Uradni list Republike Slovenije Mednarodne pogodbe

Internet: www.uradni-list.si e-pošta: info@uradni-list.si

Št. 5 (Uradni list RS, št. 28) Ljubljana, petek 2. 6. 2017 ISSN 1318-0932 Leto XXVII

31. **Akt o spremembi in dopolnitvi Akta o notifikaciji nasledstva glede konvencij Organizacije združenih narodov in konvencij, sprejetih v Mednarodni agenciji za atomsko energijo (MANKZN-C)**

A K T
o spremembi in dopolnitvi Akta o notifikaciji nasledstva glede konvencij Organizacije združenih narodov in konvencij, sprejetih v Mednarodni agenciji za atomsko energijo (MANKZN-C)

1. člen

Akt o notifikaciji nasledstva glede konvencij Organizacije združenih narodov in konvencij, sprejetih v Mednarodni agenciji za atomsko energijo (Uradni list RS – Mednarodne pogodbe, št. 9/92, 9/93, 5/99, 9/08, 13/11 in 9/13), se spremeni in dopolni tako, da se v razdelku »A. Konvencije OZN« za 55. točko pika nadomesti s podpičjem in doda nova 56. točka, ki se glasi: »56. Konvencija o cestnem prometu; Ženeva, 19. september 1949, objavljena v Uradnem listu FLRJ – Mednarodne pogodbe, št. 76/57.«.

2. člen

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

Št. 007-02/17-2/8
Ljubljana, dne 24. maja 2017
EPA 1900-VII

Državni zbor
Republike Slovenije
dr. Milan Brglez l.r.
Predsednik

32. **Zakon o ratifikaciji Konvencije Minamata o živem srebru (MKMŽS)**

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 Minamata o živem srebru (MKMŽS)

Razglašam Zakon o ratifikaciji Konvencije Minamata o živem srebru (MKMŽS), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 24. maja 2017.

Št. 003-02-5/2017-15
Ljubljana, dne 1. junija 2017

Borut Pahor l.r.
Predsednik
Republike Slovenije

Z A K O N
O RATIFIKACIJI KONVENCIJE MINAMATA O ŽIVEM SREBRU (MKMŽS)

1. člen

Ratificira se Konvencija Minamata o živem srebru, podpisana v Kumamotu 10. oktobra 2013.

2. člen

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

MINAMATA CONVENTION ON MERCURY

The Parties to this Convention,

Recognizing that mercury is a chemical of global concern owing to its long-range atmospheric transport, its persistence in the environment once anthropogenically introduced, its ability to bioaccumulate in ecosystems and its significant negative effects on human health and the environment,

Recalling decision 25/5 of 20 February 2009 of the Governing Council of the United Nations Environment Programme to initiate international action to manage mercury in an efficient, effective and coherent manner,

Recalling paragraph 221 of the outcome document of the United Nations Conference on Sustainable Development "The future we want", which called for a successful outcome of the negotiations on a global legally binding instrument on mercury to address the risks to human health and the environment,

Recalling the United Nations Conference on Sustainable Development's reaffirmation of the principles of the Rio Declaration on Environment and Development, including, inter alia, common but differentiated responsibilities, and acknowledging States' respective circumstances and capabilities and the need for global action,

Aware of the health concerns, especially in developing countries, resulting from exposure to mercury of vulnerable populations, especially women, children, and, through them, future generations,

Noting the particular vulnerabilities of Arctic ecosystems and indigenous communities because of the biomagnification of mercury and contamination of traditional foods, and concerned about indigenous communities more generally with respect to the effects of mercury,

Recognizing the substantial lessons of Minamata Disease, in particular the serious health and environmental effects resulting from the mercury pollution, and the need to ensure proper management of mercury and the prevention of such events in the future,

KONVENCIJA MINAMATA O ŽIVEM SREBRU

Pogodbenice te konvencije so se

ob priznavanju, da je živo srebro kemikalija, ki vzbuja zaskrbljenost po vsem svetu, ker se prenaša po zraku na dolge razdalje, ker po antropogenem vnosu dolgo ostaja v okolju, ker je sposoben biološkega kopičenja v ekosistemih in ker ima pomembne negativne učinke na človekovo zdravje in okolje,

ob sklicevanju na sklep upravnega odbora Programa Združenih narodov za okolje 25/5 z dne 20. februarja 2009 o sprožitvi mednarodne akcije za uspešno, učinkovito in usklajeno ravnanje z živim srebrom,

ob sklicevanju na 221. odstavek končnega dokumenta konference Združenih narodov o trajnostnem razvoju „Prihodnost, ki jo hočemo“, ki poziva k uspešnemu zaključku pogajanj o svetovno zavezujočem instrumentu o živem srebru za odpravo tveganja, ki ga ta pomeni za človekovo zdravje in okolje,

ob sklicevanju na načela izjave iz Ria o okolju in razvoju, ki jih je ponovno potrdila konferenca Združenih narodov o trajnostnem razvoju, ki zajemajo, med drugim, skupne, vendar različne odgovornosti, in ob priznavanju posebnih okoliščin in sposobnosti posameznih držav ter nujnosti svetovnega delovanja,

se zavedajo zdravstvenih težav, zlasti v državah v razvoju, ki so posledica izpostavljenosti ranljivih skupin prebivalstva živemu srebru, zlasti žensk in otrok ter prek njih prihodnjih generacij,

se zavedajo ranljivosti arktičnih ekosistemov in domorodnih skupnosti zaradi biomagnifikacije živega srebra in kontaminacije tradicionalne hrane ter so zlasti zaskrbljene glede stanja domorodnih skupnosti zaradi učinkov živega srebra,

ob priznavanju temeljnih opominov minamatske bolezni, zlasti resnih učinkov na zdravje in okolje, ki so posledica onesnaženja z živim srebrom, in nujnosti, da se zagotovi ustrezno ravnanje z živim srebrom in preprečijo taki dogodki v prihodnosti,

Stressing the importance of financial, technical, technological, and capacity-building support, particularly for developing countries, and countries with economies in transition, in order to strengthen national capabilities for the management of mercury and to promote the effective implementation of the Convention,

Recognizing also the activities of the World Health Organization in the protection of human health related to mercury and the roles of relevant multilateral environmental agreements, especially the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade,

Recognizing that this Convention and other international agreements in the field of the environment and trade are mutually supportive,

Emphasizing that nothing in this Convention is intended to affect the rights and obligations of any Party deriving from any existing international agreement,

Understanding that the above recital is not intended to create a hierarchy between this Convention and other international instruments,

Noting that nothing in this Convention prevents a Party from taking additional domestic measures consistent with the provisions of this Convention in an effort to protect human health and the environment from exposure to mercury in accordance with that Party's other obligations under applicable international law,

Have agreed as follows:

Article 1

Objective

The objective of this Convention is to protect the human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds.

Article 2

Definitions

For the purposes of this Convention:

(a) "Artisanal and small-scale gold mining" means gold mining conducted by individual miners or small enterprises with limited capital investment and production;

(b) "Best available techniques" means those techniques that are the most effective to prevent and, where that is not practicable, to reduce emissions and releases of mercury to air, water and land and the impact of such emissions and releases on the environment as a whole, taking into account economic and technical considerations for a given Party or a given facility within the territory of that Party. In this context:

(i) "Best" means most effective in achieving a high general level of protection of the environment as a whole;

(ii) "Available" techniques means, in respect of a given Party and a given facility within the territory of that Party, those techniques developed on a scale that allows implementation in a relevant industrial sector under economically and technically viable conditions, taking into consideration the costs and benefits, whether or not those techniques are used or developed within the territory of that Party, provided that they are accessible to the operator of the facility as determined by that Party; and

(iii) "Techniques" means technologies used, operational practices and the ways in ¸ which installations are designed, built, maintained, operated and decommissioned;

(c) "Best environmental practices" means the application of the most appropriate combination of environmental control measures and strategies;

poudarjajo pomen finančne, tehnične in tehnološke podpore in usposabljanja, zlasti za dežele v razvoju in dežele z gospodarstvom v prehodu, da se okrepi usposobljenost držav za ravnanje z živim srebrom in spodbudi učinkovito izvajanje konvencije,

ob priznavanju tudi dejavnosti Svetovne zdravstvene organizacije pri varovanju človekovega zdravja v zvezi z živim srebrom in vlogo upoštevnih večstranskih okoljskih sporazumov, zlasti Baselske konvencije o nadzoru prehoda nevarnih odpadkov preko meja ter njihovega odstranjevanja in Rotterdamske konvencije o postopku soglasja po predhodnem obveščanju za določene nevarne kemikalije in pesticide v mednarodni trgovini,

se zavedajo, da se ta konvencija in drugi mednarodni sporazumi s področja trgovine in okolja medsebojno dopolnjujejo,

poudarjajo, da nič v tej konvenciji ne vpliva na pravice in obveznosti nobene od pogodbenic po katerem koli obstoječem mednarodnem sporazumu,

razumejo, da namen te uvodne izjave ni ustvarjanje hierarhije med to konvencijo in drugimi mednarodnimi instrumenti,

sprejemajo v vednost, da nič v tej konvenciji ne preprečuje, da bi pogodbenica sprejela dodatne domače ukrepe, skladne z določbami te konvencije, v prizadevanju za varovanje človekovega zdravja in okolja pred izpostavljenostjo živemu srebru v skladu z drugimi mednarodnopravnimi obveznostmi te pogodbenice,

dogovorile:

1. člen

Cilj

Cilj te konvencije je varovanje človekovega zdravja in okolja pred antropogenimi izpusti živega srebra in živosrebrovih spojin v zrak, zemljo ali vodo.

2. člen

Opredelitev pojmov

Za namene te konvencije:

(a) „obrtniško kopanje zlata in kopanje zlata v majhnem obsegu“ pomeni kopanje zlata, ki ga opravljajo posamezniki ali mala podjetja z omejenimi kapitalskimi naložbami in proizvodnjo;

(b) „najboljše razpoložljive tehnike“ pomeni tehnike, ki so najučinkovitejše pri preprečevanju, in če to ni mogoče, zmanjševanju izpustov živega srebra v zrak, vodo ali zemljo in vpliva teh izpustov na celotno okolje, ob upoštevanju gospodarskih in tehničnih pogojev posamezne pogodbenice ali posameznega obrata na ozemlju te pogodbenice. V tem okviru:

(i) „najboljše“ pomeni najučinkovitejše pri doseganju visokega splošnega varstva okolja kot celote;

(ii) „razpoložljive“ tehnike pomeni za posamezno pogodbenico in za posamezni obrat na ozemlju te pogodbenice tiste tehnike, ki so razvite v obsegu, ki omogoča uporabo v ustreznem industrijskem sektorju pod gospodarsko in tehnično sprejemljivimi pogoji ob upoštevanju stroškov in koristi, ne glede na to, ali se te tehnike uporabljajo ali so razvite na ozemlju te pogodbenice, če so dostopne upravljavcu obrata, kakor ga določi ta pogodbenica, in

(iii) „tehnike“ pomeni uporabljeno tehnologijo, operativno prakso in način projektiranja, gradnje, vzdrževanja, delovanja in razgradnje obratov;

(c) „najboljše okoljske prakse“ pomeni uporabo najustreznejše kombinacije okoljskih ukrepov nadzora in strategij;

(d) "Mercury" means elemental mercury (Hg(0), CAS No. 7439-97-6);

(e) "Mercury compound" means any substance consisting of atoms of mercury and one or more atoms of other chemical elements that can be separated into different components only by chemical reactions;

(f) "Mercury-added product" means a product or product component that contains mercury or a mercury compound that was intentionally added;

(g) "Party" means a State or regional economic integration organization that has consented to be bound by this Convention and for which the Convention is in force;

(h) "Parties present and voting" means Parties present and casting an affirmative or negative vote at a meeting of the Parties;

(i) "Primary mercury mining" means mining in which the principal material sought is mercury;

(j) "Regional economic integration organization" means an organization constituted by sovereign States of a given region to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to this Convention; and

(k) "Use allowed" means any use by a Party of mercury or mercury compounds consistent with this Convention, including, but not limited to, uses consistent with Articles 3, 4, 5, 6 and 7.

Article 3

Mercury supply sources and trade

1. For the purposes of this Article:

(a) References to "mercury" include mixtures of mercury with other substances, including alloys of mercury, with a mercury concentration of at least 95 per cent by weight; and

(b) "Mercury compounds" means mercury (I) chloride (known also as calomel), mercury (II) oxide, mercury (II) sulphate, mercury (II) nitrate, cinnabar and mercury sulphide.

2. The provisions of this Article shall not apply to:

(a) Quantities of mercury or mercury compounds to be used for laboratory-scale research or as a reference standard; or

(b) Naturally occurring trace quantities of mercury or mercury compounds present in such products as non-mercury metals, ores, or mineral products, including coal, or products derived from these materials, and unintentional trace quantities in chemical products; or

(c) Mercury-added products.

3. Each Party shall not allow primary mercury mining that was not being conducted within its territory at the date of entry into force of the Convention for it.

4. Each Party shall only allow primary mercury mining that was being conducted within its territory at the date of entry into force of the Convention for it for a period of up to fifteen years after that date. During this period, mercury from such mining shall only be used in manufacturing of mercuryadded products in accordance with Article 4, in manufacturing processes in accordance with Article 5, or be disposed in accordance with Article 11, using operations which do not lead to recovery, recycling, reclamation, direct re-use or alternative uses.

5. Each Party shall:

(a) Endeavour to identify individual stocks of mercury or mercury compounds exceeding 50 metric tons, as well as sources of mercury supply generating stocks exceeding 10 metric tons per year, that are located within its territory;

(d) „živo srebro“ pomeni elementarno živo srebro (Hg(0), CAS št. 7439-97-6);

(e) „živosrebrova spojina“ pomeni vsako snov, ki jo sestavljajo atomi živega srebra in eden ali več atomov drugih kemijskih elementov, ki jo je mogoče ločiti v posamezne sestavne dele samo s kemijsko reakcijo;

(f) „proizvod, ki vsebuje dodano živo srebro“ pomeni proizvod ali sestavino proizvoda, ki vsebuje namenoma dodano živo srebro ali živosrebrovo spojino;

(g) „pogodbenica“ pomeni državo ali organizacijo za regionalno gospodarsko povezovanje, ki je privolila, da jo ta konvencija zavezuje in je zanjo veljavna;

(h) „pogodbenice, ki so navzoče in glasujejo“ pomeni pogodbenice, ki so na zasedanju pogodbenic navzoče in ki glasujejo za ali proti;

(i) „primarni izkop živega srebra“ pomeni izkop, pri katerem je glavna iskana snov živo srebro;

(j) „organizacija za regionalno gospodarsko povezovanje“ pomeni organizacijo, ki so jo ustanovile suverene države določene regije in na katero so njene države članice prenesle pristojnost za zadeve, ki jih ureja ta konvencija, ter je v skladu s svojimi notranjimi postopki pravilno pooblaščena, da to konvencijo podpiše, ratificira, sprejme, odobri ali k njej pristopi in

(k) „dovoljena uporaba“ pomeni za pogodbenico uporabo živega srebra ali živosrebrovih spojin v skladu s to konvencijo, kar med drugim zajema uporabo v skladu z njenim 3., 4., 5., 6. in 7. členom.

3. člen

Viri živega srebra in trgovina

1. Za namene tega člena:

(a) izraz „živo srebro“ zajema zmesi živega srebra z drugimi snovmi, vključno z živosrebrovimi zlitinami z vsebnostjo mase živega srebra najmanj 95%, in

(b) „živosrebrova spojina“ pomeni živosrebrov (I) klorid (imenovan tudi kalomel), živosrebrov (II) oksid, živosrebrov (II) sulfat, živosrebrov (II) nitrat, cinober in živosrebrov sulfid.

2. Določbe tega člena se ne uporabljajo za:

(a) količine živega srebra ali živosrebrovih spojin, ki se uporabljajo pri laboratorijskem preskušanju ali kot referenčni standard, ali

(b) naravno prisotne sledi živega srebra ali živosrebrovih spojin v proizvodih, kakor so neživosrebrove kovine, rude ali mineralni proizvodi, vključno s premogom, ali proizvodi iz teh materialov, in sledi, ki so v kemičnih proizvodih nenamerno prisotne, ali

(c) proizvode, ki vsebujejo dodano živo srebro.

3. Pogodbenica ne dovoli primarnega izkopa živega srebra na svojem ozemlju, ki se ni že opravljal, ko je konvencija zanjo začela veljati.

4. Pogodbenica dovoli primarni izkop živega srebra, ki se je na njenem ozemlju že opravljal v času, ko je konvencija zanjo začela veljati, vendar samo za obdobje največ petnajst let po tem datumu. V tem obdobju se tako pridobljeno živo srebro uporablja izključno za proizvodnjo proizvodov z dodanim živim srebrom v skladu s 4. členom in v proizvodnih postopkih v skladu s 5. členom, ali pa se odstrani v skladu z 11. členom s postopki, s katerimi živega srebra ne bi ponovno predelali, reciklirali, pridobili ter neposredno ponovno ali kakor koli drugače uporabili.

5. Pogodbenica:

(a) naredi vse potrebno, da popiše zaloge živega srebra ali živosrebrovih spojin, ki presegajo 50 metričnih ton, in vire živega srebra, ki lahko ustvarijo zaloge več kakor 10 metričnih ton na leto, ki so na njenem ozemlju;

(b) Take measures to ensure that, where the Party determines that excess mercury from the decommissioning of chlor-alkali facilities is available, such mercury is disposed of in accordance with the guidelines for environmentally sound management referred to in paragraph 3 (a) of Article 11, using operations that do not lead to recovery, recycling, reclamation, direct re-use or alternative uses.

6. Each Party shall not allow the export of mercury except:

(a) To a Party that has provided the exporting Party with its written consent, and only for the purpose of:

(i) A use allowed to the importing Party under this Convention; or

(ii) Environmentally sound interim storage as set out in Article 10; or

(b) To a non-Party that has provided the exporting Party with its written consent, including certification demonstrating that:

(i) The non-Party has measures in place to ensure the protection of human health and the environment and to ensure its compliance with the provisions of Articles 10 and 11; and

(ii) Such mercury will be used only for a use allowed to a Party under this Convention or for environmentally sound interim storage as set out in Article 10.

7. An exporting Party may rely on a general notification to the Secretariat by the importing Party or non-Party as the written consent required by paragraph 6. Such general notification shall set out any terms and conditions under which the importing Party or non-Party provides its consent. The notification may be revoked at any time by that Party or non-Party. The Secretariat shall keep a public register of all such notifications.

8. Each Party shall not allow the import of mercury from a non-Party to whom it will provide its written consent unless the non-Party has provided certification that the mercury is not from sources identified as not allowed under paragraph 3 or paragraph 5 (b).

9. A Party that submits a general notification of consent under paragraph 7 may decide not to apply paragraph 8, provided that it maintains comprehensive restrictions on the export of mercury and has domestic measures in place to ensure that imported mercury is managed in an environmentally sound manner. The Party shall provide a notification of such decision to the Secretariat, including information describing its export restrictions and domestic regulatory measures, as well as information on the quantities and countries of origin of mercury imported from non-Parties. The Secretariat shall maintain a public register of all such notifications. The Implementation and Compliance Committee shall review and evaluate any such notifications and supporting information in accordance with Article 15 and may make recommendations, as appropriate, to the Conference of the Parties.

10. The procedure set out in paragraph 9 shall be available until the conclusion of the second meeting of the Conference of the Parties. After that time, it shall cease to be available, unless the Conference of the Parties decides otherwise by simple majority of the Parties present and voting, except with respect to a Party that has provided a notification under paragraph 9 before the end of the second meeting of the Conference of the Parties.

11. Each Party shall include in its reports submitted pursuant to Article 21 information showing that the requirements of this Article have been met.

12. The Conference of the Parties shall at its first meeting provide further guidance in regard to this Article, particularly in regard to paragraphs 5 (a), 6 and 8, and shall develop and adopt the required content of the certification referred to in paragraphs 6 (b) and 8.

(b) če ugotovi, da pri razgradnji klor-alkalnih obratov nastaja odvečno živo srebro, sprejme ukrepe za odlaganje tega živega srebra v skladu s smernicami za okoljsko varno ravnanje iz točke (a) tretjega odstavka 11. člena z uporabo postopkov, s katerimi živega srebra ne bi ponovno predelali, reciklirali, pridobili ter neposredno ponovno ali kakor koli drugače uporabili.

6. Pogodbenica ne dovoli izvoza živega srebra, razen:

(a) v pogodbenico, ki je pogodbenici izvoznici dala pisno soglasje, in izključno za:

(i) uporabo, ki je za pogodbenico uvoznico dovoljena v skladu s to konvencijo; ali

(ii) okoljsko varno začasno skladiščenje v skladu z 10. členom; ali

(b) v nepogodbenico, ki je pogodbenici izvoznici dala pisno soglasje, ki zajema potrdilo, ki dokazuje:

(i) da je nepogodbenica sprejela ukrepe za zagotavljanje varovanja človekovega zdravja in okolja ter izpolnjuje zahteve iz določb 10. in 11. člena in

(ii) da bo živo srebro uporabljeno izključno za namen, ki je dovoljen pogodbenici te konvencije ali za okoljsko varno začasno skladiščenje iz 10. člena.

7. Pogodbenica izvoznica lahko kot pisno soglasje iz šestega odstavka sprejme splošno uradno obvestilo, ki ga sekretariatu pošlje pogodbenica ali nepogodbenica uvoznica. V tem splošnem uradnem obvestilu so navedeni pogoji, pod katerimi pogodbenica ali nepogodbenica uvoznica daje svoje soglasje. Pogodbenica ali nepogodbenica lahko to uradno obvestilo kadar koli prekliče. Sekretariat vodi javno evidenco vseh teh uradnih obvestil.

8. Pogodbenica ne dovoli uvoza živega srebra iz nepogodbenice, ki ji je dala svoje pisno soglasje, če ta nepogodbenica ne predloži potrdila, da živo srebro ni iz virov, ki v skladu s tretjim odstavkom ali točko (b) petega odstavka niso dovoljeni.

9. Pogodbenica, ki da splošno uradno obvestilo o soglasju v skladu s sedmim odstavkom, se lahko odloči, da ne uporabi osmega odstavka pod pogojem, da ohrani celovite omejitve za izvoz živega srebra in je sprejela notranje ukrepe za zagotovitev, da se z uvoženim živim srebrom ravna za okolje varno. Pogodbenica o tem sklepu uradno obvesti sekretariat, obvestilo pa zajema opis izvoznih omejitev in domačih predpisanih ukrepov, ter podatke o količinah in državah izvora živega srebra, ki ga uvaža iz nepogodbenic. Sekretariat vodi javno evidenco vseh teh uradnih obvestil. Odbor za izvajanje in spoštovanje obveznosti konvencije pregleda in ovrednoti ta uradna obvestila in priložene informacije v skladu s 15. členom in po potrebi pripravi priporočila za konferenco pogodbenic.

10. Postopek iz devetega odstavka je na voljo do zaključka drugega zasedanja konference pogodbenic. Če konferenca pogodbenic z navadno večino navzočih in glasujočih pogodbenic ne odloči drugače, po tem času ni več na voljo, razen za pogodbenico, ki je predložila uradno obvestilo v skladu z devetim odstavkom pred koncem drugega zasedanja konference pogodbenic.

11. Pogodbenica vključi v poročila, ki jih predloži v skladu z 21. členom, informacije o izpolnjevanju zahtev iz tega člena.

12. Konferenca pogodbenic na svojem prvem zasedanju pripravi dodatne usmeritve glede tega člena, zlasti glede točke (a) petega odstavka, šestega in osmega odstavka, ter oblikuje in sprejme obvezno vsebino potrdila iz točke (b) šestega odstavka in osmega odstavka.

13. The Conference of the Parties shall evaluate whether the trade in specific mercury compounds compromises the objective of this Convention and consider whether specific mercury compounds should, by their listing in an additional annex adopted in accordance with Article 27, be made subject to paragraphs 6 and 8.

Article 4

Mercury-added products

1. Each Party shall not allow, by taking appropriate measures, the manufacture, import or export of mercury-added products listed in Part I of Annex A after the phaseout date specified for those products, except where an exclusion is specified in Annex A or the Party has a registered exemption pursuant to Article 6.

2. A Party may, as an alternative to paragraph 1, indicate at the time of ratification or upon entry into force of an amendment to Annex A for it, that it will implement different measures or strategies to address products listed in Part I of Annex A. A Party may only choose this alternative if it can demonstrate that it has already reduced to a de minimis level the manufacture, import, and export of the large majority of the products listed in Part I of Annex A and that it has implemented measures or strategies to reduce the use of mercury in additional products not listed in Part I of Annex A at the time it notifies the Secretariat of its decision to use this alternative. In addition, a Party choosing this alternative shall:

(a) Report at the first opportunity to the Conference of the Parties a description of the measures or strategies implemented, including a quantification of the reductions achieved;

(b) Implement measures or strategies to reduce the use of mercury in any products listed in Part I of Annex A for which a de minimis value has not yet been obtained;

(c) Consider additional measures to achieve further reductions; and

(d) Not be eligible to claim exemptions pursuant to Article 6 for any product category for which this alternative is chosen.

No later than five years after the date of entry into force of the Convention, the Conference of the Parties shall, as part of the review process under paragraph 8, review the progress and the effectiveness of the measures taken under this paragraph.

3. Each Party shall take measures for the mercury-added products listed in Part II of Annex A in accordance with the provisions set out therein.

4. The Secretariat shall, on the basis of information provided by Parties, collect and maintain information on mercury-added products and their alternatives, and shall make such information publicly available. The Secretariat shall also make publicly available any other relevant information submitted by Parties.

5. Each Party shall take measures to prevent the incorporation into assembled products of mercury-added products the manufacture, import and export of which are not allowed for it under this Article.

6. Each Party shall discourage the manufacture and the distribution in commerce of mercuryadded products not covered by any known use of mercury-added products prior to the date of entry into force of the Convention for it, unless an assessment of the risks and benefits of the product demonstrates environmental or human health benefits. A Party shall provide to the Secretariat, as appropriate, information on any such product, including any information on the environmental and human health risks and benefits of the product. The Secretariat shall make such information publicly available.

7. Any Party may submit a proposal to the Secretariat for listing a mercury-added product in Annex A, which shall include information related to the availability, technical and economic feasibility and environmental and health risks and benefits of the nonmercury alternatives to the product, taking into account information pursuant to paragraph 4.

13. Konferenca pogodbenic presodi, ali trgovina s posebnimi živosrebrovimi spojinami ogroža cilj te konvencije, in se odloči, ali bi za posebne živosrebrove spojine, ki so navedene v dodatni prilogi, sprejeti v skladu s 27. členom, morali veljati pogoji iz šestega in osmega odstavka.

4. člen

Proizvodi z dodanim živim srebrom

1. Vsaka pogodbenica sprejme ustrezne ukrepe, da prepreči proizvodnjo, uvoz ali izvoz proizvodov z dodanim živim srebrom iz I. dela priloge A po dnevu, določenem za opustitev teh proizvodov, razen če je v prilogi A navedena izjema ali je pogodbenica prijavila izjemo v skladu s 6. členom.

2. Kot drugo možnost lahko pogodbenica ob ratifikaciji ali ko zanjo začne veljati sprememba priloge A navede, da bo izvajala drugačne ukrepe ali strategije za ravnanje s proizvodi iz I. dela priloge A. Pogodbenica lahko uporabi to možnost samo, če lahko dokaže, da je že zmanjšala na najmanjšo raven proizvodnjo, uvoz in izvoz velike večine proizvodov iz I. dela priloge A in da je izvedla ukrepe ali strategije za zmanjšanje uporabe živega srebra v dodatnih proizvodih, ki niso navedeni v I. delu priloge A v času, ko sekretariat uradno obvesti o odločitvi, da bo uporabila to možnost. Poleg tega pogodbenica, ki izbere to možnost:

(a) ob prvi priložnosti sporoči konferenci pogodbenic opis izvedenih ukrepov ali strategij, vključno s količinskim ovrednotenjem doseženih zmanjšanj;

(b) izvede ukrepe ali strategije za zmanjšanje uporabe živega srebra v proizvodih iz I. dela priloge A, za katere še ni dosegla najnižje vrednosti;

(c) prouči dodatne ukrepe za doseganje nadaljnjih zmanjšanj in

(d) ni upravičena do izjem v skladu s 6. členom za nobeno od kategorij proizvodov, glede katerih se je odločila za drugo možnost.

Konferenca pogodbenic v okviru postopka pregleda iz osmega odstavka pregleda napredek in učinkovitost ukrepov, sprejetih v skladu s tem odstavkom, najpozneje pet let po začetku veljavnosti te konvencije.

3. Vsaka pogodbenica sprejme ukrepe za proizvode z dodanim živim srebrom, navedene v II. delu priloge A, v skladu z določbami te priloge.

4. Na podlagi informacij, ki jih predložijo pogodbenice, sekretariat zbira in hrani informacije o proizvodih z dodanim živim srebrom in njihovih nadomestkih ter omogoči njihovo javno dostopnost. Sekretariat prav tako omogoči javno dostopnost vseh drugih pomembnih informacij, ki jih predložijo pogodbenice.

5. Vsaka pogodbenica sprejme ukrepe, da prepreči vgraditev proizvodov z dodanim živim srebrom, katerih proizvodnja, uvoz ali izvoz niso dovoljeni po tem členu, v sestavljene proizvode.

6. Vsaka pogodbenica poizkuša preprečiti proizvodnjo in trgovinsko razširjanje proizvodov z dodanim živim srebrom, ki niso v skladu z nobeno rabo, ki je bila za te proizvode znana pred dnem, ko je konvencija zanjo začela veljati, razen če ocena tveganj in koristi proizvoda ne pokaže, da je koristen za okolje ali človekovo zdravje. Pogodbenica po potrebi zagotovi sekretariatu informacije o teh proizvodih, vključno z vsemi informacijami o tveganjih in koristih takega proizvoda za okolje in človekovo zdravje. Sekretariat omogoči, da je taka informacija na voljo javnosti.

7. Katera koli pogodbenica lahko predlaga sekretariatu vključitev proizvoda z dodanim živim srebrom v prilogo A; predlog mora zajemati informacijo o dostopnosti, tehnični in gospodarski izvedljivosti ter o tveganjih in koristih za okolje in zdravje nadomestkov brez dodanega živega srebra za ta proizvod ob upoštevanju informacij četrtega odstavka.

8. No later than five years after the date of entry into force of the Convention, the Conference of the Parties shall review Annex A and may consider amendments to that Annex in accordance with Article 27.

9. In reviewing Annex A pursuant to paragraph 8, the Conference of the Parties shall take into account at least:

(a) Any proposal submitted under paragraph 7;

(b) The information made available pursuant to paragraph 4; and

(c) The availability to the Parties of mercury-free alternatives that are technically and economically feasible, taking into account the environmental and human health risks and benefits.

Article 5

Manufacturing processes in which mercury or mercury compounds are used

1. For the purposes of this Article and Annex B, manufacturing processes in which mercury or mercury compounds are used shall not include processes using mercury-added products, processes for manufacturing mercury-added products or processes that process mercury-containing waste.

2. Each Party shall not allow, by taking appropriate measures, the use of mercury or mercury compounds in the manufacturing processes listed in Part I of Annex B after the phase-out date specified in that Annex for the individual processes, except where the Party has a registered exemption pursuant to Article 6.

3. Each Party shall take measures to restrict the use of mercury or mercury compounds in the processes listed in Part II of Annex B in accordance with the provisions set out therein.

4. The Secretariat shall, on the basis of information provided by Parties, collect and maintain information on processes that use mercury or mercury compounds and their alternatives, and shall make such information publicly available. Other relevant information may also be submitted by Parties and shall be made publicly available by the Secretariat.

5. Each Party with one or more facilities that use mercury or mercury compounds in the manufacturing processes listed in Annex B shall:

(a) Take measures to address emissions and releases of mercury or mercury compounds from those facilities;

(b) Include in its reports submitted pursuant to Article 21 information on the measures taken pursuant to this paragraph; and

(c) Endeavour to identify facilities within its territory that use mercury or mercury compounds for processes listed in Annex B and submit to the Secretariat, no later than three years after the date of entry into force of the Convention for it, information on the number and types of such facilities and the estimated annual amount of mercury or mercury compounds used in those facilities. The Secretariat shall make such information publicly available.

6. Each Party shall not allow the use of mercury or mercury compounds in a facility that did not exist prior to the date of entry into force of the Convention for it using the manufacturing processes listed in Annex B. No exemptions shall apply to such facilities.

7. Each Party shall discourage the development of any facility using any other manufacturing process in which mercury or mercury compounds are intentionally used that did not exist prior to the date of entry into force of the Convention, except where the Party can demonstrate to the satisfaction of the Conference of the Parties that the manufacturing process provides significant environmental and health benefits and that there are no technically and economically feasible mercury-free alternatives available providing such benefits.

8. Konferenca pogodbenic pregleda prilogo A in lahko predlaga spremembe te priloge v skladu s 27. členom najpozneje pet let po začetku veljavnosti te konvencije.

9. Pri pregledu priloge A v skladu z osmim odstavkom mora konferenca pogodbenic upoštevati najmanj naslednje:

(a) vse predloge, predložene v skladu s sedmim odstavkom;

(b) informacije, dane v skladu s četrtim odstavkom, in

(c) v kolikšni meri so za pogodbenice dostopni nadomestne rešitve brez živega srebra, ki so tehnično in gospodarsko mogoči, ob upoštevanju tveganj in koristi za okolje in človekovo zdravje.

5. člen

Proizvodni postopki, v katerih se uporabljajo živo srebro ali živosrebrove spojine

1. Za namen tega člena in priloge B proizvodni postopki, v katerih se uporabljajo živo srebro ali živosrebrove spojine, ne zajemajo postopkov, v katerih se uporabljajo proizvodi z dodanim živim srebrom, postopkov za proizvodnjo proizvodov z dodanim živim srebrom ali postopkov za obdelavo odpadkov, ki vsebujejo živo srebro.

2. Vsaka pogodbenica sprejme ustrezne ukrepe, da prepreči uporabo živega srebra ali živosrebrovih spojin v proizvodnih postopkih iz I. dela priloge B po dnevu, v tej prilogi določenem za opustitev teh postopkov, razen če je pogodbenica prijavila izjemo v skladu s 6. členom.

3. Vsaka pogodbenica sprejme ukrepe za omejitev uporabe živega srebra ali živosrebrovih spojin v postopkih iz II. dela priloge B v skladu z določbami te priloge.

4. Na podlagi informacij, ki jih predložijo pogodbenice, sekretariat zbira in hrani informacije o postopkih, v katerih se uporabljajo živo srebro ali živosrebrove spojine in njihove nadomestne rešitve, ter zagotovi njihovo javno dostopnost. Pogodbenice lahko predložijo tudi druge pomembne podatke, za katere sekretariat zagotovi javno dostopnost.

5. Pogodbenica, ki ima enega ali več obratov, ki uporabljajo živo srebro ali živosrebrove spojine v proizvodnih postopkih iz priloge B:

(a) sprejme ukrepe za obvladovanje izpustov živega srebra ali živosrebrovih spojin iz teh obratov v zrak, zemljo ali vodo,

(b) vključi informacijo o ukrepih, ki jih je sprejela v skladu s tem odstavkom, v svoja poročila, ki jih pošlje v skladu z 21. členom, in

(c) naredi vse potrebno, da ugotovi, kateri obrati na njenem ozemlju uporabljajo živo srebro ali živosrebrove spojine v postopkih iz priloge B, in najpozneje tri leta po začetku veljavnosti Konvencije zanjo predloži sekretariatu informacijo o številu in vrsti teh obratov ter ocenjeni letni količini živega srebra ali živosrebrovih spojin, ki se uporabljajo v teh obratih. Sekretariat omogoči, da je taka informacija na voljo javnosti.

6. Pogodbenice ne dovolijo, da bi obrati, ki pred dnevom začetka veljavnosti te konvencije za tako pogodbenico niso obstajali, uporabljali živo srebro ali živosrebrove spojine v proizvodnih postopkih iz priloge B. Za te obrate izjeme niso mogoče.

