

17. Uredba o ratifikaciji Sporazuma med Svetom ministrov Bosne in Hercegovine in vladami drugih pogodbenic Pobude za pripravljenost na nesreče in njihovo preprečevanje za Jugovzhodno Evropo o ureditvi statusa sekretariata Pobude za pripravljenost na nesreče in njihovo preprečevanje za Jugovzhodno Evropo v državi gostiteljici

Na podlagi prve alineje šestega odstavka 75. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 – ZNOMCMO, 108/09, 80/10 – ZUTD, 31/15 in 30/18 – ZKZaš) Vlada Republike Slovenije izdaja

U R E D B O

O RATIFIKACIJI SPORAZUMA MED SVETOM MINISTROV BOSNE IN HERCEGOVINE IN VLADAMI DRUGIH POGODBENIC POBUDE ZA PRIPRAVLJENOST NA NESREČE IN NJIHOVO PREPREČEVANJE ZA JUGOVZHODNO EVROPO O UREDITVI STATUSA SEKRETARIATA POBUDE ZA PRIPRAVLJENOST NA NESREČE IN NJIHOVO PREPREČEVANJE ZA JUGOVZHODNO EVROPO V DRŽAVI GOSTITELJICI

1. člen

Ratificira se Sporazum med Svetom ministrov Bosne in Hercegovine in vladami drugih pogodbenic Pobude za pripravljenost na nesreče in njihovo preprečevanje za Jugovzhodno Evropo o ureditvi statusa sekretariata Pobude za pripravljenost na nesreče in njihovo preprečevanje za Jugovzhodno Evropo v državi gostiteljici, sklenjen v Ankari 4. aprila 2018.

2. člen

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

AGREEMENT

Between

THE COUNCIL OF MINISTERS OF BOSNIA
AND HERZEGOVINA

And

THE GOVERNMENTS OF OTHER DISASTER
PREPAREDNESS AND PREVENTION
INITIATIVE FOR SOUTH EASTERN
EUROPE PARTIES

On

HOST COUNTRY
ARRANGEMENTS FOR THE SECRETARIAT OF
THE DISASTER PREPAREDNESS
AND PREVENTION INITIATIVE
FOR SOUTH EASTERN EUROPE

S P O R A Z U M

med

SVETOM MINISTROV BOSNE
IN HERCEGOVINE

in

VLADAMI DRUGIH POGODBENIC POBUDE
ZA PRIPRAVLJENOST NA NESREČE
IN NJIHOVO PREPREČEVANJE
ZA JUGOVZHODNO EVROPO

o

UREDTVI STATUSA
SEKRETARIATA POBUDE
ZA PRIPRAVLJENOST NA NESREČE
IN NJIHOVO PREPREČEVANJE
ZA JUGOVZHODNO EVROPO
V DRŽAVI GOSTITELJICI

The Council of Ministers of Bosnia and Herzegovina, on the one part and the other Parties of the Disaster Preparedness and Prevention Initiative for South Eastern Europe, on the other part: the Council of Ministers of the Republic of Albania and the Governments of the Republic of Bulgaria, the Republic of Croatia, the Republic of Macedonia, Montenegro, Romania, the Republic of Slovenia, the Republic of Serbia, the Republic of Turkey (hereinafter jointly "the DPPI SEE Parties"):

Svet ministrov Bosne in Hercegovine na eni strani in druge pogodbenice Pobude za pripravljenost na nesreče in njihovo preprečevanje za Jugovzhodno Evropo na drugi strani, in sicer Svet ministrov Republike Albanije in vlade Republike Bolgarije, Republike Hrvaške, Republike Makedonije, Črne gore, Romunije, Republike Slovenije, Republike Srbije in Republike Turčije (v nadaljnjem besedilu pogodbenice PPPN JVE) so se

Recognising efforts that the DPPI SEE Parties invest in establishing a closer regional co-operation and determined to enhance the regional ownership, under the political umbrella of SEECF process, within the support of Regional Cooperation Council;

Building upon the commitments made in the Memorandum of Understanding on the Institutional Framework of the Disaster Preparedness and Prevention Initiative for South Eastern Europe signed by the Council of Ministers of Republic of Albania and the Governments of the Republic of Bulgaria, the Republic of Croatia, the Republic of Macedonia, Montenegro, the Republic of Serbia, the Republic of Slovenia and the Republic of Turkey in Sarajevo on 28 November 2013 and by the Council of Ministers of Bosnia and Herzegovina in Sarajevo on 18 April 2014 and by the Government of Romania in Sarajevo on 19 November 2015;

Recalling that the Memorandum of Understanding on the Institutional Framework of the Disaster Preparedness and Prevention Initiative for South Eastern Europe (2013) determines that the seat of DPPI SEE Secretariat is in Sarajevo, Bosnia and Herzegovina;

Recognizing the expressed commitments of the DPPI SEE Parties to embrace full regional ownership which would further encourage existing and new partners to be involved in the regional political and technical cooperation in the field of disaster preparedness and prevention;

Wishing to regulate legal status, privileges and immunities necessary for the functioning and successful accomplishment of the DPPI SEE Secretariat' mission.

