

8. Zakon o ratifikaciji Protokola št. 3 k Evropski okvirni konvenciji o čezmejnem sodelovanju teritorialnih skupnosti ali oblasti glede združevanja in sodelovanja evropskih regij (MPEKČS)

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

U K A Z

o razglasitvi Zakona o ratifikaciji Protokola št. 3 k Evropski okvirni konvenciji o čezmejnem sodelovanju teritorialnih skupnosti ali oblasti glede združevanja in sodelovanja evropskih regij (MPEKČS)

Razglašam Zakon o ratifikaciji Protokola št. 3 k Evropski okvirni konvenciji o čezmejnem sodelovanju teritorialnih skupnosti ali oblasti glede združevanja in sodelovanja evropskih regij (MPEKČS), ki ga je sprejel Državni zbor Republike Slovenije na seji 4. februarja 2011.

Št. 003-02-2/2011-21

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dr. Danilo Türk l.r.
Predsednik
Republike Slovenije

Z A K O N

O RATIFIKACIJI PROTOKOLA ŠT. 3 K EVROPSKI OKVIRNI KONVENCIJI O ČEZMEJNEM SODELOVANJU TERITORIALNIH SKUPNOSTI ALI OBLASTI GLEDE ZDRUŽEVANJA IN SODELOVANJA EVROPSKIH REGIJ (MPEKČS)

1. člen

Ratificira se Protokol št. 3 k Evropski okvirni konvenciji o čezmejnem sodelovanju teritorialnih skupnosti ali oblasti glede združevanja in sodelovanja evropskih regij, sestavljen v Utrechtu 16. novembra 2009.

2. člen

Besedilo protokola se v izvorniku v angleškem in v prevodu v slovenskem jeziku glasi:

Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional Co-operation Groupings (ECGs)

Preamble

The member states of the Council of Europe, signatory to this Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (ETS No. 106),

Wishing to facilitate co-operation between territorial communities or authorities belonging to different states in keeping with states' political and administrative structures and international commitments;

Being resolved to supplement for this purpose the legal framework provided by the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities and its Protocols of 9 November 1995 (ETS No. 159) and 5 May 1998 (ETS No. 169);

Protokol št. 3 k Evropski okvirni konvenciji o čezmejnem sodelovanju teritorialnih skupnosti ali oblasti pri evropskih regionalnih združenjih za sodelovanje (ERZS)

Preambula

Države članice Sveta Evrope, podpisnice protokola št. 3 k Evropski okvirni konvenciji o čezmejnem sodelovanju teritorialnih skupnosti ali oblasti (ETS št. 106),

so se

v želji, da bi omogočile sodelovanje teritorialnih skupnosti ali oblasti različnih držav v skladu s politično in upravno organizacijo in mednarodnimi obveznostmi;

odločene, da dopolnijo pravni okvir iz Evropske okvirne konvencije o čezmejnem sodelovanju teritorialnih skupnosti ali oblasti in protokolov z dne 9. novembra 1995 (ETS št. 159) in 5. maja 1998 (ETS št. 169);

Considering the Declaration of the Third Summit of the Heads of State and Government of the Council of Europe (Warsaw, 16 and 17 May 2005) and the Action Plan adopted at the Summit, which foresees the development of "transfrontier co-operation, as necessary";

Aware of the difference between states in terms of the political and administrative organisation of territorial communities and authorities;

Wishing to forestall the difficulties that could arise from the diversity of national law in the field of transfrontier or interterritorial co-operation;

Wishing to meet the needs of those member states that are resolved to harmonise further their national law;

Aware that, for a number of member states, framework legislation may be sufficient, in particular having regard to the current state of their national law, which includes the relevant provisions of European Community law as adopted by the competent institutions of the European Union,

Have agreed as follows:

Part I

Article 1 – Euroregional co-operation groupings (ECGs)

1. Territorial communities or authorities and other bodies referred to under Article 3, paragraph 1, may set up a transfrontier co-operation body in the form of a "Euroregional co-operation grouping" (ECG) on the territory of the member states of the Council of Europe, Parties to this Protocol, under the conditions provided by it.

2. The objective of the ECG shall be to promote, support and develop, for the benefit of populations, transfrontier and interterritorial co-operation between its members in their common areas of competence and in keeping with the competences established under the national law of the states concerned.

Article 2 – Legal personality, legal capacity and applicable law

1. The ECG shall be a legal person, governed by the law of the Party, Council of Europe member state, in which it has its headquarters.

2. The ECG shall have the most extensive legal capacity accorded to legal persons under that state's national law.

3. The law applicable to the type of corporate entity chosen for the ECG by the members shall be stipulated in the agreement establishing the ECG, without prejudice to the provisions of this Protocol or to any other specific provision adopted by the Party in accordance with Article 13.

4. The ECG shall have the right to its own budget and the power to implement it.

5. The ECG may enter into contracts, hire staff, acquire movable and immovable property and bring legal proceedings.

Article 3 – Membership

1. Members of the ECG shall be territorial communities or authorities of a Party and may also include the respective member state concerned of the Council of Europe. All legal persons established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character may be members if:

- their activity is financed mainly by the state, a territorial community or authority or similar body; or
- their management is subject to the control of these entities; or

- half the members of their administrative, managerial or supervisory organ are appointed by the state, a territorial community or authority or similar body.

Individuals may not be members of an ECG.

z upoštevanjem deklaracije in akcijskega načrta, ki sta bila sprejeta na 3. sestanku voditeljev držav in vlad Sveta Evrope (Varšava, 16. in 17. maj 2005), ki ugotavlja, da je razvoj čezmejnega sodelovanja nujen;

z zavedanjem razlik med državami v politični in upravni organiziranosti teritorialnih skupnosti in oblasti;

v želji, da bi preprečili težave, ki bi lahko nastale zaradi razlik v notranjem pravu držav pri čezmejnem in medobmočnem sodelovanju;

v želji, da bi zadovoljili potrebe tistih držav članic, ki so odločene nadaljevati usklajevanje notranjega prava;

zavedajoč se, da je za mnoge države članice okvirna zakonodaja zadostna, posebej ob upoštevanju trenutnega stanja njihovega notranjega prava, ki vključuje ustrezne določbe prava Evropske skupnosti, ki so jih sprejele pristojne institucije Evropske unije,

dogovorile:

1. del

1. člen – Evropska regionalna združenja za sodelovanje (ERZS)

1. Teritorialne skupnosti ali oblasti in drugi organi iz prvega odstavka 3. člena lahko na ozemlju države članice Sveta Evrope, pogodbenice protokola, pod pogoji, določenimi v protokolu, ustanovijo organizacijo za čezmejno sodelovanje v obliki evropskega regionalnega združenja za sodelovanje (ERZS).

2. Cilj ERZS je v dobro prebivalstva spodbujati, podpirati in razvijati čezmejno in medobmočno sodelovanje članic na skupnih področjih iz njihove pristojnosti in v skladu s pristojnostmi iz njihovega notranjega prava.

2. člen – Pravna oseba, pravna sposobnost in veljavna zakonodaja

1. ERZS je pravna oseba, za katero velja pravo pogodbenice države članice Sveta Evrope, v kateri ima sedež.

2. ERZS ima najširšo pravno sposobnost, ki jo ta država po notranjem pravu priznava pravnim osebam.

3. Zakonodaja, ki se uporablja za vrsto pravne osebe, ki so jo za ERZS izbrale članice, je določena v sporazumu o ustanovitvi ERZS, ne da bi to vplivalo na določbe tega protokola ali druge posebne določbe, ki jih pogodbenice sprejmejo skladno s 13. členom.

4. ERZS ima pravico do svojega proračuna in pooblastilo za njegovo izvajanje.

5. ERZS lahko sklepa pogodbe, zaposluje osebe, pridobi va premoženja in nepremičnine ter sproža pravne postopke.

3. člen – Članstvo

1. Članice ERZS so teritorialne skupnosti ali oblasti pogodbenice, vključno s posamezno državo članico Sveta Evrope, iz katere so teritorialne skupnosti ali oblasti. Vse pravne osebe, ustanovljene posebej za zadovoljevanje potreb v splošnem interesu, ki niso industrijske ali trgovinske narave, lahko postanejo njegove članice, če:

- njihovo delovanje v glavnem financira država, teritorialna skupnost ali oblast ali podoben organ;
- te pravne osebe nadzirajo njihovo poslovanje;

- polovico članov njihovega upravnega, poslovnega ali nadzornega organa imenuje država, teritorialna skupnost ali oblast ali podoben organ.

Fizične osebe ne morejo biti članice ERZS.

2. Territorial communities or authorities of a state non-party to this Protocol, which shares a border with a Party which is or will become the state in which the ECG has its headquarters, may take part in the establishment of, or join, this ECG if an agreement between these two states so allows, without prejudice to the provisions of this Protocol.

3. Territorial communities or authorities of the Parties shall have the majority of voting rights in the ECG.

Article 4 – Establishment of the ECG

1. The ECG shall be established by a written agreement between its founding members.

2. The prospective members shall submit all appropriate documentation to prove that the necessary procedures or formalities required by the national law applicable to them have been respected. This documentation shall be appended to the agreement.

3. The agreement shall specify, in addition to the list of members, the name of the ECG, the address of its headquarters, the duration, object and tasks of the ECG, as well as its geographical scope. The name of an ECG whose members have limited liability shall include the word "limited".

4. Before concluding an agreement to found an ECG or before joining an ECG, the territorial communities or authorities shall, as appropriate, inform, notify or obtain authorisation from their national authorities regarding this intention.

5. Authorisation may be refused if membership of the ECG would violate this Protocol or provisions of national law, including the powers and responsibilities of prospective members, or if membership is not justified for reasons of public interest or of public policy of the Party concerned. In such a case, the Party shall give a statement of its reasons for withholding approval.

6. Each state may, in a declaration deposited with the instrument of ratification or at any subsequent time, waive the requirement of information, notification or authorisation referred to in paragraph 4, in general, or for specific categories of territorial communities or authorities or for specific types of co-operation.

7. The agreement shall be registered or published in the state where the ECG has its headquarters, as well as in all states to which its members belong, in accordance with the national law applicable.

8. The territorial communities or authorities, members of the ECG, shall inform their national authorities that the ECG has been lawfully established.

9. The agreement shall be written in the language(s) of the state where the ECG has its headquarters and in the language(s) of the member(s), all versions being equally authentic.

Article 5 – Statutes

1. The statutes of the ECG shall be an integral part of the agreement establishing it.

2. The statutes shall be written in the language(s) of the state where the ECG has its headquarters and in the language(s) of the member(s), all versions being equally authentic. They may specify which language or language(s) is(are) to be considered the working language(s).

3. In addition to the mandatory provisions of the agreement, the statutes shall contain rules on membership, withdrawal and dissolution of the ECG, including the legal consequences, as well as on operations, organs and their tasks, staffing, budgets and financing, liability, accountability and transparency of the ECG, without prejudice to the provisions of this Protocol and in conformity with the applicable law.

2. Territorialne skupnosti ali oblasti države nepogodbenice tega protokola, ki mejijo na pogodbenico, ki je ali bo država sedeža ECG, lahko sodelujejo pri njegovi ustanovitvi ali se mu pridružijo, če sporazum med državama to omogoča, ne da bi to vplivalo na določbe tega protokola.

3. Večino glasovalnih pravic v ERZS imajo teritorialne skupnosti ali oblasti pogodbenic.

4. člen – Ustanavljanje ERZS

1. ERZS se ustanovi s pisnim sporazumom med članicami ustanoviteljicami.

2. Prihodnje članice predložijo ustrezne listine v dokaz, da spoštujejo vse potrebne postopke po veljavnem notranjem pravu. Te listine priložijo sporazumu.

3. Sporazum poleg seznama članic določa ime ERZS, naslov sedeža, trajanje, namen in njegove naloge ter zemljepisno območje. V imenu ERZS, katerega članice so pravne osebe z omejeno odgovornostjo, mora biti tudi beseda »omejeno«.

4. Teritorialne skupnosti ali oblasti pred sklenitvijo sporazuma o ustanovitvi ERZS ali pred pristopom k ERZS po potrebi seznanijo in uradno obvestijo državne organe o tem namenu ali pridobijo njihovo odobritev.

5. Odobritev je lahko zavrnjena, če bi bilo članstvo v ERZS v nasprotju s tem protokolom ali notranjo zakonodajo, tudi s pooblastili in odgovornostmi prihodnjih članic, če članstvo ni utemeljeno z javnim interesom ali politiko države pogodbenice. V tem primeru pogodbenica da izjavo o razlogih za zavrnitev.

6. Vsaka država se lahko z izjavo, ki jo deponira z listino o ratifikaciji ali pozneje, odreče zahtevi po seznanjanju, uradnem obveščanju ali odobritvi iz četrtega odstavka za vse ali le za posamezne vrste skupnosti ali oblasti ali za posamezno vrsto sodelovanja.

7. Sporazum je registriran ali objavljen v državi, v kateri ima ERZS svoj sedež, in v vseh državah, v katerih so njegove članice, skladno z veljavnim notranjim pravom.

8. Teritorialne skupnosti ali oblasti, ki so članice ERZS, obvestijo svoje državne organe o uradni ustanovitvi ERZS.

9. Sporazum je napisan v jeziku države, v kateri ima ERZS sedež, in v jezikih članic, pri čemer so vse različice enako verodostojne.

5. člen – Statut

1. Statut ERZS je sestavni del sporazuma o ustanovitvi.

2. Statut je napisan v jeziku države, v kateri ima ERZS svoj sedež, in v jezikih članic, pri čemer so vse različice enako verodostojne. Članice lahko določijo, kateri jeziki so delovni jeziki.

3. Statut poleg obvezne navedbe sporazuma vsebuje pravila o članstvu, izstopu članic in prenehanju ERZS, vključno s pravnimi posledicami, delovanju, organih in njihovih nalogah, zaposlovanju, proračunu in financiranju, odgovornosti ter preglednosti ERZS, ne da bi to vplivalo na določbe tega protokola in skladno z zakonodajo.

Article 6 – Amendments to the agreement and the statutes

Any amendment to the agreement referred to in Article 4 and any substantial amendment to the statutes referred to in Article 5 shall follow the same procedures and form of those articles respectively. Substantial amendments to the statutes shall be those entailing, directly or indirectly, an amendment to the agreement. The majority required for the adoption of any such amendment shall be determined in the statutes.

