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102. Zakon o ratifikaciji Okvirnega sporazuma med Evropsko unijo in njenimi državami članicami na eni strani ter Republiko Korejo na drugi strani (MOSEUKR)

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

U K A Z

o razglasitvi Zakona o ratifikaciji Okvirnega sporazuma med Evropsko unijo in njenimi državami članicami na eni strani ter Republiko Korejo na drugi strani (MOSEUKR)

Razglašam Zakon o ratifikaciji Okvirnega sporazuma med Evropsko unijo in njenimi državami članicami na eni strani ter Republiko Korejo na drugi strani (MOSEUKR), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 14. decembra 2012.

Št. 003-02-10/2012-15
Ljubljana, dne 24. decembra 2012

Borut Pahor l.r.
Predsednik
Republike Slovenije

Z A K O N

O RATIFIKACIJI OKVIRNEGA SPORAZUMA MED EVROPSKO UNIJO IN NJENIMI DRŽAVAMI ČLANICAMI NA ENI STRANI TER REPUBLIKO KOREJO NA DRUGI STRANI (MOSEUKR)

1. člen

Ratificira se Okvirni sporazum med Evropsko unijo in njenimi državami članicami na eni strani ter Republiko Korejo na drugi strani, podpisani v Bruslju 10. maja 2010.

2. člen

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

¹ Besedilo sporazuma v bolgarskem, češkem, danskem, estonskem, finskem, francoskem, grškem, italijanskem, latvijskem, litovskem, madžarskem, malteškem, nemškem, nizozemskem, poljskem, portugalskem, romunskem, slovaškem, španskem, švedskem ter korejskem jeziku je na vpogled v Sektorju za mednarodno pravo v Ministrstvu za zunanje zadeve Republike Slovenije.

**РАМКОВО СПОРАЗУМЕНИЕ
МЕЖДУ ЕВРОПЕЙСКИЯ СЪЮЗ И
НЕГОВИТЕ ДЪРЖАВИ-ЧЛЕНКИ, ОТ ЕДНА СТРАНА,
И РЕПУБЛИКА КОРЕЯ, ОТ ДРУГА СТРАНА**

**ACUERDO MARCO
ENTRE LA UNIÓN EUROPEA Y
SUS ESTADOS MIEMBROS, POR UNA PARTE,
Y LA REPÚBLICA DE COREA, POR OTRA**

**RÁMCOVÁ DOHODA
MEZI EVROPSKOU UNIÍ A
JEJÍMI ČLENSKÝMI STÁTY NA JEDNÉ STRANĚ
A KOREJSKOU REPUBLIKOU NA STRANĚ DRUHÉ**

**RAMMEAFTALE
MELLEM DEN EUROPÆISKE UNION OG
DENS MEDLEMSSTATER PÅ DEN ENE SIDE
OG REPUBLIKKEN KOREA PÅ DEN ANDEN SIDE**

**RAHMENABKOMMEN
ZWISCHEN DER EUROPÄISCHEN UNION UND
IHREN MITGLIEDSTAATEN EINERSEITS
UND DER REPUBLIK KOREA ANDERERSEITS**

**RAAMLEPING
ÜHELT POOLT EUROOPA LIIDU JA
SELLA LIIKMESRIIKIDE
NING TEISELT POOLT KOREA VABARIIGI VAHEL**

**ΣΥΜΦΩΝΙΑ ΠΛΑΙΣΙΟ
ΜΕΤΑΞΥ ΤΗΣ ΕΥΡΩΠΑΪΚΗΣ ΕΝΩΣΗΣ ΚΑΙ
ΤΩΝ ΚΡΑΤΩΝ ΜΕΛΩΝ ΤΗΣ, ΑΦΕΝΟΣ,
ΚΑΙ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ ΤΗΣ ΚΟΡΕΑΣ, ΑΦΕΤΕΡΟΥ**

**FRAMEWORK AGREEMENT
BETWEEN THE EUROPEAN UNION AND
ITS MEMBER STATES, ON THE ONE PART,
AND THE REPUBLIC OF KOREA, ON THE OTHER PART**

**ACCORD-CADRE
ENTRE L'UNION EUROPÉENNE ET
SES ÉTATS MEMBRES, D'UNE PART,
ET LA RÉPUBLIQUE DE CORÉE, D'AUTRE PART**

**ACCORDO QUADRO
TRA L'UNIONE EUROPEA E
I SUOI STATI MEMBRI, DA UNA PARTE,
E LA REPUBBLICA DI COREA, DALL'ALTRA**

**PAMATNOLĪGUMS
STARĀ EIROPAS SAVIENĪBU UN**

**TĀS DALĪBVALSTĪM, NO VIENAS PUSES,
UN KOREJAS REPUBLIKU, NO OTRAS PUSES**

**EUROPOS SĄJUNGOS BEI
JOS VALSTYBIŲ NARIŲ
IR KOREJOS RESPUBLIKOS
PAGRINDŲ SUSITARIMAS**

**KERETMEGÁLLAPODÁS
EGYRÉSZRŐL AZ EURÓPAI UNIÓ ÉS
TAGÁLLAMAI, ÉS MÁSRÉSZRŐL
A KOREAI KÖZTÁRSASÁG KÖZÖTT**

**FTEHIM QAFAS
BEJN L-UNJONI EWROPEA U
L-ISTATI MEMBRI TAGHHA, MINN NAHA WAHDA,
U R-REPUBLIKA TAL-KOREA, MIN-NAHA L-OHRA**

**KADEROVEREENKOMST
TUSSEN DE EUROPESE UNIE EN
HAAR LIDSTATEN, ENERZIJDS,
EN DE REPUBLIEK KOREA, ANDERZIJDS**

**UMOWA RAMOWA
MIĘDZY UNIĄ EUROPEJSKĄ
I JEJ PAŃSTWAMI CZŁONKOWSKIMI, Z JEDNEJ STRONY,
A REPUBLIKĄ KOREI, Z DRUGIEJ STRONY**

**ACORDO-QUADRO
ENTRE A UNIÃO EUROPEIA E
OS SEUS ESTADOS-MEMBROS, POR UM LADO,
E A REPÚBLICA DA COREIA, POR OUTRO**

**ACORD-CADRУ
ÎNTRE UNIUNEA EUROPEANĂ ȘI
STATELE SALE MEMBRE, PE DE O PARTE,
ȘI REPUBLICA COREEA, PE DE ALTĂ PARTE**

**RÁMCOVÁ DOHODA
MEDZI EURÓPSKOU ÚNIOU A
JEJ ČLENSKÝMI ŠTÁTMI NA JEDNEJ STRANE
A KÓREJSKOU REPUBLIKOU NA STRANE DRUHEJ**

**OKVIRNI SPORAZUM
MED EVROPSKO UNIJO IN
NJENIMI DRŽAVAMI ČLANICAMI NA ENI STRANI
TER REPUBLIKO KOREJO NA DRUGI STRANI**

**PUITESOPIMUS
EUROOPAN UNIONIN JA
SEN JÄSENVÄLTIOIDEN
SEKÄ KOREAN TASAVALLAN VÄLILLÄ**

**RAMAVTAL
MELLAN EUROPEISKA UNIONEN OCH
DESS MEDLEMSSTATER, Å ENA SIDAN,
OCH REPUBLIKEN KOREA, Å ANDRA SIDAN**

대한민국과 유럽연합 및 그 회원국 간의 기본협정

**OKVIRNI SPORAZUM
MED EVROPSKO UNIJO
IN NJENIMI DRŽAVAMI ČLANICAMI
NA ENI STRANI TER REPUBLIKO KOREJO
NA DRUGI STRANI**

EVROPSKA UNIJA, v nadalnjem besedilu: Unija,

in

KRALJEVINA BELGIJA,
REPUBLIKA BOLGARIJA,
ČEŠKA REPUBLIKA,
KRALJEVINA DANSKA,
ZVEZNA REPUBLIKA NEMČIJA,
REPUBLIKA ESTONIJA,
IRSKA,
HELENSKA REPUBLIKA,
KRALJEVINA ŠPANIJA,
FRANCOSKA REPUBLIKA,
ITALIJANSKA REPUBLIKA,
REPUBLIKA CIPER,
REPUBLIKA LATVIJA,
REPUBLIKA LITVA,
VELIKO VOJVODSTVO LUKSEMBURG,
REPUBLIKA MADŽARSKA,
MALTA,
KRALJEVINA NIŽOZEMSKA,
REPUBLIKA AVSTRIJA,
REPUBLIKA POLJSKA,
PORTUGALSKA REPUBLIKA,
ROMUNIJA,
REPUBLIKA SLOVENIJA,
SLOVAŠKA REPUBLIKA,
REPUBLIKA FINSKA,
KRALJEVINA ŠVEDSKA,
ZDRUŽENO KRALJESTVO VELIKA BRITANIJA IN SE-
VERNA IRSKA,

pogodbenice Pogodbe o Evropski uniji in Pogodbe o delovanju Evropske unije, v nadalnjem besedilu: države članice,

na eni strani ter

REPUBLIKA KOREJA

na drugi strani

v nadalnjem besedilu: pogodbenici –

OB UPOŠTEVANJU tradicionalnih prijateljskih vezi ter zgodovinskih, političnih in gospodarskih vezi med njima;

OB UPOŠTEVANJU Okvirnega sporazuma o trgovini in sodelovanju med Evropsko skupnostjo in njenimi državami članicami na eni strani ter Republiko Korejo na drugi strani, ki je bil podpisana v Luksemburgu 28. oktobra 1996 in je začel veljati 1. aprila 2001;

**FRAMEWORK AGREEMENT
BETWEEN THE EUROPEAN UNION AND ITS
MEMBER STATES, ON THE ONE PART,
AND THE REPUBLIC OF KOREA,
ON THE OTHER PART**

THE EUROPEAN UNION, hereinafter referred to as "the Union",

and

THE KINGDOM OF BELGIUM,
THE REPUBLIC OF BULGARIA,
THE CZECH REPUBLIC,
THE KINGDOM OF DENMARK,
THE FEDERAL REPUBLIC OF GERMANY,
THE REPUBLIC OF ESTONIA,
IRELAND,
THE HELLENIC REPUBLIC,
THE KINGDOM OF SPAIN,
THE FRENCH REPUBLIC,
THE ITALIAN REPUBLIC,
THE REPUBLIC OF CYPRUS,
THE REPUBLIC OF LATVIA,
THE REPUBLIC OF LITHUANIA,
THE GRAND DUCHY OF LUXEMBOURG,
THE REPUBLIC OF HUNGARY,
MALTA,
THE KINGDOM OF THE NETHERLANDS,
THE REPUBLIC OF AUSTRIA,
THE REPUBLIC OF POLAND,
THE PORTUGUESE REPUBLIC,
ROMANIA,
THE REPUBLIC OF SLOVENIA,
THE SLOVAK REPUBLIC,
THE REPUBLIC OF FINLAND,
THE KINGDOM OF SWEDEN,
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty on European Union and the Treaty on the Functioning of the European Union, herein-after referred to as "the Member States",

on the one part, and

THE REPUBLIC OF KOREA,

on the other part,

hereinafter jointly referred to as "the Parties",

CONSIDERING their traditional links of friendship and the historical, political and economic ties which unite them;

RECALLING the Framework Agreement for Trade and Cooperation between the European Community and its Member States, on the one hand, and the Republic of Korea, on the other hand, signed in Luxembourg on 28 October 1996 and which entered into force on 1 April 2001;

UPOŠTEVAJOČ pospešeni postopek, s katerim Evropska unija pridobiva lastno identiteto v zunanji politiki ter na področju varnosti in pravosodja;

ZAVEDAOČ SE vse pomembnejše vloge in odgovornosti, ki jo ima Republika Koreja v mednarodni skupnosti;

OB POUDARKU na celovitosti narave medsebojnih odnosov in pomembnosti stalnih prizadevanj za ohranjanje splošne skladnosti;

OB POTRDITVI skupne želje, da ohranjata in razvijata reden politični dialog, ki temelji na skupnih vrednotah in prizadevanjih;

OB IZRAŽANJU skupne volje, da svoje odnose preoblikuje v okrepljeno partnerstvo, vključno s političnim, gospodarskim, socialnim in kulturnim področjem;

ODLOČENI, da v tem smislu utrdita, poglobita in razširita odnose na področjih skupnega interesa na dvostranski, regionalni in svetovni ravni ter na podlagi enakosti, spoštovanja suverenosti, nediskriminacije in vzajemne koristi;

OB PONOVOVNI POTRDITVI močne zavezosti pogodbenic demokratičnim načelom in človekovim pravicam, kot so določene v Splošni deklaraciji o človekovih pravicah in drugih mednarodnih instrumentih o človekovih pravicah, ter načelom pravne države in dobrega javnega upravljanja;

OB PONOVOVNI POTRDITVI svoje odločenosti, da se borita proti hudim kaznivim dejanjem, ki zadevajo mednarodno skupnost, in prepričanja, da je treba zagotoviti učinkovit pregon najhujših oblik kaznivih dejanj, ki zadevajo mednarodno skupnost, z uporabo ukrepov na nacionalni ravni in izboljševanjem sodelovanja na svetovni ravni;

OB UPOŠTEVANJU, da terorizem ogroža svetovno varnost, in v želji po okreplitvi dialoga in sodelovanja v boju proti terorizmu v skladu z ustreznimi mednarodnimi instrumenti, predvsem Resolucijo 1373 Varnostnega sveta Združenih narodov, ter ob ponovni potrditvi, da sta spoštovanje človekovih pravic in pravne države temelji boja proti terorizmu;

OB STRINJANJU, da širjenje orožja za množično uničevanje in njegovih nosilcev pomeni eno od najresnejših groženj za mednarodno varnost, zavedajoč se zavezosti mednarodne skupnosti boju proti takemu širjenju, kot se izraža v sprejemanju ustreznih mednarodnih konvencij in resolucij Varnostnega sveta Združenih narodov, predvsem Resolucije 1540, ter v želji po krepitevi dialoga in sodelovanja na tem področju;

OB PRIZNAVANJU potrebe po okrepljenem sodelovanju na področju pravosodja, svobode in varnosti;

OB UPOŠTEVANJU, da so določbe Sporazuma, ki spadajo v področje uporabe naslova V dela III Pogodbe o delovanju Evropske unije, zavezajoče za Združeno kraljestvo in Irsko kot ločeni pogodbenci in ne kot dela Evropske unije, dokler Evropska unija uradno ne obvesti Republike Koreje, da je – odvisno od primera – katera od držav postala zavezana navedenim določbam kot del Evropske unije v skladu s Protokolom o stališču Združenega kraljestva in Irske, priloženim Pogodbi o Evropski uniji in Pogodbi o delovanju Evropske unije, in da enako velja za Dansko v skladu z ustreznim protokolom, ki je priložen navedenima pogodbama;

OB PRIZNAVANJU želje po spodbujanju gospodarske, socialne in okoljske razsežnosti trajnostnega razvoja;

OB POUDARJANJU svoje zavezosti zagotavljanju višoke ravni varstva okolja in svoje odločenosti, da sodeluje pri preprečevanju podnebnih sprememb;

OB UPOŠTEVANJU podpore pravični globalizaciji ter ciljem polne in produktivne zaposlenosti in dostojnega dela za vse;

OB PRIZNAVANJU uspešnega razvoja trgovinskih in naložbenih tokov med pogodbenicama na podlagi globalnega, na pravilih temelječega trgovinskega sistema pod okriljem Svetovne trgovinske organizacije (STO);

MINDFUL of the accelerated process whereby the European Union is acquiring its own identity in foreign policy and in the field of security and justice;

CONSCIOUS of the growing role and responsibility assumed by the Republic of Korea in the international community;

STRESSING the comprehensive nature of their relationship and the importance of continuous efforts to maintain overall coherence;

CONFIRMING their desire to maintain and develop their regular political dialogue, which is based on shared values and aspirations;

EXPRESSING their common will to elevate their relations into a strengthened partnership including in the political, economic, social and cultural fields;

DETERMINED in this regard to consolidate, deepen and diversify relations in areas of mutual interest, at the bilateral, regional and global levels and on the basis of equality, respect of sovereignty, non-discrimination and mutual benefit;

REAFFIRMING the strong attachment of the Parties to democratic principles and human rights as laid down in the Universal Declaration of Human Rights and other relevant international human rights instruments as well as to the principles of the rule of law and good governance;

REAFFIRMING their determination to fight against serious crimes of international concern and their conviction that the effective prosecution of the most serious crimes of international concern must be ensured by taking measures at a national level and by enhancing global collaboration;

CONSIDERING that terrorism is a threat to global security and wishing to intensify their dialogue and cooperation in the fight against terrorism, in accordance with relevant international instruments, in particular Resolution 1373 of the United Nations Security Council, and reaffirming that respect for human rights and the rule of law is the fundamental basis of the fight against terrorism;

SHARING the view that the proliferation of weapons of mass destruction and their means of delivery poses a major threat to international security, recognising the commitment of the international community to fight against such proliferation as expressed in the adoption of relevant international conventions and Resolutions of the United Nations Security Council, in particular Resolution 1540, and wishing to strengthen their dialogue and cooperation in this area;

RECOGNISING the need for enhanced cooperation in the field of justice, freedom and security;

RECALLING in this regard that the provisions of the Agreement that fall within the scope of Part III, Title V of the Treaty on the Functioning of the European Union bind the United Kingdom and Ireland as separate Contracting Parties, and not as part of the European Union, until the European Union (as the case may be) notifies the Republic of Korea that either State has become bound on these matters as part of the European Union in accordance with the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and that the same applies to Denmark, in accordance with the relevant Protocol annexed to those Treaties;

RECOGNISING their desire to promote sustainable development in its economic, social and environmental dimensions;

EXPRESSING their commitment to ensuring a high level of environmental protection and their determination to cooperate in combating climate change;

RECALLING their support for fair globalisation and for the goals of full and productive employment, as well as decent work for all;

RECOGNISING that trade and investment flows have thrived between the Parties based on the global rules-based trading system under the auspices of the World Trade Organization (WTO);

V ŽELJI PO zagotovitvi pogojev za trajnostno povečevanje ter razvoj trgovine in naložb med pogodbenicama v obojestransko korist ter za spodbujanje tega povečevanja in razvoja, med drugim z vzpostavljivo območja proste trgovine;

OB SOGLASJU glede potrebe po uresničevanju skupnih prizadevanj, da bi se odzvali na svetovne izzive, kot so terorizem, huda kazniva dejanja, ki zadevajo mednarodno skupnost, širjenje orožja za množično uničevanje in njegovih nosilcev, podnebne spremembe, nezanesljivost oskrbe z energijo in virov, revščina ter finančna kriza;

ODLOČENI, da okrepiata sodelovanje v sektorjih skupnega interesa, predvsem s spodbujanjem demokratičnih načel in spoštovanjem človekovih pravic, bojem proti širjenju orožja za množično uničevanje, bojem proti trgovini z osebnim in lahkim orožjem, sprejetjem ukrepov proti najhujšim oblikam kaznivih dejanj, ki zadevajo mednarodno skupnost, bojem proti terorizmu, sodelovanjem v regionalnih in mednarodnih organizacijah, trgovino in naložbami, dialogom o gospodarski politiki, poslovnim sodelovanjem, obdavčenjem, carino, politiko konkurenco, informacijsko družbo, znanostjo in tehnologijo, energetiko, prometom, pomorsko prometno politiko potrošniško politiko, zdravjem, zaposlovanjem in socialnimi zadevami, okoljem in naravnimi viri, podnebnimi spremembami, kmetijstvom, razvojem podeželja in gozdarstvom, pomorstvom in ribištvo; razvojno pomočjo, kulturo, informacijami, komunikacijami in avdiovizualnimi sredstvi ter mediji, izobraževanjem, pravno državo, pravnim sodelovanjem, varstvu osebnih podatkov, migracijami, bojem proti prepovedanim drogam, bojem proti organiziranemu kriminalu in korupciji, bojem proti pranju denarja in financiranju terorizma, bojem proti spletnemu kriminalu, kazenskim pregonom, turizmom, civilno družbo, javno upravo in statistiko;

UPOŠTEVAJOČ, kako pomembno je v sodelovanje vključiti posameznike in subjekte, ki jih to neposredno zadeva, predvsem gospodarske subjekte in organe, ki jih zastopajo;

OB PRIZNAVANJU, da je zaželeno povečanje vloge in prepoznavnosti vsake od pogodbenic v regiji druge pogodbenice ter spodbujanje medosebnih stikov med pogodbenicama –

STA SE DOGOVORILI O NASLEDNJEM:

NASLOV I PODLAGA IN PODROČJE UPORABE

ČLEN 1

Podlaga za sodelovanje

1. Pogodbenici potrjujeta zavezanost demokratičnim načelom, človekovim pravicam in temeljnima svoboščinam ter pravni državi. Spoštovanje demokratičnih načel ter človekovih pravic in temeljnih svoboščin, kot so določene v Splošni deklaraciji o človekovih pravicah in drugih mednarodnih instrumentih o človekovih pravicah, ki izražajo načelo pravne države, je temelj notranje in mednarodne politike obeh pogodbenic in pomeni sestavni del tega sporazuma.

2. Pogodbenici potrjujeta zavezanost Listini Združenih narodov in podporo skupnim vrednotam, ki so izražene v njej.

3. Pogodbenici ponovno potrjujeta svojo predanost spodbujanju trajnostnega razvoja v vseh njegovih razsežnostih, gospodarski rasti, prispevanju k doseganju mednarodno dogovorjenih razvojnih ciljev in sodelovanju pri obravnavi svetovnih okoljskih izzivov, predvsem podnebnih sprememb.

4. Pogodbenici ponovno potrjujeta svojo zavezanost načelom dobrega javnega upravljanja in boja proti korupciji, predvsem ob upoštevanju svojih mednarodnih obveznosti.

5. Pogodbenici poudarjata skupno zavezanost celovitosti svojih dvostranskih odnosov in ohranjanju splošne skladnosti.

DESIROUS OF securing the conditions for and promoting the sustainable increase and development of trade and investment between the Parties to their mutual advantage, *inter alia* by establishing a free trade area;

CONCURRING on the need to exert collective efforts to respond to global issues such as terrorism, serious crimes of international concern, the proliferation of weapons of mass destruction and their means of delivery, climate change, energy and resources insecurity, poverty and financial crisis;

DETERMINED to strengthen cooperation in sectors of mutual interest, notably promoting democratic principles and respect for human rights, countering the proliferation of weapons of mass destruction; combating illicit trade in small arms and light weapons; taking measures against the most serious crimes of concern to the international community; combating terrorism; cooperation in regional and international organisations; trade and investment; economic policy dialogue; business cooperation; taxation; customs; competition policy; information society; science and technology; energy; transport; maritime transport policy; consumer policy; health; employment and social affairs; environment and natural resources; climate change; agriculture, rural development and forestry; marine and fisheries; development assistance; culture, information, communication, audiovisual and media; education; the rule of law; legal cooperation; personal data protection; migration; combating illicit drugs; combating organised crime and corruption; combating money laundering and terrorism financing; combating cyber crime; law enforcement; tourism; civil society; public administration; and statistics;

MINDFUL of the importance of facilitating the involvement in cooperation of the individuals and entities directly concerned, in particular economic operators and the bodies representing them;

RECOGNISING the desirability of raising the roles and profiles of both Parties in each other's regions and of fostering people-to-people contacts between the Parties;

HAVE AGREED AS FOLLOWS:

TITLE I BASIS AND SCOPE

ARTICLE 1

Basis for cooperation

1. The Parties confirm their attachment to democratic principles, human rights and fundamental freedoms, and the rule of law. Respect for democratic principles and human rights and fundamental freedoms as laid down in the Universal Declaration of Human Rights and other relevant international human rights instruments, which reflect the principle of the rule of law, underpins the internal and international policies of both Parties and constitutes an essential element of this Agreement.

2. The Parties confirm their attachment to the Charter of the United Nations and their support for the shared values expressed therein.

3. The Parties reaffirm their commitment to promoting sustainable development in all its dimensions, economic growth, contributing to the attainment of internationally agreed development goals, and cooperating to address global environmental challenges, in particular climate change.

4. The Parties reaffirm their attachment to the principles of good governance and the fight against corruption, notably taking into account their international obligations.

5. The Parties underline their shared attachment to the comprehensive nature of bilateral relations and to maintaining overall coherence in this regard.

6. Pogodbenici se strinjata, da svoje odnose preoblikujeta v okrepljeno partnerstvo in razvijeta področja sodelovanja na dvostranski, regionalni in svetovni ravni.

7. Izvajanje tega sporazuma med pogodbenicama, ki imata enake vrednote in se medsebojno spoštujeta, tako temelji na načelih dialoga, vzajemnega spoštovanja, enakovrednega partnerstva, večstranskoosti, soglasja in spoštovanja mednarodnega prava.

ČLEN 2

Cilji sodelovanja

1. Z namenom krepitve sodelovanja se pogodbenici zavežeta, da bosta okrepili politični dialog in še naprej spodbujali svoje gospodarske odnose. Prizadevali si bosta zlasti za:

- (a) dogovor o prihodnji viziji za krepitev svojega partnerstva in razvoj skupnih projektov za uresničevanje te vizije;
- (b) redne politične dialoge;
- (c) spodbujanje skupnih prizadevanj pri razreševanju globalnih vprašanj v vseh ustreznih regionalnih in mednarodnih forumih ter organizacijah;
- (d) pospeševanje gospodarskega sodelovanja na področjih skupnega interesa, vključno z znanstvenim in tehnološkim sodelovanjem, z namenom razširitve trgovine v vzajemno korist;
- (e) spodbujanje sodelovanja med podjetji s pospeševanjem naložb na obeh straneh in podpiranjem boljšega medsebojnega razumevanja;
- (f) večjo vključenost v programe sodelovanja, ki se jim lahko pridruži druga pogodbenica;
- (g) povečanje vloge in prepoznavnosti vsake od pogodbenic v regiji druge pogodbenice z različnimi sredstvi, vključno s kulturnimi izmenjavami, uporabo informacijske tehnologije in izobraževanjem;
- (h) spodbujanje medosebnih stikov in razumevanja.

2. Izhajajoč iz trdnega partnerstva in skupnih vrednot se pogodbenici strinjata, da bosta razvijali sodelovanje in dialog glede vseh vprašanj skupnega interesa. Prizadevali si bosta zlasti za:

- (a) krepitev političnega dialoga in sodelovanja, predvsem glede človekovih pravic; neširjenja orožja za množično uničevanje, osebnega in lahkega orožja, najhujših oblik kaznivih dejanj, ki zadevajo mednarodno skupnost, in boja proti terorizmu;
- (b) krepitev sodelovanja na vseh področjih skupnega interesa, povezanih s trgovino in naložbami, ter zagotovitev pogojev za trajnostno rast trgovine in naložb med pogodbenicama v skupno korist;
- (c) krepitev sodelovanja na področju gospodarskega sodelovanja, predvsem dialoga o gospodarski politiki, poslovnega sodelovanja, obdvajanja, carine, politike konkurence, informacijske družbe, znanosti in tehnologije, energetike, prometa, pomorske prometne politike in potrošniške politike;
- (d) krepitev sodelovanja na področju trajnostnega razvoja, predvsem zdravja, zaposlovanja in socialnih zadev, okolja in naravnih virov, podnebnih sprememb, kmetijstva, razvoja podeželja in gozdarstva, pomorstva in ribištva ter razvojne pomoči;
- (e) krepitev sodelovanja na področju kulture, informacij, komunikacij, avdiovizualnih sredstev in medijev ter izobraževanja;
- (f) krepitev sodelovanja na področju pravosodja, svobode in varnosti, predvsem pravne države, pravnega sodelovanja, varstva osebnih podatkov, migracij, boja proti prepovedanim drogam, boja proti organiziranemu kriminalu in korupciji, boja proti pranju denarja in financiranju terorizma, boja proti spletnemu kriminalu in kazenskemu pregona;
- (g) krepitev sodelovanja na drugih področjih skupnega interesa, predvsem turizma, civilne družbe, javne uprave in statistike.

6. The Parties agree to elevate their relations into a strengthened partnership and to develop cooperation areas at the bilateral, regional and global levels.

7. The implementation of this Agreement between Parties sharing the same values and respect shall therefore be based on the principles of dialogue, mutual respect, equal partnership, multilateralism, consensus and respect for international law.

ARTICLE 2

Aims of cooperation

1. With a view to enhancing their cooperation, the Parties undertake to intensify their political dialogue and to boost further their economic relations. Their efforts will in particular be aimed at:

- a) agreeing on a future vision for strengthening their partnership and developing joint projects to implement this vision;
- b) conducting regular political dialogues;
- c) promoting collective efforts in all relevant regional and international fora and organisations to respond to global issues;
- d) fostering economic cooperation in areas of mutual interest, including scientific and technological cooperation, with a view to diversifying trade to their mutual advantage;
- e) encouraging cooperation between businesses by facilitating investment on both sides and by promoting better mutual understanding;
- f) strengthening respective participation in each other's cooperation programmes open to the other Party;
- g) raising the roles and profiles of both Parties in each other's regions, through various means including cultural exchanges, the use of information technology, and education;

h) promoting people-to-people contacts and understanding.

2. Building on their well-established partnership and shared values, the Parties agree to develop their cooperation and dialogue on all issues of common interest. Their efforts will in particular be aimed at:

- a) strengthening political dialogue and cooperation, notably on human rights; non-proliferation of weapons of mass destruction; small arms and light weapons; the most serious crimes of concern to the international community; and counter-terrorism;
- b) strengthening cooperation in all trade and investment-related areas of mutual interest and securing the conditions for the sustainable increase of trade and investment between the Parties to their mutual advantage;
- c) strengthening cooperation in the area of economic cooperation, notably economic policy dialogue; business cooperation; taxation; customs; competition policy; information society; science and technology; energy; transport; maritime transport policy; and consumer policy;
- d) strengthening cooperation in the area of sustainable development, notably health; employment and social affairs; environment and natural resources; climate change; agriculture, rural development and forestry; marine and fisheries; and development assistance;
- e) strengthening cooperation in the area of culture, information, communication, audiovisual and media; and education;
- f) strengthening cooperation in the field of justice, freedom and security, notably the rule of law; legal cooperation; personal data protection; migration; combating illicit drugs; combating organised crime and corruption; combating money laundering and terrorism financing; combating cyber crime; and law enforcement;
- g) strengthening cooperation in other areas of common interest, notably tourism; civil society; public administration; and statistics.

NASLOV II
POLITIČNI DIALOG IN SODELOVANJE

ČLEN 3

Politični dialog

1. Med Republiko Korejo in Evropsko unijo bo vzpostavljen reden politični dialog, ki bo temeljil na skupnih vrednotah. Ta dialog bo potekal v skladu s postopki, dogovorjenimi med Republiko Korejo in Evropsko unijo.

2. Cilj političnega dialoga bo:

(a) poudariti zavezanost pogodbenic demokraciji ter spoštovanju človekovih pravic in temeljnih svoboščin;

(b) spodbujati mirno reševanje mednarodnih ali regionalnih sporov ter krepiti Združene narode in druge mednarodne organizacije;

(c) okrepiti politična posvetovanja o zadevah mednarodne varnosti, kot so nadzor nad oboroževanjem in razoroževanje, neširjenje orožja za množično uničevanje ter mednarodni prenos konvencionalnega orožja;

(d) razmišljati o glavnih mednarodnih vprašanjih skupnega interesa s povečevanjem izmenjave ustreznih informacij med pogodbenicama in v okviru mednarodnih forumov;

(e) stopnjevati posvetovanja o vprašanjih, ki so posebnega interesa za države azijsko-paciške in evropske regije, zaradi spodbujanja miru, stabilnosti in blaginje v obeh regijah.

3. Dialog med pogodbenicama bo potekal prek stikov, izmenjav in posvetovanj, predvsem pa bo v naslednjih oblikah:

(a) srečanja na vrhu na ravni voditeljev bodo organizirana, kadar bosta pogodbenici menili, da je to potrebno;

(b) letna posvetovanja na ministrski ravni bodo organizirana, kjer se bosta pogodbenici dogovorili;

(c) informativni sestanki o glavnih dogajanjih v tujini in doma na ravni visokih uradnikov;

(d) sektorski dialogi o vprašanjih skupnega interesa;

(e) izmenjave delegacij med Evropskim parlamentom in Narodno skupščino Republike Koreje.

ČLEN 4

Boj proti širjenju orožja za množično uničevanje

1. Pogodbenici menita, da je širjenje orožja za množično uničevanje in njegovih nosilcev državnim in nedržavnim akterjem ena od najhujših groženj za mednarodno stabilnost in varnost.

2. Zato se pogodbenici strinjata, da sodelujeta in prispevata v boju proti širjenju orožja za množično uničevanje in njegovih nosilcev, tako da v celoti izvajata svoje obstoječe pravne obveznosti, povezane z razoroževanjem in neširjenjem, ter druge pomembne instrumente, o katerih sta se dogovorili. Pogodbenici soglašata, da je ta določba bistveni element tega sporazuma.

3. Pogodbenici se še strinjata, da sodelujeta in prispevata k boju proti širjenju orožja za množično uničevanje in njegovih nosilcev, tako da:

(a) po potrebi sprejmata ukrepe za podpis, ratifikacijo ali pristop in dosledno uveljavitev vseh drugih pomembnih mednarodnih instrumentov;

(b) vzpostavita učinkovit sistem nacionalnega nadzora izvoza zaradi preprečevanja širjenja orožja za množično uničevanje ter s tem povezanega blaga in tehnologij, vključno z nadzorom nad končnimi uporabniki ter ustreznimi civilnimi in kazenskimi sankcijami za kršitve predpisov o nadzoru izvoza.

4. Pogodbenici se strinjata, da bo njun politični dialog spremjal in utrjeval te elemente.

TITLE II
POLITICAL DIALOGUE AND COOPERATION

ARTICLE 3

Political dialogue

1. A regular political dialogue, based on shared values and aspirations, will be established between the Republic of Korea and the European Union. This dialogue will take place in accordance with the procedures agreed between the Republic of Korea and the European Union.

2. The political dialogue will aim to:

a) underline the Parties' commitment to democracy and respect for human rights and fundamental freedoms;

b) promote peaceful solutions to international or regional conflicts and the strengthening of the United Nations and other international organisations;

c) enhance policy consultations on international security matters such as arms control and disarmament, non-proliferation of weapons of mass-destruction, and the international transfer of conventional weapons;

d) reflect on major international issues of common interest by increasing the exchange of relevant information both between the two parties and within international fora;

e) enhance consultations on issues of particular interest to the countries of the Asia-Pacific and European regions, for the promotion of peace, stability and prosperity in both regions.

3. Dialogue between the Parties will take place through contacts, exchanges and consultations, particularly in the following forms:

a) summit meetings at leaders' level will be held whenever the Parties deem it necessary;

b) annual consultations at ministerial level will be held wherever the Parties agree;

c) briefings on major foreign and domestic developments at senior officials' level;

d) sectoral dialogues on issues of common interest;

e) exchanges of delegations between the European Parliament and the National Assembly of the Republic of Korea.

ARTICLE 4

Countering the proliferation of Weapons of Mass Destruction

1. The Parties consider that the proliferation of weapons of mass destruction and their means of delivery, both to state and non-state actors, represents one of the most serious threats to international stability and security.

2. The Parties therefore agree to cooperate in and contribute towards countering the proliferation of weapons of mass destruction and their means of delivery through full implementation of their respective existing legal obligations relating to disarmament and non-proliferation and other relevant instruments agreed by both Parties. The Parties agree that this provision constitutes an essential element of this Agreement.

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

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

b) the establishment of an effective system of national export controls to prevent the proliferation of weapons of mass destruction and related goods and technologies, including end-user controls and appropriate civil and criminal penalties for breaches of export controls.

4. The Parties agree that their political dialogue will accompany and consolidate these elements.

ČLEN 5

Osebno in lahko orožje

1. Pogodbenici se zavedata, da nedovoljena proizvodnja, prenos in dajanje v obtok osebnega in lahkega orožja, vključno s strelivom zanj, ter pretirano kopiranje, slabo upravljanje, neustrezno zavarovane zaloge in nenadzorovan širjenje tega orožja še naprej resno ogrožajo mir in mednarodno varnost.

2. Pogodbenici se strinjata, da bosta uresničevali svoje zaveze glede boja proti nedovoljeni trgovini z osebnim in lahkim orožjem, vključno s strelivom zanj, v okviru mednarodnih instrumentov, vključno z Akcijskim programom ZN za preprečevanje in izkoreninjenje nedovoljene trgovine z osebnim in lahkim orožjem ter boj proti tej trgovini v vseh njenih oblikah ter mednarodnim instrumentom, ki državam zagotavlja pravočasno in zanesljivo ugotavljanje in sledenje osebnega in lahkega orožja, ter obveznosti, ki izhajajo iz resolucij Varnostnega sveta ZN.

3. Pogodbenici se zavezujeta k sodelovanju in zagotavljanju usklajevanja, dopolnjevanja in sinergije svojih prizadevanj, da se spopadeta z nezakonito trgovino z osebnim in lahkim orožjem ter strelivom na svetovni, regionalni, podregionalni in nacionalni ravni.

ČLEN 6

Najhujše oblike kaznivih dejanj, ki zadevajo mednarodno skupnost

1. Pogodbenici ponovno potrjujeta, da najhujše oblike kaznivih dejanj, ki zadevajo mednarodno skupnost kot celoto, ne smejo ostati nekažnovane in da je treba zagotoviti njihov učinkovit pregon z ukrepi, sprejetimi na nacionalni ravni, in z izboljševanjem sodelovanja na mednarodni ravni, če je to primerno, vključno z Mednarodnim kazenskim sodiščem. Pogodbenici se strinjata, da bosta v celoti podpirali univerzalnost in celovitost Rimskega statuta Mednarodnega kazenskega sodišča in z njim povezanih instrumentov.

2. Pogodbenici se strinjata, da bi bil dialog med njima o teh zadevah koristen.

ČLEN 7

Sodelovanje pri boju proti terorizmu

1. Pogodbenici se ob ponovni potrditvi pomena boja proti terorizmu ter v skladu z veljavnimi mednarodnimi konvencijami, vključno z mednarodnim humanitarnim pravom, pravom človekovih pravic in begunskega pravoma, v skladu s svojo zakonodajo in predpisi, in ob upoštevanju globalne protiteristične strategije ZN, ki je vključena v Resolucijo Generalne skupščine ZN št. 60/288 z dne 8. septembra 2006, strinjata, da bosta sodelovali pri preprečevanju in onemogočanju terističnih dejanj.

2. Pogodbenici to storita predvsem:

(a) v okviru izvajanja resolucij Varnostnega sveta ZN in svojih zadevnih obveznosti v skladu z drugimi pomembnimi mednarodnimi konvencijami in instrumenti;

(b) z izmenjavo informacij o terističnih skupinah in njihovih podpornih mrežah v skladu z mednarodno in nacionalno zakonodajo;

(c) z izmenjavo stališč o sredstvih in načinih boja proti terorizmu, vključno s tehničnimi področji in usposabljanjem, ter z izmenjavo izkušenj pri preprečevanju terorizma;

(d) s sodelovanjem pri poglobitvi mednarodnega soglasja glede boja proti terorizmu, po potrebi vključno s pravno opredelitvijo terističnih dejanj, in predvsem s prizadevanjem za dogovor o celoviti konvenciji o mednarodnem terorizmu;

(e) z izmenjavo najboljših praks na področju varstva človekovih pravic v boju proti terorizmu.

ARTICLE 5

Small Arms and Light Weapons

1. The Parties recognise that the illicit manufacture, transfer and circulation of small arms and light weapons, including their ammunition, and their excessive accumulation, poor management, inadequately secured stockpiles and uncontrolled spread continue to pose a serious threat to peace and international security.

2. The Parties agree to implement their respective commitments to deal with the illicit trade in small arms and light weapons, including their ammunition, within the framework of international instruments including the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UN PoA) and the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (ITI) as well as obligations deriving from UN Security Council resolutions.

3. The Parties undertake to cooperate and to ensure coordination, complementarity and synergy in their efforts to deal with the illicit trade in small arms and light weapons and ammunition, at global, regional, sub-regional and national levels.

ARTICLE 6

The most serious crimes of concern to the international community

1. The Parties reaffirm that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation, as appropriate, including the International Criminal Court. The Parties agree to fully support the universality and integrity of the Rome Statute of the International Criminal Court and related instruments.

2. The Parties agree that a dialogue between them on these matters would be beneficial.

ARTICLE 7

Cooperation in combating terrorism

1. The Parties, reaffirming the importance of the fight against terrorism, and in accordance with applicable international conventions, including international humanitarian, human rights and refugee law, as well as with their respective legislation and regulations, and, taking into account the UN Global Counter-Terrorism Strategy, contained in the UN General Assembly Resolution no.60/288 of 8 September 2006, agree to cooperate in the prevention and suppression of terrorist acts.

2. The Parties shall do so in particular:

a) in the framework of implementation of Resolutions of the UN Security Council and their respective obligations under other relevant international conventions and instruments;

b) by exchange of information on terrorist groups and their support networks, in accordance with international and national law;

c) by exchanges of views on means and methods used to counter terrorism, including in technical fields and training, and by exchange of experiences in respect of terrorism prevention;

d) by cooperating to deepen the international consensus on the fight against terrorism including the legal definition of terrorist acts, as appropriate, and in particular by working towards an agreement on the Comprehensive Convention on International Terrorism;

e) by sharing relevant best practices in the area of protection of human rights in the fight against terrorism.

**NASLOV III
SODELOVANJE V REGIONALNIH
IN MEDNARODNIH ORGANIZACIJAH**

ČLEN 8

Sodelovanje v regionalnih in mednarodnih organizacijah

Pogodbenici se zavezujeta, da bosta sodelovali in si izmenjevali mnenja v regionalnih in mednarodnih forumih in organizacijah, kot so Združeni narodi, Mednarodna organizacija dela (MOD), Organizacija za gospodarsko sodelovanje in razvoj (OECD), STO, azijsko-evropski vrh (ASEM) in regionalni forum ASEAN (ARF).

**NASLOV IV
SODELOVANJE NA PODROČJU
GOSPODARSKEGA RAZVOJA**

ČLEN 9

Trgovina in naložbe

1. Pogodbenici se zavezujeta, da bosta sodelovali pri zagotavljanju pogojev za trajnostno rast in razvoj trgovine in naložb med njima v vzajemno korist ter pri pospeševanju te rasti in razvoja. Pogodbenici si prizadevata za dialog in krepita sodelovanje na vseh področjih v vzajemno korist, povezanih s trgovino in naložbami, da bi omogočili trajnostne trgovinske in naložbene tokove, preprečili in odpravili ovire za trgovino in naložbe ter spodbudili večstranski trgovinski sistem.

2. Pogodbenici v ta namen uveljavljata sodelovanje na področju trgovine in naložb s sporazumom, ki vzpostavlja območje proste trgovine. Zgoraj navedeni sporazum je poseben sporazum, ki uveljavlja trgovinske določbe tega sporazuma v skladu s pogoji iz člena 43.

3. Pogodbenici se obveščata in si izmenjujeta mnenja glede razvoja dvostranske in mednarodne trgovine, naložb ter s tem povezanih politik in vprašanj.

ČLEN 10

Dialog o gospodarski politiki

1. Pogodbenici soglašata, da bosta krepili dialog med svojimi organi ter spodbujali izmenjavo informacij in izkušenj o makroekonomskih politikah in trendih.

2. Pogodbenici soglašata, da bosta krepili dialog in sodelovanje za izboljšanje računovodskih, revizijskih, nadzornih in regulativnih sistemov v bančništvu, zavarovalništvu in drugih delih finančnega sektorja.

ČLEN 11

Poslovno sodelovanje

1. Pogodbenici se ob upoštevanju svojih gospodarskih politik in ciljev strnjata, da bosta pospeševali sodelovanje na vseh področjih industrijske politike, ki jih štejeta za ustrezne, zlasti zato, da bi izboljšali konkurenčnost malih in srednje velikih podjetij, med drugim z:

(a) izmenjavo informacij in izkušenj glede ustvarjanja okvirnih pogojev za mala in srednje velika podjetja za izboljšanje njihove konkurenčnosti ter glede postopkov, povezanih z ustanavljanjem malih in srednje velikih podjetij;

(b) pospeševanjem stikov med gospodarskimi subjekti, spodbujanjem skupnih naložb ter ustanavljanjem skupnih podjetij in informacijskih mrež, zlasti prek programov, ki so že v uporabi;

(c) poenostavitev dostopa do virov financiranja in trgov, z zagotavljanjem informacij in spodbujanjem inovacij;

(d) pospeševanjem dejavnosti, ki jih začnejo mala in srednje velika podjetja obeh strani;

(e) spodbujanjem socialne odgovornosti podjetij in odgovornih poslovnih praks, vključno s trajnostno porabo in izvodnjo.

**TITLE III
COOPERATION IN REGIONAL
AND INTERNATIONAL ORGANISATIONS**

ARTICLE 8

Cooperation in regional and international organisations

The Parties undertake to cooperate and exchange views in regional and international fora and organisations such as the United Nations, the International Labour Organisation (ILO), the Organisation for Economic Cooperation and Development (OECD), the WTO, the Asia-Europe Meeting (ASEM) and ASEAN Regional Forum (ARF).

**TITLE IV
COOPERATION IN THE AREA
OF ECONOMIC DEVELOPMENT**

ARTICLE 9

Trade and investment

1. The Parties undertake to cooperate in securing the conditions for and promoting the sustainable increase and development of trade and investment between them to their mutual advantage. The Parties shall engage in dialogue and strengthen cooperation in all trade-and investment-related areas of mutual interest, in order to facilitate sustainable trade and investment flows, to prevent and remove obstacles to trade and investment, and to advance the multilateral trade system.

2. To this end, the Parties shall give effect to their cooperation in the trade and investment area through the agreement establishing a free trade area. The aforementioned agreement shall constitute a specific agreement giving effect to the trade provisions of this Agreement, within the terms of Article 43.

3. The Parties shall keep each other informed and exchange views concerning the development of bilateral and international trade, investment and related policies and issues.

ARTICLE 10

Economic policy dialogue

1. The Parties agree to strengthen the dialogue between their authorities and to promote the exchange of information and the sharing of experiences on macroeconomic policies and trends.

2. The Parties agree to strengthen dialogue and cooperation with a view to improving accounting, auditing, supervisory and regulatory systems in banking, insurance and other parts of the financial sector.

ARTICLE 11

Business cooperation

1. The Parties, taking into account their respective economic policies and objectives, agree to promote industrial policy cooperation in all fields deemed suitable particularly with a view to improving the competitiveness of small and medium-sized enterprises (SMEs), inter alia, through:

a) exchanging information and experiences on creating framework conditions for SMEs to improve their competitiveness and on procedures related to the creation of SMEs;

b) promoting contacts between economic operators, encouraging joint investments and establishing joint ventures and information networks notably through existing programmes;

c) facilitating access to finance and marketing, providing information and stimulating innovation;

d) facilitating the activities established by SMEs of both sides;

e) promoting corporate social responsibility and accountability and encouraging responsible business practices, including sustainable consumption and production.

