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86. Zakon o ratifikaciji Mednarodne konvencije o zatiranju dejaj jedrskega terorizma (MKZJT)

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 zatiranju dejaj jedrskega terorizma (MKZJT)

Razglašam Zakon o ratifikaciji Mednarodne konvencije o zatiranju dejaj jedrskega terorizma (MKZJT), ki ga je sprejel Državni zbor Republike Slovenije na seji 19. novembra 2009.

Št. 003-02-10/2009-3
Ljubljana, dne 27. novembra 2009

dr. Danilo Türk I.r.
Predsednik
Republike Slovenije

Z A K O N

O RATIFIKACIJI MEDNARODNE KONVENCIJE O ZATIRANJU DEJANJ JEDRSKEGA TERORIZMA (MKZJT)

1. člen

Ratificira se Mednarodna konvencija o zatiranju dejaj jedrskega terorizma, sprejeta v New Yorku 13. aprila 2005.

2. člen

Konvencija se v izvirniku v angleškem jeziku in prevodu v slovenskem jeziku glasi*:

International Convention for the Suppression of Acts of Nuclear Terrorism

*The States Parties to this Convention,
Having in mind the purposes and principles of the Charter
of the United Nations concerning the maintenance of international
peace and security and the promotion of good-neighbourliness
and friendly relations and cooperation among States,*

*Recalling the Declaration on the Occasion of the Fiftieth
Anniversary of the United Nations of 24 October 1995,*

*Recognizing the right of all States to develop and apply
nuclear energy for peaceful purposes and their legitimate
interests in the potential benefits to be derived from the peaceful
application of nuclear energy,*

*Bearing in mind the Convention on the Physical Protection
of Nuclear Material of 1980,*

*Deeply concerned about the worldwide escalation of acts
of terrorism in all its forms and manifestations,*

Mednarodna konvencija o zatiranju dejaj jedrskega terorizma

*Države pogodbene te konvencije so se
ob upoštevanju ciljev in načel Ustanovne listine Združenih narodov o ohranjanju mednarodnega miru in varnosti ter
spodbujanju dobrega sosedstva in prijateljskih odnosov ter
sodelovanja med državami,*

ob sklicevanju na Deklaracijo ob petdeseti obletnici Združenih narodov z dne 24. oktobra 1995,

ob priznavanju pravice vseh držav, da razvijajo in uporabljajo jedrsko energijo v miroljubne namene, in njihovega legitimnega interesa za morebitne koristi miroljubne uporabe jedrske energije,

ob upoštevanju Konvencije o fizičnem varovanju jedrskega materiala iz leta 1980,

globoko zaskrbljene zaradi naraščanja terorističnih dejaj po vsem svetu v vseh pojavnih oblikah,

* Besedilo konvencije v arabskem, kitajskem, francoskem, ruskem in španskem izvirniku je na vpogled na Sektorju za mednarodno pravo Ministrstva za zunanje zadeve.

Recalling the Declaration on Measures to Eliminate International Terrorism annexed to General Assembly resolution 49/60 of 9 December 1994, in which, inter alia, the States Members of the United Nations solemnly reaffirm their unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomever committed, including those which jeopardize the friendly relations among States and peoples and threaten the territorial integrity and security of States,

Noting that the Declaration also encouraged States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter,

Recalling General Assembly resolution 51/210 of 17 December 1996 and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism annexed thereto,

Recalling also that, pursuant to General Assembly resolution 51/210, an ad hoc committee was established to elaborate, inter alia, an international convention for the suppression of acts of nuclear terrorism to supplement related existing international instruments,

Noting that acts of nuclear terrorism may result in the gravest consequences and may pose a threat to international peace and security,

Noting also that existing multilateral legal provisions do not adequately address those attacks,

Being convinced of the urgent need to enhance international cooperation between States in devising and adopting effective and practical measures for the prevention of such acts of terrorism and for the prosecution and punishment of their perpetrators,

Noting that the activities of military forces of States are governed by rules of international law outside of the framework of this Convention and that the exclusion of certain actions from the coverage of this Convention does not condone or make lawful otherwise unlawful acts, or preclude prosecution under other laws,

Have agreed as follows:

Article 1

For the purposes of this Convention:

1. "Radioactive material" means nuclear material and other radioactive substances which contain nuclides which undergo spontaneous disintegration (a process accompanied by emission of one or more types of ionizing radiation, such as alpha-, beta-, neutron particles and gamma rays) and which may, owing to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or to the environment.

2. "Nuclear material" means plutonium, except that with isotopic concentration exceeding 80 per cent in plutonium-238; uranium-233; uranium enriched in the isotope 235 or 233; uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore residue; or any material containing one or more of the foregoing;

Whereby "uranium enriched in the isotope 235 or 233" means uranium containing the isotope 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature.

3. "Nuclear facility" means:

(a) Any nuclear reactor, including reactors installed on vessels, vehicles, aircraft or space objects for use as an energy source in order to propel such vessels, vehicles, aircraft or space objects or for any other purpose;

(b) Any plant or conveyance being used for the production, storage, processing or transport of radioactive material;

ob sklicevanju na Deklaracijo o ukrepih za odpravo mednarodnega terorizma, priloženo Resoluciji Generalne skupščine 49/60 z dne 9. decembra 1994, v kateri države članice Združenih narodov med drugim svečano ponovno potrjujejo svojo nedvoumno obsodbo vseh dejanj, metod in postopkov terorizma kot kaznivih in neupravičenih ne glede na to, kdo in kdaj jih stori, vključno s tistimi, ki ogrožajo prijateljske odnose med državami in narodi ter ozemeljsko celovitost in varnost držav,

ob ugotavljanju, da deklaracija države tudi spodbuja, da nujno ponovno pregledajo področje uporabe obstoječih mednarodnih pravnih določb o preprečevanju, zatiranju in odpravi vseh pojavnih oblik terorizma, da se zagotovi celovit pravni okvir za vse vidike problematike,

ob sklicevanju na Resolucijo Generalne skupščine 51/210 z dne 17. decembra 1996 in Deklaracijo o dopolnitvi Deklaracije o ukrepih za odpravo mednarodnega terorizma iz leta 1994, ki ji je priložena,

*ob sklicevanju tudi na to, da je bil po Resoluciji Generalne skupščine 51/210 ustanovljen *ad hoc* odbor, ki naj bi med drugim pripravil mednarodno konvencijo o zatiranju dejanj jedrskega terorizma, da bi se dopolnili obstoječi mednarodni instrumenti s tega področja,*

ob ugotavljanju, da lahko dejanja jedrskega terorizma povzročijo najhujše posledice in pomenijo grožnjo mednarodnemu miru in varnosti,

ob nadaljnjem ugotavljanju, da obstoječe večstranske pravne določbe teh napadov ne obravnavajo ustrezno,

ob prepričanju, da je nujno treba okrepiti mednarodno sodelovanje med državami pri oblikovanju ter sprejemanju učinkovitih in praktičnih ukrepov za preprečevanje takih terorističnih dejanj ter pregon in kaznovanje storilcev,

ob ugotavljanju, da dejavnosti vojaških sil držav urejajo pravila mednarodnega prava, ki niso vključena v to konvencijo, ter da izključitev posameznih dejanj iz te konvencije ne upravičuje nezakonitih dejanj ali preprečuje pregona po drugih zakonih ali da ta dejanja zaradi take izključitve tudi sicer ne postanejo zakonita,

dogovorile:

1. člen

V tej konvenciji:

1. »radioaktivna snov« pomeni jedrski material in druge radioaktivne snovi, ki vsebujejo nuklide, ki so izpostavljeni radioaktivnemu razpadu (proces, ki ga spremljajo emisije enega ali več vrst ionizirajočih sevanj, kot so žarki alfa, beta in gama ter nevtronsko sevanje) in lahko zaradi svojih radioloških lastnosti ali cepljivosti povzročijo smrt, hudo telesno poškodbo ali večjo premožensko škodo ali škodo okolju;

2. »jedrski material« pomeni plutonij razen tistega v izotopski koncentraciji nad 80% v plutoniju 238, uran 233, obogateni uran v izotopu 235 ali 233, uran, ki vsebuje mešanico izotopov, ki se pojavljajo v naravi v vseh oblikah, razen v obliki rude ali ostanka rude, ali vsak material, ki vsebuje enega ali več omenjenih elementov,

pri čemer obogateni uran v izotopu 235 ali 233 pomeni uran, ki vsebuje izotop 235 ali 233 ali oba, in sicer v tolikšni količini, da je izotopski količnik seštevka teh izotopov in izotopa 238 večji od količnika izotopa 235 in izotopa 238, ki je v naravi;

3. »jedrski objekt« pomeni:

(a) vsak jedrski reaktor, vključno z reaktorji na plovilih, vozilih, letalih ali vesoljskih objektih, ki se uporabljajo kot vir energije za pogon takih plovil, vozil, letal ali vesoljskih objektov ali za druge namene;

(b) vsak obrat ali prevozno sredstvo, ki se uporablja za izdelavo, shranjevanje, predelavo ali prevoz radioaktivne snovi;

4. "Device" means:

- (a) Any nuclear explosive device; or
- (b) Any radioactive material dispersal or radiation-emitting device which may, owing to its radiological properties, cause death, serious bodily injury or substantial damage to property or to the environment.

5. "State or government facility" includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a State, members of a Government, the legislature or the judiciary or by officials or employees of a State or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties.

6. "Military forces of a State" means the armed forces of a State which are organized, trained and equipped under its internal law for the primary purpose of national defence or security and persons acting in support of those armed forces who are under their formal command, control and responsibility.

Article 2

1. Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally:

(a) Possesses radioactive material or makes or possesses a device:

- (i) With the intent to cause death or serious bodily injury; or
- (ii) With the intent to cause substantial damage to property or to the environment;
- (b) Uses in any way radioactive material or a device, or uses or damages a nuclear facility in a manner which releases or risks the release of radioactive material:

 - (i) With the intent to cause death or serious bodily injury; or
 - (ii) With the intent to cause substantial damage to property or to the environment; or
 - (iii) With the intent to compel a natural or legal person, an international organization or a State to do or refrain from doing an act.

2. Any person also commits an offence if that person:

(a) Threatens, under circumstances which indicate the credibility of the threat, to commit an offence as set forth in paragraph 1 (b) of the present article; or

(b) Demands unlawfully and intentionally radioactive material, a device or a nuclear facility by threat, under circumstances which indicate the credibility of the threat, or by use of force.

3. Any person also commits an offence if that person attempts to commit an offence as set forth in paragraph 1 of the present article.

4. Any person also commits an offence if that person:

(a) Participates as an accomplice in an offence as set forth in paragraph 1, 2 or 3 of the present article; or

(b) Organizes or directs others to commit an offence as set forth in paragraph 1, 2 or 3 of the present article; or

(c) In any other way contributes to the commission of one or more offences as set forth in paragraph 1, 2 or 3 of the present article by a group of persons acting with a common purpose; such contribution shall be intentional and either be made with the aim of furthering the general criminal activity or purpose of the group or be made in the knowledge of the intention of the group to commit the offence or offences concerned.

Article 3

This Convention shall not apply where the offence is committed within a single State, the alleged offender and the victims are nationals of that State, the alleged offender is found in the territory of that State and no other State has a basis under article 9, paragraph 1 or 2, to exercise jurisdiction, except that the provisions of articles 7, 12, 14, 15, 16 and 17 shall, as appropriate, apply in those cases.

4. »naprava« pomeni:

- (a) vsako jedrsko eksplozivno napravo ali
- (b) vsako napravo za razprševanje radioaktivne snovi ali oddajanje sevanja, ki lahko zaradi svojih sevalnih lastnosti povzroči smrt, hudo telesno poškodbo ali večjo premoženjsko škodo ali okolju;

5. »državni ali vladni objekt« vključuje stalen ali začasen objekt ali prevozno sredstvo, ki ga pri opravljanju svojih uradnih dolžnosti uporablajo ali zasedajo predstavniki države, člani vlade, zakonodajnih teles ali sodstva ali uradniki ali uslužbenci državnega ali katerega koli drugega javnega organa ali subjekta ali uslužbenci ali uradniki medvladne organizacije;

6. »vojaške sile države« pomenijo oborožene sile države, ki so organizirane, usposobljene in opremljene v skladu z njenim notranjim pravom predvsem za obrambo ali varnost države, ter osebe, ki pomagajo tem oboroženim silam in so uradno pod njihovim poveljstvom, nadzorom in odgovornostjo.

2. člen

1. Vsaka oseba storí kaznivo dejanje v smislu te konvencije, če nezakonito in naklepno:

(a) poseduje radioaktivno snov ali naredi ali poseduje napravo:

- (i) da bi povzročila smrt ali hudo telesno poškodbo ali

(ii) da bi povzročila večjo premoženjsko škodo ali škodo okolju;

(b) kakor koli uporabi radioaktivno snov ali napravo ali uporabi ali poškoduje jedrski objekt tako, da zaradi tega pride do izpusta ali nevarnosti izpusta radioaktivne snovi:

- (i) da bi povzročila smrt ali hudo telesno poškodbo ali

(ii) da bi povzročila večjo premoženjsko škodo ali škodo okolju ali

(iii) da bi prisilila fizično ali pravno osebo, mednarodno organizacijo ali državo, da storí ali opusti določeno dejanje.

2. Vsaka oseba storí kaznivo dejanje, tudi če:

(a) grozi v okoliščinah, ki kažejo, da bo verjetno storila kaznivo dejanje iz točke b prejšnjega odstavka, ali

(b) nezakonito in naklepno zahteva radioaktivno snov, napravo ali jedrski objekt, pri tem pa grozi v okoliščinah, ki kažejo na verjetnost izpolnitve grožnje, ali uporabi silo.

3. Vsaka oseba storí kaznivo dejanje tudi, če poskusi storiti kaznivo dejanje iz prvega odstavka.

4. Vsaka oseba storí kaznivo dejanje, tudi če:

(a) sodeluje pri kaznivem dejanju iz prvega, drugega ali tretjega odstavka kot sostorilec ali

(b) organizira storitev kaznivega dejanja iz prvega, drugega ali tretjega odstavka ali napelje druge, da ga storijo, ali

(c) kakor koli prispeva k temu, da skupina oseb, ki deluje s skupnim ciljem, storí eno ali več kaznivih dejanj iz prvega, drugega ali tretjega odstavka, pri tem pa ravna naklepno in z namenom podpiranja splošne kriminalne dejavnosti ali cilja skupine ali pa s poznavanjem namena skupine, da bo storila kaznivo dejanje ali kazniva dejanja.

3. člen

Ta konvencija se ne uporablja, če je kaznivo dejanje storjeno v eni državi in so domnevni storilec in žrtve državljeni te države ter je domnevni storilec na ozemlju te države, nobena druga država pa po prvem ali drugem odstavku 9. člena nima podlage za izvajanje jurisdikcije, vendar pa se, če je to primerno, v teh primerih uporablja določbe 7., 12., 14., 15., 16. in 17. člena.

Article 4

1. Nothing in this Convention shall affect other rights, obligations and responsibilities of States and individuals under international law, in particular the purposes and principles of the Charter of the United Nations and international humanitarian law.

2. The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law are not governed by this Convention, and the activities undertaken by military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention.

3. The provisions of paragraph 2 of the present article shall not be interpreted as condoning or making lawful otherwise unlawful acts, or precluding prosecution under other laws.

4. This Convention does not address, nor can it be interpreted as addressing, in any way, the issue of the legality of the use or threat of use of nuclear weapons by States.

Article 5

Each State Party shall adopt such measures as may be necessary:

(a) To establish as criminal offences under its national law the offences set forth in article 2;

(b) To make those offences punishable by appropriate penalties which take into account the grave nature of these offences.

Article 6

Each State Party shall adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention, in particular where they are intended or calculated to provoke a state of terror in the general public or in a group of persons or particular persons, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature.

Article 7

1. States Parties shall cooperate by:

(a) Taking all practicable measures, including, if necessary, adapting their national law, to prevent and counter preparations in their respective territories for the commission within or outside their territories of the offences set forth in article 2, including measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize, knowingly finance or knowingly provide technical assistance or information or engage in the perpetration of those offences;

(b) Exchanging accurate and verified information in accordance with their national law and in the manner and subject to the conditions specified herein, and coordinating administrative and other measures taken as appropriate to detect, prevent, suppress and investigate the offences set forth in article 2 and also in order to institute criminal proceedings against persons alleged to have committed those crimes. In particular, a State Party shall take appropriate measures in order to inform without delay the other States referred to in article 9 in respect of the commission of the offences set forth in article 2 as well as preparations to commit such offences about which it has learned, and also to inform, where appropriate, international organizations.

2. States Parties shall take appropriate measures consistent with their national law to protect the confidentiality of any information which they receive in confidence by virtue of the provisions of this Convention from another State Party or through participation in an activity carried out for the implementation of this Convention. If States Parties provide information to international organizations in confidence, steps shall be taken to ensure that the confidentiality of such information is protected.

4. člen

1. Nič v tej konvenciji ne vpliva na druge pravice, obveznosti in odgovornosti držav in posameznikov po mednarodnem pravu, zlasti na cilje in načela Ustanovne listine Združenih narodov in mednarodno humanitarno pravo.

2. Ta konvencija ne ureja dejavnosti oboroženih sil med oboroženim spopadom v smislu, ki ga imajo ti izrazi po mednarodnem humanitarnem pravu, ki ureja te dejavnosti, in dejavnosti oboroženih sil države pri opravljanju njenih uradnih dolžnosti, kolikor to urejajo druga pravila mednarodnega prava.

3. Določbe prejšnjega odstavka se ne razlagajo, kot da upravičujejo dejanja, ki so sicer nezakonita, ali da taka dejanja naredijo zakonita ali da preprečujejo pregon po drugih zakonih.

4. Ta konvencija ne obravnava vprašanja zakonitosti uporabe jedrskega orožja ali grožnje držav z njegovo uporabo in se ne more razlagati, kot da ga kakor koli obravnava.

5. člen

Vsaka država pogodbenica sprejme potrebne ukrepe:

(a) da dejanja iz 2. člena te konvencije določi kot kazniva po svojem notranjem pravu;

(b) da za ta kazniva dejanja določi primerne kazni, ki upoštevajo njihovo težo.

6. člen

Vsaka država pogodbenica sprejme potrebne ukrepe, vključno z notranjo zakonodajo, če je to ustrezno, da zagotovi, da kazniva dejanja iz te konvencije, še posebej če je njihov namen ali naklep povzročiti preplah v širši javnosti ali pri skupini oseb ali med posamezniki, pod nobenim pogojem niso opravičljiva iz političnih, filozofskih, ideoloških, rasnih, etničnih, verskih ali podobnih razlogov in da se kaznujejo s kaznimi, ki ustrezajo njihovi teži.

7. člen

1. Države pogodbenice sodelujejo:

(a) s sprejetjem vseh mogočih ukrepov, vključno s prilaganjem svojega notranjega prava, če je to potrebno, da bi na svojem ozemlju preprečevale in odvračale priprave za storitev kaznivih dejanj iz 2. člena na svojem ozemlju ali zunaj njega, vključno z ukrepi na svojem ozemlju za prepoved nezakonitih dejavnosti oseb, skupin in organizacij, ki spodbujajo k storitvi teh kaznivih dejanj, ščuvajo k njim, jih organizirajo, zavestno financirajo ali zavestno strokovno pomagajo ali dajejo informacije ali sodelujejo pri njihovi storitvi;

(b) z izmenjavo točnih in preverjenih informacij v skladu z svojim notranjim pravom ter na način in v skladu s pogoji, določenimi v konvenciji, ter z usklajevanjem upravnih in drugih ukrepov, če so potrebni za odkrivanje, preprečevanje, zatiranje in preiskovanje kaznivih dejanj iz 2. člena ter za uvedbo kazenskega postopka proti osebam, osumljenim storitve teh kaznivih dejanj. Država pogodbenica predvsem sprejme vse ustrezne ukrepe, da druge države iz 9. člena nemudoma obvesti o storitvi kaznivih dejanj iz 2. člena in pripravah na storitev takih dejanj, za katere je izvedela, in po potrebi tudi mednarodne organizacije.

2. Države pogodbenice sprejmejo ustrezne ukrepe v skladu s svojim notranjim pravom, da bi zaščitile zaupnost informacij, ki jih prejmejo kot zaupne v skladu s to konvencijo od druge države pogodbenice ali pri sodelovanju v dejavnostih za izvajanje te konvencije. Če države pogodbenice pošljejo zaupne informacije mednarodnim organizacijam, je treba zagotoviti njihovo zaupnost.

3. States Parties shall not be required by this Convention to provide any information which they are not permitted to communicate pursuant to national law or which would jeopardize the security of the State concerned or the physical protection of nuclear material.

4. States Parties shall inform the Secretary-General of the United Nations of their competent authorities and liaison points responsible for sending and receiving the information referred to in the present article. The Secretary-General of the United Nations shall communicate such information regarding competent authorities and liaison points to all States Parties and the International Atomic Energy Agency. Such authorities and liaison points must be accessible on a continuous basis.

