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- 117. Zakon o ratifikaciji Opcijskega protokola h Konvenciji proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnjanju (MOPPM)**

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 OPCIJSKEGA PROTOKOLA H KONVENCIJI PROTI MUČENJU IN DRUGIM KRUTIM, NEČLOVEŠKIM ALI PONIŽEVALNIM KAZNIM ALI RAVNANJU (MOPPM)

Razglašam Zakon o ratifikaciji Opcijskega protokola h konvenciji proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnjanju (MOPPM), ki ga je sprejel Državni zbor Republike Slovenije na seji 29. septembra 2006.

Št. 001-22-141/06
Ljubljana, dne 9. oktobra 2006

dr. Janez Drnovšek l.r.
Predsednik
Republike Slovenije

Z A K O N

O RATIFIKACIJI OPCIJSKEGA PROTOKOLA H KONVENCIJI PROTI MUČENJU IN DRUGIM KRUTIM, NEČLOVEŠKIM ALI PONIŽEVALNIM KAZNIM ALI RAVNANJU (MOPPM)

1. člen

Ratificira se Opcijski protokol h Konvenciji proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnjanju, sprejet na 57. zasedanju Generalne skupščine Združenih narodov 18. decembra 2002.

2. člen

Besedilo protokola se v izvirniku v angleškem jeziku ter v prevodu v slovenskem jeziku glasi:

OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

PREAMBLE

*The States Parties to the present Protocol,
Reaffirming that torture and other cruel, inhuman or degrading treatment or punishment are prohibited and constitute serious violations of human rights,*

Convinced that further measures are necessary to achieve the purposes of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as the Convention) and to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment,

Recalling that articles 2 and 16 of the Convention oblige each State Party to take effective measures to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment in any territory under its jurisdiction,

OPCIJSKI PROTOKOL H KONVENCIJI PROTI MUČENJU IN DRUGIM KRUTIM, NEČLOVEŠKIM ALI PONIŽEVALNIM KAZNIM ALI RAVNANJU

PREAMBULA

Države pogodbenice tega protokola ponovno potrjujejo, da so mučenje in druge oblike okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja prepovedane in pomenijo resno kršenje človekovih pravic,

so prepričane, da so potrebni nadaljnji ukrepi, da bi lahko uresničili cilje Konvencije proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnjanju (v nadaljevanju: konvencija) in okreplili varstvo oseb, ki jim je bila odvzeta prostost, pred mučenjem in drugimi oblikami okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja,

se sklicujejo na 2. in 16. člen konvencije, ki zavezujejo vse države pogodbenice, da učinkovito ukrepajo, da bi preprečile mučenje in druge oblike okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja na katerem koli ozemlju pod njihovo jurisdikcijo,

Recognizing that States have the primary responsibility for implementing those articles, that strengthening the protection of people deprived of their liberty and the full respect for their human rights is a common responsibility shared by all and that international implementing bodies complement and strengthen national measures,

Recalling that the effective prevention of torture and other cruel, inhuman or degrading treatment or punishment requires education and a combination of various legislative, administrative, judicial and other measures,

Recalling also that the World Conference on Human Rights firmly declared that efforts to eradicate torture should first and foremost be concentrated on prevention and called for the adoption of an optional protocol to the Convention, intended to establish a preventive system of regular visits to places of detention,

Convinced that the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment can be strengthened by non-judicial means of a preventive nature, based on regular visits to places of detention,

Have agreed as follows:

PART I

General principles

Article 1

The objective of the present Protocol is to establish a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

Article 2

1. A Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture (hereinafter referred to as the Subcommittee on Prevention) shall be established and shall carry out the functions laid down in the present Protocol.

2. The Subcommittee on Prevention shall carry out its work within the framework of the Charter of the United Nations and shall be guided by the purposes and principles thereof, as well as the norms of the United Nations concerning the treatment of people deprived of their liberty.

3. Equally, the Subcommittee on Prevention shall be guided by the principles of confidentiality, impartiality, non-selectivity, universality and objectivity.

4. The Subcommittee on Prevention and the States Parties shall cooperate in the implementation of the present Protocol.

Article 3

Each State Party shall set up, designate or maintain at the domestic level one or several visiting bodies for the prevention of torture and other cruel, inhuman or degrading treatment or punishment (hereinafter referred to as the national preventive mechanism).

Article 4

1. Each State Party shall allow visits, in accordance with the present Protocol, by the mechanisms referred to in articles 2 and 3 to any place under its jurisdiction and control where persons are or may be deprived of their liberty, either by virtue of an order given by a public authority or at its instigation or with its consent or acquiescence (hereinafter referred to as places of detention). These visits shall be undertaken with a view to strengthening, if necessary, the protection of these persons against torture and other cruel, inhuman or degrading treatment or punishment.

ugotavlja, da so predvsem države odgovorne za izvajanje teh dveh členov, da je skupna odgovornost vseh držav okrepliti varstvo oseb, ki jim je bila odvzeta prostost, in v celoti spoštovati njihove človekove pravice, in da mednarodni organi izvajanja dopolnjujejo in krepijo državne ukrepe,

se sklicujejo na to, da sta za učinkovito preprečevanje mučenja in drugega okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja potreben izobraževanje in povezovanje zakonodajnih, upravnih, sodnih in drugih ukrepov,

se sklicujejo na to, da so na Svetovni konferenci o človekovih pravicah odločno izjavile, da je treba prizadevanja za odpravo mučenja usmeriti predvsem na preprečevanje, in pozvale k sprejetju opcijskega protokola h konvenciji, ki naj bi vzpostavil preventivni sistem rednih obiskov na krajih odvzema prostosti,

so prepričane, da se lahko varstvo oseb, ki jim je bila odvzeta prostost, pred mučenjem in drugimi oblikami okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja okrepi z nesodnimi preventivnimi sredstvi, ki temeljijo na rednih obiskih na krajih odvzema prostosti,

in so se dogovorile:

I. DEL

Spološna načela

1. člen

Namen tega protokola je vzpostaviti sistem rednih obiskov neodvisnih mednarodnih in državnih organov na krajih, kjer je ljudem odvzeta prostost, da bi preprečili mučenje in druge oblike okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja.

2. člen

1. Ustanovi se Pododbor za preprečevanje mučenja in drugega okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja Odbora proti mučenju (v nadaljevanju: pododbor za preprečevanje), ki opravlja naloge, določene s tem protokolom.

2. Pododbor za preprečevanje opravlja svoje delo v okviru Ustanovne listine Združenih narodov in spoštuje njene cilje in načela ter norme Združenih narodov glede ravnanja z ljudmi, ki jim je bila odvzeta prostost.

3. Pododbor za preprečevanje spoštuje tudi načela zupnosti, nepristranskosti, nerazlikovanja, univerzalnosti in objektivnosti.

4. Pododbor za preprečevanje in države pogodbenice sodelujejo pri izvajanju tega protokola.

3. člen

Vsaka država pogodbenica na državni ravni ustanovi, določi ali vzdržuje enega ali več organov za obiskovanje zaradi preprečevanja mučenja in drugega okrutnega, nečloveškega ali ponižajočega ravnanja ali kaznovanja (v nadaljevanju: državni preventivni mehanizem).

4. člen

1. Vsaka država pogodbenica v skladu s tem protokolom dovoli obiske organov iz 2. in 3. člena na katerem koli kraju, ki je v njeni pristojnosti in pod njenim nadzorom, kjer so ali bi lahko bile osebe, ki jim je bila odvzeta prostost na podlagi odredbe javne oblasti ali na njihovo pobudo ali z njihovo izrecno ali tiho privolitvijo (v nadaljevanju: kraji odvzema prostosti). Namen teh obiskov je, če je potrebno, okrepliti varstvo teh oseb pred mučenjem in drugimi oblikami okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja.

2. For the purposes of the present Protocol, deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority.

PART II

Subcommittee on Prevention

Article 5

1. The Subcommittee on Prevention shall consist of ten members. After the fiftieth ratification of or accession to the present Protocol, the number of the members of the Subcommittee on Prevention shall increase to twenty-five.

2. The members of the Subcommittee on Prevention shall be chosen from among persons of high moral character, having proven professional experience in the field of the administration of justice, in particular criminal law, prison or police administration, or in the various fields relevant to the treatment of persons deprived of their liberty.

3. In the composition of the Subcommittee on Prevention due consideration shall be given to equitable geographic distribution and to the representation of different forms of civilization and legal systems of the States Parties.

4. In this composition consideration shall also be given to balanced gender representation on the basis of the principles of equality and non-discrimination.

5. No two members of the Subcommittee on Prevention may be nationals of the same State.

6. The members of the Subcommittee on Prevention shall serve in their individual capacity, shall be independent and impartial and shall be available to serve the Subcommittee on Prevention efficiently.

Article 6

1. Each State Party may nominate, in accordance with paragraph 2 of the present article, up to two candidates possessing the qualifications and meeting the requirements set out in article 5, and in doing so shall provide detailed information on the qualifications of the nominees.

2. (a) The nominees shall have the nationality of a State Party to the present Protocol;

(b) At least one of the two candidates shall have the nationality of the nominating State Party;

(c) No more than two nationals of a State Party shall be nominated;

(d) Before a State Party nominates a national of another State Party, it shall seek and obtain the consent of that State Party.

3. At least five months before the date of the meeting of the States Parties during which the elections will be held, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall submit a list, in alphabetical order, of all persons thus nominated, indicating the States Parties that have nominated them.

Article 7

1. The members of the Subcommittee on Prevention shall be elected in the following manner:

(a) Primary consideration shall be given to the fulfilment of the requirements and criteria of article 5 of the present Protocol;

(b) The initial election shall be held no later than six months after the entry into force of the present Protocol;

(c) The States Parties shall elect the members of the Subcommittee on Prevention by secret ballot;

2. V tem protokolu pomeni odvzem prostosti vsako obliko pridržanja ali zapora ali namestitev osebe v javni ali zasebni zavod, ki ga ta oseba po odredbi sodne, upravne ali katere koli druge oblasti ne sme zapustiti po svoji volji.

II. DEL

Pododbora za preprečevanje

5. člen

1. Pododbora za preprečevanje sestavlja 10 članov. Po petdeseti ratifikaciji ali pristopu k temu protokolu se število članov v pododboru za preprečevanje poveča na 25.

2. Člani pododbora so izbrani med osebami, ki imajo visok moralni ugled, morajo imeti poklicne izkušnje na področju pravosodja, zlasti kazenskega prava, upravljanja zaporov ali policijske uprave ali na različnih področjih, povezanih z ravnanjem z osebami, ki jim je bila odvzeta prostost.

3. Pri sestavi pododbora za preprečevanje se upoštevata pravična geografska zastopanost in zastopanost različnih oblik civilizacij in pravnih sistemov držav pogodbenic.

4. V tej sestavi se upošteva tudi uravnotežena zastopanost spolov na podlagi načel enakosti in nediskriminacije.

5. Vsak član pododbora mora biti državljen druge države.

6. Člani pododbora za preprečevanje opravljajo svoje delo kot posamezniki, morajo biti neodvisni in nepristranski ter morajo biti pododboru na razpolago za učinkovito opravljanje dela.

6. člen

1. Vsaka država pogodbenica lahko v skladu z drugim odstavkom tega člena predlaga največ dva kandidata, ki sta ustrezeno usposobljena in izpolnjujeta zahteve iz 5. člena, pri čemer mora predložiti podrobne podatke o njuni usposobljenosti.

2. (a) Kandidati morajo biti državljeni držav pogodbenic tega protokola.

(b) Vsaj eden od obeh kandidatov mora biti državljen države pogodbenice, ki ga je predlagala.

(c) Posamezna država pogodbenica lahko predlaga največ dva svoja državljanja.

(d) Preden država pogodbenica predlaga državljanu druge države pogodbenice, zaprosi za njeno soglasje in ga pridobi.

3. Generalni sekretar Združenih narodov vsaj pet mescev pred dnevom sestanka držav pogodbenic, na katerem bodo potekale volitve, pošlje pismo državam pogodbenicam, s katerim jih pozove, naj v treh mesecih predlagajo svoje kandidate. Generalni sekretar nato predloži abecedni seznam vseh predlaganih oseb z navedbo držav pogodbenic, ki so jih predlagale.

7. člen

1. Člani pododbora za preprečevanje se izvolijo po naslednjem postopku:

a) najprej se upošteva izpolnjevanje zahtev in merit iz 5. člena tega protokola;

b) prve volitve potekajo najpozneje šest mesecev po začetku veljavnosti tega protokola;

c) države pogodbenice izvolijo člane pododbora s tajnim glasovanjem;

(d) Elections of the members of the Subcommittee on Prevention shall be held at biennial meetings of the States Parties convened by the Secretary-General of the United Nations. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Subcommittee on Prevention shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of the States Parties present and voting.

2. If during the election process two nationals of a State Party have become eligible to serve as members of the Subcommittee on Prevention, the candidate receiving the higher number of votes shall serve as the member of the Subcommittee on Prevention. Where nationals have received the same number of votes, the following procedure applies:

(a) Where only one has been nominated by the State Party of which he or she is a national, that national shall serve as the member of the Subcommittee on Prevention;

(b) Where both candidates have been nominated by the State Party of which they are nationals, a separate vote by secret ballot shall be held to determine which national shall become the member;

(c) Where neither candidate has been nominated by the State Party of which he or she is a national, a separate vote by secret ballot shall be held to determine which candidate shall be the member.

Article 8

If a member of the Subcommittee on Prevention dies or resigns, or for any cause can no longer perform his or her duties, the State Party that nominated the member shall nominate another eligible person possessing the qualifications and meeting the requirements set out in article 5, taking into account the need for a proper balance among the various fields of competence, to serve until the next meeting of the States Parties, subject to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.

Article 9

The members of the Subcommittee on Prevention shall be elected for a term of four years. They shall be eligible for re-election once if renominated. The term of half the members elected at the first election shall expire at the end of two years; immediately after the first election the names of those members shall be chosen by lot by the Chairman of the meeting referred to in article 7, paragraph 1 (d).

Article 10

1. The Subcommittee on Prevention shall elect its officers for a term of two years. They may be re-elected.

2. The Subcommittee on Prevention shall establish its own rules of procedure. These rules shall provide, inter alia, that:

(a) Half the members plus one shall constitute a quorum;

(b) Decisions of the Subcommittee on Prevention shall be made by a majority vote of the members present;

(c) The Subcommittee on Prevention shall meet in camera.

3. The Secretary-General of the United Nations shall convene the initial meeting of the Subcommittee on Prevention. After its initial meeting, the Subcommittee on Prevention shall meet at such times as shall be provided by its rules of procedure. The Subcommittee on Prevention and the Committee against Torture shall hold their sessions simultaneously at least once a year.

d) volitve članov pododbora potekajo vsaki dve leti na sestankih držav pogodbenic, ki jih skliče generalni sekretar Združenih narodov. Na sestankih, na katerih je za sklepčnost potrebna navzočnost dveh tretjin držav pogodbenic, so v podobor izvoljene tiste osebe, ki dobijo največ glasov in absolutno večino glasov predstavnikov držav pogodbenic, ki so navzoči in glasujejo.

2. Če na volitvah dva državljana države pogodbenice dobita dovolj glasov za članstvo v podoboru za preprečevanje, postane član podobora tisti kandidat, ki dobi več glasov. Če sta državljanata dobila enako število glasov, velja naslednji postopek:

a) če je le enega od obeh kandidatov predlagala država pogodbenica, katere državljan je, postane ta kandidat član podobora za preprečevanje;

b) če je oba kandidata predlagala država pogodbenica, katere državljanata sta, poteka ločeno tajno glasovanje, s katerim se odloči, kateri državljan bo član podobora,

c) če nobenega kandidata ne predlaga država pogodbenica, katere državljanata sta, poteka ločeno tajno glasovanje, s katerim se odloči, kateri kandidat bo član podobora.

8. člen

Če član podobora umre, odstopi ali zaradi kakršnega koli razloga ne more več opravljati svojih dolžnosti, država pogodbenica, ki je tega člana predlagala, predlaga drugo osebo, ki je ustrezno usposobljena in izpolnjuje zahteve iz 5. člena, ob upoštevanju potrebe po uravnoteženi zastopanosti različnih področij, in bo opravljala delo do naslednjega sestanka držav pogodbenic, če se s tem strinja večina držav pogodbenic. Šteje se, da se države pogodbenice strinjajo, razen če polovica ali več držav pogodbenic odgovori negativno v šestih tednih, potem ko jih je generalni sekretar Združenih narodov obvestil o predlaganem imenovanju.

9. člen

Člani podobora za preprečevanje so izvoljeni za štiri leta. Enkrat so lahko ponovno izvoljeni, če so ponovni predlagani. Polovici članov, izvoljeni na prvih volitvah, se mandat izteče po dveh letih; imena teh članov neposredno po prvih volitvah z žrebom določi predsedujoči sestanka iz točke d prvega odstavka 7. člena.

10. člen

1. Podobor za preprečevanje izvoli svoje vodstvo za dve leti. Lahko je ponovno izvoljeno.

2. Podobor za preprečevanje sprejme svoj poslovnik. Ta med drugim določa, da:

a) je za sklepčnost potrebna več kot polovica članov;

b) se odločitve podobora za preprečevanje sprejmejo z večino navzočih članov;

c) se podobor za preprečevanje sestaja brez navzočnosti javnosti.

3. Prvi sestanek podobora za preprečevanje skliče generalni sekretar Združenih narodov. Po prvem sestanku se podobor sestaja, kot to določa poslovnik. Podobor za preprečevanje in odbor proti mučenju zasedata hkrati vsaj enkrat letno.

PART III

Mandate of the Subcommittee on Prevention**Article 11**

The Subcommittee on Prevention shall:

(a) Visit the places referred to in article 4 and make recommendations to States Parties concerning the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;

(b) In regard to the national preventive mechanisms:

(i) Advise and assist States Parties, when necessary, in their establishment;

(ii) Maintain direct, and if necessary confidential, contact with the national preventive mechanisms and offer them training and technical assistance with a view to strengthening their capacities;

(iii) Advise and assist them in the evaluation of the needs and the means necessary to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;

(iv) Make recommendations and observations to the States Parties with a view to strengthening the capacity and the mandate of the national preventive mechanisms for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

(c) Cooperate, for the prevention of torture in general, with the relevant United Nations organs and mechanisms as well as with the international, regional and national institutions or organizations working towards the strengthening of the protection of all persons against torture and other cruel, inhuman or degrading treatment or punishment.

Article 12

In order to enable the Subcommittee on Prevention to comply with its mandate as laid down in article 11, the States Parties undertake:

(a) To receive the Subcommittee on Prevention in their territory and grant it access to the places of detention as defined in article 4 of the present Protocol;

(b) To provide all relevant information the Subcommittee on Prevention may request to evaluate the needs and measures that should be adopted to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment;

(c) To encourage and facilitate contacts between the Subcommittee on Prevention and the national preventive mechanisms;

(d) To examine the recommendations of the Subcommittee on Prevention and enter into dialogue with it on possible implementation measures.

Article 13

1. The Subcommittee on Prevention shall establish, at first by lot, a programme of regular visits to the States Parties in order to fulfil its mandate as established in article 11.

2. After consultations, the Subcommittee on Prevention shall notify the States Parties of its programme in order that they may, without delay, make the necessary practical arrangements for the visits to be conducted.

3. The visits shall be conducted by at least two members of the Subcommittee on Prevention. These members may be accompanied, if needed, by experts of demonstrated professional experience and knowledge in the fields covered by the present Protocol who shall be selected from a roster of experts prepared on the basis of proposals made by the States Parties, the Office of the United Nations High Commissioner for Human Rights and the United Nations Centre

III. DEL

Naloge in pooblastila pododbora za preprečevanje**11. člen**

Pododbor za preprečevanje:

a) obiskuje kraje iz 4. člena in daje priporočila državam pogodbenicam glede varstva oseb, ki jim je bila odvzeta prostost, pred mučenjem in drugimi oblikami okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja;

b) v zvezi z državnimi preventivnimi mehanizmi:

i) svetuje in pomaga državam pogodbenicam pri njihovi vzpostavitvi, če je potrebno;

ii) vzdržuje neposredne, in če je potrebno, zaupne stike z državnimi preventivnimi mehanizmi in jim omogoča usposabljanje in strokovno pomoč, da bi okreplili svoje zmogljivosti;

iii) jim svetuje in pomaga pri oceni potreb in sredstev, potrebnih za krepitev varstva oseb, ki jim je bila odvzeta prostost, pred mučenjem in drugimi oblikami okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja;

iv) daje priporočila in pripombe državam pogodbenicam, da bi okreplile zmogljivosti, naloge in pooblastila državnih preventivnih mehanizmov za preprečevanje mučenja in drugih oblik okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja;

c) za preprečevanje mučenja na splošno sodeluje z ustreznimi organi in mehanizmi Združenih narodov in mednarodnimi, regionalnimi in državnimi institucijami ali organizacijami, ki si prizadevajo za okrepitev varstva oseb pred mučenjem in drugimi oblikami okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja.

12. člen

Da bi pododboru za preprečevanje omogočili uresničevanje njegovih nalog in pooblastil iz 11. člena, se države pogodbenice zavezujejo, da bodo:

a) sprejele pododbor za preprečevanje na svojem ozemlju in mu dovolile dostop do krajev odvzema prostoti, kot je opredeljeno v 4. členu tega protokola;

b) priskrbele pododboru za preprečevanje vse ustrezne informacije, ki bi jih od njih zahteval, da bi lahko ocenil potrebe in ukrepe, ki bi jih bilo treba sprejeti za okrepitev varstva oseb, ki jim je bila odvzeta prostost, pred mučenjem in drugimi oblikami okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja;

c) spodbujale in omogočale stike med pododborom za preprečevanje in državnimi preventivnimi mehanizmi;

d) obravnavale priporočila pododbara za preprečevanje in vzpostavile dialog z njim o mogočih ukrepih za izvajanje.

13. člen

1. Pododbor za preprečevanje najprej z žrebotom sestavi program rednih obiskov v državah pogodbenicah, da izpolni naloge in pooblastila iz 11. člena.

2. Po posvetovanjih pododbor za preprečevanje uradno obvesti države pogodbenice o svojem programu, tako da se lahko nemudoma dogovorijo o potrebnih praktičnih podrobnostih glede obiskov, ki naj se opravijo.

3. Obiske opravita vsaj dva člana pododbara za preprečevanje. Če je potrebno, člane spremljajo strokovnjaki z dokazanimi strokovnimi izkušnjami in znanjem na področjih, ki jih vključuje ta protokol, in so izbrani s seznama strokovnjakov, pripravljenega na podlagi predlogov držav pogodbenic, Urada visokega komisarja Združenih narodov za človekove pravice in Centra Združenih narodov za mednarodno preprečevanje kriminala. Pri pripravi seznama države pogodbenice

for International Crime Prevention. In preparing the roster, the States Parties concerned shall propose no more than five national experts. The State Party concerned may oppose the inclusion of a specific expert in the visit, whereupon the Subcommittee on Prevention shall propose another expert.

4. If the Subcommittee on Prevention considers it appropriate, it may propose a short follow-up visit after a regular visit.

Article 14

1. In order to enable the Subcommittee on Prevention to fulfil its mandate, the States Parties to the present Protocol undertake to grant it:

(a) Unrestricted access to all information concerning the number of persons deprived of their liberty in places of detention as defined in article 4, as well as the number of places and their location;

(b) Unrestricted access to all information referring to the treatment of those persons as well as their conditions of detention;

(c) Subject to paragraph 2 below, unrestricted access to all places of detention and their installations and facilities;

(d) The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the Subcommittee on Prevention believes may supply relevant information;

(e) The liberty to choose the places it wants to visit and the persons it wants to interview.

2. Objection to a visit to a particular place of detention may be made only on urgent and compelling grounds of national defence, public safety, natural disaster or serious disorder in the place to be visited that temporarily prevent the carrying out of such a visit. The existence of a declared state of emergency as such shall not be invoked by a State Party as a reason to object to a visit.

Article 15

No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the Subcommittee on Prevention or to its delegates any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.

Article 16

1. The Subcommittee on Prevention shall communicate its recommendations and observations confidentially to the State Party and, if relevant, to the national preventive mechanism.

2. The Subcommittee on Prevention shall publish its report, together with any comments of the State Party concerned, whenever requested to do so by that State Party. If the State Party makes part of the report public, the Subcommittee on Prevention may publish the report in whole or in part. However, no personal data shall be published without the express consent of the person concerned.

3. The Subcommittee on Prevention shall present a public annual report on its activities to the Committee against Torture.

4. If the State Party refuses to cooperate with the Subcommittee on Prevention according to articles 12 and 14, or to take steps to improve the situation in the light of the recommendations of the Subcommittee on Prevention, the Committee against Torture may, at the request of the Subcommittee on Prevention, decide, by a majority of its members, after the State Party has had an opportunity to make its views known, to make a public statement on the matter or to publish the report of the Subcommittee on Prevention.

predlagajo največ pet nacionalnih strokovnjakov. Država pogodbenica lahko nasprotuje, da je posamezen strokovnjak navzoč pri obisku, nato pododbor za preprečevanje predlaga drugega strokovnjaka.

4. Če se pododbor za preprečevanje zdi primerno, lahko po rednem obisku predlaga še kratek dopolnilni obisk.

14. člen

1. Da bi pododbor za preprečevanje omogočili izpolnjevanje nalog in pooblastil, se države pogodbenice tega protokola zavezujejo, da mu bodo zagotovile:

a) neomejen dostop do vseh informacij o številu oseb, ki jim je bila odvzeta prostost, na krajih odvzema prostosti, kot je opredeljeno v 4. členu, in o številu krajev in njihovih lokacijah;

b) neomejen dostop do vseh informacij o ravnanju s temi osebami in njihovimi pogoji odvzema prostosti;

c) neomejen dostop do vseh krajev odvzema prostosti ter njihovih objektov in opreme ob upoštevanju drugega odstavka;

d) možnost zaupnih pogоворov z osebami, ki jim je bila odvzeta prostost, brez prič, osebno ali s prevajalcem, če je potrebno, in s katero koli osebo, za katero pododbor za preprečevanje meni, da lahko priskrbi ustrezne informacije;

e) svobodno izbiro krajev, ki jih želi obiskati, in oseb, s katerimi želi govoriti.

2. Obisku določenega kraja odvzema prostoti se lahko nasprotuje le iz nujnih in tehnih razlogov zaradi državne obrambe, javne varnosti, naravne nesreče ali hudega nereda na kraju, ki naj bi ga obiskali, in ki trenutno preprečujejo izvedbo takega obiska. Država pogodbenica se ne sme sklicevati na obstoj razglašenega izrednega stanja kot na razlog za nasprotovanje obisku.

15. člen

Nobena oblast ali uradna oseba ne sme odrediti, uporabiti, dovoliti ali dopustiti kakršne koli sankcije proti nobeni osebi ali organizaciji, ker je pododbor ali njegovim delegatom dala resnične ali neresnične informacije, in nobene osebe ali organizacije se zaradi tega ne sme kako drugače oškodovati.

16. člen

1. Pododbor za preprečevanje svoja priporočila in priporabe zaupno sporoči državi pogodbenici, in če je potrebno, državnemu preventivnemu mehanizmu.

2. Pododbor za preprečevanje objavi svoje poročilo z morebitnimi pripombami prizadete države pogodbenice, kadar to zahteva. Če država pogodbenica objavi del poročila, lahko pododbor za preprečevanje objavi poročilo v celoti ali delno. Osebni podatki pa se ne smejo objaviti brez izrecne privolitve prizadete osebe.

3. Pododbor za preprečevanje mora Odboru za mučenje predložiti javno letno poročilo o svojih dejavnostih.

4. Če država pogodbenica v skladu z 12. in 14. členom zavrne svoje sodelovanje s pododborom za preprečevanje ali ukrepanje, ki bi glede na priporočila pododbara izboljšalo stanje, lahko Odbor proti mučenju na prošnjo pododbara za preprečevanje z večino svojih članov odloči, da bo dal javno izjavo o zadevi ali objavil poročilo pododbara, potem ko je imela država pogodbenica možnost predstaviti svoja stališča.

PART IV

National preventive mechanisms

Article 17

Each State Party shall maintain, designate or establish, at the latest one year after the entry into force of the present Protocol or of its ratification or accession, one or several independent national preventive mechanisms for the prevention of torture at the domestic level. Mechanisms established by decentralized units may be designated as national preventive mechanisms for the purposes of the present Protocol if they are in conformity with its provisions.

Article 18

1. The States Parties shall guarantee the functional independence of the national preventive mechanisms as well as the independence of their personnel.

2. The States Parties shall take the necessary measures to ensure that the experts of the national preventive mechanism have the required capabilities and professional knowledge. They shall strive for a gender balance and the adequate representation of ethnic and minority groups in the country.

3. The States Parties undertake to make available the necessary resources for the functioning of the national preventive mechanisms.

4. When establishing national preventive mechanisms, States Parties shall give due consideration to the Principles relating to the status of national institutions for the promotion and protection of human rights.

Article 19

The national preventive mechanisms shall be granted at a minimum the power:

(a) To regularly examine the treatment of the persons deprived of their liberty in places of detention as defined in article 4, with a view to strengthening, if necessary, their protection against torture and other cruel, inhuman or degrading treatment or punishment;

(b) To make recommendations to the relevant authorities with the aim of improving the treatment and the conditions of the persons deprived of their liberty and to prevent torture and other cruel, inhuman or degrading treatment or punishment, taking into consideration the relevant norms of the United Nations;

(c) To submit proposals and observations concerning existing or draft legislation.

Article 20

In order to enable the national preventive mechanisms to fulfil their mandate, the States Parties to the present Protocol undertake to grant them:

(a) Access to all information concerning the number of persons deprived of their liberty in places of detention as defined in article 4, as well as the number of places and their location;

(b) Access to all information referring to the treatment of those persons as well as their conditions of detention;

(c) Access to all places of detention and their installations and facilities;

(d) The opportunity to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary, as well as with any other person who the national preventive mechanism believes may supply relevant information;

(e) The liberty to choose the places they want to visit and the persons they want to interview;

(f) The right to have contacts with the Subcommittee on Prevention, to send it information and to meet with it.

IV. DEL

Državni preventivni mehanizmi

17. člen

Vsaka država pogodbenica najpozneje leto po začetku veljavnosti tega protokola, njegovi ratifikaciji ali pristopu k njemu vzpostavi, določi ali ustanovi enega ali več neodvisnih državnih preventivnih mehanizmov za preprečevanje mučenja. Mehanizmi, ki so jih vzpostavile decentralizirane enote, se lahko za namene tega protokola določijo za državne preventivne mehanizme, če so v skladu z njegovimi določbami.

18. člen

1. Države pogodbenice zagotavljajo neodvisnost delovanja državnih preventivnih mehanizmov in neodvisnost njihovega osebja.

2. Države pogodbenice ukrejo vse potrebno, da zagotovijo, da so strokovnjaki državnega preventivnega mehanizma ustrezno usposobljeni in imajo strokovno znanje. Pridržavajo si za uravnoteženo zastopanost spolov in ustrezno zastopanost etničnih skupin in manjšin v državi.

3. Države pogodbenice se zavezujejo, da bodo dale na voljo potrebna sredstva za delovanje državnih preventivnih mehanizmov.

4. Pri vzpostavitvi državnih preventivnih mehanizmov države pogodbenice ustrezno upoštevajo načela glede stausa in delovanja nacionalnih institucij za spodbujanje in varstvo človekovih pravic.

19. člen

Državni preventivni mehanizmi imajo vsaj naslednja pooblastila, da:

a) na krajih odvzema prostoti, kot so opredeljeni v 4. členu, redno preverjajo ravnanje z osebami, ki jim je bila odvzeta prostota, da bi okrepili njihovo varstvo pred mučenjem, in drugimi oblikami okrutnega, nečloveškega ali ponizevalnega ravnanja ali kaznovanja, če je potrebno;

b) ob upoštevanju ustreznih norm Združenih narodov dajejo priporočila ustreznim organom, da bi izboljšali razmere in ravnanje z osebami, ki jim je bila odvzeta prostota, in preprečili mučenje in druge oblike okrutnega, nečloveškega, ponizevalnega ravnanja ali kaznovanja;

c) predložijo predloge in pripombe k veljavnim ali predlaganim zakonom.

20. člen

Da bi državni preventivni mehanizmi lahko izpolnili svoje naloge in pooblastila, se države pogodbenice tega protokola zavezujejo, da jim bodo zagotovile:

a) dostop do vseh informacij o številu oseb, ki jim je bila odvzeta prostota, na krajih odvzema prostoti, kot so opredeljeni v 4. členu, in o številu krajev in njihovi lokaciji;

b) dostop do vseh informacij o ravnanju s temi osebami in njihovih pogojih odvzema prostoti;

c) dostop do vseh krajev odvzema prostoti ter njihovih objektov in opreme;

d) možnost zaupnih pogоворov z osebami, ki jim je bila odvzeta prostota, brez prič, osebno ali s prevajalcem, če se zdi potrebno, in s katero koli osebo, za katero državni preventivni mehanizem meni, da lahko priskrbi ustrezne informacije;

e) svobodno izbiro krajev, ki jih želijo obiskati, in oseb, s katerimi želijo govoriti;

f) pravico do stikov s pododborom za preprečevanje, pošiljanja informacij pododboru in do srečanj z njim.

Article 21

1. No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the national preventive mechanism any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.

2. Confidential information collected by the national preventive mechanism shall be privileged. No personal data shall be published without the express consent of the person concerned.

Article 22

The competent authorities of the State Party concerned shall examine the recommendations of the national preventive mechanism and enter into a dialogue with it on possible implementation measures.

Article 23

The States Parties to the present Protocol undertake to publish and disseminate the annual reports of the national preventive mechanisms.

PART V**Declaration****Article 24**

1. Upon ratification, States Parties may make a declaration postponing the implementation of their obligations under either part III or part IV of the present Protocol.

2. This postponement shall be valid for a maximum of three years. After due representations made by the State Party and after consultation with the Subcommittee on Prevention, the Committee against Torture may extend that period for an additional two years.

PART VI**Financial provisions****Article 25**

1. The expenditure incurred by the Subcommittee on Prevention in the implementation of the present Protocol shall be borne by the United Nations.

2. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Subcommittee on Prevention under the present Protocol.

Article 26

1. A Special Fund shall be set up in accordance with the relevant procedures of the General Assembly, to be administered in accordance with the financial regulations and rules of the United Nations, to help finance the implementation of the recommendations made by the Subcommittee on Prevention after a visit to a State Party, as well as education programmes of the national preventive mechanisms.

2. The Special Fund may be financed through voluntary contributions made by Governments, intergovernmental and non-governmental organizations and other private or public entities.

21. člen

1. Nobena oblast ali uradna oseba ne sme odrediti, uporabiti, dovoliti ali dopustiti kakršne koli sankcije proti nobeni osebi ali organizaciji, ker je državnemu preventivnemu mehanizmu dala resnične ali neresnične informacije, in nobene osebe ali organizacije se zaradi tega ne sme kako drugače oškodovati.

2. Zaupne informacije, ki jih zbere državni preventivni mehanizem, so zavarovane kot take. Osebni podatki pa se ne smejo objaviti brez izrecne privolitve prizadete osebe.

22. člen

Pristojni organi prizadete države pogodbenice obravnavajo priporočila državnega preventivnega mehanizma in z njim vzpostavijo dialog o mogočih ukrepih za izvajanje.

23. člen

Države pogodbenice tega protokola se zavezujejo, da bodo objavile in razširjale letna poročila državnih preventivnih organov.

V. DEL**Izjava****24. člen**

1. Ob ratifikaciji lahko države pogodbenice izjavijo, da bodo odložile izpolnjevanje svojih obveznosti iz III. ali IV. dela tega protokola.

2. Odložitev obveznosti velja največ tri leta. Odbor proti mučenju lahko podaljša to obdobje za dodatni dve leti ob uteviljenih navedbah države pogodbenice in po posvetovanjih s pododboretom za preprečevanje.

VI. DEL**Finančne določbe****25. člen**

1. Stroške pododborja za preprečevanje, ki nastanejo pri izvajaju tega protokola, krijejo Združeni narodi.

2. Generalni sekretar Združenih narodov zagotovi ustrezeno osebje in prostore za učinkovito opravljanje nalog pododborja za preprečevanje po tem protokolu.

26. člen

1. V skladu z ustreznimi postopki Generalne skupščine se ustanovi poseben sklad, za pomoč pri financiranju izvajanja priporočil, ki jih je pododbor za preprečevanje dal po obisku v državi pogodbenici, in za izobraževalne programe državnih preventivnih mehanizmov, ki ga je treba upravljati v skladu s finančnimi predpisi in pravili Združenih narodov.

2. Poseben sklad se lahko financira s prostovoljnimi prispevki vlad, medvladnih in nevladnih organizacij in drugih zasebnih ali javnih subjektov.

PART VII

Final provisions

Article 27

1. The present Protocol is open for signature by any State that has signed the Convention.
2. The present Protocol is subject to ratification by any State that has ratified or acceded to the Convention. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Protocol shall be open to accession by any State that has ratified or acceded to the Convention.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States that have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

Article 28

1. The present Protocol shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession, the present Protocol shall enter into force on the thirtieth day after the date of deposit of its own instrument of ratification or accession.

Article 29

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

Article 30

No reservations shall be made to the present Protocol.

Article 31

The provisions of the present Protocol shall not affect the obligations of States Parties under any regional convention instituting a system of visits to places of detention. The Subcommittee on Prevention and the bodies established under such regional conventions are encouraged to consult and cooperate with a view to avoiding duplication and promoting effectively the objectives of the present Protocol.

Article 32

The provisions of the present Protocol shall not affect the obligations of States Parties to the four Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977, nor the opportunity available to any State Party to authorize the International Committee of the Red Cross to visit places of detention in situations not covered by international humanitarian law.

Article 33

1. Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties to the present Protocol and the Convention. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

VII. DEL

Končne določbe

27. člen

1. Protokol je na voljo za podpis vsem državam, ki so podpisale konvencijo.
2. Protokol lahko ratificira vsaka država, ki je ratificirala konvencijo ali k njej pristopila. Listine o ratifikaciji se deponirajo pri generalnem sekretarju Združenih narodov.
3. Protokol je na voljo za pristop vsem državam, ki so ratificirale konvencijo ali k njej pristopile.
4. Pристоп se opravi z deponiranjem listine o pristopu pri generalnem sekretarju Združenih narodov.
5. Generalni sekretar Združenih narodov o deponiranju vsake listine o ratifikaciji ali pristopu obvesti vse države, ki so podpisale ta protokol ali k njemu pristopile.

