Uradni list Republike Slovenije Mednarodne pogodbe

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11. Uredba o ratifikaciji Sprememb Sporazuma o ustanovitvi Evropske banke za obnovo in razvoj

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) izdaja Vlada Republike Slovenije

U R E D B O
O RATIFIKACIJI SPREMEMB SPORAZUMA O USTANOVITVI EVROPSKE BANKE ZA OBNOVO IN RAZVOJ

1. člen

Ratificirajo se Spremembe Sporazuma o ustanovitvi Evropske banke za obnovo in razvoj, ki jih je sprejel Odbor guvernerjev 30. septembra 2011.

2. člen

Spremembe sporazuma se v izvirniku v angleškem jeziku in prevodu v slovenskem jeziku glasijo:

Amendments to the Agreement Establishing the European Bank for Reconstruction and Development

Article 1 of the Agreement Establishing the Bank shall be amended to read as follows (new text in italics):

Article 1

PURPOSE

In contributing to economic progress and reconstruction, the purpose of the Bank shall be to foster the transition towards open market-oriented economies and to promote private and entrepreneurial initiative in the Central and Eastern European countries committed to and applying the principles of multiparty democracy, pluralism and market economics. *Subject to the same conditions, the* purpose of the Bank may also be carried out in Mongolia *and in member countries of the Southern and Eastern Mediterranean as determined by the Bank upon the affirmative vote of not less than two-thirds of the Governors, representing not less than three-fourths of the total voting power of the members*. Accordingly, any reference in this Agreement and its annexes to "Central and Eastern European countries", "countries from Central and Eastern Europe", "recipient country (or countries)" or "recipient member country (or countries)" shall refer to Mongolia *and each of such countries of the Southern and Eastern Mediterranean as well*."

Article 18 of the Agreement Establishing the Bank shall be amended to read as follows (new text in italics):

Article 18

SPECIAL FUNDS

1. *(i)* The Bank may accept the administration of Special Funds which are designed to serve the purpose and come within the functions of the Bank *in its recipient countries and potential recipient countries*. The full cost of administering any such Special Fund shall be charged to that Special Fund.

Spremembe Sporazuma o ustanovitvi Evropske banke za obnovo in razvoj

1. člen sporazuma o ustanovitvi banke se spremeni tako, da se glasi (novo besedilo je v ležečem tisku):

1. člen

NAMEN

Pri pospeševanju gospodarskega napredka in obnove ima banka namen krepiti prehod na odprta, tržno usmerjena gospodarstva in pospeševati zasebno in podjetniško pobudo v državah Srednje in Vzhodne Evropske, ki se zavezujejo, da bodo izvajale in spoštovale načela večstrankarske demokracije, pluralizma in tržnega gospodarstva. *Ob upoštevanju enakih pogojev* se namen banke lahko uresničuje tudi v Mongoliji *ter v državah članicah južnega in vzhodnega Sredozemlja, kot določi banka, če za to glasujeta najmanj dve tretjini guvernerjev, ki predstavljajo najmanj tri četrtine vseh glasov članic.* V skladu s tem se vsako sklicevanje v tem sporazumu in njegovih prilogah na »srednje- in vzhodnoevropske države«, »države iz Srednje in Vzhodne Evrope«, »državo uporabnico (ali države uporabnice)« ali »državo članico uporabnico (ali države članice uporabnice)« nanaša tudi na Mongolijo *in na vsako od teh držav južnega in vzhodnega Sredozemlja*.

18. člen sporazuma o ustanovitvi banke se spremeni tako, da se glasi (novo besedilo je v ležečem tisku):

18. člen

POSEBNI SKLADI

1. *(i)* Banka lahko sprejme upravljanje posebnih skladov, ki so zasnovani tako, da ustrezajo namenu in so v okviru funkcij banke v *njenih državah uporabnicah in morebitnih državah uporabnicah.* Vsi stroški upravljanja vsakega posebnega sklada gredo v njegovo breme.

(ii) For the purposes of subparagraph (i), the Board of Governors may, at the request of a member which is not a recipient country, decide that such member qualifies as a potential recipient country for such limited period and under such terms as may seem advisable. Such decision shall be taken by the affirmative vote of not less than two-thirds of the Governors, representing not less than three-fourths of the total voting power of the members.

(iii) The decision to allow a member to qualify as a potential recipient country can only be made if such member is able to meet the requirements for becoming a recipient country. Such requirements are those set out in Article 1 of this Agreement, as it reads at the time of such decision or as it will read upon the entry into force of an amendment that has already been approved by the Board of Governors at the time of such decision.

(iv) If a potential recipient country has not become a recipient country at the end of the period referred to in subparagraph (ii), the Bank shall forthwith cease any special operations in that country, except those incident to the orderly realization, conservation and preservation of the assets of the Special Fund and settlement of obligations that have arisen in connection therewith.

2. Special Funds accepted by the Bank may be used *in its recipient countries and potential recipient countries* in any manner and on any terms and conditions consistent with the purpose and functions of the Bank, with the other applicable provisions of this Agreement, and with the agreement or agreements relating to such Funds.

3. The Bank shall adopt such rules and regulations as may be required for the establishment, administration and use of each Special Fund. Such rules and regulations shall be consistent with the provisions of this Agreement, except for those provisions expressly applicable only to ordinary operations of the Bank."

(ii) Za namene pododstavka (i) lahko odbor guvernerjev na zahtevo članice, ki ni država uporabnica, odloči, da ta članica lahko postane morebitna država uporabnica za tako omejeno obdobje in pod takimi pogoji, kot se zdi priporočljivo. Ta odločitev je sprejeta, če zanjo glasujeta najmanj dve tretjini guvernerjev, ki predstavljajo najmanj tri četrtine vseh glasov članic.

(iii) Odločitev, ki omogoča članici, da lahko postane morebitna država uporabnica, je lahko sprejeta samo, če je ta članica sposobna izpolniti zahteve, da postane država uporabnica. Te zahteve so določene v 1. členu tega sporazuma, kot se glasi ob tej odločitvi ali kot se bo glasil ob začetku veljavnosti spremembe, ki jo je ob tej odločitvi že odobril odbor guvernerjev.

(iv) Če morebitna država uporabnica ni postala država uporabnica do konca obdobja iz pododstavka (ii), banka takoj preneha izvajati kakršne koli posebne operacije v tej državi, razen tistih, ki se nanašajo na redno realizacijo, ohranjanje in vzdrževanje sredstev posebnega sklada ter izpolnjevanje obveznosti, nastalih v zvezi s tem.

2. Posebni skladi, ki jih sprejme banka, se lahko *v njenih državah uporabnicah in morebitnih državah uporabnicah* uporabijo na vsak način in pod vsemi pogoji, ki so skladni z namenom in funkcijami banke, drugimi določbami tega sporazuma, ki se uporabljajo, in sporazumom ali sporazumi, ki se nanašajo na te sklade.

3. Banka sprejme tista pravila in predpise, ki utegnejo biti potrebni za ustanovitev, upravljanje in uporabo vsakega posebnega sklada. Ta pravila in predpisi morajo biti skladni z določbami tega sporazuma, razen s tistimi določbami, ki se izrecno uporabljajo samo za redno poslovanje banke.

3. člen

Za izvajanje sprememb sporazuma skrbi Ministrstvo za finance.

4. člen

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

Št. 00724-1/2012
Ljubljana, dne 2. februarja 2012
EVA 2012-1811-0007

Vlada Republike Slovenije

mag. Mitja Gaspari l.r.
Minister

12. **Uredba o ratifikaciji Spremembe Statuta Mednarodnega denarnega sklada o reformi Izvršnega odbora**

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) Izdaja Vlada Republike Slovenije

U R E D B O
O RATIFIKACIJI SPREMEMBE STATUTA MEDNARODNEGA DENARNEGA SKLADA O REFORMI IZVRŠNEGA ODBORA

1. člen

Ratificira se Sprememba Statuta Mednarodnega denarnega sklada o reformi Izvršnega odbora, ki jo je sprejel Odbor guvernerjev Mednarodnega denarnega sklada dne 15. decembra 2010 z Resolucijo št. 66-2.

2. člen

Spremembe statuta se v izvirniku v angleškem jeziku in prevodu v slovenskem jeziku glasijo:

Amendment
of the Articles of Agreement of the International Monetary Fund on the Reform of the Executive Board

The Governments on whose behalf the present Agreement is signed agree as follows:

1. The text of Article XII, Section 3(b) shall be amended to read as follows:

"(*b*) Subject to (*c*) below, the Executive Board shall consist of twenty Executive Directors elected by the members, with the Managing Director as chairman."

2. The text of Article XII, Section 3(c) shall be amended to read as follows:

"(*c*) For the purpose of each regular election of Executive Directors, the Board of Governors, by an eighty-five percent majority of the total voting power, may increase or decrease the number of Executive Directors specified in (*b*) above."

3. The text of Article XII, Section 3(d) shall be amended to read as follows:

"(*d*) Elections of Executive Directors shall be conducted at intervals of two years in accordance with regulations which shall be adopted by the Board of Governors. Such regulations shall include a limit on the total number of votes that more than one member may cast for the same candidate."