Article 8

For purposes of preventing offences under this Convention, States Parties shall make every effort to adopt appropriate measures to ensure the protection of radioactive material, taking into account relevant recommendations and functions of the International Atomic Energy Agency.

Article 9

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 when:

- (a) The offence is committed in the territory of that State; or
 - (b) The offence is committed on board a vessel flying the flag of that State or an aircraft which is registered under the laws of that State at the time the offence is committed; or
 - (c) The offence is committed by a national of that State.
2. A State Party may also establish its jurisdiction over any such offence when:
- (a) The offence is committed against a national of that State; or
 - (b) The offence is committed against a State or government facility of that State abroad, including an embassy or other diplomatic or consular premises of that State; or
 - (c) The offence is committed by a stateless person who has his or her habitual residence in the territory of that State; or
 - (d) The offence is committed in an attempt to compel that State to do or abstain from doing any act; or
 - (e) The offence is committed on board an aircraft which is operated by the Government of that State.

3. Upon ratifying, accepting, approving or acceding to this Convention, each State Party shall notify the Secretary-General of the United Nations of the jurisdiction it has established under its national law in accordance with paragraph 2 of the present article. Should any change take place, the State Party concerned shall immediately notify the Secretary-General.

4. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 in cases where the alleged offender is present in its territory and it does not extradite that person to any of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2 of the present article.

5. This Convention does not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its national law.

Article 10

1. Upon receiving information that an offence set forth in article 2 has been committed or is being committed in the territory of a State Party or that a person who has committed or who is alleged to have committed such an offence may be present in its territory, the State Party concerned shall take such measures as may be necessary under its national law to investigate the facts contained in the information.

3. Ta konvencija od države pogodbenice ne zahteva, da pošilja informacije, ki jih po svojem notranjem pravu ne sme poslati ali bi ogrozile njeno varnost ali fizično varovanje jedrskega materiala.

4. Države pogodbenice obvestijo generalnega sekretarja Združenih narodov o pristojnih organih in točkah za stike, odgovornih za pošiljanje in prejemanje informacij iz tega člena. Generalni sekretar Združenih narodov sporoči informacije o pristojnih organih in točkah za stike vsem državam pogodbenicam in Mednarodni agenciji za atomsko energijo. Ti organi in točke za stike morajo biti stalno dosegljivi.

8. člen

Zaradi preprečevanja kaznivih dejanj iz te konvencije si države pogodbenice ob upoštevanju ustreznih priporočil in nalog Mednarodne agencije za atomsko energijo prizadevajo sprejeti ustrezne ukrepe za zagotovitev varovanja radioaktivne snovi.

9. člen

1. Vsaka država pogodbenica sprejme potrebne ukrepe za vzpostavitev jurisdikcije za kazniva dejanja iz 2. člena, če

- (a) je kaznivo dejanje storjeno na njenem ozemlju ali
 - (b) je kaznivo dejanje storjeno na plovilu, ki pluje pod njenom zastavo, ali v zračnem plovilu, ki je registrirano po njenih zakonih, ob storitvi kaznivega dejanja ali
 - (c) kaznivo dejanje stori njen državljan.
2. Država pogodbenica lahko vzpostavi svojo jurisdikcijo za ta kazniva dejanja, tudi če:
- (a) je kaznivo dejanje storjeno proti njenemu državljanu ali
 - (b) je kaznivo dejanje storjeno proti njenemu državnemu ali vladnemu objektu v tujini, vključno z njenim veleposlaništvom ali drugimi diplomatskimi ali konzularnimi prostori, ali
 - (c) kaznivo dejanje stori oseba brez državljanstva, ki običajno prebiva na njenem ozemlju, ali
 - (d) je namen kaznivega dejanja prisiliti to državo, da stori neko dejanje ali ga opusti, ali
 - (e) je kaznivo dejanje storjeno na zračnem plovilu, ki ga upravlja vlada te države.

3. Ob ratifikaciji, sprejetju, odobritvi te konvencije ali pristopu k njej vsaka država pogodbenica uradno obvesti generalnega sekretarja Združenih narodov o jurisdikciji, ki jo je po notranjem pravu vzpostavila v skladu s prejšnjim odstavkom. Če pride do kakšne spremembe, država pogodbenica takoj uradno obvesti generalnega sekretarja.

4. Vsaka država pogodbenica prav tako sprejme potrebne ukrepe za vzpostavitev jurisdikcije za kazniva dejanja iz 2. člena, če je domnevni storilec na njenem ozemlju, ona pa te osebe ne izroči koli državi pogodbenici, ki je vzpostavila jurisdikcijo v skladu s prvim ali drugim odstavkom.

5. Ta konvencija ne izključuje izvajanja kazenske jurisdikcije, ki jo je država pogodbenica vzpostavila v skladu s svojim notranjim pravom.

10. člen

1. Po prejemu obvestila, da je bilo ali je na ozemlju države pogodbenice storjeno kaznivo dejanje iz 2. člena ali da je oseba, ki je storila kaznivo dejanje ali je osumnljena, da ga je storila, morda na njenem ozemlju, država pogodbenica sprejme take ukrepe, kot so potrebni po njenem notranjem pravu, da razišče dejstva, ki jih obvestilo vsebuje.

2. Upon being satisfied that the circumstances so warrant, the State Party in whose territory the offender or alleged offender is present shall take the appropriate measures under its national law so as to ensure that person's presence for the purpose of prosecution or extradition.

3. Any person regarding whom the measures referred to in paragraph 2 of the present article are being taken shall be entitled:

(a) To communicate without delay with the nearest appropriate representative of the State of which that person is a national or which is otherwise entitled to protect that person's rights or, if that person is a stateless person, the State in the territory of which that person habitually resides;

(b) To be visited by a representative of that State;

(c) To be informed of that person's rights under subparagraphs (a) and (b).

4. The rights referred to in paragraph 3 of the present article shall be exercised in conformity with the laws and regulations of the State in the territory of which the offender or alleged offender is present, subject to the provision that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.

5. The provisions of paragraphs 3 and 4 of the present article shall be without prejudice to the right of any State Party having a claim to jurisdiction in accordance with article 9, paragraph 1 (c) or 2 (c), to invite the International Committee of the Red Cross to communicate with and visit the alleged offender.

6. When a State Party, pursuant to the present article, has taken a person into custody, it shall immediately notify, directly or through the Secretary General of the United Nations, the States Parties which have established jurisdiction in accordance with article 9, paragraphs 1 and 2, and, if it considers it advisable, any other interested States Parties, of the fact that that person is in custody and of the circumstances which warrant that person's detention. The State which makes the investigation contemplated in paragraph 1 of the present article shall promptly inform the said States Parties of its findings and shall indicate whether it intends to exercise jurisdiction.

Article 11

1. The State Party in the territory of which the alleged offender is present shall, in cases to which article 9 applies, if it does not extradite that person, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case without undue delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

2. Whenever a State Party is permitted under its national law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State to serve the sentence imposed as a result of the trial or proceeding for which the extradition or surrender of the person was sought, and this State and the State seeking the extradition of the person agree with this option and other terms they may deem appropriate, such a conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 1 of the present article.

Article 12

Any person who is taken into custody or regarding whom any other measures are taken or proceedings are carried out pursuant to this Convention shall be guaranteed fair treatment, including enjoyment of all rights and guarantees in conformity with the law of the State in the territory of which that person is present and applicable provisions of international law, including international law of human rights.

2. Ko se država pogodbenica, na ozemlju katere je storilec ali domnevni storilec kaznivega dejanja, prepriča, da okoliščine to narekujejo, v skladu s svojim notranjim pravom sprejme ustreerne ukrepe za zagotovitev navzočnosti te osebe zaradi kazenskega pregona ali izročitve.

3. Vsaka oseba, zoper katero so sprejeti ukrepi iz prejšnjega odstavka, ima pravico, da:

(a) takoj naveže stike z najbljžim ustreznim predstavnikom države, katere državljan je, ali s predstavnikom, ki je sicer pooblaščen, da varuje pravice te osebe; če je ta oseba brez državljanstva, pa s predstavnikom države, na ozemlju katere običajno prebiva;

(b) jo obišče predstavnik te države;

(c) je obveščena o svojih pravicah iz točk a in b.

4. Pravice iz prejšnjega odstavka se uresničujejo skladno z zakoni in drugimi predpisi države, na ozemlju katere je storilec ali domnevni storilec, ob upoštevanju določbe, da morajo omenjeni zakoni in drugi predpisi omogočati popolno uveljavitev pravic, ki izhajajo iz prejšnjega odstavka.

5. Določbe tretjega in četrtega odstavka ne posegajo v pravico katere koli države pogodbenice, ki v skladu s točko c prvega odstavka ali točko c drugega odstavka uveljavlja pravico do jurisdikcije, da pozove Mednarodni odbor Rdečega križa, naj naveže stik z domnevnim storilcem in ga obišče.

6. Če je država pogodbenica skladno s tem členom pripla osebo, takoj neposredno ali prek generalnega sekretarja Združenih narodov uradno obvesti države pogodbenice, ki so vzpostavile jurisdikcijo v skladu s prvim in drugim odstavkom 9. člena, in če meni, da je to primerno, vse druge zainteresirane države pogodbenice o tem, da je bila oseba priprta, in okoliščinah, ki upravičujejo njen pripor. Država, ki opravlja preiskavo iz prvega odstavka, takoj obvesti omenjene države pogodbenice o svojih ugotovitvah in navede, ali namerava izvajati jurisdikcijo.

11. člen

1. Če v primerih iz 9. člena država pogodbenica, na katere ozemlju je domnevni storilec kaznivega dejanja, te osebe ne izroči, mora brez izjeme in ne glede na to, ali je bilo kaznivo dejanje storjeno na njenem ozemlju, zaradi pregona zadevo takoj predati svojim pristojnim organom po postopkih, predvidenih v njeni zakonodaji. Ti organi o zadevi odločijo na enak način kot pri katerem koli drugem hudem kaznivem dejanju po pravu te države.

2. Kadar država pogodbenica v skladu s svojo notranjo zakonodajo lahko izroči ali kako drugače preda svoje državljane samo pod pogojem, da bo oseba vrnjena v to državo zaradi prestajanja kazni, izrečene na sodni obravnavi, ali kot posledica postopka, zaradi katerega se zahteva izročitev oziroma predaja, ter ta država in država, ki zaprosi za izročitev osebe, soglašata s to možnostjo in drugimi pogoji, ki se jima zdijo ustrejni, taka pogojna izročitev ali predaja zadošča za izpolnitve obveznosti iz prvega odstavka.

12. člen

Vsaki osebi, ki je v skladu s to konvencijo v priporu ali so proti njej uvedeni kakšni drugi ukrepi ali postopki, se zagotavlja pravična obravnavna, vključno z uživanjem vseh pravic in jamstev v skladu z zakonodajo države, na katere ozemlju je ta oseba, in ustreznimi določbami mednarodnega prava, vključno z mednarodnim pravom o človekovih pravicah.

Article 13

1. The offences set forth in article 2 shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the States Parties before the entry into force of this Convention. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be subsequently concluded between them.

2. When a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State Party may, at its option, consider this Convention as a legal basis for extradition in respect of the offences set forth in article 2. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in article 2 as extraditable offences between themselves, subject to the conditions provided by the law of the requested State.

4. If necessary, the offences set forth in article 2 shall be treated, for the purposes of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territory of the States that have established jurisdiction in accordance with article 9, paragraphs 1 and 2.

5. The provisions of all extradition treaties and arrangements between States Parties with regard to offences set forth in article 2 shall be deemed to be modified as between States Parties to the extent that they are incompatible with this Convention.

Article 14

1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 2, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of the present article in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their national law.

Article 15

None of the offences set forth in article 2 shall be regarded, for the purposes of extradition or mutual legal assistance, as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

Article 16

Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance if the requested State Party has substantial grounds for believing that the request for extradition for offences set forth in article 2 or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons.

13. člen

1. Šteje se, da so kazniva dejanja iz 2. člena vključena kot kazniva dejanja, za katera se lahko zahteva izročitev, v vse mednarodne pogodbe med državami pogodbenicami, ki so obstajale pred začetkom veljavnosti te konvencije. Države pogodbenice se zavezujejo, da bodo taka kazniva dejanja vključena med kazniva dejanja, za katera se lahko zahteva izročitev v vse mednarodne pogodbe o izročitvi, ki jih bodo sklenile pozneje.

2. Kadar država pogodbenica, ki pogojuje izročitev z obstojem mednarodne pogodbe, prejme zaprosilo za izročitev od druge države pogodbenice, s katero take pogodbe ni sklenila, lahko zaprošena država pogodbenica upošteva to konvencijo kot pravno podlago za izročitev zaradi kaznivih dejanj iz 2. člena. Za izročitev morajo biti izpolnjeni drugi pogoji, določeni z zakonodajo zaprošene države.

3. Države pogodbenice, ki ne pogojujejo izročitve z obstojem mednarodne pogodbe, medsebojno priznavajo kazniva dejanja iz 2. člena kot kazniva dejanja, za katera se lahko zahteva izročitev, v skladu s pogoji, določenimi z zakonodajo zaprošene države.

4. Če je potrebno, se zaradi izročitve med državami pogodbenicami kazniva dejanja iz 2. člena obravnavajo, kot da niso bila storjena samo na kraju storitve, ampak tudi na ozemlju držav, ki so vzpostavile jurisdikcijo v skladu s prvim in drugim odstavkom 9. člena.

5. Šteje se, da so določbe mednarodnih pogodb in dogovorov o izročitvi med državami pogodbenicami glede kaznivih dejanj iz 2. člena ustrezno spremenjene, če niso skladne s to konvencijo.

14. člen

1. Države pogodbenice si pri preiskovanju kaznivih dejanj, kazenskih ali izročitvenih postopkij v zvezi s kaznivimi dejanji iz 2. člena čim bolj pomagajo, vključno pri pridobivanju dokazov, s katerimi razpolagajo in so potrebni za izvajanje postopkov.

2. Države pogodbenice izvajajo svoje obveznosti iz prejšnjega odstavka v skladu z že obstoječimi mednarodnimi pogodbami ali drugimi dogovori o medsebojni pravni pomoči. Če takih mednarodnih pogodb ali dogovorov ni, države pogodbenice zagotavljajo pravno pomoč v skladu s svojo notranjo zakonodajo.

15. člen

Nobeno kaznivo dejanje iz 2. člena se za namene izročitve ali vzajemne pravne pomoči ne šteje kot politično kaznivo dejanje ali kaznivo dejanje, povezano s političnim kaznivim dejanjem, ali kot politično motivirano kaznivo dejanje. Zato zaprosilo za izročitev ali vzajemno pravno pomoč, ki temelji na takem kaznivem dejanju, ne sme biti zavrnjeno izključno na podlagi utemeljitve, da je to politično kaznivo dejanje ali kaznivo dejanje, povezano s političnim kaznivim dejanjem, ali politično motivirano kaznivo dejanje.

16. člen

Nobena določba te konvencije se ne razлага kot obveznost izročitve ali zagotovitev vzajemne pravne pomoči, če ima zaprošena država pogodbenica utemeljene razloge za domnevno, da je bilo zaprosilo za izročitev zaradi kaznivih dejanj iz 2. člena ali za vzajemno pravno pomoč v zvezi s takimi kaznivimi dejanji poslano z namenom preganjanja ali kaznovanja osebe zaradi njene rase, veroizpovedi, narodnosti, etnične pripadnosti ali političnega prepričanja ali da bi ravnanje v skladu z zaprosilom povzročilo poseg v njen položaj iz katerega koli od teh razlogov.

Article 17

1. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of testimony, identification or otherwise providing assistance in obtaining evidence for the investigation or prosecution of offences under this Convention may be transferred if the following conditions are met:

(a) The person freely gives his or her informed consent; and

(b) The competent authorities of both States agree, subject to such conditions as those States may deem appropriate.

2. For the purposes of the present article:

(a) The State to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State from which the person was transferred;

(b) The State to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States;

(c) The State to which the person is transferred shall not require the State from which the person was transferred to initiate extradition proceedings for the return of the person;

(d) The person transferred shall receive credit for service of the sentence being served in the State from which he or she was transferred for time spent in the custody of the State to which he or she was transferred.

3. Unless the State Party from which a person is to be transferred in accordance with the present article so agrees, that person, whatever his or her nationality, shall not be prosecuted or detained or subjected to any other restriction of his or her personal liberty in the territory of the State to which that person is transferred in respect of acts or convictions anterior to his or her departure from the territory of the State from which such person was transferred.

Article 18

1. Upon seizing or otherwise taking control of radioactive material, devices or nuclear facilities, following the commission of an offence set forth in article 2, the State Party in possession of such items shall:

(a) Take steps to render harmless the radioactive material, device or nuclear facility;

(b) Ensure that any nuclear material is held in accordance with applicable International Atomic Energy Agency safeguards; and

(c) Have regard to physical protection recommendations and health and safety standards published by the International Atomic Energy Agency.

2. Upon the completion of any proceedings connected with an offence set forth in article 2, or sooner if required by international law, any radioactive material, device or nuclear facility shall be returned, after consultations (in particular, regarding modalities of return and storage) with the States Parties concerned to the State Party to which it belongs, to the State Party of which the natural or legal person owning such radioactive material, device or facility is a national or resident, or to the State Party from whose territory it was stolen or otherwise unlawfully obtained.

3. (a) Where a State Party is prohibited by national or international law from returning or accepting such radioactive material, device or nuclear facility or where the States Parties concerned so agree, subject to paragraph 3 (b) of the present article, the State Party in possession of the radioactive material, devices or nuclear facilities shall continue to take the steps described in paragraph 1 of the present article; such radioactive material, devices or nuclear facilities shall be used only for peaceful purposes;

17. člen

1. Oseba, ki je v priporu ali prestaja kazen na ozemlju ene od držav pogodbenic in katere navzočnost v drugi državi pogodbenici se zahteva zaradi pričanja, identifikacije ali druge oblike pomoči pri pridobivanju dokazov za preiskavo ali pregon kaznivih dejanj po tej konvenciji, se lahko premesti, če so izpolnjeni naslednji pogoji:

(a) če je oseba o tem ustrezno obveščena in v to prostovoljno privoli in

(b) če se o tem sporazumejo pristojni organi obeh držav pod pogoji, ki jih državi štejeta za primerne.

2. Za namene tega člena:

(a) ima država, v katero je oseba premeščena, pravico in dolžnost to osebo obdržati v priporu, če država, iz katere je oseba premeščena, ne zahteva ali ne dovoli drugače;

(b) država, v katero je oseba premeščena, brez odlašanja izpolni svojo obveznost in osebo vrne v pripor države, iz katere je bila premeščena, v skladu s predhodnim ali kakšnim drugačnim dogovorom pristojnih organov obeh držav;

(c) država, v katero je oseba premeščena, ne more zahtevati, da država, iz katere je bila oseba premeščena, začne z izročitvenim postopkom za vrnitev te osebe;

(d) se premeščeni osebi čas, ki ga prebije v priporu države, v katero je bila premeščena, všteva v skupni čas prestajanja kazni v državi, iz katere je bila premeščena.

3. Razen če se država pogodbenica, iz katere je oseba premeščena v skladu s tem členom, strinja, se ta oseba na ozemlju države, v katero je premeščena, ne glede na državljanstvo ne sme sodno preganjati ali pridržati ali se ji kakor koli drugače omejiti osebna svoboda zaradi dejanj ali obsodb pred njenim odhodom z ozemlja države, iz katere je bila premeščena.

18. člen

1. Potem ko je država pogodbenica po storitvi kaznivega dejanja iz 2. člena zasegla radioaktivno snov, naprave ali jedrske objekte ali kakor koli drugače prevzela nadzor nad njimi, mora:

(a) sprejeti ukrepe za zagotovitev varnosti radioaktivne snovi, naprave ali jedrskega objekta;

(b) zagotoviti, da se jedrska snov hrani v skladu z veljavnimi ukrepi varovanja Mednarodne agencije za atomsko energijo, in

(c) upoštevati priporočila fizičnega varovanja ter zdravstvene in varnostne standarde, ki jih objavlja Mednarodna agencija za atomsko energijo.

2. Po končanih postopkih v zvezi s kaznivim dejanjem iz 2. člena ali prej, če tako zahteva mednarodno pravo, se radioaktivna snov, naprava ali jedrski objekt po posvetovanjih (predvsem glede načinov vrnitve in shranjevanja) z zadevnimi državami pogodbenicami vrne državi pogodbenici, ki ji pripada, državi pogodbenici, katere državljan je fizična ali pravna oseba, katere last je taka radioaktivna snov, naprava ali objekt, ali v kateri prebiva, ali državi pogodbenici, z ozemljem katere je bil ukraden ali kakor koli drugače nezakonito pridobljen.

3. (a) Če državi pogodbenici notranje ali mednarodno pravo prepoveduje vrnitev ali sprejem take radioaktivne snovi, naprave ali jedrske objekta ali če se zadevne države pogodbenice tako dogovorijo, ob upoštevanju točke b tretjega odstavku država pogodbenica, ki poseduje radioaktivno snov, naprave ali jedrske objekte, še naprej ukrepa, kot je določeno v prvem odstavku; taka radioaktivna snov, naprave ali jedrski objekti se uporabljajo samo v miroljubne namene.