28. člen

1. Protokol začne veljati trideseti dan po dnevnu, ko se pri generalnem sekretarju Združenih narodov depoira dvajseta listina o ratifikaciji ali pristopu.
2. Za vsako državo, ki ratificira protokol ali k njemu pristopi po deponiraju dvajsete listine o ratifikaciji ali pristopu pri generalnem sekretarju Združenih narodov, začne protokol veljati trideseti dan po dnevnu deponiranja njene listine o ratifikaciji ali pristopu.

29. člen

Določbe tega protokola veljajo za vse dele zveznih držav brez omejitev ali izjem.

30. člen

K temu protokolu niso dopustni pridržki.

31. člen

Določbe tega protokola ne vplivajo na obveznosti držav pogodbenic po regionalnih konvencijah, ki uvajajo sistem obiskov na krajih odvzema prostosti. Pododbor za preprečevanje in organi, ustanovljeni na podlagi takih regionalnih konvencij, pa se spodbujajo k posvetovanju in sodelovanju, da bi se izognili podvajanju in učinkovito podpirali cilje tega protokola.

32. člen

Določbe tega protokola ne vplivajo na obveznosti držav pogodbenic štirih Ženevskih konvencij z dne 12. avgusta 1949 in dopolnilnih protokolov k Ženevskim konvencijam z dne 8. junija 1977, niti na možnost katere koli države pogodbenice, da pooblasti Mednarodni odбор Rdečega križa, da obišče kraje odvzema prostoti v razmerah, ki jih ne zajema mednarodno humanitarno pravo.

33. člen

1. Vsaka država pogodbenica lahko kadar koli odpove ta protokol s pisnim uradnim obvestilom, naslovljenim na generalnega sekretarja Združenih narodov, ki obvesti druge države pogodbenice tega protokola in konvencije. Odpoved začne veljati eno leto po dnevnu, ko generalni sekretar prejme uradno obvestilo.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Protocol in regard to any act or situation that may occur prior to the date on which the denunciation becomes effective, or to the actions that the Subcommittee on Prevention has decided or may decide to take with respect to the State Party concerned, nor shall denunciation prejudice in any way the continued consideration of any matter already under consideration by the Subcommittee on Prevention prior to the date on which the denunciation becomes effective.

3. Following the date on which the denunciation of the State Party becomes effective, the Subcommittee on Prevention shall not commence consideration of any new matter regarding that State.

Article 34

1. Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting at the conference shall be submitted by the Secretary-General of the United Nations to all States Parties for acceptance.

2. An amendment adopted in accordance with paragraph 1 of the present article shall come into force when it has been accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties that have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendment that they have accepted.

Article 35

Members of the Subcommittee on Prevention and of the national preventive mechanisms shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions. Members of the Subcommittee on Prevention shall be accorded the privileges and immunities specified in section 22 of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946, subject to the provisions of section 23 of that Convention.

Article 36

When visiting a State Party, the members of the Subcommittee on Prevention shall, without prejudice to the provisions and purposes of the present Protocol and such privileges and immunities as they may enjoy:

(a) Respect the laws and regulations of the visited State;

(b) Refrain from any action or activity incompatible with the impartial and international nature of their duties.

2. Odpoved države pogodbenice ne odvezuje obveznosti po tem protokolu glede katerega koli dejanja ali razmer, ki lahko nastanejo pred dnevom, ko začne odpoved veljati, ali ukrepov, za katere se je pododbor za preprečevanje odločil ali se lahko odloči, da jih sprejme glede te države pogodbenice; odpoved prav tako na noben način ne vpliva na nadaljnje obravnavanje katere koli zadeve, ki je pri pododboru za preprečevanje že v obravnavi pred dnevom, ko začne veljati odpoved.

3. Po datumu, ko začne veljati odpoved države pogodbenice, pododbor za preprečevanje ne začne obravnavati nobene nove zadeve, povezane s to državo.

34. člen

1. Vsaka država pogodbenica tega protokola lahko predlaga spremembo in jo predloži generalnemu sekretarju Združenih narodov. Generalni sekretar sporoči predlagano spremembo državam pogodbenicam tega protokola in jih zaprosi, da ga obvestijo, ali se strinjajo s konferenco držav pogodbenic zaradi obravnavanja in glasovanja o predlogu. Če se v štirih mesecih od dneva tega sporočila vsaj tretjina držav pogodbenic strinja s to konferenco, generalni sekretar skliče konferenco pod pokroviteljstvom Združenih narodov. Generalni sekretar Združenih narodov pošlje vsem državam pogodbenicam v sprejetje vsako spremembo, ki jo z dvotretjinsko večino sprejmejo države pogodbenice, ki so navzoče in glasujejo na konferenci.

2. Sprememba, sprejeta v skladu s prvim odstavkom tega člena, začne veljati, ko jo sprejmejo države pogodbenice tega protokola z dvotretjinsko večino v skladu z njihovimi ustavnimi postopki.

3. Ko začnejo spremembe veljati, so zavezajoče za vse tiste države pogodbenice, ki so jih sprejele, za druge države pogodbenice pa še naprej veljajo določbe tega protokola in katera koli prejšnja sprememba, ki so jo sprejele.

35. člen

Člani pododbora za preprečevanje in državnih preventivnih mehanizmov uživajo take privilegije in imunitete, ki so potrebni za neodvisno izvajanje njihovih nalog. Člani pododbora za preprečevanje uživajo privilegije in imunitete iz 22. člena Konvencije Združenih narodov o privilegijah in imunitetah z dne 13. februarja 1946 ob upoštevanju določb 23. člena te konvencije.

36. člen

Člani pododbora za preprečevanje ob obisku v državi pogodbenici uživajo privilegije in imunitete, ne da bi posegali v določbe in namene tega protokola, in sicer:

(a) spoštujejo zakone in predpise države, ki jo obiščejo;

(b) se vzdržijo katerega koli ukrepa ali dejavnosti, ki ni v skladu z nepritransko in mednarodno naravo njihovih nalog.

Article 37

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

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States.

37. člen

1. Ta protokol, katerega besedilo v angleškem, arabskem, francoskem, kitajskem, ruskem in španskem besedilu je enako verodostojno, se deponira pri generalnem sekretarju Združenih narodov.

2. Generalni sekretar Združenih narodov pošlje overjene kopije tega protokola vsem državam.

3. člen

Za izvajanje protokola skrbi Ministrstvo za pravosodje.

4. člen

Republika Slovenija daje v zvezi s 17. členom Opcjskega protokola h Konvenciji proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju naslednjo izjavo: "Pristojnosti in naloge državnega preventivnega mehanizma po opcjskem protokolu, skladno s 17. členom, izvršuje Varuh človekovih pravic, v dogovoru z njim pa tudi nevladne organizacije, registrirane v Republiki Sloveniji ter organizacije, ki so pridobile status humanitarne organizacije v Republiki Sloveniji."

5. člen

(1) Naloge in pooblastila državnega preventivnega mehanizma po tem protokolu izvršuje Varuh človekovih pravic. Pri opravljanju nadzora na krajin odvzema prostoti ter preverjanja ravnanja z osebami, ki jim je bila odvzeta prostost, lahko z Varuhom pri izvrševanju nalog in pooblastil Varuha po tem protokolu sodelujejo nevladne organizacije, registrirane v Republiki Sloveniji ter organizacije, ki so pridobile status humanitarne organizacije v Republiki Sloveniji, ki se ukvarjajo z varstvom človekovih pravic ali temeljnih svoboščin, zlasti s področja preprečevanja mučenja in drugih krutih, nečloveških ali poniževalnih kazni ali ravnanj.

(2) Organizacije, ki bodo sodelovale pri izvajanjtu nalog in pooblastil po določbah prejšnjega odstavka, se izberejo na podlagi javnega razpisa, katerega izvede Varuh, ki tudi odloči o izbiri organizacije. Vsebina javnega razpisa mora biti v skladu s 4. členom tega zakona ter podzakonskih aktov, izdanih na podlagi četrtega odstavka.

(3) Osebe iz izbranih organizacij, ki bodo sodelovale pri izvajanjtu nalog in pooblastil državnega preventivnega mehanizma po tem protokolu, podajo predhodno pisno izjavo, da bodo pri opravljanju teh nalog in pooblastil delovale po navodilih Varuha človekovih pravic in delovale po predpisih o varovanju tajnosti osebnih in tajnih podatkov, tako kot to velja za Varuha, njegove namestnike in uslužbence.

(4) Potrebne stroške in nagrade osebam iz organizacij, ki opravljajo naloge oziroma izvršujejo pooblastila po prvem odstavku, izplača Varuh človekovih pravic iz proračunskih postavk Varuha, po pravilniku, ki ga izda Varuh po predhodnem soglasju ministra, pristojnega za finance. Pravilnik se objavi v Uradnem listu Republike Slovenije.

6. člen

Ta zakon začne veljati 1. januarja 2007.

Št. 713-03/91-4/4

Ljubljana, dne 29. septembra 2006

EPA 1008-IV

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

118. Zakon o ratifikaciji Sporazuma o mednarodnem programu za ohranjanje delfinov (MSOD)

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 MEDNARODNEM PROGRAMU ZA OHRANJANJE DELFINOV (MSOD)**

Razglasjam Zakon o ratifikaciji Sporazuma o mednarodnem programu za ohranjanje delfinov (MSOD), ki ga je sprejel Državni zbor Republike Slovenije na seji 29. septembra 2006.

Št. 001-22-136/06
Ljubljana, dne 9. oktobra 2006

dr. Janez Drnovšek l. r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI SPORAZUMA O MEDNARODNEM PROGRAMU ZA OHRANJANJE DELFINOV (MSOD)****1. člen**

Ratificira se Sporazum o mednarodnem programu za ohranjanje delfinov, sestavljen 15. maja 1998 v Washingtonu D.C.

2. člen

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

**A G R E E M E N T
ON THE INTERNATIONAL DOLPHIN
CONSERVATION PROGRAM**

PREAMBLE

The Parties to this Agreement,

Aware that, in accordance with the relevant provisions of international law, as reflected in the United Nations Convention on the Law of the Sea (UNCLOS) of 1982, all States have the duty to take, or to cooperate with other States in taking, such measures as may be necessary for the conservation and management of living marine resources;

Inspired by the principles contained in the Rio Declaration on Environment and Development of 1992, as well as the wish to implement the principles and standards of the Code of Conduct for Responsible Fisheries adopted by the FAO Conference in 1995;

Stressing the political will of the international community to contribute to enhancing the effectiveness of fisheries conservation and management measures, through the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, adopted by the FAO Conference in 1993;

Taking note that the 50th General Assembly of the United Nations, pursuant to resolution A/RES/50/24, adopted the Agreement for 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 Stocks and Highly Migratory Fish Stocks ("the United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks");

**S P O R A Z U M
O MEDNARODNEM PROGRAMU ZA
OHRANJANJE DELFINOV**

PREAMBULA

Pogodbeneice tega sporazuma,

ki se zavedajo, da imajo v skladu z ustreznimi določbami mednarodnega prava, kot se odražajo v Konvenciji Združenih narodov o pomorskom pravu (UNCLOS) iz leta 1982, vse države dolžnost, da sprejmejo ali sodelujejo z drugimi državami pri sprejetju takšnih ukrepov, ki so morda potrebni za ohranjanje in upravljanje živih morskih virov;

ki so jih navdihnila načela iz Deklaracije o okolju in razvoju iz Ria iz leta 1992, kakor tudi želja izvajati načela in standarde iz Kodeksa odgovornega ribištva, sprejetega na konferenci FAO leta 1995;

ki poudarjajo politično voljo mednarodne skupnosti prispevati k večji učinkovitosti ribiških ohranjevalnih in upravljalnih ukrepov s Sporazumom o spodbujanju upoštevanja mednarodnih ohranjevalnih in upravljalnih ukrepov s strani ribiških plovil na odprttem morju, sprejetem na Konferenci FAO leta 1993;

ki upoštevajo, da je bil na 50. generalni skupščini Združenih narodov v skladu z resolucijo A/RES/50/24 sprejet Sporazum za izvajanje določb iz Konvencije Združenih narodov o pomorskom pravu z dne 10. decembra 1982, ki se nanašajo na ohranjanje in upravljanje čezconskeih staležev in izrazito selivskih staležev rib („Sporazum Združenih narodov o čezconskeih in izrazito selivskih staležih rib“);

Reaffirming the commitments established in the La Jolla Agreement of 1992 and in the Declaration of Panama of 1995;

Emphasizing the goals of eliminating dolphin mortality in the purse-seine tuna fishery in the eastern Pacific Ocean and of seeking ecologically sound means of capturing large yellowfin tunas not in association with dolphins;

Considering the importance of the tuna fishery as a source of food and income for the populations of the Parties and that conservation and management measures must address those needs and take into account the economic and social impacts of those measures;

Recognizing the dramatic reduction of incidental dolphin mortality achieved through the La Jolla Agreement;

Convinced that scientific evidence demonstrates that the technique of fishing for tuna in association with dolphins, in compliance with the regulations and procedures established under the La Jolla Agreement and reflected in the Declaration of Panama, has provided an effective method for the protection of dolphins and rational use of tuna resources in the eastern Pacific Ocean;

Reaffirming that multilateral cooperation constitutes the most effective means for achieving the objectives of conservation and sustainable use of living marine resources;

Committed to ensure the sustainability of tuna stocks in the eastern Pacific Ocean and to progressively reduce the incidental dolphin mortalities in the tuna fishery of the eastern Pacific Ocean to levels approaching zero; to avoid, reduce and minimize the incidental catch and the discard of juvenile tuna and the incidental catch of non-target species, taking into consideration the interrelationship among species in the ecosystem;

Have agreed as follows:

Article I. Definitions

For the purposes of this Agreement:

1. "Tuna" means the species of the suborder Scombroidei (Klawe, 1980), with the exception of the genus *Scomber*.

2. "Dolphins" means species of the family Delphinidae associated with the fishery for yellowfin tuna in the Agreement Area.

3. "Vessel" means a vessel that fishes for tuna with a purse seine.

4. "Parties" means the States or regional economic integration organizations which have consented to be bound by this Agreement and for which this Agreement is in force.

5. "Regional economic integration organization" means a regional economic integration organization to which its member States have transferred competence over matters covered by this Agreement, including the authority to make decisions binding on its member States in respect of those matters;

6. "IATTC" means the Inter-American Tropical Tuna Commission.

7. "La Jolla Agreement" means the instrument adopted at the Intergovernmental Meeting held in June, 1992.

8. "International Dolphin Conservation Program" means the international program established pursuant to this Agreement based on the La Jolla Agreement, as formalized, modified and enhanced in accordance with the Declaration of Panama.

9. "On-Board Observer Program" means the program defined in Annex II.

ki ponovno potrjujejo obveznosti iz Sporazuma iz La Jolle iz leta 1992 in iz Panamske deklaracije iz leta 1995;

ki poudarjajo cilje odprava smrtnosti delfinov pri ribolovu na tune z zaporno plavarico v vzhodnem Tihem oceanu in iskanje ekološko neškodljivih načinov ribolova velikega rumenoplavutega tuna, ki ne bodo povezani z delfini;

ki upoštevajo pomen ribolova tunov kot vira prehrane in prihodka za prebivalstvo pogodbenic ter da morajo ohranjevalni in upravljalski ukrepi upoštevati te potrebe, kakor tudi njihove gospodarske in socialne posledice;

ki spoznavajo dramatično znižanje naključne smrtnosti delfinov, doseženo s Sporazumom iz La Jolle;

ki so prepričane, da je znanstveno potrjeno, da tehnika ribolova tunov v povezavi z delfini, ki je v skladu s predpisi in postopki, sprejetimi s Sporazumom iz La Jolle in izraženimi v Panamski deklaraciji, zagotavlja učinkovit način varstva delfinov in razumno rabo virov tunov v vzhodnem Tihem oceanu;

ki ponovno potrjujejo, da je večstransko sodelovanje najučinkovitejši način za doseg ciljev glede ohranjanja in trajnostne rabe živih morskih virov

ki se zavezujejo, da bodo zagotavljale trajnost staležev tunov v vzhodnem Tihem oceanu in postopno zniževale naključno smrtnost delfinov pri ribolovu tunov v vzhodnem Tihem oceanu vse do števila nič; da bodo preprečevale in zmanjševale naključni ulov in število zavrženih nedoraslih tunov ter naključni ulov neciljnih vrst, ob upoštevanju medsebojne odvisnosti vrst v ekosistemu,

so se dogovorile:

Člen I. Opredelitve

V tem sporazumu:

1. „tun“ pomeni vrsto iz podreda *Scombroidei* (Klawe, 1980), razen rodu *Scomber*,

2. „delfin“ pomeni vrsto družine *Delphinidae* v zvezi z ribolovom rumenoplavutega tuna na območju iz Sporazuma;

3. „plovilo“ pomeni plovilo, ki lovi tune z zaporno plavarico;

4. „pogodbenice“ pomeni države ali regionalne organizacije za gospodarsko povezovanje, ki so privolile v to, da je ta sporazum zanje zavezujči, in za katere Sporazum velja;

5. „regionalna organizacija za gospodarsko povezovanje“ pomeni regionalno organizacijo za gospodarsko povezovanje, na katero so njene države članice prenesle pristojnost glede zadev, ki jih ureja ta sporazum, vključno s pristojnostjo za sprejem odločitev v zvezi s temi zadevami, ki so za njene države članice zavezujči;

6. „IATTC“ pomeni Medameriško komisijo za tuna v tropih;

7. „Sporazum iz La Jolle“ pomeni listino, ki je bila sprejeta na medvladnem zasedanju junija 1992;

8. „Mednarodni program za ohranjanje delfinov“ pomeni mednarodni program, sprejet v skladu s tem sporazumom, ki temelji na Sporazumu iz La Jolle, kot je bil oblikovan, priejen in razširjen v skladu s Panamsko deklaracijo;

9. „Opazovalni program na krovu“ pomeni program, določen v Prilogi II;

10. "Declaration of Panama" means the Declaration signed in Panama City, Republic of Panama, on October 4, 1995.

11. "Director" means the Director of Investigations of the IATTC.

Article II. Objectives

The objectives of this Agreement are:

1. To progressively reduce incidental dolphin mortalities in the tuna purse-seine fishery in the Agreement Area to levels approaching zero, through the setting of annual limits;

2. With the goal of eliminating dolphin mortality in this fishery, to seek ecologically sound means of capturing large yellowfin tunas not in association with dolphins; and

3. To ensure the long-term sustainability of the tuna stocks in the Agreement Area, as well as that of the living marine resources related to this fishery, taking into consideration the interrelationship among species in the ecosystem, with special emphasis on, *inter alia*, avoiding, reducing and minimizing bycatch and discards of juvenile tunas and non-target species.

Article III. Area of Application of the Agreement

The area of application of this Agreement ("the Agreement Area") is defined in Annex I.

Article IV. General Measures

The Parties shall, within the framework of the IATTC:

1. Take measures to ensure the conservation of ecosystems as well as conservation and management measures to ensure the long-term sustainability of tuna stocks and other stocks of living marine resources associated with the tuna purse-seine fishery in the Agreement Area, based on the best scientific evidence available, and apply the precautionary approach, consistent with the relevant provisions of the FAO Code of Conduct for Responsible Fisheries and the United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks. Such measures shall be designed to maintain or restore the biomass of harvested stocks at or above levels capable of producing maximum sustainable yield, and with the goal of maintaining or restoring the biomass of associated stocks at or above levels capable of producing maximum sustainable yield; and,

2. Take measures, according to their capacities, to assess the catch and bycatch of juvenile yellowfin tuna and other stocks of living marine resources related to the purse-seine tuna fishery in the Agreement Area and establish measures in accordance with Article VI to, *inter alia*, avoid, reduce and minimize the bycatch of juvenile yellowfin tuna and bycatch of non-target species, in order to ensure long-term sustainability of all these species, taking into consideration the interrelationships among species in the ecosystem.

Article V. International Dolphin Conservation Program

Pursuant to the International Dolphin Conservation Program and in consideration of the objective of this Agreement, the Parties shall, *inter alia*:

1. Limit total incidental dolphin mortality in the purse-seine tuna fishery in the Agreement Area to no more than 5,000 annually, through the adoption and implementation of relevant measures, which shall include:

a. The establishment of a system that provides incentives to vessel captains to continue to reduce incidental dolphin mortality, with the goal of eliminating dolphin mortality in this fishery;

b. The establishment within the framework of the IATTC of a system of technical training and certification for fishing captains and crews on the gear and its use, as well as the techniques for the rescue and safety of dolphins;

10. „Panamska deklaracija“ pomeni deklaracijo, podpisano v mestu Panاما, v Republiki Panami, dne 4. oktobra 1995;

11. „Direktor“ pomeni preiskovalnega direktorja IATTC.

Člen II. Cilji

Cilji Sporazuma so:

1. postopno zmanjšati naključno smrtnost delfinov pri ribolovu tunov z zaporno plavarico na območju iz Sporazuma do števila bližu ničle z določitvijo letnih zgornjih meja;

2. z dolgoročnim ciljem odprave smrtnost delfinov pri tovrstnem ribolovu, poiskati ekološko neškodljive načine ribolova velikega rumenoplavutega tuna, ki ne bodo povezani z delfini; in

3. zagotoviti dolgoročno trajnost staležev tunov na območju iz Sporazuma, kakor tudi živih morskih virov v zvezi s tovrstnim ribolovom, ob upoštevanju medsebojne odvisnosti vrst v ekosistemu, med drugim s posebnim poudarkom na preprečevanju in zmanjševanju prilovov in števila zavrženih nedoraslih tunov ter neciljnih vrst.

Člen III. Območje uporabe sporazuma

Območje uporabe tega sporazuma (območje iz Sporazuma) je določeno v Prilogi I.

Člen IV. Splošni ukrepi

Pogodbenice v okviru IATTC:

1. sprejmejo ukrepe za zagotovitev ohranjanja ekosistemov kakor tudi ohranjevalne in upravljalne ukrepe za zagotovitev dolgoročne trajnosti staležev tunov ter drugih staležev živih morskih virov v zvezi z ribolovom tunov z zaporno plavarico na območju iz Sporazuma, ki temeljijo na najboljših razpoložljivih znanstvenih dokazih, ter uporabljajo previdnostni pristop v skladu z ustreznimi določbami iz Kodeksa odgovornega ribištva in Sporazuma Združenih narodov o čezconskih staležih in izrazito selivskih staležih rib. Takšni ukrepi so zasnovani za ohranjanje ali obnavljanje biomase staležev lovlijenih rib na ravnini, ki lahko daje največji trajnostni pridelek, ali nad njo, in imajo cilj ohranjati ali obnavljati biomaso z njimi povezanih staležev na ravnini, ki lahko daje največji trajnostni pridelek, ali nad njo, in

2. v skladu s svojimi zmožnostmi sprejmejo ukrepe za oceno ulova in prilovov nedoraslih rumenoplavutih tunov ter drugih staležev živih morskih virov pri ribolovu na tune z zaporno plavarico na območju iz Sporazuma ter med drugim v skladu s členom VI sprejmejo ukrepe za preprečevanje in zmanjševanje prilovov nedoraslih rumenoplavutih tunov ter prilovov neciljnih vrst, da se zagotovi dolgoročna trajnost vseh teh vrst, ob upoštevanju medsebojne odvisnosti vrst v ekosistemu.

Člen V. Mednarodni program za ohranjanje delfinov

V skladu z Mednarodnim programom za ohranjanje delfinov in ob upoštevanju cilja iz tega sporazuma pogodbenice med drugim:

1. Omejijo skupno število naključnih smrti delfinov pri ribolovu tunov z zaporno plavarico na območju iz Sporazuma na največ 5 000 letno s sprejetjem in izvajanjem ustreznih ukrepov, ki vključujejo:

a. vzpostavitev sistema, ki zagotavlja spodbude za kapitane plovil, da še naprej znižujejo naključno smrtnost delfinov, s ciljem ukiniti smrtnost delfinov pri tovrstnem ribolovu;

b. uvedbo sistema tehničnega usposabljanja in certificiranja v okviru IATTC, namenjenega kapitanom in posadkam ribiških plovil v zvezi z ribiškim orodjem in njegovo uporabo kakor tudi v zvezi s tehnikami reševanja in varovanja delfinov;

c. Within the framework of the IATTC, the promotion and support of research to improve gear, equipment, and fishing techniques, including those used in the fishery for tunas associated with dolphins;

d. The establishment of an equitable system for the assignment of dolphin mortality limits (DMLs), consistent with the per-year dolphin mortality caps, in accordance with Annexes III and IV;

e. Requiring their respective vessels that have been assigned a DML, or that otherwise operate in the Agreement Area, to comply with the operational requirements set forth in Annex VIII;

f. The establishment of a system for the tracking and verification of tuna harvested with and without mortality or serious injury of dolphins, based on the elements set forth in Annex IX;

g. The exchange of scientific research data collected by the Parties pursuant to this Agreement on a full and timely basis; and

h. The conduct of research for the purpose of seeking ecologically sound means of capturing large yellowfin tunas not in association with dolphins;

2. Establish per-stock per-year dolphin mortality caps, and review and assess the effects of these caps, in accordance with Annex III; and

3. Review the measures at a Meeting of the Parties.

Article VI. Sustainability of Living Marine Resources

Pursuant to Article IV, the Parties commit to develop and implement, within the framework of the IATTC, measures to ensure the long-term sustainability of living marine resources associated with the purse-seine tuna fishery in the Agreement Area, taking into consideration the interrelationships among species in the ecosystem. To this end, the Parties shall, *inter alia*:

1. Develop and implement a program for assessing, monitoring and minimizing bycatch of juvenile tuna and non-target species in the Agreement Area;

2. To the maximum extent practicable, develop and require the use of selective, environmentally safe and cost-effective fishing gear and techniques;

3. Require that their vessels operating in the Agreement Area release alive incidentally caught sea turtles and other threatened or endangered species, to the maximum extent practicable; and

4. Request the IATTC to initiate investigations to assess whether the fishing capacity of vessels fishing in the Agreement Area poses a threat to the sustainability of tuna stocks and other living marine resources associated with the fishery and, if so, examine possible measures and recommend their adoption whenever appropriate.

Article VII. Implementation at the National Level

Each Party shall adopt, in accordance with its laws and procedures, the necessary measures to ensure the implementation of and compliance with this Agreement including, as appropriate, the adoption of relevant laws and regulations.

Article VIII. Meeting of the Parties

1. The Parties shall meet periodically to consider matters pertaining to the implementation of this Agreement and to make all decisions relevant thereto.

2. The ordinary Meeting of the Parties shall take place at least once a year, preferably in conjunction with an IATTC meeting.

3. The Parties may also hold extraordinary meetings when deemed necessary. These meetings shall be convened at the request of any Party, provided that such request is supported by a majority of the Parties.

c. pospeševanje in podpora raziskav v okviru ITTC za izboljšanje orodja, opreme in ribolovnih tehnik, vključno s tistimi, ki se uporabljajo pri ribolovu tunov v povezavi z delfini;

d. vzpostavitev nepristranskega sistema za dodelitev zgornjih meja smrnosti delfinov (DML) ob upoštevanju letnih omejitev smrnosti delfinov, v skladu s prilogama III in IV;

e. zahtevanje od svojih zadevnih ribiških plovil, ki jim je bila dodeljena DML ali ki drugače ribarijo na območju iz Sporazuma, da izpolnjujejo operativne zahteve iz Priloge VIII;

f. vzpostavitev sistema za sledenje in preverjanje ujetih tunov s smrtnostjo ali resnimi poškodbami delfinov in brez njih, na podlagi sestavin iz Priloge IX;

g. pravočasno izmenjavo vseh znanstveno raziskovalnih podatkov, ki jih pogodbenice zberejo v skladu s tem sporazumom; in

h. opravljanje raziskav za iskanje ekološko neškodljivih načinov ribolova velikih rumenoplavutih tunov, ki ne bodo povezani z delfini;

2. V skladu s Prilogo III določijo staležne letne omejitve smrnosti delfinov ter pregledajo in ocenijo učinke teh omejitev.

3. Na srečanju pogodbenic ponovno presodijo ukrepe.

Člen VI. Trajnost živil morskih virov

V skladu s členom IV se pogodbenice zavežejo, da bodo v okviru IATTC razvijale in izvajale ukrepe za zagotavljanje dolgoročne trajnosti živil morskih virov pri ribolovu tunov z zaporno plavarico na območju iz Sporazuma ob upoštevanju medsebojne odvisnosti vrst v ekosistemu. V ta namen pogodbenice med drugim:

1. razvijejo in izvajajo program za ocenjevanje, spremljanje in zmanjševanje prilovov nedoraslih tunov in necilnih vrst na območju iz Sporazuma;

2. v največji možni meri razvijejo in zahtevajo uporabo selektivnega, okolju neškodljivega ter rentabilnega ribiškega orodja in tehnik;

3. od svojih plovil, ki delujejo na območju iz Sporazuma, zahtevajo, da po naključju ujete morske želve in druge ogrožene vrste v največji možni meri spustijo žive; in

4. od ITTC zahtevajo, da začne s poizvedovanjem, da se oceni, ali ribolovne zmogljivosti plovil, ki ribarijo na območju iz Sporazuma, ogrožajo trajnost staležev tunov in drugih živil morskih virov v zvezi z ribištvo, in če je temu tako, preučijo možne ukrepe ter priporočijo njihovo sprejetje, kadar je to ustrezno.

Člen VII. Izvajanje na nacionalni ravni

Vsaka pogodbenica v skladu s svojo zakonodajo in postopki sprejme potrebne ukrepe, da zagotovi izvajanje in upoštevanje tega sporazuma, vključno s sprejetjem ustreznih zakonov in drugih predpisov, kjer je ustrezno.

Člen VIII. Zasedanje pogodbenic

1. Pogodbenice zasedajo v rednih časovnih presledkih, da preučijo zadeve v zvezi z izvajanjem tega sporazuma in sprejmejo odločitve v zvezi s tem.

2. Redno zasedanje pogodbenic poteka vsaj enkrat letno, po možnosti skupaj z zasedanjem IATTC.

3. Pogodbenice imajo lahko tudi izredno zasedanje, kadar menijo, da je potrebno. Takšna zasedanja se sklicajo na zahtevo katere koli pogodbenice, če takšno zahtevo podpre večina pogodbenic.

4. The Meeting of the Parties shall be held when a quorum is present. Quorum is reached when a majority of the Parties are present. This rule shall also apply to meetings of subsidiary organs established under this Agreement.

5. The meetings shall be held in Spanish and English, and the documents of the Meeting of the Parties shall be produced in both these languages.

Article IX. Decision Making

All decisions made by the Parties at meetings convened pursuant to Article VIII shall be by consensus.

Article X. Scientific Advisory Board

The functions of the Scientific Advisory Board, established pursuant to the La Jolla Agreement, shall be those set forth in Annex V. The Scientific Advisory Board shall be composed and shall operate in accordance with the provisions of Annex V.

Article XI. National Scientific Advisory Committees

1. Each Party shall, in accordance with its laws and procedures, establish a National Scientific Advisory Committee (NATSAC) of qualified experts, operating in their individual capacities, from the public and private sectors, and from non-governmental organizations including, *inter alia*, qualified scientists.

2. The functions of the NATSACs shall be, *inter alia*, those set forth in Annex VI.

3. The Parties shall ensure that the NATSACs shall cooperate through regular and timely meetings in the review of data and the status of stocks, and in the development of advice for achieving the objectives of this Agreement. Such meetings shall take place at least once a year in conjunction with an ordinary Meeting of the Parties.

Article XII. International Review Panel

The functions of the International Review Panel (IRP), established pursuant to the La Jolla Agreement, shall be those set forth in Annex VII. The IRP shall be composed and shall operate in accordance with the provisions of Annex VII.

Article XIII. On-Board Observer Program

The On-Board Observer Program established pursuant to the La Jolla Agreement shall operate in accordance with Annex II.

Article XIV. Role of the IATTC

Envisioning that the IATTC shall have an integral role in coordinating the implementation of this Agreement, the Parties shall, *inter alia*, request the IATTC to provide Secretariat support and to perform such other functions as are set forth in this Agreement or are agreed upon pursuant to this Agreement.

Article XV. Financing

The Parties shall contribute to the expenses necessary to achieve the objectives of this Agreement, through the establishment and collection of vessel fees, the level of which shall be determined by the Parties, without prejudice to other voluntary financial contributions.

Article XVI. Compliance

1. Each Party shall ensure with respect to vessels under its jurisdiction effective compliance with the measures set forth in this Agreement or adopted pursuant thereto. In particular, each Party shall ensure, through, *inter alia*, an annual certification and inspection program, that vessels under its jurisdiction comply with:

4. Zasedanje pogodbenic se izvede, kadar so sklepčne. Sklepčnost je dosežena, kadar je prisotna večina pogodbenic. To pravilo se uporablja tudi za zasedanje pomožnih teles, ustanovljenih na podlagi tega sporazuma.

5. Zasedanje poteka v španščini in angleščini, dokumenti o zasedanju pogodbenic se pripravijo v obeh jezikih.

Člen IX. Odločanje

Vse odločitve, ki jih sprejmejo pogodbenice na zasedanjih, sklicanih na podlagi člena VIII, se sprejmejo soglasno.

Člen X. Znanstveno svetovalni odbor

Naloge znanstveno svetovalnega odbora, ustanovljenega na podlagi Sporazuma iz La Jolle, so naloge iz Priloge V. Znanstveno svetovalni odbor se sestavi in deluje v skladu z določbami iz Priloge V.

Člen XI. Nacionalni znanstveno svetovalni odbori

1. Vsaka pogodbenica v skladu s svojo zakonodajo in postopki ustanovi nacionalni svetovalno znanstveni odbor (Natsac) strokovnih izvedencev iz javnega in zasebnega sektorja ter iz nevladnih organizacij, med drugim vključno z usposobljenimi znanstveniki, ki delujejo kot posamezniki.

2. Naloge nacionalnih znanstveno svetovalnih odborov so med drugim naloge iz Priloge VI.

3. Pogodbenice zagotovijo, da Natsac sodelujejo na rednih in pravočasnih zasedanjih pri pregledu podatkov in stanja staležev ter pri pripravi nasvetov za dosego ciljev iz tega sporazuma. Takšna zasedanja potekajo vsaj enkrat letno skupaj z rednim zasedanjem pogodbenic.

Člen XII. Mednarodna komisija za preverjanje

Naloge Mednarodne komisije (IRP) za preverjanje, ustanovljene na podlagi Sporazuma iz La Jolle, so naloge iz Priloge VII. IRP se sestavi in deluje v skladu z določbami iz Priloge VII.

Člen XIII. Opazovalni program na krovu

Opazovalni program na krovu, uveden na podlagi Sporazuma iz La Jolle, se izvaja v skladu s Prilogom II.

Člen XIV. Vloga IATTC

Ker se predvideva, da bo IATTC tesno sodelovala pri usklajevanju izvajanja tega sporazuma, pogodbenice med drugim IATTC zaprosijo, da jim zagotovi tajniško podporo in opravi tiste druge naloge, ki so določene v Sporazumu ali so dogovorjene na podlagi tega sporazuma.

Člen XV. Financiranje

Pogodbenice prispevajo za stroške, potrebne za dosego ciljev iz tega sporazuma, z uvedbo in pobiranjem ladijskih pristojbin, višino katerih določijo pogodbenice, ne glede na druge prostovoljne finančne prispevke.

Člen XVI. Upoštevanje ukrepov

1. Vsaka pogodbenica zagotovi, da plovila pod njeno jurisdikcijo učinkovito izvajajo ukrepe iz tega sporazuma ali sprejete v skladu z njim. Vsaka pogodbenica zlasti zagotovi, med drugim z letnim certifikacijskim in inšpekcijskim programom, da plovila pod njeno jurisdikcijo izpolnjujejo:

a. the operational requirements established in Annex VIII; and

b. the on-board observer requirements established in Annex II.

2. In respect of violations, each Party, taking into consideration the recommendations of the IRP, shall apply, consistent with its national laws, sanctions of sufficient gravity as to be effective in securing compliance with the provisions of this Agreement and of measures adopted pursuant thereto and to deprive offenders of the benefits accruing from their illegal activities. Such sanctions shall, for serious offenses, include refusal, suspension or withdrawal of the authorization to fish.

3. The Parties shall establish incentives for the captains and crews of vessels, with the view to enhancing compliance with this Agreement and its objectives.

4. The Parties shall adopt cooperative measures to ensure compliance with this Agreement, building on decisions that have been taken under the La Jolla Agreement.

5. Each Party shall promptly inform the IRP of enforcement actions it has taken pursuant to this Agreement, and the results thereof.

Article XVII. Transparency

1. The Parties shall promote transparency in the implementation of this Agreement, including through public participation, as appropriate.

2. Representatives from intergovernmental organizations and representatives from non-governmental organizations concerned with matters relevant to the implementation of this Agreement shall be afforded the opportunity to take part in meetings of the Parties convened pursuant to Article VIII as observers or otherwise, as appropriate, in accordance with the guidelines and criteria set forth in Annex X. Such intergovernmental organizations and non-governmental organizations shall have timely access to relevant information, subject to procedural rules on access to such information that the Parties may adopt.

Article XVIII. Confidentiality

1. The Meeting of the Parties shall establish rules of confidentiality for all bodies given access to information pursuant to this Agreement.

2. Notwithstanding any confidentiality rules which may be adopted in accordance with paragraph 1 above, any persons with access to such confidential information may disclose such information in connection with legal or administrative proceedings, if requested by a competent authority of the Party concerned.

Article XIX. Cooperation with other Organizations or Arrangements

The Parties shall cooperate with subregional, regional and global fishery conservation and management organizations and arrangements with the goal of promoting the achievement of the objectives of this Agreement.

Article XX. Settlement of Disputes

1. The Parties shall cooperate in order to prevent disputes. Any Party may consult with one or more other Parties about any dispute related to the interpretation or application of the provisions of this Agreement to reach a solution satisfactory to all as quickly as possible.

2. If a dispute is not settled through such consultation within a reasonable period, the Parties in question shall consult among themselves as soon as possible in order to settle the dispute through any peaceful means they may decide upon in accordance with international law.

a. operativne zahteve iz Priloge VIII; in

b. zahteve opazovanja na krovu iz Priloge II.

2. V skladu s svojo zakonodajo in ob upoštevanju pripočil IRP vsaka pogodbenica za kršitve uporablja kazni, ki so dovolj stroge, da zagotavljajo učinkovito izpolnjevanje določb iz tega sporazuma in ukrepov, sprejetih na njegovi podlagi, ter odvzem ugodnosti kršiteljem zaradi njihovih nezakonitih dejavnosti. Pri večjih prekrških takšne kazni vključujejo zavrnitev, začasni odvzem ali odvzem dovoljenja za ribolov.

3. Pogodbenice določijo spodbude za kapitane in posadke plovil, z namenom krepitev upoštevanje tega sporazuma in njegovih ciljev.