Article 7 – Tasks and scope of action

1. The ECG shall perform the tasks that its members entrust to it. These tasks shall be in accordance with the competences of the members under their respective national law and shall be listed in the agreement and in the statutes.

2. The ECG shall adopt decisions and ensure their implementation, in respect and for the benefit of individual persons or legal entities subject to the jurisdiction of the states to which its members belong. Members shall adopt or facilitate all necessary measures falling within their competences in order to ensure that the ECG's decisions are implemented.

3. The tasks given to an ECG shall not concern the exercise of regulatory powers. The ECG shall not be empowered to take measures which might affect the rights and freedoms of individuals, or to impose levies of a fiscal nature.

4. The ECG may not exercise competences that territorial communities or authorities exercise as agents of the state to which they belong, except where duly authorised. It may exercise competences that states members of the ECG confer upon it.

Article 8 – Duration

1. The ECG shall be established for a limited or unlimited period of time, to be specified in the agreement and the statutes.

2. The ECG shall be wound up *ipso facto* when the period for which it was established has expired or if the territorial communities or authorities cease to control the majority of voting rights. It may also be wound up by a unanimous decision of its members.

Article 9 – Liabilities

1. The ECG – or, if its assets are not sufficient, its members jointly – shall be liable with regard to third parties for its acts, including debts of whatever nature, even if those acts do not fall within its tasks.

2. The ECG shall be liable to its members for any breach of the law to which it may be subject.

3. The organs of the ECG shall be liable with regard to the ECG for any breach of law they have committed in the exercise of their functions.

4. If a member of the ECG has only limited liability in accordance with the national law to which it is subject, the other members may also limit their liability in the statutes.

5. A state on whose territory it is intended to set up the headquarters of an ECG may prohibit the registration or publication of notice of an ECG if one or more of its prospective members has limited liability.

Article 10 – Dispute settlement

1. In the event of a dispute between the ECG and its members, the competent courts shall be those of the state in which the ECG has its headquarters.

2. In the event of a dispute between the ECG and a third party, the competent courts shall be those of the state in which the third party effectively resides or, in the case of a legal person, the state in which its seat or headquarters is located, as long as these states are member states of the Council of Europe.

6. člen – Spremembe sporazuma in statuta

Vsaka sprememba sporazuma iz 4. člena in vsaka bistvena sprememba statuta iz 5. člena se sprejmeta po enakem postopku in v obliki, ki jo predpisujejo njune določbe. Bistvena sprememba statuta je sprememba, ki neposredno ali posredno povzroči spremembo sporazuma. Večina, potrebna za sprejetje vsake spremembe, je določena v statutu.

7. člen – Naloge in področje delovanja

1. ERZS opravlja naloge, ki mu jih zaupajo članice. Naloge so skladne s pristojnostmi članic po njihovem notranjem pravu in so našteje v sporazumu in statutu.

2. ERZS sprejema odločitve v zvezi s fizičnimi ali pravnimi osebami držav in v njihovo dobro v skladu s pravnim redom držav, ki jim pripadajo, in zagotovi njihovo uresničevanje. Članice sprejemajo ali omogočajo potrebne ukrepe iz svoje pristojnosti za uresničevanje odločitev ERZS.

3. ERZS nima zakonodajnih pristojnosti pri opravljanju svojih nalog. ERZS ni pristojen za sprejemanje ukrepov, ki bi lahko vplivali na pravice in svoboščine posameznikov ali uvedbo davkov.

4. ERZS ne izvaja pristojnosti, ki jih v imenu države izvajajo njene teritorialne skupnosti ali oblasti, razen če je za to pravilno pooblaščen. ERZS lahko izvaja pristojnosti, ki jih države članice ERZS prenesejo nanj.

8. člen – Trajanje

1. ERZS se ustanovi za določen ali nedoločen čas, opredeljen v sporazumu in statutu.

2. ERZS samodejno preneha po poteku obdobja, za katero je bil ustanovljen, ali ko teritorialne skupnosti ali oblasti nimajo več večine. Preneha lahko tudi s soglasno odločitvijo članic.

9. člen – Odgovornost

1. ERZS je, če njegova sredstva niso zadostna, skupaj s članicami odgovoren za svoja dejanja do tretjih tudi pri dolgovih, čeprav taka dejanja ne spadajo med njegove naloge.

2. ERZS je svojim članicam odgovoren za kršitev zakona, ki velja zanj.

3. Organi ERZS so ERZS odgovorni za vsako kršitev zakona, ki nastane pri opravljanju njihovih nalog.

4. Če je ena članica ERZS po svoji notranji zakonodaji samo omejeno odgovorna, lahko tudi druge članice omejijo svojo odgovornost s statutom.

5. Država, v kateri bo sedež ERZS, lahko ugovarja registraciji ali objavi obvestila o ustanovitvi ERZS, če je ena ali več prihodnjih članic omejeno odgovorna.

10. člen – Reševanje sporov

1. Ob sporu med ERZS in njegovimi članicami je za reševanje pristojno sodišče države, v kateri ima ERZS sedež.

2. Ob sporu med ERZS in tretjim je za reševanje pristojno sodišče države, v kateri prebiva, če gre za pravno osebo, pa tam, kjer je njen sedež ali uprava, kjer opravlja dejavnost, če so te države članice Sveta Evrope.

3. Notwithstanding the provisions of paragraph 2, the ECG, the territorial communities or authorities, other public or private law entities concerned and third parties may conclude an arbitration agreement. If a third party's residence, seat or headquarters is not located in the territory of a member state of the Council of Europe, the ECG shall conclude an arbitration agreement for all activities with this party.

4. Third parties shall retain, vis-à-vis territorial communities or authorities on behalf of which the ECG performs certain tasks, all the rights they would enjoy if those tasks were not performed by the ECG.

5. In any case the rights of individuals and legal persons shall include the right to appeal before all competent organs and courts, including the right of access to services in their own language and the right of access to information.

Article 11 – Supervision, administrative and judicial review

1. Decisions and acts of the ECG shall be subject to the same supervision and administrative and judicial review of the legality of acts of territorial communities or authorities as those required in the state in which the ECG has its headquarters.

2. The ECG shall comply with information requests made by the authorities of the states to which the territorial communities or authorities belong. The supervisory authorities of the Parties shall endeavour to establish means of appropriate co-ordination and information.

3. Decisions and acts of territorial communities or authorities and other public and private law entities shall be subject to the supervision and administrative and judicial review of the legality of acts of territorial communities or authorities and of other public law entities in the forms required in the states under whose jurisdiction the said authorities fall.

4. Where the ECG carries out any activity in contravention of the provisions on public policy, public security, public health or public morality of the states to which its members belong, or in contravention of the public interest of the said states, the competent authority or body of these states may prohibit that activity on its territory or require those members that fall under its jurisdiction to withdraw from the ECG unless the latter ceases the activity in question. Such prohibitions shall not constitute a means of arbitrary or disguised restriction on co-operation between the members. Review of the competent authority's or body's decision by a judicial authority shall be possible.

5. Notwithstanding the rules on dissolution of the ECG under the present Protocol and the statutes, at the request of a competent authority with a legitimate interest, a competent court or the competent authority of a Party where the ECG has its headquarters may order the ECG to be wound up if it finds that the ECG is acting outside the tasks entrusted to it. The competent court or authority may allow the ECG time to rectify the situation. If the ECG fails to do so within the time allowed, it may be declared wound up.

Article 12 – Financial audit

1. The management and budget implementation of the ECG shall be subject to financial audit in accordance with the national law of the Party in which it has its headquarters. This state shall inform the other states whose territorial communities or authorities are members of the ECG without delay of the results of the audit and of the measures taken concerning the ECG.

2. Any other state implicated either by its direct participation in the ECG or through the participation of its territorial communities or authorities or other legal persons listed in Article 3, paragraph 1, may, only on its territory and in accordance with the national law applicable, carry out a financial audit of the ECG. The ECG and the states of the members shall be informed in advance.

3. Ne glede na drugi odstavek lahko ERZS, teritorialne skupnosti ali oblasti, druge javne ali zasebne pravne osebe in tretji sklenejo arbitražni sporazum. Če tretji nima stalnega prebivališča ali sedeža na ozemlju države članice Sveta Evrope, ERZS sklene z njim arbitražni sporazum glede vseh dejavnosti, ki jih opravlja z njim.

4. Tretji ima v razmerju do teritorialnih skupnosti in oblasti, v imenu katerih ERZS opravlja posamezne naloge, vse pravice, ki bi jih imel, če teh nalog ne bi opravljal ERZS.

5. V vsakem primeru imata posameznik in pravna oseba pravico do pritožbe na vse pristojne organe in sodišča, tudi pravico do storitev v svojem jeziku in do dostopa do informacij.

11. člen – Nadzor, upravna in sodna presoja

1. Zakonitost odločitev in dejanj ERZS se nadzira ter upravno in sodno presoja na enak način kot zakonitost odločitev in dejanj teritorialnih skupnosti ali oblasti v državi, v kateri ima ERZS sedež.

2. Če organ države, na ozemlju katere so teritorialne skupnosti ali oblasti, tako zahteva, mu mora ERZS dati podatke. Nadzorni organi pogodbenic si prizadevajo vzpostaviti primerne načine za usklajevanje in obveščanje.

3. Zakonitost odločitev in dejanj teritorialnih skupnosti ali oblasti in drugih oseb javnega ali zasebnega prava se nadzira in upravno ter pravno presoja na enak način kot dejanja teritorialnih skupnosti ali oblasti in drugih oseb javnega prava v državi, ki ji omenjene oblasti pripadajo.

4. Kadar ERZS opravlja dejavnost, ki je v nasprotju z javnim redom, javno varnostjo, javnim zdravjem ali javno moralno držav, ki ji članice pripadajo, ali v nasprotju z javnim interesom teh držav, lahko njihov pristojni organ prepove sporno dejavnost na svojem ozemlju ali zahteva od tistih članic, ki so v njegovi pristojnosti, da izstopijo iz ERZS, če ne prenehajo s sporno dejavnostjo. Take prepovedi ne smejo biti sredstvo za samovoljo ali prikrito omejevanje sodelovanja med članicami. Sodišče lahko presoja o odločitvah pristojnih organov ali teles.

5. Ne glede na pravila o prenehanju ERZS po tem protokolu in statutu lahko pristojno sodišče ali organ pogodbenice, v kateri je sedež ERZS, na zahtevo pristojnega organa, ki ima pravni interes, odredi prenehanje ERZS, če ugotovi, da deluje v nasprotju z nalogami, ki so mu bile zaupane. Sodišče ali pristojni organ lahko določi rok, v katerem mora ERZS urediti razmere. Če mu to ne uspe v določenem roku, se lahko odredi njegovo prenehanje.

12. člen – Finančna revizija

1. Upravljanje in izvajanje proračuna ERZS se finančno revidira v skladu z notranjo zakonodajo pogodbenice, v kateri je njegov sedež. Ta država nemudoma obvesti druge države, katerih teritorialne skupnosti ali oblasti so članice ERZS, o ugotovitvah revizije in ukrepih, ki se nanašajo na ERZS.

2. Vsaka druga država, ki sodeluje v ERZS neposredno ali prek svojih teritorialnih skupnosti ali oblasti ali drugih pravnih oseb iz prvega odstavka 3. člena, lahko finančno revidira ERZS samo na svojem ozemlju in skladno s svojo notranjo zakonodajo. ERZS in države, iz katerih so članice, morajo biti o tem vnaprej obveščene.

Part II**2. del****Article 13 – Implementation of the Protocol**

1. The Parties shall take such legislative, administrative or other measures as are appropriate to ensure that the provisions of Part I are implemented.

2. In order to facilitate implementation of this Protocol, an appendix will provide the more detailed, but optional provisions for the establishment and operation of ECGs. The parties wishing to introduce into their national law all or part of the provisions of the appendix may do so in accordance with the relevant constitutional and legislative procedures.

3. The provisions of the appendix may be reproduced as they appear or may be adapted to meet the needs of the Parties concerned.

4. The Parties may declare that the provisions of the appendix, once introduced into their national legal system, constitute the implementing provisions referred to in paragraph 1.

5. The provisions of the appendix do not constitute an authoritative interpretation of the provisions included in Part I.

6. The provisions of the appendix shall be drafted by the Council of Europe and appended to this Protocol as soon as they are approved by the Committee of Ministers.

Article 14 – Information

1. The Parties shall inform their territorial communities or authorities of the measures taken to implement this Protocol.

2. The Parties shall notify the Secretary General of the Council of Europe of measures taken to implement this Protocol.

3. The Parties shall forward to the Secretary General of the Council of Europe all appropriate information on ECGs set up pursuant to this Protocol.

Article 15 – Applicability of other treaties

This Protocol shall not affect the applicability of treaties existing between the Parties in matters of transfrontier or inter-territorial co-operation or the ability of the parties to conclude new treaties on the subject if they so wish.

Article 16 – Scope of Application

1. Each state shall, in a declaration deposited with the Secretary General of the Council of Europe at the time of ratification, acceptance, approval or accession, designate the categories of territorial communities or authorities and legal persons mentioned under Article 3, paragraph 1, which it excludes from the scope of this Protocol.

2. For the purpose of applying this Protocol, autonomous public communities or authorities vested with their own legislative power under the national law of the Party in whose jurisdiction they are situated shall be considered as "territorial communities or authorities", without prejudice to the provisions of paragraph 1.

3. Any declaration made under paragraph 1 may be altered by a notification addressed to the Secretary General. Such notification shall become effective on the day of its receipt.

Article 17 – Reservations

No reservations in respect of this Protocol shall be permitted.

Article 18 – Terms and definitions

The terms and definitions used in this Protocol have the same meaning and purpose as the same terms and definitions given in the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities, its Additional Protocol and Protocol No. 2.

13. člen – Izvajanje protokola

1. Za izvajanje določb iz 1. dela tega protokola sprejmejo države pogodbenice ustrezne zakonodajne, upravne in druge ukrepe.

