chairs, desk lamps, in-house telephone line, local telephone line, Internet connection, and 15 power extension cords with five (5) outlets;

• An area, close to the office of the typists, from 6 November, 09.00h, through 11 November 2005 to accommodate the report writers and translators who will service the meeting. This office should be equipped with 15 tables, 15 chairs, desk lamps, in-house telephone line, Internet connection and 6 power extension cords with three (3) outlets;

• An area outside the meeting room from 6 November, 09.00h, through 11 November 2005 equipped with three large tables, three chairs, and in-house telephone line, to be used for registration of participants;

• An area or office close to the offices, from 7 November, 09.00 through 11 November 2005, equipped with one large table, 17 chairs, in-house telephone line and one power extension cords with three (3) outlets, to be used by the interpreters;

• One large office (or area), close to the office of the typists, from 6 November, 09.00h, through 11 November 2005, to be used for the photocopy machines. This area should be equipped with two large tables, three chairs;

• One office close to the meeting room, from 6 November, 09.00h, through 11 November 2005, to accommodate the Executive Director of UNEP. This office should be equipped with one desk, one arm-chair, one meeting table with 10 chairs, one personal computer, Internet connection, in-house telephone line, direct international telephone line and fax line;

• One office close to the meeting room, from 6 November, 09.00h, through 11 November 2005, to accommodate the MAP Coordinator. This office should be equipped with one desk, one arm-chair, one meeting table with 10 chairs, one personal computer, Internet connection, in-house telephone line and direct international telephone line;

PRILOGA A

PROSTORI, OPREMA, OPREMLJENOST S PRIKLJUČKI IN PISARNIŠKI MATERIAL, KI GA REPUBLIKA SLOVENIJA ZAGOTOVI ZA 14. REDNO ZASEDANJE POGODBENIC KONVENCIJE ZA VARSTVO MORSKEGA OKOLJA IN OBALNEGA OBMOČJA SREDOZEMLJA TER NJENIH PROTOKOLOV, PORTOROŽ, 8.–11. NOVEMBER 2005

1. **Sejne sobe in pisarne, ki morajo biti na razpolago**

od 6. novembra do 11. novembra 2005 od 9. ure**:**

– sejna soba, ki sprejme okoli 160 udeležencev, v razporeditvi šolskega razreda, opremljena z mizami, stoli, mikrofoni, slušalkami, opremo za simultano tolmačenje v štirih jezikih (štiri kabine), kar je v skladu s standardi Združenja mednarodnih konferenčnih tolmačev (AIIC), in z opremo za tonsko snemanje na zasedanju;

– sejna soba, ki sprejme okoli 30 udeležencev, U-oblike, opremljena z mizami, stoli, mikrofoni, slušalkami, opremo za simultano tolmačenje v dveh jezikih (dve kabini), kar je v skladu s standardi Združenja mednarodnih konferenčnih tolmačev (AIIC), in z opremo za tonsko snemanje na zasedanju;

– večja pisarna tik ob sejni sobi za strojepiske in konferenčnega uradnika. Pisarna mora biti opremljena s 15 velikimi mizami, 15 stoli, namiznimi lučmi, interno telefonsko povezavo, lokalno telefonsko povezavo, priključkom na internet in 15 električnimi podaljški s petimi (5) vtičnicami;

– prostor za poročevalce in prevajalce, ki bodo opravljali naloge za zasedanje, blizu pisarne za strojepiske. Prostor mora biti opremljen s 15 mizami, 15 stoli, namiznimi lučmi, interno telefonsko povezavo, lokalno telefonsko povezavo, priključkom na internet in šestimi (6) električnimi podaljški s tremi (3) vtičnicami;

od 7. do 11. novembra 2005 od 9. ure:

– prostor zunaj sejne sobe za prijavo udeležencev, opremljen s tremi velikimi mizami, tremi stoli in interno telefonsko povezavo;