4. Pogodbenice sprejmejo skupne ukrepe, da zagotovijo upoštevanje tega sporazuma, utemeljene na odločitvah, sprejetih na podlagi Sporazuma iz La Jolle.

5. Vsaka pogodbenica takoj obvesti IRP o ukrepih za zagotavljanje upoštevanja ukrepov, sprejetih na podlagi tega sporazuma, ter o njihovih rezultatih.

Člen XVII. Preglednost

1. Pogodbenice spodbujajo preglednost pri izvajanju tega sporazuma, vključno s sodelovanjem javnosti, kjer je ustrezno.

2. Predstavnikom medvladnih organizacij in predstavnikom nevladnih organizacij, ki jih zadevajo vprašanja, pomembna za izvajanje tega sporazuma, se omogoči, da sodelujejo na zasedanjih pogodbenic, sklicanih na podlagi člena VIII, kot opozovalci ali kako drugače, kot je ustrezno, v skladu s smernicami in merili iz Priloge X. Takšne medvladne in nevladne organizacije imajo pravočasni dostop do pomembnih podatkov, ob upoštevanju postopkovnih pravil za dostop do tovrstnih podatkov, ki jih sprejmejo pogodbenice.

Člen XVIII. Zaupnost podatkov

1. Na zasedanju pogodbenic se sprejmejo pravila glede zaupnosti podatkov za vsa telesa, ki imajo dostop do podatkov na podlagi tega sporazuma.

2. Ne glede na katerokoli pravilo o zaupnosti, ki se lahko sprejme v skladu s odstavkom 1, lahko vsakdo, ki ima dostop do takšnih zaupnih podatkov, takšne podatke razkrije v zvezi s pravnimi ali upravnimi postopki, če to od njega zahteva pristojni organ zadevne pogodbenice.

Člen XIX. Sodelovanje z drugimi organizacijami ali programi

Pogodbenice sodelujejo s podregionalnimi, regionalnimi in globalnimi ribiškimi ohranjevalnimi in upravljalskimi organizacijami ter programi s ciljem spodbujati izpolnjevanje ciljev iz tega sporazuma.

Člen XX. Reševanje sporov

1. Pogodbenice med seboj sodelujejo, da preprečijo spore. Vsaka pogodbenica se lahko posvetuje z eno ali več drugimi pogodbenicami glede kateregakoli spora v zvezi z razlago ali uporabo določb iz tega sporazuma, da se čim prej poišče za vse zadovoljiva rešitev.

2. Če se spor s takšnim posvetovanjem ne reši v razumem času, se zadevne pogodbenice čim prej posvetujejo med seboj, da rešijo spor na katerikoli miren način, ki ga izberejo v skladu z mednarodnim pravom.

Article XXI. Rights of States

No provision of this Agreement may be interpreted in such a way as to prejudice or undermine the sovereignty, sovereign rights or jurisdiction exercised by any State in accordance with international law, as well as its position or views with regard to matters relating to the law of the sea.

Article XXII. Non-Parties

1. The Parties shall encourage all States and regional economic integration organizations referred to in Article XXIV of this Agreement that are not Parties to become Parties to this Agreement or to adopt laws and regulations consistent with it.

2. The Parties shall cooperate, in accordance with this Agreement and international law, to deter vessels flying the flags of States that are not Parties from carrying out activities that undermine the effectiveness of this Agreement. To this end, the Parties shall, *inter alia*, call to the attention of non-Parties such activities by their vessels.

3. The Parties shall exchange information among themselves, either directly or through the Director, with respect to activities of vessels flying the flags of non-Parties that undermine the effectiveness of this Agreement.

Article XXIII. Annexes

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

Article XXIV. Signature

This Agreement is open for signature at Washington from May 15, 1998, until May 14, 1999 by States with a coastline bordering the Agreement Area and by States or regional economic integration organizations which are members of the IATTC or whose vessels fish for tuna in the Agreement Area while the Agreement is open for signature.

Article XXV. Ratification, Acceptance or Approval

This Agreement is subject to ratification, acceptance or approval by the Signatories in accordance with their domestic laws and procedures.

Article XXVI. Accession

This Agreement shall remain open to accession by any State or regional economic integration organization that meets the requirements in Article XXIV, or is otherwise invited to accede to the Agreement on the basis of a decision by the Parties.

Article XXVII. Entry into Force

1. This Agreement shall enter into force upon deposit of the fourth instrument of ratification, acceptance, approval or accession with the Depositary.

2. After the date referred to in paragraph 1, with respect to each state or regional economic integration organization that meets the requirements of Article XXIV, the Agreement will enter into force for said state upon deposit of its instrument of ratification, acceptance, approval or accession.

Article XXVIII. Reservations

No reservations may be made to this Agreement.

Article XXIX. Provisional Application

1. This Agreement shall be applied provisionally by a State or regional economic integration organization 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.

Člen XXI. Pravice držav

Nobena določba iz tega sporazuma se ne sme razlagati tako, da bi ogrožala ali posegala v suverenost, suverene pravice ali jurisdikcijo, ki jih ima katerekoli država v skladu z mednarodnim pravom, kakor tudi ne v njena stališča glede zadev v zvezi s pomorskim pravom.

Člen XXII. Nepogodbenice

1. Pogodbenice spodbujajo vse države in regionalne organizacije za gospodarsko povezovanje iz člena XXIV tega sporazuma, ki niso pogodbenice, da postanejo pogodbenice tega sporazuma ali da sprejmejo zakone in druge predpise v skladu z njim.

2. V skladu s tem sporazumom in mednarodnim pravom pogodbenice sodelujejo pri odvračanju plovil, ki plujejo pod zastavami držav, ki niso pogodbenice, od izvajanja aktivnosti, ki ogrožajo učinkovitost tega sporazuma. V ta namen pogodbenice nepogodbenice med drugim opozorijo na takšne aktivnosti njihovih plovil.

3. Pogodbenice si bodisi neposredno ali preko direktorja med seboj izmenjujejo podatke o aktivnostih plovil, ki plujejo pod zastavami nepogodbenic in ogrožajo učinkovitost tega sporazuma.

Člen XXIII. Priloge

Priloge so sestavni del tega sporazuma in če ni izrecno drugače določeno, sklicevanje na ta sporazum vključuje sklicevanje na njegove priloge.

Člen XXIV. Podpis

Ta sporazum je od 15. maja 1998 do 14. maja 1999 na voljo v Washingtonu, da ga podpišejo države, katerih obalne črte mejijo na območje iz Sporazuma, in države ali regionalne organizacije za gospodarsko povezovanje, ki so članice IATTC ali katerih plovila lovijo tune na območju iz Sporazuma, medtem ko je Sporazum na voljo za podpis.

Člen XXV. Ratifikacija, sprejetje ali odobritev

Podpisnice ta sporazum ratificirajo, sprejmejo ali odobrijo v skladu s svojo nacionalno zakonodajo in postopki.

Člen XXVI. Pристоп

Ta sporazum ostane na voljo za pristop katerekoli države ali regionalne organizacije za gospodarsko povezovanje, ki izpolnjuje zahteve iz člena XXIV ali se jo na podlagi odločitve pogodbenic kako drugače povabi, da pristopi k Sporazumu.

Člen XXVII. Začetek veljavnosti

1. Ta sporazum začne veljati po deponiranju četrte liste o ratifikaciji, sprejetju, odobritvi ali pristopu pri depozitarju.

2. Za vsako državo ali regionalno organizacijo za gospodarsko povezovanje, ki izpolnjuje zahteve iz člena XXIV, bo po datumu iz odstavka 1 Sporazum začel veljati po deponiranju njene liste o ratifikaciji, sprejetju, odobritvi ali pristopu.

Člen XXVIII. Pridržki

Pridržki k temu sporazumu niso dopustni.

Člen XXIX. Začasna uporaba

1. Ta sporazum začasno uporablja država ali regionalna organizacija za gospodarsko povezovanje, ki privoli v njego začasno uporabo tako, da o tem pisno obvesti depozitarja. Takšna začasna uporaba začne veljati z datumom prejema tega obvestila.

2. Provisional application by a State or regional economic integration organization shall terminate upon the entry into force of this Agreement for that State or regional economic integration organization or upon notification by that State or regional economic integration organization to the Depositary in writing of its intention to terminate provisional application.

Article XXX. Amendments

1. Any Party may propose an amendment to this Agreement by providing to the Depositary the text of a proposed amendment at least sixty days in advance of a Meeting of the Parties. The Depositary shall provide a copy of this text to all other Parties.

2. Amendments to this Agreement that are adopted by consensus at a Meeting of the Parties shall enter into force on the date on which all Parties have deposited instruments of ratification, acceptance or approval with the Depositary.

3. Unless the Parties decide otherwise, the Annexes to this Agreement may be amended, by consensus, at any Meeting of the Parties. Unless otherwise agreed, amendments to an Annex shall enter into force for all Parties upon adoption.

Article XXXI. Withdrawal

Any Party may withdraw at any time after twelve months from the date on which this Agreement entered into force with respect to that Party by giving written notice of withdrawal to the Depositary. The Depositary shall inform the other Parties of the withdrawal within 30 days of receipt of such notice. The withdrawal shall become effective six months after receipt of such notice.

Article XXXII. Depositary

The original texts of this Agreement shall be deposited with the Government of the United States of America, which shall send certified copies thereof to the Signatories and the Parties thereto, and to the Secretary General of the United Nations for registration and publication, pursuant to Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, having been duly authorized by their respective Governments, have signed this Agreement.

DONE AT Washington, D.C., on this fifteenth day of May, 1998, in English and Spanish, both texts being equally authentic.

Annex I

Agreement Area

The Agreement Area comprises the area of the Pacific Ocean bounded by the coastline of North, Central, and South America and by the following lines:

- a. The 40°N parallel from the coast of North America to its intersection with the 150°W meridian;
- b. The 150°W meridian to its intersection with the 40°S parallel;
- c. And the 40°S parallel to its intersection with the coast of South America.

Annex II

On-Board Observer Program

1. The Parties shall maintain an On-Board Observer Program in accordance with the provisions of this Annex. As a component of this Program, each Party may also maintain its own national observer program, in accordance with the provisions of this Annex.

2. Začasna uporaba države ali regionalne organizacije za gospodarsko povezovanje prenega, ko za to državo ali regionalno organizacijo za gospodarsko povezovanje začne veljati ta sporazum ali ko ta država ali regionalna organizacija za gospodarsko povezovanje pisno obvesti depozitarja, da namerava prekiniti začasno uporabo.

Člen XXX. Spremembe

1. Vsaka pogodbenica lahko predlaga spremembo tega sporazuma tako, da depozitarju dostavi besedilo predlagane spremembe vsaj 60 dni pred zasedanjem pogodbenic. Depozitar dostavi en izvod tega besedila vsem drugim pogodbenicam.

2. Spremembe tega sporazuma, ki se sprejmejo soglasno na zasedanju pogodbenic, začnejo veljati potem, ko so vse pogodbenice deponirale listine o ratifikaciji, sprejetju ali odobritvi pri depozitarju.

3. Priloge k temu sporazumu se lahko soglasno spremenijo na katerem koli zasedanju pogodbenic, razen če se pogodbenice ne dogovorijo drugače. Spremembe priloge začnejo veljati za vse pogodbenice po njihovem sprejetju, razen če ni drugače dogovorjeno.

Člen XXXI. Odstop od sporazuma

Vsaka pogodbenica lahko od Sporazuma odstopi kadarkoli po preteku 12 mesecev od datuma, ko je ta sporazum zanje začel veljati, tako da o tem pisno obvesti depozitarja. Depozitar o odstopu obvesti druge pogodbenice v 30 dneh po prejemu takšnega obvestila. Odstop začne veljati šest mesecev po prejemu takšnega obvestila.

Člen XXXII. Depozitar

Izvirna besedila tega sporazuma se deponirajo pri vladni Združenih držav Amerike, ki pošlje njihove overjene izvode njegovim podpisnicam in pogodbenicam ter generalnemu sekretarju Združenih narodov v evidenco in objavo, v skladu s členom 102 Listine Združenih narodov.

V POTRDITEV TEGA so podpisani pooblaščenci, ki so jih pravilno pooblastile pristojne vlade, podpisali ta sporazum.

V Washingtonu, petnajstega maja 1998, v angleščini in španščini, obe besedili sta enako verodostojni.

Priloga I

Območje iz sporazuma

Območje iz Sporazuma obsega območje Tihega oceana, ki ga omejuje obalna črta Severne, Srednje in Južne Amerike ter naslednje črte:

- a. vzporednik 40° S od obale Severne Amerike do tam, kjer seka poldnevnik 150° Z;
- b. poldnevnik 150° Z do tam, kjer seka vzporednik 40° J;
- c. vzporednik 40° J do tam, kjer seka obalo Južne Amerike.

Priloga II

Opazovalni program na krovu

1. Pogodbenice izvajajo opazovalni program na krovu v skladu z določbami iz te priloge. Kot sestavni del tega programa lahko vsaka pogodbenica izvaja tudi svoj nacionalni opazovalni program v skladu z določbami iz te priloge.

2. Each Party shall require its vessels with a carrying capacity greater than 363 metric tons (400 short tons) and that operate in the Agreement Area, to carry an observer during each fishing trip in the Agreement Area. At least 50 percent of the observers on the vessels of each Party shall be IATTC observers; the remainder may be from the Party's national observer program, based on criteria set forth in this Annex as well as any other criteria established by the Meeting of the Parties.

3. All observers must:

- a. have completed the technical training required by the guidelines that the Parties establish;
- b. be a national of one of the Parties or a member of the scientific staff of the IATTC;
- c. be capable of performing the duties set forth in paragraph 4 of this Annex; and
- d. be included in a list of observers maintained by the IATTC or, if part of a national observer program, by the Party maintaining such program.

4. The duties of the observers shall be, *inter alia*:

- a. to gather all pertinent information on the fishing operations of the vessel to which the observer is assigned as is necessary for implementation of this Agreement;
- b. to make available to the captain of the vessel to which the observer is assigned all measures established by the Parties pursuant to this Agreement;
- c. to make available to the captain of the vessel to which the observer is assigned the record of dolphin mortality of that vessel;
- d. to prepare reports on information gathered in accordance with this paragraph, and provide the vessel captain with the opportunity to include in such reports any information the captain might deem to be relevant;
- e. to provide such reports to the Director or the pertinent national program, to be used in accordance with Annex VII, paragraph 1, of this Agreement; and
- f. to perform such other functions as agreed by the Parties.

5. The observers shall:

- a. except to the extent required under paragraphs 4(d) and 4(e) of this Annex, treat as confidential all information with respect to the fishing operations of the vessels and of the vessel owners, and accept this requirement in writing as a condition of appointment as an observer;
- b. comply with requirements established in the laws and regulations of the Party which exercises jurisdiction over the vessel to which the observer is assigned, insofar as such requirements are not incompatible with the provisions of this Annex;
- c. refrain from issuing or endorsing any certificate or other documentation relating to the fishing operations of the vessel, except as may be approved by the Parties; and
- d. respect the hierarchy and general rules of behavior which apply to all vessel personnel, provided such rules do not interfere with the duties of the observers described in this Annex and with the obligations of vessel personnel set forth in paragraph 6 of this Annex.

6. The responsibilities of the Parties and vessel captains regarding observers shall include the following, *inter alia*:

- a. Observers shall be allowed access to vessel personnel and to the gear and equipment specified in Annex VIII;
- b. Upon request, observers shall also be allowed access to the following equipment, if present on the vessel to which they are assigned, in order to facilitate the carrying out of their duties set forth in paragraph 4:
 - i. satellite navigation equipment;
 - ii. radar display viewing screens when in use;

2. Vsaka pogodbenica od svojih plovil z nosilnostjo nad 363 ton (400 ameriških ton), ki delujejo na območju iz Sporazuma, zahteva, da imajo med vsakim ribolovnim potovanjem na območju iz Sporazuma na krovu opazovalca. Vsaj 50 % opazovalcev na plovilih vsake pogodbenice je opazovalcev IATTC. Drugi opazovalci se lahko določijo iz nacionalnega opazovalnega programa pogodbenice na podlagi merit iz te priloge kakor tudi drugih merit, sprejetih na zasedanju pogodbenic.

3. Vsi opazovalci morajo:

- a. uspešno zaključiti tehnično usposabljanje, zahtevano v smernicah, ki jih sprejmejo pogodbenice;
- b. biti morajo državljeni ene od pogodbenic ali člani znanstvenega osebja IATTC;
- c. biti morajo sposobni opravljati naloge iz odstavka 4 te priloge;
- d. vključeni morajo biti v seznam opazovalcev, ki ga vodi IATTC, ali če gre za sestavni del nacionalnega opazovalnega programa, pogodbenica, ki vodi takšen program.

4. Naloge opazovalcev so med drugim naslednje:

- a. zbiranje vseh ustreznih podatkov o ribolovnih delovanjih plovila, kateremu je opazovalec dodeljen, ki so potrebni za izvajanje tega sporazuma;
- b. kapitanu plovila, kateremu je opazovalec dodeljen, dati na voljo vse ukrepe, ki so jih sprejeli pogodbenice na podlagi tega sporazuma;
- c. kapitanu plovila, kateremu je opazovalec dodeljen, dati na voljo podatke o smrtnosti delfinov za to plovilo;
- d. pripravljati poročila o podatkih, zbranih v skladu s tem odstavkom, in kapitanu plovila nuditi možnost, da v tovrstna poročila vključi vse podatke, za katere meni, da so pomembni;
- e. takšna poročila priskrbeti direktorju ustreznega nacionalnega programa za uporabo v skladu z odstavkom 1 Priloge VII k temu sporazumu;
- f. opravljati druge naloge, kot jih dogovorijo pogodbenice.

5. Opazovalci:

- a. razen kolikor to zahtevata odstavka 4(d) in 4(e) te priloge, kot zaupne obravnavajo vse podatke o ribolovnih delovanjih plovil in lastnikih plovil ter to zahtevo sprejmejo pisno kot pogoj za imenovanje za opazovalca;

b. upoštevajo zahteve, določene v zakonih in drugih predpisih pogodbenice, pod jurisdikcijo katere je plovilo, kateremu je opazovalec dodeljen, kolikor so te zahteve združljive z določbami te priloge;

c. vzdržijo se objave ali overitve kakršnihkoli potrdil ali drugih dokumentov v zvezi z ribolovnimi delovanji plovila, razen če to odobrijo pogodbenice;

d. spoštujejo hierarhijo in splošna pravila obnašanja, ki se uporabljajo za celotno osebje plovila, če takšna pravila ne posegajo v naloge opazovalcev iz te priloge ter v obveznosti osebja plovila iz odstavka 6 te priloge.

6. Pogodbenice in kapitani plovil imajo glede opazovalcev med drugim naslednje odgovornosti:

- a. opazovalcem se dovoli dostop do osebja plovila ter do orodja in opreme iz Priloge VIII;
- b. zaradi lažjega opravljanja njihovih nalog iz odstavka 4 se na zahtevo opazovalcem dovoli tudi dostop do naslednje opreme, če jo plovilo, kateremu so dodeljeni, ima:
 - i. do opreme za satelitsko navigacijo;
 - ii. do zaslonskih prikazov radarja, kadar je v uporabi;

iii. high-powered binoculars including during the chase and encirclement of dolphins to facilitate identification, except when in use by vessel personnel; and

iv. electronic means of communication;

c. Observers shall have access to the vessel working deck during net and fish retrieval and to any specimen, alive or dead, that is brought aboard the vessel during a set in order to collect biological samples in accordance with the On-Board Observer Program or as otherwise required by competent national authorities as part of a national observer program;

d. Observers shall be provided accommodations, including lodging, food, and adequate sanitary facilities equal to those of the crew;

e. Observers shall be provided with adequate space on the bridge or pilothouse for clerical work, as well as space on deck adequate for carrying out observer duties; and

f. The Parties shall ensure that captains, crew, and vessel owners do not obstruct, intimidate, interfere with, influence, bribe, or attempt to bribe an observer in the performance of his or her duties.

7. The Parties shall:

a. ensure that any observers from their respective national programs collect information in the same manner as is required for IATTC observers; and

b. provide to the Director copies of all raw data collected by observers from their respective national programs in a timely manner upon the conclusion of the trip during which the data were collected, along with summaries and reports comparable to those provided by IATTC observers.

8. In a timely manner after each trip observed by an IATTC observer, the Director, in a manner consistent with any applicable confidentiality requirements, is requested to provide to the Party under whose jurisdiction the vessel fished, copies of all raw data, summaries, and reports pertaining to the trip.

9. Notwithstanding other provisions of this Annex, if the Director determines that the placement of an observer from the On-Board Observer Program is not practical, a vessel subject to the jurisdiction of a Party that fishes in the Agreement Area without setting on dolphins may use a trained observer from another international program, provided such program is approved by the Parties, to collect pertinent information for the On-Board Observer Program, and to confirm to the Director that such vessel does not set on dolphins.

10. Observers from the On-Board Observer Program may be assigned to vessels of non-Parties at the discretion of the Director, provided the vessel and the vessel captain comply with all the requirements of this Annex, and all other applicable requirements of this Agreement. The Director is requested to inform the Parties of any such assignment in a timely manner.

11. Fees

a. The Parties shall establish the amount of the annual vessel fees to cover the costs of the On-Board Observer Program. The fees shall be calculated on the basis of the carrying capacity of each vessel or any other standard specified by the Parties.

b. At the time a Party submits to the Director the list of vessels under Annex IV to this Agreement, it shall also submit payment, in U.S. dollars, for the fees established under paragraph 11(a) of this Annex, specifying which vessels the payment covers.

c. No observer shall be assigned to a vessel for which the fees, as required under paragraph 11(b) of this Annex, have not been paid.

iii. do daljnogledov za obe očesi z veliko ločljivostjo, vključno med zasledovanjem in obkrožanjem delfinov zaradi lažjega prepoznavanja, razen kadar jih uporablja osebje plovila;

iv. do elektronskih sredstev obveščanja;

c. opazovalci imajo med izvlečenjem mrež in ulova dostop do delovnega krova ter do vseh živali, bodisi živih ali mrtvih, ki se prinesejo na krov plovila med ribolovom, zaradi jemanja bioloških vzorcev v skladu z opazovalnim programom na krovu ali kot to zahtevajo pristojni nacionalni organi kot sestavni del nacionalnega opazovalnega programa;

d. opazovalcem se zagotovi nastanitev, vključno s prostorom za bivanje, hrano in ustreznimi sanitarnimi prostori, enakovrednimi prostorom, ki jih uporablja posadka;

e. opazovalcem se zagotovi ustrezen prostor na polveljniškem mostu ali v krmarnici za pisarniško delo kakor tudi prostor na krovu, primeren za opravljanje opazovalnih nalog;

f. pogodbenice zagotovijo, da kapitani, posadka in lastniki plovil ne ovirajo, ustrahujejo, posegajo, vplivajo, podkupejo ali skušajo podkupiti opazovalca pri opravljanju njegovih nalog.

7. Pogodbenice:

a. zagotovijo, da vsi opazovalci iz njihovega ustreznega nacionalnega programa zbirajo podatke tako, kot se to zahteva za opazovalce IATTC;

b. pravočasno po vsakem potovanju, med katerim so se podatki zbirali, direktorju priskrbijo kopije vseh neobdelanih podatkov, ki jih zberejo opazovalci iz njihovih ustreznih nacionalnih programov, skupaj s povzetki in poročili, primerljivimi s tistimi, ki jih priskrbijo opazovalci IATTC.

8. Pravočasno po vsakem potovanju, ki ga je opazoval opazovalec ITTC, se od direktorja na način, ki je v skladu z vsemi veljavnimi zahtevami po zaupnosti, zaprosi, da pogodbenici, pod jurisdikcijo katere plovilo ribari, priskrbi kopije vseh neobdelanih podatkov, povzetkov in poročil v zvezi s potovanjem.

9. Ne glede na druge določbe iz te priloge, če direktor odloči, da namestitev opazovalca iz opazovalnega programa na krovu ni izvedljiva, lahko plovilo pod jurisdikcijo pogodbenice, ki ribari na območju iz Sporazuma in ne obkroža delfinov, uporabi usposobljenega opazovalca iz drugega mednarodnega programa, če so takšen program odobrile pogodbenice, da zbira ustrezone podatke za opazovalni program na krovu in da direktorju potrdi, da to plovilo ne loviti delfinov.

10. Opazovalci iz opazovalnega programa na krovu se lahko po presoji direktorja dodelijo plovilom nepogodbenic, če plovilo in njegov kapitan izpolnjujeta vse zahteve iz te priloge ter druge zahteve iz tega sporazuma, ki se uporabljajo. Direktorja se zaprosi, da pogodbenice pravočasno obvesti o vseh takšnih dodelitvah.

11. Pristojbine

a. Pogodbenice določijo znesek letne pristojbine za plovila za pokritje stroškov opazovalnega programa na krovu. Pristojbine se izračunajo na podlagi nosilnosti posameznih plovil ali kakšnega drugega normativa, ki ga določijo pogodbenice.

b. Ko pogodbenica direktorju predloži seznam plovil na podlagi Priloge IV k temu sporazumu, hkrati predloži tudi plačilo pristojbin v ameriških dolarjih, uvedenih na podlagi odstavka 11(a) te priloge, in pri tem navedejo, katera plovila so zajeta v plačilo.

c. Opazovalec se ne dodeli plovilu, za katero niso bile plačane pristojbine, zahtevane na podlagi odstavka 11(b) te priloge.

Annex III**Priloga III****Per-Stock, Per-Year Dolphin Mortality Caps**

1. The Parties shall establish, at a meeting convened pursuant to Article VIII of this Agreement, a per-stock, per-year dolphin mortality cap for each stock of dolphins, determined by the Meeting of the Parties, based on the best available scientific evidence, of between 0.2 percent and 0.1 percent of the Minimum Estimated Abundance (N_{min}) as calculated by the U.S. National Marine Fisheries Service or equivalent calculation standard as might be developed or recommended by the Scientific Advisory Board but in no event shall the total annual incidental dolphin mortality exceed 5,000, consistent with the provisions of this Agreement. In the year 2001 and thereafter, the per-stock, per-year cap shall be 0.1 percent of N_{min} .

2. The Parties shall conduct in 1998, or as soon as possible thereafter, a scientific review and assessment of progress toward the year 2001 objective, and consider recommendations as appropriate. Up to the year 2001, in the event that annual mortality of 0.2 percent of N_{min} is exceeded for any stock of dolphins, all sets on that stock and on any mixed schools containing members of that stock shall cease for that year. Beginning in the year 2001, in the event that annual mortality of 0.1 percent of N_{min} is exceeded for any stock of dolphins, all sets on that stock and on any mixed schools containing members of that stock shall cease for that year. In the event that annual mortality of 0.1 percent of N_{min} is exceeded for either eastern spinner or northeastern spotted dolphin stocks, the Parties shall conduct a scientific review and assessment and consider further recommendations.

3. For purposes of this Agreement, the Parties shall use the current estimate of absolute abundance for the dolphin stocks of the eastern Pacific Ocean presented by Wade and Gerrodette to the International Whaling Commission in 1992, based on U.S. National Marine Fisheries Service research vessel data for the period 1986-1990, until the Parties agree on an updated set of figures. Such updates could result from the analysis of data from future research cruises and indices of abundance and other relevant scientific data from the Parties, the IATTC and other scientific organizations.

4. The Parties shall establish a system, based on real-time observer reporting, to ensure effective implementation and compliance with the per-stock, per-year dolphin mortality cap.

5. Within six months of the entry into force of this Agreement, the Parties shall establish a system for the allocation of the per-stock per-year dolphin mortality cap for each stock for the ensuing year and years thereafter. This system shall provide for the distribution of the mortality limits in Paragraph 1 of this Annex among vessels of the Parties which are eligible for Dolphin Mortality Limits, in accordance with Annex IV. When establishing this system, the Parties shall consider the best available scientific evidence on the distribution and abundance of the stocks in question, and other variables which the Meeting of the Parties shall define at a later date.

Največje letne meje smrtnosti delfinov na stalež

1. Na zasedanju, sklicanem v skladu s členom VIII tega sporazuma, pogodbenice uvedejo Največje letne meje smrtnosti delfinov na stalež za vsak stalež delfinov, določen na zasedanju pogodbenic, na podlagi najboljšega razpoložljivega znanstvenega dokaza med 0,2 % in 0,1 % najmanjše ocenjene številčnosti (N_{min}), kot jo izračuna Nacionalna služba Združenih držav za morsko ribištvo ali se izračuna na podlagi enakovrednega izračunskega normativa, ki ga lahko pripravi ali priporoči Znanstveno svetovalni odbor, v skladu z določbami iz tega sporazuma pa v nobenem primeru skupno število letnih naključnih smrti delfinov ne sme presegati 5 000. Za leto 2001 in kasnejša leta velja letna omejitve na stalež 0,1 % najmanjše ocenjene številčnosti (N_{min}).

2. Pogodbenice v letu 1998 ali čim prej po tem datumu opravijo znanstveno presojo in oceno napredka proti cilju za leto 2001 ter proučijo priporočila, kot je ustrezno. Do leta 2001 velja, da če se letna stopnja smrtnosti 0,2 % N_{min} za katerikoli stalež delfinov preseže, se ribolov, ki zajema ta stalež in vse druge mešane jate, ki vsebujejo člane tega staleža, za to leto ustavi. Z letom 2001 začne veljati pravilo, da če se letna stopnja smrtnosti 0,1 % N_{min} za katerikoli stalež delfinov preseže, se ribolov, ki zajema ta stalež in vse druge mešane jate, ki vsebujejo člane tega staleža, za to leto ustavi. Če se letna stopnja smrtnosti 0,1 % N_{min} preseže za staleže vzhodnega dolgokljunega ali severo-vzhodnega progastega delfina, pogodbenice pripravijo znanstveno presojo in oceno ter preučijo dodatna priporočila.

3. Za namene tega sporazuma pogodbenice uporabijo trenutno oceno absolutne številčnosti za staleže delfinov vzhodnega oceana, ki sta jo predstavila Wade in Gerrodette Mednarodni komisiji za lov na kite leta 1992 in temelji na raziskovalnih podatkih o plovilih Nacionalne službe Združenih držav za morsko ribištvo za čas od 1986 do 1990, dokler se pogodbenice ne dogovorijo glede posodobljenega niza podatkov. Te posodobitve so lahko rezultat analize podatkov iz bodočih raziskovalnih križarjen in kazalci številčnosti ter drugi ustrezni znanstveni podatki pogodbenic, IATTC in drugih znanstvenih organizacij.

4. Pogodbenice vzpostavijo sistem, utemeljen na poročanju opazovalcev v realnem času, da zagotovijo učinkovito izvajanje in upoštevanje staležne letne omejitve smrtnosti delfinov.

5. V šestih mesecih po začetku veljavnosti tega sporazuma pogodbenice vzpostavijo sistem za dodelitev največjih letnih mej smrtnosti delfinov na stalež za vsak stalež za naslednje leto in leta zatem. Ta sistem predvideva razdelitev omejitev smrtnosti iz odstavka 1 te priloge med plovila pogodbenic, ki so upravičena, da se jim dodeli omejitev smrtnosti delfinov v skladu s prilogo IV. Pri vzpostavljanju tega sistema pogodbenice preučijo najboljše znanstvene dokaze za porazdelitev in številčnost zadevnih staležev ter druge spremenljivke, ki jih kasneje določijo pogodbenice na svojem zasedanju.

Annex IV

Dolphin Mortality Limits (DMLs)

I. Assignment of DMLs

1. Each Party shall provide to the Meeting of the Parties, through the Director, prior to October 1 of each year, a list of vessels under its jurisdiction of carrying capacity greater than 363 metric tons (400 short tons) that have requested a full-year DML for the following year, indicating those other vessels that are likely to be operating in the Agreement Area in the following year, and vessels that have requested a second-semester DML for the following year.

2. The IRP shall, by November 1 of each year, or later if agreed by the IRP, provide to the Meeting of the Parties a list of qualified applicant vessels eligible to receive a DML. For purposes of this Agreement, a vessel shall be considered qualified if:

a. it has been certified by the relevant national authorities to be in possession of all of the dolphin safety gear and equipment required in Annex VIII;

b. its captain and crew have received approved training in dolphin release and rescue techniques comparable to a standard established by the Meeting of the Parties;

c. it is over 363 metric tons (400 short tons) carrying capacity in size;

d. it has a captain considered qualified due to his or her prior record of performance; and

e. the vessel is not deemed to be disqualified under Section II of this Annex.

3. A vessel shall not be considered qualified under paragraph 2 if, on the date of the request pursuant to paragraph 1 of this Annex, the vessel is operating under the jurisdiction of a Party whose applicable laws and regulations prohibit vessels under its jurisdiction from fishing for tuna in association with dolphins; nor shall DMLs be assigned to any Party in order to provide permits for fishing in the Agreement Area to vessels flying the flag of another State whose applicable laws and regulations prohibit vessels under its jurisdiction from fishing for tuna in association with dolphins.

4. 98 percent, or such other unreserved portion as the Parties might determine, of the overall dolphin mortality limit for the fishery (5,000, or such other lower limit as the Parties might determine) shall be used to calculate into an average individual vessel DML (ADML) and distributed among the Parties for the succeeding year, as set forth in paragraph 5 of this Section.

5. The ADML shall be calculated by dividing the unreserved portion of the overall DML for the fishery established under paragraph 4 by the total number of qualified vessels requesting full-year DMLs. The distribution of DMLs among Parties shall be determined by multiplying the ADML by the number of qualified vessels requesting full-year DMLs and operating under the jurisdiction of each Party.

6. The remaining two percent, or such other portion as the Parties might determine, of the overall DML for the fishery shall be maintained as a separate Reserve DML Allocation (RDA), to be managed at the discretion of the Director. Any Party may request that the Director assign DMLs from such RDA to vessels fishing under its jurisdiction which do not normally fish for tuna in the Agreement Area but which may, from time to time, desire to participate in the fishery in the Agreement Area on a limited basis, provided that such vessels and their captains and crews meet the operational and training requirements set forth in Annex VIII of this Agreement and that the requirements set forth in paragraphs 2 and 3, of this Section are met. Any accidental mortalities caused by vessels operating in the Agreement Area under the jurisdiction of any of the Parties that have not requested DMLs for their fleet shall also be deducted from this RDA.

Priloga IV

Zgornje meje smrtnosti delfinov
(Dolphin Mortality Limits — DML)**I. Dodelitev DML**

1. Do 1. oktobra vsako leto vse pogodbenice prek direktorja za svoje zasedanje priskrbijo seznam plovil pod svojo jurisdikcijo z nosilnostjo nad 363 tonami (400 ameriškimi tonami), za katera zaposijo za celoletne DML za naslednje leto in pri tem navedejo tudi druga plovila, ki bodo v naslednjem letu verjetno delovala na območju iz sporazuma, ter plovil, za katera zaposijo za DML za drugo polletje naslednjega leta.

2. IRP do 1. novembra vsako leto ali kasneje, če je z IRP tako dogovorjeno, priskrb za zasedanje pogodbenic seznam plovil prisilcev, ki izpolnjujejo pogoje in so upravičena do prejema DML. Za namene tega sporazuma se plovilo šteje, da izpolnjuje pogoje:

a. če ima potrdilo pristojnih nacionalnih organov, da sta njegovo celotno orodje in oprema varna za delfine, kot to zahteva Priloga VIII;

b. če so bili njegov kapitan in posadka ustrezno usposobljeni za postopke spuščanja in reševanja delfinov, primerljive s standardom, ki ga določijo pogodbenice na svojem zasedanju;

c. če je njegova nosilnost nad 363 tonami (400 ameriškimi tonami)

d. če ima kapitana, ki velja za usposobljenega glede na poročilo o njegovih predhodnih doseženih rezultatih;

e. če se plovilo ne šteje za izloženega na podlagi Razdelka II te priloge.

3. Plovilo se ne šteje, da izpolnjuje pogoje po odstavku 2, če na dan zahtevka v skladu z odstavkom 1 te priloge plovilo deluje pod jurisdikcijo pogodbenice, katere veljavni zakoni in drugi predpisi prepovedujejo plovilom pod njeno jurisdikcijo ribolov tunov in povezavi z delfini; DML se prav tako ne dodeli nobeni pogodbenici z namenom, da se zagotovi dovoljenje za ribolov na območju iz Sporazuma plovilom, ki plujejo pod zastavo druge države, katere veljavni zakoni in drugi predpisi prepovedujejo plovilom pod njeno jurisdikcijo ribolov tunov in povezavi z delfini.

4. 98 % ali tolikšen drug nerezerviran delež, kot ga lahko določijo pogodbenice, celotne zgornje meje smrtnosti delfinov za ribištvo (5 000 ali takšna druga nižja meja, kot jo lahko določijo pogodbenice), se uporabi za izračun povprečne DML posameznih plovil (ADML) in se razdeli med pogodbenice za naslednje leto, kot to določa odstavek 5 tega razdelka.

5. ADML se izračuna tako, da se nerezervirani delež celotne DML za ribištvo, določen na podlagi odstavka 4, deli s celotnim številom plovil, ki izpolnjujejo pogoje in zaposijo za celoletne DML. Razdelitev DML med pogodbenice se določi tako, da se ADML pomnoži s številom plovil, ki izpolnjujejo pogoje in zaposijo za celoletne DML ter delujejo pod jurisdikcijo posameznih pogodbenic.

6. Preostala 2 % celotne DML za ribolov ali takšen delež, kot ga pogodbenice lahko določijo, se hrani kot ločena rezervna dodelitev DML (RDA), ki jo upravlja direktor po svoji presoji. Katerakoli pogodbenica lahko zaprosi, da direktor DML iz takšnih rezervnih RDA dodeli plovilom, ki ribarjo pod njeno jurisdikcijo in običajno ne lovijo tunov na območju iz Sporazuma, vendar pa občasno lahko želijo omejeno sodelovati pri ribolovu na območju iz Sporazuma, če takšna plovila ter njihovi kapitani in posadka izpolnjujejo zahteve za delovanje in zahteve glede usposobljenosti iz Priloge VIII tega sporazuma in če so izpolnjene zahteve iz odstavkov 2 in 3 tega razdelka. Vse naključne smrti, ki jih povzročijo plovila, ki ribarjo na območju iz Sporazuma pod jurisdikcijo katerekoli pogodbenice, ki ni zaposila za dodelitev DML njenemu ladjevju, se prav tako odštejejo od tega RDA.

7. No DML shall be assigned to a vessel which has been determined by the Parties to have engaged in a pattern of violations, as confirmed through enforcement actions taken against such vessel by the Party under whose jurisdiction it operates, which diminish the effectiveness of the International Dolphin Conservation Program.