2. Pogodbenici omogočata ustreerne dejavnosti sodelovanja, vzpostavljene v zasebnem sektorju obeh strani.

ČLEN 12

Obdavljenje

Pogodbenici priznavata načela preglednosti, izmenjave informacij in pošte nekonkurenčnosti in se zavezujeta njihovemu uresničevanju, da bi tako ob upoštevanju potrebe po razvoju ustreznega ureditvenega okvira okreplili in razvijali gospodarske dejavnosti. V ta namen bosta v skladu s svojimi pristojnostmi izboljšali mednarodno sodelovanje na davčnem področju, poenostavili pobiranje zakonitih davčnih prihodkov in razvili ukrepe za učinkovito izvajanje zgoraj navedenih načel.

ČLEN 13

Carina

Pogodbenici sodelujeta na carinskem področju na dvostranski in večstranski podlagi. V ta namen si predvsem izmenjujeta izkušnje in proučujejo možnosti za poenostavitev postopkov, povečanje preglednosti in razvoj sodelovanja. Prizadevata si tudi za zblizevanje mnenj in skupno ukrepanje v ustreznih mednarodnih okvirih.

ČLEN 14

Politika konkurenčnosti

1. Pogodbenici spodbujata pošte nekonkurenčnosti v gospodarskih dejavnostih, tako da dosledno uveljavljata svoje zakone in predpise na področju konkurenčnosti.

2. Pri izpolnjevanju cilja iz odstavka 1 tega člena ter v skladu s Sporazumom med Evropsko skupnostjo in Vlado Republike Koreje o sodelovanju glede dejavnosti, ki so v nasprotju s pravili konkurenčnosti, se pogodbenici zavezujeta k sodelovanju pri:

(a) priznavanju pomena konkurenčnega prava in organov, pristojnih za konkurenčnost, ter prizadevanju za proaktivno izvajanje zakonodaje, da bi ustvarili okolje za pošte nekonkurenčnosti;

(b) izmenjavi informacij in okrepitevi sodelovanja med organizaciemi, pristojnimi za konkurenčnost.

ČLEN 15

Informacijska družba

1. Pogodbenici ob priznavanju, da so informacijske in komunikacijske tehnologije ključni elementi sodobnega življenja in da so bistvene za gospodarski in družbeni razvoj, soglašata, da si bosta izmenjevali mnenja o svojih politikah na tem področju.

2. Sodelovanje na tem področju bo predvsem usmerjeno na:

(a) izmenjavo mnenj o različnih vidikih informacijske družbe, zlasti v zvezi s politikami in predpisi o elektronskih komunikacijah, vključno z univerzalnimi storitvami, izdajanjem licenc in splošnimi odobritvami, varstvom zasebnosti in osebnih podatkov ter neodvisnostjo in učinkovitostjo regulativnega organa;

(b) medsebojno povezljivost in interoperabilnost raziskovalnih omrežij in storitev, tudi v regionalnem okviru;

(c) standardizacijo in širjenje novih informacijskih in komunikacijskih tehnologij;

(d) spodbujanje raziskovalnega sodelovanja med pogodbenicama na področju informacijskih in komunikacijskih tehnologij;

(e) varnostna vprašanja in vidike informacijskih in komunikacijskih tehnologij, vključno s spodbujanjem spletnne varnosti, bojem proti spletnemu kriminalu in zlorabi informacijske tehnologije ter vseh oblik elektronskih medijev.

3. Spodbujati je treba sodelovanje med podjetji.

2. The Parties shall facilitate the relevant cooperation activities established by the private sectors of both sides.

ARTICLE 12

Taxation

With a view to strengthening and developing economic activities while taking into account the need to develop an appropriate regulatory framework, the Parties recognise and commit themselves to implement in the tax area the principles of transparency, exchange of information and fair tax competition. To that effect, in accordance with their respective competences, the Parties will improve international cooperation in the tax area, facilitate the collection of legitimate tax revenues, and develop measures for the effective implementation of the above mentioned principles.

ARTICLE 13

Customs

The Parties shall cooperate in the customs field on a bilateral and multilateral basis. To this end, they shall in particular share experiences and examine possibilities to simplify procedures, increase transparency and develop cooperation. They shall also seek convergence of views and joint action in relevant international frameworks.

ARTICLE 14

Competition policy

1. The Parties shall foster fair competition in economic activities by fully enforcing their competition laws and regulations.

2. In pursuit of the goal of paragraph 1 of this Article and in accordance with the Agreement between the Government of the Republic of Korea and the European Community concerning cooperation on anti-competitive activities, the Parties shall undertake to cooperate in:

a) recognising the importance of competition law and competition authorities and striving to proactively enforce the law in order to create an environment for fair competition;

b) sharing information and enhancing cooperation between competition authorities.

ARTICLE 15

Information society

1. Recognising that Information and Communication Technologies are key elements of modern life and of vital importance to economic and social development, the Parties agree to exchange views on their respective policies in this field.

2. Cooperation in this area shall, inter alia, focus on:

a) exchanging views on the different aspects of the Information Society, in particular electronic communications policies and regulation including universal service, licensing and general authorisations, protection of privacy and personal data, and the independence and efficiency of the regulatory authority;

b) interconnection and interoperability of research networks and services, including in a regional context;

c) standardisation and dissemination of new information and communication technologies;

d) promotion of research cooperation between the Parties in the area of Information and Communication Technologies;

e) security issues and aspects of information and communication technologies including promotion of online safety, combating cyber crime and the misuse of information technology and all forms of electronic media.

3. Business-to-business cooperation shall be encouraged.

ČLEN 16**Znanost in tehnologija**

Pogodbenici spodbujata, razvijata in pospešjujeta dejavnosti sodelovanja na področjih znanosti in tehnologije v mirljubne namene, v skladu s Sporazumom o znanstvenem in tehnološkem sodelovanju med Evropsko skupnostjo in Vlado Republike Koreje.

ČLEN 17**Energetika**

1. Pogodbenici priznavata pomen energetskega sektorja za gospodarski in družbeni razvoj ter si v okviru svojih pristojnosti prizadevata za boljše sodelovanje na tem področju zaradi:

(a) zagotavljanja raznovrstnosti oskrbe z energijo, s čimer se izboljša energetska varnost, ter razvoja novih, trajnostnih, inovativnih in obnovljivih oblik energije, kar med drugim vključuje biogoriva in biomaso, vetrno in sončno energijo ter hidroenergijo;

(b) podpiranja razvoja politik, da bi bili obnovljivi viri energije konkurenčnejši;

(c) doseganja racionalne rabe energije, kar je mogoče doseči pri oskrbi in povpraševanju s spodbujanjem energetske učinkovitosti pri proizvodnji, prenosu, distribuciji in končni rabi energije;

(d) pospeševanja prenosa tehnologije, namenjene trajnostni proizvodnji energije in energetski učinkovitosti;

(e) krepitev razvijanja zmogljivosti in pospeševanja naložb na področju energetike, ob upoštevanju načel preglednosti, nediskriminacije in tržne združljivosti;

(f) spodbujanja konkurence na energetskem trgu;

(g) izmenjave mnenj o razvoju dogodkov na svetovnih energetskih trgih, vključno z vplivom na države v razvoju.

2. Pogodbenici si bosta v ta namen po potrebi predvsem prek obstoječih regionalnih in mednarodnih okvirov prizadevali pospeševati naslednje dejavnosti sodelovanja:

(a) sodelovanje pri oblikovanju energetske politike in izmenjava informacij, ki so pomembne za energetsko politiko;

(b) izmenjava informacij o stanju in trendih na energetskem trgu, sektorju in tehnologiji;

(c) izvajanje skupnih študij in raziskav;

(d) povečevanje trgovine in naložb v energetskem sektorju.

ČLEN 18**Promet**

1. Pogodbenici si prizadevata sodelovati na vseh ustreznih področjih prometne politike, vključno s politiko povezanih prevoznih storitev, da bi izboljšali pretok blaga in potnikov, spodbudili pomorsko in letalsko varnost in zaščito, varstvo okolja ter povečali učinkovitost svojih prometnih sistemov.

2. Sodelovanje med pogodbenicama je med drugim namenjeno pospeševanju:

(a) izmenjave informacij o prometnih politikah in praksah druga druge, predvsem v zvezi s prevozom v mestih, na podeželju, po celinskih plovnih poteh, zraku in morju, vključno z nju-no logistiko ter medsebojno povezljivostjo in interoperabilnostjo večmodalnih prometnih mrež, pa tudi v zvezi z upravljanjem cest, železnic, pristanišč in letališč;

(b) dialoga in skupnih ukrepov v zračnem prometu na področjih vzajemnega interesa, vključno s sporazumom o nekaterih vidikih storitev zračnega prevoza in proučitvijo možnosti za nadaljnji razvoj odnosov, ter tehničnega in regulativnega sodelovanja na področjih letalske varnosti, zaščite, okolja, upravljanja zračnega prometa, uporabe konkurenčnega prava in gospodarske ureditve sektorja zračnega prometa, da bi podprli regulativno približevanje in odstranili ovire za poslovanje. Pogodbenici bosta na tej podlagi proučili možnosti za celovitejše sodelovanje na področju civilnega letalstva;

ARTICLE 16**Science and technology**

The Parties shall encourage, develop and facilitate cooperative activities in the areas of science and technology for peaceful purposes, in accordance with the Agreement on the Scientific and Technological Cooperation between the European Community and the Government of the Republic of Korea.

ARTICLE 17**Energy**

1. The Parties recognise the importance of the energy sector to economic and social development and shall endeavour, within the scope of their respective competences, to enhance cooperation in this field with a view to:

a) diversifying energy supplies in order to strengthen energy security and to develop new, sustainable, innovative and renewable forms of energy, including, *inter alia*, biofuels and biomass, wind and solar energy as well as hydro power generation;

b) supporting the development of policies to render renewable energy more competitive;

c) achieving rational use of energy with contributions from both supply and demand sides by promoting energy efficiency in energy production, transportation, distribution and end-use;

d) fostering the transfer of technology aimed at sustainable energy production and energy efficiency;

e) enhancing capacity-building and facilitation of investment in the field of energy taking into account principles of transparency, non-discrimination and market-compatibility;

f) promoting competition in the energy market;

g) exchanging views on developments in the global energy markets, including impact on developing countries.

2. To these ends, the Parties will work as appropriate to promote, particularly through existing regional and international frameworks, the following cooperative activities:

a) cooperation in energy policy-making and exchange of information relevant to energy policies;

b) exchange of information on status and trends in the energy market, industry and technology;

c) conduct of joint studies and research;

d) increase of trade and investment in the energy sector.

ARTICLE 18**Transport**

1. The Parties shall endeavour to cooperate in all relevant areas of transport policy, including integrated transport policy, with a view to improving the movement of goods and passengers, promoting maritime and aviation safety and security, environmental protection, and increasing the efficiency of their transport systems.

2. Cooperation between the Parties in this area shall aim to promote:

a) exchanges of information on their respective transport policies and practices, especially regarding urban, rural, inland waterway, air and maritime transport, including their logistics and the interconnection and interoperability of multi-modal transport networks, as well as the management of road, railways, ports and airports;

b) a dialogue and joint actions in the field of air transport in areas of mutual interest, including the agreement on certain aspect of air services and the examination of possibilities for further development of relations, as well as technical and regulatory cooperation in areas such as aviation safety, security, environment, air traffic management, application of competition law and economic regulation of the air transport industry, with a view to supporting regulatory convergence and removal of obstacles to doing business. On this basis, the Parties will explore more comprehensive cooperation in the area of civil aviation;

(c) sodelovanja pri zmanjševanju izpustov toplogrednih plinov v prometnem sektorju;

(d) sodelovanja v smislu mednarodnih prometnih forumov;

(e) izvajanja standardov o varstvu, varnosti in preprečevanju onesnaževanja, zlasti pri pomorskem in letalskem prometu, v skladu z ustreznimi mednarodnimi konvencijami, ki veljajo za obe pogodbenici, vključno s sodelovanjem na ustreznih mednarodnih forumih, katerih cilj je zagotoviti boljše izvrševanje mednarodnih predpisov.

3. Pogodbenici sodelujeta pri civilni globalni satelitski navigaciji v skladu s Sporazumom o sodelovanju med Evropsko skupnostjo in njenimi državami članicami na eni strani ter Republiko Korejo na drugi strani, na področju globalnega satelitskega navigacijskega sistema za civilno uporabo.

ČLEN 19

Pomorska prometna politika

1. Pogodbenici se zavezujeta, da si bosta prizadevali za neomejen dostop do mednarodnega pomorskega trga in prometa, ki temelji na pošteni konkurenčni poslovni podlagi, v skladu z določbami tega člena.

2. Pri izpolnjevanju cilja iz odstavka 1 pogodbenici:

(a) ne uvajata ureditev o delitvi tovora v prihodnjih dvostranskih sporazumih s tretjimi državami v zvezi s storitvami pomorskega prometa, vključno s suhim in tekočim razsutim tovorom ter linijskim prometom, ter ne izvajata takih ureditev o delitvi tovora, če obstajajo v prejšnjih dvostranskih sporazumih;

(b) se z začetkom veljavnosti tega sporazuma vzdržita izvajanja upravnih, tehničnih in zakonodajnih ukrepov, ki bi lahko povzročali diskriminacijo med lastnimi državljenimi ali družbami in državljenimi ali družbami druge pogodbenice pri zagotavljanju storitev v mednarodnem pomorskem prometu;

(c) ne obravnavata manj ugodno ladij, ki jih upravljajo državljeni ali družbe druge pogodbenice, kot obravnavata lastne ladje glede dostopa do pristanišč, v katerih poteka mednarodna trgovina, uporabe infrastrukture in pomožnih pomorskih storitev pristanišč ter s tem povezanih pristojbin in dajatev, carinskih zmogljivosti, dodeljevanjem privezov ter zmogljivosti za natovarjanje in iztovarjanje;

(d) omogočita ladjarskim družbam druge pogodbenice, da so poslovno navzoče na njunem ozemlju zaradi izvajanja dejavnosti pomorske agencije pod pogoji za ustanovitev in poslovanje, ki niso manj ugodni od pogojev za lastne družbe oziroma podružnice ali izpostave družb katere koli države ne-članice, kar je ugodnejše.

3. Za namene tega člena dostop do mednarodnega pomorskega trga med drugim vključuje pravico ponudnikov mednarodnega pomorskega prometa vsake pogodbenice, da uredijo storitve prevoza od vrat do vrat, ki vključujejo pomorski del prevozne verige, in da v ta namen sklepajo neposredne pogodbe z lokalnimi ponudniki načinov prevoza, ki niso pomorski prevoz, na ozemlju druge pogodbenice brez poseganja v omejitve glede državljanstva za prevoz blaga in potnikov z navedenimi drugimi načini prevoza.

4. Določbe tega člena se uporabljajo za družbe Evropske unije in korejske družbe. Določbe tega člena se uporabljajo tudi za ladjarske družbe, ki niso ustanovljene v Evropski uniji ali Republiki Koreji in jih nadzirajo državljeni ene od držav članic ali Republike Koreje, če so njihova plovila registrirana v zadevni državi članici ali Republiki Koreji v skladu z njunima zakonodajama.

5. Vprašanje izvajanja dejavnosti pomorskih agencij v Evropski uniji in Republiki Koreji bo po potrebi urejeno s posebnimi sporazumi.

6. Pogodbenici si prizadevata za dialog na področju pomorske prometne politike.

c) cooperation on the reduction in the greenhouse gas emissions in transport sector;

d) cooperation in terms of international transport fora;

e) the implementation of security, safety, and pollution prevention standards, notably as regards maritime transport and aviation, in line with the relevant international conventions applicable to both Parties, including cooperation in the appropriate international fora aimed at ensuring better enforcement of international regulations.

3. As regards civil global satellite navigation, the Parties shall cooperate in accordance with the Cooperation Agreement on a Civil Global Navigation Satellite System (GNSS) between the European Community and its Member States, of the one part, and the Republic of Korea, of the other part.

ARTICLE 19

Maritime transport policy

1. The Parties undertake to move towards the goal of unrestricted access to the international maritime market and traffic based on fair competition on a commercial basis, in accordance with the provisions of this Article.

2. In pursuit of the goal of paragraph 1, the Parties shall:

a) not introduce cargo-sharing arrangements in future bilateral agreements with third countries concerning maritime transport services, including dry and liquid bulk and liner trade, and not activate such cargo-sharing arrangements in case they exist in previous bilateral agreements;

b) abstain from implementing, on entry into force of this Agreement, administrative and technical and legislative measures which could have the effect of discriminating between their own nationals or companies and those of the other Party in the supply of services in international maritime transport;

c) grant no less favourable treatment for the ships operated by nationals or companies of the other Party, than that accorded to its own ships, with regard to access to ports open to international trade, the use of infrastructure and auxiliary maritime services of the ports, as well as related fees and charges, customs facilities and assignment of berths and facilities for loading and unloading;

d) allow the shipping companies of the other Party to have their commercial presence in its territory for the purpose of carrying out shipping agency activities under conditions of establishment and operation no less favourable than those accorded to its own companies or to subsidiaries or branches of companies of any non-member country, whichever is the better.

3. For the purpose of this Article, access to the international maritime market shall include, inter alia, the right for international maritime transport providers of each Party to arrange door-to-door transport services involving a sea leg, and to this effect to directly contract with local providers of transport modes other than maritime transport on the territory of the other Party without prejudice to applicable nationality restrictions concerning the carriage of goods and passengers by those other transport modes.

4. The provisions of this Article shall apply to European Union companies and Korean companies. Beneficiaries of the provisions of this Article shall also be shipping companies established outside the European Union or the Republic of Korea and controlled by nationals of a Member State or of the Republic of Korea, if their vessels are registered in that Member State or in the Republic of Korea in accordance with their respective legislations.

5. The issue of the operations in the European Union and in the Republic of Korea of shipping agency activities shall be dealt with by specific agreements, where appropriate.

6. The Parties shall pursue a dialogue in the field of maritime transport policy.

ČLEN 20

Potrošniška politika

Pogodbenici si prizadevata sodelovati na področju potrošniške politike, da bi zagotovili visoko raven varstva potrošnikov. Pogodbenici se strinjata, da lahko sodelovanje na tem področju, kolikor je mogoče, vključuje:

(a) izboljšanje združljivosti zakonodaje o varstvu potrošnikov, da bi se izognili oviram za trgovino, ob hkratnem zagotavljanju visoke ravni varstva potrošnikov;

(b) pospeševanje izmenjave informacij o potrošniških sistemih, vključno z zakoni o varstvu potrošnikov, varnostjo potrošniških izdelkov, izvrševanjem zakonodaje o varstvu potrošnikov, izobraževanjem in krepitevijo vloge potrošnikov ter odškodninami za potrošnike;

(c) spodbujanje razvoja neodvisnih združenj potrošnikov in stikov med predstavniki potrošnikov.

NASLOV V
SODELOVANJE NA PODROČJU
TRAJNOSTNEGA RAZVOJA

ČLEN 21

Zdravje

1. Pogodbenici soglašata, da bosta spodbujali medsebojno sodelovanje in izmenjavo informacij na področju zdravja in učinkovitega obvladovanja čezmejnih zdravstvenih težav.

2. Pogodbenici si prizadevata spodbujati izmenjavo informacij in medsebojno sodelovanje, med drugim:

(a) z izmenjavo informacij o nadzoru infekcijskih bolezni, vključno s pandemsko gripo, ter o zgodnjem opozarjanju in protiukrepah;

(b) z izmenjavo informacij o zdravstvenih strategijah in načrtih javnega zdravja;

(c) z izmenjavo informacij o politikah krepitev zdravja, kot so kampanje proti kajenju, preprečevanje debelosti in nadzor bolezni;

(d) s čim obsežnejšo izmenjavo informacij na področju varnosti in odobritve farmacevtskih izdelkov;

(e) s čim obsežnejšo izmenjavo informacij in skupnimi raziskavami na področju varnosti hrane, kot so zakoni in predpisi na področju hrane, pripravljenosti na nujne primere itd.;

(f) s sodelovanjem na področju raziskav in razvoja, kot so napredno zdravljenje in inovativna zdravila sirote;

(g) z izmenjavo informacij in sodelovanjem glede politike e-zdravja.

3. Pogodbenici si prizadevata za spodbujanje izvajanja mednarodnih zdravstvenih sporazumov, kot sta Mednarodni zdravstveni pravilnik in Okvirna konvencija o nadzoru nad tobakom.

ČLEN 22

Zaposlovanje in socialne zadeve

1. Pogodbenici soglašata, da bosta izboljšali sodelovanje na področju zaposlovanja in socialnih zadev, tudi ob upoštevanju globalizacije in demografskih sprememb. Prizadevali si bosta za spodbujanje sodelovanja in izmenjave informacij in izkušenj glede vprašanj s področja zaposlovanja in dela. Področja sodelovanja lahko vključujejo regionalno in socialno kohezijo, socialno vključevanje, sisteme socialne varnosti, vseživljenjski razvoj znanja in spretnosti, varnost in zdravje pri delu, enakost spolov in dostojno delo.

2. Pogodbenici ponovno potrjujeta, da je treba podpreti proces globalizacije, ki je koristen za vse, ter spodbujati polno in produktivno zaposlenost in dostojno delo kot ključni element trajnostnega razvoja in zmanjševanja revščine.

ARTICLE 20

Consumer Policy

The Parties shall endeavour to cooperate in the field of consumer policy in order to secure a high level of consumer protection. The Parties agree that cooperation within this field may involve to the extent possible:

a) increasing the compatibility of consumer legislation in order to avoid barriers to trade while ensuring a high level of consumer protection;

b) promoting exchange of information on consumer systems, including consumer laws, consumer product safety, enforcement of consumer legislation, consumer education and empowerment, and consumer redress;

c) encouraging the development of independent consumer associations and contacts between consumer representatives.

TITLE V
COOPERATION IN THE AREA
OF SUSTAINABLE DEVELOPMENT

ARTICLE 21

Health

1. The Parties agree to encourage mutual cooperation and information exchange in the fields of health and the effective management of cross-border health problems.

2. The Parties shall seek to promote information exchange and mutual cooperation, inter alia, as follows:

a) information exchange on the surveillance of infectious diseases, including pandemic influenza, and on the early warning and countermeasures;

b) information exchange on the health strategies and the public health plans;

c) information exchange on health promotion policies, such as anti-smoking campaigns, obesity prevention and disease control;

d) information exchange to the extent possible in the field of pharmaceutical safety and approval;

e) information exchange to the extent possible, as well as joint research in the field of food safety such as food laws and regulations, emergency alert, etc.;

f) cooperation in R&D related aspects, such as advanced treatment and innovative, orphan drugs;

g) information exchange and cooperation regarding e-health policy.

3. The Parties shall endeavour to promote implementation of international health agreements such as the International Health Regulations and the Framework Convention on Tobacco Control.

ARTICLE 22

Employment and social affairs

1. The Parties agree to enhance cooperation in the field of employment and social affairs, including in the context of globalisation and demographic change. Efforts shall be made in promoting cooperation and exchanges of information and experiences regarding the employment and labour matters. Areas of cooperation may include regional and social cohesion, social integration, social security systems, lifelong skills development, health and safety at the workplace, gender equality and decent work.

2. The Parties reaffirm the need to support a process of globalisation which is beneficial to all and to promote full and productive employment and decent work as a key element of sustainable development and poverty reduction.

3. Pogodbenici ponovno potrjujeta, da sta zavezani spoštovanju, spodbujanju in uresničevanju mednarodno priznanih standardov dela in socialnih standardov, kot so predvsem določeni v Deklaraciji MOD o temeljnih načelih in pravicah pri delu.

4. Oblike sodelovanja lahko med drugim vključujejo posebne programe in projekte na podlagi vzajemnega dogovora ter dialog, sodelovanje in pobude o temah skupnega interesa na dvostranski in večstranski ravni.

ČLEN 23

Okolje in naravni viri

1. Pogodbenici soglašata o potrebi po trajnostni ohranitvi in upravljanju naravnih virov in biotske raznovrstnosti kot podlage za razvoj sedanjih in prihodnjih generacij.

2. Pogodbenici si prizadrevata nadaljevati in krepiti sodelovanje na področju varstva okolja, tudi v regionalnem okviru, predvsem glede:

- (a) podnebnih sprememb in energetske učinkovitosti;
- (b) okoljske ozaveščenosti;
- (c) sodelovanja in izvajanja večstranskih okoljskih sporazumov, vključno z biotsko raznovrstnostjo, biološko varnostjo in Konvencijo o mednarodni trgovini z ogroženimi prosto živečimi živalskimi in rastlinskimi vrstami;
- (d) spodbujanja okoljskih tehnologij, proizvodov in storitev, vključno s sistemi okoljskega upravljanja in okoljskega označevanja;
- (e) preprečevanja nezakonitega čezmejnega premeščanja nevarnih snovi, nevarnih odpadkov in drugih vrst odpadkov;
- (f) nadzora ohranjanja, onesnaževanja in degradacije obalnega in pomorskega okolja;
- (g) lokalnega sodelovanja pri varstvu okolja kot ključnega elementa trajnostnega razvoja;
- (h) upravljanja tal in zemljišč;
- (i) izmenjave informacij, izkušenj in praks.

3. Po potrebi je treba upoštevati izid svetovnega vrha o trajnostnem razvoju in izvajanje ustreznih večstranskih okoljskih sporazumov.

ČLEN 24

Podnebne spremembe

1. Pogodbenici se zavedata skupne globalne nevarnosti podnebnih sprememb in potrebe po ukrepanju za zmanjšanje izpustov, da bi stabilizirali koncentracije toplogrednih plinov v ozračju na ravnini, ki bi preprečevala nevarne antropogene posege v podnebni sistem. Pogodbenici bosta v okviru svojih pristojnosti in brez poseganja v razprave o podnebnih spremembah na drugih forumih, kot je Okvirna konvencija Združenih narodov o podnebnih spremembah, okreplili sodelovanje na tem področju. Cilj takega sodelovanja je:

- (a) preprečevati podnebne spremembe, s splošnim ciljem hitrega prehoda v družbe z nizkimi emisijami toplogrednih plinov prek ustreznih ukrepov za ublažitev in prilagoditev na nacionalni ravni;
- (b) zagovarjati učinkovito rabo virov, med drugim s široko uporabo najboljših razpoložljivih in gospodarsko izvedljivih nizkoogljičnih tehnologij ter standardov za ublažitev in prilagoditev;
- (c) izmenjavati strokovno znanje in izkušnje ter informacije o prednostih in arhitekturi shem trgovanja;
- (d) krepiti finančne instrumente javnega in zasebnega sektorja, vključno s tržnimi mehanizmi in javno-zasebnimi partnerstvi, ki bi lahko učinkovito podprtli prizadevanje za preprečevanje podnebnih sprememb;

3. The Parties reaffirm their commitments to respect, promote and realise internationally recognised labour and social standards, as laid down in particular in the ILO Declaration on Fundamental Rights and Principles at Work.

4. The forms of cooperation may include, inter alia, specific programmes and projects, as mutually agreed, as well as dialogue, cooperation and initiatives on topics of common interest at bilateral or multilateral level.

ARTICLE 23

Environment and natural resources

1. The Parties agree on the need to conserve, and manage in a sustainable manner, natural resources and biological diversity as a basis for the development of current and future generations.

2. The Parties shall endeavour to continue and to strengthen their cooperation on protection of the environment, including in a regional context, specifically as regards:

- a) climate change and energy efficiency;
- b) environmental awareness;
- c) participating in and implementing multilateral environmental agreements, including biodiversity, biosafety and the Convention on International Trade in endangered Species of Wild Fauna and Flora;
- d) promoting environmental technologies, products and services, including environmental management systems and environmental labelling;
- e) prevention of illegal transboundary movement of hazardous substances, hazardous wastes and other forms of waste;
- f) coastal and marine environment, conservation, pollution, and degradation control;
- g) local participation in environmental protection as a key element of sustainable development;
- h) soils and land management;
- i) the exchange of information, expertise and practices.

3. The outcome of the World Summit on Sustainable Development and the implementation of relevant multilateral environmental agreements shall be taken into account, as relevant.

ARTICLE 24

Climate change

1. The Parties recognise the common global threat of climate change and the need to take action to cut emissions in order to stabilise greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Within the scope of their respective competences, and without prejudice to discussions on climate change in other fora, such as the United Nations Framework Convention on Climate Change (UNFCCC), the Parties shall enhance cooperation in this field. Such cooperation shall aim at:

- a) combating climate change, with the overall goal of a rapid transition to low-carbon societies, through nationally appropriate mitigation and adaptation actions;
- b) advocating the efficient use of resources, inter alia through widespread use of best available and economically viable low carbon technologies and standards for mitigations and adaptation;
- c) exchanging expertise and information regarding benefits and architecture of trading schemes;
- d) enhancing public and private sector financing instruments, including market mechanisms and public private partnerships which could effectively support action to combat climate change;

(e) sodelovati v raziskovanju, razvoju, širjenju, uvajanjem in prenosu nizkoogljičnih tehnologij, da bi ublažili izpuste toplogrednih plinov, hkrati pa ohranili gospodarsko rast;

(f) izmenjevati izkušnje in strokovno znanje, kadar je to potrebno, pri spremjanju in analizi učinkov toplogrednih plinov ter razvoju programov za ublažitev in prilagoditev;

(g) podpirati, kadar je to potrebno, ukrepe držav v razvoju za ublažitev in prilagoditev, tudi prek prožnih mehanizmov Kjotskega protokola.

2. Pogodbenici soglašata, da bosta v te namene okreplili dialog in sodelovanje na politični, strateški in tehnični ravni.

ČLEN 25

Kmetijstvo, razvoj podeželja in gozdarstvo

Pogodbenici se strinjata glede spodbujanja sodelovanja v kmetijstvu, razvoju podeželja in gozdarstvu. Pogodbenici bosta izmenjevali informacije in razvili sodelovanje predvsem glede:

(a) kmetijske in gozdarske politike ter mednarodnih kmetijskih in gozdarskih obetov na splošno;

(b) registracije in zaščite geografskih oznak;

(c) ekološke pridelave;

(d) raziskav na področju kmetijstva in gozdarstva;

(e) razvojne politike za podeželska območja in predvsem diverzifikacije in prestrukturiranja kmetijskega sektorja;

(f) trajnostnega kmetijstva, gozdarstva in vključevanja okoljskih zahtev v kmetijsko politiko;

(g) povezav med kmetijstvom, gozdarstvom in okoljem ter razvojno politiko za podeželska območja;

(h) promocijskih dejavnosti za kmetijske živilske proizvode;

(i) trajnostnega gospodarjenja z gozdovi zaradi preprečevanja krčenja gozdov in spodbujanja pogozdovanja novih površin, ob ustrezem upoštevanju interesov držav v razvoju, kjer se les nabavlja.

ČLEN 26

Pomorstvo in ribištvo

Pogodbenici na dvostranski in večstranski ravni spodbujata sodelovanje na področju pomorstva in ribištva, zlasti za spodbujanje trajnostnega in odgovornega razvoja in upravljanja pomorstva in ribištva. Področja sodelovanja lahko vključujejo:

(a) izmenjavo informacij;

(b) podporo trajnostni in odgovorni dolgoročni pomorski in ribiški politiki, vključno z ohranjanjem in upravljanjem obalnih in morskih virov ter

(c) podporo prizadevanjem za preprečevanje in boj proti nezakonitim, neprijavljenim in nereguliranim ribolovnim praksam.

ČLEN 27

Razvojna pomoč

1. Pogodbenici soglašata, da si bosta izmenjevali informacije o politikah razvojne pomoči z namenom vzpostavitev rednega dialoga o ciljih teh politik in razvoja svojih programov razvojne pomoči v tretjih državah. Proučili bosta možnosti za intenzivnejše sodelovanje v okviru svojih zakonodaj in pogojev, ki se uporabljajo za izvajanje teh programov.

2. Pogodbenici ponovno potrjujeta svojo zavezost Parški deklaraciji o učinkovitosti pomoči iz leta 2005 in soglašata, da bosta krepili sodelovanje zaradi nadaljnega izboljšanja uspešnosti razvoja.

e) collaborating on low-carbon technology research, development, diffusion, deployment and transfer in order to mitigate greenhouse gas emissions while maintaining economic growth;

f) exchanging experience and expertise, where appropriate, in monitoring and analysing greenhouse gases' effects and developing mitigation and adaptation programmes;

g) supporting, where appropriate, mitigation and adaptation action of developing countries, including through the Flexible Mechanisms of the Kyoto Protocol.

2. To these ends, the Parties agree to intensify dialogue and cooperation at political, policy and technical levels.

ARTICLE 25

Agriculture, rural development and forestry

The Parties agree to encourage cooperation in agriculture, rural development and forestry. The Parties will exchange information and develop cooperation in particular on:

a) agricultural and forestry policy and international agricultural and forestry outlook in general;

b) the registration and protection of Geographical Indications;

c) organic production;

d) research in the field of agriculture and forestry;

e) development policy for rural areas and in particular diversification and restructuring of agricultural sectors;

f) sustainable agriculture, forestry and integration of environmental requirements into agricultural policy;

g) the links between agriculture, forestry and environment and the development policy for rural areas;

h) promotion activities for agricultural food products;

i) sustainable forest management to prevent deforestation and encourage the creation of new woodland, including due regard to interests of developing countries where timber is sourced.

ARTICLE 26

Marine and fisheries

The Parties shall encourage marine and fisheries cooperation, at bilateral and multilateral level, particularly with a view to promoting sustainable and responsible marine and fisheries development and management. Areas of cooperation may include:

a) the exchange of information;

b) supporting sustainable and responsible long term marine and fisheries policy including conservation and management of coastal and marine resources; and

c) promoting efforts to prevent and combat illegal, unreported and unregulated fishing practices.

ARTICLE 27

Development assistance

1. The Parties agree to exchange information on their development assistance policies with a view to establishing a regular dialogue on the objectives of these policies and their respective development aid programmes in third countries. They will study to what extent more substantial cooperation is feasible, in accordance with their respective legislations and the conditions applicable to the implementation of these programmes.

2. The Parties reaffirm their commitment to the Paris Declaration of 2005 on Aid Effectiveness and agree to strengthen cooperation with a view to further improving development performance.

NASLOV VI
**SODELOVANJE NA PODROČJU IZOBRAŽEVANJA
 IN KULTURE**

ČLEN 28

Sodelovanje na področju kulture, informacij, komunikacij, avdiovizualnih sredstev in medijev

1. Pogodbenici soglašata, da bosta spodbujali sodelovanje, da bi povečali vzajemno razumevanje in poznavanje kultur.

2. Pogodbenici si prizadevata sprejeti ustrezne ukrepe za spodbujanje kulturnih izmenjav in izvajanje skupnih pobud na tem področju.

3. Pogodbenici se strinjata, da bosta tesno sodelovali na ustreznih mednarodnih forumih, kot sta Organizacija Združenih narodov za izobraževanje, kulturo in znanost (UNESCO) in ASEM, zaradi uresničevanja skupnih ciljev in spodbujanja kulturne raznovrstnosti, ob spoštovanju določb Konvencije UNESCO o varovanju in spodbujanju raznolikosti kulturnih izrazov.

4. Pogodbenici bosta proučili načine za spodbujanje izmenjav, sodelovanja in dialoga med ustreznimi ustanovami na področju avdiovizualnih sredstev in medijev.

ČLEN 29

Izobraževanje

1. Pogodbenici priznavata odločilni prispevek izobraževanja in usposabljanja k razvoju človeških virov, ki lahko prispevajo k vzpostaviti svetovnega gospodarstva, temelječega na znanju, in ugotavlja, da imata skupen interes za sodelovanje na področju izobraževanja in usposabljanja.

2. V skladu s svojimi vzajemnimi interesi in cilji svojih politik na področju izobraževanja se pogodbenici zavezujeta, da bosta skupaj podpirali ustrezne dejavnosti sodelovanja na področju izobraževanja, usposabljanja in mladih, s posebnim poudarkom na visokošolskem izobraževanju. To sodelovanje je predvsem lahko v obliki:

(a) podpore skupnim projektom sodelovanja med ustanovami za izobraževanje in usposabljanje v Evropski uniji in Republiki Koreji, z namenom spodbujati razvoj učnih načrtov, skupnih študijskih programov in mobilnosti študentov;

(b) dialoga, študij ter izmenjave informacij, znanja in izkušenj na področju izobraževalne politike;

(c) spodbujanja izmenjave študentov, akademskega in upravnega osebja visokošolskih ustanov ter mladih zaposlenih, vključno prek izvajanja programa Erasmus Mundus;

(d) sodelovanja v sektorjih izobraževanja skupnega interesa.

NASLOV VII
**SODELOVANJE NA PODROČJU PRAVOSODJA,
 SVOBODE IN VARNOSTI**

ČLEN 30

Pravna država

Pogodbenici pri svojem sodelovanju na področju pravosodja, svobode in varnosti namenjata posebno pozornost spodbujanju pravne države, vključno z neodvisnostjo sodstva, dostopom do pravnega varstva in pravico do poštenega sojenja.

ČLEN 31

Pravno sodelovanje

1. Pogodbenici soglašata, da bosta razvili pravosodno sodelovanje v civilnih in gospodarskih zadevah, predvsem glede ratifikacije in izvajanja večstranskih konvencij o pravosodnem sodelovanju v civilnih zadevah, vključno s konvencijami haške konference o mednarodnem zasebnem pravu na področju mednarodnega pravnega sodelovanja in sodnih postopkov ter zaščito otrok.

TITLE VI
**COOPERATION IN THE AREA OF EDUCATION
 AND CULTURE**

ARTICLE 28

Cooperation in culture, information, communication, audiovisual and media

1. The Parties agree to promote cooperation in order to increase mutual understanding and the knowledge of their respective cultures.

2. The Parties shall endeavour to take appropriate measures to promote cultural exchanges as well as to carry out joint initiatives in this area.

3. The Parties agree to cooperate closely in relevant international fora, such as the United Nations Educational Scientific and Cultural Organization (UNESCO), and the ASEM, in order to pursue common objectives and promote cultural diversity, respecting the provisions of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

4. The Parties will consider means of encouraging exchanges, cooperation and dialogue between relevant institutions in the areas of audiovisual and media.

ARTICLE 29

Education

1. The Parties acknowledge the crucial contribution of education and training to the development of human resources capable of participating in the global knowledge-based economy; and recognise that they have a common interest in cooperation in education and training.

2. In accordance with their mutual interests and the aims of their policies on education, the Parties undertake to support jointly appropriate cooperative activities in the field of education, training and youth, with particular emphasis on higher education. This cooperation may take the form of, in particular:

a) support to joint cooperation projects between education and training institutions in the European Union and the Republic of Korea, with a view to promoting curriculum development, joint study programmes and student mobility;

b) dialogue, studies, and exchange of information and know-how in the field of education policy;

c) promotion of exchange of students, academic and administrative staff of higher education institutions, and youth workers, including through the implementation of the Erasmus Mundus programme;

d) cooperation in education sectors of common interest.

TITLE VII
**COOPERATION IN THE AREA OF JUSTICE,
 FREEDOM AND SECURITY**

ARTICLE 30

Rule of law

In their cooperation in the area of justice, freedom and security, the Parties shall attach particular importance to the promotion of the rule of law, including the independence of the judiciary, access to justice, and the right to a fair trial.

ARTICLE 31

Legal cooperation

1. The Parties agree to develop judicial cooperation in civil and commercial matters, in particular as regards the ratification and implementation of multilateral conventions on civil judicial cooperation, including the Conventions of the Hague Conference on Private International Law in the field of international legal cooperation and litigation as well as the protection of children.

2. Pogodbenici soglašata, da bosta pospešili in spodbujali arbitražno reševanje civilnih in zasebnih gospodarskih sporov, kadar koli je to mogoče v skladu z veljavnimi mednarodnimi instrumenti.

3. Pogodbenici si bosta pri pravosodnem sodelovanju v kazenskih zadevah prizadevali okrepiti ureditve o vzajemni pravni pomoči in izročanju. To bi po potrebi vključevalo pristop k ustreznim mednarodnim instrumentom Združenih narodov, vključno z Rimskim statutom Mednarodnega kazenskega sodišča, kot je naveden v členu 6 tega sporazuma, in njihovo izvajanje.

ČLEN 32

Varstvo osebnih podatkov

1. Pogodbenici se strinjata, da si bosta skupaj prizadevali izboljšati stopnjo varstva osebnih podatkov ob upoštevanju najvišjih mednarodnih standardov, kot so zajeti v smernicah Združenih narodov za urejanje računalniških osebnih datotek (Resolucija Generalne skupščine ZN št. 45/95 z dne 14. decembra 1990).

2. Sodelovanje pri varstvu osebnih podatkov lahko med drugim vključuje izmenjavo informacij ter strokovnega znanja in izkušenj.

ČLEN 33

Migracije

1. Pogodbenici soglašata, da bosta krepili in stopnjevali sodelovanje na področjih nezakonitih migracij, tihotapljenja in trgovine z ljudmi ter vključevali migracijska vprašanja v nacionalne strategije za gospodarski in družbeni razvoj na območjih, iz katerih izvirajo migranti.

2. Pogodbenici v okviru sodelovanja zaradi preprečevanja in nadzora nezakonitega priseljevanja soglašata, da bosta ponovno sprejeli svoje državljanе, ki nezakonito prebivajo na ozemlju druge pogodbenice. Zato bosta pogodbenici svojim državljanom v ta namen zagotovili ustrezne osebne dokumente. V primerih, ko je nacionalnost vprašljiva, se pogodbenici strinjata, da bosta ugotovili istovetnost svojih domnevnih državljanov.

3. Pogodbenici si po potrebi prizadevata skleniti sporazum, ki bo urejal posebne obveznosti glede ponovnega sprejema njunih državljanov. V njem bodo obravnavani tudi pogoji v zvezi z državljeni drugih držav ali osebam brez državljanstva.

ČLEN 34

Boj proti prepovedanim drogam

1. Pogodbenici si bosta v skladu s svojimi zakoni in predpisi prizadevali, da bi zmanjšali dobavo prepovedanih drog, trgovanje z njimi in povpraševanje po njih ter njihov učinek na uživalce drog in družbo kot celoto ter da bi dosegli učinkovitejše preprečevanje preusmerjanja predhodnih kemičnih sestavin, ki se uporabljajo za nezakonito proizvodnjo mamil in psihotropnih snovi. Pogodbenici pri svojem sodelovanju v ta namen zagotovita celosten in usklajen pristop z zakonitimi tržnimi predpisi ter učinkovitim delovanjem in usklajevanjem med pristojnimi organi, vključno z organi na področjih zdravstva, izobraževanja, sociale, kazenskega pregona in pravosodja.

2. Pogodbenici se dogovorita o načinih sodelovanja za doseglo teh ciljev. Ukrepi temeljijo na skupno dogovorjenih načelih v skladu z ustreznimi mednarodnimi konvencijami, s političnimi deklaracijami in s posebno deklaracijo o smernicah za zmanjševanje povpraševanja po drogh, ki jo je junija 1998 na posebnem dvajsetem zasedanju o drogh sprejela Generalna skupščina Združenih narodov.

2. The Parties agree to facilitate and encourage the arbitral solution of civil and private commercial disputes whenever possible according to the applicable international instruments.

3. As regards judicial cooperation in criminal matters, the Parties will seek to enhance arrangements on mutual legal assistance and extradition. This would include, where appropriate, accession to, and implementation of, the relevant international instruments of the United Nations including the Rome Statute of the International Criminal Court as referred to in Article 6 of this Agreement.

ARTICLE 32

Personal data protection

1. The Parties agree to cooperate in order to improve the level of protection of personal data to the highest international standards such as that contained in the UN Guidelines for the Regulation of Computerized Personal Data Files (UN General Assembly Resolution 45/95 of 14 December 1990).

2. Cooperation on protection of personal data may include, inter alia, exchange of information and expertise.

ARTICLE 33

Migration

1. The Parties agree to strengthen and intensify cooperation in the areas of the illegal migration, smuggling and trafficking in human beings, as well as the inclusion of the migration concerns in the national strategies for economic and social development of the areas from which migrants originate.

2. In the framework of the cooperation to prevent and control illegal immigration, the Parties agree to readmit their nationals who stay illegally in the territory of the other Party. To this end, the Parties will provide their nationals with appropriate identity documents for such purposes. In cases where the nationality is in doubt, the Parties agree to identify their alleged nationals.

3. The Parties endeavour to conclude, if necessary, an agreement regulating the specific obligations for readmission of their nationals. This will also address conditions relating to nationals of other countries and stateless persons.

ARTICLE 34

Combating illicit drugs

1. In accordance with their respective laws and regulations, the Parties will aim at reducing the supply and trafficking of, and demand for, illicit drugs as well as their impact on drug users and society at large and to achieve a more effective prevention of diversion of drug precursors used for the illicit manufacture of narcotic drugs and psychotropic substances. In their cooperation, the Parties shall ensure that a comprehensive and balanced approach is taken in pursuing this aim through legal market regulations and effective action and coordination between the competent authorities including those from the health, education, social, law enforcement and justice sectors.

2. The Parties shall agree on means of cooperation to attain these objectives. Actions shall be based on commonly agreed principles along the lines of the relevant international conventions, the Political Declaration and the Special Declaration on the guiding principles of drug demand reduction, approved by the Twentieth United Nations General Assembly Special Session on Drugs in June 1998.

ČLEN 35

Boj proti organiziranemu kriminalu in korupciji

Pogodbenici soglašata, da bosta sodelovali in prispevali k boju proti organiziranemu gospodarskemu in finančnemu kriminalu ter korupciji, ponarejanju in nezakonitom transakcijam, in sicer s popolnim spoštovanjem veljavnih vzajemnih mednarodnih obveznosti na tem področju, vključno z učinkovitim sodelovanjem pri izterjavi materialnih ali finančnih sredstev, ki izvirajo iz korupcijskih dejanj. Pogodbenici bosta spodbujali izvajanje Konvencije Združenih narodov proti mednarodnemu organiziranemu kriminalu in njenih dopolnilnih protokolov ter Konvencije Združenih narodov proti korupciji.

ČLEN 36

Boj proti pranju denarja in financiranju terorizma

1. Pogodbenici si bosta prizadevali za sodelovanje pri preprečevanju uporabe svojih finančnih sistemov za pranje dohodkov iz vseh kriminalnih dejavnosti, vključno s trgovino s prepovedanimi drogami, korupcijo in financiranjem terorizma. To sodelovanje zajema tudi izterjavo materialnih ali finančnih sredstev, ki izvirajo iz kaznivih dejanj.

2. Pogodbenici si lahko izmenjujeta ustrezne informacije v okviru zadevnih zakonodaj in uporabljalca ustrezne standarde za boj proti pranju denarja in financiranju terorizma, primerljive s tistimi, ki so jih sprejeli ustrezni mednarodni organi, delujoči na tem področju, na primer Projektna skupina za finančno ukrepanje glede pranja denarja (FATF).

ČLEN 37

Boj proti spletnemu kriminalu

1. Pogodbenici bosta okreplili sodelovanje za preprečevanje visokotehnoloških, spletnih in elektronskih kaznivih dejanj ter širjenja terorističnih vsebin prek medmrežja in boj proti njim, tako da si bosta izmenjevali informacije in praktične izkušnje v skladu s svojo nacionalno zakonodajo v mejah svojih pristojnosti.