2. Za lažje izvajanje tega protokola se pripravi priloga s podrobnejšimi, vendar neobvezujočimi določbami za ustanovitev in delovanje ERZS. Pogodbenice lahko z ustreznimi zakonodajnimi postopki v svojo notranjo zakonodajo vključijo vse ali nekatere določbe priloge.

3. Določbe iz priloge se lahko uporabijo nespremenjene ali prilagojene potrebam pogodbenic.

4. Ko pogodbenice sprejmejo določbe priloge v svoj pravni red, lahko izjavijo, da so to določbe za izvajanje iz prvega odstavka.

5. Določbe priloge se ne štejejo za verodostojno razlago določb iz 1. dela.

6. Določbe priloge pripravi Svet Evrope in jih po odobritvi Odbora ministrov priloži k protokolu.

14. člen – Obveščanje

1. Pogodbenice obveščajo svoje teritorialne skupnosti ali oblasti o ukrepih za izvajanje tega protokola.

2. Pogodbenice obvestijo generalnega sekretarja Sveta Evrope o ukrepih za izvajanje tega protokola.

3. Pogodbenice pošljejo generalnemu sekretarju Sveta Evrope vse podatke v zvezi z ustanovitvijo ERZS po tem protokolu.

15. člen – Veljavnost drugih mednarodnih pogodb

Ta protokol ne vpliva na veljavnost pogodb med pogodbenicami o čezmejnem ali medteritorialnem sodelovanju ali na možnost, da pogodbenice sklenejo nove pogodbe s tega področja, če tako želijo.

16. člen – Področje uporabe

1. Ob ratifikaciji, sprejetju, odobritvi ali pristopu k protokolu vsaka država v izjavo, ki jo deponira pri generalnem sekretarju Sveta Evrope, določi vrste teritorialnih skupnosti ali oblasti in pravnih oseb iz prvega odstavka 3. člena, ki jih izključi iz njegove uporabe.

2. V tem protokolu se avtonomne skupnosti ali oblasti, ki imajo po notranji zakonodaji pogodbenice, v pristojnosti katere so, lastno zakonodajno oblast, štejejo za »teritorialne skupnosti ali oblasti« ne glede na določbe prvega odstavka.

3. Vsaka izjava iz prvega odstavka se lahko spremeni z uradnim obvestilom generalnemu sekretarju. Tako uradno obvestilo velja od dneva prejema obvestila.

17. člen – Pridržki

Pridržki k protokolu niso dovoljeni.

18. člen – Pomen izrazov

Pomen izrazov je enak kot v Evropski okvirni konvenciji o čezmejnem sodelovanju teritorialnih skupnosti ali oblasti, njenem dodatnem protokolu in protokolu št. 2.

Part III

3. del

Article 19 – Signature and entry into force of the Protocol

1. This Protocol shall be open for signature by the states signatory to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities. It shall be subject to ratification, acceptance or approval. A signatory to this Protocol may not ratify, accept or approve it unless it has previously or simultaneously ratified, accepted or approved the European Outline Convention. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

2. This Protocol shall enter into force on the first day of the month following expiration of a period of three months after the date of deposit of the fourth instrument of ratification, acceptance or approval.

3. In respect of any signatory state which subsequently expresses its agreement to be bound by it, the Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of ratification, acceptance or approval.

Article 20 – Accession

1. After the entry into force of this Protocol, any state which has acceded to the European Outline Convention may also accede to this Protocol.

2. Accession shall be effected by the deposit with the Secretary General of the Council of Europe of an instrument of accession, which shall take effect on the first day of the month following the expiration of a period of three months after the date of its deposit.

Article 21 – Denunciation

1. Any Party may, at any time, denounce this Protocol by means of a notification addressed to the Secretary General of the Council of Europe. Such denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of such notification by the Secretary General.

2. If this Protocol is denounced, the legal personality and capacity of the ECGs established prior to denunciation shall be unaffected.

Article 22 – Notifications

The Secretary General of the Council of Europe shall notify the member states of the Council of Europe and any other state which has acceded to this Protocol of:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance, approval or accession;
- c. any date of entry into force of this Protocol in accordance with Articles 19 and 20;
- d. any domestic legislation implementing the provisions of this Protocol pursuant to Article 13, paragraph 1;
- e. the approval of the appendix, or parts thereof, by the Committee of Ministers of the Council of Europe;
- f. any declaration received in application of the provisions of Article 4, paragraph 6, Article 13, paragraph 4, and Article 16, paragraphs 1 and 3, or any notification of modification of such declarations;
- g. any other act, notification or communication relating to this Protocol.

19. člen – Podpis in začetek veljavnosti

1. Ta protokol je na voljo za podpis državam podpisnicam Evropske okvirne konvencije o čezmejnem sodelovanju teritorialnih skupnosti ali oblasti. Protokol se ratificira, sprejme ali odobri. Podpisnice tega protokola ga ne smejo ratificirati, sprejeti ali odobriti, če predhodno ali istočasno ne ratificirajo, sprejmejo ali odobrijo Evropske okvirne konvencije o čezmejnem sodelovanju lokalnih skupnosti in oblasti. Listine o ratifikaciji, sprejetju ali odobritvi se deponirajo pri generalnem sekretarju Sveta Evrope.

2. Ta protokol začne veljati prvi dan v mesecu po poteku treh mesecev od dneva deponiranja četrte listine o ratifikaciji, sprejetju in odobritvi.

3. Za državo podpisnico, ki pozneje izrecno izrazi obvezujoče soglasje, protokol začne veljati prvi dan v mesecu po poteku treh mesecev od dneva deponiranja.

20. člen – Pristop

1. Ko protokol začne veljati, lahko vsaka država, ki je pristopila k Evropski okvirni konvenciji o čezmejnem sodelovanju lokalnih skupnosti in oblasti, pristopi tudi k temu protokolu.

2. Pristop se izvede z deponiranjem pristopne listine pri generalnem sekretarju Sveta Evrope, ki začne veljati prvi dan meseca po poteku treh mesecev od dneva deponiranja.

21. člen – Odpoved

1. Pogodbenica lahko kadar koli odpove ta protokol z uradnim obvestilom generalnemu sekretarju Sveta Evrope. Taka odpoved začne veljati po poteku šestih mesecev od dneva, ko generalni sekretar prejme uradno obvestilo.

2. Če se ta protokol odpove, to ne vpliva na pravno osebo in pravno sposobnost ERZS, vzpostavljeni pred odpovedjo.

22. člen – Uradna obvestila

Generalni sekretar Sveta Evrope uradno obvešča države članice Sveta Evrope in druge države, ki so pristopile k protokolu, o:

- a. vsakem podpisu;
- b. deponiranju listine o ratifikaciji, sprejetju, odobritvi ali pristopu;
- c. vsakem datumu začetka veljavnosti tega protokola po 19. in 20. členu;
- d. vsakem notranjpravnem aktu, sprejetem za izvajanje določb tega protokola, na podlagi prvega odstavka 13. člena;
- e. prilogi ali njenem delu, ki ga sprejme Odbor ministrov Sveta Evrope;
- f. vsaki izjavi v zvezi z uporabo šestega odstavka 4. člena, četrtega odstavka 13. člena ter prvega in tretjega odstavka 16. člena, ali vsakem drugem uradnem obvestilu o spremembi teh izjav;
- g. vsakem drugem dejanju, uradnem obvestilu ali sporočilu, ki se nanaša na ta protokol.

In witness thereof the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Utrecht, this 16th day of November 2009, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member state of the Council of Europe and to any state which has acceded to this Protocol.

V potrditev tega so podpisani, ki so bili za to pravilno pooblaščen, podpisali ta protokol.

Sestavljeno v Utrechtu 16. novembra 2009 v angleškem in francoskem jeziku, pri čemer sta besedili enako verodostojni, v enem izvodu, ki se hrani v arhivu Sveta Evrope. Generalni sekretar Sveta Evrope pošlje overjene kopije vsaki državi članici Sveta Evrope in vsaki državi, ki je pristopila k temu protokolu.

3. člen

Za izvajanje protokola skrbi Služba Vlade Republike Slovenije za lokalno samoupravo in regionalno politiko.

4. člen

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

Št. 200-04/10-1/15
Ljubljana, dne 4. februarja 2011
EPA 1483-V

Državni zbor
Republike Slovenije
Miran Potrč l.r.
Podpredsednik

9. Zakon o ratifikaciji Dodatnega protokola k Evropski listini lokalne samouprave o pravici do sodelovanja pri vprašanih lokalne oblasti (MDPELLS)

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

U K A Z

o razglasitvi Zakona o ratifikaciji Dodatnega protokola k Evropski listini lokalne samouprave o pravici do sodelovanja pri vprašanih lokalne oblasti (MDPELLS)

Razglašam Zakon o ratifikaciji Dodatnega protokola k Evropski listini lokalne samouprave o pravici do sodelovanja pri vprašanih lokalne oblasti (MDPELLS), ki ga je sprejel Državni zbor Republike Slovenije na seji 4. februarja 2011.

Št. 003-02-2/2011-22

Ljubljana, dne 14. februarja 2011

dr. Danilo Türk l.r.
Predsednik
Republike Slovenije

Z A K O N

**O RATIFIKACIJI DODATNEGA PROTOKOLA K EVROPSKI LISTINI LOKALNE SAMOUPRAVE
O PRAVICI DO SODELOVANJA PRI VPRAŠANJIH LOKALNE OBLASTI (MDPELLS)**

1. člen

Ratificira se Dodatni protokol k Evropski listini lokalne samouprave o pravici do sodelovanja pri vprašanih lokalne oblasti, sestavljen v Utrechtu 16. novembra 2009.

2. člen

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

**Additional Protocol
to the European Charter of Local Self-Government on
the right to participate in the affairs of a local authority**

Preamble

The member states of the Council of Europe, signatories to this Additional Protocol to the European Charter of Local Self-Government (hereinafter referred to as "the Charter", ETS No.122),

Considering that the aim of the Council of Europe is to achieve greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage;

Considering that the right to participate in the conduct of public affairs is one of the democratic principles that are shared by all member states of the Council of Europe;

Considering that the evolution in member states has shown the pre-eminent importance of this principle for local self-government;

Considering that it would be appropriate to supplement the Charter with provisions guaranteeing the right to participate in the affairs of a local authority;

Bearing in mind the Council of Europe Convention on Access to Official Documents, adopted by the Committee of Ministers on 27 November 2008;

Bearing in mind also the Declaration and the Action Plan adopted at the Third Summit of Heads of State and Government of the Council of Europe (Warsaw, 16 and 17 May 2005),

Have agreed as follows:

**Article 1 – Right to participate
in the affairs of a local authority**

1 The States Parties shall secure to everyone within their jurisdiction the right to participate in the affairs of a local authority.

2 The right to participate in the affairs of a local authority denotes the right to seek to determine or to influence the exercise of a local authority's powers and responsibilities.

**Dodatni protokol
k Evropski listini lokalne samouprave o pravici
do sodelovanja pri vprašanih lokalne oblasti**

Preambula

Države članice Sveta Evrope, podpisnice Dodatnega protokola k Evropski listini lokalne samouprave (v nadaljevanju listina, ETS, št. 122),

so se

z upoštevanjem, da je cilj Sveta Evrope doseči večjo enotnost med njegovimi članicami zaradi varovanja in uresničevanja idealov in načel, ki so njihova skupna dediščina;

z upoštevanjem, da je pravica do sodelovanja pri upravljanju javnih zadev eno od demokratičnih načel, ki so skupna vsem državam članicam Sveta Evrope;

z upoštevanjem, da je razvoj v državah članicah pokazal, da je to izjemno pomembno načelo lokalne samouprave;

z upoštevanjem, da bi bilo primerno dopolniti listino z določbami, ki bi jamčile pravico do sodelovanja pri vprašanih lokalne oblasti;

z upoštevanjem Konvencije Sveta Evrope o dostopu do uradnih dokumentov, ki jo je sprejel Odbor ministrov 27. novembra 2008;

z upoštevanjem deklaracije in akcijskega načrta, ki sta bila sprejeta na 3. sestanku voditeljev držav in vlad članic Sveta Evrope (Varšava, 16. in 17. maj 2005),

dogovorile:

**1. člen – Pravica do sodelovanja
pri vprašanih lokalne oblasti**

1 Države pogodbenice priznavajo vsakomur pravico sodelovati pri vprašanih lokalne oblasti, ki so v njihovi pristojnosti.

2 Pravica do sodelovanja pri vprašanih lokalne oblasti pomeni pravico poskušati določiti ali vplivati na izvajanje pristojnosti in odgovornosti lokalne oblasti.

3 The law shall provide means of facilitating the exercise of this right. Without unfairly discriminating against any person or group, the law may provide particular measures for different circumstances or categories of persons. In accordance with the constitutional and/or international obligations of the Party, the law may, in particular, provide for measures specifically limited to voters.

4.1 Each Party shall recognise by law the right of nationals of the party to participate, as voters or candidates, in the election of members of the council or assembly of the local authority in which they reside.

4.2 The law shall also recognise the right of other persons to so participate where the Party, in accordance with its own constitutional order, so decides or where this accords with the Party's international legal obligations.

5.1 Any formalities, conditions or restrictions to the exercise of the right to participate in the affairs of a local authority shall be prescribed by law and be compatible with the Party's international legal obligations.

5.2 The law shall impose such formalities, conditions and restrictions as are necessary to ensure that the ethical integrity and transparency of the exercise of local authorities' powers and responsibilities are not jeopardised by the exercise of the right to participate.

5.3 Any other formalities, conditions or restrictions must be necessary for the operation of an effective political democracy, for the maintenance of public safety in a democratic society or for the Party to comply with the requirements of its international legal obligations.

Article 2 – Implementing measures for the right to participate

1 The Parties shall take all such measures as are necessary to give effect to the right to participate in the affairs of a local authority.

2 These measures for the exercise of the right to participate shall include:

i. empowering local authorities to enable, promote and facilitate the exercise of the right to participate set out in this Protocol;

ii. securing the establishment of:

a. procedures for involving people which may include consultative processes, local referendums and petitions and, where the local authority has many inhabitants and/or covers a large geographical area, measures to involve people at a level close to them;

b. procedures for access, in accordance with the Party's constitutional order and international legal obligations, to official documents held by local authorities;

c. measures for meeting the needs of categories of persons who face particular obstacles in participating; and

d. mechanisms and procedures for dealing with and responding to complaints and suggestions regarding the functioning of local authorities and local public services;

iii. encouraging the use of information and communication technologies for the promotion and exercise of the right to participate set out in this Protocol.