4. The text of Article XII, Section 3(f) shall be amended to read as follows:

"(*f*) Executive Directors shall continue in office until their successors are elected. If the office of an Executive Director becomes vacant more than ninety days before the end of his term, another Executive Director shall be elected for the remainder of the term by the members that elected the former Executive Director. A majority of the votes cast shall be required for election. While the office remains vacant, the Alternate of the former Executive Director shall exercise his powers, except that of appointing an Alternate."

5. The text of Article XII, Section 3(i) shall be amended to read as follows:

"(i) (i) Each Executive Director shall be entitled to cast the number of votes which counted towards his election.

(ii) When the provisions of Section 5(*b*) of this Article are applicable, the votes which an Executive Director would otherwise be entitled to cast shall be increased or decreased correspondingly. All the votes which an Executive Director is entitled to cast shall be cast as a unit.

Sprememba
Statuta Mednarodnega denarnega sklada o reformi Izvršnega odbora

Vlade, v imenu katerih je podpisan ta statut, se sporazumejo o naslednjem:

1. Besedilo člena XII, oddelek 3 (b), se spremeni tako, da se glasi:

»(*b*) Ob upoštevanju (*c*) spodaj je Izvršni odbor sestavljen iz dvajsetih izvršnih direktorjev, ki jih izvolijo članice, predseduje pa mu generalni direktor.«

2. Besedilo člena XII, oddelek 3 (c), se spremeni tako, da se glasi:

»(*c*) Za vsakokratne redne volitve izvršnih direktorjev lahko Odbor guvernerjev s 85-odstotno večino celotne glasovalne moči zveča ali zmanjša število izvršnih direktorjev, določeno v (*b*) zgoraj.«

3. Besedilo člena XII, oddelek 3 (d), se spremeni tako, da se glasi:

»(*d*) Volitve izvršnih direktorjev so vsaki dve leti v skladu s pravili, ki jih sprejme Odbor guvernerjev. Ta pravila vključujejo tudi omejitev skupnega števila glasov, ki jih lahko odda več kot ena članica za istega kandidata.«

4. Besedilo člena XII, oddelek 3 (f), se spremeni tako, da se glasi:

»(*f*) Izvršni direktorji opravljajo funkcijo do izvolitve svojih naslednikov. Če postane mesto izvršnega direktorja prosto več kot 90 dni pred koncem mandata, članice, ki so izvolile prejšnjega izvršnega direktorja, izvolijo drugega izvršnega direktorja za preostanek mandata. Za izvolitev je potrebna večina oddanih glasov. Do zasedbe mesta pooblastila izvršnega direktorja izvaja njegov namestnik, razen pooblastila za imenovanje namestnika.«

5. Besedilo člena XII, oddelek 3 (i), se spremeni tako, da se glasi:

»(*i*) (i) Vsak izvršni direktor ima pravico glasovati s številom glasov, s katerimi je bil izvoljen.

(ii) Kadar se uporabljajo določbe oddelka 5 (*b*) tega člena, se število glasov, s katerimi bi izvršni direktor sicer imel pravico glasovati, ustrezno zveča ali zmanjša. Izvršni direktor glasuje z vsemi glasovi, do katerih je upravičen, skupaj.

(iii) When the suspension of the voting rights of a member is terminated under Article XXVI, Section 2(*b*), the member may agree with all the members that have elected an Executive Director that the number of votes allotted to that member shall be cast by such Executive Director, provided that, if no regular election of Executive Directors has been conducted during the period of the suspension, the Executive Director in whose election the member had participated prior to the suspension, or his successor elected in accordance with paragraph 3(*c*) (i) of Schedule L or with (*f*) above, shall be entitled to cast the number of votes allotted to the member. The member shall be deemed to have participated in the election of the Executive Director entitled to cast the number of votes allotted to the member."

6. The text of Article XII, Section 3(j) shall be amended to read as follows:

"(*j*) The Board of Governors shall adopt regulations under which a member may send a representative to attend any meeting of the Executive Board when a request made by, or a matter particularly affecting, that member is under consideration."

7. The text of Article XII, Section 8 shall be amended to read as follows:

"The Fund shall at all times have the right to communicate its views informally to any member on any matter arising under this Agreement. The Fund may, by a seventy percent majority of the total voting power, decide to publish a report made to a member regarding its monetary or economic conditions and developments which directly tend to produce a serious disequilibrium in the international balance of payments of members. The relevant member shall be entitled to representation in accordance with Section 3(*j*) of this Article. The Fund shall not publish a report involving changes in the fundamental structure of the economic organization of members."

8. The text of Article XXI(a)(ii) shall be amended to read as follows:

"(*a*) (ii) For decisions by the Executive Board on matters pertaining exclusively to the Special Drawing Rights Department only Executive Directors elected by at least one member that is a participant shall be entitled to vote. Each of these Executive Directors shall be entitled to cast the number of votes allotted to the members that are participants whose votes counted towards his election. Only the presence of Executive Directors elected by members that are participants and the votes allotted to members that are participants shall be counted for the purpose of determining whether a quorum exists or whether a decision is made by the required majority."

9. The text of Article XXIX(a) shall be amended to read as follows:

"(*a*) Any question of interpretation of the provisions of this Agreement arising between any member and the Fund or between any members of the Fund shall be submitted to the Executive Board for its decision. If the question particularly affects any member, it shall be entitled to representation in accordance with Article XII, Section 3(*j*)."

10. The text of paragraph 1(a) of Schedule D shall be amended to read as follows:

"(*a*) Each member or group of members that has the number of votes allotted to it or them cast by an Executive Director shall appoint to the Council one Councillor, who shall be a Governor, Minister in the government of a member, or person of comparable rank, and may appoint not more than seven Associates. The Board of Governors may change, by an eighty-five percent majority of the total voting power, the number of Associates who may be appointed. A Councillor or Associate shall serve until a new appointment is made or until the next regular election of Executive Directors, whichever shall occur sooner."

(iii) Ko začasni odvzem glasovalnih pravic članice preneha v skladu s členom XXVI, oddelek 2 (*b*), se lahko članica dogovori z vsemi članicami, ki so izvolile izvršnega direktorja, da s številom glasov, dodeljenih tej članici, glasuje ta izvršni direktor pod pogojem – če med začasnim odvzemom glasovalnih pravic ni bilo rednih volitev izvršnih direktorjev – da ima izvršni direktor, pri čigar izvolitvi je članica sodelovala pred začasnim odvzemom, ali njegov naslednik, ki je izvoljen v skladu z odstavkom 3 (*c*) (i) Dodatka L ali (*f*) zgoraj, pravico glasovati s številom glasov, dodeljenih tej članici. Šteje se, da je članica sodelovala pri izvolitvi izvršnega direktorja, ki ima pravico glasovati s številom glasov, dodeljenih tej članici.«

6. Besedilo člena XII, oddelek 3 (j), se spremeni tako, da se glasi:

»(*j*) Odbor guvernerjev sprejme pravila, po katerih lahko članica pošlje predstavnika na kateri koli sestanek Izvršnega odbora, ko se obravnava zahteva članice ali zadeva, ki se posebej nanaša nanjo.«

7. Besedilo člena XII, oddelek 8, se spremeni tako, da se glasi:

»Sklad ima pravico, da svoja mnenja o kateri koli zadevi, ki je predmet tega statuta, neformalno sporoča kateri koli članici. S petinsedemdesetodstotno večino celotne glasovalne moči se Sklad lahko odloči objaviti poročilo, ki ga je dal članici v zvezi z njenim monetarnim in gospodarskim stanjem ter gibanji, ki lahko neposredno povzročijo resno neravnotežje v mednarodnih plačilnih bilancah članic. Ta članica je upravičena do zastopanja v skladu z oddelkom 3 (*j*) tega člena. Sklad ne objavi poročila o spremembah v temeljni gospodarski organiziranosti članic.«

8. Besedilo člena XXI (a) (ii) se spremeni tako, da se glasi:

»(*a*) (ii) Pri odločanju Izvršnega odbora o zadevah, ki se nanašajo izključno na Oddelek za posebne pravice črpanja, imajo pravico glasovati samo izvršni direktorji, ki jih je izvolila vsaj ena članica udeleženka. Vsak od teh izvršnih direktorjev ima pri glasovanju toliko glasov, kolikor jih je dodeljenih članicam udeleženkam in s katerimi je bil izvoljen izvršni direktor. Pri ugotavljanju, ali obstaja sklepčnost oziroma ali je bila odločitev sprejeta s potrebno večino, se upoštevajo samo prisotnost izvršnih direktorjev, ki so jih izvolile članice udeleženke, in glasovi, dodeljeni članicam udeleženkam.«

9. Besedilo člena XXIX (a) se spremeni tako, da se glasi:

»(*a*) Kakršno koli vprašanje glede razlage določb tega statuta, ki se pojavi med katero koli članico in Skladom ali med članicami Sklada, se predloži v odločitev Izvršnemu odboru. Če se vprašanje posebej nanaša na katero od članic, je ta upravičena do zastopanja v skladu s členom XII, oddelek 3 (*j*).«

10. Besedilo odstavka 1 (a) Dodatka D se spremeni tako, da se glasi:

»(*a*) Vsaka članica ali skupina članic, ki ima število glasov, ki so ji ali jim dodeljeni in s katerimi glasuje izvršni direktor, imenuje v Svet enega svetnika, ki je guverner, minister v vladi članice ali oseba na primerljivem položaju, in največ sedem pomočnikov. Odbor guvernerjev lahko s petinosemdesetodstotno večino celotne glasovalne moči spremeni dovoljeno število imenovanih pomočnikov. Svetnik ali pomočnik funkcijo opravlja do novega imenovanja ali naslednjih rednih volitev izvršnih direktorjev, odvisno od tega, kaj je prej.«

11. The text of paragraph 5(e) of Schedule D shall be deleted.

12. Paragraph 5(f) of Schedule D shall be renumbered 5(e) of Schedule D and the text of the new paragraph 5(e) shall be amended to read as follows:

"(*e*) When an Executive Director is entitled to cast the number of votes allotted to a member pursuant to Article XII, Section 3(*i*)(iii), the Councillor appointed by the group whose members elected such Executive Director shall be entitled to vote and cast the number of votes allotted to such member. The member shall be deemed to have participated in the appointment of the Councillor entitled to vote and cast the number of votes allotted to the member."