– prostor ali pisarna za konferenčne tolmače blizu pisarn, opremljena z eno veliko mizo, 17 stoli, interno telefonsko povezavo in enim električnim podaljškom s tremi (3) vtičnicami;

od 6. do 11. novembra 2005 od 9. ure:

– ena večja pisarna (ali prostor) za namestitev fotokopirnih strojev blizu pisarne strojepisk. Prostor mora biti opremljen z dvema velikima mizama in tremi stoli;

– ena pisarna tik ob sejni sobi za izvršnega direktorja UNEP. Pisarna mora biti opremljena z eno pisalno mizo, enim naslanjačem, eno sejno mizo z desetimi stoli, enim osebnim računalnikom, priključkom na internet, interno telefonsko povezavo, neposredno mednarodno telefonsko povezavo in povezavo za telefaks;

– ena pisarna tik ob sejni sobi za koordinatorja MAP. Pisarna mora biti opremljena z eno pisalno mizo, enim naslanjačem, eno sejno mizo z desetimi stoli, enim osebnim računalnikom, priključkom na internet, interno telefonsko povezavo in neposredno mednarodno telefonsko povezavo;

• One office close to the meeting room, from 6 November, 09.00h, through 11 November 2005, to accommodate the MAP Deputy Coordinator. This office should be equipped with one desk, one arm-chair, four chairs, one personal computer, Internet connection, in-house telephone line, direct international telephone line and fax line;

• One large office, close to the meeting room from 6 November, through 11 November 2005 to accommodate the Substantive Officers of the meeting. This office should be equipped with 6 tables, 6 chairs, desk lamps, 3 power extension cords with three (3) outlets, in-house, three personal computers, Internet connection, in-house telephone line, direct international telephone line as well as fax;

• One office close to the meeting room, from 6 November, 09.00h, through 11 November 2005, to accommodate the MAP Information Officer. This office should be equipped with one desk, one table, six chairs, one personal computer, one printer, Internet connection, in-house telephone line, direct international telephone line and fax line;

• One large office, equipped with tables and chairs and the necessary facilities for the press (15 PCs with internet connection, 5 with Arabic software and Arabic keyboards, 4 with French software, one photocopier, two printers to be availabe on 7 November, 09.00h).

2. Other facilities in the Conference Area

• An area outside the meeting room, from 7 November (09.00H) through 11 November 2005, equipped with fax line (in-coming faxes), telephone line (in-coming calls), 5 personal computers (with Internet connection), one printer and a photocopy machine to be used by the participants. This office and equipment should be manned and supervised by Host Country personnel.

• Banking facilities;

• Travel Agency;

• First Aid Station.

3. Word Processing Equipment for the UNEP/MAP staff (to be available 6 November, 09.00h)

a) A total of 18 IBM PCs or compatibles with the following minimum hardware specifications:

• Intel Pentium 4 2.4GHz (800MHz FSB) Processor, ATX motherboard based on the Intel 865 chipset or better, 2 serial ports, 1 parallel port, 4 USB ports, 2 PS/2 ports1 GB DDRAM (Dual Channel 400 MHZ), Intel PRO 100+ Management Adapter Network Interface Card, 40 GB hard disk drive SERIAL ATA, 3.5" Floppy disk drive, VGA card with 16 MB, 17" SVGA colour monitor (1024x768, 85Hz), PS/2 Mouse, PS/2 Keyboard 105 Keys US layout

b) 8 HP4050N laser printers or better and 1 colour inkjet;

c) PCS will be loaded with:

• MS Windows 2000 Professional SP4 (English version) or MS Windows XP Professional SP1 (English version), MS Office 2000, Antivirus software (Norton Antivirus 2002)

d) 50 3.5" HD diskettes

e) All the PCS should be connected to a peer-to-peer network with a 100 Mbs HUB.

f) Seven of the PCS should have access to Internet.