7. Vsaka pogodbenica poizkuša preprečiti razvoj obratov, ki uporabljajo kakršen koli drug proizvodni postopek, v katerem se namerno uporabljajo živo srebro ali živosrebrove spojine, ki niso obstajali pred začetkom veljavnosti te konvencije, razen če lahko pogodbenica konferenci pogodbenic prepričljivo dokaže, da je postopek pomembno koristen za okolje in zdravje in da ni tehnično in gospodarsko izvedljivih nadomestnih rešitev, ki bi bile enako koristne.

8. Parties are encouraged to exchange information on relevant new technological developments, economically and technically feasible mercury-free alternatives, and possible measures and techniques to reduce and where feasible to eliminate the use of mercury and mercury compounds in, and emissions and releases of mercury and mercury compounds from, the manufacturing processes listed in Annex B.

9. Any Party may submit a proposal to amend Annex B in order to list a manufacturing process in which mercury or mercury compounds are used. It shall include information related to the availability, technical and economic feasibility and environmental and health risks and benefits of the non-mercury alternatives to the process.

10. No later than five years after the date of entry into force of the Convention, the Conference of the Parties shall review Annex B and may consider amendments to that Annex in accordance with Article 27.

11. In any review of Annex B pursuant to paragraph 10, the Conference of the Parties shall take into account at least:

(a) Any proposal submitted under paragraph 9;

(b) The information made available under paragraph 4; and

(c) The availability for the Parties of mercury-free alternatives which are technically and economically feasible taking into account the environmental and health risks and benefits.

Article 6

Exemptions available to a Party upon request

1. Any State or regional economic integration organization may register for one or more exemptions from the phase-out dates listed in Annex A and Annex B, hereafter referred to as an "exemption", by notifying the Secretariat in writing:

(a) On becoming a Party to this Convention; or

(b) In the case of any mercury-added product that is added by an amendment to Annex A or any manufacturing process in which mercury is used that is added by an amendment to Annex B, no later than the date upon which the applicable amendment enters into force for the Party.

Any such registration shall be accompanied by a statement explaining the Party's need for the exemption.

2. An exemption can be registered either for a category listed in Annex A or B or for a subcategory identified by any State or regional economic integration organization.

3. Each Party that has one or more exemptions shall be identified in a register. The Secretariat shall establish and maintain the register and make it available to the public.

4. The register shall include:

(a) A list of the Parties that have one or more exemptions;

(b) The exemption or exemptions registered for each Party; and

(c) The expiration date of each exemption.

5. Unless a shorter period is indicated in the register by a Party, all exemptions pursuant to paragraph 1 shall expire five years after the relevant phase-out date listed in Annex A or B.

6. The Conference of the Parties may, at the request of a Party, decide to extend an exemption for five years unless the Party requests a shorter period. In making its decision, the Conference of the Parties shall take due account of:

(a) A report from the Party justifying the need to extend the exemption and outlining activities undertaken and planned to eliminate the need for the exemption as soon as feasible;

(b) Available information, including in respect of the availability of alternative products and processes that are free of mercury or that involve the consumption of less mercury than the exempt use; and

8. Pogodbenice se spodbujajo, da izmenjujejo informacije o upoštevnih novih tehnoloških napredkih, gospodarsko in tehnično izvedljivih nadomestnih rešitvah brez živega srebra ter možnih ukrepih in tehnikah za zmanjšanje in, kadar je to mogoče, odpravo uporabe živega srebra in živosrebrovih spojin pri proizvodnih postopkih iz Priloge B ter izpustov živega srebra in živosrebrovih spojin iz navedenih proizvodnih postopkov v zrak, zemljo ali vodo.

9. Katera koli pogodbenica lahko predlaga spremembo priloge B z namenom vpisa proizvodnega postopka, v katerem se uporabljajo živo srebro ali živosrebrove spojine. Predlog mora vsebovati informacije o dostopnosti, tehnični in ekonomski izvedljivosti ter o tveganjih in koristih za okolje in zdravje nadomestnih rešitev brez dodanega živega srebra za ta postopek.

10. Konferenca pogodbenic pregleda prilogo B in lahko predlaga spremembe navedene priloge v skladu s 27. členom najpozneje pet let po začetku veljavnosti te konvencije.

11. Pri pregledu priloge B v skladu z desetim odstavkom mora konferenca pogodbenic upoštevati najmanj:

(a) vse predloge, predložene v skladu z devetim odstavkom;

(b) informacije, dane v skladu s četrtim odstavkom; in

(c) v kolikšni meri so za pogodbenice dostopne nadomestne rešitve brez živega srebra, ki so tehnično in gospodarsko izvedljive, ob upoštevanju tveganj in koristi za okolje in človekovo zdravje.

6. člen

Izjeme, ki so na voljo pogodbenicam na njihovo zahtevo

1. Vsaka država ali organizacija za regionalno gospodarsko povezovanje lahko prijavi eno ali več izjem od dneva opustitve iz prilog A in B, v nadaljnjem besedilu „izjema“, s pisnim uradnim obvestilom sekretariatu:

(a) ko postane pogodbenica te konvencije ali

(b) če se s spremembo v prilogo A doda proizvod z dodanim živim srebrom ali v prilogo B kakršen koli proizvodni postopek, v katerem se uporablja živo srebro, najpozneje na dan, ko sprejeta sprememba začne veljati za to pogodbenico.

K vsaki taki prijavi mora biti priloženo pojasnilo, zakaj pogodbenica potrebuje izjemo.

2. Izjema se lahko evidentira za kategorijo iz priloge A ali B ali za podkategorijo, ki jo določi država ali organizacija za regionalno gospodarsko povezovanje.

3. Vsaka pogodbenica z eno ali več izjemami se vpiše v register. Sekretariat vzpostavi in vzdržuje register ter omogoči, da je na voljo javnosti.

4. Register zajema:

(a) seznam pogodbenic, ki imajo eno ali več izjem;

(b) izjemo ali izjeme, ki so evidentirane za vsako pogodbenico, in

(c) dan prenehanja veljavnosti za vsako izjemo.

5. Če pogodbenica v registru ni navedla krajšega obdobja, veljavnost vseh izjem v skladu s prvim odstavkom preneha pet let po upoštevnem datumu opustitve iz priloge A ali B.

6. Na zahtevo pogodbenice lahko konferenca pogodbenic sklene podaljšati izjemo za nadaljnjih pet let, če pogodbenica ne zaprosi za krajše obdobje. Pri odločanju konferenca pogodbenic upošteva:

(a) poročilo pogodbenice, v katerem ta utemelji potrebo za podaljšanje izjeme in navede izvedene in načrtovane dejavnosti za odpravo potrebe po izjemi takoj, ko bo to mogoče;

(b) razpoložljive informacije, vključno glede razpoložljivosti nadomestnih proizvodov in postopkov brez živega srebra ali pri katerih se rabi manj živega srebra kakor pri uporabi, za katero velja izjema, in

(c) Activities planned or under way to provide environmentally sound storage of mercury and disposal of mercury wastes.

An exemption may only be extended once per product per phase-out date.

7. A Party may at any time withdraw an exemption upon written notification to the Secretariat. The withdrawal of an exemption shall take effect on the date specified in the notification.

8. Notwithstanding paragraph 1, no State or regional economic integration organization may register for an exemption after five years after the phase-out date for the relevant product or process listed in Annex A or B, unless one or more Parties remain registered for an exemption for that product or process, having received an extension pursuant to paragraph 6. In that case, a State or regional economic integration organization may, at the times set out in paragraphs 1 (a) and (b), register for an exemption for that product or process, which shall expire ten years after the relevant phase-out date.

9. No Party may have an exemption in effect at any time after 10 years after the phase-out date for a product or process listed in Annex A or B.

Article 7

Artisanal and small-scale gold mining

1. The measures in this Article and in Annex C shall apply to artisanal and small-scale gold mining and processing in which mercury amalgamation is used to extract gold from ore.

2. Each Party that has artisanal and small-scale gold mining and processing subject to this Article within its territory shall take steps to reduce, and where feasible eliminate, the use of mercury and mercury compounds in, and the emissions and releases to the environment of mercury from, such mining and processing.

3. Each Party shall notify the Secretariat if at any time the Party determines that artisanal and small-scale gold mining and processing in its territory is more than insignificant. If it so determines the Party shall:

(a) Develop and implement a national action plan in accordance with Annex C;

(b) Submit its national action plan to the Secretariat no later than three years after entry into force of the Convention for it or three years after the notification to the Secretariat, whichever is later; and

(c) Thereafter, provide a review every three years of the progress made in meeting its obligations under this Article and include such reviews in its reports submitted pursuant to Article 21.

4. Parties may cooperate with each other and with relevant intergovernmental organizations and other entities, as appropriate, to achieve the objectives of this Article. Such cooperation may include:

(a) Development of strategies to prevent the diversion of mercury or mercury compounds for use in artisanal and small-scale gold mining and processing;

(b) Education, outreach and capacity-building initiatives;

(c) Promotion of research into sustainable non-mercury alternative practices;

(d) Provision of technical and financial assistance;

(e) Partnerships to assist in the implementation of their commitments under this Article; and

(f) Use of existing information exchange mechanisms to promote knowledge, best environmental practices and alternative technologies that are environmentally, technically, socially and economically viable.

(c) načrtovane ali izvajane dejavnosti za zagotavljanje okolju varnega skladiščenja živega srebra in odlaganja živosrebrovih odpadkov.

Izjema se lahko podaljša samo enkrat za vsak proizvod in za vsak določeni datum njegove opustitve.

7. Pogodbenica lahko kadar koli umakne izjemo s pisnim obvestilom sekretariatu. Umik izjeme začne veljati na dan, določen v obvestilu.

8. Ne glede na določbe prvega odstavka nobena država ali organizacija za regionalno povezovanje ne more prijaviti izjeme pet let po dnevu opustitve zadevnega proizvoda ali postopka, navedenega v prilogi A ali B, razen če ena ali več pogodbenic ostane evidentirana za izjemo za ta proizvod ali postopek, potem ko jim je bilo odobreno podaljšanje v skladu s šestim odstavkom. V takem primeru lahko država ali organizacija za regionalno povezovanje ob rokih, navedenih v točkah (a) in (b) prvega odstavka, prijavi izjemo za tak proizvod ali postopek, ki poteče deset let po upoštevnem dnevu opustitve.

9. Nobena pogodbenica ne more imeti veljavne izjeme po poteku desetih let od dneva za opustitev proizvoda ali postopka, navedenega v prilogi A ali B.

7. člen

Obrtniško kopanje zlata in kopanje zlata v majhnem obsegu

1. Ukrepi, navedeni v tem členu in prilogi C, se uporabljajo za obrtniško kopanje zlata in za kopanje zlata v majhnem obsegu ter za postopke, v katerih se za pridobivanje zlata iz rude uporablja amalgamacija z živim srebrom.

2. Vsaka pogodbenica, na ozemlju katere poteka obrtniško kopanje in pridobivanje zlata ter kopanje in pridobivanje zlata v majhnem obsegu po tem členu, sprejme ukrepe za zmanjšanje, in če je to izvedljivo, prenehanje uporabe živega srebra in živosrebrovih spojih pri takem kopanju in pridobivanju ter izpustov živega srebra v okolje pri tem pridobivanju in kopanju.

3. Vsaka pogodbenica, ki kadar koli ugotovi, da obseg obrtniškega kopanja in pridobivanja zlata ter kopanja in pridobivanja zlata v majhnem obsegu na njenem ozemlju ni zanemarljiv, o tem uradno obvesti sekretariat. V takem primeru pogodbenica:

(a) pripravi in izvede državni akcijski načrt v skladu s prilogo C;

(b) predloži svoj državni akcijski načrt sekretariatu najpozneje tri leta po začetku veljavnosti konvencije za to pogodbenico ali tri leta po uradnem obvestilu sekretariatu, kar je pač pozneje, in

(c) od takrat naprej vsaka tri leta pregleda napredek pri izpolnjevanju svojih obveznosti po tem členu in vključi izsledke teh pregledov v poročila, ki jih predloži v skladu z 21. členom.

4. Pogodbenice lahko sodelujejo med seboj in s pomembnimi medvladnimi organizacijami ter drugimi subjekti, kakor je primerno, za doseganje ciljev tega člena. Tako sodelovanje lahko zajema:

(a) oblikovanje strategij za preprečevanje preusmerjanja živega srebra ali živosrebrovih spojin za uporabo v obrtniškem kopanju in pridobivanju zlata ter kopanju in pridobivanju zlata v majhnem obsegu;

(b) pobude na področju izobraževanja, ozaveščanja in krepitve usposobljenosti;

(c) spodbujanje raziskovanja trajnostnih nadomestnih rešitev brez živega srebra;

(d) zagotavljanje tehnične in finančne pomoči;

(e) partnerstva za pomoč pri izvajanju zavez iz tega člena in

(f) uporabo obstoječih mehanizmov za izmenjavo informacij za spodbujanje znanja, najboljših okoljskih praks in nadomestnih tehnologij, ki so okoljsko, tehnično, socialno in gospodarsko izvedljive.

Article 8

Emissions

1. This Article concerns controlling and, where feasible, reducing emissions of mercury and mercury compounds, often expressed as "total mercury", to the atmosphere through measures to control emissions from the point sources falling within the source categories listed in Annex D.

2. For the purposes of this Article:

(a) "Emissions" means emissions of mercury or mercury compounds to the atmosphere;

(b) "Relevant source" means a source falling within one of the source categories listed in Annex D. A Party may, if it chooses, establish criteria to identify the sources covered within a source category listed in Annex D so long as those criteria for any category include at least 75 per cent of the emissions from that category;

(c) "New source" means any relevant source within a category listed in Annex D, the construction or substantial modification of which is commenced at least one year after the date of:

(i) Entry into force of this Convention for the Party concerned; or

(ii) Entry into force for the Party concerned of an amendment to Annex D where the source becomes subject to the provisions of this Convention only by virtue of that amendment;

(d) "Substantial modification" means modification of a relevant source that results in a significant increase in emissions, excluding any change in emissions resulting from by-product recovery. It shall be a matter for the Party to decide whether a modification is substantial or not;

(e) "Existing source" means any relevant source that is not a new source;

(f) "Emission limit value" means a limit on the concentration, mass or emission rate of mercury or mercury compounds, often expressed as "total mercury", emitted from a point source.

3. A Party with relevant sources shall take measures to control emissions and may prepare a national plan setting out the measures to be taken to control emissions and its expected targets, goals and outcomes. Any plan shall be submitted to the Conference of the Parties within four years of the date of entry into force of the Convention for that Party. If a Party develops an implementation plan in accordance with Article 20, the Party may include in it the plan prepared pursuant to this paragraph.

4. For its new sources, each Party shall require the use of best available techniques and best environmental practices to control and, where feasible, reduce emissions, as soon as practicable but no later than five years after the date of entry into force of the Convention for that Party. A Party may use emission limit values that are consistent with the application of best available techniques.

5. For its existing sources, each Party shall include in any national plan, and shall implement, one or more of the following measures, taking into account its national circumstances, and the economic and technical feasibility and affordability of the measures, as soon as practicable but no more than ten years after the date of entry into force of the Convention for it:

(a) A quantified goal for controlling and, where feasible, reducing emissions from relevant sources;

(b) Emission limit values for controlling and, where feasible, reducing emissions from relevant sources;

(c) The use of best available techniques and best environmental practices to control emissions from relevant sources;

(d) A multi-pollutant control strategy that would deliver co-benefits for control of mercury emissions;

(e) Alternative measures to reduce emissions from relevant sources.

8. člen

Izpusti v zrak

1. Ta člen obravnava nadzor in, kadar je to mogoče, zmanjševanje izpustov živega srebra in živosrebrovih spojin, pogosto izraženih kot „celotna količina živega srebra“, v ozračje z ukrepi za nadzorovanje izpustov iz točkovnih virov, ki spadajo v kategorije virov, navedene v prilogi D.

2. Za namene tega člena:

(a) „izpusti v zrak“ pomeni sproščanje živega srebra ali živosrebrovih spojin v ozračje;

(b) „upoštevni vir“ pomeni vir, ki spada v eno od kategorij virov iz priloge D. Pogodbenica se lahko odloči, da vzpostavi merila za določitev virov glede na kategorijo vira iz priloge D, vendar pa morajo ta merila za vsako kategorijo zajemati najmanj 75% izpustov te kategorije v zrak;

(c) „nov vir“ pomeni vsak upošteven vir v okviru kategorije iz priloge D, katerega gradnja ali bistvena sprememba se je začela najmanj eno leto po dnevu:

(i) začetka veljavnosti te konvencije za pogodbenico; ali

(ii) začetka veljavnosti spremembe priloge D za to pogodbenico, če za vir začnejo veljati določbe te konvencije le na podlagi take spremembe;

(d) „bistvena sprememba“ pomeni spremembo upoštevnega vira, ki povzroči bistveno povečanje izpustov v zrak, razen spremembe izpustov v zrak, ki je posledica predelave stranskih proizvodov. O tem, ali je sprememba bistvena, odloči pogodbenica;

(e) „obstoječi vir“ pomeni vsak upošteven vir, ki ni nov vir;

(f) „mejna vrednost izpustov v zrak“ pomeni mejno vrednost koncentracije, mase ali stopnje izpusta živega srebra ali živosrebrovih spojin iz točkovnega vira, pogosto izraženo kot „celotna količina živega srebra“.

3. Pogodbenica s takimi viri sprejme ukrepe za nadzor izpustov v zrak in lahko pripravi državni načrt, v katerem določi ukrepe, ki jih je treba sprejeti za nadzor izpustov v zrak, ter pričakovane cilje in rezultate. Načrti se predložijo konferenci pogodbenic najpozneje v štirih letih po začetku veljavnosti konvencije za to pogodbenico. Če pogodbenica pripravi izvedbeni načrt v skladu z 20. členom, vanj lahko vključi načrt, pripravljen v skladu s tem odstavkom.

4. Vsaka pogodbenica za svoje nove vire zahteva uporabo najboljših razpoložljivih tehnik in najboljših okoljskih praks za nadzor, in če je mogoče, zmanjšanje izpustov v zrak takoj, ko je to izvedljivo, vendar najpozneje v petih letih po začetku veljavnosti konvencije za to pogodbenico. Pogodbenica lahko uporablja mejne vrednosti izpustov v zrak, ki so združljive z uporabo najboljših razpoložljivih tehnik.

5. Kar zadeva obstoječe vire, vsaka pogodbenica v kakršen koli državni načrt vključi in izvaja enega ali več izmed naslednjih ukrepov, ob upoštevanju domačih okoliščin ter gospodarske in tehnične izvedljivosti ter cenovne sprejemljivosti ukrepov, čim prej, vendar najpozneje v desetih letih po začetku veljavnosti konvencije za to pogodbenico:

(a) količinsko opredeljeni cilj za nadzor in, če je to izvedljivo, zmanjšanje izpustov v zrak iz upoštevnih virov;

(b) mejne vrednosti izpustov v zrak za nadzor in, če je to izvedljivo, zmanjšanje izpustov v zrak iz upoštevnih virov;

(c) uporabo najboljših razpoložljivih tehnik in najboljših okoljskih praks za nadzor izpustov v zrak iz upoštevnih virov;

(d) strategijo za nadzor več onesnaževal hkrati, ki bi povečala učinkovitost nadzora nad izpusti živega srebra v zrak;

(e) alternativne ukrepe za zmanjšanje izpustov v zrak iz upoštevnih virov.

6. Parties may apply the same measures to all relevant existing sources or may adopt different measures in respect of different source categories. The objective shall be for those measures applied by a Party to achieve reasonable progress in reducing emissions over time.

7. Each Party shall establish, as soon as practicable and no later than five years after the date of entry into force of the Convention for it, and maintain thereafter, an inventory of emissions from relevant sources.

8. The Conference of the Parties shall, at its first meeting, adopt guidance on:

(a) Best available techniques and on best environmental practices, taking into account any difference between new and existing sources and the need to minimize crossmedia effects; and

(b) Support for Parties in implementing the measures set out in paragraph 5, in particular in determining goals and in setting emission limit values.

9. The Conference of the Parties shall, as soon as practicable, adopt guidance on:

(a) Criteria that Parties may develop pursuant to paragraph 2 (b);

(b) The methodology for preparing inventories of emissions.

10. The Conference of the Parties shall keep under review, and update as appropriate, the guidance developed pursuant to paragraphs 8 and 9. Parties shall take the guidance into account in implementing the relevant provisions of this Article.

11. Each Party shall include information on its implementation of this Article in its reports submitted pursuant to Article 21, in particular information concerning the measures it has taken in accordance with paragraphs 4 to 7 and the effectiveness of the measures.

Article 9

Releases

1. This Article concerns controlling and, where feasible, reducing releases of mercury and mercury compounds, often expressed as "total mercury", to land and water from the relevant point sources not addressed in other provisions of this Convention.

2. For the purposes of this Article:

(a) "Releases" means releases of mercury or mercury compounds to land or water;

(b) "Relevant source" means any significant anthropogenic point source of release as identified by a Party that is not addressed in other provisions of this Convention;

(c) "New source" means any relevant source, the construction or substantial modification of which is commenced at least one year after the date of entry into force of this Convention for the Party concerned;

(d) "Substantial modification" means modification of a relevant source that results in a significant increase in releases, excluding any change in releases resulting from by-product recovery. It shall be a matter for the Party to decide whether a modification is substantial or not;

(e) "Existing source" means any relevant source that is not a new source;

(f) "Release limit value" means a limit on the concentration or mass of mercury or mercury compounds, often expressed as "total mercury", released from a point source.

3. Each Party shall, no later than three years after the date of entry into force of the Convention for it and on a regular basis thereafter, identify the relevant point source categories.

6. Pogodbenice lahko uporabijo iste ukrepe za vse upoštevne vire ali pa sprejmejo različne ukrepe za posamezne kategorije virov. Cilj ukrepov, ki jih sprejme pogodbenica, je sčasoma doseči razumen napredek pri zmanjševanju izpustov v zrak.

7. Vsaka pogodbenica takoj, ko je to izvedljivo, najpozneje pa v petih letih po začetku veljavnosti te konvencije za to pogodbenico vzpostavi evidenco izpustov v zrak iz upoštevnih virov in od takrat naprej to evidenco posodablja.

8. Konferenca pogodbenic na svojem prvem zasedanju sprejme usmeritve o:

(a) najboljših razpoložljivih tehnikah in najboljših okoljskih praksah ob upoštevanju razlik med novimi in obstoječimi viri in potrebe za zmanjšanje navzkrižnih učinkov med posameznimi okolji na najnižjo mero ter

(b) podpori pogodbenicam pri izvajanju ukrepov iz petega odstavka, zlasti pri določanju ciljev in mejnih vrednosti izpustov v zrak.

9. Konferenca pogodbenic takoj, ko je mogoče, sprejme usmeritve o:

(a) merilih, ki jih lahko pogodbenice oblikujejo v skladu s točko (b) drugega odstavka;

(b) metodologiji za pripravo evidenc izpustov v zrak.

10. Konferenca pogodbenic redno preverja in po potrebi posodablja usmeritve, pripravljene v skladu z osmim in devetim odstavkom. Pogodbenice pri izvajanju zadevnih določb tega člena upoštevajo te usmeritve.

11. Informacijo o izvajanju tega člena pogodbenice vključijo v svoja poročila, ki jih predložijo v skladu z 21. členom, zlasti informacije o ukrepih, ki so jih sprejele v skladu s četrtim do sedmim odstavkom, ter o učinkovitosti ukrepov.

9. člen

Izpusti v zemljo ali vodo

1. Ta člen obravnava nadzor in, kadar je to mogoče, zmanjševanje izpustov živega srebra in živosrebrovih spojin, pogosto izraženih kot „celotna količina živega srebra“, v zemljo in vodo iz upoštevnih točkovnih virov, ki niso obravnavani v drugih določbah te konvencije.

2. Za namene tega člena:

(a) „izpusti v zemljo ali vodo“ pomeni sproščanje živega srebra ali živosrebrovih spojin v zemljo ali vodo;

(b) „upoštevni vir“ pomeni vsak pomemben antropogeni točkovni vir izpusta v zemljo ali vodo, kakor ga opredeli pogodbenica, ki ni obravnavan v drugih določbah te konvencije;

(c) „novi vir“ pomeni vsak upošteven vir, katerega gradnja ali bistvena sprememba se je začela najmanj eno leto po dnevu začetka veljavnosti te konvencije za zadevno pogodbenico;

(d) „bistvena sprememba“ pomeni spremembo upoštevnega vira, ki povzroči bistveno povečanje izpustov v zemljo ali vodo, razen spremembe izpustov, ki je posledica predelave stranskih proizvodov. O tem, ali je sprememba bistvena, odloči pogodbenica;

(e) „obstoječi vir“ pomeni vsak upošteven vir, ki ni nov vir;

(f) „mejna vrednost izpustov v zemljo ali vodo“ pomeni mejno vrednost koncentracije, mase ali stopnje izpustov živega srebra ali živosrebrovih spojin iz točkovnega vira, pogosto izraženo kot „celotna količina živega srebra“.

3. Vsaka pogodbenica najpozneje v treh letih po začetku veljavnosti te konvencije za to pogodbenico določi kategorije upoštevnih točkovnih virov in ta seznam od takrat naprej posodablja.

4. A Party with relevant sources shall take measures to control releases and may prepare a national plan setting out the measures to be taken to control releases and its expected targets, goals and outcomes. Any plan shall be submitted to the Conference of the Parties within four years of the date of entry into force of the Convention for that Party. If a Party develops an implementation plan in accordance with Article 20, the Party may include in it the plan prepared pursuant to this paragraph.

5. The measures shall include one or more of the following, as appropriate:

(a) Release limit values to control and, where feasible, reduce releases from relevant sources;

(b) The use of best available techniques and best environmental practices to control releases from relevant sources;

(c) A multi-pollutant control strategy that would deliver co-benefits for control of mercury releases;

(d) Alternative measures to reduce releases from relevant sources.

6. Each Party shall establish, as soon as practicable and no later than five years after the date of entry into force of the Convention for it, and maintain thereafter, an inventory of releases from relevant sources.

7. The Conference of the Parties shall, as soon as practicable, adopt guidance on:

(a) Best available techniques and on best environmental practices, taking into account any difference between new and existing sources and the need to minimize crossmedia effects;

(b) The methodology for preparing inventories of releases.

8. Each Party shall include information on its implementation of this Article in its reports submitted pursuant to Article 21, in particular information concerning the measures it has taken in accordance with paragraphs 3 to 6 and the effectiveness of the measures.

4. Pogodbenica s takimi viri sprejme ukrepe za nadzor izpustov v zemljo ali vodo in lahko pripravi državni načrt, v katerem določi ukrepe, ki jih je treba sprejeti za nadzor izpustov v zemljo ali vodo, ter pričakovane cilje in rezultate. Pogodbenica predloži načrt konferenci pogodbenic najpozneje v štirih letih po začetku veljavnosti konvencije za to pogodbenico. Če pogodbenica pripravi izvedbeni načrt v skladu z 20. členom, vanj lahko vključi načrt, pripravljen v skladu s tem odstavkom.

5. Ukrepi po potrebi zajemajo eno ali več od naštetega:

(a) mejne vrednosti izpustov v zemljo ali vodo za nadzor in, če je to izvedljivo, zmanjšanje izpustov iz upoštevnih virov;

(b) uporabo najboljših razpoložljivih tehnik in najboljših okoljskih praks za nadzor izpustov v zemljo ali vodo iz upoštevnih virov;

(c) strategijo za nadzor več onesnaževal hkrati, ki bi povečala učinkovitost nadzora nad izpusti živega srebra v zemljo ali vodo;

(d) druge ukrepe za zmanjšanje izpustov v zemljo ali vodo iz upoštevnih virov.

6. Pogodbenica takoj, ko je to mogoče, najpozneje pa v petih letih po začetku veljavnosti te konvencije za to pogodbenico vzpostavi evidenco izpustov v zemljo ali vodo iz upoštevnih virov in od takrat naprej to evidenco vodi in posodablja.

7. Konferenca pogodbenic takoj, ko je to mogoče, sprejme usmeritve o:

(a) najboljših razpoložljivih tehnikah in najboljših okoljskih praksah ob upoštevanju razlik med novimi in obstoječimi viri in potrebe po zmanjšanju navzkrižnih učinkov med posameznimi okolji na najnižjo mero;

(b) metodologiji za pripravo evidenc izpustov v zemljo ali vodo.

8. Vsaka pogodbenica v svoja poročila, ki jih predloži v skladu z 21. členom, vključi informacijo o izvajanju tega člena, zlasti informacije o ukrepih, ki so jih sprejele v skladu s tretjim do šestim odstavkom, in o učinkovitosti ukrepov.

Article 10

Environmentally sound interim storage of mercury, other than waste mercury

1. This Article shall apply to the interim storage of mercury and mercury compounds as defined in Article 3 that do not fall within the meaning of the definition of mercury wastes set out in Article 11.

2. Each Party shall take measures to ensure that the interim storage of such mercury and mercury compounds intended for a use allowed to a Party under this Convention is undertaken in an environmentally sound manner, taking into account any guidelines, and in accordance with any requirements, adopted pursuant to paragraph 3.

3. The Conference of the Parties shall adopt guidelines on the environmentally sound interim storage of such mercury and mercury compounds, taking into account any relevant guidelines developed under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and other relevant guidance. The Conference of the Parties may adopt requirements for interim storage in an additional annex to this Convention in accordance with Article 27.

4. Parties shall cooperate, as appropriate, with each other and with relevant intergovernmental organizations and other entities, to enhance capacity-building for the environmentally sound interim storage of such mercury and mercury compounds.

10. člen

Okolju varno začasno skladiščenje živega srebra, razen odpadkov, ki vsebujejo živo srebro

1. Ta člen se uporablja za začasno skladiščenje živega srebra in živosrebrovih spojin, kakor so opredeljeni v 3. členu, ki niso zajeti v opredelitvi odpadkov z živim srebrom iz 11. člena.

2. Pogodbenica sprejme ukrepe, da zagotovi, da se začasno skladiščenje živega srebra in živosrebrovih spojin, namenjenih za uporabo, ki je pogodbenici dovoljena v skladu s to konvencijo, izvaja za okolje varno ob upoštevanju vseh smernic in v skladu z vsemi zahtevami, sprejetimi v skladu s tretjim odstavkom.

3. Konferenca pogodbenic sprejme smernice za okolju varno začasno skladiščenje živega srebra in živosrebrovih spojin ob upoštevanju vseh upoštevnih smernic, oblikovanih v skladu z Baselsko konvencijo o nadzoru prehoda nevarnih odpadkov preko meja in njihovega odstranjevanja ter drugih upoštevnih smernic. Konferenca pogodbenic lahko sprejme zahteve za začasno skladiščenje z dodatno prilogo k tej konvenciji v skladu s 27. členom.

4. Pogodbenice ustrezno sodelujejo med seboj in pristojnimi medvladnimi organizacijami ter drugimi subjekti za krepitev usposobljenosti za okolju varno začasno skladiščenje takega živega srebra in živosrebrovih spojin.

Article 11

Mercury wastes

1. The relevant definitions of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal shall apply to wastes covered under this Convention for Parties to the Basel Convention. Parties to this Convention that are not Parties to the Basel Convention shall use those definitions as guidance as applied to wastes covered under this Convention.

2. For the purposes of this Convention, mercury wastes means substances or objects:

(a) Consisting of mercury or mercury compounds;

(b) Containing mercury or mercury compounds; or

(c) Contaminated with mercury or mercury compounds,

in a quantity above the relevant thresholds defined by the Conference of the Parties, in collaboration with the relevant bodies of the Basel Convention in a harmonized manner, that are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law or this Convention. This definition excludes overburden, waste rock and tailings from mining, except from primary mercury mining, unless they contain mercury or mercury compounds above thresholds defined by the Conference of the Parties.

3. Each Party shall take appropriate measures so that mercury waste is:

(a) Managed in an environmentally sound manner, taking into account the guidelines developed under the Basel Convention and in accordance with requirements that the Conference of the Parties shall adopt in an additional annex in accordance with Article 27. In developing requirements, the Conference of the Parties shall take into account Parties' waste management regulations and programmes;

(b) Only recovered, recycled, reclaimed or directly reused for a use allowed to a Party under this Convention or for environmentally sound disposal pursuant to paragraph 3 (a);

(c) For Parties to the Basel Convention, not transported across international boundaries except for the purpose of environmentally sound disposal in conformity with this Article and with that Convention. In circumstances where the Basel Convention does not apply to transport across international boundaries, a Party shall allow such transport only after taking into account relevant international rules, standards, and guidelines.

4. The Conference of the Parties shall seek to cooperate closely with the relevant bodies of the Basel Convention in the review and update, as appropriate, of the guidelines referred to in paragraph 3 (a).

5. Parties are encouraged to cooperate with each other and with relevant intergovernmental organizations and other entities, as appropriate, to develop and maintain global, regional and national capacity for the management of mercury wastes in an environmentally sound manner.

Article 12

Contaminated sites

1. Each Party shall endeavour to develop appropriate strategies for identifying and assessing sites contaminated by mercury or mercury compounds.

2. Any actions to reduce the risks posed by such sites shall be performed in an environmentally sound manner incorporating, where appropriate, an assessment of the risks to human health and the environment from the mercury or mercury compounds they contain.

3. The Conference of the Parties shall adopt guidance on managing contaminated sites that may include methods and approaches for:

(a) Site identification and characterization;

(b) Engaging the public;

11. člen

Odpadki z živim srebrom

1. Za pogodbenice Baselske konvencije o nadzoru prehoda nevarnih odpadkov prek meja in njihovega odstranjevanja se za odpadke, ki jih obravnava ta konvencija, uporabljajo ustrezne opredelitve iz Baselske konvencije. Pogodbenice te konvencije, ki niso pogodbenice Baselske konvencije, uporabljajo njene opredelitve kot smernice, ki se uporabljajo za odpadke, obravnavane v tej konvenciji.

2. Za namen te konvencije so odpadki z živim srebrom snovi ali predmeti:

(a) narejeni iz živega srebra ali živosrebrovih spojin;

(b) ki vsebujejo živo srebro ali živosrebrove spojine, ali

(c) ki so onesnaženi z živim srebrom ali živosrebrovimi spojinami;

v količinah, ki presegajo prag, kakor ga v dogovoru določi konferenca pogodbenic v sodelovanju z ustreznimi organi Baselske konvencije, ki jih odstranjujejo, ki jih nameravajo odstraniti ali ki jih je treba odstraniti v skladu z določbami notranjega prava ali te konvencije. Ta opredelitev ne zajema zgornje plasti, odpadnega materiala in jalovine iz rudarjenja, razen iz primarnega izkopa živega srebra, če ne vsebujejo živega srebra ali živosrebrovih spojin v količini, ki presega mejo, določeno na konferenci pogodbenic.

3. Vsaka pogodbenica sprejme ustrezne ukrepe, da:

(a) se z odpadki z živim srebrom ravna na okolju varen način ob upoštevanju smernic, oblikovanih v skladu z Baselsko konvencijo in v skladu z zahtevami, ki jih sprejme konferenca pogodbenic z dodatno prilogo v skladu s 27. členom. Pri pripravi teh zahtev konferenca pogodbenic upošteva predpise in programe pogodbenic za ravnanje z odpadki;

(b) se odpadki z živim srebrom zbirajo, reciklirajo, pridobijo ali neposredno ponovno uporabijo izključno za namen, ki je dovoljen pogodbenici te konvencije, ali za okolju varno odstranitev v skladu s točko (a) tretjega odstavka;

(c) odpadki z živim srebrom pogodbenic Baselske konvencije ne prehajajo prek mednarodnih meja razen za namen okolju varnega odstranjevanja v skladu s tem členom in Baselsko konvencijo. V okoliščinah, ko se za prevoz prek mednarodnih meja Baselska konvencija ne uporablja, pogodbenica dovoli tak prevoz le ob upoštevanju ustreznih mednarodnih pravil, standardov in smernic.

4. Konferenca pogodbenic si prizadeva tesno sodelovati z ustreznimi organi Baselske konvencije pri reviziji in posodobitvi, kakor je primerno, smernic iz točke (a) tretjega odstavka.