13. The text of Schedule E shall be amended to read as follows:

"Transitional Provisions with Respect to Executive Directors

1. Upon the entry into force of this Schedule:

(a) Each Executive Director who was appointed pursuant to former Article XII, Sections 3(*b*)(i) or 3(*c*), and was in office immediately prior to the entry into force of this Schedule, shall be deemed to have been elected by the member who appointed him; and

(b) Each Executive Director who cast the number of votes of a member pursuant to former Article XII, Section 3(*i*)(ii) immediately prior to the entry into force of this Schedule, shall be deemed to have been elected by such a member."

14. The text of paragraph 1(b) of Schedule L shall be amended to read as follows:

"(*b*) appoint a Governor or Alternate Governor, appoint or participate in the appointment of a Councillor or Alternate Councillor, or elect or participate in the election of an Executive Director."

15. The text of the chapeau of paragraph 3(c) of Schedule L shall be amended to read as follows:

"(*c*) The Executive Director elected by the member, or in whose election the member has participated, shall cease to hold office, unless such Executive Director was entitled to cast the number of votes allotted to other members whose voting rights have not been suspended. In the latter case:"

11. Besedilo odstavka 5 (e) Dodatka D se črta.

12. Odstavek 5 (f) Dodatka D se preštevilči v 5 (e) Dodatka D, besedilo novega odstavka 5 (e) pa se spremeni tako, da se glasi:

»(*e*) Kadar ima izvršni direktor pravico glasovati s številom glasov, dodeljenih članici v skladu s členom XII, oddelek 3 (*i*) (iii), ima svetnik, ki ga je imenovala skupina, katere članice so izvolile tega izvršnega direktorja, pravico glasovati s številom glasov, dodeljenih tej članici. Šteje se, da je članica sodelovala pri imenovanju svetnika, ki ima pravico glasovati s številom glasov, dodeljenih tej članici.«

13. Besedilo Dodatka E se spremeni tako, da se glasi:

»Prehodne določbe o izvršnih direktorjih

1. Ob začetku veljavnosti tega dodatka se:

(a) za vsakega izvršnega direktorja, ki je bil imenovan v skladu z oddelkom 3 (*b*) (i) ali 3 (*c*) prejšnjega člena XII in je opravljal funkcijo neposredno pred začetkom veljavnosti tega dodatka, šteje, da ga je izvolila članica, ki ga je imenovala, in

(b) za vsakega izvršnega direktorja, ki je glasoval s številom glasov članice v skladu z oddelkom 3 (*i*) (ii) prejšnjega člena XII neposredno pred začetkom veljavnosti tega dodatka, šteje, da ga je izvolila ta članica.«

14. Besedilo odstavka 1 (b) Dodatka L se spremeni tako, da se glasi:

»(*b*) imenuje guvernerja ali namestnika guvernerja, imenuje ali sodeluje pri imenovanju svetnika ali namestnika svetnika oziroma izvoli ali sodeluje pri izvolitvi izvršnega direktorja.«

15. Besedilo uvodne določbe odstavka 3 (c) Dodatka L se spremeni tako, da se glasi:

»(*c*) Izvršni direktor, ki ga je izvolila članica ali je sodelovala pri njegovi izvolitvi, preneha opravljati funkcijo, razen če je imel pravico glasovati s številom glasov, dodeljenih drugim članicam, ki jim glasovalne pravice niso bile začasno odvzete. V tem primeru:«

3. člen

Za izvajanje spremembe statuta skrbi Ministrstvo za finance v sodelovanju z Banko Slovenije.

4. člen

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

Št. 00724-3/2012
Ljubljana, dne 2. februarja 2012
EVA 2012-1811-0008

Vlada Republike Slovenije

mag. Mitja Gaspari l.r.
Minister

13. Uredba o ratifikaciji Tretje spremembe Statuta Mednarodnega denarnega sklada

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) izdaja Vlada Republike Slovenije

U R E D B O
O RATIFIKACIJI TRETJE SPREMEMBE STATUTA MEDNARODNEGA DENARNEGA SKLADA

1. člen

Ratificira se Tretja sprememba Statuta Mednarodnega denarnega sklada, ki jo je sprejel Odbor guvernerjev Mednarodnega denarnega sklada dne 28. junija 1990 z Resolucijo št. 45-3.

2. člen

Sprememba statuta se v izvirniku v angleškem jeziku in prevodu v slovenskem jeziku glasi:

Third Amendment
of the Articles of Agreement
of the International Monetary Fund

The Governments on whose behalf the present Agreement is signed agree as follows:

1. The text of Article XXVI, Section 2 shall be amended to read as follows:

"(a) If a member fails to fulfill any of its obligations under this Agreement, the Fund may declare the member ineligible to use the general resources of the Fund. Nothing in this Section shall be deemed to limit the provisions of Article V, Section 5 or Article VI, Section 1.

(b) If, after the expiration of a reasonable period following a declaration of ineligibility under (a) above, the member persists in its failure to fulfill any of its obligations under this Agreement, the Fund may, by a seventy percent majority of the total voting power, suspend the voting rights of the member. During the period of the suspension, the provisions of Schedule L shall apply. The Fund may, by a seventy percent majority of the total voting power, terminate the suspension at any time.

(c) If, after the expiration of a reasonable period following a decision of suspension under (b) above, the member persists in its failure to fulfill any of its obligations under this Agreement, that member may be required to withdraw from membership in the Fund by a decision of the Board of Governors carried by a majority of the Governors having eighty-five percent of the total voting power.

(d) Regulations shall be adopted to ensure that before action is taken against any member under (a), (b), or (c) above, the member shall be informed in reasonable time of the complaint against it and given an adequate opportunity for stating its case, both orally and in writing."

2. A new Schedule L shall be added to the Articles, to read as follows:

"Schedule L

Suspension of Voting Rights

In the case of a suspension of voting rights of a member under Article XXVI, Section 2(b), the following provisions shall apply:

1. The member shall not:

(a) participate in the adoption of a proposed amendment of this Agreement, or be counted in the total number of members for that purpose, except in the case of an amendment requiring acceptance by all members under Article XXVIII(b) or pertaining exclusively to the Special Drawing Rights Department;

(b) appoint a Governor or Alternate Governor, appoint or participate in the appointment of a Councillor or Alternate Councillor, or appoint, elect, or participate in the election of an Executive Director.

2. The number of votes allotted to the member shall not be cast in any organ of the Fund. They shall not be included in the calculation of the total voting power, except for purposes of the acceptance of a proposed amendment pertaining exclusively to the Special Drawing Rights Department.

Tretja sprememba
Statuta Mednarodnega denarnega sklada

Vlade, v imenu katerih je podpisan ta statut, se sporazumejo o naslednjem:

1. Besedilo člena XXVI, oddelek 2, se spremeni tako, da se glasi:

»(a) Če članica ne izpolnjuje svojih obveznosti po tem statutu, lahko Sklad razglasi, da članica ne sme uporabljati splošnih sredstev Sklada. Določbe tega oddelka ne omejujejo določb člena V, oddelek 5, ali člena VI, oddelek 1.

(b) Če po preteku razumnega obdobja, ki sledi razglasitvi prepovedi na podlagi točke (a) zgoraj, članica še vedno ne izpolnjuje svojih obveznosti po tem Statutu, ji lahko Sklad s sedemdesetodstotno večino celotne glasovalne moči začasno odvzame glasovalne pravice. Med trajanjem začasnega odvzema se uporabljajo določbe Dodatka L. Sklad lahko s sedemdesetodstotno večino celotne glasovalne moči začasni odvzem glasovalnih pravic kadar koli ukine.

(c) Če po preteku razumnega obdobja, ki sledi odločitvi o začasnem odvzemu na podlagi točke (b) zgoraj, članica še vedno ne izpolnjuje svojih obveznosti po tem Statutu, lahko Odbor guvernerjev od nje z odločitvijo, ki jo sprejme večina guvernerjev, ki imajo petinosemdesetodstotno večino celotne glasovalne moči, zahteva, da se umakne iz članstva v Skladu.