– ena pisarna tik ob sejni sobi za namestnika koordinatorja MAP. Pisarna mora biti opremljena z eno pisalno mizo, enim naslanjačem, štirimi stoli, enim osebnim računalnikom, priključkom na internet, interno telefonsko povezavo, neposredno mednarodno telefonsko povezavo in povezavo za telefaks;

– ena večja pisarna blizu sejne sobe za tematske uradnike zasedanja. Pisarna mora biti opremljena s šestimi mizami, šestimi stoli, namiznimi lučmi, tremi električnimi podaljški s tremi (3) vtičnicami, tremi osebnimi računalniki, priključkom na internet, interno telefonsko povezavo, neposredno mednarodno telefonsko povezavo ter telefaksom;

– ena pisarna tik ob sejni sobi za uradnika MAP za obveščanje. Pisarna mora biti opremljena z eno pisalno mizo, eno mizo, šestimi stoli, enim osebnim računalnikom, enim tiskalnikom, priključkom na internet, interno telefonsko povezavo, neposredno mednarodno telefonsko povezavo in povezavo za telefaks;

7. novembra od 9. ure

– ena večja pisarna, opremljena z mizami in stoli ter potrebnimi napravami za novinarje (15 osebnih računalnikov z dostopom do interneta, pet z arabsko programsko opremo in arabskimi tipkovnicami, štiri s francosko programsko opremo, en fotokopirni stroj in dva tiskalnika).

2. **Druge storitve na kraju zasedanja**

7. do 11. novembra 2005 od 9. ure

– prostor zunaj sejne sobe za udeležence, opremljen s priključkom za telefaks (vhodna telefaks sporočila), telefonsko povezavo (vhodni klici), petimi osebnimi računalniki (z dostopom do interneta), enim tiskalnikom in fotokopirnim strojem. Pisarno in opremo upravlja in nadzoruje osebje države gostiteljice.

– bančne storitve;

– potovalna agencija;

– ambulanta prve pomoči.

3. Oprema za urejevanje besedil za osebje UNEP/MAP (6. novembra od 9. ure):

a) skupaj 18 osebnih računalnikov IBM ali drugih, ki ustrezajo navedenim nujnim specifikacijam za strojno opremo:

– procesor Intel Pentium 4 2,4GHz (800MHz FSB), matična plošča, ki temelji na kompletu mikrovezja Intel 865 ali boljšem, 2 serijska vhoda, 1 vzporedni vhod, 4 vhodi USB, 2 PS/2 vhoda 1GB DDRAM (dvokanalni 400 MHZ), Intel PRO 100+kartični vmesnik za Management Adapter, pogon trdega diska 40 GB SERIAL ATA, 3,5-palčni disketni pogon, kartica VGA s 16 MB, 17-palčni barvni monitor SVGA (1024 x 768, 85 Hz), miška PS/2, tipkovnica PS/2 105 z ameriškim razporedom;

b) osem laserskih tiskalnikov HP4050N ali boljših in ena brizgalna barvna kartuša;

c) osebni računalniki so naloženi z računalniškim programom:

– MS Windows 2000 Professional SP4 (angleška različica) ali MS Windows XP Professional SP1 (angleška različica), MS Office 2000, antivirusnim programom (Norton Antivirus 2002);

d) 50 3,5- palčnih disket;

e) vsi osebni računalniki morajo biti priključeni na omrežje enakovrednih računalnikov s 100 Mbs HUB;

f) sedem osebnih računalnikov mora imeti dostop do interneta;

g) One of the PCS should be equipped with a CD Recorder, for backup purposes

4. Other Equipment

• Tape recording equipment and cassettes to record the meetings proceedings;

• Glasses, water jugs, gavel for the podium;

• 2 heavy duty photocopiers, capable of producing 60–80 copies per minute, with sorter and stapler (to be available on 6 November, 09.00h) for exclusive use by UNEP/MAP