3 The procedures, measures and mechanisms may be different for different categories of local authorities, having regard to their size and competences.

4 In the planning and decision-making processes concerning measures to be undertaken to give effect to the right to participate in the affairs of a local authority, local authorities shall be consulted insofar as possible, in due time and in an appropriate way.

3 Način uresničevanja te pravice določa zakon. Ne da bi zakon nepravilno zastavljal katero koli osebo ali skupino, lahko določi posebne ukrepe za različne okoliščine ali skupine oseb. Skladno z ustavo in/ali mednarodnimi obveznostmi pogodbenic lahko zakon določi ukrepe, ki so namenjeni le volivcem.

4.1 Vsaka pogodbenica z zakonom državljanom pogodbenice priznava pravico, da sodelujejo kot volivci ali kandidati na volitvah za člane sveta ali skupščine lokalne oblasti v kraju, v katerem prebivajo.

4.2 Zakon prav tako priznava pravico do takega sodelovanja drugim osebam, če se pogodbenica v skladu z ustavno ureditvijo tako odloči ali če je to v skladu z mednarodnimi pravnimi obveznostmi pogodbenice.

5.1 Uradni postopki, pogoji ali omejitve pri uresničevanju pravice do sodelovanja pri vprašanih lokalne oblasti so predpisane z zakonom in usklajene z mednarodnimi pravnimi obveznostmi pogodbenice.

5.2 Zakon predpisuje potrebne uradne postopke, zahteve in omejitve, da se zagotovi, da uresničevanje pravice do sodelovanja ne ogroža etike in preglednosti izvajanja pristojnosti in odgovornosti lokalnih oblasti.

5.3 Vsi drugi uradni postopki, zahteve ali omejitve pa morajo zagotoviti učinkovito politično demokracijo, vzdrževanje javne varnosti v demokratični družbi ali ravnanje pogodbenice v skladu z mednarodnimi pravnimi obveznostmi.

2. člen – Ukrepi za uresničevanje pravice do sodelovanja

1 Države pogodbenice sprejmejo vse ukrepe za uresničevanje pravice do sodelovanja pri vprašanih lokalne oblasti.

2 Ukrepi za uresničevanje pravice do sodelovanja vključujejo:

i. pooblastilo lokalnim oblastem, da omogočijo, spodbujajo in pospešujejo uresničevanje pravice do sodelovanja po tem protokolu;

ii. vzpostavitev:

a. postopkov za vključevanje ljudi, tudi posvetovanj, lokalnih referendumov in predlogov, in če ima lokalna oblast veliko prebivalcev in/ali veliko območje, ukrepov za vključevanje ljudi na ravni, ki jim je blizu;

b. postopkov za dostop do uradnih dokumentov skladno z ustavno ureditvijo pogodbenice in mednarodnimi zakonskimi obveznostmi, ki jih ima lokalna oblast;

c. ukrepov, namenjenih zadovoljevanju potreb ljudi, ki se srečujejo s posebnimi ovirami pri sodelovanju, in

d. načinov in postopkov za obravnavo pritožb in predlogov za delovanje lokalnih oblasti in lokalnih javnih služb ter odziv nanje;

iii. spodbujanje uporabe informacijskih in komunikacijskih tehnologij za uveljavljanje uresničevanja pravice do sodelovanja po tem protokolu.

3 Postopki, ukrepi in načini so lahko različni za različne vrste lokalnih oblasti glede na njihovo velikost in pristojnosti.

4 Pri načrtovanju in odločanju o ukrepih za uresničevanje pravice do sodelovanja pri vprašanih lokalne oblasti se je treba po možnosti pravočasno in ustrezno posvetovati z lokalnimi oblastmi.

Article 3 – Authorities to which the Protocol applies

This Protocol applies to all the categories of local authorities existing within the territory of the Party. However, each state may, when depositing its instrument of ratification, acceptance or approval, specify the categories of local or regional authorities to which it intends to confine the scope of the Protocol or which it intends to exclude from its scope. It may also include further categories of local or regional authorities within the scope of the Protocol by subsequent notification to the Secretary General of the Council of Europe.

Article 4 – Territorial application

1 Any state may at the time of signature or when depositing its instrument of ratification, acceptance or approval, specify the territory or territories to which this Protocol shall apply.

2 Any Party may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Protocol to any other territory specified in the declaration. In respect of such territory the Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.

3 Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of such notification by the Secretary General.

Article 5 – Signature and entry into force

1 This Protocol shall be open for signature by the member states of the Council of Europe signatories to the Charter. It is subject to ratification, acceptance or approval. A member state of the Council of Europe may not ratify, accept or approve this Protocol unless it has, simultaneously or previously, ratified, accepted or approved the Charter. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

2 This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date on which eight member states of the Council of Europe have expressed their consent to be bound by the Protocol in accordance with the provisions of paragraph 1.

3 In respect of any member state which subsequently expresses its consent to be bound by it, the Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 6 – Denunciation

1 Any Party may at any time denounce this Protocol by means of a notification addressed to the Secretary General of the Council of Europe.

2 Such denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General.

Article 7 – Notifications

The Secretary General of the Council of Europe shall notify the member states of the Council of Europe of:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance or approval;
- c. any date of entry into force of this Protocol in accordance with Article 5;
- d. any notification received in application of the provisions of Article 3;
- e. any other act, notification or communication relating to this Protocol.

3. člen – Oblasti, na katere se protokol nanaša

Protokol se nanaša na vse vrste lokalnih oblasti na omejlju pogodbenice. Vsaka država pa lahko ob deponiranju svoje listine o ratifikaciji, sprejetju ali odobritvi posebej navede posamezne vrste lokalnih ali regionalnih oblasti, na katere namerava omejiti uporabo protokola ali ki jih namerava izključiti iz njegove uporabe. S poznejšim obvestilom generalnemu sekretarju Sveta Evrope lahko uporabo protokola tudi razširi na druge vrste lokalnih ali regionalnih oblasti.

4. člen – Ozemeljska veljavnost

1 Vsaka država lahko ob podpisu ali deponiranju svoje listine o ratifikaciji, sprejetju ali odobritvi določi območje ali območja, za katera se ta protokol uporablja.

2 Vsaka pogodbenica lahko kadar koli pozneje z izjavo, naslovljeno na generalnega sekretarja Sveta Evrope, uporabo tega protokola razširi na drugo območje, navedeno v izjavi. Protokol začne za tako območje veljati prvi dan meseca po treh mesecih od dneva, ko je generalni sekretar prejel to izjavo.

3 Vsaka izjava, dana po prejšnjih dveh odstavkih, se lahko za vsako območje, navedeno v njej, umakne z uradnim obvestilom, naslovljenim na generalnega sekretarja Sveta Evrope. Umik začne veljati prvi dan meseca po šestih mesecih od dneva, ko generalni sekretar prejme uradno obvestilo.

5. člen – Podpis in začetek veljavnosti

1 Ta protokol je na voljo za podpis državam članicam Sveta Evrope, podpisnicam listine. Protokol se ratificira, sprejme ali odobri. Država članica Sveta Evrope ne more ratificirati, sprejeti ali odobriti tega protokola, če hkrati ali predhodno ne ratificira, sprejme ali odobri listine. Listine o ratifikaciji, sprejetju ali odobritvi se deponirajo pri generalnem sekretarju Sveta Evrope.

2 Protokol začne veljati prvi dan v mesecu po poteku treh mesecev od dneva, ko osem držav članic Sveta Evrope izrazi svojo soglasje, da jih protokol zavezuje v skladu z določbami prvega odstavka.

3 Za državo članico, ki pozneje izrazi svoje soglasje, da jo protokol zavezuje, protokol začne veljati prvi dan meseca po treh mesecih od dneva deponiranja, sprejetja ali odobritve listine o ratifikaciji.

6. člen – Odpoved

1 Vsaka pogodbenica lahko kadar koli odpove ta protokol z uradnim obvestilom generalnemu sekretarju Sveta Evrope.

2 Odpoved začne veljati prvi dan meseca po šestih mesecih od dneva, ko generalni sekretar prejme uradno obvestilo.

7. člen – Uradna obvestila

Generalni sekretar Sveta Evrope obvešča države članice Sveta Evrope o:

- a. vsakem podpisu;
- b. deponiranju listine o ratifikaciji, sprejetju ali odobritvi;
- c. vsakem dnevu začetka veljavnosti tega protokola po 5. členu;
- d. vsakem uradnem obvestilu, prejetem glede uporabe določb 3. člena;
- e. vsakem drugem dejanju, uradnem obvestilu ali sporočilu, ki se nanaša na ta protokol.

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

Done at Utrecht, this 16th day of November 2009, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member state of the Council of Europe.

V potrditev tega so podpisani, ki so bili za to pravilno pooblaščen, podpisali ta protokol.

Sestavljeno v Utrechtu 16. novembra 2009 v angleškem in francoskem jeziku, pri čemer sta obe besedili enako verodostojni, v enem izvodu, ki se hrani v arhivu Sveta Evrope. Generalni sekretar vsaki članici Sveta Evrope pošlje overjene kopije.

3. člen

Za izvajanje protokola skrbi Služba Vlade Republike Slovenije za lokalno samoupravo in regionalno politiko.

4. člen

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

Št. 003-01/10-20/9
Ljubljana, dne 4. februarja 2011
EPA 1484-V

Državni zbor
Republike Slovenije
Miran Potrč l.r.
Podpredsednik

10. Zakon o ratifikaciji Sporazuma o zagotavljanju zdravstvenega varstva med Vlado Republike Slovenije in Vlado Avstralije ter Administrativnega dogovora o izvajanju Sporazuma o zagotavljanju zdravstvenega varstva med Vlado Republike Slovenije in Vlado Avstralije (BAUZZV)

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

U K A Z

o razglasitvi Zakona o ratifikaciji Sporazuma o zagotavljanju zdravstvenega varstva med Vlado Republike Slovenije in Vlado Avstralije ter Administrativnega dogovora o izvajanju Sporazuma o zagotavljanju zdravstvenega varstva med Vlado Republike Slovenije in Vlado Avstralije (BAUZZV)

Razglašam Zakon o ratifikaciji Sporazuma o zagotavljanju zdravstvenega varstva med Vlado Republike Slovenije in Vlado Avstralije ter Administrativnega dogovora o izvajanju Sporazuma o zagotavljanju zdravstvenega varstva med Vlado Republike Slovenije in Vlado Avstralije (BAUZZV), ki ga je sprejel Državni zbor Republike Slovenije na seji 4. februarja 2011.

Št. 003-02-2/2011-20

Ljubljana, dne 14. februarja 2011

dr. Danilo Türk l.r.
Predsednik
Republike Slovenije

Z A K O N

O RATIFIKACIJI SPORAZUMA O ZAGOTAVLJANJU ZDRAVSTVENEGA VARSTVA MED VLADO REPUBLIKE SLOVENIJE IN VLADO AVSTRALIJE TER ADMINISTRATIVNEGA DOGOVORA O IZVAJANJU SPORAZUMA O ZAGOTAVLJANJU ZDRAVSTVENEGA VARSTVA MED VLADO REPUBLIKE SLOVENIJE IN VLADO AVSTRALIJE (BAUZZV)

1. člen

Ratificirata se Sporazum o zagotavljanju zdravstvenega varstva med Vlado Republike Slovenije in Vlado Avstralije ter Administrativni dogovor o izvajanju Sporazuma o zagotavljanju zdravstvenega varstva med Vlado Republike Slovenije in Vlado Avstralije, sklenjena v Canberri 11. marca 2009 in 13. novembra 2010.

2. člen

Sporazum in administrativni dogovor se v izvorniku v slovenskem in angleškem jeziku glasita:

S P O R A Z U M

o zagotavljanju zdravstvenega varstva med Vlado Republike Slovenije in Vlado Avstralije

Vlada Republike Slovenije in Vlada Avstralije (v nadaljevanju pogodbenici) sta se v želji, da bi uredili zdravstveno varstvo upravičenih oseb ene pogodbenice, ko so na ozemlju druge pogodbenice, sporazumeli, kot sledi:

1. člen

POMEN IZRAZOV

(1) Izrazi v tem sporazumu pomenijo:

a) zdravstvene storitve«

i) za Republiko Slovenijo zdravstvene storitve, zagotovljene po *Zakonu o zdravstvenem varstvu in zdravstvenem zavarovanju, 1992*, in

ii) za Avstralijo zdravila, ki se državnemu pacientu zagotovijo po *Zakonu o varovanju zdravja, 1953*, zagotovljene zdravstvene in bolnišnične storitve ali tiste, za katere se izplača dajatev, po *Zakonu o zdravstvenem zavarovanju, 1973*, ali *Zakonu o varovanju zdravja, 1953*, in vseh sporazumih ali odločitvah po *Zakonu o zdravstvenem zavarovanju, 1973*, v zvezi z zagotavljanjem storitev javnih bolnišnic in drugih zdravstvenih storitev v državah in na ozemljih Avstralije;

b) »zavarovana oseba«

za Republiko Slovenijo oseba, ki je obvezno zdravstveno zavarovana po *Zakonu o zdravstvenem varstvu in zdravstvenem zavarovanju, 1992*;

A G R E E M E N T

concerning the provision of health care between the Government of the Republic of Slovenia and the Government of Australia

The Government of the Republic of Slovenia and the Government of Australia ("the Parties"), desirous of mutually regulating the field of health care of eligible persons of one Party during their presence in the territory of the other Party, have agreed as follows:

Article 1

DEFINITIONS

(1) Terms in this Agreement mean:

(a) "medical services"

i) in relation to the Republic of Slovenia, medical services provided under the *Health Care and Health Insurance Act 1992*; and

ii) in relation to Australia, pharmaceutical benefits provided to a general patient as defined under the *National Health Act 1953*, professional and hospital services provided, or in respect of which a benefit is payable, under the *Health Insurance Act 1973* or the *National Health Act 1953* and any agreements or determinations made under the *Health Insurance Act 1973* in relation to provision in the States and Territories of Australia of public hospital services and other health services.