(d) Sprejmejo se pravila, ki zagotavljajo, da je članica, preden se proti njej ukrepa v skladu s točko (a), (b) ali (c) zgoraj, v razumnem času obveščena o pritožbi proti njej ter da ji je omogočeno pisno in ustno razložiti njen primer.«

2. Statutu se doda nov Dodatek L, ki se glasi:

»Dodatek L

Začasni odvzem glasovalnih pravic

Pri začasnem odvzemu glasovalnih pravic članici na podlagi člena XXVI, oddelek 2 (b), se uporabljajo naslednje določbe:

1. Članica ne:

(a) sodeluje pri sprejemanju predlagane spremembe tega statuta ali ni upoštevana v skupnem številu članic za to, razen če je za spremembo potrebno soglasje vseh članic v skladu s členom XXVIII (b) ali če se nanaša izključno na Oddelek za posebne pravice črpanja;

(b) imenuje guvernerja ali namestnika guvernerja, imenuje ali sodeluje pri imenovanju svetnika ali namestnika svetnika oziroma imenuje, izvoli ali sodeluje pri izvolitvi izvršnega direktorja.

2. S številom glasov, dodeljenih članici, se ne glasuje v nobenem organu Sklada. Število glasov se ne vključi v izračun celotne glasovalne moči, razen za sprejetje predlagane spremembe, ki se nanaša izključno na Oddelek za posebne pravice črpanja.

3. (a) The Governor and Alternate Governor appointed by the member shall cease to hold office.

(b) The Councillor and Alternate Councillor appointed by the member, or in whose appointment the member has participated, shall cease to hold office, provided that, if such Councillor was entitled to cast the number of votes allotted to other members whose voting rights have not been suspended, another Councillor and Alternate Councillor shall be appointed by such other members under Schedule D, and, pending such appointment, the Councillor and Alternate Councillor shall continue to hold office, but for a maximum of thirty days from the date of the suspension.

(c) The Executive Director appointed or elected by the member, or in whose election the member has participated, shall cease to hold office, unless such Executive Director was entitled to cast the number of votes allotted to other members whose voting rights have not been suspended. In the latter case:

(i) if more than ninety days remain before the next regular election of Executive Directors, another Executive Director shall be elected for the remainder of the term by such other members by a majority of the votes cast; pending such election, the Executive Director shall continue to hold office, but for a maximum of thirty days from the date of suspension;

(ii) if not more than ninety days remain before the text regular election of Executive Directors, the Executive Director shall continue to hold office for the remainder of the term.

4. The member shall be entitled to send a representative to attend any meeting of the Board of Governors, the Council, or the Executive Board, but not any meeting of their committees, when a request made by, or a matter particularly affecting, the member is under consideration."

3. The following shall be added to Article XII, Section 3(i):

"(v) When the suspension of the voting rights of a member is terminated under Article XXVI, Section 2(b), and the member is not entitled to appoint an Executive Director, the member may agree with all the members that have elected an Executive Director that the number of votes allotted to that member shall be cast by such Executive Director, provided that, if no regular election of Executive Directors has been conducted during the period of the suspension, the Executive Director in whose election the member had participated prior to the suspension, or his successor elected in accordance with paragraph 3(c)(i) of Schedule L or with (f) above, shall be entitled to cast the number of votes allotted to the member. The member shall be deemed to have participated in the election of the Executive Director entitled to cast the number of votes allotted to the member."

4. The following shall be added to paragraph 5 of Schedule D:

"(f) When an Executive Director is entitled to cast the number of votes allotted to a member pursuant to Article XII, Section 3(i)(v), the Councillor appointed by the group whose members elected such Executive Director shall be entitled to vote and cast the number of votes allotted to such member. The member shall be deemed to have participated in the appointment of the Councillor entitled to vote and cast the number of votes allotted to the member."

3. (a) Guverner in namestnik guvernerja, ki ju je imenovala članica, prenehata opravljati svojo funkcijo.

(b) Svetnik in namestnik svetnika, ki ju je imenovala članica ali sodelovala pri njunem imenovanju, prenehata opravljati svojo funkcijo pod pogojem – če je bil ta svetnik upravičen do glasovanja s številom glasov, dodeljenih drugim članicam, ki jim glasovalne pravice niso bile začasno odvzete – da te druge članice imenujejo drugega svetnika ali namestnika svetnika v skladu z Dodatkom D, dokler pa ta dva še nista imenovana, svetnik in namestnik svetnika še naprej opravljata funkcijo, vendar največ trideset dni od dneva začasnega odvzema.

(c) Izvršni direktor, ki ga je imenovala ali izvolila članica ali sodelovala pri njegovi izvolitvi, preneha opravljati funkcijo, razen če je imel pravico glasovati s številom glasov, dodeljenih drugim članicam, ki jim glasovalne pravice niso bile začasno odvzete. V tem primeru:

(i) če je do naslednjih rednih volitev izvršnih direktorjev več kot devetdeset dni, te druge članice z večino oddanih glasov izvolijo za preostanek mandata drugega izvršnega direktorja; dokler ta še ni izvoljen, izvršni direktor še naprej opravlja funkcijo, vendar največ trideset dni od dneva začasnega odvzema;

(ii) če do naslednjih rednih volitev izvršnih direktorjev ni več kot devetdeset dni, izvršni direktor še naprej opravlja funkcijo za preostanek mandata.

4. Članica lahko pošlje predstavnika na kateri koli sestanek Odbora guvernerjev, Sveta ali Izvršnega odbora, ko se obravnava zahteva članice ali zadeva, ki se posebej nanaša nanjo, ne pa tudi na sestanke njihovih odborov.

3. V členu XII, oddelek 3 (i), se doda naslednje besedilo:

»(v) Ko začasni odvzem glasovalnih pravic članice preneha v skladu s členom XXVI, oddelek 2 (b), in ta članica nima pravice imenovati izvršnega direktorja, se lahko dogovori z vsemi članicami, ki so izvolile izvršnega direktorja, da s številom glasov, dodeljenih tej članici, glasuje ta izvršni direktor pod pogojem – če med začasnim odvzemom glasovalnih pravic ni bilo rednih volitev izvršnih direktorjev – da ima izvršni direktor, pri čigar izvolitvi je članica sodelovala pred začasnim odvzemom, ali njegov naslednik, ki je izvoljen v skladu z odstavkom 3 (c) (i) Dodatka L ali (f) zgoraj, pravico glasovati s številom glasov, dodeljenih tej članici. Šteje se, da je članica sodelovala pri izvolitvi izvršnega direktorja, ki ima pravico glasovati s številom glasov, dodeljenih tej članici.«

4. V odstavku 5 Dodatka D se doda naslednje besedilo:

»(f) Kadar ima izvršni direktor pravico glasovati s številom glasov, dodeljenih članici v skladu s členom XII, oddelek 3 (i) (v), ima svetnik, ki ga je imenovala skupina, katere članice so izvolile tega izvršnega direktorja, pravico glasovati s številom glasov, dodeljenih tej članici. Šteje se, da je članica sodelovala pri imenovanju svetnika, ki ima pravico glasovati s številom glasov, dodeljenih tej članici.«

3. člen

Za izvajanje spremembe statuta skrbi Ministrstvo za finance v sodelovanju z Banko Slovenije.

4. člen

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

Št. 00724-2/2012
Ljubljana, dne 2. februarja 2012
EVA 2012-1811-0009

Vlada Republike Slovenije

mag. Mitja Gaspari l.r.
Minister

14. Sklep o objavi besedila Izmirske deklaracije, ki jo je sprejela Konferenca na visoki ravni o prihodnosti Evropskega sodišča za človekove pravice, v Izmirju 27. aprila 2011

Na podlagi tretjega 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) je Vlada Republike Slovenije sprejela

S K L E P
o objavi besedila
Izmirske deklaracije, ki jo je sprejela Konferenca na visoki ravni o prihodnosti Evropskega sodišča za človekove pravice, v Izmirju 27. aprila 2011,

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

High level Conference
on the future of the European Court of Human Rights
26-27 April, Izmir (Turkey)
IZMIR Declaration
27 April 2011

The High Level Conference meeting at Izmir on 26 and 27 April 2011 at the initiative of the Turkish Chairmanship of the Committee of Ministers of the Council of Europe ("the Conference"),

1. Recalling the strong commitment of the States Parties to the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") and to the control mechanism it established;

2. Expressing its determination to ensure the effectiveness of this mechanism in the short, medium and long terms;

3. Recognising again the extraordinary contribution of the European Court of Human Rights ("the Court") to the protection of human rights in Europe;

4. Reaffirming the principles set out in the Declaration and Action Plan adopted at the Interlaken High-Level Conference on 19 February 2010 and expressing the resolve to maintain the momentum of the Interlaken process within the agreed timeframe;

5. Recalling that the subsidiary character of the Convention mechanism constitutes a fundamental and transversal principle which both the Court and the States Parties must take into account;

6. Recalling also the shared responsibility of both the Court and the States Parties in guaranteeing the viability of the Convention mechanism;

7. Noting with concern the continuing increase in the number of applications brought before the Court;

8. Considering that the provisions introduced by Protocol No. 14, while their potential remains to be fully exploited and the results so far achieved are encouraging, will not provide a lasting and comprehensive solution to the problems facing the Convention system;