(b) Where it is not lawful for the State Party in possession of the radioactive material, devices or nuclear facilities to possess them, that State shall ensure that they are placed as soon as possible in the possession of a State for which such possession is lawful and which, where appropriate, has provided assurances consistent with the requirements of paragraph 1 of the present article in consultation with that State, for the purpose of rendering it harmless; such radioactive material, devices or nuclear facilities shall be used only for peaceful purposes.

4. If the radioactive material, devices or nuclear facilities referred to in paragraphs 1 and 2 of the present article do not belong to any of the States Parties or to a national or resident of a State Party or was not stolen or otherwise unlawfully obtained from the territory of a State Party, or if no State is willing to receive such items pursuant to paragraph 3 of the present article, a separate decision concerning its disposition shall, subject to paragraph 3 (b) of the present article, be taken after consultations between the States concerned and any relevant international organizations.

5. For the purposes of paragraphs 1, 2, 3 and 4 of the present article, the State Party in possession of the radioactive material, device or nuclear facility may request the assistance and cooperation of other States Parties, in particular the States Parties concerned, and any relevant international organizations, in particular the International Atomic Energy Agency. States Parties and the relevant international organizations are encouraged to provide assistance pursuant to this paragraph to the maximum extent possible.

6. The States Parties involved in the disposition or retention of the radioactive material, device or nuclear facility pursuant to the present article shall inform the Director General of the International Atomic Energy Agency of the manner in which such an item was disposed of or retained. The Director General of the International Atomic Energy Agency shall transmit the information to the other States Parties.

7. In the event of any dissemination in connection with an offence set forth in article 2, nothing in the present article shall affect in any way the rules of international law governing liability for nuclear damage, or other rules of international law.

Article 19

The State Party where the alleged offender is prosecuted shall, in accordance with its national law or applicable procedures, communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to the other States Parties.

Article 20

States Parties shall conduct consultations with one another directly or through the Secretary-General of the United Nations, with the assistance of international organizations as necessary, to ensure effective implementation of this Convention.

Article 21

The States Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.

Article 22

Nothing in this Convention entitles a State Party to undertake in the territory of another State Party the exercise of jurisdiction and performance of functions which are exclusively reserved for the authorities of that other State Party by its national law.

(b) Če za državo pogodbenco posedovanje radioaktivne snovi, naprav ali jedrskih objektov ni zakonito, bo zagotovila, da čim prej preidejo v posest države, v kateri je tako posedovanje zakonito in ki je dala zagotovila, če je potrebno, v skladu z zahtevami prvega odstavka ob posvetovanju s to državo, da bi se zagotovila njihova varnost; taka radioaktivna snov, naprave ali jedrski objekti se uporabljajo samo v miroljubne namene.

4. Če radioaktivna snov, naprave ali jedrski objekti iz prvega in drugega odstavka ne pripadajo nobeni od držav pogodbenc ali državljanu države pogodbence ali osebi s prebivališčem v tej državi ali niso bili ukradeni ali drugače nezakonito pridobljeni na ozemlju države pogodbence ali če jih nobena država ni pripravljena sprejeti po tretjem odstavku, se sprejme posebna odločitev o njihovi odstranitvi po točki b tretjega odstavka po posvetovanju med zadevnimi državami in ustreznimi mednarodnimi organizacijami.

5. Za namene prvega, drugega, tretjega in četrtega odstavka lahko država pogodbenica, ki posedeje radioaktivno snov, napravo ali jedrski objekt, zaprosi za pomoč in sodelovanje druge države pogodbenice, predvsem zadevne države pogodbenice in ustrezne mednarodne organizacije, zlasti Mednarodno agencijo za atomsko energijo. Države pogodbenc in ustrezne mednarodne organizacije se spodbujajo, da si v skladu s tem odstavkom kar najbolj pomagajo.

6. Države pogodbenc, ki odstranijo ali zadržijo radioaktivno snov, napravo ali jedrski objekt po tem členu, obvestijo generalnega direktorja Mednarodne agencije za atomsko energijo o načinu, kako je bil odstranjen ali zadržan. Generalni direktor Mednarodne agencije za atomsko energijo o tem obvesti druge države pogodbenc.

7. V primeru razširjenja v zvezi s katerim koli kaznivim dejanjem iz 2. člena ta člen v ničemer ne vpliva na pravila mednarodnega prava, ki urejajo odgovornost za jedrsko škodo, ali na druga pravila mednarodnega prava.

19. člen

Država pogodbenica, v kateri je proti domnevнемu storku uveden kazenski pregon, v skladu s svojo notranjo zakonodajo ali veljavnimi postopki sporoči končni izid postopka generalnemu sekretarju Združenih narodov, ta pa o tem obvesti druge države pogodbenc.

20. člen

Države pogodbenc se po potrebi neposredno ali prek generalnega sekretarja Združenih narodov s pomočjo mednarodnih organizacij posvetujejo, da zagotovijo učinkovito izvajanje konvencije.

21. člen

Države pogodbenc obveznosti iz te konvencije izpolnjujejo na način, ki je v skladu z načeli državne suverenosti, ozemeljske celovitosti držav in nevmešavanja v notranje zadeve drugih držav.

22. člen

Nič v tej konvenciji državi pogodbenci ne daje pravice, da bi lahko na ozemlju druge države pogodbenc izvajala svojo jurisdikcijo in opravljala naloge, ki so v izključni pristojnosti organov te druge države pogodbenc na podlagi njene notranje zakonodaje.

Article 23

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months of the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice, by application, in conformity with the Statute of the Court.

2. Each State may, at the time of signature, ratification, acceptance or approval of this Convention or accession thereto, declare that it does not consider itself bound by paragraph 1 of the present article. The other States Parties shall not be bound by paragraph 1 with respect to any State Party which has made such a reservation.

3. Any State which has made a reservation in accordance with paragraph 2 of the present article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 24

1. This Convention shall be open for signature by all States from 14 September 2005 until 31 December 2006 at United Nations Headquarters in New York.

2. This Convention is subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall be open to accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 25

1. This Convention shall enter into force on the thirtieth day following the date of the deposit of the twenty-second instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.

2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article 26

1. A State Party may propose an amendment to this Convention. The proposed amendment shall be submitted to the depositary, who circulates it immediately to all States Parties.

2. If the majority of the States Parties request the depositary to convene a conference to consider the proposed amendments, the depositary shall invite all States Parties to attend such a conference to begin no sooner than three months after the invitations are issued.

3. The conference shall make every effort to ensure amendments are adopted by consensus. Should this not be possible, amendments shall be adopted by a two-thirds majority of all States Parties. Any amendment adopted at the conference shall be promptly circulated by the depositary to all States Parties.

4. The amendment adopted pursuant to paragraph 3 of the present article shall enter into force for each State Party that deposits its instrument of ratification, acceptance, accession or approval of the amendment on the thirtieth day after the date on which two thirds of the States Parties have deposited their relevant instrument. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day after the date on which that State deposits its relevant instrument.

23. člen

1. Kakršen koli spor med dvema ali več državami pogodbenicami glede razlage ali uporabe te konvencije, ki ga ni mogoče rešiti s pogajanjem v razumnem času, se lahko na zahetno ene od njih predloži v arbitražo. Če se v šestih mesecih od dneva, ko je bila vložena prošnja za arbitražo, strankam v sporu ne uspe dogovoriti o organizaciji arbitraže, lahko katera koli stranka v sporu preda spor v reševanje Meddržavnemu sodišču v skladu z njegovim statutom.

2. Vsaka država lahko ob podpisu, ratifikaciji, sprejetju, odobritvi te konvencije ali pristopu k njej izjavi, da je prejšnji odstavek ne zavezuje. Drugih držav pogodbenic prejšnji odstavek ne zavezuje glede držav pogodbenic, ki so izrazile tak pridržek.

3. Vsaka država, ki je izrazila pridržek v skladu s prejšnjim odstavkom, ga lahko kadar koli umakne z obvestilom generalnemu sekretarju Združenih narodov.

24. člen

1. Konvencija je na voljo za podpis vsem državam od 14. septembra 2005 do 31. decembra 2006 na sedežu Združenih narodov v New Yorku.

2. Konvencijo je treba ratificirati, sprejeti ali odobriti. Listine o ratifikaciji, sprejetju ali odobritvi se deponirajo pri generalnem sekretarju Združenih narodov.

3. K tej konvenciji lahko pristopi vsaka država. Listine o pristopu se deponirajo pri generalnem sekretarju Združenih narodov.

25. člen

1. Konvencija začne veljati trideseti dan po dnevu depoziranja dvaindvajsete listine o ratifikaciji, sprejetju, odobritvi ali pristopu pri generalnem sekretarju Združenih narodov.

2. Za vsako državo, ki ratificira, sprejme, odobri konvencijo ali k njej pristopi po deponiraju dvaindvajsete listine o ratifikaciji, sprejetju, odobritvi ali pristopu, začne konvencija veljati trideseti dan po tem, ko ta država deponira listino o ratifikaciji, sprejetju, odobritvi ali pristopu.

26. člen

1. Država pogodbenica lahko predlaga spremembo konvencije. Predlagana sprememba se predloži depozitarju, ta pa jo nemudoma razpošlje vsem državam pogodbenicam.

2. Če večina držav pogodbenic zaprosi depozitarja, da skliče konferenco o predlaganih spremembah, depozitar povabi vse države pogodbenice, da se udeležijo te konference, ki se lahko začne najprej tri mesece po tem, ko se razpošlje vabila.

3. Udeleženke konference si prizadevajo sprejeti spremembe s soglasjem. Če to ni mogoče, se spremembe sprejmejo z dvotretjinsko večino vseh držav pogodbenic. Vsako spremembo, sprejeto na konferenci, depozitar nemudoma razpošlje vsem državam pogodbenicam.

4. Sprememba, sprejeta v skladu s prejšnjim odstavkom, začne veljati za vse države pogodbenice, ki so deponirale listino o ratifikaciji, sprejetju, odobritvi spremembe ali pristopu k njej, trideseti dan po dnevu, ko dve tretjini držav pogodbenic deponirata ustrezno listino. Po tem datumu začne sprememba veljati za katero koli državo pogodbenico trideseti dan po dnevu, ko je ta država deponirala ustrezno listino.

Article 27

1. Any State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.
2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

Article 28

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at United Nations Headquarters in New York on 14 September 2005.

27. člen

1. Vsaka država pogodbenica lahko odpove to konvencijo s pisnim uradnim obvestilom generalnemu sekretarju Združenih narodov.

2. Odpoved začne veljati eno leto od dneva, ko je generalni sekretar prejel uradno obvestilo.

28. člen

Izvirnik te konvencije, katere besedila v angleškem, arabskem, francoskem, kitajskem, ruskem in španskem besedilu so enako verodostojna, se hrani pri generalnem sekretarju Združenih narodov, ki pošlje overjene kopije vsem državam.

V POTRDITEV TEGA so podpisani, ki so jih za to pravilno pooblastile njihove vlade, 14. septembra 2005 podpisali to konvencijo, ki je na voljo za podpis na sedežu Združenih narodov v New Yorku.

3. člen

Skladno s četrtem odstavkom 7. člena Mednarodne konvencije o zatiranju dejanj jedrskega terorizma Republika Slovenija izjavlja, da je organ pristojen za pošiljanje in prejemanje informacij iz 7. člena konvencije Ministrstvo za notranje zadeve, Policija, Generalna policijska uprava, Uprava kriminalistične policije, Sektor za mednarodno policijsko sodelovanje.

4. člen

Skladno s tretjim odstavkom 9. člena Mednarodne konvencije o zatiranju dejanj jedrskega terorizma Republika Slovenija izjavlja, da ima jurisdikcijo v vseh primerih, določenih v prvem in drugem odstavku 9. člena konvencije.

5. člen

Za izvajanje konvencije skrbita Ministrstvo za pravosodje in Ministrstvo za notranje zadeve Republike Slovenije.

6. člen

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

Št. 212-05/09-6/9

Ljubljana, dne 19. novembra 2009

EPA 382-IV

Državni zbor
Republike Slovenije
dr. Pavel Gantar l.r.
Predsednik

87. Zakon o ratifikaciji Konvencije o preprečevanju večjih industrijskih nesreč (Konvencija MOD št. 174) (MKPVIN)

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

U K A Z**o razglasitvi Zakona o ratifikaciji Konvencije
o preprečevanju večjih industrijskih nesreč (Konvencija MOD št. 174) (MKPVIN)**

Razglašam Zakon o ratifikaciji Konvencije o preprečevanju večjih industrijskih nesreč (Konvencija MOD št. 174) (MKPVIN), ki ga je sprejel Državni zbor Republike Slovenije na seji 19. novembra 2009.

Št. 003-02-10/2009-7
Ljubljana, dne 27. novembra 2009

dr. Danilo Türk l.r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI KONVENCIJE O PREPREČEVANJU VEČJIH INDUSTRIJSKIH NESREČ
(KONVENCIJA MOD ŠT. 174) (MKPVIN)**

1. člen

Ratificira se Konvencija o preprečevanju večjih industrijskih nesreč (Konvencija MOD št. 174), sprejeta na 80. zasedanju Generalne konference Mednarodne organizacije dela v Ženevi 22. junija 1993.

2. člen

Konvencija se v izvirniku v angleškem jeziku in prevodu v slovenskem jeziku glasi:

Convention 174**CONVENTION CONCERNING
THE PREVENTION
OF MAJOR INDUSTRIAL ACCIDENTS**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 80th Session on 2 June 1993, and

Noting the relevant international labour Conventions and Recommendations and, in particular, the Occupational Safety and Health Convention and Recommendation, 1981, and the Chemicals Convention and Recommendation, 1990, and stressing the need for a global and coherent approach, and

Noting also the ILO Code of practice on the Prevention of major industrial accidents, published in 1991, and

Having regard to the need to ensure that all appropriate measures are taken to:

- (a) prevent major accidents;
- (b) minimize the risks of major accidents;
- (c) minimize the effects of major accidents, and

Considering the causes of such accidents including organizational errors, the human factor, component failures, deviation from normal operational conditions, outside interference and natural forces, and

Having regard to the need for cooperation, within the International Programme on Chemical Safety, between the International Labour Organization, the United Nations Environment Programme and the World Health Organization, as well as with other relevant intergovernmental organizations, and

Having decided upon the adoption of certain proposals with regard to the prevention of major industrial accidents, which is the fourth item on the agenda of the session, and

Konvencija 174**KONVENCIJA
O PREPREČEVANJU
VEČJIH INDUSTRIJSKIH NESREČ**

Generalna konferenca Mednarodne organizacije dela,

ki jo je v Ženevi sklical Administrativni svet Mednarodne urada za delo in se je 2. junija 1993 sestala na svojem 80. zasedanju, in

ob upoštevanju ustreznih mednarodnih konvencij in priporočil o delu, predvsem Konvencije o varstvu pri delu in zdravstvenem varstvu in priporočila iz leta 1981 in Konvencije o kemikalijah in priporočila iz leta 1990, ter s poudarkom na nujnosti globalnega in celovitega pristopa in

tudi ob upoštevanju Kodeksa ravnanja MOD o preprečevanju večjih industrijskih nesreč, objavljenega leta 1991, in

ob upoštevanju, da si je treba prizadevati za sprejetje vseh ustreznih ukrepov za:

- (a) preprečevanje večjih nesreč,
- (b) zmanjševanje tveganj večjih nesreč na najmanjšo mogočo mero,
- (c) zmanjševanje posledice večjih nesreč na najmanjšo mogočo mero, in

ob upoštevanju vzrokov za take nesreče, predvsem organizacijskih napak, človeškega dejavnika, napak v sistemu, odstopanja od normalnih delovnih pogojev, zunanjih vplivov in naravnih pojavov, in

glede na potrebo po sodelovanju v okviru Mednarodnega programa o kemijski varnosti med Mednarodno organizacijo dela, Programom Združenih narodov za okolje in Svetovno zdravstveno organizacijo ter drugimi pristojnimi medvladnimi organizacijami in

po odločitvi, da sprejme nekatere predloge v zvezi s preprečevanjem večjih industrijskih nesreč pod četrtto točko dnevnega reda zasedanja, in

Having determined that these proposals shall take the form of an international Convention;
adopts this twenty-second day of June of the year one thousand nine hundred and ninety-three the following Convention, which may be cited as the Prevention of Major Industrial Accidents Convention, 1993.

PART I. SCOPE AND DEFINITIONS

Article 1

1. The purpose of this Convention is the prevention of major accidents involving hazardous substances and the limitation of the consequences of such accidents.

2. This Convention applies to major hazard installations.

3. This Convention does not apply to:

(a) nuclear installations and plants processing radioactive substances except for facilities handling non-radioactive substances at these installations;

(b) military installations;

(c) transport outside the site of an installation other than by pipeline.

4. A Member ratifying this Convention may, after consulting the representative organizations of employers and workers concerned and other interested parties who may be affected, exclude from the application of the Convention installations or branches of economic activity for which equivalent protection is provided.

Article 2

Where special problems of a substantial nature arise so that it is not immediately possible to implement all the preventive and protective measures provided for in this Convention, a Member shall draw up plans, in consultation with the most representative organizations of employers and workers and with other interested parties who may be affected, for the progressive implementation of the said measures within a fixed time-frame.

Article 3

For the purposes of this Convention:

(a) the term "hazardous substance" means a substance or mixture of substances which by virtue of chemical, physical or toxicological properties, either singly or in combination, constitutes a hazard;

(b) the term "threshold quantity" means for a given hazardous substance or category of substances that quantity, prescribed in national laws and regulations by reference to specific conditions, which if exceeded identifies a major hazard installation;

(c) the term "major hazard installation" means one which produces, processes, handles, uses, disposes of or stores, either permanently or temporarily, one or more hazardous substances or categories of substances in quantities which exceed the threshold quantity;

(d) the term "major accident" means a sudden occurrence – such as a major emission, fire or explosion – in the course of an activity within a major hazard installation, involving one or more hazardous substances and leading to a serious danger to workers, the public or the environment, whether immediate or delayed;

(e) the term "safety report" means a written presentation of the technical, management and operational information covering the hazards and risks of a major hazard installation and their control and providing justification for the measures taken for the safety of the installation;

(f) the term "near miss" means any sudden event involving one or more hazardous substances which, but for mitigating effects, actions or systems, could have escalated to a major accident.

po odločitvi, da se ti predlogi oblikujejo kot mednarodna konvencija,

sprejema dvaindvajsetega junija leta tisoč devetsto tridevetdeset to konvencijo, ki se bo imenovala Konvencija o preprečevanju večjih industrijskih nesreč, 1993.

I. DEL – PODROČJE UPORABE IN POMEN IZRAZOV

1. člen

1. Namen te konvencije je preprečevanje večjih nesreč zaradi nevarnih snovi in omejevanje posledic takih nesreč.

2. Konvencija se uporablja za obrate z nevarnostjo večjih nesreč.

3. Konvencija se ne uporablja za:

(a) jedrske obrate in obrate za predelavo radioaktivnih snovi, razen za dele obrate, v katerih se ravna z neradioaktivnimi snovmi;

(b) vojaške objekte;

(c) prevoz zunaj območja obratov razen prenosa po cevovodih.

4. Članici, ki ratificira to konvencijo, po posvetu z reprezentativnimi organizacijami delodajalcev in delojemalcev, ki jih to zadeva, ter drugimi zainteresiranimi strankami, ki jih to lahko prizadene, te ni treba uporabljati za obrate ali veje gospodarskih dejavnosti, za katere je zagotovljena ustrezna zaščita.

2. člen

Pri posebnih bistvenih problemih, ki onemogočajo takojšnje izvajanje vseh preprečevalnih in varnostnih ukrepov, predvidenih s konvencijo, članica po posvetu z najreprezentativnejšimi organizacijami delodajalcev in delojemalcev ter drugimi zainteresiranimi strankami, ki jih to lahko prizadene, izdela načrte za postopno izvajanje omenjenih ukrepov v določenem roku.

3. člen

V tej konvenciji:

(a) izraz "nevarna snov" pomeni snov ali mešanico snovi, ki zaradi kemičnih, fizikalnih ali toksikoloških lastnosti sama ali skupaj z drugimi snovmi pomeni nevarnost;

(b) izraz "mejna količina" pomeni za vsako nevarno snov ali skupino teh snovi količino, ki jo notranja zakonodaja določa za posebne pogoje in ki, če je presegrena, opredeljuje obrat kot obrat z nevarnostjo večjih nesreč;

(c) izraz "obrat z nevarnostjo večjih nesreč" pomeni obrat, v katerem se ena ali več nevarnih snovi ali skupina teh snovi v količinah, ki presegajo mejno količino, stalno ali začasno proizvaja, predeluje, se z njo ravna, uporablja, odlaga ali shranjuje;

(d) izraz "večja nesreča" pomeni nenaden dogodek, npr. večji izpust, požar ali eksplozijo, ki nastane med delovanjem obrata z nevarnostjo večjih nesreč zaradi ene ali več nevarnih snovi in resno ogrozi delavce, prebivalstvo ali okolje, in sicer takoj ali pozneje;

(e) izraz "varnostno poročilo" pomeni dokument s tehničnimi informacijami in informacijami o upravljanju in delovanju, ki opredeljuje nevarnosti in tveganja obrata z nevarnostjo večjih nesreč in njihovo obvladovanje ter utemeljuje ukrepe za zagotavljanje varnosti teh obratov;

(f) izraz "skorajšnja nesreča" pomeni vsak nenaden dogodek zaradi ene ali več nevarnih snovi, ki bi brez učinkov, dejanj ali sistemov za njegovo ublažitev lahko privedel do večje nesreče.