• one photocopier for the Press

• one photocopier for the delegates

5. Stationery (to be available on 6 November, 09.00h) Stationery required for the proper functioning of the meetings.

• hand staplers and corresponding staples: 10

• big staple and corresponding staples: 2

• staple removers: 3

• scissors: 6

• punches: 4

• rolls of scotch tape: 5

• line pads, A4 size: 50 for the staff

• pads, A4: 160 for the delegates

• pencils: 30

• file folders, plastic: 50

• erasers: 5

• rulers: 10

• pens: 160 black for participants, 50 black for the staff, 50 blue for the staff, 30 red for the staff

• boxes of small paper clips:10

• boxes of large paper clips: 5

• boxes of rubber bands: 2

• reams of photocopying paper:150 reams (500 sheets per ream)

EQUIPMENT TO BE PROVIDED BY UNEP/MAP

– 8 pocket-memos and 6 transcribers complete with earphones, foot pedals and cassettes to be used by the translators and conference typists.

g) eden od osebnih računalnikov mora biti opremljen z zapisovalnikom zgoščenk za varnostno kopiranje.

4. Druga oprema

– oprema za snemanje na magnetofonski trak in kasete za snemanje razprav med zasedanjem;

– kozarci, vrč za vodo in leseno kladivce za govorniški oder;

– dva visoko zmogljiva fotokopirna stroja za izključno uporabo UNEP/MAP, sposobna narediti 60–80 fotokopij v minuti, z napravo za razvrščanje in spenjanje (na razpolago 6. novembra od 9. ure);

– en fotokopirni stroj za novinarje;

– en fotokopirni stroj za delegate.

5. Pisalne potrebščine (na razpolago 6. novembra od 9. ure)

Pisalne potrebščine, potrebne za nemoten potek sestankov:

– ročni spenjalniki s pripadajočimi sponkami: 10

– velik spenjalnik s pripadajočimi sponkami: 2

– odstranjevalnik sponk: 3

– škarje: 6

– luknjači: 4

– zvitki prozornega lepilnega traku: 5

– pisalni bloki s črtami formata A 4: 50 za osebje

– pisalni bloki formata A 4: 160 za delegate

– svinčniki: 30

– plastične mape za dokumente: 50

– radirke: 5

– ravnila: 10

– pisala: 160 črnih za udeležence, 50 črnih za osebje, 50 modrih za osebje, 30 rdečih za osebje

– škatlice z majhnimi sponkami za papir: 10

– škatlice z velikimi sponkami za papir: 5

– škatlice z gumicami: 2

– zavitki papirja za fotokopiranje: 150 zavitkov (500 listov v zavitku)

OPREMA, KI JO ZAGOTOVI UNEP/MAP

– osem žepnih beležnic in šest naprav za transkribiranje skupaj s slušalkami, nožnimi pedali in kasetami za prevajalce in konferenčne strojepiske.

ANNEX B

LOCAL SUPPORT STAFF TO BE PROVIDED FREE OF CHARGE BY THE REPUBLIC OF SLOVENIA FOR THE 14TH ORDINARY MEETING OF THE CONTRACTING PARTIES TO THE CONVENTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT AND THE COASTAL REGION OF THE MEDITERRANEAN AND ITS PROTOCOLS PORTOROZ, 8–11 NOVEMBER 2005

• 1 liaison officer responsible for organizational arrangements for the duration of the meeting as well as for 2 days prior to the meetings and 1 day after the meeting;

• 4 information clerks English and/or French speaking for the period 7 November through 11 November 2005;

• 4 clerks English and/or French speaking for the period 7 November through 11 November 2005;

• adequate personnel to operate the simultaneous interpretation and tape recording equipment for the duration of the meeting;

• one electrician available for the period 6 November (09.00h) through 11 November 2005;

• one photocopy technician to be available on a 24 hours stand-by basis, for the period 6 November (09.00h) through 11 November 2005;