Have agreed as follows:

ob priznavanju prizadevanj, ki jih pogodbenice PPPN JVE vlagajo v vzpostavitev tesnejšega regionalnega sodelovanja, v odločenosti, da bodo okrepile regionalno lastništvo, v okviru političnega Procesa sodelovanja v Jugovzhodni Evropi (SEECF) ob podpori Sveta za regionalno sodelovanje;

ob upoštevanju zavez, sprejetih v Memorandumu o soglasju za institucionalni okvir Pobude za pripravljenost na nesreče in njihovo preprečevanje za Jugovzhodno Evropo, ki so ga podpisali Svet ministrov Republike Albanije in vlade Republike Bolgarije, Republike Hrvaške, Republike Makedonije, Črne gore, Republike Srbije, Republike Slovenije in Republike Turčije v Sarajevu 28. novembra 2013 ter Svet ministrov Bosne in Hercegovine v Sarajevu 18. aprila 2014 in vlada Romunije v Sarajevu 19. novembra 2015;

ob sklicevanju na to, da Memorandum o soglasju za institucionalni okvir Pobude za pripravljenost na nesreče in njihovo preprečevanje za Jugovzhodno Evropo (2013) določa, da je sedež sekretariata PPPN JVE v Sarajevu v Bosni in Hercegovini;

ob priznavanju izraženih zavez pogodbenic PPPN JVE, da bodo sprejele popolno regionalno lastništvo za nadaljnje spodbujanje sedanjih in novih partneric k regionalnemu političnemu in tehničnemu sodelovanju na področju pripravljenosti na nesreče in njihovega preprečevanja;

v želji urediti pravni status, ugodnosti in imunitete za delovanje in uspešno izvedbo nalog sekretariata PPPN JVE

dogovorili

I. GENERAL PROVISIONS

Article I

Definitions

For purposes of the present Agreement:

- a) **“Council of Ministers”** means the Council of Ministers of Bosnia and Herzegovina;
- b) **“Expert”** means a person performing temporary mission for the Secretariat other than as provided under paragraphs e) and g) of this Article and might include personnel seconded from the DPPI SEE Parties or interns;
- c) **“Head of the Secretariat”** means a person appointed as the Head of the DPPI SEE Secretariat in Sarajevo;
- d) **“Host Country”** means Bosnia and Herzegovina;
- e) **“Local Service Staff”** means an employee providing support services for the Secretariat such as a web administrator, driver, cleaner and/or other;
- f) **“Memorandum of Understanding”** means the Memorandum of Understanding on the Institutional Framework of the Disaster Preparedness and Prevention Initiative for South Eastern Europe signed on 28 November 2013 in Sarajevo;
- g) **“Official”** means staff member of the Secretariat, notified to the Ministry of Foreign Affairs of the Host Country, performing duties to the Secretariat on a full time basis other than persons mentioned in paragraph e) of this Article;
- h) **“Premises of the Secretariat”** means the building including the land ancillary thereto, occupied by the Secretariat and used only for the purposes of the Secretariat, irrespective of the ownership;
- i) **“Representative”** means entitled representative of the DPPI SEE Party or DPPI SEE Partners; and
- j) **“Secretariat”** means Secretariat of the DPPI SEE.

Article 2

Seat

1. The objective of this Agreement is to enable the Secretariat to discharge its operational duties and functions efficiently through its Seat.

2. In accordance with Article 7 paragraph 1 of the Memorandum of Understanding, the Seat of the Secretariat is in Sarajevo, Bosnia and Herzegovina.

Article 3

Legal Status

1. The Secretariat shall have legal personality and the legal capacity necessary for carrying out its functions as to conclude contracts, to acquire and dispose movable and immovable property and to establish legal proceedings in accordance with the legislation of the Host Country.

2. Competent authorities of the Host Country shall assist the Secretariat in the procedure of obtaining relevant documents for regulating legal status of the Secretariat, in order that the status is achieved within 60 days from signing of this Agreement.

Article 4

Office-related contributions by the Host Country

1. The Council of Ministers shall provide to the Secretariat, for duration of this Agreement, at no fee, the necessary facilities, including convenient and appropriate premises in Sarajevo for effective performance of its functions, equipment and furniture.

2. The premises including equipment, furniture and services shall be made available upon signature of this Agreement.

I. SPLOŠNE DOLOČBE

1. člen

Opredelitve izrazov

Za namene tega sporazuma:

- a) **»svet ministrov«** pomeni Svet ministrov Bosne in Hercegovine;
- b) **»strokovnjak«** pomeni osebo, ki opravlja začasne naloge za sekretariat, razen kot je določeno v odstavkih e in g tega člena, in lahko vključuje osebje, napoteno iz pogodbenic PPPN JVE, ali pripravnike;
- c) **»vodja sekretariata«** pomeni osebo, imenovano za vodjo sekretariata PPPN JVE v Sarajevu;
- d) **»država gostiteljica«** pomeni Bosno in Hercegovino;
- e) **»lokalno osebje«** pomeni zaposlene, ki zagotavljajo podpirne storitve sekretariatu, kot so spletni skrbnik, voznik, čistilka in/ali drugi;
- f) **»memorandum o soglasju«** pomeni Memorandum o soglasju za institucionalni okvir Pobude za pripravljenost na nesreče in njihovo preprečevanje za Jugovzhodno Evropo, podpisan 28. novembra 2013 v Sarajevu;
- g) **»uradnik«** pomeni uslužbenca sekretariata, ki je priglasi pri ministrstvu za zunanje zadeve države gostiteljice in ki s polnim delovnim časom opravlja naloge v sekretariatu, razen oseb iz odstavka e tega člena;
- h) **»prostori sekretariata«** pomenijo zgradbo s pripadajočim zemljiščem, ki jo zaseda sekretariat in se uporablja le za namene sekretariata, ne glede na lastništvo;
- i) **»predstavnik«** pomeni pooblaščenega predstavnika pogodbenice PPPN JVE ali partnerjev PPPN JVE;
- j) **»sekretariat«** pomeni sekretariat PPPN JVE.