PART II. GENERAL PRINCIPLES

Article 4

1. In the light of national laws and regulations, conditions and practices, and in consultation with the most representative organizations of employers and workers and with other interested parties who may be affected, each Member shall formulate, implement and periodically review a coherent national policy concerning the protection of workers, the public and the environment against the risk of major accidents.

2. This policy shall be implemented through preventive and protective measures for major hazard installations and, where practicable, shall promote the use of the best available safety technologies.

Article 5

1. The competent authority, or a body approved or recognized by the competent authority, shall, after consulting the most representative organizations of employers and workers and other interested parties who may be affected, establish a system for the identification of major hazard installations as defined in Article 3 (c), based on a list of hazardous substances or of categories of hazardous substances or of both, together with their respective threshold quantities, in accordance with national laws and regulations or international standards.

2. The system mentioned in paragraph 1 above shall be regularly reviewed and updated.

Article 6

The competent authority, after consulting the representative organizations of employers and workers concerned, shall make special provision to protect confidential information transmitted or made available to it in accordance with Articles 8, 12, 13 or 14, whose disclosure would be liable to cause harm to an employer's business, so long as this provision does not lead to serious risk to the workers, the public or the environment.

PART III. RESPONSIBILITIES OF EMPLOYERS

IDENTIFICATION

Article 7

Employers shall identify any major hazard installation within their control on the basis of the system referred to in Article 5.

NOTIFICATION

Article 8

1. Employers shall notify the competent authority of any major hazard installation which they have identified:

- (a) within a fixed time-frame for an existing installation;
- (b) before it is put into operation in the case of a new installation.

2. Employers shall also notify the competent authority before any permanent closure of a major hazard installation.

ARRANGEMENTS AT THE LEVEL OF THE INSTALLATION

Article 9

In respect of each major hazard installation employers shall establish and maintain a documented system of major hazard control which includes provision for:

(a) the identification and analysis of hazards and the assessment of risks including consideration of possible interactions between substances;

II. DEL – SPLOŠNA NAČELA

4. člen

1. Vsaka članica ob upoštevanju notranje zakonodaje, pogojev in prakse ter po posvetu z najreprezentativnejšimi organizacijami delodajalcev in delojemalcev ter drugimi zainteresiranimi strankami, ki jih to lahko prizadene, oblikuje, izvaja in v rednih presledkih pregleduje celovito politiko države glede varovanja delavcev, prebivalstva in okolja pred tveganjem večjih nesreč.

2. Ta politika se izvaja s preprečevalnimi in varnostmi ukrepi v obratih z nevarnostjo večjih nesreč in se mora z njo, če je to izvedljivo, pospeševati uporaba najboljših razpoložljivih tehnik.

5. člen

1. Pristojni organ ali organizacija, ki jo pristojni organ za to pooblasti, po posvetu z najreprezentativnejšimi organizacijami delodajalcev in delojemalcev ter drugimi zainteresiranimi strankami, ki jih to lahko prizadene, na podlagi seznama nevarnih snovi ali skupin teh snovi oziroma obojih skupaj z njihovimi mejnimi količinami v skladu z notranjo zakonodajo ali mednarodnimi standardi vzpostavi sistem za prepoznavanje obratov z nevarnostjo večjih nesreč, kot so določeni v točki c) 3. člena.

2. Sistem iz prvega odstavka tega člena je treba redno pregledovati in posodabljati.

6. člen

Po posvetu z reprezentativnimi organizacijami delodajalcev in delojemalcev pristojni organ sprejme posebne določbe o varstvu zaupnih podatkov, ki jih prejme ali so mu na voljo v skladu z 8., 12., 13. ali 14. členom in katerih razkritje bi škodovalo dejavnostim delodajalca, pod pogojem, da te določbe ne pomenijo resnega tveganja za delavce, prebivalstvo ali okolje.

III. DEL – OBVEZNOSTI DELODAJALCEV

PREPOZNAVANJE

7. člen

Delodajalci na podlagi sistema iz 5. člena prepoznaajo, kateri obrati pod njihovim nadzorom so obrati z nevarnostjo večjih nesreč.

SPOROČANJE

8. člen

1. Delodajalci pristojnemu organu priglasijo vse obrate z nevarnostjo večjih nesreč, ki so jih prepoznali:

- (a) v določenem roku za obstoječi obrat;
- (b) še pred obratovanjem, če gre za nov obrat.

2. Delodajalci pristojni organ predhodno obvestijo tudi o dokončnem zaprtju obrata z nevarnostjo večjih nesreč.

UREDITEV NA RAVNI OBRATA

9. člen

Pri vseh obratih z nevarnostjo večjih nesreč delodajalci vzpostavijo in vzdržujejo dokumentirani sistem obvladovanja nevarnosti večjih nesreč, ki vključuje:

(a) prepoznavanje in analizo nevarnosti ter oceno tveganj, vključno z upoštevanjem mogočih medsebojnih vplivov snovi;

(b) technical measures, including design, safety systems, construction, choice of chemicals, operation, maintenance and systematic inspection of the installation;

(c) organizational measures, including training and instruction of personnel, the provision of equipment in order to ensure their safety, staffing levels, hours of work, definition of responsibilities, and controls on outside contractors and temporary workers on the site of the installation;

(d) emergency plans and procedures, including:

(i) the preparation of effective site emergency plans and procedures, including emergency medical procedures, to be applied in case of major accidents or threat thereof, with periodic testing and evaluation of their effectiveness and revision as necessary;

(ii) the provision of information on potential accidents and site emergency plans to authorities and bodies responsible for the preparation of emergency plans and procedures for the protection of the public and the environment outside the site of the installation;

(iii) any necessary consultation with such authorities and bodies;

(e) measures to limit the consequences of a major accident;

(f) consultation with workers and their representatives;

(g) improvement of the system, including measures for gathering information and analysing accidents and near misses. The lessons so learnt shall be discussed with the workers and their representatives and shall be recorded in accordance with national law and practice.

SAFETY REPORT

Article 10

1. Employers shall prepare a safety report based on the requirements of Article 9.

2. The report shall be prepared:

(a) in the case of existing major hazard installations, within a period after notification prescribed by national laws or regulations;

(b) in the case of any new major hazard installation, before it is put into operation.

Article 11

Employers shall review, update and amend the safety report:

(a) in the event of a modification which has a significant influence on the level of safety in the installation or its processes or in the quantities of hazardous substances present;

(b) when developments in technical knowledge or in the assessment of hazards make this appropriate;

(c) at intervals prescribed by national laws or regulations;

(d) at the request of the competent authority.

Article 12

Employers shall transmit or make available to the competent authority the safety reports referred to in Articles 10 and 11.

ACCIDENT REPORTING

Article 13

Employers shall inform the competent authority and other bodies designated for this purpose as soon as a major accident occurs.

(b) tehnične ukrepe, vključno s projektiranjem obrata, njegovimi varnostnimi sistemi, gradnjo obrata, izbiro kemikalij, delovanjem in vzdrževanjem obrata ter sistematičnim nadzorom nad njim;

(c) organizacijske ukrepe, vključno z usposabljanjem osebja, zagotavljanjem opreme za njegovo varnost, številom delavcev, delovnim časom, opredelitvijo odgovornosti ter nadzorom nad zunanjimi izvajalci in začasnimi delavci v obratu;

(d) načrte in postopke za ukrepanje v nujnih primerih, kar obsegata:

(i) izdelavo učinkovitih načrtov in postopkov za ukrepanje v nujnih primerih, vključno z nujnimi zdravstvenimi postopki na kraju samem ob večji nesreči ali nevarnosti zanje, preverjanjem in ocenjevanjem učinkovitosti omenjenih načrtov in postopkov v rednih presledkih ter njihovo spremembo, kadar je potrebna,

(ii) obveščanje oblasti in organov, pristojnih za izdelavo načrtov in postopkov za varovanje prebivalstva in okolja zunaj obrata, o mogočih nesrečah in načrtih za ukrepanje obrata v nujnih primerih,

(iii) potrebne posvetne s temi oblastmi in organi;

(e) ukrepe za omejevanje posledic večjih nesreč;

(f) posvetovanje z delavci in njihovimi predstavniki;

(g) ukrepe za izboljšanje sistema, vključno z ukrepi za zbiranje informacij in analizo nesreč in skorajšnjih nesreč. Tako pridobljene izkušnje in spoznanja je treba obravnavati z delavci in njihovimi predstavniki ter to dokumentirati v skladu z notranjo zakonodajo in praksco.

VARNOSTNO POROČILO

10. člen

1. Delodajalci pripravijo varnostno poročilo v skladu z 9. členom.

2. Poročilo se pripravi:

(a) za obstoječe obrate z nevarnostjo večjih nesreč po priglasitvi v roku, predpisanim z notranjo zakonodajo;

(b) za nove obrate z nevarnostjo večjih nesreč pred začetkom njihovega obratovanja.

11. člen

Delodajalci varnostno poročilo pregledajo, posodobijo in spremenijo:

(a) če pride do spremembe, ki pomembno vpliva na raven varnosti v obratu ali njegove postopke ali na količino prisotnih nevarnih snovi;

(b) kadar je to zaradi tehničnega napredka ali novosti pri ocenjevanju nevarnosti primerno;

(c) v časovnih presledkih, predpisanih z notranjo zakonodajo;

(d) na zahtevo pristojnega organa.

12. člen

Delodajalci pristojnemu organu pošljejo ali dajo na voljo varnostna poročila iz 10. in 11. člena.

POROČANJE O NESREČI

13. člen

Takoj ko se zgodi večja nesreča, delodajalci obvestijo pristojni organ in druge za to določene organizacije.

Article 14

1. Employers shall, within a fixed time-frame after a major accident, present a detailed report to the competent authority containing an analysis of the causes of the accident and describing its immediate on-site consequences, and any action taken to mitigate its effects.

2. The report shall include recommendations detailing actions to be taken to prevent a recurrence.

PART IV. RESPONSIBILITIES OF COMPETENT AUTHORITIES

OFF-SITE EMERGENCY PREPAREDNESS

Article 15

Taking into account the information provided by the employer, the competent authority shall ensure that emergency plans and procedures containing provisions for the protection of the public and the environment outside the site of each major hazard installation are established, updated at appropriate intervals and coordinated with the relevant authorities and bodies.

Article 16

The competent authority shall ensure that:

(a) information on safety measures and the correct behaviour to adopt in the case of a major accident is disseminated to members of the public liable to be affected by a major accident without their having to request it and that such information is updated and redisseminated at appropriate intervals;

(b) warning is given as soon as possible in the case of a major accident;

(c) where a major accident could have transboundary effects, the information required in (a) and (b) above is provided to the States concerned, to assist in cooperation and coordination arrangements.

SITING OF MAJOR HAZARD INSTALLATIONS

Article 17

The competent authority shall establish a comprehensive siting policy arranging for the appropriate separation of proposed major hazard installations from working and residential areas and public facilities, and appropriate measures for existing installations. Such a policy shall reflect the General Principles set out in Part II of the Convention.

INSPECTION

Article 18

1. The competent authority shall have properly qualified and trained staff with the appropriate skills, and sufficient technical and professional support, to inspect, investigate, assess, and advise on the matters dealt with in this Convention and to ensure compliance with national laws and regulations.

2. Representatives of the employer and representatives of the workers of a major hazard installation shall have the opportunity to accompany inspectors supervising the application of the measures prescribed in pursuance of this Convention, unless the inspectors consider, in the light of the general instructions of the competent authority, that this may be prejudicial to the performance of their duties.

Article 19

The competent authority shall have the right to suspend any operation which poses an imminent threat of a major accident.

14. člen

1. Po večji nesreči in v vnaprej določenem roku morajo delodajalci pristojnemu organu predložiti podrobno poročilo, ki vsebuje analizo vzrokov nesreče in opis njenih takojšnjih posledic na kraju samem ter sprejete ukrepov za njihovo ublažitev.

2. Poročilo vsebuje priporočila o podrobnejših ukrepih, ki jih je treba sprejeti, da se nesreča ne bi ponovila.

IV. DEL – OBVEZNOSTI PRISTOJNIH ORGANOV

PRIPRAVLJENOST ZA UKREPANJE V NUJNIH PRIMERIH ZUNAJ OBRATA

15. člen

Ob upoštevanju informacij, ki mu jih zagotovi delodajalec, mora pristojni organ poskrbeti, da se izdelajo, v ustreznih presledkih posodobijo in uskladijo z ustreznimi organi in organizacijami načrti in postopki za ukrepanje v nujnih primerih, ki vsebujejo ukrepe za varovanje prebivalstva in okolja zunaj obrata z nevarnostjo večjih nesreč.

16. člen

Pristojni organ zagotovi, da se:

(a) informacije o potrebnih varnostnih ukrepih in pravilnem ravnanju ob nastanku večje nesreče dajejo prebivalcem, ki jih lahko prizadene večja nesreča, ne da bi morali za to prosi, in da se te informacije posodabljajo in v ustreznih presledkih ponovno dajejo prebivalcem;

(b) ob večji nesreči čim prej opozori na nevarnost;

(c) ob večji nesreči, ki bi lahko imela čezmejne vplive, zadevnim državam takoj zagotovijo informacije iz točk a) in b) tega člena zaradi dogоворov o sodelovanju in usklajevanju.

LOKACIJA OBRATOV Z NEVAROSTJO VEČJIH NESREČ

17. člen

Pristojni organ oblikuje celovito lokacijsko politiko za primerno ločitev načrtovanih obratov z nevarnostjo večjih nesreč od delovnih in stanovanjskih območij ter območij za javno rabo, za obstoječe obrate pa sprejme primerne ukrepe. Taka politika naj izraža splošna načela iz II. dela konvencije.

NADZOR

18. člen

1. Pristojni organ mora imeti ustrezno usposobljeno osebje z zadostno tehnično in strokovno podporo za nadzor, preiskovanje, ocenjevanje in svetovanje o vprašanjih iz te konvencije ter za zagotavljanje ravnanja v skladu z notranjo zakonodajo.

2. Predstavniki delodajalca in delavcev v obratu z nevarnostjo večjih nesreč morajo imeti možnost spremljati inšpektorje pri nadzoru nad izvajanjem ukrepov, sprejetih na podlagi te konvencije, razen če inšpektorji v skladu s splošnimi navodili pristojnega organa menijo, da bi to lahko vplivalo na opravljanje njihovih nalog.

19. člen

Pristojni organ ima pravico ustaviti dejavnost, ki pomeni neposredno nevarnost večje nesreče.

PART V. RIGHTS AND DUTIES OF WORKERS AND THEIR REPRESENTATIVES

Article 20

The workers and their representatives at a major hazard installation shall be consulted through appropriate cooperative mechanisms in order to ensure a safe system of work. In particular, the workers and their representatives shall:

- (a) be adequately and suitably informed of the hazards associated with the major hazard installation and their likely consequences;
- (b) be informed of any orders, instructions or recommendations made by the competent authority;
- (c) be consulted in the preparation of, and have access to, the following documents:
 - (i) the safety report;
 - (ii) emergency plans and procedures;
 - (iii) accident reports;

(d) be regularly instructed and trained in the practices and procedures for the prevention of major accidents and the control of developments likely to lead to a major accident and in the emergency procedures to be followed in the event of a major accident;

(e) within the scope of their job, and without being placed at any disadvantage, take corrective action and if necessary interrupt the activity where, on the basis of their training and experience, they have reasonable justification to believe that there is an imminent danger of a major accident, and notify their supervisor or raise the alarm, as appropriate, before or as soon as possible after taking such action;

(f) discuss with the employer any potential hazards they consider capable of generating a major accident and have the right to notify the competent authority of those hazards.

Article 21

Workers employed at the site of a major hazard installation shall:

- (a) comply with all practices and procedures relating to the prevention of major accidents and the control of developments likely to lead to a major accident within the major hazard installation;
- (b) comply with all emergency procedures should a major accident occur.

PART VI. RESPONSIBILITY OF EXPORTING STATES

Article 22

When, in an exporting member State, the use of hazardous substances, technologies or processes is prohibited as a potential source of a major accident, the information on this prohibition and the reasons for it shall be made available by the exporting member State to any importing country.

PART VII. FINAL PROVISIONS

Article 23

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 24

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General.
2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.

V. DEL – PRAVICE IN OBVEZNOSTI DELAVCEV IN NJIHOVIH PREDSTAVNIKOV

20. člen

Z delavci v obratu z nevarnostjo večjih nesreč in njihovi predstavniki se je treba na primeren način posvetovati in sodelovati z njimi, da se zagotovi varno delo. Delavci in njihovi predstavniki morajo predvsem:

(a) biti zadostno in ustrezeno obveščeni o nevarnostih, ki so povezane z obratom z nevarnostjo večjih nesreč, in o njihovih mogočih posledicah;

(b) biti obveščeni o vseh odredbah, navodilih ali priporočilih pristojnega organa;

(c) pri pripravi:

(i) varnostnega poročila,

(ii) načrtov in postopkov za ukrepanje v nujnih primerih,

(iii) poročil o nesreči

imeti možnost, da izrazijo mnenje o njih in da so jim dostopni;

(d) redno prejemati navodila in biti vključeni v usposabljanje za izvajanje postopkov za preprečevanje večjih nesreč in obvladovanje dogodkov, ki lahko privedejo do takih nesreč, ter za izvajanje nujnih postopkov ob večjih nesrečah;

(e) v okviru svojih nalog in ne da bi jim to lahko škodovalo, izvesti popravljalne ukrepe in po potrebi prekiniti delo, če na podlagi svojega znanja in izkušenj utemeljeno menijo, da obstaja neposredna nevarnost večje nesreče, in o tem obvestiti svojega predstojnika ali odvisno od primera sprožiti alarm pred izvedbo omenjenih ukrepov ali takoj, ko jih izvedejo;

(f) z delodajalcem obravnavati vsakršno mogočo nevarnost, ki po njihovem mnenju lahko povzroči večjo nesrečo, in imeti pravico uradno obvestiti pristojni organ o tej nevarnosti.

21. člen

Delavci, zaposleni v obratu z nevarnostjo večjih nesreč, morajo:

(a) upoštevati vso prakso in postopke za preprečevanje večjih nesreč in obvladovanje dogodkov, ki lahko privedejo do teh nesreč v obratih z nevarnostjo večjih nesreč;

(b) upoštevati vse postopke za ukrepanje v nujnih primerih ob večji nesreči.

VI. DEL – ODGOVORNOSTI DRŽAV IZVOZNIC

22. člen

Kadar je v državi članici izvoznici uporaba nevarnih snovi, tehnologij ali postopkov prepovedana, ker pomeni mogoč vir večje nesreče, mora ta država vsem državam uvoznicam dati na voljo podatke, ki se nanašajo na to prepoved in razloge zanjo.

VII. DEL – KONČNE DOLOČBE

23. člen

Listine o ratifikaciji te konvencije se pošljejo generalnemu direktorju Mednarodnega urada za delo v registracijo.

24. člen

1. Ta konvencija zavezuje samo tiste članice Mednarodne organizacije dela, katerih ratifikacije so registrirane pri generalnem direktorju.

2. Veljati začne dvanajst mesecev po dnevu, ko sta pri generalnem direktorju registrirani ratifikaciji dveh članic.

3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

Article 25

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 26

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations communicated to him by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 27

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciations registered by him in accordance with the provisions of the preceding Articles.

Article 28

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 29

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 25 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 30

The English and French versions of the text of this Convention are equally authoritative.

3. Po tem začne ta konvencija veljati za vsako članico dvanaest mesecev po dnevnu registracijo njene ratifikacije.

25. člen

1. Članica, ki je ratificirala to konvencijo, jo lahko odpove po preteklu desetih let po dnevu, ko je prvič začela veljati, z aktom, ki ga pošlje v registracijo generalnemu direktorju Mednarodnega urada za delo. Odpoved začne veljati šele po enem letu po dnevu registracije.

2. Vsaka članica, ki je ratificirala to konvencijo in v enem letu po izteku desetletnega obdobja iz prejšnjega odstavka ne uveljavi pravice do odpovedi po tem členu, ostane zavezana za nadaljnje desetletno obdobje, potem pa jo lahko pod pogoji iz tega člena odpove po izteku vsakega desetletnega obdobja.