5. Pogodbenice se spodbujajo, da sodelujejo med seboj in z zadevnimi medvladnimi organizacijami ter drugimi subjekti, kakor je primerno, za razvijanje in ohranjanje svetovne, regionalne in domače usposobljenosti za ravnanje z odpadki z živim srebrom na okolju varen način.

12. člen

Onesnažena območja

1. Vsaka pogodbenica si prizadeva pripraviti ustrezne strategije za odkrivanje in ocenjevanje območij, ki so onesnažena z živim srebrom ali živosrebrovimi spojinami.

2. Vse dejavnosti za zmanjševanje tveganja, ki ga predstavljajo taka območja, se izvajajo za okolje varno in zajemajo, kadar je to primerno, oceno tveganja za človekovo zdravje in okolje zaradi živega srebra in živosrebrovih spojin, ki jih vsebujejo.

3. Konferenca pogodbenic sprejme smernice za upravljanje onesnaženih območij, ki lahko vsebujejo metode in pristope za:

(a) ugotovitev in opredelitev značilnosti območja;

(b) spodbujanje javnosti;

(c) Human health and environmental risk assessments;

(d) Options for managing the risks posed by contaminated sites;

(e) Evaluation of benefits and costs; and

(f) Validation of outcomes.

4. Parties are encouraged to cooperate in developing strategies and implementing activities for identifying, assessing, prioritizing, managing and, as appropriate, remediating contaminated sites.

Article 13

Financial resources and mechanism

1. Each Party undertakes to provide, within its capabilities, resources in respect of those national activities that are intended to implement this Convention, in accordance with its national policies, priorities, plans and programmes. Such resources may include domestic funding through relevant policies, development strategies and national budgets, and bilateral and multilateral funding, as well as private sector involvement.

2. The overall effectiveness of implementation of this Convention by developing country Parties will be related to the effective implementation of this Article.

3. Multilateral, regional and bilateral sources of financial and technical assistance, as well as capacity-building and technology transfer, are encouraged, on an urgent basis, to enhance and increase their activities on mercury in support of developing country Parties in the implementation of this Convention relating to financial resources, technical assistance and technology transfer.

4. The Parties, in their actions with regard to funding, shall take full account of the specific needs and special circumstances of Parties that are small island developing States or least developed countries.

5. A Mechanism for the provision of adequate, predictable, and timely financial resources is hereby defined. The Mechanism is to support developing country Parties and Parties with economies in transition in implementing their obligations under this Convention.

6. The Mechanism shall include:

(a) The Global Environment Facility Trust Fund; and

(b) A specific international Programme to support capacity-building and technical assistance.

7. The Global Environment Facility Trust Fund shall provide new, predictable, adequate and timely financial resources to meet costs in support of implementation of this Convention as agreed by the Conference of the Parties. For the purposes of this Convention, the Global Environment Facility Trust Fund shall be operated under the guidance of and be accountable to the Conference of the Parties. The Conference of the Parties shall provide guidance on overall strategies, policies, programme priorities and eligibility for access to and utilization of financial resources. In addition, the Conference of the Parties shall provide guidance on an indicative list of categories of activities that could receive support from the Global Environment Facility Trust Fund. The Global Environment Facility Trust Fund shall provide resources to meet the agreed incremental costs of global environmental benefits and the agreed full costs of some enabling activities.

8. In providing resources for an activity, the Global Environment Facility Trust Fund should take into account the potential mercury reductions of a proposed activity relative to its costs.

9. For the purposes of this Convention, the Programme referred to in paragraph 6 (b) will be operated under the guidance of and be accountable to the Conference of the Parties. The Conference of the Parties shall, at its first meeting, decide on the hosting institution for the Programme, which shall be an existing entity, and provide guidance to it, including on its duration. All Parties and other relevant stakeholders are invited to provide financial resources to the Programme, on a voluntary basis.

(c) oceno tveganja za človekovo zdravje in okolje;

(d) možne rešitve za upravljanje tveganj, ki jih predstavljajo onesnažena območja;

(e) oceno koristi in stroškov ter

(f) ovrednotenje rezultatov.

4. Pogodbenice se spodbujajo, da sodelujejo pri oblikovanju strategij in izvajanju dejavnosti za ugotavljanje, ocenjevanje, določanje prednostnih nalog, upravljanje in po potrebi saniranje onesnaženih območij.

13. člen

Finančni viri in mehanizem

1. Vsaka pogodbenica se obveže, da po svojih zmožnostih zagotavlja v skladu s svojimi politikami, prednostnimi nalogami, načrti in programi vire za tiste državne dejavnosti, ki so namenjene izpolnjevanju ciljev te konvencije. Taki viri lahko zajemajo domača finančna sredstva prek ustreznih politik, razvojnih strategij in državnih proračunov ter dvostranska in večstranska sredstva kot tudi vključevanje zasebnega sektorja.

2. Celotna učinkovitost izvajanja te konvencije s strani držav pogodbenic v razvoju je odvisna od izvajanja tega člena.

3. Spodbujajo se večstranski, regionalni in dvostranski viri na področju finančne in tehnične pomoči ter krepitve sposobnosti in prenosa tehnologije, da nemudoma okrepijo in razširijo svoje dejavnosti v zvezi z živim srebrom v podporo držav pogodbenic v razvoju pri njihovem izvajanju te konvencije glede finančnih sredstev, tehnične pomoči in prenosa tehnologije.

4. Pogodbenice morajo pri financiranju v celoti upoštevati posebne potrebe in položaj malih otoških pogodbenic v razvoju ali najmanj razvitih pogodbenic.

5. Določi se mehanizem za zagotavljanje ustreznih, predvidljivih in pravočasnih finančnih virov. Mehanizem je namenjen pomoči državam pogodbenicam v razvoju in pogodbenicam z gospodarstvom v prehodu pri izpolnjevanju njihovih obveznosti po tej konvenciji.

6. Mehanizem zajema:

(a) Sklad za svetovno okolje in

(b) poseben mednarodni program za pomoč pri usposabljanju in za tehnično pomoč.

7. Sklad za svetovno okolje zagotavlja nove, predvidljive, ustrezne in pravočasne finančne vire za pokrivanje stroškov pomoči pri izvajanju te konvencije skladno z dogovorom na konferenci pogodbenic. Za potrebe te konvencije Sklad za svetovno okolje deluje po smernicah konference pogodbenic in ji je odgovoren. Konferenca pogodbenic zagotovi smernice glede celovite strategije, politik, prednostnih nalog in meril upravičenosti za dostop do finančnih virov in njihovo uporabo. Poleg tega konferenca pogodbenic zagotovi smernice glede indikativnega seznama kategorij dejavnosti, ki bi lahko dobile pomoč Sklada za svetovno okolje. Slednji zagotavlja vire za pokritje dogovorjene zgornje meje stroškov svetovnih okoljskih koristi in celotnih dogovorjenih stroškov nekaterih zagonskih dejavnosti.

8. Pri zagotavljanju virov za dejavnost bi moral Sklad za svetovno okolje upoštevati razmerje med potencialnim zmanjšanjem živega srebra, ki ga dosežemo z izvajanjem predlagane dejavnosti, in s tem povezanimi stroški.

9. Za potrebe te konvencije bo program iz točke (b) šestega odstavka deloval po smernicah konference pogodbenic in ji bo odgovoren. Konferenca pogodbenic na prvem zasedanju odloči o gostiteljici za program, ki mora biti že obstoječa ustanova, in tej ustanovi zagotovi smernice tudi glede njegovega trajanja. Vse pogodbenice in drugi zadevni deležniki so vabljeni, da prostovoljno zagotovijo finančne vire za program.

10. The Conference of the Parties and the entities comprising the Mechanism shall agree upon, at the first meeting of the Conference of the Parties, arrangements to give effect to the above paragraphs.

11. The Conference of the Parties shall review, no later than at its third meeting, and thereafter on a regular basis, the level of funding, the guidance provided by the Conference of the Parties to the entities entrusted to operationalize the Mechanism established under this Article and their effectiveness, and their ability to address the changing needs of developing country Parties and Parties with economies in transition. It shall, based on such review, take appropriate action to improve the effectiveness of the Mechanism.

12. All Parties, within their capabilities, are invited to contribute to the Mechanism. The Mechanism shall encourage the provision of resources from other sources, including the private sector, and shall seek to leverage such resources for the activities it supports.

Article 14

Capacity-building, technical assistance and technology transfer

1. Parties shall cooperate to provide, within their respective capabilities, timely and appropriate capacity-building and technical assistance to developing country Parties, in particular Parties that are least developed countries or small island developing States, and Parties with economies in transition, to assist them in implementing their obligations under this Convention.

2. Capacity-building and technical assistance pursuant to paragraph 1 and Article 13 may be delivered through regional, subregional and national arrangements, including existing regional and subregional centres, through other multilateral and bilateral means, and through partnerships, including partnerships involving the private sector. Cooperation and coordination with other multilateral environmental agreements in the field of chemicals and wastes should be sought to increase the effectiveness of technical assistance and its delivery.

3. Developed country Parties and other Parties within their capabilities shall promote and facilitate, supported by the private sector and other relevant stakeholders as appropriate, development, transfer and diffusion of, and access to, up-to-date environmentally sound alternative technologies to developing country Parties, in particular the least developed countries and small island developing States, and Parties with economies in transition, to strengthen their capacity to effectively implement this Convention.

4. The Conference of the Parties shall, by its second meeting and thereafter on a regular basis, and taking into account submissions and reports from Parties including those as provided for in Article 21 and information provided by other stakeholders:

(a) Consider information on existing initiatives and progress made in relation to alternative technologies;

(b) Consider the needs of Parties, particularly developing country Parties, for alternative technologies; and

(c) Identify challenges experienced by Parties, particularly developing country Parties, in technology transfer.

5. The Conference of the Parties shall make recommendations on how capacitybuilding, technical assistance and technology transfer could be further enhanced under this Article.

Article 15

Implementation and Compliance Committee

1. A mechanism, including a Committee as a subsidiary body of the Conference of the Parties, is hereby established to promote implementation of, and review compliance with, all provisions of this Convention. The mechanism, including the Committee, shall be facilitative in nature and shall pay particular attention to the respective national capabilities and circumstances of Parties.

10. Konferenca pogodbenic in subjekti, ki sestavljajo mehanizem, sprejmejo dogovore za uveljavitev zgornjih odstavkov na prvem zasedanju konference pogodbenic.

11. Konferenca pogodbenic bo najpozneje na svojem tretjem zasedanju, potem pa redno, pregledala višino financiranja, smernice, ki jih je konferenca pogodbenic dala subjektom, odgovornim za delovanje mehanizma, ustanovljenega po tem členu, in njegovo učinkovitost, ter njihovo sposobnost za odzivanje na spremenljive potrebe pogodbenic držav v razvoju in pogodbenic z gospodarstvom v prehodu. Na podlagi takega pregleda ustrezno ukrepa za izboljšanje učinkovitosti mehanizma.

12. Vse pogodbenice so vabljene, da po svojih zmožnostih prispevajo v mehanizem. Mehanizem spodbuja pridobivanje sredstev iz drugih virov, tudi iz zasebnega sektorja, in si prizadeva pridobiti take vire za dejavnosti, ki jih podpira.

14. člen

Usposabljanje, tehnična pomoč in prenos tehnologije

1. Pogodbenice sodelujejo, vsaka po svojih zmožnostih, pri zagotavljanju pravočasne in ustrezne pomoči za usposabljanje in tehnično pomoč državam pogodbenicam v razvoju, zlasti najmanj razvitim državam pogodbenicam ali malim otoškim državam pogodbenicam v razvoju ter pogodbenicam z gospodarstvom v prehodu, da jim pomagajo pri izvajanju njihovih obveznosti po tej konvenciji.

2. Tehnična pomoč in pomoč za usposabljanje iz prvega odstavka 13. člena se lahko zagotavljata prek regionalnih, podregionalnih ali državnih dogovorov, tudi že obstoječih regionalnih in podregionalnih centrov, prek drugih večstranskih ali dvostranskih mehanizmov in partnerstev, tudi partnerstev z zasebnim sektorjem. Potrebna sta sodelovanje in usklajevanje z drugimi mednarodnimi okoljskimi sporazumi na področju kemikalij in odpadkov, da se izboljša učinkovitost tehnične pomoči in poveča njen obseg.

3. Razvite države pogodbenice in druge pogodbenice po svojih zmožnostih spodbujajo in olajšujejo, po potrebi ob pomoči zasebnega sektorja in drugih zadevnih deležnikov razvoj, prenos in razširjanje ter dostop do najnovejših okolju varnih nadomestnih tehnologij za države pogodbenice v razvoju, zlasti najmanj razvite in male otoške države pogodbenice v razvoju ter pogodbenice z gospodarstvom v prehodu, da okrepijo njihovo sposobnost učinkovitega izvajanja te konvencije.

4. Konferenca pogodbenic najpozneje na svojem drugem zasedanju, potem pa redno in ob upoštevanju sporočil in poročil pogodbenic, tudi poročil, pripravljenih v skladu z 21. členom, in informacij, ki jih predložijo drugi zainteresirani udeleženci:

(a) prouči informacije o obstoječih pobudah in napredku na področju nadomestnih tehnologij;

(b) prouči potrebe pogodbenic, zlasti držav pogodbenic v razvoju, po nadomestnih tehnologijah in

(c) ugotovi, s katerimi težavami se spopadajo pogodbenice, zlasti države pogodbenice v razvoju, pri prenosu tehnologije.

5. Konferenca pogodbenic pripravi priporočila, kako izboljšati usposabljanje, tehnično pomoč in prenos tehnologije po tem členu.

15. člen

Odbor za izvajanje in spoštovanje obveznosti

1. Ustanovi se mehanizem, ki vključuje odbor kot pomožni organ konference pogodbenic, za spodbujanje izvajanja in preverjanje spoštovanja vseh določb te konvencije. Ta mehanizem, vključno z odborom, ima vlogo spodbujevalca in s posebno pozornostjo upošteva zadevne domače sposobnosti in okoliščine posameznih pogodbenic.

2. The Committee shall promote implementation of, and review compliance with, all provisions of this Convention. The Committee shall examine both individual and systemic issues of implementation and compliance and make recommendations, as appropriate, to the Conference of the Parties.

3. The Committee shall consist of 15 members, nominated by Parties and elected by the Conference of the Parties, with due consideration to equitable geographical representation based on the five regions of the United Nations; the first members shall be elected at the first meeting of the Conference of the Parties and thereafter in accordance with the rules of procedure approved by the Conference of the Parties pursuant to paragraph 5; the members of the Committee shall have competence in a field relevant to this Convention and reflect an appropriate balance of expertise.

4. The Committee may consider issues on the basis of:

(a) Written submissions from any Party with respect to its own compliance;

(b) National reports in accordance with Article 21; and

(c) Requests from the Conference of the Parties.

5. The Committee shall elaborate its rules of procedure, which shall be subject to approval by the second meeting of the Conference of the Parties; the Conference of the Parties may adopt further terms of reference for the Committee.

6. The Committee shall make every effort to adopt its recommendations by consensus. If all efforts at consensus have been exhausted and no consensus is reached, such recommendations shall as a last resort be adopted by a threefourths majority vote of the members present and voting, based on a quorum of two-thirds of the members.

Article 16

Health aspects

1. Parties are encouraged to:

(a) Promote the development and implementation of strategies and programmes to identify and protect populations at risk, particularly vulnerable populations, and which may include adopting science-based health guidelines relating to the exposure to mercury and mercury compounds, setting targets for mercury exposure reduction, where appropriate, and public education, with the participation of public health and other involved sectors;

(b) Promote the development and implementation of science-based educational and preventive programmes on occupational exposure to mercury and mercury compounds;

(c) Promote appropriate health-care services for prevention, treatment and care for populations affected by the exposure to mercury or mercury compounds; and

(d) Establish and strengthen, as appropriate, the institutional and health professional capacities for the prevention, diagnosis, treatment and monitoring of health risks related to the exposure to mercury and mercury compounds.

2. The Conference of the Parties, in considering health-related issues or activities, should:

(a) Consult and collaborate with the World Health Organization, the International Labour Organization and other relevant intergovernmental organizations, as appropriate; and

(b) Promote cooperation and exchange of information with the World Health Organization, the International Labour Organization and other relevant intergovernmental organizations, as appropriate.

Article 17

Information exchange

1. Each Party shall facilitate the exchange of:

(a) Scientific, technical, economic and legal information concerning mercury and mercury compounds, including toxicological, ecotoxicological and safety information;

2. Odbor spodbuja izvajanje te konvencije in preverja spoštovanje vseh njenih določb. Odbor preverja posamezne in sistemske težave pri izvajanju in spoštovanju konvencije in po potrebi daje priporočila konferenci pogodbenic.

3. Odbor sestavlja 15 članov, ki jih predlagajo pogodbenice in jih izvoli konferenca pogodbenic ob ustreznem upoštevanju geografskega zastopanja na podlagi petih regij v okviru Organizacije združenih narodov; prvi člani se izvolijo na prvem zasedanju konference pogodbenic, potem pa v skladu s poslovnikom, ki ga odobri konferenca pogodbenic v skladu s petim odstavkom; člani morajo biti strokovnjaki na področju, ki je pomembno za konvencijo, in ustrezno uravnoteženo zastopati vsa strokovna področja.

4. Odbor proučuje zadeve na podlagi:

(a) pisnih sporočil pogodbenic, ki se nanašajo na njihovo spoštovanje določb konvencije;

(b) poročil držav v skladu z 21. členom in

(c) zahtev konference pogodbenic.

5. Odbor sestavi svoj poslovnik, ki ga odobri konferenca pogodbenic na svojem drugem zasedanju; konferenca pogodbenic lahko odboru naloži dodatne naloge.

6. Odbor si po najboljših močeh prizadeva sprejeti svoja priporočila s soglasjem. Če so bila vsa prizadevanja za soglasje izčrpana in soglasje ni doseženo, se ta priporočila v skrajni sili sprejemajo s tričetrtinsko večino glasov članov, ki so navzoči in glasujejo, pri čemer je kvorum dve tretjini vseh članov.

16. člen

Zdravstveni vidiki

1. Pogodbenice se spodbujajo, da:

(a) spodbujajo razvoj in izvajanje strategij in programov za odkrivanje in varovanje ogroženih populacij, zlasti ranljivih populacij, ki bi lahko vključevalo sprejem znanstvenih zdravstvenih smernic glede izpostavljenosti živemu srebru in živosrebrovim spojinam, po potrebi določitev ciljev za zmanjševanje izpostavljenosti živemu srebru, in izobraževanje javnosti s sodelovanjem javnega zdravstvenega sektorja in drugih zadevnih sektorjev;

(b) spodbujajo razvoj in izvajanje znanstvenih izobraževalnih in preventivnih programov glede poklicne izpostavljenosti živemu srebru in živosrebrovim spojinam;

(c) spodbujajo zagotavljanje ustrezne zdravstvene dejavnosti za preprečevanje, zdravljenje in oskrbo populacij, ki so prizadete zaradi izpostavljenosti živemu srebru in živosrebrovim spojinam, ter

(d) vzpostavijo in po potrebi okrepijo sposobnosti ustanov in zdravstvenih delavcev za preprečevanje, diagnosticiranje, zdravljenje in spremljanje zdravstvenih tveganj, povezanih z izpostavljenostjo živemu srebru in živosrebrovim spojinam.

2. Konferenca pogodbenic bi morala pri obravnavanju vprašanj ali dejavnosti, povezanih z zdravjem:

(a) sodelovati in se posvetovati s Svetovno zdravstveno organizacijo, Mednarodno organizacijo dela in drugimi upoštevnimi medvladnimi organizacijami, kakor je primerno, in

(b) spodbujati sodelovanje in izmenjavo informacij s Svetovno zdravstveno organizacijo, Mednarodno organizacijo dela in drugimi upoštevnimi medvladnimi organizacijami, kakor je primerno.

17. člen

Izmenjava informacij

1. Vsaka pogodbenica omogoča izmenjavo:

(a) znanstvenih, tehničnih, gospodarskih in pravnih informacij v zvezi z živim srebrom in živosrebrovimi spojinami, vključno s toksikološkimi, ekotoksikološkimi in varnostnimi informacijami;

(b) Information on the reduction or elimination of the production, use, trade, emissions and releases of mercury and mercury compounds;

(c) Information on technically and economically viable alternatives to:

(i) Mercury-added products;

(ii) Manufacturing processes in which mercury or mercury compounds are used; and

(iii) Activities and processes that emit or release mercury or mercury compounds;

including information on the health and environmental risks and economic and social costs and benefits of such alternatives; and

(d) Epidemiological information concerning health impacts associated with exposure to mercury and mercury compounds, in close cooperation with the World Health Organization and other relevant organizations, as appropriate.

2. Parties may exchange the information referred to in paragraph 1 directly, through the Secretariat, or in cooperation with other relevant organizations, including the secretariats of chemicals and wastes conventions, as appropriate.

3. The Secretariat shall facilitate cooperation in the exchange of information referred to in this Article, as well as with relevant organizations, including the secretariats of multilateral environmental agreements and other international initiatives. In addition to information from Parties, this information shall include information from intergovernmental and non-governmental organizations with expertise in the area of mercury, and from national and international institutions with such expertise.

4. Each Party shall designate a national focal point for the exchange of information under this Convention, including with regard to the consent of importing Parties under Article 3.

5. For the purposes of this Convention, information on the health and safety of humans and the environment shall not be regarded as confidential. Parties that exchange other information pursuant to this Convention shall protect any confidential information as mutually agreed.

Article 18

Public information, awareness and education

1. Each Party shall, within its capabilities, promote and facilitate:

(a) Provision to the public of available information on:

(i) The health and environmental effects of mercury and mercury compounds;

(ii) Alternatives to mercury and mercury compounds;

(iii) The topics identified in paragraph 1 of Article 17;

(iv) The results of its research, development and monitoring activities under Article 19; and

(v) Activities to meet its obligations under this Convention;

(b) Education, training and public awareness related to the effects of exposure to mercury and mercury compounds on human health and the environment in collaboration with relevant intergovernmental and nongovernmental organizations and vulnerable populations, as appropriate.

2. Each Party shall use existing mechanisms or give consideration to the development of mechanisms, such as pollutant release and transfer registers where applicable, for the collection and dissemination of information on estimates of its annual quantities of mercury and mercury compounds that are emitted, released or disposed of through human activities.

Article 19

Research, development and monitoring

1. Parties shall endeavour to cooperate to develop and improve, taking into account their respective circumstances and capabilities:

(b) informacij o zmanjšanju ali ukinitvi proizvodnje, uporabe, trgovine, izpustov živega srebra in živosrebrovih spojin v zrak, zemljo ali vodo;

(c) informacij o tehnično in gospodarsko izvedljivih nadomestnih možnostih za:

(i) proizvode, ki vsebujejo dodano živo srebro;

(ii) proizvodne postopke, pri katerih se uporablja živo srebro ali njegove spojine, in

(iii) dejavnosti in postopke, pri katerih prihaja do izpustov živega srebra ali živosrebrovih spojin v zrak, zemljo ali vodo;

vključno z informacijami o nevarnostih za zdravje in okolje ter o gospodarskih in družbenih stroških in koristih teh nadomestnih rešitev in

(d) epidemioloških informacij o vplivih na zdravje, povezanih z izpostavljenostjo živemu srebru in živosrebrovim spojinam, v tesnem sodelovanju s Svetovno zdravstveno organizacijo in po potrebi drugimi pristojnimi organizacijami.

2. Pogodbenice lahko izmenjujejo informacije iz prvega odstavka neposredno, prek sekretariata ali v sodelovanju z drugimi pristojnimi organizacijami, vključno po potrebi s sekretariati konvencij o kemikalijah in odpadkih.

3. Sekretariat olajšuje sodelovanje in izmenjavo informacij iz tega člena, tudi sodelovanje s pristojnimi organizacijami, vključno s sekretariati večstranskih okoljskih sporazumov in drugih mednarodnih pobud. Te informacije zajemajo poleg tistih, ki jih zagotovijo pogodbenice, informacije, pridobljene od vladnih in nevladnih organizacij ter od domačih in mednarodnih institucij, ki imajo strokovno znanje o živem srebru.

4. Vsaka pogodbenica določi državno točko za stike za izmenjavo informacij v skladu s to konvencijo, vključno glede soglasja pogodbenic uvoznic iz 3. člena.

5. Za to konvencijo se informacije o zdravju in varnosti ljudi ter okolja ne štejejo za zaupne. Pogodbenice, ki si izmenjavajo druge informacije na podlagi te konvencije, varujejo vsako zaupno informacijo v skladu z medsebojnim dogovorom.

18. člen

Obveščanje, ozaveščanje in izobraževanje javnosti

1. Pogodbenica po svojih zmožnostih spodbuja in omogoča:

(a) zagotavljanje razpoložljivih informacij javnosti o:

(i) učinkih živega srebra in živosrebrovih spojin na zdravje in okolje;

(ii) nadomestkih za živo srebro in živosrebrove spojine;

(iii) temah, navedenih v prvem odstavku 17. člena;

(iv) izsledkih raziskav, razvoja in dejavnosti spremljanja v skladu z 19. členom in

(v) dejavnostih za izpolnjevanje njihovih obveznosti po tej konvenciji;

(b) izobraževanje, usposabljanje in širjenje ozaveščenosti o učinkih izpostavljenosti živemu srebru in živosrebrovim spojinam na človekovo zdravje in okolje v sodelovanju s pristojnimi medvladnimi in nevladnimi organizacijami in po potrebi ranljivimi skupinami prebivalcev.

2. Pogodbenice uporabljajo obstoječe mehanizme ali razmišljajo o vzpostavitvi mehanizmov, kot so registri izpustov in prenosov onesnaževal, če je to primerno, namenjenih zbiranju in razširjanju informacij o ocenjenih letnih količinah živega srebra in živosrebrovih spojin, ki so izpuščene v zrak, zemljo ali vodo ali odstranjene zaradi človekovih dejavnosti.

19. člen

Raziskave, razvoj in spremljanje stanja

1. Pogodbenice si ob upoštevanju svojih okoliščin in sposobnosti prizadevajo sodelovati pri razvoju in izboljšavah:

(a) Inventories of use, consumption, and anthropogenic emissions to air and releases to water and land of mercury and mercury compounds;

(b) Modelling and geographically representative monitoring of levels of mercury and mercury compounds in vulnerable populations and in environmental media, including biotic media such as fish, marine mammals, sea turtles and birds, as well as collaboration in the collection and exchange of relevant and appropriate samples;

(c) Assessments of the impact of mercury and mercury compounds on human health and the environment, in addition to social, economic and cultural impacts, particularly in respect of vulnerable populations;

(d) Harmonized methodologies for the activities undertaken under subparagraphs (a), (b) and (c);

(e) Information on the environmental cycle, transport (including long-range transport and deposition), transformation and fate of mercury and mercury compounds in a range of ecosystems, taking appropriate account of the distinction between anthropogenic and natural emissions and releases of mercury and of remobilization of mercury from historic deposition;

(f) Information on commerce and trade in mercury and mercury compounds and mercuryadded products; and

(g) Information and research on the technical and economic availability of mercury-free products and processes and on best available techniques and best environmental practices to reduce and monitor emissions and releases of mercury and mercury compounds.

2. Parties should, where appropriate, build on existing monitoring networks and research programmes in undertaking the activities identified in paragraph 1.

Article 20

Implementation plans

1. Each Party may, following an initial assessment, develop and execute an implementation plan, taking into account its domestic circumstances, for meeting the obligations under this Convention. Any such plan should be transmitted to the Secretariat as soon as it has been developed.

2. Each Party may review and update its implementation plan, taking into account its domestic circumstances and referring to guidance from the Conference of the Parties and other relevant guidance.

3. Parties should, in undertaking work in paragraphs 1 and 2, consult national stakeholders to facilitate the development, implementation, review and updating of their implementation plans.

4. Parties may also coordinate on regional plans to facilitate implementation of this Convention.

Article 21

Reporting

1. Each Party shall report to the Conference of the Parties, through the Secretariat, on the measures it has taken to implement the provisions of this Convention and on the effectiveness of such measures and the possible challenges in meeting the objectives of the Convention.

2. Each Party shall include in its reporting the information as called for in Articles 3, 5, 7, 8 and 9 of this Convention.

3. The Conference of the Parties shall, at its first meeting, decide upon the timing and format of the reporting to be followed by the Parties, taking into account the desirability of coordinating reporting with other relevant chemicals and wastes conventions.

(a) inventarnih evidenc o uporabi, porabi in antropogenih izpustih živega srebra v zrak ter izpustih živega srebra in živosrebrovih spojin v vodo in zemljo;

(b) oblikovanja in geografsko reprezentativnega spremljanja ravni živega srebra in živosrebrovih spojin pri ranljivih populacijah in v naravnih okoljih, zlasti biotih, kakor so ribe, morski sesalci, morske želve in ptiči, ter sodelovanja pri zbiranju in izmenjavi upoštevnih in primernih vzorcev;

(c) ocen o vplivu živega srebra in živosrebrovih spojin na človekovo zdravje in okolje ter o njihovem socialnem, gospodarskem in kulturnem vplivu, zlasti na ranljive populacije;

(d) usklajenih metodologij za dejavnosti, ki se izvajajo v skladu s točkami (a), (b) in (c);

(e) informacij o okoljskih ciklih, prenosu (vključno s prenašanjem in odlaganjem na velike razdalje), preoblikovanju in usodi živega srebra in živosrebrovih spojin v različnih ekosistemih ob ustreznem upoštevanju razlike med antropogenimi in naravnimi izpusti živega srebra v zrak, zemljo ali vodo ter remobilizacije živega srebra s starih odlagališč;

(f) informacij o trgovini ter prometu z živim srebrom in živosrebrovimi spojinami ter proizvodih z dodanim živim srebrom in

(g) informacij in raziskav o tehnični in gospodarski razpoložljivosti proizvodov in postopkov brez živega srebra ter o najboljših razpoložljivih tehnikah in najboljših okoljskih praksah za zmanjšanje in spremljanje izpustov živega srebra in živosrebrovih spojin v zrak, zemljo ali vodo.

2. Pogodbenice naj, kadar je to mogoče, pri izvajanju dejavnosti iz prvega odstavka nadgrajujejo obstoječe mreže spremljanja in raziskovalne programe.

20. člen

Izvedbeni načrti

1. Vsaka pogodbenica lahko po začetni oceni ob upoštevanju domačih okoliščin oblikuje in uresniči izvedbeni načrt za izpolnjevanje svojih obveznosti po tej konvenciji. Ta načrt predloži sekretariatu takoj po njegovi pripravi.

2. Pogodbenice lahko revidirajo in posodobijo svoje izvedbene načrte ob upoštevanju svojih domačih okoliščin in usmeritev konference pogodbenic ter drugih primernih usmeritev.

3. Pogodbenice naj se pri izvajanju nalog iz prvega in drugega odstavka posvetujejo z domačimi deležniki, da se olajšajo oblikovanje, izvajanje, pregledovanje in posodabljanje izvedbenih načrtov.

4. Pogodbenice lahko tudi usklajujejo načrte na regionalni ravni, da olajšajo izvajanje te konvencije.

21. člen

Poročanje

1. Vsaka pogodbenica prek sekretariata poroča konferenci pogodbenic o ukrepih, ki jih je sprejela za izvajanje določb te konvencije, in o učinkovitosti teh ukrepov ter možnih težavah pri izpolnjevanju ciljev konvencije.

2. Vsaka pogodbenica v svoja poročila vključi vse informacije, ki se zahtevajo v skladu s 3., 5., 7., 8. in 9. členom te konvencije.

3. Konferenca pogodbenic na svojem prvem zasedanju določi časovne roke in obliko poročil, ki jih morajo pripraviti pogodbenice, ob upoštevanju, da je zaželeno, da se poročanje usklajuje z drugimi upoštevnimi konvencijami o kemikalijah in odpadkih.

Article 22

Effectiveness evaluation

1. The Conference of the Parties shall evaluate the effectiveness of this Convention, beginning no later than six years after the date of entry into force of the Convention and periodically thereafter at intervals to be decided by it.

2. To facilitate the evaluation, the Conference of the Parties shall, at its first meeting, initiate the establishment of arrangements for providing itself with comparable monitoring data on the presence and movement of mercury and mercury compounds in the environment as well as trends in levels of mercury and mercury compounds observed in biotic media and vulnerable populations.

3. The evaluation shall be conducted on the basis of available scientific, environmental, technical, financial and economic information, including:

(a) Reports and other monitoring information provided to the Conference of the Parties pursuant to paragraph 2;

(b) Reports submitted pursuant to Article 21;

(c) Information and recommendations provided pursuant to Article 15; and

(d) Reports and other relevant information on the operation of the financial assistance, technology transfer and capacity-building arrangements put in place under this Convention.

Article 23

Conference of the Parties

1. A Conference of the Parties is hereby established.

2. The first meeting of the Conference of the Parties shall be convened by the Executive Director of the United Nations Environment Programme no later than one year after the date of entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be decided by the Conference.

3. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to the Parties by the Secretariat, it is supported by at least one third of the Parties.

4. The Conference of the Parties shall by consensus agree upon and adopt at its first meeting rules of procedure and financial rules for itself and any of its subsidiary bodies, as well as financial provisions governing the functioning of the Secretariat.

5. The Conference of the Parties shall keep under continuous review and evaluation the implementation of this Convention. It shall perform the functions assigned to it by this Convention and, to that end, shall:

(a) Establish such subsidiary bodies as it considers necessary for the implementation of this Convention;

(b) Cooperate, where appropriate, with competent international organizations and intergovernmental and non-governmental bodies;

(c) Regularly review all information made available to it and to the Secretariat pursuant to Article 21;

(d) Consider any recommendations submitted to it by the Implementation and Compliance Committee;

(e) Consider and undertake any additional action that may be required for the achievement of the objectives of this Convention; and

(f) Review Annexes A and B pursuant to Article 4 and Article 5.

22. člen

Ocenjevanje učinkovitosti

1. Konferenca pogodbenic prvič oceni učinkovitost konvencije najpozneje šest let po začetku veljavnosti Konvencije, nato pa v časovnih presledkih, ki jih sama določi.

2. Da bi omogočili tako ocenjevanje, konferenca pogodbenic na prvem zasedanju da pobudo za oblikovanje ureditev, s katerimi si zagotovi primerljive podatke spremljanja prisotnosti in gibanja živega srebra in živosrebrovih spojin v okolju ter o trendih in ravneh živega srebra in živosrebrovih spojin, zaznanih v biotskih okoljih in ranljivih populacijah.

3. Ocenjevanje se opravi na podlagi razpoložljivih znanstvenih, okoljskih, tehničnih, finančnih in gospodarskih informacij, med katere spadajo tudi:

(a) poročila in druge informacije, zbrane s spremljanjem, ki se predložijo konferenci pogodbenic v skladu z drugim odstavkom,

(b) poročila, ki se predložijo v skladu z 21. členom,

(c) informacije in priporočila, ki se predložijo v skladu s 15. členom, in

(d) poročila in druge upoštevne informacije o izvajanju ureditev za finančno pomoč, prenos tehnologije in usposabljanje, ki so oblikovani v skladu s to konvencijo.

23. člen

Konferenca pogodbenic

1. Ustanovi se konferenca pogodbenic.

2. Prvo zasedanje konference pogodbenic skliče izvršilni direktor Programa Združenih narodov za okolje najpozneje eno leto po začetku veljavnosti te konvencije. Nato bodo redna zasedanja konference pogodbenic v rednih presledkih, ki jih določi konferenca.

3. Izredna zasedanja konference pogodbenic bodo, kadar bo konferenca menila, da je to potrebno, ali na pisno zahtevo katere koli pogodbenice, s tem da to zahtevo v šestih mesecih po sporočilu sekretariata pogodbenicam podpre najmanj tretjina pogodbenic.

4. Konferenca pogodbenic se na prvem zasedanju soglasno dogovori in sprejme poslovnik ter finančna pravila zase in za vse pomožne organe kakor tudi finančne določbe za delovanje sekretariata.

