

Uradni list Republike Slovenije



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1. Uredba o ratifikaciji Večstranskega sporazuma med pristojnimi organi o avtomatični izmenjavi informacij o finančnih računih

Na podlagi šestega odstavka 75. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 – ZNOMCMO, 76/08, 108/09, 80/10 – ZUTD in 31/15) izdaja Vlada Republike Slovenije

U R E D B O

O RATIFIKACIJI VEČSTRANSKEGA SPORAZUMA MED PRISTOJNIMI ORGANI O AVTOMATIČNI IZMENJAVI INFORMACIJ O FINANČNIH RAČUNIH

1. člen

Ratificira se Večstranski sporazum med pristojnimi organi o avtomatični izmenjavi informacij o finančnih računih, sestavljen v Berlinu 29. oktobra 2014.

2. člen

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

DECLARATION

I, Dr. Dušan Mramor, Minister of Finance, on behalf of the Competent Authority of the Republic of Slovenia, declare that it hereby agrees to comply with the provisions of the

Multilateral Competent Authority Agreement on Automatic Exchange of Financial Account Information

hereafter referred to as the "Agreement" and attached to this Declaration.

By means of the present Declaration, the Competent Authority of the Republic of Slovenia is to be considered a signatory of the Agreement as from 29 October 2014. The Agreement will come into effect in respect of the Competent Authority of the Republic of Slovenia in accordance with Section 7 thereof.

The Annex F notification referred to in Section 3(3) of the Agreement is deposited herewith.

Signed in Berlin on 29 October 2014

Dr. Dušan Mramor (s)
Minister
of Finance

IZJAVA

Dr. Dušan Mramor, minister za finance, v imenu pristojnega organa Republike Slovenije izjavljam, da bo ta ravnal v skladu z določbami

Večstranskega sporazuma med pristojnimi organi o avtomatični izmenjavi informacij o finančnih računih,

v nadaljevanju: sporazum, ki je priloga te izjave.

Na podlagi te izjave se pristojni organ Republike Slovenije šteje kot podpisnik sporazuma od 29. oktobra 2014. Sporazum se bo za pristojni organ Republike Slovenije začel uporabljati v skladu s 7. členom sporazuma.

Uradno obvestilo (priloga F) iz tretjega odstavka 3. člena sporazuma je priloženo sporazumu.

Podpisano v Berlinu 29. oktobra 2014.

Dr. Dušan Mramor l.r.
Minister
za finance

* Priloge A – Seznam jurisdikcij, za katere vzajemnost ne velja, B – Načini pošiljanja, C – Opredeljena zaščita podatkov, D – Vprašalnik o zaupnosti, E – Pristojni organi, za katere se ta sporazum uporablja in F – Predvideni datum izmenjave, so na vpogled v Sektorju za mednarodno pravo Ministrstva za zunanje zadeve in Sektorju za sistem pobiranja davkov Ministrstva za finance.

MULTILATERAL COMPETENT AUTHORITY AGREEMENT ON AUTOMATIC EXCHANGE OF FINANCIAL ACCOUNT INFORMATION

Whereas, the jurisdictions of the signatories to the Multilateral Competent Authority Agreement on Automatic Exchange of Financial Account Information (the "Agreement") are Parties of, or territories covered by, the Convention on Mutual Administrative Assistance in Tax Matters or the Convention on Mutual Administrative Assistance in Tax Matters as amended by the Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters (the "Convention") or have signed or expressed their intention to sign the Convention and acknowledge that the Convention must be in force and in effect in relation to them before the first exchange of financial account information takes place;

Whereas, the jurisdictions intend to improve international tax compliance by further building on their relationship with respect to mutual assistance in tax matters;

Whereas, the Common Reporting Standard was developed by the OECD, with G20 countries, to tackle tax avoidance and evasion and improve tax compliance;

Whereas, a country that has signed or expressed its intention to sign the Convention will only become a Jurisdiction as defined in Section 1 of this Agreement once it has become a Party to the Convention;

Whereas, the laws of the respective Jurisdictions require or are expected to require financial institutions to report information regarding certain accounts and follow related due diligence procedures, consistent with the scope of exchange contemplated by Section 2 of this Agreement and the reporting and due diligence procedures set out in the Common Reporting Standard;

Whereas, it is expected that the laws of the Jurisdictions would be amended from time to time to reflect updates to the Common Reporting Standard and once such changes are enacted by a Jurisdiction the definition of Common Reporting Standard would be deemed to refer to the updated version in respect of that Jurisdiction;

Whereas, Chapter III of the Convention authorises the exchange of information for tax purposes, including the exchange of information on an automatic basis, and allows the competent authorities of the Jurisdictions to agree the scope and modalities of such automatic exchanges;

Whereas, Article 6 of the Convention provides that two or more Parties can mutually agree to exchange information automatically, the exchange of the information will be on a bilateral basis between the Competent Authorities;