2. člen

Sedež

1. Cilj tega sporazuma je sekretariatu omogočiti, da na svojem sedežu učinkovito opravlja svoje operativne naloge in funkcije.

2. V skladu s prvim odstavkom 7. člena memoranduma o soglasju je sedež sekretariata v Sarajevu v Bosni in Hercegovini.

3. člen

Pravni status

1. Sekretariat je pravna oseba in ima pravno sposobnost za opravljanje svojih nalog, da lahko sklepa pogodbe, pridobiva premično ter nepremično premoženje in razpolaga z njim ter sproža pravne postopke v skladu z zakonodajo države gostiteljice.

2. Pristojni organi države gostiteljice pomagajo sekretariatu v postopkih za pridobitev ustrezne dokumentacije, ki ureja pravni status sekretariata, da ta pridobi status v 60 dneh po podpisu tega sporazuma.

4. člen

Prispevek države gostiteljice za pisarno

1. V času trajanja tega sporazuma svet ministrov sekretariatu brezplačno zagotovi potrebne zmogljivosti, vključno z udobnimi in primernimi prostori v Sarajevu za učinkovito opravljanje njegovih nalog ter z opremo in pohištvo.

2. Prostori, vključno z opremo, pohištvo in javnimi gospodarskimi storitvami, morajo biti na voljo ob podpisu tega sporazuma.

Article 5**Internal regulations of the Secretariat**

The Secretariat may issue the necessary internal regulations concerning the implementation and organization of its functions, in line with the Memorandum of Understanding or any other applicable internal regulation.

Article 6**Visual identity**

1. The Secretariat may display the DPPI SEE items of visual identity (e.g. flag, logo), as adopted by the DPPI SEE, on its premises and on motor vehicles used for official purposes.

2. Motor vehicles that belong to the Secretariat shall be entitled to diplomatic registration plates and to an appropriate status.

Article 7**The freedom of Secretariat's operations**

The Host Country shall guarantee the Secretariat a freedom of operations.

Article 8**Inviolability**

1. The premises of the Secretariat shall be inviolable. Competent authorities of the Host Country shall have the right to enter the premises of the Secretariat in order to perform their duties, only with consent of the Head of the Secretariat or duly authorized Officials of the Secretariat, under conditions agreed by them.

2. The Council of Ministers shall take all measures in order to protect the Secretariat's premises against any intrusions or damages, and to prevent damaging of its dignity.

3. Records and archive of the Secretariat as well as all the documentation (including computer programs and photographs) belonging to it or being in its possession shall be inviolable.

Article 9**Exception from court proceedings and executions**

1. The Secretariat shall enjoy an exemption from court proceedings and executions in the Host Country, except in cases:

a) when the DPPI SEE competent body has authorized waiver of immunity from court proceedings. Waiver of immunity from court proceedings shall not be held to imply waiver in respect to any measures of execution or detention of property;

b) counter-claims in direct connection to procedure initiated by the Secretariat;

c) any agreement on purchase of goods and services, any loan or other transaction to provide financing, as well as any guarantee relationship or indemnification related to any such transaction or any other financial obligation;

d) civil lawsuit initiated by a third party due to death, material damage or personal injury caused in a motor traffic offence by a motor vehicle that belongs to or is used on behalf Secretariat; and

e) labour disputes.

2. The Secretariat, in terms of its movable and immovable property, wherever located and by whomsoever held in the Host Country shall be exempted from any measure of execution, including confiscation, deprivation, freezing or any other form of execution or sequestration or any other deprivation of property provided for by the laws of the Host Country.

5. člen**Notranji predpisi sekretariata**

Sekretariat lahko izda potrebne notranje predpise o opravljanju in organizaciji svojih nalog v skladu z memorandumom o soglasju ali z drugimi veljavnimi notranjimi predpisi.

6. člen**Celostna grafična podoba**

1. Sekretariat lahko namesti oznake za predstavitev celostne grafične podobe PPPN JVE (na primer zastavo in znak), kot jih sprejme PPPN JVE, v svojih prostorih ali pred njimi ter na motorna vozila, ki se uporabljajo za uradne namene.

2. Motornim vozilom sekretariata pripadajo diplomatske registrske tablice in ustrezn status.

7. člen**Neodvisnost delovanja sekretariata**

Država gostiteljica zagotavlja sekretariatu neodvisno delovanje.

8. člen**Nedotakljivost**

1. Prostor sekretariata so nedotakljivi. Pristojni organi države gostiteljice imajo pravico vstopiti v prostore sekretariata, da lahko opravljajo svoje naloge, vendar le s soglasjem vodje sekretariata ali ustrezno pooblaščenih uslužbencev sekretariata pod pogoji, o katerih se dogovorijo.

2. Svet ministrov sprejme vse ukrepe, da zavaruje prostore sekretariata pred kakršnimi koli vdori ali poškodbami in prepreči zmanjšanje njegovega dostojanstva.

3. Zapisi in arhiv sekretariata ter vsa dokumentacija (vključno z računalniškimi programi in fotografijami), ki mu pripada ali je v njegovi lasti, so nedotakljivi.

9. člen**Imuniteta pred sodnim postopkom in izvršbo**

1. Sekretariat uživa imuniteto pred sodnimi postopki in izvršbami v državi gostiteljici, razen v primerih:

a) če je pristojni organ PPPN JVE potrdil odvzem imunitete pred sodnimi postopki. Odvzem imunitete pred sodnimi postopki se ne šteje za opustitev glede morebitnih ukrepov izvršbe ali pridržanja lastnine;

b) nasprotnih zahtevkov v neposredni zvezi s postopkom, ki ga sproži sekretariat;

c) kakršnega koli sporazuma o nakupu blaga in storitev, posojila ali druge transakcije za zagotovitev financiranja ter tudi kakršnega koli jamstvenega razmerja ali odškodnine, povezane s kakršno koli tako transakcijo ali katero koli drugo finančno obveznostjo;

d) civilne tožbe, ki jo sproži tretja stranka zaradi smrti, materialne škode ali telesne poškodbe, povzročene v prometni nesreči z motornim vozilom, ki pripada sekretariatu ali se uporablja v njegovem imenu;

e) delovnih sporov.