5. Konferenca pogodbenic stalno pregleduje in ocenjuje izvajanje te konvencije. Opravlja naloge, ki so ji določene s konvencijo, in v ta namen:

(a) ustanavlja pomožne organe, ki so po njenem mnenju potrebni za izvajanje te konvencije;

(b) sodeluje, kadar je to primerno, s pristojnimi mednarodnimi organizacijami ter z medvladnimi in nevladnimi organi;

(c) redno pregleduje vse informacije, ki so njej in sekretariatu na voljo v skladu z 21. členom;

(d) obravnava vsa priporočila, ki ji jih predloži Odbor za izvajanje in spoštovanje obveznosti;

(e) obravnava in sprejme vse dodatne ukrepe, potrebne za doseganje namenov te konvencije, in

(f) pregleduje prilogi A in B v skladu s 4. in 5. členom.

6. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not a Party to this Convention, may be represented at meetings of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or nongovernmental, that is qualified in matters covered by this Convention and has informed the Secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

Article 24

Secretariat

1. A Secretariat is hereby established.

2. The functions of the Secretariat shall be:

(a) To make arrangements for meetings of the Conference of the Parties and its subsidiary bodies and to provide them with services as required;

(b) To facilitate assistance to Parties, particularly developing country Parties and Parties with economies in transition, on request, in the implementation of this Convention;

(c) To coordinate, as appropriate, with the secretariats of relevant international bodies, particularly other chemicals and waste conventions;

(d) To assist Parties in the exchange of information related to the implementation of this Convention;

(e) To prepare and make available to the Parties periodic reports based on information received pursuant to Articles 15 and 21 and other available information;

(f) To enter, under the overall guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and

(g) To perform the other secretariat functions specified in this Convention and such other functions as may be determined by the Conference of the Parties.

3. The secretariat functions for this Convention shall be performed by the Executive Director of the United Nations Environment Programme, unless the Conference of the Parties decides, by a threefourths majority of the Parties present and voting, to entrust the secretariat functions to one or more other international organizations.

4. The Conference of the Parties, in consultation with appropriate international bodies, may provide for enhanced cooperation and coordination between the Secretariat and the secretariats of other chemicals and wastes conventions. The Conference of the Parties, in consultation with appropriate international bodies, may provide further guidance on this matter.

Article 25

Settlement of disputes

1. Parties shall seek to settle any dispute between them concerning the interpretation or application of this Convention through negotiation or other peaceful means of their own choice.

2. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a Party that is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, with regard to any dispute concerning the interpretation or application of this Convention, it recognizes one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation:

(a) Arbitration in accordance with the procedure set out in Part I of Annex E;

(b) Submission of the dispute to the International Court of Justice.

6. Združeni narodi, njihove specializirane agencije in Mednarodna agencija za atomsko energijo kakor tudi vsaka druga država nepogodbenica te konvencije so na zasedanjih konference pogodbenic lahko navzoči kot opazovalci. Kateri koli državni ali mednarodni, vladni ali nevladni organ ali agencija, ki je strokovno usposobljena za zadeve, ki jih ureja ta konvencija, in ki obvesti sekretariat o svoji želji, da je navzoča na zasedanju konference pogodbenic kot opazovalec, se zasedanja lahko udeleži, če temu ne nasprotuje najmanj ena tretjina na zasedanju navzočih pogodbenic. Za udeležbo in sodelovanje opazovalcev velja poslovnik, ki ga sprejme konferenca pogodbenic.

24. člen

Sekretariat

1. Ustanovi se sekretariat.

2. Naloge sekretariata so:

(a) da pripravlja zasedanja konference pogodbenic in njenih pomožnih organov ter da zanje opravlja potrebne storitve;

(b) da omogoča pomoč pri izvajanju te konvencije pogodbenicam, ki to zahtevajo, zlasti pogodbenicam v razvoju in pogodbenicam z gospodarstvom v prehodu;

(c) da se po potrebi usklajuje s sekretariati drugih ustreznih mednarodnih organov, zlasti drugih konvencij o kemikalijah in odpadkih;

(d) da pomaga pogodbenicam pri izmenjavi informacij v zvezi z izvajanjem te konvencije;

(e) da v rednih časovnih presledkih pripravlja in daje pogodbenicam na voljo poročila na podlagi informacij, ki jih prejme v skladu s 15. in 21. členom, ter druge razpoložljive informacije;

(f) da po splošnih usmeritvah konference pogodbenic sklepa take upravne in pogodbene dogovore, kakor utegnejo biti potrebni za učinkovito opravljanje njegovih nalog, in

(g) da opravlja druge naloge sekretariata, določene v tej konvenciji, in take druge naloge, kot mu jih lahko določi konferenca pogodbenic.

3. Naloge sekretariata za to konvencijo opravlja izvršni direktor Programa Združenih narodov za okolje, razen če konferenca pogodbenic ne odloči s tričetrtinsko večino glasov navzočih pogodbenic, ki so glasovale, da naloge sekretariata zaupa eni ali več drugim mednarodnim organizacijam.

4. Konferenca pogodbenic lahko po posvetovanju z ustreznimi mednarodnimi organi omogoči okrepljeno sodelovanje in usklajevanje med sekretariatom in sekretariati drugih konvencij o kemikalijah in odpadkih. Konferenca pogodbenic lahko po posvetovanju z ustreznimi mednarodnimi organi omogoči nadaljnje usmeritve v tej zvezi.

25. člen

Reševanje sporov

1. Pogodbenice si prizadevajo reševati medsebojne spore v zvezi z razlago in uporabo te konvencije s pogajanji ali na drug miren način po svoji izbiri.

2. Ob ratifikaciji, sprejetju ali odobritvi konvencije ali ob pristopu h konvenciji ali kadar koli pozneje lahko pogodbenica, ki ni organizacija za regionalno gospodarsko povezovanje, v pisni listini, ki jo predloži depozitarju, izjavi, da za vsak spor v zvezi z razlago ali uporabo te konvencije kot obveznega v odnosu do katere koli pogodbenice, ki sprejema enako obvezo, priznava enega ali oba od spodaj naštetih načinov reševanja sporov:

(a) arbitražo v skladu s postopkom iz prvega dela priloge E;

(b) predložitev spora Meddržavnemu sodišču.

3. A Party that is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with paragraph 2.

4. A declaration made pursuant to paragraph 2 or 3 shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.

5. The expiry of a declaration, a notice of revocation or a new declaration shall in no way affect proceedings pending before an arbitral tribunal or the International Court of Justice, unless the parties to the dispute otherwise agree.

6. If the parties to a dispute have not accepted the same means of dispute settlement pursuant to paragraph 2 or 3, and if they have not been able to settle their dispute through the means mentioned in paragraph 1 within twelve months following notification by one Party to another that a dispute exists between them, the dispute shall be submitted to a conciliation commission at the request of any party to the dispute. The procedure set out in Part II of Annex E shall apply to conciliation under this Article.

Article 26

Amendments to the Convention

1. Amendments to this Convention may be proposed by any Party.

2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. The text of any proposed amendment shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate the proposed amendment to the signatories to this Convention and, for information, to the Depositary.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting.

4. An adopted amendment shall be communicated by the Depositary to all Parties for ratification, acceptance or approval.

5. Ratification, acceptance or approval of an amendment shall be notified to the Depositary in writing. An amendment adopted in accordance with paragraph 3 shall enter into force for the Parties having consented to be bound by it on the ninetieth day after the date of deposit of instruments of ratification, acceptance or approval by at least three-fourths of the Parties that were Parties at the time at which the amendment was adopted. Thereafter, the amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits its instrument of ratification, acceptance or approval of the amendment.

Article 27

Adoption and amendment of annexes

1. Annexes to this Convention shall form an integral part thereof and, unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to any annexes thereto.

2. Any additional annexes adopted after the entry into force of this Convention shall be restricted to procedural, scientific, technical or administrative matters.

3. The following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention:

(a) Additional annexes shall be proposed and adopted according to the procedure laid down in paragraphs 1–3 of Article 26;

3. Pogodbenica, ki je organizacija za regionalno gospodarsko povezovanje, lahko da izjavo z enakim učinkom glede arbitraže v skladu z drugim odstavkom.

4. Izjava iz drugega ali tretjega odstavka velja, dokler ne preneha veljati v skladu z njenimi določili ali do preteka treh mesecev po deponiranju pisnega obvestila o njenem preklicu pri depozitarju.

5. Potek veljavnosti izjave, obvestilo o preklicu ali nova izjava nikakor ne vplivajo na postopke, ki so še nerešeni pred arbitražnim sodiščem ali pred Meddržavnim sodiščem, razen če se stranke v sporu ne dogovorijo drugače.

6. Če stranke v sporu niso sprejele istega sredstva za reševanje spora iz drugega ali tretjega odstavka in če svojega spora niso mogle rešiti na način iz prvega odstavka v dvanajstih mesecih, potem ko je ena pogodbenica pisno obvestila drugo pogodbenico o medsebojnem sporu, se tak spor na zahtevo katere koli stranke v sporu predloži spravni komisiji. Za spravni postopek po tem členu se uporabi postopek iz drugega dela priloge E.

26. člen

Spremembe konvencije

1. Katera koli pogodbenica lahko predlaga spremembe te konvencije.

2. Spremembe te konvencije se sprejmejo na zasedanju konference pogodbenic. Besedilo katere koli predlagane spremembe pošlje pogodbenicam sekretariat najmanj šest mesecev pred zasedanjem, na katerem je sprememba predlagana v sprejem. Sekretariat pošlje predlagane spremembe tudi podpisnicam konvencije in v vednost depozitarju.

3. Pogodbenice si prizadevajo, da bi se o vsaki predlagani spremembi dogovorile soglasno. Če so bila izčrpana vsa prizadevanja za soglasje in dogovor ni bil dosežen, se sprememba v skrajni sili sprejme s tričetrtinsko večino glasov pogodbenic, ki so bile na zasedanju navzoče in so glasovale.

4. Sprejeto spremembo pošlje depozitar vsem pogodbenicam v ratifikacijo, sprejetje ali odobritev.

5. O ratifikaciji, sprejetju ali odobritvi spremembe je treba pisno uradno obvestiti depozitarja. Sprememba, ki je bila sprejeta v skladu s tretjim odstavkom, začne veljati za pogodbenice, ki so izrazile soglasje, da jih konvencija zavezuje, devetdeseti dan po dnevu, ko je najmanj tri četrtine pogodbenic deponiralo svoje listine o ratifikaciji, sprejetju ali odobritvi. Pozneje začne sprememba veljati za vsako drugo pogodbenico devetdeseti dan po dnevu, ko je ta pogodbenica deponirala svojo listino o ratifikaciji, sprejetju ali odobritvi spremembe.

27. člen

Sprejem in sprememba prilog

1. Priloge k tej konvenciji so njen neločljivi sestavni del in če ni izrecno drugače določeno, pomeni sklicevanje na to konvencijo hkrati tudi sklicevanje na vse njene priloge.

2. Dodatne priloge, ki se sprejmejo po začetku veljavnosti konvencije, so omejene na postopkovne, znanstvene, tehnične ali upravne zadeve.

3. Za predlaganje, sprejem in začetek veljavnosti dodatnih prilog k tej konvenciji se uporablja naslednji postopek:

(a) dodatne priloge se predlagajo in sprejmejo v skladu s postopkom, ki je določen v prvem do tretjem odstavku 26. člena;

(b) Any Party that is unable to accept an additional annex shall so notify the Depositary, in writing, within one year from the date of communication by the Depositary of the adoption of such annex. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time notify the Depositary, in writing, that it withdraws a previous notification of nonacceptance in respect of an additional annex, and the annex shall thereupon enter into force for that Party subject to subparagraph (c); and

(c) On the expiry of one year from the date of the communication by the Depositary of the adoption of an additional annex, the annex shall enter into force for all Parties that have not submitted a notification of non-acceptance in accordance with the provisions of subparagraph (b).

4. The proposal, adoption and entry into force of amendments to annexes to this Convention shall be subject to the same procedures as for the proposal, adoption and entry into force of additional annexes to the Convention, except that an amendment to an annex shall not enter into force with regard to any Party that has made a declaration with regard to amendment of annexes in accordance with paragraph 5 of Article 30, in which case any such amendment shall enter into force for such a Party on the ninetieth day after the date it has deposited with the Depositary its instrument of ratification, acceptance, approval or accession with respect to such amendment.

5. If an additional annex or an amendment to an annex is related to an amendment to this Convention, the additional annex or amendment shall not enter into force until such time as the amendment to the Convention enters into force.

Article 28

Right to vote

1. Each Party to this Convention shall have one vote, except as provided for in paragraph 2.

2. A regional economic integration organization, on matters within its competence, shall exercise its right to vote with a number of votes equal to the number of its member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa.

Article 29

Signature

This Convention shall be opened for signature at Kumamoto, Japan, by all States and regional economic integration organizations on 10 and 11 October 2013, and thereafter at the United Nations Headquarters in New York until 9 October 2014.

Article 30

Ratification, acceptance, approval or accession

1. This Convention shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. It shall be open for accession by States and by regional economic integration organizations from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

2. Any regional economic integration organization that becomes a Party to this Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to this Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

(b) pogodbenica, ki ne more sprejeti dodatne priloge, o tem pisno uradno obvesti depozitarja v enem letu po dnevu, ko jo je depozitar seznanil, da je bila sprejeta taka priloga. Depozitar nemudoma obvesti vse pogodbenice o prejetju takega uradnega obvestila. Pogodbenica lahko kadar koli pisno uradno obvesti depozitarja, da umika prejšnje uradno obvestilo o nesprejetju dodatne priloge in nato začne za tako pogodbenico priloga veljati po pogojih iz pododstavka (c), in

(c) ob izteku enega leta od dneva, ko je depozitar seznanil pogodbenice, da je bila sprejeta dodatna priloga, začne ta dodatna priloga veljati za vse pogodbenice, ki niso predložile uradnega obvestila o nesprejetju v skladu z določbami pododstavka (b).

4. Za predlaganje, sprejem in začetek veljavnosti sprememb prilog k tej konvenciji veljajo enaki postopki kakor za predlaganje, sprejem in začetek veljavnosti dodatnih prilog k tej konvenciji, razen da sprememba priloge ne začne veljati za pogodbenico, ki je dala izjavo o spremembi prilog v skladu s petim odstavkom 30. člena. V takem primeru začne sprememba za tako pogodbenico veljati devetdeseti dan po dnevu, ko je ta pogodbenica deponirala svojo listino o ratifikaciji, sprejetju, odobritvi spremembe ali pristopu k njej.

5. Če je dodatna priloga ali sprememba priloge povezana s spremembo te konvencije, dodatna priloga ali sprememba ne sme začeti veljati, dokler ne začne veljati sprememba konvencije.

28. člen

Pravica do glasovanja

1. Vsaka pogodbenica konvencije ima en glas, razen kakor je določeno v drugem odstavku.

2. Organizacija za regionalno gospodarsko povezovanje lahko o zadevah, ki so v njeni pristojnosti, uresničuje pravico do glasovanja s številom glasov, ki je enako številu njenih držav članic, ki so pogodbenice te konvencije. Taka organizacija ne sme uveljavljati svoje pravice do glasovanja, če katera koli od njenih držav članic sama uresničuje svojo pravico do glasovanja, in nasprotno.

29. člen

Podpis

Ta konvencija je na voljo za podpis vsem državam in organizacijam za regionalno gospodarsko povezovanje v Kumamotu na Japonskem 10. in 11. oktobra 2013, potem pa na sedežu Združenih narodov v New Yorku do 9. oktobra 2014.

30. člen

Ratifikacija, sprejetje, odobritev ali pristop

1. To konvencijo države in organizacije za regionalno gospodarsko povezovanje ratificirajo, sprejmejo ali odobrijo. Za pristop je državam in regionalnim organizacijam za gospodarsko povezovanje na voljo od dneva, ko je končano podpisovanje Konvencije. Listine o ratifikaciji, sprejetju, odobritvi ali pristopu se hranijo pri depozitarju.

2. Vsako organizacijo za regionalno gospodarsko povezovanje, ki postane pogodbenica te konvencije, ne da bi bila pogodbenica katera koli od njenih držav članic, zavezujejo vse obveznosti po tej konvenciji. Kadar je pri takih organizacijah ena ali več njenih držav članic pogodbenica te konvencije, organizacija in njene države članice določijo ustrezno razmejitev odgovornosti za izpolnjevanje obveznosti po tej konvenciji. V takih primerih organizacija in države članice niso upravičene sočasno uresničevati svojih pravic po tej konvenciji.

3. In its instrument of ratification, acceptance, approval or accession, a regional economic integration organization shall declare the extent of its competence in respect of the matters governed by this Convention. Any such organization shall also inform the Depositary, who shall in turn inform the Parties, of any relevant modification of the extent of its competence.

4. Each State or regional economic integration organization is encouraged to transmit to the Secretariat at the time of its ratification, acceptance, approval or accession of the Convention information on its measures to implement the Convention.

5. In its instrument of ratification, acceptance, approval or accession, any Party may declare that, with regard to it, any amendment to an annex shall enter into force only upon the deposit of its instrument of ratification, acceptance, approval or accession with respect thereto.

Article 31

Entry into force

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession.

2. For each State or regional economic integration organization that ratifies, accepts or approves this Convention or accedes thereto after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.

3. For the purposes of paragraphs 1 and 2, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of that organization.

Article 32

Reservations

No reservations may be made to this Convention.

Article 33

Withdrawal

1. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

Article 34

Depositary

The Secretary-General of the United Nations shall be the Depositary of this Convention.

Article 35

Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Depositary.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done at Kumamoto, Japan, on this tenth day of October, two thousand and thirteen.

3. V svoji listini o ratifikaciji, sprejetju, odobritvi ali pristopu organizacija za regionalno gospodarsko povezovanje izjavi, kakšen je obseg njenih pristojnosti za zadeve, ki jih ureja ta konvencija. Vsaka taka organizacija o tem tudi obvesti depozitarja, ki obvesti pogodbenice o vseh pomembnih spremembah, ki so v njeni pristojnosti.

4. Vse države ali organizacije za regionalno gospodarsko povezovanje so pozvane, da ob ratifikaciji, sprejetju, odobritvi ali pristopu sporočijo sekretariatu podatke o ukrepih za izvajanje Konvencije.

5. V svoji listini o ratifikaciji, sprejetju, odobritvi ali pristopu lahko vsaka pogodbenica izjavi, da zanjo začne veljati sprememba prilog šele po tem, ko pogodbenica deponira svojo listino o ratifikaciji, sprejetju, odobritvi spremembe ali pristopu k njej.

31. člen

Začetek veljavnosti

1. Ta konvencija začne veljati devetdeseti dan po dnevu deponiranja petdesete listine o ratifikaciji, sprejetju, odobritvi ali pristopu.

2. Za vsako državo ali organizacijo za regionalno gospodarsko povezovanje, ki to konvencijo ratificira, sprejme ali odobri ali k njej pristopi po deponiranju petdesete listine o ratifikaciji, sprejetju, odobritvi ali pristopu, začne Konvencija veljati devetdeseti dan, potem ko je ta država ali organizacija za regionalno gospodarsko povezovanje deponirala svojo listino o ratifikaciji, sprejetju, odobritvi ali pristopu.

3. Za namen prvega in drugega odstavka tega člena se nobena listina, ki jo je deponirala regionalna organizacija za gospodarsko povezovanje, ne šteje kot dodatna listina k tistim, ki so jih deponirale države članice take organizacije.

32. člen

Pridržki

K tej konvenciji pridržki niso dopustni.

33. člen

Odpoved

1. Kadar koli po treh letih od dneva, ko je ta konvencija začela veljati za določeno pogodbenico, lahko ta pogodbenica Konvencijo odpove s pisnim uradnim obvestilom depozitarju.

2. Vsaka taka odpoved začne veljati po izteku enega leta od dne, ko je depozitar prejel obvestilo o odpovedi, ali pozneje na dan, ki je lahko določen v obvestilu o odpovedi.

34. člen

Depozitar

Depozitar te konvencije je generalni sekretar Združenih narodov.

35. člen

Verodostojna besedila

Izvirnik te konvencije, katerega angleško, arabsko, francosko, kitajsko, rusko in špansko besedilo je enako verodostojno, je shranjen pri depozitarju.

V POTRDITEV TEGA so podpisani, ki so bili za to ustrezno pooblaščeni, podpisali to konvencijo.

Sestavljeno v Kumamotu, Japonska, desetega oktobra dva tisoč trinajst.

ANNEX A

Mercury-added products

The following products are excluded from this Annex:

(a) Products essential for civil protection and military uses;
(b) Products for research, calibration of instrumentation, for use as reference standard;
(c) Where no feasible mercury-free alternative for replacement is available, switches and relays, cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for electronic displays, and measuring devices;
(d) Products used in traditional or religious practices; and
(e) Vaccines containing thiomersal as preservatives.

Part I: Products subject to Article 4, paragraph 1

Mercury-added products	**Date after which the manufacture, import or export of the product shall not be allowed (phase-out date)**
Batteries, except for button zinc silver oxide batteries with a mercury content < 2 % and button zinc air batteries with a mercury content < 2 %	2020
Switches and relays, except very high accuracy capacitance and loss measurement bridges and high frequency radio frequency switches and relays in monitoring and control instruments with a maximum mercury content of 20 mg per bridge, switch or relay	2020
Compact fluorescent lamps (CFLs) for general lighting purposes that are ≤ 30 watts with a mercury content exceeding 5 mg per lamp burner	2020
Linear fluorescent lamps (LFLs) for general lighting purposes: (a) Triband phosphor < 60 watts with a mercury content exceeding 5 mg per lamp; (b) Halophosphate phosphor ≤ 40 watts with a mercury content exceeding 10 mg per lamp	2020
High pressure mercury vapour lamps (HPMV) for general lighting purposes	2020
Mercury in cold cathode fluorescent lamps and external electrode fluorescent lamps (CCFL and EEFL) for electronic displays: (a) short length (≤ 500 mm) with mercury content exceeding 3.5 mg per lamp (b) medium length (> 500 mm and ≤ 1 500 mm) with mercury content exceeding 5 mg per lamp (c) long length (> 1 500 mm) with mercury content exceeding 13 mg per lamp	2020
Cosmetics (with mercury content above 1ppm), including skin lightening soaps and creams, and not including eye area cosmetics where mercury is used as a preservative and no effective and safe substitute preservatives are available1/	2020
Pesticides, biocides and topical antiseptics	2020

Mercury-added products	**Date after which the manufacture, import or export of the product shall not be allowed (phase-out date)**
The following non-electronic measuring devices except non-electronic measuring devices installed in large-scale equipment or those used for high precision measurement, where no suitable mercury-free alternative is available: (a) barometers; (b) hygrometers; (c) manometers; (d) thermometers; (e) sphygmomanometers	2020

[1/] The intention is not to cover cosmetics, soaps or creams with trace contaminants of mercury.

Part II: Products subject to Article 4, paragraph 3

Mercury-added products	Provisions
Dental amalgam	Measures to be taken by a Party to phase down the use of dental amalgam shall take into account the Party's domestic circumstances and relevant international guidance and shall include two or more of the measures from the following list: (i) Setting national objectives aiming at dental caries prevention and health promotion, thereby minimizing the need for dental restoration; (ii) Setting national objectives aiming at minimizing its use; (iii) Promoting the use of cost-effective and clinically effective mercury-free alternatives for dental restoration; (iv) Promoting research and development of quality mercury-free materials for dental restoration; (v) Encouraging representative professional organizations and dental schools to educate and train dental professionals and students on the use of mercury-free dental restoration alternatives and on promoting best management practices; (vi) Discouraging insurance policies and programmes that favour dental amalgam use over mercury-free dental restoration; (vii) Encouraging insurance policies and programmes that favour the use of quality alternatives to dental amalgam for dental restoration; (viii) Restricting the use of dental amalgam to its encapsulated form; (ix) Promoting the use of best environmental practices in dental facilities to reduce releases of mercury and mercury compounds to water and land.

ANNEX B

Manufacturing processes in which mercury or mercury compounds are used

Part I: Processes subject to Article 5, paragraph 2

Manufacturing processes using mercury or mercury compounds	Phase-out date
Chlor-alkali production	2025
Acetaldehyde production in which mercury or mercury compounds are used as a catalyst	2018

Part II: Processes subject to Article 5, paragraph 3

Mercury using process	Provisions
Vinyl chloride monomer production	Measures to be taken by the Parties shall include but not be limited to**:** (i) Reduce the use of mercury in terms of per unit production by 50 per cent by the year 2020 against 2010 use; (ii) Promoting measures to reduce the reliance on mercury from primary mining; (iii) Taking measures to reduce emissions and releases of mercury to the environment; (iv) Supporting research and development in respect of mercury-free catalysts and processes; (v) Not allowing the use of mercury five years after the Conference of the Parties has established that mercury-free catalysts based on existing processes have become technically and economically feasible; (vi) Reporting to the Conference of the Parties on its efforts to develop and/or identify alternatives and phase out mercury use in accordance with Article 21.
Sodium or Potassium Methylate or Ethylate	Measures to be taken by the Parties shall include but not be limited to: (i) Measures to reduce the use of mercury aiming at the phase out of this use as fast as possible and within 10 years of the entry into force of the Convention; (ii) Reduce emissions and releases in terms of per unit production by 50 per cent by 2020 compared to 2010; (iii) Prohibiting the use of fresh mercury from primary mining; (iv) Supporting research and development in respect of mercury-free processes; (v) Not allowing the use of mercury five years after the Conference of the Parties has established that mercury-free processes have become technically and economically feasible; (vi) Reporting to the Conference of the Parties on its efforts to develop and/or identify alternatives and phase out mercury use in accordance with Article 21.
Production of polyurethane using mercury containing catalysts	Measures to be taken by the Parties shall include but not be limited to: (i) Taking measures to reduce the use of mercury, aiming at the phase out of this use as fast as possible, within 10 years of the entry into force of the Convention; (ii) Taking measures to reduce the reliance on mercury from primary mercury mining; (iii) Taking measures to reduce emissions and releases

	of mercury to the environment; (iv) Encouraging research and development in respect of mercury-free catalysts and processes; (v) Reporting to the Conference of the Parties on its efforts to develop and/or identify alternatives and phase out mercury use in accordance with Article 21. Paragraph 6 of Article 5 shall not apply to this manufacturing process.

ANNEX C

Artisanal and small-scale gold mining
National action plans

1. Each Party that is subject to the provisions of paragraph 3 of Article 7 shall include in its national action plan:

(a) National objectives and reduction targets;

(b) Actions to eliminate:

(i) Whole ore amalgamation;

(ii) Open burning of amalgam or processed amalgam;

(iii) Burning of amalgam in residential areas; and

(iv) Cyanide leaching in sediment, ore or tailings to which mercury has been added without first removing the mercury;

(c) Steps to facilitate the formalization or regulation of the artisanal and small-scale gold mining sector;

(d) Baseline estimates of the quantities of mercury used and the practices employed in artisanal and small-scale gold mining and processing within its territory;

(e) Strategies for promoting the reduction of emissions and releases of, and exposure to, mercury in artisanal and small-scale gold mining and processing, including mercury-free methods;

(f) Strategies for managing trade and preventing the diversion of mercury and mercury compounds from both foreign and domestic sources to use in artisanal and small scale gold mining and processing;

(g) Strategies for involving stakeholders in the implementation and continuing development of the national action plan;

(h) A public health strategy on the exposure of artisanal and small-scale gold miners and their communities to mercury. Such a strategy should include, inter alia, the gathering of health data, training for health-care workers and awareness-raising through health facilities;

(i) Strategies to prevent the exposure of vulnerable populations, particularly children and women of child-bearing age, especially pregnant women, to mercury used in artisanal and small-scale gold mining;

(j) Strategies for providing information to artisanal and small-scale gold miners and affected communities; and

(k) A schedule for the implementation of the national action plan.

2. Each Party may include in its national action plan additional strategies to achieve its objectives, including the use or introduction of standards for mercury-free artisanal and small-scale gold mining and market-based mechanisms or marketing tools.

ANNEX D

List of point sources of emissions of mercury and mercury compounds to the atmosphere

Point source category:

Coal-fired power plants;
Coal-fired industrial boilers;
Smelting and roasting processes used in the production of non-ferrous metals;[1/]
Waste incineration facilities;
Cement clinker production facilities.

_____

[1/] For the purpose of this Annex, "non-ferrous metals" refers to lead, zinc, copper and industrial gold.

ANNEX E

Arbitration and conciliation procedures

Part I: Arbitration procedure

The arbitration procedure for purposes of paragraph 2 (a) of Article 25 of this Convention shall be as follows:

Article 1

1. A Party may initiate recourse to arbitration in accordance with Article 25 of this Convention by written notification addressed to the other party or parties to the dispute. The notification shall be accompanied by a statement of claim, together with any supporting documents. Such notification shall state the subject matter of arbitration and include, in particular, the Articles of this Convention the interpretation or application of which are at issue.

2. The claimant party shall notify the Secretariat that it is referring a dispute to arbitration pursuant to Article 25 of this Convention. The notification shall be accompanied by the written notification of the claimant party, the statement of claim, and the supporting documents referred to in paragraph 1 above. The Secretariat shall forward the information thus received to all Parties.

Article 2

1. If a dispute is referred to arbitration in accordance with Article 1 above, an arbitral tribunal shall be established. It shall consist of three members.

2. Each party to the dispute shall appoint an arbitrator, and the two arbitrators so appointed shall designate by agreement the third arbitrator, who shall be the President of the tribunal. In disputes between more than two parties, parties in the same interest shall appoint one arbitrator jointly by agreement. The President of the tribunal shall not be a national of any of the parties to the dispute, nor have his or her usual place of residence in the territory of any of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

3. Any vacancy shall be filled in the manner prescribed for the initial appointment.

Article 3

1. If one of the parties to the dispute does not appoint an arbitrator within two months of the date on which the respondent party receives the notification of the arbitration, the other party may inform the Secretary-General of the United Nations, who shall make the designation within a further two-month period.

2. If the President of the arbitral tribunal has not been designated within two months of the date of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of a party, designate the President within a further two-month period.

Article 4

The arbitral tribunal shall render its decisions in accordance with the provisions of this Convention and international law.

Article 5

Unless the parties to the dispute otherwise agree, the arbitral tribunal shall determine its own rules of procedure.

Article 6

The arbitral tribunal may, at the request of one of the parties to the dispute, recommend essential interim measures of protection.

Article 7

The parties to the dispute shall facilitate the work of the arbitral tribunal and, in particular, using all means at their disposal, shall:

(a) Provide it with all relevant documents, information and facilities; and

(b) Enable it, when necessary, to call witnesses or experts and receive their evidence.

Article 8

The parties to the dispute and the arbitrators are under an obligation to protect the confidentiality of any information or documents that they receive in confidence during the proceedings of the arbitral tribunal.

Article 9

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the costs of the tribunal shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its costs and shall furnish a final statement thereof to the parties.

Article 10

A Party that has an interest of a legal nature in the subject matter of the dispute that may be affected by the decision may intervene in the proceedings with the consent of the arbitral tribunal.

Article 11

The arbitral tribunal may hear and determine counterclaims arising directly out of the subject matter of the dispute.

Article 12

Decisions of the arbitral tribunal on both procedure and substance shall be taken by a majority vote of its members.

Article 13

1. If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal to continue the proceedings and to

make its decision. Absence of a party or a failure of a party to defend its case shall not constitute a bar to the proceedings.

2. Before rendering its final decision, the arbitral tribunal must satisfy itself that the claim is well founded in fact and law.

Article 14

The arbitral tribunal shall render its final decision within five months of the date on which it is fully constituted, unless it finds it necessary to extend the time limit for a period that should not exceed five more months.

Article 15

The final decision of the arbitral tribunal shall be confined to the subject matter of the dispute and shall state the reasons on which it is based. It shall contain the names of the members who have participated and the date of the final decision. Any member of the tribunal may attach a separate or dissenting opinion to the final decision.

Article 16

The final decision shall be binding on the parties to the dispute. The interpretation of this Convention given by the final decision shall also be binding upon a Party intervening under Article 10 above insofar as it relates to matters in respect of which that Party intervened. The final decision shall be without appeal unless the parties to the dispute have agreed in advance to an appellate procedure.

Article 17

Any disagreement that may arise between those bound by the final decision in accordance with Article 16 above, as regards the interpretation or manner of implementation of that final decision, may be submitted by any of them for decision to the arbitral tribunal that rendered it.

Part II: Conciliation procedure

The conciliation procedure for purposes of paragraph 6 of Article 25 of this Convention shall be as follows:

Article 1

A request by a party to a dispute to establish a conciliation commission pursuant to paragraph 6 of Article 25 of this Convention shall be addressed in writing to the Secretariat, with a copy to the other party or parties to the dispute. The Secretariat shall forthwith inform all Parties accordingly.

Article 2

1. The conciliation commission shall, unless the parties to the dispute otherwise agree, comprise three members, one appointed by each party concerned and a President chosen jointly by those members.

2. In disputes between more than two parties, parties in the same interest shall appoint their member of the commission jointly by agreement.

Article 3

If any appointment by the parties to the dispute is not made within two months of the date of receipt by the Secretariat of the written request referred to in Article 1 above, the Secretary-General of the United Nations shall, upon request by any party, make such appointment within a further two-month period.

Article 4

If the President of the conciliation commission has not been chosen within two months of the appointment of the second member of the commission, the Secretary-General of the United Nations shall, upon request by any party to the dispute, designate the President within a further two-month period.

Article 5

The conciliation commission shall assist the parties to the dispute in an independent and impartial manner in their attempt to reach an amicable resolution.

Article 6

1. The conciliation commission may conduct the conciliation proceedings in such a manner as it considers appropriate, taking fully into account the circumstances of the case and the views the parties to the dispute may express, including any request for a swift resolution. It may adopt its own rules of procedure as necessary, unless the parties otherwise agree.

2. The conciliation commission may, at any time during the proceedings, make proposals or recommendations for a resolution of the dispute.

Article 7

The parties to the dispute shall cooperate with the conciliation commission. In particular, they shall endeavour to comply with requests by the commission to submit written materials, provide evidence and attend meetings. The parties and the members of the conciliation commission are under an obligation to protect the confidentiality of any information or documents they receive in confidence during the proceedings of the commission.

Article 8

The conciliation commission shall take its decisions by a majority vote of its members.

Article 9

Unless the dispute has already been resolved, the conciliation commission shall render a report with recommendations for resolution of the dispute no later than twelve months of being fully constituted, which the parties to the dispute shall consider in good faith.

Article 10

Any disagreement as to whether the conciliation commission has competence to consider a matter referred to it shall be decided by the commission.

Article 11

The costs of the conciliation commission shall be borne by the parties to the dispute in equal shares, unless they agree otherwise. The commission shall keep a record of all its costs and shall furnish a final statement thereof to the parties.

PRILOGA A

Proizvodi z dodanim živim srebrom

V to prilogo ne spadajo naslednji proizvodi:
(a) proizvodi, ki so bistveni za uporabo za civilno zaščito in vojaško rabo;
(b) proizvodi za raziskave, umerjanje instrumentov, za uporabo kot referenčni standard;
(c) če ni mogočega nadomestka brez živega srebra, stikala in releji, hladne katodne fluorescentne sijalke in fluorescentne sijalke z zunanjo katodo (CCFL in EEFL) za elektronske zaslone ter merilne naprave,
(d) proizvodi, ki se uporabljajo pri tradicionalnih ali verskih obredih, in
(e) cepiva, v katerih je kot konzervans uporabljen tiomersal.