• one computer technician to be available on a 24 hours stand-by basis, for the period 6 November (09.00h) through 11 November 2005;

• Cleaners and other personnel required for the proper functioning of the meeting;

PRILOGA B

LOKALNO OSEBJE ZA POMOČ, KI GA ZA 14. REDNO ZASEDANJE POGODBENIC KONVENCIJE ZA VARSTVO MORSKEGA OKOLJA IN OBALNEGA OBMOČJA SREDOZEMLJA IN NJENIH PROTOKOLOV BREZPLAČNO ZAGOTOVI REPUBLIKA SLOVENIJA, PORTOROŽ, 8.–11. NOVEMBER 2005

– en uradnik za zvezo, odgovoren za organizacijska vprašanja, med trajanjem zasedanja ter dva dni pred zasedanjem in en dan po zasedanju;

– štirje angleško in/ali francosko govoreči referenti za obveščanje od 7. do 11. novembra 2005;

– štirje angleško in/ali francosko govoreči pisarniški referenti od 7. do 11. novembra 2005;

– ustrezno osebje za upravljanje opreme za simultano tolmačenje in snemanje na magnetofonski trak med trajanjem zasedanja;

– en električar, na razpolago od 6. do 11. novembra 2005 od 9. ure;

– en fotokopirni tehnik, ki je dežuren in na razpolago 24 ur na dan, od 6. do 11. novembra 2005 od 9. ure;

– en računalniški tehnik, ki je dežuren in na razpolago 24 ur na dan, od 6. do 11. novembra 2005 od 9. ure;

– čistilke in drugo osebje, potrebno za ustrezno delovanje zasedanja.

ANNEX C

STAFF TO BE PROVIDED BY UNEP/MAP FOR THE 14TH ORDINARY MEETING OF THE CONTRACTING PARTIES TO THE CONVENTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT AND THE COASTAL REGION OF THE MEDITERRANEAN AND ITS PROTOCOLS PORTOROZ, 8–11 NOVEMBER 2005

• 17 Interpreters, members of the International Association of Conference Interpreters (AIIC), for the period 8 November through 11 November 2005;

• 18 Translators/RevisersReport Writers English, French, Spanish for the period 8 November through 11 November 2005;

• 9 Audio-Typists (3 French, 3 Spanish, 3 Arabic for the period 8 November through 11 November 2005;

• 2 Secretaries from MEDUNIT Athens for the period 6 November through 11 November 2005 to assist with the set-up of the documentation counter and registration desk, act as Secretaries to the Coordinator and Substantive Officers and service the meeting;

• 4 Audio-Typists from MEDUNIT Athens for the period 7 November through 11 November 2005;

• 1 Coordinator from UNEP/MAP for the period 7 November through 11 November 2005;

• 1 Deputy Coordinator from UNEP/MAP for the period 7 November through 14 November 2005;

• 1 Substantive Officer for the period 7 November through 11 November 2005;

• 1 MEDPOL Coordinator for the period 8 November through 11 November 2005;

• 1 Disbursing Officer for the period 6 November through 11 November 2005;

• 1 Information Officer for the period 6 November through 11 November 2005;

• 1 Budget Assistant from MEDUNIT Athens for the period 6 November through 11 November 2005;

• 1 Conference Officer for the period 6 November through 11 December 2005;

• 1 Computer Expert for the period 6 November through 11 December 2005.