Whereas, the Jurisdictions have, or are expected to have, in place by the time the first exchange takes place (i) appropriate safeguards to ensure that the information received pursuant to this Agreement remains confidential and is used solely for the purposes set out in the Convention, and (ii) the infrastructure for an effective exchange relationship (including established processes for ensuring timely, accurate, and confidential information exchanges, effective and reliable communications, and capabilities to promptly resolve questions and concerns about exchanges or requests for exchanges and to administer the provisions of Section 4 of this Agreement);

Whereas, the Competent Authorities of the jurisdictions intend to conclude an agreement to improve international tax compliance based on automatic exchange pursuant to the Convention, without prejudice to national legislative procedures (if any), respecting EU law (if applicable), and subject to the confidentiality and other protections provided for in the Convention, including the provisions limiting the use of the information exchanged thereunder;

Now, therefore, the Competent Authorities have agreed as follows:

SECTION 1 Definitions

1. For the purposes of this Agreement, the following terms have the following meanings:

a) the term "**Jurisdiction**" means a country or a territory in respect of which the Convention is in force and is in effect, either through signature and ratification in accordance with Article 28, or through territorial extension in accordance with Article 29, and which is a signatory to this Agreement;

VEČSTRANSKI SPORAZUM MED PRISTOJNIMI ORGANI O AVTOMATIČNI IZMENJAVI INFORMACIJ O FINANČNIH RAČUNIH

Ker so jurisdikcije podpisnikov Večstranskega sporazuma med pristojnimi organi o avtomatični izmenjavi informacij o finančnih računih (v nadaljevanju: sporazum) pogodbenice Konvencije o medsebojni upravni pomoči v davčnih zadevah ali Konvencije o medsebojni upravni pomoči v davčnih zadevah, kot je bila spremenjena s Protokolom o spremembami Konvencije o medsebojni upravni pomoči v davčnih zadevah (v nadaljevanju: konvencija), ali ozemlja, za katera velja ta konvencija, ali so podpisale ali izrazile namen podpisati konvencijo ter potrjujejo, da mora konvencija zanje veljati in se uporabljati pred prvo izmenjavo informacij o finančnih računih,

ker jurisdikcije nameravajo izboljšati spoštovanje davčnih predpisov na mednarodni ravni z nadaljnjam poglabljjanjem svojih odnosov glede medsebojne pomoči v davčnih zadevah,

ker je Skupni standard poročanja razvila OECD skupaj z državami G20 zaradi odkrivanja in preprečevanja izogibanja davkom in davčnih utaj ter izboljšanja spoštovanja davčnih predpisov,

ker bo država, ki je podpisala ali izrazila namen podpisati konvencijo, postala jurisdikcija, kakor je opredeljena v 1. členu tega sporazuma, še ko bo postala pogodbenica konvencije,

ker zakonodaja jurisdikcij zahteva ali se pričakuje, da zahleva, da finančne institucije sporočajo informacije o nekaterih računih in upoštevajo z njimi povezane postopke dolžne skrbnosti skladno z obsegom izmenjave, ki ga predvideva 2. člen tega sporazuma, ter postopke poročanja in dolžne skrbnosti, ki jih določa Skupni standard poročanja,

ker se pričakuje, da se bo zakonodaja jurisdikcij občasno spremenjala tako, da bo izražala posodobitve Skupnega standarda poročanja, pri čemer se bo po spremembah, uveljavljenih v eni od jurisdikcij, še to, da se izraz Skupni standard poročanja nanaša na posodobljeno različico v zvezi s to jurisdikcijo,

ker III. poglavje konvencije dovoljuje izmenjavo informacij z davčne namene, vključno z avtomatično izmenjavo informacij, in pristojnim organom jurisdikcij omogoča, da se dogovorijo o obsegu, pogojih in načinu take avtomatične izmenjave,

ker 6. člen konvencije določa, da se lahko dve ali več pogodbenic medsebojno dogovori o avtomatični izmenjavi informacij, bo izmenjava informacij med pristojnimi organi potekala dvostransko,

ker jurisdikcije imajo ali se pričakuje, da imajo pred prvo izmenjavo informacij vzpostavljeno i) primerno zaščito, ki zagotavlja, da po tem sporazumu prejete informacije ostanejo zaupne in se uporabljajo samo za namene, določene v konvenciji, in ii) infrastrukturo za učinkovito izmenjavo (vključno z vzpostavljenimi postopki za zagotavljanje pravočasne, točne in zaupne izmenjave informacij, učinkovitega in zanesljivega sporočanja ter z možnostmi za sprotno reševanje vprašanj in težav glede izmenjave ali zahteve za izmenjavo ter za izvajanje določb 4. člena tega sporazuma),

ker pristojni organi jurisdikcij nameravajo skleniti sporazum zaradi izboljšanja spoštovanja davčnih predpisov na mednarodni ravni na podlagi avtomatične izmenjave v skladu s konvencijo ne glede na (morebitne) zakonodajne postopke države, ob spoštovanju prava EU (če se uporablja) ter ob upoštevanju zaupnosti in drugih v konvenciji predvidenih varoval, vključno z določbami o omejevanju uporabe informacij, izmenjanih na njeni podlagi,

so se pristojni organi dogovorili:

1. ČLEN Pomen izrazov

1. V tem sporazumu naslednji izrazi pomenijo:

a) »**jurisdikcija**« pomeni državo ali ozemlje, za katero konvencija velja in se uporablja s podpisom in ratifikacijo v skladu z 28. členom ali z ozemeljsko razširitvijo v skladu z 29. členom ter ki je podpisnica tega sporazuma;

b) the term “**Competent Authority**” means, for each respective Jurisdiction, the persons and authorities listed in Annex B of the Convention;

c) the term “**Jurisdiction Financial Institution**” means, for each respective Jurisdiction, (i) any Financial Institution that is resident in the Jurisdiction, but excludes any branch of that Financial Institution that is located outside the Jurisdiction, and (ii) any branch of a Financial Institution that is not resident in the Jurisdiction, if that branch is located in the Jurisdiction;

d) the term “**Reporting Financial Institution**” means any Jurisdiction Financial Institution that is not a Non-Reporting Financial Institution;

e) the term “**Reportable Account**” means a Financial Account that is maintained by a Reporting Financial Institution and that, pursuant to due diligence procedures consistent with the Common Reporting Standard, has been identified as an account that is held by one or more persons that are Reportable Persons with respect to another Jurisdiction or by a Passive Non-Financial Entity with one or more Controlling Persons that are Reportable Persons with respect to another Jurisdiction,

f) the term “**Common Reporting Standard**” means the standard for automatic exchange of financial account information in tax matters (which includes the Commentaries), developed by the OECD, with G20 countries;

g) the term “**Co-ordinating Body Secretariat**” means the OECD Secretariat that, pursuant to paragraph 3 of Article 24 of the Convention, provides support to the co-ordinating body that is composed of representatives of the competent authorities of the Parties to the Convention;

h) the term “**Agreement in effect**” means, in respect of any two Competent Authorities, that both Competent Authorities have indicated their intention to automatically exchange information with each other and have satisfied the other conditions set out in subparagraph 2.1. of Section 7. The Competent Authorities for which this Agreement is in effect are listed in Annex E.

2. Any capitalised term not otherwise defined in this Agreement will have the meaning that it has at that time under the law of the Jurisdiction applying the Agreement, such meaning being consistent with the meaning set forth in the Common Reporting Standard. Any term not otherwise defined in this Agreement or in the Common Reporting Standard will, unless the context otherwise requires or the Competent Authorities agree to a common meaning (as permitted by domestic law), have the meaning that it has at that time under the law of the Jurisdiction applying this Agreement, any meaning under the applicable tax laws of that Jurisdiction prevailing over a meaning given to the term under other laws of that Jurisdiction.

SECTION 2

Exchange of Information with Respect to Reportable Accounts

1.1. Pursuant to the provisions of Articles 6 and 22 of the Convention and subject to the applicable reporting and due diligence rules consistent with the Common Reporting Standard, each Competent Authority will annually exchange with the other Competent Authorities, with respect to which it has this Agreement in effect, on an automatic basis the information obtained pursuant to such rules and specified in paragraph 2.

1.2. Notwithstanding the previous paragraph, the Competent Authorities of the Jurisdictions listed in Annex A will send, but not receive, the information specified in paragraph 2. Competent Authorities of Jurisdictions not listed in Annex A will always receive the information specified in paragraph 2. Competent Authorities will not send such information to Competent Authorities of the Jurisdictions listed in Annex A.

2. The information to be exchanged is, with respect to each Reportable Account of another Jurisdiction:

a) the name, address, TIN(s) and date and place of birth (in the case of an individual) of each Reportable Person that is an Account Holder of the account and, in the case of any Entity that is an Account Holder and that, after application of due diligence procedures consistent with the Common Reporting Standard, is identified as having one or more Controlling Persons that is a Reportable Person, the name, address, and TIN(s) of the Entity and the name, address, TIN(s) and date and place of birth of each Reportable Person;

b) »**pristojni organ**« za vsako od jurisdikcij pomeni osebe in organe iz priloge B h konvenciji;

c) »**finančna institucija jurisdikcije**« za vsako od jurisdikcij pomeni i) katero koli finančno institucijo, ki je rezidentka jurisdikcije, razen podružnice take finančne institucije, ki je zunaj te jurisdikcije, in ii) katero koli podružnico finančne institucije, ki ni rezidentka jurisdikcije, če je taka podružnica v tej jurisdikciji;