8. The individual Parties with qualified vessels that will be fishing for tuna in association with dolphins shall manage their DMLs in a responsible manner, provided that no individual vessel shall receive a total annual DML in excess of the DML established for 1997 by the IRP, and reported in the Minutes of the 14th Meeting of the IRP, held on February 19-20, 1997, under the La Jolla Agreement. No Party shall allocate to the total of its qualified vessels a greater number of DMLs than those that such Party has been allocated under Sections I and III of this Annex. No initial assignment of DMLs may result in any vessel receiving a DML in excess of the ADML unless its performance in reducing dolphin mortalities, as measured by the IRP based upon the previous two years' data, is better than the average performance of the international fleet as a whole. No initial assignment of DMLs may result in any vessel receiving a DML in excess of the ADML if, during the previous year, it has committed any of the infractions identified in Section III, paragraph 4 of this Annex, subject to the conditions established pursuant to that paragraph.

9. Should the total mortalities of the fleet of any Party meet or exceed the total amount of DML distributed to it pursuant to this Annex, fishing for tuna in association with dolphins shall cease for all vessels operating under the jurisdiction of that Party.

10. Each Party shall, no later than February 1 of each year, notify the Director of the initial allocation of its distributed DML among its fleet. No vessel may begin fishing for tunas associated with dolphins until the Director receives such notification.

II. Utilization of DMLs

1. Any vessel which is assigned a full-year DML and does not set on dolphins prior to April 1 of that year, or which is assigned a second-semester DML and does not set on dolphins by December 31 of that year, or which is assigned a per-trip DML from the RDA and does not set on dolphins during that trip, unless as a result of *force majeure* or extraordinary circumstances, as agreed by the IRP, shall lose its DML and may not set on dolphins for the remainder of that year. Any such vessel that loses its DML on two consecutive occasions shall not be eligible to receive a DML for the following year.

2. Within six months following entry into force of this Agreement, the IRP, in cooperation with the scientific staff of the IATTC, shall develop and recommend a system by which to measure DML utilization in order to deter frivolous requests for DMLs. Such recommended system shall be presented for consideration by the Meeting of the Parties.

III. Use of forfeited or unutilized DMLs

1. After April 1 of each year, any DMLs which the Director determines will not be utilized pursuant to Section II or which have otherwise been forfeited shall be reallocated to the Parties consistent with this Section.

2. On the first working day in April of each year, the full-year DMLs assigned to those vessels that have not utilized them, pursuant to Section II, or have otherwise forfeited them, shall be redistributed among the Parties by the Director, consistent with the formula established pursuant to Section I, paragraph 5, but after first adjusting such formula as set forth in subparagraphs (a), (b) and (c) below. Such additional DMLs may be reallocated by the individual Parties among qualified vessels under the jurisdiction of such Party, subject to limitations and conditions set forth in paragraphs 3, 4, 5, 6 and 7 of this Section.

7. DML se ne dodeli plovilu, za katerega pogodbenice določijo, da je bil del ponavljajočega se vzorca kršitev, kar so potrdili izvršilni ukrepi, ki jih je proti temu plovilu sprejela pogodbenica, pod jurisdikcijo katere deluje, ki zmanjšujejo učinkovitost Mednarodnega programa za ohranjanje delfinov.

8. Posamezne pogodbenice s plovili, ki bodo lovile tune in povezavi z delfini, odgovorno upravljajo s svojimi DML, če nobeno posamezno plovilo na prejme celotne letne DML, ki presega DML, ki jo je na podlagi Sporazuma iz La Jolle za leto 1997 določila IRP in je zabeležena v zapisniku 14. zasedanja IRP, ki je potekalo 19. in 20. februarja 1997. Nobena pogodbenica ne dodeli skupnemu številu svojih plovil, ki izpoljujejo pogoje, večje število DML, kot ji je bilo dodeljeno na podlagi Razdelka I in III te priloge. Nobena začetna dodelitev DML ne sme imeti za posledico, da bi katerokoli plovilo prejelo DML, ki je višje od ADML, razen če je njena uspešnost pri zniževanju smrtnosti delfinov, ki jo izmeri IRP na podlagi podatkov za predhodni leti, boljša od povprečne uspešnosti mednarodne flote kot celote. Nobena začetna dodelitev DML ne sme imeti za posledico, da bi katerokoli plovilo prejelo DML, ki bi presegalo ADML, če je med predhodnim letom zagrešila kršitve iz odstavka 4 Razdelka III te priloge, ob upoštevanju pogojev, določenih na podlagi navedenega odstavka.

9. Če bi skupna vrednost smrtnosti flote katerokoli pogodbenice dosegljala ali presegla skupno vrednost DML, ki ji je bila dodeljena v skladu s to prilogom, se ribolov tunov in povezavi z delfini ustavi za vsa plovila, ki delujejo pod jurisdikcijo navedene pogodbenice.

10. Vsaka pogodbenica najkasneje do 1. februarja vsakega leta obvesti direktorja o začetni dodelitvi DML, ki jo je razdelila med svoje ladjeve. Nobeno plovilo ne sme začeti z ribolovom tunov in povezavi z delfini, dokler direktor ne prejme takšnega obvestila.

II. Koriščenje DML

1. Vsako plovilo, ki mu je bila dodeljena celoletna DML in ne obkroža delfinov pred 1. aprilom določenega leta, ali mu je bila dodeljena DML za drugo polletje in ne obkroža delfinov do 31. decembra določenega leta, ali mu je bila dodeljena DML za posamezno potovanje iz RDA in ne obkroža delfinov med tem potovanjem, razen v primeru višje sile ali izrednih okoliščin, kot je dogovorjeno z IRP, izgubi svojo DML in ne sme obkrožati delfinov celotni preostali čas tega leta. Vsako takšno plovilo, ki izgubi svojo DML v dveh zaporednih primerih, ni upravičeno do prejema DML za naslednje leto.

2. V šestih mesecih po začetku veljavnosti tega sporazuma IRP v sodelovanju z znanstvenim osebjem IATTC razvije in priporoči sistem za merjenje izkorisčenosti DML, da se odvrne neutemeljene zahtevke za DML. Tako priporočeni sistem se predloži v preučitev zasedanju pogodbenic.

III. Uporaba odvzetih ali neizkorisčenih DML

1. Po 1. aprilu vsako leto se vse DML, za katere direktor določi, da ne bodo izkorisčene v skladu z Razdelkom II, ali so bile kako drugače odvzete, ponovno dodelijo pogodbenicam v skladu s tem Razdelkom.

2. Direktor vsako leto na prvi delovni dan v aprili celoletne DML, dodeljene tistim plovilom, ki jih niso izkoristila v skladu z Razdelkom II ali ki so jim bile drugače odvzete, ponovno razdeli med pogodbenice v skladu s formulo, določeno na podlagi Razdelka I(5), po prvi prilagoditvi pa s tisto formulo, kot je določena v pododstavkih (a), (b) in (c). Takšne dodatne DML lahko pogodbenice ponovno dodelijo plovilom, ki izpoljujejo pogoje in so pod jurisdikcijo takšne pogodbenice, ob upoštevanju omejitve in pogojev iz odstavkov 3, 4, 5, 6 in 7 tega razdelka.

a. In performing the reallocation, any vessels that may have lost or otherwise forfeited DMLs under this paragraph, and any vessels requesting second-semester DMLs after the deadline set forth in Section I, paragraph 1, shall not be considered.

b. Prior to establishing the number of DMLs available for reallocation under this Section, adjustment shall be made by subtracting from such number any observed dolphin mortalities caused by those vessels that lost their DMLs under Section II, paragraph 1.

c. Prior to establishing the number of DMLs available for reallocation under this Section, the Director shall deduct one third of the ADML calculated pursuant to Section I, paragraph 5, for allocation to each vessel requesting a second-semester DML prior to the deadline established pursuant to Section I, paragraph 1. Such second-semester DMLs shall be allocated by the Director to the Parties proportionately, based upon the jurisdiction of respective Parties over vessels covered under this subparagraph. The second-semester DMLs assigned to such vessels by the Parties under whose jurisdiction they operate shall not exceed one-third of the ADML calculated pursuant to Section I, paragraph 5. Such vessels may not begin setting on dolphins before July 1 of that year.

3. Any Party may adjust the DMLs of its qualified vessels which meet the criteria set forth in Section I, paragraph 2, of this Annex either upward or downward, provided that no vessel is assigned an adjusted DML in excess of 50 percent above its initial DML, unless its performance in successfully reducing dolphin mortalities, as measured by the IRP, is in the upper 60 percent of the performance of the international fleet as a whole, as determined by the IRP, based upon the prior year's data. A Party making such an adjustment shall so notify the Director no later than May 1, and no such adjustment shall take effect until the Director has been notified.

4. No vessel may have its initial DML adjusted upward by any Party if the IRP had determined, and the Party with jurisdiction over the vessel concurs, that during that year or the previous year:

- a. the vessel fished without an observer;
- b. the vessel set on dolphins without a DML;
- c. the vessel set on dolphins after reaching its DML;
- d. the vessel knowingly set on a banned dolphin stock;
- e. the captain, crew, or the vessel owner committed any of the actions described in Annex II, Paragraph 6(f) of this Agreement;
- f. the vessel made a sanctionable night set; or
- g. the vessel used explosives during any phase of a fishing operation involving dolphins.

For infractions described in (a), (b), (c), (d), (f), and (g), a Party will be deemed to have provided such concurrence if it does not object to the IRP within six months of a referral of a possible violation from the IRP. For the infraction described in (e), a Party will be deemed to have provided such concurrence if it does not object to the IRP within 12 months of such referral.

5. No vessel may be eligible to receive an additional allocation of DML by a Party unless it has on board all of the required dolphin safety gear and equipment throughout the year; and no such upward allocation may be made for a vessel which has exceeded its initial DML prior to April 1, unless due to force majeure or extraordinary circumstances, as agreed by the Meeting of the Parties, in consultation with the IRP.

a. Pri ponovni dodelitvi DML se ne upoštevajo tista plovila, ki so morda izgubila ali so jim bile kako drugače odvzete DML na podlagi tega odstavka, in vsa plovila, ki so zaprosila za DML za drugo polletje po preteklu roka iz Razdelka I(1).

b. Pred določitvijo števila DML, ki je na voljo za ponovno dodelitev na podlagi tega razdelka, se opravi prilagoditev tako, da se od tega števila odštejejo vsi zapaženi smrtni primeri, ki so jih povzročila plovila, ki so izgubila svoje DML na podlagi Razdelka II(1).

c. Pred določitvijo števila DML, ki je na voljo za ponovno dodelitev na podlagi tega Razdelka, direktor odšteje eno tretjino ADML, izračunane v skladu z Razdelkom I(5), za dodelitev vsem tistim plovilom, ki zaprosijo za DML za drugo polletje pred potekom roka, določenega v skladu z Razdelkom I(1). Takšne DML za drugo polletje direktor sorazmerno dodeli pogodbenicam na podlagi jurisdikcije ustreznih pogodbenic nad plovili, zajetimi v tem pododstavku. DML za drugo polletje, ki jih dodelijo plovilom pogodbenice, pod jurisdikcijo katerih delujejo, ne presegajo ene tretjine ADML, izračunane v skladu z Razdelkom I(5). Takšna plovila ne smejo začeti z obkroževanjem delfinov pred 1. julijem navedenega leta.

3. Vsaka pogodbenica lahko prilagodi DML svojih plovil, ki izpolnjujejo merila iz Razdelka I(2) te priloge bodisi navzgor ali navzdol, pod pogojem, da se nobenemu plovilu ne dodeli prilagojena DML, ki za 50 % presega njegovo začetno DML, razen če ni njegova uspešnost pri zniževanju smrtnosti delfinov, ki jo meri IRP, v zgornjih 60 % uspešnosti mednarodne flote kot celote, kot jo določi IRP na podlagi podatkov za predhodno leto. Pogodbenica, ki opravi tako prilagoditev, o tem obvesti direktorja najkasneje do 1. maja, nobena takšna prilagoditev pa ne začne veljati, dokler o njej ni obveščen direktor.

4. Nobena pogodbenica ne sme prilagoditi navzgor svoj začetni DML, če je IRP odločila, pogodbenica z jurisdikcijo nad plovilom pa se strinja, da je v tem letu ali v predhodnem letu:

- a. plovilo ribarilo brez opazovalca;
- b. plovilo obkrožalo delfine brez DML;
- c. plovilo obkrožalo delfine po tem, ko je doseglo svojo DML;
- d. plovilo zavestno obkrožalo prepovedani stalež delfinov;
- e. kapitan, posadka ali lastnik plovila zagrešili katero od dejanj iz Priloge II(6)(f) tega sporazuma;

f. plovilo opravilo kaznivo nočno obkrožanje;

g. v katerikoli fazи ribolova, ki vključuje delfine, plovilo uporabilo razstrelivo.

Za prekrške, opisane v (a), (b), (c), (d), (f) in (g), velja, da se pogodbenica strinja, če ne vloži ugovora pri IRP v šestih mesecih potem, ko IRP naznani možen prekršek. Za prekrške, opisane v (e), velja, da se pogodbenica strinja, če ne vloži ugovora pri IRP v dvanajstih mesecih po njihovi naznanitvi.

5. Nobeno plovilo ni upravičeno, da od pogodbenice prejme dodatne dodelitve DML, če nima skozi celo leto na krovu vsega potrebnega orodja in opreme, varnih za delfine; nobena takšna dodelitev navzgor se ne sme opraviti za plovilo, ki je preseglo svojo začetno DML pred 1. aprilom, razen če ni to povzročila višja sila ali izredne okoliščine, kot se dogovorijo pogodbenice na svojem zasedanju po posvetovanju z IRP.

6. For any vessel exceeding its DML, as it may be adjusted pursuant to this Annex, during a given year, the amount of such excess, plus an additional 50 percent of that amount, unless the IRP recommends otherwise, shall be deducted from DMLs assigned to that vessel by a Party under whose jurisdiction the vessel operates over subsequent years in a manner prescribed by the IRP.

7. If at any time a vessel meets or exceeds its DML, as it may be adjusted pursuant to this Annex, that vessel shall immediately cease all fishing for tuna in association with dolphins.

IV. Implementation

1. The Parties shall ensure that in the implementation of the DML system established by this Annex, the per-stock, per-year dolphin mortality caps, as specified in Annex III, are not exceeded.

2. In cases involving unusual or extraordinary circumstances not foreseen in this Annex, the Parties, as recommended by the IRP, may take such measures as are necessary, consistent with the provisions of this Annex, in order to implement the DML system.

3. If the mortality in any given year increases above levels which the IRP considers to be significant, the IRP shall recommend that the Parties hold a meeting to review and identify the causes of mortality and formulate options to address such causes.

Annex V

Scientific Advisory Board

1. The Parties shall maintain the Scientific Advisory Board of technical specialists established pursuant to the La Jolla Agreement to assist the Director in matters regarding research to:

- a. modify current purse-seine technology to make it less likely to cause dolphin mortality and
- b. seek alternative means of capturing large yellowfin tuna.

2. The functions and responsibilities of the Board shall be to:

- a. Meet at least once each year;
- b. Review plans, proposals, and research programs of the IATTC to seek to meet the objectives set forth in paragraph 1 above;
- c. Provide advice to the Director concerning the design, facilitation, and guidance of research to achieve the objectives set forth in paragraph 1 above; and
- d. Assist the Director in locating sources of funding to conduct such research.

3. The Board will consist of no more than 10 members, no more than two of whom shall be from any one country, selected from the international community of scientists, fishing gear experts, the fishing industry, and environmentalists. The members will be proposed by the Director on the basis of their technical expertise, and each one will be subject to approval by the Parties.

Annex VI

National Scientific Advisory Committees

1. The functions of the National Scientific Advisory Committees (NATSACs), established in accordance with Article XI of this Agreement, shall be, inter alia, to:

- a. Receive and review relevant data, including data provided to national authorities by the Director;

6. Za vsako plovilo, ki preseže svojo DML, kot se lahko prilagodi v skladu s to prilogom, se med zadavnim letom vsota takšnih prekoračitev in dodatnih 50 % te vsote, razen če IRP ne priporoči drugače, odšteje od DML, ki jo zadavnemu plovilu dodeli pogodbenica, pod jurisdikcijo katere deluje v naslednjih letih na način, ki ga predpiše IRP.

7. Če kadarkoli plovilo doseže ali preseže svojo DML, kot se lahko prilagodi v skladu s to prilogom, to plovilo takoj preneha z vsakim ribolovom tunov v povezavi z delfini.

IV. Izvajanje

1. Pogodbenice zagotovijo, da pri izvajjanju sistema DML, uvedenega na podlagi te priloge, staležne letne omejitve smrtnosti delfinov, kot so opisane v Prilogi III, niso prekoračene.

2. V primerih, ki zajemajo nenavadne ali izredne okoljčine, ki v tej prilogi niso predvidene, pogodbenice lahko v skladu z določbami iz te priloge, kot to priporoči IRP, sprejemajo takšne ukrepe, kot so potrebni za izvajanje sistema DML.

3. Če se smrtnost v danem letu poveča nad ravnin, ki jih IRP šteje za znatne, IRP priporoči, da se pogodbenice zberejo na zasedanju in pregledajo ter poiščejo vzroke smrtnosti ter oblikujejo možnosti za odpravo teh vzrokov.

Priloga V

Znanstveno svetovalni odbor

1. Pogodbenice vzdržujejo Znanstveno svetovalni odbor tehničnih strokovnjakov, ustanovljen na podlagi Sporazuma iz La Jolle, da direktorju pomaga v zadavah, povezanih z raziskavami:

- a. za spremembo tehnologije z zaporno plavarico, da se zmanjša verjetnost povzročanja smrtnosti delfinov;
- b. za iskanje nadomestnih načinov ribolova velikega rumenoplavutega tuna.

2. Naloge in pristojnosti odbora so:

- a. da zaseda vsaj enkrat letno;
- b. da pregleda načrte, predloge in raziskovalne programe IATTC, da se skušajo izpolniti cilji iz odstavka 1;
- c. da direktorju svetuje pri načrtovanju, pospeševanju in usmerjanju raziskav za doseg ciljev iz odstavka 1;

d. da pomaga direktorju pri iskanju finančnih virov za izvajanje takšnih raziskav.

3. Odbor sestavlja največ 10 članov, največ po dva iz ene države, izbranih iz mednarodne skupnosti znanstvenikov, izvedencev za ribolovno orodje, iz ribiške industrije in okoljevarstvenikov. Člane predlaga direktor na podlagi njihovih strokovnih izkušenj in znanja, vsakega posebej pa potrdijo pogodbenice.

Priloga VI

Nacionalni znanstveno svetovalni odbori

1. Naloge Nacionalnih znanstveno svetovalnih odborov (National Scientific Advisory Committees — NATSAC), ustanovljenih v skladu s členom XI tega sporazuma, so med drugim:

- a. da prejemajo in pregledujejo ustrezne podatke, vključno s podatki, ki jih nacionalnim organom priskrbijo direktor;

b. Advise and recommend to their governments measures and actions that should be undertaken to conserve and manage stocks of living marine resources in the Agreement Area;

c. Make recommendations to their governments regarding research needs, including research concerning ecosystems, the effects of climatic, environmental and socio-economic factors, the effects of fishing as well as on measures contemplated in this Agreement, fishing techniques and practices, and gear technology research, including the development and use of selective environmentally safe and cost-effective fishing gear; and the coordination and facilitation of such research;

d. Conduct scientific reviews and assessments by the year 1998 or as soon as possible thereafter, regarding progress toward the year 2001 objective of achieving a per-stock, per-year cap of 0.1 percent N_{min} , and make appropriate recommendations to their governments concerning these reviews and assessments, as well as additional assessments in the year 2001 consistent with this Agreement;

e. Ensure the regular and timely full exchange of data among the Parties and the NATSACs on catch of tuna and associated species and bycatch, including dolphin mortality data, for the purposes of developing conservation and management recommendations to their governments as well as recommendations for enforcement and scientific research while not violating the confidentiality of business confidential data;

f. Consult with other experts as necessary for the purpose of gathering as much information as possible that might be useful for achieving the objectives of this Agreement; and

g. Perform such other functions as their respective governments might assign to them.

2. Reports of the NATSACs, including of their cooperative meetings, shall be made available to the Parties and the public, in a manner consistent with any applicable confidentiality requirements.

3. The Director may convene, in addition to the meetings pursuant to Article XI, paragraph 3, meetings with the purpose of facilitating consultation among the NATSACs.

4. The functions of the meetings of the NATSACs shall be to:

- a. Exchange information;
- b. Review IATTC research to achieve the objectives of this Agreement; and
- c. Make recommendations to the Director concerning the future research program to achieve the objectives of this Agreement.

5. The NATSAC members from any Party who attend the meeting shall be designated by that Party.

Annex VII

International Review Panel

1. In compliance with Article XII of this Agreement, the International Review Panel (IRP) shall have the following functions:

a. Each year compile a list of the vessels that qualify for DMLs as agreed in Annex IV;

b. Analyze the reports submitted to the IRP, regarding all tuna-fishing trips made by vessels covered by this Agreement;

c. Identify possible infractions, based on the list of possible infractions approved by the Meeting of the Parties;

d. Inform each Party, through the Director, of possible infractions committed by vessels flying its flag or operating under its jurisdiction, and receive from that Party information on the actions taken;

b. da svojim vladam svetujejo in priporočajo ukrepe, ki bi jih bilo treba sprejeti za ohranjanje in upravljanje staležev živih morskih virov na območju iz Sporazuma;

c. da svojim vladam dajejo priporočila glede raziskovalnih potreb, vključno z raziskavami ekosistemov, posledic klimatskih, okoljskih in socialnoekonomskih dejavnikov, posledic ribolova, kakor tudi glede ukrepov iz tega sporazuma, ribolovnih tehnik in postopkov ter tehnoloških raziskav orodij, vključno z razvojem in uporabo selektivnega in za okolje neškodljivega ter rentabilnega ribolovnega orodja, ter da usklajujejo in pospešujejo takšne raziskave;

d. da do leta 1998 ali čim prej potem znanstveno presidijo in ocenijo približevanje cilju za leto 2001 doseči staležno letno omejitev 0,1 % N_{min} , za svoje vlade pa v zvezi s temi presojami in pregledi pripravijo ustrezna priporočila, leta 2000 pa tudi dodatne ocene v skladu s tem sporazumom;

e. da zagotovijo redno in pravočasno izmenjavo vseh podatkov med pogodbenicami in NATSAC o vrstah, povezanih z ribolovom tunov, ter o prilovih, vključno s podatki o smrtnosti delfinov, da za svoje vlade pripravijo ohranjevalna in upravljalnska priporočila kakor tudi priporočila za njihovo uveljavljanje in znanstvene raziskave, pri tem pa ne smejo kršiti zaupnosti zaupnih poslovnih podatkov;

f. da se po potrebi z drugimi izvedenci posvetujejo glede zbiranja čim večjega števila podatkov, ki so lahko koristni pri doseganju ciljev iz tega sporazuma;

g. da opravljajo tudi druge naloge, ki jim jih lahko dodelijo njihove vlade.

2. Poročila nacionalnih znanstveno svetovalnih odborov, vključno s poročilom o njihovem skupnem zasedanju, so na voljo pogodbenicam in javnosti tako, da je to v skladu z vsemi veljavnimi zahtevami po zaupnosti.

3. Direktor lahko skliče poleg zasedanj v skladu s členom XI(3) tudi zasedanja, katerih namen je olajšati medsebojno posvetovanje med Natsac.

4. Naloge zasedanj Natsac so:

- a. izmenjava podatkov;
- b. pregled raziskav IATTC za dosego ciljev iz tega sporazuma;
- c. priprava priporočil za direktorja glede bodočega raziskovalnega programa za dosego ciljev iz tega sporazuma.

5. Člane Natsac iz katerekoli pogodbenice, ki sodelujejo na zasedanju, določi zadevna pogodbenica.

Priloga VII

Mednarodna komisija za preverjanje

1. V skladu s členom XII tega sporazuma ima Mednarodna komisija za preverjanje (International Review Panel — IRP) naslednje naloge:

a. vsako leto pripravi seznam plovil, ki izpolnjujejo pogoje za dodelitev DML, kot je dogovorjeno v Prilogi IV;

b. analizira predložena poročila o vseh ribolovnih potovanjih za lov na tune, ki so jih opravila v tem sporazumu zajeta plovila;

c. ugotavlja možne kršitve na podlagi seznama možnih kršitev, ki se odobri na zasedanju pogodbenic;

d. vsako pogodbenico preko direktorja obvesti o možnih prekrških, ki so jih zagrešila plovila, ki plujejo pod njeno zastavo ali delujejo pod njeno jurisdikcijo, od navedene pogodbenice pa sprejme podatke o sprejetih ukrepih;

e. Maintain an updated report on the actions taken by the Parties to provide adequate training for fishing captains, and maintain a list of those fishing captains determined to be complying with established performance requirements, based on the information provided by each of the Parties;

f. Recommend to the Meeting of the Parties pertinent measures for achieving the objectives of this Agreement, in particular those related to the use of gear, equipment and fishing techniques, considering improvements in technologies, as well as the adoption of appropriate incentives for captains and crews to meet the objectives of this Agreement;

g. Prepare and provide the Meeting of the Parties an annual report on those aspects of the operation of the fleet relating to the implementation of this Agreement, including a summary of possible infractions identified and the actions taken by the Parties;

h. Recommend to the Parties ways to progressively reduce dolphin mortality incidental at the fishery in the Agreement Area; and

i. Perform other functions as assigned by the Meeting of the Parties.

2. The IRP shall be made up of representatives of the Parties ("governmental members"), three representatives of non-governmental environmental organizations with recognized experience in matters pertaining to this Agreement and with offices in the territory of a Party, and three representatives from the tuna industry that operates under the jurisdiction of any of the Parties in the Agreement Area ("non-governmental members").

3. The non-governmental members shall have a two-year term of membership, starting at the first meeting of the IRP immediately after their election.

4. The non-governmental members will be elected in accordance with the following procedure:

a. Prior to the expiration of the term of a non-governmental member, the relevant non-governmental organizations may present candidates' nominations 60 days before the expiration of the term to the Director. A curriculum vitae should accompany each nomination. The current non-governmental members may be nominated for additional periods.

b. Once the nominations are received, the Director shall transmit them in writing to the Parties within 10 days. The Parties should send their votes to the Director within 20 days of the transmittal of the nominations by the Director. In this election, the three nominees from each non-governmental sector who receive the most votes shall be elected; the nominee who receives the fourth largest number of votes shall be designated the alternate member. In the case of a tie, the Director should solicit a new vote from the Parties to determine the member and the alternate.

c. If a non-governmental position becomes permanently vacant, because of death, resignation, or failure to participate in three consecutive meetings of the IRP, the alternate shall fill the position for the remainder of that position's term. The candidate who received the fifth largest number of votes in the elections referred to in paragraphs (a) and (b) shall be designated the alternate member. If additional vacancies occur, the Director shall inform the relevant non-governmental organizations so that new candidates may be submitted for an election process consistent with that described in paragraphs (a) and (b).

d. Each alternate may attend the meetings of the IRP, but shall have no speaking rights if all the members of his/her respective sector are present.

5. The IRP shall hold at least three meetings a year, one of which will preferably be held on the occasion of the ordinary Meeting of the Parties.

e. vodi in sproti dopolnjuje poročilo o ukrepih, ki jih sprejmejo pogodbenice za zagotavljanje ustreznega usposabljanja kapitanov ribiških plovil, in vodi seznam tistih kapitanov ribiških plovil, za katere je bilo na podlagi podatkov, ki jih zagotovijo posamezne pogodbenice, določeno, da izpolnjujejo sprevete zahteve glede doseganja rezultatov;

f. na zasedanju pogodbenic priporoči ustrezne ukrepe za doseganje ciljev iz tega sporazuma, zlasti tiste, ki se nanašajo na uporabo ribolovnega orodja, opreme in ribolovnih tehnik, ob upoštevanju izboljšav in tehnologij, kakor tudi sprevjetje ustreznih spodbud za kapitane in posadke za doseganje ciljev iz tega sporazuma;

g. za zasedanje pogodbenic pripravi in dostavi letno poročilo o tistih vidikih delovanja ladjevja, ki se nanašajo na izvajanje tega sporazuma, vključno s povzetkom možnih ugotovljenih kršitev ter ukrepov pogodbenic;

h. pogodbenicam priporoči načine za postopno znižanje smrtnosti delfinov, ki jo po naključju povzroči ribolov na območju iz Sporazuma;

i. opravlja druge naloge, ki jih dodelijo pogodbenice na svojem zasedanju.

2. IRP sestavljajo predstavniki pogodbenic (vladni člani), trije predstavniki nevladnih okoljevarstvenih organizacij s priznanimi izkušnjami o zadevah iz tega sporazuma in z uradi na ozemlju pogodbenice, ter trije predstavniki iz industrije tunov, ki deluje pod jurisdikcijo katerekoli od pogodbenic na območju iz Sporazuma (nevladni člani).

3. Mandat nevladnih članov traja dve leti in se začne na prvem zasedanju IRP takoj po njihovi izvolitvi.

4. Nevladni člani se izvolijo po naslednjem postopku:

a. pred potekom mandata nevladnega člana lahko ustrezne nevladne organizacije direktorju predložijo imenovanje kandidatov 60 dni pred potekom mandata. Vsakemu imenovanju je treba dodati življenjepis. Sedanji nevladni člani se imenujejo za dodatno obdobje;

b. ko direktor prejme imenovanja, jih ta v pisni obliki v roku desetih dni pošlje pogodbenicam. Pogodbenice morajo poslati direktorju svoj glas v 20 dneh potem, ko je direktor razposlal imenovanja. Pri teh volitvah so izvoljene tiste tri predlagane osebe iz vsakega nevladnega področja, ki so prejele največje število glasov; predlagana oseba, kiprejme četrto največje število glasov, se imenuje za nadomestnega člana. Pri neodločenem glasovanju mora direktor izvesti novo glasovanje pogodbenic, da se določi člana in nadomestnega člana;

c. če nevladno mesto postane trajno nezasedeno zaradi smrti, odstopa ali neudeležbe na treh zaporednih zasedanjih IRP, nadomestni član zasede to mesto za preostali čas mandata tega mesta. Kandidat, ki je prejel peto največje število glasov pri glasovanju iz odstavkov (a) in (b), se imenuje za nadomestnega člana. Če se pojavi dodatno prsto mesto, direktor o tem obvesti pristojne nevladne organizacije, tako da se v postopek glasovanja, ki je v skladu s postopkom iz odstavkov (a) in (b), lahko vključijo novi kandidati.

d. Vsak nadomestni član lahko sodeluje na zasedanju IRP, vendar nima pravice govoriti, če so prisotni vsi člani iz njegovega področja.

5. IRP ima vsaj tri zasedanja letno, eno se po možnosti opravi hkrati z rednim zasedanjem pogodbenic.

6. The IRP may convene additional meetings at the request of at least two of the Parties, provided that a majority of the Parties support the request.

7. The IRP meetings shall be chaired by a Presider elected by the governmental members at the beginning of each meeting, who shall decide on matters of order. Any member shall have the right to ask that any decision made by the Presider be decided as specified in Paragraph 9 of this Annex.

8. The meetings shall be in Spanish and English, and IRP documents shall also be produced in both languages.

9. The decisions at the meetings of the IRP shall be adopted by consensus among the governmental members.

10. The following criteria shall be applied to attendance at IRP meetings:

a. There shall be no restrictions on the number of persons a Party can include in its delegation to an IRP meeting.

b. Any IATTC member State or Signatory to this Agreement may be represented by an observer.

c. Any State not a member of the IATTC and any State or regional economic integration organization not a signatory to this Agreement may be represented by an observer, with prior notification to IRP governmental members, unless any governmental member of the IRP objects in writing.

d. The Director may invite representatives of intergovernmental organizations as observers, with prior notification to IRP members, unless any governmental member of the IRP objects in writing.

e. In any cases referred to in (c) and (d) above, the Director shall not disclose the identity of the objecting Party.

f. Each observer is limited to two delegates, but may bring more with the approval of two-thirds of the governmental members of the IRP.

11. In cases of urgency, and without prejudice to the provisions of paragraph 9 of this Annex, the IRP may take decisions by correspondence through a vote of the governmental members, under the following procedures:

a. The proposal shall be circulated to all members of the IRP, in writing, with all pertinent documentation, at least fourteen days before the proposed effective date of the resolution, action, or measure; the votes shall be transmitted to the Director no less than seven days before the proposed effective date;

b. The proposal shall be considered urgent unless a simple majority of the governmental members objects in writing; the proposal shall be accepted unless any governmental member objects in writing; and

c. The Director shall circulate the proposal as well as the accompanying documentation, receive and count the votes, and inform the IRP members of the results of a vote as soon as the voting closes.

12. The Director will carry out the functions of the Secretary, which shall include:

a. Assisting in the convening and organization of IRP meetings;

b. Presenting information required by the IRP for carrying out its functions and responsibilities, including observer IRP forms and field data forms providing information on the activities of the vessels, dolphin mortality, and the presence, condition, and use of the dolphin safety equipment and gear;

c. Preparing minutes of all meetings and draft special reports and documents dealing with the activities of the IRP;

d. Providing to each Party, for its consideration, recommendations and information concerning possible infractions identified by the IRP for vessels under its jurisdiction;

e. Distributing to the IRP information received from Parties on the actions taken on possible infractions identified by the IRP;

6. Na zahtevo vsaj dveh pogodbenic IRP lahko skliče dodatna zasedanja, če večina pogodbenic podpre to zahtevo.

7. Zasedanjem IRP predseduje predsednik, ki ga izvolijo vladni člani na začetku vsakega zasedanja in ki določi vrstni red zadev. Vsak član ima pravico zahtevati, da se o vsaki odločitvi, ki jo sprejme predsednik, odloča, kot je opisano v odstavku 9 te priloge.

8. Zasedanja potekajo v španščini in angleščini, dokumenti IRP se prav tako pripravijo pripravijo v obeh jezikih.

9. Odločitve se na zasedanjih IRP sprejmejo s soglasjem med vladnimi člani.

10. Za udeležbo na zasedanjih IRP se uporabljajo naslednja merila:

a. število oseb, ki jih pogodbenica lahko vključi v svojo delegacijo za zasedanje IRP, ni omejeno;

b. vsako državo članico IATTC ali podpisnico tega sporazuma lahko zastopa opazovalec;

c. vsako državo, ki ni članica IATTC, in vsako državo ali regionalno organizacijo za gospodarsko povezovanje, ki nista podpisnici tega sporazuma, lahko zastopa opazovalec, če se o tem predhodno obvesti vladne člane IRP, razen če kateri od vladnih članov IRP temu pisno nasprotuje;

d. direktor lahko povabi predstavnike medvladnih organizacij kot opazovalce, če o tem predhodno obvesti člane IRP, razen če kateri od vladnih članov IRP temu pisno nasprotuje;

e. v nobenem od primerov iz (c) in (d) direktor ne sme razkriti, katera pogodbenica je temu nasprotovala;

f. vsaka opazovalka je omejena na dva delegata, lahko pa jih pošlje več, če to odobrita dve tretjini vladnih članov IRP.

11. V nujnih primerih in ne glede na določbe iz odstavka 9 te priloge lahko IRP sprejme odločitve dopisno z glasovanjem vladnih članov po naslednjem postopku:

a. predlog se razpošlje vsem članom IRP v pisni obliki skupaj z vso zadevno dokumentacijo vsaj 14 dni pred predlaganim datumom začetka veljavnosti resolucije ali ukrepa; glasovi se pošljejo direktorju najkasneje sedem dni pred predlaganim datumom začetka veljavnosti;

b. predlogi se obravnavajo kot nujni, razen če navadna večina vladnih članov temu pisno nasprotuje. Predlog se sprejme, razen če kateri od vladnih članov temu pisno nasprotuje;

c. direktor predlog skupaj s spremljajočo dokumentacijo razpošlje, sprejme in presteje glasove ter obvesti člane IRP o rezultatih glasovanja, kakor hitro je glasovanje končano.

12. Direktor opravlja naloge tajnika, ki zajemajo:

a. nudjenje pomoči pri sklicanju in organizaciji zasedanj IRP;

b. predložitev podatkov, ki jih IRP potrebuje za izvajanje svojih nalog in pristojnosti, vključno z obrazci IRP za opazovalce in obrazci za podatke s terena, ki zagotavljajo podatke o aktivnostih plovil, smrtnosti delfinov ter o prisotnosti, stanju in uporabi za delfine varnega ribolovnega orodja in opreme;

c. priprava zapisnikov vseh zasedanj in osnutkov posebnih poročil ter dokumentov, ki obravnavajo dejavnosti IRP;

d. priprava predlogov in podatkov o možnih kršitvah, ki jih je ugotovila IRP za plovila pod njeno jurisdikcijo za vsako pogodbenico v njeno preučitev;

e. pošiljanje IRP podatkov, ki jih prejme od pogodbenic o ukrepih, sprejetih glede možnih kršitev, ki jih ugotovi IRP;

f. Publishing the Annual Report of the IRP and making it available to the public, in accordance with the instructions given by the Meeting of the Parties;

g. Presenting to the members of the IRP information received from the Parties referred to in Paragraph 1(e) of this Annex; and

h. Carrying out other tasks necessary for the accomplishment of the IRP's functions, as assigned by the Parties.

13. The rules of procedure of the IRP may be modified by the Meeting of the Parties. Modifications may be recommended by the IRP.

14. The members of the IRP and any other participants invited to attend IRP meetings as observers shall treat all the information presented at such meetings in accordance with the provisions of confidentiality set forth in Article XVIII of this Agreement.

Annex VIII

Operational Requirements for Vessels

1. For the purposes of this Annex:

a. "Strip" means a section of net that is approximately 6 fathoms deep.

b. "Backdown" means the procedure for releasing captured dolphins by shifting the vessel's engine(s) into reverse during net retrieval, causing the net remaining in the water to form a channel, and the corkline at the apex of the channel to submerge.

c. "Bunch" means a length of corkline gathered together.

d. "Sack-up" means that part of the fishing process when the catch is concentrated near the surface for loading aboard the vessel.

2. Dolphin Safety Gear and Equipment Requirements

A vessel with a carrying capacity of more than 363 metric tons (400 short tons) operating in the Agreement Area shall:

a. Have a purse seine equipped with a dolphin safety panel (DSP) with the following characteristics:

i. A minimum length of 180 fathoms (as measured before installation), except that the minimum length of the DSP in nets deeper than 18 strips must be determined in a ratio of 10 fathoms in length for each strip of net depth. The DSP must be installed so as to cover the backdown channel along the corkline, beginning at the outboard end of the last bow bunch pulled and continuing to at least two-thirds the distance from the apex of the backdown channel to the point where the net is secured at the stern. The DSP shall consist of small-mesh webbing not to exceed 1 1/8 inches (3.2 cm) stretched mesh, extending downward from the corkline to a minimum depth of two strips.

ii. Each end shall be identified with a highly visible marker.

iii. Any space between the corks or the corkline and the small mesh shall not exceed 1 3/8 inches (3.5 cm) in diameter.

b. Have at least three operable speedboats. All operable speedboats shall be equipped with towing bridles or posts, and tow lines;

c. Have an operable raft suitable for the observation and rescue of dolphins;

d. Have at least two operable facemasks suitable for underwater observation; and

e. Have an operable long-range floodlight with a minimum output of 140,000 lumens.

f. objava letnega poročila IRP, ki ga da na voljo javnosti v skladu z navodili, danimi na zasedanju pogodbenic;

g. predložitev podatkov iz odstavka 1(e) te priloge, prejetih od pogodbenic, članom IRP;

h. opravljanje drugih nalog, potrebnih za izpolnjevanje nalog IRP, kot mu jih dodelijo pogodbenice.