9. Welcoming the ongoing negotiations on the modalities of European Union accession to the Convention;

10. Welcoming the concrete progress achieved following the Interlaken Conference;

11. Considering, however, that maintaining the effectiveness of the mechanism requires further measures, also in the light of the preliminary contribution by the President of the Court to the Conference and the opinion adopted by the Plenary Court for the Conference;

12. Expressing concern that since the Interlaken Conference, the number of interim measures requested in accordance with Rule 39 of the Rules of Court has greatly increased, thus further increasing the workload of the Court;

Konferenca na visoki ravni
o prihodnosti Evropskega sodišča za človekove pravice
26.–27. april, Izmir (Turčija)
IZMIRSKA deklaracija
27. april 2011

Na pobudo turškega predsedstva Odboru ministrov Sveta Evrope je v Izmirju 26. in 27. aprila 2011 Konferenca na visoki ravni (v nadaljnjem besedilu: konferenca):

1. ob sklicevanju na trdno zavezanost držav pogodbenic h Konvenciji o varstvu človekovih pravic in temeljnih svoboščin (v nadaljnjem besedilu: konvencija) in mehanizem nadzora, ki ga je vzpostavila;

2. odločena, da zagotovi kratkoročno, srednjeročno in dolgoročno učinkovitost tega mehanizma;

3. ob ponovnem priznavanju izjemnega prispevka Evropskega sodišča za človekove pravice (v nadaljnjem besedilu: Sodišče) k varstvu človekovih pravic v Evropi;

4. ob ponovni potrditvi načel, določenih v deklaraciji in načrtu delovanja, sprejetih na interlakenski konferenci na visoki ravni 19. februarja 2010, ter odločenosti ohraniti zagon interlakenskega procesa znotraj dogovorjenega časovnega okvira;

5. ob sklicevanju na subsidiarni značaj mehanizma konvencije kot temeljnega in splošnega načela, ki ga morajo upoštevati Sodišče in države pogodbenice;

6. ob sklicevanju tudi na skupno odgovornost Sodišča in držav pogodbenic za zagotavljanje delovanja mehanizma konvencije;

7. z zaskrbljenostjo ugotavlja nenehno naraščanje števila pritožb, vloženih na Sodišče;

8. glede na to, da določbe protokola št. 14, katerih potencial bo treba še polno izrabiti in so do zdaj doseženi rezultati spodbudni, ne bodo zagotovile trajne in celovite rešitve problemov, s katerimi se sooča sistem konvencije;

9. ob odobravanju poteka pogajanj o modalitetah pristopa Evropske unije h konvenciji;

10. ob odobravanju konkretnega napredka, ki je bil dosežen po interlakenski konferenci;

11. ker seveda ohranjanje učinkovitosti mehanizma zahteva nadaljnje ukrepe, tudi glede na predhodni prispevek predsednika Sodišča h konferenci in mnenja, ki ga je sprejel plenum Sodišča za konferenco;

12. ob zaskrbljenosti, ker se je po interlakenski konferenci število začasnih ukrepov, zahtevanih v skladu z 39. členom Poslovnika Sodišča, zelo povečalo, kar dodatno povečuje delovno obremenitev Sodišča;

13. Taking into account that some States Parties have expressed interest in a procedure allowing the highest national courts to request advisory opinions from the Court concerning the interpretation and application of the Convention;

14. Considering, in the light of the above, that it is time to take stock of the progress achieved so far to consider further steps in the pursuit of the Interlaken objectives and to respond to the new concerns and expectations that have become apparent since the Interlaken Conference;

15. Recalling the need to pursue long-term strategic reflections about the future role of the Court in order to ensure sustainable functioning of the Convention mechanism;

The Conference:

1. Proposes, firstly, to take stock, in accordance with the Interlaken Action Plan, of the proposals that do not require amendment of the Convention and, secondly, having also regard to recent developments, to take necessary measures;

2. Welcomes the measures already taken by the Court so far to implement Protocol No.14 and follow up the Interlaken Declaration, including the adoption of a priority policy;

3. Takes note of the fact that the provisions introduced by Protocol No. 14 will not by themselves allow for a balance between incoming cases and output so as to ensure effective treatment of the constantly growing number of applications, and consequently underlines the urgency of adopting further measures;

4. Considers that the admissibility criteria are an essential tool in managing the Court's caseload and in giving practical effect to the principle of subsidiarity; stresses the importance that they are given full effect by the Court and notes, in this regard, that the new admissibility criterion adopted in Protocol No. 14, which has not yet had the effect intended, is about to be shaped by the upcoming case law and remains to be evaluated with a view to its improvement, and invites the Committee of Ministers to initiate work to reflect on possible ways of rendering the admissibility criteria more effective and on whether it would be advisable to introduce new criteria, with a view to furthering the effectiveness of the Convention mechanism;

5. Reaffirms the importance of a consistent application of the principles of interpretation;

6. Welcomes the recent creation of an Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights, responsible for examining the candidatures proposed by States Parties before they are transmitted to the Parliamentary Assembly of the Council of Europe;

7. Invites the Committee of Ministers to continue its reflection on the criteria for office as judge of the Court and on the selection procedures at national and international level, in order to encourage applications by good potential candidates and to ensure a sustainable recruitment of competent judges with relevant experience and the impartiality and quality of the Court;

8. Notes with interest the adoption of a new approach in relation to the supervision of execution of Court judgments by the Committee of Ministers;

9. Adopts the Follow-up Plan below as an instrument, which builds on the Interlaken Action Plan while taking into account recent developments in the Council of Europe, the Court, and the Committee of Ministers as well as the concerns and expectations that have emerged since the Interlaken Conference.

13. ob upoštevanju, da so nekatere države pogodbenice izrazile zanimanje za postopek, ki najvišjim državnim sodiščem omogoča, da zaprosijo Sodišče za svetovalno mnenje glede razlage in uporabe konvencije;

14. glede na zgoraj omenjeno je čas, da se preveri do zdaj doseženi napredek, da bi preučili nadaljnje korake v prizadevanjih za dosego interlakenskih ciljev in se odzvali na nove skrbi in pričakovanja, ki so postali očitni po interlakenski konferenci;

15. ob sklicevanju na potrebo po dolgoročnem strateškem razmisleku o bodoči vlogi Sodišča, da bi zagotovili trajnostno delovanje mehanizma konvencije,

konferenca:

1. predlaga, da se v skladu z interlakenskim načrtom delovanja najprej preučijo predlogi, ki ne zahtevajo sprememb konvencije, nato pa se ob upoštevanju dosedanjega razvoja dogodkov sprejmejo potrebni ukrepi;

2. odobrava ukrepe, ki jih je Sodišče že sprejelo za izvajanje protokola št. 14 in kot odziv na Interlakensko deklaracijo, vključno s sprejetjem politike prednostnih nalog;

3. upošteva dejstvo, da določbe protokola št. 14 same po sebi ne bodo omogočile ravnovesja med prejetimi in rešenimi zadevami tako, da bi zagotavljale učinkovito obravnavo vedno večjega števila pritožb in zato poudarja nujno sprejetje nadaljnjih ukrepov;

4. meni, da so merila sprejemljivosti bistveno orodje pri obravnavi pripada zadev Sodišču in zagotavljanju praktičnega učinka načela subsidiarnosti; poudarja pomen tega, da jim Sodišče daje polno veljavo in v zvezi s tem pripominja, da bo novo merilo sprejemljivosti, ki je bilo sprejeto v protokolu št. 14 in še ne daje nameravanega učinka, oblikovala bodoča sodna praksa in ga bo treba še oceniti glede na izboljšave, ter poziva Odbor ministrov, da začne razmišljati o možnih načinih, kako narediti merila sprejemljivosti učinkovitejša in ali bi bilo priporočljivo uvesti nova merila za nadaljnje povečanje učinkovitosti mehanizma konvencije;

5. ponovno potrjuje pomen dosledne uporabe načel razlage;

6. odobrava nedavno oblikovanje Sveta strokovnjakov za izvolitev kandidatov za sodnika na Evropskem sodišču za človekove pravice, ki bo odgovoren za preučitev kandidatur, ki jih predlagajo države pogodbenice, preden so predložene Parlamentarni skupščini Sveta Evrope;

7. poziva Odbor ministrov, da še naprej obravnava merila za funkcijo sodnika Sodišča ter postopke izbora na državni in mednarodni ravni z namenom spodbuditi in zagotoviti prijave dobrih možnih kandidatov in zagotoviti trajnostno zaposlovanje usposobljenih sodnikov z ustreznimi izkušnjami ter nepristranskost in kakovost Sodišča;

8. se z zanimanjem seznanja s sprejetjem novega pristopa Odbora ministrov v zvezi z nadzorom nad izvrševanjem sodb Sodišča;

9. sprejema spodnji načrt nadaljnjega spremljanja kot instrument, ki nadgrajuje interlakenski načrt delovanja ob upoštevanju dosedanjega razvoja dogodkov v Svetu Evrope, na Sodišču in v Odboru ministrov, kakor tudi skrbi in pričakovanj, nastalih po interlakenski konferenci.