26. člen

1. Generalni direktor Mednarodnega urada za delo uradno obvesti vse članice Mednarodne organizacije dela o registraciji vseh ratifikacij in odpovedi, ki mu jih pošljejo članice organizacije

2. Ko generalni direktor uradno obvesti članice organizacije o registraciji druge prejete ratifikacije, jih opozori tudi na dan začetka veljavnosti te konvencije.

27. člen

V skladu s 102. členom Ustanovne listine Združenih narodov generalni direktor Mednarodnega urada za delo sporoči generalnemu sekretarju Združenih narodov zaradi registracije vse podatke o vseh ratifikacijah in odpovedih, ki jih je registriral v skladu z določbami prejšnjih členov.

28. člen

Kadar koli meni, da je to potrebno, Administrativni svet Mednarodnega urada za delo predloži Generalni konferenci poročilo o izvajaju te konvencije in prouči, ali je primerno na dnevni red konference uvrstiti vprašanje o spremembri celotne konvencije ali njenega dela.

29. člen

1. Če konferenca sprejme novo konvencijo, ki to konvencijo v celoti ali delno spreminja, in če z novo konvencijo ni drugače določeno

(a) ratifikacija nove spremenjene konvencije, ki jo ratificira posamezna članica, zanje *ipso iure* povzroči takojšnjo odpoved te konvencije ne glede na določbe 25. člena, če in ko nova spremenjena konvencija začne veljati;

(b) od dneva, ko začne veljati nova spremenjena konvencija, ta konvencija članicam ni več na voljo za ratifikacijo.

2. Ta konvencija vsekakor še naprej velja v svoji sedanji obliki in vsebinai za tiste članice, ki so jo ratificirale, niso pa ratificirale spremenjene konvencije.

30. člen

Angleška in francoska različica besedila te konvencije sta enako verodostojni.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organization during its Eightieth Session which was held at Geneva and declared closed the twenty-second day of June 1993.

IN FAITH WHEREOF we have appended our signatures this twenty-third day of June 1993.

The President of the Conference
ASEM ABDEL-HAK

The Director-General of the International Labour Office
MICHEL HANSENNE

Zgornje besedilo je verodostojno besedilo konvencije, ki jo je pravilno sprejela Generalna konferenca Mednarodne organizacije dela na svojem osemdesetem zasedanju, ki je bilo v Ženevi in se je končalo dvaindvajsetega junija 1993.

V POTRDITEV TEGA sva to podpisala triindvajsetega junija 1993:

predsednik konference
ASEM ABDEL-HAK

generalni direktor Mednarodnega urada za delo
MICHEL HANSENNE

3. člen

Za izvajanje konvencije skrbi Ministrstvo za delo, družino in socialne zadeve v sodelovanju z Ministrstvom za okolje in prostor.

4. člen

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

Št. 200-06/09-4/9
Ljubljana, dne 19. novembra 2009
EPA 681-V

Državni zbor
Republike Slovenije
dr. Pavel Gantar l.r.
Predsednik

88. Zakon o ratifikaciji Konvencije o spremembi (spremenjene) Konvencije o varstvu materinstva iz leta 1952 (Konvencija MOD št. 183) (MKSVM)

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

U K A Z**o razglasitvi Zakona o ratifikaciji Konvencije o spremembi (spremenjene) Konvencije o varstvu materinstva iz leta 1952 (Konvencija MOD št. 183) (MKSVM)**

Razglašam Zakon o ratifikaciji Konvencije o spremembi (spremenjene) Konvencije o varstvu materinstva iz leta 1952 (Konvencija MOD št. 183) (MKSVM), ki ga je sprejel Državni zbor Republike Slovenije na seji 19. novembra 2009.

Št. 003-02-10/2009-5
Ljubljana, dne 27. novembra 2009

dr. Danilo Türk I.r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI KONVENCIJE O SPREMEMBI (SPREMENJENE) KONVENCIJE O VARSTVU MATERINSTVA IZ LETA 1952 (KONVENCIJA MOD ŠT. 183) (MKSVM)****1. člen**

Ratificira se Konvencija o spremembi (spremenjene) Konvencije o varstvu materinstva iz leta 1952 (Konvencija MOD št. 183), sprejeta na 88. zasedanju Generalne konference Mednarodne organizacije dela v Ženevi 15. junija 2000.

2. člen

Konvencija se v izvirniku v angleškem jeziku in prevodu v slovenskem jeziku glasi:

Convention 183**CONVENTION CONCERNING
THE REVISION OF THE MATERNITY PROTECTION
CONVENTION (REVISED), 1952**

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 88th Session on 30 May 2000, and

Noting the need to revise the Maternity Protection Convention (Revised), 1952, and the Maternity Protection Recommendation, 1952, in order to further promote equality of all women in the workforce and the health and safety of the mother and child, and in order to recognize the diversity in economic and social development of Members, as well as the diversity of enterprises, and the development of the protection of maternity in national law and practice, and

Noting the provisions of the Universal Declaration of Human Rights (1948), the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (1979), the United Nations Convention on the Rights of the Child (1989), the Beijing Declaration and Platform for Action (1995), the International Labour Organization's Declaration on Equality of Opportunity and Treatment for Women Workers (1975), the International Labour Organization's Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998), as well as the international labour Conventions and Recommendations aimed at ensuring equality of opportunity and treatment for men and women workers, in particular the Convention concerning Workers with Family Responsibilities, 1981, and

Taking into account the circumstances of women workers and the need to provide protection for pregnancy, which are the shared responsibility of government and society, and

Konvencija št. 183**KONVENCIJA
O SPREMEMBI (SPREMENJENE) KONVENCIJE
O VARSTVU MATERINSTVA IZ LETA 1952**

Generalna konferenca Mednarodne organizacije dela,

ki jo je v Ženevi sklical Administrativni svet Mednarodnega urada za delo in se je 30. maja 2000 sestala na svojem 88. zasedanju,

ob upoštevanju potrebe po spremembi (spremenjene) Konvencije o varstvu materinstva iz leta 1952 in priporočila o varstvu materinstva iz leta 1952, da bi še naprej spodbujala enakopravnost zaposlenih žensk, zdravje in varnost matere in otroka ter priznavala različnost gospodarskega in družbenega razvoja članic in različnost podjetij ter razvoj varstva materinstva v notranji zakonodaji in praksi, in

ob upoštevanju določb Splošne deklaracije o človekovih pravicah (1948), Konvencije Združenih narodov o odpravi vseh oblik diskriminacije žensk (1979), Konvencije Združenih narodov o otrokovih pravicah (1989), Pekinške deklaracije in izhodišč za ukrepanje (1995), Deklaracije Mednarodne organizacije dela o enakih možnostih in obravnavi vseh zaposlenih žensk (1975), Deklaracije Mednarodne organizacije dela o temeljnih načelih in pravicah pri delu in dopolnilnega dokumenta (1998) ter mednarodnih konvencij in priporočil s področja dela, namenjenih zagotavljanju enakih možnosti in enake obravnave delavcev in delavk, zlasti Konvencije o delavcih z družinskimi obveznostmi (1981), in

ob upoštevanju razmer zaposlenih žensk in potrebe po zagotavljanju varstva med nosečnostjo, kar je skupna odgovornost vlade in družbe, in

Having decided upon the adoption of certain proposals with regard to the revision of the Maternity Protection Convention (Revised), 1952, and Recommendation, 1952, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this fifteenth day of June of the year two thousand the following Convention, which may be cited as the Maternity Protection Convention, 2000.

SCOPE

Article 1

For the purposes of this Convention, the term "woman" applies to any female person without discrimination whatsoever and the term "child" applies to any child without discrimination whatsoever.

Article 2

1. This Convention applies to all employed women, including those in atypical forms of dependent work.

2. However, each Member which ratifies this Convention may, after consulting the representative organizations of employers and workers concerned, exclude wholly or partly from the scope of the Convention limited categories of workers when its application to them would raise special problems of a substantial nature.

3. Each Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organization, list the categories of workers thus excluded and the reasons for their exclusion. In its subsequent reports, the Member shall describe the measures taken with a view to progressively extending the provisions of the Convention to these categories.

HEALTH PROTECTION

Article 3

Each Member shall, after consulting the representative organizations of employers and workers, adopt appropriate measures to ensure that pregnant or breastfeeding women are not obliged to perform work which has been determined by the competent authority to be prejudicial to the health of the mother or the child, or where an assessment has established a significant risk to the mother's health or that of her child.

MATERNITY LEAVE

Article 4

1. On production of a medical certificate or other appropriate certification, as determined by national law and practice, stating the presumed date of childbirth, a woman to whom this Convention applies shall be entitled to a period of maternity leave of not less than 14 weeks.

2. The length of the period of leave referred to above shall be specified by each Member in a declaration accompanying its ratification of this Convention.

3. Each Member may subsequently deposit with the Director-General of the International Labour Office a further declaration extending the period of maternity leave.

4. With due regard to the protection of the health of the mother and that of the child, maternity leave shall include a period of six weeks' compulsory leave after childbirth, unless otherwise agreed at the national level by the government and the representative organizations of employers and workers.

po odločitvi, da sprejme nekatere predloge v zvezi s spremembou (spremenjene) konvencije o varstvu materinstva iz leta 1952 in priporočila iz leta 1952 pod četrtto točko dnevnega reda zasedanja, in

po odločitvi, da se ti predlogi oblikujejo kot mednarodna konvencija,

sprejema petnajstega junija leta dva tisoč to konvencijo z naslovom Konvencija o varstvu materinstva 2000.

PODROČJE UPORABE

1. člen

V tej konvenciji se uporablja izraz »ženska« za katero koli žensko brez diskriminacije in izraz »otrok« za katerega koli otroka brez diskriminacije.

2. člen

1. Ta konvencija se uporablja za vse zaposlene ženske, tudi tiste v neznačilnih oblikah odvisnega dela.

2. Vendar pa lahko vsaka članica, ki ratificira to konvencijo, po posvetu z reprezentativnimi organizacijami delodajalcev in delavcev v celoti ali delno ne uporablja te konvencije za tiste kategorije delavcev, katerim bi njena uporaba povzročila posebne in bistvene težave.

3. Vsaka članica, ki uporabi možnost iz prejšnjega odstavka, v prvem poročilu o uporabi konvencije, ki ga predloži v skladu z 22. členom Ustave Mednarodne organizacije dela, navede kategorije izvzetih delavcev in razloge za njihovo izvzetje. Članica v svojih nadaljnjih poročilih opiše ukrepe, ki jih je sprejela, da bi določbe konvencije postopoma razširila tudi na te kategorije.

VAROVANJE ZDRAVJA

3. člen

Vsaka članica po posvetu z reprezentativnimi organizacijami delodajalcev in delavcev sprejme ustrezne ukrepe, s katerimi zagotovi, da nosečnicam ali doječim materam ni treba opravljati dela, za katerega je pristojni organ določil, da škodljivo vpliva na zdravje matere ali otroka, ali za katerega je bilo ugotovljeno, da pomeni večje tveganje za zdravje matere ali njenega otroka.

PORODNIŠKI DOPUST

4. člen

1. Ženska, za katero se ta konvencija uporablja, ima ob predložitvi zdravniškega potrdila ali drugega ustreznega potrdila, na katerem je naveden predvideni datum poroda, kakor določata notranja zakonodaja in praksa, pravico do porodniškega dopusta v trajanju najmanj 14 tednov.

2. Trajanje zgoraj navedenega dopusta navede vsaka članica v izjavi, priloženi k ratifikaciji te konvencije.

3. Vsaka članica lahko pozneje pri generalnem direktorju Mednarodnega urada za delo vloži izjavo o podaljšanju porodniškega dopusta.

4. Za varovanje zdravja matere in otroka porodniški dopust vključuje obvezni šesttedenski dopust po rojstvu otroka, če se vlada in reprezentativne organizacije delodajalcev in delavcev na ravni države ne dogovorijo drugače.

5. The prenatal portion of maternity leave shall be extended by any period elapsing between the presumed date of childbirth and the actual date of childbirth, without reduction in any compulsory portion of postnatal leave.

LEAVE IN CASE OF ILLNESS OR COMPLICATIONS

Article 5

On production of a medical certificate, leave shall be provided before or after the maternity leave period in the case of illness, complications or risk of complications arising out of pregnancy or childbirth. The nature and the maximum duration of such leave may be specified in accordance with national law and practice.

BENEFITS

Article 6

1. Cash benefits shall be provided, in accordance with national laws and regulations, or in any other manner consistent with national practice, to women who are absent from work on leave referred to in Articles 4 or 5.

2. Cash benefits shall be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living.

3. Where, under national law or practice, cash benefits paid with respect to leave referred to in Article 4 are based on previous earnings, the amount of such benefits shall not be less than two-thirds of the woman's previous earnings or of such of those earnings as are taken into account for the purpose of computing benefits.

4. Where, under national law or practice, other methods are used to determine the cash benefits paid with respect to leave referred to in Article 4, the amount of such benefits shall be comparable to the amount resulting on average from the application of the preceding paragraph.

5. Each Member shall ensure that the conditions to qualify for cash benefits can be satisfied by a large majority of the women to whom this Convention applies.

6. Where a woman does not meet the conditions to qualify for cash benefits under national laws and regulations or in any other manner consistent with national practice, she shall be entitled to adequate benefits out of social assistance funds, subject to the means test required for such assistance.

7. Medical benefits shall be provided for the woman and her child in accordance with national laws and regulations or in any other manner consistent with national practice. Medical benefits shall include prenatal, childbirth and postnatal care, as well as hospitalization care when necessary.

8. In order to protect the situation of women in the labour market, benefits in respect of the leave referred to in Articles 4 and 5 shall be provided through compulsory social insurance or public funds, or in a manner determined by national law and practice. An employer shall not be individually liable for the direct cost of any such monetary benefit to a woman employed by him or her without that employer's specific agreement except where:

(a) such is provided for in national law or practice in a member State prior to the date of adoption of this Convention by the International Labour Conference; or

(b) it is subsequently agreed at the national level by the government and the representative organizations of employers and workers.

Article 7

1. A Member whose economy and social security system are insufficiently developed shall be deemed to be in compliance with Article 6, paragraphs 3 and 4, if cash benefits are provided at a rate no lower than a rate payable for sickness or temporary disability in accordance with national laws and regulations.

5. Predporodni del dopusta se podaljša za čas od predvidenega datuma poroda do rojstva otroka brez zmanjšanja obveznega dela poporodnega dopusta.

DOPUST ZARADI BOLEZNI ALI ZAPLETOV

5. člen

Ženska ima ob predložitvi zdravniškega potrdila pravico do dopusta pred porodniškim dopustom ali po njem zaradi bolezni, zapletov ali nevarnosti zapletov zaradi nosečnosti ali poroda. Vrsta in najdaljše trajanje takega dopusta se lahko določita v skladu z notranjo zakonodajo in prakso.

DAJATVE

6. člen

1. Denarne dajatve se v skladu z notranjimi zakoni in predpisi ali na kakršen koli drug način, ki je v skladu z notranjo prakso, zagotovijo ženskam, ki so odsotne z dela zaradi dopusta iz 4. ali 5. člena.

2. Denarne dajatve morajo biti take, da ženski omogočajo, da lahko skrbi za svoje zdravje in zdravje otroka, in ji zagotavljajo primerno življenjsko raven.

3. Kadar v skladu z notranjo zakonodajo ali prakso denarne dajatve, ki se izplačajo v zvezi z dopustom iz 4. člena, temeljijo na prejšnjih zaslužkih, morajo znašati najmanj dve tretjini prejšnjih zaslužkov ali tistega njihovega dela, ki se upošteva pri izračunu dajatev.

4. Kadar se v skladu z notranjo zakonodajo ali prakso uporabljajo drugi načini za določanje denarnih dajatev v zvezi z dopustom iz 4. člena, morajo biti take dajatve primerljive s povprečnim zneskom, ki izhaja iz uporabe prejšnjega odstavka.

5. Vsaka članica zagotovi, da lahko pogoje za pridobitev pravice do denarnih dajatev izpolni velika večina žensk, za katere se uporablja ta konvencija.

6. Kadar ženska v skladu z notranjo zakonodajo in predpisi ali na kakršen koli drug način, ki je v skladu z notranjo prakso, ne izpolnjuje pogojev za pridobitev pravice do denarnih dajatev, je upravičena do primernih dajatev v okviru socialnega varstva, ki se določijo glede na premoženjsko stanje.

7. Dajatve zdravstvenega varstva se ženski in njenemu otroku zagotovijo v skladu z notranjo zakonodajo in predpisi ali na kakršen koli drug način, ki je v skladu z notranjo prakso. Dajatve zdravstvenega varstva vključujejo predporodno, obporodno in poporodno oskrbo ter bolnišnično oskrbo, če je to potrebno.

8. Da bi zaščitili položaj žensk na trgu dela, se dajatve v zvezi z dopustom iz 4. in 5. člena zagotovijo iz skladov obveznega socialnega zavarovanja ali javnih skladov ali na način, ki ga določata notranja zakonodaja in praksa. Delodajalec brez posebnega dogovora ni osebno zavezan za neposredno plačilo takih denarnih dajatev svoji delavki, razen:

(a) kadar je tako določeno v notranji zakonodaji ali praksi države članice pred datumom, ko je Mednarodna konferenca dela sprejela to konvencijo, ali

(b) kadar se vlada in reprezentativne organizacije delodajalcev in delavcev na ravni države pozneje tako dogovorijo.

7. člen

1. Šteje se, da članica z nezadostno razvitim gospodarskim sistemom in sistemom socialne varnosti ravna v skladu s tretjim in četrtem odstavkom 6. člena, če v skladu z notranjo zakonodajo in predpisi zagotovi denarne dajatve po stopnji, ki ni nižja od stopnje dajatev ob bolezni ali začasni nezmožnosti za delo.

2. A Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of this Convention under article 22 of the Constitution of the International Labour Organization, explain the reasons therefor and indicate the rate at which cash benefits are provided. In its subsequent reports, the Member shall describe the measures taken with a view to progressively raising the rate of benefits.

EMPLOYMENT PROTECTION AND NON-DISCRIMINATION

Article 8

1. It shall be unlawful for an employer to terminate the employment of a woman during her pregnancy or absence on leave referred to in Articles 4 or 5 or during a period following her return to work to be prescribed by national laws or regulations, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing. The burden of proving that the reasons for dismissal are unrelated to pregnancy or childbirth and its consequences or nursing shall rest on the employer.

2. A woman is guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of her maternity leave.

Article 9

1. Each Member shall adopt appropriate measures to ensure that maternity does not constitute a source of discrimination in employment, including – notwithstanding Article 2, paragraph 1 – access to employment.

2. Measures referred to in the preceding paragraph shall include a prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work that is:

(a) prohibited or restricted for pregnant or nursing women under national laws or regulations; or

(b) where there is a recognized or significant risk to the health of the woman and child.

BREASTFEEDING MOTHERS

Article 10

1. A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child.

2. The period during which nursing breaks or the reduction of daily hours of work are allowed, their number, the duration of nursing breaks and the procedures for the reduction of daily hours of work shall be determined by national law and practice. These breaks or the reduction of daily hours of work shall be counted as working time and remunerated accordingly.

PERIODIC REVIEW

Article 11

Each Member shall examine periodically, in consultation with the representative organizations of employers and workers, the appropriateness of extending the period of leave referred to in Article 4 or of increasing the amount or the rate of the cash benefits referred to in Article 6.

IMPLEMENTATION

Article 12

This Convention shall be implemented by means of laws or regulations, except in so far as effect is given to it by other means such as collective agreements, arbitration awards, court decisions, or in any other manner consistent with national practice.

2. Članica, ki uporabi možnost iz prejšnjega odstavka, v prvem poročilu o uporabi konvencije, ki ga predloži v skladu z 22. členom Ustave Mednarodne organizacije dela, navede razloge in stopnjo, po kateri zagotovi denarne dajatve. Članica v svojih nadaljnjih poročilih opisuje ukrepe, ki jih je sprejela za postopno povečanje stopnje dajatev.

VARSTVO ZA POSLITVE IN NEDISKRIMINACIJA

8. člen

1. Delodajalec ravna nezakonito, če prekine delovno razmerje z delavko med njeno nosečnostjo ali odsotnostjo z dela zaradi dopusta iz 4. ali 5. člena ali v obdobju po njeni vrnitvi na delo, določenem z notranjo zakonodajo in predpisi, razen če to storiti zaradi razlogov, ki niso povezani z nosečnostjo ali rojstvom otroka, njenimi posledicami ali nego otroka. Dokazno breme, da razlogi za odpoved niso povezani z nosečnostjo, rojstvom otroka in njenimi posledicami ali nego otroka, nosi delodajalec.

2. Ženski je zagotovljena pravica, da se po končanem porodniškem dopustu vrne na isto ali enakovredno in enako plačano delovno mesto.

9. člen

1. Vsaka članica sprejme ustrezone ukrepe, s katerimi zagotovi, da ministerstvo ni vir diskriminacije pri zaposlitvi, vključno – ne glede na prvi odstavek 2. člena – z dostopnostjo zaposlitve.