d) »**poročevalska finančna institucija**« pomeni katero koli finančno institucijo jurisdikcije, ki ni neporočevalska finančna institucija;

e) »**račun, o katerem se poroča**« pomeni finančni račun, ki ga vodi poročevalska finančna institucija in ki je bil v skladu s postopki dolžne skrbnosti, skladnimi s Skupnim standardom poročanja, identificiran kot račun, katerega imetnik je ena ali več oseb, ki so osebe, o katerih se poroča, v zvezi z drugo jurisdikcijo ali pasivni nefinančni subjekt z eno ali več obvladujočimi osebami, ki so osebe, o katerih se poroča, v zvezi z drugo jurisdikcijo;

f) »**Skupni standard poročanja**« pomeni standard za avtomatično izmenjavo informacij o finančnih računih v davčnih zadevah (vključno s komentarji), ki ga je razvila OECD skupaj z državami G20;

g) »**sekretariat usklajevalnega organa**« pomeni sekretariat OECD, ki na podlagi tretjega odstavka 24. člena konvencije zagotavlja pomoč usklajevalnemu organu, sestavljenemu iz predstnikov pristojnih organov pogodbenic konvencije;

h) »**sporazum, ki se uporablja**« v zvezi s katerima koli pristojnima organoma pomeni, da sta pristojna organa nазвали svoj namen, da avtomatično izmenjata informacije, in izpolnjujeta druge pogoje iz pododstavka 2.1 7. člena. Pristojni organi, za katere se uporablja ta sporazum, so navedeni v prilogi E.

2. Vsi izrazi v tem sporazumu, ki v njem niso opredeljeni drugače, imajo pomen, ki ga imajo takrat po pravu jurisdikcije, ki uporablja ta sporazum, pri čemer ta pomen ustrezza pomenu iz Skupnega standarda poročanja. Vsi izrazi, ki v tem sporazumu ali Skupnem standardu poročanja niso drugače opredeljeni, imajo, razen če sobesedilo ne zahteva drugače ali se pristojni organi ne dogovorijo o skupnem pomenu (kakor ga dovoljuje notranje pravo), pomen, kot ga imajo takrat po pravu jurisdikcije, ki uporablja ta sporazum, pri čemer pomen po veljavni davčni zakonodaji te jurisdikcije prevlada nad pomenom izraza po drugi zakonodaji te jurisdikcije.

2. ČLEN

Izmenjava informacij v zvezi z računi, o katerih se poroča

1.1 V skladu z določbami 6. in 22. člena konvencije ter ob upoštevanju veljavnih pravil poročanja in dolžne skrbnosti, skladnih s Skupnim standardom poročanja, vsak pristojni organ enkrat na leto z drugimi pristojnimi organi, za katere uporablja ta sporazum, avtomatično izmenja informacije, ki jih pridobi v skladu s temi pravili in so opisane v drugem odstavku.

1.2 Ne glede na prejšnji odstavek pristojni organi jurisdikcij, ki so navedene v prilogi A, pošljajo informacije iz drugega odstavka, ne pa jih tudi prejemajo. Pristojni organi jurisdikcij, ki niso navedene v prilogi A, informacije iz drugega odstavka vedno prejemajo. Pristojni organi teh informacij ne pošljajo pristojnim organom jurisdikcij iz priloge A.

2. Informacije, ki jih je treba izmenjati v zvezi z vsakim računom, o katerem se poroča, druge jurisdikcije:

a) ime, naslov, identifikacijska številka za davčne namene ter datum in kraj rojstva (pri posamezniku) vsake osebe, o kateri se poroča, ki je imetnika tega računa, in pri vsakem subjektu, ki je imetnik računa in za katerega se po postopkih dolžne skrbnosti, skladnih s Skupnim standardom poročanja, ugotovi, da ima eno ali več obvladujočih oseb, ki so osebe, o katerih se poroča, ime, naslov in identifikacijska številka za davčne namene subjekta ter ime, naslov, identifikacijska številka za davčne namene, datum in kraj rojstva vsake osebe, o kateri se poroča;

b) the account number (or functional equivalent in the absence of an account number);

c) the name and identifying number (if any) of the Reporting Financial Institution;

d) the account balance or value (including, in the case of a Cash Value Insurance Contract or Annuity Contract, the Cash Value or surrender value) as of the end of the relevant calendar year or other appropriate reporting period or, if the account was closed during such year or period, the closure of the account;

e) in the case of any Custodial Account:

(1) the total gross amount of interest, the total gross amount of dividends, and the total gross amount of other income generated with respect to the assets held in the account, in each case paid or credited to the account (or with respect to the account) during the calendar year or other appropriate reporting period; and

(2) the total gross proceeds from the sale or redemption of Financial Assets paid or credited to the account during the calendar year or other appropriate reporting period with respect to which the Reporting Financial Institution acted as a custodian, broker, nominee, or otherwise as an agent for the Account Holder;

f) in the case of any Depository Account, the total gross amount of interest paid or credited to the account during the calendar year or other appropriate reporting period; and

g) in the case of any account not described in subparagraph 2(e) or (f), the total gross amount paid or credited to the Account Holder with respect to the account during the calendar year or other appropriate reporting period with respect to which the Reporting Financial Institution is the obligor or debtor, including the aggregate amount of any redemption payments made to the Account Holder during the calendar year or other appropriate reporting period.