13. Poslovnik IRP se lahko spremeni na zasedanju pogodbenic. Spremembe lahko priporoči IRP.

14. Člani IRP in vsi drugi udeleženci, povabljeni, da sodelujejo na zasedanjih IRP kot opazovalci, ravnajo z vsemi podatki, predstavljenimi na takšnih zasedanjih, v skladu z določbami o zaupnosti iz člena XVIII tega sporazuma.

Priloga VIII

Zahteve za delovanje plovila

1. Za namene te priloge:

a. "pas" pomeni del mreže, ki sega približno 6 sežnjev globoko;

b. "spuščanje" pomeni postopek za spuščanje ujetih delfinov s prestavljivo ladijskega(-ih) motorja(-ev) v vzratno prestavo med izvlečenjem mreže, kar povzroči, da mreža ostane v vodi in oblikuje kanal, plutovinasta vrvi na sredi tega kanala pa se potopijo;

c. "zvitek" pomeni več metrov skupaj zvite plutovinaste vrvi;

d. "izvlečenje" pomeni tisti del ribolovnega postopka, ko je ulov zgoščen blizu površine, da se ga naloži na krov plovila.

2. Zahteve za orodje in opremo, varno za delfine

Plovilo z nosilnostjo nad 363 tonami (400 ameriškimi tonami), ki deluje na območju iz Sporazuma:

a. ima zaporno plavarico opremljeno z za delfine varno ploščo (dolphin safety panel — DSP), ki ima naslednje lastnosti:

i. dolga je najmanj 180 sežnjev (merjeno pred njenim namestitvijo), razen da je treba najkrajšo dolžino DSP v mrežah, globijih od 18 pasov, določiti v razmerju 10 sežnjev po dolžini za vsak pas globine mreže. DSP je treba namestiti tako, da pokriva kanal, ki nastane pri umikanju vzdolž plutovinaste vrvi, začenši pri zunajkrnmem koncu zadnjega potegnjenega zvitka in se nadaljuje vsaj dve tretjini razdalje od sredine kanala, ki nastane pri umikanju, do točke, kjer je mreža pritrjena na krmo. DSP je sestavljen iz tkanine z majhnimi očesi, ki ne presegajo 1 1/8 inča (3,2 cm) pri raztegnjenem očesu, in sega od plutovinaste vrvi najmanj do globine dveh pasov;

ii. oba konca sta označena z dobro vidnim označevalcem;

iii. noben prostor med pluto ali plutovinasto vrvjo in majhnim očesom ne sme presegati 1 3/8 inča (3,5 cm) po premeru;

b. ima vsaj tri hitre motorne čolne, pripravljene za uporabo; vsi hitri motorni čolni pripravljeni za uporabo so opremljeni z vlečnimi verigami ali drogovimi in vlečnimi vrvmi;

c. ima za uporabo pripravljen splav, primeren za opazovanje in reševanje delfinov;

d. ima pripravljeni za uporabo vsaj dve maski za obraz, primerni za podvodno opazovanje;

e. ima žaromet, pripravljen za uporabo, z najmanjšo močjo svetlobnega toka 140 000 lumnov.

3. Dolphin Protection and Release Requirements and Prohibitions

A vessel with a carrying capacity of more than 363 metric tons (400 short tons) operating in the Agreement Area shall:

a. Perform backdown during every set in which dolphins are captured, until it is no longer possible to remove live dolphins from the net by this procedure. At least one crewman shall be deployed during backdown to aid in the release of dolphins;

b. Continue efforts to release any live dolphins remaining in the net after backdown, so that all live dolphins are released prior to the initiation of the sack-up procedure;

c. Not sack-up or brail live dolphins;

d. Avoid injuring or killing dolphins captured in the course of fishing operations;

e. Complete backdown no later than thirty minutes after sunset, as determined by an accurate and reliable source approved by the Parties. A set that does not meet this requirement is termed a "night set";

f. Not use any type of explosive during any phase of a fishing operation involving dolphins (underwater flares are not considered to be explosives);

g. Cease setting on dolphins when its DML has been reached;

h. Not intentionally set on dolphins if the vessel does not have a DML; and

i. Perform a periodic net alignment to ensure the proper location of the dolphin safety panel during the backdown procedure, based on criteria established by the IRP.

It is emphasized that the above requirements should not lead to crewmen being placed in situations that present unnecessary risks to their personal safety.

4. Exceptions

a. A vessel without a DML is exempt from the requirements of Paragraph 2 of this Annex and from the obligation of carrying out the backdown manoeuvre mentioned in Paragraph 3 of this Annex unless the Party with jurisdiction over that vessel determines otherwise.

b. Any such vessel that captures dolphins accidentally shall attempt to release the dolphins, using every means at its disposal, including aborting the set, and taking into consideration the requirements set forth in paragraph 3 of this Annex.

5. Treatment of Observers

Captains, crew, and other personnel shall comply with their responsibilities regarding the presence of observers aboard their vessels, as specified in Annex II, paragraph 6.

6. Vessels under 363 metric tons (400 short tons)

No vessel with a carrying capacity of 363 metric tons (400 short tons) or less may intentionally set on dolphins.

3. Zahteve in prepovedi glede varovanja in spuščanja delfinov

Plovilo z nosilnostjo nad 363 tonami (400 ameriškimi tonami), ki deluje na območju iz Sporazuma:

a. izvede spuščanje med vsakim obkrožanjem, pri katerem so bili ujeti delfini, dokler niso izčrpane možnosti za odstranitev živih delfinov iz mreže po tem postopku. Vsaj en član posadke se med spuščanjem dodeli za pomoč pri spuščanju delfinov;

b. si še naprej prizadeva spustiti žive delfine, ki so ostali v mreži po spuščanju, tako da se vsi živi delfini spustijo pred začetkom izvajanja postopka izvlečenja mreže;

c. ne izvleče ali zajame živih delfinov;

d. se izogiba poškodovanju ali ubijanju ujetih delfinov med ribolovnim delovanjem;

e. zaključi s spuščanjem najkasneje v 30 minutah po sončnem zahodu, kot ga določijo pogodbenice s točnim in zanesljivim virom. Obkrožanje, ki ne izpolnjuje te zahteve, je označeno kot nočno obkrožanje.

f. v nobeni fazi ribolova, ki vključuje delfine, ne uporablja nobene vrste eksploziva (podvodni svetlobni signali se ne štejejo za eksplozivne);

g. preneha z obkrožanjem delfinov, ko doseže svojo DML;

h. namerno ne obkroža delfinov, če plovilu ni bila dodeljena DML;

i. na podlagi meril, ki jih sprejme IRP, redno preverja namestitev mrež, da med postopkom spuščanja zagotovi pravilno namestitev za delfine varne plošče.

Poudarja se, da zaradi zgornjih zahtev ne sme priti do okoliščin, ki bi člane posadke spravile v nepotrebljivo nevarnost.

4. Izjeme

a. Plovilo brez dodeljene DML je izvzeto od zahtev iz odstavka 2 te priloge in od obveznosti, da mora izvajati manever spuščanja iz odstavka 3 te priloge, razen če pogodbenica, pod jurisdikcijo katere je plovilo, določi drugače.

b. Vsako takšno plovilo, ki ujame delfine po naključju, skuša delfine spustiti z uporabo vseh razpoložljivih sredstev, vključno z zaustavitvijo obkrožanja, in upošteva zahteve iz odstavka 3 te priloge.

5. Ravnanje z opazovalci

Kapitani, posadke in drugo osebje izpolnjuje svoje odgovornosti glede prisotnosti opazovalcev na krovu svojih plovil, kot je opisano v Prilogi II(6).

6. Plovila pod 363 tonami (400 ameriškimi tonami)

Nobeno plovilo z nosilnostjo 363 ton (400 ameriških ton) ali manj ne sme namerno obkrožati delfinov.

ANNEX IX**Priloga IX****Elements of a Tuna Tracking and Verification Program**

1. Pursuant to Article V, paragraph 1(f), the Parties shall establish a program to track and verify tuna harvested by vessels in the Agreement Area, based on the following elements:

- a. the use of weight calculation for the purposes of tracking tuna caught, landed, processed and exported;
- b. additional measures to enhance current observer coverage, including the establishment of criteria for training and for improving monitoring and reporting capabilities and procedures;
- c. the designation of well location, procedures for sealing holds, procedures for monitoring and certifying both above and below deck, or through equally effective methods;
- d. the reporting, receipt, and database storage of radio and facsimile transmittals from vessels containing information related to the tracking and verification of such tuna;
- e. the shore-based verification and tracking of such tuna throughout the fishing, transshipment, and canning process by means of On-board Observer Program trip records ;
- f. the use of periodic audits and spot checks for caught, landed, and processed tuna products; and
- g. the provision of timely access to relevant data.

2. Each Party shall implement this program in its respective territory, on vessels subject to its jurisdiction and in marine areas with respect to which it exercises sovereignty or sovereign rights and jurisdiction.

Annex X**Priloga X****Guidelines and Criteria for the Participation of Observers at Meetings of the Parties**

1. The Director shall invite to Meetings of the Parties convened pursuant to Article VIII intergovernmental organizations whose work is relevant to the implementation of this Agreement, as well as non-Parties whose participation may promote implementation of this Agreement.

2. Non-governmental organizations (NGOs) with recognized experience in matters pertaining to this Agreement shall be eligible to participate as observers in all Meetings of the Parties convened pursuant to Article VIII except meetings held in executive session or meetings of Heads of Delegation.

3. Any NGO desiring to participate as an observer in a Meeting of the Parties shall notify the Director of its desire to participate at least 50 days in advance of the Meeting. The Director shall notify the Parties of the names of such NGOs at least 45 days prior to the beginning of the Meeting.

4. If a Meeting of the Parties is held with less than 50 days notice, the Director shall have greater flexibility concerning the timing of the sending of the invitations.

5. An NGO desiring to participate as an observer may do so unless a majority of the Parties formally objects for cause in writing at least 30 days prior to the beginning of the meeting in question.

6. Any participating observer may:

- a. attend meetings, subject to paragraph 2 of this Annex, but not vote;
- b. make oral statements during the meetings upon the invitation of the chairman;
- c. distribute documents at the meeting, with the approval of the chairman; and
- d. engage in other activities, as appropriate and as approved by the chairman.

Sestavni deli programa za sledenje in preverjanje tunov

1. V skladu s odstavkom 1(f) člena V pogodbenice sprejmejo program za sledenje in preverjanje tunov, ki jih ujamejo plovila na območju iz Sporazuma, na podlagi naslednjih sestavnih delov:

- a. uporaba izračuna mase za namene sledenja ujetih, iztovorjenih, predelanih in izvoženih tunov;
- b. dodatni ukrepi za povečanje trenutnega obsega opazovanja, vključno s sprejetjem meril za usposabljanje ter izboljšanje možnosti in postopkov spremljanja in poročanja;
- c. določitev mesta za shrambo za ribe, postopkov zatesnjenja ladijskih skladišč, postopkov njihovega spremljanja in opazovanja ter certificiranja, tako na krovu kot pod njim, ali z enako učinkovitimi postopki;
- d. poročanje, sprejemanje in hranjenje podatkovnih baz, poslanih s plovil po radiu in faksu, ki vsebujejo podatke o sledenju in preverjanju takšnih tunov;
- e. preverjanje in sledenje takšnih tunov z obale med ribolovom, pretovarjanjem in konzerviranjem s pomočjo po-ročil o ribolovnih potovanjih iz opazovalnega programa na krovu;
- f. uporaba rednih nadzorov in preverjanj na mestu samem ujetih, iztovorjenih in predelanih proizvodov iz tune;
- g. zagotavljanje pravočasnega dostopa do zadevnih podatkov.

2. Vsaka pogodbenica izvaja ta program na svojem zadevnem ozemljju, na plovilih pod njenou jurisdikcijo in na morskih območjih, nad katerimi ima suverenost ali suverene pravice in jurisdikcijo.

Smernice in merila za sodelovanje opazovalcev na zasedanju pogodbenic

1. Direktor povabi na zasedanje pogodbenic, sklicano v skladu s členom VIII, medvladne organizacije, katerih delovanje je pomembno za izvajanje tega sporazuma, kakor tudi nepogodbenice, katerih sodelovanje lahko pospeši izvajanje tega sporazuma.

2. Nevladne organizacije s priznanimi izkušnjami in zvezni zadevami, ki se nanašajo na ta sporazum, imajo pravico sodelovati kot opazovalke na vseh zasedanjih pogodbenic, sklicanih v skladu s členom VIII, razen na zasedanjih, ki pote-kajo v obliki zaprtih sej, ali na zasedanjih vodij delegacij.

3. Vsaka nevladna organizacija, ki želi sodelovati kot opazovalka na zasedanju pogodbenic, o tej svoji želji obvesti direktorja vsaj 50 dni pred zasedanjem. Direktor pogodbenicam sporoči imena takšnih nevladnih organizacij vsaj 45 dni pred začetkom zasedanja.

4. Če je bilo zasedanje napovedano manj kot 50 dni prej, ima direktor bolj proste roke glede določitve datuma za razpošiljanje vabil.

5. Nevladna organizacija, ki želi sodelovati kot opazovalka, to lahko storii, razen če večina pogodbenic temu pisno nasprotuje vsaj 30 dni pred začetkom zadevnega zasedanja.

6. Vsaka sodelujoča opazovalka se lahko:

- a. udeleži zasedanja na podlagi odstavka 2 te priloge, vendar ne sme glasovati;
- b. na povabilo predsednika da ustne izjave;
- c. z dovoljenjem predsednika na zasedanju razdeli dokumente;
- d. sodeluje pri drugih dejavnostih, kot je ustrezno in kot to odobri predsednik.

7. The Director may require NGO observers to pay reasonable fees, and to cover costs attributable to their attendance (e.g. copying expenses).

8. All observers admitted to a Meeting of the Parties shall be sent or otherwise provided the same documentation generally available to Parties, except documentation containing business-confidential data.

9. All observers admitted to a Meeting of the Parties shall comply with all rules and procedures applicable to other participants in the meeting.

7. Direktor lahko od nevladnih organizacij opazovalk zahteva plačilo zmerne pristojbine in pokritje stroškov, povezanih z njihovo udeležbo (npr. stroškov kopiranja).

8. Vsem opazovalkam, sprejetim na zasedanje pogodbenic, se pošljejo ali drugače dostavijo enaki dokumenti, ki so na splošno na voljo pogodbenicam, razen dokumentacije, ki vsebuje zaupne poslovne podatke.

9. Vse opazovalke, sprejete na zasedanje pogodbenic, upoštevajo vsa pravila in postopke, ki veljajo za druge udeležence zasedanja.

3. člen

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

4. člen

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

Št. 801-12/06-24/1
Ljubljana, dne 29. septembra 2006
EPA 956-IV

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

119. Zakon o ratifikaciji Evropske konvencije za zaščito vretenčarjev, ki se uporabljajo v poskusne in druge znanstvene namene (MEKZVU)

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 EVROPSKE KONVENCIJE ZA ZAŠČITO VRETEŃCARJEV,
KI SE UPORABLJAJO V POSKUSNE IN DRUGE ZNANSTVENE NAMENE (MEKZVU)**

Razglašam Zakon o ratifikaciji Evropske konvencije za zaščito vretenčarjev, ki se uporabljajo v poskusne in druge znanstvene namene (MEKZVU), ki ga je sprejel Državni zbor Republike Slovenije na seji 29. septembra 2006.

Št. 001-22-137/06
Ljubljana, dne 9. oktobra 2006

dr. Janez Drnovšek l.r.
Predsednik
Republike Slovenije

Z A K O N

**O RATIFIKACIJI EVROPSKE KONVENCIJE ZA ZAŠČITO VRETEŃCARJEV, KI SE UPORABLJAJO V
POSKUSNE IN DRUGE ZNANSTVENE NAMENE (MEKZVU)**

1. člen

Ratificira se Evropska konvencija za zaščito vretenčarjev, ki se uporabljajo v poskusne in druge znanstvene namene, sklenjena 18. marca 1986 v Strasbourg.

2. člen

Besedilo konvencije se v izvirniku v angleškem jeziku ter v prevodu v slovenskem jeziku glasi*:

**EUROPEAN CONVENTION
FOR THE PROTECTION OF VERTEBRATE
ANIMALS USED FOR EXPERIMENTAL AND
OTHER SCIENTIFIC PURPOSES**

PREAMBLE

The member States of the Council of Europe, signatory hereto,

Recalling that the aim of the Council of Europe is to achieve a greater unity between its members and that it wishes to co-operate with other States in the protection of live animals used for experimental and other scientific purposes;

Recognising that man has a moral obligation to respect all animals and to have due consideration for their capacity for suffering and memory;

Accepting nevertheless that man in his quest for knowledge, health and safety has a need to use animals where there is a reasonable expectation that the result will be to extend knowledge or be to the overall benefit of man or animal, just as he uses them for food, clothing and as beasts of burden;

**EVROPSKA KONVENCIJA
ZA ZAŠČITO VRETEŃCARJEV,
KI SE UPORABLJAJO V POSKUSNE
IN DRUGE ZNANSTVENE NAMENE**

PREAMBULA

Države članice Sveta Evrope, podpisnice te konvencije, so se

ob sklicevanju na namen Sveta Evrope doseči večjo enotnost med svojimi člani in na njegovo željo sodelovati z drugimi državami pri zaščiti živih živali, ki se uporabljajo v poskusne in druge znanstvene namene;

ob zavedanju, da je človek moralno obvezan spoštovati vse živali in da mora ustrezeno upoštevati njihovo zmožnost trpljenja in pomnenja;

vendar ob sprejemanju, da mora človek pri svojem iskanju znanja, zdravja in varnosti uporabljati živali, kjer smiselno pričakuje, da bodo rezultati poglobili znanje ali bodo v splošno korist človeka ali živali prav tako, kakor jih uporablja za hrano, obleko in kot tovorne živali;

* Dodatka A in B sta na vpogled v Sektorju za mednarodnopravne zadeve Ministrstva za zunanje zadeve.

Resolved to limit the use of animals for experimental and other scientific purposes, with the aim of replacing such use wherever practical, in particular by seeking alternative measures and encouraging the use of these alternative measures;

Desirous to adopt common provisions in order to protect animals used in those procedures which may possibly cause pain, suffering, distress or lasting harm and to ensure that where unavoidable they shall be kept to a minimum,

Have agreed as follows:

PART I
General principles

Article 1

1. This Convention applies to any animal used or intended for use in any experimental or other scientific procedure where that procedure may cause pain, suffering, distress or lasting harm. It does not apply to any non-experimental agricultural or clinical veterinary practice.

2. In this Convention:

a. "*animal*", unless otherwise qualified, means any live non-human vertebrate, including free-living and/or reproducing larval forms, but excluding other foetal or embryonic forms;

b. "*intended for use*" means bred or kept for the purpose of sale, disposal or use in any experimental or other scientific procedure;

c. "*procedure*" means any experimental or other scientific use of an animal which may cause it pain, suffering, distress or lasting harm, including any course of action intended to, or liable to, result in the birth of an animal in any such conditions, but excluding the least painful methods accepted in modern practice (that is "*humane*" methods) of killing or marking an animal. A procedure starts when an animal is first prepared for use and ends when no further observations are made for that procedure; the elimination of pain, suffering, distress or lasting harm by the successful use of anaesthesia or analgesia or other methods does not place the use of an animal outside the scope of this definition;

d. "*competent person*" means any person who is considered by a Party to be competent in its territory to perform the relevant function described in this Convention;

e. "*responsible authority*" means, in the territory of a given Party, any authority, body or person designated for the relevant purpose;

f. "*establishment*" means any stable or mobile facility, any building, group of buildings or other premises, including a place which is not wholly enclosed or covered;

g. "*breeding establishment*" means any establishment where animals are bred with a view to their use in procedures;

h. "*supplying establishment*" means any establishment, other than a breeding establishment, from which animals are supplied with a view to their use in procedures;

i. "*user establishment*" means any establishment where animals are used in procedures;

j. "*humane method of killing*" means the killing of an animal with a minimum of physical and mental suffering appropriate to the species.

odločene, da omejijo uporabo živali v poskusne in druge znanstvene namene s ciljem nadomestiti to uporabo, kjer koli je to izvedljivo, zlasti z iskanjem nadomestnih možnosti in spodbujanjem uporabe teh nadomestnih možnosti;

v želji sprejeti skupne določbe za zaščito živali, uporabljenih v teh postopkih, ki lahko povzročijo bolečino, trpljenje, stisko ali trajno škodo, in za zagotovitev, da so tam, kjer se jim ni mogoče izogniti, čim manjši,

dogovorile o naslednjem:

DEL I
Splošna načela

Člen 1

1. Ta konvencija velja za vse živali, ki se uporabljajo ali nameravajo uporabiti v poskusnem ali drugem znanstvenem postopku, kjer ta postopek lahko povzroči bolečino, trpljenje, stisko ali trajne poškodbe. Ne velja za kmetijsko ali klinično veterinarsko prakso, ki ni namenjena poskusom.

2. V tej konvenciji:

a. "*žival*", razen če je drugače opredeljeno, pomeni vsakega živega vretenčarja, razen človeka, vključno s prosto živečimi in/ali reproducijskimi larvalnimi oblikami, vendar brez drugih fetalnih ali embrionalnih oblik;

b. "*namenjena uporabi*" pomeni vzrejena ali gojena za prodajo, razpolaganje ali uporabo v poskusnih ali drugih znanstvenih postopkih;

c. "*postopek*" pomeni kakršno koli uporabo živali v poskusne ali druge znanstvene namene, ki le-tej lahko povzroči bolečino, trpljenje, stisko ali trajne poškodbe, vključno z vsakim ukrepanjem, ki povzroči ali lahko povzroči rojstvo živali v takih okoliščinah, pri čemer so izključene najmanj boleče metode, sprejete kot sodobna praksa (to je "*humane*" metode) usmrтitve ali označevanja živali. Postopek se začne, ko je žival prvič pripravljena za uporabo, in se konča, ko nadaljnja opažanja za ta postopek niso več potrebna. Kljub uporabi anestezije ali analgetika ali drugih metod za preprečevanje bolečine, trpljenja, stiske ali trajne škode, je uporaba živali še vedno v obsegu te opredelitev;

d. "*pristojna oseba*" pomeni vsako osebo, za katero pogodbenica meni, da je na njenem ozemlju pristojna opravljati ustrezno funkcijo, opisano v tej konvenciji;

e. "*pristojni organ*" pomeni na ozemlju dane pogodbenice organ, telo ali osebo, imenovano v ta namen;

f. "*ustanova*" pomeni vsak stalen ali premičen objekt, katero koli stavbo, skupino stavb ali druge prostore, vključno s krajem, ki ni povsem ograjen ali pokrit;

g. "*vzrejna ustanova*" pomeni vsako ustanovo, kjer živali gojijo za uporabo v postopkih;

h. "*dobavna ustanova*" pomeni vsako ustanovo, razen vzrejne ustanove, od koder se živali dobavljajo za uporabo v postopkih;

i. "*uporabniška ustanova*" pomeni vsako ustanovo, kjer živali uporabljajo v postopkih;

j. "*humana metoda ubijanja*" pomeni usmrтitev živali s kar najmanjšim telesnim in duševnim trpljenjem, primerno živalski vrsti.

Article 2

A procedure may be performed for one or more of the following purposes only and subject to the restrictions laid down in this Convention:

- a. i. avoidance or prevention of disease, ill-health or other abnormality, or their effects, in man, vertebrate or invertebrate animals or plants, including the production and the quality, efficacy and safety testing of drugs, substances or products;
- ii. diagnosis or treatment of disease, ill-health or other abnormality, or their effects, in man, vertebrate or invertebrate animals or plants;
- b. detection, assessment, regulation or modification of physiological conditions in man, vertebrate and invertebrate animals or plants;
- c. protection of the environment;
- d. scientific research;
- e. education and training;
- f. forensic inquiries.

Article 3

Each Party undertakes to take all the necessary steps to give effect to the provisions of this Convention and to ensure an effective system of control and supervision as soon as possible and in any case within a period of five years from the date of entry into force of the present Convention in respect of that Party.

Article 4

No provision in this Convention shall affect the liberty of the Parties to adopt stricter measures for the protection of animals used in procedures or for the control and restriction of the use of animals in procedures.

PART II*General care and accommodation***Article 5**

1. Any animal used or intended for use in a procedure shall be provided with accommodation, an environment, at least a minimum degree of freedom of movement, food, water and care, appropriate to its health and well-being. Any restriction on the extent to which an animal can satisfy its physiological and ethological needs shall be limited as far as practicable. In the implementation of this provision, regard should be paid to the guidelines for accommodation and care of animals set out in Appendix A to this Convention.

2. The environmental conditions in which animals are bred, kept or used shall be checked daily.

3. The well-being and state of health of animals shall be observed sufficiently closely and frequently to prevent pain or avoidable suffering, distress or lasting harm.

4. Each Party shall determine arrangements to ensure that any defect or suffering discovered is corrected as quickly as possible.

PART III
*Conduct of procedure***Article 6**

1. A procedure shall not be performed for any of the purposes referred to in Article 2, if another scientifically satisfactory method, not entailing the use of an animal, is reasonably and practicably available.

Člen 2

Postopek se sme izvajati samo zaradi enega ali več naslednjih namenov ob upoštevanju omejitev, predpisanih v tej konvenciji:

- a. i. izogibanje ali preprečevanje bolezni, bolehnosti, drugih nenormalnosti ali njihovih učinkov pri človeku, vretenčarjih ali nevretenčarjih ali rastlinah, vključno s proizvodnjo in preskušanjem kakovosti, učinkovitosti in varnosti zdravil, snovi ali proizvodov;
- ii. odkrivanje ali zdravljenje bolezni, bolehnosti ali druge nenormalnosti ali njihovih učinkov pri ljudeh, vretenčarjih ali nevretenčarjih ali rastlinah;
- b. odkrivanje, oceno, uravnavanje ali spreminjanje fizioloških pogojev pri človeku, vretenčarjih in nevretenčarjih ali rastlinah;
- c. varstvo okolja;
- d. znanstvene raziskave;
- e. izobraževanje in usposabljanje;
- f. sodnomedicinske preiskave.

Člen 3

Vsaka pogodbenica se zavezuje opraviti vse potrebne korake, da bi uresničila določbe te konvencije in zagotovila učinkovit sistem nadzora ter nadziranja kakor hitro je mogoče ter v vsakem primeru v obdobju petih let od dneva začetka veljavnosti te konvencije za to pogodbenico.

Člen 4

Nobena določba te konvencije ne vpliva na svobodno izbiro pogodbenic za sprejetje strožjih ukrepov za zaščito živali, uporabljenih v postopkih, ali za nadzor in omejitev uporabe živali v postopkih.

DEL II*Splošna oskrba in nastanitev***Člen 5**

1. Za vsako žival, ki se uporablja ali se namerava uporabljati v postopku, se zagotovi nastanitev, okolje, vsaj minimalna stopnja svobode gibanja, hrana, voda in oskrba, primerna njenemu zdravju in počutju. Kolikor je mogoče se zmanjša vsaka omejitev obsega, v katerem lahko žival zadovoljuje svoje fiziološke in vedenjske potrebe. Pri izvajaju te določbe je treba upoštevati napotke za namestitev in oskrbo živali, predstavljene v Dodatku A k tej konvenciji.

2. Pogoje v okolju, v katerih se živali vzrejajo, gojijo ali uporabljajo, je treba dnevno pregledovati.

3. Dobro počutje in stanje živali se opazujeta dovolj pozorno in pogosto, da se prepreči bolečina ali trpljenje, stiska ali trajna škoda, ki se jim je mogoče izogniti.

4. Vsaka pogodbenica določi postopke za zagotovitev, da se vsaka odkrita pomanjkljivost ali trpljenje popravi, kakor hitro je mogoče.

DEL III
*Vodenje postopka***Člen 6**

1. Postopek se za kateri koli namen iz člena 2 ne opravlja, če je sprememljivo in praktično na voljo neka druga znanstveno zadovoljiva metoda, pri kateri uporaba živali ni potrebna.

2. Each Party should encourage scientific research into the development of methods which could provide the same information as that obtained in procedures.

Article 7

When a procedure has to be performed, the choice of species shall be carefully considered and, where required, be explained to the responsible authority; in a choice between procedures, those should be selected which use the minimum number of animals, cause the least pain, suffering, distress or lasting harm and which are most likely to provide satisfactory results.

Article 8

A procedure shall be performed under general or local anaesthesia or analgesia or by other methods designed to eliminate as far as practicable pain, suffering, distress or lasting harm applied throughout the procedure unless:

a. the pain caused by the procedure is less than the impairment of the animal's well-being caused by the use of anaesthesia or analgesia, or

b. the use of anaesthesia or analgesia is incompatible with the aim of the procedure. In such cases, appropriate legislative and/or administrative measures shall be taken to ensure that no such procedure is carried out unnecessarily.

Article 9

1. Where it is planned to subject an animal to a procedure in which it will or may experience severe pain which is likely to endure, that procedure must be specifically declared and justified to, or specifically authorised by, the responsible authority.

2. Appropriate legislative and/or administrative measures shall be taken to ensure that no such procedure is carried out unnecessarily.

Such measures shall include:

– either specific authorisation by the responsible authority;

– or specific declaration of such procedure to the responsible authority and judicial or administrative action by that authority if it is not satisfied that the procedure is of sufficient importance for meeting the essential needs of man or animal, including the solution of scientific problems.

Article 10

During a procedure, an animal used shall remain subject to the provisions of Article 5 except where those provisions are incompatible with the objective of the procedure.

Article 11

1. At the end of the procedure it shall be decided whether the animal shall be kept alive or killed by a humane method. An animal shall not be kept alive if, even though it has been restored to normal health in all other respects, it is likely to remain in lasting pain or distress.

2. The decision referred to in paragraph 1 of this article shall be taken by a competent person, in particular a veterinarian, or the person who, in accordance with Article 13, is responsible for, or has performed, the procedure.

3. Where, at the end of the procedure:

a. an animal is to be kept alive, it shall receive the care appropriate to its state of health, be placed under the supervision of a veterinarian or other competent person and kept under conditions conforming to the requirements of Article 5. The conditions laid down in this sub-paragraph may, however, be waived where, in the opinion of a veterinarian, the animal would not suffer as a consequence of such exemption;

2. Vsaka pogodbenica mora spodbujati znanstvene raziskave razvoja metod, ki bi lahko zagotovile enake informacije, kakor so tiste, pridobljene v postopkih.

Člen 7

Kadar je treba opraviti postopek, se skrbno preuči izbor vrste in se, kjer je treba, pojasni pristojnemu organu; pri izbiri postopkov je treba izbrati tiste, ki uporabljajo minimalno število živali, povzročijo najmanj bolečine, trpljenja, stiske ali trajne škode in bodo najverjetneje dali zadovoljive rezultate.

Člen 8

Postopek se opravi pod splošno ali lokalno anestezijo, z analgetikom ali z drugo metodo, zasnovano tako, da kar najbolj prepreči bolečino, trpljenje, stisko ali trajno škodo in se uporablja skozi ves postopek, razen če:

a. je bolečina, povzročena s postopkom, manjša, kakor je poslabšanje počutja živali, ki ga povzroči uporaba anestezije ali analgetika; ali

b. je uporaba anestezije ali analgetika združljiva z načinom postopka. V teh primerih se sprejmejo ustreznih zakonodajnih in/ali upravnih ukrepov, ki zagotavljajo, da se noben tak postopek ne opravi po nepotrebnem.

Člen 9

1. Kjer se načrtuje, da bo na živali opravljen postopek, ki ji bo ali bi ji lahko povzročil hudo bolečino, ki bo verjetno trajala, je treba postopek posebej prijaviti in upravičiti ali pa ga mora posebej dovoliti pristojni organ.

2. Treba je sprejeti ustreznih zakonodajnih in/ali upravnih ukrepov za zagotovitev, da se noben tak postopek ne opravi po nepotrebnem.

Ti ukrepi vključujejo:

— posebno dovoljenje pristojnega organa;

— ali posebno izjavo o tem postopku pristojnemu organu in sodno ali upravno ukrepanje tega organa, če ni prepričan, da je postopek dovolj pomemben za zadovoljevanje bistvenih potreb človeka ali živali, vključno z reševanjem znanstvenih problemov.

Člen 10

Med postopkom je treba za uporabljeno žival upoštevati določbe člena 5, razen kjer so nezdružljive s ciljem postopka.

Člen 11

1. Na koncu postopka se odloči, ali žival ostane pri življenju ali se humano usmrti. Žival se ne sme ohraniti pri življenju, če je verjetno, da bo trpela trajne bolečine ali stiske, čeprav je bila v vseh drugih vidikih povrnjena v običajno zdravstveno stanje.

2. Odločitve iz odstavka 1 tega člena sprejme pristojna oseba, predvsem veterinar ali oseba, ki je po členu 13 odgovorna za postopek ali ga je opravila.

3. Kadar se na koncu postopka:

a. žival ohrani pri življenju, je deležna oskrbe, ki ustreza njenemu zdravstvenemu stanju, zagotovljen ima veterinarni nadzor ali nadzor druge pristojne osebe ter se vzdržuje pri pogojih, skladnih z zahtevami člena 5. Od pogojev, predpisanih v tem pododstavku, pa se lahko odstopa, kadar po mnenju veterinarja žival kot posledica tega odstopanja ne bi trpela;

b. an animal is not to be kept alive or cannot benefit from the provisions of Article 5 for its well-being, it shall be killed by a humane method as soon as possible.

4. No animal which has been used in a procedure entailing severe or enduring pain or suffering, irrespective of whether anaesthesia or analgesia was employed, shall be used in a further procedure unless it has returned to good health and well-being and either:

a. the further procedure is one in which the animal is subject throughout to general anaesthesia which is to be maintained until the animal is killed; or

b. the further procedure will involve minor interventions only.

Article 12

Notwithstanding the other provisions of this Convention, where it is necessary for the legitimate purposes of the procedure, the responsible authority may allow the animal concerned to be set free provided that it is satisfied that the maximum practicable care has been taken to safeguard the animal's well-being. Procedures that involve setting the animal free shall not be permitted solely for educational or training purposes.

PART IV *Authorisation*

Article 13

A procedure for the purposes referred to in Article 2 may be carried out by persons authorised, or under the direct responsibility of a person authorised, or if the experimental or other scientific project concerned is authorised in accordance with the provisions of national legislation. Authorisation shall be granted only to persons deemed to be competent by the responsible authority.

PART V *Breeding or supplying establishments*

Article 14

Breeding and supplying establishments shall be registered with the responsible authority subject to the grant of an exemption under Article 21 or Article 22. Such registered establishments shall comply with the requirements of Article 5.

Article 15

The registration provided for in Article 14 shall specify the person in charge of the establishment, who shall be competent to administer or arrange for suitable care for animals of the species bred or kept in the establishment.

Article 16

1. Arrangements shall be made at registered breeding establishments to record, in respect of the animals bred there, the number and species of such animals leaving, the dates they leave and the name and address of the recipient.

2. Arrangements shall be made at registered supplying establishments to record the number and species of such animals entering and leaving, the dates of these movements, from whom the animals concerned were acquired and the name and address of the recipient.

b. žival ne bo ohranila pri življenju ali njenemu počutju ne bodo koristile določbe člena 5, jo je treba čimprej humano usmrtniti.

4. Nobena žival, uporabljena v postopku, ki je povzročil resno ali trajno bolečino ali trpljenje, ne glede na to, ali je bila uporabljena anestezija ali analgetik, se ne uporablja v nadaljnjem postopku, razen če ji ni povrnjeno dobro zdravje in počutje ter:

a. je nadaljnji postopek tak, da bo žival pod splošno anestezijo, ki se bo podaljšala, do usmrтitve živali; ali

b. nadaljnji postopek zajema le manjše posege.

Člen 12

Ne glede na druge določbe te konvencije lahko pristojni organ dovoli, kadar je to zaradi zakonitih interesov postopka potrebno, da se zadetna žival osvobodi, pod pogojem, da je prepričan o izvajanju najboljše oskrbe za varovanje počutja živali. Postopki za osvoboditev živali se ne dovolijo zgolj zaradi izobraževanja ali usposabljanja.

DEL IV *Dovoljenje*

Člen 13

Postopek za namene iz člena 2 smejo izvajati samo pooblašcene osebe ali pa se sme izvajati pod neposredno odgovornostjo pooblašcene osebe ali če je poskusni ali drug znanstveni projekt dovoljen v skladu z določbami nacionalne zakonodaje. Pristojni organ izda dovoljenje samo osebam, za katere meni, da so za to usposobljene.

DEL V *Vzrejne ali dobavne ustanove*

Člen 14

Vzrejne ali dobavne ustanove se registrirajo pri pristojnem organu, vendar ob odobritvi opustitve po členu 21 ali členu 22. Te registrirane ustanove izpolnjujejo zahteve člena 5.

Člen 15

Registracija po členu 14 določa osebo, ki je zadolžena za ustanovo, pristojno za dajanje ali urejanje primerne oskrbe vrstam živali, ki se v ustanovi vzrejajo ali vzdržujejo.

Člen 16

1. V registrirani vzrejni ustanovi so vzpostavljeni postopki, da se za živali, ki so tam vzrejene, vpisuje število in vrsta živali ob odhodu, datumi odhodov in naslov prejemnika.

2. V registrirani dobavni ustanovi so vzpostavljeni postopki za vpis števila in vrste živali ob prihodu in odhodu, datumi teh premikov, od koga so bile te živali nabavljene in naslov prejemnika.

3. The responsible authority shall prescribe the records which are to be kept and made available to it by the person in charge of the establishments mentioned in paragraphs 1 and 2 of this article. Such records shall be kept for a minimum of three years from the date of the last entry.

Article 17

1. Each dog and cat in an establishment shall be individually and permanently marked in the least painful manner possible before it is weaned.

2. Where an unmarked dog or cat is taken into an establishment for the first time after it has been weaned, it shall be marked as soon as possible.