2. Ukrepi iz prejšnjega odstavka prepovedujejo zahtevo za preizkus nosečnosti ali potrdilo o takem preizkusu od ženske, ki se prijavlja na delovno mesto, razen kadar to zahtevajo notranja zakonodaja ali predpisi v zvezi z delom, ki:

(a) je po notranji zakonodaji ali predpisih prepovedano ali omejeno za nosečnice ali ženske, ki negujejo otroka, ali

(b) pomeni večje tveganje za zdravje ženske in otroka.

DOJEČE MATERE

10. člen

1. Ženska ima pravico do enega ali več dnevnih odmorov ali krajskega dnevnega delovnega časa zaradi dojenja otroka.

2. Obdobje, v katerem se dovolijo odmori za dojenje ali krajski dnevni delovni čas, število in trajanje odmorov za dojenje ali postopki za skrajšanje dnevnega delovnega časa se določijo z notranjo zakonodajo in prakso. Ti odmori in krajski dnevni delovni čas se vštevajo v delovni čas in se temu ustrezno plačajo.

REDNI PREGLEDI

11. člen

Vsaka članica po posvetu z reprezentativnimi organizacijami delodajalcev in delavcev redno pregleduje ustreznost podaljševanja dopusta iz 4. člena ali povečevanja višine ali stopnje denarnih dajatev iz 6. člena.

IZVAJANJE

12. člen

Ta konvencija se izvaja z zakoni in predpisi, razen če se izvaja z drugimi sredstvi, kakor so kolektivne pogodbe, razsodbe, sodne odločbe, ali na kakršen koli drug način, ki je v skladu z notranjo prakso.

FINAL PROVISIONS

Article 13

This Convention revises the Maternity Protection Convention (Revised), 1952.

Article 14

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 15

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.

2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

Article 16

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 17

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

Article 18

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Article 19

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 20

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:

(a) the ratification by a Member of the new revising Convention shall *ipso iure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 16 above, if and when the new revising Convention shall have come into force;

KONČNE DOLOČBE

13. člen

Ta konvencija spreminja (spremenjeno) konvencijo o varstvu materinstva iz leta 1952.

14. člen

Listine o ratifikaciji te konvencije se pošljejo generalnemu direktorju Mednarodnega urada za delo v registracijo.

15. člen

1. Ta konvencija zavezuje samo tiste članice Mednarodne organizacije dela, katerih ratifikacije so registrirane pri generalnem direktorju Mednarodnega urada za delo.

2. Veljati začne dvanajst mesecev po dnevnu, ko sta pri generalnem direktorju registrirani ratifikaciji dveh članic.

3. Po tem začne ta konvencija veljati za vsako članico dvanajst mesecev po dnevnu registraciju njene ratifikacije.

16. člen

1. Članica, ki je ratificirala to konvencijo, jo lahko odpove po preteku desetih let po dnevnu, ko je prvič začela veljati, z aktom, ki ga pošlje v registracijo generalnemu direktorju Mednarodnega urada za delo. Odpoved začne veljati šele po enem letu po dnevnu registracije.

2. Vsaka članica, ki je ratificirala to konvencijo in v enem letu po izteku desetletnega obdobja iz prejšnjega odstavka ne uveljavi pravice do odpovedi po tem členu, ostane zavezana za nadaljnje desetletno obdobje, potem pa jo lahko pod pogoji iz tega člena odpove po izteku vsakega desetletnega obdobja.

17. člen

1. Generalni direktor Mednarodnega urada za delo uradno obvesti vse članice Mednarodne organizacije dela o registraciji vseh ratifikacij in odpovedi, ki mu jih pošljejo članice organizacije.

2. Ko generalni direktor uradno obvesti članice organizacije o registraciji druge ratifikacije, jih opozori tudi na dan začetka veljavnosti te konvencije.

18. člen

V skladu s 102. členom ustanovne listine Združenih narodov generalni direktor Mednarodnega urada za delo sporoči generalnemu sekretarju Združenih narodov zaradi registracije vse podatke o vseh ratifikacijah in odpovedih, ki jih je registriral v skladu z določbami prejšnjih členov.

19. člen

Kadar koli meni, da je to potrebno, administrativni svet Mednarodnega urada za delo predloži generalni konferenci poročilo o izvajanju te konvencije in prouči, ali je primerno na dnevnini red konference uvrstiti vprašanje o spremembni celotne konvencije ali njenega dela.

20. člen

1. Če konferenca sprejme novo konvencijo, ki to konvencijo v celoti ali delno spreminja, in če z novo konvencijo ni drugače določeno:

(a) ratifikacija nove spremenjene konvencije, ki jo ratificira posamezna članica, zanje *ipso iure* povzroči takojšnjo odpoved te konvencije ne glede na določbe 16. člena, če in ko nova spremenjena konvencija začne veljati;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 21

The English and French versions of the text of this Convention are equally authoritative.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organization during its Eighty-eighth Session which was held at Geneva and declared closed on 15 June 2000.

IN FAITH WHEREOF we have appended our signatures this sixteenth day of June 2000.

The President of the Conference
MARIO ALBERTO FLAMARIQUE

The Director-General of the International Labour Office
JUAN SOMAVIA

(b) od dneva, ko začne veljati nova spremenjena konvencija, ta konvencija članicam ni več na voljo za ratifikacijo.

2. Ta konvencija vsekakor še naprej velja v svoji sedanji obliki in vsebinu za tiste članice, ki so jo ratificirale, niso pa ratificirale spremenjene konvencije.

21. člen

Angleška in francoska različica besedila te konvencije sta enako verodostojni.

Zgornje besedilo je verodostojno besedilo konvencije, ki jo je pravilno sprejela Generalna konferenca Mednarodne organizacije dela na svojem osemnajsetem zasedanju, ki je bilo v Ženevi in se je končalo 15. junija 2000.

V POTRDITEV TEGA sva to podpisala šestnajstega junija 2000:

predsednik konference
MARIO ALBERTO FLAMARIQUE

generalni direktor Mednarodnega urada za delo
JUAN SOMAVIA

3. člen

Republika Slovenija hkrati odpove Konvencijo o zaposlovanju žensk pred porodom in po porodu iz leta 1919 (Konvencija MOD št. 3).

4. člen

Za izvajanje konvencije skrbi Ministrstvo za delo, družino in socialne zadeve.

5. člen

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

Št. 542-09/09-1/9
Ljubljana, dne 19. novembra 2009
EPA 630-V

Državni zbor
Republike Slovenije
dr. Pavel Gantar l.r.
Predsednik

89. Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Svetom ministrov Republike Albanije o mednarodnem cestnem prevozu potnikov in blaga (BALCP)

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 med Vlado Republike Slovenije in Svetom ministrov Republike Albanije o mednarodnem cestnem prevozu potnikov in blaga (BALCP)

Razglašam Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Svetom ministrov Republike Albanije o mednarodnem cestnem prevozu potnikov in blaga (BALCP), ki ga je sprejel Državni zbor Republike Slovenije na seji 19. novembra 2009.

Št. 003-02-10/2009-4
Ljubljana, dne 27. novembra 2009

dr. Danilo Türk l.r.
Predsednik
Republike Slovenije

Z A K O N

O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN SVETOM MINISTROV REPUBLIKE ALBANIJE O MEDNARODNEM CESTNEM PREVOZU POTNIKOV IN BLAGA (BALCP)

1. člen

Ratificira se Sporazum med Vlado Republike Slovenije in Svetom ministrov Republike Albanije o mednarodnem cestnem prevozu potnikov in blaga, sklenjen v Ljubljani 17. julija 2007.

2. člen

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

A G R E E M E N T

B E T W E E N

THE GOVERNMENT OF REPUBLIC OF SLOVENIA AND THE COUNCIL OF MINISTERS OF REPUBLIC OF ALBANIA ON INTERNATIONAL TRANSPORT OF PASSENGERS AND GOODS BY ROAD

The Council of Ministers of the Republic of Albania and the Government of the Republic of Slovenia, hereinafter referred to as the Contracting Parties;

Anxious to contribute to the development of trade and economic relations between the two countries;

Determined to promote collaboration in road transport within the framework of the market economy;

Concerned about environment and people protection, the rational use of energy, road safety and the improvement of drivers' working conditions;

Aiming towards the development of transport intermodality;

Recognising the mutual advantage of development of road transport;

Have agreed as follows:

PART I – GENERAL PROVISIONS

Article 1

SCOPE

The provisions of this Agreement shall apply to the carriage of goods and passengers by road between the territories of the Contracting Parties, in transit through their territories and to or from third countries performed by carriers established on the territory of one of the Contracting Parties.

The present Agreement does not affect the rights and obligations arising from the other international agreements the Contracting Parties have signed.

S P O R A Z U M

M E D

**VLADO REPUBLIKE SLOVENIJE
IN SVETOM MINISTROV REPUBLIKE ALBANIJE
O MEDNARODNEM CESTNEM PREVOZU
POTNIKOV IN BLAGA**

Vlada Republike Slovenije in Svet ministrov Republike Albanije (v nadaljevanju: pogodbenci) sta se

v želji prispevati k razvoju trgovinskih in gospodarskih odnosov med državama,

odločeni spodbujati sodelovanje v cestnem prevozu v okviru tržnega gospodarstva,

v skrbi za varstvo okolja in ljudi, racionalno uporabo energije, varnost na cesti in izboljšanje delovnih pogojev voznikov,

v prizadevanju za razvoj različnih načinov prevoza in

ob priznavanju medsebojne koristi razvoja cestnega prometa

sporazumeli o naslednjem:

I. DEL – SPLOŠNE DOLOČBE

1. člen

Področje uporabe

Določbe tega sporazuma se uporabljajo za cestni prevoz blaga in potnikov med ozemljema pogodbenic, tranzit čez njuni ozemlji in v tretje države ali iz njih, opravljajo pa ga prevozniki, ki imajo sedež podjetja na ozemlju ene od pogodbenic.

Ta sporazum ne vpliva na pravice in obveznosti, ki izhajajo iz drugih mednarodnih sporazumov, ki sta jih podpisali pogodbenci.

Article 2**Definitions**

The terms used in this Agreement have the following meaning:

1. **“Transport Operator”** means any natural or legal person established on the territory of one of the Contracting Parties and authorised to carry out transport of passengers or goods.

2. **“Vehicle”** means a motor vehicle or a combination of vehicles of which at least the motor vehicle is registered in the country of either Contracting Party and which is used and equipped exclusively for the carriage of passengers or goods.

3. **“Transport”** means the runs of a vehicle, either laden or unladen even if the vehicle, trailer or semi-trailer is carried by train or boat for part of the journey.

4. **“Cabotage”** means the transport of passengers or goods carried out by a transport operator of the country of one Contracting Party between individual places within the territory of the other Contracting Party.

5. **“Territory of a Contracting Party”** means respectively the territory of the Republic of Slovenia and the territory of the Republic of Albania.

6. **“Country of establishment”** means the territory of a Contracting Party within which the transport operator is established and the vehicle registered.

7. **“Host country”** means the territory of a Contracting Party in which the transport operator is operating without its vehicle being registered there and without the transport operator being established there.

8. **“Bus”** means a vehicle registered on the territory of one of the Contracting Parties and by virtue of construction and equipment suitable and intended for the transport of passengers, which have, in addition to the driver's seat, more than eight sitting places.

9. **“Regular passenger service”** means a service whereby passengers are carried over a specified route, according to a timetable and rates set and published in advance. Passengers are picked up or set down at predetermined stopping points.

10. **“Shuttle service”** means a service whereby, by means of repeated outward and return journeys, previously formed groups of passengers are carried from a single place of departure to a single place of destination. Each group, consisting of the passengers who made the outward journey, is carried back to the place of departure on a later journey. Place of departure and place of destination respectively means the place where the journey begins and the place where the journey ends, together with, in each case, the surrounding locality within a 50 km radius.

A shuttle service may include accommodation of passengers at its destination and, if needed, during the journey.

The first return journey and the last outward journey in a series of shuttles are made unladen.

11. **“Occasional service”** means a service falling neither within the definition of a regular passenger service nor within the definition of a shuttle service. The frequency or number of services does not affect their classification as an occasional service.

12. **“Control document”** means the passenger waybill for buses, which is in conformity with the specimen agreed upon by the Joint Committee referred to in Article 14 of the present Agreement.

13. **“Authorisation/Permit”** means the document, issued by the competent authorities of either Contracting Party which shall grant the right/possibility to the vehicle registered in the territory of the other Contracting Party to perform a journey to or through the territory of the Contracting Party which has issued the authorisation/permit.

2. člen**Opredelitev izrazov**

Izrazi v tem sporazumu pomenijo:

1. **»prevoznik«** je katera koli fizična ali pravna oseba, ki ima sedež podjetja na ozemlju ene od pogodbenic in je pooblaščena za prevoz potnikov ali blaga;

2. **»vozilo«** je motorno vozilo ali kombinacija vozil, od katerih je vsaj motorno vozilo registrirano v državi ene ali druge pogodbenice in se uporablja ter je opremljeno izključno za prevoz potnikov ali blaga;

3. **»prevoz«** je vožnja s polnim ali praznim vozilom, tudi če se vozilo, priklopnik ali polpriklopnik del vožnje prevaža z vlakom ali ladjo;

4. **»kabotaža«** je prevoz potnikov ali blaga, ki ga prevoznik države ene pogodbenice opravlja med posameznimi kraji na ozemlju druge pogodbenice;

5. **»ozemlje pogodbenice«** je ozemlje Republike Slovenije oziroma ozemlje Republike Albanije;

6. **»država, v kateri je sedež podjetja«** je ozemlje pogodbenice, na katerem ima prevoznik sedež svojega podjetja in kjer je vozilo registrirano;

7. **»država gostiteljica«** je ozemlje pogodbenice, po katerem prevoznik opravlja prevoz, ne da bi imel na njem registrirano vozilo in sedež svojega podjetja;

8. **»avtobus«** je vozilo, ki je registrirano na ozemlju ene od pogodbenic in je po konstrukciji in opremi primerno in namenjeno prevozu potnikov ter ima poleg voznikovega sedeža več kot osem sedežev;

9. **»linijski prevoz potnikov«** je prevoz potnikov na določeni progi, ki se opravlja v skladu z vnaprej določenim in objavljenim voznim redom in tarifami. Potniki vstopajo ali izstopajo na vnaprej določenih postajališčih;

10. **»izmenični prevoz«** je prevoz, pri katerem se vnaprej oblikovane skupine potnikov prevažajo z več vožnjami tja in nazaj iz istega odhodnega kraja v isti namembni kraj. Vsaka skupina, sestavljena iz potnikov, ki so odpotovali skupaj, je pozneje pripeljana nazaj v odhodni kraj. Odhodni oziroma namembni kraj pomeni kraj, kjer se vožnja začne oziroma kraj, kjer se vožnja konča, pri čemer so v vsakem primeru vključeni okoliški kraji v polmeru 50 km.

Izmenični prevoz lahko vključuje nastanitev potnikov v namembnem kraju in, če je potrebno, med vožnjo.

V nizu izmeničnih voženj se prva vožnja nazaj v odhodni kraj in zadnja vožnja v namembni kraj opravita s praznim vozilom.

11. **»občasnji prevoz«** je prevoz, ki ni opredeljen niti kot linijski prevoz potnikov niti kot izmenični prevoz. Pogostost ali število prevozov ne vpliva na njihovo uvrstitev v občasnji prevoz;

12. **»kontrolni dokument«** je potniška spremnica za avtobuse, ki je skladna z vzorcem, o katerem se dogovori skupni odbor, naveden v 14. členu tega sporazuma;

13. **»dovoljenje/dovolilnica«** je dokument, ki ga izdata pristojna organa pogodbenic. Ta dokument zagotavlja pravico/možnost, da lahko vozilo, ki je registrirano na ozemlju druge pogodbenice, potuje na ozemlje pogodbenice, ki je izdala dovoljenje/dovolilnico, ali čezenj;

14. "Transit" means the transport of passengers and/or goods by a vehicle registered in the territory of one Contracting Party through the territory of the other Contracting Party.

15. The term "Dangerous goods" means the goods which by virtue of properties and features inherent to them, while being transported, loaded, unloaded and stored, can be the cause of damage to hardware, equipment, buildings and constructions, as well as of death, injury or sickness of people, animals, and damage to environment.

Part II – PASSENGER TRANSPORT

Article 3

Regular service

1. Regular passenger services operated between the territories of the Contracting Parties or in transit through their territories are subject to a system of authorisations issued by the competent authority of the Contracting Parties.

2. The authorisation application should be made to the competent authority in the country of establishment of the transport operator. If the competent authority approves the application, the authorisation is communicated to the competent authority of the other Contracting Party.

The Joint Committee set up under Article 14 of the present Agreement hereof decides on the form that the authorisation application takes and the supporting documents required.

3. Authorisations are issued by the competent authorities of the Contracting Parties by joint agreement.

The decision to grant or refuse the issue of an authorisation is taken within a period of three months unless there are special circumstances.

Authorisations are valid for a maximum of five years. They set out the operating conditions, including environmental and safety standards which vehicles must meet.

4. Changes in operating conditions and the cancellation of the service are decided under the procedure set out in paragraph 2 and 3 of this Article.

If there is no longer any demand for the service, the operator can cancel it, giving a three months notice to the competent authorities which issued the authorisations and to customers.

Article 4

Occasional and shuttle services

1. The occasional and the shuttle passenger services operated between the territories of the Contracting Parties and in transit through their territories are subject to a system of permits issued by the competent authorities of the Contracting Parties.

The Joint Committee set under Article 14 of the present Agreement hereof agrees upon technical, environmental and safety standards requirements that the vehicles carrying out the transport stipulated by this article must comply with.

2. As an exception to paragraph 1 of this Article, the services listed below are exempt from permit system on the territory of the host country:

a) closed-door tours whereby the same vehicle is used to carry the same group of passengers throughout the journey and to bring them to the place of departure;

b) services which make the outward journey laden and the return journey unladen;

c) services which make the outward journey unladen and the return journey laden, provided that passengers have been previously brought by the same carrier to the territory of the Contracting Party where they are picked up again and carried to the territory of the country of establishment.

3. The picking up of passengers on a liberalised service journey is not permitted unless special permit is granted.

14. »tranzit« je prevoz potnikov in/ali blaga čez ozemlje druge pogodbenice z vozilom, ki je registrirano na ozemlju ene pogodbenice;

15. izraz »nevarne snovi« so snovi, ki lahko glede na svoje lastnosti in značilnosti med prevozom, natovarjanjem, raztovarjanjem in skladisčenjem povzročijo škodo na strojni opremi, opremi, stavbah ali konstrukcijah kakor tudi smrt, poškodbe ali bolezni ljudi in živali ter škodo v okolju.

II. DEL – PREVOZ POTNIKOV

3. člen

Linijski prevoz

1. Za linijski prevoz potnikov, ki se opravlja med ozemljema pogodbenic ali tranzitno čez njuni ozemlji, velja sistem dovoljenj, ki jih izda pristojni organ pogodbenic.

2. Vlogo za dovoljenje je treba predložiti pristojnemu organu v državi, v kateri ima prevoznik sedež svojega podjetja. Če pristojni organ vlogo odobri, se dovoljenje pošlje pristojnemu organu druge pogodbenice.

O obliki vloge za dovoljenje in dokumentih, ki ji morajo biti priloženi, odloča skupni odbor, ustanovljen po 14. členu tega sporazuma.

3. Dovoljenja izdata na podlagi skupnega dogovora pristojnega organa pogodbenic.

Odločitev, da se dovoljenje odobri ali zavrne, se sprejme v treh mesecih, razen v posebnih okoliščinah.

Dovoljenja veljajo največ pet let. Določajo pogoje opravljanja prevozov, tudi okoljevarstvene in varnostne standarde, ki jih morajo vozila izpolnjevati.

4. O spremembah pogojev opravljanja prevozov in odpovedi linije se odloča po postopku, določenem v drugem in tretjem odstavku tega člena.

Če ni več povpraševanja po liniji, jo lahko prevoznik odpove s trimesečnim odpovednim rokom pristojnim organoma, ki sta dovoljenji izdala, in strankam.

4. člen

Občasni in izmenični prevozi

1. Za občasne in izmenične prevoze, ki se opravljajo med ozemljema pogodbenic in tranzitno čez njuni ozemlji, velja sistem dovolilnic, ki sta jih izdala pristojna organa pogodbenic.

Skupni odbor, ustanovljen po 14. členu tega sporazuma, se dogovori o zahtevanih tehničnih, okoljevarstvenih in varnostnih standardih, ki veljajo za vozila, ki opravljajo prevoz po tem členu.

2. Kot izjema k prvemu odstavku so spodaj navedeni prevozi oproščeni sistema dovolilnic na ozemlju države gostiteljice:

a) krožne vožnje zaprtih vrat, pri katerih se isto vozilo uporablja za prevoz iste skupine potnikov ves čas potovanja in jo tudi pripelje nazaj v odhodni kraj,

b) prevoz s polnim vozilom v namembni kraj in s praznim vozilom nazaj v odhodni kraj,

c) prevoz s praznim vozilom v namembni kraj in s polnim vozilom nazaj v odhodni kraj pod pogojem, da je potnike prej pripeljal isti prevoznik na ozemlje pogodbenice, na katerem jih spet prevzame in odpelje na ozemlje države, na katerem ima sedež svojega podjetja.