2. Sekretariat glede premoženja in nepremičnega premoženja ne glede na to, kje je in kdo ga ima v posesti v državi gostiteljici, uživa imuniteto pred kakršnim koli ukrepom izvršbe, vključno z zaplenbo, odvzemom, zamrznitvijo ali katero koli drugo obliko izvršbe ali zasega premoženja oziroma drugo obliko razlastitve, določeno z zakonodajo države gostiteljice.

Article 10 Communication

1. The Secretariat shall, in terms of its official communication, be provided with the same treatment which is accorded to diplomatic missions in the Host Country.

2. The Secretariat may use all appropriate communication tools. It shall also have the right to send and receive correspondence via properly identified couriers or in packages that shall be given the same privileges and enjoy exemptions as diplomatic couriers or diplomatic packages.

3. Official correspondence and other official communication of the Secretariat, when properly identified, shall not be censored.

Article 11 Publications

Import and export of publications for the needs of the Secretariat as well as of other information material that the Secretariat imports or exports within its official activities, shall not be subject to restrictions of any kind.

Article 12 Utility services

1. Competent authorities of the Host Country shall be obligated to, upon request of the Secretariat and under the just conditions, provide utility services to the Secretariat, necessary for performance of its functions, including, but not being limited to, post services, phone, electricity, water, sewerage, gas, garbage pick-up services and fire fighting protection.

2. Prices for utility services stipulated in paragraph 1 hereof, which are not subject to Article 4 paragraph 2, shall not exceed the lowest comparable prices approved to diplomatic missions in the Host Country.

3. In case of termination or indication of termination of the aforementioned utility services, the Secretariat shall be given the same priority as to diplomatic missions, for the requirements of its official functions.

4. At request of competent authorities of the Host Country, the Head of the Secretariat shall be responsible to ensure to appropriately authorized representatives of utility service companies, to check, repair, maintain and relocate installations in the Secretariat's premises, at appropriate time, under conditions that will not affect the functioning of the Secretariat.

Article 13 Exemption from Duties and Taxes

1. The Secretariat, its funds, income and other property shall be exempted from any direct duties and taxes. This exemption shall not be applied to taxes and appropriations considered as utility services taxes offered at fixed prices, in line with the quantity of provided services, which can be identified, described and divided.

2. In terms of value added tax (hereinafter: VAT) included in prices or separately calculated, exemption shall be applied only on items acquired for official usage of the Secretariat, whereas goods purchased for its usage, for which exemptions apply in line with this provision, must not be sold, given as a gift or in any other way deprived, except in line with conditions agreed with the Council of Ministers.

3. The Secretariat shall be exempted from all state and local rates or fees, except rates or fees calculated as the price of actually rendered services.

4. Exemptions from VAT stipulated in paragraph 2 hereof, and further in Article 17 paragraph 1, item d), and in Article 18 paragraph 1, item d), shall be acquired through the right to a VAT refund.

10. člen Sporazumevanje

1. Sekretariat se glede uradnega komuniciranja obravnava enako kot diplomatska predstavništva v državi gostiteljici.

2. Sekretariat lahko uporablja vsa primerna komunikacijska sredstva. Prav tako ima pravico pošiljati in prejemati korespondenco po ustrezno določenih kurirjih, ki imajo enake ugodnosti ter uživajo enako imuniteto kot diplomatski kurirji, ali v paketih, ki so deležni enake obravnave kot diplomatski paketi.

3. Uradna korespondenca in druga uradna sporočila sekretariata se, če so pravilno označeni, ne cenzurirajo.

11. člen Objave

Sekretariat lahko brez kakršnih koli omejitev uvaža ali izvažata publikacije za potrebe sekretariata in tudi drugo informacijsko gradivo za potrebe svojih uradnih dejavnosti.

12. člen Javne gospodarske storitve

1. Pristojni organi države gostiteljice morajo na zahtevo sekretariata in pod pravičnimi pogoji zagotavljati sekretariatu komunalne storitve za opravljanje njegovih nalog, vključno s poštnimi storitvami, telefonom, elektriko, vodo, kanalizacijo, plinom, odvozom smeti in gasilsko zaščito, vendar ne omejeno nanje.

2. Cene komunalnih storitev iz prvega odstavka tega člena, za katere ne velja drugi odstavek 4. člena, ne smejo presegati najnižjih primerljivih cen, odobrenih diplomatskim predstavništvom v državi gostiteljici.

3. Ob prenehanju ali napovedi prenehanja navedenih komunalnih storitev ima sekretariat za potrebe svojih uradnih funkcij enako prednost kot diplomatska predstavništva.

4. Na zahtevo pristojnih organov države gostiteljice mora vodja sekretariata ustrezno pooblaščenim predstavnikom družb za komunalne storitve zagotoviti preverjanje, popravilo, vzdrževanje in premestitev naprav v prostorih sekretariata ob ustreznem času in tako, da ne vplivajo na delovanje sekretariata.