3. Where a dog or cat is transferred from one establishment to another before it is weaned and it is not practical to mark it beforehand, a full documentary record, specifying in particular its mother, shall be kept until it can be marked.

4. Particulars of the identity and origin of each dog or cat shall be entered in the records of the establishment.

PART VI *User establishments*

Article 18

User establishments shall be registered with or otherwise approved by the responsible authority and shall comply with the conditions laid down in Article 5.

Article 19

Provisions shall be made at user establishments for installations and equipment appropriate for the species of animals used and the performance of the procedures conducted there. The design, construction and functioning of such installations and equipment shall be such as to ensure that the procedures are performed as effectively as possible, with the object of obtaining consistent results with the minimum number of animals and the minimum degree of pain, suffering, distress or lasting harm.

Article 20

In user establishments:

a. the person or persons who are administratively responsible for the care of the animals and the functioning of the equipment shall be identified;

b. sufficient trained staff shall be provided;

c. adequate arrangements shall be made for the provision of veterinary advice and treatment;

d. a veterinarian or other competent person should be charged with advisory duties in relation to the well-being of the animals.

Article 21

1. Animals of the species listed below which are for use in procedures shall be acquired directly from or originate from registered breeding establishments, unless a general or special exemption has been obtained under arrangements to be determined by the Party:

Mouse	<i>Mus musculus</i>
Rat	<i>Rattus norvegicus</i>
Guinea pig	<i>Cavia porcellus</i>
Golden hamster	<i>Mesocricetus auratus</i>
Rabbit	<i>Oryctolagus cuniculus</i>
Dog	<i>Canis familiaris</i>
Cat	<i>Felis catus</i>
Quail	<i>Coturnix coturnix</i>

3. Pristojni organ predpiše dokumentacijo, ki jo je treba hraniti, oseba, ki je zadolžena za ustanove iz odstavkov 1 in 2 tega člena, pa mu jo mora dati na razpolago; to dokumentacijo je treba hraniti najmanj tri leta od datuma zadnjega vpisa.

Člen 17

1. Pred odstavljivo sta vsaka pes in mačka v ustanovi posamezno in trajno označena na najmanj boleč način.

2. Kadar je neoznačen pes ali mačka pripeljan v ustano vo prvič po odstavljivosti, mora biti čim prej označen.

3. Kadar je pes ali mačka prenesen/-a iz ene ustanove v drugo pred odstavljivijo in ni izvedljivo, da bi bil/-a označen/-a prej, se, dokler ga/je ni mogoče označiti, hrani celoten vpis v dokumentu, ki navaja predvsem njegovo/njeno mater.

4. Podrobnosti o identiteti in poreklu vsakega psa ali mačke se vpišejo v dokumentacijo ustanove.

DEL VI

Uporabniške ustanove

Člen 18

Uporabniške ustanove se registrirajo ali drugače odobrijo pri pristojnem organu in izpolnjujejo pogoje iz člena 5.

Člen 19

V uporabniških ustanovah se poskrbi za primerne naprave in opremo za uporabljeni vrste živali in za izvajanje postopkov, ki se tam opravlja. Oblika, zgradba in delovanje teh naprav in opreme so taki, da zagotavljajo čim bolj učinkovito izvajanje postopkov za pridobitev doslednih rezultatov z najmanjšim številom živali in najmanjšo stopnjo bolečine, trpljenja, stiske ali trajnih poškodb.

Člen 20

V uporabniških ustanovah se:

a. določi oseba ali osebe, ki so administrativno odgovorne za oskrbo živali in delovanje opreme;

b. zagotovi zadovoljivo število usposobljenega osebja;

c. izdelajo primerni postopki za zagotavljanje veterinarskega svetovanja in zdravljenja;

d. mora določiti veterinar ali druga usposobljena oseba za svetovanje v zvezi z dobrim počutjem živali.

Člen 21

1. Živali spodaj navedenih vrst, ki se bodo uporabile v postopkih, se nabavijo neposredno iz registriranih vzrejnih ustanov ali pa iz njih izhajajo, razen če je bila odobrena splošna ali posebna oprostitev po postopkih, ki jih bo določila pogodbencina:

miš:	<i>mus musculus</i>
podgana:	<i>rattus norvegicus</i>
morski prašiček:	<i>cavia porcellus</i>
zlati hrček:	<i>mesocricetus auratus</i>
kunec:	<i>oryctolagus cuniculus</i>
pes:	<i>canis familiaris</i>
mačka:	<i>felis catus</i>
navadna prepelica:	<i>coturnix coturnix</i>

2. Each Party undertakes to extend the provisions of paragraph 1 of this article to other species, in particular of the order of primates, as soon as there is a reasonable prospect of a sufficient supply of purpose-bred animals of the species concerned.

3. Straying animals of a domesticated species shall not be used in procedures. A general exemption made under the conditions of paragraph 1 of this article may not extend to stray dogs and cats.

Article 22

In user establishments, only animals supplied from registered breeding or supplying establishments shall be used, unless a general or special exemption has been obtained under arrangements to be determined by the Party.

Article 23

Procedures may, where authorised by the responsible authority, be conducted outside user establishments.

Article 24

Arrangements shall be made at user establishments to maintain records and make them available as required by the responsible authority. In particular, these records shall be sufficient to meet the requirements of Article 27 and, in addition, show the number and species of all animals acquired, from whom they were acquired and their date of arrival.

PART VII *Education and training*

Article 25

1. Procedures carried out for the purpose of education, training or further training for professions or other occupations, including the care of animals being used or intended for use in procedures, must be notified to the responsible authority and shall be carried out by or under the supervision of a competent person, who will be responsible for ensuring that the procedures comply with national legislation under the terms of this Convention.

2. Procedures within the scope of education, training, or further training for purposes other than those referred to in paragraph 1 above shall not be permitted.

3. Procedures referred to in paragraph 1 of this article shall be restricted to those absolutely necessary for the purpose of the education or training concerned and be permitted only if their objective cannot be achieved by comparably effective audio-visual or any other suitable methods.

Article 26

Persons who carry out procedures, or take part in procedures, or take care of animals used in procedures, including supervision, shall have had appropriate education and training.

PART VIII *Statistical information*

Article 27

1. Each Party shall collect statistical information on the use of animals in procedures and this information shall where lawful be made available to the public.

2. Information shall be collected in respect of:
a. the numbers and kinds of animals used in procedures;

2. Vsaka pogodbenica se zavezuje, da bo določbe odstavka 1 tega člena razširila na druge vrste, zlasti iz razreda primatov, kakor hitro se upravičeno obeta zadostna dobava namensko vzrejenih živali teh vrst.

3. V postopkih se potepuške živali udomačenih vrst ne uporabljajo. Splošna izjema po pogojih odstavka 1 tega člena se ne sme razširiti na potepuške pse in mačke.

Člen 22

V uporabniških ustanovah se uporabljajo samo živali, dobavljene iz registriranih vzrejnih ali dobavnih ustanov, razen če je bila pridobljena splošna ali posebna izjema po postopkih, ki jih določi pogodbenica.

Člen 23

Postopki se lahko, kadar odgovorni organ dovoli, opravlja zunaj uporabniških ustanov.

Člen 24

V uporabniških ustanovah se izdelajo postopki za vodenje dokumentacije, ki je na zahtevo dostopna pristojnemu organu. Ti vpisi zlasti zadoščajo za izpolnjevanje zahtev člena 27 in poleg tega kažejo število in vrsto vseh nabavljenih živali, od koga so bile nabavljene ter datum njihovega prihoda.

DEL VII

Izobraževanje in usposabljanje

Člen 25

1. Postopke za izobraževanje, usposabljanje in nadaljnje usposabljanje za poklice ali druga dela, vključno z oskrbo živali, ki se uporabljajo ali se nameravajo uporabiti v postopkih, je treba prijaviti pri pristojnem organu, opraviti ali nadzorovati pa jih mora usposobljena oseba, ki bo odgovorna za zagotavljanje, da so postopki skladni z nacionalno zakonodajo po pogojih te konvencije.

2. Postopki s področja izobraževanja, usposabljanja ali nadaljnega usposabljanja za druge namene, kakor so navedeni v odstavku 1, niso dovoljeni.

3. Postopki iz odstavka 1 tega člena se omejijo na absolutno potrebne za namene zadevnega izobraževanja ali usposabljanja in se dovolijo samo, če njihovega cilja ni mogoče doseči s primerljivo učinkovitimi avdiovizualnimi ali drugimi primernimi metodami.

Člen 26

Osebe, ki opravljajo postopke, sodelujejo v postopkih ali skrbijo za živali, ki so uporabljene v postopkih, vključno z nadziranjem, morajo biti ustrezno izobražene in usposobljene.

DEL VIII

Statistične informacije

Člen 27

1. Vsaka pogodbenica zbira statistične informacije o uporabi živali v postopkih in jih, kadar je to zakonito, daje na voljo javnosti.

2. Informacije se zbirajo v zvezi s:
a. številom in vrstami živali, uporabljenih v postopkih;

b. the numbers of animals in selected categories used in procedures directly concerned with medicine and in education and training;

c. the numbers of animals in selected categories used in procedures for the protection of man and the environment;

d. the numbers of animals in selected categories used in procedures required by law.

Article 28

1. Subject to requirements of national legislation relating to secrecy and confidentiality, each Party shall communicate every year to the Secretary General of the Council of Europe information in respect of the items mentioned in paragraph 2 of Article 27, presented in the form set out in Appendix B to this Convention.

2. The Secretary General of the Council of Europe shall publish the statistical information received from the Parties in respect of the items mentioned in paragraph 2 of Article 27.

3. Each Party is invited to communicate to the Secretary General of the Council of Europe the address of its national authority from which information about more comprehensive national statistics may be obtained on request. Such addresses will be contained in the publications of statistics made by the Secretary General of the Council of Europe.

PART IX

Recognition of procedures carried out in the territory of another Party

Article 29

1. In order to avoid unnecessary repetition of procedures required by law on health and safety, each Party shall, where practicable, recognise the results of procedures carried out in the territory of another Party.

2. To that end the Parties undertake, where practicable and lawful, to render each other mutual assistance, in particular by furnishing information on their legislation and administrative practice relating to the requirements for procedures to be carried out in support of submissions for registration of products, as well as factual information on procedures carried out in their territory and on authorisation or any other administrative particulars pertaining to these procedures.

PART X

Multilateral consultations

Article 30

The Parties shall, within five years from the entry into force of this Convention and every five years thereafter, or more frequently if a majority of the Parties should so request, hold multilateral consultations within the Council of Europe to examine the application of this Convention, and the advisability of revising it or extending any of its provisions. These consultations shall take place at meetings convened by the Secretary General of the Council of Europe. The Parties shall communicate the name of their representative to the Secretary General of the Council of Europe at least two months before meetings.

b. številom živali v izbranih kategorijah, uporabljenih v postopkih, neposredno povezanih z medicino, izobraževanjem in usposabljanjem;

c. številom živali v izbranih kategorijah, uporabljenih v postopkih za varstvo človeka in okolja;

d. številom živali v izbranih kategorijah, uporabljenih v postopkih, zahtevanih po zakonu.

Člen 28

1. Ob upoštevanju zahtev nacionalne zakonodaje v zvezi s tajnostjo in zaupnostjo vsaka pogodbenica vsako leto generalnemu sekretarju Sveta Evrope sporoči informacije v zvezi s postavkami, navedenimi v odstavku 2 člena 27, ki so predstavljene v obliki, določeni v Dodatku B k tej konvenciji.

2. Generalni sekretar Sveta Evrope objavi statistične informacije, prejete od pogodbenic, v zvezi s postavkami iz odstavka 2 člena 27.

3. Vsaka pogodbenica je vabljena, da generalnemu sekretarju Sveta Evrope sporoči naslov svojega nacionalnega organa, od katerega je mogoče na zahtevo dobiti informacije o podrobnejši nacionalni statistiki. Ti naslovi bodo vsebovani v publikacijah o statistiki, ki jih izdela generalni sekretar Sveta Evrope.

DEL IX

Priznavanje postopkov, opravljenih na ozemlju druge pogodbenice

Člen 29

1. Da bi se izognili nepotrebнемu ponavljanju postopkov, ki jih zahteva zakon o zdravju in varnosti, vsaka pogodbenica, kadar je to smotorno, prizna rezultate postopkov, opravljenih na ozemlju druge pogodbenice.

2. V ta namen se pogodbenice obvezujejo, da bodo, kadar je to smotorno in zakonito, druga drugi pomagale, zlasti z zagotavljanjem informacij o svoji zakonodaji in upravnih praksih v zvezi z zahtevami za postopke, ki jih je treba opraviti v podporo prošnjam za registracijo proizvodov, pa tudi dejanskih informacij o postopkih, opravljenih na njihovem ozemlju, in o pooblastilu ali drugih administrativnih podrobnostih v zvezi s temi postopki.

DEL X

Večstranska posvetovanja

Člen 30

Pogodbenice imajo v petih letih od začetka veljavnosti te konvencije in nato vsakih pet let ali pogosteje, če bi to zahtevala večina pogodbenic, večstranska posvetovanja v Svetu Evropi o preučitvi uporabe te konvencije in priporočljivosti njene spremembe ali razširitve njenih določb. Posvetovanja potekajo na sestankih, ki jih skliče generalni sekretar Sveta Evrope. Pogodbenice generalnemu sekretarju Sveta Evrope vsaj dva meseca pred sestanki sporočijo ime svojega predstavnika.

PART XI
Final Provisions

Article 31

This Convention shall be open for signature by the member States of the Council of Europe and by the European Communities. It is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 32

1. This Convention shall enter into force on the first day of the month following the expiration of a period of six months after the date on which four member States of the Council of Europe have expressed their consent to be bound by the Convention in accordance with the provisions of Article 31.

2. In respect of a Signatory which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of six months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 33

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may invite any State not a member of the Council to accede to this Convention, by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee.

2. In respect of any acceding State, the Convention shall enter into force on the first day of the month following the expiration of a period of six months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 34

1. Any Signatory may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, make one or more reservations. No reservations may, however, be made in respect of Articles 1 to 14 or Articles 18 to 20.

2. Any Party which has made a reservation under the preceding paragraph may wholly or partly withdraw it by means of a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall take effect on the date of receipt of such notification by the Secretary General.

3. A Party which has made a reservation in respect of a provision of this Convention may not claim the application of that provision by any other Party; it may, however, if its reservation is partial or conditional, claim the application of that provision insofar as it has itself accepted it.

Article 35

1. Any Signatory may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.

2. Any Party may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory, the Convention shall enter into force on the first day of the month following the expiration of a period of six months after the date of receipt of such declaration by the Secretary General.

DEL XI
Končne določbe

Člen 31

Ta konvencija je na voljo za podpis državam članicam Sveta Evrope in Evropski skupnosti. Je predmet ratifikacije, sprejetja ali odobritve. Listine o ratifikaciji, sprejetju ali odobritvi se deponirajo pri generalnem sekretarju Sveta Evrope.

Člen 32

1. Ta konvencija začne veljati prvi dan v mesecu po poteku šestih mesecev po datumu, ko štiri države članice Sveta Evrope v skladu s členom 31 izrazijo svojo privolitev, da jih Konvencija zavezuje.

2. Za podpisnika, ki naknadno izrazi svojo privolitev, da ga Konvencija zavezuje, le-ta začne veljati prvi dan meseca, ki sledi poteku šestih mesecev po datumu deponiranja listine o ratifikaciji, sprejetju ali odobritvi.

Člen 33

1. Po začetku veljavnosti te konvencije lahko Odbor ministrov Sveta Evrope katero koli državo, ki ni članica Svetega, s sklepom, ki ga je sprejela večina iz člena 20.d Statuta Sveta Evrope, in s soglasnim glasovanjem predstavnikov držav pogodbenic, upravičenih do sedeža v odboru, povabi, da pristopi k tej konvenciji.

2. V zvezi s katero koli pristopno državo začne Konvencija veljati prvi dan v mesecu, ki sledi poteku šestih mesecev od dneva deponiranja listine o pristopu pri generalnem sekretarju Sveta Evrope.

Člen 34

1. Vsaka podpisnica lahko med podpisom ali ob deponirjanju svoje listine o ratifikaciji, sprejetju, odobritvi ali pristopu izrazi enega ali več pridržkov. Pridržkov pa ni mogoče izraziti v zvezi s členi 1 do 14 ali členi 18 do 20.

2. Vsaka pogodbenica, ki je izrazila pridržek po prejšnjem odstavku, ga lahko v celoti ali delno umakne z uradnim obvestilom, naslovljenim na generalnega sekretarja Sveta Evrope. Umik začne veljati z dnem, ko generalni sekretar prejme tako obvestilo.

3. Pogodbenica, ki je izrazila pridržek v zvezi z neko določbo te konvencije, ne more zahtevati, da druga pogodbenica uporablja to določbo; lahko pa se, če je njen pridržek delen ali pogojen, sklicuje na uporabo te določbe v takem obsegu, kakršnega je sama sprejela.

Člen 35

1. Vsaka podpisnica lahko med podpisom ali ob deponirjanju svojih listin o ratifikaciji, odobritvi ali pristopu opredeli ozemlje ali ozemlja, na katerih se ta konvencija uporablja.

2. Vsaka pogodbenica lahko kadar koli kasneje z izjavo, naslovljeno na generalnega sekretarja Sveta Evrope, razširi uporabo te konvencije na katero koli ozemlje, navedeno v izjavi. Za to ozemlje začne Konvencija veljati prvi dan v mesecu po poteku šestih mesecih od dneva, ko generalni sekretar prejme to izjavo.

3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of such notification by the Secretary General.

Article 36

1. Any Party may at any time denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

2. Such denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General.

Article 37

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the European Communities and any State which has acceded to this Convention of:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance, approval or accession;
- c. any date of entry into force of this Convention in accordance with Articles 32, 33 and 35;
- d. any other act, notification or communication relating to this Convention;

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Strasbourg, this 18th day of March 1986, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the European Communities and to any State invited to accede to this Convention.

3. člen

Republika Slovenija daje v skladu s členom 34(1) konvencije naslednji pridržek:

Na podlagi člena 34(1) Evropske konvencije za zaščito vretenčarjev, ki se uporablajo v poskusne in druge znanstvene namene, se Republika Slovenija ne šteje za zavezano zahtevam po sporočanju statističnih podatkov iz člena 28(1) navedene konvencije.

4. člen

Za izvajanje konvencije skrbi Ministrstvo za kmetijstvo, gozdarstvo in prehrano – Veterinarska uprava Republike Slovenije.

5. člen

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

Št. 801-12/06-25/1

Ljubljana, dne 29. septembra 2006

EPA 957-IV

3. Vsaka izjava, dana po prejšnjih dveh odstavkih, se lahko v zvezi s katerim koli ozemljem, opredeljenem v tej izjavi, umakne z uradnim obvestilom, naslovljenim na generalnega sekretarja. Umik začne veljati prvi dan v mesecu po poteku šestih mesecev od dneva, ko generalni sekretar prejme to obvestilo.

Člen 36

1. Vsaka pogodbenica se lahko kadar koli odpove tej konvenciji z uradnim obvestilom, naslovljenim na generalnega sekretarja Sveta Evrope.

2. Taka odpoved začne veljati prvi dan v mesecu po poteku šestih mesecev od dneva, ko generalni sekretar prejme to obvestilo.

Člen 37

Generalni sekretar Sveta Evrope obvesti države članice Sveta Evrope, Evropskih skupnosti in vsako državo, ki je pristopila k tej konvenciji, o:

- a. vsakem podpisu;
- b. deponirjanju vsake listine o ratifikaciji, sprejetju, odbritvi ali pristopu;
- c. vsakem datumu začetka veljavnosti te konvencije po členih 32, 33 in 35;
- d. vsakem drugem dejanju, obvestilu ali sporočilu v zvezi s to konvencijo.

V potrditev navedenega smo podpisani, za to pravilno pooblaščeni, podpisali to konvencijo.

Sestavljen v Strasbourgu 18. marca 1986 v angleškem in francoskem jeziku, pri čemer sta obe besedili enako verodostojni, v enem samem izvodu, ki se deponira v arhivih Sveta Evrope. Generalni sekretar Sveta Evrope pošlje overjene kopije vsaki državi članici Sveta Evrope, Evropskim skupnostim in vsaki državi, povabljeni, da pristopi k tej konvenciji.

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

120. Zakon o ratifikaciji Mednarodne konvencije o nadzoru škodljivih sistemov proti obraščanju na ladjah, 2001 (MKNŠS)

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 MEDNARODNE KONVENCIJE O NADZORU ŠKODLJIVIH SISTEMOV PROTI OBRAŠČANJU NA LADJAH, 2001
(MKNŠS)**

Razglašam Zakon o ratifikaciji Mednarodne konvencije o nadzoru škodljivih sistemov proti obraščanju na ladjah, 2001 (MKNŠS), ki ga je sprejel Državni zbor Republike Slovenije na seji 29. septembra 2006.

Št. 001-22-143/06
Ljubljana, dne 9. oktobra 2006

dr. Janez Drnovšek l.r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI MEDNARODNE KONVENCIJE O NADZORU ŠKODLJIVIH SISTEMOV PROTI OBRAŠČANJU NA LADJAH, 2001 (MKNŠS)****1. člen**

Ratificira se Mednarodna konvencija o nadzoru škodljivih sistemov proti obraščanju na ladjah, 2001, sestavljena 5. oktobra 2001 v Londonu.

2. člen

Konvencija se v izvirniku v angleškem jeziku in prevodu v slovenskem jeziku glasi:

INTERNATIONAL CONVENTION ON THE CONTROL OF HARMFUL ANTI-FOULING SYSTEMS ON SHIPS, 2001

THE PARTIES TO THIS CONVENTION,

NOTING that scientific studies and investigations by Governments and competent international organizations have shown that certain anti-fouling systems used on ships pose a substantial risk of toxicity and other chronic impacts to ecologically and economically important marine organisms and also that human health may be harmed as a result of the consumption of affected seafood,

NOTING IN PARTICULAR the serious concern regarding anti-fouling systems that use organotin compounds as biocides and being convinced that the introduction of such organotins into the environment must be phased-out,

RECALLING that Chapter 17 of Agenda 21 adopted by the United Nations Conference on Environment and Development, 1992, calls upon States to take measures to reduce pollution caused by organotin compounds used in anti-fouling systems,

RECALLING ALSO that resolution A.895(21), adopted by the Assembly of the International Maritime Organization on 25 November 1999, urges the Organization's Marine Environment Protection Committee (MEPC) to work towards the expeditious development of a global legally binding instrument to address the harmful effects of anti-fouling systems as a matter of urgency,

MINDFUL OF the precautionary approach set out in Principle 15 of the Rio Declaration on Environment and Development and referred to in resolution MEPC.67(37) adopted by MEPC on 15 September 1995,

RECOGNIZING the importance of protecting the marine environment and human health from adverse effects of anti-fouling systems,

RECOGNIZING ALSO that the use of anti-fouling systems to prevent the build-up of organisms on the surface of ships is of critical importance to efficient commerce, shipping and impeding the spread of harmful aquatic organisms and pathogens,

RECOGNIZING FURTHER the need to continue to develop anti-fouling systems which are effective and environmentally safe and to promote the substitution of harmful systems by less harmful systems or preferably harmless systems,

HAVE AGREED as follows:

ARTICLE 1

General Obligations

- (1) Each Party to this Convention undertakes to give full and complete effect to its provisions in order to reduce or eliminate adverse effects on the marine environment and human health caused by anti-fouling systems.
- (2) The Annexes form an integral part of this Convention. Unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to its Annexes.
- (3) No provision of this Convention shall be interpreted as preventing a State from taking, individually or jointly, more stringent measures with respect to the reduction or elimination of adverse effects of anti-fouling systems on the environment, consistent with international law.
- (4) Parties shall endeavour to co-operate for the purpose of effective implementation, compliance and enforcement of this Convention.
- (5) The Parties undertake to encourage the continued development of anti-fouling systems that are effective and environmentally safe.

ARTICLE 2

Definitions

For the purposes of this Convention, unless expressly provided otherwise:

- (1) "Administration" means the Government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of a State, the Administration is the Government of that State. With respect to fixed or floating platforms engaged in exploration and exploitation of the sea-bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of their natural resources, the Administration is the Government of the coastal State concerned.
- (2) "Anti-fouling system" means a coating, paint, surface treatment, surface, or device that is used on a ship to control or prevent attachment of unwanted organisms.
- (3) "Committee" means the Marine Environment Protection Committee of the Organization.
- (4) "Gross tonnage" means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex 1 to the International Convention on Tonnage Measurement of Ships, 1969, or any successor Convention.
- (5) "International voyage" means a voyage by a ship entitled to fly the flag of one State to or from a port, shipyard, or offshore terminal under the jurisdiction of another State.
- (6) "Length" means the length as defined in the International Convention on Load Lines, 1966, as modified by the Protocol of 1988 relating thereto, or any successor Convention.
- (7) "Organization" means the International Maritime Organization.

(8) “Secretary-General” means the Secretary-General of the Organization.

(9) “Ship” means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft, fixed or floating platforms, floating storage units (FSUs) and floating production storage and off-loading units (FPSOs).

(10) “Technical Group” is a body comprised of representatives of the Parties, Members of the Organization, the United Nations and its Specialized Agencies, intergovernmental organizations having agreements with the Organization, and non-governmental organizations in consultative status with the Organization, which should preferably include representatives of institutions and laboratories that engage in anti-fouling system analysis. These representatives shall have expertise in environmental fate and effects, toxicological effects, marine biology, human health, economic analysis, risk management, international shipping, anti-fouling systems coating technology, or other fields of expertise necessary to objectively review the technical merits of a comprehensive proposal.

ARTICLE 3

Application

(1) Unless otherwise specified in this Convention, this Convention shall apply to:

- (a) ships entitled to fly the flag of a Party;
- (b) ships not entitled to fly the flag of a Party, but which operate under the authority of a Party; and
- (c) ships that enter a port, shipyard, or offshore terminal of a Party, but do not fall within subparagraph (a) or (b).

(2) This Convention shall not apply to any warships, naval auxiliary, or other ships owned or operated by a Party and used, for the time being, only on government non-commercial service. However, each Party shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with this Convention.

(3) With respect to the ships of non-Parties to this Convention, Parties shall apply the requirements of this Convention as may be necessary to ensure that no more favourable treatment is given to such ships.

ARTICLE 4

Controls on Anti-Fouling Systems

(1) In accordance with the requirements specified in Annex 1, each Party shall prohibit and/or restrict:

- (a) the application, re-application, installation, or use of harmful anti-fouling systems on ships referred to in article 3(1)(a) or (b); and
- (b) the application, re-application, installation or use of such systems, whilst in a Party's port, shipyard, or offshore terminal, on ships referred to in article 3(1)(c),

and shall take effective measures to ensure that such ships comply with those requirements.

(2) Ships bearing an anti-fouling system which is controlled through an amendment to Annex 1 following entry into force of this Convention may retain that system until the next scheduled renewal of that system, but in no event for a period exceeding 60 months following application, unless the Committee decides that exceptional circumstances exist to warrant earlier implementation of the control.

ARTICLE 5

Controls of Annex 1 Waste Materials

Taking into account international rules, standards and requirements, a Party shall take appropriate measures in its territory to require that wastes from the application or removal of an anti-fouling system controlled in Annex 1 are collected, handled, treated and disposed of in a safe and environmentally sound manner to protect human health and the environment.

ARTICLE 6

Process for Proposing Amendments to Controls on Anti-Fouling Systems

(1) Any Party may propose an amendment to Annex 1 in accordance with this article.

(2) An initial proposal shall contain the information required in Annex 2, and shall be submitted to the Organization. When the Organization receives a proposal, it shall bring the proposal to the attention of the Parties, Members of the Organization, the United Nations and its Specialized Agencies, intergovernmental organizations having agreements with the Organization and non-governmental organizations in consultative status with the Organization and shall make it available to them.

(3) The Committee shall decide whether the anti-fouling system in question warrants a more in-depth review based on the initial proposal. If the Committee decides that further review is warranted, it shall require the proposing Party to submit to the Committee a comprehensive proposal containing the information required in Annex 3, except where the initial proposal also includes all the information required in Annex 3. Where the Committee is of the view that there is a threat of serious or irreversible damage, lack of full scientific certainty shall not be used as a

reason to prevent a decision to proceed with the evaluation of the proposal. The Committee shall establish a technical group in accordance with article 7.

(4) The technical group shall review the comprehensive proposal along with any additional data submitted by any interested entity and shall evaluate and report to the Committee whether the proposal has demonstrated a potential for unreasonable risk of adverse effects on non-target organisms or human health such that the amendment of Annex 1 is warranted. In this regard:

(a) The technical group's review shall include:

- (i) an evaluation of the association between the anti-fouling system in question and the related adverse effects observed either in the environment or on human health, including, but not limited to, the consumption of affected seafood, or through controlled studies based on the data described in Annex 3 and any other relevant data which come to light;
- (ii) an evaluation of the potential risk reduction attributable to the proposed control measures and any other control measures that may be considered by the technical group;
- (iii) consideration of available information on the technical feasibility of control measures and the cost-effectiveness of the proposal;
- (iv) consideration of available information on other effects from the introduction of such control measures relating to:
 - the environment (including, but not limited to, the cost of inaction and the impact on air quality);
 - shipyard health and safety concerns (i.e. effects on shipyard workers);
 - the cost to international shipping and other relevant sectors; and
- (v) consideration of the availability of suitable alternatives, including a consideration of the potential risks of alternatives.

- (b) The technical group's report shall be in writing and shall take into account each of the evaluations and considerations referred to in subparagraph (a), except that the technical group may decide not to proceed with the evaluations and considerations described in subparagraph (a)(ii) through (a)(v) if it determines after the evaluation in subparagraph (a)(i) that the proposal does not warrant further consideration.
- (c) The technical group's report shall include, *inter alia*, a recommendation on whether international controls pursuant to this Convention are warranted on the anti-fouling system in question, on the suitability of the specific control measures suggested in the comprehensive proposal, or on other control measures which it believes to be more suitable.

(5) The technical group's report shall be circulated to the Parties, Members of the Organization, the United Nations and its Specialized Agencies, intergovernmental organizations having agreements with the Organization and non-governmental organizations in consultative status with the Organization, prior to its consideration by the Committee. The Committee shall decide whether to approve any proposal to amend Annex 1, and any modifications thereto, if appropriate, taking into account the technical group's report. If the report finds a threat of serious or irreversible damage, lack of full scientific certainty shall not, itself, be used as a reason to prevent a decision from being taken to list an anti-fouling system in Annex 1. The proposed amendments to Annex 1, if approved by the Committee, shall be circulated in accordance with article 16(2)(a). A decision not to approve the proposal shall not preclude future submission of a new proposal with respect to a particular anti-fouling system if new information comes to light.

(6) Only Parties may participate in decisions taken by the Committee described in paragraphs (3) and (5).

ARTICLE 7

Technical Groups

(1) The Committee shall establish a technical group pursuant to article 6 when a comprehensive proposal is received. In circumstances where several proposals are received concurrently or sequentially, the Committee may establish one or more technical groups as needed.

(2) Any Party may participate in the deliberations of a technical group, and should draw on the relevant expertise available to that Party.

(3) The Committee shall decide on the terms of reference, organization and operation of the technical groups. Such terms shall provide for protection of any confidential information that may be submitted. Technical groups may hold such meetings as required, but shall endeavour to conduct their work through written or electronic correspondence or other media as appropriate.

(4) Only the representatives of Parties may participate in formulating any recommendation to the Committee pursuant to article 6. A technical group shall endeavour to achieve unanimity among the representatives of the Parties. If unanimity is not possible, the technical group shall communicate any minority views of such representatives.

ARTICLE 8

Scientific and Technical Research and Monitoring

(1) The Parties shall take appropriate measures to promote and facilitate scientific and technical research on the effects of anti-fouling systems as well as monitoring of such effects. In particular, such research should include observation, measurement, sampling, evaluation and analysis of the effects of anti-fouling systems.

(2) Each Party shall, to further the objectives of this Convention, promote the availability of relevant information to other Parties who request it on:

- (a) scientific and technical activities undertaken in accordance with this Convention;
- (b) marine scientific and technological programmes and their objectives; and
- (c) the effects observed from any monitoring and assessment programmes relating to anti-fouling systems.

ARTICLE 9

Communication and Exchange of Information

(1) Each Party undertakes to communicate to the Organization:

- (a) a list of the nominated surveyors or recognized organizations which are authorized to act on behalf of that Party in the administration of matters relating to the control of anti-fouling systems in accordance with this Convention for circulation to the Parties for the information of their officers. The Administration shall therefore notify the Organization of the specific responsibilities and conditions of the authority delegated to nominated surveyors or recognized organizations; and
- (b) on an annual basis, information regarding any anti-fouling systems approved, restricted, or prohibited under its domestic law.

(2) The Organization shall make available, through any appropriate means, information communicated to it under paragraph (1).

(3) For those anti-fouling systems approved, registered or licensed by a Party, such Party shall either provide, or require the manufacturers of such anti-fouling systems to provide, to those Parties which request it, relevant information on which its decision was based, including information provided for in Annex 3, or other information suitable for making an appropriate evaluation of the anti-fouling system. No information shall be provided that is protected by law.

ARTICLE 10

Survey and Certification

A Party shall ensure that ships entitled to fly its flag or operating under its authority are surveyed and certified in accordance with the regulations in Annex 4.

ARTICLE 11

Inspections of Ships and Detection of Violations

(1) A ship to which this Convention applies may, in any port, shipyard, or offshore terminal of a Party, be inspected by officers authorized by that Party for the purpose of determining whether the ship is in compliance with this Convention. Unless there are clear grounds for believing that a ship is in violation of this Convention, any such inspection shall be limited to:

- (a) verifying that, where required, there is onboard a valid International Anti-fouling System Certificate or a Declaration on Anti-fouling System; and/or
- (b) a brief sampling of the ship's anti-fouling system that does not affect the integrity, structure, or operation of the anti-fouling system taking into account guidelines developed by the Organization.* However, the time required to process the results of such sampling shall not be used as a basis for preventing the movement and departure of the ship.

(2) If there are clear grounds to believe that the ship is in violation of this Convention, a thorough inspection may be carried out taking into account guidelines developed by the Organization.*

(3) If the ship is detected to be in violation of this Convention, the Party carrying out the inspection may take steps to warn, detain, dismiss, or exclude the ship from its ports. A Party taking such action against a ship for the reason that the ship does not comply with this Convention shall immediately inform the Administration of the ship concerned.

(4) Parties shall co-operate in the detection of violations and the enforcement of this Convention. A Party may also inspect a ship when it enters the ports, shipyards, or offshore terminals under its jurisdiction, if a request for an investigation is received from any Party, together with sufficient evidence that a ship is operating or has operated in violation of this Convention. The report of such investigation shall be sent to the Party requesting it and to the competent authority of the Administration of the ship concerned so that the appropriate action may be taken under this Convention.

ARTICLE 12

Violations

(1) Any violation of this Convention shall be prohibited and sanctions shall be established therefor under the law of the Administration of the ship concerned wherever the violation occurs. If the Administration is informed of such a violation, it shall investigate the matter and may request the reporting Party to furnish additional evidence of the alleged violation. If the Administration is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken as soon as possible, in accordance with its laws. The Administration shall promptly inform the Party that reported the alleged violation, as well as the Organization, of any action taken. If the Administration has not taken any action within one year after receiving the information, it shall so inform the Party which reported the alleged violation.

* Guidelines to be developed.

(2) Any violation of this Convention within the jurisdiction of any Party shall be prohibited and sanctions shall be established therefor under the law of that Party. Whenever such a violation occurs, that Party shall either:

- (a) cause proceedings to be taken in accordance with its law; or
- (b) furnish to the Administration of the ship concerned such information and evidence as may be in its possession that a violation has occurred.

(3) The sanctions established under the laws of a Party pursuant to this article shall be adequate in severity to discourage violations of this Convention wherever they occur.

ARTICLE 13

Undue Delay or Detention of Ships

(1) All possible efforts shall be made to avoid a ship being unduly detained or delayed under article 11 or 12.

(2) When a ship is unduly detained or delayed under article 11 or 12, it shall be entitled to compensation for any loss or damage suffered.

ARTICLE 14

Dispute Settlement

Parties shall settle any dispute between them concerning the interpretation or application of this Convention by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

ARTICLE 15

Relationship to International Law of the Sea

Nothing in this Convention shall prejudice the rights and obligations of any State under customary international law as reflected in the United Nations Convention on the Law of the Sea.

ARTICLE 16

Amendments

(1) This Convention may be amended by either of the procedures specified in the following paragraphs.

(2) Amendments after consideration within the Organization:

- (a) Any Party may propose an amendment to this Convention. A proposed amendment shall be submitted to the Secretary-General, who shall then circulate it to the Parties and Members of the Organization at least six months prior to its consideration. In the case of a proposal to amend Annex 1, it shall be processed in accordance with article 6, prior to its consideration under this article.
- (b) An amendment proposed and circulated as above shall be referred to the Committee for consideration. Parties, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Committee for consideration and adoption of the amendment.
- (c) Amendments shall be adopted by a two-thirds majority of the Parties present and voting in the Committee, on condition that at least one-third of the Parties shall be present at the time of voting.
- (d) Amendments adopted in accordance with subparagraph (c) shall be communicated by the Secretary-General to the Parties for acceptance.
- (e) An amendment shall be deemed to have been accepted in the following circumstances:
 - (i) An amendment to an article of this Convention shall be deemed to have been accepted on the date on which two-thirds of the Parties have notified the Secretary-General of their acceptance of it.
 - (ii) An amendment to an Annex shall be deemed to have been accepted at the end of twelve months after the date of adoption or such other date as determined by the Committee. However, if by that date more than one-third of the Parties notify the Secretary-General that they object to the amendment, it shall be deemed not to have been accepted.
- (f) An amendment shall enter into force under the following conditions:
 - (i) An amendment to an article of this Convention shall enter into force for those Parties that have declared that they have accepted it six months after the date on which it is deemed to have been accepted in accordance with subparagraph (e)(i).