SECTION 3

Time and Manner of Exchange of Information

1. For the purposes of the exchange of information in Section 2, the amount and characterisation of payments made with respect to a Reportable Account may be determined in accordance with the principles of the tax laws of the Jurisdiction exchanging the information.

2. For the purposes of the exchange of information in Section 2, the information exchanged will identify the currency in which each relevant amount is denominated.

3. With respect to paragraph 2 of Section 2, and subject to the notification procedure set out in Section 7, including the dates specified therein, information is to be exchanged commencing from the years specified in Annex F within nine months after the end of the calendar year to which the information relates. Notwithstanding the foregoing sentence, information is only required to be exchanged with respect to a calendar year if both Competent Authorities have this Agreement in effect and their respective Jurisdictions have in effect legislation that requires reporting with respect to such calendar year that is consistent with the scope of exchange provided for in Section 2 and the reporting and due diligence procedures contained in the Common Reporting Standard.

4. [deleted]

5. The Competent Authorities will automatically exchange the information described in Section 2 in the common reporting standard schema in Extensible Markup Language.

6. The Competent Authorities will work towards and agree on one or more methods for data transmission including encryption standards with a view to maximising standardisation and minimising complexities and costs and will specify those in Annex B.

SECTION 4

Collaboration on Compliance and Enforcement

A Competent Authority will notify the other Competent Authority when the first-mentioned Competent Authority has reason to believe that an error may have led to incorrect or incomplete information reporting or there is non-compliance by a Reporting Financial Institution with the applicable reporting requirements and due diligence procedures consistent with the Common Reporting Standard. The notified Competent Authority will take all appropriate measures available under its domestic law to address the errors or non-compliance described in the notice.

b) številka računa (ali ustrezna oznaka, če ni številke računa);

c) ime in (morebitna) identifikacijska številka poročevalske finančne institucije;

d) stanje na računu ali vrednost računa (vključno z odkupno vrednostjo ali vrednostjo ob odstopu v primeru zavarovalne pogodbe z odkupno vrednostjo ali pogodbe rentnega zavarovanja) ob koncu posameznega koledarskega leta ali drugega ustreznega poročevalnega obdobja, ali če je bil račun med takim letom ali obdobjem zaprt, ob zaprtju računa;

e) pri kakršnem koli skrbniškem računu:

(1) skupni bruto znesek obresti, skupni bruto znesek dividend in skupni bruto znesek drugih dohodkov, ustvarjenih v zvezi s sredstvi na računu, ki se v vsakem od primerov vplačajo ali pripšejo na račun (ali v zvezi z računom) med koledarskim letom ali drugim ustreznim poročevalnim obdobjem, in

(2) skupni bruto iztržek od prodaje ali odkupa finančnih sredstev, ki se vplačajo ali pripšejo na račun med koledarskim letom ali drugim ustreznim poročevalnim obdobjem, v zvezi s katerim je poročevalska finančna institucija delovala kot skrbnik, borzni posrednik, pooblaščenec ali kako drugače kot zastopnik imetnika računa;

f) pri kakršnem koli depozitnem računu skupni bruto znesek obresti, vplačanih ali pripisanih na račun med koledarskim letom ali drugim ustreznim poročevalnim obdobjem, in

g) pri računih, ki niso opisani in točki e ali f drugega odstavka, skupni bruto znesek, plačan ali pripisan imetniku računa v zvezi z računom med koledarskim letom ali drugim ustreznim poročevalnim obdobjem, v zvezi s katerim je poročevalska finančna institucija dolžnica, vključno s skupnim zneskom vseh plačil v zvezi z odkupom, opravljenih imetniku računa med koledarskim letom ali drugim ustreznim poročevalnim obdobjem.

3. ČLEN

Čas in način izmenjave informacij

1. Za izmenjavo informacij iz 2. člena se lahko znesek in opredelitev plačil, opravljenih v zvezi z računom, o katerem se poroča, določata v skladu z načeli davčne zakonodaje jurisdikcije, ki izmenjuje informacije.

2. Za izmenjavo informacij iz 2. člena se v izmenjanih informacijah določi valuta, v kateri je izražen vsak ustrezen znesek.