2. Pogodbenici si bosta izmenjevali informacije na področjih izobraževanja in usposabljanja preiskovalcev spletnega kriminala, preiskovanja spletnega kriminala in digitalne sodne medicine.

ČLEN 38

Sodelovanje v kazenskem pregonu

Pogodbenici se strinjata, da bosta vzpostavili sodelovanje med organi, agencijami in službami kazenskega pregonu, ter prispevali k onemogočanju in odstranjevanju groženj mednarodnega kriminala, ki so skupne obema. Sodelovanje med organi, agencijami in službami kazenskega pregonu je lahko v obliki medsebojne pomoči pri preiskavah, izmenjevanja preiskovalnih tehnik, skupnega izobraževanja in usposabljanja osebja za kazenski pregon in drugih vrst skupnih dejavnosti in pomoči, kot se o njih vzajemno dogovorita pogodbenici.

NASLOV VIII SODELOVANJE NA DRUGIH PODROČJIH

ČLEN 39

Turizem

Pogodbenici se zavezujeta, da bosta vzpostavili sodelovanje na področju turizma, z namenom povečati vzajemno razumevanje ter spodbujati uravnotežen in trajnosten razvoj turizma. To sodelovanje je predvsem lahko v obliki:

- (a) izmenjave informacij o vprašanjih skupnega interesa glede turizma;
- (b) organizacije turističnih dogodkov;
- (c) turističnih izmenjav;
- (d) sodelovanja pri ohranjanju in upravljanju kulturne dediščine;
- (e) sodelovanja pri upravljanju v turizmu.

ARTICLE 35

Combating organised crime and corruption

The Parties agree to cooperate on and contribute to the fight against organised, economic and financial crime and corruption, counterfeiting and illegal transactions, through full compliance with their existing mutual international obligations in this area including on effective cooperation in the recovery of assets or funds derived from acts of corruption. The Parties will promote the implementation of the UN Convention on Transnational Organised Crime and its supplementing Protocols and the UN Convention against Corruption.

ARTICLE 36

Combating money laundering and terrorism financing

1. The Parties agree on the need to work towards and to cooperate on preventing the use of their financial systems to launder the proceeds of all criminal activities including drug trafficking and corruption and to the financing of terrorism. This cooperation extends to the recovery of assets or funds derived from the proceeds of crimes.

2. The Parties may exchange relevant information within the framework of respective legislations and apply appropriate standards to combat money laundering and financing of terrorism equivalent to those adopted by relevant international bodies active in this area, such as the Financial Action Task Force on money laundering (FATF).

ARTICLE 37

Combating cyber crime

1. The Parties will strengthen cooperation to prevent and combat high technology, cyber and electronic crimes and the distribution of terrorist content via the Internet through exchanging information and practical experiences in compliance with their national legislation within the limits of their responsibility.

2. The Parties will exchange information in the fields of the education and training of cyber crime investigators, the investigation of cyber crime, and digital forensic science.

ARTICLE 38

Law enforcement cooperation

The Parties agree to cooperate among law enforcement authorities, agencies and services and to contribute to disrupting and dismantling transnational crime threats common to the Parties. The cooperation among law enforcement authorities, agencies and services can take the form of mutual assistance in investigations, sharing of investigational techniques, joint education and training of law enforcement personnel and any other type of joint activities and assistance as may be mutually agreed by the Parties.

TITLE VIII COOPERATION IN OTHER AREAS

ARTICLE 39

Tourism

The Parties undertake to establish cooperation in the field of tourism, with a view to increasing better mutual understanding and promoting a balanced and sustainable development of tourism.

This cooperation may take the form of, in particular:

- a) exchange of information on issues of common interest concerning tourism;
- b) organisation of tourism events;
- c) tourism exchanges;
- d) cooperation in the preservation and management of cultural heritage;
- e) cooperation in tourism management.

ČLEN 40

Civilna družba

Pogodbenici priznavata vlogo in morebiten prispevek organizirane civilne družbe pri dialogu in procesu sodelovanja v okviru tega sporazuma ter se strinjata, da bosta spodbujali učinkovit dialog z organizirano civilno družbo in njenoučinkovito sodelovanje.

ČLEN 41

Javna uprava

Pogodbenici se strinjata, da bosta sodelovali z izmenjavo izkušenj in najboljših praks ter se pri tem oprli na sedanja prizadevanja za modernizacijo javne uprave na področjih, kot so:

- (a) izboljšanje organizacijske učinkovitosti;
- (b) povečanje učinkovitosti institucij pri zagotavljanju storitev;
- (c) zagotavljanje preglednega upravljanja javnih virov in odgovornosti;
- (d) izboljšanje pravnega in institucionalnega okvira;
- (e) oblikovanje in izvajanje politike.

ČLEN 42

Statistika

1. Pogodbenici razvijata in krepita sodelovanje glede statističnih vprašanj, s tem pa prispevata k dolgoročnemu cilju zagotavljanja pravočasnih, mednarodno primerljivih in zanesljivih statističnih podatkov. Trajnostni, učinkoviti in strokovno neodvisni statistični sistemi naj bi predvidoma zagotovili informacije, ki so pomembne za državljane, podjetja in oblikovalce politik pogodbenic, saj jim omogočajo odločitve na podlagi prejetih informacij. Pogodbenici si med drugim izmenjujeta informacije in strokovno znanje ter razvijata sodelovanje ob upoštevanju že zbranih izkušenj.

Cilj sodelovanja je:

- (a) progresivno uskladiti statistična sistema obeh pogodbenic;
- (b) uskladiti izmenjavo podatkov med pogodbenicama ob upoštevanju uporabe ustreznih mednarodnih metodologij;
- (c) izboljšati strokovno usposobljenost statističnega osebja, da bi lahko uporabljalo ustreerne statistične standarde;
- (d) spodbujati izmenjavo izkušenj med pogodbenicama glede razvoja statističnega znanja in izkušenj.

2. Oblike sodelovanja lahko med drugim vključujejo posebne programe in projekte na podlagi vzajemnega dogovora ter dialog, sodelovanje in pobude o temah skupnega interesa na dvostranski in večstranski ravni.

NASLOV IX
INSTITUCIONALNI OKVIR

ČLEN 43

Drugi sporazumi

1. Okvirni sporazum o trgovini in sodelovanju med Evropsko skupnostjo in njenimi državami članicami na eni strani ter Republiko Korejo na drugi strani, ki je bil podpisana 28. oktobra 1996 v Luksemburgu in je začel veljati 1. aprila 2001, se razveljavlja.

2. Ta sporazum posodablja in nadomešča zgoraj navedeni sporazum. Sklicevanje na zgoraj navedeni sporazum v vseh drugih sporazumih med pogodbenicama se šteje kot sklicevanje na ta sporazum.

3. Pogodbenici lahko ta sporazum dopolnita, tako da skleneta posebne sporazume na katerem koli področju sodelovanja, ki spada na njegovo področje uporabe. Taki posebni sporazumi so sestavni del celovitih dvostranskih odnosov, kot jih ureja ta sporazum, in del skupnega institucionalnega okvira.

ARTICLE 40

Civil Society

The Parties recognise the role and potential contribution of organised civil society in the dialogue and cooperation process under this Agreement and agree to promote effective dialogue with organised civil society and its effective participation.

ARTICLE 41

Public administration

The Parties agree to cooperate by exchanging experience and best practice, building on existing efforts, with respect to the modernisation of public administration in areas such as:

- a) improving organisational efficiency;
- b) increasing institutions' effectiveness in service delivery;
- c) ensuring transparent management of public resources and accountability;
- d) improving the legal and institutional framework;
- e) policy design and implementation.

ARTICLE 42

Statistics

1. The Parties shall develop and strengthen their cooperation on statistical issues, thereby contributing to the long-term objective of providing timely, internationally comparable and reliable statistical data. It is expected that sustainable, efficient and professionally independent statistical systems shall produce information relevant for the Parties' citizens, businesses and decision-makers, enabling them to take informed decisions. The Parties shall, inter alia, exchange information and expertise and develop cooperation taking into account the already accumulated experience.

Cooperation shall aim at:

- a) progressive harmonisation between the statistical systems of both Parties;
- b) fine-tuning of data exchange between the Parties taking into account the application of relevant international methodologies;
- c) enhancing the professional capacity of the statistical staff to allow them to apply the relevant statistical standards;
- d) promoting of the exchange of experience between the Parties on the development of statistical know-how.

2. The forms of cooperation may include, inter alia, specific programmes and projects, as mutually agreed, as well as dialogue, cooperation and initiatives on topics of common interest at bilateral or multilateral level.

TITLE IX
INSTITUTIONAL FRAMEWORK

ARTICLE 43

Other agreements

1. The Framework Agreement for Trade and Cooperation between the European Community and its Member States, on the one hand, and the Republic of Korea, on the other hand, signed in Luxembourg on 28 October 1996 and which entered into force on 1 April 2001 is hereby repealed.

2. This Agreement updates and replaces the aforementioned agreement. References to the aforementioned agreement in all other agreements between the Parties shall be construed as referring to this Agreement.

3. The Parties may complement this Agreement by concluding specific agreements in any area of cooperation falling within its scope. Such specific agreements shall be an integral part of the overall bilateral relations as governed by this Agreement and shall form part of a common institutional framework.

4. Obstojeci sporazumi, ki se nanašajo na področja sodelovanja, ki spadajo na področje uporabe tega sporazuma, podobno veljajo za del celovitih dvostranskih odnosov, kot jih ureja ta sporazum, in so del skupnega institucionalnega okvira.

ČLEN 44

Skupni odbor

1. Pogodbenici v skladu s tem sporazumom ustanovita skupni odbor, ki ga sestavljajo predstavniki članov Sveta Evropske unije in članov Evropske komisije na eni strani ter predstavniki Republike Koreje na drugi strani.

2. V skupnem odboru potekajo posvetovanja za pospešitev izvajanja in spodbuditev splošnih ciljev tega sporazuma ter ohranjevanje splošne skladnosti v odnosih in zagotavljanje ustreznega delovanja katerega koli drugega sporazuma med pogodbenicama.

3. Skupni odbor:

- (a) zagotavlja pravilno izvajanje tega sporazuma;
- (b) spremlja razvoj celovitega odnosa med pogodbenicama;

(c) po potrebi zahteva informacije od odborov in drugih organov, ustanovljenih v skladu z drugimi sporazumi, ki spadajo pod skupni institucionalni okvir, ter upošteva kakršna koli poročila, ki jih ti predložijo;

(d) izmenjuje mnenja in daje predloge glede katerega koli vprašanja skupnega interesa, vključno s prihodnjimi ukrepi in viri, ki so na voljo za njihovo izvajanje;

(e) določa prednostne naloge v zvezi s cilji tega sporazuma;

(f) išče ustreerne metode za preprečevanje težav, ki bi se lahko pojavile na področjih, ki jih zajema ta sporazum;

(g) v skladu s členom 45(3) s soglasjem rešuje kakršen koli spor, ki nastane pri uporabi ali razlagi tega sporazuma;

(h) prouči vse informacije, ki jih predloži ena od pogodbenic glede neizvajanja obveznosti, in se posvetuje z drugo pogodbenico, da bi v skladu s členom 45(3) našli rešitev, sprejemljivo za obe pogodbenici.

4. Skupni odbor se običajno sestane enkrat na leto, izmenično v Bruslju in Seulu. Posebni sestanki odbora se organizirajo na zahtevo ene od pogodbenic. Skupnemu odboru izmenično predseduje ena od pogodbenic. Običajno se sestane na ravni visokih uradnikov.

ČLEN 45

Načini izvajanja

1. Pogodbenici sprejmeta vse splošne ali posebne ukrepe za izpolnjevanje obveznosti iz tega sporazuma in zagotovita, da so ti ukrepi skladni s cilji, določenimi v tem sporazumu.

2. Izvajanje poteka na podlagi soglasja in dialoga. Če pa so pri uporabi ali razlagi tega sporazuma razlike v mnenju, se ena od pogodbenic obrne na skupni odbor.

3. Če katera od pogodbenic meni, da druga pogodbenica ni izpolnila svojih obveznosti iz tega sporazuma, lahko sprejme ustrerene ukrepe v skladu z mednarodnim pravom. Preden to storii, razen v posebno nujnih primerih, predloži skupnemu odboru vse zahtevane informacije, ki so potrebne za temeljito proučitev položaja. Pogodbenici se posvetujeta s skupnim odborom; to posvetovanje, če se obe pogodbenici strinjata, lahko olajša posrednik, ki ga imenuje skupni odbor.

4. V posebno nujnih primerih se ukrep nemudoma sporoči drugi pogodbenici. Na zahtevo druge pogodbenice traja posvetovanje do dvajset (20) dni. Po tem obdobju se začne ukrep uporabljati. V tem primeru lahko druga pogodbenica zahteva arbitražo v skladu s členom 46, da bi proučila kakršen koli vidik ukrepa ali podlago zanj.

4. Existing agreements relating to specific areas of cooperation falling within the scope of this Agreement shall similarly be considered part of the overall bilateral relations as governed by this Agreement and as forming part of a common institutional framework.

ARTICLE 44

Joint Committee

1. The Parties shall establish under this Agreement a Joint Committee consisting of representatives of the members of the Council of the European Union and representatives of the European Commission, on the one hand, and representatives of the Republic of Korea, on the other.

2. Consultations shall be held in the Joint Committee to facilitate the implementation and to further the general aims of this Agreement as well as to maintain overall coherence in the relations and to ensure the proper functioning of any other agreement between the Parties.

3. The Joint Committee shall:

- a) ensure that this Agreement operates properly;
- b) monitor the development of the comprehensive relationship between the Parties;

c) request, as appropriate, information from committees or other bodies established under other agreements falling under the common institutional framework and consider any reports submitted by them;

d) exchange opinions and make suggestions on any issue of common interest, including future actions and the resources available to carry them out;

e) set priorities in relation to the aims of this Agreement;

f) seek appropriate methods of forestalling problems which might arise in areas covered by this Agreement;

g) resolve any dispute arising in the application or interpretation of this Agreement by consensus in accordance with Article 45 (3);

h) examine all the information presented by a Party regarding non-execution of the obligations and hold consultations with the other Party to seek a solution acceptable to both Parties in accordance with Article 45 (3).

4. The Joint Committee will normally meet once a year in Brussels and Seoul alternately. Special meetings of the Committee shall be held at the request of either Party. The Joint Committee shall be chaired alternately by each of the Parties. It shall normally meet at the level of senior officials.

ARTICLE 45

Modalities for implementation

1. The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement and shall ensure that they comply with the objectives laid down in this Agreement.

2. Implementation is covered by consensus and dialogue. If, however, there is divergence of views in the application or interpretation of this Agreement, either Party shall refer to the Joint Committee.

3. If either Party considers that the other Party has failed to fulfil its obligations under this Agreement, it may take appropriate measures in accordance with international law. Before doing so, except in cases of special urgency, the Party shall present all the information required to the Joint Committee for a thorough examination of the situation. The Parties shall hold consultations within the Joint Committee and, if both Parties agree, these consultations may be facilitated by a mediator appointed by the Joint Committee.

4. In cases of special urgency, the measure shall be notified immediately to the other Party. At the request of the other Party, consultations shall be held for a period of up to twenty (20) days. After this period, the measure shall apply. In this case, the other Party may request arbitration according to Article 46 with a view to examining any aspect of, or the basis for, the measure.

ČLEN 46

Arbitražni postopek

1. Arbitražno razsodišče sestavlja trije (3) razsodniki. Vsaka pogodbenica po potrebi na zahtevo druge pogodbenice za arbitražo v štirinajstih (14) dneh imenuje po enega razsodnika, tretjega razsodnika pa imenuje skupni odbor. Pogodbenica, ki imenuje razsodnika, o tem nemudoma pisno obvesti drugo pogodbenico po diplomatski poti. Razsodniki sprejmejo odločitev z večino glasov. Razsodniki si prizadevajo doseči odločitev čim prej, v vsakem primeru pa najpozneje v treh (3) mesecih od datuma njihovega imenovanja. Skupni odbor se dogovori o podrobnih postopkih za hitro izvedbo arbitraže.

2. Vsaka stranka v sporu mora sprejeti potrebne ukrepe za izvajanje odločitve razsodnikov. Razsodniki na zahtevo izdajo priporočila o tem, kako izvajati njihovo odločitev, da se ponovno vzpostavi ravnotesje pravic in obveznosti v skladu s tem sporazumom.

NASLOV X
KONČNE DOLOČBE

ČLEN 47

Opredelitev pojmov

V tem sporazumu izraz "pogodbenici" pomeni Evropsko unijo ali njene države članice oziroma Evropsko unijo in njene države članice v skladu z njihovimi pooblastili na eni strani ter Republiko Korejo na drugi strani.

ČLEN 48

Nacionalna varnost in razkritje informacij

Ničesar v tem sporazumu se ne razlaga v smislu, da bi morala katera od pogodbenic predložiti kakršne koli informacije, za razkritje katerih meni, da je v nasprotju z njenimi bistvenimi varnostnimi interesimi.

ČLEN 49

Začetek veljavnosti, trajanje in prenehanje

1. Ta sporazum začne veljati prvi dan meseca, ki sledi datumu, ko se pogodbenici medsebojno uradno obvestita, da so končani pravni postopki, potrebeni v ta namen.

2. Ne glede na odstavek 1 se ta sporazum uporablja začasno, s pridržkom njegove veljavnosti. Sporazum se začne začasno uporabljati prvi dan prvega meseca, ki sledi datumu, ko pogodbenici uradno obvestita druga drugo, da so končani potrebeni postopki.

3. Ta sporazum velja za nedoločen čas. Katera koli od pogodbenic lahko v pisni obliki uradno obvesti drugo pogodbenico o svojem namenu, da odpove ta sporazum. Odpoved začne veljati šest mesecev po uradnem obvestilu.

ČLEN 50

Uradna obvestila

Uradna obvestila v skladu s členom 49 se pošljejo Generalnemu sekretariatu Sveta Evropske unije oziroma Ministrstvu za zunanje zadeve in trgovino Republike Koreje.

ČLEN 51

Izjave in priloge

Izjave in priloge k temu sporazumu so sestavni del tega sporazuma.

ARTICLE 46

Arbitration procedure

1. The arbitration tribunal shall consist of three (3) arbitrators. Each Party shall appoint one arbitrator and the Joint Committee shall appoint a third arbitrator within fourteen (14) days, as appropriate, upon the request of either Party for the arbitration. The appointment of an arbitrator by a Party shall be notified immediately to the other Party in writing through diplomatic channels. The arbitrators' decision shall be taken by a majority of votes. The arbitrators shall endeavour to reach a decision as quickly as possible and in any event no later than three (3) months from the date of appointment of the arbitrators. The Joint Committee shall agree the detailed procedures for the speedy conduct of arbitration.

2. Each Party to the dispute must take the steps required to implement the decision of the arbitrators. The arbitrators shall, upon request, issue recommendations on how to implement their decision with a view to restoring the balance of rights and obligations under this Agreement.

TITLE X
FINAL PROVISIONS

ARTICLE 47

Definition

For the purposes of this Agreement, the term "the Parties" means the European Union or its Member States, or the European Union and its Member States, in accordance with their respective competences, on the one hand, and the Republic of Korea, on the other.

ARTICLE 48

National security and disclosure of information

Nothing in this Agreement shall be construed to require any Party to provide any information, the disclosure of which it considers contrary to its essential security interests.

ARTICLE 49

Entry into force, duration and termination

1. This Agreement shall enter into force on the first day of the month following the date on which the Parties have notified each other of the completion of the legal procedures necessary for that purpose.

2. Notwithstanding paragraph 1, this Agreement shall be applied on a provisional basis pending its entry into force. The provisional application begins on the first day of the first month following the date on which the Parties have notified each other of the completion of the necessary procedures.

3. This Agreement shall be valid indefinitely. Either Party may notify in writing the other Party of its intention to denounce this Agreement. The denunciation shall take effect six months after the notification.

ARTICLE 50

Notifications

The notifications made in accordance with Article 49 shall be made to the General Secretariat of the Council of the European Union and the Ministry for Foreign Affairs and Trade of the Republic of Korea, respectively.

ARTICLE 51

Declarations and annexes

The Declarations and Annexes to this Agreement shall form an integral part of this Agreement.

ČLEN 52**Območje uporabe**

Ta sporazum se na eni strani uporablja na ozemljih, za katera se uporablja Pogodba o Evropski uniji, in sicer v skladu s pogoji iz navedene pogodbe, in na drugi strani na ozemlju Republike Koreje.

ČLEN 53**Verodostojnost besedil**

Ta sporazum je sestavljen v dveh izvodih v angleškem, bolgarskem, češkem, danskem, estonskem, finskem, francoškem, grškem, italijanskem, latvijskem, litovskem, madžarskem, malteškem, nemškem, nizozemskem, poljskem, portugalskem, romunskem, slovaškem, slovenskem, španskem, švedskem in korejskem jeziku, pri čemer so besedila v vseh teh jezikih enako verodostojna.

ARTICLE 52**Territorial application**

This Agreement shall apply, on the one hand, to the territories in which the Treaty on European Union is applied and under the conditions laid down in that Treaty, and, on the other hand, to the territory of the Republic of Korea.

ARTICLE 53**Authentic texts**

This Agreement is drawn up in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Korean languages, each text being equally authentic.

**SKUPNA RAZLAGALNA IZJAVA
O ČLENIH 45 IN 46**

Pogodbenici sta demokraciji. Želite sodelovati pri spodbujanju skupnih vrednot v svetu. Njun sporazum je znak skupne odločenosti za spodbujanje demokracije, človekovih pravic, neširjenja orožja in boja proti terorizmu po vsem svetu. Izvajanje tega sporazuma med pogodbenicama, ki imata enake vrednote, tako temelji na načelih dialoga, vzajemnega spoštovanja, enakovrednega partnerstva, večstranskoosti, soglasja in spoštovanja mednarodnega prava.

Pogodbenici se strinjata, da zaradi pravilne razlage in praktične uporabe tega sporazuma "ustrezni ukrepi" iz člena 45(3) pomenijo ukrepe, ki so sorazmerni neizvajaju obveznosti iz tega sporazuma. Ukrepe je mogoče sprejeti v zvezi s tem sporazumom ali v zvezi s posebnim sporazumom, ki spada v skupni institucionalni okvir. Pri izbiri ukrepov imajo prednost tisti, ki najmanj ovirajo delovanje sporazumov, pri čemer se upošteva možnost uporabe notranjih pravnih sredstev, če so na voljo.

Pogodbenici zaradi pravilne razlage in praktične uporabe tega sporazuma soglašata, da so "posebno nujni primeri" v členu 45(4) primeri bistvene kršitve tega sporazuma katere koli od pogodbenic. Bistvena kršitev pomeni bodisi zavračanje izvajanja tega sporazuma, ki ni sankcionirano s splošnimi pravili mednarodnega prava, bodisi posebno resno in znatno kršitev bistvenega elementa tega sporazuma. Pogodbenici ocenita morebitno bistveno kršitev člena 4(2) ob upoštevanju uradnega mnenja ustreznih mednarodnih agencij, če je na voljo.

V zvezi s členom 46 velja, da če so bili sprejeti ukrepi glede posebnega sporazuma, ki spada v skupni institucionalni okvir, se glede postopka izvajanja odločitve arbitražnega senata v primerih, ko razsodniki odločijo, da ukrep ni bil upravičen ali sorazmeren, uporabljajo kateri koli ustrejni postopki za reševanje sporov iz posebnega sporazuma.

**JOINT INTERPRETATIVE DECLARATION
CONCERNING ARTICLES 45 AND 46**

The Parties are democracies. They wish to work together to promote their shared values to the world. Their Agreement is a signal of their shared determination to promote democracy, human rights, non-proliferation, and counter-terrorism throughout the world. The implementation of this Agreement between the Parties sharing the same values shall therefore be based on the principles of dialogue, mutual respect, equal partnership, multilateralism, consensus, and respect for international law.

The Parties agree that for the purpose of the correct interpretation and practical application of this Agreement, the term "appropriate measures" in Article 45 (3) are measures proportionate to the failure to implement obligations under this Agreement. Measures may be taken with regard to this Agreement or to a specific agreement falling under the common institutional framework. In the selection of measures priority must be given to those which least disrupt the functioning of the agreements, taking account of possible use of domestic remedies where available.

The Parties agree that for the purpose of the correct interpretation and practical application of this Agreement, the term "cases of special urgency" in Article 45 (4) means a case of a material breach of this Agreement by one of the Parties. A material breach consists in either repudiation of this Agreement not sanctioned by the general rules of international law or a particularly serious and substantial violation of an essential element of the Agreement. The Parties shall assess a possible material breach of Article 4 (2), taking account of the official position, where available, of the relevant international agencies.

In respect of Article 46, where measures have been taken with respect to a specific agreement falling under the common institutional framework, any relevant dispute settlement procedures of the specific agreement shall apply with regard to the procedure of implementing the decision of the arbitration panel in cases where the arbitrators decide that the measure was not justified or proportionate.

**ENOSTRANSKA IZJAVA
EVROPSKE UNIJE
GLEDE ČLENA 12**

Pooblaščenci držav članic in pooblaščenec Republike Koreje se seznanijo z naslednjo enostransko izjavo:

Evropska unija izjavlja, da člen 12 zavezuje države članice le toliko, kolikor so tem načelom dobrega javnega upravljanja zavezane na davčnem področju na ravni Evropske unije.

**UNILATERAL DECLARATION
BY THE EUROPEAN UNION
ON ARTICLE 12**

The plenipotentiaries of the Member States and the plenipotentiary of the Republic of Korea take note of the following Unilateral Declaration:

The European Union declares that the Member States are committed under Article 12 only to the extent that they have subscribed to these principles of good governance in the tax area at the level of the European Union.

Съставено в Брюксел на десети май две хиляди и десета година.

Hecho en Bruselas, el diez de mayo de dos mil diez.

V Bruselu dne desátého května dva tisíce deset

Udfærdiget i Bruxelles den tiende maj to tusind og ti.

Geschehen zu Brüssel am zehnten Mai zweitausendzehn.

Kahe tuhande kümnenda aasta maikuu kümnendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις δέκα Μαΐου δύο χιλιάδες δέκα.

Done at Brussels on the tenth day of May in the year two thousand and ten.

Fait à Bruxelles, le dix mai deux mille dix.

Fatto a Bruxelles, addì dieci maggio duemiladieci.

Briselē, divtūkstoš desmitā gada desmitajā majā.

Priimta du tūkstančiai dešimtų metų gegužės dešimtą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-tizedik év május tizedik napján.

Magħmul fi Brussell, fl-ghaxar jum ta' Mejju tas-sena elfejn u ghaxra.

Gedaan te Brussel, de tiende mei tweeduizend tien.

Sporządzono w Brukseli dnia dziesiątego maja roku dwa tysiące dziesiątego.

Feito em Bruxelas, em dez de Maio de dois mil e dez.

Întocmit la Bruxelles, la zece mai două mii zece.

V Bruseli dňa desiateho mája dvetisícdesat'.

V Bruslju, dne desetega maja leta dva tisoč deset.

Tehty Brysselissä kymmenentenä päivänä toukokuuta vuonna kaksituhattakymmenen.

Som skedde i Bryssel den tionde maj tjughundratio.

2010년 5월 10일 브뤼셀에서 작성되었다.

Voor het Koninkrijk België
Pour le Royaume de Belgique
Für das Königreich Belgien

Ditte handtekening verbindt eveneens de Vlaamse Gewest, de Franse Gemeenschap, de Duitstalige Gemeenschap, het Vlaams Gewest, het
Waalse Gewest en het Brussels Hoofdstedelijk Gewest.

Cette signature engage également la Communauté française, la Communauté flamande, la Communauté germanophone, la Région wallonne, la
Région flamande et la Région de Bruxelles-Capitale.

Diese Unterschrift bindet zugleich die Deutschsprachige Gemeinschaft, die Flämische Gemeinschaft, die Französische Gemeinschaft, die Wallonische
Region, die Flämische Region und die Region Brüssel-Hauptstadt.

За Република България

Za Českou republiku

På Kongeriget Danmarks vegne

Für die Bundesrepublik Deutschland

Besti Vabarijgi nimel

Thar cheann Na hÉireann
For Ireland.

Πα την Ελληνική Δημοκρατία

Por el Reino de España

Pour la République française

Per la Repubblica italiana

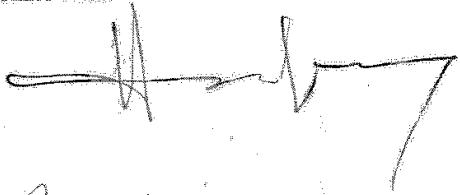
Για την Κυπριακή Δημοκρατία



Latvijas Republikas vārdā



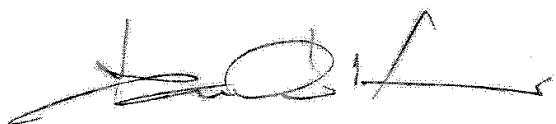
Lietuvos Respublikos vardu



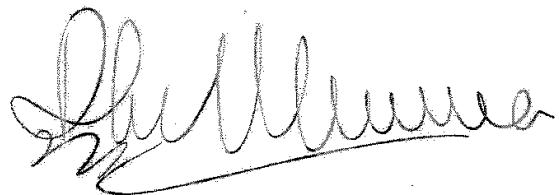
Pour le Grand-Duché de Luxembourg



A Magyar Köztársaság részéről



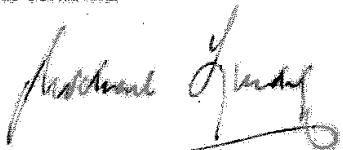
Għal Malta



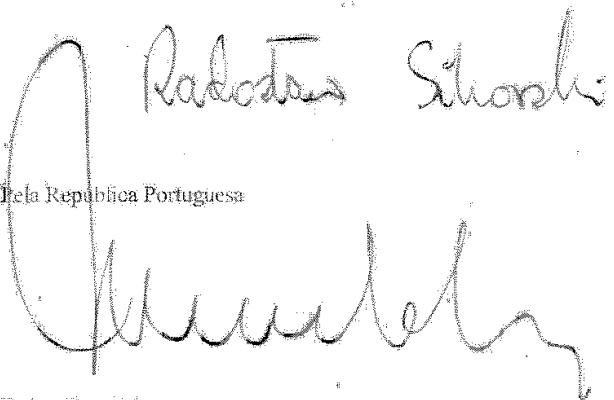
Voor het Koninkrijk der Nederlanden



Für die Republik Österreich

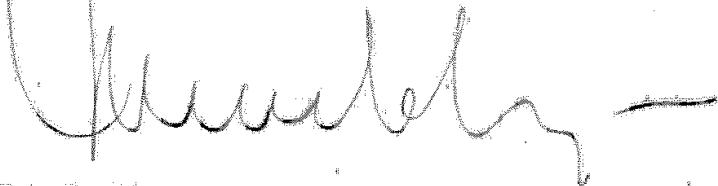


W imieniu Rzeczypospolitej Polskiej



Radosław Sikorski

De la República Portuguesa



Pentru România



Za Republiko Slovenijo

Za Slovenskú republiku

Suomen tasavallan puolesta
Für Republiken Finland

För Konungariket Sverige

For the United Kingdom of Great Britain and Northern Ireland

За Европейския съюз
Por la Unión Europea
Za Evropskou unii
For Den Europæiske Union
Für die Europäische Union
Euroopa Liidu nimel
Για την Ευρωπαϊκή Ένωση
For the European Union
Pour l'Union européenne
Per l'Unione europea
Eiropas Savienības vārdā –
Europos Sąjungos vardu
Az Európai Unió részéül
Għall-Unjoni Ewropea
Voor de Europese Unie
W imieniu Unii Europejskiej
Pela União Europeia
Pentru Unionea Europeană
Za Europskú úniu
Za Evropskou unio
Euroopan unionin puolesta
Für die Europäische Unionen

Catharina M. Adamek

대한민국을 위하여

3 026 KB

3. člen

Za izvajanje sporazuma skrbi Vlada Republike Slovenije.

4. člen

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

Št. 007-02/12-1/9
Ljubljana, dne 14. decembra 2012
EPA 828-VI

Državni zbor
Republike Slovenije
dr. Gregor Virant l.r.
Predsednik

103. Zakon o ratifikaciji Konvencije o policijskem sodelovanju v jugovzhodni Evropi (MKPS)

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

U K A Z**o razglasitvi Zakona o ratifikaciji Konvencije o policijskem sodelovanju v jugovzhodni Evropi (MKPS)**

Razglašam Zakon o ratifikaciji Konvencije o policijskem sodelovanju v jugovzhodni Evropi (MKPS), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 14. decembra 2012.

Št. 003-02-10/2012-13
Ljubljana, dne 24. decembra 2012

Borut Pahor l.r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI KONVENCIJE O POLICIJSKEM SODELOVANJU V JUGOVZHODNI EVROPI (MKPS)****1. člen**

Ratificira se Konvencija o policijskem sodelovanju v jugovzhodni Evropi, sestavljena na Dunaju 5. maja 2006.

2. člen

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

**POLICE COOPERATION CONVENTION
FOR SOUTHEAST EUROPE****Preamble**

The Republic of Albania, Bosnia and Herzegovina, the Republic of Macedonia, the Republic of Moldova, Romania and the State Union of Serbia and Montenegro

Hereafter referred to as "Contracting Parties",

Desiring to cooperate in order to pursue common security interests,

Resolved to effectively combat cross-border threats to public order and security and international crime by entering into a security partnership,

Aiming at further intensifying and enhancing the police cooperation, Determined to further strengthen mutual assistance in police matters,

Have agreed on the following:

Article 1**Scope of the Convention**

The Contracting Parties shall strengthen their cooperation with respect to fighting threats to public security and/or order as well as with respect to prevention, detection and police investigation of criminal offences. This is done under national law, unless otherwise indicated in this Convention.

Article 2**Definitions**

For the purpose of this Convention

a) "Law enforcement authorities" shall mean the authorities which in accordance with the national law of the Contracting Parties have the necessary competence to apply the provisions of this Convention;

b) "Officials" shall mean any individual designated by the law enforcement authorities;

c) "Borders" shall mean the Contracting Parties' land borders, borders on water courses, maritime borders, their airports and sea ports, defined by national law, internationally recognised;

**KONVENCIJA O POLICIJSKEM SODELOVANJU
V JUGOVZHODNI EVROPI****Preamble**

Republika Albanija, Bosna in Hercegovina, Republika Makedonija, Republika Moldova, Romunija in Državna skupnost Srbije in Črne gore,

v nadaljnjem besedilu "pogodbenice", so se v želji po sodelovanju pri uresničevanju skupnih varnostnih interesov,

odločene, da se bodo učinkovito borile proti čezmejnim grožnjam javnemu redu in varnosti ter mednarodni kriminaliteti s sklenitvijo varnostnega partnerstva,

s ciljem, da še poglobljo in okrepijo policijsko sodelovanje, odločene, da okrepijo medsebojno pomoč pri policijskih zadevah, sporazumele:

1. člen**Področje uporabe konvencije**

Pogodbenice krepijo medsebojno sodelovanje v boju proti grožnjam javni varnosti in/ali redu ter pri preprečevanju, odkrivanju in policijskem preiskovanju kaznivih dejanj. To poteka po notranji zakonodaji, če v tej konvenciji ni določeno drugače.

2. člen**Pomen izrazov**

V tej konvenciji:

a) so "organi odkrivanja in pregona" organi, ki imajo v skladu z notranjo zakonodajo pogodbenic potrebnost pristojnost za uporabo določb te konvencije;

b) so "uradniki" osebe, ki jih določijo organi odkrivanja in pregona;

c) so "meje" kopenske meje, meje po vodotokih, morske meje, letališča in pristanišča pogodbenic, ki jih določa notranja zakonodaja, in so mednarodno priznane;

d) "Third State" shall mean any State other than the Contracting Parties;

e) "Residence permit" shall mean an authorisation of whatever type issued by a Contracting Party which grants right of residence within its territory. This definition shall not include temporary permission to reside in the territory of a Contracting Party for the purposes of processing an application for asylum or a residence permit;

f) "Personal data" shall mean any data relating to an identified or identifiable natural person: an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity;

g) "Processing of personal data" (hereafter referred to as "processing") shall mean any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organisation, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction;

h) "Information" shall mean personal and non-personal data.

Article 3 General Cooperation Measures

The law enforcement authorities of the Contracting Parties shall, within their jurisdiction, take all measures aiming at enhancing their cooperation.

In particular, the authorities shall provide for:

1. enhancing information exchange and communication structures by:

a) informing each other about facts of cases, links between suspects, and typical suspect behaviour without indicating person-related data;

b) informing each other directly, as timely as possible, about upcoming events and incidents of police relevance, without indication of person-related data, to facilitate combating threats to public order and security so that the necessary measures can be taken in time;

c) sharing significant information, except person-related data, to facilitate operational planning both for routine activities and for special operations, including as a precautionary measure intelligence about events and incidents that might have an impact on the territory of the respective other Contracting Party;

d) by preparing and regularly updating common directives containing data on jurisdictions and competences, and contact data;

e) maintaining radio communication and, in this respect by exchanging equipment until a uniform radio equipment and frequencies will be introduced in all European countries, and preparing joint proposals for low-cost improvement of telecommunication, especially radio communication along the borders.

2. enhancing cooperation during operations and investigations for the purpose of prevention, detection and investigation and for countering threats by:

a) deploying the forces in the neighbouring border areas in line with coordinated planning;

b) planning and carrying joint programmes in the field of crime prevention;

c) holding meetings and talks at regular intervals, in order to control and maintain the quality of cooperation, discuss new strategies, coordinate operation-, search-and patrol plans, exchange statistical data, and coordinate working programmes;

d) facilitating mutual training/study visits as upon agreement by the departments concerned;

e) inviting representatives of the other Contracting Parties to participate in special operations as observers.

d) je "tretja država" država, ki ni pogodbenica;

e) je "dovoljenje za prebivanje" vsako dovoljenje, ki ga izda pogodbenica in podeljuje pravico do prebivanja na njenem območju. Ta opredelitev ne vključuje začasne dovolitve prebivanja na območju pogodbenice zaradi obravnave prošnje za azil ali dovoljenja za prebivanje;

f) so "osebni podatki" podatki, ki se nanašajo na določeno ali določljivo fizično osebo: določljiva oseba je tista, ki jo je mogoče posredno ali neposredno določiti, še zlasti s pomočjo identifikacijske številke ali enega ali več dejavnikov, značilnih za njeno fizično, fiziološko, mentalno, ekonomsko, kulturno ali socialno identitetu;

g) je "obdelava osebnih podatkov" (v nadaljevanju "obdelava") vsakršna operacija ali vrsta operacij, ki se opravlja z osebnimi podatki, avtomatizirane ali ne, kot npr. zbiranje, zapisovanje, organiziranje, hranjenje, prilagajanje ali spreminjanje, dostop, vpogled, uporaba, razkritje s pošiljanjem, razširjanjem ali siceršnjim dajanjem na voljo, razvrščanje ali kombiniranje, blokiranje, brisanje ali uničenje;

h) so "informacije" osebni in neosebni podatki.

3. člen

Slošni ukrepi sodelovanja

Organi odkrivanja in pregona pogodbenic v okviru svojih pristojnosti sprejmejo vse ukrepe, katerih namen je izboljšanje medsebojnega sodelovanja.

Organi še zlasti zagotovijo:

1. izboljšanje izmenjave informacij in komunikacijskih struktur s pomočjo:

a) medsebojnega obveščanja o dejstvih v zvezi s primeri, povezavah med osumnjcemi in značilnem obnašanju storilcev brez navajanja osebnih podatkov;

b) neposrednega čimprejšnjega medsebojnega obveščanja o bližajočih se dogodkih, pomembnih za policijo, brez navajanja osebnih podatkov, kar omogoča boj proti grožnjam javnemu redu in varnosti s pravočasnim sprejemanjem potrebnih ukrepov;

c) izmenjave pomembnih informacij, razen osebnih podatkov, kar omogoča operativno načrtovanje rutinskih dejavnosti in posebnih operacij, vključno s preprečevalnimi ukrepi, obveščevalnimi podatki o dogodkih, katerih vpliv bi lahko segel na območje druge pogodbenice;

d) pripravljanja in rednega posodabljanja skupnih seznamov s podatki o pristojnostih in podatki za stike;

e) vzdrževanja radijskih zvez in izmenjave opreme, dokler v vseh evropskih državah ne bodo uvedene enotna radijska oprema in frekvence, in pripravljanja skupnih predlogov nizkocenovnih izboljšav telekomunikacij, še posebej radijskih zvez ob mejah;

2. izboljšanje sodelovanja med operacijami in preiskavami zaradi preprečevanja, odkrivanja in preiskovanja ter boja proti grožnjam s pomočjo:

a) napotite sil v sosednja mejna območja v skladu z usklajenim načrtovanjem;

b) načrtovanja in izvedbe skupnih programov za preprečevanje kriminala;

c) sestankov in pogovorov v rednih časovnih presledkih zaradi nadzorovanja in vzdrževanja kakovosti sodelovanja, razpravljanja o novih strategijah, usklajevanja načrtov delovanja, iskanja in patruljiranja, izmenjave statističnih podatkov in usklajevanja programov dela;

d) omogočanja medsebojnega usposabljanja/študijskih obiskov po dogovoru ustreznih služb;

e) vabiljenja predstavnikov drugih pogodbenic, da se kot opazovalci udeležijo posebnih operacij.

CHAPTER I: GENERAL PROVISIONS

Article 4

Cooperation upon Request

(1) The law enforcement authorities of the Contracting Parties shall, upon request, render mutual assistance in the framework of their respective jurisdiction to take measures against threats to public order and/or security, to prevent, detect and investigate criminal offences, unless such a request, or the execution of it, can only be dealt with by the judicial authorities under the law of the respective Contracting Party. If the requested authority is not competent to deal with the request, it shall forward the request to the competent authority and inform the requesting authority accordingly.

(2) Law enforcement authorities in the sense of this Convention are mentioned in the Attached Lists. In any case, the competence of other Ministries is not to be interfered.

(3) The Contracting Parties shall establish or appoint National Central Units. Until the establishment or appointment of National Central Units the existing structures in the respective countries shall be used.

(4) Requests and replies to such requests can also be exchanged, if direct cooperation appears expedient, by informing the National Central Unit or existing structures to such a procedure, among the authorities named in the Attached Lists,

a) if official cross-border activities refer to criminal offences which will in all likelihood be investigated by the law enforcement authorities of the border region or

b) if requests to assist in averting imminent threats to public order and/or security cannot otherwise be transmitted in time through the usual channels between the National Central Units.

(5) Requests can, in particular, concern:

a) Identification of owners and users of motor-vehicles, of all types of vessels and aircrafts.

Upon request of a Contracting Party, the requested Contracting Party shall transmit stored data on motor-vehicles, on all types of vessels and aircrafts, as well as data of the owners and users, if these data are needed to identify a person in his/her capacity as owner/user of or to identify the vehicles used by a person, or the vehicle data required for the prevention and combating criminal offences, and protection from threats to the public order and/or security.

The law enforcement authorities of the requesting Contracting Party may forward the request to the authority(ies) which maintain(s) the vehicle registration database, or in urgent cases, and likewise, if information from the respective authorities of all types of vessels registration numbers is required, to a law enforcement authority of the requested Contracting Party.

b) Information on driving-licences and vehicle documents as well as comparable driving permits and documents;

c) Establishment of the place of abode, of the place of residence and residence permits;

d) Identification of subscribers of telephones or other telecommunication equipment;

e) Identification of individuals, dead bodies, or parts of dead bodies;

f) Information on the origin of items, such as firearms, ammunition and explosives, explosive devices, motor-vehicles, all types of vessels and aircrafts and cultural property;

g) Search for wanted persons and property;

h) Initiation and coordination of search measures;

i) Police interviews and interrogations, especially in order to determine the willingness of a person to give information;

j) Information on crime scene investigation, collection of evidence, evaluation and analysis of evidence;

k) Concrete measures to ensure witness protection;

l) Information exchange in cases of hot pursuit;

I. POGLAVJE: SPLOŠNE DOLOČBE

4. člen

Sodelovanje na zaprosilo

(1) Organi odkrivanja in pregona pogodbenic si na zaprosilo pomagajo v okviru svojih pristojnosti pri ukrepanju zoper grožnje javnemu redu in/ali varnosti, preprečevanju, odkrivjanju in preiskovanju kaznivih dejanj, razen če lahko tako zaprosilo ali njegovo izvedbo po zakonodaji pogodbenice opravijo le sodni organi. Če zaprošeni organ ni pristojen za obravnavo zaprosila, ga pošlje pristojnemu organu in o tem obvesti organ, ki je zaprosilo poslal.

(2) Organi odkrivanja in pregona v smislu te konvencije so navedeni v priloženih seznamih. V nobenem primeru se ne posega v pristojnosti drugih ministrstev.

(3) Pogodbenice ustanovijo ali imenujejo nacionalne centralne enote. Do ustanovitev ali imenovanja nacionalnih centralnih enot se v posameznih državah uporabljajo obstoječe strukture.

(4) Izmenjavati je mogoče tudi zaprosila in odgovore nanje, če se zdi neposredno sodelovanje učinkovitejše, o tem postopku pa se obvestijo nacionalne centralne enote ali obstoječe strukture, navedene med organi na priloženih seznamih:

a) če uradne čezmejne dejavnosti kažejo na kazniva dejanja, ki jih bodo najverjetnejše preiskovali organi odkrivanja in pregona v mejnem območju, ali

b) če zaprosil za pomoč pri odvračanju neposredne nevarnosti za javni red in/ali varnost ni mogoče drugače pravočasno pošiljati po običajni poti med nacionalnimi centralnimi enotami.

(5) Zaprošila se lahko še posebej nanašajo na:

a) identifikacijo lastnikov in uporabnikov motornih vozil, vseh vrst plovil in zrakoplovov.

Na zaprosilo ene pogodbenice pošlje zaprošena pogodbenica shranjene podatke o motornih vozilih, vseh vrstah plovil in zrakoplovov ter podatke o lastnikih in uporabnikih, če so ti podatki potrebni za identifikacijo osebe kot lastnika/uporabnika vozila ali za identifikacijo vozil, ki jih uporablja oseba, ali podatke o vozilu, potrebne za preprečevanje in boj proti kaznivim dejanjem in za zaščito pred grožnjo javnemu redu in/ali varnosti.

Organi odkrivanja in pregona pogodbenice prosilke lahko zaprosilo prepošljejo organu/organom, ki vzdržujejo podatkovno zbirko o registraciji vozil, ali v nujnih primerih in če je treba pridobiti informacije o registracijskih številkah vseh vrst plovil od ustreznih organov, organom odkrivanja in pregona zaprosene pogodbenice;

b) informacije o vozniških dovoljenjih in prometnih dokumentih in vzorce vozniških dovoljenj in dokumentov;

c) ugotovitev kraja bivanja, prebivališča in dovoljenj za prebivanje;

d) ugotovitev naročnikov telefonov ali druge telekomunikacijske opreme;

e) identifikacijo oseb, trupel ali delov trupel;

f) informacije o izvoru predmetov, na primer strelnega orožja, streliva in eksploziva, eksplozivnih naprav, motornih vozil, vseh vrst plovil in zrakoplovov in kulturnih dobrin;

g) iskanje iskanih oseb in lastnine;

h) uvedbo in usklajevanje ukrepov iskanja;

i) policijske razgovore in zaslisanja, še posebej zato, da bi ugotovili, ali je oseba pripravljena dati informacije;

j) informacije o preiskavah kraja kaznivega dejanja, zbiraju dokazov, oceni in analizi dokazov;

k) konkretne ukrepe za zagotovitev zaščite prič;

l) izmenjavo informacij pri zasledovanju;

m) Cooperation and information exchange on crowd control at all public gatherings.