13. člen Oprostitev plačila carin in davkov

1. Sekretariat, njegova finančna sredstva, prihodki in drugo premoženje so oproščeni vseh neposrednih carin ter davkov. Ta oprostitve se ne uporabljajo za davke in odobrena proračunska sredstva, ki veljajo za davke na javne gospodarske storitve, ki se zagotovijo po fiksnih cenah, v skladu s količino opravljenih storitev, ki jih je mogoče opredeliti, opisati in razdeliti.

2. Oprostitev davka na dodano vrednost (v nadaljnjem besedilu DDV), ki je vključen v ceno ali izračunan ločeno, se uporablja le za predmete, pridobljene za uradno uporabo sekretariata, blago, kupljeno za njegovo uporabo, za katero veljajo oprostitve v skladu s to določbo, pa se ne sme prodati, podariti ali kako drugače odtujiti, razen v skladu s pogoji, dogovorjenimi s svetom ministrov.

3. Sekretariat je oproščen plačila vseh državnih in lokalnih dajatev ali taks, razen obrestnih mer ali zneskov, obračunanih kot cena dejansko opravljenih storitev.

4. Oprostitve plačila DDV iz drugega odstavka tega člena, točke d prvega odstavka 17. člena in točke d prvega odstavka 18. člena se uveljavljajo s pravico do vračila DDV.

Article 14**Exemption from Customs**

Goods imported or exported for the purpose of official use by the Secretariat shall be exempted from payment of customs, taxes and fees.

Article 15**Free disposal of funds and freedom of business**

The Secretariat, for the purpose of executing its functions, shall have the right to receive, keep, convert and transfer all funds, currencies, cash and other transferable values, and dispose freely of them and perform business without restrictions, in line with the legislation of the Host Country.

Article 16**Social Security**

The Head of Secretariat, the Officials and Experts, who are not citizens of the Host Country or permanent residents, shall be exempted from paying obligatory contributions in connection to any type of social security in the Host Country.

Article 17**Head of the Secretariat and Officials**

1. The Head of the Secretariat and the Officials in the Host Country shall enjoy the following privileges and immunities in the Host Country:

- a) immunity from court proceedings in respect of words spoken or written, as well in respect of all acts done by them in their official capacity, even after they cease to be the Officials of Secretariat;
- b) immunity from search and seizure of their personal baggage;
- c) inviolability of official documents, data and other material;
- d) exemption from taxes, including VAT, contributions on salaries, emoluments and compensations paid to them by the Secretariat for their services;
- e) exemption from immigration restrictions and the obligation to register themselves and their family members forming part of their respective households;
- f) the same protection and repatriation facilities for themselves and their family members forming part of their respective households, as are accorded to the officials of comparable ranks in diplomatic missions; and
- g) right to import for their personal use, free of import duty and other taxes or charges, provided that these are not fees charged for delivery of utility services, as well as exemption from import restrictions and the import and export limitations;
 - i) their furniture and personal effects at the time of first taking up their post, in one or more individual shipments; and
 - ii) one motor vehicle every four years.

2. The way in which imported goods will be disposed of, with exemption from payment of import duties, shall be applied in line with regulations on duty, tax and other facilities to which foreign diplomatic and consular representatives in the Host Country are entitled.

Article 18**Experts**

Experts shall enjoy the following privileges and exemptions in the Host Country:

- a) exemption from court proceedings in respect of words spoken or written as well as all acts carried out by them in the performance of their official functions, even after they cease to be the Experts;

14. člen**Oprostitev plačila carine**

Blago, uvoženo ali izvoženo za uradno uporabo sekretariata, je oproščeno plačila carine, davkov in pristojbin.

15. člen**Svobodno razpolaganje s sredstvi in neodvisnost poslovanja**

Sekretariat ima za opravljanje svojih nalog pravico prejemati, obdržati, pretvarjati in prenašati vsa finančna sredstva, valute, gotovino in druge prenosljive vrednosti ter z njimi prosto razpolagati in opravljati posle brez omejitev v skladu z zakonodajo države gostiteljice.

16. člen**Socialna varnost**

Vodja sekretariata, uradniki in strokovnjaki, ki niso državljani države gostiteljice ali prebivalci s stalnim bivališčem v državi gostiteljici, so oproščeni plačila obveznih prispevkov za kakršno koli obliko socialnega zavarovanja v državi gostiteljici.

17. člen**Vodja sekretariata in uradniki**

1. Vodja sekretariata in uradniki imajo v državi gostiteljici naslednje ugodnosti in imunitete:

- a) izvzetje iz sodnega postopka za izrečene ali napisane besede in vsa dejanja pri opravljanju svojih uradnih dolžnosti, tudi potem ko prenehajo biti uradniki sekretariata;
- b) imuniteto pred preiskavo in zasegom osebne prtljage;
- c) nedotakljivost uradnih dokumentov, podatkov in drugega gradiva;
- d) oprostitev plačila davkov, vključno z DDV, prispevkov od plač, drugih prejemkov in nadomestil, ki jim jih je izplačal sekretariat za njihove storitve;
- e) oprostitev omejitev priseljevanja in obveznosti, da prijavijo sebe ter svoje družinske člane, ki živijo z njimi v skupnem gospodinjstvu;
- f) enako zaščito in možnost repatriacije zase in za svoje družinske člane, s katerimi živijo v skupnem gospodinjstvu, kot se zagotavlja uradnikom primerljivega položaja v diplomatskih predstavništvi;
- g) pravico do uvoza za svojo osebno uporabo brez uvoznih carin in drugih davkov ali dajatev pod pogojem, da to niso pristojbine, ki se zaračunavajo za komunalne storitve, izvzeti pa so tudi iz uvoznih in izvoznih omejitev:

- i) uvoz pohištva in drugih predmetov za osebno uporabo, ko prvič prevzamejo dolžnost, v eni ali več posameznih pošiljkah in
- ii) motorno vozilo vsake štiri leta.