(b) "insured person"

in relation to the Republic of Slovenia, a person covered by compulsory health insurance under the *Health Care and Health Insurance Act 1992*.

- c) »prebivalec«
za Avstralijo oseba, ki je prebivalec Avstralije po *Zakonu o zdravstvenem zavarovanju, 1973*;
- d) »ozemlje«
i) za Republiko Slovenijo ozemlje Republike Slovenije in
ii) za Avstralijo ozemlje Avstralije za namen uporabe *Zakona o zdravstvenem zavarovanju, 1973*;
- e) »začasno bivanje«
zakonito, vendar ne stalno prebivanje na ozemlju pogodbenic;
- f) »pristojni organ«
i) za Republiko Slovenijo Ministrstvo za zdravje in
ii) za Avstralijo Ministrstvo za zdravje in vprašanja staranja;
- g) »pristojni nosilec«
i) za Republiko Slovenijo Zavod za zdravstveno zavarovanje Slovenije in
ii) za Avstralijo Ministrstvo za zdravje in vprašanja staranja ali nosilec, ki ga za to pooblasti ministrstvo.

(2) V tem sporazumu imajo drugi izrazi in besede, razen če ni drugače razvidno iz besedila sporazuma, pomen, kot izhaja iz zakonodaje pogodbenic, opredeljene v točki a prvega odstavka tega člena.

(3) Ta sporazum se nanaša tudi na zakonodajo, ki nadomešča, spreminja, dopolnjuje ali povzema zakonodajo, opredeljeno v točki a prvega odstavka tega člena.

2. člen

OSEBE, ZA KATERE SE UPORABLJA SPORAZUM

(1) Ta sporazum se uporablja za osebe ene pogodbenice, ki so začasno na ozemlju druge pogodbenice, in so:

- a) za Republiko Slovenijo osebe, ki so obvezno zdravstveno zavarovane po *Zakonu o zdravstvenem varstvu in zdravstvenem zavarovanju, 1992*, in
b) za Avstralijo prebivalci po *Zakonu o zdravstvenem zavarovanju, 1973*.

(2) Ta sporazum se uporablja tudi za osebe, ki so člani diplomatskega predstavništva ali konzulata, ki ga je na ozemlju ene pogodbenice odprla druga pogodbenica, ter za njihove družinske člane, ki živijo z njimi v skupnem gospodinjstvu.

(3) Ta sporazum se ne uporablja za osebo, za katero veljajo pogoji iz prvega odstavka tega člena, kadar ta oseba vstopi na ozemlje druge pogodbenice zaradi zdravljenja, razen če je ta oseba član posadke ali potnik na ladji, plovilu ali letalu, ki prihaja na ozemlje druge pogodbenice, odhaja z njega ali se je znašlo na njem, in se je potreba po zdravljenju pojavila med potovanjem ali poletom.

3. člen

ZDRAVSTVENE STORITVE

(1) Osebi, za katero veljajo pogoji iz prvega odstavka 2. člena, ki na ozemlju druge pogodbenice potrebuje nujno zdravljenje zaradi slabega zdravstvenega stanja, ki zahteva nujno zdravstveno oskrbo, se pod enakimi pogoji kot zavarovanim osebam, kadar je na ozemlju Republike Slovenije, ali prebivalcem, kadar je na ozemlju Avstralije, zagotovijo take zdravstvene storitve, ki so potrebne za klinično ugotavljanje bolezni, zdravljenje ali oskrbo tega stanja.

(2) Oseba, za katero veljajo pogoji iz drugega odstavka 2. člena, je upravičena do zdravstvenih storitev ves čas, ko prebiva na ozemlju druge pogodbenice, v enakem obsegu in pod enakimi pogoji kot zavarovane osebe, kadar je na ozemlju Republike Slovenije, oziroma kot prebivalci, kadar je ta oseba na ozemlju Avstralije.

- (c) "resident"
in relation to Australia, a person who is an Australia resident under the *Health Insurance Act 1973*.
- (d) "territory"
i) in relation to the Republic of Slovenia, the territory of the Republic of Slovenia; and
ii) in relation to Australia, the territory of Australia for the purposes of the *Health Insurance Act 1973*.
- (e) "temporary stay"
lawful presence but not permanent residence in the territory of the Parties.
- (f) "competent authority"
i) in relation to the Republic of Slovenia, the Ministry of Health; and
ii) in relation to Australia, the Department of Health and Ageing.
- (g) "competent institution"
i) in relation to the Republic of Slovenia, the Health Insurance Institute of Slovenia; and
ii) in relation to Australia, the Department of Health and Ageing or an institution authorised by the Department for this purpose.

(2) For the purposes of this Agreement, unless the context otherwise requires, other terms and words shall have the meanings assigned to them by the respective legislations of the Parties as defined in paragraph (1) (a) of this Article.

(3) This Agreement shall also apply to any legislation which replaces, amends, supplements, or consolidates the legislation referred to in paragraph (1) (a) of this Article.

Article 2

PERSONS COVERED

(1) This Agreement shall apply to persons of one Party who are temporarily staying in the territory of the other Party and who are:

- (a) in relation to the Republic of Slovenia, persons covered by compulsory health insurance under the *Health Care and Health Insurance Act 1992*; and
(b) in relation to Australia, residents under the *Health Insurance Act 1973*.

(2) This Agreement shall also apply to persons who are members of a diplomatic mission or consular post established by one Party in the territory of the other, and their family members living with them in the same household.

(3) This Agreement does not apply to a person who falls within the terms of paragraph (1) of this Article, where that person enters the territory of the other Party for the purpose of treatment unless that person is a member of the crew or passenger on any ship, vessel or aircraft travelling to, leaving from, or diverted to the territory of the other Party and the need for the treatment arose during the voyage or flight.

Article 3

MEDICAL SERVICES

(1) A person who falls within the terms of paragraph (1) of Article 2, while in the territory of the other Party, who needs necessary medical treatment for ill health which requires immediate medical attention, shall be provided with such medical services as are clinically necessary for the diagnosis, treatment or care of the condition on the same terms as would apply to insured persons when present in the territory of the Republic of Slovenia or residents when present in the territory of Australia.

(2) A person who falls within the terms of paragraph (2) of Article 2 shall be eligible for medical services at all times during that person's stay in the territory of the other Party to the same extent and under the same conditions as insured persons when present in the territory of the Republic of Slovenia or residents when present in the territory of Australia.

4. člen**FINANČNE DOLOČBE**

V skladu s tem sporazumom nobena pogodbenica ni dolžna povrniti stroškov za opravljene zdravstvene storitve drugi pogodbenici.

5. člen**PRISTOJNA ORGANA IN NOSILCA**

(1) Pristojna organa pogodbenic sta se dolžna čim prej obveščati o vseh spremembah svoje zakonodaje, ki velja na njenih ozemljih in bi lahko bistveno vplivala na naravo in obseg zdravstvenih storitev, predvidenih po tem sporazumu.

(2) Zadeve v zvezi z razlago tega sporazuma se rešujejo s posvetovanjem pristojnih organov pogodbenic.

(3) Zadeve v zvezi z izvajanjem tega sporazuma se rešujejo s posvetovanjem pristojnih nosilcev pogodbenic.

(4) Pristojna nosilca pogodbenic lahko po potrebi skleneta dogovore o izvajanju tega sporazuma.

6. člen**DOKUMENTI**

Za uveljavljanje zdravstvenih storitev po tem sporazumu mora oseba, za katero veljajo pogoji iz prvega ali drugega odstavka 2. člena, predložiti veljaven potni list in dokazilo o upravičenosti do:

- a) obveznega zdravstvenega zavarovanja v Republiki Sloveniji oziroma
- b) prebivanja po *Zakonu o zdravstvenem zavarovanju, 1973.*

7. člen**KONČNE DOLOČBE**

(1) Ta sporazum začne veljati z dnem, ko se pogodbenici po diplomatski poti pisno obvestita, da so izpolnjene vse notranje pravne zahteve za začetek njegove veljavnosti.

(2) Sporazum se sklene za nedoločen čas ali do poteka 12 mesecev od dne, ko ena pogodbenica po diplomatski poti prejme pisno obvestilo druge pogodbenice o njeni nameri, da odpoveduje sporazum.

(3) Ob odpovedi tega sporazuma v skladu z drugim odstavkom tega člena se sporazum še naprej uporablja, če se je zdravljenje začelo pred potekom ali ob poteku odpovednega roka, navedenega v tem odstavku.

Da bi to potrdila, sta podpisana, ki sta ju njuni vladi za to pravilno pooblastili, podpisala ta sporazum.

Sestavljeno v dveh izvodih v Canberri dne 11. marca 2009 v slovenskem in angleškem jeziku, pri čemer sta besedili enako verodostojni.

Za Vado
Republike Slovenije
Gregor Kozovinc l.r.

Za Vlado
Avstralije
Nicola Roxon l.r.

Article 4**FINANCIAL PROVISIONS**

In accordance with this Agreement neither Party shall be liable to reimburse the other Party the costs of medical services provided.

Article 5**COMPETENT AUTHORITIES AND INSTITUTIONS**

(1) The competent authorities of the Parties must inform each other as soon as possible of any changes in their legislation which are applicable in their territories and may significantly affect the nature and scope of medical services envisaged under this Agreement.

(2) Matters relating to the interpretation of this Agreement shall be resolved by consultation between the competent authorities of the Parties.

(3) Matters relating to the application of this Agreement shall be resolved by consultation between the competent institutions of the Parties.

(4) The competent institutions of the Parties shall make whatever administrative arrangements are necessary to implement this Agreement.

Article 6**DOCUMENTS**

In order to receive medical services under this Agreement, a person who falls within the terms of paragraph (1) or paragraph (2) of Article 2 must submit a valid passport and evidence of eligibility for:

- (a) compulsory health insurance in the Republic of Slovenia; or
- (b) residence under the *Health Insurance Act 1973.*

Article 7**FINAL PROVISIONS**

(1) This Agreement shall enter into force on the date that the Parties notify each other in writing, through the diplomatic channels, that all their respective requirements for its entry into force have been fulfilled.

(2) This Agreement shall remain in force until the expiration of 12 months from the date on which either Party receives from the other, written notice through the diplomatic channel of its intention to terminate this Agreement.

(3) In the event this Agreement is terminated in accordance with paragraph (2) of this Article, the Agreement shall continue to have effect in relation to medical treatment which was being provided prior to or at the expiry of the period of notice referred to in that paragraph.

In witness whereof the undersigned, duly authorised thereto by their respective Governments, have signed this Agreement.

Done in duplicate at Canberra on 11 March 2009 in the Slovene and English languages, both texts being equally authoritative.

For the Government
of the Republic of Slovenia
Gregor Kozovinc (s)

For the Government
of Australia
Nicola Roxon (s)

V skladu s 5. členom Sporazuma o zagotavljanju zdravstvenega varstva med Vlado Republike Slovenije in Vlado Avstralije (v nadaljevanju sporazum) pristojna nosilca

Zavod za zdravstveno zavarovanje Slovenije
in
Ministrstvo za zdravje in vprašanja staranja Avstralije
(ali nosilec, ki ga za to pooblasti ministrstvo)
sklepata

DOGOVOR

o izvajanju sporazuma o zagotavljanju zdravstvenega varstva med Vlado Republike Slovenije in Vlado Avstralije

1. člen

Pomen izrazov

V tem dogovoru se izrazi iz 1. člena sporazuma uporabljajo v enakem pomenu kot v navedenem členu.

2. člen

Naloge pristojnih nosilcev

(1) Naloge pristojnih nosilcev so določene s sporazumom in s tem dogovorom.

(2) Pri izvajanju dogovora pristojna nosilca sodelujeta, lahko pa se tudi neposredno obračata na pristojne organe in osebe, za katere se dogovor uporablja. Pristojna nosilca si pri izvajanju dogovora izmenjavata potrebne informacije ter pomagata drug drugemu.

(3) Pristojna nosilca se dogovorita tudi o obliki in vsebini listin, potrebnih za izvajanje sporazuma in uporabo tega dogovora.

3. člen

Odobritev zdravstvenih storitev

(1) Za uporabo 2. do 6. člena sporazuma morajo zavarovane osebe ali prebivalci predložiti veljavni potni list ter ustrezno listino, ki jo izdala njihova pristojna nosilca kot dokazilo o pravici.

(2) Izvajalec zdravstvenih storitev v javni zdravstveni mreži ene pogodbenice mora ob predhodni predložitvi navedenih dokumentov zagotoviti zavarovanim osebam oziroma prebivalcem druge pogodbenice zdravstvene storitve na način in pod pogoji, ki veljajo na ozemlju prve pogodbenice.

4. člen

Povračilo stroškov

(1) Pri odstopanju od predvidenega postopka mora pristojni nosilec ene pogodbenice obvestiti pristojnega nosilca druge pogodbenice o višini stroškov opravljenih storitev.

(2) Pristojni nosilec ene pogodbenice povrne stroške osobam, ki so jim bile zagotovljene zdravstvene storitve na ozemlju te pogodbenice.

5. člen

Listine za uveljavljanje zdravstvenih storitev

(1) Z evropsko kartico zdravstvenega zavarovanja, ki jo izda Zavod za zdravstveno zavarovanje Slovenije, imajo zavarovane osebe Republike Slovenije pravico do nujnega zdravljenja med začasnim bivanjem na ozemlju Avstralije.

Pursuant to Article 5 of the Agreement concerning the provision of health care between the Government of the Republic of Slovenia and the Government of Australia (hereinafter: the Agreement) the competent institutions

Health Insurance Institute of Slovenia
and
Department of Health and Ageing of Australia (or any other institution duly authorised by the Department)
have concluded the following

ARRANGEMENT

on implementation of the Agreement concerning the provision of health care between the Government of the Republic of Slovenia and the Government of Australia

Article 1

Definitions of terms

The terms under Article 1 of the Agreement shall in this Arrangement be used as having the same meaning as in the aforementioned Article.

Article 2

Tasks of competent institutions

(1) The tasks of the competent institutions shall be subject to the Agreement and this Arrangement.

(2) In implementing the Arrangement, the competent institutions shall cooperate, and may also directly appeal to competent authorities and persons to which the Arrangement applies. In implementing the Arrangement, the competent institutions shall mutually exchange all necessary information and assist each other.