(6) Requests and replies to such requests shall be made in writing (by fax or e-mail). In case person-related data are transmitted, a secure transmission method must be chosen taking into account the sensitivity of the data. In urgent cases, requests can be made orally. However, immediately afterwards a confirmation in writing must be made. The written reply will be given only after receiving the written confirmation. The Contracting Parties shall make sure that only authorized personnel has access to the communication device used.

Article 5

Scope of Information Exchange

(1) In the course of cooperation aiming at preventing, detecting and investigating criminal offences, in particular organised crime, the law enforcement authorities of the Contracting Parties shall, upon request, exchange the following information:

a) on data of individuals involved in organised crime, intelligence on links between the suspects and persons under suspicion in relation to commission of criminal offences, their knowledge on the structure of criminal organisations and groups, and about typical behaviour patterns of suspects and persons under suspicion or suspect groups and groups under suspicion, information on prepared, attempted, or accomplished criminal offences, especially time, scene and type of crime, details on victims or victimized property, intelligence on the particular circumstances and about the relevant legal provisions, if required to prevent, detect and investigate criminal offences,

b) on methods and new forms of transborder crime,

c) on criminological and other crime-related research results, details on practice of conducting investigations, working means and methods aiming at their further development,

d) on intelligence and/or samples of items or property that were damaged during the crime, or were used or intended to commit a crime or which were the result of a committed crime,

e) on legislation in force relating to the crimes that are subject of this Convention,

f) on criminal proceeds and assets acquired through commission of or involvement in crime.

(2) When obtaining information by means of special methods, the authorities of the Contracting Parties shall cooperate in compliance with their national legislation. The Contracting Parties undertake to ensure at least the same standard of protection for data transmitted in the course of such information exchange as prescribed by the respective national legal provisions.

Article 6

Information Exchange without Request

In certain cases, the law enforcement authorities of the Contracting Parties shall provide each other with information without being requested, if, based on proven facts, there is reason to assume that such information is needed to counter concrete threats to public order and/or security, or to prevent, detect and investigate criminal offences. Regarding the information exchange, Article 4, paragraphs 3 (National Central Units), 4 (requests and replies to such requests), and 6 (requests in writing by fax or e-mail) shall apply accordingly.

Article 7

Joint Threat Analysis

The law enforcement authorities of the Contracting Parties shall aspire to possess a uniform level of information about the crime rate situation. To this end, they shall exchange status reports periodically or if a need arises, and make joint analyses at least once a year.

m) sodelovanje in izmenjavo informacij o obvladovanju množice na vseh javnih zbiranjih.

(6) Zaprosla in odgovori na zaprosila so v pisni obliki (po telefaksu ali elektronski pošti). Če se pošiljajo osebni podatki, je treba izbrati varno metodo prenosa in upoštevati občutljivost podatkov. V nujnih primerih se zaprosila lahko dajo ustno. Nemudoma pa mora slediti potrditev v pisni obliki. Pisni odgovor sledi šele po prejemu pisne potrditve. Pogodbenice zagotovijo, da ima samo pooblaščeno osebje dostop do komunikacijske naprave, ki je v uporabi.

5. člen

Obseg izmenjave informacij

(1) V okviru sodelovanja zaradi preprečevanja, odkrivanja in preiskovanja kaznivih dejanj, še posebej organiziranega kriminala, organi odkrivanja in pregona pogodbenic na podlagi zaprosila izmenjavajo:

a) podatke o osebah, vpletenih v organizirani kriminal, obveščevalne podatke o povezavah med osumljencji in osebam, za katere obstaja sum, v zvezi s storitvijo kaznivih dejanj, njihovem poznavanju strukture kriminalnih organizacij in skupin in o tipičnih vzorcih obnašanja osumljencev in oseb, za katere obstaja sum, ali skupin osumljencev in skupin, za katere obstaja sum, informacije o pripravljenih kaznivih dejanjih, poskusih kaznivih dejanj ali storjenih kaznivih dejanjih, še posebej času, kraju in vrsti dejanja, podrobnosti o žrtvah ali oškodovani lastnini, obveščevalne podatke o določenih okoliščinah in o ustreznih zakonskih določbah, če je to potrebno za preprečevanje, odkrivanje in preiskovanje kaznivih dejanj;

b) informacije o metodah in novih oblikah čezmejnega kriminala;

c) informacije o izsledkih kriminoloških in drugih kriminalističnih raziskav, podrobnostih o načinu preiskovanja, delovnih sredstvih in metodah zaradi nadaljnjega razvoja;

d) obveščevalne podatke in/ali vzorce predmetov ali lastnine, ki so bili poškodovani med kaznivim dejanjem ali uporabljeni ali naj bi bili uporabljeni za storitev kaznivega dejanja ali so posledica storitve kaznivega dejanja;

e) informacije o veljavni zakonodaji glede kaznivih dejanj iz konvencije,

f) informacije o premoženskih koristih, pridobljenih s storitvijo kaznivih dejanj ali vpletjenosti v kriminal.

(2) Pri pridobivanju informacij s pomočjo posebnih metod organi pogodbenic sodelujejo v skladu z notranjo zakonodajo. Pogodbenice se zavežejo, da bodo zagotovile vsaj tak standard varovanja podatkov, danih med izmenjavo informacij, kot ga predpisujejo notranjepravni predpisi.

6. člen

Izmenjava informacij brez zaprosila

V določenih primerih organi odkrivanja in pregona pogodbenic drug drugemu pošljajo informacije, ne da bi bili zaprošeni, če na podlagi dokazanih dejstev obstajajo razlogi za domnevo, da so take informacije potrebne za boj proti konkretnim grožnjam javnemu redu in/ali varnosti ali za preprečevanje, odkrivanje in preiskovanje kaznivih dejanj. Pri izmenjavi informacij se ustrezeno uporabljajo tretji odstavek (nacionalne centralne enote), četrти odstavek (zaprosila in odgovori na zaprosila) in šesti odstavek (zaprosila v pisni obliki po telefaksu ali elektronski pošti) 4. člena.

7. člen

Skupna analiza ogroženosti

Organji odkrivanja in pregona pogodbenic si prizadavajo, da bi imeli enotno raven informacij o stanju glede ravni kriminala. V ta namen občasno ali po potrebi izmenjajo poročila o stanju in vsaj enkrat letno opravijo skupno analizo.

Article 8**Regular Information Exchange
to Combat illegal Migration**

(1) The Contracting Parties shall exchange intelligence regularly to combat illegal border crossing and smuggling of human beings.

(2) The information to be exchanged primarily refers to migratory movements, extent, structure and possible destinations, likely migratory routes and means of transport used to illegally cross the border, and forms of organisations of the smugglers. Furthermore, intelligence and analyses that refer to the current situation shall be communicated, and, likewise, any planned measures that might be of relevance for the other Contracting Party.

Article 9**Liaison Officers**

(1) The Contracting Parties may conclude bilateral agreements providing for the secondment, for a specified or unspecified period of time, of liaison officers from one Contracting Party to the law enforcement authorities of another Contracting Party.

(2) The secondment of liaison officers for a specified or unspecified period of time is intended to advance and accelerate cooperation between the Contracting Parties, particularly by providing assistance:

a) in the form of the exchange of information for the purposes of this Convention;

b) in executing requests for mutual police assistance in criminal matters;

c) with the tasks carried out by the authorities responsible for border surveillance.

(3) Liaison officers shall have the task of providing advice and assistance. They shall not be empowered to take independent police action. They shall supply information and perform their duties in accordance with the instructions given to them by the seconding Contracting Party and by the Contracting Party to which they are seconded.

(4) The Contracting Parties may agree within a bilateral or multilateral framework that liaison officers from a Contracting Party seconded to third States shall also represent the interests of one or more other Contracting Parties. Under such agreements, liaison officers seconded to third States shall supply information to other Contracting Parties when requested to do so or on their own initiative and shall, within the limits of their powers, perform duties on behalf of such Parties. The Contracting Parties shall inform one another of their intentions with regard to the secondment of liaison officers to third States.

Article 10**Witness Protection**

(1) The law enforcement authorities of the Contracting Parties designated for the witness protection shall directly cooperate in the area of witness protection programmes.

(2) The cooperation shall, in particular, include the exchange of information, assistance as regards logistics, and taking over of persons to be protected.

(3) An Agreement will be signed for each particular case of taking over of persons to be protected, in order for mutual rights and obligations to be regulated.

(4) The person to be protected must have been placed under the witness protection programme of the requesting Contracting Party. The person to be protected will not be included in the witness protection programme of the requested Contracting Party. When taking supportive measures in connection with the protection of these persons the national legislation of the requested Contracting Party shall apply accordingly.

8. člen**Redna izmenjava informacij za boj
proti nezakonitim migracijam**

(1) Pogodbenice redno izmenjavajo obveščevalne podatke zaradi boja proti nezakonitemu prehajjanju meje in tihotapljenju oseb.

(2) Informacije, ki se izmenjavajo, se predvsem nanašajo na migracijska gibanja, obseg, strukturo in namembne kraje potovanja verjetne migracijske poti in prevozna sredstva, ki se uporabljajo za nezakonito prestopanje meje, in oblike organizacije tihotapcev. Nadalje se sporočajo obveščevalni podatki in analize, ki se nanašajo na trenutno stanje, in tudi vsakršni načrtovani ukrepi, ki bi lahko bili pomembni za drugo pogodbenico.

9. člen**Uradniki za zvezo**

(1) Pogodbenice lahko sklenejo dvostranske sporazume, ki določajo napotitev uradnikov za zvezo iz ene pogodbenice k organom odkrivanja in pregona druge pogodbenice za določen ali nedoločen čas.

(2) Napotitev uradnikov za zvezo za določen ali nedoločen čas je namenjena razširitvi in pospešitvi sodelovanja med pogodbenicami, zlasti pri zagotavljanju pomoči:

a) v obliki izmenjave informacij za namene te konvencije;

b) z izvajanjem zaprosil za medsebojno policijsko in pravno pomoč v kazenskih zadevah;

c) z nalogami, ki jih opravljajo organi, odgovorni za nadzor meje.

(3) Naloga uradnikov za zvezo je svetovanje in pomoč. Nimajo pristojnosti za samostojno opravljanje policijskih nalog. Informacije dajejo in svoje naloge opravljajo v skladu z navodili pogodbenice napotiteljice in pogodbenice, v katero so napoteni.

(4) Pogodbenice se lahko dvostransko ali večstransko dogovorijo, da uradniki za zvezo iz ene pogodbenice, ki so napoteni v tretje države, predstavljajo tudi interes ene ali več drugih pogodbenic. Po teh sporazumih uradniki za zvezo, napoteni v tretje države, dajejo informacije drugim pogodbenicam na njihovo zahtevo ali na svojo lastno pobudo in v okviru svojih pooblastil opravljajo naloge v imenu teh pogodbenic. Pogodbenice se obveščajo o svojih namerah za napotitev uradnikov za zvezo v tretje države.

10. člen**Zaščita prič**

(1) Organi odkrivanja in pregona pogodbenic, določeni za zaščito prič, neposredno sodelujejo pri programih zaščite prič.

(2) Sodelovanje vključuje izmenjavo informacij, pomoč glede logistike in prevzem zaščitenih oseb.

(3) Za vsak posamezen primer prevzema zaščitenih oseb se podpiše sporazum, ki ureja medsebojne pravice in obveznosti.

(4) Zaščitena oseba, ki bo deležna zaščite, mora biti vključena v program zaščite prič v pogodbenici prosilki. Zaščitena oseba ne bo vključena v program zaščite prič v zaprošeni pogodbenici. Pri sprejemanju podpornih ukrepov v zvezi z zaščito teh oseb se ustrezno uporablja notranja zakonodaja zaprošene pogodbenice.

(5) In principle the requesting Contracting Party shall bear the costs of living for the persons to be protected. The requested Contracting Party shall bear the expenses for personnel and material resources for the protection of these persons.

(6) For serious reasons and after having duly notified the requesting Contracting Party, the requested Contracting Party can cease the supportive measures. In this case, the requesting Contracting Party shall retake the person concerned.

Article 11

Basic and Advanced Training and Exchange of Experience

The law enforcement authorities of the Contracting Parties shall cooperate in the field of basic and advanced training, by, *inter alia*,

a) exchanging syllabi for basic and advanced training;

b) arranging joint basic and advanced training seminars and cross-border exercises as part of the cooperation laid down in this Convention;

c) inviting representatives of the law enforcement authorities of the other Contracting Party to participate in exercises and special operations as observers, and providing for mutual practical training visits;

d) permitting representatives of the law enforcement authorities of the other Contracting Party to attend advanced training courses.

Article 12

Prevention

The law enforcement authorities of the Contracting Parties shall exchange experience in the field of crime prevention and shall launch and carry out joint programmes to this effect.

Article 13

Hot Pursuit

(1) Officers of one of the Contracting Parties who are pursuing in their country an individual caught in the act of committing or participating in a criminal offence shall be allowed, subject to bilateral Implementation Agreements concluded in accordance with Article 34 paragraph 1 of this Convention, to continue pursuit in the territory of another Contracting Party without the latter's prior authorisation, where given the particular urgency of the situation, it is not possible to notify the law enforcement authorities of the other Contracting Party by one of the means provided for in Article 24 of the Convention prior to entry into that territory or where these authorities are unable to reach the scene in time to take over the pursuit.

The same shall apply where the person being pursued has escaped from provisional custody or while serving a sentence involving deprivation of liberty.

The pursuing officers shall, not later than when they cross the border, contact the law enforcement authorities of the Contracting Party in whose territory the hot pursuit is to take place. The hot pursuit will cease as soon as the Contracting Party in whose territory the pursuit is taking place so requests. At the request of the pursuing officers, the competent local authorities shall challenge the pursued person in order to establish the person's identity or to make an arrest.

(2) The bilateral Implementation agreements as referred to in paragraph 1 of this Article shall define the criminal offences for which the hot pursuit will be applicable either by way of an exhaustive list or by extending it to all extraditable criminal offences.

(3) Hot pursuit shall be carried out in accordance with one of the following procedures, defined by the bilateral Implementation Agreements as referred to in paragraph 1 and 2 of this Article:

a) The pursuing officers shall not have the right to apprehend the pursued person;

(5) Načeloma življenske stroške zaščitenih oseb krije pogodbenica prosilka. Zaprošena pogodbenica krije stroške kadrovskih in materialnih virov za zaščito teh oseb.

(6) Če so resni razlogi in potem ko je ustrezeno obvestila pogodbenico prosilko, lahko zaprošena pogodbenica preneha s podpornimi ukrepi. V tem primeru pogodbenica prosilka osebe sprejme nazaj.

11. člen

Osnovno in nadaljevalno usposabljanje in izmenjava izkušenj

Organi odkrivanja in pregona pogodbenic sodelujejo pri osnovnem in nadaljevalnem usposabljanju in med drugim:

a) izmenjavajo programe osnovnega in nadaljevalnega usposabljanja;

b) organizirajo skupne osnovne in nadaljevalne seminarje in čezmejne vaje kot del sodelovanja po tej konvenciji;

c) povabijo predstavnike organov odkrivanja in pregona druge pogodbenice, da se udeležijo vaj in posebnih operacij kot opazovalci in omogočajo medsebojne obiske za usposabljanje;

d) dovolijo predstavnikom organov odkrivanja in pregona druge pogodbenice, da se udeležijo nadaljevalnega usposabljanja.

12. člen

Preventiva

Organi odkrivanja in pregona pogodbenic izmenjavajo izkušnje na področju preventive in uvajajo ter izvajajo skupne programe v ta namen.

13. člen

Zasledovanje

(1) Uradniki ene od pogodbenic, ki v svoji državi zasledujejo posameznika, ki je bil zaleten pri storitvi ali udeležbi pri kaznivem dejanju, lahko ob upoštevanju dvostranskih izvedbenih sporazumov, sklenjenih v skladu s prvim odstavkom 34. člena te konvencije, nadaljujejo zasledovanje na območju druge pogodbenice brez njenega predhodnega dovoljenja, če zaradi nujnosti zadeve ni mogoče obvestiti organov odkrivanja in pregona druge pogodbenice na enega od načinov iz 24. člena konvencije pred vstopom na to območje ali če ti organi ne morejo pravočasno priti na kraj dogajanja, da bi prevzeli zasledovanje.

Isto velja, če je zasledovana oseba pobegnila iz pripora ali zapora.

Zasledujoči uradniki najpozneje ob prestopu meje navežo stik z organi odkrivanja in pregona pogodbenice, na območju katere bo potekalo zasledovanje. Zasledovanje preneha takoj, ko to zahteva pogodbenica, na območju katere se izvaja. Na prošnjo zasledujočih uradnikov pristojni lokalni organi ustavijo zasledovano osebo, da bi ugotovili njeno istovetnost ali da bi jo prijeli.

(2) Dvostranski izvedbeni sporazumi iz prvega odstavka tega člena določajo kazniva dejanja, za katera se lahko uporabi zasledovanje z natančnim seznamom ali z navedbo, da gre za vsa kazniva dejanja, za katera se lahko zahteva izročitev.

(3) Zasledovanje se izvaja po enem od postopkov, opredeljenih v dvostranskih izvedbenih sporazumih iz prvega in drugega odstavka tega člena:

a) zasledujoči uradniki nimajo pravice prijeti zasledovane osebe;

b) If no request to cease the hot pursuit is made and if the competent local authorities are unable to intervene quickly enough, the pursuing officers may detain the person pursued until the officers of the Contracting Party in whose territory the pursuit is taking place, who must be informed immediately, are able to establish the person's identity or make an arrest.

(4) Hot pursuit shall be carried out in accordance with paragraphs 1 and 3 and in one of the following ways as defined by the bilateral Implementation Agreements as referred to in paragraph 1 and 2 of this Article:

a) in an area or during a period as from the crossing of the border, to be established in the bilateral Implementation Agreement;

b) without limit in space or time.

(5) Hot pursuit shall be carried out only under the following general conditions:

a) The pursuing officers must comply with the provisions of this Article and with the law of the Contracting Party in whose territory they are operating; they must obey the instructions issued by the competent local authorities.

b) Pursuit shall be solely over land and blue borders.

c) Entry into private homes and places not accessible to the public is prohibited.

d) The pursuing officers shall be easily recognisable, either by their uniform, by means of an armband or by accessories fitted to their vehicles; the use of civilian clothes combined with the use of unmarked vehicles without the aforementioned identification is prohibited; the pursuing officers must at all times be able to prove that they are acting in an official capacity.

e) The pursuing officers may carry their service weapons; their use shall be prohibited except in cases of legitimate self-defence.

f) Once the pursued person has been apprehended as provided for in paragraph 3(b), for the purpose of being brought before the competent local authorities that person may only be subjected to a security search; handcuffs may be used during the transfer; objects carried by the pursued person may be seized.

g) After each operation referred to in paragraphs 1, 3 and 4, the pursuing officers shall appear before the competent local authorities of the Contracting Party in whose territory they were operating and shall report on their mission; at the request of those authorities, they shall remain at their disposal until the circumstances surrounding their action have been sufficiently clarified; this condition shall apply even where the hot pursuit has not resulted in the arrest of the person pursued.

h) The authorities of the Contracting Party from which the pursuing officers have come shall, when requested by the authorities of the Contracting Party in whose territory the hot pursuit took place, shall assist the enquiry subsequent to the operation in which they took part, including judicial proceedings, providing that the identity of the involved pursuing officer is protected.

(6) A person who, following the action provided for in paragraph 3, has been arrested by the competent local authorities may, whatever that person's citizenship, be held for questioning. The relevant rules of national law shall apply mutatis mutandis. If the person is not a national of the Contracting Party in whose territory the person was arrested, that person shall be released no later than six hours after the arrest was made, not including the hours between midnight and 9.00 a.m., unless the competent local authorities have previously received a request for that person's provisional arrest for the purposes of extradition in any form whatsoever.

(7) The officers referred to in the previous paragraphs shall be specified in the bilateral Implementation Agreements.

(8) The Contracting Parties may, on a bilateral basis, extend the scope of paragraph 1 and adopt additional provisions in implementation of this Article.

b) če ni bila dana zahteva za prekinitev zasledovanja in če pristojni lokalni organi ne morejo dovolj hitro posredovati, lahko zasledujuči uradniki pridržijo zasledovano osebo toliko časa, da lahko uradniki pogodbenice, na območju katere se izvaja zasledovanje, ki jih je treba o tem nemudoma obvestiti, ugotovijo identiteto osebe ali jo primejo.

(4) Zasledovanje se izvaja v skladu s prvim in tretjim odstavkom in po enem od postopkov, opredeljenih v dvostranskih izvedbenih sporazumih iz prvega in drugega odstavka tega člena:

a) na območju ali v času od prestopa meje, kakor se dolovi v dvostranskem izvedbenem sporazu;

b) brez omejitve območja ali časa.

(5) Zasledovanje se izvaja samo pod temi splošnimi pogoji:

a) zasledujuči uradniki morajo upoštevati določbe tega člena in zakonodajo pogodbenice, na območju katere delujejo; ravnati morajo po navodilih pristojnih lokalnih organov;

b) zasledovanje se izvaja izključno prek kopenske in modre meje;

c) vstop v zasebna stanovanja in kraje, ki niso dostopni javnosti, je prepovedan;

d) zasledujuči uradniki morajo biti enostavno prepoznavni po uniformi, traku na roki ali oznakah na svojem vozilu; uporaba civilne obleke ter neoznačenega vozila brez navedenih identifikacijskih oznak je prepovedana; zasledujuči uradniki morajo biti vedno zmožni dokazati, da opravljajo uradno dolžnost;

e) zasledujuči uradniki lahko nosijo svoje službeno orožje; uporaba orožja je prepovedana, razen v primeru zakonite samoobrambe;

f) ko je zasledovana oseba prijeta v skladu s točko b tretjega odstavka zaradi privedbe pred pristojne lokalne organe, je lahko samo varnostno pregledana; med prevozom se lahko uporabijo lisice; predmeti, ki jih ima zasledovana oseba, se lahko zasežejo;

g) po vsaki operaciji iz prvega, tretjega in četrtega odstavka se zasledujuči uradniki javijo pristojnim lokalnim organom v pogodbenici, na območju katere so delovali, in poročajo o svoji nalogi; na zahtevo teh organov so jim na razpolago, dokler okoliščine njihovega ravnanja niso dovolj pojasnjene; to velja tudi, če pri zasledovanju zasledovana oseba ni bila prijeta;

h) na zahtevo organov pogodbenice, na območju katere se je izvajalo zasledovanje, organi pogodbenice, iz katere so prišli zasledujuči uradniki, po operaciji, v kateri so sodelovali, pomagajo pri preiskavi, vključno s sodnimi postopki, če je identiteta sodelujocih zasledujučih uradnikov zaščitenata.

(6) Oseba, ki jo je po dejanju iz tretjega odstavka prijet pristojni lokalni organ, je lahko ne glede na to, katero državljanstvo ima, pridržana zaradi zaslisanja. Pri tem se smiselno uporablja notranja zakonodaja. Če ni državljan pogodbenice, na območju katere je bil prijet, se izpusti najpozneje v šestih urah po prijetju, pri čemer se ne štejejo ure med polnočjo in 9. uro zjutraj, razen če pristojni lokalni organi niso predhodno prejeli zahteve za njegovo pridržanje zaradi izročitve.

(7) Uradniki, omenjeni v prejšnjih odstavkih, bodo določeni v dvostranskih izvedbenih sporazumih.

(8) Pogodbenice lahko dvostransko razširijo področje uporabe prvega odstavka in sprejmejo dodatne določbe za izvajanje tega člena.

Article 14

Cross-border Surveillance

(1) Officers of one of the Contracting Parties who, as part of a criminal investigation, are keeping under surveillance in their country a person who is presumed to have participated in an extraditable criminal offence shall subject to bilateral Implementation Agreements concluded in accordance with Article 34 paragraph 1 of this Convention be authorised to continue their surveillance in the territory of another Contracting Party where the latter has authorised cross-border surveillance in response to a request for assistance made in advance. Conditions may be attached to the authorisation. On request, the surveillance will be entrusted to officers of the Contracting Party in whose territory this is carried out. The request for assistance referred to in the first subparagraph must be sent to an authority designated by each of the Contracting Parties and empowered to grant or to pass on the requested authorisation.

(2) Where, for particularly urgent reasons, prior request for authorisation can not be submitted from the requesting Contracting Party, the Officers carrying out the surveillance shall subject to bilateral Implementation Agreements mentioned in paragraph 1 of this Article be allowed to continue beyond the border the surveillance of a person presumed to have committed a criminal offence as mentioned in paragraph 3. In these cases, the authority of the Contracting Party in whose territory the surveillance is to be continued, must be notified immediately that the border has been crossed, and a request for assistance outlining the grounds for crossing the border without prior authorisation shall be submitted with no delay.

(3) The bilateral Implementation agreements as referred to in paragraphs 1 and 2 of this Article shall define the criminal offences mentioned in paragraph 2 either by way of an exhaustive list or by extending it to all extraditable criminal offences.

(4) Surveillance shall cease as soon as the Contracting Party in whose territory it is taking place so requests, following the notification or the request referred to in the previous paragraphs, where authorisation has not been obtained, five hours after the border was crossed.

(5) The surveillance referred to in paragraphs 1 and 2 shall be carried out only under the following general conditions:

a) The officers carrying out the surveillance must comply with the provisions of this Article and with the law of the Contracting Party in whose territory they are operating; they must obey the instructions of the competent local authorities.

b) Except in the situations outlined in paragraph 2, the officers shall, during the surveillance, carry a document certifying that authorisation has been granted.

c) The officers carrying out the surveillance must at all times be able to prove that they are acting in an official capacity.

d) The officers carrying out the surveillance may carry their service weapons during the surveillance unless specifically otherwise decided by the requested Party; their use shall be prohibited except in cases of legitimate self-defence.

e) Entry into private homes and places not accessible to the public is prohibited.

f) The officers carrying out the surveillance may neither challenge nor arrest the person under surveillance.

g) All operations shall be the subject of a report to the authorities of the Contracting Party in whose territory they took place; the officers carrying out the surveillance may be required to appear in person.

h) The authorities of the Contracting Party from which the surveillance officers have come shall, when requested by the authorities of the Contracting Party in whose territory the surveillance took place, assist the enquiry subsequent to the operation in which they took part, including judicial proceedings, provided that the identity of the involved officer is protected.

14. člen

Čezmejno tajno opazovanje oziroma sledenje

(1) Uradniki ene od pogodbenic, ki kot del preiskave kaznivega dejanja v svoji državi tajno opazujejo oziroma sledijo osebo, ki je domnevno sodelovala pri kaznivem dejanju, za katero se lahko zahteva izročitev, lahko ob upoštevanju dvostranskih izvedbenih sporazumov sklenjenih v skladu s prvim odstavkom 34. člena te konvencije, nadaljujejo svoje tajno opazovanje oziroma sledenje na območje druge pogodbenice, če je dovolila čezmejno tajno opazovanje oziroma sledenje na podlagi vnaprejšnjega zaprosila za pomoč. Dovoljenju se lahko dodajo pogoji. Na zahtevo se lahko tajno opazovanje oziroma sledenje poveri uradnikom pogodbenice, na območju katere se tajno opazovanje oziroma sledenje izvaja. Zaprosilo za pomoč iz prvega stavka je treba poslati organu, ki ga imenuje vsaka pogodbenica in ima pooblastilo za odobritev ali pošiljanje zahtevanega dovoljenja.

(2) Kadar zaradi posebno nujnih razlogov pogodbenica prosilka ne more vložiti predhodnega zaprosila za dovoljenje, lahko uradniki, ki izvajajo tajno opazovanje oziroma sledenje ob upoštevanju dvostranskih izvedbenih sporazumov, omenjenih v prvem odstavku tega člena, čezmejno nadaljujejo tajno opazovanje oziroma sledenje osebe, ki je domnevno storila kaznivo dejanje iz tretjega odstavka. V teh primerih je treba organ pogodbenice, na območju katere se bo tajno opazovanje oziroma sledenje nadaljevalo, nemudoma obvestiti, da so prestopili mejo, in brez odlašanja vložiti zaprosilo za pomoč, v katerem so navedeni razlogi za prestop meje brez predhodnega dovoljenja.

(3) Dvostranski izvedbeni sporazumi iz prvega in drugega odstavka tega člena določajo kazniva dejanja iz drugega odstavka z natančnim seznamom ali navedbo, da gre za vsa kazniva dejanja, za katera se lahko zahteva izročitev.

(4) Tajno opazovanje oziroma sledenje preneha takoj, ko to zahteva pogodbenica, na območju katere se izvaja, na podlagi obvestila ali zaprosila iz prejšnjih odstavkov, če dovoljenje ni bilo pridobljeno, pa v petih urah po prestopu meje.

(5) Tajno opazovanje oziroma sledenje iz prvega in drugega odstavka se izvaja samo v skladu s temi splošnimi pogoji:

a) uradniki, ki izvajajo tajno opazovanje oziroma sledenje, morajo upoštevati določbe tega člena in zakonodajo pogodbenice, na območju katere delujejo; ravnati morajo po navodilih pristojnih lokalnih organov;

b) razen v primerih iz drugega odstavka morajo imeti uradniki med tajnim opazovanjem oziroma sledenjem pri sebi dokument, ki potrjuje, da je bilo dovoljenje izdano;

c) uradniki, ki izvajajo tajno opazovanje oziroma sledenje, morajo biti vedno zmožni dokazati, da opravljajo uradno dolžnost;

d) uradniki, ki izvajajo tajno opazovanje oziroma sledenje, lahko med tajnim opazovanjem oziroma sledenjem nosijo svoje službeno orožje, razen če zaprošena pogodbenica posebej ne določi drugače; uporaba orožja je prepovedana, razen v primerih zakonite samoobrambe;

e) vstop v zasebna stanovanja in kraje, ki niso dostopni javnosti, je prepovedan;

f) uradniki, ki izvajajo tajno opazovanje oziroma sledenje, ne smejo tajno opazovane oziroma osebe, ki ji sledijo, niti pozvati k predaji niti ji odvzeti prostosti;

g) vse operacije je treba opisati v poročilu organom pogodbenice, na območju katere se izvajajo; lahko se zahteva, da uradniki, ki izvajajo tajno opazovanje oziroma sledenje, poročajo osebno;

h) na zahtevo organov pogodbenice, na območju katere se je izvajalo tajno opazovanje oziroma sledenje, organi pogodbenice, iz katere so prišli uradniki, ki so opravljali tajno opazovanje oziroma sledenje, po operaciji, v kateri so sodelovali, pomagajo pri preiskavi, vključno s sodnimi postopki, če je identiteta sodelujočih uradnikov zaščitena.

(6) The officers referred to in the previous paragraphs shall be specified in the bilateral Implementation Agreements.

(7) The Contracting Parties may, by way of bilateral Implementation Agreement, extend the scope of this Article and adopt additional measures in application thereof.

Article 15

Controlled Delivery

(1) Upon Letter of Request from a Contracting Party, another Contracting Party can, in case of investigations for extraditable offences, if appropriate, permit controlled delivery on its territory, especially of transport of narcotic drugs, precursors, firearms, explosives, counterfeit currency, and items originating from a crime, or intended to be used to commit a crime, if the requesting Contracting Party explains that, without such a measure, identification of perpetrators or of distributing routes would be impossible or extremely hampered. If the content of a controlled delivery presents a particular risk for the persons involved, or a danger to the public, the requested Contracting Party has the right to ask that certain conditions be met before granting the request or refuse the request altogether.

(2) The requested Contracting Party shall take control over the delivery when it crosses the border, or at a place of taking over agreed by the law enforcement authorities, in order to avoid interruption of control, and guarantees permanent surveillance of the shipment in a manner that enables police intervention at any time. After takeover by the requested Contracting Party, officers of the requesting Contracting Party can continue to follow the controlled delivery together with officers of the requested Contracting Party, upon agreement with the requested Contracting Party.

(3) The officers of the requesting Contracting Party are obliged to observe the laws of the requested Contracting Party.

(4) If the competent law enforcement authorities of the requested Contracting Party cannot intervene in due time, and if continuation of the controlled delivery would present a serious risk for life or health of persons, or cause serious damage to property, or if the delivery could no longer be kept under control, the officer of the requesting Contracting Party can seize the controlled delivery. If necessary, the officers of the requesting Contracting Party can stop and apprehend persons who escort the shipment until intervention by law enforcement authorities of the requested Contracting Party. In any case the requesting Contracting Party shall inform the law enforcement authorities of the requested Contracting Party without delay.

(5) When a controlled delivery has been seized on the territory of the requested Contracting Party, it may be handed over to the requesting Contracting Party on the basis of a Letter of Request.

(6) A person who, following the action provided for in paragraph 4, has been arrested by the competent local authorities may, whatever that person's citizenship, be held for questioning. The relevant rules of national law shall apply *mutatis mutandis*.

(7) If the person is not a national of the Contracting Party in whose territory he/she was arrested, that person shall be released no later than six hours after the arrest was made, not including the hours between midnight and 9.00 a.m., unless the competent local authorities have previously received a request for that person's provisional arrest for the purposes of extradition in any form whatsoever.

(8) In the course of a controlled delivery, the provisions of Article 14, paragraph 5, sub-paragraph a) to c) and e) to h) shall apply accordingly for the officers of the requesting Contracting Party.

(9) An official Letter of Request, demanding a controlled delivery, over which control begins or is continued into a third State, shall be granted only if in the request is indicated that the conditions set out in paragraph 2 are also met by the third State.

(6) Uradniki iz prejšnjih odstavkov se določijo v dvostranskih izvedbenih sporazumih.

(7) Pogodbenice lahko z dvostranskim izvedbenim sporazumom razširijo področje uporabe tega člena in sprejmejo dodatne ukrepe za njegovo uporabo.

15. člen

Nadzorovana pošiljka

(1) Na zaprosilo pogodbenice lahko druga pogodbenica med preiskovanjem kaznivih dejanj, za katera se lahko zahteva izročitev, po potrebi dovoli nadzorovan pošiljko na svojem območju, še posebej prevoz prepovedanih drog, predhodnih sestavin, orožja, eksploziva, ponarejenega denarja in predmetov, ki izvirajo iz kaznivega dejanja ali so namenjeni za storitev kaznivega dejanja, če pogodbenica prosilka pojasni, da bi bila brez tega ukrepa identifikacija storilcev ali distribucijskih poti nemogoča ali močno ovirana. Če vsebina nadzorovane pošiljke pomeni posebno nevarnost za sodelujoče osebe ali za javnost, ima zaprošena pogodbenica pravico zahtevati, da so izpolnjeni določeni pogoji, preden ugodi zaprosilu, ali pa zaprosilo v celoti zavrne.

(2) Zaprošena pogodbenica prevzame nadzor nad pošiljko ob prestopu meje ali pa na kraju prevzema, za katerega so se dogovorili organi odkrivanja in pregona, da nadzor ne bi bil prekinjen, in zagotovi stalno nadzorovanje pošiljke, tako da je kadar koli omogočeno posredovanje policije. Potem ko zaprošena pogodbenica prevzame nadzor, lahko uradniki pogodbenice prosilke nadaljujejo spremeljanje nadzorovane pošiljke skupaj z uradniki zaprošene pogodbenice po dogovoru z zaprošeno pogodbenico.

(3) Uradniki pogodbenice prosilke morajo spoštovati zakone zaprošene pogodbenice.

(4) Če pristojni organi odkrivanja in pregona zaprošene pogodbenice ne morejo pravočasno posredovati in če bi nadaljevanje nadzora pošiljke pomenilo resno nevarnost za življenje ali zdravje ljudi ali povzročilo resno materialno škodo ali če pošiljke ne bi bilo več mogoče imeti pod nadzorom, jo lahko uradniki pogodbenice prosilke zasežejo. Po potrebi lahko uradniki pogodbenice prosilke ustavijo in primejo osebe, ki spremljajo pošiljko, do posredovanja organov odkrivanja in pregona zaprošene pogodbenice. V vsakem primeru pogodbenica prosilka brez odlašanja obvesti organe odkrivanja in pregona zaprošene pogodbenice.

(5) Kadar je nadzorovana pošiljka zasežena na območju zaprošene pogodbenice, se lahko izroči pogodbenici prosilki na podlagi zaprosila.

(6) Oseba, ki jo je po dejanju iz četrtega odstavka prijet pristojni lokalni organ, je lahko ne glede na to, katero državljanstvo ima, pridržana zaradi zaslisanja. Pri tem se smiselno uporabljajo notranjepravni predpisi.

(7) Če oseba ni državljan pogodbenice, na območju katerje je bila prijeta, se izpusti najpozneje v šestih urah po prijetju, pri čemer se ne štejejo ure med polnočjo in 9. uro zjutraj, razen če niso pristojni lokalni organi predhodno prejeli kakršne kolikor zahteve za njeno pridržanje zaradi izročitve.

(8) Med nadzorovano pošiljko se za uradnike pogodbenice prosilke ustrezno uporablja določbe točk pododstavkov od a do c in od e do h petega odstavka 14. člena.

(9) Uradnemu zaprosilu za nadzorovano pošiljko, pri kateri se nadzor začne ali nadaljuje v tretji državi, bo ugodeno samo, če je v zaprosilu navedeno, da pogoje iz drugega odstavka izpolnjuje tudi tretja država.

Article 16

Undercover Investigations to Investigate Crimes

(1) In the course of investigations for criminal offences, a Contracting Party can, on the basis of a request received in advance, consent to the deployment of officers of the requesting Contracting Party under the terms of its legislation, who can play the role of an agent, or a person performing a controlled purchase (hereafter referred to as "undercover investigator"). The requesting Contracting Party shall make such a request only if the investigation of the criminal offence would otherwise be impossible or extremely impeded. The true identity of the officer need not be revealed in the request.

(2) Undercover investigations on the territory of the requested Contracting Party shall be restricted to single, temporary operations. Preparations of these operations shall be done by way of coordination between the officers involved from the Contracting Parties. The deployment of an undercover investigator and the execution of the actions taken by the undercover investigator shall be managed by the requested Contracting Party. The requested Contracting Party is responsible for the action taken by an undercover investigator of the requesting Contracting Party, and can, at any time, demand the termination of the operation.

(3) The deployment of undercover investigators under this Article, the conditions under which the operation is carried out and the terms for the use of the investigation results shall depend upon the legislation of that Contracting Party on whose territory the undercover investigator is deployed.

(4) The requested Contracting Party shall grant the undercover investigator all necessary support in form of personnel, including the presence of his handler, logistics and technical equipment, and shall take all necessary measures to protect the undercover investigator during the operation on its territory.

(5) Due to extreme urgency, in case there is a serious danger that the identity of the undercover investigator can be revealed, the deployment of an undercover investigator on the territory of the other Contracting Party shall be admissible without prior consent as outlined in paragraph 1. In these cases, the preconditions for the deployment of the undercover investigator on the territory of the other Contracting Party must be met. The activities of the undercover investigator must be restricted to the extent absolutely essential for maintaining his/her cover story or his/her security. The requested Contracting Party shall be notified of the deployment without delay, and can, at any time, demand the termination of the operation.

(6) Paragraphs 1 to 4 shall apply accordingly in cases where a Contracting Party requests the deployment of an undercover investigator of the other Contracting Party on its territory. In such cases, unless otherwise agreed upon, the requesting Contracting Party shall bear the costs of the operation.

(7) The Contracting Parties shall take all necessary precautions to keep the undercover investigator's identity secret and to guarantee his/her security, also after his/her deployment is over.

Article 17

Undercover Investigations to Prevent Criminal Offences

(1) As far as permissible under the respective national legislation, undercover investigations to prevent extraditable crimes can be carried out on the territory of the other Contracting Party, if consent has been given to this cross-border undercover investigation upon prior receipt of a request.

(2) Article 16 shall apply accordingly.

16. člen

Tajno preiskovanje kaznivih dejanj

(1) Med preiskovanjem kaznivih dejanj lahko pogodbenica po določbah svoje zakonodaje na podlagi vnaprejšnjega zaprosila pristane na napotitev uradnikov pogodbenice prosilke v vlogi agenta ali osebe, ki opravi nadzorovan nakup (v nadaljevanju "tajni preiskovalec"). Pogodbenica prosilka za to zaprosi samo, če bi bila preiskava kaznivega dejanja sicer nemogoča ali močno ovirana. V zaprosilu ni treba razkriti prave identitete uradnika.

(2) Tajne preiskave na območju zaprošene pogodbenice so omejene na posamezne časovno omejene operacije. Priprave na te operacije se izvedejo z usklajevanjem med sodelujočimi uradniki iz pogodbenic. Zaprošena pogodbenica napoti tajnega preiskovalca in usmerja njegovo delovanje. Zaprošena pogodbenica je odgovorna za dejanja tajnega preiskovalca pogodbenice prosilke in lahko kadar koli zahteva prenehanje operacije.

(3) Napotitev tajnih preiskovalcev po tem členu, pogoji, pod katerimi se operacija izvaja, in pogoji za uporabo izsledkov preiskave so odvisni od zakonodaje pogodbenice, na območje katere je tajni preiskovalec napoten.

(4) Zaprošena pogodbenica tajnemu preiskovalcu zagotavlja vso potrebo pomoč v obliki osebja, vključno s prisotnostjo osebe, ki ga usmerja, logistike in tehnične opreme in sprejme vse potrebne ukrepe za zaščito tajnega preiskovalca med operacijo na njenem območju.

(5) Zaradi izredne nujnosti, če obstaja resna nevarnost, da lahko pride do razkritja identitete tajnega preiskovalca, je dopustna napotitev tajnega preiskovalca na območje druge pogodbenice brez predhodnega soglasja iz prvega odstavka. V teh primerih morajo biti izpolnjeni pogoji za napotitev tajnega preiskovalca na območje druge pogodbenice. Dejavnosti tajnega preiskovalca morajo biti omejene na tiste, ki so absolutno nujne za vzdrževanje njegove neprepoznavnosti ali njegove varnosti. Zaprošena pogodbenica je nemudoma obveščena o napotitvi in lahko kadar koli zahteva prenehanje operacije.

(6) Prvi do četrtega odstavka se ustrezeno uporablijo, ko pogodbenica zaprosi za napotitev tajnega preiskovalca druge pogodbenice na svoje območje. V takih primerih stroške operacije krije pogodbenica prosilka, če ni dogovorjeno drugače.

(7) Pogodbenice sprejmejo vse potrebne previdnostne ukrepe za ohranjanje tajnosti identitete tajnega preiskovalca in za zagotovitev njegove varnosti tudi po prenehanju njegove napotitve.

17. člen

Tajno preiskovanje za preprečevanje kaznivih dejanj

(1) Če notranja zakonodaja dopušča, se tajne preiskave za preprečevanje kaznivih dejanj, za katera se lahko zahteva izročitev, lahko opravljajo na območju druge pogodbenice, če je bilo dano soglasje za čezmejno tajno preiskovanje po predhodnem prejetju zaprosila.

(2) Ustrezeno se uporablja 16. člen.

Article 18

Request to Collect Evidence in Case of Imminent Danger

(1) In case of imminent danger, requests can be made by the respective law enforcement authorities as far authorized to do so under national law, to collect evidence including physical examinations, as well as searches and seizures, as far as provided for by national legislation. The requests shall be addressed directly to the competent law enforcement authority.

(2) The execution of the request, including the determination whether there is indeed imminent danger, shall depend on the law of the requested Contracting Party, which will inform, without delay, the requesting Contracting Party about it.

(3) If the request referred in paragraph 1 was not made by a judicial authority, the judicial authority in charge shall be notified without delay that the request was made, including of the special circumstances of the case implying imminent danger.

(4) As far as the law of the requested Contracting Party requires a court order for giving or upholding the measure on the requested Contracting Party's territory, an order or explanation by the competent court of the requesting Contracting Party shall be filed subsequently, without delay. The Contracting Parties shall inform each other about the relevant provisions of their national law.

(5) The transmission of the results of the measures taken to the requesting Contracting Party shall require an official letter rogatory by the competent judicial authority. If the results of the measures taken need to be transmitted as a matter of urgency, the requested authority can transmit the results directly to the requesting authority. In case the requested authority is not a judicial authority, the transmission of the results shall require prior consent by the competent judicial authority.

Article 19

Request for Physical Examination

(1) As far as permitted under the law of the requested Contracting Party, the Contracting Parties, through the law enforcement authorities, shall provide each other mutual assistance with regard to physical examination of the suspect and other individuals.

(2) Requests under paragraph 1 shall be granted only if,

a) the examination is required to determine facts of relevance to the case and is commensurate to the seriousness of the criminal offence;

b) an order for physical examination is submitted by a service authorized to do so under national law of the requesting Contracting Party, or it is obvious from a message sent by such a service that the preconditions for an examination have been met, if the suspect or the other persons are staying on the territory of the requesting Contracting Party.

Article 20

Transmission and Comparison of DNA-Profiles and other Identification Material

(1) In the course of pending investigations or penal proceedings, and with respect to missing persons and unidentified bodies, the competent services of the Contracting Parties shall grant each other mutual assistance by exchange and searching DNA-profiles and other Identification Material in their databases as provided for under their respective national legislation. The results thereof shall be made known as soon as possible to the competent services of the requesting Contracting Party. For this purpose, the Interpol-DNA-form in the version valid at the time of the request shall be used. If typing of the biological material is considered necessary to increase the bio-statistical accuracy, the requested Contracting Party shall, as far as feasible and commensurate, take care of such typing of the biological material. Any expenses arising from such action shall be refunded to the requested Contracting Party.

18. člen

Zaprosilo za zbiranje dokazov ob neposredni nevarnosti

(1) Ob neposredni nevarnosti lahko organi odkrivanja pregona, če so za to pristojni po notranji zakonodaji, zaprosijo za zbiranje dokazov vključno s telesno preiskavo in drugimi preiskavami in zasegi, kot določa notranja zakonodaja. Zaprosilo se pošlje neposredno pristojnemu organu odkrivanja in pregona.

(2) Izpolnitev zaprosila, vključno z ugotovitvijo, ali gre resnično za neposredno nevarnost, je odvisna od zakonodaje zaprošene pogodbenice, ki o tem takoj obvesti pogodbenico prosilko.

(3) Če zaprosila iz prvega odstavka ni poslal sodni organ, je treba pristojni sodni organ nemudoma uradno obvestiti o tem, da je bilo zaprosilo poslano, ter o posebnih okoliščinah primera, ki povzroča neposredno nevarnost.