3. V zvezi z drugim odstavkom 2. člena in ob upoštevanju postopka uradnega obveščanja iz 7. člena, vključno z datumimi, določenimi v njem, se informacije začnejo izmenjevati z leti, določenimi v prilogi F, v devetih mesecih po izteku koledarskega leta, na katero se nanašajo. Ne glede na prejšnji stavek se informacije za koledarsko leto izmenjajo samo, če se ta sporazum uporablja med pristojnima organoma in če v njunih jurisdikcijah velja zakonodaja, na podlagi katere se zahteva poročanje za to koledarsko leto, ki je v skladu z obsegom izmenjave, predvidenim v 2. členu, ter postopki poročanja in dolžne skrbnosti iz Skupnega standarda poročanja.

4. [črtano]

5. Pristojna organa avtomatično izmenjata informacije iz 2. člena na podlagi sheme Skupnega standarda poročanja v razširjivem označevalnem jeziku (shema XML).

6. Pristojna organa se dogovorita o enem ali več načinih prenosa podatkov, vključno s standardi šifriranja zaradi doseganja večje standardizacije in zmanjšanja zapletenosti ter nižjih stroškov, in jih podrobno opredelita v prilogi B.

4. ČLEN

Sodelovanje pri izpolnjevanju in uveljavljanju

Pristojni organ obvesti drug pristojni organ, kadar prvi navedeni pristojni organ utemeljeno sklepa, da je lahko napaka privedla do nepravilnega ali nepopolnega sporočanja informacij ali da poročevalska finančna institucija ne izpoljuje veljavnih zahtev za poročanje in ne upošteva postopkov dolžne skrbnosti, skladnih s Skupnim standardom poročanja. Obveščeni pristojni organ sprejme vse ustreze ukrepe, ki jih ima na voljo v skladu s svojim notranjim pravom, za odpravo napak ali neizpolnjevanja, opisanega v obvestilu.

SECTION 5

Confidentiality and Data Safeguards

1. All information exchanged is subject to the confidentiality rules and other safeguards provided for in the Convention, including the provisions limiting the use of the information exchanged and, to the extent needed to ensure the necessary level of protection of personal data, in accordance with the safeguards which may be specified by the supplying Competent Authority as required under its domestic law and listed in Annex C.

2. A Competent Authority will notify the Co-ordinating Body Secretariat immediately regarding any breach of confidentiality or failure of safeguards and any sanctions and remedial actions consequently imposed. The Co-ordinating Body Secretariat will notify all Competent Authorities with respect to which this is an Agreement in effect with the first mentioned Competent Authority.

SECTION 6

Consultations and Amendments

1. If any difficulties in the implementation or interpretation of this Agreement arise, a Competent Authority may request consultations with one or more of the Competent Authorities to develop appropriate measures to ensure that this Agreement is fulfilled. The Competent Authority that requested the consultations shall ensure, as appropriate, that the Co-ordinating Body Secretariat is notified of any measures that were developed and the Co-ordinating Body Secretariat will notify all Competent Authorities, even those that did not participate in the consultations, of any measures that were developed.

2. This Agreement may be amended by consensus by written agreement of all of the Competent Authorities that have the Agreement in effect. Unless otherwise agreed upon, such an amendment is effective on the first day of the month following the expiration of a period of one month after the date of the last signature of such written agreement.

SECTION 7

Term of Agreement

1. A Competent Authority must provide, at the time of signature of this Agreement or as soon as possible after its Jurisdiction has the necessary laws in place to implement the Common Reporting Standard, a notification to the Co-ordinating Body Secretariat:

a) that its Jurisdiction has the necessary laws in place to implement the Common Reporting Standard and specifying the relevant effective dates with respect to Preexisting Accounts, New Accounts, and the application or completion of the reporting and due diligence procedures;

b) confirming whether the Jurisdiction is to be listed in Annex A;

c) specifying one or more methods for data transmission including encryption (Annex B);

d) specifying safeguards, if any, for the protection of personal data (Annex C);

e) that it has in place adequate measures to ensure the required confidentiality and data safeguards standards are met and attaching the completed confidentiality and data safeguard questionnaire, to be included in Annex D; and

f) a list of the Jurisdictions of the Competent Authorities with respect to which it intends to have this Agreement in effect, following national legislative procedures (if any).

Competent Authorities must notify the Co-ordinating Body Secretariat, promptly, of any subsequent change to be made to the above-mentioned Annexes.

2.1. This Agreement will come into effect between two Competent Authorities on the later of the following dates: (i) the date on which the second of the two Competent Authorities has provided notification to the Co-ordinating Body Secretariat under paragraph 1, including listing the other Competent Authority's Jurisdiction pursuant to subparagraph 1(f), and, if applicable, (ii) the date on which the Convention has entered into force and is in effect for both Jurisdictions.