2. Način odstranjevanja uvoženega blaga z oprostivjo plačila uvoznih dajatev se uporablja v skladu s predpisi o carini, davkih in drugih ugodnostih, do katerih so upravičeni tuji diplomatski ter konzularni predstavniki v državi gostiteljici.

18. člen**Strokovnjaki**

Strokovnjaki v državi gostiteljici imajo naslednje ugodnosti in olajšave:

- a) izvzetje iz sodnih postopkov za izrečene ali napisane besede in vsa dejanja pri opravljanju svojih uradnih dolžnosti, tudi potem ko prenehajo opravljati funkcijo strokovnjaka;

b) exemption from check and seizure of personal and official luggage;
c) inviolability of official documentation, data and other material; and
d) exemption from taxes, including VAT, contributions on salaries, additional benefits and indemnities, paid to them by the Secretariat for their services in accordance with applicable legislation of the Host Country.

Article 19 Representatives

Representatives shall enjoy the following exemptions, during the period of execution of their responsibilities in the Host Country as well as during their stay on the territory of the Host Country:

a) exemption from court proceedings, in respect of words spoken or written as well as all acts carried out by them in the performance of their official functions, even after they cease to be the Representatives;
b) exemption from check and seizure of personal luggage;
c) inviolability of official documentation, data and other material; and
d) exemption from immigration restrictions.

Article 20 Citizens of the Host Country and permanent residents

The Head of the Secretariat, the Officials and Experts, who are citizens of the Host Country or permanent residents, shall not be entitled to privileges and immunities stated in Article 17 paragraph 1, items a), b), c), and d) of this Agreement.

Article 21 Local Service Staff

Secretariat shall be entitled to engage Local Service Staff in accordance with the legislation of the Host Country.

Article 22 The Purpose of Privileges and Exemptions

1. Privileges and immunities under this Agreement are granted in the interests of the Secretariat and not for the personal benefits of the individuals themselves.
2. Their purpose is solely to provide freedom of actions of the Secretariat under all circumstances as well as full independence of mentioned persons in performing their duties for the Secretariat.

Article 23 Notification

1. The Secretariat shall notify to the Ministry of Foreign Affairs of the Host Country about the names of the Head of the Secretariat, the Officials, as well as those of the members of their families immediately or within five working days, at the latest, as of the date of their arrival. The Secretariat shall also notify the termination of the mandate of the Head of the Secretariat, or any Official as well as, where appropriate, the fact that a person ceases to be a member of their family.
2. The Head of the Secretariat, the Officials, and members of their families, who are not citizens of, or permanent residents in the Host Country, shall be issued appropriate identification cards by the Ministry of Foreign Affairs of the Host Country.
3. The Secretariat shall not notify to the Ministry of Foreign Affairs about names of any Experts. The Experts shall be subject to immigration restrictions and obligations to register with the Service for Foreigners' Affairs of the Ministry of Security in accordance with applicable legislation of the Host Country.

b) izvzetje iz preverjanja in zasega osebne ter uradne prtljage;
c) nedotakljivost uradne dokumentacije, podatkov in drugega gradiva;
d) oprostitev plačila davkov, vključno z DDV, prispevkov od plač, dodatnih ugodnosti in odškodnin, ki jim jih je izplačal sekretariat za njihove storitve v skladu z veljavno zakonodajo države gostiteljice.

19. člen Predstavniki

Predstavniki imajo v času opravljanja svojih dolžnosti v državi gostiteljici in med svojim bivanjem na ozemlju države gostiteljice naslednje olajšave:

a) izvzetje iz sodnih postopkov za izrečene ali napisane besede in vsa dejanja pri opravljanju svojih uradnih dolžnosti, tudi potem ko prenehajo biti predstavniki;
b) izvzetje iz preverjanja in zasega osebne prtljage;
c) nedotakljivost uradne dokumentacije, podatkov in drugega gradiva;
d) izvzetje iz omejitev priseljevanja.

20. člen Državljeni države gostiteljice in stalni prebivalci

Vodja sekretariata, uradniki in strokovnjaki, ki so državljani države gostiteljice ali prebivalci s stalnim bivališčem v državi gostiteljici, niso upravičeni do privilegijev in imunitet, navedenih v točkah a, b, c in d prvega odstavka 17. člena tega sporazuma.

21. člen Lokalno osebje

Sekretariat ima pravico zaposliti lokalno osebje v skladu z zakonodajo države gostiteljice.

22. člen Namen privilegijev in oprostitev

1. Privilegiji in imuniteta po tem sporazumu se podeljujejo v interesu sekretariata in ne zaradi osebnih koristi posameznikov.
2. Njihov namen je izključno zagotavljanje neodvisnosti delovanja sekretariata v vseh okoliščinah in tudi popolne neodvisnosti navedenih oseb pri opravljanju njihovih nalog v sekretariatu.

23. člen Uradno obvestilo

1. Sekretariat uradno obvesti ministrstvo za zunanje zadeve države gostiteljice o imenih vodje sekretariata, uradnikov in njihovih družinskih članov takoj ali najpozneje v petih delovnih dneh po dnevu njihovega prihoda. Sekretariat uradno obvesti tudi o prenehanju mandata vodje sekretariata ali katerega koli uradnika in, če je treba, sporoči, če nekdo ni več družinski član te osebe.
2. Vodji sekretariata, uradnikom in njihovim družinskim članom, ki niso državljani ali stalni prebivalci države gostiteljice, ministrstvo za zunanje zadeve države gostiteljice izda ustrezne identifikacijske kartice.
3. Sekretariat ministrstva za zunanje zadeve uradno ne obvešča o imenih strokovnjakov. Za strokovnjake veljajo omejitve priseljevanja in obveznost registracije pri službi za tujce ministrstva za varnost v skladu z veljavno zakonodajo države gostiteljice.