(4) Če se po zakonodaji zaprošene pogodbenice za izvedbo ali potrditev ukrepa na območju zaprošene pogodbenice zahteva sodni nalog, pozneje pristojno sodišče pogodbenice prosilke nemudoma izda nalog ali pojasnilo. Pogodbenici se obvestita o ustreznih določbah svoje notranje zakonodaje.

(5) Za sporočanje izsledkov izvedenih ukrepov pogodbenici prosilki je potrebno uradno zaprosilo za mednarodno pravno pomoč pristojnega sodnega organa. Če je treba izsledke izvedenih ukrepov sporočiti takoj, jih lahko zaprošeni organ pošlje neposredno organu prosilcu. Če zaprošeni organ ni sodni organ, je za sporočanje izsledkov potrebno predhodno soglasje pristojnega sodnega organa.

19. člen

Zaprosilo za telesno preiskavo

(1) Skladno z zakonodajo zaprošene pogodbenice si pogodbenici prek organov odkrivanja in pregona pomagata pri telesnih preiskavah osumljencev in drugih oseb.

(2) Zaprošilom iz prvega odstavka se ugodi:

a) če je preiskava potrebna zaradi ugotavljanja pomembnih dejstev primera in če je sorazmerna s težo kaznivega dejanja;

b) če za to po notranji zakonodaji pogodbenice prosilke pooblaščena služba predloži nalog za telesno preiskavo ali če je iz sporočila te službe razvidno, da so izpolnjeni pogoji za tako preiskavo, če se osumljenc ali druge osebe zadržujejo na območju pogodbenice prosilke.

20. člen

Pošiljanje in primerjava profilov DNK in drugega identifikacijskega materiala

(1) Med tekočimi preiskavami ali kazenskimi postopki in glede pogrešanih oseb ter neidentificiranih trupel si pristojne službe pogodbenic medsebojno pomagajo z izmenjavo in iskanjem profilov DNK in drugega identifikacijskega materiala v svojih podatkovnih zbirkah skladno z notranjo zakonodajo. Izsledki v zvezi s tem se čim prej sporočijo pristojnim službam pogodbenice prosilke. Za ta namen se uporabi Interpolov obrazec o DNK v različici, ki je veljavna v času zaprosila. Če je za večjo biometrično natančnost potrebno označevanje biološkega materiala, za to poskrbi zaprošena pogodbenica, če je to mogoče in primerno. Morebitni s tem povezani stroški se povrnejo zaprošeni pogodbenici.

(2) If DNA-database search as outlined in paragraph 1 has remained negative, the requested Contracting Party shall save the DNA-profile obtained as laid down in paragraph 1 for the purpose of DNA-database-search as provided for under its national law in its database, if asked to do so by requesting Contracting Party.

(3) If the DNA-profile of a certain person staying in the requested Contracting Party is not available, the requested Contracting Party shall grant legal assistance by obtaining and analysing molecular-genetic material of this person, and transmitting the DNA-profiles obtained therefore, if

a) the requesting Contracting Party advises the purpose of the same;

b) the requesting Contracting Party submits an analysis request or order as required under its law to the competent service, indicating that there would be justified grounds for collecting and analysing the molecular-genetic material, would the person be staying on the territory of the requesting Contracting Party, and

c) the conditions for obtaining and analysing molecular-genetic material under the law of the requested Contracting Party have been met;

d) the requested Contracting Party shall be refunded any costs arising from doing so.

(4) Requests can also be transmitted by the competent police authorities of both Contracting Parties and dealt with through the same channels.

Article 21

Authorities responsible for Requests as defined in Chapter I

(1) The respective Law Enforcement Authorities which have been listed by the Contracting Parties in the Attached Lists referred to in Article 37 shall be responsible for requests referred to in Articles 15, 16, 17, 18, 19 and 20.

(2) Copies of the requests referred to in paragraph 1 shall be transmitted to the National Central Unit described in Article 4 paragraph 3.

Article 22

Legal Status of operating Officers

For the purpose of this Convention, officers operating in the territory of another Contracting Party shall be regarded as officers of that Party with respect to offences committed against them or by them.

Article 23

Liability of operating Officers

(1) Where, for the purpose of this Convention, officers of a Contracting Party are operating in the territory of another Contracting Party, the first Contracting Party shall be liable for any damage caused by them during their operations, under the law of the Contracting Party in whose territory they are operating.

(2) The Contracting Party in whose territory the damage referred to in paragraph 1 was caused shall provide for its reparation or compensation under same conditions applicable to damages caused by its own officers.

(3) The Contracting Party whose officers have caused damage to any person in the territory of another Contracting Party shall reimburse the latter in full any sums it has paid to the victims or persons entitled on their behalf.

(2) Če pri iskanju v zbirki podatkov DNK iz prvega odstavka ni zadetkov, zaprošena pogodbenica profil DNK, pridobljen skladno s prvim odstavkom, shrani v svojo podatkovno zbirko zaradi iskanja po zbirki podatkov DNK, kakor je predpisano z njeno notranjo zakonodajo, če za to zaprosi pogodbenica prosilka.

(3) Če profil DNK osebe, ki prebiva v zaprošeni pogodbenici, ni na voljo, ta pogodbenica ponudi pravno pomoč s pridobitvijo in analizo molekularno genetskega materiala te osebe in s pošiljanjem tako pridobljenih profilov DNK, če:

a) pogodbenica prosilka navede njihov namen;

b) pogodbenica prosilka pristojni službi predloži zaprošilo ali nalog za analizo skladno s svojo zakonodajo, v kateri je navedeno, da bi obstajali utemeljeni razlogi za odvzem in analizo molekularno genetskega materiala, če bi bila oseba na območju pogodbenice prosilke;

c) so po zakonodaji zaprošene pogodbenice izpolnjeni pogoji za pridobitev in analizo molekularno genetskega materiala;

d) se zaprošeni pogodbenici povrnejo vsi s tem povezani stroški.

(4) Zaprošila lahko pošiljajo in obravnavajo tudi pristojni policijski organi obeh pogodbenic.

21. člen

Organi, odgovorni za zaprosila, opredeljena v I. poglavju

(1) Za zaprosila iz 15., 16., 17., 18., 19. in 20. člena so odgovorni organi odkrivanja in pregona, ki so jih pogodbenice navedle v priloženih seznamih iz 37. člena.

(2) Kopije zaprosil iz prvega odstavka se pošljejo nacionalni centralni enoti, navedeni v tretjem odstavku 4. člena.

22. člen

Pravni status uradnikov, ki delujejo na območju druge pogodbenice

Za namen te konvencije se uradniki, ki delujejo na območju druge pogodbenice, glede kaznivih dejanj, storjenih proti njim ali ki jih sami storijo, obravnavajo kot uradniki te pogodbenice.

23. člen

Odgovornost uradnikov, ki delujejo na območju druge pogodbenice

(1) Kadar za namen te konvencije uradniki ene pogodbenice delujejo na območju druge pogodbenice, je prva odgovorna za vso škodo, ki jo povzročijo med opravljanjem svojih nalog, v skladu z zakonodajo pogodbenice, na območju katere delujejo.

(2) Pogodbenica, na območju katere je bila povzročena škoda iz prvega odstavka, zagotovi povrnitev ali nadomestilo škode pod enakimi pogoji, ki veljajo za škodo, ki jo povzročijo njeni uradniki.

(3) Pogodbenica, uradniki katere povzročijo škodo osebi na območju druge pogodbenice, tej pogodbenici v celoti povrne zneske, ki jih je izplačala oškodovancem ali osebam, ki so namesto njih upravičene do odškodnine.

Article 24**Technical Measures for Facilitating Transborder Cooperation**

(1) In accordance with the relevant international agreements and account being taken of local circumstances and technical possibilities, the Contracting Parties shall install, in particular in border areas, telephone, radio, and telex lines and other direct links to facilitate police cooperation, in particular for the timely transmission of information for the purposes of police cooperation, as stipulated in this Convention.

(2) In addition to these short-term measures, they will consider, in particular, the following options:

- a) exchange equipment or post liaison offers provided with appropriate radio equipment;
- b) widen the frequency bands used in border areas;
- c) establish common links for police services operating in these same areas;
- d) coordinate their programmes for the procurement of communications equipment, with a view to installing standardised and compatible communications systems.

(3) In accordance with mutual agreements, Contracting Parties may also arrange joint use of other types of technical equipment and other means, owned by one or more of the Contracting Parties.

Article 25**Establishments providing Accommodations**

(1) The Contracting Parties shall adopt the necessary measures in order to ensure that:

- a) the managers of establishments providing accommodation or their agents warrant that aliens complete and sign registration forms and confirm their identity by producing a valid identity document;
- b) the completed registration forms will be kept by the law enforcement authorities or forwarded to them where such authorities deem this necessary for the prevention of threats, for criminal investigations or for clarifying the circumstances of missing persons or accident victims, save where national law provides otherwise.

(2) Paragraph 1 shall apply mutatis mutandis to persons staying in any commercially rented accommodation, in particular tents, caravans and boats. Aliens are persons who are not nationals of the Contracting Party where the accommodation is provided and registration made.

CHAPTER II: TERMS OF COOPERATION**Article 26****Joint Cooperation and Cross-border Search Operations**

(1) If the need arises, the law enforcement authorities of the Contracting Parties shall form mixed analysis working groups and other working groups, as well as, control and surveillance teams in which officers of a Contracting Party take a supportive and advisory role, in order to intensify the cooperation during operations in the territory of the other Contracting Party, without independently exercising sovereign powers.

(2) The law enforcement authorities of the Contracting Parties in the border regions shall participate in cross-border search operations for fugitive suspects. The National Central Units shall be involved in cases of super-regional significance.

24. člen**Tehnični ukrepi za lažje čezmejno sodelovanje**

(1) V skladu z ustreznimi mednarodnimi sporazumi ter z upoštevanjem lokalnih razmer in tehničnih možnosti pogodbenice zlasti na obmejnih območjih namestijo telefonske, radijske in teleks zveze ter druge neposredne povezave za lažje policijsko sodelovanje, predvsem za pravočasno obveščanje zaradi policijskega sodelovanja, kot je določeno s to konvencijo.

(2) Poleg teh kratkoročnih ukrepov proučijo še te možnosti:

- a) izmenjavo opreme ali napotitev uradnikov za zvezo z ustreznim radijskim opremom;
- b) razširitev frekvenčnih pasov, ki se uporabljajo na obmejnih območjih;
- c) vzpostavitev skupnih zvez za policijske službe, ki delujejo na teh območjih;
- d) uskladitev programov za nabavo komunikacijske opreme zaradi namestitev standardiziranih in združljivih komunikacijskih sistemov.

(3) Skladno z medsebojnimi sporazumi se lahko pogodbenice dogovorijo tudi za skupno uporabo drugih vrst tehnične opreme in drugih sredstev, ki so last ene ali več pogodbenic.

25. člen**Ustanove, ki zagotavljajo nastanitev**

(1) Pogodbenice sprejmejo potrebne ukrepe, s katerimi zagotovijo:

a) da vodje ustanov, ki zagotavljajo nastanitev, ali njihovi predstavniki jamčijo, da tuji izpolnijo in podpišejo prijavne obrazce in potrdijo svojo istovetnost z veljavnim osebnim dokumentom;

b) da izpolnjene prijavne obrazce hranijo organi odkrivanja in pregona ali se jim pošljejo, kadar ti organi menijo, da je to potrebno zaradi preprečevanja groženj, kriminalističnih preiskav ali zaradi pojasnitve okoliščin pogrešanih oseb ali žrtev nesreč, razen če notranja zakonodaja ne določa drugače.

(2) Prvi odstavek se smiselno uporablja tudi za osebe, ki prebivajo v katerem koli komercialno najetem bivališču, zlasti v šotorih, prikolicah in plovilih. Tuji so osebe, ki niso državljeni pogodbenice, v kateri je zagotovljena nastanitev in opravljena prijava.

II. POGLAVJE: POGOJI SODELOVANJA**26. člen****Skupno sodelovanje in čezmejne operacije iskanja**

(1) Za krepitev sodelovanja pri operacijah na območju druge pogodbenice organi odkrivanja in pregona pogodbenic po potrebi oblikujejo skupne analitične in druge delovne skupine, za nadzor in tajno opazovanje oziroma sledenje, v katerih imajo uradniki prve pogodbenice podporno in svestovalno vlogo, ne da bi pri tem neodvisno uveljavljali poublastila.

(2) Organi odkrivanja in pregona pogodbenic na obmejnih območjih sodelujejo pri čezmejnem iskanju osumljencev na begu. Nacionalne centralne enote sodelujejo pri primerih nadregijskega pomena.

(3) The authorities shall cooperate in the search for missing persons.

(4) When officials of a Contracting Party are operating in the territory of another Contracting Party, they will be authorised to wear their uniforms and service weapons and to carry other means of force, except if the other Contracting Party on whose territory the operation is carried out, will declare that this is not allowed or only allowed under certain circumstances.

(5) The use of service weapons is only allowed in the case of self defence.

Article 27

Joint Investigation Teams

(1) By mutual agreement, the law enforcement authorities of two or more Contracting Parties may set up a joint investigation team for a specific purpose and a limited period, which may be extended by mutual consent, to carry out criminal investigations in one or more of the Contracting Parties setting up the team. The composition of the team shall be set out in the agreement setting up the team.

(2) A joint investigation team may, in particular, be set up where:

a) a Contracting Party's investigations into criminal offences require difficult and demanding investigations having links with other Contracting Parties;

b) a number of Contracting Parties are conducting investigations into criminal offences in which the circumstances of the case necessitate coordinated, concerted action in the Contracting Parties involved.

(3) A request for the setting up of a joint investigation team may be made by any of the Contracting Party concerned. The team shall be set up in one of the Contracting Party in which the investigations are expected to be carried out.

(4) Requests for the setting up of a joint investigation team shall include the authority making the request, the purpose of the joint investigation team, the Contracting Parties in which the joint investigation team will operate and proposals for the composition of the joint investigation team.

(5) A joint investigation team shall operate in the territory of the Contracting Parties setting up the team under the following general conditions:

a) the leader of the team shall be a representative of the law enforcement authority participating in criminal investigations from the Contracting Party in which the team operates. The leader of the team shall act within the limits of his or her competence under national law;

b) the team shall carry out its operations in accordance with the law of the Contracting Party in which it operates. The members of the team shall carry out their tasks under the leadership of the person referred to in subparagraph (a), taking into account the conditions set by their own authorities in the agreement on setting up the team.

(6) In this Article, members of the joint investigation team from Contracting Parties other than the Contracting Party in which the team operates are referred to as being "seconded" to the team.

(7) Seconded members of the joint investigation team shall be entitled to be present when investigative measures are taken in the Contracting Party of operation. However, the leader of the team may, for particular reasons, in accordance with the law of the Contracting Party where the team operates, decide otherwise.

(8) Seconded members of the joint investigation team may, in accordance with the law of the Contracting Party where the team operates, be entrusted by the leader of the team with the task of taking certain investigative measures where this has been approved by the law enforcement authorities of the Contracting Party of operation and the seconding Contracting Party.

(3) Organi sodelujejo pri iskanju pogrešanih oseb.

(4) Kadar uradniki pogodbenice delujejo na območju druge pogodbenice, smejo nositi svojo uniformo in službeno orožje ter druga prisilna sredstva, razen če pogodbenica, na območju katere poteka operacija, ne izjavi, da tega ne dovoljuje, oziroma le v določenih okoliščinah.

(5) Uporaba službenega orožja je dovoljena samo v primeru samoobrambe.

27. člen

Skupne preiskovalne skupine

(1) Organi odkrivanja in pregona dveh ali več pogodbenic lahko s sporazumom za poseben namen in določeno časovno obdobje, ki se lahko soglasno podaljša, ustanovijo skupno preiskovalno skupino za preiskave kaznivih dejanj v eni ali več pogodbenicah, ki jo ustanavlja. Sestava se določi s sporazumom o ustanovitvi.

(2) Skupna preiskovalna skupina se lahko ustanovi zlasti, če:

a) so za preiskave kaznivih dejanj, ki jih vodi ena pogodbenica, potrebne zahtevne in težavne preiskave, ki se navezujejo na druge pogodbenice;

b) več pogodbenic preiskuje kazniva dejanja, pri katerih okoliščine primera zahtevajo usklajeno delovanje vseh vključenih pogodbenic.

(3) Za ustanovitev skupne preiskovalne skupine lahko zaprosi katera koli pogodbenica. Skupina se ustanovi v eni od pogodbenic, v kateri bodo predvidoma potekale preiskave.

(4) V zaprosilu za ustanovitev skupne preiskovalne skupine se navedejo organ, ki vлага zaprosilo, namen skupine, pogodbenice, v katerih bo skupina delovala, in predlogi za njenost sestavo.

(5) Skupna preiskovalna skupina deluje na območju pogodbenic ustanoviteljc ob upoštevanju teh splošnih pogojev:

a) vodja skupine je predstavnik organa odkrivanja in pregona, ki sodeluje pri kazenskih preiskavah in je iz pogodbenice, v kateri skupina deluje. Vodja skupine deluje v okviru svojih pristojnosti po notranji zakonodaji;

b) skupina svoje naloge opravlja v skladu z zakonodajo pogodbenice, v kateri deluje. Člani skupine opravljajo naloge pod vodstvom osebe iz točke a ob upoštevanju pogojev, ki jih v sporazumu o ustanovitvi skupine določijo njihovi lastni organi.

(6) V tem členu se za člane skupne preiskovalne skupine, ki niso iz pogodbenice, v kateri skupina deluje, uporablja izraz "napoteni" v skupino.

(7) Napoteni člani skupne preiskovalne skupine imajo pravico biti prisotni pri izvedbi preiskovalnih ukrepov v pogodbenici delovanja. Kljub temu lahko vodja skupine zaradi posebnih razlogov skladno z zakonodajo pogodbenice, v kateri skupina deluje, odloči drugače.

(8) Napotnim članom skupne preiskovalne skupine lahko skladno z zakonodajo pogodbenice, v kateri skupina deluje, vodja zaupa izvedbo nekaterih preiskovalnih ukrepov, če to odobrijo organi odkrivanja in pregona pogodbenice delovanja in pogodbenice, ki je člane napotila.

(9) Where the joint investigation team needs investigative measures to be taken in one of the Contracting Parties setting up the team, members seconded to the team by that Contracting Party may request their own law enforcement authorities to take those measures. Those measures shall be considered in that Contracting Party under the conditions which would apply if they were requested in a national investigation.

(10) Where the joint investigation team needs assistance from a Contracting Party other than those which have set up the team, or from a third State, the request for assistance may be made by the law enforcement authorities of the Contracting Party of operations to the law enforcement authorities of the other Contracting Party concerned in accordance with the relevant instruments or arrangements.

(11) A member of the joint investigation team may, in accordance with his or her national law and within the limits of his or her competence, provide the team with information available in the Contracting Party which has seconded him or her for the purpose of the criminal investigations conducted by the team.

(12) Information lawfully obtained by a member or seconded member while part of a joint investigation team which is not otherwise available to the law enforcement authorities of the Contracting Parties concerned may be used for the following purposes:

- a) for the purposes for which the team has been set up;
- b) subject to the prior consent of the Contracting Party where the information became available, for detecting, investigation and prosecuting other criminal offences. Such consent may be withheld only in cases where such use would endanger criminal investigations in the Contracting Party concerned or in respect of which that Contracting Party could refuse mutual assistance;

c) for preventing an immediate and serious threat to public security, and without prejudice to subparagraph (b) if subsequently a criminal investigation is opened;

d) for other purposes to the extent that this is agreed between Contracting Parties setting up the team.

(13) This Article shall be without prejudice to any other existing provisions or arrangements on the setting up or operation of joint investigation teams.

(14) To the extent that the laws of the Contracting Party concerned or the provisions of any legal instrument applicable between them permit, arrangements may be agreed for persons other than representatives of the law enforcement authorities of the Contracting Parties setting up the joint investigation team to take part in the activities of the team. Such persons may, for example, include officials of international organisations recognized by Contracting Parties. The rights conferred upon the members or seconded members of the team by virtue of this Article shall not apply to these persons unless the agreement expressly states otherwise.

Article 28

Mixed Patrols along the State Border

(1) The law enforcement authorities of the Contracting Parties can perform mixed patrols along the common border in order to fight threats to public security and to combat illegal transborder activities.

(2) When performing mixed patrols, the officers of the other Contracting Party shall be authorized, as far as permitted by the national legislation of the Contracting Party on whose territory they are acting, to determine the identity of persons and to stop them should they attempt to avoid control. Other measures shall be taken by officers of the Contracting Party, on whose territory the operation is carried out, unless the measures would be ineffective or impossible without the intervention of the officers of the other Contracting Party.

(3) During mixed patrols referred to in paragraphs 1 and 2, the legislation of that Contracting Party, on whose territory the officers become active, shall apply.

(9) Če je za skupno preiskovalno skupino treba izvesti preiskovalne ukrepe v eni od pogodbenic ustanoviteljic skupine, lahko člani, ki jih je v skupino napotila ta pogodbenica, za izvedbo teh ukrepov zaprosijo svoje organe odkrivanja in pregona. Ta pogodbenica omenjene ukrepe obravnava, kot če bi bili potrebeni za preiskavo v tej pogodbenici.

(10) Če skupna preiskovalna skupina potrebuje pomoč pogodbenice, ki ni soustanoviteljica skupine, ali tretje države, lahko organi odkrivanja in pregona pogodbenice, v kateri skupina deluje, pošljejo zaprosilo za pomoč skladno z ustreznimi listinami in dogovori organom odkrivanja in pregona te pogodbenice.

(11) Član skupne preiskovalne skupine lahko skladno s svojo notranjo zakonodajo in v okviru svojih pristojnosti skupini daje informacije, ki jih ima na voljo pogodbenica, ki ga je napotila zaradi kazenskih preiskav, ki jih vodi skupina.

(12) Informacije, ki jih član ali napoteni član zakonito pridobi v skupni preiskovalni skupini in ki sicer organom odkrivanja in pregona vključenih pogodbenic niso na voljo, se lahko uporabljajo za te namene:

- a) za namene, za katere je bila ustanovljena skupina;
- b) za odkrivanje, preiskovanje in pregnon drugih kaznivih dejanj, če s tem predhodno soglaša pogodbenica, v kateri so bile informacije na voljo. Soglasje se odkloni samo takrat, kadar bi uporaba informacij ogrožila kazenske preiskave v tej pogodbenici ali bi zaradi tega lahko odklonila medsebojno pomoč;

c) za preprečitev neposredne in resne grožnje javni varnosti in brez vpliva na točko b, če se pozneje sproži kazenska preiskava;

d) za druge namene v obsegu, o katerem se sporazumejo pogodbenice ustanoviteljice skupine.

(13) Ta člen ne vpliva na druge veljavne določbe ali dogovore o ustanovitvi ali delovanju skupnih preiskovalnih skupin.

(14) Če dopušča zakonodaja pogodbenice ali določbe katere koli pravne listine, ki se uporablja med njimi, se lahko za osebe, ki niso predstavniki organov odkrivanja in pregnona pogodbenic ustanoviteljic skupne preiskovalne skupine, sklenijo dogovori o sodelovanju pri dejavnostih skupine. Take osebe so lahko na primer uradniki mednarodnih organizacij, ki jih pogodbenice priznavajo. Pravice, ki jih na podlagi tega člena dobijo člani ali napoteni člani skupine, se za te osebe ne uporabljajo, razen če s sklenjenim dogovorom ni izrecno določeno drugače.

28. člen

Mešane patrulje ob državni meji

(1) V boju proti grožnjam javni varnosti in proti nezakonitim čezmejnim dejavnostim lahko organi odkrivanja in pregnona pogodbenic ob skupni meji ustanovijo mešane patrulje.

(2) Pri opravljanju dela mešanih patrulj je uradnikom druge pogodbenice po notranji zakonodaji pogodbenice, na območju katere delujejo, dovoljeno ugotavljati istovetnost oseb in jih ustaviti, če se želijo izogniti kontroli. Druge ukrepe izvajajo uradniki pogodbenice, na območju katere poteka operacija, razen če bi bili ti ukrepi brez posredovanja uradnikov druge pogodbenice neučinkoviti ali neizvedljivi.

(3) Pri mešanih patruljah iz prvega in drugega odstavka se uporablja zakonodaja pogodbenice, na območju katere uradniki delujejo.

(4) When officials of a Contracting Party are operating on the territory of another Contracting Party, they will be authorised to wear their uniforms and service weapons and to carry other means of force, except the other Contracting Party on whose territory the operation is carried out, will declare that this is not allowed or only allowed under certain circumstances.

(5) The use of service weapons is only allowed in the case of self defence.

Article 29

Cooperation in Common Centres

(1) Common centres can be established to facilitate information exchange and cooperation between the law enforcement authorities of the Contracting Parties in the framework of this Convention.

(2) In the common centres, officers of the Contracting Parties shall cooperate side-by side in the framework of their respective competencies, in order to exchange, analyse, and pass on information, and also to play a supportive role in the coordination or cross-border cooperation as laid down in this Convention, irrespective of the official contacts, correspondence and exchange of intelligence through the National Central Units. Articles 3 and 4 of the Convention shall apply accordingly for the transmission of person-related data between the officers, as well as, the provisions of Article 30 of the Convention.

(3) Supportive activities can also comprise preparation of and assistance in handing over persons under treaties concluded between the Contracting Parties.

(4) The officers cooperating in the common centres shall be exclusively subject to the instruction and disciplinary power of their national authorities. The officers in the common centres shall not carry out operational activities on their own. Joint operations can only be carried out upon agreement between the competent law enforcement authorities of the Contracting Parties and in the ways made possible under this Convention.

(5) The establishment of common Centres and the modalities of cooperation and even distribution of costs shall be regulated in the Implementation Agreements specified in Article 34 paragraph 1.

Article 30

Restriction of Cooperation

(1) If a Contracting Party considers that granting the execution of a request or any other form of cooperation might jeopardise its security or other important interests or the national legislation, it shall inform the other Contracting Party that it refuses the cooperation in full or in part, or that it agrees to cooperate under certain conditions. The Contracting Parties shall inform each other, without delay, in writing, stating the ground for complete or partial refusal of cooperation.

(2) Technical equipment and pertinent technical documentation given to law enforcement authorities under this Convention must not be passed on to third States without prior consent of the donating authorities.

Article 31

Data Protection

(1) As regards the automatic processing of personal data communicated pursuant to this Convention, each Contracting Party shall, no later than the date of entry into force of this Convention, adopt the necessary national provisions in order to achieve a level of protection of personal data which complies with the principles of Recommendation No R (87) 15 of 17 September 1987 of the Committee of Ministers of the Council of Europe regulating the use of personal data in the police sector.

(4) Ko uradniki ene pogodbenice delujejo na območju druge pogodbenice, smejo nositi svojo uniformo in službeno orožje ter druga prisilna sredstva, razen če pogodbenica, na območju katere poteka operacija, ne izjavi, da tega ne dovoljuje, oziroma le v določenih okoliščinah.

(5) Uporaba službenega orožja je dovoljena samo v primeru samoobrambe.

29. člen

Sodelovanje v skupnih centrih

(1) Za lažjo izmenjavo informacij in boljše sodelovanje med organi odkrivanja in pregona pogodbenic v okviru te konvencije se lahko ustanovijo skupni centri.

(2) V skupnih centrih uradniki pogodbenic sodelujejo v okviru svojih pristojnosti, da bi si izmenjivali, pošljali in analizirali informacije ter pomagali pri usklajevanju čezmejnega sodelovanja, kot je opredeljeno s to konvencijo, ne glede na uradne stike, korespondenco in izmenjavo obveščevalnih podatkov prek nacionalnih centralnih enot. Za pošiljanje osebnih podatkov med uradniki se ustreznouporabljalata 3. in 4. člen te konvencije, uporabljajo pa se tudi določbe 30. člena te konvencije.

(3) Podporne dejavnosti so lahko tudi priprava in pomoč pri izročitvi oseb po pogodbah, ki so jih sklenile pogodbenice.

(4) Za uradnike, ki sodelujejo v skupnih centrih, veljajo izključno samo navodila in disciplinski predpisi njihovih organov. Uradniki v skupnih centrih ne smejo samostojno opravljati operativnih dejavnosti. Skupne operacije se lahko izvajajo samo na podlagi dogovora med pristojnimi organi odkrivanja in pregona pogodbenic ter na načine, ki jih omogoča konvencija.

(5) Ustanovitev skupnih centrov, podrobnosti sodelovanja in delitev stroškov se uredijo z izvedbenimi sporazumi, opredeljenimi v prvem odstavku 34. člena.

30. člen

Omejitev sodelovanja

(1) Če pogodbenica meni, da bi izvedba zaprosila ali katere koli druge oblike sodelovanja utegnila ogroziti njen varnost, druge pomembne interese ali notranjo zakonodajo, drugo pogodbenico obvesti, da v celoti ali delno odklanja sodelovanje ali da bo sodelovala pod določenimi pogoji. Pogodbenica nemudoma pisno sporoči razloge za delno ali popolno odklonitev sodelovanja.

(2) Tehnična oprema in ustrezna tehnična dokumentacija, ki se skladno s to konvencijo izročita organom odkrivanja in pregona, se brez predhodnega soglasja organov, ki so ju izročili, ne smeta izročiti tretjim državam.

31. člen

Varstvo podatkov

(1) V zvezi z avtomatsko obdelavo osebnih podatkov, ki se sporočajo v skladu s to konvencijo, vsaka pogodbenica najpozneje z dnem začetka veljavnosti te konvencije sprejme potrebne notranje predpise, da bi dosegla raven varstva osebnih podatkov, ki je skladna z načeli Priporočila Odbora ministrov Evrope št. R (87) 15 z dne 17. septembra 1987 o uporabi osebnih podatkov v policijskem sektorju.

(2) Furthermore a level of protection of personal data at least equal to that resulting from the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 28 January 1981 must be achieved.

(3) The communication of personal data provided for in this Convention shall not take place until the provisions for the protection of personal data as specified in paragraph 1 entered into force in the territories of the Contracting Parties involved in such communication.

(4) The following provisions shall apply for the transmission of data under the terms of Chapters I and II of this Convention and for their further use and processing:

a) Data communicated under this Convention shall be used by the Contracting Parties solely for the purposes for which it has been supplied or for preventing an immediate and serious threat to public security or for preventing a serious offence. Processing for other purposes shall be permitted solely with the prior authorisation of the communicating Contracting Party;

b) When transmitting data, the transmitting authority shall set deadlines for deletion and/or destruction (hereafter referred to as "destruction") of the data in line with its national legislation. Irrespective of these deadlines, the transmitted data shall be destroyed if no longer required for fulfilling the tasks which constituted the reason for their transmission, or for any other purposes in accordance with sub-paragraph a). The transmitted data shall be destroyed at the very latest on the day of the termination of the validity this Convention, unless it will be replaced by a new Convention;

c) Should it turn out that incorrect data have been transmitted, or unlawfully obtained the transmitting authority shall be obliged to inform the recipient accordingly without delay. The recipient shall forthwith destroy the unlawfully obtained or transmitted data, or rectify the incorrect data. If the recipient learns of unlawful processing of the transmitted data, it shall be obliged to notify the transmitting authority accordingly, without delay. If the recipient has reasons to believe that the transmitted data are incorrect, or that they need to be destroyed, it will notify the transmitting authority accordingly without delay. The transmitting authority and the recipient shall inform each other about all circumstances that are of relevance for keeping the transmitted data accurate and updated;

d) The recipient is obliged to effectively protect the transmitted data from accidental or unauthorised destruction, accidental loss, accidental or unauthorised change, accidental or unauthorised dissemination, accidental or unauthorised access, or accidental or unauthorised publication;

e) The transmitting authority and the recipient shall be obliged to keep log-files of transmission, receipt and destruction of the data. The logging shall comprise the reasons for sending, the contents, the transmitting authority and the recipient, the time of transmission and of destruction of the data. On-line transmissions are to be logged by means of computer-aided methods. The logging records shall be kept for a minimum period of three years. The logging data may be used only for authentication that relevant legal provisions on data protection have been observed;

f) Upon request, the recipient shall inform the transmitting authority about each processing of the transmitted data and about the results obtained;

g) Upon request, every person shall be entitled to be informed by the authority responsible for data-processing, with regard to the data concerning him/her, transmitted or processed in the framework of this Convention, and shall be entitled to rectification of incorrect data or destruction of unlawfully processed data. Exceptions from this rule and the practical process depend on the national law of the Contracting Party asked for information, rectification or destruction. Before a decision is taken with regard to such an application, the recipient shall give the transmitting authority an opportunity to comment;

(2) Poleg tega je treba doseči raven varstva osebnih podatkov, ki je najmanj enaka tisti, ki izhaja iz Konvencije Sveta Evrope o varstvu posameznikov glede avtomatske obdelave osebnih podatkov z dne 28. januarja 1981.

(3) Osebni podatki iz te konvencije se ne smejo sporočati, dokler na območjih pogodbenic, ki so vključene v tako sporočanje, ne začnejo veljati pravila o varstvu osebnih podatkov iz prvega odstavka.

(4) Za prenos podatkov skladno s prvim in drugim poglavjem te konvencije in za njihovo nadaljnjo uporabo in obdelavo se uporablja te določbe:

a) podatke, ki se sporočajo po tej konvenciji, pogodbenice uporabljajo samo za namene, za katere so bili poslani, ali za preprečitev resne in neposredne grožnje javni varnosti ali težkega kaznivega dejanja. Obdelava podatkov za druge namene je dovoljena samo s predhodnim dovoljenjem pogodbenice, ki jih je poslala;

b) pri pošiljanju podatkov pošiljatelj skladno s svojo notranjo zakonodajo določi rok brisanja in/ali uničenja (v nadaljevanju "uničenje") podatkov. Ne glede na ta rok se morajo podatki uničiti, če niso več potrebni za opravljanje nalog, zaradi katerih so bili poslani, ali za druge namene po točki a. Poslani podatki se uničijo najpozneje z dnem prenehanja veljavnosti te konvencije, razen če je ne bo nadomestila nova konvencija;

c) če se pokaže, da so bili poslani nepravilni ali nezakonito pridobljeni podatki, mora pošiljatelj prejemnika o tem takoj obvestiti. Prejemnik nezakonito pridobljene ali poslane podatke nemudoma uniči, nepravilne pa popravi. Če prejemnik izve za nezakonito obdelavo poslanih podatkov, mora o tem takoj obvestiti pošiljatelja. Če ima prejemnik razloge za sum, da so poslani podatki nepravilni ali jih je treba uničiti, o tem takoj obvesti pošiljatelja. Pošiljatelj in prejemnik se obvezčata o vseh okoliščinah, ki so pomembne za zagotavljanje natančnosti in posodabljanja podatkov;

d) prejemnik mora poslane podatke učinkovito zaščititi pred nenamernim ali nedovoljenim uničenjem, naključno izgubo, nenamernim ali nedovoljenim spremenjanjem, širjenjem, dostopom ali objavo;

e) pošiljatelj in prejemnik morata voditi dnevni pošiljanja, prejema in uničenja podatkov. Pri evidentiranju se navežejo razlog pošiljanja, vsebina, pošiljatelj, prejemnik ter čas pošiljanja in uničenja podatkov. Prenosi prek računalniških povezav so računalniško evidentirani. Dnevniki zapisi se hranijo najmanj tri leta. Uporabljajo se lahko samo za dokazovanje upoštevanja predpisov o varstvu podatkov;

f) prejemnik pošiljatelja na zahtevo obvesti o vsaki obdelavi poslnih podatkov in o pridobljenih izsledkih;

g) vsak ima pravico, da ga pristojni organ za obdelavo podatkov na njegovo zahtevo obvesti o podatkih, povezanih z njim, poslnih ali obdelanih v okviru te konvencije, ter pravico do popravka nepravilnih in do uničenja nezakonito pridobljenih podatkov. Izjeme od te določbe in praktični postopek so odvisni od notranje zakonodaje pogodbenice, ki se prosi za informacije, popravek ali uničenje. Pred sprejetjem odločitve glede omenjene zahteve prejemnik pošiljatelju omogoči, da da svoje pripombe.

h) The Contracting Parties shall make sure that each person in case of a violation of his/her data protection rights can complain to an independent court or another independent authority, and that he/she can claim damages;

i) Information received by the Contracting Parties shall only be further transmitted to third States with the prior authorisation of the Contracting Party which provided the information.

(5) The Contracting Parties shall be liable, in conformity with their respective legislation, for harm inflicted upon a person as a consequence of processing of data concerning him/her that were transmitted in the framework of this Convention in cases where the data transmitted were incorrect or unlawfully transmitted. When held liable under their legislation, the Contracting Parties cannot plead vis-à-vis the prejudiced person that the transmitted data had been incorrect or unlawfully transmitted by another Contracting Party. If the receiving Contracting Party indemnifies a loss caused by use of incorrect or unlawfully transmitted data, the transmitting Contracting Party shall refund the entire amount of indemnification granted.

(6) Control of observance of the legal provisions on data protection, when processing data obtained by officers active on the territory of the other Contracting Party in the framework of the implementation of this Convention, shall be incumbent upon the law enforcement authority of that Contracting Party on whose behalf the data had been obtained and shall be subject to its legislation.

(7) Officers who are active on the territory of the other Contracting Party shall not have direct access to computerised data of this Contracting Party.

Article 32

Confidentiality of information and Classified Information

(1) The Contracting Parties shall, in principle, ensure a basic protection for all information received from another Contracting Party, by all necessary measures, including the obligation of discretion and confidentiality, limiting access to information to authorised personnel, protection of personal data and general technical and procedural measures to safeguard the security of the information.

(2) Information subject to a formal classification level of the transmitting Contracting Party, which is indicated by a specific marking, shall receive an equivalent protection by the recipient of the information in accordance with the table of equivalence of the classification levels of the Contracting Parties in the Attached Lists.

(3) In choosing the classification level, each Contracting Party shall adhere to the classification of the information under its national law or applicable regulations and take into account the need for flexibility and the requirement that classification of law enforcement information should be the exception and that, if such information must be classified, the lowest possible level should be assigned.

(4) The transmitting authority shall inform the recipient, without delay, in writing, about a change of the classification level, or withdrawal of the classification. The recipient shall undertake to adapt the classification level in compliance with this message, or to withdraw the classification.

(5) The transmitted classified information shall be used solely for the purpose for which they were transmitted, and shall be disclosed only to those persons who require this information for their activity and who are authorised, under national law, to have knowledge of such classified information.

(6) All violations of the legal provisions of the receiving Contracting Party concerning the protection of the transmitted classified information shall be made known to the transmitting authority without delay. This communication shall also contain the circumstances and the consequences of such violation, and the measures taken to limit the consequences and to prevent future violations of that nature.

h) pogodbenice zagotovijo, da se lahko vsak, ki so mu kršene pravice glede varstva podatkov, pritoži na neodvisno sodišče ali drug neodvisen organ in da lahko zahteva odškodnino;

i) informacije, ki jih prejmejo pogodbenice, se lahko pošljajo tretjim državam samo s predhodnim dovoljenjem pogodbenice, ki jih je poslala.

(5) Pogodbenice so skladno s svojo zakonodajo odgovorne za škodo, povzročeno osebi zaradi obdelave z njo povezanih podatkov, ki so bili poslani v okviru te konvencije, če so bili nepravilni ali nezakoniti poslati. Če so po svoji zakonodaji pogodbenice odgovorne, se pred oškodovanjem osebo ne morejo zagovarjati, da so bili poslati podatki nepravilni ali da jih je druga pogodbenica nezakonito poslala. Če pogodbenica prejemnica povrne škodo, ki je nastala z uporabo nepravilnih ali nezakonitih pridobljenih podatkov, pogodbenica pošiljaljica povrne celoten znesek dodeljene odškodnine.

(6) Pri obdelavi podatkov, ki so jih uradniki pri svojem delovanju v okviru izvajanja te konvencije pridobili na območju druge pogodbenice, je za nadzor nad upoštevanjem zakonskih določb o varstvu podatkov pristojen organ odkrivanja in pregona pogodbenice, za katero so bili podatki pridobljeni, in mora biti v skladu z njeno zakonodajo.

(7) Uradniki, ki delujejo na območju druge pogodbenice, nimajo neposrednega dostopa do njenih računalniških podatkov.

32. člen

Zaupnost informacij in tajni podatki

(1) Pogodbenice praviloma z vsemi potrebnimi sredstvi zagotovijo osnovno zaščito vseh informacij, ki so jih prejele od druge pogodbenice, med drugim z zavezanjem k molčečnosti in zaupnosti, z omejitvijo dostopa do informacij nepooblaščenim uslužbencem, z zaščito osebnih podatkov in s splošnimi tehničnimi in postopkovnimi ukrepi, ki zagotavljajo varnost informacij.

(2) Prejemnik zagotovi informacijam z uradno stopnjo tajnosti pogodbenice pošiljaljice, ki je posebej označena, enakovredno zaščito skladno s preglednico stopnje tajnosti pogodbenic s priloženih seznamov.

(3) Pri izbiri stopnje tajnosti vsaka pogodbenica uporablja razvrstitev po svoji notranji zakonodaji ali veljavnih predpisih ter upošteva potrebo po prilagodljivosti in zahtevo, da bi morala biti tajnost podatkov pri odkrivanju in pregnu izjema, in da bi bilo treba, če je tajnost kljub temu potrebna, podatkom določiti najnižjo stopnjo tajnosti.

(4) Pošiljaljek prejemnika nemudoma pisno obvesti o spremembah stopnje tajnosti ali preklicu tajnosti. Prejemnik se zavaruje, da bo skladno s tem obvestilom prilagodil stopnjo tajnosti ali tajnost preklical.

(5) Poslani tajni podatki se uporabljajo samo za namen, za katerega so bili poslati, in se razkrijejo samo osebam, ki jih potrebujejo za svojo dejavnost in so po notranji zakonodaji pooblaščene za dostop do njih.

(6) Vse kršitve zakonskih določb pogodbenice prejemnice v zvezi z varstvom poslnih tajnih podatkov se nemudoma sporočijo pošiljaljcu. V obvestilu se navedejo tudi okoliščine in posledice kršitve ter ukrepi, ki so bili sprejeti za omejitev posledic in preprečitev nadaljnjih tovrstnih kršitev.

(7) The classified information shall be transmitted to the other Contracting Party by courier or in any other way agreed upon, which is admissible under the respective national legislation of the Contracting Parties.

CHAPTER III: FINAL PROVISIONS

Article 33

Committee of Ministers

(1) A Committee composed of the competent Ministers of the Contracting Parties shall be set up. The Committee of Ministers decides unanimously on the interpretation, implementation and application of this Convention.

(2) The Committee of Ministers shall establish an expert working group, which will observe application and implementation of the Convention, give recommendations to the Committee of Ministers for interpretation and improvements of the Convention provisions, and carry out some other activities for the needs of the Committee.

(3) The Committee of Ministers shall be convened upon request of a Contracting Party, but at least once a year. It will meet in the territory of each Contracting Party in turn.

Article 34

Implementation Agreements and Communications

(1) The Contracting Parties may conclude Implementation Agreements for the purpose of this Convention.

(2) The Contracting Parties shall notify the Depositary of changes of jurisdictions and designations of the authorities mentioned in the text of this Convention and its Attached Lists.

Article 35

Expenses

Each Contracting Party shall meet in accordance with its national legislation the costs arising for its authorities from the implementation of this Convention, unless otherwise stated in this Convention or the Implementation Agreements, or otherwise agreed upon in advance between the law enforcement authorities.

Article 36

Relation to Other International Treaties

This Convention shall not affect any rights and obligations of the Contracting Parties arising out of other international treaties.

Article 37

Attached Lists

The Attached Lists form an integral part of this Convention.

Article 38

Depositary

(1) Depositary of this Convention is the Republic of Albania.

(2) The Depositary shall send a certified copy of this Convention to each signatory or acceding state.

(3) The Depositary shall notify the other Contracting Parties of the deposit of any instrument of ratification, acceptance, approval or accession, of any reservations and declarations, and of any other notification made in connection with this Convention.

(4) The Depositary shall notify all Contracting Parties on any date of entry into force of the Convention in accordance with Article 40.

(7) Tajni podatki se drugi pogodbenici prenašajo s kurirjem ali na kakšen drug dogovorjen način, ki je sprejemljiv po notranji zakonodaji pogodbenic.

III. POGLAVJE: KONČNE DOLOČBE

33. člen

Odbor ministrov

(1) Ustanovi se odbor, ki ga sestavljajo pristojni ministri pogodbenic. Odbor ministrov soglasno odloča o razlagi, izvajanju in uporabi te konvencije.

(2) Odbor ministrov ustanovi strokovno delovno skupino, ki bo spremjala uporabo in izvajanje te konvencije, mu dajala priporočila za razlago in izboljšave določb konvencije in opravljal še nekatere druge dejavnosti za odbor.

(3) Odbor ministrov se sklicuje na zahtevo pogodbenice, a vsaj enkrat letno. Vsakič se sestane na območju druge pogodbenice.

34. člen

Izvedbeni sporazumi in obveščanje

(1) Skladno s to konvencijo lahko pogodbenice sklenejo izvedbene sporazume.

(2) Pogodbenice uradno obvestijo depozitarja o spremembah pristojnosti in določitvi organov, navedenih v tej konvenciji in njenih priloženih seznamih.

35. člen

Stroški

Vsaka pogodbenica skladno s svojo notranjo zakonodajo krije stroške, ki jih imajo njeni organi pri izvajanju te konvencije, razen če ni drugače določeno s konvencijo ali izvedbenimi sporazumi ali če se organi odkrivanja in pregona niso predhodno drugače dogovorili.

36. člen

Razmerje do drugih mednarodnih pogodb

Ta konvencija ne vpliva na pravice in obveznosti, ki jih imajo pogodbenice na podlagi drugih mednarodnih pogodb.

37. člen

Priloženi seznami

Priloženi seznami so sestavni del te konvencije.

38. člen

Depozitar

(1) Depozitar te konvencije je Republika Albanija.

(2) Depozitar pošlje overjeno kopijo konvencije vsaki državi podpisnici ali pristopnici.

(3) Depozitar uradno obvesti druge pogodbenice o vsaki deponirani listini o ratifikaciji, sprejetju, odobritvi ali pristopu, pridržkih in izjavah ter vsakem drugem uradnem obvestilu v zvezi s to konvencijo.

(4) Depozitar skladno s 40. členom vse pogodbenice uradno obvesti o dnevu začetka veljavnosti konvencije.

(5) The Depositary shall arrange for the registration of this Convention, upon its entry into force, with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations.

(6) The first meeting of the Committee of Ministers shall be convened by the Depositary after entry into force of the Convention.

Article 39

Ratification, Acceptance, Approval or Accession

(1) This Convention is subject to ratification, acceptance, or approval of the Signatories. The instruments of ratification, acceptance or approval shall be deposited with the Depositary.

(2) This Convention shall be open for accession. The instrument of accession shall be deposited with the Depositary.

Article 40

Entry into Force

(1) This Convention shall enter into force on the ninetieth day following the date of the deposit of the second instrument of ratification, acceptance, approval, or accession.

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

(3) All Implementation Agreements, binding all Contracting Parties, concluded under the terms of Article 34 of this Convention shall become binding for every State ratifying, accepting, approving, or acceding to this Convention after the entry into force of this Convention on the date of entry into force of this Convention for such State.