3. Med potovanjem z liberaliziranim prevozom ni dovoljeno sprejemati potnikov v vozilo, razen če je za to izdana posebna dovolilnica.

The Joint Committee set up under Article 14 of the present Agreement hereof may extend the permit exemption to other categories of occasional services.

4. The permit application should be made to the competent authority in the host country.

The Joint Committee set up under Article 14 of the present Agreement hereof decides on the form that the permit application takes and the supporting documents required.

5. The occasional services exempted from permit requirements and operated by using buses must be covered by a control document. The conditions of use and the content of the control document are laid down by the Joint Committee referred to in Article 14 of the present Agreement hereof.

Article 5

Provisions common to passenger services

1. Transport permits are not transferable to other transport operators.

2. The running of cabotage services is prohibited.

PART III – GOODS TRANSPORT

Article 6

Permit system

1. Transport operators established on the territory of a Contracting Party may, under the system of universal permits, undertake:

a) transport between the territories of the two Contracting Parties;

b) transit transport;

c) transport between a point on the territory of the other Contracting Party and a point on the territory of a third country, if the itinerary passes through the territory of the country of where the vehicle is registered.

2. Transport between a point on the territory of the other Contracting Party and a point on the territory of the third country is performed with a special permit if the itinerary does not pass through the territory of the country of the registration.

3. Cabotage is only permitted with the special authorisation of the host country.

4. The Joint Committee set up under Article 14 of the present Agreement lays down other types of permits. If necessary it may put forward proposals on the running of transport without permits.

Article 7

Exemption from permit requirements

1. Permits referred to in Article 6 of the present Agreement are not required for:

a) transport by vehicles whose Total Permissible Laden Weight [TPLW], including trailers, does not exceed 6 tons, or when the permitted payload, including trailers, does not exceed 3.5 tons;

b) transport on an occasional basis, to or from airports, in case air services are diverted;

c) transport of vehicles which are damaged or have broken down and the runs of breakdown repair vehicles;

d) unladen runs by a goods vehicle sent to replace a vehicle which has broken down in another country, and also the return run, after repair of the vehicle that had broken down;

e) transport of medical supplies and equipment needed for emergencies, more particularly in response to natural disasters and also a humanitarian aid;

f) transport of works and objects of art for fairs and exhibitions or for non-commercial purposes;

g) transport for non-commercial purposes of properties, accessories and animals to or from theatrical, musical, film, sports or circus performances and fairs, and those intended for radio recordings, or for film or television production;

Skupni odbor, ustanovljen po 14. členu tega sporazuma, lahko dopolni vrste občasnega prevoza, za katere dovolilnice niso potrebne.

4. Vlogo za dovolilnico je treba predložiti pristojnemu organu v državi gostiteljici.

Skupni odbor, ustanovljen po 14. členu tega sporazuma, odloča o obliku vloge za dovolilnico in o dokumentih, ki ji morajo biti priloženi.

5. Za občasni prevoz, ki je oproščen dovolilnic in se opravlja z avtobusi, je potreben kontrolni dokument. Pogoje za uporabo in vsebino kontrolnega dokumenta določi skupni odbor, naveden v 14. členu tega sporazuma.

5. člen

Skupne določbe za prevoz potnikov

1. Dovolilnice za prevoz niso prenosljive na druge prevoznike.

2. Opravljanje kabotaže je prepovedano.

III. DEL – PREVOZ BLAGA

6. člen

Sistem dovolilnic

1. Prevozniki, katerih sedež podjetja je na ozemlju ene od pogodbenic, lahko na podlagi sistema univerzalnih dovolilnic opravljajo:

a) prevoz med ozemljema pogodbenic,

b) tranzit,

c) prevoz med krajem na ozemlju druge pogodbenice in krajem na ozemlju tretje države, če itinerar poteka čez ozemlje države, v kateri je vozilo registrirano.

2. Prevoz med krajem na ozemlju druge pogodbenice in krajem na ozemlju tretje države se opravlja s posebno dovolilnico, če itinerar ne poteka čez ozemlje države registracije.

3. Kabotaža je dovoljena samo s posebnim dovoljenjem države gostiteljice.

4. Skupni odbor, ustanovljen po 14. členu tega sporazuma, določa druge tipe dovolilnic. Če je potrebno, lahko daje predloge za opravljanje prevoza brez dovolilnice.

7. člen

Prevoz, za katerega dovolilnice niso potrebne

1. Dovolilnice iz 6. člena tega sporazuma niso potrebne za:

a) prevoz z vozili, katerih skupna dovoljena masa, skupaj s priklopni, ne presega 6 ton ali katerih dovoljena nosilnost, skupaj s priklopni, ne presega 3,5 tone,

b) občasen prevoz na letališča ali z njih, kadar je letalski prevoz preusmerjen,

c) prevoz poškodovanih ali pokvarjenih vozil in prevoz servisnih vozil,

d) vožnje praznega tovornega vozila, poslanega kot zamjenjava za vozilo, ki se je pokvarilo v drugi državi in po popravilu tudi povratna vožnja vozila, ki se je pokvarilo,

e) prevoz medicinskih potrebščin in opreme za nujne primere, zlasti ob naravnih nesrečah in človekoljubnih potrebah,

f) prevoz umetniških del in predmetov za sejme in razstave ali za nekomercialne namene,

g) prevoz gledaliških revkvizitov, pripomočkov in živali na gledališke, glasbene, filmske, športne ali cirkuške predstave, sejme ali praznovanja ter z njih v nekomercialne namene in tistih, ki so namenjeni za radijska snemanja ali filmsko ali televizijsko produkcijo,

h) removals of household appliances carried out by enterprises with special staff and equipment for this purpose;
 i) funeral transport;
 j) transport of mail.

2. The Joint Committee set up under Article 14 of the present Agreement hereof may add to, or remove from, the list of transport categories exempted from the permit requirements.

Article 8

Common provisions for goods transport

1. The competent authorities of the two Contracting Parties exchange an agreed number of blank permit forms every year.

The permits shall be valid up to 31 January of the successive of calendar year.

2. Permits are not transferable to other transport operators.

3. Permit can only be used for one vehicle at a time. In the case of combination of vehicles, the motor vehicle is the determining factor in permit issue or exemption.

4. The Joint Committee set up under Article 14 of the present Agreement hereof determines the quota, category and any further conditions governing permit use.

PART IV – COMMON PROVISIONS

Article 9

Taxes and duties

1. Vehicles performing international road transport of goods, passengers and luggage and registered on the territory of the Contracting Party and temporarily located on the territory of the other Contracting Party under the terms of this Agreement are exempt from payment of all taxes related to the ownership, registration and running of the vehicle.

2. The fuel (no more than 200 litres for goods transport vehicles and no more than 600 litres for buses) contained in the normal, by the manufacturer built-in fixed tanks of the vehicle intended to drive the vehicle, as well as lubricants and spare parts are exempt from all customs duties in compliance with national legislation of the host country.

Unused spare parts must be exported from the country, and substituted parts must be exported or eliminated in presence of the Customs officials of the respective Contracting Party.

3. The transport covered by the terms of this Agreement is subject to the road user charges, tolls and other duties levied for the use of the road network or bridges in the host country. The tolls and other charges are levied on transport operators of the countries of both Contracting Parties indiscriminately.

Article 10

Weights and dimensions

1. The permissible maximum weight, axle weight and dimensions of vehicles must not exceed those entered in the registration documents nor the upper permissible limits in force in the host country.

2. The use of vehicles whose weight and dimensions exceed the upper permissible limits is permitted in the host country only with a special authorisation applied for in advance.

Article 11

Equipment and other characteristics

1. Vehicles carrying dangerous goods must be fitted out and equipped in accordance with the requirements of the European Agreement Concerning the International Carriage of Dangerous Goods by Road of 30 September 1957, as modified (ADR).

h) selitveni prevoz, ki ga opravlja podjetje s posebno opremo in osebjem v ta namen,
 i) prevoz posmrtnih ostankov,
 j) prevoz pošte.

2. Skupni odbor, ustanovljen po 14. členu tega sporazuma, lahko razširi ali skrči seznam vrst prevoza, za katere dovolilnice niso potrebne.

8. člen

Skupne določbe za prevoz blaga

1. Pristojna organa pogodbenic si vsako leto izmenjata dogovorjeno število neizpolnjenih obrazcev dovolilnic.

Dovolilnice veljajo do 31. januarja prihodnjega koledarskega leta.

2. Dovolilnice niso prenosljive na druge prevoznike.

3. Dovolilnica se lahko hkrati uporablja samo za eno vozilo. Pri kombinaciji vozil je motorno vozilo odločilen dejavnik pri izdaji ali oprostitvi dovolilnice.

4. Skupni odbor, ustanovljen po 14. členu tega sporazuma, določi kvoto, vrsto in vse dodatne pogoje za uporabo dovolilnic.

IV. DEL – SKUPNE DOLOČBE

9. člen

Davčne določbe

1. Vozila, s katerimi se opravlja mednarodni cestni prevoz blaga, potnikov in prtljage, registrirana na ozemlju druge pogodbenice po določilih tega sporazuma, so oproščena plačila vseh dajatev v zvezi z lastništvom, registracijo in upravljanjem vozila.

2. Gorivo (ne več kot 200 litrov za tovorna vozila in ne več kot 600 litrov za avtobuse), ki je v serijsko vgrajenih, standardnih rezervoarjih vozila in je namenjeno pogonu vozila, ter maziva in rezervni deli so oproščeni vseh carinskih dajatev v skladu z notranjo zakonodajo države gostiteljice.

Neuporabljeni rezervni deli se izvozijo iz države ali uničijo v navzočnosti carinskih uradnikov pogodbenice.

3. Za prevoz, za katerega veljajo določila tega sporazuma, se v državi gostiteljici plačujejo cestne pristojbine, cestnine in druge dajatve za uporabo cestnega omrežja ali mostov. Cestnine in druge pristojbine se prevoznikom držav pogodbenic zaračunavajo brez razlikovanja.

10. člen

Mase in dimenzije

1. Največja dovoljena masa, osna obremenitev in dimenzije vozila ne smejo presegati tistih, ki so vpisane v registracijskih dokumentih, niti ne zgornjih meja, veljavnih v državi gostiteljici.

2. Uporaba vozil, katerih masa in dimenzije presegajo dovoljeno zgornjo mejo, je v državi gostiteljici dovoljena le s posebnim dovoljenjem, ki se pridobi vnaprej.

11. člen

Oprema in druge značilnosti

1. Vozila za prevoz nevarnega blaga morajo biti opremljena v skladu z zahtevami Evropskega sporazuma o mednarodnem prevozu nevarnih snovi po cesti z dne 30. septembra 1957, kot je bil spremenjen (ADR).

2. Equipment used to monitor crew driving and rest time on vehicles must comply with the provisions of the European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport of 1 July 1970, as modified (AETR).

3. The Contracting Parties undertake to promote, within the framework of this Agreement, the use of vehicles meeting safety and emission standards.

Article 12

Control

The permits, authorisations, control documents and other papers under this Agreement, as well as the consignment note, passenger waybills, insurance certificates, training certificates and all other papers required under international agreements of the countries of the Contracting Parties have signed and/or under legislations of the countries of the Contracting Parties must be kept in vehicles and be produced at the request of authorised officials.

Article 13

Obligations of transport operators and infringements

1. The transport operators of the country of a Contracting Party and the crews of their vehicles must, when on the territory of the other Contracting Party, comply with national legislation in force in that country.

2. In the event of any infringement of the provisions of this Agreement by a transport operator of the country of a Contracting Party, the Competent Authority of the Contracting Party on whose territory the infringement occurred shall, without prejudice to the legal proceedings of its country, notify the competent authority of the other Contracting Party which will take such steps as provided for by the national legislation of its country. In particularly serious cases, the competent authority of the host country may temporarily prohibit access to the territory of its country pending a decision by the competent authority in the country of establishment. The competent authorities of the Contracting Parties shall keep each other mutually informed on decisions taken.

Article 14

Joint Committee

1. For the purpose of proper implementation of the present Agreement and to handle the issues related to it a Joint Committee shall be set up from the representatives of the competent authorities of the Contracting Parties.

2. When necessary representatives of other authorities may also participate.

Article 15

Competent Authorities

The Competent Authorities for the implementation of the present Agreement are:

In the Republic of Slovenia: the Ministry of Transport of the Republic of Slovenia.

In the Republic of Albania: The Ministry of Public Works, Transport and Telecommunication

In case of changes of competent authorities indicated in this paragraph the names of competent authorities are communicated to the other Contracting Party through diplomatic channels.

PART V – FINAL PROVISIONS

Article 16

Entry into force and duration of the Agreement

1. The present Agreement shall enter into force on the date of the receipt of the last written notification by which the Contracting Parties notify each other that their internal legal procedures necessary for its entry into force have been completed.

2. Oprema, ki je v vozilih nameščena za spremljanje in nadzorovanje časa vožnje in časa počitka posadke, mora biti v skladu z določbami Evropskega sporazuma o delu posadk vozil, ki opravljajo mednarodne cestne prevoze, z dne 1. julija 1970, kot je bil spremenjen (AETR).

3. Pogodbenici se zavezujeta, da bosta v okviru tega sporazuma spodbujali uporabo vozil, ki izpoljujejo stroge varnostne in emisijske standarde.

12. člen

Nadzor

Dovolilnice, dovoljenja, kontrolni in drugi dokumenti po tem sporazumu kot tudi tovorni list, potniške spremniece, potrdila o zavarovanju, potrdila o usposobljenosti in vsi drugi dokumenti, potrelni po večstranskih ali dvostranskih sporazumih ali po notranji zakonodaji držav pogodbenic, morajo biti v vozilih in jih je treba pokazati na zahtevo pooblaščenih uradnih oseb.

13. člen

Obveznosti prevoznikov in kršitve

1. Prevozniki države pogodbenice in posadke njihovih vozil morajo na ozemlju druge pogodbenice spoštovati notranjo zakonodajo te države.

2. Če prevoznik države pogodbenice krši določbe tega sporazuma, pristojni organ pogodbenice, na katere ozemlju je bila storjena kršitev, brez vpliva na pravne postopke svoje države uredno obvesti pristojni organ druge pogodbenice, ki bo ukrepal tako, kakor določa notranja zakonodaja njegove države. V posebno hudih primerih lahko pristojni organ države gostiteljice začasno prepove vstop na ozemlje svoje države do sprejetja odločitve pristojnega organa v državi, v kateri ima prevoznik svoj sedež. Pristojna organa pogodbenic se medsebojno obveščata o sprejetih odločitvah.

14. člen

Skupni odbor

1. Za pravilno izvajanje tega sporazuma in reševanje vprašanj v zvezi z njim se ustanovi skupni odbor iz predstavnikov pristojnih organov pogodbenic.

2. Če je potrebno, lahko sodelujejo tudi predstavniki drugih organov.

15. člen

Pristojna organa

Pristojna organa za izvajanje tega sporazuma sta:

v Republiki Sloveniji: Ministrstvo za promet;

v Republiki Albaniji: Ministrstvo za javna dela, promet in telekomunikacije.

Če je pristojni organ, naveden v tem odstavku, zamenjan, se imena pristojnih organov sporočijo po diplomatski poti drugi pogodbenici.

V. DEL – KONČNE DOLOČBE

16. člen

Začetek veljavnosti in trajanje sporazuma

1. Ta sporazum začne veljati z dnem prejema zadnjega pisnega obvestila po diplomatski poti, s katerim se pogodbenici uredno obvestita, da so končani njuni notranjopravni postopki, potrelni za začetek veljavnosti sporazuma.

2. This Agreement shall remain in force for an indefinite period of time. Either of the Contracting Parties may terminate it by written notice. The Agreement shall expire three months following the date of the receipt of such notification.

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

Done in Ljubljana on 17 July 2007 in two original copies in English.

For the Government of
the Republic of Slovenia
Dimitrij Rupel (s)

For the Council of Ministers of
the Republic of Albania
Lulzim Basha (s)

2. Ta sporazum velja za nedoločen čas. Ena ali druga pogodbica ga lahko odpove s pisnim obvestilom o odpovedi. Sporazum preneha veljati tri mesece po dnevu prejema takega uradnega obvestila.

V potrditev tega sta podpisana, ki sta bila za to pravilno pooblaščena, podpisala ta sporazum.

Sklenjeno v Ljubljani dne 17. julija 2007 v dveh izvirnikih v angleškem jeziku.

Za Vlado
Republike Slovenije
Dimitrij Rupel l.r.

Za Vlado
Republike Albanije
Lulzim Basha l.r.

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za promet.

4. člen

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

Št. 326-07/09-55/11
Ljubljana, dne 19. novembra 2009
EPA 475-V

Državni zbor
Republike Slovenije
dr. Pavel Gantar l.r.
Predsednik

90. Zakon o ratifikaciji Dogovora o programu delovnih počitnic med Vlado Republike Slovenije in Vlado Nove Zelandije (BNZPDP)

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 Dogovora o programu delovnih počitnic
med Vlado Republike Slovenije in Vlado Nove Zelandije (BNZPDP)**

Razglašam Zakon o ratifikaciji Dogovora o programu delovnih počitnic med Vlado Republike Slovenije in Vlado Nove Zelandije (BNZPDP), ki ga je sprejel Državni zbor Republike Slovenije na seji 19. novembra 2009.

Št. 003-02-10/2009-5
Ljubljana, dne 27. novembra 2009

dr. Danilo Türk I.r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI DOGOVORA O PROGRAMU DELOVNIH POČITNIC MED VLADO REPUBLIKE SLOVENIJE IN VLADO NOVE ZELANDIJE (BNZPDP)**

1. člen

Ratificira se Dogovor o programu delovnih počitnic med Vlado Republike Slovenije in Vlado Nove Zelandije, sklenjen v Ljubljani 22. septembra 2009.

2. člen

Dogovor se v izvirniku v slovenskem in angleškem jeziku glasi:

D O G O V O R
**o programu delovnih počitnic
med Vlado Republike Slovenije
in Vlado Nove Zelandije**

Vlada Republike Slovenije in Vlada Nove Zelandije (v nadaljnjem besedilu: strani) sta se v zvezi z Dogovorom o programu delovnih počitnic med državama (v nadalnjem besedilu: program) dogovorili o naslednjem:

Obveznosti Vlade Nove Zelandije

1. Ob upoštevanju drugega odstavka Vlada Nove Zelandije državljanu Republike Slovenije na podlagi vloge, oddane pristojnemu uradu za obravnavo vizumskih vlog ali, če je to mogoče, na spletu, izda vizum, ki velja dvanajst (12) mesecev od datuma izdaje, če prosilec izpolnjuje naslednje zahteve:

- (a) je državljan Republike Slovenije;
- (b) njegov osnovni namen so počitnice na Novi Zelandiji, pri čemer je zaposlitev sicer možna, vendar ni osnovni razlog za obisk;
- (c) ob predložitvi vloge je star od vključno osemnajst (18) do vključno trideset (30) let;
- (d) ga ne spremljajo vzdrževane osebe;
- (e) ima veljaven potni list Republike Slovenije;
- (f) ima povratno vozovnico ali dovolj sredstev za njen nakup;
- (g) ima dovolj sredstev za preživljanje med bivanjem na Novi Zelandiji, o čemer presodi pristojni organ;
- (h) plača predpisano takso za vizumski postopek;

A R R A N G E M E N T
**on a Working Holiday Scheme
between the Government
of the Republic of Slovenia
and the Government of New Zealand**

The Government of the Republic of Slovenia and the Government of New Zealand (the »Participants«) have come to the following understandings concerning an Arrangement on a Working Holiday Scheme (»the Scheme«) between the two countries.

Responsibilities of the Government of New Zealand

1. The Government of New Zealand will, subject to paragraph 2, on application at a designated visa processing office or when available online by a citizen of the Republic of Slovenia, issue a visa valid for presentation for a period of twelve (12) months from the date of issue to any person who satisfies each of the following requirements:

- (a) is a citizen of the Republic of Slovenia;
- (b) has the primary intention to holiday in New Zealand, with employment being an incidental rather than a primary reason for the visit;
- (c) is aged between eighteen (18) and thirty (30) years, both inclusive, at the time of application;
- (d) is not accompanied by dependants;
- (e) possesses a valid Slovene passport;
- (f) possesses a return ticket, or sufficient funds to purchase such a ticket;
- (g) possesses sufficient funds for his/her maintenance during the period of stay in New Zealand, at the discretion of the relevant authorities;
- (h) pays the prescribed visa application fee;

(i) si je pripravljen urediti zdravstveno zavarovanje in zavarovanje, ki krije stroške hospitalizacije, za ves čas bivanja na Novi Zelandiji;

(j) izpolnjuje vse zdravstvene zahteve, predpisane na Novi Zelandiji; in

(k) še ni sodeloval v tem programu.