I. del: Proizvodi, ki jih ureja prvi odstavek 4. člena

Proizvodi z dodanim živim srebrom	**Dan, po katerem niso dovoljeni proizvodnja, uvoz ali izvoz proizvoda (datum opustitve)**
baterije, razen cink-srebro-oksidnih gumbnih baterij z vsebnostjo živega srebra < 2 % in cink-zrak gumbnih baterij z vsebnostjo živega srebra < 2 %	2020
stikala in releji, razen mostičkov z zelo natančno merljivostjo kapacitete in izgub ter visokofrekvenčnih stikal in relejev za radijske frekvence v instrumentih za spremljanje in nadzor z najvišjo vsebnostjo živega srebra 20 mg na mostiček, stikalo ali rele	2020
kompaktne fluorescentne sijalke (CFL) za splošno razsvetljavo ≤ 30 wattov z vsebnostjo živega srebra več kakor 5 mg na razelektritveno cevko	2020
linearne fluorescentne sijalke (LFL) za splošno razsvetljavo: (a) tripasovne fosforne < 60 wattov z vsebnostjo živega srebra nad 5 mg na sijalko, (b) halofosfatne fosforne ≤ 40 wattov z vsebnostjo živega srebra nad 10 mg na sijalko	2020
visokotlačne živosrebrove sijalke (HPMV) za splošno razsvetljavo	2020
živo srebro v fluorescentnih sijalkah s hladno katodo in fluorescentnih sijalkah z zunanjo elektrodo (CCFL in EEFL) za elektronske zaslone: (a) kratke (≤ 500 mm) z vsebnostjo živega srebra nad 3,5 mg na sijalko, (b) srednje dolge (> 500 mm in ≤ 1500 mm) z vsebnostjo živega srebra nad 5 mg na sijalko, (c) dolge (> 1500 mm) z vsebnostjo živega srebra nad 13 mg na sijalko	2020
kozmetični izdelki (z vsebnostjo živega srebra nad 1 ppm), vključno mila in kreme za posvetlitev kože, brez kozmetičnih preparatov za okrog oči, v katerih je živo srebro uporabljeno kot konzervans in ni na voljo učinkovitega in varnega nadomestnega konzervansa[1/]	2020
pesticidi, biocidi in lokalni antiseptiki	2020

Proizvodi z dodanim živim srebrom	**Dan, po katerem niso dovoljeni proizvodnja, uvoz ali izvoz proizvoda (datum opustitve)**
neelektoronski merilniki, razen neelektronski merilniki, vgrajeni v velike naprave, ali merilniki, ki se uporabljajo za precizna merjenja, kjer ni na voljo ustrezne nadomestne rešitve brez živega srebra: (a) barometri, (b) higrometri, (c) manometri, (d) termometri, (e) merilniki krvnega tlaka.	2020

[1/] Namen tega je, da niso zajeti kozmetični izdelki, mila ali kreme, ki vsebujejo živo srebro kot onesnaževalo v sledeh.

II. del: Proizvodi, ki jih ureja tretji odstavek 4. člena

Proizvodi z dodanim živim srebrom	**Določbe**
zobni amalgam	Ukrepe za opustitev uporabe zobnega amalgama sprejme pogodbenica ob upoštevanju domačih razmer in upoštevnih mednarodnih smernic, zajemati pa morajo dva ali več ukrepov z naslednjega seznama: (i) določitev državnih ciljev za preprečevanje zobne gnilobe in spodbujanje zdravja, da se čim bolj omeji potreba za popravilo zob, (ii) določitev državnih ciljev za zmanjševanje njegove uporabe, (iii) spodbujanje uporabe stroškovno in klinično učinkovitih nadomestnih rešitev brez živega srebra za popravilo zob, (iv) spodbujanje raziskav in razvoja kakovostnih materialov brez živega srebra za popravilo zob, (v) spodbujanje predstavnikov poklicnih organizacij in zobozdravstvenih šol, da izobražujejo in usposabljajo zobozdravstvene delavce in študente o uporabi nadomestnih materialov brez živega srebra za popravilo zob in da spodbujajo najboljše upravljavske prakse, (vi) odsvetovanje zavarovalnih polic in programov, ki pri popravljanju zob dajejo prednost uporabi amalgama pred materiali brez živega srebra, (vii) spodbujanje zavarovalnih polic in programov, ki pri popravljanju zob dajejo prednost materialom brez živega srebra pred amalgamom, (viii) omejevanje uporabe amalgama v inkapsulirani obliki, (ix) spodbujanje uporabe najboljših okoljskih praks v zobozdravstvenih ustanovah za zmanjšanje izpustov živega srebra in živosrebrovih spojin v vodo in zemljo.

PRILOGA B

Proizvodni postopki, v katerih se uporabljajo živo srebro ali živosrebrove spojine

I. del: Postopki, ki jih ureja drugi odstavek 5. člena

Proizvodni postopki, v katerih se uporabljajo živo srebro ali živosrebrove spojine	**Datum opustitve**
klor-alkalna proizvodnja	2025
proizvodnja acetaldehida, pri kateri se kot katalizator uporablja živo srebro ali živosrebrove spojine	2018

II. del: Postopki, ki jih ureja tretji odstavek 5. člena

Postopki, pri katerih se uporablja živo srebro	**Določbe**
proizvodnja vinilklorid monomera	Ukrepi, ki jih morajo sprejeti pogodbenice, zajemajo, vendar niso omejeni na: (i) zmanjševanje rabe živega srebra na enoto proizvodnje do 2020 za 50 odstotkov glede na 2010, (ii) spodbujanje ukrepov za zmanjševanje odvisnosti od živega srebra iz primarnega izkopa, (iii) sprejetje ukrepov za zmanjševanje izpustov živega srebra v okolje, (iv) podpiranje raziskav in razvoja pri katalizatorjih in postopkih brez živega srebra, (v) prepoved uporabe živega srebra pet let po tem, ko je konferenca pogodbenic ugotovila, da so katalizatorji brez živega srebra na podlagi obstoječih postopkov tehnično in gospodarsko mogoči, (vi) poročanje konferenci pogodbenic o prizadevanjih za razvoj in/ali odkrivanje nadomestnih rešitev in za opustitev uporabe živega srebra v skladu z 21. členom.
natrijev ali kalijev metilat ali etilat	Ukrepi, ki jih morajo sprejeti pogodbenice, zajemajo, vendar niso omejeni na: (i) ukrepe za zmanjševanje uporabe živega srebra z namenom čim hitrejše opustitve njegove uporabe, najpozneje pa v desetih letih po začetku veljavnosti te konvencije, (ii) zmanjšanje izpustov v zrak, zemljo ali vodo na enoto proizvodnje do 2020 za 50 odstotkov glede na 2010, (iii) prepoved uporabe svežega živega srebra iz primarnega izkopa, (iv) podpiranje raziskav in razvoja pri postopkih brez živega srebra, (v) prepoved uporabe živega srebra pet let po tem, ko je konferenca pogodbenic ugotovila, da so postopki brez živega srebra tehnično in gospodarsko izvedljivi, (vi) poročanje konferenci pogodbenic o prizadevanjih za razvoj in/ali odkrivanje nadomestnih rešitev in za opustitev uporabe živega srebra v skladu z 21. členom.
proizvodnja poliuretana, pri kateri se uporabljajo katalizatorji, ki vsebujejo živo srebro	Ukrepi, ki jih morajo sprejeti pogodbenice, zajemajo, vendar niso omejeni na: (i) ukrepe za zmanjševanje uporabe živega srebra z namenom čim hitrejše opustitve njegove uporabe, najpozneje pa v desetih letih po začetku veljavnosti te konvencije, (ii) sprejetje ukrepov za zmanjševanje odvisnosti od živega srebra iz primarnega izkopa, (iii) sprejetje ukrepov za zmanjševanje izpustov živega srebra v okolje,

	(iv) spodbujanje raziskav in razvoja pri katalizatorjih in postopkih brez živega srebra, (v) poročanje konferenci pogodbenic o prizadevanjih za razvoj in/ali odkrivanje nadomestnih rešitev in za opustitev uporabe živega srebra v skladu z 21. členom. Šesti odstavek 5. člena se za ta proizvodni postopek ne uporablja.

PRILOGA C

Obrtniško kopanje zlata in kopanje zlata v majhnem obsegu

Državni akcijski načrti

1. Vsaka pogodbenica, za katero veljajo določbe tretjega odstavka 7. člena, vključi v svoj državni akcijski načrt:

(a) državne cilje in cilje za zmanjševanje,

(b) dejavnosti za ukinitev:

(i) amalgamiranja rude;

(ii) žganja amalgama ali predelanega amalgama na prostem;

(iii) žganje amalgama v stanovanjskih območjih in

(iv) luženje usedlin, rude ali jalovine, ki jim je bilo dodano živo srebro, ne da bi bilo to živo srebro prej odstranjeno, s cianidom,

(c) ukrepe za olajšanje formalno-pravne ureditve sektorja obrtniškega kopanja zlata in kopanja zlata v majhnem obsegu,

(d) izhodiščne ocene količin uporabljenega živega srebra in praks, ki se na njenem ozemlju uporabljajo pri obrtniškem kopanju in pridobivanju zlata v majhnem obsegu,

(e) strategije za spodbujanje zmanjševanja izpustov živega srebra v zrak, zemljo ali vodo ter zmanjševanja izpostavljenosti živemu srebru pri obrtniškem kopanju zlata in kopanju zlata v majhnem obsegu, vključno za spodbujanje načinov brez živega srebra,

(f) strategije za trgovanje in preprečevanje preusmeritve živega srebra in živosrebrovih spojin iz tujih in domačih virov za uporabo v dejavnosti obrtniškega kopanja in pridobivanja zlata v majhnem obsegu,

(g) strategije za vključevanje deležnikov v izvajanje in nenehno razvijanje državnega akcijskega načrta,

(h) strategijo javnega zdravja za obvladovanje izpostavljenosti malih in obrtniških zlatokopov in njihovih skupnosti živemu srebru. Taka strategija med drugim predvideva zbiranje zdravstvenih podatkov, usposabljanje zdravstvenih delavcev in ozaveščanje prek zdravstvenih ustanov,

(i) strategije za preprečevanje izpostavljenosti ranljivih skupin prebivalstva, zlasti otrok in žensk v rodni dobi, predvsem nosečih žensk, živemu srebru pri obrtniškem kopanju zlata in kopanju zlata v majhnem obsegu,

(j) strategije za informiranje obrtniških in malih zlatokopov ter prizadetih skupnosti in

(k) časovni načrt za izvedbo državnega akcijskega načrta.

2. Vsaka pogodbenica lahko v svoj državni akcijski načrt vključi dodatne strategije za doseganje svojih ciljev, tudi uporabo ali uvedbo standardov za obrtniško kopanje zlata in kopanje zlata v majhnem obsegu brez živega srebra ter tržne mehanizme ali orodja za trženje.

PRILOGA D

Seznam točkovnih virov izpustov živega srebra in živosrebrovih spojin v ozračje

Kategorija točkovnih virov:

termoelektrarne na premog,
industrijske kotlovnice na premog,
postopki taljenja in žganja pri proizvodnji neželezovih kovin[1/],
sežigalnice odpadkov,
obrati za proizvodnjo cementnega klinkerja.

_____

[1/] V tej prilogi so „neželezove kovine“ svinec, cink, baker in industrijsko zlato.

PRILOGA E

Arbitražni in spravni postopki

I. del: Arbitražni postopek

Arbitražni postopek iz točke (a) drugega odstavka 25. člena te konvencije je naslednji:

1. člen

1. Pogodbenica se lahko zateče k arbitraži v skladu s 25. členom te konvencije s pisnim obvestilom, naslovljenim na drugo stranko ali druge stranke v sporu. K obvestilu mora biti priložen tožbeni predlog skupaj z vsemi spremljajočimi dokumenti. V takem uradnem obvestilu naj bodo navedeni predmet arbitraže in predvsem členi te konvencije, katerih razlaga ali uporaba je sporna.

2. Tožeča stranka uradno obvesti sekretariat, da spor predlaga v arbitražo v skladu s 25. členom te konvencije. Obvestilo mora zajemati pisno obvestilo tožeče stranke, tožbeni predlog in spremljajoče dokumente iz prvega odstavka. Sekretariat tako dobljene informacije pošlje vsem pogodbenicam.

2. člen

1. Če se spor predloži v arbitražo v skladu s 1. členom, se ustanovi arbitražno sodišče. Sestavljajo ga trije člani.

2. Vsaka stranka v sporu imenuje arbitra, oba tako imenovana arbitra pa sporazumno določita tretjega arbitra, ki je predsednik razsodišča. V sporih med več kakor dvema strankama stranke, ki imajo enake interese, sporazumno imenujejo enega skupnega arbitra. Predsednik arbitražnega sodišča ne sme biti državljan nobene od strank v sporu, ne sme imeti običajnega prebivališča na ozemlju nobene od teh strank, ne sme biti pri njih zaposlen, niti se ni s tem primerom kakor koli drugače ukvarjal.

3. Vsako prosto mesto se zasede po postopku, predpisanem za prvo imenovanje.

3. člen

1. Če ena od strank v sporu ne imenuje arbitra v dveh mesecih po tem, ko druga stranka prejme obvestilo o arbitraži, lahko druga stranka obvesti o tem generalnega sekretarja Združenih narodov, ki določi arbitra v naslednjih dveh mesecih.

2. Če predsednik arbitražnega sodišča ni imenovan v dveh mesecih po imenovanju drugega arbitra, ga v naslednjih dveh mesecih na zahtevo stranke določi generalni sekretar Združenih narodov.

4. člen

Arbitražno sodišče odloča v skladu z določbami te konvencije in mednarodnim pravom.

5. člen

Arbitražno sodišče sprejme svoj poslovnik, razen če se stranke v sporu ne sporazumejo drugače.

6. člen

Arbitražno sodišče lahko na zahtevo ene od strank v sporu priporoči nujne začasne zaščitne ukrepe.

7. člen

Stranke v sporu olajšujejo delo razsodišča z vsemi razpoložljivimi sredstvi in mu še posebej:
(a) zagotavljajo vso ustrezno dokumentacijo, informacije in sredstva ter
(b) omogočijo, kadar je to potrebno, povabiti priče ali strokovnjake in pridobiti njihova pričevanja.

8. člen

Stranke v sporu in arbitri morajo varovati zaupnost vseh podatkov ali dokumentov, ki jih kot zaupne prejmejo med postopkom arbitražnega sodišča.

9. člen

Razen če se razsodišče zaradi posebnih okoliščin posameznega primera ne odloči drugače, stroške za delo razsodišča poravnajo stranke v sporu v enakih deležih. Arbitražno sodišče vodi evidenco vseh svojih stroškov in strankam v sporu predloži končni obračun.

10. člen

Pogodbenica, ki ima pri predmetu spora pravni interes, na katerega lahko vpliva razrešitev primera, lahko s pristankom arbitražnega sodišča intervenira v postopku.

11. člen

Arbitražno sodišče lahko obravnava protizahtevke, ki izhajajo neposredno iz predmeta spora, in o njih odloča.

12. člen

Odločitve o postopku in vsebinskih vprašanjih arbitražnega sodišča sprejemajo njegovi člani z večino glasov.

13. člen

1. Če ena od strank v sporu ne pride pred arbitražno sodišče ali ne zagovarja svoje zadeve, lahko druga stranka od arbitražnega sodišča zahteva nadaljevanje postopka in sprejetje odločitve. Odsotnost stranke ali nezmožnost uveljavljati svoje pravice ne ustavita postopka.

2. Pred sprejetjem končne odločitve se mora arbitražno sodišče prepričati, da je tožba dobro dejansko in pravno utemeljena.

14. člen

Arbitražno sodišče sprejme končno odločitev v petih mesecih od dne, ko je bilo oblikovano v polni zasedbi, razen če ne ugotovi, da je treba to časovno omejitev podaljšati za največ nadaljnjih pet mesecev.

15. člen

Končna odločitev arbitražnega sodišča je omejena na predmet spora in navaja razloge, na katerih temelji. Vsebuje imena sodelujočih članov in datum končne odločitve. Vsak član arbitražnega sodišča lahko h končni odločitvi priloži ločeno ali nasprotno mnenje.

16. člen

Za stranki v sporu je končna odločitev zavezujoča. Razlaga konvencije, kakor je navedena v končni odločitvi, je zavezujoča tudi za pogodbenico, ki je intervenirala v postopku v skladu z 10. členom, če se nanaša na zadeve, glede katerih je ta pogodbenica intervenirala. Pritožba zoper končno odločitev ni mogoča, razen če se stranke v sporu vnaprej ne dogovorijo o pritožbenem postopku.

17. člen

Vsako nesoglasje med strankami, za katere je končna odločitev zavezujoča v skladu s 16. členom, glede razlage ali načina izvajanja končne odločitve lahko katera koli stranka predloži v odločitev arbitražnemu sodišču, ki je odločitev sprejelo.

II. del: Spravni postopek

Spravni postopek iz šestega odstavka 25. člena te konvencije je naslednji:

1. člen

Stranka v sporu naslovi zahtevo za ustanovitev spravne komisije v skladu s šestim odstavkom 25. člena te konvencije na sekretariat, kopijo pa pošlje drugi stranki ali strankam v sporu. Sekretariat o tem takoj obvesti vse pogodbenice.

2. člen

1. Spravna komisija je sestavljena iz treh članov, razen če se stranke v sporu ne dogovorijo drugače; vsaka stranka imenuje enega člana, ta člana pa izbereta predsednika.

2. Pri sporih med več kakor dvema strankama stranke, ki imajo enak interes, sporazumno imenujejo svojega člana komisije.

3. člen

Če katera izmed strank v sporu ne imenuje člana v dveh mesecih od dneva, ko je sekretariat prejel zahtevo iz 1. člena, ga v naslednjih dveh mesecih imenuje generalni sekretar Združenih narodov na prošnjo katere koli stranke.

4. člen

Če predsednik spravne komisije ni izbran v dveh mesecih od imenovanja drugega člana komisije, ga na prošnjo katere koli stranke v sporu v naslednjih dveh mesecih določi generalni sekretar Združenih narodov.

5. člen

Spravna komisija neodvisno in nepristransko pomaga strankam v sporu pri njihovem poskusu doseči prijateljsko rešitev.

6. člen

1. Spravna komisija lahko vodi spravni postopek na način, ki se ji zdi ustrezen, in pri tem v celoti upošteva okoliščine zadeve in stališča, ki jih izrazijo stranke v sporu, vključno z zahtevo po hitri rešitvi. Po potrebi lahko sprejme svoj poslovnik, razen če se stranke v sporu ne dogovorijo drugače.

2. Spravna komisija lahko kadar koli med postopkom daje predloge ali priporočila za rešitev spora.

7. člen

Stranke v sporu sodelujejo s spravno komisijo. Zlasti si prizadevajo izpolnjevati zahteve komisije glede predložitve pisnih dokumentov, zagotovitve dokazov in udeležbe na sestankih. Stranke v sporu in člani spravne komisije morajo varovati zaupnost vseh podatkov ali dokumentov, ki jih kot zaupne prejmejo med postopkom komisije.

8. člen

Spravna komisija sprejema odločitve z večino glasov svojih članov.

9. člen

Če spor še ni razrešen, spravna komisija pripravi poročilo s priporočili za rešitev spora najpozneje dvanajst mesecev po tem, ko je bila v celoti ustanovljena, ki ga stranke v sporu upoštevajo v dobri veri.

10. člen

Spravna komisija sama odloči v primeru nesoglasja glede svoje pristojnosti v zadevah, ki so ji predložene.

11. člen

Stroške spravne komisije krijejo stranke v sporu v enakih deležih, če se ne dogovorijo drugače. Spravna komisija vodi evidenco vseh svojih stroškov in strankam v sporu predloži končni obračun.

3. člen

Za izvajanje konvencije skrbi ministrstvo, pristojno za zdravje (Urad Republike Slovenije za kemikalije), v sodelovanju z ministrstvom, pristojnim za okolje.

4. člen

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

Št. 801-06/13-2/11
Ljubljana, dne 24. maja 2017
EPA 1427-VI

Državni zbor
Republike Slovenije
dr. Milan Brglez l.r.
Predsednik

33. Zakon o ratifikaciji Protokola št. 15 o spremembah Konvencije o varstvu človekovih pravic in temeljnih svoboščin (MPKVCP15)

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 št. 15 o spremembah Konvencije o varstvu človekovih pravic in temeljnih svoboščin (MPKVCP15)

Razglašam Zakon o ratifikaciji Protokola št. 15 o spremembah Konvencije o varstvu človekovih pravic in temeljnih svoboščin (MPKVCP15), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 24. maja 2017.

Št. 003-02-5/2017-14
Ljubljana, dne 1. junija 2017

Borut Pahor l.r.
Predsednik
Republike Slovenije

Z A K O N
O RATIFIKACIJI PROTOKOLA ŠT. 15 O SPREMEMBAH KONVENCIJE O VARSTVU ČLOVEKOVIH PRAVIC IN TEMELJNIH SVOBOŠČIN (MPKVCP15)

1. člen

Ratificira se Protokol št. 15 o spremembah Konvencije o varstvu človekovih pravic in temeljnih svoboščin, sklenjen v Strasbourgu 24. junija 2013.

2. člen

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

Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms

Preamble

The member States of the Council of Europe and the other High Contracting Parties to the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950 (hereinafter referred to as “the Convention”), signatory hereto,

Having regard to the declaration adopted at the High Level Conference on the Future of the European Court of Human Rights, held in Brighton on 19 and 20 April 2012, as well as the declarations adopted at the conferences held in Interlaken on 18 and 19 February 2010 and İzmir on 26 and 27 April 2011;

Having regard to Opinion No. 283 (2013) adopted by the Parliamentary Assembly of the Council of Europe on 26 April 2013;

Considering the need to ensure that the European Court of Human Rights (hereinafter referred to as “the Court”) can continue to play its pre-eminent role in protecting human rights in Europe,

Have agreed as follows:

Article 1

At the end of the preamble to the Convention, a new recital shall be added, which shall read as follows:

“Affirming that the High Contracting Parties, in accordance with the principle of subsidiarity, have the primary responsibility to secure the rights and freedoms defined in this Convention and the Protocols thereto, and that in doing so they enjoy a margin of appreciation, subject to the supervisory jurisdiction of the European Court of Human Rights established by this Convention,”.

Protokol št. 15 o spremembah Konvencije o varstvu človekovih pravic in temeljnih svoboščin

Uvod

Države članice Sveta Evrope in druge visoke pogodbenice Konvencije o varstvu človekovih pravic in temeljnih svoboščin, podpisane v Rimu 4. novembra 1950 (v nadaljnjem besedilu: konvencija), podpisnice tega protokola, so se

ob upoštevanju deklaracije, sprejete na Konferenci na visoki ravni o prihodnosti Evropskega sodišča za človekove pravice v Brightonu 19. in 20. aprila 2012, ter deklaracij, sprejetih na konferencah v Interlaknu 18. in 19. februarja 2010 ter v Izmirju 26. in 27. aprila 2011,

ob upoštevanju mnenja št. 283 (2013), ki ga je 26. aprila 2013 sprejela Parlamentarna skupščina Sveta Evrope,

glede na potrebo zagotoviti, da ima Evropsko sodišče za človekove pravice (v nadaljnjem besedilu: Sodišče) še naprej glavno vlogo pri varstvu človekovih pravic v Evropi,

dogovorile:

1. člen

Na konec uvoda konvencije se doda nova alineja, ki se glasi:

"potrjujoč, da imajo visoke pogodbenice v skladu z načelom subsidiarnosti glavno odgovornost zaščititi pravice in svoboščine, opredeljene v tej konvenciji in njenih protokolih, ter da imajo pri tem polje proste presoje pod nadzorno pristojnostjo Evropskega sodišča za človekove pravice, ustanovljenega s to konvencijo,"

Article 2

1 In Article 21 of the Convention, a new paragraph 2 shall be inserted, which shall read as follows:

"Candidates shall be less than 65 years of age at the date by which the list of three candidates has been requested by the Parliamentary Assembly, further to Article 22."

2 Paragraphs 2 and 3 of Article 21 of the Convention shall become paragraphs 3 and 4 of Article 21 respectively.

3 Paragraph 2 of Article 23 of the Convention shall be deleted. Paragraphs 3 and 4 of Article 23 shall become paragraphs 2 and 3 of Article 23 respectively.

Article 3

In Article 30 of the Convention, the words "unless one of the parties to the case objects" shall be deleted.

Article 4

In Article 35, paragraph 1 of the Convention, the words "within a period of six months" shall be replaced by the words "within a period of four months".

Article 5

In Article 35, paragraph 3, sub-paragraph b of the Convention, the words "and provided that no case may be rejected on this ground which has not been duly considered by a domestic tribunal" shall be deleted.

Final and transitional provisions

Article 6

1 This Protocol shall be open for signature by the High Contracting Parties to the Convention, which may express their consent to be bound by:

a signature without reservation as to ratification, acceptance or approval; or

b signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.

2 The instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 7

This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date on which all High Contracting Parties to the Convention have expressed their consent to be bound by the Protocol, in accordance with the provisions of Article 6.

Article 8

1 The amendments introduced by Article 2 of this Protocol shall apply only to candidates on lists submitted to the Parliamentary Assembly by the High Contracting Parties under Article 22 of the Convention after the entry into force of this Protocol.

2 The amendment introduced by Article 3 of this Protocol shall not apply to any pending case in which one of the parties has objected, prior to the date of entry into force of this Protocol, to a proposal by a Chamber of the Court to relinquish jurisdiction in favour of the Grand Chamber.

3 Article 4 of this Protocol shall enter into force following the expiration of a period of six months after the date of entry into force of this Protocol. Article 4 of this Protocol shall not apply to applications in respect of which the final decision within the meaning of Article 35, paragraph 1 of the Convention was taken prior to the date of entry into force of Article 4 of this Protocol.

4 All other provisions of this Protocol shall apply from its date of entry into force, in accordance with the provisions of Article 7.

2. člen

1. V 21. členu konvencije se doda novi drugi odstavek, ki se glasi:

"Kandidati morajo biti mlajši od 65 let na dan, do katerega Parlamentarna skupščina zahteva seznam treh kandidatov na podlagi 22. člena."

2. Drugi in tretji odstavek 21. člena konvencije postaneta tretji in četrti odstavek.

3. Drugi odstavek 23. člena konvencije se črta. Tretji in četrti odstavek 23. člena postaneta drugi in tretji odstavek 23. člena.

3. člen

V 30. členu konvencije se črta besedilo "če temu nobena od strani ne nasprotuje".

4. člen

V prvem odstavku 35. člena konvencije se besedilo "v šestih mesecih" zamenja z besedilom "v štirih mesecih".

5. člen

V točki b tretjega odstavka 35. člena konvencije se črta besedilo "in če na tej podlagi ni mogoče zavrniti nobene zadeve, ki je ni že prej ustrezno obravnavalo domače sodišče".

Končne in prehodne določbe

6. člen

1. Ta protokol je na voljo za podpis visokim pogodbenicam konvencije, ki lahko izrazijo svoje soglasje, da jih zavezuje:

a. podpis brez pridržka ratifikacije, sprejetja ali odobritve ali

b. podpis s pridržkom ratifikacije, sprejetja ali odobritve, ki mu sledi ratifikacija, sprejetje ali odobritev.

2. Listine o ratifikaciji, sprejetju ali odobritvi se deponirajo pri generalnem sekretarju Sveta Evrope.

7. člen

Ta protokol začne veljati prvi dan meseca po poteku treh mesecev od dneva, ko so v skladu z določbami 6. člena vse visoke pogodbenice konvencije izrazile svoje soglasje, da jih ta protokol zavezuje.

8. člen

1. Spremembe, ki jih uvaja 2. člen tega protokola, se uporabljajo le za kandidate na seznamih, ki jih visoke pogodbenice po 22. členu predložijo Parlamentarni skupščini po začetku veljavnosti tega protokola.

2. Sprememba, ki jo uvaja 3. člen tega protokola, se ne uporablja za nobeno nerešeno zadevo, pri kateri je pred dnevom začetka veljavnosti tega protokola ena od strani ugovarjala predlogu senata, da sodno pristojnost prepusti velikemu senatu.

3. 4. člen tega protokola začne veljati po poteku šestih mesecev od dneva začetka veljavnosti tega protokola. 4. člen tega protokola se ne uporablja za pritožbe, pri katerih je bila dokončna odločba po prvem odstavku 35. člena konvencije sprejeta pred dnevom začetka veljavnosti 4. člena tega protokola.

4. Vse druge določbe tega protokola se uporabljajo od dneva začetka njegove veljavnosti v skladu z določbami 7. člena.

Article 9

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe and the other High Contracting Parties to the Convention of:

a any signature;

b the deposit of any instrument of ratification, acceptance or approval;

c the date of entry into force of this Protocol in accordance with Article 7; and

d any other act, notification or communication relating to this Protocol.

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

Done at Strasbourg, this 24th day of June 2013, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe and to the other High Contracting Parties to the Convention.

9. člen

Generalni sekretar Sveta Evrope uradno obvesti države članice Sveta Evrope in druge visoke pogodbenice konvencije o:

a. vsakem podpisu,

b. deponiranju vsake listine o ratifikaciji, sprejetju ali odobritvi,

c. datumu začetka veljavnosti tega protokola v skladu s 7. členom in

d. vsakem drugem dejanju, uradnem obvestilu ali sporočilu v zvezi s tem protokolom.

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

Sklenjeno v Strasbourgu 24. junija 2013 v angleškem in francoskem jeziku, pri čemer sta besedili enako verodostojni, v enem izvodu, ki se hrani v arhivu Sveta Evrope. Generalni sekretar Sveta Evrope pošlje overjeno kopijo vsem državam članicam Sveta Evrope in drugim visokim pogodbenicam konvencije.

3. člen

Za izvajanje protokola skrbita ministrstvo, pristojno za pravosodje, in ministrstvo, pristojno za zunanje zadeve.

4. člen

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

Št. 000-04/13-13/12
Ljubljana, dne 24. maja 2017
EPA 1249-VI

Državni zbor
Republike Slovenije
dr. Milan Brglez l.r.
Predsednik

34. Zakon o ratifikaciji Konvencije med Republiko Slovenijo in Japonsko o odpravi dvojnega obdavčevanja v zvezi z davki od dohodka ter preprečevanju davčnih utaj in izogibanja davkom, s protokolom (BJPODO)

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 med Republiko Slovenijo in Japonsko o odpravi dvojnega obdavčevanja v zvezi z davki od dohodka ter preprečevanju davčnih utaj in izogibanja davkom, s protokolom (BJPODO)

Razglašam Zakon o ratifikaciji Konvencije med Republiko Slovenijo in Japonsko o odpravi dvojnega obdavčevanja v zvezi z davki od dohodka ter preprečevanju davčnih utaj in izogibanja davkom, s protokolom (BJPODO), ki ga je sprejel Državni zbor Republike Slovenije na seji dne 24. maja 2017.

Št. 003-02-5/2017-17
Ljubljana, dne 1. junija 2017

Borut Pahor l.r.
Predsednik
Republike Slovenije

Z A K O N
O RATIFIKACIJI KONVENCIJE MED REPUBLIKO SLOVENIJO IN JAPONSKO O ODPRAVI DVOJNEGA OBDAVČEVANJA V ZVEZI Z DAVKI OD DOHODKA TER PREPREČEVANJU DAVČNIH UTAJ IN IZOGIBANJA DAVKOM, S PROTOKOLOM (BJPODO)

1. člen

Ratificira se Konvencija med Republiko Slovenijo in Japonsko o odpravi dvojnega obdavčevanja v zvezi z davki od dohodka ter preprečevanju davčnih utaj in izogibanja davkom, s protokolom, sklenjena v Tokiu 30. septembra 2016.

2. člen

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

CONVENTION BETWEEN THE REPUBLIC OF SLOVENIA AND JAPAN FOR THE ELIMINATION OF DOUBLE TAXATION WITH RESPECT TO TAXES ON INCOME AND THE PREVENTION OF TAX EVASION AND AVOIDANCE

The Republic of Slovenia and Japan,

Desiring to further develop their economic relationship and to enhance their co-operation in tax matters,

Intending to conclude a Convention for the elimination of double taxation with respect to taxes on income without creating opportunities for non-taxation or reduced taxation through tax evasion or avoidance (including through treaty-shopping arrangements aimed at obtaining reliefs provided in this Convention for the indirect benefit of residents of third States),

Have agreed as follows:

ARTICLE 1

PERSONS COVERED

1. This Convention shall apply to persons who are residents of one or both of the Contracting States.

2. For the purposes of this Convention, income derived by or through an entity or arrangement that is treated as wholly or partly fiscally transparent under the tax law of either Contracting State shall be considered to be income of a resident of a Contracting State but only to the extent that the income is treated, for purposes of taxation by that Contracting State, as the income of a resident of that Contracting State. In no case shall the provisions of this paragraph be construed so as to restrict in any way a Contracting State's right to tax the residents of that Contracting State.

KONVENCIJA MED REPUBLIKO SLOVENIJO IN JAPONSKO O ODPRAVI DVOJNEGA OBDAVČEVANJA V ZVEZI Z DAVKI OD DOHODKA TER PREPREČEVANJU DAVČNIH UTAJ IN IZOGIBANJA DAVKOM

Republika Slovenija in Japonska sta se

v želji, da še naprej razvijata gospodarske odnose in krepita sodelovanje pri davčnih zadevah,

z namenom, da skleneta konvencijo o odpravi dvojnega obdavčevanja v zvezi z davki od dohodka, ne da bi ustvarili možnosti za neobdavčitev ali zmanjšanje obdavčitve z davčnimi utajami ali izogibanjem davkom (vključno z izkoriščanjem ugodnejših mednarodnih sporazumov zaradi pridobitve ugodnosti, ki jih zagotavlja ta konvencija, za posredne koristi rezidentov tretjih držav),

sporazumeli:

1. ČLEN

OSEBE, ZA KATERE SE UPORABLJA KONVENCIJA

1. Ta konvencija se uporablja za osebe, ki so rezidenti ene ali obeh držav pogodbenic.

2. Za namene te konvencije se dohodek, ki ga doseže subjekt ali dogovor ali je dosežen prek subjekta ali dogovora, katera se po davčni zakonodaji ene ali druge države pogodbenice obravnavata kot v celoti ali delno davčno transparentna, šteje za dohodek rezidenta države pogodbenice, vendar le, če ta država pogodbenica za namene obdavčitve dohodek obravnava kot dohodek rezidenta te države pogodbenice. V nobenem primeru se določbe tega člena ne razlagajo, kakor da omejujejo pravico države pogodbenice, da obdavči rezidente te države pogodbenice.

ARTICLE 2

TAXES COVERED

1. This Convention shall apply to taxes on income imposed on behalf of a Contracting State or of its political subdivisions or local authorities, irrespective of the manner in which they are levied.

2. There shall be regarded as taxes on income all taxes imposed on total income or on elements of income, including taxes on gains from the alienation of any property, taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation.

3. The existing taxes to which this Convention shall apply are:

(a) in Slovenia:

(i) the tax on income of legal persons; and

(ii) the tax on income of individuals

(hereinafter referred to as "Slovenian tax");

(b) in Japan:

(i) the income tax;

(ii) the corporation tax;

(iii) the special income tax for reconstruction;

(iv) the local corporation tax; and

(v) the local inhabitant taxes

(hereinafter referred to as "Japanese tax").

4. This Convention shall apply also to any identical or substantially similar taxes that are imposed after the date of signature of the Convention in addition to, or in place of, the existing taxes. The competent authorities of the Contracting States shall notify each other of any significant changes that have been made in their taxation laws.

2. ČLEN

DAVKI, ZA KATERE SE UPORABLJA KONVENCIJA

1. Ta konvencija se uporablja za davke od dohodka, ki se uvedejo v imenu države pogodbenice ali njenih političnih enot ali lokalnih oblasti, ne glede na način njihove uvedbe.

2. Za davke od dohodka se štejejo vsi davki, uvedeni na celoten dohodek ali sestavine dohodka, vključno z davki od dobička iz odtujitve kakršnega koli premoženja, davki na skupne zneske mezd ali plač, ki jih plačujejo podjetja, ter davki na zvišanje vrednosti kapitala.

3. Obstoječi davki, za katere se uporablja ta konvencija, so:

a) v Sloveniji:

(i) davek od dohodkov pravnih oseb in

(ii) dohodnina

(v nadaljnjem besedilu: »slovenski davek«);

b) na Japonskem:

(i) davek od dohodka,

(ii) davek od dohodkov pravnih oseb,

(iii) posebni davek od dohodka za obnovo,

(iv) lokalni davek od dohodkov pravnih oseb in

(v) lokalni davki prebivalcev

(v nadaljnjem besedilu: »japonski davek«).

4. Ta konvencija se uporablja tudi za enake ali vsebinsko podobne davke, ki se po dnevu podpisa konvencije uvedejo poleg obstoječih davkov ali namesto njih. Pristojna organa držav pogodbenic drug drugega uradno obvestita o vseh bistvenih spremembah njunih davčnih zakonodaj.