Article 41

Reservations

(1) Each State may, at the time of ratification, acceptance, approval or accession, formulate reservations.

(2) Reservations may be withdrawn at any time by notification to the Depositary. Such notification shall take effect on the date on which it is received.

Article 42

Withdrawal and Suspension

(1) This Convention shall be concluded for an indefinite period of time.

(2) Any Contracting Party may withdraw from this Convention at any time by written notification to the Depositary. The withdrawal shall take effect six months after the date of receipt of the notification by the Depositary.

(3) Any Contracting Party may suspend the operation of this Convention in full or in part if necessary to maintain the security of the state, the public order or security, or life and limb of persons. The Contracting Parties shall notify the depositary without delay of taking or revoking such a measure. Any measure taken under this paragraph shall take effect 15 days after the date of receipt of the notification by the Depositary.

(5) Depozitar konvencijo po njenem začetku veljavnosti registrira pri Sekretariatu Združenih narodov v skladu s 102. členom Ustanovne listine Združenih narodov.

(6) Depozitar skliče prvo zasedanje odbora ministrov, ko začne konvencija veljati.

39. člen

Ratifikacija, sprejetje, odobritev ali pristop

(1) Podpisnice to konvencijo ratificirajo, sprejmejo ali odobrijo. Listine o ratifikaciji, sprejetju ali odobritvi se hranijo pri depozitarju.

(2) Konvencija je na voljo za pristop. Listina o pristopu se deponira pri depozitarju.

40. člen

Začetek veljavnosti

(1) Konvencija začne veljati devetdeseti dan po datumu deponiranja druge listine o ratifikaciji, sprejetju, odobritvi ali pristopu.

(2) Za vsako državo, ki ratificira, sprejme, odobri konvencijo ali pristopi k njej po deponiraju druge listine o ratifikaciji, sprejetju, odobritvi ali pristopu, začne konvencija veljati devetdeseti dan po tem, ko je država deponirala svojo listino o ratifikaciji, sprejetju, odobritvi ali pristopu.

(3) Vsi izvedbeni sporazumi, ki so zavezujoči za vse pogodbenice in sklenjeni skladno s 34. členom te konvencije, zavezujejo vsako državo, ki ratificira, sprejme, odobri konvencijo ali pristopi k njej po njenem začetku veljavnosti, z dnem začetka veljavnosti konvencije za to državo.

41. člen

Pridržki

(1) Vsaka država lahko ob ratifikaciji, sprejetju, odobritvi ali pristopu da pridržke.

(2) Pridržki se lahko kadar koli umaknejo z uradnim obvestilom depozitarju. Obvestilo začne veljati z dnem prejetja.

42. člen

Odpoved in prekinitev

(1) Konvencija je sklenjena za nedoločen čas.

(2) Vsaka pogodbenica lahko kadar koli konvencijo odpove z uradnim pisnim obvestilom depozitarju. Odstop začne veljati šest mesecev po dnevnu, ko depozitar prejme uradno obvestilo.

(3) Vsaka pogodbenica lahko v celoti ali delno prekine izvajanje te konvencije, če je to potrebno za ohranjanje varnosti države, javnega reda ali varnosti ali življenja ljudi. Pogodbenice depozitarja nemudoma uradno obvestijo o uvedbi ali preklicu takega ukrepa. Vsak ukrep po tem odstavku začne veljati petnajst dni po dnevnu, ko depozitar prejme uradno obvestilo.

In witness whereof the undersigned, being duly authorized have signed this Convention:

For the Republic of Albania:

For Bosnia and Herzegovina:

For the Republic of Macedonia:

For the Republic of Moldova:

For Romania:

For the Republic of Serbia:

For the Republic of Montenegro:

V potrditev navedenega so podpisani, ki so bili za to pravilno pooblaščeni, podpisali to konvencijo.

Za Republiko Albanijo: Sokol OLLDASHI, l.r.

Za Bosno in Hercegovino: Bariša ČOLAK, l.r.

Za Republiko Makedonijo: Ljubomir MIHAJLOVSKI, l.r.

Za Republiko Moldovo: Gheorghe PAPUC, l.r.

Za Romunijo: Vasile BLAGA, l.r.

Za Republiko Srbijo: Dragan JOČIĆ, l.r.

Za Republiko Črno goro: Jusuf KALAMPEROVIĆ, l.r.

Done at Vienna, on the 5th day of May, 2006, in a single original, in the English language.

Sestavljen na Dunaju 5. maja 2006 v enem izvirniku v angleškem jeziku.

3. člen

(1) Republika Slovenija v skladu z 41. členom konvencije daje naslednja pridržka:

a) v zvezi s sedmim odstavkom 15. člena konvencije Republika Slovenija ne bo upoštevala kvalificirane oblike štetja roka, da se ure med polnočjo in 9. uro zjutraj ne štejejo v rok šestih ur, ki je dovoljen za prijetje po tej določbi;

b) Republika Slovenija bo pogodbenici, ki ni država članica Evropske unije ali Evropskega gospodarskega prostora, posredovala osebne podatke, ki se obdelujejo ali se bodo obdelovali po opravljenem posredovanju, kot je določeno v 31. členu konvencije, ko državni nadzorni organ za varstvo osebnih podatkov, ustanovljen s skladu z zakonodajo Republike Slovenije, ob upoštevanju določb te konvencije o varstvu podatkov in na podlagi zakonodaje Republike Slovenije izda odločbo o skladnosti pravnega varstva osebnih podatkov te pogodbenice s pravili o varstvu osebnih podatkov, ki jih določa Okvirni sklep Sveta 2008/977/PNZ z dne 27. novembra 2008 o varstvu osebnih podatkov, ki se obdelujejo v okviru policijskega in pravosodnega sodelovanja v kazenskih zadevah, in na njegovi podlagi sprejeta izvedbena zakonodaja Republike Slovenije.

(2) Republika Slovenija daje naslednje izjave:

a) pristop k tej konvenciji ne vpliva na obveznosti Republike Slovenije, ki izhajajo iz njenega članstva v Evropski uniji in v schengenskem območju;

b) organ odkrivanja in pregona, opredeljen v točki a) 2. člena konvencije, je za Republiko Slovenijo Policija s svojimi organizacijskimi enotami, drugi organi pregona pa bodo sodelovali pri izvajanju te konvencije na podlagi pooblastil, ki jih daje zakonodaja Republike Slovenije;

c) pristojni organi Republike Slovenije bodo v primerih izmenjave zaprosil in odgovorov na zaprosila v pisni obliki izmenjavali osebne podatke le po zaščiteni elektronski pošti skladno s standardi zaščite, ki veljajo za izmenjavo tovrstnih podatkov v okviru Evrope ali Interpol-a;

d) v Republiki Sloveniji se bo prvi in drugi odstavek 13. člena ter prvi in tretji odstavek 14. člena konvencije izvajal v primeru kaznivih dejanj, za katera se lahko zahteva izročitev.

4. člen

Za izvajanje konvencije skrbi ministrstvo, pristojno za notranje zadeve.

5. člen

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

Št. 210-01/12-21/9

Ljubljana, dne 14. decembra 2012

EPA 791-VI

Državni zbor
Republike Slovenije
dr. Gregor Virant l.r.
Predsednik

104. Zakon o ratifikaciji Poroštvene pogodbe med Republiko Slovenijo in Evropsko investicijsko banko (TEŠ – termoelektrarna Šoštanj/B) (MPEIBTEŠ)

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

UKAZ

o razglasitvi Zakona o ratifikaciji Poroštvene pogodbe med Republiko Slovenijo in Evropsko investicijsko banko (TEŠ – termoelektrarna Šoštanj/B) (MPEIBTEŠ)

Razglasjam Zakon o ratifikaciji Poroštvene pogodbe med Republiko Slovenijo in Evropsko investicijsko banko (TEŠ – termoelektrarna Šoštanj/B) (MPEIBTEŠ), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 21. decembra 2012.

Št. 003-02-10/2012-36
Ljubljana, dne 29. decembra 2012

Borut Pahor l.r.
Predsednik
Republike Slovenije

ZAKON

O RATIFIKACIJI POROŠTVENE POGODBE MED REPUBLIKO SLOVENIJO IN EVROPSKO INVESTICIJSKO BANKO (TEŠ – TERMOELEKTRARNA ŠOŠTANJ/B) (MPEIBTEŠ)

1. člen

Ratificira se Poroštvena pogodba med Republiko Slovenijo in Evropsko investicijsko banko (TEŠ – termoelektrarna Šoštanj/B), sklenjena v Ljubljani 6. decembra 2012.

2. člen

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

FI N° 25.541 (SI)
Serapis N° 2006-0319

**TEŠ – Thermal Power Plant Šoštanj / B
Guarantee Agreement
between the Republic of Slovenia
and the European Investment Bank**

Ljubljana, 6 December 2012
Luxembourg, 4 December 2012

TEŠ – termoelektrarna Šoštanj/B Poroštvena pogodba med Republiko Slovenijo in Evropsko investicijsko banko

Ljubljana, 6. december 2012
Luxembourg, 4. december 2012

THIS AGREEMENT IS MADE BETWEEN:

TA POGODBA JE SKI EN JENA MED:

The Republic of Slovenia, acting through the Ministry of Finance, represented by the Minister of Finance, Mr. Janez Šušteršič

Republiko Slovenijo, ki nastopa prek Mistrstva za finance, ki ga zastopa minister za finance q. Janez Šušteršič.

of the first part, and

v nadaljevanju »porok«,

European Investment Bank having its Head Office at 100, Boulevard Konrad Adenauer, Luxembourg-Kirchberg, Grand Duchy of Luxembourg, represented by the Head of Division, Mr Dominique Courbin, and by the Legal Counsel, Mr Lawrence Walsh.

Evropsko investicijsko banko s sedežem na 100, Boulevard Konrad Adenauer, Luxembourg-Kirchberg, Veliko vojvodstvo Luksemburg, ki jo zastopata vodja oddelka g. Dominique Courbin in pravni svetovalec g. Lawrence Walsh.

hereinafter called: the "Bank"

v nadalievaniu »banka«.

of the second part.

na drugi strani.

¹ Dodatek 1 ter Priloga II sta na vpogled v Sektorju za mednarodno pravo Ministrstva za zunanje zadeve.

WHEREAS:

– By an agreement named “*TEŠ – Thermal Power Plant Šoštanj/B*” (hereinafter called the “**Finance Contract**”) signed on 22 April 2010 in Ljubljana between the Bank and Termoelektrarna Šoštanj d.o.o., (hereinafter called the “**Borrower**”), the Bank has agreed to establish in favour of the Borrower a second tranche to be guaranteed by the Republic of Slovenia for a credit in an amount equivalent to EUR 440,000,000.00 (four hundred and forty million euros) to be used to finance a project aimed at the design, construction and commissioning of a new 600 MW super critical, lignite-fired steam turbine power plant and associated cooling tower, stack, flue gas desulphurization, wastewater treatment and control systems and connection to an existing substation (hereinafter called the “**Project**”). The supported Project is more particularly described in the Technical Description set out in schedule A.1 to the Finance Contract.

– The obligations of the Bank under the Finance Contract are conditional upon the execution, delivery by the Guarantor and continuing operation of a guarantee of performance by the Borrower of its financial obligations under the Finance Contract (hereinafter this “**Guarantee Agreement**”) and the delivery of a favourable legal opinion thereon.

– Execution of this Guarantee Agreement has been authorised by the Parliament of the Republic of Slovenia and a certified English translation of the relevant provisions of the relevant law is attached hereto as Annex I.

– A duly authorised officer of the office of the Attorney General’s Office of the Guarantor will issue a legal opinion on this Guarantee Agreement in form and substance satisfactory to the Bank (as set out in Annex II), as a condition to disbursement by the Bank under the Finance Contract.

NOW THEREFORE it is hereby agreed as follows:

ARTICLE 1**Finance Contract**

1.01 The Guarantor declares that it is well acquainted with the terms, conditions and clauses of the Finance Contract, a copy of which, as signed by the parties thereto, has been delivered to the Guarantor by the Bank.

1.02 Terms defined in the Finance Contract shall have the same meaning in this Guarantee Agreement. References herein to Articles, Paragraphs, Recitals, Schedules and Annexes are, save if explicitly stipulated otherwise, references respectively to articles and paragraphs of, recitals, schedules and annexes to, this Guarantee Agreement. Furthermore, it is expressly agreed that references herein to the Finance Contract shall not be construed, in any circumstances, as affecting the unconditional and irrevocable nature of the present Guarantee.

ARTICLE 2**Undertakings by the Guarantor**

2.01 The Guarantor, as primary obligor and not merely as surety, guarantees entirely the full, punctual and irrevocable performance of all the monetary obligations of the Borrower to the Bank under the Finance Contract and irrevocably and unconditionally undertakes to pay to the Bank, on the Bank’s first written demand in the form of Schedule 1 (the “**Demand**”), and in accordance with the conditions set out herein, all sums which the Bank may claim under the Finance Contract including in respect of principal monies, interest without any limitation, commissions, incidental charges, and other expenses and all the sums being due by the Borrower to the Bank under any provision of the Finance Contract (up to a maximum amount of EUR 572,000,000.00 (five hundred and seventy two million Euros) (each amount so guaranteed being a “**Guaranteed Sum**” and together the a “**Guaranteed Sums**”) (the “**Guarantee**”).

GLEDE NA TO

– da s pogodbo »*TEŠ – termoelektrarna Šoštanj/B*« (v nadaljevanju »**finančna pogodba**«), podpisano 22. aprila 2010 v Ljubljani med banko in Termoelektrarno Šoštanj, d. o. o. (v nadaljevanju »**kreditojemalka**«), banka soglaša, da bo kreditojemalki dala drugo transo kredita s poroštvom Republike Slovenije v vrednosti 440.000.000,00 EUR (štiristo štirideset milijonov EUR) za financiranje projekta, ki vključuje načrtovanje, gradnjo in zagon nove 600 MW super kritične proizvodne enote na lignit in z njo povezane hladilni stolp, dimnik, napravo za razvlepljevanje dimnih plinov, napravo za čiščenje odpadnih vod in kontrolne sisteme ter povezavo na energetsko omrežje (v nadaljevanju »**projekt**«). Podprt projekt je podrobneje opisan v tehničnem opisu v prilogi A.1 finančne pogodbe;

– da so obveznosti banke po finančni pogodbi pogojene s tem, da porok podpiše in izda poroštv ter neprekinjeno jamči za izpolnjevanje finančnih obveznosti kreditojemalke iz finančne pogodbe (v nadaljevanju »**poroštvena pogodba**«), ter predložitvijo ugodnega pravnega mnenja o tem;

– da je podpis te poroštvene pogodbe odobril Državni zbor Republike Slovenije, v prilogi I pa je overjen prevod ustreznih določb zadevnega zakona v angleški jezik;

– da bo pravilno pooblaščena uradna oseba porokovega generalnega državnega pravobranilstva izdala pravno mnenje o tej poroštveni pogodbi v obliki in vsebin, ki je sprejemljiva za banko (kot je navedeno v prilogi II), kar je pogoj za črpanje po finančni pogodbi,

je dogovorjeno naslednje:

1. ČLEN**Finančna pogodba**

1.01 Porok izjavlja, da je dobro seznanjen s pogoji in določbami finančne pogodbe, katere kopijo, ki sta jo podpisala pogodbena, je banka dostavila poroku.

1.02 Izrazi, opredeljeni v finančni pogodbi, imajo enak pomen v poroštveni pogodbi. Sklicevanje na člene, odstavke, uvodne navedbe, dodatke in priloge tej pogodbi je, razen če ni izrecno določeno drugače, sklicevanje na člene, odstavke, uvodne določbe, dodatke in priloge k tej poroštveni pogodbi. Poleg tega je izrecno dogovorjeno, da se sklicevanje na finančno pogodbo v tej poroštveni pogodbi v nobenem primeru ne razлага, kakor da vpliva na brezpogojnost in nepreklicnost tega poroštva.

2. ČLEN**Obveznosti poroka**

2.01 Porok kot nosilec izvorne obveznosti in ne samo v zavarovanje v celoti jamči za popolno, pravočasno in nepreklicno izpolnjevanje vseh denarnih obveznosti kreditojemalke do banke iz finančne pogodbe in nepreklicno in brezpogojno jamči, da bo banki na njeno prvo pisno zahtevo v obliki iz dodatka 1 (v nadaljevanju »**zahteva**«) ter v skladu s pogoji te poroštvene pogodbe plačal vse zneske, ki bi jih banka lahko zahtevala v skladu s finančno pogodbo, skupaj z glavnico, obrestmi brez vsakršnih omejitev, provizijami, s pripadajočimi stroški in drugimi izdatki ter vsemi zneski, ki jih kreditojemalka dolguje banki na podlagi katere koli določbe finančne pogodbe (do največ 572.000.000,00 EUR (petsto dvainsedemdeset milijonov evrov) (pri čemer vsak tako zajamčeni znesek pomeni »**zajamčeni znesek**«, vsi zneski skupaj pa »**zajamčene zneske**«) »**poroštvo**«).

2.02 Any settlement or discharge given by the Bank to the Guarantor in respect of the Guarantor's obligations under this Guarantee Agreement or any other agreement reached between the Bank and the Guarantor in relation to it shall be, and be deemed always to have been, void if any act on the faith of which the Bank gave the Guarantor that settlement or discharge or entered into that agreement is subsequently avoided by or in pursuance of any provision of law. As a result the Bank's right to serve a Demand and to recover from the Guarantor to the full extent of this Guarantee Agreement at any time shall not be prejudiced or affected.

If a payment made to the Bank in respect of a Guaranteed Sum is avoided, set aside, clawed back or revoked or must be restored in pursuance of any provision of law or of any enactment relating to the insolvency, liquidation or administration (or other proceedings of a similar nature) of the person by whom such amount was paid, for the purposes of this Guarantee Agreement such amount shall be regarded as not having been paid and the Guarantor shall not be discharged in respect of such payment.

2.03 The Guarantor undertakes to promptly furnish information to the Bank on legislation or the regulatory framework affecting the Borrower, which may have an impact on the implementation of the Finance Contract.

ARTICLE 3

Enforcement of guarantee

3.01 The Bank may issue a Demand under this Guarantee Agreement after having made a demand for the relevant payment from the Borrower pursuant to the Finance Contract and evidence of such demand to the Borrower shall be attached to the Demand. The Demand shall be made in writing, stating that the Borrower has not performed or fulfilled its payment obligations under the Finance Contract, whether on a Payment Date, upon demand for early repayment or otherwise, in respect of all or part of the Guaranteed Sums and specifying the amount due and payable under the Guarantee. The Demand (together with the attachments) shall constitute conclusive evidence. The Bank shall not have to provide any other justification or evidence and the Guarantor shall not have the right to discuss its content nor to invoke the benefit of a condition or a justification whatsoever.

The Guarantor under this Guarantee Agreement shall remain in full force until all Guaranteed Sums have been fully and unconditionally paid or discharged.

3.02 The payment by the Guarantor shall fall due on the fifteenth (15th) Business Day following the date of the Demand.

For the purpose of this Guarantee Agreement "**Business Day**" means a day on which banks are open for business in Luxembourg and Ljubljana.

3.03 In the event of the Bank making a Demand, the Guarantor shall have the right to discharge immediately, under the conditions set out in the Finance Contract, all the monetary obligations of the Borrower under the Finance Contract which are still outstanding at the time of such discharge (including the indemnity under article 10 of the Finance Contract).

ARTICLE 4

Autonomy of the Guarantee

4.01 This Guarantee is an unconditional and irrevocable first demand guarantee, autonomous from the Finance Contract which cannot be construed in any circumstances and for whatever reason as a surety (*cautionnement*) within the meaning of Article 2011 of the Luxembourg Civil Code or as any other ancillary undertaking.

2.02 Kakršna koli poravnava ali oprostitev obveznosti, ki jo banka da poroku v zvezi z izpolnjevanjem njegovih obveznosti po tej poroštveni pogodbi, ali kakršen koli dogovor, sklenjen med banko in porokom v zvezi z izpolnjevanjem teh obveznosti, je ničen in se šteje, da je bil vedno ničen, če zaradi katere koli določbe predpisov ali ravnanja v skladu z njimi pride do izognitve kateremu koli dejanju, na podlagi katerega je banka sklenila poravnavo ali oprostila obveznost ali sklenila tak dogovor. Zaradi navedenega se nikoli ne sme posegati ali vplivati na pravico banke do zahteve in popolnega poplačila poroka po tej poroštveni pogodbi.

Ob izognitvi, odložitvi, vračilu ali preklicu plačila banki ali povrnitvi zajamčenega zneska v skladu s katero koli določbo predpisov, ki ureja insolventnost, likvidacijo ali prisilno upravo (ali druge podobne postopke) za osebo, ki je plačnik tega zneska, se za to poroštveno pogodbo šteje, da tak znesek ni bil plačan in da porok ni oproščen obveznosti plačila.

2.03 Porok se zavezuje, da bo banki nemudoma priskrbil informacije o zakonodaji ali pravnem okviru, ki zadeva kreditojemalko in bi lahko vplival na izvajanje finančne pogodbe.

3. ČLEN

Uveljavitev poroštva

3.01 Banka lahko da zahtevo po tej poroštveni pogodbi, potem ko je od kreditojemalke zahtevala ustrezeno plačilo na podlagi finančne pogodbe, dokazilo o tem pa je priloženo k zahtevi. Zahteva mora biti pisna in v njej mora biti navedeno, da kreditojemalka na dan plačila na zahtevo za predčasno plačilo ali drugače ni izpolnila svojih plačilnih obveznosti po finančni pogodbi v zvezi z vsemi zajamčenimi zneski ali njihovimi deli in pri tem je treba navesti znesek, ki zapade v plačilo in ga je treba plačati po tem poroštvu. Zahteva (skupaj s prilogami) pomeni trden dokaz. Banki ni treba predložiti drugih utemeljitev ali dokazov, porok pa nima pravice obravnavati njihove vsebine ali uveljavljati kakršnega koli pogojevanja ali utemeljevanja.

Poroštvo po tej poroštveni pogodbi ostane v celoti veljavno, dokler vsi zajamčeni zneski niso brezpogojno plačani ali poravnani v celoti.

3.02 Porokovo plačilo zapade petnajsti (15.) delovni dan po datumu zahteve.

V tej poroštveni pogodbi »**delovni dan**« pomeni dan, ko so banke v Luxembourg in Ljubljani odprte za poslovanje.

3.03 Če banka da zahtevo, ima porok pravico pod pogoji, navedenimi v finančni pogodbi (vključno z odškodnino, opredeljeno v 10. členu finančne pogodbe), takoj poravnati vse denarne obveznosti kreditojemalke iz finančne pogodbe, ki so ob taki poravnavi še neplačane.

4. ČLEN

Avtonomnost poroštva

4.01 To poroštvo je brezpogojno in nepreklicno poroštvo na prvi poziv in je avtonomno glede na finančno pogodbo, ki se v nobenem primeru in iz katerega koli razloga ne more štetiti za poroštvo (*cautionnement*) v smislu 2011. člena civilnega zakonika Luksemburga ali za akcesorno jamstvo.

4.02 The Guarantor hereby waives irrevocably any objection or exception in law to the total or partial enforcement of this Guarantee Agreement and to refuse or delay the performance of its obligations under the Guarantee and/or any payment to be made under the Guarantee. It undertakes to perform its obligations upon Demand by the Bank in accordance with Article 3.01 whenever such Demand is made and to pay the sums due without any limitation, retention or condition, without the Bank having to furnish any special evidence in support of its request other than the reason for the Demand under this Guarantee Agreement.

In particular, the Bank is not obliged, prior to the enforcement of this Guarantee Agreement, to realise securities or to enforce any other security that the Borrower or a third party may have constituted.

The Guarantor acknowledges that its obligations to make payments hereunder are independent from (i) the validity, regularity and/or enforceability of the Finance Contract, (ii) the occurrence of any event whatsoever which could prevent the Borrower from performing his obligations, including his payment obligations, under the Finance Contract, or (iii) any other circumstances which might otherwise in relation to the Finance Contract constitute a legal discharge of or a defence for the Guarantor.

4.03 The Guarantee is in addition to any other rights, which the Bank has, or may have, against the Borrower or any other entity which becomes the legal and/or universal successor of the Borrower in relation to or in connection with the transactions contemplated by the Finance Contract or against the Guarantor.

4.04 The Guarantor accepts and acknowledges that the Bank will not be required to proceed or enforce any rights against the Borrower or any other entity which becomes the legal and/or universal successor of the Borrower in relation to or in connection with the transactions contemplated by the Finance Contract before making a claim under the Guarantee.

ARTICLE 5

Subrogation

When the Guarantor has made a payment to the Bank and provided the Guarantor has exercised its rights under Article 3.03, it is subrogated, to the extent of such payment, to the rights and actions relating to the said payment that the Bank has against the Borrower; this right of subrogation shall not be invoked to the detriment of the Bank.

ARTICLE 6

Information

6.01 The Guarantor shall inform the Bank forthwith of any fact or event likely to affect the performance of its obligations under this Guarantee Agreement.

6.02 The Guarantor shall notify the Bank of the completion of the procedures necessary in the Republic of Slovenia for the entry into force of the Guarantee Agreement.

ARTICLE 7

Modification of the Finance Contract

7.01 The Bank may agree any modification of the Finance Contract that has the effect of improving or strengthening the position of the Bank vis-à-vis the Borrower without increasing the obligations of the Guarantor; any such modification shall be notified to the Guarantor.

7.02 Any other modification of the Finance Contract shall be conditional upon the prior written consent of the Guarantor, which shall not be withheld unless the Guarantor reasonably considers that its obligations thereunder would be materially increased or extended thereby.

4.02 Porok se nepreklicno odreka vsakršnemu ugovoru ali zakonskim izjemam v zvezi s popolnim ali delnim uveljavljanjem te poroštvene pogodbe in zavračanju ali zamudi pri izpolnitvi svojih obveznosti po tem poroštvu in/ali plačilu po tem poroštvu. Zavezuje se, da bo v skladu s členom 3.01 na zahtevo banke izpolnil svoje obveznosti ob vsakem takem zahtevku in plačal zapadle zneske brez vsakršnih omejitv, zadrževanja ali pogojev, ne da bi bilo banki treba priskrbeti kakšna druga posebna dokazila v podporo njeni zahtevi, razen razloga za zahtevo, ki izhaja iz te poroštvene pogodbe.

Banki pred uveljavljanjem te poroštvene pogodbe zlasti ni treba unovčiti vrednostnih papirjev ali uveljavljati kakšnega drugega jamstva, ki ga je morebiti zagotovila kreditojemalka ali kakšna tretja oseba.

Porok potrjuje, da so njegove obveznosti plačila po tej pogodbi neodvisne od (i) veljavnosti, pravilnosti in/ali izvršljivosti finančne pogodbe, (ii) nastopa kakršnega koli dogodka, ki bi kreditojemalki lahko preprečil izpolnitev njenih obveznosti po finančni pogodbi vključno s plačilimi obveznostmi, ali (iii) kakršnih koli drugih okoliščin, ki bi lahko v zvezi s finančno pogodbo drugače pomenile pravno oprostitev obveznosti ali obrambo poroka.

4.03 Poroštvu je dodatek k drugim pravicam, ki jih banka ima ali ki bi jih lahko imela do kreditojemalke ali katere koli druge osebe, ki postane pravna in/ali univerzalna pravna naslednica kreditojemalke v zvezi s posli iz finančne pogodbe, ali do poroka.

4.04 Porok sprejema in potrjuje, da banki pred uveljavljanjem zahteve po danem poroštvu ne bo treba uresničevati ali uveljavljati nikakršnih pravic zoper kreditojemalko ali katero koli osebo, ki postane pravna in/ali univerzalna pravna naslednica kreditojemalke v zvezi s posli iz finančne pogodbe.

5. ČLEN

Subrogacija

Ko porok izvede plačilo banki in uveljavi svoje pravice v skladu s členom 3.03, nanj preidejo pravice in terjative, ki jih ima banka do kreditojemalke v zvezi s tem plačilom; pravice do subrogacije ni mogoče uveljavljati v škodo banke.

6. ČLEN

Obveščanje

6.01 Porok takoj obvesti banko o vsakem dejstvu ali dogodu, ki bi lahko vplival na izpolnjevanje njegovih obveznosti iz te poroštvene pogodbe.

6.02 Porok uradno obvesti banko o dokončanju postopkov, ki so v Republiki Sloveniji potrebni za začetek veljavnosti poroštvene pogodbe.

7. ČLEN

Spremembe finančne pogodbe

7.01 Banka lahko soglaša z vsemi spremembami finančne pogodbe, s katerimi povečuje ali krepi položaj banke do kreditojemalke, ne da bi se zaradi tega povečale obveznosti poroka; o morebitnih spremembah je treba obvestiti poroka.

7.02 Za vse druge spremembe finančne pogodbe je potrebno predhodno pisno soglasje poroka, ki izdaje soglasja ne sme zavrniti, razen če upravičeno ne meni, da bi se s tem bistveno povečale ali podaljšale njegove obveznosti.

ARTICLE 8

Taxes, Charges and Expenses

Taxes or fiscal charges, legal costs and other expenses incurred in the execution or implementation of this Guarantee Agreement shall be borne by the Guarantor. The Guarantor shall make payments hereunder without withholding or deduction on account of tax or fiscal charges.

ARTICLE 9

Legal regime of this Guarantee Agreement

9.01 The legal relations between the parties to this Guarantee Agreement, its formation and validity shall be governed by the laws of the Grand Duchy of Luxembourg.

9.02 The place of performance of this Guarantee Agreement is the head office of the Bank.

9.03 The parties hereto submit to the exclusive jurisdiction of the Court of Justice of the European Union and all disputes concerning the Guarantee Agreement shall be submitted to such court.

The decision of the Court of Justice of the European Union shall be conclusive and shall be accepted as such by the parties without restriction or reservation.

9.04 The parties hereto agree that this Guarantee Agreement is of a commercial nature and hereby undertake to waive any immunities, which they may now or hereafter enjoy in any country from the jurisdiction of the Court of Justice of the European Union.

9.05 In any legal action arising out of this Guarantee Agreement the certificate of the Bank as to any amount due to the Bank under this Guarantee Agreement shall be *prima facie* evidence of such amount.

9.06 This Guarantee Agreement shall enter into force on the date when the Bank issues a written notice to the Guarantor confirming that the Bank has received a written notice pursuant to Article 6.02 of this Guarantee Agreement and a legal opinion issued by a duly authorised officer of the Attorney General's Office of the Guarantor in the form and substance satisfactory to the Bank, as set out in Annex II.

ARTICLE 10

Final Clauses

10.01 Notices and other communications given hereunder shall be sent to the respective address set out below:

– for the Guarantor: Ministry of Finance
Župančičeva 3
1502 Ljubljana
Slovenia

– for the Bank: 100 Boulevard Konrad Adenauer
L-2950 Luxembourg
Grand Duchy of Luxembourg.

Each party may, by notice to the other, change its addresses as set out above.

10.02 Notices and other communications, for which fixed periods are laid down in this Guarantee Agreement or which themselves fix periods binding on the addressee, shall be served by hand delivery, registered letter, telegram, telex, confirmed fax or any other means of transmission which affords evidence of receipt by the addressee. The date of registration or, as the case may be, the stated date of receipt of transmission shall be conclusive for the determination of a period.

8. ČLEN

Davki in druge dajatve ter stroški

Davki ali druge dajatve, sodni in drugi stroški, ki nastanejo pri sklepanju ali izvajanju te poroštvene pogodbe, bremenijo poroka. Porok bo plačila po tej pogodbi opravljal brez vsakršnega odbitka ali zmanjšanja zaradi davkov ali drugih dajatev.

9. ČLEN

Pravni režim poroštvene pogodbe

9.01 Pravna razmerja med pogodbenicama te poroštvene pogodbe, njeno sestavo in veljavnost ureja zakonodaja Velikega vojvodstva Luksemburg.

9.02 Kraj izpolnitve te poroštvene pogodbe je sedež banke.

9.03 Pogodbenici se podrejata izključni pristojnosti Sodišča Evropske unije in vsi spori v zvezi s poroštveno pogodbo se predložijo temu sodišču.

Odločitev Sodišča Evropske unije je dokončna in jo bo sta kot tako pogodbenici sprejeli brez vsakršnih omejitv ali pridržkov.

9.04 Pogodbenici soglašata, da je ta poroštvena pogodba komercialne narave, in se obvezujeta, da se bosta odpovedali vsem morebitnim imunitetom, ki jih zdaj uživata ali bi jih lahko uživali v prihodnje v kateri koli državi v zvezi s sodno pristojnostjo Sodišča Evropske unije.

9.05 V katerem koli sodnem postopku v zvezi s to poroštveno pogodbo bo potrdilo banke o kakršnem koli znesku, dolgovanem banki po tej poroštveni pogodbi, dokaz prima facie o takem znesku.

9.06 Ta poroštvena pogodba začne veljati z dnem, ko banka poroku izda pisno obvestilo, s katerim potrdi, da je prejela pisno obvestilo v skladu s členom 6.02 te poroštvene pogodbe, ter pravno mnenje, ki ga je izdala pravilno pooblaščena uradna oseba porokovega generalnega državnega pravobranilstva v obliki in z vsebino, ki sta za banko sprejemljivi, kakor je določeno v prilogi II.

10. ČLEN

Končne določbe

10.01 Obvestila in druga sporočila po tej pogodbi se pošljejo na navedena naslova:

– za poroko: Ministrstvo za finance
Župančičeva 3
1502 Ljubljana
Slovenija

– za banko: 100 Boulevard Konrad Adenauer
L-2950 Luxembourg
Veliko vojvodstvo Luksemburg

Vsaka pogodbenica lahko drugo obvesti o spremembah navedenega naslova.

10.02 Obvestila in druga sporočila, za katera so v tej poroštveni pogodbi določeni stalni roki ali v katerih so določeni za naslovnika zavezujoči roki, se vročijo osebno ali pošljejo s priporočenim pismom, telegramom, teleksom, potrjenim telefonsom ali na kakršen koli drug način, ki dokazuje, da je naslovnik obvestilo prejel. Rok se določi po datumu potrdila o oddaji priporočenega obvestila ali glede na primer po navedenem datumu prejema oddanega obvestila.

10.03 The Recitals forms part of this Guarantee Agreement.

The following Annex is attached hereto:

Annex I Certified English translation of the relevant provisions of the Slovenian Law on the guarantee.

Annex II Form of legal opinion on this Guarantee Agreement

IN WITNESS WHEREOF the parties hereto have caused this Guarantee Agreement to be executed in four (4) originals in the English language.

This Guarantee Agreement has been initialled on behalf of the Guarantor by Mr Mitja Mavko, and on behalf of the Bank by Mr Lawrence Walsh.

Ljubljana,
6 December 2012

Signed
for and on behalf of
REPUBLIC
OF SLOVENIA

The
Minister of Finance
Janez Šušteršič (s)

Luxembourg,
4 December 2012

Signed
for and on behalf of
EUROPEAN
INVESTMENT BANK

The
Head of Division
Dominique
Courbin (s)

The
Legal Counsel
Lawrence
Walsh (s)

10.03 Uvodne navedbe so sestavni del te poroštvene pogodbe.

Pogodbi sta priloženi:

Priloga I Overjen angleški prevod zadevnih določb slovenskega Zakona o poroštvu

Priloga II Vzorec pravnega mnenja o tej poroštveni pogodbi

V DOKAZ NAVEDENEGA sta pogodbenici podpisali to poroštveno pogodbo v štirih (4) izvirnikih v angleškem jeziku.

To poroštveno pogodbo sta parafirala g. Mitja Mavko v imenu poroka in g. Lawrence Walsh v imenu banke.

Ljubljana,
6 december 2012

Podpisal za
REPUBLIKO
SLOVENIJO

Minister
za Finance
Janez Šušteršič l.r.

Luxembourg,
4 december 2012

Podpisal za
EUROPESKO
INVESTICIJSKO BANKO

Vodja
oddelka
Dominique
Courbin (s)

Pravni
svetovalec
Lawrence
Walsh (s)

3. člen

Za izvajanje pogodbe skrbi ministrstvo, pristojno za finance.

4. člen

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

Št. 450-07/12-7/17
Ljubljana, dne 21. decembra 2012
EPA 630-VI

Državni zbor
Republike Slovenije
dr. Gregor Virant l.r.
Predsednik

105. Zakon o ratifikaciji Sprememb 2006 spremenjene Mednarodne konvencije o standardih za usposabljanje, izdajanje spričeval in ladijsko stražarjenje pomorščakov, 1978 (MKSULSP06)

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

U K A Z

o razglasitvi Zakona o ratifikaciji Sprememb 2006 spremenjene Mednarodne konvencije o standardih za usposabljanje, izdajanje spričeval in ladijsko stražarjenje pomorščakov, 1978 (MKSULSP06)

Razglašam Zakon o ratifikaciji Sprememb 2006 spremenjene Mednarodne konvencije o standardih za usposabljanje, izdajanje spričeval in ladijsko stražarjenje pomorščakov, 1978 (MKSULSP06), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 14. decembra 2012.

Št. 003-02-10/2012-9
Ljubljana, dne 24. decembra 2012

Borut Pahor I.r.
Predsednik
Republike Slovenije

Z A K O N

O RATIFIKACIJI SPREMEMB 2006 SPREMENJENE MEDNARODNE KONVENCIJE O STANDARDIH ZA USPOSABLJANJE, IZDAJANJE SPRIČEVAL IN LADIJSKO STRAŽARJENJE POMORŠČAKOV, 1978 (MKSULSP06)

1. člen

Ratificirajo se Spremembe 2006 spremenjene Mednarodne konvencije o standardih za usposabljanje, izdajanje spričeval in ladijsko stražarjenje pomorščakov, 1978, sprejete v Londonu 18. maja 2006.

2. člen

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

2006 AMENDMENTS TO THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS, 1978, AS AMENDED

AMENDMENTS TO THE INTERNATIONAL CONVENTION ON STANDARDS OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS, 1978, AS AMENDED

CHAPTER I GENERAL PROVISIONS

Regulation 1/1 – Definitions and clarifications

1 The full stop „.“ at the end of paragraph 1 subparagraph .25 is replaced by a semicolon „;“.

2 In paragraph 1, the following new subparagraphs .26 and .27 are inserted after the existing subparagraph .25:

.26 *ISPS Code* means the International Ship and Port Facility Security (ISPS) Code adopted on 12 December 2002, by resolution 2 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea (SOLAS), 1974, as may be amended by the Organization;

.27 *Ship security officer* means the person on board the ship, accountable to the master, designated by the Company as responsible for the security of the ship including implementation and maintenance of the ship security plan and liaison with the Company security officer and port facility security officers.“

SPREMEMBE 2006 SPREMENJENE MEDNARODNE KONVENCIJE O STANDARDIH ZA USPOSABLJANJE, IZDAJANJE SPRIČEVAL IN LADIJSKO STRAŽARJENJE POMORŠČAKOV, 1978

SPREMEMBE SPREMENJENE MEDNARODNE KONVENCIJE O STANDARDIH ZA USPOSABLJANJE, IZDAJANJE SPRIČEVAL IN LADIJSKO STRAŽARJENJE POMORŠČAKOV, 1978

I. POGLAVJE SPLOŠNE DOLOČBE

Pravilo I/1 – Pomen izrazov in pojasnila

1. Pika »« na koncu petindvajsetega pododstavka prvega odstavka se nadomesti s podpičjem »;«.

2. V prvem odstavku se za petindvajsetim pododstavkom dodata nova šestindvajseti in sedemindvajseti pododstavek:

»26 »kodeks ISPS« je Mednarodni kodeks o zaščiti ladij in pristanišč, ki je bil sprejet 12. decembra 2002 z resolucijo 2 Konference vlad pogodbenic Mednarodne konvencije o varstvu človeškega življenja na morju (SOLAS), 1974, in ga lahko spremeni Organizacija;

.27 »ladijski častnik za zaščito« je pomorščak, ki ga ladjar poleg poveljnika ladje določi kot odgovornega za zaščito ladje, izvajanje in izpolnjevanje ladijskega načrta zaščite ter zvezo z ladjarjevim častnikom za zaščito in pristaniškim častnikom za zaščito.«

CHAPTER VI
**EMERGENCY, OCCUPATIONAL SAFETY, MEDICAL CARE
AND SURVIVAL FUNCTIONS**

3 The existing title of chapter VI is replaced by the following:

"Emergency, occupational safety, security, medical care and survival functions"

4 The following new regulation VI/5 is inserted after the existing regulation VI/4:

"Regulation VI/5

Mandatory minimum requirements for the issue of certificates of proficiency for ship security officers

1 Every candidate for a certificate of proficiency as ship security officer shall:

.1 have approved seagoing service of not less than 12 months or appropriate seagoing service and knowledge of ship operations; and

.2 meet the standard of competence for certification of proficiency as ship security officer, set out in section A-VI/5, paragraphs 1 to 4 of the STCW Code.

2 Administrations shall ensure that every person found qualified under the provisions of this regulation is issued with a certificate of proficiency.

3 Every Party shall compare the standards of competence which it required of ship security officers who hold or can document qualifications before the entry into force of this regulation with those specified for the certificate of proficiency in section A-VI/5 of the STCW Code, and shall determine the need for requiring these personnel to update their qualifications.

4 Until 1 July 2009, a Party may continue to recognize personnel who hold or can document qualifications as ship security officers before the entry into force of this regulation."

VI. POGLAVJE

**IZREDNE RAZMERE, VARSTVO PRI DELU,
ZDRAVSTVENA OSKRBA IN REŠEVALNE DEJAVNOSTI**

3. Naslov VI. poglavja se spremeni tako, da se glasi:

»Izredne razmere, varstvo pri delu, zaščita, zdravstvena oskrba in reševalne dejavnosti«

4. Za pravilom VI/4 se vstavi novo pravilo VI/5:

»Pravilo VI/5

Obvezne minimalne zahteve za izdajo pooblastila o usposobljenosti za ladijskega častnika za zaščito

1. Kandidat za pridobitev pooblastila o usposobljenosti za ladijskega častnika za zaščito mora:

.1 imeti priznanih najmanj 12 mesecev plovne dobe ali ustreznog plovbo dobo in znanje o ravnanju z ladji in

.2 izpolnjevati standarde usposobljenosti za izdajo pooblastila o usposobljenosti za ladijskega častnika za zaščito iz prvega do četrtega odstavka oddelka A-VI/5 kodeksa STCW.

2. Uprave zagotovijo, da se vsaki osebi, ki izpolnjuje pogoje iz tega pravila, izda ustrezeno pooblastilo.

3. Pogodbina primerja standarde usposobljenosti, ki jih je zahtevala od ladijskih častnikov za zaščito, ki imajo kvalifikacije ali lahko predložijo dokazilo o kvalifikacijah pred začetkom veljavnosti tega pravila, s tistimi, ki so določeni v oddelku A-VI/5 kodeksa STCW za pridobitev pooblastila o usposobljenosti, in se odloči, ali je treba zahtevati ustrezeno posodobitev njihovih kvalifikacij.

4. Do 1. julija 2009 lahko pogodbina še naprej priznava kot ladijske častnike za zaščito osebe, ki imajo kvalifikacije ali lahko predložijo dokazilo o kvalifikacijah pred začetkom veljavnosti tega pravila.«

3. člen

Za izvajanje sprememb skrbi ministrstvo, pristojno za infrastrukturo.

4. člen

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

Št. 326-04/10-3/13
Ljubljana, dne 14. decembra 2012
EPA 1048-V

Državni zbor
Republike Slovenije
dr. **Gregor Virant** l.r.
Predsednik

106. Zakon o ratifikaciji Protokola o spremembah Konvencije o mednarodni hidrografske organizaciji (MPKMHO)

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

U K A Z**o razglasitvi Zakona o ratifikaciji Protokola o spremembah Konvencije o mednarodni hidrografske organizaciji (MPKMHO)**

Razglašam Zakon o ratifikaciji Protokola o spremembah Konvencije o mednarodni hidrografske organizaciji (MPKMHO), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 14. decembra 2012.

Št. 003-02-10/2012-12

Ljubljana, dne 24. decembra 2012

Borut Pahor l.r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI PROTOKOLA O SPREMEMBAH KONVENCIJE O MEDNARODNI HIDROGRAFSKI ORGANIZACIJI (MPKMHO)****1. člen**

Ratificira se Protokol o spremembah Konvencije o Mednarodni hidrografske organizaciji, sklenjen v Monaku 21. novembra 2005.

2. člen

Besedilo Protokola o spremembah Konvencije o Mednarodni hidrografske organizaciji se v izvirniku v angleškem jeziku in prevodu v slovenskem jeziku glasi:

P R O T O C O L**OF AMENDMENTS TO THE CONVENTION
ON THE INTERNATIONAL HYDROGRAPHIC
ORGANIZATION (November 2005)****Article 1**

1. The Heading of the Preamble is amended to read as follows:

"The States Parties to this Convention"

2. The following paragraphs are added as the new second, third and fourth paragraphs of the Preamble:

"CONSIDERING that the International Hydrographic Organization is a competent international organization, as referred to in the United Nations Convention on the Law of the Sea, which coordinates on a worldwide basis the setting of standards for the production of hydrographic data and the provision of hydrographic services and which facilitates capacity building of national hydrographic services;

CONSIDERING that the vision of the International Hydrographic Organization is to be the authoritative worldwide hydrographic body which actively engages all coastal and interested States to advance maritime safety and efficiency and which supports the protection and sustainable use of the marine environment;

CONSIDERING that the mission of the International Hydrographic Organization is to create a global environment in which States provide adequate and timely hydrographic data, products and services and ensure their widest possible use; and"

Article 2

Article II of the Convention is amended to read as follows:

"The Organization shall have a consultative and technical nature. It shall be the object of the Organization:

(a) To promote the use of hydrography for the safety of navigation and all other marine purposes and to raise global awareness of the importance of hydrography;

P R O T O C O L**O SPREMEMBAH KONVENCIJE
O MEDNARODNI HIDROGRAFSKI
ORGANIZACIJI (november 2005)****1. člen**

1. Naslov uvoda se spremeni tako, da se glasi:

»Države pogodbenice te konvencije.«

2. V uvodu se dodajo drugi, tretji in četrti odstavek:

»GLEDE NA TO, da je Mednarodna hidrografska organizacija pristojna mednarodna organizacija, kakor je navedeno v Konvenciji Združenih narodov o pomorskem mednarodnem pravu, ki na svetovni ravni uskljuje določanje standardov za oblikovanje hidrografskega podatkov in zagotavljanje hidrografske služb ter izboljšuje strokovno usposobljenost državnih hidrografskeh služb,

GLEDE NA TO, da Mednarodna hidrografska organizacija želi postati verodostojen svetovni hidrografski organ, ki dejavno spodbuja vse obalne in zainteresirane države k izboljšanju pomorske varnosti in učinkovitosti ter podpira varovanje in trajnostno rabo morskega okolja,

OB UPOŠTEVANJU, da je naloga Mednarodne hidrografske organizacije oblikovati svetovno okolje, v katerem države zagotavljajo ustrezne in pravočasne hidrografske podatke, proizvode in storitve ter njihovo najširšo mogočo uporabo, in«.