PRILOGA C

OSEBJE, KI GA ZA 14. REDNO ZASEDANJE POGODBENIC KONVENCIJE O VARSTVU MORSKEGA OKOLJA IN OBALNEGA OBMOČJA SREDOZEMLJA IN NJENIH PROTOKOLOV ZAGOTOVI UNEP/MAP, PORTOROŽ, 8.–11. NOVEMBER 2005

– 17 tolmačev, članov Mednarodnega združenja konferenčnih tolmačev (AIIC), od 8. do 11. novembra 2005;

– 18 prevajalcev/redaktorjev/piscev poročil v angleškem, francoskem, in španskem jeziku od 8. do 11. novembra 2005;

– devet strojepisk za pisanje magnetogramov sej (tri za francoski, tri za španski in tri za arabski jezik) od 8. do 11. novembra 2005;

– dva tajnika iz delovne enote za morsko okolje (MEDUNIT) v Atenah od 6. do 11. novembra 2005 za pomoč pri organizaciji dokumentacijske službe in okenca za prijavo udeležencev, opravljanje tajniških poslov za koordinatorja in ključne uradnike zasedanja ter opravljanje različnih nalog za zasedanje;

– štiri strojepiske za pisanje magnetogramov sej iz delovne enote za morsko okolje (MEDUNIT) v Atenah od 7. do 11. novembra 2005;

– enega koordinatorja iz UNEP/MAP od 7. do 11. novembra 2005;

– enega namestnika koordinatorja iz UNEP/MAP od 7. do 11. novembra 2005;

– enega tematskega uradnika od 7. do 11. novembra 2005;

– enega koordinatorja raziskovanja onesnaževanja morskega okolja (MEDPOL) od 8. do 11. novembra 2005;

– enega finančnega uradnika od 6. do 11. novembra 2005;

– enega uradnika za obveščanje od 6. do 11. novembra 2005;

– enega pomočnika za proračun iz delovne enote za morsko okolje (MEDUNIT) v Atenah od 7. do 11. novembra 2005;

– enega konferenčnega uradnika od 6. do 11. novembra 2005;

– enega računalniškega strokovnjaka od 6. do 11. novembra 2005.

estimate as of 30 January 2004

ANNEX D

Languages: English, French, Spanish, Arabic

In US Dollars

A. COST OF CONFERENCE STAFF: US$ 147,320	
INTERPRETERS: US$62,135	
Salary of 17 internationally recruited interpreters X US$376 fee per day X 4 days, plus one fee for travel	31,960
plus terminal expenses US$120 X 17	2,040
plus perdiem US$131 X 5 days (travel dates 7 November – 12 November) X 17	11,135
plus air-tickets US$1000 X 17	17,000
REVISERS: US$58,050	
Salary of 18 internationally recruited revisers X US$290 fee per day X 4 days, plus one fee for travel	26,100
plus terminal expenses US$120 X 18	2,160
plus perdiem US$131 X 5 days (travel dates 7 November – 12 November) X 18	11,790
plus air-tickets US$1000 X 18	18,000
AUDIO-TYPISTS: US$27,135	
Salary of 9 internationally recruited typists X US$248 fee per day X 4 days, plus one fee for travel	11,160
plus terminal expenses US$120 X 9	1,080
plus perdiem US$131 X 5 days (travel dates 7 November – 12 November) X 9	5,895
plus air-tickets US$1000 X 9	9,000

B. COST OF TRAVEL OF MEDU STAFF: US$30,365	
1 Coordinator, 1 Deputy Coordinator X 5 perdiem for grade D-1 (travel dates 7 November – 12 November) USD$131 X 5 X 2	1,310
plus terminal expenses US$120 X 2	240
plus air-ticket US$1000 X 2	2,000
1 Substantive Officer, 1 Conference Officer, 1 Computer Expert, 1 Disbursing officer, 2 Secretaries X 7 perdiem US$131 (travel dates 5 November – 12 November) X 6	5,502
plus terminal expenses US$120 X 6	720
plus air-ticket US$1000 X 6	6,000
1 Information Officer, 1 Budget Assistant, 1 Secretary, X 6 perdiem US$131 (travel dates 6 November – 12 November) x 3	2,358
plus terminal expenses US$120 X 3	360
plus air-ticket US$1000 X 3	3000