5. ČLEN

Zaupnost in zaščita podatkov

1. Za vse izmenjane informacije veljajo pravila zaupnosti in druga zaščita, ki jo predvideva konvencija, vključno z določbami, ki omejujejo uporabo izmenjanjih informacij, in – v obsegu, ki zagotavlja potreben raven varstva osebnih podatkov – v skladu z zaščito, ki jo lahko določi pristojni organ pošiljalj na podlagi svojega notranjega prava in je navedena v prilogi C.

2. Pristojni organ nemudoma obvesti sekretariat usklajevalnega organa o vsaki kršitvi zaupnosti ali neuspešni zaščiti in vseh sankcijah ter zaradi tega sprejetih ukrepov za odpravo kršitve zaupnosti ali neuspešne zaščite. Sekretariat usklajevalnega organa obvesti vse pristojne organe, za katere prvi navedeni pristojni organ uporablja ta sporazum.

6. ČLEN

Posvetovanja in spremembe

1. Ob kakršnih koli težavah pri izvajanju ali razlagi tega sporazuma lahko pristojni organ zaprosi za posvet z enim ali več pristojnimi organi zaradi priprave ustreznih ukrepov za zagotovitev izvajanja tega sporazuma. Pristojni organ, ki zaprosi za posvet, mora, če je primerno, poskrbeti za obveščanje sekretariata usklajevalnega organa o vseh pripravljenih ukrepih; sekretariat usklajevalnega organa pa mora o vseh pripravljenih ukrepih obvestiti vse pristojne organe, tudi tiste, ki niso sodelovali pri posvetu.

2. Sporazum se lahko spremeni soglasno s pisnim dogovorom med vsemi pristojnimi organi, ki medsebojno uporabljajo ta sporazum. Če ni dogovorjeno drugače, te spremembe začnejo veljati prvi dan meseca po poteku enega meseca od dneva, ko zadnji pristojni organ podpiše tak pisni dogovor.

7. ČLEN

Trajanje in prenehanje sporazuma

1. Pristojni organ mora ob podpisu tega sporazuma ali čim prej po sprejetju ustrezne zakonodaje za izvajanje Skupnega standarda poročanja v svoji jurisdikciji sekretariatu usklajevalnega organa poslati uradno obvestilo:

a) da je njegova jurisdikcija sprejela zakonodajo, ki je potrebna za izvajanje Skupnega standarda poročanja, in pri tem navesti ustrezne datume začetka veljavnosti za že obstoječe račune, nove račune ter uporabo in dokončanje postopkov poročanja in dolžne skrbnosti;

b) s katerim potrjuje, da se jurisdikcija navede v prilogi A;

c) z navedbo enega ali več načinov prenosa podatkov, vključno s šifriranjem (priloga B);

d) z navedbo morebitne zaščite pri varstvu osebnih podatkov (priloga C);

e) o sprejetih ustreznih ukrepih za zagotovitev izpolnjevanja zahtevanih standardov zaupnosti in zaščite podatkov ter mu priložiti izpolnjen vprašalnik o zaupnosti in zaščiti podatkov, ki se vključi v prilogo D, in

f) s seznamom jurisdikcij pristojnih organov, za katere namrava uporabljati ta sporazum v skladu z (morebitnimi) zakonodajnimi postopki države.

Pristojni organi morajo sekretariat usklajevalnega organa nemudoma obvestiti o kakršni koli poznejši spremembi zgoraj navedenih prilog.

2.1 Ta sporazum se med pristojnima organoma začne uporabljati na poznejši od navedenih datumov: i) dan, ko drugi od obeh pristojnih organov pošlje sekretariatu usklajevalnega organa uradno obvestilo na podlagi prvega odstavka, vključno z navedbo jurisdikcije drugega pristojnega organa v skladu s točko f prvega odstavka, in po potrebi ii) dan, ko konvencija začne veljati in se uporablja za obe jurisdikciji.

2.2. The Co-ordinating Body Secretariat will maintain a list that will be published on the OECD website of the Competent Authorities that have signed the Agreement and between which Competent Authorities this is an Agreement in effect (Annex E).

2.3. The Co-ordinating Body Secretariat will publish on the OECD website the information provided by Competent Authorities pursuant to subparagraphs 1(a) and (b). The information provided pursuant to subparagraphs 1(c) through (f) will be made available to other signatories upon request in writing to the Co-ordinating Body Secretariat.

3. A Competent Authority may suspend the exchange of information under this Agreement by giving notice in writing to another Competent Authority that it has determined that there is or has been significant non-compliance by the second-mentioned Competent Authority with this Agreement. Such suspension will have immediate effect. For the purposes of this paragraph, significant non-compliance includes, but is not limited to, non-compliance with the confidentiality and data safeguard provisions of this Agreement and the Convention, a failure by the Competent Authority to provide timely or adequate information as required under this Agreement or defining the status of Entities or accounts as Non-Reporting Financial Institutions and Excluded Accounts in a manner that frustrates the purposes of the Common Reporting Standard.