Follow-up Plan

A. Right of individual petition

The Conference:

1. Reaffirms the attachment of the States Parties to the right of individual petition as a cornerstone of the Convention mechanism and considers in this context that appropriate measures must be taken rapidly to dissuade clearly inadmissible applications, without, however, preventing well-founded applications from being examined by the Court, and to ensure that cases are dealt with in accordance with the principle of subsidiarity;

2. Reiterates the call made for the consideration of additional measures with regard to access to the Court in the Interlaken Declaration and therefore invites the Committee of Ministers to continue to examine the issue of charging fees to applicants and other possible new procedural rules or practices concerning access to the Court;

3. Welcoming the improvements in the practice of interim measures already put in place by the Court and recalling that the Court is not an immigration Appeals Tribunal or a Court of fourth instance, emphasises that the treatment of requests for interim measures must take place in full conformity with the principle of subsidiarity and that such requests must be based on an assessment of the facts and circumstances in each individual case, followed by a speedy examination of, and ruling on, the merits of the case or of a lead case. In this context, the Conference:

– Stresses the importance of States Parties providing national remedies, where necessary with suspensive effect, which operate effectively and fairly and provide a proper and timely examination of the issue of risk in accordance with the Convention and in light of the Court's case law; and, while noting that they may challenge interim measures before the Court, reiterates the requirement for States Parties to comply with them;

– Underlines that applicants and their representatives should fully respect the Practice Direction on Requests for Interim Measures for their cases to be considered, and invites the Court to draw the appropriate conclusions if this Direction is not respected;

– Invites the Court, when examining cases related to asylum and immigration, to assess and take full account of the effectiveness of domestic procedures and, where these procedures are seen to operate fairly and with respect for human rights, to avoid intervening except in the most exceptional circumstances;

– Further invites the Court to consider, with the State Parties, how best to combine the practice of interim measures with the principle of subsidiarity, and to take steps, including the consideration of putting in place a system, if appropriate, to trigger expedited consideration, on the basis of a precise and limited timeframe, of the merits of cases, or of a lead case, in which interim measures have been applied;

4. Welcomes the contribution of the Secretary General, which recommends the provision to potential applicants and their legal representatives of objective and comprehensive information on the Convention and the case-law of the Court, in particular on the application procedure and the admissibility criteria, along with the detailed handbook on admissibility and the checklist prepared by the Registry of the Court, in order to avoid, insofar as possible, clearly inadmissible applications;

5. Calls on the Secretary General to implement rapidly, where necessary in co-operation with the European Union, the proposals regarding the provision of information and training contained in the report which he has submitted to the Committee of Ministers.

Načrt nadaljnjega spremljanja

A. Pravica posameznika do pritožbe

Konferenca:

1. ponovno potrjuje zavezanost držav pogodbenic k pravici posameznika do pritožbe kot bistva mehanizma konvencije in meni, da morajo biti glede na to hitro sprejeti ustrezni ukrepi za odvračanje očitno nesprejemljivih pritožb, ne da bi preprečili Sodišču obravnavanje utemeljenih pritožb, in zagotavljanje obravnave zadev po načelu subsidiarnosti;

2. ponavlja pozive za preučitev dodatnih ukrepov glede dostopa do Sodišča iz Interlakenske deklaracije in zato poziva Odbor ministrov k nadaljnji preučitvi vprašanja zaračunavanja taks pritožnikom in drugih možnih novih postopkovnih pravil ali praks v zvezi z dostopom do Sodišča;

3. ob odobravanju izboljšav v praksi začasnih ukrepov, ki jih je Sodišče že vzpostavilo, in ob upoštevanju, da Sodišče ni pritožbeno sodišče za priseljevanje ali sodišče četrte stopnje, poudarja, da mora obravnavanje zahtev za začasne ukrepe potekati popolnoma skladno z načelom subsidiarnosti in da morajo takšne zahteve temeljiti na oceni dejstev in okoliščin v vsaki posamezni zadevi, ki ji sledi hitra obravnava in odločitev o vsebini zadeve ali o vodilnem primeru. Glede na to konferenca:

– poudarja pomen zagotavljanja notranjih pravnih sredstev držav pogodbenic, po potrebi z odložilnim učinkom, ki so učinkovita in poštena ter zagotavljajo ustrezno in pravočasno obravnavo vprašanja ogroženosti v skladu s konvencijo in glede na sodno prakso Sodišča in, medtem ko ugotavlja, da lahko izpodbijajo začasne ukrepe pred Sodiščem, ponavlja zahtevo, da jih države pogodbenice spoštujejo;

– poudarja, da morajo pritožniki in njihovi zastopniki popolnoma spoštovati Navodilo za prakso pri zahtevah za začasne ukrepe zato, da se njihovi primeri obravnavajo, ter poziva Sodišče, da sprejme ustrezne odločitve, če to navodilo ni spoštovano;

– poziva Sodišče, da naj pri obravnavi zadev v zvezi z azilom in priseljevanjem oceni in v celoti upošteva učinkovitost domačih postopkov in kjer ugotovi, da so ti pošteni in človekove pravice spoštovane, ne posreduje, razen v najbolj izjemnih okoliščinah;

– nadalje poziva Sodišče, da skupaj z državami pogodbenicami razmisli, kako najbolje uskladiti prakso začasnih ukrepov z načelom subsidiarnosti in sprejme ukrepe, po potrebi vključno s preučitvijo vzpostavitve sistema, ki bi v skladu z natančnim in omejenim časovnim okvirom sprožili hitro vsebinsko obravnavo zadeve ali vodilnega primera, pri katerem so bili uporabljeni začasni ukrepi;

4. odobrava prispevek generalnega sekretarja, ki priporoča dajanje objektivnih in izčrpnih informacij potencialnim pritožnikom in njihovim pravnim zastopnikom o konvenciji in sodni praksi Sodišča, zlasti o postopku pritožbe in merilih sprejemljivosti, skupaj s podrobnim priročnikom o sprejemljivosti in kontrolnim listom, ki ju je pripravila Sodna pisarna Sodišča, zato da bi se kar najbolj izognili očitno nesprejemljivim pritožbam;

5. poziva generalnega sekretarja, da po potrebi v sodelovanju z Evropsko unijo hitro uresničuje predloge iz poročila, ki ga je predložil Odboru ministrov glede dajanja informacij in usposabljanja.

B. Implementation of the Convention at national level

The Conference:

1. Reiterates calls made in this respect in the Interlaken Declaration and more particularly invites the States Parties to:

a. Ensure that effective domestic remedies exist, be they of a specific nature or a general domestic remedy, providing for a decision on an alleged violation of the Convention and, where necessary, its redress;

b. Co-operate fully with the Committee of Ministers in the framework of the new methods of supervision of execution of judgments of the Court;

c. Ensure that the programmes for professional training of judges, prosecutors and other law enforcement officials as well as members of security forces contain adequate information regarding the well-established case-law of the Court concerning their respective professional fields;

d. Consider contributing to translation into their national language of the Practical Guide on Admissibility Criteria prepared by the Registry of the Court;

e. Consider contributing to the Human Rights Trust Fund.

2. Invites the States Parties to devote all the necessary attention to the preparation of the national reports that they must present by the end of 2011, describing measures taken to implement relevant parts of the Interlaken Declaration and how they intend to address possible shortcomings, in order that these reports provide a solid basis for subsequent improvements at national level.

C. Filtering

The Conference:

1. Notes with satisfaction the first encouraging results of the implementation of the new single-judge formation. It nevertheless considers that, beyond measures already taken or under examination, new provisions concerning filtering should be put in place;

2. As regards short term measures, invites the Court to consider and evaluate the system of filtering by judges, of the existing bench who dedicate their working time to single-judge work for a short period, and to continue to explore further possibilities of filtering not requiring amendment to the Convention;

3. As regards long-term measures, invites the Committee of Ministers to continue its reflection on more efficient filtering systems that would, if necessary, require amendments to the Convention. In this context, it recalls that specific proposals for such a filtering mechanism that would require amendments to the Convention have to be prepared by April 2012.

D. Advisory opinions

The Conference:

1. Bearing in mind the need for adequate national measures to contribute actively to diminishing the number of applications, invites the Committee of Ministers to reflect on the advisability of introducing a procedure allowing the highest national courts to request advisory opinions from the Court concerning the interpretation and application of the Convention that would help clarify the provisions of the Convention and the Court's case-law, thus providing further guidance in order to assist States Parties in avoiding future violations;

2. Invites the Court to assist the Committee of Ministers in its consideration of the issue of advisory opinions.

E. Repetitive applications

The Conference, whilst reiterating the calls made in the Interlaken Action Plan concerning repetitive applications and noting with satisfaction the first encouraging results of the new competences of committees of three judges:

B. Izvajanje konvencije na državni ravni

Konferenca:

1. ponavlja pozive Interlakenske deklaracije glede tega in zlasti poziva države pogodbenice, da:

a) zagotovijo učinkovita notranja pravna sredstva, specifična ali splošna, ki omogočajo odločanje o domnevni kršitvi konvencije in po potrebi o zadoščenju;

b) v celoti sodelujejo z Odborom ministrov v okviru novih metod nadzora nad izvrševanjem sodb Sodišča;

c) zagotovijo, da programi za strokovno usposabljanje sodnikov, tožilcev in drugih uslužbencev organov pregona ter članov varnostnih sil vsebujejo ustrezne informacije o uveljavljeni sodni praksi Sodišča v zvezi z njihovimi posameznimi strokovnimi področji;

d) razmislijo o prispevku k prevodu Praktičnega vodiča po merilih sprejemljivosti, ki ga je pripravila Sodna pisarna Sodišča, v svoj jezik;

e) razmislijo o prispevku v Skrbniški sklad za človekove pravice.