ARTICLE 3

GENERAL DEFINITIONS

1. For the purposes of this Convention, unless the context otherwise requires:

(a) the term "Slovenia" means the Republic of Slovenia and, when used in a geographical sense, means the territory of Slovenia as well as those maritime areas over which Slovenia may exercise sovereign or jurisdictional rights in accordance with its internal legislation and international law;

(b) the term "Japan", when used in a geographical sense, means all the territory of Japan, including its territorial sea, in which the laws relating to Japanese tax are in force, and all the area beyond its territorial sea, including the seabed and subsoil thereof, over which Japan has sovereign rights in accordance with international law and in which the laws relating to Japanese tax are in force;

(c) the terms "a Contracting State" and "the other Contracting State" mean Slovenia or Japan, as the context requires;

(d) the term "person" includes an individual, a company and any other body of persons;

(e) the term "company" means any body corporate or any entity that is treated as a body corporate for tax purposes;

(f) the term "enterprise" applies to the carrying on of any business;

(g) the terms "enterprise of a Contracting State" and "enterprise of the other Contracting State" mean respectively an enterprise carried on by a resident of a Contracting State and an enterprise carried on by a resident of the other Contracting State;

(h) the term "international traffic" means any transport by a ship or aircraft operated by an enterprise of a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State;

(i) the term "competent authority" means:

(i) in Slovenia, the Ministry of Finance or its authorised representative; and

(ii) in Japan, the Minister of Finance or his authorised representative;

3. ČLEN

OPREDELITEV TEMELJNIH POJMOV

1. V tej konvenciji, razen če sobesedilo ne zahteva drugače:

a) izraz »Slovenija« pomeni Republiko Slovenijo, in kadar se uporablja v geografskem pomenu, ozemlje Slovenije in tista morska območja, na katerih lahko Slovenija izvaja svoje suverene pravice ali jurisdikcijo v skladu s svojo notranjo zakonodajo in mednarodnim pravom;

b) izraz »Japonska«, kadar se uporablja v geografskem pomenu, pomeni vse ozemlje Japonske, vključno z njenim teritorialnim morjem, na katerem veljajo zakoni v zvezi z japonskimi davki, in vse območje zunaj njenega teritorialnega morja, vključno z morskim dnom in njegovim podzemljem, na katerem ima Japonska v skladu z mednarodnim pravom suverene pravice in na katerem veljajo zakoni v zvezi z japonskimi davki;

c) izraza »država pogodbenica« in »druga država pogodbenica« pomenita Slovenijo ali Japonsko, kakor zahteva sobesedilo;

d) izraz »oseba« vključuje posameznika, družbo in katero koli drugo telo, ki združuje več oseb;

e) izraz »družba« pomeni katero koli korporacijo ali kateri koli subjekt, ki se za davčne namene obravnava kot korporacija;

f) izraz »podjetje« se uporablja za kakršno koli poslovanje;

g) izraza »podjetje države pogodbenice« in »podjetje druge države pogodbenice« pomenita podjetje, ki ga upravlja rezident države pogodbenice, oziroma podjetje, ki ga upravlja rezident druge države pogodbenice;

h) izraz »mednarodni promet« pomeni prevoz z ladjo ali zrakoplovom, ki ga opravlja podjetje države pogodbenice, razen če se z ladjo ali zrakoplovom ne opravljajo prevozi samo med kraji v drugi državi pogodbenici;

i) izraz »pristojni organ« pomeni:

(i) v Sloveniji: Ministrstvo za finance ali njegovega pooblaščenega predstavnika, in

(ii) na Japonskem: ministra za finance ali njegovega pooblaščenega predstavnika;

(j) the term “national”, in relation to a Contracting State, means:

(i) any individual possessing the nationality of that Contracting State; and

(ii) any legal person, partnership or association deriving its status as such from the laws in force in that Contracting State;

(k) the term “business” includes the performance of professional services and of other activities of an independent character.

2. As regards the application of this Convention at any time by a Contracting State, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that Contracting State for the purposes of the taxes to which the Convention applies, any meaning under the applicable tax laws of that Contracting State prevailing over a meaning given to the term under other laws of that Contracting State.

ARTICLE 4

RESIDENT

1. For the purposes of this Convention, the term “resident of a Contracting State” means any person who, under the laws of that Contracting State, is liable to tax therein by reason of his domicile, residence, place of head or main office, place of management or any other criterion of a similar nature, and also includes that Contracting State and any political subdivision or local authority thereof. This term, however, does not include any person who is liable to tax in that Contracting State in respect only of income from sources in that Contracting State.

2. Where by reason of the provisions of paragraph 1 an individual is a resident of both Contracting States, then his status shall be determined as follows:

(a) he shall be deemed to be a resident only of the Contracting State in which he has a permanent home available to him; if he has a permanent home available to him in both Contracting States, he shall be deemed to be a resident only of the Contracting State with which his personal and economic relations are closer (centre of vital interests);

(b) if the Contracting State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either Contracting State, he shall be deemed to be a resident only of the Contracting State in which he has an habitual abode;

(c) if he has an habitual abode in both Contracting States or in neither of them, he shall be deemed to be a resident only of the Contracting State of which he is a national;

(d) if he is a national of both Contracting States or of neither of them, the competent authorities of the Contracting States shall settle the question by mutual agreement.

3. Where by reason of the provisions of paragraph 1 a person other than an individual is a resident of both Contracting States, the competent authorities of the Contracting States shall endeavour to determine by mutual agreement the Contracting State of which such person shall be deemed to be a resident for the purposes of this Convention, having regard to its place of head or main office, its place of effective management, the place where it is incorporated or otherwise constituted and any other relevant factors. In the absence of such agreement, such person shall not be entitled to any relief or exemption from tax provided by the Convention.

4. Where, pursuant to any provisions of this Convention, a Contracting State relieves or exempts from tax income of a resident of the other Contracting State and, under the laws in force in that other Contracting State, the resident is subjected to tax in that other Contracting State only on that part of such income which is remitted to or received in that other Contracting State, then such relief or exemption shall apply only to so much of such income as is remitted to or received in that other Contracting State.

j) izraz »državljan« v zvezi z državo pogodbenico pomeni:

(i) posameznika, ki ima državljanstvo te države pogodbenice, in

(ii) pravno osebo, partnerstvo ali združenje, katerega status izhaja iz veljavne zakonodaje v tej državi pogodbenici;

k) izraz »poslovanje« vključuje opravljanje poklicnih storitev in drugih samostojnih dejavnosti.

2. Kadar država pogodbenica uporabi to konvencijo, ima kateri koli izraz, ki v njej ni opredeljen, razen če sobesedilo ne zahteva drugače, pomen, ki ga ima takrat po pravu te države pogodbenice za namene davkov, za katere se konvencija uporablja, pri čemer kateri koli pomen po veljavni davčni zakonodaji te države pogodbenice prevlada nad pomenom izraza po drugi zakonodaji te države pogodbenice.

4. ČLEN

REZIDENT

1. V tej konvenciji izraz »rezident države pogodbenice« pomeni osebo, ki mora po zakonodaji te države pogodbenice plačevati davke zaradi svojega stalnega prebivališča, prebivališča, sedeža podjetja, sedeža uprave ali katerega koli drugega podobnega merila, in vključuje tudi to državo pogodbenico, katero koli njeno politično enoto ali lokalno oblast. Ta izraz pa ne vključuje osebe, ki mora plačevati davke v tej državi pogodbenici samo v zvezi z dohodki iz virov v tej državi pogodbenici.

2. Kadar je zaradi določb prvega odstavka posameznik rezident obeh držav pogodbenic, se njegov status določi tako:

a) šteje se samo za rezidenta države pogodbenice, v kateri ima na voljo stalni dom; če ima stalni dom na voljo v obeh državah pogodbenicah, se šteje samo za rezidenta države pogodbenice, s katero ima tesnejše osebne in ekonomske stike (središče življenjskih interesov);

b) če ni mogoče opredeliti države pogodbenice, v kateri ima središče življenjskih interesov, ali če nima v nobeni od držav pogodbenic na voljo stalnega doma, se šteje samo za rezidenta države pogodbenice, v kateri ima običajno bivališče;

c) če ima običajno bivališče v obeh državah pogodbenicah ali v nobeni od njiju, se šteje samo za rezidenta države pogodbenice, katere državljan je;

d) če je državljan obeh držav pogodbenic ali nobene od njiju, pristojna organa držav pogodbenic vprašanje rešita s skupnim dogovorom.

3. Kadar je zaradi določb prvega odstavka oseba, ki ni posameznik, rezident obeh držav pogodbenic, si pristojna organa držav pogodbenic prizadevata s skupnim dogovorom določiti državo pogodbenico, za rezidenta katere se bo taka oseba štela za namene te konvencije, ob upoštevanju njenega sedeža, sedeža dejanske uprave, kraja ustanovitve ali drugačnega oblikovanja in katerih koli drugih pomembnih dejavnikov. Če takega dogovora ni, taka oseba ni upravičena do davčnih olajšav ali oprostitev po konvenciji.

4. Če v skladu s katero koli določbo te konvencije država pogodbenica prizna davčno olajšavo ali oprostitev v zvezi z dohodkom rezidenta druge države pogodbenice in je v skladu z veljavno zakonodajo te druge države pogodbenice rezident obdavčen v tej drugi državi pogodbenici samo od dela takega dohodka, ki je nakazan v to drugo državo pogodbenico ali prejet v njej, potem taka olajšava ali oprostitev velja samo za toliko takega dohodka, kolikor ga je nakazanega v to drugo državo pogodbenico ali prejetega v njej.

ARTICLE 5

PERMANENT ESTABLISHMENT

1. For the purposes of this Convention, the term “permanent establishment” means a fixed place of business through which the business of an enterprise is wholly or partly carried on.

2. The term “permanent establishment” includes especially:

(a) a place of management;

(b) a branch;

(c) an office;

(d) a factory;

(e) a workshop; and

(f) a mine, an oil or gas well, a quarry or any other place of extraction of natural resources.

3. A building site, a construction, assembly or installation project or a supervisory activity connected therewith constitutes a permanent establishment only if such site, project or activity lasts more than twelve months.

4. Notwithstanding the preceding provisions of this Article, the term “permanent establishment” shall be deemed not to include:

(a) the use of facilities solely for the purpose of storage, display or delivery of goods or merchandise belonging to the enterprise;

(b) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of storage, display or delivery;

(c) the maintenance of a stock of goods or merchandise belonging to the enterprise solely for the purpose of processing by another enterprise;

(d) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise or of collecting information, for the enterprise;

(e) the maintenance of a fixed place of business solely for the purpose of carrying on, for the enterprise, any other activity;

(f) the maintenance of a fixed place of business solely for any combination of activities mentioned in subparagraphs (a) to (e),

provided that such activity or, in the case of subparagraph (f), the overall activity of the fixed place of business, is of a preparatory or auxiliary character.

5. Paragraph 4 shall not apply to a fixed place of business that is used or maintained by an enterprise if the same enterprise or a closely related enterprise carries on business activities at the same place or at another place in the same Contracting State and:

(a) that place or other place constitutes a permanent establishment for the enterprise or the closely related enterprise under the provisions of this Article; or

(b) the overall activity resulting from the combination of the activities carried on by the two enterprises at the same place, or by the same enterprise or closely related enterprises at the two places, is not of a preparatory or auxiliary character,

provided that the business activities carried on by the two enterprises at the same place, or by the same enterprise or closely related enterprises at the two places, constitute complementary functions that are part of a cohesive business operation.

6. Notwithstanding the provisions of paragraphs 1 and 2 but subject to the provisions of paragraph 7, where a person is acting in a Contracting State on behalf of an enterprise and, in doing so, habitually concludes contracts, or habitually plays the principal role leading to the conclusion of contracts that are routinely concluded without material modification by the enterprise, and these contracts are:

(a) in the name of the enterprise; or

(b) for the transfer of the ownership of, or for the granting of the right to use, property owned by that enterprise or that the enterprise has the right to use; or

5. ČLEN

STALNA POSLOVNA ENOTA

1. V tej konvenciji izraz »stalna poslovna enota« pomeni stalno mesto poslovanja, prek katerega v celoti ali delno potekajo posli podjetja.

2. Izraz »stalna poslovna enota« vključuje zlasti:

a) sedež uprave,

b) podružnico,

c) pisarno,

d) tovarno,

e) delavnico in

f) rudnik, nahajališče nafte ali plina, kamnolom ali kateri koli drug kraj pridobivanja naravnih virov.

3. Gradbišče, projekt gradnje, montaže ali postavitve ali dejavnost nadzora v zvezi z njimi je stalna poslovna enota samo, če tako gradbišče, projekt ali dejavnost obstaja ali poteka več kakor dvanajst mesecev.

4. Ne glede na prejšnje določbe tega člena se šteje, da izraz »stalna poslovna enota« ne vključuje:

a) uporabe prostorov samo za skladiščenje, razstavljanje ali dostavo dobrin ali blaga, ki pripada podjetju;

b) vzdrževanja zaloge dobrin ali blaga, ki pripada podjetju, samo za skladiščenje, razstavljanje ali dostavo;

c) vzdrževanja zaloge dobrin ali blaga, ki pripada podjetju, samo za predelavo, ki jo opravi drugo podjetje;

d) vzdrževanja stalnega mesta poslovanja samo za nakup dobrin ali blaga za podjetje ali zbiranje informacij za podjetje;

e) vzdrževanja stalnega mesta poslovanja samo za opravljanje kakršne koli druge dejavnosti za podjetje;

f) vzdrževanja stalnega mesta poslovanja samo za kakršno koli kombinacijo dejavnosti, omenjenih v pododstavkih od a do e,

če je taka dejavnost ali v primeru pododstavka f celotna dejavnost stalnega mesta poslovanja pripravljalna ali pomožna.

5. Četrti odstavek ne velja za stalno mesto poslovanja, ki ga uporablja ali vzdržuje podjetje, če to podjetje ali tesno povezano podjetje opravlja poslovne dejavnosti na istem ali drugem mestu v isti državi pogodbenici in:

a) to mesto ali drugo mesto pomeni stalno poslovno enoto za podjetje ali tesno povezano podjetje v skladu z določbami tega člena ali

b) celotna dejavnost, ki je posledica kombinacije dejavnosti, ki jih opravljata ti dve podjetji na istem mestu ali isto podjetje ali tesno povezana podjetja na dveh mestih, ni pripravljalna ali pomožna,

pod pogojem, da so poslovne dejavnosti, ki jih opravljata ti dve podjetji na istem mestu ali isto podjetje ali tesno povezana podjetja na dveh mestih, dopolnilne funkcije, ki so del celovitega poslovanja.

6. Ne glede na določbe prvega in drugega odstavka, vendar ob upoštevanju določb sedmega odstavka, kadar oseba deluje v državi pogodbenici za podjetje in pri tem običajno sklepa pogodbe ali ima običajno vodilno vlogo, kar vodi k sklepanju pogodb, ki se sklepajo rutinsko, ne da bi jih podjetje bistveno spreminjalo, in so te pogodbe:

a) v imenu podjetja ali

b) za prenos lastništva nad premoženjem v lasti tega podjetja ali premoženja, ki ga podjetje lahko uporablja, ali za podelitev pravice do uporabe takega premoženja ali

(c) for the provision of services by that enterprise,

that enterprise shall be deemed to have a permanent establishment in that Contracting State in respect of any activities which that person undertakes for the enterprise, unless the activities of such person are limited to those mentioned in paragraph 4 which, if exercised through a fixed place of business, would not make this fixed place of business a permanent establishment under the provisions of that paragraph.

7. Paragraph 6 shall not apply where the person acting in a Contracting State on behalf of an enterprise of the other Contracting State carries on business in the first-mentioned Contracting State as an independent agent and acts for the enterprise in the ordinary course of that business. Where, however, a person acts exclusively or almost exclusively on behalf of one or more enterprises to which it is closely related, that person shall not be considered to be an independent agent within the meaning of this paragraph with respect to any such enterprise.

8. For the purposes of this Article, a person is closely related to an enterprise if, based on all the relevant facts and circumstances, one has control of the other or both are under the control of the same persons or enterprises. In any case, a person shall be considered to be closely related to an enterprise if one possesses directly or indirectly more than 50 per cent of the beneficial interest in the other (or, in the case of a company, more than 50 per cent of the aggregate vote and value of the company's shares or of the beneficial equity interest in the company) or if another person possesses directly or indirectly more than 50 per cent of the beneficial interest (or, in the case of a company, more than 50 per cent of the aggregate vote and value of the company's shares or of the beneficial equity interest in the company) in the person and the enterprise.

9. The fact that a company which is a resident of a Contracting State controls or is controlled by a company which is a resident of the other Contracting State, or which carries on business in that other Contracting State (whether through a permanent establishment or otherwise), shall not of itself constitute either company a permanent establishment of the other.

ARTICLE 6

INCOME FROM IMMOVABLE PROPERTY

1. Income derived by a resident of a Contracting State from immovable property (including income from agriculture or forestry) situated in the other Contracting State may be taxed in that other Contracting State.

2. The term "immovable property" shall have the meaning which it has under the law of the Contracting State in which the property in question is situated. The term shall in any case include property accessory to immovable property, livestock and equipment used in agriculture and forestry, rights to which the provisions of general law respecting landed property apply, usufruct of immovable property and rights to variable or fixed payments as consideration for the working of, or the right to work, mineral deposits, sources and other natural resources; ships and aircraft shall not be regarded as immovable property.

3. The provisions of paragraph 1 shall apply to income derived from the direct use, letting, or use in any other form of immovable property.

4. The provisions of paragraphs 1 and 3 shall also apply to the income from immovable property of an enterprise.

ARTICLE 7

BUSINESS PROFITS

1. Profits of an enterprise of a Contracting State shall be taxable only in that Contracting State unless the enterprise carries on business in the other Contracting State through a permanent establishment situated therein. If the enterprise carries on business as aforesaid, the profits that are attributable to the permanent establishment in accordance with the provisions of paragraph 2 may be taxed in that other Contracting State.

c) za storitve, ki jih to podjetje opravlja,

se za to podjetje šteje, da ima stalno poslovno enoto v tej državi pogodbenici v zvezi s kakršnimi koli dejavnostmi, ki jih ta oseba prevzame za podjetje, razen če dejavnosti te osebe niso omejene na tiste iz četrtega odstavka, zaradi katerih se to stalno mesto poslovanja po določbah tega odstavka ne bi štelo za stalno poslovno enoto, če bi se opravljale prek stalnega mesta poslovanja.

7. Šesti odstavek se ne uporablja, če oseba, ki deluje v državi pogodbenici za podjetje druge države pogodbenice, posluje v prvi omenjeni državi pogodbenici kot neodvisni zastopnik in deluje za podjetje v okviru tega običajnega poslovanja. Če pa oseba deluje izključno ali skoraj izključno za eno ali več podjetij, s katerimi je tesno povezana, ta oseba v zvezi s katerim koli takim podjetjem ne velja za neodvisnega zastopnika v smislu tega odstavka.

8. Za namene tega člena je oseba tesno povezana s podjetjem, če ima na podlagi vseh ustreznih dejstev in okoliščin eden nadzor nad drugim ali pa sta oba pod nadzorom istih oseb ali podjetij. V vsakem primeru se oseba šteje za tesno povezano s podjetjem, če ima eden neposredno ali posredno več kakor 50 odstotkov upravičenega deleža v drugem (ali v primeru družbe več kakor 50 odstotkov seštevka glasov in vrednosti delnic družbe ali upravičenega lastniškega deleža v družbi) ali če ima druga oseba neposredno ali posredno več kakor 50 odstotkov upravičenega deleža (ali v primeru družbe več kakor 50 odstotkov seštevka glasov in vrednosti delnic družbe ali upravičenega lastniškega deleža v družbi) v osebi in podjetju.

9. Dejstvo, da družba, ki je rezident države pogodbenice, nadzoruje družbo ali je pod nadzorom družbe, ki je rezident druge države pogodbenice, ali posluje v tej drugi državi pogodbenici (prek stalne poslovne enote ali drugače), še ne pomeni, da je ena od družb stalna poslovna enota druge.

6. ČLEN

DOHODEK IZ NEPREMIČNIN

1. Dohodek rezidenta države pogodbenice iz nepremičnin (vključno z dohodkom iz kmetijstva ali gozdarstva), ki so v drugi državi pogodbenici, se lahko obdavči v tej drugi državi pogodbenici.

2. Izraz »nepremičnine« pomeni enako kakor po pravu države pogodbenice, v kateri so te nepremičnine. Izraz vedno vključuje premoženje, ki je sestavni del nepremičnin, živino in opremo, ki se uporablja v kmetijstvu in gozdarstvu, pravice, za katere se uporabljajo določbe splošnega prava v zvezi z zemljiško lastnino, užitek na nepremičninah in pravice do spremenljivih ali stalnih plačil kot nadomestilo za izkoriščanje ali pravico do izkoriščanja nahajališč rude, virov in drugega naravnega bogastva; ladje in zrakoplovi se ne štejejo za nepremičnine.

3. Določbe prvega odstavka se uporabljajo za dohodek, ki se ustvari z neposredno uporabo, dajanjem v najem ali katero koli drugo obliko uporabe nepremičnine.

4. Določbe prvega in tretjega odstavka se uporabljajo tudi za dohodek iz nepremičnin podjetja.

7. ČLEN

POSLOVNI DOBIČEK

1. Dobiček podjetja države pogodbenice se obdavči samo v tej državi pogodbenici, razen če podjetje ne posluje v drugi državi pogodbenici prek stalne poslovne enote v njej. Če podjetje posluje, kakor je prej omenjeno, se lahko dobiček, ki se pripiše stalni poslovni enoti v skladu z določbami drugega odstavka, obdavči v tej drugi državi pogodbenici.

2. For the purposes of this Article and Article 22, the profits that are attributable in each Contracting State to the permanent establishment referred to in paragraph 1 are the profits it might be expected to make, in particular in its dealings with other parts of the enterprise, if it were a separate and independent enterprise engaged in the same or similar activities under the same or similar conditions, taking into account the functions performed, assets used and risks assumed by the enterprise through the permanent establishment and through the other parts of the enterprise.

3. Where, in accordance with paragraph 2, a Contracting State adjusts the profits that are attributable to a permanent establishment of an enterprise of one of the Contracting States and taxes accordingly profits of the enterprise that have been charged to tax in the other Contracting State, that other Contracting State shall, to the extent necessary to eliminate double taxation on these profits, make an appropriate adjustment to the amount of the tax charged therein on those profits if the competent authority of that other Contracting State agrees with the adjustment made by the first-mentioned Contracting State; if the competent authority of that other Contracting State does not so agree, the competent authorities of the Contracting States shall endeavour to eliminate any double taxation resulting therefrom by mutual agreement.

4. Where profits include items of income which are dealt with separately in other Articles of this Convention, then the provisions of those Articles shall not be affected by the provisions of this Article.

2. Za namene tega člena in 22. člena je dobiček, ki se v vsaki državi pogodbenici pripiše stalni poslovni enoti iz prvega odstavka, dobiček, za katerega bi se lahko pričakovalo, da bi ga imela, še posebej pri poslovanju z drugimi deli podjetja, če bi bila ločeno in neodvisno podjetje, ki opravlja enake ali podobne dejavnosti pod enakimi ali podobnimi pogoji, ob upoštevanju opravljenih nalog, uporabljenih sredstev in tveganj, ki jih prevzame podjetje prek stalne poslovne enote in drugih delov podjetja.

3. Kadar v skladu z drugim odstavkom država pogodbenica prilagodi dobiček, ki se pripiše stalni poslovni enoti podjetja ene od držav pogodbenic, in torej obdavči dobiček podjetja, ki je bil obdavčen v drugi državi pogodbenici, ta druga država ustrezno prilagodi znesek davka, ki se v tej državi obračuna od tega dobička, kolikor je potrebno za odpravo dvojnega obdavčevanja tega dobička, če se pristojni organ te druge države pogodbenice strinja s prilagoditvijo, ki jo opravi prva omenjena država pogodbenica; če se pristojni organ te druge države pogodbenice s tem ne strinja, si pristojna organa držav pogodbenic s skupnim dogovorom prizadevata odpraviti kakršno koli dvojno obdavčenje, ki iz tega izhaja.

4. Kadar dobiček vključuje dohodkovne postavke, ki so posebej obravnavane v drugih členih te konvencije, določbe tega člena ne vplivajo na določbe tistih členov.

ARTICLE 8
SHIPPING AND AIR TRANSPORT

1. Profits from the operation of ships or aircraft in international traffic carried on by an enterprise of a Contracting State shall be taxable only in that Contracting State.

2. Notwithstanding the provisions of Article 2, an enterprise of a Contracting State shall be exempt in respect of its carrying on the operation of ships or aircraft in international traffic from, in the case of an enterprise of Slovenia, the enterprise tax of Japan and, in the case of an enterprise of Japan, any tax similar to the enterprise tax of Japan which is imposed after the date of signature of this Convention in Slovenia.

3. The provisions of the preceding paragraphs of this Article shall also apply to profits from the participation in a pool, a joint business or an international operating agency.

8. ČLEN
LADIJSKI IN ZRAČNI PREVOZ

1. Dobiček podjetja države pogodbenice iz opravljanja ladijskih ali zračnih prevozov v mednarodnem prometu se obdavči samo v tej državi pogodbenici.

2. Ne glede na določbe drugega člena je podjetje države pogodbenice v zvezi z opravljanjem ladijskih ali zračnih prevozov v mednarodnem prometu v primeru slovenskega podjetja oproščeno japonskega davka na podjetje in v primeru japonskega podjetja kakršnega koli davka, podobnega japonskemu davku na podjetje, ki je po datumu podpisa te konvencije uveden v Sloveniji.

3. Določbe prejšnjih odstavkov tega člena se uporabljajo tudi za dobiček iz udeležbe v interesnem združenju, mešanem podjetju ali mednarodni prevozni agenciji.

ARTICLE 9
ASSOCIATED ENTERPRISES

1. Where

(a) an enterprise of a Contracting State participates directly or indirectly in the management, control or capital of an enterprise of the other Contracting State, or

(b) the same persons participate directly or indirectly in the management, control or capital of an enterprise of a Contracting State and an enterprise of the other Contracting State,

and in either case conditions are made or imposed between the two enterprises in their commercial or financial relations which differ from those which would be made between independent enterprises, then any profits which would, but for those conditions, have accrued to one of the enterprises, but, by reason of those conditions, have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

9. ČLEN
POVEZANA PODJETJA

1. Kadar:

a) je podjetje države pogodbenice neposredno ali posredno udeleženo pri upravljanju, nadzoru ali v kapitalu podjetja druge države pogodbenice ali

b) so iste osebe neposredno ali posredno udeležene pri upravljanju, nadzoru ali v kapitalu podjetja države pogodbenice in podjetja druge države pogodbenice

in se v obeh primerih med podjetjema v njunih komercialnih ali finančnih odnosih vzpostavijo ali določijo pogoji, drugačni od tistih, ki bi se vzpostavili med neodvisnimi podjetji, se lahko kakršen koli dobiček, ki bi prirasel enemu od podjetij, če takih pogojev ne bi bilo, vendar prav zaradi takih pogojev ni prirasel, vključi v dobiček tega podjetja in ustrezno obdavči.

2. Where a Contracting State includes in the profits of an enterprise of that Contracting State – and taxes accordingly – profits on which an enterprise of the other Contracting State has been charged to tax in that other Contracting State and the profits so included are profits which would have accrued to the enterprise of the first-mentioned Contracting State if the conditions made between the two enterprises had been those which would have been made between independent enterprises, then that other Contracting State shall make an appropriate adjustment to the amount of the tax charged therein on those profits. In determining such adjustment, due regard shall be had to the other provisions of this Convention and the competent authorities of the Contracting States shall if necessary consult each other.

3. Notwithstanding the provisions of paragraph 1, a Contracting State shall not change the profits of an enterprise of that Contracting State in the circumstances referred to in that paragraph after ten years from the end of the taxable year in which the profits that would be subjected to such change would, but for the conditions referred to in that paragraph, have accrued to that enterprise. The provisions of this paragraph shall not apply in the case of fraud or wilful default.

ARTICLE 10

DIVIDENDS

1. Dividends paid by a company which is a resident of a Contracting State to a resident of the other Contracting State may be taxed in that other Contracting State.

2. However, dividends paid by a company which is a resident of a Contracting State may also be taxed in that Contracting State according to the laws of that Contracting State, but if the beneficial owner of the dividends is a resident of the other Contracting State, the tax so charged shall not exceed 5 per cent of the gross amount of the dividends.

This paragraph shall not affect the taxation of the company in respect of the profits out of which the dividends are paid.

3. The term “dividends” as used in this Article means income from shares or other rights, not being debt-claims, participating in profits, as well as income which is subjected to the same taxation treatment as income from shares by the tax laws of the Contracting State of which the company making the distribution is a resident.

4. The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the dividends, being a resident of a Contracting State, carries on business in the other Contracting State of which the company paying the dividends is a resident through a permanent establishment situated therein and the holding in respect of which the dividends are paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply.

5. Where a company which is a resident of a Contracting State derives profits or income from the other Contracting State, that other Contracting State may not impose any tax on the dividends paid by the company, except insofar as such dividends are paid to a resident of that other Contracting State or insofar as the holding in respect of which the dividends are paid is effectively connected with a permanent establishment situated in that other Contracting State, nor subject the company’s undistributed profits to a tax on the company’s undistributed profits, even if the dividends paid or the undistributed profits consist wholly or partly of profits or income arising in such other Contracting State.

ARTICLE 11

INTEREST

1. Interest arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other Contracting State.

2. Kadar država pogodbenica v dobiček podjetja te države vključuje – in ustrezno obdavči – dobiček, za katerega je bilo že obdavčeno podjetje druge države pogodbenice v tej drugi državi pogodbenici, in je tako vključeni dobiček dobiček, ki bi prirasel podjetju prve omenjene države pogodbenice, če bi bili pogoji, vzpostavljeni med podjetjema, taki, kakor bi jih vzpostavili neodvisni podjetji, ta druga država pogodbenica ustrezno prilagodi znesek davka, ki se v tej državi pogodbenici obračuna od tega dobička. Pri določanju take prilagoditve je treba upoštevati druge določbe te konvencije, pristojna organa držav pogodbenic pa se po potrebi med seboj posvetujeta.

3. Ne glede na določbe prvega odstavka država pogodbenica ne spremeni dobičkov podjetja te države pogodbenice v okoliščinah iz navedenega odstavka po poteku desetih let po koncu davčnega leta, v katerem bi dobički, za katere bi taka sprememba veljala, pripadli temu podjetju, če ne bi bilo pogojev, omenjenih v navedenem odstavku. Določbe tega odstavka ne veljajo v primeru goljufije ali namernega neizpolnjevanja obveznosti.

10. ČLEN

DIVIDENDE

1. Dividende, ki jih družba, ki je rezident države pogodbenice, plača rezidentu druge države pogodbenice, se lahko obdavčijo v tej drugi državi pogodbenici.

2. Vendar pa se lahko dividende, ki jih plačuje družba, ki je rezident države pogodbenice, obdavčijo tudi v tej državi pogodbenici v skladu z zakonodajo te države pogodbenice, če pa je upravičeni lastnik dividend rezident druge države pogodbenice, tako obračunani davek ne sme presegati 5 odstotkov bruto zneska dividend.

Ta odstavek ne vpliva na obdavčenje družbe v zvezi z dobičkom, iz katerega se plačajo dividende.

3. Izraz »dividende«, kakor je uporabljen v tem členu, pomeni dohodek iz delnic ali drugih pravic do udeležbe pri dobičku, ki niso terjatve, in tudi dohodek, ki se davčno obravnava enako kot dohodek iz delnic po davčni zakonodaji države pogodbenice, katere rezident je družba, ki dividende deli.

4. Določbe prvega in drugega odstavka se ne uporabljajo, če upravičeni lastnik dividend, ki je rezident države pogodbenice, posluje v drugi državi pogodbenici, katere rezident je družba, ki dividende plačuje, prek stalne poslovne enote v njej in je delež, v zvezi s katerim se dividende plačajo, dejansko povezan s tako stalno poslovno enoto. V tem primeru se uporabljajo določbe 7. člena.

5. Kadar dobiček ali dohodek družbe, ki je rezident države pogodbenice, izhaja iz druge države pogodbenice, ta druga država pogodbenica ne sme uvesti nobenega davka na dividende, ki jih plača družba, razen če se te dividende plačajo rezidentu te druge države pogodbenice ali če je delež, v zvezi s katerim se te dividende plačajo, dejansko povezan s stalno poslovno enoto v tej drugi državi pogodbenici, niti ne sme uvesti davka od nerazdeljenega dobička družbe na nerazdeljeni dobiček družbe, tudi če so plačane dividende ali nerazdeljeni dobiček v celoti ali delno sestavljeni iz dobička ali dohodka, ki nastane v tej drugi državi pogodbenici.

11. ČLEN

OBRESTI

1. Obresti, ki nastanejo v državi pogodbenici in se plačajo rezidentu druge države pogodbenice, se lahko obdavčijo v tej drugi državi pogodbenici.

2. However, interest arising in a Contracting State may also be taxed in that Contracting State according to the laws of that Contracting State, but if the beneficial owner of the interest is a resident of the other Contracting State, the tax so charged shall not exceed 5 per cent of the gross amount of the interest.

3. Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State shall be taxable only in the other Contracting State if:

(a) the interest is beneficially owned by the Government of that other Contracting State, a political subdivision or local authority thereof, the central bank thereof or any institution acting for promoting export, investment or development thereof; or

(b) the interest is beneficially owned by a resident of that other Contracting State with respect to debt-claims guaranteed, insured or indirectly financed by any institution acting for promoting export, investment or development thereof.

4. The term “interest” as used in this Article means income from debt-claims of every kind, whether or not secured by mortgage and whether or not carrying a right to participate in the debtor’s profits, and in particular, income from government securities and income from bonds or debentures, including premiums and prizes attaching to such securities, bonds or debentures, and all other income that is subjected to the same taxation treatment as income from money lent by the tax laws of the Contracting State in which the income arises. Penalty charges for late payment shall not be regarded as interest for the purposes of this Article. The term “interest”, however, does not include income dealt with in Article 10.

5. The provisions of paragraphs 1, 2 and 3 shall not apply if the beneficial owner of the interest, being a resident of a Contracting State, carries on business in the other Contracting State in which the interest arises through a permanent establishment situated therein and the debt-claim in respect of which the interest is paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply.

6. Interest shall be deemed to arise in a Contracting State when the payer is a resident of that Contracting State. Where, however, the person paying the interest, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment in connection with which the indebtedness on which the interest is paid was incurred, and such interest is borne by such permanent establishment, then such interest shall be deemed to arise in the Contracting State in which the permanent establishment is situated.

7. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the interest, having regard to the debt-claim for which it is paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Convention.

ARTICLE 12

ROYALTIES

1. Royalties arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other Contracting State.

2. However, royalties arising in a Contracting State may also be taxed in that Contracting State according to the laws of that Contracting State, but if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed 5 per cent of the gross amount of the royalties.

2. Vendar pa se lahko obresti, ki nastanejo v državi pogodbenici, obdavčijo tudi v tej državi pogodbenici v skladu z zakonodajo te države pogodbenice, če pa je upravičeni lastnik obresti rezident druge države pogodbenice, tako obračunani davek ne sme presegati 5 odstotkov bruto zneska obresti.

3. Ne glede na določbe drugega odstavka se obresti, ki nastanejo v državi pogodbenici, obdavčijo samo v drugi državi pogodbenici, če:

a) so obresti v upravičeni lasti vlade te druge države pogodbenice, njene politične enote ali lokalne oblasti, njene centralne banke ali katere koli njene institucije za spodbujanje izvoza, investicij ali razvoja ali

b) so obresti v upravičeni lasti rezidenta te druge države pogodbenice v zvezi s terjatvijo, za katero je dala poroštvo, jo je zavarovala ali jo je posredno financirala katera koli njena institucija za spodbujanje izvoza, investicij ali razvoja.