- (ii) An amendment to Annex 1 shall enter into force with respect to all Parties six months after the date on which it is deemed to have been accepted, except for any Party that has:
- (1) notified its objection to the amendment in accordance with subparagraph (e)(ii) and that has not withdrawn such objection;
 - (2) notified the Secretary-General, prior to the entry into force of such amendment, that the amendment shall enter into force for it only after a subsequent notification of its acceptance; or
 - (3) made a declaration at the time it deposits its instrument of ratification, acceptance or approval of, or accession to, this Convention that amendments to Annex 1 shall enter into force for it only after the notification to the Secretary-General of its acceptance with respect to such amendments.
- (iii) An amendment to an Annex other than Annex 1 shall enter into force with respect to all Parties six months after the date on which it is deemed to have been accepted, except for those Parties that have notified their objection to the amendment in accordance with subparagraph (e)(ii) and that have not withdrawn such objection.
- (g) (i) A Party that has notified an objection under subparagraph (f)(ii)(1) or (iii) may subsequently notify the Secretary-General that it accepts the amendment. Such amendment shall enter into force for such Party six months after the date of its notification of acceptance, or the date on which the amendment enters into force, whichever is the later date.
- (ii) If a Party that has made a notification or declaration referred to in subparagraph (f)(ii)(2) or (3), respectively, notifies the Secretary-General of its acceptance with respect to an amendment, such amendment shall enter into force for such Party six months after the date of its notification of acceptance, or the date on which the amendment enters into force, whichever is the later date.
- (3) Amendment by a Conference:
- (a) Upon the request of a Party concurred in by at least one-third of the Parties, the Organization shall convene a Conference of Parties to consider amendments to this Convention.
 - (b) An amendment adopted by such a Conference by a two-thirds majority of the Parties present and voting shall be communicated by the Secretary-General to all Parties for acceptance.
 - (c) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accordance with the procedures specified in paragraphs (2)(e) and (f) respectively of this article.

(4) Any Party that has declined to accept an amendment to an Annex shall be treated as a non-Party only for the purpose of application of that amendment.

(5) An addition of a new Annex shall be proposed and adopted and shall enter into force in accordance with the procedure applicable to an amendment to an article of this Convention.

(6) Any notification or declaration under this article shall be made in writing to the Secretary-General.

(7) The Secretary-General shall inform the Parties and Members of the Organization of:

- (a) any amendment that enters into force and the date of its entry into force generally and for each Party; and
- (b) any notification or declaration made under this article.

ARTICLE 17

Signature, Ratification, Acceptance, Approval and Accession

(1) This Convention shall be open for signature by any State at the Headquarters of the Organization from 1 February 2002 to 31 December 2002 and shall thereafter remain open for accession by any State.

(2) States may become Parties to this Convention by:

- (a) signature not subject to ratification, acceptance, or approval; or
- (b) signature subject to ratification, acceptance, or approval, followed by ratification, acceptance, or approval; or
- (c) accession.

(3) Ratification, acceptance, approval, or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

(4) If a State comprises two or more territorial units in which different systems of law are applicable in relation to matters dealt with in this Convention, it may at the time of signature, ratification, acceptance, approval, or accession declare that this Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.

(5) Any such declaration shall be notified to the Secretary-General and shall state expressly the territorial units to which this Convention applies.

ARTICLE 18

Entry into force

(1) This Convention shall enter into force twelve months after the date on which not less than twenty-five States, the combined merchant fleets of which constitute not less than twenty-five percent of the gross tonnage of the world's merchant shipping, have either signed it without reservation as to ratification, acceptance or approval, or have deposited the requisite instrument of ratification, acceptance, approval or accession in accordance with article 17.

(2) For States which have deposited an instrument of ratification, acceptance, approval or accession in respect of this Convention after the requirements for entry into force thereof have been met, but prior to the date of entry in force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of this Convention or three months after the date of deposit of instrument, whichever is the later date.

(3) Any instrument of ratification, acceptance, approval or accession deposited after the date on which this Convention enters into force shall take effect three months after the date of deposit.

(4) After the date on which an amendment to this Convention is deemed to have been accepted under article 16, any instrument of ratification, acceptance, approval or accession deposited shall apply to the Convention as amended.

ARTICLE 19

Denunciation

(1) This Convention may be denounced by any Party at any time after the expiry of two years from the date on which this Convention enters into force for that Party.

(2) Denunciation shall be effected by the deposit of written notification with the Secretary-General, to take effect one year after receipt or such longer period as may be specified in that notification.

ARTICLE 20

Depository

(1) This Convention shall be deposited with the Secretary-General, who shall transmit certified copies of this Convention to all States which have signed this Convention or acceded thereto.

(2) In addition to the functions specified elsewhere in this Convention, the Secretary-General shall:

(a) inform all States which have signed this Convention or acceded thereto of:

(i) each new signature or deposit of an instrument of ratification, acceptance, approval, or accession, together with the date thereof;

- (ii) the date of entry into force of this Convention; and
 - (iii) the deposit of any instrument of denunciation of this Convention, together with the date on which it was received and the date on which the denunciation takes effect; and
- (b) as soon as this Convention enters into force, transmit the text thereof to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE 21

Languages

This Convention is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed this Convention.

DONE AT LONDON, this fifth day of October, two thousand and one.

* * *

ANNEX 1

CONTROLS ON ANTI-FOULING SYSTEMS

Anti-fouling system	Control measures	Application	Effective date
Organotin compounds which act as biocides in anti-fouling systems	Ships shall not apply or re-apply such compounds	All ships	1 January 2003
Organotin compounds which act as biocides in anti-fouling systems	Ships either: (1) shall not bear such compounds on their hulls or external parts or surfaces; or (2) shall bear a coating that forms a barrier to such compounds leaching from the underlying non-compliant anti-fouling systems	All ships (except fixed and floating platforms, FSUs, and FPSOs that have been constructed prior to 1 January 2003 and that have not been in dry-dock on or after 1 January 2003)	1 January 2008

* * *

ANNEX 2

REQUIRED ELEMENTS FOR AN INITIAL PROPOSAL

(1) An initial proposal shall include adequate documentation containing at least the following:

- (a) identification of the anti-fouling system addressed in the proposal: name of the anti-fouling system; name of active ingredients and Chemical Abstract Services Registry Number (CAS number), as applicable; or components of the system which are suspected of causing the adverse effects of concern;
- (b) characterization of the information which suggests that the anti-fouling system or its transformation products may pose a risk to human health or may cause adverse effects in non-target organisms at concentrations likely to be found in the environment (e.g., the results of toxicity studies on representative species or bioaccumulation data);
- (c) material supporting the potential of the toxic components in the anti-fouling system, or its transformation products, to occur in the environment at concentrations which could result in adverse effects to non-target organisms, human health, or water quality (e.g., data on persistence in the water column, sediments and biota; the release rate of toxic components from treated surfaces in studies or under actual use conditions; or monitoring data, if available);
- (d) an analysis of the association between the anti-fouling system, the related adverse effects and the environmental concentrations observed or anticipated; and
- (e) a preliminary recommendation on the type of restrictions that could be effective in reducing the risks associated with the anti-fouling system.

(2) An initial proposal shall be submitted in accordance with rules and procedures of the Organization.

* * *

ANNEX 3

REQUIRED ELEMENTS OF A COMPREHENSIVE PROPOSAL

(1) A comprehensive proposal shall include adequate documentation containing the following:

- (a) developments in the data cited in the initial proposal;
- (b) findings from the categories of data set out in paragraphs (3)(a), (b) and (c), as applicable, depending on the subject of the proposal and the identification or description of the methodologies under which the data were developed;
- (c) a summary of the results of studies conducted on the adverse effects of the anti-fouling system;
- (d) if any monitoring has been conducted, a summary of the results of that monitoring, including information on ship traffic and a general description of the area monitored;
- (e) a summary of the available data on environmental or ecological exposure and any estimates of environmental concentrations developed through the application of mathematical models, using all available environmental fate parameters, preferably those which were determined experimentally, along with an identification or description of the modelling methodology;
- (f) an evaluation of the association between the anti-fouling system in question, the related adverse effects and the environmental concentrations, either observed or expected;
- (g) a qualitative statement of the level of uncertainty in the evaluation referred to in subparagraph (f);
- (h) a recommendation of specific control measures to reduce the risks associated with the anti-fouling system; and
- (i) a summary of the results of any available studies on the potential effects of the recommended control measures relating to air quality, shipyard conditions, international shipping and other relevant sectors, as well as the availability of suitable alternatives.

(2) A comprehensive proposal shall also include information on each of the following physical and chemical properties of the component(s) of concern, if applicable:

- melting point;
- boiling point;
- density (relative density);
- vapour pressure;

- water solubility / pH / dissociation constant (pKa);
- oxidation/reduction potential;
- molecular mass;
- molecular structure; and
- other physical and chemical properties identified in the initial proposal.

(3) For the purposes of paragraph (1)(b) above, the categories of data are:

(a) Data on environmental fate and effect:

- modes of degradation/dissipation (e.g., hydrolysis/photodegradation/biodegradation);
- persistence in the relevant media (e.g., water column/sediments/biota);
- sediments/water partitioning;
- leaching rates of biocides or active ingredients;
- mass balance;
- bioaccumulation, partition coefficient, octanol/water coefficient; and
- any novel reactions on release or known interactive effects.

(b) Data on any unintended effects in aquatic plants, invertebrates, fish, seabirds, marine mammals, endangered species, other biota, water quality, the seabed, or habitat of non-target organisms, including sensitive and representative organisms:

- acute toxicity;
- chronic toxicity;
- developmental and reproductive toxicity;
- endocrine disruption;
- sediment toxicity;
- bioavailability/biomagnification/bioconcentration;
- food web/population effects;
- observations of adverse effects in the field/fish kills/ strandings/ tissue analysis; and
- residues in seafood.

These data shall relate to one or more types of non-target organisms such as aquatic plants, invertebrates, fish, birds, mammals and endangered species.

(c) Data on the potential for human health effects (including, but not limited to, consumption of affected seafood).

(4) A comprehensive proposal shall include a description of the methodologies used, as well as any relevant measures taken for quality assurance and any peer review conducted of the studies.

* * *

ANNEX 4

SURVEYS AND CERTIFICATION REQUIREMENTS FOR ANTI-FOULING SYSTEMS**REGULATION 1**

Surveys

(1) Ships of 400 gross tonnage and above referred to in article 3(1)(a) engaged in international voyages, excluding fixed or floating platforms, FSUs, and FPSOs, shall be subject to surveys specified below:

- (a) an initial survey before the ship is put into service or before the International Anti-fouling System Certificate (Certificate) required under regulation 2 or 3 is issued for the first time; and
- (b) a survey when the anti-fouling systems are changed or replaced. Such surveys shall be endorsed on the Certificate issued under regulation 2 or 3.

(2) The survey shall be such as to ensure that the ship's anti-fouling system fully complies with this Convention.

(3) The Administration shall establish appropriate measures for ships that are not subject to the provisions of paragraph (1) of this regulation in order to ensure that this Convention is complied with.

- (4)
- (a) As regards the enforcement of this Convention, surveys of ships shall be carried out by officers duly authorized by the Administration or as provided in regulation 3(1), taking into account guidelines for surveys developed by the Organization*. Alternatively, the Administration may entrust surveys required by this Convention either to surveyors nominated for that purpose or to organizations recognized by it.
 - (b) An Administration nominating surveyors or recognizing organizations** to conduct surveys shall, as a minimum, empower any nominated surveyor or recognized organization to:
 - (i) require a ship that it surveys to comply with the provisions of Annex 1; and
 - (ii) carry out surveys if requested by the appropriate authorities of a port State that is a Party to this Convention.

* Guidelines to be developed.

** Refer to the guidelines adopted by the Organization by resolution A.739(18), as may be amended by the Organization, and the specifications adopted by the Organization by resolution A.789(19), as may be amended by the Organization.

- (c) When the Administration, a nominated surveyor, or a recognized organization determines that the ship's anti-fouling system does not conform either to the particulars of a Certificate required under regulation 2 or 3, or to the requirements of this Convention, such Administration, surveyor or organization shall immediately ensure that corrective action is taken to bring the ship into compliance. A surveyor or organization shall also in due course notify the Administration of any such determination. If the required corrective action is not taken, the Administration shall be notified forthwith and it shall ensure that the Certificate is not issued or is withdrawn as appropriate.
- (d) In the situation described in subparagraph (c), if the ship is in the port of another Party, the appropriate authorities of the port State shall be notified forthwith. When the Administration, a nominated surveyor, or a recognized organization has notified the appropriate authorities of the port State, the Government of the port State concerned shall give such Administration, surveyor, or organization any necessary assistance to carry out their obligations under this regulation, including any action described in article 11 or 12.

REGULATION 2

Issue or Endorsement of an International Anti-fouling System Certificate

- (1) The Administration shall require that a ship to which regulation 1 applies is issued with a Certificate after successful completion of a survey in accordance with regulation 1. A Certificate issued under the authority of a Party shall be accepted by the other Parties and regarded for all purposes covered by this Convention as having the same validity as a Certificate issued by them.
- (2) Certificates shall be issued or endorsed either by the Administration or by any person or organization duly authorized by it. In every case, the Administration assumes full responsibility for the Certificate.
- (3) For ships bearing an anti-fouling system controlled under Annex 1 that was applied before the date of entry into force of a control for such a system, the Administration shall issue a Certificate in accordance with paragraphs (2) and (3) of this regulation not later than two years after entry into force of that control. This paragraph shall not affect any requirement for ships to comply with Annex 1.
- (4) The Certificate shall be drawn up in the form corresponding to the model given in Appendix 1 to this Annex and shall be written at least in English, French, or Spanish. If an official language of the issuing State is also used this shall prevail in the case of the dispute or discrepancy.

REGULATION 3

Issue or Endorsement of an International Anti-fouling System Certificate by Another Party

- (1) At the request of the Administration, another Party may cause a ship to be surveyed and, if satisfied that this Convention has been complied with, it shall issue or authorize the issue of a Certificate to the ship and, where appropriate, endorse or authorize the endorsement of that Certificate for the ship, in accordance with this Convention.

(2) A copy of the Certificate and a copy of the survey report shall be transmitted as soon as possible to the requesting Administration.

(3) A Certificate so issued shall contain a statement that it has been issued at the request of the Administration referred to in paragraph (1) and it shall have the same force and receive the same recognition as a Certificate issued by the Administration.

(4) No Certificate shall be issued to a ship which is entitled to fly the flag of a State which is not a Party.

REGULATION 4

Validity of an International Anti-fouling System Certificate

(1) A Certificate issued under regulation 2 or 3 shall cease to be valid in either of the following cases:

- (a) if the anti-fouling system is changed or replaced and the Certificate is not endorsed in accordance with this Convention; and
- (b) upon transfer of the ship to the flag of another State. A new Certificate shall only be issued when the Party issuing the new Certificate is fully satisfied that the ship is in compliance with this Convention. In the case of a transfer between Parties, if requested within three months after the transfer has taken place, the Party whose flag the ship was formerly entitled to fly shall, as soon as possible, transmit to the Administration a copy of the Certificates carried by the ship before the transfer and, if available, a copy of the relevant survey reports.

(2) The issue by a Party of a new Certificate to a ship transferred from another Party may be based on a new survey or on a valid Certificate issued by the previous Party whose flag the ship was entitled to fly.

REGULATION 5

Declaration on Anti-fouling System

(1) The Administration shall require a ship of 24 meters or more in length, but less than 400 gross tonnage engaged in international voyages and to which article 3(1)(a) applies (excluding fixed or floating platforms, FSUs, and FPSOs) to carry a Declaration signed by the owner or owner's authorized agent. Such Declaration shall be accompanied by appropriate documentation (such as a paint receipt or a contractor invoice) or contain appropriate endorsement.

(2) The Declaration shall be drawn up in the form corresponding to the model given in Appendix 2 to this Annex and shall be written at least in English, French, or Spanish. If an official language of the State whose flag the ship is entitled to fly is also used, this shall prevail in the case of a dispute or discrepancy.

APPENDIX 1 TO ANNEX 4***MODEL FORM OF INTERNATIONAL ANTI-FOULING SYSTEM CERTIFICATE*****INTERNATIONAL ANTI-FOULING SYSTEM CERTIFICATE**

(This certificate shall be supplemented by a Record of Anti-fouling Systems)

*(Official seal)**(State)*

*Issued under the
International Convention on the Control of Harmful Anti-Fouling Systems on Ships*

under the authority of the Government of

.....
(name of the State)

by

.....
(person or organization authorized)

When a Certificate has been previously issued, this Certificate replaces the certificate dated

*Particulars of ship*¹

Name of ship

Distinctive number or letters

Port of registry

Gross tonnage

IMO number²

An anti-fouling system controlled under Annex 1 has not been applied during or after construction of this ship

An anti-fouling system controlled under Annex 1 has been applied on this ship previously, but has been removed by (*insert name of the facility*) on (*date*)

An anti-fouling system controlled under Annex 1 has been applied on this ship previously, but has been covered with a sealer coat applied by (*insert name of the facility*)

on (*date*)

An anti-fouling system controlled under Annex 1 was applied on this ship prior to.... (*date*)³, but must be removed or covered with a sealer coat prior to (*date*)⁴

¹ Alternatively, the particulars of the ship may be placed horizontally in boxes.

² In accordance with the IMO Ship Identification Number Scheme adopted by the Organization with Assembly resolution A.600(15).

³ Date of entry into force of the control measure.

⁴ Date of expiration of any implementation period specified in article 4(2) or Annex 1.

THIS IS TO CERTIFY THAT:

- 1 the ship has been surveyed in accordance with regulation 1 of Annex 4 to the Convention; and
- 2 the survey shows that the anti-fouling system on the ship complies with the applicable requirements of Annex 1 to the Convention.

Issued at.....
(Place of issue of Certificate)

..... *(Signature of authorized official issuing the Certificate)*

Date of completion of the survey
on which this certificate is issued:

*MODEL FORM OF RECORD OF ANTI-FOULING SYSTEMS***RECORD OF ANTI-FOULING SYSTEMS**

This Record shall be permanently attached to the International Anti-Fouling System Certificate.

Particulars of ship

Name of ship :
Distinctive number or letters :
IMO number :

Details of anti-fouling system(s) applied

Type(s) of anti-fouling system(s) used

Date(s) of application of anti-fouling system(s).....

Name(s) of company(ies) and facility(ies)/location(s) where applied.....

Name(s) of anti-fouling system manufacturer(s).....

Name(s) and colour(s) of anti-fouling system(s).....

Active ingredient(s) and their Chemical Abstract Services Registry Number(s) (CAS number(s))

Type(s) of sealer coat, if applicable

Name(s) and colour(s) of sealer coat applied, if applicable

Date of application of sealer coat.....

THIS IS TO CERTIFY that this Record is correct in all respects.

Issued at.....
(Place of issue of Record)

.....
(Date of issue)

.....
(Signature of authorized official issuing the record)

Endorsement of the Records⁵

THIS IS TO CERTIFY that a survey required in accordance with regulation 1(1)(b) of Annex 4 to the Convention found that the ship was in compliance with the Convention

Details of anti-fouling system(s) applied

Type(s) of anti-fouling system(s) used.....
.....

Date(s) of application of anti-fouling system(s).....

Name(s) of company(ies) and facility(ies) location(s) where applied.....
.....

Name(s) of anti-fouling system(s) manufacturer(s).....
.....

Name(s) and colour(s) of anti-fouling system(s).....
.....

Active ingredient(s) and their Chemical Abstract Services Registry Number(s) (CAS number(s)) ...
.....

Type(s) of sealer coat, if applicable

Name(s) and colour(s) of sealer coat applied, if applicable
.....

Date of application of sealer coat

Signed:.....

(Signature of authorized official issuing the Record)

Place:

Date⁶:

(Seal or stamp of the authority)

⁵ This page of the Record shall be reproduced and added to the Record as considered necessary by the Administration.

⁶ Date of completion of the survey on which this endorsement is made.

APPENDIX 2 TO ANNEX 4***MODEL FORM OF DECLARATION ON ANTI-FOULING SYSTEM*****DECLARATION ON ANTI-FOULING SYSTEM**

Drawn up under the
International Convention on the Control of Harmful Anti-Fouling Systems on Ships

Name of ship

Distinctive number or letters

Port of registry

Length

Gross tonnage

IMO number (if applicable)

I declare that the anti-fouling system used on this ship complies with Annex 1 of the Convention.

.....
(Date)

.....
(Signature of owner or owner's authorized agent)

Endorsement of anti-fouling system(s) applied

Type(s) of anti-fouling system(s) used and date(s) of application.....

.....
(Date)

.....
(Signature of owner or owner's authorized agent)

Type(s) of anti-fouling system(s) used and date(s) of application.....

.....
(Date)

.....
(Signature of owner or owner's authorized agent)

Type(s) of anti-fouling system(s) used and date(s) of application.....

.....
(Date)

.....
(Signature of owner or owner's authorized agent)

M E D N A R O D N A K O N V E N C I J A

O NADZORU ŠKODLJIVIH SISTEMOV PROTI OBRAŠČANJU NA LADJAH, 2001

POGOODBENICE TE KONVENCIJE

UGOTAVLJAJO, da so znanstvene raziskave in preiskave vlad in pristojnih mednarodnih organizacij pokazale, da nekateri sistemi proti obraščanju, ki se uporabljajo na ladjah, pomenijo precejšnje tveganje za toksičnost in druge dolgorajne vplive na okoljsko in gospodarsko pomembne morske organizme in da je tudi človekovo zdravje lahko ogroženo zaradi uživanja oporečne morske hrane,

OPAŽAJO PREDVSEM resno zaskrbljenost v zvezi s sistemami proti obraščanju, v katerih se kot biocidi uporabljajo organokositne spojine, in so prepričane, da je treba njihov vnos v okolje postopno opustiti,

SE SKLICUJEJO na 17. poglavje Agende 21, ki jo je sprejela Konferenca Združenih narodov o okolju in razvoju, 1992, in poziva države, da sprejmejo ukrepe za zmanjševanje onesnaževanja z organokositnimi spojinami, ki se uporabljajo v sistemih proti obraščanju,

SE SKLICUJEJO TUDI na resolucijo A.895(21), ki jo je sprejela Skupščina Mednarodne pomorske organizacije 25. novembra 1999 in poziva Odbor Organizacije za varstvo morskega okolja (MEPC), naj si prizadeva za čim hitrejšo pravro mednarodno pravno zavezujčega dokumenta o škodljivih učinkih sistemov proti obraščanju kot o nujni zadavi,

UPOŠTEVAJO previdnostno načelo iz 15. načela Deklaracije o okolju in razvoju iz Ria in resolucije MEPC.67(37), ki jo je sprejel MEPC 15. septembra 1995,

SPOZNAVAVO pomen varovanja morskega okolja in zdravja ljudi pred škodljivimi učinki sistemov proti obraščanju,

SPOZNAVAVO TUDI, da je uporaba sistemov proti obraščanju za preprečevanje naseljevanja organizmov na površini ladij odločilnega pomena za učinkovito trgovanje in pomorski promet in preprečevanje širjenja škodljivih vodnih organizmov ter patogenov,

NADALJE UPOŠTEVAJO potrebo, da se še naprej razvijajo sistemi proti obraščanju, ki so učinkoviti in varni za okolje, ter spodbujajo nadomestitev škodljivih sistemov z manj škodljivimi ali po možnosti neškodljivimi,

IN SO SE SPORAZUMELE:

1. ČLEN

Splošne obveznosti

(1) Vsaka pogodbenica te konvencije se zavezuje, da bo v celoti in popolnoma upoštevala njene določbe, da bi zmanjšala ali odpravila škodljive učinke sistemov proti obraščanju na morsko okolje in zdravje ljudi.

(2) Priloge h konvenciji so njen sestavni del. Če ni izrecno drugače določeno, je sklicevanje na to konvencijo hkrati sklicevanje na njene priloge.

(3) Nobena določba v tej konvenciji se ne razлага, kot da preprečuje državi, da sama ali z drugimi sprejme strožje ukrepe za zmanjšanje ali odpravo škodljivih učinkov sistemov proti obraščanju na okolje v skladu z mednarodnim pravom.

(4) Pogodbenice si prizadevajo sodelovati za učinkovito izvajanje, upoštevanje in uveljavljanje konvencije.

(5) Pogodbenice se zavezujejo, da bodo spodbujale nadaljnji razvoj učinkovitih in okolju varnih sistemov proti obraščanju.

2. ČLEN

Opredelitev pojmov

Če ni izrecno drugače določeno, v tej konvenciji:

1. "uprava" pomeni vlado države, pod upravo katere plove ladja. Za ladjo, ki plove pod zastavo države, je uprava

vlada te države. Za pritrjene ali plavajoče ploščadi, namenjene raziskovanju in izkoriščanju morskega dna in podzemlja v bližini obale, nad katero ima obalna država suverene pravice za raziskovanje in izkoriščanje njunih naravnih virov, je uprava vlada te obalne države;

2. "sistem proti obraščanju" pomeni premaz, barvo, površinsko obdelavo, površino ali napravo, ki se uporablja na ladji za nadzor ali preprečevanje naselitve neželenih organizmov;

3. "odbor" pomeni Odbor za varstvo morskega okolja organizacije;

4. "bruto tonaža" pomeni bruto tonažo, izračunano v skladu s predpisi o izmeritvi tonaže iz priloge 1 k Mednarodni konvenciji o izmeritvi ladij, 1969, ali kateri koli naslednji konvenciji;

5. "mednarodna plovba" pomeni plovbo ladje pod zastavo ene države v pristanišče, ladjedelnico ali predobalni terminal, ki je pod jurisdikcijo druge države, ali iz njega;

6. "dolžina" pomeni dolžino, opredeljeno v Mednarodni konvenciji o tovornih črtah, 1966, kakor je bila spremenjena s protokolom 1988 h konvenciji, ali kateri koli naslednji konvenciji;

7. "organizacija" pomeni Mednarodno pomorsko organizacijo;

8. "generalni sekretar" pomeni generalnega sekretarja organizacije;

9. "ladja" pomeni kakršno koli plovilo, ki se uporablja v morskem okolju in vključuje hidrogliserje, vozila na zračno blazino, podvodna plovila, plavajoča plovila, pritrjene ali plavajoče ploščadi, plavajoče skladiščne enote ter plavajoče proizvodne, skladiščne in pretvorne enote;

10. "strokovna skupina" pomeni telo, ki ga sestavlja predstavniki pogodbenic, članic organizacije, Združenih narodov in njihovih specializiranih agencij, medvladnih organizacij, ki imajo sklenjene sporazume z organizacijo, ter nevladnih organizacij s posvetovalnim statusom v organizaciji, ki naj po možnosti vključujejo predstavnike ustanov in laboratorijev, ki analizirajo sisteme proti obraščanju. Ti predstavniki morajo imeti strokovno znanje o obnašanju v okolju in vplivih nanj, toksikoloških učinkih, morski biologiji, zdravju ljudi, ekonomskih analizah, obvladovanju tveganj, mednarodnem pomorskom prometu, tehnologiji sistemov proti obraščanju ali drugih področjih strokovnega znanja, potrebnega za objektivni pregled strokovnosti izčrpnega predloga.

3. ČLEN

Uporaba

(1) Če ni drugače določeno v tej konvenciji, se konvencija uporablja za:

(a) ladje, ki plovejo pod zastavo pogodbenice;

(b) ladje, ki ne plovejo pod zastavo pogodbenice, a jih upravlja pogodbenica, ter

(c) ladje, ki vplovejo v pristanišče, ladjedelnico ali predobalni terminal pogodbenice in ne spadajo v pododstavek a ali b.

(2) Ta konvencija se ne uporablja za vojno ladjo, vojško pomožno ali drugo ladjo, ki je v lasti pogodbenice ali jo ta upravlja in se trenutno uporablja le za vladne negospodarske namene. Vsaka pogodbenica s sprejetjem ustreznih ukrepov, ki ne vplivajo na dejavnosti ali zmožnosti delovanja takih ladij, katerih lastnica je ali jih upravlja, zagotovi, da ladje delujejo v skladu s to konvencijo, če je to mogoče in izvedljivo.

(3) Za ladje držav, ki niso pogodbenice te konvencije, pogodbenice uporabljajo zahteve te konvencije, potrebne, da se zagotovi, da take ladje niso ugodne obravnavane.

4. ČLEN

Nadzor sistemov proti obraščanju

(1) V skladu z zahtevami iz priloge 1 vsaka pogodbenica prepove in/ali omeji:

(a) nanos, ponoven nanos, namestitev ali uporabo škodljivih sistemov proti obraščanju na ladjah iz pododstavka a ali b prvega odstavka 3. člena in

(b) nanos, ponoven nanos, namestitev ali uporabo takih sistemov proti obraščanju na ladjah iz pododstavka c prvega odstavka 3. člena, medtem ko so v pristanišču, ladjedelnici ali predobalnem terminalu pogodbenice, ter sprejme učinkovite ukrepe, s katerimi zagotovi, da take ladje izpolnjujejo te zahteve.

(2) Ladje s sistemom proti obraščanju, nadzorovanim s spremembami priloge 1 po začetku veljavnosti te konvencije, lahko ohranijo ta sistem do naslednje predvidene obnove sistema, a ne več kot 60 mesecev po nanosu, razen če se odbor ne odloči, da obstajajo izjemne okoliščine, ki upravičujejo zgodnejše izvajanje nadzora.

5. ČLEN

Nadzor nad odpadnimi snovmi iz priloge 1

Pogodbenica ob upoštevanju mednarodnih predpisov, standardov in zahtev sprejme ustrezne ukrepe na svojem ozemlju, s katerimi zahteva, da se odpadki, nastali pri uporabi ali odstranitvi sistemov proti obraščanju iz priloge 1, zbirajo, obravnavajo, obdelujejo in odstranjujejo na varen in okolju prijazen način zaradi varstva zdravja ljudi in okolja.

6. ČLEN

Postopek za predlaganje sprememb za nadzor sistemov proti obraščanju

(1) Katera koli pogodbenica lahko predlaga spremembu priloge 1 skladno s tem členom.

(2) Začetni predlog vsebuje informacije iz priloge 2 in se predloži organizaciji. Ko organizacija prejme predlog, z njim seznaniti pogodbenice, članice organizacije, Združene narode in njihove specializirane agencije, medvladne organizacije, ki imajo sklenjene sporazume z organizacijo, ter nevladne organizacije s posvetovalnim statusom v organizaciji, ter jim ga da na razpolago.

(3) Odbor se odloči, ali sistem proti obraščanju upravičuje poglobljeni pregled na podlagi začetnega predloga. Če se odbor odloči, da je nadaljnji pregled upravičen, zahteva od pogodbenice predlagateljice, da mu predloži izčrpen predlog, ki vsebuje informacije iz priloge 3, razen kadar začetni predlog vključuje tudi vse informacije iz priloge 3. Kadar odbor meni, da obstaja grožnja resne ali nepopravljive škode, pomanjkanje strokovne zanesljivosti ne sme preprečiti odločitve o nadaljevanju presoje predloga. Odbor ustanovi strokovno skupino v skladu s 7. členom.

(4) Strokovna skupina preuči izčrpen predlog skupaj z vsemi dodatnimi podatki, ki jih je predložil zainteresirani subjekt, ter presodi in poroča odboru, ali je predlog dokazal možnost prevelikega tveganja za škodljive učinke na neciljne organizme ali zdravje ljudi, ki upravičuje spremembu priloge 1. Glede na to:

(a) pregled strokovne skupine zajema:

(i) presojo povezave med sistemom proti obraščanju in z njim povezanimi škodljivimi učinki, opaženimi v okolju ali pri zdravju ljudi, vključno, ne pa izključno z uživanjem oporečne morske hrane ali pri nadzorovanih raziskovah, ki temeljijo na podatkih iz priloge 3 in na vseh drugih znanih ustreznih podatkih;

(ii) presojo zmanjšanja morebitnega tveganja, ki ga je mogoče pripisati predlaganim nadzornim ukrepom ter vsem drugim nadzornim ukrepom, ki jih lahko preuči strokovna skupina;

(iii) preučitev razpoložljivih informacij o strokovni izvedljivosti nadzornih ukrepov ter gospodarnosti predloga;

(iv) preučitev razpoložljivih informacij o drugih učinkih uvedbe takih nadzornih ukrepov, ki se nanašajo na:

– okolje (vključno, ne pa izključno na stroške neukrepanja in vplive na kakovost zraka);

– zdravje in varnost ljudi v ladjedelnici (npr. vplivi na delavce v ladjedelnici);

– stroške mednarodnega pomorskega prometa in drugih ustreznih panog ter

(v) preučitev razpoložljivosti ustreznih nadomestnih možnosti, vključno s preučitvijo morebitnih tveganj, ki jih prinašajo;

(b) poročilo strokovne skupine je pisno in upošteva vsako presojo in preučitev iz pododstavka a, razen če se strokovna skupina odloči, da ne bo nadaljevala presojanja in preučevanja iz točk ii do v pododstavka a, če po presoji iz točke i pododstavka a ugotovi, da predlog ne upravičuje nadaljnje obravnave;

(c) poročilo strokovne skupine vsebuje med drugim priporočilo o tem, ali je mednarodni nadzor ustreznih sistemov proti obraščanju v skladu s to konvencijo upravičen, ali so posebni nadzorni ukrepi, predlagani v izčrpnom predlogu, primerni in ali so kakšni drugi nadzorni ukrepi ustreznejši.

(5) Poročilo strokovne skupine se razpošlje pogodbenicam, članicam organizacije, Združenim narodom in njihovim specializiranim agencijam, medvladnim organizacijam, ki imajo sklenjene sporazume z organizacijo, ter nevladnim organizacijam s posvetovalnim statusom v organizaciji, preden ga preuči odbor. Odbor se ob upoštevanju poročila strokovne skupine odloči, ali bo potrdil predlog za spremembu priloge 1 in vse potrebne spremembe tega predloga. Če poročilo navaja grožnjo hude ali nepopravljive škode, pomanjkanje strokovne zanesljivosti ne sme preprečiti odločitve o vključitvi sistema proti obraščanju v prilogu 1. Če predlagane spremembe priloge 1 odobri odbor, se razpošljejo skladno s pododstavkom a drugega odstavka 16. člena. Če so na voljo nove informacije, odločitvev, da se predlog ne potrdi, ne izključuje predložitve novega predloga v zvezi s posameznim sistemom proti obraščanju v prihodnosti.

(6) Pri odločitvah odbora iz tretjega in petega odstavka lahko sodelujejo samo pogodbenice.

7. ČLEN

Strokovne skupine

(1) Odbor ustanovi strokovno skupino v skladu s 6. členom, ko prejme izčrpen predlog. Kadar je sprejetih več predlogov istočasno ali zaporedno, lahko odbor po potrebi ustanovi eno ali več strokovnih skupin.

(2) Katera koli pogodbenica lahko sodeluje pri posvetovanjih strokovne skupine in uporablja ustrezno razpoložljivo strokovno znanje.

(3) Odbor se odloči o pristojnostih in nalogah, organizaciji in delovanju strokovnih skupin. Pristojnosti zagotavljajo zaščito vseh zaupnih informacij, ki jih je mogoče predložiti. Strokovne skupine se lahko sestajajo po potrebi, vendar si prizadevajo, da opravljajo svoje delo s pisnim ali elektronskim dopisovanjem ali drugimi primernimi sredstvi.

(4) Pri pripravi priporočil odboru skladno s 6. členom lahko sodelujejo le predstavniki pogodbenic. Strokovna skupina si prizadeva za soglasje med predstavniki pogodbenic. Če soglasje ni mogoče, strokovna skupina sporoči vsa stališča predstavnikov, ki so v manjšini.

8. ČLEN

Znanstvene in strokovne raziskave ter spremljanje stanja

(1) Pogodbenice sprejmejo ustrezne ukrepe, da spodbudijo in olajšajo znanstvene in strokovne raziskave o učinkih

sistemov proti obraščanju kakor tudi spremjanje tovrstnih učinkov. Take raziskave vključujejo predvsem opazovanje, meritve, vzorčenje, vrednotenje in analizo učinkov sistemov proti obraščanju.

(2) Vsaka pogodbenica zaradi uresničevanja ciljev te konvencije spodbuja razpoložljivost ustreznih informacij o:

(a) znanstvenih in strokovnih dejavnostih po tej konvenciji;

(b) znanstvenih in tehnoških programih o morju in njihovih ciljih ter

(c) učinkih, opaženih pri uresničevanju programov spremjanja stanja in presoje, ki se nanašajo na sisteme proti obraščanju,

drugim pogodbenicam, ki zaprosijo zanje.

9. ČLEN

Obveščanje in izmenjava informacij

(1) Vsaka pogodbenica pošlje organizaciji:

(a) seznam imenovanih inšpektorjev ali priznanih organizacij, pooblaščenih, da delujejo v imenu te pogodbenice pri upravljanju zadev, povezanih z nadzorom sistemov proti obraščanju po tej konvenciji, za razpošiljanje pogodbenicam za obveščanje njihovih uradnikov. Uprava zato uradno obvesti organizacijo o posebnih odgovornostih in pogojih pooblastil imenovanih inšpektorjev ali priznanih organizacij in

(b) letno informacije o sistemih proti obraščanju, katerih uporaba je odobrena, omejena ali prepovedana po njeni zakonodaji.

(2) Organizacija z vsemi ustreznimi sredstvi da na razpolago informacije, ki so ji bile poslane v skladu s prvim odstavkom.

(3) Za sisteme proti obraščanju, ki jih pogodbenica odobi, registrira ali dovoli, zagotovi pogodbenicam, ki so zanje zaprosile, ustreerne informacije, na podlagi katerih je sprejela odločitev, vključno z informacijami iz priloge 3, ali druge informacije, primerne za ustrezno ovrednotenje sistema proti obraščanju, ali zahteva, da jih zagotovijo proizvajalci teh sistemov. Ne smejo se dajati zakonsko varovani podatki.

10. ČLEN

Pregledovanje in potrjevanje

Pogodbenica zagotovi pregled ladij, ki plovejo pod njenim zastavo ali njeni upravo, in izdajo spričevala v skladu s predpisi iz priloge 4.

11. ČLEN

Inšpekcijski pregledi ladij in ugotavljanje kršitev

(1) Na ladji, za katero se uporablja ta konvencija, lahko v katerem koli pristanišču, ladjedelnici ali predobalnem terminalu pogodbenice opravijo uradniki, ki jih je za to pooblastila ta pogodbenica, inšpekcijski pregled, da bi ugotovili, ali ladja izpoljuje zahteve te konvencije. Če ni utemeljenega suma, da ladja krši to konvencijo, je treba vsak tak inšpekcijski pregled omejiti na:

(a) preverjanje, ali je, če je zahtevano, na ladji veljavno mednarodno spričevalo o sistemu proti obraščanju ali izjava o sistemu proti obraščanju in/ali

(b) kratko vzorčenje sistema proti obraščanju na ladji, ki ne vpliva na njegovo celovitost, zgradbo ali delovanje, ob upoštevanju navodil, ki jih je pripravila organizacija.* Čas, ki je potreben za obdelavo izsledkov takega vzorčenja, ne sme preprečiti premikanja in izplutja ladje.

(2) Če se utemeljeno sumi, da je ladja prekršila to konvencijo, se lahko opravi temeljiti inšpekcijski pregled ob upoštevanju navodil, ki jih je pripravila organizacija.*

(3) Če se odkrije, da ladja krši to konvencijo, lahko pogodbenica, ki opravlja inšpekcijski pregled, sprejme ukrepe, da opozori, zadrži, zavrne ali umakne ladjo iz svojih prista-

nišč. Pogodbenica, ki sprejme te ukrepe proti ladji, ker ne izpoljuje zahtev konvencije, takoj obvesti upravo te ladje.