2. Poziva države pogodbenice, da posvetijo vso potrebno pozornost pripravi nacionalnih poročil, ki jih morajo predložiti do konca leta 2011, z opisom ukrepov, sprejetih za izvajanje ustreznih delov Interlakenske deklaracije, in načina, kako nameravajo obravnavati morebitne pomanjkljivosti, da bodo ta poročila zagotavljala trden temelj poznejšim izboljšavam na državni ravni.

C. Izbiranje

Konferenca:

1. z zadovoljstvom opaža prve spodbudne rezultate uvedbe sodnika posameznika. Vseeno meni, da bi bilo treba poleg ukrepov, ki so bili že sprejeti ali se še preučujejo, uvesti nove določbe glede izbiranja;

2. glede kratkoročnih ukrepov poziva Sodišče, da preuči in oceni sistem izbiranja, ki ga opravljajo sodniki iz obstoječe sestave, ki kratko obdobje svojega delovnega časa namenjajo delu sodnika posameznika, ter še naprej išče nadaljnje možnosti izbiranja, ki ne zahtevajo sprememb konvencije;

3. kar zadeva dolgoročne ukrepe, poziva Odbor ministrov k nadaljnjemu razmišljanju o učinkovitejšem sistemu izbiranja, ki bi, če bi bilo potrebno, zahteval spremembe konvencije. Glede na to opozarja, da bi konkretni predlogi za tak mehanizem izbiranja, ki bi zahteval spremembe konvencije, morali biti pripravljeni do aprila 2012.

D. Svetovalna mnenja

Konferenca:

1. ob upoštevanju potrebe po ustreznih državnih ukrepih, ki bi aktivno prispevali k zmanjševanju števila pritožb, poziva Odbor ministrov k razmisleku o presoji, ali je priporočljivo uvesti postopek, ki bi najvišjim državnim sodiščem omogočal, da zaprosijo za svetovalna mnenja Sodišča v zvezi z razlago in uporabo konvencije, ki bi pomagala razjasniti določbe konvencije in sodno prakso Sodišča ter tako ponudila državam pogodbenicam nadaljnje usmeritve kot pomoč pri izogibanju kršitev v prihodnje;

2. poziva Sodišče, da pomaga Odboru ministrov pri obravnavi vprašanja svetovalnih mnenj.

E. Ponavljajoče se pritožbe

Konferenca ob tem, ko ponavlja pozive interlakenskega načrta delovanja glede ponavljajočih se pritožb in ko z zadovoljstvom opaža prve spodbudne rezultate novih pristojnosti senata treh sodnikov:

1. Invites the States Parties to give priority to the resolution of repetitive cases by way of friendly settlements or unilateral declarations where appropriate;

2. Underlines the importance of the active assistance of the Court to States Parties in their efforts to reach friendly settlements and to make unilateral declarations where appropriate and encourages the Court's role in this respect as well as the need for creating awareness of friendly settlements as an integral part in the Convention for settling disputes between parties to proceedings before the Court;

3. Considers that the Court, when referring to its "well-established case-law" must take account of legislative and factual circumstances and developments in the respondent State;

4. Welcomes the ongoing work of the Committee of Ministers on the elaboration of specific proposals that would require amendment to the Convention, in order to increase the Court's case-processing capacity, and considers that the proposals made should also enable the Court to adjudicate repetitive cases within a reasonable time;

5. Welcomes the new Rule 61 of the Rules of the Court adopted by the Court on the pilot-judgment procedure.

F. The Court

The Conference:

1. Assures the Court of its full support to realise the Interlaken objectives;

2. Reiterating the calls made in the Interlaken Action Plan and considering that the authority and credibility of the Court constitute a constant focus and concern of the States Parties, invites the Court to:

a. Apply fully, consistently and foreseeably all admissibility criteria and the rules regarding the scope of its jurisdiction, *ratione temporis, ratione loci, ratione personae* and *ratione materiae*;

b. Give full effect to the new admissibility criterion in accordance with the principle, according to which the Court is not concerned by trivial matters (*de minimis non curat praetor*);

c. Confirm in its case law that it is not a fourth-instance court, thus avoiding the re-examination of issues of fact and law decided by national courts;

d. Establish and make public rules foreseeable for all the parties concerning the application of Article 41 of the Convention, including the level of just satisfaction which might be expected in different circumstances;

e. Consider that decisions of the panels of five judges to reject requests for referral of cases to the Grand Chamber are clearly reasoned, thereby avoiding repetitive requests and ensuring better understanding of Chamber judgments;

f. Organise meetings with Government agents on a regular basis so as to further good cooperation;

g. Present to the Committee of Ministers proposals, on a budget-neutral basis, for the creation of a training unit for lawyers and other professionals;

3. Notes with satisfaction the arrangements made within the Registry of the Court that have allowed better management of budgetary and human resources;

4. Welcomes the production by the Court's Registry of a series of thematic factsheets dealing with different case-law issues and encourages the Court to pursue this work in relation to its case-law on other substantive and procedural provisions which are frequently invoked by applicants;

5. Encourages furthermore the States Parties to second national judges and, where appropriate, other high-level independent lawyers to the Registry of the Court.

1. poziva države pogodbenice, da, kadar je to primerno, pri reševanju ponavljajočih se zadev dajo prednost prijateljskim poravnavam ali enostranskim izjavam;

2. poudarja pomen aktivne pomoči Sodišča državam pogodbenicam v njihovih prizadevanjih za dosego prijateljskih poravnav in oblikovanju enostranskih izjav, kadar je to primerno, in spodbuja vlogo Sodišča pri tem, kakor tudi potrebo po ozaveščanju, da so prijateljske poravnave sestavni del konvencije za reševanje sporov med strankami v postopkih pred Sodiščem;

3. meni, da mora Sodišče pri sklicevanju na svojo »uveljavljeno sodno prakso« upoštevati zakonodajne in dejanske okoliščine ter razvoj dogodkov v toženi državi;

4. odobrava sedanje delo Odbora ministrov glede priprave konkretnih predlogov, ki bi zahtevali spremembe konvencije, zato da se poveča zmogljivost Sodišča glede obravnavanja zadev, in meni, da bi morali dani predlogi tudi omogočati Sodišču, da o ponavljajočih se zadevah odloča v razumnem roku;

5. odobrava novi 61. člen Poslovnika Sodišča, ki ga je Sodišče sprejelo po postopku pilotne sodbe.

F. Sodišče

Konferenca:

1. zagotavlja Sodišču svojo polno podporo pri uresničevanju interlakenskih ciljev;

2. ob ponavljanju pozivov interlakenskega načrta delovanja in ob upoštevanju, da sta avtoriteta in verodostojnost Sodišča stalno v središču pozornosti ter skrb držav pogodbenic, poziva Sodišče, da:

a) v celoti, dosledno in predvidljivo uporablja vsa merila sprejemljivosti in pravila glede obsega svoje pristojnosti, *ratione temporis*, *ratione loci*, *ratione personae* in *ratione materiae*;

b) v celoti uveljavi novo merilo sprejemljivosti v skladu z načelom, po katerem se Sodišče ne ukvarja z nepomembnimi zadevami (*de minimis non curat praetor*);

c) v svoji sodni praksi potrdi, da ni sodišče četrte stopnje in se s tem izogne ponovnemu obravnavanju dejstev in pravnih vprašanj, o katerih so odločila državna sodišča;

d) vzpostavi in javno objavi pravila, predvidljiva za vse pogodbenice, v zvezi z uporabo 41. člena konvencije, vključno z ravnijo pravičnega zadoščenja, ki bi bila lahko pričakovana v drugačnih okoliščinah;

e) preuči, da so odločitve zbora petih sodnikov, da zavrne zahteve za posredovanje zadev velikemu senatu, jasno utemeljene in se s tem izogne ponavljajočim se zahtevam ter zagotovi boljše razumevanje sodb senata;

f) organizira redna srečanja z zastopniki držav za izboljšanje sodelovanja;

g) predloži Odboru ministrov predloge, ki ne vplivajo na proračun, za oblikovanje enote za usposabljanje pravnikov in drugih strokovnjakov;

3. z zadovoljstvom opaža ukrepe Sodne pisarne Sodišča, ki so omogočili boljše upravljanje proračuna in človeških virov;

4. pozdravlja vrsto tematskih informacij, ki jih je izdala Sodna pisarna Sodišča o različnih vprašanjih sodne prakse, ter spodbuja Sodišče, da nadaljuje s tem delom v zvezi s svojo sodno prakso glede drugih materialnih in postopkovnih določb, na katere se pritožniki pogosto sklicujejo;

5. nadalje spodbuja države pogodbenice, da v Sodno pisarno Sodišča dodelijo nacionalne sodnike in, kadar je to primerno, druge neodvisne pravnike na visoki ravni.