4. Izraz »obresti«, kakor je uporabljen v tem členu, pomeni dohodek iz vseh vrst terjatev ne glede na to, ali so zavarovane s hipoteko, in ne glede na to, ali dajejo pravico do udeležbe pri dolžnikovem dobičku, zlasti pa dohodek iz državnih vrednostnih papirjev in dohodek iz obveznic ali zadolžnic, vključno s premijami in nagradami od takih vrednostnih papirjev, obveznic ali zadolžnic, ter ves drug dohodek, ki se davčno obravnava enako kot dohodek od posojenega denarja po zakonodaji države pogodbenice, v kateri dohodek nastane. Kazni zaradi zamude pri plačilu se za namene tega člena ne štejejo za obresti. Vendar pa izraz »obresti« ne vključuje dohodka, obravnavanega v 10. členu.

5. Določbe prvega, drugega in tretjega odstavka se ne uporabljajo, če upravičeni lastnik obresti, ki je rezident države pogodbenice, posluje v drugi državi pogodbenici, v kateri obresti nastanejo, prek stalne poslovne enote v njej in je terjatev, v zvezi s katero se obresti plačajo, dejansko povezana s tako stalno poslovno enoto. V tem primeru se uporabljajo določbe 7. člena.

6. Šteje se, da obresti nastanejo v državi pogodbenici, kadar je plačnik rezident te države pogodbenice. Kadar pa ima oseba, ki plačuje obresti, ne glede na to, ali je rezident države pogodbenice, v državi pogodbenici stalno poslovno enoto, v zvezi s katero je nastala zadolženost, za katero se plačajo obresti, ter take obresti krije taka stalna poslovna enota, se šteje, da take obresti nastanejo v državi pogodbenici, v kateri je stalna poslovna enota.

7. Kadar zaradi posebnega odnosa med plačnikom in upravičenim lastnikom ali med njima in drugo osebo znesek obresti glede na terjatev, za katero se plačajo, presega znesek, za katerega bi se sporazumela plačnik in upravičeni lastnik, če takega odnosa ne bi bilo, se določbe tega člena uporabljajo samo za nazadnje omenjeni znesek. V tem primeru se presežni del izplačil še naprej obdavčuje v skladu z zakonodajo vsake države pogodbenice, pri čemer je treba upoštevati druge določbe te konvencije.

12. ČLEN

LICENČNINE IN AVTORSKI HONORARJI

1. Licenčnine in avtorski honorarji, ki nastanejo v državi pogodbenici in se plačajo rezidentu druge države pogodbenice, se lahko obdavčijo v tej drugi državi pogodbenici.

2. Vendar pa se lahko licenčnine in avtorski honorarji, ki nastanejo v državi pogodbenici, obdavčijo tudi v tej državi pogodbenici v skladu z zakonodajo te države pogodbenice, če pa je upravičeni lastnik licenčnin in avtorskih honorarjev rezident druge države pogodbenice, tako obračunani davek ne sme presegati 5 odstotkov bruto zneska licenčnin in avtorskih honorarjev.

3. The term “royalties” as used in this Article means payments of any kind received as a consideration for the use of, or the right to use, any copyright of literary, artistic or scientific work including cinematograph films, any patent, trade mark, design or model, plan, or secret formula or process, or for information concerning industrial, commercial or scientific experience.

4. The provisions of paragraphs 1 and 2 shall not apply if the beneficial owner of the royalties, being a resident of a Contracting State, carries on business in the other Contracting State in which the royalties arise through a permanent establishment situated therein and the right or property in respect of which the royalties are paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply.

5. Royalties shall be deemed to arise in a Contracting State when the payer is a resident of that Contracting State. Where, however, the person paying the royalties, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment in connection with which the liability to pay the royalties was incurred, and such royalties are borne by such permanent establishment, then such royalties shall be deemed to arise in the Contracting State in which the permanent establishment is situated.

6. Where, by reason of a special relationship between the payer and the beneficial owner or between both of them and some other person, the amount of the royalties, having regard to the use, right or information for which they are paid, exceeds the amount which would have been agreed upon by the payer and the beneficial owner in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the payments shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Convention.

ARTICLE 13

CAPITAL GAINS

1. Gains derived by a resident of a Contracting State from the alienation of immovable property referred to in Article 6 and situated in the other Contracting State may be taxed in that other Contracting State.

2. Gains derived by a resident of a Contracting State from the alienation of shares of a company or comparable interests, such as interests in a partnership or trust, may be taxed in the other Contracting State if, at any time during the 365 days preceding the alienation, these shares or comparable interests derived at least 50 per cent of their value directly or indirectly from immovable property, as defined in Article 6, situated in that other Contracting State, unless the relevant class of the shares or comparable interests is traded on a recognised stock exchange and the resident and persons related to that resident own in the aggregate 5 per cent or less of that class of the shares or comparable interests.

3. Gains from the alienation of any property, other than immovable property, forming part of the business property of a permanent establishment which an enterprise of a Contracting State has in the other Contracting State, including such gains from the alienation of such a permanent establishment (alone or with the whole enterprise), may be taxed in that other Contracting State.

4. Gains derived by an enterprise of a Contracting State from the alienation of ships or aircraft operated by that enterprise in international traffic or any property, other than immovable property, pertaining to the operation of such ships or aircraft shall be taxable only in that Contracting State.

5. Gains from the alienation of any property, other than that referred to in the preceding paragraphs of this Article, shall be taxable only in the Contracting State of which the alienator is a resident.

3. Izraz »licenčnine in avtorski honorarji«, kakor je uporabljen v tem členu, pomeni vse vrste plačil, prejetih kot povračilo za uporabo ali pravico do uporabe kakršnih koli avtorskih pravic za literarno, umetniško ali znanstveno delo, vključno s kinematografskimi filmi, katerega koli patenta, blagovne znamke, vzorca ali modela, načrta ali tajne formule ali postopka ali za informacije o industrijskih, komercialnih ali znanstvenih izkušnjah.

4. Določbe prvega in drugega odstavka se ne uporabljajo, če upravičeni lastnik licenčnin in avtorskih honorarjev, ki je rezident države pogodbenice, posluje v drugi državi pogodbenici, v kateri licenčnine in avtorski honorarji nastanejo, prek stalne poslovne enote v njej in je pravica ali premoženje, v zvezi s katerim se licenčnine in avtorski honorarji plačajo, dejansko povezano s tako stalno poslovno enoto. V tem primeru se uporabljajo določbe 7. člena.

5. Šteje se, da licenčnine in avtorski honorarji nastanejo v državi pogodbenici, kadar je plačnik rezident te države pogodbenice. Kadar pa ima oseba, ki plačuje licenčnine in avtorske honorarje, ne glede na to, ali je rezident države pogodbenice, v državi pogodbenici stalno poslovno enoto, v zvezi s katero je nastala obveznost za plačilo licenčnin in avtorskih honorarjev, ter take licenčnine in avtorske honorarje krije taka stalna poslovna enota, se šteje, da so take licenčnine in avtorski honorarji nastali v državi pogodbenici, v kateri je stalna poslovna enota.

6. Kadar zaradi posebnega odnosa med plačnikom in upravičenim lastnikom ali med njima in drugo osebo znesek licenčnin in avtorskih honorarjev glede na uporabo, pravico ali informacijo, za katero se plačujejo, presega znesek, za katerega bi se sporazumela plačnik in upravičeni lastnik, če takega odnosa ne bi bilo, se določbe tega člena uporabljajo samo za nazadnje omenjeni znesek. V tem primeru se presežni del izplačil še naprej obdavčuje v skladu z zakonodajo vsake države pogodbenice, pri čemer je treba upoštevati druge določbe te konvencije.

13. ČLEN

KAPITALSKI DOBIČKI

1. Dobiček, ki ga rezident države pogodbenice doseže z odtujitvijo nepremičnin, ki so navedene v 6. členu in so v drugi državi pogodbenici, se lahko obdavči v tej drugi državi pogodbenici.

2. Dobiček, ki ga rezident države pogodbenice doseže z odtujitvijo delnic družbe ali primerljivih deležev, kot so deleži v partnerstvu ali skrbniškem skladu, se lahko obdavči v drugi državi pogodbenici, če so kadar koli v obdobju 365 dni pred odtujitvijo te delnice ali primerljivi deleži, katerih vsaj 50 odstotkov vrednosti izhaja neposredno ali posredno iz nepremičnin, kakor so opredeljene v 6. členu, ki so v tej drugi državi pogodbenici, razen če se z ustreznim razredom delnic ali primerljivimi deleži ne trguje na priznani borzi ter imajo rezident in osebe, povezane s tem rezidentom, v lasti skupno 5 odstotkov ali manj tega razreda delnic ali primerljivih deležev.

3. Dobiček iz odtujitve kakršnega koli premoženja, ki ni nepremičnina in je del poslovnega premoženja stalne poslovne enote, ki jo ima podjetje države pogodbenice v drugi državi pogodbenici, vključno z dobičkom iz odtujitve take stalne poslovne enote (same ali s celotnim podjetjem), se lahko obdavči v tej drugi državi pogodbenici.

4. Dobiček, ki ga podjetje države pogodbenice doseže z odtujitvijo ladij ali zrakoplovov, s katerimi to podjetje opravlja prevoze v mednarodnem prometu, ali katerega koli premoženja, ki ni nepremičnina in se nanaša na opravljanje prevozov s takimi ladjami ali zrakoplovi, se obdavči samo v tej državi pogodbenici.

5. Dobiček iz odtujitve premoženja, ki ni premoženje, navedeno v prejšnjih odstavkih tega člena, se obdavči samo v državi pogodbenici, katere rezident je oseba, ki odtuji premoženje.

ARTICLE 14

INCOME FROM EMPLOYMENT

1. Subject to the provisions of Articles 15, 17 and 18, salaries, wages and other similar remuneration derived by a resident of a Contracting State in respect of an employment shall be taxable only in that Contracting State unless the employment is exercised in the other Contracting State. If the employment is so exercised, such remuneration as is derived therefrom may be taxed in that other Contracting State.

2. Notwithstanding the provisions of paragraph 1, remuneration derived by a resident of a Contracting State in respect of an employment exercised in the other Contracting State shall be taxable only in the first-mentioned Contracting State if:

(a) the recipient is present in the other Contracting State for a period or periods not exceeding in the aggregate 183 days in any twelve month period commencing or ending in the taxable year concerned, and

(b) the remuneration is paid by, or on behalf of, an employer who is not a resident of the other Contracting State, and

(c) the remuneration is not borne by a permanent establishment which the employer has in the other Contracting State.

3. Notwithstanding the preceding provisions of this Article, remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting State may be taxed in that Contracting State.

14. ČLEN

DOHODEK IZ ZAPOSLITVE

1. Ob upoštevanju določb 15., 17. in 18. člena se plače, mezde in drugi podobni prejemki, ki jih dobi rezident države pogodbenice iz zaposlitve, obdavčijo samo v tej državi pogodbenici, razen če se zaposlitev ne izvaja v drugi državi pogodbenici. Če se zaposlitev izvaja tako, se lahko tako dobljeni prejemki obdavčijo v tej drugi državi pogodbenici.

2. Ne glede na določbe prvega odstavka se prejemek, ki ga dobi rezident države pogodbenice iz zaposlitve, ki se izvaja v drugi državi pogodbenici, obdavči samo v prvi omenjeni državi pogodbenici, če:

a) je prejemnik navzoč v drugi državi pogodbenici v obdobju ali obdobjih, ki skupno ne presegajo 183 dni v katerem koli dvanajstmesečnem obdobju, ki se začne ali konča v posameznem davčnem letu, in

b) prejemek plača delodajalec, ki ni rezident druge države pogodbenice, ali se plača zanj ter

c) prejemka ne krije stalna poslovna enota, ki jo ima delodajalec v drugi državi pogodbenici.

3. Ne glede na prejšnje določbe tega člena se lahko prejemek, ki izhaja iz zaposlitve na ladji ali zrakoplovu, s katerim podjetje države pogodbenice opravlja prevoze v mednarodnem prometu, obdavči samo v tej državi pogodbenici.

ARTICLE 15

DIRECTORS' FEES

Directors' fees and other similar payments derived by a resident of a Contracting State in his capacity as a member of the board of directors, or of a similar organ, of a company which is a resident of the other Contracting State may be taxed in that other Contracting State.

15. ČLEN

PREJEMKI DIREKTORJEV

Prejemki direktorjev in druga podobna plačila, ki jih dobi rezident države pogodbenice kot član upravnega odbora ali podobnega organa družbe, ki je rezident druge države pogodbenice, se lahko obdavčijo v tej drugi državi pogodbenici.

ARTICLE 16

ENTERTAINERS AND SPORTSPERSONS

1. Notwithstanding the provisions of Article 14, income derived by a resident of a Contracting State as an entertainer, such as a theatre, motion picture, radio or television artiste, or a musician, or as a sportsperson, from that resident's personal activities as such exercised in the other Contracting State, may be taxed in that other Contracting State.

2. Where income in respect of personal activities exercised by an entertainer or a sportsperson acting as such accrues not to the entertainer or sportsperson but to another person, that income may, notwithstanding the provisions of Article 14, be taxed in the Contracting State in which the activities of the entertainer or sportsperson are exercised.

16. ČLEN

NASTOPAJOČI IZVAJALCI IN ŠPORTNIKI

1. Ne glede na določbe 14. člena se lahko dohodek, ki ga dobi rezident države pogodbenice kot nastopajoči izvajalec, kakor je gledališki, filmski, radijski ali televizijski umetnik ali glasbenik, ali kot športnik iz teh osebnih dejavnosti tega rezidenta, ki jih opravlja v drugi državi pogodbenici, obdavči v tej drugi državi pogodbenici.

2. Kadar dohodek iz osebnih dejavnosti, ki jih opravlja nastopajoči izvajalec ali športnik kot tak, ne priraste nastopajočemu izvajalcu ali športniku, temveč drugi osebi, se ta dohodek kljub določbam 14. člena lahko obdavči v državi pogodbenici, v kateri so opravljene dejavnosti nastopajočega izvajalca ali športnika.

ARTICLE 17

PENSIONS

Subject to the provisions of paragraph 2 of Article 18, pensions and other similar remuneration beneficially owned by a resident of a Contracting State shall be taxable only in that Contracting State.

17. ČLEN

POKOJNINE

Ob upoštevanju določb drugega odstavka 18. člena se pokojnine in drugi podobni prejemki v upravičeni lasti rezidenta države pogodbenice obdavčijo samo v tej državi pogodbenici.

ARTICLE 18

GOVERNMENT SERVICE

1. (a) Salaries, wages and other similar remuneration paid by a Contracting State or a political subdivision or local authority thereof to an individual in respect of services rendered to that Contracting State or political subdivision or local authority shall be taxable only in that Contracting State.

(b) However, such salaries, wages and other similar remuneration shall be taxable only in the other Contracting State if the services are rendered in that other Contracting State and the individual is a resident of that other Contracting State who:

18. ČLEN

DRŽAVNA SLUŽBA

1. a) Plače, mezde in drugi podobni prejemki, ki jih država pogodbenica ali njena politična enota ali lokalna oblast plačuje posamezniku za storitve, ki jih opravi za to državo pogodbenico ali politično enoto ali lokalno oblast, se obdavčijo samo v tej državi pogodbenici.

b) Take plače, mezde in drugi podobni prejemki se obdavčijo samo v drugi državi pogodbenici, če se storitve opravljajo v tej drugi državi pogodbenici in je posameznik rezident te druge države pogodbenice, ki:

(i) is a national of that other Contracting State; or

(ii) did not become a resident of that other Contracting State solely for the purpose of rendering the services.

2. (a) Notwithstanding the provisions of paragraph 1, pensions and other similar remuneration paid by, or out of funds which are created by or to which contributions are made by, a Contracting State or a political subdivision or local authority thereof to an individual in respect of services rendered to that Contracting State or political subdivision or local authority shall be taxable only in that Contracting State.

(b) However, such pensions and other similar remuneration shall be taxable only in the other Contracting State if the individual is a resident of, and a national of, that other Contracting State.

3. The provisions of Articles 14, 15, 16 and 17 shall apply to salaries, wages, pensions, and other similar remuneration in respect of services rendered in connection with a business carried on by a Contracting State or a political subdivision or local authority thereof.

ARTICLE 19

STUDENTS

Payments which a student or business apprentice who is or was immediately before visiting a Contracting State a resident of the other Contracting State and who is present in the first-mentioned Contracting State solely for the purpose of his education or training receives for the purpose of his maintenance, education or training shall not be taxed in the first-mentioned Contracting State, provided that such payments arise from sources outside the first-mentioned Contracting State. The exemption provided by this Article shall apply to a business apprentice only for a period not exceeding one year from the date on which he first begins his training in the first-mentioned Contracting State.

ARTICLE 20

OTHER INCOME

1. Items of income beneficially owned by a resident of a Contracting State, wherever arising, not dealt with in the foregoing Articles of this Convention shall be taxable only in that Contracting State.

2. The provisions of paragraph 1 shall not apply to income, other than income from immovable property as defined in paragraph 2 of Article 6, if the beneficial owner of such income, being a resident of a Contracting State, carries on business in the other Contracting State through a permanent establishment situated therein and the right or property in respect of which the income is paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply.

3. Where, by reason of a special relationship between the resident referred to in paragraph 1 and the payer or between both of them and some other person, the amount of the income referred to in paragraph 1 exceeds the amount which would have been agreed upon between them in the absence of such relationship, the provisions of this Article shall apply only to the last-mentioned amount. In such case, the excess part of the income shall remain taxable according to the laws of each Contracting State, due regard being had to the other provisions of this Convention.

ARTICLE 21

LIMITATION ON BENEFITS

Notwithstanding the other provisions of this Convention, a benefit under the Convention shall not be granted in respect of an item of income if it is reasonable to conclude, having regard to all relevant facts and circumstances, that obtaining that benefit was one of the principal purposes of any arrangement or transaction that resulted directly or indirectly in that benefit, unless it is established that granting that benefit in these circumstances would be in accordance with the object and purpose of the relevant provisions of the Convention.

(i) je državljan te druge države pogodbenice ali

(ii) ni postal rezident te druge države pogodbenice samo zaradi opravljanja storitev.

2. a) Ne glede na določbe prvega odstavka se pokojnine in drugi podobni prejemki, ki jih plačuje država pogodbenica ali njena politična enota ali lokalna oblast ali se plačujejo iz skladov, ki jih je oblikovala ali v katere prispeva država pogodbenica ali njena politična enota ali lokalna oblast, posamezniku za storitve, opravljene za to državo pogodbenico ali politično enoto ali oblast, obdavčijo samo v tej državi pogodbenici.

b) Take pokojnine in drugi podobni prejemki se obdavčijo samo v drugi državi pogodbenici, če je posameznik rezident in državljan te druge države pogodbenice.

3. Za plače, mezde, pokojnine in druge podobne prejemke za storitve, opravljene v zvezi s posli države pogodbenice ali njene politične enote ali lokalne oblasti, se uporabljajo določbe 14., 15., 16. in 17. člena.

19. ČLEN

ŠTUDENTI

Plačila, ki jih za svoje vzdrževanje, izobraževanje ali usposabljanje prejme študent ali oseba na praksi, ki je ali je bila tik pred obiskom države pogodbenice rezident druge države pogodbenice in je v prvi omenjeni državi pogodbenici navzoča samo zaradi svojega izobraževanja ali usposabljanja, se ne obdavčijo v prvi omenjeni državi pogodbenici, če taka plačila izhajajo iz virov zunaj prve omenjene države pogodbenice. Oprostitev po tem členu se za osebo na praksi uporablja samo za obdobje, ki ne presega enega leta od dne, ko se je prvič začela usposabljati v prvi omenjeni državi.

20. ČLEN

DRUGI DOHODKI

1. Deli dohodka v upravičeni lasti rezidenta države pogodbenice, ki nastanejo kjer koli in niso obravnavani v prejšnjih členih te konvencije, se obdavčijo samo v tej državi pogodbenici.

2. Določbe prvega odstavka se ne uporabljajo za dohodek, ki ni dohodek iz nepremičnin, kakor so opredeljene v drugem odstavku 6. člena, če upravičeni lastnik takega dohodka, ki je rezident države pogodbenice, posluje v drugi državi pogodbenici prek stalne poslovne enote v njej in je pravica ali premoženje, v zvezi s katerim se plača dohodek, dejansko povezano s tako stalno poslovno enoto. V tem primeru se uporabljajo določbe 7. člena.

3. Kadar zaradi posebnega odnosa med rezidentom, omenjenim v prvem odstavku, in plačnikom ali med njima in drugo osebo znesek dohodka, omenjen v prvem odstavku, presega znesek, za katerega bi se sporazumela, če takega odnosa ne bi bilo, se določbe tega člena uporabljajo samo za nazadnje omenjeni znesek. V tem primeru se presežni del dohodka še naprej obdavčuje v skladu z zakonodajo vsake države pogodbenice, pri čemer je treba upoštevati druge določbe te konvencije.

21. ČLEN

OMEJITEV UGODNOSTI

Ne glede na druge določbe te konvencije se ugodnost po konvenciji ne prizna v zvezi z delom dohodka, če je ob upoštevanju vseh ustreznih dejstev in okoliščin mogoče sklepati, da je bila pridobitev te ugodnosti eden od glavnih namenov kakršnega koli dogovora ali transakcije, na podlagi katere je bila neposredno ali posredno pridobljena ta ugodnost, razen če se ne ugotovi, da bi bilo priznavanje take ugodnosti v teh okoliščinah skladno s cilji in nameni ustreznih določb konvencije.

ARTICLE 22

ELIMINATION OF DOUBLE TAXATION

1. In Slovenia, double taxation shall be eliminated as follows:

(a) Where a resident of Slovenia derives income which, in accordance with the provisions of this Convention, may be taxed in Japan, Slovenia shall allow as a deduction from the tax on the income of that resident, an amount equal to the tax on income paid in Japan. Such deduction shall not, however, exceed that part of the tax on income, as computed before the deduction is given, which is attributable to the income which may be taxed in Japan.

(b) Where in accordance with any provision of this Convention income derived by a resident of Slovenia is exempt from tax in Slovenia, Slovenia may nevertheless, in calculating the amount of tax on the remaining income of such resident, take into account the exempted income.

2. In Japan, double taxation shall be eliminated as follows:

Subject to the provisions of the laws of Japan regarding the allowance as a credit against Japanese tax of tax payable in any country other than Japan, where a resident of Japan derives income from Slovenia which may be taxed in Slovenia in accordance with the provisions of this Convention, the amount of Slovenian tax payable in respect of that income shall be allowed as a credit against the Japanese tax imposed on that resident. The amount of credit, however, shall not exceed the amount of the Japanese tax which is appropriate to that income.

22. ČLEN

ODPRAVA DVOJNEGA OBDAVČEVANJA

1. V Sloveniji se dvojno obdavčevanje odpravi, kot sledi:

a) Kadar rezident Slovenije doseže dohodek, ki se v skladu z določbami te konvencije lahko obdavči na Japonskem, Slovenija dovoli kot odbitek od davka od dohodka tega rezidenta znesek, ki je enak davku od dohodka, plačanemu na Japonskem. Tak odbitek pa ne sme presegati tistega dela pred odbitkom izračunanega davka od dohodka, ki se nanaša na dohodek, ki se lahko obdavči na Japonskem.

b) Kadar je v skladu s katero koli določbo te konvencije dohodek, ki ga doseže rezident Slovenije, oproščen davka v Sloveniji, lahko Slovenija pri izračunu davka od preostalega dohodka takega rezidenta kljub temu upošteva oproščeni dohodek.

2. Na Japonskem se dvojno obdavčevanje odpravi, kot sledi:

Ob upoštevanju določb japonske zakonodaje o olajšavi kot odbitku davka, plačanega v kateri koli državi, ki ni Japonska, od japonskega davka, kadar rezident Japonske doseže dohodek v Sloveniji, ki se lahko obdavči v Sloveniji v skladu z določbami te konvencije, je znesek slovenskega davka, ki se plača v zvezi s tem dohodkom, dovoljen kot odbitek od japonskega davka, naloženega temu rezidentu. Znesek odbitka pa ne sme preseči zneska japonskega davka, ki ustreza temu dohodku.

ARTICLE 23

NON-DISCRIMINATION

1. Nationals of a Contracting State shall not be subjected in the other Contracting State to any taxation or any requirement connected therewith, which is other or more burdensome than the taxation and connected requirements to which nationals of that other Contracting State in the same circumstances, in particular with respect to residence, are or may be subjected. The provisions of this paragraph shall, notwithstanding the provisions of Article 1, also apply to persons who are not residents of one or both of the Contracting States.

2. The taxation on a permanent establishment which an enterprise of a Contracting State has in the other Contracting State shall not be less favourably levied in that other Contracting State than the taxation levied on enterprises of that other Contracting State carrying on the same activities. The provisions of this paragraph shall not be construed as obliging a Contracting State to grant to residents of the other Contracting State any personal allowances, reliefs and reductions for taxation purposes on account of civil status or family responsibilities which it grants to its own residents.

3. Except where the provisions of paragraph 1 of Article 9, paragraph 7 of Article 11, paragraph 6 of Article 12 or paragraph 3 of Article 20 apply, interest, royalties and other disbursements paid by an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable profits of such enterprise, be deductible under the same conditions as if they had been paid to a resident of the first-mentioned Contracting State.

4. Enterprises of a Contracting State, the capital of which is wholly or partly owned or controlled, directly or indirectly, by one or more residents of the other Contracting State, shall not be subjected in the first-mentioned Contracting State to any taxation or any requirement connected therewith which is other or more burdensome than the taxation and connected requirements to which other similar enterprises of the first-mentioned Contracting State are or may be subjected.

5. The provisions of this Article shall, notwithstanding the provisions of Article 2, apply to taxes of every kind and description imposed on behalf of a Contracting State or of its political subdivisions or local authorities.

23. ČLEN

ENAKO OBRAVNAVANJE

1. Državljani države pogodbenice ne smejo biti v drugi državi pogodbenici zavezani kakršnemu koli obdavčevanju ali kakršni koli zahtevi v zvezi s tem, ki je drugačna ali bolj obremenjujoča, kakor so ali so lahko obdavčevanje in s tem povezane zahteve za državljane te druge države pogodbenice v enakih okoliščinah, še zlasti glede rezidentstva. Določbe tega odstavka se ne glede na določbe 1. člena uporabljajo tudi za osebe, ki niso rezidenti ene ali obeh držav pogodbenic.

2. Obdavčevanje stalne poslovne enote, ki jo ima podjetje države pogodbenice v drugi državi pogodbenici, v tej drugi državi pogodbenici ne sme biti manj ugodno, kakor je obdavčevanje podjetij te druge države pogodbenice, ki opravljajo enake dejavnosti. Določbe tega odstavka se ne razlagajo kot zavezujoče za državo pogodbenico, da prizna rezidentom druge države pogodbenice kakršne koli osebne olajšave, druge olajšave in znižanja za davčne namene zaradi osebnega stanja ali družinskih obveznosti, ki jih priznava svojim rezidentom.

3. Razen kadar se uporabljajo določbe prvega odstavka 9. člena, sedmega odstavka 11. člena, šestega odstavka 12. člena ali tretjega odstavka 20. člena, se obresti, licenčnine in avtorski honorarji ter druga izplačila, ki jih plača podjetje države pogodbenice rezidentu druge države pogodbenice, pri ugotavljanju obdavčljivega dobička takega podjetja odbijejo pod enakimi pogoji, kakor če bi bili plačani rezidentu prve omenjene države pogodbenice.

4. Podjetja države pogodbenice, katerih kapital je v celoti ali delno, neposredno ali posredno v lasti ali pod nadzorom enega ali več rezidentov druge države pogodbenice, ne smejo biti v prvi omenjeni državi pogodbenici zavezana kakršnemu koli obdavčevanju ali kakršni koli zahtevi v zvezi s tem, ki je drugačna ali bolj obremenjujoča, kakor so ali so lahko obdavčevanje in s tem povezane zahteve do podobnih podjetij prve omenjene države pogodbenice.

5. Določbe tega člena se ne glede na določbe 2. člena uporabljajo za davke vseh vrst in opisov, ki se uvedejo v imenu države pogodbenice ali njenih političnih enot ali lokalnih oblasti.

ARTICLE 24

MUTUAL AGREEMENT PROCEDURE

1. Where a person considers that the actions of one or both of the Contracting States result or will result for him in taxation not in accordance with the provisions of this Convention, he may, irrespective of the remedies provided by the domestic law of those Contracting States, present his case to the competent authority of the Contracting State of which he is a resident or, if his case comes under paragraph 1 of Article 23, to that of the Contracting State of which he is a national. The case must be presented within three years from the first notification of the action resulting in taxation not in accordance with the provisions of the Convention.

2. The competent authority shall endeavour, if the objection appears to it to be justified and if it is not itself able to arrive at a satisfactory solution, to resolve the case by mutual agreement with the competent authority of the other Contracting State, with a view to the avoidance of taxation which is not in accordance with the provisions of this Convention. Any agreement reached shall be implemented notwithstanding any time limits in the domestic law of the Contracting States.

3. The competent authorities of the Contracting States shall endeavour to resolve by mutual agreement any difficulties or doubts arising as to the interpretation or application of this Convention. They may also consult together for the elimination of double taxation in cases not provided for in the Convention.

4. The competent authorities of the Contracting States may communicate with each other directly, including through a joint commission consisting of themselves or their representatives, for the purpose of reaching an agreement in the sense of the preceding paragraphs of this Article.

5. Where,

(a) under paragraph 1, a person has presented a case to the competent authority of a Contracting State on the basis that the actions of one or both of the Contracting States have resulted for that person in taxation not in accordance with the provisions of this Convention, and

(b) the competent authorities are unable to reach an agreement to resolve that case pursuant to paragraph 2 within two years from the presentation of the case to the competent authority of the other Contracting State,

any unresolved issues arising from the case shall be submitted to arbitration if the person so requests. These unresolved issues shall not, however, be submitted to arbitration if a decision on these issues has already been rendered by a court or administrative tribunal of either Contracting State or if the competent authorities of both Contracting States have agreed that these issues are not suitable for resolution through the arbitration and have notified the person who made the request for arbitration in respect of the case of such agreement within two years from the presentation of the case to the competent authority of the other Contracting State. Unless a person directly affected by the case does not accept the mutual agreement that implements the arbitration decision, that decision shall be binding on both Contracting States and shall be implemented notwithstanding any time limits in the domestic laws of these Contracting States. The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of this paragraph.

ARTICLE 25

EXCHANGE OF INFORMATION

1. The competent authorities of the Contracting States shall exchange such information as is foreseeably relevant for carrying out the provisions of this Convention or to the administration or enforcement of the domestic laws concerning taxes of every kind and description imposed on behalf of the Contracting States, or of their political subdivisions or local authorities, insofar as the taxation thereunder is not contrary to the Convention. The exchange of information is not restricted by Articles 1 and 2.

24. ČLEN

POSTOPEK SKUPNEGA DOGOVARJANJA

1. Kadar oseba meni, da imajo ali bodo imela dejanja ene ali obeh držav pogodbenic zanjo za posledico obdavčenje, ki ni v skladu z določbami te konvencije, lahko ne glede na pravna sredstva, ki ji jih omogoča domače pravo teh držav pogodbenic, predloži zadevo pristojnemu organu države pogodbenice, katere rezident je, ali če se njen primer nanaša na prvi odstavek 23. člena, tiste države pogodbenice, katere državljan je. Zadeva mora biti predložena v treh letih od prvega uradnega obvestila o dejanju, ki je imelo za posledico obdavčenje, ki ni v skladu z določbami konvencije.

2. Če pristojni organ meni, da je pritožba upravičena, in če sam ne more najti zadovoljive rešitve, si prizadeva rešiti primer s skupnim dogovorom s pristojnim organom druge države pogodbenice, da bi se izognili obdavčenju, ki ni v skladu z določbami konvencije. Vsak dosežen dogovor se izvaja ne glede na roke v domačem pravu držav pogodbenic.

3. Pristojna organa držav pogodbenic si prizadevata s skupnim dogovorom razrešiti kakršne koli težave ali dvome, ki nastanejo pri razlagi ali uporabi te konvencije. Prav tako se lahko posvetujeta o odpravi dvojnega obdavčevanja v primerih, ki jih konvencija ne predvideva.

4. Da bi pristojna organa držav pogodbenic dosegla dogovor v skladu s prejšnjimi odstavki tega člena, se lahko dogovarjata neposredno, vključno v skupni komisiji, ki jo sestavljata sama ali njuni predstavniki.

5. Kadar:

a) je po prvem odstavku oseba predložila zadevo pristojnemu organu države pogodbenice, ker so imela dejanja ene ali obeh držav pogodbenic za to osebo za posledico obdavčenje, ki ni v skladu z določbami te konvencije, in

b) se pristojna organa ne moreta dogovoriti o rešitvi primera v skladu z drugim odstavkom v dveh letih od predložitve zadeve pristojnemu organu druge države pogodbenice,

se kakršna koli nerešena vprašanja, ki izhajajo iz primera, predložijo v arbitražo, če oseba tako zahteva. Vendar se ta nerazrešena vprašanja ne predložijo v arbitražo, če je sodišče ali upravno sodišče katere koli od držav pogodbenic že sprejelo odločitev o teh vprašanjih ali če sta se pristojna organa obeh držav pogodbenic dogovorila, da ta vprašanja niso primerna za reševanje z arbitražo, in sta obvestila osebo, ki je zahtevala arbitražo, o takem dogovoru v dveh letih od predložitve zadeve pristojnemu organu druge države pogodbenice. Razen če oseba, ki jo primer neposredno zadeva, ne sprejme skupnega dogovora, s katerim se izvede arbitražna odločitev, je ta odločitev zavezujoča za obe državi pogodbenici in se izvede ne glede na roke v domači zakonodaji teh držav pogodbenic. Pristojna organa držav pogodbenic s skupnim dogovorom uredita način uporabe tega odstavka.

25. ČLEN

IZMENJAVA INFORMACIJ

1. Pristojna organa držav pogodbenic si izmenjavata informacije, ki so predvidoma pomembne za izvajanje določb te konvencije ali za izvajanje ali uveljavljanje domače zakonodaje glede davkov vseh vrst in opisov, ki se uvedejo v imenu držav pogodbenic ali njunih političnih enot ali lokalnih oblasti, če obdavčevanje na njeni podlagi ni v nasprotju s konvencijo. Izmenjava informacij ni omejena s 1. in 2. členom.

2. Any information received under paragraph 1 by a Contracting State shall be treated as secret in the same manner as information obtained under the domestic laws of that Contracting State and shall be disclosed only to persons or authorities (including courts and administrative bodies) concerned with the assessment or collection of, the enforcement or prosecution in respect of, the determination of appeals in relation to the taxes referred to in paragraph 1, or the oversight of the above. Such persons or authorities shall use the information only for such purposes. They may disclose the information in public court proceedings or in judicial decisions. Notwithstanding the foregoing, information received by a Contracting State may be used for other purposes when such information may be used for such other purposes under the laws of both Contracting States and the competent authority of the Contracting State supplying the information authorises such use.

3. In no case shall the provisions of paragraphs 1 and 2 be construed so as to impose on a Contracting State the obligation:

(a) to carry out administrative measures at variance with the laws and administrative practice of that or of the other Contracting State;

(b) to supply information which is not obtainable under the laws or in the normal course of the administration of that or of the other Contracting State;

(c) to supply information which would disclose any trade, business, industrial, commercial or professional secret or trade process, or information the disclosure of which would be contrary to public policy.

4. If information is requested by a Contracting State in accordance with this Article, the other Contracting State shall use its information gathering measures to obtain the requested information, even though that other Contracting State may not need such information for its own tax purposes. The obligation contained in the preceding sentence is subject to the limitations of paragraph 3 but in no case shall such limitations be construed to permit a Contracting State to decline to supply information solely because it has no domestic interest in such information.

5. In no case shall the provisions of paragraph 3 be construed to permit a Contracting State to decline to supply information solely because the information is held by a bank, other financial institution, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person.

ARTICLE 26

ASSISTANCE IN THE COLLECTION OF TAXES

1. The Contracting States shall lend assistance to each other in the collection of revenue claims. This assistance is not restricted by Articles 1 and 2. The competent authorities of the Contracting States may by mutual agreement settle the mode of application of this Article.