4. A Competent Authority may terminate its participation in this Agreement, or with respect to a particular Competent Authority, by giving notice of termination in writing to the Co-ordinating Body Secretariat. Such termination will become effective on the first day of the month following the expiration of a period of 12 months after the date of the notice of termination. In the event of termination, all information previously received under this Agreement will remain confidential and subject to the terms of the Convention.

SECTION 8

Co-ordinating Body Secretariat

1. Unless otherwise provided for in the Agreement, the Co-ordinating Body Secretariat will notify all Competent Authorities of any notifications that it has received under this Agreement and will provide a notice to all signatories of the Agreement when a new Competent Authority signs the Agreement.

2. All signatories to the Agreement will share equally, on an annual basis, the costs for the administration of the Agreement by the Co-ordinating Body Secretariat. Notwithstanding the previous sentence, qualifying countries will be exempt from sharing the costs in accordance with Article X of the Rules of Procedure of the Co-ordinating Body of the Convention.

Done in English and French, both texts being equally authentic.

3. člen

Za izvajanje sporazuma skrbi ministrstvo, pristojno za finance.

4. člen

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

Št. 00724-2/2016
Ljubljana, dne 21. januarja 2016
EVA 2016-1811-0005

Vlada Republike Slovenije

Predsednik
dr. Miro Cerar l.r.

Obvestilo o začetku oziroma prenehanju veljavnosti mednarodnih pogodb

- 2.** Obvestilo o začetku veljavnosti Sporazuma med Vlado Republike Slovenije in Vlado Republike Makedonije o policijskem sodelovanju za Republiko Slovenijo in prenehanju veljavnosti Dogovora med Vlado Republike Slovenije in Vlado Republike Makedonije o sodelovanju v boju proti terorizmu, ilegalnemu prometu z mamili in organiziranemu kriminalu

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 – ZNOMCMO, 76/08, 108/09, 80/10 – ZUTD in 31/15) Ministrstvo za zunanje zadeve

s p o r o č a,

da je dne 1. januarja 2016 za Republiko Slovenijo začel veljati Sporazum med Vlado Republike Slovenije in Vlado Republike Makedonije o policijskem sodelovanju, sklenjen 16. aprila 2015 v Budvi in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 13/15 (Uradni list Republike Slovenije, št. 80/15).

Z začetkom veljavnosti tega sporazuma preneha veljati Dogovor med Vlado Republike Slovenije in Vlado Republike Makedonije o sodelovanju v boju proti terorizmu, ilegalnemu prometu z mamili in organiziranemu kriminalu, sklenjen 28. oktobra 1993 v Skopju.

Ljubljana, dne 7. januarja 2015

Ministrstvo za zunanje zadeve
Republike Slovenije

-
- 3.** Obvestilo o začetku veljavnosti Sporazuma med Vlado Republike Slovenije in Vlado Republike Kosova o gospodarskem sodelovanju

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 – ZNOMCMO, 76/08, 108/09, 80/10 – ZUTD in 31/15) Ministrstvo za zunanje zadeve

s p o r o č a,

da je 18. decembra 2015 začel veljati Sporazum med Vlado Republike Slovenije in Vlado Republike Kosova o gospodarskem sodelovanju, podpisani v Ljubljani 10. aprila 2015 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 13/15 (Uradni list Republike Slovenije, št. 80/15).

Ljubljana, dne 8. januarja 2015

Ministrstvo za zunanje zadeve
Republike Slovenije

4. Obvestilo o začetku veljavnosti Protokola o varstvu pred poplavami k Okvirnemu sporazumu o Savskem bazenu

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 – ZNOMCMO, 76/08, 108/09, 80/10 – ZUTD in 31/15) Ministrstvo za zunanje zadeve

s p o r o č a,

da je 27. novembra 2015 začel veljati Protokol o varstvu pred poplavami k Okvirnemu sporazumu o Savskem bazenu, sestavljen 1. junija 2010 v Gradiški in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 11/15 (Uradni list Republike Slovenije, št. 64/15).

Ljubljana, dne 13. januarja 2016

Ministrstvo za zunanje zadeve
Republike Slovenije

5. Obvestilo o začetku veljavnosti Dogovora med Vlado Republike Slovenije in Vlado Avstralije o programu delovnih in počitniških vizumov

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 – ZNOMCMO, 76/08, 108/09, 80/10 – ZUTD in 31/15) Ministrstvo za zunanje zadeve

s p o r o č a,

da je dne 1. januarja 2016 začel veljati Dogovor med Vlado Republike Slovenije in Vlado Avstralije o programu delovnih in počitniških vizumov, sestavljen 16. junija 2015 v Canberri in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 80/15 (Uradni list Republike Slovenije, št. 13/15).

Ljubljana, dne 21. januarja 2016

Ministrstvo za zunanje zadeve
Republike Slovenije

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