Article 24**Not Assuming Responsibility by the Host Country**

The Host Country shall not assume any international responsibilities for actions or omissions made by the Secretariat at its territory.

Article 25**Security Issues**

1. Nothing in this Agreement shall preclude the right of the Council of Ministers of the Host Country to apply all appropriate measures of protection in the interest of public security. Nothing in this Agreement shall prevent implementation of the laws of the Host Country, necessary for perseverance of health or public order.

2. Should the Council of Ministers of the Host Country consider necessary to apply provisions of the Paragraph 1 of this Article, and as soon as circumstances allow, it shall establish the connection with the Secretariat in order to make a joint decision on measures that might be necessary to protect the interests of the Secretariat.

3. The Secretariat shall be obligated to cooperate with authorities of the Host Country in order to prevent any impediment of public security due to an activity carried out by the Secretariat.

II. FINAL PROVISIONS**Article 26****Settlement of Disputes**

All disputes regarding the interpretation or application of this Agreement shall be settled through consultations and negotiations between the DPPI SEE Parties.

Article 27**Amendments**

1. This Agreement may be amended on a written proposal of any DPPI SEE Party.

2. Any such proposal shall be communicated by the Depository to all DPPI SEE Parties for consideration and approval.

3. DPPI SEE Parties shall notify Depository as soon as possible of their approval of the proposed amendments.

4. Amendments adopted by consensus in accordance with paragraph 3 of this Article shall enter into force in accordance with Article 28 of this Agreement.

Article 28**Entry Into Force and Provisional Application**

1. This Agreement shall enter into force on the first day of the month following the date of the receipt by the Depository of the sixth notification of the DPPI SEE Parties, including of the Host Country, on the completion of their internal legal procedures necessary for the entry into force of this Agreement.

2. For each DPPI SEE Party that notifies the Depository on the completion of its internal legal procedures necessary for the entry into force of this Agreement after the date of its entry into force in accordance with paragraph 1 of this Article, this Agreement shall enter into force on the first day of the month following the date of the receipt by the Depository of that DPPI SEE Party's notification.

3. This Agreement shall apply provisionally as of the date of its signing unless a DPPI SEE Party declares at the moment of signing of the Agreement that its internal legal requirements do not permit such provisional application. For any such DPPI SEE Party the Agreement shall enter into force on the date of its notification to the Depository.

24. člen**Kdaj država gostiteljica ne prevzame odgovornosti**

Država gostiteljica ne prevzema nikakršne mednarodne odgovornosti za dejanja ali opustitve, ki jih sekretariat opravi na njenem ozemlju.

25. člen**Varnostna vprašanja**

1. Nobena določba tega sporazuma ne izključuje pravice sveta ministrov države gostiteljice, da v interesu javne varnosti uporabi vse ustrezne zaščitne ukrepe. Nobena določba tega sporazuma ne preprečuje izvajanja zakonodaje države gostiteljice za ohranjanje zdravja in javnega reda.

2. Če svet ministrov države gostiteljice meni, da je treba uporabiti določbe prvega odstavka tega člena, takoj ko to dopuščajo okoliščine, vzpostavi stik s sekretariatom, da sprejmeta skupno odločitev o ukrepih, ki bi bili mogoče potrebni za zaščito interesov sekretariata.

3. Sekretariat mora sodelovati z organi države gostiteljice, da se prepreči kakršno koli ogrožanje javne varnosti zaradi dejavnosti, ki jo opravlja sekretariat.

II. KONČNE DOLOČBE**26. člen****Reševanje sporov**

Vsi spori glede razlage ali uporabe tega sporazuma se rešujejo s posvetovanji in pogajanja med pogodbenicami PPPN JVE.

27. člen**Spremembe**

1. Sporazum se lahko spremeni na podlagi pisnega predloga katere koli izmed pogodbenic PPPN JVE.

2. Vsak tak predlog depozitar sporoči vsem pogodbenicam PPPN JVE v obravnavo in odobritev.

3. Pogodbenice PPPN JVE čim prej obvestijo depozitarja o sprejetju predlaganih sprememb.

4. Soglasno sprejete spremembe v skladu s tretjim odstavkom tega člena začnejo veljati v skladu z 28. členom tega sporazuma.

28. člen**Začetek veljavnosti in začasna uporaba**

1. Ta sporazum začne veljati prvi dan v mesecu, ki sledi dnevu, ko depozitar prejme šesto uradno obvestilo pogodbenic PPPN JVE, vključno z državo gostiteljico, da so končani njihovi notranji pravni postopki, potrebni za začetek veljavnosti sporazuma.

2. Za vsako pogodbenico PPPN JVE, ki depozitarja obvesti o dokončanju svojih notranjih pravnih postopkov, potrebnih za začetek veljavnosti tega sporazuma po dnevu začetka veljavnosti v skladu s prvim odstavkom tega člena, začne ta sporazum veljati prvi dan meseca, ki sledi dnevu, ko depozitar prejme obvestilo od te pogodbenice PPPN JVE.

3. Ta sporazum se začasno uporablja od dneva podpisa, razen če pogodbenica PPPN JVE ob njegovem podpisu izjavi, da njena notranja zakonodaja ne dovoljuje take začasne uporabe. Za vsako tako pogodbenico PPPN JVE sporazum začne veljati na dan, ko je uradno obvestila depozitarja.