(3) The competent institutions shall agree on the form and content of documents required for implementation of the Agreement and the application of this Arrangement.

Article 3

Approval of medical services

(1) For the purposes of applying Articles 2 to 6 of the Agreement, insured persons or residents shall submit a valid passport and an adequate document issued by their competent institutions as the certificate of entitlement to the right.

(2) Healthcare provider operating in the public health network shall, upon the preliminary submission of the above documents by one Party, provide to insured persons or residents of the other Party medical services in a manner and under conditions which apply to the territory of the first Party.

Article 4

Reimbursement of expenses

(1) In derogating from the procedures laid down, the competent institution of one Party shall notify the competent institution of the other Party of the amount of expenses for services rendered.

(2) The competent institution of one Party shall reimburse the expenses to persons who have been provided with medical services on the territory of this Party.

Article 5

Documents for asserting the right to medical services

(1) Pursuant to the European Health Insurance Card issued by the Health Insurance Institute of Slovenia, insured persons of the Republic of Slovenia shall have the right to immediate medical treatment during their temporary stay in the Australian territory.

(2) S kartico Medicare, ki jo izda Medicare Avstralija, imajo prebivalci Avstralije pravico do nujnega zdravljenja med začasnim bivanjem v Republiki Sloveniji.

6. člen

Izmenjava podatkov

Pristojna nosilca si za vsako koledarsko leto izmenjata ustrezne statistične podatke, za katere se dogovorita.

7. člen

Končna določba

Ta dogovor začne veljati isti dan kot sporazum.

Sestavljeno v dveh izvodih v slovenskem in angleškem jeziku, pri čemer sta besedili enako verodostojni.

Za Zavod
za zdravstveno zavarovanje
Slovenije

Samo Fakin l.r.
Ljubljana, 30. 8. 2010

Za Ministrstvo za zdravje
in vprašanja staranja
Avstralije

Jane Halton l.r.
Canberra, 13. 11. 2010

(2) Pursuant to the Medicare card issued by Medicare Australia, Australian residents shall have the right to immediate medical treatment during their temporary stay in the Republic of Slovenia.

Article 6

Exchange of information

The competent institutions shall for each calendar year exchange the appropriate statistical information agreed upon.

Article 7

Final provision

This Arrangement shall enter into force on the same day as the Agreement.

Done in duplicate in the Slovene and English languages, both texts being equally authoritative.

For the Health Insurance
of Slovenia

Samo Fakin (s)
Ljubljana, 30. 8. 2010

For the Department
of Health and
Ageing of Australia

Jane Halton (s)
Canberra, 13. 11. 2010

3. člen

Za izvajanje sporazuma in administrativnega dogovora skrbi Ministrstvo za zdravje.

4. člen

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

Št. 500-01/11-2/8

Ljubljana, dne 4. februarja 2011

EPA 392-IV

Državni zbor
Republike Slovenije
Miran Potrč l.r.
Podpredsednik

11. Uredba o ratifikaciji Protokola med Ministrstvom za notranje zadeve Republike Slovenije in Ministrstvom za notranje zadeve Republike Albanije o izvajanju Sporazuma med Evropsko skupnostjo in Republiko Albanijo o ponovnem sprejemu oseb, ki prebivajo brez dovoljenja

Na podlagi petega odstavka 75. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 – ZNOMCMO, 76/08, 108/09 in 80/10 – ZUTD) Vlada Republike Slovenije izdaja

U R E D B O

O RATIFIKACIJI PROTOKOLA MED MINISTRSTVOM ZA NOTRANJE ZADEVE REPUBLIKE SLOVENIJE IN MINISTRSTVOM ZA NOTRANJE ZADEVE REPUBLIKE ALBANIJE O IZVAJANJU SPORAZUMA MED EVROPSKO SKUPNOSTJO IN REPUBLIKO ALBANIJO O PONOVNEM SPREJEMU OSEB, KI PREBIVAJO BREZ DOVOLJENJA

1. člen

Ratificira se Protokol med Ministrstvom za notranje zadeve Republike Slovenije in Ministrstvom za notranje zadeve Republike Albanije o izvajanju Sporazuma med Evropsko skupnostjo in Republiko Albanijo o ponovnem sprejemu oseb, ki prebivajo brez dovoljenja, podpisan 20. oktobra 2010 na Brdu pri Kranju.

2. člen

Besedilo protokola se v izvorniku v slovenskem in angleškem jeziku glasi:¹

P R O T O K O L

MED MINISTRSTVOM ZA NOTRANJE ZADEVE REPUBLIKE SLOVENIJE IN MINISTRSTVOM ZA NOTRANJE ZADEVE REPUBLIKE ALBANIJE O IZVAJANJU SPORAZUMA MED EVROPSKO SKUPNOSTJO IN REPUBLIKO ALBANIJO O PONOVNEM SPREJEMU OSEB, KI PREBIVAJO BREZ DOVOLJENJA

Na podlagi 19. člena Sporazuma med Evropsko skupnostjo in Republiko Albanijo o ponovnem sprejemu oseb, ki prebivajo brez dovoljenja, podpisanega v Luxembourg, 14. aprila 2005 (v nadaljnjem besedilu: sporazum), sta se Ministrstvo za notranje zadeve Republike Slovenije in Ministrstvo za notranje zadeve Republike Albanije (v nadaljnjem besedilu: pogodbenici) za njegovo izvajanje dogovorili:

**I. PRISTOJNA ORGANA
IN MEJNI PREHODI**

1. člen

(1) Za izvajanje sporazuma o ponovnem sprejemu oseb, ki prebivajo brez dovoljenja, ter za pošiljanje in reševanje prošenj za tranzit sta pristojna:

a) za Republiko Slovenijo:

Ministrstvo za notranje zadeve
Generalna policijska uprava
Uprava uniformirane policije
Sektor mejne policije
Naslov: Štefanova ulica 2, SI-1501 Ljubljana
Telefon: 00386 1 428 4322
Telefaks: 00386 1 428 4779
E-naslov: smp@policija.si

P R O T O C O L

BETWEEN THE MINISTRY OF THE INTERIOR OF THE REPUBLIC OF SLOVENIA AND THE MINISTRY OF INTERIOR OF THE REPUBLIC OF ALBANIA ON THE IMPLEMENTATION OF THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE REPUBLIC OF ALBANIA ON THE READMISSION OF PERSONS RESIDING WITHOUT AUTHORISATION

Based on the Article 19 of the Agreement between the European Community and the Republic of Albania on the Re-admission of Persons Residing without Authorisation, signed in Luxembourg on 14 April 2005 (hereinafter referred to as the Agreement), the Ministry of the Interior of the Republic of Slovenia and the Ministry of Interior of the Republic of Albania (hereinafter referred to as Contracting Parties) have agreed on its implementation:

**I. COMPETENT AUTHORITIES AND BORDER
CROSSING POINTS**

Article 1

(1) The implementation of the Agreement on the Re-admission of Persons Residing without Authorisation as well as forwarding and handling requests for transit shall be within the competence of:

a) For the Republic of Slovenia:

Ministry of the Interior
General Police Directorate
Uniformed Police Directorate
Border Police Section
Address: Štefanova ulica 2, SI – 1501 Ljubljana
Phone: +386 1 428 4322
Fax: + 386 1 428 4779
e-mail smp@policija.si

¹ Besedilo protokola v albanskem jeziku je na vpogled v Sektorju za mednarodno pravo Ministrstva za zunanje zadeve.

b) za Republiko Albanijo:

Ministrstvo za notranje zadeve
Generalna uprava državne policije
Policijski oddelek za mejo in migracije
Uprava za migracije in vračanje
Bulevardi Bajram Curri, Tirana
Telefon: 00355 4 227 9251
00355 4 227 9253
00355 4 227 9241
00355 4 222 6932
Telefaks: 00355 4 222 6932; 00355 4 227 9263
E-naslov: policiakufitare.migracioni@mrp.gov.al

(2) Pristojna organa se obveščata o vseh podatkih, potrebnih za medsebojno sporazumevanje.

(3) Najave in prošnje za sprejem ali tranzit ter odgovore si pristojna organa pošiljata pisno po telefaksu, redni ali elektronski pošti.

2. člen

Izročitev, sprejem in tranzit oseb se opravljajo na teh mejnih prehodih:

a) v Republiki Sloveniji:
Mednarodni mejni prehod Jelšane,
Mednarodni mejni prehod Obrežje,
Mednarodni mejni prehod Luka Koper/Capodistria in

Mejni prehod za mednarodni zračni promet Ljubljana – Brnik na Letališču Jožeta Pučnika Ljubljana;

b) v Republiki Albaniji:

Regionalna uprava za mejo in migracije, Tirana
Komisariat za mejno policijo in migracije, Rinas
Mednarodno letališče Mati Tereza, Rinas
E-naslov: rinas@mrp.gov.al
Telefon/telefaks: 00355 4 2364 028
Mejni prehod Hani i Hotit
E-naslov: hanihotit@mrp.gov.al
Mejni prehod Muriqan
E-naslov: muriqan@mrp.gov.al
Mejni prehod za mednarodni pomorski promet Drač
Postaja mejne in migracijske policije Drač
E-naslov: portidurres@mpr.gov.al

II. VRNITEV S SPREMSTVOM

3. člen

Ponovni sprejem lastnih državljanov, državljanov tretjih držav in oseb brez državljanstva z uradnim spremstvom se lahko opravi v skladu s tem protokolom in veljavnimi predpisi pogodbenic. Enako velja za tranzit državljanov tretjih držav in oseb brez državljanstva čez območje zaprosene pogodbenice.

4. člen

(1) Če se ponovni sprejem ali tranzit opravi v uradnem spremstvu policije, policijski uslužbenci pogodbenice prosilke svojo dolžnost opravljajo v civilnih oblačilih, brez orožja in z dovoljenjem za tranzit.

(2) Pri tranzitu po zračni poti lahko zaprosena pogodbenica po potrebi zagotovi nadzor in vkrcanje osebe v dogovoru z osebjem v spremstvu.

5. člen

(1) Pristojni organ zaprosene pogodbenice sporoči pristojnemu organu pogodbenice prosilke vsa dejstva, ki se nanašajo na izredne dogodke med tranzitom.

b) For the Republic of Albania:

Ministry of Interior
General Directorate of State Police
Border and Migration Police Department
Directorate of Migration and Readmission
Bulevardi "Bajram Curri" Tiranë
Tel: 00355 4 227 9251
00355 4 227 9253
00355 4 227 9241
00355 4 222 6932
Fax: 00355 4 222 6932; 00355 4 227 9263
e-mail: policiakufitare.migracioni@mrp.gov.al

(2) The competent authorities shall keep each other informed of all data relevant for mutual communication.

(3) Announcements and requests for admission or transit and responses shall be forwarded between the competent authorities in writing by fax, regular mail or e-mail.

Article 2

Return, admission and transit of persons shall be conducted at the following border crossing points:

a) In the Republic of Slovenia:
International Border Crossing Point Jelšane,
International Border Crossing Point Obrežje,
International Border Crossing Point Port of Koper/Capodistria, and
Border Crossing Point for International Air Traffic Ljubljana – Brnik at the Ljubljana Jože Pučnik Airport.

b) In the Republic of Albania:

Regional Directorate of Border and Migration, Tiranë
Commissariat of Border Police and Migration, Rinas
International Airport "Mother Theresa" – Rinas
e-mail: rinas@mrp.gov.al
Tel/ fax: 00355 4 2364 028
Border Crossing Point Hani i Hotit
e-mail: hanihotit@mrp.gov.al
Border Crossing Point Muriqan
e-mail: muriqan@mrp.gov.al
Sea Border Border Crossing point Durrës
Border & Migration Police Station of Durrës
e-mail: portidurres@mpr.gov.al

II. ESCORTED RETURN

Article 3

Readmission of own nationals, third-country nationals and stateless persons under official escort may be conducted pursuant to this Protocol and the regulations of the Contracting Parties in force. The same shall apply to transit of third-country nationals and stateless persons across the territory of the requested Contracting Party.

Article 4

(1) If readmission or transit is conducted under official police escort, police officers of the requesting Contracting Party shall conduct their duty in civilian clothes, unarmed and shall hold a transit permit.

(2) In cases of transit by air, the requested Contracting Party may ensure, if necessary, surveillance and boarding of the person, in agreement with escort personnel.

Article 5

(1) The competent authority of the requested Contracting Party shall communicate to the competent authority of the requesting Contracting Party all facts referring to any incidents during transit.

(2) Zaprošena pogodbenica zagotovi policijskim uslužbencem pogodbenice prosilke pri opravljanju njihovih nalog po tem protokolu enako zaščito in pomoč, kot ju imajo njeni policijski uslužbenci, ki opravljajo podobne naloge.

(3) Policijski uslužbenci pogodbenice prosilke so pri opravljanju svojih nalog glede nezakonitih dejanj, v katerih so udeleženi kot storilci ali žrtve, izenačeni v pravicah in obveznostih s policijskimi uslužbenci zaprošene pogodbenice.

6. člen

Policijski uslužbenci pogodbenice prosilke, ki po tem protokolu opravljajo svoje naloge na območju države tranzita, morajo na zahtevo pooblaščenih uradnih oseb dokazati svojo identiteto in uradno funkcijo ter pokazati dovoljenje za tranzit, ki ga je izdala zaprošena pogodbenica.

7. člen

Če policijski uslužbenci pogodbenice prosilke pri izvajanju nalog po tem protokolu utrpijo škodo, je pogodbenica prosilka odgovorna za plačilo odškodnine, pri čemer od zaprošene pogodbenice ne zahteva nikakršnega povračila.

III. KONČNE DOLOČBE

8. člen

(1) Ta protokol se lahko spremeni po diplomatski poti.

(2) Ta protokol je predmet ratifikacije, sprejema, odobritve ali drugega postopka po notranji zakonodaji. Po prejemu zadnjega uradnega obvestila o končanih notranjepravnih postopkih, potrebnih za njegovo uveljavitev, pristojni organ slovenske pogodbenice o tem uradno obvesti Skupni odbor za ponovni sprejem iz 18. člena sporazuma.