(4) Pogodbenice sodelujejo pri odkrivanju kršitev in uveljavljanju te konvencije. Pogodbenica lahko prav tako pregleda ladjo, ko vpluje v pristanišča, ladjedelnice ali predobalne terminale pod njenou jurisdikcijo, če od katere koli pogodbenice prejme zaprosilo za preiskavo skupaj z zadostnimi dokazi, da ladja plove ali je plula tako, da je kršila to konvencijo. Poročilo o tovrstni preiskavi je treba poslati pogodbenici, ki zaprosi zanje, ter pristojnemu organu uprave te ladje, tako da je mogoče sprejeti primerne ukrepe v skladu s to konvencijo.

12. ČLEN

Kršitve

(1) Prepovedana je vsaka kršitev te konvencije in se zanje uvedejo sankcije skladno z zakonodajo uprave ladje, kadar koli kršitev nastane. Če je uprava obveščena o tovrstni kršitvi, zadevo razišče in lahko prosi pogodbenico prijaviteljico, da priskrbi dodatne dokaze o domnevni kršitvi. Če je uprava prepričana, da so na voljo zadostni dokazi, ki omogočajo, da se sproži postopek v zvezi z domnevno kršitvijo, v skladu s svojo zakonodajo zagotovi, da se postopek čim prej začne. Uprava takoj obvesti pogodbenico prijaviteljico domnevne kršitve kakor tudi organizacijo o vseh sprejetih ukrepih. Če uprava ni sprejela nobenega ukrepa v enem letu po prejemu informacije, o tem obvesti pogodbenico prijaviteljico domnevne kršitve.

(2) Prepovedana je vsaka kršitev te konvencije v pristnosti pogodbenice in se zanje uvedejo sankcije skladno z njenou zakonodajo. Kadar se pojavi taka kršitev, pogodbenica:

(a) začne postopek skladno s svojo zakonodajo ali

(b) upravi ladje zagotovi informacije in dokaze o nastali kršitvi, s katerimi razpolaga.

(3) Sankcije, uvedene skladno z zakonodajo pogodbenice po tem členu, morajo biti dovolj stroge, da odvrne storilce od morebitnih kršitev te konvencije.

13. ČLEN

Neupravičena zamuda ali zadržanje ladij

(1) Čim bolj si je treba prizadevati, da se prepreči neupravičeno zadržanje ali zamuda ladje iz 11. ali 12. člena.

(2) Kadar je ladja neupravičeno zadržana ali ima zamudo po 11. ali 12. členu, ima pravico do nadomestila za vso izgubo ali škodo.

14. ČLEN

Reševanje sporov

Pogodbenice rešujejo vse medsebojne spore zaradi razlage ali uporabe te konvencije s pogajanji, pozivedovanjem, posredovanjem, poravnavo, arbitražo, sodno poravnavo, s pomočjo regionalnih agencij ali sporazumov ali po drugi miroljubni poti, ki so jo same izbrale.

15. ČLEN

Razmerje do mednarodnega prava morja

Nobena določba v tej konvenciji ne vpliva na pravice in obveznosti koli države po običajnem mednarodnem pravu iz Konvencije Združenih narodov o pomorskom mednarodnem pravu.

16. ČLEN

Spremembe

(1) To konvencijo je mogoče spremeniti z enim od postopkov, opredeljenih v naslednjih odstavkih.

(2) Spremembe po obravnavi v organizaciji:

(a) vsaka pogodbenica lahko predлага spremembu te konvencije. Predlagana spremembu se predloži generalne-

* Navodila, ki jih je treba pripraviti.

mu sekretarju, ki jo razpošlje pogodbenicam in članicam organizacije najmanj šest mesecev pred obravnavo. Predlog spremembe priloge 1 se obravnava skladno s 6. členom, preden se obravnava po tem členu;

(b) sprememba, ki je predlagana in razposlana, kot je omenjeno, se predloži odboru v obravnavo. Pogodbenice imajo, ne glede na to, ali so članice organizacije ali ne, pravico, da sodelujejo pri postopkih odbora za obravnavo in sprejetje spremembe;

(c) spremembe se sprejmejo z dvetretjinsko večino pogodbenic, ki so prisotne in glasujejo v odboru, če je pri glasovanju prisotna najmanj tretjina pogodbenic;

(d) spremembe, sprejete v skladu s pododstavkom c, generalni sekretar pošlje pogodbenicam v sprejetje;

(e) šteje se, da je sprememba sprejeta v teh primerih:

(i) šteje se, da je sprememba člena te konvencije sprejeta z dnem, ko dve tretjini pogodbenic uradno obvestita generalnega sekretarja o sprejetju;

(ii) šteje se, da je sprememba priloge sprejeta po poteku dvanajstih mesecev od dneva sprejetja ali drugega datuma, ki ga določi odbor. Če do tega datuma več kot tretjina pogodbenic obvesti generalnega sekretarja, da nasprotuje spremembam, se šteje, da sprememba ni sprejeta;

(f) sprememba začne veljati pod temi pogoji:

(i) sprememba člena te konvencije začne veljati za pogodbenice, ki so izjavile, da so jo sprejele, šest mesecev po dnevu, ko se šteje, da je bila sprememba sprejeta v skladu s točko i pododstavka e;

(ii) sprememba priloge 1 začne veljati za vse pogodbenice šest mesecev po dnevu, ko se šteje, da je bila sprejeta, razen za tiste, ki so:

(1) uradno sporočile svoj ugovor k spremembam v skladu s točko ii pododstavka e in ga niso umaknile;

(2) uradno obvestile generalnega sekretarja pred začetkom veljavnosti take spremembe, da bo sprememba začela zanje veljati le po poznejšem uradnem obvestilu o njenem sprejetju, ali

(3) so ob deponiraju listine o ratifikaciji, sprejetju, odobritvi ali pristopu k tej konvenciji izjavile, da sprememba priloge 1 začnejo veljati zanje le po uradnem obvestilu o sprejetju, poslanem generalnemu sekretarju glede teh sprememb.

(iii) Sprememba priloge, razen priloge 1, začne za vse pogodbenice veljati šest mesecev po dnevu, ko se šteje, da je bila sprejeta, razen za tiste pogodbenice, ki so uradno sporočile ugovor k spremembam skladno s točko ii pododstavka e in ga niso umaknile.

(g) (i) Pogodbenica, ki je uradno sporočila ugovor v skladu s podtočko 1 točke ii ali točko iii pododstavka f, lahko pozneje uradno obvesti generalnega sekretarja, da sprejme spremembo. Taka sprememba začne veljati za to pogodbenico šest mesecev po dnevu, ko je poslala uradno obvestilo o sprejetju, ali dnevu, ko začne sprememba veljati, kar je pozneje.

(ii) Če pogodbenica, ki je poslala uradno obvestilo ali dala izjavo iz podtočke 2 ali 3 točke ii pododstavka f, uradno obvesti generalnega sekretarja o sprejetju spremembe, začne ta sprememba veljati za to pogodbenico šest mesecev po dnevu, ko je poslala uradno obvestilo o sprejetju spremembe, ali po dnevu, ko začne sprememba veljati, kar je pozneje.

(3) Sprememba, ki jo sprejme konferanca:

(a) na zahtevo pogodbenice, s katero soglaša najmanj ena tretjina pogodbenic, organizacija skliče konferenco pogodbenic za obravnavo sprememb te konvencije.

(b) spremembo, ki jo sprejme konferanca z dvetretjinsko večino pogodbenic, ki so prisotne in glasujejo, generalni sekretar pošlje vsem pogodbenicam v sprejetje;

(c) če konferanca ne odloči drugače, se šteje, da je sprememba sprejeta in začne veljati v skladu s postopki,

določenimi v pododstavkih e in f drugega odstavka tega člena.

(4) Pogodbenica, ki je odklonila sprejetje spremembe priloge, se le za uporabo te spremembe šteje kot nepogodbenica.

(5) Nova priloga se predlaga in sprejme ter začne veljati skladno s postopkom, ki se uporablja za spremembo člena te konvencije.

(6) Vsako uradno obvestilo ali izjavo po tem členu je treba poslati pisno generalnemu sekretarju.

(7) Generalni sekretar obvesti pogodbenice in članice organizacije o:

(a) vsaki spremembi, ki začne veljati, ter dnevnu, ko začne ta sprememba veljati naploš in za vsako pogodbenico posebej, ter

(b) vsakem uradnem obvestilu ali izjavi po tem členu.

17. ČLEN

Podpis, ratifikacija, sprejetje, odobritev in pristop

(1) Konvencija je vsem državam na voljo za podpis na sedežu organizacije od 1. februarja 2002 do 31. decembra 2002, nato pa je na voljo za pristop.

(2) Država lahko postane pogodbenica te konvencije:

(a) s podpisom brez pridržka glede ratifikacije, sprejetja ali odobritve ali

(b) s podpisom s pridržkom glede ratifikacije, sprejetja ali odobritve, nato pa jo ratificira, sprejme ali odobri ali

(c) s pristopom.

(3) Konvencija se ratificira, sprejme, odobri ali se pristopi k njej z deponiranjem ustrezne listine pri generalnem sekretarju.

(4) Če država obsega dve ali več ozemeljskih enot, v katerih se uporablja različni pravni sistemi v zvezi z vprašanji, ki jih obravnava ta konvencija, lahko ob podpisu, ratifikaciju, sprejetju, odobritvi ali pristopu izjavi, da se ta konvencija razširi na vse njene ozemeljske enote ali zgolj na eno ali več enot, in lahko spremeni to izjavo tako, da kadar koli predloži drugo izjavo.

(5) O vseh takih izjavah se uradno obvesti generalni sekretar in se izrecno navedejo ozemeljske enote, za katere se ta konvencija uporablja.

18. ČLEN

Začetek veljavnosti

(1) Konvencija začne veljati dvanajst mesecev po dnevu, ko jo je najmanj petindvajset držav, katerih združeno trgovsko ladjevje predstavlja najmanj petindvajset odstotkov bruto tonaze svetovne trgovske mornarice, podpisalo brez pridržka glede ratifikacije, sprejetja ali odobritve ali deponiralo potrebne listine o ratifikaciji, sprejetju, odobritvi ali pristopu skladno s 17. členom.

(2) Za države, ki deponirajo listino o ratifikaciji, sprejetju, odobritvi konvencije ali pristopu k njej, potem ko so izpolnjene zahteve za začetek veljavnosti, a pred dnevom začetka veljavnosti, začne ratifikacija, sprejetje, odobritev ali pristop veljati z dnem, ko začne veljati ta konvencija, ali tri mesece po dnevu deponiranja listine, kar je pozneje.

(3) Listina o ratifikaciji, sprejetju, odobritvi ali pristopu, deponirana po dnevu začetka veljavnosti te konvencije, začne veljati tri mesece po dnevu deponiranja.

(4) Vsaka listina o ratifikaciji, sprejetju, odobritvi ali pristopu, deponirana po dnevu, ko se šteje, da je sprememba te konvencije sprejeta po 16. členu, velja za tako spremenjeno konvencijo.

19. ČLEN

Odpoved

(1) Pogodbenica lahko odpove konvencijo kadar koli po poteku dveh let od dneva, ko je začela konvencija veljati zanje.

(2) Konvencija se odpove z uradnim pisnim obvestilom generalnemu sekretarju in začne veljati eno leto po prejemu ali katerem koli daljšem obdobju, ki je navedeno v uradnem obvestilu.

20. ČLEN

Depozitar

(1) Konvencija se deponira pri generalnem sekretarju, ki pošlje overjene kopije konvencije vsem državam, ki so jo podpisale ali k njej pristopile.

(2) Poleg nalog, ki so opredeljene drugje v tej konvenciji, generalni sekretar:

(a) obvesti vse države, ki so podpisale konvencijo ali k njej pristopile:

- (i) o vsakem novem podpisu ali deponiranju listine o ratifikaciji, sprejetju, odobritvi ali pristopu in datumu podpisa ali deponiranja;
- (ii) dnevu začetka veljavnosti konvencije in
- (iii) deponiranju vsake listine o odpovedi konvencije in datumu njenega prejema ter datumu začetka veljavnosti odpovedi ter

(b) takoj ko začne konvencija veljati, pošlje njeno besedilo sekretariatu Združenih narodov za vpis v register in objavo skladno s 102. členom Ustanovne listine Združenih narodov.

21. ČLEN

Jeziki

Konvencija je sestavljena v enim izvirniku v angleškem, arabskem, francoskem, kitajskem, ruskom in španskem jeziku, pri čemer so vsa besedila enako verodostojna.

DA BI TO POTRDILI, so podpisani, ki so jih za to pravilno pooblastile njihove vlade, podpisali to konvencijo.

SESTAVLJENO v Londonu petega oktobra dva tisoč ena.

* * *

Priloga 1

NADZOR NAD SISTEMI PROTI OBRAŠČANJU

Sistem proti obraščanju	Nadzorni ukrepi	Uporaba	Začetek veljavnosti
organokositne spojine, ki delujejo kot biocidi v sistemih proti obraščanju	na ladjah se ne smejo uporabljati ali ponovno uporabljati tovrstne spojine	vse ladje	1. januar 2003
organokositne spojine, ki delujejo kot biocidi v sistemih proti obraščanju	(1) na trupu ladij, njihovih zunanjih delih ali površinah ne smejo biti te spojine ali (2) ladje ne smejo imeti premaza, ki preprečuje izločanje teh spojin iz neskladnih sistemov proti obraščanju pod njim	vse ladje (razen pritrjenih in plavajočih ploščadi, plavajočih skladiščnih enot in plavajočih proizvodnih, skladiščnih in pretovornih enot, ki so bile zgrajene pred 1. januarjem 2003 in niso bile v suhem doku 1. januarja 2003 ali pozneje)	1. januar 2008

* * *

Priloga 2

POTREBNE SESTAVINE ZAČETNEGA PREDLOGA

(1) Začetni predlog vključuje ustrezeno dokumentacijo, ki vsebuje vsaj:

(a) identifikacijsko oznako sistema proti obraščanju iz predloga: ime sistema proti obraščanju; ime aktivnih snovi, ter če je primerno, registrsko številko Službe za kemijske izvlečke (številko CAS); ali sestavine sistema, za katere se sumi, da povzročajo škodljive učinke, ki vzbujajo skrb;

(b) opis informacij, ki kažejo, da utegne sistem proti obraščanju ali proizvodi njegove pretvorbe pomeniti tveganje za zdravje ljudi ali povzročiti škodljive učinke pri neciljnih organizmih v koncentracijah, ki so verjetno v okolju (npr. izsledki raziskav toksičnosti na vzorčnih vrstah ali podatki o bioakumulaciji);

(c) gradivo, ki dokazuje možnost, da se bodo toksične sestavine sistema proti obraščanju ali proizvodi njegove pretvorbe pojavili v okolju ali v takih koncentracijah, da bi lahko škodljivo vplivali na neciljne organizme, zdravje ljudi ali kakovost vode (npr. podatki o obstojnosti v vodnem stebru, usedlinah in živih organizmih; hitrost sproščanja toksičnih sestavin z obdelanih površin, pri raziskavah ali dejanski uporabi ali razpoloživi podatki o spremljanju stanja);

(d) analizo povezave med sistemom proti obraščanju, z njim povezanimi škodljivimi učinki ter opaženimi ali pričakovanimi koncentracijami v okolju ter

(e) predhodno priporočilo o vrsti omejitve, ki bi utegnile biti učinkovite pri zmanjšanju tveganj, povezanih s sistemom proti obraščanju.

(2) Začetni predlog se predloži skladno s predpisi in postopki organizacije.

* * *

Priloga 3

POTREBNE SESTAVINE IZČRPNEGA PREDLOGA

(1) Izčrpen predlog vključuje ustrezeno dokumentacijo, ki vsebuje:

(a) novosti glede podatkov v začetnem predlogu;

(b) po potrebi ugotovitve iz skupin podatkov iz pododstavkov a, b in c tretjega odstavka, odvisno od predloga, ter identifikacijo ali opis metodologij, po katerih so bili podatki pripravljeni;

(c) kratek povzetek izsledkov raziskav o škodljivih učinkih sistema proti obraščanju;

(d) če je bilo spremljano stanje, povzetek izsledkov tega spremljanja, vključno s podatki o ladijskem prometu in splošnim opisom spremljanega območja;

(e) povzetek razpoložljivih podatkov o okoljski ali ekološki izpostavljenosti ter vse ocene okoljskih koncentracij, pripravljeni na podlagi matematičnih modelov z uporabo vseh razpoložljivih parametrov obnašanja v okolju, po možnosti tistih, ki so bili določeni s preskusi, skupaj z oznako ali opisom metodologije modeliranja;

(f) oceno povezave med sistemom proti obraščanju, z njim povezanimi škodljivimi učinki ter opaženimi ali pričakovanimi koncentracijami v okolju;

(g) vsebinsko opredelitev stopnje negotovosti pri oceni iz pododstavka f;

(h) priporočilo o posebnih nadzornih ukrepih za zmanjševanje tveganj, povezanih s sistemom proti obraščanju, in

(i) povzetek izsledkov vseh razpoložljivih raziskav o morebitnih učinkih priporočenih nadzornih ukrepov, povezanih

s kakovostjo zraka, razmerami v ladjedelnici, mednarodnim tovornim prometom in drugimi ustreznimi panogami, kakor tudi o razpoložljivosti primernih nadomestnih rešitev.

(2) Po potrebi izčrpen predlog vključuje tudi podatke o fizikalnih in kemijskih lastnostih sestavin, ki vzbujajo skrb:

- tališče;
- vrelišče;
- gostota (relativna gostota);
- parni tlak;
- vodotopnost/pH/disociacijska konstanta (pKa);
- oksidacijski/reduksijski potencial;
- molekulska masa;
- molekulska zgradba in
- druge fizikalne in kemijske lastnosti iz začetnega predloga.

(3) Za uporabo pododstavka b prvega odstavka so skupine podatkov:

- (a) podatki o obnašanju in učinkih v okolju:
 - načini razgradnje/razpršitve (npr. hidroliza/fotorazgradnja/biorazgradnja);
 - obstojnost v ustreznih okoljih (npr. vodnem stebru/usedlinah/živih organizmih);
 - porazdelitev usedline/voda
 - stopnje izločanja biocidov ali aktivnih snovi;
 - masna bilanca;
 - bioakumulacija, porazdelitveni koeficient oktanol/voda in
 - katere koli nove reakcije na sproščanje ali znani interaktivni učinki.

(b) Podatki o vseh nepredvidenih učinkih na vodne rastline, nevretenčarje, ribe, morske ptice, morske sesalce, ogrožene vrste, druge organizme, kakovost vode, morsko dno ali življenjski prostor neciljnih organizmov, vključno z občutljivimi in značilnimi organizmi:

- akutna toksičnost;
- kronična toksičnost;
- toksičnost za razvoj in razmnoževanje;
- endokrine motnje;
- toksičnost usedlin;
- biorazpoložljivost/biopovečanje/biokoncentracija;
- vplvi na prehranjevalni splet/populacije;
- opažanja škodljivih učinkov na kraju samem/pomori rib/nasedanje/analiza tkiv in
- ostanki v morski hrani.

Ti podatki se nanašajo na eno ali več vrst neciljnih organizmov, kot so vodne rastline, nevretenčarji, ribe, ptice, sesalci in ogrožene vrste.

(c) Podatki o morebitnih učinkih na zdravje ljudi (vključno, ne pa izključno z uživanjem oporečne morske hrane).

(4) Izčrpen predlog vključuje opis uporabljenih metodologij kakor tudi ustreznih ukrepov za zagotavljanje kakovosti ter katerega koli strokovnega pregleda raziskav.

* * *

Priloga 4

ZAHTEVE ZA PREGLEDE IN IZDAJANJE SPRIČEVAL O SISTEMIH PROTI OBRAŠČANJU

1. PREDPIS

Pregledi

(1) Ladje z bruto tonažo 400 in več iz pododstavka a prvega odstavka 3. člena, ki so na mednarodni plovbi, razen pritrjenih ali plavajočih ploščadi, plavajočih skladiščnih enot

ter plavajočih proizvodnih, skladiščnih in pretovornih enot, se pregledujejo, kot je opisano:

(a) začetni pregled, preden ladja prvič izplode ali preden se prvič izda mednarodno spričevalo o sistemu proti obraščanju (v nadaljevanju spričevalo), ki se zahteva v 2. ali 3. predpisu, in

(b) pregled, ko se sistemi proti obraščanju spremenijo ali zamenjajo. Take preglede je treba vpisati v spričevalo, izdano skladno z 2. in 3. predpisom.

(2) Pregled zagotavlja, da sistem proti obraščanju na ladji v celoti izpolnjuje zahteve te konvencije.

(3) Uprava sprejme potrebne ukrepe za ladje, na katere se ne nanaša prvi odstavek tega predpisa, da zagotovi izpolnjevanje zahtev te konvencije.

(4) (a) Pri uveljavljanju te konvencije preglede opravljajo uradniki, ki jih je za to pravilno pooblastila uprava, ali se pregledi opravljajo, kot je predvideno v prvem odstavku 3. predpisa, ob upoštevanju navodil za preglede, ki jih je pripravila organizacija.* Druga možnost je, da uprava zaupa preglede po tej konvenciji inšpektorjem, ki so bili za to imenovani, ali organizacijam, ki jih prizna uprava.

(b) Uprava, ki imenuje inšpektorje ali priznane organizacije** za opravljanje pregledov, vsaj pooblasti vse imenovane inšpektorje ali priznane organizacijo, da:

(i) zahteva, da ladja, ki jo pregleduje, izpolnjuje določbe iz priloge 1, ter

(ii) opravlja preglede, če to zahtevajo ustrezni organi pristaniške države, ki je pogodbenica te konvencije.

(c) Kadar uprava, imenovani inšpektor ali priznana organizacija ugotovi, da sistem proti obraščanju na ladji ni skladen s podatki v spričevalu iz 2. ali 3. predpisa te konvencije, uprava, inšpektor ali organizacija takoj zagotovi sprejetje popravnega ukrepa, da ladja izpolni predpise. Inšpektor ali organizacija v primerem času uradno obvesti upravo o vsaki taki ugotovitvi. Če zahtevani popravni ukrep ni izveden, se uprava o tem uradno obvesti in ta poskrbi, da se spričevalo odvzame.

(d) Če je ladja v pristanišču druge pogodbenice, se v okoliščinah iz pododstavka c ustrezni organi pristaniške države takoj uradno obvestijo o tem. Kadar uprava, imenovani inšpektor ali priznana organizacija uradno obvesti ustrezne organe pristaniške države, vlada te pristaniške države tej upravi, inšpektorju ali organizaciji zagotovi vso potrebno pomag za izpolnjevanje njenih obveznosti po tem predpisu, vključno z ukrepi iz 11. ali 12. člena.

2. PREDPIS

Izdaja ali potrditev mednarodnega spričevala o sistemu proti obraščanju

(1) Uprava zahteva, da se za ladjo, za katero se uporablja 1. predpis, izda spričevalo po uspešno opravljenem pregledu skladno s 1. predpisom. Spričevalo, izdano po pooblastilu pogodbenice, druge pogodbenice sprejmejo in ga za vse namene te konvencije štejejo kot enakovredno spričevalu, ki so ga same izdale.

(2) Spričevala izdaja ali potruje uprava ali katera koli oseba ali organizacija, ki jo je uprava za to pravilno pooblastila. V vsakem primeru prevzame uprava polno odgovornost za spričevalo.

(3) Za ladje s sistemom proti obraščanju, ki se nadzo-

* Navodila, ki jih je treba pripraviti.

** Glej navodila, ki jih je sprejela organizacija z resolucijo A.739(18) in po potrebi spremeni, ter specifikacije, ki jih je sprejela organizacija z resolucijo A.789(19) in po potrebi spremeni.

ruje skladno s prilogo 1, uporabljenim pred začetkom veljavnosti nadzora nad njim, uprava izda spričevalo skladno z drugim in tretjim odstavkom tega predpisa najpozneje dve leti po začetku veljavnosti nadzora. Ta odstavek ne vpliva na zahteve, naj bo ladja skladna s prilogo 1.

(4) Spričevalo se sestavi v obliki, ki ustreza vzorcu iz dodatka 1 k tej prilogi, in je napisano vsaj v angleškem, francoskem ali španskem jeziku. Če je spričevalo tudi v uradnem jeziku države izdajateljice, pri sporu ali neskladnosti prevlada ta jezik.

3. PREDPIS

Mednarodno spričevalo o sistemu proti obraščanju, ki ga izda ali potrdi druga pogodbenica

(1) Na zahtevo uprave lahko druga pogodbenica doseže, da se pregleda ladja, in če se prepriča, da so izpolnjene zahteve te konvencije, izda ali odobri izdajo spričevala in po potrebi potrdi ali odobri potrditev takega spričevala skladno s to konvencijo.

(2) En izvod spričevala in en izvod poročila o pregledu se čim prej pošlje upravi, ki je zaprosila zanj.

(3) Tako izdano spričevalo vsebuje izjavo, da je bilo izdano na zahtevo uprave iz prvega odstavka, in je enako veljavno ter se prizna kot spričevalo, ki ga je izdala uprava.

(4) Spričevalo se ne izda za ladjo, ki plove pod zastavo države, ki ni pogodbenica.

4. PREDPIS

Veljavnost mednarodnega spričevala o sistemu proti obraščanju

(1) Spričevalo, izdano skladno z 2. ali 3. predpisom, preneha veljati:

(a) če se sistem proti obraščanju spremeni ali zamenja, spričevalo pa ni potrjeno skladno s konvencijo in

(b) ob prenosu ladje pod zastavo druge države. Novo spričevalo se izda le, kadar je pogodbenica, ki izdaja novo spričevalo, povsem prepričana, da ladja izpolnjuje zahteve te konvencije. Ob prenosu med pogodbenicama pogodbenica, pod katere zastavo je ladja plula, čim prej pošlje upravi kopijo spričeval, ki so bila na ladji pred prenosom, in kopijo razpoložljivih ustreznih poročil o pregledu, če uprava za to zaprosi v treh mesecih po prenosu.

(2) Izdajanje novega spričevala, ki ga izda pogodbenica ladji, preneseni od druge pogodbenice, lahko temelji na novem pregledu ali veljavnem spričevalu, ki ga je izdala pogodbenica, pod zastavo katere je ladja prej plula.

5. PREDPIS

Izjava o sistemu proti obraščanju

(1) Uprava zahteva, da ima ladja z dolžino 24 metrov ali več in bruto tonažo manj kot 400, na mednarodni plovbi in za katero se uporablja pododstavek a prvega odstavka 3. člena (razen pritrjenih ali plavajočih ploščadi, plavajočih skladiščnih enot in plavajočih proizvodnih, skladiščnih in pretovornih enot), podpisano izjavo lastnika ladje ali njegovega pooblaščenega zastopnika. Izjavi se priloži ustrezna dokumentacija (račun za barvo ali račun izvajalca) ali ustrezno potrdilo.

(2) Izjava se sestavi v obliki, ki ustreza vzorcu iz dodatka 2 k tej prilogi, in je napisana vsaj v angleškem, francoskem ali španskem jeziku. Če je izjava tudi v uradnem jeziku države, pod katere zastavo plove ladja, pri sporu ali neskladnosti prevlada ta jezik.

DODATEK 1 K PRILOGI 4

*VZORČNI OBRAZEC MEDNARODNEGA
SPRIČEVALA O SISTEMU PROTI OBRAŠČANJU*

MEDNARODNO SPRIČEVALO O SISTEMU PROTI OBRAŠČANJU
(spričevalu se doda zapis o sistemih proti obraščanju)

(uradni žig)

(država)

*Izdano skladno z
Mednarodno konvencijo o nadzoru škodljivih sistemov proti obraščanju na
ladjah
v imenu vlade*

.....
(ime države)

izdaja

.....
(pooblaščena oseba ali organizacija)

Če je bilo spričevalo že izdano, to spričevalo nadomesti spričevalo, izdano.....

*Podatki o ladji*¹

Ime ladje

Razločevalne številke ali črke

.....
Pristanišče vpisa

Bruto tonaža.....

Številka IMO²

.....
Med gradnjo ali po gradnji ladje se ni uporabil sistem proti obraščanju, nadzorovan skladno s prilogom 1

Sistem proti obraščanju, nadzorovan skladno s prilogom 1, se je uporabljjal na tej ladji, a ga je odstranil (ime izvajalca)
(datum)

Sistem proti obraščanju, nadzorovan skladno s prilogom 1, se je uporabljjal na tej ladji, a je bil prekrit s tesnilnim premazom, ki ga je nanesel
(ime izvajalca)(datum)

Sistem proti obraščanju, nadzorovan skladno s prilogom 1, se je uporabljjal na tej ladji pred (datum)³, vendar ga je treba odstraniti ali prekriti s tesnilnim premazom pred (datum)⁴

¹ Druga možnost je, da se podatki o ladji vnesejo vodoravno v okenca.

² V skladu s sistemom Mednarodne pomorske organizacije o identifikacijski številki ladje, ki jo je sprejela organizacija z resolucijo Skupščine A.600(15).

³ Datum začetka veljavnosti nadzornega ukrepa.

⁴ Datum poteka obdobja za izvajanje, opredeljenega v drugem odstavku 4. člena ali prilogi 1.

POTRJUJE SE, DA:

- 1 je bila ladja pregledana skladno s 1. predpisom priloge 4 konvencije in
- 2 pregled kaže, da sistem proti obraščanju na ladji izpolnjuje veljavne zahteve priloge 1 konvencije.

Izdano v

(kraj izdaje spričevala)

.....
(datum izdaje) (podpis pooblaščenega uradnika, ki izdaja spričevalo)

Datum dokončanja pregleda,
ko je bilo izdano to spričevalo:

*VZORČNI OBRAZEC ZAPISA O SISTEMIH PROTI OBRAŠČANJU***ZAPIS O SISTEMIH PROTI OBRAŠČANJU**

Zapis mora biti priložen k mednarodnemu spričevalu o sistemu proti obraščanju

Podatki o ladji

Ime ladje:

Razločevalne številke ali črke :

Številka IMO:

Podatki o uporabljenih sistemih proti obraščanju

Vrste uporabljenih sistemov proti obraščanju

.....

Datum nanosov sistemov proti obraščanju

Ime izvajalca in kraja nanosa

.....

Ime proizvajalca sistemov proti obraščanju

.....

Ime in barva sistemov proti obraščanju

.....

Aktivne snovi in njihove registrske številke Službe za kemijske izvlečke (številke CAS)

.....

Vrsta tesnilnega premaza, če je primerno

.....

Ime in barva uporabljenega tesnilnega premaza, če je primerno

.....

Datum nanosa tesnilnega premaza

.....

POTRJUJE SE, da so podatki v zapisu točni.

Izdano v

(kraj izdaje zapisa)

.....

(datum izdaje) *(podpis pooblaščenega uradnika, ki izdaja zapis)*

Potrditev zapisov⁵

POTRJUJE SE, da je bilo s pregledom v skladu s pododstavkom b prvega odstavka 1. predpisa v prilogi 4 konvencije ugotovljeno, da ladja izpolnjuje zahteve te konvencije.

Podatki o uporabljenih sistemih proti obraščanju

Vrste uporabljenih sistemov proti obraščanju

Datum nanosov sistemov proti obraščanju

Ime izvajalca in kraja nanosa

Ime proizvajalca sistema proti obraščanju

Ime in barva sistema proti obraščanju

Aktivne snovi in njihove registrske številke Službe za kemijske izvlečke (številke CAS)

Vrsta tesnilnega premaza, če je primerno

Ime in barva uporabljenega tesnilnega premaza, če je primerno

Datum nanosa tesnilnega premaza

Podpis:
(podpis pooblaščenega uradnika, ki izdaja zapis)

Kraj:

Datum:⁶

(pečat ali žig organa)

⁵ Ta stran se razmnoži in doda zapisu, kadar uprava meni, da je potrebno.

⁶ Datum dokončanja pregleda, ko je bila izdana ta potrditev.

DODATEK 2 K PRILOGI 4
OBRAZEC VZORCA IZJAVE O SISTEMU PROTI OBRAŠČANJU

IZJAVA O SISTEMU PROTI OBRAŠČANJU,

sestavljena skladno z

Mednarodno konvencijo o nadzoru škodljivih sistemov proti obraščanju na ladjah

Ime ladje.....

Razločevalna številka ali črke

Pristanišče vpisa.....

Dolžina

Bruto tonaža

Številka IMO (kadar je potrebno):

Izjavljam, da sistem proti obraščanju, uporabljen na tej ladji, izpolnjuje zahteve priloge 1 te konvencije.

.....
(datum) (podpis lastnika ladje ali njegovega pooblaščenega zastopnika)

Potrdilo o uporabljenih sistemih proti obraščanju

Vrsta uporabljenih sistemov proti obraščanju in datum nanosa

.....
.....
.....

(datum) (podpis lastnika ladje ali njegovega pooblaščenega zastopnika)

Vrsta uporabljenih sistemov proti obraščanju in datum nanosa

.....
.....
.....

(datum) (podpis lastnika ladje ali njegovega pooblaščenega zastopnika)

Vrsta uporabljenih sistemov proti obraščanju in datum nanosa

.....
.....
.....

(datum) (podpis lastnika ladje ali njegovega pooblaščenega zastopnika)

3. člen

- (1) Za izvajanje konvencije skrbita Ministrstvo za promet in Ministrstvo za okolje in prostor.
- (2) Ukrepe iz prvega odstavka 4. člena konvencije izvaja pomorska inšpekcijska uradnost.
- (3) Ukrepe iz 5. člena konvencije izvaja inšpekcijska uradnost za okolje.
- (4) Obveznosti iz 9. člena konvencije izvaja Uprava Republike Slovenije za pomorstvo.
- (5) Obveznosti iz 10. člena konvencije izvaja pooblaščeni klasifikacijski zavod.
- (6) Inšpekcijski pregled iz 11. člena konvencije izvaja pomorska inšpekcijska uradnost.

4. člen

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

Št. 326-04/06-27/1
Ljubljana, dne 29. septembra 2006
EPA 1032-IV

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

Obvestila o začetku oziroma prenehanju veljavnosti mednarodnih pogodb

- 121.** Obvestilo o začetku veljavnosti Sporazuma med Republiko Slovenijo in Republiko Avstrijo o vzajemnem zastopanju obeh držav na njunih predstavnistvih v tujini pri izdajanju vizumov za letališki tranzit (vizum A), tranzit (vizum B) in kratkoročno bivanje (vizum C)

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list Republike Slovenije, št. 113/03 – uradno prečiščeno besedilo in 20/06 – ZNOMCMO) Ministrstvo za zunanje zadeve

sporoča,

da je dne 1. aprila 2006 začel veljati Sporazum med Republiko Slovenijo in Republiko Avstrijo o vzajemnem zastopanju obeh držav na njunih predstavnistvih v tujini pri izdajanju vizumov za letališki tranzit (vizum A), tranzit (vizum B) in kratkoročno bivanje (vizum C), sklenjen v Ljubljani 28. januarja 2005 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 8/05 (Uradni list Republike Slovenije, št. 54/05).

Ljubljana, dne 24. oktobra 2006

Ministrstvo
za zunanje zadeve
Republike Slovenije

- 122.** Obvestilo o začetku veljavnosti Mednarodne konvencije o ureditvi kitolova in Protokola k Mednarodni konvenciji o ureditvi kitolova, podpisani v Washingtonu, z datumom 2. december 1946

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo in 20/06 – ZNOMCMO) Ministrstvo za zunanje zadeve

sporoča,

da sta dne 20. septembra 2006 začela za Republiko Slovenijo veljati Mednarodna konvencija o ureditvi kitolova in Protokol k Mednarodni konvenciji o ureditvi kitolova, podpisani v Washingtonu, z datumom 2. december 1946, objavljena v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 15/06 (Uradni list Republike Slovenije, št. 73/06).

Ljubljana, dne 26. oktobra 2006

Ministrstvo
za zunanje zadeve
Republike Slovenije

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- 123.** Obvestilo o začetku veljavnosti Sporazuma med Vlado Republike Slovenije in Avstrijsko zvezno vlado o spremembi Sporazuma med Vlado Republike Slovenije in Avstrijsko zvezno vlado o turističnem prometu na mejnem območju (INTERREG /PHARE – CBC – OBMEJNA PANORAMSKA POT)

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list Republike Slovenije, št. 113/03 – uradno prečiščeno besedilo in 20/06 ZNOMCMO) Ministrstvo za zunanje zadeve

sporoča,

da je dne 1. novembra 2006 začel veljati Sporazum med Vlado Republike Slovenije in Avstrijsko zvezno vlado o spremembi Sporazuma med Vlado Republike Slovenije in Avstrijsko zvezno vlado o turističnem prometu na mejnem območju (INTERREG /PHARE – CBC – OBMEJNA PANORAMSKA POT), podpisan v Ljubljani 14. septembra 2006 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 18/06 (Uradni list Republike Slovenije, št. 102/06).

Ljubljana, dne 3. novembra 2006

Ministrstvo
za zunanje zadeve
Republike Slovenije

VSEBINA

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| 117. Zakon o ratifikaciji Opcijskega protokola h Konvenciji proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju (MOPPM) | 1525 |
| 118. Zakon o ratifikaciji Sporazuma o mednarodnem programu za ohranjanje delfinov (MSOD) | 1536 |
| 119. Zakon o ratifikaciji Evropske konvencije za zaščito vretenčarjev, ki se uporabljajo v poskusne in druge znanstvene namene (MEKZVU) | 1558 |
| 120. Zakon o ratifikaciji Mednarodne konvencije o nadzoru škodljivih sistemov proti obraščanju na ladjah, 2001 (MKNŠS) | 1568 |

Obvestila o začetku oziroma prenehanju veljavnosti mednarodnih pogodb

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| 121. Obvestilo o začetku veljavnosti Sporazuma med Republiko Slovenijo in Republiko Avstrijo o vzajemnem zastopanju obeh držav na njunih predstavnistvih v tujini pri izdajanju vizumov za letališki tranzit (vizum A), tranzit (vizum B) in kratkoročno bivanje (vizum C) | 1607 |
| 122. Obvestilo o začetku veljavnosti Mednarodne konvencije o ureditvi kitolova in Protokola k Mednarodni konvenciji o ureditvi kitolova, podpisani v Washingtonu, z datumom 2. decembra 1946 | 1607 |
| 123. Obvestilo o začetku veljavnosti Sporazuma med Vlado Republike Slovenije in Avstrijsko zvezno vlado o spremembji Sporazuma med Vlado Republike Slovenije in Avstrijsko zvezno vlado o turističnem prometu na mejnem območju (INTERREG /PHARE – CBC – OBMEJNA PANORAMSKA POT) | 1607 |