Article 29
Accession

Upon its entry into force, this Agreement shall be open for accession to any DPPI SEE Party that acceded to the Memorandum of Understanding in accordance with its Article 13. For an acceding Party, this Agreement shall enter into force on the first day of the month following the date of the deposit of its instrument of accession with the Depository.

Article 30
Duration and Termination

1. This Agreement shall remain in force as long as the Memorandum of Understanding is in force.

2. The Council of Ministers of the Host Country shall be entitled to denounce this Agreement by notifying the Parties in written form. In that case, this Agreement shall terminate six (6) months from the date of the receipt of this notification by the Depository.

3. Each DPPI SEE Party may denounce this Agreement by a written notification to the Depository. In such a case, this Agreement shall terminate for that DPPI SEE Party on the first day of the month following the date of the receipt by the Depository of its notification.

4. Denunciation of the Memorandum of Understanding, in accordance with its Article 15 paragraph 2, shall be considered as the denunciation of this Agreement. In such a case, this Agreement shall terminate for the DPPI SEE Party concerned from the date on which the denunciation of the Memorandum of Understanding shall take effect for that DPPI SEE Party.

Article 31
Depository

1. The Council of Ministers of the Bosnia and Herzegovina shall act as the Depository of this Agreement.

2. The original of this Agreement shall be deposited with the Depository which shall provide the DPPI SEE Parties and the Secretariat with duly certified copies thereof.

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

Done at Ankara on 4th April 2018, in one original in English.

29. člen
Pristop

Po začetku veljavnosti je ta sporazum na voljo za pristop vsem pogodbenicam PPPN JVE, ki so pristopile k memorandumu o soglasju v skladu z njegovim 13. členom. Za pogodbenico pristopnico začne ta sporazum veljati prvi dan v mesecu, ki sledi dnevu deponiranja listine o pristopu pri depozitarju.

30. člen
Trajanje in prenehanje veljavnosti

1. Ta sporazum ostane v veljavi, dokler velja memorandum o soglasju.

2. Svet ministrov države gostiteljice ima pravico odpovedati ta sporazum s pisnim uradnim obvestilom pogodbenicam. V takem primeru sporazum preneha veljati šest (6) mesecev po dnevu, ko to obvestilo prejme depozitar.

3. Vsaka pogodbenica PPPN JVE lahko odpove ta sporazum s pisnim uradnim obvestilom depozitarju. V takem primeru ta sporazum za to pogodbenico PPPN JVE preneha veljati prvi dan v mesecu, ki sledi dnevu, ko je depozitar prejel njeno uradno obvestilo.

4. Odpoved memorandumu o soglasju se v skladu z drugim odstavkom 15. člena šteje za odpoved tega sporazuma. V takem primeru ta sporazum za zadevno pogodbenico PPPN JVE preneha veljati od dneva, ko zanjo začne veljati odpoved memorandumu o soglasju.

31. člen
Depozitar

1. Depozitar tega sporazuma je Svet ministrov Bosne in Hercegovine.

2. Izvirnik tega sporazuma se deponira pri depozitarju, ki pogodbenicam PPPN JVE in sekretariatu zagotovi ustrezno overjene kopije.

V POTRDITEV TEGA so spodaj podpisani, ki so jih za to pravilno pooblastile njihove vlade, podpisali ta sporazum.

Sestavljeno v Ankari 4. aprila 2018 v enem izvorniku v angleškem jeziku.

3. člen

Za izvajanje sporazuma skrbi ministrstvo, pristojno za obrambo.

4. člen

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

Št. 00724-9/2020

Ljubljana, dne 6. avgusta 2020

EVA 2020-1811-0007

Vlada Republike Slovenije
Janez Janša
predsednik vlade

Obvestila o začetku oziroma prenehanju veljavnosti mednarodnih pogodb

18. Obvestilo o začetku veljavnosti Večstranske konvencije o izvajanju z mednarodnimi davčnimi sporazumi povezanih ukrepov za preprečevanje zmanjševanja davčne osnove in preusmerjanja dobička za Republiko Slovenijo

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list RS, št. 113/03 – uradno prečiščeno besedilo, 20/06 – ZNOMCMO, 76/08, 108/09, 80/10 – ZUTD, 31/15 in 30/18 – ZKZaš) Ministrstvo za zunanje zadeve

s p o r o č a,

da je 1. julija 2018 začela za Republiko Slovenijo veljati Večstranska konvencija o izvajanju z mednarodnimi davčnimi sporazumi povezanih ukrepov za preprečevanje zmanjševanja davčne osnove in preusmerjanja dobička, sestavljena v Parizu 24. novembra 2016 in objavljena v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 2/18 (Uradni list RS, št. 12/18).

Ljubljana, dne 6. julija 2018

Ministrstvo za zunanje zadeve
Republike Slovenije

VSEBINA

17. Uredba o ratifikaciji Sporazuma med Svetom ministrov Bosne in Hercegovine in vladami drugih pogodbenic Pobude za pripravljenost na nesreče in njihovo preprečevanje za Jugovzhodno Evropo o ureditvi statusa sekretariata Pobude za pripravljenost na nesreče in njihovo preprečevanje za Jugovzhodno Evropo v državi gostiteljici 37
- Obvestila o začetku oziroma prenehanju veljavnosti mednarodnih pogodb*
18. Obvestilo o začetku veljavnosti Večstranske konvencije o izvajanju z mednarodnimi davčnimi sporazumi povezanih ukrepov za preprečevanje zmanjševanja davčne osnove in preusmerjanja dobička za Republiko Slovenijo 47