2. Vlada Nove Zelandije vsako leto izda državljanom Republike Slovenije največ 100 vizumov iz prvega odstavka, razen če ne odloči drugače in o tem pisno obvesti Vlade Republike Slovenije. Sprememba števila letno izdanih vizumov se ne šteje za uradno spremembo tega dogovora.

3. Osebe, ki imajo vizum, izdan v skladu s prvim odstavkom, in jim je dovoljen za vstop na Novo Zelandijo, lahko tam ostanejo in opravljajo plačano delo skladno s pogoji tega dogovora največ dvanajst (12) mesecev od dneva prihoda na Novo Zelandijo.

4. (a) Vlada Nove Zelandije od vseh državljanov Republike Slovenije, ki pridejo na Novo Zelandijo v okviru programa po tem dogovoru, zahteva, da ravnajo v skladu z zakoni in predpisi Nove Zelandije in se ne ukvarjajo z dejavnostjo, ki bi bila v nasprotju z namenom programa.

(b) Državljeni Republike Slovenije, ki sodelujejo v programu, se med bivanjem ne smejo stalno zaposliti in delati za istega delodajalca več kot tri (3) mesecev.

(c) Državljeni Republike Slovenije, ki sodelujejo v programu, se lahko med bivanjem na Novi Zelandiji vključijo v eno ali več usposabljanj ali izobraževanj, ki skupaj ne trajajo več kot tri (3) mesecev.

Obveznosti Vlade Republike Slovenije

5. Ob upoštevanju šestega odstavka Vlada Republike Slovenije prek veleposlaništva ali generalnega konzulata državljanu Nove Zelandije na podlagi vloge izda vizum tipa D, ki velja dvanajst (12) mesecev, če prosilec izpolnjuje naslednje zahteve:

(a) je državljan Nove Zelandije;

(b) njegov osnovni namen so počitnice v Sloveniji, pri čemer je zaposlitev sicer možna, vendar ni osnovni razlog za obisk;

(c) ob predložitvi vloge je star od vključno osemnajst (18) do vključno trideset (30) let;

(d) ga ne spremljajo vzdrževane osebe;

(e) ima veljavен potni list Nove Zelandije;

(f) ima povratno vozovnico ali dovolj sredstev za njen nakup;

(g) ima dovolj sredstev za preživljjanje med bivanjem v Sloveniji, o čemer presodi pristojni organ;

(h) plača predpisano takso za vizumski postopek;

(i) si je pripravljen urediti zdravstveno zavarovanje in zavarovanje, ki krije stroške hospitalizacije, za ves čas bivanja v Sloveniji;

(j) izpolnjuje vse zdravstvene zahteve, predpisane v Sloveniji;

(k) obvesti veleposlaništvo, generalni konzulat ali Konzularni sektor Ministrstva za zunanje zadeve Republike Slovenije o predvidenem datumu prihoda v Slovenijo; in

(l) še ni sodeloval v tem programu.

6. Vlada Republike Slovenije vsako leto izda državljanom Nove Zelandije največ 100 vizumov iz petega odstavka, razen če ne odloči drugače in o tem pisno obvesti Vlade Nove Zelandije. Sprememba števila letno izdanih vizumov se ne šteje za uradno spremembo tega dogovora.

(i) agrees to hold medical and comprehensive hospitalization insurance to remain in force throughout his/her stay in New Zealand;

(j) complies with any health requirements imposed by New Zealand; and

(k) has not previously participated in this Scheme.

2. The Government of New Zealand will issue no more than 100 per annum of the visas mentioned in paragraph 1 to citizens of Slovenia, unless it determines otherwise. The Government of New Zealand will advise the Government of the Republic of Slovenia in writing of any such adjustment. An adjustment to the number of visas issued per annum will not be regarded as a formal amendment to this Arrangement.

3. Any person who holds a visa issued pursuant to paragraph 1 and who is granted permission to enter New Zealand will be able to stay in New Zealand and undertake paid employment pursuant to the terms of this Arrangement for a period of not more than twelve (12) months from the date of entry into New Zealand.

4. (a) The Government of New Zealand will require any citizen from Slovenia who has entered New Zealand through the Scheme operating under this Arrangement to comply with the laws and regulations of New Zealand and not to engage in employment that is contrary to the purpose of the Scheme.

(b) Citizens of Slovenia participating in this Scheme will not be permitted to engage in permanent employment during their stay and may not work for the same employer for more than three (3) months during the course of their stay.

(c) Citizens of Slovenia participating in this Scheme may enrol in one or more training or study courses, which together amount to no more than three (3) months' duration, during the course of their visit to New Zealand.

Responsibilities of the Government of the Republic of Slovenia

5. The Government of the Republic of Slovenia, through any Embassy or Consulate General of the Republic of Slovenia, will, subject to paragraph 6, on application by a New Zealand citizen, issue a visa type D, valid for presentation for a period of twelve (12) months, to any person who satisfies each of the following requirements:

(a) is a citizen of New Zealand;

(b) has the primary intention to holiday in Slovenia, with employment being an incidental rather than a primary reason for the visit;

(c) is aged between eighteen (18) and thirty (30) years, both inclusive, at the time of application;

(d) is not accompanied by dependants;

(e) possesses a valid New Zealand passport;

(f) possesses a return ticket, or sufficient funds to purchase such a ticket;

(g) possesses sufficient funds for his/her maintenance during the period of stay in Slovenia, at the discretion of the relevant authorities;

(h) pays the prescribed visa application fee;

(i) agrees to hold medical and comprehensive hospitalization insurance to remain in force throughout his/her stay in the Republic of Slovenia;

(j) complies with any health requirements imposed by Slovenia;

(k) informs the Embassy, Consulate General or Consular Department of the Ministry of Foreign Affairs of the Republic of Slovenia of his / her intended date of arrival in Slovenia; and

(l) has not previously participated in this Scheme.

6. The Government of Slovenia will issue no more than 100 per annum of the visa mentioned in paragraph 5 to citizens of New Zealand, unless it determines otherwise. The Government of Slovenia will advise the Government of New Zealand in writing of any such adjustment. Any adjustment to the number of visas issued per annum will not be regarded as a formal amendment to this Arrangement.

7. Ob upoštevanju šestega odstavka Vlada Republike Slovenije brezplačno izda osebno delovno dovoljenje vsem državljanom Nove Zelandije, ki imajo vizum tipa D, izdan v skladu s petim odstavkom, in izpolnjujejo vse zahteve iz tega odstavka. Osebno delovno dovoljenje je mogoče pridobiti prek veleposlaništva ali generalnega konzulata, na katerem državljan Nove Zelandije zaprosijo za vizum iz petega odstavka, ali prek Konzularnega sektorja Ministrstva za zunanje zadeve Republike Slovenije.

8. Ob upoštevanju pododstavka k) petega odstavka vizum tipa D in osebno delovno dovoljenje veljata dvanajst (12) mescev od predvidenega dneva vstopa, ki ga prosilec navede v vizumski vlogi, ali od dneva izdaje vizuma, če predvideni datum vstopa ni naveden.

9. Osebe, ki imajo vizum, izdan v skladu s petim odstavkom, in delovno dovoljenje, izdano v skladu s sedmim odstavkom, lahko ostanejo v Sloveniji in opravljajo plačano delo skladno s pogoji tega dogovora do izteka veljavnosti vizuma in delovnega dovoljenja, kot je določeno v osmem odstavku.

10. (a) Vlada Republike Slovenije od vseh državljanov Nove Zelandije, ki pridejo v Slovenijo v okviru programa po tem dogovoru, zahteva, da ravnajo v skladu z zakoni in predpisi Republike Slovenije in se ne ukvarjajo z dejavnostjo, ki bi bila v nasprotju z namenom programa.

(b) Državljeni Nove Zelandije, ki sodelujejo v programu, se med bivanjem ne smejo stalno zaposliti in delati za istega delodajalca več kot tri (3) mesecev.

(c) Državljeni Nove Zelandije, ki sodelujejo v programu, se lahko med bivanjem v Sloveniji vključijo v eno ali več usposabljanje ali izobraževanje, ki ne traja več kot tri (3) mesecev.

Spološne določbe

11. Vsaka stran lahko zavrne katero koli posamično vlogo po tem dogovoru.

12. Vsaka stran lahko v skladu s svojo zakonodajo kateri koli osebi, ki sodeluje v programu in jo šteje za nezaželeno, prepriči vstop na svoje ozemlje ali jo izžene iz države, če ji je bil že dovoljen vstop na podlagi tega dogovora.

13. Vsaka stran lahko kadar koli po diplomatski poti zahteva za posvetovanje o določbah tega dogovora. Druga stran se na prošnjo odzove v 60 dneh. Dogovor se pregleda na zahtevo ene od strani.

Spremembe

14. Dogovor se lahko kadar koli spremeni s pisnim soglasjem obeh strani.

Odložitev izvajanja dogovora

15. Vsaka stran lahko delno ali v celoti začasno odloži izvajanje dogovora zaradi javne varnosti, javnega reda, javnega zdravja ali nevarnosti nezakonitega priseljevanja. O takšni odložitvi izvajanja in dnevu začetka veljavnosti odložitve uradno obvesti drugo stran po diplomatski poti.

Odpoved

16. Vsaka stran lahko odpove dogovor s pisnim uradnim obvestilom, ki ga tri (3) mesece vnaprej pošlje drugi strani po diplomatski poti.

17. Odpoved ali odložitev izvajanja iz petnjastega in šestnajstega odstavka ne posega v pravice državljanov, ki so pred njenim začetkom veljavnosti že pridobili vizume v skladu s tem dogovorom, razen če se s tem ne strinjata obe strani.

7. Subject to paragraph 6, the Government of Slovenia will issue free of charge a personal work permit to any New Zealand citizen who possesses the visa type D issued pursuant to paragraph 5 and satisfies each of the requirements in paragraph 5. A personal work permit can be obtained through the Embassy or the Consulate General where the citizen of New Zealand applied for the visa referred to in paragraph 5 or at the Consular Department of the Ministry of Foreign Affairs of the Republic of Slovenia.

8. The visa type D and the personal work permit will be valid, subject to paragraph 5, subparagraph k, for a period of twelve (12) months from the intended date of arrival, stated in the visa application form by the applicant or, if the intended date of arrival is not communicated, from the date of issue of the visa.

9. Any person who holds a visa issued pursuant to paragraph 5 and a work permit issued pursuant to paragraph 7 will be able stay in Slovenia and undertake paid employment pursuant to the terms of this Arrangement for the period of validity of those visas and work permits as set out in paragraph 8.

10. (a) The Government of the Republic of Slovenia will require any citizen from New Zealand, who has entered the Republic of Slovenia through the Scheme operating under this Arrangement, to comply with the laws and regulations of the Republic of Slovenia and not to engage in employment that is contrary to the purpose of the Scheme.

(b) Citizens of New Zealand participating in this Scheme will not be permitted to engage in permanent employment during their stay and may not work for the same employer for more than three (3) months during the course of their stay.

(c) Citizens of New Zealand participating in this Scheme may enrol in one or more training or study course of up to three (3) months duration during the course of their visit to Slovenia.

General Provisions

11. Either of the Participants may refuse any particular application under this Arrangement it receives.

12. Either of the Participants may, consistent with its own law, refuse the entry into its territory of any person participating in the Scheme whom it may consider undesirable or remove any such person from the country who has obtained entry under this Arrangement.

13. Either Participant may, at any time, through diplomatic channels request consultations on the provisions of this Arrangement. The other Participant will respond to the request within 60 days. The Arrangement will be subject to a review if requested by either Participant.

Amendment

14. This Arrangement may be amended at any time by the mutual written consent of the Participants.

Suspension of the Arrangement

15. Either of the Participants may temporarily suspend the Arrangement, in whole or in part, for reasons of public security, public order, public health or immigration risk. Any such suspension, and the date of its effect, will be notified to the other Participant through diplomatic channels.

Termination

16. Either of the Participants may terminate this Arrangement by giving three (3) months' prior written notice to the other Participant through diplomatic channels.

17. Unless mutually consented to by the Participants, the termination or suspension of this Arrangement under paragraphs 15 and 16 will not interfere with the rights of those citizens who have already been granted visas under this Arrangement at the time the termination or suspension takes effect.

Začetek veljavnosti

18. Vsaka stran po diplomatski poti obvesti drugo stran, da so izpolnjene notranje zahteve za začetek veljavnosti dogovora. Dogovor začne veljati z dnem prejetja kasnejšega od uradnih obvestil.

Podpisano v Ljubljani, dne 22. septembra 2009 v dveh izvirnikih v slovenskem in angleškem jeziku, pri čemer sta besedili enako verodostojni.

Za Vlado Republike Slovenije:

Dragoljuba Benčina l.r.
Državna sekretarka
Ministrstvo
za zunanje zadeve

Za Vlado Nove Zelandije:

Laurie Markes l.r.
Veleposlanik
Nove Zelandije v
Republiki Sloveniji

Entry into Effect

18. Each participant will notify the other through the diplomatic channel of the completion of its internal requirements for the entry into effect of this Arrangement. This Arrangement will enter into effect on the date of receipt of the later notification.

Signed at Ljubljana, this 22 day of September 2009 in two original copies, in the Slovene and English languages, each text having equal validity.

For the Government
of the Republic of Slovenia
Dragoljuba Benčina (s)
State Secretary
Ministry of Foreign Affairs

For the Government
of New Zealand
Laurie Markes (s)
New Zealand
Ambassador
to the Republic of Slovenia

3. člen

Za izvajanje dogovora skrbi Ministrstvo za zunanje zadeve Republike Slovenije.

4. člen

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

Št. 101-06/09-1/11

Ljubljana, dne 19. novembra 2009
EPA 577-V

Državni zbor
Republike Slovenije
dr. Pavel Gantar l.r.
Predsednik

Obvestila o začetku oziroma prenehanju veljavnosti mednarodnih pogodb

- 91.** Obvestilo o začetku veljavnosti Lizbonske pogodbe, ki spreminja Pogodbo o Evropski uniji in Pogodbo o ustanovitvi Evropske skupnosti s sklepno listino

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 – ZNOMCMO in 76/08) Ministrstvo za zunanje zadeve

s p o r o č a,

da je 1. decembra 2009 začela veljati Lizbonska pogodba, ki spreminja Pogodbo o Evropski uniji in Pogodbo o ustanovitvi Evropske skupnosti s sklepno listino, podpisana 13. decembra 2007 v Lizboni in objavljena v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 4/08 (Uradni list Republike Slovenije, št. 20/08).

Ljubljana, dne 2. decembra 2009

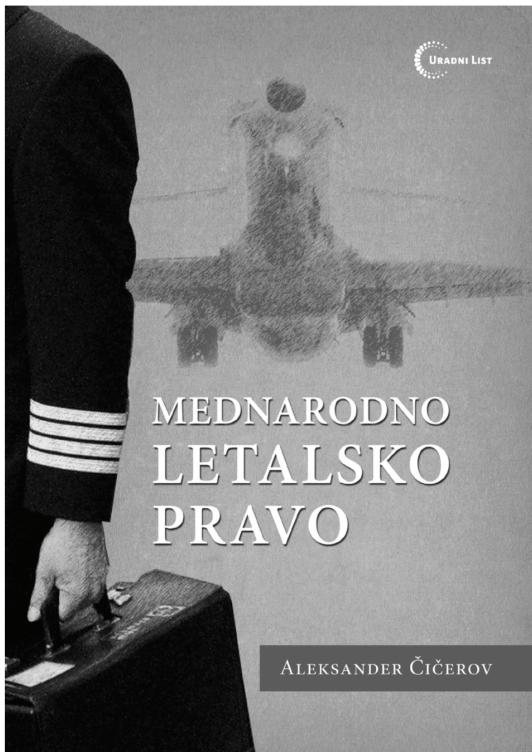
Ministrstvo za zunanje zadeve
Republike Slovenije

VSEBINA

86.	Zakon o ratifikaciji Mednarodne konvencije o zatiranju dejanj jedrskega terorizma (MKZJT)	1621
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90.	Zakon o ratifikaciji Dogovora o programu delovnih počitnic med Vlado Republike Slovenije in Vlado Nove Zelandije (BNZPDP)	1653
91.	<i>Obvestila o začetku oziroma prenehanju veljavnosti mednarodnih pogodb</i> Obvestilo o začetku veljavnosti Lizbonske pogobe, ki spreminja Pogodbo o Evropski uniji in Pogodbo o ustanovitvi Evropske skupnosti s sklepnim listino	1657

MEDNARODNO LETALSKO PRAVO

mag. Aleksander Čičerov



Leto izdaje: 2009
Obseg: 544 strani
Fomat: 16,5 cm x 23,5 cm
Vezava: trda
Cena: 65 EUR

Slovencem letalstvo ni tuje. V svet letalstva smo vstopili kmalu potem, ko sta brata Wright opravila samostojni polet. Pri nas sta jima sledila brata Rusjan. Imamo svojo letalsko družbo, razvito športno letalstvo, padalstvo, zmajarstvo, jadralno letalstvo in še bi lahko naštevali.

Knjiga Mednarodno letalsko pravo je namenjena vsem, ki se ukvarjajo z letalstvom; študentom strojne fakultete, ki se izobražujejo za bodoče pilote, študentom pravne fakultete, ki med študijem proučujejo tudi ICAO in letalsko pravo, študentom fakultete za družbene vede, letalskim organizacijam, kandidatom za pridobitev licence ATPL. V knjigi bodo marsikaj koristnega našli tudi tisti, ki delajo v praksi in so celovito obravnavo mednarodnega letalskega prava doslej morali iskati v tuji literaturi (zavarovalnice, prevozniki, turistične organizacije in podobno).

Knjiga na kratko predstavi zgodovino letalstva, razvoj mednarodnega letalskega prava, mednarodne pravne režime zračnega prostora, pravni status zrakoplova in njegove operacije ter pravno ureditev mednarodnega letalskega prevoza. Podrobno obravnavata Mednarodno organizacijo civilnega letalstva. Posebno poglavje je namenjeno letalski varnosti in unifikaciji mednarodnega letalskega zasebnega prava in razmeram po 11. septembru 2001 ter poklicu pilota in pristojnostim poveljnika zrakoplova.

NAROČAMO:



_____ izvodov MEDNARODNO LETALSKO PRAVO, cena: 65 EUR

Podjetje/organizacija _____

Ime in priimek _____

E-pošta _____ Tel. _____

Ulica in hišna številka _____

Davčna št. _____ Matična št. _____

Davčni zavezanc: DA NE

Kraj _____ Podpis in žig _____

Datum _____

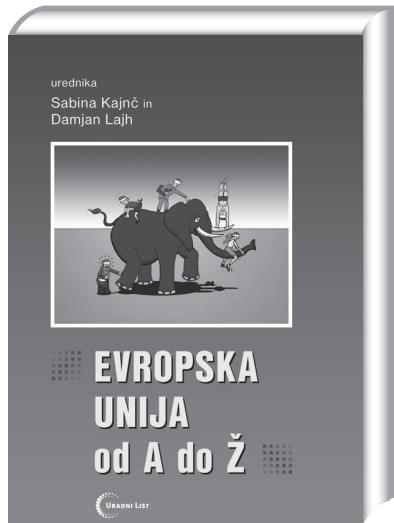


URADNI LIST

P R I P O R O Č A M O

EVROPSKA UNIJA od A do Ž

Urednika: dr. Sabina Kajnč in dr. Damjan Lajh



Cena: **58 EUR**
 Leto izdaje: 2009
 ISBN: 978-961-204-435-0
 Število strani: 504
 Dimenzija: 16,5 cm x 23,5 cm
 Vezava: mehka vezava

Evropska unija od A do Ž ponuja strokovno poglobljen pregled posameznih področij delovanja Evropske unije in s tem zapolnjuje vrzel med poljudnimi oziroma informativnimi deli o Evropski uniji in znanstvenimi monografijami s posameznih področij na slovenskem jezikovnem območju.

Knjiga obsega več kot 80 prispevkov, ki predstavijo in analizirajo posamezne institucije, njene politike, odnose in procese ter z Evropsko unijo povezane pojme, pri čemer vsak od prispevkov vključuje vidike, posebej pomembne za Slovenijo. Vsak prispevek je opremljen tudi s temeljnimi informacijami in z nadaljnjo literaturo.

Poleg strokovnosti knjiga prinaša tudi dovolj poljuden pregled, ki bo pritegnil zainteresiranega splošnega bralca in bo hkrati referenčno gradivo za praktike iz političnega, poslovnega in medijskega sveta ter za državno upravo in nepogrešljiv pomoček za študente različnih družboslovnih smeri, humanistike, prava in ekonomije.

Vabimo vas, da nas obiščete na naši spletni strani <http://www.uradni-list.si/3>

N A R O Č I L N I C A

EVROPSKA UNIJA od A do Ž

• mehka vezava

cena: **58 €**

Število izvodov

Podjetje

Oddelek

Ime in priimek

E-pošta

Matična št.

Davčna št.

Davčni zavezanec

DA

NE

Ulica in številka

Kraj

Podpis in žig

Datum

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