2. člen

II. člen konvencije se spremeni tako, da se glasi:

»Organizacija je posvetovalne in tehnične narave. Njene naloge so:

a) spodbujati uporabo hidrografije za varnost plovbe in vse druge pomorske namene ter dvigniti celostno zavedanje o pomenu hidrografije;

(b) To improve global coverage, availability and quality of hydrographic data, information, products and services and to facilitate access to such data, information, products and services;

(c) To improve global hydrographic capability, capacity, training, science and techniques;

(d) To establish and enhance the development of international standards for hydrographic data, information, products, services and techniques and to achieve the greatest possible uniformity in the use of these standards;

(e) To give authoritative and timely guidance on all hydrographic matters to States and international organizations;

(f) To facilitate coordination of hydrographic activities among the Member States; and

(g) To enhance cooperation on hydrographic activities among States on a regional basis."

Article 3

Article III of the Convention is amended to read as follows:

"The Member States of the Organization are the States Parties to this Convention."

Article 4

Article IV of the Convention is amended to read as follows:

"The Organization shall comprise:
 (a) The Assembly;
 (b) The Council;
 (c) The Finance Committee;
 (d) The Secretariat; and
 (e) Any subsidiary organs."

Article 5

Article V of the Convention is amended to read as follows:

(a) "The Assembly is the principal organ and shall have all the powers of the Organization unless otherwise regulated by the Convention or delegated by the Assembly to other organs.

(b) The Assembly shall be composed of all Member States.

(c) The Assembly shall meet in ordinary session every three years. Extraordinary sessions of the Assembly may be held at the request of a Member State or of the Council or of the Secretary-General, subject to the approval of the majority of the Member States.

(d) A majority of the Member States shall constitute a quorum for the meetings of the Assembly.

(e) The functions of the Assembly shall be to:
 (i) Elect its Chair and Vice-Chair;
 (ii) Determine its own rules of procedure and those of the Council, the Finance Committee and any subsidiary organ of the Organization;
 (iii) In accordance with the General Regulations, elect the Secretary-General and the Directors and determine the terms and conditions of their service;
 (iv) Establish subsidiary organs;
 (v) Decide the overall policy, strategy and work programme of the Organization;
 (vi) Consider reports put to it by the Council;
 (vii) Consider the observations and recommendations put to it by any Member State, the Council or the Secretary-General;
 (viii) Decide on any proposals put to it by any Member State, the Council or the Secretary-General;
 (ix) Review the expenditures, approve the accounts and determine the financial arrangements of the Organization;
 (x) Approve the three-year budget of the Organization;
 (xi) Decide on operational services;

b) izboljšati celotno uporabo, razpoložljivost in kakovost hidrografskega podatkov, informacij, proizvodov in storitev ter olajšati dostop do njih

c) izboljšati zmogljivosti, sposobnosti, usposabljanje, znanost in tehnike na področju hidrografije po vsem svetu;

d) vzpostaviti in okrepliti razvoj mednarodnih standardov za hidrografske podatke, informacije, proizvode, storitve in tehnike ter doseči največjo mogočo enotnost pri uporabi teh standardov;

e) državam in mednarodnim organizacijam zagotavljati verodostojne in pravočasne smernice za vse hidrografske zadeve;

f) olajšati usklajevanje hidrografske dejavnosti med državami članicami in

g) okrepliti sodelovanje pri opravljanju hidrografske dejavnosti med državami na območni ravni.«

3. člen

III. člen konvencije se spremeni tako, da se glasi:

»Države članice organizacije so države pogodbenice te konvencije.«

4. člen

IV. člen konvencije se spremeni tako, da se glasi:

»Organizacijo sestavljajo:
 a) skupščina,
 b) svet,
 c) finančni odbor,
 d) sekretarijat in
 e) vsi pomožni organi.«

5. člen

V. člen konvencije se spremeni tako, da se glasi:

a) »Skupščina je glavni organ in ima vsa pooblastila organizacije, razen če s konvencijo ni urejeno drugače ali če skupščina prenese pooblastila na druge organe.

b) Skupščino sestavljajo vse države članice.

c) Skupščina se sestane na rednem zasedanju vsaka tri leta. Izredna zasedanja so mogoča na zahtevo države članice, sveta ali generalnega sekretarja, če s to zahtevo soglaša večina držav članic.

d) Za sklepčnost zasedanj skupščine zadošča večina navzočih držav članic.

e) Naloge skupščine so:

i) izvoliti predsednika in podpredsednika;
 ii) določiti lasten poslovnik ter poslovneke sveta, finančnega odbora in vsakega pomožnega organa organizacije;

iii) izvoliti generalnega sekretarja in direktorje ter določiti pogoje za njihovo delovanje v skladu s splošnimi pravili;

iv) ustanoviti pomožne organe,
 v) določiti celovito politiko, strategijo in delovni program organizacije;

vi) obravnavati poročila, ki jih predloži svet;
 vii) proučiti mnenja in priporočila katere koli države članice, sveta ali generalnega sekretarja;

viii) odločati o vseh predlogih katere koli države članice, sveta ali generalnega sekretarja;

ix) pregledati izdatke, odobriti računovodske izkaze in določiti finančno ureditev organizacije;

x) odobriti triletni proračun organizacije;

xi) odločati o operativnih službah;

(xii) Decide on any other matters within the scope of the Organization; and
 (xiii) Delegate, where appropriate and necessary, responsibilities to the Council."

Article 6

Article VI of the Convention is amended to read as follows:

(a) "One-fourth of, but not less than thirty, Member States shall take seats in the Council, the first two-thirds of whom shall take their seats on a regional basis and the remaining one-third on the basis of hydrographic interests, which shall be defined in the General Regulations.

(b) The principles for the composition of the Council shall be laid down in the General Regulations.

(c) Members of the Council shall hold office until the end of the next ordinary session of the Assembly.

(d) Two-thirds of the members of the Council shall constitute a quorum.

(e) The Council shall meet at least once a year.

(f) Member States not being members of the Council may participate in Council meetings but shall not be entitled to vote.

(g) The functions of the Council shall be to:

(i) Elect its Chair and Vice-Chair, each of whom shall hold office until the end of the next ordinary session of the Assembly;

(ii) Exercise such responsibilities as may be delegated to it by the Assembly;

(iii) Co-ordinate, during the inter-Assembly period, the activities of the Organization within the framework of the strategy, work programme and financial arrangements, as decided by the Assembly;

(iv) Report to the Assembly at each ordinary session on the work of the Organization;

(v) Prepare, with the support of the Secretary-General, proposals concerning the overall strategy and the work programme to be adopted by the Assembly;

(vi) Consider the financial statements and budget estimates prepared by the Secretary-General and submit them for approval to the Assembly with comments and recommendations regarding programmatic allocations of the budget estimates;

(vii) Review proposals submitted to it by subsidiary organs and refer them:

- To the Assembly for all matters requiring decisions by the Assembly;

- Back to the subsidiary organ if considered necessary; or

- To the Member States for adoption, through correspondence;

(viii) Propose to the Assembly the establishment of subsidiary organs; and

(ix) Review draft agreements between the Organization and other organizations, and submit them to the Assembly for approval."

Article 7

Article VII of the Convention is amended to read as follows:

(a) "The Finance Committee shall be open to all Member States. Each Member State shall have one vote.

(b) The Finance Committee shall normally be convened in conjunction with each ordinary session of the Assembly and may convene additional meetings as appropriate.

(c) The functions of the Finance Committee shall be to review the financial statements, budget estimates and reports on administrative matters prepared by the Secretary-General and to present its observations and recommendations thereon to the Assembly.

(d) The Finance Committee shall elect its Chair and Vice-Chair".

xii) odločati o vseh zadevah v okviru organizacije in

xiii) prenesti odgovornosti na svet, kadar je ustrezeno in potrebno.«

6. člen

VII. člen konvencije se spremeni tako, da se glasi:

a) »Ena četrtnina držav članic, vendar ne manj kakor trideset, ima sedež v svetu, pri čemer dobita prvi dve tretjini svoj sedež na regionalni ravni, preostala tretjina pa glede na hidrografske interese, ki so opredeljeni v splošnih pravilih.

b) Načela sestave sveta so določena v splošnih pravilih.

c) Članice sveta opravljajo svoje naloge do konca naslednjega rednega zasedanja skupščine.

d) Za sklepčnost sta potrebeni dve tretjini članic sveta.

e) Svet se sestane vsaj enkrat letno.

f) Države članice, ki niso članice sveta, lahko sodelujejo na njegovih zasedanjih, vendar nimajo pravice do glasovanja.

g) Naloge sveta so:

i) izvoliti predsednika in podpredsednika, ki opravlja svoje naloge do konca naslednjega rednega zasedanja skupščine;

ii) izpolnjevati obveznosti, ki mu jih lahko naloži skupščina;

iii) v obdobju med skupščinama usklajevati dejavnosti organizacije v okviru strategije, delovnega programa in finančne ureditve, kakor določi skupščina;

iv) poročati skupščini na vsakem rednem zasedanju o delu organizacije;

v) s podporo generalnega sekretarja pripraviti predloge v zvezi s celovito strategijo in delovnim programom, ki ga sprejme skupščina;

vi) proučiti finančna poročila in ocene proračunskih sredstev, ki jih pripravi generalni sekretar, ter jih predložiti v odobritev skupščini s pripombami in priporočili glede programiranih dodelitev ocenjenih proračunskih sredstev;

vii) pregledati predloge pomožnih organov in jih:

- predložiti skupščini za vse zadeve, ki zahtevajo njene odločitve,

- vrniti pomožnemu organu, če svet meni, da je potrebno, ali

- jih dopisno predložiti državam članicam v sprejetje;

viii) predlagati skupščini ustanovitev pomožnih organov in

ix) pregledati osnutke sporazumov med organizacijo in drugimi organizacijami ter jih predložiti skupščini v odobritev.«

7. člen

VII. člen konvencije se spremeni tako, da se glasi:

a) »V finančnem odboru so lahko zastopane vse države članice. Vsaka država članica ima en glas.

b) Finančni odbor se navadno sestane v povezavi z rednim zasedanjem skupščine, po potrebi pa so lahko sklicana dodatna zasedanja.

c) Naloge finančnega odbora so, da pregleda finančna poročila, ocene proračunskih sredstev in poročila o upravnih zadevah, ki jih pripravi generalni sekretar, ter skupščini predstavi svoja mnenja in priporočila v zvezi z njimi.

d) Finančni odbor izvoli svojega predsednika in podpredsednika.«

Article 8

Article VIII of the Convention is amended to read as follows:

(a) "The Secretariat shall comprise a Secretary-General, Directors and such other personnel as the Organization may require.

(b) The Secretary-General shall maintain all such records as may be necessary for the efficient discharge of the work of the Organization and shall prepare, collect, and circulate any documentation that may be required.

(c) The Secretary-General shall be the chief administrative officer of the Organization.

(d) The Secretary-General shall:

(i) Prepare and submit to the Finance Committee and the Council the financial statements for each year and budget estimates on a three-year basis, with the estimates for each year shown separately; and

(ii) Keep Member States informed with respect to the activities of the Organization.

(e) The Secretary-General shall perform such other tasks as may be assigned by the Convention, the Assembly or the Council.

(f) In the performance of their duties, the Secretary-General, the Directors and the personnel shall not seek or receive instructions from any Member State or from any authority external to the Organization. They shall refrain from any action that may be incompatible with their positions as international officials. Each Member State on its part undertakes to respect the exclusively international character of the responsibilities of the Secretary-General, the Directors and the personnel and not seek to influence them in the discharge of their responsibilities."

Article 9

Article IX of the Convention is amended to read as follows:

"Where decisions cannot be reached by consensus, the following provisions shall apply:

(a) Except as otherwise provided in this Convention, each Member State shall have one vote.

(b) For the election of the Secretary-General and the Directors, each Member State shall have a number of votes determined by a scale established in relation to the tonnage of their fleets.

(c) Except as otherwise provided in this Convention, decisions shall be taken by a simple majority of Member States present and voting, and if the votes are tied the Chair shall decide.

(d) Decisions taken on matters related to the policy or finances of the Organization, including amendments to the General and Financial Regulations, shall be taken by a two-thirds majority of Member States present and voting.

(e) With respect to subparagraphs (c) and (d) of this Article and subparagraph (b) of Article XXI below, the phrase "Member States present and voting" means Member States present and casting an affirmative or negative vote. Member States that abstain from voting shall be considered as not voting.

(f) In the case of a submission to Member States in accordance with Article VI (g) (vii), the decision shall be taken by a majority of the Member States who cast a vote, with the minimum number of affirmative votes being at least one-third of all Member States."

Article 10

Article X of the Convention is amended to read as follows:

"In relation to matters within its scope, the Organization may cooperate with international organizations whose interests and activities are related to the purpose of the Organization."

8. člen

VIII. člen konvencije se spremeni tako, da se glasi:

a) »Sekretariat sestavlja generalni sekretar, direktorji in drugo osebje, ki ga utegne potrebovati organizacija.

b) Generalni sekretar vodi vse evidence, ki utegnejo biti potrebne za učinkovito opravljanje dela organizacije, ter pripravlja, zbira in razpošilja vso dokumentacijo, ki se morda zahteva.

c) Generalni sekretar je glavni tajnik organizacije.

d) Generalni sekretar:

i) pripravlja in predloži finančnemu odboru in svetu finančna poročila za vsako leto ter triletne ocene proračunskih sredstev, ki so prikazane ločeno, za vsako leto posebej, in

ii) redno obvešča države članice o dejavnostih organizacije.

e) Generalni sekretar opravlja druge naloge, ki lahko izhajo iz konvencije ali mu jih naloži skupščina ali svet.

f) Pri izpolnjevanju nalog generalni sekretar, direktorji in osebje ne smejo iskati ali dobivati navodil v kateri koli državi članici ali katerem koli organu zunaj organizacije. Ne smejo delovati tako, da bi bilo nezdružljivo z njihovim položajem mednarodnega uradnika. Vsaka država članica se zaveže, da bo spoštovala izključno mednarodno naravo odgovornosti generalnega sekretarja, direktorjev in osebja ter da ne bo poskušala vplivati nanje pri izpolnjevanju njihovih odgovornosti.«

9. člen

IX. člen konvencije se spremeni tako, da se glasi:

»Če odločitev ni mogoče doseči s soglasjem, se uporablajo te določbe:

a) Če v tej konvenciji ni določeno drugače, ima vsaka država članica en glas.

b) Za izvolitev generalnega sekretarja in direktorjev ima vsaka država članica toliko glasov, kolikor jih določa lestvica, oblikovana glede na tonažo njenega ladjeva.

c) Če v tej konvenciji ni določeno drugače, se odločitve sprejemajo z navadno večino držav članic, ki so navzoče in glasujejo, če pa je izid glasovanja neodločen, odloča predsednik.

d) Odločitve, sprejete o zadevah v zvezi s politiko ali financami organizacije, vključno s spremembami splošnih in finančnih pravil, se sprejmejo z dvetretjinsko večino držav članic, ki so navzoče in glasujejo.

e) V pododstavkih c in d tega člena ter v pododstavku b XXI. člena v nadaljevanju »države članice, ki so navzoče in glasujejo« pomeni države članice, ki so navzoče in glasujejo za ali proti. Za tiste, ki se vzdržijo glasovanja, se šteje, da niso glasovale.

f) Ob predložitvi predlogov državam članicam v skladu s točko vii pododstavka g VI. člena se odločitev sprejme z večino glasov držav članic, ki glasujejo, pri tem pa mora pritrdirno glasovati najmanj ena tretjina vseh držav članic.«

10. člen

X. člen konvencije se spremeni tako, da se glasi:

»Organizacija lahko pri zadevah, ki spadajo na področje njenega delovanja, sodeluje z mednarodnimi organizacijami, katerih interesi in dejavnosti so povezani z njenim namenom.«

Article 11

Article XI of the Convention is amended to read as follows:

"The functioning of the Organization shall be set forth in detail in the General and Financial Regulations, which are annexed to this Convention but do not form an integral part thereof. In the event of any inconsistency between this Convention and the General or Financial Regulations, this Convention shall prevail."

Article 12

Article XIII of the Convention is amended to read as follows:

"The Organization shall have legal personality. In the territory of each of its Member States it shall enjoy, subject to agreement with the Member State concerned, such privileges and immunities as may be necessary for the exercise of its functions and the fulfilment of its object."

Article 13

(a) In Article XIV (a) of the Convention, the phrase "Member Governments" is replaced by the phrase "Member States" throughout.

(b) In Article XIV (b) of the Convention, "Finance Committee" is replaced by "Assembly" throughout.

Article 14

Article XV of the Convention is amended to read as follows:

"Any Member State which is two years in arrears in its contributions shall be denied all voting rights and benefits conferred on Member States by the Convention and the Regulations until such time as the outstanding contributions have been paid."

Article 15

Article XVI of the Convention is amended to read as follows:

(a) "The Government of His Serene Highness the Prince of Monaco shall serve as Depositary.

(b) This original of the Convention shall be held by the Depositary, which shall transmit certified copies of this Convention to all States that have signed it or acceded thereto.

(c) The Depositary shall:

(i) Inform the Secretary-General and all Member States of applications for accession received by it from States referred to in Article XX (b); and

(ii) Inform the Secretary-General and all States which have signed this Convention or acceded thereto of:

- Each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;

- The date of entry into force of this Convention or any amendment thereto; and

- The deposit of any instrument of denunciation of the Convention, together with the date on which it was received and the date on which the denunciation takes effect.

As soon as any amendment of this Convention enters into force it shall be published by the Depositary and registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations."

Article 16

In Article XVII of the Convention, the phrase "Directing Committee" is replaced by the phrase "Secretary-General of the Organization".

Article 17

Article XX of the Convention is amended to read as follows:

(a) "This Convention shall be open for accession by any State that is a member of the United Nations. The Convention shall enter into force for such a State on the date on which it has deposited its instrument of accession with the Depositary, which shall inform the Secretary-General and all Member States.

11. člen

XI. člen konvencije se spremeni tako, da se glasi:

»Delovanje organizacije se natančno opredeli v splošnih in finančnih pravilih, ki so priložena tej konvenciji, vendar niso njen sestavni del. Ob kakršnem koli neskladju s to konvencijo prevlada slednja.«

12. člen

XIII. člen konvencije se spremeni tako, da se glasi:

»Organizacija je pravna oseba. Na ozemlju vsake države članice organizacija po sporazumu s posamezno državo članico uživa take privilegije in ugodnosti, kakršne morda potrebuje za opravljanje svojih nalog in izpolnjevanje svojega cilja.«

13. člen

a) V pododstavku a XIV. člena konvencije, pa tudi v preostalem delu besedila, se besedi »vlade članice« nadomestita z besedama »države članice«.

b) V pododstavku b XIV. člena, pa tudi v preostalem delu besedila, se besedi »finančni odbor« nadomestita z besedo »skupščina«.

14. člen

XV. člen konvencije se spremeni tako, da se glasi:

»Vsaka država članica, ki že dve leti zamuja s plačilom prispevkov, izgubi vse glasovalne pravice in ugodnosti, ki jih državam članicam zagotavljajo konvencija in pravila, dokler ne plača vseh zaostalih prispevkov.«

15. člen

XVI. člen konvencije se spremeni tako, da se glasi:

a) »Vlada njegove presvetle visokosti monaškega kneza je depozitarka.

b) Ta izvirnik konvencije hrani depozitarka, ki pošlje overjene kopije konvencije vsem državam, ki so jo podpisale ali k njej pristopile.

c) Depozitarka:

i) obvesti generalnega sekretarja in vse države članice o prošnjah za pristop, ki jih prejme od držav iz pododstavka b XX. člena, ter

ii) obvesti generalnega sekretarja in vse države, ki so podpisale to konvencijo ali pristopile k njej, o:

- vsakem novem podpisu ali deponiraju listine o ratifikaciji, sprejetju, odobritvi ali pristopu in dnevu podpisa ali deponiranja,

- dnevu začetka veljavnosti te konvencije ali vsake njene sprememb in

- deponiranju vsake listine o odpovedi konvencije skupaj z dnevom prejetja in dnevom začetka veljavnosti odpovedi.

Ko začne veljati kakršna koli sprememba te konvencije, depozitarka objavi spremembo in jo registrira pri sekretariatu Združenih narodov v skladu s 102. členom Ustanovne listine Združenih narodov.«

16. člen

V XVII. členu konvencije se besedi »upravni odbor« nadomestita z besedami »generalni sekretar organizacije«.

17. člen

XX. člen konvencije se spremeni tako, da se glasi:

a) »K tej konvenciji lahko pristopi vsaka država, ki je članica Združenih narodov. Za tako državo začne konvencija veljati z dnem, ko deponira svojo listino o pristopu pri depozitarki, ki obvesti o tem generalnega sekretarja in vse države članice.

(b) A State that is not a member of the United Nations may only accede to this Convention by applying to the Depositary, and by having its application approved by two-thirds of the Member States. The Convention shall enter into force for such a State on the date on which it has deposited its instrument of accession with the Depositary, which shall inform the Secretary-General and all Member States."

Article 18

Article XXI of the Convention is amended to read as follows:

(a) "Any Member State may propose amendments to this Convention. Proposals of amendments shall be transmitted to the Secretary-General not less than six months prior to the next session of the Assembly.

(b) Proposals of amendments shall be considered by the Assembly and decided upon by a majority of two-thirds of the Member States present and voting. When a proposed amendment has been approved by the Assembly, the Secretary-General of the Organization shall request the Depositary to submit it to all Member States.

(c) The amendment shall enter into force for all Member States three months after notifications of consent to be bound by two-thirds of the Member States have been received by the Depositary."

Article 19

Article XXII of the Convention is amended to read as follows:

"Upon expiration of a period of five years after its entry into force, this Convention may be denounced by any Contracting Party by giving at least one year's notice, in a notification addressed to the Depositary. The denunciation shall take effect upon 1 January next following the expiration of the notice and shall involve the abandonment by the State concerned of all rights and benefits of membership in the Organization."

Article 20

The amendments adopted during the XIIIth and XVth Conferences, which have not entered into force according to Article XXI (3) of the Convention, shall not hereafter enter into force.

IN ACCORDANCE WITH Article XXI (3) of the IHO Convention, the amendments here above mentioned from Article 1 to Article 20 shall enter into force for all Contracting Parties three months after notifications of approval by two-thirds of the Member States have been received by the Depositary.

b) Država, ki ni članica Združenih narodov, lahko pristopi k tej konvenciji, ko za pristop zaprosi depozitarko in ko to prošlo odobrita dve tretjini držav članic. Za tako državo začne konvencija veljati z dnem, ko deponira svojo listino o pristopu pri depozitarki, ki obvesti o tem generalnega sekretarja in vse države članice.«

18. člen

XXI. člen konvencije se spremeni tako, da se glasi:

a) »Vsaka država članica lahko predlaga sprememb te konvencije. Predloge sprememb pošle generalnemu sekretarju najmanj šest mesecev pred naslednjim zasedanjem skupščine.

b) Predloge sprememb obravnava skupščina, o njih pa se odloča z dvetretjinsko večino držav članic, ki so navzoče in glasujejo. Ko skupščina odobri predlog sprememb, generalni sekretar organizacije zaprosi depozitarko, da predlog predloži vsem državam članicam.

c) Spremembu začne veljati za vse države članice tri meseca po tem, ko depozitarka prejme obvestila o soglasju dveh tretjin držav članic, da jih spremembu zavezuje.«

19. člen

XXII. člen konvencije se spremeni tako, da se glasi:

»Po poteku petletnega obdobja od začetka veljavnosti te konvencije lahko vsaka pogodbenica z obvestilom, naslovilnim na depozitarko, odpove konvencijo z najmanj enoletnim odpovednim rokom. Odpoved začne veljati 1. januarja po poteku odpovednega roka, kar povzroči izgubo vseh pravic in ugodnosti, ki jih državi zagotavlja članstvo v organizaciji.«

20. člen

Spremembu, sprejetu na XIII. in XV. konferenci, ki niso začele veljati v skladu s tretjim odstavkom XXI. člena konvencije, v prihodnje ne začnejo veljati.

V SKLADU s tretjim odstavkom XXI. člena Konvencije o mednarodni hidrografske organizaciji začnejo spremembu iz 1. do 20. člena veljati za vse pogodbenice tri meseca po tem, ko depozitarka od dveh tretjin držav članic prejme obvestila o odobritvi.

3. člen

Za izvajanje protokola skrbi ministrstvo, pristojno za infrastrukturo in prostor.

4. člen

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

Št. 802-01/12-10/10
Ljubljana, dne 14. decembra 2012
EPA 768-VI

Državni zbor
Republike Slovenije
dr. Gregor Virant l.r.
Predsednik

107. Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Velikega vovodstva Luksemburg o izmenjavi in medsebojnem varovanju tajnih podatkov (BLUIMVTP)

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

U K A Z**o razglasitvi Zakona o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Velikega vovodstva Luksemburg o izmenjavi in medsebojnem varovanju tajnih podatkov (BLUIMVTP)**

Razglašam Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Velikega vovodstva Luksemburg o izmenjavi in medsebojnem varovanju tajnih podatkov (BLUIMVTP), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 14. decembra 2012.

Št. 003-02-10/2012-10
Ljubljana, dne 24. decembra 2012

Borut Pahor l.r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO VELIKEGA VOVODSTVA LUKSEMBURG O IZMENJAVI IN MEDSEBOJNEM VAROVANJU TAJNIH PODATKOV (BLUIMVTP)****1. člen**

Ratificira se Sporazum med Vlado Republike Slovenije in Vlado Velikega vovodstva Luksemburg o izmenjavi in medsebojnem varovanju tajnih podatkov, sklenjen v Bruslu 14. maja 2012.

2. člen

Sporazum se v slovenskem in angleškem jeziku glasi:¹

S P O R A Z U M

MED VLADO REPUBLIKE SLOVENIJE
IN VLADO VELIKEGA VOVODSTVA
LUKSEMBURG O IZMENJAVI IN MEDSEBOJNEM
VAROVANJU TAJNIH PODATKOV

Vlada Republike Slovenije
in
Vlada Velikega vovodstva Luksemburg,
v nadaljevanju "pogodbenici",

sta se v želji, da bi zagotovili varovanje tajnih podatkov, izmenjanih med njima ali med javnimi in zasebnimi subjekti v njuni pristojnosti, ob upoštevanju državnih interesov in varnosti držav

dogovorili:

1. ČLEN
NAMEN IN PODROČJE UPORABE

1. Namen tega sporazuma je zagotoviti varovanje tajnih podatkov, ki se izmenjajo ali nastanejo pri sodelovanju med pogodbenicama.

2. Sporazum ureja vse dejavnosti in se uporablja za vse pogodbe ali sporazume med pogodbenicama, ki zajemajo tajne podatke.

A G R E E M E N T

BETWEEN THE GOVERNMENT
OF THE REPUBLIC OF SLOVENIA
AND THE GOVERNMENT OF THE GRAND
DUCHY OF LUXEMBOURG
ON THE EXCHANGE AND MUTUAL
PROTECTION OF CLASSIFIED INFORMATION

The Government of the Republic of Slovenia
and
the Government of the Grand Duchy of Luxembourg,
hereinafter referred to as the "Parties",

wishing to ensure the protection of Classified Information exchanged between the Parties or between public and private entities under their jurisdiction, in respect of national interests and security,

have agreed on the following:

ARTICLE 1
OBJECTIVE AND SCOPE OF APPLICATION

1. The objective of this Agreement is to ensure the protection of Classified Information that is exchanged or generated in the process of co-operation between the Parties.

2. This Agreement shall govern any activity and be applicable to any contract or agreement between the Parties involving Classified Information.

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

2. ČLEN

POMEN IZRAZOV

V tem sporazumu izrazi pomenijo:

tajni podatek: podatek, dokument ali gradivo ne glede na obliko, ki se prenese ali nastane med pogodbenicama po njuni notranji zakonodaji, zahteva varovanje pred nepooblaščenim razkritjem, odtujitvijo ali izgubo ter je določen za takega in ustrezen označen;

pogodba s tajnimi podatki: izvajalska ali podizvajalska pogodba, vključno s pogajanjem pred sklenitvijo pogodbe, ki vsebuje tajne podatke ali vključuje dostop do njih;

izvajalec: posameznik ali subjekt s pravno sposobnostjo za sklepanje izvajalskih ali podizvajalskih pogodb;

pristojni varnostni organ: pristojni subjekt, ki je v skladu z notranjo zakonodajo pogodbenice pooblaščen za izvajanje tega sporazuma;

dovoljenje za dostop do tajnih podatkov: odločitev pristojnega varnostnega organa po varnostnem preverjanju osebe v skladu z notranjo zakonodajo, na podlagi katere je posameznik pooblaščen za dostop do tajnih podatkov stopnje tajnosti, ki je navedena na dovoljenju, in za ravnanje z njimi;

varnostno dovoljenje organizacije: odločitev pristojnega varnostnega organa po varnostnem preverjanju, da izvajalec izpolnjuje pogoje za ravnanje s tajnimi podatki v skladu z notranjo zakonodajo pogodbenice;

pogodbenica izvora: pogodbenica, vključno z javnimi ali zasebnimi subjekti v njeni pristojnosti, ki daje tajne podatke pogodbenici prejemnici;

pogodbenica prejemnica: pogodbenica, vključno z javnimi ali zasebnimi subjekti v njeni pristojnosti, ki prejema tajne podatke od pogodbenice izvora;

tretja stran: država, vključno z javnimi ali zasebnimi subjekti v njeni pristojnosti, ali mednarodna organizacija, ki ni pogodbenica tega sporazuma;

potreba po seznanitvi: načelo, po katerem se posamezniku lahko dovoli dostop do tajnih podatkov le zaradi opravljanja njegovih/njenih uradnih dolžnosti ali nalog.

3. ČLEN

NACIONALNA VARNOSTNA ORGANA

1. Nacionalna varnostna organa, ki sta ju pogodbenici imenovali za pristojna organa za splošno izvajanje vseh vidikov tega sporazuma in ustrezni nadzor nad njimi, sta:

v Republiki Sloveniji:

Urad Vlade Republike Slovenije za varovanje tajnih podatkov,

v Velikem vojvodstvu Luksemburg:
Service de Renseignement de l'Etat
Autorité nationale de Sécurité.

2. Nacionalna varnostna organa se uradno obveščata o drugih pristojnih varnostnih organih, ki so odgovorni za izvajanje tega sporazuma.

3. Pogodbenici se obveščata o vseh poznejših spremembah nacionalnih varnostnih organov ali pristojnih varnostnih organov.

4. ČLEN

STOPNJE TAJNOSTI

1. Tajni podatki, dani na podlagi tega sporazuma, so označeni z ustreznimi stopnjami tajnosti v skladu z notranjo zakonodajo pogodbenic.

ARTICLE 2

DEFINITIONS

For the purpose of this Agreement, these terms mean the following:

Classified Information: Any information, document or material, regardless of its form, which is transmitted or generated between the Parties under the national laws and regulations of the Parties, which requires protection against unauthorised disclosure, misappropriation or loss, and is designated as such and marked appropriately.

Classified Contract: A contract or a subcontract, including pre-contractual negotiations, which contains Classified Information or involves access to it.

Contractor: An individual or entity possessing the legal capacity to conclude contracts or sub-contracts.

Competent Security Authority: A competent entity authorised according to the national laws and regulations of the Parties that is responsible for the implementation of this Agreement.

Personnel Security Clearance: A determination by the Competent Security Authority following a vetting procedure of the person in accordance with the national laws and regulations of the Parties, on the basis of which an individual is authorised to have the access and to handle Classified Information up to the level defined in the clearance.

Facility Security Clearance: A determination by the Competent Security Authority following a vetting procedure that the contractor fulfils the conditions of handling Classified Information in accordance with the national laws and regulations of the Parties.

Originating Party: The Party, including any public or private entities under its jurisdiction, which releases Classified Information to the Recipient Party.

Recipient Party: The Party, including any public or private entities under its jurisdiction, which receives Classified Information from the Originating Party.

Third Party: A state, including any public or private entities under its jurisdiction, or an international organisation that is not a Party to this Agreement.

Need to Know: A principle by which access to Classified Information may be granted to an individual only in connection with his/her official duties or tasks.

ARTICLE 3

NATIONAL SECURITY AUTHORITIES

1. The National Security Authorities designated by the Parties as responsible for the general implementation and relevant control of all aspects of this Agreement are:

In the Republic of Slovenia:

Urad Vlade Republike Slovenije za varovanje tajnih podatkov

In the Grand Duchy of Luxembourg:
Service de Renseignement de l'Etat
Autorité nationale de Sécurité.

2. The National Security Authorities shall notify each other of any other Competent Security Authorities that are responsible for the implementation of this Agreement.

3. The Parties shall inform each other of any subsequent changes of the National Security Authorities or Competent Security Authorities.

ARTICLE 4

SECURITY CLASSIFICATIONS

1. Classified Information released under this Agreement shall be marked with the appropriate security classification level in accordance with the national laws and regulations of the Parties.

2. Enakovredne oznake stopnje tajnosti so:

za Republiko Slovenijo	za Veliko vojvodstvo Luksemburg
STROGO TAJNO	TRÈS SECRET LUX
TAJNO	SECRET LUX
ZAUPNO	CONFIDENTIEL LUX
INTERNO	RESTREINT LUX

2. National security classification markings are considered equivalent as follows:

For the Republic of Slovenia	For the Grand Duchy of Luxembourg
STROGO TAJNO	TRÈS SECRET LUX
TAJNO	SECRET LUX
ZAUPNO	CONFIDENTIEL LUX
INTERNO	RESTREINT LUX

5. ČLEN

DOSTOP DO TAJNIH PODATKOV

1. Dostop do podatkov stopnje INTERNO/RESTREINT LUX je omejen na osebe, ki imajo potrebo po seznanitvi in so bile ustrezeno poučene. Za podatke stopnje RESTREINT LUX varnostna dovoljenja zagotovi luksemburški nacionalni varnostni organ.

2. Dostop do podatkov stopnje ZAUPNO/CONFIDENTIEL LUX in višje stopnje je omejen na osebe, ki imajo potrebo po seznanitvi in so bile v skladu z notranjo zakonodajo varnostno preverjene in jim je bil dovoljen dostop do takih podatkov ter so bile ustrezeno poučene.

3. Pogodbenici si medsebojno priznavata dovoljenja za dostop do tajnih podatkov. Skladno s tem se uporablja drugi odstavek 4. člena.

6. ČLEN

SODELOVANJE PRI VAROVANJU TAJNOSTI

1. Zaradi doseganja in ohranjanja primerljivih varnostnih standardov nacionalna varnostna organa na zaprosilo drug drugemu zagotavljata podatke o svojih nacionalnih varnostnih standardih, postopkih in praksah za varovanje tajnih podatkov. V ta namen se lahko nacionalna varnostna organa obiskujeta.

2. Nacionalna varnostna organa se obveščata o izjemnih varnostnih tveganjih, ki lahko ogrozijo dane tajne podatke.

3. Na podlagi zaprosila si nacionalna varnostna organa pomagata pri izvajanjju postopkov varnostnega preverjanja.

4. Nacionalna varnostna organa se takoj pisno obvestita o vsaki spremembi v medsebojno priznanih varnostnih dovojenjih.

7. ČLEN

VAROVANJE TAJNIH PODATKOV

1. Pogodbenici zagotavljata tajnim podatkom, prejetim po tem sporazumu, enako varovanje kot svojim podatkom enakovredne stopnje tajnosti.

2. Pogodbenica izvora:

a) zagotovi, da so tajni podatki označeni z ustrezeno oznako stopnje tajnosti v skladu z notranjo zakonodajo;

b) obvesti pogodbenico prejemnico o:

– pogojih za dajanje tajnih podatkov ali omejitvah pri njihovi uporabi;

– vsaki poznejši spremembi stopnje tajnosti.

3. Pogodbenica prejemnica:

a) pisno potrdi prejem tajnih podatkov;

b) zagotovi, da so tajni podatki označeni z enakovredno oznako stopnje tajnosti v skladu z drugim odstavkom 4. člena, in

c) zagotovi, da se stopnja tajnosti ne spremeni, razen s pisnim dovoljenjem pogodbenice izvora.

ARTICLE 5

ACCESS TO CLASSIFIED INFORMATION

1. Access to information classified as INTERNO/RESTREINT LUX shall be limited to persons who have a Need to Know and who have been briefed accordingly. For information classified as RESTREINT LUX, security clearance will be provided by the National Security Authority of Luxembourg.

2. Access to information classified as ZAUPNO/CONFIDENTIEL LUX and above shall be limited to persons who have a Need to Know and who, in accordance with national laws and regulations have been security cleared and authorised to have access to such information and who have been briefed accordingly.

3. The Parties shall mutually recognise their respective Personnel Security Clearances. Paragraph 2 of Article 4 shall apply accordingly.

ARTICLE 6

SECURITY CO-OPERATION

1. In order to achieve and maintain comparable standards of security, the National Security Authorities shall, on request, provide each other with information about their national security standards, procedures and practices for the protection of Classified Information. To this end, the National Security Authorities may visit each other.

2. The National Security Authorities shall inform each other of exceptional security risks that may endanger the released Classified Information.

3. On request, the National Security Authorities shall assist each other in carrying out security-clearance procedures.

4. The National Security Authorities shall promptly inform each other in writing about any changes in mutually recognised security clearances.

ARTICLE 7

PROTECTION OF CLASSIFIED INFORMATION

1. The Parties shall afford to Classified Information received under this Agreement the same protection as their own information of the corresponding level of security classification.

2. The Originating Party shall:

a) ensure that the Classified Information is marked with an appropriate security classification marking in accordance with its national laws and regulations;

b) inform the Recipient Party

– of any conditions of release or limitations on the use of the Classified Information,

– of any subsequent changes in the classification.

3. The Recipient Party shall:

a) confirm, in writing, the receipt of the Classified Information;

b) ensure that the Classified Information is marked with an equivalent classification marking in accordance with Paragraph 2 of Article 4;

c) ensure that the classification level is not changed unless authorised in writing by the Originating Party.

4. Pogodbenica prejemnica tajne podatke uporabi le za namen, za katerega so bili dostavljeni, in z omejitvami, ki jih je navedla pogodbenica izvora.

5. Pogodbenica prejemnica ne da tajnih podatkov tretji strani brez pisnega soglasja pogodbenice izvora.

8. ČLEN

PRENOS TAJNIH PODATKOV

1. Prenos tajnih podatkov med pogodbenicama poteka po diplomatski ali vojaški poti ali kot se dogovorita nacionalna varnostna organa.

2. Tajni podatki se lahko prenašajo prek zaščitenih komunikacijskih sistemov, mrež ali drugih elektromagnetnih medijev, ki jih odobrijo pristojni varnostni organi pogodbenic.

9. ČLEN

RAZMNOŽEVANJE, PREVAJANJE IN UNIČEVANJE TAJNIH PODATKOV

1. Vsi izvodi in prevodi so označeni z ustreznimi oznakami stopnje tajnosti in varovani kot tajni podatki izvirnika. Prevodi in število razmnoženih izvodov so omejeni na najmanjše število, ki je potrebno za uradne namene.

2. Vsak prevod vsebuje ustrezeno navedbo v jeziku prevoda, da vsebuje tajne podatke pogodbenice izvora.

3. Tajni podatki stopnje STROGO TAJNO/TRÈS SECRET LUX se prevajajo ali razmnožujejo le s pisnim dovoljenjem pogodbenice izvora.

4. Tajni podatki stopnje STROGO TAJNO/TRÈS SECRET LUX se ne smejo uničiti. Ko jih pogodbenici ne potrebujeta več, se vrnejo pogodbenici izvora.

5. Tajni podatki stopnje TAJNO/SECRET LUX ali nižje stopnje se v skladu z notranjo zakonodajo uničijo, ko jih pogodbenica prejemnica ne potrebuje več.

10. ČLEN

POGODEBE S TAJNIMI PODATKI

1. Preden pogodbenica da tajne podatke, ki jih je prejela od druge pogodbenice, izvajalcem ali morebitnim izvajalcem pogodbenice, pogodbenica prejemnica:

a) zagotovi, da je ta izvajalec ali morebitni izvajalec zmogen podatke ustrezeno varovati in je bil pravilno varnostno preverjen;

b) izda dovoljenje za dostop do tajnih podatkov ustrezone stopnje osebam, ki opravljajo naloge, pri katerih je potreben dostop do tajnih podatkov;

c) zagotovi, da so vse osebe, ki imajo dostop do tajnih podatkov, seznanjene s svojo odgovornostjo varovanja tajnih podatkov;

d) opravlja redne varnostne inšpekcjske pregledе v skladu z notranjo zakonodajo.

2. Pogodba s tajnimi podatki vsebuje določbe o varnostnih zahtevah in stopnji tajnosti vsakega vidika ali dela pogode s tajnimi podatki. Za namene varnostnega nadzora se izvod teh določb predloži pristojnim varnostnim organom pogodbenic.

3. Pogodbenici si medsebojno priznavata varnostna dovoljenja organizacij. Skladno s tem se uporablja drugi odstavek 4. člena.

4. The Recipient Party shall use the Classified Information only for the purpose for which it has been delivered and within the limitations stated by the Originating Party.

5. The Recipient Party shall not release Classified Information to a Third Party without the written consent of the Originating Party.

ARTICLE 8

TRANSMISSION OF CLASSIFIED INFORMATION

1. Classified Information shall be transmitted between the Parties through diplomatic or military channels or as otherwise agreed by the National Security Authorities.

2. The Classified Information may be transmitted through protected communications systems, networks, or other electromagnetic media approved by the Competent Security Authorities of both Parties.

ARTICLE 9

REPRODUCTION, TRANSLATION AND DESTRUCTION OF CLASSIFIED INFORMATION

1. All reproductions and translations shall bear appropriate security classification markings and they shall be protected as the original Classified Information. The translations and the number of reproductions shall be limited to the minimum required for an official purpose.

2. All translations shall contain a suitable annotation, in the language of translation, indicating that they contain Classified Information of the Originating Party.

3. Classified Information marked STROGO TAJNO/TRÈS SECRET LUX shall be translated or reproduced only upon the written permission of the Originating Party.

4. Classified Information marked STROGO TAJNO/TRÈS SECRET LUX shall not be destroyed. It shall be returned to the Originating Party after it is no longer considered necessary by the Parties.

5. Information classified TAJNO/SECRET LUX or below shall be destroyed after it is no longer considered necessary by the Recipient Party, in accordance with national laws and regulations.

ARTICLE 10

CLASSIFIED CONTRACTS

1. Prior to release to either Parties' contractors or prospective contractors of any Classified Information received from the other Party, the Recipient Party shall:

a) ensure that such contractor or prospective contractor has the capability to protect the Classified Information adequately and is properly security cleared;

b) grant an appropriate level of Personnel Security Clearance to persons who perform functions which require access to the Classified Information;

c) ensure that all persons having access to the Classified Information are informed of their responsibilities to protect the Classified Information;

d) carry out periodical security inspections in accordance with national laws and regulations.

2. A Classified Contract shall contain provisions on the security requirements and on the classification of each aspect or element of the Classified Contract. A copy of these provisions shall be submitted to the Competent Security Authorities of the Parties to enable security supervision.

3. The Parties shall mutually recognise their respective Facility Security Clearances. Paragraph 2 of Article 4 shall apply accordingly.

11. ČLEN**OBISKI**

1. Za obiske, ki vključujejo dostop do tajnih podatkov, je potrebno predhodno dovoljenje nacionalnega varnostnega organa pogodbenice gostiteljice.

2. Zaprošilo za obisk se predloži ustreznemu nacionalnemu varnostnemu organu vsaj 20 dni pred začetkom obiska in vsebuje:

- a) ime in priimek obiskovalca, datum in kraj rojstva, državljanstvo in številko osebne izkaznice ali potnega lista;
- b) položaj obiskovalca s podatki o delodajalcu, ki ga obiskovalec zastopa;
- c) podatke o projektu, pri katerem obiskovalec sodeluje;

d) veljavnost in stopnjo tajnosti dovoljenja za dostop do tajnih podatkov obiskovalca, če je potrebno;

e) ime, naslov, telefonsko številko, številko telefaksa, elektronski naslov organizacije, v kateri bo obisk, in osebo za stike;

f) namen obiska, vključno z najvišjo stopnjo obravnavanih tajnih podatkov;

g) datum in trajanje obiska. Pri večkratnih obiskih se navede celotno obdobje, v katerem bodo potekali;

h) datum, podpis in uradni žig nacionalnega varnostnega organa pošiljatelja.

3. V nujnih primerih se lahko nacionalna varnostna organa dogovorita za krajsi rok predložitve zaprosila za obisk.

4. Nacionalna varnostna organa se lahko dogovorita o seznamu obiskovalcev, ki imajo pravico do večkratnih obiskov. Seznam velja največ 12 mesecev in se lahko podaljša še za največ 12 mesecev. Zaprošilo za večkratne obiske se predloži v skladu z drugim odstavkom. Ko je seznam potrenjen, se lahko sodelujoče organizacije o obiskih dogovarjajo neposredno.

5. Vsak tajni podatek, ki ga pridobi obiskovalec, se na podlagi tega sporazuma šteje za tajni podatek.

6. Vsaka pogodbenica zagotavlja varstvo osebnih podatkov obiskovalcev v skladu z notranjo zakonodajo.

12. ČLEN**KRŠITEV VAROVANJA TAJNOSTI**

1. Pogodbenica takoj uradno obvesti drugo pogodbenico o sumu ali odkritju kršitve ali ogrožanja varovanja tajnih podatkov.

2. Nacionalni varnostni organ sprejme vse možne ustreerne ukrepe po svoji notranji zakonodaji, da omeji posledice kršitve ali ogrožanja iz prvega odstavka in prepreči nadaljnje kršitve. Na podlagi zaprosila drug nacionalni varnostni organ pomaga pri preiskavi; obvesti se o izidu preiskave in popravljalnih ukrepih, sprejetih zaradi kršitve.

13. ČLEN**STROŠKI**

Vsaka pogodbenica krije svoje stroške, ki nastanejo pri izvajanju tega sporazuma.

14. ČLEN**RAZLAGA IN REŠEVANJE SPOROV**

Spore zaradi razlage ali uporabe tega sporazuma pogodbenici rešujeta izključno z medsebojnimi posvetovanji.

ARTICLE 11**VISITS**

1. Visits that involve access to Classified Information shall be subject to the prior permission of the National Security Authority of the host Party.

2. A request for a visit shall be submitted to the relevant National Security Authority at least 20 days prior to the commencement of the visit and shall include the following:

- a) the visitor's name, date and place of birth, nationality and ID card/passport number;

b) the visitor's position, with a specification of the employer that the visitor represents;

c) a specification of the project in which the visitor participates;

d) the validity and level of the visitor's Personnel Security Clearance, if required;

e) the name, address, phone/fax number, e-mail and point of contact of the facility to be visited;

f) the purpose of the visit, including the highest level of Classified Information to be involved;

g) the date and duration of the visit. In the case of recurring visits, the total period covered by the visits shall be stated;

h) the date, signature and the stamping of the official seal of the sending National Security Authority.

3. In urgent cases, the National Security Authorities can agree on a shorter period of submission of a request for a visit.