Predračun na dan 30. januarja 2004

PRILOGA D

Jeziki: angleški, francoski, španski, arabski

v ameriških dolarjih

A. STROŠKI KONFERENČNEGA OSEBJA: 147.320 USD	
TOLMAČI: 62.135 USD	
plača 17 mednarodno najetih tolmačev x 376 USD/dan x štiri dni plus en honorar za potovanje	31.960
plus dodatni stroški 120 USD x 17	2040
plus dnevnica 131 USD x pet dni (potovalna dneva 7. in 12. nov.) x 17	11.135
plus letalske vozovnice 1000 USD x 17	17.000
REDAKTORJI: 58.050 USD	
plača 18 mednarodno najetih redaktorjev x 290 USD/dan x štiri dni plus en honorar za potovanje	26.100
plus dodatni stroški 120 USD x 18	2160
plus dnevnica 131 USD x pet dni (potovalna dneva 7. in12. nov.) x 18	11.790
plus letalske vozovnice 1000 USD x 18	18.000
STROJEPISKE MAGNETOGRAMOV: 27.125 USD	
plača devetih mednarodno najetih strojepisk x 248 USD/dan x štiri dni plus en honorar za potovanje	11.160
plus dodatni stroški 120 USD x devet	1080
plus dnevnica 131 USD x 5 dni (potovalna dneva 7. in 12. nov.) x devet	5895
plus letalske vozovnice 1000 USD x devet	9000

B. POTNI STROŠKI OSEBJA IZ DELOVNE ENOTE ZA MORSKO OKOLJE: 30.365 USD	
en koordinator, en namestnik koordinatorja x pet dnevnic za položaj D-1 (potovalna dneva 7. in 12. nov.) 131 USD x pet x dva	1310
plus dodatni stroški: 120 USD x dva	240
plus letalska vozovnica: 1000 USD x dva	2000
en tematski uradnik, en konferenčni uradnik, en računalniški strokovnjak, en finančni uradnik, dva tajnika x sedem dnevnic 131 USD (potovalna dneva 5. in 12. nov.) x šest	5502
plus dodatni stroški: 120 USD x šest	720
plus letalska vozovnica: 1000 USD x šest	6000
en uradnik za obveščanje, en pomočnik za proračun, en tajnik x šest dnevnic 131 USD (potovalna dneva 6. in 12. nov.) x tri	2358
plus dodatni stroški: 120 USD x tri	360
plus letalska vozovnica: 1000 USD x tri	3000

4 typists X 5 perdiem US$131 (travel dates 7 November – 12 November)	2,620
plus terminal expenses US$120 X 4	480
plus air-ticket US$1000 X 4	4,000
1 MEDPOL Coordinator X 5 perdiem US$131 (travel dates 7 November – 12 November)	655
plus terminal expenses US$120	120
plus air-ticket US$1000	1,000
C. MISCELLANEOUS including shipping of documents and equipment Athens/Portoroz/ Athens	8,000
plus 10% contingencies (including overtime of free-lance conference staff)	18,569
Grand total	**US$204,254**

štiri strojepiske x pet dnevnic 131 USD (potovalna dneva 7. in 12. nov.)	2620
plus dodatni stroški: 120 USD x štiri	480
plus letalska vozovnica: 1000 USD x štiri	4000
en koordinator raziskav o onesnaževanju morja (MEDPOL) x pet dnevnic 131 USD (potovalna dneva 7. in 12. nov.)	655
plus dodatni stroški: 120 USD	120
plus letalska vozovnica: 1000 USD	1000
C. RAZNO, vključno s pošiljanjem dokumentov in opreme Atene/Portorož/Atene	8000
plus 10% nepredvidenih izdatkov (vključno z nadurnim delom neodvisnega konferenčnega osebja)	18.569
VSE SKUPAJ	**204.254 USD**

Notes:

UN Perdiem Jan 04 for Portoroz:	US$131,00
UN net fee per day for Interpreters Jan 04	US$376,00
UN net fee per day for Revisers Jan 04	US$289,35
UN net fee per day for Typists Jan 04 (Admin. Instruction in SF SF309,30:1,25)	US$248,00

Opombe:

Dnevnica Združenih narodov jan. 04 za Portorož:	131.00 USD
Neto tarifa Združenih narodov/dan za konferenčne tolmače jan.04	376,00 USD
Neto tarifa Združenih narodov/dan za redaktorje jan. 04:	289,00 USD
Neto tarifa Združenih narodov/dan za strojepiske jan. 04: (Upr. navodilo SF 309,30: 1,25)	248,00 USD

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za okolje in prostor.