2. The term “revenue claim” as used in this Article means an amount owed in respect of the taxes covered by Article 2 which are imposed on behalf of a Contracting State and the following taxes, insofar as the taxation thereunder is not contrary to this Convention or any other instrument to which the Contracting States are parties, as well as interest, administrative penalties and costs of collection or conservancy related to such amount:

(a) in Slovenia:

(i) the value-added tax; and

(ii) the inheritance and gift tax;

(b) in Japan:

(i) the special corporation tax for reconstruction;

(ii) the consumption tax;

(iii) the local consumption tax;

(iv) the inheritance tax; and

(v) the gift tax;

(c) any other tax as may be agreed upon from time to time between the Governments of the Contracting States through an exchange of diplomatic notes;

2. Vsaka informacija, ki jo država pogodbenica prejme na podlagi prvega odstavka, se obravnava kot tajnost enako kakor informacije, pridobljene po domači zakonodaji te države pogodbenice, in se razkrije samo osebam ali organom (vključno s sodišči in upravnimi organi), udeleženim pri odmeri ali pobiranju davkov, izterjavi ali pregonu ali pri odločanju o pritožbah glede davkov iz prvega odstavka ali pri nadzoru nad omenjenim. Te osebe ali organi uporabljajo informacije samo v te namene. Informacije lahko razkrijejo v javnih sodnih postopkih ali sodnih odločbah. Ne glede na to se lahko informacija, ki jo pridobi država pogodbenica, uporablja za druge namene, kadar se v take druge namene lahko uporablja po zakonodaji obeh držav pogodbenic in če pristojni organ države pogodbenice, ki informacijo daje, tako uporabo dovoli.

3. Določbe prvega in drugega odstavka se v nobenem primeru ne razlagajo, kakor da nalagajo državi pogodbenici obveznost, da:

a) izvaja upravne ukrepe, ki niso v skladu z zakonodajo in upravno prakso te ali druge države pogodbenice;

b) predloži informacije, ki jih ni mogoče dobiti na podlagi zakonodaje ali po običajni upravni poti te ali druge države pogodbenice;

c) predloži informacije, ki bi razkrile kakršno koli trgovinsko, poslovno, industrijsko, komercialno ali poklicno skrivnost ali trgovinski postopek, ali informacije, katerih razkritje bi bilo v nasprotju z javnim redom.

4. Če država pogodbenica zahteva informacije v skladu s tem členom, druga država pogodbenica sprejme ukrepe za pridobitev zahtevanih informacij, tudi če jih ta druga država pogodbenica morda ne potrebuje za svoje davčne namene. Za obveznost iz prejšnjega stavka veljajo omejitve iz tretjega odstavka, toda v nobenem primeru se take omejitve ne razlagajo tako, kakor da država pogodbenica lahko zavrne predložitev informacij samo zato, ker sama zanje nima interesa.

5. V nobenem primeru se določbe tretjega odstavka ne razlagajo tako, kakor da država pogodbenica lahko zavrne predložitev informacij samo zato, ker jih hrani banka, druga finančna ustanova, pooblaščenec ali oseba, ki deluje kot zastopnik ali fiduciar, ali zato, ker so povezane z lastniškimi deleži v neki osebi.

26. ČLEN

POMOČ PRI POBIRANJU DAVKOV

1. Državi pogodbenici si pomagata pri pobiranju davčnih terjatev. Pomoč ni omejena s 1. in 2. členom. Pristojna organa držav pogodbenic lahko s skupnim dogovorom uredita način uporabe tega člena.

2. Izraz »davčna terjatev«, kakor je uporabljen v tem členu, pomeni dolgovani znesek v zvezi z davki iz 2. člena, ki se uvedejo v imenu države pogodbenice, in naslednjimi davki, če tako obdavčevanje ni v nasprotju s to konvencijo ali katerim koli drugim instrumentom, katerega članici sta državi pogodbenici, vključno z obrestmi, upravnimi kaznimi in stroški pobiranja ali zavarovanja v zvezi s tem zneskom:

a) v Sloveniji:

(i) davek na dodano vrednost in

(ii) davek na dediščine in darila;

b) na Japonskem:

(i) posebni davek od dohodkov pravnih oseb za obnovo;

(ii) davek na potrošnjo;

(iii) lokalni davek na potrošnjo;

(iv) davek na dediščine in

(v) davek na darila;

c) kakršen koli drug davek, o katerem se lahko občasno dogovorita vladi držav pogodbenic z izmenjavo diplomatskih not;

(d) any identical or substantially similar taxes that are imposed after the date of signature of this Convention in addition to, or in place of, the taxes covered by subparagraph (a), (b) or (c).

3. When a revenue claim of a Contracting State is enforceable under the laws of that Contracting State and is owed by a person who, at that time, cannot, under the laws of that Contracting State, prevent its collection, that revenue claim shall, at the request of the competent authority of that Contracting State, be accepted for purposes of collection by the competent authority of the other Contracting State. That revenue claim shall be collected by that other Contracting State in accordance with the provisions of its laws applicable to the enforcement and collection of its own taxes as if the revenue claim were a revenue claim of that other Contracting State that met the conditions allowing that other Contracting State to make a request under this paragraph.

4. When a revenue claim of a Contracting State is a claim in respect of which that Contracting State may, under its law, take measures of conservancy with a view to ensure its collection, that revenue claim shall, at the request of the competent authority of that Contracting State, be accepted for purposes of taking measures of conservancy by the competent authority of the other Contracting State. That other Contracting State shall take measures of conservancy in respect of that revenue claim in accordance with the provisions of its laws as if the revenue claim were a revenue claim of that other Contracting State even if, at the time when such measures are applied, the revenue claim is not enforceable in the first-mentioned Contracting State or is owed by a person who has a right to prevent its collection.

5. Notwithstanding the provisions of paragraphs 3 and 4, a revenue claim accepted by the competent authority of a Contracting State for purposes of paragraph 3 or 4 shall not, in that Contracting State, be subject to the time limits or accorded any priority applicable to a revenue claim under the laws of that Contracting State by reason of its nature as such. In addition, a revenue claim accepted by the competent authority of a Contracting State for the purposes of paragraph 3 or 4 shall not, in that Contracting State, have any priority applicable to that revenue claim under the laws of the other Contracting State.

6. Notwithstanding the provisions of paragraph 5, acts carried out by a Contracting State in the collection of a revenue claim accepted by the competent authority of that Contracting State for purposes of paragraph 3 or 4 which if they were carried out by the other Contracting State would have the effect of suspending or interrupting the time limits applicable to the revenue claim in accordance with the laws of that other Contracting State shall have such effect under the laws of that other Contracting State. The competent authority of the first-mentioned Contracting State shall inform the competent authority of the other Contracting State of having carried out such acts.

7. Proceedings with respect to the existence, validity or the amount of a revenue claim of a Contracting State shall not be brought before the courts or administrative bodies of the other Contracting State.

8. Where, at any time after a request has been made by the competent authority of a Contracting State under paragraph 3 or 4 and before the other Contracting State has collected and remitted the relevant revenue claim to the first-mentioned Contracting State, the relevant revenue claim ceases to be

(a) in the case of a request under paragraph 3, a revenue claim of the first-mentioned Contracting State that is enforceable under the laws of that Contracting State and is owed by a person who, at that time, cannot, under the laws of that Contracting State, prevent its collection, or

(b) in the case of a request under paragraph 4, a revenue claim of the first-mentioned Contracting State in respect of which that Contracting State may, under its laws, take measures of conservancy with a view to ensure its collection

the competent authority of the first-mentioned Contracting State shall promptly notify the competent authority of the other Contracting State of that fact and, at the option of the competent authority of the other Contracting State, the competent authority of the first-mentioned Contracting State shall either suspend or withdraw its request.

d) kakršni koli enaki ali vsebinsko podobni davki, ki se po dnevu podpisa te konvencije uvedejo poleg davkov iz pododstavkov a, b ali c ali namesto njih.

3. Kadar je davčno terjatev države pogodbenice mogoče uveljaviti po zakonodaji te države pogodbenice, dolžnik pa takrat po zakonodaji te države pogodbenice pobiranja ne more preprečiti, to davčno terjatev na zaprosilo pristojnega organa te države pogodbenice sprejme za namene pobiranja pristojni organ druge države pogodbenice. To davčno terjatev pobere ta druga država pogodbenica v skladu z določbami svoje zakonodaje, ki se uporablja pri uveljavljanju in pobiranju njenih davkov, kakor da bi šlo za davčno terjatev te druge države pogodbenice, ki izpolnjuje pogoje, ki tej drugi državi pogodbenici omogočajo, da vloži zaprosilo po tem odstavku.

4. Kadar je davčna terjatev države pogodbenice taka, da ta država po svoji zakonodaji lahko izvede ukrepe zavarovanja za zagotovitev njenega pobiranja, to davčno terjatev na zaprosilo pristojnega organa te države pogodbenice sprejme zaradi izvedbe ukrepov zavarovanja pristojni organ druge države pogodbenice. Ta druga država pogodbenica izvede ukrepe zavarovanja te davčne terjatve v skladu z določbami svoje zakonodaje, kakor če bi bila to njena davčna terjatev, tudi če med izvajanjem teh ukrepov te davčne terjatve ni mogoče uveljaviti v prvi omenjeni državi pogodbenici ali če ima dolžnik pravico pobiranje preprečiti.

5. Ne glede na določbe tretjega in četrtega odstavka v državi pogodbenici za davčno terjatev, ki jo pristojni organ te države pogodbenice sprejme za namene tretjega ali četrtega odstavka, ne veljajo roki ali prednostna obravnava, ki se uporabljajo za davčno terjatev po zakonodaji te države pogodbenice samo zaradi njene narave. Poleg tega davčna terjatev, ki jo sprejme pristojni organ države pogodbenice za namene tretjega ali četrtega odstavka, v tej državi pogodbenici ni prednostno obravnavana po zakonodaji druge države pogodbenice.

6. Ne glede na določbe petega odstavka dejanja, ki jih opravi država pogodbenica pri pobiranju davčne terjatve, ki jo pristojni organ te države pogodbenice sprejme za namene tretjega ali četrtega odstavka, katera bi, če bi jih opravila druga država pogodbenica, imela za posledico prenehanje poteka oziroma prekinitev roka, ki velja za davčno terjatev v skladu z zakonodajo te druge države pogodbenice, imajo tak učinek v skladu z zakonodajo te druge države pogodbenice. Pristojni organ prve navedene države pogodbenice obvesti pristojni organ druge države pogodbenice o tem, da je taka dejanja opravil.

7. Obstoj, veljavnost ali višina davčne terjatve države pogodbenice ne bo predmet postopkov pred sodišči ali upravnimi organi druge države pogodbenice.

8. Če kadar koli po zaprosilu države pogodbenice v skladu s tretjim in četrtim odstavkom ter preden druga država pogodbenica pobere in nakaže davčno terjatev prvi navedeni državi pogodbenici, ta davčna terjatev ni več:

a) pri zaprosilu po tretjem odstavku, davčna terjatev prve omenjene države pogodbenice, ki jo je mogoče uveljaviti po njeni zakonodaji in jo dolguje oseba, ki takrat po zakonodaji te države pogodbenice njenega pobiranja ne more preprečiti, ali

b) pri zaprosilu po četrtem odstavku, davčna terjatev prve omenjene države pogodbenice, za katero ta država pogodbenica po svoji zakonodaji lahko izvede ukrepe zavarovanja za zagotovitev njenega pobiranja,

pristojni organ prve omenjene države pogodbenice o tem takoj uradno obvesti pristojni organ druge države pogodbenice in glede na izbiro pristojnega organa druge države pogodbenice pristojni organ prve omenjene države pogodbenice začasno ali trajno umakne svoje zaprosilo.

9. In no case shall the provisions of this Article be construed so as to impose on a Contracting State the obligation:

(a) to carry out administrative measures at variance with the laws and administrative practice of that or of the other Contracting State;

(b) to carry out measures which would be contrary to public policy;

(c) to provide assistance if the other Contracting State has not pursued all reasonable measures of collection or conservancy, as the case may be, available under its laws or administrative practice;

(d) to provide assistance in those cases where the administrative burden for that Contracting State is clearly disproportionate to the benefit to be derived by the other Contracting State.

ARTICLE 27

MEMBERS OF DIPLOMATIC MISSIONS AND CONSULAR POSTS

Nothing in this Convention shall affect the fiscal privileges of members of diplomatic missions or consular posts under the general rules of international law or under the provisions of special agreements.

ARTICLE 28

HEADINGS

The headings of the Articles of this Convention are inserted for convenience of reference only and shall not affect the interpretation of the Convention.

ARTICLE 29

ENTRY INTO FORCE

1. Each of the Contracting States shall send in writing and through diplomatic channels to the other Contracting State the notification confirming that its internal procedures necessary for the entry into force of this Convention have been completed. The Convention shall enter into force on the thirtieth day after the date of receipt of the later notification.

2. This Convention shall be applicable:

(a) in Slovenia:

(i) with respect to taxes withheld at source, to income derived on or after 1 January of the calendar year next following the year in which the Convention enters into force; and

(ii) with respect to other taxes, to taxes chargeable for any taxable year beginning on or after 1 January of the calendar year next following the year in which the Convention enters into force; and

(b) in Japan:

(i) with respect to taxes levied on the basis of a taxable year, for taxes for any taxable years beginning on or after 1 January in the calendar year next following that in which the Convention enters into force; and

(ii) with respect to taxes levied not on the basis of a taxable year, for taxes levied on or after 1 January in the calendar year next following that in which the Convention enters into force.

ARTICLE 30

TERMINATION

This Convention shall remain in force until terminated by a Contracting State. Either Contracting State may terminate the Convention, through diplomatic channels, by giving written notice of termination to the other Contracting State at least six months before the end of any calendar year beginning after expiry of five years from the date of entry into force of the Convention. In such event, the Convention shall cease to have effect:

(a) in Slovenia:

(i) with respect to taxes withheld at source, to income derived on or after 1 January of the calendar year next following the year in which the notice is given; and

9. V nobenem primeru se določbe tega člena ne razlagajo tako, kakor da nalagajo državi pogodbenici obveznost, da:

a) izvaja upravne ukrepe, ki niso v skladu z zakonodajo in upravno prakso te ali druge države pogodbenice;

b) izvaja ukrepe, ki bi bili v nasprotju z javnim redom;

c) zagotovi pomoč, če druga država pogodbenica ni izvedla vseh razumnih ukrepov za pobiranje ali zavarovanje, odvisno od primera, ki jih ima na voljo po svoji zakonodaji ali upravni praksi;

d) zagotovi pomoč v primerih, ko je jasno, da upravno breme za to državo pogodbenico ni sorazmerno s koristjo, ki bi jo imela druga država pogodbenica.

27. ČLEN

ČLANI DIPLOMATSKIH PREDSTAVNIŠTEV IN KONZULATOV

Nič v tej konvenciji ne vpliva na davčne privilegije članov diplomatskih predstavništev ali konzulatov po splošnih pravilih mednarodnega prava ali določbah posebnih sporazumov.

28. ČLEN

NASLOVI

Naslovi členov te konvencije so vključeni samo zaradi lažjega sklicevanja in ne vplivajo na razlago te konvencije.

29. ČLEN

ZAČETEK VELJAVNOSTI

1. Vsaka od držav pogodbenic pošlje pisno po diplomatski poti drugi državi pogodbenici uradno obvestilo o tem, da so končani notranji postopki, nujni za začetek veljavnosti te konvencije. Konvencija začne veljati trideseti dan po datumu prejema zadnjega uradnega obvestila.

2. Ta konvencija se uporablja:

a) v Sloveniji:

(i) v zvezi z davki, odtegnjenimi pri viru, za dohodek, dosežen 1. januarja v koledarskem letu po letu, v katerem začne veljati konvencija, ali po njem, in

(ii) v zvezi z drugimi davki za davke, obračunane za katero koli davčno leto, ki se začne 1. januarja v koledarskem letu po letu, v katerem začne veljati konvencija, ali po njem, in

b) na Japonskem:

(i) v zvezi z davki, obračunanimi za davčno leto, za davke, obračunane za katero koli davčno leto, ki se začne 1. januarja v koledarskem letu po letu, v katerem začne veljati konvencija, ali po njem, in

(ii) v zvezi z davki, ki niso obračunani za davčno leto, za davke, obračunane 1. januarja v koledarskem letu po letu, v katerem začne veljati konvencija, ali po njem.

30. ČLEN

PRENEHANJE VELJAVNOSTI

Ta konvencija velja, dokler je država pogodbenica ne odpove. Vsaka država pogodbenica lahko odpove konvencijo po diplomatski poti s pisnim obvestilom o odpovedi drugi državi pogodbenici najmanj šest mesecev pred koncem katerega koli koledarskega leta, ki se začne po petih letih od dneva začetka veljavnosti konvencije. V tem primeru se konvencija preneha uporabljati:

a) v Sloveniji:

(i) v zvezi z davki, odtegnjenimi pri viru, za dohodek, dosežen 1. januarja v koledarskem letu po letu, v katerem je dano obvestilo o odpovedi, ali po njem, in

(ii) with respect to other taxes, to taxes chargeable for any taxable year beginning on or after 1 January of the calendar year next following the year in which the notice is given; and

(b) in Japan:

(i) with respect to taxes levied on the basis of a taxable year, for taxes for any taxable years beginning on or after 1 January in the calendar year next following that in which the notice is given; and

(ii) with respect to taxes levied not on the basis of a taxable year, for taxes levied on or after 1 January in the calendar year next following that in which the notice is given.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Convention.

DONE in duplicate at Tokyo this thirtieth day of September, 2016 in the English language.

For the Republic of Slovenia:
Simona Leskovar (s)

For Japan:
Nobuo Kishi (s)

(ii) v zvezi z drugimi davki za davke, obračunane za katero koli davčno leto, ki se začne 1. januarja v koledarskem letu po letu, v katerem je dano obvestilo o odpovedi, ali po njem, in

b) na Japonskem:

(i) v zvezi z davki, obračunanimi za davčno leto, za davke, obračunane za katero koli davčno leto, ki se začne 1. januarja v koledarskem letu po letu, v katerem je dano obvestilo o odpovedi, ali po njem, in

(ii) v zvezi z davki, ki niso obračunani za davčno leto, za davke, obračunane 1. januarja v koledarskem letu po letu, v katerem je dano obvestilo o odpovedi, ali po njem.

V POTRDITEV TEGA sta podpisana, ki sta ju za to pravilno pooblastili njuni vladi, podpisala to konvencijo.

SESTAVLJENO v dveh izvodih v Tokiu dne tridesetega septembra 2016 v angleškem jeziku.

Za Republiko Slovenijo:
Simona Leskovar l.r.

Za Japonsko:
Nobuo Kishi l.r.

PROTOCOL

At the signing of the Convention between the Republic of Slovenia and Japan for the Elimination of Double Taxation with respect to Taxes on Income and the Prevention of Tax Evasion and Avoidance (hereinafter referred to as "the Convention"), the Republic of Slovenia and Japan have agreed upon the following provisions which shall form an integral part of the Convention.

1. With reference to paragraph 2 of Article 1 of the Convention:

The term "fiscally transparent" means situations where, under the tax law of a Contracting State, income or part thereof of an entity or arrangement is not taxed at the level of the entity or arrangement but at the level of the persons who have an interest in that entity or arrangement as if that income or part thereof were directly derived by such persons at the time when that income or part thereof is realised whether or not that income or part thereof is distributed by that entity or arrangement to such persons.

2. With reference to paragraph 2 of Article 10 of the Convention:

Notwithstanding the provisions of that paragraph, dividends paid by a company which is a resident of a Contracting State and, according to the laws of that Contracting State, is:

(a) entitled to a deduction for dividends paid to its beneficiaries in computing its taxable income in that Contracting State; or

(b) liable to tax on its income at the reduced rate if it distributes its profits,

may be taxed in that Contracting State according to the laws of that Contracting State, but if the beneficial owner of the dividends is a resident of the other Contracting State, the tax so charged shall not exceed 10 per cent of the gross amount of the dividends. The provisions of paragraph 4 of Article 10 of the Convention shall apply *mutatis mutandis* to the dividends paid by the company referred to in this paragraph.

3. With reference to paragraph 3 of Article 11 of the Convention:

The term "institution acting for promoting export, investment or development" means:

(a) in Slovenia:

(i) the Slovenian Export and Development Bank; and

(ii) such other similar institution as may be agreed upon from time to time between the Governments of the Contracting States through an exchange of diplomatic notes; and

PROTOKOL

Ob podpisu Konvencije med Republiko Slovenijo in Japonsko o odpravi dvojnega obdavčevanja v zvezi z davki od dohodka ter preprečevanju davčnih utaj in izogibanja davkom (v nadaljnjem besedilu: »konvencija«), sta se Republika Slovenija in Japonska sporazumeli o naslednjih določbah, ki so sestavni del konvencije.

1. V zvezi z drugim odstavkom 1. člena konvencije:

Izraz »davčno transparenten« pomeni situacije, v katerih se po davčni zakonodaji države pogodbenice dohodek ali del dohodka subjekta ali dogovora ne obdavči na ravni subjekta ali dogovora, temveč na ravni oseb, ki imajo delež v tem subjektu ali dogovoru, kot da bi ta dohodek ali njegov del neposredno dosegle te osebe v času, ko je ta dohodek ali njegov del realiziran, ne glede na to, ali ta subjekt ali dogovor ta dohodek ali njegov del razdeli tem osebam.

2. V zvezi z drugim odstavkom 10. člena konvencije:

Ne glede na določbe tega odstavka se dividende, ki jih plača družba, ki je rezident države pogodbenice in ki je v skladu z zakonodajo te države pogodbenice:

a) upravičena do odbitka za dividende, plačane njenim upravičencem pri izračunavanju njenega obdavčljivega dohodka v tej državi pogodbenici, ali

b) zavezana za davek od svojega dohodka po nižji stopnji, če svoj dobiček razdeli,

lahko obdavčijo v tej državi pogodbenici v skladu z zakonodajo te države pogodbenice, če pa je upravičeni lastnik dividend rezident druge države pogodbenice, tako obračunani davek ne sme presegati 10 odstotkov bruto zneska dividend. Za dividende, ki jih plača družba, omenjena v tem odstavku, se smiselno uporabljajo določbe četrtega odstavka 10. člena konvencije.

3. V zvezi s tretjim odstavkom 11. člena konvencije:

Izraz »institucija za spodbujanje izvoza, investicij ali razvoja« pomeni:

a) v Sloveniji:

(i) Slovensko izvozno in razvojno banko in

(ii) tako drugo podobno institucijo, za katero se lahko občasno dogovorita vladi držav pogodbenic z izmenjavo diplomatskih not, in

(b) in Japan:

(i) the Japan Bank for International Cooperation;

(ii) the Nippon Export and Investment Insurance;

(iii) the Japan International Cooperation Agency; and

(iv) such other similar institution as may be agreed upon from time to time between the Governments of the Contracting States through an exchange of diplomatic notes.

4. With reference to paragraph 2 of Article 13 of the Convention:

The term “recognised stock exchange” means:

(a) any regulated market pursuant to the Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (as amended) or any successor Directive;

(b) any stock exchange established under the terms of the Financial Instruments and Exchange Law (Law No. 25 of 1948) of Japan; and

(c) any other stock exchange which the competent authorities of the Contracting States agree to recognise for the purposes of that paragraph.

5. With reference to paragraph 1 of Article 24 of the Convention:

If the competent authority of the Contracting State to which a case is presented in accordance with the provisions of that paragraph does not consider the objection to be justified, the competent authority of that Contracting State shall notify the competent authority of the other Contracting State of that presentation. Such notification shall not be construed as the presentation of the case to the competent authority of the other Contracting State for resolving the case by mutual agreement.

6. With reference to paragraph 5 of Article 24 of the Convention:

(a) The competent authorities of the Contracting States shall by mutual agreement establish a procedure in order to ensure that an arbitration decision will be implemented within two years from a request for arbitration as referred to in paragraph 5 of Article 24 of the Convention unless actions or inaction of a person directly affected by the case in respect of which the request for arbitration has been made hinder the resolution of the case or unless the competent authorities of the Contracting States and that person otherwise agree.

(b) An arbitration panel shall be established in accordance with the following rules:

(i) An arbitration panel shall consist of three arbitrators who are individuals with expertise or experience in international tax matters.

(ii) Each of the competent authorities of the Contracting States shall appoint one arbitrator, whether he is a national of either Contracting State or not. The two arbitrators appointed by the competent authorities of the Contracting States shall appoint the third arbitrator who serves as the chair of the arbitration panel in accordance with the procedures agreed by the competent authorities of the Contracting States.

(iii) No arbitrator shall be an employee of the tax authority of either Contracting State, nor have dealt with the case in respect of which the request for arbitration has been made in any capacity. The third arbitrator shall not be a national of either Contracting State, nor have had his usual place of residence in either Contracting State, nor have been employed by either Contracting State.

(iv) The competent authorities of the Contracting States shall ensure that all arbitrators agree, in statements sent to each of the competent authorities of the Contracting States, prior to their acting in an arbitration proceeding, to abide by and be subject to the same confidentiality and non-disclosure obligations as those described in paragraph 2 of Article 25 of the Convention and under the laws of the Contracting States.

b) na Japonskem:

(i) Japonsko banko za mednarodno sodelovanje,

(ii) Japonsko izvozno in investicijsko zavarovalnico,

(iii) Japonsko agencijo za mednarodno sodelovanje in

(iv) tako drugo podobno institucijo, za katero se lahko občasno dogovorita vladi držav pogodbenic z izmenjavo diplomatskih not.

4. V zvezi z drugim odstavkom 13. člena konvencije:

Izraz »priznana borza« pomeni:

a) kateri koli regulirani trg po Direktivi 2014/65/EU Evropskega parlamenta in Sveta z dne 15. maja 2014 o trgih finančnih instrumentov ter spremembi Direktive 2002/92/ES in Direktive 2011/61/EU (kakor je bila spremenjena) ali kateri koli direktivi, ki je njena naslednica;

b) katero koli borzo, ustanovljeno po pogojih iz japonskega Zakona o finančnih instrumentih in menjavi (Zakon št. 25 iz leta 1948), in

c) katero koli drugo borzo, za katero se pristojna organa držav pogodbenic dogovorita, da jo priznata za namene tega odstavka.

5. V zvezi s prvim odstavkom 24. člena konvencije:

Če pristojni organ države pogodbenice, ki mu je zadeva predložena v skladu z določbami tega odstavka, meni, da pritožba ni upravičena, pristojni organ te države pogodbenice o taki predložitvi obvesti pristojni organ druge države pogodbenice. To obvestilo se ne razlaga kot predložitev zadeve pristojnemu organu druge države pogodbenice v reševanje s skupnim dogovarjanjem.

6. V zvezi s petim odstavkom 24. člena konvencije:

a) Pristojna organa držav pogodbenic s skupnim dogovorom vzpostavita postopek za zagotovitev, da bo arbitražna odločitev izvedena v dveh letih od zahteve za arbitražo, kot je navedeno v petem odstavku 24. člena konvencije, razen če dejanja ali opustitev dejanj osebe, na katero se primer, v zvezi s katerim je bila vložena zahteva za arbitražo, neposredno nanaša, ne ovirajo reševanja primera ali če se pristojna organa držav pogodbenic in ta oseba ne dogovorijo drugače.

b) Arbitražni senat se ustanovi v skladu z naslednjimi pravili:

(i) Arbitražni senat je sestavljen iz treh arbitrov, ki so posamezniki s strokovnim znanjem ali izkušnjami iz mednarodnih davčnih zadev.

(ii) Vsak pristojni organ držav pogodbenic imenuje enega arbitra ne glede na to, ali je državljan katere od držav pogodbenic ali ne. Dva arbitra, ki sta ju imenovala pristojna organa držav pogodbenic, imenujeta tretjega arbitra, ki opravlja vlogo predsednika arbitražnega senata v skladu s postopki, o katerih sta se dogovorila pristojna organa držav pogodbenic.

(iii) Noben arbiter niti ni uslužbenec davčnega organa katere koli od držav pogodbenic niti ni v kakršni koli vlogi obravnaval primera, v zvezi s katerim je predložena zahteva za arbitražo. Tretji arbiter niti ni državljan nobene od držav pogodbenic, ni imel kraja svojega običajnega prebivališča v kateri od držav pogodbenic, niti ga ni zaposlovala katera od držav pogodbenic.

(iv) Pristojna organa držav pogodbenic zagotovita, da se vsi arbitri v izjavah, poslanih vsakemu od pristojnih organov držav pogodbenic, preden začnejo delovati v arbitražnem postopku, strinjajo, da bodo spoštovali in da zanje veljajo enake obveznosti glede tajnosti in nerazkrivanja, kot so opisane v drugem odstavku 25. člena konvencije in v skladu z zakonodajo držav pogodbenic.

(v) Each of the competent authorities of the Contracting States shall bear the costs of its appointed arbitrator and its own expenses. The costs of the third arbitrator and other expenses associated with the conduct of the arbitration proceedings shall be borne by the competent authorities of the Contracting States in equal shares.

(c) The competent authorities of the Contracting States shall provide the information necessary for the arbitration decision to all arbitrators without undue delay.

(d) An arbitration decision shall be treated as follows:

(i) An arbitration decision has no precedential value.

(ii) An arbitration decision shall be final, unless that decision is found to be unenforceable by a court of either Contracting State due to a violation of paragraph 5 of Article 24 of the Convention, of this paragraph or of any procedural rule determined in accordance with subparagraph (a) that may reasonably have affected the decision. If the decision is found to be unenforceable due to the violation, the request for arbitration shall be considered not to have been made and the arbitration process shall be considered not to have taken place (except for the purposes of clauses (iv) and (v) of subparagraph (b)).

(e) Where at any time before the arbitration panel has delivered a decision on a case to the competent authorities of the Contracting States and to the person who made the request for arbitration in respect of the case:

(i) the competent authorities of the Contracting States reach a mutual agreement to resolve the case pursuant to paragraph 2 of Article 24 of the Convention; or

(ii) that person withdraws the request for arbitration; or

(iii) a decision concerning the case is rendered by a court or administrative tribunal of either Contracting State during the arbitration proceedings;

the procedures under Article 24 of the Convention in respect of the case shall terminate.

(f) Where a case in respect of which a request for arbitration has been made is pending in litigation or appeal, the mutual agreement that implements the arbitration decision on the case shall be considered not to be accepted by the person directly affected by the case if any person directly affected by the case who is a party to the litigation or appeal does not withdraw, within 60 days after receiving the decision of the arbitration panel, from consideration by the relevant court or administrative tribunal all issues resolved in the arbitration proceedings. In this case, the case shall not be eligible for any further consideration by the competent authorities of the Contracting States.

(g) The provisions of paragraph 5 of Article 24 of the Convention and this paragraph shall not apply to cases falling within paragraph 3 of Article 4 of the Convention.

7. With reference to Article 25 of the Convention:

A Contracting State may decline to supply information relating to confidential communications between attorneys, solicitors or other admitted legal representatives in their role as such and their clients to the extent that the communications are protected from disclosure under the law of that Contracting State.

8. With reference to Articles 25 and 26 of the Convention:

Notwithstanding the provisions of paragraph 2 of Article 29 of the Convention, the provisions of Articles 25 and 26 of the Convention shall have effect from the date of entry into force of the Convention without regard to the date on which the taxes are levied or the taxable year to which the taxes relate.

9. Notwithstanding any provisions of the Convention, any income and gains derived by a silent partner in respect of a silent partnership (in the case of Japan, Tokumei Kumiai) contract or another similar contract may be taxed in the Contracting State in which such income and gains arise and according to the laws of that Contracting State.

(v) Vsak pristojni organ držav pogodbenic krije stroške arbitra, ki ga imenuje, in svoje lastne stroške. Stroške tretjega arbitra in druge stroške, povezane z vodenjem arbitražnega postopka, krijeta pristojna organa držav pogodbenic v enakih deležih.

c) Pristojna organa držav pogodbenic zagotovita informacije, potrebne za arbitražno odločitev, vsem arbitrom brez nepotrebnega odlašanja.

d) Arbitražna odločitev se obravnava, kot sledi:

(i) arbitražna odločitev nima precedenčne vrednosti;

(ii) arbitražna odločitev je končna, razen če sodišče katere koli od držav pogodbenic ne ugotovi, da ni izvršljiva zaradi kršitve petega odstavka 24. člena konvencije, tega odstavka ali katerega koli postopkovnega pravila, določenega v skladu s pododstavkom a, ki bi lahko upravičeno vplivala na odločitev. Če odločitev zaradi kršitve ni izvršljiva, se bo štelo, da zahteva za arbitražo ni bila predložena in da arbitražni postopek ni potekal (razen za namene določb (iv) in (v) pododstavka b).

e) Če kadar koli, preden arbitražni senat sporoči odločitev o zadevi pristojnim organom držav pogodbenic in osebi, ki je zahtevala arbitražo v zvezi z zadevo:

(i) pristojna organa držav pogodbenic dosežeta skupni dogovor za razrešitev zadeve v skladu z drugim odstavkom 24. člena konvencije ali

(ii) ta oseba umakne zahtevo za arbitražo ali

(iii) sodišče ali upravno sodišče katere koli države pogodbenice sprejme odločitev v zvezi z zadevo med arbitražnim postopkom,

se postopki po 24. členu konvencije v zvezi z zadevo končajo.

f) Če je primer, v zvezi s katerim je bila predložena zahteva za arbitražo, v sodnem postopku ali postopku pritožbe, se šteje, da skupnega dogovora, s katerim se izvede arbitražna odločitev glede primera, oseba, na katero se primer neposredno nanaša, ni sprejela, če katera koli oseba, na katero se primer neposredno nanaša in ki je stranka v sodnem postopku ali postopku pritožbe, v 60 dneh po prejemu odločitve arbitražnega senata iz obravnave pred ustreznim sodiščem ali upravnim sodiščem ne umakne vseh vprašanj, razrešenih v arbitražnem postopku. V tem primeru ni upravičeno, da bi pristojna organa držav pogodbenic zadevo še naprej kakor koli obravnavala.

g) Določbe petega odstavka 24. člena konvencije in tega odstavka se ne uporabljajo za primere, ki spadajo pod tretji odstavek 4. člena konvencije.

7. V zvezi s 25. členom konvencije:

Država pogodbenica lahko zavrne predložitev informacij v zvezi z zaupnim komuniciranjem med odvetniki ali drugimi priznanimi pravnimi zastopniki, ko nastopajo v taki vlogi, in njihovimi strankami do tolikšne mere, kot je komuniciranje zaščiteno pred razkritjem po pravu te države pogodbenice.

8. V zvezi s 25. in 26. členom konvencije:

Ne glede na določbe drugega odstavka 29. člena konvencije se določbe 25. in 26. člena konvencije začnejo uporabljati z dnem, ko začne veljati konvencija, ne glede na dan obračuna davkov, ali davčno leto, na katero se davki nanašajo.

9. Ne glede na katero koli določbo konvencije se lahko vsak dohodek in dobiček, ki ga doseže tihi partner v zvezi s pogodbo o tihem partnerstvu (v primeru Japonske Tokumei Kumiai) ali drugo podobno pogodbo, obdavčita v državi pogodbenici, v kateri tak dohodek in dobiček nastaneta, in v skladu z zakonodajo te države pogodbenice.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Protocol.

DONE in duplicate at Tokyo this thirtieth day of September, 2016 in the English language.

For the Republic of Slovenia:
Simona Leskovar (s)

For Japan:
Nobuo Kishi (s)

V POTRDITEV TEGA sta podpisana, ki sta ju za to pravilno pooblastili njuni vladi, podpisala ta protokol.

SESTAVLJENO v dveh izvodih v Tokiu dne tridesetega septembra 2016 v angleškem jeziku.

Za Republiko Slovenijo:
Simona Leskovar l.r.

Za Japonsko:
Nobuo Kishi l.r.

3. člen

Za izvajanje konvencije s protokolom skrbi ministrstvo, pristojno za finance.

4. člen

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

Št. 432-01/15-25/12
Ljubljana, dne 24. maja 2017
EPA 975-VII

Državni zbor
Republike Slovenije
dr. Milan Brglez l.r.
Predsednik

VSEBINA

ISSN 1318-0932

Izdajatelj Služba Vlade RS za zakonodajo – direktorica Ksenija Mihovar Globokar • Založnik Uradni list Republike Slovenije d.o.o. – direktor Matjaž Peterka • Priprava Uradni list Republike Slovenije d.o.o. • Internet: www.uradni-list.si – e-pošta: info@uradni-list.si