(3) Protokol začne veljati ko Skupni odbor za ponovni sprejem potrdi prejem uradnega obvestila, o čemer slovenska pogodbenica takoj obvesti albansko pogodbenico.

(4) Ta protokol preneha veljati isti dan kot sporazum.

Sestavljeno na Brdu pri Kranju dne 20. oktobra 2010 v dveh izvornikih v slovenskem, albanskem in angleškem jeziku, pri čemer so vsa besedila enako verodostojna. Pri razlikah v razlagi tega protokola prevlada angleško besedilo.

ZA MINISTRSTVO
ZA NOTRANJE ZADEVE
REPUBLIKE
SLOVENIJE
Katarina Kresal l.r.

ZA MINISTRSTVO
ZA NOTRANJE ZADEVE
REPUBLIKE
ALBANIJE
Lulzim Basha l.r.

FOR THE MINISTRY
OF THE INTERIOR
OF THE REPUBLIC
OF SLOVENIA
Katarina Kresal (s)

FOR THE MINISTRY
INTERIOR OF THE
OF THE REPUBLIC
OF ALBANIA
Lulzim Basha (s)

3. člen

Za izvajanje protokola skrbi Ministrstvo za notranje zadeve.

4. člen

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

Št. 00724-4/2011

Ljubljana, dne 17. februarja 2011

EVA 2011-1811-0001

Vlada Republike Slovenije

Borut Pahor l.r.
Predsednik

(2) The requested Contracting Party shall provide police officers of the requesting Contracting Party performing their tasks under this Protocol the same protection and assistance as enjoyed by their police officers performing similar tasks.

(3) When in performing their tasks they are involved in illegal acts either as perpetrators as victims, the police officers of the requesting Contracting Party shall enjoy the same rights and obligations as the police officers of the requested Contracting Party.

Article 6

The police officers of the requesting Contracting Party who perform their tasks under this Protocol on the territory of a country of transit, must upon request of an authorised official prove their identity and official role and produce the permit for transit issued by the requested Contracting Party.

Article 7

If the police officers of the requesting Contracting Party suffer harm in performing tasks under this Protocol, the requesting Contracting Party shall take on the payment of compensation and shall not demand any refund from the requested Contracting Party.

III. FINAL PROVISIONS

Article 8

(1) This Protocol may be amended through diplomatic channels.

(2) This Protocol shall be subject to ratification, acceptance, approval or other required internal procedure. Following the receipt of the last notification of the completion of internal legal procedures required for its entry into force, the competent authority of the Slovenian Contracting Party shall notify the Joint Readmission Committee referred to in Art. 18 of the Agreement.

(3) The Protocol shall enter into force when the Joint Readmission Committee acknowledges the receipt of the notification, and the Slovenian Contracting Party shall immediately inform the Albanian Contracting Party thereof.

(4) This Protocol shall cease to apply at the same day as the Agreement.

Done in Brdo pri Kranju on 20 October 2010 in two originals in the Slovene, Albanian and English languages, all texts being equally authentic. In case of divergences in the interpretation of this Protocol, the English text shall prevail.

12. Uredba o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Republike Armenije o odpravi vizumske obveznosti za imetnike diplomatskih potnih listov

Na podlagi petega odstavka 75. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 ZNOMCMO, 76/08, 108/09 in 80/10 – ZUTD) Vlada Republike Slovenije izdaja

U R E D B O**O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO REPUBLIKE ARMENIJE O ODPRAVI VIZUMSKE OBVEZNOSTI ZA IMETNIKE DIPLOMATSKIH POTNIH LISTOV**

1. člen

Ratificira se Sporazum med Vlado Republike Slovenije in Vlado Republike Armenije o odpravi vizumske obveznosti za imetnike diplomatskih potnih listov, podpisan 11. oktobra 2010 v Erevanu.

2. člen

Besedilo sporazuma se v izvirniku v slovenskem in angleškem jeziku glasi:¹

S P O R A Z U M**med Vlado Republike Slovenije
in
Vlado Republike Armenije
o odpravi vizumske obveznosti
za imetnike diplomatskih potnih listov**

Vlada Republike Slovenije in Vlada Republike Armenije (v nadaljnjem besedilu: pogodbenici) sta se

v skupni želji olajšati potovanje državljanov svojih držav, imetnikov diplomatskih potnih listov, s ciljem okrečiti sodelovanje med državama

dogovorili:

1. člen

1. Državljeni pogodbenice, ki so imetniki veljavnega diplomatskega potnega lista in so člani diplomatskega predstavništva ali konzulata svoje države ali njeni predstavniki pri mednarodni organizaciji ali predstavništvu mednarodne organizacije na ozemlju druge pogodbenice, lahko brez vizuma vstopijo na ozemlje druge pogodbenice in tam bivajo med opravljanjem nalog. Pogodbenica pošiljateljica pogodbenico sprejemnico po diplomatski poti vnaprej uradno obvesti o napatitvi in funkciji navedenih oseb.

2. Osebam iz prvega odstavka tega člena pogodbenica sprejemnica izda ustrezen bivalni naslov.

3. Ugodnosti iz drugega odstavka tega člena veljajo tudi za družinske člane oseb iz prvega odstavka tega člena, če z njimi živijo v istem gospodinjstvu, jih pogodbenica sprejemnica priznava kot družinske člane, ki upravičeno živijo z osebami iz prvega odstavka tega člena, in so imetniki veljavnega potnega lista.

2. člen

1. Državljeni pogodbenice, ki so imetniki veljavnega diplomatskega potnega lista in niso člani osebja diplomatskega predstavništva ali konzulata svoje države ali njeni predstavniki pri mednarodni organizaciji ali predstavništvu mednarodne organizacije, za vstop na ozemlje druge pogodbenice, bivanje na njem do devetdeset (90) dni v obdobju sto osemdesetih (180) dni in izstop z njega ne potrebujejo vizuma, če se ne ukvarjajo z dejavnostjo, za katero je v skladu z notranjo zakonodajo pogodbenic potrebno dovoljenje za prebivanje ali ustrezen nacionalni vizum.

A G R E E M E N T**Between the Government
of the Republic of Slovenia
and the Government of the Republic of Armenia
on Abolition of Visa Requirement with Respect
to Diplomatic Passport Holders**

The Government of the Republic of Slovenia and the Government of the Republic of Armenia, hereinafter referred to as the "Contracting Parties",

led by their common desire to facilitate the travelling for nationals of their States holding diplomatic passports, pursuing to reinforce mutual co-operation between their States,

Have agreed as follows:

Article 1

1. Nationals of either Contracting Party holding a valid diplomatic passport who are members of a diplomatic mission or consular post of their respective State or representatives of their State to an international organisation or its representation on the territory of the other State, may enter the territory of the other Contracting Party and stay there for the duration of their assignment without a visa. The sending Contracting Party shall notify the receiving Contracting Party in advance through diplomatic channels on the posting and function of the aforementioned persons.

2. The persons specified in paragraph 1 of this Article shall receive a relevant residence title from the receiving Contracting Party.

3. Family members of the person referred to in paragraph 1 of this Article shall benefit from the same facilities as described in paragraph 2 of this Article, insofar as they live in the same household, are recognised by the receiving Contracting Party as family members entitled to stay with the person specified in paragraph 1 of this Article and hold a valid passport.

Article 2

1. Nationals of either Contracting Party holding a valid diplomatic passport who are neither members of a diplomatic mission or consular post nor representatives of their State to an international organisation or its representation do not require a visa to enter, stay for a period not exceeding 90 (ninety) days per period of 180 (hundred and eighty) days or leave the territory of the other Contracting Party, providing they do not pursue activities for which a residence permit or relevant national visa is required according to the national legislation of the Contracting Parties.

¹ Besedilo sporazuma v armenskem jeziku je na vpogled v Sektorju za mednarodno pravo Ministrstva za zunanje zadeve.

2. Osebe iz prvega odstavka tega člena, ki nameravajo na ozemlju druge pogodbenice ostati več kot devetdeset (90) dni, morajo v skladu z notranjo zakonodajo pogodbenic vnaprej pridobiti dovoljenje za prebivanje ali ustrezen nacionalni vizum. Vizum diplomatsko predstavništvo ali konzulat pogodbenice izda brezplačno.

3. Pri vstopu na ozemlje Republike Slovenije po tranzitu čez ozemlje ene ali več držav, za katere po odpravi notranjih mejnih kontrol in omejitev gibanja oseb v celoti veljajo določbe schengenskega pravnega reda, teh devetdeset (90) dni začne teči z dnem prehoda zunanje meje območja prostega gibanja, ki ga sestavljajo navedene države.

3. člen

Državljeni pogodbenic med svojim bivanjem na ozemlju države druge pogodbenice spoštujejo njene predpise za vstop na njeno ozemlje in njeno notranjo zakonodajo.

4. člen

Pristojni organi pogodbenic si pridržujejo pravico, da zavrnejo vstop na ozemlje svoje države ali bivanje na njem državljanom druge pogodbenice iz 1. in 2. člena tega sporazuma zaradi zaščite državne varnosti, javnega reda, javnega zdravja ali drugih tehničnih razlogov.

5. člen

1. Pogodbenici si v tridesetih (30) dneh po podpisu tega sporazuma po diplomatski poti izmenjata vzorce diplomatskih potnih listov.

2. Pogodbenica ob spremembi diplomatskih potnih listov drugi pogodbenici pošlje nove vzorce skupaj z informacijami o njihovi veljavnosti najmanj trideset (30) dni pred uvedbo.

6. člen

Vsi spori, povezani z razlago ali izvajanjem določb sporazuma, se rešujejo s posvetovanji ali pogajanjem med pristojnimi organi pogodbenic.

7. člen

Spremembe tega sporazuma so mogoče na pobudo ene od pogodbenic. Spremembe, o katerih se pogodbenici dogovorita, začnejo veljati v skladu s prvim odstavkom 9. člena.

8. člen

Ta sporazum ne vpliva na druge obveznosti pogodbenic po mednarodnih pogodbah, zlasti obveznosti po Dunajski konvenciji o diplomatskih odnosih iz leta 1961 in Dunajski konvenciji o konzularnih odnosih iz leta 1963.

9. člen

1. Sporazum se sklone za nedoločen čas. Veljati začne trideseti (30.) dan po prejetju zadnjega od pisnih uradnih obvestil, s katerima se pogodbenici obvestita o dokončanju ustreznih notranjepravnih postopkov.

2. Pogodbenici si pridržujeta pravico, da zaradi zaščite državne varnosti, javnega reda, javnega zdravja ali drugih utemeljenih razlogov začasno ustavita izvajanje določb tega sporazuma. Vsaka pogodbenica o tem po diplomatski poti takoj obvesti drugo pogodbenico. Začasna ustavitev izvajanja sporazuma ali prenehanje tega ukrepa začne veljati na dan, ko druga pogodbenica prejme uradno obvestilo.

2. The persons specified in paragraph 1 of this Article who intend to stay in the territory of the other Contracting Party for a period exceeding 90 (ninety) days are required to obtain a residence permit or a relevant national visa in advance according to national legislation of the Contracting Party. The visa shall be issued free of charge by the diplomatic mission or consular post of the Contracting Party concerned.

3. When entering the territory of the Republic of Slovenia after transiting through the territory of one or more States to which the provisions are fully applicable concerning the abolition of internal border controls and of restrictions on the movement of persons, as set out in the *Schengen acquis*, the 90 (ninety) days shall become effective as of the date of crossing the external border limiting the free movement area formed by the aforesaid States.

Article 3

Nationals of either Contracting Party shall comply with the entry regulations and the national legislation in force in the territory of the other Contracting Party throughout the duration of their stay.

Article 4

The competent authorities of either Contracting Party reserve the right to deny entry into or stay in the territory of their State to nationals of the other Contracting Party as specified in Articles 1 and 2 of this Agreement for reasons of protection of state security, public order, public health or other serious reasons.

Article 5

1. The Contracting Parties shall exchange, through diplomatic channels, specimens of their diplomatic passports within 30 (thirty) days after signing this Agreement.

2. In the event of changes to the diplomatic passports, the Contracting Party concerned shall submit to the other Contracting Party the new specimens, together with the information on their applicability, at least 30 (thirty) days before their introduction date.

Article 6

Any dispute arising out of the interpretation or implementation of the provisions of this Agreement shall be settled through consultations or negotiations between the competent authorities of the Contracting Parties.

Article 7

Amendments to this Agreement may be made by the initiative of one of the Contracting Parties. Any amendment which has been agreed upon between the Contracting Parties shall enter into force in accordance with Article 9, paragraph 1.

Article 8

This Agreement shall not affect other obligations of the Contracting Parties arising under international agreements, in particular obligations arising from the Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations of 1963.

Article 9

1. This Agreement is concluded for an indefinite period of time. It shall enter into force on the 30 (thirtieth) day following the receipt of the last written notification, by which the Contracting Parties inform each other of the fulfilment of the relevant internal legal procedures.

2. The Contracting Parties shall reserve the right to temporarily suspend the implementation of provisions of this Agreement for reasons of national security, public order, public health or other justified reasons. Each Contracting Party shall immediately inform the other thereof through diplomatic channels. The temporary suspension of the implementation of this Agreement shall enter into force and cease to apply on the date of receipt of such notification by the other Contracting Party.

3. Pogodbenica lahko sporazum kadar koli odpove tako, da o tem po diplomatski poti uradno obvesti drugo pogodbenico. Sporazum velja še trideset (30) dni po tem, ko druga pogodbenica prejme uradno obvestilo o odpovedi.

Sestavljeno v Erevanu dne 11. oktobra 2010 v dveh izvodih v slovenskem, armenskem in angleškem jeziku, pri čemer so vsa besedila enako verodostojna. Ob razlikah v razlagi prevlada angleško besedilo.

Za Vlado
Republike Slovenije
Samuel Žbogar l.r.

Za Vlado
Republike Armenije
Edvard Nalbandjan l.r.

3. Each Contracting Party may, at any time, notify the other through diplomatic channels of its decision to terminate this Agreement. The validity of this Agreement shall terminate after 30 (thirty) days from the day of the receipt of the notification by the other Contracting Party.

Done in Erevan on 11th day of October 2010, in duplicate, in the Slovenian, Armenian and English languages, all texts being equally authentic. In case of differences in interpretation, the English text shall prevail.