4. člen

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

Št. 00724-21/2006
Ljubljana, dne 6. aprila 2006
EVA 2006-1811- 0049

Vlada Republike Slovenije

Janez Janša l.r.
Predsednik

Obvestila o začetku oziroma prenehanju veljavnosti mednarodnih pogodb

55. **Obvestilo o začetku veljavnosti Pogodbe med Republiko Slovenijo in Evropsko banko za obnovo in razvoj o prevzemu pravic in obveznosti iz posojilne pogodbe (projekt slovenskih železnic) z dne 12. aprila 1994 med Slovenskimi železnicami d.d. in Evropsko banko za obnovo in razvoj**

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

sporoča,

da je dne 15. februarja 2006 začela veljati Pogodba med Republiko Slovenijo in Evropsko banko za obnovo in razvoj o prevzemu pravic in obveznosti iz posojilne pogodbe (projekt slovenskih železnic) z dne 12. aprila 1994 med Slovenskimi železnicami d.d. in Evropsko banko za obnovo in razvoj, sklenjena v Londonu 31. maja 2004, objavljena v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 6/05 (v: Uradni list republike Slovenije, št. 46/05).

Ljubljana, dne 3. aprila 2006

Ministrstvo
za zunanje zadeve
Republike Slovenije

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56. **Obvestilo o začetku veljavnosti Sporazuma med Vlado Republike Slovenije in Vlado Francoske republike o sodelovanju za odlov in preselitev rjavih medvedov iz Slovenije v Francijo**

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

sporoča,

da je dne 29. marca 2006 začel veljati Sporazum med Vlado Republike Slovenije in Vlado Francoske republike o sodelovanju za odlov in preselitev rjavih medvedov iz Slovenije v Francijo, podpisan 30. septembra 2005 v Predjami in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 7/06 (Uradni list Republike Slovenije, št. 32/06).

Ljubljana, dne 10. aprila 2006

Ministrstvo
za zunanje zadeve
Republike Slovenije

57. **Obvestilo o začetku veljavnosti Protokola h Konvenciji iz leta 1979 o onesnaževanju zraka na velike razdalje preko meja glede nadzora nad emisijami dušikovih oksidov ali njihovih čezmejnih tokov**

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

sporoča,

da je dne 5. aprila 2006 začel za Republiko Slovenijo veljati Protokol h Konvenciji iz leta 1979 o onesnaževanju zraka na velike razdalje preko meja glede nadzora nad emisijami dušikovih oksidov ali njihovih čezmejnih tokov, sestavljen 31. oktobra 1988 v Sofiji in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 20/05 (Uradni list Republike Slovenije, št. 108/05).

Ljubljana, dne 10. aprila 2006

Ministrstvo
za zunanje zadeve
Republike Slovenije

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58. **Obvestilo o začetku veljavnosti Mednarodne pogodbe o rastlinskih genskih virih za prehrano in kmetijstvo**

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

sporoča,

da je dne 11. aprila 2006 začela za Republiko Slovenijo veljati Mednarodna pogodba o rastlinskih genskih virih za prehrano in kmetijstvo, sestavljena 3. novembra 2001 v Rimu in objavljena v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 18/05 (Uradni list Republike Slovenije, št. 100/05).

Ljubljana, dne 12. aprila 2006

Ministrstvo
za zunanje zadeve
Republike Slovenije

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