4. The National Security Authorities may agree on a list of visitors entitled to recurring visits. The list shall be valid for an initial period not exceeding 12 months and may be extended for a further period of time not exceeding 12 months. A request for recurring visits shall be submitted in accordance with Paragraph 2 of this Article. Once a list has been approved, visits may be arranged directly between the facilities involved.

5. Any Classified Information acquired by a visitor shall be considered Classified Information under this Agreement.

6. Each Party shall guarantee the protection of personal data of the visitors according to national laws and regulations.

ARTICLE 12**BREACH OF SECURITY**

1. Each Party shall immediately notify the other Party of any suspicion or discovery of a breach or compromise of the security of Classified Information.

2. The National Security Authority concerned shall undertake all possible appropriate measures under its national laws and regulations to limit the consequences of the breach or compromise referred to in Paragraph 1 of this Article and to prevent further violations. On request, the other National Security Authority shall provide investigative assistance; it shall be informed of the outcome of the investigation and the corrective measures undertaken due to the violation.

ARTICLE 13**COSTS**

Each Party shall bear its own costs incurred in the course of the implementation of this Agreement.

ARTICLE 14**INTERPRETATION AND DISPUTE SETTLEMENT**

Any dispute between the Parties on the interpretation or application of this Agreement shall be resolved exclusively by means of consultation between the Parties.

15. ČLEN
KONČNE DOLOČBE

1. Sporazum je sklenjen za nedoločen čas. Sporazum mora biti odobren v skladu z notranjepravnimi postopki pogodbenic in začne veljati prvi dan drugega meseca po prejemu zadnjega uradnega obvestila, da so izpolnjene zahteve, potrebne za začetek njegove veljavnosti.

2. Sporazum se lahko kadar koli spremeni s pisnim soglasjem pogodbenic. Spremembe začnejo veljati v skladu s prvim odstavkom.

3. Pogodbenica lahko ta sporazum kadar koli pisno odpove. V takem primeru sporazum preneha veljati šest (6) mescev po dnevu, ko je druga pogodbenica prejela uradno obvestilo o odpovedi.

4. Ne glede na prenehanje veljavnosti tega sporazuma se vsi tajni podatki, dostavljeni na njegovi podlagi, še naprej varujejo v skladu z njegovimi določbami, dokler pogodbenica izvora pogodbenice prejemnice ne razreši te obveznosti.

5. Sporazum ne vpliva na pravice in obveznosti pogodbenic iz drugih mednarodnih sporazumov.

6. Za izvajanje sporazuma se lahko sklenejo dogovori o izvajanju.

V potrditev tega sta podpisana, ki sta ju njuni vladi za to pravilno pooblastili, podpisala ta sporazum.

Sestavljeno v Bruslju, 14. maja 2012 v dveh izvirnikih v slovenskem, francoskem in angleškem jeziku, pri čemer so vsa besedila enako verodostojna. Pri različni razlagi prevlada angleško besedilo.

Za
Vlado
Republike Slovenije
Karel Erjavec l.r.

Za
Vlado
Velikega vojvodstva Luksemburg
Jean Asselborn l.r.

For the Government
of the Republic of Slovenia
Karl Erjavec (s)

For the Government
of the Grand Duchy of
Luxembourg
Jean Asselborn (s)

3. člen

Za izvajanje sporazuma skrbi Urad Vlade Republike Slovenije za varovanje tajnih podatkov.

4. člen

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

Št. 040-05/10-68/11
Ljubljana, dne 14. decembra 2012
EPA 1068-V

Državni zbor
Republike Slovenije
dr. Gregor Virant l.r.
Predsednik

108. Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Republike Bolgarije o izmenjavi in medsebojnem varovanju tajnih podatkov (BBGIMVTP)

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

U K A Z**o razglasitvi Zakona o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Republike Bolgarije o izmenjavi in medsebojnem varovanju tajnih podatkov (BBGIMVTP)**

Razglašam Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Republike Bolgarije o izmenjavi in medsebojnem varovanju tajnih podatkov (BBGIMVTP), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 14. decembra 2012.

Št. 003-02-10/2012-11

Ljubljana, dne 24. decembra 2012

Borut Pahor l.r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO REPUBLIKE BOLGARIJE O IZMENJAVI IN MEDSEBOJNEM VAROVANJU TAJNIH PODATKOV (BBGIMVTP)**

1. člen

Ratificira se Sporazum med Vlado Republike Slovenije in Vlado Republike Bolgarije o izmenjavi in medsebojnem varovanju tajnih podatkov, sestavljen v Predoslijah 9. maja 2012.

2. člen

Sporazum se v slovenskem in angleškem jeziku glasi:¹

S P O R A Z U M**MED VLADO REPUBLIKE SLOVENIJE
IN VLADO REPUBLIKE BOLGARIJE
O IZMENJAVI IN MEDSEBOJNEM VAROVANJU
TAJNIH PODATKOV****A G R E E M E N T****BETWEEN THE GOVERNMENT
OF THE REPUBLIC OF SLOVENIA
AND THE GOVERNMENT
OF THE REPUBLIC OF BULGARIA
ON THE EXCHANGE AND MUTUAL
PROTECTION OF CLASSIFIED INFORMATION**

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

ob spoznanju, da lahko medsebojno sodelovanje zahteva izmenjavo tajnih podatkov med pogodbenicama,

v želji, da bi zagotovili varovanje tajnih podatkov, izmenjanih med njima ali med javnimi in zasebnimi subjekti v njuni pristojnosti, dogovorili:

1. ČLEN**POMEN IZRAZOV**

V tem sporazumu izrazi pomenijo:

a) **tajni podatek:** podatek, dokument ali gradivo, ki se ne glede na obliko prenese ali nastane med pogodbenicama, zahteva varovanje pred nepooblaščenim dostopom ter je kot tak določen in ustrezno označen v skladu z notranjimi zakoni in predpisi pogodbenic;

b) **pogodbenica izvora:** pogodbenica, vključno z javnimi ali zasebnimi subjekti v njeni pristojnosti, ki daje tajne podatke pogodbenici prejemnici;

The Government of the Republic of Bulgaria and the Government of Republic of Slovenia (hereinafter referred to as the "Parties"),

realising that mutual co-operation may require exchange of Classified Information between the Parties,

wishing to ensure the protection of Classified Information exchanged between the Parties or between public and private entities under their jurisdiction,

have agreed as follows:

ARTICLE 1**DEFINITIONS**

For the purposes of this Agreement these terms mean the following:

a) **Classified Information:** Any information, document or material, regardless of its form, transmitted or generated between the Parties, which requires protection against unauthorized access and is designated as such and marked appropriately in accordance with the national laws and regulations of either Party.

b) **Originating Party:** The Party, including any public or private entities under its jurisdiction, which releases Classified Information to the Recipient Party.

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

c) **pogodbenica prejemnica:** pogodbenica, vključno z javnimi ali zasebnimi subjekti v njeni pristojnosti, ki prejema tajne podatke od pogodbenice izvora;

d) **potreba po seznanitvi:** načelo, po katerem se posamezniku lahko dovoli dostop do tajnih podatkov samo zaradi opravljanja njegovih uradnih dolžnosti ali nalog;

e) **dovoljenje za dostop do tajnih podatkov:** odločitev po končanem varnostnem preverjanju osebe v skladu z notranjimi zakoni in predpisi, na podlagi katere je posameznik pooblaščen za dostop do tajnih podatkov stopnje tajnosti, ki je navedena na dovoljenju, in za ravnanje z njimi;

f) **varnostno dovoljenje organizacije:** odločitev po končanem varnostnem preverjanju, da izvajalec izpolnjuje pogoje za ravnanje s tajnimi podatki v skladu z notranjimi zakoni in predpisi;

g) **izvajalec:** posameznik ali pravna oseba s sposobnostjo za sklepanje pogodb;

h) **pogodba s tajnimi podatki:** pogodba ali podpogodba, vključno s pogajanjem pred sklenitvijo pogodbe, ki vsebuje tajne podatke ali vključuje dostop do njih;

i) **tretja stran:** država, vključno z javnimi ali zasebnimi subjekti v njeni pristojnosti, ali mednarodna organizacija, ki ni pogodbenica tega sporazuma;

j) **nepooblaščen dostop:** vsaka oblika razkritja tajnih podatkov, vključno z njihovo zlorabo, poškodovanjem, vpogledom in nepravilno stopnjo tajnosti, kot tudi vsako drugo dejanje, ki povzroči kršitev varovanja ali izgubo takih podatkov, ter vsako dejanje ali opustitev dejanja, ki povzroči razkritje podatkov nepooblaščeni osebi;

k) **oznaka stopnje tajnosti:** kategorija, ki v skladu z notranjimi zakoni in predpisi pogodbenic določa pomembnost tajnih podatkov, stopnjo omejitve dostopa do njih in stopnjo varovanja, ki jo zagotavljata pogodbenici;

l) **nacionalni varnostni organ:** organ, ki je v skladu z notranjimi zakoni in predpisi pristojen za splošno izvajanje vseh vidikov tega sporazuma in ustrezan nadzor nad njimi;

m) **kršitev varovanja tajnosti:** dejanje ali opustitev dejanja v nasprotju z notranjimi zakoni in predpisi, ki povzroči ali lahko povzroči nepooblaščen dostop do tajnih podatkov ali njihovo uničenje.

2. ČLEN

NAMEN

Pogodbenici v skladu s svojimi notranjimi zakoni in predpisi ter ob upoštevanju interesov in varnosti države sprejmeta vse ustrezne ukrepe, da zagotovita varovanje tajnih podatkov, ki se prenesejo ali nastanejo po tem sporazumu.

3. ČLEN

NACIONALNA VARNOSTNA ORGANA

(1) Nacionalna varnostna organa pogodbenic sta:

v Republiki Sloveniji:

Urad Vlade Republike Slovenije za varovanje tajnih podatkov;

v Republiki Bolgariji:

Državna komisija za varovanje podatkov.

(2) Pogodbenici se po diplomatski poti obveščata o vseh poznejših spremembah nacionalnih varnostnih organov.

4. ČLEN

OZNAKE STOPNJE TAJNOSTI

(1) Tajni podatki, dani na podlagi tega sporazuma, so označeni z ustrezno stopnjo tajnosti v skladu z notranjimi zakoni in predpisi pogodbenic.

c) **Recipient Party:** The Party, including any public or private entities under its jurisdiction, which receives Classified Information from the Originating Party.

d) **Need-to-Know:** A principle by which access to Classified Information may be granted to an individual only in connection with his/her official duties or tasks.

e) **Personnel Security Clearance:** A positive determination following an accomplished vetting procedure in accordance with national laws and regulations, on the basis of which an individual is eligible to have access to and to handle Classified Information up to the level defined in the clearance.

f) **Facility Security Clearance:** A positive determination following an accomplished vetting procedure that a Contractor has the capability to handle Classified Information, in accordance with national laws and regulations.

g) **Contractor:** An individual or a legal entity possessing the capacity to contract.

h) **Classified Contract:** A contract or a sub-contract, including pre-contractual negotiations, which contains Classified Information or involves access to it.

i) **Third Party:** A state, including any public or private entities under its jurisdiction, or an international organisation that is not a Party to this Agreement.

j) **Unauthorised access:** Any form of disclosure of Classified Information, including misuse, damage, submission and incorrect classification thereof, as well as any other actions, resulting in breach of protection or loss of such information, as well as any actions or omissions that have resulted in making the information known to an unauthorised person.

k) **Security classification level:** The category which under the national laws and regulations characterises importance of Classified Information, level of restriction of access to it and of its protection by the Parties.

l) **National Security Authority:** The authority, which in compliance with the national laws and regulations is responsible for the general implementation and the relevant controls of all aspects of this Agreement.

m) **Breach of security:** An action or an omission contrary to the national laws and regulations, which results or may result in an unauthorised access or destruction of Classified Information.

ARTICLE 2

OBJECTIVE

In accordance with their national laws and regulations and in respect of national interests and security both Parties shall take all appropriate measures to ensure the protection of Classified Information, which is transmitted or generated according to this Agreement.

ARTICLE 3

NATIONAL SECURITY AUTHORITIES

(1) The National Security Authorities of The Parties are:

In the Republic of Slovenia:

Government Office for the Protection of Classified Information;

In the Republic of Bulgaria:

State Commission on Information Security.

(2) The Parties shall inform each other through diplomatic channels of any subsequent changes of the National Security Authorities.

ARTICLE 4

SECURITY CLASSIFICATION LEVELS

(1) Classified Information released under this Agreement shall be marked with the appropriate Security classification level in accordance with the national laws and regulations of the Parties.

(2) Naslednje oznake stopnje tajnosti so enakovredne in ustrezajo oznakam stopnji tajnosti določenim z notranjimi zakoni in predpisi pogodbenic:

Republika Slovenija	Republika Bolgarja	Angleški prevod
STROGO TAJNO	СТРОГО СЕКРЕТНО	TOP SECRET
TAJNO	СЕКРЕТНО	SECRET
ZAUPNO	ПОВЕРИТЕЛНО	CONFIDENTIAL
INTERNO	ЗА СЛУЖЕБНО ПОЛЗВАНЕ	RESTRICTED

5. ČLEN

VAROVANJE TAJNIH PODATKOV

(1) Pogodbenici zagotavljata tajnim podatkom iz tega sporazuma enako raven varovanja kakor svojim tajnim podatkom enakovredne stopnje tajnosti.

(2) Dostop do tajnih podatkov je dovoljen samo posameznikom, ki imajo potrebo po seznanitvi s podatki, so bili poučeni o ravnanju s tajnimi podatki in njihovem varovanju ter so pravilno pooblaščeni v skladu z notranjimi zakoni in predpisi.

(3) Pogodbenici medsebojno priznavata dovoljenja za dostop do tajnih podatkov in varnostna dovoljenja organizacij. Skladno s tem velja 4. člen.

(4) Pogodbenica izvora:

a) zagotovi, da so tajni podatki označeni z ustrezno stopnjo tajnosti v skladu z njenimi notranjimi zakoni in predpisi, in

b) obvesti pogodbenico prejemnico o vseh pogojih za dajanje tajnih podatkov ali omejitvah njihove uporabe ter o vseh poznejših spremembah in/ali morebitnem preklicu stopnje tajnosti.

(5) Pogodbenica prejemnica:

a) zagotovi, da so tajni podatki označeni z enakovredno stopnjo tajnosti v skladu z drugim odstavkom 4. člena, in

b) zagotovi, da se stopnja tajnosti ne spremeni, razen s pisnim dovoljenjem pogodbenice izvora.

(6) Pogodbenici se pravočasno obvestita o vsaki spremembi notranjih zakonov in predpisov, ki vplivajo na varovanje tajnih podatkov.

(7) Pogodbenica zagotovi, da se izvajajo ustrezni ukrepi za varovanje tajnih podatkov, ki se obdelujejo, hranijo ali prenašajo v informacijsko-komunikacijskih sistemih. Ti ukrepi zagotavljajo zaupnost, celovitost, razpoložljivost, in kadar je primerno, nezatajljivost in verodostojnost tajnih podatkov ter ustrezno raven odgovornosti in sledljivosti dejanj, povezanih s takimi podatki.

6. ČLEN

OMEJITEV UPORABE TAJNIH PODATKOV

(1) Pogodbenica prejemnica tajne podatke uporabi samo za namen, za katerega so ji bili dani, in z omejitvami, ki jih je navedla pogodbenica izvora.

(2) Pogodbenica prejemnica ne da tajnih podatkov tretji strani brez predhodnega pisnega soglasja pogodbenice izvora.

7. ČLEN

PRENOS TAJNIH PODATKOV

(1) Prenos tajnih podatkov poteka po diplomatski, vojaški ali drugi poti v skladu z notranjimi zakoni in predpisi pogodbenic.

(2) Druge odobrene poti prenosa tajnih podatkov se lahko uporabijo le, če se o tem dogovorita nacionalna varnostna organa.

(2) The following national Security classification levels are equivalent and correspond to the Security classification levels specified in the national laws and regulations of the Parties:

Republic of Slovenia	Republic of Bulgaria	English translation
STROGO TAJNO	СТРОГО СЕКРЕТНО	TOP SECRET
TAJNO	СЕКРЕТНО	SECRET
ZAUPNO	ПОВЕРИТЕЛНО	CONFIDENTIAL
INTERNO	ЗА СЛУЖЕБНО ПОЛЗВАНЕ	RESTRICTED

ARTICLE 5

PROTECTION OF CLASSIFIED INFORMATION

(1) The Parties shall afford to Classified Information referred to in this Agreement the same protection as to their own Classified Information of the corresponding Security classification level.

(2) Access to Classified Information shall be allowed only to those individuals with a Need-to- Know, who have been briefed on handling and protection of Classified Information and who have been duly authorised in accordance with national laws and regulations.

(3) The Parties shall mutually recognise their Personnel Security Clearances and Facility Security Clearances. Article 4 shall apply accordingly.

(4) The Originating Party shall:

a) ensure that the Classified Information is marked with an appropriate Security classification level in accordance with its national laws and regulations, and

b) inform the Recipient Party of any conditions of release or limitations on the use of the Classified Information and of any subsequent changes in the Security classification levels and/or the eventual declassification.

(5) The Recipient Party shall:

a) ensure that the Classified Information is marked with an equivalent security classification level in accordance with Paragraph 2 of Article 4, and

b) ensure that the Security classification level is not changed unless authorized in writing by the Originating Party.

(6) The Parties shall in due time inform each other about changes in the national laws and regulations affecting the protection of Classified Information.

(7) Each Party shall ensure that appropriate measures are implemented for the protection of Classified Information processed, stored or transmitted in communication and information systems. Such measures shall ensure the confidentiality, integrity, availability and, where applicable, non-repudiation and authenticity of Classified Information as well as an appropriate level of accountability and traceability of actions in relation to that information.

ARTICLE 6

RESTRICTION OF USE OF CLASSIFIED INFORMATION

(1) The Recipient Party shall use Classified Information only for the purpose for which it has been released and within the limitations stated by the Originating Party.

(2) The Recipient Party shall not release Classified Information to a Third Party without a prior written consent of the Originating Party.

ARTICLE 7

TRANSMISSION OF CLASSIFIED INFORMATION

(1) Classified Information shall be transmitted by diplomatic, military or other channels in accordance with the national laws and regulations of the Parties.

(2) Other approved channels of transmission of Classified Information may only be used if agreed upon between the National Security Authorities.

(3) Pri prenosu velike pošiljke, ki vsebuje tajne podatke, se nacionalna varnostna organa medsebojno dogovorita o prevoznem sredstvu, poti in drugih varnostnih ukrepih ter jih potrdita.

8. ČLEN

RAZMNOŽEVANJE, PREVAJANJE IN UNIČEVANJE TAJNIH PODATKOV

(1) Vsi izvodi in prevodi so označeni z ustreznimi stopnjami tajnosti in varovani kot tajni podatki izvirnika. Prevodi in število izvodov so omejeni na najmanjšo količino, ki je potrebna za uradne namene.

(2) Vsak prevod se označi z enako stopnjo tajnosti kot izvirnik in vsebuje ustrezno navedbo v jeziku prevoda, da prevod vsebuje tajne podatke pogodbenice izvora.

(3) Tajni podatki izvirnika in prevoda stopnje *STROGO TAJNO/CTPOGO CEKPETHO/TOP SECRET* se razmnožujejo samo s pisnim dovoljenjem pogodbenice izvora.

(4) Tajni podatki stopnje *STROGO TAJNO/CTPOGO CEKPETHO/TOP SECRET* se ne uničijo. Ko jih pogodbenici ne potrebujejo več, se vrnejo pogodbenici izvora.

(5) Tajni podatki stopnje *TAJNO/CEKPETHO/SECRET* ali nižje stopnje se uničijo v skladu z notranjimi zakoni in predpisi, ko jih pogodbenica prejemnica več ne potrebuje.

(6) Če v kriznih razmerah tajnih podatkov, ki se prenesejo ali nastanejo po tem sporazumu, ni mogoče varovati ali vrniti, se takoj uničijo. Pogodbenica prejemnica o uničenju tajnih podatkov čim prej obvesti nacionalni varnostni organ pogodbenice izvora.

(7) Tajni podatki se uničijo ali spremenijo tako, da jih ni mogoče delno ali v celoti obnoviti.

(8) Če je tajne podatke prepovedano uničiti, se vrnejo pogodbenici izvora.

9. ČLEN

POGODEBE S TAJNIMI PODATKI

(1) Pogodbe s tajnimi podatki se sklenejo in izvajajo v skladu z notranjimi zakoni in predpisi pogodbenic. Nacionalni varnostni organ pogodbenice na zaprosilo zagotovi podatke, ali sta bili izvajalcu, podizvajalcu in morebitnemu izvajalcu izdani ustrezno varnostno dovoljenje organizacije in dovoljenje za dostop do tajnih podatkov za opravljanje dolžnosti, pri katerih je potreben dostop do tajnih podatkov.

(2) Preden se tajni podatki, ki se nanašajo na pogodbo s tajnimi podatki, dajo izvajalcem, podizvajalcem ali morebitnim izvajalcem, nacionalni varnostni organ pogodbenice prejemnico zagotovi, da izvajalec, podizvajalec ali morebitni izvajalec izpolnjuje pogoje za varovanje tajnih podatkov v skladu z notranjimi zakoni in predpisi.

(3) Nacionalni varnostni organ lahko zahteva, da se pri izvajalcu ali podizvajalcu, ki je vključen v pogodbo s tajnimi podatki, opravi varnostni pregled zaradi nepreklenjenega zagotavljanja skladnosti z varnostnimi standardi v skladu z notranjimi zakoni in predpisi.

(4) Pogodba s tajnimi podatki vsebuje varnostno prilogu z določbami o varnostnih zahtevah in stopnji tajnosti vsakega njenega vidika ali dela. Izvod takega dokumenta se predloži nacionalnima varnostnima organoma pogodbenic.

(5) Pogodbe izvajalci, ki vsebujejo tajne podatke stopnje *INTERNO/ЗА СЛУЖЕБНО ПОЛЗВАНЕ/RESTRICTED*, imajo ustrezno določbo, ki opredeljuje minimalne ukrepe za varovanje takih tajnih podatkov.

(3) In case of transferring a large consignment containing Classified Information, the National Security Authorities shall mutually agree on and approve the means of transportation, the route and the other security measures.

ARTICLE 8

REPRODUCTION, TRANSLATION AND DESTRUCTION OF CLASSIFIED INFORMATION

(1) All reproductions and translations shall be marked with the appropriate Security classification levels and they shall be protected as the original Classified Information. The translations and the number of reproductions shall be limited to the minimum required for an official purpose.

(2) All translations shall be marked with the original Security classification level and shall contain a suitable annotation, in the language of translation, indicating that they contain Classified Information of the Originating Party.

(3) Classified Information marked *STROGO TAJNO/CTPOGO CEKPETHO/TOP SECRET*, both original and translation, shall be reproduced only upon the written permission of the Originating Party.

(4) Classified Information marked *STROGO TAJNO/CTPOGO CEKPETHO/TOP SECRET* shall not be destroyed. It shall be returned to the Originating Party after it is no longer considered necessary by the Parties.

(5) Information classified as *TAJNO/CEKPETHO/SECRET* or below shall be destroyed after it is no longer considered necessary by the Recipient Party, in accordance with the national laws and regulations.

(6) In situation in which it is impossible to protect or return Classified Information transmitted or generated under this Agreement, the Classified Information shall be destroyed immediately. The Recipient Party shall inform the National Security Authority of the Originating Party about this destruction as soon as possible.

(7) Classified Information shall be destroyed or modified in such a manner as to eliminate the possibility of its partial or total reconstruction.

(8) If destruction of the Classified Information is prohibited, it shall be returned to the Originating Party.

ARTICLE 9

CLASSIFIED CONTRACTS

(1) Classified Contract shall be concluded and implemented in accordance with national laws and regulations of each Party. Upon request the National Security Authority of each Party shall furnish information whether a contractor, sub-contractor and potential contractor has been issued an appropriate Facility Security Clearance and Personnel Security Clearance to perform functions which require access to the Classified Information.

(2) Before providing Classified Information related to a Classified Contract to contractors, sub-contractors or potential contractors, the National Security Authority of the Recipient Party shall ensure that such contractor, sub-contractor or potential contractor fulfils the conditions to protect the Classified Information in accordance with the national laws and regulations.

(3) Each National Security Authority may request that a security inspection is carried out at the contractor or sub-contractor involved in Classified Contract to ensure continuing compliance with security standards in accordance with the national laws and regulations.

(4) A Classified Contract shall contain a security annex with provisions on the security requirements and on the classification of each aspect or element of the Classified Contract. A copy of such document shall be submitted to the National Security Authorities of the Parties.

(5) Contracts placed with contractors involving Classified Information at *INTERNO/ЗА СЛУЖЕБНО ПОЛЗВАНЕ/RESTRICTED* levels will contain an appropriate clause identifying the minimum measures to be applied for the protection of such Classified Information.

10. ČLEN

OBISKI

(1) Za obiske, ki vključujejo dostop do tajnih podatkov, je potrebno predhodno dovoljenje nacionalnega varnostnega organa pogodbenice gostiteljice.

(2) Zaprošilo za obisk se predloži nacionalnemu varostnemu organu vsaj 20 dni pred začetkom obiska. Zaprošilo za obisk vsebuje te podatke, ki se uporablja samo za namen obiska:

a) ime in priimek obiskovalca, datum in kraj rojstva, državljanstvo in številko osebne izkaznice ali potnega lista;

b) položaj obiskovalca s podatki o delodajalcu, ki ga obiskovalec zastopa;

c) podatke o projektu, pri katerem obiskovalec sodeluje;

d) veljavnost in stopnjo tajnosti obiskovalčevega dovoljenja za dostop do tajnih podatkov, če je to potrebno;

e) ime, naslov, telefonsko številko, številko telefaksa, elektronski naslov organizacije, v kateri bo obisk, in ime osebe za stike;

f) namen obiska, vključno z najvišjo stopnjo tajnosti obravnavanih podatkov;

g) datum in trajanje obiska; za večkratne obiske se navede skupno obdobje, v katerem bodo obiski opravljeni;

h) datum in podpis nacionalnega varnostnega organa pošiljalatelja.

(3) V nujnih primerih se lahko nacionalna varnostna organa dogovorita o krajšem obdobju za predložitev zaprosila za obisk.

(4) Nacionalna varnostna organa se lahko dogovorita o seznamu obiskovalcev, ki imajo pravico do večkratnih obiskov. Seznam velja za začetno obdobje do 12 mesecev in se lahko podaljša za največ 12 mesecev. Zaprošilo za večkratne obiske se predloži v skladu z drugim odstavkom tega člena. Ko je seznam potrjen, se lahko vključeni subjekti o obiskih dogovarjajo neposredno.

(5) Vsaka pogodbenica zagotavlja varstvo osebnih podatkov obiskovalcev v skladu z notranjimi zakoni in predpisi.

(6) Vsi tajni podatki, ki jih pridobi obiskovalec, veljajo za tajne podatke po tem sporazumu.

11. ČLEN

SODELOVANJE PRI VAROVANJU TAJNOSTI

(1) Zaradi doseganja in ohranjanja ustreznih varnostnih standardov si nacionalna varnostna organa na zaprosilo zagotavljata podatke o svojih varnostnih standardih, postopkih in praksah za varovanje tajnih podatkov. V ta namen se lahko nacionalna varnostna organa obiskujeta.

(2) Nacionalna varnostna organa se obveščata o izjemnih varnostnih tveganjih, ki lahko ogrozijo dane tajne podatke.

(3) Nacionalna varnostna organa si na zaprosilo pomaga pri izvajanju postopkov varnostnega preverjanja.

(4) Nacionalna varnostna organa se takoj obvestita o vsemi spremembah v medsebojno priznanih dovoljenjih za dostop do tajnih podatkov in varnostnih dovoljenjih organizacij.

(5) Nacionalna varnostna organa se na zaprosilo enega od njiju lahko med seboj posvetujeta, da zagotovita tesno sodelovanje pri izvajanju tega sporazuma.

(6) Nacionalna varnostna organa lahko skleneta dogovore za izvajanje tega sporazuma.

ARTICLE 10

VISITS

(1) Visits necessitating access to Classified Information shall be subject to prior permission of the National Security Authority of the host Party.

(2) A request for visit shall be submitted to the relevant National Security Authority at least 20 days prior to the commencement of the visit. The request for the visit shall include the following data that shall be used for the purpose of the visit only:

a) the visitor's name, date and place of birth, citizenship and identification card/passport number;

b) the visitor's position, with a specification of the employer which the visitor represents;

c) a specification of the project in which the visitor participates;

d) the validity and level of the visitor's Personnel Security Clearance, if required;

e) the name, address, phone/fax number, e-mail and point of contact of the entity to be visited;

f) the purpose of the visit, including the highest Security classification level of Classified Information to be involved;

g) the date and duration of the visit. In case of recurring visits the total period covered by the visits shall be stated;

h) the date and signature of the sending National Security Authority.

(3) In urgent cases, the National Security Authorities can agree on a shorter period for the submission of the request for visit.

(4) The National Security Authorities may agree on a list of visitors entitled to recurring visits. The list shall be valid for an initial period not exceeding 12 months and may be extended for a further period of time not exceeding 12 months. A request for recurring visits shall be submitted in accordance with Paragraph 2 of this Article. Once the list has been approved, visits may be arranged directly between the subjects involved.

(5) Each Party shall guarantee the protection of personal data of the visitors in accordance with the national laws and regulations.

(6) Any Classified Information acquired by a visitor shall be considered as Classified Information under this Agreement.

ARTICLE 11

SECURITY CO-OPERATION

(1) In order to achieve and maintain relevant standards of security, the National Security Authorities shall, on request, provide each other with information about their national security standards, procedures and practices for the protection of Classified Information. To this aim the National Security Authorities may visit each other.

(2) The National Security Authorities shall inform each other of exceptional security risks that may endanger the released Classified Information.

(3) On request, the National Security Authorities shall assist each other in carrying out security clearance procedures.

(4) The National Security Authorities shall promptly inform each other about any changes in mutually recognized Personnel Security Clearances and Facility Security Clearances.

(5) In order to ensure close co-operation in the implementation of the present Agreement, the National Security Authorities may hold consultations at the request made by one of them.

(6) Implementing arrangements may be concluded between the National Security Authorities for the implementation of this Agreement.

12. ČLEN**KRŠITEV VAROVANJA TAJNOSTI**

(1) Ob kršitvi varovanja tajnosti nacionalni varnostni organ, v državi katerega je bilo varovanje tajnosti kršeno, o tem čim prej pisno obvesti nacionalni varnostni organ druge pogodbenice in opravi ustrezno preiskavo. Na podlagi zaprosila pri preiskavi lahko sodeluje ustrezni organ pogodbenice izvora.

(2) Ob kršitvi varovanja v tretji strani nacionalni varnostni organ pogodbenice pošiljaljice, če je mogoče, ukrepa v skladu s prvim odstavkom tega člena.

(3) V vsakem primeru mora biti druga pogodbenica seznanjena z ugotovitvami preiskave ter mora prejeti končno poročilo o vzrokih in obsegu povzročene škode.

13. ČLEN**STROŠKI**

Vsaka pogodbenica krije svoje stroške, ki nastanejo pri izvajanju tega sporazuma.

14. člen**REŠEVANJE SPOROV**

Spore zaradi razlage ali uporabe tega sporazuma pogodbenici rešujeta z medsebojnimi posvetovanji in pogajanjem ter jih ne predložita v reševanje mednarodnemu razsodišču ali tretji strani.

15. člen**KONČNE DOLOČBE**

(1) Sporazum začne veljati prvi dan drugega meseca po prejemu zadnjega uradnega obvestila, s katerim se pogodbenici po diplomatski poti obvestita, da so izpolnjene njune notranjepravne zahteve, potrebine za začetek veljavnosti tega sporazuma.

(2) Sporazum se lahko spremeni z medsebojnim pisnim soglasjem pogodbenic. Spremembe začnejo veljati v skladu s prvim odstavkom tega člena.

(3) Sporazum se sklene za nedoločen čas. Pogodbenica ga lahko odpove s pisnim obvestilom, ki ga po diplomatski poti pošije drugi pogodbenici. V tem primeru sporazum preneha veljati šest mesecev po dnevu, ko druga pogodbenica prejme obvestilo o odpovedi.

(4) Ob odpovedi tega sporazuma se vsi tajni podatki, preneseni v skladu s tem sporazumom, še naprej varujejo v skladu z njegovimi določbami in se na podlagi zaprosila vrnejo pogodbenici izvora.

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

Sestavljeni v Predosljah, 9. maja 2012 v dveh izvirnikih v slovenskem, bolgarskem in angleškem jeziku, pri čemer so vsa besedila enako verodostojna. Pri različni razlagi prevlada angleško besedilo.

Za Vlado
Republike Slovenije
Gregor Majcen l.r.

Za Vlado
Republike Bolgarije
Cveta Markova l.r.

ARTICLE 12**BREACH OF SECURITY**

(1) In case of a breach of security, the National Security Authority in whose state a breach of security occurred shall inform the National Security Authority of the other Party as soon as possible and shall carry out the appropriate investigation. On request, the appropriate authority of the Originating Party shall cooperate in the investigation.

(2) In case a breach of security occurs at a Third Party, the National Security Authority of the dispatching Party shall take the actions under paragraph 1 of this Article, where possible.

(3) In any case, the other Party shall be informed of the results of the investigation and shall receive the final report on the reasons and extent of damage caused.

ARTICLE 13**EXPENSES**

Each Party shall bear its own expenses incurred in the course of implementation of this Agreement.

ARTICLE 14**SETTLEMENT OF DISPUTES**

Any dispute regarding the interpretation or application of this Agreement shall be settled by consultations and negotiations between the Parties and shall not be referred to any international tribunal or Third Party for settlement.

ARTICLE 15**FINAL PROVISIONS**

(1) This Agreement shall enter into force on the first day of the second month from the date of receipt of the latest written notification by which the Parties have informed each other, through diplomatic channels, that their internal legal requirements necessary for its entry into force have been fulfilled.

(2) This Agreement may be amended by mutual written consent of the Parties. Amendments shall enter into force in accordance with paragraph 1 of this Article.

(3) This Agreement is concluded for an indefinite period of time. Either Party may denounce this Agreement by giving the other Party notice in writing through diplomatic channels. In that case, this Agreement shall terminate six months from the date on which the other Party has received the denunciation notice.

(4) In case of termination of this Agreement, all Classified Information transferred pursuant to this Agreement shall continue to be protected in accordance with the provisions set forth herein and, upon request, returned to the Originating Party.

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

Done in Predosje on 9 May 2012 in two originals in the Slovenian, Bulgarian and English languages, all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

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

For the Government of the
Republic of Bulgaria
Tsveta Markova (s)

3. člen

Za izvajanje sporazuma skrbi Urad Vlade Republike Slovenije za varovanje tajnih podatkov.

4. člen

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

Št. 040-05/12-4/12
Ljubljana, dne 14. decembra 2012
EPA 162-VI

Državni zbor
Republike Slovenije
dr. Gregor Virant l.r.
Predsednik

109. Uredba o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Republike Srbije o opravljanju pridobitne dejavnosti vzdrževanih članov družine članov diplomatskih predstavništev ali konzulatov

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 Sporazuma med Vlado Republike Slovenije in Vlado Republike Srbije o opravljanju pridobitne dejavnosti vzdrževanih članov družine članov diplomatskih predstavništev ali konzulatov****1. člen**

Ratificira se Sporazum med Vlado Republike Slovenije in Vlado Republike Srbije o opravljanju pridobitne dejavnosti vzdrževanih članov družine članov diplomatskih predstavništev ali konzulatov, sklenjen v Ljubljani 26. oktobra 2012.

2. člen

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

A G R E E M E N T
between the Government
of the Republic of Slovenia and the Government
of the Republic of Serbia
on the Gainful Occupation of Dependents
of Members of Diplomatic Missions
and Consular Posts

The Government of the Republic of Slovenia and the Government of the Republic of Serbia (hereinafter referred to as the "Contracting Parties");

Accepting that, on the basis of reciprocity, dependants of accredited employees of the sending State assigned to official duty in the receiving State as members of a diplomatic mission or consular post will be granted authorisation to engage in gainful occupation in the receiving State,

Have agreed as follows:

Article 1

For the purpose of this Agreement:

1. "Member of a diplomatic mission or consular post" shall mean an employee of the sending State who is not a national of the receiving State and who is assigned to official duty in the receiving State at a diplomatic mission, consular post or mission to an international organisation.

2. "Dependants" shall mean:

(a) spouse or common-law partner of a member of a diplomatic mission or consular post;

(b) unmarried dependent children of a member of a diplomatic mission or consular post up to 18, or up to 26 years of age if in full-time attendance as students at a post-secondary educational institution; and

(c) unmarried dependent children of a member of a diplomatic mission or consular post who are physically or mentally disabled.

Article 2

1. No restrictions shall be placed on the type of gainful occupation of a dependant. However, in those professions where particular qualifications are required in order to undertake gainful occupation, the dependant must have those qualifications.

2. Authorisation to engage in gainful occupation may be denied in cases where, for security reasons, only nationals of the receiving State may be employed.

3. The receiving State may, at any time, refuse or revoke authorisation to engage in gainful occupation, if the dependant does not abide by the laws of the receiving State.

S P O R A Z U M
med Vlado Republike Slovenije in Vlado
Republike Srbije o opravljanju pridobitne
dejavnosti vzdrževanih članov družine članov
osebja diplomatskih predstavništev
ali konzulatov

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

ob strinjanju, da se na podlagi vzajemnosti vzdrževanim družinskim članom akreditiranih uslužbencev države pošiljaljice, ki so napoteni v državo sprejemnico kot člani diplomatskega predstavništva ali konzulata, dovoli opravljanje pridobitne dejavnosti v državi sprejemnici,

dogovorili:

1. člen

V tem sporazumu:

1. »Član diplomatskega predstavništva ali konzulata« pomeni uslužbenca države pošiljaljice, ki ni državljan države sprejemnice in je napoten v državo sprejemnico na diplomatsko predstavništvo, konzulat ali predstavništvo pri mednarodni organizaciji.

2. »Vzdrževani družinski člani« pomenijo:

a) zakonca ali zunajzakonskega partnerja člana diplomatskega predstavništva ali konzulata,

b) neporočene vzdrževane otroke člana diplomatskega predstavništva ali konzulata do 18. leta ali do 26. leta, če so redni študentje visokošolskih izobraževalnih ustanov, in

c) neporočene vzdrževane otroke člana diplomatskega predstavništva ali konzulata, ki so telesno ali duševno prizadeti.

2. člen

1. Vrsta pridobitne dejavnosti ni omejena. Pri poklicih, za opravljanje katerih se zahtevajo posebne kvalifikacije, mora vzdrževani družinski član izpolnjevati te zahteve.

2. Dovoljenje za opravljanje pridobitne dejavnosti se lahko zavrne v primerih, ko se zaradi varnostnih razlogov lahko zaposlijo samo državljeni države sprejemnice.

3. Država sprejemnica lahko kadar koli zavrne ali umakne dovoljenje za opravljanje pridobitne dejavnosti, če vzdrževani družinski član ne spoštuje zakonov države sprejemnice.

4. Should the defendant seek another employment after having been granted authorisation to engage in gainful occupation under this Agreement, the defendant shall re-apply for authorisation via the diplomatic mission.

5. The authorisation granted to the defendant to engage in gainful occupation in the receiving State shall expire in two months from the date when the assignment of the member of a diplomatic mission or consular post terminates.

6. The authorisation to engage in gainful occupation shall expire in the case of legal separation or divorce, or in the case the unmarried dependent children cease to form part of the household of the member of a diplomatic mission or consular post.

Article 3

1. Before a defendant may engage in gainful occupation in the receiving State, the diplomatic mission of the sending State shall make an official request to the protocol division of the ministry of foreign affairs of the receiving State.

2. Upon verification whether the person in question falls within the categories defined in this Agreement and after observing applicable domestic procedures, the protocol division shall promptly notify the diplomatic mission that the person concerned has been granted authorisation to engage in gainful occupation in accordance with the applicable laws and regulations of the receiving State, including the issuance of a work permit, if necessary.

Article 4

1. For defendants who engage in gainful occupation under this Agreement and have immunity from the jurisdiction of the receiving State in accordance with the Vienna Convention on Diplomatic Relations of April 18, 1961 or the Vienna Convention on Consular Relations of April 24, 1963, immunity from civil and administrative jurisdiction with respect to all matters arising from such gainful occupation is hereby irrevocably waived by the sending State.

2. In the event that a defendant who has immunity from criminal jurisdiction in accordance with the Vienna Convention on Diplomatic Relations is accused of a criminal offence committed in relation to their gainful occupation, the sending State shall give serious consideration to any written request that may be submitted by the receiving State for waiving such immunity.

Article 5

Defendants who engage in gainful occupation under this Agreement shall be subject to fiscal and social security regimes of the receiving State for all matters relating to their gainful occupation in that State.

Article 6

The Contracting Parties shall undertake to apply the present Agreement in good faith and shall amend it as appropriate, in line with the needs and interests of both Contracting Parties.

Article 7

Any differences or disputes arising from the interpretation or application of this Agreement shall be settled through diplomatic channels and by mutual consent.

Article 8

This Agreement shall enter into force on the date of receipt of the last written notification by which the Contracting Parties notify each other that all necessary internal requirements for the entry into force of this Agreement have been fulfilled.

4. Če po odobritvi opravljanja pridobitne dejavnosti po tem sporazumu vzdrževani družinski član želi poiskati drugo zaposlitev, mora znova zaprositi za dovoljenje prek diplomatskega predstavnštva.

5. Dovoljenje za opravljanje pridobitne dejavnosti v državi sprejemnici vzdrževanemu družinskemu članu poteče v dveh mesecih od dneva, ko se članu diplomatskega predstavnštva ali konzulata izteče napotitev.

6. Dovoljenje za opravljanje pridobitne dejavnosti preneha veljati ob sodni razvezi ali ločitvi, ali če neporočeni vzdrževani otrok preneha bivati v skupnem gospodinjstvu s članom diplomatskega predstavnštva ali konzulata.

3. člen

1. Preden vzdrževani družinski član lahko začne opravljati pridobitno dejavnost v državi sprejemnici, diplomatsko predstavnštvo države pošiljaljice pošlje uradno zaprosilo sektorju za protokol ministrstva za zunanje zadeve države sprejemnice.

2. Ko se ugotovi, da se oseba uvršča v kategorije iz tega sporazuma, in ob upoštevanju veljavnih notranjih postopkov sektor za protokol takoj uradno obvesti diplomatsko predstavnštvo, da se osebi dovoli opravljanje pridobitne dejavnosti, ko so v skladu z veljavnimi zakoni in predpisi države sprejemnice izpolnjene zakonske zahteve in se po potrebi izda delovno dovoljenje.

4. člen

1. Država pošiljaljica se za vzdrževane družinske člane, ki po tem sporazumu opravljajo pridobitno dejavnost in uživajo imuniteto pred sodno pristojnostjo v državi sprejemnici v skladu z Dunajsko konvencijo o diplomatskih odnosih z dne 18. aprila 1961 ali Dunajsko konvencijo o konzularnih odnosih z dne 24. aprila 1963, nepreklicno odreče imuniteti pred sodno pristojnostjo v civilnih in upravnih zadevah, povezanih z opravljanjem pridobitne dejavnosti.

2. Če je vzdrževani družinski član, ki uživa imuniteto pred sodno pristojnostjo v kazenskih zadevah v skladu z Dunajsko konvencijo o diplomatskih odnosih, obdolžen kaznivega dejanja v zvezi z opravljanjem pridobitne dejavnosti, država pošiljaljica resno prouči vsako pisno zahtevo države sprejemnice za odrek taki imuniteti.

5. člen

Za vzdrževane družinske člane, ki opravljajo pridobitno dejavnost po tem sporazumu, za vse zadeve, povezane z opravljanjem pridobitne dejavnosti v državi sprejemnici, veljata davčni sistem in sistem socialnega varstva te države.

6. člen

Pogodbenici se zavezujeta, da bosta sporazum izvajali v dobrì veri, po potrebi ga bosta spremiñjali glede na svoje potrebe in interes.

7. člen

Morebitna nesoglasja in spori v zvezi z razlagi in izvajanjem tega sporazuma se rešujejo po diplomatski poti in s soglasjem.

8. člen

Sporazum začne veljati na dan prejema zadnjega uradnega obvestila, s katerima se pogodbenici obvestita, da so končani vsi notranji postopki, potrebni za začetek njegove veljavnosti.

Article 9

This Agreement shall be concluded for an indefinite period of time. Either Contracting Party may terminate it at any time by giving six months' notice in writing to the other Contracting Party.

Done at Ljubljana on 26 October 2012 in two original copies in English.

For the Government
of the Republic of Slovenia
Stanislav Raščan (s)

For the Government
of the Republic of Serbia
Zoran Marković (s)

9. člen

Sporazum se sklene za nedoločen čas. Pogodbenica ga lahko kadar koli odpove, tako da o tem šest mesecev prej pisno obvesti drugo pogodbenico.

Sklenjeno v Ljubljani dne 26. oktobra 2012 v dveh izvirnih kih v angleškem jeziku.

Za Vlado
Republike Slovenije
Stanislav Raščan l.r.

Za Vlado
Republike Srbije
Zoran Marković l.r.

3. člen

Za izvajanje sporazuma skrbi ministrstvo, pristojno za zunanje zadeve.

4. člen

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

Št. 00724-62/2012
Ljubljana, dne 20. decembra 2012
EVA 2012-1811-0126

Vlada Republike Slovenije

Janez Janša l.r.
Predsednik

VSEBINA

- | | | |
|------|--|------|
| 102. | Zakon o ratifikaciji Okvirnega sporazuma med Evropsko unijo in njenimi državami članicami na eni strani ter Republiko Korejo na drugi strani (MOSEUKR) | 2827 |
| 103. | Zakon o ratifikaciji Konvencije o policijskem sodelovanju v jugovzhodni Evropi (MKPS) | 2860 |
| 104. | Zakon o ratifikaciji Poroštvene pogodbe med Republiko Slovenijo in Evropsko investicijsko banko (TEŠ – termoelektrarna Šoštanj/B) (MPEIBTEŠ) | 2881 |
| 105. | Zakon o ratifikaciji Sprememb 2006 spremenjene Mednarodne konvencije o standardih za usposabljanje, izdajanje spričeval in ladijsko stražarjenje pomorščakov, 1978 (MKSULSP06) | 2887 |
| 106. | Zakon o ratifikaciji Protokola o spremembah Konvencije o mednarodni hidrografski organizaciji (MPKMHO) | 2889 |
| 107. | Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Velikega vojvodstva Luksemburg o izmenjavi in medsebojnem varovanju tajnih podatkov (BLUIMVTP) | 2895 |
| 108. | Zakon o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Republike Bolgarije o izmenjavi in medsebojnem varovanju tajnih podatkov (BBGIMVTP) | 2901 |
| 109. | Uredba o ratifikaciji Sporazuma med Vlado Republike Slovenije in Vlado Republike Srbije o opravljanju pridobitne dejavnosti vzdrževanih članov družine članov diplomatskih predstavništev ali konzulatov | 2907 |