For the Government of the
Republic of Slovenia
Samuel Žbogar (s)

For the Government of the
Republic of Armenia
Edward Nalbandian (s)

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za zunanje zadeve.

4. člen

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

Št. 00724-5/2011
Ljubljana, dne 17. februarja 2011
EVA 2011-1811-0023

Vlada Republike Slovenije

Borut Pahor l.r.
Predsednik

13. Uredba o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Republike Indonezije o odpravi vizumske obveznosti za imetnike diplomatskih in službenih potnih listov

Na podlagi petega odstavka 75. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 ZNOMCMO, 76/08, 108/09 in 80/10 – ZJTD) Vlada Republike Slovenije izdaja

U R E D B O

**O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO REPUBLIKE
INDONEZIJE O ODPRAVI VIZUMSKE OBVEZNOSTI ZA IMETNIKE DIPLOMATSKIH IN SLUŽBENIH
POTNIH LISTOV**

1. člen

Ratificira se Sporazum med Vlado Republike Slovenije in Vlado Republike Indonezije o odpravi vizumske obveznosti za imetnike diplomatskih in službenih potnih listov, podpisan 26. novembra 2010 v Ljubljani.

2. člen

Besedilo sporazuma se v izvorniku v slovenskem in angleškem jeziku glasi:¹

S P O R A Z U M

**med Vlado Republike Slovenije
in Vlado Republike Indonezije
o odpravi vizumske obveznosti za imetnike
diplomatskih in službenih potnih listov**

Vlada Republike Slovenije in Vlada Republike Indonezije (v nadaljnjem besedilu: pogodbenici) sta se

ob upoštevanju prijateljskih odnosov med pogodbenicama,

v želji, da okrepi prijateljske odnose s poenostavi-
jo vstopa imetnikov diplomatskih in službenih potnih listov
Republike Slovenije in Republike Indonezije v državi po-
godbenic,

v skladu z veljavno zakonodajo in predpisi obeh držav

dogovorili:

1. člen

Odprava vizumske obveznosti

Državljanom pogodbenic, ki so imetniki veljavnih diplo-
matskih in službenih potnih listov, ni treba pridobiti vizuma za
vstop na ozemlje druge pogodbenice, potovanje čez en ali
bivanje tam za največ trideset (30) dni v obdobju šestih (6)
mesecev od dneva prvega vstopa.

2. člen

Veljavnost potnega lista

Na dan vstopa na ozemlje druge pogodbenice mora di-
plomatski ali službeni potni list državljanov pogodbenic veljati
še najmanj šest (6) mesecev.

3. člen

Vizumi za člane diplomatskega predstavništva ali konzulata

Državljanom pogodbenic, ki so imetniki veljavnih diplo-
matskih ali službenih potnih listov in so napoteni na ozemlje države
druge pogodbenice kot člani diplomatskih predstavništev ali
konzulatov, ter njihovi družinski člani morajo pred vstopom pri
veleposlaništvu druge pogodbenice pridobiti ustrezen vstopni
vizum.

A G R E E M E N T

**between the Government
of the Republic of Slovenia
and the Government of the Republic
of Indonesia on Visa Exemption for Holders
of Diplomatic and Service Passports**

The Government of the Republic of Slovenia and the
Government of the Republic of Indonesia, hereinafter referred
to as "the Parties",

CONSIDERING the friendly relations between the Par-
ties;

DESIRING to further strengthen their friendly relations by
facilitating the entry of holders of diplomatic and service pass-
ports of the Republic of Slovenia and the Republic of Indonesia
into their respective countries;

PURSUANT to the prevailing law and regulations of the
respective countries;

HAVE AGREED as follows:

Article 1

Visa Exemption

Nationals of the Parties, holders of valid diplomatic and
service passports, shall not be required to obtain a visa to enter,
transit or stay in the territory of the country of the other Party
for a period not exceeding 30 (thirty) days within 6 (six) months
from the date of first entry.

Article 2

Passport Validity

The diplomatic or service passport validity of nationals of
either Party shall be at least 6 (six) months on the day of entry
into the territory of the country of the other Party.

Article 3

Visas for Members of Diplomatic Missions or Consular Posts

Nationals of either Party who are holders of valid diplo-
matic or service passports and posted in the territory of the
country of the other Party as members of diplomatic missions
or consular posts, including their family members, shall be
required to obtain appropriate entry visas from the Embassy of
the other Party prior to the entry.

¹ Besedilo sporazuma v indonezijskem jeziku je na vpogled v Sektorju za mednarodno pravo Ministrstva za zunanje zadeve.

4. člen

Pogoji za vstop in izstop

Imetniki veljavnih diplomatskih ali službenih potnih listov pogodbenic iz tega sporazuma lahko vstopijo na ozemlje države druge pogodbenice ali ga zapustijo na vsakem mejnem prehodu, ki so ga za ta namen določili pristojni organi za področje priseljevanja, brez vsakršnih omejitev razen tistih, ki jih določajo varnostni, carinski, sanitarni in vstopni predpisi ter predpisi v zvezi s priseljevanjem in drugi predpisi, ki se uporabljajo za imetnike takih veljavnih potnih listov.

5. člen

Pravice pristojnih organov

1. Po tem sporazumu državljani pogodbenic niso izvzeti iz spoštovanja zakonov in predpisov druge pogodbenice pri vstopu na njeno ozemlje in med bivanjem na njem, med njimi zakonov in predpisov o vstopu, bivanju in izstopu tujcev iz države.

2. Ta sporazum ne vpliva na veljavne zakone ali predpise obeh držav s področja notranje varnosti ter vstopa, bivanja ali gibanja tujcev.

3. Pogodbenici si pridržujeta pravico, da zavrneta vstop ali skrajšata bivanje nezaželenim osebam ali osebam, ki bi utegnile ogroziti javni red in mir, javno zdravje ali državno varnost.

6. člen

Odlog izvajanja

Pogodbenici lahko zaradi državne varnosti, javnega reda ali javnega zdravja v celoti ali delno odložita izvajanje tega sporazuma po diplomatski poti izmenjata vzorce veljavnih diplomatskih in službenih potnih listov.

7. člen

Vzorci in izdaja potnih listov ali potnih listin

1. Pogodbenici si v tridesetih (30) dneh po podpisu tega sporazuma po diplomatski poti izmenjata vzorce veljavnih diplomatskih in službenih potnih listov.

2. Ob uvedbi novih diplomatskih ali službenih potnih listov ali ob spremembah obstoječih se pogodbenici po diplomatski poti pisno obvestita o morebitnih spremembah najmanj trideset (30) dni pred njihovo uradno uvedbo.

3. Če državljani ene od pogodbenic izgubijo ali poškodujejo diplomatski ali službeni potni list na ozemlju države druge pogodbenice, o tem takoj obvestijo pristojne organe v državi sprejemnici prek diplomatskega predstavništva ali konzulata, ki zastopa državo izvora. Diplomatsko predstavništvo ali konzulat izda tem osebam v skladu s svojo zakonodajo dokument za vrnitev v državo izvora.

8. člen

Reševanje sporov

Nesoglasja ali spori, povezani z razlago ali izvajanjem določb tega sporazuma, se rešujejo prijateljsko s posvetovanji ali pogajanjem med pogodbenicama.

9. člen

Spremembe

Sporazum se lahko po potrebi spremeni ali dopolni s pisnim soglasjem obeh pogodbenic. Take spremembe ali dopolnitve začnejo veljati v skladu z določbo prvega odstavka 10. člena in so sestavni del tega sporazuma.

Article 4

Entry and Exit Conditions

Holders of valid diplomatic or service passports of either Party referred to in this Agreement may enter into and depart from the territory of the country of the other Party at any point authorized for that purpose by the competent immigration authorities, without any restrictions except for those stipulated in security, migratory, customs, sanitary, entry and other provisions applicable to holders of such valid passports.

Article 5

Rights of Competent Authorities

1. This Agreement shall not exempt nationals of either Party from the obligation to abide by the laws and regulations of the other Party when entering its territory and staying in it, including but not limited to the laws and regulations concerning the entry, stay and exit of foreign nationals.

2. This Agreement shall not affect the applicable laws and/or regulations of the two countries relating to internal security and the entry, stay or movement of foreign nationals.

3. The Parties reserve the right to refuse admission to or shorten the stay of *personae non gratae* or persons likely to endanger public peace, public order, public health or national security.

Article 6

Suspension

Either Party may temporarily suspend this Agreement, either in whole or in part, with the reasons of national security, public order or public health. The introduction as well as termination of such measures shall be duly communicated to the other Party through diplomatic channels no less than 72 (seventy-two) hours in advance.

Article 7

Specimens and Issuance of Passports or Travel Documents

1. The Parties shall exchange specimens of their valid diplomatic and service passports through diplomatic channels within thirty (30) days of signing this Agreement.

2. In case of the introduction of new diplomatic or service passports as well as modifications to existing ones, the Parties shall inform each other in writing, through diplomatic channels, of any change no later than 30 (thirty) days prior to their official introduction.

3. In case nationals of either Party lose or damage their diplomatic or service passports in the territory of the country of the other Party, they shall immediately inform competent authorities in the receiving country through the diplomatic mission or consular post representing the country of origin. The diplomatic mission or consular post concerned shall, in compliance with the legislation of its country, issue such persons with a document to return to the country of origin.

Article 8

Settlement of Disputes

Any difference or dispute arising from the interpretation or implementation of the provisions of this Agreement shall be settled amicably by consultation or negotiation between the Parties.

Article 9

Amendments

This Agreement may be amended or revised, if deemed necessary, by mutual written consent of the Parties. Such amendments or revisions shall enter into force according to the provision of paragraph 1, Article 10, and form an integral part of this Agreement.

10. člen

Začetek veljavnosti, trajanje in odpoved

1. Ta sporazum začne veljati trideset (30) dni od dneva prejema zadnjega pisnega uradnega obvestila, s katerim se pogodbenici po diplomatski poti obvestita, da so izpolnjene vse zahteve za začetek veljavnosti tega sporazuma v skladu z njunimi notranjepravnimi postopki.

2. Sporazum velja pet (5) let in se samodejno podaljšuje za enaka obdobja, razen če ena od pogodbenic o tem druge pisno ne obvesti po diplomatski poti in najmanj trideset (30) dni pred pričakovanim dnevom odpovedi.

V POTRDITEV TEGA sta podpisana, ki sta ju ustrezno pooblastili njuni vladi, podpisala ta sporazum.

Sestavljeno v Ljubljani dne 26. novembra 2010 v dveh izvornikih v slovenskem, indonezijskem in angleškem jeziku, pri čemer so vsa besedila enako verodostojna. Ob razlikah v razlagi prevlada angleško besedilo.

Za Vlado
Republike Slovenije
Andraž Zidar l.r.

Za Vlado
Republike Indonezije
Retno Lestari Priansari
Marsudi l.r

For the Government
of the Republic of Slovenia
Andraž Zidar (s)

For the Government
of the Republic of Indonesia
Retno Lestari Priansari
Marsudi (s)

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za zunanje zadeve.

4. člen

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

Št. 00724-11/2011
Ljubljana, dne 17. februarja 2011
EVA 2011-1811-0022

Vlada Republike Slovenije

Borut Pahor l.r.
Predsednik

Article 10

Entry into Force, Duration and Termination

1. This Agreement shall enter into force 30 (thirty) days from the date of receipt of the last written notification by which the Parties inform each other through diplomatic channels that all requirements for the entry into force of this Agreement, as stipulated in their respective internal procedures, have been fulfilled.

2. This Agreement shall remain in force for a period of 5 (five) years and may be renewed automatically for further 5 (five) year periods unless either Party decides to terminate it by giving written notice to the other Party, through diplomatic channels, 30 (thirty) days prior to the expected date of termination.

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

DONE in Ljubljana on 26 November 2010 in two originals, each in the Slovenian, Indonesian and English languages, all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

Obvestila o začetku oziroma prenehanju veljavnosti mednarodnih pogodb

14. Obvestilo o začetku veljavnosti Sporazuma med Vlado Republike Slovenije in Vlado Socialistične republike Vietnam o odpravi vizumske obveznosti za imetnike diplomatskih, službenih in uradnih potnih listov

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 – ZNOMCMO, 76/08, 108/09 in 80/10 – ZUTD) Ministrstvo za zunanje zadeve

s p o r o č a,

da je dne 23. januarja 2011 začel veljati Sporazum med Vlado Republike Slovenije in Vlado Socialistične republike Vietnam o odpravi vizumske obveznosti za imetnike diplomatskih, službenih in uradnih potnih listov, sklenjen z izmenjavo not 22. decembra 2009 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 18/10 (Uradni list Republike Slovenije, št. 91/10).

Ljubljana, dne 24. januarja 2011

Ministrstvo za zunanje zadeve
Republike Slovenije

15. Obvestilo o začetku veljavnosti Memoranduma o soglasju (MOS) med Vlado Republike Slovenije (DG) ter Vrhovnim poveljstvom zavezniških sil v Evropi in Poveljstvom vrhovnega zavezniškega poveljnika za preoblikovanje o zagotavljanju podpore države gostiteljice za izvedbo operacij/vaj Nata

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 – ZNOMCMO, 76/08, 108/09 in 80/10 – ZUTD) Ministrstvo za zunanje zadeve

s p o r o č a,

da je 3. februarja 2011 začel veljati Memorandum o soglasju (MOS) med Vlado Republike Slovenije (DG) ter Vrhovnim poveljstvom zavezniških sil v Evropi in Poveljstvom vrhovnega zavezniškega poveljnika za preoblikovanje o zagotavljanju podpore države gostiteljice za izvedbo operacij/vaj Nata, podpisan v Ljubljani, Slovenija, 17. 5. 2010 in v Monsu, Belgija, 14. 7. 2010 ter objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 21/10 (Uradni list Republike Slovenije, št. 104/10).

Ljubljana, dne 9. februarja 2011

Ministrstvo za zunanje zadeve
Republike Slovenije

VSEBINA

8.	Zakon o ratifikaciji Protokola št. 3 k Evropski okvirni konvenciji o čezmejnem sodelovanju teritorialnih skupnosti ali oblasti glede združevanja in sodelovanja evropskih regij (MPEKČS)	13
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