G. Simplified procedure for amendment of the Convention

The Conference, taking account of the work that has followed the Interlaken Conference at different levels within the Council of Europe, invites the Committee of Ministers to pursue preparatory work for elaboration of a simplified procedure for amending provisions relating to organisational matters, including reflection on the means of its introduction, i.e. a Statute for the Court or a new provision in the Convention.

H. Supervision of the execution of judgments

The Conference:

1. Expects that new standard and enhanced procedures for supervision of the execution of judgments will bear fruit and welcomes the decision of the Committee of Ministers to assess their effectiveness at the end of 2011;

2. Reiterates the calls made by the Interlaken Conference concerning the importance of execution of judgments and invites the Committee of Ministers to apply fully the principle of subsidiarity, by which the States Parties have in particular the choice of means to deploy in order to conform to their obligations under the Convention;

3. Recalls the special role given to the Committee of Ministers in exercising its supervisory function under the Convention and underlines the requirement to carry out its supervision only on the basis of a legal analysis of the Court's judgments.

I. Accession of the European Union to the Convention

The Conference welcomes the progress made in the framework of negotiations on accession of the European Union to the Convention and encourages all the parties to conclude this work in order to transmit to the Committee of Ministers as soon as possible a draft agreement on accession and the proposals on necessary amendments to the Convention.

Implementation

The Conference:

1. Invites the States Parties, the Committee of Ministers, the Court and the Secretary General to ensure implementation of the present Follow-up Plan, which builds on the Interlaken Action Plan;

2. Invites the Committee of Ministers to:

a. Continue its reflection on the issue of charging fees to applicants, including other possible new procedural rules or practices concerning access to the Court, and on more efficient filtering systems that would, if necessary, require amendments to the Convention;

b. Reflect on the advisability of introducing a procedure allowing the highest national courts to request advisory opinions from the Court;

c. Pursue preparatory work for elaboration of a simplified amendment procedure for provisions relating to organisational matters, including reflection on the means of its introduction, i.e. a Statute for the Court or a new provision in the Convention.

3. Invites the Court to consider and evaluate the system of filtering by judges, of the existing bench who dedicate their working time to single-judge work for a short period, and to continue to explore further possibilities of filtering not requiring amendment to the Convention;

4. As regards Rule 39, expresses its expectation that the implementation of the approach set out in paragraph A3 will lead to a significant reduction in the number of interim measures granted by the Court, and to the speedy resolution of those applications in which they are, exceptionally, applied, with progress achieved within one year. The Committee of Ministers is invited to revert to the question in one year's time;

G. Poenostavljeni postopek spreminjanja konvencije

Konferenca ob upoštevanju dela, ki je sledilo interlakenski konferenci na različnih ravneh znotraj Sveta Evrope, poziva Odbor ministrov, da nadaljuje pripravljalna dela za oblikovanje poenostavljenega postopka za spremembo določb, ki se nanašajo na organizacijske zadeve, vključno z razmišljanjem o načinu njegove uvedbe, tj. s statutom Sodišča ali novo določbo konvencije.

H. Nadzor nad izvrševanjem sodb

Konferenca:

1. pričakuje, da bodo novi standardni in izboljšani postopki nadzora nad izvrševanjem sodb obrodili sadove in pozdravlja odločitev Odbora ministrov, da oceni njihovo učinkovitost ob koncu leta 2011;

2. ponavlja pozive interlakenske konference glede pomena izvrševanja sodb in poziva Odbor ministrov, da v celoti uporablja načelo subsidiarnosti, po katerem imajo države pogodbenice še zlasti možnost izbire sredstev, ki jih lahko uporabijo za izpolnjevanje svojih obveznosti po konvenciji;

3. se sklicuje na posebno vlogo, ki je bila dodeljena Odboru ministrov pri izvrševanju njegove nadzorne funkcije po konvenciji in poudarja zahtevo, da izvaja svoj nadzor samo na podlagi pravne analize sodb Sodišča.

I. Pristop Evropske unije h konvenciji

Konferenca pozdravlja napredek, ki je bil narejen v okviru pogajanj o pristopu Evropske unije h konvenciji, in spodbuja vse pogodbenice, da to delo zaključijo, da bi Odboru ministrov čim prej predali osnutek sporazuma o pristopu ter predloge o potrebnih spremembah konvencije.

Izvajanje

Konferenca:

1. poziva države pogodbenice, Odbor ministrov, Sodišče in generalnega sekretarja, da zagotovijo uveljavitev tega načrta nadaljnjega spremljanja, ki nadgrajuje interlakenski načrt delovanja;

2. poziva Odbor ministrov k:

a) nadaljnjim razmišljanjem glede zaračunavanja taks pritožnikom, vključno z drugimi možnimi novimi postopkovnimi pravili ali praksami v zvezi z dostopom do Sodišča, in učinkovitejšega sistema izbiranja, ki bi, če bi bilo potrebno, zahteval spremembe konvencije;

b) razmisleku o priporočljivosti uvedbe postopka, ki bi najvišjim državnim sodiščem omogočal, da zaprosijo za svetovalna mnenja Sodišča;

c) nadaljevanju priprav za oblikovanje poenostavljenega postopka za spremembo določb, ki se nanašajo na organizacijske zadeve, vključno z razmišljanjem o načinu njegove uvedbe, tj. s statutom Sodišča ali novo določbo konvencije;

3. poziva Sodišče, da preuči in oceni sistem izbiranja, ki ga opravljajo sodniki iz obstoječe sestave, ki kratko obdobje svojega delovnega časa namenjajo delu sodnika posameznika, ter še naprej išče nadaljnje možnosti izbiranja, ki ne zahtevajo sprememb konvencije;

4. v zvezi z 39. členom izraža svoje pričakovanje, da bo izvajanje pristopa iz odstavka A. 3 prispevalo k bistvenemu zmanjšanju števila začasnih ukrepov, ki jih odobri Sodišče, ter hitremu reševanju tistih pritožb, v katerih so izjemoma uporabljeni, in da bo napredek dosežen v enem letu. Poziva Odbor ministrov, da se po enem letu ponovno vrne na to vprašanje;

5. Invites the States Parties, the Committee of Ministers, the Court and the Secretary General to pursue long-term strategic reflections about the future role of the Court;

6. Invites the Committee of Ministers and the States Parties to consult with civil society during the implementation of the present Follow-up Plan, where appropriate, involving it in long-term strategic reflections about the future role of the Court;

7. Reminds the States Parties of their commitment to submit, by the end of 2011, a report on the measures taken to implement the relevant parts of the Interlaken Declaration and the present Declaration;

8. Invites the Committee of Ministers to confer on the relevant committees of experts the mandates necessary in order that they pursue their work on the implementation of the Interlaken Action Plan in accordance with the calendar defined therein and in the light of the goals set out in the present Declaration;

9. Asks the Turkish Chairmanship to transmit the present Declaration and the Proceedings of the Izmir Conference to the Committee of Ministers;

10. Invites the future Chairmanships to follow-up the implementation of the present Declaration jointly with the Interlaken Declaration.

5. poziva države pogodbenice, Odbor ministrov, Sodišče in generalnega sekretarja k nadaljevanju dolgoročnega strateškega razmisleka o bodoči vlogi Sodišča;

6. poziva Odbor ministrov in države pogodbenice, da se med izvajanjem tega načrta nadaljnjega spremljanja po potrebi posvetujejo s civilno družbo o njeni vključitvi v dolgoročni strateški razmislek o bodoči vlogi Sodišča;

7. opominja države pogodbenice na njihovo zavezo, da do konca leta 2011 predložijo poročilo o sprejetih ukrepih za izvajanje ustreznih delov Interlakenske in te deklaracije;

8. poziva Odbor ministrov, da ustreznim odborom strokovnjakov poveri mandate, potrebne za nadaljevanje njihovega dela pri izvajanju interlakenskega načrta delovanja v skladu z v njem opredeljenim koledarjem in cilji, določenimi v tej deklaraciji;

9. zaproša turško predsedstvo, da to deklaracijo in zapis izmirske konference predloži Odboru ministrov;

10. poziva prihodnja predsedstva k spremljanju izvajanja te deklaracije skupaj z Interlakensko deklaracijo.

Št. 54203-1/2012
Ljubljana, dne 9. februarja 2012
EVA 2012-2011-0013

Vlada Republike Slovenije

mag. Helena Kamnar l.r.
Generalna sekretarka

Obvestila o začetku oziroma prenehanju veljavnosti mednarodnih pogodb

15. Obvestilo o začetku veljavnosti Pogodbe med Republiko Slovenijo in Republiko Avstrijo o poteku državne meje na mejnih sektorjih VIII do XV in XXII do XXVII

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 1. februarja 2012 začela veljati Pogodba med Republiko Slovenijo in Republiko Avstrijo o poteku državne meje na mejnih sektorjih VIII do XV in XXII do XXVII, podpisana v Ljubljani 21. julija 2010 in objavljena v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 9/11 (Uradni list Republike Slovenije, št. 66/11).

Ljubljana, dne 3. februarja 2012

Ministrstvo za zunanje zadeve
Republike Slovenije

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